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ADDIS ABABA UNIVERSITY

COLLEGE OF LAW AND GOVERNANCE

CENTRE FOR FEDERAL STUDIES

**RELATIONSHIP BETWEEN FEDERAL POLICE AND STATE POLICE
COMMISSIONS UNDER ETHIOPIAN FEDERALISM:
POLICY AND PRACTICE**

**BY
TESFAY KASSA ABRAHA**

**November, 2015
ADDIS ABABA, ETHIOPIA**

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DECLARATION

I, the undersigned, declare that this thesis is my original work and has been presented for a degree in any university and that all sorts of materials used for this thesis have been duly acknowledged.

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This thesis has been submitted for examination with my approval as a university advisor

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Mehari Taddele Maru (DLS)

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LIST OF ACRONYMS

AU:	African Union
COMESA:	Common Market of East and South Africa
CYCO:	Cyber Crime Control
ECOWAS:	Economic Community of western Africa States
EFPC:	Ethiopian Federal Police Commission
EPRDF:	Ethiopian People's Revolutionary Democratic Front
EPUC:	Ethiopian Police University College
EX:	Previous:
Europol:	European Police
EU:	European Union
FBI:	Federal Bureau of Investigation
FDRE:	Federal Democratic of Republic of Ethiopia
FedPol:	Federal Office of Police
Interpol:	International police
MROS:	Money Laundering Report Office of Switzerland
NATO:	Northern Atlantic Treaty Organization
OETA:	Occupied Enemy Territory Administration
SNNPR:	South Nations, Nationalities and Peoples Region
US:	United States
USA:	United States of America

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ABSTRACT

The paper examines the relationship between Federal Police and State Police Commissions from the perspective of the federal system, analyses the legislative and assesses the practices so far. The study revealed that the relations between the Federal Police and state police commissions are not constitutionally guided and managed. With regard to the institutional and formal set-up of the Joint Council is established with a mandate to strengthening relation between Federal and state Police Commissions. The paper argues that Joint Council has performed different tasks in areas of crime prevention, investigation and other capacity buildings. From the research, it is clear that despite such tasks performed by the council, several concerns are raised. Most of these concerns contravene the principle of federalism. Furthermore, it has an implication of centralization of police or it implies that the Federal Police Commission is superior of all state police commissions which are incompatible with the very principle of federalism.

CHAPTER ONE

INTRODUCTION

1.1. Background of the Study

Federalism is a political concept for the establishment of a government in which sovereignty is constitutionally divided between a central governing authority and constituent political units.¹ In other words, the activities of government in federalism are divided between the Central and state governments.²

Dual federalism sees the federal system as a sort of combination of layers of government, each of them performing the tasks that are assigned to them. This option leaves each level of a government supreme within its own sphere of operations in exercising its 'reserved' powers.

Creating a federation is about getting the advantages of being a greater entity, while keeping as much independence for the constituent entities as possible.³ But federalism is also about the division of state's legislative, judicial and executive powers between two or more levels of governments. In a Federal system, the constituent units typically maintain their separate legislatures, executives and often also judiciaries, entailing a two-tier structure. The fundamental purpose of guaranteeing division of power is to ensure that a substantial portion of power is exercised at a state level. A law enforcement power is one of the areas where states enjoy sovereignty. It is widely accepted that law enforcement is and has been a local prerogative and responsibility.⁴ Police functions and powers constitute one of the law enforcement mandates of states. In countries that follow federalism, police powers are shared by both state and federal states, as is in Ethiopia.

¹Sebastian Roche, *Federalism and Police Systems*, Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2011, p.8.

²Yonas Girma, *Implication of Ethiopian Federalism on the Right to Freedom of Movement and Residence: Critical Analysis of the Law and the Practice*, 2013, P.24.

³ *Ibid*,1,p.8

⁴ Kami Chavis Simmons, *Cooperative Federalism and Police Reform: Using Congressional Spending Power to Promote Police Accountability*, *Alabama Law Review* Vol. 62:2:351, p.377

In this regard, it is better to see brief historical antecedents of Ethiopian federalism, since it will contribute to analysis of the topic. History prior to Menlik, Ethiopia had *de facto* federal experience and then the post Menlik period and particularly with the coming to power of Emperor Haile Selassie, it was characterized as an era of centralization. Political decentralization was indicated during the transitional period. The constitutional arrangement has officially taken the form of a federal structure in 1995. This thesis deals with several interrelated sub-issues but the main discussion is the relationship between Ethiopian Federal and state Police Commissions. How the executive powers between the federal and state governments are divided in general and police commissions in particular and what this indicates in relation to federalism are discussed.

In Ethiopia, the nine states and Addis Ababa city administration have their own Police Commissions.⁵ Dire Dawa City Administration has also its own Police Commission. The State Police Commissions are responsible for their respective states.⁶ On the other hand, the Addis Ababa and Dire Dawa City Administration Police Commissions are accountable to the Ethiopian Federal Police Commission; however, they may be accountable to their respective City Administration through delegation by the Ethiopian Federal Police Commission.⁷ The constitution does clearly stipulate the relationship between the Federal and state levels. Nevertheless, there is no reference in the constitution as to the relationship between the Ethiopian Federal and State Police Commissions. The Ethiopian Federal Police Commission Establishment Proclamation No.720/2011 provides relationship between the two Commissions has been legally governed.⁸ This Proclamation also provides the establishment of Joint Council of Federal and state Police Commissions. The governance and practice in the relationship between Federal and State Police Commissions are the subject matter of this thesis.

⁵ Federal Democratic Republic of Ethiopia Constitution, proclamation No.1/1995, Article 50-53.

⁶ Article 6 of Southern, Nation, Nationalities and People's Regional State (here in after SNNPR) Revised Police Commission Establishment Draft proclamation No.151/2014, Article 49(h) and 57(f) Revised Constitution of Oromya National Regional State Proclamation No.59/2001, Article 7 of Proclamation Tigray Police Revised Police Commission Establishment Draft No. No. 221/2012, Article 59(i) Proclamation Issued to Provide for the approval of the Revised Constitution of the Amhara National Regional State Proclamation No.59/2001.

⁷ Ethiopian Federal Police Commission Establishment Proclamation, No.720/2011, Article 20(1)

⁸ Ibid , article 18-19

1.2. Statement of the Problem

Ethiopia's transition from a centralized to decentralized system of government occurred at the same time as its transition from a dictatorial to a democratic government based on the rule of law. Article 50(2) of the Federal Democratic Republic of Ethiopia (FDRE) Constitution stipulates a dual form of federalism, I.e., Both the federal and state governments execute their own policies and laws using their own machineries.

The constitution provides the federal government and the states their own legislative, executive and judicial powers. It hints that there will be parallel federal and state executive organs in charge of enforcing federal and state laws respectively. As an executive organ, police are also arranged at the federal and state level. In other words, Ethiopia, as a federal country, does not have national police. Both federal and states have their own police forces. How the relationship between the executive branches of government in the two layers of governments managed is blurred. As discussed below, the relationship between judiciary and legislative organs seems relatively clear than the executive organ.

Similarly, what could be the relationship between Ethiopian Federal Police Commission and State Police Commissions is unclear. There is no reference in the FDRE Constitution as to the relationship between Ethiopian Federal Police Commission and State Police Commissions. The only reference is provided under the Ethiopian Federal police Commission Establishment Proclamation No.720/2011. Before the establishment of this Proclamation, no state police commissions' establishment proclamations were addressed as to the relationship between Ethiopian Federal Police Commission and State Police Commissions. However; some states (Tigray, Amhara and SNNPR) Adressed the relationship between the two Police Commissions after the establishment of the current Ethiopian Federal Police Commission. The Ethiopian Federal Police Commission Establishment Proclamation Establishes a Joint Council of the two levels of Police Commissions. So far no research has been conducted on the relationship between the Commissions at both levels and there is no analysis of Proclamation 720/2011 and its Practical implementation.

1.3. Research Objective

1.3.1. General Objective

The General Objective of this Research is to examine the following major issues; the relationship between Ethiopian Federal Police Commission and State Police Commissions, from the perspective of the Federal system, analyses the legislative and policy framework as well as assess the practices so far.

1.3.2. Specific Objectives

The specific objectives of the research are as follows:

- To analyze how Federal systems govern police powers and how the Ethiopian Federalism governs police powers;
- To analyze if the commissions cooperate, coordinate and collaborate (what mechanisms they employ) and how it relates to the core rationale of federalism in Ethiopia's Federalism and its political and economic roots, in particular;
- To examine why Joint Council of the police commissions is established, what its mandates are and how it functions and whether this is compatible within federal system;
- To assess the Joint Council's performance;
- To identify cases of police powers that raise questions related to federalism and how they were resolved;

1.4. Research Questions

1.4.1. General Research Question

What relationships do Ethiopian Federal and state Police Commissions have both under the normative frameworks and in actual practice? Is this compatible with Ethiopian federalism?

1.4.2. Specific Research Questions

- How do Federal systems and the Ethiopian Federalism govern police powers?
- Do the Commissions at two levels cooperate, coordinate and collaborate? If they do, how?

- Why is the Joint Council established, what are its mandates and how does it function?
- What did the Joint Council's performance seem so far and how is it related to Ethiopian Federal system?
- Are there cases of police powers that raise questions related to federalism and how they were resolved?

1.5. Scope of the Study

Had not there been different setbacks of resources, time, financial, and geographic constraints, this study would be engaged in investigating the issue from wider perspectives. All state police commissions are not the target of this research. The research focuses on the Federal, South Nation Nationalities and Peoples state, Addis Ababa, Benshangul Gumuz and Oromya Police Commissions only.

1.6. Significance of the Research

The researcher has tried his level best to find similar research on the area; however, he has been unable to get. He believed that this is mainly due to secret and security related area of the research. Since the researcher works in the research area, he believes that it may benefit the researcher to get resource including data and information required. The findings of the research are expected to contribute a lot for different stakeholders. The primary significance of this study will be giving insight to other fellow researchers for their extensive investigation of the field which is the most forgotten function by researchers in Ethiopia. It is also hoped that the research will benefit the two commissions.

1.7. Research Methodology

Research methodology is a systematic way to solve a research problem and other studies also defined it as the scientific way of addressing the aim of a research work⁹. It is the scientific mechanism and way to find reliable and accurate research outputs.

⁹ Pauline Vislick Young. (1949).Scientific social surveys and research; an introduction to the background, content, methods and analysis of social studies, 2nd Ed. New York.p.32

1.7.1. Research Design

Based on the statement of the problem the research design drafted to show the research approach, target population and sampling Techniques, Data collection method, processed, analyzed and interpreted. Research design is a guide and a map that direct how the research is conducted (Mark and Peter, 2001, P.29).¹⁰ Many researchers use various research knowledge claims which are good for processing the research on answering research questions and addressing the research objectives¹¹. This research is a qualitative research method and is used to address the objectives of the study

1.7.2. Population and Sampling Techniques

Appropriate sampling methods are required to select (sample) the key informants in the qualitative research approach in order to know their opinion, feelings and experiences. There are three most commonly used sampling methods in qualitative research: purposive sampling, quota sampling, and snowball sampling. Among these three sampling methods, the researcher has used purposive sampling methods to select the “right” informants based on their experience from the current and previous members of the Joint Council.

Since this research focuses on the relationship between the Ethiopian Federal Police Commission and State Police Commissions,¹² the writer of this research has purposively selected five police commissions from the total of 12 police commissions in the Country. In addition, the researcher has selected eight informants from the total of sixteen members of the Joint council and two informants from Ex-members of the Joint council. These totals of ten informants are selected based on their experience from the five purposively selected police commissions. Accordingly, four interviewees from Ethiopian Federal Police Commission, one interviewee from SNNPR, one interviewee from Oromya and one interviewee from Addis Ababa Police Commission, one interviewee from Benshangul Gumuz and two interviewees from previous members of the Joint Council were interviewed.

¹⁰ Mark Balnaves and Peter Caputi, *Introduction to Quantitative Research Methods an Investigative Approach*, Sage publication, 2001, p. 29

¹¹ Creswell, J.W. (2009). *Research design: quantitative, qualitative and mixed methods and approach*. 2nd Edn. University of Nebraska, London, p.14-15

¹² The twelve police commissions are: the nine regional state police commissions, Federal, Addis Ababa and Dire Dawa Police Commissions.

1.7.3. Data collection method

Data is collected from primary and secondary sources.

The researcher has used both in-depth interviews and participant observation as method of data collection in primary data in order to examine the experiences of the Joint Council in the Police Commissions. Primary data is gathered from the ten purposively selected members of the Joint Council. The researcher has participated from January 5-6 /5/2006 E.C as an observer in order to gather the real data from the Joint session in Asosa. Furthermore, Secondary data was collected from annual plan, reports, decisions and different documents of the Joint Council from Ethiopian Federal Police Commission.

In addition, from the FDRE Constitution, Ethiopian Federal Police Commission Establishment Proclamations No.720/2011, State Police Establishment Proclamations and other relevant Institutions Establishment Proclamations, books and websites are conducted as a Secondary Source.

1.8. Organization of the Paper

The thesis includes five chapters including this. The first chapter is devoted to the introduction of the study. Under this part: background of the study, statement of the problem, objective of the study, research questions, significance of the study, scope of the study, Methodology of the research and organization of the paper are duly dealt with.

The second chapter is intended to deal with the Meaning and Historical Evolution of Policing which includes introduction, meaning of police and policing, the evolution and functions of Policing in the World, evolution and functions of modern policing in Ethiopia. Chapter three deals with relationship between Federal Police and states Police in some federal countries. It includes the relationship between federal, state and local police in the USA, the relationship between bundespolizei and landespolizei of Germany, the relationship between federal and State Police in Switzerland Federal Office of Police Cantonal Police Corps.

The fourth chapter deals with relationship between Ethiopian Federal Police and state Police Commissions under Ethiopian federalism. It includes Duties and Responsibilities of Ethiopian Federal Police, relation between state police and Ethiopian Federal Police Commissions, Cooperation between Ethiopian Federal and state Police Commissions,

enforcement of federal matters under the state police commissions and Joint Council of the federal and state police Commissions. Chapter five forwards the conclusion and recommendation made based on the findings of the research. Here, major observations and outcomes of the thesis are summarized. The recommendations are directed to address the gaps and challenges that are identified in the research.

CHAPTER TWO

THE MEANING AND HISTORICAL EVOLUTION OF POLICING

2.1. INTRODUCTION

Under Chapter one, the paper discussed general introduction of the research. In this chapter, the paper is going to discuss basic justifications or foundations of policing. Furthermore, the chapter explores definition of police and policing and the evolution of police in global and Ethiopian perspective.

The police as the social institution, charged with representing the interests of the community, hold these elements of total freedom versus total control in harmony. To this end, however, what was the very essence of grounding the foundation of policing? The basic justifications or foundations of policing were the need to maintain social order and the growing of demand in the societal development. As indicated, the following part is going to discuss the above from wide perspective.

2.1.1. Definition and Meaning of Police and Policing

The word ‘police’ is derived from the Greek word “*Politeia*” or its Latin equivalent “*Politeia*” which broadly means citizenship, state or the administration of the government.¹³ The word police therefore mean a system of government or the power of the state.¹⁴ Police can be defined as an organization that is an agency of government to enforce various laws, maintain public peace, order and security, control traffic, provide security to the citizens, protect individual's rights, specially provide security to the weaker sections of the society and maintain order in the society. In addition to this, as one organ of the criminal justice system police have to investigate criminal cases.

However; through time the term police include both public and private law enforcement agents. In other words, currently the word police refers to a group of people employed either

¹³Gill Aberdare, What is policing? Sage Publications, available at www.sagepub.com/upm-data/19049_01_Rowe_Ch_01.pdf accessed on April 10, 2015, p. 4

¹⁴Ibid

by the state, municipality, private security companies or by the public in their local networks of informal social control and tasked with maintaining law and order. However, for the purpose of this thesis, the term police refer to a group of people employed by the state, tasked with maintaining law and order and security of persons and property.

Like that of police, the word policing has a narrow and broad meaning. In a narrow sense policing is what police officers do. In other words, the term 'policing' is to mean the law enforcement, investigation and peacekeeping activities undertaken by police officers.¹⁵ It is the process of preventing crime and maintaining peace and order by government hired law enforcement agents.

In broader sense, policing refers to broader social control activities - activities undertaken by parents, teachers and a whole range of people, as well as members of the police force.¹⁶ Put in other words, "Policing refers to organized forms of order maintenance, peace keeping, rule or law enforcement, crime investigation and other forms of investigations and information brokering by public and private agents. Prior to the 20th century, police officers which are the agents of the governments are the only ones that perform policing activities. However; today policing activities are done both by public and private agents. Policing is not even the work of a particular group of people – police officers; it is a set of activities that consists of both private and public initiatives.¹⁷ Therefore; policing is not only being delivered by an increasing array of public bodies such as police force, which are organized at a variety of geographical level, but it's the private and municipal sector.

For the purpose of this thesis, the term policing refers to the maintenance of order, the control of disorder, the prevention of crime and detection of crime by modern police force organized by the state. Besides policing, this thesis defines police as the civil force of a state responsible for maintaining public order.

¹⁵Ibid, pg.6

¹⁶Ibid

¹⁷What is policing?<http://www.markedbyteachers.com/university-degree/social-studies/what-is-policing.html> accessed on April 10, 2015

2.2. The Evolution and Functions of Policing in the World

There is no single global evolution of policing. During ancient time members of the clan and tribe provided the police function. The head of the tribe or clan had executive, legislative, and judiciary control. The enforcement of a group's norms and customs was handled primarily by the injured party or by one's family and kin. In turn, crimes committed against the group, such as an attack, typically were handled by the entire clan or tribe.

United Kingdom is the first country that formed professional police. Sir Robert Peel is the founder of modern policing in UK. He established the Metropolitan Police Services in London in 1829 based on London Metropolitan Police Act. This was created with embryonic concepts of professional police and policing.¹⁸

After the end of Second World War, the development of policing was shifted from the United Kingdom to the United States.¹⁹ American policing has been heavily influenced by the English system throughout the course of history.²⁰ Though it was not implemented in exactly the same manner as it was in London, the concept of the modern police force soon found its way in the United States. In the U.S., the principles and ideas of Peel and his adherents were expounded on by law enforcement professionals around the globe, with the input of officers and criminologists alike. The development of policing in the U.S passed four paths: political influence stage, the reform stage, the professional stage and the police and community relation stage.²¹ Initially, especially until the period of 1930s, there was excessive political influence on the US Police force. After the 1920, due to a strong public pressure on the political influence and corrupted practices of the police force, the police force started reform to become professional. Police during this reformation was highly equipped with high technology.²² However, this dependency in technology detached the police from the society. This drawback led to the emergency of the philosophy of community policing. Temporarily, community policing is the emerging philosophy of policing in the US and the entire world.

¹⁸Ibid

¹⁹J.Grieve, et al, Policing, London, England, SAGE Publications, 2007, p. 16

²⁰The History of the Police, section 1, Sage Publications, Available at: www.sagepub.com/upm-data/50819_ch_1.pdf, Accessed on April 10, 2015

²¹MeressaKahsu (Commander), Policing and Its Professional Ethics, Addis Ababa, Ethiopian Police University College, Teaching Module, Unpublished, February, 2011, p 16-19

²²The History of the Police, section 1, Sage Publications, Available at: www.sagepub.com/upm-data/50819_ch_1.pdf, Accessed on April 10, 2015

2.3. The Evolution and Functions of Modern Policing in Ethiopia

Like other countries, the origin of the Ethiopian Police Force has its own legendary beginnings. Ethiopia had its own form of police force for centuries; however, there are no written historical facts to support this claim.²³ Besides this, one cannot claim the existence of a police force in Ethiopia even in its rudimentary form, as we understand the term today. As Andargatchew pinpoints, the kings and local lords (*balabats*) may have had security people to protect them and their properties. In addition to this, he highlights the traditional crime investigation methods of *Afersata*. According to him, *Afersata*- the traditional crime investigation method- was practiced more than hundreds of years before Emperor Haile Selassie eliminated it. *Afersata or Auchachigne* is a method of crime investigation practiced when crime is committed and the culprit is not found. The people of the area were made to confess, confidentially, under oath to the king's functionaries.²⁴ In *Afersata*, there were three organs – the *Qagne Wonber, Mirtoch and Wefoch*²⁵.

The *Qagne Wonber*- the judge – would address the people and explain the purpose of the gathering to the effect that '*until you have discovered the culprit, infants at the breast shall not suck a milk, oxen and herds shall neither drink nor eat, husbands and wives shall not inhabit their houses.*'²⁶

The *Mirtoch* – elders- will sit along the functionaries. The people sitting at some distance would be called one by one and confess to *Mirtoch*. In this process the *Mirtoch*, would recruit from the crowd, confidentially the *Wefoch*. *Wefoch* are informants who mingled among the people and listened to what people in the crowd were talking about, regarding the topic under investigation.

The *Qagne Wonber* gave decision on the case based on the testimony of the public and *wefoch* –through *Mirtoch*. The *Afersata* was used until the early second half of the 20th Century.

²³Andargatchew Tesfaye, *The Crime Problem and its Correction*, Vol. II, (hereafter, Andargatchew, the crime problem) Addis Ababa University press, 2004, p. 10

²⁴ Ibid, p. 11

²⁵ Ibid

²⁶ Ibid, p. 11

Another method of crime detection – *Leba shay* was practiced in the country.²⁷ *Leba shay* was a traditional method of detection of criminals, in which a young boy would be given a powerful drug and let loose in the neighbourhood. The unfortunate owner of the house where the boy collapsed would be declared as a culprit.²⁸ After many years of practice, *Lebashay* was abolished by the Emperor Haile Selassie, for its unscientific and mischievously accused people of committing offences.

RasMokennen, the governor of Hararghe, had established a police force called *Dewaria* (patrol or watchman in Arabic) in 1906 to protect the lives and property of foreign nationals and to enforce the curfew.²⁹ The *Dewaria* got a professional police training, mainly on patrolling and city policing.³⁰

In 1916, *Emperor Menelik* had formed a city police force called *Zebegna* (Guard) police and replaced the *Dewaria*. The task was given by the proclamation of Emperor Menelik, which stated that “*Until now I have done every possible means to stop crimes. From now on if you find somebody committing crime bring him to me. I will brand his head with hot iron and will be given to you to be your slave.*”³¹ Despite the Emperor’s effort to create modern police, the *AradaZebegna* was mostly restricted to Addis Ababa and the surrounding. In the rest of the country the policing task of crime prevention, investigation, and law enforcement was done basically by the indigenous policing.

After the death of Emperor Menelik in 1913, *LejEyssue* came to power and increased the number of the *AradaZebegna*. After him the daughter of emperor Menelik, empress Zawditu came to power. But the real power was with RasTafari who became the regent and later Emperor Haile Selassie. Following the regent’s visit to Europe in 1924, a Belgian military mission consisting of four officers came to Ethiopia and together with the French and Ethiopian police officers, made the police conform more closely to European models of policing.³² It was only after this mission that the Ethiopian police were modernized.³³ A written Constitution and a new Criminal Code were issued in 1930. Article 6 of this Criminal

²⁷ Ibid, p. 12

²⁸ Ibid

²⁹ Hassen Shuffa Abkadir, *Critical Analysis of Indigenous and Modern Policing in Ethiopia*, pp.10-54, 2014

³⁰ Ibid

³¹ Ibid

³² Ibid

³³ Ibid

Code of 1930 specified the task of the *AradaZabegna* as: to deploy police officers and organize police stations throughout the country, to protect the city, to reach rapidly a place where people cry for help and to punish and fine criminals.

In 1930, *YewesitDemb* (Internal regulation) to administer the *AradaZabegna* was issued and nine departments were created to regulate its functions. These included: the court police, the secret police, the interrogation office, the political office, counter intelligence, the immigration office, the mounted police (patrolling the periphery of the city), the supply office, sanitation office with clinics both in Addis Ababa and some regional cities and traffic police. Addis Ababa was divided into ten districts each having its own police station connected with the headquarters in the city's center by telephone.

The emperor formed a new branch *Yemistirzabana* (secret police) within *AradaZabegna*, which was responsible for aborting rebellions and for watching the behaviour of suspected persons.³⁴ Though they were to be secretive, they were having uniform that showed that they were secret intelligence officers. All of its recruits were carefully selected and appointed directly by the *Kantiba* (mayor). As can be understood from above, both Emperor Menelik and Haile Selassie have tried to expand modern policing service throughout the country; however, the expansion was limited to some urban areas.

The efforts to expand the police force and cover the different regions with a modern, trained police force, were disbanded by the Italian occupation from 1936 to 1941 and established the *Poliziacolonia* and brought their own police men, both from Italy and from some of their colonies.³⁵ The major purpose of the *Poliziacolonia* was to impose Italian rule, which was issued for both the Italian and the indigenous population. The activities of colonial police were divided into three functions: political, criminal and administrative.³⁶ The *PoliziaPolitica* was entrusted with guarantying public order and security by suppressing rebellions and any agitation against Italian rule.³⁷ The *Polizia Guidiziaria* had the duty of

³⁴ Ibid

³⁵ Supra note 22, p. 13

³⁶ Ibid

³⁷ Supra note 28, pp.55

controlling juvenile delinquency and preventing promiscuity and other offenses.³⁸ The *polizia* administrative kept control of the possession and use of arms and explosive.³⁹

Although the *Polizia Colonial* was established to preserve Italian rule, it spread modern policing in many parts of the Empire through establishing police stations in the provinces. The *polizia colonial* police stations had even served as bases for the next government that was formed by the British. One policy of Italian colony was not to interfere with local customs and as a result of this, the use of the *Afersata* (Indigenous policing) was uninterrupted, even during the Italian occupation because they found that it was an effective method of investigation.

In January 1941, when British troops occupied Addis Ababa, the British had to ensure law and order and the safe evacuation of the Italian population. Thus, they organized a police corps to safeguard the life and the property of these people. The *Carabinieri* (horse police which were used to control riot) and other Italian police were called upon to assist in maintaining order for the first few days.⁴⁰ The British also formed *Zabegna* (Guard) force, which was led by a Greek commander to protect business and government institutions.⁴¹

When the campaign of defeating the Italian occupation was over, Brigadier Lush was appointed as Deputy Chief of political office by the British government. In collaboration with local British officers, he formed a new police called Occupied Enemy Territory Administration (O.E.T.A).⁴² Following the Ethio-British Agreement of 1942, the O.E.T.A ceased and the responsibility for the establishment of new police force became that of the Ethiopian government. The re-establishment of the police force was one of the first tasks of the government during that time.⁴³

Though the government starts to setup new police force, almost all decisions were made by British officers. Therefore, the Ethiopian government had little say in the police affairs. However, as part of the agreement, the British forces made Ethiopian officers to work as

³⁸ Ibid

³⁹ Ibid

⁴⁰ Supra note, 28 p.63

⁴¹ Ibid

⁴² Supra note 22, p. 14

⁴³ Ibid

translators until the police force was transferred to Ethiopians. Ethiopian officers from the pre-Italian occupation police force *AradaZabegna* were assigned the translation duty. In 1941, the first regulation “The Ethiopian police and prison force order” was published detailing new uniform, salary, and medical benefits.

On the departure of the British armed forces from Ethiopia, the O.E.T.A came to an end. Hence, the Imperial Ethiopian police force was re-established in June 1942 under police Proclamation No. 6 of 1942. From this time the name was changed from O.E.T.A. to Ethiopian Imperial police force. According to article 17 of this proclamation, the main functions of the police were stated as the prevention of crime, the apprehension of criminals, the maintenance of law and order, the protection of the safety of people and property to assist the prosecution and the regulation of traffic. In so doing, they have to ensure that every citizen is accorded due process of the law. A new internal procedure code was introduced which stated that the police would be composed of superior officers, inspectors, non-commissioned officers and constables as determined by the Minister of Interior.

At the earliest stage, there were no recruitment criteria and recruits were mainly from the unemployed people in Addis Ababa.⁴⁴ These men, after some preliminary training, were posted to various main towns in the country.⁴⁵ At the early stages, the men recruited from the unemployed and the illiterate were not very much committed to legality.⁴⁶ “*Irregular pay encouraged bribery and outright extortion and policemen frequently had little knowledge of the laws they were called upon to enforce.*”⁴⁷ Security outside the towns was mainly in the hands of the Territorial Army supported by the regular army. Thus, a visit by the police was an occasion of some importance and is usually noted with apprehension.

For the first time in 1945, an Ethiopian deputy police commissioner’s position was created and an Ethiopian with a rank of major with a police training abroad before the war was appointed to fill the position.⁴⁸ A training programme for the policemen was developed in 1944 and faced with the greater bulk of the constables on service being illiterate, an

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Ibid, p. 15

⁴⁷ Supra note, 28, p.64

⁴⁸ Ibid

educational programme was established in each police station to teach the force how to read and write. In 1945, the Territorial Army was disbanded and police officers of all ranks were placed under the control of the Ministry of Interior.⁴⁹ They continued to serve as security forces in the rural areas.

By 1946, the Abba Dina Police College was established in Addis Ababa. Young Ethiopians with grade six educations were recruited and Swedish Police officers were brought to conduct the training. From this time on wards, the Ethiopian police have begun to enter the age of modern policing in its proper sense. Since 1960, the College was fully an Ethiopian in terms of its faculty members. The recruitment of candidates was gradually upgraded, and they were required to complete grade 12 educations.⁵⁰ Generally, the police force was organized into uniformed (Including the traffic unit) and the detective units. There were also specially trained riot control squads and police laboratories and technicians though these were not found in all parts of the country. In order to improve performance of the police and relieve the army, in 1962 a paramilitary emergency police force, known as “*FetnoDerash*,” which rained with the assistance of Israel Government was established.⁵¹ Between 1952 and 1969, many Ethiopian police officers were trained abroad. Thus, it can be fairly concluded that during the time of Emperor Haile Selassie, Ethiopia had modern police force.

After the overthrow of Emperor Haile Selassie, the Marxist government of the *Dergue* came to power. Due to the ideological change, the police were renamed as “Revolutionary police” and then “people’s police”. The Dergue severely circumscribed the authority of the national police. Andargachaw states that in the early part of the period of revolution, the importance of the police was to some extent played down.⁵² The Dergue did not amend the laws. Therefore, in theory, the duties and responsibilities of the police remained as stipulated in the police proclamation No 6 of 1942. The police force maintained more or less the same structure and was centrally commanded from Addis Ababa. Policing powers were limited to what is stipulated in the proclamation. As discussed below, it was not easy to distinguish from the military.

⁴⁹ Mersa Kahsu, policing and its professional ethics, unpublished, 2011, pg.34

⁵⁰ Supra note 22, p. 16

⁵¹ Supra note 22, p. 22

⁵² Supra note 22 p. 24

One could see clearly that the *Dergue* tried to tie up policing to the ideology of communism. It was highly centralized. In other words, the power given to police was exercised under the guise of centralism. Based on this, the police were given at least in theory in the following functions: to protect properties which were nationalized from what was regarded as anti-revolutionary and anti-people, to implement the progressive proclamation and laws of revolutionary Ethiopia, to participate in development of the socialist economy and to protect the country from internal enemies. The document continues to look at other normal police functions like crime prevention and investigation.

During the *Dergue regium*, there was no clear policing strategy. In order to prevent crime, the revolution was to destroy the old regime and build socialist government as this by itself was to decrease crime to replace the police work by that of the militia, to take out those criminals who built their lives on crime to agricultural land and make them productive, to organize the workers and make sure they expose criminals and preventing the consumption of alcohol on day time.

In practice, besides centralization of police power, the police were left without any real power because most of their mandates were taken by different organizations. The investigation department was taken to “special investigation” department, which was directly led by the Dergue committee. The lower level of crime investigation, prevention and law enforcement was taken by local administration. Here it was after referred as *kebele* which was authorized to imprison, investigate and even kill offenders. Andargachaw stated that the revolutionary squad of the urban dwellers and rural peasant associations were expected to take over the role of the police. The police were left with the role of traffic policing because even the police stations were run by revolutionary guard committees.

In 1981, the number of police officers decreased. Police officers were assigned duties which did not have connection with their primary objectives like that of being political cadres, *kebele* administration guarding political cadres’ army etc. The various regional police training schools were closed down and new recruitment was abandoned. The military used best managers from the police; Dergue also took away police logistics including cars, arms and buildings.

As indicated previously, the police did not have clear principles and strategies during the *Dergue* rule. It could be summarized as, undemocratic, centralized, bureaucratic and paramilitary in nature and alienated from the population. It was composed of officers from unrepresentative of the wider Ethiopian communities and nationalities with very little public service experience and it was too much politicized.

2.4. Police after Downfall of the Dergue Regime

After downfall of the *Military Junta*, the Ethiopian People's Revolutionary Democratic Front (EPRDF) took power in May 1991. The country state structure shifted from unitary to federal state structure. Accordingly, the police force organized in federal and regional states. During the first ten years, the federal police main task was to reorganize a new police force. At the same time it was doing crime prevention, investigation and law enforcement tasks. This is the period that could be regarded as the first phase of reorganizing the police. The same is also true for regional police force.

Andergachaw commented that after the EPRDF took over the government in May, 1991, it disbanded the police force and the country was left without police officers for some time.⁵³ When the EPRDF took power, it included 33 political parties and formed the transitional government from 1991 to 1994. This transitional government issued proclamation no. 8 of 1992 on the 16th January, 1992 that provides for the deployment of the State Defence and of Police force which gave the legal framework for the police. In its preamble, this proclamation states “ *The huge army and a repressive espionage machinery committed atrocities against the people thereby making their lives miserable and then it was necessary to change its character and disengaged its members to enable them to resume peaceful live.*”

The reorganizing process of the police force was started in 1991 through a commission composed of eight senior police officers. The reorganization was based on the following principles: police decentralization to ensure that the power to police is divided between the federal government and the regional states, the police should be composed of all nationalities, changing the police from the paramilitary to civilian and professional policing,

⁵³ Supra note p. 23

standardization of the police organization throughout the country, developing democratic leadership and professional competence in policing, the police force should have a mass base I.e. community policing should be the strategy, the recruitment of police officers to be carried out with the full participation of the local community to ensure that undesirable people are not recruited. The policy excluded the recruitment of former *Dergue* party members, former leadership of *kebele* (the lowest administration unit) associations and former member of the armed forces. Some members of the former police force could be retained in the new police force provided that they were certified by the community to be free from any crime and wrong doing, particularly during the *Dergue's* period.

Based on the above policy and recruitment criteria, the first federal Police force was formed from the following four entities: 51% were former police officers who were selected by the community to rejoin the new police force. The second category was 1.3% police officers that had been trained by EPRDF before the fall of the *Dergue*; the third category, 6.25% that were brought from the EPRDF's fighters and the last category was 41.45% of new recruits. This served as a basis for the present Federal Police. The next task of the commission was to train these police officers. A lot were contributed in training the police. First group of delegates went to Sudan, South Africa, England and Germany to get help and learn experiences. South Africa and Sudan send their trainers to train the police and 12 British experts were called to help reorganize the police and were deployed in all the fields. The Germans supplied the police with cars and forensic equipment.

Under Article 10(8) of Proclamation 7 of 1992 that established National/Regional Self-governments, the regions were given the power to establish their own police force. Under this proclamation, the national security issues are located under the central government. Thus, the federal police was responsible to manage security issues like terrorism, money laundering, organized crimes and standardization of the police practice.

CHAPTER THREE

THE RELATIONSHIP BETWEEN FEDERAL POLICE AND STATES POLICE IN SOME FEDERAL COUNTRIES

3.1. INTRODUCTION

In chapter two, we have seen basic justifications or foundations of policing. Further, the chapter explores definition of police and policing and the evolution of police in global and Ethiopian perspective. This chapter discusses the relationship between Federal and States Police in some Federal States.

State structure is the system by which states of the world design their basic elements such as population, territory, government and sovereignty in the form as to which their people necessitate and benefit.

The core issues of the state structure are whether the essential elements of the state: territory, population, sovereignty and government. The three forms of state structure in which the history of the world experience are unitary, confederation and federalism. Unitary is a form of state structure that is characterized by centralization of power and indivisibility of sovereignty. In unitary government, there is only one source of authority whatever local territorial units exist. Local units are merely agencies of the central government established for its convenience for local administration. They owe their legal existence to it. Hence, their power and arrangement increased or diminished or their legal existence ended by the unilateral will and action of the central government. However, some variants of unitary system have autonomous regions endowed with regional autonomy. Such kind of internal territorial division seems federal system and sometimes referred to as quasi-federalism. Most of the world states structured themselves in unitary system. UK, France, the Netherlands, Romania, China etc. are some examples of unitary states. Pure unitary is becoming an abstract concept, for the modern central governments in the real world often have great difficulty of controlling the activities of local administration, even in officially unitary system.

Confederation is voluntary association of independent states. It is an association of states, which rests upon the common agreement of its members expressed in an elaborate document. Confederations are formed for common advantage without affecting internal freedom, structure, lawmaking and enforcing processes, external relations of the states confederating. These objectives include external security, promotion of cultural and economic unity and operation of postal service. Examples of confederations are AU, EU, NATO, ECOWAS and the Arab League, etc. Sometimes confederation will lead to federalism like that of Australia, Switzerland and United States of America.

Federalism is a form of state structure by which power of a state is formally (constitutionally) divided among different level of government, each of which is legally supreme over its own sphere. It is the direct opposite of unitary. It provides for an actual division of power between two or more nearly independent government each of which is against particularism and centralism authority over the same people. Federalism is a political union of different unit. In federalism the power of the three organs of the state (legislative, executive and judiciary) are constitutionally divided between the federal government and regional states. As one component of the executive, federal government and regional states have their own police force. Therefore, the focus of this chapter is to explore the organizational structure of police force in some federal countries. Besides to this, this chapter also assesses the relationship between the police of the federal government and regional states police force in Germany, United States and Switzerland.

3.2. Relationship between Federal, State and Local Police in USA

The United State has a dual federalism, in which the federal and state governments are to remain autonomous, and then each must act directly towards the people in the process of enforcing its laws.⁵⁴ As a result, it follows that not only legislative but also executive, financial and judicial powers should be divided between the federal government and the states so that each will act autonomously. In dual federalism, the federal government may not have a trust on states to enforce federal laws.⁵⁵ The doctrine of dual federalism stipulates that ‘all governments which are not extremely defective in their organization must possess within

⁵⁴ Assefa Fisha, Federalism , Teaching Material,2009, p.359

⁵⁵Assefa Fiseha, Federalism, 2008, p. 357

themselves the means of enforcing their own laws.⁵⁶ This dictates the federal and regional governments to have their own law enforcement agencies. The United States of America, police forces are categorized into three distinct groups: Federal, State, and Local.

Federal police agencies (Federal Bureau of Investigation (FBI), United States Marshals, Secret Service, etc.) usually have jurisdiction anywhere in the country in enforcing federal laws. They enforce the laws enacted by the Congress in the entire country. They spend their time on cases crossing state lines, warrant apprehension, cases of fraud, border protection, drug interdiction, gang infiltration, and anything else that requires more resources than those accessible at the state level.

The State police departments usually have jurisdiction over the entire state. Those law enforcement agents enforce state laws within the state jurisdiction. Officers are restricted to certain areas inside their jurisdictional boundary. State law enforcement agencies spend their time on major crime scenes, incidents requiring specialized weapons and tactics, traffic enforcement, escorting oversized loads, inspecting trucks, assisting in pursuits, investigating crimes against animals, conducting driving under influence checkpoints, and assisting federal and local agencies. Unless, in certain exceptional circumstances, those agencies do not enforce laws enacted by the Congress, laws endorsed by the Congress are enforced by Federal law enforcement agencies.

The Sheriff – local law enforcement agents is an elected official, voted for by the people of the county he will serve. The Sheriff's Office is limited in jurisdiction to a county within the state. The sheriff appoints (hires) deputies. Depending on the state's needs, sheriff's offices usually spend their time doing traffic control, drug interdiction, welfare checks, domestic violence, courtroom protection, and operating the county jail or jails.

3.3. Relationship between Bundespolizei and Landespolizei of Germany

Unlike to the United States of America, Germany follows an executive federalism in which federal legislative authority is constitutionally assigned to the governments of the units.⁵⁷The

⁵⁶ Ibid

Basic Law provides: ‘the states shall execute federal laws in their own right in so far as the Basic Law does not otherwise provide or permit.’⁵⁸ The federation cannot create its own federal agencies to be sent to the states, although the federal government exercises an oversight to ensure that the states exercise federal laws in accordance with the law and the *Bundesrat* can decide as to whether a state has violated the federal law or not and an appeal can be lodged against such decisions before the Federal Constitutional Court.

The Basic Law also provides for situations where the states enforce federal laws as agents of the federation and subject to binding federal instruction.⁵⁹ When the states do so as agents of the federation, the federal government can take measures to ensure that the states execute federal laws faithfully. State authorities may be subject to strict instructions from highest federal authorities. Federal administrative structures exist only in those limited areas where the Basic Law expressly provides for direct federal administration.⁶⁰ But the Basic Law has a general saving clause to set up autonomous federal authorities for matters on which the federation has legislative power.⁶¹

The Basic Law stipulates only three areas in which police authority is a national concern. In accordance with article 73 (10) of the law the federation has the exclusive legislative authority for “co-operation between the Federation and the states: a) in criminal investigation, b) for the protection of the free democratic constitutional structure, its continuance and the security of the Federation or a state (protection of the constitution) and c) in the protection against attempts on federal territory, which through the use of force or preparatory acts of such, endanger the foreign interests of the Federal Republic of Germany, as well as the maintenance of a Federal Criminal Police Office and the combat of international crime”. In accordance with Art 73(9(a)) of the Basic Law the Federation is also responsible for “the defense of the dangers of international terrorism by the Federal Criminal Police Office in cases where there is nationwide danger, the responsibility of a police

⁵⁷Assefa Fiseha, *Federalism*, 2008, p. 358

⁵⁸ *Ibid*

⁵⁹ Article 85, Basic Law for the Federal Republic of Germany, (here after, Basic Law) November 2012, available at https://www.bundestag.de/blob/284870/ce0d03414872b427e57fccb703634dcd/basic_law-data.pdf

⁶⁰ These matters include foreign affairs, defense, currency, some federal taxes, social insurance programs covering more than one state, railroads and postal services, federal waterways, certain police functions, shipping, air transport, federal banks and the armed forces. See Articles 87-90.

⁶¹ Basic Law Article 87(3)

authority is not apparent or where the highest state authority requests a transfer of competence.” In accordance with Art 87(1) of the Basic Law the Federation is also responsible for border control, which is carried out by the Federal Police (formerly the Federal Border Guard). All other police tasks are fulfilled in principle by the state police.

The federal police of Germany is known as Bundespolizei which is subordinate to Federal Ministry of Interior.⁶² Apart from the federal police, Germany also has police force working under the state governments and handling the state operations. These police forces are known as Landespolizei.⁶³ Though the Bundespolizei deals majorly with security arrangements at border, they are also involved in providing security to the constitutional organs of the country, judicial branches like courts and federal government.⁶⁴

The major law enforcing body of the country is Landespolizei, which handles major police activities.⁶⁵ This law enforcing agency is operated by the states of the country. For efficient working, this police force is subdivided into various departments that handle the security operations categorically. One branch is responsible for street patrolling and emergency call responses; another is involved in handling the traffic issues, the third is in handling highway security and patrolling.

3.4. Relationship between Federal and State Police in Switzerland

In general, Switzerland like Germany falls into the category of federal government. The federal is responsible for the most part of law-making while the states are for administering it. The executive federalism in the Swiss context refers to the cantonal administration of federal law, constitutional or delegated. The principle is the same as what is stated under the German federation, although it is not stated as comprehensive as the case with the Basic Law. The Swiss Constitution states: ‘The cantons shall implement federal law in conformity with the constitution and the statute.’⁶⁶ Furthermore, it provides ‘the confederation shall

⁶²Police Hierarchy in Germany, available at <http://www.hierarchystructure.com/police-hierarchy-in-germany/> accessed on May 1, 2015

⁶³ Ibid

⁶⁴ Ibid

⁶⁵ Ibid

⁶⁶ Swiss Constitution Art.46 (1).

leave the cantons as large a space of action as possible, and shall take their particularities into account.⁶⁷ In some cases the federal constitution specifically orders cantons to execute federal laws, for instance, the protection of the environment;⁶⁸ keeping and caring for animals;⁶⁹ civil protection; protection of nature; protection of national highways, and yet the constitution does not fail to state, as in Articles 74(3) and 80(3), a saving clause stating that a federal statute may reserve, if necessary, the executive power to the federal government to directly execute through its own agents.

Beyond constitutionally mandated executive federalism, according to Schmitt, legal practice also indicates that the federal legislature can delegate the (executive, not legislative) power to execute federal laws even if the constitution does not specifically provide for it.⁷⁰ It has become a basic principle of Swiss federalism. Because the federal legislation often is not exhaustive and because the cantons are allowed to adapt the federal law to their own circumstances, executive federalism gives the cantons some degree of autonomy even in the fields that are regulated by federal legislation. The extent of the autonomy depends of course on the nature and depth of the federal legislation.

It is good to note that in some fields like customs and excise, railways, postal services, the confederation has both legislative and executive functions. Federal government takes decisions and sees their execution through its own federal officers and to that extent dual polity exists. But these fields are a few in scopes and the bulk of other federal legislation is administered by the cantons.⁷¹ In relation to the police structure, Swiss has a federal and cantonal police force.

Federal Office of Police: The Federal Office of Police (Fedpol) works with its international and cantonal partners as a center for information, coordination/cooperation and analysis in matters concerning the internal security of Switzerland.⁷² The functions and missions of the Fedpol's activities include: criminal investigations on behalf of the Office of the Attorney General of Switzerland which are usually of great complexity and of an international and / or

⁶⁷ Ibid Art. 46 (2).

⁶⁸Art. 74(3).

⁶⁹Art. 80(3).

⁷⁰Assefa Fesseha, federalism p. 361

⁷¹Art. 46 of the Swiss Constitution reads: '*The Cantons shall implement federal law in conformity with the Constitution and the statute.*'

⁷² Ibid

interdisciplinary nature (in particular cases of terrorism, money laundering, corruption and financial crimes); coordination and support to criminal investigations in cases where the cantons have principal competence but which involve more than two cantons and/or foreign countries; security duties such as the protection of persons and sites considered to be at risk; administrative tasks such as, among others, managing the Money Laundering Reporting Office Switzerland (MROS), the Coordination Unit against the Trafficking of Persons and Smuggling of Migrants, the Coordination Unit for Cybercrime Control (CYCO) or the Central Office for Explosives and Pyrotechnics/Arms.⁷³

The Federal Office of Police has four main divisions. The first is the main division Federal Criminal Police, responsible for conducting investigations against transnational organized crime, including financial crime, terrorism and its financing, criminal activities involving explosives, illegal intelligence gathering, offences involving federal elections and ballots, offences against the laws on war material, nuclear weapons, dual-use goods and specific military goods and on civil aviation; corruption; genocide and money counterfeiting.⁷⁴ Finally the Federal Criminal Police coordinates the inter cantonal and international investigations and ensures the exchange of police information with Interpol. The second is the main division Services, performing a cross-sectional function and providing services to clients in Switzerland and abroad (identity documents, national police information systems, etc.).⁷⁵ The third is the main division Federal Security Service, responsible for the protection of federal officials and people and buildings affording protection under international law as well as in charge of the structural, technical and organizational security strategy for federal civilian buildings in Switzerland.⁷⁶ The fourth is the main division International Police Cooperation, among others in charge of the operational and strategic development of the bilateral and multilateral police cooperation, including the cooperation with the European Union and the Schengen-area in the field of law enforcement.⁷⁷ Moreover, it functions as single point of contact for bilateral, Interpol, Europol-, and Schengen-related correspondence

⁷³ Supra note 78, article 45

⁷⁴ Ibid ,article, 46

⁷⁵ Ibid

⁷⁶ Ibid

⁷⁷ Ibid

and manages the Swiss police attachés abroad as well as the foreign police attachés in Switzerland.

Cantonal Police Corps: The responsibility for law and order basically lies with the cantons, where the police have also the function of judicial police and of coordination body in the event of major disasters. The cantons also mainly determine the structure of their police forces. The Swiss federal structure is reflected in a number of cantonal police services which are organized in different ways:

- The German-speaking cantons distinguish generally between criminal, security and traffic police, the security police having the more general function of maintaining law and order and the criminal police having the more specific task of investigation of crimes;⁷⁸
- The French-speaking cantons as well as the canton Ticino distinguish generally between the “gendarmerie“(security police) acts as traffic police⁷⁹ and “Police de sûreté“(criminal police). In addition, the cantonal police corps disposes of special task units, intervention units and special institutions as the lake and airport police.

⁷⁸ Supra note 71

⁷⁹ Ibid

CHAPTER FOUR

RELATION BETWEEN FEDERAL POLICE AND STATE POLICE COMMISSIONS UNDER ETHIOPIAN FEDERALISM

4.1 INTRODUCTION

Under chapter three, the paper discusses, the relationship between Federal and State Police in some Federal Counties. Hence, it tries to explore the experience of other countries. Under this Chapter, the paper tries to examine the relationship between Federal and State Police Commissions both under the normative frameworks and in actual practice. In doing this, its compatibility with Ethiopian federalism is also assessed.

The FDRE Constitution provides about the establishment of two layers of states.⁸⁰ The Constitution states that “[t]he federal government and the states shall have legislative, executive and judicial powers.”⁸¹ It suggested that there exist parallel federal and state executive organs in charge of enforcing federal and state laws respectively. Since police is one of executive organs, the FDRE constitution provides both layers of government to establish their own police.⁸² The Ethiopian Federal Police Commission is established under the federal level and state Police Commissions are under state level. In other words, police in Ethiopia is dual like that of in USA.

Intergovernmental relation is a very broad notion referring principally to the relations (formal or informal) between the federal government and the constituent states concerning the co-ordination of policies on shared programs but at times goes much further than that. It may as well cover the horizontal relations between the constituent states or even the relations between the federal government and the local governments. Executive and co-operative federalism may at times mean the same thing as aspects of intergovernmental relations but there are also some slight differences. The writer is not interested to discuss the notion of intergovernmental in general. The purpose of this topic is twofold: to analyze the scheme of relations between the two commissions and consider how the two police commissions enforce their mandate.

⁸⁰ FDRE Constitution article 50(1)

⁸¹ Ibid article 50(2)

⁸² Ibid article 51(6)

The Federal and State Police Commissions are constituted based on their own establishment proclamations with duties and responsibilities. This chapter tries to discuss the duties and responsibilities of the Ethiopian federal and state police commissions, the relationship between the two commissions, the Joint Council of the two levels of the commissions and the power and duties of the Joint Council, rules governing the Joint Council, Joint session and tasks performed by the Joint Council so far will be the focal point of this discussion.

4.2 Powers and Functions of Ethiopian Federal and State Police

Commissions

4.2.1 Powers and Functions of Ethiopian Federal Police Commission

The Ethiopian Federal Police Commission (EFPC) has three major legal backing to its authorities and responsibilities, namely: the FDRE Constitution, the Ethiopian Federal Police Commission and other relevant institutions establishment proclamations. Therefore, the discussion of this topic is mainly focused on those authorities.

4.2.1.1 Power Originating from the FDRE Constitution

The FDRE Constitution gives to the Federal government the power to organize and administer Ethiopian Federal Police force and hence, Federal government is empowered to administer it. The constitution does not list the powers of Ethiopian Federal Police Commission. However, certain powers given to the federal government are implicated as it is given to Ethiopian Federal Police Commission.

The constitution allows to the federal government to deploy Ethiopian Federal Police forces at the request of a state administration, to avert a deteriorating security situation within the requesting state when its authorities are unable to control it.⁸³ Moreover, the constitution empowers the federal government to deploy federal police force if any act occurs which infringe upon fundamental human rights of citizens and national security.⁸⁴ In this regard it is the Ethiopian Federal Police to carry out investigations and necessary measures.

⁸³ Ibid article 51(14)

⁸⁴ Ibid, article 55(7)

4.2.1.2 Powers Originating from Ethiopian Federal Police Commission Establishing Proclamation No.720/2011

The Ethiopian Federal Police Commission (EFPC) has three proclamations⁸⁵ since its formation. As they all are repealed; in order to save space the discussion is concentrated only on the current proclamation. Since power given to the Ethiopian Federal Police Commission is similar to the previous proclamation, only the powers conferred by the current establishment proclamation are given emphases and are dealt with in this section. For the purpose of this discussion the researcher prefers to categorize in the following:

4.2.1.2.1. Intervention Power

Similar to the FDRE Constitution, this proclamation empowers to the EFPC when disruption of security occurs which is beyond control of state administrations, to restore law and order within the regional state upon the request of the regional state administration or in the case of conflicts that may arise between two or more state administrations when so ordered by federal government.⁸⁶ Though, this is what the constitution says, the practice is somehow different. In the place where the EFPC is available, the Ethiopian Federal Police Commission is engaged both in detection and prevention of crimes without any request of the states or with the absence of conditions mention by the constitution. In the name of “*Temer*” (Joint) committee, the Ethiopian Federal Police commission is highly engaged in the policing activities of the states.

4.2.1.2.2. Prevent and Investigate Crimes

The proclamation empowers the Ethiopian Federal Police to prevent and investigate crimes falling under the jurisdiction of federal courts. This includes prevention and investigation of any threats and acts of crime against the Constitution and the constitutional order, security of the government and the state and human rights.

The proclamation also empowers Ethiopian Federal Police Commission to prevent and investigate crimes related to counterfeiting currencies and payment instruments, investigate crimes related to information network and computer system; prevent and investigate crimes in connection with human

⁸⁵ Namely, Proclamation No. 207/2000 Determination of the Organization and Administration of the Federal Police Proclamation No. 313/2003, Federal Police Commission, 720/2011 Ethiopian Federal Police Commission Establishment Proclamation

⁸⁶ Article 6(22) of 720/ 2011 federal police establishment proclamation

trafficking, abduction, trafficking in narcotic and psychotropic substances, hijacking of aircraft or ship, organized robbery, terrorism and violence. When we see the nature of crimes listed, they are serious in nature and require resource. As stated above, in USA anything else that requires more resources than those accessible at the state level is given to Federal Police. For example, most criminal prosecutions for crimes directly related to terrorism are investigated and prosecuted at the federal level.⁸⁷ This is because federal investigative and prosecutorial capabilities are vast and sophisticated, while federal antiterrorism statutes and the high profile of such crimes push the prosecution of terrorism crimes at the federal rather than state and local levels. However, local police agencies efforts to prevent and deter crime also aim to establish an environment inhospitable to terrorism-related activities. Furthermore, local police agencies are responsible for providing protection of possible target sites, public education and awareness.

In this regard, one may argue that can the state police commissions engage in preventing the above crime in Ethiopia? According to the respondents⁸⁸, they argue that, they are not prohibited to do so. Furthermore, they contend that once the crimes occur, the investigation is left to the Ethiopian Federal Police Commission.

However, the above argument is not convincing. The proclamation does say nothing above the role of state police commission in preventing those crimes that fall under the Ethiopian Federal Police. The practice shows that state police were directly engaged both in preventing and detecting those crimes. State police commissions are submitting to Ethiopian Federal Police Commission after they apprehend them.

4.2.1.2.3. Safeguard Security of Federal Government Officials and Institutions

As it is provided in the proclamation, the Ethiopian Federal Police Commission has the responsibility to safeguard security of both the federal officials and institutions. Article 6(9) provides that Ethiopian Federal Police are duty bound to give security services to high level federal government officials and visiting foreigners.⁸⁹ It is also empowered to safeguard security of borderline or peripheral checkpoints, dry ports, air ports, fuel depots, railway lines, main bridges and communications networks, main

⁸⁷Matthew C. Waxman, Police and National Security: American Local Law Enforcement and Counterterrorism After 9/11 *Journal of National Security Law & Policy* [Vol. 3, 2009,p.384

⁸⁸Two current federal police commission deputy general commissioners

⁸⁹*Ibid*, article 6(9)

hydropower generation plants, mining sites and other federal government institutions.⁹⁰ This power includes power to Prevent and investigate criminal acts perpetrated against foreign government institutions and expatriates.⁹¹

4.2.1.2.4. Standardization power

According to the Ethiopian Federal Police Commission establishment proclamation, the Ethiopian Federal Police Commission has the power to conduct national policy, strategy and standardization studies and submit such findings to Ethiopian Federal and State Police Commissions; make appropriate efforts for their implementation.⁹² Those powers include: Develop national standards governing police force recruitment, placement, education and training, rank promotion, wages and allowances, uniform dress codes, ammunitions, termination, retirement age and any other procedures. As discussed later, this is very contentious issue.

4.2.1.2.5. Other powers

In addition to the above powers, the proclamation gives the Ethiopian Federal Police power to establish police training centers, facilitate domestic and foreign continuing education and training for police officers. The Ethiopian Federal Police commission is also empowered to install C.C.TV cameras at appropriate places to facilitate the prevention and investigation of crime.

The proclamation also gives power to Ethiopian Federal Police Commission to register arms possessions, identify prohibited arms which need not to be possessed by individuals and firms; issue permits for private security firms and follow up conduct of their work in appropriate manner.⁹³ Furthermore, it issues explosives permits for civil construction activities, provide convoy cover, security and control services.⁹⁴ In Ethiopia, there was no universal law regarding fire arms until 2011. Recently, this proclamation gives the Ethiopian Federal Police Commission managing and controlling power. This is the legal declaration. In practice, state police and militia office are registering without explicit delegation on it. Further, still now, the detail regulation and directives are not enacted. For this reason, there is no uniform controlling and managing system all over the country.

⁹⁰Ibid, article 6(5) (c)

⁹¹Ibid ,article 6(9)

⁹²Ibid article 6(7)

⁹³Ibid, 6(26)

⁹⁴Ibid , article 6(28),

In addition, the Ethiopian Federal Police Commission has the power to handle emergency situations including natural or man-made disasters. In such situation, the Ethiopian Federal Police Commission is duty bound to work in collaboration with the concerned government organs, charities and associations in providing assistance to victims.

Furthermore, the Ethiopian Federal Police Commission has the power to establish relations with the relevant foreign state police institutions and governmental and non-governmental organizations with regard to police affairs. It includes power to establish relationship and exchange information with international police disseminate information of criminals wanted at international level to state police commissions and pursue and arrest.

Moreover, the Ethiopian Federal Police Commission has the power to centrally organize and keep criminal records of individuals and issue certificates to individuals with no criminal record.

4.3. Powers Originating from Establishing Proclamations of other Relevant Institutions

The powers of Ethiopian Federal Police Commission in conducting its activities also originate from proclamations establishing other relevant institutions. The proclamation 720/2011 gives Ethiopian Federal Police the power to exercise the powers and duties given to the Federal Police by the provisions of other laws.⁹⁵ For instance, Anti-Corruption⁹⁶, Ethiopian Aviation⁹⁷, and Telecommunication⁹⁸ are some provisions of other laws.

Other proclamations also empower the Ethiopian Federal Police Commission with certain responsibilities. In terms of certain articles of Anti-Terror Proclamation,⁹⁹ Ethiopian Federal Police Commission is empowered to conduct surprised search and investigate crimes of terrorism. The Revised Federal Ethics and Anti - Corruption Commission Establishing Proclamation also empowers the Ethiopian Federal Police Commission to investigate corruption cases.¹⁰⁰ The Ethiopian Federal Police Commission also has powers to investigate crimes against flight safety, powers to investigate crimes

⁹⁵Ibid ,article, 6(39)

⁹⁶The Revised Proclamation for the Establishment of the Federal Ethics and Anti-Corruption Commission No. 433/2005

⁹⁷Ethiopia Aviation Security Proclamation, No. 432 12004

⁹⁸Proclamation on Protection of Telecommunicatiorns and Electric Power Networks Proclamation No. 464/2005

⁹⁹Proclamation on Anti-Terrorism Proclamation No. 652/2009

¹⁰⁰Anti-Corruption Commission proclamation No. 433/2005, Article 8

committed against institutions and equipments associated with flight safety. The Proclamation on Protection of Telecommunications and Electric Power Networks gives the Ethiopian Federal Police the powers to keep security of telecommunications and electric power networks laid out all over the country.¹⁰¹ Under the custom and tax proclamation¹⁰², the Ethiopian Federal Police Commission has the powers to put in order and deploy police officers to prevent crime arising from customs and tax; control contraband and illicit trade.

4.4. Powers and Functions of State Police Commissions

As it has been stated above, the powers of state governments are originated from the FDRE constitution. The Constitution gives the power to states to establish and administer a state police force and to maintain public order and peace within their state.¹⁰³ The other powers originate from their respective state proclamation and other establishing proclamations in their own state. It can be concluded that state police commissions have the power to exercise on state matters.

Therefore, similar to the Ethiopian Federal Police commission, the State Police Commissions have the power to follow up, prevent and control the commission of crime; to investigate, in accordance with the law, crimes committed and submit it to the appropriate organ; to carry out court decrees and orders when the court so instructs and to perform other security and police duties as may be assigned to it.

4.5. Relationship between Federal and State Police Commissions

The main point of reference regarding the relationship between Federal and State Police Commissions is the Ethiopian Federal Police Commission Establishment Proclamation No.720/2011. Except in Amhara, Tigray and SNNPR states, there is no reference as regarding to the relation between federal and State Police Commissions in their establishment proclamation.¹⁰⁴ The relationship between the Ethiopian Federal and State Police Commissions is the focal point of discussion. Under this topic, Cooperation

101 Telecommunication and Electric Power Infrastructure protection Proclamation No, 464 / 2005 Articles 3 and 4

102 Telecommunication and Electric Power Infrastructure protection Proclamation No, 464 / 2005, Article 18

103 Article 52(g) of the FDRE Constitution

104 Article 24 of Southern, Nation, Nationalities and People's Regional State Revised Police Commission Establishment proclamation No.151/2014 provides what would be the regional police commission relations with federal police commissions. The Oromya regional state police commission does not have separate establishment proclamation it is included under the proclamation No 163/2011 enacted to provide for the reorganization and redefinition of the powers and duties of the executive organs of the Oromya national state. Even under this proclamation there is no reference as the relation between the federal and regional police commissions.

between Ethiopian Federal and State Police Commissions, enforcement of federal matters in regional states, delegation and Joint council of commissions are discussed.

4.5.1 Cooperation between Federal and State Police Commissions

Under the FDRE constitution, there is no reference as to what should be the relation between state government and federal government in general, the Ethiopian Federal and State Police Commissions in particular. The FDRE Constitution states that “[t]he federal government and the states shall have legislative, executive and judicial powers.”¹⁰⁵ It seems that both levels of executive organs will have two parallel (not overlapping) functions; i.e. each implementing what it is entitled to perform by law. In this regard, the constitution does not clearly put on what matters the state and federal executive should cooperate.

Regarding the cooperation between the Ethiopian Federal and State Police Commissions, though it is not detail, there are some references in the Ethiopian Federal Police Establishment Proclamation. The proclamation does not provide separate section regarding matters the Ethiopian federal police Commission and State Police Commissions should cooperate. Rather, it mentions some tasks of the Ethiopian Federal Police commission which is to be performed in cooperation to states. Article 6(16) of the Ethiopian federal police establishment Proclamation indicates that the Ethiopian Federal Police commission may work in collaboration with state police commissions on matters relating to forensic investigation. Article 6(21) provides that the Ethiopian Federal Police in cooperation with state police commissions have the power to develop national policies, strategies and uniform standards on the prevention and investigation of crime and ensure their implementation upon approval by the government. To this effect, the Ethiopian Federal Police Commission collects, analyzes and disseminates to the concerned organs country wide information on causes of crimes and traffic accidents. The Ethiopian Federal Police Commission, as it is provided in the proclamation has the responsibility to give educational, training, technical and advisory support to regional police commissions with emphasis on regions that need affirmative support. The Ethiopian Federal Police Commission is giving education and training from basic police training to degree level to all State Police Commissions. Additional support is also given to State Police Commissions’ needs support. In this regard, the Joint council of the two commissions plays prominent role.

¹⁰⁵ Article 50(2) of the FDRE Constitution

The Ethiopian Federal Police Commission is duty bound to maintain law and order in states based on intervention orders given by the federal government. System for the Intervention of the Federal Government in the states Proclamation No. 359/2003 and pursuant to Article 62 (9) of the Constitution and includes measures to be taken in accordance with Article 51 (14) or Article 55 (16) of the FDRE Constitution, the federal government may intervene in states. In this regard, the Proclamation provides the concerned state police commissions to cooperate with the Commission while the Commission is operating in states upon the order of the government to tackle with situations beyond the control of the states.¹⁰⁶

Because both levels of executive organs have two parallel (not overlapping) and the FDRE Constitution assigns residual powers to the states without making any reference that states are obliged to execute federal laws and administer accordingly in their respective territories. There is an apparent gap in enforcing federal laws in the respective states, this automatically leads the two levels of government to organize and set-up their respective executive organs, institutions and assign to the other level.

Taking the above issues in mind, the researcher asked question to Ex-head of Ethiopian Federal Police Commission and current Deputy General Commissioners as to what matters are the Ethiopian Federal and State Police Commissions are cooperating. According to the respondents, they stated that matters the two commissions could cooperate are provided under the Ethiopian Federal Police establishment proclamation. The two commissions are mainly cooperating in areas of crime prevention, investigation and other capacity building issues. The Ethiopian Federal Police are working in cooperation with regional police commissions in developing national policies, strategies and uniform standards on the prevention and investigation of crime and ensure their implementation.

The two police commissions are always exchanging information regarding security related issues. Command post is established between the two level commissions to prevent crimes that may happen. The two commissions are exchanging criminals escaped or found in their respective place. In the areas of technical evidence investigation, the Ethiopian Federal Police Commission through its forensic science investigation department is trying to assist all state police commissions.

¹⁰⁶Article 18 of System for the Intervention of the Federal Government in the Regions Proclamation No. 359/2003

In this regard, the writer believes that what is provided under establishment proclamation is not enough. In addition, there is no separate organ established to follow up and evaluate it.

4. 5.2 Enforcement of Federal Matters under the State Police Commissions

Federal matters are not only limited to federal places. It may also arise in Regional states. When federal matters are arised in states, issue of enforcement would be a concern. Therefore, how does the Ethiopian Federal Police Commission enforce federal matters arised in states is, the point of this discussion.

Taking the above facts in mind, the researcher asked question to the Ex- Ethiopian Federal Police Commissioner General and Current Ethiopian Federal Police Deputy Commissioner Generals as to how the Ethiopian Federal Police enforce federal matters arised in states. Both respondents answer similarly. According to them, the Ethiopian Federal Police Commission works always in cooperation to state police commissions. Furthermore, they claim that there are Ethiopian Federal Police in most states to keep federal institutions in the states and those police officers play dual role. Besides keeping the security of those institutions, they prevent crimes that may happen in those regional states. In addition, they claimed that recently, Ethiopian Federal Police have also opened in some regional states investigation department. Moreover, they stated that the Ethiopian Federal Police Commission has the power to delegate State Police Commissions.

The researcher also asked to three State Police Commissioners;¹⁰⁷ as to how they solve issue of federal cases arise in their respective states. Similarly, the respondents stated that they work always together with the Ethiopian Federal Police Commission. Furthermore, they stated that since they have delegation on matters delegated to State courts, federal matters are handled based on this delegation. However, they stated that in some situation, especially preventing and investigating of crimes which are federal matters are difficult.¹⁰⁸ Preventing and investigating crimes related to human trafficking, abduction, trafficking in narcotic and psychotropic substances, organized robbery, terrorism and violence are only given to Ethiopian Federal Police Commission. In such case, in the absence of clear delegation of those crimes, we encounter problems in preventing as well as investigating them.

¹⁰⁷Namely Oromya, SNNPR and Benshangulgumz regional state commissioners

¹⁰⁸According to the respondents, crimes that are only given to be investigated and prevented by federal police creates some difficulties. Their further stated that, most of our police officers are not dare to involve in such matters(investigating and preventing), raising absence of mandate.

In this regard, the writer contends that gap in relation to enforcement of federal matters is mainly attributed to the current Ethiopian Federal Police establishment proclamation. What is provided under the proclamation regarding to matters, the two commissions could cooperate are not detailed. Even, for those matters provided, there is no separate organ to follow up. The practice indicates that the cooperation is mainly through party channels than the formal cooperation between the two commissions. Since the commissioners both Ethiopian Federal and State Police Commissions are politically nominated, they talk to each other about different issues including crime prevention, investigation of crimes and other current issues. However, despite such informal communication, there are still certain problems in enforcing federal matters. Since Ethiopian Federal Police forces are not organized throughout the country to enforce federal laws, there are some gaps in enforcing federal laws.

But experiences of other federal countries such as Swiss and German, which heavily depend on the federal government for execution of federal laws, have managed to devise and implement the federal government laws. In each of them have these minimum federal institutions to enforce exclusive federal powers in states.¹⁰⁹ The duality implied under Article 50(2) of the FDRE Constitution should, therefore, imply something beyond these few institutions to cover the whole field of other federal powers enumerated under Articles 51 and 55 of the FDRE Constitution. Since, federal matters could be arised in states, a conflict of jurisdiction may arise between federal and State police commissions. If federal institutions are not available, states may be unable to deal with all matters. For this reason; federal matters may be remain unenforced.

4.5.3 Delegation

Apart from the enforcement of federal laws through direct federal agents, there appears another pattern in the process of delegation. In Ethiopia the territorial application of federal laws are limited to Addis Ababa and Dire Dawa. The fact, however; is that all laws made by federal parliament within the scope of its powers designated by the Constitution apply in all the states and the two autonomous districts. The federal government has the duty to see that such laws are executed throughout the country in one way or the other.

¹⁰⁹Assefa Fiseha (PhD) Federalism Teaching Material Prepared by: under the Sponsorship of the Justice and Legal System Research Institute, unpublished,2009,pp.350-382

The manner in which the federal governments execute their laws throughout the territory may be different. One might suggest that the federal government can work through delegation. Indeed, this is stated under the Constitution, which states: ‘[t]he federal government may, when necessary, delegate to the states powers and functions granted to it by Article 51 of this constitution’.¹¹⁰ There are important issues of interest here. First, which powers from the list of exclusive federal powers under Article 51 can be delegated to the states? In Ethiopia, the relationships between the federal government and the state in judicial system seem a relatively clear.¹¹¹ Some powers of federal courts are delegated to regional state courts. However, what power of executive are delegated seems blurred.

As stated above, Ethiopian federal police commission establishment proclamation gives power to Ethiopian federal police to delegate its power to state police commissions. However, it is better to understand here the true meaning of this article. It states: *delegate, where necessary, state police commissions to prevent and investigate crimes falling under the jurisdiction of federal courts and receive reports on the execution of the delegated power.*¹¹² There are important issues of interest here. First, which powers from the list of exclusive Ethiopian federal police powers under Article 6 can be delegated to the states police commissions?

Secondly, how and when the Ethiopian Federal Police commission delegates its power. In this regard, it is better to refer to law of agency which deals mainly about delegation. In order to be delegation to be effective it must be *clear*. In other words, the delegator of authority should *expressively* authorize to the delegate as to what matters are delegated. Because it has its own effect on liability of both the delegator and delegate. Coming to the issue of delegation of Ethiopian Federal Police powers to state Police Commissions, it has to follow the same procedure.

FDRE constitution article78 (2) provides that the jurisdictions of the Federal High Court and of the First-Instance Courts are delegated to the State courts. However, delegation of the Ethiopian Federal Police power to the State Police is not seem clear like that of delegation under the FDRE constitution to state courts. The phrase “....*where necessary.....may.....*” clearly indicates that the Ethiopian Federal Police Commission may delegate only when it finds necessary. In other words, what is delegated to State Police

¹¹⁰Article 59(9) of FDRE constitution

¹¹¹Under the FDRE constitution article78 (2), the House of Peoples' Representatives may, by two-thirds majority vote, establish nationwide. or in some parts of the country only, the Federal High Court and First-Instance Courts it deems necessary. Unless decided in this manner, the jurisdictions of the Federal High Court and of the First-Instance Courts are hereby delegated to the State courts.

¹¹²Article 6(4) establishment proclamation of 720/2007

Commissions is not clearly stipulated. Having this in mind, the writer asked question to three heads of Ethiopian Federal Police Commission¹¹³, as to what matters are delegated to state police commissions. The respondents stated that since the Ethiopian Federal Police are there to prevent and investigate crimes falling under the jurisdiction of federal courts, there is general agreement that powers delegated to state courts by federal courts are delegated to state police commissions as well. They further stated that this is provided under the Ethiopian Federal Police Commission Current Establishment Proclamation.

The argument by the respondents, powers delegated to state courts by federal courts are delegated to state police commissions is not convincing. However, for practical reasons, one may argue that matters delegated by the constitution to the state courts are equally applicable to state police,¹¹⁴ since those courts are depending on the state police as far as the investigation of the crime is concerned. However, one might question here whether this power also includes preventing those crimes as well. Secondly, what about those matters are not delegated to those courts? Such power including, powers of federal Supreme Court.¹¹⁵ Another issue may be raised here is, issue of budget. Regarding the delegation of the federal courts to states, the constitution is clear. The federal Supreme Court is going to allocate to the states regarding the delegated matters. However, the Ethiopian Federal Police Commission Establishment proclamation does indicate nothing about budget.

The Ethiopian Federal Police Commission was until very recently organized only in Addis Ababa and Dire Dawa. Recently, there is setting up of such institutions in some other states. However, in most states, the Ethiopian Federal Police Commission does not have branch offices, as stated nor is there any express delegation of power to the state police commissions. The state police commissions are taking over the responsibility of enforcing federal laws despite the absence of direct authorization. What this shows is the lack of a well-organized institutional set-up for the enforcement of federal laws as well as the fact that the system of delegation is not properly handled between the two commissions. In this

¹¹³Namely, deputy general commissioner, x-general commissioner and x-deputy commissioner

¹¹⁴power of federal first instance court is delegated to states high court and powers of federal high to regional supreme court

¹¹⁵Unlike the first and high court power; Powers of Federal Supreme court is not delegated to regional courts. Part Three of 25/96 of Federal Courts Proclamation provides that, the Federal Supreme Court shall have exclusive first instance jurisdiction over the following: 1) offences for which officials of the Federal Government are held liable in connection with their official responsibility; 2) without prejudice to international diplomatic law and custom, offences for which foreign ambassadors, consuls as well as representatives of international organizations and foreign states are held liable; 3) application for change of venue from one Federal High Court to another or to itself, in accordance with the law.

regard, Assefa Fiseha argues that enforcement of the bulk of federal laws in the states is undertaken either by informal contacts between the respective offices or following party channels. However, in this regard, the writer argues that relying on such informal contact is not sustainable and need to be aligned to the constitutional mechanisms. What matters are delegated should be clearly known and the Ethiopian Federal Police Commission should also open branch in all states. Otherwise, some grey areas may be created and as a result lives may be lost and property destroyed until the situation brought to a halt. For example, issues of human and drug trafficking and terrorism are not currently handled by the states. Because the state police commissions may assume that this is the mandate of the Ethiopian Federal Police Commission; they may refrain from preventing it. However, those crimes which are serious must be detected and prevented timely.

Apparently, the FDRE constitution seems to provide for downward delegation only. It is silent as to whether the states can delegate their powers to the federal government. There is no express clause permitting the states to delegate their powers to the federal government. In this regard, Assefa Fisha argues that in the absence of express prohibition in the constitution; the states may delegate part of their powers to the federal government. There may be cases that arise in federal territories which chiefly concern regional states. For example, some serious and complex crimes may go their chain up to federal territories. In such case, issues of investigation and evidence gathering are not easy. State police may require the help of federal police to conduct such tasks. Therefore, in such case an issue of delegation could be a solution. There is ample experience elsewhere in Germany and India that both powers could be delegated from one level of government to the other. To the best knowledge of the researcher, there are no cases where state police wanted to delegate to federal and was prohibited to do so. However, this issue might be raised somewhere in the future.

4.5.4 Joint Council of the Ethiopian Federal and State Police Commissions

Joint Council of the Federal and State Police Commissions is established under the proclamation 720/2011. The only reference is provided under the Ethiopian Federal Police Commission Proclamation 313/2003 provide for regular contact and meetings between the various police organizations.¹¹⁶ Except this, there was no separate council established. Therefore, the discussion of this topic is concentrated based on the current proclamation.

¹¹⁶Federal Police Commission Proclamation, 313/2003 Article 23 (3)

The Joint Council as provided under the current proclamation is mandated with the relation between the two commissions. Sub-article one of article 18 provides that: *without prejudice to their respective independence, the Commission and regional police commissions shall establish a Joint Council with a view to strengthen their relationship.* The Joint Council established pursuant to sub-article (1) of 18 is presided over by the Commissioner General of the Ethiopian Federal Police Commission. Here one may ask question, why the Joint council should be presided by the Ethiopian Federal Police Commissioner General only and why not presided in turn, to include State Police Commissioners.

Taking the above issues in mind, the writer asked question to two head of Ethiopian Federal and Addis Abeba Police Commissioners.¹¹⁷ According to them, this is provided under the Ethiopian Federal Police establishment proclamation. Furthermore, they claimed that this is done for better organization and coordination. However, one respondent¹¹⁸ did not agree with such rule. He stated that there is no convincing reason that the Joint Council should be presided by Ethiopian Federal Police only. The writer in this regard contends that the Joint council should not always be presided by Ethiopian Federal Police Commission. Rather, it should be led turn by turn. Otherwise it has an implication of centralized police or it implies the Ethiopian Federal Police Commission is superior to all State Police Commissions which is against the very principle of federalism.

4.5.4.1 Powers and Functions of the Joint Council

The proclamation no 720/ 2011 provides power and function of the Joint council. Article 18(3)(a) of the same proclamation provides, the Joint council has the power to facilitate the building of modern police institution, staffed with professional and ethically qualified police officers and equipped with appropriate technology in every region.

The Joint council has also the power to follow up the application of uniform standards on issues relating to the recruitment, training, employment and administration of police officers in all the regions of the country. Further, it has the mandate to create enabling conditions for the conducting of Joint operations involving matters having national significance.

¹¹⁷Namely: Two deputy general commissioner and one Addis Ababa Police Commissioner.

¹¹⁸Addis Ababa Police Commissioner strongly argues that, it is not right to be presided by the federal police only. Further, he is against the very name of Commissioner General.

It has also the power to devise ways and means of reducing threats of crimes and criminal offences, create conducive conditions for strengthening the participation of the public in the prevention of crime, and evaluate the implementation of same facilitate collaboration and mutual assistance in crime prevention and investigation. In addition, the Joint council has the duty to facilitate the establishment and enhancement of information exchange system between the Commission and regional police commissions and encourage and support sport competitions with a view to strengthen the institutional outlook and unity of police officers.

4.5.4.2 Rule Governing the Joint Council

As it has been illustrated above, the Joint council has established pursuant to the Ethiopian Federal Police establishment Proclamation No. 720/2011. Except this, there is no rule governing the Joint council. The researcher asked question to four police commissioners including the Deputy Commissioner General of the Ethiopian Federal Police whether there is any rule governing the Joint council of the Ethiopian Federal and State Police Commissions.¹¹⁹ None of them responds to the affirmative. They said that there is no separate rule governing the Joint council. Since its establishment, there is no serious problem a rised that concern for having separate rule governing the Joint council. However, the researcher, as he will discuss later, believes that some of the problems a raised in relation to the implementation of decision, the Joint council is a rised due to the absence of the rule governing the Joint council.

4.5.4.3 Joint Session of the Council

As it is provided under the establishment proclamation of Ethiopian Federal Police Commission, ordinary sessions of the Joint Council shall be held four times a year; provided, however, that an extraordinary meeting may be held whenever necessary. However, since establishment the Joint council never held four sessions in a given year. The researcher tries to ascertain how often the Joint council has held Joint sessions in the last three years. From the documents he accessed, the Joint Council never held Joint session four times per year.¹²⁰ Sessions are held with venue rotating among the federal and states. From 2012-2015 the Joint council has only made two per year. The researcher tried to ascertain why the Joint

¹¹⁹Namely ,Tigray, SNNPR, Oromya Federal police

¹²⁰Report of the joint council from 2012-2015

Council is not held four times. He found that the sessions are not conducted because there is no urgent need.

Sub article 3 of this article provides how decision may be made by the Joint session. According to this sub article, decisions of the Joint Council shall be passed by majority votes; in case of a tie, the Chairperson shall have a casting vote. From the documents the researcher accessed and directly observed many of the Joint session participants are from Ethiopian Federal Police Commission. In all the documents the researcher accessed and in the session he participated, Ethiopian Federal Police Commission is represented by above seven members. Since, the Ethiopian Federal Police Commission has five sectors all heads of those sectors participate in the session have votes as well. On the other hand, the State police commissions are represented by their police commissioners' only. In other words, they are represented by one. Taking such kind of improper representation of Joint session, the decision passed by majority is not representative. In this regard, the researcher believes that this is against the very principle of federalism.

In Federal states structure, the relationship between the federal government and the regional governments is based on coordination not subordination. As a principle both layers of governments are autonomous and equal and there is no subordinate relationship between the federal and state governments. Decisions made and actions taken should be based on this principle. Besides, the researcher believes that this is against the very establishment of the Joint council. Art 18(1) of Ethiopian Federal Police Commission Establishment Proclamation provides that the Joint council is mainly established with affecting their respective independency. It is hardly to conclude that there is independency of the state commissions in the absence of equal representation.

Furthermore, a sub article 2 of the same article provides that there shall be quorum when more than half of the members of the Joint Council are present at any meeting. Similar argument like the above could be raised. Since the meeting is dominated by Ethiopian Federal Police Commission representatives, therefore, the quorum (more than half of members of the Joint council) could be present easily.

Furthermore, sub article 4 of this article provides the possibility of Joint Council may adopt its own rules of procedure regarding the Joint session. However, since the times of writing of this research, there is no adopted rule governing the Joint session. All the respondents of my interview also confirm this.

4.5.4.4 Tasks Performed so far by Joint Council

The Joint Council since its establishment has performed many tasks. As stated above, Pursuant to article 18 3(a) of 720/2011 of the establishment proclamation, the Joint council has different powers and duties. In this regard, the Joint council has performed the following functions among others so far. For the purpose of this discussion, the researcher tries to discuss the tasks performed by the council in terms of the following categories.

4.5.4.4.1 Prevention and Detection of Crimes

According to the report of the council of Joint session from 2005-2007 E.C, the Joint council has addressed many issues related to crime prevention. The Joint council mainly tries to address crime that has serious in nature, Prevention and detection of crimes such as Human trafficking, Terrorism, Drug trafficking, Traffic accident and other crimes. Though many things are expected to be done, the Joint council has performed encouraging tasks. All police commissions are duty bound to report tasks related to listed crimes and to be evaluated. The researcher also confirms this in the Joint session he participated. Further, in the document he accessed, the Joint Council addressed in many of its session.

The other important task performed by the Joint council is issues of community policing. In this regard, in all documents the researcher accessed issues of community policing which is always addressed by the Joint council. In addition to the above, most of the respondents in which the researcher asked,¹²¹ stated that community policing is the pillar of the discussion. All state police commissions, Addis Ababa and DireDawa have established community policing departments. They also reported to the Joint council on the tasks performed in relation to community policing.

4.5.4.4.2 Standardization

As discussed above, one of the Joint council power and duties is to follow up the application of uniform standards on issues related to the recruitment, training, employment and administration of police officers in all the state. According to the documents accessed by the researcher, the Joint council through its main sessions addresses many issues related to standardization of policing on the issues mentioned above. Moreover, the researcher in this regard asked question to four police commissioners, namely, Addis Ababa, Oromya, SNNPR and Federal police commissioners, what tasks are performed by the Joint

¹²¹Two federal police commissioner, One Oromya, Addis Ababa and SNNPR police commissioners

council regarding to standardization. All respondents in this regard stated that the Joint council has performed many tasks. However, the commissioners specifically the SNNPR, Oromya and the Federal Police stated that the standardization is not without challenge. Issues related to *rank* administration and *salary* were among the main points of divergence.

Before we see the point of divergence between the Ethiopian Federal and State Police Commissions, it is better to discuss first what standardization is. Standardization is very familiar in relation to products. It is about creating uniform dimensions by setting certain criteria to meet. When we see the standardization in our case, it mainly aims at creating uniformity in relation to training, rank, salaries and others. Here it is better to see in relation to federalism. Federalism aims at maintaining economic and social integration by creating harmony between federal and states. For this, an institution may be established to keep such economic and social integration. On the other hand, federalism adhere innovation and creativity. This may be difficult in the presence of standardization.

Taking the above points in mind, let's see the point of divergence between Ethiopian Federal and State Police Commissions. In regarding to salary, many states police commissioners were willing to increase the maintenance payment give to police officers. However, there were many challenges by the Ethiopian Federal Police Commission that the amount of payment should be reduced. For this reason, this payment was delayed for several times. The increased amount of money was reduced when we compare with what was proposed by states. In this regard, the researcher asked, question to Ex- Ethiopian Federal Police Commissioner General, why the Ethiopian Federal Police Commission should decide to reduce the amount of money proposed by regional states. According to him, the Ethiopian federal police was with such stand taking the capacity of the government to pay. In this regard, if it is said that states are autonomous, they should decide for them taking their capacity to pay. Hence, this is against the principle of federalism. Because it is the State police commissions to decide the payment taking their capacity to pay.

The other point of divergence was in terms of rank. As it has been stated above, art 7(6) of the proclamation empowers the Ethiopian Federal Police Commission to “issue national standards on police recruitment and employment, education and training, ranks, wear of uniform, equipment and other related matters.” This power of Ethiopian Federal Police determines the relationship between the Ethiopian Federal Police Commission, State and City Administration Police Commissions in relation to the standard of rank. Specifically, it evaluates the legitimacy of the standard of rank issued by the

Ethiopian Federal Police Commission on State and City Administration Police Commissions. However, does the Ethiopian Federal Police Commission have a power to order state police commissions to award or not to award high rank commanding police officers? Its compatibility with principles of federalism is discussed below.

Art 7(6) of the Ethiopian Federal Police Commission establishment proclamation authorizes the Ethiopian Federal Police Commission to “*issue national standards on police ... ranks*¹²² ...” Having a uniform application of granting and awarding of ranks enables to have similar application of the promotion of ranks within the country. However, setting the promotion criteria and the number of persons that will be promoted become controversial issue between the Ethiopian Federal Police and State Police Commissions. This is the point of divergence between the Ethiopian Federal Police Commission and State Police Commissions. The divergence becomes serious especially in promoting persons having a rank of commander and above in particular the granting of the rank of assistant commissioner, deputy commissioner and commissioner. Currently, the Ethiopian Federal Police Commission, in the name of standardization of rank, order state police commissions not to grant the rank of assistant commissioner at one time to more than four police commanders.

In addition, there is a point of divergence in relation to the *rank of commissioner general*. The Ethiopian Federal Police claimed that the rank of commissioner general should not be used by states. The point of divergence begins after the SNNPR police commission gives the rank of commissioner general to head of its police commission. Till time of writing of this paper, they are not reaching into consensus. This

¹²²Pursuant to article 15 of the federal police establishment proclamation Police Ranks are:

1/ The ranks of police officers shall be as follows:

- a) Constable;
- b) Assistant Sergeant;
- c) Deputy Sergeant;
- d) Sergeant;
- e) Chief Sergeant;
- f) Assistant Inspector;
- g) Deputy Inspector;
- h) Inspector;
- i) Chief Inspector;
- j) Deputy Commander;
- k) Commander;
- l) Assistant Commissioner;
- m) Deputy Commissioner;
- n) Commissioner;
- o) Deputy Commissioner General; and
- p) Commissioner General.

order raise a question to what extent the Ethiopian Federal Police Commission order States Police Commissions to award or not to award ranks.

In Federal states structure, the relationship between the federal government and the State governments is based on coordination, not subordination. As a principle both layers of governments are autonomous and equal and there is no subordinate relationship between the federal and state governments. Decisions made and an action taken is based on harmonization. This indicates one layer of government could not order the other layer of government to do or not to do things. The same is true in Ethiopia in general and the relationship between Ethiopian Federal Police and State Police Commissions in particular. Art 50(8) of the FDRE Constitution clearly stipulates what could be the relationship between the federal government and state governments. It states that:

“Federal and State powers are defined by this Constitution. The States shall respect the powers of the Federal Government. The Federal Government shall likewise respect the powers of the States”.

The constitution clearly indicates that both layers of government should respect and coordinate each other; one layer could not order the other layer of government. The same article and the same reasoning apply to the relationship between the Ethiopian Federal Police and State Police Commissions. That is the relationship between the Ethiopian Federal Police and State Police is based on coordination. Neither the Ethiopian Federal Police Commission is superior nor are the State Police Commissions inferior. Therefore, the Ethiopian Federal Police Commission did not have the mandate to order the State Police Commissions to award or not to award any rank.

Besides to the Constitution different articles of the Ethiopian Federal Police Commission establishment proclamation also deal with the relationship between the Ethiopian Federal Police and State Police Commissions. Specially art 6(21), 10(3), and art 18(1) of the proclamation express the relationship between the Ethiopian federal police and state police commissions. In particular the heading of Art 18 of the proclamation states “*(r)elations with State Police Commissions.*” More specifically sub-article one of this article defines the relation of the two layers of police commissions as follows:-

“Without prejudice to their respective independence, the Commission and state police commissions shall establish a Joint Council with a view to strengthen their relationship”.

From the provisions of the FDRE Constitution and the Ethiopian Federal Police Commission establishment proclamation, it could be concluded that the relationship of the Ethiopian Federal Police and State Police Commissions is based on coordination. The Ethiopian Federal Police Commission has not a legal ground to become superior and to order the state police commissions.

In relation to the awarding of high commanding ranks to police commanders who are eligible the states police commissions and the Ethiopian Federal Police Commission have their own respective powers. In addition, regarding the position of *commissioner general* of the SNNPR, since the establishment proclamation is enacted by the state council of the states which is the highest body in the state, the Ethiopian Federal Police Commission has not the power to repeal its decision. Furthermore, the order of the Ethiopian Federal Police to the SNNPR police commission not to use the alleged *rank* has another implication in relation to federalism. Since the Ethiopian Federal Police Commission is claiming, commissioner general rank only deserves to the Ethiopian Federal Police Commission, it has an implication that Ethiopian Federal Police Commission is superior to the State Police Commissions. Further, it has an implication of creating national police contrary to the federal structure of the country.

It is undeniable fact that issuance of standards in relation to rank is important to have a uniform application of police rank within the country. However, the Ethiopian Federal Police Commission has no a legal backing to say to state police commissions, give this number of ranks to those numbers of police officers. States have a legal ground not to accept the orders of the Ethiopian Federal Police Commission on the matter of awarding of rank. However, states in the name of working in harmonization with the Ethiopian Federal Police still accept the standardization of the rank matter. Even some state police commissions stop the granting of the rank of assistant commissioner until the matter is resolved.¹²³

If states refuse to order the decision of the Ethiopian Federal Police Commission standardization, there is no any means of enforcement mechanisms. Recently the Oromya Police Commission awards the rank of assistant commissioner to seven high commanding police officers. The decision of the Oromya police commission is in contrary to the Ethiopian Federal Police Commission rank standardization. Then the question is how the Ethiopian Federal Police could enforce its decision on state police commissions that violates the issue of standardization. Unless the matter is seen in administrative manner and in the

¹²³ SNNPR , Oromya police commissioners are among others

sessions of the Joint council, there is no any legal ground to force state police commissions that violates the standardized rank.

To sum up, standardization may be important in keeping certain standards in training and services related issues. However, standardization should not be in all aspects. Some aspects should be left to states to meet the local needs of states. Since policing is local in nature, the Ethiopian federal police should not interfere in the State police commissions in the name of standardization. State police commissions should be empowered to create and meet their local needs. Otherwise, it will diminish the ability of states to experiment and develop on their own. So an unlimited standardization power will threaten creativity and independency that federalism values.

4.5.4.4.3 Modernizing of Policing

As stated above, the Joint council under 18 3/ (a) has the powers and duties to facilitate the building of modern police institution, to staff the institution with professional and ethically qualified police officers and to equipped with appropriate technology, in every region.

To ensure effective realization of their mission and enable delivery of improved policing services, the institutions have embarked on implementation of Business Process Reengineering (BPR) studies and restructuring measures on the basis of the change programme, which enabled to identify and address the hither to constraints in the institution. In respect of building, the capacity and shaping attitudes of police force members, a number of short term courses and trainings from certificate to graduate level education and trainings programmes have been offered which would enhance the executing capacity of the institution. Regarding to building professional staff and ethical qualified police officers, almost all states established at least basic police training center. Some states go further steps. Amhara, Tigray and SNNPR have established training centers which confer diploma. Others also train their police officers by themselves. In this regard, the council performed encouraging tasks. In many of its sessions, it addresses the issue of building modern police at forefront.

The Ethiopian Police University College, in this regard, plays a prominent role in building modern police. Currently, the university college is delivering training in different programs. Different police leaders and cadets both from the Ethiopian Federal and State Police Commissions are getting training. The Police both federal and state have also been transforming themselves to get out of the previous

manpower management and administration, organization and process related constraints that presented bottlenecks against full and effective realization of the objectives of this institution over the years. One of the achievements is bilateral cooperation with police of other countries in the world, which enabled the leadership and force members to benefit from short term and long term police training at home and abroad.

However, this task of the Joint Council is not without limitation. Police in Ethiopia are not equipped with required knowledge and skill this time demands. According to the Joint Council Evaluation Report¹²⁴, there were problems and challenges that faced the smooth operation of the police such as the basic problems of having the clarity of purpose and definition of the federal and state police itself; the mission, vision, values the structures were not institutionalized. There were lack of integration, dislocation and confusion of roles; top managers have been forced to devote their attention to lower-level tasks such as operating, controlling, and budgeting. Thus they were overwhelmed by administrative details allowing the organization to become sluggish and ineffective; there was no common institutionalized thinking among the members of the police. This was a challenge created by the two different cultures that existed in the Ethiopian federal police commission.

¹²⁴ Join council report 2005-2007

CHAPTER FIVE

CONCLUSION AND RECOMMENDATION

5.1 CONCLUSION

As it has been stated at the outset, the main objective of this research is to examine the relationship between Ethiopian Federal Police Commission and State Police Commissions, from the perspective of the federal system, analyze the legislative and policy framework as well as assess the practices so far. The research revealed that there is no reference in the constitution as regarding the relationship between Ethiopian federal police and state police commissions. As stated earlier, the Ethiopian Federal Police Commission establishment proclamation is the main legal frame work deals with their relation. Even this proclamation is not as such as detail one.

The study revealed that the relationship between the two police commissions is not appropriately managed. For this reason there are challenges in enforcing laws. As indicated, Ethiopian Federal Police are not organized throughout the country to enforce federal laws; there are some gaps in enforcing federal laws. Furthermore, unlike to the judiciary; matters delegated to the state police are not clear. The practice indicates that the cooperation is mainly through party channels than the formal cooperation between the two commissions.

With regards to the institutional and formal set-up, the Ethiopian Federal Police commission establishment proclamation has in fact established Joint Council with a mandate to strengthening relation between Ethiopian Federal Police and State Police Commissions. Joint Council has performed different tasks in areas of crime prevention, investigation and other capacity buildings. From the research, it is clear that despite such tasks performed by the Joint council, several concerns are raised. The establishment proclamation provides that it should be presided by the Ethiopian Federal Police Commission Commissioner General only. However, this is against the principle of federalism. It has an implication of centralization of police or it implies the Ethiopian Federal Police Commission is superior of all state police commissions which are against the very principle of federalism. Furthermore, there is no any rule governing the Joint council of the Ethiopian federal and State police commissions. Decisions of the Joint Council are passed by majority vote; however, this seems not fair because it is highly dominated by Ethiopian federal police commission members.

Also there is still strong challenge that Joint Council is unable to solve. There is clear divergence between Ethiopian federal and state police commissions in relation to standardization. Issues related to *rank* administration and *salary* were among the main points of divergence. As it is clear from the research finding, there were many challenges by the Ethiopian federal police in relation to these in the name of standardization. Issue of rank and payment is among the point of divergence. The Ethiopian federal police commission orders state police commission how to award rank. However, this is not compatible with the constitution and federalism. Since, in Federal states structure, the relationship between the federal government and the state governments is based on coordination, not subordination.

It can be said that much has been done (and being done) in reforming the legal and regulatory frameworks governing the Ethiopian federal and state police commissions. However, tasks regarding the relation between federal and state are not finished. In addition, some structures and roles are not revised according to the federal system and new establishment proclamation.

5.2 RECOMMENDATIONS

The researcher of this paper has the following recommendations based on the findings of the research:

- Regarding relationship between Ethiopian Federal and State Police Commissions, it needs to be re-examined from the perspective of federal system of the country. Both the Ethiopian Federal Police Commission and State Police Commissions' establishment proclamation should be revised to include their relationship from the wide perspective.
- As stated above the Ethiopian Federal Police Commission establishment proclamation No.720/2011 provides; Joint council should be presided by the Ethiopian Federal Police Commission Commissioner General. The researcher believes that this proclamation should be revised. Hence, the researcher recommends to be presided in rotation, to include State Police Commissioners.
- Since the representation of the Ethiopian Federal and State Police Commissions in the Joint Session of the Joint Council is not equal and decision of the Joint Council will affect State Police commissions. Therefore, the researcher highly recommends the representation to be fairly equal. So that the decision of the Joint Council (majority vote) will not affect negatively to the State Police Commissions.

- Since many decisions of the Joint Council are not implemented and as it is revealed in the findings of the research, this is mainly attributed to the absence of rule governing the Joint Council. The writer of this paper highly recommends that the Joint Council of the two commissions should enact the rule that will help to the enforcement of its decision
- As illustrated, registering and issuing permits of arm possessions are the power and responsibility of Ethiopian Federal Police Commission. However, practically State Police Commissions are exercising it without jurisdiction. This condition may bring conflict of power and it is difficult to control and manage fire arms properly. The Ethiopian Federal Police Commission should enact detailed directives regarding firearms and should give the managing and controlling power and responsibility to the State Police Commissions by delegation. Because State police commissions have relatively better human power and resource capacity than State militia office to administer fire arms and explosives. The consequences of inadequate managing and controlling systems of fire arms and explosives are tremendous. The power to register and issue permit arm possessions exist in the hands of the two security organs in the states (police and militias). This may create gaps in managing. So firearms should be managed by a single organ.
- As provided regarding the cooperation between Ethiopian Federal and State Police Commission is not sufficient, it is highly recommended that the two police commissions (Federal and States) should clearly provide the areas they would like to cooperate. Further, they should establish an organ that should follow up implementation.
- Regarding enforcement of federal matters in regional states, the Ethiopian Federal Police should establish federal police institutions in the states in order to execute federal matters within the States without any confrontation and gaps.
- In relation to delegation, since it is not clear what matters are delegated to State Police Commissions, the Ethiopian Federal Police Commission should clearly put what matters are delegated to state police commissions.
- Regarding to standardization of ranks it is better to recommend that the standardization of rank (putting criteria for promotion) has ambivalent advantage to have a uniform promotion in the country and leaving the number of persons to be promoted to State police commissions in their respective jurisdictions has also an advantage of avoiding the loggerhead that will arise between the two layers of police commissions. Therefore, the Ethiopian Federal Police Commissions, based on the criteria for promotion has to decide the number of police officers to be promoted.

Furthermore, the state police commissions should select and decide the number of police officers to be promoted based on the standardized criteria of rank promotion/award/.

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Key Informants and Date of Interview

- Ex-Commissioner General, Minister, Ministry of transport, in his office, March 6/2015.
- Assistant Commissioner, Corporate Coordination Directorate Director, Ministry of transport, in his office, March 5/2015.
- Deputy Commissioner General, Head of Crime Investigation, Ethiopian Federal Police Commission, in his office, January 30/2015
- Deputy Commissioner General, Head of Human Resource, Ethiopian Federal Police Commission, in his office, February 09/2015.
- Deputy Commissioner General, President of EPUC, Ethiopian Federal Police Commission, in his office, January 23/2015.
- Assistant Commissioner, Vice President of EPUC, Ethiopian Federal Police Commission, in his office, April 2/2015.
- Commissioner, SNNPR Police Commission Commissioner, Benshangul-Gumuze Asosa at the Session of Joint Council, January 14/2015.
- Commissioner, Oromya Police Commission Commissioner, Addis Ababa in his office, January 30/2015.
- Commissioner, Benshangul-Gumuze Police Commission Commissioner, Benshangul-Gumuze Asosa at the Session of Joint Council, January13/2015.
- Commissioner, Addis Abeba Police Commission Commissioner, Addis Abeba Police Commission, in his office, February 3/2015.

APPENDIXES

INTERVIEW QUESTIONS

The objective of these interviews is to examine the “**Relationship between Ethiopian Federal Police Commission and State Police Commissions under Ethiopian Federalism**”. The information gathered was treated with care and kept confidentially. No individual responses were revealed.

I. Questions of In-Depth Interview

1. What are the shared powers of the Federal and State Police Commissions?
2. Is there any police mandate only given to the Federal Police Commission? If any, what are they? What is the rationale for this?
3. Do the Federal and State Police Commissions Coordinate in their action?
4. In what areas do the Federal and State Police Commissions Cooperate each other?
5. By what areas do the Federal and State Police Commissions collaborate?
6. When does the Joint Council established? What is its main purpose?
7. How often the Joint Session is held in a year?
8. What are the powers and duties of the Joint Council?
9. Is there any rule governing the function of the Council, other than the federal police proclamation 720/2011?
10. What tasks does the Council perform so far?
11. How do you see the function of the Joint Council in relation to Ethiopian Federalism?
12. Is there any case that raises issues of Federalism? If any, how was it solved?