

32nd Special Report_

U R G E N T

A Dispute Over Land Demanding an Urgent Attention

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Introduction

The country's administrative regions have hitherto been demarcated on the bases of what the rulers thought convenient for them to govern. Accordingly, administrative regions were called governorate-general during Haile Selassie, region during Mengistu Haile Mariam, and now national region. Earlier as well as now, there have been constitutional provisions concerning the divisions of the country for administrative purposes. Article 46 (2) of the Constitution of the Federal Democratic Republic of Ethiopia states the following:

"States shall be delimited on the basis of the settlement patterns, language, identity and consent of the people concerned."

In the event of border disputes among the people in adjacent regions, Article 48 (1) of the Constitution provides the following:

"All border disputes shall be settled by agreement of the concerned States. Where the concerned States fail to reach agreement, the House of the Federation shall decide such disputes on the basis of settlement patterns and the wishes of the peoples concerned."

On different occasions, EHRCO has pointed out the basic problems and difficulties associated with the current delimitation of administrative regions. For instance, in its 13th regular report issued in November 1998, EHRCO had described the destruction caused by the dispute between the Gedeo and Guji Oromo as follows:

"Beginning from Hamle 15. 1990 (July 22, 1998), a conflict that occurred between the Guji Oromo and the Gedeo tribes living in many qebeles (peasant association areas) in Borena Zone, Hageremariam Wereda, has resulted in the death and displacement of many members of the two tribes and considerable destruction of property has occurred"

Nevertheless, the government has not paid due attention to the problems arising from the actions of its officials and cadres assigned to implement the regionalisation policy. Unless handled carefully and promptly, problems such as these can disrupt the peace and endanger the peoples' cultural heritage of resolving their differences peacefully. The main responsibility of preventing the danger paused in this regard rests on the administrative bodies and officials

found at different levels of government. Should those government bodies and officials at lower levels fail to do this, then it will be the constitutional responsibility of the Federal Government to intervene and resolve such disputes.

Even though Article 52 [2 (d)] of the Constitution of the FDRE states that the Federal Government will "... administer land and other natural resources in accordance with Federal laws", the absence of any authority to assume the responsibility of attending to disputes between members of different ethnic groups living in adjacent regions has continued to give rise to frequent misunderstandings in different parts of the country. These disputes have at times developed into serious conflicts, resulting in the death and displacement of many citizens and the destruction of public and private property. Once more, a similar danger is hovering over the people of Minjar Shenkora *Wereda*, Semen Shewa Zone.

The Danger in Semen Shewa

Members of Sama *Qebele* Peasant Association in Minjar Shenkora *Wereda*, Semen Shewa, Amhara Administrative Region, live adjacent to members of Amecha Jawis Peasant Association, Misraq Shewa Zone, Oromiya Administrative Region. A dispute over land that arose between the two neighbouring people has created serious problems. The Amhara and Oromo peasants living in the above-mentioned *weredas* have long been bonded by marriage and culture. Over the years they have been settling their misunderstandings and disputes through their respective elders as dictated by cultural heritages. Recently, however, the border dispute in which they found themselves as of recent years is diverting their hitherto amicable relationship into a dangerous direction. By magnifying the differences between the two neighbouring people, ethnically biased government officials and cadres are leading them toward a potentially dangerous ethnic conflict.

The findings of investigations carried out by the Ethiopian Human Rights Council (EHRCO) indicate the following facts:

1. Both before and after the Government carried out the delimitation of the two *weredas*, the River Tebo has been designated as a natural demarcation separating the two peasant associations. Those peasants living southeast of the river became part of Oromiya Region, while those living northwest of the river were included in Amhara Region.
2. The land that is now being claimed by the peasants living in Oromiya was officially designated, during the land re-allocation carried out by the Amhara Regional Administration in 1990 (1997-1998), as belonging to those living in the Amhara part of the region.
3. Beginning from Megabit 1986 (March 1994), the Oromo peasants living in Boset *Wereda*, Amecha Jawis Peasant Association, crossed the

River Tebo and dismantled the farm fence of the Amhara peasants and drove their livestock into the farm, destroyed the crops, and returned to where they had come from.

4. Again beginning from *Meskerm* 13, 1987 (September 23, 1994), the Oromo peasants of Boset *Wereda* crossed the River Tebo repeatedly with their livestock into the farms of the Amhara peasants and destroyed about 2 hectares of crops. Armed with guns, they prevented the Amhara peasants in Amecha Jawis Minjar Shenkora *Wereda* from watering their livestock or from using the river water for themselves. The government had earlier disarmed the Amhara peasants.
5. On *Nehasse* 19, 1991 (August 25, 1999) the farmers of Boset *Wereda* came armed with guns and for four consecutive days let their animals destroy over 10 hectares of *teff* and over 1 hectare of wheat belonging to the farmers of Minjar Shenkora *Wereda*. In addition, they beat and chased away cattle herders of the *Wereda*.
6. At the present moment, the legal owners of the land, farmers of Sama Peasant Association in Minjar Shenkora *Wereda* are unable either to gather their crops or till their land. As a result, some 132 farmers and their dependents are faced with serious problems of survival because the powerful have illegally deprived them of their land.

EHRCO's Urgent Call

EHRCO calls upon the concerned regional and federal governments to carry out their constitutional duties and responsibilities by

1. Giving due attention to the dispute between the people of the two *weredas* and investigating the nature and causes of the problem.
2. Finding lasting and fair resolution to the dispute before it gets out of hand and cause even worse damage than hitherto.
3. Bringing those responsible for the destruction and problems caused so far to justice.
4. Seeing to it that those affected by the dispute are compensated for the loss they have incurred.

EHRCO also calls upon all individuals and organisations that are committed to peace and the rule of law to write to the following government bodies and officials supporting EHRCO's appeals:

Copy to:

Council of Peoples Representatives

P. O. Box 80001, Fax: (251-1) 550900; Addis Ababa, Ethiopia

Federal Council

P. O. Box 80001; Fax: (251-1) 550900; Addis Ababa, Ethiopia

H. E. Dr. Negaso Gidada, President, FDRE

P. O. Box 10316; Fax: (251-1) 552020; Addis Ababa, Ethiopia

H. E. Ato Meles Zenawi, Prime Minister, FDRE

P. O. Box 1031, Fax: (251-1) 552020; Addis Ababa, Ethiopia

H. E. Ato Kemal Bedri, President of the Supreme Court, FDRE

P. O. Box 6166, Fax: (251-1) 550278; Addis Ababa, Ethiopia

H. E. Ato Woredewold Wolde, Minister of Justice, FDRE

P. O. Box 1370, Fax: (251-1) 550722; Addis Ababa, Ethiopia

Oromia Regional Council

P. O. Box 272; Fax: (251-05) 518722; Addis Ababa, Ethiopia.

Amhara Regional Council

P.O.Box 312; Fax: (251-8) 201068; Bahir Dar, Ethiopia

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