

*Full Length Research Paper*

# The impact of federal-states intergovernmental relations on regional states autonomy in Ethiopian Federal System

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From its nature, federal system not only stands for the distribution of powers between federal and state governments, but also requests relations between the two in order to ensure coordination and effective achievements of powers and responsibility divided. Ethiopian Federal-States intergovernmental relations are dominated by the federal government and its executive institution because of ruling political party, existing political culture and absence of practical institution that manage and guide the relationships between the two orders of government which has influence on constitutionally given states autonomy. This article appraise the impact of federal-states intergovernmental relations on latter's autonomy based on data collected through interview from diversified groups of informants, were necessary and relating with existing conceptual frameworks. Using all these mechanisms, the result shows that, in Ethiopia, federal-states Intergovernmental relations (IGR) influences the constitutionally given state autonomy and the federal government and its executive institutions dominates the process of Ethiopian federal-state intergovernmental relations through the hands of TPLF/EPRDF ruling political party. Frankly speaking, unless the principles enshrined in the constitution changed to practice this, political crisis will disintegrate the future of Ethiopia. It is not federalism that brought this rather the system and failure of its practice as it demands full commitment.

**Key words:** States autonomy, Oromo, intergovernmental relations.

## INTRODUCTION

As a result of conquests and expansion made by Menelik, modern Ethiopia was created and emerged as a unitary state in the closing years of the 19th century (Bahru 2001). Scholars note that in history, Ethiopia is characterized by diversity of language, culture and religion and never colonized differing to the rest of Africa

but, not an exception to the experience of creating a nation-state as most other countries has done. All diversities did not get recognition and only 'one nation, one language and one religion' was practical during both imperial and military regime. As a result of the culmination of national liberation movements, spearheaded

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by the Ethiopian People's Revolutionary Democratic Front (TPLF/EPRDF), the military dictatorship, called Derg, was overthrown on May 28, 1991. The defeats of the Derg paved the way and create the opportunity to undertake political, economical and constitutional transformation and to 'devolve power' (Hashim, 2010) along ethno-linguistic lines which gave an end to unitary and birth to federal system in Ethiopia. Since post-1991s, a policy of decentralization that divides power and responsibilities between the federal and states governments has been put in place. The constitution has declared a federal state containing nine regional states based on ethno-linguistic considerations with the aim to solve or prevent ethnic tensions<sup>1</sup> and two city administrations<sup>2</sup> with adequate power and authority to exercise their autonomy.

Federal-states intergovernmental relations have direct impact on the operation of the federal system and it is very important in understanding its operational part since it has the tendency to alter or entirely change constitutional division of power. Depending on the nature of the federation, federal-states Intergovernmental relation may be conducted on a cooperative, competitive, coercive and conflicting basis. When the federation is a decentralized one and is a coming together one, the tendency is towards competition and when it is a centralized and holding together one, the relationship takes the form of cooperation and the issue of autonomy comes to the scene at this point (Brunetta, 2009).

The links between the excessive cooperation between the two layers of governments will result centralized federalism (Merera, 2007). The constitutional grant of autonomy and power to the states can either be reduced or the federal through its institution and power may make them non-existent or invisible to describe. Thus, complexity is inherent and persistent features of intergovernmental relations and accomplishments of the federal-states intergovernmental relations objectives depend on the successful management of these complexities.

In Ethiopia, FDRE constitution (Art47/4) declares that all units of federation shall have equal rights and powers and Article (50/4) states that adequate power shall be granted to the lowest units of government to enable the people to participate directly in the administration of such unit. However, in the inevitable relations between the federal and states orders of government, the FDRE constitution has not adequately provided common forum of cooperation nor explicitly gives evidence how to

manage and shape the fundamental principle of co-existence between the two spheres. Hence, the relationships between the federal government and states as well as states and lower orders (levels) of government are not adequately and clearly defined in the constitution (Un-Habitat, 2002).

Institutionally, the key federal institution in federal-states intergovernmental relations has been the Office for Regional Affairs (ORA) within the prime minister office that later devolved to Ministry of Federal Affairs (MoFA) in 2001. The role of this ministry as an institution for co-ordination of federal-states relation is obviously stated under proclamation 471/2005.<sup>3</sup> However, there is a critic that practically there is no institution for federal-states intergovernmental relations than the political party mechanism in Ethiopia (Assefa, 2013).

In federal-states intergovernmental relations, dominant homogeneous ruling party have impact on states autonomy, that the ruling party controls the institution of both federal and states either directly through its member parties or indirectly through joined parties that appear to be autonomous, but have strong links with the ruling party (Aalen, 2002). Through the standard of cooperation, the center influences the states and takes the whole federation under its control by adopting uniform party structure and policy making system. In such situations, state governments lose their autonomy based on their consent for cooperation or because of influence of the federal government and its institution which affects not only autonomy of states but also the federal system itself as it leads to centralized federalism in practice (William and Christian, 2006).

Putting in a simple word, there is no doubt that the states or ethno-national groups are recognized as the major actors (Hashim, 2010) in the federal system of Ethiopia based on the pages of the constitution; however the argument is based on their role and the authority to reflect their autonomous existence given constitutionally. Thus, the constitutional division of power in Ethiopia does not matter to maintain the federal system and the notion that the states are the superior actors in the Ethiopian federal system seems an argument from the constitutional eye, but the issue that remains unsettled is whether the states are in a position to use some of their powers that the constitution gives them freely without any implicit and explicit pressure from the center. In other words, in the absence of adequate constitutional provisions or legislation principles and practical institution of federal-states intergovernmental relations and existence of dominant ruling party, states autonomy in the cover of federal-states intergovernmental relations need practical assessment. On the other hand, intergovernmental relation cannot be stable if the ruling

<sup>1</sup> There are arguments for and against the Ethiopian federal arrangement in its potential and capability to resolve conflicts. EPRDF as ruling party argues that recognition of the rights of Nations, Nationalities and Peoples to self-determination and self-rule has resolved the long standing national question. Critics argue that it has not yet solved conflicts as it was hoped in the early 1990s and hasn't deterred political forces from demanding independence such as OLF and ONLF.

<sup>2</sup> The two cities are Addis Ababa and Dire Dawa that the latter is recognized by the Federal Proclamation.

<sup>3</sup> Proclamation No. 471/2005 established to provide for the 'Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia', 12<sup>th</sup> year No.1, Addis Ababa, Federal Negarit Gazeta, 17<sup>th</sup> November 2005

party loses its position in states in the future. This is because if there are two different political parties in both the federal government and the states, there might be intergovernmental conflict in the existence of constitutional and institutional gaps.

## MATERIALS AND METHODS

This section deals with the methodological considerations of data collection. The aim of this section is to ensure the validity and reliability of the analysis by describing how the data are collected and interpreted. Methodologically, it is based on qualitative method. A qualitative phenomenon, phenomena related to or involving quality or kind is described qualitatively. It relied on both primary and secondary sources.

### Data sources

This research employed literature and document analysis as one data collection procedure. Therefore, books, journals, constitution of Ethiopia and other federations as well as Ethiopian states, reports and article are consulted. Proclamations, programmes and official documents with relevant ideas were also parts of secondary data for this study. Back up by secondary sources mentioned, this study also depended on data gathered from primary source. The primary source of data is obtained through the use of interview with government officials and experts at federal and state orders of government, academicians and political parties. It strategically and structurally conducted interview so that outputs depended up on the ability of interviewer to avoid bias from every sides.

### Sample size and technique method

This study is drawn by purposeful (non-probability) sampling technique. Key respondents are selected based on purposeful sampling method. This technique is used to get authorities, knowledgeable persons and experts in the desired information. As discussed under sample size following this sub-section, before starting the actual data collection, the study had purposefully selected respondent from decided group lists. The interviewees were selected to ensure variety of opinion, but not statistical representation, as the study aim is to understand and not to measure opinions on the issue under discussion. As the list of informants shows, the study has deliberately chosen respondents from the concerned government officials, academicians and political party, both ruling and opposition. Before, the study started the actual data collection; it has already defined which groups and peoples that wanted to obtain information from for a couple of reasons. These are; the primary source of this study is limited to only interview and it is decided to ensure its adequacy using different groups while the other is for triangulation purpose.

Thus, the interviewees can be categorized in to four predetermined groups. Firstly, Government officials found at the state (Oromia National Regional State), including regional state council (*Caffee*). Secondly, Ethiopian Academic group who are familiar to the issues by taking careful procedure and telling them they are purposefully selected representing academicians and the required response has to be from academic view only. Thirdly, government officials at federal level and ministry of federal affairs Intergovernmental Relations strengthening Directorate and Finally political party group which include ruling political party and opposition political party. In doing so, the interviews include discussions with 12 peoples, each lasting a minimum of 15 and a

maximum of 40 minutes. The study used hand written notes through face to face communication, despite the fact that the use of tape recorder would give more accurate information, some informants refused to use tape recorder at the beginning day of interview collection. It is clear that most important of all, to make notes does not make the informant as suspicious and uncomfortable as the use of a tape recorder might do. Some names are kept confidential due to the sensitivity of the matters discussed and not willingness of respondent except those of people who have expressed their name to use visibly.

### Data analysis method

The information value of each discussion varies but close to each other to some extent. Some of the interviewees provided substantial and essential information, while others were unwilling to give their information. Some informants manipulate the reality and present it as it best serves their interests while some give information for the question which they are not asked that repeatedly faced me especially, some of government officials found at centre and regional state. When different informants give contradictory versions of information or processes, the study was forced to interpret what is the most likely to have happened depending on the conceptual facts. In such situations, it is particularly important to be aware of its own impact on the interpretation although the study tried to make all sides heard. Finally, similar values and opinions are systematically grouped under one category for better understandings and analysis.

## RESULTS AND DISCUSSION

This study was conducted at Oromia national regional state, Ethiopia. This state requires relations with the federal government like the other states. Its proximity to federal government is the unique feature that require cooperation and coordination in their day to day activities and because the capital city Finfine (oromo name) or Addis Ababa is found in this state, which the constitution gives the right of special interest protection.<sup>4</sup> For instance, as it will elaborated later, one respondent stated, the proposed and on-going plan of connecting Addis Ababa city with Oromia special zone surrounding Finfine through master plan for development and mutual benefit takes not only horizontal relations with Addis Ababa city administration but also required the federal government and concerned executive institution.

Generally, since federal system established after long lived unitary system, there are extensive intergovernmental relations cooperation and coordination between federal and states in general and federal and Oromia regional state in particular, both formally and informally. Even if there is no basic formal guideline for federal-states Intergovernmental relations, every branch

<sup>4</sup> See Solomon Negussie 'Intergovernmental Relations and Fiscal Issues in Federations: The Situation in Ethiopia and its implications to the Horn, Conference on Constitutionalism & Human Security in the Horn of Africa', August 2008, Addis Ababa. He enunciates the need for cooperation between the federal government and Oromia regional state as regards the administration of Addis Ababa is concerned (*supra note 132*). See also Article 49(5) of the constitution.

of the government, both in the state and the federal is doing it. The various federal executive institutions such as the ministries and agencies engage themselves in a cooperative discussions and meetings with their state counterparts such as bureaus and offices or agencies. To see the impact of these relations on state autonomy, this article starts from theory to practice discussion in Ethiopian context.

### **Institutions of Federal-State relations: Appraisal of its practice<sup>5</sup>**

Almost with no exception, all federation either directly through their constitution or indirectly through legislation establishes the institution that manages and coordinates intergovernmental relations between different spheres. The general principles and common understandings is that institutions of Intergovernmental relations are basically formed to achieve the purpose of the relations between the centre and constituent units and to carry out common or shared programs. The intergovernmental institutions will need to be genuinely collaborative in character, rather than instruments for intergovernmental imposition. At the same time, in establishing formal institutions to improve intergovernmental collaboration, it will be essential to ensure that it is open, transparent, accessible and responsive in order to avoid any public sense that will contribute to a democratic deficit. This would involve establishing an institution made up of individuals with policy expertise that are not influenced by political views and other factors. This section is going to assess the practices of current institution of federal-states relations, about Ministry of Federal Affairs towards the above generally accepted principles.

This study argues that apart from the earlier stated principle on necessity of institution, due to different reasons such as absence of adequate provision of federal-states relations, formal distribution of powers that follows the dual arrangement and not empower the states to implement federally deliberated policies and others, the institution of relations between the states and the federal is more than ever significant in Ethiopia. After federal system launched in 1995, Organization for Regional Affairs is established in Prime Minister Office and due to critics,<sup>6</sup> this institution was dissolved in 2001 and its task is taken over by Ministry of Federal Affairs which is established as a branch of federal executive institution through federal proclamation. In the proliferation of proclamations No.417/2005 and

691/2010, the power and functions of this executive institution; at the same time federal-states relation institution have been amended. Theoretically speaking, MOFA became more formal and legalized institution organized to serve as focal point in creating good federal-states relationship and cooperation based on mutual understanding and partnership.<sup>7</sup> Now, the subsequent paragraphs analyze its practical effectiveness towards this mandate as institution of federal-states intergovernmental relations in Ethiopia.

The Ministry of Federal Affairs (MOFA) has been formally established to facilitate the relations between levels of governments. However, it showed little change from the Organization for Regional Affairs. There are critics even from its nature. As stated under the general principle, the institution of intergovernmental relation is expected more or less to be neutral, meaning that not to be influenced by any side and not to be a branch of any spheres body. However, here in Ethiopia formal institution is established as one branch of federal executive and it is not separate institution that from its nature it lacks neutrality and this nullify the principle. For instance, as Assefa noticed, the activity of the Ministry of Federal Affairs in the states is one of the semi-formalized practices that have an impact on the overall federal-state relations that it is an executive institution of the federal government by which the Prime minister exercises a leading role (Assefa, 2007). The attachment of the constituent units in this organ is highly unlikely and also unfeasible if we argue from the general principle point of view. Therefore, from the concept of Intergovernmental Relations institution principle itself, MoFA should not be the appropriate institution. The current design through MoFA provided the federal government a dominant role in determining how the relations aspect should look like. From the very foundation, it seems as a mechanism of controlling the states by the federal government through this institution.

Coming to the experience of some federations, it reveals that the federal and constituent units are represented in intergovernmental relations institutions so that decisions passed takes in to account the interest of both orders of government, states and federal (Ronald, 2005). In Ethiopia, there is no way in which states can be represented in ministry of federal affairs institution because it has been originally established as a federal executive. Thus, the issue is that to what extent the interest of states can be protected in this institution, being a federal executive. Additionally, unlike some other federations, the task of practicing nationwide intergovernmental relations is assigned to a department

<sup>5</sup> Under this section, my discussion covers the assessment of MoFA through criteria of general principles of institution(s) discussed elsewhere including its practice. In doing so, it identifies its weakness, achievements and problems.

<sup>6</sup> ORA had no clearly outlined mandates. The federal government used direct control over the states through the advisors of this institution. The members of this institution were cadres of the ruling party and they participated in advising officials and presidents of the states. See Aalen 2002: 91; Merera supra note 124 at 256; Assefa supra note 15 at 378; Asnake supra note 17 at 237

<sup>7</sup> It is established through 'Reorganization of the Executive Organs of Federal Democratic of Ethiopia Proclamation' Proclamation No.256/2001, Federal Negarit Gazeta 8<sup>th</sup>Year No.2 Addis Ababa 12<sup>th</sup> October 2001. According to Art, 21 of Proclamation 417/2005 'Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia, 12<sup>th</sup> year No.1, Addis Ababa, Federal Negarit Gazeta, 17<sup>th</sup> November 2005; it is a formal institution of IGR.

(directorate) within the Ministry which vividly shows lack of political commitment to have a significant process of intergovernmental coordination and collaboration from the side of the government.

In 2003, the federal government passed a new law that provided a system for federal intervention in the states and the task of facilitating this intervention<sup>8</sup> is given to this ministry. Critics argue that the proclamation endangers the notion of federalism by providing loophole for the federal executive to intervene in the regions on one hand and giving this mandate to this institution on the other hand (Asnake, 2009). Assefa Fishea, for instance, notes the proclamation gives a wide legal framework for federal action that seems to go against the tone of the federal system itself (Assefa, 2007). In addition to the function of coordinating the implementation of decisions, authorizing the intervention of the federal government in the affairs of regional states was given to ministry of federal affairs.<sup>9</sup> This leads to the critics in the role of this ministry to enhance democratic intergovernmental relations in Ethiopia. In previous discussion it is explained that the institution that manage intergovernmental relation is expected to be strong and neutral from any, including its official. Here in Ethiopia however, the proclamation even gives the power of authorizing federal intervention in states affairs to this institution which is other track.

For some writer, there is a wide variation in applying its mandate towards all states found in Ethiopia. For instance, one writer noted that the general mandate of the Ministry of federal affairs applicable to all the regions appears to be primarily one of coordination. However, its task towards the four peripheral regions (that is, Gambella, Afar, Benishangul-Gumuz and Somali) is supervisory and it appears an intrusive ministry of central with wide powers of intervention in local and regional councils than a ministry in charge of ordinary coordination (Asnake, 2009). This clearly affirms that there is disparity in its mandate function. During my personal observation of organizational structure of this institution, the study was able to see that State Minister has four coordination departments established to deal with Afar, Somali, Benishangul Gumuz, and Gambella regions. The four periphery states are established to the aim of article 89 of the constitution that give the central government responsibility of help for least disadvantaged state and proclamations that give this institution responsibility to provide assistance to states particularly to those deserving special support listed above. The point here is that the special support stated does not mean intervention and supervision of this institution in the affairs of those states as the above author also criticize.

On the other hand some authors state that the capacity of this periphery states are too weak and it requires this ministry to intervene. For instance, Young (Young, 1999) argues that the involvement of this institution in periphery states affairs through different mechanism is highly necessary because these states need the assistance of the central government to fill the gap for expertise and human resources that is promised by the constitution.

One respondent from this ministry was asked to give a view on the effectiveness of this institution towards its mandate of creating effective and partnerships relations between federal and states. The respondent stated that MOFA has a mandate to facilitate relations between federal and states levels of governments, but it is obvious that due to problems, this institution's function is limited to enhancing the capacity of less developed states and it has not effectively discharged its tasks as it is given in the proclamation. The respondent added that, like other federal and regional institutions, MOFA is recently engaged in assessing its mandate and achievements. In its findings, promoting IGR is a less emphasized in relation to support for less developed regions.<sup>10</sup> From this informant view, it is clear that for the past many years this institution is not effective in its mandate of facilitating federal-state relations. Currently, however there is a situation of engaging itself in this task. Additionally, practically as MoFA is not involved in the federal and states relations is underlined by one state bureau official. The respondent assert as 'until now, in our relationship with the federal Ministry, there is no role of Ministry of Federal Affairs'<sup>11</sup>

In Ethiopia, there is a cooperation and coordination between the institution of states or bureaus and federal government through their respective offices. The above informant view also support this idea that in the absence of practical institution that coordinate the relations between the two, central ministries often hold consultations and meetings with their respective bureaus with a view to execute their respective roles. Theoretically, similar regular relations between the central parliament and states councils are expected. The coordination of such relations is the main responsibilities of Ministry of federal affairs as of that proclamation and principle; however existing practices demonstrate that these relations are not facilitated and coordinated by this institution.

Coming to the achievement of Ministry of Federal Affairs, there are issues in relation to the overall mandate as given through proclamation 471/2005. For instance, the followings can be raised but it may not be limited to these only. Firstly, in the task of conflict managing and

<sup>8</sup> The System for the *Intervention* of the Federal Government in the Regions, Proclamation No. 359/2003, *Federal Negarit Gazeta* 9<sup>th</sup> Year No. 80 Addis Ababa, 10 July, 2003.

<sup>9</sup> Article 21 of proclamation No 471/2005; 'A Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of the FDRE, 12<sup>th</sup> year No.1, Addis Ababa, federal Negarit Gazeta, 17<sup>th</sup> November 2005

<sup>10</sup> Personal interview with Tsegabrhan Tadesse: MoFA, IGR General Director; March, 2013; Addis Ababa

<sup>11</sup> Interview; Letibelu Motuma, Oromia Regional State Education Bureau; March, 2014, Addis Ababa. Additionally, Interview with Official of Oromia Regional Health Bureau, March, 2014, Addis Ababa

resolution,<sup>12</sup> this institution is doing its level better in facilitating favorable climate of relations and meetings so as to solve misunderstandings and conflicts that arise between states. If it is beyond the political and administrative capacity of this institution, it will solve in collaboration with the House of federation.<sup>13</sup>

The informant repeatedly elaborated that if conflict occurs between states, wide-ranging dialogue between two parties is held by this institution after the federal police force takes place between these states. It is clear that this institution also has a mandate in federal police because it ensures the proper carrying out of it according to proclamation 471/2005(h). It was stated in chapter two that federations employ different mechanisms, both formal and informal to resolve disputes between states and for instance, Canada held regular inter-provincial conferences and India interstate council. However, here in Ethiopia, as stated by the above informant, it is one room that Ministry of Federal Affairs is engaged in.

During personal observation of this institutional structure made, there is department of conflict prevention and security affairs coordination established towards this issue. Secondly, the special support process of carrying out capacity building for less developed states and areas is the other good achievement of this institution according to some informant. One instance is that it played vital role in facilitating special support for the pastoralist areas of the country, implementing federally funded conditional grants to help the marginalized areas and bring proportional development through being with federal board consist of other ministries like ministry of agriculture, ministry of health, ministry of education and others, for the past many years. Thus, the response from this institutions side is that MoFA is active as far as creating partnership intergovernmental relations between federal and states of least developed states such as Afar, Somali, Gambella and Benishangul Gumuz and pastoralist areas of the country is concerned but for other states there is little progress.<sup>14</sup>

One has to bear in mind that these achievements part is supposed by this institution respondent and it is one group based result that there may be opposite view from other side. For instance, as stated at the beginning of this section, there are groups, who argue that Ministry of federal affairs' activity towards periphery states is supervising, while this institution responds as it is the area where it achieved success in creating partnership federal-states intergovernmental relationship and claiming better achievements in assisting the less developed states.

In any case, the dilemma still need to be clear is that

<sup>12</sup> Personal Interview with Head of MoFA, IGR Strengthening Directorate General, 14 March 2014, Addis Ababa

<sup>13</sup> Under chapter two it was stated that according to Art. 48 and 62(6), HoF has a mandate to find solutions to disputes or misunderstandings that arise between states and similarly, proclamation 471/2005, give the same task to MoFA.

<sup>14</sup> Interview, Tsegaberhan Tadesse; Ministry of Federal Affairs, IGR Strengthening Directorate General; March, 2014, Addis Ababa

has MoFA been engaged in administration of federal laws and policies in less developed states and pastoral areas or does it engaged to implement special support or coordinating common agendas and intergovernmental relations of both federal and least developed states. Even, its mandate is limited to capacity building and giving support by being centre without having its offices in these states. Here, its mandate has not to be limited only to least developed states and pastoral areas on one hand and giving special support stated by constitution and proclamations, on the other. Yet, there is little progress in the other states relations with the federal government through this institution which is also affirmed by this institution respondent repeatedly.

The proclamation itself puts the power of federal-states intergovernmental relations to this institution in broad terms. Its role to manage the implementation of federal laws and policies is limited to federal police, prison administration and mine action activities. As stated in chapter two implementation and execution of federal policies in to states are one aspect of federal-states intergovernmental relations and it can be through either giving this mandate to states or establishing federal institution in states that holds this mandate. The Ethiopian reality is neither the former nor the latter. Except what is listed above, in both proclamations of 256/2001 of its establishment and 471/2005, no clear mandate of Ministry of federal affairs is stated in implementation of laws and policies which is one aspect of federal-states intergovernmental relations. Even, the three listed mandate; federal police, prison administration and mine action activities implementation in states have no designed mechanism but through meetings and report communication.<sup>15</sup>

Intergovernmental relations and its institution requires to be based on transparent and clarity as one guiding principles. Institutional clarity does not only include activates but also enough capacity to run the mandate in democratic manner. This is because of it demands the institution of intergovernmental relations established formally to create channels of communication and effective dialogue between both institutions of the federal and states. In ministry of federal affairs all these are not developed.<sup>16</sup> Even, its mandate is not adequately known by others and there is some perceive concerning this institution in which some still consider it as previously dissolved institution, ORA. The respondent had clarified that this institution role and mandate is not well known by some public officials of periphery states and there are officials who does not have a good attitude towards it.<sup>17</sup> There are also some writers who validate this respondent

<sup>15</sup> Interview: Confidential Respondent, Ministry of federal Affairs, March/2014, Addis Ababa

<sup>16</sup> Interview: Tsegaberhan Tadesse; MoFA, IGR General Director; March, 2013: Addis Ababa

<sup>17</sup> Ibid; My respondent mentioned this as one obstacle of this institution towards what it is mandated

argument by stating that some perceive this institution through which federal government sends officials to control their activities and that seems to legitimize the greater intervention of federal government in the less developed states than in the other states (Assefa, 2013).

Additionally, this institution has not as such well-developed relations between other central executive and states executive though due emphasis is given currently as stated by Intergovernmental Relations Strengthening General Director Head. During the past years, there were problems of identifying activities that should be accomplished in collaboration with states. The respondent has also stated that currently, more than any time, this institution gives its emphasis on enhancing these tasks. More recently, there is a committee established in collaboration with House of federations in December, 2013 that contain presidents of all regional states.<sup>18</sup> It has technical committees that prepare report on weaknesses, strengths and existing gaps including the study of experiences of other federations.<sup>19</sup> There is a purpose of including enough experts and academicians in this task.

Generally, it is stated that the effectiveness of this institution is at infant stage, if not limited to some extent. There are critics that revolve around this institution from its nature, representation system and overall clarity in its objectives that hinders to enhance effective federal-states intergovernmental relation based on mutual understandings and partnership as stated in the proclamation and there is little progress in the issue of under discussions.

Now, as stated earlier, if the constitution is not adequate concerning both provision and institution(s) of federal-states intergovernmental relations, there is recognition of such failures through different means such as legislation, Agreements, Act and Proclamation. Thus, coming back to the link between institution of intergovernmental relations and state autonomy, as explained and later analyzed in federations experiences, institution(s) established through constitution or legislation to manage and give shape for federal-states intergovernmental relations play vital role in determining the relations, protecting the autonomy of states in the activity of relations between orders of government. This is so because of it is separate institution in which both orders of government are represented and cannot be influenced by either level of government. It also protects the interest of states and federal government. If this is not, federal-states intergovernmental relations will influence autonomy of states in the cover of institution that is established to manage these relations.

In Ethiopia, because of the constitution is not enough and institution of federal-states intergovernmental relations is necessary, Ministry of Federal Affairs is

established. And the assessment of this institutional effectiveness through mentioned principles starting from its nature to practice shows that it is not adequately effective, if not limited to some states as far as its mandate of coordinating and creating partnership intergovernmental relations between federal and states are concerned.

Generally speaking, there is no practical institution of federal-states intergovernmental relations in Ethiopia (Assefa, 2013). As stated elsewhere federal-states intergovernmental relations are inevitable and it is true also in Ethiopia. Now, it is prudent to determine to what extent the constitutionally given autonomy of states can be protected in the absence of effective institution that shape and manage these relations. To put in simple words, the absence of effective institution of federal-states intergovernmental relations leads the inherent federal-states intergovernmental relations to be informal than formal, party channel than institutional. And if all these are so, in the existence of federal-states intergovernmental relations which takes place in vacuum, meaning that in the absence of practical institution, the constitutionally given autonomy of states is influenced in the cover of both orders relations. There are federal executive institutions dominations over state bureaus which can be validated through the practice in which federal ministry plan and organize meetings as well as conferences by their own and latter let states to participate on it for its implementation.<sup>20</sup> Thus, reader has to know that the existence of institutional gap in federal-states relations that has its own contribution in weakening autonomy of states. This is so, because, it is due to lack of institution that states could not able to establish forums for negotiation as well as bargaining with the federal government (Assefa, 2013).

### **Federal-state relations under dominant party system**

Political party is one determinant factor of federal-states intergovernmental relations nature, and discussion of political parties exert significant influence on the ability of state governments in federal systems to shape their own destinies in the process of their relations with federal government is clearly made. Whether the party organization is centralized or decentralized it has crucial effects on the relationship between federal and state orders of government. There are writers (William, 1964) who argue that the federal relationship is centralized according to the degree to which the parties organized to operate the federal government control the parties organized to operate the constituent governments and this amounts to the assertion that the proximate cause of variations in the degree of centralization in the

<sup>18</sup> Personal interview with Tsegabrhan Tadesse: MoFA, IGR General Director; March, 2013; Addis Ababa

<sup>19</sup> Ibid

<sup>20</sup> Interview: Heads and vice Head of Oromia Regional State Education and Health Bureau, respectively; March, 2014, Addis Ababa. See section 3.5 of this chapter and chapter two of this thesis for its influence on state autonomy

constitutional structure of federalism is the variation in degree of party centralization.

In Ethiopia, except the party channel, there are hardly any institutionalized federal-states intergovernmental relations mechanisms comparing to other federations (Assefa, 2007). And centralized party rule and genuine federalism are incompatible because the presence of an all-powerful party inevitably centralizes power and undermines states autonomy on the other.<sup>21</sup> As stated in previous chapter Ethiopia's federal arrangement is one dominant ruling party in which ethnic organizations are satellites of one front line political party; Ethiopian People's Revolutionary Democratic Front (EPRDF), a multi-ethnic ruling coalition not a monolithic party.<sup>22</sup> From most of contemporary conflicts that challenge the federal system, the intergovernmental conflicts are rare, if not absent, due to the fact that federal-states intergovernmental relations is through party channel. However, in the same party organization that controls both federal and state orders of governments and has a centralized structure, it weakens the power of the state governments in a way that undermine states autonomy in the goings-on of both orders of intergovernmental relations.

In Ethiopia, the existence of a coalition ruling party dominance in all the states brings less or no, if not invisible states autonomy. Since the EPRDF exercises hegemonic control in all the regional states through its member and affiliated parties, absorption of power in the hands of the federal is evident. Some writers affirm that party structure in Ethiopia undermines the federal division of power and subordinates states governments to the federal government. Aalen, for instance expressed that practically, the EPRDF is controlling all the regional state governments in the Ethiopian federation, either directly through the member parties or indirectly through affiliate parties, in which the largely centralized party structures appear to contradict with the devolved power structures of a federal system.<sup>23</sup>

In the absence of well-organized institutions to facilitate federal-states relations, party line is used as an option to accomplish tasks because the party line is well organized. The prevalent political role of EPRDF at federal level and its partner at states level have created

favorable and supportive political environments for building positive federal-states relations. Members of the ruling party are used as good models to implement new policies and strategies adopted at centre in their state. In an interview with one member of the Oromia regional council, I understand the fact that, everything which is proposed by the centre is endorsed by the respective regional party which shows the commitment of every member to its parent political organization, EPRDF.<sup>24</sup> This creates a chance for the centre to enjoy the right to do things in the affairs of states. According to this respondent this is because of things proposed at the federal, whether it is in line with the states priority or not, is respected though there is examining to what extent it matches the interest of state.

It is the party structure; subordination of states to federal government along with its impact on the process of policy making that explains the centralizing trend in the Ethiopian federal system (Assefa, 2007). Thus, as argued above, in federal-state relations one of the reasons that create impact on autonomy of state is the EPRDF conception of satellite parties, which run the regional governments under the supervision of the central committee of the ruling coalition. Through this channel, the federal government enjoys the right to do or undo things in the state.<sup>25</sup>

The constitutional rights for the states to formulate and implement plans and policies are severely diminished by the fact that state governments, which are under EPRDF's hegemony, follow the federally designed policies and plans. Although the states in Ethiopia are both financially weak, it is first of all the centralized party structures which undermine the state's ability to act independently from the federal. The country's overall policy is designed at the federal by different formats and its direct implementation is through ruling political party. Among others, the five years development plan, Grand Renaissance Dam Project and its process, the Business process reengineering package, Development and Transformation Plan, the Millennium Development Goals, usually comes from the center.

Here, the issue is not why these policies are legislated at the centre because it is due to Art-51 of constitutional power division or others, but the risk is how does the federal government implement or execute and administer these overall strategies and policies with in states and whether states have a role in the design of the policies. The reality is that through active ruling party that opens a loophole for the federal to stretch its hands in the state units of government. There are a number of policy documents prepared at the federal EPRDF level and

<sup>21</sup> See Fundamental federal theory of Elazar. Elazar Daniel 'Exploring federalism' Tuscaloosa, AL: Alabama University Press; 1987 at 178 and Duchacek, I.D. 'Comparative Federalism: The Territorial Dimension of Politics'; Lanham, Md: University Press of America; 1987 at 330 cited in Aalen, 'Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991-2000' Chr. Michelsen Institute, 2002 at 1

<sup>22</sup> See Alem Habtu, Multiethnic Federalism in Ethiopia: A study of the Secession Clause in the Constitution, Oxford University Press, Published by Publius/Spring 2005 at 313-335, Kidane Mengisteab, Ethiopia's Ethnic Based Federalism: 10 Years after, African Issues, Vol. 29, No. 1-2, African Studies Association, 2001, at 20-25.

<sup>23</sup> Lovise Aalen 'Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991-2000' Report R 2002: 2 Chr. Michelsen Institute Development Studies and Human Rights Chr. Michelsen Institute Bergen, Norway at 81

<sup>24</sup> Interview with confident Oromia Regional Council Member, March 2014, Addis Ababa

<sup>25</sup> A central committee leads the ruling coalition. The central committee generates specific plans of action which are the basis of EPRDFs' plans that are expected to be implemented nationwide. See Ibid at 387, Aalen, *supra* note 138 at 82.

uniformly applicable down to the states. For instance, one writer noted that the growth and transformation plan (GTP), Ethiopia's five year plan was discussed through party before presented and approved by the federal parliament and state councils (Assefa, 2013). Thus, the apparatus of implementing all plans is the party channel rather than organizing formal negotiation forums.

There are arguments that states ruling party follow the line dictates of the federal ruling party and lacks autonomy of states given constitutionally. For instance, at Oromia regional state, Oromo Peoples Democratic Organization party is dominant ruling party and one member of the EPRDF. Concerning this, there are two arguments. First argument is that opposition parties criticize this party that it influences the constitutionally given autonomy and subordinate Oromia regional state to federal government because it is not independent, has no own plans but implements the EPRDF.<sup>26</sup> In addition to opposition parties, there are some writers who note that OPDO is less influential and autonomous which has internal problems.<sup>27</sup> The second argument is that from the ruling party of this regional state, OPDO itself.<sup>28</sup> According to this argument, 'starting from its nature, it is a party established for democratic development of the country and within more than 20 years it had improved state autonomy and self-administration by being with other party. However, concerning its autonomy, because the coalition of party established at federal, EPRDF is built on democratic line, it is autonomous to decide its affairs at any time without any influence and the more focused agenda is one and one that is the development of the country'.<sup>29</sup> Thus, the respondent stated that it has its own congress to discuss on its issue and to improve cooperation and coordination relations with federal government.

Now, it is clear that federal-state relationship is centralized or decentralized according to the degree to which the parties organized to operate the federal government control the parties organized to operate the constituent governments. This party has members in central committee of EPRDF that brings the rule and regulation of this central party to states. In this centralized structure of EPRDF party, what is proposed at centre goes down to the state ruling party through top-down approach. The federal party as well as this regional party uses different mechanisms to know to what extent the centrally legislated plans are implemented at all levels.

Among these, criticism or *gimgema*<sup>30</sup> can be mentioned. One respondent stated that *chephoo* (Oromiffa which mean criticism) and one-five cooperative union has advantages in improving good governance but also affecting employees and officials of this party and bureaus from top to down.<sup>31</sup> If there is some one that oppose or does not support the plans and activity of EPRDF or fail to achieve his/her own plans as well as bureau, he/she provide reasons for that and will be reduced from his/her position or remove from power. Here, one may argue that it has advantage in one or other, but the point is that using it as a mechanism and preferred instrument to discern state and federal officials who fell out with the EPRDF has its influence on state autonomy.

There are writers who criticize this system as dictating government activities by party (Kjetil and Sarah, 2002). Such mechanism shows to what extent Oromia regional state ruling party is independent and autonomous from the federal ruling party in one hand and gives autonomy to the state it is ruling in the other.<sup>32</sup> This is because of the links between the state and its ruling party, in which government business is discussed and decisions are made in party meetings that precede meetings of state bodies. The Oromo elites consider the ruling party of this regional state called Oromo Peoples Democratic Organization (OPDO) as a marionette of the country's ruling party, Ethiopian People's Revolutionary Democratic Front (EPRDF) that it lacks the autonomy for issue of the state it is ruling due to the pressure from federal government, regarding as centralized federalism.<sup>33</sup> For these elites, the informal relation with the centre through party channel brings lack of autonomy because the ruling party of this state follows the dictates of the federal party which is EPRDF.

On the other hand, as discussed earlier, OPDO/EPRDF argues with reason that it is autonomous as other member parties to decide its affairs because it has equal number of central and executive committee of 45 and 9 respectively in EPRDF that is equal number with other member parties.<sup>34</sup> According to this group respondent,

<sup>26</sup> Interview; Gebru Gebremariam, Oromo Democratic Congress (ODC/MEDREC) Gen. Secretariat, March, 2014, Addis Ababa

<sup>27</sup> Sarah Vaughan and Kjetil Tronvoll 'Structures and Relations of Power Ethiopia': Country Strategy 2003–2007, Swedish international Development Cooperation Agency; Stockholm Sweden at 29 and 30 as accessed on 02 march 2014 on <http://www.addisvoice.com/wp-content/uploads/2010/03/Structure-of-power.pdf>

<sup>28</sup> Interview for OPDO Central Office Organizational and Political Affairs Head; Ato Gemechis Guteta, March/2014, Addis Ababa

<sup>29</sup> Ibid

<sup>30</sup> Gimgema was widely used by the TPLF/EPRDF during the armed struggle as a way of critically evaluating the performance of its leadership and the general membership. It is a way of monitoring the activities of regional officials, used to keep officials always on guard by making them to admit mistakes publicly and openly and to weed out officials and ordinary members of party suspected of not following the official line. (Young 1998b: 43-4 cited in Asnake Kefale, 'Federalism and Ethnic Conflict in Ethiopia: A Comparative Study of the Somali and Benishangul-Gumuz Regions', (PhD Dissertation, Lidein University, the Netherlands, 2009.) at 251.

<sup>31</sup> Interview; Confident Official Respondent of Oromia National Regional State; March, 2014; Addis Ababa

<sup>32</sup> Ibid at 29 and the paper reads 'OPDO and SEPDF have been widely considered less influential and autonomous; characterizations which continuing purges of members would do little to reverse' at 30.

<sup>33</sup> See Merera Gudina, *The Ethiopian State and the Future of the Oromos: The Struggle for 'Self-Rule and Shared-Rule'*; A paper presented to OSA Annual Conference; July 29 – 30, Minneapolis, USA

<sup>34</sup> Interview; Gemechis Guteta; Head of Political and Organizational Affairs at Central Office of OPDO; Mar/2014, Addis Ababa

plans and strategies established at EPRDF go downward to OPDO to improve 'development, democracy and enhance peace and stability' of the country and has no influence on their autonomy as well as state that this party is ruling. Aalen on the other hand noted that EPRDF is essentially a centralized party, where party officials at all levels promotes upward accountability to the party organs above rather than downward accountability to the people and borders between the party and the state bureaucracy are blurred, and this enables the party to utilize the state administration for its own purposes.<sup>35</sup> In view of the party-state merger, it is understandable that Ethiopia has difficulty in distinguishing between them.

Generally, the party structure based federal-states relations in Ethiopia undermines the federal division of power and subordinates the state governments to the federal government which affects the latter's autonomy. This is so, because the party structures are centralized, and when the same party at federal and state have strong links, the federal-state relations leads inevitably to a centralized division of power which affects the constitutionally given autonomy of states.

### **Informal federal-states relations<sup>36</sup> and states autonomy**

In Ethiopia, the formal federal-state intergovernmental relation through institution and regular basis is at its inception stage and characterized by the informal channels. Critics indicate that, many of the intergovernmental issues are virtually dictated by the federal government and through the informal technique of ruling party. The focal point remains to be the non-formal means which perhaps open the door for the federal government and its institution to take all the initiatives and in that way establish centrally adopted agendas.

In Ethiopia, due to existence of constitutional and institutional gaps and other reasons discussed earlier, the federal executive and the EPRDF party dominates relationships between the federal and states orders of government (Asnake, 2009). As discussed earlier, the relationships between federal and states are more through party channel (Aalen, 2002; Assefa, 2007) without constitutional, institutional or legal framework and due to this the federal executive and party channel dominates the federal-states intergovernmental relations.

<sup>35</sup> Aalen, 'Ethnic Federalism in a Dominant Party State: The Ethiopian Experience' 1991-2000, Bergen: Chr. Michelse, Institut Development Studies and Human Rights, 2002 at 99 see also Kassahun, Alemo 'The Ethiopian Transition in Regional Perspective Election processes, Liberation movements and Democratic change in Africa': Conference Maputo 8-11 April 2010 at 10.

<sup>36</sup> As pointed out, informal intergovernmental relations, for the purpose of this study includes the meetings, discussions, workshops and other dialogues between the federal governments and their specific departments without prearranged institutionally, regular and legal frameworks including in fact the party channels. It include letter, e-mail, personal communication, through different means, that states alone or jointly can't express their autonomy b/c it is already one side, top-down approach.

Concerning this, Ethiopian late PM noted as follows:

The collaboration between the regional governments and the federal government was happening because of their [state] willingness to cooperate. The cooperation was not happening through federal system principles, which sanctions their relationship. Even if the cooperation between the regions and the federal government should continue in the future, it is anticipated that the lack of a legal framework, which sanctions/regulates their relationship, might engender problems.<sup>37</sup>

From this statement it can be argued that the federal-states intergovernmental relations in Ethiopia have impact on the latter's autonomy in the absence of legal framework and basic guidelines though it is based on their consent which can emerge from different factors. From my point of view, Ethiopian federalism is relatively infant, comparing with these account more than century in one hand, and the variety in states capacity and resource will require states to show their willingness for cooperation that gives opportunity for the federal government and its institution to dominate intergovernmental relations.

Intergovernmental relations dimension can be formal or informal and the latter is developed through post-constitution. Informal intergovernmental relations assume less organized and less regulated to shape, conducted via telephones, e-mails, letters and communication, and it is susceptible to connivance (Meekison, 2002). The informal relations within the federal framework can also take the form of conferences held to discuss common problems, states and federal officials meetings, workshops, ministerial meetings with state sectors to share information, or the initiation of policy at one level of government which encourages or promotes similar policies to be adopted at other levels of government (Meekison, 2002). As it is carried out mostly between executives and behind closed doors, the legislature and the people are alienated from the process. It is stated that in such situation the extent in which autonomy of state affected is high because of absence of formal mechanisms that guide it.<sup>38</sup>

Here, the focus is the relationships that exist between institution of federal ministry and respective state bureau in the absence of institution that manage these relations and which are not based on regular basis. As pointed out in comparative overview chapter, the practices of South Africa and Germany have showed that national ministries conduct several meetings and discussions with respective Provincial/Lander ministries. In Ethiopia it is

<sup>37</sup> Meles 2003:7 cited in Asnake Kefale; 'Federalism and Ethnic Conflict in Ethiopia: A Comparative Regional Study: Netherlands, Leiden university, at 239 as accessed on 12/February/2014, visited at <https://openaccess.leidenuniv.nl/bitstream/handle/1887/13839/chapter%20ten.pdf?sequence=5>

<sup>38</sup> See conceptual frameworks, chapter two of this thesis

similar trends that various ministries of the federal have direct and close contacts with their corresponding bureaus in state governments. In addition to this, in south Africa, using the Presidents Coordinating Council(PCC), forums are conducted twice a year between the president and the premiers of the provincial governments in a view to discuss on the implementation of national policies, dispute resolutions and other related issues. Similarly in Germany, regular conferences are held between the federal chancellor and the minister presidents of the Lander in every four months. These conferences are used to evaluate whether the national laws and policies are executed in the Lander governments.<sup>39</sup>

In Ethiopia, similar forums have not yet been started. There are no institutionalized meetings (Assefa, 2007) between respective heads of health, education and agriculture, of the federal government and the states. The prime minster does not usually conduct regular meetings and conferences with the presidents of states governments except in party meetings and conferences where the prime minster and most presidents of the states government meet.

There are no formal meetings at governmental level between federal ministers and state governments. Nor are there any such meetings among representatives of legislative bodies of the federal and state governments. In such kind of intergovernmental relations, federal-state relation takes one side direction which is often a top down approach and brings the states to serve as an administrative agent of the federal rather than being independent entities created by the constitution. What is collected from data also supports this statement. For instance there was informant stated that there is communication with federal through meetings, conferences, workshops and sending letter to each other. But this is not on regular basis; communication occurs with respective federal sectors if the need arises and the federal sectors directly contact respective bureaus of states.<sup>40</sup> Now, the issue is that to what extent the informal form of relations between the federal and states takes in to account the autonomy of the latter.

Ultimately, the federal government becomes the major player of the political scene by letting the states to be mere implementers of the federally deliberated ideas, policies and strategies. For instance, the execution of exclusive federal policy and laws in states in which many of the federal Ministries do not have branch offices outside Addis Ababa nor there is any express delegation of power to the state executive to enforce exclusive federal powers (Assefa, 2007). As it will be elaborated more in its own section, the duality implied under Article 50(2) implies existence of institutions to cover the whole field of federal powers enumerated in the federal constitution but in many fields, the federal government

has not yet organized institutions to enforce its laws. In practice however, states executive organs implement as well as administer exclusive federal powers without expressed delegation and authorization due to informal as well as infant stage federal-state intergovernmental relations. Thus, it shall take into account long term historical or political evolutions and perceptions, which are essential dimensions.

### **De facto nature and political culture of Federal-States relations<sup>41</sup>**

In Ethiopia, the constitution is clear that it establishes dual and as far as dual is taken place one can determine competitive federal-states intergovernmental relations. Practically, however, there is a wide ranging intergovernmental cooperation by which the federal government and its executive institution proposes some projects and plans and the states retains the authority to implement or to follow up the implementation of these projects in their own jurisdiction.<sup>42</sup> Incidentally, the cooperation between both orders of government is usually dominated by the federal and its institution owing to several factors which results the concentration of powers in the hands of the federal government and its executive institutions. The study discussion here is that the cooperation at the cost of autonomy that states shows to the federal government because of different reasons such as the same ruling political party at federal and states orders of government, political legitimacy of the power holders, capacity gap of states and others.

On the other hand, the states should have the political culture of challenging the federal government for their constitutionally given power in their relations with federal government. However, the state officials in Ethiopia exercise less authority against the federal government compared to other countries (Mehari, 2008). Even though, it emerges from different reasons, it is clear that it influences the autonomy of state governments. Federal-state excessive cooperative relations and political culture weakens states to defend their autonomy. It is clear that extensive strict hierarchical cooperation contributes to the reduction of conflict, but it also reduces the autonomy and freedom of action of states because it can be taken as an instrument by which the federal will take the front hands in designing policies and initiatives and the states follow the federal guidelines (Ronald, 2008).

In the constitution, generally speaking to say explicitly about federal-state intergovernmental cooperation or

<sup>39</sup> See Chapter two of this thesis for both south Africa and Germany

<sup>40</sup> Interview; Confident Bureau Official of Oromia Regional State; March 2013: Addis Ababa

<sup>41</sup> Political culture emphasizes a strict hierarchical understanding of federal-states orders of government. The situation when and where states fail both intentionally and unintentionally to say no for the activity that affects their autonomy. See Mehari Taddele, 'Devolution of Power in Ethiopia: Legal and Political Aspects': An Abridgment of papers Submitted to the University of Oxford and Harvard: UN Conference Center, Addis Ababa; 2008 at ( ).

<sup>42</sup> Personal Interview with Dr. Hashim Tewfik; Requested to present his view from Academic point on 03/April/2014, Addis Ababa university

competition seems difficult. However, from the reading of the four corners of the constitution, as dual federalism is put in place, one can conclude that, competition has been taken as a norm. Keeping this line of argument, there is a provision that affirm about the respective duty of both federal and states towards respecting the areal jurisdictions of each other, what federal writers labeled as the rule of federal comity and the preamble on the other affirm the creation of one political and economic state.<sup>43</sup>

From this provision one may argue that, the autonomous existence of the two levels is by itself an analytic of their mutuality and undeniably results in cooperative arrangements. Now, under chapter two and beginning of this section, it was stated that in extreme cooperative government the autonomy became a matter than competitive as its name also indicates, states act in case of competitive through retaining their autonomy while in cooperative states lose their autonomy.

In Ethiopia, though, the clear constitutional recognition of cooperative federal system is not adequate, the practice however is obvious; everything is going on through the cooperative forms either arranged in consultation with the respective states or by the exclusive initiatives of the federal government institutions.<sup>44</sup> Incidentally however, such cooperation is dominated by the center owing to several factors and results the concentration of powers in the hands of the federal government. In this wide ranging intergovernmental cooperation forum, as stated earlier, the federal government proposes some projects and the states retain the authority to implement or to follow up the implementation of these projects. The vast areas of socio-economic policies such as education, health, trade and investment are issues arrangement with the cooperation activities in Ethiopia. However, it is a top-down approach in which the state is not initiating to establish forums for expression of their common agenda in their relations with the federal government that ultimately creates favorable climate for the federal government in the enjoyment of political powers. Here, the extreme cooperation that states shows towards federal government can be validated through implementation of federal policies and laws by states institution without authorization of constitution.

Additionally, as it will be elaborated following the next section, differences from the federal laws and policies are not visible except change of language. For instance, state directly use motto made at federal through translating language only. Some officials whom I interviewed for these issues limit autonomy of state to use of language, culture and religion only. For one respondent whom I would not like to proceed before presenting his/her view is presented as it is as follows:

“The right to use and develop language, religion, and culture is completely protected within the past two decades. EPRDF as ruling party of Ethiopia and OPDO as ruling party of this state is still working further and [...], I think things discussed at federal is enough as far as we are not different from other states found in Ethiopia.”<sup>45</sup>

From the study point of view, this issue is due to political culture of couple interrelated reasons. First, the situation of Ethiopia before birth of federal system was extreme unitary of ‘one nation, one language and one religion’. Once, these diversities are recognized at infant stage federal system as well as federal-state intergovernmental relations it leads to evaluate today through yesterday rather than through constitutional principles. The second reason is that political culture that emphasizes a strict hierarchical understanding of orders of government and excessive faithfulness of state officials towards federal government. In any cases, Ethiopian federal system as well as federal-states intergovernmental relations is at newborn age comparing to these federation that count up almost more than a century. For this reason, Ethiopian federal-state relations should be seen as a continuous and dynamic process rather than a constant and fixed system.

Before closing this section, it is possible to show important instance in which states fail to retain their constitutional right because of *de jure* cooperation they show towards federal government. Under previous section delegation is stated as a one basis of federal-states intergovernmental relations. In Ethiopian constitution, there is only downward delegation which the federal government, when necessary, delegate to the states powers and functions granted to it by Article 51 of the constitution. However, there is a practice of upward delegation in which states give some of their constitutional rights to federal government. For instance, Assefa noted the case of land administration in which the federal government encourages states to delegate the power to administer land in states respective territories to the federal government in 2010/2011.<sup>46</sup> Thus, such unconstitutional practices influence constitutional division of power as well as constitutionally given autonomy of states.

### **Federal-states IGR hinder state autonomy in Ethiopian federal system: Is the argument convincing?**

In Ethiopia, the federal-state intergovernmental relations

<sup>43</sup> See FDRE Constitution preamble and Article 59, respectively

<sup>44</sup> Personal interview made with academician group, March/2014, Addis Ababa University: Addis Ababa

<sup>45</sup> Interview with Confident Official of Oromia National Regional State; March,2014, Addis Ababa

<sup>46</sup> Constitutionally speaking, According to Art, 52(2(d)) states have the right to administer land and natural resources in accordance with the federal laws. See Assefa Fiseha ‘Ethiopia’s Experiment in Accommodating Diversity’; A Twenty Years Balance Sheet; *Ethiopian Journal of Federal Studies*; Centre for Federal Studies; The Addis Ababa University Press, vol.1, No.1, 2013 at 121

has influence as stated earlier on the autonomy of states because of its party structure based relations, informal relations, and political culture of extreme cooperation and absence of practical institution that manages intergovernmental relations between the two spheres. Thus, due to the dominant position of the federal government and its institutions by different methods, the states autonomy is undermined and seems to be checked by a centralized party structure, centralized policy making and implementation and administration of federal laws and policies by states. We have seen how Ethiopian federal-states IGR influences autonomy of state in preceding sections, this section tries to briefly develop this argument through showing some autonomy of states affected because of federal-states relations. In doing so, it is limited to legislative and executive autonomy of states since my objective is not assessment of states autonomy which is further than these two dimensions. In addition to this, with notification the first sub-section provides an assessment of the ongoing proposed integrated master plan of Addis Ababa with Oromia special zone surrounding Finfine constitutionality from federalism principles as this study is a case based with particular references to ONRS.

#### **Addis Ababa integrated master plan: Argument from federalism principle**

The Master Plan undermines Oromo language and erases Oromo Culture and Identity. The Ethiopian state has been engaging in erasing and undermining Oromo identity and culture since its inception. This did not happen through “natural process” of wilful acceptance of people as some try to convince, but through forceful assimilation policy that explicitly intended to undermine and erase Oromo culture and identity. Even though there is ample evidence to attest to this evil policy, Tedla Haile’s (Ethiopian Minister of Education and Art in the 1920s) MA thesis and his successor Sahle Tsedalu’s policy memo epitomizes the case in point. While Sahle Tsedalu vowed to root out all non-Amharic-Ge’ez language, “Pagan language” according to him, his predecessor Tedla Haile outlined policy guidelines by which the process of erasing Oromo culture could be implemented. Bahru Zewidie wrote: “Tedla goes back to Classical Rome to demonstrate how the army has always been a factor for assimilation, be it through the intermarriage of garrison troops with local women or the recruitment of subjects’ people into the imperial arm.

Likewise, all other facts of government policy-administration, justice, economic organization- should be regulated by the policy of assimilation. Provincial boundaries need to be redrawn to facilitate the policy. Oromo numerical predominance in the southern provinces should be tempered by a policy of Amhara settlement. Tigreans too should be encouraged to settle in the southern provinces, as they are great assimilator

by virtue of their religious fervor and their inherent weakness in learning non-semitic language.” (Bahiru Zewde, “Pioneers of Change”, 2002). The Master Plan under discussion is a logical continuation of this old policy with exact same end goal.

The Master Plan violates core Human Rights. It deprives millions of people around Finfinnee (Addis Ababa) of their only means of livelihood their land. It threatens their right to live-core human right. The Master Plan extends Historical injustice which has been in place since 1841, that is, from the time of Sahilesilassie’s expedition to current Finfinnee/Addis Ababa. For the last 180 years Oromos at the center of Addis Ababa/Finfinnee have been subjected to inhuman treatment, massacre, forceful eviction, dispossession and perpetual exploitation. It is worth mentioning the eyewitness accounts of William Harris, the then British Diplomat to Shawan court of Sahilessilassie, who accompanied Sahilessilassie in several expeditions to the center of Addis Ababa.

“The luckless inhabitants, taken quite by surprise, had barely time to abandon their property, and fly [flee] for their lives to the fastness of Entotto ... The spear of the warrior searched every bush for the hunted foe. Women and girls were torn from their hiding to be hurried into helpless captivity. Old men and young were indiscriminately slain and mutilated among the fields and groves; flocks and herds were driven off in triumph, and house after house was sacked and consigned to the flames ... Whole groups and families were surrounded and speared within the walled courtyards, which were strewn with the bodies of the slain. [Those] who betook themselves to the open plain were pursued and hunted down like wild beasts; children of three and four years of age, who had been placed in the trees with the hope that they might escape observation, were included in the inexorable massacre, and pitilessly shot among the branches. In the course of two hours the division left the desolated valley laden with spoil, and carrying with them numbers of wailing females and mutilated orphan children, together with the barbarous trophies that had been stripped from the mangled bodies of their murdered victims.”<sup>47</sup>

The same violent incursion continued up until 1886 when Menelik’s total occupation took place. As a result the Oromo population in the area was reduced to 33% in 1900 EC, and further getting down to 18.3% in 1945 EC, according to Prof. Laphiso G. Dellebo. Even though Addis Ababa is surrounded 360 degrees by Oromo, the demographic proportion of Oromo is stuck at around 19% over the last 70 years. This clearly shows the historical injustices perpetrated systematically by the successive regimes. In Addis, Oromos have been deprived to use

<sup>47</sup> Major William Harris’ book “The Highlands of Aethiopia” Vol. II (p. 185-198)”

their language to access state institutions, to promote their culture in the city and enjoy dignified treatment in their own ancestral land. The current Master Plan is a logical perpetuation of the same historical injustice of eviction, dispossession and ethnic cleansing.

The Master Plan takes away Economic Opportunity from Oromo farmers in the area. Land, Capital and Labour are the major input of production in an economy. The Oromo farmers of the area who are the majority contributors in the production of value should have been the major shareholders in any development and investment on their own land. Land is the most expensive factor of production. Paradoxically, under the current TPLF/EPRDF led land grabbing system, Oromo farmers are outrageously deprived of their fair share in the productive investment going on in their land. This is legally a crime and morally despicable.<sup>48</sup>

The Master Plan undermines the principles of Social Justice. In just and democratic society, the state fairly taxes the haves in order to redistribute income to the have nots so as to create equitable and harmonious society. In the Ethiopian case, the TPLF led regime is transferring immense wealth from the haves to the have nots, thereby creating a dire situation. This is contradictory to the principles of social justice. It results in disharmony and discord in the society. It is an outright act of dispossessing the have nots in order to enrich powerful and wealthy party affiliated thugs. It will create grave social disparity and inequality in the society.

The master plan undermines the principles of Sustainable Development. Development is not enriching the rich and impoverishing the poor. It doesn't mean erecting high rise buildings on farm lands or building mansions and bungalows by evicting farmers whose only means of livelihood is their land. According to Nobel Winner renowned economist Amartya Sen, development should be human centered that expands their scope of freedom. Development should have been providing electricity, telephone lines, roads, schools and health care centers to surrounding Oromo farmers in order to better off their quality of life. Contradictory to these developmental goals, the current Master Plan worsens their living condition and pushes them to the verge of death, evicts them from healthy environment and reduces them from poverty to destitution, replaces productive land with luxury living mansions for the rich and it causes environmental disaster. It is not morally just and economically sustainable.

It undermines Peace and Harmony among communities. The Master Plan evicts millions and reduces them to a life of destitution. It will create serious and legitimate grievance from the side of the victims in particular and among Oromo people in general. It will undermine social harmony and opportunity of

coexistence, leading to perpetual conflict.

### **Federal-state relations and state legislative autonomy**

The constitution is clear that it authorizes the states to formulate and execute social and development policies, strategies and plans of the state within the overall federal framework. As a result, formally speaking the states have wide powers of policy making. In federal-states intergovernmental relations, one mechanism in which the federal government uses to influence states autonomy is through the use of policy making. The states copy the federal policies and harmonization of federal laws and policy by the state is widespread, mainly due to the party congruence and decision making structure and states capacity and expertise to bring their own that is different from the federal. The operation of state legislative autonomy is affected by the fact that laws and policies process has been mainly channelled by the EPRDF as dominant ruling political party, in practice making the political processes much more centralized than its constitutional form (Ronald, 2007).

Political party is one determinant factor of federal-states intergovernmental relations and it is clear that an Ethiopian federal-states relation is through party channel in which its party structure undermined autonomy of states. In Ethiopian federal-states relations, the EPRDF dominance strengthens the dominance of the federal government in law making as well as social, political and economical policies (Andreas, 2013). It is said earlier that different policy and laws are prepared at the central EPRDF level and uniformly applicable down to the states before presented and approved in the federal parliament without taking interest of states.<sup>49</sup> The members of EPRDF found at states influences for direct use and duplication of policies and laws made at the centre. Thus, in practice policies, plans, laws as well as constitutions of states government shows no (few) signs of divergences from policy and laws of federal government (Andreas, 2013). For instance, the constitution of Oromia regional state itself is just a copy of the federal constitution in different aspects. One instance that this study would like to mention for this argument is that in connection with the right to secession, the Oromia constitution Article 39, like the federal constitution affirms the unconditional right of the Oromo people to self-administration, including the right to secession by stating similar preconditions as it is stated in the federal constitution for realizing the right to secession (The Oromia constitution 2001, Art.39 (5)).<sup>50</sup>

<sup>48</sup> Interview; Gebru Gebremariam, Oromo Democratic Congress (ODC/MEDREC) Gen. Secretariat, March, 2014, Addis Ababa

<sup>49</sup> Assefa Fiseha 'Ethiopia's Experiment in Accommodating Diversity; A Twenty Years Balance Sheet; Ethiopian Journal of Federal Studies; Centre for Federal Studies; The Addis Ababa University Press, vol.1, No.1, 2013 at 137

<sup>50</sup> Additionally, Tsegaye Regassa has noted that state constitutions are similar with federal constitution especially in their Form, legal and political vocabulary, functions as well as content. See Tsegaye Regassa, 'State constitutions in Ethiopia: A Preliminary observation', A summary for the Bellagio Conference, University of Amsterdam, March 22-27, 2004 at 6-8

Legislative autonomy of states at federal level is protected through second chamber. For instance, in South Africa, the National Council of Provinces is the second chamber of South Africa's national parliament and a concrete expression of the principles of cooperative government that are central to their Constitution. The role of this chamber is representing the provincial perspective within the national Parliament and giving the provinces a collective say in national legislation, providing the entree for provinces in to national policy-making as a bridge between the provincial and national governments.

In Ethiopia, states have no (less) control over law legislated by the federal government and this is because Ethiopia has no second chamber law making function in the areas of shared policy making. There is a huge academic and political debate on the lack of real legislative power to the House of the Federation that the system is an exclusion of states interest at the federal level in policy making. It is possible to argue that the arrangement may have unenthusiastic consequence in preserving the interest of the states especially where there is unmitigated party competition in the two orders of government because of absence of institutional forums in which states reflect their interest in national policy making. Evidently the Ethiopian federal set up is among the exceptions with respect to comprising constituent units with no role in the law making process at the central level. It is obvious that the political process provide a better alternative when both the federal and state governments actively involved in the federal legislative process. In the absence of the states say at the central policy making process, undoubtedly, one may imagine the existence of institutional based cooperative forums as the states are not well informed of the laws exclusively made at the federal. However, the reality is as stated above there is lack of institution in which states establish forums for negotiation as well as bargain with the federal government.

There are indicators that states government fails to use their real autonomy of policy making as opposed to the constitutional framework. There is policy power centralization not only in areas exclusively given to the federal but also states which resulted in the moderate autonomy of member states (Aalen, 2002). Here, this argument can be validated by the reality that we found similar policies across state and federal in different aspects. In the area of federal law-making, the federal principle is undermined and autonomy of states seems to be checked by a centralized party structure and centralized policy making (Assefa, 2007).

Coming to state's law and policy making in their jurisdiction, due to close and party channel based, in the absence of well-organized institution, federal-states intergovernmental relations leads states to directly apply federal laws and policies. Concerning this, one state official respondent is invited to share his/her view that the

constitution gives states the right to make their own polices and regulation in their own jurisdiction and how this constitutionally given autonomy is going. Practically, they are not trying to fit in their context as far as formulation and execution of economical, social and developmental policies, strategies and plans of their state (Art, 52(3)) is concerned but implementing similar policies from the federal to down through sector.<sup>51</sup> The respondent also suggest that state council has a power to make rule and regulation with in this state jurisdiction, but in practice it is limited to only assessing what is federally adopted. However, there are no instances that can be mentioned in which regional council has changed what is adopted at federal though it participated in examining its laws and regulations at different time.<sup>52</sup> Additionally, there are scholars who support this idea and suggest that it is fiscal dependence of states on federal government coupled with constitutional commitment to a single economic community that affects the constitutional autonomy of state's law and policy makings and created uniformity in planning and policy-making (Andreas, 2013).

The pattern, capacity and structure of state governments determine the system and extent of Intergovernmental Relations existing between federal and states. If the state is too weak to run everything, it requires the intervention from federal. In such situation, it is not the intergovernmental relation itself or the federal government that brings the ineffective autonomy of states. From this view, the point that can be raised is that Ethiopian federalism is young compared to other federations that almost account more than century. This leads to say none of all states are self- sufficient and each requires daily assistance from the centre. From this one can draw a conclusion that legally speaking, the legislative autonomy of states are cannot influenced because of the intergovernmental relation exist between two spheres but because of the state's weakness to run activities by their own due to their capacity and policy expertise.

The wonder here is that how much the constitution provides a space for the states to put in to practice these powers,<sup>53</sup> and the states are using these powers and reflecting their autonomy through different mechanisms at the federal. For instance, in the exclusive federal powers the federal is entitled with the major policy making roles and in the most substantial affairs of the country. It is practically difficult for the states to make a law in the major areas of socio-economic sphere and due to informal federal-states relations exist between them; they

<sup>51</sup> Personal Interview; Anima Kedir: Oromia National Regional Council (Caffee), March, 2014, Addis Ababa

<sup>52</sup> Ibid

<sup>53</sup> The constitution itself has centralized feature of policy making. See *ibid* at 96 and Aalen, *supra* note 165: 59-61; Andreas Eshete, *supra* note 225: 166-167 captured in Assefa Fiseha; 'Federalism and Accommodation of Diversity in Ethiopia: A Comparative Study'; Nijmegen: Wolf Legal Publishers, 2007 at 337

have some administration and implementation powers than policy making. This argument here can be validated through absence of enough federal institutions in states for all bulk of policy areas through which the federal execute its exclusive power of policy making that will be discussed following this section. State and federal government has close relations which is based on mutual understanding and party structure that is well organized and active to harmonize federal policy in the states.

Generally, in practice, the states accept the economic, social and development policy and laws as well as policy issued by the federal government. The five-year plans to be implemented are adopted at federal level and become the basis for state government plans and policies (Aalen, 2007). In theory, they can adapt the policies that can fit their own circumstances but the federal government plays a key role in influencing through both orders intergovernmental relations which is based mainly through party channel and informal in the absence of practical institution that manage these relations and because the states lack the required expertise to bring alternative policies.

### **Federal-State relations and state executive autonomy**

In order to create a smooth implementation of policy frameworks, the institutionalization of federal-states intergovernmental relation forums is appropriate; if not however, it will be odd thought if the federal government requires the states to execute laws exclusively made by the federal government without establishing institution.

In Ethiopia, the conceptual ambiguity is the implementation of federal laws and policies in the constituent states as the one field of federal-states Intergovernmental Relations. As it is pointed out under chapter two, federal systems enforce their laws and policies by setting up dual structures, federal and state institutions for dual federalism, or by assigning the state machinery with the power to enforce both federal and state laws for executive federalism. The Constitution appears to propose dual structure<sup>54</sup> that it states: 'The federal government and the states shall have legislative, executive and judicial powers.' This shows that there will be parallel federal and state executive organs in charge of enforcing federal and state laws, respectively (Assefa, 2007).

Based on this, one may argue that states in Ethiopia are acknowledged as far as the responsibility to execute and administer federally legislated policies and laws are not given to them from the principle. The reality is however, due to infant stage of federal-states intergovernmental relations, state machinery directly executes federal laws and the state governments take over the responsibility of enforcing and administering

federal laws and policies regardless of the absence of this mandate. Here, in the absence of well-organized institutional set-up for the enforcement of federal laws in states, the federal government uses system of federal-states intergovernmental relations through informal contacts between the respective offices and party channels.

However, there are some<sup>55</sup> federal executive organs organized throughout the states to enforce federal laws, practice indicates that there is a gap in enforcing all other federal laws. As far as other areas are concerned, as mentioned earlier the federal government has not organized institutions to enforce its laws, states implement without any authorization because of informal based federal-state intergovernmental relations exist; that hinders their executive autonomy constitutionally given. In addition to their task of implementing, administering and executing their own laws and policies, states involved themselves in the task of implementing and administering exclusive federal powers.

According to Article 55, the federal government shall have exclusive power to legislate with respect to 'foreign affairs and defense, citizenship, freedom of movement, passports, immigration, emigration, and extradition; currency, money and coinage, weight and measures and the determination of standards of time; air transport; federal rail ways; postal and telecommunications services; industrial property rights, copy rights and publishing; statistics; regulation of federal employees'. If it is in accordance of the principle and existing experience system, the federal government is expected to have its institution in states for implementation of policies and laws in these mentioned areas. Again, the reality is except in some that are mentioned earlier, the federal government has no institutions in states. Here more than affecting the autonomy of states, this situation creates difficulty even for the citizens of the country as a whole. For instance, one can mention the issue of passports (Assefa, 2007) which requires every people to come to the capital city of the country, Addis Ababa from each corner of the country since there is no established institution for this exclusive federal power implementation in states.

Although the constitution does not provide comprehensive regime of concurrent powers except tax<sup>56</sup>, it can be said that according to art-51 and 52, the bulk of social, education, economic and health affairs are

<sup>55</sup> The federal government maintains federal institutions only in a few areas of exclusive federal matters such as Telecommunications, Postal Services, Federal Public Prosecution, Federal Inland Revenue and Insurance and Banking

<sup>56</sup> The FDRE constitution recognizes tax as concurrent power. Except this, there is no explicitly recognized concurrent power of both federal and states by the constitution. See Aalen, 'Ethnic Federalism in a Dominant Party State: The Ethiopian Experience' 1991-2000, Bergen: Chr. Michelsea, Institut Development Studies and Human Rights, 2002 at 89, Assefa Fiseha, 'Federalism and the Accommodation of Diversity in Ethiopia, A comparative Study', Wolf Legal Publishers, the Netherlands 2007 at 356. See also Article 97 of FDRE constitution.

<sup>54</sup> FDRE Constitution, Article 50(2) 1

shared between the federal government and the states. However, there are no institutionalized meetings, for instance, between respective heads of health, education and agriculture, of the federal government and the states for the execution and administration of policies and laws. There is no institution of federal government for implementation of policies and laws of these areas in states too. The reality is that due to close, infant stage and informal federal-states intergovernmental relations, states participate in administration of these policies through their respective sectors. Ethiopian academic scholar, Assefa concluded this situation as 'There is neither a comprehensive dual structure nor executive federalism at work. The institution of co-operative federalism too is not well-known' (Assefa, 2007).

From this study point of view, the earlier mentioned statement holds true because as far as the constitution is concerned, it is dual federalism (Article-50(2)) and it does not give a mandate of implementing federal laws to states unlike Swiss constitution (Art. 46 (1)) and Germany (Article 83 of the Basic Law). But as far as practice is concerned, it shows that as it discussed, enforcement of federal laws and policies in the states is undertaken by informal contacts between the respective offices and party channels which affects autonomy of states from this eye. Thus, in Ethiopia, the constitution has tried to set a dual system of division of executive power, in practice there is no proper observance. There is a gap to put in practice this constitutional ambition and the federal government uses federal-states relations as mechanism for implementation of its policies and laws in states.

As stated in previous section, one mechanism in which federal-state intergovernmental relations is influencing state autonomy is through the extensive cooperation that state shows towards the federal government and its executive institution, literally. Bringing this argument to state executive autonomy, more than other things, some of the state constitutions itself stipulate that 'without prejudice to the provision of the federal constitution, the state executive shall have the power and function to ensure the implementation of laws and decisions issued by the state council and *the federal government*'.<sup>57</sup> For instance, Article 55 of Oromia regional state constitution stipulates for direct enforces of laws of the federal government even if there is neither express delegation nor any federal body at state.

Before closing this discussion, there is current new evidence of unconstitutional practices that influences executive autonomy of states of land administration as it is discussed earlier. According to the constitution, the federal government has the power of adopting rules and regulations while states have a mandate of execution and administration of land. However, according to urban lands

lease holding proclamation No. 721/2011, Article 32 gives federal executive institution, Ministry of urban development and construction, the power to prepare regulations and directives of land lease holding administration. There are regulations and directives adopted by this federal executive institution and implemented and administered by states and both city administrations, vested with the power to administer land. For instance, urban land administration through lease established by urban land development and management bureau of ministry of urban development and construction that the states are administering now can be mentioned.<sup>58</sup> This and other regulations, manuals and operations continues to be established in the future by this federal executive institution on one hand and states and city administration will also continue their administration and execution of what is established unless that proclamation is repealed by other proclamation.

Generally, it can be argued that as far as the constitution, the system and principle is concerned states of Ethiopia has no mandate and responsibility to implement or execute and administer both exclusive federal power in their jurisdiction because there has to be federal institution in states that do this business. Additionally, states have no mandate of implementing and administering regulations established by the federal executive institutions. In reality however, states are doing this because of informal based and infant stage federal-state intergovernmental relations.

## Conclusion

This study is aimed to analysis impact of federal-states intergovernmental relations on states autonomy of Ethiopian federation. Like some other federations, Ethiopia was under centralized unitary system that later brings establishment of federal system. It is identified that power is divided between federal and states governments with less regulated intergovernmental relations provisions. It affirmed that organization of regional affairs established as institution for federal-states intergovernmental relation later devolved to Ministry of Federal affairs through proclamation in 2001. The mandate of enhancing effective and coordinate federal-states intergovernmental relation is given to it as

<sup>57</sup> Some state constitutions intentionally give the mandate of enforcing federal laws by state executive institutions which the federal constitution doesn't mandate. For instance, Art. 55 of Oromia regional state; Art. 58 of Amhara regional state and Art. 56 of Tigray regional state cited in Ibid at 356

<sup>58</sup> According to this document, corruption as well as existence of gaps among states in administration of land needed to establish plans, strategy and regulations by this federal executive institution. See document established for the 'Administration of Urban Land through Lease', December 2013, Addis Ababa: Urban Land Development and Management Bureau: Ministry of Urban Development and Construction. Here, the constitutionally given land administration given to states by the constitution is given to federal government executive institution by this proclamation. Some writer criticizes this as upward delegation which the constitution does not allow in Ethiopian case. Assefa Fiseha, 'Ethiopia's Experiment in Accommodating Diversity'; A Twenty Years Balance Sheet; *Ethiopian Journal of Federal Studies*; Centre for Federal Studies; The Addis Ababa University Press, Vol.1, No.1, 2013 at 121

institution of intergovernmental relation. However, its effectiveness towards this mandate is not viable due to discussed reasons, if not limited to some state. Practically, there is no institution of federal-states intergovernmental relations.

Under Ethiopian federal-states relation the issue of autonomy is also analyzed. Thus, intergovernmental relations are informal and party channel which leads to federal government and its executive institution domination. Federal executive institution such as Ministerial and agency relation to respective states bureau and agencies, party channel relation, informal relation through conferences and workshops organized by federal alone characterizes Ethiopian current intergovernmental relations. This clearly stated the fact that federal-states relations organized by federal executive institution and party channel have influence on the latter's autonomy which was a major journey of this thesis. To validate this argument, how legislative and executive autonomy of states are influenced because of both orders intergovernmental relations is discussed. In practice, states executive organs implement as well as administer exclusive federal powers without expressed delegation and authorization due to informal as well as infant stage federal-state intergovernmental relations. Thus, this showed us that federal-states intergovernmental relation which is more informal through party channel, excessive cooperation of states towards federal government and infant stage influences state autonomy.

## CONFLICT OF INTERESTS

The author has not declared any conflict of interests.

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