
(Remarks prepared for the ‘RIGHT TO FREEDOM’ event organized by Oromo Support Group Australia, 16-17 April 2016, Melbourne Australia)

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1. Introduction

Good afternoon everyone. It is wonderful to see you all. …

Thanks for having me.

Thanks also for the opportunity to share some of my reflections in relation to the Oromo pursuit of what Etienne Balibar calls ‘Equaliberty.’¹

It is a distinct honour and a special privilege to be speaking in the presence of Dr Trevor Trueman, a great friend of the Oromo and a giant in humanitarian work in support of Oromo refugees for over three decades now. I always say that, as someone reborn as an Oromo in the mid-1990s, I owe thanks to people like you under whose struggle I am schooled and whose selfless struggle I embrace as my inheritance.

My name is Tsegaye Ararssa. I am an Oromo from Ethiopia. I am a legal academic specializing in constitutional law and mostly working in the area of social justice, human rights, and the struggle of people politically rendered invisible to be present and visible. In my talk today, I will reflect on the four critical phases of the Oromo struggle for national emancipation in order to express, if I can, solidarity with the national awakening we see in Oromia today. I thus look at the phases of SURVIVAL/SURVIVANCE,² RESISTANCE, RECOVERY, and RECONSTRUCTION.

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² The term ‘survivance’ is used among scholars working on the issues of First Nations (also known as indigenous peoples). I came across the term for the first time in the work of Gerald Vizenor, *Manifest Manners: Narratives on Postindian Survivance* (Nebraska, 1999). The term means a lot more than mere survival. According to Vizenor, “Survivance is an active sense of presence, the continuance of native stories, not a mere reaction, or a survivable name. Native survivance stories are renunciations of dominance, tragedy and victimry.” In Derridian sense, survivance of course refers to “a spectral
The primary aim for me personally is to pay attention, to remember, and to pay tribute to the people, young and old, who are giving their all in the most recent iteration of the Oromo national struggle for emancipation. The broader aim is to encourage all of us to look ahead into the future where the Oromo will build walls of connection serving as a force for good in the region. It is aimed at encouraging us into the redemptive work of transformation of the entire Horn of Africa Region through a just peace, a peace that honours the ideals of Equality and Liberty (social justice and freedom). It is directed towards invoking what Ruti Teitel calls ‘Humanity’s Law,’ the law that emerged in consideration of the global inter-connectedness in the 21st century—and the law that enhances accountability for one’s actions in all corners of the world. I will argue that the success of this ongoing resistance, which some rightly call ‘Oromo National Awakening,’ depends on its capacity to engage with the world responsibly and re-constructively within the framework of Humanity’s Law.

2. Phases of the struggle for National Emancipation

Since its incorporation into Ethiopia in the 19th century, the Oromo have undergone four phases in their expression of indignation and resentment to the hegemony of the Ethiopian state nationalism. These phases can be summarized as: a) Survival/Survivance; b) Resistance; c) Recovery; d) Reconstruction. I hasten to add that there is hardly a clear demarcation between these phases as they not only flow into one another but also overlap. At times, they occur simultaneously. When they do so, or whenever any two of these happen together, as in the current Oromo awakening, the more successful they become, the more explosive in their intensity, the more powerful in their impact. When they come coevally, they tend to birth a rupture, even a revolution.

Let us have a quick look at what each stage involved.

existence that would be neither life nor death.” The Oromo struggle in its first iteration soon after the conquest was more like survivance, especially in its quest for active presence in the Ethiopian polity.

3 Ruti Teitel, *Humanity’s Law* (Oxford University Press, 2011). Teitel identifies three important components that constitute ‘Humanity’s Law’: International Human Rights Law; Laws of war (traditionally known as humanitarian law, i.e., the law IN war and the law OF war); and International Criminal Justice (following the creation of the International Criminal Court via the Rome Statute). Humanity’s Law, Teitel argues, is the new framework of understanding ‘transitional justice’ in the context of changing global relations. I follow her tack and suggest that this law lays the framework for solidarity and responsibility in an increasingly interdependent world.

4 I am indebted to Nagessa Oddo Dube for this phrase. Nagessa used the phrase in his recent speech televised by Oromo TV on 16 April 2016, also available at [https://www.youtube.com/watch?v=MF4SkY660A](https://www.youtube.com/watch?v=MF4SkY660A).
2.1. Survival/Survivance: Insisting on Presence

At this stage of reckoning with loss and lamenting humiliation, the Oromo was engaged in a quiet performance of Oromumma in the privacy of their homes and/or in the non-penetrated spaces of the rural environment. Among other things, this stage is marked by a quiet resistance to cultural and physical extermination. It was a season of adaptation and adjustment, a season of quiet retreat into one’s own way of life. It is a season of practising Oromumma in the non-public space (in the privacy of the home and in the isolated corners of unpenetrated Oromo hinterland). In Urban areas, the Oromo tried to resist assimilation even as they performed a politics of passing and invisibility, making a gesture towards assimilation. In the rural areas where the State was unable to penetrate the society, the resistance took the form of distancing oneself from the state. The time from incorporation to the 1960s can be characterized as a time of survival and of practising survivance.\(^5\)

2.2. Resistance

This is the stage of refusal to be governed. This is the stage of saying NO, overtly and covertly. In its covert form, it sought to disperse the benefits of modern education and basic infrastructure among the Oromo without calling it an Oromo movement. This is what one sees in the early activities of the self-help association known as the Matcha-Tulama Association (MTA). Of course, this kind of covert resistance is undergirded by a keen sense of awareness of oneself as an Oromo and of appreciating the uneven distribution of basic social services in the empire.

The most overt form of resistance started in the acts of rebellion and organized armed resistance in the 1960s. The age of resistance that started with the MTA movement in urban areas of the centre was corroborated by the Bale Oromo resistance also charting out the route (also in part contributing) to the

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\(^5\) One notes, however, that the formation of the Western Oromo Confederation in 1936 and its act of approaching the League of Nations for membership, or alternatively seeking a British Protectorate instead of submitting to the Italian invaders, was an early and short-lived expression of overt resistance to the hegemony of the Ethiopian empire and an assertion of Oromo subjectivity in the international system of the time. See Ezikiel Gebissa’s ‘The Italian Invasion, the Ethiopian Empire, and Oromo Nationalism: The Significance of the Western Oromo Confederation of 1936,’ 9 Northeast African Studies 3 (2002), 75.
subsequent Ethiopia-wide social upheaval and revolution of 1974. The more mature phase of resistance, of course, took shape only after the formation of the Oromo Liberation Front in 1974 to launch an armed struggle.

When the military regime was eventually toppled by forces of the periphery in 1991, this phase of overt resistance came to a close only to start after a season of recovery. The Oromo self-assertion as a self-determining agent to have a role in the reconstitution of the Ethiopian state as a democratic, human rights-sensitive, a caring and compassionate polity committed to multi-foundationalism, plurinationalism, and just peace\(^6\) was met by a military reprisal by an insecure Ethiopian regime that was reluctant to lose power for the sake of transforming the polity on democratic and humanitarian bases. The transition to democracy faltered and ultimately got derailed altogether. The politics remained militarized. The state crisis continued to deepen. When the OLF left the transition, the transitional pact signed among various liberation fronts collapsed. The hope of transformation was deferred.

The Oromo self-assertion came to be viewed as a threat to the national security of Ethiopia. *Oromumma* became a securitized identity. The Ethiopian prisons and detention centres started to be congested by Oromos charged with the non-existent crime of being ‘anti-peace elements’ (the incipient form of what later became the discourse of terrorism). The politics of co-optation and patronage had led to the creation of the Oromo People’s Democratic Organization (OPDO) to rule Oromia on behalf of the Ethiopian regime, which was now under the tight grip of the Tigray People’s Liberation Front (TPLF). In order to secure a semblance of legitimacy in Oromia, however, the regime adopted the OLF’s program of recovering the Oromo language (*Afaan Oromo*), Oromo identity, Oromo culture, Oromo history.

The seeds of recovery were already in the phase of resistance. However, the actual work of recovery started to bear fruit as it was intensified even in the midst of a violent repression unprecedented in a long time. While the Ethiopian regime utilized its good relations with the international community to malign the Oromos as terrorists and to exclude them from the public space, the Oromo took solace in the possibility of using their language, practising their culture,

\(^6\) A commitment also inscribed in the 1991 Transitional Charter of Ethiopia and later in the preamble of the 1995 Constitution of Ethiopia. To an extent, this undelivered promise of the constitution was what made the political elite of Ethiopia’s South (including the Oromo) ambivalent in their reaction to the constitution. It was also this promise that TPLF used to co-opt several Southern nationalists.
and manifesting their identity in public—albeit only to a limited extent. Later on, this act of taking comfort and pride in using language, expressing culture, and manifesting identity came to express itself in the cultural turn the Oromo resistance took in the face of the increasing closure of the public (political) space.  

2.3. Recovery

This phase was a stage of ‘drawing breath.’ Although at first it appeared a moment of loss and defeat, it actually became a moment of recovery. It is a moment of finding our way back to our Oromo selves. It proved to be a moment of experiencing resilience in its full bloom. Almost like a national recess, it served as a season of rehabilitating the Oromo self, recovering and projecting Oromo subjectivity. It was a moment of reclamation of voice for the Oromo.

In particular, it was a season of recovering the language, the identity, the history (the narrative, the memories, and the stories), the culture, and the cultural institutions of the Oromo. It was a season of refurbishing our way of being in the world, a moment of *re-presenting* ourselves, counteracting the forced absence of the Oromo from the Ethiopian public scene. It was a moment of imagining home from exile. In short, it was a season of restoring dignity to the Oromo (even in the darkness of the unprecedented state terror from 1992-todate).

2.4. Reconstruction

The fourth phase is probably the most critical of all. This stage marks the season for the Oromo to take its legitimate place in the world. It is a stage of reconstituting the Oromo self in the context of a globalized world infinitely interconnected with other peoples. It is a season of reconfiguring the Ethiopian state. The work at this stage can be nothing but transformative. It is a work of engaging with Ethiopia, the horn region, the African union, the middle-east, and the broader world. It is a moment of projecting an Oromo self that intervenes as

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7 This increasing use of songs, cultural events (such as *Irrecha*), exhibitions, etc to express political disaffection is recently referred to as the ‘cultural turn’ in the trajectory of Oromo national struggle. See Ezekiel Gebissa, “Land, Life, and Leadership” [?] (Dec 2015, OSA Extraordinary conference on the Master Plan).

a force for good in the world, a responsible regional actor, a responsible ‘international citizen.’

At this stage, as a people, the Oromo shall hopefully overcome the brokenness of our past, the deep fractures in our relations with the other peoples of Ethiopia and the Horn. In particular, the Oromo must pay attention to Ethiopia with a view to engagement for a genuine transformation. The Oromo pursuit of justice must be complemented by a responsible pursuit of democracy, if only to harness the political power needed to transform the state. Oromo pursuit of equality in citizenship can be a rallying point for all of the ‘other’ peoples (who inhabit the Southern and the peripheral half of Ethiopia). This demand for equality is at its root a question of justice, but we have now learnt the bitter lesson that justice is the function of (mainly legislative and judicial) power. The task of reconstruction cannot be done without pursuing some form of transformative power. The Oromo quest for equaliberty becomes a synthesis of individual rights on the one hand and the right of collectivities (as well as classes other categories) to universal social equality. In a sense, this self-conscious and reflexive pursuit of power is a pursuit of a ‘strong democracy.’

Pursuing a strong democracy in a country such as Ethiopia, pursuing transformative power in this context, requires a huge sense of responsibility to reckon with the other (all the Ethiopian others) with an eye on reconfiguring the terms of citizenship, to reconstruct the state, and to transfigure the state-society relationship. This process of pursuing and achieving transformative power is an engagement in the task of redemption (a process of turning the essentially illegitimate into legitimate).

Granted, it is a painful task. It requires looking at historical evil squarely in the eye, reckoning with its impacts, accounting for it, remembering it, but choosing to forgive. It requires an agonistic engagement with our plurinationality and the complexity thereof. It comes with a cost and sacrifice. For the Oromo, the price of equaliberty is a sense of national responsibility. This is because the work of reconstruction in Ethiopia demands nothing less than redemption. From

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10 This is inspired by a thought in Richard Dehmel’s poem, *Transfigured Night* (Verklarte Nacht) (1998) in which the conception of a child by an adulterous wife is transfigured by the light of love, also represented by the moonlit night, to bring infinitely more joy and rejuvenation of the man. I like to suggest that this kind of redemptive transfiguration helps us overcome ‘constitutional original sins’ to go beyond the original constitutive wrong.
11 An imperfect but useful institutional model is presented to us in the example of the South African Truth and Reconciliation Commission.
theological discourses, we know that redemption requires sacrifice that invests in the belief that the future will be different from the past. It is a process that unleashes anguish as we try to undo injustices of the past and hope for a fairer and more just future.

Transformative engagement with Ethiopia requires consideration of several concrete political realities such as international debts, borders, and military engagements in the neighbouring countries and in the UN Peace-keeping mission fields. More importantly, it requires a serious look into the trade, investment, and development partnerships that Ethiopia has gone into and the obligations that flow therefrom. The Oromo also needs to engage creatively and imaginatively with the institutions of the Ethiopian empire. One has to have a clear idea of what to do with its repressive security, intelligence, military, police, and prison institutions. One also needs to has a clear idea of what to do with abused constitutional institutions and arrangements (parliaments, elections, federalism, self-determination rules, constitutions, ‘rule of law,’ etc). The most urgent and pressing challenge that the Oromo needs to counter directly is the arrest and eradication of the intermittent famine that is caused and mismanaged by successive Ethiopian regimes.

In the endeavour to transform the state-society relation, the Oromo needs to change the hierarchic, centralized, and authoritarian political culture of the country. When it comes to the issue of handling plurinationality and the demand for ethno-cultural justice, the Oromo needs to appreciate that there will be no post-EPRDF moment in some ways and find more practical and just ways of satisfying legitimate national aspirations at all levels. For this, the Oromo needs to empower citizens, preparing them for the democracy to come both within Oromia and in the wider Ethiopia. One needs to prepare people for making an informed sovereign choice in the deliberations on sensitive issues of self-determination and constitutional secession. Throughout, one needs to beware of what we inherit: huge amounts of international debts; an interlocked and interdependent but conflicting and volatile neighbourhood; chronic poverty; malfunctioning institutions; budding corruption in a bubble economy; a generally neo-liberal-capitalist global society; a civilizational cleavage in the ‘war against terrorism’; a deeply divided society; a society that is traumatized by decades of state terrorism; etc.

In the work of reconstruction, the Oromo ought to enact wholeness, connectedness, into the future. The Oromo now ought to become the people of
promise, the people of hope. The Oromo ought to draw on their traditional values and institutions to actively pursue justice. They only need to remember that they are a people of legality (*seera* and *safuu*), a people of egalitarian rule (*Gadaa*), a people of peace (*nagaa*), a people of substantive justice (*sirna dhugaa fi haaqaa*), and a people of reconciliation (*araara*). In all this, they act from the space of brokenness they inhabit as a people who know, from lived experience, what it means to be oppressed. In engaging with the world from the position of brokenness and suffering helps the Oromo create that moment of inter-subjectivity, the space of in-between, born out of the historic vulnerability. As Hannah Arendt reminds us, this place in-between is where the world is constituted. “The world is between people,”12 she once said.

At this stage of the national struggle, the Oromo engage in the act of rebuilding. We build walls of connection, solidarity, humanity, and co-equal/human responsibility. It is at this historical stage that the Oromo takes advantage of the contemporary world’s law. Ruti Teitel calls this body of global law ‘humanity’s law.’13 It is composed of the trinity of international human rights law, the law of war (humanitarian law), and international criminal justice. The first is chiefly a protective body of law (firmly rooted in the fundamental human dignity and worth). The second is more a remedial type of law that gets activated in times of crisis as people conflict (going to war or engaging in other forms of political violence) and mistreat each other (in the context of war). The third is focused on ensuring responsibility for atrocities beyond one’s national borders. In this third category of law, the Oromo sees the International community as a truth bearing witness and a potential ally in the pursuit of their equaliberty. The third category, being mainly a post-sovereignty regime of law, also helps us overcome the weaknesses of traditional state-centred institutions of human rights and humanitarian law. It is this nature that makes it suitable to the concerns of sub-national entities that were routinely ignored or abused by the complicity of the national and the international actors whose conducts are anchored in the notion of sovereignty.

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13 Ruti Teitel, *Humanity’s Law* (Oxford University Press, 2011). See also her ‘Humanity’s Law: Rule of Law for the New Global Politics,’ (2002) 35 *Cornell Journal International of Law* (2), 356. Teitel tries to work out a new framework of accountability at the global level by going beyond her earlier work on *Transitional Justice* (Oxford 2000). This framework, I hope, will be useful for the Oromo both to pursue justice for the atrocities experienced and to engage with their neighbours responsibly. Coming as they do out of a long and deep crisis situation, the Oromo can also use this framework for building a sustainable peace grounded in justice and truth.
The Oromo of the 21st century, the brave new generation that is living this moment of awakening, has the task of reconstruction by paying attention to and taking advantage of the contemporary humanity’s law. Humanity’s law helps us achieve human rights, peace, and justice, all three of them together. This in turn consolidates just peace in the entire region. For the Oromo, apart from allowing us to engage the international (which was often neglected in the struggle although the latter was always attendant to our oppression from colonial times to cold war, and further on to this neo-liberal ‘global-capitalist’ age), helps us pursue equaliberty, i.e., both equality and liberty. The historic Oromo quest for freedom and social justice will then be achieved within this framework.

In the course of reconstruction, the Oromo engage in self-transcendence. They live out the imperative of paying attention as an act of solidarity with all oppressed people around them. They reach out to all their neighbours, especially the humble and the lowly. And these are in abundance in the region, be it in Ethiopia or in the wider Horn region. Without reaching out to these and working together with them, Oromia can hardly achieve freedom, justice, or peace.

3. Pursuing Equaliberty: The Imperative of Resistance, Recovery, and Reconstruction

The Oromo pursuit of equaliberty in the framework of humanity’s law, unlike what its detractors maintain, is not a quest for power. Nor is it just a quest for thin democracy as experienced in electoral practices. It is primarily a quest for social justice in a democratic environment that is grounded in a sense of responsibility for the protection and elevation of human dignity. In this process, the Oromo is going to go beyond resistance and self-recovery to achieve reconstruction with an eye on reconciliation. This is necessitated by the fact that both freedom and justice, both liberty and equality, are intensely relational. No time is more suited than now for us to proclaim, in the spirit of Ubuntu, that “I am because we are.” No place needs this spirit in abundance more than do Oromia and its neighbourhood.

4. After the Oromo Protest: the Imperative of Reconstruction

In the past few years, we have witnessed the simultaneous operation of the logic of recovery and resistance--sometimes alternately, sometimes simultaneously. The stronger the repression, the more powerful the momentum of the resistance.
The generation that benefitted from the cultural rehabilitation has come of age to demand their right in their own terms. In the last five months we have become fortunate to see a generation that is mentally emancipated, a populace that knows how to conduct itself in the face of adversity, a people who act cohesively with a unity of purpose. We have seen the persistence in resistance.

We have seen a people determined to insist on justice. A people who turned (economic and electoral) despair into hope, loss (of land and livelihood) into gain, (electoral and military) defeat into (a genuinely substantive political) victory.

We have witnessed a people who, with their resilience, exposed the moral and political bankruptcy of a conceited regime. We observed a self-mobilized, self-directed, grassroots movement that virtually shamed and humiliated a seemingly invincible regime. We have seen people expose the limits of deceptive politics whose legitimacy is shored up through using election as a war by other means. We have seen a people who tested the limits of political double-speak. We have seen a people who exposed the true nature of the regime. They have rendered a region totally ungovernable. They have forced the regime to impose a military rule.\(^{14}\)

We have seen a movement that conducted itself responsibly vis-à-vis other peoples even in the face of provocation and manipulation by the regime to foment horizontal conflicts.

This is an indication of the fact that the Oromo public is now ready to engage the wider Ethiopia, the entire region, and the world re-constructively, transformationally, redemptively within the framework of humanity’s law. The success of this National Awakening is to be completed when its leaders demonstrate the capacity to make the generation to begin again, to start afresh, to remake the neighbourhood, to build new walls of interdependence, even from the ravages of our oppressed Oromo lives. The success is said to be complete when the \textit{Qubee} Generation demonstrates its capacity to write a new history by

\(^{14}\) Contrary to what many people assume, what exists in Oromia now is not Martial Law. It is a pure military rule devoid of any semblance of legality that one sees even in Martial law (a rule under the command of the highest military official that suspends or deposes political leaders because of a constitutional crisis or utter incompetence on the part of civilian political governance). In Ethiopia, what we see is an illegal dismissal of the state’s civilian administration by a Command Post chaired by the Federal Prime Minister who ordered, again illegally, eight divisions of the Army to “take a merciless and final measure” on protestors.
emulating the Phoenix that “rises out of the ashes”, to go beyond the ruins imposed on it by a century of injustice to make a difference in the region.

For this, we need to start paying attention to connectedness, inter-dependence, and the need for acting in solidarity with others. After all, as Simone Weil reminds us paying attention is an act of grace, the ultimate expression of solidarity. Like all the other peoples in Ethiopia, the Oromo ought to start learning to see through others’ lens. We have a fear to dispel. We have a trust to build. We have the responsibility to enchant the generation into hope and a better future.

5. Conclusion

The current Oromo awakening reminds us that the Oromo have survived. The age of being seen as an unwanted presence, as a vestige of a regrettable past in Ethiopia, is substantially on the decline. The children have arrived. The Qubee generation is already here to make a difference. The work of national self-recovery has borne fruits. Resistance has matured. It has restored agency to the Oromo public who in turn have made Oromia totally ungovernable to the regime. Mental emancipation has been achieved.

People now know how to act, and can act, even in desperate conditions. What remains now is to start engaging wisely with the world around us in the task of reconstruction. Prudence suggests that we can take advantage of humanity’s law. Prudence also suggests that we be mindful of the fact that in our times, lawful engagement is a necessity. Yes, law, too, can be effectively—albeit discerningly—be used as a spectre of resistance. We need to remember that more often than not, law is deployed as ‘war by other means.’ It is this interlocked deployment of law in/and war that David Kennedy calls lawfare\(^{15}\) (war by legal means), and perhaps rightly so.

Thank you.

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