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College of Law and Governance Studies,

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Title: Protection of Minority Rights in Harari

Region: Case Study of Local Governments

**An MA Thesis Submitted to Center for
Federalism and Governance Studies**

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DECLARATION

I undersigned declare that this senior research is original work and has not been presented for a degree in any other university/college and the all the sources material used for the research have been acknowledged.

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Table of content

	Page
Contents	
Acronyms	V
Acknowledgments.....	VI
Abstract	VII
Chapter One 1: Introduction	1
Statement of the problem.....	1
1.2 The FDRE'S political system and strategy.....	2
1.3 The political practice and Accommodation of non-ingenious communities in Harari region	4
1.4. Objective of the Study	7
1.4.1. General Objective	7
1.4.2. Specific Objectives	7
1.5 Significance of the Study	8
1.6. Scope of the Study	8
1.7. Limitations of the Study and Proposed Solutions.....	9
1.7.1. Unwillingness of Respondents	9
1.7.2. Budget constraint.....	9

1.8. Methodological considerations and data collection	10
1.8.1. Tools of Data Collection.....	11
1.8.2 Sampling Design.....	11
1.8.3. Data Source /Population	11
1.9. Organization of the Thesis.....	11
Chapter Two: Who are Minorities?	14
2.1 Concepts and Definition of Minority	14
2.2. Who are minorities in Ethiopia?	17
2.3. Minorities in Harari region	19
2.4. Political minority.....	20
2.4. Why Minorities need to be accommodated?.....	20
2.5. The role of Human Rights for accommodation of minorities	22
2.6. The accommodation Mechanisms	23
2.6.1. Multi-national Federalism as a means of accommodation	23
2.6.2 Territorial autonomy as a means of accommodation.....	24
2.6.3 Power sharing and Non-Territorial Autonomy as a means of accommodation	25
2.6.4. Cultural autonomy as a means of accommodation	26
2.6.5. Political autonomy as a means of accommodation.....	27
2.6.6. The role of Local government as a means of accommodation	28

2.7. Accommodation mechanisms in Ethiopia	29
2.7.1 The role Human rights for accommodation of minorities	29
2.7.2. Territorial arrangement as a means of accommodation in Ethiopia.....	30
2.7.3. Federal institutions as a means of disputes.....	31
2.7.4. Local government as a means of accommodation in Ethiopia	31
2.8. Local governments in Harari region	32

Chapter Three

3. Ethiopian Federal system.....	33
3.1 Introduction.....	33
3.2. The Transitional Government of Ethiopia	36
3.3. The 1995 Ethiopian Constitution.....	37
3.4. Ethnic based conflicts in Ethiopia’s federal system	40
3.5. Local Governments	41
3.6 Harari Regional state.....	43
3.6.1 Why Harari Regional State is so diverse?	45
3.6.2 Why Harari became a region?.....	46
3.6.3 Management of Diversity in the region’s political system.....	47

Chapter Four

4. Local Government as mechanism of managing minorities	50
4.1. The e arrangement of local governments.....	50

4.2. Local Governments in Harari and the accommodation of minorities	53
4.2.1. The Woreda council.....	54
4.2.2 The woreda administrative council.....	55
4.2.3. The woreda Judiciary structure.....	55
4.3. The Kebeles tructure	56
4.4. Municipality structures	56
4.5. Cultural and Language Rights at local level.....	57
4.6. Concluding Remarks from the findings of this paper.....	58
Chapter Five	
5. Conclusion and Recommendations.....	62
5.1. Conclusion	62
5.2. Recommendations.....	65
Bibliography.....	69

Acronyms

CSA---Central Statistical Agency

ECHR----European Convention on Human Rights

EPRDF---Ethiopian People Revolutionary Democratic Front

HNL----Harari National Legue

HNA—Harari National Assembly it is the same and one with HNL

FDRE—Federal Democratic Republic of Ethiopia

HPR----House of Peoples Representatives it is the same and one with HPC

HPC---House of People Council =HNA+PRA

HRC---Human Rights Committee (established in terms of the ICCPR)

HOF-----House of Federation

ICCPR---International Covenant on Civil and Political Rights

OSCE----Organization for security and cooperation in EUROP

OPDO---Oromo People Democratic Organization

PRA---People Representative Assembly

Proc. No ---Proclamation Number

SNNP-- Southern Nations, Nationalities and Peoples

UDHR-Universal Declaration of Human Rights

UN---United Nations

WWII-----World War the Second

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Abstract

Ethiopia is one of the ancient countries in the world which was a decentralized state until it changed to a process of centralization that took place in a period extending over a century. Present day Ethiopia was created by highlander rulers through twin processes of political and economic conquest in the late nineteenth and early twentieth centuries. Emperor Menelik II (1889-1913) embarked on a campaign of expanding his rule from the central highland regions to the South, West and East of the country. After the demise of the power of Emperor Menelik II and his eventual death, in 1913 the centralization drive continued by Ras Tafari Mekonnen later he became crowned Emperor Haile Selassie in November 1930. He continued by his highly centralized system of governance without considering the existing diversity of ethno national communities and in the name of the nation-building. The system recognized only Orthodox Christianity as a state religion, Amharic as an official /national language, and other political opportunities without considering diverse societies of the country. because of his centralized rule and lack of proper and adequate reform different struggles raised in different ways, This popular movement caused the break down of Haile Selassie's regime in 1974. At that time because of lack of organized political groups to lead the country a military officers called *Derg controle* to the power in September 1974. The *Derg era* was characterized by massive human rights violations and internal conflicts. So after a bitter 17 years struggle he defited in 1991 by the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) Girmachew Alemu (2010,pp.4-5).

The new rulers announced a radically different nation and state building policy. Under the guidance of the EPRF they declared their interest that to break the past injustices and to develop a new Ethiopian society based on freedom, equal rights and most notably self-determination for all Ethiopian peoples. The right to self-determination is the foundation of the new constitutional strategy of state building. In the FDRE Constitution ethnic groups which are territorially defined have become the bearers of sovereign power and entitled to the right to self-determination by constructing nine constitute units arranged based on territorial and hither titular ethnic majority groups. So harari is one of the nine regional states which is an inhabitant of different ethnic communities. Hrari is the sovereign power and become the majority ethnic of the region. But non indigenous minorities are discriminated in political participation. The only Harari and Oromo people are the participants in the political game (Harari constitution 2004).

Chapter One 1: Introduction

Statement of the problem

Following the political phase of social revolution in 1991 the victorious and an umbrella political organization Ethiopian people's Revolutionary Democratic Front (EPRDF) formed a Federal governmental system. According to Dereje,(2016) exploration regarding to the new political system of Ethiopia he states that "The transformation that has been taken place in the political structure of Ethiopia has been both radical and pioneering. It has been radical because it has introduced the principle of self determination for federated regional units in a formerly highly centralized unitary state. And why it is pioneering is because Ethiopia has gone further than any other African state and further than almost any state worldwide (clapham, 2002, p.27) in using ethnicity as its fundamental organizing people cited by Dereje in Turton,(2016) .This should make Ethiopia's experiment in ethnic Federalism of great potential relevant to the growing debate about the accommodation of ethnic diversity in democratic states". It is an interesting fact that the discussion of ethnic federalism in Ethiopia seems to be carried on almost exclusively in an Ethiopian context (p.1).

The Ethiopian Federal system starts by making a national conference as soon as EPRDF control the power by participation of all ethnic based parties and other concerned educated persons in order to accommodate the diversities. By the conference it was decided to establish and how to establish Transition Government then TGE is established in 1991 the same year. So the Transitional Government among other things claimed that it was committed to forthrightly addressing the claims to self-determination being expressed by a number of ethnic groups styling themselves as nations or nationalities. Systems enable to accommodate ethnic minority. On coming to power, the EPRDF decided not to suppress the national aspirations of Ethiopia's grieving ethnic groups, but instead to allow them the full expression of their languages and cultures, moreover with in less than two years; it decided that the country would be administratively and politically recognized creating ethnically based national/regional governments or states. More over the TGE also publicly committed itself to the introduction of pluralist multi-party democracy; this was significant in that until then Ethiopia had never had

political parties or pluralist democracy (Choen and Peterson,1999:131 and Tronovoll and Aadland 1995:47-53)which is cited by EdmondJ.Keller,2003,pp.2-7).

The sense of the strategy adopted by EPRDF lead government was a variation on the themes of power sharing federalism. This approach was seen as the best way to demonstrate that the regime was committed to social equality and democracy. After the transitional period facilitate the fertile condition for democratic system the federal constitution is enacted in 1995 as the legal ground of the country to insure the rights of self-determination and self-government to nations, nationalities and peoples of Ethiopia as it was a central issue before and after the down fall of the Derg regime. This Constitution provides for a federal government and nine regional states conferred with different sets of responsibilities relating to important political, economic and social matters (Muhammad Habbib, 2011, pp.9-10).

1.2 The FDRE’S political system and strategy

The Federal Democratic Republic of Ethiopia is founded by the constitution that is “an expression of the mutual commitment” of nation, nationalities and peoples rather than individual actors or citizens. So the constitution is viewed as a political contract and the result of the ‘free will of nations ,nationalities and peoples’ that are politically mobilized, territorially grouped and declared as sovereign(Article8). It insists on the need for some congruence between the nation and nationalities and the territory of the regional states in order to ensure self-rule. Moreover, Article39 ensured three principal group rights (FDRE Constitution, 1995). First: ‘every nation, nationality and people in Ethiopia has an unconditional right to self-determination, including the right to secession.’ Second, it ensured the nationalities with ‘the right to speak, to write and to develop its own language; to express, to develop and to promote its culture and to preserve its history. In sharp contrast to the centrist regimes that aimed at assimilating diversity Thirdly, Nationalities have also ‘the right to full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits and to equitable representation in the state and federal governments. According to Lijphart’s (1979) exploration “over all the federal system is a design that combines an appropriate combination of ‘shared-rule and self-rule.’ This design divides power between the federal government and states and ensures ethno-nationalist groups fair representation in federal institutions” (p.500).

So the Ethiopian federal system is designed to accommodate and empowers 'the nations, nationalities and people' primarily through the provision of territorial and political autonomy to geographically concentrated ethnic groups (Article 46 (2). As the constitution dictates regional states to be organized on the basis of settlement patterns, language identity and consent of the people concerned.' While this is not explicit in practice it is clear that language plays as a key factor. The major ethno-national groups have established their own regional states with their own constitutions and mandates. So nine ethnic based regional states are emerged through the institutions of shared rule and representation in federal institutions. Ethno-nationalist groups are given the opportunity to influence decision-making at the center. The logic of this form of federalism is that ethno-nationalist groups can only respect the institutions of governance and thus contribute to stable federation when they are granted with a satisfactory combination of influence at the center and meaningful autonomy at sub-state level with regard to their own affairs. The nine regional states have no uniform type of composition (FDRE Constitution,1995).

From the nine regions mentioned above five of them (Afar, Oromia, Tigray, Somali and Amhara regions are directly represent for their ethnic group. Each of these Regional states in short a motherland to a particular ethnic group that accounts for the majority of their respective population, allowing the group to control the regional political institutions. Three others regions (Gambela, Benishangul, and the Southern regions) are unequivocally multi ethnic and could be distinguished as minority' regions. The ninth region Harari is much more difficult to categorize it is unique from the others because of its numerical minority majority (Christophe Van Der Bekthen and Yonatan Tesfaye, 2015, p.53).Due to their democratic mandate each of the nine regional states mentioned above has its own constitution, flag, executive government, legislature, judiciary, and police; it chooses its own working language; finally, even they have the right to secession if necessary. The constitution also gives the mandate for regions for further decentralization from regional state to zonal and woreda levels of local governments. Some constituent parts (e.g., ethnic zones, Liyu woredas) want their statuses upgraded to that of regional state, primarily because that is where executive power lies (AlemHabtu, 2003, p.20).

The right of nation's nationalities and peoples to self governance is also applied at sub-regional level. Groups either that do not have their own regional state or residing outside their home regions exercise a self- governance with the status of special zone or special Woreda or special

kebele. For example, nations, nationalities and peoples of the SNNP Region have self-government of one or another. The Amhara constitution contains specific group rights for the Agew Himra, Awi and Oromo since these groups are considered indigenous to the region. Similarly, the regions of Tigray and Afar recognize the Irob, Kunama and the Argoba as indigenous groups respectively and the protective mechanisms only apply to them but not for others. For instance, the Amhara, which are much more numerous in Tigris and in Afar than the indigenous groups, do not enjoy a specific constitutional protection such as guaranteed representation in the regional institutions (Christophe Vander Bakthe, 2014, p.11).

The above practice is not uniformly exercised in all regional states “ the experience of the SNNP Region and the proclamation on inter-state border delimitation suggest members of a nation/nationality that constitute a majority in an area at least a size of kebele can exercise self government”(Yigezu Abate,2014,pp.7-13). In another way the longstanding scheme of the spatial distribution of Ethiopian nations, nationalities and peoples, effectively excludes the possibility of the exclusive presence of a single ethnic group in any of the regions. The document states that “ the demographic reality of each region therefore shows that numerous ethnic groups exist within each of the regions and that those groups, by virtue of the Constitution, place under the sovereign control of ‘native’ ethnic groups. Despite their visible presence, however, these non-native (minority) groups specially the intra minority communities those are living in a dispersed/non-territorial manner are not considered as the owners of the regions and lack legal standing to share sovereign power in the regions with the ‘native’ groups. So the issue of ethnic minority in Ethiopia and how the prevailing constitutional and politico-legal order caters very challenging question which needs especial attention by federal and regional institutions” (Ethiopian Human Rights Council, 2009).

1.3 The political practice and Accommodation of non-ingenious communities in Harari region

Harari regional state is one of the nine regions established as a region and enacted its own regional constitution following the adoption of FDRE constitution in 1995 and it was revised in 2004. But the constitutional and political environment of the region only recognizes the Harari and the Oromo ethnic groups as the legitimate owners of political power in the region without giving a space for other ethnic groups. According to the current evidence in Harari region there

are different minority communities those are living for a long period of time in the place and they cover above 91 % of the population of the region. But the region constitution didn't give any recognition for these minority communities. Although the Harari ethnic group constitutes a small population size in Harar Region, the regional nomenclature reflects its political empowerment, which is clearly expressed in both federal and the regional state constitutions. The most relevant constitutional provision in this regard is Article 5 of the Harari Region's Constitution, which states: "the Harari People is the owner of sovereign power In the Region" This stipulation by this Regional Constitution recognizes the Harari ethnic community, which represents a mere 8.65% of the regional population, as the sole holder of sovereign power of the region. Because of this they take a special position in the Ethiopian territorial arrangement. This seems legitimate to place the region in the first category due to the observation that the name of the state refers to the dominant ethnic group in the region. However, the dominance of the Harari nationality inside the region does not concern its numerical strength, but refers to the political predominance of the Harari ethnic and due to its territory and population, and because of its geographical location completely within the borders of Oromia the Harari people takes a special position (Christophe Van der Bekethe, 2008, p: 261).

Even though there are different minority communities in the region those are living for a long years with the Harari people they have taken as non-ingenious people and they are marginalized and discriminated from any political participation except the Oromo people who have above 50% of the region's population but a minority ethnic. That is why different authors wrote about Harari regional state minority group's violation of rights by focusing at state level; for example Christophe Van der Beken ken, Dereje Feyisa, Assefa fiseha, Ethiopian Human rights report all wrote about the un full filled rights of minority groups and the marginalization in political participation and representation specially at state levels of the country as a whole and specifically about the Harari regional state constitution and the practice. They put the real situation that as there is a marginalization of Ethnic groups in political participation. But this case study focuses on the minority rights at sub regional state level because like any other regions of Ethiopia Harari regional state has its own different sub regional government unit (local governments), for instance Wereda, Municipalities and Kebele administrative units. So at this level of governments what the researcher is intending to investigate the rights of ethnic minority in political participation, equitable representation and other related fundamental rights of the same.

So this study focuses at local level woreda kebele and municipality. The researcher is going to assess regarding this area how minority community is accommodated. Because during the previous study there was no Wereda level of administration in Harari Regional state but now days woreda level of government is established. The member of councils in woreda and kebeles are more in number which is from 150--200 but at Regional level relatively only 36 members are participant in the council. So due to the number of members in the councils and because of the population number of the minority groups the rights of minority groups in Wereda and kebeles administrations the political participation and equitable representation might be applicable. This is one reason for the study because Weredas are the local governments with different administrative institutions as mentioned above the main ones are the Wereda council, the Wereda Administrative council and the Wereda Court (judiciary). So how are the minority' rights being exercised in this area in addition to kebeles and municipalities?

Plus at local level since different ethnic groups are living together for a long period of time they know each other very well even they can speak others language, they know others culture very well, and they have inter related social inter action in their life experience for example according to Dereje Feyissa (2007) 65% of the population can speak Amharic language more or less the same is true for others because of this there might not be discrimination at local level it is the researcher's expectation that.

Generally, **the research question** will be framed how non-indigenous/internal ethnic minority community rights are accommodated and respected at local level in Harari regional state? And the details are the following:

1. Are the concept of minority in the constitution of Harari and the practice of the region in compliance with the FDRE constitution as far as accommodation of diversity is concerned?
2. What is the legal and practical in rights scheme advancing the rights of dispersed internal minority in Harari?
3. If so in what way such Ethnic Minority rights are respected and protected at Municipality, Wereda and Kebele administrative units' level?

4. How is Linguistic, cultural and religious rights respected and protected at local level of governments?

1.4. Objective of the Study

Since Ethiopia is a multiethnic and multicultural country to establish a viable state is very complex because where ethnic majorities in one region are minority in other regions either in a territorially confined way or in a dispersed manner, and hence harmonizing group rights and individual rights is not an easy task. The FDRE Constitution, introducing ethnic federalism, is left with a lot of assignments to entrench and earn legitimacy. It recognizes both individual human rights and group rights though there are weak scheme of arrangement in harmonizing the two as more attention is given to sovereignty of nations, nationalities and peoples of Ethiopia in which they exercise self-determination up to secession to rectify past injustices(FDRE Constitution 1995). Thus, this paper tries to assess whether the laws and the practices in the Regional State of Harari have given adequate protection to internal minority rights at local level.

1.4.1. General Objective

To explore how minority' rights are respected and properly accommodated at local level of governments of Harari regional state.

1.4.2. Specific Objectives

1. To examine how the constitution of Harari Region treats the minority right and how much it has been practiced
2. What kinds of rights of ethnic Minority are addressed by the constitution of Harari National Regional State?
3. To assess how minority's religious, linguistic, and cultural rights are equally respected,
4. To describe the legal and practical human rights scheme advancing the rights of dispersed internal minority in Harari Regional state at local level, of governments
5. To identify challenges and problems which need positive responses to the rights of ethnic minority at regional state and by Federal level and

6. Based on the study findings to forward practicable recommendations for policy makers and governing parties of Harari Regional State.

1.5 Significance of the Study

This case study will be important to ensure how ethnic minority's rights are respected at least at local level of governments in Harari region. Because authors mentioned above those are Christophe Van der Beken ken, Dereje Feyisa, Assefa fiseha, Ethiopian Human rights report showed as minority groups are marginalized and discriminated in political participation and equitable representation at regional state level because only Harari and Oromo are monopolizing the regional states political power sharing. So what about other minority groups participation at local levels of administrative structures?

So this study will give the real pictures of the political situation of the region at local level. Based on the study results, it also contributes by forwarding additional way outs by which protection, respect and promotion of internal minority rights are effectively implemented and enhanced. However, the question how much internal minority rights are protected at federal level, unless internal minority created at regional level and they resident at local level are duly respected, protected and promoted political stability at the center may not remain reliable. Hence, this research indicates also the challenges to the stability of the state if internal minority are accorded in adequate protection since otherwise it remains a mere multiplication of minority tensions. So the result of the study will be as a feedback for different concerned bodies of government institutions including federal government of Ethiopia.

1.6. Scope of the Study

The scope of this study is limited to assessing the legal and practical protection of the rights of ethnic minority in Harari regional state at local level. So for this purpose the interview, focus group, personal observation and other secondary data sources were collected in Harar three woredas. One rural woreda (sofi) and two urban woredas (Nur Amin and Ginela) and six kebeles which are not very far from the Harar city. And the composition of population will be composed of all concerned ethnic groups living in the research area. The two urban woredas and their kebeles are a place where more ethnic groups are living in it and Amin nur is from Jegol and Ginela is outside Jegol to get appropriate data and the rural woreda is selected to assess the rural

situation even though it is not expected to have ethnic groups there because in rural areas it is possible to say all inhabitants are Oromos so all participants are from Oromo ethnic but a small number of Argoba's are inhabitant in the selected rural woreda sofi.

1.7. Limitations of the Study and Proposed Solutions

For the purpose of doing a successful case study it needs a strong effort. For this activity, it demands the interest and real commitment of the researcher and for the other willingness of respondents. Hence identifying some limitations and provide possible solutions for such kinds of problems may help to minimize their negative impact on the result of a research work. Some of these challenges were the following:

1.7.1. Unwillingness of Respondents

During the interview time there was some un unwillingness tendency. Because most of the work of Harari people is trading so some of them were not be voluntary to give enough time for responding the interview plus they were a raiding to give the response. To overcome the problems the researcher tried be systematic and careful in order to not lose their time he tried to facilitate the appropriate time which is not affecting their work. He tried to convince them not to be afraid and the researcher tried to collect relevant and credible data both from secondary and primary sources to correctly analyze and develop this thesis and reach at a necessary conclusion.

1.7.2. Budget constraint

Conducting empirical research requires sufficient amount of money. Because it needs physical presence in the area the research is conducted and employs some assistants to collect proper and timely data. So since budget is an instrument to accomplish one task without budget nothing has been done effectively. Since the research area is far from Addis Ababa different expenditures were needed. Even though there is some support from the university it is not enough to cover the whole expense of the research activity. More over the allowed additional money was not given on time. So there was a problem regarding budget. But to overcome the problem the researcher used his alternative solutions.

1.8. Methodological considerations and data collection

This study must take into consideration various contextual issues, and thus, the case study strategy is the best method to arrive at meaningful conclusions. By choosing such a strategy, the researcher used multiple sources of evidence and benefit from the prior development of theories to guide the analysis of the data collected. The aim of case studies, however, is not to acquire statistical generalization and measure effects, but to obtain analytical understanding, where previously developed theory is used as a template to compare the empirical results of the case study. So the main purpose of this case study is to obtain an insight into the current feature of the minority rights at local level of government institutions in Harari Region. For the above stated reason, this research followed an applied research method. The methodology that was applied by the researcher has been chosen in order to acquire information and deduce conclusions about the minority rights at local level in the region. So the study had been done on the qualitative, applied research method. For the proper implementation of the research secondary sources and primary sources are used. As such, relevant legal literatures, books, journal articles, and other important written materials are used so as to conceptualize and to analyze the issues associated with internal minority.

Other legal documents such as international human rights instruments, the FDRE Constitution, the revised Constitution of the Regional State of Harari, the constitutions of other Regional states in Ethiopia and other relevant laws and different sources, such as laws and formal reports i.e. both published and unpublished relevant papers and documents. Hence, reasonable amounts of possible literature were analyzed so as to determine whether internal minority are adequately protected at local levels of government institutions. Moreover, interviews, from woredas and kebeles administrators and from different individuals from different ethnic groups was taken and focus group dissections and personal observations were considered as primary sources employed so as to determine whether there are harmony or otherwise between the legal protections envisaged and the practice.

1.8.1. Tools of Data Collection

For the purpose of this research, and in order to achieve the objectives both primary and secondary data were collected. Secondary data was collected through a continuous reading and contribute toward the formation of background information, needed by both the researcher in order to build constructively the thesis and the reader to comprehend more thoroughly the survey outcome. Primary data was collected by **Interviews:** according to Rubin, (1995)'One of the most important sources of case study information is interview. Such an observation may be surprising because of the usual association between interviews and the survey method.

1.8.2 Sampling Design

The sample size to use for the interview was planned about 51 people from different ethnic minority groups living in the region. So the interview was taken place in 3 woredas 2 in urban and 1 rural woreda and two kebeles in each woreda meaning the interview was done in 3 woredas and six kebeles. From each kebele the interviewee were 5 so total are 30 those are from Harari, Oromo, Amhara, Tigrian, Gurage and Somale which is selected according to the peoples composition. So the total interviewee were 51 from these 20 were females and 31 were males.

1.8.3. Data Source /Population

The research area for this study is Harari regional state. As mentioned above the data sources for this study were the concerned people from all ethnic groups living in the region. In addition the following sources were considered in order to make the thesis comprehensive.

Data evidences:-charts of different years,

Lists of names and other relevant items,

Data previously collected about the issue and different documents

1.9. Organization of the Thesis

This case study was conducted at Harari regional state focusing on minority communities' rights at local government level. In its detail it elaborates different issues about minority rights in general over view of internationally and the regional state. Hence the thesis has been arranged in

the following sequence and divided into five chapters; each having its own sections and subsections. Accordingly,

The first chapter has covered the introductory part of the thesis, which introduces different facts regarding the Ethiopia's federal system and its political strategy and the establishment of regional states based on territorial rearrangement, statement of the problem, the research question methodological considerations and data collection followed by objective of the study, significance and scope of the thesis are among others.

Chapter two deals about the conceptual and theoretical Framework of Minority and definitions based on international declarations and in Ethiopian and the Harari region context are elaborated and this sub section is followed by the question who is minority under International law? And why minorities need to be accommodated and what is the role of Human rights for the accommodation of minorities, and different means of accommodation mechanisms are mentioned as International, country and the research area wise and the role of local government for accommodation in Ethiopia plus lastly the Harari Region governmental structure including the local government is addressed.

Chapter three: in this chapter the Ethiopian Federal system is elaborated in its detail it explain how the federation is rearranged based on the territorial and ethnic based background and the establishment of a multi party system. For the sack of this the role of transitional period charter to accommodate ethnic based parties and to facilitate for the preparation of the 1995 constitution, and the FDRE constitution 1995 general content is mentioned briefly plus through this federal system in practice as ethnic based conflicts were created and solutions are given by different concerned bodies including (HoF) are mentioned. In addition to this the feature of Local Government in Ethiopia and the Harari Regional state and management of diversity in the regional political system is elaborated.

Chapter four: in this chapter how local government in Ethiopia used as a mechanism of managing the minorities by establishing further sub local administrative units like Zone, National zone, woreda and Liyu woreda is discussed and regarding the Harari Regional state the regional constitution, the composition and the establishment of the regional parliament and different institutions and the participation and representation of minority groups in different governmental

institutions are thoroughly discussed. Lastly based on the federal and regional state constitutional frameworks and other sub constitutional laws how the rights of ethnic minority at local level of Harari regional state properly entertained, particularly in relation to protection, participation and equitable representation including other related rights are critically discussed and at the end of this chapter the analysis and major findings are indicated.

Chapter five: conclusion is drawn as well as recommendations and possible proposed solutions are forwarded and lastly the used references are attached

Chapter Two: Who are Minorities?

2.1 Concepts and Definition of Minority

The concept and definition of minority is written by different authors both at international and regional levels. According to Grammatik as Vassilios, (1999) general idea regarding to the definition of minority by different authors he states that “Certainly, none of them acquired international authoritative status. Some authors, alleging that the issues of minority are so complex and vague, prefer to set aside an endeavor to develop comprehensive definition. There are also groups of writers who discourage an effort to define minority asserting the term by itself is patent. But, one should take note of the fact that these groups of writers have no hesitation as to the importance of protection of minority rights regardless of the absence of a binding definition”. As stated above absence of universally accepted binding definition of the concept minority does not serve as a defense for states not to work to their best in order to secure protection of the rights of minority conversely, for many writers the need to have comprehensive definition of the concept minority is a necessary requirement (p.323). A according to the author explanation for some writers one cannot talk precisely about protection of minority unless the subject of protection is defined. Moreover, having comprehensive definition helps to determine certainly the population group.

Lastly the author concludes that “ unless we have generally binding definition ‘system of minority protection is open to indefensible abuses so that states may go to the extent of denying the existence of minority in their own territory as a result of which groups of people who should be entitled to legal protection would remain unprotected. Any effort to extend protection to the rights of minority without clearly identifying the right claimant, subjects the enforcement of protection to the will of the majority. Lack of generally established definition of minority is not only ascribed to the ‘complexity and diversity of minority phenomenon’ but also multinational states view the recognition of territorial ethnic minority and their ensuing rights as it displace loyalty from national unity to ethnic autonomy which stimulates secessionist sentiment that can be identified as a minority and to identify the special protection each minority group deserves” (Ibid).

Here we understand that there is no one and specific definition for minority. Different writers wrote different definitions. Therefore, one of the main reasons for not having universally accepted and legally binding definition of minority is the negative attitude of state officials towards the concept minority itself .Furthermore, the problem of the definition of minority was not considered as the immediate concern of many states.

Because of this reason and other considerations not until around the last decade of the 20th century did minority concerns reemerge as an important item within the United Nations system? However, the Committee on Human Rights later formed an informal working group in 1978 to consider a draft minority's declaration within the Art.27 of ICCPR framework. And this reality eventuated in the adoption of the Capotorti's report in 1979, which remains the most comprehensive treatment of the minority (Welhengama, Gnapala, 2000, p.50). So different definitions are drowned by different authors some are mentioned below. These are

1. According to the consensus in 1992, the United Nations Minority Declaration in its article 1 refers to minority “as based on national or ethnic, cultural, religious and linguistic identity, and provides that States should protect their existence”. Of course there is no internationally agreed definition as to which groups constitute minority. It is often stressed that “the existence of a minority is a question of fact and that any definition must include both objective factors (such as the existence of a shared ethnicity, language or religion) and subjective factors (including that individuals must identify themselves as members of a minority)” (Minority Rights: International Standards and Guidance for Implementation, (2010, p.8), HYPERLINK”<http://WWW.org/documents/publicians/minority rights> (visited on January 15,2017).

2. Other definition offered in 1977 by Francesco Capotorti, Special Reporter of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minority, that “a minority is: a group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess 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”. In addition, it has been argued that the use of subjective criteria, such as the will on the part of the members of the groups in question to preserve their own characteristics and the wish of the individuals concerned to be considered part of that group, combined with certain

specific objective requirements, such as those listed in the Capotorti's definition, should be taken into account. It is now commonly accepted that recognition of minority status is not solely for the State to decide, but should be based on both objective and subjective criteria (Capotorti, 1977, p.31) cited by Tokuma Daba, 2010, p.24)

3. There is also other Author called Boundless, (2016) gives his idea about the definition of minority by mentioning best example South Africa's a parted situation. According to his idea minority group is "the sociological category that is differentiated, defined, and often discriminated against by those who hold the majority of positions of social power or Categories of persons who hold few or no positions of social power in a given society. The system of Apartheid in South Africa exemplifies the complexities of the use of the word "minority". We know Apartheid was a system of established by National Party governments, in South Africa which was in power from 1948-1994. Apartheid granted enormous power and privileges to the numeric minority Afrikaner population at the expense of the rights and freedoms of the majority black population. Apartheid legislation identified four racial categories: white, black, colored and Asian". Of these, the whites were the most entitled legally, politically, and economically (<https://WWW.boundless.com/sociology/textbooks> (visited on February 11, 2017).

From the above different definitions we can understand some important elements which qualify the term minority. Number one is numerically inferior to other population and number two is non-dominant position in the political affairs of a given state and sub-state. Another important element is possessing one of the above mentioned characteristics differing from others and shows a sense of solidarity to preserve their own identity and other said the state of not being old enough to have the full rights of an adult.

So the researcher's argument is going to support the Capotorti's definition because a minority is: a group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess 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.

Of course here what we have understood is no one and specific definition for minorities' different writers wrote different definitions. Therefore, one of the main reasons for not having universally accepted and legally binding definition of minority is the negative attitude of state

officials towards the concept minority itself.¹ Furthermore, the problem of the definition of minorities was not considered as the immediate concern of the United Nations considering that the issue of minorities was basically part of domestic matters of sovereign states. And thus, within the United Nations minority protection was subsumed as a facet of the general United Nations human rights protection regime based on the tenets of liberal individualism as well as the fundamental principle of equality. Because of this reason and other considerations not until around the last decade of the 20th century did minorities concerns reemerge as an important item within the United Nations system? However, the Committee on Human Rights later formed an informal working group in 1978 to consider a draft minority's declaration within the Art.27 of ICCPR framework. And this reality eventuated in the adoption of the Capotorti's report in 1979, which remains the most comprehensive treatment of the minority. For further evidence let us see minorities under International law (Welhengama, Gnapala, 2000, p.50). The above definitions are international wise definitions what about the definition of minority in Ethiopia's case?

2.2. Who are minorities in Ethiopia?

In Ethiopians context the existence of minority groups has got recognition in the 1991 Charter of the Transitional Government of Ethiopia. On the basis of this provision, Proc. No. 7/1992 and Proc.No.11/1992 define minority nationality as "nationality or people which cannot establish its own Woreda Self-Government" because of their having smaller size of their population in compliance with the majority of multicultural States' Constitutions.

The framers of FDRE constitution does not also provide express and direct definition of minority groups, because they thought that if all 'Nations, Nationalities and Peoples of Ethiopia are guaranteed the right to full self-determination and exercise self-governance in an autonomous manner, there will be a less probability of oppression and discrimination in which the issue of minority phenomena arises. And the framers have provided some seats in the House of Peoples Representatives (HPR) to minority nations in the constitution that the provision guarantees these minority groups. This constitution does not identify the numerical threshold below which a group is considered minority nationality. Moreover non-territorial ethnic groups which are found in a dispersed manner in each territorially defined nation are not taken in to account during that time.

Nonetheless, 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 (FDRE Constitution 1995).

The purpose of the above proclamation is to guarantee the presence of delegates of every nation, nationality and peoples of Ethiopia in the lower house regardless of their population size or whether they constitute one electoral district or not. From a close reading of Art.54 (3) and Proc. No. 111/1995 one can understand that it is nations, nationalities and peoples the population size of which is insignificant (may be below 100,000 inhabitants) that are entitled to be considered minority nationality. However, Proc.No.111/1995 is amended by Proc.No.532/2007 .As per Art.20 (1(a)) the electoral districts are going to be rearranged in accordance with census results by taking the Woreda as a basis. Arrangement of electoral districts on the basis of 100,000 people is no more operating. Art. 20(1(d)) of this proclamation states minority nationalities believed to require special representation shall be determined by the HoF. Therefore, identifying which nationalities are entitled to special representation cannot be identified until the HoF determines. But, it is clear that minority nationalities reside either within the nation, nationality or people that has already established their own homeland; region or local administration or they come together to form one local government. Hence, minority nationalities are entitled to reserved seat in HPR (FDRE constitution 1995).

It is also clear that once a group qualifies the definition of nations, nationalities and peoples it is automatically entitled to exercise the rights available for nations/nationalities regardless of the number of their members except the right to territorial self-government which was provided in Art.2 (7) of Proc.No.7/1992 and Art.2(5) of Proc.No.11/ 1992. In addition to reserved seat minority nationalities are also entitled to cultural and linguistic rights since they constitute nation/ nationality as envisaged under Art.39(5) of FDRE constitution. Although the concept nation, nationality and peoples seem all-inclusive, it hardly applies to disperse minority groups at the regional level as they do not qualify the territoriality principle. Though Art.25 of the FDRE constitution guarantees the principle of equality and disallows unfair discrimination on the basis of language, ethnic affiliation, religion and other contingencies, it merely protects individual human rights without extending any protection to group specific rights of dispersed ethnic minorities (Art.15 (2) of Proc.No.111/1995,electoral districts are organized on the basis of

100,000 inhabitants. and Art.39 (5), FDRE Constitution, and Art. 25, FDRE Constitution). Here what we can understand is the concern of minorities in the preparation of the constitution was not giving attention that is why different problems are created on ethnic minorities. The above proclamation and stipulation as a country wise.

Art, 13 of The Transitional Period Charter of Ethiopia, (1991), No.1; Art 2(7) of proclamation No.7/1992; A proclamation to provide for the Establishment of the national/Regional Self-Governments, No.11/1992; Article 2(7) proclamation to provide for the Establishment of the National, Regional, and Woreda Councils,(1992); Members Election Commission, Negarit Gazeta, 51st,91992)No.6,8th (See FDRE Constitution, Art.39 (1 &2).

But in the case of Harari region minority and majority has to some extent it differs from the above mentioned definitions. Let us see below it.

2.3. Minorities in Harari region

In Harari region there are seven different ethnic communities with different population number which is shown in table 1 below. They have been living for a long years in the region with Harari people. But the definition of minority for this region is to some extent unique from the above definitions because it is not only based on numerical minority and majority but also it is a political minority and majority is created. Because in Harari Regional state the ethnic people with small population number (Harari people) became political majority in the Region and a more populous ethnic groups such as Oromo, and Amhara being a political minority and other ethnics community become political minority in the same region. For instance Harari ethnic group with 8.9% population it is a majority and the Oromo ethnic group with 56.41% and Amhara people with 22.77 populations is a political minority. In another way the Harari and Oromo people control the regional state's polity, other ethnic minorities including Amhara become political minority with the absence of any political participation. But these ethnic minority communities need to be accommodated and get special attention (Harari Regional State constitution, 2004). Generally even though there are different types of minorities in the world according to Ethiopian context the minority is a political minority.

2.4. Political minority

According to Art.27 of ICCPR and in 1992 UN Declaration on Minority is a minority group claim the right to internal self-determination which includes a right of minority groups within a larger political and different democratic rights such as freedom to choose their 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. 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. Hence, it has both internal and external dimension. The later dimension is concerned about international status of a people. Instead of external self-determination minority groups are entitled to internal self-determination. Minority groups 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 (Y.Donders, K.Hernard, 1999, pp.22-26, 29). In the case of Ethiopia, minority are expressed in different ways as indicated in the above paragraphs. Ethnic minority, national minority, linguistic minority, religious minority and political minority but it differs from region to region accordingly.

The above definition given for political minority is true for Ethiopia's also because all the mentioned democratic rights are the main issue of all minorities in all regions of Ethiopia and more or less they are practicing it very well. But this political minority is unique for Harari Regional state minorities as mentioned above. Because the minority in this region are not because of their population number, but political minority and a political majority is created as mentioned above. It is made by political decision because of Harari people historical back ground that we will see it in chapter three in detail.

2.4. Why Minorities need to be accommodated?

In the above multiple paragraphs we have seen the definition of minority by referring different author's, ideas so the next point is why minorities need to be accommodated? According to Worldwide communities experience and on the contents of the United Nations Minority Declaration and other international standards relating to minority rights, the following can be identified as major concerns for accommodation of minorities for example according to Art.27 of the ICCPR the most important foundation and relevant provision to the issue of minorities,

provides that “persons belonging to a minority shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion or to use their own language. According to the declaration” In multi-ethnic states the spirit of Art.27 can be construed as accommodation of diversity without endangering national integrity designing system in which forces of involuntary assimilation offset secessionist sentiment. Plus survival and existence, promotion and protection of the identity of minority, equality and non-discrimination, and effective and meaningful participation are among others. According to the aforementioned Commentary of the Working Group on Minority, any action for the protection of minority should focus primarily on the protection of the physical existence of persons belonging to minority, including protecting them from genocide and crimes against humanity (Minority Rights: International Standards and Guidance for Implementation [HYPERLINK "http://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf"](http://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf),2010,p.8) and Art 27 of the International Covenant on Civil and Political Rights (ICCPR).

A former United Nations Secretary General Kofi Annan also remarked at the Stockholm International Forum in January 2004: he put sensitive idea which has a strong message for why accommodating the minorities is necessary? What he justified is that” since minorities are exposed for different problems such as genocide’s, ‘Lack of respect,’ lack of protection and ‘lack of fulfillment of the rights’ we must protect from these difficulty problems. Unless otherwise the primary cause of displacement may-in the worst cases will be created”. Although it can be difficult to identify all minority groups as such in a situation of displacement, protection mechanisms, including humanitarian assistance programmers, need to be designed in a way which enables these groups to retain their identity to the greatest extent possible. It is important to note that the protection of the existence of minority also requires respect for and protection of their religious and cultural heritage, which are essential to their group identity.

According to the Kofi Annan why minorities need to be accommodated is that “promoting and protecting their identity prevent forced assimilation and the loss of cultures, religions and languages-the basis of the richness of the world and therefore part of it requires diversity and plural identities to be not only tolerated but protected and respected. In general minority rights are about ensuring respect for distinctive identities while ensuring that any differential treatment towards groups or persons belonging to such groups does not mask discriminate or practices and

policies”. Therefore, positive action is required to respect cultural, religious and linguistic diversity, and acknowledge that minority enrich society through this diversity (Ibid Pp. 13 -14).

From the above different author’s idea what we can understand is the minorities must be accommodated since they are citizens and part of the society of the given resident area. And in order to create a peaceful atmosphere for all the people the minority’s right must be respected equally. Discrimination must be avoided. All ethnic’s language, culture, religion, and custom must be seen equally, and minorities must have use and develop their own customs.

2.5. The role of Human Rights for accommodation of minorities

When we discuss about minority rights equality and non-discrimination are the main and decisive factors of the central point of the topic. So the right not to be discriminated against is paramount in protecting the rights of persons belonging to minority in all regions of the world.

For these hot issue Human rights explored many details about the rights of minorities is how discrimination is practice and how it can be protected. According to Human rights declaration “Everywhere minority experience shows that direct and indirect, de jure and de facto discrimination in their daily lives. Non-discrimination and equality before the law are two of the basic principles of international human rights law”. What we can understand here is the principle of non-discrimination prohibits any distinction, exclusion, restriction or preference which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms” (Minority Rights: International Standards and Guidance for Implementation [HYPERLINK"http:// www. ohchr.org/ Documents/ Publications/MinorityRights_en.pdf"](http://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf);2010, p.14)(visited on March 8,2017).That is why international human rights law prohibits both direct and indirect discrimination. Indirect discrimination is more subtle and, therefore, harder to recognize and eliminate. It occurs when a practice, rule or requirement is neutral on its face but has a disproportionate impact on particular groups, unless the practice, rule or requirement is necessary and appropriate to achieve legitimate objective (Ibid).

The 2001 Durban Declaration also has put the interesting exploration why minorities to be protected it affirms that “the ethnic, cultural, linguistic and religious identity of minority, where they exist, must be protected and that persons belonging to such minority should be treated

equally and enjoy their human rights and fundamental freedoms without discrimination of any kind”. Because Whenever conflicts, arise the physical integrity of persons belonging to minority groups is at greatest risk so attention should be paid to ensuring that minority, including those displaced internally within their own country or externally as refugees, have access to humanitarian aid and relief such as food, shelter and health care (Ibid). So accommodation of minorities is a pillar of sustain peace full way of life. Then it must be done by using different mechanisms. What type of mechanisms can be used?

2.6. The accommodation Mechanisms

There are different mechanisms to accommodate minority communities the following are some of the menses of accommodation as international, national and regional and local levels.

2.6.1. Multi-national Federalism as a means of accommodation

Multinational-Federalism is a mechanism of accommodation of minorities. From the beginning it is a system and a strategy for multiethnic societies by giving a chance for devolution of power to lower levels of governments and advice of share governance for sharing power in social pluralism in their unit of identification and expression of all political powers and it is not just only consensual form of democracy but also an effective mechanism of conflict management. In the same manner “multinational Federalism in Ethiopia was engineered as mechanism to pacifying the county by forming its constituents units based on Ethiopian people identification and expression that is multinational criterion. The ethno-national questions of self-administration including secession for which the country lost stability, peace and development were clearly codified and guaranteed for all Ethiopian nations and nationalities in 1994 and put in to practices since onward”. As the result Ethiopia transformed to a multi-ethnic federal system, hence peace and stability are visible in current Ethiopia and the intensity of conflict substantial reduced and national liberation front’s reduced to little number compared to pre-Federal era. Ethiopia relatively stable now in comparison to states of the horn of Africa. This is due to the quality of multinational federalism other than other attributes of the states even though Ethiopian is the most heterogonous country of the region (Qalibessa Ollana, 2010, pp.8-9).

2.6.2 Territorial autonomy as a means of accommodation

In a federal system territorial autonomy is the possible solution to accommodate different ethnic minorities because this arrangement gives a chance to administer the community by themselves. They can get the power to decide in political, economical and social affairs by their own. Regarding to territorial autonomy Zemelak Ayele,(2014) gives a clear and precise explanation that “Territorial autonomy is understood as ‘an arrangement that grants a certain degree of self-determination’ to a distinct minority group which constitutes the majority in a specific region or locality There are certain common elements that resonate in almost every definition of territorial autonomy mentioned above. First and foremost, territorial autonomy involves the carving out of a certain territorial entity primarily on the basis of ethnic criteria as opposed to administrative, economic, or geographic criteria”. According to the above author’s explanation the territorial autonomous areas are not established and practiced all in all the country or in the region uniformly but it is implemented only a place where ethnic minority are found (p.66).

Why territorial autonomy is important for the accommodation of minority communities? From different evidences we understood that it has several benefits both for the relevant minority ethnic community and the state as a whole. According to the author idea and the fact in ground the most evident advantage of territorial autonomy is that it provides an ethnic minority with the necessary territorial space to preserve its identity, culture, and language. According to Zmelak(2014) exploration by mentioning the other’s scholars argument territorial autonomy is very important to eliminate homogenization and assimilation in contrast it can bring the recognition of different identities .Therefore, this arrangement not uses not only ensures the ‘survival territorial dimensions but also for development of the cultures and languages of minority ethnic communities. Not only this the previous often excluded minorities from the political process at the national level can have an opportunity to participate in the political process at local level, which is assumed to provide the state as a whole a measure of legitimacy. In addition, territorial autonomy has the potential to prevent an imminent ethnic conflict or to resolve an on-going one since ethnic conflicts often have territorial dimensions”. Territorial autonomy also allows minorities to exercise a certain degree of control over natural resources within the territorial entity. This also impacts on peace since ethnic conflicts are caused by real and perceived discriminatory resource distributions and violations of rights of a particular

group occupying a particular territory.(Ibid,pp.70-71).But territorial arrangement has also many disadvantages, challenges and poses serious risks, besides its positive side particularly in Africa.

2.6.3 Power sharing and Non-Territorial Autonomy as a means of accommodation

Power Sharing and Non Territorial Autonomy (NTA) is one of the best mechanisms among others. That is why the Ethiopian constitution has provided for some rights related to minorities. Each ethnic group has at least one representation in the second chamber (the House of Federation). Smaller ethnic groups that have a size less than one hundred thousand (the minimum electoral district to have one representative in the House of Representatives) people have twenty seats reserved in the House. All languages are declared equal and those that have their own states or local governments have decided to use their language in schools, courts and other public institutions. The key political instruments presented as instruments to mitigate the risks associated with the tyranny of the titular ethno national majority at constituent unit level are power sharing and non territorial autonomy (*Ethno nationalist group in Ethiopia 16 rev. no dated, p.24*).

The Ethno nationalist group also put their idea that “the key feature of the power sharing arrangement is the inclusion of the main political actors that represent the main segments of society (including intra unit minorities) into the political process (decision making) at federal, constituent unit or local government level depending on where the focus of the demand is situated. The power sharing arrangement could be praetorian where the major political actors representing the different groups are represented in public institutions on equal basis regardless of their size or proportional to the size of the votes that the groups secure during election with a minimum threshold of 5-7%. It combines political representation of the geographically dispersed diversity in public institutions, as well as autonomy and control over culture and language”. According to the groups exploration the dispersed minorities will have legally established public bodies across territories and the minorities though they may live within a territory where the majority belongs to a different national group would not be subject to its laws but to their own public institutions with respect to language, culture and education. Power sharing allows dispersed minorities to have a say in decision making at federal, regional state or local level.

They also have a right of linguistic and cultural autonomy ‘in the form of legally guaranteed autonomous corporation’ to ethno national communities allows such dispersed minorities to have an exclusive say on issues related to their language and culture that concern only themselves in general the above mentioned concept is talking about consociationalism it is an appropriate method of accommodating diversities of dispersed communities (Ibid).

2.6.4. Cultural autonomy as a means of accommodation

People in the world are found within diverse societies due to the arrival of people from other regions of the world, especially in recent years. Regarding this Ricard Zapata-Barreo,(no.dated) explained about cultural autonomy is that “it has provoked new dynamics linked to new categories of diversity, such as, language, religion, nationality, customs and cultural practices. These add to the already existing categories of disability, gender, sexual orientation and age. The management of relations between these categories and the potential for innovation and cultural creation require political intervention, especially in order to contribute fostering a context of opportunities for all cultural capacities”. It is true that Cultural policies are very important mechanisms to turn their commitment to diversity into actions. Fundamentally, this commitment means making cultural policies responsible for managing the dynamics of diversity but not making a policy is enough there must be a political space, a power sharing and other participatory mechanisms for accommodation of minority (p.3).

In Ethiopian context one of the pillars of Federalism is the creation of political space that allows multiple centers of power. The Ethiopian constitution recognizes not only in the form of multi-party democracy but also in the political role traditional/cultural authorities can play at the regional and local levels of government. The authors mentions different example “Afar and Somale, clan elders play crucial roles in maintaining social order. So the Federal government leans towards co-operation than building a sensible partnership with these traditional authorities who are being turned in to state functionary put under the government payroll. Even though the specific modality differs from region to region these authorities are salaried and assumed new governmental roles. In the Somali region for example clan elders were brought to jigjiga the regional capital and renamed latalye (in somale language) meaning adviser of the regional government and in the zonal and woreda level also they are working in the same manner”. Practically the researcher has seen in the somale region, different zones and woredas because I

was working there for 5 years. Additionally the righter about Gambla region also there is elders' council at regional and woreda level. In Afar region elders remained within their respective communities but received government salaries (Derege Feyisa (2013, p178). So these cultural authority bodies play a very important role in the administrative system. Because the community people believe them and listen what they said so culturally many concrete conflicts are solved.

2.6.5. Political autonomy as a means of accommodation

From different accommodation mechanisms political autonomy is very interesting and decisive measure of treatment for ethnical conflicts. Reynal-Querol (2001b) shows theoretically and empirically how countries with alternative political systems have different probabilities of experiencing to accommodate conflicts and civil wars. According to the written materials he develops a simple theoretical model that captures the basic relationship between the political system and rebellion. From the empirical analysis, she shows how the structure of a political system is an important mechanism that can affect the probability of civil war in a democratic system. The result clarifies that “the role of democracy itself. She observes that some countries with high levels of democracy suffer periods of violence; therefore, having high levels of civil liberties and freedom does not seem to protect them against violence. She argues that the representation system of the voters in government is more important than the level of democracy per se. empirically, she finds that the more inclusive the system, the smaller the probability of civil war”. So what it drown from the theories is political participation is a good solution of avoiding conflicts in general but there are different types of political participation.

According to Reynal-Querol, (2001b) in political participation there are also other two main theories in the literature. The first, defended by Horowitz (1985), cited by Reynal-Querol argues that “in plural societies, the majoritarian system is better than the proportional system because it motivates the creation of coalitions among minorities or the smallest group. On the other hand, Lijphart (1984) again cited by Reynal-Querol argues that in such plural societies, the proportional system is better than the majoritarian system because it allows the formation of segmented parties, and it does not artificially force the establishment of larger but less representative parties. Empirical work on the importance of political systems in explaining civil wars is scarce, and, as pointed out before, there is a puzzle in the political science literature about which system is better to implement in ethnically divided societies to reduce social conflict. For

this reason, we also consider the representation of voters, captured by the political system, as a factor that can reduce the effect of social cleavages in promoting civil wars” (Reynal-Qverol(2002,pp.1-8).

Argument: using political solution for the accommodation of minority is very crucial mechanism because in many countries the main source of conflict between the state and ethnic groups is the absence of political participation. The above two alternatives are menses for accommodation but the researcher argues and support the Lijphart’s idea because in a plural societies, the proportional system is better than the majoritarian system because it allows the formation of segmented parties, it gives a place for different participants according to the proportionality of their number. This is seen in Ethiopia how majoritarian system has a restriction in political participation. If it was happen in a proportional system every participant ethnic group in the election would have at least one representative in the political game. As a result the political participation of ethnics at federal, regional and local level of institution would be fair and the conflict and grievances become less.

2.6.6. The role of Local government as a means of accommodation

For the accommodation of ethnic minorities the establishment of local governments based on their demand and their interest is a very crucial solution. According to Coakley cited by Zemelak Ayele (2014) exploration “the territorial arrangement is a very important mechanism to ensure that members of an ethnic minority community without discriminated by other groups. Instead the demands of all members of the group for just equal social and economic opportunities can get the appropriate answer. For instance through non-political institutions such as special schools, protects and promotes the language, culture, and religion of an ethnic minority community may also be used to accommodate such a group where members of the group demand non-territorial cultural autonomy. Moreover, various territorial schemes may be used to accommodate minorities when they are politically mobilized to demand ‘institutional political recognition’ in the form of internal self-determination through territorial autonomy, so long as the demand does not extend to secession since their interest is fulfilled”.

Additionally a constitutional principle for self-rule is one of the central elements of territorial autonomy; it may be established at regional or local level, so the central government must devote for the constitutionally establishment of autonomous

territorial unit. And the national constitution must provide a general principle recognizing the right to self-determination, or territorial autonomy, of all or specific minority ethnic communities in the region. Because there might be different ethnic minority community in the regions with other ethnic community groups which are constitutionally empowered to exercise self-rule at regional level or some form of federal arrangement is also empowered to decide on its internal affairs and determine its political structure by adopting its own constitution or a legislative instrument with content, purpose, and status similar to a constitution. Through the sub-national constitution, the regional unit, among other things, sets its ‘social and political goals’ and define the rights it seeks to protect. It also determines the structure of its governmental institutions decides on its official *language* and creates structures of local government’s Local government units such as municipalities and districts, with sufficient political power, may also be used to provide a certain measure of territorial autonomy to ethnic minorities (both national and intra-regional minorities). The obvious objective of providing territorial autonomy to an ethnic community is to allow it to exercise self-rule. Territorial autonomy may also be complemented with shared-rule (Ibid, p.73) following these experience Ethiopia has different accommodation mechanisms within its Federal system which is indicated below.

2.7. Accommodation mechanisms in Ethiopia

2.7.1 The role Human rights for accommodation of minorities

In Ethiopia’s case a successful federation requires the presence of effective mechanisms to protect the right of ethnic minority. The rights of the various ethnic groups in an ethnic federation can be best protected if their places of residence perfectly correspond to the borders of the federated entities. Yet, such a situation is not realistic. Each federated entity dominated by a particular ethnic group will have ethnic minority. There is a risk that if these minority groups are unable to exercise their rights. This is why the federal structure needs to provide protective mechanisms for ethnic minority groups. Although the constitution emphasizes the territorial strategy, the Ethiopian constitutional system also offers other mechanisms to protect members of ethnic minority groups. One of these mechanisms is the inclusion in the federal constitution of a list with fundamental individual human rights that can be invoked by members of ethnic minority groups against the federal and regional government. The regional governments are obliged to

respect these constitutional provisions, since Article 9 of the federal constitution provides that: “The Constitution is the supreme law of the land. Any law, customary practice or a decision of an organ of state or a public official which contravenes this Constitution shall be of no effect.” The regional constitutions also include similar lists with individual human rights. This can offer members of ethnic minority an important protection against a regionally or locally dominant group even though in practice there is violation of human rights at local level especially on non indigenous ethnic communities (FDRE Constitution 1995).

2.7.2. Territorial arrangement as a means of accommodation in Ethiopia

The Ethiopian federal system accommodates and empowers ‘the nations, nationalities and people primarily through the provision of territorial and political autonomy to geographically concentrated ethnic groups (Article 46 (2). As the constitution dictates regional states to be organized on the basis of settlement patterns, language identity and consent of the people concerned.’ While this is not explicit in practice it is clear that language plays as a key factor. The major ethno-national groups have established their own regional states with their own constitutions and mandates. Additionally Population settlement dynamics prevent these sub-regional administrations from being or staying ethnically heterogeneous minority either. Hence, new minority issues will arise. Nonetheless, in some cases, the creation of a separate territorial administration has been necessary to accommodate ethnic demands (FDRE Constitution, 1995). (Zemelak Ayitew and Yonatan Tesfaye, (2012), have explained the Ethiopian context territorial arrangement with the intention of the federal constitution’s main objective. According to their idea the FDRE constitution objective was “the setting up of a federal system is for respecting both individual and group (nations, nationalities and peoples’) rights. It provides every ethnic group the right to speak, to write, and to develop and promote its language and culture and preserve its history”. Which means that territorial arrangement gives a chance to full measure of self government including the establishment of governmental institutions in the specific area they reside can have equitable representation in the state and federal governments. It also allows minorities, who are often excluded from the political process at the national level, to participate in the political process at local level, which is assumed to provide the state as a whole a measure of legitimacy (Article 39(3)) of FDRE Constitution 1995)and (p.6).

2.7.3. Federal institutions as a means of disputes

In addition to other mechanisms an institutions are very important instruments to give the necessary solution for disputes among ethnic groups. For instance the Ethiopian Federal Constitution does provide a mechanism for addressing domestic social conflicts, including constitutional disputes. The House of Federation and the Council for Constitutional Inquiry are assigned with the responsibility to settle disputes and ensure peaceful resolution of conflicts in accordance with the Constitution. The Council for Constitutional Inquiry is largely composed of legal experts, but its mandate is limited to presenting recommendations to the House of the Federation. In other words, it appears that the mechanism is intended to enable the House settle such disputes with the necessary advice by the Council. Therefore, it is considerably different from the systems that obtain in other jurisdictions that permit the supreme Courts or the constitutional courts to play the leading role in settling constitutional disputes. For example, the claim by the Silte community to have its own distinct identity, in this case HOF decided a referendum is held in SNNPRS in March 2001 only the silte community participated and the referendum resulted in the establishment of a separate zonal structure. Similar to the other nations/nationalities in the country, has attracted a great deal of interest. Further, issues associated with the compatibility or otherwise of group or community rights with the more familiar individual rights of citizens were similarly dealt with. For example, the case that arose in Benshangul Gumuz Killil in this respect has remained interesting to date(Muhammad Habib,p.15). Benshangul case will explain in detail in chapter 4

2.7.4. Local government as a means of accommodation in Ethiopia

In a democratic federal system to insure self government is a crucial administrative system that is why Ethiopia's constitution gives recognition and entrenches the status and autonomy of local government. According to Ayele and Fessha,(2012) exploration“ In a federal system the constitute units are guaranteed existence so long as the system exists because they are the system (Anton 1989:3) cited by the above authors . So why constitutional recognition is so important: that in a federal system being recognized in a national constitution. Local government with a constitutional status is a reflection of the recognition of its importance. More importantly, it represents a formal guarantee against any arbitrary elimination of local government by the

national or sub national government”. As stated above the Ethiopia Federal state in order to establish Local governments there is a clear stipulation in the constitution which is article 39, it provides that every nation, nationality, and people (refer to ethnic groups) have the right to self-determination (FDRE Constitution 1995: preamble and art. 39). It provides every ethnic group the right to speak, to write, and to develop and promote its language and culture and preserve its history. More importantly for the purpose of this article, it provides every ethnic group a full measure of self-government, which includes the right to establish institutions of government in the territory that it inhabits (pp.5-6). All regional states have local governments according to their own population number and settlement patterns. But for the sack of this study we are gaining to see about Harari region local governments which are explained below in light.

2.8. Local governments in Harari region

The National Regional State of Harai is organized on the basis of formerly in two administrative units. These are in their administrative hierarchies from top to bottom; the Regional Government, and Kebele administrations. Each of these administrative units has their own council of representatives directly elected by the people. City Administration was also established by being directly accountable to the city council The City Administration has its own council directly elected by the people and headed by the president of the region. But according to the recent evidence the woreda level of government is established. Hence there are nine woredas of which six are urban and three are rural. In another way the city administration is changed to urban development burro as the sector so there is no city council at the moment. Additionally there are 36 kebeles of which 19 are urban and 17 are rural kebeles. So this establishment of local government is used to facilitate administrative efficacy and bringing power to grass root level besides to accommodation of diversity. In fact, there are significant number of non-Harari ethnic minorities mixed up with Harari people around the urban centers of the region they need a special attention. In the case of Harari the emergence of Local governments is very important for self administration of the indigenous people but it has been meaningless for dispersed non-indigenous ethnic minorities that we will see in detail in chapter three (Harari regional state constitution, 2004).

Chapter Three

3. Ethiopian Federal system

3.1 Introduction

Ethiopia is one of the oldest states in the world. It is a diverse country with more than 80 nations, nationalities and peoples. There are also numerous religious groups with Christian, Islamic, Judaic and animist roots. According to the document Christianity and Islam were introduced into Ethiopia during 300 A.D and 700 A.D. respectively despite its long history and cultural diversity, however, Ethiopia's past is profoundly rooted in dictatorial and totalitarian traditions. Minority and non-Christians were excluded from power and were often neglected. During the 20th century particularly in the consecutive imperial rules of Emperor Menelik and Emperor Haile Selassie, the modern Ethiopian state was based on power centralism and cultural assimilations. Its socio-political system was based on an archaic feudal system which entrenched Ethnic and religious discrimination and inequality (Anonyms, 2008, p.4). Taken from features of Ethiopian federalism.

Ethiopia's history tells us as Ethiopia passed by different governmental systems for instance According to Assefa Fiseha (2007) exploration " Ethiopia's long existence as a de facto federal system albeit under a monarchy, its divers ethno-linguistic and religious groups and taking in to account the fact that the Ethiopian state was in crises for most of the 20th century mainly because of the concentration of power at the center as a well as because it failed to accommodate the divers groups in to the political process"(p.88).The author also explored that "the process of centralization, modernization, nation building was conducted and with good intentions, it was not without consequences for centralist. It was for Firstly, the incorporation of the South, the Southwest and the Eastern sides from their previously autonomous position to complete absorption meant that the notion of the state, its institutions and culture were imposed on the incorporated kingdoms. Secondly, it land that gave a relief to the tenants living in the south, but the core of the issue, that is political power and the marginalization of the large majority of the people. It brought about all sorts of diversities in terms of religion, language, tradition and culture. Because the state failed to accommodate the mentioned issues as a well as political and economic dominance gave birth to the 'question of nationalities.' Thirdly, the state became

extremely centralized at the expense of regional rulers. The political marginalization of the bulk of the community led to civil wars whose cause fundamentally differed from earlier ones. This time resistance not only called for state reform but even at times challenged the state itself. Several studies did not hint that conflict in traditional Ethiopia was mainly an instrument for asserting some level of regional autonomy and not for upsetting the whole system, nor was it for separation. The opposition mainly looked for adjustment and restoration of violated rights like better administration, lower taxes, respect for local autonomy and reduction of corruption” (Ibid,34).

So after a long and bitter struggle the centralized Emperor regime failed in 1974 and the Derg military junta failed in 1991 respectively then EPRDF controlled the power. But serious questions remain over the EPRDF's operation of human rights, despite its much acclaimed trials of the members of the former regime. Not all can be ascribed to failures in the implementation of a new system. Opposition parties have been systematically targeted to prevent their emergence as a real political force, irrespective of whether they have been involved in armed struggle like the Oromo Liberation Front (OLF) or confined themselves to political activity, like the All Amhara Peoples Organization (AAPPO), and other ethnic groups also raised different issues. In order to accommodate the question of all ethnics and political parties In July 1991, almost immediately after its take-over, the EPRDF set a National Conference, calling together representatives from 20 organizations to discuss the political future and establish a transitional government (Ibid).

The Ethiopia's Federal system was designed based on language and ethnicity, settlement patterns in order to accommodate and respect different identity groups. The system resembles to the practices of countries as India, Nigeria and Belgium. Ethiopia provided territorial regional Governments based on cultural and linguistic states. It is also resembles to the western model of multi-national federalism observed in Switzerland, Canada and Belgium. The EFDRE constitution, un like western model endowed all ethno-national groups with the right to form self-government including becoming a federal entity. It also recognized the right to self-determination up to secession. The self governments of ethno-national groups are named after the concerned groups. The FDRE constitution provided for individual freedoms, democratic institutions and self –definition of identity by ethno-linguistic groups (Muhammad Habbib, 2011, pp.9-10).

The other important feature of Ethiopian federalism is the prominent role given to the principle of multiculturalism. “As federalism aims to accommodate diversity, Ethiopia, as a multiethnic society, requires a multicultural federation. The preamble of the Constitution clearly refers to the long history of living together and “with rich and proud cultural legacies in territories long inhabited”. Within the federal structure, the different multicultural elements are reflected in the state members. The nine states are organized based on settlement patterns, language, identity, and consent. Accordingly, the nine states are Tigray, Afar, Amhara, Oromia, Somalia, Benshangul, Gumuz, Gambella, Harari, and the SNNPR (Southern Nations, Nationalities, and Peoples Region).

Ethiopian federalism does not limit the number of the states. Every nation, nationality, and people has the right to establish, at any time, its own state. Therefore, the number of the federal units could be increased or decreased based on the consent of ethnic groups, making it a unique feature of Ethiopian federalism. According to *Leulseged Tadess exploration* “In a federal system power is divided or shared between the centre and states, each possessing powers circumscribed by the Constitution. In this regard, the Ethiopian Constitution guarantees that the federal government and the states shall have legislative, executive, and judicial powers” (Article 50(2). Another feature is It furthers makes it clear that their powers are constitutionally defined and that they shall respect their powers (Article 50(2). However, if necessary, delegation of power is possible from the centre to the regions. In this connection the Federal Government formulates and implements overall economic, social, and developmental policies. In national matters that concern the whole country, powers are given to the Federal Government. The regional states have “all powers not given expressly to the Federal Government alone, or concurrently to the Federal Government and the states” (Article 52(1)). All states have executive, legislative, and judiciary powers in all matters that concern their local affairs (*no. dated pp5-8*).

For the above design and the implementation of federalism and to answer the question raised from different ethnic groups many things were discussed and decided in the Transitional period time how to build and implement democratic system in Ethiopia which is explained below in light.

3.2. The Transitional Government of Ethiopia

After EPRDF control the power Ethiopia, by its history for the first time the 1991 Charter of the Transitional Government of Ethiopia gives a remarkable formal recognition of the existence of minority groups. According to Christophe Van der Beken,(2015) exploration “For the accommodation purpose a national conference with a broad representation of predominantly ethnically based movements laid the foundations of the transitional period. EPRDF produced the agenda and a national charter for the 87 seat council to accept, organized seat allocations and created most of the political groups which attended it. It had already decided that an ethnically based federal system, for self-determination, was the answer to the ethnic problems of a multiethnic Ethiopian state then the transitional period facilitate for the coming into force of a new constitution. The foundations of the transitional period (e.g. the governance and policy guidelines, the structure and composition of the transitional institutions) were laid in the Transitional Period Charter, in fact a constitution for the transitional period. Several provisions of the Charter reflected a special attention to the ethnic problem. The charter which was published on 22 July, 1991 in the Negarit Gazeta (official journal of Ethiopia) granted, besides universal rights, far-reaching ethnic rights to all the ethnic groups of Ethiopia” (pp. 35-42).

The Charter aimed to realize a beginning of implementation of these ethnic rights by providing for a guaranteed ethnic representation in legislative and executive institutions of government and by announcing the establishment of regional and local administrations on an ethnic basis then Nations, Nationalities and Peoples as bearers of Sovereign Power. The legal ground work for ethnic federalism in Ethiopia is laid by the federal constitution of which the preamble already indicates the new nation and state building strategy. This strategy focuses on two elements: protecting the rights of ethnic groups and ensuring the unity of the Ethiopian state (Ibid).

The new Ethiopian federal system of governance was established along ethno-linguistic lines by the transitional government. The transitional government recognized the rights of nations and nationalities to self-administration up to and including succession. The 1994 constitution of the Federal Democratic Republic of Ethiopia (FDRE) considers ethnic contradiction as the primary problem in the country’s politics and reaffirms ethnic Federalism with the right to self-administration for all regional states including the right to secession (Adegehe, 2009) cited by

Siraw migbaru. After the necessary preparation is completed by Transitional period the FDRE constitution becomes in to force in 1995(Ibid).

To conclude this part the 1991 Transitional Charter has opened a new chapter in the political history of Ethiopia in which freedom, equality and self-determination of all Nations, Nationalities and Peoples have to be the governing principles of economic, political and social lives of the country. This indicates radical change in the political landscape of Ethiopia, that 1990s brought crucial and fundamental changes in the process of accommodating ethnic diversity. Following the Transitional Charter, after four years in 1995, Ethiopia introduced the current Constitution. That we are going to see it in the next paragraph.

3.3. The 1995 Ethiopian Constitution

From the beginning the Ethiopian Multinational Federalism engineers understood the Ethiopians concrete problems for instance the injustice, inequality that developed among Ethiopian nation's nationalities they correctly answered "why the country loses peace, stability and development and why destructive civil- wars were fought up to Multinational Federalism engineered in the country". They also well understood peace and stability are as pillar of development only achieved when equality and rights of Ethiopian Nations, Nationalities and Peoples are guaranteed. These rights were guaranteed when FDRE constitution came in force in august 1995. So the constitution for first time recognized equality of nations, nationalities and peoples of Ethiopia and vests the ultimate sovereignty to them (Alt 8:1-2), which deprived under previous regimes (Qalibessa Olana, 2010, pp.1-2).

In the eyes of the framers of the FDRE Constitution, if all 'Nations, Nationalities and Peoples of Ethiopia are guaranteed the right to full self-determination and exercise self-governance in an autonomous manner, there will be a less probability of oppression and ethnic based discrimination in which the issue of minority phenomena arises. If it occurs, the framers have provided precautionary provision in the constitution which guarantees certain seats to minority nation-nationalities in the House of Peoples Representatives (HPR) (FDRE constitution 1995).

The Constitution of the Federal Democratic Republic of Ethiopia (FDRE Constitution) establishes a two-house parliament for the federal government: the House of Peoples'

Representatives and the House of Federation. Although the FDRE Constitution establishes a two-house parliament, the Ethiopian Parliament is not bicameral in the strict sense of the term. The highest legislative authority is vested in the House of Peoples' Representatives (HPR), which is comparable to the first or lower chamber of a legislature, normally serving the interests of the people in the federation as a whole. The members of the HPR are elected by a plurality of the votes cast in general elections every five years. The HPR has 550 members, and at least 20 seats are reserved for minority nationalities and peoples in order to ensure their representation (Girmachew Alemu,(2010,pp.6-8). And the House of the Federation (HOF) is the second or upper chamber in the federal government of Ethiopia. In conventional federal systems, the second chamber serves as the representative institution for the regional units. In the Ethiopian system, the HOF has essentially the same function, but in the FDRE Constitution, this is formulated in a slightly different way: it is not composed of representatives from the federal units, but "of representatives of Nations, Nationalities and Peoples" FDRE constitution (1995).

This new Federal Constitution proclaimed the right of every Ethiopian nation, nationality and people to self-determination including, as a last resort, secession. This right has also been set to be enjoyed and exercised with concomitant rights such as self-administration, as well as rights to fully enjoy, preserve and promote cultural, linguistic and historical heritages of every nation and nationality. The Constitution structured the Ethiopian State as a federal state consisting of nine regional states. Designed for the exercise of the rights of national communities, these regional states were established on the basis of the settlement patterns of the major ethnic groups. As such, these regions were structured on the basis of areas dominantly occupied by the ethnic groups or linguistic communities that have been identified as their legitimate owners. However, this does not mean that the regional states are inhabited solely and exclusively by the ethnic groups after which they have been named and whose 'sovereignty' they are deemed to embody (Ethiopian Human Rights Council, 2009).

In other words, it is a home of multi ethnic societies with no majority ethno national group. Because there is not any one ethnic groups that claims to be in a majority position at the federal/national level. However, the Constitution of the Federal Democratic Republic of Ethiopia tries to create majority ethnic groups at the regional states/ sub national levels by making ethnicity incongruent with the territorial demarcation of the constituent units of the federation.

Thus, this ethno-territorial organization left a number of ethnic groups as a minority outside their designated ethno -territorial setting. They are considered to be “migrants or exogenous groups”, which do not have constitutional recognition under the constitutions of the regional states because the rearrangement of regions are based on hither titular majority groups without protective mechanisms of ethnic minority (Haileyesus Taye Chekole, 2012, p.3).

Additionally the Federal Constitution recognized minority rights implicitly as given to all Nations, Nationalities and Peoples of Ethiopia having all cultural, linguistic, and self -determination rights as long as they are “indigenous to the areas”, that they currently occupy. They have also a right to be represented at the federal level through the House of Federation (Second Chamber of the country). The Constitution also explicitly recognizes minority representation in the House of Peoples Representatives under article 54/3, which reserves at least 20 seats for minority Nationalities. The current trends in the implementation mechanisms of minority rights in Ethiopia is found in the federal constitution that the Ethiopian government policy entertains minority rights albeit implicitly (not clearly) and that there are practical trends in implementing minority rights mainly based on language, education, cultural and representation rights of minority in the Ethiopian federal political system at all levels of government institutions. However, the issue of dispersed minority and there by majority minority relationships at the regional state levels and beyond needs further scrutiny and serious debate based on workable models of minority accommodation, like non-territorial autonomy (Ibid)

In other words although Art. 25 of the FDRE constitution guarantees the principle of equality and disallows unfair discrimination on the basis of language, ethnic affiliation, religion and other contingencies, it merely protects individual human rights without extending any protection mechanism to group specific rights of dispersed ethnic minority. So because of discrimination and different influences by majoritarian different grievances and extremely conflicts are created in different regions in Ethiopia the same is true in Harari Regional state ethnic minorities (Ibid). How ethnic based conflict is created and how it was possible to manage are that we are gaining to see it in light below.

3.4. Ethnic based conflicts in Ethiopia's federal system

As mentioned above the Ethiopia's Federal system is established based on territorial ethnic and linguistic back grounds. The emergence of new regional elites is also a major consequence of ethnic based decentralization. According to the authors, mentioned below "as the federal system creates titular ethno national groups that dominate the constituent unit's two concerns have emerged as source of tension from a human rights perspective (a) the treatment of intra unit minorities within the titular ethno-regional states and (b) the treatment of individuals as citizens which suffers in favor of political accommodation of the rights of nationalities. In each region there are different ethnic communities those are characterized in different situations for example some of minority groups they don't have their own home states, zones and weredas but they are living somewhere in some region, the other group have their own regional states elsewhere but have moved to other parts of the country because of trade, intermarriage, investment, by force during the military regime because of villagization programs or the historic 'nation building' process. Urbanization also potentially creates citizens who for one reason and another moved to Federal government's Mega development projects, domestic and foreign investment opportunities are also attracting sizeable labour force and new cities are emerging where various groups are intermixed"(Assefa Fiseha,2016,p.16).

There are also minority groups that are for various reasons found divided in two or more regional states or two or more local governments. To show some examples Tigrayans in Afar, Somalis in Afar, Majang in Gambela, SNNPR, Oromos in SNNPR, Sidama in Oromia etc). The EPRDF's conception of ethnicity did not always match the multi-ethnic makeup of many cities and areas. For example the Southern region, Gambela, Beninshangule-Gumuz,and Harari are inhabited by multiple ethnic groups. In other ways Tigray, Amhara, Oromo, and Somale states are dominated by one ethnic group but host others. By some accounts 30 to 45 percent of the population in parts of Amhara is Oromo, granting self-administration to dominant ethnic groups thus created new minorities. This has been particularly acute for Amharas and Gurages, who live in cities and larger settlements across the country (Yigezu Abate, (2014, pp14-17).

Totally these minorities may have an interest to rule themselves at a local government level as that makes their right to communicate, use language and exercise political autonomy much

better. Because of these and such reasons many questions were rise when the questions couldn't answer grievances and conflicts are created.

To add some relevant idea with the establishment of the ethnically defined regions, “these populations became minorities that in some cases did not speak the language of the new administration. The principle was interpreted by some groups as n opportunity to claim exclusive rights over land by evicting settlers and other new comers. These tensions have often been nurtured by politicians from local indigenous groups. Examples include the conflict between the Berta and Amhara, and Oromo settlers in Asosa zone that exploded during the 2000 federal election, conflict of the Arsi Oromo's, are exacerbated by decentralizations increasingly smaller kinship groups compete for influence and territorial control. As a result many conflicts have become more protected as struggles over land. Additionally political power and administrative control become intertwined. We can mention the Amhara settler and Anuak, 2003, in Gambela, the Afar and Isa etc. we can mention different examples including ethnic clansing” (Yigezu Abate, (2014, pp14-17)). These conflicts of course have gate a solution by the house of Federation and by the regional state governments but it needs a sustain solution yet. Hence unless, we adopt special rules to guarantee the rights of representation and cultural autonomy of dispersed ethnic minority groups in each State Councils, Zonal and Woreda Councils, dispersed ethnic minority may remain unprotected at regional level.

3.5. Local Governments

In Some Federal countries constitution the arrangements of local governments is not incorporated in the federal constitution. For instance countries like Nigeria, South Africa, Brazil, and India, constitutional division of power does not often include local government (Steytler, 2009:412) cited by Ayitenew Ayele and Yonatan Tesfaye Fessha(2012). According to their idea “The power of local government does not originate directly from the federal constitution. It is drawn either from the share of the national government or as in most federal systems from the share of the states. The more power is devolved to local government, the less power remains with the states (Steytler, 2005:5)” cited by the above authors. This is why the devolution of powers to local government is perceived by the states as a zero-sum game. It explains why sub national governments are often hostile to the idea of recognizing local government in constitutional terms,

(p.13).According to the author exploration the situation is not different in Ethiopia also. As in many other federal countries, the constitutional division of powers in Ethiopia is restricted to the regional states and the national government (FDRE Constitution of 1995, Arts.51 and 52).

The local governments in Ethiopia that are specifically designed to address the concerns of minorities have the power over language policy both for the purpose of government business and education at the local level. They are also empowered with the power to promote and preserve the culture of the community on whose behalf they are established. But the scope and nature of powers that local governments enjoy are not constitutionally formulated. The constitution does not enumerate the specific powers that have to be transferred to local governments. The only requirement, as indicated earlier, is that the regional states must transfer adequate powers to the lower level government units, Article 50 (4) of the federal constitution clearly stipulates that “State (i.e. sub-state) governments shall be established at State and other administrative levels (i.e. the regions find necessary.” The only constitutional mandate is that “Adequate power shall be granted to the lowest units of government to enable the people to participate directly in the administration of such units”. This constitutional mandate prohibits a centralized local government structure. The regions have made considerable use of their discretion in this regard and all regional constitutions contain provisions related to local government. The local government may establish based on by including control over language, culture, and Under this circumstance Ethiopia’s regions have significant discretionary power to determine the organization, institutional structure, powers and responsibilities of sub-regional or local government (Ibid).

According to Christophe Van der Beken (2006) exploration “not all levels of local government are included in the regional constitutions. Urban local governments (cities) for instance, are not entrenched in the constitutions, but operate on the basis of ordinary regional laws/proclamations. The same is true for the local government administration of the Zone the Zonal administrators are appointed by the regional Executive Council upon the recommendation of the regional Chief Executive/President. The Zones are de concentrated bodies of the regional government, carrying out regional activities at local level. Zones are not merely designed for administrative purposes, but constitute for a where the ethnic groups of the region can exercise the different aspects of their right to self-determination”. All regional constitutions except the Harar constitution which

formerly only mentions the *Kebele* as local government others additionally provide for the administrative level of the *Wereda* (district) and the *Kebele*. The *Kebele* are subordinate to the *Wereda*, which in turn are subordinate to the Zones/Nationality Administrations. The provisions related to the institutional structure, powers and responsibilities of the *Wereda* and *Kebele* are near to uniform in all regional constitutions. The districts have a district council (assembly) and an executive body, the Administrative Council. The members of the district council are directly elected by the population from the different *Kebele* in the district. The district council has important competences such as the approval of the budget of the district and the approval of plans in the area of social services and economic development. Executive power is exercised by the Administrative Council, headed by the Chief Administrator. The Chief Administrator is elected by and from among the members of the district council and is accountable to this council and to the regional president (Ibid).

3.6 Harari Regional state

So Harari regional state is one of the nine regions of Ethiopia which is found at the east part of Ethiopia covering the home land of the Harari people formerly named Region 13, its capital city is Harar. It has the smallest land area of the Ethiopian regional states with an estimated area of 311.25 **square** kilometers and it is about 525 k. m far away from the capital city of Ethiopia, Addis Ababa. Harari regional state is surrounded by different Oromia woreda's of eastern Hararge zone which means in north the combolcha and Jarso woreda, in the South Fedis woreda, in the east Gursum woreda and Babile woreda, and in the west Alemmaia woreda (Harari Region constitution, 2004). Based on the 2007 Census conducted by the Central Statistical Agency of Ethiopia (CSA), Harari has a total population of 183,415, of whom 92,316 were men and 91,099 women. This region is the only one in Ethiopia where the majority of its population lives in urban area: 99,368 or 54.18% of the population are urban inhabitants. The ethnic composition and the population of each ethnic people in Harari region is shown in the following table

Table 1, Ethnic Composition of Harari Region (Indigenous and non-indigenous)

No.	Nation/Nationality	No. of Population	Coverage by Per cent
1	Oromo	103,421	56.41%
2	Amhara	41,455	22.77%
3	Harari	15,858	8.65%
4	Guraghe	7949	4.34%
5	Somali	7102	3.87%
6	Tigray	2806	1.53%
7	Argoba	482,400	1.26
Total number of population		183,415	97.57%

Although the region is designated to only Harari nationality, the above mentioned ethno-national minority have no their own territorial arrangement (Harari Regional constitution 2004).

Language spoken in the region includes Afan Oromo (56.84%), Amharic (27.53%), Harari (7.33%), Somali (3.70%), and Gurage (2.91%) respectively. The most dominant religion in the region is Muslim with 68.99%, and 27.1% Ethiopian orthodox, 3.4% Protestant, 0.3% Catholic, and 0.2% are followers of other religions(Ibid).

The Harari constitution only establishes two administrative levels: the region and Kebele administrative units. According to the data obtained from the Ministry of Federal Affairs (August 2007) in Harari region there were 36 Kebeles of which 19 kebeles are urban and 17 are rural. Hence, according to the revised constitution in the region there was no Zone or district administrative unit. But now days there are nine Wereda administrative units established by the regional government.

As we have seen the above mentioned data the population of Harari is less than 9% of the total population of the region but they takes a special position in the Ethiopian territorial arrangement. Because of this, it seems legitimate to place the region in the first category due to the observation

that the name of the state refers to the dominant ethnic group in the region. However, the dominance of the Harari nationality inside the region does not concern its numerical strength, but refers to the political predominance of the Harari ethnic and due to its territory and population, and because of its geographical location completely within the borders of Oromia the Harari people takes a position (ChristopheVan der Bekethe, 2008, p: 261).

As is indicated by its name, the creation of Harari region is the result of the constitutional application of the right to territorial self-government of the Harari ethnic group. In other words, the region was created for the Harari people. However, this fact as well as its limited territory should not lead to the conclusion that the Harari people are the largest ethnic group in the region. During the establishment of the constitution even though there was no wereda level of administration for the moment the constitution indicate that when it is necessary the woreda level can be formulated. That is why now a days wereda levels of administration is established.

3.6.1 Why Harari Regional State is so diverse?

Within the Harari Region there are some ethnic minority groups the presence of which needs special attention. But, as stated above those minority groups do not have clearly defined territory. Except the general principles of human rights such as the right to equality and non-discrimination among Ethiopian citizen, in the region it is difficult to find clear Constitutional provision that accords protection to non-territorial minority groups at any administrative hierarchy. So in practice members of the dominant ethnic groups in other regions remain minority communities.

As mentioned above in Harari regional state there are different ethno national groups some are majorities in their homeland regions and they have been living for long period of time in the resident region. These ethno national groups are mainly Harari, Oromo, Amhara, Somali, Tigre, Argoba, Gurage and their population number is different from each other as explained above in percentage. This minority groups were coming to this region by different reasons such as:

A/ during nation building time some followers of the Emperor went to this region and live there for a long years and settled there still now,

B/ because of trade activity more non-indigenous minority groups came to Harar early and settled there.

C/ communities and groups that work and live in regions other than those of their ethnic origin by virtue of exercising their freedom of movement and their right to work and live in other parts of Ethiopia,

D/ individuals with mixed ethnic background, i.e. citizens born from parents belonging to different ethnic groups; and

E/ communities that have been included in regions other than the ones of their origin/alignment as a result of incongruence in border demarcation between regional states (Ethiopian Human Rights Council, 2009).

3.6.2 Why Harari became a region?

Why Harari became a region among different minority communities in the region is because of its historical background which means the origin of the Harari people has remote historical links with Habesha populations. According to Dereje Feyisa,(2007) the Harari people (estimated to number 30,000 today) speak an Ethio-Semitic language that connects them to the Habesha cluster (in the term).Local popular traditions, partially confirmed by historical investigations, according to the history the establishment of Harar city was as the first foundations of the place as a centre of Islamic teaching and missionary diffusion were laid down at the end of the thirteenth century.

The Harari people were concentrated in the fenced city (called Jugol), where they developed an original model of urban civilization based on Sufi Islam. And after the seizure of Harar and its surrounding region, named Hararge, in 1887 by the Showan armies of Menilik (led by Ras Mekonnen, the father of the future emperor Haile Sellasie I) the city was transformed into a regional administrative centre, attracting a new population of Christians who dwelled outside the walls.(Éloi Ficquet and Dereje Feyissa, 2007, p.22-23).

The north-eastern highlands of Hararge are centered on the religious, economic and political networks that have been controlled for centuries by the urban society of Harar and the Harari Ethio-

Semitic speaking people. Despite being surrounded by Oromo settlers, and even becoming a minority within the walls of the city, the Harari retained their status as the literate upper class, made dominant over the rural Oromo commoners through their commercial relationships and the spread of Islam. Since Harari is one region of Ethiopia under the current multi ethnic federal system the distinctiveness of the Harari language and culture has been recognized through the delineation of a regional state of its own. Because they are the founder of Harar and they have maintained their distinctive qualities, to help preserve their unique culture they limit the use of their native language, Adare, to their own people. They also discourage marriage to non Harari. Because Harari society is characterized by a complex set of obligations and ties, which provides a strong sense of social solidarity and excludes outsiders? The core of Harari society is built around kinship, friendship, and a focho, or community organizations. In regard to kinship, Friendship provides the Harari with a small group of trusted equals who remain friends throughout their lives (Joshua Project, 2012-2014).

3.6.3 Management of Diversity in the region's political system

The Harari regional state is one of the nine regions established as a region and enacted its own regional constitution following the adoption of FDRE constitution in 1995 and it was revised in 2004. But the constitutional and political environment of the region only recognizes the Harari and the Oromo ethnic groups as the legitimate owners of political power in the region without giving a space for other ethnic groups. The Harari Constitution also explicitly single out the Oromo language among other nations, nationalities and peoples of living in the region (Article 6 Harari regional constitution, 2004).The Harari Constitution further provides for a bicameral council called the Harari National Regional Council, which consists of the Harari National Assembly (HNA) and the Harari House of Representatives (HpR). The Council has 36 members out of which 14 seats are reserved for the HNA, a house exclusively composed of Hararis. The remaining 22 seats belong to the House of Representatives.

Moreover, it is pertinent to take a note of the constitutional provision which stipulates that the HNA is composed of Harari is elected from both inside and outside the region. While the Regional Constitution allows Harari's living outside the region to represent the regional population, it ironically denies any political representation of ethnic minority living in the region. Furthermore, Article 50(1) (a) of the Regional Constitution provides that out of the 22 seats of

the House of representatives (HoR,) 4 seats are exclusively reserved for representatives from the Jogol, an area almost exclusively inhabited by the Harari (practically, this means that the Harari ethnic group, which constitutes only 8.65% of the region's population, has almost a guaranteed representation of 18 seats (14 for the HNA and 4 for Jogol) which constitutes 50% of the total seats of the Regional Council (Ibid).

The most relevant constitutional provision in this regard is Article 5 of the Harari Region's Constitution, which states "the Harari People is the owner of sovereign power in the Region..." This stipulation by this Regional Constitution recognizes the Harari ethnic community, which represents a mere 8.65% of the regional population, as the sole holder of sovereign power of the region. Although Article 6 of the Regional Constitution provides that Oromiffa shall serve as an official language of the Region along with the Harari language, there is no other provision in the Regional Constitution which recognizes the right of the Oromo community, which constitutes 56.41% of the Region's population as a partaker of sovereign power in the Region.

It seems that the significant presence of the Oromo ethnic group as a native population has led to a recognition, albeit reluctant, of its legitimate claims in the administration of the region and its representation in the decision-making process (Ibid). This is reflected in the political power-sharing arrangement between the Harari National League representing the Harari Nation and the Oromo Peoples' Democratic Organization (OPDO) representing the Oromo communities of the Region. However, even this arrangement lacks a viable legal and institutional framework and depends on the willingness of political parties to respect their agreement. This situation, would give rise to serious doubts as to whether this agreement has been able to give the Oromo People the opportunity to participate meaningfully in the region's governance. This is especially true in light of the constitutionally provided privileges and exclusive rights reserved for the Harari Nation, which deserves a brief consideration on its own.). So according to the regional constitution it only contains protective mechanisms for indigenous minority (in this case, the Harari). But no separate mechanisms are designed for non-indigenous minority. This means that the Amhara and others, who are non-indigenous to the region, do not enjoy a specific protection, such as a guaranteed representation in the PRA and in different political power sharing (Article, 2 of the Harari Regional constitution, 2004).

To conclude this part the management of diversity at state level is not fair and democratic because its legal system and the practice is based on discrimination and marginalization. Because the constitution recognized only for the political dominant ethnic (Harari) and the Oromo ethnic which has the population dominance? So the political game is running by these two ethnic groups but the other ethnic community is not participant in political representation and participation which means in the regional parliament, in administration council and in state judicial structure.

Chapter Four

4. Local Government as mechanism of managing minorities

4.1. The arrangement of local governments

In the Ethiopia's federal system the establishment of Local government is not originate directly from the federal constitution. The constitutional division of powers in Ethiopia is restricted to the regional states and the national government in similar terms determining the powers of local governments is a matter left to the regional states and, in particular, to the councils of regional states. The scope and nature of powers that local governments enjoy are not constitutionally formulated as explained in the previous chapter that the Federal Government constitution does not restrict powers that have to be given to local governments. The only requirement, as indicated earlier, is that the regional states must transfer adequate powers to the lower level government units, which is stated in Article 50 (4) of the federal constitution clearly stipulates that "State (i.e. sub-state) governments shall be established at State and other administrative levels (i.e. the regions find necessary." The only constitutional mandate is that "Adequate power shall be granted to the lowest units of government to enable the people to participate directly in the administration of such units." This constitutional mandate prohibits a centralized local government structure. The regions have made considerable use of their discretion in this regard and all regional constitutions contain provisions related to local government. The local government may establish based on by including control over language, culture, and Under this circumstance Ethiopia's regions have significant discretionary power to determine the organization, institutional structure, powers and responsibilities of sub-regional or local government(Zemelak Ayitenew Ayele and Yonatan Tesfaye Fessha, 2012, p.13).

So Local governments are necessary instruments to accommodate different ethnic minorities by giving self administration and using their own language and develop their culture and to be participant in political decision in all levels of governmental states. But the regional constitution contain two sets of principles that send mixed messages regarding the constitutional position of these ethnic based local governments. The Afar, Amhara, and Gambela Regional constitutions directly indicate the ethnic group for which a national zone or liyu woreda is recognized (ARS constitution (2001) Art.73 (1), AfRS constitution (2001), GRS constitution, (2001) Art.77 (1).

However the regional constitution of SNNPR and Benishangul-Gumuz provide only for the establishment of a liyu zone and a liyu woreda without specifying the ethnic groups for which it is to be established (SNNPR constitution (2001) art.80 (1), BGRS constitution (2001) Art.74 (1)). That is why conflicts were raised in these regions. In Benishangul Gumuz region like there were two types of tensions one between Gumuz and Berta and the other between indigenous ethnic groups (mainly Bert,a Gumuz, shinasha, Komo and Mao) and highlanders who moved to the region during resettlement program of the Derg in the 1980s.After a very complicated conflict and destruction of life and property in August 2003,HoF was able to solve the problem by setting an acceptable proposal that is for Berta and Gumuz which finally led to a proportional representation of all the groups in the regional government And the redrawing of Zones/special woredas insuring self-rule and fair allocation resources to these units(Asefa,2007,pp.243-244).

In another hand the tension between the Berta and Gumuz with the highlanders was a very complicated issue to decide easily after a long debate the Liyu woreda pawe is established for the settlers then still they are administrating by themselves and have a representation in different councils. The conflict is becoming smooth and peace to some extent. But in SNNPR the Guraferda case the conflict was between Majang and Sheko versus Haylanders and Sheka even though the conflict is becoming smooth the question of discriminated groups is not answered, it is not given a self administrating right simply they are under the control of the SNNNP organization. But some number of peoples from this marginalized group is members of the woreda and kebeles council by being the member of SNNP party but not as the expense of their identity. From the above history what we conclude is giving self administration for non indigenous community either by zone or national zone or woreda or liyu woreda is a peace full mechanism for accommodation of diversities but where it is not happen the result is very dangerous)and(Ayene Bahru,(2015,p73) and Melese personal communication April,22,2017). In other words not all levels of local government are included in the regional constitutions. Urban local governments (cities) for instance, are not entrenched in the constitutions, but operate on the basis of ordinary regional laws/proclamations. The same is true for the local government administration of the Zone the Zonal administrators are appointed by the regional Executive Council upon the recommendation of the regional Chief Executive/President. The Zones are de concentrated bodies of the regional government, carrying out regional activities at local level. Zones are not merely designed for administrative purposes, but constitute for a where the ethnic

groups of the region can exercise the different aspects of their right to self-determination. All regional constitutions except the Harar constitution which formerly only mentions the *Kebele* as local government others additionally provide for the administrative level of the zone, national zone *Wereda* (district) ,liyu *woreda* and the *Kebele administrative units*.(Christophe Van der Beken, 2006).

Generally since the early 2000s, Ethiopia has witnessed a major transition in its local politics, with the execution of the District-Level Decentralization programmed (DLDP) which marked a new beginning for *woredas* in Ethiopia. According to the Alen(2015) exploration cited by Ayenew,(2015) “at the commencement of DLDP, there were 550 *woredas* in the entire country in 2013 the *woreda* rose in number to 801 nationwide. The evidence indicates that DLDP went to effect more than 250 *woredas* have been created. According to the evidence of all the levels of the state the *woreda* is the most often subjected to change? The number is growing significantly than other forms of local government, particularly *Zons*, *liyu Zons*, and *liyu woredas*. In some of the regional states, *woreda* have been created in territorial areas with significantly smaller or larger population size. To mention some examples in Oromia according to the 2007 population and housing census *woredas* vary in population from Dedo, with 290,450 inhabitants, in Jimma zone to sendaf the smallest with 10,750,in north showa zone. Similarly in SNNPR according to the same source *woredas* vary in population from Borech in sidama zone with 236,341 inhabitants, to Bero in Benchi maji which has only 1219 residents’. What we understand from this arrangement is the creation of *woredas* was not applied consistently in all cases” (Ayenew Birhanu, 2015, pp.61-69).

To conclude this part the arrangement of this zone, *Liyu zone*, *woreda*, *liyu woreda* and *kebeles* is for the purpose of two reasons one to make a compostable administration system by making more decentralized local governments nearest to the grass root level people. And the other is to accommodate the territorial non- indigenous people by giving self administration right in order to administer themselves and participate in different political decision making process at federal, regional and local levels.

4.2. Local Governments in Harari and the accommodation of minorities

According to Harari regional state Local Government means Woreda, kebele and municipality in this regard before mentioning about the protection of minority's rights in participation and representation at local level it is necessary to explain about the short background of local governments of the regional state.

In Harari Regional state as mentioned above and according to the constitution there were two levels of government the Region and kebele but at this time there are three levels of government those are Region, Woreda and Kebele. So how the composition of minority rights in each level of local governments institutions? In the following sections we will see the detail.

Table 2 Name of woredas and kebeles in the woreda

R.No	List of woredas	No.Kebeles	Kebeles in each woredas	Remarks
1	Amir nur	3	01, 02, 07	Urban
2	Ginela	3	14, 15, 16	Urban
3	Abadir	4	04, 03, 05, 06	Urban
4	Shenkor	3	08, 09, 010	Urban
5	Aboker	3	11, 12, 13	Urban
6	Hakim	3	17, 18, 19	Urban
7	Dire teyara	6	Asenge, miyay, segecha, Aboker muti, Direteyara	Rural
8	Arer	4	Arer, ulanula, Arehawaye, Arer dodota, Arer woldia	Rural
9	Sofi	7	Sofi, Awberfele, Awmerqile, Harwe, burqa, Gelmeshera	Rural
Total	9	36	36	

4.2.1. The Woreda council

The Harari people representative (HPR) is the supreme political organ of the region which comprises representatives of the people of the region as a whole from different electoral districts the same is true for woreda council which is elected from each kebele. Discrimination on the basics of sex, color, language, ethnic, religion, political affiliation, property and others are prohibited to elect the candidate, but to be elected they should be member of Harari or Oromo ethnic communities. Each woreda has from 150—200 members of council according to the population number and number of kebeles the number candidates are different from kebeles and woredas For example Nur amin wereda has 180 members of council and Ginela woreda has 156 members of council from these 44 are from OPDO and 112 are from Harari. Generally in these woredas the members of the council are proposed or elected from the Oromo people for rural woredas and kebeles as well as Harari and Oromo people for urban woredas and kebeles.

In urban woredas the number of candidates in the woreda council are according to the concentration of the ethnic people meaning in Amir nur, Ginala, and Abadir urban woredas the members of HNL are more than OPDO in another way Shenkor, Aboker, and Hakim woredas of urban areas, the number of Oromo and other ethnic people are more so the number of OPDO candidates are greater than the HNL. It is usually implemented according to their agreement in the constitution. But in rural woredas it is possible to say all in all the population are Oromo so all candidates are from Oromo people because Harari people are not living outside the Harar city (Muhamed, personal communication, december 24, 2016). But the other minority groups have no a right to participate or represent by their own identity since the regional constitution said nothing about ethnic minority rights in participation and representation they are already forgotten. But what I have observed is a very small number of Amharas, Gurages, and Tigrains are members of the worwda council but they are not the representative of their own ethnic identity but they are the member of Harari National League (HNL). Because of this, this situation could not indicate the right of minority groups' representation and political participation. It is the right of HNL they participate as the expense of Harari people. However, they have only a right to vote or to elect candidates of Harari League or OPDO as the expense of their identity (Yeshewa, personal communication, December, 25, 2016, member of the woreda council by membership of Harari National League but she is from Amhara nation.

4.2.2 The woreda administrative council

In the region there are nine woredas, six are urban and the remaining three are rural woredas. Each woreda has its own kebele administrative units under them with in different number of kebeles. The minimum number of kebeles in the woreda is three this is in urban woredas most of urban woreda consist three kebeles only one woreda has four kebeles. But the rural woredas contain maximum number of kebeles for example Sofi woreda has seven kebeles and Erer woreda has four kebeles it is a minimum number as shown in the table above.

The woreda cabinets are led by the woreda chief administrators the woreda administrator is elected from Harari people in the urban woredas and the deputy is from Oromo people he is also the head of education sector Health sector also led by OPDO. Finance, urban development biro and security are led by HNL and the speaker is from OPDO and the deputy speaker is from HNL. Here also the right of minority in participation and representation are none in the administrative council of each woreda. According to the interview with woreda leaders, in Amir Nur and Ginela woredas and some Rgional state officials and kebeles chairman's in Hrari each candidate to the membership of woreda, kebele and City administrative Council is determined on the basis of their loyalty to the party program and certain ethical standards.

4.2.3. The woreda Judiciary structure

In the judiciary there is no provision in the constitution of Harari that contains guaranteed representation of minority ethnics. Normally in Harari Region at woreda level there is no Judiciary structure yet because the present woredas were kebele administrative units. So at kebele level there are social courts. In social court also ethnic minority are not considered as Harari and Oromo are involved in participation and representation. Totally Recruitment of the judges is centralized at the regional level. So since minority rights do not have the right to self-administration, no guaranteed representation and political participation in the judiciary at any level (Speaker of ginela woreda, December, 25, 2016).

4.3. The Kebeles structure

As mentioned above there are 36 kebeles in the region according to the constitution. But in practice previously they were arranged by 9 main kebeles and 36 sub kebeles. The main kebeles have a kebele council the sub kebeles have no council. The main kebeles through process now a day's become woreda levels of government and the sub kebeles become main kebeles administrative units but they do not have council yet at kebele level. However, they have some administrative officials consisting of administrator, deputy administrator, Education, Health, security, Agriculture offices although they are not fully functional yet. But by the help of the woreda cabinets they are on the way of doing some activities and they are opening the kebele offices. Here also the power sharing of minority are discriminated the only two ethnics Harari and Oromo are participant in the same fashion. The kebeles council will elect in the next local election (2018) as they told me during my interview (personal communication of the speaker of ginela woreda, March 25, 2016).

4.4. Municipality structures

In Harari Region during the establishment of the Regional state there was a city council and city administration and the Mayor was the Regional president. But now a day there is no city council and city administration it has already replaced by bureau of urban development bureau as a main sector. So currently the city is technically and politically managed by Bureau of Urban Development which is leading by Harari. In other words, the city public services are delivered and managed by municipality which has no its own council, but it has different officials and technical experts.

In this office even though the officials are from Harari and Oromo ethnic groups other people coming from non Harari and Oromo ethnic groups are participating in different professions as expert and civil servant. So all the necessary and main issues concerning the city are discussed and decided by the regional officials and by regional council. But minority groups have no role in the issues of the city except the two ethnic groups the Harari and Oromo (Bekala, personal communication, December, 24, 2016) she is secretary of the regional governmental office.

4.5. Cultural and Language Rights at local level

Using their own language and cultural rights makes minority groups to preserve their distinct identity. As already stated language is not only a means but also an end. It is the most explanatory feature of culture, since it constitutes the vehicle through which culture and history of a group are transmitted. As Art.5 of the Harari constitution declared, the working languages of the Region are Harari and Afan Oromo. However, actually the Harari region constitution is published in three languages Harari, Afan Oromo and Amharic languages.

People who do not speak languages of Harari and Afan Oromo are considered as linguistic minority. In the Region the teaching and learning process is given by the working language. Additionally Arabic and Amharic languages are given as a subject by their own language teachers. But the other subjects in the lower class (1-6) except English it is given by the working languages of the region, and in the above classes (7-12) they are given by English. But in some schools like Jegnoch, Menfesawi 2nd model, Ras Mekonen, Hawzen, Aboker and Kelad anba number one teaching And learning is in three mother tong languages (Harari,Oromifa and Amharic) Misr personal communication December26, 2016) she is a teacher in Aboker elementary school). By de facto in the city most of the communications for marketing in work places even in the offices informally communication taken place in Amharic because as stated in the introduction part by citing Dereje Feyisa's(2007) exploration 65% of the population living in the region speaks Amharic language. But it is not recognized as official language.

Regarding culture and religion in this region there was a problem before 2012 and sometimes in several years there was a disturbance when there are a Christian's holy days, there was burning of shops of the non-indigenous merchants in different times repeatedly. The members of Harari ethnic group also asked the demolition of Medhaniyalem church from the current place in Jugol there was such and so forth problems but through the process it becomes smooth. Now a day's such kinds of problems are resolved through discussion among the residents of the city of Harar. Hence all ethnic minority groups have a right to exercise their cultural activities they are not prohibited from any type of duties. All ethnic groups can run and celebrate their own culture and religious ceremony whenever and where ever they like.

Of course in Harar city there is a good culture that the Harari's have an experience living together with others, to help each other, to communicate in a good manner to love each other especially in social interaction. Hence there is a very good culture it has been built through long year's life experience. During my interview nobody told me as there is any problem at this time regarding culture and religion but the problem is in political representation and participation and discrimination in different aspects such as in job occupations, in competition for contract works, in condominium house, in small enterprise works etc (Mebrate, personal communication december26, 2016) he is resident in Harar.

4.6. Concluding Remarks from the findings of this paper

The constitution and practical application of Harari national regional state government is different by its bicameral arrangement and by its unique titular majority ethnic among other ethnic groups inhabitant in the region within its small number of population. The constitution of Harari has adopted the territorial approach of the FDRE Constitution. As a result of this, non Harari ethnic minority in this region are not recognized as bearers of sovereign power in the region. The constitution of this region does not even acknowledge the rights to preserve the distinct identity of minority groups. The sovereignty is given only for the political majority ethnic group which is given by historically and politically decision that is entitled to preserve its distinct identity followed by numerically dominant ethnic Oromo. But no other ethnic minority groups entitled as a group to guaranteed representation and participation in any organ of the region at any administrative level as mentioned above.

Nevertheless, as can be inferred from the population census indicates around 91% of the total population of the region are dispersed ethnic minority groups including the Oromo ethnic group. The 2004 revised regional constitution pays more attention to the political control of the regional state by the indigenous peoples (Harari). Because of this non indigenous peoples of the region do not have a right to be represented in all levels of government institutions, to establish their own administrative entity within the regional state, in order to exercise their right to self-determination including self-government, and thereby to preserve their culture and identity, to use and develop their own language and even to entertain claims raising by such non indigenous nations, nationalities and peoples in order to enjoy their collective rights.

As provided under Art 5 of the Harari Constitution the right to preserve their separate identity, to develop their culture and to promote their language is guaranteed only for Harari people which is (8.9%) of the total population. The minority ethnic groups (which constitutes above 90% of the population of the region are non-territorial who have inhabited in dispersed manner in urban centers. Even the Amhara ethnic group (22.77%), the largest group next to Oromo nation does not participate or get adequate representation in the region at least at local level of administration area as they are not residing in an identifiable contiguous territorial area; but exist in urban centers of the region mixed up with Oromo, Somali, Tigrians Gurage and Argoba peoples. This problem is the same for all minority groups resident in the region.

The discrimination which is practiced at state level is repeated at local level of government also. Of course the constitution of harari put to establish two levels of government Region and kebele but at this time the woreda level is added so there are nine woredas and 36 kebeles. The member of councils are 150—200 at woreda and kebele level. But still the participants are the two ethnic group's harari and Oromo. Except some Amharas, Tigrians and gurages are members of the council by being the members of the HNL (Harari National Ligue) but not as the expense of their identity. This can't show as the right of participation and representation of minority is respected.

Regarding language the working language of the Region are Harari and Oromo only but other languages are excluded even Amharic language which has 65% of population speaker as mentioned above. This indicates that as there is language discrimination still now. But the constitution is written in three languages in Harari, Oromifa and in Amharic languages. People who do not speak languages of Harari and Oromfa are considered as linguistic minority. In the Region the teaching and learning process is given by the working language. Additionally Arabic and Amharic languages are given as a subject by their own language teachers.

The Federal constitution by itself has its own limitation it doesn't put a clear mechanisms to protect the internal minority groups simply it passed by saying "All Nations, Nationalities and peoples and their cultures, Languages and self determinations are respected as long as they are indigenous to the areas that currently occupy.

The federal constitution recognized minority rights protection as given to nations, nationalities and peoples of Ethiopia along with the international human rights instruments. But they are

easily violated through simple decision of the executive body of the regional governments or by legislations promulgated or decisions passed by councils of regional states and local governments.

And it says they have a right to represent at federal level it mentioned in Article 54/3. 20 seat reserves for minority Nationalities (Taye Chekole, 2012). But it may not enough for all minorities.

Article 25 EFDR constitution also proclaimed about equality. It protects against discrimination on ground of ethnic city but all the above declarations are not practiced accordingly there is a violation at regional and local levels of governments. In addition even though the FDRE constitution gives guarantee for individual and group rights equally. But at state level in addition to the violation of individual rights the groups rights are not respected and protected because minority groups rights are violated they have no space at regional and local levels of governments.

➤ **From findings the current situation shows that**

- Feeling of superiority and inferiority

The Harari and Oromo ethnics feel superiority and they account them as the only owner of the region. But the other ethnics feel inferior and have a bad expectation to live peacefully and confidently because they afraid the past situation. As they told me in my interview in the previous years there were different problems and influences directly and indirectly. For instance sometimes in several years in the past there was a disturbance when there are a Christian's holy days ceremony like (Timket), it had been the case for loss of life.

There was burning of shops of the non-indigenous merchants of the city for three/four times repeatedly. By this case many people were affected and some are displaced to other place.

➤ **Tension among people**

The members of Harari ethnic group also asked the demolition of Medhaniyalem church from the current place in Jugol. There were also different bad relations among the people of the

ethnics such as denying; insulting each other in general there is doubtfulness among the people etc. By such and such type of problems many people are leaving the place and they went to Adama and Addis Ababa (From my personal communication). Even though now a day's it becomes smooth it is not sure healthy and in heart. So such kinds of problems should be resolved through discussion among the residents and it should be getting constitutional solution and be granted if the ethnic people always have a fear to live to invest and to work confidently this will have a negative impact for economical political and social development. So this discrimination and bad tendency should get a clear cut and sustain solution.

➤ **Discrimination**

The other problem that the respondents told me during the interview is there is a problem in discrimination in political representation and participation and discrimination in different aspects such as in job occupations, in competition for contract works, in condominium house, in small enterprises training and work opportunity, etc there is a priority for Harari and Oromo ethnic (Mebrate, personal communication december26, 2016) he is resident in Harar.

➤ **Language problems**

There are also language problems since the working language is Harari and Oromifa those who don't know these languages are in treble to communicate in different institutions formally.

➤ **The rearrangement of kebele governmental structures**

Even though there are 36 kebeles administration they are not well organized and very functional even they don't have kebele council yet. Because as mentioned above the main kebeles are upgraded to woreda level with in their council. So this condition limits the participation of the people. Because the kebele council have from 150—200 members in a kebele. In general to make a Conducive condition and a peace full atmosphere among all ethnic groups sustainably in the future the federal and the regional state must look again their constitutions regarding to the minority rights and the executive bodies in each levels of government should give attention for recognition of these groups' rights. There must be awareness creation for all executives and peoples in order to avoid such discrimination.

Chapter Five

5. Conclusion and Recommendations

5.1. Conclusion

As far as concerned federalism and minority protection in Ethiopia the researchers argues that the development of federalism in Ethiopia fits in with a global trend towards increased attention to ethnic minority rights and to federalism as a mechanism for ethnic conflict prevention and management. The Ethiopian federation is designed as a framework within which the Ethiopian ethnic groups can protect their rights and within which they are stimulated to develop a cooperative relationship. To put it differently, the constitutional objective of the federal structure is the creation of 'unity in diversity'. This work aims to evaluate the capacity of Ethiopian federalism to achieve this objective by investigating the relevant historical, political and legal aspects but the problem is the implementation of regional state by not giving adequate recognition for internal minority as stated in the above multiple paragraphs.

The Ethiopian people unit now; equality, peace, justice, democracy and development in of Ethiopian under Multinational federalism in way of flourishing as basic demands for Ethiopian people's living together with their difference and diversified values, identities and culture. Now in every corner of the country the ethno-national groups develop, promote and preserve their culture, identity, norms and languages for expression of their way of life. In this way multinational federalism grants Ethiopian people living together. The problem which must solved by the Federal and Regional states is getting adequate recognition of internal minority' rights by avoiding the violation of internal minority rights in both constitutions. The problem arise is the marginalization and discrimination of inter-ethnic minority as different authors explained above. It is seen in different regions in Ethiopia and it is true for the research area Harari Region also but it needs a clear cut solution by concerned bodies. So the sum total idea of the authors is almost the same because they estrus that federalism is a very decisive mechanism for multi ethnic societies to eliminate conflicts and injustice phenomena's, but there must be a great care for internal minority groups recognition by Federal and regional states and in both constitutions (Christophe Van der Beken, 2010, p.11).

Of course the main objective of Ethiopian Federal system and the aim of FDRE Constitution are empowering those ethnic groups marginalized at national level to exercise the right to territorial autonomy in which they determine their destiny by having their own institutions and governments. As Ethiopian constitution put the criteria to rearrange the regions were language, identity, and settlement of the people were the main factors. So the identity and language of the Region, Zone or Special Woreda is equated to the identity of those nations and nationalities which managed to have their own region, Zone or special Woreda considered as a country. But through process in practice the right of internal minority groups are marginalized and discriminated by the majority groups (FDREconstitution1995).

The main questions addressed in this study were therefore how minority rights are accommodated in the Harari Regional state at local level and to describe how the existing federal system and federal structure tries to address the concern of the various ethno-linguistic and religious groups. This in turn entails an investigation not only of whether the federal system as it exists in form is best idea but also its limitations in practice or implementation. Because those ethnic groups which already left their original homeland and settled in different Regions, Zones and Special Woreda because of the opportunities they had in the past regimes have been not taken as “nations, nationalities and peoples of Ethiopia” since they are not considered indigenous population groups in the locality they reside that I understand from my reading and my interview in my research area. For instance in Harari region even though there are different ethnic groups inhabited in the region with having a more population number except the Harari people all are considered non-indigenous people.

According to the collected data from different ethnic minority groups by interview and by focus group desiccation all ethnic groups living in harar for a long period of time even some looked like as dominant and influential ethnic in every economical and social activities like Amhara Tigre, Gurage and Somali are discriminated in political participation and representation. All political game is running by the owner of Harari and Oromo respectively. The Harari Regional State constitution does not have any reference about other nations, nationalities and peoples settling in the region except the Harari nation. The constitutional provisions focusing on the sovereign power of the Harari people as mentioned above Article 5 of the Harari constitution.

From the beginning FDRE Constitution excludes dispersed ethnic groups from self-administration except the majority group. Due to the fact that there is no ethnic group that meets the territorial requirement enshrined under Art.39 (5) of FDRE Constitution. But certain regions in the federation of Ethiopia treat themselves as they belong to one nation/nationality. For instance, the Afar, Somali, Amhara and Oromia regions are considered as though they belong only to nations respectively. Though the territorial approach seems inclusive enough at national levels (since all ethnic groups are sovereign), direct adoption of this approach to regional level out rightly deprives of certain ethnic groups to exercise the sovereign power at region level. Naturally, if ethnic groups are deprived of the right to exercise sovereign power at the regional and local levels, the intended sovereignty of nations, nationalities and peoples of Ethiopia could not be fully exercised at national level. It is true for Harari people's regional state since it is one part of Ethiopia federal system except the Harari ethnic group the rest ethnic groups are not having sovereign power in this region as mentioned above.(It is stated in Article 5 of Harari con.)

In another way despite the main concern of Art.27ofICCPR to guarantee universal respect for individual human rights, there is a strong argument that minority groups at any level of government are entitled to exercise those rights enshrined under this provision as most of them are exercisable by groups. Though Art. 25 of the FDRE Constitution has greater importance to avoid exclusion on the basis of ethnicity, religion, race, language, culture and other unfounded contingencies, its contribution to group specific rights of dispersed ethnic minority groups is not satisfactory at regional and Local level. Additionally Art. 54(3) of the FDRE Constitution does not help to dispersed ethnic minority in each region to advance their groups specific rights as it requires ethnic groups to concentrate in an identifiable, contiguous territory, but it doesn't have that much use for ethnic dispersed minority this is true in Harari region practically. In any of the three local administrative level of the Harari region no guaranteed representation and participation of minority groups as the expense of their identity but a lit number of Amharas, Tigrians and Gurages are being members in the woreda council but they are the party members of HNL (Harari National Ligue) or OPDO (Oromo people Democratic Organization) they are not as the expense of their identity. In the same fashion, the Constitutional interpretation Commission does to give any attention to power sharing between the majority and the minority ethnic groups even Amhara within the highest population number next to Oromo as mentioned above (Harari regional constitution, 2004).In general the problem is not only discrimination in

presentation and participation in political game but also there are different problems mentioned in major findings above. So unless the federal and the regional governments give immediate constitutional solution and concerned bodies devote for this issue it will be very difficult to insure democracy and good governance and it will be the cause of conflict at any time.

5.2. Recommendations

By considering the above mentioned realities, National Regional States in Ethiopia in general and the regional states covered by the study Harari in particular are expected to be responsible for the protection of the rights of such ethnic minority living in their respective regions. This protection should include recognition of their existence, their fair representation and participation at all levels of government institutions and guaranteeing their fair power sharing in every level of the governmental institutions.

In order for an ethnic federation to be successful, the protection of diversity by guaranteeing regional autonomy and protecting ethnic minority – needs to be coupled with mechanisms that support the creation of unity that encourage feelings of inter-ethnic connectedness. Hence besides an ethnic identity, an Ethiopian citizen should also have a national, “Ethiopian” identity. Yet, the Ethiopian constitutional documents contain few provisions to stimulate cooperation between the various ethnic communities (Christophe Vander beken (2006, 321). Having this general recommendation the following points should be taken care of.

1. Introduce Proportional Representation

As stated in the back ground there are minority groups in the regional state of Harari. So the regional state must recognize the existence of internal ethnic minority groups this also needs to get constitutional base. Not only recognition is enough but also minority groups need to have proportional representation in the Regional Constitutional interpretation Commission and in the regional council. The same is true at local level in different government institutions (woreda, kebele and municipality) to have a chance to participate in representation in different levels of power sharing and decision making as a result there will be an equality and democratic governance peace full inter relation and discrimination will be eliminate.

1. Applying the Principle of Non-territorial Autonomy

Population settlement dynamics prevent these sub-regional administrations from being or staying ethnically heterogeneous minority either. Hence, new minority issues will arise. Nonetheless, in some cases, the creation of a separate territorial administration has been necessary to accommodate ethnic demands. On the other hand, there are also situations where the application of the territorial strategy is not an appropriate mechanism.

It is therefore suggested to complement the territorial strategy with alternative mechanisms such as non-territorial autonomy and a guaranteed ethnic representation in sub-regional territorial administrations since in Harari region the minority are living in dispersed manner. So a guaranteed proportional representation of non-indigenous groups in sub-regional administration structures such as (woreda, and kebele) would be best solution to avoid grievances.

2. Implement the fare Power sharing and avoiding discrimination in all aspects

Every member of ethnic group in the region is going to be competent to fully enjoy its rights and share the power and resource in the region. Moreover, discrimination and marginalization of non-indigenous people in different social and economic aspects should be avoided for example in job occupations in different job opportunity associations, to use and develop their language and culture, to practice their own religion there must be fair and equitable treatments as a citizen. There must be a peace full and healthier inter action among all ethnic groups In order to enable minority groups who do not have a separate local government or who are living outside their

Motherland local government to protect their interests effectively, it is imperative to guarantee the representation and participation in the local government institutions one is through the organization of free elections. This relates to the “proportionality” component of consociationalism, which implies that ethnic groups should be represented in political bodies proportionate to their number.

Regarding to language also there must be language equality in practice as mentioned above the constitution of harari regional state is written in three languages Harari, Oromifa and Amharic languages but the working languages are only Harari and Oromifa by exclusion of Amharic language. But according to Derege Feyisa(2007) evidence 65% of the people is speaking

Amharic in the region informally this language is spoken every where for communication so it is better the regional state gives a recognition as a working language in order to make life easy for all minority since most people are speaking this language. The region can learn from Switzerland language minority they give recognition for all languages as official language without considering the speakers number.

Plus in order to strengthen the bond between the majority and the minority, it is better giving adult education in all languages to minimize language minority Every member of ethnic group in the region is going to be competent to fully enjoy its rights and share the power and resource in the region. . On top of this, the regional government should work hard to make the harari and Oromo students capable of speaking Amharic, and other languages and other ethnic's students in the region should work hard to improve their skill of using Oromo and harari Language.

3. The Federal and Regional Governments' support regarding minority Rights

Another measure often used in other federations and which the authors put as a good solution and which I agree the idea is in order to mitigate the marginalization of constituent unit minority is to empower the federal government serve as guardian for intra unit minority against possible repression and discrimination by titular ethno national majority. It is time that constitutional amendments are introduced with a view to empowering the federal government monitor the states for their compliance with intra unit minority. This is an important external political safeguard for intra unit minority.

So the Regional State of Harari should take necessary measures to revise their respective constitutions in order to fully accommodate nations, every ethnic minority living in their respective regional state as well as to make their constitutions consistent with the adjusted FDRE constitution and thereby with the international human rights instruments which Ethiopia accepts.

4. Human Rights Protection

According to the preamble of the federal constitution there is strong commitment to the protection of human rights. Whereas the human rights provisions of the federal constitution are most conspicuous for their inclusion of dispersed group rights – most notably the right to self-determination – the preamble equally emphasizes the importance of individual rights. The attention given to human rights by the Ethiopian federal constitution is furthermore reflected by

Article 10, which proclaims the respect of human rights as one of the fundamental principles of the constitution. The logical consequence of this is that Chapter 3 of the constitution, spread over 31 Articles, contains an extensive list of human rights. These human rights protection must be genuinely practiced in every levels of government. It is also true for the Harari regional state and there must be a follow up by concerned bodies how it is practiced at local level. Particularly the group right is not getting attention at constituent levels of government. So it should be part of the human rights protection area at any time.

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Interviewees and Participants of Focus Group Discussion

When I was doing this case study I used the interview and focus group desiccation method to collect the necessary data. As I mentioned in my analysis the respondent gives the same answer in their ethicized group meaning non-indigenous people give the same response as they are discriminated in different aspects. The Oromo people also gives almost the same response as there is good democratic administration but Harari shows superiority on Oromo's and the Harari people also gave the same response as there is a good and democratic governance. So as to me no need of list of the respondents name since the responses of the respondents are similar for each their own ethnic groups simply I preferred to put the data of the participants in each of the ethnic minorities according to the given cota based on their population number. The table below shows the data

The number of participant in the interview from each ethnic minority group

	Number of participant for the interview in each woreda and kebele						
participant	Harari	Oromo	Amhara	Gurage	Tigre	Somale	Argoba
Woreda	2	3					
Kebele	5	11	12	6	6	3	3

Total participant 51 from which 20 are females and 31 are males

Those are from three woredas administration, from civil servant workers, from merchants and other residents.

There were also two focus group dissections which consists almost from each ethnic groups those mentioned in the table above so in group 1 there were 15 people in Nur Amir woreda kebele 01 and in group 2 there were 13 people in Gin ela woreda kebele 14 total participant were 28 people.

Aboker elementary school on December 25, 2017

Amin nur woreda Administration office December, 25, 2017

Ginela woreda administration speaker's office December 26, 2017

Sofi woreda administration office December 27, 2017