



General Assembly

Distr.: General
21 February 2022

English only

Human Rights Council

Forty-ninth session

28 February–1 April 2022

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Elizka Relief Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[7 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



The Right to Self-Determination and Political Participation of the Province of Benishangul

The right to self-determination and the right to political participation are fundamental principles of the international human rights law, which have been incorporated in international human rights treaties and provided to indigenous peoples, ethnic groups and racial nationalities. The right to self-determination has been referred to in the Charter of the United Nations and in the Universal Declaration of Human Rights, as well as in the initial article shared by the two International Covenants. These groups can claim the right to self-determination in a collective setting, for reasons of preserving their identity and cultural privacy from demise, and their political, economic and developmental exclusion.

The calls for the right to self-determination of indigenous peoples and communities are often accompanied by the absence of just and effective guarantees by States within their jurisdiction for the political, economic and developmental participation of such groups and nationalities, as well as the deliberate marginalization of States. Article 25 of the International Covenant on Civil and Political Rights, together with the United Nations Declaration on the Right of Indigenous Peoples to the Political Participation of Indigenous Peoples, granted indigenous people the right to political participation without restriction. This intervention submitted by Elizka Relief Foundation focuses on the right to self-determination and the right to political participation in the territory of Benishangul, particularly after the recent violations by the Federal Government of Ethiopia against the Territory, resulting in the displacement of thousands, the detention of women and children, the murder of civilians in the Territory and the establishment of development projects on the Territory's indigenous lands without consultation.

Right to self-determination of the territory of Benishangul

Article 39 of Ethiopia's Federal Constitution ostensibly guarantees indigenous peoples, ethnic groups and different nationalities the right to self-determination as well as the right to secede from the State and declare independence. "Every people, nationality and nation in Ethiopia has the absolute and unconditional right to self-determination, including the right to secession." ¹ In its initial and second periodic reports to the Human Rights Committee, Ethiopia provided this right to the various peoples and nationalities of Ethiopia ². However, this article is surrounded by a range of obstacles and constraints that make the self-determination of the indigenous peoples of Ethiopia unattainable. For example, two thirds of the Legislative Council of the Territory or State must agree on the right to self-determination ³, and then a popular referendum is held after three years, which is a very large period of time from this council's approval of self-determination. Even in the event of voting in approval of secession and self-determination, the court can Constitutional cancellation of this referendum as if it was not ⁴.

This is at level of law, but in practice, indigenous parties and movements in the province of Benishangul, which sought to determine the territory's fate away from the federal Government, faced a range of violations from arbitrary detention, deprivation of their land, forced displacement to terrorism and the use of excessive force against them under the pretext of fighting riots and maintaining security in the territory. According to testimony received by Elizka, the government security forces of the Ethiopian Federation do not distinguish between armed men and civilians ⁵. Elizka also monitored previous statements by Ethiopian officials that stimulate violence among the Amhara population, which is the second largest ethnic group in Ethiopia and makes up about 27% of the population of the state and the indigenous peoples of the Benishangul region. Ethiopian Deputy Prime Minister Demeke Mekonnen, a member of Amhara nationality, called on Amhara civilians to arm themselves in an area in Benishangul province ⁶, which increased the frequency of violence against civilians and indigenous people in the territory, resulting in the displacement of more than 34,800 people, and the arbitrary detention of suspected wives and children. According to the Ethiopian Human Rights Commission, 19 women were arrested by the Federal Government's security forces alongside their children on 4 September 2021 for allegedly being wives of suspects in violent acts in an area in the province of Benishangul ⁷. Such reprisals by local

authorities in the province of Benishangul and by the forces of the Command Centre appointed following the outbreak of violence in the territory are contrary to international instruments ratified by Ethiopia, including the international covenants.

The right to political participation in the province of Benishangul

The Ethiopian constitution guarantees the right to political participation, in a manner that takes into account the texts contained in the Universal Declaration of Human Rights and the two International Covenants on Human Rights. Despite holding legislative elections in most of the Ethiopian regions in June and September 2021, the Benishangul region was the only region in which election has not completed, although the National Electoral Council of Ethiopia in October 2021 set a schedule for holding elections in the remaining 17 electoral districts in the region 8. However, after the Ethiopian Parliament approved the declaration of a state of emergency for a period of 6 months on November 4, 2021 under Proclamation No. 1264/2021 9, the National Electoral Council proceeded to postpone the elections again for an indefinite period, which represents an unjustified delay of a constitutional entitlement whose enforcement is in accordance with the principles of democracy and the sovereignty of the law 10. The Benishangul region has 9 seats in the Federation Council (Ethiopian Parliament), which consists of about 547 seats, and they are elected from the members of the state's regional council, which consists of 99 seats 11. According to reports reviewed by Elizka, the Benishangul Regional Council can only be formed after voting has been completed in the remaining electoral districts and the election of 99 members to the council has been completed 12. This, in turn, delays the formation of the local government of the Benishangul region, and thus the possibility of continuing acts of violence and intimidation against civilians from the indigenous peoples in the region 13.

Apparently, This poor representation of the Territory in the Ethiopian Parliament, compared to other provinces, for example Amhara, which holds 138 seats in the Federation Council 14, seems to affect the deteriorating economic situation of the inhabitants of the territory and the denial of land to the indigenous peoples of the Territory, as well as development projects on the lands on which they grew up without consultation or free and prior consent, contrary to the provisions of the United Nations Declaration on the Rights Of Indigenous Peoples 15.

Recommendations

- The Human Rights Council should pressure the Ethiopian government to release all detainees from the Benishangul region, especially the women and children who were detained out of retaliatory motives because of the activities of their husbands and fathers;
- The necessity of consulting with the indigenous peoples of Benishangul and taking their prior approval of the development projects initiated by the federal government as contained in the United Nations Declaration on the Rights of Indigenous Peoples;
- The early holding of by-elections in the Benishangul region and the formation of a local government that takes into account the rights of the indigenous peoples of the region;
- The international community and the Human Rights Council should consider the claims of the tribes and peoples of the Benishangul region regarding their right to self-determination and give special importance to this issue in a just and equitable manner.
- The special procedures of the United Nations, including the Special Rapporteur on human rights and the environment and the Special Rapporteur on the rights of indigenous peoples, should request a visit to the Benishangoul region in order to see the actual reality of the violations committed against them.

1(<https://bit.ly/3eV9YQ1>)

2(<https://bit.ly/3sXEp0a>)

3(Ibid)

4(<https://bit.ly/3HEj5AW>)

5(<https://bit.ly/3zsTliC>)

6(<https://bit.ly/3EYL90m>)

7(<https://bit.ly/3G17Kup>)

8(<https://bit.ly/34ohRvv>)

9(<https://bit.ly/3HCuXDH>)

10(<https://bit.ly/3pTMXn1>)

11(<https://bit.ly/3FYQUMQ>)

12(<https://bit.ly/34eEouw>)

13(Ibid)

14(<https://bit.ly/3JIbtPI>)

15(<https://bit.ly/34iogrx>)