

# ANCHORING HUMAN RIGHTS TO CURB VIOLENCE AND STRENGTHEN ETHIOPIA'S UNITY

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## Abstract

*Ensuring Ethiopia's stability and national unity has now reached a crossroad. Especially, the coming into power of the government of the Federal Democratic Republic of Ethiopia and the introduction of the Ethiopian Nation, Nationalities and Peoples' right to self-determination up to secession in its current Federal Constitution, has been a cause of concern by many whether Ethiopia will continue as a united State by upholding the diversity of its people. This is mainly supported in the various claims raised by dissatisfied groups, victims and individuals of human rights abuses in the country. These claims exist, ranging from lack of political representation of the people in the governance dynamics to the existence of violent eviction of people from their possession or ownership of property. Using the existing literature and analyzing relevant laws in the field, this short communication posits that Ethiopian unity appears problematic. It also provides a brief account of selected causes of these problems that could potentially break the country's unity in diversity and offers a proposal of anchoring and implementing certain human rights norms as a necessary, but not the only, strategy to respond to the challenges of violence and Ethiopian solidarity.*

**Keywords:** Ethiopia, human rights, national unity, stability, unity, violence

## INTRODUCTION

Ethiopia is one of the ancient independent polities. The country is the home of human species – the *Lucy* and *Ardi*.<sup>1</sup> Over centuries, the country is characterized by diverse languages, religions and ethnic groups – the peoples of the country are divided across different linguistic, religious and ethnic lines. As a result, the diversity in these lines has dominated the discourse on the social, economic and political history of the country.<sup>2</sup> Importantly, such diversities have a great role in mobilizing the people as witnessed in civil wars, border conflicts, ethnicism, displacements, killings, turmoils and political tensions. Focusing only for the purpose of this communication on the post-1991 developments, the diversity has become a topic of discussion

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<sup>1</sup> Discovered in 1974 in the Awash Valley of the Afar Triangle in Ethiopia *Lucy*, also known as Dinkinesh, existed about 3.2 million years ago. On the other hand, *Ardi* skeleton was discovered at *Aramis* in the arid badlands near the Awash River in Ethiopia in 1994. *Ardi* is thought to be an early human-like female anthropoid 4.4 million years old and it is specimen is considered more complete than *Lucy*. For this reason, Ethiopia is an oldest country considered as a home of human origin.

<sup>2</sup> ABEBAW ADAMU, DIVERSITY IN ETHIOPIA: A HISTORICAL OVERVIEW OF POLITICAL CHALLENGES 19 (Common Ground Publishing: USA, 2013).

among Ethiopians both at governmental and societal levels. This is mainly because of inappropriate use as in the form of ethnic extremism, which has been the cause of a series of violent inter-religious and ethnic conflicts and grave injustices which threatened historic tolerance and stability.<sup>3</sup> There is also an ongoing tension amongst the various linguistic, ethnic and religious groups and political parties that could foster further conflict and potentially undermine national unity and disintegration.

With a view to address the continued state of violence, bloodshed, insecurity and political instability, widespread diversity of claims within the nation, it is about eight months since the newly appointed Prime Minister of Ethiopia, Abiy Ahmed, has assumed power to lead the country. Prominent in his eight months journey is his vision and the use of the “unity/integration” in diversity, or putting the word in its original usage “ጠደጠር”, in his public speech as a guiding “principle” to relieve the instability and conflict that the country has experienced over the past two decades. Politicians, individuals and various groups in the country have been deploying the word with the understanding that applying the principle would bring peace and stability. National unity is defined as solidarity within citizens of a nation, with minimum sectorial practices and close adherence to law and order. It advocates a “community of communities” which respects diversity and shared values, experiences and geographical relativity.”<sup>4</sup> While the precise meaning of “ጠደጠር” or unity or integration has not been stipulated, the use of the word of the Prime Minister and the people at large has a role to play in bringing solidarity within citizens of a nation, with minimum sectorial practices and close adherence to law and order. Importantly, this communication underscores the principle as highly relevant in the context of why it was generated. The principle was utilized in responses at times when the country was going through all kinds of clashes – the clash of ideas, personalities, and interests.

While “ጠደጠር” could serve as a guiding approach to resolve potential fears of disintegration of the country, the ways in which this principle could achieve its desired objectives might be reinforced by different mechanisms. At least conceptually, “ጠደጠር” in itself is not a panacea to bring a lasting solution to the problems regarding, *inter alia*, the sense of hesitation and skepticism between and among ethnic groups and peoples. In this way, the present communication offers a proposal that an effective defense and implementation of certain human rights norms as a useful, but not the only, strategy to respond to the challenges of Ethiopian solidarity. However, the writer is cautious in the sense that the quest for national unity in no way implies homogeneity. Rather, borrowing the useful thoughts of Amitai Etzioni, the context promotes, a “community of communities” which respects diversity and shared values, experiences and geographical relativity.<sup>5</sup> Again in this way, national unity in the form of ethnic, linguistic and religious tolerance is an incremental pre-requisite to societal peace in Ethiopia. Ultimately, national unity and subsequently societal stability contributes to state-building.

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<sup>3</sup> *Id.* at 22.

<sup>4</sup> Alvan O. Zhi Xian, *Importance of National Unity and the Role of Moderation I*, (Dec. 31, 2017), <https://www.thestar.com.my/news/education/2017/12/31/importance-of-national-unity-and-the-role-of-moderation-importance-of-national-unity-and-the-role-of/#PwU2telBrO5Bzzt0.99>.

<sup>5</sup> Amitai Etzioni, *Diversity within Unity: A Communitarian Approach to Immigration Policy*, 30 MIGRATION WORLD MAGAZINE 1-2, 14-19 (2002).

In this communication, the writer relies on a desk review of relevant information. In this respect, treaty and domestic laws, information from the UN and human rights mechanisms, academic resources, and research published by NGOs with established expertise in the field were consulted. This communication consists of four sections including this introductory section. The second section discusses as to why it is time to seriously quest for strengthening Ethiopia's unity. Here, attention is paid to selected claims posing potential challenges to Ethiopia's stability and integrity. The third section analyzes the relevant international legal framework for ensuring Ethiopia's unity and stability. The last section is reserved for the conclusion.

## 1. WHY A QUEST FOR STRENGTHENING NATIONAL UNITY IN ETHIOPIA?

According to the Fund for Peace report, Ethiopia faces a high risk of failure due to continued political and social instability in the country. The Fund for Peace projects that "Ethiopia's overall Fragile States Index (FSI) score has been incrementally worsening over the past decade, moving from 95.3 in 2007, to a score of 101.1 in [last] year's 2017 index, with Ethiopia—along with Mexico—being the most-worsened country over [2016]." <sup>6</sup> One circumstance leading to the country's to this poor record, as can be seen in this Index, is the killings by security officers of anti-government protesters, resulting in anti-government protests over the past few years and months. A common characteristic of a failing state includes a central government so weak or ineffective with little practical control over much of its territory and hence there is a non-provision of public services. When this happens, the very existence of the state becomes dubious and widespread corruption and criminality, the intervention of state and non-state actors, involuntary movement of populations, sharp economic decline, and foreign military intervention can occur. Most of these characteristics, such as widespread corruption and criminality, seem to have surfaced in Ethiopia. The writer holds a conceptualization that the factors putting Ethiopia at the risk of fragility can threaten the country's unity and solidarity of the people. This in turn necessitates the quest to find mechanisms for reversing the threat.

Pertinent to this communication, it is believed that one of the pressures that lead Ethiopia to the category of a fragile state is the occurrence of group and individual grievances and Internally Displaced Persons (IDPs), which resonate from the diversified nature of the country in ethnic, linguistic and religious backgrounds.<sup>7</sup> More specifically, ethnic differences and territorial disputes between ethnic-based regions is arguably a cause of bloodshed and displacement in the country. In what follows, the writer presents an overview of the selected claims that could potentially create doubts on the continued existence of the country as a united and strong state.

### 1.1. Selected Claims that Potentially Pose Challenges to Ethiopia's Unity

Ethiopia is unique in so many ways. The country was able to survive the 1884 "Scramble for Africa" thanks to our gallant sons and daughters and their military resistance. She made history for being the only African country to defeat the European power and preserve her sovereignty. Also, she was the first independent African member of the League of Nations and

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<sup>6</sup> J.J Messner, *Fragile States Index: Factionization and Group Grievance Fuel Rise in Instability*, THE FUND FOR PEACE (May 14, 2017), <http://fundforpeace.org/fsi/2017/05/14/fsi-2017-factionalization-and-group-grievance-fuel-rise-in-instability/>.

<sup>7</sup> Anthony Chibarirwe, *Fragile States Index: Ethiopia is Facing Failure*, (Jan. 31, 2018), <https://www.thetrumpet.com/16850-fragile-states-index-ethiopia-is-facing-failure>.

United Nations (UN) in the 20<sup>th</sup> century. The country is blessed with an abundance of natural resources, including gold, unused natural gas, platinum, copper and others. In terms of her economic progress in the post1991, Ethiopia has seen great improvements in several of the economic sector, such as a great improvement in the development of road and railway infrastructure.

Despite some of the great achievements, Ethiopia is facing several major social, economic and political problems. Lack of good governance, rampant corruption, poverty, etc. remain some of the major problems facing Ethiopia. Among these, the writer pays attention to the following top issues that could potentially threaten the unity of the country and solidarity of her people. These challenges stem from extremist ethnic and linguistic clashes. The first problem relates to unlawful torture and killings. According to Human Rights Watch, arbitrary detention and torture is one of the major problems in Ethiopia. “Ethiopian security personnel, including plainclothes security and intelligence officials, federal police, special police, and military, frequently tortured and otherwise ill-treated political detainees held in official and secret detention centers, to coerce confessions or the provision of information.”<sup>8</sup> Many of those arrested in the 2015/2016 protests and the 2017 state of emergency said they were tortured in detention, including in military camps. Several women alleged security forces raped or sexually assaulted them while in detention.

Further to acts of torture, the arbitrary killings of civilians is a common experience over the past two years. Recently, in the Oromo-Amhara protests,<sup>9</sup> hundreds of civilians were massacred.<sup>10</sup> It was also recently alleged that Oromo militias killed 50 Somalis and displaced hundreds in a violence that became out of control in Moyale.<sup>11</sup> While I was writing this communication (September 14-16, 2018), there have been bloody and deadly attacks in the outskirts of Ethiopia’s capital, Addis Ababa. The residents and social media activists described the killings as ethnic-motivated, with an Oromo youth group known as Qeerroo brutally attacking other ethnic groups, mainly members of the small Dorze, Gamo and Wolaita ethnic groups, although the Qeerroos deny their involvement.<sup>12</sup> While the exact numbers of deaths are still to be confirmed, the newly appointed Deputy Mayor of the capital city admitted the killings and promised to announce the exact number of the deaths in the near future after necessary processes is completed. According to Amnesty International UK, at least 58 people were killed

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<sup>8</sup> Human Rights Watch, *Ethiopia: Events of 2017*, (Oct. 1, 2017), <https://www.hrw.org/world-report/2018/country-chapters/ethiopia>.

<sup>9</sup> For some knowledge on the Oromo and Amhara protests, see BBC, *What is behind Ethiopia's wave of protests?*, (Aug. 22, 2016), <http://www.bbc.com/news/world-africa-36940906>; Marco Cochi, *Oromo and Amhara protest movement shakes Ethiopia*, Sub-Saharan Monitor: Ethiopia, (Oct. 14, 2016), <http://eastwest.eu/en/opinion/sub-saharan-monitor/oromo-and-amhara-protest-movement-shakes-ethiopia>.

<sup>10</sup> Aljazeera reported that almost 700 people were killed between August 2016 and April in the Oromia and Amhara regions during peaceful protests. See Aljazeera, Report: *669 killed in Ethiopia violence since August*, (Apr. 19, 2017), <https://www.aljazeera.com/news/2017/04/report-669-killed-ethiopia-violence-august-170418164259637.html>.

<sup>11</sup> Zecharias Zelalem, *Oromo Militias Killed 50 Somalis: Displaced Hundreds as Tit for Tat Violence Spiraled out of Control in Moyale*, (Jul. 31, 2018), <https://www.opride.com/2018/07/31/oromo-militias-killed-50-somalis-displaced-hundreds-as-tit-for-tat-violence-spiraled-out-of-control-in-moyale/>.

<sup>12</sup> Engidu Woldie, *Several Killed in ‘Ethnic Motivated’ Attacks in Addis Ababa*, (Sept. 16, 2018), <https://ethsat.com/2018/09/several-killed-in-ethnic-motivated-attacks-in-addis-ababa/>.

in a weekend of unrest targeting the small minorities.<sup>13</sup> During that time, the Ethiopian Prime Minister, Abiy Ahmed, spoke of the act of killings and lootings by the said groups as being unacceptable and will endanger Ethiopia's unity.

The second challenge pertains to worst population displacements and evictions. Since the Ethiopian People's Revolutionary Democratic Front (EPRDF) took office almost three decades ago, population displacements due to ethnic conflicts are common in Ethiopia. Several reports have been recorded in this regard. The Ethiopian Human Rights Council has conducted several investigations and published numerous reports on ethnic and tribal conflicts in different parts of the country; and among different ethnic, tribal and national groups. The reports date back to as early as 1992, a year after the current government took office.<sup>14</sup> Recently, hundreds of the Amhara and the Oromo have been forcibly displaced and evicted from their homes in Kemashe Zone, Benishangul Gumuz region. More than 530 Amhara households were displaced from their lands and forced from their homes.<sup>15</sup> According to a statement by the Association of Human Rights for Ethiopia, the eviction was carried out with the active involvement of local authorities who ordered armed militias and other residents to attack the Amharas. Similarly, according to the National Disaster Risk Management Commission (NDRMC) estimate, some 857,000 people had been displaced by the Somali-Oromia conflict.<sup>16</sup> This includes displacements recorded prior to August-September 2017. More recently, the International Organization for Migration's (IOM's) report shows that 822,187 people are displaced in Gedeo zone (SNNP region) and at least 147,040 people in West Guji (Oromia region).<sup>17</sup>

The third problem relates to mob justice, where individuals and groups are taking the law into their own hands. Insecurity as a result of groups taking justice in their own hands is a huge problem in our nation. In August, Ethiopians and rights activists were shocked with the barbaric killings in Shashemane, in the Oromiya region of Ethiopia, about 254 kilometers South of the capital, Addis Ababa. A young man killed by mob leaders, was hanged upside down for allegedly possessing a hand grenade during Jawar Mohammed – ethnic Oromo activist – visit to the city; the crowd watched it happen. Speaking to military cadets in the same month, Ethiopian PM, Abiy Ahmed, warned “Mob justice has to stop, freedom does not mean anarchy”.<sup>18</sup> In Jijiga in the Somali region of the country, dozens of people were killed, including seven priests and more than 10 churches (both Orthodox and Protestant churches) were burnt by Liyu forces loyal

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<sup>13</sup> Amnesty International UK, *Ethiopia: Police Must Face Immediate Investigation after Five Protesters Shot Dead*, (Sept. 17, 2018), <https://www.amnesty.org.uk/press-releases/ethiopia-police-must-face-immediate-investigation-after-five-protesters-shot-dead>.

<sup>14</sup> Hewan Alemayehu & Brook Abegaz, *Commentary: Increasing Accounts of Displacement, Violence against Ethnic Amharas and Why Solving it Should Be a Priority*, (Jun. 04, 2018), <http://addisstandard.com/commentary-increasing-accounts-displacement-violence-ethnic-amharas-solving-priority/>.

<sup>15</sup> *Id.*

<sup>16</sup> OCHA, *Ethiopia: Conflict Displacement Situation Report*, (Jun. 23, 2018), [https://reliefweb.int/sites/reliefweb.int/files/resources/ethiopia-conflict\\_displacement\\_situation\\_report\\_0.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/ethiopia-conflict_displacement_situation_report_0.pdf).

<sup>17</sup> Reliefweb, *IOM Identifies 970,000 Displaced People in Ethiopia's Gedeo, West Guji since April*, (Jul. 2018), <https://reliefweb.int/report/ethiopia/iom-identifies-970000-displaced-people-ethiopia-gedeo-west-guji-april>.

<sup>18</sup> ECADF, *Ethiopian PM Abiy Ahmed warns “Mob justice has to stop*, (Aug. 18, 2018), <https://ecadforum.com/2018/08/18/ethiopian-pm-abiy-ahmed-warns-mob-justice-has-to-stop/>.

to the former president of the region, Abdi Mohammed Oumer or widely named as Abdi Illey, and the Youth group he organized, Heego.<sup>19</sup>

The fourth problem relates to religious conflict. Ethiopia is represented as a model of religious tolerance and peaceful co-existence in comparison to the conflict-ridden Horn of Africa. However, many were caught by surprise when major conflicts between Christians and Muslims broke out, especially since 2006. There is also a trend of disintegration within known religions such as the Orthodox Church, which until recently, had two patriarchs— one based in Ethiopia and one in exile. According to the church's canons, it will now have only one patriarch. Despite a relatively peaceful history, the incidence of religious conflicts arose in Ethiopia with the fall of the *Derg* government in 1991. The fifth challenge associates with mass property damage. The properties of Amharas and sometimes of the Tigreans have been looted and ransacked, and residents were made to flee their homes because they were considered 'settlers' in their very own country. Several accusations pointed at discriminatory and newly burgeoning ethnicist approaches by different levels of government bodies which have characteristically marginalized ethnic Amharas. Such incidents have contributed to the mushrooming of Amhara nationalism.<sup>20</sup>

## 2. SOME OF THE ASSUMED CAUSES OF THE CHALLENGES OF MAINTAINING UNITY

### 2.1. Multi Nationalism and the Adoption of Ethnic Federalism

Ethiopia embraces more than 70 ethno-lingual communities with not less than 200 dialects.<sup>21</sup> The concept of nation and nationalities, if not for the first time, has been recognized by the FDRE Constitution. The Constitution has surfaced the system of ethnic federalism, in which case 9 regional administrations and 2 city administrations have been organized.<sup>22</sup> A federal structure of government is a world known system, bringing together different localities or regional states. In Ethiopia, it was opined that the ethnic federal arrangement would be the answer for the different ethnic groups of the country.<sup>23</sup> As a result, until the adoption of the Constitution, including the city of Addis Ababa, there were 14 Regional States. This arrangement was later altered, and the regional states were shrunk, thus making the number of regions 9. Prior regional states, like Gurage, Wolaita, Sidama, Omo and Kafa were amalgamated into the newly developed Southern Nations Nationalities and Peoples Region. This new arrangement created new dissatisfaction, and helped the earlier dissatisfactions to continue, because states like Harari, having around 15,000 people, became self-governing while earlier regional states, and now zonal

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<sup>19</sup> Borkerna, *Insecurity is Still a Problem in Ethiopia, Human Rights Watch Says*, (Aug. 18, 2018), <https://www.borkena.com/2018/08/18/insecurity-is-still-a-problem-in-ethiopia-human-rights-watch-says/>.

<sup>20</sup> Worku Abera, *Ethiopia: Extremism and the Struggle for Unity and Democracy*, (Mar. 11, 2017), <http://www.zehabesha.com/ethiopia-extremism-and-the-struggle-for-unity-and-democracy/>.

<sup>21</sup> Amanuel Rega, *Comparative Analyses of Linguistic Sexism in Afan Oromo, Amharic, and Gamo*, 7 INTERNATIONAL JOURNAL OF SOCIOLOGY AND ANTHROPOLOGY 189, 189 (2015).

<sup>22</sup> CONSTITUTION OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA (hereafter 'FDRE Constitution'), Adopted on 8<sup>th</sup> Dec. 1994, Art. 47.

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

administrations, like Sidama, by population numbering nearly 4 million, were amalgamated into the Southern Nations Nationalities and Peoples Regional State.<sup>24</sup>

## 2.2. Discrimination against Minorities

There are several minority groups in Ethiopia. The UN sub-commission rapporteur, Francisco Capotorti, defines minorities as: “a group which is numerically inferior to the rest of the population of state and in non-dominant position whose members possess ethnic, religion and language characteristics which differ from the rest of the population, if only implicitly, maintain a sense of solidarity directed towards preventing their culture, language, tradition, and religion.”<sup>25</sup> Looking at the supreme law of the land, though minorities are not defined, the Federal Constitution in most of its parts expresses Nation, Nationality and Peoples which, include minorities within the meaning. Ethiopia is considered to be the land of minorities, although the Federal Constitution fails to explicitly recognize them except where few instances of mention of minorities relating to access to special seats for minorities in the House of People’s Representatives as stipulated under Article 54 of the Federal Constitution. The justification for the protection of minorities is for three reasons, namely peace, culture and human dignity. Minorities have been victims of perceived genocide and crime against humanity by a majority of the population.<sup>26</sup> In countries like Ethiopia having many ethnic groups, equal treatment of minorities is the only choice to prevent conflict. In the current Ethiopia, failure to recognize ethnic groups that are not bestowed with self-administration power, such as the Sidama, may serve as a cause for them to take their choice to the extent of secession.

## 2.3. Dispute over Land and Territory

Borders are limits delineated and demarcated with a view to distinctly position what one should hold or have. In Ethiopia, to be more specific, the issues of ethnic clashes began to erupt soon after the delineation and demarcation of borders which divide regional states on the basis of ethnicity. Prominent border claims that deserve mention here is Wolkait-Tsegede and Raya. In pre-1991, these two fertile and strategic lands have been since time immemorial located in Gondar and Wollo provincial administrations, respectively, and are inhabited predominantly by the Amhara ethnic group. Under the current regime/EPRDF, these places are demarcated within the Tigray Regional State without the consent of the inhabitants. Following the land demarcation, there are several alleged violations of human rights occurring to these people. For instance, Wolkait and Raya people are forced to abandon their Amharan identity and to adopt the identity of Tigrayan by the Tigray government.<sup>27</sup> The Amhara children have been made to be

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<sup>24</sup> Lubo Teferi, *The Post 1991 ‘Inter-ethnic’ Conflicts in Ethiopia: An Investigation*, 4 JOURNAL OF LAW AND CONFLICT RESOLUTION 63, 63 (2012).

<sup>25</sup> United Nations Office of High Commissioner of Human Rights, *Minorities under International Law*, <https://www.ohchr.org/en/issues/minorities/pages/internationallaw.aspx>.

<sup>26</sup> For instance, the killings and displacement of the small group of Gamo, Gurage and minorities in Burayu, near Addis Ababa by certain Oromo organized groups is a timely example. See Amnesty International UK, *supra* note 13.

<sup>27</sup> Muluken Tesfaw, *Commentary: What is the Price of Identity in Today’s Ethiopia? The Suffering of Yonas Gashaw as an Illustration*, ADDIS STANDARD (May 30, 2018), [://Addisstandard.Com/Commentary-What-Is-The-Price-Of-Identity-In-Todays-Ethiopia-The-Suffering-Of-Yonas-Gashaw-As-An-Illustration/](http://Addisstandard.Com/Commentary-What-Is-The-Price-Of-Identity-In-Todays-Ethiopia-The-Suffering-Of-Yonas-Gashaw-As-An-Illustration/); Borkena, Raya

taught in Tigrigna language, and Amhara employees were also made to speak only Tigrigna language in work places. Further, the localities and ancient places of the areas have been named in Tigrigna. As of writing this communication, there are killings of Amhara civilians by the Tigray Special Police in Raya and displacements from Wolkait, for the mere reason that groups of Amhara from these places have raised identity claims and for the exercise of their freedom of expression and association.<sup>28</sup>

Other examples in which recurrent clashes in which many civilians died or were wounded, properties destroyed and people displaced, include the Gedio-Guji clash, the Oromia-Somali clash, the Sidama-Wolaita clashes and many others may be mentioned.<sup>29</sup> The causes of such border clashes may be attributed to the scarcity of grazing land, lack of properly established demarcations, and most importantly, the emerging unhealthy approach of ethnicities outside their own.<sup>30</sup>

The present prime Minister of Ethiopia, Abiy Ahmed, who has come up with new thoughts and principles, described once, in his televised discourse held in Gurage Zone, that what should be in place in Ethiopia is only demarcations, but not border limits. That is to say, the people of Ethiopia should not be barred from moving, working and earning their livelihood in every corner of the country. He further strengthened his speech by saying the people of Ethiopia should think to the extent of eating their breakfast in Asmara, their lunch in Somalia and going for vacation to Egypt. This suggests he upholds the thinking of Pan-Africanism, and limiting oneself within the thinking of borders confines the relation of peoples' interests not to think of others.

#### 2.4. Improper and Irresponsible Media Campaign and False Information

While media can play a significant role in promoting solidarity and peaceful coexistence amongst the Ethiopian people, it can also be improperly used to instigate conflict.<sup>31</sup> In Ethiopia, social media has proved a double-edged sword – it is capable of filling a need for more information caused by limited press freedom and frequent blanket shutdowns of mobile internet, but it also pushing the country toward even greater demise. By using opposition contacts in Ethiopia, a growing diaspora movement of writers, bloggers, journalists and activists have flooded Twitter and Facebook with news circulating false or misleading information. For instance, after clashes between police and protestors at the Oromo *Irreecha* festival in October 2016 which left more than 100 people drowned or crushed to death during a stampede, social

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Question and why Tigray's Denial Need to End, (Sept. 9, 2018 ), <https://www.borkena.com/2018/09/09/raya-question-tigray-denial/>.

<sup>28</sup> Engidu Woldie, *Tigray Special Police Killed Five in Alamata*, ESAT (Oct. 22, 2018), <https://ethsat.com/2018/10/ethiopia-tigray-special-police-killed-five-in-alamata/>.

<sup>29</sup> ReliefWeb International, *Ethiopia: West Guji-Gedeo Conflict Displacement*, (Jun. 6, 2018), [https://reliefweb.int/sites/reliefweb.int/files/resources/ethiopia\\_-\\_west\\_guji-gedeo\\_conflict\\_displacement\\_flash\\_update\\_06\\_june\\_2018\\_d\\_0.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/ethiopia_-_west_guji-gedeo_conflict_displacement_flash_update_06_june_2018_d_0.pdf).

<sup>30</sup> *Id.*

<sup>31</sup> See Ikenna Asomba, *How Media can be Responsible in Conflict Reportage – Stakeholders*, (Feb. 21, 2013) <https://www.vanguardngr.com/2013/02/how-media-can-be-responsible-in-conflict-reportage-stakeholders/>.



media sites buzzed with claims that a police helicopter had fired into the panicking crowd.<sup>32</sup> The helicopter was actually dropping leaflets wishing participants a happy festival.

## 2.5. Unfair Distribution and Utilization of Resources

It is claimed that Ethiopia is a prosperous country with its range of natural resources, including the high underground water holding, the endemic animals, materials, such as gold, platinum, opium, the newly discovered petroleum, the prospective natural gas, etc. However, it is a common knowledge that the natural resources are not abundant at the same place.<sup>33</sup> In other words, while Somali Regional State is rich in petroleum and natural gas reserves, Gambella Regional State and Oromia Regional State Shakisso locality are wealthy in minerals, like gold and opium. Similarly, the Amhara Regional State is filled with different tourist sights, such as Mt. Ras Dashen, the Rock-Hewn Churches of Lalibela, the endemic animals of Red Fox, Chilada, Walia, Nyala, etc. The SNNP Regional State and the South Western part of the country are prosperous in coffee, forest density and other natural resources. Therefore, the unequal distribution of economic resources can be taken as a cause for ethnic clashes.<sup>34</sup>

The problem arises as the resources, besides contributing to the growth of the country in general, are not posited in a way that best utilizes the local communities. For instance, the recently repatriated Colonel Abebe Geresu, who served in the Ethiopian military, explains in the Amharic book called ‘የስደተኛው ማስታወሻ’ (grossly translated in English as ‘The Refugee’s Diary’), written by Tesfaye Gebreab, that he fled to Eritrea with his subordinate troops with a view to supporting the rebel groups there because the long-lived and giant trees of his place of birth (Jimma) were being deforested.<sup>35</sup> According to him, even-if deforestation was justified on the ground of investment; on the one hand, the investors were from other regional states, more specifically from Tigray Regional State on the other. Besides, the communities of the locality could not derive any benefit from such investment as should have been. He rationalizes his grievance that in a country which is the home of many nationalities, there should be no reason for anyone to be more prosperous than another.

## 2.6. Lack of Genuine Political Participation

Political participation means the involvement of individuals at various levels in the political system, a share in the election of rulers and directly and indirectly in the formation and in the execution of public policies.<sup>36</sup> In democratic societies citizens’ participation is important.<sup>37</sup> Participation is relevant to shape and to control the content and direction of public policy, and

<sup>32</sup> James Jeffrey, *Social Media Users in America are Stoking Ethiopia's Ethnic Violence*, (Feb. 22, 2018) <https://www.pri.org/stories/2018-02-22/social-media-america-are-stoking-ethiopias-ethnic-violence>.

<sup>33</sup> The Conversation, *Why the Oromo Protests Mark a Change in Ethiopia's Political Landscape*, (Aug. 14, 2016:11:06PM), <http://theconversation.com/why-the-oromo-protests-mark-a-change-in-ethiopias-political-landscape-63779>.

<sup>34</sup> Lubo, *Supra* note 24, at 65.

<sup>35</sup> TESFAYE GEBREAB, *YEDERASIWU MASTAWOSHA* (Washington DC: Netsanet Publishing, 2010). (Translation mine).

<sup>36</sup> *The Concept of Political Participation*, [shondhgange.inflibent.ac.in/jspui/bitstream.../10/10-chapter%203.pdf](http://shondhgange.inflibent.ac.in/jspui/bitstream.../10/10-chapter%203.pdf).

<sup>37</sup> Markus Paushe, *What is Political Participation Good for? Theoretical Debate and Empirical Data from Austria*, (2012), [resistance-journal.org/wp-content/uploads/2016/...markus...paush.pdf](http://resistance-journal.org/wp-content/uploads/2016/...markus...paush.pdf).

competition for political power.<sup>38</sup> The political stability and development of any political system is a function of political involvement of citizens.<sup>39</sup> The FDRE regime, soon after holding office, declared that the right of association would be made possible. As such, the Transitional Charter, under Article 1, ensured the freedom of expression and of association.<sup>40</sup> Consequently, different political parties and newspapers mushroomed, reflecting diverging opinions on different issues. The political parties are now participating in periodic elections prepared by the government.<sup>41</sup>

However, with the exception of the 2005 election, no sincere elections were held, helping the EPRDF to hold the House of Peoples Representatives almost without an opponent.<sup>42</sup> In the 2005 election, though purported to be won by the Coalition for Unity and Democracy of Ethiopia (CUDE), the EPRDF could not transfer the power to winner party. Unfortunately, many members of the CUDE were sentenced to jail and death penalty, including the prominent Prof. Berhanu Nega. Currently, the EPRDF holds 99.6 of the seats in the Parliament, which determines the adoption of laws, more specifically, proclamations, without making thorough debates and discussions. These proclamations include the Anti-terrorist Proclamation No. 652/2009, the Charities and Societies Proclamation No. 621/2009 and the Lease Proclamation No. 721/2012.

The genuineness of political participation may also be seen from the point of view of the activities of the contesting parties. It is argued in political parties, the EPRDF penetrates into stronger political parties and weakens their strengths. Even in the above mentioned CUDE party and in others, it is condemned for having surreptitiously infiltrated and broken its influences.<sup>43</sup> For such reasons, the current active political parties are either not competitive enough to posit their political manifestos to the public or their members have been driven out of the country for fear of being killed, tortured or their other rights infringed.

Due to space constraints, it is not possible to discuss all the factors generating instability and engender the fragility of the State. The foregoing are simply selected causes that contribute to the ongoing violence and decline of solidarity. Other additional contributory factors include unfair distribution and utilization of resources; Tigrian ethnic dominance in key executive powers (before Abiy Ahmed became the Prime Minister); inclination towards secession by some groups; suppression of peaceful protests and riots; conflict of interest over language utilization; corruption and improper use of public authority.

### 3. RESPECT FOR HUMAN RIGHTS TO CURB VIOLENCE AND PROMOTE UNITY

The UN Charter proclaims one of the purposes of the UN is to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms

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<sup>38</sup> Ank Michels & Lauren De Graaf, *Examining Citizen Participation: Local Participatory Policy Making and Democracy*, 36 LOCAL GOVERNMENT STUDIES 477, 479 (2010).

<sup>39</sup> D.A. Falade, *Political Participation in Nigerian Democracy: A Study of Some Selected Local Government Areas in Ondo State*, 17 GLOBAL JOURNAL OF HUMAN SOCIAL SCIENCE 17, 19-20 (2014).

<sup>40</sup> Transitional Charter of Ethiopia, adopted in 1991, Art. 1.

<sup>41</sup> Lidetu Ayalew, *Being an Opposition Politician in Ethiopia: Challenges and Lessons* 4 (May 19, 2011), <https://www.cmi.no/file/?1313>Result options.

<sup>42</sup> BBC News, *What is behind Ethiopia's Wave of Protests?*, (Aug. 22, 2016), <https://www.bbc.com/news/world-africa-36940906>Result options.

<sup>43</sup> Lidetu, *Supra* note 41, at 7.

for all without distinction as to race, sex, language or religion.<sup>44</sup> A strong call of support for the rule of law and human rights is a means to achieving sustainable peace and development.<sup>45</sup> The UN has tried to achieve this purpose, first by setting international norms that can never be taken away, although they can sometimes be restricted, for example, when a person breaks the law, or in the interests of national security. Today these standards cover virtually every sphere of human activity. Are some of these human rights norms relevant to maintaining Ethiopia's integrity and have the potential of curbing the various conflicts?

The first relevant norm is the right to dignity of the human person which is proclaimed in the Universal Declaration of Human Rights (UDHR). Article 1 of the UDHR stipulates all human beings are born free and equal in dignity and rights. It was built around the idea that all human beings have a certain dignity and worth. When the ICCPR was adopted after two decades of the UDHR, the concept of dignity was again made clear as the foundation of human rights. This was especially so, when mention was made in the preamble of the ICCPR that "recognising that these rights derives from the inherent dignity of the human person." In this respect, the very essence of the Convention could be regarded to respect human dignity and human freedom. Dignity is "the state or quality of being worthy of honour or respect". It is tied to our conceptions of humanity, we use terms, such as "inhuman treatment" to describe acts that breach our human rights. There's a sense that treating someone humanely means behaving towards them in a way that's consistent with their humanity and dignity. In this sense, dignity means that certain acts, such as public stoning to death, then the corpse hung upside down as in the case of Shashemene discussed in section 1 above, are prohibited because we want to protect both the dignity and the physical and mental integrity of the person.

The second relevant norm is the right to equal treatment and non-discrimination. Equality is the notion of creating a fairer society where everyone, irrespective of his/her religious, ethnic, racial or linguistic origin, has the same opportunities to fulfill their potential, free from discrimination.<sup>46</sup> Opportunities might refer to those within healthcare and employment. Equality, like tolerance and diversity, also applies at group level and not only to individuals—for example, allowing one racial community the same social benefits as a neighboring community.

Ensuring respect and tolerance is a further human rights principle. Different people from different communities can live and work together. Tolerance and respect are terms referring to a way of thinking about and behaving towards other people. Tolerance is the level of ability by which someone has to recognize and respect other people's values and beliefs. It also refers to the level of acceptance people offer towards those who are different from themselves, for example, in terms of ethnicity and religion.<sup>47</sup> Being tolerant means accepting diversity and not expressing negative attitudes towards people who are different. In modern debate, both deal with creating a fairer society where everyone is treated the same and has the same opportunities,

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<sup>44</sup> Charter of the United Nations, signed on June 26, 1945, Art. 1.

<sup>45</sup> United Nations Development Program, *Peace, Security, Development and Human Rights as Foundation of Fair and Stable Society*, (May 28, 2015), <http://www.undp.org/content/undp/en/home/presscenter/pressreleases/2015/05/28/peace-securitydevelopment-and-human-rights-as-foundation-of-fair-and-stable-society-.html>.

<sup>46</sup> Stanford Encyclopedia of Philosophy, *Equality of Opportunity*, <https://plato.stanford.edu/entries/equality-opportunity/>

<sup>47</sup> Nicky Sutton, *What Are the Meanings of Tolerance & Diversity?*, <https://www.theclassroom.com/what-are-the-meanings-of-tolerance-diversity-12084046.html>.

without prejudice arising from their physical or social characteristics. Societies across the world are becoming increasingly diverse, so in response, attitudes and behaviors must change to preserve harmony and equality. Human rights law promotes the concepts of respect and tolerance in all its actions. One of the basic aspirations of the adoption of the UDHR is the need for ensuring respect and observance of fundamental human rights and freedoms. This point has been given due emphasis in the 6<sup>th</sup> paragraph of the preamble of the instrument. This wording of the UDHR is available in the 4<sup>th</sup> paragraph of both the ICCPR and ICESCR. And, under Article 26 (2) of the same, it has been stipulated that education plays a great role in the respect of fundamental rights and freedoms as well as the reinforcement of the understanding of tolerance and friendship among racial and religious groups. Furthermore, according to the 1981 UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief, intolerance and discrimination based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis is prohibited.<sup>48</sup> In addition, the African human rights instruments, the African Charter, under Article 29, provides every individual bears the responsibility to respect and to non-discriminate among his fellow individuals and make efforts to the reinforcement, promotion and safeguard of mutual respect and tolerance. Respect and tolerance could lead to reduced crime, because negative attitudes such as racial hatred are not present. Overall, respect and tolerance help foster a fairer and more balanced society, where people behave with dignity and respect, and isolation and segregation are concepts of the past. It is of the greatest importance for Ethiopian children to learn to understand and respect each other, and other members of our local and wider community.

The duty to preserve national solidarity is a further norm. Human right laws to which the Ethiopian government has subscribed have imposed certain obligations on individuals. Famously, the Banjul Charter placed duties on individuals to preserve national solidarity and the duty to strengthen and preserve territorial integrity.<sup>49</sup> Kofi notes the correlation between the rights and duties has become a feature of the constitution of many countries, but with a State increasingly identified as a beneficiary of duties. The study of a few of such constitutional provisions shows the formulation of duties is very much like the duties of the individual in Chapter II of the African charter.<sup>50</sup> The rationale is as expressly stated in Article XXIX of the 1995 Constitution of the Republic of Uganda that, “The exercise and enjoyment of rights and freedoms is inseparable from the performance of duties and obligations...” This phrase is also found in Article 63 of the Constitution of the Kingdom of Swaziland. Uphold and defend the constitution and the law, and further the national interest and to foster national unity. The individual is therefore obliged to perform a list of duties that are considered as key to the survival of the nation within which his/her survival hinges. These duties of the individual from the Constitution of the Kingdom of Swaziland could be distilled from the constitutions of a number of other African countries.<sup>51</sup>

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<sup>48</sup> Declaration on the Elimination of all forms of Intolerance and of Discrimination Based on Religion or Belief, Proclaimed by General Assembly Resolution 36/55 of 25, Adopted in Nov. 1981, Art. 2 (2).

<sup>49</sup> African Charter on Human and Peoples’ Rights (Banjul Charter), Adopted in 1986, Art. 29(4-5).

<sup>50</sup> MANISULI SSENIONJO (ED), THE AFRICAN HUMAN RIGHTS SYSTEM: 30 YEARS AFTER THE AFRICAN CHARTER AND HUMAN AND PEOPLES’ RIGHTS 127 (Leiden; Boston: Martinus Nijhoff publishers, 2012).

<sup>51</sup> See for instance, the current Constitutions of Uganda, Ghana, Nigeria, Togo, Benin, Chad, Burkina Faso and Tanzania.

Freedom of expression is the other pertinent norm. Freedom of expression is an inherent human right to express one's own opinion without fear of punishment. This right has been internationally recognized. Article 19(1) of the ICCPR provides the right of everyone to hold opinion without interference. Everyone is also entitled to the right to freedom of expression – this right includes freedom to seek, receive and import information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.<sup>52</sup> However, the exercise of the right is subject to limitation on grounds related to respect of other rights and the reputation of others, protection of national unity or public order, or public morals or health.<sup>53</sup> These grounds of limitations have to be provided by law and also be necessary for democratic societies.<sup>54</sup> Freedom of expression is a fundamental human right emanating from the mere fact of being human.

Nearly all human rights norms and freedoms are important for stability and unity of our nation, as human rights are indivisible and interdependent. The above norms and principles are thus a selective discussion. Other pertinent standards necessary to achieve the same purpose include freedom from torture and from arbitrary taking of life, the right to participate in decision making, the right to self-determination, the right to property, the right to freedom of movement, the right to a nationality, the right to freedom of religion, the right to education using own language, and the right to culture. In Ethiopia, a multitude of these and other human rights norms have been inserted in the FDRE Constitution. Although these rights under the Constitution have to be interpreted in light of international human rights instruments adopted by the country,<sup>55</sup> it is common to see the rights being infringed as selectively discussed in section 2 above. Disregarding an attention to human rights in the country is a source of ethnic and religious violence which inevitably jeopardizes national unity.

## CONCLUSION

Unfortunately, Ethiopia is following the path of failed states in the Horn of Africa and the Middle East. Recognizing the post-1991 extremist ethnic nationalism and religious fundamentalism tendencies in our society, there is an urgent need to put an end to the underlying causes of the continued state of violence, bloodshed, insecurity and political instability, genocide and exclusion. These have plunged the people into distress and suffering, severely compromising the prospects of economic development and realisation of equality and social justice in our country – Ethiopia. Anchoring or a strong call of support for human rights in our system is a useful approach to materializing the aspiration, unity, solidarity, mutual understanding, tolerance and cooperation between the different ethnic groups of our society. However, these norms are not in themselves a panacea to curbing the current problems of Ethiopia, including the vexing, seemingly intractable, and unresolved problem of the national question. Laws are necessary but not sufficient for countering dissatisfaction and intolerance in individual attitudes. Therefore, greater emphasis needs to be placed on educating and implementing more of the human rights norms in a better way. In this regard, ethnic-based national and other opposition parties of the

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<sup>52</sup> International Covenant on Civil and Political Rights, Adopted on 16<sup>th</sup> Dec. 1966, Art. 19 (2).

<sup>53</sup> *Id.* Art. 19 (3).

<sup>54</sup> *Id.*

<sup>55</sup> FDRE Constitution, *Supra* note 22, Art. 13 (2).

country must promote peaceful coexistence and respect of the people. Equally, independent monitoring institutions should be established so as to ensure the proper implementation of human rights and freedoms stipulated under the Federal and State Constitutions and international human rights law. In this sense, the emphasis on the norms and institutions contributes to the long-term prevention of human rights abuses and violent conflicts, the promotion of equality and sustainable development and the enhancement of participation in decision making processes within a democratic system. It thereby contributes to the unity or solidarity of the Ethiopian State.

## CASE INDEX

Workneh Alemnew Alula\*

### Summary of positions of the Ethiopian Federal Supreme Court Cassation Division (FSCCD) on form of contracts relating to immovables: Volume 1- 14.

No	Name of the Parties	Cassation File No.	Volume & Page	Date of the decision in Ethiopian Calendar	Type of Contract	The Position of the FSCCD on the Case
1.	<i>Agency for Rented Houses v. Sosina Asfaw</i>	15992	Volume 1, page 68	Hamle 19, 1997	A contract of house rent	A contract of house rent is not required to be made in writing since it does not create or assign rights in ownership, usufruct, servitude or mortgage on an immovable.
2.	<i>Woizero Gorfie G/H v. Woizero Aberash and Ato Getachew</i>	21448	Volume 4, page 40	Miazia 30, 1999	A contract of sale of an immovable	A contract of sale of an immovable can only be valid if the two cumulative requirements as to form are satisfied; i.e, the contract shall be made in writing and it shall be registered with a court or notary.
3.	<i>Ato Mohammed Ibrahim v. Ato Tayder Mach</i>	32222	Volume 7, page 170	Yekatit 4, 2000	A contract of work and labour	A contract of work and labour relating to an immovable need not be registered with a court or notary. The making and proof of a contract of work and labour relating to an immovable is governed by Articles 3019 and 3020 of the Civil Code but not by Article 1723.
4	<i>Woizero Abebech Tadesse and others v. Sisay kabtimer and others</i>	17742	Volume 5, page 49	Megabit 2, 2000	A contract of donation relating to an immovable	A donation relating to an immovable is governed by the formal requirements provided under Articles 2443, 881 and 882 of the Civil Code. It need not be registered before a court or a notary as per Article 1723(1) of the Civil Code. Social Courts have the power to register donations relating to an immovable under Article 882.
5.	<i>Ato Muhidin Faris v. Ato</i>	29233	Volume 7, page	Ginbot 7, 2000	The Effect of	When unregistered contract relating to an immovable is invalidated, the

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	<i>Eyasu Beade Mariam</i>		153		unregistered contract	parties, who concluded a mere draft contract, shall be reinstated in the position which would have existed had the contract not been made.
6.	<i>Ato Mequannt Werede v. Woizero Meskerem Dagnaw and others</i>	34803	Volume 8, page 294	Tikimt 27, 2001	A contract of sale of a house	A contract of sale of a house must be registered with a court or a notary as per Article 1723 of the Civil Code since the provision is a mandatory contract law provision. And, the parties, who concluded a mere draft contract, shall be reinstated in the position which would have existed had the contract not been made.
7.	<i>Woizero Senait Geneme v. Ato Bekele Gameda and Worknesh J.</i>	36294	Volume 8, page 319	Hidar 9, 2001	A contract of sale of a house constructed by a House Cooperative Society	A contract of sale of a house constructed by a House Cooperative Society need not be registered with a court or notary. Its form shall only be governed by the Proclamation to provide for the Establishment of Cooperative Societies; Proclamation No. 147/1998.
8.	<i>Ato Alehegn G/Hiwot v. Woizero Atinesh Bekele and others</i>	39803	Volume 8, page 387	Hamle 2, 2001	A Contract of donation relating to an immovable	A donation relating to an immovable need not be registered before a court or a notary under Article 1723(1) of the Civil Code. It is governed by the formal requirements provided under Articles 2443, 881 and 882 of the Civil Code but not by Article 1723.
9.	<i>Nyala Insurance S.C. v. Ato Adugna and Woizero Tenaye</i>	39336	Volume 8, page 337	Hamle 7, 2001	Cases in which Invalidation of Contract is not possible or would involve serious disadvantages or inconveniences	As per Art.1817 (1) of the Civil Code, acts done in performance of a contract shall not be invalidated where such invalidation is not possible or would involve serious disadvantages or inconveniences. The petitioner has made improvements on the building that it bought. The value of the premises has been affected by the present high rate of inflation and the return of the money will not be fair. The goodwill of the petitioner will be affected as the building is being used for business.
10	<i>Development Bank of Ethiopia v.</i>	38666	Volume 9, page 57	Hamle 9, 2001	A contract of mortgage concluded	A contract of mortgage concluded to provide security to a loan extended by a Bank may not require to be



	<i>Ato Tesfaye.</i>				to provide security to a loan extended by a Bank	registered with a court or a notary as per Article 1723 of the Civil Code.
11	(I). <i>Alganesh v. Gebru And</i>  (II). <i>Kokebe v. Ayalew</i>	36887  And  43825	Volume 13, p. 233 and  Vol.10, p. 133	Hidar 18, 2001 and  Tahisas 6, 2002	Exception to invalidation of Unregistered contract of sale of a house	Unregistered contract of sale of a house shall not be invalidated when contracting parties admitted that there was a contract of sale of an immovable between them. Under Article 1808(2) of the Civil Code, the unregistered contract shall not be invalidated by the motion of the court.
12	<i>Woizero Meseret Bekele v. Woizero Elsa Somonela</i>	57356	Volume 12, page 98	Megabit 22, 2003	The need of attestation of written contract at least by two witnesses	A fact that a contract of sale of a house is registered with a court or a notary as per Art. 1723 of the Civil Code does not prove the existence of valid contract unless the contract is made in writing and attested by two witnesses.
13	<i>Ato Shiferaw Dejene and W/o Tsehay Tesfaye v. Ato Sisay Abebe</i>	78398	Volume 14, page 73	Tikimit 19, 2005	A Contract of sale of a house must be registered with a court or a notary	A Contract of sale of a house must be registered with a court or a notary. A written agreement, which is not registered with a court or a notary as per Article 1723(1) of the Civil Code, is a mere draft contract and the agreement shall not be conclusive evidence under Article 2005 (1) of the Civil Code.

**N.B:** The decisions of the FSCCD on the forms of a contract relating to an immovable are provided in this table as per the chronological order of their dates.