

# Assessing Constitutional Protection of Ethnic Minority's Rights at the Local Level: Focus on Former Snnpr Constitution

Tariku Dagne \*

*Dilla University, Dilla, Ethiopia*

*Email: tarikuda2003@gmail.com*

## Abstract

Ethiopia's ethnic diversity necessitates robust constitutional protections for minority rights. This study evaluates the implementation of constitutional safeguards for ethnic minorities in the former Southern Nations, Nationalities, and Peoples' Region (SNNPR), Ethiopia. Through qualitative analysis of regional constitutions, institutional frameworks, and practical case studies, the research examines gaps between constitutional guarantees and on-the-ground realities. Findings reveal that despite constitutional recognition of self-determination, language, and cultural rights, ethnic minorities face challenges in political representation, administrative autonomy, and language use due to dominant-group dominance in merged administrative zones. The study concludes with recommendations for inclusive power-sharing, reserved political seats, and strengthened local autonomy to bridge implementation gaps.

**Keywords:** Minority Rights; Ethnic Federalism; Self-Determination; SNNPR, Ethiopia; Constitutional Implementation.

## 1. Introduction

By taking the objective, subjective, and the combination of both criteria for defining minorities, Ethiopia is a home of minorities. For this reason, it indicated that the preamble of the constitution of 1995 started by acknowledging and recognizing the existence and sovereignty of the Nations, Nationalities, and Peoples of Ethiopia. To refer to this, the constitution begins its preamble by saying "We, The Nations, Nationalities, and Peoples of Ethiopia....." In addition to this, the constitution also clearly recognizes minority representation in the house of people's representatives under article 54 (3), which reserves at least 20 seats for minority nationalities in the country.

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\* Corresponding author.

The Ethiopian population is well known for having heterogeneous diversities which include religion, language, culture, socio-economic activities, and traditional governance structures [1]. The right to self-determination as articulated by the 1995 FDRE constitution includes language rights, cultural rights, and rights of self-administration. It even incorporates the right of nations, nationalities, and peoples to secede and form their state from the Ethiopian federation. Thus, as described in the same provision of the constitution, all ethnic groups have the right to speak and develop their language, to express and promote their own culture and history; they have the right to self-administration within a particular territory, and the right to their representation at the regional and federal levels of government [2]. As the articulators of the 1995 FDRE constitution, the right to self-determination depends on the qualities of unity and diversity. This provision of the constitution is not about giving the right to intended groups, but also, acknowledges establishing institutions and mechanisms of administration at the local level. Besides giving these rights to nations, nationalities, and peoples of Ethiopia, exercising these rights will require and be determined by the political actions and context respectively.

This article discusses the practical protection of minority rights and the accommodation of ethnic diversity in the SNNPR constitution. Furthermore, the article insights the practical and potential challenges of accommodating ethnic diversity at the local level through exploring the constitutional and institutional settings of local governments at the regional level.

## **2. Review related literature**

### ***2.1. Concept and Type of minority***

The expression "minority" has been developed from the Latin word 'minor' and the suffix "its" which means small in number [3]. Like any other social science term, the term minority has no universally agreed definition. However, the term is defined by different scholars in many ways. For instance, the Britannica Encyclopedia defines the minority as a group held together by ties of common descent, language, or religious faith.

Besides, Francesco Capototi defines the term minority as: "A group of numerically inferior to the rest of the population of a state in a non-dominant position, whose members being nationals of the state possess ethnic, religious or linguistic characteristics differing from those the rest of the population and show if any implicitly a sense of solidarity, directed towards preserving their culture, religions, and language." [4].

According to Muleken Kasahun, there are different criteria used to categorize a group of people as a minority. The most essential criteria used are, first, the ethnic group should be a group of person, who distinctions are based on Ethnic, linguistics, and religious background as taken in which they constitute a minority, second the group should not have the position of dominance, third their number counts less than the rest of the population of the state, fourth, There should be solidarity among the group in preserving their distinction., fifth they should be nationals of a state, as opposed to non-nationals immigrants and refugees [5]. So, from the above-listed criteria, states used a preferable way to categorize the minority in their jurisdictional areas.

### **3. Issues of Minority under International Law and FDRE Constitution**

#### ***3.1. Minorities under international law***

Different instruments mentioned the issue of a minority from different perspectives. The United Nations Minorities Declaration which was adopted by consensus in 1992, consider the minorities as based on national or ethnic, cultural, religious, and linguistic identity, and provides that States should protect their existence [6].

As we have mentioned in the first part of this paper, there is no internationally agreed definition as to which groups constitute minorities. 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 shared ethnicity, language, or religion) and subjective factors (including that individuals must identify themselves as members of a minority) [7].

The difficulty in arriving at a widely acceptable definition lies in the variety of situations in which minorities live. Some live together in well-defined areas, separated from the dominant part of the population. Others are scattered throughout the country. Some minorities have a strong sense of collective identity and recorded history; others retain only a fragmented notion of their common heritage [7].

The term minority as used in the United Nations human rights system usually refers to national or ethnic, religious, and linguistic minorities, according to the United Nations Minorities Declaration. All States have one or more minority groups within their national territories, characterized by their own national, ethnic, linguistic, or religious identity, which differs from that of the majority population [7].

In the view of minorities, countries are classified based on the numerical and political dominance of the group within their system of governance. Based on the numerical dominance group be take the dominant and but over the time the numerical dominance group may be subjected to a minority in which the other group becomes dominant in political situations. This is best illustrated under the apartheid regime of South African blacks' struggle. In some situations, a group that constitutes a majority in a State as a whole may be in a non-dominant position within a particular region of the State in question.

Also, 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 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 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 [4].

The question often arises as to whether, for example, persons with disabilities, persons belonging to certain political groups, or persons with a particular sexual orientation or identity constitute minorities. While the United Nations Minorities Declaration is devoted to national, ethnic, religious, and linguistic minorities, it is also important to combat multiple discrimination and to address situations where a person belonging to a national or ethnic, religious, and linguistic minority is also discriminated against on other grounds such as gender, disability or sexual orientation. Similarly, it is important to keep in mind that, in many countries, minorities are often found

to be among the most marginalized groups in society [8].

Different international laws provide laws for the protection of minority groups. For instance, ICCPR under article 27 reads "persons belong 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 religion or to use their language." [9]

In multi-ethnic states, the spirit of article 27 can be construed as accommodation of diversity without endangering national integrity designing system in which forces of involuntary assimilation of set secessionist sentiment. From this article, we can understand that the right of minority groups are recognized as one part of human rights at the international level. For instance, dispersed minority groups the numbers of which are reasonably representative should exercise their culture, language, a tradition both in the public and private affairs. Moreover the right to existence is the founding brick of rights of minorities as the existence of other rights is necessary only when the group exists. In addition to the above-mentioned scholars, Abara Degefa in his literature describes distinct identities of minorities such as linguistic, religious, and cultural identities can be a point of concern when the right to physical existence and preservation separate they need guaranteed representation and power-sharing in the socio-cultural affairs [10].

### ***3.2. Typologies of Minorities under International level***

There is no simple definitive typology of forms of ethnic cultural diversity. As an outcome of a variety of kinds of literature, scholars categorize minorities into different classifications some are characterized as ethnic minorities, religious minorities, linguistic minorities, national minorities, indigenous people, and non-nationals.

In those States in which ethnic, religious, or linguistic minorities exist, persons belonging to such minorities 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 religion, or to use their language [9].

#### **a. Ethnic minorities**

Ethnic minorities are manifested mostly by the variation culture, language, and religion of one group from the other. So, the ethnic group that claims the minority protection when having a different culture, historical and linguistic determination that distinguish them from the rest of the population. The free dictionary by Farlex defines the term ethnic minority as an ethnic group that is not the dominant one in a particular society and a group that has a different national or cultural tradition from the majority of the population [11]. On the other way, Francesco Capotorti and Jules are defined as ethnic minorities based on a numerical approach as smaller than the rest of the population of the state and holding or part of a non-dominant position by possessing ethnic, religious, or linguistic characteristics differ from those the rest of the population [12].

An ethnic minority is a product of the turbulence brought about by migration within or across polities which can occur due to a variety of reasons. For these reasons political, and religious persecution at home, search for better economic prospects, and the like are included. The ethnic minority attempt to sustain their cultural identity markers outside their ancestral administrative homeland, being neither territorial striking power nor the cultural

legitimacy to demand exclusive political-administrative units within the federal polity [13].

In another way, Abera Degefa stated that an ethnic minority is a group having its language, culture, or history. Whereas ethnicity is a state of mind emanating from a feeling of separate identity which in turn is based on shared cultures, markers of cultures, religion, etc. not importantly on the myth of common descent [10]. Asefa Fiseha explained that the myth of common descent serves as a basis or in the opposite case to include people who share the common descent but not the culture [14].

#### b. National Minorities

A national minority is a segment of a transnational people with a history of organized political autonomy whose family relationship or blood relations and control an adjacent state, but who now constitute a minority in the state in which they reside [15]. The term minority includes three distinct groups one of them is the national minority such a community consists of a numerically smaller group than the rest of the population of the county and its members are characterized by ethnic, religious, or linguistic characteristics different from those of the rest of society. These people commit to safeguarding their culture, tradition, language, or religion, for example, Swiss in Finland, German in Belgium, and Italian, and French in Canada [16]. Whereas the council of Europe recommendation defined a national minority as a residence of a state and citizens having strong and long-lasting relation with that state by having independent characteristics of ethnic, religious, and linguistic but these national minorities although numerically less than the rest of the citizens they have a representative number in the state and they also have a motivation to preserve and perpetuate their peculiar characteristics [17]. A national minority is like a nation, the product of the fusion between territory and culture. Mihal Ivanov also defines a national minority, as a minority of citizens of the country (nationals of the State), who have certain characteristics that are different from those of the majority. (In the case at hand, we speak of ethnic, linguistic, or religious differences). In other words, in this context, the "national minority" is part of the "political nation", the latter consisting of all citizens of the corresponding state [18]. There is a nation without territorial sovereign states. In another way, they are a minority only when viewed in the wider context of a federal polity. But they are usually minorities in their homeland. National minorities required bargaining power to preserve their culture and identity, particularly through the use of their language [19].

#### c. Linguistic minorities

The issue of language is beyond speaking, writing, and so on. It's mainly related to self-determination. So having a distinct language is a key factor to identify linguistic minorities from the rest of the population. A linguistic minority is referred to as a group whose persons use a language in writing and or orally in private and in public that differs from the use of the language in a given territory and which is not considered the national language. The aim of this group is directed toward upholding and taking care of this language [20]. In multilingual states, some group of the population (a group of people) wants to have special treatment to retain their language-focused in public and private affairs. The proper recognition of linguistic minorities led them easily identified themselves with the national or regional language and preserve their desire and promote their distinct language. Linguistic minorities are ethnic groups who have distinct language identities from the rest of the population, these groups

may demand special treatment to retain their language use in both public and private affairs [10].

#### **d. Religious Minority**

Religious minority concerns that the religion which differs from the religion manifested by the majority of a people, and religious communities whose faith differs from either the religion of the majority or the secular beliefs of the larger society and state institutions. In the case of religious minorities, certain groups of people belong to different religions from the state or the majority religion but if the opposition comes to their specific religion no religious tolerance existed in the state, minority groups want to preserve their religious identity this creates religious minority group who have to differ religion either from the state religion or the majority group.

Apart from the guarantee against discrimination based on religion under general individual human rights, article 27 of the ICCPR and the Minority Declaration do recognize religious minorities. Usually, groups of people belonging to a certain religion are different from the state religion or the religion of the majority but do not stand in opposition to it in a country where there is no religious tolerance and want to preserve its religious identities constitute religious minorities [10].

#### **4. Minority issue in FDRE constitution**

The historical background of Ethiopia indicates the multi-ethnicity, multi-linguistic, and heterogeneity of culture. As we know before 1991, in Ethiopia there were many challenges regarding the recognition of ethnicity, language, culture, and self-determination in general. So, the former government was not insuring the issue in the constitution and there is no constitutional supremacy rather there was the motto like one language, one flag, one religion, etc.

Due to these and other reasons, the diverse ethnic group of Ethiopia opposed these agendas by scarifying human life and different instrument to recognize the equality of language, culture, and religion for a long period. But, after the newly established FDRE constitution and federalism, the Ethiopian ethnic groups account for around 80 Ethnic groups recognized in the constitution follows.

The preamble of the FDRE constitution is also from its beginning accommodates ethnic diversity by saying "We the Nations, Nationality, and people of Ethiopia....." these all evidence strengthen that the Ethnic diversity is recognized in today Ethiopia as a whole, not only that but also the ethnic minority issue is granted by the FDRE by enforcing the right of Ethiopian individual is respected in overall the country.

Art 5(1) says all Ethiopian languages shall enjoy equal state recognition. Art 11(1-3) clearly explains that there is no religious imposition and the government is free from religious issues. This indicates that the People of Ethiopia enjoy the religion as they will. The cultural and self-determination issue is also explained in Article 39(2) by saying every nation, nationality, and people in Ethiopia has the right to speak, write, and develop its language to express develop, and promote its culture and preserve its history. Art 25 on the right to equality is considered to be in line with international law on minority right in protecting against discrimination on the ground of ethnicity gender, opinion, and other status.

The FDRE constitution is equally advanced concerning human rights that are protected under international law. Art 9(4) FDRE constitution states that "all international agreements ratified by the Ethiopian government, are an integral part of the law of the land." With this, Art 39(3) of the constitution also grants all nations, nationalities, and people the right to self-determination and self-administration. In such a way the Ethnicity issue and minority rights are treated in the FDRE government.

## **5. Results and Discussions**

### **General Overview of Southern Nations, Nationalities, and Peoples Region /SNNPR**

#### **The Location and Demography of the Region**

The Southern Nation Nationality and People's Regional State is located in the South and Southwest parts of Ethiopia. Internally, it is almost surrounded by Oromia and to some extent bordered by Gambela Regional State to the northwest. Internationally, it shares borders with Kenya and South Sudan to the South and West respectively. The region has an area of 110,931.90 sq. km which covers 10% of the total national area and is the fourth largest constituency next to Oromia, Somali, and Amhara respectively. It is the third-largest constituency in terms of demographic composition, which represents about 20% of the country's population [21].

## **6. Ethnic Composition of the Region**

One of the most spectacular characteristics of SNNPRS is its enormous diversity. The region is home to multiple ethnic, cultural, racial, religious, political, and socioeconomic markers that define the plurality of identities distinguishing individuals and groups from each other [22]. Consequently, diversity is one attribute of the region that impressed with and seats the region first to the country [22]. Apart from adding to the beauty of the country, nature and extent of diversity in SNNPRS is also an opportunity for progress and sustainability. Because, it offers an avenue for exchange, innovation, and creativity in finding solutions to society's problems. It also enhances social evolution and the attainment of peace and development. According to official sources, the region has no less than 56 different ethnic groups. As per the 2007 census, ethnic groups like Sidama (19.4 %), Wolayta (10.6%), Gurage (8%), Hadiya (7.6%), Gamo (7%), Kafficho (5.5%), and Silte (5.4%) which together constitute more than 50% of the total population share in the region. In terms of religion Protestant (55%), Orthodox (20%), Islam (14%), and the remaining share go to traditional beliefs [21].

## **7. Administrative Organization of the Region**

According to Article 45 (1) of the Southern Constitution, the region has a four-tier internal administrative structure: the regional/state level, the Zone/Special Wereda level, the Wereda level, and finally the Kebele level. The zone in the Southern Region is an ethnically based territorial entity. However, some Zones in the region are arranged on a multinational/ethnic level. The Special Wereda has the same status as the Zone but is used for smaller and territorially concentrated groups [23]. According to the SNNPRS revised Constitution of 2001, all 56 ethnic groups of the region are granted to establish their own Zone or Special Woreda administration [24]. However, not all ethnic groups have their Zone/Special Woreda. Currently, all 56 ethnic groups of the region are

arranged into 14 Zones (Gurage, Hadiya, Sidama, KembataTimbaro, Kaffa, Sheka, Gedeo, Silte, Wolayita, Gamo-Gofa, Dawro, South Omo, Bench Majji and Segen Area Peoples Zone and 4 Special Woredas (Yem, Alaba, Konta and Basketo) had been established in the region.

## **8. Constitutional and Practical Protection of minority rights in SNNPR**

In our country, more than 80 ethnic groups are found and Ethiopia is known as the homeland of diversified ethnic groups. However, the number of people and the amount of Ethnicity varies from region to region. Out of more than 80 ethnic groups, around 56 ethnic groups are found in SNNPR. So, the region is said to be an extremely diverse region. Due to this SNNPR is unique in its structural design from other regions as it is composed of heterogeneous ethnic groups. There is no dominance, all of them are recognized ethnically and have an equal entitlement of power up to self-administration and secession.

As indicated earlier, under the SNNPR constitution there are no dominant ethnic groups and this is assured by the preamble of the state constitution which states that "We the Southern nation, nationalities, and peoples....." it means that the constitution of the region properly recognized all ethnic groups equally. According to the constitution, the ethnic groups in the region are entitled to unconditional rights to self-determination. Like Amhara, Benishangul-Gumuz, and Gambella state constitutions, the southern regional constitution also established ethnic-based administration as a mechanism to accommodate diversity.

## **9. Minority in SNNPR**

As Beken, indicates in his Article federalism in the context of extreme ethnic pluralism in SNNPR, there are more than 15 million people, and around 56 ethnic groups are found [25]. The constitution also vernacular says nations, nationalities, and peoples which means the constitution can't list the indigenous ethnic group [25]. This was because reason first, it is difficult to indicate all in the constitution, and second, it gives space for the Ethnic group that will be recognized further in the future. However, as the number indicates the region is extremely diverse and has no dominant group. But some ethnic groups within their respected zonal or especial Woreda or ordinary Woreda numerically and politically dominate. For instance, in the region, there are 7 Mono-Nationality Zones and 7 Multi-Nationality Zones. All 7 mono nationalities are politically and numerically dominant within the zonal level (Gedeo). However, in the rest of the 7 Multi-Nationality Zones (merging zone), there is no dominant group at the zonal level but within the Woreda level, some ethnic groups may dominate the respective area.

The structure of the region indicates that in the SNNPR constitution Art 45(2) says, the nations, nationalities, and peoples in the region, shall have their own zonal and special Woreda administration delimited based on the settlement pattern, languages, identities, and consent of the people concerned. What we understand here in the region all ethnic groups are entitled to their own territory culture and language base due to these reasons all ethnic groups are equally treated in the regional constitution. However, the ethnic groups found in the region were living outside their respected zonal or especial Woreda due to economic and other former political cases. The way of accommodating minority rights in practice in the region will be discussed in the next topic.



#### **10. The unique feature of SNNPR for the protection of Minority rights**

In multi-ethnic SNNPR some zonal administrative boundary correspondence to ethnically inhabited areas whereas, other zones do not reflect such correspondence, there are also special Woredas established to ethnically inhabited areas. This ethnic-based territorial in some parts of SNNPR reflects the concern and value of the regional state to question an ethnic minority. Besides its advantage, administrative boundary and ethnic land became the main factors for conflicts and violence in SNNPR. For instance, major ethnic claim zonal state or special Woredas whereas, other different ethnic groups under the multi-ethnic zone and special Woredas need their ethnic zone and special Woreda, this problem leads to the disintegration of the multi-diverse ethnic groups in SNNPR. The other unique feature of the SNNPR state is that it is comprised of a multi-ethnic group. The same to the federal structure, we can find two houses in the region. These are the state council and nationality council. In the Council of Nationalities, each nation, nationalities, and peoples have one representative and in addition to the population of one million, they get one additional representative at the Council of Nationalities. The nationality zones/special Woreda has a legislative power that is not found in the other nationality zones of other regions, the power to interpret the regional constitution is also vested in the council of nationalities. Finally, like the other nationality zone in different regions, nationality zones in SNNPR also have autonomous power to deal with national zones matter.

#### **11. Practical experience of minority accommodation at the local level**

The heterogeneous nature of the regional state obliges the establishment of self-administration of local units for the different ethnic groups based on their culture, language, and settlement as indicated earlier. Therefore, there are fourteen nationality zones and four special Woredas which are established for the indigenous peoples of the region. However, there are other non-indigenous peoples such as Amhara, Oromo, Tigre, and other people who are living in the region. In addition to this, there are also inter-zonal migrations of ethnic groups. For instance, in the Gedeo zone, different ethnic groups from different zones are settled. Such as the people of Gurage, Silte, Wolayita, and Kenbata. Even if these ethnic groups are living outside their nationality zone, their minority rights are treated in different mechanisms.

#### **12. Education**

As we know the 1994 new education and training policy of Ethiopia indicates all children have the right to learn through their mother tongue in primary education. In different nationality zones, in City administrations, the primary education is provided in their jurisdictional languages. However, for non-indigenous ethnic groups, primary education is given in a regional working language that Amharic. But this practice is not recognized by the regional constitutions.

#### **13. Political representation of minority**

The nation's nationality and people with a small size population and who were identified as an ethnic minority in the region have been provided with the right to have appropriate political representation at the national council. Ethnic groups in SNNPR have competencies guaranteed by the regional constitution. From these important

competencies, the specific ethnic group recognized as indigenous to the region has the right to exercise self-determination. Every ethnic region has a right to represent at the political institution from the local to the sub-national state level. This right of political representation includes the right to vote and to be elected, and the power to choose their working language. All ethnic groups that are recognized in the region are also represented in their respective zonal councils and regional council based on the number of the population they count. Practically, indigenous and non-indigenous ethnic groups are represented in the local administrative council, particularly in the city administration. For instance, in the Yirgalem city administration council, there are 66 seats. Among them, 45 seats were taken by Sidama ethnic group, 8 seats by Silte, 4 seats by Gurage, 4 seats by Wolayita, and 5 seats by Amhara. This way of accommodating non-indigenous ethnic groups is practiced at the local level. This way of accommodating non-indigenous and indigenous ethnic groups is seen in Derashe special Woreda council in Total member 89, among them, Amhara 5, Oromo 1, and the rest taken by indigenous ethnic group of special Woreda. In the multi-ethnic group zone, there is a limited number of representatives for a non-indigenous group.

#### **14. Fundamental Right**

The FDRE and SNNPR Constitution Art 25 and 32, state the right to equality and freedom of movement, and the right to choose residence. In zone/ special Woreda, Wereda and City that found in the region without the discrimination of language, ethnicity, and what matters the fundamental right are protected. The working opportunity is available for all and more civil servants are found at different levels of government institutions.

#### **15. The Importance of Ethnic Minority Participation in Decision Making**

The recent trend manifests that more states have relied on federal arrangements in a state organization and have accorded special participation rights to various groups. Even though the purpose of federalism may vary across countries, nevertheless, in many situations federal elements in general and participation right, in particular, are introduced in part as the pragmatic solution to factual demands of various groups who urges political relevance.

International Law concerning the protection of minorities knows provisions for political participation of minorities in the State where they are living [26].

The participation of minorities in the decision-making process, especially on the issues directly concerning the minority has become considered to be one of the litmus tests of the democratic system of a country. Minority participation is where minority rights and social or political attitudes towards minorities cover.

The issue of minority participation is also viewed in multi-ethnic societies like Ethiopia. Minority participation becomes grown to be one of the most sensitive issues challenging every country. So the minority participation also concerned the SNNPR with aiming actual practice of the participation at local as well as nationality levels. The participation of minorities has relevance in dealing with the issue of self-governance and administration, solving local issues, and conducting local and regional election processes. In SNNPR, ethnic minorities are entitled to participate at the local, nationality zone, and regional levels for different reasons and problems they have. So the participation of minorities in the different tiers of government may help them to issue their problems effectively and efficiently. Moreover, the minorities play a great role in the protection of peace and order,

promoting development and social service delivery.

The representation of minorities and indigenous peoples is essential for ensuring these groups' effective participation in public affairs. Whether minorities and indigenous peoples are present in legislatures, whether their voices are heard, and whether their interests are taken into account are all important indicators of minority/indigenous participation in decision making on a nationality zone or special Woreda as well Regional level. Such participation has the potential to benefit everyone in society. It can help to strengthen democracy, greatly improve the quality of political life, facilitate societal integration and prevent conflict.

In such a sense arguably participation rights of minorities in the decision-making process in federations with diversity would be more properly realized through the process of an election system, institutions, and other bodies of administration. The actual participation of minorities both at the regional and nationality zone level can turn SNNPR able to respond to the multi-ethnic challenges.

#### **16. The constitutional and practical application of self-determination of a minority group**

Self-determination is one of the most important rights of oppressed population groups, because of its multi-faces. It can be seen at the same time from political, economic, social, and cultural rights. The FDRE constitution conferring the right of self-determination on nations can be understood as the right to autonomy or self-determination, the right to speak their language, preserve their own culture, history, identity, and separate institutions [27]. The right to self-government as an element of the right to self-determination exists for all nations, the markers of the FDRE constitution. It is limited self-determination in areas of political and economic affairs at the sub-national level. Each nation of Ethiopia has the right to a full measure of self-government which consists of the right to establish institutions of government in territories they inhabited and equitable representation in both federal and state governments [28].

In addition to the federal constitution, the constitution of SNNPR briefly describes the right of self-determination or self-administration of the people in the region. As it is known the southern nation regional state is one of the nine sub-national states in the FDRE federal system. However, the region is unique in its composition because it comprises 56 recognized nations. Therefore, each nation's nationalities and peoples of the region have a constitutional right to self-administration and representation in any governmental institution. For instance, Art. 39(3) stated that "Each nation's nationality and people have the right to....get fair representation in the state and federal administration". Even though the constitution recognizes the nations, nationalities, and peoples of the region to establish and administer themselves in an ethnic-based line, in practice, there are ethnic groups that are not given self-administrative areas. For example, merging zones in the region like the Segen area, South Omo Zone, and Bench Maji zone have contained multi-ethnic groups, merged into one zone. A few years, Sidama ethnic group claimed, the right to have a regional state, and different ethnic groups that are composed of merged zones claimed the right to have a different status in the region. However, the regional council does not volunteer to answer their questions. It mainly depends on the party line. The reason behind the ruling party does not give to their interest is fear of fragmentation and focusing on unity rather than diversity.

## **17. Implementation mechanisms for the protection of minority rights of SNNPR**

The question of ethnic equality has been the apex of all questions for decades in Ethiopia. For this fact, the struggle to bring ethnic equality consumed the adorning and previous human life. This major and long-lived historical issue seemed solved after the downfall of the Derg through the bitter military struggle of several national movements. Following this in 1991 to address a long-lived historical question of ethnic equality, restructuring the country into a different state and ethnic forms of federal formula has been adopted in Ethiopia. In the federal political system especially in multi-cultural or ethnic-based federations, it is unable to develop different mechanisms that are a capacity to reduce the gap between ethnic groups or majority tyranny over the minority. This goal would be achieved through the incorporation of a minority group into the national polity by creating an institutional framework for the corporation of the ethnic group at the federal level and leads to large inter-ethnic solidarity and affinity for the federal state [29]. This indicates that minority protection can be ensured through a representation of diverse ethnic groups at different levels of government institutions such as a second chamber in the regional and federal institutions. This is true in SNNPR because every indigenous ethnic group is properly represented based on their population in the council of nationalities. This is the exceptional mechanism that is implemented in SNNPR to protect the minority. In addition, this federation may employ so many mechanisms to ensure the enjoyment of minority right without threatening the majority right. Among these suggested mechanisms are: Protecting minorities through granting territorial autonomy is one form of protecting mechanism. This means addressing the indigenous group by providing self-rule autonomy in their autonomy where they had been settled. In the southern region, this mechanism is attempted to employ. In the case of this region particularly, the establishment of an ethnic-based zone or special Woreda administration structure is an interesting practice.

## **18. Findings and Conclusion**

### ***18.1. Findings***

Practical applications VS Constitutional base of ethnic minority rights in SNNPR

FDRE constitution recognized the ethnic-based federalism structure which is largely delimited along ethnolinguistic lines. Constitutionally speaking, all the nations, nationalities, and peoples are best recognized under the constitution as having the right to all ethnic issues from starting self-determination up to secession. These rights of ethnic groups are also recognized by all regional constitutions including SNNPR, which is multi-ethnic in its property as well. The SNNPR constitution guaranteed for every ethnic group in the region a right of using and developing their language, culture, and political representation as well as self-determination including secession. Even if the two levels of government accepted and recognized as well as guaranteed every nation, nationalities, and people the right to use and develop their own culture, language, and autonomy as well as the right to self-determination up to secession, the practical application and the written document/articles on the constitution, in some cases does not go parallel. As notable cases observed in the SNNPR approach of territorial accommodation of ethnic diversity have created a situation by which the territory dominant by a specific ethnic group considers the territory as its property and neglect as well as threatening other minorities in the territory is observable. This denies the aim of ethnic federalism in which multi-ethnic diversities live together with unity in

a diverse perspective. The other issue related to constitutional provision and practical application of minority rights in SNNPR is the merger of ethnic groups who have different traditional, historical, cultural, and linguistic backgrounds. Besides, these ethnic groups also have unique psychological make-up from the other ethnic groups in the region. But the administration units in SNNPR merged these different ethnic groups into one as a name of the multi-ethnic nationality zone. This kind of attempt also created problems that lead to ethnic conflicts and tensions between ethnic groups. Besides recognized and known ethnic groups in the SNNPR, others in the region were known after the enactment of the regional constitution, and still, they do not recognize by the regional council as well as by the zonal council of nationality. For example, ethnic groups of Dorze, Qucha, and Welene still claim recognition by the council of nationalities. This kind of specific attempt does not recognize ethnic groups that are not well-known leading to constitutional value breakdown and even creating conflicts and raising self-administration questions further including the attempt of secession. The partiality exercised by the ruling party in the region is also another factor that leads to the violation of minority rights in the region. The ruling party in the region is a coalition of different ethnic parties, but the party is not free from the influence of the dominant ethnic group in the region. This leads to the protection of the interest of the dominant ethnic group and the violation of the minority ethnic group's rights.

### ***18.2. Challenges of ethnic minority rights in SNNPR***

The challenges of ethnic minority rights in SNNPR are multi-dimensional. The first and most important challenge is the issue of political representation. The political representation of ethnic minorities in the region is not as such strong. This is because of the number of ethnic groups in the region. The region is home to 56 ethnic groups. This makes the political representation of ethnic groups in the region difficult. The second challenge is the issue of language. The language of ethnic minorities is not used in the region. This is because of the dominance of the Amharic language in the region. The third challenge is the issue of culture. The culture of ethnic minorities is not promoted in the region. This is because of the dominance of the culture of the majority ethnic groups in the region. The fourth challenge is the issue of self-determination. The self-determination of ethnic minorities is not respected in the region. This is because of the dominance of the majority ethnic groups in the region. The fifth challenge is the issue of secession. The secession of ethnic minorities is not allowed in the region. This is because of the dominance of the majority ethnic groups in the region.

### **19. Conclusion**

The study has shown that the SNNPR constitution has made significant strides in recognizing and protecting the rights of ethnic minorities. The constitutional framework provides for self-determination, language rights, cultural preservation, and political representation for all ethnic groups. However, the practical implementation of these provisions faces challenges. The merger of diverse ethnic groups into multi-ethnic zones, the dominance of certain groups within administrative structures, and political partiality hinder the full realization of minority rights. To address these gaps, the study recommends strengthening local autonomy, ensuring equitable political representation through mechanisms like reserved seats, and promoting inclusive power-sharing arrangements. By bridging the divide between constitutional promises and practical realities, SNNPR can better achieve its goal of unity in diversity.

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