ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES
COLLEGE OF LAW AND GOVERNANCE STUDIES

Constitutional and Practical Protection of Minority Rights in Ethiopia: The Case of Ethnic Amhara Residing in the City of Adama/Nazareth

By

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Declaration

I, the undersigned, declare that this is my original work and has not been presented for a degree in any other university and that all sources used for the thesis have been duly acknowledged.

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This thesis has been submitted for examination with my approval as University Supervisor.

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Acronyms

AAPO - All Amhara People's Organization

EPRDF - Ethiopian People's Revolutionary Democratic Front

FDRE - Federal Democratic Republic of Ethiopia

FCNM - Framework Convention for National Minorities

HRC - Human Right Committee

ICCPR- International Covenant on Civil and Political Rights

ICESCR- International Covenant on Economic, Social and Cultural Rights

NCA - National Cultural Autonomy

NaMa - National Movement of Amhara

OLF - Oromo Liberation Front

PP - Prosperity Party

TA - Territorial Autonomy

TPLF- Tigray People Liberation Front

Abstract

The aim of the thesis is to appraise the protections of Amhara minority in Adama city, in terms of the constitutional and practical bulwarks. Hence, the probe involved both theoretical analysis and field studies.

The outcome of the probe revealed the infirmity of the protections—attributable to the idiosyncratic problems of Amhara minority, which are the rhetoric of supra ethnicity and the divisive narrative. On the basis of this finding, the thesis recommends the "reengineering" of the national political life—via constitutional revisions imbued by Humanist moral reasoning—for the betterment of the situations of the minority, in Adama.

CHAPTER ONE: Introduction

1.1 Background of the Study

Ethiopia, formerly known as Abyssinia, traces an ancient and marvelous civilization. At earlier times (about 800 BC), there was a kingdom—enchanted with monumental architecture, writing and sculpture—by the name of Da'amat, around the present day northern Ethiopia.[1] It was a beacon of refinement, regionally, until the "rally baton" was to be passed to Aksumite civilization—which, at its peak, was a dominating force along the Red Sea ports.[2]

Needless to say, the civilization's extent of influence had also been burgeoning and waning, alternatively. An actual modern map was only settled during the reign of Emperor Menelik II (1889-1913) wherein series of successful campaigns were directed.

Those drives resulted in annexation of legion of tribes—located in the present day southern Ethiopia—having cultures that are non-identical from that of the heart landers. It should be, however, underscored that there had been many instances of cultural fusions between the two.[3] Hence, a renowned pundit characterizes the underlying unification as "an ingathering of peoples with deep historical affinities".[4]

The ensued union of these kin could have been referred as dynastic polity. Amhara traditions and Amharic language[5] (cultures originated in the heartland) became the rubrics of many of the ruling chairs, across the country. In addition, history attests that people from different ethnic affiliations were acceding to those places of power.[6]

Evidently, the unification has stunted the separate historical developments of the southern populations. In the broader spectrum, however, Ethiopia was emerging as a powerful nation state wherein the people have stronger sense of cultural and political unity than existed in other

[1] H. Marcus, *A History of Ethiopia* (University of California Press 2002) 4

[2] ibid 6

[3] D. Levine, *Greater Ethiopia: The Evolution of a Multi-ethnic Society* (University of Chicago Press 1974) 28

[4] ibid

[5] These intangible institutions were considered to be the "glue" amongst the different tribes and people of Ethiopia.

[6] Gebru Tareke, *Ethiopia Power and Protest, Peasant Revolts in the Twentieth Century* (Red Sea Press 1996) 72

African countries.[7] This phenomenon has actually enabled the former to become the only black nation to successfully resist colonial aggressions.[8]

Sadly though, the final years of the dwindling monarch and the subsequent military-rule were tainted with unhappy clamoring. The founts of these discontents were several intricate factors including economic stagnation, over centralization of resource, poor governance and politicization of cultural rights (ethno-national fronts—such as OLF, TPLF and others—were established opposing the governments' "assimilationist policies"). [9]

But the incumbent government (EPRDF, now PP) focused only on a fraction of the problem—the controversy regarding "politico-cultural autonomy".[10] To this effect, it has led the venture for adoption of a new constitution. This document, imbued by the EPRDF's mantra[11] to solve the impasse, has created nine ethnic regions.[12] This configuration is, however, premised on the erroneous assumption that ethnic groups of Ethiopia live in distinct areas and are homogeneous in composition.[13]

This faulty postulate has brought a shock to the most cosmopolitan ethnic group of Ethiopia—the Amhara: a considerable portion of Amhara population, found outside the demarcation line of Amhara 'region', was to be reduced into minority/'outsiders' status. [14] Most of this minority is

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[7] For the last three decades, this heritage of Ethiopia had been banefully eroded by the government policy which magnifies differences in lieu of commonalties.

[8] B. Van der Vort, *Wars of imperial conquest in Africa, 1830–1914* (UCL Press Limited 1998) 163

See also: Teshale Tebebu, 'Ethiopia: The "Anomaly" and "Paradox" of Africa' [1996] J. Black S. <https://ww.jstor.org/stable/2184716> accessed 15 February 2020

[9] Getachew Aassefa, 'The Constitutional Right to Self-determination as a Response to the 'Question of Nationalities' in Ethiopia' (2017) --Int'l J on Minority and Group Rts. 1,49

[10] ibid

[11] Inter alia OLF, Somali movements concurs with EPRDF in this respect.

[12] L. Aalen, 'Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia' (2006) 13 (2/3) int'l J Minority and Group Rts. 243, 250

[13] ibid 247

[14] Amanuel Tesfaye, 'Commentary: The Birth of Amhara Nationalism: Causes, Aspirations, and Potential Impacts' Addis Standard (Addis Ababa, 04 May 2018)
<http://addisstandard.com/commentarythe-birth-of-amhara-nationalism-causes-aspirations-and-potential-impacts/amp/> (accessed 05 February 2020)

consigned in the Oromia regional state, whose constitution does not even recognize their existence.[15]

1.2 Statement of the Problem

The rise of Emperor Minilik II had also ushered in the emergence and development of most of town in the south. Two of his lifetime endeavors—unification and modernization of Ethiopia—were the main factors for the evolvement of these urban centers.[16]

As part of the completion of the unification project, garrisons were assigned (from the central authority) in some territories of southern Ethiopia. These sites have then evolved into new multi-ethnic towns.[17] The starting of Addis Ababa-Djibouti railway service has also stimulated the flourishing of numerous towns—along the line of railway; Adama is an example.[18]

However, these towns—in their origin—are, presently, alleged to have disadvantaged the original populations. In the case of garrison towns, there are suppositions which tell that, lands were seized for the sole enrichment of settler soldiers (composed of various ethnic backgrounds).[19] With regard to non-garrison towns, although there were no such settlements, the then patina of "glorification of Northern (origin) cultures" is recounted as discriminatory against the locals.[20]

Under this backdrop, the current constitution destined the underlying towns to be situated in local ethnic administrations.[21] The city of Adama got subsumed under Oromia ethnic region. Based on the recent census, however, Amhara residents constitute 35 percent of the entire

[15]For instance, the preamble of the Oromia constitution does only refer to the ethnic Oromo of the region.

[16]Akalou Wolde Michael, 'Urban Development in Ethiopia (1889-1925) Early Phase' (1973) 11 (1) J Eth S 1 , 4

[17] ibid 2

[18] ibid

[19] ibid 3

[20]For instance, see Asafa Jalata, 'Urban Centers in Oromia: Consequences of Spatial Concentration of Power in Multinational Ethiopia' [2010] Sociology Pub and Other Works
<http: //trace.tennessee.edu/utk_socopubs/95.> accessed 19 September 2019

[21] Zemelak Ayele & J. De Visser, 'The (Mis)Management of Ehno-Linguistic Diversity in Ethiopian Cities' (2016) 16(3) Ethnopolitics <http://dx.doi.org/10.1080/17449057.2016.1254408 > accessed 12 September 2019

population of the city.[22] Apparently, these residents have fallen under the threat of Oromo political domination and potential discrimination.

1.3 Literature Review

1.3.1The Limits of Protection of Minorities in Ethiopia

Both the FDRE and the regional constitutions contain human rights provisions (including language rights, cultural rights, and participation rights) which are relevant to safeguard minorities. Nevertheless, minorities, who are regarded to be 'internal immigrants', are denied of those rights. Why? As demonstrated in the study of Van der Beken, C. (2010), the exclusion is attributable to "the territorial viewpoint of the drafters" of the FDRE and regional constitutions.[23] On the basis of their perception, a certain region is consecrated for the *self-determination* of the dominant/ 'indigenous' group/s.

1.3.2 Non Territorial (Cultural) Autonomy

As a result, these minorities are subjected to different mistreatment (Van der Beken, C., 2010). They are suffering from socioeconomic deprivation, political exclusion and "deculturalization". Thereby, cognizant of the root of this problem, Yonatan Fessha and Van der Beken, C. (2013) suggest non-territorial autonomy as a remedial arrangement.[24] Through this arrangement, an identified group would be given the power of self-rule (in respect of identity-related issue)—that is not territorially entrenched.

1.3.3The Concept of 'Right to the City'

As already indicated, the territorial configuration has cramped the urban areas inside ethnically defined territories. The aim was to politically empower the regional majorities. However, this arrangement has also threatened the participatory rights of other residents. In the context of this

[22] Cited in Zemelak (n 21) 4

[23] C. Van der Beken, 'Minority Protection in Ethiopia Unraveling and Improving Ethnic Federalism' (2010) Rechit in Afrika 1, 25-29

[24] Yonatan Fissha and C. Van der Beken, 'Ethnic Federalism and Internal Minorities: The Legal Protection of Internal Minorities in Ethiopia' (2013) 21(1) Afr.J. of Int'l and Comp L 32 ,45-46

dilemma, the study of Zemelak Ayele and De Visser, J. (2016) argues for the enfranchisement of the whole city inhabitants.[25]

The issue of deepening the constitutional protection of minorities is, indeed, thoroughly studied. But a further study discussing the idiosyncratic problems of the Amhara minorities is imperative for a comprehensive understanding. These problems are: the supra-ethnic identification of the Amhara (as Ethiopians only) and the divisive political narration, which claims to recount the nation building venture. Finally, for the sake of feasibility, the study focuses only on a single pertinent city.

1.4 Research Questions

Hence, the thesis has posed the following questions:

How to enhance the FDRE and the Oromia constitutions as a bulwark for the rights of the Amhara minority residing in the city of Adama?

To what extent are the human rights of citizens with Amhara identity respected and protected in Adama city?

1.5 Objective of the Study

First, the study will indicate the optimal way of revising the respective constitutions, for the benefit of Amharas residing in Adama city. Second, the study wants to assess the everyday urban life of this minority. In doing so, basically, it would answer how the city fares in terms of ensuring the political rights, cultural /linguistic rights, and socio-economic rights of people with Amhara identity.

1.6 Significance of the Study

The study is important for a number of reasons. It may stimulate a debate on the optimality of creation of ethnic sub states (in light of protection of minority rights). Additionally, it would reveal the predicament of Amharas who are located outside their ethnic 'region'—by way of concrete examination of the situation of Amhara residents in the city of Adama. More importantly, since no particularized study of the Amhara minority in the city of Adama has been

[25] Zemelak (n 21)

conducted, this thesis might contribute to the detailed understanding of the human right status of this minority in the city and hence serve as an input for human rights sensitive policies.

1.7 Research Methods

The research involves doctrinal and non-doctrinal inquiries. The former method will be used to assess the constitutional recognitions of minority rights of Amhara while the latter method will be used to examine the practical reality in the city. With regard to the non-doctrinal inquiry, discussions will be conducted with representatives of Amhara association/s (in the city of Adama) and informed officials of Adama City Administration. The aim of these discussions is to holistically appraise the realities of Amhara residents in the city.

Besides that, observation technique will be used to investigate the protection of minority rights—like that of recognition of Amharic language within important institutions (such as courts, hospitals, schools, public registrars) situated in the city.

1.8 Limitations

- Given the peculiar sensitivity of the topic, the informants of the research thesis have requested to be kept anonymous.
- The refusal of some government offices (in Adama) to provide pertinent data and information.

CHAPTER TWO: Theoretical Framework

2.1 Introduction

The aim of this chapter is to provide a glimpse of the philosophical, legal and ideological principles surrounding the issue of minority rights. Not all of these principles are harmonious; in fact, there are numerous instances of contradictions. At any rate, however, these principles form the basis for the thesis' thematic analysis, conclusion and recommendation.

2.2 International Minority Rights and Political Philosophy: General Remark

Following the establishment of the League of Nations, there had been earlier efforts—which have come to an abrupt end[26]—to come up with international minority norms.[27] In spite out that failure, minority rights *again* became the priorities of international organizations (more importantly the United Nations (UN)).[28] Nevertheless, this situation was created only after the violent ethnic conflict in Eastern Europe. Before that event, most of the members of the UN were skeptical of minority rights.[29]

At any rate, following that sudden jolt, the UN have adopted ICCPR (contain a minority provision—art. 27) and instruments devoted to international norms on the protection of minorities. In this respect, two of the most influential instruments are: "Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities" (1992) and a "Declaration on the Rights of Indigenous Peoples" (2007).[30] (The former declaration has also served as a standard for the protection of minority rights—discussed thematically in the later chapters.)

[26] These efforts have ended following the demise of the League of Nations.

[27] P. Thornberry, 'An Unfinished Story of Minority Rights, in Anna Maria Biro and Petra Kovacs' (eds) *Diversity in Action Local Public Management of Multiethnic communities in Central and Eastern Europe* (Local government and Public Service Reform Initiative (LGI) 2001) 3-8

[28] ibid

[29] ibid

[30] ibid

Both of these "descriptions"—minorities and indigenous groups—are rooted in the western historical developments (at the present time, they could also be adapted in other contexts).[31] The term "minorities" is used to refer groups subjugated in the ferocious European state-formation—and got incorporated into a bigger state, which is dominated by another neighboring group.[32] On the other hand, indigenous group are non-Europeans people who were colonized and settled by Europeans—crossing an ocean.[33] Beside this, there are other dissimilarities between these two groups. Most importantly, there is a perceived "civilizational" gap: the minorities are assumed to have a modern socioeconomic structure, while indigenous people maintains primordial mode of economic production—including hunting and gathering.[34] Against this background, as we will discuss in the following paragraph, there were attempts to come up with a concrete definition of a minority.

Article 27 of ICCPR is the foremost [35] international provision to dwell on the issue of minority. This Article mentions ethnic minorities as one type of minorities that ought to be protected—but provides no elaboration on what constitutes a minority.[36] To fill this gap of the provision, Francesco Capotorti, United Nation's Special Rapporteur, has offered a widely accepted definition of minority, which reads as follow:

> A group numerically smaller to the rest of the population of the state, in a non-dominant position, whose members–being nationals of the state–possess ethnic, religious or linguistic characteristics differing from those of the rest of

[31] W. Kymlicka, 'Minority Rights in Political Philosophy and International Law' in S. Bessson and J. Tasioulas (eds.), *The Philosophy of International Law* (Oxford University Press, Oxford/New York 2010) 388-389

[32] W. Kymlicka 'The Internationalization of Minority Rights' 6: 1 Int'l J. CON L. (2008) 1 7

[33] ibid 8

[34] ibid 9

[35] For several decades, the fate of minority rights was determined by this provision of the ICCPR.

[36] Article 27 of ICCPR states that:

> In those states in which ethnic, religious or linguistic minorities exist persons belonging to such minorities shall not be denies the rights, in communities with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

> the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, tradition, religion or language.[37]

Thus, firstly, a minority should be a group that is a fewer in number than the rest of the population in the national demography. This point of reference is, however, criticized for not encompassing the possibility of defining minorities in relation to the population of a particular province of a state.[38] For instance, the Hausa-Fulani group constitutes a majority in northern Nigeria; however, this group is numerically inferior in Igbo dominated southern part of the country.[39] Therefore, it is submitted that, we should not narrowly construe Article 27—so as to ensure protection of minorities visa vie a particular province.[40]

Against this background, in Ethiopia—nationally speaking—no single ethnic group constitutes a numerical majority. But in the specific province/region of Oromia (which is the area of the study) the Oromo make up a clear numerical majority. Evidently, the Amhara residents of the region could be considered as minority.

But, first, they have to also meet the remaining criteria of the Capotorti definition, which are the issues of distinctiveness and non-dominant status of a concerned group.

Since the Semitic Amharas are 'primordially' dissimilar from there Cushitic neighbors (the majority/dominant in the Oromia region), the only remaining testing-benchmark of Capotorti would be that of non-dominance of the former. And this could be, partly, determined from the purport of the Amharic word—*Killil*—used for referring a region of Ethiopia. This word means 'reserved area' or 'fenced territory'; thereby, connoting the 'territorial-entitlement' of an identified ethnic group (most of the regions are named after the dominant ethnic group) as much as the 'estrangement' of the other groups—the 'outsiders'. This inkling is in fact aggrandized by

[37] F. Capotorti, 'Study on the Rights of Persons Belonging To Ethnic, Religious, and Linguistic Minorities' (1979) UN Doc 19E/CN.4/Sub.2/384/Rev.1

[38] A. Fenemigno and D. Nwago, 'Defining Minorities for Adequate Protection under International law: An Examination' (2016) 7: 1 Ebonyi Univ. L J 61, 67

[39] ibid 68-70

[40] ibid

copious sad incidents.[41] Thus, in conclusion, Amhara residents of Oromia ethnic region/*Killil* would be, more or less, qualified as minorities—by the international standard.

On the other hand, there are also philosophical analyses to justify the protection of minorities.[42] Hence, different philosophical theories have been developed, with the same linchpin—which is recognition and accommodation of ethno cultural minorities.[43] Among these theories, our focus would be that of 'liberal multiculturalism.[44]' At this point, it seems appropriate to inquire more about the pedigree of liberal multiculturalism and the international minority norms.

It is believed that the concept of "liberal multiculturalism" was ingrained in the protracted theoretical debates of liberals vs. communitarians.[45] Liberals attach a great importance to 'individual autonomy', while the communitarians venerate the institution of community.[46] The case in point, herein, is the extension of these contrasting visions—with the respect to issue of minority rights. Communitarians argues that individual rights—advocated by liberal theories—could not safeguard the right of minorities, including the right not to be assimilated.[47] This argument appears to concur with particular voices within the Ethiopian politics (some ethno-national parties have asserted that individual rights could not ensure the development of their respective cultures—as long as the mainstream culture (deemed to have assimilationist force) is not restricted).[48]

[41] J. Abbnik Ethnicity and Conflict Generation in Ethiopia: Some Problems and Prospects of Ethno-Regional Federalism' (2006) 24 (3) J of Cont Afr S 389, 397-401

[42] ibid 379

[43] ibid

[44] **The researcher strongly believes that discussing the philosophical perspectives is imperative, as the idiosyncratic problems of Amhara minorities are ideological-in-nature. Thereby, these discussions will serve as inputs in forwarding recommendations to resolve the predicaments of Amhara minorities—including those residing in Adama City**

[45] W. Kymlicka, *Multicultural Citizenship* (Calderon Press 1995) 36-42

[46] Kymlicka (n 31) 379

[47] ibid

[48] See Asafa (n 20)

Liberals counter argues, by pointing out that an over emphasis on group rights could effectively thwart the realizations of individual autonomy and liberty.[49]

Hence, the root of liberal multiculturalism is traced as an "intellectual aspiration" to transcend the underlying liberal vs. communitarian divide.[50] Accordingly, in this theoretical construct, there are two pillars—that ought to be regarded equally. Yes, communities/groups should be granted certain group-specific rights; in the meantime, there has to be also unwavering protection of individual, inside the given group.[51] This dual assertion is the locus of liberal multiculturalism.

International minority norms, on the other hand, have a different origin. Instead of being synthesized out of theoretical debates, these norms are the repercussions of the shocking ethnic conflicts (in the post-communist Eastern Europe).[52] These abhorrent incidents triggered the urge to come up with mechanisms to avoid there reoccurrence. As a result, as indicated earlier, different international declarations (about minority rights) were ensued.

However, it is submitted that, both liberal multiculturalism and international minority norms (at least initially) consider the "imposition" of *undifferentiated mode of citizenship* [53]to be unhelpful for harmonious relationship of different groups.[54] Hence, the aim to be achieved by these two tools is: to provide a national political landscape wherein varied group-specific rights—"filtered" by democratic values—would be respected.[55]

As aforementioned, there is an underlining rejection of (any sort of) homogenous citizenship. Why? What is the reason behind? Kymlicka, a renowned scholar on the issue, point us back to

[49] Kymlicka (n 31) 379

[50] ibid

[51] Kymlicka (n 45) 83

[52] Thornberry (n 27) 7

[53] Citizenship is an entitlement to the rights and privilege to a given state. And, homogenous (undifferentiated) citizenship implies that all citizens of a given state— have same rights and privileges.

[54] Kymlicka (n 31) 379

[55] ibid

history. He indicated that, historically, whenever an attempt had been made to impose a singular national citizenship, "uncivil relationships" were to be followed.[56]

However, this argument could be challenged into two ways. The first counter argument is based on the historical fact attesting the occurrence of "uncivil relationships"—as a result of legal/political valorization of group differences. In this respect, in the next paragraphs, we will discuss the experience of Africans—under the yoke of the colonialists.

2.2.1 The African Experience

Following the crises of "direct rule" (a type of colonial rule characterized by an assimilation of a colonized elite into the culture of the colonizer), a new "technology" of colonial rule was to be formulated and applied—across African colonies.[57] This new type of rule is sometimes referred as "indirect rule". It defers from the previous 'assimilationist rule' in two ways. First, the former is based on valorization of difference—in lieu of diminishing of it.[58] Second, indirect rule does not only focus on the colonized elite (the whole mass is imperative for its realization).[59]

This change (of administrative approach) has brought the "language of pluralism" into the ruling policies.[60] As a result, laws were to be utilized in enforcing differences within the colonized societies. In that sense, it submitted that, the diversity (in the colonized societies) was not only about traditions/culture—but has also a legal element, aimed at amplifying and enforcing the differences.[61]

The overall aim of the colonialist was to subject the colonized population—in "nativist mold."[62] With that goal in mind, the colonialists have implemented various tools including laws (as

[56] ibid 380

[57] M. Mamdani, *Define and Rule: Natives as Political Identity* (Harvard University Press 2012) 42

[58] ibid 43-45

[59] ibid

[60] ibid 44

[61] K. Muiga 'Colonialists didn't fail to root out African tribal politics. They created it.'
<https://african arguments.org/2019/08/06/colonialism-tribal-ethnic-politics-africa/ > accessed 1 May 2020

[62] Mamdani (n 57) 45

indicated earlier) and racialized/tribalized historiography (or narrative we could say).[63] These stratagems will be elaborated in the coming paragraphs.

Not surprisingly, this multiform colonial project has fractured the colonized majority into numerous *political minorities*—referred as "tribe".[64] These legally-enforced-identities were further divided into two: "native" and "non-native".[65] Simultaneously, every inch of a colony was demarcated into separate "tribal homelands"; thereby, a tribe—identified as "native" to their respective homeland—would access exclusive privileges at the same place.[66] These privileges are made possible through "native administration".

What is "native administration"? This administration is entrenched in every demarcated "tribal homelands". Actually, it is best described in terms of the privileges it had provided for the "natives"— in their respective "homeland".

The first privilege is the right to access land.[67] In this regard, a "nonnative"—irrespective of how many years she has resided—could only access land as a "stranger", who has to pay a sum of money for the land usufruct.[68] Apparently, this practice would be referred as "uncivil", with incredible degree of restraint. In Ethiopia, such aura—"native vs. nonnative"—(with regard to land use) has surfaced, shortly after the country embraced ethnic federalism.[69]

The other privilege is about political participation. In this respect, there were strict colonial rules ensuring that only "natives" could accede to higher level authority in the "native administration." [70] In fact, a "non-native person" might be given a position in the very lowest tier of native administration. Nevertheless, this does not tame the appalling nature of the system.

[63] ibid

[64] ibid 46

[65] ibid 47-49

[66] ibid

[67] ibid 51-52

[68] ibid

[69] J. Abbnik (n 41) 397-399

[70] M. Mamdani (n 57) 52

In contrast (as indicated earlier) in the dynastic polity of Ethiopia, people were acceding into the ruling chairs—with no ethnic distinction.[71]

Lastly, it is to be noted that there was also privilege in terms of dispute settlement.[72] Within every tribal homeland, disputes were only to be resolved on the basis of distinct customary law that favors the natives, to the detriment of the non-natives.[73] Thus, in conclusion, it seems very clear that these "native administrations" are discriminatory—in their entirety, with no chance of salvation.

As indicated earlier, the colonialist has also made efforts to tailor the history of their colonized subjects—in "nativist" mold—through a racialized/tribalized historiography. This historiography assumes the basic units of African society and history to be "races, nations and tribes".[74] In this respect, the FDRE Constitution also appears to imply similar apprehension—in the Ethiopian context (as it could be inferred from its preamble).

2.2.2 The Cosmopolitan Alternative

In the previous section, we have seen that valorization of group difference could be hostile for people's human and democratic rights (especially to the minorities). In this section, we will examine the possibility of having a system wherein all people's right would be respected—without any legal/political differentiation of groups.

Scholars, who insist on valorization of group/cultural difference, assert that a political community has to preserve a specific way of life/culture—by according *legal significance* for belonging to a certain cultural/ethnic group.[75] Evidently, this stance subsumes two sub-claims: the importance of a particular culture/way of life for an individual and the need to provide a larger degree of political control—upon the nourishment and the place of a particular culture/way of life—to those individuals for whom it has such significance.[76]

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[71] Gebru (n 6) 72

[72] Mamdani (n 57) 53

[73] ibid

[74] ibid 89-91

[75] W. Kymlicka, *Liberalism, Community and Culture* (Clarendon Press 1989) 64-69

[76] J. Waldron, 'Two Conceptions of Self-Determination' in S. Bessson and J. Tasioulas (eds), *The Philosophy of International Law* (Oxford University Press 2010) 341

What is the importance of a given culture/way of life for an individual? In this regard, Kymlicka has written:

> Different ways of life are not simply different patterns of physical movements. The physical movements only have meaning to us because they are identified as having significance by our **culture**, because they fit into some pattern of activities which is culturally recognized as a way of leading one's life.[77]

Hence, on basis of the aforementioned argument, a particular cultural structure has to be preserved so as people will be aware of the option and values available for them—in constructing their way of life.[78]

However, it is counter-argued that even if people need a set of options/values to determine their way of life—this set does not need to come from a single particular culture.[79] In this respect, let us see, what Rushdie, a renowned British-Indian author, has beautifully written:

> I was born an Indian, and not only an Indian, but a Bombayite—Bombay, most cosmopolitan, most hybrid, most hotchpotch of Indian cities. My writing and thought have therefore been deeply influenced by Hindu myths attitudes as Muslim ones [...] nor is the west absent from Bombay. I was already a mongrel self, history's bastard, before London aggravated the condition.[80]

As it could be inferred from the above writing, in modern mosaic societies there are different cultures—which are susceptible for fusions. Hence, there "purity", we might say, is undermined. Therefore, it is submitted that, we could not easily identify a particular culture, apart from the other.[81]

Moreover, even if we could manage "to set apart", it could not be ascertained that a particular culture is "indispensable" for individual's way of life.[82] In this respect, it is self-evident that

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[77] Kymlicka (n 75) 65

[78] ibid

[79] Waldron (n 76) 401

[80] Citied in J. Waldron, 'Minority Cultures and the Cosmopolitan Alternative' (1992) 25 (3) University of Michigan J L Reform 751,752

[81] Waldron (n 76) 402

[82] ibid 403

people does also prefer an option provided by culture—that is not considered to be there "own".[83] For instance, the researcher is grown up under Ethiopian culture; simultaneously, he used to (and still does) prefer Hollywood movies in lieu of the domestic ones. Therefore, a person might embrace her spirituality or other choices from her "own" culture, while seeking her recreation (like Hollywood movie) or career or other choices from "others" culture.

At this point, it is safe to say that there is no difference between the import of culturally-tailored options (provided by an Ethiopian or Somali or any other culture) and the significance of a particular culture—for an individual. Incidentally, it implies that, there is no need for setting up of a "political boundary"—for preservation of a particular cultural structure.[84]

Hence, the proponents of the underlying counter-argument provide an alternative views for how we see politics—free from "identity". In this thesis, one of these views—referred as "territorial self-determination"—will be pointed out.

According to "territorial self-determination", the basis of right on given territory is not related with having "ancestral bond" or other exclusive relationships to the place.[85] In other words, people's right, in a given territory, is not dependent on having historical /cultural affiliation to the territory—beside mere habitation.[86]

2.3 The Difference between International Minority Rights and Liberal Multiculturalism

Beside the conceptual rejection of 'homogenous citizenship", the international minority norms and liberal multiculturalism converge on the need for group-specific minority rights (in contrast to generic rights).[87] Both have acknowledged that there are different kinds of minorities, having different concerns.[88]

[83] ibid

[84] ibid 405

[85] ibid 406-408

[86] ibid

[87] Kymlicka (n 31) 381

[88] ibid 382

Nevertheless, the initial concurrence has faded away when it comes to the concrete legal frameworks.[89] In the coming paragraphs, it will be attempted to shade light on this difference. (By taking two examples: Europe's approach on "national minorities" and the UN framework)

2.3.1 Framework Convention for the Protection of National Minorities (FCNM)

The Council of Europe has adopted a set of minority norms—referred as Framework convention for the Protection of National Minorities (1995). These norms were primarily aimed at protecting "national minorities" residing in the Balkans and Caucasus (the sites of horrific ethnic conflicts in Eastern Europe)[90]

The theorist of liberal multiculturalism, including Kymlicka, has upheld that the territorial autonomy (TA) of national minorities (minorities residing in their historical "homelands") is an expression of their inherent right to self-determination.[91] In contrast, the FCNM has not accepted the advices to contain an article on TA (a right considered to be particularly relevant for "national minorities", by liberal multiculturalist).[92]

Nevertheless, this framework, as it will be discussed in the next chapters, addresses inter alia the following important human rights that have a great degree of relevance for Amhara minorities in Adama City:

- The right to be learn in one's mother tongue (Article 14)
- Naming of places—considering minorities language and heritage (Article 11)

2.3.2 The UN Basic Theoretical Framework

The UN has provided group-specific norms to the indigenous groups.[93] But, it has left minorities with generic human rights only (basically the rights provided on Article 27 and other provisions

[89] ibid

[90] R. Hofmann, 'The Framework Convention for the Protection of National Minorities: An Introduction' in M. Weller(ed), *The Rights of Minorities: A Commentary on the European Framework Convention for the Protection of National Minorities* (Oxford University Press 2006) 123

[91] Kymlicka (n 31) 383

[92] As already indicted, the FCNM was primarily meant to address the minority issues in Balkan and Caucasus states. In those states, it is deemed that certain important factors are lacking—which are mandatory for the success of TA (as from the experience of western democracies).

[93] Refer to the UN Declaration on Indigenous groups

of ICCPR).[94] Indeed, the UN has provided a justification—attributed to the "basic difference between minorities and indigenous groups"—for this approach.[95] What are these differences (presumed by the UN)? The Chairperson of the UN's working Group on Minorities has pointed them as follows:[96]

- Minorities want to integrate to the existing institutions, whereas the indigenous groups seek to maintain, to some extent, independent institutional set up.
- Minorities want protection of their individual rights, whereas the indigenous groups seek the protection of their group rights.
- Minorities demand nondiscrimination, whereas the indigenous groups want self-government.

In any rate, however, it should be noted that the UN Declaration on Minority is imperative—for protection of Amhara minorities in Adama City. Article 4 (1) and (2) of this declaration stress the need for effective equality and its positive obligations. In that sense, the Amhara minorities are entitled to conducive environment (the obligation to create it fall on the state) to nourish their culture, language and traditions. In addition, Article 2 (3) of the UN Minorities Declaration indicates that minorities should be allowed to participate in the national politics (like every citizen). Thusly, the Amhara minority (in Adama) are ought to duly participate in the political scene.

2.4 National Cultural Autonomy and Liberal Multiculturalism

The researcher adds this section aiming to compare cultural autonomy—an arrangement largely associated with dispersed minorities [97](like that of Amhara residents in Adama)—with liberal multiculturalism.

[94] These rights have universal application to all individuals. Their application is not dependent on any factors—including historical/cultural or degree of vulnerability. **(Refer to the UN Declaration on Minorities)**

[95] W. Kymlicka (n 41) 1 3-4

[96] ibid

[97] These minorities, in contrast to 'national minorities", are mostly immigrants. Hence, the former are usually found scattered across a given city or town.

Although the concept of 'national cultural autonomy" has a long historical pedigree, it was Karl Renner who provides the first explanation for its institutionalization.[98] Renner has developed his idea as a remedy—for the political predicaments facing the Austro-Hungarian Empire, at the time.[99] These problems were: the demands of territorially-concentrated minorities; the risk of empire's dismemberment; and the welfare of internal minorities.[100] However, at the present time, several elements of the detailed account of Renner are rendered outdated; hence, NCA is referred—only in its rudimentary feature.[101]

Under this backdrop, most scholars have indicated that NCA is less advantageous—as compared to TA—in terms addressing the main aspirations of territorially-concentrated minorities (the issues of language, land and symbolic recognition).[102] Nevertheless, it is submitted that, NCA has some resemblance with the contemporary liberal multicultural theories—developed in the context of highly intermingled communities.[103]

To begin with, the locus of NCA is "personality" principle.[104] This principle enjoins state regulations to be based on cultural identifications, in lieu of particular territory.[105] The idea is that people prefer to be governed collectively—based on cultural cohesion, which might not coincide with territorial lines. Thus, the principle of NCA appears to concur with the basic ontology of liberalism—which is "valorization of individual will."[106]

Furthermore, liberal multiculturalism (in the context of intermingled communities) and NCA seems to fuse in a concept referred as "implicit NCA".[107] Based on this concept, there is no need for formally-institutionalized cultural pluralism—for realization of the purpose of NCA—if a

[98] Cited in G. Brahm 'National Cultural Autonomy and Liberal Nationalism' in Ephraim Nimni (ed), *National Cultural Autonomy and its Contemporary Critics* (Rutledge 2005) 128

[99] ibid 128-129

[100] ibid

[101] ibid 133

[102] See for example: W. Kymlicka, 'Renner and the Accommodation of Sub-State Nationalisms' in Ephraim Nimni (ed), *National Cultural Autonomy and its Contemporary Critics* (Rutledge 2005) 120-125

[103] Brahm (n 98) 134

[104] ibid 134-135

[105] ibid

[106] ibid

[107] ibid 137

given political order is constructed on the basis of liberal principles, at the first place.[108] In this regard, one scholar, in specific reference to the US, has written as follows:

> The institution of the Republic has become the liberating cause and the background for the rise of the cultural consciousness and social autonomy of the immigrant Irishman, German, Scandinavian, Jew, Pole or Bohemian. On the whole, Americanization has not repressed nationality. Americanization has released nationality.[109]

[108] ibid

[109] H. Kallen, 'Democracy versus the Melting Pot: A Study of American Nationality' <http://national humanietiescenter.org/ows/seminarsflvs/kallen.pdf> accessed 1 May 2020

CHAPTER THREE: The Protection of Amhara Minority under the FDRE Constitution

3.1 Introduction

In the previous chapter we have discussed the oceanic legal and philosophical ideas surrounding minority issues. In this chapter, we will be more specific so as to inquire the provision of the FDRE constitution which could have relevance for protection of minorities.

The text of the FDRE constitution does not consider ethnic Amharas located outside their 'region'. This document envisaged Ethiopia to be constituted by 'nationalities', which neatly correlate with a certain territory.[110] However, in light of the country's striking traces of dynamic internal population-movements, the constitution should, rather, have adopted the approach of its Belgium counterpart. The Belgian constitution recognizes the federation of Belgium as composed of *Communities and Regions.*[111] This separate reference to 'Communities' is an implicit acknowledgement of the "imperfect geographic overlapping", as some portions of each community reside outside their designated regional boundary.[112]

Anyhow, at the current time wherein human rights are internationalized, a national constitution could not be used as a shield to cover the violation of international standards. Instead, the latter should be allowed to illuminate holes left dark by the former. Under this backdrop, the Ethiopian constitution seems to put the 'indigenous groups' under it aegis, whilst being numb with regards to 'minorities'.[113] (Hint: As already indicated the UN's basic theoretical framework distinguishes indigenous people, from minorities, by marking the issue of self-government as a peculiar aspiration of the former.)

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[110] Article 39 sub 5 of the FDRE Constitution reads:

> A "Nation, Nationality or People" for the purpose of this Constitution, is a group of people, [...] who inhabit an identifiable, predominantly contiguous territory.

[111] M. Farrel and L. van Langenhove, 'Toward Cultural Autonomy in Belgium' in Ephraim Nimni (ed), *National Cultural Autonomy and its Contemporary Critics* (Rutledge 2005) 194

[112] ibid

[113] Article 39 sub 3 of the FDRE Constitution states that:

> Every Nation, Nationality and People in Ethiopia has the right to a full measure of **self-government**…

3.2 The Right to Equality

Minorities are often susceptible to both direct and indirect discrimination in their daily lives. While the former deed appears as flagrant partiality, the latter is more subtle as it occurs when an act is neutral on its face but has disproportionate effects. [114]

Both variants of differentiation are violations of the right to equality, which is one of the basic principles of international human rights law. The FDRE constitution also provides multiple non-discrimination grounds.[115]Moreover, one of the proscribed bases of discrimination is 'racial' (ethnic) background.

However, differential treatment aimed at addressing persisting inequality might not be a wrong doing. In fact, international human rights law provides for special measures directed at favoring certain groups for the purpose of attaining 'full equality'.[116] This notion of 'full equality', often referred as substantial equality, is also espoused by the Ethiopian constitution. Upon the document's preamble section, the aspiration to remedy the historical equilibrium, between ethnic groups, is inscribed.

Historically, the Imperial court of Ethiopia had been inclusive of different ethnic groups (under the rubric of Amhara custom and language). Hence, the ensued interaction transposed the dominant court culture into becoming a melting pot. In the 20th century, this transposed culture was to be tethered with the modernized educational and bureaucratic systems in Ethiopia. (For example, Amharic language—which was spoken by nearly half of the population—was merited for delivering the mosaic nation from the would-be 'Tower of Babble') [117]

This structure, however, was to be replaced following the dawning of ethnic federalism over Ethiopia. Ironically, the FDRE constitution—which is the promulgator of this new arrangement—traces back to the '20th century system'. The constitution's aspiration of

[114] OHCHR 'Towards developing country strategies on minorities' (2010) UN Doc HR/PUB/10/3

[115] Article 25 of the FDRE Constitution sates that:

> All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protections without discrimination of on the grounds of race, nation, nationality, or other social origin, or color, sex, language, religion, political or other opinion, property, birth or other status.

[116] OHCHR (n 114)

[117] Getatchew Haile, 'The Unity and Territorial Integrity of Ethiopia' (1986) 24 (3) J Mo Afr S 465, 471

'correcting historical equilibrium' is premised on the political repercussions of the underlying demised system. Hence, the core of that previous melting pot—the Amhara—are, now, admonished as the past 'favored' group. Meanwhile, almost all other ethnic groups, including the Oromo, are described as the past "not-so-favored" group.

In such scenario, it should be minded that the precept of substantive equality, does also, maintain that the *elevation*[118] of the 'disadvantaged' group shall not jeopardize the welfare of the 'not-so-disadvantaged' group.[119] Thereby, it could be said that, the constitutionally-blessed favoring of the Oromo (as the past 'not-so-favored') must not tighten the enjoyment of the relevant human rights of Amhara minorities (as the past 'favored') in the city of Adama. The sundry of these protected rights includes: cultural rights, political participation rights and socio economic rights.

The HRC has indicated that the actual enjoyment of individuals' cultural/language rights depend on the ability of the minority group to maintain its culture/language.[120] The factors which determine this capacity of minority group will be discussed in the next section.

To achieve "participatory equality", minority groups must be allocated their appropriate shares in the power structure.[121] The impact of the current ethnic-configuration—on the realization of that ideal—will be presented in a separate section. But for now, we shall delve into the socio economic rights. All-embracing accesses to social services and employment/work (the two common socio economic rights) are internationally endorsed as an important impetus for the safeguarding of every minority.[122]

These rights are subsumed in the FDRE constitution. Article 41 sub 3 of the constitution iterates that, "all citizens should have equal access to public social services." This statement is

[118] There are various special packages meant for benefiting the supposed disadvantaged groups.

[119] Takele Seboka, 'Wolf in Sheep's Clothing? The Interpretation and Application of the Equality Guarantee under the Ethiopian constitution' (2013) 26 (1) afrika focus 11, 33

[120] HRC 'General Comment no 23' (1994) UN Doc CCPR/C/21/Rev.1/Add.5

[121] K. Henrard, 'Equal Rights Versus Special Rights: Minority Protection and the Prohibition of Discrimination' (European Commission, June 2007)
<http:www.researchgate.net/publication/228197528_Equal_Rights_Versus_Special_Rights_Minority_Protection_and_the_Prohibition_of_Discrimiantion> accessed 27 March 2020

[122] OHCHR (n 114)

convincingly construed as a replica of the equality clause of the Ethiopian constitution.[123] Contrary to its superficial connotation, it does not, actually, grant the right to get social services.[124] The provision is a simple stipulation that enjoins equal availability of the underlying services to all Ethiopians (N.B Indeed, socioeconomic difficulties are rampant across the country; on top of that, Amhara minorities also complain that there are subtle discriminatory practices—embedded in the regional institutional-setups[125]—to the determent of their enjoyment of socioeconomic rights.)[126]

Article 41 (1) of the FDRE constitution grants every citizen the right "to engage freely in economic activity and to pursue a livelihood of his choice" anywhere in the country. Accordingly, every Ethiopian can join in or start any lawful economic activity within the nation's expanse of jurisdiction. Government authorities are encouraged to make the conditions conducive for realization of this right.[127] For that matter, language policy is imperative.

3.3 Cultural Rights and Language Rights

> *"I freely admit to have been seduced by the charm of traditional Amhara life…such sight and sound!"*[128]
>
> ~Donald L. (1967)

The term 'culture' is very elusive, as various meanings are attached to it. But, roughly, there are three most commonly used meanings:[129]

- Culture as an accumulated material heritage of all human beings of the globe.
- Culture as the process of artistic and scientific creation.

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[123] See: Dejene Girma, 'Economic, Social and Cultural Rights and Their Enforcement under the FDRE Constitution' (2008) 1 JIMMA U JL 74, 86-87

[124] ibid

[125] In the next chapter we asses this issue—in terms of the medium of communications, in Adama, during the provision of public services.

[126] <https://welkait.com/?p=12293> accessed 9 June 2020

[127] ibid

[128] D. Levine, *Wax and Gold: Tradition and Innovation in Ethiopian Culture* (University of Chicago press 1967) vii

[129] A. Yuspsanis, 'The Meaning of 'Culture' in Article 15(1) (a) of the ICESCR –Positive Aspects of CESCRS'S General Comment No.21 for the Safeguarding of Minority Cultures' (2012) 55 German Y.B int'l L 345, 349

- Culture as a 'way of life'.

Amongst the aforementioned meanings, the last one is the pertinent (to this thesis), for it encompasses basic elements of minority identity—such as language, traditions and education—which seek "immediate legal protection".[130] (This apprehension of culture as a 'way of life' was an international transcendence from the narrow perception of culture as a 'High art')[131]

In our case, there is a perennial debate on the ideal of having a separate Amhara identity. In other words, the essence of valorizing the ethnic referent of Amhara 'way of life' is not free from contestations. The cradle of this whole controversy is the assimilationist character of Amhara culture.[132] Following the coronation of King Yekounno Amlak (1270-85), former Amhara chief, Amharic language and custom had been the culture of the Imperial court. Yet, as already indicated, the court was readily inclusive of talented persons coming from the different ethnic groups of Ethiopia—as long as they were willing to embrace its culture. As a result, this culture of the court (Amhara culture) has gradually evolved to become the *melting pot* of Ethiopia.[133] In this sense, celebration of the separate identity of Amhara is juxtaposed, by some scholars, with the swinging of a wrecking ball against the nationhood of Ethiopia.[134]

Nevertheless, under the current ethnic-tailored-politics of Ethiopia, obscuring of the independent ethnicity of Amhara is clearly no fair deal. Even worse, it could muffle voices against targeted suppression of Amhara minorities. Therefore, the thesis argues for the preservation of a distinct identity of Amhara—for the well-being of Amhara minorities.[135] This ideal (similar to the concept of liberal multiculturalism) may be accomplished through the fulfillment of the following rights.

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[130] ibid

[131] Earlier understandings of cultures were consigned to artistic achievements, sculptures, historical monuments and whatnots.

[132] C. Servic, 'On the Orgins of Amhara' (1993) (1) St. Pet. J of Afr S 97, 103-106

[133] ibid

[134] For instance see Takele Tadesse, 'Do the Amhara Exist as Distinct Ethnic Group?' in H. Marcus (ed.), *New Trends in Ethiopian Studies: Papers of the 12th conference of Ethiopian Studies, Michigan State University* (Red sea Press 1994)

[135] With the birth of Amhara nationalism, this idea is gaining a popular support. The establishment of NaMa is one of the conspicuous indicators of the entrenchment of this nascent nationalism.

Language is an embodiment of a given identity of a minority. It differentiates a minority from the rest of the population (of a province or state), and also guarantees "the expression, diffusion, and transmission of their culture".[136] Therefore, its protection[137] apparently acknowledges minorities' equal dignity—fulfilling the requirement of Article 1 [138] of the Universal Declaration.[139]

The other is about the right to freedom of association. This right is recognized in Article 31 of the FDRE constitution in an open-ended manner.[140] Thus, the case in point, which is the forming of associations by Amhara minorities—in order to express and promote their ethnic identity—is a constitutionally entrenched right. It should also be noted that such grouping has instrumental role in helping a minority to preserve and uphold its other rights.[141]

The last but not the least is the issue of guaranteeing minorities to be provided with an education which is in harmony and also helpful for preservation of their identity. Minority language education is the basic part of this endeavor. Why? A particular language is a medium to transfer ones cultural values, but if it is not taught, it will ultimately die—resulting in the simultaneous burying of those values.[142] In this vein, Article 39(2) of the FDRE constitution[143]—which

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[136] OHCHR (n 114)

[137] The fulfillment of the bellow mentioned rights serves the protection of minorities' language.

[138] Article 1 of the Universal Declaration of Human Rights provides for:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

[139] 'Language Rights of Linguistic Minorities: UN Guide for implementation' (2017) <http://www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/SRmnorirties/SRminorityissuesIndex.aspx> accessed 22 March 2020

[140] Article 31 of the FDRE Constitution states that:

Every person has the right to right to freedom of association for *any cause or purpose* (emphasis is mine). Organization formed in violation of appropriate laws or to illegally subvert the constitutional order, or, which promotes such activities is prohibited.

[141] Yuspsanis (n129) 369

[142] UN Guide (n 139)

[143] As indicted earlier, the FDRE constitution considers solely ethnic groups residing at their own "homelands". Therefore, one of the aims of the thesis is to propose a legal mechanism through which the pertinent human right provisions (of the constitution) would be claimable by non-indigenous minorities (particularly the Amhara minorities). Against this background, it seems important to thematically discuss those provisions.

implies the right of every ethnic group to receive education in its own language—could serve children of minorities to have a school that teaches in their mother tongue. On the other hand, the UN Declaration on the rights of minorities[144], the more comprehensive international document, rebukes biased teaching of histories which are contemptuous to minorities.[145]

At this juncture, there would be a query on how to implement all the above mentioned devices. As already indicated, the literal text of the constitution does not recognize ethnic Amharas living outside their designated region; however, by the virtue of gap-filling role of international standards, these people are supposed to be given a constitutional-level protection. Previous research works, considering the scattered settlement of Amhara minorities, have proposed the arrangement of non-territorial (cultural) autonomy.

As already indicated, cultural autonomy is about self-governance of a group over its members—without a claim of controlling a piece of land.[146] As it could be inferred from its nomenclature, the scope of this arrangement is restricted to cultural issues. Historically, this system of administration was utilized by the Ottomans to manage the religious diversity of their empire. Through the *millet* system, the communities of Jewish, Armenian catholic and Greek orthodox were able to regulate their own religious and family matters.[147]

One of the main objectives of this autonomy is mitigation of the 'problem of imposition', which is the normal corollary of nationalization/ethnicization of a state/sub state. In such circumstances, the non-territorial autonomy would exempt the minorities from the laws and policies of the state/sub state that are contrary to the former identity.[148] It is to be noted that, this approach is marked as successful—in terms pleasing dispersed minorities in Europe. (For example, the Jews of Estonia and the Roma of Hungary appear "to be very happy with the arrangement of cultural autonomy in their respective country")[149]

[144] This declaration is inspired by article 27 of ICCPR, but contains more elaborated provisions.

[145] UN Human Rights High Office of High Commissioner, 'Promoting and Protecting Minority Rights' (2012) UN Doc HR/PUB/12/7 (commentary on Article 4 (4) of the declaration)

[146] J. Mc. Garry and M. Moore, 'Karl Renner, Power Sharing and Non-Territorial Autonomy' in Ephraim N. (ed.), *National Cultural Autonomy and its Contemporary Critics* (Rutledge 2005) 68

[147] ibid

[148] ibid 70

[149] ibid

3.4 Political Participation Rights

"Many Amhara (through opposition parties like the AAPO) had rejected ethnic federalism and argued for…the Amharas' right to live and to act politically in all parts of the country."[150] This remonstrance was, however, left unheard as ethnic federalism became the founding principle of the FDRE constitution. Nevertheless, ethnic federalism indeed allows the governing apparatus, within the sub state, to hinge upon the whim of ethnic majority, paving a way for trivialization of the interests of other ethnic groups.[151]

Article 25 of ICCPR stipulates that every citizen has the right to take part in the conduct of public affairs, directly or through their freely chosen representatives. Within this sprit, the FDRE constitution allows the regions to organize there legislature and executive.[152]

Analogously, the 'right to the city', a notion that advocates for enhanced participation of all inhabitant in the affairs of their city, has swept most of European cities.[153] This concept emphasizes that the regulation of urban life should be in the hands of its inhabitants. Thereby, it enfranchises the city dwellers in the affairs of their city. Moreover, in this envisaged participatory process, the voice of the inhabitants would have veto power; marking, at least theoretically, the end of other entities' dictation over urban centers.[154]

The Ethiopian constitution has created nine ethnic sub-states—within which all cities, including Adama, is to be situated—aimed at politically empowering the regional majorities. However, this structure could gravely abate the suffrage of the minorities[155] (in the cities), creating a political landscape which is impervious to their concerns.[156]

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[150]P. Brietzke, 'Ethiopia's "Leap in the Dark": Federalism and Self-Determination in the New Constitution' (1995) 39 (1) J A L 19, 22

[151] Alemante Geber Selassie., 'Ethnic Federalism: Its Promise and Pitfalls for Africa' (2003) 28 Yale J Int'l L 51 94

[152] Article 50(5 - 6), FDRE Constitution

[153]M. Purcell, 'Excavating Lefebvre: The Right to the City and its Urban Politics of the Inhabitant' (2002) 58 Geo Journal 99 ,101-103

[154] ibid

[155] Article 2.3 of UN declaration on minorities iterates that:

> Persons belonging to minorities have the right to participate effectively in decisions on the…regional level concerning the minority to which they belong or the region in which they live in a manner not compatible with national legislation

[156] Zemelak (n 21)

CHAPTER FOUR: The Oromia Regional Constitution and the Practical Protection of Amhara Minorities in Adama City

4.1 Introduction

In the previous chapter, we have discussed how the federal constitution approaches the rights of Amhara minority, in Adama. In this chapter, we will delve to assessing the actual realties of this minority—under the backdrop of the regional constitution.

4.2The Nationalistic Background of the Oromia Constitution

Sub-state nationalisms, spawned by aspirations for more autonomy or outright secession, have sprouted across different African states.

Nevertheless, a peculiar skepticism seems to upsets these mass movements. Nationalism, at its core, could be described as "a belief in the existence of a nation and therefore the belief that something should follow from that". [157] The underlying skepticism is based on the pedigree of the actuality of 'nations' in a single African state.

Before the colonial era, African ethnicities had not been a fixed phenomenon. Rather, ethnicity was extremely fluid, as people switched back and forth between tribal groups.[158] Incidentally, the arrived European colonists were working on fracturing the "racially conscious majority", to sustain their minority rule. Indeed, there were different ethno lingual groups; howbeit, "ethnicity as an administrative entity" was a European export.[159]

As indicted earlier, Ethiopia has remained standing as an independent nation throughout the tides of colonial conquests. Consequently, no ethnic-based administrative structure was imposed therein until 1995—the year which marks the "Africanization"[160]of Ethiopia.[161] In that highly

[157] R. Mc. Quillian, 'What is Nationalism?' Holyrood (London 14 October 2019) <https://www.holyrood.com/inside-politics/iew,what-is-nationalism_14551.htm> accessed 11 February 2020

[158] Mamdani (n 57) 47- 49

[159] ibid

[160] A term coined by the Ugandan scholar, Mahoood M., to describe the ethnicization of the Ethiopian polity—like that of other African countries, which had undergone the same process under there colonial masters.

[161] M. Mamdani, 'The Trouble with Ethiopia's Ethnic Federalism' New York Times (New York 3 January 2019) <https:www.nytimes.com/2019/01/03/opinion/Ethiopia-abiy-ahemed-rforms-ethnic-conflict-ethnic-fedralism.amp.html> accessed 01 February 2020

significant year, a state structure which resembles to an "African colony" (a system marked by ethic mobilization) was constitutionally entrenched in the country—by the hands of the nationals themselves.[162] Such systems—embodying identity politics—are nourished by the "halo" emanating from an array of "amplified ethnic-resentment".[163]

The Oromo nationalist consciousness has been challenged by the "permeable clan structure" of the Oromo[164]—which made them open to assimilation of different other groups that they came upon.[165] This factor seems to undermine the cultural cohesion needed for cultivation of a nationalist narrative. Thereby, to cover this lacuna, the Oromo nationalism has indulged in overemphasizing the "political struggles of Oromo" (*resenting* the 'Ethiopian state')—in the grapple for unity.[166] (N.B This illustration is not meant to debunk Oromo nationalism; rather, it is meant to substantiate the last statement of the previous paragraph.)

One of the main triggers of Oromo struggles (as it is claimed) is the resentment in the "altering of the demographic makeup of Oromia".[167] The nationalists consider almost all southward immigrations—including the 1980s villagization program[168]—as part of the Ethiopian state's (which they, scornfully, refers it as "Amhara government") stratagem to "reduce and substitute" the Oromos, in their traditional territories.[169] Unsurprisingly, thereby, the Oromia constitution—a document heralding the victory of 'Oromo struggle'—provided that, "Sovereign power in the region resides [only] in the people of the Oromo Nation..."[170]

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[162] ibid

[163] F. Fukuyama, *Identity:The Demand for Dignity and the Politics of Resentment* (Farrar/Straus and Giroux 2018) 12

[164] Other African sub-state nationalisms have also faced an approximate challenge—in creating cohesion.

[165] Citied in S. Vaughn, 'Ethnicity and power in Ethiopia' (2003) Unpublished PhD thesis, The University of Edinburgh 177

[166] K. Tronovoll, 'Ethiopia: A New Start?' (2000) MRC Int'l Rep 8

[167] Mohammed Hassan, 'Conquest, Tyranny, and Ethnocide against the Oromo; A Historical Assessment of Human rights Conditions in Ethiopia ca. 1880s-200' (2013) 29 :3 Northeast Afr S 15 , 25

[168] It was program of resettling people from drought affected areas to relatively fertile places.

[169] Mohammed (n 167)

[170] Article 8 of Oromia Constitution

4.3 The Right to Equality

The Oromia Constitution depicts the pre-EPRDF regimes in a dark painting; one of its resentful recounts proclaims about the downtrodden status of the Oromos as second class citizens.[171] This is, particularly, "in reference to the past assimilationist policies, which have propagated the Amhara cultures as the national identity".[172]

The main objective of the constitution is the empowerment of the Oromos (assuming them as past disfavored).[173] Thereby, we could infer that the Oromia regional supreme-law—in concurrence with the FDRE constitution—adheres to substantive equality. As discussed earlier, the precept of substantive equality enjoins the implementation of specifically tailored programmes aimed at benefiting the Oromos (as past disadvantaged)—without infringing upon the rights of others.

Otherwise, affirmative action—which is not tamed by the notion of equality—may lead us to 'reverse discrimination'. "It is a reversal of past injustice, but it meets 'fire with fire' as it corrects past discrimination with present discrimination rather than uproot discrimination in all its semblances." [174]

Such situation has been experienced by Sri Lanka, a country home to different ethnic and religious groups. The Sinhalese are the majority, constituting about 74 percent of the national-population; meanwhile, the Tamils are considered to be the major ethnic minority: 18 percent of the inhabitants of Sri Lanka belong to the latter group.[175]

During British rule, most of the mission schools were built in the areas of Tamil communities. As a result, this minority got a better chance of getting employed in the English-speaking system.

The Sinhalese have resented this disproportionate share of Tamils in employment, and the resultant disparities in standards of living. Therefore, after independence, the Sinhalese

[171] See the first paragraph of the preamble

[172] C. van der Bken, *Completing the Constitutional Architecture: A Comparative Analysis of Sub National Constitutions in Ethiopia* (Addis Ababa University Press 2017) 67

[173] ibid 65

[174] Citied in Takele (n 119) 33

[175] A. Samarasinghe, 'Affirmative Action and Equity in Multi-Ethnic Society' (1993) 6 Development and Democracy 41 , 44

controlled governments launched measures of affirmative action—under the guise of correcting 'historical injustice'.[176] In 1956, the official language of Sri Lanka was changed from English into Sinhalese language. This act opened a wider door to government jobs for the Sinhalese majority; however, it has brought a significant socio-economical detriment to the Tamils.[177] Consequently, this and other similar measures of 'affirmative action' have infuriated the Tamil youth, dragging the nation into a protracted bloody civil war.[178]

Similarly,[179] the Oromia regional constitution, inter alia, has made the vernacular of a single ethnic group—Oromifa—the sole working language of the region.[180] The importance of such valorization of local languages revolves around the "absolute necessity for their use in order to include all citizens within the development process and to maximize their societal and economic potential".[181] Therefore, a caution should also be taken not to imperil the rights of any citizens, including the assumed 'past beneficiaries'.

For instance, in its recommendation in the case of Diergaardt v. Namibia[182], the HRC indicates that where civil servants can practicably use a particular minority language in a certain territory, it will be discriminatory in international law to forbid the use of the minority language **(even though it had undue historical privilege)** in public services. The factual basis of this decision of the committee, as laid on the judgment, is presented as follow:

> The committee notes that the authors have shown that the state party has instructed civil servants not to reply to authors' written or oral communication with authorities in Afrikaans language, even when they are perfectly capable of

[176] ibid 47

[177] ibid

[178] ibid 49

[179] With regards to the backdrop aspiration of "correcting historical injustice"

[180] Article 5 of Oromia Constitution

[181] G. Cohen, 'The Development of Regional and Local Languages in Ethiopia's Federal system' In David T. (ed.), *Ethnic Federalism - the Ethiopian Experience in Comparative Perspective* (James Currey/Ohio University press/Addis Ababa University Press 2006) 177

[182] *J.G.A. Diergaardt (late captain of the Rehoboth Baster Community) et al. v. Namibia* (25 July 2000) Communication No. 760/1997CCPR/C/69/D/760/1997

> doing so. […] Consequently, the committee finds that the authors, as Afrikaans speakers, are victims of a violation of Article 26 of the covenant [ICCPR].[183]

Turning to our case, the Adama city administration does not formally adopt the usage of Amharic language, in the provision of services by the public sectors.[184] As a result, an Amhara person seems to count on the "benevolence" of the workers in those sectors (Otherwise the former would be expected to incur the expense and the utter discomfort—for seeking translation in one's own city). Nonetheless, from the observation of the researcher, in all public sectors—including the courts, hospitals and public registrars—members of Amhara minority would get an easy access of the services in Amharic.[185]

However, in light of the ever increasing influence of the agitation of radical Oromo activists—which, inter alia, encourages the intentional nonspeaking of Amharic language[186]—, the current circumstance in those sectors seems to be in a precarious state.[187]

Therefore, it is advisable—from the experience of different countries—to take a step and legalize the usage of Amharic in public sectors across Adama city. In many countries, measures to guarantee the use of minority languages (in the underlying sectors) have had positive results in terms of the effectiveness of communication and service quality.[188]

In addition, those measures are proven to have reduced unemployment rates among minorities.[189] Hence, it could be a good lesson for the Adama city Administration. In Adama—wherein the working language is solely set to be Oromifa—the Amhara minorities are largely unemployed (Even the highly educated members of the community face difficulty in getting any government jobs[190] within the city).[191]

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[183] ibid

[184] Discussions with the legal officers of Adama Municipality Office (Adama, 18 February 2020)

[185] But it should also be noted that in situations that requires written communication, they are expected to seek translations in their expense.

[186] Similar to what Namibia was convicted of in the case—Diergaardt v. Namibia (indicated in the previous page)

[187] Discussions with the representatives of NaMa, Nazareth Branch (Adama, 14 February 2020)

[188] UN Guide (n 139)

[189] ibid

[190] The problem is not as such severe with regards to the private sectors. The researcher has noticed numerous (private) service providing enterprises—including hotels, restaurants, and barber shops—operating in Amharic

Sadly though, there are researchers who accuse the 'victims' themselves for such plight. Based on one of the writings, the attitude of Amhara minorities—too proud to speak non-Amharic language—is diagnosed as the source of the problem.[192] Yet, it should be underscored that such blaming of the victim is an illicit method for maintaining the status quo in the interest of the group in power.[193]

At this juncture, it is insightful to refer to the 1993 South African Constitution. It is the first Constitution of South Africa to stipulate multilingualism (additional nine African languages are made the official languages of the Country).[194] In South Africa, only two vernaculars (English and Afrikaans) were accepted as the official languages.[195]

Against this backdrop, the pertinent issue is the "strategy" envisaged by the Constitution in transiting the nation from bilingualism to multilingualism. In this respect, it is indicated that the Constitution has sought to strike a strategic balance between the principle of non-diminution and the principle of extension.[196] In other words, what is aspired to be achieved is equality of all languages—without downgrading English and Afrikaans (had privileged status), but by elevating the African languages.[197] The underlining belief is that a balance which is "based on mutual respect has much greater chance of being successful that an attritional struggle for hegemony".[198]

(almost fully). Moreover, usually, the job vacancy notices of the NGOs (situated in Adama) do not mandatorily requires the speaking of Oromifa.

[191] Discussions (n 187)

[192] Tokuma Daba, 'The Legal and Practical Protection of the Rights of Minorities in Self Administering Nations of Ethiopia: The Case of Oromia' (2010) Unpublished LL.M Thesis, Addis Ababa University 97

[193] W. Ryan, *Blaming the victim* (The Vintage Press 1976) 16

[194] See Section 3[1] of the Constitution

[195] Albie Sachs, Language Rights in the New Constitution (South African Constitution Studies Center, June 1994) 4

[196] Section 3 [1] states that:

> …conditions shall be created for their [the official languages'] development and the promotion of their **equal use and enjoyment.**

Section 3 [2] states that:

> Rights relating to languages and status of languages existing at the commencement of this Constitution **shall not be diminished**…

[197] Albie (n 195) 5-6

[198] ibid

If the above mentioned approach had been utilized in Ethiopia, there wouldn't have been blaming of the victims—the Amhara minorities (residing in different places, including Adama). In fact, the Amhara minorities wouldn't be "victims", at the first place. What renders them victim (in terms of language policies) is the non-recognition of the principle of non-diminution (Hint: Before the coming to power of the EPRDF regime, Amharic was used in official activities—all over the country including in Adama).

4.4 Cultural Rights and Language Rights

The devices[199] meant for preservation of minority identity, are the upshot of the 'right to self-identification' (quintessence of minority protection).[200] This right indicates that to belong to a minority is a matter of personal choice and no disadvantage should follow as a result of the choice. Furthermore the choice may not be challenged by the state, so entailing official recognition of diverse identities (residing within a state/sub state).[201] As aforementioned, however, the Oromia constitution does not recognize the diversity in the regional sate (The sovereign power belongs to the Oromos only).

To make matters worse—with regards to Amhara minority—there is still a very lively rhetoric denying their separate ethnic identity, and refereeing them as supra-ethnic social group. This discourse may effectively alienate the underlying minority from the aegis of ICCPR—which is, apparently, the source of justification for their special protection.[202]

The above two factors seems to have coalesced to contribute in the alternative description of Amhara minorities as "children of empire builders/offspring of villagization/children of settlement program"[203] At this point, it would not be surprising if they are denied of preservation of their unique identity, since the underlying knotting of them with "historical images", could overshadow their human trait—including the natural desire to be versed with one's own culture.

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[199] As already indicated, they are: Measures Promoting Minority languages; Freedom associations (in order to promote minority cultures) and culturally appropriate education (hint: the metric is the tradition of the given minority).

[200] Yuspsanis (n 129) 375

[201] ibid

[202] The international convention protects minority groups which are distinct **ethnically** or linguistically or religiously. Its scope of application does not include mere social groups.

[203] See for instance: Tokuma (n 192) 58

As a matter fact, in our particular case, associations aimed at, inter alia, promotion of Amhara cultures are not guaranteed from unsupportive measures of the city authorities. The official threat of sealing off the NaMa sub office is a recent example.[204]

However, all of the public schools in Adama have separate Amharic classes. There are also numerous private schools which are legally licensed to provide education in Amharic.[205] Nevertheless, attributable to the divisive narrative (which claims to recount the national building)[206], none of these classes/schools teaches "without-paucity about the positive contributions of the previous Ethiopian kings (most of them have Amhara origin)—including the maintaining of the unity and sovereignty of the nation".[207]

Hopefully, however, the establishment of PP might solve this particular problem—as one of the principal values of the party's ideological drive (*Medmer*) is "national unity".

4.5 Political Participation Rights

The Regional constitutions—including the Oromia supreme law—anticipated the establishment of urban local government, by subsequent ordinary legislations.[208] Thereby, the state councils had been engaged in enacting "city proclamations", which inter alia subsumes rules determining the composition of the councils and the executive organs.[209]

In Oromia, the council is to be filled by people selected via direct election and "guaranteed representation" (up to 70 percent of seats are reserved for the Oromos—in cities like Adama wherein the "indigenous" make up less than 50 percent of the demography).[210] Furthermore, all mayors of Oromia cities are appointed by the Regional President.[211] The aim of these arrangements is to ensure that the Oromos will control all political bodies of the cities.[212]

[204] Discussions (n 187)

[205] Discussions (n 184)

[206] Refer to pp. 25-26

[207] Discussions (n 184)

[208] C. van der Beken (n 172) 184

[209] ibid 185

[210] ibid 187

[211] ibid

[212] Zemelak (n 21)

Such apparent political exclusion has a cost: it would inevitably entail or tolerate suboptimal decisions. In this regard, one of the most pertinent and conspicuous decisions is the name change of the city—from Nazareth to 'Adama'.[213] This change comes as an "unpleasant surprise" for the non-Oromo residents (the majority) of the city.[214] In a diverse society, like what we have in Adama city, change in names of places or the city itself can be unifying or dividing catalyst.[215]Since such names could be used as either "symbol to develop a consciousness of common identity" or "emblem of a single identity/heritage".[216] The underlying city name change, dismayingly, seems to adhere to the latter.

[213] Discussions (n 187)

[214] S. Guyot and C. Seethal, 'Identity of Places, Places of Identities, Change of Places Names in Post-Apartheid South Africa' (2007) 89 (1) South Afr Geo J 89 (2007)

<https://hal.aechives-ouverts.fr/hal-00201762> accessed 10 February 2020

[215] ibid

[216] The word "Adama" has a meaning in the Oromo language only.

CHAPTER FIVE: Conclusions and Recommendations

5.1 Conclusions

The idiosyncratic problems of Amhara minorities—the rhetoric of supra ethnicity and the resentful narrative about the nation building history—are directly related to the difficulties of Amhara minority, in Adama city. In the name of rectifying "historical injustices", this minority is to become, more or less, unemployable (in government institutions) and politically excluded. The former rhetoric, on the other hand, has posed an imminent threat of "deculturization" of the community (a mere social groups are considered not to have a cultural identity).

Previous research works presented cultural autonomy and the notion of "right to the city" as needed tools for better protection of minority groups/internal migrants in Ethiopia. However, are these tools viable—in the context of vindication of Amhara minority rights? They are not. Why?

As already indicated, the implementation of cultural autonomy, in Europe, is marked as a success story. Needless to say, there are external factors—which are unique to the concerned European countries—that contributes for this achievement.[217] For instance, let us see the case of Jew minority in Estonia. Here the main factor for the success of cultural autonomy was "the strong desire by Estonians to be seen as part of the *European club*: to develop a culture, in all its manifestations (including how on treats minorities), worthy of European."[218]

However, Ethiopia is neither a member of European Union nor have good record of compliance to international human rights treaties. Thereby, a "reengineering" which transcends accessory arrangements—such as the classical cultural autonomy **(not that of implicit cultural autonomy)**—is a must, for the better protection of Amhara minorities.

From the aforementioned points, we could deduce that the "reengineering'' has to be upon Ethiopia's national political life. To this effect, the constitution shall be main the subject matter. Since any constitution, more or less, is a "kind of civic religion that has immanent qualities for a countries' political life".[219]

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[217] It is a same kind of story with regards to the "right to the city" doctrine.

[218] R. Kinoka, 'Estonia's Minority Policy: Origins and Development' (2007) Estonian Ministry of Foreign Affairs YB 1 36

[219] T. Baker, 'Constitutional Theory in a Nutshell' (2004) 13 Wm.&Maey Bill Rts J 57

5.2 Recommendations

- Therefore, the thesis recommends that both the FDRE and Oromia constitutions should be revised in line with a new moral reasoning/concept. "Addressing the resentment of nationalities" is deemed to be the main moral aspiration of the FDRE and regional constitutions. In fact, the feeling of resentment is among the basic human stimulus which could serve to fathom the desperate events of the present.[220] In many cases—including the present 'unstable' political situation of Ethiopia—leaders have attracted followers on the basis of the claim that the group's dignity was denigrated; hence, triggering clamorous demand—for recognition of the dignity of the given group.[221]

Unfortunately, if the demand for recognition of dignity is on basis of race or ethnicity—for example, as it is reiterated in the Oromia Constitution—it would, usually, be accompanied by a pugnacious discourse of "We versus Them". And such discourse appears to subtly lay all the blame for an individual's discomfort on the group of outsiders—those who did not belong to a concerned racial or ethnic group.[222] Actually, as the conditions of Amhara minorities in Adama city attest, the blame would not remain as mere grudge; rather, it will turn into infirm protections of the 'outsiders'.

The alternative for this win-lose scenario is: "a universal recognition of individual rights that sought to provide citizens with an ever expanding scope of individual autonomy".[223] In Ethiopia, this approach seems to be advocated by the recently-sparked "I'm Human'' movement.[224]
Thus, in light of a better protection of Amhara minorities, the humanist approach appears to be the optimal moral aspiration—to be embraced by the FDRE and the regional constitutions. Thereby, there would be two basic transformations: the historiographical basis and the form of citizenship these constitutions envisages. On this subject, the thesis has made certain reference

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<http:// ecocollections.law.fiu.edu/faculty publications/128> accessed 24 February 2020

[220] Fukuyama (n 163) 14-20

[221] ibid

[222] ibid 137-146

[223] ibid 6)6

[224] Under the leadership of Activist Obang Metho, this movement is known for its "Humanity before Ethnicity" mantra.

from the experience of post-colonial African countries—in their transition from "nativism" to durable and inclusive political system.

Post-colonial African historians were engaged in providing an alternative historiography (undermining the racialized narration which was propagated during colonial era).[225] As already discussed, the colonial era historiography assume the basic units of African society and history to be "races, nations and tribes"[226] Hence, based on that narration, historical changes are assumed to be caused by "changes in relations of conflict and warfare, subjugation and absorption between races and tribes"[227]

Needless to say, the historiographical basis of the FDRE Constitution also assumes *nations and nationalities* to be the "eternal" units of the Ethiopian society and history. Accordingly, the constitutionally-underlined historical process (within Ethiopia) is the so called "unjust" relationship between these ethnic groups.[228]

It is to be noted that the fixation of colonial historiography on race/tribes—is a result of its reductionist perception.[229] It depicts a pre-colonial African community to comprise "traditional societies".[230] At this point, its reference to "traditional society" was meant to transpire the idea that the Africans were in static mode (if there were any change it was triggered by an external influence).[231] In fact, this narration was not only about "ossification" of the past—but more importantly it served as an agency for justifying the then nativist system.[232] Therefore, to challenge the nativist administration—one has to debunk its historiographical foundation.

Accordingly, some African historians have provided an alternative historiography—at the same time refuting the nativist narration. Against this background, one historian has written as follows:

[225] Mamdani (n 57) 89-91

[226] ibid 93

[227] ibid

[228] see the preamble on paragraph five

[229] Mamdani (n 57)

[230] ibid 93-96

[231] ibid

[232] ibid

> A one-dimensional view that sees the historical process exclusively through ethnic and racial categories blunts its full diversity. So long as these societies are seen are as amalgams of ethnic groups in relations of dominations or subordination to one another, it is not possible to grapple with the historical process of the genesis and movement of the political communities …[233]

- Hence, the FDRE Constitution shall have a historiographical basis which is comprehensive of the all intricate historical process (of Ethiopia)[234]—in lieu being a mere ethnic discourse.

- Indeed, a mere change of historiography does not suffice. It will not bring any concrete change for the Amhara minority living in Adama. Thus, as already indicated, it has to be followed by—construction of an inclusive and durable political system. And, the basis of that system is an existence of a "common political citizenship" and law-based order.[235] In such system, rights and duties are prescribed to individual citizens—not to the Amhara or Oromo or other ethnic group (as already discussed, **"territorial self-determination"** might be used for realization of these setup).

- However, a raw concept of "common citizenship" is seemingly not coherent with the previous arguments of the research. Repeatedly, the supra ethnic apprehension of Amharas was presented as something which should be changed (this gives the sense that the thesis inclines more to the ideals of liberal multiculturalism). Nevertheless, the research is *actually* for the adherence to the former concept—though with a momentary lapse. [236]

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[233] Citied in Mamdani (n 57) 97

[234] See Getachew (n 9) for more elaboration

[235] Mamdani (n 57) 125

[236] Basically, there are two major doctrines of ethnicity. The first one is the primordalist approach. Based on this approach, ethnic identity of someone is established through ancestry. And it feet forever, up to grave. The other approach is what is called the instrumental outlook; herein, a person is assumed to identify herself with an identity that could provide her a maximum advantage. Modern social science research seems concurring with the later approach. And, indeed, the argument of the thesis should be seen in light of this approach. Therefore, for the time being (under the current circumstance), a member of Amharic speaking minority should claim her right as an

Amhara. But, after a while, if things get better, (in the sense of universal protection of human rights) the same person could merge herself to the broader "Ethiopian identity"—and even beyond.

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