

The Indigenous Oromo Nation

Victims of Natural Resource Theft under Abyssinian Imperialism and Colonialism in the Creation of Modern Ethiopia

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Figure 1

Oromo Woman



Note. Borana, Ethiopia. From *Portraits: People* [Photograph], by ILRI, 2013, *Flickr* (<https://flic.kr/p/fTnkZw>). CC BY-NC-ND 2.0.

ABSTRACT

This paper examines the exploitation of the Indigenous Oromo people's natural resources without Free, Prior, and Informed Consent (FPIC), beginning with the historical subjection and oppression

of the Oromo by imperial and colonial forces. It challenges the prevailing narrative of Ethiopia's 3,000-year independence by showing that its current geopolitical boundaries—formed no more than 175 years ago—resulted from African imperial expansion. Focusing on the Lega Dembi gold mines in southern Oromia, the analysis demonstrates how successive Ethiopian regimes have violated Gujii Oromo human and Indigenous rights through forced gold and silver extraction, precipitating severe environmental harm. Finally, it argues for the Oromo Nation's accession to the International Covenant on the Rights of Indigenous Nations (ICRIN) and recognition by the Nations Indigenous Court Tribunal (NICT), thereby securing a legal forum to address ongoing FPIC infringements and seek redress for resource-extraction abuses.

Keywords: Emperor Menelik II, Gujii Oromo, Lega Dembi Mine, ICRIN (International Covenant on the Rights of Indigenous Nations), “NICT” (Nations Indigenous Court Tribunal), Free, Prior, and Informed Consent (FPIC), Indigenous rights in East Africa, Ethiopian Constitution, Tigrayan People's Liberation Front (TPLF), Haile Selassie

The Imperial Abyssinian Expansion of Menelik II creates Modern Ethiopia

Before the middle of the 19th century, the area of the northern highlands of present-day Ethiopia was known to the outside world as Abyssinia. Due to largely Biblical influences among others, Abyssinia was also called Ethiopia by some writers. Thus, Abyssinia was also known as the Ethiopian Empire. This geographical area of Abyssinia was composed of four major kingdoms—the Kingdoms of Tigray (Axum), Gondar (Begemder), Gojjam, and Manz (Showa) (Holcomb & Ibssaa, 1990, Map 3). Roughly speaking, the present regional divisions of Tigray, Amhara, and the northern

tip of Oromia down to the capital of Addis Ababa are the lands of Abyssinia, the Ethiopian Empire, before 1860.

For several decades prior to the mid-19th century, the kings of these kingdoms had been locked in an incessant struggle over who would be crowned emperor of the whole of Abyssinia, the emperor being “The King of Kings.” This period from the mid-18th century to the mid-19th century was one of devastating strife and struggle over competition for supreme rulership of Abyssinia where, for a while, an Oromo dynasty was able to gain de facto power over the imperial court. This period in Abyssinian literature is known as *Zemene Mesafint*, translated as the “Era of Judges” or “Era of the Princes” as taken from

the Biblical Book of Judges. It lasted from 1769 to 1855 (Mennasemay, 2012). During this period, a young prince would be born in the Abyssinian province of Showa, a young prince who would rise to become an emperor who would expand the borders of the original Abyssinia by force of arms, brutally and mercilessly subjugating millions of indigenous, non-Abyssinian peoples in the process, and by so doing, create a new geopolitical structure that would ultimately become known today as the Federal Democratic Republic of Ethiopia. This emperor is none other than Menelik II.

Menelik II began his life as Sahle Maryam on 17 August 1844 in the Kingdom of Showa. By 1866, he had risen to become King Sahle Maryam of Showa. On 3 November 1889, King Sahle Maryam was crowned Emperor Menelik II upon the death of Emperor Yohannes IV (Zewde, 2002).

Now, what is important here are the activities of King Sahle before his coronation as Emperor Menelik II between the years 1866 and 1889. It would be this period of 23 years that King Sahle assembled an army of several thousand Shewans, who, like himself, were mostly ethnically Amhara, and launched an expansionist movement of imperial conquest that would see the forced annexation of several non-Abyssinian peoples into what would become the expanded Ethiopian Empire, the area we know today as Ethiopia. In other words, King Sahle, the eventual Emperor Menelik II, was responsible for a period of African imperialism and expansionism no less egregious, destructive, and oppressive than the European imperialism and expansionism that was

going on at roughly the same time in the rest of Africa, the so-called “Scramble for Africa.”

The Forced Annexation of non-Amhara, non-Abyssinian, Indigenous Nations and Peoples

Between 1866-1889, King Sahle Maryam moved out of his base of Showa, also known as the Kingdom of Manz, with an army equipped with modern weapons of the time. Being equipped with modern European weapons gave King Sahle a decided military advantage over any armed force he faced which was not similarly equipped. The Kingdom of Showa, being the southernmost of the Abyssinian kingdoms, was strategically located as a region from which invading armies could be launched towards the east, south, and west on non-Abyssinian lands composed of many independent polities. During this period, the lands of Hadiya and Welega in the southwest and west respectively, Oromo in the south, and Harar in the east, and so many others would come under the imperial and colonial control of King Sahle Maryam.

The Indigenous Oromo Nation of Ethiopia

The imperial drive by the Amhara military machine equipped with modern European weapons under King Sahle Maryam, the eventual Emperor Menelik II of Abyssinia, subjugated many non-Amhara, non-Abyssinian peoples beginning in the middle of the 19th century. The largest of these subjugated Indigenous peoples were the Oromo. In today's Ethiopia, the Oromo remain the most populous Indigenous community. It is now estimated that the population has reached a total of

45,000,000 individuals, or 35.8% of the total estimated population for Ethiopia of 116,000,000 inhabitants (“Ethiopia,” 2022). The Oromo are composed of several subgroups—in this paper, I discuss the Arsi Oromo, Haraghie Oromo, and the Gujii (also Guji) Oromo. The first two, the Arsi and the Hararghie are referred to in historical terms as examples of the tremendously horrific suffering the Oromo people endured under Abyssinian imperial rule that officially ended with the overthrow of Emperor Haile Selassie in 1974. The Gujii Oromo are examined as an example of forced population displacement for the purpose of natural resource extraction conducted by the modern Ethiopian State that still operates in its governance style as an imperial regime regardless of its façade as a modern democracy.

The Subjugation of Indigenous Arsi Oromo

The invasion of the independent Oromo polities was particularly egregious. One case in point: the invasion of the lands of the Arsi Oromo south of Showa. Beginning in 1879, King Sahle Maryam launched several invasion campaigns against the Arsi. The Arsi fought back so valiantly such that for the next seven years, King Sahle was unable to completely subdue the Arsi in spite of having superior imported European weaponry. Nevertheless, during this seven-year period, the incursions “provided him [King Sahle, the eventual Emperor Menelik,] with a huge booty of cattle, slaves, and other goods...” (Hassen, 2009, p. 96). Also, according to Dr. Mohammed Hassen, a renowned Oromo historian and academic,

Menelik conquered the Arsi Oromo only after killing thousands of their warriors. His soldiers slaughtered, systematically mutilated, and sold survivors into slavery....Massive mutilation was used to psychologically destroy the people’s resistance. The worst mutilation[s] took place in September 1886 at Azule and Anole. At Azule,...[there were] 12,000 Arsi Oromo [were massacred], while in Anole thousands of mutilated hands and breasts were tied around the necks of victims who were sent back to their villages. Other mutilated hands were hung on a tree under which the Shoan soldiers [from Showa] sang and danced in celebration of this exploit (Hassen, 2009, p. 97).

Mohammed Ademo, an Oromo journalist and historian, sheds additional light on this horrific chapter in Arsi Oromo history:

In [the] late 19th century, at the same time as the scramble for Africa, emperor Menelik II set out to forcibly incorporate independent Oromo territories into his “nascent empire”... Menelik faced a fierce resistance from the Arsi.... When Menelik’s army of conquest, equipped with modern firearms acquired from western powers, arrived in early 1880s, the Arsi...[were] in for a rude surprise. However, buoyed by a tradition that bestowed *Wayyooma* (an almost sacred high honor) accorded to those distinguished in war as in peace, the Arsi waged a valiant war of resistance. The Arsi repeatedly ambushed and kept Menelik’s forces at bay for six years between

1880-86—winning all 38 running battles....On Sep[tember] 6, 1886, the ferocious Arsi fighters [finally] succumbed to Menelik's state of the art armaments with their spears and shields outmatched. An armistice was declared after an estimated 12,000 Oromo fighters...perished in a single day battle....But the suspension of open hostility did not end Menelik's appetite to crush and humiliate the Arsi....In 1887, Menelik's forces came back to...terrorize the remaining populace into total submission....A meeting to "make peace" with the Arsi and "deliberate" on future administrative matters [was called]. Thousands gathered at Aanolee (Anole)....Menelik himself then arrived to deliver the ultimatum that they [the Arsi Oromo] would be annihilated if they [didn't] accept his rule....The Arsi insisted on maintaining their [indigenous] Gadaa [system of sociopolitical organization] while accepting, even begrudgingly, Menelik as a king.... [Then,] Menelik's army ordered those [Arsi] in attendance...to enter a narrow pass one by one. The right hands of all male[s] that entered were cut off....The Shoans tied the hand they cut to the neck of the victim. In the same manner, the right breasts of the women were also cut and tied to their neck....As a further form of humiliation, fear and terror, the mutilated breasts and hands were tied around the necks of the victims who were then sent back home (Ademo, 2014).

To commemorate this horrific event that remains permanently etched in the collective memory of the Arsi Oromo, the Aanolee Cultural Center was erected in the Arsi town of Hetosa. On 6 April 2014, hundreds of thousands of Oromo

gathered at Hetosa for the unveiling of the Center:

The cultural center houses the Oromo Martyrs' memorial monument, an ethnographic museum and a mural. Standing several inches on top of a tomb, the monument shows a severed hand stretched upward holding a woman's breast, also severed. It is erected as a tribute to the Arsi Oromo whose hands and breasts were mutilated by 19th century Ethiopian emperor Menelik II (Ademo, 2014).

By 1887, the Arsi Oromo were brought under the complete control of the Showan Amhara forces of King Sahle Maryam, just two years before his coronation as Emperor Menelik II of Abyssinia (Lewis, 1983).

Invasion of the Holy Muslim City of Harar and Subjugation of the Oromo of Haraghe

Another tragic story is the invasion of Harar, which is located in the far eastern highlands of Ethiopia. Harar is an ancient Muslim city with founding roots that appear to go back as early as the 7th century C.E. (Insoll, 2003). At some point in 1886, Sahle Maryam, the King of Shewa—who was to be crowned Emperor Menelik II of Ethiopia in 1889—was preparing to invade the independent Emirate of Harar under its last independent leader, Amir Hajji Abdullahi ibn Ali Abdus-Shakur. King Sahle Maryam sent Amir Abdullahi a letter demanding that he, Amir Abdullahi, submit to him in the name of *Medhani Alem*, Amharic for "Medicine (or Savior) of the World," an epithet for Jesus Christ. After reading the letter, Amir Abdullahi wrote back to King

Sahle saying that he would submit to the King only under the Islamic declaration *La illaha illa Allah Muhammadar Rasul-Allah*, Arabic for “There is no god but Allah and Muhammad is The Prophet of Allah.” The implication would be that if King Sahle wrote back to Amir Abdullahi in this fashion, it would indicate that he had become a Muslim. Of course, King Sahle was not about to make such a declaration. In fact, King Sahle was so angered by the suggestion that he become a Muslim that he wrote back to Amir Abdullahi saying that he would meet him, Amir Abdullahi, with his Shewan army, defeat him, and then march into the walled Muslim city of Harar, find the *jami* mosque—i.e., the main Friday congregational mosque of the city—and desecrate it by urinating in it (Al-Hashimi, 2020)!

Not long after this letter was sent to Amir Abdullahi, King Sahle marched his army to a place known as Chelenqo on 6 January 1887 and encountered the forces of the Amir. Due to King Sahle’s superiority in armaments, the Shewan army easily defeated the Amir’s forces. True to his word, King Sahle Maryam, the future Emperor Menelik II, entered the walled Muslim city of Harar, found the *jami* mosque—actually, the Egyptian *jami* mosque—and urinated in it! (Fortunately, the original Grand *Jami* Mosque built by the Hararis escaped the wrath of King Sahle). Subsequently, King Sahle had the mosque torn down and had an Ethiopian Orthodox Christian Church built on the same spot, naming it the Medhane Alem Church. This church still stands today inside the wall of Harar as a reminder to the Muslims of Emperor Menelik II’s abominable insult to the Muslims of

Harar, Ethiopia, and, indeed, the Muslims of the world! Thus, Harar became a part of Menelik’s imperialist expansion and colonial subjugation project (Al-Hashimi, 2020).

The defeat of Harar opened the door to the conquest of the surrounding Oromo region of Hararghie. Dr. Mohammed Hassen, a native of the Hararghie region of which Harar is a part, offers additional insight into the conquest of Harar and the surrounding region of Hararghie:

Menelik invaded Harar and defeated the Muslim force on 7 January 1887. With a single victory, he gained a rich and vast [surrounding] region of Hararghie that brought him closer to the sea [i.e., The Red Sea] from where he imported the weapons that made his famous 1896 Adwa victory [against the Italians] possible....The heavy yoke of supporting Menelik’s large army fell on the conquered peasantry of [Hararghie]. His unpaid soldiery, known [in the Amharic language] as *neftanya* (gun bearers), raided the conquered people for cattle and slaves on the slightest pretext. Atrocities occurred as...troops slayed adult men and women and dispatched their children into slavery.... Herded into groups by their captors, enchained survivors marched with other prisoners toward Harar. The soldiers sold their surplus slaves in the markets in and around the city (Hassen, 2009, p. 99).

Dr. Mohammed goes on to explain how the once freedom loving and proud Oromo of Hararghie were reduced to virtual serfdom:

After the conquest and occupation, Menelik distributed two-thirds of the conquered land among the armed [Showan] settlers, the [Abyssinian Orthodox] church, and the [Abyssinian] crown “while he allowed one-third for the indigenous [Oromo] people on the condition they supply forced labour for the settlers and various taxes, dues, and tithes for his court and the church.” In their own land, the Oromo and other conquered people became landless gabar (serfs) (Hassen, 2009, p. 99).

With the conquest of Harar and Hararghie, the imperialist expansion of King Sahle was growing ever larger. Thus, these forced annexations would greatly expand the size of the original Abyssinia. By 1889, King Sahle Maryam was crowned Emperor Menelik II upon the death of Emperor Yohannes IV. His military invasions continued further east, south, and west. After 1889, Menelik’s project of imperial expansion continued further east, south, and west, creating an imperial realm more than three times the size of the original land mass of Abyssinia. Geographically this imperial realm comprises most of the Ethiopia we know today. By 1904, Emperor Menelik’s imperial and colonial expansion had been largely completed.

The Ethiopian Empire would reach its greatest extent when Emperor Haile Selassie, the successor to Emperor Menelik, took control of Eritrea with the help of the United Nations in September of 1952. By September of 1961, the Eritreans launched an organized armed rebellion against the Ethiopian crown (Fessehazion, 1983).

The rebellion would last nearly 30 years until 24 May 1991, when Eritrea declared independence from Ethiopia (“Eritrea,” 2025). Thus, one can safely say that the Ethiopian Empire began its journey on the road to breaking up as a geopolitical entity when Eritrea declared its independence on 24 May 1991.

The Ethiopian State Today is the Former Ethiopian Empire

In 1974, Emperor Haile Selassie would be overthrown by a military coup led by Mengistu Haile Mariam, a colonel in the Ethiopian army. This military overthrow officially ended imperial rule. From that point in time, Ethiopia would experience the authoritarian dictatorship of the Marxist-Leninist regime led by strongman Colonel Mengistu Haile Mariam for the next 17 years, from 1974 until 1991. In 1991, the socialist regime was overthrown by the Tigrayan People’s Liberation Front, the TPLF, that had been fighting against the socialist regime for some 15 years. The TPLF was joined in its struggle against the Marxist-Leninist regime with the help of the Eritreans of the Eritrean People’s Liberation Front, the EPLF, and Oromos of the Oromo Liberation Front, the OLF. The TPLF led by Meles Zenawi would establish a coalition group called The Ethiopian People’s Revolutionary Democratic Front, the EPRDF, consisting of four political parties representing Indigenous peoples in Ethiopia of which the TPLF was the most dominant. The EPRDF would govern for the next four years—1991 until 1995—under what was called the Transitional Government of Ethiopia, the TGE, with Meles Zenawi as the President of

Ethiopia (Maasha, 2012). However, by 1992, the OLF would part ways with the EPRDF for various political reasons and take an adversarial position toward the government (Shinn, 2011).

Under the auspices of the TGE, a new Constitution would be drafted. By 1994, the new constitution would be ratified, published, and officially called The Constitution of the Federal Democratic Republic of Ethiopia. The new Constitution would radically shift, at least on paper, the political identity of Ethiopia away from its imperial and socialist past. This Constitution would come into force on 21 August 1995 (Federal Democratic Republic of Ethiopia, 1995). One of the key features—and perhaps most controversial—of the new Constitution would become Article 39 which “deals with the rights of the nations, nationalities, and peoples of Ethiopia, including the provision that ‘Every Nation, Nationality and People in Ethiopia has an unconditional right to self-determination, including the right to secession’” (Federal Democratic Republic of Ethiopia, 1995). The EPRDF would eventually emerge as the dominant political party in Ethiopia, with Meles Zenawi as its leader and Prime Minister of Ethiopia from 1995 until 2012 (Meles Zenawi Foundation, 2012). Unfortunately, however progressive and democratic the Constitution of Ethiopia may be, many of the oppressive practices of the imperial regime still continued to linger in the political practices of the Federal Democratic Republic of Ethiopia under Meles Zenawi. According to the Oromo scholar and academic, Dr. Mohammed Hassen,

Oromo men, women, children, animals, and even the Oromo environment are still targets of the TPLF’s tyranny. In cases where Oromo pastoralists were suspected of harboring OLF [Oromo Liberation Front] guerrilla fighters, TPLF soldiers punished them by destroying or confiscating their cattle or by poisoning the wells from which the cattle drank. On many occasions Oromo farmers, suspected of feeding OLF fighters, saw their farms burned to the ground and the defenseless members of their households brutally murdered. In 2000, when the TPLF government suspected OLF guerrillas of hiding in the forests of Oromia, its agents set fires that caused catastrophic environmental destruction in Oromia and other [non-Abyssinian] states in southern Ethiopia (Hassen, 2002, pp. 37-38).

By 2018, Abi Ahmed Ali would ascend to power as prime minister of Ethiopia as a result of a great deal of civil unrest. The unrest, an ongoing street protest against the many oppressive measures of the TPLF/EPRDF government, was led by the Oromo youth movement officially known as the Oromo National Youth Movement for Freedom and Democracy (NYMFD) and popularly known as Qeerroo, the Afan Oromo word for “youth.” (BBC, 2019). Prime Minister Abi Ahmed would eventually abolish the EPRDF and establish his own Prosperity Party (PP). Prime Minister Abi remains in power to this day. However, Prime Minister Abi would soon fall into the same authoritarian rule as his predecessors, from Emperor Menelik II to Prime Minister Meles Zenawi. Indeed, many pundits refer to Ethiopia

as the “Empire State” where little has changed in the way of socio-political justice. One of the practices originating in the imperial era would be the continued exploitation of the regions originally conquered and colonized by Emperor Menelik for the extraction of natural resources such as gold.

The Lega Dembi Gold Mine in the Guji Zone of Oromia, Ethiopia

Near the town of Shakiso in the Oromia Region of Ethiopia is located the Lega Dembi Mine, the largest gold mine in Ethiopia (Billay, 1997). Lega Dembi has a yearly production of around 4,500 kg of gold (including some silver) and is owned by the Mohammed International Development and Organization Companies, or MIDROC Ethiopia, an Ethiopian oil and mining group (Good Returns, 2025). The founder and CEO of MIDROC Ethiopia is Ethiopian-Saudi billionaire Mohammed Hussein Al-Amoudi (Good Returns, 2025). As shall be shown, the Lega Dembi Gold Mine is the center of a great deal of environmental devastation in the Oromia Region of Ethiopia.

Background

Lega Dembi mine is located in Oromia Regional State, Gujii Zone, about 500 km due south of Addis Ababa, the capital of Ethiopia. The Gujii Zone is the land of the Gujii Oromo, a historically agro-pastoralist people (Regassa & Abebe, 2023, p. 12). Furthermore,

The Guji Oromo were incorporated into the Ethiopian state in the late nineteenth century and have since remained marginal

in terms of socio-economic development and political representation. Despite this, the area has long formed part of the central state’s economic interests, making its people vulnerable to what scholars in the field of resource-based conflicts call the ‘resource curse’ (Regassa & Abebe, 2023, p. 12).

Lega Dembi is part of the Adola gold deposit and was discovered in the 1930s. The mine was developed by the Ethiopian Empire during the reign of its last emperor, Haile Selassie (1892-1975). The mine was initially developed under the imperial regime’s forced labor and penal servitude mandates. Security for the mining operations was provided by a garrison of 900 soldiers from the imperial army. During the imperial regime,

control over Ethiopia’s gold mining was—in addition to its economic value to the imperial treasury—a symbol of the sovereign’s claim over the peripheries.... Gold mining in Guji was thus brought under the absolute control of the crown, with provincial administrators submitting the gold directly to the emperor (Regassa & Abebe, 2023, p. 13).

Local Indigenous Gujii Oromos, who were forcibly removed from their land as agro-pastoralists, were either killed or tortured if they engaged in artisanal mining in the area or even collected coffee near the mine for survival (“Lega Dembi Mine,” 2024). Furthermore, the “negative consequences suffered by the Guji [Oromo] people include land dispossessions, population displacement, toxic chemicals from mining sites,

conflicts, disease and the destruction of sacred spaces” (Regassa & Abebe, 2023, p. 12).

MIDROC Ethiopia acquired the mine from the Ethiopian government for \$172 million in 1997. The mine was initially an open-pit mine with a large, open tailings pond, producing gold and silver beginning in 1998. MIDROC Ethiopia expanded and converted it into an underground mine. The mine generated more than \$60 million per year before the permit was cancelled in 2018. Later in 2018, a ten-year renewal for the mining permit was briefly granted with a provision allocating 2 percent of the mine’s profit for the local community, but it was quickly cancelled due to local outrage about pollution from the mine, before being reinstated in 2021 (Manek, 2018).

The Lega Dembi Mine: A Devastating Sacrifice Zone

The area in and around the Lega Dembi mine has been classified as a “sacrifice zone” by David R. Boyd, the United Nations Special Rapporteur for Human Rights and the Environment (Boyd, 2022). Special Rapporteur Boyd defines a sacrifice zone as

a place whose residents suffer devastating physical and mental health consequences and human rights violations as a result of living in pollution hotspots and heavily contaminated areas. The climate crisis is creating a new category of sacrifice zones as a result of unabated greenhouse gas emissions, as communities have become, and are becoming, uninhabitable because of extreme weather events or slow-onset disasters, including drought and rising sea levels.

In reporting further on the situation at the Lega Dembi mine, Boyd points out that

pollution from the Lega Dembi gold mine in Ethiopia has harmed the health of thousands of people by exposing them to dangerous levels of cyanide, arsenic and mercury. For example, mercury levels in the mine’s tailings ponds were nearly 500 times WHO [the World Health Organization,] guidelines. Mothers and children are particularly affected by high rates of miscarriage, stillbirth, infant mortality, birth defects, and childhood disabilities. Many people are afflicted with other chronic and debilitating illnesses. It was reported that mine employees “do not buy livestock products from the community in suspicion of the safety of the livestock in the vicinity of the company as the area is environmentally polluted with toxic waste from the mine.” For the Indigenous Guji Oromo peoples of Ethiopia, whose way of life has been agro-pastoral for centuries, water pollution from the mine has harmed and killed livestock and reduced crop yields. An elder said that because of the mine, “we faced many problems, our cattle died after drinking water from the tailing dams, women lost pregnancy [through miscarriage] and children have been disabled” (Boyd, 2022).

As a result, the community’s food security has clearly been threatened by the mine’s pollution. Just as importantly, the livelihood of the Indigenous Gujii Oromo community has been significantly harmed by the mining activity.

As shall be seen, the community would strongly protest these dire conditions.

No Free, Prior and Informed Consent for the Guji Oromo

Between 1997 and 2009, MIDROC's expansion of the mine caused deforestation and displaced Indigenous Gujii people from their ancestral land, denying their right to free, prior, and informed consent (CIHR, 2019). Local community members have reported that the mine security police shoot at people if they get near the mine and that employment opportunities have systematically excluded local people. A 2022 study found that exploitation of the area replicated a pattern in which successive Ethiopian regimes have justified land appropriation for resource extraction with narratives about civilizing 'backward' societies (Regassa, 2022). This level of contempt for the Indigenous Gujii Oromo by the successive governments of Ethiopia clearly indicates at least one justification for there has been no free and prior consultation with the community members. Quite simply, the Ethiopian government, in taking a paternalistic attitude, claims to know what is best for 'backward' Indigenous societies! But what we are learning is that Indigenous societies around the world who are deemed to be backward communities by the arrogance of the ruling classes of the states across the globe are, in fact, Indigenous communities who possess the knowledge that may save the planet from environmental disaster if but listened to and learned from!

Clearly, MIDROC's activities have caused severe suffering among the local Gujii Oromo and significant environmental degradation to their lands. Furthermore, it is also clear that free, prior, and informed consent by the local community in consultation with the MIDROC group has been entirely lacking.

The Gujii Oromo Rise in Protest

By 2009, the situation had become so dire that the local people decided to organize a protest movement against the mining efforts at Lega Dembi. The response by the security forces was to physically attack the peaceful protesters and make massive arrests. Then, from 2014 onwards, there was a series of protests against the MIDROC mining activities at Lega Dembi mine that blended in with nationwide protests against the federal government. In April of 2018, the MIDROC mining license was renewed, thus re-energizing anti-MIDROC protests. By May, government security forces killed 12 protestors in the process of trying to quell the demonstrations. Nevertheless, the protest intensified to the point that the government suspended MIDROC's license until an independent, scientific study could be conducted regarding the negative impacts of MIDROC's mining activity (Regassa, 2022).

Following protests in 2018, the Ministry of Mines and Petroleum agreed to do an environmental impact analysis and statement for the mine. The Canadian embassy got involved and agreed to fund the environmental study. In February of 2021, the Ministry allowed MIDROC to reopen the mine (Regassa, 2022).

Unfortunately, the Oromo Bureau of Mining in early 2021 made the following arrogant, oppressive statement a few weeks before the official reopening of the Lega Dembi Mine:

There is nowhere in the world where a sovereign nation[-state] asks any group—so called human rights groups—whether it can utilize its mineral resources for the development of the country. Now, whether we like it or not, the government [of Ethiopia] is going to open the mine and will give other licences to new companies,... Any unlawful resistance that obstructs the operation of the mine will be seriously punished (Regasa & Abebe, 2023).

The foregoing tone is clearly authoritarian and uncompromising, clearly hostile to any input from community members on whose land the Lega Dembi Mine is located.

Lega Dembi Mine: An Example of a Violation of Human Rights, Environmental Rights, and Indigenous Rights under the Ethiopian Constitution

The Constitution of the Federal Democratic Republic of Ethiopia (1995) is a fine piece of work, a clearly written document based on social justice built around a clear recognition of human, environmental, and Indigenous rights. It is by far the most progressive constitution Ethiopia has ever had.

Human Rights

To begin with, The Constitution of the Federal Democratic Republic of Ethiopia (1995)

under Article 10, titled “Human and Democratic Rights,” the following can be read in Sections 1 and 2:

1. Human rights and freedoms, emanating from the nature of mankind, are inviolable and inalienable.
2. Human and democratic rights of citizens and peoples shall be respected (“Constitution,” 1995).

The Constitution of the Federal Democratic Republic of Ethiopia specifically states that with regard to human rights, Ethiopia shall be governed by globally accepted international treaties and covenants. Under Article 13, Section 2, under “Chapter Three: Fundamental Rights and Freedoms,” the following can be read:

2. The fundamental rights and freedoms specified in this Chapter shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and International instruments adopted by Ethiopia (“Constitution,” 1995).

Articles 14 through 28 of Chapter Three go on to spell out specific human rights, ranging from rights to life, security, and liberty (Article 14) to crimes against humanity (Article 28) (“Constitution,” 1995).

Environmental Rights

The Constitution of the Federal Democratic Republic of Ethiopia specifically addresses environmental rights. Under Article 44, Sections 1 and 2, titled “Environmental Rights, the following can be read:

1. All persons have the right to a clean and healthy environment.
2. All persons who have been displaced or whose livelihoods have been adversely affected as a result of State programmes have the right to commensurate monetary or alternative means of compensation, including relocation with adequate State assistance ("Constitution," 1995).

According to the information in this paper, the Ethiopian State is clearly in violation of the foregoing Article of The Constitution. The land around the Lega Dembi mine has been severely contaminated, thus eliminating the "clean and healthy environment" that once existed. Furthermore, there have been no programs from the State sufficiently addressing the issue of "monetary or alternative means of compensation, including relocation with adequate State assistance." What has happened instead is the ongoing attempt to co-opt the community by various means in the hope of quelling justified anger.

Indigenous Rights

While Ethiopia is not a signatory to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), it is clear from several articles in the Ethiopian Constitution that there is an implicit recognition of indigeneity among Ethiopia's peoples in the Ethiopian Constitution. This implicitness can be seen in several articles in The Constitution including Articles 5, 8, and 39.

Under Article 5, Section 1, it is written that "All Ethiopian *languages* [emphasis added] shall

enjoy equal state recognition" ("Constitution," 1995). This, of course, implies that there are multiple Indigenous languages above and beyond the official Ethiopian state language of Amharic, the language of the Abyssinian imperialists and colonialists who launched their expansionist move beginning in the mid-19th century.

In Article 8, Section 1, it is written that "*All sovereign power resides in the Nations, Nationalities and Peoples of Ethiopia*" [emphasis added], clearly stating that Ethiopia is composed of Indigenous nations ("Constitution," 1995)

In Article 39, Sections 1-5, under the title "Rights of Nations, Nationalities, and Peoples," it has been established beyond doubt that Ethiopia is composed of previously independent Indigenous Peoples that have, under The Ethiopian Constitution, the right of secession from Ethiopia to enjoy their previous independent status before being forcibly incorporated into The Ethiopian Empire:

1. Every Nation, Nationality and People in Ethiopia has an unconditional right to self-determination, including the right to secession.
2. Every Nation, Nationality and People in Ethiopia has the right to speak, to write, and develop its own language; to express, to develop and to promote its culture; and to preserve its history.
3. Every Nation, Nationality and People in Ethiopia has the right to a full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits and to equitable

representation in state and Federal governments.

4. The right to self-determination, including secession, of every Nation, Nationality and People shall come into effect:

(a) When a demand for secession has been approved by a two-thirds majority of the members of the Legislative Council of the Nation, Nationality or People concerned;

(b) When the Federal Government has organized a referendum which must take place within three years from the time it received the concerned council's decision for secession;

(c) When the demand for secession is supported by majority vote in the referendum;

(d) When the Federal Government will have transferred its powers to the council of the Nation, Nationality or People who has voted to secede; and

(e) When the division of the assets is effected in a manner prescribed by law.

5. A "Nation, Nationality or People" for the purpose of this Constitution, is a group of people who have or share large measure of a common culture or related identities, common psychological make-up, and who inhabit an identifiable, predominately contiguous territory ("Constitution," 1995).

Article 39 is the most controversial Article in and beyond the Federal Democratic Republic

of Ethiopia. Those who want to continue a geopolitical "unity" of Ethiopia based on the ill-gotten imperial and colonial gains of Emperor Menelik II, maintained under Emperor Haile Selassie until his overthrow in 1974 and under subsequent nominal socialist and democratic veneers are diametrically opposed to Article 39 in particular and the 1995 Ethiopian Constitution in general. In opposing Article 39, there is an implicit refusal to recognize the right of Indigenous nations and peoples in Ethiopia to self-determination. Such an opposition negatively impacts human, environmental, Indigenous rights.

It has been shown that the MIDROC mining effort at Lega Dembi has violated the Ethiopian Constitution. The human, environmental, and Indigenous rights are in shambles with regard to the Gujii Oromo. However, this situation regarding the violation of Constitutional rights continues in Oromia as a whole, for Regassa & Abeba point out in their study that "the government is failing to adhere to principles of participation and prior and informed consent of local communities when prospecting for and extracting gold. Rather, it deploys a combination of co-optation and coercion" (2023).

It may be that the Oromo Nation has to look beyond the borders of Ethiopia for help in establishing a framework through which to establish their rights as Indigenous people. The International Covenant on the Rights of Indigenous Nations (ICRIN) and The Nations International Criminal Tribunal (NICT) offer such a framework.

Toward the Establishment of The Nations International Criminal Tribunal (NICT)

In 2002, The International Criminal Court (ICC) was formed as an independent judicial body to prosecute crimes under the 1948 Genocide Convention. Thus, the ICC was charged with the responsibility to investigate and try individuals charged with serious crimes, including genocide, crimes against humanity, war crimes, and crimes of aggression. The ICC became the world's first permanent international criminal court. The ICC is a court of last resort that seeks to complement national courts, not replace them. Over time, it became clear that while the 1948 Genocide Convention made genocide an international crime,

it was limited in scope, avoiding terms that would hold accountable the commission of crimes against Indigenous peoples [emphasis added]. The International Criminal Court (ICC), established in 2002, was authorized to prosecute crimes under the 1948 Genocide Convention. As an institution based on state-based law that does not recognize cultural genocide, the ICC has proved powerless to prosecute crimes of colonization, cultural destruction, and mass violence experienced by Indigenous peoples [emphasis added] (Ryser, 2024).

The Nations International Criminal Tribunal (NICT) is a proposed court that would, in fact, hold accountable those responsible for cultural and mass violence crimes against Indigenous peoples.

The process of drafting the NICT's charter began in 2018. It was initiated by the Ezidikhan government and Indigenous Armenians under the auspices of the Center for World Indigenous Studies (CWIS). The process to draft the NICT's charter was completed in April of 2023. Thus far, more than 80 Indigenous Nations have already ratified the NICT Charter. The NICT will go into full effect

when the Charter is ratified by 250 Indigenous nations and 4 states acting through their established governing bodies and their domestic laws, the Nations International Criminal Tribunal will become a permanent international body conducting legal proceedings according to [Indigenous] nation-based laws, able to hear and prosecute claims in regard to the named crimes, both through punitive and restorative justice processes. In particular, Indigenous traditional law will be promoted and applied....Significantly, the NICT provides for Victim Nation Juries as part of judicial proceedings, indictments, and restorative justice remedies applying the principle of free, prior, and informed consent (FPIC) (Ryser, 2024).

The specific provisions concerning free, prior, and informed consent (FPIC) are found in the language of the International Covenant on the Rights of Indigenous Nations (ICRIN), an important part of the NICT. They are found in Paragraphs (Para) 9, 11, 18, 25, and 28, of The Covenant. A close examination of Paragraphs 9, 25, and 28 particularly addresses the issues that have been raised with regard to the Gujii Oromo:

Para. 9 Indigenous Nations shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, [prior], and informed consent [emphasis added] of the peoples concerned and not until after agreement on just and fair compensation and, where possible, with the option of return.

Para. 25 Indigenous Nations have the right to restitution for lands and territories which have been confiscated, occupied, used, and damaged without their free, [prior,], and informed consent [emphasis added], the return of lands and territories and, where neither is acceptable to the Nation, to just and fair compensation. Unless otherwise freely agreed within balanced negotiations by the peoples concerned, compensation shall take the form of lands and territories at least equal in quality, size and legal status.

Para. 28 Each Indigenous Nation has the right to require that States and other Nations obtain its free and informed consent prior [emphasis added] to the approval of any projects on its land and territory, particularly in connection with natural resource development or exploitation of soils, water, mineral or other subsurface resources. Pursuant to agreement freely negotiated with the Indigenous peoples concerned, just and fair compensation shall be provided for any such activities and measures taken to mitigate adverse environmental, economic, social, cultural or spiritual impact (“International Covenant,” 1994).

It is important to note that while NICT is still in the process of being ratified up to a point where it can go into effect and become a part of international law, ICRIN is already a recognized international treaty.

More on The International Covenant on the Rights of Indigenous Nations (ICRIN)

ICRIN “is the first comprehensive [Indigenous] nation-based international law ratified and acceded to by Indigenous nations up to May 2022 to affirm the inherent rights and long-term social, economic, and political interests of Indigenous nations” (“International Covenant (ICRIN),” 2022). The original signatories of ICRIN included the representatives of five Indigenous Nations which are the Crimean Tatars, the Nuba People of Sudan, the Confederacy of Treaty Six First Nations, the Opethesaht First Nation, and the West Papua Peoples Front who met for the signing in Geneva, Switzerland in July of 1994 (“International Covenant,” 1994).

Since then, there has arisen The Confederation of Indigenous Nations of the Middle East and North Africa, or CINMENA. In 2014, CINMENA began to form and eventually attracted up to 66 nations to join its confederation (“66 Indigenous Nations,” 2022). Furthermore, “all 66 CINMENA nations have ratified... ICRIN as a condition for membership [to the Confederation]” (“66 Indigenous Nations,” 2022). According to Para. 41 of ICRIN, “this [ICRIN] document shall come into force when thirty nations shall have formerly ratified its provisions according to their customary processes” (International Covenant,” 1994). Given that more

than twice the number of 30 Indigenous nations have ratified ICRIN than was needed to bring ICRIN into force, ICRIN is now a fully established treaty within the international legal system.

Once an Indigenous nation has ratified ICRIN, the door is opened to work out an agreement between the nation and the state government under which the Indigenous nation operates for the purpose of acquiring state recognition of the provisions of ICRIN. Para. 34 of ICRIN makes this clear:

Each Indigenous Nation has the right to the observance and enforcement of treaties, compacts, agreements and other constructive arrangements concluded with other Nations and with States [emphasis added] or their successors, according to their original intent. Conflicts and disputes which cannot otherwise be settled through direct negotiations or other peaceful means must be submitted to competent international bodies agreed to by all parties concerned ("International Covenant," 1994).

In the final analysis, the Indigenous Oromo Nation and the Indigenous peoples within that nation such as the Gujii Oromo, can join an international treaty structure—ICRIN—that has within it the necessary provisions to mandate that the Ethiopian State apparatus recognize FPIC. And once the NICT has been put into force, there will be an international court of justice to work out grievances that may arise between the Indigenous Nation and the State. However, all of this takes the political will of all parties concerned for it all to come into reality.

Conclusion

No Official Recognition by Ethiopia of FPIC

The Ethiopian Constitution recognizes the sovereignty of the Nations, Nationalities, and Peoples of Ethiopia who are all, in fact, indigenous to the present geopolitical construct of the Ethiopian State. Of course, this includes the people of the Oromo Nation, by far the largest Indigenous community in The Ethiopian State. This recognition of sovereignty already in The Constitution may have been one reason why the Ethiopian government never felt it necessary to sign the United Nations Declaration on Rights of Indigenous Peoples (UNDRIP) that was promulgated in 2007, 12 years after the promulgation of the Ethiopian Constitution. Perhaps an even more significant reason why the Ethiopian government did not sign UNDRIP is due to the necessity of signatory states to recognize the clear, explicitly stated right in UNDRIP of free, prior, and informed consent—FPIC—that states are required to advance to Indigenous communities within its borders. As a result, there is no explicit recognition by the Ethiopian State of FPIC. Thus, if the current Oromo Regional Government should decide to exercise its sovereign rights guaranteed to it in the Ethiopian Constitution and embark upon an effort to sign the NICT/ICRIN document, what political obstacles would it encounter?

Ongoing Controversy Surrounding the Ethiopian Constitution

The attention that the Ethiopian Constitution gives to Indigenous Nations,

Nationalities, and Peoples is a major reason why The Constitution has been controversial. It is not viewed as being conducive to building a unified Ethiopian State because it gives clear legal opportunities for Indigenous peoples to opt out of The Ethiopian State as it currently exists as was seen above in Article 39. This is clear to many academics and intellectuals. For example, Dr. Tony Magaña, the Head of the Neurosurgery Department, School of Medicine, at Mekelle University College of Health Sciences, Tigray, Ethiopia, says that Dr. Messay Kebede, a pro-Amhara Ethiopian professor,

continues the elitist view that authoritarian means are allowable to reach the goal of Ethiopian nationhood by eliminating non-Amharic ethnicity [emphasis added]. For many years this academic has been a source of building a sense of Amharic elitism under the false pretense of Ethiopian national identity [emphasis added] (Magaña, 2021).

Indeed, Dr. Messay Kebede himself has written an article titled “The Toxicity of Article 39 of the Ethiopian Constitution.” Dr. Kebede is hostile to Article 39 of the constitution because it

grants “an unconditional right to self-determination, including the right to secession” to every ethnic group. The unconditionality of the right attests that there is no reciprocity between the larger national community and the sovereign ethnic entities. The fact that ethnic groups can secede without the consent of the union means that the union is a mere gathering of distinct entities, and not an organic unity in

which parts and whole benefit one another because they are tied by mutual obligations (Kebede, 2021).

Interestingly enough, Dr. Kebede is correct in his analysis if, and only if, there had been, as he puts it, “organic unity” between the ethnic polities that make up Ethiopia today. But that “unity” was never “organic” in the first place; it was a unity forced upon the previously independent non-Amhara ethnic polities as I have shown. Article 39 recognizes this fact of an inorganic union; Dr Kebede would prefer to maintain the fiction of an organic Ethiopian unity up to the point of the “elimination of non-Amharic ethnicity” as Dr. Magaña has pointed out. The point here is that there are many pro-Amhara ideologues like Dr. Kebede who want to maintain the original imperial structure of the Ethiopian State under the guise of a false organic unity through eliminating non-Amhara ethnicity by authoritarian force, if necessary. This fact is one of the primary reasons why there is so much armed ethnic conflict in Ethiopia today.

The current Prosperity Party (PP) of Prime Minister Abiy Ahmed replaced the EPRDF government under which the Ethiopian Constitution was written. Under the testimony of Dr. Mohamed Hassen which I quoted earlier, it was shown how the TPLF/EPRDF government under Meles Zenawi disregarded the Ethiopian Constitution and oppressed the Oromo people by maintaining the authoritarian structure of the former imperial regime. Similarly, the PP, the creation of Prime Minister Abiy, has, at its ideological core, a position that maintains Ethiopia as a state based on the original forced

union resulting from Emperor Menelik II's original imperial expansion and continues the oppression of the Oromo people. Dr. Asafa Jalata, an Oromo academic, points this fact out in his article titled "Abiy's Regime is a Modern Version of the Ethiopian Empire" as follows:

The perception among Oromo nationalists is that Abiy, like many of his predecessors, is running...[a state]...administration that exalts the glories of Ethiopia's imperial history and seeks to continue its oppressive, brutal, and exploitative practices (Jalata, 2022).

Thus, the Ethiopian Constitution has remained, since it was written and ratified nearly 30 years ago, words on paper. All Ethiopian regimes over that same period of time have maintained an authoritarian, imperial-like grip on the Ethiopian State. Indeed, Abiy has openly articulated his respect for the nefarious exploits of Emperor Menelik II by authorizing the creation of a life-like statue which he placed in his multi-million dollar Unity Park. Thus, when one looks at the administration of the Oromo Regional Government, one finds that a PP member is the top administrator of the region. This implies that the Oromo Regional Government is tied to the administration of the Ethiopian State. At this point, one has to determine to what degree this top administrator and his administration is tied to PP which determines the level to which he can act independently, if at all. If that tie of the regional administration is absolute, the NICT/ICRIN has little chance of being accepted.

Enter The Oromo Liberation Army

However, there is pronounced military activity in the Oromo region being carried out against the Ethiopian government by the Oromo Liberation Army (OLA), the former military wing of the OLF now acting independently. The OLA can be considered to be a proponent of the 1995 Ethiopian Constitution. This is because in January 2023, the OLA released a political manifesto in which it laid out its aims:

We, the Oromo Liberation Army (OLA), fight for the Oromo people's right to self-determination. We fight for the freedom of the Oromo people from political exclusion, economic exploitation, and socio-cultural marginalization.

a) We fight to realize the Oromo people's right to freely determine their political status. For the right of our people to determine their political destiny and establish a responsive government through freely elected representatives.

b) We fight to secure the Oromo people's economic sovereignty. To stop the exploitation of our people's natural and human resources. To develop these resources for the benefit of all.

c) We fight to realize the socio-cultural rights of our people. We demand respect for and full recognition of the Oromo language, culture, and history" ("A Brief Political Manifesto," 2023).

Given what I have discussed above about the Ethiopian Constitution, it is easy to see that the political manifesto of the OLA converges with the progressive and democratic principles of the Ethiopian Constitution, the same constitution which Prime Minister Abiy Ahmed is opposed to, for it is clear that he is determined to maintain an authoritarian grip on power through his Prosperity Party.

It takes political will to sign and adhere to an international treaty of any kind, whether it be ICRIN or any other treaty. In my personal interaction with the Oromo community which includes Oromo human rights activists, I know that there is an interest in ICRIN. However, the repressive conditions in Ethiopia, even as these conditions affect certain members of the Ethiopian diaspora, are tremendous. If the present government is violating its own constitution, clearly it is not predisposed to negotiate a treaty like ICRIN, which as I have shown, has a lot in common with the Ethiopian Constitution.

Hope Lies in the OLA

As I see it, in the present political climate in Ethiopia, the only Oromo institutional

entity that has the potential to challenge the authoritarian rule of the current government is the OLA. Should the OLA be successful in eventually forcing a political accommodation from the current Ethiopian State government, then a political situation could possibly be created wherein the Ethiopian government would be obliged to officially recognize The Oromo Nation's ascension to ICRIN and NICT. *In my opinion, a negotiated settlement between OLA, on behalf of the Oromo Nation, and the Ethiopian State that would include the signing of ICRIN and NICT by both parties would not only open the door to official recognition of FPIC but also open the door to official recognition of an international court for dispute settlements—the NICT—that would be far more fair and impartial in settling disputes than the adjudication of disputes by the court system of the present Ethiopian State. For example, disputes such as those directly related to and otherwise similar to natural resource extraction of gold and silver from the Lega Dembi Mine in the Gujii Oromo Zone, Oromia, would get a fair and impartial hearing under NICT not attainable in the current court system of Ethiopia.*

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