

6. The Development and Practice of Citizenship and Citizenship Rights in Ethiopia: Crude Assessment in Three Consecutive Regimes

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Abstract:

Instilling democracy on an unshakable ground in a given society is the main goals of political leaders and political philosophers. This process on its base needs an educated citizen that clearly understands and develops an inherent character about one's own rights and responsibilities. At its core, 'Citizenship' is the legal status of citizens which advocate and empower citizenship rights in the political system. At minimum, there will be the right to be domiciled in and take part in the political decision-making process of the state, usually through voting. Forming an inclusive and responsible citizen is also one of the basic and critical point throughout the history of state formation of Ethiopia. Especially, in multicultural society like Ethiopia, social, cultural, economic and political exclusion will be the basic problem that the country faces. Maybe it will be possible to reduce these social problems through the introduction of different legal statements and rules. However, the legal inclusion can never be a guarantee for developing and ensuring social and cultural inclusion of individuals in a given political community. Rather, educating and creating awareness about citizenship and citizenship rights can possibly mitigate such problems from the grassroots level. Bearing this in mind, the paper attempt to made general assessment and explication about the development and practice of citizenship and citizenship rights in Ethiopia. In doing so, different literature, legal documents, governmental reports and records were used as sources

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of data. Accordingly, this paper made an assessment, though not made a conclusion, about practice and development and practice of citizenship in to four basic periods namely, pre-Emperor Haile Selassie, Haile Selassie, Derg and the EPRDF.

Keywords:

Ethiopia, Citizenship, Citizenship Rights, Human Rights



The Development and Practice of Citizenship and Citizenship Rights in Ethiopia: Crude Assessment in Three Consecutive Regimes

Introduction

In Ethiopia, studying about citizenship and rights of citizens is not as such simple and easy task as it lacks records and accounts that can possibly use as evidence. However, as the basis of citizenship and citizenship rights is membership and belongingness to a political community, it becomes a while since political community/state began to establish in Ethiopia. Hence, the study of citizenship in Ethiopia goes along with the study of states formation and nation building. However, the lack of clear historical record regarding with the history of state formation in Ethiopia complicated the history citizenship and citizenship studies.

But, with standing the handed historical records of state in formation, we can study citizenship and rights of citizens throughout the practice of state and nation building of Ethiopia. Accordingly, this article tries to study about citizenship by categorizing the history of Ethiopia in four periods by considering the nature and level of development politics, nation building process concept of citizenship. The first period encompasses the history of state formation before the period Haile Selassie which was considered as the period of state formation and nation building process in Ethiopia. The second period concerned about the Imperial Period of Emperor Haile Selassie which was referred as the period of consolidation and modernization in Ethiopia politics and nation building. The third is the Period of Derge regime which was taken as the period of 'Ethiopian socialism'. The Last is the period of federalism in which accentuate self- governance and regionalism in Ethiopia.

Lastly, this article also tries to made general assessment and discussion regarding with approach and place of dual citizenship in Ethiopia. In addition, this article also deals about the conditions and possibilities of statelessness in Ethiopia in light with the national constitution and nationality law of the country.

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Overview of Citizenship in Ethiopia: Longer View

The concept of citizenship goes along with the history of state formation and nation building (though not necessarily a single nation) process of a country (Reich, A. A., 2015). This is due to the fact that nations and nationalism exists when individual citizen share enough values and preference and can communicate with each other as they belong to a given political community called state (Reich, A. A., 2015). Thus, citizens are also the people who compose the political community, and who, in their associational capacities, have established and submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as collective rights. Likely the history of citizenship in Ethiopia linked with the attempt and the move for modern state formation and establishment citizens who permanently reside under the political territory of a given modern state. In fact, the statehood history of Ethiopia is trace backed to more than 3000 years back to the period of P'unt and D'am'at civilization along with the most dominant Christian kingdom of Aksumite civilization of the late 4th century BC. But Aksumite civilization was not originated as one strong central administration rather developed as a trading empire exercised its influence on the trade activity from the shores of the Gulf of Aden to Zeila (Silberman, 2012). The Aksumite society, arguably as advanced as western society, was organized hierarchically with a king at the top, then nobles, and the general population below including slaves and 'foreigners' (Mokhtar, 1990). The general population that resides at the bottom of the social order was subjects of the kings who own the military and all economic activities of the civilization.

The Aksumite civilization is not a single centralized political civilization; instead evidences indicate that it was divided into 10-12 small towns in the kingdom (Mokhtar, 1990). Hence, the civilization did not build a strong political community that able to establish its own nation legally and politically so that it can possibly identify and organizes members from the others (Marcus, 1994).

After wards, the post period of Aksumite civilization (The Zagwe Dynasty), was literally considered as the reviving period of strong central political administration after the end of Aksumite civilization. Though it faces strong opposition from descendants of the Solomonic rule of Aksumite civilization as "not a true line of the king Solomon of Israel", it attempts to

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reconstruct political identity by making religious and military influence throughout the political domain of the Aksumite civilization (Marcus, 1994). However, a strong movement, coming from the “true descendant of the King Solomon of Israel”, drove out the last Zagwe ruler which was taken as the revival of the Christian kingdom of Ethiopia (Marcus, 1994). This period had enlarged the political domain of Ethiopia and ushered an increasing contact with the Levant, the Middle East and the Europe. Unsurprisingly, after the crushing of the economic sources and mass pressure of the Arab world, the power of the Christian kingdom was weakened down and disintegrated into more local and weak monarchs referred to the period of Zemene Mesafint that totally weakened the move to establish strong central government and unified nation (Marcus, 1994).

The process of centralization of state power, which began since the reign of Emperor Tewodros II in the 1850s, marked the beginning of Ethiopia's nation building process (Assefa, 2007). This period is also the basic bench mark for the establishment and development of a nation which considered him/her as a group that legally belongs to an established political regime. Hence, the origin and development of citizenship in Ethiopia, as acceptable in the history of different states of the world, go along with the history of states formation which is attached to the reformist king of Ethiopia called Tewodros II. In fact, the nation building strategy employed by many of the Ethiopian rulers was mainly concerned with centralizing state power and conquering and expanding territory, which eventually gave the present-day Ethiopia's geographic and demographic shape (Beza, 2013). The whole state formation process of modern Ethiopia goes through the integration and incorporation of many national groups in different corner of the country and makes them under the legal protection of the expanding states (Marcus, 1994).

The southward expansion of the Ethiopian state, completed at the end of the 19th century under Menelik, led to a dramatic increase in the geographic size and ethnic heterogeneity of the country (Alem, 2010). As the political expansion for state formations of the country comes from the north, their militaries and political chiefs settled in those new areas that lately incorporated to the main political administration system. During the Imperial period, there was also a mass movement of different groups especially from the dominant North for political and religious purpose to different areas of the country.

However, the process of state building by Tewodros II, Yohanes IV and Minilik II was simple expansion of the territorial boundary by integrating and incorporate different groups in to the monarchical authority rather than submitting them in to alien authority based on its legitimacy. Minding this, some scholars associate the formation modern Ethiopian states with the period of Emperor Haile Selassie I when the Westphalian model of state organization was spreading through-out the world. For example, Edmond J. Keller states that in this period, state boundaries become fixed and acceptable legally, state leader made an effort to instill their subjects as a sense of belonging collectively to a single nation (Edmond, 2005). Accordingly, this period had also made a significant contribution for the establishment and development of the modern sense of citizenship and belongings in Ethiopian history.

Ethiopian citizenship under emperor haile selassie

Introduction

After the fall of Menelik II and unsuccessful throne of his daughter Zewditu, Lij Iyassu was crown as King of Ethiopian under the regent administration of Ras Teferi Mekonen. Then latter, Ras Teferi Mekonnen assumed the political throne as 'Haile Selassie I' and made governmental and social reforms in order to institute the process of modernization in the country. The period of Emperor Haile Selassie was a crucial period in Ethiopian history for consolidating the territorial and political gains which embarked the project of national integration that able to create citizens and citizenship rights (Smith, 2013). As a compromising attempt between the force of centralism and regionalism (refer Map 1), Emperor Haile Selassie made a significant reform when the 1931 constitution promulgated (Smith, 2013).

This Constitution was the first secular constitution that attempted to define the relation between the crown and the 'subjects' by instituting political administrations and defining their power in a legal basis. It also plays a key role for the development and establishment of modern citizenship (though citizens were connoted as 'subject' of the imperial majesty) and belongingness by defining the territorial delimitation and establishing a centralized political administration.

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The process of establishing a modern citizenship and sense of belongings in the country were also further strengthened when the 1931 constitution recognized and guaranteed basic human rights (though it overwhelmed by corresponding duties) for 'subjects' under the monarchical administration which stated under a consecutive provision from article 18- 29. Accordingly, subjects of the imperial period were guaranteed basic human rights like the right of non-deprivation of one's domicile against his/her will as stated under article 24 of this constitution. The constitution also enabled 'subjects' to have more professionalized judicial, budgetary and quasi-representative legislative institutions unlike the predecessor's administration system.

After 24 years of enforcement, the constitution was amended after five years of existence, referred as the revised constitution of Emperor Haile Selassie I, due to the number of reasons. Among all, social and economic change, the federation of Eritrea and growing pressure from the educated and intellectual people are considered as the major reasons for the amendment. The amended constitution came with a number of new statements in regard to the rights of Ethiopian nationals, better separation of power among organs of the government and relatively enacted by popularly elected legislature than the former.

Among the basic Achievements, the revised constitution of the imperial regime dealt with the rights and duties of nationals in broader and significant way. Though it can't be taken as a mirror copy of the U.S. constitution, peoples argue that the revised constitution of Ethiopia contains a number of ideas from the U.S. constitution, like separation of power, rights and duties of citizens (Edmond, 2005). It tries to specifically guarantee freedoms of speech and assembly, due process and religious freedom, freedom of movement as well as civil and political rights. The revised constitution better guarantees basic human rights and freedom than its predecessors. Accordingly, these enabled individuals/ nationals to better protect and promote their interests from the national government.

The Imperial Constitutions and Citizenship

Citizenship under the Imperial constitution of Ethiopia can be described in many ways. As per the first constitution of Emperor Haile Selassie, individuals who are nationals/subjects

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of the imperial majesty were expected to be loyal and governed by the imperial rules. For example, article 19 of the first constitution stipulates that: -

All Ethiopian subjects, provided that they comply with the conditions laid down by law and the decree promulgated by the Emperor...

Similarly, article 1 of the constitution also stipulates that “*the territory of Ethiopia, in its entirety, is, from one end to the other, subject to the government of his majesty the Emperor*”. As the power of the emperor is unquestionable and the decision is irreversible, nationals/subjects were expected to obey it and act accordingly.

In addition to this, citizenship under the first constitution was also demonstrated with the capability of national/subjects to fulfill responsibilities and duties to the Imperial majesty. Even rights recognized under the first constitution of the imperial majesty were hanged over by the unquestionable power of the emperor and his system of administration. More importantly, these rights recognized under the constitution were stated as duty bestowed upon subjects as rights.

After the first constitution was amended, the amended constitution contains an important provision regarding to citizenship and citizenship rights. For example, article 1 of the revised constitution states specifies that “*all Ethiopian subjects, whether living within or out the Empire constitutes the Ethiopian peoples*”. In addition to this, the revised constitution of Ethiopia also states about the rights of non-extradition and non-banishment of Ethiopian subjects from the country. For example, Article 49 of the revised constitution stipulates that “*no Ethiopian subject may be banished from the Empire*”. Similarly, article 50 specifies that “*no Ethiopian subject may be extradited to a foreign country*”.

However, as specific provisions and issues regarding to citizenship are stated under the first nationality proclamation, the revised constitution did not specify the ways of acquiring and losing Ethiopian citizenship. Rather, the constitution tries to integrate the basic right (as stated under 5.2.1. above) and specific citizenship provision which did not included under the first constitution.

Ethiopian Citizenship under the First Nationality Proclamation¹

During the era of European scramble of Africa, Ethiopia was successfully defending its territory from the invasion and treat of Europeans at the battle of Adwa in 2 March 1896 (Raymond, 2011). This national victory of the country was a great motive to strengthen the national unity and known internationally and cultivate of an international image (Raymond, 2011). This literally gave an international image to Ethiopians' known in their brevity that literally used to show their strength and development (Raymond, 2011). In addition to this, the fall of surrounding countries under European colonizers made Ethiopian a sweet home for all foreign nationals for any diplomatic or missionary activities (Raymond, 2011). Plus, as the Eritrea fall under the Italian colonialism, the imperial regime also wanted to make a national identification from the rest of the world. This image and the coming of the well centralized monarchy in Ethiopia, the nationality identification and sense of belongingness in the country were further strengthened and the need for identification of national identity were realized by the first nationality proclamation.

More importantly, the promulgation of the first nationality proclamation of Ethiopia was initiated by the new approach and legal system of nationality and national identity from the international arena. As international human rights law has been increasingly asserted limits to state discretions, the international community came up with the new international convention, Hague convention, to ensure that all countries recognize the right to have nationality which enables many more states to have their own national citizenship laws. Accordingly, as the attempt of harmonizing national citizenship practice and minimizing dual citizenship, the first nationality proclamation was promulgated by Emperor Haile Selassie.

The first nationality proclamation of Ethiopia is the first and oldest nationality proclamation in Africa. It had around 18 articles. At the very first article of the proclamation which starts with the phrase "*any person born in Ethiopia or abroad.....*" shows that the national proclamation equally recognizes males and females the right to acquire one's own nationality. Due to this, the first nationality proclamation was considered gender neutral

¹The 1930 Nationality proclamation: Retrieved from: <http://www.refworld.org/docid/3ae6b52ac.html>

proclamations. The proclamation also tries to include important statements about ways of acquiring nationality cases for children born between an Ethiopian and foreign nations, adopted and legitimated children's and ways of acquiring nationality through marriage. The proclamation was devoted to nationality cases of children that able to best protect their rights not to be stateless children. The proclamation also passed an important statement regarding to the ways to lose of nationality as well as ways of re-admission of one's own nationality as Ethiopian subjects.

Ways of Acquiring and Losing Citizenship under the Imperial Nationality Proclamation

The Imperial nationality proclamation of Ethiopian made its own statement regarding to the ways of acquiring and losing nationality rights. At its first article, the proclamation recognizes persons who born in Ethiopia or abroad to be an Ethiopia subject if one or both of his family are an Ethiopian origin.

The next four articles of the proclamations states about nationality in case of marriage between an Ethiopian subjects with foreign nationals. Under this proclamation, it clearly stipulates that Ethiopian subjects who legally marry women of foreign national can confer Ethiopian nationals up on her. As per the Imperial nationality proclamation of Ethiopia, the legal marriage is a marriage that conducted in accordance with the forms of 'Ethiopian religion', Ethiopian civil marriage or the law and forms of foreign nationals that create between wife and husband. However, if the marriage is between an Ethiopian women and foreign men, she will lose her nationality if the marriage with foreign nationality gives the national of her husband. This case mostly taken as legal discrimination against the rights of the women unlike their men equals. However, as stated under article 4 of the Imperial nationality proclamation, this will be effective if her marriage with the foreigner gives her the nationality of her husband; otherwise she keeps her Ethiopian nationality.

The next part of the Imperial nationality proclamation made an important statement about children born from an Ethiopian and foreign national. Accordingly, children born from legal marriage of Ethiopian father were provided to follow the nationality of his/her father if it proven he/she does not belongs to his/her mothers' nationality. While, children's born from

an Ethiopian mother and foreign father were provided to live in Ethiopia but expected to completely divest the paternal nationality.

Subsequently, the Imperial nationality proclamation also states about the ways of acquiring and losing Ethiopian nationality. The Imperial nationality proclamation stipulates that any foreign national whose age is above 18, reside four at least five years in Ethiopia, non-dependent, able to know Amharic language and free from any criminal record may obtain the Ethiopian nationality by law. In addition to this, a foreign national can acquire Ethiopian nationality with special considerations if the imperial government finds other special reasons without considering the above requirements. Likely, the Imperial nationality proclamation also states about the ways how an individual 'subjects' will lose an Ethiopian nationals. It stipulates that Ethiopian nationality will lose when an Ethiopian subject acquires another nationality and when an Ethiopian woman marries a foreign nationality.

The last part of the proclamation states about the ways of re-admission of Ethiopian nationality upon the law. Accordingly, the original Ethiopian subject who obtain foreign national can re-admission their former Ethiopian national if they return and domicile in Ethiopia and renounce their foreign nationals. In addition to this, it also clearly stipulates that an Ethiopian woman having lost her Ethiopian nationality through her marriage with a foreign national may resume it after the dissolution of their marriage by any reason.

The Legal and Practical Challenges

Though it was an embarking beginning for the history of Ethiopia, citizenship in Ethiopia had a number of challenges and limitations. The basic challenges that goes against citizenship and citizenship rights comes from the established legal rules and decision of the existed administration system of the Imperial monarchy. The constitutions of the Imperial Majesty, the unlimited power and authority of the emperor and his appointed officials and nationality proclamation itself affects citizenship and citizenship rights of national/subjects of the country.

The First and Revised constitution of Ethiopia had many contributions. However, these constitutions were not efficient enough to guarantee the right and freedoms of nationals/subjects. Although the Constitutions recognized a handful of rights, their

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relevance was vastly compromised due to the absolute power of the Emperor, and the absence of an organ empowered to interpret and apply the Constitution. Besides, most of the rights were entangled with claw-back clause. Due to this, civil rights and freedom remained on paper.

Rather than giving due attention for the rights and freedom of nationals/subjects of the country, the constitution devoted to state the powers of the imperial majesty and his sacred nature of power. Beyond this, the first as well as the revised constitution of the Imperial Majesty placed no formal constraints on the power and authority of the emperor (Edmond, 2005). These constitutions were prepared to bless the autocratic rule. More importantly, the monarchical administration of the Emperor Haile Selassie was not open and participatory for the diverse nationality groups of the country. Accordingly, the Ethiopian masses were not really represented even in the parliament (Edmond, 2005). Even though argumentative, the constitutions of the imperial period legally reduce the status of nationals of the country to 'subjects'. The term 'subject' was used to signify people who did not have equal social, political and economic rights in a given area. Even though some peoples argue that the term 'subjects' under first and revised constitution had different understanding and meaning, it legally made all the Ethiopian people the subject of the emperor. Hence, nationals as subjects of the emperor were not fully legitimized to exercise rights that even stated in the constitution with the permission of the emperor. In this regard, the constitutions and form of administration continued to be highly exploitative of the rights of ordinary people.

The other challenges of citizenship and citizenship rights come from the Emperor's nationality proclamation. Through the Imperial nationality proclamation of Ethiopia was the first and oldest nationality proclamation of the country and even the continent, it contained a lot of draw backs and limitations especially with gender equality issues, social and cultural inclusion, and integration with the national constitution of the country. Though the very essence of citizenship rights is based on gender equality in all aspects, including the rights of women to pass her citizenship on to her children's and spouse (Manby, 2010), as of the Imperial nationality proclamation, women were forced to lose their nationality when she legally marries a foreign national without having the possibility/chance to pass her nationality on to her children's and spouse. Similarly, rather than recognizing cultural

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variation and diversities, the Imperial nationality proclamation is blamed to be made a cultural assimilation as it requires a particular knowledge of the national Language-i.e. Amharic. The requirement of Knowing Amharic language perfectly, speaking and writing it fluently for acquiring Ethiopian national in a multi-nation state were taken as discrimination against other language speaking nationals.

As constitution of the country is the supreme law of the country, citizenship proclamation serves as supplementary and explanatory laws that comply with the constitution of the country. Hence, citizenship laws and rights shall comply with the constitutional provision of the country. However, in Ethiopia, since citizenship laws were promulgated even before the coming of the first constitution of the country, it did not clearly state whether the Imperial nationality proclamation of Ethiopia comply with the rights and freedoms of individual's nationals under the consecutive Imperial constitution of the country.

Citizenship during the Derge regime

Introduction

After the overthrow of the Imperial Monarch, the government of Derge was made an effortful attempt to establish a strong 'central-Marxist/Leninist oriented government' in the country. Soon after taking power, the Derg promoted 'Ethiopian socialism' (የኢትዮጵያ ህብረተሰብዓዊነት). The concept was embodied in slogans such as 'self-reliance', 'the dignity of labor', and 'the supremacy of the common good' (Keller, 2010). Though the central aspect of socialism was land reform, it instigates and mobilizes the scene of Ethiopian nationalism (ኢትዮጵያዊነት) through institutionalizing nation-wide administrative, social, economic and political organizations (Keller, 2010).

As a socialist government, Derge sought that the common interest of peoples will be carried out by forming nation-wide organization rather than other nationality-based organizations like the secessionist and narrow nationalist do. The nation-based organization of Derge was inspired under the slogan of 'Ethiopia First', 'Land to the Tiller', and 'Democracy and Equality to all' that gained popular support across the country (Keller, 2010). These

inspirational slogans accompanied by the national anthem-(በህብረተሰብዓዊነት) (see the Index- III) of Derge was used to higher the scene of Ethiopianism.

Derge also recognized the notion of self-determination for nationalities and regional autonomy and develop an administrative and political system, which is known as the National Democratic Revolution, to accommodate all the countries major nationalities (Manby, 2010). Unlike the assimilationist policy of the Imperial monarchy, Derge declared the principle of self-determination of nationalities and the right of each nation and nationality to develop its own language and culture (Manby, 2010).

The Constitution of PDRE and Citizenship

As the basic elements of its reform, the Derge Regime adopts a new constitution. The Constitution stated that Ethiopia is a unitary state constituting administrative and autonomous regions. The PDRE Constitution expressly stated the possibility of organizing regional autonomies by recognizing the presence of different nationalities in Ethiopia. Article 59 of the PDRE constitution stipulates that "*Ethiopian people's Democratic Republic is administration and self-administration unitary government*" (refer Map 2).It sought to combine the recognition of the cultural identity of ethnic or national groups and a measure of autonomy for them, with overall subordination to the center in the name of the ultimate supremacy of class solidarity over national identity (Keller, 2010).

The PDRE Constitution highly accentuates economic, social and cultural rights due to mainly the socialist tendency of the regime (Keller, 2010). The PDRE Constitution under part two chapter seven integrates basic social rights like the right to marriage, right to access health services, education; Economic rights like the right to work, the right to get leisure time; Civil and political rights like the right to security, freedom from arbitrary arrest, the right to fair trial and due process of law, freedom of religion and thought, freedom of speech and press, freedom of movements, the right to vote and be elected and so on for citizens.

More importantly, the PDRE constitution also has an important provisions and statements regarding with citizenship and citizenship rights. Part two chapter six of the constitution states about the citizenship and citizenship rights. The first part of the chapter states about

the ways of acquiring Ethiopian citizenship. For example, article 31 (1) of the constitution stipulates that “*any person is an Ethiopian if one or both of his/her parents are an Ethiopian*”. It also indicate that a foreign national and person with statelessness can acquire Ethiopian national as stated under article 31(3) which reads as “*a foreign national and persons with statelessness may acquire Ethiopian nationality as particulars determined by law*”. Though, Derge did not proclaim specific nationality law that directly complement with PDRE constitution of the Derge regime. Rather, the Imperial nationality proclamation of the Imperial Monarchy was used as a grounding rule regarding to the criteria of acquiring Ethiopian citizenship in line with the decision of the ‘*National Shengo*’ as a supreme law maker of Derge government.

The Second important citizenship provision of PDRE constitution is related to the protection of Ethiopian nationals who reside abroad. Article 32 (1) of the constitution stipulates that “*the state protect the rights and benefits of Ethiopian national residing abroad*”. The Constitution also obliged the state not to extradite Ethiopian national to other state.

The other most important nationality provision stated under the constitution is right and security of foreign nationals who reside in Ethiopia. Article 33 of the constitution reads as follows: -

The people’s Democratic Republic of Ethiopia shall grant asylum to foreigners persecuted for their struggle in national liberation and anti-racist movements and for the cause of peace and democracy.

In addition to this, the constitution also gives legal protection for those foreign nationals who reside in Ethiopia. Article 34 (1 & 2) reads as follows: -

Citizens of other countries and stateless persons within the territory of the People’s Democratic Republic of Ethiopia shall have freedom, rights and duties determined by law. 2) The state may not extradite a citizen of another country or a stateless person except as stipulated by international agreement.

Similarly, the constitution also guaranteed the right to non-extradition of foreign nationals.

Legal and practical challenges

On the aftermath of taking power, Derge made a huge reform, ranging from huge land reform to kebele and national level peasant association, that able to stabilize and form socialist government in the country. In addition, Derge conducts a huge re-settlement and villagization program especially in rural areas (Lahra, 2008). However, the ambitious land reform, peasant association, re-settlement and villagization were involved with force and extortion which leads different popular revolts and grievance against the government (Lahra, 2008). But, as the nature of the government of Derge was military, the government tries to respond and avert the revolt through military force.

The constitution of the Derge government was by far better and most radical especially in recognizing civil and political rights for citizens as compared to the constitutions of Emperor Haile Selassie. However, it was nonetheless a regime beset by fear and there was no fertile ground to foster the recognition and exercise of human rights. Especially with the coming of different resistance groups, Derge become more suppressive and exploitative that devastates human rights and freedoms stated even under its own constitutions.

In other hand, the government was in attempt to consolidate a socialist government, citizenship and citizenship rights were also harmonized in line with socialist ideological orientation of the government. Hence, citizens are expected to uphold, demonstrate and carried out socialist oriented policies and ideological approaches, the so-called *revolution* (አብዮት), unconditionally to be considered as good citizen. This period was a period of mass killing and murder which referred as Red Terroir-violent political campaign against pro-government and White Terroir-as a counterpart (Keller, 2010). Hence, citizens were not allowed to ask why they expected to uphold and accept such policies and ideological approaches.

Citizenship under the EPRDF

Introduction

The coming of new forms of government, ethno-territorial federalism, after the fall of the Derge regime brought the new era for the concept and practice of citizenship/nationality in

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Ethiopia. The basic rooting factors for the new conceptualization of citizenship are the institutionalization of '*socialist oriented ethno-territorial federalism*' in the country. The new political system associate federalism, self-determination up to and including secession and legal pluralism to respond to the problem of unequal relationships among ethno-national groups in the country. This federal approach totally changes the centralist approach of the previous states which directly or indirectly change the country-wide of citizenship into more ethno-territorial based understanding.

With the coming of new government under federal state structure (Refer map 3 for the identified federating unites), a new constitution was promulgated, which referred as the FDRE constitution, as the first decentralized democratic constitution in the history of Ethiopia. The FDRE constitution of Ethiopia is by far better and clear in defining the rights and freedom of individuals and groups, determining the relationship between individual citizens and with the state, limiting and checking the power of the government than the previous ones. More importantly, the FDRE constitution of Ethiopia shows its commitment to determine and guarantee the rights of nation and nationalities as it consider the locus of discrimination and exploitation of the previous governments rests on group identities. Arguably, human rights provision of the FDRE constitution of Ethiopia tries to incorporate individual and group (in name of nation and nationality) rights and freedoms. In regarding human rights provision, the constitution further elevates the horizon of human rights through referencing to the international and regional human rights instruments as threshold for the interpretation of its human rights provision. It also recognizes the rights to self-determination of nation, nationalities and peoples with a multi-faceted group rights.

The FDRE Constitution and Citizenship

The law of citizenship in Ethiopia begins from the constitution. The FDRE constitution made an important provision and provides an explicit right to nationality and related rights. It makes a clear statement regarding to nationality by declaring that any person of either sex shall be an Ethiopian national where both or either parents are/is an Ethiopia. Hence, the constitution enshrines the principles of jus-sanguineous if a child is born to an Ethiopian mother or an Ethiopian father. In addition to this, the constitution also provides for naturalization, a possibility that a foreign can acquire Ethiopian nationals.

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After clear stipulation of nationality issues in the country, the constitution also made clear statement and declaration regarding to the rights, freedom of those nationals either individually or in groups. Among all things from the previous, the FDRE constitution declared that all Ethiopians are equal before the law, had the right to marry, to work, to rest, to receive free education, and to have access to health care and fair trials. The equality statement of the FDRE constitution shows the obliteration of ‘subject- master’ relationship of the previous regimes and entitlement of Ethiopians as citizens. In this case, the constitution inculcates important equality statements and abrogates any kinds of discrimination among or between Ethiopian nationals. It states that all Ethiopians are equal regardless of nationality, sex, religion, occupation, and social or other status.

The FDRE constitution also assures freedoms of movement, speech, press, assembly, peaceful demonstration, and association for all Ethiopian nationals. Under these provisions, an Ethiopian national were guaranteed the right to liberty of movement and freedom to choose his/her residence, freedom to hold opinion and freedoms of expression without any interference, freedom of association for any cause or any purpose, right to assembly and demonstrate with the other in an armed and peaceful way. Regarding political participation, citizens had the right to vote and the right to be elected for political office. The constitution stipulates that all Ethiopian nationals have the right to take part in conduct of public affairs, the right to vote and to be elected at periodic elections to any office at any level of government and right to be member of his own will political organization, labour union or trade organization. However, this right was guaranteed for only Ethiopian national with age specific.

Ethiopian Citizenship under FDRE Nationality Proclamation²

Ethiopia proclaims a new nationality law referred as “The FDRE Nationality Proclamation. The FDRE Nationality Proclamation, henceforth, officially repealed and replaced the Imperial nationality law of the country and serves as a complementing nationality law of the Constitution of Federal Democratic Republic of Ethiopian. It establishes a descent-based

² Ethiopian Nationality Proclamation No. 378/2003: Retrieved from: <https://chilot.me/wp-content/uploads/2012/10/proc-no-378-2003-ethiopian-nationality.pdf>

regime for attribution of citizenship at birth, removing gender discrimination in relation to transmission of citizenship to children and spouses, and providing for a presumption in favor of abandoned infants found in Ethiopia. There is, however, no protection in favor of children born in Ethiopia who would otherwise be stateless.

There were two basic reasons for the enactment of FDRE nationality proclamation of Ethiopia. These are the coming of the new federal constitution and secession of Eritrea from Ethiopia.

- **The FDRE constitution:** - the first and basic reason for the enactment of the new nationality proclamation is the coming of the new FDRE constitution and its nationality statements under article 6 (3). As article 6 (3) of the FDRE constitution states that “particulars relating to nationality shall be determined by law”, it clearly states that there shall be nationality proclamation that comply with new constitution of Ethiopia.
- **Secession of Eritrea:** -The secession of Eritrea from Ethiopia raised the question of nationality especially on those Eritreans who live in Ethiopia and Ethiopians live in Eritrea (Manby, 2010). When war broken between Ethiopia and Eritrea, the question become more sensitive that raises distrust and suspicion against those who did not reside in their ‘home-state’. Due to this, many Ethiopian from Eritrea and Eritreans from Ethiopia were forcefully expelled from their resident. For example, around 75,000 Eritreans were deported from Ethiopia and those who had been registered to vote in the Eritrean referendum were denationalized. According to the report of the government, Ethiopia revoked their Ethiopian citizenship from Eritreans due to the fact that those who registered to vote in the referendum on Eritreans independence had opted for Eritreans nationality by so doing.

Rights of Nationality

The demand of being national which possibly triggered by a number of reasons, is a fundamental human motivation and desire that an individual demand to have. This desire is so universal that the need to belong is found across all cultures and different types of people in a multi-dimensional way. Fail to belong and identify of oneself as member to an identified

political community-state- results less protected and exposed to severe human right abuses in a number of ways. Due to this fact, national membership and belonging of individuals were further articulated and expressed in rights language as the right to nationality.

Likewise, the right to a nationality becomes a fundamental human right which implies the rights of each individual to acquire change and retain a nationality. Accordingly, different international human rights laws integrate the right to nationality as a basic human right. For example, UDHR under article 15 of its provision specifies that: -

Everyone has the right to a nationality; and no one shall be arbitrarily deprived of his/her nationality nor denied the right to change his/her nationality.

Similarly, ICCPR also stipulates that “every child has the right to acquire a nationality”. Not only the ICCPR and the UDHR, but many international and regional human rights laws, treaties and convention made clear statements regarding the rights of nationalities. For example, the Convention on the Rights of the Child made an important statement which says: -

The child shall have registered immediately after birth and shall have the right from birth a name, the right to acquire a nationality and.....

This clearly shows that the right to nationality is also taken as a fundamental human right that gets due attention under the international and regional human right laws.

As international and regional human rights laws may not be effectively implemented across stated jurisdictions due to the sovereignty of states, international human rights law provides the right to each state to enact or integrate nationality rights under their domestic law. Likely, as signatory of many international human rights laws and conventions like, UDHR, ICCPR, and CRC and soon, Ethiopia tries to integrate the right to a nationality in many domestic laws. For example, the national constitution of Ethiopian, here and there FDRE constitution, made general provision regarding who and how can one be an Ethiopian national. In addition to this, the constitution also integrates the right to a nationality as fundamental human right and states about the non-deprivation of Ethiopian nationality, right to enjoy all rights, right to change Ethiopia nationality. Similarly, the constitution also

guaranteed the right to nationality for children's specifically by stating that "*every child has the right to a name and nationality*".

More specifically, the nationality proclamation of Ethiopia made clear about specific provision under chapter three of the proclamation. The proclamation contains a general provision on the rights of Ethiopian nationals to get state protection. As the proclamation, the state is obliged to protect the rights and interests of its nationals and take a necessary measure to ensure the rights of nationals residing in and abroad. In addition to this, Ethiopian nationals have also the right of non-extradition to another state. This shows that any Ethiopian national may not be surrendered of an alleged criminal by Ethiopian authority to charge by another state. In addition to this, the proclamation also guarantees the right to change one's own nationality whenever necessary and non-deprivation of nationality by the decision of the government involuntarily.

Ways of acquiring Ethiopian citizenship

States have their own selfsame and idiosyncratic laws and rules for citizenship. The domestic law of states made a variety of statements and declaration regarding with the ways of acquiring citizenship especially for those foreigners who demand to be their nationals. No matter the variation and peculiarity of states nationality laws, citizenship could be obtained in two major ways.

- The first is related to the birth place and his/her parent's birth place. A child born in certain country can acquire the citizenship of that country through birth place which is literally known as the right of soil (Jus Soli). This way of acquiring citizenship may not work in some countries including Ethiopia. In addition to this, an individual can acquire citizenship from his/her parent's nationality by blood which is known as the right of blood (Jus Sanguineous). This is the prime and most popular form of acquiring citizenship in all states of the world.
- The second form of acquiring citizenship is naturalization. This form of acquiring citizenship demands the fulfilment of social, economic, political and legal requirements of the country which possibly vary from state to state.

The FDRE Nationality Proclamation made a clear statement regarding the ways of acquiring Ethiopian citizenship. Accordingly, the nationality proclamation of Ethiopia tries to integrate two ways of acquiring citizenship- by blood (descent) stated under article 3 and by law stated under six consecutive articles from 3-9 of chapter two.

Nationality by Descent

Being citizen and belonging to certain political community is not always a choice, rather, it can be through birth place or blood descent that we have from our parents which one cannot change (Kostakopoulou, 1994). Accordingly, children at birth may automatically be citizens if their parents have state citizenship or national identities of ethnic, cultural or other origin (Kostakopoulou, 1994). Regarding this, FDRE Nationality Proclamation states that “*any person shall be an Ethiopian national by descent where both or either of his parents is Ethiopian*”. In addition to this, the nationality proclamation also states that “*an infant who is found abandoned in Ethiopia shall, unless proved to have a foreign nationality, be deemed to have Ethiopian parents and shall acquire Ethiopian nationality*”. Hence, it clearly affirms that the law of blood (*jus sanguineous*) is an important of ways of acquiring Ethiopian citizenship. However, acquiring citizenship through birth place (*jus soil*) is not applicable in case of Ethiopia.

Nationality through Naturalization

Peoples may not live or like to live always in a state in which they born or where their parents belong. Due to many pushing and pulling factors peoples may migrate from their home country to the other and may demand to get a legitimate acceptance to belong to the host states as citizen. Accordingly, different nationality laws and constitution made an important statements and declaration regarding the ways of giving nationality for those foreign migrants (aliens) with specific requirements. The specific legal statement that enables a foreign to become citizen of another country is commonly referred as naturalization. Unlike citizenship through birth, naturalization sets out social, economic, language, political and legal requirements in which foreign national needs to fulfil. As of the

FDRE Nationality Proclamation, “*any foreigner may acquire Ethiopian nationality by law in accordance with the provision of article 5-12 of this proclamation*”.

Acquisition by law: - FDRE Nationality Proclamation states that a foreigner who fulfils the following requirements can acquire Ethiopian nationality through letter of application.

- *Have attained the majority age and legally capable under Ethiopian law*
- *Begin to domicile in Ethiopia for a total of four years*
- *Be able to communicate in any of one of the language NNP of the country*
- *Have sufficient and lawful sources of income*
- *Be a person of good character*
- *Have no record of criminal conviction*
- *One who able to release from previous nationality*
- *Able to take the oath of allegiance stated under article 12.*

Acquisition through Marriage: - marriage is also one of internationally accepted mechanisms that foreign national can naturalize nationality of his/her wife or husband respectively. Regarding to this, Ethiopian nationality proclamation article 6 stipulates that “*a foreign national who is married to an Ethiopian national may acquire Ethiopian nationality by law....*” As stated under article 6 of the proclamation, this acquisition of Ethiopian nationality will be effective with the following requirements.

- First, the marriage should be conducted in accordance with Ethiopian law or the law of any other country.
- Second, there must be a total lap of two years since the conclusion of marriage.
- Third, he/she must live a total of two years preceding the submission of the application in Ethiopia.
- Finally, a foreign national should fulfill the condition stated under article 5 sub articles 1, 7, and 8 of the proclamation stated under naturalization requirements.

Besides, after a foreign national get Ethiopian national through marriage, the status of citizenship cannot be obliterated even if the partners get divorced.

Acquisition through legitimation: - helping others especially for those who are disables', women's and children were taken as the legal and moral duties for many states of the world. These states under domestic law made an important and specific proclamation that able to promote and protect the rights of these groups in special affirmative policy that able to mobilize, invite and coordinate governmental, NGOs and different interested groups. Among one of supporting policy approach were legalizing and contracting adoption of the orphans and abandoned children.

The FDRE Nationality proclamation of Ethiopia made clear legitimation (case of adoption policy in regard with Ethiopian nationality. Article 7 of the proclamation stipulates "*any child adopted by Ethiopian national may acquire Ethiopian nationality by law*". To be this law effective, the proclamation made specific requirements: -

- *First, that adopted child shall not attain the age of majority.*
- *Second, the child must live in Ethiopia together with his/her adopting parents.*
- *Third, if one of the adopting parents is foreigners, the foreigner parent shall express his consent in written form.*
- *Finally, the child must release his previous nationality if any.*

Acquisition through special case: - the acquisition of citizenship can be given for an individual without undergoing all the legal procedures. Rather, states may give nationality for a foreign national who made a profound contribution for the realization of the overall objective of the country. In case of Ethiopia, as of article 8 of the nationality proclamation, "*a foreigner who has made an outstanding contribution in the interest of Ethiopia may be conferred with Ethiopian nationality by law irrespective of the conditions stated under sub article (2) and (3) of article 5 of this proclamation*". In fact, a foreigner who acquires Ethiopian nationality through special case requires dropping or being released from his/her former nationality if any.

Mode of losing Ethiopian Citizenship

Each country defines the nationality status of its own citizens. In doing so, states try to put basic requirements and ways in which an individual can possibly achieve the nationality status of their country and reasons or modes in which their nationality can be lost or taken

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away. This process is said to be mode of losing nationality. Losing citizenship is the event of ceasing one's own citizenship voluntarily or involuntarily under the national law of the country. Accordingly, there are two (voluntary and involuntary) modes of losing one's own nationality.

Voluntary mode of losing citizenship

The voluntary loss of citizenship is a process in which citizens themselves renounces or relinquish their own citizenship at any time whenever they like. Regarding to this, UNUDHR stipulates that *"no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality"*. As signatory of the UDHR, Ethiopia also recognizes the rights of individuals to expatriate one's own nationality and specify that *"any national has the right to change his Ethiopian nationality"*. Complementing the constitution of the country, the nationality proclamation also recognizes the rights of individuals to renounce or relinquish their nationality upon the acquisition or guaranteed the acquisition of the nationality of the other state have the right to renounce Ethiopian nationality.

The loss of Ethiopian nationality upon the acquisition of the nationality of other states were justified that the acquisition of the other nationality considered as voluntary renunciation of his Ethiopian nationality. The nationality proclamation stipulates that: -

"..... any Ethiopian who voluntarily acquires another nationality shall be deemed to have voluntarily renounced his Ethiopian nationality".

As of the proclamation, the loss of Ethiopian nationality in Ethiopian may not have effect on spouses and children. The proclamation stipulates that *"a person's loss of Ethiopian nationality shall have no effect on the nationality of his spouses and children"*.

However, as per the nationality proclamation of Ethiopia, an Ethiopian national will have the right to renounce his/her Ethiopian national only if he/she has acquired or has been guaranteed the acquisition of the nationality of other states. Article 19 (1), which states that: - *"any Ethiopian who has acquired or has been guaranteed the acquisition of the nationality of another state shall have the right to renounce his Ethiopian national"*, implies that an Ethiopian national may not have the right to renounce unless and otherwise he/she

acquire the nationality of the other state. In addition to this, the nationality proclamation also put some basic pre-requisites to renounce Ethiopian national. Regarding with this, the nationality proclamation states that: -

“An Ethiopian who has declared his intentions to renounce his nationality may not be released until: - a/ he has discharge his outstanding national obligation, b/ where he has been accused of or convicted for a crime, he has been acquitted or served the penalty”.

Involuntary Mode of Losing Citizenship

Being citizens of a country does not only entail rights and freedoms. As these rights and freedoms grounded from the unshakable contribution and efforts of citizens, it rather raises serious duties that a given individuals expected to fulfil as citizens of the country. Accordingly, those citizens who failed to fulfil their duty will face an involuntary loss of their citizenship. The Involuntary loss of citizenship is a process in which citizens of a given states are deprived off or taken away their national belongingness by legal decision of the states. Involuntary loss of citizenship occurs either due to automatic lapse of citizenship due to the citizens for failure to take some action to retain citizenship, or due to active withdrawal of citizenship by the country.

After conducting general survey on the nationality law of thirty-three European states, the European Union Democracy Observatory found nine general cases in which citizens of a country lose their citizenship through involuntary ways. These are, the voluntary acquisition of another citizenship, fraud in the naturalization process, sham marriage, residing abroad, serving in a foreign military or government, upon adoption annulment of maternity/paternity, children upon loss of citizenship of their parent, make access of the national secrets to the alien state and promising loyalty to another country/state.

However, different international norms like UDHR, treaties and conventions on the reduction of statelessness limit or abrogate the involuntary lose or deprivation of citizenship and citizenship rights in any case. For example, article 15 (2) of the UDHR stipulates that no one shall be arbitrarily neither deprived of his nationality nor denied the

right to change his nationality. Similarly, article 7 (a) of the Convention on the reduction of Statelessness stipulates that: -

If the law of a contracting state entails loss or renunciation of nationality, such renunciation shall not result in loss of nationality unless the person concerned possesses or acquires another nationality.

These international norms, conventions and treaties try to limit the power of the governments not to deprive citizenship of individuals in which some also argue that it further limits the ability of individual's ability to voluntarily make themselves stateless in many ways.

Likewise, as Ethiopian is signatory states of some of international norms, treaties and conventions, it integrates different legal statements that nullify an involuntary loss of citizenship in the country. For example, the FDRE constitution article 33 (1) states that "*no Ethiopian national shall be deprived of his/her Ethiopian nationality against his/her will*". This statement of the constitution is further strengthening by the FDRE nationality proclamation of Ethiopia which states that: -

No Ethiopian may be deprived of his nationality by the decision of any government authority unless he loses his Ethiopian nationality under article 19 or 20 of this proclamation.

Hence, there is no a legal ground in Ethiopia that used to deprive the nationality of an Ethiopian citizen.

Practical and Legal Challenges of Citizenship in FDRE

The reordering of state society relation and the empowerment of cultural groups under the ethnic based federal system generates a spoiling debate and discussion on the meaning and concept of citizenship and citizens' rights in Ethiopia. The center of discussion and debates were centered on the conflict of the conceptual understanding of the essence of "Ethiopian-ness" (ኢትዮጵያዊነት) and ethnic based group identification of individuals under the ethnic based federalism. While the essence of "Ethiopian-ness" put its center of discussion and

clues of citizenship in national perspective, the ethnic based group identification gives due attention for one's cultural or language identification to an ethnic group. This approach leads an over-riding approach of the civil and political rights of individuals by the social and cultural rights of a group identity.

As the federal state structure with the FDRE Constitution devolves a large amount of power to states divided on the basis of language and ethnicity, almost all ethnic groups were empowered to establish their own self-administering institutions in legally and politically identified territories (Zemelak, 2011). Though it helps to empower the '*empowered ethnic groups*' in political, social and cultural matters, it complicated the life of '*non-empowered ethnic groups*' who are not members of the "*politically empowered ethnic groups*" of the region (Bronwen, 2009). In giving due attention for those territorially empowered groups in their home region or area, laws and policies of the country directly or indirectly limit the rights of some groups who moved from their home region (Mengie, 2010). For example, the Amended National Electoral Law of the country, FDRE Nationality Proclamation, sets out a language requirement for candidates who want to run for election in the area that they contest. Article 45 (1(b)) states that "*any person shall be eligible for candidature, where he is versed in the working language of the regional state or the area of his intended candidature*". Beyond its contravention with the non-discrimination and freedom of movement clauses of the FDRE constitution, this provision clearly violates the vital human rights of citizens to political participation and fair representation. This contravention and 'legal suspension' of the rights of selective citizens makes them non-active and less empowered in the area where they live as 'second citizen'.

Similarly, an ethno-centric regional constitution of the regional states of the country also becomes the basic challenges of the citizenship and citizenship rights. Though, the regional constitutions are very important in determining the structure, nature and power of the regional states and best protect the rights and interests of regional peoples, it complicates and further limits the rights of "*non-empowered*" peoples who are not politically and legally empowered in the region. This is due to the reason that the regional constitutions made an exclusionary statement that transcend the rights of citizens and citizenship rights of '*non-empowered peoples*' when it tries to identify peoples of the region from the other. For example, article 46 (1) of the revised constitution of Gambela Regional State stipulates that

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the founder nations of the regional state are Agnuha, Nuyer, Mejanger, Opo and Komo. This implies that the rest of the people who live in the region are non-founders which technically exclude these groups of peoples from the institutional structure of the regional state. Similarly, article 2 of the revised constitution of Benishangul-Gumuz Regional States put Berta, Gumuz, Shinasha, Mao and Komo as owner of the region. The provision clearly excludes the rest of the people, which potentially count to share almost 45 percent of the total population of the region, from institutional structure of the region as internal migrants. As these constitutional provisions imply, those groups of peoples who are not legally identified as '*peoples of the region*' were suspended from any political participation and excluded from institutional structure of the regional governments. This makes them as second citizens who have no any say on the decision-making process of the regions and lack even security and legal recognition in the area where they live in.

The ethno-territorial federal state structure accompanied with transcending regional constitution of the country also creates an ethno-centric extremist which results in multi-lined ethnic conflict in different parts of the country. As Christophe Van der Beken and Mengie Legesse argue, despite the fact that the new political system which combines federalism, self-determination and legal pluralism devised to solve the unequal relationships among ethno-national groups of people, it also creates ethnic based elite groups that compete to control regional and local state powers and resources that may gradually escalate and change to ethnic based conflict and hostile inter-state relation (Beken, 2007). Due to this, peoples who are not legally and politically recognized as '*people of the region*' were forcefully evicted and displaced and even moved to regional states where their major ethnic groups are located. For example, around 22,000 and 10,000 Amhara from SNNP and Benishangul-Gumuz Region and around 200,000 Oromo from Somali Region were evicted and dislocated due to an ethnic conflict triggered in the area as the report of federal and regional authorities.

However, the forceful eviction and displacement of people were against the constitutional rights of citizens which states "*any Ethiopian..... has the right to liberty of movement and freedom to choose his residence.....*" This violation of constitutional rights and forceful eviction from their settlement and home shows that these groups of peoples are left

unprotected and become vulnerable for a number of human right violations in their country which put their citizenship rights and right to citizenship in question.

Citizenship and citizenship rights are nationwide which demands to entertain the right throughout the legal territory of a given state. However, in Ethiopian the devolution of a large amount of power to regional states divide and weaken the citizenship rights into more local and state level. The problem will further be complicated by ultimate power of regional state to make final decision in their territorial jurisdiction and non-interference rights from the federal government; as the matter of citizenship and citizenship rights will fall in the hands of the powers of the regional states.

Dual citizenship and statelessness in Ethiopia

Dual Nationality

The national laws of the world states regarding with the ways of acquiring of citizenship are varied and overlapping one for the other. When the criteria to acquire citizenship of some states (like Ethiopia, UAE, Israel and China) are culturally specific, the others (like USA, UK, France and Netherlands) give more concentration on economic and academic status of individuals who demand to acquire foreign citizenship (Van Houdt, F., Suvarierol, S., & Schinkel, W., 2011). However, except little difference in their primal emphasis, the criterial that states apply to acquire citizenship is mutually dependent and overlapping. As result, individuals in a number of circumstances may obtain dual citizenship. Dual citizenship is person's citizenship status in which a person is concomitantly regarded as citizens of two or more states under the national law of the country.

Likewise, duals citizenship enshrines legal rights and raises obligations in all countries in which citizenship is acquired. For example, they have access to social services, can vote, able to run for offices, own property and get cultural education/knowledge in both countries that they acquire dual citizenship. Despite this advantage, dual citizenship had a number of disadvantages that complicates the life of citizens by pulling them into a dual obligation like paying tax for both countries, obligating military services, problem of security clearance for accessing classified information.

The status of having dual citizenship had different approaches and responses from the national policy of the world states. While some states simply deny and limit, others permit and accept the status of dual citizenship. For example, when Japan, China, Ethiopia, UAE, Netherlands, Austria and Burma deny; states like UK, Australia, and Belgium allow dual citizenship. However, some states, like USA, did not include clear statements that restricts or allow dual citizenship.

Looking into Ethiopian, dual citizenship did not get a welcoming environment policy throughout the history of citizenship. Even the oldest citizenship law in Ethiopian, the Imperial nationality Proclamation, did not put aside to possibly narrow or abrogate dual nationality in Ethiopia. For example, the Imperial nationality proclamation clearly stipulates that an Ethiopian national who acquire another nationality loss Ethiopian nationality. This clearly shows that the Imperial nationality proclamation clearly bans the possibility of acquiring dual nationality conglomerate with Ethiopian nationality. Similarly, article 17 and 18 which states about the possibility re-admission of an Ethiopian national who lost his/her nationality through the case of naturalizing in another country and women lost through marriage of a foreign national implies that the proclamation clearly deny dual nationality in Ethiopia.

Likewise, the FDRE Nationality Proclamation made an important statements and declarations that directly repudiate or disclaim dual nationality in Ethiopian. Especially, as the proclamation put the renunciation of foreign/other nationality/ as one of the basic requirements to acquire Ethiopian nationality and assumed to be voluntarily renounce his/her Ethiopian nationality if he/she naturalized in foreign country, it implies that the FDRE nationality proclamation of Ethiopia denies the acquisition of dual nationality.

Statelessness

The governing practice and laws of a given state in many states of the world may effectively leave thousands of people without nationality (Manby, 2010). Consequently, hundreds of thousands of people around the world find themselves 'non-national' in any of states that they have ever known (Bronwen, 2009). As Bronwen (2009) states about, they cannot get their children registered at birth or enter school or university; they cannot access state health services; they cannot obtain travel documents, or employments without a work

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permit; and if they leave the country they may not be able to return and soon (Bronwen, 2009). These people with nationality becomes under the state of statelessness that can neither vote nor stand for offices and exposed to human rights abuses. Hence, statelessness is a condition which is used to describe the status of stateless person.

The Convention on the Status of Stateless Person define it as "...a person who is not considered as a national by the any state under the operation of its law". According to Batchelor (1998) in fact the definition of the convention describes a condition of *de jure statelessness* rather than the *defacto statelessness* with respect to national law (Batchelor, 1998). The *de jure statelessness* refers to the condition of persons whose nationality is taken away by their own government due to some reasons. But the *defacto statelessness* refers to the condition of persons who have nationality but do not get protection from their state when they are out of their country (Batchelor, 1998).

Statelessness of persons can be caused by number reasons. Most commonly, the *de jure statelessness* situations are generated by conflicts of law, gender discrimination, state succession, administrative obstacles, and renunciation of citizenship and non-state territories. However, the *defecto statelessness* can be caused by lack of capacity and willingness of states to protect and defend their own nationals from any kinds of internal or external threat.

As Ethiopia is a signatory state of the Convention on the Reduction of Statelessness, statelessness is not a problem for any Ethiopian national. Concomitant to the Convention on the Reduction of Statelessness, both the Imperial and FDRE nationality proclamation of Ethiopian did not allow to renounce his/her own Ethiopian nationality unless and otherwise he/she has acquired or has been guaranteed the acquisition of the nationality of another state. For example, according to the Imperial Nationality Proclamation of Ethiopia, *an Ethiopian national may only lose his/her nationality if he/she only acquires another nationality* of a foreign country. Similarly, the FDRE nationality proclamation of Ethiopia also states that: -

An Ethiopia national may renounce his/her own nationality if he/she has acquired or has been guaranteed the acquisition of the nationality of another state.

In addition to this, both the Imperial and FDRE nationality proclamation of Ethiopia denies deprivation of Ethiopian national by any means. This clearly shows that an Ethiopian national may not fail under the condition of statelessness caused by the law of Ethiopia.

However, the above reasons and proclamation are only for the *de jure statelessness*. Most nationals of the world states are always accused and appeal for getting the expected state protection from external and internal threats. Especially emigrants (both legal and illegal) are demanding to get protection by the national state from any kinds of human rights abuses by the host-state. Regarding this, the FDRE nationality proclamation of Ethiopia stipulates that *"the state shall take such measures as may be necessary to ensure the protection of the rights and lawful interests of its nationals residing abroad"*. Hence, the government of Ethiopia is expected to protect the interests of nationals and hence, protect them from any kinds of human rights abuses and failing to do so lead to the *de-facto statelessness* of Ethiopian nationals who resides abroad.

Concluding Remark

The history of citizenship in Ethiopia goes along with the history of state formation and nation building process that counts many hundreds or thousand years back. However, though there was an exemplary period for the formation of strong political associations in the earliest periods, the effective movement of nation building and formation of territorial contingent state were only vivid after the coming of Emperor Tewodros II. In this period, as Emperor Tewodros attempts to build strong central government with contingent territorial state, it was taken as the real period for the beginning of national building and individuals who identify themselves as an Ethiopian and able to defend their contingent territory from any kinds of treat.

But, most of the plans for modern state formation and nation building process were realized in the period of Emperor Menilik II. This due to the reason that this period was attributed with the establishment of clear territorial delimitation and the formation of strong central

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government which clearly manifested under the battle of Adwa in Ethiopia successfully defend its territory and government from the invasion of Italy. Accordingly, the sense of being an Ethiopian and the process of nation building were much more strong and effective than its predecessors.

Divergently, there is also an argument which says that the modern state formation and nation building in Ethiopia was realized in period of Emperor Haile Selassie. As per this argument, unlike its predecessors, it was only in period of Emperor Haile Selassie that state boundaries become fixed and legally acceptable, political institution of government separated from the state and strong central government were established. These conditions and others lead to establish an international identification of Ethiopian personality and sense of being an Ethiopian that directly shows its contribution for the development of citizenship and national identity.

The sense of national identification and formation of strong central government were further strengthened by the two consecutive constitutions and the nationality proclamation of the Imperial regime. These two constitutions try to integrate basic human rights, though it was very contentious in case of first constitution, for citizens. But, these rights were curtailed by the unlimited power of the Emperor. As a result, citizenship in this period was described by fulfilling responsibility and duty, which manifested through loyalty and being governed by the Imperial rule, to the Imperial Majesty. These expectation and duty of citizens to be loyal and governed by the Imperial Majesty were further strengthening by the two constitutions.

After Emperor Haile Selassie were overthrown by Derge, the ideological approach, system of the government, and the relation between citizens and government were changed from monarchical rule to socialist oriented military administration. This political shift directly changes the nature and understanding of citizenship and citizenship rights. As regard, the new endorsed constitution of Derge also tries to integrate a number of human rights that able to ensure basic freedoms as citizens of the country. However, the repressive nature of the military government nullifies these rights from exercising by citizens as per the constitutional provision.

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Then while, after the fall of the military government by the coalition force of EPRDF, an ethno-territorial democratic federal system was established in Ethiopia. This new political system and state structure completely change the nature and practice of citizenship and citizenship rights. With the institutionalization of ethno-territorial federalism, the newly endorsed constitution (here and there the FDRE constitutions) gives due attention for ethnic nationalities as the locus of institutionalizing its local administration unites. Concurrently, the constitutional also tries to integrate the individuals and collective rights and basic freedoms, equality statements, special or preference actions in which citizens of the country can enjoy it equally and made an important constitutional provision that able to limit the power of government. The constitution also made an important provision regarding with the nationality and nationality rights.

The FDRE government also enacts its own nationality proclamation as the first official replacement of the Imperial nationality proclamation of Ethiopia since the fall of the Imperial monarchy of Emperor Haile Selassie. This proclamation, here and there FDRE nationality proclamation of Ethiopia, establishes a descent-based regime for attribution of citizenship at birth, remove gender discrimination in in relation to transmission of citizenship to children and spouses, and providing for a presumption in favor of abandoned infants found in Ethiopia. The nationality proclamation also made clear provision regarding with the acquisition and lose of Ethiopian nationality. The proclamation also made its devotion to reduce the condition of statelessness putting the requirement of the acquisition of the nationality of the foreign national to renounce Ethiopian nationality. Finally, the proclamations clearly abrogate the condition of acquiring dual nationality conglomerate with Ethiopian nationality.

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Figures:

Map 1: - The Provinces of Ethiopia on the eve of the Italian invasion of 1935. Derived from a map in *The Government of Ethiopia* by Margery Perham, 1969.



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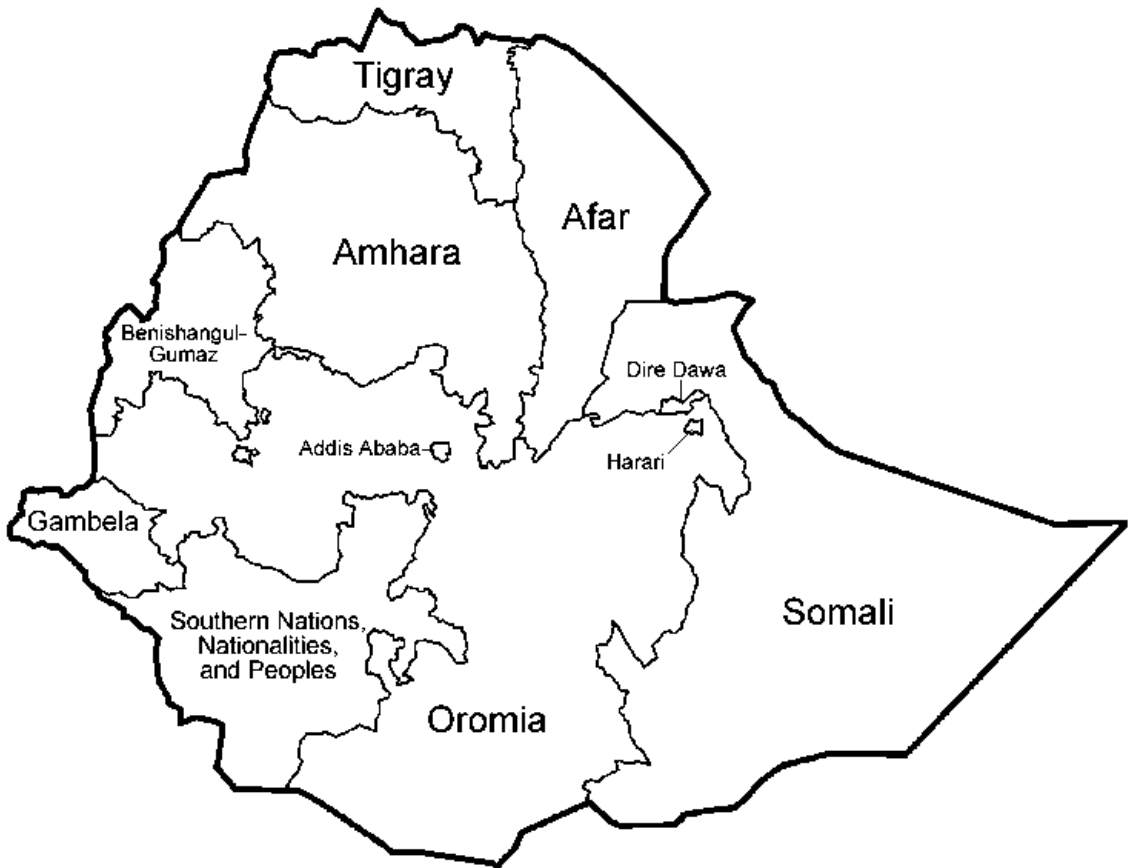
<https://commons.wikimedia.org/w/index.php?curid=27541430>

Map 2:- The 30 regions of the People's Democratic Republic of Ethiopia period, 1987-1991
By Maximilian Dörrbecker (Chumwa) - Own work, using the information from Negussay Ayele: On Ethiopia's Legitimate Claim To Its Natural Seashores - Cartographic Images of Border Regimes—



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Map 3: - Map of Ethiopia by region in since 1991 (The regions and chartered cities of Ethiopia)



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