

# THE EFFICIENCY OF THE HOUSE OF FEDERATION TO RESPOND TO THE QUESTION OF THE WOLKAITE PEOPLES IDENTITY RECOGNITION AND GEOGRAPHIC RESTORATION

Worku Adamu\*

## Abstract

*This article looks at the identity recognition and geographic restoration question of Wolkaite people as Amharan. No studies of these people have been conducted from the question of identity recognition and geographic restoration perspectives. This study is, therefore, intended to investigate challenges faced in their response to identity recognition and geographical restoration. Hence, a qualitative research approach focusing on phenomenological design was employed. The respondents of the study were thirty-five, selected through a purposive sampling technique. Relevant and reliable data were gathered through structured questionnaires, in-depth informant interviews, focus group discussions, document analysis and secondary sources. The article's main objective is to investigate why the Wolkaite people's identity recognition and geographic restoration quest have not been responded to based on the FDRE constitutional framework. The findings of the study revealed the main challenges to the issue of Wolkaite people's quest for the implementation of their constitutional rights was denied due to a lack of committed, efficient independent institutions being involved. This implies that the law and its practice are not matched in terms of the Wolkaite identity recognition. Therefore, to avoid the limitations of these institutions, reforming as well as empowering them at all levels would be a fruitful and productive solution to the question of identity matters.*

**Keywords:** Wolkaite, Minority Right, Identity Recognition, Institution, House of Federation

## INTRODUCTION

The issue of minority rights is commonly presumed to be a leading cause of conflict and insecurity in many parts of the world. Excluded groups who suffer from multiple disadvantages may join forces when they have unequal rights, but are denied a voice in political processes and feel marginalized from

\* Ethiopian House of Federation, Legal Service Director. The author can be reached at: [Workuadamu29@gmail.com](mailto:Workuadamu29@gmail.com). The author is very thankful to the anonymous reviewers for their comments and suggestion that have helped him to improve the piece.

mainstream society.<sup>1</sup> If their request is not accommodated peacefully via the formal channel, groups are more likely to resort to violent conflict seeing no alternative.

In Ethiopia, the Ethiopian People's Revolutionary Democratic Front (EPRDF), a coalition party that replaced the *Derg* regime in 1991, opted for an ethnic-based federal state structure, later formalized by the 1995 Federal Democratic Republic of Ethiopia (FDRE) Constitution which introduced the principles of how the question of "nation, nationalities, and peoples" in general, and the issue of minorities in the implicit sense, responded based on the constitution.<sup>2</sup> According to Aklilu, "These measures, in theory, ensured the realization of political and economic rights of minorities in Ethiopia through a federal system of self-government."<sup>3</sup>

The FDRE constitution also recognized the rights of various ethnic groups to promote and preserve their language, culture, tradition, history and identity.<sup>4</sup> Despite the recognition of the rights of 'nations, nationalities, and peoples', how minority rights and demands are protected and addressed by the constitution remains vague to a large extent. As per the federal constitution, out of the 550 seats, 20 seats are reserved for special representation of minority groups in the Federal House of Peoples Representatives. Based on the electoral district, a seat in the House of Peoples' Representative's requires a population of 100,00 for a constituency. This may imply that the constitution implicitly defines "minorities are those groups whose population is less than 100,000".<sup>5</sup> Despite this, the constitution is silent in providing clear and adequate answers to questions such as which groups are minorities. What should be the historical, social and political bases for determining minority status? How would minority interests and rights be represented and guaranteed at national and regional levels?<sup>6</sup>

The discussion in this article relates to the question of the Wolkaite people. For this purpose, an investigation on the extent of the right to recognition of this regional minority is being undertaken at the federal level. The most intriguing development in this regard is the non-existence of a clear and

<sup>1</sup> DFID, 'Reducing Poverty by Tackling Social Exclusion', A DFID Policy Paper, (2005), available at: <https://gsdic.org> (accessed 24 November 2022).

<sup>2</sup> Assefa F, 'Ethiopia's experiment in accommodating diversity: 20 years balance sheet', *Ethiopian Journal of Federal Studies*, (2013)1(1), pp.103–15

<sup>3</sup> Aklilu Habte, 'Federalism in Ethiopia Emergence, Progress and Challenge', January 2022 available at: <https://www.researchgate.net> (accessed 10 November 2022).

<sup>4</sup> FDRE Constitution, article 39(1).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

objective criterion to be applied by the House of Federation (HoF) apart from Article 39(5) of the FDRE Constitution and Proclamation 1261/2021 for determining identity-related questions. Article 39(5) has far-reaching implications in the identity recognition question of social groups at the regional as well as sub-regional levels.

This article contains four parts: The first one provides this introductory part. The second part deals with the theoretical frameworks on minority ethnic groups. The third part explains the discussions and findings on the demand for identity recognition and geographic restoration of Wolkaite. The last part contains an overall conclusion. The research is based on fieldwork conducted from February 01 to June 15, 2022, document analysis and interviews, with an extensive review of secondary sources related to the matter.

## **1. THEORETICAL FRAMEWORKS ON THE ISSUE OF MINORITY ETHNIC GROUPS**

The basic aims of the United Nations is to promote and encourage respect for human rights and for fundamental freedoms without distinction as to race, sex, language or religions. The International Covenant on Civil and Political Rights (ICCPR) article 1(1) states that states shall protect the existence of ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage condition for the promotion of that identity. Article 2 (1) also provides that persons belonging to national or ethnic religious and linguistic minorities have the right to enjoy their own culture, and to use their language in private and public freely without interference or any form of discrimination. Article 26 further expounds that all persons are equal before the law and are entitled, without any discrimination, to the equal protection of the law.

A major issue in any academic consideration of ethnic or ethnicity is the criteria by which a social group is labelled as ethnic. For the definition of minorities, the most important point of departure is the non-existence of a universally binding legal definition of the concept of a minority. In the absence of a binding and equally agreeable definition, for the identification of minorities what matters, in legal terms, is the legal recognition of a minority position and its subsequent legal treatment.

Such recognition ultimately depends on a political choice. However, states, even though faced with the recognizable complexity and diversity of the concept of minority, have denied the existence of minorities within their constituencies for various reasons. The paramount one is the fear of secessionist

movements, eventually leading to the breakup of nation-states.<sup>7</sup> As elaborated by Ramaga, the dilemma of defining minority identity has existed throughout history. Due to the varied experiences of different states, solutions to the understanding of minorities could hardly be formulated in universal principles, but rather in the particular circumstances of particular contexts.<sup>8</sup>

Regarding this, various scholars have forwarded various definitions, some of which emphasize objective markers of identity, such as race, language or religion that distinguish members of minorities from other ethnic groups, others have focused on subjective characteristics such as belief in common descent or possession of a common culture. However, in most of the definitions forwarded by the different stakeholders, there appears a certain pattern of resemblance. The best universally applicable definition made by Francesco Capotorti and that of Jules is the most known but still is not sufficient as it does not answer all the questions about the minority. The definitions is the following:

“A group numerically inferior to the rest of the population of a state, in a non-dominant position, where members being nationals of the state possesses ethnic, religious, or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, tradition, religion or language.”<sup>9</sup>

Minorities are groups set apart both objectively and subjectively in circumstances of numerical inferiority and non-dominance. As Capotorti himself claimed, the preparation of a definition capable of being universally accepted has always proved a task of such difficulty and complexity that neither the experts in this field nor the organs of the international agencies have been able to accomplish it to date. However, this definition is generally considered to be the most widely recognized definition to date, both in theory and practice, even though it never has become legally binding.<sup>10</sup> According to Copotorti, language and religion are essential elements in the formation of ethnicity, i.e. a ‘collective identity’, along with common culture and history. They are sources and forms of social, cultural and political identification.

<sup>7</sup> *Id.*

<sup>8</sup> Ramaga P.V., “Relativity of the Minority Concept: Madrid. University of Carlos”, (1992), available at: <https://www.semanticscholar.org> (accessed 21 November 2022).

<sup>9</sup> Francesco Capotorti, “Study on the Rights of Persons Belonging to Ethnic, Linguistic and Religious Minorities”, (1977), para 568. Available at <https://digitallibrary.un.org> (accessed 23 November 2022).

<sup>10</sup> Jelena Pejic, “Minority Rights in International Law”, Human Rights. Quarterly 19, (1997), p. 670 at <https://chilot.me>

During the author's fieldwork, many informants define themselves as a group belonging to the Amhara family whose ancestors spoke the Amharic language and who have a common history and culture different from the Tigray people. The recent HoF Interim Committee (2013 E.C) led by former speaker of the HoF, Honorable Adem Farah, whose survey research report also found that many people identified themselves as Amhara. In this regard, Wolkaite people's identity recognition quest fulfills Capotori's definition.

## **2. THE DEMAND FOR IDENTITY RECOGNITION AND GEOGRAPHIC RESTORATION OF WOLKAITE**

### **2.1 Historical Background**

Wolkaite Setit Humera town is an area located in the north western part of Ethiopia at the border between Sudan and Eritrea. It is 977 km from the Ethiopian capital Addis Ababa and 252 km from Gondar City a population of more than 500,000 inhabitants.<sup>11</sup> Currently, it is administered as part of the Amhara region. Economically, Wolkaite is fertile land, where mechanized agriculture can produce surplus consumables and export items, including sesame seeds, incense, cotton and valuable minerals. It is also strategically important to access the world through Sudan and is considered a corridor to the country and the TPLF.

Many foreign scholars have written about Wolkaite Tegede. Among the nineteenth-century notable writers about northern Ethiopia is Walter who travelled as a missionary in 1848, he wrote that the river Tekeze is the line separating the Tigray province and Gondar where the people of Wolkaite are located.<sup>12</sup> Another missionary Joseph-Émile of France wrote a book on the location and identity of the Wolkaite people as inhabitants of Gondar-Amhara.<sup>13</sup> A British writer Mansfield Parkyns documented that "Northern Abyssinia or Ethiopia may be considered as divided by the river Taccazy into two countries Tigre and Amhara; though, strictly speaking, these are only the names of two of the many provinces into which both countries are divided. But the people east of the river (Tigray) differ in

<sup>11</sup> Population and Housing Census of Ethiopia Administrative Report Central Statistical Authority. Available at <https://csa.gov.et> (accessed 20 October 2022).

<sup>12</sup> Walter Chichele Plowden, "Travels in Abyssinia and the Galla Country: With an Account of a Mission to Ras Ali 8vo", London (1848), p.39.

<sup>13</sup> Joseph-Émile Coulbeaux, "Histoire politique et religieuse d'abyssinie: depuis les temps les plus recules jusqu'a l'avenement de Menelick II", (1929), p. 11.

language, and to a considerable extent in dress, manners, and customs, from that west (Amhara) of it”.<sup>14</sup>

Samuel Gobalt also wrote a journal in 1850 that indicates the boundary of Amhara and Tigray people showing the location and identity of the Wolkaite people. He wrote that the Amhara and Tigre provinces are most extensive and separated by the Tekeze River, adding that the inhabitants are distinguished not only by different languages but also by different national feelings.<sup>15</sup> This is notable historical evidence of the river Tekeze marking the end of Tigray territory and the start of Gondar province where the people of Wolkaite reside soon after crossing the river. Hormuzd Rassam a British citizen, stated that the term “Amhara, as now used by the Abyssinians, in an ethnological sense, designates the inhabitants of the country lying west of the Takkaze, and also south of that river, as far as the province of Gojjam.”<sup>16</sup>

There is also human and documentary evidence indicating Wolkaite was officially part of Gondar Province. However, as the Wolkaite committee claims and documents when the TPLF gained control of the country in 1991, and restructuring the regions under the TPLF-led party coalition, the indigenous, geographically and culturally Amhara territories of Wolkaite Tegede were demarcated as part of the Tigray region. During the previous regimes, Wolkaite was part of Wogera Aworaja, with its capital Dabat in Bgeimder province.<sup>17</sup>

The Tekeze River was recognized as a natural border between Tigray and Amhara before the 1991 transitional charter of Ethiopia. The river is considered one of the country’s four major rivers, flowing westwards into the Nile. However, after the promulgation of the charter, regions are demarcated based on linguistic criteria.<sup>18</sup>

## **2.2 Application Letter of the Wolkaite Committee’s to the House of Federation**

<sup>14</sup> Mansfield Parkyns (16 February January 1894) was a British traveller, known for his travel book *Life in Abyssinia: being notes collected during three years' residence and travels in the country that has been published in 1853*. In this book he described his experiences and observations during three years ( ) travels in Abyssinia, the modern territories of Eritrea and Ethiopia.

<sup>15</sup> Samuel G. and Rober Baird, “Journal of three years stay in Abyssiniya”, (1850), p.37.

<sup>16</sup> James Bruce, “Bruce’s Travels and Adventures in Abyssinia”, (1860).

<sup>17</sup> Achamyeleh T “A Quest for Identity and Geographic Restoration of Wolkaite Tegede. Forceful Annexation, Violation of Human Rights and Silent Genocide Addis Ababa Amhara Council” (2016).

<sup>18</sup> *Id.*

This section restricts its scope to the case of the Wolkaite identity recognition claim to the HoF. The Wolkaite Amhara National Identity Question Committee (WANIQC) requested the HoF to identify recognition and geographic restoration of Wolkaite-Tegede, to Gondar, Amhara. They claim that when the government demarcated the regional borders and placed Wolkaite within the Tigray region, they violated the FDRE's article 46 (2) of the constitution. States shall be delimited based on settlement patterns, language, identity and consent of the people concerned. This request was written in a letter to the HoF with the petition of 18,000 (eighteen thousand) residents' signatures on 16 January 2016.

The letter of request is printed on the letterhead of the WANIQC, and received and numbered by the receiving HoF. The letter starts with a written authorization of the delegates to represent the Wolkaite committee and the Wolkaite Amhara, people. The centrality of the message is the Wolkaite Amhara National Identity question. Further, the letter enumerates the key contributions of Wolkaite citizens to the culture and history of Ethiopia stating that apart from their ancestors cultivating the Amhara identity, their land and property were acknowledged and respected.<sup>19</sup> Similarly, with great difficulty, the Wolkaite people have been challenging the government stating their Amhara identity has been stolen and their land forcefully incorporated under Tigray. The resistance was conducted on an individual and collective basis for over 25 years.

The unexpected voice of authorities has recently come to further affirm the historic facts of Wolkaite-Tegede belonging in Gondar. Former Governor of Tigray province during the Imperial regime, Ras Mengesha Seyoum, as well as from founding members of the TPLF Aregawi Berhe, Gidey ZeraTsion, Asegede Gebre Selassie, and Gebermedhin Araya, all have testified that Wolkaite has historically been within the Amhara province. No historic evidence or period is found that the Tigray administration has ever crossed the Tekeze River. The TPLF's tyrannical minority regime, however, continued to deny the historical facts and has continued to pursue repressive and deadly force against people in the region that at various times raised the issue.<sup>20</sup>

There have also been several reports of deaths and disappearances of Wolkaite people who have demanded their identity and their land be restored. As the people of Wolkaite-Tegede are persistently claiming their Amhara identity, several hundreds of unarmed civilians have paid for their precious lives. Attached to the HoF is a document detailing the names of people killed by the brutal TPLF

<sup>19</sup> Wolkaite Amhara National Identity Question Committee, Wolkaite Committee 2016, Gondar.

<sup>20</sup> See the applications of the Wolkaite to the HoF document on file 2016 Addis Ababa.

regime of Tigray since 1992 showing at least 308 innocent Wolkaite-Tegede people of Amhara have been killed since then.<sup>21</sup> Observers see the development in Wolkaite as one that the ethnocentric regime, which is rhetoric about respect for ethnic identities, would not and could not respond to positively, it instead resorted to crushing the demands of the Wolkaite people by force to maintain control of the vast fertile land.

Accordingly, the dispute of the Wolkaite encompasses two important sensitive elements: identity as well as geographic restoration to the Amhara region. Activists report a silent genocide on Amhara people in general and Wolkaite in particular and the settlement of Tigray people in the annexed districts was accelerating. Ethiopians and the international community need to take immediate action to save these people before they get wiped out once and for all from the land.

### **2.3 The Competing Claims for Wolkaite by Amhara and Tigray Regions**

According to Amhara leaders, Wolkaite being their ancestral land, is supported by historical evidence. The people speak multiple languages, such as Amharic, Tigrigna and Arabic due to the territorial boundary interaction with neighbouring people and have no confusion about their Amhara identity. They claimed their demographic make-up was manipulated by the TPLF for legitimizing the annexation of their land. Tigray regional state's constitution denies ownership to Amhara, does not allow Amhara to use their language Amharic at school, services, social events, worship, etc. On the other hand, Amhara regional state constitution gives rights to the region to all its inhabitants and allows minority ethnic groups to use their language, develop their cultures and govern themselves like Kimant, Argoba, Agew-awi and Agew Himra.

Amhara further argues that TPLF's latest genocide in Maikadera is evidence they cannot imagine living under the Tigray region again.<sup>22</sup> TPLF's claim over Wolkaite has evolved. Earlier, backed by its strength, it boldly claimed Wolkaite had been part of Tigray but was taken from it and given as a favour to the governor of Gondar province by Emperor Haile Selassie,<sup>23</sup> which is refuted by historical records and historians. TPLF argued that states were structured based on linguistic similarities further indicating that according to the ethnic federalism it implemented, the people in Wolkaite speak

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*



Tigrigna and therefore the territory should belong to Tigray. This argument is refuted by the demographic engineering described earlier. Hence, the win-win solution for the Wolkaite identity and boundary demand is to organize a referendum by the HoF to the Indigenous Wolkaite people only and accept their decision, where historically Amhara and settler Tigrans were living in harmony, as they have always done.

#### **2.4 The Rules of Procedures to be followed in Instituting Identity Questions**

According to article 24(2) of Proclamation No 1261/2021, any community believing its self-identities are denied their right of self-administration, who claim to have the status of self-hood within the context of Article 39(5) of the FDRE Constitution and who believes that its self-identity is denied, may present its application to be named a nationality.<sup>24</sup>

The two preconditions for the institution of the application of an identity question are as follows. First, a question of identity must be presented in writing. A group of people must bring its case to the attention of the concerned organ of government in written form. The community must institute the question by applying/petitioning of identity question in the registry of an authority having jurisdiction over the case. Secondly, the application for a question of identity must consist of the details of the question.<sup>25</sup> It is provided that every question, including the question of identity, shall as far as practicable be framed to afford ground for the final decision. To put it differently, the application of the identity question must state the cause of the question.

The cause of the question gives occasion for and forms the foundation of the question. A cause of question may be defined as the facts, which give rise to the claim. This rule of procedure helps the application receiving authority to know the subject matter of the question or the nature of the question. Identifying the nature of the question from the outset may have four functions. One, it helps the application receiving body in determining whether it has the power to decide over the question at hand. Two, it also helps in determining whether the applying party has the right to present the question in the issue. Three, it has the utility of identifying pertinent substantive and procedural rules that govern the adjudication of the question.

<sup>24</sup> Federal *Negarit Gazette* Proclamation No.1261/2021.

<sup>25</sup> *Id.*

Four, the application for a question of identity must consist of the details of the question supported by the names, addresses and signatures of at least five percent of the inhabitants of the nation, nationality, or people. Fourthly, the individual or individuals who are delegated to present a petition for identity questions to the HoF shall produce reliable evidence of their delegation from the nation, nationality, or people. Particulars of this procedure shall be determined by the regulation to be issued by the HoF as the case may be. Such kind of application is known as a collective representative action within the context of article 9 of Proclamation No 1261/2021. Collective representative action is one in which the individual or individuals named as delegate/delegates represent the interests/rights of the nation, nationality, or people concerned as a whole. In this regard, the HoF has enacted rules of law that are envisaged under Article 28 of Proclamation No 1261/2021.

### **2.5 The Legal Ground of the Wolkaite Identity Recognition Question**

As the title of the application of question, the applicant of the Wolkaite Question is purported to be the Wolkaite inhabitants. As the name of the question, of course, the applicant of the Wolkaite question is supposed to be the Wolkaite Amhara inhabitants. That means the question reflects the wishes of all Wolkaite dwellers since the Wolkaite people consist of considerable Amhara residents. Do the FDRE and the Tigray state Constitutions recognize and protect the right of Wolkaite dwellers to a distinct identity? Put in another form, whether the term a nation, nationality, or people as defined in article 39(5) of the FDRE Constitution includes also the community of Wolkaite residents.

As per article 24(2) of Proclamation, No 1261/2021, any community believing its self-identity is denied has the right to bring an identity question to the House. This stipulation imposes three pre-requisites to the quest for self-hood status recognition at the country level. They are: The right to distinctive identity rests upon a group of people within the background of article 39(5) of the national Constitution and article 2(9) of Proclamation No 1261/2021 of Ethiopia. A group of people must meet the criterion for consideration of a nation, nationality, or people stipulated in the constitution.

Any nation, nationality, or people may not split its identity recognition claim in order to claim part/portion of a nation, nationality, or people at one time and part of the remaining nation, nationality,

or people at another time; the application of identity recognition must represent the whole of the concerned nation, nationality, or people members since it is a collective right of a nation, nationality, or people. To put it another way, the right to a distinct identity is indivisible in law. Within the context of the Wolkaite question, one may rightfully conclude the right to distinct identity rests upon an Amhara nation, nationality, or people.

As mentioned above, the applicant of the Wolkaite Question is alleged to be the Wolkaite inhabitants. The Wolkaite inhabitants qualify as a 'nation, nationality, or people' as per article 39(5) of the Federal Constitution and 2(9) of Proclamation No 1261/2021. Since the Wolkaite inhabitants qualify the definition of a nation, nationality, or people, they have the right to quest distinct identity questions, at least, in this regard.

The Federal and Tigray Constitutions accord an express recognition and protection to the right of distinct identity to nationalities alone. There is a provision whereby the Wolkaite community, even as a whole, can bring the question of identity recognition, the Wolkaite community remained without constitutional recognition and protection.

The government's duty to respect the identity of nationalities extends to the community of Wolkaite dwellers. It would, therefore, be logical to argue that the right of distinct identity that articles 39(5) and 88(2) of the Federal Constitution refers to applies to nationalities and Wolkaite dwellers. Most entertain the view that articles 2(9) and 24(2) of Proclamation No 1261/2021, and article 39(5) of the FDRE Constitution implies the recognition of the right of Wolkaite dwellers to distinctive identity. Therefore, the Wolkaite community does have the right to claim a distinct identity since there is a law that expressly guarantees such a right to them. Since it is a common/mutual right of the nation, nationality, or people concerned, it must be questioned collectively/mutually in the sense that all communities who have shared/joint interests with the identity must be represented in law. A group of people within the context of Article 2(9) of Proclamation No 1261/2021 of Ethiopia may present its application by way of linguistically representative action. Collective representative action is one in which the individual or individuals' named as representative /representatives are representing the interest of a nation, nationality, or people concerned.

Concerning the Wolkaite question, as it is notorious, the Wolkaite's people Amhara nation-hood identity question committee claimed to be representative of the Wolkaite inhabitants. This assertion, on its face, reassures us it is a required representative of the nation, nationality, or people concerned because of the two eyes of the law. The committee does have the right to apply the question in this context because it is a legal representative of the nation, nationality, or people concerned.

As stated beforehand, a group of people must have five ethnic characteristics different from those already with the status of nationhood at the federal level. A nation, nationality, or people is a group of people possessing ethnic characteristics differing from the rest of the population and show a sense of solidarity directed towards preserving their culture, traditions, religions or language. The issue of ethnic identity can only occur in pluralistic societies, defined as societies in which significant diversity and dissimilarities exist. Since the ethnically diversified character of the country is essentially present at the federal level, the FDRE Constitution has designed a system of ethnic diversity accommodation at the country level. This type of ethnic diversity accommodation scope of application is nationwide.

However, the ethnically diversified character of the country is present at the regional state level as per state Constitutions. Such kind of regional state ethnic diversity may be accommodated at the regional state level, if properly considered by the regional state concerned. The source of a distinct identity legal right may be either a national Constitution or a regional state's Constitution. The Wolkaite people's Amhara nation-hood identity question committee claimed a distinct identity legal right based on a national Constitution. In other words, the committee claimed identity recognition based on the Federal and Tigray regional state Constitutions. It is worth pointing out the Tigray regional state Constitution only granted a distinct right to two nationalities, Irob, and Kunama, in addition to Tigray. These ethnic/linguistic characteristics' diversity makes one ethnic group different from others. Therefore, the Wolkaite inhabitants do have ethnic characteristics different from those with the status of nationhood at the federal level.

In the broad spectrum, the Wolkaite inhabitants have the three pre-requisites to quest for self-hood status. Therefore, they do have the right to claim the Wolkaite's people Amhara nation-hood identity question as per article 24(2) of Proclamation No 1261/2021.

## **2.6 The Response of the House of Federation to the Question of Wolkaite People Identity and Geographic Restoration**

Many years have passed and the HoF has not reacted yet to the petition. On 28 January 2016, a delegation of 81 Wolkaite Amhara people travelled to Addis Ababa intending to submit their letter personally to the HoF. When they reached Chanco, 40 km from the capital Addis Ababa, federal police stopped them. They interrogated the Committee in Tigrigna, refusing to speak Amharic, the national working language of Ethiopia.<sup>26</sup> They told them to stop raising this question, denied them entrance into Addis Ababa and deported them to Chanco in the Oromia region. The Committee informed the Oromia regional government about the incident and in return received their support. Two days later, the group split up and went to Addis Ababa in different groups. On 3 February 2016, delegates reached the HoF, and four entered the office to make an appointment with the then-speaker of the House, Yalew Abate. However, when they left, they were taken into custody and treated as criminals interrogated, intimidated, with photos and fingerprints taken by the national intelligence and security service.<sup>27</sup>

The following day, 4 February 2016, the delegation was held at HoF and given a letter signed by the then-speaker of the House to the Tigray region, stating that to raise the Wolkaite question is a constitutional right and has to be treated by the regional legal bodies properly. Six months later, the Tigray region still refused to deal with the question but sent the military to arrest all committee members. On 13 July 2016, four committee members were arrested in Gondar's Kebele 3, and taken straight from Gondar to Makelawi prison centre in Addis Ababa<sup>28</sup> where they were kept for the first 17 days in solitary confinement in a dark chamber. No communication was possible during the confinement. Usually, interrogations were held in the middle of the night, during the day, they were kept in dark rooms, limited toilet hours ensured separation from other prisoners. After 17 days, they were moved to a windowless room with 20 other people. "The air was very bad, it stank. Many people were sick, food without vegetables and fibre caused constipation as a method of torture. The Committee members, some elder men, handled the torture differently."<sup>29</sup>

<sup>26</sup> Interview held with Demeke Zewedu, Addis Ababa, 2021 .

<sup>27</sup> *Id.*

<sup>28</sup> Interview held with Atalay Zafe, Addis Ababa, 2021.

<sup>29</sup> *Id.*

After two years of imprisonment, the new democratic reform programme led by Abiy Ahmed took office and all committee members were released and joined their families. The committee members resumed their questions and submitted the Wolkaite identity question to different concerned federal and regional institutions including the House of Federation. However, so far no institutional entity responds to the Wolkaite identity petition implying that the institutions legally responsible to respond the identity question of the Wolkaite failed to exercise their role due to a lack of neutrality.

## **2.7 The Present Status of the Wolkaite Identity Recognition Question**

The HoF organized an ad-hoc committee comprising of five persons from its members on 20 November 2020. The committee travelled to Wolkaite-Tegede to study the identity demand of the people for one month. The committee has conducted various public discussion forums with elders, youth, civil servants, Wolkaite committee members and various levels of political leaders in both Tigray and Amhara regions. The committee organized a consolidated draft report and it reads briefly as follows: They have expressed their feelings to the committee enthusiastically in Amharic in this way. The translation into English reads as follows:

We, Wolkaite citizens, we're proud of our Ethiopian and Amharic identities. Oppression, violations of the law and other unpleasant incidents have forced us to justify our Amhara identity claim. The people stressed the question is not new but has been raised since 1991 based on the constitutional rights expressed in article 39, paragraphs 2 and 5, which suggests that the government, over the decades, repeatedly promised to answer this question democratically but failed to do so. Wolkaite people who kept their Amhara identity were harassed, dispossessed, killed, arrested, kidnapped and deported, many were missing during the TPLF regime. They went further to mention oppression and discrimination, children are forced to speak Tigrinia in school even though this is in total contravention of the constitution. Officials appointed from Mekele as governors of the area speak Tigrinia only. Names of places, rivers, lakes, mountains, springs, cities and regions have been changed from Amharic to different Tigran names.

Every year new proclamations are passed that dispossess Amhara. More specifically, while Amhara people used to receive two hectares of land per household, Tigrinian received 50–100 hectares taken from dispossessed and displaced Amhara. The people end with the request to be protected by the constitution while they politely, democratically and peacefully want to engage with the public and the institutions to finally get an answer to this question without being harmed in person or losing property.<sup>30</sup>

<sup>30</sup> See HoF ad hoc committee draft report document on file 15 April 2021 Addis Ababa.

As this analysis has shown, the WAIQC and the people did respect the legal and political institutions of the country and appealed to them to be heard. Government institutions have remained unresponsive, wilfully delaying the case, blocking legal pathways and obstructing the case through intimidation, imprisonment and killings. Still, since Prime Minister Abiy Ahmed assumed office, the state institutions have still not addressed or democratically answered the Wolkaite question.

Therefore, state institutions have failed to accommodate democratic processes. As a result, peaceful and democratic actors are weakened while violent ethnic conflict gains more support. Due to this, the current conflict and the impending bloodshed over Wolkaite has already been predicted by dignitaries and authors at the time of the annexation.

## **2.8 Challenges of the HoF in Responding to Claims for Identity Recognition and Geographic Restoration**

### ***2.8.1 Lack of Political Commitment and the Dominant Party System***

The need to respond to the identity, self-government, and boundary demarcation questions has not been considered by the concerned and multi-level institutions as a device for building one political community and ensuring the stability of the federation. Political will has been in short supply. The Ethiopian federation operates under a dominant party system guided by the principle of ‘democratic centralism’ that had forced the HoF to follow the “central party’s direction rather than by the constitutional mandates entrusted to it” as a federal second chamber. The HoF lacked institutional independence and freedom to discharge its constitutional powers and responsibilities. As a key informant<sup>31</sup> observes, the responses of the HoF to identity and self-government claims were made based on political considerations rather than constitutional rights. The fact that no single case has ever been responded to timely by the HoF is an indication of the role politics plays in the decisions of the House. The House remains subservient to the ruling party. According to one of our key informants,<sup>32</sup> what matters is the political influence/pressure that members of the petitioning community can put on the government. The genuineness of the claim and the fulfilment of procedural requirements is secondary. The informant justifies this point by referring to the Silte case. The Silte eventually managed to be recognized as a distinct nationality only because of the persistent pressure the Silte

<sup>31</sup> Interview: KII- 16 December 2020, HoF, Addis Ababa.

<sup>32</sup> Interview: KII- 25 December 2020, HoF, Addis Ababa.

Democratic Party put on the government to respond to their claims. The author of this article has been a member of the House of Federation for the past four terms and also observed that the party discipline governs members of the House when passing decisions.

### ***2.8.2 Lack of Coherent and Adequate Legal and Procedural Frameworks***

It is not clear how the HoF should go about determining whether claimants fulfil the requirement to be recognized as a distinct community, it simply relies on the five general criteria (definition of an NNP) as enshrined in the constitution under Article 39(5). According to this constitutional provision, a ‘Nation, Nationality or People’ 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.” This definition is a combination of subjective and objective elements. Members of a community that claims distinct identity as a nation, nationality, or people must be able to show they share the tangible elements of a common culture or similar customs, possess mutual intelligibility of language, and are geographically concentrated in a particular area they consider their home. Beyond the objective elements, they must also demonstrate they have a sense of solidarity or belief in a common or related identity and a common psychological makeup.

As noted by the informants,<sup>33</sup> there are no sufficient procedural rules for responding to petitions related to identity and self-government. So far, the constitutional and legal frameworks put in place are Articles 62 and 39 of the FDRE Constitution and Proclamation No. 1261/2021 to deal with petitions. It has become clear by now that these provisions are not adequate to handle identity claims. This has affected the capacity and readiness of the House to respond to identity claims.

### ***2.8.3 Lack of Law-Making Power and Double Membership***

HoF can propose or initiate laws the House of People’s Representatives (HoPR) enacts on civil matters essential to create and sustain one economic community.<sup>34</sup> The HoF cannot by itself enact a law on civil matters except by preparing and submitting a draft bill to the HoPR if it is convinced of the case.

<sup>33</sup> Interview: KII-1 30 November 2020, HoF, Addis Ababa; Interview: KII-7 16 December 2020, HoF, Addis Ababa.

<sup>34</sup> The Revised Proclamation No. 1261/2021, Article 56.



It has a limited role in the national legislative process. As the key informant<sup>35</sup> notes, the HoF seems to be designed to act as an adjudicator more than anything else. Yet, because it is a political organ, the House has not been acting as an adjudicating body in the real sense of legal adjudication. The informant argues that, due to Proclamation No. 1261/2021 and through political practice, the HoF tends to perform like a federal executive body. By design or default, the informant argues, the HoF tends to play almost the roles of all three branches of government (legislative, executive and judiciary). Another informant puts HoF as an amorphous government organ as it acts simultaneously like a legislative, executive and judiciary body - “አንድ ምክር ቤት እንደ ሶስት የመንግስት አካላት”.

It seems the HoF often finds itself caught in conflicts of interest due to both its constitutional mandates and its composition. Most of the issues discussed by the House originate from regional states, whose presidents are often members of the House.<sup>36</sup> Arguably, even the HoF, the body with the ultimate power to decide on issues of self-determination, may not be fully impartial to decide on such matters under certain circumstances.

One may hasten to conclude that the House, given its composition, is an institution with the well-being of ethnic communities at the centre of its deliberations and decisions, making it an appropriate institution to deal with petitions for recognition. Although the House is composed of representatives of ethnic communities where members could be elected directly by the people, the practice has been selection by the State Councils resulting in their service as de facto representatives of state governments. Given this practice of selection of members of the House by state governments, it is barely possible to take the House as an impartial decision-maker when members of a community challenge the decision of a state government that rejects their request for recognition. Members of the House lack job tenure as they are not directly elected by the people and can be removed by mere executive decisions of regional governments.

#### ***2.8.4 A Dearth of Competent Professional and Technical Capacities***

<sup>35</sup> Interview: KII-3 16 December 2020, Addis Ababa.

<sup>36</sup> The HoF was, for example, requested to postpone the 6<sup>th</sup> national election because of the outbreak of the Coronavirus. How come the House be expected to refuse the postponement and to extend its tenure?

HoF lacks the institutional/structural and leadership capacities required to effectively respond to matters of identity, self-government and boundary disputes. Hence, the human and technical resources of the House do not match the significant constitutional powers and responsibilities the Constitution vests on it. The House has been in serious trouble in timely and professionally responding to several petitions due to a lack of professionals and experts who could help with the investigation of multiple cases and decision-making based on an adequate understanding of substantive issues of claimants. The Speaker<sup>37</sup> of the House underscores the need of leaders with relevant knowledge (constitution, federalism and related), attitude (the cognitive aspect of federalism), planning skills and abilities to execute and discharge its constitutional responsibilities and attain the desired goals.

## **2.9 The Remedy to Respond to Claims of Identity Recognition**

### ***2.9.1 Develop Coherent and Consistent Procedures***

Indeed, the procedure that must be employed in the difficult task of identity determination is not given enough attention. The Constitution stays quiet on how the state government and eventually the HoF go about determining the identity of a group. So far, to respond to distinct identity claims, the HoF has developed a process that takes two complementary stages: conducting research about the claimant group and organizing a referendum. As discussed in this section of the study, the HoF and Tigray state council failed to consistently apply this identity determination. In the case of Silte, for example, the House of Federation and the state council found it necessary to organize a referendum to determine the distinctiveness of a Silte ethnic group. In the case of Manja, however, they dismissed the claim of some other group for distinct identity recognition without allowing the holding of a referendum. Others like Argoba in the Amhara region have been recognized as distinct nationalities at the level of the state council without necessarily conducting the referendum.

Therefore, the identity question of the Wolkaite requires verifying the elements mentioned under article 39(5) of the proclamation “People's interest shall be ensured in a secret ballot referendum based on the basic principles of the law of election.” In this regard, the HoF may delegate the National Electoral Board of Ethiopia to conduct the referendum.

### ***2.9.2 Resolve the Ambiguities in the Exhaustion of State-level Procedures***

<sup>37</sup> Interview: KII-1 30 November 2020, HoF, Addis Ababa.

On the one hand, the HoF decides on the right to self-determination of NNPs. As for Article 24(2) of Proclamation No 1261/2021, any NNP who believes its self-identity is denied, its right of self-Administration is infringed, promotion of its culture, language and history is not respected in general, its rights enshrined in the constitution are not respected or, violated for any reason, may present its application to the House through the proper channels. The quest of the NNP could only be submitted to the House under conditions that the question has not been given due solution by the various organs in the administrative hierarchy of the state concerned.<sup>38</sup>

In addition, the procedures of application have to be first, presented in writing. Second, the application must include the details of the question supported with names, addresses and signatures of at least 5% of the inhabitants of the claimant group, and whenever necessary, it should bear the official seal and signature of the administration that presented the question.<sup>39</sup>

If the application is being submitted through a delegated individual or individuals, they shall produce reliable evidence of their delegation.<sup>40</sup> On the other hand, any NNP who claims the right to self-determination is required to not only seek answers first from the respective regional state but also has to exhaust the state-level remedies before bringing its petition to the HoF.<sup>41</sup> Nonetheless, as already discussed in this study, the essentials of exhaustion of state-level procedures are ambiguous. The HoF therefore, has to resolve the ambiguities around the exhaustion of state-level remedies by setting clear procedures enabling solutions.

In principle and unless the claims are politicized, it is assumed the demand for separate identity is a community demand, it is their natural right to decide who they are. No one has the right to categorize certain communities under certain others. Therefore, the HoF in collaboration with the concerned stakeholders should undertake a detailed study of the similarities and differences in the language, culture and psychological make-up of the community and make the decision based on the concrete evidence presented.

### ***2.9.3 Holding Elections of MPs Directly by the People***

<sup>38</sup> Article 27(1) of the Revised Proclamation No. 1261/2021.

<sup>39</sup> Article 28(2) of the Proclamation No. 1261/2021.

<sup>40</sup> Article 28(3) of the Revised Proclamation No. 1261/2021.

<sup>41</sup> Article 27(1) of the Revised Proclamation No. 1261/2021.

According to Article 61(3) of the FDRE constitution members of the HoF can be elected by state councils or may hold elections to have the representatives elected by the people directly to the House. Therefore, it is advisable to elect House members by the general public directly to avoid and minimize political pressure from the governing party.

### **CONCLUDING REMARKS**

As can be seen from the above chronologically presented historical documentation and detailed interviews, Wolkaite and other territories found to the west of River Tekeze up to the Sudan border were parts of the old Begemidir and the current Gonder provinces of the state of Amhara. It is true the people of Wolkaite Tegede also speak Arabic and Tigrigna for marketing purposes. However, their feeling, thinking, psychology and identity are attached to the Amharic language and the Amhara culture. This total attachment to the Amhara culture and language is highly reflected in their daily routines and activities such as at local markets, in the spiritual ceremonies, at weddings, at funerals and many other occasions.

Due to this, since 2016, the Wolkaite people's movement has been engaged in active political struggle motivated by the desire for reclaiming Wolkaite's distinctiveness based on common descent, language, history and cultural tradition lost by the assimilation policies of TPLF. Yet, the question remains: why the Wolkaite people's continuing demand for identity recognition and geographic restoration is still a distant hope. One of the interesting findings of this research is the dominant party system and a lack of efficiency to the House of Federation to exercise its constitutional rights. This political factor has pushed the HoF to be led by "political direction" rather than relying on the constitutional frameworks on the question of identity recognition and geographic restoration. This shows state institutions have failed to accommodate a democratic processes. As a result, peaceful and democratic actors are weakened while violent ethnic entrepreneurs gain more support. The researcher recommends the reforming of the mandated institutions and empowering them to settle the Wolkaite identity and geographic restoration issue.