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COLLEGE OF LAW AND GOVERNANCE

CENTER FOR FEDERAL STUDIES

**THE THESIS SUBMITTED FOR THE PARTIAL FULFILLMENT OF THE
REQUIREMENT FOR THE DEGREE OF MASTERS OF ARTS IN
FEDERAL STUDIES ON:**

*The Accommodation of Minority Rights in Oromia National Regional State:
A Case Study of Girar Jarso Woreda*

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Acronyms

ECHR	European Convention on Human Rights
FDRE	Federal Democratic Republic of Ethiopia
HoF	House of Federation
HPR	House of Peoples Representatives
HRC	Human Rights Committee (established in terms of the ICCPR)
ICCPR	International Covenant on Civil and Political Rights
NCSA	National Census of Central Statistical Agency (of Ethiopia)
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPDO	Oromo People Democratic Organization
ONRS	Oromia National regional State
OSCE	Organization for Security and Cooperation in Europe
Proc .No	Proclamation Number
SNNPR	Southern Nations, Nationalities, and Peoples' Region
UDHR	Universal Declaration of Human Rights
UN	United Nations
USA	United States of America

Glossary

Afaan Oromoo	Oromo Language
Ato	An Amharic equivalent for 'Mr.'
Awuraja	Sub-Province, a Zone like now in Ethiopia
Derg	An Amharic equivalent for 'Military Committee', that used to denote the regime in power during 1974 - 1991 in Ethiopia.
Kebele	Locality area under Woreda
Kifle Hager	Province during the Derg regime
Teklay Gizat	Province during the Haileselassie regime
Weizerit	An Amharic equivalent for 'Ms'
Weizero	An Amharic equivalent for Mrs.
Woreda	District, containing many Kebeles with in a zone

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My special indebtedness also goes to my friends Ato Abebe Zenebe of childhood to now and Negash Abiebie. Without their continuous financial support and valuable ideas, I could not be and have not been completed the study. In this line, I have thanks to my brother Ato Dellelegn Abay and his brothers and sisters for their financial, material, housing, and moral support during my study.

I would like also to express my heartfelt indebtedness to my lovely wife Shewaye Abiebie, who insightfully motivated me to work hard from the beginning to now. Particularly, in her loneliness of raising our children and supporting me financially and morally when I left my work of life for study. I deserve special thanks again for this blessed woman.

I am grateful to my up growing children in giving pleasure and moral during my head was down and made a great motivation in my mind in their credible results of school.

Last but not least, I would like to extend my special thanks to my mother, Belaynesh Agiz, had not been born me and grew up, I would not see this world, and thanks to my natural brothers again Eshetu and Bizuneh shimelis for their ideal, moral and financial assistance.

Abstracts

This thesis aspires to investigate as to how the rights of Amhara minorities in Girar Jarso Woreda within Oromia National Regional State, particularly in North Shewa Zone resonate with the constitutional framework that installed an ethno-regional federal set-up since 1991. In the processes of investigation, secondary and primary sources were used. Accordingly, the researcher employed to show facts even during the HaileSELLASSIE and the Derg regime of the nation-building policy, Amharic language was a national language and the members of Amhara nation had settled (occupied) in the boarder of Amhara and Oromia of some corners, and urban centers of Oromia.

When we come to see and compare the laws governing the Ethiopia as a federal, contrasting the FDRE Constitution, the ONRS Constitution has not a room for non-Oromo nations found in the region.

Unlike Oromia Regional States, some Regional States of federal Ethiopia, embraced and gave recognition for some minority groups in their regional governments. This causes dissimilarity among the regional states within the Ethiopian federation.

The Amhara minorities of seven rural Kebeles, found in Girar Jarso Woreda, in Northern Zone of Oromia, that full fill the terms set by the FDRE constitution; as they are an ethnic group, territorially defined, known with their own language and unique culture is the case.

Nevertheless, they have not been the beneficiaries of sovereign power and have not been entitled to the right to self-rule in their area, and shared the power with its regional states.

In effect, this thesis found out that, as this minority group cannot be judged and get served fully in their own language, Amharic, and almost all literates of the group cannot be employed to serve in their public sectors of Woreda, Zonal, and Regional States of Oromia for often they fail to speak the working language of the region, Afaan Oromo. Now this discourages their literates and caused them to migrate far from their birthplace to search job where Amharic language is used. The up growing child students in primary schools are also decreasing in their schooling enrollments participation. Some enrolled students in the school are also resulted in dropouts. Therefore, these need solutions in considering the problems with the pillar gateways of the federal system self-rule and shared-rule.

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Chapter One

1. Introduction

1.1 Back ground

A Federal system is known for its division of power to two or more tiers of governments in which the powers between or among them is constitutionally divided.

Federalism is a compromise mostly for minority groups between shared-rule and self-rule. Consequently, Duhamel's Law Dictionary defines federalism as it comes from the Latin word *foedus*, which means a *compact* or an agreement. Furthermore as a system, it defines:

A system of government which has created, by written agreement, a central and national government to which it has distributed specified legislative (law-making) powers, called the federal government, and regional or local governments (or sometimes called provinces or states) to which is distributed other, specified legislative powers.

In this case, a written agreement or a contract is a constitution made between the territorial governments to unite and form, in specified areas, a central set of laws, as to represent all internationally, and in national legislation on the subject of criminal and commercial laws.

In a federalist government, like Ethiopia, the power divided between the national government and other governmental units. This means the power divided between federal government and states and local governments. This is different from a unitary government, where one unit holds the power. It is also different from a confederation, which is an association of independent governmental units. ¹ As federal, all about the powers are governed by the Supreme law of the land, the Constitution, and by a supremacy clause.

The Supremacy Clause is an important part of federalism. This clause is the section of the Constitution stating that the Constitution and federal laws are the 'Supreme Law of the Land.' The Supremacy Clause is a guarantee that no laws will interfere with the goals of the federal Constitution. ²

1. Madison, James, Hamilton, John (1987): *The Federalist Papers*, Penguin, Harmonds worth. Oxford Dictionary.

2. FDRE Constitution Art 9 (1)

Thus, federalism refers to the mixed or compound mode of government, combining a general, the central or 'federal' government with regional government's state, territorial, or other sub-unit governments in a single political system.

In general, in a federal country, the division of power between federal and regional governments is usually outlined in the constitution. Almost every federal country allows some degree of regional self-government; in federations, the right to self-government of the component states is constitutionally well established. However, there is no one and the same fit federal systems.

As such, federalism seems to be a progressively appealing form of governance in most post-conflict societies.³ After a protracted civil war, Ethiopia, as most of those post conflict societies, adopted a federal form of governance in de facto since 1991 and in de jure in 1995.

Ethiopia is one of the oldest states of the world, which has survived the yolk of colonialism.⁴

On the other hand, the Ethiopian state had been controlled by successive traditional monarchies for a long time.⁵ The long reigning monarch was dismantled following to the 1960s Ethiopian Student Movement which ushered in the coming to power of a military regime.⁶ The military junta, alias Derg, ruled with iron fist for about a decade and half. The military regime was ousted by ethno-nationalist liberation forces in 1991. The victory led by the EPRDF established a Transitional Charter to rule the country provisionally. This Charter enclosed more of the now contents of Federal Democratic Republic of Ethiopian Constitution on human right in general and minority rights for minority groups and paves the way for minority right regime.⁷

Ethiopia adopted therefore, and starts federalism as a system ensuring in replacing the military junta regime by a coalition of revolutionary forces. This makes a great radical change in the political system of Ethiopia in founding a federal form of government depending fundamentally on ethno-linguistic based territories as now called Regional States. Essentially, Ethiopia has transformed from a long time centralized unitary state to ethno-regional decentralized federation. Therefore, as seen now in the 1995 FDRE constitution Art 47(2),

3. Tsegaye Regassa (2010): *Learning to Live with Conflicts*, Mizan Law Review, Vol. No. 4, 2010

4. Christophe Van der Beken, *Ethiopia: Constitutional protection of Ethnic Minorities at Regional level*, African Focus, V.2, No 1.

5. Bahiru Zewude, *A History of Modern Ethiopia 1885-1974*, (1991).

6. Randi Ronning Balsavic, *The Question for Expression : State and the University in Ethiopia under three Regimes*, Addis Ababa University Press, 1952-2005,

7. See also the 1991 Transitional Charter of Ethiopia, Part One, Art.2

the central target of establishing federal system is also containing in its plan to establish –more and at the same time maintain the unity of the country.

According to the 1995 constitution, Ethiopia has nine constituent units or states. These are Tigray, Afar, Amhara, Oromia, Somali, Southern Nations, Nationalities and People's (SNNP), Gambella, Benshangul/Gumuz and Harari regional states.⁸ These regional units are seemingly autonomous, having self-rule power on their individual matters in line with the basic feature of a federal system that prescribes a written constitution articulating the division of powers.⁹

The FDRE constitution, declared self-determination up to and including secession an unconditional right.¹⁰ There are many ethnic groups within the mainstream of the country not getting all administrative state standards. Therefore, Girar Jarso woreda's Amhara minority group of our case is the pairing of the main Amhara nation but parted to Northern ONRS.

Even if federalism is one of the mechanisms, whereby differences are tolerated and minority rights are protected, in the present Ethiopian federal context, minorities in each state may fall under the mercy of the mainstream ethnic group. As a member of the federation, each regional state has its own constitution in which minority ethnic groups may or may not be recognized. In this case, the 2001 Revised Oromia National Regional State constitution (hereinafter, ONRS constitution) does not have a room for accommodation of minorities regarding language in its region.¹¹ This is because Art. 39(6) set criteria for Oromos as who share a large measure of a common culture or identical tradition as Oromos, speak the Oromo Language, believe in their common Oromo identity, and predominantly inhabit in a contiguous territory of the region. In Ethiopian federation, from all the nine states, Oromia National Regional State is the most populated with 26,993,933 people that comprise about 36.6% of the total 73,750,932 people in the country.¹² It shares borders in the north with Amhara National Regional State, with its Girar Jarso Woreda of North Shewa Zone, as article 2 of ONRS Constitution shows.

8. FDRE Constitution, Art. 47

9. FDRE Constitution, Arts. 39 and 50;

10. FDRE Constitution, Art. 39

11. Art. 5 of the Oromia National and Regional State Constitution of 2001

12. National Census of Central Statistical Agency of Ethiopia of 2001

1.2 Statement of the Problem

The revised constitution of ONR State (herein after ONRS Constitution) and the FDRE constitution give equal rights more to the majority and the minority is taken in a total manner. So, these constitutions do not clearly provide democratic rights in setting criteria for numerically minority groups. They give more protection to the numerically majorities. Therefore, even though the Ethiopian federal constitution pronounced by some to be an exemplary in the protection of minority rights in the country and in the regional states, there are nationalities like Amhara minorities, which are living on the current land of Oromia region with Oromo nation but not recognized. Even if they given a first cycle (Grade 1-8) schooling in their mother tongue, but Oromo language as one subject to be taught from grade five to ten as Amhara schools' teachers expressed. According to the 2016 statistics of Girar Jarso Woreda Health Office, from those 87,209 total populations of 17 rural Kebeles, the 7 Amhara Kebeles' is 34,566.¹³ These 39.6% ethnically Amhara minorities of the 7 rural Kebeles found in the Woreda are not given the right to be heard in their language in court room and other governmental sectors. As per the FDRE constitution, persons arrested have the right to inform properly, in a language they understand, of the reasons and of any charge against them.¹⁴ These rights not yet been practiced for the Amhara minorities in Girar Jarso Woreda as the Woreda judge told me on Feb. 7/2016. When they arrested or accused by any case and made to stand in front of the adjourning woreda court, they cannot hear and response what the judge said and asked them respectively. Even if the FDRE constitution guaranteed the criminally accused persons an interpreter at state expense where the court proceedings are conducted in a language they do not understand,¹⁵ the government is not yet employed an interpreter for them. It is therefore unexpected when sentencing is taking place and completed when the judge passes the last points of decree on the accused persons of this group because s/he cannot understand what kind of punishments is/are declared in Oromo language where the writer was following the decision of Woreda courts

13 The 2016 Population estimation censuses of Girar Jarso Woreda Health Centre.

14 The FDRE constitution, Art. 19 (1)

15 The FDRE constitution Art. 20(7)

personally (see annex three).¹⁶ As the dwellers of Addisge Kebele acquainted me, it is obvious and sometimes, they are told in a minor way by some responsive patient judges in a courtroom or out of the court by other volunteers in Amharic language, what the sentence was.

On the other hand, since the ONRS Constitution banned, these non-Oromo people are not been given fully self-administration or the right to be elected to participate politically in Woreda, Zonal, and Regional State because of language. Despite its try for the adoption of a federal structure and the recognition of both collective minority and majority rights, the constitution does not address in a specified manner how to regulate the pressure between non-Oromo minority and majority of Oromo rights more. Still it is indefinite, as to whether which one prevails over the other and not seen, especially during the treatment of minor ethnic group rights found in one contiguous area in the majority of regional citizens and the majorities. As Ethiopia is a multi-lingual and multi-ethno national country, the main problem to address, respecting for diversity, and accommodation of differences at the same time, seems difficult. Therefore, even if the objective is to manage and achieve positively the difference, the process of accommodating diversity is difficult.¹⁷

The statement of the problem could be that both the federal and Oromia regional constitutions failed to give attention to the dispersed minorities in some corners of the regions to resolve the minority issues. This is because ethnic minorities need to value their language, culture, and history to maintain their distinct identity and to economic resources in employment. Furthermore, it is needed to realize the right to be heard in own language, political participation and self-administration in the study area, where the majority of Oromo and Amhara 'minorities'¹⁸ found 'indigenously'¹⁹ prior of the invasion by Italy (as Ato Sema, a 98 years old told).

16 *The court decision of Girar Jarso Woreda, held on 18/3/2007 & 25/5/2007 E.C in File No. 17894 & 26014*

17 Assefa Fiseha (2012): Ethiopia's Experiment in Accommodating Diversity: 20 Years' Balance Sheet, Regional & Federal Studies, 22:4, 435-473 PP 451

18 **Minorities - means -** *a group of numerically inferior to the rest of the population of a state, in a non dominant position, whose members- being nationals of the state – possess ethnic, religious or linguistic characteristics differing from all those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.* (OHCHR, 2010: 2); (OHCHR - Office of the United Nations High Commissioner for Human Rights.)

19 **Indigenous is -** *a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.* (UN, United Nations Study on Indigenous Population, U.N. Sales No.E.86.XIV.3, PP-50-51)

1.3 Objective of the Study

1.3.1 General Objective of the Research

The general objective of this research is to investigate and understand the legal and practical protection of Amhara minorities in Girar Jarso Woreda of North Shewa, Oromia National Regional State. In doing so, it tries to assess whether Oromia region promotes only the interest of the majority of Oromo nation, neglecting the existence and rights of the minorities in the region.

1.3.2 Specific Objectives

The specific objectives of this study are:

1. Identify the major problems, the causes, and challenges of Amharic speakers during the day-to-day activities of governmental sectors: especially in the judicial sectors in Girar Jarso woreda.
2. Examine the legal provisions set in FDRE and ONRS constitutions to protect Amhara minorities in the study area.
3. Assess the practices of handling the Amhara minority rights in the study area of seven rural Kebeles.
4. Assess measures those needed to be taken in allowing minority groups to enjoy the economic rights in the study area.

Finally, to investigate the way and mechanisms in the federal and state levels that is dealing with the recognition of minority rights, to be heard in their language, the right they have in self-administration and political participation in their area will be recommended.

1.4 Research Questions

1. Is there any legally set guidance designed to advance the rights of internal minorities in Oromia? If so, can Amhara minorities use their Amharic language in all public sectors like judicial sectors in Girar Jarso woreda?
2. Would the constitution of Oromia region unwilling on the right to be elected for Girar Jarso woreda Amhara minorities in the region to participate in the politics of the region and the country as well, in all stages as representatives of a group?

1.5 Significance of the Study

Collective right respecting is more pronounced by the legal and scholars in a good fashion of our planet to sustain peace and securities among different groups since many decades ago.²⁰ In pluralistic societies, collective right has a great attention in this time. The number of countries following federal system is also increasing even if it has different names in its host countries for their special and particular cases.

Thus, the significances' of this study is, serving in setting a stepping stone for academicians processes to further studies in the topic. It will again possibly used for pluralistic societies having minority groups in it and meaningful political participation.

1.6 Research Methodology

The research runs to reach about the theme of the main issue in the right of Amhara minority's language, self-administration, and their political participation in Girar Jarso woreda of North Shewa Oromia National Regional State in a qualitative way. Thus, the researcher used the qualitative method of research to obtain specific types of participants' observation in depth-interviews, from purposive focused groups' discussion for generating broad over views. The reason of using the qualitative method was to give participants the opportunity to respond and describe the most open-ended questions in their own words in a more flexible ways. After the information was qualitatively obtained, the phenomena were described to address the situation being studied.

20 Tsegaye Regasa (2010): Learning to Live With Conflicts, Mizan Law, Review Vol. 4 No. 1, March 2010

1.6.1 Sample Design

Thus, the case study was conducted in Girar Jarso Woreda. The Woreda has seventeen rural Kebeles. Of these seventeen rural Kebeles, seven Kebeles are almost all are only Amharic speakers of Amharas, in which the case was undertaken.²¹ These seven kebeles are Kolegnayesus, Inequal, Silmi-Gejeba, Shebel-Fati, Adisgie, Wedesso-Anba, and Sherer-Genet. The other rural ten balance Kebeles are Oromo language speakers. These Oromo language speakers are Torban-Ashe, Koticho-Sefane, Wertu, Dirre-Doyo, Iyeta-Danisa, Ameto-Kiro, Girar-Geber, Boneya-Anno-Ginno, Illamu-Arjo-Selale, and Gishe-Usmani.²²

Thus, two Amharic speakers of rural kebeles taken as sample kebeles purposively for Adisgie Kebele is nearest to Fiche town and occupied with more information, and Shebel Fati is broadly shares the border with Oromo language speakers Kebeles. Here, taking the two kebeles as samples cannot affect the results because the interviewed people were ideally the same and purposive, as they are relevant to a particular case study and the interview conducted with selectively case known persons to estimate the total seven Kebeles.

The stakeholders that used in conducting the study were:

- Girar Jarso woreda Head of Executives or ‘Cabinets’ and Judiciary Organs.
- The speakers of the Woreda Councils and Social Affairs.
- Experts of Education in the Woreda.
- Teachers, and Students’ of two Kebele Amharas
- Student families of two Kebele Amharas
- Girar Jarso woreda two Amhara community elders
- Girar Jarso Woreda Civil Service and Good Governance Office, and
- Girar Jarso Health Office

21 Interviewed on Feb. 21, 2016 with Ato Birhanu Taddese, Girar Jarso Woreda Social Affairs Head Office.

22 Ibid

1.6.2 Data Collection Methods

The method of data collection was a qualitative because qualitatively the in-depth interviewed population in which the researcher does not follow a rigid form was conducted. Furthermore, the data were collected in a wide range again through observation of the researcher from different bodies openly on the topic. Focus group was also held naturally to share some characteristics relevant to the study, and finally explained qualitatively, narrated as the case may be.

1.6.3 Sources of Data

Both primary and secondary sources of data were used in the research.

- a) Individuals like elders, students, teachers, community leaders', and youths from sample Kebeles; officials and experts were used as primary sources.
- b) Published and unpublished materials which were available in the form of books, constitutions, laws, journals, journal articles and any other literatures used as primary sources too in general and in particular, if any.

1.6.4 The Research Area, Sample Size and Sampling Techniques

To explore the tension that was going to be in Garar Jarso woreda, the researcher selected this woreda. The central point of the study was to know the connection that Amhara minorities found in the woreda have in the political participation and employment chance in comparing with larger Oromo societies found in the woreda.

Therefore, the targeted selected sample area was collectively seen and only took the representation focus group samples to manage it with the time and the money allocated. Depending up on the nature of questions and responses given, the result was analyzed, and set as an outcome to be narrated.

1.6.5 Instruments of Data Collection used

In this research, the data gathering tools were:

- 1. Open-ended Interviews:** Conducted in depth in collecting information from teachers, elders, students, and Woreda government officials to assess and know about the seven Kebele Amhara minorities situation in political participation, social services, and their administrative issues they are practicing.
- 2. Checklist type's questionnaires** used to find data of students from educational office.
- 3. Observation:** The researcher observed the matters about the study topic being studied by using focus group discussion and field visits to learn more about the context and behaviors of issues within the study area.

1.6.6 Data collection Procedures.

The researcher used well-prepared questionnaires to ask orally, guided interviews, group discussion with focused individuals that translated from English language to Amharic and Oromo language. The researcher used individuals that assisted the process of data collection prior of trained how to gather and facilitate the processes.

1.6.7 Data Analysis

After going through data collection, in qualitative ways, focus group discussion, and researchers' personal observations over different matters, the results analyzed. Instruments used to analyze were document analysis especially for the Censuses and Statistical data of students in the study area and mostly reflective analyses to provide a critical examination over the experiences learned from the study area connecting with the researcher's own experience.

1.7 Scope of the Study

The study covered about the minority rights of seven rural Amhara Kebeles of seventeen Kebeles of Girar Jarso Woreda. It would be better if other Oromia Woredas' were added but the researcher used to limit the scope of the study, depending up on the allocated budget and the time given in line of the versatility of the area covered. Therefore, library study and field

tripe work was the main task used by the researcher to balance the information. The field tripe work was conducted in Girar Jarso woreda, in Amhara minority groups area found in selected sampled two kebeles of lowland '*Qolla*', namely Shebel Fati and Adisgie.

1.8 Limitations

During this research, the complexity of language was rising by some Amharas of the place because they were assuming as if they are going to have a solution on language issues after they answered the researcher's interviews. So sensitivity and emotionality were seen in giving information. This needs more time to regain the normal nature of the interviewed and tolerance in collecting the information to study.

The other limitation was in relation with time shortage, financial limitations that the cost of transportation by bus and on horseback was too difficult to collect information from each corner and explored since these rural places were far, and hot low land called '*Qolla*'. The participant administrators and higher officials were also busy to give crucial information in settled mind. These officials were also hesitators and unwilling to recorded their voice. Lack of specific literatures, written in relation to the Amhara minorities of Girar Jarso Woreda was also another additional constraint for the limitation of the research.

1.9 Organization of the Study

The study paper is divided in to five chapters and many sections that states about collective human rights, group rights and the rights of political participation of linguistically minority groups in relating with International and Ethiopian legal instruments.

Thus, the first chapter was the introduction part that contained background, identifying the problems, general and specific objectives of the study, research questions and methodologies, scope and organization of the study. Chapter two dealt with the literature review that show opinions of different scholars and international laws on group rights and collective rights in general regarding minority groups' prevention and accommodation. In chapter three, the nature of minority nation's democratic rights in the majority and accommodation in Ethiopian Federal System for political participation; and represented in

the House of Peoples Representative and House of Federation was discussed. In the fourth chapter, the minority rights in Oromia specially, those who could not spoke and heard Oromo language (Afaan Oromoo) in general, and those in Girar Jarso woreda of Oromia region in particular was discussed by taking Amhara minority group as a nation living in seven rural kebeles in the woreda. In chapter five, relation with all human rights was discussed as a conclusion; and the recommendations also given about the minority rights in a given federal democratic countries.

... different scholars and authors subject to their studies in order to manifest, internationally, the instruments that used to show minority rights considerations both during the League of Nations was not clearly set and defined what minority is. After World War II, the 1948 Convention, which is more about substance and general principles of minorities, was also in the same line of international convention but not defined minority. In doing this, we cannot conclude as any minority rights provisions given through them were not clear definitions during that era. The 1966 International Convention on Civil and Political Rights was the first treaty and first international binding instrument, since minorities when we compare with the former international genocide protection convention of 1948. Gradually, the norms and cultures of considering about minority rights were being developed but still without their own minority concepts. Particularly, the 1992 United Nation Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (hereinafter: United Nations Minority Declaration) recognize and protect the rights of persons belonging to minorities as a first separate instrument but failed defining minorities.

Until now, different writers, lawyers, and academicians have been defined minorities in which it gives sense in their hands at their hand. The most common and known inclusive definition was given in 1977 by the Special Reporter of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, Francisco Capriles. This reporter defined minority as:

Chapter Two

2.1 Literature Review: Minority Rights Regimes Under International Definition and 'Typology' of Minorities

2.1.1 Introduction and Definition

There are so many lists of minorities. The minority issues and what the minorities in different scholars used in different ways. It is tentatively defined, and used by these different scholars and authors subject to their matters in need to manifest. Internationally, the instruments that used to show minority rights even dated back during the League of Nation was not clearly set and defined what minority is. After World War II, the 1948 Convention, which is more about existence and genocide protection of minorities, was also in the former line of international convention but not defined minority. In saying this, we cannot conclude as any minority rights protection even though there were no clear definitions during this era. The 1966 International Convention on Civil and Political Rights was the first drastic and firm international binding instrument about minorities when we compare with the former minorities genocide protection convention of 1948. Gradually, the norms and cultures of considering about minority rights were been developed but till without defining minority concepts. Particularly, the 1992 United Nation Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (hereinafter: United Nations Minorities Declaration) recognize and protect the rights of persons belonging to minorities as a first separate instrument but failed defining minorities.

Until now, different writers, lawyers, and academicians have been defined minorities in which it gives sense in their issues at their hand. The most common and known inclusive definition was given in 1977 by the Special Reporter of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, Francesco Capotorti. This reporter defined minority as:

*A group of numerically inferior to the rest of the population of a State, in a non-dominant position people, whose members-being nationals of the State-posses ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.*²³

According to this, the nationality criterion included in the reporter's definition has often been challenged. He used nationality as a sub-state population near to the small unit possessing ethnic, religious, or linguistic characteristics that made unique from the numerically great population of the area.

As can be seen from the definition of this Special Reporter, in order to be minorities, it has its own elements to meet. These elements are directly seen with the characters' of the group named minorities.

Even though the above definition was popularly acceptable in some instances, still there is no special definition for the term 'minorities' given by any to be used as one among writers and scholars. This lack of one and consensus definition of minorities made the minority groups not to use their rights effectively as they need in the host State. Even though there is no one or consensus definition of minorities in the world, this bareness has not made the minorities from claiming their rights until now, and nor the international community refrain from extending their efforts to protect the minorities by promulgating different mitigated instruments.

23 OHCHR (2010): *Minority Rights: International Standards and Guidance for Implementation*, Geneva and New York.

2.1.2 Minorities

The claims of minorities for their rights and the attempt to address internationally for the question of these minorities have a long age with the establishment of League of Nations. Kristin Henrard expressed this case as; “The League of Nations established a rather extensive and detailed system of the minority protection, on the bases of peace treaties, minority treaties, and unilateral declarations”.²⁴

After the First World War, there had been treaties between the allied forces and the beaten states how to treat in a general manner and address the question of minorities in Europe. Most of the treaties in the document were containing and concerning about protecting minority issues even in the establishment of League of Nations. During the League of Nation and then, up to the end of the Second World War, there was again a great attempt to supervise and address the claims of minorities up to the foundation of Universal Declaration of Human Rights. In contrarily, the 1948 Universal Declaration of Human Rights were not provided enough space for minority rights in a good manner as if it was a new prospect of international instrument.

From all international human rights instruments of that time, the one that was guaranteed the minorities right was the International Covenant on the Civil and Political Rights (ICCPR) of 1966. This instrument showed and guaranteed for minorities the right to defend for their special identities, their unique characters that uniquely distinguish and named them from other members of human family.²⁵ The critic in the ICCPR of 1966 under Article 27 is so clear in mentioning about the rights of minorities. It was the only provision in the special expression in the Convention in identifying about the minorities rights mentioned and made to be universally applicable.²⁶

24 Kristin Henrard (2000): *Devising an Adequate System of Minority Protection, Individual Human Rights, Minority Rights and the Right to Self-Determination* PP. 219 (London, and Martinis Nijhoff, 2000)

25 Patrick Thornberr (1991): *International Law and The Rights of Minorities* PP. 141. (Clarendon Press, Oxford, 1991)

26 Ibid pp. 144

2.1.2.1 Ethnic Minorities

There have been interchangeably used ethnic or national minorities with race minorities because these two terms are encompassing small groups of vulnerable individuals and minimum similar populations in characters comparing with the majority of the population in specified area. An ethnic minority has a peculiar character preserving its own culture, historical and other common decent that can be originated biologically including language.

There is no internationally agreed definition of ethnic minorities, however, under article 27 of the 1966 ICCPR, the ethnic minority's right greatly pronounced rather than races to be protected from discrimination. This means that races are included within the ethnicity and not permitted to discriminate in this case. From these wordings, we can see that ethnicity is somewhat wider than race. This shows, "when an ethnicity is assumed to a biological basis, it is called a race."²⁷

The social identity formed by many of our ethnic minority of children, youth, and families is the consequence of being identified as a member of a negatively defined social group. Ethnicity is conceptualized as having a common origin, or culture, that is handed down from one generation to another. Ethnic identity can base on a mixture of language, religion, race, and or ancestry.²⁸ The concept of minority is also sociologically the term referring to dominance or power relationships. Minority groups are said to have unequal or limited access to power in a society.²⁹ Inequality and limited access become dimensions of social identity as members of ethnic minority groups are singled out, labeled, and treated unequally on the basis of their political, cultural or physical differences from the dominant group. In the everyday overheard conversation of activities, ethnic minority individuals are often reminded of their unequal status in society by textbooks read, news heard, conversations, research findings reported, and a number of other sources of information.

27 Conrad P. Kottack, *Anthropology (1994): The Exploration of Human Diversity*, PP.54

28 Yinger, M.(1985). *Ethnicity. Annual Review of Sociology*, 11, 151-180, PP. 168

29 Mindel, C.H., Habenstein, R.W., & Wright, R.Jr. (1988). *Family lifestyles of America's ethnic minorities*. In C.H. Mindel, R.W. Habenstein, & R. Wright Jr. (Eds.) *Ethnic families in America* (pp. 1-14). New York: Elsevier Science, PP. 5

To be a member of an ethnic minority group is to engage in battle with the forces of negative social identity.³⁰ If one's social identity focuses on comparisons, people make between a dominant group and one's own ethnic minority group. Thus, discourse that features negative comparisons with other groups tends to adversely influence ethnic minority social identity, contributing to an attitude of increasing dissatisfaction with one's social identity. Through information and interactions, individuals become aware of differences as well as one's group affiliation. As more negative information and interactions occur, preliminary attitudes concerning social identity of the group become more negative and can result in psychological conflict and related behaviors.³¹

Furthermore, according to Cambridge Dictionaries Online, ethnicity is defined as “a large group of people who have the same national, racial, or cultural origins or the state of belonging to such a group” (Cambridge). Furthermore the given perimeters of the word minority is simply put as “less than half of a total number or amount; the smaller part of something” (Cambridge). Thus, one can postulate that an ethnic minority is indeed a group with similar origins and that of similar cultural and social constructs. However, a minority is indeed significantly smaller in population to that of their surrounding context or residing state population.³²

Additionally, the degree of variation between ethnic groups is also not consistent. Many ethnic groups described as having unique characteristics from other minority groups and from the dominant, but there are also some that are very similar to the majority group.³³ Most are indistinguishable from majority except for the fact that they practice any religion, and most are considered to be largely assimilated into dominant society.³⁴

30 Lillian A. Phenice and Robert J. Griffore (2000): *Social Identity of Ethnic Minority Families: An Ecological Approach for the New Millennium*. Vol. 5, Issue No. 1 Summer 2000

31 Ibid PP. 5

32 “English definition of “ethnicity”.” *Cambridge Dictionaries*. Cambridge University Press, n.d. Web. 12, January 2016.

33 Ethnic minorities in China: From Wikipedia, the free encyclopedia for a list of ethnic groups in China. Accessed on January 16, 2016.

34 Ibid

2.1.2.2 Challenges of Linguistic Minorities

A minority language is a language spoken by a minority of the population of a territory. Such people are termed linguistic minorities or language minorities.³⁵ With a total number of 193 sovereign states recognized internationally (in 2008), and an estimated number of roughly 5,000 to 7,000 languages spoken worldwide, it follows that the vast majority of languages are minority languages in every country in which they are spoken³⁶. Some minority languages are simultaneously also official languages, like Irish language in Ireland³⁷ and Amharic, a minority language with about 22 million mother tongue speakers, and the working language status in Ethiopia.³⁸

As language is central to human nature and culture, and is an expression of identity, issues surrounding language are particularly important to linguistic minority communities seeking to maintain their distinct group and cultural identity; sometimes under conditions of marginalization, exclusion and discrimination. As most of the international instruments imply, linguistic human rights can be described as a series of obligations on state authorities to either use certain languages in a number of contexts, not interfere with the linguistic choices and expressions of private parties, and may extend to an obligation to recognise or support the use of languages of minorities or indigenous peoples.³⁹ In this case, minority languages are occasionally marginalized within nations for a number of reasons. These include the small number of speakers, the location of the minority groups in the mainstream, the decline in the number of speakers, and their occasional consideration as unrefined, primitive, or simple dialects when compared to the dominant language. Therefore, states have a responsibility to protect all people residing in their territory, be they members of majorities or minorities, citizens or non-citizens.

35 OHCHR (2010): *Minority Rights: International Standards and Guidance for Implementation*, Geneva and New York.

36 Spoken Languages in the World: From <http://www.bbc.co.uk/languages/guide/languages.shtml>. Accessed on May 10, 2016

37 Constitution of Ireland

38 The FDRE Constitution Art 5(2) and CSA of Ethiopia

39 UN Resolution (1992) : Resolution 47/ 135 Article 1 of Minority Rights Protection under International Human Rights Protection.

At the same time, international and regional organizations must build domestic state capacity while strengthening the tools and political will to deliver timely collective responses when states fail in their responsibilities.⁴⁰

A) Judicial Adjudgment Challenges on Linguistic Minority Groups

According to the Oslo Recommendations, regarding to the linguistic rights of national minorities: “ all persons, including persons belonging to a national minority, have the right to be informed promptly, in a language they understand, of the reasons for their arrest and/or detention and of the nature and cause of any accusation against them, and to defend themselves in this language, if necessary with the free assistance of an interpreter, before trial, during trial and on appeal.”⁴¹ Even again, in regions and localities where persons belonging to a national minority are present in significant numbers and where the desire for it has been expressed, persons belonging to this minority should have the right to express themselves in their own language in judicial proceedings, if necessary with the free assistance of an interpreter and/or translator.⁴²

Furthermore, in the same token, this instrument stabilizes the right of minorities as, “in those regions and localities in which persons belonging to a national minority live in significant numbers and where the desire for it has been expressed, States should give due consideration to the feasibility of conducting all judicial proceedings affecting such persons in the language of the minority.”⁴³

From the above sayings, accused or detained persons of any national, since they are humans, not understanding or knowing to speak and listening some one’s language have the right to know and understand the real cause in the language they or s/he know and understand during the trial and again before the court after the trial.

40 Nicholas T. & Nanako U. (2010): *The Responsibility to Protect Minorities and the Problem of the Kin-State United Nations University*, (2010).

41 *Oslo Recommendations Regarding the Linguistic Rights of National Minorities and Explanatory Note*, (1998): *Foundation on Enter-Ethnic Relations, Prinsessegrachi, 22, 2514 AP, The Hague, the Netherlands, Roll No. 17. P.1*

42 Ibid.

43 Ibid.

B) Administrative Challenges on Linguistic Minority Groups

The uses of minority languages in the public administration have a high symbolic value, and can therefore, promote the status of such languages.⁴⁴ At the end of 20th century, and 21st century, there has been an ethnic survival.⁴⁵ Lesser used languages gained momentum in the democrat countries, after having been maltreated for a long time and sometimes not considered as a language. Some of these languages did not receive recognition despite the high number of speakers and the most problematic sector is public administration.⁴⁶

Public administration is arguably one of the most important areas through which a state can affect the validity of a minority language community. The use of such a language in the public administration can have a significant role; it has a potential, for example the visibility of the language quite considerably, thereby enhancing its prestige. The public administration also plays an important functional role in enhancing the position of a minority language. The use of minority language in the public administration creates both opportunities for speakers to use the language in their daily lives, and again it ensures that the public administration provides a range of minority language services, which enhance the perception of the usefulness of the language. This in turn creates incentives for citizens to learn the minority language.

On the other hand, the public administration can sometimes be the most challenging and problematic domain for the use of minority languages.⁴⁷ It is sometimes indicating 'careless planning'⁴⁸ when it is introduced in to the public administration without financial support and legislative protection to face difficulties.

44 Alessia Vacca (2014): Protection of Minority Languages in the Public Administration of Northern Ireland: Irish and Ulster Scots Linguistic Legislation. Which and When? *Journal of Language and Law*, N. 62, 2014, 49-70.

45 Ibid

46 Ibid

47 Ibid

48 Ibid

Almost all treaties and instruments made by international bodies themselves contain general than specific provisions with respect to the protection of minority languages; however, these are of only limited relevance to linguistic minorities, although they might prove to be some use if they were given a broader interpretation than a literal one.⁴⁹

Supporting minority languages can be used as a tool for maintaining a conflict-ridden sense of differences.⁵⁰ For example, Great Britain is the home of English Language but there are also other languages spoken there, such as Celtic languages (like Welsh, Scottish Gaelic, Irish, and Cornish) and Germanic languages (like Scot and Ulster Scots).⁵¹ Irish became one of the 23 European Union (EU) official languages in its status on 1 January 2007⁵², and has arguably enhanced its prestige, although thus far it has resulted in few concrete obligations for Irish the public administration in Northern Ireland.⁵³

Hence, as the Proposed American Declaration on the Right of Indigenous Peoples⁵⁴ puts it, linguistic minorities should be enabled “to understand administrative, legal, and political rules and procedures, and to be understood in relation to these matters”.⁵⁵

49 A. Vacca, “A Comparative Approach between the Council of Europe Treaties and the European Union framework in the legal protection of minority languages” (2010) *Journal of Language and Law*, N. 53,

50 Alessia Vacca (2014): Protection of Minority Languages in the Public Administration of Northern Ireland: Irish and Ulster Scots Linguistic Legislation. Which and When? *Journal of Language and Law*, N. 62, 2014, 49-70.

51 Ibid

52 <http://www.independent.co.uk/news/world/europe/irish-becomes-the-23rd-official-language-of-eu-430615.html>.

53 Alessia Vacca (2014): Protection of Minority Languages in the Public Administration of Northern Ireland: Irish and Ulster Scots Linguistic Legislation. Which and When? *Journal of Language and Law*, N. 62, 2014, 49-70.

54 Proposed American Declaration on the Right of Indigenous Peoples approved by the Inter –American Commission on Human Rights on 26th Feb. 1997, at its 13333rd session, 95th Regular Session, Article VIII (3)

55 Proposed by the Drafters of UN Declaration on the Right of Indigenous Peoples approved , Sub-Commission on Prevention of Discrimination and Protection of Minorities, 45th Session, 23rd Aug. 1993, Article 14

This shows that if languages were to be completely disqualified from relations with authorities, it would be negated as such, because for language is a means of public communication and cannot be reduced to the phenomena of private relations alone. So, if a language is not given access to the political, legal or administrative sphere, it will gradually loss all its terminological power in a given field and become a ‘handicapped’ language, cannot express every aspects of the communities life. ⁵⁶

The 2000 Flensburg Recommendations thus emphasize that “governments should recognize the selection, design, implementation, and evaluation of policies in favor of regional or minority languages as necessary tasks making a crucially important contribution to the good governance of modern societies”. ⁵⁷

C) Employment Challenges and Discrimination on Linguistic Minority Groups

Language discrimination is the unfair treatment of an individual solely because of their native language or other characteristics of speech, such as accent, size of vocabulary, and grammar. Language discrimination does not include discrimination based upon an individual’s appearance, but rather focuses upon the style of speech used by an individual.

The labor market integration of young people from ethnic minority backgrounds is one of those issues which government finds it a challenge to address, particularly in the current climate of growing youth unemployment. Supporting access to the labor market for all young people is typically a multi-faceted issue, with both social and economic dimensions. In the case of minority groups, it is no easier as it involves working with different cultures and customs. ⁵⁸

56 *European Treaty Series - No. 148*, European Charter for Regional or Minority Languages, Article 10(1-5) Strasbourg, 5.XI. 1992

57 European Charter for Minority Issues /ECMI, Flensburg Recommendations on the Implementation of Policy Measures for Regional or Minority Languages (hereinafter “Flensburg Recommendations”), I. (2), Importance of Minority Language Policy, at: http://www.ecmi.de/doc/projects_recomm_01.html

58 Froy, F. and L. Pyne (2011) :“Ensuring Labour Market Success for Ethnic Minority and Immigrant Youth”, *OECD Local Economic and Employment Development (LEED)*, Working Papers 2011/09, OECD Publishing

The importance of access to the majority language for minority language students is not an issue here. The development of majority-language proficiency is critical in facilitating social contacts and enhancing employment opportunities for minority language groups.⁵⁹ It is reasonable to conclude that minority language speakers are more likely to have a lower employment rate.⁶⁰

2.1.3. Political Participation Challenges on Minority Groups

Political participation is the voluntary activities of those members of a given society sharing in the selection of rulers, and directly or indirectly, in the formation of public policy.⁶¹ These activities typically include voting, discussing, proselytizing, financial contribution and communication with representatives. The more active forms of participation include formal enrollment in a party canvassing and registering voters, working in campaigns, and competing for public and party office.⁶²

Minority political participation is where minority rights and attitudes towards minorities meet. Conventionally, minority include approaches to avoid discrimination and affirm cultural distinctiveness of the community. Now minority rights have experienced progress over the past decade.⁶³ However, most importantly, practice suggests that minority rights are often not implemented without political representation of the minorities' themselves.⁶⁴

Therefore, the right to participation is also an essential means by which minority groups defend their existence, identity and other rights as they take part in decisions made by the majority.

59 Melinda Dooly, Claudia Vallejo (2009): *Educational Policies that Address Social Inequality: Linguistic Minorities*: This report was written by the Spanish team: Faculty of Education, Barcelona, Spain (2009).

60 Ibid

61 Thomson Gale (2008) : *International Encyclopedia of Social Sciences/ 1968 ; Political Participation*, Encyclopedia.com

62 Ibid

63 Friedrich Ebert Stifun, (2008): *Political Parties and Minority Participation*, ul. Risto Ravanovski 3, 1000 Skopje, Macedonia, 2008.

64 Ibid

It is the right associated to conscious taking part of elites' of minority groups in legislative, adjudicative and administrative powers, and the formulation of and implementation of policy at different levels of governance.⁶⁵

Admitting members of minority groups in public affairs and reserving political space enable them to have their legitimate share in the exercise of powers. Beyond influencing the decision of majority, it enables minorities to feel belongingness. Normally, challenges of a state in denial of citizenship, obstacles to the exercise of the right to vote, to be elected, under representation of minorities in political and public affairs and the exclusion of citizens who are members of minorities from holding public office encumbers participatory of minorities.⁶⁶

2.1.4. Rights to Self-Determination of Minorities

The right to self-determination is one of the most fundamental and continuing principles of the mostly postwar international legal system. It has developed from a parameter originally associated with the right of states to non-interference by other states, into a distinctive right recognized to all peoples as opposed to states. Besides, the right to self-determination explicitly recognized as a valid claim to all 'peoples' by the UN Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among states.⁶⁷ The same acceptance is also there in Art.1 of the ICCPR in which "all peoples have the right to self-determination so that they can freely determine their political status; freely pursue their economic, social, and cultural development."⁶⁸

65 UN Committee on Human Rights General comment No. 25/ 1996

66 de Varennis, Towards Effective Political Participation and Representation of Minorities/CN.4/Sub./Ac5/1998/WP4,

67 Declaration on the Granting of Independence to Colonial Countries and peoples, UN General Assembly Resolution, 14 December 1996, UNGARes.1514 (XV) inters alia (UNGA Res, 2625(XXV), 24 acts 1970.

68 ICCPR, supra note, 154.Art .1

The ICCPR entitles people under occupation, indigenous peoples, and other communities if they display distinguishable identity, even if they are not under alien rule to exercise the right to self-determination. It does not hinder ethnic minorities from claiming when it is found necessary. Moreover, the African charter on Human Rights recognizes all peoples whether colonized or oppressed, as right holders to self-determination.⁶⁹ Decolonization and democratic dissolution to form new state are circumstances under which self-determination is usually claimed. However, still the concept of self-determination is subject to deep debate as it can be seen from the angles of forces of pull or push within a plural state. Some times by employing the principle of self-determination and federal arrangement, unity of a state may be perpetuated, whereas in other cases and some states afraid and not accept appeal to self-determination as it is a pre text to secession.

Later on, in case persisting of federalism, minority groups claim the right to internal self-determination units, which includes freedom to choose one's own government, the right of a group to be free from another's rule and to choose the sovereign and the right to democratic government in forming one common central government. It is also meant to be the right of members of a group to freely determine or choose the system and the authorities that will implement the genuine will of the people.⁷⁰ Hence, it has both internal and external dimension. The later dimension is concerned about international status of a people. Mostly, after colonization, and Second World War, instead of external self-determination, minority groups are entitled to have internal self-determination to form constituent federal states. This is also challenging because the mainstream or states are not positive to perform rather than resisting for these kinds of questions as we see from the real world.

69 African charter of Human and people's Rights 1981, Art. 20/2.

70 Hernard/Simiss, Self-determination and Cultural Diversity, in: Y. Donders, K. Hernard et .Al.(eds.),*Law and Cultural Diversity*,(SMS) Special No.25,1999.

Here, what we can see is that the commitment of international laws are so less because since the United Nations as a body is an association of sovereign states, their “primary purpose is to protect and promote the interests of their states and to maintain the existing states order,” and consequently, “Commitments to the self-determinations of peoples (whatever they are), and the rights of individuals are subordinate to these purposes.”⁷¹ Furthermore, states do not only accept the right to self-determination to minorities, but also their practice supports little “to the concept of special rights of peoples to preserve their identity once territorial sovereignty has been achieved.”⁷² States have techniques, they do not oppose directly minority rights and self-determination without any reason; they consider recognizing different identities as threats to national unity and territorial integrity of the state.⁷³

2.1.5 The Right to Retain Minorities’ Culture

As the UN General Comment No. 23 at Article 27 of ICCPR states, cultural minorities are entitled to recognition and protection to enjoy their own culture in community with other members of the group internally as a nation and internationally.⁷⁴ To retain one’s separate, identified norms of a population, a group can be meaningfully known only when the group exercises, practices and develops its cultural assets in addition to its own language. A minority group can make its cultural, traditional, and customary values everlasting and cross generational only through practice. On the other hand, in order to adequately maintain and develop it up, the minority group needs various facilities such as established and adequately financed institutions, and public protection.

71 Michael Freeman, *the Right to Self-Determination in International Policies: Six Theories in Search of a Policy*. 25
REVIEW OF INTERNATIONAL STUDIES,3(Jul., 1999) PP. 347

72 Ibid 118

73 Gudmundur Alfredsson, *Minority Rights and A New World Order*, in GHTS:ESSAYS IN HONOR OF
ASBJORN EIDE 57(Donna Gomien, ed, 1993)

74 UN, General Comment No.23, Art.27 of Human Right

2.1.6 The Right to Internal Self-determination of Minorities

There will be coercive assimilation in plural states where the cases of minorities are not consciously managed. In this situation, minority population groups claim internal self-determination in which they take part in determining 'the form of government and the personality of the rulers by them selves'.⁷⁵ These groups seek sufficient guarantee to participate in decision making at national, regional and sub regional levels especially on matters they concern. The full extent of right to internal self-determination may go as far as having a federal arrangement.

However, if the claim of internal self-determination degenerates, minority groups may unilaterally claim the right to secede from the state in which they reside. In fact, claim to secession is not blame worthy if it secured and has a positive consent of the state from which secession is claimed.⁷⁶ There is an argument that there is no "legal ground for the non-colonized population group to claim the right to secession under international law" while others maintain its applicability under "restrictive circumstance" particularly where the existence and identity of the minority groups is under risk and the right to self determination" is rejected.⁷⁷ Hence, it is an ultimate remedy as it depends on concrete and restrictive circumstances. In the same stratum, Hernard and Smiss argued as: "whereas the external dimension of the right to self-determination would be mainly concerned with the international status of a people (one example of which is secession), the internal dimension would rather to be related to the internal state structure as well as to certain legal regulations to accommodate the population diversity of the state in a more optimal way."⁷⁸

75 Welhengama, *Minorities' Claim: From Autonomy to Secession*, 2000, P. 244.

76 Hernard/ Smiss, *Self-determination and Cultural Diversity*, in: Y. Donders, K. Hernard et .Al. (eds.), *Law and Cultural Diversity*, (SMS) Special No.25, 1999 P.24

77 Ibid

78 Ibid PP. 22

2.1.7 The Right to Autonomy Versus Minority Rights

In a given state, if a minority group will claim to attain a status of the federal unit, it may not be given simply because it may be very small to attain even if there were no clear criteria to the smallness and hugeness of the minority group. Minorities claim to autonomy or self-government as both signify internal self-determination and it is difficult to trace any meaningful difference between them.⁷⁹ They demand independence in areas of economic, cultural, and political affairs in their separate identity and order on resources within their territory,⁸⁰ and/or in dispersed minority groups where a claim of personal or cultural autonomy is there.⁸¹

More suitably, territorial federalism guarantees autonomous exercise of certain power for territorially concentrated majorities. Nevertheless, because of many reasons it is rarely possible to find homogeneous ethnic, cultural, linguistic group concentrated in one region. In cases where there are dispersed minority groups in constituent units, cultural, language or territorial autonomy is recommendable to minimize the alleges. Giving autonomy for such minorities groups minimizes the ethnic antagonism.

2.2 The Universal Protection Mechanisms of Minority Rights

2.2.1 Political Participation and Representation (of Minorities)

An American instructor, David White, defined the political participation in his lesson to teach his students as, “for many, as American citizens, one of the aspects of our culture that many are most proud of is the extent to which they can take part in the political system. Whether they are voting for a new congressman ... because it is one of the ways in which Americans can contribute to their communities and be active members of society.”⁸²

79 Ibid

80 Welhengama, *Minorities' Claim: From Autonomy to Secession*, 2000

81 Ibid

82 Accessed on Feb. 5, 2016 at 4:03 from [www. questia. com/Online](http://www.questia.com/Online) – Library

This shows that how active participation of a people of a given democratic state take parts in the political reaction taking as culture to contribute for their communities. The instructor continues and said again, “these civic activities are what known as political participation, and they are a critical part of any democracy. As the name suggests, political participation simply means that a person is participating in the political process by making his or her opinions and beliefs known.”⁸³

Political participation has many types in its processes of progress. This includes voting, which is the single most important form of political participation that a person can take part in because it ensures that politicians elected by the people, rather than being assigned to their position of power by someone else.⁸⁴ Protesting is also used whether or not it is a constitutional because making ones’ opinions known in a very obvious way, with the hope that initiate change in a particular area of politics.⁸⁵ Jury duty is another way of most people shake at the thought of having to attend jury duty, it is an important type of political participation because it ensures that people who are charged with a crime are judged by people like them, rather than allowing the outcome to depend entirely on a single person, such as a judge.⁸⁶

When we come to minority participation, admitting members of minority groups in public affairs and reserving political space enable them to have their legitimate share in the exercise of powers. Participating of minority groups in their own affairs is also an essential means by which these minority groups defend their existence, identity and other rights as they take part in decisions made by the majority. These rights are associated to conscious taking part in legislative, adjudicative, and administrative powers, the formulation, and implementation of policy at different levels of governance as expressed above.⁸⁷ Even

83 Accessed on Feb. 5/2016 at 4:03 from [www. Questa. com/Online](http://www.Questa.com/Online) – Library

84 Ibid

85 Ibid

86 Ibid

87 UN-UN Committee on Human Rights General comment No. 25/ 1996

special seats are reserved for them in the parliament and they may have veto power in decisions affecting them as state Caucuses (Bancadas) in Brazil.⁸⁸ Proportional representations are also applied in executive power sharing and in the appointments of judges in the judiciary. To do so, the mainstream state is responsible in facilitating the issues.

Denial of citizenship, obstacles to the exercise of the right to vote, to be elected, under representation of minorities in political and public affairs and the exclusion of citizens who are members of minorities from holding public office encumbers participatory of minorities.⁸⁹

The UN also set at Art 25 of the ICCPR, that provides the rights and opportunities' of every citizen as "to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guarantying the free expression of the will of the electors"; and more specifically, "to have access on general terms of equality, to public service in his country, without any of the distinctions mentioned in Art.2 and without unreasonable restrictions."⁹⁰

2.2.2 The Rights to Maintain a Private Separate Identity of Minorities

If the right to existence of minorities are/ is recognized, the rights of minorities of having their own values of identification have to be known and maintained because this is only when the group exists. Hence, right to retain distinct identity presupposes the right to existence too, that the later constitutes "the supreme right in the hierarchy of rights of human beings is its individual and group right."⁹¹

88 Replicated from Brazilian Political Science Review (Online), Rio de Janeiro, v.1, n.2, July/Dec. 2007.

89 de Varens, Towards Effective Political Participation and Representation of Minorities, E/CN.4/Sub. /Ac5/ 1998/ WP4, P.3

90 ICCPR, Art. 25

91 Aberra Dagafa, *The Scope of Rights of National Minorities under the Constitution of Federal Democratic Republic of Ethiopia, Series on Ethiopian Constitutional Law*, Vol. 1, Addis AAU Printing Press, Ababa University, 2000. Supra note 7, PP. 54

2.2.3 Equality Rights of Minorities

The right to equality is so crucial and essential elements of individuals personally and minority groups. The ICCPR has recognized minority rights to equality and effective protection against any form of discrimination based on “race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”⁹² As already stated, minority groups want beyond learning in their language, practicing, or enjoying their own culture, deserve extraordinary protection to achieve considerable rights because they are so weak and vulnerable to protect themselves when we compare with the majorities.

2.2.4 The Linguistic Rights of Minorities

Naturally, if human beings are there, language is inevitable. Language is a vital attribute of human kind because it is a tool of communication. In addition, it is “a source of pride, self-esteem, and identity”⁹³ in the sense that since it is playing a great role as a defining characteristic of human society.

Language is a fundamental element of a particular identity of a given groups, whether they are majorities or minorities. It is a means simply, to employment in one’s life and to explain everything and situations seen and forecast. That is why it serves as store house of minorities’ culture, history, and tradition and, in effect of their identity.

Therefore, since all languages are equal, every language is a means of communication and identity, a group has its own right to use its language in speaking and writing in public services without bothering on the size areas coverage and the number of populations used. However, primarily the language has to be recognized as equal to other languages of the host state. The use of minority languages in public education and other areas is financially more efficient and cost-effective.⁹⁴ The use of a minority language as a language of service and communication also results in better and more effective delivery of public services by improving quality of and access to health, social services, education, employment, justice, and other public services.

92 ICCPR, Art. 26

93 Tasaku Tsunoda, *Language Establishment and Language Revitalization*, (Moutonde Gruyter, 2005), p. 141

94 World Bank (2005), *In Their Own Language: Education for All*. World Bank.

ce communication is a two-way street, authorities should not always seek to impose on everyone the use of a single, official or working language in all situations. Hence, failure to engage with minorities in their own language increases their sense of exclusion, and decreases their participation. It can also save lives since language can be a major constraint to accessing health services. Given that, the use of minority languages helps increase the level of participation of minorities, as well as their presence and visibility within a state – and even their employment opportunities – this is likely to contribute positively to unity and stability.⁹⁵ Conversely, where the use of only one official or working language discriminates dramatically against minorities, violence is more likely to occur.⁹⁶

2.2.5 Autonomy Rights of Minority

When minority groups require independence of their political affairs in their specific areas economic, cultural and their traditional values so as to preserve their separate identity, then, this is a symbol of independence to order on resources within their territory.⁹⁷ The right to autonomy is more confined only to territorially concentrated minority groups because it can be bounded geographically within a specified place than dispersed minority groups in which they can claim for their personal or cultural autonomy.⁹⁸ Basically, the scopes and types of autonomy are so different. It depends up on the needs, periodical conditions, democratically performed with the size of the group claiming. So, as Milbrunner set in his writings, “state practice shows that international law on the right of ethnic groups and minorities does not impose rigid solutions, but rather leaves a wide

95 Language Rights of Linguistic Minorities A Practical Guide for Implementation (UN, Draft)

96 Oslo Recommendations regarding the Linguistic Rights of National Minorities & Explanatory Note (1998) : Foundation on Inter-Ethnic Relations, Prinsesegrachi 22, 2514 AP, The Hague, The Netherlands,

97 Welhengama, supra note 42

98 Ibid

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Foundation on Inter-Ethnic Relations, Prinsesegrachi 22, 2514 AP, The Hague, The Netherlands,

97 Welhengama, *supra* note 42

98 *Ibid*

margin of possible solutions to meet the specific need of each individual society.”⁹⁹ This method is also used for the oppressed or discriminated groups that minimize the ethnic antagonism.

2.2.6 Religion and Cultural Rights of Minorities

One of the fundamental rights of every human is freedom of religion. Individuals can manifest their religion in person and/ or in collectives. Likewise, minorities have the right to practice and profess freely without any sanction a belief they choose and these religious of minorities are protected from any suppress of majorities.

On the other hand, culture of societies is different from place to place according to the societies engaged in the culture. Since culture is a way of life, it is one of the ingredients of ethnicity.

Therefore, the right to retain one’s separate identity of a minority group can be meaningful only when the group exercises, practices and develops its cultural assets in addition to its own language. The state as it does respect the dominant culture, should also respect the minorities’ culture.¹⁰⁰ State should give equal recognition for all cultures as the rights of individuals.

2.2.7 General Rights to Self-determination of Minorities

Self-determination is one of the most fundamental long lasting philosophies, mostly seen in the post war international legal system. It has developed originally associated with the right of states to non-interference by other states, into a distinctive right recognized state. Later on the right to self-determination explicitly recognized as a valid claim to all ‘peoples’ by the UN Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among states.¹⁰¹

99 Hailbronner, Kay, *The Legal Status of Population Groups in a Multinational State under Public International Law*, in *THE PROTECTION OF MINORITY RIGHTS AND HUMAN RIGHTS*, (Yoram Dinstein and Mala Tobory, eds., Dordrecht / Boston/ London: Martinus Nijhoff Publisher, 1992) , supra note 6, PP. 120.

100 ICCPR, Art. 27

101 Declaration on the Granting of Independence to Colonial Countries and peoples, UN General Assembly Resolution, 14 December 1996, UNGA Res. 1514(XV) inter alia (UNGA Res, 2625(XXV), 24 act 1970.

Generally, this denotes that the legal right of people to decide their own destiny in the international order. Self-determination is a core principle of international law, arising from customary international law, and also recognized as a general principle of law, and enshrined in a number of international treaties. For instance, self-determination is protected in the UN Charter and in the ICCPR as a right of "all peoples."¹⁰² The scope and purpose of the principle of self-determination has evolved significantly in the 20th century. In the early 1900's, international support grew for the right of all people to self-determination. This led to successful secessionist movements during and after WWI, WWII and laid the groundwork for decolonization in the 1960s.¹⁰³

2.2.7.1 Minority Rights in Internal Self-Determination

In contemporary notions of self-determination usually distinguish between "internal" and "external" self-determination, suggesting that "self-determination" exists on a range. Internal self-determination may refer to various political and social rights within the state; and by contrast, external self-determination refers to full legal independence/secession for the given 'people' from the larger politico-legal state.¹⁰⁴

In internal self-determination, minority groups in popular units of state seek adequate guarantee to participate in decision making at national, regional and sub regional levels. The full extent of right to internal self-determination may go as far as having a federal arrangement. It seems short of secession of minority, less than full self-determination.

102 ICCPR, Art. 1

103 Declaration on the Rights of Persons belonging to National or Ethnic, Religious or Linguistic Minorities, UN G.A. Res. 47/135 (1992); European Charter for Regional or Minority Languages, signed 5 Nov. 1992, entered into force 1 Mar. 1998, Europe. T.S. No. 148; Framework Convention for the Protection of National Minorities, signed 1 Feb. 1995, entered into force 1 Feb. 1998, Europe. T.S. No. 157.

104 External and Internal Self-Determination (by Salvatore Senese): Social Justice, V.16 N. 1 (35), HUMAN RIGHTS & PEOPLES RIGHTS: VIEW FROM the NORTH (Spring, 1989)

2.2.8 Employment Rights of Minorities

Today, the labour market integration of the young people from ethnic minority of backgrounds is one those issues which governments finds it challenging to address, particularly as we expressed above, in the current climate of growing unemployment youth. Supporting access to the labour market for all young people are typically all-around issue, with both social and economic dimensions.¹⁰⁵

In the case of minority groups, it is no easier as it involves working with different cultures, traditions and customs, and in some cases, tackling intergenerational problems of exclusion. Unsurprisingly, more than one government department or agency is involved in this policy area. In fact, the stakeholders involved are many, drawn from the public service, the private sector and civil society.¹⁰⁶

The integration of minority youth into the labour market is not only a national issue, but also a local one. All generations of young people from an ethnic minority background are part of a local community and need to find their place in the local labour market. Labour market integration is also a governance issue: success is likely to occur where there is a satisfactory level of co-ordination between the action carried out, where policy is adapted to local needs, and where business and civil society participate in shaping the measures aimed without minority's language, race, or any others discrimination. To be sustainable and effective, integration initiatives must be embedded in broader local economic and employment development strategies, build on local competitive advantages, and receive contributions from various sectoral policies.¹⁰⁷

Therefore, language discrimination is the unfair treatment of an individual not to participate in public affairs and public sectionals solely because of their native language or other characteristics of speech.¹⁰⁸ Language discrimination does not include discrimination based upon an individual's minority background, but rather focuses upon the style of activities used by an individual.

105 Froy, F. and L. Pyne (2011) :“Ensuring Labour Market,Success for Ethnic Minority and Immigrant Youth”, *OECD Local Economic and Employment Development (LEED)Working Papers*, 2011/09, OECD Publishing

106 Ibid

107 Ibid

108 UN, Universal Declaration of Human Rights, Art.21 & 23.

2.2.9 The Right of Minorities to be Judged in Their Own Language

In the areas of justice, free interpretation to be available, in criminal proceedings, if an accused member of a linguistic minority does not understand the language of proceedings, as well as free translation of court documents necessary for his or her defence, preferably in their own language. While all documentation or aspect of proceedings not to be translated, those which are essential to an accused or suspect must be done adequately and without cost.¹⁰⁹

This means, at the time of court proceedings, whether civil case or criminal and other judicial or quasi-judicial hearings, the adjournment should be conducted in a minority members' language to be understandable for the accused and to be lawfully reasonable.

If all these processes failed, and its effects of not using a language understood by individuals in the justice system are poor, it is extremely serious. This appears in particular in the international concept of a fair trial where in criminal and similar proceedings there must always be a minimal, adequate level of free interpretation and translation in place for accused or detained individuals who do not understand the language used by judicial or law enforcement officials so that they may exercise their right of defence and safeguard the fairness of proceedings. In addition, in application of the principle of proportionality, judicial proceedings should be conducted in minority languages to the degree and extent appropriate, when considering factors such as number and concentration of speakers of a minority language.¹¹⁰ So, from these sayings, a person charged with a criminal offence must also be informed on time and in detail in a language which he understands the nature and cause of the accusation.¹¹¹

109 UN. ICCPR, Arts. 14, 26, and International Covenant on the Elimination of All Forms of Racial Discrimination (hereinafter ICEARD) Art. 5(a)

110 Ibid

111 Res. 17-19 Oslo Recommendations Regarding the Linguistic rights of National Minorities (Organization for Security and Cooperation in Europe- OSCE)

2.2.10 Federalism as a Minority Protection Mechanism

In history of federalism, federal form of government has a multi order structure; all orders of government having some independent as well as shared decision making responsibilities. Federalism represents either a 'coming together' or a 'holding together' of constituent geographic units to take advantage of the greatness or smallness of nations.¹¹²

'Coming together' has been the guiding framework for mature federations like the United States, Canada, and the recent European Union. The alternative 'holding together' federalism is also called 'new federalism', representing an attempt to decentralized responsibilities to state local orders of government with a view to overcoming regional and local discontent with central policies. This view is the driving force behind the current interest in principles of federalism in unitary countries and in relatively newer federations such as Brazil, India, and other emerging federations like South Africa.¹¹³

Hence, all federal countries are not decentralized and not all unitary countries are centralized. For example, Canada is highly decentralized, but Australia and Germany are centralized federations specially in sharing sub-national expenditures. Nordic (Scandinavians, North Europeans) unitary countries are more decentralized than Australia and Germany.¹¹⁴ Currently, federalism is seen and occurred differently as the case of a particular people. It is a means for bringing down power to the people; it is also a means for creating great economic market as European Union aggressively pursued.¹¹⁵ It is also a means for managing diversity as in the case of Switzerland. In Ethiopia again, federalism was used to end the age old concentration of power and as a means for accommodating identity issues of the various ethno-linguistic groups.

112 Robin Boadway and Anwar Shah (2009): *Fiscal Federalism: Principles and Practices of Multi order Governance*, USA, Cambridge University Press, New York.

113 Ibid

114 Ibid supra note

115 Assefa Fiseha (2009): *Federalism: Teaching Material*; Prepared under the Sponsorship of the Justice and Legal System Research Institute.

Chapter Three

3. Minority Rights Protection and Accommodation under the FDRE Constitution

3.1 Overview of Minority Groups Rights under the FDRE Constitution

In Switzerland, in areas of linguistic minorities, there is a special guarantee in addition to the rights of any type of minorities' to take part in the process of political participation and decision making.¹¹⁶ Similarly, linguistic minorities receive special guarantee such as the right to have one's children educated in the minority language of a province.¹¹⁷

In Ethiopia, primarily a notable recognition of the existence of minority groups traces its origin in the 1991 Charter of the Transitional Government of Ethiopia.¹¹⁸ On this provision, Proc. No. 7/1992 and Proc.No.11/1992 define minority groups of nationality as "nationality or people which cannot establish its own Woreda Self-Government" but owing to smaller size of their population.¹¹⁹ On the other hand, as the majority of multicultural states' constitutions, the FDRE constitution does not express and not gave direct definition of what minority groups are. Hence, it seems in the eyes of the framers of this Constitution, if all 'Nations, Nationalities and Peoples of Ethiopia' are guaranteed the right to full self-determination and exercise of self-governance in an autonomous manner,¹²⁰ there will be a less probability of oppression and discrimination than the past regimes. Furthermore in case, if it occurs, the framers have provided precautionary provision in the constitution which guarantees certain seats to minority nations in the House of Peoples Representatives (hereinafter HPR).¹²¹

116 Switzerland New Federal Constitution Art.16 &12

117 The UN Art. 2(2) and 13 of ICESCR, Art. 26 of ICCPR

118 Art, 13 of The Transitional Period Charter of Ethiopia, Negarit Gazetta, 50th year, 1991, No.1

119 Art 2(7) of proclamation No.7/1992. A proclamation to provide for the Establishment of the national/Regional Self-Governments, Negarit Gazeta, 51st year, No.2,4th January 1992 and Art.2(5) of proclamation No.11/1992, A proclamation to provide for the Establishment of the National, Regional, and Woreda Councils Members Election Commission, Negarit Gazeta,51st year, No.6,8th February 1992.

120 See the content of FDRE Constitution, Art. 39(1 &2)

121 Ibid, Art. (54(3))

When we see the concept of nation, nationality, and peoples in the constitution of FDRE, it seems all-inclusive. It is not more considering all dispersed minority groups at the regional level, as they do not qualify the territoriality principle as well. Furthermore, the constitution does not identify the numerical figure of a group considered as minority nationality but 20 seats reserved conditionally in the Lower House called HPR. Moreover, non-territorial ethnic groups, which found in a dispersed manner in each states of territorially defined nation, are not taken in to account.¹²²

On the other hand, Proc.No.111/1995 defines minority nationality as “a community determined by the Council of Representatives or its successor to be or a comparatively smaller size of population than that of other nations/ nationalities.”¹²³ The main point of this proclamation is to guarantee the presence of delegates of every nation, nationality and peoples of Ethiopia in the HPR, regardless of their population size or whether they constitute one electoral district or not but dilemma. As we have a close reading of Art.54 (3) of the constitution, which states about representation and Proc. No. 111/1995, one can understand that it is nations, nationalities and peoples population, the size of minority was not determined; may be below 100,000 inhabitants that are entitled to be considered to have one representative in the HPR of minority or majority nationality. However, Proc.No.111/1995 amended by Proc.No.532/2007 again and as per Art.20 (1(a)) of this new proclamation, the electoral districts rearranged in accordance with census results of the in habited population by taking Woreda as a basis. Therefore, then after electoral districts on the basis of 100,000 people per one representative is no more used but based on Art. 20(1(d)) of this proclamation, minority nationalities believed to require special representation shall be determined by the Upper House, House of Federation (HoF), which seems fair than null of the bygone.¹²⁴

122 Art. 54 (2 &3) of the FDRE Constitution

123 See Proc. 111/1995, Negarit Gazeta of the Transitional Government of Ethiopia 5th year, No.9, 23rd February. A Proclamation to Amend the Electoral Law of Ethiopia, Conform to the Federal Democratic Republic of Ethiopia

124 See Proc. No. 532/2007, Electoral Law of Ethiopia Amendment Proclamation, the Amended Electoral Law of Ethiopia Proclamation, Negarit Gazeta, 13th Year, No.54, Addis Ababa, 25th June, 2007.

Therefore, the new proclamation made it clear that minority nationalities reside either within the nation, nationality or people that has already established their own homeland; region or local administration,¹²⁵ and entitled to have a reserved seat in the HPR with the status of nations, nationalities and peoples¹²⁶ to exercise the rights available for nations/nationalities regardless of their members, and to preserve and use their own culture, and linguistic rights.¹²⁷

Normally, the FDRE constitution guarantees the principle of equality and unfair discrimination based on language, ethnic affiliation, religion and others in general manner but this is not enough.¹²⁸ It only protects individual human rights without extending any protection to specifically minority group specific rights living in the mainstreams. This needs special rules to guaranteed representations and to the right to cultural autonomy of ethnic minority groups in each State Councils, Zones, Woreda and Kebele Councils at each level.

3.2 The Scope of Minority Rights and Accommodation in the FDRE Constitution

3.2.1 The Right to Existence in the FDRE Constitution

The right to existence is the primary supreme right of human right in this planet. Before all interactions made by humans, the right to existence takes first inherently. The UN, in its ICCPR legislative decree, wrote the article as “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life,”¹²⁹ it says. These sayings and the FDRE constitution article 14 and 15 are congruent,¹³⁰ as despite the fact that the right to exist is so popular everywhere in the healthy countries of the world.

125 Proc. No. 532/2007 per Art.20 (1(a)), electoral districts is organized on the basis of Woreda and inhabitants.

126 Art. 39(5), of the FDRE Constitution

127 Ibid

128 Ibid, Art. 25 and 39.

129 Art. 6 of the UN, ICCPR.

130 Art. 14 and 15 of the FDRE Constitution

Existence commonly held to be that which objectively persists as an independent of one's presence. A right to life and a right to exist are fundamentals ¹³¹ because a right to choose, a right to vote, to work, to strike, to dissolve parliament, to asylum, to equal treatment before the law, to feel proud of what one has done, to sentence an offender to death, to a distinct genetic identity; a right to believe one's own eyes, to pronounce the couple husband and wife, to be left alone, to go to hell in one's own way are performed after existence.

Therefore, usually the right to existence is non-derogable both in international and national human right instruments even though the right to life is derogable in the FDRE Constitution.¹³²

Normally, nations are the bearers of sovereign power at the Ethiopian federal level. There is no neglected nation in the existence, of which is at risk. However, due to the territoriality definition of nations, there are members of ethnic groups constituting majority in one region but constitute minority in the other regions with or without having defined territory. Usually, such groups of population which are not territorially identified are neglected in some regions from being the owner of the region in which they reside.¹³³

3.2.2 The Right to Equality in Ethiopia

The right to equality is ensuring individuals or groups of individuals are treated fairly, equally, and no less favorably, specific to their needs, including areas of race, gender, disability, religion or belief, sexual orientation and age. Promoting equality should remove discrimination in all of the afore-mentioned areas. The right to equality is needed in multi-ethnic state to distribute ethno-national justice among ethnic groups beside among individuals. The FDRE Constitution assumes an obligation to respect and promote the right of citizens and nations and rule of law ¹³⁴ because Ethiopia has ratified

131 The FDRE Constitution Art 14, 15, 25, and 26.

132 Art. 4 of ICCPR and Art. 93(4(c)) of FDRE constitution

133 See in detail the preambles of the Constitution of Regional state of Oromia, Gambella, and Benshangul-Gumuz.

134 Art. 25 and 39 of the FDRE Constitution

instruments such as ICCPR which bans discrimination on the basis of “race, colors, language, religion, national and social origin, birth and other status.”¹³⁵ Furthermore, this does not necessarily mean identical treatment, rather it means treating those who are relatively in the same position in similar manner and treat those on different position differently as the case may invite with areal situations.

When we come and see to the FDRE Constitution, it states all persons are equal before the law without any discrimination based on race, national, nationality or other social origin, color, sex, language, religion, political or other opinion, property, birth or other status.¹³⁶ The given provision of the Constitution, which deals with equality,¹³⁷ seems that this right is given to individuals not for groups. Its aim is standing for groups. That is, if the rights to equality of individuals who are members of minority groups protected, so persons can say that the minority groups are at equal footing with the majority. Nevertheless, this cannot be seems natural. Even though the protection of minorities is inspired by the principle of equality, it requires state to take positive measures to create favorable conditions to make minorities express their characteristics and to develop their culture, language, religion, traditions and customs. These are somewhat the parameters in which equality is depicted from its grass root and so that the symbol for democratization as Ethiopia is a federal country. Therefore, as a human, equality between the majority as they are mainly a state former and the minors of minorities as a sub-citizen of the state has to constructively balanced in every equality indicators.

135 Art. 11 of the ICCPR.

136 Ibid. Art. 141 (1)

137 Art.25 of the FDRE Constitution

3.2.3 The Right to Self-Determination

The right to self-determination is the power or ability to make a decision for a group without influence from outside and to determine its own form of government to govern themselves in their territory.

Hence, self-determination is one of the most important rights of oppressed population groups because of its multi-faces. It can be seen at the same time from political, economic, social and cultural rights. The FDRE Constitution, conferring the right to self-determination of people that can be seen as the right to autonomy (self governing), the right to speak their own language, preserve their own culture, history, identity and to separate institutions.¹³⁸ Furthermore, the right to secession is also part of the right to self-determination of the nations despite of their numbers, history, religion, culture, ethnicity and other political status.¹³⁹ The problems seen here to put into practice the right to self-government of minority groups is that, all regional and local government organs were not get in to the processes and they instead rigid. Constitutionally, the gate and access is not closed totally for every nearly around seventy nations in the county left not to establish their regional states in the future.¹⁴⁰ As self-determination has two aspects, the Ethiopian regional states would use internal than external. Internal self-determination is the right of the people of a state to govern themselves without outside interferences. To carry out a practical self-determination, the regional and sub-regional units of governments should discharge their duties and exercise their rights within the framework of democratic principles, rule of law and in accordance with the supreme mandatory rules and sprits of FDRE Constitution.¹⁴¹

138 Arts. 39 & 52 of FDRE Constitution

139 Ibid Art. 39 (3)

140 Ibid Art. 42 & 47(2)

141 Ibid Art. 50 (2) (a)

3.2.4 Cultural and Linguistic Rights

The cultural rights movement has a motivated attention to protect the rights of groups of people, or their culture, in similar fashion to the manner in which the human right movement has brought attention to the needs of individuals throughout the world.¹⁴²

This is because among the most crucial affairs that need special care in multi-ethnic state are language and cultural policy that are ranking first. Furthermore, in multi-linguistic states again, we need to take care as far as language is concerned. How much political empowerment and access to resource guaranteed, people want to reflect their own culture, values and preserve their history. In order to practice one's culture, there must be a right to use one's own language, as language and culture are indispensable.¹⁴³

Cultural Rights are rights related to art and culture, both understood in a large sense. The objective of these rights is to guarantee that people and communities have an access to culture and can participate in the culture of their election. Cultural rights are human rights that aim at assuring the enjoyment of culture and its components in conditions of equality, human dignity and non-discrimination. They are rights related to themes such as language; cultural and artistic production; participation in cultural life; cultural heritage; intellectual property rights; author's rights; minorities and access to culture, among others.¹⁴⁴ Culture in ethnographic sense is also seen as 'a complex whole which includes knowledge, belief, art, morals, law, custom and any other capabilities and habits acquired by man as a member of society'.¹⁴⁵

142 United Nation Educational Scientific, and Cultural Organization (UNESCO) Goal (2009): Investing in Cultural Diversity and Intercultural Dialogue, 7 Place de Fontenoy 75352 Paris 07 SB, France. UNESCO 2009

143 Wehlgeham, supra note 42,

144 Meyjes, Gregory Paul P. (1999). "Language and Universalization: a 'Linguistic Ecology' Reading of Bahá'í Writ". The Journal of Bahá'í Studies. Volume IX (1). Ottawa: Association for Bahá'í Studies

145 Timo Makkonen, Identity, Differences and Otherness, the Concepts of people, indigenous people and Minority in International Law, Helsinki: University Press, 2000

On the other hand, language helps to explain one's own eyes, culture and identity¹⁴⁶ as it is a storehouse of culture and history of a group.¹⁴⁷ Internationally, different countries are using different approaches of languages. In India, two languages, Hindi and English are recognized as official languages of the federal government¹⁴⁸ at the same time again, in Switzerland; Germany, French and Italy languages are recognized as federal official languages¹⁴⁹.

States are at liberty to adopt more than one official language complying with political 'integration through pluralism rather than assimilation' despite the interest to have mother states for ethnic groups though the procedure is subjected to stringent requirement as every language is equally official language of the federation like Switzerland.

When we come to Ethiopia, there is no one ethnic group that constitutes further than half in the federation. Oromo national and language constitutes the largest group.¹⁵⁰ In this regional state of Oromia, there are ethnic groups speaking their own native languages even if the working/official language of the regional state is Oromo language (Afaan Oromoo).¹⁵¹

The FDRE constitution in its Art.5 (1) and (2), states that all Ethiopian languages enjoy equal status of recognition and Amharic is the working language of the federal government but jumps the crucial matter that not to spell the official language(s) of the federation that is/are used for communication between the federal government and the states, even the popular Oromo language that could have been the second working language at the federal level. Afaan Oromoo is strategically in the center; even it is in a better position than Amharic in number of speakers, economic contribution in business transaction and size of the territory occupied by the speakers in and out of the regional state.

This shows again, the right of ethnic groups officially use their own language in public affairs is constitutionally recognized only when they are geographically concentrated.

146 Ibid. p.27

147 Ibid

148 Assefa, *supra* note 13, p. 196

149 Ibid, p. 207

150 The 2007 CSA of Ethiopia.

151 Ibid

Hence, the language policy has failed to accommodate some people in the cities and rural areas of the regions since they speak Amharic because of the past assimilation and boarder settlers influence of other language speakers. Finally, the result affects free movement of citizens and transactions in addition to neglecting equal service establishing different institutions such as courts, executive organs, and civil services.

Nevertheless, in countries of linguistic diverse society, the critical issue is how many languages must be the official languages and the national languages like federations such as Switzerland, India, and Nigeria having more than one official language for the federation. Practicing and performing the official and working languages in multi-ethnic countries help both minority and majority groups to make a choice between/among popularly spoken languages. Now, the regional states of FDRE showed three different approaches regarding language rights. First, some states have adopted their own majority language as the working language of their respective regional administrations. These are Amhara, Tigray, Oromia, Afar, and Somali category. Other states which do not have a majority ethnic group Benishangul-Gumuz, SNNPRS and Gambela, have chosen the working language of the federal, Amharic, as their relevant working language. The third trend, which is unique and can be taken as an exemplary for other regional states is the one adopted by the state of the Harari Regional State, where Harari and Afaan Oromoo languages have been chosen as the official languages of the sate seeming by considering the majority of Harari and Oromo people residing there.¹⁵²

Hence, cultural and language equality rights are vested not in individuals but in groups, such as religious and ethnic minorities and indigenous societies. All cultures are brought up differently, therefore cultural and language rights include a group's ability to preserve its culture and language, to raise its children in the ways it forebears, to continue its language; if cultures are promoted and preserved through language, it is inevitable to practice and attend education through mother tongue up to certain levels.¹⁵³

152 Assefa Fiseha. *Supra* note 13.

153 United Nation Educational Scientific, and Cultural Organization (UNESCO) Goal (2009): Investing in Cultural Diversity and Intercultural Dialogue, 7 Place de Fontenot 75352 Paris 07 SB, France. UNESCO 2009, ISBN 978-92-3-104077-1.

3.2.5 Judicial Adjournment on Linguistic Minority Groups under FDRE Constitution

The right of persons accused is set under Art.20 of the FDRE constitution. Under this provision, the accused persons have the right officially to a public trial by an ordinary court of law within a reasonable time after having been charged. The public trial is only in a closed session to protect the personal moral or the national security.¹⁵⁴ Accused persons have the right to full access to any evidence presented against them and can be represented by a legal counsel by state expense if they are poor. Furthermore, they have the right to request for the assistance of an interpreter at a state expense where the court proceedings are conducted in a language they do not understand.¹⁵⁵

The Oslo Recommendations Regarding the Linguistic Rights of National Minorities states as “all persons, including persons belonging to a national minority, have the right to be informed promptly, in a language they understand, of the reasons for their arrest and/or detention and of the nature and cause of any accusation against them, and to defend themselves in this language, if necessary with the free assistance of an interpreter, before trial, during trial and on appeal.”¹⁵⁶ However, as the writer of this article knew, the practices carrying out in the Ethiopian court proceedings are not fully coincide with the sayings of laws. Those accused people, whether they are accused in criminal or civil, are judged in a language which they can never hear, speak and understand, Afaan Oromo, the working language of ONRS without assistance. The state had not been employed interpreters in the regional first instant courts until now. Some economically better and accused citizens are hiring interpreters for the period in due in unfair and costly charge and the poor are not. Hence, the poor cannot know what processes are going on them. The judges are simply adjourning the case when the confused poor terror party is/are standing before the court without any interactions.

154 Art. 20 (1) of the FDRE Constitution.

155 Ibid Art. 20 ((4), (5) & (7))

156 Oslo Recommendations Regarding the Linguistic Rights of National Minorities and Explanatory Note, (1998): Foundation on Enter-Ethnic Relations, Prinsessegrachi, 22, 2514 AP, The Hague, the Netherlands, Roll No. 17.

Therefore, Ethiopia, as a multi-national federal, and to go with its constitutional decree and the ratified international instruments, has to consider those multi-language regions and localities. Regional states should have to give due consideration to the feasibility of conducting all judicial proceedings affecting such persons in case of the language of the minority.¹⁵⁷ The accused or detained persons of any national that are not understanding or knowing to speak and listening some one's language have the right to know and understand the real cause in the language they or s/he know and understand during the trial and again before the court proceedings.

3.2.6 Political Representation in Federal Ethiopia

Political representation is the process that can be described as how some individuals stand in for others or a group of others, for a certain period. Representation usually refers to representative democracies where elected officials nominally speak for their constituents in the legislature. Generally, only citizens are granted to representing in the government office in the form of voting rights. This kind of representation lies at the core of modern politics. Democracies, with their vast numbers of citizens, could not operate without representative institutions of the group. Yet relations between the democratic ideal and the everyday practice of political representation have never been well defined and remain the subject of vigorous debate among historians, political theorists, lawyers, and citizens.¹⁵⁸

Hence, as Ethiopia is a federated country, federalism by itself is not an end to the protection of minority rights. As officials are representative of their people, forming federal institutions such as executive and judiciary with peoples, should be adequately establish in the lower sub-regions to impartially solve the problems among ethnic and minority groups participating in both houses. Moreover, in all civil service sectors and others, a proportional ethnic composition and ethnic minorities is needed to be employed.

157 Ibid

158 Tim Potier, "Regionally non-dominant titular peoples: the next phase in minority rights?"

Journal on Ethno politics and Minority Issues in Europe, July 2001

Lawfully, every nation, nationality, and people of Ethiopia has the right to equitable representation and this is guaranteed under Art.39 of the FDRE constitution. There is also a good mechanism that the second chamber called HoF is the house of minorities used to balance the power influence of majority over the minorities in voting process.¹⁵⁹ In this chamber of Ethiopia, that is why the majorities are representatives of the SNNP state because of having more minority ethnic groups in the area.

When the HPR of FDRE is seen, no ethnic group is dominating by having a 50% and above representatives. In this lower house, it is Oromia that has about 1/3 representatives with about 27,000,000 population than other members.¹⁶⁰ Therefore, it is challenging to minorities to overcome unless they always side with one another in the lower house and have not given the opportunity to counter balance the majority domination in lower house during law making and issuance of policy at the center because the HoF has no law making power.¹⁶¹

3.2.6.1 Representation in the House of Peoples Representatives (HPR)of Ethiopia

Representation of the people of Ethiopia, as members of HPR, are elected directly by the people up on universal suffrages on the basis of the first-past-the post electoral system from candidates in each electoral district, but the total number of the members of the house should not exceed 550 of which minority nationalities should have at least 20 seats in it.¹⁶² This lower house is constitutionally given to have an active power of decision on political matters. Since it is the supreme political organ of the country, HPR enacts laws in line with the constitution, and plays a supervisory role over all the executives' actions and activities performed in and out of the federal.¹⁶³

However, mechanisms how the minority groups have been correctly recognized and had representatives were not set correctly to participate in the HPR rather than reserving 20 seats to them.

159 See Art 61 of the FDRE Constitution.

160 The CSA of 2007

161 Ibid, Art. 61(1)

162 Ibid, Art 54 (1-2)

163 Arts. 50 (3) & 51 of FDRE Constitution

3.2.6.2 Representation in the House of Federation (HoF) of Ethiopia

According to the FDRE constitution, the HoF is the second federal house which most of the federations' recognized nations are equally represented regardless of their geographic and population size. It is empowered to interpret the constitution in the process of practicing.¹⁶⁴ It also organizes the Council of Constitutional Inquiry and furthermore constitutionally decides on issues relating to the right of Nations, Nationalities and People to self-determination, including the right to secession in the corporation of recommending the lower house to enact 'civil laws to establish and sustain one economic unit'.¹⁶⁵

According to this constitution, each nation in Ethiopia is guaranteed by having a minimum of one representative in the HoF. The nation shall be represented again and again by one additional representative for each one million increment of the nation's population. In this case, for example, a nation with one million populations shall have two representatives; one for the recognized nation or state, and one for increment in number, and there is no limit if the population of that particular nation is increasing by one million.¹⁶⁶

This chamber is also unique because it has no a law making or approval power or state representing mission but represents nations/nationalities. The other uniqueness has also seen clearly that in some regions of federal Ethiopia, like Oromia, only one nation is recognized: Oromo ; so the nations and regions are overlapped; to which it stands. It is vague. While in others regions, like Amhara and SNNP States, the regions contain set of nations. Hence, the numbers of representatives increase with the nation's number without limit.

Therefore, member representations of the Upper Chamber, the HoF of FDRE has not a clear procedure when we compare with other federal countries like the United States of America (USA) and Germany. In the USA and Germany, states are represented and more attention is given to population size for determining the number of representative not only the number

164 Ibid, Art. 62 (1)

165 Ibid, Art. 62 (2-8)

166 Ibid, Art. 61 (2)

of nations and the maximum number limit of representatives is put formerly in the constitution.¹⁶⁷

Chapter Four

4. The Accommodation of Minority Rights in Oromia National Regional State: A Case Study of Girar Jarso Woreda

4.1 Introduction

In this section, the features of accommodation of minorities rights in Oromia National Regional State in general, and the case of Girar Jarso Woreda in particular is discussed. The main issue of the discussion concerns on the contents of the constitution of FDRE and ONRS that showed about minority rights as part of the nations. The discussion also developed with purposive interviews conducted with different stakeholders and the inhabitants of Amhara minorities in the woreda. In the ongoing processes, facts that have been seen and observed by the writer during the research processes in the area are also used for understanding.

4.2 Overview of Girar Jaso Woreda

Girar Jarso Woreda, the study area, is found in North Shewa Zone of Oromia, sharing boarders with Merhabete and Ensaro Woredas of North Shewa Zone of Amhara National Regional State to the northeast, Debrelibanos and Yayya Gullelle Woredas to the south, Degem Woreda of the said North Shewa Zone of Oromia National Regional State to the west.

The Woreda was known by its historical residences of known lords. during the Imperial regime. It was used as a strategic place for all nine woredas of the then Selale Awuraja administration and used Fiche town as a capital. Elders of the place also know Fiche town until now as a town of Ras Kassa, governor of the place during the Hailessilassie regime.

¹⁶⁷ Sections 3 of the USA Constitution, and Art. 51 (1-3) of Germany's Basic Law

west. During the Imperial regime, this Woreda was one of the then Shewa *Tekilay Gizat* (province) Woredas. During the Derg regime again, it was one of the Woredas in Shewa *Kifle hager* (province). At the last regime of the Derg, it was under North Shewa Administrative Zone, the now called North Shewa of Amhara region. At that time, its zonal capital was Debre-Birihan. In the two regimes, of the Imperial and the Derg, the national language was Amharic and consequently, the woreda was having a long life without boarder change, but now the language and its zone have changed as it found in ONRS for its administration.

Now the study area of minority groups of Amhara settled in contiguous lowland areas, surrounded by chained hills and cliffs; and behind these hills and cliffs, the High Landers Oromo language speakers are living nearby in the southwest direction. These minority groups are 7 rural Kebeles from the total 17 rural Kebeles of Girar Jarso Woreda.

According to the 2007 national census of Ethiopia, the rural total population for Girar Jarso woreda is 67,312. Out of these populations, 34,467 are men and 32,845 are women. Urban dwellers are about 27,493; of this number, 12,933 men and 14,560 are women and totally, the summation is 94,805. The majority of the inhabitants are practiced Ethiopian Orthodox Christianity with 99.81% of the population.¹⁶⁸

The two largest ethnic groups in Girar Jarso woreda rural, as reported from this Woreda Health Office in 2016 estimation census data, are the Oromo 60.4%, and the Amhara 39.6%; all other ethnic groups made almost none. Oromo language spoken more as a first language by 10 kebeles and almost the remaining 7 Amhara Kebeles spoke Amharic but served and used now Oromo language in all public sectors like judicial, police station, and others in the language they cannot hear and speak.¹⁶⁹ From these 7 rural kebeles, geographically five Kebeles bordered with the Amhara National Regional State in the North, and the two are contiguous to these five Kebeles.

168 The 2007 national census of Ethiopia

169 The Health Office of Girar Jarso Woreda Estimation Population Census of 2016

4.3 Minority Rights Protection and Accommodation under ONRS Constitution

In Oromia National Regional State, the inhabited population is largely Oromo ethnic. The Oromo people constitute about 88% of the total population of the region.¹⁷⁰ The remaining 12 % are other non-Oromo minorities inhabited in the region. Of these 12 % minorities, ethnically Amhara people constitute 7.2% of the total population of the region while each of the remaining minority groups constitutes very small numbers, which is less than 1%.¹⁷¹

The 2001 Revised Constitution of Oromia National Regional state claims the region as it is established exclusively for Oromo people.¹⁷² On the contrary, Art. 2(1) of the Oromia Constitution acknowledges that Oromia is not wholly inhabited by Oromo people as it states, “Oromia is populated by people of Oromo nation and other peoples” Furthermore, Art 39 (6) of the ONRS Constitution defines the people of Oromo nation as “those people who speak the Oromo Language, who believe in their common Oromo identity, who share a large measure of a common culture as Oromos and who predominantly inhabit a contiguous territory of the region.” In this provision, to be Oromo and to be identified as Oromo ethnic, it seems mandatory to speak Afaan Oromo, predominantly inhabit in a contiguous area sharing a large measure of common culture with the popularly inhabited Oromo people of the place. Art 5 of the ONRS Constitution also states that the working language of the region is Afaan Oromo and the alphabet with which this language written is Latin alphabet. This showed that a person who does not know Afaan Oromo could not work in any civil servant sectors of the state. Thus, Arts 5 and 39 (6) of the ONRS Constitution are congruent in their content that persons who cannot speak Afaan Oromo cannot be Oromo and will not have access to be employed in the region even if they have blood relations with Oromo and themselves are Oromo.

170 CSA, the 2007 Population Census of Ethiopia

171 Ibid

172 Art.8 of the 2001 Oromia National Regional State Constitution.

In this case, the Constitution of Oromia has given more weight to the language and geographically contiguous prior settlement of the people of Oromo, as the practice shows to assimilate non-Oromos who accept the political agenda of the now ruling class, Oromo Peoples Democratic Organization, OPDO. The indication of this assimilation is displayed that if a person is wishing to be a member of the ruling party, s/he can have a position, for instance, in Oromo Peoples Democratic Organization, knowing Oromo language and loyalty to the people of Oromo is the main measurement. Not be must Oromo.¹⁷³ The sayings regarding to believing in common identity is so psychological that cannot be seen and that is why the practical situation is emphasized on language and predominant geographical settlement for assimilation.

On the other hand, the assumption of Transitional Charter and the framers of the FDRE Constitution have intentionally to create the federal arrangement to enable all territorially defined ethnic groups to have their own self government.¹⁷⁴ But, the intention that all nations or minority groups shall have their own self government is not yet fully implemented especially within the region like Oromia. The Amhara minority in Girar Jarso Woreda of North Oromia is the case for our discussion. Even though the degree varies, none of the regional states is homogeneous as there are naturally economic migrants and settlers, which belong to the majority in other region or double minorities.¹⁷⁵ If we take the regional State of SNNPS of Ethiopia, of about 56 nations while few of the nations have established their own Zonal self-government, some have established their own special Woreda. The remaining majority numbers of nations have not yet established their own tier separate local governments even if they are geographically contiguous as of Amhara minorities of Girar Jarso Woreda.

173 The Party Regulation of Oromo People Democratic Organization 4th Minute as amended, 2007 ; hereinafter - party regulation, Art. 11

174 FDRE Constitution, Art. 39(5) & 47

175 Chritophe Van der Beken, in *Ethiopian Constitutional series, Vol. 2: Issues of Federalism in Ethiopia: Towards an Inventory*, Faculty of Law, edited by Tsegaye Regassa, 2009.

4.2.1 Over View of Amhara Minority Groups under the ONRS Constitution

Minority ethnic groups in Oromia have been considered as if they have not their own defined territory as they are more of sparsely populated around urban areas and borders of the region. However, the Amhara minorities found contiguously in Oromia, as it are within the definition of 'nations, nationalities and peoples of Ethiopia' under Art.39 (5) of the FDRE Constitution. These minorities can satisfy the territorial component of this provision in Oromia region, especially in the boarder of Amhara National Regional State and Oromia. Therefore, this is true for seven Kebele Amhara minorities from the total seventeen rural Kebeles in Girar Jarso Woreda of our case. Since the decade and half, these seven Kebeles are still in claiming as a group their specific rights laid down for nations, nationalities, and peoples under Ethiopian constitution.¹⁷⁶ As per the constitution of FDRE, therefore, it is clear to claim rights such as self-government, establishing their own territorial region, province or Woreda, or separate especial local government to be autonomies and guarantee seat in tiers, federal and Oromia governments.¹⁷⁷

When we see the Oromia National Regional State Constitution, which is established to accommodate and enable the Oromo people to exercise their right to self-determination, claims the region as it is only established for Oromo people. In addition to this, the constitution gives the sovereign power of the region to the regional residents of the people of Oromo as Oromia region belongs to only Oromo people.¹⁷⁸ This is directly opposing Art 2(1) of the same constitution that gives acknowledgements to non-Oromos in the region.¹⁷⁹

176 Art. 39 and 54(3) of the FDRE Constitution

177 Ibid

178 See the preamble, and Art. 5, 8 and 39 of the ONRS Constitution

179 Ibid Art. 2(1)

Therefore, the statements to define Oromo under Art 39 (6) of the ONRS Constitution assures that the people who reside in Oromia region have and to be Oromo nation shall be those people:

1. who share a large measure of a common culture or identical tradition as Oromos
2. who speak the Oromo Language,
3. who believe in their common Oromo identity, and
4. who predominantly inhabit a contiguous territory of the region.

This indicates that those Oromos and non-Oromos who are residing in Oromia region shall fulfill these criteria to be taken as Oromo people. Therefore, Girar Jarso Woreda Amhara minorities cannot fulfill all criteria because they have their own Amhara culture. As Ato Abraham Haile, senior expert of Girar Jarso Woreda Culture and Tourism Office explained me on Feb. 7/2016 the way these Amhara minorities are dressing, singing, crying, believing, speaking and interact with each other every reaction is/are similar with Amhara nations but different when we compare with Oromo people of the Woreda. In the same case, the Woreda Culture and Tourism Office would not been given any media coverage except the past one day on Christ-Mass, called in Amharic *Genna* Playing Game. Their routine culture would not been promoted because mostly the Woreda government concentrated only on the Oromo people's culture to promote and advance, as Ato Abraham replied.

On the other hand, these seven Kebele Amhara minority people have been living in these territorial area contiguously and predominantly for the past three regimes in the Woreda as Ato Ewawu Mekasha and Ato Abay Yetnoro, With other five Amhara eldest's of Addisge Kebele said, on Feb. 8/2016 in the Woreda town Fiche.

Therefore, the above four criteria of Oromia constitution cannot fit with these Amhara minorities of seven Kebeles, and up on these criteria, these Amhara people cannot be Oromo. They have their own culture, language, identity, contiguous territorial area and other similar features with each other and Amhara nation than Oromos. Therefore, they can claim their own self-government.

4.2.2 The Scope of Amhara Minority Political Representation Rights and Accommodation in Girar Jarso Woreda of Oromia

In ONRS Constitution, there would assumptions that have been taken as Oromia region was homogeneously populated only by the Oromo people, which are not practically true now.¹⁸⁰ Girar Jarso Amhara minorities are practical examples for the heterogeneousness of the regional people. This was also proved accordingly from the 2007 national census of Ethiopia that, of the total population of Oromia region, 12.2% is non-Oromo ethnic and from these non-Oromo ethnic, Amhara people constitute 7.2% of the total population of the region.¹⁸¹ Girar Jarso Woreda Amhara minorities are therefore, parts of these 7.2% Amhara minorities.

As indicated before in the background part, 87,209 are the total rural People of the Woreda.¹⁸² Of this population, 60.4% are Oromo ethnic and 39.6 % are Amharas.¹⁸³ Hence, these 39.6% of ethnically Amhara rural dwellers are so minorities in the Woreda. They cannot participate fully in all political activities found in the Woreda.

The Woreda constituted from 17 rural Kebeles and these have members in the Woreda Council. The Woreda Council is the highest political organ of the Woreda. They are Peoples' Representatives of each Kebele in the Woreda directly elected by the Kebele People. The Council contains 51 members of which each rural Kebele has three members in it. What is new here is that the Council assembly is presided in Afaan Oromo in which 21 members of 7 Kebele Amhara minorities cannot hear and speak during the meeting.

180 The Preamble, Art. 5, 8 and 39 of the ONRS Constitution

181 The 2007 CSA census indicates, about 12.2 % of the region are non-Oromo ethnic groups,

182 The Health Office of Girar Jarso Woreda Estimation Population Census of 2016

183 Ibid

As Woizerit Birhane Sime, Vice Speaker of Girar Jarso Woreda Council told me on Feb.7/2016 in her office, the 21 Amhara members of the Woreda Council presented in the whole assembling process of the time. However, they cannot understand the Oromo language but they introduce and told them what was have been happening during the day time shortly in Amharic language they can understand; and then, if they have questions they can ask in Amharic language and they reply for the question, she said.

State Council of Oromia, Caffee Oromia, is also an organ above the Woreda Council, vested with the highest political power of the Region in the State level. It is a legislative organ of the region that represents the people of the region from each electoral district all over the Oromia.¹⁸⁴ However, these Amhara members were not participating in it until now.

According to the election law, every lawful citizen of Ethiopia and resident of the region can be elected provided s/he is capable of speaking the working language of Oromia region (Afaan Oromoo).¹⁸⁵ As the preamble and Art.8 of the Oromia constitution displays, sovereignty resides only in the Oromo nation, the right to be elected and to elect is equally guaranteed to all residents who are Ethiopian citizens. The elected members of Caffee represent both the Oromo and non-Oromo people reside in the Oromia region. In this line, the Amhara minorities of Girar Jarso Woreda cannot have a chance to be elected to participate in Caffee Oromia because they cannot hear and speak Afaan Oromo.¹⁸⁶ Hence, any resident of the region, who is capable of understanding the working language of the region, can be the member of State Council, Caffee Oromia but not others.¹⁸⁷

The other point is representation in Woreda Administrative Council of Amhara minorities. The Woreda Administrative Council is the highest executive organ of the Woreda. According to Ato Getu Teferi, the Woreda Administrator interviewed on Feb. 7/2016 said, since long time, these seven Kebele Amhara minority groups of the Woreda have not been

184 Arts. 45, 48(1) (a), 68, 71(1), of the constitution of Oromia

185 Ibid Arts. 5 and 33

186 Ibid

187 Ibid

represented and participated in Woreda Administrative Council. The Woreda Administrative Council has about 25 members. All members are positioned as head of the offices in Woreda sectors. Therefore, they are “Cabinets” of the Woreda. He added that, as these Amhara minorities cannot understand Oromo language and most of them are illiterate when compare with Oromo people, they would not be engaged in political positions. Furthermore, as the working language is Afaan Oromo, have had chances to be a head of one Office as a “Cabinet”, s/he cannot lead the office with Amharic language. Consequently, these are the most causes of Amhara minorities not to be represented in Woreda Administrative Council, as Ato Getu replied.

Hence, these minority groups have not been participated until now in the Federal level in the HPR and HoF, in the Regional State Council of Oromia or ‘Caffee’ and Administrative Council, and in Zonal Administration, which is an extension of regional executive organ as a delegation. However, they participate fully in their Kebele as Kebele Council and Administrative Council but only in Woreda Council, in the Woreda level.

4.2.3 The Right to Equality and Non-Discrimination of Amhara Minority in Girar Jarso Woreda of Oromia

Under the Constitution of Oromia regional state, the rights to equality of ethnic minorities would not extend to more protection in its region even if they can satisfy the minority definition.¹⁸⁸ As minority is a group of numerically inferior to the rest of the population of a state, in a non dominant position, whose members- being nationals of the state – possess ethnic, religious or linguistic characteristics differing from all those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.¹⁸⁹ The Amhara minority group of our case is therefore can satisfy the elements in the definition given above.

188 Arts. 5 and 33 of ONRS Constitution

189 (OHCHR, 2010: 2); (OHCHR Reports - Office of the United Nations High Commissioner for Human Rights

However, a culturally, ethnically, or racially distinct group of Amhara that coexists with but is subordinate to a more dominant group of Oromo has not been considered as a minority in Oromia. Instead of equalizing the Amhara minority groups proportionally with the dominant group of Oromo, the ONRS constitution seems practically to discriminate from a society via assimilation, by a process through which a minority group replaces its traditions with those of the dominant culture.¹⁹⁰

4.2.3.1 Equality of Language

The freedom to use the language of one's choice cannot be prohibited, unless necessary on a strictly limited series of grounds such as for the protection of public order, of public health or morals, or to prevent hate speech. Linguistic minorities must also be free from persecution or harassment and threats: as such authorities must protect them against hate crimes and other forms of prohibited intolerance, including especially in social media.

Art. 2(1) of the Oromia Constitution acknowledges that those who are non-Oromos but residing in Oromia because Oromia is not purely inhabited by Oromo people as it states "Oromia is populated by people of Oromo nation and other peoples."¹⁹¹ In the opposite direction of this provision, Arts. 5, 33, 39(6) and the preamble of the ONRS constitution denies as the presence of other ethnic groups in the region. It emphasizes as if only one language that is Afaan Oromo historically found in the region and only legitimate working language of the people. As per the national census of 2007, there are about 12% of non-Oromo minorities in the region. Of these minority people, the Amhara minorities are about 7.2% in the region.¹⁹² This shows that historically during the expansion of Oromo and then after the expansion the now Oromia region of all Woredas were not only occupied by pure Oromo and Oromo speakers. Hence, minority language groups may be perceived negatively and seen direct threats to a made-up national unity, which is a concept closely, tied to the idea of only one regional state and one language.

190 Arts. 5 and 33 of ONRS Constitution

191 Ibid Art. 2(1)

192 CSA, the 2007 National Census of Ethiopia

4.2.3.2 The Right to Learn and to be Taught in Own Language

The right to learn in own language is internationally permissible. The language used in all private activities, including the medium of instruction in private and public educational activities or for broadcasting, is included in this area of language rights. It is obvious that a person who is teaching the minority groups and their children all the subject matters has to know in a best way the language of the groups.

In the instructional processes, when mother tongue is used as medium of instruction for at least 6-8 years old children, the results are impressively positive: enhanced self-confidence, self-esteem and classroom participation of every child,¹⁹³ lower dropout rates, higher levels of academic achievement,¹⁹⁴ longer periods in school,¹⁹⁵ better performance in tests and greater fluency and literacy abilities for minority all children in both the mother tongue and official or dominant language. Generally, it improves access to and quality of education of minority children.

In Oromia National Regional State, learning in one's own mother tongue is permissible. Any group who needs to learn in her/s language can operate the instructional process in all grades of first Cycle (1-8). However, as Miss Meseret Bekele, expert of Examinational Department in Girar Jarso Woreda Educational Office explained on Feb. 12/2016, instructional process in Amharic language is given in seven Amhara Kebeles of the Woreda. She added again, teaching in Afaan Oromo starts from grade one and Amharic as a one subject from grade five for ten Kebeles' Oromo students. Amhara minority group students also start learning in Amharic language from grade one and Afaan Oromo as a one subject from grade five in the Woreda.

193 Alidou, Hassana, Boly, Aliou, Brock-Utne, Birgit, Satina DiallomYaya, Heugh, Kathleen, and Wolff, H. Ekkehard (2006), *Optimizing learning and education in Africa - the language factor: stock-taking review on mother-tongue and bilingual education in sub-Saharan Africa*, Association for the Development of Education in Africa, Deutsche Gesellschaft für Technische Zusammenarbeit, Paris.

194 *Improving the Quality of Mother Tongue-based Literacy and Learning: Case Studies from Asia, Africa and South America*, UNESCO, UNESCO Bangkok, 2008.

195 UNESCO (2014), *EFA Global Monitoring Report 2014: Teaching and Learning*, UNESCO, Paris.

Moreover, in Girar Jarso, as the Woreda Educational Office Schools Duty Reform Process expert, Ato Tilahun Zenebe explained, there are 19 Amharic elementary schools for seven Kebele Amhara minorities. Grade 1-4, called first cycle primary schools are 7 and the balance complete primary schools, called second cycle schools (grade 1-8) are 12. In these schools, there are 37 female and 62 male Diploma holder teachers teaching different subjects as they trained in Oromia Teachers Training Colleges. These teachers have trained about two years to hold their Diplomas after they screened in line of the criteria set by the Oromia Educational Bureau before entering to the Training Colleges. This duty reform expert also explained that elementary teachers trained in Amharic language have not made employed until now as a program. However, the Woreda office is reporting to Oromia Education Bureau the need to these teachers.

During the screening processes of these candidate teachers, a candidate teacher has to complete grade 10 or 12 with good results. S/he has to score a mandatory subject, Afaan Oromo a minimum of 'C' grade and again a great value given to a perfect Afaan Oromo speaking and writing. As Ato Taddesse Eshetu, a teacher of Gejaba complete primary school (1-8) of Amhara, and his three colleagues teaching in different Amhara schools told me about the general over view of their Amharic speaking students on Feb. 7/2016 at Fiche town. As they said that, their students and they as teachers are not perfectly understood each other because they are not accurately speak Amharic language when they teach their students. The students are not also interested to learn Afaan Oromo. However, they forced them to learn. As the teachers trained in Afaan Oromo in Teachers' Training Colleges and hardly learned Amharic in primary and secondary schools of Oromia, they cannot speak Amharic language as accurate as their students could. During the teaching learning processes, words that are pronounced by the teachers and their normal pronunciation of the surrounding are not sometimes fit. At this time, students laughed at them and they are ashamed, as they said. These teachers, added again that, as they were careless in learning Amharic language as a subject during their past elementary and secondary school, Amharic Speaking students of Amhara are also careless in learning Afaan Oromo and almost cannot speak in a class and outside.

Dropouts and repetition is also high after the students registered for the academic year, as Ato Mekuria Tekla, statistician of the Zonal Educational Office explained me on Feb. 12/2016. Families of some students and preparatory students as a focused group discussion, Ato Aderaw Tsegaye with his neighbors and students Endale Ewawu and his four-friends, three dropout students of Addisge kebele respectively explained on Feb. 10/2016 about the carelessness of these elementary Amharic Speaking students on their learning. Most of the former students that were completed their elementary, secondary and preparatory schools, and higher education have not been employed and working in their Woreda and even in Oromia region because of not knowing Oromo language. From these former Amharic Speaking students whether they are graduate or not, some economically less are found now with their families and plough the field and some economically better have gone and are employed; and working out of Oromia region like in Amhara National Regional State where Amharic is spoken and used as a working language. The now elementary students are thinking as if they are going to meet the fate of prior students when they finish schooling. These are discouraging the present students to follow well their learning processes, and increase dropouts, as they articulated. The following table is also displaying how the number of students is decreasing from year to year as the population is increasing naturally.

Grade	Number of Primary Schools	Academic Year of 2013/14			Academic Year of 2014/15			Academic Year of 2015/16		
		Female	Male	Total	Female	Male	Total	Female	Male	Total
1-8	19	2135	2477	4612	1864	2122	3986	1577	1851	3428

Source: Girar Jarso Woreda Educational Office Statistics: Showing all 19 Primary Schools (1-8) in 7 Amhara Kebeles' student Population decreasing from 2013/14 – 2015/16.

The other discourages of these students is also the imperfectness of Oromo mother tongued teachers in Amharic language speaking during the teaching learning processes. All subjects are instructed in Amharic without English and Afaan Oromo. These are Amharic as a language, Environmental Science, Esthetics, Mathematics, Chemistry, Physics, Biology, Social Science, Fundamental Science, and others given in Amharic language. So, since, language barrier is there between the teacher and students, the students would not be satisfied by the teacher's teaching and in what s/he teaches, Endale added at the last.¹⁹⁶

¹⁹⁶ The interviews was conducted at Fiche town in the compound where some economically better preparatory students of Amhara minorities are living in their hired house

4.2.3.3 The Right to be Judged in Own Language in Girar Jarso Woreda

The right to be judged in own language is the right given to all persons. Moreover, “All persons, including persons belonging to a national minority, have the right to be informed promptly, in a language they understand, of the reasons for their arrest and/or detention and of the nature and cause of any accusation against them, and to defend themselves in this language, if necessary with the free assistance of an interpreter, before trial, during trial and on appeal.”¹⁹⁷

The FDRE constitution is also assured in its Art. 20 that the accused persons to have the right officially to a public trial by an ordinary court of law within a reasonable time after having been charged. Furthermore, they have the right to request for the assistance of an interpreter at a state expense where the court proceedings are conducted in a language they do not understand.¹⁹⁸

The Oromia Regional State Constitution is also acknowledged in its Art.20 about the rights of the accused persons in almost the same language with the federal constitution. Therefore, these accused persons have the right to request for the assistance of an interpreter at a state expense where the court proceedings are conducted in a language they do not understand.¹⁹⁹ In Girar Jarso Woreda judicial and quasi judicial, when those Amharic Speaking minorities in case came, the Polices and Prosecutors seat together and ask those persons in Amharic but write in Afaan Oromo and made to singe in a language they do not know, as I have been observed the processes and Vice Inspector, Abebe Tefera, expressed on Feb. 7/2016 in his office.

197 Oslo Recommendations Regarding the Linguistic Rights of National Minorities and Explanatory Note, (1998):

Foundation on Enter-Ethnic Relations, Prinsessegrachi, 22, 2514 AP, The Hague, the Netherlands, Roll No. 17.

198 Art. 20 ((4), (5) & (7)) of the FDRE Constitution.

199 Art. 20(7) of the ONRS Constitution

As he added, the office has not a post to employ interpreter for those seven Kebele Amharic Speakers. Hence, the police station of the Woreda is using Amharic language orally with those cannot understand Afaan Oromo and sometimes write a letter or summons to these Kebeles' leaders in Amharic language during execution and others in order to make clear and understandable the issues.

When we see the Woreda Court, it is so critical. Those accused people, whether they are accused in criminal or civil, judged in a language, which they can never hear, speak and understand, Afaan Oromo, and are trialed without assistance. The state had not been employed interpreters in the regional first instant courts until Feb. 7/2016, when the Woreda Court judge Miss Abiot Mekonnen replied for my interviews. Some economically better accused citizens are hiring any lay man interpreter for the period in due in un fair and costly charge but the poor cannot; and cannot know what processes are going on them in the court room. The judges are simply adjourning the case in Oromo language when the confused poor terror party is standing before the court without any interactions. However, sometimes some limited experienced and responsive judges would seen when they use Amharic language in a limited way but forbidden. As she explained again, any piece of paper written in Amharic and any other languages as a document cannot be filed in the case file but their translations to Afaan Oromo. All these were made to do so strongly by directives some four or five years ago, from Oromia Supreme Court and the then President of the North Shewa Zone High Court, Asha Amine, as she stabilized the interviews.

4.2.3.4 The Right to be Employed of Amhara Minorities in Girar Jarso Woreda

Formally harnessing the potential of youth at the local level can offer significant comparative advantages to local economies, labor markets, and mind set of communities. The now labor market integration of young people from different ethnic minority is one of those issues which governments find it a challenge in a global way and in which Ethiopia is sharing to address, particularly in the current climate of growing youth unemployment. Giving and supporting access to labor market for all young people is typically a versatile issue, with both social and economic dimensions. Minorities will migrate when their environment is not conducive to them and this is not easier as it involves working with new

environment, cultures, tradition and customs, and sometimes again tackling the integration problems of exclusion in a new environment. This will grow up to collision.

As discussed with Woreda Administrator and Head of Civil Services and Good Governances of Girar Jarso, the Amharic Speaking minorities in the Woreda have not been a chance to be employed in the Woreda when we compare with Oromo Speaking. Particularly, those seven Kebele Amhara minority groups have hardly employed in all Public Sectors because they cannot speak, write, or understand Afaan Oromo, the working language of the region. Some Amhara minorities not exceed ten, especially those employed during the Derg or Haileselassie regimes are working in very simple and relaxed posts like messengers, and guards that not need more complex duties in using Afaan Oromo.

4.2.3.5 The Right to Self-Rule and Shared-Rule of Amhara Minorities in Girar Jarso Woreda

The right to self-government is permissible under the FDRE constitution, however, it has a serious criteria. ²⁰⁰ Art. 39 (1) and (3), and Atr. 47 (2) of this constitution is acknowledging at any time that any nations, nationalities and people found within any of the nine specific regional states can establish their own states. As expressed above, in sub title 4.2.3.1, the Oromia National Regional State Constitution has not a room to accept the question of self-government of minorities found within its regional state. The constitution was formulated as if no other ethnic groups found in Oromia rather than Oromo nation, which is contradicting with the human nature interactions of day to day and its constitution of Art. 2(1). In this case, self-rule and shared rule in Oromia is seeming unquestionable and this again contradicting the FDRE constitution Art. 39 (1) and (3), and Atr. 47 (2) and the system of a federal structure as a country. ²⁰¹

Therefore, the ONRS constitution narrowed the field of democratical process of self-rule as a minority nation, and with the regional state as a shared-rule of the Amhara minorities found territorially, linguistically and culturally unique in Girar Jarso Woreda.

²⁰⁰ Arts. 39 (4) (5) and 47 (3) of the FDRE Constitution

²⁰¹ Ibid Art. 1

Chapter Five

Conclusion and Recommendation

In Ethiopia, the main concern of FDRE Constitution is empowering those ethnic groups, inhabited in an identifiable contiguous territory to exercise the right to territorial autonomy in which they determine their destiny by having their own institutions and own governments. Indigenous population groups that are residing in one corner, within a given regional state in an identifiable contiguous territory having their own culture, language, religion of other unique identities therefore, can determine their right of self-rule and shared-rule.

However, the FDRE Constitution excludes dispersed ethnic groups that cannot satisfy a nation, nationalities, and people from being beneficiaries of their right of self-rule and shared-rule. This constitution has not a room again for those midway time coming for those too small and insignificant ethnic groups, which already left their original homeland and nations or people settled in different Regions, Zones, and Special Woredas.²⁰² This is because they cannot be taken as “nations, nationalities and peoples of Ethiopia”²⁰³ since they are not considered as indigenous population groups in the locality of now they are residing.

Therefore, even if the ONRS Constitution was shut the door as if there were no ethnic groups rather than only Oromo ethnic,²⁰⁴ however, there is Amhara ethnic group in Girar Jarso Woreda of Oromia. This minority group convenes the territorial, having a common culture or similar customs, mutual clearness of language, belief in common or related identities, common psychological make-up, inhabit in an identifiable and predominantly contiguous territory.

202 See the Preamble and Arts. 39 (5) & 47 (2) of FDRE Constitution.

203 Ibid

204 Art. 5, 8 and 39 of the ONRS Constitution

These requirements therefore, meet for these Amhara minorities that the criteria under Art.39 (5) of FDRE Constitution and can form a self-rule and shared-rule in the Oromia region in line of the federation of Ethiopia treat themselves as they belong to one nation/nationality in one corner of the region.

In more surprisingly, the Constitutional Interpretation Commission of Oromia does not actively give any attention to power sharing criteria in a fashion of self-rule and shared-rule between the majority and the minority ethnic groups in Oromia.

In Oromia National Regional State, not in line of the FDRE Constitution Art.9 ((1) (2)) the direct adoption of neglecting ethnic minority in the regional level, rightly deprives the rights of certain ethnic groups to exercise the sovereign power of them at the regional, zonal and local Woreda levels is seen. As shown in sub title 4.2.3.1 above and expressed figuratively in the National Census of 2007 of Ethiopia, Oromia is embracing about 12% of non-Oromo ethnic groups in its regional land. Of these figures again, Amhara ethnic is 7.2%. In this summation case, Amhara minorities of Girar Jarso Woreda of Oromia are a part.

Therefore and generally, the following conclusions are drawn from the findings of this paper: The Amhara minorities in Girar Jarso Woreda of Oromia, are practically known by the local Woreda governments as a minority group. They have about 21 members as representatives of seven Amhara Kebeles in the Woreda Council. In this highest political organ, having about 51 members, the representatives of Amhara minorities participate in any regular and irregular meetings to pass decisions but cannot understand the language of presiding, Afaan Oromo. These Amharic Speaking members were told shortly what the contents of discussions were at the last of each agenda in their language, Amharic, as seems 'perfunctory'. Then the process will end.

On the other hand, these minorities have not members in the Administrative Council, the highest executive organ of the Woreda. There are about 25 members in this Council. The members are heads of the public sectors in the Woreda called "Cabinet". Consequently, no "Cabinet" is/are from Amhara minorities of 7 Kebeles from the total 17 rural Kebeles of the Woreda.

As these minorities' elite cannot understand Oromo language, they have not a chance of employment and give services in the public sectors of their Woreda. They migrate far from their birthplace to find jobs in the place where Amharic language is speaking. It is also true that any accused Amhara minorities in the Woreda, whether the case is criminal or civil, judged almost all in Oromo language in which the accused cannot understand without interpreter in the Woreda Court.

According to the information given from Culture and Tourism, office of the Woreda, the Amhara minorities' cultural and language value have not been mindfully considered and promoted to develop as equal as of Oromo culture and language of the Woreda.

Children of these minority groups are learning complete primary schools (grade 1-8) in their mother tongue. In this case, the right of children to learn in their mother tongue has applied before a decade. However, the teachers teaching these students are not fully accurate Amharic Speakers. Since these teachers screened priory by taking as a great criteria in well score results and knowing of Afaan Oromo before their candidate to train in Teachers Training College of Oromia, no teachers participate from Amhara minorities than from other areas of Oromo Speaking societies. The Oromo teachers of speaking and understanding Amharic language are less. Hence, the capacity to teach conceptually in attractive fashion the subject matter contents' in Amharic language will be insignificant and as a result, students' dropouts will result. Furthermore, as Woizero Shewaye Tolessa, the Woreda Good Governance, and Civil Service, Training and Research Program Practitioner explained, when some students of these Amharic Speaking minorities completed high schools, colleges or higher education's, the chance to be employed in their Woreda public services sectors is almost none when compared with Oromo Speaking. This also discourages the ongoing children in schools and increasing dropouts especially in first cycle, she replied.

From the above cases, even if the numbers of children are logically increasing, the gross enrollments of these Amhara minorities' students have been decreasing from year to year significantly (see the chart on page 65). This is a serious problem if it is continuing because it is against the country's plan that if all children will not enter to schooling, as Ato Beyene Tullu, the Woreda Educational Office Plan and Project Officer explained.

Finally, the writer recommends the following points:

1. Regarding the indigenously residing of Amhara Minorities in Girar Jarso Woreda of Oromia, the local governments, and the practice itself are witnesses. The regional state of Oromia has to recognize the existence of internal indigenous ethnic minorities in some corners of the region and these needs to get constitutional base to enforce for their rights of self-rule and shared-rule.

2. Girar Jarso Woreda Amhara minority ethnic group's ultimate need is to have their own self-government in their area of seven Kebeles as a special Woreda; and have a shared power with zonal or regional governments like those that Amhara National Regional State and SNNP State did. Furthermore, it needs to permit these Amharic Speaking minorities to meet together with the boarder majority of Amharas in the Northern Amhara National Regional State. This makes the minorities to satisfy their need of economical employment, full filled instructional processes, culture, language and identity development, than fenced them with Oromo ethnic.

After doing so,

2.1 Financing these minorities is a key for the groups to preserve their distinct identity by practicing their culture, tradition, teaching, and learning in their language by employing Amharic-speaking teachers.

2.2 Making the possibility of interaction of Girar Jarso Woreda Amhara ethnic minority groups also needed with Amharas around the borders of the Amhara National Regional State Woredas; like Merihabete and Ensaro to strengthen the horizontal intergovernmental cooperation with the bordering people. This makes ethnic minorities residing around the boarder of Oromia region to practice and develop their culture and other values with their dominant members in the Amhara region.

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Annex - One

**Addis Ababa University, School of Graduate Program
College of Law and governance
Center for Federal Studies**

**Interviews with Amhara Minority groups, Discussions and Interviews with
Judicial and Quasi Judicial of Girar Jarso Woreda.**

Directions: Dear mothers and fathers, sisters and brothers, I am a Student of Graduate Program. I would like to thank you first for your patient and permissible honesties to cooperate me in questioning and answering processes. I am doing my Thesis on the Title of “*Accommodation of Minorities in Oromia National Regional State: A Case Study of Girar Jarso Woreda*”. The purpose of this Focus Group Discussion and interview is to collect data planned to serve as an input to the research on the above title.

In doing so, the answer you will give me determines what I am going to analysis and recommend at the last. Therefore, I humanely ask for you to provide your proper answers in detail what you can to all questions.

Your Kebele _____ Age ____ Sex ____ If educated,
Grade _____ Ethnic Group _____ Others

Married _____ Not married _____ Main occupation _____

Position in Kebele (If)

**I. On Issues Whether Amhara Minorities Have Political Representatives in the
Woreda Councils and Administrative Councils, Develop language and Cultures.**

1. Are there representatives of your Amhara minorities in Girar Jarso Woreda Councils and Administrative Councils?

If your answer is **yes** to question No.1, how many Amhara minority representatives are found A) as a Council members _____ B) as an Administration council members _____

2. If your answer is **No** to the above question, why Amhara minorities have no representatives as a member in the Woreda Council or Administrative Council? State it _____

3. From question number 2 above, what impact does it have on you as a minority people, in your own opinion? _____

4. What do you think the importance of efficient representation of these minority people in the Woreda Councils and Administrative Councils? _____

5. Are there any activities made by the Region or Woreda governments to Amhara minorities to get recognition for self-government as a nation in Girar Jarso Woreda? _____

6. What are the efforts made by the Regional or the Woreda governments to Amhara minorities of the Woreda to be **politically represented** in the:

A) Woreda? If so, in what positions? _____

B) Zonal? If so, in what positions? _____

C) Regional? If so, in what positions? _____

D) Federal level? If so, in what positions? _____

7. Do you ever have any opportunities to express your culture in Amharic through media?

8. Have you access to learn/teach your children in your language?

9. In your Kebele, A) How many elementary schools are there _____?

B) How many Secondary schools are there _____?

10. Whose ethnic groups have been taught you or your children? _____ Why? _____

11. Have these teachers correctly and perfectly spoken Amharic language in teaching processes? _____

Why? _____

12. If they cannot speak well, what influences seen on their students? That is on your children. _____

13. What is the opinion of your children about their instruction of Afaan Oromo as the only one subject given in the 2nd cycle of elementary school and above? _____

Are they studying and following it seriously or not? _____

14. Did the Woreda Culture and Tourism Sector prepare stages and occasions that are planned to allow you to promote and develop your culture? _____

15. If ***not at all*** to question number 14, explain its impact on your right to develop and promote your culture? _____

II. Efforts Made in the Woreda to Amhara Minorities to Achieve the Right to Self-Government and Employment at Local Level as a Nation, Nationality or People Inhabited in the Area Where He or She Borne.

16. As Amhara minorities, have you asked to exercise the right to self- rule and shared-rule in the Woreda as a democratic right? _____

17. What is the geographical settlement of Girar Jarso 7 Kebeles Amhara minorities?

a) Have contiguousness with each other _____

b) Sparsely settled in the Woreda administration _____

c) Bordered with Amhara National Regional State _____

d) a and c

e) any other, state it _____

18. If your answer to Question No. 21 is **d**, would you in need to join to Amhara National Regional State nations/people that found nearby you in every administration and political processes, if the situation is okay?

a) Yes, I need because _____

b) No, I need not because _____

19. If the right to a special self-government is permitted to your people at local level within the Woreda, what rights do you think you and your people got? _____

20. How many Amhara ethnic minorities of elites and civil servants are serving as employer in different governmental sectors of Girar Jarso Woreda? Please list them. _____

III. Questions and Answers with Amhara Minority Students

21. Is there any problems you fall related to your academic life? If there, what is/are they? _____

22. Would you like Oromo language to lean and learn with as a medium of instruction? If yes, why? _____ and if not, why?

IV. In Judicial and Quasi Judicial Sectors

23. Have you ever been seen interpreter in judicial and quasi-judicial sectors in your Woreda? _____

24. In which language (Amharic or Afaan Oromo) the judicial and quasi-judicial sectors people communicate with you, when you have a case in the sectors?

25. If these judicial and quasi-judicial sectors did **not** speak Amharic language with you, were they using interpreter? _____. (You can say **Yes**, or **No**).

If your answer is **no** to Question No. 18, who hires the interpreter to make things easier?

State it _____

26. In which language did you use to communicate in other sectors of the Woreda?

Annex -Two

Interviews and Discussions Made with Different Officials of Girar Jarso Woreda.

I. Issues whether Amhara Minorities Have Political Representation in Girar Jarso Woreda Council and Administrative Council

1. Have those all seven Kebele minorities of Amhara, represented in the Woreda Councils? If yes, their number is _____
- Administrative Councils? If yes, their number is _____
2. Would the representations consider ethnic background or Oromo language?
3. If your answer for Question No.2 is no, how many Amhara Ethnic are appointed as executives? _____
4. Are the Woreda councils appointed based on Oromo ethnic or Amhara ethnics _____? Or because of Oromo language understanding _____?
5. Did Girar Jarso Woreda Amhara minorities embrace in positions, like sector leaders' /'Cabinets'/ or experts' now _____? If so, the number of
 - a) Amhara Ethnic Minority Sector leaders are _____
 - b) The No. of Amhara Ethnic Minority Civil servant or experts are _____

II. Issues on Recognition and Self-government of Girar Jarso Amhara Minorities as Nation, Nationalities and people of Ethiopia

6. Did Girar Jarso Woreda government recognize Amhara and other minorities as any other ethnic groups? _____ Why? _____
7. If your answer to question No. 7 is No, why they are not known and recognize as a nation, nationalities, and people? _____
8. Have the Amhara minorities ever asked to self-government to govern themselves with in the Woreda or any other? State _____

III. Issue on Developing and promoting Own Cultures

9. Have the Woreda Amhara Minorities had their own unique culture?

10. Did the Woreda culture and Tourism office study to develop the culture of these Amhara minorities? _____

IV. Questioning and Answering with Educational Officials

11. Are all Amhara minority children go to school and attend schooling equal to Oromo children nearby? If yes, why? _____
and if not, why? _____

12. Do the students of Amhara minorities attend in all level of school regularly?
If _____ not, _____ why?

13. Are there any exaggerated dropouts or repetition seen on Amhara minority students? If yes, what is the reason? _____

14. In which grade repetition and dropouts is more prodigiously seen?
Why _____

North Shewa Zone, Girar Jarso Woreda/First Instant/ Court

Judge – *Habtamu Lemma*

Accuser/ Plaintiff – <i>Prosecutor Tizita Yazew</i>	Presented
Accused – 1. <i>Priest Fantahun Molla</i>	Presented
2. <i>Priest dagnachew Shiferaw</i>	Presented
3. <i>Priest Mekonnen Belete</i>	Presented
4. <i>Priest Molla Sileshi</i>	Presented
5. <i>Deacon Agizew Legese</i>	Presented
6. <i>Deacon Abay Dikri</i>	Presented
7. <i>Priest Mulugeta Amdu</i>	Presented
8. <i>Priest Senay Tegen</i>	Presented

This file appointed for today to examine and decide over the matter. Therefore, the following judgment and sentence has taken.

Judgment and Sentence

The prosecutor presented the accusation written on 17/3/2007 E.C known by File No. DYA- 1- 1611/2007 that the defendants together with pass over the set law

North Shewa Zone, Girar Jarso Woreda/First Instant/ Court

under the provision of Federal Democratic Republic of Ethiopia, FDRE, Criminal Code Art 32(1(A)) and 486(B) on 13/02/2007 E.C in the morning time estimated at 12:00. The defendants were scattering themselves attempting to incite the public through false rumors in North Shewa Zone, Girar Jarso Woreda, Wedesso Amba Kebele people saying, "Tablet of Wedesso Johannes Church has stolen; so that all the people have to go Fiche town and apply. If not, even you cannot fetch water, and your dead will not freeing by the priest." Thus, they used false rumor for disturbance of the Kebele People.

The summons with the charge of accusation handed over the defendants, the court read out of a charge and the defendants gave their confession as the accusation says by making themselves criminals after the reading out of charge. On the processes, when they explain the cause of committing this crime, "at the time of church service the tablet was not there in the place and this made us to disclose the reality to the people because we cannot give church services without this tablet", they concluded.

Then after, the court examined the file. Since the defendants admitted without reservation the crime they made, witnesses would not in need to call. Therefore, the court decided that the defendants are offenders under the provisions they accused. Thus, the prosecutor asked by the court if she has any to address and she said that these religious fathers made a group and scattered through the Kebele to disturb the people because they have admirations and acceptance to do any. Thus, she finally

North Shewa Zone, Girar Jarso Woreda/First Instant/ Court

asked that according to the FDRE Criminal code Art 84 (B) (C) and (D), the penalty has to increase to the 3rd grade to be aggravated.

The defendants also address their final question as if they were not know the case whether it were punishable or not and as they have more than five under aged families each, so, they prayed to the court to be punished in simple and fine.

Sentence

As the court examined this case, the defendants are religious group fathers and have simply the admiration and acceptance of their followers. Thus, they used this method to be accepted during their disturbance among the people. Therefore, this aggravates the case and increase it's the grade to 3rd.

In the defendants side, as they were admitted the crime they made, and they were not for their own benefits but for their common religious devotion matters. Thus, the punishment will be reduced to 3 grades as per Art 82(1(B&E) of the FDRE Criminal Code.

Therefore, the ideas of aggravation are increased by 3 and mitigation are also reduced by 3. Both displace each other. Thus, this case has no aggravation and mitigation and not be given a grade and a rank in the new guideline of crime punishment. When this case ranked by its own methods of calculation, the defendants are punished in prison from 9 months to 1 year and 6 months or from 10 to 2000-birr fine punishment.

North Shewa Zone, Girar Jarso Woreda/First Instant/ Court

The court considered the act of defendants and decided that starting from today, each of them has punished in simple imprisonment of six (6) months or 1000-birr fine.

Decree

- ❖ If the defendants are in need of paying the fine, the Office of Economic Development and Finance has ordered to collect the money.
- ❖ If the defendants are not in need to pay, the North Shewa Zone Prison Administrative has to execute the imprisonment of the defendants and then will let them after 6 months to be free. The order has to written.
- ❖ Appealing is right.

North Shewa Zone, Girar Jarso Woreda/First Instant/ Court

Judge – *Habtamu Lemma*

Accuser/Plaintiff – *Prosecutor Hordofa Tullu* Presented

Accused – *Askale Beyene* Presented

This file appointed for today to examine and decide over the matter.

Judgment and Sentence

The prosecutor presented a plaintiff File No. DYA-1-1624/2007 written on 13/5/2007 E.C indicating that the defendant knowingly omitted Art 494(1) of the Federal Democratic Republic of Ethiopian Criminal Code of arson and destroyed by setting fire. On 11/5/2007, during the daytime, approximately at 7:00 E.C, she found arson in Girar Jarso Woreda Silmi Gejaba Kebele in the special place called Agemso set fire and destroyed a residence hut of Mr. Kabtamu Mengistu. During this act, valuable materials in the house costing 6000 Birr, six quintals of Teff costing 7200 Birr, a quintal of wheat costing 900 Birr, and clothes costing 10,000 Birr, totally 24,100 Birr costing values were burnt. The defendant also summoned with her charges, the court read out of the charges and identified in front of the court but denied all the allegations. Consequently, after the denial, the prosecutor presented his witnesses and evidences that all testified as the accusation presented, and the court gave the defendant an order to defend herself, if any, by calling her defense witnesses.

North Shewa Zone, Girar Jarso Woreda/First Instant/ Court

The two defense witnesses presented and testified as follows:

The first Defense witness said, "On 11/5/2007 the defendant and I were gone to Giorgis Church and stayed there the whole day. Hence, after the ceremony of church we come back to the home. During the journey to the home, a person with a gun from where I could not know him caught the defendant saying that she was arson the house and taken her to the law order house; at that time we were five persons: I myself, the defendant, Cherinet Kibebew, Nigusu Fikadu and Nigusu Gashawu were on going home. We were again together during the morning time; we ate Injera and drunken Tella from my house before we went to the church in that day," she replied.

The second defense witness again said, "On 11/5/2008, during the morning time, we were **four** in number and gone with the defendant to the church. After the church ceremony has completed, we continued to come to home. Consequently, our Kebele's gunman, Mr. Mulatu Ayele, and the Vice Chair person Mr. Amare Takele lawfully caught the defendant and taken her and we come to our home. In the morning time, we were the defendant, Ms. Aster Beyene, Nigusu Fikadu, and I that all we were **together** in going to church and coming to home that day. We were not get in to the first witnesses', Aster Beyene, house in the morning, to eat Injera and drink Tella that day," he concluded.

North Shewa Zone, Girar Jarso Woreda/First Instant/ Court

Then the court examined the plaintiff's file with the testimonies of the two parties. When the court examine the witnesses' of defendant, on the date that the defendant was assumed committed the crime, the first witness said that as the defendant was going with them to the church and home, they were **five** in number. During the morning, they ate injera and drunken Tella from her house before going church, she said. On the other hand, the second defendant's witness said that as they were **four** in number during the morning time before going church and they were not enter to the first defendant's witness house to eat Injera and drink Tella.

Therefore, even if the defendant's witnesses attempted to defend the defendant, they gave different statements during the cross-examinations. This showed that they were cooperated to make the defendant free of guilt from the case. Thus, the court dismissed the defendants' witness and the accused found guilty.

During the processes, the prosecutor gave his submission on the sentence that as the accused was unkindly committed this crime. Therefore, considering this a sentence that can be a lesson to others has to given by the court, he said.

The accused also made her submission by saying that as if she was not committed the crime and not still guilty. Therefore, she prayed that the court would let her in suspending the sentence given.

North Shewa Zone, Girar Jarso Woreda/First Instant/ Court

Sentence

This accused woman has committed the arson unkindly and destroyed valuable materials in the injured person's burnt residence house. She accused under the said provision of criminal law. However, on the other side the new guideline of federal punishment No. 2/2006 was not set a grade and ranks to this provision. Even if this provision has not graded and ranked, the accused was destroyed materials costing 24,100 birr. This amount costing destroyed materials is given and ranked 8 in the guideline when we calculate by using its new formula. This rank is saying that the accused has to imprison from 1 year and 2 months to 1 year up to six months. Thus, the court decided that the accused has to be imprisoned a rigorous prison from today on wards 1 year and 3 months.

Decree

- ❖ The North Shewa Zone Prison Administrative has to execute the imprisonment of the accused and then will let her after 1 and 3 months to be free. The order has to written.
- ❖ Appealing is right to all parties.
- ❖ This file is completed. Be collecting it to the archive.



Fuula 05
Lakk.Gal.17894
Guyyaa 18/03/2007

**GODINA SHAWAA KAABAATTI
MANA MURTII AANAA GIRAAR JAARSOO**

A/seeraa: Haabtaamuu Lamnaa

Himataa A/Alangaa Tizzitaa Yaazoo dhiyaate

Himatamtoota I,Lubaa Faantaahuun Mollaa dhiyaate

2,Lu/Daanyaachoo Shifarraa dhiyaate

3,Lu/ Mokonnin Ballaxaa dhiyaate

4,Lu/Mollaa Silashii dhiyaate

5,Daaqon Agizawu Laggasaa dhiyaate

6,Daaqon Abbaay Dikirii dhiyaate

7,Lu/Mulugeetaa Amduu dhiyaate

8,Lu/Sannaay /Dikirii/Tagan dhiyaate

Galmeen kan bule qorannoof yoo ta'u, qoratamee murtii kanaa gadii laatamee jira.

Murtii

A/Alangaa himata guyyaa 17/03/2007 Lakk DYA-1-1611/2007 barreeffameen seera yakkaa bara 1996 bahe kew 32/1/A fi 486/B/irra darbandhan himatamtoonni kun

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Lakk. Faksii+251-111352686



Fuula 06
Lakk.Gal.17894
Guyyaa 18/03/2007

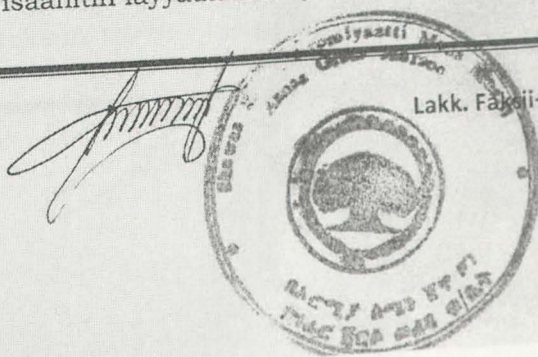
GODINA SHAWAA KAABAATTI MANA MURTII AANAA GIRAAR JAARSOO

waliin ta'uudhan guyyaa 13/02/2007 ganama irraa tilm sa'aa 12:00 yemmuu ta'u Go/Sh/Kaabaa Aanaa G/jaarsoo ganda Waddeessoo Ambaa iddoo addaa Birqoo Ambaa fi Workaa Ambaa jedhamu keessatti himatamtoonni kun addaan qoddamanii oduu sobaa odeessudhaan ummata ganda waddeessoo Ambaa keessatti argamaniif waamicha gochuun mana Amantaa Yohaannis waddeessoo keessaa Tsillaatin Bataskaanichaa osoo hin badin bade jechuun, iyyataaf yoo deemuu baattani bishaan hin warabbattani ,yoo duutan fitaatii hin fatta'amtani jechudhan ummata gandichaa oduu sobaatin kakaasun gara magaalaa Fiichee iyyannoof akka deeman godhanii olola sobaa waan dabarsaniif yakka jeequmsa amantaa kakaasutin himatamanii jiru kan jedhudha. Himatamtoonni dhiyaatanii charjin himannaa dhadhach irratti isaan gahee dubbifameefii erga hubatanii booda jecha amantaa fi waakkii kennaniin yakka ittin himatamne kana rawwannerraa balleessadha jedhanii' amananiiru, sababa ittin kana godhan yemmuu ibsan guyyaa yakka kana rawwanne sana qiddaasee seennee yemmuu ilaallu Tsillaatichi bade waan tureefi sababa kanaan tajaajila kennuu waan hin dandeenyef ummanni akka beeku kakaasuu keenya jedhanii ibsaniiru.

M/murtii galmee qoratee akka ilaaletti himatamtoonni kun yakka ittin himataman kana rawwachuu isaanii waan amananiif raga dhagahuun osoo hin barbaachisin kew seeraa ittin himataman kana jalatti balleessadha jedhee murtii balleessummaa irratti kenneera.

A/Alangaa yaada kannanin himatamtoonni kun yakka kana kan rawwatani bu'ura seera yakkaa kew 84 B,C fi D jalatti jeequmsa kaasuf ,gareedhan waliigaludhan akkasumas himatamtoonni kun abbootii amantaa waan ta'anifi ummanni kan isaan dhagahu ta'uu beekanii angoo isaantin fayyadamanii yakka kana kan rawwatan waan

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Fuula 07
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Guyyaa 18/03/2007

GODINA SHAWAA KAABAATTI MANA MURTII AANAA GIRAAR JAARSOO

ta'eef adabbin sadarkaa sadi'in/3/ cimee ykn olka'ee adabbin irratti nuuf kennan jedhanii gafataniiru.

Himatamtoonni yaada adabbii kennaniin nuti yakka kana kan rawwanne wallalummaa keenyan waan ta'eefi maatii shanii /5/oli tokkon tokkon keenya kan bulchinu manni murtii tilmaama keessa nuuf galchee adabbii nuuf salphisee qarshiidhan akka nu'adabu jedhanii yaada adabbii kennaniiru.

Adabbii

M/murtitis galmee kana qoratee akka ilaaletti himatamtoonni kun abbootii amantaa ta'anii ummanni akka isaan dhagahu osoo beekanuu angoo isaaniitin fayyadamudhan,yakka kana kan rawwatan ummata keessatti jeequmsa umuf waan ta'eef yakka kana kan rawwatan gareedhan waan ta'eef sadarkaa adabbii sadi/3/ni cimsa.Gama himatamtootatiin immoo himatamtoonni yakka ittin himataman kana amanuu isaaniitif,yakka kana kan rawwatani bu'aa dhunfarratti hunda'anii osoo hin ta'in yaada amantaa ofirratti hunda'udhan kan rawwatan ta'uu isaan bu'ura seera yakkaa kew 82/1/B fi E jalatti waan tumameef namoota maatii baaye bulchan ta'uu isaanii tilmaama keessa galchudhan adabbii sadarkaa sadi/3/gadi nibuusa.

Kanaaf yaanni adabbii cimsuu fii adabbii gadi buusu sadi sadi waan ta'eef kun immoo adabbii kan hin cimsinee fi kan gadi hin buufne waan ta'eefi yakki himatamtoonni ittin himataman kun sirna adabbii jalatti kan sadarkaan hin baanef waan ta'eef sadarkaan yemmuu ba'uf immoo hidha baatii 9hanga hidhaa waggaa 1 fi ji'a 6 tti ykn Qr 10 hanga Qr 2000.00 kan nama adabsiisu waan ta'eef haala gocha isaanii tilmaama keessa galchudhan tokkon tokkon isaanii harr'aa eegalee hidhaa salphaa

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Fuula 08
 Lakk.Gal.17894
 Guyyaa 18/03/2007

**GODINA SHAWAA KAABAATTI
 MANA MURTII AANAA GIRAAR JAARSOO**

ji'a jaha jahaa/6/tin ykn Qr 1000.00/kuma tokko tokkotin yaa adabaman jedhee murteessera.

Ajaja

- Himatamtoonni qarshii yoo kaffalan wajirri mallaqaaf misooma dinagdee akka kaffalchisan jedhamcera
- Yoo qarshii kana kaffaluu baatan manni adabaa go/sh/kaabaa hidhaa xumnuurchissee achumaan akka gadhisu ajajin yaa darbu jedhee galnee cufee mana galmeetti deebiseera.

[Handwritten signature]

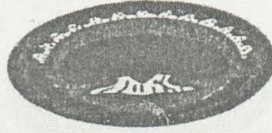


[Handwritten notes and signatures on the left side of the page]

18/03/07
 Lakk. Nag. 467325
 Qor. 1000/- galii
 Akk. 18/03/07

18/03/07
 Lakk. Nag. 467324
 Qor. 1000/- galii
 Akk. 18/03/07

18/03/07
 Lakk. Nag. 467331
 Qor. 1000/- galii
 Akk. 18/03/07



Fuula 09
Lakk. Gal. 26014
Guyyaa 26/05/2007

GODINA SHAWAA KAABAATTI MANA MURTII AANAA GIRAAR JAARSOO

A/seeraa: Haabtaamuu Lammaa

Himataa A/Alangaa Hordofaa Tulluu dhiyaate

Himatamtuu Askaalaa Bayyanaa dhiyaatte

Galmeen kan bule qorannoof yoo ta'u, qoratamee murtii kanaa gadii laatamee jira.

Murtii

A/Alangaa himata lakk DYA-1-1624/2007 guyyaa 13/05/2007 barreeffameen seera yakkaa bara 1996 bahe kew 494/1/irra darbuudhan himatamtuun tuni ta'e jettee itti yaaddee qabeenya namaa barbadeesitee balleessuf yaaddee Aanaa G/jaarsoo ganda Silmii Gajabaa iddoo Agamsoo jedhamutti guyyaa 11/05/2007 guyyaa keessaa tilm sa'aa 7:00 yemmuu ta'u mana jireenya iyyataa dhunfaa ob Kaftaamuu Magarsuu mana citaa tokko kibriittii itti qabsiftee 1, qabeenya mana keessa jiru Qr 6000.00/kuma jaha/ 2, Xaafii kuntaala jaha/6/tilm Qr 7200.00/kuma torba fi dhibba lama/baasu 3, Qamadii kuntaala tokko/1/tilm Qr 900.00/dhibba sagal/kan baasu fi qabeenya mana keessaa diriifi maagii Uccuu adda addaa tilm Qr 10,000.00/kuma kudhan/baasu walumaa gala qabeenya tilm Qr 24,100.00/kuma digdami afuri fi dhibba tokko/baasu waan gubdeef himatamtuun qabeenya namaa gubdee barbadeessitee waan balleessiteef himatamteerti kan jedhudha.

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Fuula 10
Lakk. Gal. 26014
Guyyaa 26/05/2007

GODINA SHAWAA KAABAATTI MANA MURTII AANAA GIRAAR JAARSOO

Himatamtuun dhiyaattee charjin himannaa ishee gahee erga hubattee booda jecha amanta fi waakki kenniteen yakkan ittin himatame kana hin rawwanne balleessaa miti jettee gantee falmattert. Ragaan A/Alangaa dhiyaatanii akkaatuma himata dhiyaatetin waan raggaasisaniif himatamtuun akka ofirraa ittiftu haayyun kennamee ragaan ittisaa namoonni lama/2/dhiyaatanii akka arnaan gadii kanatti raggaasisaniiru.

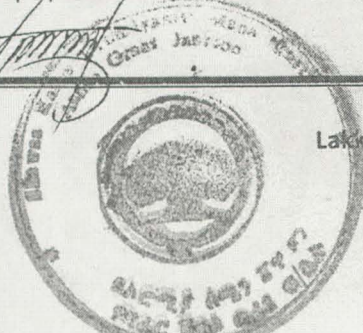
R.ittisaa 1ffaan jecha kenniteen:-Amajjii 11 barana himatamtuu tana waliin bataskaana Gorgisii dhaqnee achuma ollee yemmuu gallu namni tokko enyummaa isaa hin beeku qawwee qabatee dhufee himatamtuu taanaan mana gubdeeti dhuftee dhabbadhu jedhee gara seeratti fuudhee deeme, nuti gara mana keenyatti gallee, nuti namoonni himatamtuu tana faana jirru namoota 5/shani/isaanis:-

1, Ana 2, Himatamtuudha 3, Charinnat Kabbaboo 4, Nugusuu Fiqaaduu 5, Nugusuu Gaashaawu namoota jedhaman taanet gara mana keenyaa gala jirra, ganamas jaruma kana waliin Taabota dhaqne walumaan ollee walumaan gallee, Ganama yemmuu Taabota dhaquuf deemnu jarreettan kun hunduu mana kiyya dhufanii biddeena naatanii farsoo dhuganii walumaan Taabota dhaqne jettee raggaasifteerti.

R.ittisaa 2ffaan jecha kenneen:-Amajjii 11 bara 2007 himatamtuu tana waliin Taabota dhaqnee Taabota galchine yemmuu gallu hidhataa gandaa kan ta'e ob Mulaatuu Ayyalaa kan jedhamu himatamtuu tanaan mana gubdeeti dhuftee gara seeratti dhiyaadhu jedhee karaarraa ishee qabee itti Aanaa bulchinsa gandaa kan ta'e ob Amaaraa Takkalaa dhufee qabani deemanii nuti gara mana keenyaatti gallee, ganama yemmuu Taabota deemnu namoota afur/4/taanet deemne isaanis:-

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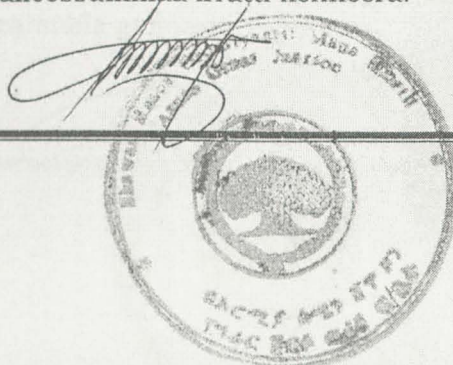


Fuula 11
Lakk. Gal. 26014
Guyyaa 26/05/2007

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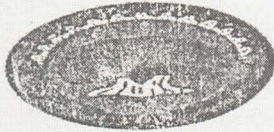
1, Ana 2, Himatamtuudha 3, Asteer Bayyanaati 4, Nugus Fiqaaduu nama jedhamu taanet Taabota walumaan dhaqnee walumaan galluudhaf yemmuu deemnu himatamtuu nubiraa qabani nu'i sadeen keenya walumaan galle. Ganama Taabota kan waliin dhaqne Ollaa waan taanef karaaratti walgeenyee walumaan taabota dhaqne malee mana raga ittisaa lffaa Aa Asteer Bayyanaa hin seenne midhaanis hin nyaanne jedhee raggaasiseera.

M/murtii galmee qoratee akka ilaaletti ragaan ittisaa guyyaa himatamtuun yakka rawwatte jedhamtee ittin himatamte kana ganama walumaan Taabota dhaqnee Taabota oollee walumaan yemmuu gallu hidhataan dhufee himatamtuu tanaan mana gubde jedhee nubiraa qabee deeme jedhani gaafii qaxxaamura yoo gafataman raga ittisaa lffaan ganama nama shan/5/taanee dhaqnee Taabota ollee namoota shanan/5/keenya walumaan galuuf yemmuu deemnu himatamtuu nubiraa qaban ganama jarreettan waliin Taabota dhaqne kun mana kiyya dhufanii bidden nyatanii farsoo dhuganii waliin taabota dhaqne yoo jettu R.ittisaa 2ffaan immoo Ganama yemmuu Taabota deemnu namoota afur/4/taane+ deemnee mana raga ittisaa lffaa hin seenne olla waan taanef karuma irratti walgeenyeti waliin Taabota dhaqne mana raga ittisaaa lffaa hin seennes midhaanis hin nyaanne jedhee raggaasiseera. Kanaaf ragaan ittisaa himatamtuu wajjin olle jedhanii irraa ittisuuf yaalanillee gaaffii qaxxamuraatin yemmuu gafataman jecha adda addaa kennuun isaanii himatamtuu bilisa baasudhaaf gurma'anii kan dhufan ta'uu isaanii kan agarsiisu waan ta'eef jecha ragummaa isaanii kufaa godhee himatamtuun kew seeraa ittin himatamte kanaan balleessadha jedhee murtii balleessummaa irratti kenneera.



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Fuula 12
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A/Alangaa yaada adabbii kenneen himatamtuun yakka kana kan rawwatte gara hammeenyummaan waan ta'eef adabbin ishe : barsiisu irratti nuuf yaa darbu jedhee gaafateera.

Himatamtuun ani yakka kana wantan hin rawwannef m/murtii ofeeggannodhan akka anarra darbu jettee gafattert.

Adabbii

Himatamtuun tun mana namaa kan gubdee mi'a mana keessa jiru wajjin kan barbadeesite gara jabeenya fi hammeenyummaadhan waan ta'eefi kewwanni isheen ittin himatamte kun qajeelfama adabbii bahe lakk 2/2006 jalatti kan sadarkaan hin baaneef ta'ullee qabeenyi isheen barbadeessitee ittin himatamte ykn tilmaamni dhiyaate Qr 24,100.00/kuma digdamii afuri fu dhibba tokko/waan ta'eefi kun immoo guutaa 8ffaa jalatti kan kufu waan ta'eefi kun immoo waggaa 1 fi ji'a 2 hanga waggaa 1 fi ji'a 6 tti kan nama adabsiisu waan ta'eefi himatamtuun akka adabamtu ta'ee namoota biroctifis barumsa akka ta'uuf guyyaa harr'aa tii eegalee hidhaa cimaa waggaa tokko/1/tif ji'a 3/saditin yaa adabamtu jedhamee murtaa'era.

Ajaja

- ❖ Manni sirreessaa Go/Sh/Kaabaa hidhaa kana xummursiisee achumaan akka gadhiisu ajajni yaa darbu.
- ❖ Mirgi ol'iyyannoo qaama barbaadef eeggamaadha.
- ❖ Galmeen cufamee gara mana galmeetti deebi'eera.

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