

Constitutional Collision over Ethiopia's Suppression of the Sidama Regional Question

By Hawassa Teessonke

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Human societies have been governed by certain forms of social covenants since time immemorial. The first crude form of constitution or code of justice in the world was believed to have been issued by the Sumerian King in Mesopotamia in 2300 BC. Following Sumeria, various ancient states including Babylonia and Assyria were believed to have issued various law codes as early as 2050 BC. The famous Greek philosopher, Aristotle, was however the first person to distinguish between ordinary law and constitutional law and introduce the idea of constitutionalism in the fourth century BC. Human beings have come long way since Aristotle in understanding, formulating, using or abusing this ancient social covenant, the constitution.

Ethiopia adopted the first written constitution in 1931 when Haile Selassie was crowned as the Emperor of Ethiopia. That constitution provided for enslavement of the recently incorporated peoples in the south, west and east by subjecting them to brutal system of serfdom and was one of the most oppressive constitutions mankind has ever witnessed. That constitution was based on glorification of one man as an appointee of God and was devoid of any rhetoric of human and democratic rights and rights of various peoples.

The 1995 constitution ratified under the EPRDF appears to be the most liberal, and for the first time guaranteed on paper basic human and democratic rights including the most radical proposition in article 39 of the rights of nations and nationalities to self-determination including secession. Anyone who peruses through 106 articles and 49 pages of the 1995 constitution wonders whether the constitution represents the covenant of the state with its people or the covenant among the ruling elites as it appears that none of the rights prescribed in the 106 articles are respected in the bulk of the country and particularly in the Sidama region. Unlike in 1931 where nearly the entire population of the country was illiterate and one would rarely expect any challenge to the absolute powers enjoyed by those who crafted the pseudo constitution, today in the dawn of the 21st century, thanks to relative improvements to access to education and the global IT revolution, a sizable portion of the country's population does not only read and write but has the firsthand knowledge and experience of global democratic movements against the abuse of the peoples' constitutional rights. The Sidama demand for regional self-administration reflects the level of societal political consciousness that is no more ready to tolerate any more constitutional deception and manipulation of the social covenant if any. Article 39 of the 1995 Ethiopian constitution grants unconditional rights to self-determination as indicated below:

“Article 39. Rights of Nations, Nationalities, and Peoples

1. Every Nation, Nationality and People in Ethiopia has an unconditional right to self-determination, including the right to secession.

2. Every Nation, Nationality and People in Ethiopia has the right to speak, to write and to develop its own language; to express, to develop and to promote its culture; and to preserve its history.

3. Every Nation, Nationality and People in Ethiopia has the right to a full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits and to equitable representation in state and Federal governments.

4. The right to self-determination, including secession, of every Nation, Nationality and People shall come into effect:

(a) When a demand for secession has been approved by a two-thirds majority of the members of the legislative Council of the Nation, Nationality or People concerned;

(b) When the Federal Government has organized a referendum which must take place within three years from the time it received the concerned council's decision for secession;

(c) When the demand for secession is supported by a majority vote in the referendum;

(d) When the Federal Government will have transferred its powers to the Council of the Nation, Nationality or People who has voted to secede; and

5. 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 a common or related identities, a common psychological make-up, and who inhabit an identifiable predominantly contiguous territory."

How is such unconditional right to self-determination in respect of the Sidama people which number 3.4 million according to the official government statistics implemented? If the constitution is based on an Orwellian principle in the "Animal Farm" where "All animals are equal but some animals remain more equal than others", the constitution needs an amendment to accommodate this clause. Nevertheless, as long as the articles of the constitution apply to all peoples in the country, the current attempt by the regional EPRDF cadres to hoodwink the Sidama people with allegations of grafts and anti-peace activities for demanding fair application of the rights stipulated in the very constitution amount to flagrant violation of the constitutional provision and will never be tolerated by any peace-loving person.

Equally incoherent and deceitful is the manner in which the regional EPRDF cadres try to falsify the genuine demand of the Sidama people when they repeatedly go on various government media and try to distort the truth about the people's demand.

In addition to the provision in article 39 about the rights of nations, nationalities and peoples, article 47 of the constitution provides procedures for any nation or nationality to establish its own regional state. Sub article 1 of Article 47 lists the current 9 regions and clearly describes the rights of nations, nationalities and peoples within the 9 states to establish at any time their own state.

“Article 47. Member States of the Federal Democratic Republic

1. List of the 9 regions
2. Nations, Nationalities and Peoples within the States enumerated in sub-Article 1 of this article have the right to establish, at any time, their own States.
3. The right of any Nation, Nationality or People to form its own state is exercisable under the following procedures:
 - (a) When the demand for statehood has been approved by a two-thirds majority of the members of the Council of the Nation, Nationality or People concerned, and the demand is presented in writing to the State Council;
 - (b) When the Council that received the demand has organized a referendum within one year to be held in the Nation, Nationality or People that made the demand;
 - (c) When the demand for statehood is supported by a majority vote in the referendum;
 - (d) When the State Council will have transferred its powers to the Nation, Nationality or People that made the demand; and
 - (e) When the new State created by the referendum without any need for application, directly becomes a member of the Federal Democratic Republic of Ethiopia.
4. Member States of the Federal Democratic Republic of Ethiopia shall have equal rights and powers.

Then why all the diatribe against the basic demand of the people for regional self-administration. Clearly the current level of suppression, harassment and torture of innocent Sidama civilians for echoing the rights stipulated in articles 39 and 47 of the current constitution is outrageously uncalled for and blatant disregard to basic human dignity. The Sidama people unequivocally reject the recent statement by the regional EPRDF cadre which labels the people’s demand as the demand of anti-peace elements in diaspora and rent seekers within the country. To the contrary the demand of the people is wholly constitutional and based entirely on provisions in articles 39 and 47 of the 1995 Federal constitution and no one will be able to block the Sidama people from forming their own regional state in line with the provisions in the constitution. It is extremely flawed to force a couple of hundred cadres to denounce the regional demand on behalf of the 3.4 million people to falsely declare that the Sidama people did not demand to form a regional state. This is flawed for two reasons: first, these cadres have not been elected by the people and have no mandate from the people to decide on their behalf; and second, time and again almost all people in the 19 Sidama districts have unanimously demanded from the district cadres that they want to form the Sidama Regional State and they should convey the message to the Zonal and regional administration. They cadres however reneged on the popular demand and therefore by their own free will have forfeited their right to any juristic act. Their decision will therefore have no legal effect on the Sidama regional question. If there is respect to law and fundamental human

right in the country the Sidama people will fire all the cadres that have sat in an illegal meeting and made an illegal announcement against the will of the 3.4 million people.

Where the government fails to respect its own constitution, it is time for citizens to collectively bring the government to justice. As we believe in the fundamental principle of peaceful struggle for the realization of fundamental rights as a nation, we will continue to resort to legal means to ensure that our fundamental rights are respected.

Those cadres who are hell-bent to distort the reality are tarnishing their already tainted images in vain. Their time is numbered. The will of the people will prevail. Make no mistakes; 2012 is not 1931.