



Original Article

Rectifying Historical Injustices: A Resolved or Persistent Constitutional Issue in Contemporary Ethiopia?

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Abstract

Ethiopia is a country where its nations hold divergent positions in almost all affairs, including its formation and political, economic, and social matters. The divided political elites divided the Ethiopian people, at least ideologically and morally, and pushed the country to the verge of hell, which made the lives of hundreds of millions miserable in Ethiopia. The Nations, Nationalities, and Peoples of Ethiopia agreed constitutionally that addressing historically unfair relationships and advancing their joint interests are the best ways to fulfill their shared destiny, as stated in the preamble of the 1995 FDRE Constitution. Consequently, this research article examines whether or not this constitutional declaration has advanced after three decades of its adoption. The findings of this article identify that despite the constitutional call for rectification three decades ago, irrespective of the ongoing massive reformations in legal, developmental, and social sectors since 2018, looking into the prevailing internal and scattered conflicts reckoning their sources from unreconcilable causes and ideology, Ethiopia is currently standing on various challenges rather than moving ahead towards national consensus through rectifying the historical unjust relationships. Consequently, Ethiopia has been diving into deep-rooted constitutional and political complications.

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I. Introduction

Ethiopia has passed through at least three types of political transitions and has utilized three constitutional systems in its political and constitutional history. These political transitions include Ethiopia before its unification (before 1900), Ethiopia during the monarchical era (1900-1974), and Ethiopia in the post-Republic system of government (1974- 2025-or to date). Before Emperor Menelik II, Ethiopia was not unified in its existence; it was a scattered and smaller nation. Emperor Menelik II who unified Ethiopia from 1889 to 1913 established the current Ethiopia by conducting a large-scale expansion through war and conquest. Upon the battle of Adwa in 1896 in which the colonialist power, the invading Italian armies were defeated by the Ethiopian forces during Emperor Menelik II; Ethiopia expanded its territory, modernized its national military forces, and infrastructure; as well as, solidified its status as one independent nation in Africa. Hence, Emperor Menelik II formed the modern state of Ethiopia in the late 19th century through war, conquest, and expansion.¹ Haile Selassie I introduced the first written constitution (the 1931 Constitution) and thereby tried to modernize and civilize

Ethiopia.² The 1931 Monarchical Ethiopian Constitution was revised and replaced by the 1955 Revised Monarchical-based constitution, with slight differences (without affecting the absolute power of the emperor) to cope with the time and political situations at the time.³

The quest for national identity (the right to self-determination) and the struggles for equality of the Ethiopian Nations, Nationalities, and Peoples smashed Ethiopia's old-aged, backward, and assimilationist monarchical government to its end. Whereas, the 1974 Ethiopian Revolution kicked the absolute monarchy of Ethiopia into its final grave and barred the monarchical regime of Ethiopia forever. However, the 1974 Ethiopian Revolution was hijacked by the Military and a military dictatorship was introduced to Ethiopia in the post 1974. Therefore, from 1974-1991 Ethiopia was ruled by Military Dictatorship. The Military Administration established a committee called 'the *Derg*', which means Provisional Military Administrative Council (PMAC). Of course, the *Derg* government answered the quest for equality, thereby establishing a classless society in Ethiopia following the 1974 Revolution. The *Derg* government nationalized

¹ The Constitutional History of Ethiopia: Available on <https://constitutionnet.org/country/ethiopia> accessed on 11 January 2024.

² The 1931 Constitution of Ethiopia had numerous objectives, including replacing provincial rulers; accordingly, the constitution established a legal basis for replacing traditional provincial rulers with people loyal to the emperor; it constitutionalized the emperor's power (Chapter II of the Constitution); consequently, the constitution legalized the emperor's absolute power, including appointing and dismissing government officials, granting land, and declaring war; it established a bicameral parliament, with an Upper House- the

members were the nobility appointed by the emperor and a Lower House of people elected by the nobility (Chapter IV), and to introduce a modern written constitution to replace the traditional customary laws of Ethiopia at the time.

³ The 1955 Revised Constitution was introduced for the following reasons: Eritrea was federated with Ethiopia in 1952, and Ethiopia became a signatory of international treaties and internal challenges for change. So, this constitution incorporated some principles from the 1948 UDHR, it guaranteed rights for the people to elect the members of lower houses (members of the chamber of deputies) directly.

the land and extra-urban houses.⁴ After governing the country by military decree (without a constitution) for thirteen years, the *Derg* government enacted the 1987 Peoples' Democratic Republic of Ethiopia (the 1987 PDRE Constitution). But neither the *Derg* government nor its 1987 PDRE Constitution answered the quest for national identity (guaranteed the right to self-determination) for the Ethiopian Nations, Nationalities, and Peoples. After the disastrous war had been fought between various Ethnic Liberation Fronts and the *Derg* government for seventeen years (1974-1991), the *Derg* government was deposed from power on 28 May 1991. Following the downfall of the *Derg* government in 1991, federalism was introduced into Ethiopia as a political ideology and constitutionalized as a state structure under the 1995 FDRE Constitution.⁵

Thus, Ethiopia had no written constitution before 1931. From 1931 to 1974, it had a monarchical system of government and monarchical constitutions, which conferred constitutional supremacy in the line of the Solomonic dynasty.⁶ Since 1974, especially, upon the enactment of the 1987 PDRE Constitution, Ethiopia has undergone a paradigm shift from a monarchical to a republican form of government. Accordingly, it is possible to categorize the constitutional development of Ethiopia into three, namely, the

monarchical constitution (1931 and 1955), the Socialist constitution (the *Derg* Constitution, or the 1987 PDRE Constitution), and the Federal Oriented Constitution (the 1995 FDRE Constitution).

This article has the rationale to examine one core constitutional promise recognized under the 1995 FDRE Constitution. Consequently, it evaluates whether or not the constitutional guarantee which claims as 'fully cognizant that our common destiny can best be served by rectifying historically unjust relationships and by further promoting our shared interests'⁷ is enforced satisfactorily or not.

II. General Overview of the 1995 FDRE Constitution

After the *Derg* regime's demise in May 1991, various Liberation Fronts (the EPRDF, OLF, ONLF, and others) entered the Capital City of Ethiopia, Addis Ababa. These groups of Liberation Fronts established a five-year transitional government in Ethiopia which governed the country from 1991 to 1995.⁸ Upon the end of the transitional government, Ethiopia adopted the 1995 Federal Democratic Republic of Ethiopian Constitution (referred to as the 1995 FDRE Constitution hereafter) on 8 December 1994. It came into effect on 21 August 1995. This constitution contains a five-paragraph Preamble and it is categorized into eleven Chapters.

⁴ After the demise of the imperial power, the military junta—the *Derg*—came into power. The *Derg* immediately passed important Proclamations (Proclamation No. 31/1975 and Proclamation No. 47/1975). By enacting Proclamation No. 31/1975, the *Derg* nationalized all rural lands, while Proclamation No. 47/1975 nationalized all urban lands and extra-rentable houses.

⁵ The Constitution of Federal Democratic Republic of Ethiopia, (Proclamation No. 1/1995, Federal Negarit Gazeta, Year, 1 No. 1 August, 1995 (Article 1)).

⁶ The nominal and monarchical constitutions of Ethiopia were two: the 1931 and 1955 Revised Constitution of Ethiopia.

⁷ See Preamble of the 1995 FDRE Constitution, Paragraph 4.

⁸ When a coalition of left-wing ethnic rebel organizations, known as the Ethiopian People's Revolutionary Democratic Front (EPRDF), took control of Addis Ababa on May 28, 1991, and the Transitional Government of Ethiopia, led by the Tigray People's Liberation Front, took the place of the disbanded PDRE.

The Preamble of the 1995 FDRE Constitution starts with the phrase, “We, the Nations, Nationalities and Peoples of Ethiopia.....agreed through our elected Representatives,” ‘to exercise our right to self-determination in full and free, to build a political community founded on the rule of law, and capable of ensuring a lasting peace, guaranteeing a democratic order, and advancing our economic and social development.’⁹ ‘To fully respect individuals’ and people’s fundamental freedoms and rights, and to live together based on equality and without any sexual, religious, or cultural discrimination.’¹⁰ They further agreed that “by continuing to live with our rich, and proud cultural legacies in territories we have long inhabited, have, through continuous interaction on various levels and forms of life, built up common interests and have also contributed to the emergence of a common outlook”¹¹; They agreed that “our common destiny can best be served by *rectifying historically unjust relationships* and by further promoting our shared interests”¹² They agreed that “to live as one economic community is necessary to create sustainable and mutually supportive conditions for ensuring respect for our rights and freedoms and the collective promotion of our interests.”¹³ And finally, they agreed “to consolidate, as a lasting legacy, the peace and the prospect of a

democratic order which our struggles and sacrifices have brought about.”¹⁴

The 1995 FDRE Constitution establishes the federal-based state structure¹⁵ and incorporates the five pillars¹⁶ of the modern constitutional state in its contents.

Of course, this article neither analyzes all the chapters nor evaluates all the paragraphs of the 1995 FDRE Constitution. It evaluates the extent to which paragraph four of the 1995 FDRE constitution which claims as “*Fully cognizant* that our common destiny can best be served by rectifying historically unjust relationships and by further promoting our shared interests” is ensured in the present Ethiopian federation.

III. The Concept of Rectifying Historically Unjust Relationships

Although, it is difficult to define the phrase “historical injustices” in precise terms; the general concept of historical injustice refers to a theory that claims past wrongs have implications for the current political, social, and economic situations of the people living in a certain country.¹⁷ It is claimed that historical injustice and moral wrongs committed by previously living people/ruling groups have a lasting impact on the well-being of the present-day living society.¹⁸ What makes historical injustice more difficult is that both the victims

⁹ The 1995 FDRE Constitution, Preamble, Paragraph 1.

¹⁰ Ibid, Paragraph 2.

¹¹ Ibid, Paragraph 3.

¹² Ibid, Paragraph 4.

¹³ Ibid, Paragraph 5.

¹⁴ Ibid, Paragraph 6.

¹⁵ See Article 1 of the 1995 FDRE Constitution; under the title Nomenclature of the State, it says, “This Constitution establishes a Federal and Democratic State structure. Accordingly, the Ethiopian state shall be known as *The Federal Democratic Republic of Ethiopia*.”

¹⁶ See Article 8-12 of the 1995 FDRE Constitution: Sovereignty of the people (Article 8), Supremacy of the Constitution (Article 9), Sanctity of Human Rights (Article 10), Secularism (Article 11), and Accountability and Transparency of the Government Officials at all levels (Article 12).

¹⁷ Historical injustice/Race, Gender, & Power Dynamics/Britannica: Available at <https://www.britannica.com>: Accessed on 13 July 2024.

¹⁸ Ibid.

and perpetrators are now dead.¹⁹ Historical injustice thus concerns the potential claims that the descendants of the victims have against the descendants of the perpetrators.²⁰ Human histories have been characterized by numerous prejudices and injustices; like slavery, colonialism, war, genocide, ethnic cleansing, forced religious conversions, evictions from the homeland, assimilation, and others.

In the modern democratic and constitutionalized World; various mechanisms have been utilized to rectify these multiple-headed historical injustices and prejudices. The historical injustices that happened due to slavery have been addressed in the USA through acknowledging the past, reparations, apologies, and the like.²¹ The historical crimes and wrongs done by the colonial forces upon the colonized nations caused the present ongoing inequalities and discrimination in many parts of the World; and therefore, claimed by numerous scholars, politicians, and organizations to be rectified. As one can realize from history; innumerable injustices have been done to the indigenous people by the colonial forces in different parts of the World. For instance, the colonialists have been 'usurping the Indigenous governance systems, upsetting economic livelihoods, and destroying cultural and religious orders on the African continent,

or introduced the policies of cultural genocide and forcible incorporation of Indigenous peoples in North America.'²² To rectify these colonial injustices and prejudices; especially, in the post-Second World War, the World Nations agreed to abolish colonialism by enacting numerous international laws like the UN Charter, different International Treaties/Human Rights Covenants, Human Rights Declarations, etc. That is why the UN Charter proclaims one of its purposes as 'to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.'²³ On the other hand, the UDHR disregarded the status of colonialism by declaring that 'the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the World.'²⁴

The Declaration on the Granting of Independence to Colonial Countries and Peoples claims as follows:

'The subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the

¹⁹ Historical Injustice/Oxford Research Encyclopedia of Politics: Available at <https://oxfordre.com/politic>: Accessed on 24 May 2024.

²⁰ Ibid.

²¹ On December 6, 1865, the 13th Amendment to the U.S. Constitution was ratified, bringing about the legal correction. "Neither slavery nor involuntary servitude, except as a punishment for the crime of which the party shall have been duly convicted, shall exist within the United States," this amendment said, outlawing slavery nationwide. Chattel slavery was officially abolished in all states and territories by this constitutional amendment. Numerous forms of

rectifications/reparations have been proposed at local and state levels, including monetary payments, scholarships, land grants, and systemic initiatives to address historical injustices in the U.S.

²² Lu, C. 2017. Justice and Reconciliation in World Politics, *Journal of Moral Philosophy* 19(3):307-310 (2022). Available on: <https://philpapers.org/rec/SPACLJ>: Accessed on 21 August 2024).

²³ Charter of the United Nations, 1945, Article 1(2).

²⁴ Universal Declaration of Human Rights, 10 December 1948, Preamble, Paragraph 1.

*promotion of world peace and cooperation. All peoples have the right to self-determination; by virtue of that right, they freely determine their political status and freely pursue their economic, social, and cultural development. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, and the present Declaration based on equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity.*²⁵

Ethiopia is also not free of these historical injustices and prejudices within and against itself. The Ethiopian political history has been branded with slavery, wars, discrimination, dominations, assimilation, suppression, evictions from the homeland, and the like.²⁶ For these reasons, when the 1995 FDRE Constitution was drafted and enacted, it was believed that the same constitution would rectify these historical injustice relationships in all affairs.²⁷ Thus, hereunder this article evaluates all these historical injustice relationships that have been prevailing in Ethiopia since its establishment in the late 19th century to this date. It evaluates the extent to

which the 1995 FDRE Constitution rectified or exacerbated these injustices and prejudices among the Nations, Nationalities, and Peoples of Ethiopia.

IV. Unjust Relationships in Ethiopia: Its History and Platforms

a) Foundation, Dynasty and Genealogy-Related Unjust Relationship

Ethiopia has been immersed in the history of unjust relationships and standing on distractions of various platforms from its birth to this old age. Beginning from its birth, Ethiopian elites and politicians have failed to reach on consensus satisfactorily on questions, like when Ethiopia was established as a country/state, who founded Ethiopia, and how Ethiopia was founded. Concerning its foundations, some groups extended the foundation of Ethiopia to more than three thousand years,²⁸ whereas, others dragged it to the late 19th century, and strongly claimed that Ethiopia took its modern shape in the late 19th century under a series of powerful emperors: Tewodros I (ruled 1855-69), Yohannis IV (1872-89) and Menelik II (1889-1913).²⁹ Ideologically, some political parties and religious institutions believe that Ethiopia has a

²⁵Declaration on the Granting of Independence to Colonial Countries and Peoples, Adopted 14 December 1960 by General Assembly resolution 1514 (XV), Paragraph 1, 2 & 7

²⁶ Many Ethiopian Scholars, especially from the Southern Part of the Country believe that the Abyssinians (the Northerners) colonized the Southerners (the Southern part of Ethiopia), like the Oromo, the Sidama, the Somali, and others. For instance, Professor Asafa Jallata, and Professor Mohammed Hasan developed a colonial thesis; and they argue in their research works that the Oromo were failed under or colonized by the Abyssinians, especially through a large-scale war and conquest of Emperor Menelik II. Additionally, the formation of the Ethiopian Empire

through a large-scale war and conquest by emperor Menelik II has been perceived by various Liberation Fronts like the OLF, ONLF, SNLF, and the like, as a black colonialism project.

²⁷ See the 1995 FDRE Constitution, Preamble, Paragraph 4.

²⁸ Wendy Laura Belcher (2012), Three Thousand Years of Habesha History and Discourse, Abyssinia's Samuel Johnson Ethiopian Thought in the Making of an English Author, (Oxford University Press, Copyright © 2012 by Oxford University Press, Inc.):1

²⁹ Jalata, A. (2005 [1993]). Oromia & Ethiopia: State Formation and Ethnonational Conflict, 1868-2004, (Lawrenceville, NJ: The Red Sea Press): 2-6.

history of thousands of years and has a myth that connects Ethiopia to ancient Jerusalem. Consequently, the Solomonic dynasty which ruled Ethiopia for hundreds of years (1270-1974) was molded from this unfounded myth of the connection of Ethiopia with King Solomon of Jerusalem. Accordingly, forging certain people's genealogy to the ancient Jewish (especially, linking the genealogy of the Northern Christian Highlanders, or ethnic Amhara, and Tigrrians to the Jewish genealogy) and considering other ethnic groups as usurpers of power to silence them from raising any political questions has created unjust relationships in the Ethiopian political history. This myth created a multifaceted mayhem in the history of Ethiopia. It created unjust relationships in Ethiopia. For example, *second versus first-class citizenship* (to seize political power, you should be from the line of the Solomonic Dynasty through reckoning your genealogy; your throne should be approved and blessed by the Orthodox Church.³⁰ Consequently, during the Solomonic dynasty, the vast peoples from the Southern parts like the Oromo, the Sidama, the Somalis, and the non-Christians had no legitimacy to claim political power; or if they were claimed, they were considered usurpers of power at the time.³¹

b) Victor and Vanquished Oriented Unjust Relationship

Starting in the 1870s up to 1900, Menelik II expanded its territory to the South, West, and Eastern parts of present Ethiopia by conducting

devastating and bloody wars. Succeeding the devastated wars fought by Menelik II in the Southern Peoples, especially the Oromo people, and the Southern Nationalities like Walaita, Kafa, Sidama, Hadiya, and others lost their sovereignty. By 1900 almost Menelik II had succeeded in establishing in controlling much of present-day Ethiopia and, in part at least, gained recognition from the European colonial powers of the boundaries of his empire.³²

Despite the massive conquests and forced incorporations of vast territories to the Abyssinian Empire by Emperor Menelik II; the Victor and Vanquished relationship was created, resulting in the historically unjust relationships between the people of Southern and Northern Ethiopia. The Northerners, especially the Menelik war Generals, and soldiers became the victors, and the whole Southern Nations, Nationalities, and Peoples who had lost their sovereignty were converted to vanquished status overnight after the wars. This established the official system of *Landlord versus Tenancy* in the Southern parts of present Ethiopia. People like the Oromo, Walaita, Sidama, Gamo, Kafa, Hadiya, and others were reduced to the status of tenants/or sometimes considered as slaves by the victors-the Menelik soldiers (commonly known as the *Neftenyas*, or people holding/having guns). Consequently, these Vanquished/tenants failed to master their destiny and no longer became the makers of their history. For instance, according to Mohammed Hassan, "Menelik

³⁰ The Ethiopian Constitution of 1931 & 1955, Article 7.

³¹ See, the Ethiopian Constitution of 1931, Article 2, and the 1955 Revised Constitution of Ethiopia, Article 2. Both say, "The Imperial dignity shall remain perpetually attached to the line of Haile Selassie I, a descendant of King Sahle Selassie, whose line descends without

interruption from the dynasty of Menelik I, son of the Queen of Ethiopia, the Queen of Sheba, and King Solomon of Jerusalem."

³² Mohammed Hassen (1994), Some Aspects of Oromo History That Have Been Misunderstood, (Journal of Oromo Study, Volume I (2)):77-91.

gave both the people and their land to his mainly Amhara-Tigray armed settlers known as *Neftenyas*. The *Neftenyas* played a pivotal role in politics and dominated the political landscape of the Southern Peoples (the Vanquished) and considered them as their cattle and slaves.³³

c) Center-Periphery-based Unjust Relationship

The center-periphery unjust relationship has been created from different perspectives in the political history of Ethiopia. As elucidated hereinabove, the *Neftenyas* whose majorities were from the North (Amhara-Tigray origin) controlled the center and dominated the political and economic power of the country. Their culture became the culture of the country; their language became the language of the country, which means, the language of education, religion, military, courts, and all economic and social transactions.³⁴ Their religion (the Ethiopian Orthodox Church³⁵) was legally recognized as a state religion.

The economic sector was controlled by officials from the North, especially, the Amharic-Orthodox background. Walelign Mekonnen said, “To be a genuine Ethiopian; one has to speak Amharic, listen to Amharic music, accept the Amhara-Tigre religion, and wear the Amhara-Tigre Shama in international conferences.”³⁶ Mekuria in his writing under “genuine Ethiopian and convertible tribes” put

the cultural, political, and social status to become a genuine Ethiopia as follows:

The imperial ideology privileged Abyssinian culture and way of life. Therefore, the general understanding was that the Abyssinians were the historic ‘staatsvolk’³⁷ bearers of the Ethiopian identity or Ethiopiawinnet. Assimilation was needed to convert non-Abyssinian “tribes” into “genuine” Ethiopian citizens. The message that the educational and political institutions imparted to them was that it was their duty to learn the language and adopt the dominant group's culture to participate in the social and political affairs of the empire.³⁸

Therefore, the struggle for recognition had become the basic political agenda for the peripheries or people from the South of Ethiopia. Until the 1991 Ethnic revolution, Ethiopia's quest for national identities (recognition) had been conducted for centuries. Hence, the question under this article is whether or not the 1995 FDRE Constitution brought people categorized as center and peripheries to the same stage.

³³ Ibid.

³⁴ The Ethiopian Constitution of 1931, Article 126, says, “The official language of the Ethiopian Empire is Amharic.”

³⁵ Ibid, Article 126, It says, ‘The Ethiopian Orthodox Church, founded in the fourth century, on the doctrines of St. Mark, is the established church of the Empire and is, as such, supported by the state. The emperor shall always profess the Ethiopian Orthodox Faith. Then name

of the emperor shall be mentioned in all religious services.

³⁶ Walligne Mekonnen, “The Question of Nationalities in Ethiopia”, *Struggle*5(2) (USUAA), 1969: 4-5

³⁷ ‘Staatsvolk’ is a German term that refers to the population of the territory belonging to a state

³⁸ <https://oromia.today/history/walelign-mekonnen-the-question-of-nationalities-and-ethiopias-persistent-crisis/>. Accessed on 4 July 2024.

V. Rectifying Historically Unjust Relationships in Ethiopia: Evaluating the Constitutional Contents and its Practices in the Post-1995

Thus, under this sub-topic, the writer would like to evaluate rectifications in various natures which include historical, constitutional, and political nature. The emphasis is given to assessing the constitutional contents and the prevailing practices on rectifying the historically unjust relationship in the following manner:

A. The Introduction of Federal-Based Constitution

Adopting the 1995 FDRE Constitution was the first and foremost step toward the rectification of unjust historical relationships. The Nations, Nationalities, and People are considered to own this constitution. The same constitution starts with the phrase, ‘We, the Nations, Nationalities and Peoples of Ethiopia.’³⁹Historically, Ethiopia had no home for diversity and was considered as the prison of the nationalities. Accordingly, the Ethiopian empire was the prison house for the various nationalities until the enactment of the 1995 FDRE Constitution. Therefore, it is possible to take the 1995 FDRE Constitution as a big weapon with which the Ethiopian Nations, Nationalities, and Peoples broke up the prison house (the Ethiopian oppressing empire) and make themselves free to determine their destiny under the umbrella of the right to self-determination. This constitution not only gives recognition to

various Nations, Nationalities, and Peoples; but also, guarantees the unconditional right to self-determination up to secession for them.⁴⁰

For this reason, the embarkation of this constitution with its fundamental principles, like the nomenclature of the state as a ‘*federal democratic republic*,’ with its golden principles, like the sovereignty of the people, the supremacy of the constitution, the sanctity of human rights, secularism, and accountability and transparency of government officials.⁴¹For this reason, the Ethiopian Nations, Nationalities, and Peoples have enjoyed these pillars of modern constitutional principles as one core historical rectification through constitutional enactments.

B. Declaration of the Right to Equality in Ethiopia

Equality in general and equality of ethnicities, languages, and religions, in particular, had remained taboo in historical Ethiopia until the enactment of the 1995 FDRE Constitution. Mainly, the right to equality of ethnicities, languages, and religions was recognized under the contents of the 1995 FDRE Constitution.⁴²History has told us that in historical Ethiopia, all ethnicities were not equal, all languages were not equal, and all religions were not equal. Ethiopia had utilized hierarchical societal structures during the monarchical eras for centuries. For instance, during Emperor Menelik II and Emperor Haile Selassie I, the emperor was the head of everything, sacred and immune from any accusation.⁴³The societal

³⁹ See Preamble of the 1995 FDRE Constitution.

⁴⁰ Ibid, Article 39.

⁴¹ See the 1995 FDRE Constitution, Article 8-12.

⁴² See Article 25 of the 1995 FDRE Constitution, entitled ‘Right to Equality’: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection

without discrimination on grounds of race, nation, nationality, or another social origin, color, sex, language, religion, political or other opinion, property, birth, or other status.”

⁴³See Article 5 of the 1931 Ethiopian Constitution: It claims “By virtue of his imperial blood, as well as by the anointing which he has received, the person of the emperor is sacred, his dignity is inviolable and his power

structure in Ethiopia during the monarchical eras roughly looked like, the emperor at the top, Nobilities, Government Officials, Civil Servants, Traders and Businessmen, Laborers, and Peasants at the bottom. Hence, in practice, there was a class-oriented society that had superior and subordinate relationships at the time. This societal structure had remained a core political culture until such a hierarchical societal structure was smashed by the 1974 Ethiopian Socialist-oriented revolution. Accordingly, the 1974 Revolution which established a classless society in Ethiopia for the first time in history can be considered as a stepping stone for introducing the right to equality. In its preamble, the 1987 PDRE Constitution starts with a phrase that declares equality, justice, and social prosperity as follows:

*“We, the working people of Ethiopia, based on a centuries-old glorious history, are engaged in a great revolutionary struggle to extricate ourselves from our current state of backwardness and to transform Ethiopia into a socialist society with a high level of development where justice, equality, and social prosperity prevail.”*⁴⁴

Even though the 1987 *Derg* Constitution declared the right to equality in Ethiopia under the guise of socialism; it had failed because of two reasons. Firstly, the *Derg* government had declared the equality of nationalities, languages, and religions, half-heartedly; the supremacy of one

language (Amharic), one culture (Northern Culture or Amhara culture remained the dominant culture during the *Derg* Era), and Orthodox religion was the dominant religion in Ethiopia practically; even though the *Derg* government was secular.

That is why, this writer argued that the 1995 FDRE Constitution can be recognized as a champion of the right to equality. Moreover, the right to equality of Nations, Nationalities, and People and the right to equality of religions have been recognized under the constitution.

The declaration of equality under the 1995 FDRE Constitution is appreciable, yet the declared equality right under the 1995 FDRE Constitution has some problems that need to be rectified. Hereunder, problems/unjust relationships/ those that need rectifications under the 1995 FDRE Constitution are assessed briefly.

Equality of Language

Language is essential to life, helping to shape one's sense of self and to predict which opportunities will be open and which will be closed.⁴⁵ Accordingly, Language is a unique feature of humans and a fundamental political issue in human societies.⁴⁶ First and foremost, language equality is one of those that needs rectification. It is clear that in a multinational state like Ethiopia where more than eighty languages are spoken, ensuring equality of all languages is impossible; because, it is

indisputable. He is consequently entitled to all the honors due to him in accordance with tradition and the present Constitution.”

⁴⁴ See Preamble of the 1987 People's Democratic Republic of Ethiopia Constitution (the 1987 PDRE, or the 1987 *Derg* Constitution), First Preamble 1.

⁴⁵Vernon Van Dyke, *Human Rights, Ethnicity, and Discrimination* (Westport: Greenwood Press, 1985):32.

⁴⁶Fernand de Varennes, *Language, Minorities and Human Rights* (The Hague: Martinus Nijhoff Publishers, 1996):1

impossible to use eighty languages as working languages at the federal level. It is inevitable to ignore many languages and select few of them as working languages at the federal level. Thus, selecting and recognizing a national working language that maintains a fair balance between the competing claims of the different linguistic and ethnic groups is vital to political stability.

⁴⁷Nevertheless, the fact that declaring one language (Amharic language) as a federal working language in Ethiopia under Article 5 of the 1995 FDRE Constitution should be rectified. Accordingly, Ethiopia should declare a multilingual language policy at the federal level as the same as the Union of South Africa (which uses eleven languages as working languages at the federal level); like Canada, which uses two languages; namely, English and French languages, India which uses twenty-two languages as working languages. Especially, disregarding Afan Oromo as a federal working language till this date which more people than the Amharic language speak is not only glaring inequality but also, it is a mockery of justice that can best prove how the Oromo and their language has suppressed in Ethiopian history till this date.

The worst scenario with language usage concerns public services like hospitals and other social services. In Ethiopia to get the best medical service you should know the Amharic language in Ethiopia. Big governmental and non-governmental hospitals use Amharic to provide health services; especially, in big cities like Addis Ababa. When you refer to referral hospitals, like Black Lion, Phawulos, Menelik,

Yekatati, and other best Hospitals available in Addis Ababa from the regions, any patient and his helper should know and speak Amharic fluently to get the best services. If you don't speak Amharic fluently; it is almost difficult to get hospital services in the best hospital practically. This affects the right to equality and equal access to public/health services which is already guaranteed under the constitution.

Additionally, court services are another challenge. To get federal court services, you should know Amharic; as the only federal court language is Amharic in the present Ethiopian Federation. Hence, to access federal court services, one should be able to write, read, and speak Amharic fluently. This affects the right to access justice, which is already guaranteed under Article 37 of the 1995 FDRE Constitution. If you want to take an appeal to the federal courts from the regional courts' decisions, it is mandatory to translate to Amharic language from other languages including Afan Oromo.

The paradox is that while the Oromo are the largest people in Ethiopia and Afan Oromo is spoken by a majority of the Ethiopian people, the reason why Afan Oromo failed to be used at least parallel with the Amharic language at the federal level has remained an anomaly in complicated Ethiopia.

Equality of Ethnicities

The 1995 FDRE Constitution uses the terms Nations, Nationalities, and People to depict the term ethnicity in many places in its contents. Of course, the terms Nation, Nationalities, and

⁴⁷Abera Dagafa, Language Choice in Multilingual Societies: An Appraisal of the Ethiopian Case, (the Journal of Oromo Studies, Volume 15(2), 2008):61-77.

Peoples have not been directly defined under the same constitution. However, the same constitution explains these terms as follows:

A "Nation, Nationality or People" for the purpose of this Constitution, is a group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory.⁴⁸

On the other hand, the same constitution declares the equality of nations and nationalities. It says, “.... the law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, color, sex, language, religion, political or other opinion, property, birth or other status.”⁴⁹ Therefore, this constitution (the 1995 FDRE Constitution) enshrines the right to equality for all ethnic groups as one pillar of the federal constitution.

However, in practice, the equality of ethnicities has been challenging since the enactment of the 1995 FDRE Constitution. For instance, all ethnic groups have not established their regional state; all ethnicities’ languages are not recognized as a working language. Because of historical injustice, some ethnicities’ languages, religions, and cultures have

gained super status when compared to others. Thus, there is a need to rectify such gaps and inequalities in present-day Ethiopia by introducing all-inclusive policies in languages, cultures, and religions.

Moreover, there is a serious discrepancy among the ethnic groups in literacy, infrastructure, and representation at the federal level. Some ethnic groups have got upper hand in federal governmental institutions, non-governmental institutions, international institutions, and civil societies. For instance, in the Ethiopian Telecommunication Corporation, Ethiopian Electric Corporation, Ethiopia Tax Authorities, Ethiopian Airlines, and others there are dominances of some ethnic groups.⁵⁰ Consequently, ethnic proportionality should be checked and rectified in federal government institutions in the current Ethiopia.

Equality of Religions

Historically there was no religious equality in Ethiopia since Orthodox Christianity was recognized as a state religion during the monarchical era.⁵¹

Accordingly, Orthodox Christianity had the privilege and was even registered under the

⁴⁸ See Article 39(5) of the 1995 FDRE Constitution.

⁴⁹ Ibid, Article 25.

⁵⁰ See Oromia Media Network's Reports: See the following websites accessed at different times, <https://omnglobal.com/or/>; <https://www.youtube.com/watch?fbclid=IwY2xjaw> ; <https://web.facebook.com/watch/>.

⁵¹ See Article 126 of the 1955 Revised Ethiopian Constitution, which claims, “The Ethiopian Orthodox Church, founded in the fourteenth century on the doctrines of Saint Mark is the established church of the empire and is, as such, supported by the state. The emperor shall always profess the Ethiopian Orthodox Faith.”

1960 Ethiopian Civil Code.⁵² As explained above, during the *Derg* era there was no place for all religions as the *Derg* was a socialist-oriented government that propagated secularism and strived a lot to create atheist societies. Nevertheless, the influence of Orthodox Christianity was visible even during the *Derg* time. Upon the embarkment of federalism into Ethiopia following the demise of the *Derg* regime; secularism, freedom of religion, and equality of religions have been recognized constitutionally.⁵³

Despite these constitutional guarantees under the 1995 FDRE Constitution on religious equality, freedoms, and secularism; practically, there are prevailing challenges that erode these constitutional guarantees on religious rights and secularism. There is a deep tension among religions, especially, when the followers of one religion are converted to the others massively, or when the followers of one religion increase whilst the other's followers decrease. For instance, the number of Orthodox followers decreased; whilst the followers of the Protestant followers increased in Ethiopia. The Ethiopian Demographic and Health Survey shows that the number of Protestant religious followers grew to over 27 percent in 2019; whilst the number of Orthodox Christians has, in contrast, declined from around 50 percent to 43 percent between 1994 and 2007.⁵⁴

Moreover, there are interreligious clashes in Ethiopia here and there. For instance, recently, there was a violent clash between the Orthodox followers and the Muslims in which human lives were lost in the Gonder City of Amhara regions. According to the report of the UN High Commissioner for Human Rights, Michele Bachelet, at least 30 people were killed and more than 100 others injured in Gonder city of the Northern Amhara region on 26 April 2022.⁵⁵ It has been reported that Churches and Mosques are burned down in different parts of Ethiopia from time to time. For instance, in December 2019 four Mosques were burned and actions that targeted Muslim-owned businesses were taken in Motta town of Amhara region.⁵⁶ On October 30, 2024, churches were attacked in Birebisa Gale and Dereba Kebeles of Dugda Woreda in the Shawa Zone of the Oromia Region in which 38 civilians were killed as per the VOA report.⁵⁷ During the two-year civil war between the central government of Ethiopian forces and the Tigrayan rebels, in the Northern Tigray region, churches have been bombed, looted, and burned down.⁵⁸ The Ethiopian Evangelical Church Mekane Yesus reported that more than 15 members of its followers were indiscriminately killed by the armed groups (the so-called *Fanno Militants*) at Muleta Gela Congregation, in Galo Kebele of East Wallaga Zone in Oromia Regional State on 6 November

⁵² See Article 398 (1, 2) of the 1960 Civil Code of Ethiopia, which claims, "The Ethiopian Orthodox Church is regarded by law as a person. As such it can have and exercise, through its organs, all the rights which are vested in it by the administrative laws."

⁵³ See Articles 11, 27, and 25 of the 1995 FDRE Constitution.

⁵⁴ Meron Zeleke (2015), "Cosmopolitan Youth Religious Movements in Ethiopia: Ethiopian Orthodox Tawahedo Youth as Vanguard and Self-Appointed Masters of Ceremony." *Northeast African Studies* 15 (2): 65-92.

⁵⁵ <https://www.ohchr.org/en/statements/2022/05/inter-religious-clashes-ethiopia>: Accessed on 20 July 2024.

⁵⁶ <https://www.aljazeera.com/news/2019/12/24/ethiopia-n-muslims-protest-after-several-mosques-burned/>: Accessed on 21 July 2024.

⁵⁷ <https://www.amharaamerica.org/post/voa-amharic>: Accessed on 12 August 2024.

⁵⁸ <https://www.washingtonpost.com/world/2023/04/12/ethiopia-orthodox-church-oromo-tigrayan/>: Accessed on 29 June 2024.

2022 while churchgoers were gathered for prayer in their church.⁵⁹

But, neither the causes of all these burning religious institutions and killing civilians (followers) nor the interested bodies beyond these illegal actions have been recognized officially. The government condemns these religious clashes and strives to take measures against the perpetrators of these heinous crimes following the crises.

The writer argues that these interreligious clashes, burning down of religious institutions, killings, and other destructive actions taken upon any religious institutions may arise out of past religious dominance, politico-religious extremists, and fear of massive conversion from one religion to the other.

On the other hand, in practice as a result of past historically unjust relationships some religions got the upper hand in current Ethiopia. In some instances, especially, from the practical point of view, there are grievances from some people that all religious institutions have no equal access to some resources, such as land. Accordingly, some religious organizations have some degree of tolerance from the government when they grab large lands and demarcate them for acquisition for their religious purposes and private individuals against the law; and some others are not tolerated in the same way.

There are some visible discrepancies in access to government services by religious institutions in many instances practically. For instance, *Orthodox and Waqeffata* religion followers do not get equal (proportional) services on government mass media. The issue of getting

licensing is also challenging for *Waqeffata* religion followers. Access to land is also the other challenging issue for some religious institutions while few seized huge hectares of land here and there in Ethiopia. Furthermore, some religious institutions like the Orthodox Church prohibited the use of other languages except *Ge'ez* and Amharic in religious preaching and teachings.

C. The Right to Self-determination for the Nations, Nationalities and Peoples

The right to self-determination had been unfamiliar in the Ethiopian political history. Although, the right to self-determination is an elusive concept; it revolves around democratic and human rights. Under the UN Charter, the notion of the right to self-determination is reflected in perspectives. Firstly, it is understood in the sense that the state has the right to freely choose its political, economic, social, and cultural systems; secondly, it illustrates the freedom of a people to form their state or to freely choose how they want to be associated with an existing state.⁶⁰ The right to self-determination is recognized as part and particle of human rights since it is the right of certain people to determine their destiny. It is also recognized as part of democratic rights in which people can exercise their right to establish their state/government/ freely without intrusion. The two covenants (ICCPR and ICESCR) reinstated the right to self-determination, and sufficient proof of the concept and meaning of the right to self-determination has been provided under Article 1 of both covenants.⁶¹ Even though, it is too

⁵⁹ <https://addisstandard.com/news-evangelical-church/>: Accessed 15 August 2024.

⁶⁰ The UN Charter, Article 1, Paragraph 2, and Article 55, Paragraph 1.

⁶¹ See Article 1 of the ICCPR and ICESCR, both say, "All peoples have the right of self-determination. By virtue of that right they freely determine their political

difficult to determine the scope of self-determination in practice; it is possible to construe that the right to self-determination allows people to choose their political status and to determine their form of social, economic, and cultural development freely without any interference.

Following these UN Charter, and International Human Rights Covenants and Declarations, Ethiopia has incorporated the unconditional right to self-determination up to secession. The 1995 FDRE Constitution claims that “Every Nation, Nationality, and People in Ethiopia has an unconditional right to self-determination, including the right to secession.”⁶² The position of the 1995 FDRE Constitution on the right to self-determination is sound as Ethiopia was a prison house for the Nationalities for many centuries. Since, Abyssinian monarchies subjugated the southern Nations, Nationalities, and Peoples like the Oromo, Sidama, Wolaita, Somalis, and other peoples by war and conquest; it is possible to extend this to the colonial thesis, which needs self-determination including secession to be rectified.

Therefore, the 1995 FDRE Constitution has recognized the right to self-determination as a guarantee for the Nations, Nationalities, and Peoples of Ethiopia to rectify their past historical unjust relationship. Historically, there was innumerable suppression, discrimination, and inequality in the empire of Ethiopia as explained in the above discussions. That is why the right to self-determination has been recognized as the promise for the Nations, Nationalities, and Peoples of Ethiopia in the contemporary Ethiopian federation. If the government or non-government actors will

encroach on their human, democratic, and political rights by any means, the Nations, Nationalities, and Peoples of Ethiopia have the right to establish their own independent state by exercising their right to external self-determination through secession. Hence, it is possible to conclude that the right to self-determination can be utilized as an instrument to rectify the past historically unjust relationship in Ethiopia. Additionally, the right to self-determination will be utilized as a promising shield to defend the Ethiopian Nations, Nationalities, and Peoples from the possible future suppressions and unjust relationships that will arise from any causes and by any groups.

VI. Conclusion and Recommendation

Conclusion

Conceptually, rectifying historically unjust relationships has paramount importance in a country that is striving to transfer itself from a non-democratic system like monarchical, theocratic, dictatorship, and the like to a democratic and constitutional state. That is why Ethiopia incorporates the guarantee of rectifying historically unjust relationships in the preamble of the 1995 FDRE Constitution. Historically in Ethiopia, suppressions of identities, languages, religions, cultures of the Nations, Nationalities, and Peoples were prevailing officially. The slogan that claimed ‘One language, one flag, and one religion’ remained the norms of the Ethiopian culture till the downfall of the monarchical government in 1974. Accordingly, Amharic was recognized as the Ethiopian national language, Orthodox Christianity was declared as the state religion; and the Amhara-Tigre culture was

status and freely pursue their economic, social, and cultural development.”

⁶² See Article 39(1) of the FDRE Constitution.

acknowledged as the national culture of Ethiopia by excluding and suppressing other languages, beliefs, and cultures of the Nations, Nationalities, and Peoples.

However, the 1995 FDRE Constitution brought a paradigm shift in converting oneness into diversity in Ethiopia for the first time in history. The first step was recognizing rectifying historically unjust relationships as a core promise in the preamble of the same constitution. Next, this constitution introduced federalism and federation as an ideology and the institutions of the state to uphold diversity. Moreover, the 1995 FDRE Constitution utilized federalism and democracy as the nomenclature of a multinational state of Ethiopia. Besides, this constitution put the right to self-determination as a promise for the Nations, Nationalities, and Peoples to avert the long-aged suppressions, discriminations, and inequalities in contemporary and future Ethiopia eternally.

Nevertheless, in present-day Ethiopia, enforcing these constitutional guarantees which are introduced in the contents of the 1995 FDRE Constitution starting from the preamble to the end to rectify historically unjust relationships remains a challenging task in practice. As a result, ensuring equality of languages, religions, cultures, Nations, Nationalities, and Peoples, and thereby, rectifying the historically unjust relationship among the Ethiopian Peoples in practice remains an unfinished agenda in contemporary federalist Ethiopia.

On the other hand, the Ethiopian political and constitutional culture has been proclaiming the supremacy of one language, one religion, one culture, and one myth over the others' cultures, languages, and myths for hundreds of years; for this reason, it challenges and hesitates to accept

the culture of equality, rectifications of historically unjust relationships, and self-determination.

To sum up, although the 1995 FDRE Constitution incorporates the guarantees of rectifying historically unjust relationships in preambles and its contents; the quest for rectifying historically unjust relationships among the Nations, Nationalities, and Peoples of Ethiopia remains an unanswered political and constitutional question satisfactorily until today.

Recommendation

Based on the above findings and conclusions, the researcher would like to forward the following recommendations:

- ✚ The federal government of Ethiopia should ensure the rectification of unjust historical relationships that are already recognized under the federal constitution in practice.
- ✚ To rectify these unjust relationships the following political and constitutional reforms should be reconsidered:
 - Ethiopia shall introduce a multilingual language policy; that means, other languages like Afan Oromo must be added to Amharic as a federal working language.
 - To ensure fair/equitable representation in federal government institutions and non-government institutions, the federal government must renew the current platforms, and come up with a new policy; that transparently ensures equality among the Nations, Nationalities, and peoples in Ethiopia. For instance, the federal courts,

Federal Hospitals, Ministerial Offices, Business Organizations like National Banks, Telecom Corporations, Electric Corporations, and other governmental agencies should contain workers proportionally to the number of each ethnic group living in Ethiopia.

- Equality of religious institutions should be ensured practically as per the Constitutional promises: the right to access to resources like lands, equal access to government services in case necessary, equality of languages in all religious institutions (the right to use one's language in religion services) should be enforced practically.

✚ The right to self-determination must be enforced, fulfilled, and protected by both the federal and regional governments, as well as, by the non-state actors like the opposition political parties for all Nations, Nationalities, and Peoples of the Ethiopia federation.