



Local Government in Ethiopia

Responses to Urban-Rural Challenges

edited by

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1. The System of Local Government in Ethiopia

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Types of Local Governments

The Federal Democratic Republic of Ethiopia (FDRE) Constitution has established a federal state structure composed of nine ethnic based constituent units namely: Tigray, Afar, Amhara, Oromia, Somali, Benishangul/Gumuz, Gmbella, Southern Nations, Nationalities and Peoples (SNNP) and Harari. Ethiopia is a dual federal state since Article 50(1) of the Constitution stipulates as The Federal democratic Republic of Ethiopia comprises the federal government and the state members. Local government is not explicitly stipulated by the Federal Constitution which remains almost silent. This paves the way to the constituent units to enjoy unlimited constitutional space in the area. Article 50(4) of the federal Constitution merely states that ‘State government shall be established at the state and other administrative levels that they (i.e. the regional states) find necessary’. In fact, the second sentence of the article gives a specific federal mandate to the region and reads ‘Adequate power shall be granted to the lowest units of government to enable the people to participate directly in the administration of such units’. This implies the Constitution has implicitly provided for the establishment of non-ethnic local governments.

In addition, Article 39(3) states that Every Nation, Nationality and People in Ethiopia has the right to a full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits’. According to this article, local governments are established along ethnic lines for ethnic groups which are basically ‘ethnic local government’.¹ Here, the Federal Constitution poses a duty on the regional states to realize genuine self-government and ample amount of decentralization of power to the local levels. Accordingly, all regional state constitutions have provisions related to local government with a relative uniformity.

As mentioned above, the constitutional recognition of local government in Ethiopia has remained debatable. Despite this debate, local governments are constitutionally recognized at least implicitly. If one gets a closer look to the provisions of the Federal Constitution, it

¹ Zemelak A Ayele and Yonatan T Fessha, ‘The Constitutional Status of Local Government in Federal Systems: The Case of Ethiopia’ (2012) 58 Africa Today 89, 93.



envisaged the establishment of two kinds of local governments: ethnic and regular.² These two categories of local governments have two distinct objectives.³ Ethnic local governments aim at realizing the self-determination rights stipulated under Article 39(3) of the Federal Constitution. Practically these local governments are established in the name of ‘nationality zones’ or ‘special *woreda*’ in all regional states except Oromia, Harari and Somali. On the other hand, the regular local governments are established by the regional states as per the Federal Constitution’s provision of Article 50(4) in the name of *zone*, *woreda* (city/town administration) and *kebele*.

Regarding administrative structure, all regional states, except Harari⁴, are composed of three levels of local governments: nationality (*zone*), special (*woreda*) and *kebele*. Nationality *zones*, *woredas*, special *woredas* and *kebeles* have three tiers of institutional structure composed of a council; administrative council and judicial body.⁵ Zones are administrative levels just below the regional state comprising a number of districts (*woredas*) or urban centers. Unlike nationality *zones*, regular *zones* are founded by ordinary legislation with no council in Amhara, Oromia, Somali, Afar and Tigray regional states. It is a deconcentrated administrative body of the regional state. The *woreda* is the local government level standing next to the zone, encompassing *kebeles* and administratively subordinate and accountable to both the zone and regional state. *Kebele* is the lowest local government level included in all regional state constitutions. There are two categories of urban local governments: cities and towns. ‘Cities’ signifies the two cities under the federal jurisdiction (Addis Ababa and Dire Dawa). There are urban centers named by the legislations of their respective regional state councils. Towns are urban centers located beneath the zonal administrative structure and ranges from small to large based on their population size. Unlike others, small and medium towns may have a *woreda* status and in each *woreda*, there is a town from which the *woreda* is administered.⁶

Legal Status of Local Governments

Institutional security of local government is a crucial element of political autonomy of local government.⁷ In order to protect the existence of local government as a sphere or level of government from the encroachment of the central government, constitutional recognition is

² Zemelak A Ayele, ‘The Existence of Local Government and its Institutional Security within Ethiopia’s Federal System’ in Asnake Kefale and Assefa Fiseha (eds), *Federalism and Local Government in Ethiopia* (UNDP and Center for Federal Studies 2015) 203.

³ *ibid.*

⁴ Harary regional state is composed of only two levels of governments: regional state and *kebele*.

⁵ Christophe Van der Beken, *Completing the Constitutional Architecture: A Comparative Analysis of Subnational Constitutions in Ethiopia* (Addis Ababa University Press 2017) 141.

⁶ WSUP Advisory, ‘Developing an Integrated Urban Sanitation and Hygiene Strategy and Strategic Action Plan for Ethiopia’ (Draft Situational Analysis for Ethiopia’s IUSHS) 20.

⁷ Ayele, ‘The Existence of Local Government and its Institutional Security within Ethiopia’s Federal System’, above, 202.



recommended as an effective formal mechanism.⁸ Political autonomy also entails uninterrupted existence of local government. The constitutional recognition of local government as an autonomous level of government does not only resist the intrusions from other levels but it also enhances the political and economic role that local government ought to play. Accordingly, local government administrations are supposed to be autonomous units. However, no constitutionally entrenched functions meet the above standards in the Ethiopian federal tradition. The Federal Constitution leaves this to the regional states to determine tiers, powers and functions.

As an element of political autonomy, local government functional competencies should be original, clearly defined, and development-related.⁹ This is usually achieved through providing constitutional guarantees and full power to local governments on those functions. Considering the dual nature of the Ethiopian Constitution, local government units do not have original functions.¹⁰ Rather their functions are determined by regional states.

(A) Symmetry of the Local Government System

Despite the fact that both typologies of local governments lack original autonomy, there is some kind of asymmetry between urban local governments and other regular (*woreda*) and ethnic (nationality zone and special *woreda*) local governments. The state constitutions constrained the councils of the latter in law-making powers. On the other hand, urban councils are empowered to issue policy and regulations of their own.¹¹ Accordingly, medium and large towns have enjoyed special status as compared to *woreda* governments having larger population. Moreover, a kind of paradox has arisen as the city councils which are under the supervision of the nationality *zone* council have a law-making power while the latter is restricted to its specific implementation guidelines.

Political and Social Context in Ethiopia

Ethiopia had entered in to the process of decentralization before a formal federal arrangement was endorsed in 1995. The Ethiopian People's Revolutionary Democratic Front (EPRDF), the incumbent political party since 1991, encouraged the establishment of local government units along ethnic lines. This was deemed to be a necessary response to accommodate diversity

⁸ *ibid.*

⁹ Zemelak A Ayele, 'Decentralization, Development and Accommodation of Ethnic Minorities: The Case of Ethiopia' (Doctoral dissertation, University of Western Cape 2012) 55.

¹⁰ *ibid* 488.

¹¹ Van der Beken, *Completing the Constitutional Architecture*, above, 187.



which was considered to be the most pressing challenge of the country.¹² Proclamation number 7/1992 was instrumental for the beginning of the first phase of decentralization (1991-2001). The Proclamation also laid down the foundation for the Federal Constitution. It had listed 64 ethnic groups to establish their own ethnic self-administration.¹³ After ten years, the party realized that emphasizing only ethnicity leads to inefficiency in ensuring development and equitable service delivery and engaged in the further creation of new local governments and at some degree amalgamates certain of the existing ones.¹⁴ Indeed, in 2001, the District Level Decentralization Program (DLDP) launched by the federal government, administrative convenience, good governance and development issues began to be the salient justifications for strengthening the decentralization process.

Currently, there are no less than 60 political parties registered in Ethiopia. Based on their constituency, political parties often classified in to three: national, regional and local parties. They also could be categorized in to three based on their political programs: EPRDF, incumbent party and composed of four ethnic based parties representing regional states of, Amhara, Tigray, Oromiya and Southern Nations Nationalities and Peoples.¹⁵ EPRDF's affiliates are five in number which comprise Afar, Somali, Benishangul-Gumuz, Gmbella and Harari regional states.¹⁶ These parties are ethnic based and not opposition parties following EPRDF's ideological orientation. Except a few, most of the opposition parties are ethnic based; their constituencies are regional and local governments. Ethnic based local parties are mostly oppositions mainly seeking either regional statehood or new ethnic local government status. Member parties of EPRDF are represented by an equal number of people both in its executive committees and despite the obvious difference in population size each party is supposed to represent. Moreover, many agree that the TPLF was the most influential member of EPRDF.¹⁷ The party structure which controls all levels of government and its decision-making procedures on the principle of 'democratic centralism' affected local government creation and undermines the role of regional states in creating local government systems based on their circumstances.¹⁸ Following the 2016 protests in the country an increasing party fragmentation

¹²Zemelak A Ayele, 'The Politics of Sub-National Constitution and Local Government in Ethiopia' (2014) 6 Perspectives on Federalism 89, 109.

¹³ National/Regional Self Governments Establishment Proclamation no 7/1992, Art 3, Federal Negarit Gazeta, No 2.

¹⁴ Ayele, 'The Politics of Sub-National Constitution and Local Government in Ethiopia', above, 109.

¹⁵ Amhara National Democratic Movement (ANDM) currently called Amhara Democratic Party/ADP/. Tigray People Liberation Front (TPLF), the Oromo Peoples' Democratic Organization (OPDO) currently called Oromo Democratic Party/ODP/, and the Southern Ethiopian Peoples' Democratic Movement (SEPDM).

¹⁶ Afar National Democratic Party (ANDP), Somali People's Democratic Party (SPDP), Benishangul-Gumuz Peoples Democratic Party (BGPDP), Gambela people's Unity Democratic Movement (GPUDM), and Harari National League (HNL).

¹⁷ Following party fragmentations, this has been confirmed by the leaders of the remaining member parties as there was no equal power balance within and TPLF took the upper hand in decision-making and even interfering in the internal affairs of each member parties.

¹⁸ Ayele, 'The Politics of Sub-National Constitution and Local Government in Ethiopia', above, 90.



within EPRDF has been seen. This political dynamic changed the previous centralized nature of the party and TPLF has been relegated from its core position in the party.¹⁹ Enjoying this political liberalization opposition ethnic based local parties are getting more assertive in their claim of new territorial autonomy.

A City/Town administration, as the term implies, is established in urban areas. Based on classification, urban centers of Ethiopia are classified in five categories ranging from small towns to metropolitan City of Addis Ababa based on demographic size. According to Situational Analysis of IUSHS, the population size of small towns ranges from 2,000 to 20,000 people and constitute 80 per cent of total number of towns and only 33 per cent of urban population. The medium-sized towns range between 20,000 and 50,000, and hold 25 per cent of the urban population. Large-sized towns range between 50,000 and 100,000 people. There are 13 mega towns with a population between 100,000 and 500,000 people each. Addis Ababa is the only city in the country that hosts over 500,000 with about 3.5 million residents.²⁰

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Van der Baken C, *Completing the Constitutional Architecture: A Comparative Analysis of Sub National Constituions in Ethiopia* (Addis Ababa University Press 2017)

— and Fessha YT, 'The Constitutional Status of Local Government in Federal Systems: The Case of Ethiopia' (2012) 58 Africa Today 89

¹⁹ Currently, the regional parties except TPLF and all affiliate parties have been merged in to one monolithic national party in the name of Prosperity Party.

²⁰ WSUP, 'Developing an Integrated Urban Sanitation and Hygiene Strategy and Strategic Action Plan for Ethiopia'.



WSUP Advisory, 'Developing an Integrated Urban Sanitation and Hygiene Strategy and Strategic Action Plan for Ethiopia'(Draft Situational Analysis for Ethiopia's IUSHS, 2015)



Local Responsibilities and Public Services



2.1. Local Responsibilities and Public Services in Ethiopia: An Introduction

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Studies show that it is imperative that the functional competences of local government in the areas of service delivery are suitable and clearly defined in a constitution or statutory documents. The responsibilities should be suitable in a sense that they should be within the financial and human capacity of local government lest it should be overburdened with complex responsibilities that are beyond its capacity.²¹ Subsidiarity is seen as the best approach in terms of determining the suitability of a certain functional area to local government.

It is important to define local government's responsibilities preferably in a national constitution or other legislative document.²² This helps counter any temptation from the central government to centralize local government responsibilities. Moreover, studies suggest that the definition of the competences of local government should be clear but not be too detailed lest senior levels of government should prescribe what local government should do in the name of defining their competences thereby compromising their autonomy.²³ Clearly defining local government's responsibilities has several benefits:

- it becomes clear what services local authorities are expected to provide;
- it prevents duplication of efforts;
- it allows local citizens where to go when seeking certain public services;
- it also makes holding local authorities accountable, electorally or otherwise, when they fail to deliver on their mandates.

The 1995 Constitution of Ethiopia is silent on the functional competences of local government. Having established a dual federal system, it only lists the competences of the federal and state governments. It indeed enjoins the states to devolve 'adequate' responsibilities to local government without actually defining their responsibilities.²⁴ So, one would expect the states to define the responsibilities of local government in state constitutions. However, the state constitutions provide in general terms that local government has the power to decide on local social, developmental and economic matters without defining what those are. The question is what functional competences the states transferred to local government. Practice and other subnational legislative documents provide some indication regarding the responsibilities of local government.

²¹ James Manor, *The Political Economy of Democratic Decentralization* (World Bank 1999).

²² Jaap de Visser, *Developmental Local Government: A Case Study of South Africa* (Intersentia 2005).

²³ Francis N Botchway, 'Good Governance: The Old, the New, the Principle, and the Elements' (2001) 13 Florida Journal of International Law 160.

²⁴ Art 50(4), FDRE Constitution (1995).



As indicated in report section 1, there are two categories of local government in Ethiopia: the ethnic local government and regular local government. The first is established based on the federal principle that provides ethnic communities the right to self-determination. The local government units in this category are nationality zones and *liyu woredas*. These units are in general responsible for promoting and protecting the cultural identity of the relevant ethnic communities. Their responsibilities thus relate to the promotion of the language and culture of the relevant ethnic communities.²⁵The regular local governments are in turn divided into rural *woredas* and urban local government (cities). The *woredas*, which are rural local government units, exercise certain competences in different functional areas. The functional areas that *woredas* exercise are informed by the policy of poverty reduction which underpinned the whole decentralization program which was launched in the early 2000s. Thus, the functional areas of *woredas* include the following:

- primary and secondary education (grades 1-10)
 - adult education
 - printing and distributing primary school textbooks
 - administering primary school
- health extension services
 - constructing and administering health stations and health posts
 - administering clinics
 - controlling and preventing HIV/AIDS and malaria
- constructing wells
 - supplying drinking water to municipalities
- planning and implementing agricultural and pastoral development
 - implementing agriculture extension packages
 - constructing and administering small-scale indigenous irrigation
- constructing rural roads connecting *kebeles*
- implementing state functions in municipalities within a *woreda*

The cities have two types of responsibilities: state functions and municipal functions. The state functions are those services that *woredas* provide and are linked with poverty reduction. These include primary education, primary health care, and the like. Their municipal functions relate to typical urban services such as garbage collection, sewerage, registration of birth and death.

²⁵ Zemelak Ayele, *Local Government in Ethiopia: Advancing Development and Accommodating Ethnic Minorities* (Nomos 2014).



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2.2. Autonomy of Local Governments

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Relevance of the Practice

The 1995 Federal Democratic Republic of Ethiopia (FDRE) Constitution is the backbone of all forms of devolutions from the federal to the lowest levels of governments practiced in Ethiopia today. The Constitution under Article 1 officially establishes a federal state structure, where power is constitutionally dispersed between the federal and state governments (Articles 50, 51 and 52). After affirming the division of power between the states and federal governments, the Constitution stresses the need for devolving adequate power to the lowest levels possible. When one reads the interest of the Constitution to devolve adequate power to the lowest hierarchies of state administration (Article 50(4)) together with Article 39 that emphasizes on self-determination rights of every nation, nationality and people (NNP) in Ethiopia, it is pretty much clear that local governments will be established at grass-root levels taking into account the needs and preferences of the local community.

However, the role and status of local government in its strict sense – as the third sphere of government with their own powers and responsibilities – are not clearly delineated in the Constitution. There are few references scattered here and there in the Constitution which can be invoked for their being in equal status with the other two spheres and as a ‘separate third sphere of government’ in the Ethiopian federation. The most direct expression referring to local government in the Constitution could be Article 50(4) which reads as: ‘[s]tate 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 unit’ [emphasis added]. Even in this provision it is not clear whether local governments are seen as ‘administrative agents’ of states or are ‘independent governments’ in themselves to give ultimate decisions in their own spheres of jurisdiction. The phrase ‘other administrative levels’ may presuppose simple decentralization of power to Zones, *woredas* (districts) or *kebeles* (lowest levels of government administration in Ethiopia) by states for administrative convenience.²⁶ The word ‘administrative’ also suggests the execution of certain laws and policies made at the national or sub-national level. Moreover, the powers and responsibilities to be given to these ‘lowest units of governments’ are not clearly specified in the Constitution.

One thing to be clear however is that the phrase ‘adequate power shall be granted to the lowest units of government’ suggests that the Constitution has given recognition to local

²⁶ Zemelak A Ayele and Yonatan T Fessha, ‘The Constitutional Status of Local Government in Federal Systems: The Case of Ethiopia’ (2012) 58 *Africa Today* 88.



government as the third sphere of government. The problem with this provision, nonetheless, is that ‘adequate power’ is not clear and it begs a question of ‘how adequate is adequate’? The discretion is given to state governments to grant adequate power to local government that they are required to establish by the national Constitution.²⁷

Description of the Practice

Generally, the Ethiopian way of devolving power to the local government under the Federal Constitution is vague and ambiguous. First, the Constitution does not explicitly provide for the ‘independent existence’ of local governments having specified powers and functions. Second, the Constitution mandated state governments only to devolve ‘adequate power to the lowest levels administrative units’ without mentioning what powers and functions to be devolved. In a nutshell, it gives the discretion to each state to devolve powers that they consider ‘adequate’. The constitutional requirement is that ‘states must devolve power to local governments’ but no mention of the kind of powers and functions to be devolved. Put differently, the division of responsibilities among the three spheres of government is not specifically given in the Constitution. Therefore, it can be said that local government under the FDRE Constitution has legal recognition but with no granting of explicit powers and functions which is left to each state. Partly emanated from the ambiguity in the Federal Constitution itself and partly from the unwillingness of states to share their powers, all regional states created administrative agents rather than autonomous self-governing local governments at lower levels until 2001.

Following the 2001 regional states’ constitutional revisions, all the constitutions of the four major regions (Amhara, Oromia, Southern Nations, Nationalities, and Peoples' Region – SNNP and Tigray regional states) incorporated local governments as third sphere of government.²⁸ In subsequent years, local governments have received sub-national constitutional recognition in all member states of the Ethiopian federation. In some major regions, Amhara and SNNP regional states for instance, three levels of government were created: zones for territorially concentrated ethnic minorities, *woredas* (districts) and *kebeles*²⁹ as the lowest units of government. In some other states like Oromia and Tigray, *woredas* and *kebeles* have accorded

²⁷ *ibid.*

²⁸ See Ayele and Fessha, ‘The Constitutional Status of Local Government in Federal Systems’, above. According to the authors, there were two major objectives for state constitutional revisions. First, they argue that ‘the changes were made not as a result of a desire to comply with the dictates of the Constitution’. It was rather dictated by some political motives. It was intended to snatch power from regional states and give it to local governments. The motive behind devolving power was to weaken state governments in order to minimize the threat of challenge against the central government from states. As stated by them, ‘one reason for the revision of the regional constitutions’ corresponds ‘with the decision to reduce the power of the regional government and particularly the presidents of regional states’. The second reason could be related to enhance efficiency and public participation by decentralizing power to local governments.

²⁹ *Kebeles* are lowest levels of state administrations in the Ethiopian federation.



sub-national constitutional recognition but zones as mere administrative units or intermediaries between the *woreda* and regional state.

Moreover, after 2001, the four major regions (Oromia, Amhara, Tigray and SNNP regional states) decided to move important sectors of public services like health, education, water supply and other social sectors from the state governments to the zonal and *woreda* levels.³⁰ Nonetheless, although *kebeles* are important places for citizens' easy communication, they do not enjoy such powers and functions as the *woredas* and zones.

Various city proclamations also came into being both at the federal and regional levels to enlist the powers and responsibilities of municipalities or cities. The first one being the Addis Ababa City Government Charter.³¹ The City of Addis Ababa is being recognized as a federal capital in the FDRE Constitution and its residents are entitled to self-government. Article 49 provides that 'Addis Ababa shall be the capital city of the Federal State (...) and the residents of Addis Ababa shall have a full measure of self-government'. Moreover, the Federal Constitution indicates the need for introducing other subsidiary laws to determine the power of the city and implement its self-governing rights. As a result, the proclamation was promulgated in 1997 and revised in 2003. The proclamation provides for the organization of the city government consisting of the city council, the mayor, city cabinet, city judicial organs, and the office of the city chief auditor. It also lists down the powers and functions of the city government.

Other regional states also introduced their respective city proclamations. Amhara Regional State was the first to promulgate in 2000 followed by Southern Nations Nationalities and People's Regional State in 2002, Tigray in 2003, and Oromia in 2003. The other five regional states such as Benishangul/Gumuz, Gambella, Somali, Harari and Afar introduced their city proclamations in 2006 and 2007, some of which were revised in the subsequent years.

As it is discussed above, the major purpose of the Ethiopian federal system is to accommodate ethnic diversity by granting all ethnic groups (NNP) - their own 'mother states' with their own defined territories.³² However, for the implementation on the ground it is difficult – if not impossible – to grant each ethnic group with its own mother state in the federation.³³ Hence,

³⁰ Yilmaz Serdar and Varsha Venugopal, 'Local Government Discretion and Accountability in Ethiopia' (International Studies Working Program Working Paper, Andrew Young School of Policy Studies, Georgia State University 2006).

³¹ Proclamation no 87/1997 as revised under Proclamation no 361/2003.

³² Federal Democratic Republic of Ethiopia Constitution, 1995. Art 39(3), for example, illustrates that '[e]very Nation, Nationality and People in Ethiopia has the right to a full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits and to equitable representation in State and Federal Governments'. Art 47(4) even takes this right one step further by guaranteeing NNP the right to establish their own states at any time if they wish.

³³ This fact is clearly seen in the Constitution under Art 47(1) when it enlists only 9 national regional states (the states of Tigray, Afar, Amhara, Oromia, Somali, Southern Nations, Nationalities and Peoples, Benishangul/Gumuz, Gambella and Harari) for the more than 85 ethnic groups of the country as members of the Federal Democratic Republic of Ethiopia. It seems that only 9 ethnic groups secured their own mother-states and even in that case some of the regions are designated not in ethnic names as expected but in terms of territorial locations such as



the alternative is to establish local governments within states.³⁴ Many of the regional states, with few exceptions,³⁵ are heterogeneous comprising several ethnic groups in their jurisdictions. In those states with ethnic heterogeneity, one can find two types of local governments; ordinary/regular and ethnic local governments.

The regular local governments, usually called *woreda* in Amharic (equivalent to the English term district), are established across the board and their main aim is to enhance public participation through direct or indirect involvement in local affairs.³⁶ They are formed on the basis of population size, territory and administrative convenience in order to bring government closer to the people with an ultimate goal of enhancing good governance and democracy.

Ethnic local governments, on the other hand, as their name suggests are designed for the purpose of accommodating ethnic interests at the local levels. They are not intended for administrative convenience but their main purpose is to provide self-rule rights for territorially concentrated ethnic groups. Depending on their population size, these local governments are named differently. Those with fewer in population size are called as *liyu woreda* (an Amharic term to mean special district) and those local governments whose population is bigger and its territory larger is termed as nationality zone. In the latter case, it may consist of more than one *woreda*.

With regard to hierarchical structures, the regular *woredas* are accountable to zones, which are intermediaries between local governments and the regional state. Special *woredas* and nationality zones on the other hand are directly accountable to regional states.

In Oromia, all local governments are regular/ordinary as the regional state is meant to be for the Oromos. In this context, zones are intermediaries with no elected councils and executives. Amhara and SNNP, on the other hand, follow a different approach of organizing local governments. Some of the local governments are ordinary while others are special intended for accommodating ethnic groups other than the dominant ethnic group in the region. The Amhara Regional State, for instance, has two types of zonal administrations: functional and nationality zones. Functional zones are those intermediaries between self-governing local governments and the regional state that do not have their own elected councils and

SNNPRS and Gambella. It is only Afar, Amhara, Tigray, Harari, Oromo and Somali ethnic groups that got their own mother-states in the federation.

³⁴ In Southern Nations, Nationalities and People's Regional State (SNNPRS), for instance, 56 officially recognized ethnic groups are lumped together to form one integrated region. Hence, 14 zones and 8 special *woredas* were formed to accommodate the interests of various ethnic groups to have their own mother-states or realize their constitutional self-rule rights.

³⁵ The states of Tigray, Oromia, Afar and Somali are relatively homogenous although they also host different ethnic groups within their jurisdictions. The remaining five regions (Amhara, Gambella, Harari, Benishangul/Gumuz and SNNP) are heterogeneous where they are obliged to form ethnic-based zonal, *woreda* and *kebele* administrations in order to accommodate ethnic minorities.

³⁶ Zemelak A Ayele, 'The Politics of Sub-National Constitutions and Local Government in Ethiopia' (2014) 6 Perspectives on Federalism 89.



executives. Nationality zones, on the other hand, are established as part of a local government for those ethnic groups other than the numerically dominant Amhara ethnic group in the region. They include the Agew Awi Nationality Zone (for the Agew ethnic group), the Wag Himra Nationality Zone (for the Agew ethnic group but not territorially contiguous to Agew Awi), the Kemant Nationality Zone (recently established for the Kemant ethnic group) and the Oromo Nationality Zone (formed for ethnic Oromos of the Amhara region). There are also special *woredas* for those ethnic minorities whose population number is very small. Argoba special *woreda* is one practical example established for ethnic Argoba in the region. In SNNPRS, almost all zones (14 in total) are ethnic in nature but some are multiethnic comprising more than one ethnic group. There are also special *woredas* for very small ethnic groups.

Assessment of the Practice

As Ayele argues, for a local government to be considered adequately empowered, at least the following elements should be fulfilled: it should have constitutionally defined functional competencies, its administration must be elected democratically, it must empower local communities to control their own affairs and must be financially empowered.³⁷

Despite the constitutional design for devolving power at the lowest level, the practice on the ground in Ethiopia shows that local governments are still far behind achieving their intended purposes. One of the many constraints that local governments encounter in fulfilling their responsibilities is a lack of sufficient financial resources and autonomy to decide on their expenditure priorities. In principle, although they have the autonomy to spend the money they received as block grants from the regional government, it is stipulated by the regional government in the form of financial guidelines how and when to spend. Some minimum requirements are imposed from above to spend on capital investment.³⁸ More than that, most of the block grants are spent on recurrent expenditures in the form of salaries for their employees. They also lack adequate taxing powers from local sources as most of the tax rates are determined by the regional governments.³⁹ Lack of trained manpower both in the bureaucracy and the professional field is also another challenge local governments face. *Woredas* are also considered as subordinates and administrative agents of the upper level of government and hence lack autonomy in the decision-making process.⁴⁰

³⁷ Zemelak A Ayele, 'Local Government in Ethiopia: Adequately Empowered?' (LL.M thesis, University of the Western Cape 2008) 15.

³⁸ Tilahun M Fenta, 'Local Government in Ethiopia: Practices and Challenges' (2014) 2 Journal of Management Science and Practice 71.

³⁹ Ayele, 'Local Government in Ethiopia: Adequately Empowered?', above.

⁴⁰ Fenta, 'Local Government in Ethiopia: Practices and Challenges', above.



Lack of Political Autonomy

Politically, the country was ruled by a centralized and hierarchical system for a long period of time. Immediately before 1991, the country was ruled under the military junta where power was concentrated at the center. There was a single party called Workers' Party of Ethiopia and a multiparty system was totally alien to the country's political history. In sharp contrast to the previous regimes, the Constitution allows for a multiparty system where power is to be obtained through fair, competitive and free elections. More than five consecutive elections have been held since 1991. Nonetheless, it is the Ethiopian People's Revolutionary Democratic Front, the incumbent party, that won all the elections. The ruling party is usually accused of election rages and of never having conducted free and fair elections.⁴¹

The ruling party dominates all state structures from the federal all the way down to local government levels. The government introduces various laws that narrows down the spaces for political competition and restricts the involvement of political parties in elections. Hence, the country is slowly moving towards a de facto one party rule which was witnessed in the hundred per cent victory of EPRDF during the 2015 election. The party channel is the most widely used system of intergovernmental relations and a mechanism of enforcing laws at all levels of government instead of using other formal state structures.⁴² Officials at the local level are more loyal to their party than to the local electorate. This is because their positions are secured by their loyalty to the party rather than by the trust they have from the local community. *Woreda* officials are seen as agents of the ruling party and used as instruments of controlling dissent at the local level.

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⁴¹ Leonardo R Arriola, 'Ethnicity, Economic Conditions, and Opposition Support: Evidence from Ethiopia's 2005 Election' (2008) 10 Northeast African Studies 115.

⁴² Assefa Fiseha, *Federalism and the Accommodation of Diversity in Ethiopia* (revised edition, Wolf Legal Publishers 2007).



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2.3. Sanitation and Hygiene Service Delivery in Urban Local Governments: A Federally Integrated Practice

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Relevance of the Practice

One of the basic responsibilities of local government is sanitation and hygiene. Given rural areas are administered under *woreda* government, and state constitutions do not provide clearly defined functions to it, *woredas* have no stipulated functions pertaining to sanitation and hygiene in rural areas. As a matter of practice however, they have several functional competencies in which ‘implementation of health extension services’ is mentioned.⁴³ As one of the package of this function, the health extension employees work on improving the sanitation and hygiene conditions of the rural population. On the other hand, the federal and state legislations provide relatively clear competencies over sanitation and hygiene to urban centers. This entry has focused on issues of sanitation and hygiene service provision in urban local government.

Being centers of development activities, urban centers in Ethiopia had been engaged in delivering these functions. National policies and proclamations were also promulgated to guide and regulate such activities.⁴⁴ However various measures have not taken to improve sanitation conditions of the urban people in harmony with the existing policies and legal issues.⁴⁵ Moreover lack of an integrated waste management approach is identified as the main problem pertaining to sanitation and hygiene.⁴⁶ In response to this drawback an Integrated Urban Sanitation and Hygiene Strategy (IUSHS) was launched in 2017 by the federal government.

⁴³ Zemelak Ayele and Solomon Negussie, ‘The Constitutional and Legislative Framework for Local Government in Ethiopia’ (2018) 5 Ethiopian Journal of Federal Studies, 33.

⁴⁴ A National Solid Waste Management Proclamation no 513/2007 dealing comprehensively with all aspects of Solid Waste Management (SWM) is being used in all its federal and states. The authorization in setting rules, laws, regulations and standards as well as imposing penalties for non-compliance regarding the management of solid waste is given to the ‘Federal Environmental Protection Authority’ which adopts the National Environmental Policy. The Ministry of Health is also responsible to play a principal role in issues related to ‘Public Health and Sanitation’ for which SWM is part and parcel of it. Ministry of Urban Development has also ‘Urban Solid Waste Handling and Disposal Strategy’ vis-à-vis its main ‘Urban Development Policy’.

⁴⁵ Hayalu Desta, Hailu Worku and Aramde Fetene, ‘Assessment of the Contemporary Municipal Solid Waste Management in Urban Environment: The Case of Addis Ababa, Ethiopia’ (2014) 7 Journal of Environmental Science and Technology 107, 118.

⁴⁶ *ibid.*



IUSHS could be identified as a non-legislative policy document having its own criteria for categorizing urban centers which are supposed to be fell under state functions.

There are also considerable gaps and overlaps in institutional roles and responsibilities at national, regional, city and town levels. For example there is an overlap of responsibilities between the Ministry of Environment and Forestry and the Ministry of Water in relation to the control of solid and liquid waste being discharged into water bodies, especially by industries and hospitals.⁴⁷ The replica of this overlap has witnessed up to the lowest level of urban local government. These are resulted from the presence of initiatives, policies, strategies and programs which are conflicting each other.⁴⁸ Moreover there is a clear implementation gap in regulation and enforcement except the availability of guidelines and manuals.⁴⁹ The above ministries and Ministry of Urban Development are regulatory bodies pertaining to sanitation and hygiene. Even though regulation has been discharged enforcement is very low.⁵⁰ Moreover such institutions undertake various reforms without considering ways of treating the overlap of responsibilities existing among them.

Considering the above problems and the presence of demanding requirement of urban sanitation and hygiene an immediate intervention was needed. As a result, IUSHS was launched to integrate multi sector and multilevel coordination and efficiency.

This report entry examines the content of the strategy document and its implementation activities on (of) urban local governments⁵¹ in light of the institutional features of local government more specifically political autonomy and central supervision and co-operation. The latter feature has cemented an opportunity to relate this report entry with report section 5 which deals with intergovernmental relations.

Description of the Practice

In the late 2017, IUSHS was launched to integrate multi sector and multilevel coordination and efficiency regarding sanitation and hygiene service delivery. According to the strategy document, urban sanitation institutional arrangements shall include high level coordination, integration and alignment at the federal, regional and town level. Even though other sectors are part of it, those which should play front line role in the implementation of IUSHS are: the

⁴⁷ WSUP Advisory, 'Developing an Integrated Urban Sanitation and Hygiene Strategy and Strategic Action Plan for Ethiopia' (Draft Situational Analysis for Ethiopia's IUSHS) 30.

⁴⁸ FDRE, 'Integrated Urban Sanitation and Hygiene Strategy', above, 12.

⁴⁹ *ibid.*

⁵⁰ *ibid.*

⁵¹ Urban centers or urban local government signifies in this paper town and city governments both at federal and regional state level. The Situational Analysis of IUSHS has classified urban centers in to 5 categories ranging from small towns to metropolitan City of Addis Ababa based on demographic size.



Ministry of Health, the Ministry of Urban Development and Housing, the Ministry of Water, Irrigation, and Electricity, and the Ministry of Environment, Forestry and Climate Change.

In order to increase efficiency and avoid responsibility overlap problems, a steering committee was established at all levels. However, the federal and regional steering committees are key components for improving the profile of urban sanitation. The basic structure encompasses the following sectors of respective federal and regional levels: Health, Water Irrigation and Energy, Urban Development and Housing, Environment and Forestry as well as Culture and Tourism. Their major responsibilities, apart from supervision, are: facilitate inter-sectoral and platforms that are involved in urban sanitation and hygiene management; review and endorse the national/ regional/ strategic development plan and annual consolidated integrated urban sanitation and hygiene plans and budgets.

The structural arrangement at town level composes the following sectors: heads of Water Utility, Education Office, Finance Office, Urban Development Office, Women's Association, Youth Association and representatives of NGOs, development partners, business community, health facilities representative and micro credit organizations. These have responsibilities to: prepare plan for launching sanitation and hygiene promotional activities along with budget, joint plan of action and responsibilities based on the framework of this sanitation master plan document

Autonomy of Urban Local Government

In establishing the five categories of urban centers, the strategy document uses clear criteria (population size) for the purpose of sanitation and hygiene service delivery.⁵² It sounds good pertaining to institutional security of the existence of local government. However, criteria are not congruent with those the regional states' proclamations adopted to establish urban centers. Accordingly, the mandate of the federal government remained questionable since it encroaches against the autonomy of the regional states to establish administrative structures of their own.⁵³

IUSHS provides more detail and clear functions to each category of urban centers regarding to sanitation and hygiene service delivery which is guided and coordinated by structural arrangement as discussed above. These functions are given as a minimum service package and technology defined for each category of urban center. The package is used for first start up

⁵² According to Situational Analysis of IUSHS, the population size of small towns ranges from 2,000 to 20,000 people. The medium-sized towns range between 20,000 and 50,000. Large-sized towns range between 50,000 and 100,000 people. There are 13 mega towns with a population between 100,000 and 500,000 people each. Addis Ababa is the only city in the country that hosts over 500,000 with about 3.5 million residents.

⁵³ The Federal Constitution has no supremacy clause in time of inconsistencies of laws of both levels of governments. However, as a matter of practice the federal one prevails over the regional states.



and then each urban administration will expand sanitation services based on their power to plan and implement. Nonetheless, the strategy does not introduce new directions which enhance the decentralized autonomy of town and city governments.

It is common in many federal systems that the federal government has provided a benchmark through framework laws for those other orders of governments to meet or achieve more. At the same time, there is the principle of mutual non-interference over the respective competencies of orders of governments in federal systems. Hence, one level of government cannot dictate the other to do this and that. Despite this, the policy documents and proclamations enacted by the federal government empower the federal ministries to encroach at the expense of regional states' and urban centers' jurisdiction. In this case the IUSHS and Solid Waste Management Proclamation are prominent. While the IUSHS did as it established urban local governments and set their respective competencies, the Waste Management Proclamation establishes 'Environmental Protection Agency' to control the implementation of action plans issued by the same proclamation at the lowest administrative units of urban administrations. The designed plans in the proclamation go beyond setting benchmarks and prescribe what type of waste is going to be managed in what ways. Such detailed prescriptions made by the strategy document and proclamation are actions beyond the mandate of the federal government. There is no constitutional basis for the federal government to do this and apart from the two federally administered cities, Addis Ababa and Dire Dawa, solid waste management is the function of the states. This might result in conflict of jurisdiction between the two levels or infringes the both the autonomy of the states and urban local governments.

Central Supervision

Central supervision encompasses four elements: regulation, monitoring, support and intervention and its rationale is to ensure: the proper and legally functioning of local government; equitability and uniformity in the distribution of service across the country and national priorities are not compromised by local government autonomy.⁵⁴ One of the rationales for the adoption of IUSHS is the issue of supervision. The strategy document has included the four components of central supervision powers. The one-year plan implementation report of the two fore front ministries, Ministry of Urban Development and Ministry of Health, concentrated on the issues of supervision.

The national steering committee has the power to set national standards, guidelines, quality indicators and time frame. This will be cascaded to the regional steering committee and until the lowest level of urban government. Towns are expected to assign urban sanitation standards that are aligned with national standards and options. Each relevant institution is obliged to establish a focal person at all levels who is responsible to oversee that the minimum

⁵⁴ Yonatan T Fessha and Zemelak A Ayele, 'Who's the Boss? Questioning the Constitutional Authority of Federal Regulation of Local Government' (2016) Ethiopian Journal of Federal Studies, 85-86.



standard is achieved. IUSHS is highly directed to capacity building of town and city administrations to effectively discharge sanitation and hygiene service delivery. Preparing domestic and abroad trainings is the mandate of the national steering committee. Moreover, as one can observe from the one-year accomplishment reports, each responsible ministry has been giving capacity building programs. Though not clearly put whether the regional or the federal one will intervene, it has been stated as ‘uptake of services will be conducted for mismanagements after support’.⁵⁵

Intergovernmental Cooperation

Considering the inevitable nature of overlap of power and interdependence between orders of governments IGR comes to play in federations. However, there is a concern that claims little attention was given to the importance of involving local government in inter-governmental cooperation for development.⁵⁶ The desire for inclusion of local government is associated with the need for cooperation and harmonization of policies on shared programs. Local government activities should be in line with those of the national and state policies and strategies and national policies must take into account the interests of local government.⁵⁷ However the IUSHS does not establish a kind of forum for participation of all levels of government in discharging sanitation service. The steering committees are established by following the formal state structure: federal-state-city/town-kebele. The only interaction is happened when the state or federal government appeared during the time of supervision or training. Hence one can argue that, the nature of relation is co-coordinative rather than co-operative given that local governments are hierarchically subordinate to the regions.

Assessment of the Practice

The IUSHS has developed to give guidance in the future intervention to avoid the problems discussed in the first part of this report entry. The strategy document noted that the successfulness of the intervention is determined by the effectiveness of institutions in managing urban sanitation in various categories of towns and follow up the implementation of the program in an integrated manner. However, beyond the commitments mentioned the achievement of the aspired goal is determined by the institutional features that are deemed likely to enhance the prospect of a decentralization program for achieving development.⁵⁸ It is

⁵⁵ WSUP, ‘Integrated Urban Sanitation and Hygiene Strategy’, above, 50.

⁵⁶ Zemelak Ayele, ‘Decentralisation, Development and Accommodation of Ethnic Minorities: The Case of Ethiopia’ (doctoral dissertation, University of Western Cape 2012) 71.

⁵⁷ *ibid* 72.

⁵⁸ These institutional features are: political autonomy, fiscal autonomy, administrative autonomy, and central supervision and co-operation.



too early to evaluate the performance of the strategy since only one year passed the memorandum of understanding is signed by the concerned federal institutions.

However, if one takes a closer look in to the national strategy documents and a year implementation report, it is somewhat less promising to achieve the aspired goals: development and democracy. City and town administrations are supposed to be autonomous administrative units. The strategy document does not have sensitive provisions regarding urban local government autonomy rather it prescribes the roles and responsibilities of thereof. Certainly, inconsistency is happening between the type of urban local governments established and the criteria used by the federal and the regional states. As a result, the encroachment of the former powers against the latter is inevitable. In addition, as all local governments are controlled by the ruling party, in fact current fragmentations led to uncertain prospects; its decisions have infringed the roles of local legislatures.

Despite the autonomy of local government is crucial in achieving socio-economic transformation at grass root level, there are also negative effects of autonomy including inequity, corruption, elite capture and the like.⁵⁹As a result, in most decentralized and federal systems supervision and intergovernmental cooperation has been used by the senior governments. The strategy document and its implementation reports are directed to supervision and alignment functions. It emphasizes intergovernmental coordination without an institutional arrangement which gets together the levels of governments. The institutional arrangement is aimed only to avoid overlap and discrepancies between sectoral institutions. Hence it is safe to say that the practice reflects central supervision rather than intergovernmental cooperation.

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⁵⁹ Ayele, 'Decentralisation, Development and Accommodation of Ethnic Minorities', above, 67.



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2.4. Responsibilities for and Practices of Urban Land Use Planning in the City of Adama

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Relevance of the Practice

Adama is one of the rapidly urbanizing secondary cities of Ethiopia with a comprehensive master plan since 2004. The city is, however, characterized by rapid but mostly informal urbanization which in turn reveals the ineffectiveness of urban land use planning implementation. In so far as half of Adama's municipal revenue comes from urban land related incomes, urban land use planning is the key source of municipal revenue that very much determines the municipal service provision. Assessing the practice of urban land use planning in Adama is therefore relevant for a number of reasons. Firstly, it shows the responsibility of the urban local government (ULG) in urban land use planning. Secondly, it identifies which level of government actually regulates urban land use planning, and to what extent the virtues of decentralization have gone to the local level. Thirdly, since urban land use planning is a multilevel issue that cannot be addressed by a single urban local government, it is the nature of horizontal and vertical relations that determine the implementation of the land use plans at the ULG level.

Description of the Practice

Adama Land Use Planning before the Adoption of Federalism, Pre 1991

The first land use plan for Adama was prepared by the Italian colonial force⁶⁰ in 1937. This plan had envisioned the segregated urban settlements for the foreigners and the local community. It was in 1971 that the master plan for Adama was prepared by the then Department of Municipalities of the Ministry of Interior under the imperial regime. This later plan lasted for two and half decades and entirely guided the city during the military or military regime (1974 to 1991). According different sources,⁶¹ the 1971 land use plan had played important roles in the urban growth of Adama, especially in the areas of social services, industries, infrastructure, housing, and trade. The southward expansion of Adama was mainly attributable to the

⁶⁰ Italy occupied Ethiopia from 1936 to 1941.

⁶¹ Adama Revised Master Plan (2004); Addis Mebratu, 'Spontaneous Development of Urban Centers, An Analysis of the Transformation Process of Adama and its Primary Commercial Centers' (PhD thesis, Addis Ababa University 2006) 31.



influence of the 1971 Master Plan. As highlighted above, the planning for Adama was initially an imposed type of planning, as it was first introduced by the colonial force, Italians. It was by and large this imposed plan that guided the city till 1971 which was by itself prepared by the support of Italian architects under the highly centralized unitary state of Ethiopia. Before the adoption of federalism, suffice it to state that the urban land use planning of Adama as elsewhere in Ethiopia was simply a top-down design of rulers and the architects they recruited.

Urban Land Use Planning of Adama in Post 1991

After the adoption of the federal system in Ethiopia, the power over (urban) land is shared between federal and regional states. The Federal Constitution separates the power over land into legislative and administrative powers. Legislatively, the federal government has the power to ‘enact laws for the utilization and conservation of land’ (Article 51(5)). The same Constitution (Article 52 (2d)) grants the power ‘to administer land and other natural resources in accordance with federal laws’ to regional states.

In the Ethiopian federation, the urban policy in general and the urban land development and Management (ULDM) in particular were adopted in 2005 and 2011, respectively. Prior to the formulation of ULDM policy in 2011, the urban land lease laws were proclaimed without a specific policy framework.⁶² Since 1991, the federal government has enacted three land lease holding proclamations.⁶³ The most recent Urban Land Lease Proclamation no 721/2011 is considered as one of the policy interventions of the federal government to create a steady source of revenue for municipalities that in turn could improve municipal service provisions as well as allow to control informal settlements beyond the local development plan and master plan. This lease was also enacted to improve the urban land governance system through developing the necessary urban land information system.

At the federal level, the Federal Ministry of Urban Development and Housing Construction (MUDHCo) is mandated to implement the urban land development policy. To this end, Article 32 of the Urban Land Lease Proclamation no 721/2011 grants the following powers and functions to the MUDHCo: (i) to follow up and ensure the proper implementation of the land lease proclamation in all regions and city administrations; (ii) to provide technical and capacity building support to regions and city administrations; (iii) to adopt and follow up the implementation of a national standards real properties data base; and (iv) to prepare model regulations, directives and manuals to be issued for the implementation of these proclamations. In fact, Article 33(1 and 2) of the same Proclamation states that the regional states have the power to administer urban land.

⁶² Berhanu Kefale, ‘Urban Cadastres for Urban Land Governance: A Socio-Technical Analysis’ (ITC thesis, University of Twente 2015).

⁶³ The first was ‘a Proclamation to Provide the Leasehold of Urban Lands’, no 80/1993; the second was Re-Enactment of Urban Land Lease Holding Proclamation no 272/2002; and the recent is Urban Land Lease Holding Proclamation no 721/2011.



The federal government has also enacted the Urban Planning Proclamation no 574/2008 which aims to regulate and guide urban centers by sound and visionary urban plans to bring about a balanced and integrated national, regional and local development. The objective of the proclamation was to promote well planned urban centers; to regulate and facilitate development activities in urban centers. The Urban Planning Proclamation sets several principles,⁶⁴ need to be considered in the processes of urban plan initiation and preparation, including: conformity hierarchy of plans; shared national vision and standards, capable of being implemented, consideration of inter-urban and urban-rural linkages; ensure public participation, transparency and accountability. The power to initiate an urban plan is not, however, conferred on any level of government.⁶⁵ The practice obviously shows that the initiative mostly come from the regional state and federal governments. The final draft of any urban plan (structure and local development plans) has to be ‘deliberated upon and approved by city councils and communicated to the concerned regional or federal authorities’.⁶⁶ The same article has granted the power to suspend the (approved) urban plan to the regional state or federal government if the plan is found non-conforming to the principles set out by the Urban Planning Proclamation no 574/2008.⁶⁷

The Urban Planning Proclamation no 574/2008 empowers the Ministry of Urban Development and Housing Construction on urban planning preparation, strategies, manuals, standards, guidelines, checklists etc. The respective regional urban development and housing bureaus are given the mandate to implement the urban plans according to the framework set by the ministry. Moreover, the MUDHCo can evaluate the urban planning institutes of the regions; identify the good experiences and can offer harmonized urban planning preparation and quality control; organize urban planning information centers; and make the urban land information, documents and file accessible throughout the country. Thus, the ultimate power to revise urban plans has vaguely been granted to the upper level governments – regional state or federal.

Oromia regional state, the region that defines Adama as one of its first grade cities,⁶⁸ has decentralized the land administration to the city through the City Proclamation no 65/2003.⁶⁹ Article 8(2(d)) of the Proclamation no 65/2003 states that the city administers urban land and houses in accordance with the law. Besides, the city has the power to prepare, revise, update and implement its city plans. Urban land supply and delivery is one of the municipal functions which are assigned to the city by the regional city proclamation. Since the adoption of the

⁶⁴ Art 5 of the Urban Planning Proclamation no 574/2008.

⁶⁵ Art 13(3) of the Proclamation no 574/2008 states that ‘chartered cities and urban administrations as well as the concerned regional and federal authorities’ can initiate urban plan.

⁶⁶ Art 16(1) of the Urban Planning Proclamation no 574/2008.

⁶⁷ Art 16(2) of the Urban Planning Proclamation no 574/2008.

⁶⁸ According to Proclamation no 65 /2003, which establishes ULGs in Oromia, first grade cities are those cities with a population above 90,000. The population size of Adama city as of the most recent census of 2007 is 220,212.

⁶⁹ Establishment of Urban Local Governments of Oromia Proclamation no 65 /2003.



federal urban land law and policy in 2011, the regional State of Oromia has gone through a number of urban land institutional and regulatory reforms. On the positive side, the regional State of Oromia has already undertaken a number of reforms to improve the administration of urban land and to implement the urban land use planning in the region. To this end, two regulations⁷⁰ and several directives⁷¹ have been issued towards implementing the federal urban lease policy.

Prior to 2013, the land management and administration was under the responsibility of the City of Adama and run along with the municipal service delivery functions. However, with the coming of the third Urban Land Lease Proclamation no 721/2011, the regional State of Oromia has established a separate Urban Land Development and Management Agency (hereinafter the Agency). The general manager and deputy manager of the Agency are nominated by the President of the Oromia regional state and appointed by the administrative council of the region.⁷² According to the proclamation⁷³ that establishes the Agency, the Urban Planning Institute of Oromia is also accountable to the Agency. The *Caffee*, regional parliament of Oromia, determines the powers and functions of the Agency, while the regional cabinet enacts the regulation for the implementation of the Proclamation no 179/2013. On its side, the Agency prepares the directives for the implementation of the urban land development and management. Nonetheless, the model regulation template, directives, and operation manuals are elaborated by the Federal Ministry of Urban Development and Housing.

Adama Urban Land Use Plan since 1995

Rural local governments are explicitly recognized by the Regional State Constitution of Oromia, but this does not apply to urban localities. In the first phase of decentralization from 1991 to 2002, urban local administrations of the region were simply subsumed under rural district and zonal administrations. Under Proclamation no 26/1999, for example, the City of Adama was designated as ‘Special Zone.’ This status has made the town administration directly accountable to the region, and there exists no other administrative structure between the city and the region. This was, however, changed in the period after 2001/2 with the launching of a second wave of decentralization for the implementation of development policies. A number of city proclamations were issued by the regional state councils and the *Caffee* created the city administrations through city proclamations.

⁷⁰ Regulations no 155/2013 and no182/2016.

⁷¹ Directive no 3/2016 for creating Land holding Property Registration and Organization of the Land Information in Oromia; Directive no 4/2016 for Revising the Directive for Implementing the Regional the Urban Land Lease Regulation in Oromia; Directive no 5/2016 on Regularizing the Urban Land Use without Deeds and Illegal Holdings in Oromia, OUDMA, BoUDH; Directive no 6/2016 for Urban Land Service Delivery in Oromia.

⁷² Establishment of Oromia National Regional State Urban Land Development and Management Agency Proclamation no 179/2013.

⁷³ Art 16(1) of the Proclamation no 179/2013.



In 2003, the designation of Adama as a town was abandoned by the Proclamation no 65/2003. This proclamation sets the council-mayor model of municipal governance for Adama.⁷⁴ Accordingly, the mayor should be elected by the city council from among its members, and the mayor is accountable to the city council and the President of the Oromia region. This was later amended by Proclamation no 116/2006 and the mayor's accountability to the city council was abrogated, and the appointment and accountability of the Mayor of Adama has been granted to the President of the regional State of Oromia.⁷⁵ No doubt, the appointment and upward accountability of the mayor hinders local democracy as the selection of the mayor is not anchored in the local electorates. The challenge of this mechanism of mayorship has been practically observed in the case of Adama because there have been several changes of mayors short of the five years' tenure period of the city councilors (one mayor has averagely served for about six months since 2009). It has resulted in weak level of institutionalization in the sense that the key positions like the mayor are unstable and the institutional memories are perturbed by the time an individual vacates from the position. As highlighted above, the legal status of Adama as an urban local government could be interpreted as a means by which the political elites, from above, control the city in general and the land use plan in particular.

In another registry, with the introduction of federalism and/or decentralization policy, one would not expect the urban planning to remain the same as it was during the centralized unitary system of Ethiopia. It appears in this light that the 1971 master plan for Adama was revised in 1995, the year when federalism was formally adopted, by the National Urban Planning Institute (NUPI). This revised plan could be criticized in the sense that it did not introduce 'major changes to the original one'.⁷⁶ Unlike the previous land use plans under the unitary regime, the 1995 master plan by NUPI is claimed to have brought 'balanced expansion of Adama to the north and south'.⁷⁷

In practice, the city's land use change and urbanization had been against the NUPI 1995 master plan. The plan proposed an expansion of the city to all directions of the built-up areas at the time. But in practice the expansion was predominately to the north. This shows that the city had expanded regardless of the 1995 revised master plan.⁷⁸

Adama got the most comprehensive master plan in 2004. This plan has developed the city area up to 13,650ha from 4520ha under the NUPI 1995 master plan. According to the study by the Adama 'Revised Master Plan Project Office of 2004', all the previous plans couldn't effectively delineate the city boundary. This loophole gave rise to 'illegal selling of land by the farmers in the municipal boundaries delineated by previous Master Plans'. Nonetheless, even after the city has started to apply the lease law and to implement the 2004 revised master plan, the

⁷⁴ Art 10 of Proclamation no 65/2003.

⁷⁵ Art 7 of Proclamation no 116/2006 for amending the of Proclamation no 65/2003 for the Establishment of Urban Local Governments of Oromia.

⁷⁶ Mebratu, 'Spontaneous Development of Urban Centers' 31.

⁷⁷ Adama Revised Master Plan (2004).

⁷⁸ *ibid.*



formal expansion could not catch up with the informal expansion. The city has been experiencing the highest levels of informal expansion amounting to 1,595.68ha in 2010, 1,366.01ha in 2011 and 1,138.34ha in 2012.⁷⁹ Adama had a formal expansion of 60ha in 2013 but the city has experienced unprecedented informal expansion of 758.89ha in the same year. Information from the Adama city's Urban Land Development and Management Agency reveals that there were above 28,000 informal holdings round about the enactment of the urban land lease holding Proclamation no 721/2011. In 2017, the estimate amounts to more than 40,000 informal holdings which could account for about 40 per cent of the housing units that exist in Adama city and the number is not showing any decline. At present, the information from the city shows that nearly half of the settlements in Adama are informal.

Assessment of the Practice

Despite its comprehensive master plan as of 2004, the City of Adama has been undergoing rapid but mostly informal urbanization. This shows that the urban land use plans have not been effectively implemented. To this cause, a number of factors could be identified but four major factors are worth noting. The first reason is related to the urban land policy and law making frameworks. The competency of the federal government has not been restricted to urban land policy and law making as established by the Constitution, but engaged in setting the regulatory frameworks for urban land use planning and administration. The instruments of urban land policy implementation, including regulations, directives, manuals and checklists, came from above, the MUDHCo. That said, little room has been left for the regional states in designing and implementing urban land policy in general and urban land use planning in particular.

The second reason is related to the frequently changing but insecure legal and administrative status of Adama. This condition has resulted in weak institutionalization of urban land use planning. The third is accounted for by the top-down urban planning approach. As indicated by the urban planning law, which was enacted in 2008, the power to initiate an urban plan is not conferred on any level of government. If, however, the plan is found non-conforming to the principles set out by the Urban Planning Proclamation no 574/2008,⁸⁰ the power to suspend it lies with the regional state or federal government. The ultimate power to revise an urban plan has therefore been granted to the upper level governments – regional state or federal. Besides, the place of the local people and the autonomy of the urban center have not been explicitly framed throughout the regulations, directives, standards and manuals. This has put ULG in the weakest position with regard to the urban land use planning. Hence, the supra-local orders of government- regional state and federal- have been using urban planning as point of intervention and regulation from above.

⁷⁹ State of Ethiopian Cities Report, Ministry of Urban Development, Housing and Construction (MUDHCo) in collaboration with Ethiopian Civil Service (2015).

⁸⁰ Art 16(2) of the Urban Planning Proclamation no 574/2008.



Last but not least, the political exigency of Oromia and the party system have contributed to the ineffective implementation of urban land use planning in Adama. When the most comprehensive master plan of Adama was designed in 2004, there was a huge political push from the federal and regional state leadership to implement the plan for political and electoral contingencies.⁸¹ Moreover, it has been said that the length of tenure of the Mayor of Adama primarily depends on his/her loyalty to the ruling party and the regional state executive, not on accountability to the city council or the electorate.

Given the rapid and mostly informal expansion of Adama as described above, the informal land acquisition and construction of squatters are relatively pervasive in the surrounding rural local government of Adama- outside the city's municipal boundary. On the one hand, the City of Adama cannot administer the land outside its municipal boundary because the land is under the rural local government of Adama. On the other hand, the farmers have the right to transfer their land use rights or sell their use rights or inherit their land holdings to anybody they like. Consequently, as the expansion of urbanization of Adama city is increasingly approaching to them, farmers in the surrounding rural administration are subdividing their farm lands and selling plots to informal seekers anticipating that the government would take their land either for free or with meager compensation payments.

A committee comprising the city and surrounding rural administration is often established for identifying the intensity of informal settlements and to report on the condition of informality at the fringe to the city. Such ad hoc committees were often established through party channel and personal networks for handling mutual concerns of controlling informal land acquisition and settlement. This, therefore, shows that there has been a weakly institutionalized urban and rural governments' relation for managing land use planning between urban and rural local governments.

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⁸¹ Around 2003 to 2005, there was an attempt to shift the capital of the region from Finfinnee/Addis Ababa to Adama. This unpopular project was, however, abandoned the region's seat was brought back to Finfinnee following the victory of opposition party over Finfinnee in the 2005 National election.



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Establishment of Oromia National Regional State Urban Land Development and Management Agency Proclamation no 179/2013

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2.5. Solid Waste Management in the City of Bahir Dar: A Matter of Capacity and Public Awareness

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Relevance of the Practice

Municipal Solid Waste Management (SWM) is a major issue of concern in local government service delivery. One of the problems in this service is related to the fact that many developing countries continue to urbanize rapidly. One of the challenges that the Ethiopian cities, particularly Bahir Dar city, face is the problem of SWM in particular. The Federal Democratic Republic of Ethiopia Solid Waste Management (FDRE SWM) Proclamation no 513/2007 defines solid waste and SWM as follows: ‘Solid waste’ implies anything that is neither liquid nor gas and is discarded as unwanted. ‘Solid waste management’ means the collection, transportation, storage, recycling, or disposal of solid waste, or the subsequent use of a disposal site that is no longer operational. This report entry is intended to assess the municipal service delivery of SWM in Bahir Dar city administration, in the Amhara National Regional State. By so doing, the provision of SWM service is discussed in relation to the capacity of the municipality to discharge its function and the issue of public participation. In fact, public awareness has crucially affected the participation of the people in general and in SWM in particular.

Description of the Practice

Bahir Dar is one of the fast-growing tourist destination cities in Ethiopia. It is also the hub of commercial activities in the northeastern part of the country so that daily waste generation is increasingly sharply. In most states, the issue of SWM is a function of local government. In the same vein, the Bahir Dar city government has a legal mandate to organize the proper waste collection and disposal systems at sub-city and *kebele* level.

Apart from the city administration, the institutional arrangements and the main stakeholders in the SWM system in Bahir Dar include: the Regional Amhara Bureau of Environmental Protection, Land Administration and Use (BoEPLAU), the Regional Amhara Health Bureau (BoH), the United Nations Development Programme (UNDP) and the Federal Environmental Protection Authority (EPA).

In Bahir Dar city, solid waste is generated largely from three sources, namely (i) households, (ii) commercial activities, and (iii) institutions and street sweeping. Despite the involvement of



a private company, an enormous amount of solid waste is collected by the micro and small enterprises through door-to-door collection. According to a report prepared by the city, the composition and generation rate of the waste in tons per day were residential (54 per cent), commercial (24 per cent), and institutional and street sweeping (4 per cent). This clearly shows that residential areas are the primary generators of waste. However, the current waste collection capacity is not matching waste generation. Studies showed that the quantity of solid waste generation of households in Bahir Dar city was significantly affected by household size and household aggregate income. This is due to the growth of the population, expansion of industrialization, and rapid urbanization disposal that the city is going through.

In the door-to-door collection system, each house owner is expected to put solid waste in baskets or any kind of bags at the door side. The collectors pick up the solid waste along the door side, street sides, and pedestrian walkways using pushcarts and transport it to temporary storage sites for the trucks to finally take the waste to its final disposal point. However, the regularity of solid waste collection services is uneven. According to recent studies, only 27 per cent of households received SWM services from municipality waste collectors weekly. The remaining 9 per cent, 15 per cent, and 6 per cent households received solid the service within 15 days, 21 days and once in a month, respectively, and 43 per cent per cent of households never had access to solid waste collection, transportation, and final disposal into landfill services.

Lack of public awareness and cooperation are found to be the main causes of problems concerning SWM. Before 2015, public awareness pertaining to SWM was deemed to be low. Despite some visible gaps witnessed these days, there is a considerable increase in public awareness towards SWM, particularly in regard to keeping and handling one's household waste until the collectors take it and using street side bins, after the city administration, via *kebele* levels (the lowest level), engaged in a public awareness campaign. However, the city administration does not keep its awareness creation to the level those residents are able to acquire holistic environmental awareness. This limitation has attributed to lack of strong regulatory mechanisms and resource allocation which prohibited increased public awareness through training and sensibilization and eventually punishment to improve the performance of SWM service provision.

Previously, the payment rate of collection fees was low (about 50 per cent) as the awareness of the public towards SWM (was) is low. This problem is currently relatively alleviated after integrated work has been done with other sector offices. In fact, the payment collection task has been undertaken by the water and sanitation office of the city administration. On water bills, each household is intended to pay about ETB 30 (EUR 0.55) per month for the solid waste disposals service fee.



Assessment of the Practice

The practice of provision of municipal SWM service in Bahir Dar city has been affected by problems related to institutional capacity and low public participation. The regularity of the solid waste collection service is uneven. This is due to partly the low number of solid waste collectors due to a low salary. Service fees and the provision of incentives must be re-considered to enhance the payment of solid waste collectors, and to enhance the participation of private sector and non-governmental organizations as well as the community to manage this problem.

The city administration has no clear regulatory mechanism of SWM in determining the type of waste and disposal as well as ways of treatment. There is neither a legally determined site for the solid waste collected from the aforementioned sources using pushcarts nor standard transfer stations in the city.⁸² There are issues that prompted the municipality to re-think its public participation schemes and regulatory performance in SWM. People in residential areas, industries, hotels, and health centers still pay less attention to SWM and they dump waste along the roads and in open spaces or burn it insensitive to environmental issues. Standard solid waste transfer stations need to be set and there is a need for the promotion of environmentally friendly alternatives such as compost production as well as the establishment of systems and techniques to enhance efficiency to match the amount of waste generation with that of collection and disposal capabilities. To this end, institutional capacity building is deemed to be necessarily accompanied by access to training and education programs for every stakeholder in SWM.

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⁸² Molla Asmare and Belachew Alelign, 'Bahir Dar City Municipal Solid Waste Potential Assessment for Clean Energy' (2019) 7 American Journal of Energy Engineering 28.



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Local Financial Arrangements



3.1. Local Financial Arrangements in Ethiopia: An Introduction

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Local financial autonomy is a critical component of the overall local government autonomy. Local government without financial autonomy cannot enjoy other forms of autonomy. As McLure and Martinez-Vazquez argue, '[s]ubnational governments that lack independent sources of revenue can never truly enjoy fiscal autonomy; they may be – and probably are – under the financial thumb of the central government'.⁸³

Local financial autonomy has two elements: revenue raising and expenditure autonomy. The first is linked to local government's ability to raise revenue from internal sources by imposing taxes and charging fees for services it provides. The existence of internal sources of revenue does not count out the possibility of local government receiving revenue from senior levels of government. However, it is often suggested that local government should cover the majority of its expenditures by using revenue collected from internal sources. Moreover, at least the majority of revenue transferred to local government by the senior levels of government should be unconditional allowing local government to decide on how to spend it.⁸⁴ Expenditure autonomy has to do with local government's power to autonomously decide on how to spend the revenue it raises.

The Federal Constitution does not assign any revenue raising powers to local government as it does not also assign functional competences to the latter. The state constitutions are also vague on the revenue raising powers of local government. Indeed, under the state constitutions, *woredas* are *mandated* to assess and collect – without the power to determine the rate of – certain state taxes, such as rural land-use fees and agricultural income tax. They do so on the regional states' behalf. Thus, in principle, *woredas* are required to transfer to the regional government a certain portion of the revenue they collect from these taxes, even though in practice the latter allow *them* to retain the revenue.

In any case, *woredas* in different states raise revenue from different sources including:⁸⁵

⁸³ Charles McLure and Jorge Martinez-Vazquez, 'The Assignment of Revenues and Expenditures in Intergovernmental Fiscal Relations' (World Bank 2000) <<http://www1.worldbank.org/publicsector/decentralization/March2004Course/AssignmentRevenues.pdf>> accessed 30 December 2019.

⁸⁴ World Bank, *World Development Report 1999/2000: Entering the 21st Century* (Oxford University Press 1999) 117.

⁸⁵ Zemelak Ayele, *Local Government in Ethiopia: Advancing Development and Accommodating Ethnic Minorities* (Nomos 2014).



- income taxes from *woreda* employees and from employees of enterprises that are licensed by the *woreda*;
- taxes from small traders and traditional minors;
- user fees from libraries, clinics and community halls;
- license fees from irrigation schemes and water wells;
- fees for the registration of births, deaths, marriages and divorces.

Likewise, cities collect revenue from the following sources:

- urban land lease fees;
- land-use fees;
- municipal service fees including market fees, sanitary service, slaughterhouses, fire brigade services, mortuary and burial services, registration of birth and marriage, building plan approval, property registration and surveying, and use of municipal equipment, transport or employees;
- sale of own properties (other than land).

Addis Ababa and Dire Dawa, the two federal cities, are authorized to collect from revenue sources that normally fall within the competence of the states, these two cities do not fall within the jurisdiction of any state. They thus collect revenue by imposing income tax on their employees and on income earned from urban agricultural activities, as well as by collecting profit, excise and turnover taxes on individual traders working in the cities. They also collect revenue in the form of urban land-lease and -use fees, property rates, capital gains tax on properties in the city, stamp duties, user charges from vehicles in the city, and services charges on municipal services. Addis Ababa covers close to 97 per cent of its expenditure from internal revenue, and receives no block grant from the federal government.

As a rule, local government cannot borrow money from any source. In fact, even the states need federal approval before they can borrow revenue from domestic market and they are barred from the international market. It is not thus surprising that *woreda* and cities are barred from borrowing. Perhaps the exception in this regard are Addis Ababa and Dire Dawa which are statutorily authorized to take short- and long-term loans from domestic sources with the authorization of the federal government.⁸⁶ They may directly borrow or sell bonds, provided it does not endanger delivery of basic services.⁸⁷ Furthermore, the Addis Ababa city government may request that the federal government borrows money from international sources on its behalf.⁸⁸

As far as financial transfers are concerned, *woredas* receive conditional and unconditional grants from the states. Unconditional grants or which are also known as block grants are

⁸⁶ Art 46(1), Dire Dawa Government Charter Proclamation no 416/2004; Art 55(1), Addis Ababa City Government Revised Charter Proclamation no 361/2003.

⁸⁷ Art 46(1), FDRE Proclamation no 416/2004; Art 55(1), FDRE Proclamation no 321/2003.

⁸⁸ Art 54(3), FDRE Proclamation no 361/2003.



woredas' main source of revenue, covering up to 80 per cent of their budgets. The states set aside approximately 50 per cent of their annual budget for transferring to all *woredas* within their jurisdiction. The amount of money that a single *woreda* receives in state transfer is determined based on a preset formula.

Woredas also receive what is called special-purpose grants (SPG) which are conditional grants that the state transfer to *woredas*. State and federal governments provide financial assistance to *woredas* with respect to specific projects including projects relating to a food-security program, productive safety-net program, public service capacity-building program (PSCAB), road fund, and HIV/AIDS program. For the purpose of executing these programs, the federal government transfers SPGs to regional governments which, in turn, transfer them to local government.

Cities do not receive financial transfers from the states. They receive transfers that are meant to finance their recurrent costs relating to their state functions. The cities are required to cover the costs of providing municipal services from internal sources. The cities are thus required to administer and record municipal revenue separately from their revenue for state functions.⁸⁹ The federal government also finances specific nationally relevant projects undertaken in Addis Ababa and Dire Dawa.⁹⁰ It may assist these two federal cities financially to enable them to discharge their responsibilities.⁹¹

Before the DLDP (District Level Decentralisation Program) was launched in the early 2000s, *woredas* and cities had no expenditure autonomy. Indeed, local council could make plan and attach budget to their plans. Their plans however needed to be approved by the state executive organ. In the early 2000s, as part of the DLDP, the states revised their constitutions among other things to allow *woredas* to adopt their budget and decide on their expenditure. It should be noted however that *woredas* cover over 75 per cent of their expenditure using state transfers. As indicated above the transfers, except the SPGs, are as rule unconditional and *woredas* can decide how to spend the money they receive from the states. However, the amount that they receive is so small that it barely covers their recurrent budget. Studies show that they spend over 90 per cent of state transfers for paying salaries for their employees.⁹² This leaves them with limited expenditure autonomy.

⁸⁹ Jan Werner and David Nguyen-Thanh, 'Municipal infrastructure Delivery in Ethiopia: A Bottomless Pit or an Option to Reach the Millennium Development Goals?' (working paper 01-2007, Institute of Local Public Finance 2007) <<http://www.ilpf.de/en/download/wp-01-2007.pdf>> accessed 30 December 2019.

⁹⁰ Art 46(1), FDRE Proclamation no 416/2004 ; Art 55(1), FDRE Proclamation no 321/2003.

⁹¹ Art 46(1), FDRE Proclamation no 416/2004 ; Art 55(1), FDRE Proclamation no 321/2003.

⁹² Ayele, *Local Government in Ethiopia*, above.



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3.2. The Fiscal Equalization Scheme for *Woredas*

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Relevance of the Practice

The most common rationales for intergovernmental fiscal transfers cited by scholars⁹³ are addressing vertical and horizontal fiscal imbalances and mitigating inter-jurisdictional externalities (spillover) effects. Equity and fairness issues among constituent units of a federation, local tax efforts and expenditures control, revenue adequacy, and transparency and stability are also used as basic criteria for implementing effective fiscal transfer. In the words of Anwar Shah, equalization fiscal transfers are often seen as ‘the glue that holds a federation together’.⁹⁴ The fiscal transfer could take one of these forms: conditional or unconditional grants.

The success of any political devolution of power is very much dependent on the availability of financial resources at the hands of local officials to fulfil their powers and responsibilities. To state differently, political decentralization will not be meaningful unless financial powers are equally dispersed at the lowest levels of governments. Financial autonomy is essential element of political decentralization. And yet, the availability of financial resources at the disposal of local governments by itself is not enough. There must be financial autonomy for these governments to expend according to their priorities and needs.

Ethiopia uses the block grant approach for financial transfer to regional states and the same applies to local level equalization transfers. Block grants account for about 70 per cent of the total share of the *woreda* budget.⁹⁵ *Woredas*, in principle, are free to spend the block grant on the basis of their priority areas. In theory, the unconditional grant for local governments help maintain their autonomy and to be free from the undue influence of the zonal and regional administrations.

⁹³ Jun Ma, ‘Intergovernmental Fiscal Transfers in Nine Countries: Lessons for Developing Countries’ (WPS1822, World Bank 1997) (Cases of the United States, Canada, the United Kingdom, Australia, Germany, Japan, Korea, India and Indonesia).

⁹⁴ Anwar Shah, ‘Horizontal Fiscal Equalization in Australia: Peering Inside the Black Box’ (WPS 3785, World Bank 2017).

⁹⁵ Tilahun Meshesha Fenta, ‘Local Government in Ethiopia: Practices and Challenges’ (2014) 2 *Journal of Management Science and Practice* 71.



Description of the Practice

In Ethiopia, local governments are not entitled to clearly defined tax sources. Of course, *woredas* have the power to set tax rates and collect thereof. Their main sources are from levying on agricultural income tax, sales tax and user fees. They have also the power to collect rural land tax use.⁹⁶ However, the tax rate is to be determined by the regional governments.⁹⁷ Overall, adequate taxing power is not transferred to local governments that matches their functions and responsibilities. Although local governments are entitled to block grants transferred from the regional government and are free to spend based on their priorities in principle, in practice they are not free. For example, regional states will set guidelines how and on which areas to spend. Practically, almost more than 70 per cent of the source of income for local governments comes from unconditional block grants from the regional state.⁹⁸

One of the principles of fiscal equalization is to provide financial means for local governments to provide equal or comparable public services such as health, education, clean water etc. for their population with other relatively rich local governments. Taking this into account, Ethiopia applied a horizontal fiscal equalization scheme for all states. Vertical fiscal imbalances are very wide in Ethiopia as the federal government controls the very lucrative sources of income. The federal government controls more than 80 per cent of the total income where regional states are left with meagre resources which account for less than 20 per cent on average. The horizontal imbalances are also very much visible arising from resource endowment disparities and the differential costs of public service provisions. For the regional states to provide at least the minimum standards of public service provision for their residents, the equalization fiscal transfer from the federal government is necessary. The fiscal transfer from the federal government indeed is one of their major sources of revenue. It takes either the conditional or unconditional grants, in most cases focusing on the second option.

In line with this general principle, all regional states also introduced a mechanism of fiscal equalization among all local governments.

Assessment of the Practice

However, an assessment done by Ghebrehiwet⁹⁹ for the 2007 and 2009 fiscal year on fiscal equalization indicates that the scheme has created disincentives for those better performing local governments in their efforts of generating more revenues. Those local governments

⁹⁶ *ibid.*

⁹⁷ *ibid.*

⁹⁸ Zemelak Ayele, 'Local Government in Ethiopia: Still an Apparatus of Control?' (2011) 15 *Law, Democracy and Development* 133.

⁹⁹ Ghebrehiwet Tesfai Baraki, 'The Practice of Fiscal Federalism in Ethiopia: A Critical Assessment 1991-2012. An Institutional Approach' (doctoral thesis, University of Fribourg 2015).



which are high contributors to the equalization pool have less incentives to better perform in collecting more revenues in the future. Ethiopia is also ethnically the most diverse state and applying horizontal equalization among the ethnically different local governments became politically sensitive as those well-off *woredas* think that they are subsidizing poor *woredas* which are ethnically different. Political entrepreneurs also mobilize their ethnic groups as their resources are being taken by other ethnic groups. The practice is also not encouraging as many of the *woreda* and other local governments are not in a position to cover their own expenditure let alone to contribute for fiscal equalization.

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3.3. Financing Municipal Services

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Relevance of the Practice

Local government functions in Ethiopia are in general categorized into state functions and municipal functions. State functions are those that are linked with provision of basic services such as education and health care. These are identified in the various poverty reduction policies as areas of policy intervention. Rural *woredas* are expected to be the center of state service delivery.¹⁰⁰ Cities are also expected to provide state services to their residents. Besides, they are expected to provide municipal services which are typically services that are available or are expected to be available in urban areas. Such services include cultural centers; recreational centers; youth centers; museums; sewerage; streets; street lighting; land administration; solid wastes; fire-fighting, nurseries, care centers (for the aged, disabled, orphaned or homeless children); pollution control; abattoirs; parks; markets; sanitation; liquor licenses; and ambulance services.¹⁰¹ Cities are expected to deliver these services. The schemes through which municipal functions or services are financed differ from the way state functions are financed. This report entry examines how and why municipal functions are treated differently in terms of finance.

Description of the Practice

The 1995 Federal Constitution is completely silent on how local government would be financed. This is not surprising given that local government is within the exclusive competence of the states, with barely any constitutional mention. What is rather surprising is the silence of the state constitutions on sources of revenue of local government. None of the ten state constitutions allocate financial sources to local government. Indeed, there is a provision in each state constitution which provides that *woredas* could utilize sources of revenue that the state has not begun utilizing. This not only is unclear but also meaningless. Thus, until about 2000, local government did not have any clear source of revenue. Moreover, it could not adopt its own budget but needed the approval of the relevant state. In 2000, the federal government adopted a poverty reduction policy which aligned with the Millennium Development Goals. In

¹⁰⁰ See, for example, Ministry of Finance and Economic Development (MoFED), *'Ethiopia: Sustainable Development and Poverty Reduction Program (SDPRP)'* (2002).

¹⁰¹ See, for instance, Art 8(2)(y and z) and (i-iii) of Amhara Regional State Proclamation no 91/2003; Art 16(7-10) of the Afar Regional State Proclamation no 33/2006; Art 13(6) of the SNNPR Proclamation no 103/2006; Art 2(8), Oromia Regional State Proclamation no 65/2003.



the policy paper it was stated that local government would play a central role in poverty reduction. To this effect, states were required to transfer, as unconditional grants, about half of what they receive from the federal government in the form of federal transfers. Since then, states transfer unconditional and conditional grants to *woredas*. The states have also legislatively authorized *woredas* to collect certain revenues in the form of land use fees, agricultural income tax and the like. In any case, *woredas* depend for over 75 per cent of their income on state transfers, over 90 per cent of which they use to cover their recurrent budgets.

As for the financing of their services, the two federal cities, Addis Ababa and Dire Dawa, are authorized by federal laws to raise revenue from various sources, as they do not fall within the jurisdiction of a state.¹⁰² For instance, they collect a tax on their employees' income and on income earned from agricultural activities, as well as profit, excise and turnover taxes from individual traders working in the cities. They also collect revenue related to properties in the city and user charges, for example, on vehicles. As a result, Addis Ababa covers almost 97 per cent of its total expenditure from its own revenue. The two cities in general rely on revenue they generate from the sources listed above. In general, they do not receive unconditional grants from the federal government. Hence, Addis Ababa reportedly covers over 97 per cent of its expenditure from own revenue. The so-called regional cities – those which are within the jurisdiction of one of the states and which are over 100 in number – are treated differently from the rural *woredas* in as far as they do not receive unconditional grants. Instead, they are given earmarked grants for discharging their state functions. Even the grants for the state services are not formula-based block grants.¹⁰³ Rather, 'they are determined on an "ad hoc" basis with a view to financing the recurrent costs of the state functions of the cities'.¹⁰⁴ They are thus left to cover the costs of providing municipal services from their internal sources of revenue by collecting user fees from those who make use of the services.¹⁰⁵

Assessment of the Practice

Why the different treatment of state services and municipal services? One explanation is that the federal government, in its policy on poverty reduction, considered the so-called state services as important intervention areas for poverty reduction. It did so because over 90 per cent of those who live in absolute poverty are found in rural areas. This might have been the reason why there was a focus on rural areas and state functions in terms of finance. The

¹⁰² See Federal Democratic Republic of Ethiopia (FDRE) Proclamation no 361/2003 Art 52 and FDRE Proclamation no 416/2004 Art 43.

¹⁰³ Marito Garcia and Andrew S Rajkumar, *Achieving Better Service Delivery through Decentralization in Ethiopia* (World Bank 2008) 24.

¹⁰⁴ *ibid.*

¹⁰⁵ Jan Werner and David Nguyen-Thanh, 'Municipal Infrastructure Delivery in Ethiopia: A Bottomless Pit or an Option to Reach the Millennium Development Goals?' (working paper 01-2007, Institute of Local Public Finance 2007) <<http://www.ilpf.de/en/download/wp-01-2007.pdf>>.



other explanation might be ideological. The former ruling party, the Ethiopian People's Revolutionary Democratic Front (EPRDF), considered itself a vanguard of the marginalized rural population and rural areas as it saw the rural areas, where over 80 per cent the Ethiopian people live, as its support base. After losing elections in many urban centers in the 2005 election, the EPRDF had attempted to give attention to urban areas. It was after this election that the first policy on urban local government was formulated in 2007.¹⁰⁶

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¹⁰⁶ Ministry of Works and Urban Development, 'Plan for Accelerated and Sustained Development to End Poverty (2005/06-2009/10): Plan for Urban Development and Urban Good Governance' (2007).



3.4. Financing Healthcare: The Example of the Raya-Kobo District

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Relevance of the Practice

Raya-Kobo Woreda is one of the districts/*woredas* found in North Wollo Administrative Zone of the Amhara region. It is located in north-eastern part of the country and Amhara region respectively. The *woreda* is located 570 km from Addis Ababa and 410 km from Bahir Dar, capital city of Amhara region. Raya-Kobo Woreda borders with Raya-Alamata District in the north, Gubalafto and Habru districts in the south, Gidan District in the west and Afar region in the east. Based on the 2007 national census conducted by the Central Statistical Agency of Ethiopia (CSA), the recent projection shows that the *woreda* has a total population of 245,149, an increase of 26.43 per cent over the 1994 census, 33,142 or 14.93 per cent are urban inhabitants. With an area of 2,001.57 square kilometers, Raya-Kobo has a population density of 110.89.

Provision of primary health care services is within the functional competences of *woredas* in the Amhara state even though not clearly provided in the state constitution. However, in practice *woredas* are engaged in primary health service provision.

Description of the Practice

The Raya-Kobo district has nine health centers and 47 health posts; therefore, 80 per cent of the population has access to health services. However, the shortage of medicine and other necessary health materials is very critical. As we will see in the following paragraphs, government is primarily responsible to build health organizations and to provide essential equipment including medicine.¹⁰⁷

It is indeed true that the health management system highly centralized prior to the formulation of first national health policy during the transitional period of 1993. At that time, it was the central government that determined issues related to policy, budget, and construction of health institutions, even recruitment of health workers, and provisions of logistic supply like drugs and other materials. However, things were changing subsequent to the formulation of a health policy which gives priority to decentralization and democratization of the health system.

¹⁰⁷ Interview with Haimanot Moges, Head of Raya-Kobo Woreda Health Office (Kobo, 10 May 2020).



Consequently, the health system of the country was restructured along a decentralized setting with nine regional states and two city administrations.¹⁰⁸

Following this general direction, the federal government under proclamation no 475/1995 defined the powers and duties of government institutions at each level. Hence, several responsibilities were devolved to the district-level health units. Accordingly, the District Health Offices are empowered to manage and coordinate the function of primary health care services at district level. Moreover, they are in charge of planning, financing, monitoring and evaluating all health programs and service deliveries in the district.¹⁰⁹ Following the second phase of decentralization, responsibilities of health care service delivery were decentralized from the regional health bureau to the district health office.

According to the revised Constitution of Amhara Region (Articles 83 and 86), local governments have the powers and responsibilities to prepare and decide an annual economic development and social service plan within its jurisdiction. Thus, the tasks of administering primary health care institutions are the responsibilities of District Health Offices such as that of Raya-Kobo.

In particular, to collect user fees is one of the responsibilities of the district according to proclamation no 117/2006 of Amhara National Regional State, the Health Service Provision and Administration Proclamation. The proclamation unequivocally declared that health institutions, besides the government budget allocated to them, can collect and use internal revenue as an additional budget aimed at improving the quality and quantity of health services provided in that locality, and to improve their economic capacity for additional service provision. Therefore, according to this proclamation, improving the quality of health services is the central and the ultimate objective of health centers when utilizing their internal revenue. The proclamation, under Article 4, further lists the following sources of internal revenue of district health institutions:

- fees from the provision of varieties of health treatment services, and bed services to in-patients;
- revenues from the provision of services that have a direct relation with medical services such as laboratory fees;
- revenues from drugs sale and laboratory examination, sales of finite – terminated medical equipment;
- revenue generated from free service and from sale of non-clinical equipment, for example, house rent, and from contract income;
- money or material directly donated by partner organizations in the form of cash or in-kind.

¹⁰⁸ Ministry of Health, 'Health Sector Development Programme (HSDP- IV)' (2010); Richard Wamai, 'Reforming Health Systems: The Role of NGOs in Decentralization Lessons from Kenya and Ethiopia' (Harvard School of Public Health 2004).

¹⁰⁹ Ministry of Health, 'Health Sector Development Programme (HSDP- IV)'.



Once the money and materials are collected from the above sources, they must be kept in a special bank account opened in the name of health institution in collaboration with the District Finance Office and stored in the District Health Office. Health Offices can use all revenue that they generate from service provision. The procedure of opening an account requires three members of staff whose names are announced to the bank and deposited by the joint name of the two representatives. Accordingly, the medical director of the health center, the purchasing and finance administration officer, and a case team leader who is appointed by the medical director of the health center are the three persons responsible to sign and open a health center bank account by their name on behalf of health center.

The purpose of using internal revenue is to realize several aims: first, to provide standardized, quality, prompt and sustainable health services; second, to enhance the culture of people to use health institutions and to develop a sense of ownership by improving the quality of health service provision; third, to organize health institutions purchase necessary drug and medical equipment; and lastly, to enhance work motivation and to develop a sense of ownership through building the capacity of a health institution's manpower.¹¹⁰ Health center administrations, in collaboration with the District Health Office, prioritize their interests and actual demands, evaluate their financial capacity and determine how to act accordingly. Based on this principle they purchase drugs and reagents; cover transport costs; purchase medical equipment; construct infrastructural facility such as water pipes, lines for electric light, sewerage and fence building; invest in a clean and safe environment of the health institutions; cover the costs of nonmedical services (such as food, security and hygiene), transfers to third parties; improve health system information or evidence; and build additional rooms.

According to the federal health policy, health centers can also use such internal revenue for training purposes (for laboratory, pharmacy and counseling); to computerize the finance and drug storage systems of the health institutions; to purchase necessary office materials (pen, paper, etc.); to pay for transport costs; to build additional rooms; for rehabilitation purposes; to cover the salary of contractual workers who will be employed not more than 3 months; to cover other recurrent administrative costs related to improving the quality of health institutions; for non-medical training (computer and other office administration and management activities).

There are, however, certain tasks which are not covered by internal sources of health institutions. For instance, scholarship training and its transport cost; domestic training that is longer than a month; payment in the form of gifts for a third party; the employment and salary of advisors (including research work); and any activities which are not explicitly mentioned in the previous paragraphs.

As far as financial matters are concerned, the District Health Office has no direct contact with the nearby Zonal Health Department but has a direct relation with the Regional Health Bureau

¹¹⁰ Proclamation no 117/2006.



which directly finances its subsidy to the District Health Office without the need for an intermediary body (zone administration). The only relation the district has with the Zonal Health Department is in the sphere of reporting (prior to the submission of reports to the Regional Health Bureau, whatever the matter, it shall report first to the zone) and training to upgrade the capacity of district institutions, organized either by the zone or by the region. In addition to health treatment fees, district health institutions are financed through district block grants transferred by the regional government, and external loans as well as in-kind or cash assistances from donor organizations and other sources.

Assessment of the Practice

As we have seen from the above discussion, the local governments in general and health sector district level institutions in particular have been granted important powers and functions. The tasks of constructing health centers and health posts, recruiting health workers, providing professional as well as in-service training, generating internal revenue from user fees and to finance health institutions etc. are some of the competences of district-level local governments in general and district health offices in particular. The result of the study also highlights the problem of inadequate budget which hampers the quality and quantity of health care service provision in general and the quantity of buildings and other related infrastructures in the district in particular. Even though District Health Offices have the power to generate internal revenue from user fees, they cannot spend it in performing tasks they want, like, for example, to pay for worker's salary and per-diem fees. Instead, they are bound to invest internal revenue in pre-determined tasks. Therefore, on the bases of the above analysis and discussion, the following recommendations are deemed necessary to enhance the quality health services and to reinforce the ability of local government health institutions. Although responsibilities of expenditure given to local government is highly decentralized, assignments of revenue collection power still remain centralized. As a result, the major share of district budgets is granted either by the regional state or federal government in the form of conditional grants and rarely in the form of unconditional ones.

Hence, it seems plausible to balance the assignment of expenditure responsibilities with the power of revenue collection. The regional state government has to give discretionary power to the *woreda* administration and District Health Office to use their internal revenue at least to cover the per-diem and monthly salary of the workers employed through contract. It indeed enhances the motivation of the health workers' activities as well as reduces the existing budget gap and thereby improves the quality and quantity of health care services at the local government level. Capacity building of local government should keep being implemented with increased capital budget and hence more funding to lower tiers of government institutions is necessary.



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Structure of Local Government



4.1. The Structure of Local Government in Ethiopia: An Introduction

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When the DLDP was launched by the federal government in 2001, the role of local governments became crucial and their mandate broadened.¹¹¹ Since 2001, two aspects of decentralization have taken place in Ethiopia: introduction of regular local government level block grants and their splitting. The splitting practices resulted in a dramatic increment of *regular local governments* throughout the country. By 2013, the number of such local government units had increased by 31 per cent from 2001.¹¹² On the contrary, ethnic local governments stayed constant in number.¹¹³ In this scenario, urban administrations with *woreda* (district) status were created by splitting out of their host *woredas*.

Nowadays, the number of *woreda* and *zonal* governments is continuously increasing while amalgamation and disappearance of existing local units has remained the exception.¹¹⁴ This local government practice has been the locus of state-society relations in the contemporary Ethiopian sub-national politics. Frequent demand has been coming from the local people claiming a new local government status. Despite the impression of the government is towards this frequent demand, the split of local governments remains a pressing issue in Ethiopia. The most significant recent trend of change in the figure of local government is the creation of new (special) *woredas* and (nationality) *zones* via the splitting of existing ones.

Splitting of *woredas* has been encouraged in order to meet two different objectives: (i) ensuring self-governments of ethnic groups and (ii) enhance development and public participation through decentralized governance system. The first motive and its implementation accelerated the claims of self-determination by many minority ethnic groups. This still is one of the pressing issues on the table of regional state executive offices. The splitting practices aimed to achieve the second goal are also accompanied by public requests. Many delegates of people have frequently appeared before the regional state executive office claiming new local government status and hoping to receive service in a more efficient and effective way.

¹¹¹ Solomon Nigussie, 'Intergovernmental Fiscal Arrangements in Ethiopia: Some Basic Issues' in Asnake Kefale and Assefa Fiseha (eds), *Federalism and Local Government in Ethiopia* (UNDP and Center for Federal Studies 2015) 99.

¹¹² Ayenew Birhanu, 'The Politics of Local Government Creation and Boundary Demarcation within Ethiopian Federation' (PhD thesis, Center for Federalism and Governance Studies, Addis Ababa University 2017) 116.

¹¹³ *ibid* 117.

¹¹⁴ *ibid* 120.



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4.2. The Practice of Local Government Creation (Splitting)

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Relevance of the Practice

The creation of local government through splitting the pre-existing ones is a practice expected from countries with insufficient infrastructural facilities. People who live in rural areas travel long distances to receive services from their respective governments which is time and money consuming. Local government institutions and subsequent service provisions are mostly found in urban centers and which seems one of the urban rural divides in Ethiopia. Hence, the practice is relevant to bring the government and services closer to the rural people at least physically. The government is also pursuing the practice in the same intention. The criteria, reasons and level of public participation as well as their impact on quality service provisions do not only determine the access of the government to the relatively remote rural areas but they also minimize the burden of urban centers by containing a significant number of surrounding rural people not to go there.

Description of the Practice

According to Zemelak, the only articles in the Constitution that make passing reference to local governments are Article 39 and Article 50(4).¹¹⁵ The ethnic local government is established for ethnic groups which are territorially concentrated.¹¹⁶ The local government established along ethnic line can be either nationality *zones* or special *woredas*.¹¹⁷ It is safe to say that Article 39(3) entitles ethnic groups to establish local government in order to accommodate ethnic diversity. Hence, the primary reason for local government creation and the subsequent splitting practices are motivated by the politics of ethnicity. The other article that deals with local government is Article 50(4) which mandates regional governments to grant adequate power to the lowest units of government in order to achieve public participation. Here, the splitting of local government practice is related to the motive to ensure local development, delivery of service and public participation.

¹¹⁵ Zemelak A Ayele, 'Decentralization, Development and Accommodation of Ethnic Minorities: The Case of Ethiopia' (doctoral dissertation, University of Western Cape 2012) 196.

¹¹⁶ *ibid.*

¹¹⁷ *ibid* 96.



In the Ethiopian case, both the federal and state constitutions do not lay down the manner in which the split of local government should be organized. Despite this silence, the legal-constitutional mechanisms and related practices show that there are at least four criteria formulated by regional state legislations: ethnicity, population size, administrative convenience and area size. These criteria are largely applicable in establishing new *woredas* in which rural areas administered. There are no objectively quantified and single commonly articulated criteria justifying the local government creation. Consequently, there is uneven distribution of territory, population and number of local governments across the nine regional states. The practice shows that there is a wide range of flexibility to create a new local government or not. In addition, regional state legislations do not provide clearly established criteria with which one could judge the appropriateness of application in the splitting practices. This scenario challenges not only the service delivery responsibilities of local governments but also the attempt to bring the government closer to the people. On the other hand, the criteria employed to establish new urban local governments is relatively clear and objectively quantified. Among the four criteria three (population size, capacity of revenue generation and occupation of city resident) have their own quantified threshold.

The federal government and regional executives are the key actors in the initiation, direction and execution of splitting and creation of new local governments.¹¹⁸ The regional administration took the lion-share in such practices. It is not to say that public input has not existed in this local government practice. Rather it is to say that the regional executive and its deconcentrated bodies facilitate public participation with some pre-determined outcome. Public gatherings are neither inclusive nor taken for real. Therefore, it is possible to argue that there is an imposition of local government boundaries with less local public participation.

Assessment of the Practice

The practice discussed above shows that there are multiple bases in the splitting and creation of new local governments in Ethiopia. In theory, the institutional security of existence of local government ensured through setting clear criteria and procedure to change its size and boundaries.¹¹⁹ A closer look at the legal-constitutional mechanisms of both federal and regional states revealed that there are no clearly defined criteria that must be strictly followed without picking up one or two in the pretext of circumstances. It follows that the creation of local government has been subject to a pragmatic and informal way which involves informal negotiations along various networks of interest. Hence, the security of existence of local

¹¹⁸ Ayenew Birhanu, 'The Politics of Local Government Creation and Boundary Demarcation within Ethiopian Federation' (PhD thesis, Center for Federalism and Governance Studies, Addis Ababa University 2017) 168.

¹¹⁹ Zemelak A Ayele, 'The Existence of Local Government and its Institutional Security within Ethiopia's Federal System' in Asnake Kefale and Assefa Fiseha (eds), *Federalism and Local Government in Ethiopia* (UNDP and Center for Federal Studies 2015) 201.



government as a sphere of level of government is compromised and the interests of the local people is down-graded.

Splitting (creation) of local government patterns and objectives vary according to the relative differences in heterogeneity of regional states. In relatively homogenous regional states like Amhara and Oromia, splitting practices are justified by administrative convenience and provision of socio-economic services. On the other hand, in heterogeneous ones like SNNP regional state the objective and criteria of local government creation is to accommodate territorially concentrated ethno-linguistic groups.

The creation of new districts continues to meet the objectives of service delivery, to bring the government closer to the people and enhance public participation. However, it does not regulate the population number which is growing faster than the splitting practice. As a result, there is a challenge to achieve those objectives. Small and medium-sized towns, which constitute 80 per cent of the total number of urban centers of the country, are situated under the jurisdiction of *woreda* governments. The level of urbanization is greater in these towns than other larger urban centers.¹²⁰ Consequently, both urban and *woreda* local governments are in difficulties to deliver the necessary services in such dramatically changing demography. The creation of local government for territorially concentrated ethno-linguistic groups seems overstated. The lack of clear legal framework and a centralized political culture made it uncertain. Currently, there are more requests for ethnic local government status than ever before in various regional states like Tigray, Amhara, Oromia, Benishangul/Gumuz and more largely in SNNP.

As mentioned above, local governments are established for the purpose of enhancing democratic participation and ensuring efficient service delivery. Local government administrations are also supposed to be autonomous administrative units. However, there is no clear functions and mechanism of popular participation. All local governments are controlled by the ruling party decisions and over-shadowed the roles of their own legislatures. Hence, it is difficult to accomplish their responsibility of ensuring service delivery and grassroots democracy.

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¹²⁰ Birhanu, 'The Politics of Local Government Creation and Boundary Demarcation within Ethiopian Federation', above, 148.



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4.3. Amalgamating Five Special Local Governments into a Single Administrative Zone vs Self-Government Rights of Ethnic Groups in SNNPRS

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Relevance of the Practice

What are generally termed as nation, nationalities and peoples under the 1995 FDRE Constitution, otherwise called as ethnic groups, are the right-bearers and are entitled to have their own states, zones or local governments depending on their level of economic and political development. Hence, state structures are designed to fit the interests of ethnic groups. However, in reality, only nine regional states came into being for the more than 85 ethnic groups. In consequence, other ethnic groups are entitled to establish their own ethnic zones and local governments. The justification is to guarantee each ethnic group the right to self-rule. The five special local governments in the Southern Nations, Nationalities, and People's Region (SNNPRS) were created to satisfy the self-administration demands of five ethnic groups in the region. These local governments are mainly rural local governments having one administrative capital at the center. The populations are mainly homogenous inhabited by a single ethnic group. The urban centers are relatively heterogeneous but still dominated by their respective ethnic groups. However, there is no visible difference in terms of urban-rural dimension as both of them are inhabited by the same ethnic groups. The major purpose of establishing local governments in these special *woredas* were to accommodate ethnic interests in the form of creating local governments for numerically smaller ethnic groups.

If one reads the preamble of the 1995 FDRE Constitution together with Articles 8, 39, 46 and 47,¹²¹ it is self-explanatory that accommodation of ethnic identity is given utmost importance

¹²¹ Art 8 provides that: (i) All sovereign power resides in the Nations, Nationalities and Peoples of Ethiopia, (ii) This Constitution is an expression of their sovereignty, and (iii) Their sovereignty shall be expressed through their representatives elected in accordance with this Constitution and through their direct democratic participation. Art 39 deals with the rights of nations, nationalities and peoples of Ethiopia which reads in full as: (i) Every Nation, Nationality and People in Ethiopia has an unconditional right to self-determination, including the right to secession, (ii) Every Nation, Nationality and People in Ethiopia has the right to speak, to write and to develop its own language; to express, to develop and to promote its culture; and to preserve its history, (iii) Every Nation, Nationality and People in Ethiopia has the right to a full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits and to equitable representation in state and federal governments.

Nation, nationality and people for the purpose of this Constitution is defined as: 5) a group of people who have or share large measure of a common culture or similar customs, mutual intelligibility of language, belief in a



in the Ethiopian federal system. In consequence, the organization of sub-national states and other local governments are in line with ethnic identity, language and other identity markers of nations, nationalities and peoples (NNP). The Southern Nations Nationalities and Peoples Regional State (SNNPRS) is one of the nine regional states of Ethiopia created in 1995 by bringing together 56 officially recognized ethnic groups. It is one of the most diverse states of Ethiopia comprising more than 50 per cent of the country's ethnic groups. For this reason, the region is known as a federation within a federation.

Although the region is considered as a single region in the Ethiopian federation, it comprises various forms of administrative hierarchies designed for accommodating ethnic diversities.¹²² As a result, it was organized along zonal, *woreda*, special *woreda* and *kebele*¹²³ levels. SNNPRS is one of the regions where the workability of the Ethiopian federal system of accommodating ethnic diversity could be practically tested as many of the ethnic groups are claiming and reclaiming for the redrawing of their boundaries and even for their own independent statehood.

Description of the Practice

Before the creation of the SNNPRS and the drafting of the 1995 Constitution, the region was organized into five regional states (region 7-11) named in numbers as region 7, 8, 9, 10 and 11 as per Proclamation no 7/1992. During the transitional period (1991-1994) Ethiopia was structured into 14 regional states whose designation was in numerals rather than on an ethnic basis. However, with the coming into force of the new Constitution in 1995, the five regions were merged to create the SNNPRS. The process of amalgamation was not welcomed by all

common or related identity, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory.

Art 46 sets the criteria for state boundary demarcation. It explains: (i) The Federal Democratic Republic shall comprise of States, (ii) States shall be delimited on the basis of the settlement patterns, language, identity and consent of the peoples concerned.

Art 47 lists down member states with possibilities for establishing additional states if a demand for statehood comes from other nations, nationalities and peoples of Ethiopia. It says: (1) Member States of the Federal Democratic Republic of Ethiopia are the following: (i) The State of Tigray, (ii) The State of Afar, (iii) The State of Amhara, (iv) The State of Oromia, (v) The State of Somalia, (vi) The State of Benshangul/Gumuz, (vii) The State of the Southern Nations, Nationalities and Peoples, (viii) The State of the Gambella Peoples, (ix) The State of the Harari People. It further guarantees that; (2) Nations, Nationalities and Peoples within the States enumerated in sub-Article 1 of this article have the right to establish, at any time, their own States, provided that certain procedures are fulfilled as provided in the Constitution.

¹²² Art 45 of the Constitution of the Southern Nations, Nationalities and Peoples Regional State provides for organizing the state at *zonal*, special *woreda*, *woreda* and *kebele* level. If a need arises, it provides for the possibilities of establishing at other administrative levels.

¹²³ *Kebele* is an Amharic term to denote the lowest level of state administration in Ethiopia.



ethnic groups. For example, the Sidama (the largest ethnic group in the region) asserted for the restoration of their regional status.

Following the creation of the SNNPRS, the newly created region was sub-divided into 14 zones (Benchi Maji, Dawro, Gamo Gofa, Gedeo, Gurage, Hadiya, Keffa, Kembata Tembaro, Sheka, Sidama, Silte, South Omo, Wolayita and Hawassa Special Zones) and 8 special *woredas* (Alaba, Amaro, Basketo, Burji, Dirashe, Konso, Konta and Yem). It was in 2011 that the regional state decided to merge the four special *woredas* of Konso, Dirashe, Amaro and Burji, and one regular *woreda* of Alle into a larger administrative zone called Segen Peoples Zone. The newly established Zone consists of eight ethnic groups; Konso, Burji, Kore, Alle, Dirashe, Kusume, Mashole and Mossiye. The move indicates the ideological shift of the Ethiopian People's Revolutionary Democratic Front (EPRDF) from ethnic accommodation to administrative convenience and efficiency.¹²⁴ These four ethnic groups have their own languages and have experienced self-administration for the last two decades. Moreover, the new administrative unit, the Segen Peoples Zone, does not reflect ethnic identification but is designated after a big river flowing in the area.

Before the merger in 2011, the Konso people had their own Konso special *woreda*. However, the minority Alle ethnic group also live in their own *kebele* administration in Konso. Based on the 2007 Central Statistics Agency Report, the *woreda's* population was 235,087. Konso, the language of the Konso people, is spoken as a mother-tongue by the majority of the population and more than 87 per cent of the *woreda's* population belong to Konso while 9 per cent are Alle (previously called Gewada).

The Dirashe special *woreda* was established for the Dirashe ethnic group but it also constitutes other minority ethnic groups such as Alle/Dobassate, Mossiye, Kusume and Mashole. Its population number was reported to be 30,031 as per the 2007 population census. The Burji special *woreda* was designated for the Burji people which accounts for 71,871. The Kore ethnic group was administering the Amaro special *woreda*. It has a population of 149,384.¹²⁵ Over all, the four major ethnic groups administered their own affairs in their own self-governing special *woredas* before their merger into the Segen Area People's Zone in 2011.

Assessment of the Practice

The amalgamation of various self-governing ethnic local governments into a single administrative zone is unfortunately not a success story. From the very outset, it was a top-

¹²⁴ Thomas Halabo Temesgen, 'Accommodation of Ethnic Quest for Self-Governance under Ethnic Federal System in Ethiopia: The Experience of Southern Regional State' (2013) 3 International Journal of Research in Commerce, IT and Management 42.

¹²⁵ Misganaw Addis Moges, 'Practice of Self-Government in the Southern Nations Nationalities and Peoples' Regional State: The Case of Segen Area Peoples' Zone' (MA thesis, Addis Ababa University 2014).



down approach where the regional state decided to implement for so-called integration of the four special *woredas* into a zonal structure for administrative convenience without any historical, linguistic, geographic or legal justifications to merge a completely different ethnic and linguistic communities. There was strong resistance, both during and after the formation of the Segen Peoples Zone, claiming for their separate existence as special *woredas* maintaining their distinct identities.

The creation of the Segen Area People's Zone was triggered by the demands of the Ale people for their own self-governing administrative unit. The Ale are a minority ethnic group divided between Konso and Dirashe Special *Woredas*. Nonetheless, they demanded to have their own administrative units separating from these two *woredas*. The ruling party of the region, the Southern Ethiopian People's Democratic Movement (SEPD), opted for three options; (i) to join Ale with the neighboring multiethnic South Omo Zone, (ii) to grant its own special *woreda* or (iii) to create a new administrative zone by combining the four special *woredas* including the Ale. The first two options did not work as it was rejected by the South Omo Zone and the second was feared for incurring additional costs. The region then opted for amalgamating the special *woredas* to create a new zone.¹²⁶ However, the move was unacceptable for the previously independent *woredas* as it reduced their autonomy. It precipitated public protest and sustained human and material losses since then.

The move of integration may be good, but it has to be made from a bottom-up approach and should not be imposed from the higher authorities. The experience seems a failure in light of the major protests and deaths and displacements that followed government crackdowns. In a federation that was established to accommodate the interests of different ethnic groups for self-government, any move to integrate or split must pass through rigorous public consultation and must respect the demands of the people.

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¹²⁶ Kulle Kursha, 'Segen Shambles Shows Sense in Splitting South' *Ethiopia Insight* (30 December 2018) <<https://www.ethiopia-insight.com/2018/12/30/segen-shambles-shows-sense-in-splitting-south/>>.



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4.4. Splitting Local Government and its (Un)expected Outcomes: The Case of Amhara National Regional State

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Relevance of the Practice

In Ethiopia, the splitting of local governments has been allowed in order to meet two objectives: first, to ensure the self-government of ethnic groups, and, secondly, to enhance development and public participation through a decentralized governance system. Articles in the Federal Constitution that make passing reference to local governments are Articles 39(3), 50(4) and 88(1). The first objective and its implementation accelerated the claims of self-determination by many minority ethnic groups. Even though, the response of Amhara National Regional State (ANRS) towards the ensuring ethnic self-government is relatively better than other regional states, as it establishes ethnic local governments for four ethnic minorities namely, Awi, Himra, Oromo and Argoba, the claim of Kimant ethnic group is not still materialized despite recognized by both the regional council and the House of Federation. This is because the controversy over border demarcation, as the Kimants claim additional three kebeles that are territorially detached from the other sixty nine while the regional government insists to keep the precedence of territorial contingency principle. The splitting practices aiming to achieve the second goal are accompanied by public requests. Delegates of various groups have frequently appeared before the regional state executive office of ANRS to claim new local government status in the hopes of receiving services in a more efficient and effective way. According to regional officials, the creation of local governments by splitting pre-existing ones is a result of insufficient infrastructure. People travel long distances to receive services from their respective governments, which is costly and time-consuming; the practice is hence relevant in bringing government closer to the people, at least physically. In this entry, the term 'splitting' is used to refer to the practice of forming new regular local governments by simply dividing the existing regular *woreda* or zone into two or more. As a matter of fact, the splitting practice is mostly the focus of local government politics in ANRS. Hence, assessing whether or not the splitting practice aligns with the demands and interests of the affected people and brought about the intended outcome regarding the provision of services and genuine popular participation has paramount importance. To this end, practical situations have been reviewed to understand what is happening in localities after splitting. The cases of two *woredas* (Farta, from which Guna Abaegemidir *woreda* was split, and Mecha, which was split into North and South Mecha) is used to show the outcomes of splitting practices.



Description of the Practice

Article 58(3) of the ANRS Constitution gives the final decision-making power over the claims of new local government status to the Council of the Regional Government. According to this provision, the demand for new local government status is expected from the lower levels of local government units. Without prejudice to the fact that the final decision-making power rests on the regional executive government, zones have the power to conduct preliminary investigations over the claims of restructuring and to submit a fundamental direction on the issue.

After 2001, a steady increase in the creation of new local governments, mostly through splitting existing ones, has been witnessed. The following table shows the trend in local government creation in ANRS since the fiscal year of 2003/2004.

Table 1: Number of local governments and city administrations in Ethiopia (2003–2020).¹²⁷

year	no of local governments except zones	no of city administrations
2003/04	114	-
2004/05	118	-
2005/06	118	-
2006/07	118	-
2007/08	139	-
2008/09	151	21
2009/10	151	21
2010/11	165	33
2011/12	166	-
2012/13	166	38
2013/14	166	38
2014/15	167	38
2015/16	169	40
2016/17	169	40
2017/18	169	40
2018/19	182	42
2019/20	186	42
2020/21	190	46
total	190	46

As the table indicates, the creation of new local governments has grown steadily over the years. By 2020, the number of such local government units had increased by 60 per cent since 2002, which is double the national growth in new local governments formed by means of splitting.

¹²⁷ Computed from annual budget allocations for *woredas* and city administrations, using data from the Bureau of Finance and Economic Development (ANRS) of June 2020.



Indeed, in 2007/08, 2008/09, 2010/11 and 2019 there are notable spikes in this trend. Senior officials of the regional state said that the reason for the relatively high increments in certain years relates to the performance of the regional government in responding to claims coming from the localities. The budgetary implications of the duplication of human personnel and resource-mobilization have often been mentioned. During times when there is an abundance of budget secured as a result of financial support from international development organizations, a greater-than-usual numbers of new local governments have been created.

At least four criteria are set out in ANRS for splitting local government: ethnicity, population size, administrative convenience, and area size. Though it is not determined by the law, the regional executive tried to quantify the criteria by percentage to decide over the claims of *woreda* splitting. According to this criterion, a population number of 200,000 and above would have got 45 points out of a hundred. Similarly, area size, the nature of the landscape, the potential to generate income, and the number of *kebeles* are allocated 25, 15, 10, and 5 points, respectively. In regard to urban local government, the ANRS's legislation not only sets a population threshold different to that of the federal government but includes additional criteria such as potential revenue, the occupation of city residents, and strategic importance. Regulation no 144/2015 provides a clearly defined and quantified threshold for the criteria of population size and revenue potential for each category of urban local government. However, its applicability in upgrading from one category to another remains uncertain. This is due to the fact that the other criteria are expressed in phrases such as 'strategic importance' and 'occupation of city residents' that lack precision and entail subjective decisions. With the exception of population size, there is neither a specific threshold to get those points nor a minimum benchmark for the eligibility of a claim. The absence of clearly defined criteria in regard to both, the re-organization of urban local governments and the splitting of *woreda* governments, leaves fertile ground for elite interests at the local level and subjectivity at the regional-government level.

The legal frameworks does not indicate ways of consulting the local people regarding the practice of splitting and creating new local governments. Although local councils are established to enable political representation and participation, their powers and responsibilities are not stipulated in detail. Neither the state's constitution nor legislation provides for the local councils, with the exception of zones, a power to discuss or make recommendations on local government demarcation. However, in practice, such initiatives are indeed discussed in local councils and presented informally to the zonal and regional executive.

Observation of regional government finds that there are limitations in public participation in regard to claims for new local governments. This also evident in discontentment among the people and in the inefficiency of institutions after splitting has occurred. The local elites, including public servants, merchants and government officials, are crucial in initiating, framing and facilitating requests for new local government status. They call for public participation with some pre-determined outcome, basically the inevitability of splitting. Public gatherings are neither inclusive nor genuine.



The democratic deficit of this local government practice is manifested in complaints and resentment amongst sectors of society within the newly established local government. Such practices in the regional state result in rural *woredas* being cut off from the infrastructural and economic core of their former towns. Consequently, tensions arise between the *kebeles* of people who lost relatively good services and those of people who find themselves closer to a new capital. While this is a problem witnessed in many of the newly established localities, it is most pressing, and still unresolved, in *woredas* cut off from Mecha, in West Gojjam Zone, and Farta, in South Gondar Zone. It is true that many demands are made for new local-government creation and that this could be regarded as public participation, but, as mentioned, these demands for better service are often captured by elite interests seeking to advance their own political and material ambitions.

Data obtained from local informants indicates that there are deteriorating relationships between two *woredas* that were formerly one, along with disputes between *kebeles* in a newly split *woreda*. The reason for the latter is that some *kebeles* were expecting to be the capital of the new *woreda*. This expectation stems from the promises of elites during the initiation and framing phase. Many *kebeles* from North Mecha *woreda* returned to their former government. This led to fluidity in local government boundaries, which affects the institutional security of each individual unit. Moreover, many people were surprised, as they had not heard about the decision but happened to find themselves living in a new *woreda*. In addition, after having been split, *woredas* either lose or retain their former names, which could threaten the autonomy of local government. The coining of new names might be welcomed or rejected by the people. In some cases, such as Kuara and Menz *woredas*, there was resistance by the public to the splitting processes as many wished to maintain the 'greatness' and traditional name of their district. While such scenarios can be moderated by a suitable public-participation process, there has been a clear lack of institutional mechanisms for involving local communities in the splitting process and communicating decisions made. As things stand, demarcation is hardly transparent, free and fair in the eyes of the public, which tends to be suspicious about the process and outcome of local-government creation.

Assessment of the Practice

It was found that there are multiple bases for splitting and creating local governments in ANRS. In theory, the security of existence of local government is ensured by setting clear criteria and procedures for changing its size and boundaries, but a closer look at the mechanisms of the regional state revealed that there are no clearly defined criteria that have to be strictly adhered to, as opposed to being cherry-picked because they suit the exigencies of particular circumstances. Instead, the splitting of local government has been subject to pragmatic and informal considerations and undergirded by elite-driven negotiations among various networks of interest. Hence, the security of existence of local government as a sphere of level of



government is compromised and the interests of the local people are of little, if any, genuine concern.

The creation of new districts is meant to improve service delivery and local democracy by bringing government closer to the people and enhancing public participation. The newly created local governments are not efficient enough on their own to provide services, a situation that in 2019 prompted the regional state to stop creating new local governments. Local government administrations are also supposed to be autonomous administrative units. However, there are no clear functions and mechanisms of popular participation. All local governments are controlled by ruling-party decisions which overshadow the role of their own legislatures. Hence, it is difficult for them to fulfill their responsibility of ensuring service delivery and grass-roots democracy.

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Intergovernmental Relations of Local Governments



5.1. Intergovernmental Relations of Local Governments in Ethiopia: An Introduction

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Intergovernmental Relations (IGR) is an important body of activities or interactions occurring between governmental units of all types and orders, and how these orders/spheres of government communicate and collaborate with each other.¹²⁸ Being one of the principles that distinguishes federal systems from the non-federal ones,¹²⁹ IGR is an institutional and pragmatic device for dealing with the intricate relations in a multilevel setting. Particularly, Agranoff states:

‘Local governments are inextricably linked vertically to states and to their general governments through ranges of national-state programs, legal and fiscal considerations and horizontally linked with associated local governments and NGOs through partnering, contracting or other forms of externalization.’¹³⁰

De Villiers¹³¹ also puts that modern-day governments require the mechanisms and institutions of IGRs so as to implement policies and programs, maximize the standard of service delivery and optimally utilize scarce resources.

Local government basically shoulder two responsibilities. On the one hand, they have to perform as autonomous local self-governing entity. On the other hand, the same local governments are often responsible for implementing policies as an agent of the subnational and federal governments. At the interface of these dual roles of the local governments is IGRs either in the form of supervision and cooperation. Apart from federalism that shapes the urban governance and politics through the constitutional, territorial and political framework, the process of urbanization is another force that influences the governance of urban spaces. To this end, IGR can be presented –both in principle and practice– as an institutional mechanism to overcome the politically divided but functionally interconnected multilevel arrangements and to moderate the often subordinate status of local governments.

In fact, developed and mature federations like Switzerland have put settled systems of local governmental institutions and use intergovernmental bodies and forums for addressing their

¹²⁸ Deil Wright, *Understanding Intergovernmental Relations* (3rd edn, Brooks/Cole 1988).

¹²⁹ Allen Trench, ‘Intergovernmental Relations: In Search of a Theory’ in Scott Greer (ed), *Territory, Democracy and Justice: Regionalism and Federalism in Western Democracies* (Palgrave Macmillan 2006).

¹³⁰ Robert Agranoff, ‘Local Governments in Federal Systems: Intergovernmental Relations in the Governance Era’ (22nd IPSA World Congress, Madrid, July 2012) 1.

¹³¹ Bertus de Villiers, ‘Codification of “Intergovernmental relations” by way of Legislation: The Experiences of South Africa and Potential Lessons for Young Multitiered Systems’ (2012) 72 *ZaöRV* 671.



local demands.¹³²In contrast, in the context of Ethiopia, the involvement of urban local governments (ULGs) in IGRs is more of a requirement than for rural local government (RLGs) because urbanization has already brought a formidable internal change to the federal system. The first internal challenge stems from the fact that urbanization often appropriates a large area of land beyond municipal boundary as economic and functional spaces. This in turn raises land use and local boundary disputes between the city and neighboring rural local governments. The other challenge is related to the demographic pressure due to rural to urban migration process of urbanization in Ethiopia. According to the official estimates about 50 per cent of urban population growth in Ethiopia is accounted for by rural-urban migration. Both the horizontal physical expansion and migration induced pace of urbanization have produced different problems including informal housing, land use and local boundary disputes. It is however clear that a single ULG cannot handle these problems. The ULG needs cooperation from neighboring local government and supra-local governments for addressing the mismatch between municipal boundary and urban functional area. It is this condition that brings the IGRs imperative.

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5.2. Association of Cities/Urban Forum and Urban-Rural Relations

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Relevance of the Practice

Two main forces – federalism and urbanization – shape the relationship between urban and rural local governments in the federal system of Ethiopia. On the one hand, federalism sets territorial, institutional and political frameworks in Ethiopia. It has established institutionally fragmented but functionally interconnected local governments, making the participation of local governments in the overall system of intergovernmental relations in the federation of Ethiopia inevitable. On the other hand, urbanization in Ethiopia is characterized by rapid and mostly informal outward expansion. This has brought a number of problems ranging from competing local administrations, conflicting interests over land use management to ambiguous jurisdictional boundary expansion. Any further effort to resolve these problems of governance requires clear principles and institutions of urban and rural local governments relations. To this end, the practice of Ethiopian Cities Association (Ethiopia Urban Forum) and Urban-Rural Relation are practices worth to be discussed.

Description of the Practice

The Ethiopian Cities Association (ECA), which was launched in 2009, is a legally registered and licensed entity pursuant to the Federal Democratic Republic of Ethiopia Charities and Societies Proclamation no 621/2009 Article 68(1).¹³³ In this regard, the Federal Ministry of Works and Urban Development have partnered with *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ) and the World Bank (WB) for the project ‘Establishment of the Ethiopian Cities Association and Strengthening and Supporting its Operations’ that was first planned to be active from 2008 to 2011.¹³⁴

The rapid urbanization and the huge challenges it has brought upon governance and service provision of cities in Ethiopia, was claimed to be the base for foundation of ECA. ECA was therefore meant ‘to serve as a urban forum/platform for policymakers’, authorities,

¹³³ Website of the Ethiopian Cities Association, <<http://www.ethiopiacity.org/>>.

¹³⁴ ‘Expanding Ethiopian Cities Network Fosters Peer-to-Peer Learning’ (*Cities Alliance*, 25 January 2019) <<https://citiesalliance.org/resources/knowledge/project-case-studies/expanding-ethiopian-cities-network-fosters-peer-peer->>.



stakeholders and cities to exchange experiences, and create awareness about urban development'.¹³⁵ It has aimed to serve as a platform for knowledge exchange among city administrators and improve slum upgrading and city plan implementations.¹³⁶ ECA, as urban platform, aims at 'experience sharing and learning among cities to encourage a healthy and competitive atmosphere' among the cities/urban centers of Ethiopia.¹³⁷ As expressed by the supporting organization like Cities Alliance,¹³⁸ apart from knowledge sharing, it has focused on providing 'technical assistance and establishing cooperative relationships with other international networks.'

ECA is composed of three structures: general assembly, board and secretariat. The general assembly is the supreme organ of the association that elects the Board from members of the ECA. It is also the organ that approves strategic plans and budgets as well as approves and/or amends the statute and bylaws of the association and decides on the dissolution of the association when deemed necessary.¹³⁹ The board on the other hand has an oversight role and ensures that all organs and members of the association implement its decisions. The board, comprised of nine-member cities, also appoints and/or dismisses the secretary and the department heads of the ECA's secretariat, while a secretariat is responsible for implementing the decisions of the general assembly and the board of the ECA.¹⁴⁰

The first event of the ECA came out in on 22 October, 2009 as 'Ethiopian Cities Day' with 19 members attending the event in Addis Ababa, the hosting city. It was organized by the Federal Ministry of Works and Urban Development in partnership with the German Organisation for Technical Cooperation (GTZ) Urban Governance and Decentralisation Programme, the Cities Alliance, and the Addis Ababa-based Corporate Media and Communication.

Later on there was a felt need to change the name 'Ethiopian Cities Day' into Ethiopian Cities Week (ECW) because a single day couldn't suffice for the forum. The ECW was also renamed as the 'Ethiopia Urban Forum' in 2014, encompasses a number of events such as Panel discussion, plenary session, exhibition, and best-practices competitions.¹⁴¹ The ECW

¹³⁵ 'About the ECA' (*Ethiopian Cities Association*, 2013) <<http://www.ethiopiancities.org>>.

¹³⁶ 'Expanding Ethiopian Cities Network Fosters Peer-to-Peer Learning' (*Cities Alliance*, 25 January 2019) <<https://citiesalliance.org/resources/knowledge/project-case-studies/expanding-ethiopian-cities-network-fosters-peer-peer>>.

¹³⁷ 'Report on Ethiopian National Urban Forum' <<https://unhabitat.org/wp-content/uploads/2014/11/Report-on-Ethiopian-National-Urban-Forum>>.

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¹³⁹ 'Governance Structure' (*Ethiopian Cities Association*, 2013) <<http://www.ethiopiancities.org/index.php/en/about-eca/eca-structure>>.

¹⁴⁰ *ibid.*

¹⁴¹ 'Expanding Ethiopian Cities Network Fosters Peer-to-Peer Learning' (*Cities Alliance*, 25 January 2019) <<https://citiesalliance.org/resources/knowledge/project-case-studies/expanding-ethiopian-cities-network-fosters-peer-peer>>.



particularly dwells on how to implement and institutionalize lessons learned from the Urban Local Government Development Programme (ULGDP), a major World Bank-financed capacity-building and infrastructure development program in which many ECA member cities are participating.¹⁴² The two events-Panel and plenary discussions-have been undertaken by different urban specialists from different universities in Ethiopia along with participation of pertinent professionals from the UN-Habitat.¹⁴³ For the exhibition part, the participating cities display their cases and experiences in separate tents on the open field. The forum was said to be annual event when it was launched in 2009 and was performed annually up until the 6th round in 2014 which was hosted by Dire Dawa City. Afterwards, only two urban forums every two years were conducted.

It would be fair to ask what objectives have been achieved by ECW/urban forums. So far, the forum has been preparing some workshops on urban development issues along with exhibitions from different cities at the member city hosting the ECW. According to the ECA and the partnering organization like Cities Alliance, the association has greatly been benefitting the member cities through informal cooperation that was already taking place among certain cities. The Forums have also been instrumental for promoting ‘the culture and traditional assets and heritages of the people as well as strengthening the city to city relations in exchanging experience and learn from each other’.¹⁴⁴ The increasing relevance of ECA has been reflected even by the change of names of the event that was started as ‘Ethiopian cities day’ which was later changed to ‘Ethiopian cities week’, and now this forum is been addressed as ‘national urban forum.’

Nonetheless, one would barely find a coherent guideline and settled principles of IGRs among the three –federal, regional and urban local governments (ULGs/cities) with regard to Urban forums and ECA. Constitutionally speaking, the federal government has no direct contact with ULGs except the two chartered Cities, namely Addis Ababa and Dire Dawa. Paradoxically, it has been the federal executive organ, namely the Ministry of Urban Development that has been the key actor (along with the partnering International Organizations like Cities Alliance) behind the establishment of the ECA and undertaking urban forums. But the place of regional states, the level of the government that establishes ULGs, in ECA and the preparation of the forums is blurred. In fact, the last eight ECW/urban forums were conducted due to the key role of the dominant party system and its democratic centralism based decision-making, party channel IGR and the inseparable relation between party and the government. Hence, the continuity of this forum as permanent multi-stakeholder’s platform transcending the life of the ruling party-EPRDF would remain a suspect.

¹⁴² *ibid.*

¹⁴³ UN-Habitat, ‘Report on Ethiopian National Urban Forum’ (2014) <<https://uni.unhabitat.org/wp-content/uploads/2014/11/Report-on-Ethiopian-National-Urban-Forum.pdf>>.

¹⁴⁴ Jantirar Abay Yigzaw, Minister of Federal Urban Development (9th Ethiopian City Forum, Jigjiga, February 2019).



In another register, all the regional states' city proclamations have some provisions governing cities associations within their regional state. To cite some examples in this regard, Article 51(1) of the Proclamation no 65/2003 of Oromia regional state, provides that cities in the region may set up their own regional association and actively participate in the operation thereof. Moreover, the association has been given important functions such as inter-city cooperation through exchange of resources, experiences and ideas. The association serves as a forum for the provision of trainings and support for building the capacity of their members; and works towards promoting development of the cities as a whole. The association may also represent cities collectively and express their views on matters of common interest. It can also create and strengthen good working relation within cities in the region and outside. City associations work in consultation with the Urban Development and Industry Bureau of Oromia.¹⁴⁵ Likewise, Article 57 of the Proclamation no 69/2007 of the Benishangul Gumuz Regional State for Urban Establishment and definition of Powers and Duties of urban center in the region states that 'City administrations and municipalities have the right to establish and organize associations and actively participate in their operations.' The regional cities associations were envisioned to function as a forum for exchange of resources, experiences, ideas and expression of matters of common interest. However, the regional city associations have not been established in the regional states, and hence the cities lack institutional mechanisms for advancing their common interests without the interference of their regional states.

The other important practice which is worth describing is the urban-rural local governments relation. In Ethiopia, urbanization has long been identified as migration-led urbanization rather than industry-led urbanization. The studies on census data have affirmed that rural-urban migration is the driving force of urbanization in Ethiopia, and almost half of the urban population is accounted by rampant migration-mainly rural to urban mobility.¹⁴⁶ This migration led urbanization process has produced unbalanced towns/cities sizes and inequitable spatial distribution of urban centers across the country.

One of the estimates for the rapid rate of urbanization accounts up to 6 per cent per year.¹⁴⁷ The proportion of urban population was only 6 per cent in the 1960, 11 per cent in 1984, 14 per cent in 1994, and 17.2 per cent in 2013 and projected to be 30 per cent in 2025.¹⁴⁸ Because of the change in the designation of settlements as urban localities, Ethiopia has also shown a tremendous increase in the number of urban centers: 1,525 urban settlements as of 2015.¹⁴⁹ This rapid urbanization confronts with rural local governments because rapid urbanization

¹⁴⁵ Art 52(1-6) of Proclamation no 65/2003 for establishment of Urban Local Governments of Oromia.

¹⁴⁶ Tsegaye Tegenu, 'Urbanization in Ethiopia: Study on Growth, Patterns, Functions and Alternative Policy Strategy' (Department of Human Geography, Stockholm University 2010) <<https://www.diva-portal.org/smash/get/diva/>>.

¹⁴⁷ Paul Dorosh and Emily Schmidt, 'The Rural-Urban Transformation in Ethiopia' (IFPRI Ethiopia Strategy Support program 2 Working Paper no 13 and World Bank 2010)

¹⁴⁸ Ministry of Urban Development, Housing & Construction MUDHCo, 'National Report on Housing and Sustainable Urban Development, Final Report' (2015).

¹⁴⁹ *ibid.*



appropriates a large portion of the neighboring rural territory as its economic and functional hinterlands. Moreover, inasmuch as urbanization is not concomitant with industrialization and sustained economic growth, this urbanization has created pressure on extant infrastructures and demand for more services including housing, transport, education etc.

The development plans/policies of Ethiopia have followed rural bias at one point and urban bias at another time, which shows unbalanced development policy orientation between urban and rural areas. At policy level, the federal government tends to understand the need to create mutual urban-rural linkages. As the Ministry of Urban Development and Housing Construction reports, the government has employed a number of mechanisms to develop rural and urban linkages including the liberalization policy related to input and output marketing facilitates, the promotion of agro-processing industries and micro enterprises and the development of small towns and rural service centers, Road Sector Development Program (RSDP) for assessing the rural sector and so on.¹⁵⁰ Yet, the rural spaces surrounding cities remained largely under the negative impact of horizontal urban expansion, including demands for more land for the different urban functions (such as housing, infrastructure and other social services), dislocation of farmers, loss of farm lands and increased pressure on public services and utilities.

All the regional states' city proclamations make some provisions for governing urban and rural local governments relation. Some city proclamations¹⁵¹ like that of Oromia set the terms of IGR between the urban/city and rural/district governments. Accordingly, a joint committee shall be created for performing two key functions: first, it identifies issues of mutual interest and sets strategies to jointly address and strengthen the urban-rural economic interaction; and second, it amicably settles boundary disputes between the urban and the concerned hinterland or adjoining rural areas. If the committee fails to settle the dispute, the Regional Government Executive Council has the final authority to resolve the case.

Although both regional city proclamations and urban development policy papers underscore the need for mutual urban-rural linkages in the Ethiopian federation, the interaction between the city and its neighboring rural local government has become a matter of pressing concern for dealing with factors of rapid urbanization that drives urban expansion farther into rural areas complicating land management, local jurisdictional boundaries, and the ethno-territorial claims. Also, there has been institutional and functional decoupling of urban and rural local governments due to unbalanced national policy orientation from the central/federal government in Ethiopia.

The practice however suggests that there is a felt need to enlarge the municipal borders, the city administrations often influence the neighboring rural communities, and this reveals the weakness of the urban and rural local governments relation. The committee is, in fact, supposed to moderate the effects of urbanization/urban expansion on the surrounding rural land. In the meantime, it has to be noted that the interaction between the city and the

¹⁵⁰ *ibid.*

¹⁵¹ Art 28(2) of Proclamation no 65/2003.



surrounding rural district administrations does not take place following the clear guidelines and institutions of IGRs but becomes operational on party channel/structure and personal relationship between the key executives of the city and rural district administrations. Had it not been for the political party channel, the urban and rural local governments cannot easily make horizontal relations because they have different legal statues and upward accountability lines.

This study suggests the need for clear institutional and structural relationship between urban and rural local governments in order to collaborate in the service deliveries as well as manage mutual risks that affect both urban and rural administrations. This institutional relation could also have the advantage of managing urbanization which has been characterized by rapid, largely unplanned and horizontal expansion beyond the municipal boundary. Therefore, creating specific IGR forums involving the participants from the city, rural district, and regional governments is worth recommending.

Assessment of the Practice

The establishment of Ethiopian Cities Association (ECA) in 2009 could be taken as an important move to address urban and urbanization generated issues in the federal system of Ethiopia. Nonetheless, there are a number of issues that are missing to make the ECA and the urban forums/cities week events a sustainable consultative forum. The association has been under the strong influence if not under a complete order of the federal executive or the Ministry of Urban Development. The partnering/outside funding sources come through the Ministry of Urban Development, and it has been this federal executive who actually plays the key role in setting the agenda and direction for the urban forums. This approach forces the ECA to work in line with the framework set by this federal body. Hence, the forum has barely served as independent institution of ULGs that put forth the demands of ULGs free from the federal government intervention. The Urban forum and ECA have not come to the status that it could influence the federal urban policy.

Instead, the federal government tends to use the urban forums as a mechanism of directly contacting the urban local governments but there is no explicit constitutional provision that enables the federal government to make direct relation with the urban local governments except the federal capital, Addis Ababa. The relation of regional state governments, as a level of government that legislate on the statuses of the ULGs in their jurisdiction, to the ECA and in the urban forums have been blurred. Although most of the urban problems cannot be resolved without cooperation of the rural local governments (RLGs), we have not witnessed the participation of RLGs in the national urban forums. Little attention is given to the RLGs relevance for resolving the problems of the Ethiopian urbanization which is mainly characterized by rapid, informal and horizontal expansion. Though the process of urbanization makes ULGs not only interrelated to RLGs but also the former cannot properly function without



the later, neither RLGs participate in the national urban forums nor association of RLGs has been established in Ethiopia. In short, the sustainability of the urban forum as permanent multi-stakeholder's platform transcending the life of the ruling party-EPRDF would remain uncertain if different political parties win election and rule over different levels of the government in the federation.

On the other hand, both the urban development policy papers and regional states' city proclamations underscore the need to establish mutual urban-rural linkages. Contrary to the policy and city proclamations, the rural spaces surrounding cities remained largely under the negative impact of horizontal urban expansion and the RLGs often complain that they lose suburban spaces to ULGs. There has been top-down decision-making process to expand ULGs boundary by converting rural land into urban space. Some RLGs criticized the inclusion of some of their sub-rural local units adjacent to cities because this has further weakened the revenue capacity of their RLG as a number of local revenue sources were gone with the departure of these sub-rural units.¹⁵² In this perspective, the urban boundary expansion and the demarcation of boundary between urban and rural has not been well considered from its impact on RLG's revenue or income from land fees. The Ad hoc committees usually established for the urban expansion and demarcation of municipal boundary have been favoring the urban interests. For example, the initiation to establish the Ad-hoc committees in regional states like Oromia state come from the regional state level and the concerned ULGs and RLGs are required to act in accordance with the instruction from the regional government. The decision that the Ad-hoc committee reaches is based on the instruction from the regional state's concerned institution such as the urban land development and management agency. In fact, it has been the ruling political party channel that decides on the matter, and therefore, the ULGs and RLGs are required to match the order from the regional state and the ruling party.¹⁵³

The age-old understanding of urban place as 'superior', different from the rural area and the policy favor to urban issues remains lingering in the urban-rural divide- the urban issues are still disposed by political culture of looking urban as modern and better than rural. Depending on the regional political solidarity and electoral contingencies, the regional states were trying to set the framework between urban and rural local governments. As a result, the relation between these local governments within the regional states becomes strong or lose depending on the regional political dynamics.

Beyond the informal/personal and party channel-based relationship for crises management between city and surrounding RLGs, one hardly finds settled principles and institutions of interaction between urban and rural local governments in Ethiopia. It has been this institutional failure between urban and rural local governments that has contributed for rapid and informal urbanization. This process of urbanization in turn has complicated matters related

¹⁵² Ketema Wakjira and Regassa Bayissa, 'Autonomy, Capacity and Service Provision of Local Governments in Oromia' (2019) 5 Ethiopian Journal of Federal Studies 87.

¹⁵³ *ibid.*



to land use planning, basic service deliveries and have often produced blurry and overlapping jurisdictional boundaries.

Indeed, the national urban development policy documents¹⁵⁴ have foreseen the need for mutual linkages between urban and rural local governments. The implementation of these policies, however, could not realize mutual benefits between urban and rural local governments. Despite the policy documents, the political actors and the bureaucracy have remained true to urban bias policy and urban centers have been considered superior areas compared to their rural counterparts. To reverse this, there is a need to develop strong institutional and functional relations between urban and rural local governments. It is also important to reconsider the upward accountability lines of the urban and rural local governments in a way that enables these local governments to have horizontal intergovernmental interactions.

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5.3. Changing Urban Place Names in Post 2018 Amhara National Regional State: The View from Bahir Dar City

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Relevance of the Practice

Following the Amhara protests of 2016 and the subsequent party fragmentation within the Ethiopian People's Revolutionary Democratic Front (EPRDF), the local political dynamics have changed in Amhara National Regional State. This somehow began to affect the institutions of both the regional and local governments. The endorsement of questions rallying behind the Amhara protests and afterward by the regional party led to some manifestations witnessed in the formal governmental institutions. The development of Amhara ethnonationalism has pushed the regular local government councils to pass identity-motivated decisions such as changing the name of local governments themselves (name of *woredas*, sub-cities, and *kebeles*), and erecting monuments of presumed heroes of the local population. These persons were disgraced by the EPRDF government as members of the oppressive ruling class. Some of the decisions have been sent to the regional state council to inform about changes.¹⁵⁵ Considering the Amhara Regional State Constitution does not give detailed provisions on local government functions; the renaming of streets and local areas is a kind of emerging issue that might broaden the competencies of regular local governments to exercise such competencies largely related to identity matters.

In this report entry, the practice of renaming since the 2018 political 'reform' over toponyms in Bahir Dar City has been assessed. Even though there is a lack of clear criteria and guidelines in the legal constitutional regime of the regional state regarding the competencies of urban local governments in (re)naming places, one can learn from other federations or devolved systems like South Africa, that the power lies under the jurisdictions of municipality councils. In Bahir Dar city, renaming practice has been pushed through by both the lowest level of urban local government and the regional executive office while the city council remained idle. Hence besides being curious about whose competence and policy, guideline, and criteria to be followed, public participation in the renaming practice is also crucial in assessing such a local government practice.

¹⁵⁵ Interview with Worksemu Mamo, Amhara Regional Council's Speaker (Bahir Dar, 23 December, 2020).



Description of the Practice

The ethnicity of other ethnic groups has centered on the discourse of Amhara domination with roots going back to the students' movement of the 1960s/70s, and ultimately to the territorial expansions of Menelik II and the birth of modern Ethiopia at the end of the 19th century. The issue of Amhara ethnicity emerged in Ethiopian political discourse since the 1990s among the Amhara elites. Since this time the subject of Amhara continued to be sensitive and debatable among both the political and academic elites. Currently, the Amhara ethnonationalism has emerged in the sense of reactive ethnicity as a result of othering. This emanated from the 'national oppression thesis' of the 1960s which created deep-seated insecurity who have been vulnerable to attacks by other ethnic groups. Acquiring a similar ideology, the regional party, Ethiopian Peoples' Democratic Movement (EPDM) which later changed its name to Amhara National Democratic Movement (ANDM), had followed a political ideology that demonizes the former rulers of Ethiopia and their deeds and turns its back to those showing empathy towards them as labeled as *timkihtagna* (chauvinist). This was clearly seen in the land redistribution campaign arguably held only in the Amhara region after Dergue's proclamation for land distribution in March 1975. Ege rightly points out the character of the governance system from the view of land redistribution practice. He writes that '[t]he basic feature of the redistribution was its peculiar class analysis, which stigmatized the officials of the preceding regimes as oppressors but ironically enough lumped the current officials together with the oppressed peasants, without further criteria needed'.¹⁵⁶ The class analysis of political mobilization of the regional government accompanied by EPRDF's narrative of an Amhara oppressive ruling class has led to an engagement in disgracing and destructing the legacies of the pre-1991 regimes.

The names 'Ginbot 20' and 'Hidar 11' are notoriously coined as names of sub-cities, schools, an airport, health centers, greeneries, and recreational places in urban centers of Amhara Regional State in the last three decades. The names are signifying just a month and date. Ginbot 20 refers to the day on which EPRDF seized Addis Ababa defeating the Dergue regime and Hidar 11 is the month and date on which the EPDM was established.¹⁵⁷ The Amhara activists strongly argued that the Amhara people have not benefited from the Ginbot 20 victory. Rather it should be considered as the day on which the suffering of the people just began, accompanied by a state system that was instituted on the basis of narratives of an oppressive Amhara nation and other oppressed nationalities. Most people of the regional state have perceived ANDM as a trusteeship governor of the Tigray People's Liberation Front (TPLF) on the Amhara people and it was shy in struggling against TPLF's motives which were costly to

¹⁵⁶ Svein Ege, 'Peasant Participation in Land Reform: The Amhara Land Redistribution of 1997' in Siegfried Pausewang and Bahru Zewde (eds), *Ethiopia: The Challenge of Democracy from Below* (Forum of Social Studies 2002).

¹⁵⁷ The names Ginbot 20 and Hidar 11 are just Amharic terms within Ethiopian calendar which stand for 28 May and 20 November respectively. The EPDM, which was renamed ANDM in 1994, was a coalition member of the EPRDF which has administered the Amhara region. In late 2018 it rebranded itself and acquired a short-lived name called Amhara Democratic Party (APP) until it merged into a party replacing the EPRDF, Prosperity Party (PP).



Amhara. Hence the date the party was established is not worthy to celebrate by the Amhara people.

This was accentuated by the Amhara protests and the unfolding Amhara activism forced the regional government to embark upon changing names hated by such public mobilization. In Bahir Dar City, two sub-cities names were immediately changed by the same council. The first sub-city was formerly known as Hidar 11 and then changed into Atse Tweodros, the name of an Ethiopian emperor (1855-1868) with whom the modern history of Ethiopia is associated. The second sub-city's name Ginbot 20 was replaced by Menelik II, an emperor of Ethiopia (1889-1913). The present shape and size of Ethiopia were crystallized by emperor Menelik II. The renaming was not made by the city council. Rather it was decided by the council of the sub-city structurally found beneath the city council. Information obtained from Bahir Dar city council indicates that the sub-cities merely notify them by letter about the renaming. The fact is that there are no clearly defined functions provided to the city council regarding the (re) naming of institutions, streets, and other physical features. Hence, the issue of renaming does not seem a planned and well-initiated measure of the sub-city. It was made for the sake of calming down the protest of the people by avoiding the EPRDF memoirs from the sight of them.¹⁵⁸ Glorifying the former rulers of Ethiopia has become the center of Amhara activism. Hence, the local councils have been replacing those names imposed by EPRDF by the two renowned kings of Ethiopia: Atse Tewodros and Menelik II.

Besides the sub-cities, renaming has occurred in two further places in Bahir Dar City: the airport and one main street. Formerly the airport was named Dejasmach Belay Zeleke, a heroic patriot in the resistance against Italian occupation (1936-1941) until it was replaced by the name Ginbot 20 by the ANDM-led regional government. After three names for the change had been proposed, discussed and 'voted' by the public via social media and popular consultation, the former name was restored. The main street, starting from the bridge of Blue Nile, commonly known in Amharic Abay river to the eastward way out of the city, was named Nehassie 1 Martyrs Road for the commemoration of youths massacred in gunshots by security forces during the Amhara protests on August 8, 2016. The renaming practice was not decided by the city council but by the regional executive office.¹⁵⁹ In addition to the practice of renaming the sub-cities themselves, the names of *kebeles* have been changed by the residents themselves. Two *kebeles* under the Atse Twodrossub-city changed their names and their decisions were endorsed by the council of the sub-city. The sub-cities seem to have no plan to embark on the naming of places on their own initiative. They only act on specific issues raised by the residents. They do not consider the issue of naming and renaming as one of the functions of the local councils and they are reluctant to plan further activities based on clear guidelines and procedures.¹⁶⁰ The city council also found itself in the same disposition as the sub-cities. And

¹⁵⁸ Interview with Yitbarek Tesfaye, Speaker of Atse Tewodros sub city council (Bahir Dar, 14 April 2021).

¹⁵⁹ Interview with a legal expert of the Bahir Dar City council (Bahir Dar, 9 April 2021).

¹⁶⁰ Interview with Yitbarek Tesfaye Speaker of *Atse Tewodros* sub-city council (Bahir Dar, 14 April 2021).



it has been looking idly at the acts of both levels of government, the regional executive and the sub-cities, without any reactions regarding the renaming of places.

Assessment of the Practice

Place naming is usually understood as one element of a broader political project concerned with governmentality, state formation and nation-building.¹⁶¹ The act of (re)naming places by EPRDF in commemoration of its two historic days can be seen as a means to entrench its political aspirations and project in the minds of the public and to thereby achieve ideological legitimation. Urban place naming is also instrumental to substantiate a particular set of political values and the ruling socio-political order in the urban climate. Place names in urban centers are formed in particular political contexts so that they are subject to change along with political dynamics. When new regimes with different political aspirations and values take power, names are no longer compatible with the new political order.¹⁶² Accordingly, it was not only the local populations that questioned the names of their local area because they do not express their history and values, but it was also due to the regional government dropping the EPRDF ideology of 'Revolutionary Democracy' that the renaming practice was pushed through despite the absence of related laws and guidelines. According to data obtained from the sub-city council, after renaming there was no complaining from the people and the authorities believed their decisions were not only in line with the new political direction but also in the interest of the local population. Given the renaming practice was largely considered as a restoration of the past memory denigrated by the EPRDF regime, it can also be said that it satisfied the identity question of the local population. This move might be justifiable since 'place names are outward manifestation of how people perceive themselves, both their history and value system'.¹⁶³

Post-apartheid South Africa has experienced numerous place name changes. The unfolding renaming process was initiated by the African National Congress (ANC)-ruled government and backed by an institution called South Africa Geographical Names Council (SAGNC).¹⁶⁴ The institution issued guidelines aiming to 'eliminate duplication; rectify orthographic errors; accord official recognition to place names commonly used by residents; and to sensitize toponyms to South Africa's democratic values and diverse history'.¹⁶⁵ However, no place

¹⁶¹ Duncan Light and Craig Young, 'The Politics of Toponymic Continuity: The Limits of Change and the ongoing Lives of Street Names' in Reuben Rose-Redwood, Derek Alderman and Maoz Azaryahu (eds), *The Political Life of Urban Streetscapes: Naming, Politics and Place* (Routledge 2018).

¹⁶² *ibid.*

¹⁶³ Mcebisi Ndletyana, 'Changing Place Names in Post-Apartheid South Africa: Accounting for the Unevenness' (2012) 38 *Social Dynamics* 87.

¹⁶⁴ *ibid.*

¹⁶⁵ *ibid.*



(re)naming can be made without the municipal council's approval in South Africa.¹⁶⁶ The intention of coordinating the local councils with SAGNC is to standardize, transform, and correct toponyms.

In Ethiopia, practices of (re)naming toponyms have been registered since 1991. Most of them are identity-motivated actions that replace the existing names with new ones which were supposedly used by the 'endogenous' local population in the past, until they were changed by the expanding modern state system. However, unlike the experience in South Africa, there are no regulatory mechanisms to identify which kind of names are supposed to be renamed; how the standardizations are maintained; who should decide the renaming, and in what ways the public interest and participation are ensured. The practice of renaming in Bahir Dar City is not the exception. It has been pursued in response to the new political dynamics pushed by Amhara ethnonationalism that emerged in reaction to EPRDF's political values that were perceived to oppose Amhara interests. There are neither policies or guidelines for renaming urban toponyms nor a plan of action towards that. As a result, the renaming practice has been made by government bodies having relatively less consent from the people and the city council has failed to reclaim its mandate. The city council should therefore set a comprehensive policy with guidelines, rules, and procedures for the (re)naming of places under its territorial jurisdictions.

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5.4. Infrastructure Projects in Addis Ababa: Between Self-Government of the Capital City and Federal Intervention

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Relevance of the Practice

Addis Ababa had a controversial and unsettled position and status in the Ethiopian federal matrix. As per Article 49(2) of the 1995 Constitution, it is the seat of the federal government and the capital of the Ethiopian federation. The Constitution further provides that the residents of the city have the right to a ‘a full measure of self-government’ (Art 49(2)). Yet, Article 49(5) of the Constitution also recognizes ‘the special interest’ of the Oromia state in the city since the city is located as an enclave at the heart of the Oromia state. Over 25 years after the promulgation of the Federal Constitution, ‘the special interest’ of the Oromia state in Addis Ababa remains undefined. As far as some politicians of Oromia, the special interest is nothing less than full ownership of the Oromia state over the city which should be translated into complete political and economic control of Oromia over Addis Ababa. For others the special interest of Oromia in Addis is limited to those interests, as explicitly provided in the Constitution, pertaining to ‘the provision of social services or the utilization of natural resources and other similar matters, as well as joint administrative matters’ (Art 49(5)). These interests emanate from the geographical position of the city and can easily be handled through intergovernmental forums. As a federal city, Addis Ababa cannot escape the regulatory and other influence of the federal government. The issue is whether that power of the federal government also includes the power to determine specific infrastructural projects to be implemented in the city. This issue is relevant here since there are several infrastructural projects that are initiated and implemented by the federal government raising jurisdictional issues. The question here is not whether the projects are relevant or useful. It is rather whether the federal government has the competence to plan and implement these projects.

Description of the Practice

There are several projects which are being implemented in Addis Ababa, in the words of Adanech Abiebie, the Deputy Mayor of Addis Ababa, ‘with the initiation and close supervision’ of Abiy Ahmed, the Prime Minister. The projects are undertaken within the framework of ‘beautifying sheger’ (also called Sheger River side projects) which is the brainchild of the Prime



Minister. The first project is the ‘Grand Meskel Square-Addis Ababa City Hall project’. This ETB 2.6 billion (EUR 47 million) project covers the area from Addis Ababa City Hall to Meskel Square, the largest public square which lies in the heart of Addis Ababa and where various religious, cultural, and political festivities are conducted. The project involves refurbishing the square, building an underground parking lot, and building roadside greenery works and sidewalks along the Churchill Avenue which runs from the Addis Ababa City Hall down to Meskel Square. Various parks and green areas are also built in different parts of the city, including the Wodajinet Square (friendship square), the Andinet Park (unity park), and the Entoto Natural Park. These projects involved building different structures including ‘various indoor and outdoor facilities, including sport centers, library, restaurants and coffee shops’. The other project is the so-called Abrhot Library, which is expected to be the largest library in the city, if not in Ethiopia. The Adwa Centre is another project being implemented in the city. This project is named after and built as a commemoration of the Adwa Victory in which the Ethiopian forces defeated the Italian invading forces in 1896. The Adwa Centre ‘will have a museum, a meeting hall with a capacity of over 2000 people, three smaller auditoriums with a capacity of 400 people, Cinema Theatre, Library, Gym, and Childcare center, among other things’.¹⁶⁷

As indicated above, the projects were initiated by the Prime Minister and implemented under his close supervision. He has also produced several documentaries in which he narrates the progress of these projects. The city government had barely any involvement in the planning and implementation of these projects even though the parks will be administered by the city government. Moreover, the costs of the projects are covered by the federal government. In its 2021-22 budget, the federal government has set aside ETB 3.3 billion for Addis Ababa clearly to cover the costs of the project. Addis Ababa never previously received a subsidy from the federal government since it is financially self-sufficient.

It should be stressed here that these projects are long overdue. Moreover, in addition to creating economic opportunities for the city’s residents, the projects have transformed the face of the city. It is much more beautiful, clean and there are now several more public spaces in the city which were previously lacking. Thus, there is no disagreement on the importance of the projects. The issue rather is whether the federal government has not encroached into the competences of the Addis Ababa city government by planning, financing, and implementing the above projects in the city. As mentioned, the residents of the city have ‘full measure of self-government’ (Article 49 of the Constitution) which clearly implies that such kind of projects should be initiated and implemented by duly elected officials of the city. Moreover, as per Proclamation no 361/2003, which defines the powers of the Addis Ababa city government, the initiation and implementation of the kind of projects described above fall within the functional competences of the city. Article 2(4) of the proclamation provides that ‘land development and management, city sanitation and beautification’ and the like fall within municipal functions of

¹⁶⁷ ‘Adwa Center Construction in the Capital Addis Ababa Kicks off’ (*Borkena*, 17 July 2019) <<https://borkena.com/2019/07/17/adwa-center-construction-in-the-capital-addis-ababa-kicks-off/>> accessed 18 September 2021.



the city government. The city has also the power to adopt its own master plan. In any case building cultural centers, recreational centers, youth centers, museums, parks, libraries, parking lots, public squares and the like fall within general local government functions and the federal government is not expected to be directly involved in such projects.

Assessment of the Practice

It is true that Addis Ababa is the capital of the federation. It is not a state. Yet, unlike it is the case for other cities which lie within one of the ten states, there is no state above Addis Ababa to which the city is accountable. It is rather an autonomous city, its direct accountability being to the federal government. The federal government had indeed interest in ensuring that the city is properly managed. It is also within the power of the federal government to legislatively define the functional competences of the city which the former has done with the Proclamation no 361/2003. The federal government does not seem to have the power to dictate specific projects that have to be implemented in the city. This undermines the city's right to 'full measure of self-government'. While the projects are indeed commendable, there is no constitutional and legal basis for the federal government, especially the Prime Minister, to be as involved as it is in relation to these projects.

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People's Participation in Local Decision-Making



6.1. People's Participation in Local Decision-Making in Ethiopia: An Introduction

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Scholars consider local government to be the best level of government for public participation.¹⁶⁸ This mainly because it is relatively small in territorial and population size which makes it effective in allowing public participation. The Ethiopian Constitution also links the establishment of local government with enhancing public participation. Likewise, the District Level Decentralisation Program (DLDP) was implemented with enhancing public participation at the local level. In the policy papers that articulated the need to decentralize powers at the local level it was clearly stated that doing so was imperative to empower local communities to 'participate, negotiate and influence' the decision-making processes concerning local matters. To this effect it was stated that regular local elections would be conducted and that the capacity of local representative councils and other democratic institutions would be strengthened.¹⁶⁹ The decentralization program was also underpinned by the need to create enhanced opportunities for civil society organizations to play an important role in the process of service delivery by facilitating 'interaction, and mobilizing groups and communities to participate in social, economic and political activities' in particular at local level. The need to empower women was also taken as an integral part of this local political reform.¹⁷⁰

Public participation at the local level takes place in two major ways. The first is an indirect one, through the electoral process. Local governments of all tiers have an elected representative council and a parliamentary form of executive. Members of local councils are directly elected by local communities on the basis of a multiparty system. Since the adoption of the 1995 Constitution five local elections have been held (in 1997, 2002, 2008, 2013). The sixth local elections were supposed to be held in May 2018. Due to the political crisis in the country which began in 2015 and the poor security situation, these elections have been postponed indefinitely. Local elections in Ethiopia are not in general viewed as important elections both by political parties and the voters. The opposition parties have never taken part in local election since the adoption of the 1995 Constitution. They often accuse the ruling party of political repression and boycott local elections. The reason for doing so does not however seem to be only the repression by the ruling party. Opposition parties take part in national elections while complaining about political repression. It rather seems that they do not view winning local

¹⁶⁸ See David Beetham, 'Theorising Democracy and Local Governance' in Desmond King and Gerry Stoker (eds), *Rethinking Local Democracy* (Macmillan 1996) 38; Keith Dowding, 'Public Choice and Local Governance' in Desmond King and Gerry Stoker (eds), *Rethinking Local Democracy* (Macmillan 1996) 53; Jaap De Visser, *Developmental Local Government: A Case Study of South Africa* (Intersentia 2005).

¹⁶⁹ Federal Democratic Republic of Ethiopia Ministry of Finance and Economic Development (MoFED), 'Sustainable Development and Poverty Reduction Programme' (2002).

¹⁷⁰ *ibid.*



elections as important political exercise. There seems to be also a general lack of enthusiasm about local elections among voters. Yet, post-election reports of the National Electoral Board of Ethiopia – the federal agency which is charged with administering elections - claim that voter turnout is around 90 per cent. These numbers are not however to be trusted. The fact is that in every local elections EPRDF's candidates ran in every constituency uncontested and become declared winners. Local elections as means of political participation for local communities seem to have little relevance. And the local voters had little incentive to come out in large number and cast their votes.

The other form of participation is direct participation. Members of local communities are expected to participate during planning process. This especially takes place at the *kebele* level which is, as explained in report section 4 on local government structure, the lowest tier of local government. At the *kebele* level, members of a local community, both individually or through civil society organizations, are entitled to take part in annual planning processes by stating what services need to be given priority in a given fiscal year. The local officials are expected to consider what local communities say should be given priority when drafting annual plan with respect to service delivery. According to Zemelak Ayele, local planning takes place in the following process:

'A *woreda*'s development planning begins with public consultation at village level, the main purpose of which is to identify community problems and prioritise them. The consultations are facilitated by employees of the *kebele*. Civil society organizations (CSOs) are also invited to participate. The CSOs that are invited include traditional associations called *Idir*,¹⁷¹ and others which are engaged in provision of certain basic services including water, sanitation and the like. The community needs that are identified at village level are consolidated at *kebele* level and become a "single *kebele* priority list". The aggregated priorities at *kebele* level are also discussed at a *kebele* general community meeting of the *kebele*'s residents. The *kebele* priority lists are then sent to a *woreda* where the priority lists of the various *kebeles* are consolidated by the *woreda* development planning committee. The aggregate *woreda* priorities are then re-organised on a sectoral basis and passed on to the sectoral office concerned. Based on the priority list, each sectoral office decides on the "intervention areas" and produces a plan. The plan of each sector is then aggregated and "linked to a budget". The plans that are prepared at sectoral level are discussed and negotiated among the various offices with the facilitation of the *Woreda* Planning and Budgeting Desk. The end-result of this negotiation is a single *woreda* plan identifying *woreda* priorities and linking them

¹⁷¹ These are traditional association, often informally established, and meant to serve as self-help association. The assist their members with matters relating to funeral and other social issues.



to budgets. The *woreda* plan is finally submitted to a *woreda* council for approval.¹⁷²

Studies show that direct public consultation at the local level are far from participatory and ineffective in terms of identifying what the public requires to be prioritized. First, public consultations are mainly used for extracting information rather than involving local communities in decision-making. Moreover, whatever members of a local community have said should be prioritized in terms of service delivery are often lost in the process of aggregation and disaggregation by local government experts. Moreover, local officials often ignore what have been identified by local communities as important intervention areas in terms of service delivery and implement their own preferences.

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¹⁷² Zemelak Ayele, *Local Government in Ethiopia: Advancing Development and Accommodating Ethnic Minorities* (Nomos 2014).



6.2. Participation in Urban Water Management Board in Adama/Oromia

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Relevance of the Practice

The urban water supply can be considered as a relevant experience for analyzing people's participation in local decision-making. Both the water policy and legal frameworks of Ethiopia allows the Urban Water Supply Service Enterprise (UWSSE) to perform its functions autonomously with very limited supervision from the supra-local level. The UWSSE has the duty to cover all its service delivery charges by collecting water tariff from its urban water service customers. Whether the people's participation in the UWSSE has helped to match the supply and demand for water; whether the participation of the people in water tariff setting and whether there is adequate involvement in the water management board or the supreme decision-making body process is worth describing. For this purpose, Adama, the rapidly urbanizing City of Oromia, is selected as a case to assess the practice of participation in the water management board. The study also highlights how the local communities participate in the rural water service provision and to what extent the urban and rural governments are connected with regard to water supply service issues.

Description of the Practice

Adama is in proximity to and at an optimal distance of 100 km from Addis Ababa. Adama serves as the intersection of the main highways coming from Dire Dawa, Harar, Bale and Arsi, where different imports to the country first arrive. Adama also hosts a number of industrial factories as well as a newly inaugurated industrial park. Ecologically, the city is located in the highly degraded Awash catchment. Because of an easy transportation of alluvial deposits in this catchment, Adama has been exposed to frequent flooding.

Both the physical expansion and the trends of population growth show rapid urbanization of the City of Adama. Under the first master Plan, the areal extent of Adama was 120ha. It had grown to 320ha in 1949, 1000ha in 1957/58, 3140ha in 1995, Adama had grown to a size of 1000ha and 13,665ha in 2004.¹⁷³

¹⁷³ Gutema, 'The History of Adama' (MA thesis, Addis Ababa University 1996); Adama City Administration, 'Adama Master Plan Revision Project (AMPRP)' (2004).



In terms of demography, the first Population and Housing Census of 1984 puts the population size of Adama as 77,237. The second and third Population and Housing Censuses of 1994 and 2007 reported 127,842 and 220,212, persons respectively. The CSA population projections of the city for 2012 and 2015 are reported as 282, 974 and 356,344, respectively.¹⁷⁴

Adama is the second largest in terms of the number of water customers, next only to Addis Ababa. The average output ranges from 19000m³ to 20,000m³ per day while the demand ranges from 35,000m³ to 36, 000m³ per day.¹⁷⁵ The regional standard for water supply for Adama is 80 litre/ capita/ day. The Urban Water Supply Enterprise (UWSE) estimates that the total population for which it provides water supply service from the city and surrounding areas altogether is 440,000. The projected population of Adama city by itself is 356,000. If we take the daily production to be 20,000m³ and compute the coverage of water supply for Adama city, the estimate of water coverage is 56.18 per cent i.e. nearly half of the population could not access water. Put differently, the water consumption is about 45l/day/capita, while the regional water Bureaus's standard is 80l/s/day.

According to the water policy and legal frameworks, the UWSE is meant to perform its functions autonomously with very limited supervision and support from the regional and federal governments. Also, the UWSSE has been provided with the duty of covering all its service delivery charges by collecting water tariff from its customers. At Oromia regional state level, the Proclamation no 78/2004 for establishment of Urban Water Supply and Sanitation Enterprise along with its Amendment Proclamation no 97/2005 provides for the organizational structure, duties and power of the key organs of the Enterprise, accountability relationships between the Enterprise, Water Management Board and the Regional Water Bureau. The Water Management Board (WMB) is the supreme body of the Enterprise that follows and monitors the overall work of the enterprise. It has the power to examine and approve the annual work program and budget of the enterprise, evaluate the financial and performance reports of the enterprise, determine the structure and salary of the staff of the Enterprise, select and assign the manager of the Enterprise, and can study and amend the rates of charges for the services that the Enterprise provides.

It is the Oromia Bureau of Water and Energy Development (OBWERD) which establishes the WMB for the cities like Adama, and assigning the Chairperson of the WMB is the mandate of the Bureau. The other WMB members include: one person from Regional State's Water Resource Bureau, one person from city's Health Office, one person from City's Women's Affairs Office, one person from the City's Finance and Economic Development Office, one person from Branch Office of Electric Power Corporation in the city, one person from Education Office, and two elderly persons representing the local community or customers of the Water Supply Enterprise. Although there is no clear procedure as how the representatives of local

¹⁷⁴ Adama City Administration, 'Socio-Economic Profile of Adama' (2016).

¹⁷⁵ Adama City Administration, 'Adama City Water Service and Sewerage Services Enterprise (ACWSSE)' (2016).



community are selected, the practice shows that these representatives are not only politically active but also have close contacts with the city administrators.

The Manager of the Adama water supply enterprise is appointed by the board and is accountable to the same. He or she has the duty to implement the decision of the board. He can employ, manage, and terminate the employment of the workers of the Enterprise water and perform other duties as assigned to him/her by the board. In principle, the Manager of the Enterprise is expected to be appointed based on relevant water related education and work experience. The Water Supply Service Enterprise is accountable to the board established by the bureau, while the bureau is accountable to the regional cabinet which in turn is accountable to the Oromia Regional State Council or the *Coffee*. The Water Management Board has tried to establish an urban water forum whereby the local people are supposed to participate in and set the water tariff rates and represent customers' willingness to pay for the service. It is, however, the WMB that passes the final decision to fix the water tariff rates. The urban water forum, composed of different sections of the residents, were just established but it did not play any meaningful role in addressing the water shortage in the city. Thus, the legal and institutional framework sets up long and upward accountability that makes the people's participation in decision-making weak.

On the one hand, as the information from ACWSSE showed that Mr. Tegenu, who was at the same time the Federal Minister of Water and Energy of Ethiopia, has served as chairperson of the WMB. This shows that the key decision-makers in the board are also key politicians at the supra-local level. On the other hand, the Manager of the Enterprise is in principle expected to be appointed based on relevant water related education and work experience. The case of Adama, however, shows that the selection of the Manager was on political membership and affiliation to OPDO/EPRDF rather than technical and professional competences on urban water supply. Inasmuch as the Manager is inclined to please politicians, it has become difficult to separate the political from the managerial activities, and this has obscured the checks and balances between the regulator and the service provider, and the local people lacks meaningful influence on the water management board. The other members of the WMB are sector heads, not professionals having adequate knowhow of water supply service.

Unlike the urban Water Supply Services Enterprise, rural local government has a differ legal regime for drinking water supply services. As hinted above, the urban drinking water supply is established as Enterprise model that follows the principle of 'whoever pays can get the service.' Rural local governments have no power to design and run water projects other than the hand-dug wells, which can be performed by the district's budget and local community's contribution. There is another mechanism of Water Supply Committee system for the participation local people in the rural water supply service provision. The water committees are normally selected from the beneficiary community in order to run the regular activity of water supply schemes. The composition of the committee varies according to the water supply schemes. In this case, the member of the committee is seven for motorized schemes and five for shallow wells fitted with hand pumps. The water committee consists of chairman, secretary, treasurer,



storekeeper, care takers and counselors. Two of the members of the water committee should, however, be women, and each water committee serves for two years. The chairman/chairwoman reports to the District's Water Office and to the local community. Whether the water schemes were constructed by the government or non-governmental organizations, the rural water supply committees were practically organized by the rural government's Water Office. Due to lack of technical and material capacities, the water committees rely on the District's water office. Consequently, the water committees serve as information provider on the status of rural water institutions rather than actually governing it.

Assessment of the Practice

The meetings between the WMB and local people were conducted at times of water supply crises in the City of Adama. The WMB has held limited public hearings with regard to water supply service shortages because the chairperson of the board is barely available for local consultation with the people because he/she is busy somewhere at regional or federal level. The essence of the meeting appears as just gathering the people by the supra-local authorities through the water management board to let them know the decision of the regional water Bureau, and beyond.

The representatives of the customer community in the WMB are not only selected by the politicians but also the public view is not well represented in the water management. There is no clear formal rule for the selection of the representative of the people in the WMB. Though the nature of urban water supply service requires basic technical and hydraulic skills, there is no clear guideline to consider the technical capacity of the members of the WMB. Moreover, the members of the board are dominated by people with official and political views rather than those concerned with the customers' water demands, and the upward accountability of each of the officials represented in the WMB to the supra local structures (Zone and regional state) makes the participation of local people secondary. Such composition of the WMB barely attains adequate local people participation in the public service provision. In fact, the dominant party system and the control of all layers of government by the same party has enabled the party channel to have replaced the principle of people's participation in local decision-making.

Both the city administration and the regional state water bureau usually hold meeting with local water committee and selected community representatives on how to resolve the severe shortages of water supply service in the city. Nonetheless, this effort to participate the people in urban water supply service provision came at times of water crises and for attracting and mobilizing the political support from the urban population rather than remaining accountable to the local electorates.

Obviously, water supply service in the City of Adama is dependent on the availability or source of water coming from the surrounding rural administration. Cognizant of this, the official plan of Adama City Water Supply Services Enterprise states that the Enterprise shall provide clean



drinking water to both Adama city and its surrounding rural administrations. In practice, Adama city Water Supply Service Enterprise has been providing drinking water to the rural administrations like Wanji because the city takes underground water from such rural areas. Nonetheless, in concrete terms, it is the regional state water bureau that has got both the mandate and technical capacity to undertake big water projects that could connect and serve both urban and rural residents at a time.

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6.3. Local Governance and Gender in Family Relations

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Relevance of the Practice

In Ethiopian federalism the subject matter of power division left some of the salient arenas to gender equality, such as regulation of family relations, as a residual power to the states. As per the Article 52(1) of the Federal Republic of Ethiopia's (FDRE) Constitution, the making and administration of family law fall within the reserved powers of states. In addition, the Constitution in Article 34(5) gives customary and religious institutions the power to regulate marital relations based on the consent of the parties. From ten regional states of the Ethiopian federation, seven regional states have their own family law that empowers customary and religious institutions to regulate family relations at local level.¹⁷⁶ Throughout Ethiopia, customary local institutions play wide roles in the regulation of family relations, particularly in rural areas where there is limited access to formal institutions of the state.¹⁷⁷

Following the adoption of an ethnic-based federal state structure, in some regional states, such as Southern Nations, Nationalities and Peoples (SNNP), regional community-based civil society organizations (CSOs), in collaboration with political elites of ethno-cultural communities who mainly live in urban areas, and traditional leaders of customary local institutions which are mainly found in rural areas, engaged in the transformation of customary laws from oral tradition to written form to revitalize customary rules to make it a politically salient feature as well as to make it compatible with women's rights enshrined in the FDRE Constitution.¹⁷⁸ The relevance of this practice lies in showing the limitations of the process of transforming customary laws from the perspective of protecting women's rights and the promotion of gender equality, taking as an example the case of the Guraghe Zone. The Guraghe Zone is one of the autonomous local governments in the SNNP region established with the purpose of accommodating diversities.

¹⁷⁶ The regional states that enacted regional family laws are the states of Tigray, Oromia, Amhara, Harari, Southern Nations, Nationalities and Peoples (SNNP), Gambela and Benishangul Gumuz

¹⁷⁷ Gebre Yatiso, Faqada Azaza and Assefa Fiseha (eds), *Customary Dispute Resolution Mechanisms in Ethiopia* (Ethiopian Arbitration and Conciliation Center 2011).

¹⁷⁸ Sisay Kinfe, 'Cultural Legitimization of Human Rights: The Case of the Guraghe Ethno-cultural Community in Ethiopia' in Wolfgang Benedek, Tadesse Kassa Woldetsadik and Tesfaye Abate Abebe (eds), *Implementation of International Human Rights Commitments and Implications on Legal Reforms in Ethiopia* (Brill Nijhoff 2019).



Description of the Practice

The Guraghe community-based CSOs found in the federal capital, Addis Ababa, are among the first associations that initiated the transformation of customary laws in collaboration with the political elites of the Guraghe Zone and traditional leaders of customary local institutions which are mainly to be found in rural areas of the Zone. The Sebat-bet Guraghe community have a customary local council called *yajoka* which exercised the traditional legislative function for the community for centuries. Historically this council is exclusively composed of men and attempts to justify the exclusion of women. Under the guidance of the community-based CSO of the Sebat-bet Guraghe community, *yajoka* deliberated and ratified the transformed customary law of the community which was printed for use in 1998. In the printed document/transformed customary law, it states that making customary rules of the community compatible with women's rights enshrined in the FDRE Constitution is one of the objectives of transforming the community's customary law.¹⁷⁹

However, in the process of transformation or deliberation neither women were represented nor were their rights in family relations respected. The transformed customary law, even though there is a general provision that states that women's rights shall be respected equal to men in all spheres of life,¹⁸⁰ systematically maintained the discriminatory customary marriage and divorce law of the *anqiti*. *Anqiti* is a customary norm and cultural belief adopted by the Sebat-bet Guraghe regarding marriage and divorce which has the purpose of avoiding divorce requested by a woman.¹⁸¹ This customary rule forbids the Sebat-bet Guraghe woman from divorce and remarriage without the will of the man she once had married or engaged. Therefore, if a woman wants to divorce her husband for any reason, she must get the consent of the husband. Without such consent, the marriage would not be dissolved and the woman would not be allowed to remarry. On the other hand, the husband is free to divorce his wife at any time as well as marry as many times as he likes without in fact divorcing the former wife. Moreover, a woman who decided to divorce her husband takes almost nothing from the matrimonial property as per the customary rule of *anqiti*.¹⁸²

Assessment of the Practice

The use of community-based CSOs and customary local institutions to transform customary law is, first, underutilizing the degree of autonomy guaranteed to the community in the federal

¹⁷⁹ *ibid*; KITCHA: The Gurage Customary Law.

¹⁸⁰ Art 5(1) of KITCHA: The Gurage Customary Law.

¹⁸¹ Yewendiwesan Awilachew, 'Yajok Kitcha: Sebat-bet Guraghe Customary Dispute Resolution Mechanism' in Gebre Yatiso, Faqada Azaza and Assefa Fiseha (eds), *Customary Dispute Resolution Mechanisms in Ethiopia* (Ethiopian Arbitration and Conciliation Center 2011).

¹⁸² Knife, 'Cultural Legitimization of Human Rights', above.



and regional constitutions. An autonomous local government unit that has been created for the accommodation of diversity in Ethiopia such as the Gurage Zone has three critical features which have the capacity to accommodate interests of customary local institutions although this has not been exploited. First, it makes national minorities local majorities, restoring the dignity and pride of such communities in their cultural settings. Second, it leads to the establishment of government institutions that exercise political power. Third, there is devolution of defined competences which are relevant for the protection of the identity and culture of the ethnic communities.¹⁸³ With regard to the first feature of autonomy in the Gurage Zone, the Gurage communities are now local majorities in the Zone. The Zone has established all the three branches of government which exercise autonomous political power without contradicting the powers and laws of the federal and regional governments. Regarding the third feature of autonomy, the Federal Constitution and regional constitutions indicate competences that can be exercised by every ethnic community in the country.¹⁸⁴ Making use of custom-respecting human rights and democratic principles is a recognized cultural right of all ethno-cultural communities endorsed by both the state and federal laws.¹⁸⁵ This makes transforming customary laws a power potentially left to autonomous local government units. However, no effort has been made so far by policy-makers, i.e., either by political parties or women's policy agency, to bring the issue to local government institutions. These problems emanate from limited awareness of autonomy at local level as well as the sense of insecurity created by ethnic-based federalism in Ethiopia which contains provisions that consider every ethnic community homogeneous as well as confines the sphere of influence of every ethnic community only to their ancestral land that is mainly found in rural areas.

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¹⁸³ Zemelak A Ayele, *Local Government in Ethiopia: Advancing Development and Accommodating Ethnic Minorities* (Nomos 2014).

¹⁸⁴ See, for example, Art 81 of the SNNPR Constitution.

¹⁸⁵ See, for example, Art 91(1) of the FDRE Constitution.



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6.4. Political Participation Along Ethnic Lines: The City of Dire Dawa

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Relevance of the Practice

Dire Dawa, the second largest city in Ethiopia, is located in the south-eastern part of the country some 262 kilometers from Djibouti and 452 kilometers from Addis Ababa. It was established in 1902 along the Ethio-Djibouti railway and following its construction grew up to be a vibrant city and a melting pot for many coming from every part of the country. In the years preceding the establishment of the Ethiopian federal system, the residents of the city had developed their own distinct identity and the city was ‘often portrayed in popular culture as an embodiment of multicultural coexistence’.¹⁸⁶ After the establishment of the Ethiopian ethnic-based federal system, Dire Dawa has been a bone of contentions between the Oromia and the Somali state both of which claim ownership of the city which impacted the city negatively in economic, cultural, and political terms. This practice entry elaborates on why this is the case.

Description of the Practice

The Ethiopian federal system was established in the 1990s with the aim of territorially accommodating all ethnic communities of the country. The federal system was built on the assumption that each ethnic community lived in a territorial area with defined or definable boundaries. It also assumed some degree of ethnic homogeneity in every ethnic-based state or sub-state unit. This assumption completely ignored the existence of several urban areas which have multi-ethnic residents. Most of the cities were put under the political and economic control of one of the ten states which imposed a single working language and a political system that aimed at excluding those not belonging to the dominant ethnic group of the states. Some of the states, for instance, adopted laws specifically designed to restrict the political participation of urban residents not belonging to those which are considered as endogenous communities of the states. For instance, Oromia had adopted a law that reserves over 70 per cent of the seats in cities within the state for ethnic Oromos, even if the Oromos were in the

¹⁸⁶ Mistir Sew, ‘Dire Dawa’s Dilemma: Sharing Power in Ethiopia’s Eastern Melting Pot’ (*Ethiopia Insight*, 9 August 2021) <<https://www.ethiopia-insight.com/2021/08/02/dire-dawas-dilemma-sharing-power-in-ethiopias-eastern-melting-pot/>> accessed 16 October 2021.



minority in the cities. Similar laws have been adopted in SNNP, Benishangul-Gumuz and other states. The mismanagement of ethnic diversity in cities is one of the most serious shortcomings of the Ethiopian ethnic federal system.

As mentioned, Addis Ababa and Dire Dawa are federal cities which are not within the political jurisdiction of any ethnically organized states. Addis Ababa is constitutionally designated a federal city (Article 49 of the Constitution). Dire Dawa, on the other hand, was put under the federal jurisdiction, supposedly temporarily, until the claim of the Oromia and Somali states on the city was settled. Some three decades after the formation of the federal system, the ownership of the city remains unsettled and the city remains within the federal jurisdiction.

In order to settle the ethnic contestation in the city, a semi-consociational arrangement has been put in place in the city which is called the 40:40:20 arrangement and thus determines the chances of political participation for each community. This arrangement means that the Somalis and the Oromos (i.e. the parties representing these communities) each have a 40 per cent representation in the city council and executive structures of the city, with the remaining 20 per cent being controlled by those hailing from other communities. The office of the mayor rotates between an Oromo and a Somali within a single electoral term. It should be noted here that Dire Dawa has a population of close to half a million, and not one ethnic community is in the majority in the city. The Oromos, which account for 46 per cent of the city's residents, constitute the largest ethnic group in the city, followed by the Somali (24 per cent), Amhara (20 per cent), Gurage (5 per cent), and others (5 per cent).¹⁸⁷

Assessment of the Practice

Given the ethno-cultural diversity of the Ethiopian people, establishing a federal system which creates an inclusive political and cultural institutional structure was/is imperative. However, the one-size-fits-all approach that the federal system adopted has been a cause for numerous problems. This is especially visible in urban areas such as Dire Dawa. Cities in Ethiopia, as is the case almost everywhere, are often multi-ethnic and multi-cultural. Yet, this is often not recognized, as several states adopted laws to reserve a majority of seats in city councils to residents belonging to the demographically and politically dominant group of that state, even if this group is sometimes in a minority position in some of the cities concerned. A political arrangement that fits the unique multi-ethnic and multi-cultural character of Ethiopian cities is thus a necessity. The arrangement in Dire Dawa that has been described above has been both praised and criticized. It is praised mainly because by ensuring the equal representation of the Somali and the Oromo communities in the executive structure of the city, the arrangement has quelled the political dispute between the two communities. Yet, the arrangement is criticized for being undemocratic and that it excludes non-Somalis and non-

¹⁸⁷ Data retrieved from the Federal Democratic Republic Ethiopia Central Statistics Agency (2007).



Oromos from adequate representation in the political structure of the city. Kefale has put this as follows:

‘First, the Oromo and Somali political elite in the city are unhappy that the charter did not provide recognition of their territorial claim. Second, there is a feeling that the ethnic power-sharing scheme which is practiced in the city promotes sectional interests and reifies ethnic identity (...) [A]s officials of the city feel that they are vanguards of the ethnic interests of their groups, they do not reach out to the other groups and work for the common good of the city. Third, the rotation of the mayoral office within a single electoral term is particularly unpopular to experts working in the city government and other informants. They underscore that the splitting of a single term of office into two undermines the development and implementation of medium and long-term plans.’¹⁸⁸

Moreover, the ethnic politics and contestations have reduced Dire Dawa, once a peaceful and vibrant city, into a stage for ethnic-based violent conflicts in which close to 100 people lost their lives.

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