



AMBO UNIVERSITY WOLISO CAMPUS

COLLEGE of Governance and Law

Department of Governance and Development Studies

Course Information

Course title: **Federalism and Local Government: Focus on Ethiopia**

Academic year **2020 G.C/2012 E.C** ; Semester and year: **II & III**; Course code: **(GaDS 3114)**

Course Status: **Compulsory**; Credit Hours: **5 ECTS /3Chr**

Instructors Information

Name: **Jemal E. (MA)** ;

Email Address: jemal.endris234@gmail.com

Phone Number: **+251910315617** ;

Office No **210** ;

Course Description

The course focuses on local government institutions, structures and processes of government at sub-national level, i.e. the various tiers of government below the national government. It tries to examine various theories on local government and the principles and patterns and the factors that lie behind them in different countries. As local governments are close to the community to be served, it is believed that the conceptual debates and general changes and transformations of local government practices, structures, powers and, functions etc deserve proper study. The course also examines background in the making of the Ethiopian local government since imperial regime. The course, emphasis will also be paid to the scholarly discourse over the current federal arrangement of the Ethiopian Federal State. The main themes of the course are concepts and approaches in local government; the need for local government and decentralization; federalism; decentralization (political, administrative and financial); intergovernmental relations; cities, counties and towns; local government and development; and comparative analysis of local government patterns.

Course Objectives

Upon the completion of the course, students will be able to:

- ✓ Define basic concepts and ideals of local government and federalism;
- ✓ Identify nature, types and theories of local government and intergovernmental problems;
- ✓ Review the nature of the relationship between local governments and central governments and the principles that govern this relationship describe theories and principles of federalism and federations as well as the manner in which federal governments works and function; and
- ✓ Describe the Ethiopian federal experience in relation to other countries, and the political nature of intergovernmental issues within a policy environment.

Contents

Chapter One: Origin, Evolution and Features of Local Government

- 1.1. Definition and nature of Local Government
- 1.2. Why study Local, Government?
- 1.3. Typology of Local Government
- 1.4. Tiers of Local Government
- 1.5. Theories of Local Government: Dual state, Public Choice and the Localist theory

Chapter Two: Inter-Governmental Relationships

- 2.1. What is Intergovernmental Relation (IGR)?
- 2.2. Central-local (Vertical) and State –to- State (horizontal) Relations
- 2.3. Models of Central-Local relations
- 2.4. Forms of Central control
- 2.5. Origin and Strength of Local power
- 2.6. Classification of Local Leaders
- 2.7. Improving Central-Local Relations

Unit Three: Centralization or Decentralization: The question of either /or

- 3.1. Definition of Centralization
- 3.2. Extent, Techniques and Patterns of centralization
- 3.3. Definition of Decentralization
- 3.4. Rationale for and Typologies of Decentralization
- 3.5. Arguments for/ against decentralization
- 3.6. Fiscal Decentralization: Emphasis on Ethiopia

Chapter Four: Federalism

- 4.1. Definition of Federations and Federalism
- 4.2. Mechanisms of Forming Federations
- 4.3. Basic Characteristics of federalism
- 4.4. Basic difference between federal and unitary states

Chapter Five: Local Governments and Federalism in Ethiopia

- 5.1. Local governments in the pre modern Ethiopia
- 5.2. The efforts towards Centralization under Emperor Tewodros
- 5.3. Controlled regionalism under Emperor Yohannes
- 5.4. Menelik and His expansionist policy
- 5.5. Successful centralization under the era of emperor Hailesilassie
- 5.6. The Derg and the socialist state structure
- 5.7. Local governments in the post 1991 Ethiopia

Chapter One: Origin, Evolution and Features of Local Government

Introduction

Local government was not evolved to provide a coordinate system of administration that logically defined range of service emerged peace is answered to a succession of needs and demands. The very origin of local government was part of the liberation trend in the first half of the 19thc. Liberation of local government to develop according to their own preference was a powerful ideological element in the introduction of local government system in the most European countries of the world. The modern local government system evolved in response to the pressure produced by urbanization and industrialization. Due to industrial revolution and factory system urbanization took place and the most obvious political consequence of urbanization has been expansion of municipal function.

1.1. Definition and nature of Local Government

1.1.1 Definition of Local Government

Local government is that part of the whole government of a nation or state which is administered by authorities subordinate to the state authority, but elected independently of control by the state authority, by 52 qualified person's resident, or having property in certain localities, which localities have been formed by communities having common interests and common history.

Local governments should be seen as the cornerstones in the structure of a democratic political system since local government serves as a vehicle for intelligent and responsible citizenship on this particular level.

Local government is a form of public administration which, in a majority of contexts, exists as *the lowest tier of administration within a given state*. The term is used to contrast with offices at state level, which are referred to as the **central government, national government**, or (where appropriate) **federal government** and also to **supranational government** which deals with governing institutions between states. **Local governments** generally act within powers delegated to them by legislation or directives of the higher level of government.

Local government has been defined from various angles. It has been defined as restricted area inside and smaller than the whole state.

It is the **intra- sovereign** geographic subdivisions of a sovereign nation providing public services in a particular area.

✚ A more appropriate definition of **local government** is administration of *a locality, a village, a town, a city* or any other area smaller than the State by a body representing local inhabitants possessing a fairly large amount of autonomy, raising at least a part of its revenue through local taxation and spending its income on services which are regarded as local.

✚ **Local government** refers to specific institutions or entities created **by national constitutions** (*Brazil, Denmark, France, India, Italy, Japan and Sweden*), **by state constitutions** (*Australia, the United States and Ethiopia*), **by ordinary legislation of a higher level of central government** (*New Zealand and the United Kingdom*), **by provincial or state legislation** (Canada, Pakistan), or **by executive order** (China) to deliver a range of specified services to a relatively small geographically delineated area.

✚ **Local government** can be defined as “*a sub-national level of government* which has jurisdiction over a limited range of **state functions**, within a defined geographical area which is part of a **larger territory**”. Some persons prefer however, to define it as “**decentralized administration**, democratically controlled by **local communities**”.

❖ **The term Local government** refers to the institution, or structures, which exercises authority or carry out governmental functions at the local level. **Local governance** on the other hand, refers to the processes through which public choice is determined, policies formulated and decisions are made and executed at the local level, and to the roles and relationships between the various stakeholders which make up the society.

❖ It can be defined as “*the exercise of political, economic and administrative authority to manage local affairs*”.

❖ **In federal states, local government** generally comprises *the third (or sometimes fourth) tier of government*, whereas **in unitary states**, local government usually occupies *the second or third tier of government, often with greater powers than higher-level administrative*

divisions. The institutions of local government vary greatly between countries, and even where similar arrangements exist, the terminology often varies.

- ❖ **Common names for local government entities** include *state, province, region, department, county, prefecture, district, city, township, town, borough, parish, municipality, shire, village, and local service district*.

1.1.2 The Nature of Local Government

A **local government** is a legal entity that allows residents of a defined geographic area to provide services of a common interest. But it is also a democratic institution, governed by an elected council accountable to the residents and to which they can address their collective concerns. *It is an instrument that residents can potentially use to influence positively change and development in their local community*. Local government provision of local public goods lies in its ability to match local provision to local tastes and preferences in contrast with the uniformity expected under central government provision.

A number of reasons have been advanced as to **why a system of local government is essential**.

These reasons are that it is:

- (a) Training ground for mass political education;
- (b) Training ground for political leadership; and
- (c) That it facilitates government accountability.

The aforementioned forms a crucial part of the need for the existence of local government. The role and purpose of local government is furthermore strengthened when these reasons for it are considered.

- ❖ **The main characteristics features of local governments are the following :-**

- ✓ *Local Area: Geographical size and area*

A local government institution has a **well defined area** which is fixed by the law of respective state governments in a federation and by Central government in a unitary State. This area can be termed as a city, town or a village in any case smaller than the State. Thus, the local

authorities have jurisdiction over a specified area so is the case of national or regional governments.

✓ *Autonomy or Subordination to a Higher Government*

In most of the federal States local government is *exclusively left for States but this is not the case in every federation*. For example, in **India** local government is subject to **federal control**, while in **Ethiopia** defining local governments is **under the exclusive jurisdiction of regions** or states. Thus, subordination either to state or regional authority or to a higher authority can be used as the defining concept of local government. In the case of unitary states where there is no federal structure the distinction between regional or State level and local government collapse. The weakness of this approach to define local government is that even in federal system it is only useful to distinguish local government from higher governmental tier. This cannot separate local government from other governmental bodies, quasi-government and private organizations because they are also subordinate to governmental tiers.

✓ *Elected Body*

Local government is elected directly or indirectly is the theme of many definitions. But we find many indirectly elected or non- elected or appointed local governments. An election based definition of local government would also be difficult to apply to non- democratic countries. For example, **municipal governments**.

✓ *Multipurpose, Many functional Bodies*

The multi- purpose nature of local governments is also the heart of several definitions. Local government is directly elected multi – functional body could be one possible definition of local governments while existence of single purpose local bodies is acknowledged in a secondary category. The assertion that local government is multipurpose may be appropriate for present day British local government or local government in India but it is inconsistent with contemporary arrangements in countries like USA and Canada. Modern US School districts are directly elected but confined to one function, i.e., education.

✓ **Taxation**

Many scholars point out that one characteristic of a local authority is its function of **levying and collecting taxes**. But this is not a universal characteristic, some countries are very rich and they have **very few taxes and do not levy local taxes**. One example is **Arab Emirates**, where five out of seven Emirates earn too much money from **oil** that **they do not levy taxes**. **Saudi Arabia** has **no local form of taxation**, the **Zahat or Islamic charity Tax**, is the only levied Tax on **Saudi Nationals**. Thus, imposition of taxation is **not a universal characteristic** of local government.

Besides, Local government possesses most of the following attributes: *a population; a clearly defined area; the capacity to sue and be sued; the ability to make contracts; a continuing organization; the authority to undertake and the power to conduct public activities and the right to collect revenue and determine budget.*

❖ The key features of LG includes the following :-

- i) *Its corporate(shared) nature*
- ii) *Defined geographic boundaries*
- iii) *An elected council*
- iv) *Taxing power*

❖ *The literature on local governance also suggests that certain conditions must exist if municipal government is to function effectively and responsively.*

✓ **First**, there should be a relatively clear and complete distinction in the **attribution of municipal and provincial responsibilities**. Since **shared areas of responsibilities** are difficult to manage they should be kept to the minimum, recognizing that watertight division of tasks is not always possible in modern public governance.

✓ **Second, local government** requires the establishment of **easily identifiable geographic boundaries**. These boundaries are necessary to allow a given population to identify with its local government and to be able to express favor or disfavor with its performance. It is acknowledged, however, that such geographical or political boundaries can at times be

artificial and not always correspond to more “*natural*” or de facto socio-demographic and economic spatial units.

- ✓ **Third, local government** needs a *geographic, demographic and financial base* appropriate for carrying out its assigned responsibilities. This means that the geography and population it serves must be sufficient to allow for *cost effective service organization and delivery*. It also means that it should be able *to provide services largely within its own tax capacity*. A local government that counts on substantial transfers from another level of government in order to fund its operations risks compromising its autonomy and independence.
- ✓ **Fourth, local government** should be **internally organized** in a way that makes possible clear assignment of responsibilities between elected and appointed officials. This is central to inhabitants having reasonable access to their local government and being able to express their preferences as to the services that they want and how they should be funded. This means *the internal structure of local government must be conducive to accountability*.
- ✓ **Fifth**, the internal relationship between elected and appointed officials must be such that it contributes to the exercise of local leadership, sound decision-making and good coordination of activities within the local government.

A local body should exist which *is constitutionally separate from government and is responsible for a significant range of services*. It should have *its own treasury, a separate budget and accounts, and its own taxes to produce substantial part of its revenue*. It should have *qualified staff*, with *power to hire*, though there can be some officers seconded from government to fill top positions initially. There should be *decision-making on policy* and *procedures in the hands of a council* which genuinely represents and is accountable to all parts of the local community; *Central government administrators* are *to serve as external advisers* and *inspectors, but have no role either as councilors or officers of the local authority*.

1.2. Why study Local, Government?

The clearest rationale for the existence of local government is as a solution to the problem of local public goods. Whilst many public goods such as **defense, are national in extent**, other public goods such as **local parks, street lighting and refuse collection**, have *a more limited geographical extent or benefit area*.

❖ **The major advantage of local government** is that it allows the local public goods and services that provide to be adjusted to suit the tastes and *the preferences of local residents*. This variation in local provision contrasts with the uniformity likely to arise from centralized provision. *‘In great centralized nations the legislator is obliged to give a character of uniformity to the laws, which does not always suit the diversity of customs and of districts’*.

The local government institutions have come to play an important role *not only in promoting the democratic values but also in accelerating the pace of development*. Being elective in nature, they have allowed effective participation and involvement of the local people in the development of the local areas. Development whether **social, political or economic** becomes meaningful and real only when it stems from the lowest societies level, the so-called **grass-roots level**. **Democracy** can be established in the country if the local government institutions are strengthened.

❖ **Local government** provides *a means* whereby citizens can exercise some control over their local affairs and express their will especially when they are disaffected with the policies of the central government.

❖ **Local government** is an institution, which deals with matters concerning the people living in the particular locality. It represents the microscopic interests of the locality leading to the broader concept of *welfare and happiness of its people*. **The higher tiers of government e.g. Parliament** decides the matters to be of local importance, whereas implemented by provincial governments. However, **local government** should be *administered by local bodies, which are controlled by the central government*.

❖ The implication for design of local government structures is that local government jurisdictions should be based on **the benefit areas of local public goods**.

❖ **The unique needs of local populace(large population) which also justify the existence of local government are the following considerations:**

- ✓ To address *the basic and unique needs of the people* within a particular locality.
- ✓ Local governments are supposed to serve as a two-way channel of communication between *the local population* and *the upper tiers of government (state and federal)*.
- ✓ The existence of local governments permits the officials of state at the centre the time to *concentrate on vital and complex national issues, living the local issues with the local officials*.
- ✓ Local governments are supposed to *mobilize the local people and resources for national development*.
- ✓ Local governments exist *to encourage greater public participation* in governmental activities.

❑ **The importance of local government lies in sustaining democracy** and the following are considered as significance of local government.

- ✓ *School of Democracy*
- ✓ *Effective solution of local problems*
- ✓ *Reduces the burden of work of State/Central Government*
- ✓ *Provides Civic Services*
- ✓ *Laboratory for experiments and testing Government Policies*
- ✓ *Control and Check against Bureaucracy*
- ✓ *Local Government is Economical.*

1.3. Typology of Local Government

Local government authorities are divided into **two types**.

- **The first type** is **the general-purpose authorities (or multipurpose authorities)**. These authorities are local units which carry out most, and in some cases, all of the public activities within a particular area. Public activities are put together under the general- purpose authorities justified on the ground that:-

12 | Page *Course Title: Federalism and Local Government: Focus on Ethiopia*

- ✓ **All services-** and **their offices-** will be provided at one focal point;
- ✓ Services **are interconnected**, and for the development to occur there needs to be coordinated in all of all services; and
- ✓ Decision over which service requires more attention and funding will be taken with due precautions.
- **The second type of local government authorities is the special purpose authorities or limited purpose authorities** such as an **Education Department or Health Service**. These authorities are local authorities which carry out *only one or few public activities within a particular area*. There are various reasons why special purpose authorities have been created. Some of them include: *the interference from any kind of authority may be minimized, possibility to deliver services in a manner sensitive to local conditions and needs, etc*

1.4. Tiers of Local Government

- ❖ **Tiers** are defined as the hierarchical arrangement of governments' political authority in a political system. It simply implies the hierarchical subdivision of governments' power at different levels taking *geographical areas and functions provided in to account*.

Despite the great variation in the population and geographical size as well as the degree of *centralization or decentralization of states*, there is little variety in the number of tiers of local government units. **In a unitary state**, the tiers **form a pyramid** as each tier is subordinate to the one above. **Under a federal system**, the tiers **form a row**, each tier subdivided into other autonomous ones.

- ❖ The following **four** basic tiers which may run into each other are usually found:
 1. **The central or national government:** In unitary states it refers to the central government, while under a federal system the phrase 'federal government' is mostly used.
 2. **The regions:** when it is a constituent part of a federal system, a region is an autonomous entity with constitutionally entrenched power and responsibilities. However, in unitary states all governments below the center are considered as an extension of the center.
 3. **The districts:** The district may be an urban district or a rural district which may have a council.

4. **The villages.** The Village may also have a council.

1.5. Theories of Local Government: Dual state, Public Choice and the Localist theory

➤ An Early Theorist of Local Government: John Stuart Mill

John Stuart Mill (1806- 1873) is seen as the early advocate of **local government (in Britain)**. In his considerations on representative government, first published **in 1861**, he favored a systematic hierarchy of administrative bodies, and placed more faith in the capacity of local institutions.

The ideally best form of government is that in which sovereignty or supreme controlling power in the last resort is vested in the entire aggregate of the community; *every citizen not only having a voice in the exercise of that ultimate sovereignty but being at least occasionally called on to take an actual part in the government*, by the personal discharge of some public function, local or general.

Millis' position rested on two arguments. First that *local institution would be an essential element in a system of democratic government*, because they widen the opportunity to participate and provide the capacity to educate citizens in the practice of politics and government. **Second**, that *substantial scope for local government made practical sense* because local interest, knowledge and capacity to oversee made the prospect of achieving efficient service provisions more likely.

➤ Dual State Theory

Proponents of the dual state theory distinguish between **central and local government** on the *basis of their relationship* with other sources of pressure within the political process. *Central government, according to dual state theorists, is remote*, and its decisions are made by a relatively closed circle of officials in coordination with bodies such as *capitalist producer groups, professional associations and trade unions*. *Local government on the other hand*, is open or accessible to a wide range of popular interests through its closeness to the public.

Central government is mainly concerned with production, economic efficiency and prosperity of the whole state, while local government is concerned with the maintenance of a certain quality of life through providing collectively for the needs of various sections of the population.

➤ **Public Choice Theory**

Public choice theorists argue that the failings of local politicians and bureaucrats have made local government weak, ineffective and wasteful. They hold that *elected politicians are not the true representatives of the public. Elections, which are held every 4 or 5 years, force ordinary people to decide on multiple issues simultaneously. Furthermore, self-interested politicians, who are influenced by organized interest groups, make promises to maximize their vote, and once in office disregard these promises.*

On the other hand, *bureaucrats push for the expansion of budget and their scope of regulation that serve their own welfare (increase in their number, improvement of promotion prospects and job security, creation of patronage).* In fact, *bureaucrats' capture' the politicians (win their approval)* given that they control much access to information about the need for services and the costs involved in providing existing services.

Proponents of public choice theory advocate two institutional reforms to mitigate these negative features of local government. They suggest contracting-out public service delivery to the private sector to increase efficiency. Because open competition with private contractors forces bureaucrats to reveal more information about the costs of the service they provide, and makes possible comparisons of cost- effectiveness and efficiency. **The second reform** is the *fragmentation of bureaucracies*, which are too large and lack initiative but monopolize the supply of services. For public choice theorists, what is required is a large number of small local authorities providing opportunities for comparisons and choice, and facilitating cuts in spending and manpower.

Local government as an institution to advance self-interest: The public choice approach
Bailey (1999) has conceptualized four models of local government:

- ✓ *A local government* that assumes it knows best and acts to maximize the welfare of its residents conforms to the benevolent despot model
- ✓ **A local government** that provides services consistent with local residents' willingness to pay conforms to the fiscal exchange model.
- ✓ **A local government** that focuses on public service provision to advance social objectives conforms to the fiscal transfer model.
- ✓ **If a local government** is captured by self-interested bureaucrats and politicians, it conforms to the leviathan model, which is consistent with the public choice perspectives.

➤ **The Localist Theory**

The localist theory, which argues for autonomous and responsive local authorities, has multiple arguments. **First local government** is grounded in the belief that *there is value in the spreading (diffusion/distribution) of legitimate power and the involvement of many decisions-makers in many different localities*. **A second point** rests on the view that *there is strength in diversity*. It acknowledges that, needs vary from locality to locality, as do interests and concerns. Local government allows these differences to be accommodated, and also stimulates learning and innovation. **Third, local governments are truly local**. This aspect *facilitates accessibility and responsiveness because local officials live close to the decision they make and to the areas whose environment they shape*. Local governments' smaller scale and visibility makes it more open to popular influence and scrutiny than central government. **Finally**, it has the capacity to examine services from the perspective of the public. And a stronger commitment to meet local needs. *In short, in the localist view local governments make government less remote and more manageable*

Chapter Two:

Inter-Governmental Relationships

2.1. What is Intergovernmental Relation (IGR)?

Different scholars define **intergovernmental relations** according to the structure of the state that the state followed and the type of government that ruled the people. Another basic base of definition given for **IGR** is the identification of tiers of government in the constitution. Most federal states identified tiers of government as two or three through formally and informally either in the constitution or in other legal documents. This identification of tiers of government in the constitution and other legal basis helps states to design IGR both vertically and horizontally to meet the desired objectives that their policy documents illustrate.

Intergovernmental relations are the subjects of how our different governments deal with each other and what their relative roles, responsibilities, and levels of influence are and should be.

Even though the supreme written constitution divided legislative, executive, judicial and financial powers between the tiers of governments in the form of exclusive, shared or residual powers, it is impossible to delineate clearly, because different powers needs to share something in common as a federation in promoting unity without neglecting the self-rule aspect of federalism. A mere existence of constitutionally well-established division of power among the levels of governments does not signify that there are no overlaps, interdependency and interaction between spheres of governments.

IGR focuses on how different orders of government in federal political systems communicate and collaborate with each other. It encompasses the entire complex and interdependent relations among various spheres of government in legal, financial and administrative matters and policy coordination.

IGR is about the relations of different tiers of government both vertically and horizontally on the basis of formal and informal interdependent in terms of legal, financial, administrative, political and other policy coordination to meet a prescribed set of objectives in a certain state.

Intergovernmental relation in Ethiopia

The adoption of federalism in Ethiopia appears to have been motivated by the problem of finding an appropriate state structure that could be used as an instrument of managing the complex ethno-linguistic diversity for the country and reducing conflicts.

Prior to 1991, the notion of **intergovernmental relation** and **cooperation** is minimal as well as the establishment of administrative units as a key factor for intergovernmental relation was insignificant rather established unconstitutionally for the purpose of administrative significance for the ruling class/elite. **The promulgation of 1995 constitution** laid down for the foundation of two tier of government formally and ambiguous formation of third tier of government for both ethnic based government (**Article 39(3)**) and regular local government (**Article 50(4)**) which are part of components for intergovernmental relations both horizontally and vertically.

The constitution and other subsidiary laws of Ethiopia are silent concerning intergovernmental relations especially when viewed on its horizontal standpoint. **IGR** is less treated subject in the federal arrangement of Ethiopia. Slightly addressed matters as regards of intergovernmental relations at least constitutionally, though strongly related to **vertical IGR**, are issues of **fiscal intergovernmental relations** and **conflict resolution mechanisms (FDRE constitution art 94)**. That is why writers on Ethiopian federalism **considered IGR** as the least developed and the least understood dimension of federalism partly due to youngest nature of federal system and partly due to the existence of highly centralized political culture.

In federations with parliamentary systems where the predominant role of governmental executives in intergovernmental relations are **visible**, the institutions and processes for intergovernmental relations usually develop pragmatically rather than by constitutional requirement. **In Ethiopia too**, the institutions and processes for intergovernmental relations have been more or less similar to federations with parliamentary systems. They involve direct communications between the concerned functionaries of federal and regional governments. The various ministries of the federal government have direct and close contact with their corresponding bureaus in regional governments.

This close link and interdependence is imperative to carry out their respective responsibilities effectively and in a coordinated manner. It also enhances the capacity of the regional governmental institutions, which compared to the federal government institutions; suffer from lack of adequate human and material resources.

The system of intergovernmental relations (IGR) has **vertical** as well as **horizontal** dimensions. Federations divide political power between the federal government and the states and this gives rise to a complex set of relationships among several actors. **Vertically**, IGR deals with relations between the federal government and the states on issues of common interest. Depending on the substantive basis for interaction, it may involve some or all of the constituent units with the federal government. Some federations like the *US (at least during the 19th c. and early 20th c.)* have given emphasis to competitive relations between the federal government and the states.

In some cases **intergovernmental relations in the vertical sense** is extended to cover federal-local as well as state-local relations. **Horizontally**, it deals with interstate, inter-local relations and depending on their constitutional status municipal intergovernmental forums could also be included. However, our primary interest in this piece is the federal – state and to some extent interstate relations.

As already hinted **intergovernmental relations** is a very broad notion referring principally to the relations (**formal or informal**) between the federal government and the constituent states as well as among the constituent units, concerning the coordination of policies on shared programs. This often is linked to the bulk of frameworks and concurrent powers. In the areas where the constitution assigns exclusive powers to either level of government **IGR** is of little relevance. But when both levels of governments exercise power jointly the appropriate institutions and mechanisms need to be put in place for the purpose of coordinating their joint efforts. **IGR** is one such mechanism that serves as a forum for the frequent interaction of the two levels of governments.

2.2. Central-local (Vertical) and State –to- State (horizontal) Relations

IGR focuses on how different orders of government in federal political systems communicate and collaborate with each other. **IGR** is a vital norm and continues as a widely shared and one of the most common characteristic of any federation.

It regulates and enhances communication between the institutions of the two levels of government that have defined jurisdictions and are supreme within their respective powers. It encompasses the entire complex and interdependent relations among various spheres of government with respect to co-ordination of public policies. **IGR** as a concept is commonly used to refer to relations between and within levels of government that facilitate the attainment of common goals through cooperation and interactions.

There are two sets of intergovernmental relation –vertical and horizontal.

The vertical relation focuses on the relation between the federal government and constituent units or between constituent units and local governments, whereas **the horizontal relation** involves inter-state or inter-local relations.

It is important to note that such relationship becomes inevitable in areas which involve concurrent power or policy framework on shared programs between the federal government and the regions. Coordination of polices on shared programs is thus one of the factors which necessitate intergovernmental cooperation within a given federal system.

Central-local (Vertical) relation

There could be various factors that render cooperation as well as coordination between or among the tiers of government indispensable.

- ✓ **First**, the difficulty of giving clear-cut jurisdiction for each level of government renders IGR necessary because “it is impossible to have a watertight distribution of administrative or legislative jurisdiction among governments or to avoid overlaps of function”.
- ✓ **Second**, intergovernmental relation can serve as “a means to adapt changing circumstances without having to resort to formal constitutional amendments”. There is principle of co-operation implied from the concept of federalism that could overcome gaps in power distributions. The aim of intergovernmental relation is to make adjustment in the existing constitutional distribution of power rather than going through a rigorous constitutional amendment process, especially where the formal constitutional amendment procedures are rigid and unworkable.
- ✓ **Third**, having effective and efficient intergovernmental relation will help to achieve, *inter alia*, policy coordination, consultation, sharing of experience between the tiers of governments and among states/units/regions.

In federations with parliamentary systems where the predominant role of governmental executives in intergovernmental relations are visible, the institutions and processes for intergovernmental relations usually develop pragmatically rather than by constitutional requirement. In Ethiopia too, the institutions and processes for intergovernmental relations have been more or less similar to federations with parliamentary systems. They involve direct communications (via letters or telephone conversations) between the concerned functionaries of federal and regional governments. The various ministries of the federal government have direct and close contact with their corresponding bureaus in regional governments. This close link and interdependence is imperative to carry out their respective responsibilities effectively and in a coordinated manner.

It also enhances the capacity of the regional governmental institutions, which compared to the federal government institutions; suffer from lack of adequate human and material resources. For instance, the Federal Ministry of Health and the regional health bureaus work together in a mutually complementary manner in the effort to implement the federal health policies and standards in regional states.

The Ministry also provides technical assistance to the regional health bureaus. *The structures, processes, and practices* have been developed between different federal Ministries and their regional counterpart bureau in which all levels of government have a role. Thus, the Ministries of health, agriculture, education, trade and industry as well as regional sector bureaus have developed mechanisms and patterns to conduct intergovernmental relations that cover a wide range of functions. Although many of the concepts and functions are common across ministries, their roles and structures vary for a variety of reasons.

State –to- State (horizontal) Relations

The absence of an independent institution that is in charge of consolidating IGR leads to lack of regularity and continuity of interactions. For instance, some institutions make intergovernmental relation twice a year and others make it three times a year. Unless the regional government requests the assistance of the federal government, the forums are organized based on the schedule of the federal government and when the federal government deems it necessary to disseminate some lesson/information for the federation units. Or, it may take place when there is some urgent matter that the federal government desires to implement throughout the country or if there are national issues of sufficient substance to warrant a meeting.

The other point that needs consideration is requesting all regional states to participate in the meeting. Even more, representatives of all regional states are expected to participate on the IGR forums without inquiring whether the agenda only concerns a particular state or not.

Had it not been for the absence of formal institutions in charge of IGR, all federation-units would not have been called for IGR dialogues on every issue/matter. A federal ministry writes a letter to its counterpart as if the latter is subordinate to the former. This results in the development of unwanted hierarchical relationship between the two. Unconstructive cultures of superior-subordinate interaction freezes a spirit of partnership and erodes the autonomy of the states.

2.3. Models of Central-Local relations

A federal system usually requires a combination of two orders of government that are competent and autonomous in their respective spheres and have concurrent powers which can be exercised jointly. Here, what is important is how these tiers of government, which are coequal and autonomous, cooperate in order to improve the federal practice of the country, especially in the area of shared functions.

In this respect, there are two models that deal with intergovernmental relations in a federal structure.

1. Dual/Competitive Model

This model focused on separate or divided model of federalism, in which, each government would be responsible for both **lawmaking** and the implementation of a defined list of responsibilities.

The foundation of this **model is the accountability of each executive to its own legislature.** This model mainly focuses on the existence of inherent competition between the levels of government. **According to Richard, “the characteristic of the competitive model is that it assumes the existence of inherent competition for power between the federal and state governments and one can give power only at the expense of the other.”**

The emphasis of this model rests on the competition of the levels of government leaving no room for a pattern of political integration between them. According to this line of argument,

state power should be divided between the two tiers of government so that each of them operates independently; this denotes a spirit of competition and rivalry between the center and the region. Consequently, intergovernmental relations among the levels of government are likely to be minimal.

This does not however mean that the constitutions of the adherents of this model are utterly silent on some critical issues of intergovernmental relationship. In an era of complex, all pervasive governance, interdependence and overlapping functions grow exponentially, with the attendant risks of contradiction and duplication, requiring the development of extensive mechanisms of intergovernmental relations.

Even if there are such types of constitutional framework, in practice, the various levels of government in a federation have frequent interactions in legal, financial and administrative matters. This shows that interaction between the levels of government is unavoidable.

2. Executive/ Cooperative Model

This model is in sharp contrast to the dual federalism. It can be described as a “**shared**” or “**integrated**” **federalism**, and emphasizes not only on distinct status and roles of the different orders of government, but it also gives due attention to their **collective responsibility** in legislation, implementation and other avenues.

It is understandable that the distribution of power in a federal system is not based on the assumption that the subject of government activity is isolated from each other. However, if there are matters that are specifically given to different levels of government and where they need to be regulated by different and competing orders of government, each tier of government carries out its functions independently. Conversely, if a given function needs joint arms of both levels of government, they can work together. This cooperative model suggests that federal and state governments do not operate in isolation as portrayed by the competitive model but rather they interact frequently.

The interdependence/overlapping model gives emphasis to the existence of shared power and responsibilities among the different levels of government. In a nutshell, it states that many areas of policy require federal, state and local involvement; that in modern federal system, the areas of autonomy and discretion for any single jurisdiction are limited; that several levels of government require more bargaining and negotiation than competition to obtain adequate power influence to carry out programs. In this context, federal-state relationship has been considered as the important aspect of the federal system.

Intergovernmental relation, in effect, is regarded as a basic pillar of cooperation that permeates the federal arrangement and that is used as an instrument to facilitate compromise if conflict arises out of various interests. **This model requires** the constitution or legislation to spell out for the establishment of **IGR** institutions and set rules that govern how these institutions will operate in order to manage intergovernmental collaboration. The structural arrangement of this model may vary from federation to federation.

Chapter Three

Group Assignment

1. Definition of Centralization
2. Extent, Techniques and Patterns of centralization
3. Definition of Decentralization
4. Rationale for and Typologies of Decentralization
5. Arguments for/ against decentralization
6. Fiscal Decentralization: Emphasis on Ethiopia

Chapter Four

Federalism

4.1. Definition of Federations and Federalism

- ❖ **Federations** is Compound polities combining strong constituent *units and a strong* general government, each possessing powers delegated to it by the people through a constitution, each empowered to deal directly with the citizens in the exercise of its legislative, administrative and taxing powers, and each with major institutions directly elected by the citizens. Currently there are 25 countries in the world that meet or claim to meet the basic criteria of a functioning federation.
- ❖ **Federation** – two or more orders of government with equal status under a Constitution.
- ❖ “**Federalism**” is a normative and philosophical concept, involving the advocacy of federal principles, whereas “**federation**” is a descriptive term referring to a particular type of institutional relationship.
- ❖ “**federalism**” refers to a genus of political organization encompassing a variety of species, including federations, confederacies, associated statehoods, unions, leagues, condominiums, constitutional regionalization, and constitutional “home rule.” In this schema, “federation” refers to one species within the wider genus of federalism.
- ❖ **Federalism** is the method of dividing power so that the general and regional governments are each, within sphere, coordinate and independent.
- ❖ **Federalism** as an organizing principle advocates a „multi-tiered government combining elements of shared-rule through common institutions for some purposes and regional self-rule” for constituent units for some other purposes, thereby accommodating unity and diversity within a larger political union. The essence of federalism as a normative principle is the perpetuation of both union and autonomy, in the latter for accommodating, preserving and promoting distinct identities within a large political union.
- ❖ **Federations** on the other hand refer to tangible institutional facts. They constitute the institutional and structural techniques for achieving one of the goals of federalism. Federations are used to describe actual systems of governments.

4.2. Mechanisms of Forming Federations

Federations could be distinguished in the process of how they are formed; any federal structure can be created in one of the following ways;

a) *Disaggregation (Holding together) federation*

In this case polities may establish a federation from a previously single central power (unitary state). This is a federal state formed when a previously highly centralized state compromised to share considerable extent of power to regional (local units). Such federations are called as centrifugal / holding together federations. They are usually evolved from a decision undertaken at the center to constitutionally diffuse power to newly established units or states.

In contrast to coming together federations, where sovereign states **bind together** to create a common central government to which the states surrender some of their sovereignty, in a holding-together federation, **an already existing large polity is subdivided into various sub-units that enjoy sovereignty over certain policy areas.**

'Holding together' federations are the outgrowth of a consensual parliamentary decision to preserve a unitary state by creating a multi-ethnic federal system.

In this kind of federation, polity may establish a federation from previously **single central power** or unitary state. It is formed when a previously centralized state comprised to share considerable extent of power to local units. This kind of federation is also termed as centrifugal federation. E.g. **Ethiopia, India, Nigeria etc...**

b) *Aggregation(Coming together) federation*

In this case federations are created when a previously in dependent and separate entities agreed to come together to form a federal state for some common purpose. The units that agreed to unite have previous existence as independent sovereign state before the uniting federal government. Such federations are called as center seeking or coming together federations.

Coming together federations emerge when two or more than two existing **sovereign countries** agree to create a federal system for governmental efficiency, economic development, and security purposes. Federations can promote economic prosperity by removing internal trade barriers, and they may also foster peace by preventing wars and preventing fears of war, in several ways. Countries or nations that create federation become jointly powerful enough to dissuade external aggressors, and/or to prevent aggressive and preemptive wars among themselves. The most important aspect of Coming-together federation is that the different sovereign units come together to form the federation on the voluntary basis.

E.g.

- The US federal system- 13 previous independent colonial states came together to form 52 states of USA in 1887
- In Switzerland: The previously fully independent 25 cantons united under federation in 1848 to form the federal state of Switzerland.

C) Putting together federation

This is a types of federalism established through a heavily **coercive effort** by a non democratic centralizing power to put together a multinational state, some of the components of which had previously been independent states. This kind of federalism is a putting together federalism. The **USSR was an example of this type of federation.**

The basic difference between holding together and putting together federation is the imposition of **coercive force** to seize together the states in case of later and **freewill** of the states in the case of former.

4.3. Basic Characteristics of federalism

Federalism, when considered as a principle, can be realized in highly different institutional arrangements and political mechanisms. In fact, there is a wide range of federal types and no federal system can be simply adopted and introduced in another state because each

institutional design has to consider the specific ethnic composition of a country, the existing identities, and the political cleavage structure, its socio-economic state and its history.

There are six major common structural characteristics of federations as a specific form of political system these are as follows:

- ✓ At least two orders of government, one for the whole federation and the other for the regional units, each acting directly on its citizens;
- ✓ A formal constitutional distribution of legislative and executive authority and allocation of revenue resources between the two orders of government ensuring some areas of genuine authority for each order;
- ✓ Provision for the designated representation of distinct regional views within the federal policy-making institutions, usually provided by the particular form of the federal second chamber;
- ✓ A supreme written constitution not unilaterally amendable and requiring the consent for amendments of a significant proportion of the constituent units;
- ✓ An umpire (in the form of courts, provision for referendums, or an upper house with special powers); and
- ✓ Processes and institutions to facilitate intergovernmental collaboration for those areas where governmental responsibilities are shared or inevitably overlap.

➤ **Among the above features of federation let us discuss the following.**

a) Territorial division of power

Federations usually distribute power between the federal government and the states. As a state system, it allows the co existence forces of unity on the one hand and the quest for autonomy on the other. Therefore, the federal government is vested with those powers that require uniform application across the states while states are usually given with those powers that are relevant for the expression of regional identity and self-expression of their own interests.

As a result territorial division of power is effected among constituent unit of the federation the names that are given to these constituent units vary from one federal system to the other. They are called states in USA, Republics in the former Soviet Union, Provinces in Canada, Cantons in Switzerland, Landers in Germany & Regions in Ethiopia.

b) Written Constitution

Division of power is effected through the means of a written and supreme constitution as an explanation of the terms of the federal bargain. If both levels of governments have to exercise independent and autonomous power they should not derive their power one from the other (say the regions from the federal). Rather the division of power has to be effected by another independent & supreme document; the constitution, in to which both governments are subsumed. Therefore, the constitution sets the rules of the game by defining who is going to do what and vesting the power to each level of governments.

c) Rigid Constitution

Easy and flexible amendment procedures cannot grant supremacy of the constitution since their provisions can be easily changed by simple or 2/3 majority vote of the legislature. Therefore, most federal constitutions require the participation of the states along with the federal government to amend provisions that avoids unilateral alteration. Rigid amendment procedures & regional participation in amending provisions also precludes federal government's encroachment on regional powers.

In this regard, we have federations that require the consent of every state for any amendment and there are federations where majority vote of the parliament is sufficient to amend the constitution. **For instance, the Indian constitution** falls in the later category. However even there the constitutional provision that effect division of power between the regions & the federal government is to be amended by a special procedure that requires special majority in the parliament and agreement of half of the states.

a) **Judicial Review**

An independent and impartial judicial organ that interprets the provisions of the constitution is also another necessary requirement in federations. This organ serves as an umpire on disputes arising regarding constitutionality of laws in general and conflict of jurisdiction and power between the two levels of governments in particular. Division of power and exercise of autonomous authority by the two levels of governments also entails the possibility of disputes arising in the actual exercise of power on the ground.

This further entails that; interpretation of the provisions in the constitution must not rest in the hands of neither level of governments. Therefore, an independent and impartial judicial organ with maximum freedom from the influence of the powerful central executive is vital in resolving disputes that may arise on the constitutionality of matters.

4.4. Basic difference between federal and unitary states

- ❖ **In federal states**, there are two distinct governments' within the same territory and sovereignty is divided by constitutional order. **Where as in unitary states** there is concentration of power in the hands of the central government, which makes all policies & over sees government activities. Local Governments are subordinate creations of CGs.
- ❖ **In Federal structure**, both the federal government and states derive their power from the constitution. Therefore, the states are not creations of the centre& their power cannot be altered by the unilateral decision of the center. **Where as in unitary states** the existence of local units is not constitutionally entrenched that gives the center an unlimited discretion to withdraw their existence. In some instances, local autonomy can be granted by constitutional order but subject to change only by central legislature.
- ❖ **A Unitary state structure** can be defined as one organized under a single central government, that is to say, whatever powers are possessed by the various districts within the area administered as a whole by the central government, and the central power is supreme over the whole without any restrictions imposed by any law granting special powers to its parts. Unitarianism, in the political sense is the habitual exercise of supreme legislative authority by one central power. Or to put in other words, the

main identity of unitary form of government is that laws originate and flow-down from a single central government.

- ❖ As the oldest form of the structure of the state, unitary per se cannot be qualified as the worst or best form or option. It all depends on the nature of the constituencies, prerogatives and the type of the government. Hence, the structure of the state per se does not necessarily define the political system, i.e., democratic or undemocratic.

To mention a few examples of the unitary state structured countries: United Kingdom, France, Belgium, Japan, Peoples Republic of China and most of the third world countries, including African countries, are good examples of a unitary state. In fact the world is currently having incomparable countries with unitary state structure. And in almost each of these countries there is no question of any limitation being placed upon the power of the central authority by any law-making body belonging to any smaller part of the state.

- ✚ **The unitary state structure**, as regionally divided administrative structure units can follow the territorial administrative principle, national administrative principle and autonomous regional administrative principle. In other words it can be **decentralized, centralized and hybrid unitary state**.

- A **decentralized unitary state** presupposes the existence of considerable devolution of the administration, fiscal and political powers among the sub- administrative/national levels, meaning with county, provinces, local, urban and municipal administrations or governments. In such situation the respective administrative units, the executive, and the elected legislators, will have ample opportunity to plan and execute matters related to their administrative levels despite there can be a national level supervisory body. Examples of areas of operation can be lower social service sectors (schools, roads, water and sewerage lines, revenue tax/collection, trade/ business regulation, etc). Most developed countries like Norway and United Kingdom can be put in this category or system.
- A **centralized unitary system** exercise most functions from the national level legislator, executive and administrative decisions tier. That means, everything is implemented as per the decisions made at higher/upper level (top-down level approach) despite the fact that with developed liberal countries there can be little political/ administrative usually in social services and fiscal decentralization. A good example for this is France.

- **The Hybrid Unitary system** underlines the constitution shares workable principles of the aforementioned systems. In other words, constitutionally the national government is sovereign and in juxtaposition certain independent powers are recognized for certain constituent administrative or territorial units. This form of “vertical-power sharing is exemplified by the UK, constituting Wales, Scotland, England and Northern Ireland as well as five self-governing islands (including Jersey, Guernsey, and the Isle of Man).”

🚩 **Advantages and disadvantages of Unitary form of state structure**

According to Johari the following are the advantages of unitary form of state structure

- ✓ It is a very effective and efficient form of government.
- ✓ The central government is all-powerful. As such, it can take any step to meet the situation before it. It proves very successful in dealing with the conditions of emergency.
- ✓ It is a flexible government.
- ✓ The constitution can be amended easily by the central government according to the exigencies of the situation.
- ✓ It may delegate some of its powers to local units, or take them back without any difficulty in the light of the obtaining circumstances.
- ✓ It brings uniformity of administration and legislation. Since there is only one national legislature and since all powers are vested in the central government, there is uniformity in the spheres of law-making and its implementation.
- ✓ It is less expensive as compared to federal system because there is no duality in the field of legislation, administration and adjudication. In other words, there is no duplication of work at the regional levels.
- ✓ It is best suited for a small country and marked by the factor of homogeneity in respects of religion, race, language, culture, etc.

Disadvantage of unitary form of state structure

- ✓ Since all powers are given to the central government, it may become autocratic to the extent of killing the liberties of the people.

- ✓ A federal system is better in which power is distributed between governments as a result of which neither can be autocratic.
- ✓ It crushes local initiative.
- ✓ Excessive centralization takes away the autonomy of the local units.
- ✓ There is nothing like local self-government that encourages the people to take part in their local affairs.
- ✓ Local affairs are ignored.
- ✓ The centre is incapable of looking after the problems of regional areas that can be better managed in a federal system.
- ✓ It is not suited to very big country or countries marked by the heterogeneity of religion, ethnicity, culture, language, etc. **China** may be taken as glaring exception to it.

✚ **Federal form of state structure**

“A **federal state** is a political contrivance intended to reconcile national unity and power with the maintenance of state rights.”

In a federal state central or federal authority are limited by certain powers secured to the units/federated states, which have united for common purposes based on mutual integrity and partnership. The distribution of power, a sine qua non of federalism, is intended to protect the integral authority of both the central and peripheral constituencies, while respecting respective political communities on a common good and allowing diversity and competition to foster liberty and efficiency.

✚ **Developed federalism shows three clearly marked characteristics. They are:**

- **First**, the supremacy of the constitution by means of which federation is established;
- **Second**, the distribution (and possibly devolution) of powers between the Federal state and the coordinated states forming is ascertained; and
- **Third**, the presence of some supreme authority to settle any dispute which may arise between the federal and state authority.”

Features of Federal form state structure

Among others the following are said to be some of the features that characterize federal systems.

34 | Page *Course Title: Federalism and Local Government: Focus on Ethiopia*

Handout

By Jemal E. (MA)

✚ **Two Relatively Autonomous Levels of Government:**

In federal forms of state structure, both the federal/central and regional governments possess a range of powers that the others cannot encroach upon. In addition, since federal units/ regional governments have sovereign existence guaranteed by the constitution, the central government cannot create or abolish them. Except for the power and responsibilities assigned to it in the constitution, the federal government cannot do other activities without the consultation of the federal units/ regional states.

✚ **The Existence of Written Constitution:**

In federal systems, the powers and responsibilities of each level of government i.e. the central and regional governments are defined and codified or written in the constitution. The relationship between the central and federal units is, therefore, conducted within a formal legal frame work.

The autonomy of each level is usually guaranteed by the fact that neither the federal nor the regional government is able to amend the constitution unilaterally.

✚ **Supremacy of the Central/Federal Authority:**

In most federal systems the central government is superior and supreme over the regional governments in conducting key issues and activities of the country. At the same time, the federal constitution is also supreme over the constitutions of the regional governments. This is to mean that, even both the central government and regional governments have constitutions of their own, but the constitution of the regional governments are always accountable to the federal constitution and only formulated within the general frameworks of federal constitution.

✚ **Constitutional Arbiter (Constitutional Negotiator)**

In all federations, the formal provisions of the constitutions are interpreted by a body or institution empowered by the constitution. For instance, in Ethiopia, the formal institution that has the power to interpret the constitution is the House of Federation, where as in other countries like USA, the constitution is interpreted by the Supreme Court. Hence, by doing this, the body or institution arbitrate in the case of dispute arise between federal and state levels of government.

Linking Institution:

In order to foster cooperation and understanding between the federal and regional governments, the regions and provinces must be given a voice in the processes of central policy making. This is usually achieved through a bicameral /two houses legislature in which the second house represents the interest of the regional states.

Absence of amending the constitution or some of its provisions by federal government unilaterally.

Hence, it needs the consent or agreement of the sub national/regional governments for amending the federal constitution.

Absence of Re-centralization of Powers and Authority by the central/federal government at its will or unilaterally

➤ **Potential advantages and Disadvantages of federal state structure**

➤ **Advantages (merits)**

- ❖ It is essential to large states
- ❖ Combines national unity and local autonomy and the rights of self-government. In modern political theory and practice, the federal idea is normally linked with democratic institution and the protection of the individual and minority groups.
- ❖ Maintains balance between centrifugal (unifying) and centripetal (integrating) forces in a state.
- ❖ It stimulates interest in government by leaving the determination of local policy in the hands of local officers and assemblies who are responsible to local electorate.
- ❖ It relieves the central legislature and authorities from the necessity of devoting time and energy to the solution of local problems.

Potential Disadvantages:

- There is duplication of activities and services, which results in expense. It is not always easy to deal with a specific situation.
- It is a weak form of arrangement in the sense because of the division of powers between the central and federal units. Thus, in times of national crisis, it faces numerous difficulties.

- The central government is not powerful enough to deal with all breakage tendencies that emerge from the distribution of authority between two levels governments.
- A federal system creates a distinctive zone that becomes a source of unnecessary complexity and confusion. There is (duplicity) fraudulence of legislation, administration, taxations, adjudication and the like. Thus, it entails heavy expenditure at the cost of taxpayers.
- It leads to additional expenses and delay due to complexity of a double system of legislation and administration.

✚ **Federal form of the state has the following main principles.**

- ✓ The division of state power between Federal States and Federal units,
- ✓ Exclusive power to the Federal States,
- ✓ Exclusive power to the Federal units,
- ✓ Concurrent powers to Federal States and Federal units,
- ✓ Reserve (residual) power to the Federal State,
- ✓ Reserve (residual) power to the Federal units/states/regions, and
- ✓ Balanced powers to both parties.

✚ **Other uniqueness or characteristics of federalism is that it has:**

- Supremacy of Federal States,
- Supremacy of Federal Constitutions, and
- Federal power differences are resolved by arbitrary means, i.e., court, regular courts, special constitutional courts, referendum and sometimes even dual citizenship.

For example, in Ethiopia the House of Federation is entrusted to resolve among others conflicts that arise from and between regions.

Chapter Five

Local Governments and Federalism in Ethiopia

5.1. Local governments in the pre modern Ethiopia

Overview of Local Government Structure in Imperial Ethiopia

In its long history of survival, Ethiopia has for the most part been under a decentralized rather than a centralized system of governance. There have been efforts to effect high centralization of state power especially under the reign of Tewodros and later Menelik. However, the most successful project towards a highly centralized unitary state was achieved during the reign of emperor Haileselassie from the 1930's onwards.

The Ethiopian state has not been a compact political unit; rather it was a loose association of semi autonomous states connected with a central kingdom. Control over regional provincial units by central governments is constrained by rugged physical feature of the country and lack of efficient means of communication. As a result, there has been coexistence of dual authorities. On the one hand, there was the imperial throne representing the center and a number of provincial nobilities on the other, controlling different regions and exercising decentralized power.

This implies that even if in theory, the kings exercise absolute power over their territory and population the reality showed that they lack the means & mechanism to have full control over the state. Many factors are attributed to this like the vastness of the territory, geographical obstacles absence of transport and communication facility, fiscal and manpower constraints, ethnic, linguistic & regional disparity. Therefore, provincial nobilities carried out the actual administration of the state.

Horizontal (among provinces) and vertical (between the center & Provinces) relationships were always there based on; trade, religion and political power. The Imperial throne served as a symbol of unity & national integrity (centripetal force) where as the regions try to moderate the centralizing effort. This semi autonomous relationship was the pattern for the most part of the Ethiopian politics except its interruption during the time of the Zemene Messafint (1769-1855) and after its successful abolishment during the reign of Haileselassie.

The regional notable's submission to the Imperial throne is expressed usually through contributing fighting force in times of crisis, collection and payment of tributes, and acceptance of supremacy of the imperial throne. In return, the king is responsible to maintain national Security, permits autonomous administration and possession of their own army. In reality, the provincial nobilities handled broader scope of activities like regulation of trade and commerce, impose duties, and control the extraction and distribution of valuable materials like salt metals & ivory. Even when they were economically stronger than the centre, they give symbolic recognition to it & pay tribute.

5.2. The efforts towards Centralization under Emperor Tewodros

➤ Emperor Tewodros's attempt to Centralization

Historical evidences indicate that Imperial Ethiopia had been divided in to different provincial administration controlled by nobilities who were exercising independent power and authority from the central Kingdom. Nobilities from Gonder, Wollo, Shewa and Tigray were powerful provincial entities that share power with the central crown and even claimed the throne.

However, the Empire managed to strike the balance between provincial identities (autonomy) and state unity since; provincial administrators were under the central Imperial crown. Their submission to the Imperial crown expressed through paying tribute, contributing armies and different other functions. Except for some periods during invasion of Muslim forces over the Christian highland (1527-1543) and during the Zemene Mesafinit (1769-1855), when provincial regional forces overpowered the center, the balance of power for the most part of the Ethiopian history was in favor central kingdom. The Zemene –Mesafinit (Era of the princes) was an era when the provincial nobilities gained supremacy & power over the central Empire. Each provincial nobility named itself as king and exercised independent authority fiercely challenging the center's authority by even neglecting its existence.

The age of the princes came to its close after the ascendancy of Emperor Tewodros as a king of the Imperial kingdom. He made successive victorious wars waged against different provincial lords and dynasties except the dynasty of Shewa to the south of the Empire. He defeated all contesting provincial leaders within a decade and emerged as unchallenged ruler of the Empire.

He was the first to perceive the main reasons behind the weakness of the central Empire and the political disintegration of the Empire and acted to reverse the situation. Therefore, centralization of state power by defying the centuries old relationship between powerful regional centers and the central kingdom was the main aim of Tewodros's. He realized that the achievement of unity of the country and strengthening the authority of the central kingdom to control the whole territory depended up on his effective control of regional rulers at all levels.

Accordingly, he took different strict administrative measures to centralize state power.

1) **Tewodros was so apprehensive of the centrifugal forces of provincialism:** As a result he dissolved the power of the rivals (provincial nobilities) that he defeated in his war for power. They were deprived of their power bases because he broke down the traditional political and territorial divisions of Ethiopia (large provinces) into smaller administrative units. Officials appointed by him governed these units. Therefore, all the previous provinces came under his subjugation and sovereign control.

2) **Establishment of standing army:** the Emperor realized that the main source of strength for the provincial nobilities was their possession of locally raised armed units. Conceiving this fact he made a move forward to establish a united national army that comprised soldiers from different provinces serving under the central kingdom and paid salaries.

3) **He conceived that one of the prime factors:** behind the disintegration of the Empire was the existence of different sects of the Orthodox Christian Church. To resolve

this he ordered his subjects to follow the doctrine of Coptic primate supported by the mother church of Alexandria through the Bishop Abuna Salama.

However, his move towards centralization of state power and asserting Imperial supremacy over the whole territory of the state was failed short of continuity. His forceful & speedy unification process could not completely put the spirit of resistance from different provinces in to an end. He did not also make a clean sweep of the local dynasties because he confirmed the sons & relatives of the previous lords to continue as leaders of their localities. Moreover, he was trying to curb the old long existing tradition of regionalism and provincialism that resulted in opposition from all provincial nobilities.

In the first place, he curtailed the churches privilege to be exempted from land tax because he was in a critical financial situation to maintain his administrative & military reforms. He also tried to reduce the land under the possession of the church and monasteries. Later on he tried to reduce the number of the clergy deciding that 2 priests and 3 deacons are sufficient for a church because he considered them as corrupted, arrogant & parasitical. This led the clergy to instigate the people against the emperor that consequently led to lack of legitimacy for his administration.

Finally, these constellations of factors added with misperceived and wrong foreign policy path led to the deposition of the emperor from power. Therefore, his project for the creation of centralized and unitary Ethiopian state failed short of success because of lack of internal cooperation and external attack from the British as the result of his foreign policy. However, his attempt served as a great experience for other successive emperors who continued his project of creating a unified & centralized Empire especially emperor Minilik and later Haileselassie.

5.3. Controlled regionalism under Emperor Yohannes

➤ Emperor Yohannes's policy of controlled Regionalism

41 | Page *Course Title: Federalism and Local Government: Focus on Ethiopia*

Handout

By Jemal E. (MA)

After the fall of Emperor Tewodros at Mekdela, different regional lords were contesting to become heirs of the Imperial throne. As a lesson taken from the reign of Tewodros and his attempt to centralize state power, none of them attempted towards asserting full independence & autonomy. The main contenders to the Imperial throne were rulers of Lasta, Tigre and Shewa. The nobilities opted to dominate the center than resorting back to the anarchy of the Zemene Mesafint.

After coming to power, Yohannis did not attempt to take a swift and drastic measure to annihilate regional nobilities like Tewodros. Rather He opted to adopt the already existing system by appointing the regional nobilities as governors of their own provinces after asserting their trustworthiness to his supremacy.

This enabled the provincial leaders to regain control of their provinces with the king exercising suzerainty over them. He recognized the governors' right on local affairs so long as they accepted his status. Autonomy is granted to provincial governors in exchange of alliance or recognition to the central kingdom. He was ready to rule a federation of kingdoms with their own kings granted with autonomy. This signified his desire to follow a liberal approach towards political power with limited intent to be an absolute autocrat. He favored a policy of non-intervention in the internal affairs of regional affairs whose rulers permitted to use the title of king.

Instead of colliding up front with provincial nobilities, he followed a Cautious policy of controlled regionalism. This showed his readiness to share power on conditions that they are ready to recognize his suzerainty. He applied the policy of controlled regionalism in the provinces of Shewa and Gojam. In addition, he tried to maintain a political and military equilibrium (balance of power) between these two provinces. The Emperors Effort to rule the Empire through such soft approach was challenged by both internal and external factors. Especially Yohannes fought with many external enemies like the Egyptians, Italians and the Mhadists in Sudan. This led him to lose focus on internal affairs, which gave strong hold for the province of Shewa. Even in his last fight with the Mhadists, the province of Shewa refused to

give him support where he has lost his life. Therefore, his reign was remembered for his official recognition of provincial rulers allowing them to be nominated as kings provided that they recognize his being the king of kings in the Empire. This approximated a federal system but not in the true sense of the term.

5.4. Menelik and His expansionist policy

➤ Menilik's expansionist policy and approaches to local rule

Emperor Menlik was known for his expansionist policy to the South, South East and South Western part of the country. This process was started even before his coronation as the king of the whole Empire while he was ruling the province of Shewa. His expansionist policy is resulted from three interrelated factors;

- A. To regain and reestablish the ancient frontiers of Ethiopia.
- B. **Economic Motives:** to control the trade route in the South Western region which was a lucrative trade center on items like Gold, Ivory, Coffee, Spices, and Slave etc...?
- C. The intrusion of European Imperial forces in to the horn of Africa. By this time all the countries that share boundary with the Empire were controlled by one or another colonial power. Therefore, he was attempting to control as much territory as possible and demarcate his own boundary before its subjugation by these forces.

All the areas expanded after waging successive wars and the areas to the north of the Shewa province came under the control of Emperor Menlik. Immediately after his accession to power all the Northern provinces including Lasta, Yeju, Gojam, Wollo and Begemidir recognized Meneliks as a king of the Empire except the province of Tigray. With regard to the newly conquered regions, two approaches were followed depending on the method in which an area is incorporated in to the Empire. Those areas where submitted peacefully without waging any opposition or resistance to the Emperor's forces the local leaders were not uprooted. They were

allowed to continue as rulers of their people paying fixed amount of tribute to the central Empire. Therefore, already existing local governors were allowed to persist if they submitted peacefully.

However, in areas where the Imperial army faced resistance, harsh measures were taken against their people and governors were uprooted and imprisoned. For such areas, administrators were usually appointed from the center and especially an area may be given to the general who played the pivotal role in its incorporation. Therefore, it can be stated that Menilk had implanted both the traditional system of granting autonomy for provinces who are willing to pay tribute and recognize his supremacy, and direct rule over the newly conquered territories from where his military force faced a harsh resistance movements. Autonomy or independence was also granted to other newly conquered areas that submitted peacefully and agreed to pay fixed amount of tribute, which was a system of indirect rule. This indicates that he was not wholly centralist and did not as such attempt to effect a strong centralized government. Therefore, he was more of expansionist than centralist.

5.5. Successful centralization under the era of emperor Hailesilassie

✚ Power struggle in the early period of Haileselassie

The period between **1906 and 1930** was a period when the **throne lacked powerful ruler** because of two reasons. On the one hand, Emperor Menelik was incapacitated and fallen ill as early as 1906. While on the other, he was short of defined and capable person who can succeed the throne. As a result, different powerful groups were contesting for the succession of the throne that caused insecurity and the possibility of **conflict** at any moment. Taking this fact in to account emperor **Menelik** instituted a council of ministries (cabinet) involving nine ministerial offices.

He calculated that, the person he appointed as heir to the throne (Iyasu) was minor and needs to be helped by a powerful organized institution. Therefore the cabinet was established to consolidate the strength of central government and help Lij Eyasu as successor to the throne.

Therefore it was not meant to exercise the function of a cabinet ministry in the modern sense of the term. Menlik's illness in 1906 and his subsequent complete incapacity to rule afterwards led to the strengthening of provincial nobilities who were previously constrained by his powerful control.

After Iyasu's removal from power in 1916, the provincial nobilities around the Imperial palace did their best to weaken the central government. Their power was curtailed under Menlik's strong rule and now they did not want to restore the dominance of the central government. As a result they nominated the less assertive and indecisive empress Zewditu as ruler of the Empire while Teferi given only the status of regency. This paralyzed the power of the central government and gave much freedom to the provincial nobilities to exercise unlimited power giving less regard to the central kingdom.

The powerhouse to check the reformist move of **Teferi** was the then ministry of war (**Fitawrari Habtegeorgis**) who wielded much of the military power of the central kingdom. As a result between **1916-1926** provincialism re-emerged in full force in the country with weakened central rule. However, this period has come to its end with the death of **Fitawrari- Habte Giorgis (1926)** that led to the control of the army and possession of military armaments by Teferi. This paved the way ahead to defeat potential contenders especially rulers of Wollo in support of Empress Zewditu's. In **1930**, Teferi defeated ruler of **Wollo (Ras Gugsa Wolie) and Zewditu's** death only after two days led him to assert himself as a ruler of the **Empire**. By this, the struggle to succeed the **throne** came to its end and the central government regained its strength **over provincial rulers**. Even before asserting his position as a king, he tried to centralize state power that he continued with vigor after holding state power by introducing different reform measures.

The centralizing effect of the 1931 constitution

The constitution was issued based on two basic justifications of internal and external in nature. There was no popular demand for a constitution and even faced opposition from the side of the nobility. However, the Emperor's progressive inclination to attract external attention and prestige and internally, the centralization of power forced the promulgation of the constitution. The emperor's ambition towards centralization had its implication on central local relationships and the status of the previously stronger provincial governors.

The constitution became one of the most successful projects unprecedented towards centralization of state power by weakening the power and dominance of provincial nobilities. It established the legal mechanism by which governmental power is to be channeled and distributed, aimed at halting the arbitrary and ill-defined traditional power of the nobilities. This served the political goal of centralization to subjugate the country under common rule by the emperor.

The long existed dualism between the central kingdom and the provincial nobilities came to its colossal since provincialism was completely absorbed in to centralized administration. The prestige of the nobilities was degraded in their inability to wield power to check the power of the central kingdom and play their role as local leadership. Combinations of mechanisms were used to effectively centralize state power. These included,

- (a) **Non –recognition of nobilities as kings:** from the outset in his drive towards centralization refused to acknowledge (confer) the nobilities, the title of kings that implicitly tell their sub summation in to the center.
- (b) **Establishment of bicameral parliament:** The constitution established bicameral parliament as the senate (Yehig Mewesegna Mikir Bet) and the chamber of deputies (Yehig Memriya Mikir Bet). The members in both houses were not publicly elected representatives. The senate was filled with higher class nobilities and chiefs from

(c) different regions where as, **the lower house** was staffed with lower class nobilities. Both houses play simple advisory role where by the emperor has unlimited veto power in approving or disproving a legal proposal. The potentially contending nobilities has now become residents in the central capital where they can be kept under strict surveillance. This enabled the central government to establish its own administrative structure and appoint its own officials in the place of the nobilities. By this the provincial leaders' influence over their localities came to its halt and the provinces were administered by officials appointed from the centre.

(d) **Restriction of succession to the throne:** the constitution out rightly declared the Imperial dignity to remain perpetually attached to the descendants of Haileselassie. This showed a significant departure from the past where anybody attached to the Solomonic dynasty combined with competence and power can rule the Empire.

(e) **Establishment of modern standing army:** led to the dissolution of the private armies of individual nobilities that significantly demolished their power position to compete with the centre. The armed forces of the provincial nobilities were the main instruments to contest with the center. But the institution of modern standing army weakened the position of the local entities in the eyes of the center.

(f) **Introduction of direct individual taxation:** Direct individual taxation without the intermediation of traditional nobles also resulted in centralized tax system. By this, the economic base of the traditional nobles was hit hard.

All these factors combined together helped the central government to harness the previously dispersed power among the provincial nobilities. Such measures and their successful accomplishment gave absolute power to the central government (the king) in a way that was unprecedented in the politics of the Empire. It is declared that the person of the Emperor is sacred his dignity inviolable, and his power indisputable. His authority was unlimited and unquestionable with absolute sovereignty unlike the past when sovereignty was divided. In this

case, the Emperor was declared as the head of the executive and the fountain of justice (law giver) unchallenged by a law making body. These were the prerogatives of both the nobilities and the centre in their respective areas in the past. Therefore, generally the 1931 constitution elevated the emperor's power in to absolute and unquestionable level defying the preexisting recognition of nobilities by the central kingdom as governors of their own areas.

5.6. The Derg and the socialist state structure

❖ Role and function of Local Government Structure under the Derg Regime

Immediately after coming to power the 'Derg' reordered the imperial regime pattern of administrative organs at national level without effecting fundamental transformation. The reorganization of Local Government structure was mainly geared towards attaining socialist objectives at national level. In undertaking these reforms the 'Derg' reorganized the 14 provincial administrations under the Imperial regime and replaced all the governor generals by new appointed officials.

The 14 provinces (Teklay Ghizats) were renamed as regions or kiflehager and were divided in to 102 sub –regions (Awrajas). These Awrajas were further sub divided in to 556 districts (Woredas). By 1981 the numbers of kiflehagers were increased in to 16 with the addition of Assab and Addis Ababa as a new region (kiflehagers). The restructuring served as a major step towards dismantling the old existing regime and its feudal privilege through the existed administrative structure. Moreover, new people were appointed from university graduates and different sects of the military. The main charges of these new appointees were the promotion of development and maintenance of law and order at local level.

In addition to the slight reform measures taken with regard to administrative structure the Derg regime established varieties of organizations and association at both rural and urban areas. The military regime considered the Woreda administration and municipalities the focus areas for the indoctrination of Marxist-lenist ideology in to the state. Accordingly, it instituted UDA's (Urban Dwellers Associations) and PA's (Peasant associations) in urban and rural areas respectively.

The main aims behind establishing UDA's were;

- (a) The primary aim was ideological to equip their residents with Marxism – Leninism, to struggle against feudalism, capitalism and imperialism.
- (b) To engage the people in the socio-economic movement to enable them administer themselves and manage their own affairs.

The UDA's at each level were also given their own functions and responsibilities. They were entrusted considerable powers over local matters that can be generally summarized as; making follow up on land use and planning in urban areas, setup educational, health market, road and similar services, collect land and house rent, spend the rent they collect and the subsidy they receive on building economical houses and improve the quality of life of their residents. They were also entrusted with the task of protecting public property and the lives and welfare of their residents.

However, the responsibility of the UDA's to their residents was partial because they were also responsible to the center in certain key matters. They were responsible to the central ministry called the Ministry of Urban Development and Housing. The Ministry gives directives to UDA's on land use and building and on the disposal of the rent they collect and the subsidy they receive. The Ministry also had the power to review decisions passed by the higher (Kefetegna) UDA tribunal, which was the highest court system in the urban areas.

In another proclamation called the labor legislation and Peasant Association Consolidation Proclamation, peasant associations were directed to enable;

- The peasantry by building its consciousness in line with socialist
- To establish cooperative societies and peasant defense squad
- Give education about socialist philosophy to enhance the peasants' political Consciousness.

➤ To struggle for the gradual abolition of exploitation from the rural areas through agricultural producer's cooperatives

The peasant Associations were even far more important in implementing the policy of the government because they cover much more areas and large number of peasant population. PA's were high level political instruments in allocating and collecting quotas from what the peasants produced to be sold to the government below market price (to implement the quota system) . Moreover they were also mobilizing hundreds and thousands of peasants for resettlement from draught affected areas, in implementing programs of Villagization and recruiting the youth to the war fronts.

Generally speaking the overall system of rule was highly centralized following the socialist principle of democratic centralism. Under such system all tiers of local governments are laid under a centralized and highly disciplined one party structure. This allows controlling the activities at each level and making sure things are done under the will and interest of the center and only the center.

➤ **The PDRE 1987 Constitution: Attempt for Autonomy and Self Rule.**

After coming to power the Derg regime made a bold move towards addressing the nationalities question that was never tried before in the long history of the country. It was shortly after holding state power in April 1976 that the Derg declared a document called the National Democratic Revolution (NDR).

However, this radical reform measure by the NDR failed short of practice and even later nationality movements were regarded as reactionaries and serious threats to the revolution. This back ward slash was caused by the departure of one of the leftist party (Meison) who drafted the NDR in collaboration with the 'Derg'. By the 1987 constitution the regime prepared itself for the future organization of regional administration. The state structure by the constitution comprised

Administrative and autonomous regions. There were 24 administrative and 5 autonomous regions (Eritrea, Tigray, Assab, Diredawa and Ogaden) established by the constitution.

The PDRE constitution declared to establish a three tiered level of government for administrative regions. At the lower level there would be administrative areas constituting a population of 60-100 thousands and replace the Woreda under the old order. The next higher hierarchy is the Regional Administrative units having a size between the old Awraja and region and replacing both of them under the new order. Generally the structure involves Administrative areas, Regional Administration and National Government. The main organs to run the activities of the central government were 'Shengos' established at the national, regional and local levels. Their main functions were to formulate policies and establish other organs of state power through election.

The constitutionally issued self administration and autonomous arrangement lacked practical implementation on the ground. The regime lacked true intension to institute the self -rule scheme by the constitution. In reorganizing the local administration more political intentions were reflected than economic or cultural. In drawing administrative areas, the government dissected preexisting larger units in to smaller one to prevent the rise of local nationalism among linguistic groups. Moreover, all areas to which autonomy is granted have something in common i.e. they put armed resistance against the regime for a long time. Therefore, its intention was to cool the nerves of these armed struggles than true aspiration for autonomy. In reality, power was highly centralized to some upper level cliques especially the president of the state. At national level the constitution declared the National Shengo to be the highest state organ accorded with the power to decide on any national issue.

Therefore the actual power of the state is finally exercised by the president of the country.

The president was very much powerful in that,

- He proposes the cabinet ministries to the national Shengo and can dismiss them from power in the absence of the Shengo
- He was the head of the state & council of the state,
- Chairman of the Shengo and the Workers Party of Ethiopia (WPE), the then sole existing party in the country
- Commander in chief of the armed forces

Given this power was highly centralized in the hands of the central government and even in the person of the president. Therefore even after promulgating a constitution with elements of self-rule and autonomous arrangement, the regime followed a highly centralized unitary state structure.

5.7. Local governments in the post 1991 Ethiopia

❖ Post 1991 local government and Federal structure in Ethiopia

Constitutions that effect federal arrangement usually deal with division of power between the federal government and states (regions). Formation of local government structure and distribution of power within the regional administrative structure is usually left for regional constitutions. This is justified on the ground that, regions and the people in them have their specific context and particular and diverse interests that could be less accommodated by a unifying federal constitution. As a result federal constitutions simply set the general framework for the necessity of decentralization of power and accommodation of local interests through structures defined by regional constitutions.

The same holds true for the Ethiopian federal system. The FDRE constitution on its article 50 (4) provided that, ‘the state government shall be established at state and other administrative levels that they find necessary. Adequate power shall be granted to the lowest units of government to enable the people to participate directly in the administration of such units.’

As per this provision regions are at freedom to determine the administrative structure below

top regional administration. However, they are required to decentralize considerable power to the lowest administrative levels. This provision allows for local authorities to exercise autonomy in dealing with their specific local affairs.

In almost all cases regional governments in Ethiopia organized their local administrative structures in to Zonal, Woreda (basic administrative unit) and rural and urban kebeles or neighborhood associations.

➤ ***Governance structure at local level***

The governance structure at regional and local level is more or less similar with the federal level except the zonal administrative structure. There are councils (legislative bodies) at regional and woreda levels of government whose members are elected through periodic elections. The councils are unicameral legislative bodies who decide on matters that are assigned in their jurisdiction. Regional councils are accountable to the electorate and the House of Peoples Representatives and exercise all powers designated to regional governments as stipulated by the federal constitution without prejudice to federal powers.

Regional and woreda executive bodies originate from the respective councils on the basis of elections by council members. The councils also elect their chair persons who automatically qualify as chief executive officers of the regional or woreda administration. The chair person of the woreda or the regional government nominates cabinet members for the respective administrative tiers and the nomination has to be further approved by the council at woreda or regional level. Therefore this process shows how the legislative and executive branches of government are formed at woreda and regional level.

The third branch of government (the judicial branch) is also instituted at regional and woreda levels of government. The head of the regional government nominates the president and the vice president of the regional Supreme Court which has to be further approved by the regional council. Other judicial posts in a regional administration are filled by people who are nominated

by the Regional Judicial Administration Commission. Similarly their appointment is subject to approval by the regional council.

The zonal administration lacks such a legally defined structure and authority at which level the legislative, executive and judicial branches of governments are not instituted. Zones are usually established as liaison units (intermediaries) between the woreda and the regional administration. Zones also facilitate developmental functions by providing technical and administrative assistance to the tiers below them and specially the woreda. So it is not a publicly elected body that lacks mandate from the people and its accountability simply goes to the regional governments. In this regard the local government structure in SNNPRS follows a different approach on the formation and accountability of zonal arrangement.

➤ ***Functions and responsibilities of local governments***

In almost all regional governments except the SNNPRS zonal administrations are appointed by regional governments as intermediary bodies between woredas' and the regional governments. Zones also provide administrative and technical assistance to the tiers below them. In SNNPRS the role and functions of zones is similar with zones with other regions. However, the mode of their formation and the legal basis of their existence vary from other regions. In SNNPRS there are elections conducted to elect members of zonal cabinets and councils. Hence the power, function and existence of the zonal administrations are defined by regional constitution. Therefore zonal governments in SNNPRS are elected organs who have mandate from the electorate.

Zones have followed special arrangement in SNNPRS because of the presence of highly diversified nationality groups in the south. Nationality groups in SNNPRS can establish their administrative bodies at woreda or zone level. As a result zones represent (serve as) self ruling schemes for nationality groups who established their administrative organs at zonal level. Hence the existence of zone administrations is legally defined and elections are conducted to from different organs of governments at zonal level. All zonal administrations including the zones in

SNNPRS are accountable to their respective regional government. The difference in SNNPRS is that the zones have double accountability to the people and the regional government.

The woreda administration is the basic administrative units in the regional governments. The woreda administration is usually defined by regional constitutions and has the three branches of governments: the woreda council, the executive (Woreda cabinet) and the judiciary. Woreda administration implements policies, plans, laws, plans, directives and guidelines of regional governments and coordinates activities of woreda executive organs/ sector offices. They are also responsible to overseeing socio-economic and developmental activities in kebeles under their jurisdiction. Previously woreda administrations depended on zonal units with regard to technical support and administrative facilitation. In effect woredas were accountable to the zones though the later were created to facilitate rapport between the regions and the woredas and lack mandate from the electorate. For most people it is a bizarre to hold a publicly elected organ accountable to an organ which lacks popular mandate. However following the 2001/02 woreda decentralization reform which is called as District Level Decentralization Program (DLDP), woredas were empowered to enjoy fiscal, planning, and administrative autonomy.

Before the implementation of more decentralized administration (devolution) of power to the woreda level in 2001/02 through the DLDP in some selected regions, zones were authorized to coordinate administrative activities, prepare development and budget plans and provide technical assistance to woredas under their jurisdiction. In 2001 more steps were taken towards devolution of power to the woreda level to enable popular participation in economic development and poverty reduction. The reform measures that expanded the scope of woreda administration includes: block grant and intergovernmental transfer, power to use own revenues, to generate additional income from own existing sources, autonomy in budget and plan preparation, the power to recruit employees based on local preference and budget availability. However such a devolution scheme was not without problems and challenges. It faced shortcomings like weak leadership, meager resources, lack of awareness by woreda administrative bodies, inadequate coordination etc....

The kebeles is the lowest administrative unit in the hierarchies of local governments in Ethiopia. It is a grass root institution which has direct contact with the people at the lowest local level. The kebeles administration prepares plans on the basis of the guidelines provided to it by the woreda administration. Budget at the kebele level may have two broader sources: government allocated and community contribution. The plan at the kebeles level has to be approved by the kebeles cabinet and formally endorsed by the kebeles council. The woreda cabinet finally decides plans basing it up on available of budgets and comparing the plan with regional and national priorities.

❖ **Federalism and local government under the 1995 constitution**

Ethiopia has been a country that experienced a highly centralized unitary state structure for almost a century, irrespective of multiethnic groups that existed within the state. Owing to such past history the kind of federalism that Ethiopia introduced is devolutionary (dispersing a highly centralized power) than aggregative. This shows that, the state is with a very little or no experience of federal arrangements. Federalism as a concept is mentioned only once in the history of the country when Eritrea (through the decision of UN) was federated with Ethiopia. This only attempt was not even initiated from within internal politics rather it was the result of international agreements and compromise. It is the same country with the mentioned historical past that transferred itself in to a full-fledged federal structure in 1995.

The constitution after declaring that Ethiopia shall be known as a **Federal Democratic Republic** used some of its provisions to elaborate the peculiar mode of federalism that Ethiopia followed. Do you know the unique features of Ethiopian federalism? Here, we will discuss the peculiar features of Ethiopian federalism as elaborated below.

One of the most peculiar characteristics of the Ethiopian federalism is the ethnic criterion that it followed in arranging and structuring the states. The provision on Article 39 had made it clear by stating that “Every Ethiopian Nation, Nationality and People’s’ has an unconditional right to self determination” and on the same article on another sub-provision it was stated that “Every

Nation Nationality and People has the right to a full measure of self-government...” This has clearly manifested that the federal arrangement is based on ethnic consideration. The constitution acknowledged that one way to resolve ethnic tension is to redraw the states boundaries along language criteria and the territories should meet the interest of the people.

Article (46) further discussed that the state shall be delimited on the basis of settlement pattern, language, identity and consent of the people concerned. Basing itself up on these and other provisions the constitution established 9 self –governing autonomous regional states as sub-national entities that constitute the Ethiopian federation.

The 1995 FDRE constitution postulated that the constituent parts of the Ethiopian federal state structure would be the regional states or regional governments. The regional national states that constitute the Ethiopian federal state structure include the state of Tigray, Afar, Amhara, Oromia, Somali Benishangul/Gumuz, Southern Nations Nationalities and People (SNNRP), Gambella and Harari. Addis Ababa and Dire Dawa are specially administered autonomous city states directly accountable to the federal government and do not fall within the territory of any of the constituent states.

Although the federal boundaries are delimited based on ethnic criteria, most regional states have heterogeneous ethnic composition. States like Oromia, Tigray, Amhara have dominant ethnic groups (in terms of population) that constitute majority proportion of the people. Regional State like SNNRP is with a very much diverse ethnic composition. This even made some people to nominate this region as” federation with in federation.” The coincidence between the nationalities and their territory is conceived as best composition to enable the nationalities to exercise self rule in their delimited jurisdiction. However such an arrangement might also lead to assuming to have eighty regional states to all nationalities at least theoretically. Seven out of the nine regions are named after the major nationality groups in them except Gambella and SNNPR regions.

In some cases, it turned very complex and difficult to establish regional state arrangement for all ethnic groups because of the heterogeneous settlement of ethnic groups in some regions like the SNNPR. As a result, in SNNPR nationality groups established their own self administration scheme at the zonal and woreda level. For this purpose regional governments are authorized to determine the local government structure of their administration. They can establish their local structure in a way that can best fit their domestic condition to facilitate for self administration of their nationalities. On article 47(3) additional provision was entertained on the further possibility of nationalities to establish their own regional administration, if they demanded so. But the criteria stated under this article are so strict and complex that it is less achievable by the nationalities (Refer the article).

The use of language in the federation is also another issue that was given emphasis by the constitution. Accordingly under Article 5(1) it was declared that all Ethiopian languages shall enjoy equal state recognition. In the same article it was provided that Amharic shall be the working language of the federal government. States were given the liberty to choose the working language in their respective regions. For instance, Tigray, Oromia and Somalia choose Tigrigna, Oromiffa and Somali language respectively, where as SNNPR, Benishangul/Gumuz and Gambella opted to use Amharic as their working language.

The 1995 FDRE constitution affirmed that the regional governments in the federation have equal power and rights irrespective of their difference in terms of the size of the population and economic and resource endowments. The past Ethiopian regimes had the tendency of marginalizing some parts of the country. This resulted in regional disparity in terms socioeconomic development. The equal position given to regions regarding rights and authority is as part of the solution to narrow down the gap between the relatively advanced and backward regions of the country.

As a system of government, federalism has a theoretical establishment that it has two levels of governments within a state. These are the federal government (i.e. government of the whole of the country) and the regional government (i.e. governments of parts of the country). The same applies to the Ethiopia federal structure. In such states power distribution between the two levels is a necessary condition without which the system itself loses its basic essence. The federal constitution regulated Inter-government relations (the relationship between the federal governments and the states).The constitution explicitly lists down the federal powers, the state powers, and the concurrent powers (Please refer to articles 51 and 52 of the FDRE constitution for more information). It was not only limited to enumerating the powers of the states and the federal government. Respecting and mutual non- intervention in to the powers of each other is also the case in point under the constitution. Article 50(8) declares that” Federal and state power are defined by this constitution. The states shall respect the powers of the federal government. The federal government shall likewise respect the power of the states. Both have a constitutionally limited jurisdiction of power, with the restriction of crossing over in each other's affairs.The lists of matters that are left under the jurisdiction of the federal government are very long and determinant as compared with the power left to states. The powers and functions of the federal government were listed under article 51 of the constitution. These long lists of rights vested the federal government with broad ranges of power and authority. The powers, which are traditionally granted to federal government such as those over foreign relations, national defense, inter-state commerce, currency, immigration, communication; inter-state water resource and other resource and others are listed under federal powers. Accordingly developing plans and strategies for the overall country, formulation of policies and standards for public health and education, deciding on the country’s financial, monetary and investment policies are given to the federal government. In addition, the federal government is vested with the power of administering the national bank, printing of money and minting coins. Furthermore, regulating foreign exchanges, formulation and implementation of foreign policy and ratification of international agreements are still reserved for the federal government.

59 | Page *Course Title: Federalism and Local Government: Focus on Ethiopia*

Handout

By Jemal E. (MA)

Collection of taxes under the federal jurisdiction and determination and administration of water resources linking two or more states are among the other most important power left to the federal government (for more information refer to Article-51). Dear student, it is important to bear in mind that all of the power listed here is only given to the federal government.

The 1995 FDRE constitution is also identified the power and authority of the regional states in the federation. Article 52 of the constitution enumerates the power and authority of the states in the federation. Sub article 1 of the same article stated that all powers which are not expressly left to the federal government and concurrently to the two levels of governments are reserved to the states. The states are constitutionally empowered to have executive, judiciary and legislative power as a basis of enabling them to exercise other forms of authorities provided to them. They are authorized to enact their own constitution through their own regional council as a legislative organ. In addition they are allowed to formulate development and economic policies of their own, administer land and other natural resources, collecting taxes in their jurisdiction and administer their own budget, formulate laws on the state civil service and their condition of work; establishing order and peace are authorities of the states. The core justification behind the current Ethiopian federal state structure is to facilitate a fertile ground for the various nations and nationalities to have a say in their own affairs with little control from the centre or any other dominant group. The fact that the constitution provided such and other authorities means to make local peoples and nationalities to decide their local affairs in a manner that fits the concrete situation of the local communities.

Generally, we can conclude that the federal state arrangement under the 1995 constitution was a new phenomenon in the political history of the country. By designing such federal arrangement the country has shown a significant departure from the past, where by the state was under the command of strong unitary regimes irrespective of the multi-national nature of the entire population.

Reference

- Aalen, L. (2002) *Ethnic Based Federalism in a Dominant Party State*:
- Assefa Fiseha (2007) *Federalism and the Accommodation of Diversity in Ethiopia*. Netherlands: Utrechs.
- Berouk Mesfin. (2003). *Lecture Notes on Local Government for the Course, Principles and Patterns of Local Government*. DPSIR, AAU:Addis Ababa: Ethiopia.
- Hampton,W.(1987) *Local Government and Urban Politics*. London: Longman.
- Marcus, H. (19870) *Haileselassie: The Formative Years 1892-1936*. Eritrea: The Red Sea Press.
- Markakis, J. (1974) *Ethiopia: Anatomy of Traditional Polity*. Addis Ababa: Shama Books.
- Mehari Taddele (2004) “Migration, Ethnic Diversity and Federalism in Ethiopia,” MSc Dissertation. Paper submitted in partial fulfillment of the requirements for the Degree of Master of Science by Coursework in Forced Migration at the University of Oxford, Refugee Studies Centre, Queen Elizabeth House, May 2004.
- Mehret Ayenew (2002) “Decentralization in Ethiopia: Two Case Studies on Devolution of Power and Responsibilities to Local Authorities,” in *Ethiopia: The Challenge of Democracy from Below* (Bahru Zewde and Siegfried Pausewang, Eds.), pp. 130 - 148, Nordiska Afrikainstitutet (Uppsala) & Forum for Social Studies (Addis Ababa), Stockholm, Elanders Gotab, 2002.
- RLDS. (2002) *Local Democracy and Decentralization in Ethiopia*. Addis Ababa University Press, Addis Ababa: Ethiopia.
- Singh, H. (Ed.) (2004) *Local Government in India, Britain, France and America*. New Delhi: Kitab Mahal. *The Ethiopian Experience 1991-2000*. Chr. Michelen Institute.
- Singh, Hoshiar (1997) *Local Government*. Allahabad: Century Printers.
- Solomon Nigussie (2008) *Fiscal Federalism in the Ethiopian Ethnic Based Federalism*. Netherlands: Urechts.

- Taddesse Beyene et al.(eds.) (1990). Kassa and Kassa: Papers on the Lives, Times and Images of Tewodros II and Yohannis IV (1855-1889). Addis Ababa: Institute of Ethiopian Studies.
- Zewde Gebreselassie (1975). Yohannis IV of Ethiopia a Political Biography. Oxfors:Larendon Press.

Legal Documents

- The FDRE Constitution, 1995
- The Constitution of PDRE, 1987
- The Transitional Period Charter, 1991