

Ethnic federalism and internal minorities: the legal protection of internal minorities in Ethiopia

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I. Introduction

Not a single federal arrangement has been successful in demarcating the territorial matrix of the federation into separate ethnically defined territorial units. The decade-old federal experiment in Ethiopia is no exception to the impractical reality of creating ethnically pure sub-national units. Although the internal structure of the federation, by and large, follows an ethnic line, ethnic minorities are found in the midst of most, if not all, regionally empowered ethnic groups. This has brought to the fore issues about the majority–minority tension at the level of the sub-national units or, as they are called in Ethiopia, regions. The status and treatment of those who do not belong to the empowered regional majority has emerged as a thorny issue that has bedevilled the federal experiment.¹

The aim of this contribution is to examine whether the federal system adopted in Ethiopia responds adequately to the challenges of internal minorities. It, in particular, examines whether the federal arrangement provides for appropriate institutional solutions to the tensions that exist between regionally empowered groups and their internal minorities. Before discussing the Ethiopian case, however, the article, in the following section, casts the issue in the context of multi-ethnic federations. By doing so, it seeks to show that the problem of internal minorities is not unique to the federal arrangement in Ethiopia.

1. The terms ethnic minorities, intra-substate minorities, internal minorities and minorities within minorities are used interchangeably to refer to those who do not belong to the regionally empowered group. For the sake of brevity and consistency, this article has opted to use the term internal minorities.

VII. Conclusion

An effective response to the plight of internal minorities requires regional states to come to terms with their ethnic diversities and fully accept that they are sharing with the federal state the same challenges of accommodating ethnic diversities but only at a regional level. The Ethiopian institutional response to the anxieties of indigenous internal minorities, which involves both territorial self-rule and representation in regional institutions, is in line with this normative position. At the centre of this institutional response is the creation of separate

ethnic-based territorial administrations within which the indigenous internal minorities can exercise self-government and other minority rights. Evidently, this constitutional option is not usually available for non-indigenous internal minorities that are often geographically dispersed. Some of the mechanisms to accommodate non-indigenous minorities must thus be sought within the territorial administration in which these minorities find themselves. Judicially enforceable universal individual rights represent one such response. In this regard, although the constitutional commitment to the observance of full respect to individual and collective rights is an important mechanism that can be used to protect individuals belonging to these particular groups, the practice, it is observed, is not encouraging. The disenfranchisement of non-indigenous minorities, which has relegated them to 'secondary citizens' of the regions, is testimony to a constitutional practice that has failed to give effect to this constitutional commitment. Furthermore, the lack of protection in the form of non-territorial autonomy means that non-indigenous internal minorities, who are often 'too dispersed or few in numbers' to exercise territorial autonomy, are denied a say in matters that are relevant to them. It is clear, therefore, that comprehensive minority protection in Ethiopia requires the design of complementary constitutional and legal mechanisms through which non-indigenous internal minorities can exercise some measure of control over matters that are relevant to them.