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SETTLEMENT OF INTER-STATE BORDER DISPUTE IN ETHIOPIAN
FEDERATION: IN THE CASE OF AMAHARA AND TIGRAY REGIONS

BY

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ADDIS ABABA UNIVERSITY

SCHOOL OF GRADUATE STUDIES

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DECEMBER 2019

DECLARATION

I, **Ergetu Fentaw Aragaw**, hereby declare that this thesis is my own original work and has never been presented in any other institution. I also declare that where sources are used, they are duly acknowledged.

With Regards!

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Acronyms and Abbreviations

ADP	Amhara Democratic Party
NAMA	National Movement of Amhara
EPDM	Ethiopian People’s Democratic Movement
EPRDF	Ethiopian People’s Revolutionary Democratic Front
E.C.	Ethiopian Calendar
Etv	Ethiopian Television
FDRE	Federal Democratic Republic of Ethiopia
HoF	House of Federation
HPR	House of Peoples’ Representatives
IGR	Inter Governmental Relation
ODP	Oromo Democratic Party
SEPDM	Southern Ethiopian Peoples’ Democratic Movement
SNNPR	Southern Nations, Nationalities, and Peoples Region
SRC	States Reorganization Committee of India
TGE	Transitional Government of Ethiopia
TPLF	Tigray Peoples Liberation Front

Abstract

Border has been a cause of major disputes between states within the Ethiopian federation and the issue is complex and vexed and its roots can be traced to the coming in to effect of the the 1995 FDRE Constitution. One of the core principles instituted by the constitution is the formation of states along ethnic lines where states are delimited on the basis of settlement patterns, language, identity and consent of the concerned people. Inter-state border is a cause of conflict among certain states of our country.

This study is mainly focused on settlement of inter-state border disputes in Ethiopian federation in the case of Amhara and Tigray regions. The Amhara and Tigray inter-state border dispute is exacerbated by the identity issues of Wolqayit and Raya. In fact, the Wolqayit Amhara identity question and the Raya Community identity question has become the question of the Amhara people which in turn pushes the ADP to carry out the question and to come up with solutions. This is the central point which leads the inter-state border dispute between Amhara and Tigray regions. The study has addressed some questions like whether the process which created the boundary between Amhara and Tigray regions was flawed? Is there adequate mechanism and institutional framework in settling Inter-State border dispute in Ethiopian federation? To achieve purpose of the study the writer has employed doctrinal method and practical analysis. Both primary and secondary data sources have been consulted. The study found that, when the EPRDF regime came to power and delimit states based on the criteria set by proclamation number 7/1992 and the 1995 FDRE Constitution; there was no proper consultation with the whole stake holders while the delimitation of Amhara and Tigray regions border has been conducted. The inter-state border dispute between Amhara and Tigray regions; identity issues and self-determination and related constitutional rights of Wolqayit Amhara Identity Committee and Raya Community Identity Committee didn't get proper solution from the concerned government body /HoF; this is assumed that, Ethiopian Federation lacks legal and institutional mechanism used to settle inter-state border disputes, identity issues, self-determination and related constitutional rights effectively. Therefore; as a federal state it is mandatory to build legal and institutional framework used to settle inter-state border dispute matters and identity questions impartially, independently with predictable decisions.

Key words: *inter-state dispute, identity, intergovernmental relation, border, self-determination, delimitation, demarcation.*

Chapter One

1. Introduction

1.1. Background of the study

The 1995 FDRE Constitution was proclaimed in a manner that formally established the country on a federal basis with a federal government at the Centre and nine ethnically defined regional states at the periphery.¹ After the creation of the federal system there is recurrent border dispute between regional states of Ethiopia, such as, Oromia and Somali, Afar and Somali, Amhara and Afar, Tigray and Afar, Amhara and Tigray . This study emphasis on Amhara and Tigray regions border dispute.

Now a day border dispute between Amhara and Tigray regions is a burning issue that attracts the media and government attention, and the whole population of Ethiopia including political parties also gave due attention. The head of the government, the ex-Prime Minister Haile Mariam Desalegn publicly spoken that the border dispute issue that raised between Amhara and Tigray regions should be settled by leaders of the two regions. Though the border issue of the two regions has counted more than a decade, it is not settled whether by the regions or by the Federal Government of Ethiopia. After the discussion of elder reconcilers, spiritual fathers and political leaders of the two regions, it was reported by the national media / EBC/ as the political leaders have settled the border dispute. The only area settled by the two regions is *Gichewarea*. But there has to be a stepping ground for settlement of inter-state border dispute, mass participation of the entire people is not there or peoples of the two regions were not there. It is simply reported by the state media as the political leaders of the two regions have settled the border dispute, but validity of the agreement is still under question. Illegitimate agreements only store up trouble for the future.

This study seeks to investigate the adequacy of legal and institutional framework of settlement of inter-state border dispute in Ethiopian Federation and the existence of fast and effective binding arbitration process in addition to raising solutions how the Amhara and Tigray regions border dispute should be settled. These and such kind of issues are the central points on the research that the writer seeks to address.

¹ See Art. 47 of the 1995 FDRE Constitution

1.2. Statement of the Problem

One of the core principles instituted by the post-1991 government in Ethiopia that took power after a successful armed struggle was ethnic-based federalism to which states are delimited on the basis of settlement patterns, language, identity and consent of the concerned people.² However, coming to the Ethiopian federation, when the EPRDF regime came to power there was no proper consultation with the whole stake holders when the delimitation of Amhara and Tigray regions border has been conducted.

In consequence of this, due to lack of establishment of strong institutions within the Constitutional framework and reluctance of the government to settle the border dispute many residents and youths on the side of the Amhara region have stated “border change” and listed dozens of reasons and evidences which defined how they don’t accept the present border especially the *Wolqayit* and *Raya* area. As a result, they often seemed labeling the EPRDF regime border delimitation illegitimate which is dominated by non- Amhara political representatives at the time of the boundary making process during the transitional period of Ethiopia. In consequence of this, several social and political problems have been arisen between the two regions.

The incumbent Amhara National Regional State Administration Council through its then head, Gedu Andargachew, stated its stand to work for the return of the Amhara *Woredas* such as *Wolqayit* and *Raya* which were formerly under Gondar and Wollo respectively. The FDRE government, however, doesn’t show a commitment to settle the border dispute between these two regions. This paper attempts to show the failure Federal Government of Ethiopia to settle the border dispute between Amhara and Tigray regions. The Federal government’s public stance is that the two regions should settle the dispute but the problem isn’t resolved yet.

There are experiences in Ethiopia in settling border disputes between regions and responding to identity & self-determination questions but unlike other regions the border dispute between Amhara and Tigray regions isn’t resolved. Even there is no serious attempt to settle this border dispute. Especially the Tigray regional council hasn’t tried to respond to the identity and border questions raised by *Wolqayit* and *Raya* identity committees.

² See Art. 46(2) of the 1995 FDRE Constitution

New institutions for conflict mediation were instituted through state organs like the HoF, and the former Ministry of Federal Affairs/ currently, it is one directorate in newly organized Peace Ministry/, but the practice shows that they are not effective in settling border dispute. The HoF, as stated under article 62(5) of the FDRE Constitution, has the power and function to strive in order to find solutions to disputes or misunderstandings that may arise between States.³

According to Proclamation No. 251/2001, the powers and responsibilities of the House, is that of striving to find solutions to disputes or misunderstandings that may arise between states.⁴ In addition, the HoF has the power to strive to resolve interstate or Federal-State government disputes and misunderstandings.⁵ These provisions show that the HoF is not adequately empowered to resolve inter-state misunderstandings that arise between states. Because, the wording “strive” refers that, the HoF may try to resolve misunderstanding but as far as it is not fully empowered it cannot resolve border dispute by giving a binding decisions. Thus, in order to settle inter-state border disputes lack of adequately empowered institution is the main problem in Ethiopian Federation. That is why the concerned body did not attempt to identify the border matters that have arisen between Amhara and Tigray regions.

As far as “state border changes” are concerned the Constitution states that, all State border disputes shall be settled by agreement of the concerned States and when the concerned States fail to reach agreement, the House of Federation shall decide such disputes on the basis of settlement patterns and the wishes of the peoples concerned.⁶The House of Federation is empowered within a period of two years to render a final decision on a dispute submitted to it pursuant to Article 48(2) of the FDRE Constitution. Though the Constitution stated this, the practice shows that the HoF is not performing the task of settling inter-state border dispute.

³ See article 62(5) of the 1995 FDRE Constitution

⁴See article 3(5) of Consolidation of the House of the Federation and Definition of its Powers and Responsibilities Proclamation No. 251/ 2001

⁵ See article 23of Consolidation of the House of the Federation and Definition of its Powers and Responsibilities Proclamation No. 251/ 2001

⁶See article 48(1) of the 1995 FDRE Constitution

1.3. Research Objective

1.3.1. General Objectives

The general objectives of the thesis are:-

- Evaluating whether the boundary between Amhara and Tigray regions is unambiguously delimited and appropriately demarcated given the particular geographical settlement pattern, language, identity and consent of the people, and
- Examining the adequacy of the methods of settlement of inter-state border dispute in the constitution and other relevant laws.

1.3.2. Specific objectives

Specifically the research intends to:

- Discuss the extent to which the dispute is seen through interface across resources and political conflict.
- Identify the role of local regional and national actors in the dispute settlement.
- Investigate and take lessons from the experiences of foreign federations with regard to inter-state border dispute settlement.
- Examine the existence of adequately empowered institution to deliver fast, just and effective binding decision in settling Inter-State border dispute in Ethiopian federation.
- Assess background and immediate cause of the border dispute between the Amhara and Tigray regions.

1.4. Research Questions

The following are the research questions:

1. Whether the process which created the boundary between Amhara and Tigray regions was flawed?
2. Whether there is adequate mechanism and institutional framework in settling inter-state border dispute in Ethiopian federation?

1.5. Scope of the study

The study mainly limited only on settlement of inter-state border dispute in Ethiopian federation that emphasize on Amhara and Tigray regions. It also attempts to uncover the flaws of normative and institutional set up in the Ethiopian federation with regard to inter-state border dispute settlement.

1.6. Significance of the study

This study is devoted on a case study that concerned settlement of inter-state border dispute in Ethiopian federation that emphasize on the Amhara and Tigray regions, it is important for political decision makers, law makers and for others who are interested in the issue. The case study focuses on Amhara and Tigray regions. This kind of problem is not only in these regions but also in different regions of the Ethiopian federation such as between Oromia and the Somali region, Tigray and Afar, Amhara and Afar. Therefore, it is hoped that the study will fill the gap in matters of inter-state border disputes in Ethiopian federation.

1.7. Research Methodology

This research paper, methodologically, basis on both doctrinal method and practical analysis. For the theoretical insights a literature survey both from primary and secondary materials including journals, books, articles and others will be used. With that, what are the criteria for the legitimacy of border-making among federal units? This question and the question of the constitution's ability to respond to border disputes will be examined. Secondary sources, therefore, are rich in my area of concern and hence, published and unpublished books, journals, articles, laws and other relevant materials are consulted.

Primary data has been collected through unstructured interview of fifteen key informants from members of political parties, government authorities, and individuals and the *Wolqayit* and Raya identity committee as well as experts on the field. The key informants, therefore, have been selected for their direct or indirect involvement on matters of Amhara-Tigray border dispute.

1.8. Limitation to the study

This study has faced certain challenges for thorough investigation of facts in the areas of study, one of the main challenges of the study is remoteness of the study area as it is too far from the center and the study area is highly insecure to study in detail. The current political situation to move from one place to another place and the availability of concerned government bodies in their offices during field visit was a problem. Thus, I invested most of the available my own finance and time. This inevitably adversely affects the quality of the research. Moreover, due to the nature of the title, some people were at the time of interview were not candid enough to give honest information. Having this in mind the writer has tried to mitigate the problems as much as possible through clear description and elaboration of the purpose of the research to my informants to minimize their fears. In spite of those problems, the writer has achieved the planned objectives. In order to finalize the paper with maximum effort to enhance its reliability I have tried my level of best to properly handle the constraints.

1.9. Organization of the Study

This study comprises five chapters which are organized in the following manner:

Chapter one (this chapter) provides the background of the study, the statement of the problem, research objectives, research questions, scope of the study, significance of the study, methodology, and organization of the study.

Chapter two seeks to elaborate the concept of federalism and inter-state dispute settlement. In this chapter relevant issues like that of inter-state disputes and intergovernmental disputes, how inter-state conflict is created, causes of inter-state dispute in Ethiopian federation will be discussed.

Chapter three is about mechanisms of inter-state dispute resolution; the role of formal inter-state dispute resolution mechanisms; informal inter-state dispute resolution mechanism; Intergovernmental Relations (IGR); practice of inter-state border dispute settlement in Ethiopia; Indian experience on reorganization of states in settlement of boundary matters; norms and institutions for the settlement of inter-state border dispute in Ethiopia will be discussed. Chapter four deals with Settlement of inter-state border dispute in Ethiopian federation the case of

Amhara and Tigray regions, the cause of Amhara-Tigray border dispute, the course of the dispute, the *Wolqayit* Amhara and *Raya* Community Identity committee claim, view of actors on the structure of regional administrations and how the HoF entertained the inter-state border dispute between Amhara and Tigray regions are analyzed from different perspectives. Chapter five provides conclusion and recommendations.

Chapter Two

Concept of Federalism and Inter-state Dispute Settlement

2.1. Introduction

This chapter will examine different theoretical perspectives on federalism and way of dispute settlement in federal systems. It tries to incorporate definitions of federalism and how federalism is used as a device to settle disputes in general and border disputes in particular within the Ethiopian federation. Inter-state dispute, mechanisms of inter-state dispute settlement, causes of inter-state dispute in Ethiopian federation, are also explored in this chapter.

The 1974 revolution brought about the downfall of the imperial regime which paved the way for Derg's military rule until 1991. The Ethiopian Revolutionary Democratic Front (EPRDF), the incumbent ruling regime, which is organized by a coalition of ethnic-based organizations under the leadership of TPLF (Tigray Peoples Liberation Front)⁷ seized power in May 1991 following the downfall of Derg.

EPRDF is an ethnic based organization, which is composed of “Amhara National Democratic Movement” (ANDM) now re-named as “Amhara Democratic Party” (ADP), the Oromo People's Democratic Organization (OPDO), also re-named as “Oromo Democratic Party” (ODP) and the Southern Ethiopian Peoples' Democratic Movement (SEPDM) joined the EPRDF at a later stage. After the coming in existence of EPRDF, it has begun to lead Ethiopia by adopting federalism as a state structure.

The makers of the 1995 FDRE Constitution thought federalism is best suited for Ethiopia, because it has a great role to decentralize power from center to states of the federation, since Ethiopia is a multi-ethnic state it is used to accommodate diversity and it empowers the different ethno-linguistic groups within the federation.⁸ Accordingly, the Federal Democratic and

⁷ TPLF has played a dominant role in creating the member parties of the EPRDF in order to rule Ethiopia by showing as it is composition of Ethiopian nationalities.

⁸ Assefa Fiseha (2006), *Ethnic Federalism, theory versus practice in the implementation of Ethiopia's ethnic federalism*, East African Studies, AAU press, p 132

Republic of Ethiopia comprises states that are delimited based on language, settlement pattern, identity and consent of the concerned people.⁹

The Ethiopian constitution does provide a mechanism for the resolution of intergovernmental disputes. But, the constitution arguably is not clearly forthcoming on the powers of the empowered institutions. On this matter for the sake of clear understanding the writer has convinced to take directly the statement of Muhammed Habib here in below:

“The Ethiopian Federal Constitution does provide a mechanism for addressing domestic social conflicts, including constitutional disputes. The HoF and the CCI are assigned with the responsibility to settle disputes and ensure peaceful resolution of conflicts in accordance with the Constitution. ... It appears that the mechanism is intended to enable the House settle such disputes with the necessary advice by the Council.”¹⁰

2.2. Inter-state Disputes and Intergovernmental Disputes

It is of paramount importance to shed light on the concepts of inter-state disputes and intergovernmental disputes as these two terms look different in meanings, though they connote a quite similar concept. However, intergovernmental disputes are a wider concept and inter-state disputes are somehow applicable between regional states in a federal set up which is a narrow concept compared to the former. Intergovernmental disputes are those disputes that may arise from the very nature of federal form of government. This is so because division of constitutional power between the federal and of constituting states are not vivid as a result of which sharing, overlapping and vagueness of power may lead to inter-jurisdictional tensions and conflicts.¹¹

⁹See article 46 and article 47 of the 1995 FDRE Constitution

¹⁰ Muhammad Habib (2011) ,*The Ethiopian federal system ,the formative Stage Friedrich-Ebert-Stiftung*, Addis Ababa p19/16 available at <http://library.fes.de/pdffiles/bueros/aethiopien/07945.pdf> consulted on September, 29/2018

¹¹Nigussie Afesha (2015): *The Federal-state Intergovernmental Relationship in Ethiopia: Institutional Framework and its Implication on State Autonomy*, Mizan Law Review, Vol. 9, No.2 p.347

Scholars often identified some of the common sources of intergovernmental conflicts¹². The vast majority of intergovernmental relations include (a) disputes over constitutional jurisdiction¹³; (b) disputes over revenue-sharing or the issue of vertical fiscal imbalance¹⁴; (c) disputes arising from horizontal fiscal imbalance¹⁵; (d) disputes over the exercise of the federal spending power¹⁶; (e) disputes over regional development policies and the question of which provinces benefit most from federal spending¹⁷; (f) disputes over the control of natural resources¹⁸; (g) disputes arising from cultural, linguistic or religious differences¹⁹; (h) conflicting ideologies between political parties²⁰; (i) clash of personalities²¹; and (j) the lack of intergovernmental consultation and the resulting unilateral action by either order of government.²² While these types of disputes are an obvious federal-state dimension, these ten sources are equally applicable to inter-state disputes.²³

2.3. How Inter-state Conflict is created

Ethnic conflicts are clashes among two or more ethnic groups due to demand for power, resources, identity, social status and the like.²⁴ It refers to situations where people mobilize against others on the basis of their ethnic identity²⁵. Conflicts increasingly present themselves as ethnic conflicts with ethnic identity serving and instrumentalized as the rallying point or the mobilization agent for the manifestation of the conflicts.²⁶

¹²J. Peter Meekison(ed.) (2000), *Intergovernmental Relations in Federal Countries: A Series of Essays on the Practice of Federal Governance*, The Forum of Federations, Ontario, Canada, p. 3.

¹³Ibid.

¹⁴Ibid.

¹⁵Ibid.

¹⁶Ibid.

¹⁷Ibid.

¹⁸Ibid.

¹⁹Ibid.

²⁰Ibid.

²¹Ibid.

²²Ibid.

²³Ibid.

²⁴Daniel Gebriel, (2015) *Inter-Ethnic conflict in Southern, Nation, Nationalities and Peoples Regional State: The Case of Hadiya and Halaba Ethnic Groups in MisrakBadawachoWoreda in Hadiya Zone*, prepared in partial fulfillment of the requirement for MA at the College of Law and Governance Federalism Studies, Addis Ababa University, (Unpublished) p. 27

²⁵Sisay Gebre Egziabher (2007), *what role should civil society organization play to address ethnic conflicts in Ethiopia: the challenges and opportunities for peace & development in Ethiopia & Northeast Africa*, on the 4th international conference on Ethiopian Development Studies (4thICEDS). Haworth College of Business, Western Michigan University, Kalamazoo, USA. p. 13

²⁶Supra note 24.

The Amhara and Tigray border dispute is an ethnic based dispute that erupts from dissatisfaction of border delimitation and demarcation when the Ethiopian federal system was constructed during the coming in to force of the EPRDF rule to which the 1995 FDRE Constitution structured and named states of the federation by taking ethnicity as a dominant component.²⁷ The Amhara regional government and peoples claimed the fertile areas of *Wolqayit* and *Raya*. Identity claims associated with interests on land and resource matters have caused the conflict between two regions. Thus, ethnic conflicts are created because of dissatisfaction raised by one or more ethnicities and that at least one of the parties involved in the conflict for realization of interests as we are looking in Amara –Tigray case.²⁸

Ethnic conflict causes are different and they have their own unique feature and character in relation to their nature, place and time. Different scholars employed different methods in their effort to explain the causes of ethnic conflict. There are three grand causes that are identified in different literature by scholars, which are identity, resource and power variables.²⁹ The two causes of recurrent conflict in Ethiopia are identity and resource.³⁰

Ethnic conflicts often emerge in multi-ethnic like Ethiopia, under-developed societies when the behavior of the state is perceived as dominated by a particular group or community within it, when communities feel threatened with marginalization, or when no recourse for rectifying complaints exists³¹. Ethnic thinking and mobilization generally emerge from the resulting inequitable access to power and resources and not from an intrinsic hatred.³² For instance, the state of Amhara and the state of Tigray enter into contention after the *Wolqayit* and *Raya* communities claiming their distinct identity issues in an organized way.

²⁷ See article 46(2) and article 47(1) of the 1995 FDRE Constitution

²⁸ Supra note 24

²⁹ Ibid

³⁰ SisayGebireEgziabher (2007), *What role should civil society organization play to address ethnic conflicts in Ethiopia: the Challenges and opportunities for peace and development in Ethiopia and Northeast Africa*, on the fourth international conference on Ethiopian Development Studies (4thICEDS). Haworth College of Business, Western Michigan University, Kalamazo, USA.

³¹ Kehinde Olayode (2016), *Beyond Intractability: Ethnic Identity and Political Conflicts in Africa*, International Journal of Humanities and Social Science Vol. 6, No. 6; Obafemi Awolowo University, Ile-Ife, Nigeria. P. 248.

³² Ibid.

When we are investigating resource matters as cause for an ethnic conflict, it is not far from the identity matter because in most cases identity matters are associated with resource conflict since those who are asserting identity are claiming their independence or self-determination including on their natural resources which includes land and water that is important for existence of human beings.

As it will be elaborated in the later parts of the paper the cause of Amhara -Tigray border conflict on the flashpoints of *Wolqayit* and *Raya* is identity undergirded by the desire for resource control. This made the problem a highly complicated political issue.

2.4. Causes of Inter-State Dispute in Ethiopian Federation

Ethiopian society is multi-ethnic and multi-linguistic. There are about eighty ethnic groups that speak twice as many dialects living in the country. Two-third of the population however belongs to the three major ethnic groups (Oromo, Amhara and Tigray). The total population of the country is over 100 million people.³³In Ethiopia, both some members of the ruling party and vibrant opposition parties believe that most of the ethnic conflicts are reinforced by the post 1991 ethnic based administration adopted by EPRDF.³⁴

Ethnic conflict researches show that there are two views on the drivers of ethnic conflict. One is the instrumentalist view which holds that participants of the ethnic conflict do so in pursuit of their benefit that will be gained from the conflict, for instance, wealth, job, power and so on.³⁵The second view is called primordialist view. According to this view, ethnic conflict is as an outbreak of common antagonism.³⁶ In my point of view the ethnic conflicts in Ethiopian

³³Yonatan Tesfaye Fessha(2008),Institutional Recognition and Accommodation of Ethnic Diversity:Federalism in South Africa and Ethiopia, A thesis submitted in fulfillment of the requirements for the degree of Doctor of Philosophy (Law) in the Faculty of Law, University of the Western Cape. P322

³⁴Ethiopia News Paper, first year No.21 yekatiti 03/2011 Ethiopian Calendar, P 6

³⁵Enoch Wan and Mark Vanderwerf (2009), *A Review of Literature on "Ethnicity" and "National Identity"*. A review of the literature on ethnicity, national identity and related missiological studies Featured Articles vol.1, pp.12. cited in Daniel Gebriel(2015) *Inter-Ethnic conflict in Southern,Nation,Nationalities and Peoples Regional State: The Case of Hadiya and Halaba Ethnic Groups in Misrak Badawacho Woreda in Hadiya Zone*, prepared in partial fulfillment of the requirement for MA at the College of Law and Governance Federalism Studies, Addis Ababa University, (Unpublished) p. 32.

³⁶LuboTeferi(2013), *The post 1991 'inter-ethnic' conflicts in Ethiopia: An investigation*; International Journal of Law. Vol. 1 P 111, available at <https://academicjournals.org/journal/JL/CR/article-full-text-pdf/705F3BA7712> consulted on October 2,2018

federation has an instrumentalist approach because the existing conflicts in different regions have connections with that of benefits gained from conflict such as wealth, job and power. Conflicts arising from border matters are driven by the benefits to be gained from land which is a scarce resource.

After the coming to power of EPRDF, inter-ethnic conflicts are caused by ethnicized state structure in distribution of resource and political power, therefore the major cause of ethnic conflict is policy of the incumbent ruling party that used ethnic pluralism as an organizing principle which has created ethnic based territorial units which are given the right to secede in the constitution.³⁷

Historically there was no ethnic conflict to achieve socio economic benefits there was no ethnic conflict to achieve socio economic benefits in exclusion of others and to compete over scarce land resource.³⁸ Some researchers argue that, in Ethiopia before the coming of the new constitutional order there was conflict resulted from in search of local resources like scarce land resource, however it is the 1995 FDRE Constitution that has given energy to change the reaction of the people to become based on their ethnicity on boundary matter.³⁹

³⁷ Id p. 113

³⁸ Ibid

³⁹ Vaughan (2005:10) *The nature and causes of violent conflict in Dewe and Gewane Woredas of Afar region and Hamare and Kurazworedas of south Omo zone SNNPR*: a study commissioned by Farm Africa EEP, cited in Daniel Gebrel,(2015) *Inter-Ethnic conflict in Southern,Nation,Nationalities and Peoples Regional State: The Case of Hadiya and Halaba Ethnic Groups in Misrak Badawacho Woreda in Hadiya Zone*, prepared in partial fulfillment of the requirement for the Degree of MA at the College of Law and Governance Federalism Studies, Addis Ababa University, (Unpublished) P. 43

Chapter Three

Mechanisms of Inter-state Dispute Resolution

3.1. The Role of Formal Inter-State Dispute Resolution Mechanisms

The formal mechanism for settlement of inter-state dispute is mainly by the legal norms and institutions that are meant for the resolution of disputes in a given state through litigation process in a court which might be national court established by legislation or by the constitution as part of the justice system of a given country. So, disputes including border dispute can in principle be settled by adjudicatory bodies.⁴⁰ When we come to the Ethiopian reality formal mechanisms of dispute resolution the right to access to justice is recognized under article 37 of FDRE Constitution which states that:

1. Everyone has the right to bring a justifiable matter to, and to obtain a decision or judgment by, a court of law or any other competent body with judicial power.

2. The decision or judgment referred to under sub-Article 1 of this Article may also be sought by:

(a) Any association representing the Collective or individual interest of its members;
or

*(b) Any group or person who is a member of, or represents a group with similar interests.*⁴¹

Unlike other jurisdictions, in Ethiopia courts are not competent body to settle disputes arise between states of the federation. The only competent body that has given the power to settle inter-state disputes or misunderstandings is the House of Federation.⁴²

⁴⁰Daniel Gebrel,(2015) Inter-Ethnic conflict in Southern,Nation,Nationalities and Peoples Regional State: The Case of Hadiya and Halaba Ethnic Groups in Misrak Badawacho Woreda in Hadiya Zone, prepared in partial fulfillment of the requirement for the Degree of MA at the College of Law and Governance Federalism Studies, Addis Ababa University, (Unpublished) P. 40

⁴¹ See Article. 37 of the 1995 FDRE Constitution

⁴² See Article 62(6) of the 1995 FDRE Constitution

3.2. Informal Inter-state Dispute Resolution Mechanisms

The informal dispute resolution mechanism is all about alternative dispute resolution mechanisms which are less formal and more flexible which are developed because of limitations of the formal or judicial mechanism in giving holistic solution to a given dispute.⁴³ The informal inter-state dispute resolution mechanism includes different activities that are public to public relation, mediation, preventive diplomacy, cooperation and Intergovernmental Relations.⁴⁴

In Ethiopia concerning this issue the HoF has given the power to apply conflict prevention and resolution mechanisms as alternative dispute mechanism⁴⁵ apart from adjudication by the House itself. Based on this the HoF can strive to resolve misunderstandings of the two states by facilitating discussions thereof. Another more important means for resolving disputes more amicably is by making use of intergovernmental relation system of conflict settlement mechanism. In the following part the writer forwards a precise discussion of IGR as an ideal tool for such border dispute between Amhara and Tigray Regional State.

3.3. Intergovernmental Relation /IGR/

IGR is important for states like Ethiopia that are pursuing a federal form of system; to provide for mechanisms and procedures to facilitate the settlement of intergovernmental (border) disputes; and to provide solutions for matters related to those issues.⁴⁶ It is a way out for intergovernmental disputes; as well as a 'bridge-building' for forging cooperation and coordination of divided powers.⁴⁷ Ethiopia's experience to federal political system can be considered at its infant stage compared to the older federation. Hence, it is expected that the system of intergovernmental relation in the FDRE would be weak. The fact that the division of power between the federal and regional states emphasizes a dualist model of federalism in which

⁴³Tirist Girshaw (2005), *Indigenous Conflict Resolution Mechanisms in Ethiopia*, In first National Conference on Federalism Conflict and Peace Building Organized by MOFA and GTZ, Addis Ababa, Cited by Daniel Gebriel.P 40
⁴⁴ Ibid

⁴⁵See Articles 23 and 24 of Consolidation of the House of the Federation and Definition of its Powers and Responsibilities Proclamation No. 251/2001.

⁴⁶*The Republic of South Africa Intergovernmental Relations Framework Act No. 13,2005* available at <https://www.google.com/search?client=firefox-b-d&q=the+Republic+Of+South+Africa+intergovernmental+Framework+Act+No+13%2F2005> consulted on October 2,2018

⁴⁷Simeon Richard. (2000). 'Conclusion' in the Meekison J peter, ed., on "Intergovernmental relations in Federal countries: A series of Essays on the practice of Federal Governance" p. 4

each level of government has distinct legislative, executive and judicial power, undermines the level of interaction and relation between the levels of government.⁴⁸ This coupled with the lack of clear provision in the FDRE constitution which prescribes for the establishment of a set of processes and institutions for facilitating or conducting intergovernmental relations.

Literatures on intergovernmental relation show that most federal systems for the purpose of establishing stable federation devised the formal arrangements of intergovernmental cooperation and coordination.⁴⁹ Ethiopia, as a federal state structure it has no a constitutionally entrenched IGR system, because the 1995 FDRE constitutional making process did not incorporate the system. However, recently there is new development in legislating a mechanism for intergovernmental relation⁵⁰. Because of this gap inter-state conflicts arise within Ethiopia that comes from identity /boundary or natural resource matters are not solved through IGR. If we have had IGR system based on law before, we would have not been faced with such problems of the recurrent border conflict. Intergovernmental relations have several purposes to serve. Both the vertical and horizontal aspects of intergovernmental relations in Ethiopia are weak and not well-institutionalized.⁵¹ No detailed legal framework exists for the overall conduct and management of IGRs of the federation. Ultimately, this shows that as far as there is no effectively institutionalized IGR system we have no the opportunity to resolve the inter-state dispute between Amhara and Tigray regions through IGR mechanism.

3.4. Practice of Inter-State Border Dispute Settlement in Ethiopia

Ethiopia as a federal state experienced different inter-state disputes that are arise from identity and boundary matters as early as the federal system began.⁵² For the sake of measuring the success and failure on settlement of inter-state conflicts caused by identity and boundary issues, taking and analyzing causes and investigating the steps taken by the concerned institutions is

⁴⁸ See Art. 50(2) of the 1995 FDRE Constitution

⁴⁹ Ibid

⁵⁰ Interview with Ato Mustefa Nasser, a senior expert in the House of Federation expressed that the HoF has decided for the enactment of IGR proclamation, hence the House with a majority vote forwarded the draft IGR proclamation to the HPR. (interviewed in October, 12, 2019) (3:00 local time) at Addis Ababa.

⁵¹ The writer of this thesis has tried to inquire about this issue in the office of secretariat of the HoF, and the information gathered from HoF office ascertains this fact.

⁵² A letter written to the HoF by the signature of Juneydin Sado, former president of State of Oromia on the date 22/08/1996 E.C, available in the archive of the HoF

mandatory. Based on this, two experiences are narrated as follows in scrutinizing the rules and procedures of the HoF used as well as effectiveness and binding nature of the decisions passed.

3.4.1. Oromia and SNNP Regions Boundary Dispute Settlement

Oromia and SNNP boundary covers more than 2000 km to which the two peoples living in the boundary has passed long time in mutual understanding in appreciating their common values including economic, social, political affairs through sense of solidarity.⁵³ Though they lived in such manner due to utilization of common scarce resources and competition around boundary areas consequently ownership debates arose on natural resources due to that the conflict leads to destruction on human life and peoples assets.⁵⁴

In order to settle such dispute, the two regional administrations tried to establish a joint committee to amicably resolve the issue.⁵⁵ In those areas, to which both parties disagreed, the committee has referred the case to the HoF, for the sake of facilitating referendum. Accordingly, HoF to ensure those peoples interest in resolving this border dispute it has delegated the Ethiopian National Electoral Board to execute the referendum on the contesting area.⁵⁶ The referendum result showed that disputed areas are to be administered in either party's jurisdiction. However, there is recurrent conflict in the area. This is because, there was no demarcation on the ground that shows beginning and end of the delimited area, due to this there is recurrent border dispute.

3.4.2. Oromia and Somali Regions Boundary Dispute Settlement

The Oromia and Somali regions boundary dispute starts from 1993 G.C to which many peoples died and the wealth of peoples within the disputing area has been distracted.⁵⁷ So as to resolve this problem both regions higher officials and Minister of federal affair has done many efforts to calm the condition. To do so, in both regions there was wide government structure and public

⁵³A common document prepared for boundary areas delimitation question of Oromia and SNNP on the date of June, 2008, available in the archive of HoF. p.1

⁵⁴Ibid

⁵⁵Ibid

⁵⁶See article 29(4) of Consolidation of the House of the Federation and Definition of its Powers and Responsibilities Proclamation No. 251/2001

⁵⁷A letter written to the HoF by the signature of Juneydin Sado, former president of State of Oromia on the date 22/08/1996 E.C

confluence in all boundary areas and according to this result the number of many boundary disputing areas minimized.⁵⁸ Then, the Oromia regional state administration the then president Juneydin Sado sent a letter to the HoF in light of Art. 62 (6) of 1995 FDRE Constitution and article 23-33 proclamation No. 251/2001 in seeking solutions for the contesting areas that created trouble.⁵⁹

In accordance with the above statement, the HoF had facilitated referendum to be conducted by National Electoral Board on 463 *Kebelles* and then the board has facilitated referendum based on Ethiopian electoral law.⁶⁰ Then, the referendum is conducted based on the criteria stated as per article 46(2) of the 1995 FDRE Constitution which is based on language, settlement pattern and consent of the people.⁶¹ But, the actual boundary similar to the Oromia-SNNP case, it is not properly demarcated on the ground.

In sum, as compared to Amara-Tigray case in these two experiences, there is an effort to settle the inter-state border dispute between Oromia & SNNP and Oromia & Somali though it is not effective. It is assumed that, we need to have both an impartial, independent, strong, and effective institution and law used to resolve inter-state border dispute within the federation.

3.5. Indian Experience on Reorganization of State in Settlement of Boundary Matters

The writer of this research has chosen Indian experience because there is some sort of similarities between Ethiopia and India. That is, like Ethiopia, India is multi-lingual, multi-ethnic federalist state. In addition, the current existing situation of Ethiopia is a little bit similar with India when it liberated from British colony there was question of boundary matter and reorganization of states, likewise in Ethiopia due to the new change there is growing number of questions for self-determination rights which includes the quest for new statehood and recognition of identity.⁶²

⁵⁸ Ibid

⁵⁹ Ibid

⁶⁰ Ethiopian National Electoral Board Report on Referendum of Oromia-Somali Border 463 *Kebelles* on the date 1/03/1997 E.C.

⁶¹ See Article 46(2) of the 1995 FDRE Constitution

⁶² In Ethiopia, based on the information taken from the HoF after the coming of Prime Minister Dr. Abiy Ahmed there are about 20 identity questions submitted to the HoF and the number of question for the status of region is

After its independence from British colony in India there was an intense movement for autonomy.⁶³ After post-independence Indians try to avoid the obstruction system laid by British Administration, then Indians began nation making.⁶⁴ The linguistic division was the main agenda to which preservation and strengthening India linguistic and cultural homogeneity and as well as its security and unity was given due attrition on discussions after independence.⁶⁵ The debate was on linguistic reorganization of states and some debated against on the issue of linguistic reorganization of Indian states, in that they stated, the movement that seek division of linguistic states will lead states in to smallest states a single criteria will store up a trouble.⁶⁶

Then, after a prolonged debate on the issue of linguistic reorganization of states India has established a commission known as State Reorganization Commission (SRC) in 1953 to come up with solutions for reorganization of states and for the demands of new state with scientific recommendations.⁶⁷ To do so the Commission take long time study; take interview of the people, wishes and views of the people comprehensively in a free frank manner from 1954 up to 1955 by visiting 104 places of India.⁶⁸ Then, based on the public and different interest groups the Commission came up with its recommendation. That is stated here in below:

*“In considering reorganization of States, all relevant factors should be become in mind, such as the unity of India, national security and defense, cultural and linguistic affinities, administrative convenience, financial considerations, and economic progress, both of the States and the nation as a whole”.*⁶⁹

increasing as confirmed by an interview with Yawukal Bekelle ,who is Directorate Director of identity issues (27/05/2011 E.C.) (9:30 local time)

⁶³*Changing Aspects of States Reorganization in India*, International Journal of Research in Humanities, Arts and Literature. P 78, available at <http://oaji.net/articles/2017/488-1532602579.pdf> consulted on January 5,2019

⁶⁴ Ibid

⁶⁵ Supra Note 65, p. 80

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸*The Report of the States Reorganization Commission: An Analysis* page 177; available at https://shodhganga.inflibnet.ac.in/bitstream/10603/67105/1/11_chapter%206.pdf consulted on January 5,2019

⁶⁹ Regional Identities and its Implications on the Notion of National Identity: Some Observations on the Linguistic Reorganization of States . P17 available at https://www.academia.edu/36265817/On_the_Lingusitic_Reorganisation_of_States_in_India.pdf consulted on January 9,2019

One of the fruit of state reorganization process and SRC was end of resource and boundary conflict that enables India to use states boundaries efficiently, sharing of river water conducted peacefully, then Indian economy became growing.

In like manner, in Ethiopia there is a problem of inter-state border dispute which is started right after the coming in to effect of the FDRE Constitution in 1995. Hence, Indian experience on such matter would be a good model for Ethiopia. The writer of this paper contends that Ethiopia need to have institutions and legal framework like India so that border matters not to become further cause of conflict.

3.6. Norms and Institutions for the Settlement of Inter-state Border Dispute in Ethiopia

As far as dispute settlement concerned it is mandatory to have both laws and institutions. Having in mind this concept; it is mandatory to scrutinize whether Ethiopia has sufficient legal and institutional bases so as to settle effectively disputes that are arise from border matters. To elaborate this idea the supreme law of the land/ the 1995 FDRE Constitution is the first to be mentioned.

3.6.1. The FDRE Constitution on Inter-state Border Dispute

The FDRE constitution has one single provision concerning state “border change” which is expressed as all state border disputes to be settled by agreement of the concerned States in dispute and when they fail to reach agreement, the House of the Federation has the power to decide such disputes on the basis of settlement patterns and the wishes of the peoples concerned within a period of two years, render a final decision on a dispute submitted to it.⁷⁰

3.6.2. Legislations on Inter-state Border Dispute Settlement

Apart from the FDRE Constitution, there are certain relevant legislations which are meant to deal with settlement of inter-sate dispute settlement. There are proclamations such as Consolidation of the HoF and Definition of its Powers and Responsibilities Proclamation No. 251/2001 and Administrative Boundary and Identity Issues Commission Establishment Proclamation

⁷⁰See Article 48(1 &2) of the 1995 FDRE Cconstitution

No.1101/2019. A concise and brief relevancy of these legislations for the settlement of inter-state border dispute is analyzed below.

(i) Consolidation of the HoF and Definition of its Powers and Responsibilities

Proclamation No. 251/ 2001

According to consolidation of the HoF and definition of its powers and responsibilities proclamation No. 251/2001, Powers and responsibilities of the HoF is that of strive to find solutions to disputes/misunderstandings that may arise between states and misunderstandings.⁷¹ In addition, the HoF has given the power to strive to resolve interstate or Federal-State government disputes and misunderstanding.⁷² These provisions shows that how much the HoF is not adequately empowered to resolve interstate misunderstandings that are arise due to border dispute. Because, the wording “strive” especially the Amharic version is clear and which refers that, the HoF may try to resolve misunderstanding. Thus, as far as it is not fully empowered it cannot resolve border dispute by giving a binding decisions. Therefore, in order to settle interstate border disputes lack of adequately empowered institution is the main problem in Ethiopian Federation.

(ii) Administrative Boundary and Identity Issues Commission Establishment Proclamation

No.1101/2019

Regarding this sub-title the writer would like to elaborate the situations where the proclamation enacted and the debates conducted in the HPR and in different levels for and against the establishment of Administrative Boundary and Identity Issues Commission/ here in after the Commission. And also powers and responsibilities of the commission are analyzed below.

(iii) Debates on the Establishment of the Commission

During the enactment of the legislation on the establishment of the Commission there was a wide debate in the HPR that never seen before, this proclamation is proclaimed with 33 objections, 4

⁷¹ See Article 3(5) of Consolidation of the House of the Federation and Definition of its Powers and Responsibilities Proclamation No. 251/ 2001.

⁷²Ibid ,Article 23

abstains and on majority vote.⁷³ Those who objected the draft legislation of the proclamation were representatives of Tigray region people.⁷⁴ They said, on this draft legislation on the side of the public no one has discussed about establishment of the Commission and the entire population should discuss. Additionally, they try to challenge as identity and boundary matters are answered through the 1995 FDRE constitution.⁷⁵ Moreover, they said if there are claims of self-administration, boundary and identity matters, it is better to be settled by regional states without any intervention and if states fail to respond accordingly, based on the constitution the HoF can intervene to respond disputes that are arise from inter-state border disputes and identity matters.⁷⁶

Generally, the Tigraian representatives in the HPR said that the draft proclamation has fundamental problems and contradiction with the constitutional provisions such as; article 39, 47, 48, 62, 81, 82 of the 1995 FDRE Constitution so that it should not be approved.⁷⁷ They add, if there is failure in responding identity and border matters it is better to strengthen the HoF, unless this proclamation affects powers and functions of the HoF.

On the other hand those who are supports of establishment of the commission and approval of the draft legislation stated that, due to the mere coverage of identity matters with in the constitution, there are peoples demarcated to others and because of that there are many identity and boundary claims. Hence; to respond such kind of questions we need to have the commission.⁷⁸ The other issue raised against the draft proclamation is that giving response to identity matter is the power of regional states council and the claim is within states. So that by what reason the commission investigates identity and boundary matters as far as we haven't invited to investigate.⁷⁹

Proponents for the establishment of the Commission stated that because of identity and boundary matters there is recurrent displacement at the national level and due to the failure of HoF to

⁷³Ethiopia News Paper, first year, No. 14, Tahisas 14/2011 Ethiopian Calendar, P4

⁷⁴Etv Discussion program, retrieved from you tube, available at <https://www.youtube.com/watch?v=igMfsCIEpSM> retrieved on May 6, 2019

⁷⁵Berera News Paper, first year Number 08 Tir 30/2011 E.C.

⁷⁶Berera News Paper, first year Number 15 Tahisas 21/2011 E.C p5

⁷⁷ Ibid

⁷⁸ Ibid

⁷⁹Etv Discussion program, retrieved from YouTube, it available at <https://www.youtube.com/watch?v=igMfsCIEpSM> retrieved on May 6, 2019

respond such claims as early as possible for the last 27 years there is no just and effective decisions on those claims.⁸⁰ So we need to have institution that examines problems of identity and boundary matters at the national level for lasting peace. In addition, some proponents of establishment of the Commission suggest that to respond identity and boundary issues if it is necessary we may go to up to amendment of the constitution and if we are real representatives of citizens and stand for protection of human rights, we need to have this institution/or, we should approve the identity and boundary commission establishment proclamation.⁸¹

Additionally, proponents stated that it is a time to establish the Commission and to compensate the people for the problems we have made so far on the identity and boundary matters, which is important to keep and continue “the change” that come to effect by the people. They said that we have been proclaimed many draft legislations that curtail human rights in a swift manner, for instance, the repeated state of emergency proclamation, anti-terrorist laws and so on.⁸² Taking this in to consideration, it is immoral to object establishment of the commission.

Observers said that the draft legislation objected mostly by those who are representatives from Tigray region, and this is the fear related with *Wolqayit* and *Roya* identity claims.⁸³ But, the problem of inter-state border dispute and identity claim is a nationwide issue within the federation.

The writer of this research believes that this proclamation has no any contradiction with the constitution and any other laws. The entire provisions of the proclamation show that the commission has the duty to study and investigate administration boundary; self- administration and identity questions scientifically so as to provide its recommendations to the HoF, HPR and to the Prime Minister.⁸⁴ Additionally, the HoF, since it is not resolving the identity and boundary matters effectively for many years; the commission will support it through multi-dimensional scientific ways and recommendations. Thus, the rights that are related with identity and boundary matters which are under stake due to mere constitutional coverage may be cured.

⁸⁰ Ibid

⁸¹ *Ethiopia News Paper*, first year, No.14, Tahisas 14/2011 E.C p.5

⁸² *Berera News Paper*, first year Number 08 Tir30/2011 E.C.

⁸³ *Ethiopia News Paper* first Year No.17, Tir 5/2011 E.C., p. 5

⁸⁴ See Article 5(3) of Administrative Boundary And Identity Issues Commission Establishment Proclamation No.1101/2019

Thus, it is mandatory to create a structure that used to respond claims of citizens related with identity and boundary matters which is a constitutional act and ultimately it will ensure constitutionalism. The commission is not a decision maker rather it gives a recommendations based on its findings.⁸⁵ Therefore, establishment of the Commission has no any contradiction with the Constitution.

Some individuals including Amanuel Assefa, who is the State of Tigray Justice Bureau Head, argue that the Commission is established by the HPR to which such power not given by the Constitution; and in replying this argument Cherenet Hordofa, stated that as far as the issue of identity, boundary matter and self-determination is political issue and the HPR is given the power to legislate laws in this matter as of article 55(2)(d) which states that the HPR can legislate specific laws on political rights.⁸⁶ The writer of this research also convinced by the justifications forwarded by Cherent, that the commission is established without any contradiction with the Constitution. Thus, as far as the proclamation is proclaimed based on the powers and functions of the HPR, the issue of contradiction does not hold water.

When we come to the reality, in Ethiopia there are different identity questions and boundary disputes which includes the Amhara and Tigray regions that has counted more than a decade.⁸⁷ But the HoF in its power has not entertained this case to give effective or binding decisions on time. Therefore; to give answer for self-determination, boundary and identity related matters establishing the Commission has no an objective to violate constitutional rules and principles rather it is important to secure law and order within the federation and lasting peace.

One thing that should be known is that when there is positive change in political space and democracy things never go as usual. Political and legal questions will be raised from different interest groups, so that, to respond these questions on time it is mandatory to have legal and intuitional framework that carry out different interests to respond different questions as early as

⁸⁵See Article5(3) of Administrative Boundary and Identity Issues Commission Establishment Proclamation No.1101/2019

⁸⁶Etv Discussion program, retrieved from YouTube, available at <https://www.youtube.com/watch?v=igMfsCIEpSM> retrieved on May 6, 2019

⁸⁷One of my informant in the interview from Gondar replied to me that the issue of *Wolqayit* and *Raya* is not a recent question rather it is starting from delimitation of these areas early 1991. And, many patriots entered to the jungle for the return of *Wolqayit*, due to the problem of space to request through legal way and this situation is known by the government and there was no any solution given for this matter. Consequently, on the eve of the coming of the present change the identity question is submitted to all the concerned body in an organized manner.

possible. To do so establishment of the commission is a step taken to solve identity, self-administration and boundary matters raised by people in fast and binding decisions.

In Ethiopia, currently in addition to identity and boundary matters there are claims to get the status of region, zone, *woreda* and soon. So that, to manage such kind of situations states should respond to these claims instead of labelling the issue as taking of land and natural resources, unless ethnic based conflicts caused by identity and administrative boundary will pose peoples displacement and many deaths. Thus, establishment of the commission will resolve these problems if it is functional and enter in to work effectively.

The Tigray National Regional State Council has decided in a unanimous vote “not to cooperate” with the Commission.⁸⁸ However, the proclamation states that of “Duty to Cooperate”. Based on this:

“Any person shall have an obligation to cooperate with the commission for any legal questions requested by the commission while undertaking its responsibility provided under this proclamation.”⁸⁹

The Tigray National Regional State Council decision “not to cooperate” with the commission is due to the mere reason of their position as the commission establishment proclamation has contradicted with the FDRE Constitution. The writer of this research believes that the state of Tigray decision is not acceptable and the decision made by the council amounts disobedience to the Constitution due to the following reasons:

First, the Commission is established in light with rules and procedures of the HPR and the powers prescribed as of article 55(2) (d) and article 51(2) cumulative with article 55(1) of the 1995 FDRE Constitution. Accordingly, the proclamation substantially legislated without contradicting the constitutional provisions and the HPR has enacted the proclamation based on its jurisdiction.⁹⁰

⁸⁸ Interview with Gebreyesus Woldegerima, senior politician in TPLF office and Organizational Affair Head Person in Addis Ababa. (29/05/2011 E.C.) (10:00 local Time) at Addis Ababa

⁸⁹ See Article 16 Administrative Boundary And Identity Issues Commission Establishment Proclamation No.1101/2019

⁹⁰See Art 55(1) of the 1995 FDRE Constitution

Second, the state of Tigray has the duty to cooperate and respect that of Supremacy of the Constitution and their decision has no effect because it contravene with the Constitution.⁹¹ Therefore; the state of Tigray decision is not acceptable and they should obey the Constitution and ensure its observance as organ of state or political organization which is the essence of strengthening the federal system.⁹²

(iv) Powers and Responsibilities of Administrative Boundary and Identity Issues

Commission

The powers and duties of the commission are provided under article 5 of the proclamation. Accordingly, without prejudice to powers and duties given to the HoF and regions by the constitution and other laws the commission power is illustrated.⁹³

In short and precise manner the commission has the power to give recommendations in relation to that of administration boundary demarcation, self-administration, identity question and conflicts arise in relation to identity matters.⁹⁴ The commission has the responsibility to study problems, analyze issues and give recommendation for the actions to be taken to promote and consolidate unity of Ethiopian people based on equality and their mutual consent.⁹⁵

As far as the continued determination and alteration of administrative boundary decisions concerned, the commission has the power to provide recommendations to the HoF, HPR, and Prime Minister in order to expand appropriate constitutional principles, transparency and efficient system or amendment of laws.⁹⁶ According to article 5(4) of the proclamation in relation to administrative boundaries controversy that are forwarded to the commission by the HoF and HPR, the commission has the duty to investigate the issue and present

⁹¹See Art 9(1) of the 1995 FDRE Constitution

⁹² See Art 9(2) of the 1995 FDRE Constitution

⁹³ See article 5 Administrative Boundary And Identity Issues Commission Establishment Proclamation No.1101/2019

⁹⁴ See Art. 5(1-10) of Administrative Boundary and identity Issues Commission Establishment proclamation No. 1101/2019

⁹⁵ See Article. 5(1)of Administrative Boundary and identity Issues Commission Establishment proclamation No. 1101/2019

⁹⁶ See article 5(3) of Administrative Boundary And Identity Issues Commission Establishment Proclamation No.1101/2019

recommendations to the HoF and Prime Minister.⁹⁷The commission has the duty to renew and strengthens good relation between neighbor regions through facilitating the ways that enable conflicts arise over and administrative boundaries have been resolved. ⁹⁸In lasting peace, administrative boundaries not to be further cause of conflict the commission is expected to provide recommendations that comprise the measures to be taken to the HoF and Prime Minister.⁹⁹ More importantly, according to article 5(7) of the proclamation the commission has the responsibility to initiate policy framework of administrative boundaries and their area of wellbeing for development and commerce.

Concerning identified issues by the study of the commission that are related with self-administration, administrative boundary and identity questions the commission has the duty to submit to the HoF.¹⁰⁰Unlike other provisions stated here in above, based on my understanding the commission is duty bounded to transfer identified issues of self-administration, administrative boundary and identity questions to the HoF, however, this is already listed in the powers and functions of the HoF within the Constitution under article 48 and 62 and if the practice is going as usual proclaiming new law has no meaning since at this time the number of identity and self-administration issues are increasing and the role of HoF in settling these issues is nominal. The writer insists that Ethiopia to have an institution that empowered to provide decisions on self-administration, boundary and identity related matters independently and impartially for those issues not to become further cause of conflict in Ethiopian federation.

The other thing care should be taken is that of nomination of members of the commission that should not include person who have prior stand on issues of administration boundary, self-administration and identity matters. For instance, the ex-Prime Minister, Haile Mariam Desalegn now who is member of the Commission has spoken through state media as the *Wolqayit* issue has got an answer in the early time. Hence, since he had prior position on the matter, making him member of the commission will bring the issue of impartiality of individual members of the

⁹⁷See article 5(4) of Administrative Boundary And Identity Issues Commission Establishment Proclamation No.1101/2019

⁹⁸ See Article. 5(5)of Administrative Boundary and identity Issues Commission Establishment proclamation No. 1101/2019

⁹⁹ See Article 5(6)of Administrative Boundary and identity Issues Commission Establishment proclamation No. 1101/2019

¹⁰⁰ See article 6 of Administrative Boundary And Identity Issues Commission Establishment Proclamation No.1101/2019

Commission. The other problem with the Commission is that after its establishment there is no any step taken to respond identity and boundary related matters.

3.6.3. The House of Federation

The HoF is constitutionally established institution for dispute settlement within the federation as one can understand from its powers and functions listed under the 1995 FDRE Constitution. This institution is created to promote the equality of “the people of Ethiopia” enshrined in the Constitution and promote and consolidate their unity based on their mutual consent.¹⁰¹ As far as disputes or misunderstandings arise between states of the federation concerned the competence of the HoF is to strive to find solutions which also have a direct relation with maintaining the constitutional order through ordering federal intervention when there is violation of constitutional order.¹⁰² In this regard experiences show that on matters of border conflict within member states of the federation though it was not effective institution HoF has facilitated referendum in different time.

Regarding inter-state dispute settlement although the constitution states in the above manner the practice on the ground shows that the HoF as a constitutionally established institution it is not functioning accordingly. For instance, the claim of *wolqait* people for its recognition of identity /to be recognized as member of Amhara ethnic group and independence from Tigray region later which is border claim of Amhara region and then becomes the border dispute between the Amhara and Tigray regions is not resolved by HoF. This border issue to be settled by the HoF all the requirements are fulfilled enough as somewhere stated in next chapter the HoF is not decided the matter based on its competencies although the dispute has counted more than twenty years. Therefore, one can conclude that HoF is not working based on its competence and it is not adequately empowered institution in conflict management especially on settlement of inter-state border dispute settlement arise with in Ethiopian federation and Amhara –Tigray case is best example.

¹⁰¹ See Art. 62(4) of FDRE constitution

¹⁰² See Art. 62(6 &9) of FDRE constitution

The HoF, as stated under article 62(5) of the FDRE Constitution, it has the power and function to strive in order to find solutions to disputes or misunderstandings that may arise between States.¹⁰³

As far as “state border changes” concerned the Constitution states that, all State border disputes shall be settled by agreement of the concerned States and when the concerned States fail to reach agreement, the HoF shall decide such disputes on the basis of settlement patterns and the wishes of the peoples concerned.¹⁰⁴ By implication which is based on article 46 (2) of the FDRE Constitution that provides expressly:

*“States shall be delimited on the basis of the settlement patterns, language, identity and consent of the people”*¹⁰⁵

However, wishes of *Wolqayit* and *Raya* people is to become member of the Amhara people to whom they have similar language, identity, psychological makeup and settlement pattern; HoF has done nothing in this question. In addition, the HoF has the duty to render a final decision on a dispute submitted to it pursuant to Article 48(2) of the FDRE Constitution within a period of two years. Though the Constitution says so, the practice shows that the HoF is not performing the task of settling inter-state border dispute between Amhara and Tigray regions. This is a clear infringement of constitutionally guaranteed rights. Due to this there is loss of life, displacement of citizens and so on.¹⁰⁶ Therefore, we need to have strong empowered institution and law to settle inter-state border dispute in Ethiopian federation.

Institutional framework can be used to examine whether Ethiopia has an institution which is indeed empowered enough to achieve the objectives of inter-state border dispute settlement. Based on this, HoF is not effective institution in settling inter-state border dispute, because as an institution it is not playing its role based on the constitutional provisions that states its powers which are curtailed by different factors mentioned here in below.

¹⁰³ See Article 62(5) of the 1995 FDRE Constitution

¹⁰⁴ See Article 48(1) of the 1995 FDRE Constitution

¹⁰⁵ See Art. 46(2) of the 1995 FDRE Constitution

¹⁰⁶ A position paper written by Raya Identity committee, gained from the archive of Raya identity committee.

First, the constitution has empowered the HoF to settle inter-state border disputes as per article 48 of the 1995 FDRE Constitution since it is an institution that fosters a harmonious relationship between states of the federation and the federal government but conflicts and misunderstandings arise between Amhara and Tigray regions border dispute not settled yet. Yonantan said HoF based on its powers and function on entertaining cases which includes border disputes of states; it has limitation on the necessary expertise on border matters.¹⁰⁷ Those who are expertise due to its composition, most members of the HoF don not participate deeply on border matter, because of the time they are bounded which is not able the house to discuss border dispute settlement in detail.¹⁰⁸

Second, the house is not able to discuss in detail about inter-state border dispute due to the fact that the yearly number of meetings of the house is limited in number as prescribed by the Constitution HoF holds at least two sessions annually.¹⁰⁹ From this we can conclude that members of the house the time they are bounded to meet is not able to settle border disputes on the ground through delimitation and demarcation process taking in to consideration states Settlement patterns, language, identity and consent of the people.¹¹⁰

Third, HoF is not impartial and independent institution; experiences show that members of the HoF are simultaneously they are members of regional council. When there is an issue in the HoF, especially identity and self-determination questions members are not entertaining the question based on facts and evidences exist on the ground rather they inclined to the decisions of their respective regional state interest on the matter.¹¹¹ For instance, if there is an identity question in a given region and the response of that regional council is negative, then when the issue is tabled in the agenda of HoF there is no positive suggestion from council members of that region to see the case based on fact and law.¹¹²

¹⁰⁷ Yonatan Tesfaye (Ph.D) (2006) *Judicial Review and Democracy: A Normative Discourse on the(Novel) Ethiopian Approach to Constitutional Review* . Hein Online (<http://heinonline.org>).P75

¹⁰⁸ Ibid

¹⁰⁹ See Article 67(1) of the 1995 FDRE Constitution

¹¹⁰ See Article 46(2) of the 1995 FDRE Constitution

¹¹¹ Interview with ,Ato Worku Adamu, Identity and Constitutional Interpretation standing Committee Secretary General in the HoF, now he is living in Addis Ababa, (27/05/2011 E.C.) (8:00 local time) at Addis Ababa.

¹¹² Ibid

Therefore, the HoF in light of its institutional suitability and competency it is not playing its role in entertaining inter-state border dispute matters. Ultimately, this shade light on its function of maintaining a harmonious relationship between the states of the federation. To sum up, the HoF is an incompetent institution to settle inter-state border dispute.

3.6.4. Ministry of Peace

The other important institution to be mentioned here is Ministry of Peace. This institution is a newly organized institution by proclamation No. 1097/2018. Some of the powers and duties of this institution has a role in settling inter-state disputes and misunderstandings.¹¹³ As far as inter-state border dispute settlement concerned the Ministry of peace has given the power to facilitate the resolution of disputes that arise between states of the federation without the prejudice of article 48 and 62(6) of the FDRE Constitution.¹¹⁴

In my view ministry of peace is not institutionalized in having the capacity to settle inter-state border disputes. As the proclamation stated under article 13(1) (p) it has given the power to facilitate resolution of disputes without affecting the power given to the HoF as per article 48 and 62(6) of the Constitution. From this one can understand that there is no new achievement in this institution so as to settle inter-state border disputes through delimitation and demarcation taking in to consideration history, language, wishes of people, psychological make-up and so on. Ministry of peace is vested the former powers of Ministry of Federal and Pastoralist Development Affairs. This idea is stated based on the following provision.

“The powers and duties given to the Ministry of Federal and Pastoralist Development Affairs by the provisions of other laws currently in force are hereby vested in the Ministry of Peace.”¹¹⁵

According to the new Ministerial structure the former Ministry of Federal and Pastoralist Development Affairs is organized as one directorate under the newly established Ministry of

¹¹³ See Article 13 of Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia proclamation No.1097/2018

¹¹⁴ See Article 13(1)(p) of Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia proclamation No.1097/2018

¹¹⁵ See Article 13(2) of Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia proclamation No.1097/2018

Peace. The history of Ministry of Federal Affairs shows that it had functional problem to settle inter-state border disputes effectively. Due to that we are looking millions of Ethiopian people displacement here and there. In general, Ministry of Peace is not organized to become functional towards resolving inter-state border dispute effectively.

Chapter Four

Settlement of Inter-state Border Dispute in Ethiopian Federation: The Case of

Amhara and Tigray Regions

4.1. Introduction

This chapter examines the inter-state border dispute between Amhara and Tigray regions. Accordingly, how the boundary making process and the process of evolution of regional administrations has created friction between Amhara and Tigray region will be explored.

Amhara and Tigray belong to the sematic language group in the Horn of Africa and they have similar livelihood practice: farming and trade are common practices.¹¹⁶ Religiously the majority of the population of Amhara and Tigray is the followers of Orthodox *Tewahido* Christian religion with a large number of followers of Islam in both regions.¹¹⁷

The boundary between Amhara and Tigray regions was redrawn in 1991/92 by the EPRDF's government along with the decision to create national/regional self-government throughout the country. The Amhara and Tigray regions share a long boundary that stretches many Kilometers. Both regions were key players in the coming to power of EPRDF. The relationship between the Amhara and Tigray mostly remained in the realm of culture and local alliance formation until it began to change and became politicized because of the structure of regional administration of the federation and the emergence of political salience of ethnicity.

Based on the 1991 Charter of the transitional period, which granted the right to self-determination of the ethno-linguistic groups in the country, the National/Regional Self-Governments Proclamation No, 7/1992 was enacted to, as the name indicates, reorganize the country into self-governing regions.¹¹⁸ For instance, region one includes *Tigray, Saho & Kunama*; and region three includes Amhara, Agew-Kamirgina, Agew-Awungigna and Oromo (around Kalu).¹¹⁹ In general there were fourteen Regional Self-Governments were established. As far as

¹¹⁶Fisaha Asfaw (Ph.D) (2015), *ye'Ethiopia biheresbochin yemiglti tinatawi mzekir*, p 29&118

¹¹⁷Mahabere Kidusan (2008), *Hamere Tewahido*. P 199 which is written based on 1994 CSA.

¹¹⁸ Preamble of National/Regional Self-Governments Proclamation No, 7/1992

¹¹⁹ Ibid

delimitation of border of National Self-Governments is concerned the adjacency of territory settled by a nation, nationality people was used for delimitation of borders of National Self-Governments.¹²⁰ Border of *woredas* exist before 1974 was used as a basis of delimitation of the borders of adjacent National Transitional Self-Government until geographical borders of each nation, nationalities and people were to be specifically laid dawn.¹²¹

In the process of delimitation, with regard to *woredas* that have more than one nation or nationality or people the proclamation stated that the nations, nationalities and peoples would be incorporated within the nation that have more than 50% of the population.¹²²

According to the 1995 FDRE Constitution states of the federation are delimited on the basis of their settlement pattern, language, identity and consent of the concerned people.¹²³ The Constitution lists nine member states of the federation.¹²⁴ Unlike National/Regional Self-Governments Proclamation No, 7/1992 which lists regions by number, the FDRE Constitution changed this from numeric to titular while the numbers of states were reduced to nine from fourteen. In addition, the constitution has given six states the name of the dominant ethno-linguistic groups inhabiting them.

Both National/Regional Self-Governments Proclamation No, 7/1992 and the 1995 FDRE Constitution did not state anything about the beginning and end of each regions/states border delimitations and demarcations except stating the criteria by which regions and states delimited. This has resulted in problems such as the one between Amhara & Tigray regions and in other parts of the Ethiopian federation. Especially the tension between Amhara and Tigray regions is more sophisticated than other member states of the federation that has similar dispute.

4.2. The Cause of Amhara-Tigray Border Dispute

Amhara-Tigray regions inter-state border dispute is caused by the claim of *Wolqayit* and *Raya* people to be made part of Amhara region formerly which were under the administration of

¹²⁰ See article 4(1) of National/Regional Self-Governments Proclamation No, 7/1992

¹²¹ See article 4(2)(a) of National/Regional Self-Governments Proclamation No, 7/1992

¹²² See article 4(2)(b) of National/Regional Self-Governments Proclamation No, 7/1992

¹²³ See article 46(2) of the 1995 FDRE Constitution

¹²⁴ See article 47(1) of the 1995 FDRE Constitution

Gondar Teqilay Gizat and *Wollo Kfile Hager* both part of the present Amhara region.¹²⁵ After the *Wolqayit* and *Raya* Identity Committee submitted identity determination claim in a formal and organized way by stating that the Amhara Nationalities that are in *Wolqayit* and *Raya* community faced infringement of their language, culture and history right, there is violation of Human Rights and Resource conflict. Due to this the people of Amhara influenced ADP to take the issue as a home work for the return of *Wolqayit* and *Raya*. ADP also believes that these areas were delimited to Tigray without consultation of the people. In 1991 there was not a well-organized administration in the Amhara region since it was the immediate aftermath of the dawn fall of the Derg. There is no evidence about who took part in the delimitation decision representing the Amhara. That is why ADP in its twelvth organizational decision has expressed its stand about “border change” and since then the issue has become inter-state border dispute.

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4.2.1. *Wolqayit*

Wolqayit, *Tsegede* and *Tselmit* areas include: *Qaftia*, *Humera*, *Wolqayit Tsegede* and *Tselemit* areas.¹²⁷ Formerly these *wordas* were under the administration of *Begemidir Teqilayi Gizat Gondar Kifle Hager* located North West of *Wogera Awuraja* and which were the historical fertile land of Gondar. According to my informant most of *Wolqayit*, *Tsegede* and *Tselemit* people are Amharas and in that *Amharic* and *Tgregna* are spoken in their own accent in boundary areas.¹²⁸ Moreover, the *Wolqayit* Amharas due to their interaction with the Sudan people, they speak Arabic language as well.¹²⁹

The Tigray elites claim that *Wolqayit* is historically part of Tigray.¹³⁰ But this claim is not supported by any concrete documentary or evidence. In fact speaking in terms of region it is true that *Wolqayit* was not part of “Amhara Region”, because before the creation of regions by the

¹²⁵Interview with Goshu Endalamaw, ADP Office head to the Branch of Addis Ababa (29/05/2011 E.C.) (3:00 local time) at Addis Ababa

¹²⁶ Ibid

¹²⁷ Chuchu Alebachew (2019), *Daget Yabretaw Yeamara Finot*, p 350

¹²⁸ Ibid

¹²⁹ Ibid

¹³⁰Interview with Gebreyesus Woldegerima, senior politician in TPLF office and Organizational Affair Head Person in Addis Ababa. (29/05/2011 E.C.) (10:00 local Time) at Addis Ababa

1995 Constitution there was no regional administration. Likewise, there was no Tigray region, rather there was Tigray *Teqilay Gizat*.

Based on the information taken from the housing and population census report of 1994 and 2007 in *Wolqayit* the number of the Amhara ethnic nationalities has decreased by ten thousands as compared to Tigrayans when it is considered from the 1994 to 2007 censuses. It is not known where these people have gone. The population of Amhara Nationalities is not growing like the population growth rate of Tigray Nationalities.¹³¹ It needs further study, because the population should not be this when it is examined scientifically based on population growth rate projection and it is assumed that there is abnormal demographic change. Citing this and other reasons the *Wolqayit* Amhara Identity Committee did not accept referendum as a solution. Increasing number of Tigrayans populate the contested area through resettlement and villagization.¹³²

My informants depict that when *Wolqayit* was delimited to Tigray, the *Wolqayit* people were not consulted as regard to which region Amhara or Tigray they would want to be part of region.¹³³ Thus, the inclusion of *Wolqayit* in to Tigray region was purely a political decision.¹³⁴ There was no specific law enacted to this effect.

According to Chuchu Alebachew, there was a conference about issues of delimitation of administrative boundary to be conducted based on language, culture, psychological makeup, and identity tabled for discussion by the then EPDM & TPLF leaders who were leading Gondar area.¹³⁵

Accordingly, leaders who chaired the conference expressed that regional states will be delimited on the basis of their culture, language, history identity, psychological make-up, contiguous territory and the conference is concluded in a unanimous agreement.¹³⁶ However, a road map or the plan set by EPRDF explained by the conference stated that *Wolqayit* is delimited to Tigray

¹³¹ 1994 and 2007 CSA Report cited by Chuchu Alebachew(2019) Daget Ybretaw Yeamhara Finot page 76

¹³² Interview with AtalayZafu, Wolqayit Identity Committee Vice Chairman now he is living in Gondar, (08/05/2011 E.C.) (7:00 local time) at Gondar.

¹³³ Interview with Nurlgn Demeke formerly he was in Wolqayit now he is in Gondar (08/05/2011 E.C.) (10:30 local time) in Gondar

¹³⁴ Interview with Alehegn Kume, formely he was resident of Wolqayit now he is in Gondar Gondar (08/05/2011 E.C.) (9:00 local time) in Gondar

¹³⁵ Chuchu Alebachew,(2011), Daget Yaberetaw Yeamhara Finot. P 347

¹³⁶ Ibid

without consideration of the criteria used to delimit states of the federation. Finally EPRDF faced disagreement and objection by the then rebel fighters of EPDM due to delimitation of Tigray across *Tekeze* River towards Gondar.¹³⁷

4.2.2. *Raya*

Raya is located in North East Ethiopia comprising *Alamata, Ofla, Mohoni and Chercher Woredas*. Before 1991 these areas were in different *Teqilay Gizat* that was *Alemata and Ofla* under Wollo and *Mohoni and Chercher* under Tigray *Teqilay Gizat*.¹³⁸ Within these two *woredas* there were predominantly Amharic speaking *Kebelles* but without their consent they were included into Tigray regions.¹³⁹

Dr. Sisay Menigiste in this regard stated that the TPLF has made National/Regional Self-Governments Establishment Proclamation No, 7/1992 and it has influenced the making of the 1995 FDRE Constitution and then when it comes to its interest it has violated both the proclamation and the Constitution, because, to incorporate a very wide area from Gondar and Wollo, the delimitation criteria such as; language, identity, consent of the people expressed by the proclamation and the Constitution were not properly used.¹⁴⁰ *Raya* as a community has its own various diverse identity and it could not be easily identified with its neighboring ethnic group.¹⁴¹ Concerning language Amharic, *Rayigna* (traditional it is known as *Rayas Tigregna*) and *Oromifa*, within *Ofla, Woreda Kebelles Agewugna* is spoken.¹⁴² In fact *Raya* previously includes the area of *Raya & Kobo* and *Raya & Azebo Woredas* which covers the area from *Alawuha* up to *Hewane*.¹⁴³ *Raya* community has strong social, cultural, political interaction with *Yeju, Lasta, Wag* and *Enderta* communities.¹⁴⁴ Based on my observation *Raya* is rich in fertile soil and water resource and it is a well-known productive farming area.

¹³⁷ Ibid

¹³⁸ *Raya* Community identity Committee position Expression documents, gained from the archive of the committee. p 4

¹³⁹ Interview with Sisay Mengiste (Ph.D) Assistant Professor of Federalism Studies at AAU College of Law & Governance, Now he is in Addis Ababa, (24/05/2011 E.C.) (8:00 local time) at Addis Ababa

¹⁴⁰ Ibid

¹⁴¹ Supra Note 135

¹⁴² Supra Note 138, P 4

¹⁴³ Ibid

¹⁴⁴ Ibid

4.3. The Course of the Dispute

The Amara-Tigray Border dispute has passed different paths. The *Wolqayit* Amhara Identity Committee has submitted a letter to Tigray National Regional Council and HoF in the year 2016.¹⁴⁵ The Raya Identity Committee also wrote a letter to Tigray National Regional Council and to the HoF in claiming its identity recognition in October 2018.¹⁴⁶ Along with this, there has been a tension between ADP & TPLF and elites of both regions. To ease these attempts were made to encourage people to people communications between Amhara and Tigray regions. The “peace conference” in Mekelle and Bahir Dar were notable events in this regard. Once it was made formally aware of the claims. The HoF has made different suggestions with letter addressed to both Identity Committees and to National Regional Councils of Amhara and Tigray to resolve their problem through peaceful means.¹⁴⁷

4.3.1. The *Wolqayit* Amhara and *Raya* Community Identity Committee claim

The *Wolqayit* Amhara Identity Committee states that their identity is Ethiopian identity that their ancestors made sacrifices for its independence and integrity.¹⁴⁸ According to their application submitted to the HoF the cause of their identity claim is the violation of their language right, violation on promotion of their culture, denial of self-identity, infringement of self-administration rights and Human and democratic rights.

The Committee has stated that *Wolqayit* Amhara have no any relation with Tigray in terms of its culture, psychological makeup and identity.¹⁴⁹ The *Wolqayit* Amhara identity question start early 1992 when *Wolqayit* was delimited to Tigray, but the *Wolqayit* Amhara people attitude at that time was claiming its identity and self-determination rights will not be resolved democratically.¹⁵⁰ The *Wolqayit* identity Committee has submitted its identity claim to the HoF by citing article 39(2) & 39(5) the 1995 FDRE Constitution and stating that the constitutionally guaranteed and recognized rights to speak in its own language, to express, promote its culture

¹⁴⁵ A letter written to Tigray National Regional council from the HoF in the date 26/07/2008 E. C.

¹⁴⁶ Interview with Agizew Hidaru (Ph.D candidate at AAU school of Ethiopian Studies), chairman of Raya Identity Committee, (23/05/2011 E.C.) (7:30 local time) at Addis Ababa

¹⁴⁷ A letter written to *Wolqayit* Identity Committee and to Tigray National Regional council on 4/10/2010 and 26/07/2008 E.C respectively.

¹⁴⁸ A letter written to the office of HoF by *Wolqayit* Identity Committee on the date 16/05/2008 E. C.

¹⁴⁹ Ibid

¹⁵⁰ Ibid

and preserve its history.¹⁵¹ In addition, the Committee has stated that “Nation Nationality or People” is defined as per article 39(5) of the Constitution, in light of this the Committee has expressed that they have common culture, mutual intelligibility and a common psychological make-up with the Amhara people. Although delimitation of states is based on language, identity, settlement pattern and consent of the people, the *Wolqayit* Amhara people were included in Tigray region without their wish. The Committee expressed that in the last 27 years there is a practice of government officials replacing Amhara identity by Tigray identity forcefully.¹⁵² In conclusion, the Committee in its application expressed that they need to be placed in the Amhara National Regional State Administration with whom their identity is similar and where it will be respected.¹⁵³

When we come to the Raya Community Identity Committee, their claim is more or less similar with the *Wolqayit* Amhara Identity question. Raya Community has Ethiopian diverse identity. They are multi-lingual. They speak *Rayigna*, Amharic, *Oromigna*, and they believe that they are not speakers of Tigregna.¹⁵⁴ Like the *Wolqayit* case, Raya identity Committee states that their constitutional rights of article 39(2) are violated and the delimitation process in 1992 was not democratic and was made without consent and consultation of the people and without consideration of article 39(5), the Raya people was placed in Tigray giving rise to infringement of promotion of their culture, identity and political wish.¹⁵⁵ Their objection of the delimitation process manifested based on their statement in the following manner:

“አከላለሉ ማንነትን፣ ታሪካዊ፣ ባህላዊና ስነልቦናዊ ትስስርን እንዲሁም አስተዳደራዊ አመችነትንና የህዝቡ ፍላጎትን መሰረት ያላደረገ እስከሆነ ድረስ የሁሉም ችግሮች መሰረታዊ መነሻ አከላለሉ የፈጠረው ነው። ማንነትን ማረጋገጥ ከሁሉም በላይ መቅደም ያለበት አብይ ጉዳይ ነው። የተጨቆነና ነጻነት የሌለው አእምሮ አምራችም እንዲሁም ፈጣሪም ሊሆን አይችልም። ነጻነት ራሱራሱን የቻለ አድገት ነው። የአእምሮና የመንፈስ እንዲሁም የስነልቦና ነጻነት የነጻነቶች ሁሉ ቁንጮ ነው። ማንነቱን የተጎናጸፈ፣ በተጠቁነትና የጭቆና ስነልቦናና ስሜት ውስጥ የሌለ ወጣትና ዜጋ ነው አምራችም ፈጣሪም ተመራማሪም ሊሆን የሚችለው። ነጻነት የሌለው አእምሮ ላይሰብና ላይሰራ ተከርካሞ የተቀመጠ አእምሮ ማለት ነው። የራያ ለም መሬት እስከ አሁን ድረስ ያልለማው የመልካም አስተዳደር ችግር ስላለ

¹⁵¹ A letter written to the office of HoF by Wolqayit Identity Committee on the date 16/05/2008 Ethiopian Calendar

¹⁵² Ibid

¹⁵³ Ibid

¹⁵⁴ Position expression paper, p 8, available in the documentation of Raya Community identity Committee.

¹⁵⁵ Ibid

ሳይሆን ማህበረሰቡ በማንነት ጭቆና ስር በመሆኑና ማንነቱን በሙሉ አውልቆ ጥሎ ስርዓቱ ያስቀመጠለትን ባእድ ማንነት እስኪቀበል ድረስ በጅጋር እንዲገረፍ የፖለቲካ ወሳኔ ስለተወሰነበት ነው።”¹⁵⁶

Based on my interview, the wishes of *Raya* community is to be made part of the Amhara People. As it was noted earlier, during the transitional period from 1991-1992 they were placed in Tigray region without their consent.¹⁵⁷ Finally, the *Raya* community who are in Tigray want to be included in the Amhara National Regional State with whom they have strong psychological ties, and they believe that TPLF wants the natural resource not the people, so that to be treated like *Raya Kobo* area people they express to be made part of Amhara region to live with Wollo Amhara like Waghimira, Oromo nationalities.¹⁵⁸

4.4. Views of Actors on the Structure of Regional Administrations

In response to the application that was lodged to the HoF, the House said that, the *Wolqayit* issue was submitted to it before exhaustion of regional level remedies. Because of this, the HoF didn't entertain the issue and rejected the application of the *Wolqayit* identity committee as stated through letter sent to the *Wolqayit* identity committee.¹⁵⁹

The other problem is the Amhara national regional government didn't apply on the question of boarder matter to the HoF. The Tigray regional government, on the other side stated that the problem or the identity issue claimed by *Wolqayit* Amhara identity committee is a matter to be dealt with by the Tigray region. According to the Tigray region, the matter is an intra-state matter and it is not an identity question but rather it is minority issue. The committee can request minority rights protection if there is any complaints in that regard.

The Amhara Regional government pushes its claim through the political arena. When the border between Amhara and Tigray was delimited the decision was taken in the year 1991, the decision was taken without any legal ground and consultation of resident of *Wolqayit* from Gondar and

¹⁵⁶ Supra Note 154 P27

¹⁵⁷ Interview with Wudu Getahun, farmer in Raya,(04/05/2011) (3:00 Local time) in Raya

¹⁵⁸ Position Expression paper of Raya Community Identity Committee, p 30 available in the documentation of Raya Community identity Committee

¹⁵⁹ A letter written to *Wolqayit* Identity Committee on 4/10/2010 Ethiopian Calendar.

Raya form Wollo.¹⁶⁰ It is widely believed in the Amhara, region that *Wolqayit* and *Raya* have been taken by the unilateral decision of the then dominant political party, TPLF.¹⁶¹

Currently, the Amhara Region is openly claiming *Wolqayit* and *Raya* as one can infer from the regional council's discussions and the Council has decided that the 1995 FDRE Constitution needs to be amended.¹⁶² Due to this, Amhara and Tigray regions faced border conflict early before the present change came. Finally the *Wolqayit* and *Raya* identity issues lead to inter-state border dispute between the two regions because, the Amhara people, Amhara political activists, opposition parties of the region / NAMA, ADPM etc../pressured ADP to make up for the historical fault it has made by doing nothing while *Wolqayit* and *Raya* were incorporated in to Tigray.¹⁶³ ADP seems persuaded by the above pressure which led to the contestation between the two regions. As a result, the two regional states Special Forces are settled in the border areas of Amhara and Tigray regions with war Weapons.¹⁶⁴

As far as settlement of the dispute between Amhara and Tigray regions is concerned the two sides seem to have different suggestions. On the side of the Tigray region, it was made clear during the time of discussion on the law on the establishment of Administrative Boundaries and Identity Affairs Commission that if there is identity question within Tigray region, it should be settled by the constitution, because the constitution has stated that the procedures and the legal ways for the settlement of identity issues.¹⁶⁵ TPLF believes that in addition to the constitution, there is Consolidation of the House of the Federation and Definition of its Powers and Responsibilities Proclamation No. 251/2001 which is used to settle matters of identity and

¹⁶⁰ Interview with Goshu Endalamaw, ADP Office head to the Branch of Addis Ababa (29/05/2011 E.C.) (3:00 local time) at Addis Ababa

¹⁶¹ Interview with one of party member of NAMA, (28/05/2011) (3:00 local time) in Addis Ababa

¹⁶² Based on its permanent session *Miyazya* 29/2011 E.C. the council discussed on all round interests of the Amhara people in that the FDRE Constitution is determined as it is didn't include the Amhara people wishes including its border matter and the Constitution is also considered as it has marginalized the region then the council reached in conclusion of amendment of the Constitution.

¹⁶³ Interview with former party member of ADP and senior politician and political analyst, now he is in Addis Ababa, (29/05/2011 E.C.) (5:00) at Addis Ababa.

¹⁶⁴ Ibid

¹⁶⁵ Amanuel Assefa, the Tigray National Regional State Justice Bureau head, in ETV discussion. Available at <https://www.youtube.com/watch?v=igMfsCIEpSM> retrieved on May 6, 2019

boundary conflict so that no need of establishment of Administrative Boundaries and Identity Affairs Commission.¹⁶⁶

In addition, the Tigray politicians and Senior party officers argue that to settle the identity issues there is no problem concerning legal and institutional set up, so that by using the constitution and other laws the HoF and the Tigray regional state council can respond to the identity matters through the procedures that are provided under the 1995 FDRE constitution and procreation No. 251/2001 if there is any identity question, but there is no any identity and self-determination question in Tigray Region.¹⁶⁷

When it comes to the Amhara region very different view of the problems exist which could be summarized as follows.

A. Both *Wolqayit* and *Raya* are parts of the Amhara. It is widely held that during the Transition period these places were incorporated into Tigray forcefully through unilateral decision without consultation of the whole population living there.¹⁶⁸ The Amhara region's public opinion is that since *Wolqayit* and *Raya* are taken by a political decision, it should be returned for the Amharas through political decision, because TPLF has changed *Wolqayit* demography through resettlement and villagization starting from 1991.¹⁶⁹ Thus, legal means will affect the interest of the Amhara because if the matter is to be settled by referendum owing to the deliberate demographic change brought about by TPLF, it will be an exercise in legalization of the acts of latter. The expectation therefore is that the newly established Administrative Boundary and Identity Issues Commission has to try to resolve the problem by taking in to consideration the historical background of *Wolqayit* and *Raya*.¹⁷⁰

¹⁶⁶ Ibid

¹⁶⁷ This idea is suggested at time of interview with Gbreyesus Woldegerima who is TPLF Organizational head to the Office of Addis Ababa branch, he said that there is no any identity question raised in Tigray region. And, in Tigray there is no any nationality other than *Tigraway*, *Erope* and *Kunama* who are living peacefully, in addition from *Wolqayit* or *Raya* there is no identity question, they are *Tigraway* living peacefully and they have no any representative of identity committee, if there is that is a group that have political mission to get some sort of profit in disturbing the region. (29/05/2011 E.C) (10:00 local time) at Addis Ababa

¹⁶⁸ Interview with one of NAMA member, who is working in Addis Ababa, (28/05/2011 E.C) (4:00 local time)

¹⁶⁹ Ibid

¹⁷⁰ Ibid

B. The 1995 FDRE Constitution did not represent the Amhara people, since it is proclaimed without full participation and discussion of the Amhara people, because of this, as far as the 1995 FDRE constitution is not a legitimate document for the Amhara people, institutions like HoF provided by the Constitution are also not legitimate institution that can respond to the Amhara people's interests. The *Wolqayit* and *Raya* identity claims which were submitted to the concerned body have been dubbed baseless by these bodies the Constitution should be amended to provide for a suitable body that can resolve Amhara and Tigray regions inter-state border dispute.¹⁷¹

C. *Wolqayit* and *Raya* are the historical places of Amhara people. Before the coming in to power of the EPRDF, *Wolqayit* was under Gondar and *Raya* was under Wollo, so that, without any reason they are taken by TPLF to expand Tigray Region administration area to achieve a project so called Greater Republic of Tigray designed by TPLF and this action has different economic and political reasons and assumptions.¹⁷²

1. Politically, TPLF's motivation is to share border with Sudan and Eritrea in North West part of Ethiopia if Tigray is to be separated from Ethiopia based on article 39 of the FEDRE constitution. This is the reason that TPLF delimited its boundary by crossing Tekze River. The other political reason is taking *Wolqayit* and *Raya* areas enables to get more political representation in the HPR in periodic national elections.¹⁷³

2. From the economic angle *Wolqayit* and *Raya* areas are endowed a fertile land suitable for different cereal and cash crops. This economic attractions of the two areas were catalysts for the decision taken by the then powerful TPLF.

4.5. How the HoF Entertained the Inter-State Border Dispute between Amhara and Tigray Regions

The *Wolqayit* Amhara identity committee wrote a letter to Tigray National Regional Council and for the concerned regional offices on November 17, 2014. But the Tigray National Regional State Council did not entertain the application. The committee then wrote two applications for

¹⁷¹ One of my informant from Gondar, who is displaced from *Wolqayit* and assistant of *Wolqayit* identity Committee in Gondar,(30/05/2019) (5:00), at Addis Ababa

¹⁷² Interview with Sisay Mengiste (Ph.D),Assistant Professor of Federalism Studies at AAU College of Law and Governance, now he is in Addis Ababa,(24/05/2011 E.C.) (8:00 local time) at Addis Ababa

¹⁷³ Ibid

HoF in February and March 2016 asking for the respect of their identity and related constitutional rights.¹⁷⁴ The HoF, by the signature of the then speaker of the House, his honorable Mr. Yalew Abate wrote a letter to Tigray National Regional Council in stating that the identity and related constitutional rights to be given a solution by Tigray National Regional Council as per proclamation No, 251/2001, article 20 in accordance with the decision and directions of the House.¹⁷⁵

Further, after two years in May 2018 the *Wolqayit* Identity Committee submitted its identity claim through application to the HoF by stating that the Tigray National Regional State Council did not respond and entertain their claim.¹⁷⁶ In this regard, the HoF on its part sent a letter to *Wolqayit* Identity committee by the signature of speaker of the House, Her Honorable Ms. Keria Ebrahim. As noted in letter HoF rejected the claim for two reasons:¹⁷⁷

1. The claim of *Wolqayit* Identity Committee did not exhaust regional level remedy, because there is no any evidence that show the Tigray National Regional Council decision on *Wolqayit* identity matter in light with article 20 of Consolidation of the House of the Federation and Definition of its Powers and Responsibilities Proclamation No. 251/2001.
2. The letter stated that as there is no evidence to which the committee is legally established as per article 21(1) and (2) of Consolidation of the House of the Federation and Definition of its Powers and Responsibilities Proclamation No. 251/2001.

But, according to Atalay Zafu¹⁷⁸ the *Wolqayit* identity Committee has fulfilled all the requirements necessary to request the recognition of their identity and related constitutional

¹⁷⁴ A letter written to the *Wolqayit* identity Committee from the HoF, by the signature of his Honorable Keriya Ebrahim, Speaker of the HoF on the date of 04/10/2010 Ethiopian Calendar, gained from the archive of the HoF.

¹⁷⁵ A letter written to the Tigray National Regional State Council from the HoF, by the signature of his Honorable Yalew Abate, the former Speaker of the HoF on the date of 26/07/2008 Ethiopian Calendar, gained from the archive of the HoF.

¹⁷⁶ Supra Note 174

¹⁷⁷ Ibid

¹⁷⁸ Interview with, Atalay Zafu, *Wolqayit* Identity Committee Vice Chairman now he is living in Gondar, (08/05/2011 E.C.) (7:00 local time) at Gondar.

rights and that two years elapsed since the application was submitted to the Tigray National Regional State Council.¹⁷⁹

In my view, the two letters written to the *Wolqayit* Amhara Identity Committee by HoF have contradiction, in that the first letter written and signed by Mr. Yalew Abate has put a direction to the Tigray National Regional State Council to give response to the *Wolqayit* Identity Committee for its identity claim as per the decisions of the HoF in its regular session, but the second letter written to the *Wolqayit* Identity Committee did not state anything about the first letter of the HoF to the Tigray National Regional State Council. Furthermore, the second letter does not make any reference to the decision of the HoF based on which the letter was written.

This researcher has been informed that two years have elapsed since the application of the *Wolqayit* identity Committee was submitted to the Tigray National Regional State Council.¹⁸⁰ But there has not been any attempt to look in to the problem from Tigray region's point of view. Instead the regional government has engaged in the eviction and jailing of the proponents of the identity question in what some claim to be ethnically motivated.

Based on the facts and evidences gathered from the HoF and the people who are interviewed the HoF as a constitutionally established institution haven't done any effort to respond the identity question submitted to it though it has counted more than two years after the *Wolqayit* identity committee has been submitted its identity question to the Tigray national Regional State Council. In this regard the law states the following:

“The question may be referred directly to the House if it has not been decided within two years, or if the decision made dissatisfied the concerned party.”¹⁸¹

In light of this, the HoF is expected to respond the identity claim and to resolve the inter-state border dispute between Amhara and Tigray but nothing has been done. This amounts we have no

¹⁷⁹ Interview with Atalay Zafu, *Wolqayit* Identity Committee Vice Chairman now he is living in Gondar , (08/05/2011 E.C.) (7:00 local time) at Gondar.

¹⁸⁰ Interview with Senior expert in the HoF don't want to express his name, in Addis Ababa, (27/05/2011E.C.) (10:30 local time) at Addis Ababa.

¹⁸¹ See article 20(3) of Consolidation of the House of Federation and Definition of its Power and Responsibilities proclamation No. 251/2001

effective institutional and legal framework used to resolve inter-state border dispute and identity questions.

The debate that political decisions should be regulated by political decisions, which is the stand of National Movement Amhara (NAMA), does not hold water. But political decision may help so as to amendment of the Constitution if it has the effect in the realization of establishment of impartial and independent institution used to settle identity questions and inter-state border dispute. I believe that the rule of the game should be respected unless the Constitution is amended the Amhara-Tigray border dispute should be resolved by law that includes the 1995 FDRE constitution, Consolidation of the House of the Federation and Definition of its Powers and Responsibilities Proclamation No. 251/2001, and Administrative Boundary and Identity Issues Proclamation No.1101/2019.

Chapter Five

Conclusion and Recommendation

When regional administrations were drawn as per article 46(2) of FDRE Constitution and article 3(1) of National/Regional Self-Government Proclamation No,7/1992 the formula was language, history, psychological make-up and consent of the people, however the process of formation of regional administrations lacked legitimacy ,because different sources affirms that there was no research and proper consultation of nation, nationalities and peoples at time of delimitation of regions which germinates different identity questions. Even in the archive of the HPR there is no any minute that states beginning and end of delimitation and demarcations of inter-states boundaries. In addition, both the Constitution and proclamation No, 7/1992 did not state anything about the beginning and end of each regional administrations demarcation, or border of states. That is why inter-state border dispute has become a nationwide problem.

Our experience shows that we have weak institutional and legal set up to resolve inter-state border disputes. The inter-state border dispute between Amhara and Tigray regions caused by *Wolqayit* and *Raya* shows that we are unable to build effective legal and institutional mechanisms of inter-state borders dispute settlement.

The HoF is not free from the political influence of the leading party, its members are not legal experts or have no enough legal knowledge; rather they are political representatives and for the last 27 years the HoF is not effective especially in settling inter-state border dispute and identity questions. Thus, in lasting peace, administrative boundaries not to be further cause of conflict in Ethiopian Federation if the Constitution is amended we need to have a Constitutional Court that empowered to entertain identity, self-determination rights and inter-state dispute matters impartially and independently. The experience of other states that have Constitutional Court shows that they are effective in settling Constitutional matter dispute because as researches shows that appointed judges of constitutional court are University Professors who teach Constitutional Law for many years and senior judges who worked at a Supreme Court.

The Inter-state boarder dispute between Amhara and Tigray Regions has to be settled amicably. ADP and TPLF should negotiate politically to settle the dispute by giving the chance to the

people to choose their feat, whether to be delimited to Amhara region or Tigray region. Instead of entering in to clash in the border areas with arm weapons the two sister parties that are within one front /EPRDF/ should compromise the problem in a way that will foster brotherly relation between Amhara and Tigray people. This solution is a win-win approach so that it will create a sense of solidarity of these blood and bone tied people.

The Tigray National Regional state council has not done any effort to give response for identity and related Constitutional rights. To protect the Constitution and Constitutional order and to keep the federal system it should open its door to give response for identity and related Constitutional rights democratically.

The *Wolqayit* identity issue application to the Tigray National Regional state council and related offices has passed two years after it has submitted its application to the HoF in the form of appeal based on article 20(3) of Consolidation of the House of the Federation and Definition of its Powers and Responsibilities Proclamation No. 251/2001. Due to the Tigray National Regional State did not do any effort to respond the identity issues submitted by *Wolqayit* Identity Committee, the HoF should respond the claim in accordance with this provision. In addition to this the Administrative Boundary and Identity Issues Commission should enter in to work immediately to alleviate the increasing number of identity and self-determination questions in order to ensure peace and stability in Ethiopian federation.

Concerning issue of Raya community identity claim, after the application submitted to the Tigray National Regional state council there is no any response from the council. So that, the committee should wait for the fulfillment of two years form the time of its application to submit appeal to the HoF, if remedy is not given by the Tigray National Regional state council.

Both regional governments should settle the Amhara-Tigray border dispute in peaceful and amicable manner. Additionally, ADP and TPLF as far as they are leading Amhara and Tigray Regions respectively, they should support, open their door and facilitate ways for the newly constitutionally established Administrative Boundary and Identity Issues Commission to resolve the border dispute.

The mother of every problem is the federal system Ethiopia pursues, pseudo federalism, the system is not adopted based on the context that Ethiopia has on the ground. Ethnic based federalism and the way regional states delimited as per their language and identity exposed Ethiopia to pay a price. Citizens are not treated as Ethiopian while they are living out of their region, there is force eviction, displacement and violation of human and democratic rights. Therefore, we need to have Constitutional amendment and redrawing of regional administrations based on research and reality on the ground.

Now a day, ADP, NAMA, *Wolqayit* Identity Committee, *Raya* Community Identity Committee and the Amhara People including other vibrant oppositions parties like ADPM are formally and informally claiming the return of *Wolqayit* and *Raya* to the Amhara region. For that they should politically negotiate for the amendment of politically imposed 1995 FDRE Constitution and the redrawing of regional administrations based on research. To do so they can push Administrative Boundary and Identity Issues Commission to enter in to work and to become effective in its task.

If referendum is fixed as a solution for *Wolqayit* and *Raya* identity questions, it has to be better in the following manner.

- a) The *Wolqayit* issue is more sophisticated than *Raya* due to the fact that the committee is claiming that there is a demographic change through resettlement and veilligization by the action of TPLF and which is supported by evidence taken from CSA. Thus, to secure justice, it is better to make participatory only the people who are living up to 1991 in *Wolqayit* area to decide their self-determination right through referendum. For this it is good to see *Silte* Case, land mark case, the way it separated from Gurage. All who claimed that “I am *Silte*” vote in the referendum then they become successful in their self-determination right. So now, people who are living in *Wolqayit* before 1991 should vote for referendum. One may ask about that of the fate of the people who are living in *Wolqayit* 1991 onwards. They are Ethiopian citizens who can live in the area with their constitutionally granted right. For instance, there are millions of Amhara Nationalities in Oromia region who are living there by resettlement and villagization process before 34 years. These people are living as a citizen but they are not participating in the administration process and they are not represented in any of two houses both in HPR and Oromia National Regional State Council.

b) In the case of *Raya* Community identity question the issue of demography change is not raised by the Committee and the people except individual elites of *Raya* natives displaced. Thus, in the future if they are invited for voting in referendum due to the diverse nature of *Raya* people it has to be given an alternative to vote so as to be within the administration of Amhara Region or Tigray Region.

To sum up, we need to have an independent, impartial, strong, and effective institutional and legal framework used to resolve inter-state border dispute and identity & self-determination and related constitutional rights within the Ethiopian federation.

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Interviews

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- ❖ Interview with Ato Atalay Zafu, Wolqyit Amhara Identity Committee Vice Chairman
- ❖ Interview with Gebreyesus Woldegerima senior politician in TPLF office and Organizational Affair head to the office of Addis Ababa
- ❖ Interview with Ato Goshu Endalamaw, ADP Office head to the Branch of Addis
- ❖ Interview with Ato Mustefa Nasser, a senior expert in the House of Federation
- ❖ Interview with Sisay Mengiste (Ph.D), Assistant Professor of Federalism Studies at AAU College of Law and Governance
- ❖ Interview with Ato Worku Adamu, Constitutional Interpretation and Identity Affairs standing Committee Secretary in the HoF
- ❖ Interview with Nurlgn Demeke formerly he was in Wolqayit
- ❖ Interview with Alehegn Kume, formely he was resident of Wolqayit
- ❖ Interview with Wudu Getahun, lives in Raya
- ❖ Interview with Yawukal Bekele, Constitutional Interpretation and Identity Affairs Directorate Director in the HoF,
- ❖ Interview with four persons from political party members and individuals who are unwilling to be mentioned by their name.

Appendices

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የፌዴሬሽን ምክር ቤት



The House of Federation
of
The Federal Democratic Republic
of Ethiopia

ቁጥር 6085/26/5/288
No
ቀን 4/12/2012
Date

**ለወልቃይት ህዝብ የአማራ ብሄርተኝነት አስመላሽ ኮሚቴ
ባለቤት**

ጉዳዩ፡- የወልቃይት ህዝብ የአማራ ብሄርተኝነት አስመላሽ ኮሚቴ

የቀረበውን የማንነት ጥያቄ ምላሽ ስለመስጠት

የወልቃይት ህዝብ የአማራ ብሄርተኝነት አስመላሽ ኮሚቴ አቋቁሙን ከታህሳስ 2007 ዓም ጀምሮ ለኢ.ፌ.ዴ.ሪ ፌዴሬሽን ምክር ቤት የማንነት ጥያቄ ማስገባታችሁንና እንዲሁም ታህሳስ 7 ቀን 2008ዓ/ም ለትግራይ ክልል ምክር ቤት የአማራ ብሄርተኝነት አስመላሽ ኮሚቴ ለሌሎች አካላት ጭምር ብናቀርብም ምላሽ ባለማግኘታችን የፌዴሬሽን ምክር ቤት ጉዳዩን እንዲይዘውና ከችግሩ ግዙፊት አንገር ምላሽ እንዲሰጡን እንጠይቃለን በሚል በቁጥር የወ/ሀ/የአ/ማ/ጥ/መ/4/10 በቀን 30/08/2010 በተጻፈ ማመልከቻ የማንነት ጥያቄ ማቅረባችሁ ይታወቃል።

እንደሚታወቀው የኢ.ፌ.ዴ.ሪ ፌዴሬሽን ምክር ቤት በሀገራችን ለአንቀፅ 62/3/ በተሰጠው ስልጣንና ተግባር መሰረት የብሄርተኝነት ማስገባት ለሌሎች የራስ እድል በራስ የመወሰን መብት በተመለከተ በሚነሱ ጥያቄዎች ላይ እንደሚወሰን ተደንገህ ይገኛል። ይሁን እንጂ ማንኛውም ብሄርተኝነት ብሄርተኝነት ወይም ህዝብ ማንነት አልታወቀልኝም የራስ በራስ ማስተዳደር መብቱ ተሸራርፏል፤ ቋንቋዬን፣ ባህሌጥን ታሪኬን የማሳድግበት ሁኔታ አልተመቻቸም የሚል እምነት ካደረግኩት ተዋረድን ጠብቆ ጥያቄውን ለምክር ቤት ማቅረብ እንደሚችል ሀገራችንን ተከትሎ ምክር ቤቱን ለማጠናከርና ስልጣን ተግባሩን ለመዘርዘር በወጣው አዋጅ ቁጥር 251/93 አንቀፅ 19/1/ተመላክቷል።

ሆኖም በ19/1/ የተመለከተው ጥያቄ ወደ ኢ.ፌ.ዴ.ሪ ፌዴሬሽን ምክር ቤት የሚቀርበው በክልሉ በሚገኙት የተለያዩ የመስተዳደር እርከኖች ቀርቦ አጥጋቢ መጥፎቻ ያልተሰጠው መሆኑ ሲረጋገጥ ብቻ ነው በሚል በተመሳሳይ በዚህ አዋጅ አንቀፅ 20 ላይ ተደንገህ እናገኘዋለን።

ከዚህ ጋር በተያያዘ ጥያቄው የነጥሪው ህዝብ ወይም የብሄርተኝነት ብሄርተኝነት መሆኑን ለማመልከት እንደአስፈላጊነቱ ከነጥሪው መካከል ቢያንስ አምስት ስመዎች ወይም ከብሄርተኝነት ብሄርተኝነት አባላት ቢያንስ አምስት ስመዎች የሰም ዝርዝር ፊርማና አድራሻ ወይም ለሌሎች ስሙን ለማስፈላገብ ይገባል። ለዚህም ማስገባት ለማስፈላገብ እንደሚገባው እና ለምክር ቤት ማስተዳደር አካል ባለስልጣን የተጻፈ ፊርማ ማስገባት ይገባል።





ቁጥር 166/የ/ፌ/ወ/ብ/ፊ
No. 166/የ/ፌ/ወ/ብ/ፊ
Date

ለትግራይ ብሔራዊ ክልላዊ መንግሥት ምክር ቤት
መሆል

ጉዳዩ፡- ለም/ቤቱ የቀረቡ ለቤቱታዎችን ይመለከታል

በትግራይ ብሔራዊ ክልላዊ መንግሥት ውስጥ የሚኖሩ የጭረትና የጭረት ሕዝቦች ተጠቃሚነት ነገ በሚል ጥር 25 ቀን 2008 ዓ.ም እና የካቲት 19 ቀን 2008 ዓ.ም የጉዳይ ለቤቱታ ለም/ቤታችን አቅርበዋል። በአቤቱታቸውም የማንነትና ተያያዥ ሕገመንግሥታዊ መብቶች እንዲከበሩልን የሚል ጥያቄ የቀረቡ ሲሆን የም/ቤቱ የሕገመንግሥት ትርጉምና የማንነት ጉዳዮች ቋሚ ኮሚቴ ጉዳዩን ተመልክቶ በትርቦ በተካሄደው የም/ቤቱ መደበኛ ጉባኤ ቀርቦ አቅጣጫ መቀመጫ ይታወቃል።

በዚህ መሠረት የፌዴሬሽን ም/ቤትን ለማጠናከርና ሥልጣንና ተግባርን ለመክርክር በመጣው አዋጅ ቁጥር 251/1993 ዓ.ም አንቀጽ 20 እንደተመለከተው እንዲህ ዐይነት ጥያቄዎች አስቀድመው በክልሉ በሚገኙት የተለያዩ የመስተዳድር አርኪናች ቀርቦ መፍትሔ የሚሰጣቸው ሲሆን ተጥታ ለም/ቤቱ ለቀርቦ እንደማይችል ግንዛቤ ተይዟል። በመሆኑም በአቤቱታ አቅራቢዎች የቀረበው የማንነትና ተያያዥ ሌሎች የመብቶች ጥያቄ በክልሉ በኩል መፍትሔ እንዲሰጠው ጉዳዩን የመለስን መሆንን እናሳውቃለን።



ከሰነድ ቁጥር
የሰው አባቶች
የፌዴራላዊ ምክር ቤት ለጊዜ

ግልጻዎች፡

- ለሕገመንግሥት ትርጉምና የማንነት ጉዳዮች ቋሚ ኮሚቴ
- ለፌዴሬሽን ም/ቤት ጽ/ቤት
- በፌዴሬሽን ም/ቤት
- ለአቤቱታ አቅራቢዎች ወኪሎች ባለቤት

በጣም አስቸኳይ

Guyyaa/ቀን: 22/08/1986
Date:
Lakk/ቁጥር: B.M.C.O.1/385/014
Ref. No.

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
ለፌዴሬሽን ምክር ቤት
አዲስ አበባ

ጉዳዩ:- ህዝብ ውሳኔ እንዲካሄድባቸው የምንጠይቀው አከባቢዎችን ማሳወቅ ይሆናል

በሱማሌና በአርሜያ ክልላዊ መንግሥታት አዋሳኝ ድንበሮች አከባቢ በየጊዜው ሲነሳ በነበረው የይገባኛል ጥያቄ ምክንያት ከ1985 ዓ.ም. ጀምሮ በአከባቢው ነዋሪዎች መካከል በተደጋጋሚ ግጭቶች እየተፈጠሩ የበርካታ ሰዎች ህይወት በከንቱ ጠፍቷል፤ ግምቱ ቀላል ነው የማይባል ንብረትም ወደሚል፤ አከባቢው ሁልጊዜ የንትርክ ቀጠና ሆኖ ስለቆዩ ሕዝቡ መልካም አስተዳደር አጥቶ በድህነትና በድንቁርና እየማቀቀ የተረጋጋ ሕይወቱን ሳይመራ እስካሁን መቆይቱ የሚታወቅ ነው።

*Emergency resolution
Finance Conference
Crisis and division
activities
dissemination
reference*

ይሁንና በሀገራችን የተሃድሶ እንቅስቃሴ ከተጀመረ ወዲህ የሁለቱ ክልል ከፍተኛ የአመራር አካላትና የፌዴራል ጉዳዮች ሚኒስቴር ባለሥልጣናት የወሰን ችግሩ የፈጠረውን ቀዳዳ ለመድፈን ባደረጉት ያላለሰለሰ ጥረት የተሻለ እንግራዊ መረጋጋት በመፈጠሩ በሁለቱ ክልል ሕዝቦች መካከል መሠረታዊ የወሰን ችግር አፈታት አትጣጫን ለማስጨበጥ እንድንሰማት የፈጸ ሰፋፊ የመዋቅርና ሕዝባዊ ኮንፍረንሶች በሁሉም የድንበር አከባቢዎች ተካሂዷል። በመሠረተ ሀሳቡ ላይ እገራዊ መግባባት ላይ በመደረሱም የሁለቱ ክልል ከፍተኛ አመራር አካላት በተለያዩ ጊዜያት ባደረጉት ስምምነት ይገባኛል ተጠይቆባቸው የነበሩት በርካታ ቀበሌዎች ቁጥር ከሁለቱም ክልል ሊቀነሱ ችሏል።

በመሆኑም አሁን ለፌዴሬሽን ምክር ቤት እየቀረብናቸው ያለው አከባቢዎች እስካሁን በተደረጉት ውይይቶች መግባባት ላይ ያልተደረሱባቸው አወዛጋቢ ቀበሌዎች ናቸው።

[Signature]
ይ.ኃ.ላ. ሳይ
ፕሬዚዳንት

የደረሰበት ቀን

ስለሆነም የፌዴሬሽን ምክር ቤት በሀገ. መንግስቱ አንቀጽ 62(6) እንዲሁም የፌዴሬሽን ምክር ቤትን ለማጠናከርና ሥልጣንና ተግባሩን ለመዘርዘር በወጣው አዋጅ ቁጥር 251/93 አንቀጽ 23-33 በተሰጠው ስልጣን መሠረት፡-

1. በአባሪ 1 ውስጥ በተዘረዘሩ 132 /አንድ መቶ ሠላሳ ሁለት/ ቀበሌዎች ላይ ጊዜ ሳይወስድ በአስቸኳይ ሕዝብ ውሳኔ (Referendum) በአከባቢው እንዲካሄድ እንዲያደርግልን።
2. በአባሪ ሁለት ውስጥ ባቀረብነው ህጋዊ ጥያቄ ላይ አግባብነት ያለው ውሳኔ እንዲሰጠን እየጠየቅን፤ ሁለቱንም ጥያቄዎችን የያዘ ዝርዝር 5 ገጽ ከዚህ ደብዳቤ ጋር አባሪ እድርገን መላካችንን እንገልጻለን።



ግልባጭ

- ☞ በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
- ☞ ለህዝብ ተወካዮች ምክርቤት
- ☞ ለፌዴራል ጉዳዮች ሚኒስቴር
- ☞ አዲስ አበባ
- ☞ ለፕሬዚዳንት ጽ/ቤት
- ☞ ለአስተዳደርና ፍትህ ጠቅላይ ጽ/ቤት
- ☞ ለአጎራባች ክልሎች ጉዳይ ጽ/ቤት
- ☞ አ.ክ.መ.መ.
- ☞ ለምሥራቅ ሐረርጌ ዞን መስተዳድር ጽ/ቤት
- ☞ ሐረርጌ
- ☞ ለምዕራብ ሐረርጌ ዞን መስተዳድር ጽ/ቤት
- ☞ ጭር
- ☞ ለባሌ ዞን መስተዳድር ጽ/ቤት
- ☞ ሮቢ
- ☞ ለቦረና ዞን መስተዳድር ጽ/ቤት
- ☞ ያቢሎ
- ☞ ለጉጂ ዞን መስተዳድር ጽ/ቤት
- ☞ ነጌሊ

የግብርና ሚኒስቴር ጽ/ቤት ለግብርና ሚኒስቴር ጽ/ቤት ለግብርና ሚኒስቴር ጽ/ቤት

የራያ ማንነት አስመልክቶ ስልጠና
Rayan Identity Restoring Committee

ቀ. 29/02/11
ተ.የ.ራ. 001/2011

ሰትግራይ ብሄራዊ ክልል ምክር ቤት
ሰትግራይ ብሄራዊ ክልላዊ መንግስት ጽ/ቤት
መቐለ

ጉዳይ:- የራያ ህዝብ የማንነት ጥያቄና የድጋፍ ፊርማ የያዘ ሰነድ ስለመላክ

በየጎኛውም የኢትዮጵያ ሕዝብ የሚኖሩ ኢትዮጵያን ሁኔታዎች በፈቃደኛ መልኩ ባህላቸውን ቋንቋቸውን ለሌሎች ለማድረግ ለሚችሉ ሰታሪክ በትውልድና በሰውነት ማህበረሰቦች ጋር በመተዳደር ላይ ይገኛሉ። ነገር ግን የራያ ህዝብ ለሰፊት 28 ዓመታት በትግራይ ብሄራዊ ክልላዊ መንግስት ስር ሆኖ ቋንቋው ባህሉን ለመግደብ ያዘበተውን ታሪክና ሰውነት ስራቱን ለማድረግ ተደርጎ ከማህበራዊ ፖለቲካዊና ለኮንሚዩኒቲ ጥቅም ላይ ላይ ለመውሰድ መዋቅራዊ በሆነ መንግስታዊ ስርዓት ተገልጦ እየረገደ ይገኛል።

የራያ ህዝብ ወደ ትግራይ ከተካለለም በኋላ ማህበረሰባዊ ክብርን ሞራሉን ታሪክን ባህሉን የሚያንቋሽሽና ለማድረግ ሆነ ተብሎ በተጠና መንገድ የማንነት ጥያቄዎችን በመደፍጠጥ እንዲሁም የልማት ጥያቄዎች በማረጋገጥ ከወገንነት የራታ በደረሰ ገና እየደረሰበት ተይቷል።

በ1984 ዓ.ም መጨረሻ እና 1985 ዓ.ም መጀመሪያ በአገር አቀፍ ደረጃ የተደረገው የክልሎች ለካላል ሃይት የራያ ህዝብ ከፍተኛ ተቃውሞ ማሳማቱንና ይህን ለካላል ተቃውሞ ሰላማዊ በሆነ መንገድ ማንነታቸውንና ፍትህን ለጠየቁ የአለማዊና የወጣት ተቃውሞ ሰነድ በክልሉ የመንግስት መዋቅር በጥይት ተይቦታል። እንደግልጽ ከፍተኛ እንገልጽ አር እንደገባማቸው የሚታወቅ ሃቅ ነው።

በሰፊት 28 ዓመታት የሕዝባዊ ተወላጅ ሙሉራን የራያን ታሪክ ፣ ባህሉን ማንነት በማጥናትና በመሰነድ እንዲሁም በማስተማር ህብረተሰቡን ከጥፋት ለማዳን ተልቅ ስራ ስለራ መቆየቱ ይታወቃል። ስርዓት ባለው መንገድ የማንነት ጥያቄ አገራዊን ተቆጣጥሮ ለሰነድ ራያን ተርቶ መላ ሀገራዊን በመዳፍ ስር አድርጎ መለት ሲያጠርጅ ለመሰረ የትግራይ መንግስት ጥያቄ ያቀርቡ እንደ ነበር ለክልሉ መንግስትም የተሰጠው አውጥቶ እየደለም። በህዝብ 1998 ዓ.ም በማይጨው ከተማ በተደረገ የድንበር ስብሰባ ለሆነ የክልሉ ህዝብ

የራያ ማንነት በትግላችን እናረጋግጣለን!

አዲስ አበባ፣ ጥቅምት 11

[Handwritten signature]



