

Nationalism, Self-determination, Article 39,

&

the Eyes of International Law

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Article 39 of the Ethiopian Constitution stands to grant all peoples of Ethiopia the right to self-determination without any ambiguity. And by that, it has become one of the contentious Article that pervades the body politics of Ethiopia more so than any other perceivable issue of interest. Ethiopians are continuously arguing in support or against this Article, with a tenacious commitment to avoid the fragmentation of their beloved country into miniature, meaningless, and powerless states. Polemics and histrionics aside, and interestingly, the objective of the proponents and opponents of this Article is to keep Ethiopia as it's now- one country under the horizontally stripped green, yellow, and red flag. This precise objective requires a degree of nationalist tendency and commitment, and by that it's creating heated debate where the opponents stand to accuse the proponents of Article 39 as apostates-devoid of a nationalist fervor of an Ethiopian order.

Nationalism shouldn't be something more than a shared sense of dignified endeavor to love, protect, and better the lives of the many diverse people of Ethiopia. Although unfortunate at times, there may be an instance where a people from a nation of many, may choose to be left alone on their own, with or without having a cogent reason. Under such circumstance, democratic procedure rather than warring gesture should prevail. Nationalism of the desirable kind is achieved if and only if all of our unity inducing political and social engagements toward all people concerned are footed on respect and fairness. We cannot fear fragmentation for the very fact that all of our democratic endeavors of facilitating the many diverse people of Ethiopia to self-govern themselves as they see it fit, and all of the bold decisions that we have dared and took can only make the question of cessation obsolete.

National unity or nationality, based on these preceding democratic principles will inevitably breed positive contribution beyond Ethiopia's border, fostering peace and making our volatile and instability ridden region a bit better place to reside on. And most importantly though, the international community will grow very cognizant of the fact that Ethiopia has practiced what it has preached by allowing the mosaic people of Ethiopia to self-govern themselves in manners unseen even in a developed state. And the precedent of this political action of EPRDF will inevitably exonerate Ethiopia from guilt on any outstanding and future question of a people to self-determination.

On October 8, 1999, president Clinton opposed " . . . the breakup of Canada, a country with a relatively decent record of observance of human rights, especially those of the Québécois . . . , " contrasting it with coercive regimes of East Timor and Indonesia. Clinton also " . . . considered questionable the assertion that every ethnic, religious or tribal group seeking secession should

have the right to secede..." by forwarding federalism as an antidote to such difficult question¹. Juxtaposing Clinton's take on Quebec with the practice of federalism in Ethiopia, it's clear that the bold decisions that we have dared and took to empower the many people of Ethiopia will inevitably make the question of self-determination obsolete, at least in the eyes of Clinton, and also in the eyes of people who adhere to Clinton's way of thinking in the international arena.

When the Québécois asserted their right to self-determination, the Supreme Court of Canada had responded to a Reference from the government of Canada on whether Quebec had the right to unilateral secession under Canadian Constitutional Law and International Law. Via its advisory opinion, the Supreme Court of Canada observed, that under the International Law Principle of Self-determination of Peoples, a right to secede arises only when "a people" is governed in a colonial setting, where "a people" is subject to alien subjugation, domination or exploitation, and possibly where "a people" is denied within the state of which it forms a part a meaningful exercise of its right to self-determination.²

Juxtaposing this advisory opinion of the Supreme Court of Canada with the practice of a loose form of federal government in Ethiopia, it's easy to see that all of our democratic endeavors of facilitating the many diverse people of Ethiopia to self-govern themselves as they see it fit, and all of the bold decisions that we have dared and took can only make the question of cessation obsolete, at least in the eyes of an International Law, and the precedent set by the Supreme Court of Canada. It's therefore to Ethiopia's future international legal standing that we get rid of the unwarranted idealization of our sense of who we're as that which is superior in relation to any other people within or out of the boundaries of our beloved country.

Arrogance and disrespect can only foment resentment. Resentment in turn may help tensions to flare, leading some to coerce others and others to resist, propelling whatever unity there is into disarray, thereby making us very susceptible to what is an avoidable fragmentation of our beloved country, even in the eyes of Clinton let alone the International Law Principle of Self-determination of Peoples.

The pivotal lesson is that, one should not read Article 39 without extrapolating it with the common and prevailing theme of the Constitution of the Democratic Republic of Ethiopia and the International Law Principle of Self-determination of Peoples. Admittedly, Article 39 is one of the boldest article, but nonetheless its forceful and demanding phrases can only have meaning if and only if the Ethiopian Constitution fails in practice from continually granting the many people of Ethiopia the right to self-govern themselves as they see it fit. After all, it's the deprivation of this precise right to a self-government that induces the question of cessation rather than the setting aside of the right to secede for those who may be disgruntled in the future. Keep in mind that, for cessation to be materialized, deprivation and disgruntlement of a people has to be found apparent beyond any doubt, and it has to be supported by those who may stand to lose

¹ See Arnold Beichman, *Secession vs. Praise for Unity*, WASH. TIMES. Oct. 18, 1999, at A16.

² See Supreme Court of Canada: Reference Re *Secession of Quebec*, reprinted in 37 I.L.M 1340 (1998).

from the cessation of a people.

In summary, any time you get in to a heated debate about the right to self-determination, keep in mind that, Article 39 is a legislated idea of an ideological conviction that which is in line with the International Law Principle of Self-determination of Peoples, to be practiced only if the organs of political, economic, and social power that should have been bestowed to the people are absent. Article 39 is also a political choice that resulted from decades of an Ethiopian struggle for justice, equality, and the right to self-govern oneself locally. In other words, it is the 'stick' not the 'carrot' that is being used to impact a political living arrangement representing the pacts and agreements that the EPRDF made with the Ethiopia people as stipulated in the Constitution- to emancipate and empower the mosaic people, from imposing and oppressing monolithic central government.