

Addis Ababa University

College of Law and Governance Studies



Center for Federalism and Governance Studies

**Title: - The Dynamics of Autonomy of Addis Ababa City
Government since 2018: Change and Continuity**

**A THESIS SUBMITTED TO THE CENTER FOR FEDERALISM AND GOVERNANCE
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STUDIES**

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Declaration

I, Eyob Bezabih declared that this research paper with a title “The Dynamics of Autonomy of Addis Ababa City Government Since 2018: Change and Continuity” is done and written by me.

I also declare that all sources and literatures used to support this study are included and acknowledged.

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Abstract

The right to self-government can exist in countries following any system of government. But this right is a very basic issue in countries that follow a federal system. Therefore, a federal system is a system in which regions or autonomous city governments have their own legislative, judiciary, and law enforcement (executive) bodies, relatively independent of the influence of the federal government, and manage their regions or administrative areas. For this, the guarantee of the covenant is their constitution, which they consulted together and agreed upon. This right to self-government in the Ethiopian constitution under Article 39(3) gives this right to self-government to the nation, nationalities, and peoples of Ethiopia. Also Article 49(2) of the Constitution stipulates that the Addis Ababa city administration has full authority to govern itself. Indeed, the Amharic version and the English version of this article are different. The Amharic version grants the power of self-government to the city administration, while the English version grants the power of self-government to the city residents.

The general objective of this research was to critically analyze the self-governing autonomy of the Addis Ababa City Government in the Ethiopian Federation and it has also certain specific objectives. Most of the research objectives were addressed through legal analysis. Accordingly, the research findings are the Ethiopian Constitution provides much lower political rights for the residents of Addis Ababa City than the rights of the people living in regional states that belong to Ethiopia. The residents living in the member regions of the Ethiopian Federal have the right to create their own territories whenever they so want. However, Ethiopian nationals residing in Addis Ababa are not entitled to this privilege, which can be viewed as a demonstration. In addition the Addis Ababa City Administration charter which is issued on the basis of the constitution includes provisions that weaken the autonomy of the city. As an example it stipulates that the Addis Ababa Council and Government can be dissolved by the decision of the Federal Parliament under Articles 17(2) and 61(3), respectively. In addition, Article 61(2) of the charter clearly stipulates that the city government is not independent but part of the federal government.

In general, the right of self-governance of the resident of Addis Ababa has been declared by the constitution, but due to the constitution itself and other laws and political decisions, this right has not been fully implemented. Therefor made Addis Ababa city government an autonomous region is the first task.

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Chapter one

1. Introduction

1.1 Background of the Study

Ethiopia is the oldest independent country in Africa. The national capital and largest city, Addis Ababa, is located almost at the center of the country. Addis Ababa City was established by Emperor Minilik II in 1886 as a mineral spring resort for the Ethiopian royal family and nobility. In 1892, Emperor Minilik II made it the capital city when he constructed his palace at the heart of the city. By 1896, members of the nobility began to build permanent homes in the new capital city (Annual magazine of Addis Ababa Tourism Bureau, 2003). Since its foundation, the city of Addis Ababa has been the seat of the central government and home to many international and continental organizations including embassies of many countries.

Addis Ababa is a place of enormous diversity; almost all languages spoken in Ethiopia are also spoken in the city. However, since its establishment Amharic is the working language of the city administration. Currently the city government encourages other local languages to be taught in schools. According to the data from Ethiopian Statistics Service for 2020, 71% of population residents in Addis Ababa speak Amharic, and 10.7% are Afaan Oromo speakers. In addition, 8.37% of the populations living in Addis Ababa city are speaking Guragegna, and 3.6% are Tigrigna speakers. Other local languages, including Silt'e (1.82%) and Gamo (1.03%), are also widely spoken. Since so many ethnically mixed Ethiopians are found in Addis Ababa, the majority of the people describe themselves as Ethiopians only, not ethnically.

Any sovereign country, whatever government form it follows, may have one or multiple capital city(s) (Daum A. and Mauch C. 2006). In fact, the nature of capital cities in unitary form of government and in the federal system has their own different characters. When the Ethiopian federal constitution was ratified in December 1994, it established a federal republic comprising nine regional states created on the basis of predominant ethnic groups, except the southern regional state formed by 56 ethnic groups and the two city municipalities, Addis Ababa and Dire Dawa. The constitution also states that Addis Ababa is a capital city for the federal government and declares the right to self-governance to the Addis Ababa city administration. Self-government is an important subject in the politics of most capital cities. 'Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a

substantial share of public affairs under their own responsibility and in the interests of the local population (European Treaty Series -No. 122 European Charter of Local Self-Government).

Communities with self-government are able to influence laws, policies, and services that directly affect their daily lives. This empowerment is extended to national identity and sovereignty through self-determination, which makes it possible for autonomous states to be established. The concept of self-determination is included in so many international human rights instruments. For example, as to the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), recognize the right to self-determination as a fundamental principle.

In Federal system there are three types of capital cities. In some countries, capital cities are autonomous regions, and these cities have the powers and responsibilities like that of the powers and responsibilities of other sub national governments. For example, Berlin and Moscow are typical examples of these kinds of political arrangement. On the other side, the capitals of countries may be included under the federal government, such as Mexico and Washington, D.C., or there are also countries like Bern and Pretoria that wrap their capitals under regional governments (Nagel K. 2011). When capital cities become autonomous regions and are not answerable to the federal government, their relationship with the federal government will be similar to that of other states.

There are three bodies that have competing interests on Addis Ababa city. These are the federal government, the state of Oromia, and the residents of the city (Mussie D. 2022, 2). In addition to this, the five Oromia region cities that Sheger City Administration founded as a single administration have the City of Addis Ababa as their seat, which may be viewed as another set of conflicting interests over the city. Therefore, it is important to assess how these competing interests are hurting the self-governing rights of the city government that are granted by the FDRE constitution. So, this study will show the self-governing autonomy of Addis Ababa City Government broadly by focusing on the Constitution of Ethiopia, the Addis Ababa City Administration Revised Charter, proc. No. 361/2003 and other laws which are relevant to my topic. It also show the dynamics of city government of Addis Ababa since 2018 and what the practice on the ground looks like.

1.2 Statements of the problem

Currently the issue of Addis Ababa City is one of the hottest political and legal issues in Ethiopia. As we have already seen, in some federal countries, like Mexico City and Buenos Aires (Argentina), capital cities are autonomous regions, and these cities have the powers and responsibilities of capital cities, like those of other subnational governments. With regard to this, it is difficult to say that the Addis Ababa city government has full autonomy, like that of other subnational governments in the Ethiopian federation, looking at the FDRE constitution, the city charter, and other laws. This is the main source of the problem with the self-government autonomy of the city government of Addis Ababa.

The city of Addis Ababa has a constitutional right to self-government, and on the other hand, the city administration is responsible to the federal government, and the city is also subject to a constitutional obligation to respect the special interests of the Oromia region. In addition to this, the Addis Ababa City Administration, as referred to under Article 49 (2 and 4) of the constitution, has the power to self-govern, and the residents of Addis Ababa City are represented by the Federal Council of People's Representatives respectively, making the city administration seems autonomous. On the contrary, Article 49 (3) of the Constitution and Article 17(1) of the Charter state the Addis Ababa City Administration is accountable to the Federal Government, making the city administration part of the federal government. It is also clear from Article 61 Sub-Article 2 of the Amended Addis Ababa City Administration Charter No. 361/2003 that Addis Ababa City Administration is part of the Federal Government.

Not only this, the federal government has the power to dissolve the city council and government of Addis Ababa and can form a transitional government as per Articles 17(2) and 61(3) of the charter, respectively. In this sense, the autonomy of the Addis Ababa city administration is flawed by the element of self-rule by its own governing charter.

Addis Ababa City is the capital of the Federal Government and the Oromia Regional state in accordance with Article 49 of the Federal Constitution and as per amended Proc.no. 94/2005 of the Oromia Regional state Constitution is another complicated issue with regard to self-governing autonomy of Addis Ababa City Government. In addition to the double status of Addis Ababa as the capital of the federal government and that of the Regional State of Oromia, the five Oromia region cities that the Sheger City Administration also founded as a single administration have the City of Addis Ababa as their seat. This triple status of the city of Addis Ababa becomes another

challenge for the city's self-government authority. It may allow unnecessary involvement in the city matters. Another important issue that should not be forgotten about the autonomy of Addis Ababa City is the issue of institutions that were taken or transferred to the federal government following the 2005 national elections. Some of these institutions have been returned to the city administration, but so far, the most important institutions, such as the Addis Ababa Police commission and Documents Authentication and Registration Service are still under the jurisdiction of the federal government. This also makes the autonomy of Addis Ababa City's government doubtful.

One more crucial issue is that Article 49 (5) of the FDRE Constitution imposes an obligation on the city administration of Addis Ababa to respect the special interests of the Oromia Region. In fact, this special interest of Oromia region is not clearly defined in the constitution. Even though the FDRE Constitution of 1994 provides that legislation will be passed for the implementation of special interests of the Oromia region in Addis Ababa, until now there is no law talking about the details of the same issue.

To sum up this part, the city of Addis Ababa looks like part of the federal government, as indicated in the constitution and the city charter, and the obligation to respect the special interests of the Oromia region found in the constitution makes the autonomy of the city government of Addis Ababa under question. Therefore, this study is more or less clear on these issues. Of course in this regard a lot of research has been done on the subject of the city of Addis Ababa. For instance, research conducted in 2020 by Eyob B. under the title of the politics of dominating Addis Ababa from 2005 up to 2018 seeks to answer how the Ethiopian ruling coalition under the EPRDF succeeded in dominating the socioeconomic and political spheres in Addis Ababa. There is also a paper written in 2010 by Wanddwossen Wakene with the title "Self-Governing Addis Ababa, the Federal Government, and Oromia: Bottom Lines and Limits in Self-Governance."

The objective and focus of these researches were the self-government of the Addis Ababa City administration and the special interests of Oromia in Addis Ababa. However, after these studies were carried out, many political events took place in Addis Ababa. But that is not clearly show and measure the autonomy. Due to this reason, these previous studies cannot address the current dynamic situation of Addis Ababa city government. Therefore, the newly emerged phenomena addressed by this study, such as the beginning of education in the Afaan Oromo, which has been introduced in all private and public schools in Addis Ababa City. In addition, in the past, all

government offices of the city administration of Addis Ababa wrote their names only in Amharic and English, but currently all offices of the city administration have written and posted their names not only in Amharic and English but also in Afaan Oromo. These factors differ my study from the previous studies conducted on the city of Addis Ababa.

1.3 Research Questions

- Is Addis Ababa City administration autonomous since it is directly accountable to the federal government?
- How self-governance is carried out in Addis Ababa in law and in practice?
- How does the federal government interfere in the affairs of Addis Ababa? Why? & When?
- How does the special interest of Oromia in Addis Ababa possibly affect the self-governing status of Addis Ababa?
- What are the challenges in the implementation of the right to self-government of Addis Ababa and possible solutions to strengthen the right to self-government within Ethiopian federation?

1.4 Research objective(s)

1.4.1 General objective

- ✚ Examines the dynamics autonomy of the Addis Ababa City Government in the Federal Democratic Republic of Ethiopia since 2018. The concept and meaning of self-government in Addis Ababa City under the FDRE Constitution and the governing charter, as well as the relationship between the federal government, Addis Ababa City, and the Oromia Region, are seen in depth. This study specifically examines the changes in the autonomy of the city administration since the Prosperity Party came to power.

1.4.2 Specific objectives

- ✚ Critically analyze the current legal frameworks about the autonomy of the A/A/C/G that is stipulated in the constitution and its Governing Charter.
- ✚ To show what the relationship of Addis Ababa city administration with the Federal Government and Oromia national state looks like, thereby analyzing the effect of this relationship on self-governance status of Addis Ababa.
- ✚ To show the practice exists on the ground, as it looks beyond what the law says about the status and the self-governing autonomy of the Addis Ababa City Government.

1.5 Significance of the Study

As discussed above, the autonomy of the Addis Ababa city administration is weak and complicated under the FDRE constitution and other laws. Therefore, the study clarify this issue and also attempt to add to the body of literature and knowledge on the autonomy of Addis Ababa city government in the Ethiopian federation. To achieve this including law and practice will be examine the self-government concept at the municipal and state levels. Furthermore, it is hoped that the study aid academics in future research in the topic of the autonomy of Addis Ababa city government in the Ethiopian federation.

1.6 Delimitation/Scope

The physical area of the research is confined to Addis Ababa City. Due to the fact that the study is mainly focuses on the dynamics of Addis Ababa City government in the Ethiopian Federation since 2018.

1.7 Limitation of the study

I faced some difficulty in the process of conducting the study. Among these problems, the unwillingness of the participants is the main one. Especially the government officials are not comfortable sharing their thoughts and feelings in the study.

1.8 Methodology

The study used qualitative approaches to assess the self-governing autonomy of Addis Ababa City Government in the Ethiopian Federation based on its approach, and the primary research methodology of the study is literature review, interviews, and analysis of the existing statutory provisions and practical cases by applying reasoning. Another aspect of the research method is that it used doctrinal method of research to examine the autonomy of Addis Ababa city in the Ethiopian Federation. In this research work both primary and secondary data sources have been used to properly address the general and specific objectives of the study. The primary data were collected through interview. To achieve this, i select five governmental institutions that are belong in the city government of Addis Ababa for the purpose of interview. These are the Education Bureau of Addis Ababa city Administration, Addis Ababa city Justice Bureau, Addis Ababa Police Commission, Addis Ababa city Court of Appeals, and Addis Ababa City Council. To collect primary data, the researcher mainly used open-ended questionnaires to reveal the opinions and experiences of the respondents. The open-ended questionnaires helped the researcher to further explore the subject matter under study. On the other hand, regarding secondary data sources, the researcher has mainly examined the FDRE constitution and the city charter regarding the issue under discussion.

Following this, the data that was gathered through interviews and secondary sources has been analysed and evaluated against the objective and significance of the thesis as well as the statement of the problem by the researcher. Finally, the major findings of the study are discussed accordingly.

1.9 Organization of the study

The thesis contains five chapters. The first chapter is an introduction to the topic, which includes the background history of the study area, defining the statement of the problem, identifying the objectives, and explaining the importance of the study. The second chapter is the review literature, which deals with the theoretical bedrock of self-governance. Federalism and capital cities are covered in Chapter 3. The self-governing autonomy of the Addis Ababa municipal administration since 2018 reform is discussed in the fourth chapter. Finally, chapter five deals with conclusion and forwards recommendations.

Chapter Two

Conceptual Frameworks for Self Governance and Autonomy of Capital Cities

2.1 Introduction

Autonomy is a key notion in philosophy, political science, and law that refers to people's or organizations' ability to rule them-selves autonomously. It is frequently connected with self-determination, liberty, and the ability to make decisions free of external influence. In political situations, autonomy can appear as self-governing zones within a larger state, enabling communities to wield legislative, executive, and judicial authorities while adhering to the overarching legal framework of the nation.

In modern governance, autonomy plays a crucial role in balancing central authority with regional self-rule. It is implemented through constitutional provisions, legal frameworks, and institutional mechanisms that define the relationship between autonomous entities and the central government. The effectiveness of autonomy depends on factors such as legal entrenchment, political stability, and the willingness of both autonomous and central authorities to cooperate (Ghai Y. 2013).

All things considered, the concept of autonomy is still essential for maintaining political stability, safeguarding cultural identities, and guaranteeing self-governance in varied societies. Although it is applied differently in various circumstances, its fundamental goal is still to enable people and communities to self-govern within a well-organized legal system.

In general, Autonomy is a fundamental notion in ethics, political philosophy, and law that emphasizes self-government and the ability to choose one's own choices. At its essence, autonomy is the ability to rule oneself based on rational thinking and ideals, free of undue external influence.

2.2 Self Governance

Countries have their own reasons for choosing federalism. One of them is to respond to the question of autonomy in their locality. Self-government is related to the concept of autonomy. It is the ability of an individual, a state, or a country to govern itself.

"Self Determination of Peoples" tries to define self-governance based on the dictionary meaning of the words 'self' and 'government', it is the right of each member of the community to freely choose the authorities who will implement the true will of the people (Cassese A. 1995). It means that the freedom that every community member has to select the officials who will carry out the

true desires of the people is known as self-governance. In short, Self-governance is all about the autonomy of a people to regulate its own affairs in its own ways. Therefore, the ability of a people to decide on how to govern itself, when to govern itself and when to associate with, in addition to whom to associate with are very important elements when we talk about self-governance.

The main manifestations of the rights of self-government are the participation of the people directly and through their elected representatives in the government bodies at any level and obtaining balanced representation in the government administrations at all levels (Przeworski A. 2010). When we look at the definitions of self-government that we have seen above, it cannot be said that there is self-government in a country unless the people have not freely elected their representatives to the regional councils and federal parliaments. Because a nation is said to be self-governing only when it can democratically and freely elect its leaders at every level of government institutions without any influence. Despite this, 'self-government' consists of deciding how the internal structure of government is organized, protecting territorial integrity and autonomy in the field of organization, deciding personnel, finances, the development of rules, and regulating the means and duration of relations with other autonomous entities and semi-autonomous entities (Arthur B. 2006).

The other point that could be raised here is the separation of powers. As Mussie Dawit said, there cannot be true self-government without checks and balances between the different branches of government. This is because a government is supposed to be formed by the will of the people and expected to operate accordingly. An executive that abuses its power could be checked by the legislature and the judiciary. In addition, a law passed by the legislature could be reviewed by the courts (Mussie D. 2022, 13). He thinks that if these mechanisms do not exist or if there is an imbalance of power between the branches of government, despotism will occur and the right to self-government will not be exercised. The criterion for checking the other would be the social contract that formed the government of this autonomous body. This social contract should contain the mechanisms of balanced government and checks and balances.

In general, most literature identifies three different forms of decentralization: DE concentration, delegation, and devolution. The weakest form, DE concentration, entails the mere physical relocation of executing agencies and offices to regions outside the center, with decision-making power remaining at the center. Delegation, the second, more extensive form, has the central government delegate sub national jurisdictions certain legislative or executive competencies. The

most radical form is devolution, where the central government transfers political, administrative, and fiscal responsibilities to autonomous sub national jurisdictions that elect their own representatives and raise their own, usually limited revenues (Yonatan F. and Kirkby C. 2022).

Looking at it from this point of view, the constitution of Ethiopia gives a high level of autonomy for the ethnic groups. For example, Article 8 (1) of the constitution clearly states that the nations, nationalities and peoples of Ethiopia are the owners of the sovereign power of Ethiopia. In addition to that the FDRE constitution, like that of other federal countries, does give self-governance autonomy to the people living in each area, as it is reflected under articles 39 (3) and 50 (4) of the constitution,. Although the Addis Ababa people's right to self-governance is guaranteed by the constitution, this right is continually destroyed by other parts of the same constitution, other laws, and extra-legal factors.

2.3 Self-Determination

Historically speaking, certain aspect of the principles of self-determination is as old as the nation state. However, the best known historical instances of self-determination are probably the American declaration of independence of 1776 and French Revolutions (Cobban A. 1944). The right to self-determination is a people's right to choose their own future and it is among the basic rights for all, even minorities. It has a necessary prerequisite for the exercise of other human rights, whether civil, political, economic, social, or cultural. As Wondwossen said, the idea, in particular, empowers individuals to select their own political position as well as their own economic, cultural and social growth.

Self-determination is a penchant that embodies two broad concepts. While one aspect of self-determination echoes the right to establish own institutions of government thereby enabling self-rule, the other reiterates the demand for representation in institutions of government (Wondwossen W. 2010). The first is a concept related to the establishment of one's own administrative zone or region, and the second is related to the demand for appropriate representation within an existing governmental structure.

It is observed that in our country, from the earliest times to the present, the failure to properly manage the demand of self-determination has been the source of many conflicts and instability. In general, the question of self-determination in Ethiopia can be viewed in two parts. The first is the demand for appropriate political representation within the Ethiopian federation. The second is to seek independence from Ethiopia and establish an independent state.

Currently, the right of a people to self-determination is widely recognized in international conventions and has acquired the status of a general principle of international law. The United Nations General Assembly's Declaration of Principles of International Law Concerning Friendly Relations and Cooperation among States, adopted in 1970, is among the notables. Additionally, the principle of self-determination is specifically stated in two paragraphs of the United Nations Charter. Accordingly, Article I (2) of the charter states that one of the UN's purposes is to develop "friendly relations among nations based on respect for the principle of equal rights and self-determination of the peoples, and to take other appropriate measures to strengthen universal peace." Furthermore, Article 55 of the UN Charter states unequivocally that the United Nations shall promote certain goals "with a view to the creation of conditions of stability and well-being that are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples."

Likewise, the issue of self-determination is recognized by the FDRE Constitution. The right to self-determination found in the Ethiopian Constitution has two forms. The first is the right of the Ethiopian nation, nationality, and people to self-determination up to secession (Art 39/1/). This right includes the right of the Ethiopian nation, nationality, and people to secede from the federation and establish their own country. The second type of self-determination is the right granted only to nations, nationalities, and peoples living in regions that are members of the Federation (Art 47/2/). Therefore, nations, nationalities, and people living in the regions that are members of the Federal Democratic Republic of Ethiopia have the right to establish their own regions at any time. However this right does not apply to Ethiopian citizens living in Addis Ababa and Dire Dawa cities. In connection with this, even though the FDRE Constitution declared the right to self-governance to the Addis Ababa city administration and residents in Article 49(2), this right did not give the residents of Addis Ababa the right to self-determination like the rights given to regional states and ethnic groups by the Constitution. Mr. Mussie Dawit explained this issue: "Under the FDRE Constitution, Art. 39(1), the term "people" refers to ethnic identity rather than the residents of a given territory. Accordingly, the constitution does not consider the residents of Addis Ababa as a people in his dissertation". It means that, the residents of Addis Ababa do not have the right to self-determination because they are not a nation. The fact that the residents of Addis Ababa are not represented in the Federation Council is another significant problem that has to be brought up in relation to this. This House plays a crucial role in Ethiopia's social, economic, and political issues. Article 62(3) of the Ethiopian Constitution grants this institution the power to

hear and rule on matters pertaining to self-determination. Therefore, the people of Addis Ababa do not even have a representative to submit a request for self-determination to the Federation Council. This and others factors made the residents of Addis Ababa have fewer political rights than Ethiopian brothers living in other regions. In general, the right to self-determination found in the current constitution has three main aspects. The first is the aspect is preserving and promoting linguistic and cultural diversity. The second aspect is the political right of each Ethiopian nation to govern itself and the right to participate equally in the decision-making processes of the federal government. The third aspect is the right of every Ethiopian nation to self-determination up to secession.

The right of an entity to determine its international status and to be free of external interference referred as "external self-determination" and the right of a state population to determine the form of government and to participate in the government called: "internal self-determination" (Daes I. 1986). It means Self-determination has two distinct aspects: internal and external (outward). Internal self-determination means the right of a state's people to rule themselves without intervention from outside forces. This right includes participating in the political life of the state and being represented in the legislative, executive, and judicial authorities of the state, based on reciprocity and nondiscrimination with other state citizens. On the other hand, External self-determination means the people's freedom to select their own political status and be free from foreign domination; including the establishment of their own independent state (Journal of African Law /Volume 39/March 1995, pp 31).

As we tried to see earlier, self-determination claims have recently become more respectable in international law and politics, but this trend is unlikely to help Ethiopia's nations much: the international consensus seems to be to give the EPRDF its head, since it is so marked an improvement over Mengistu's regime. In the Ethiopian history since 1991 the right of self-determination to all ethnic groups is allowed as to Article 2 of Transitional charter with certain restrictive conditions and Article 39 (1) of federal constitution of 1995 with no condition. Secession is the most extreme self-determination remedy, lying at the top of a pyramid (Journal of African Law /Volume 39/March 1995, pp 38). There is no other constitution in the world that recognizes ethnic rights to the extent that Article 39 of the FDRE Constitution does.

2.4 Capital cities and Federalism

The word capital derives from the Latin word *caput* meaning head and denotes a certain primacy status associated with the very idea of a capital. "The capital is by definition a seat of power and a place of decision-making processes that affect the lives and the future of the nation ruled, and that may influence trends and events beyond its borders. Capitals differ from other cities: the capital function secures strong and lasting centrality; it calls for a special hosting environment to provide what is required for the safe and efficient performance of the functions of government and decision-making characteristics of the place." (Guttmann J. 1990). A federal capital is a political entity, often a municipality or capital city that serves as the seat of the federal government. On the other hand, State capitals, serve as the administrative centers for a single states within a federation. In some cases, a city serves as both the capital of the federal government and the state government simultaneously. For example Canberra, located in the Australian Capital Territory, serves as both the federal capital and the capital of the Australian Capital Territory, (https://en.wikipedia.org/wiki/Capital_city).

(Eleazar D. 1987) argued that «true federal systems do not have capitals, they have seats of government. ‘Capital’ implies a place at the top of the governmental pyramid, whereas ‘seat’ appropriately suggests a place of assembly». This is because federations are composed of distinct member states that are united in a governance partnership. Federations are varied and their origins differ, however this idea of ‘seat’ of government as opposed to ‘capital’ city is especially relevant for «coming together» federations: federations were «relatively autonomous units come together to pool their sovereignty while retaining their individual identities» (Stephan P. 1999).

2.5 Model of Capital Cities in Federal System

The main challenge of running a capital city in a federal system of government is striking a balance between national and local interests. One of the reasons for this is the existence of vital interests of local residents, which made the link between the federal government and the capital city administration a crucial issue. And this interest should be balanced with the interests of states and key cities in the union. However the character of capital cities in unitary form of government and in the federal system has their own different characters. It could be said that the federal capitals have complicated issues regarding self-governance when we compare them with the unitary capitals. Because, ‘the federal government, wants to control and develop the capital in the

interests of the nation as a whole, while the people of the capital naturally wish to govern themselves to the greatest extent possible (Wettenhall R. 2008).

The other challenge faced by countries that have implemented a federal system is choosing a capital city. Because the federal system divides government work between the central government and the states, the question of which state we should place the capital in is controversial. Nagel C. in 2011 develops the three models of capital cities in any country that follow the federal system. I have tried to summarize Mr. Nigel's three models of capital cities and connect them with Addis Ababa as follows:

A. City State

Federalist countries such as Germany and Belgium use the system of giving the status of an independent state to their capital city. In fact, this idea seems to be the best solution to reduce the influence of the federal and state governments on the capital city. As such, Berlin is currently one of the sixteen German states and the capital of Germany. At the same time, Brussels, Belgium, is one of the three regions of Belgium, mediating the competing Flemish and Walloon regions. Addis Ababa already enjoys a special, chartered-city status in Ethiopia, but some opposition voices argue that given its unique, multiethnic character and strategic importance, the city might be better served by having a status akin to an independent region. This debate is closely linked to broader struggles over ethnic federalism, historical narratives, and regional influence. In recent years, various opposition political forces have raised the idea as part of their broader critique of the current framework. For example, the Ethiopian Citizens for Social Justice Party (often known as Ezema) whose platforms include calls for rethinking how Addis Ababa is administered—with some advocating that the city should be recast as an independent region in order to insulate it from the pressures of ethnic regional interests. Similarly, factions within the National Movement of Amhara (NAMA)—which stress Amhara self-determination—have at times argued for restructuring the administrative status of the capital to ensure that communities they believe have been marginalized under the current system gain a fair representation. These proposals are seen by their backers as a way to safeguard the urban, multiethnic character of Addis Ababa while reducing interference from neighboring regional political forces.

In this regard, even though Addis Ababa is a federal district, if we take a closer look at Article 49(2) of the FDRE Constitution, it will seem like Addis Ababa is an independent region (city state) by giving it the full right to govern itself. The problem with this type of capital city structure is that the federal government has completely lost its power to decide on the city where the federal government is based, and the federal government has to obtain the permission of the city administration for any work done in the city.

B. Federal District

On the other hand, many countries that follow a federal system use the system to make their capital a federal district and give full accountability to the federal government. America and India are good examples of this. In this model capital cities are part of the federal government. According to Nagel C, the basic problem with this type of structure is that city dwellers do not have the right to self-governance. Another problem with this structure is that the people of the city often do not have a seat or representation in the central government. From the point of view of this organization, when we look at Addis Ababa, Article 49(3) of the constitution states that Addis Ababa city administration is accountable to the federal government, making the city look like a federal district.

C. A City in a State (City within Member-State)

Another solution to the establishment of a capital city in countries that follow a federal system is the creation of a capital city located in one of the federal member states. When this is done, the benefit that the region should receive from the city is protected by law. A good example for this is Canada. Ottawa, the capital of Canada, is a city in the province of Ontario, one of Canada's ten provinces. Therefore, Ontario's advantage as a capital region over Ottawa is statutory and binding. Other capital cities that can be mentioned here are Madrid of Spain, Kuala Lumpur of Malaysia, and Bern of Switzerland.

Capital expansion will not be a problem in capital cities structured in such a manner. Because without amending the law, the state government can expand the city limits. The problem with this type of capital city structure is that the federal government is not able to develop the city in the way it wants, and the language and culture of the region that governs the city are reflected in the city, so it loses the feeling of representation of all the people of the city. This means the national government does not have sufficient control over its own capital. In addition, the state government can manage the city like any other city in the state under the state law or can manage it by charter,

so it can give or deny the people of the city the right to self-governance. Close to this, Article 49(5) of the FDRE constitution states that as the city of A/A is located in the center of the Oromia region, the special interests of the Oromia region shall be respected. As we have seen above, there are also political forces that say that Addis Ababa city should be included in the Oromia region. Many Oromo nationalist groups (such as voices from the Oromo Liberation Front and the Oromo Federalist Congress) argue that Addis Ababa is historically tied to Oromia, and they see moves toward an independent regional status as a way of further alienating the city from its rightful regional-cultural context. In this view, maintaining or even reinforcing Addis Ababa's integration with Oromia (or at least keeping it under a model that reflects historical ties) is essential for correcting what they perceive to be long-standing injustices and power imbalances.

In general, the capital of countries that follow a federal system in the world is classified into one of the following three categories: A capital city of an independent region, a capital city classified as a Federal District, and a capital city located in one of the federal member state. However, Addis Ababa differs from this in that it possesses each of the three characteristics of a federal capital. We can understand this from Article 49 of the Constitution. Moreover that, the case of Addis Ababa is a little different from the conditions we have seen above. A/A is the capital of the Federal Government of Ethiopia and the Oromia Regional State Government.

In addition to this, the city is also serves as a seat for the six Oromia region cities located on the outskirts of A/A that are now established as a single administration named Sheger City Administration, which makes the case of Addis Ababa unique. Therefore, A/A is a home to four governmental administrations. They are the Federal Gov't Administration, the Oromia Regional Gov't Administration, A/A City Administration and Sheger City Administration. To sum up with this, as Ethiopia is a country following a federal system, Addis Ababa belongs to a federal district under the federal capital category.

Chapter Three

The Autonomy of Addis Ababa City Government

3.1 Addis Ababa's place in the Ethiopian Federation

Addis Ababa was established as an independent region like other regions named by Region 14 during the four years of the transitional government, which was established after the EPRDF took over the power of the country. After that, when the Ethiopian federal constitution was ratified in December 1994, it established a federal republic comprising nine regional states created on the basis of predominant ethnic groups, except the southern regional state formed by 56 ethnic groups, Gambella mainly formed by 5 ethnic groups, Benshangul Gumuz mainly formed by 5 ethnic groups and the two city municipalities, Addis Ababa and Dire Dawa.

It has been three decades since the implementation of the federal system at the constitutional level in Ethiopia. In all these years, there have been so many different opinions regarding the status of Addis Ababa in the Ethiopian Federation. It is one of the main battlegrounds in Ethiopia's political struggle, particularly between Oromo and Amhara political elites. As we have seen earlier, political forces such as the Ethiopian Citizens for Social Justice Party and the National Movement of Amhara says that Addis Ababa should be an independent region an independent region; the other says it is a federal district. There are also the Oromo nationalist forces who say that Addis Ababa is a city in the Oromia region. Although, there are those who present their own compelling arguments that Addis Ababa is an independent charter-governed autonomous city. The issue of Addis Ababa is still going on without an end.

The first reason for this controversy is that the city has become a place where different political forces struggle to achieve their own interests. They know that taking control over the city of Addis Ababa creates the most suitable environment for controlling the whole of Ethiopia. As Addis Ababa is the heart of the country's political, economic, and social situation, a power that dominates the city has a high chance of controlling all of the country's networks. That is why many political forces show great interest over the city. For instance, various political forces that are operating at the city and national levels use a name other than the name of the city mentioned in the constitution and the city charter. Even though it is common for cities around the world to have more than one name and make a name change, the case of Addis Ababa is somewhat different from this fact. The reason why those political parties call the city by different names is related to their own political interests. For example, the Oromo nationalists and even the government that

governs the region use the name ‘Finfine’ for the city of Addis Ababa. This controversial aspect of the city, in relation to many issues, including the question of ownership, is still ongoing. Especially for those groups that support Ethiopian nationalism, the city of Addis Ababa is their last stronghold. However, many times these political forces work only to achieve their own political needs instead of realizing the demands of the residents and formulating policies to answer them. Moreover, the political interests of these political parties pose another challenge to Addis Ababa’s self-governing autonomy.

Different ideas that are reflected regarding the city of Addis Ababa can be seen as being divided into two main categories. Thus, the group that claims ownership of Addis Ababa city is its residents, and the group that claims Addis Ababa is part of the Oromia region. This unclear status of the city is now the starting point and the destination for the controversies about A/ A. To sum up the position of Addis Ababa in the Ethiopian Federation, Addis Ababa is the capital city of Ethiopia and is governed by a charter, unlike other regional administrations that are not granted free and full authority by the constitution.

3.2 Autonomy of Addis Ababa

Political autonomy exists when a group of people or an area is self-governing and not subject to the authority of a higher level of government (Fred E.1994). This means that the body that makes a decision on their own issue will make the decision himself without anyone interfering. The capital cities are themselves municipal authorities, governed by their elected representatives. All the principles enshrined in the Local Self-Government should therefore prevail in them regardless of their actual function in the country (Chamber of Local Authorities, 2007). From this point of view, when we look at the issue of Addis Ababa's self-governing autonomy, we find that the country's constitution and the city's governing charter clearly state that the residents of Addis Ababa have full rights to govern themselves.

Addis Ababa has been the capital city of Ethiopia for more than a century. The city was one of the 14 regions established by the Charter of the Transitional Government in 1991, before the current constitution. The current constitution also gives the people of Addis Ababa the right to self-governance when it comes into effect. However, this right is repeatedly eroded by other provisions of the same constitution and other laws, as well as extra-legal influences, especially from the federal and Oromia regional state governments. Let's look at some of them. With regard to this, sub-articles 3, 4, and 5 of Article 49 of the Constitution can be cited as an example. Article 49(3)

of the Constitution makes the Addis Ababa city administration accountable to the federal government, making the city a part of the federal government, unlike regional administrations. Article 49 (4) of the Constitution also mentions that the people of Addis Ababa will have representation in the Federal House of People's Representatives, but it did not say anything about their representation in the Federation Council. Sub-Article 5 of Article 49 of the Constitution is the worst of all. After sorting out the reasons that are not convincing, this article talks about the special interest that the Oromia region will have on the city of Addis Ababa. As a result this article obliged the city of Addis Ababa to respect the special interests of the Oromia region. The other is Article 61 sub articles 1 of the same constitution that talks about representation of only regional states in the House of Federation. In general, it can be said that this article mainly opened the Pandora box to the violation of Addis Ababa city's right to self-governance.

Another important law is Charter No. 361/2003, under which the city is governed. Some of the clauses included in this charter create confusion on the issue of city self-governance autonomy. For example, the city council is accountable not to the people who elected it but to the federal government. Also, as per the governing charter of the city, it stipulates that the Addis Ababa Council and Government can be dissolved by the decision of the Federal Parliament under Articles 17(2) and 61(3), respectively. In addition, Article 61(2) of the charter clearly stipulates that the city government is not independent but part of the federal government.

Another issue that should not be overlooked here is the status of Addis Ababa police commission. According to Article 27 of the city charter, the city police are directly accountable to the federal government. It also stipulates that the accountability to the city administration is representative. In relation to this, the federal police commission establishment revised proclamation No 944/2023 is also another important law that determines the status of Addis Ababa police commission. This proclamation includes provisions that impact the Addis Ababa Police Commission. Specifically, it emphasizes improved coordination and cooperation between the Federal Police and the Addis Ababa Police Commission. According to the updated proclamation of the federal police commission, the municipal police commissioner and deputy commissioner are selected by the Ministry of Federal Affairs.

In conclusion, clauses such as these found in the city's governing charter undermine the autonomy of the city administration. Another example that should not be overlooked here is the revised Constitution of the Oromia Regional Government. As per amended Proc. No. 94/2005 of the Oromia Regional State Constitution, Article 6, declaring that Addis Ababa (Finfine) is the seat of

the regional government of Oromia is another complicated issue with regard to the autonomy of Addis Ababa City Government. We will see these factors that reduce the self-governance autonomy of the city of Addis Ababa in the subsequent section.

The primary embodiment of the notion of self-governance is people's engagement; either directly or via their representatives, in government bodies at all levels. It is also the basis and main feature of a democratic system that the people can be governed by the bodies they freely choose. But until today, there is no historical instance where the Ethiopian people and the people of Addis Ababa city have benefited from this right. The people have never elected their leaders, from the district (worda) to the mayor. The leader chosen by the winning party is in charge. As a result, the people have no idea where the leaders at all levels come from or by whom they are appointed.

Since the people of Addis Ababa city come from all parts of the country, as long as it is democratically elected by the people, a person from any province of Ethiopia should have the opportunity to lead at any level in the administration of Addis Ababa city, from being a leader to being the mayor of the city, as far as she or he is a permanent residents of the same city. In this regard the main problem is until recently the mayors and chief executive of sub cities were came from regional states of different regions. Therefore, the people's right to be governed by their chosen leader should be respected unconditionally.

In general, level of the self-governance of capital cities could be understood in to two ways. The first is the way that the capital cities are structured and organized. The second is the legal relationship of the capital city with the central government and other entities in that nation (Mussie D. 2022). In addition to this, in order to examine the extent of the autonomy of a capital city, it is important to take a closer look at the three government bodies: the authority of the city administration, the authority of the city council and the jurisdiction of the city courts. Therefore, we will look at the authority, responsibility, and accountability of the three government bodies of Addis Ababa City one by one.

3.2.1 Authority of Addis Ababa City Council

Currently, there are two city administrations in the federal system of Ethiopia. They are the administrations of Addis Ababa and Dire Dawa City. The legal basis of these city administrations is that Addis Ababa City has a constitutional and charter basis, while Dire Dawa City has only a charter basis. The State Council is the highest organ of state government and accountable to the people of the region it represents. It is an important clause in the constitution that ensures the

democratic rights of all Ethiopian citizens. Therefore, unlike to Addis Ababa, state councils are not answerable to the federal government. It seems to violate the principles of democratic accountability as it is elected by the residents and is the highest political body in the city administration (Mussie D. 2022).

Now let's see how far the city council has the power to make laws. According to Article 11 of the revised Addis Ababa City Administration Charter proclamation No. 361/95, the city administration has the power to enact laws on issues identified in the charter. It also has the power to enforce laws on matters not specifically assigned to the executive bodies of the federal government. In addition, the Addis Ababa City Administration has the authority to issue regulations on the issues that the House of Representatives have authorized to issue regulations according to Article 14 Sub-Article 2(b) of the City Charter. Accordingly, the Addis Ababa City Council has acquired the power to enact laws in two ways. The first is in matters that are clearly considered to be the authority of the city administration in the city charter, and the second is when the House of Representatives is empowered to enact regulations. This means that the jurisdiction conferred on the Addis Ababa City Government by the Charter is limited only by the matters listed in the Charter. In other words, the council is not empowered to legislate, except those specified in the charter (Mussie D. 2022).

Moreover, as per the governing charter of the city, stipulates that the Addis Ababa Council can be dissolved by the decision of the Federal Parliament under Article 17(2). As per Article 61(3) of the charter states that the reason for dissolution of the council is when the city council commits an act that endangers the constitution or when the city administration is unable to control the security and emergency situation. This is another provision that contradicts the autonomous authority of Addis Ababa City. Because if the same security problem occurs in another member state and the regional government is unable to maintain its own peace, the solution set by our constitution is different from this. As can be understood from Article 51 (14) of the constitution, it is clearly stipulated that the national defense forces will be deployed based on the request of the regional administration, which is facing a security problem and is unable to maintain peace on its own capacity. However, as indicated in the City Charter, the FDRE constitution does not given the authority for the federal government to dismantle the regional administration that failed to maintain peace and establish a transitional administration.

The federal government cannot even intervene in state security issues. Unless one of the following two conditions is meet. The first requirement is that the federal governments intervene in a state upon a given administration's request to intervene. When they are unable to control it, as stated

under Article 51(14) of the Constitution. The other situation is that when the house of federation orders to intervene, the federal government in the state constituents. When the house believes that there is a violation of the constitutional order. The fact that the Federal House of People's Representatives has the authority to dissolve this council, which was chosen by the people, is a significant sign of how limited autonomy the residents of Addis Ababa and the municipal government have.

3.2.2 Jurisdiction of Addis Ababa City Courts

The city administration of Addis Ababa has three types of law interpretation bodies, according to Articles 39 and 40 of the city charter. These are: social courts that are found in 111 woredas of the city; city courts that are found in 11 sub-cities with the appellate court at the center; And other administrative tribunals with quasi-judicial power, such as the Labor Relations Board, the Civil Service Tribunal, the Tax Appeal Commission, and the Urban Land Cleaning and Compensation Case Appellate Tribunal. Addis Ababa City Courts were established and started providing services based on the first Addis Ababa City Government Charter Proclamation No. 87/1989. According to this proclamation, these courts had jurisdiction only over construction and land tenure issues, municipally controlled commercial, health, education, environmental protection, municipal services, and traffic and ordinance violations.

However the later amended Charter Proclamation No. 361/1995 made these city courts have first-level civil and criminal cases as well as appellate jurisdiction. In accordance with Article 41(1)(g and i) of the city charter and Article 2(1) of Proclamation No. 408/1996, application related to name change, proof of inheritance, proof of marriage, guardianship, disappearance, and death certificates Jurisdiction is vested in municipal courts. Also according to Article 41(1) (b) of this charter, the City Courts have been given the authority to adjudicate disputes related to social and economic institutions controlled by the executive bodies of Addis Ababa.

In addition, according to Article 41(1) (e), disputes between the executive bodies of the Addis Ababa City Government regarding their powers and duties shall be settled by the city courts. However, if the executive bodies of the city administration have a civil dispute with each other outside of their powers and duties, the federal courts have the authority to decide on such disputes.

Regarding their powers in criminal cases, city courts have the power to give inspection warrants and arrest warrants, take statements from criminal suspects and send the case to a court of competent jurisdiction, and have the power to hear and decide on bail application.

When it comes to the structure of the city courts, we get some different from Article 78 of the FDRE Constitution, which stipulates there shall be a First Instance, a High Court, and a Supreme Court at the federal and state levels. It is known that there are 11 sub-cities in Addis Ababa City. In these 11 sub-cities, there are 11 first-instance city courts. There is also the Addis Ababa Court of Appeals at the center. The city bench of cassation is also found in this appeal court. However, there is no High Court in the Addis Ababa City Courts structure. This has two main problems.

The first is that Addis Ababa city courts are not organized according to the constitution. The second and main problem is that litigants living in Addis Ababa City have fewer rights to appeal than people living in other parts of the country. According to FDRE constitution the right to appeal is one of the fundamental rights of the people.

In general the city courts have a very limited jurisdiction over civil and criminal matters proceedings. We will take a closer look at the changes that have occurred in Addis Ababa City Courts since 2018, especially those related to civil jurisdiction, in the next chapter.

3.2.3 Authority of the Executive Organ of the City

In the previous sections we have seen the autonomy of the legislative and judiciary organs of the Addis Ababa city government. In this part we are going to investigate the autonomy of the executive organ of the city. Legally speaking, of course all those three government organs are equal, and no intervention is allowed among those organs. However, practically speaking, the executive organ is very powerful as it controls resources, especially in third-world countries.

Normally, the executive branch of government at any level is proportional to the power to legislate; In other words, it is expected to enforce the law (Mussie D. 2022). Therefore, whenever self-governance is raised, it is necessary to think that the autonomy of the executive body is the most basic and key issue. In addition to the city charter, the city council enacted a proclamation to provide for the establishment of the executive organs of the Addis Ababa city government (proclamation number 74/2021 and its amending proclamation No 84/2023). The city charter, under its fourth part, enumerates the executive bodies of the city and their powers and duties. Based on this section of the charter and other practical cases, we will look at issues that challenge the autonomy of the executive body of Addis Ababa.

The first thing we should address is security management. Commanding and controlling the security department is an essential factor in determining whether a certain government has complete autonomy or not. Following the 2005 national elections, the city Police Commission and Documents Authentication and Registration Service were taken from the Addis Ababa city administration and placed under the federal government, and have not been returned until now.

As a result, Addis Ababa Police is not directly under the control of the city administration and is accountable to the federal police commission, as per Article 27 of the city charter, although the budget is allocated by Addis Ababa City Government. According to the charter and revised proclamation of federal police commission the city police commissioner and deputy commissioner are appointed by the Ministry of Federal Affairs (article 27/2). However, Addis Ababa Police receives its operating budget from Addis Ababa City Government, by presenting it to the city mayor, who is not directly accountable to him, and by approving it at the city council. This absence of the police commission responsible for the administration shows how much the autonomy of the Addis Ababa city administration has eroded.

In relation to this, the former mayor Takele Uma was approached and asked by the members of the House of People Representatives about the organized robbery that is said to be widespread in Addis Ababa city. The mayor replied that "even though we are the ones who pay the salaries of the Addis Ababa police, it is the federal police who are in charge." This answer from the mayor shows the depth of the problem. In addition to this, if it is necessary to recruit a police force to maintain peace and security in Addis Ababa, the city administration cannot do this alone even though the operating budget comes from Addis Ababa administration.

In order to understand how it is against the autonomy of the city administration of Addis Ababa, we should see it in line with the power demarcation between the state and the federal government in the FDRE constitution. Article 52(2) (g) of the Constitution grants the state administration the authority to create and manage a state police force and to uphold public order and harmony within the state. However, when it comes to the Addis Ababa city government, the federal government has full control over the city police of Addis Ababa. This is one indication of how much the city administration is under the influence of the federal government.

Another institution that was transferred from the city administration to the federal government following the 2005 national elections and still in place is the Documents Authentication and Registration Service. This is a multi-faceted institution. The activities include this institution being

responsible for certifying the sale and gift of property, providing power of attorney, registering leases, wills, and loan contracts, registering the formation of business union groups, and certifying evidence of education and other papers. It is clear that an administration that has been deprived of the authority and responsibility to carry out all these functions has lost its autonomy. Furthermore, because this institution engages in a variety of activities, the revenue it generates in the form of service fees is substantial. As a result of losing this institution, the municipal government also lost the significant revenue it was receiving from service fees. Based on the information that I got from the official Face book page of the authentication and registration service office, they have collected 1.7 billion birr within 9 months. They collected it from July 2023 to March 22, 2024.

In this part, we will look at the mayor of the city in order to understand what the autonomy of the Addis Ababa City administration looks like. The mayor of the city is the chief executive officer of the city, as per Article 21(1) of the charter. In addition to its accountability to the city council, the mayor is also accountable to the federal government. Since the mayor is accountable to the federal government, we couldn't even say that the city is autonomous.

Let us bring one point from the FDRE constitution to compare and show how the Addis Ababa city administration lacks autonomy. By virtue of Article 50(6) of the Constitution, the state administration constitutes the highest executive power. It doesn't state the accountability of the state administration to the federal government. Rather, it states under sub-article (8) of the same article that the federal government shall respect the power of the state. This is what the so-called autonomy means.

The last issue is that we have to see in this section is the power and duties of Addis Ababa justice bureau. This office is the main advisor and representative of the city administration in legal matters. However, the powers and responsibilities of Addis Ababa public prosecutors are very limited in the crimes matters of the city administration they are given to bring before the court. In addition to this, the fact that this institution is not able to issue advocacy service licenses that allow working in the city court like other judicial offices in other regions is an indication that the city's justice office has very limited powers and responsibilities. Currently, the federal advocacy license grants the right to provide advocacy services in city courts. For those and other reasons, we couldn't say that the Addis Ababa city administration is autonomous.

3.3 Factors that Challenge Autonomy of Addis Ababa City Government

Federalism as a theory refers to the ideology of shared-rule and self-rule, self-rule refers to autonomy for regions or states in decision-making and shared-rule for all to participate in decisions making process at federal or national level. In this sense, the autonomy of the Addis Ababa city administration is flawed the element of self-rule and shared rule in many ways as its representation at federal level is limited only to house of peoples representatives. Therefore, let's now look at the main factors that reduce the self-governance autonomy of the city of Addis Ababa.

3.3.1 Legal Factors

(I) the Constitution

A constitution can confer unequal rights and powers between structures that are on equal footing in a country. However, the Constitution does not provide unequal rights among citizens of a country. In this sense, the constitution of Ethiopia remembered Addis Ababa City but seems to have forgotten its residents. As a result the political rights of the residents of Addis Ababa are much lower than the rights of the people living in the regions that belong to Ethiopia. Among those rights lost by the residents of Addis Ababa, the following are the main rights:

- (A) Lose the right to be a state and not being a member of the Republic of Ethiopia. Basically, self-determination is the right of every people to select its own form of government. People's right to self-determination begins with the governing structure below. Therefore, it is not possible to deny this right to the millions of people in Addis Ababa. However, according to Article 47 of the Constitution, Addis Ababa is not among the members of the republic. In addition to this, the right to establish their own state, as pursuant to Article 47 sub-article 2, is granted only to nationalities and peoples included in the nine regions listed in Article 47 sub-article 1. This means, the Constitution does not give the people of Addis Ababa the right to be a state, as they are not included in these regions.
- (B) Federalism is a better system to address the question of representation in the second chamber of the federation at the center. However, the FDRE Constitution has ;/[most important national issues listed in Article 62 of the Constitution for the Federation Council. The House of Federation is composed of at least one representative from each ethnic group in the country and one additional representative for every one million population of each ethnic group only found in the regional states (Art 62 of the FDRE Constitution). Besides, the FDRE constitution of 1995 under Article 49 (4) the people of

Addis Ababa will be represented only in the House of Peoples' Representatives. However the multiethnic cities of Dire Dawa and Addis Ababa have no representation in this House, according to Article 61, sub-article 1 of the Constitution. As a result the people of Addis Ababa have no representation in the Federation Council. Because, as to this article, only those nationalities and peoples included in the states that are members of the Federal Government are represented in the Federation Council. As a result, it makes the people of Addis Ababa voiceless in the Federation Council, and this is one of the problems for the self-governing autonomy of the Addis Ababa city government.

The House of Federation is the guardian and interpreter of the constitution. The fact that the people of Addis Ababa are not represented in the Federation Council has prevented them from participating in major political and economic decisions. As an illustration, it prevents the people of Addis Ababa from participating in the process of interpreting the constitution. For example, the National Election Board of Ethiopia was unable to hold the 2012 national election as scheduled due to the Corona virus epidemic, so the election was postponed. At that time, interpretation of the constitution was needed to postpone the election or not. Accordingly, the Federation Council considered the matter and decided to postpone the election. As the people of Addis Ababa are not represented in the Federation Council, they did not participate in this major national decision.

To see one more illustration, if a nation in Ethiopia uses its rights under Article 39 of the Constitution to become an independent nation, then the people of Addis Ababa will have nothing to say about this major decision.

In addition to that, the resident of Addis Ababa are prevented from participating in the process of giving an order by the House of Federation for federal intervention on the basis of a violation of the constitution by the participation or consent of regional government, as it is provided under Art. 62(9) of the Constitution and Proc. No. 359/2003 Art. 12.

- (C) The absence of the right to sovereignty. Article 8 sub-article 1 of the Constitution explicitly states that nations, nationalities, and peoples are the holders of sovereign power. It means only the members of the federation are entitled to what some call internal sovereignty, but not citizens have sovereign powers. As a result, only those nations and nationalities that own these sovereign powers can determine their own destiny without any interference. Whereas Addis Ababa doesn't have that right, and the administration is also

accountable to the federal government. The constitution made the Addis Ababa city administration accountable to the federal government in Article 49(3), which limited violated the autonomy of the city administration and the rights of its people.

- (D) The constitution also obliged the city of Addis Ababa to respect the special interests of the Oromia region. Although the constitution stipulates that a law will be passed to protect the special interests of the Oromia region in Addis Ababa, until now no law has been passed so far. Whatever it is, this is against the self-governing autonomy of the city.

(II) The City Charter

Addis Ababa is a chartered city, and the first city charter of Addis Ababa was number 87/1996. This charter was completely repealed in 2003 by Proclamation No. 311/2003 and Proclamation No. 361/2003 respectively. And then Proclamation No. 361/1995 was also partially amended in 2018 by Proclamation No. 1094/2010.

The current city charter establishes the legislative, executive and judiciary bodies of Addis Ababa city administration. The purpose of this governing charter is to protect the interests of four bodies. The first is to create a suitable workplace for the African Union and other international organizations located in the city. The second is to create a proper workplace for the federal government itself. The third is to protect the representatives of the nations, nationalities and peoples residing in the city. And the fourth is to implement the city residents' constitutional right to self-government (Mussie.D 2022).

The city charter is also opposing the self-governing autonomy of Addis Ababa, in addition to the FDRE Constitution. This charter issuance by the Federal Council of People's Representatives, not by the City Council, which represents the city, has violated the right to self-governance of the resident of Addis Ababa from the very beginning. If there was a political desire to implement the constitutional right of self-governance autonomy of Addis Ababa, there should have been an opportunity for residents to have a say in the enactment of the city charter (Mussie D. 2022).

Since the Addis Ababa City Administration Charter No. 361/1995 was issued by the Federal House of People's Representatives, it cannot be said that the needs of the Addis Ababa residents were actually reflected from the beginning. One illustration for this fact is that the residents of Addis Ababa did not consulted and participate meaningfully when this charter was prepared,

adopted, and revised. From this, we can clearly understand that the charter is a gift of the federal government in which residents have not participated.

3.3.2 Political Factors

When we look at practical issues beyond the provisions of the law, we find the political factors that challenge the right of the people of Addis Ababa to self-governance. Even though the right of the people of Addis Ababa to self-government is guaranteed by the Constitution, this right is repeatedly violated by different political decisions.

For the sake of illustration let see some issues. According to the Ethiopian calendar, from 1985 to the present, eight mayors have been appointed to the city of Addis Ababa, all of are from the region and six of them are from one region, the Oromia region. Namely:-

- Tefera Waluwa from 1985-1989 E.C.,
- Ali Abdo from 1990-1995 E.C.,
- Arkebe Equbay from 1995-1998 E.C.,
- Berhane Diressa from 1998-2000 E.C.,
- Kumma Demeksa from 2000-2005 E.C.,
- Deriba Kumma from 2005-2010 E.C.,
- Takele Umma from 2010-2012 E.C., and
- Adanech Abiebe from 2012 E.C.-until now (*Addis Ababa city council website*).

In addition, Article 14(2,f) of the revised Charter of Addis Ababa Administration; Proclamation No. 361/2003 stipulates that the mayor and deputy mayor of the city shall be elected from among the members of the city council, but Takele Umma was appointed without members of the City Council.

The action taken by the government after the 2005 election is another demonstration of how much political decision violates the autonomy of the city. In the 2005 national election the ruling party (EPRDF) was completely defeated in Addis Ababa. Following the results of this election, the most important administrative institutions of Addis Ababa were taken over and placed under the federal government. Some of these taken institutions, such as the Addis Ababa City Transport Office, have been returned to the city administration, while the Addis Ababa City Documents Verification and registration Office as well as the Addis Ababa Police commission have not yet been returned to the city administration. The fact that these very important institutions have not returned to the city

administration until now is an indication of how rare the right to self-governance of the people of Addis Ababa is.

Another political move by the ruling party (EPRDF) that undermined the autonomy of Addis Ababa after losing the 2005 elections was to relocate the Seat of Oromia Regional Government seat from Adama/Nazareth to Addis Ababa. To summarize this issue, the resident of Addis Ababa has been made to be distant observers who cannot say anything not only about national affairs and also on their fates.

3.3.3 Special Interest of the Oromia Regional State

One of the political and legal issues that are frequently raised in our country is the provision of special interests set out in Article 49(5) of the Federal Constitution, which states that the Oromia region must have a special interest in Addis Ababa. This provision has no meaning given to the phrase "special interest". In addition to the fact that this article is not clear, although it stipulates that a detailed law will be issued regarding the special interest of the Oromia region over the city of Addis Ababa, it does not say which body will enact the law and until today no law has been issued to determine this. This is what has made the issue controversial time and time again. However, it is clear from Article 55(2) of the Constitution that the power to enact the law is explicitly vested in the federal government to the House of Representatives.

A constitutional special interest in Article 49(5) is a particularistic extraordinary privilege, power; right, interest, or immunity recognized and guaranteed to a single state interest that it shares with no other constituent regional states (Betru D. 2012). As known, the basic nature of Ethiopia's federal system is that all states have equal rights and powers, so-called symmetrical federalism (Art 47(4) of the constitution). This constitutional provision reflects the special interests of the Oromia region in Addis Ababa and is a particular privilege only for one regional state, so-called asymmetrical federalism. Therefore, it can be taken as an exceptional circumstance because it is of single state interest that it shares with no other constituent units.

In general, those who claim that the Oromia region deserves special benefits from the city of Addis Ababa make four main arguments. The first is that Addis Ababa historically belongs to the Oromia region. The second is that the main social services in Addis Ababa are provided by the Oromia region. The third argument is related to the geographical location of the city. The fourth argument is related to ecological disturbance.

Let's first look at the argument from a historical point of view. They argue that the place where the city of Addis Ababa is now located was the ancient religious and political center of the Oromo clans. These clans were deprived of their land by the system that was in place at the time. They also say that Gulale, Eka, Galan and Abichu were the Oromo clans who lived in the place before this push and the name of the town was Finfine.

In this regard, there is a counterargument stating that, even before the transitional charter and the current constitution established Oromia as a region, Addis Ababa served as the capital of Ethiopia. There are also many history books that challenge this Oromia people's historical ownership of Addis Ababa city by citing historical evidence. Among these books, let's take a look at the book titled 'Barara Kedamit Addis Ababa' by Habetamu Mengiste. According to this book, the ancient name of the current city of Addis Ababa is "Barara". As to this book, the current city of Addis Ababa is the former city of Emperor Dawit 'Barara'. Therefore, it tells us that it is not appropriate to see Addis Ababa city separately from 'Barara'. In addition the book argues that the history of the establishment of Addis Ababa city does not start from the time when Emperor Minilik II made the city his capital in 1886 by presenting several historical arguments.

This book states that the Emperor Minilik II came to the city of Addis Ababa to bring back the former territories of their fathers into their territory, not to expand the new territory. The book also mentions that kings before Emperor Minilik II wanted to make Addis Ababa their capital. For example, in order to achieve this, Prince Sahel-Selassie had previously built a house where Minilik II's palace is now located. Therefore, the book concludes by saying that Minilik II made this dream of his father's come.

Now let's take a look at the argument that the main services of the city of Addis Ababa come from the Oromia region. However, these services are not offered free to the city of Addis Ababa. As long as the Constitution clearly states that special interests apply to natural resource use and the like, any other claim to ownership is not only unconstitutional but also denial of the natural right of self-government (Mussie D. 2022). Another thing to keep in mind is that these Oromia regional towns, which are located around Addis Ababa and are supposed to provide services to the city, are also benefiting from the city of Addis Ababa in different ways. For example they are using transport service that subsidized by the city administration and they are getting better health and education services including feeding as well as provision of school materials of students etc.

Let's look at the third argument; state that geographically, the city of Addis Ababa is surrounded by the Oromia region, so the owner of the city of Addis Ababa is the Oromia region. In fact, geographically, the city of Addis Ababa is located in the middle of Oromia. There are those who challenge this argument by citing the practices of Lesotho from the republic of South Africa and Vatican City from Italy. These countries are surrounded by the Republic of South Africa and Italy, Rome respectively but still they are independent states.

Coming to the fourth argument, it is argued that the Oromia region should have a special interest over Addis Ababa because the waste products of Addis Ababa's factories and residents are disposed of in the Oromia cities around Addis Ababa. Of course, it's not hard to imagine that there might be a problem. Due to the horizontal expansion of the city; it has caused a great economic and social crisis in the mostly farming communities around the city. It is known that cities around the world, as well as other large cities in Ethiopia, create different pressures on the surrounding areas and residents. However, this problem can be solved permanently by establishing a strong environmental protection police and city development plan.

To summarize this sub-heading, one of the issues that have not been clearly explained in our constitution is Article 49(5), which stipulates the special interest of the Oromia region over the Addis Ababa city. This article has been repeatedly used as a tool by those who want to strip the people and administration of Addis Ababa of their right to self-governance given by the same constitution. Moreover, there are many individuals and political forces that raise the question of ownership of the city based on this article. Addis Ababa belongs to all Ethiopians because there is not a single ethnic group in Ethiopia that does not have interest over the city of Addis Ababa. In this sense, not only the city of Addis Ababa, but in the case of other cities, the inhabitants of the city need to be the owners of the city.

Chapter Four

The Addis Ababa's Dynamic Change Since 2018 Reform

Since 2016 G.C., there have been popular uprisings demanding change in various areas of Ethiopia. Also, the leaders and members of the ruling party (EPRDF) who support this public demand have been struggling internally. Due to the internal and external opposition against the ruling party, Dr. Abiy Ahmed came to power as the new leader of Ethiopia on April 2, 2018 G.C. During this time, the party had achieved a very high level of public approval. Therefore, public demonstrations were held in many parts of the country in support of the new leadership. On June 23, 2018, the residents of Addis Ababa demonstrated their support to the group led by Dr. Abiy Ahmed by coming to power. But the group's acceptance lasted only a few months. In this section, we will see what changes this political change in Ethiopia has brought to Addis Ababa.

Many people are heard saying that this cannot be called a political change. Indeed, the Prosperity Party is also often heard saying that what we have done is a political reform, not a revolution. Any ways, following the political movement in Ethiopia, the Prosperity Party came to power and was established in December 2019 as a successor to the Ethiopian People's Revolutionary Democratic Front (EPRDF), which was leading the country at the time.

A lot of change has been done since the 2018 political reform in Addis Ababa. But most of the changes were made only by political decisions without any legal amendments. This has created an unfavorable situation in this study. In this part, i will try to see the new things that are relevant to the autonomy of Addis Ababa by marking this change in the transfer of political power as a benchmark for the convenience of this study. From now on, this change is defined as political reform in this study.

The first change i get is the change made by the Prosperity Party regarding Addis Ababa in terms of its internal organization and operation. The city of Addis Ababa has been led by the Regional Organization Fronts (EPRDF) for the past three decades. This means that if a person born and raised in the city wants to participate in politics and serve his or her community, he/she has to be a member of one of the four regional organizations. After a political reform took place in Ethiopia, the EPRDF Organization was dissolved and transformed into a party called Prosperity. Following this, one of the branch offices of the new Prosperity Party became the Addis Ababa City Prosperity

Party Office. Therefore, an individual who is a native of Addis Ababa can participate in politics by directly joining the Prosperity Party branch in Addis Ababa without going to the Regional Prosperity Office. This change is a good start to realizing the right to self-governance for Addis Ababa City.

Let's now look at the changes that have occurred in Addis Ababa City Courts since 2018. The main change is related to the judicial autonomy of the city courts of Addis Ababa that is brought by the new Federal Courts Establishment Proclamation No. 1234/2013. This proclamation changes the jurisdiction given to Addis Ababa and Dire Dawa city courts over civil cases. According to Article 5(1) (p) of the proclamation, in addition to their previous powers in civil matters, city courts have the power to adjudicate money contracts, and loan disputes between individuals up to five hundred thousand birr.

Although this proclamation has given the greatest power to city courts, it also has fundamental problems. Some of these are:-

- The first problem is that the powers granted to the Addis Ababa City Administration Courts are very limited. The authority given to adjudicate civil disputes up to Birr 500,000 is a very low authority considering the current purchasing power of money and economic conditions.
- As to this proclamation only disputes involving less than 500,000 birr between individuals can be heard and decided in city courts. This means that, if one of the disputing parties is established by law, even if the disputed amount is less than five hundred thousand birr, the federal courts have the authority to consider the case and make a decision on it. In addition, if the dispute involves insurance, checks, and other similar financial documents, the Addis Ababa City Administrative Courts do not have jurisdiction, even if the amount is less than 500,000 Birr. This is because these matters are included under the jurisdiction of the federal courts under proclamation No. 1234/2013. However, regional courts have the authority to adjudicate these matters in accordance with their powers under Article 80, Sub-Articles 2 and 4 of the FDRE Constitution. This shows how limited the judicial authority of Addis Ababa City Courts is.
- Also, if the civil dispute is not based on money, contract or loan, even if it is less than five hundred thousand birr, it cannot be entertained in the city courts. For example, a request for

payment based on a check, even for less than five hundred thousand birr is seen by the federal courts.

- Another problem with this proclamation is, while this proclamation has been federal courts since its title, giving substantive powers to the Addis Ababa and Dire Dawa city courts violates the city administrations' right to self-governance.

Another point that can show how the judicial power of Addis Ababa City courts has been eroded by the proclamations that were enacted after 2018 is proclamation number 1161/2019. This proclamation is related to the land expropriation and compensation issue. The party that has decided to vacate the property for the sake of public benefit and development in Addis Ababa by the virtue of Articles 40(8) of the FDRE Constitution can submit a complaint about the compensation given to the administrative court that was established for this purpose only by Article 40(4) of the city charter. Before this Expropriation, Payments for Compensation and Resettlement Proclamation, the decision of this court was appealed to the Addis Ababa Court of Appeal. However, as to this new proclamation Article 20(2) made the decision of this Administrative Court to be directly appealed to the Federal Court of First Instance without review by the City Appellant Court. In addition to this because of this proclamation, the fact that the record of a five-judge investigation and decision by the city's administrative court regarding compensation is seen and decided by only one judge when it is appealed to the federal court of first instance is another indication of how little jurisdiction the city's courts have.

Generally speaking, the jurisdiction given to the Addis Ababa City Court is mainly uncomplicated disputes that can be settled in a short time, as well as matters that are small in amount and are related to municipal activities. It can be understood from the charter of the Addis Ababa City and the proclamation of the federal courts, as well as the decisions of the federal cassation court, that the jurisdiction of the Addis Ababa City courts is very low. The lack of jurisdiction of the Addis Ababa City courts indirectly reduces the power of the city prosecutor in criminal and civil matters. This truth can be understood from Article 28(1) of the city charter. According to this article, the city prosecutor's jurisdiction over criminal cases is limited to those that fall under the jurisdiction of the city courts.

Let's look at the proclamation that partially amended Charter No. 395/2003, which governs Addis Ababa city, which was issued in 2018 after the Prosperity Party came to power. This Proclamation is Proclamation No. 1094/2018 and the main thing that has been changed by this proclamation is Article 14(g) of the charter, which stipulates that in order to be appointed as mayor or deputy mayor of Addis Ababa City, he or she must be a member of the city council. Accordingly, the new proclamation allows the deputy mayor of the city to be appointed outside of the city council. The former mayor, Engineer Takele Uma, was able to become the deputy mayor of the city administration based on criteria determined by the revised proclamation. The other fundamental amendment taken by the new proclamation is based on the House of People's Representatives' decision to extend the national election; it extended the existing City Council and the whole city administration of Addis Ababa, which will remain active until the rearrangement of the new election.

Another step taken by the Prosperity Party in Addis Ababa after assuming the responsibility of the state government was the establishment of a new sub-city administration called Lemi Kura within the Addis Ababa City Administration. This new sub-city was formed by splitting off districts that were in Yeka and Bole sub-cities. The main reason for this is to provide government services to residents who have been suffering from having to travel long distances to access government services. Accordingly, the new sub-city officially began operating on November 27, 2024, as the 11th sub-city of the Addis Ababa City Administration.

Indeed, this can be considered a major step in terms of making government services accessible to both residents and the city administration. However, it is a fact that has been acknowledged by the Prosperity Party as well that since the establishment of this sub-city, there have been frequent instances of corruption and theft in service delivery. In particular, due to this, the sub-city land administration office was forced to temporarily suspend services. In general, the establishment of this new sub-city can be considered one of the changes made in Addis Ababa city after the Prosperity Party came to power.

After the political reform, Addis Ababa has also undergone change that is related to the Oromia region. It is believed that this is related to the provisions of the constitution, which stipulate that the Oromia region will have a special interest over the city of Addis Ababa. The special interests of the Oromia region in Addis Ababa that have been stipulated in the constitution for the past three

decades, nothing has been done except change the seat of the regional government of Oromia from Adam to Addis Ababa. However, recently some changes have taken place. We will look at these issues one by one.

The first is starting education in the Afaan Oromo language has been introduced in all private and public schools in Addis Ababa City. But there was also the implementation of the regional anthem of Oromia and the flag of the same. Following this, protests erupted in some government schools in connection with the waving of the flag of the Oromia region and the singing of the national anthem of the region in the school, and an unknown number of students and teachers were injured. In relation to this, the Ethiopian People's Ombudsman announced in a timely statement that "schools are free from any kind of religious and political influence, and forcing the flag of another region to be waved and the national anthem to be sung in schools has no legal or moral basis." Of course, this activity has stopped at the moment. However, the schools managed by the Addis Ababa City Education Bureau, which were built in Addis Ababa by the Oromia regional government and provide education in the Afaan Oromo language as a mother tongue, still wave the flag of the Oromia region and sing the national anthem of the region.

The new national education road map is the starting point for the Afaan Oromo language to be used as an additional language of instruction in schools in Addis Ababa. The new education road map states that students across Ethiopia will learn one other local language in addition to their mother tongue. Accordingly, the Addis Ababa city administration gave Kotebe Metropolitan University (KMU) the responsibility to research and presents one more local language that is more important to the residents of Addis Ababa besides the Amharic language in order to enable the implementation of the new education road map. Based on this, the university announced that it has confirmed that the Afaan Oromo language is more important to the people of Addis Ababa, based on the findings of the research conducted by the university by considering that the community living around Addis Ababa is Oromo-speaking. Finally, the results of this study were presented to the Addis Ababa Council and approved after discussion; so far, it has been implemented in 253 primary schools and 78 high schools in Addis Ababa, according to data from the city education biro.

As we have already seen above, following the start of teaching in the Afaan Oromo language in Addis Ababa schools, the Oromia region's national anthem was sung and the region's flag was raised in schools. It is known that these activities have nothing to do with learning the Afaan-

Oromo language. As a result, there were some disturbances in the city of Addis Ababa. The reason for this is that when Afaan Oromo language teaching started in Addis Ababa, the city administration did not have its own education system to teach Oromo language. Therefore, the Addis Ababa City Education Bureau brought the education system from the Oromia region and implemented it. So the singing of the Oromia region national anthem and the hoisting of the regional flag came along with it. However, since 2023, the Addis Ababa City Administration Education Office has designed and implemented its own education system to teach the Oromo language, so these activities has stopped at present (education biro of Addis Ababa).

In addition to this, Addis Ababa city administration offices used to write their names in Amharic only, but now most of the offices have started writing their names in English and Afaan Oromo in addition to Amharic. However, according to Article 6 of Charter Proclamation No. 361/2003 of Addis Ababa City, it is clearly stipulated that the working language of the Addis Ababa City administration is Amharic. And no law has been passed to amend this article yet. There are two responses from the city administration to this issue.

The first is that Addis Ababa city government offices have many Oromo-speaking customers. Therefore, it is necessary to have the name of the offices in the language that helps to make the services of the city administration convenient and accessible for these customers. A second response is that it has been a longstanding public demand. To sum up this point, even though multilingualism has many benefits, it is illegal to make one additional language the language of education and work without any legislative or policy reforms, particularly without amending the charter that decides the working language of Addis Ababa City Government.

Another major issue in Addis Ababa city after the political change is the separation of administrative boundaries between Addis Ababa city and Oromia region. As Collins dictionary defined, an administrative boundary is a geographical area that is divided by an authority for administrative or policy purposes. Administrative boundaries can have different levels, such as states, provinces, regions, districts, or municipalities. It can change over time due to political, social or economic reasons.

In relation to the geographical location of the city, Addis Ababa is surrounded on all sides by the Oromia region. As a result, there are always the issues of administration between the two administrative boundaries. Especially, after 2005, when the Addis Ababa city administration started building many condominiums around Addis Ababa, a problem of administrative boundary

dispute with the Oromia region arose. One of the reasons for these problems is that the administrative boundaries of the regions and city administrations have not been defined in a way that involves the people after the constitution came into effect. This problem is not only noticeable between Oromia region and Addis Ababa city, but it is a problem that is being noticed in many areas of our country. In the same way, it is known that the city's governing charter came from the federal government without any discussion with the city resident about the city's boundaries or other issues within it. In relation to this, we find that the boundaries of Addis Ababa city can be determined by the agreement of the city administration with the Oromia regional administration or by the decision of the federal government in Article 5 of the revised Addis Ababa City Charter 361/2003. As we understand from this article of the charter, it is possible to establish an administrative boundary between Oromia region and the city of Addis Ababa.

However, the demarcation that has been created between Oromia and Addis Ababa is still controversial for many reasons. From the very beginning this administrative demarcation work has not been discussed by the residents of Addis Ababa. It is often said that the Addis Ababa administration, which has been working together with the Oromia regional government to determine the administrative boundaries between Addis Ababa and the Oromia region, has not presented their decision to the city council.

Another thing that calls into question the autonomy of Addis Ababa city is that the court of the Oromia region started working in Addis Ababa city after the political reform. This court was established in accordance with proclamation No. 216/2019 issued to redefine the powers and functions of the Oromia Regional Courts. The main reason for setting up these courts in Addis Ababa is that Addis Ababa is the seat of the Oromia Regional Government. Therefore, it can be understood from the introduction of the proclamation that criminal and civil cases related to the state government will be heard in this court. In addition, enabling the Oromo people living in Addis Ababa to be tried in their own language is the purpose of the establishment of this court, as the president of the court, Ato Kumla Bula, said on the opening day.

However it is unconstitutional and violates the autonomy given to Addis Ababa city by the constitution. Furthermore, this proclamation will be difficult to implement. Because according to the proclamation, any criminal and civil cases related to the interests of the Oromia Regional State are to be heard in this court. For example, if a car belonging to one of the member states of Ethiopia or a car belonging to the federal government of Ethiopia is moving in Addis Ababa city

and collides with a car belonging to the Oromia Regional State and causes serious damage, according to the proclamation, this case should be brought and heard in the Oromia Regional State Court. The first question that arises here is what if the other party is unwilling to be tried in this Oromia Regional Court? Another question that arises is whether the Oromia Regional Court, in light of the conflict of interest, can impartially consider this case and render appropriate justice? And the fairness of the decision is accepted by the other party?

Another and the main problem with this proclamation is that it directly conflicts with Federal Courts Proclamation No. 1234/2021, which defines the jurisdiction of federal and regional courts. For example, Article 8 of the Proclamation, which deals with the jurisdiction of federal courts in criminal matters, clearly states that federal courts have the authority to entertain crimes falling under the jurisdiction of both the federal and regional courts. Therefore, in the context of this article, as we saw above as an example, the federal court has the jurisdiction to adjudicate a criminal case arising from a conflict between a vehicle owned by the Oromia Regional State and a vehicle owned by another member state or the federal government in Addis Ababa city. Similarly, the proclamation also has a conflict with civil matters. According to the proclamation that establishes the Oromia Regional Court in the city of Addis Ababa, the regional court of Oromia has jurisdiction over civil disputes, following the example we saw earlier. On the contrary, Article 5(1/p/) of Proclamation No. 1234/2021, which was issued to determine the jurisdiction of federal courts, stipulates that only federal courts have the jurisdiction to adjudicate any civil disputes arising in Addis Ababa and Dire Dawa cities, except for civil matters that are clearly assigned to city administrative courts.

As we have already seen, there is a contradiction or conflict between Proclamation No. 1234/2021 issued by the Federal House of People's Representatives and Proclamation No. 216/2019 issued by the Oromia Regional Council. So, let's take a closer look at which proclamation should be implemented now. Any member region of the Ethiopian Federation, for various reasons, may open and operate its regional court or other offices in Addis Ababa city. Therefore, there may be no problem in opening the Oromia Regional Court in Addis Ababa city. However, the jurisdiction granted to this court by its establishing proclamation directly conflicts with the autonomy granted to the Addis Ababa City Administration by the Constitution and the judicial jurisdiction of the federal courts. Indeed, the Ethiopian Constitution does not contain the so-called supremacy clause, which states that a law enacted by the Federal House of People's Representatives prevails over a law enacted by a regional House of People's Representatives, or that when laws enacted by the

Federal and Regional Houses conflict, a law enacted by the Federal House of People's Representatives prevails over a law enacted by a regional House. However, it is not legally appropriate to say that the Oromia Regional Court will have jurisdiction simply because the matter in dispute concerns the property of the Oromia Regional State or it is in the interests of the Oromia region. Therefore, since the car collision or accident occurred outside the Oromia Regional State in Addis Ababa City, the Oromia Regional State Court does not have civil or criminal jurisdiction over the matter.

In conclusion, any civil or criminal matter arising from an act committed in Addis Ababa city is within the jurisdiction of the federal courts or the Addis Ababa City Administrative Courts, depending on the type and complexity of the matter. Or they are seen as having joint jurisdiction in federal courts and the city administrative courts.

Chapter Five

CONCLUSION AND RECOMMENDATIONS

Conclusion

The City of Addis Ababa has been considered as a capital city of Ethiopia since its formation. But the autonomy of Addis Ababa city has become one of the argumentative issues in the Ethiopian federation. Currently, the city is governed by Charter Proclamation No. 361/95. Since this city administration has at least a charter basis, they are expected to enjoy a greater degree of autonomy than those cities governed by general state laws. However, even though Addis Ababa city has three organs of government, these organs are not fully dependent on their own. Although there have been some changes regarding the autonomy of Addis Ababa city since the Prosperity Party came to power, they are not that match significant. There are a lot of reasons to say that the city government of Addis Ababa is not fully autonomous.

One of the main reasons is that they are accountable to the federal government as per the FDRE constitution and the governing charter of the city. The other reason is that the FDRE Constitution does not recognize the identities of those who do not fit into one of the ethnic categories found in Ethiopia. Consequentially, people who live in Addis Ababa have been given a limited right to self-government, because they are not ethnically defined, as contrasted to people who live in regional states of Ethiopia. As a result, the people of Addis Ababa have only 23 seats in the House of Peoples Representatives, but they have no representation in the House of Federation.

The question of the residents of Addis Ababa City in getting proper political representation in the federal government and self-governance as they deserve has not been answered until now. The security issue is an important parameter to decide whether a given government is autonomous or not. When we see the city police commission of Addis Ababa, it is primarily accountable to the federal police commission. Even the city police commissioner and deputy commissioner shall be appointed by the ministry of the federal affairs as stipulated under Article 27 sub Article 2 of the city charter. Since the security of the city is fully controlled by the federal government one cannot conclude that Addis Ababa City Government is autonomous. Therefore this is another indication that the right to self-governance of the city administration and residents is problematic.

In general, the city of Addis Ababa is the capital of Ethiopia, has an independent administration, and is also the seat of the federal and the Oromia state government.

Recommendation

We have observed that there are many gaps regarding the autonomy of Addis Ababa City Administration. Therefore, as a way out, the following recommendations are forwarded.

1. Amending the constitution and the city governing charter that has given less rights to the residents of Addis Ababa than the rest of the Ethiopian people and made Addis Ababa city government an autonomous region is the first and foremost task. There is no criterion that the people of Addis Ababa city do not meet to become an autonomous region, as other Ethiopian nations and nationalities that form the region. In this regard Article 46(2) of the Constitution provides no precedent other than that it explicitly stipulates that states shall be constituted on the basis of population settlement, language, identity, and consent. Therefore, there is still no requirement in the Constitution to prohibit the city of Addis Ababa from becoming an autonomous regional state. Another question that needs to be answered by amending the constitution is make the people of Addis Ababa have representation in the House of Federation just like other Ethiopians living in other regions. Through this, it is possible to avoid unnecessary interference from the federal government and the states by making Addis Ababa an autonomous city administration.
2. Following the 2003 national elections, critical institutions such as the Addis Ababa Police and Documents Authentication & Registration service, which were taken over by the federal government and are still under the federal government, should be returned to the city administration. Especially to ensure that Addis Ababa is fully autonomous, the mayor of the city should be in charge of managing and issuing orders to the Addis Ababa Police Commission.
3. The people of Addis Ababa should have appropriate representation in the city administration and the full right of the people to self-governance should be respected. Therefore, it should not be the case that the Oromo and Amhara nations are competing to own Addis Ababa. Addis Ababa is a city made up of citizens from all over Ethiopia. So that one region should not have a special interest in the city of Addis Ababa.

4. Currently, the city of Addis Ababa is facing a greater threat than ever before. We have seen various legal and illegal interventions from the federal government and the state government in the administration of Addis Ababa. In addition, there are also forces that claim that the city is only ours, mainly citing history and geographical location. There is no better than the Oromo and Amhara politicians in this regard, but there are others. In fact, the emergence of territorial claims among people living in the same country is not a new phenomenon. It is widely observed, especially in countries with ethnically divided societies like Ethiopia. But such questions can be resolved permanently only through close discussions between the concerned parties. Therefore, the writer of this research firmly believes that the problem will be solved only by getting the residents of Addis Ababa and those who claim that the city is ours to talk peacefully. Especially, the relationship between Addis Ababa and Oromia region should be permanently resolved by engaging in public discussion in a manner that benefits both parties.
5. Finally, the people of Addis Ababa have a long history of living peacefully and respectfully. But various political forces have tried to disturb the solidarity of the people on several occasions in order to achieve their own interests. Therefore the writer strongly believes that all political forces must accept that Addis Ababa is a common home where all citizens live equally.

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