



**ADDIS ABABA UNIVERSITY
COLLEGE OF LAW AND GOVERNANCE
CENTER FOR FEDERAL STUDIES**

**“ASSESSMENT OF INTERGOVERNMENTAL RELATION
BETWEEN THE CITY OF DIRE DAWA AND ITS SURROUNDING
LOCAL ADMINISTRATIONS”**

**A THESIS SUBMITTED TO THE CENTER FOR FEDERAL STUDIES IN
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MASTERS OF ART (MA) IN FEDERALISM AND GOVERNANCE STUDIES**

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ABSTRACT

Studies on comparative federalism show that the increasing significance of IGR as the institutional and practical device to fit to contextual realities of the federal systems. When Cities expand, in need of more land for several purposes, they usually depend on their neighboring localities. Jurisdictional boundary disputes potentially occurred as cities appropriate a large portion of the neighboring territory as economic and functional hinterlands. The situation is even the worst in the cities like Dire Dawa which have other deriving factors like ethnic and socio-cultural diversities.

The main objective of this study is to examine the nature of the existing IGR between Dire Dawa and its surrounding localities and its implication on the management of land specifically it identifies contextual factors shaping the relation between Dire Dawa and surrounding local administrations. It analyzes the impact of IGR between the City of Dire Dawa and surrounding local administration up on land management. The study uses a case study research design. It gathered data both from secondary and primary sources. For seeking primary data sources, it utilizes semi-structured interview, FGD, personal observation, and document review.

The finding of the thesis shows that IGR played important role in handling land and boundary dispute between the City of Dire Dawa and Shinile Zone. The nature and form of IGR however, is not only informal but also weak and unsustainable. Hence, it is the contention of this thesis that the IGR between the City and surrounding locality needs robust guideline and sustainable institutional framework in order to handle mutual concerns.

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DECLARATION

I, **Girma Cheru**, hereby declare that this Thesis is my original work and has never been presented in any other institution. To the best of my knowledge and belief, I also declare that any information used has been duly acknowledged.

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May, 2017.

This Master's Degree Thesis has been submitted for examination with my approval as the research Advisor.

Supervisor: Ketema Wakjira

Signature: _____




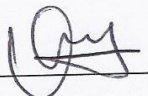
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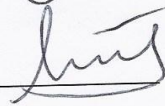
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ABBREVIATIONS

DDCA – Dire Dawa City Administration.

EPRDF – Ethiopian People Revolutionary Democratic Front.

FDRE – Federal Democratic Republic of Ethiopia.

FGD – Focus Group Discussion

HoF – House of Federation

IFLO - Islamic Front for the Liberation of Oromia

IGLF – Issa and Gurgura Libration Front

IGR – Intergovernmental Relation

MoFPDA – Ministry of Federal and Pastoral Development Affairs

OLF – Oromo Libration Front

ONLF – Ogaden National Libration Front

OPDO – Oromo People Democratic Organization

RSA – Republic of South Africa

SNNPRG – Southern Nations Nationalities and Peoples Regional Government

SPDP – Somali People Democratic Party

WSLF – West Somali Libration Front

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CHAPTER ONE

BACK GROUND OF THE STUDY

1.1. Introduction

Land is the most widespread and one of the most complex features of cities in both the developed and developing world.¹When adequate and appropriate land coupled with proper land management and usage is available for major urban uses such as residential, infrastructural, commercial, recreational, and industrial a basic condition for a productive city or urban region can be established. Conversely, when land is scarce, formulation of relevant policies, legal instruments and their practical implementation are not proactively revised and adjusted so as to tackle the anticipated land related problems, distortions may be created that in turn are likely to reduce the overall productivity of the municipal area.

The challenge that urbanization would bring against federalism was unforeseen by the founding fathers of the system because the institutional design at the time took rural societies and their geographic concentration.²Even after it was traced as the challenge of the system in the course of time, it has taken a century or more for older federations to settle these relationships by legislation, litigation, political practice, and tradition³whereas the younger federations learning from their predecessors, designed relevant formal IGR institutions that are responsible in facilitating the overall interaction among various levels of government including cities and other levels of government and formulate necessary legal instruments. For instance, in federations like South Africa and Nigeria, a separate proclamation /Act/ is formulated for the smooth interaction of cities with their neighboring administrations.

The FDRE Constitution requires both tiers of government (federal and region) to preserve and maintain constitutional order throughout the federation (FDRE Constitution, Art-51(1)).⁴Despite this major concurrent constitutional responsibility of the federal and regional states, the Constitution contains no explicit reference to intergovernmental cooperation and it does not

¹Franze L.Newman (2005): Federalism and Freedom; A critique, in Demetrious Karmis and Wayne Norman (eds); Theories of Federalism; a Reader; Palgrave Macmillan, New York, at 208

²Ketema wakjira (2015) Intergovernmental relation and Governance of First Grade Cities of Oromia, Ethiopian Journal of federal studies, vol.2, No.2, pp.159-195.

³Assefa, F. (2007), Federalism and the Accommodation of Diversity in Ethiopia: A Comparative Study, Revised Edition. Addis Ababa: Artistic Printing Enterprise.

⁴The 1995 FDRE constitution.

expressly state the obligations of the respective levels of government in maintaining the constitutional order. There was thus the statutory gap in intergovernmental relations and statutory institutions were not established with an explicit aim of facilitating the cooperation.⁵

In practice, however, various informal intergovernmental forums were established in the Ethiopian federation after the enactment of the Constitution. These forums principally aimed at paving the way for cooperation and integration between the levels of government. These are Hof (House of federation) invokes a constitutional basis to organize IGR, MoFPDA (Ministry of Federal and Pastoral Development Affairs) invokes certain legislation as its legal basis to organize IGR, sector by sector interaction largely characterized by *ad hoc*, spontaneous, irregular and often without clear constitutional base.⁶ Moreover, Implementation and coordination of shared policies and programs facilitated to a large degree by party channels. The party channels remain the most pervasive scheme used by the federal government to influence state governments as well as to guarantee uniformity of policies in Ethiopia.⁷

The intergovernmental relation among lower levels of government is similarly very weak. Such interactions to be mentioned in this regard are the forum between Somali-Oromia Region, SNNPRG-Gambella Region, Benishangul Gumuz-Amhara Region and Afar-Tigray region which is designed by the federal government aiming at assisting the developing regions of Ethiopia. The forum mainly focuses on building their capacity in planning, implementation, monitoring and evaluation and information exchange. The other notable intergovernmental forum was among the Five Eastern Regions of Ethiopia (Oromia, Somali, Afar, Dire Dawa and Harari). This forum had its own charter⁸ and selected Dire Dawa as industrial development corridor for its aforementioned four neighboring member states of Ethiopian federation.⁹

The situation in Dire Dawa depicts the above explanation. According to a report from UN Habitat¹⁰, Dire Dawa grows very rapidly while urbanization has been slow in Ethiopia; the growth rates have been spectacular. In 1995 the population of Dire Dawa was 180, 000 by the

⁵Supra note-3.

⁶Solomon Nigussie (2008), fiscal federalism in the Ethiopian ethnic based federal system (Netherlands: wolf legal publisher,) at 67

⁷Supra note-3.

⁸Charter of Eastern Ethiopian Neighboring Regions` Congress,(2009), adopted among Oromia,Somali, Harari, Afar and Dire Dawa.

⁹Milkessa Midega(2014), Dire Dawa under coalition rule: Ethiopia`s regional ethnic politics or federal Geo-politics?, Ethiopian Journal of federal studies, vol.1, No.2, pp.95-114.

¹⁰UN HABITAT (2008), Ethiopia: Dire Dawa Urban profile.

year 2000 it grew up to 229,000 an increase of 27 percent, by the year 2005 it went up to 284,000 an increase of 24 percent. According to 2007 Census Dire Dawa's population is 341,834, an increase of 35 percent. And it is obvious that Dire Dawa's urban population is expected to grow very sharply in these days.

When land becomes scarce in the city, it comes to depend on its neighbors. The process often appropriates a large portion of the neighboring territory as economic and functional hinterlands which potentially raises jurisdictional boundary dispute.¹¹The situation is even the worst in the cities like Dire Dawa which have other deriving factors like ethnic¹² and socio-cultural diversification, history and political attitudes.

Thus it is imperative to study the nature of the existing IGR between Dire Dawa and its surrounding localities with reference to management of land and other IGR issues.

1.2. Statement of the problem

After the protracted war for autonomy, self rule, recognition of one's language and culture since 1991, Ethiopia stipulated these rights in the federal and regional constitutions. Right after the Derg regime was removed by EPRDF, a decentralized government that devolves power to each level of government constitutionally established. Nation, Nationalities and people were legally recognized and allowed to enjoy using and preserving their language and culture. As a result of which they established sub-national governments that have local governments which were organized based on territoriality, common language and consent of the people. These rights were enshrined by the constitution. The FDRE constitution in its article -39 states that every nation nationalities people in Ethiopia has an unconditional right to self determination, including the right to secession.¹³

However, exceptional arrangement established by the federal government through Proc. No- 416 /2004,¹⁴Dire Dawa City Administration, as a result of the territorial contestation, since 1992, by the two newly established neighboring regions of Dire Dawa, Oromia and Ethiopian Somali

¹¹Supra note-2.

¹²Asnake Kefale (2014) Ethnic Decentralization and the Challenges of Inclusive Governance in Multiethnic Cities: The Case of Dire Dawa, Ethiopia, Regional & Federal Studies, Vol. 24, No. 5, pp.589–605.

¹³*Ibid.*

¹⁴Proclamation No-416/2004, The establishment of Dire Dawa City Administration.

regions.¹⁵ The constitutionality of the special arrangement has already been said controversial, though the Proclamation mentioned Art.-55 (1) of the FDRE Constitution for its constitutional ground.

Dire Dawa is a multi-ethnic city located in eastern part of Ethiopia. It is an output of the construction of the 781 km railway that connects Addis Ababa to port Djibouti.¹⁶ The territory on which Dire Dawa was established appeared to have been a grazing area which was shared by Oromo, Somali (Issa), and Afar clans. But the Afar clans were pushed further due the historic westwards expansion of the Issa.¹⁷ Starting from its very inception, Dire Dawa became a transportation and commercial hub linking the Ethiopian hinterland with the coast (the external world). Its location on the corridor that connects the country to the coast gave it a strategic position. According to the 2007 census, ethnic groups that account for over one percent out of the entire 342,827 population of the city include Oromo (46.08%), Somali (24.24%), Amhara (20.09%), Guraghe (4.54%), Tigre (1.23%), and Harari (1.08%) (Central statistical agency, 2008). The city is located between Oromia and Somali regions which made it, since 1992, a bone of contention between the Oromo and the Somali ethnic groups which affected relationships of various ethnic groups within the city and the relationship of the city with its neighboring localities.¹⁸

Dire Dawa has been the choice of several export based industries, trade and investment because of its geo-strategic location. The city hosts several cement, garment, and plastic factories. As the city is one of the tourist sites at the eastern region of the country, many hotels were built. The city administration has also prepared industrial zone/park for the investments to come. Following the construction of the Ethio- Djibouti rail way which is planned to start in the coming months, it is expected that much more investments and industries will be attracted to the City. However, the City doesn't have sufficient land not only to absorb the investment but also for providing the basic land related services.¹⁹

¹⁵Supra note-12.

¹⁶See Shiferaw, 1989, Getachew, 1997, 2002.

¹⁷Markakis, J. (2011), Ethiopia: The Last Two Frontiers. New York: James Currey. Solomon Nigussie (2008), fiscal federalism in the Ethiopian ethnic based federal system (Netherlands: wolf legal publisher,) at 67

¹⁸See Milkessa Midega (2014) and Asnake kefaile (2014).

¹⁹Supra note-10.

Sufficient and suitable land for the purpose needed is available at the neighboring localities. Unfortunately these neighboring localities mismanaged the land at the border due to several reasons which blocks the City's expansion. There have been frequent clashes between Dire Dawa security forces with neighboring localities security forces on several issues among which border issue takes the lions share. The localities that belong to the two neighboring regions, having the claim of the city itself in their mind, don't allow the city administration to enter to their border for any reason without their consent. Such border conflicts have been observed frequently between Dire Dawa and the neighboring local governments mostly from Somali region.²⁰This is because most of the added rural *kebeles*,²¹whose land is being used by the city for development, are from Oromia Region. But strong resistance still persists in the Somali regions side which posed the sustainability of the development in Dire Dawa and the neighboring localities themselves.

1.3. Objectives of the study

1.3.1. General Objective

- ✓ The overall objective of the study is to explore the mechanisms and institution of IGR between the city of Dire Dawa and surrounding local administration and thereby examine the implication of their relation with particular reference to urban land management.

1.3.2 Specific Objectives:

1. To assess the IGR factors between DDCA and surrounding local administrations.
2. To find out the mechanism and institution of IGR between the city of Dire Dawa and the surrounding local administrations.
3. To identify the key factors affecting the effectiveness of IGRs between the city of Dire Dawa and the surrounding local administrations.
4. To analyze the impact of IGR between the city of Dire Dawa and the surrounding local administrations on the urban land management?
5. To forward an alternative Intergovernmental solution with regard to urban land management.

²⁰Mofa's report on conflict (2013,2014and 2015).

²¹Supra note-12.

1.4 Research questions

1. What are the mechanisms and institutions of IGR (formal and informal) between the city of Dire Dawa and the surrounding local administrations? What level of institutionalization operates between the city and its neighbors?
2. What are the key factors affecting the management of urban land at the fringe of Dire Dawa City?
3. Who are the key actors involved in the urban land management between the City of Dire Dawa and its neighborhoods?
4. To what extent is the institution of IGR employed to manage urban land between the city of Dire Dawa and its surrounding local administrations?

1.5. Rationale of the case selection

A comprehensible understanding of the operation of federal system requires an analysis of the institutional framework and the character of intergovernmental relations which are usually dependent on the underlying politico-social and economic factors. Livingston (1952)²² for example, judges a state as federal not by its federal constitutions or legal structures but by the way social, political and economic interests were organized. For many observers, in order to consider a specific polity as federal, its political, economic and social diversity should be expressed at all levels and at all times.

The principal reason for selecting this study area is to look into the actual relation between Dire Dawa City administration and the surrounding localities from the practical point of view. The way I look at the issue is not strictly lined with the analysis of the constitutional lexis on the concept of Intergovernmental relation rather it is to look from the operational reality whether the existing system of IGR reveals what most of the federal states do. Thus a comparative analysis will be utilized by taking the experiences of some relatively successful states in institutionalizing their IGR system and practical implementation.

The research is conducted with the full recognition of the fact that, many Ethiopian as well as foreign federal writers touched or at least attempted to tell us the operational paradigm of the Ethiopian federation. In addition, there are some efforts by some writers to look the horizontal

²² Livingston, William S. (1952) 'A Note on the Nature of Federalism', *Political Science Quarterly*.

Intergovernmental relations between regions But, a research is barely done on the practice of the Intergovernmental Relations between Dire Dawa and its surrounding localities, and its implication on land and boundary administration. The study assesses to what extent the machineries of IGR are used to resolve land related disputes between the city and the localities and try to identify the key actors.

1.6. Data Collection Tools and Techniques

The research utilized both secondary and primary data sources. As secondary data sources, books, journals, Constitution of Ethiopia, Constitution of Somali Regional State, Proclamation of the establishment of the City Administration of Dire Dawa, Other proclamations, agreements, official letters, MOUs, Court cases, minutes, programs and any official documents with relevant ideas were parts of the secondary data for this study.

Backed up by the secondary sources of data mentioned above, this study has employed different tools for gathering primary data, Interview and FGDs were used. These kinds of data were obtained from government officials and experts at Federal, Dire Dawa City Administration (DDCA), and various levels of Somali and Oromia Regions; moreover elders, youth and female were included in the focus group discussions.

The sample for this study was drawn by purposive sampling (non-probability) technique. This sampling technique is used for its appropriateness to get authorities, knowledgeable persons (Experts, Elders) in the data required. As it is discussed in the next section, I have already purposefully selected respondents from the decided group list. The data was collected from Dire Dawa, Shinile, Harar and Jijiga by field work held on March, 2017.

The interviewees and the participants of the focus group discussion were selected from each group to ensure variety of data. As the list of informants shows, I have deliberately chosen respondents from the targeted groups. This is decided to ensure its adequacy using different groups while the other is triangulation purpose. The total number of informants who participate in the interview and focus group discussion were 54. It is the belief of the researcher that the sample can represent the population of the research since the issue under study is understood well by some groups as officials and experts. These informants were categorized in to four predetermined groups. First, government officials and experts of several offices of Dire Dawa

City Administration, elders and youth; Secondly, government officials from various levels of Somali Regional State (from Woreda, Zone and Region level), Shinille municipality, Elders and youths; thirdly, similar composition of informants from Oromia have been part of the group. Finally, government officials at federal level particularly from Ministry of federal affairs and House of federation were part of the group.

1.7. Data Analysis

Since the data collected from both primary and secondary sources is qualitative in nature, it is critically analyzed qualitatively so as to get possible scientific solutions for the questions raised at the outset. The comparative practice of other federal countries which have relatively good performance in dealing with the IGR in urban context is also used. The empirical data has been collected, organized and analyzed based on the already established framework of the research and the literature.

1.8. Scope of the study

IGR is a very broad notion referring principally to the relations (formal and informal) between the federal government and the constituent units/States as well as among the constituent units. However, the scope of this research is delimited to deal on the IGR between Dire Dawa City Administration and surrounding local governments. Dire Dawa City is bordered with two regional states, Oromia and Somali. Therefore, the researcher decided to delimit his focus on the analysis of IGR between Dire Dawa City Administration and the surrounding local governments in relation to urban land use and management. The Shinile Municipality from Somali region and the adjacent kebeles of the Dire Dawa city administration are selected. Therefore, main attention is paid on the institutional ties and practice of the IGR between Dire Dawa City Administration and the surrounding local administrations of Shinile wereda.

1.9. Significance of the study

This study may have benefit for the regions and the City under study. It may give them the level of their interaction its pitfalls and tries to indicate the possible way outs. It may also help the policy makers and those sectors which are responsible for this task constitutionally, Mofa, HoF

and other concerned bodies like Forum of Federations for their ongoing collaboration for the institutionalization of IGR schemes in Ethiopia.

It may also have a theoretical and conceptual value in adding knowledge of IGR's role in urban land governance. University students, researchers and other interested groups may be benefitted as well. It may also have policy implication by tracing the place of cities in the IGR system of Ethiopia at large and the position of Dire Dawa in particular.

1.10. Organization of the study

This thesis is organized in five chapters. Chapter one provides the introduction. In this chapter the statement of the problem, methodology used, the objectives set and questions are presented. In Chapter two Federalism and Inter governmental relations: conceptual and theoretical frameworks and experiences of other federations are presented. This chapter deals with issues through lenses of constitution, legal and institutional framework, structures and process aspects of intergovernmental relations. Chapter three focuses on IGR in Ethiopia with highlights of urban local governments. Chapter four discusses the historic and socio-cultural background of DDCA in detail particularly focusing on its influence on the current intergovernmental relations with the neighboring local administrations. Chapter five dwells on findings of the research; the system of IGR exists between Dire Dawa City Administration and the surrounding local administrations by giving special attention to its impact on land use and management. In doing so, it is based on conceptual frameworks discussed, review of literatures made and data collected from different groups; the final chapter concludes the discussions and provides some recommendations.

CHAPTER-TWO

INTERGOVERNMENTAL RELATIONS (IGR): CONCEPTUAL AND THEORETICAL FRAMEWORK

2.1. Introduction

The main aim of this chapter is to set a conceptual and theoretical framework for the study. In doing so, the chapter mainly dwells on the examination of IGR in federalism, and assesses the place of cities in IGR of federations. The first part provides the conceptual overview on the basic concept, principles and institutions of IGRs and its place in the process are identified and reviewed. Types, features and purposes of IGR are discussed in this section. The second part has tried to locate cities or urban local governments in the IGR schemes of some selected federations.

2.2. Inter-Governmental Relations (IGR) in Federal Systems

2.2.1. Concept of IGR

Intergovernmental relations are the responses that have been developed to facilitate cooperative policy making among divided governments within a federal system. They are supposed to play a ‘bridge-building’ role to bring a degree of coordination and cooperation to divided powers, and the mechanism by which different levels and branches of government interact with one another in the process of meeting the needs and interests of the public. In a democratic polity, in principle, the state has to serve the interest of the public. It must be seen as the agent of the people. Members of the parliament are the representatives of the people and bureaucrats are their servants. Thus, intergovernmental relation has to be viewed as the arrangements put in place for cooperation amongst levels of government to meet the needs and interests of the people whom they serve.²³ It is a series of legal, political and administrative relationship established among units of government and which possess varying degrees of authority and jurisdiction autonomy. For the purpose of this research IGR is defined as the mechanism by which different levels and branches of government interact with one another in the process of meeting the needs and

²³R. Agranoff (2001). *Autonomy, Devolution and Intergovernmental Relations*, *Regional and Federal Studies*, 14:1 : 25–65; *Forum of Federations, Intergovernmental Relations in Federal Countries* (Ottawa: Forum of Federations); R.L. Watts, *Executive Federalism: A Comparative Analysis* (Kingston: Institute of Inter- governmental Relations,

interests of the public and the achievement of common goals through facilitating cooperative policy making and effective coordination between and across vertical and horizontal governmental arrangement.

Even though the supreme written constitution divided legislative, executive, judicial and financial powers between the tiers of governments in the form of exclusive, shared or residual powers, it is impossible to delineate clearly, because different powers needs to share something in common as a federation in promoting unity without neglecting the self-rule aspect of federalism.²⁴ A mere existence of constitutionally well-established division of power among the levels of governments does not signify that there are no overlaps, interdependency and interaction between spheres of governments. Donald L. Doernberg (2007) describes ‘the flow of power is not all in one direction; one might see...a river running in two directions at once, each driven by different branch of the federal government’.²⁵

An intergovernmental relation system therefore, consists of facilitative systems and relationships that enable the units of government to participate effectively and carry out mandates so that governmental goals are achieved. This includes executive mechanisms, coordinating mechanisms, cooperative agreements, judiciary and legislative mechanisms that all facilitate delivery by government machinery. Intergovernmental relations can thus be defined as the “glue” that holds them together. In other words, it is the interactions, relationships and the conduct of officials between governmental activities. It seeks the achievement of common goals through mutual relationships between and across vertical and horizontal governmental arrangements, alignment and cohesion across all spheres of government. The aim of intergovernmental relations therefore, is to enable governmental activities (primarily service delivery), through synergy, efficiency and effectiveness in delivering services, to sustain democracy and strengthen delivery capacity across all spheres of government for the common good.

Finally, IGR connotes interactions that take place among the different levels of government within a state. Usually, the concept is associated with states having a Federal administration system where the relationships between the Federal, Central or national Government and the

²⁴Assefa Feseha (2009), The System of Intergovernmental Relations (IGR) in Ethiopia: In Search of Institutions and Guidelines, Journal of Ethiopian Law, Vol.23 No.1,PP 98.

²⁵Donald L. Doernberg (2007) in Laurence J. O’Toole Jr. Ed., American Intergovernmental Relations: foundations, perspectives, and issues, 4th ed. (Washington DC, CQ Press), at 144.

major sub-national unit (province, region or state) are formally spelt out in the constitution and any re-arrangement must be through a constitutional amendment involving all the levels of government. A full analysis of inter-governmental Relations within a Federal administration system must cover the following: Federal-State, State-Local, Federal-Local, Inter-State, State-Local and Inter-Local Relations.²⁶

Another vital point to note is that intergovernmental relations are described for the overall efficient performance of the entire system, for the mechanisms of checks and balances and to avoid crisis of confidence in the process of governance. Again, there are numerous variations in the nature, structure and/or patterns of inter-governmental relation's from one country to another a state of affairs which arises principally from the differences in culture, tradition, history, origin of the state, party system and system of state organization of the different societies. Most federal systems did not formally include the need for sub constitutional and informal arrangements for intergovernmental coordination and cooperation.²⁷ In addition, many federal systems have built in mechanisms within their constitutions making it difficult to amend the constitution (and therefore the limitation has made it difficult for those countries to later incorporate formal constitutional intergovernmental arrangements into their constitutional arrangements).

The outcome therefore, is that there is no anyone best system of inter-governmental relations for all countries and for all the time, rather it all depends on the peculiar circumstances of each society. Indeed, even within a particular country, the system of inter-governmental relations is not static but varies from one period to another. Changing political, economic and social realities are less likely to be addressed by formal constitutional amendments. Instead, there is growing reliance on intergovernmental treaties or accords.²⁸

2.2.2. Purpose of IGR

The analysis of the institutional framework and the character of intergovernmental relations which is usually dependent on the underlying politico-social and economic factors is an important prerequisite for the comprehensive understanding of the operation of a federal system.

²⁶Nwatu J. Ralph and Okafor, C Ifeoma (2008), Comparative Local Government Administration Enugu: Academic Publishing Company, at 174.

²⁷Thomas O.Hueglin & A . Fenna , (2006), comparative federalism: A systematic inquiry, Broad view press, canada, pp. 215.

²⁸ *Ibid.*

The major concern of intergovernmental relations is to balance the objectives of each level of government and constitutional inflexibility. It developed in the 1930s with the rise of active state. The needs for welfare and social policies lead to practice of shared programs and joint financing projects.²⁹ Values of coordination in achieving the national goals and avoid overlaps of functions and authorities on the one hand and to maintain the values of self-administration and encourage policy innovation of states.³⁰

In a globalizing and interdependent world, IGRs are increasingly important to politics, policy and administration. Understanding the various dimensions, institutions, processes and challenges of IGR may not necessarily lead to harmonious relations, but further study of this important aspect of public policy and administration should highlight some possibilities for reform and more effective outcomes for citizens and governments alike. IGR cooperation and coordination between different orders of government is significant for number of reasons. These include:

Firstly, it enables information to be shared and statistics to be gathered for the subsequent policy coordination in areas of shared jurisdiction or where there are overlaps in authorities and responsibilities of national, sub-national and local governments and it also enables to attain the national objectives in the lower levels of government.

Secondly, interaction also helps to accommodate policy capacity and fiscal resources among levels of governments in executing their functions.³¹ Furthermore IGR has the objective to ensure the maintenance of balance between too much cooperation that may lead to centralization and hence reduce democratic accountability of each level of governments to its electorate and on the other hand to reduce to much competition that may finally lead to conflicts.³²

Thirdly, it has also the objective to encourage flexibility and adoptability to changing political, social, and economic realities that are less likely to be addressed by formal constitutional amendment³³ and Smooth IGR also gives opportunity to collaborate and exchange experience, skilled man power, security issues. It also necessitated with in idealizing objectives of IGRs some may take as a means of eliminating competition and conflict. But it is possible only to

²⁹Ronald Watts (2006), conceptual issues pp22-23, Thomas Huglin and Alan Fenna, at 215.

³⁰Ronald Watts (1996), comparing federal systems in the 1990s, Kingston Ontario: Institute of Intergovernmental Relations, Queen's University, at, p.22.

³¹*Ibid.*

³²*Ibid* at .25.

³³Supra note-2, p219.

manage or reduce competition and conflicts between governments or parties by encouraging cooperation.³⁴ Unless they are managed, conflicts and tensions may be exacerbated by other factors, such as poverty, socioeconomic disparities, uneven regional development and deep cultural differences particularly in developing countries.³⁵ Intergovernmental negotiations, legislative actions and even constitutional amendments could be possible measures to resolve or manage conflicts.³⁶

Fourthly, the rapid development in transportation, communication, technology and other shared values.³⁷ In other words the rapid expansion of globalization intergovernmental bargain provides the necessary flexibility and served as tool for efficient government of citizens. It also facilitates the spread of successful innovations and serves as mechanism to warm those entities which are less successful in executing functions and responsibilities,³⁸ and IGRs are important in installing the culture of negotiation between the federal government and the states, changing the trend of centralization and thereby enhancing the bargaining power of states.

Finally, as the number of actors or parties increase in interaction process effective IGRs can help in accommodating the policies of international agencies in accordance with the needs and priorities of the federal government. Smooth IGR also assists in building trust and confidence between groups that hierarchically were mistrust of each other,³⁹ and IGRs also can serve as medium or forum for the different tiers of governments by which the federal bodies addresses the national policies and programs to the states and the states can ensure whether in their concerns are included in the programs and policies of the national government.⁴⁰

R. Watts (2008) concludes that, institutions and processes of IGR have two important functions: “conflict avoidance and resolution, and a means to adapt to changing circumstances without having to restore to formal constitutional amendment.”⁴¹

2.2.3. Features of IGR

³⁴Supra note-30.

³⁵*Ibid.*

³⁶*Ibid.*

³⁷*Ibid.*

³⁸Huglien , Thomas and Alan, Ronald Watts, *Comparing Federal Systems*, 2nd ed., Montreal, McGill-Queen's University press, (1999)., pp.16-17

³⁹*Ibid.*

⁴⁰Supra note-24, at.110

⁴¹ Supra note-29, at p.117

The distinctive features of intergovernmental relations suggest the increased complexity and interdependency in political systems. As stated by A.Lovise (2002), some of the essential features of IGR that include all governmental units (central, state and local) are actions of officials and their attitudes (purposeful behavior and perception of other participant in the system); regular interactions among officials (day to day contacts , practical working relationship and continuity of action patterns); all public officials (elected and appointed); and financial policy issues (intergovernmental revenues and expenditures, borrowing and debt, policy formulation and implementation policy content - distributive and regulatory issues). The characteristics of these more complex and interdependent systems are: The number and growth of governmental institutions, the number and variety of public officials involved, the intensity and regularity of contrasts among these officials and, the preoccupation with financial policy issues.⁴²

A.Lovise (2002) identifies some features of IGR in a federal system, using the American type of federation as follows: IGR encompasses all the permutations and combinations of relations among the units of government in a federal system; IGR comprises the activities and attitudes of persons occupying positions in all the units of government under consideration of federal, state, local political, administrative and in the judicial, legislative or executive branches of government; IGR includes concerted and regularized actions of officials as well as the one-time occasional occurrences such as new statutes and landmark court decisions etc.; Politics, economics and administration combine to put finance at the policy centre of IGR; and Whereas some federal systems exclude references to local governments, IGR encompasses all relationships between government including local governments.⁴³

2.2.4. Types of Intergovernmental Relations

Intergovernmental relations have two important dimensions. It can be described as vertical and horizontal. One is that of relations between the federal and unit governments. The other is that of inter-unit relations. Normally in federations, both kinds of intergovernmental relations have played an important role.

⁴²A.Lovise (2002), *Ethnic Federalism in a Dominant Party State: The Ethiopian Experience*, p. 8

⁴³ *Ibid.*

Vertical relationships are those linking lower levels of government with a government of higher or broader jurisdiction. We have vertical relations where the central government interacts with the states or localities, or where the states interact with the localities. It is horizontal relations when governments at the same level interact, for example, inter-state or inter-local interactions. In a federal system, a complete analysis of IGR should at least cover the following six classes of relations: central-state, central-state-local, central-local, state-local, state-state and local.

Horizontal IGR takes many forms and evolve some or all of the constituent elements. Typically horizontal relations between constituent units arise to deal with geographic trans-border issues like rivers, transport, local taxation, and service provisions. Horizontal relation, one among others, is important as the network of human nervous systems does, for the proper functioning of the federal system. It deals with inter-units and inter-local governments' interaction.

2.2.5. Structures, Institutions and Processes of IGR

Federalism divides sovereignty between federal governments and regional governments. This establishes two sets of relations, one the relations between the constituent units and the central government, two the relations between states of the federation and also between local governments which is the primary concern of this paper. Intergovernmental relation of each kinds profoundly shape the way in which a particular federation functions.⁴⁴

The structure of Intergovernmental relations can vary greatly from one federal system to another. While all perform the same general function, namely, to manage the interface among governments, especially between the two orders of government, they play considerable variety- a variety which is directly related to different factors.

In some federal administration systems a member of administrative mechanisms have devised for managing inter-governmental Relation. In Canada, for example, the emphasis is on the use of periodic conferences of political leaders and appointed officials. This approach is also a common feature of intergovernmental relations in a few other Federal systems such as Australia, Nigeria and India.

⁴⁴ David Cameron (2004), the Structure of Intergovernmental Relations, (UAS Blackwell Publishers, UNESCO,) at p. 121

For effective IGR, the establishment of institutions and structures and processes within each government is essential so as to coordinate activities. David Cameron (2004) categorized the IGR institutions/structures in to four types: intra jurisdictional, inter jurisdictional, judicial and international.⁴⁵ Formal channels of IGR occur through the legislative, executive, judicial and financial institutions. Legislatures of federal and state governments may cooperate in the exercise of their jurisdictions.

Some, on the other hand, divides IGR in to three: intra jurisdictional, federal-state and interstate.⁴⁶ Intra jurisdictional institutions are organized in several federations such as federations brought the state into the institutions of the center usually through second chamber. In the second chamber representative of the state reflect the interest of the regions in policy making and state issues. The effectiveness of the institutions between the federal government and states depend on the powers, composition and manner of election or appointment of the members. In some federations like Austria representatives are directly elected, in some other federations they are indirectly elected. Still in federations like Germany they are nominated by the regional governments directly.

2.2.6. Principles of IGR

Without some guiding principles it will be difficult if not impossible to achieve intergovernmental cooperation objectives. Principles of intergovernmental relations emanate partly from the federal political principle itself and partly from the federal political practice.⁴⁷ Whether formalized or not IGR structures and processes need to be guided by certain principles. Scholars list various principles of IGR in conducting effective cooperation in federal political systems. Theoretically there are some basic principles of IGR. These are the principles of trust and mutual respect, the principle of consensual decision making, the principle of negotiation, in

⁴⁵David Cameron (1999), intergovernmental relations in Canada international Conference on Federalism Mont-Tremblant, at 5.

⁴⁶Assefa Fiseha (2009), Wheare, K., *Federal Government* 4th ed. (London: Oxford University Press, 1963), at.110, David Cameron Structure of IGR, R. Agranoff (2001). *Autonomy, Devolution and Intergovernmental Relations, Regional and Federal Studies*, 14:1 : 25–65; Forum of Federations, *Intergovernmental Relations in Federal Countries* (Ottawa: Forum of Federations); R.L. Watts, *Executive Federalism: A Comparative Analysis* (Kingston: Institute of Inter- governmental Relations,.

⁴⁷Asefa fisiha R. Agranoff (2001). *Autonomy, Devolution and Intergovernmental Relations, Regional and Federal Studies*, 14:1 : 25–65; Forum of Federations, *Intergovernmental Relations in Federal Countries* (Ottawa: Forum of Federations); R.L. Watts, *Executive Federalism: A Comparative Analysis* (Kingston: Institute of Inter-governmental Relations, at 114.

good faith, federal comity and adherence to the agreed procedure. In addition to these the principle of effectiveness, transparency, accountability, efficiency and autonomy/independence are also among them.⁴⁸

Effectiveness: Intergovernmental relationships must be established so that they are capable of achieving policy objectives that have been set (and so that there is the capability of avoiding duplication and overlap).

Transparency: Effective information about policy objectives and decision making must be in the public domain so that there is clarity around the bases for decisions and actions as well as greater pressure brought to bear on governments to maintain the federal reform agenda and be accountable for progress and outcomes of reform.

Accountability: Governments must be subject to appropriate checks and balances to ensure their actions and decisions are scrutinized and justified.

Efficiency: Intergovernmental relationships must be capable of achieving objectives in a timely manner free from political capture or stalling, and against a long-term vision.

Autonomy/Independence: Actions and decisions must be free from undue influence from political or private interests. They must have high-level commitment.

2.2.7. Models of Intergovernmental Relations

There are several models portraying the relationship among different levels of governments. But, Wright (1988) identifies three general types. These are coordinate or separated authority, inclusive authority and overlapping authority models. Other scholars differ in giving terminology. According to David C. Nice and Patricia Frederickson (1995), the three models are; Competitive, interdependent and functional models.⁴⁹ As unavailability of overlap of responsibilities and interest and interests necessitates intergovernmental networks, one country may not limit only to one of the models. There is an opportunity of hybrid.⁵⁰ For the Purpose of this research the bargaining authority model is discussed. The issue under study is IGR between DDCA and its neighboring local administrations. Two of the administrations are from two different regions of the country, Oromia and Somali and DDCA itself is also a separate entity. In

⁴⁸ Supra note-26, at 33.

⁴⁹David C. Nice and Patricia Frederickson (1995), *The Politics of Intergovernmental Relations*, second edition, (USA, Washington DC, Chicago, Nelson-Hall Publishers) at 4

⁵⁰Deil S. Wright (1988). *Understanding Intergovernmental Relations*, 3rd ed. (Pacific Grove, CA: Brooks/Cole.)

such arrangements, where each party has its own competency, there has to be cooperation or bargaining mechanism, Thus, to study the relationship in the complex socio-political situation the bargaining authority model is selected.

The Bargaining Authority Model

This model has vital role in linking the separate entities within close and overlapping of duties and authorities. This model attempts to produce compromise that paves the way in flourishing the sense of win-win approaches in complex political situations. The bargaining model depicts non-hierarchical but, interdependent, interrelated, and also separate entities. This interdependence and interrelatedness of entities produce shared areas that represent common and/or concurrent competencies. This interaction also indicates the existence of relations. This model shows the existence of joint responsibility through cooperation on one side. It is known for its joint and separated powers; reasonable areas of autonomy; and great degree of interdependence. It is also known for cooperation, competition, bargaining, and negotiation, as a mechanism to attain consensus on their joint concern.

2.2.8. Determinant Factors affecting IGRs in Federal systems

Intergovernmental relations are mainly the results of sub constitutional and often informal arrangement. Still some countries provide provisions in their constitution aiming to deal IGR in systematic and institutional base. Whatever the case may be, there are a number of factors that contribute in shaping or creating unique pattern of intergovernmental relations.

Form of Government

IGR is not the sole feature of federal polities only. We possibly will get IGR in decentralized unitary systems as well. Recognizing and describing the existence of IGR in a unitary structure, Adamolekun (2002) states that: “In a unitary state, inter-governmental relations would refer to the interactions between the national government and the sub-national governments...the central government in a unitary state can unilaterally determine both the substance and the style of inter-governmental interactions.”⁵¹

⁵¹ Adamolekun, L (2002) Public Administration in Africa, Lagos: Spectrum Books

Unitary system usually comprises one level of government above the local level. Though there is an attempt to divide responsibilities among tiers of government in unitary system there has no constitutional ground. In unitary system especially in those who did not officially devolve powers to the lower levels most of the time IGR takes place as the result of enforced duties as prescribed by the national constitution or statute which control lower authorities by virtue of the centralized control of authority. Most legislation tends to set out principles, leaving all the detail to be stated by regulations. Therefore, the common characteristic that broadly distinguishes unitary from federal system is that in the former legislative power is given solely to the central government; however, in federal system it is divided or shared between the different levels of governments.

Demographic and Geographical Factors

The size of the country, the size of the population and the distribution of the population on the territory may all affect the structures and processes of IGR. Russia's federal experience will be very different from that of, say, Switzerland, if for no other reason than that the former is the largest country in the world, spanning a dozen time zones, while the latter is a tiny country tucked in to the heart of Western Europe. India, with a population of almost a billion people, crowded in to a sub-continent, will conduct its federal affairs differently from the Republic of Comoros, composed of three islands in the Indian Ocean.⁵²

Social and Cultural Factors

The racial, religious, linguistic and cultural composition of a given country often sets the terms of the federal bargain, ruling in or out certain institutional forms and practices. Belgium, Canada, India, Malaysia, and Switzerland, with their multilingual and multicultural societies, stand in contrast to the socially more homogeneous federations of Australia, Austria, Germany, and the United States.

A common language simplifies federal interchange; the existence of more than one official language makes IGR communications more difficult. Profound socio-cultural differences within

⁵²David Cameron, R. Agranoff (2001). *Autonomy, Devolution and Intergovernmental Relations*, *Regional and Federal Studies*, 14:1 : 25–65; *Forum of Federations, Intergovernmental Relations in Federal Countries* (Ottawa: Forum of Federations); R.L. Watts, *Executive Federalism: A Comparative Analysis* (Kingston: Institute of Intergovernmental Relations,

a country may create mutual ignorance and suspicions⁵³ that inhibit effective intergovernmental relations. The existence of a significant, concentrated cultural minority may encourage a greater degree of formalization of IGR rules and processes than might otherwise be the case.

Systems of Governments

IGR greatly vary based on the nature and origin of the federal system. In parliamentary system where the regime of executive federalism is more common, the system of IGR is dominated by executive authorities than in presidential federations, and hence is known as “*executive federalism*”. This is so because in parliamentary systems there is a strong party discipline and the fusion of the legislature and the executive that enables the executive to have a firm control over all processes of decision making.⁵⁴ This model of IGR is characterized by an extensive cooperation, coordination and consultation among the different tiers of government through their executives. However, there is the inherent danger of power centralization to the extent undermining the role of the legislature and superseding its power.⁵⁵

While second chambers play key roles in IGR, some scholars argue that they are bound to be weak in parliamentary federations than presidential federations. In presidential system of federalism on the other hand, where there is clear separation of political power, IGR is characterized by more of competition than cooperation. But this is not always true. In general IGR is mainly dominated by executive officials and bureaucrats rather than politicians.⁵⁶ Politicians are actively involved on IGR issues that are more constitutional than policy related in nature.

Constitutional and Institutional Factors

The number and relative size of the units in federations, the degree of asymmetry among them, determines the nature of IGRs and processes. Different legal systems presuppose a certain degree of formality or informality in the structure of government, and this will sharply affect the character of IGR. A parliamentary system which concentrates power in the executive, and a

⁵³ *Ibid*

⁵⁴John Kincaid and Rupakm Chattopadhyay (2008) Interaction in Federal Systems, (New Delhi, Viva Books,) pp.46-47.

⁵⁵*Ibid.* p.8

⁵⁶John Kincaid and RupakChattopadhyay (2008), Deil S. Wright (1988). Understanding Intergovernmental Relations, 3rd ed. (Pacific Grove, CA: Brooks/Cole,) at.8

congressional system, which disperses power among many actors, will produce quite different patterns of IGR, the one, executive dominated, and the other, conducted by the legislative branch as well.

Political factors

The type of electoral system can have an impact, not just on the stability of governments, included, and wartime conditions can sometimes lead to the effective suspension of the federal system and its normal pattern of intergovernmental relations. A serious threat of secession by one of the federation's regional units can also lead the country to take extraordinary defensive measures, thereby altering the normal pattern and practice of IGR. It is important to note, too, that the residual impact of these events can be considerable and can frequently be felt long after the crisis has passed. Wartime centralization, for example, is sometimes very difficult to unravel when peace is regained.

Historical factors

The force of tradition and common political experience will affect the capacity of a federation to sustain or overhaul its intergovernmental relations. A political community with a long, common experience of federalism will enjoy advantages and suffer disadvantages unknown to a newly created federal society. For better or for worse, the norms and practices of IGR in Canada and the United States are set in channels of traditional practice and behavior, whereas the possibility, for good or ill, of a radical change in arrangements may exist in a newly federal country such as Russia. In addition, as Russian experience suggests, the intergovernmental relations of a country in which the rule of law has but shallow roots, will be profoundly shaped by that reality.

2.3. Local (urban) Governments in the IGRs: Some selected Federations

This section aims at extracting comparative lessons to be drawn from the nature of the federations and their systems of IGR, South Africa and Switzerland. Among one of the oldest federations along with the United States of America and Canada, Switzerland is believed to have lessons for the purpose of this chapter. Relatively the younger federation, South Africa on the other hand is one of the highly decentralized and constitutionally devolved African federation which has also useful points to be noted from its well established system of IGR.

This chapter tries to draw comparative lesson from the practice of the intergovernmental relations of the Swiss federation and the South African federation. It is organized as follows: the first section is dedicated to the system of IGR in the Swiss federation, the second section deals with the system of IGR in South Africa and finally the chapter will close with the comparative lesson drawn from the two federations.

2.3.1. Switzerland

Federal Structure of the Swiss federation

Switzerland is one of three classical federations in the world—along with the United States of America and Canada. In institutional terms, the Swiss system of government is rather complex. There are three layers: (1) municipalities at the local level; (2) cantons at the intermediate level; and (3) the Confederation at the national level. The Confederation consisted of 26 cantons (26 constitutions) and a total of 2500 municipalities.⁵⁷ Between the three levels of government and between the political entities at each of the levels of government, there are numerous vertical and horizontal relationships.

As the country follows a bottom up nation building approach where cantons came together to create a federation, the Central Government directly governs few selected sectors and the cantons have considerable political autonomy.⁵⁸ The Council of States ensures equal representation of Cantons and enables inter-cantonal partnerships to take place under its jurisdiction. Amendments can be proposed in either chamber and are discussed separately but in order to transform into a law, a relative majority of both the Council of States and National Council is required. The federal constitution reserves the areas of foreign relations, the army, customs examinations and tariffs, value added taxes and the legislation on currency, measure and weight, railways and communications to the confederation.⁵⁹

The cantons along with some major cities have armed police forces, run hospitals and universities. Legislation on public schools is made by the cantons, resulting in 26 different education systems, but the public schools are actually run by the communes, much like many other public services (like water supply and garbage collection). The communes have tasks

⁵⁷ Logan Kaufman, Switzerland, Constitution Article 50.

⁵⁸ http://www.forumfed.org/libdocs/Global_Dialogue/Book_3/BK3-C10-ch-LinderSteffen-en.htm

⁵⁹ <http://swiss-government-politics.all-about-switzerland.info/>

expressly assigned by the confederation or by the canton but they can also legislate when cantonal law does not specifically refer to issues that affect them directly.⁶⁰ The confederation, cantons and communes do collect income taxes to finance their affairs.

Constitutional Basis for IGR in Switzerland

Under the new constitution adopted in 1999⁶¹, no formal intergovernmental councils were established. Articles 44-49, however, set out principles of federal-cantonal collaboration, including provision for the cantons to participate in decision-making processes at the federal level including federal legislation (article 45(1)), and requiring federal consultation of the cantons (article 45(2)). The new constitution also specifically provides for the participation of cantons in federal decisions on foreign policy (article 55), and for cantonal treaties with foreign countries in areas within cantonal jurisdiction (article 56). To facilitate inter-cantonal cooperation, the new constitution also specifically permits cantons to enter into inter-cantonal treaties and to create common organizations and institutions (article 48). Also at numerous other points in the new constitution, there are specific references to the requirement of federal-cantonal consultation or collaboration.

Cantons have influence on the national stage through the Council of States, one of two legislative chambers in Switzerland. Executive forums also play an active role in bringing together the central and cantonal governments. Of these, the Tripartite Conference of Agglomeration (TAC), founded by the federal government, the Cantonal Government Conference (Kdk/CdC), the Swiss Municipalities Association and the Swiss Cities Association, aim to facilitate cooperation among Switzerland's three levels of government on urban and regional policy. Founded in 2001, the TAC meets at least twice a year and brings together experts and policy makers. The board and the office of the TAC are run by the Cantonal Government Conference and it is a platform of the Federal government, cantons and communes collectively.

Sectoral Cooperation

Cantons as well as local councils may formally establish joint (horizontal) organizations and institutions on their own initiative. The most long-standing conferences are those of the sectoral ministers. Today, there are 14 conferences of sectoral ministers in fields such as education,

⁶⁰ Swiss Federalism, <https://www.ch.ch/en/swiss-federalism/>

⁶¹ The 1999 constitution of Switzerland.

environment, spatial planning, public transport, and police. Each conference is composed of a plenary assembly, an executive board and an administrative office. All of the conferences have one or more plenary assemblies in a year. Sometimes, a member of the Federal Council is present as a guest. Each canton has one voice. Procedurally, unanimity is required. The conferences follow the model of ‘consociationalism’ and the principles of partnership. The administrative offices have in recent years developed into a permanent body with full-time staff.

Non Sectoral IGR

Conference of the Cantonal Governments (KdK/CdC) was founded in 1993. The CCG’s work concentrates on problems concerning ‘governments as a whole’ (i.e. non-sectoral issues). For instance the primary issues have been European policy, revision of the Constitution, reform of the allocation of tasks and financial equalisation. Cooperation between the CCG and the other conferences is regulated by a framework directive.

One of the CCG’s main tasks is to help build consensus among the cantons and between the cantons and the federal government. The Conference also provides specialist knowledge (primarily recruited from the cantons) for cantonal participation in the federal arena. However, the CCG has no legal power to make decisions that bind the cantons. Accordingly, any canton can take individual action at any time in parallel or even in variance with the CCG’s activities.

Inter-Cantonal and other mechanisms of IGR

Situated in Bern, the ‘House of Cantons’ provides a common platform to over 13 conferences in order to facilitate inter-cantonal relations through regular meetings and interaction between the cantonal and central ministers. It provides for a common platform to express concerns regarding federal governance. Besides conferences at inter-state level, regional inter-governmental conferences also play an important role in facilitating cooperation in areas more domestic in nature. The Directors’ Conference is a political body formed through legally binding concordats.⁶² Cantonal Ministers of various sectors through these conferences coordinate working of their respective sector at national level and assist local authorities in executing tasks that cannot be performed independently.

The most prominent example is the Conference of Cantonal Ministers of Finance, a forum for cantons to negotiate fiscal policy matters without central interference. Recommendations are

⁶²Form of contractual cooperation. Concordats allow sub-national units to regulate administrative, legislative, and judicial matters among themselves.

collectively presented to the federal government and in this sense; the Conference has been highly instrumental in intervening in federal-cantonal relations to preserve individual interests. All fiscal matters need to be consulted with the Conference before reaching at a solution at the federal level. Communes have been pivotal in producing as well as delivering services at the local level through inter-communal institutions. The inter-communal jurisdiction decides the extent of central control a commune can have in cases when communes cannot carry out service delivery provisions.

Furthermore, the other structure of IGR is the Swiss Cities Association (SSV) that represents the common interests of the Swiss cities as well as providing various services for them. In particular, it provides the relevant representation of the cities' political interests vis-à-vis the federal authorities. It also represents the interest of members vis-à-vis the public, national and international organizations and facilitates the exchange of experiences between members, for example by organizing seminars and training courses. The SSV also makes sure that studies on urban issues are carried out and promoted. It also takes a political position by means of slogans and recommendations on voting proposals which directly affect cities.

2.3.2. South Africa

South Africa in having a hybrid presidential parliamentary system, highly centralized and integrated federal structure in the 1996 constitution was largely modelled on that of Germany. Chapter 3 of the Constitution of the Republic of South Africa determines the establishment of the spheres of government as well as their interrelationship: 40(1) In the Republic, government is constituted as national, provincial and local spheres of government, which are distinctive, interdependent and interrelated. South Africa is thus constituted in three spheres of government: National sphere, Provincial sphere and Local sphere. A notable feature of the 1996 constitution is Chapter 3 (articles 40-41)⁶³ which is entitled “Co-operative Government.” This explicitly enunciates that intergovernmental cooperation is to be the underlying philosophy for the conduct of government and the relations between the three spheres of government: national, provincial and local.

The nature of the relationship among each spheres is clearly stipulated. Within the *national sphere*, in relation to local governments, Ministers may also assign any power or function to a

⁶³The 1996 constitution of South Africa

member of a Provincial Executive Council⁶⁴ or Municipal Council.⁶⁵ Specific provision is made for the intervention by the National Executive when a province cannot or does not fulfill its executive obligations in terms of the Constitution or legislation.⁶⁶ Within the *provincial sphere* the Local governments administer the functional areas referred in Part B of Schedule 4 and Schedule 5. A member of a PEC may assign any power or function to a MC.⁶⁷ Provision is also made for a provincial government to intervene when a municipality cannot or does not fulfill its executive obligations in terms of legislation.⁶⁸

The sphere of local government consists of municipalities.⁶⁹ Both the executive and legislative authority of a municipality is vested in its MC. Neither the national government nor the provincial government concerned may act in such a manner as to compromise or impede the ability of a municipality to exercise its powers or perform its functions. Municipal councils are elected bodies.⁷⁰ Municipalities must administer (and may make by-laws in respect of) the functional areas listed in Schedule 4 Part B as well as Schedule 5 Part B of the Constitution. In addition, the national government and provincial governments must assign to municipalities the administration of a matter falling within Schedule 4 Part A and Schedule 5 Part A, if such matter would most effectively be administered by the municipality concerned, and if it has the capacity to administer same.⁷¹

Principles of IGR in South Africa

The South African system of intergovernmental relations is complex and continues to evolve as better modes of cooperation and coordination emerge and as functions are shifted between spheres. The following key elements and principles underpin the intergovernmental system⁷²:

Accountability: Each sphere has specific constitutionally defined powers and responsibilities, is accountable to its legislature or council, and is empowered to set its own priorities.

⁶⁴Hereafter referred to as PEC.

⁶⁵S 99 (subject to certain requirements and taking effect only after proclamation in the Government Gazette by the President). Hereafter Municipal Council is referred to as MC.

⁶⁶S 100. In addition, s 216(6) also provides for the stoppage of funding to provinces.

⁶⁷S 126 (subject to certain requirements and taking effect only after proclamation in the Provincial Gazette by the Premier).

⁶⁸S 100. In addition, s 216(6) also provides for the stoppage of funding to provinces.

⁶⁹S 151. Section 115 provides for the establishment of three categories of municipalities.

⁷⁰S 157-160.

⁷¹S 156 (subject to certain conditions).

⁷²Local government budgets and expenditure Review, 2011, chapter-3, Intergovernmental relations and the local government fiscal framework, 29-30.

Transparency and good governance: Accountability of political representatives to the electorate and transparent reporting arrangements within and between spheres is at the heart of the intergovernmental system.

Mutual support: National and provincial governments have a duty to strengthen the capacity of municipalities. Spheres of government must also act cooperatively towards each other, for instance through avoiding legal action until all other mechanisms have been exhausted.

Redistribution: The three spheres all have important roles to play in redistribution, but because inequalities exist across the country, the redistribution of resources is primarily a national function. Where provinces and municipalities undertake redistribution, the challenge is to do this in line with their fiscal capacity and not to undermine economic activity and their financial viability.

Vertical division: Determining allocations to each sphere of government inevitably involve trade-offs that are made in the course of a comprehensive budget process driven by political priorities, and which covers all aspects of governance and service delivery.

Revenue-sharing: The fiscal system takes into account the fiscal capacity and functions assigned to each sphere. Provinces and municipalities are funded from own revenues, equitable share allocations, and conditional and unconditional grants.

Broadened access to services: The Constitution and current government policy priorities broadening access to services. The responsible spheres are expected to design appropriate levels of service to meet customer needs in an affordable manner, explore innovative and efficient modes of delivery, and leverage public and private resources to fund infrastructure.

Responsibility over budgets: Each sphere of government has the right to determine its own budget and the responsibility to comply with it. To reduce moral hazard and ensure fairness, national government will not bail out provinces or municipalities that mismanage their funds, nor provide guarantees for loans.

Structures of IGR in RSA

In the absence of the constitutionally required national legislation, two categories of IGR structures have been established: (a) statutory IGR structures established in terms of the Constitution and national legislation (formal IGR structures) and systems on how they function

have been developed, and (b) informal (non-statutory) IGR structures) which have, in the absence of explicit enabling legislation, also been put into operation.

These IGR structures aim at the co-ordination of intergovernmental relations within a particular sphere and/or between two or more spheres.⁷³ In addition, these structures may also be classified with regards to their composition: The first are representatives from the three spheres (e.g. the NCOP and the Finance and Fiscal Commission⁷⁴), the second are representatives of at least two spheres (Council of Education Ministers at the political level and the Heads of Education Departments Committee at the administrative level); and the last are representatives from one sphere (e.g. the South African Local Government Association⁷⁵ that interacts with the other two spheres of government in respect of local government matters.

There are several categories of coordinating IGR structures in RSA which are operated at national level, coordinating the national and provincial governments with in provincial governments. The coordinations at the national sphere are: the President's Coordinating Council,⁷⁶ the Forum of Provincial Directors-General, the Forum of South African Directors-General⁷⁷, the Local Government Budget Forum.⁷⁸

A number of informal MINMECs (consisting of the relevant minister and provincial MECs) have also been established. The MINMECs deal by and large with the functional areas within the concurrent national and provincial domain⁷⁹, and play an important role as regards the co-ordination of policy development and the implementation of policies and legislation. Furthermore, a number of informal provincial coordinating structures have also been established with the view on the enhancement of policy co-ordination and implementation within the province concerned. As the main focus of this research is on the IGR system at local level, the place and role of local government in the IGR system of South Africa is discussed in the following section in detail.

Local governments in the IGR system of RSA

⁷³Thornhill, *et al.*, 2001 *Reference Book: National and Provincial Intergovernmental Structures* pp. (iii)-(iv) and pp. 1-93.

⁷⁴ Hereafter referred to as FFC.

⁷⁵ Hereafter referred to as SALGA.

⁷⁶ Hereafter referred to as PCC.

⁷⁷ Hereafter referred to as FOSAD.

⁷⁸ Hereafter referred to as LGBF.

⁷⁹ S (4).

In the system of cooperative government prescribed in the Constitution, local government is reserved a place in both national and provincial decision-making. To function effectively, local government, consisting of numerous municipalities, is required to act as a collective. Organized local government⁸⁰ has thus been institutionalized in the Constitution and legislation. According to section 163, an Act of Parliament must be enacted that will: provide for the recognition of national and provincial organizations representing municipalities and determine procedures by which local government may consult the national and provincial government, designate representatives to participate in the National Council of Provinces (NCOP) and nominate persons to the Financial and Fiscal Commission (FFC). Pursuant to this section, the Organized Local Government Act of 1997⁸¹ has been enacted. It is through OLG that local government is able to participate in IGR structures established and underpinned by the IGRF Act.

With the advent of democracy in 1994 OLG was radically reconstructed to meet the challenges incurred and inherited from the apartheid era.⁸² In the same year that the 1996 Constitution came into operation, the Organized Local Government Act of 1997 was adopted. Section 2 (1) of the OLG Act provides that the Minister⁸³ must recognize one national organization representing the majority of the provincial organizations.⁸⁴ Furthermore, on a provincial level the Minister with the consent of the Member of Executive Council responsible for local government must recognize in each province one provincial organization representing the majority of the municipalities on condition that all the different types of categories of municipalities in the province are members of the organization.⁸⁵

Moreover, the White Paper on Local Government adopted in 1998⁸⁶ is a policy document that outlines the systems which will make developmental local government a reality. Within this reality however, there needs to be a framework where a local government is able to realize and organize itself in order to ensure that it is both effective and efficient in meeting its objectives.

⁸⁰ Hereafter referred to as OLG.

⁸¹ The Organised Local Government Act of 1997.

⁸² Department of Cooperative Governance and Traditional Affairs (CoGTA) *The intergovernmental relations system in South Africa* (2006) 7.

⁸³ Minister of Department of Cooperative Governance and Traditional Affairs.

⁸⁴ S 2 (1) (a) OLG Act.

⁸⁵ S 2 (1) (b) OLG Act.

⁸⁶ WPLG (1998) 48.

The SALGA – a voluntary body representing all nine provincial local government associations – was established in 1996 and has been recognized as the body representing local government. SALGA is not a statutory body but has official status through the executive act of recognition. SALGA represents local government interests through its membership of a number of key formal intergovernmental structures. First, it has limited membership of the NCOP, the second house of the national Parliament. Alongside the ten-member delegations of the nine provinces, SALGA’s ten-member delegation is entitled to participate in NCOP proceedings when matters affecting local government are dealt with, but it has no vote. Second, SALGA has representation on the FFC, a constitutional body that advises government concerning the equitable division of nationally raised revenue between spheres of government. Third, SALGA is a member of the Budget Forum, a statutory intergovernmental forum where the minister of finance consults with his/her counterparts in the provinces and SALGA on, among other things, the annual Division of Revenue Bill.

Perhaps the most important communication channel for SALGA has been its participation in a number of executive intergovernmental forums. The most important of these forums are the (PCC) and the various sectoral forums called MinMECs.⁸⁷The PCC comprises the president, the minister of provincial and local government, provincial premiers and, since December 2001, the SALGA chairperson. SALGA also participates in a number of MinMECs, the forum where a national minister meets with provincial counterparts along sectoral lines.

The PCC and the MinMECs are now statutory intergovernmental relations bodies, mandated by the Constitution and formalized by national legislation on intergovernmental relations, with SALGA as regular member.⁸⁸ SALGA also has membership in a number of administrative bodies, including the Committee for Environmental Coordination⁸⁹ and the Road Traffic Management Corporation’s shareholders committee.⁹⁰ At a technical level, SALGA participates in various technical working groups, task teams and flagship programs such as the Integrated Sustainable Rural Development Program, Urban Renewal Program and Local Economic Development.

⁸⁷N Levy, Instruments of intergovernmental relations – the political, administrative interface, in N Levy & C Tapscott (eds), *Intergovernmental Relations in South Africa: The Challenges of Co-operative Government*. School of Government, University of the Western Cape & Political Information and Monitoring Service, IDASA, Bellville, 2001, pp 90-95.

⁸⁸Intergovernmental Relations Framework Act 13 of 2005.

⁸⁹S 8(1)(l) National Environmental Management Act 107 of 1998.

⁹⁰S 6(2)(c) Road Traffic Management Corporation Act 20 of 1999.

The Constitution further establishes the general principle that organized local government must be provided with the opportunity to make representations on behalf of its members on national and provincial legislation affecting their interests.⁹¹ In addition a number of legislative instruments oblige the national government, before initiating legislation, to consult SALGA. For example, section 229(5) of the Constitution⁹² requires that national legislation that regulates the powers of municipalities to impose revenue-raising measures, may be enacted only after organized local government has been consulted.

Increasing the participation levels of organized local government may only partly address the problem of representing the wide variety of municipal interests. The institutions of local government – ranging from self-sufficient mega-cities to small rural municipalities dependent on national handouts – do not always have shared interests and concerns, save for the common burden of the national supervisory framework. The large cities move on a different trajectory to their poor rural cousins. Already the metros and the four largest local municipalities have joined forces in the Cities Network, thus far referred to as a ‘learning network’. Moreover, the six metros, like provinces, deal directly on their own with national departments, international development agencies and financial institutions.

Comparative Conclusion

The main aim of this chapter is exploring experiences that are believed to have importance for enhancing Ethiopian IGR system. The legal and institutional framework and the practical experience of the two countries studied in this chapter can be used as a necessary reference point from which we can extract certain valuable ideas to be incorporated and synchronized in the Ethiopian system of IGR taking the specific and unique situations of the country in to consideration as there is no a one size fits all structure. The challenge that each country faces on its IGR system differs. The same is true on means of handling the problems which differs based the capacity of the country, the maturity of the federation.

The security of the very existence of each sphere of government particularly the local one as an independent sphere of a federal government is crucial in a federation for exercising its autonomy and enjoying powers that directly emanates from a constitution. The constitutional recognition entrenches the status and autonomy of local government which is pivotal for interacting with

⁹¹S 154(2) of the Constitution.

⁹²Section 229(5) of the Constitution.

other spheres of governments. Using the structures, they can negotiate, bargain and cooperate with others on matters that directly or indirectly affect them and play their role in the decision making at all levels. The constitutional and legislative ground help them not only to act independently but also to use formal/informal mechanisms so as to organize themselves to act as a collective and to cooperate horizontally in various aspects as service delivery, capacity building, cooperation in several ways.

The experience of the two countries depicts the above explanation. In both countries, Switzerland and South Africa, the existence of each sphere of government especially local government as independent sphere is secured and the powers and functions are listed clearly in the respective constitution. No sphere of government encroaches in to the power and function of the other sphere of government. When a need arises any sphere of government can use the established structures of IGR to interact with the other sphere based on the principles underlain. The type and level of local governments and their position, power and function is clearly delineated in both federations.

Another central issue that often emerges in relation to the organization of IGR is whether the institutions, processes guidelines for IGR stipulated in the constitution, in a proclamation or whether it should be left to evolve on its own. Taking lessons from older federations, South Africa has attempted to stipulate broad principles in its constitution and enacted detailed proclamations on IGR. In the older federation, Switzerland, where the constitution emphasized dual structure during the early phase of the federation (due to its historical inception, coming-together federation) established a well organized IGR system by stipulating it in its constitution and a number of other legal instruments. The other important feature in the experience of these countries is the flexibility of the system in resolving any governance challenge in the practical implementation. They don't only stick to formal structures but there are a number of informal forums that facilitate smooth interaction among spheres of governments.

Well regulated or not unless backed by relevant institutions facilitating the interaction among spheres of governments, IGR is unlikely to be effective in attaining its objectives. For the consultation, cooperation and coordination of joint activities to be effective, the establishment of structures processes within each government is a prerequisite so as to coordinate and participate

effectively in its interaction with the other level.⁹³ In South Africa and Switzerland there are already established formal and informal institutions and mechanisms for conducting and coordinating IGR at various levels. These institutions are organized in such a way that any actor at any level can get the platform to effectively interact with the other actors.

The structures and processes for IGR whether formalized or not must be guided by important principles if IGR is intended to achieve the desired objectives. In this respect, the two federations, South Africa and Switzerland have laid down principles for the federal system as a whole and for IGR in particular. Formulating principles by itself doesn't guarantee the smooth functioning of the IGR. It is important to adhere to these principles in every interaction. For example, being diversified linguistically culturally and religiously, Switzerland has managed to sustain the federation for centuries is not the absence of conflictual issues, there were a lot of them, rather the strict adherence to the carefully designed principles that are related to the need for mutual respect, good faith, cooperation among the actors in the IGR process.

The racial, religious, linguistic and cultural composition of a given state has a visible impact on the structure and practical implementation of IGR. David C, et al. (1995) rightly expressed that profound socio-cultural differences within a country may create mutual ignorance and suspicions that inhibit effective intergovernmental relations. The existence of diversified culture, language, religion thus creates additional actor in the process of IGR⁹⁴. The consideration of these diversities specifically when self rule is related to the territorial autonomy of ethnic groups at local level has a lot to do with the political culture of a given polity in general and within the political elite in particular (in Ethiopia most of the political parties are organized along ethnic lines).

⁹³ Supra note-24.

⁹⁴Supra note-49, at 4.

CHAPTER THREE

CITIES IN IGR SYSTEM OF ETHIOPIA: AN OVER VIEW

3.1. Introduction

This chapter focuses on the IGR system of the Ethiopian federation. It has four sections. The first section describes the Ethiopian IGR in general, the second part dwells on the constitutional power division and how it impacts the IGR system. The third part discusses the place of cities in the IGR system of Ethiopia. The last section describes the institutional mechanisms of IGR in Ethiopian federation. In this section MOFPA, HoF, Sector based IGR and party channel relations are discussed as mechanisms of IGR.

3.2. Ethiopian IGR in general

It is now more than 20 years since Ethiopia adopts federalism in 1991. The federal structure was designed in such a way that it can resolve the major questions of 1960s Ethiopian students' movement: the right of nations, nationalities and peoples and land ownership right, as the Derg regime failed to fully address the questions. Unlike the previous centralized structures the newly adopted federal structure recognized the right of nations, nationalities and peoples of Ethiopia. There are nine regional states and Addis Ababa city administration which are constitutionally established and Dire Dawa city administration is established by the proclamation as a result of the claim of Oromia and Somali regions.

The constitution which creates the spheres of governments divides powers between the federal and the states. Even though each government has its own power and function, the interaction among spheres of government is inevitable. There are a number of areas in which the levels of government interacts each other. In Ethiopian context most of the interaction exist between the federal and the states, vertical relationship but the horizontal relationship and the interaction of local government with other sphere have been paid little attention.

The relationship between the federal and the state governments is regulated by different rules that are written and unwritten. The FDRE Constitution requires both tiers of government to preserve and maintain constitutional order throughout the federation.⁹⁵ As Assefa (2009) argues without this concurrent constitutional responsibility of both the federal and the regional states,

⁹⁵The 1995 FDRE constitution, Art. 51(1).

the constitution contains no explicit provision to IGR. The constitution cannot establish an institution that solely deals with the issue of IGR and no explicit provision of basic constitutional guidelines to regulate it. There is thus the statutory gap in intergovernmental relations and statutory institutions were not established with an explicit aim of facilitating the cooperation.⁹⁶

In practice, however, there are various informal intergovernmental relations between federal with states or states to states after the enactment of the constitution. These relations and cooperation are observed because of the solidarity and principle of democratic centralism of the EPRDF which dictates the whole relationship in its party channel rather than strictly stick with the governmental structure. Because of such practices the EPRDF-government is criticized for merging the government line of command with the party one.

“In federations with parliamentary systems where the predominant role of governmental executives in intergovernmental relations are visible, the institutions and processes for intergovernmental relations usually develop pragmatically rather than by constitutional requirement”.⁹⁷ In Ethiopia, most of the federal ministries interact with the respective bureaus in regions. The policy formulated at federal level is implemented at local levels. Thus the federal government would be compelled to cooperate with local governments in bridging the financial and capacity gap. Several ministries develop strategies on which they interact with the states. For example, Even though providing social services lies in the states list of power division, ministry of education designs lots of specific strategies (which sometimes deserve regions to implement in a centrally determined timeframe, without even leaving any room for states to modify) to implement the education policy, provide technical and expertise support wherever needed. However, it can be argued that the detailed dictation and instruction of the federal government to the states clearly is the result of the absence of guidelines which potentially evades the cooperativeness between them.

We can also identify other *ad hoc* mechanisms of intergovernmental relations in Ethiopia. These include conferences, advisory *ad hoc* bodies, exchange of personal and technical experts, or personal exchange of information between authorities of the levels of governments.⁹⁸ These interactions reveal the inevitability of intergovernmental relations between the federal and regional governments so as to ensure smooth and efficient application of powers and

⁹⁶Supra note-24.

⁹⁷*Ibid.*

⁹⁸Supra note-6.

responsibilities. Thus, it is possible to conclude that although there are several interactions between federal and states and states and states, they are largely *ad hoc*, spontaneous, irregular and often without clear constitutional base.⁹⁹ Though there are no explicit provisions which directly deal with IGR in the constitution, there is the need to look in to the constitutional power division especially in its influence on the IGR system.

3.3. Constitutional power division and The place of Cities in the IGR system of Ethiopia: its implication on IGR

The 1995 constitution of Ethiopia divides power between the federal and state governments. Art.51 lists the powers and functions of the federal government and Art.52 also lists powers and functions of states. The residual power which is not given expressly to the federal government alone or concurrently to the federal government and the states are reserved to the states (Art.52(1)). As it is observed in most constitutions of other federations, without the taxation power, the Ethiopian constitution doesn't have any concurrent power listed explicitly.¹⁰⁰

With regard to the power of local governments, most of the youngest federations like South Africa, India and Brazil explicitly listed the power and functions of local governments at the federal constitutions; they recognize the security of these structures as an independent sphere of government on which the structure of IGR is founded on. When we see the Ethiopian case, according to Zemelak (2011) the issue of local governments is treated in two ways: First, the 1995 constitution in its Art. 39(3),¹⁰¹ implicitly provides for the establishment of autonomous local governments which are meant to accommodate intra-regional ethnic minorities. Second, Art. 50(4), of the constitution prescribe the regions how to establish and adequately empower local governments.¹⁰²

Another significant time in relation to the local governments is the second phase of decentralization which took place as a result of the poverty reduction and development policy of the federal government in 2001. It was, thus decided that weredas (rural districts) and city administrations were authorized to exercise a certain measures of political, administrative and

⁹⁹*Ibid.*

¹⁰⁰The 1995 FDRE constitution, Art. 51, 52 and 52(1).

¹⁰¹The 1995 FDRE constitution, Art- 39(3).

¹⁰²Zemelk Ayele (2011) "Local government in Ethiopia: still apparatus of control?" *Law, Democracy & Development*, vol.15.

financial powers. The regional states revised their constitutions and enacted statutes to restructure their urban local governance systems in line with the policy.

However, as Zemelak (2011)¹⁰³ pointed out three deficiencies are observed in the regional constitutional and legal framework that render city administrations subordinate structures of the regional states. These are: First, lack of clear division of powers between regional governments and the local ones. The federal constitution also doesn't provide specific functional competency except providing generally that regional states should transfer adequate power to it. The second problem is related with the fact that the city administrations are the creation of ordinary regional statutes. This has allowed the regional states easily amend the statutes and endanger the very existence of the city. The third shortcoming is that the regional constitutions and statutes that dealing with local government treated as subordinate structures of the regional states rather than autonomous governments. Thus it can be concluded as the relationship between city administrations and regions is characterized by weak institutionalization, with clear statutory gap and they are fully the subordinate structure of the region than autonomous unit which is fully accountable to its electorate.

3.4. Institutional Mechanisms of IGRs in Ethiopia

Most federations established a detailed and dense network of relationships between governments either horizontal or vertical dimensions. Well established institutional mechanisms are vital for effective IGR. Some of the commonly identified institutions are the second chamber of the parliament, party leader's forum, legislative cooperation, and presidential cooperative council, to mention some.

As it is discussed above, the FDRE constitution doesn't have provisions as to how IGR cooperation and conflict resolution facilitated. However there are shared and other form of powers given to the federal and the states that may be used as corner stone to establish statutory provisions for IGR and there is no also a constitutional institution that is responsible for IGR. However, Intergovernmental relation in Ethiopia has to be considered from the perspective of both the formal and informal relationship mechanisms that are now in practice. Intergovernmental relationship now in practice is a process almost fully dependent on either of

¹⁰³*Ibid.*

the semiformal or informal tools of cooperation; without any convenient, transparent and predetermined arrangements.

Ministry of Federal and Pastoral Development Affairs (MOFPDA)

Ministry of Federal Affairs (MoFPDA), formerly named Regional Affairs office (*yekilil Guday Zerf*) in the Prime minister office is associated with securing the willingness of the regional governments to be part of the political process at the center and to assist some of the regions in terms of capacity building and good governance which also continued to date as its primary concern. The issue of dealing with IGR proper is a latter development in the history of this organ of government and was limited to a directorate level until now. The Ministry is established to bring equitable development in the less developed regions, to prevent and resolve conflicts, to strength federal system, to uphold Federal Regional relations in the country, and maintain good relations.¹⁰⁴

All MoFPDA`s departments Conflict resolution, equitable development, IGR and the religion affairs are organized to achieve the ultimate goal of strengthening the IGR between the federal and states. However, the institutional setup (its constitutionality and its organization to run the issue of IGR nationwide) , its legitimacy and acceptance especially in the eyes of the states is still controversial. On the same vein, states sometimes are not in a position to take part in the process as part of it rather they consider the Ministry`s role as another avenue of the center's dominance, especially in the equitable development department. IGR even conceptually is linked with a common forum of cooperation and coordination.

Unless the structures of MoFPDA is reorganized in such a way that it can facilitate the nationwide IGR through winning the acceptance and active involvement of the states it is difficult for it to carry out the whole IGR activities with the current structure of the ministry. In relation to the MoFPDA as an institution to facilitate IGR, it is uncertain that whenever a political party with a different program and ideological orientation takes control of one or more of the state/s or the center for that matter, the necessity for common forum of cooperation becomes visible. For obvious reasons mentioned earlier, such a political party will not accept any invitation from the MoFPDA and may not be willing to be part of the shared rule or the political

¹⁰⁴ MoFPA Citizens` Charter, 2013 Addis Ababa.

process of the center. Thus, the newly studied IGR structure will hopefully address the issues discussed above for the smooth interaction between different levels of governments.

House of Federation (HoF)

The House of Federation is responsible to find solutions to disputes or misunderstandings that may arise between regional states.¹⁰⁵ For instance, if a border dispute arises between two or more states; it is the mandate of the House to organize a forum for disputant-states to negotiate and settle the issue amicably. The House facilitates such forums and umpires both sides to get the issues resolved. If this attempt fails, the House can render decision to resolve such disputes on the basis of settlement patterns and the wishes of the peoples concerned within the time frame laid down under the Constitution.¹⁰⁶

The House is also empowered to decide on issues pertaining to the rights of nations, nationalities and peoples to self-determination, including the right to secession in accordance with provisions of the Constitution.¹⁰⁷ This mandate demands that regional states which have disputes with one another in dealing with their matters, decide their issues in accordance with the Constitution. The House may organize a forum for disputant-states to negotiate and resolve the issue.

The other power of the House which involves intergovernmental relation relates to revenue sharing and grant allocations. The House is empowered to decide the division of revenues derived from joint Federal and State tax sources and the subsidies that the Federal Government may provide to the States.¹⁰⁸ It decides the share of each level of government from joint tax source, and allocates the share of the regional states among individual regional states. The House also determines the allocation of federal subsidy among regional states. These matters can be source of conflict, and should be decided by consensus to maintain the social cohesion among the member states of the federation.

The House has organized both formal and informal IGR systems. The formal forums are essentially of two kinds: 'Forum of Speakers' and a joint forum of 'federation and regional states.' In the former case, as the name indicates, the participants are the speakers of both the

¹⁰⁵The 1995 FDRE constitution, Art. 62(6).

¹⁰⁶The 1995 FDRE constitution, Art. 48(1 & 2).

¹⁰⁷The 1995 FDRE Constitution, Art-62(3).

¹⁰⁸The 1995 FDRE Constitution, Art-62(7).

federal houses and regional state councils. On the latter forum, the participants of the meeting are not limited to representatives of the regional states and the federal governments.¹⁰⁹ It includes other stakeholders such as different staff, intellectuals and other invited guests. The most unique feature of their participation is that the invited guests are not passive participants of the meeting. They can forward their views during the meeting like any ‘legitimate’ participant or permanent member of the forum.

The federation units are expected to attend the IGR forum whether the agenda concerns a given state or not. This seems to have the rationale that units of the federation can draw lessons from states which have encountered problems. Most of these conferences are chaired by federal government officials. The regional states participate on the agenda set up by the House. The role of the states is limited to forwarding their reflections on each agendum designed by experts.¹¹⁰ However, the IGR forums organized by the House, seem ‘general meetings’ rather than an IGR forums. These forums set broad agenda. The chairperson attempts to narrow down the diverse points raised by the participants. And then, the chairperson identifies an agendum that is agreed by all and makes the floor open for further discussion on those issues in which the participants did not reach agreement.¹¹¹ These meetings allow differences to be discussed and provide a platform for reaching consensus.

In most federations local governments have their own representative in the federal upper and lower houses and regional levels so as to negotiate on matter that affect them. Since local governments are not autonomous units in Ethiopian case, they don’t have any representation in both federal and state level. The HoF, has also a unique feature of representing nation, nationality and peoples, which is different from the usual function of upper houses, representing regions. Thus multi ethnic chartered cities of Addis Ababa and Dire Dawa are not represented in the house which creates complexities for the execution of HoF in relation to these cities. The absence of seats, for these cities, undoubtedly impacted them in losing the chance of bringing their case on the table of discussion and negotiates with others on matters that concern them.

¹⁰⁹Nigussie Afesha” The federal- state Intergovernmental Relationship in Ethiopia: Institutional Framework and its Implication on state autonomy (Dec, 2015) *Mizan Law Review*, vol.9,No2.

¹¹⁰ *Ibid.*

¹¹¹ *Ibid.*

Sector based IGR

It is an unavoidable fact that different ministries, authority, agency and related institutions of the federal and regional states are in a continuous interaction with their respective counterparts in exercising their functions. The mandate given to MoFPA to be the focal point in coordinating IGR nation-wide under proclamation also gives an implied recognition to other federal and regional institutions to continue in undertaking some aspect of IGR related with their routine functions.¹¹² The question is not whether these institutions are interacted frequently and act jointly in many areas that demand a joint effort which is natural, rather it is, weather the form of interaction made in different forums (formal or informal) protect the interest of both participants. In other words, whether it is participatory and decisions are made through joint decision-making or are a mechanism used by the federal institutions to inform and give directions to their regional counterparts.

There are recent trends in an attempt to establish sector based IGR between the federal and regional states. Especially after the second phase of decentralization, the government decided to empower the local governments, weredas and city administrations in delivering basic social services. Each Ministry has organized its own forums to interact with other levels of governments. For example, educational practitioners joint forum, discussions made by House of Federation by visiting regional states, public prosecutors joint forum, an interaction made by the former Ministry of Information with its counterparts of regional states, the efforts made by the Ministry of Capacity Building in different areas of capacity enhancement, the interaction made by the Ministry of Finance and Economic Development together with Revenue and Customs Authority with their regional counterparts and many similar forums could be mentioned as examples.

Cooperation through party channels

Party System is perhaps the most important factor that influences the working of a federal constitution.¹¹³ In Ethiopia, vertical and horizontal intergovernmental relations have been relatively smooth thus far because a multiethnic ruling coalition and its allied ethnic parties have

¹¹²Assefa Fissaha (2013), “Developmental state and Federalism in Ethiopia”, public lecture at Gothe Cultural Institutute, 2013, Addis Ababa.

¹¹³Rekha, S. (2010) Intergovernmental Interactions in the Indian Federal System, PSA, University of Delhi, India.

enjoyed a monopoly of power at all levels of government.¹¹⁴ Implementation and coordination of shared policies and programs facilitated to a large degree by party channels. Assefa elaborated this fact in a way that, "...indeed even after MoFPA took the mandate of coordinating IGR between the federal and regional states, the party channels remain the most pervasive scheme used by the federal government to influence state governments as well as to guarantee uniformity of policies."¹¹⁵

Many believes that the dominance of the EPRDF both at the federal and regional state levels limits political pluralism and puts in question the viability of multiethnic federalism.¹¹⁶ Scholars justify how the party system affects federalism by looking the experience of other federations like the U.S.S.R, which is the extreme case by reducing the federal constitutional arrangement of the country in to a unitary model.¹¹⁷ The constitution of the former U.S.S.R. was the most federal document on paper granting the federating units the right to secede. Yet, in its actual working, it was so highly centralized because of the Communist Party being the only political formation legally sanctioned to contest elections that in practice it was a unitary political system.¹¹⁸ However, mainly officials of EPRDF contested the above-mentioned argument by emphasizing on the benefit of having the same front at the federal level as a key of balancing the two extremes of federalism.

Facilitating IGRs through the party channel is not a newly invented means of integrating the federal and regional states. Aged federations as India used such mode of IGR for long and intergovernmental issues were often, sorted out at party, rather than governmental forums.¹¹⁹ However, this was made possible during the existence of a dominant single party at the national and provincial levels. This also becomes similar in the case of our country, hence EPRDF and affiliated parties are assuming majority of both at the federal and regional state houses. Though, reaching easily at common decision for the harmonization and coordination of shared developmental and other policies and programs between the federal and regional states through a

¹¹⁴Alem, H. (2005) "Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution", 35(2) *Publius*,313-335.

¹¹⁵Supra note-112.

¹¹⁶ Supra note-114.

¹¹⁷Supra note-113.

¹¹⁸Seyoum Mesfin (2011), "The threat of Ethnic federalism under a centralized party bureaucracy: contemporary Ethiopia and the Defunct Yugoslavia federation compared",

¹¹⁹Rupak Chattopadhyaya, *Intergovernmental Relations: A comparative survey of structures and processes*"Available at;www.forumfed.org/./Intergovernmental_Relations_Rupak_Chattopadhyaya visited on march 5, 2017"

party channel have many advantages and makes IGR smooth, it will have also an adverse effect on the process of creating a full-fledged and genuine federalism that regional states are autonomous and competent enough to bargain with the federal government in matters of common interest.

Reaching at a similar decision easily through a party channel may also no longer continue hence, there is a possibility of different political parties to assume power (majority) in, either at the federal parliament or at regional state councils, which is expected in genuine and dynamic federations. This will disable the smooth functioning of IGRs that existed between the federal and regional states through the party channel.

Conclusion

Intergovernmental relation is important in installing the culture of negotiation, checking the centralization of government power, and enhancing the bargaining power of the regional states and local governments. Establishment of permanent forums for intergovernmental bond has a crucial role in negotiation, non-hierarchical exchange of information as well as facilitation of cooperation between the institutions of the three levels of government.

Regarding institutional framework of IGR in Ethiopia, the House of Federation invokes a constitutional basis to organize IGR. At the same time the Ministry of Federal and Pastoral Development Affairs invokes certain legislation as its legal basis to organize IGR. The third category of interaction which has been practiced uses intergovernmental agreement as a legal basis for organizing IGR. This is usually described as *sector by sector* interaction which is backed by the signing of memorandum of understanding which serves as a legal base to make their interaction formal.

Therefore, establishing an appropriate legal framework is essential to optimize the benefits of intergovernmental relationship. This legal framework must contain detail principles of cooperation in the course of concurrent or overlapping responsibilities. An independent institution should be established whose mandate is mainly to organize IGR on shared programs. Federations are expected to respond both to central priorities and to regional and local priorities; and each negotiation should be done on the spirit of partnership and equality rather than hierarchy.

Neutrality of the institution facilitates the coequality of the tiers of governments. The House of federation seems the appropriate institution so far to organize IGR in light of the participation of the regional governments in the House. But the representation of multi ethnic cities should be taken in to consideration. If MoFPA has to shoulder the responsibility of organizing IGR, it should restructure itself as an independent entity that can involve all the concerned participants and serve their interests, not the interest of the federal government only.

CHAPTER FOUR

HISTORICAL, POLITICAL AND SOCIO-CULTURAL CONTEXTS AND INTERACTION OF COMMUNITIES IN AND AROUND DIRE DAWA

4.1. Introduction

It is essential to present background information about Dire Dawa which can give an overall situation of the city. Thus, this chapter mainly focuses on providing historical, political and socio-cultural background and interaction of communities in Dire Dawa. The first and second sections present the geography, ethnic demography and the evolution of the city from its inception to 1991. The third and fourth parts dwell on the inter-ethnic relation of the two groups, Oromo and Issa/Somali ethnic groups. The fifth part discusses the competing visions, aspirations, political motives of several actors over the city and the last part describes the implication of the socio-political dynamics on the IGR and land management of the city.

Geography of Dire Dawa

Dire Dawa is located 515 km east part of Ethiopia, 306 km South of Djibouti and 55 km from Harar. It is the second chartered city next to Addis Ababa in Ethiopia. The City administration is divided in to two: the city proper and rural *kebeles*.¹²⁰ There are nine (9) urban and thirty eight (38) rural *kebeles*. It is bordered with the Shinile Zone of the Somali Regional State on the North, Northwest and North East; and with Eastern Hararghie Zone of Oromia regional state on the South, South East and South West. The City Administration is estimated to have a total land area of 128,802 hectares of land. The 97.73% of the land is rural area and the remaining 2.27% accounts for the land area used by the region's main urban center.¹²¹

The city is situated just at the foot of the hills stretching from the south-east to the west by forming a border between the highlands of the Hararghe region behind it and the vast lowlands extending up to the red sea.¹²² The northern- and western-most area of the administration is flat land, and the rest is naturally rugged terrain. The altitude of the administration varies from 950–

¹²⁰Kebele is the lowest form of local government next to the City Administration in Dire Dawa.

¹²¹Dire Dawa Administration water, mines and energy office,2003.

¹²²GoE.2010.Dire Dawa, Environment Protection Agency, annual report 2010.

2450 metres above sea level.¹²³ The topography of the city greatly influences its climatic condition. The mean annual temperature of the City Administration is about 25.4 °C. The average maximum temperature of the Administration is 31.4 °C, while its average minimum temperature is about 18.2 °C. The region has two rain seasons; that is, a small rain season from March to April, and a big rain season that extends from August to September. The aggregate average annual rainfall that the region gets from these two seasons is about 604 mm. On the other hand, the region is believed to have an abundant underground water resource.¹²⁴

Ethnic and Demographic Context of Dire Dawa

Based on the 2007 census conducted by the Central Statistical Agency (CSA) of Ethiopia, the total number of the population of Dire Dawa City Administration was 341,834. Out of this, the same source indicates, the rural and urban population accounts for 126,820 (37.1%) and 215,013 (62.9%) respectively. From the figure one can understand that the rural land is sparsely populated whereas the urban land is densely populated. Being one of the largest urban centers in the country, Dire Dawa has become home for peoples from a number of nations and nationalities found in the country. With regard to ethnic distribution, based on the same source, the Oromo 156,958 (45.91 %), the Somali 83,069 (24.3 %), the Amhara 68,962 (20.16%), the Guraghe 16,148 (4.72%), the Tigre 4,204 (1.23%), the Harari 3,691 (1.08%).¹²⁵

A number of Ethiopian Languages including Oromiffa, Amharic, Somali, Guragigna, Tigrigna, Harari, etc. are widely spoken by the people from the various nations and nationalities living in the City Administration. Amharic is used as a working language in the city Administration. Arabic also serves as a medium of communication in some sectors of the city. The presence of conducive environments like similarity in lifestyles, closeness and friendship among the people of the city can be a good opportunity to build unity. As a result of this, nearly all the people living especially in the central and eastern sections of the city are able to speak two or more

¹²³*Ibid.*

¹²⁴Dire Dawa Administration problem identification and need assessment,2003.

¹²⁵CSA. (2010), The 2007 Population and Housing Census of Ethiopia (Dire Dawa Volume). Addis Ababa: Central Statistical Authority (CSA).

languages. The predominant religions practiced in the region are Islam and Christianity. However, we can find people from other religious groups like Hindu and the like.¹²⁶

The inhabitants of the administrative council engaged in different economic activities to sustain their livelihood. And hence, the main economic activities include agriculture, trade and industry. The diverse agro-ecological nature of the area allows the society to produce different types of crops and possess different types of animals. So, the rural inhabitants carried out farming as well as the pastoral activity side by side.¹²⁷

4.2. Evolusion of Dire Dawa from foundation to 1991: An Oveview

4.2.1. Dire Dawa During the reign of Minilik II(1889-1913)

The urban phenomenon was the most characteristics feature of 20th century in Ethiopia. Although, urbanization was not a new phenomenon in Ethiopia, the first half of the 20th century witnessed the rapid growth of towns. Urbanization in Ethiopia was conditioned by historical factors, with the combination of political factors. In the last 19th century, a number of middle size towns have flourished following the occupation by the armies' of kings. In other words, it was from military garrison ship that most Ethiopian towns developed to their later stage that led them to be identified as "ketemas". Hence, most Ethiopian town followed such trend and owed the political, military and administrative expansion of the Ethiopian empire, but the case of Dire Dawa denotes a little bit different from these trends.¹²⁸

Until the late 19th century, Dire Dawa was just a plain inhabited by pastoralists. People from the plateau of Harar used to come to graze their cattle. Some village existed on the hills around the plains, but no people lived in the area, where today's' Dire Dawa is situated. On March, 1884 Emperor Menilik II granted permission to Mr. Alferd Ilg, a Swiss engineer to build railway line that connects Djibouti with White Nile through Harar and Entoto. In 1896 by the agreement with France to cross the territory of Djibouti Mr.Ilg and Mr. Chenfneux, a French engineer formed a

¹²⁶Booklet prepared by the provisional administration of Dire Dawa Investment Bureau.

¹²⁷Pankhurst, Richard R.K. (1968), An Economic History of Ethiopia, pp. 289–290. Haile Selassie University Press (Addis Ababa),.

¹²⁸Markakis, J. (1974), Ethiopia: Anatomy of a Traditional Polity. Addis Ababa: Oxford University Press.

society called “*Compagnie Imperiale Chemins des fer Ethiopien*”.¹²⁹On October 1897 the company started the construction of the rail way line.

The company of “*Compagnie Imperiale des fer Ethiopien*” engaged in work to link Djibouti with Addis Ababa via Harar, which changed its route after it reached its first terminal in 1902 and this site was named “Addis Harar” or New Harar which was later renamed Dire Dawa.¹³⁰Dire Dawa’s topography made difficult to construct railway route through Harar (which was the earliest city in Eastern part of Ethiopian region) which made in turn to change the place of the first “terminal” to Dire Dawa. In other words, it is historical incidence that played greater role in establishment of the city thereby marking unusual trend of urban development in Ethiopia, because there was sufficient water in the area and also the fact that the plain was big enough and suitable for building the railway yards, repair shops and workshops was the other reason for locating the station at this particular spot.

Moreover, it is conveniently located in that it is almost half way between Djibouti and Addis Ababa while at the same time being at the very foot of the Hararghe Mountains, which makes it close enough to the city of Harar. Dire Dawa, initially unintended result of railway once semi-desert plain full of wild animals has changed in to the second largest urban center of Ethiopia. Thus, Dire Dawa was born due to different factors like the availability of water in its environmental conditions and its topography that attracted the French engineers. Its growth was related to economic and commercial factors and which is largely related to its historical inception due to the construction of the railway line.¹³¹

4.2.2. Dire Dawa under Emperor Hailesillasié Regime (1930-1974)

Before Italian occupation (1930-1936)

Dire Dawa grew rapidly as commerce began to flourish. As early as 1903, Skinner, the head of the first American mission to the kingdom of Ethiopia, wrote, “we had crossed the Ethiopian frontier some time before reaching Dire Dawa but as the town named , first we encounter the

¹²⁹Baldet, Henri. *Urban Study of Dire Dawa*. B.A Thesis, Department of Geography: AAU, 1970.

¹³⁰Bahru Zewde. *A History of Modern Ethiopia, 1855-1991*, 2nd ed. Addis Ababa: Addis Ababa University Press, 2002. :101.

¹³¹Shiferaw Bekele. “The People of Dire Dawa: Towards a Social History (1902-1936).” In *Proceeding of Ethiopian Studies*. Vol. I. Paris, 1994. pp.611-618.

outward and visible signs of the orderly administration. It was to see the evidences of rapid growth and prosperity of this “queen city of the desert” created within twelve months a “boom city” as we should say in America”.¹³² In 1908 the first school was opened to everybody in the city, and the same year St. Lazare printing press was transferred from Harar to Dire Dawa. Dire Dawa was therefore, a place where goods for exportation were stored coming from all over the country. In 1917, when the railway line reached Addis Ababa, Dire Dawa lost some of its commercial importance. But schools and transport facilities were increased, in 1922 a government school and in 1925 a vocational school were opened. In 1928 the road to Harar was built, and in 1929 the first car was brought to the city, it becomes increase in size very rapidly. The “boom city” of the beginning had become a quite urban center, but the great turning point in the development of the city was the Italian occupation.¹³³

During Italian Occupation (1936-1941)

The Italians occupied Dire Dawa in 1936 and the Italians drew master plan for the city and they did much to implement it. Residential areas were built, such as campo Greco or “Greek Camp”, Addis Ketema and Laga Hare. New industries were established, such as the cement and cotton factories. Transportations facilities were greatly improved road to Harar, Addis Ababa and Ayisha were built better. The airport started just before the Italian occupation was completed so that the regular air service was established between different cities. The railway line was run by the French people until 1939, when Italy declared war in the course of the second world war , it was highly used by the Italian.

Dire Dawa has grown from the railway depot to the most essential city with number of industries, and the railway line also offers employment opportunities to a number of peoples who came from every corner of the country. According the present ethnic composition, Dire Dawa denotes descendants of indigenous and foreigners like from Europe, Asia, and African countries.¹³⁴ Dire Dawa serving as the major outlet to Djibouti and being a center of commerce and industries hosts people from different cultural background interact to each other in day-to-day activities.

¹³²Skinner, 1906.

¹³³Supra note 131.pp.613.

¹³⁴Shiferaw, 1982:617.

After Italian Occupation (1941-1940)

In March 1941 the British army captured the town. During British administration the town did not change, on the contrary, with the departure of many foreigners, commercial activities decreased. It took some time for the industrial plants to start again. By 1946, the French workers were back in order to run the railway again, and the Ethiopians were ready to run the government machinery. Since then, there had been great development. A food industry such as an oil factory, a floor mill, a meat production was doubled and a paint factory has recently been opened. Commercial activities have increased too. Vegetables and chat have been added to the export of coffee, pulses and cereals. Educational, Health, transportation and urban services have improved enormously. A master plan drawn in 1967 is becoming a reality.

4.2.3. Dire Dawa Under the Military Derg Regime (1974-1991)

The Ethiopian revolution affected the city in many ways. Starting March 1974, there was some worker unrest; six people were wounded when police opened fire on demonstrating railway men and students on 17 April. Many Europeans, Yemeni Arabs, and Indians left Dire Dawa; the Greek and Armenian churches were eventually closed due to dwindling membership. On 3 February 1975, the Derg announced that the Cotton Company of Ethiopia was among 14 textile enterprises to be fully nationalized. The cement factory was also later nationalized. In August 1976, the entire leadership of the local branch of the teachers' union was sacked for alleged anti-revolutionary activities.¹³⁵

According to Gebru Tareke (2000), the success of the Ethiopian Army in holding Dire Dawa (17–18 August 1977) against the Somali Army was decisive in winning the Ogaden War.¹³⁶ The war led to widespread dislocation of Ethiopia's native Somali population and subsequent repopulation from other areas of the country greatly decreased their importance around Dire Dawa.¹³⁷

¹³⁵Bernhard Lindhal, (2008) "Local History in Ethiopia" Nordic Africa Institute.

¹³⁶Gebru, T. (2000), The Ethiopia-Somalia War of 1977 Revisited, The International Journal of African Historical Studies, Vol.33, No.3, pp.635–667, pp. 645–7.

¹³⁷*Ibid.*

The importance of Dire Dawa as a commercial hub continued after the 1974 revolution. It also emerged as an important centre for the *Chat*¹³⁸ and the contraband trade. In 1989, when the military government created five autonomous and 25 administrative regions, the Dire Dawa autonomous region was established. The region was meant to provide self-administrative structure for the Issa (Somali) and Gurgura clans who are strategically located along the railway and have a historic presence in the city. Under this arrangement, Dire Dawa city became the capital of the much enlarged autonomous region that borrowed its name. This arrangement ended in May 1991 after EPRDF's rise to state power. But in the present ethno-territorial contestations, the fact that the military regime put the city of Dire Dawa in the autonomous region that was created for the Issa and Gurgura and appointed high officials from the two groups is used by the Somali as strong evidence to justify their claim over the city.¹³⁹

4.2.4. Dire Dawa under the Federal System of Ethiopia

In 1991 the highly repressive regime of the Derg was ousted by the revolutionary Tigray People's Liberation Front (TPLF). The Federal Democratic Republic of Ethiopia was established with the TPLF-dominated Ethiopian People's Revolutionary Democratic Front (EPRDF) at its helm. The new EPRDF-led Transitional Government of Ethiopia (TGE) placed high priority on the twin goals of national (re)unification through extending the right of all Ethiopian nationalities to self determination and increasing political and economic pluralism.

To this end, the constitution of the Federal Democratic Republic of Ethiopia (FDRE), art-39¹⁴⁰ assures the "unconditional rights of nations, nationalities, and peoples to self-determination, up to and including the right to secession." On this core self-rule principle, Ethiopian polity was reconstructed into nine member states of the shared federation.¹⁴¹ Besides, Addis Ababa acquired constitutional exceptional status as a federal capital city but should consider "the special interest of the state of Oromia in Addis Ababa arising from the location of Addis Ababa within the state of Oromia, shall be respected".¹⁴²

¹³⁸Chat (*Catha edulis*) is a stimulant plant endemic to the Horn of Africa. It is widely used (chewed) in Ethiopia, Somalia, and Djibouti as a mild stimulant.

¹³⁹Supra note - 12.

¹⁴⁰Constitution of the Federal Democratic Republic of Ethiopia. *Federal Negarit Gazeta*. Proclamation No.1/1995. Addis Ababa; 1995.

¹⁴¹*Ibid.* art-47.

¹⁴²*Ibid.* art- 49.

However, the case of Dire Dawa remained to be controversial between the contending parties on the territorial claim of the city. The city is located between Oromia and Somali regions which made it, since June 1992, a bone of contention between Oromo and Somali political ethnic groups. As a result, Dire Dawa became special administration with direct accountability to the federal government which contradicts the federalist concept of self-rule.

The 1995 Federal Constitution of Ethiopia sets general guiding principles and institutions of managing ethno-linguistic conflicts and diversities of the country. For instance, its preamble opens with “We, the Nations, Nationalities and Peoples of Ethiopia to live together on the basis of equality”.¹⁴³ Moreover, it precisely outlines the necessary criteria for the formation of member states of the Federation—“settlement patterns, language, identity and consent of the people concerned”.¹⁴⁴ It also provides ethno-linguistic groups with the rights and procedures to establish, at any time, their own regional states.¹⁴⁵ More specifically, it defines principles and procedures of resolving border disputes between member States.¹⁴⁶ The institution that is entrusted with resolving inter-regional border conflicts is the House of Federation (HoF). The HoF “shall strive to find solutions to disputes or misunderstandings that may arise between States”¹⁴⁷

The case of Oromia-Somali regional conflict over Dire Dawa persisted outside these constitutional frameworks. The Ethiopian transitional proclamation No. 7/1992 provided for the formation of fourteen regional administrations of the country including Oromia¹⁴⁸ to which Dire Dawa belonged. These transitional regions were transformed into nine member states of the federation in 1995. Soon after the establishment of the regions, the two claimant groups forwarded their claim. According to John Markakis¹⁴⁹, the government first urged the two groups to cease their violent way of claims to the city until its final fate is determined. Tegegne G.E. and Kassahun B (as cited by Milkessa)¹⁵⁰ suggest the establishment of ‘special’

¹⁴³*Ibid.*

¹⁴⁴*Ibid.* art-46.

¹⁴⁵*Ibid.* art-47.

¹⁴⁶*Ibid.* art-48.

¹⁴⁷*Ibid.* art-62.

¹⁴⁸Federal Democratic Republic of Ethiopia. House of People’s Representative. Draft Proposal Presented for the House of People’s Representative (HPR) on the Fate and Legal Personality of Dire Dawa Administration. Addis Ababa; April 2004.

¹⁴⁹Markakis J. ‘Briefing the Somali in the New Ethiopian Political Order.’ *Review of African Political Econo*

¹⁵⁰Tegegne G.E. & Kassahun B. ‘A Literature Review of Decentralization in Ethiopia.’ In Taye Assefa & Tegegne Gebre-Egziabher editors. *Decentralization in Ethiopia*. Addis Ababa: Forum of Social Studies; 2007.

administrative statuses of Dire Dawa and Addis Ababa cities within the decentralization wave of the early 1990s Ethiopia.

All State border disputes shall be settled by agreement of the concerned States. Where the concerned States fail to reach agreement, the House of Federation shall decide such disputes on the basis of settlement patterns and the wishes of the peoples concerned. The House of Federation shall¹⁵¹, within a period of two years, render a final decision on a dispute submitted to it.

Many Oromo-Somali regional border disputes have been settled pursuant to the constitutional procedures. However, the House of Federation did not render final decision to Dire Dawa's issue. In contrary, the House of Peoples' Representative adopted the current Dire Dawa Administration Charter in 2004 as a temporary solution. The charter's¹⁵² preamble states that: Whereas, legal foundation that enables self-administration is necessary to ensure good governance and to expedite development in Dire Dawa city until a lasting solution is secured; it is necessary to confer self-government power on the residents of Dire Dawa and to legally determine the organizational structures and operations of the city in conformity with democratic principles. This temporary charter, which confers self-government power to the residents of the city, clearly determines the relationship arrangements between the city administration and the federal government in the following:

The city administration shall be part of the federal government. The city administration shall be accountable to the federal government. The Ministry of Federal Affairs shall, as an agent of the federal government, follow up the performances of the city administration and shall support the capacity-building undertakings of the city. The city administration shall submit to the Ministry of Federal Affairs annual and periodic reports concerning its plans, budget and the overall status of the city.¹⁵³

This clause openly contradicts the federal constitutional agenda of self-rule granted to nations and nationalities of Ethiopia. which subordinates DDCA to federal government. The provision rather exhibits the classic rigidly-centralized unitary characteristic feature violating the very

¹⁵¹Supra note - 4, art-48.

¹⁵²Federal Democratic Republic of Ethiopia. Dire Dawa Administration Charter Proclamation, Proclamation No.416/2004. *Federal Negarit Gazeta*. Addis Ababa.

¹⁵³ *Ibid.* art-51.

constitutional nomenclature of the Federal Democratic Republic of Ethiopia which provides that “This Constitution establishes a Federal and Democratic State structure”.¹⁵⁴

4.3. Inter-ethnic-relation between the Oromos and Issa Somalis

As history lessons taught us cities were centers where human cultures have reached maturity which laid the foundation for the present urban culture. This is because “...the City is the place where the greatest intensity of human experience, the biggest stores of change, and the significant events of history have been anchored.”¹⁵⁵ The above quoted statement reveals the important place cities have had and continue to have among human societies. Cities were attracting peoples for better life, employment, education, and in general for prosperity, and still are centers of hope for prospect particularly in poor continent and nations like Ethiopia. Therefore, cities use to attract people of different background from different corners of a country.

Among the urban population of Dire Dawa, Oromo, Amhara, and Somali constitute the three groups with larger population size. These ethnic groups are living in a constant contact with each other and with other ethnic groups in each quarter with a relative numerical difference of Amhara, Oromo, or Somali ethnic groups.

The Oromo and Somali ethnic groups are in constant interactions of various forms for long period of time which holds true for other ethnic groups as well. Oromo and Somali have certain common features. That is both speak languages that belong to the Cushitic language family; members of both groups are predominantly Islam. As the Somalis are often referred as agents of Islamization in the eastern section of the country¹⁵⁶, the current religion of the Oromos of eastern Ethiopia might be an indication to constant intergroup social contact. Indicating this intergroup religious relationship Braukamper (1989) noted “...the Somali version of Islam has provided the only available model of Islamic culture for the south eastern Oromo.”¹⁵⁷ Thus, inter ethnic social relationship between the Somali and the Oromo can be inferred to have been going on for centuries, which gave ground for the later multifaceted interaction.

¹⁵⁴Supra note – 4, art-1.

¹⁵⁵William G. Flangan, *Urban Sociology:Images and Structures*,5thed(Boulder,Lanham,New York,Toronto, Plymouth:Rowman and Littlefield Publishers,INC.,2010),p,5

¹⁵⁶Ulrich Braukamper,” The Sanctuary of Shaykh Husayn and the Oromo-Somali Connections in Bale(Ethiopia)” in *Frankfurter Afrikanistische Blatter*(Frankfurt/Main;Nummer 1,1989),p.120.

¹⁵⁷*Ibid.*

Because “city life is understood as a process of adaptation to the environment”,¹⁵⁸ there are daily intergroup interactions at different settings such as in economic, political and social areas. Interaction cannot always show harmony and peace, there are also conflictual interactions. Thus, the cultural practice of each ethnic group built in historical process of both peaceful and conflictual interaction.

Although disputed by the Somalis, the Oromos claim the name of Dire Dawa to have its origin in their language. In their language, depending on the pronunciation of the initial sound of the word, it means either “a plain of medicine” or “a plain of fight”. The two meanings result from the utterance of the initial sound in the word “Dawa” either as voiced, alveolar stop or as its implosive counterpart. That is when the initial sound is uttered with voiced, alveolar stop, it has the meaning “Medicine”; on the other hand, when the initial sound is realized as the implosive counterpart of the first speech sound, it gives a meaning that is equivalent to the English word “fight”.¹⁵⁹ So in both case the meaning of the town reveals Oromo root word with the plain of Medicine being accepted as the meaning of Dire Dawa.

On the other hand the Somalis claim that the first to settle in Dire Dawa were the *Gurgura* Somali who named the city “*Dire Dabwa*” or Dire Dawa which means in Somali language “the place where *Dir* conquered or hit with his spear”.¹⁶⁰ Currently the Gurguras are the Somali clan who speak Afaan Oromo and Somali language. In any case the dispute over the meaning of the word “Dire Dawa” has continued and will continue to be point of debate.

When one sees the report and claim of members of these ethnic groups at a glance regarding their cultural practices in Dire Dawa, it seems quite different and unrelated. But when one examines closely and participate in their actual day to day activities, these two ethnic groups share many practices which appears to be difficult to demarcate which practice goes to which ethnic group. There is continuous interaction between different ethnic groups in Dire Dawa at different settings that gives special feature for Dire Dawa.

The Oromo-Somali interaction has passed through long and interrelated contact with each other and with other ethnic groups living in Dire Dawa. Accordingly, both Oromo and Somali took

¹⁵⁸ Bruhn, G. John. *The Sociology of Community Connections*, 2nd ed. London, New York: Springer Media, 2011.

¹⁵⁹ Supra note-129.

¹⁶⁰ Informants-Somali elders.

some aspect and incorporated it in to their culture through diffusion and acculturation. There are many stances of such aspect. Clothing is one; the Somali Women dressing called “*Dirya*” and “*Gogora*” is identified as the wearing of the Oromo women and even the dressing of Dire Dawa and Eastern Ethiopia. In addition to closer residence between the Oromos and Somalis, they share common place of religion. They intermarry; both attend religious rituals and festivals together. Ethnic diversity may be characterized by positive intergroup interaction and peaceful coexistence or by conflict.

Dire Dawa can be considered as having Plural Society. Plural Society is defined as” a Society combining ethnic contrasts, use of different environmental resources by each group, and the economic interdependence of those groups.”¹⁶¹ More over the environment of any one ethnic group is defined by the presence and activities of other ethnic groups on which it depends. This in other word means, different ethnic groups make their living in different ways and depend on each other’s activities and exchange with one another.¹⁶² Accordingly, the Oromo-Somali ethnic groups in Dire Dawa are highly integrated for a matter of living and, one can realizes this simply by making a tour to different market centers found in different quarters of the city.

In addition, Multiculturalism can also be a reason for peaceful coexistence of the Oromo and Somali ethnic groups in Dire Dawa. By considering the existence of many ethnic groups one can say that Dire Dawa is a land of multicultural society, because in a Multicultural Society” Cultural and religious differences are recognized as legitimate and respected by different groups.”¹⁶³ Dire Dawa also represents places where multiculturalism is seen and practiced because “multiculturalism works best in a Society that promotes free expressions and in which there are many and diverse ethnic groups.”¹⁶⁴ Dire Dawa is known by the out-siders as having open society free to express their ideas openly and freely with-out restriction.

The interaction of different ethnic groups can also be expressed in violent inter-ethnic confrontation. Violent ethnic conflict can be caused by: political, economic, religious, linguistic, cultural, or”racial” factors. The causes include a sense of injustice because of resource

¹⁶¹Conard Phillip Kottak, *Cultural Anthropology*,9th ed.(New York: McGraw-Hill Companies,Inc,2002), at 93.

¹⁶²*Ibid.* at 94.

¹⁶³Supra note -161 ,at 93.

¹⁶⁴Supra note -161, at ,94,95.

distribution, economic or political competition, and reaction to prejudice or discrimination.¹⁶⁵ Since ethnic groups are in constant interaction conflict is natural but there is difference in intensity. The intensity of conflict between Oromo and Somali in the city is not significant. However, there have been areas of contentions revolving around political control. The main center of conflict was claim over the city of Dire Dawa with both groups claiming ownership.

4.4. The `Esayi Dream`, the motive to establish an independent Issa state.

Until its 27 June 1977 independence, Djibouti had been seen by outsiders as just a small stepping-stone of the former French empire which stretched from Senegal on to India and the south Pacific. Most observers gave the country about six month's survival possibility. With a population of about a quarter million and covering a very small land surface about equal to that of the state of Massachusetts, Djibouti had negligible resources and its avocation for independence was unknown.

The immediate political challenge to Djibouti's viability came a few weeks before independence, on 1 June 1977, when partisans of the West Somali Liberation Front (WSLF) destroyed three railway bridges, effectively closing the Djibouti-Addis Ababa railroad for over thirteen months. Although the first skirmishes in the Ogaden between Somali and Ethiopian forces took place February 1977, these actions presaged the Somali army invasion of the Ogaden on 23 July 1977. Within weeks, Somali regular forces and elements of West Somali Liberation Front (WSLF) had occupied Jijiga and were threatening Harrar and Dire Dawa.¹⁶⁶ The failure of a substantial Somali attack Harrar on 23 November 1977 was the turning point in the war; after that, it was all downhill for the Somali forces. The Mogadishu government announced the final withdrawal of its forces from the Ogaden on 9 March 1978, four days after a combined Ethiopian/Cuban force had retaken the strategic lowlands town of Jijiga.

It was during the relatively short period of July-November 1977, that certain influential Issa politicians took the initiative to explore the possibilities of 'Esayi, the establishment of a Somali Issa corridor stretching from Djibouti to Dire Dawa. As the Somali forces swept the then ill-

¹⁶⁵*Ibid.*, 96,97

¹⁶⁶John Markakis, *National and Class Conflict in the Horn of Africa* (Cambridge: Cambridge University Press, 1987), pp. 226-233.

equipped Ethiopian forces before them in the Ogaden, certain representatives accompanied WSLF units in the newly-conquered areas. Entry for the Djiboutian information teams into the war zone was comparatively easy. Mogadishu wanted a greater Djiboutian involvement in the war. There were also many Djiboutians who had been trained in military skills while members of the *Front de Liberation de la Cote des Somalis* (FLCS) and had either volunteered for or were impressed into WSLF units by their Somali army trainers. The Djiboutian representatives discovered several matters of direct interest to the new Djibouti state: (a) the existence of sharp tensions between the WSLF and Mogadishu officials. The WSLF resented especially the actions of Somali political commissars who insisted in asserting Somali Republic control over conquered areas. Particularly galling to the WSLF were incidents in which the Mogadishu officials tore down the WSLF battle flags over captured areas and replaced them with the five-star emblem of the Somali Democratic Republic; and (b) Already aware that their decision not to affiliate with Mogadishu had enraged Somali Republic officials, the Djiboutians saw in Esayi an excellent protection from Mogadishu in the event of a Somali victory in the Ogaden. The representatives returned with heightened concerns about their ethnic family to the south and an attractive option that would contribute to the survival of the new state.

Until events in the Ogaden dashed the dreams of nearly all Somalis in November 1977, the idea that an independent Djibouti could extend protection to the Somali Issa in the corridor roughly following the Djibouti-Ethiopian rail- way through to Dire Dawa was quite enthralling to certain influential Djiboutians. Finally, the dream of ' Esayi would be realized. Djibouti's international status would be enhanced. The mini-state would be considerably larger, although still a mini-state. The addition of such a substantial Somali population would eliminate forever any concerns about the Issa-Afar political balance in Djibouti. Although we are certain that no record of the internal debate over these issues exists, it seems apparent that Djibouti's political leadership recognized the danger of such speculation; the Djibouti government, with rare exception, maintained a neutral position throughout the conflict, calling repeatedly for an end to active hostilities.

The notion of a separate Issa political entity was not a new one. Long considered a marginal group to the overall Somali world, considered by many to be chronic separatists, the Issa had been for hundreds of years on the forward edge of Somali ethnic expansion to the northeast in

the Horn. In the memory of the Afar peoples of Djibouti and Ethiopia is the fact that as recently as 200 years ago, Afar cultural and political influence had extended to Zeila in northern Somalia. One scholar observed of the continuing confrontation between the Somali-Issa and the Afar "that, apart from the language, they seem in customs and mode of life to be more 'Afar than Somali."¹⁶⁷ The Issa peculiarity for acting independently of the other Somali clans was exhibited in the mid-1930s, when they took the part of Ethiopia against the Italians. All other groups except Issa clans collaborated actively with the Italian invader.¹⁶⁸

In 1947, all of the Somali clans in the Ogaden and the Reserved Areas, with the exception of the Issa, petitioned British authorities not to have their lands surrendered to Ethiopia.¹⁶⁹ The departure from the Horn of the British, who were never thought to be sympathetic to the Issa, offered an opportunity for the Issa to again pursue their independent track. Issa clan leaders met in Zeila in September 1960 and called for the establishment of an Issa state."¹⁷⁰ The results of this earlier declaration, combined with the nationalist ideas launched by Mahmoud Harbi in the 1950s, caused the French administration of French Somaliland to install Afar-based administrations during the period 1960-1976. The sense of separatism and independence which characterizes Issa culture also explains why it was relatively easy for the Djibouti government to resist the entreaties of those who would have had the country join with the Somali Democratic Republic.

4.5. Competing visions over Dire Dawa: The contention between OLF and IGLF.

Available sources on the post-1991 Dire Dawa politics identify contending but interlinked factors that whet the appetite of the federal government to the city, chiefly including regional territorial conflicts over it, its geopolitical importance, its economic muscle and multi-ethnicity. The relationships among political organizations in Dire Dawa in the transitional period were full of collusions and collisions which were dictated by their political interests. There were violent political conflicts among these parties. Firstly, political conflict occurred between the Oromo Liberation Front

¹⁶⁷J. Spencer Trimingham *Islam in Ethiopia* (London: Frank Cass, 1952), 210.

¹⁶⁸ *Ibid.*

¹⁶⁹I.M. Lewis, *A Modern History of Somalia: Nation and State in the Horn of Africa*, revised edition (New York: Longman's 1980), 130

¹⁷⁰Saadia Touval, *Somali Nationalism: International Politics and the Drive for Unity in the Horn of Africa* (Cambridge: Harvard University Press, 1963), 128-129.

(OLF) and Islamic Front for the Liberation of Oromia (IFLO) in which the EPRDF tactically formed temporary alliance with the latter and provided assistances against the former.¹⁷¹ Because of the prevailing leadership disagreement between the IFLO and OLF, the former benefited from the EPRDF in terms of finance, material, office and firearms¹⁷²

Secondly, the OPDO/EPRDF and the OLF conducted armed confrontation three times in the city that resulted in the killings of Oromos and, hence, the OLF stayed in the city only up to the 1992 regional and national elections of the Transitional Government of Ethiopia which let the EPRDF become the sole party in the city administration. Thirdly, after the withdrawal of the OLF from the city, the next step for the EPRDF strategy of stabilization was either to disarm, co-opt or expel major political organizations in the city one after the other. Accordingly, the EPRDF conducted brief operation against IFLO and made it disappeared.

The fourth military confrontation was between the EPRDF and Issa and Gurgura Liberation Front (IGLF) which was considered the sole major conflict in the city since 1991. The IGLF gained remnants of Dargue weaponries and personnel from Hurso and Cuba military camps, and also underground war aids from Djibouti to fight against the EPRDF which resulted in the defeat of the former. Following this incident, the EPRDF called upon all Somalis in Ethiopia and helped them form an affiliate Somali political party, Ethiopian Somali League Party (ESLP) which then became Somali People's Democratic Party (SPDP) for which reason the IGLF was dissolved. Very recently, the term 'Ethiopian' was attached to Somali People's Democratic Party as a prefix to make it ESPDP.

In general, the conflict between the EPRDF and IGLF changed into cooperation with the establishment of SPDP in 1996; and later on Ogaden also joined the party. With the formation of SPDP as affiliate party to the EPRDF, the OPDO office got closed in Dire Dawa until the EPRDF Committee office was re-opened in the late 2006. Fifthly, there were also other military confrontations between IFLO and IGLF on Malka Jabdu; and finally, the rest of political organizations in Dire Dawa either disappeared or co-opted with the strong hold of the sole EPRDF military force in the city administration by the end of the Transitional Government of Ethiopia.

¹⁷¹Supra note -12.

¹⁷²*Ibid.*

Since 1991, therefore, the nature and cause of the conflicts in and around the city administration, particularly that of Somali-Oromo conflicts have been transformed into territorial and ethnic conflicts. Earlier conflicts between them were caused by scarce economic resources such as camel robbery, access to water and pasturelands, and others. According to the charter of Dire Dawa¹⁷³, the territorial dispute over Dire Dawa Administration between Oromia and Somali regions is the sole reason for central intervention and its attendant special arrangements since 1993.

For this reason, Dire Dawa people were kept from exercising their local voting rights from 1992 up to 2008. The conflicting interests over the city could have been determined by the proclamation No. 7/1992 or later by the HoF. After the 1992 regional election in Somali Region, the Somalis were concerned About the fate of the city and even “the newly elected representatives attended a seminar in Dire Dawa, the presumed capital of the Somali Region, organized by the Transitional Government”¹⁷⁴ to discuss unity among Somali parties.

Subsequently, according to government officials, the Oromo demanded the city to remain in Oromia while the Somali advanced that the city be part of Somali Region. The rivalry resulted in Oromo-Somali inter-ethnic fierce competition for power in the city.

Negotiating Ethnic Decentralization in Dire Dawa

The post-1991 political reforms unleashed a multifaceted process of negotiation among several competing actors including the federal government, the Oromia and Somali regions, and the different groups within the city.¹⁷⁵ As it is discussed in the previous section, because of the geographical location of Dire Dawa, which is in between Somali and Oromia regions, and its historical tie with the two ethnic groups, the claim over the city on the basis of ethnic territoriality has been instigated. While their claims are exclusive, both contend that the territory on which the city was established at the turn of the twentieth century belonged to their clans. These exclusivist claims and counter claims at the beginning of the 1990s led to violent conflicts between several Oromo and Somali armed groups within the city and its vicinities. In 1993,

¹⁷³Supra note -152.

¹⁷⁴Samatar A. ‘Ethiopian Ethnic Federalism and Regional Autonomy: The Somali Test.’ *Bildhaan: An International Journal of Somali Studies*. 5(9); 2005.pp-52.

¹⁷⁵Supra note -12.

when the new Somali regional state was established, it sought to make Dire Dawa its capitl.¹⁷⁶ This move was opposed by the Oromia region. The federal government as a way of preventing territorial conflict between the two regions brought Dire Dawa under its control. It, however, allowed the Somali and the Oromo to be the major players in the administration of the city through the Oromo People' Democratic Organization (OPDO) which is a member of the EPRDF and the EPRDF affiliated Somali People' Democratic Party (SPDP). The Oromo and Somali political elites use local government structures and political parties as negotiating instruments to exert their influence and control over the city. In this environment, ethnicity has been the major issue on which basis elites have mobilized the people and on which positions regarding political questions have been taken.¹⁷⁷

Negotiating the governance of multi-ethnic Dire Dawa

Ethnic decentralization led to the (re)negotiation of pre-existing inter-clan and interethnic relationships. On the one hand, the identity of the city itself became a subject of contestation. In order to bolster their territorial claim both the Oromia and Somali regions, among other things, used real or imagined narratives and the presence of Oromo and Somali place names within the city. On the other hand, how Somali and Oromo clans in Dire Dawa and its surroundings relate themselves to the wider Oromo and Somali ethnicities, or for that matter ethno-nationalist projects, became an important point of controversy. For the Issa, when ethnic decentralization put in motion the process of negotiating identities, the question of joining the Somali region became somewhat straightforward. In the new federal setting, the Issa are engaged in the negotiation of power at two levels. First, they became key players in the politics of Dire Dawa. The city is symbolically important as it serves the seat of the traditional Issa council and the Ugaz (traditional leader).

Second, as one of the largest clans in the new Ethiopian Somali region, the Issa have an important stake in the fluid politics of the region. In addition, as their co-clansmen and women are found and play dominant roles in the politics of the neighboring Djibouti republic, they have international clout.

¹⁷⁶Supra note -174.

¹⁷⁷Vaughan, Sarah. "Ethnicity and Power in Ethiopia." Ph.D Dissertation: The University of Edinburgh, 2003. pp.43-71

In an attempt to give a coherent voice to the different Oromo groups within Dire Dawa and thereby counterbalance the Issa, a new Oromo council of elders was established in 2004 under the behest of the OPDO/EPRDF. The new council was deliberately named gadda¹⁷⁸ in order to give it prominence by making a link with the venerable traditional governance institution of the Oromo. But the gadda tradition, because of a number of interrelated factors such as the rise of Islam, was non-existent in the Harar/Dire Dawa region for hundreds of years. Both the Issa and the newly established Oromo elders' council have easy access to government offices. The government uses the traditional institutions to mobilize and control the communities, while they are used by the community and their elite to bring their concerns to the government. Some of the members of the (traditional) councils are members of the city council, showing the mixing of formal and informal institutions.

The issue of fitting into the new ethno-federal structure became controversial to the Gurgura because they share both Somali and Oromo identities. They by-and-large speak Affan Orom (Oromo language), while they trace their genealogy to Somali (Dir Somali clan family). In the ethnic frontiers of the Oromo and the Somali where there have been cultural and linguistic interactions at least since the sixteenth century,¹⁷⁹ there are several clans like the Gurgura with shared Somali and Oromo identities. In the context of Dire Dawa, the ethnic identity of the Gurgura became contentious as their decision to join one of the larger ethnicities could have implications on the quest of the two regions to have control over Dire Dawa. Both the Oromo and the Somali protagonists use their own narratives to bring the Gurgura to their side. But on the ground, to the dislike of the Oromo, many prominent Gurgura, including traditional leaders, have identified themselves as Somali. This is despite the fact that some among the Somali doubt the authenticity of Gurgura Somali identity.¹⁸⁰

Overall, ethnic decentralization brought pressure on groups like the Gurgura who have mixed identities. The requirement that they should either identify with the Oromo or the Somali unnecessarily tears apart their historic associations with the two groups and could breed conflict.

¹⁷⁸The gadda could be described as an egalitarian socio-political organization based on age-groups (see Asmarom, 1973).

¹⁷⁹Caulk, R. (1977), Hara'r Town and Its Neighbours in the Nineteenth Century, *The Journal of African History*, Vol.18, No.3, pp.369–386.

¹⁸⁰Zarowsky, C. (2001), *Refugee Lives and the Politics of Suffering in Somali Ethiopia*. PhD Thesis, McGill University, pp-23.

4.6. Implication of the Socio-Political Dynamics, Before 1991 in Dire Dawa and its Surrounding Localities.

Another factor that affects the situation in DDCA is the center-periphery relationship and the successive regimes state building strategy. As it can be seen in the previous sections the city has passed through several structural stages and forms. There were lots of restructurings according to the policy of each government at the center. Before Dire Dawa was chosen as the site for the construction of the rail way camp, it was a grazing area which was bordered by Oromos, Somalis (Issa) and Afar clans. But the afar clans were pushed further due the historic west ward expansion of the Issa.¹⁸¹ Thus the administration of land before the inception of dire Dawa was not different from other pastoralist areas in the region. It is clear that these people administer their land in their customary law of a clan or jointly with other clans.

As a result of the expansionist war of King Minilik to South, South West and South East, vast territories were included to his rule. The land of different clans of these conquest areas was then made under the control of the monarch and had been redistributed to the favorites and supporters of the king in due time. In any case, the land remained under imperial control. However, the situation in Dire Dawa was a little bit different. The city was founded in 1902. In its formative years, the administration of the city was controlled by the French rail way company because of the agreement between the government of Minilik and the company (1908 concession) in relation to land administration. Municipal authority was transferred to the Ethiopian government in 1926.¹⁸²

In Hailesillase era, land was not regarded as the collective property of the people rather it was directly subjected to the Emperor. For example, the 1955 Revised Constitution determined that pastoral territory, referred to as *zelan* land, was state property.¹⁸³ Article 130 of the 1955 Constitution holds that “all property not held in the name of any person, natural and juridical, including all land in escheat, and all abandoned properties, as well as all forests and grazing

¹⁸¹Supra note -17.

¹⁸²Getahun M. (1997), Dire Dawa, 1941–1974: An Institutional History. MA Thesis in History, Addis Ababa University.

¹⁸³Yacob Arsano. 2000. *Pastoralism in Ethiopia: The Issues of Viability*. Paper presented at the National Conference on Pastoral Development in Ethiopia, Addis Abeba, Ethiopia, 2 February 2000. Available from Tobias Hagmann.

lands” are state domain. On the basis of this, much of the land utilized by pastoralists in the country fell under state domain.

However, the position and treatment of Dire Dawa in the highly centralized regime of Hailesillase was quite different from the policy it followed over the area. The city was highly centralized and tightly controlled by the Emperor. Especially since 1946, the Ethiopians were ready to run the city. Well educated managers were directly appointed to the city from the center. The emperor went in controlling the affairs of the city. “There were a good number of letters written by either Astatke or Yeshah Wured to Hailesillase on things that were not so important at the level of a head of state”.¹⁸⁴ This vividly shows that the position of Dire Dawa was not the same as with the peripheries in the pastoralist region around the city.

The age old conflict between Issa/Somalis and Afar ethnic groups greatly influenced the structure of the local administrations. Since 1944 Dire Dawa was under Harar governorate General, therefore, the “mayor” of the city had to report both for the governorate and the Emperor. As part of the effort to bring a lasting solution for the conflict, in the aim of separating the two ethnic groups and to stop the expansionist movement of the Issa/Somalis, a new Awuraja was established, Dire Dawa, Issa and Gurgura Awuraja with capital Dire Dawa. The Issas were not satisfied and planned to attack the rail way and bridge. Therefore, the situation around the city forced the Emperor to follow up every action of the city, as the city and the whole region is the only out let to the rest of the world (especially before the incorporation of Eritrea to Ethiopia through federation. Starting from the 1960s, the process of building a centralized state began to face challenges from different corners of the country.¹⁸⁵ During the 1960s and 1970s, Ethiopian opposition politics was dominated by questions of ‘land’ and the ‘nationalities’ problem.¹⁸⁶

When Derg controlled the center power after the overthrow of the Emperor by the popular revolution in 1974, the land question was addressed by the radical 1975 law that nationalized land. The issue of nationalities was, however, redefined as ‘national/ethnic self-determination’ and continued to grapple Ethiopian politics. The military regime formally recognized the right of

¹⁸⁴Shiferaw B. (1989), *Aspects of the History of Dire Dawa (1902–1936)*, Proceedings of the Fourth Seminar of the Department of History. Addis Ababa: Addis Ababa University.

¹⁸⁵ Supra note – 166.

¹⁸⁶ Balsvik, R. R. (2005), *Haile Selassie’s Students: The Intellectual and Social Background to Revolution, 1952–1974*. Addis Ababa: Addis Ababa University Press.

self-determination in 1976 and reorganized the internal administration of the country in 1989.¹⁸⁷ The country was divided into twenty-four administrative regions and five autonomous regions.¹⁸⁸ As many scholars have noted, the granting of autonomous status to the five regions that were highly affected by ethnic insurgencies was driven more by political exigencies than a genuine commitment to decentralization.¹⁸⁹ Likewise, although the Constitution was supposed to create regional administrations with their own independent *shengos* and executive committees, in reality, “there was no meaningful political and ethnic autonomy” enjoyed by these local governments.¹⁸⁹ Among the five autonomous regions, Dire Dawa City was one of them which incorporated large area that is today called Sitti Zone in Somali region. This government structure was used by the Somalis as evidence to strengthen their claim over the city.

As we can see from the discussion, because of the highly centralized tendency of Emperors and Derg with regard to land administration, The Urban and rural land were centralized, property of the Emperors in both Minilik and Hailesillasié era and Nationalized in Derg era. Dire Dawa was tightly controlled by each regime because of its economic importance and strategic position as the outlet in which Ethiopia can connect with the rest of the world. Thus it is possible to argue that the contention over the claim of Dire Dawa is part and parcel of the age old competition among pastoralists around the area for controlling resources and also part of the old dream of having Issa territory that stretches from Awash to Djibouti including Dire Dawa. In 1991 when the country is reorganized along ethnic groups the age old contention has got a flesh of ethnic political entity including other actors, regional governments.

Conclusion

It seems difficult for any one from any of the two ethnic groups to accept Dire Dawa as autonomous unit separating from their “mother” state. Many people from the contending ethnic groups still think that since the very existence of the City is temporary then they believe that it can be their own at any given time in the future.

¹⁸⁷ PMAC 1976: Part 2.

¹⁸⁸ Clapham 1988; Kassahun 2009; Keller 1988; Meheret 2002.

¹⁸⁹ Brietzke, Paul, Ethiopia’s Leap in the Dark: Federalism and Self Determination in the New Constitution, 39 J.AFR.L 1, 30 (1995), at 20.

The social fabric interwoven for centuries resulted with a blending of cultures and developed common cultural identity that transcend any specific culture of ethnic groups. The development of such unique kind of common characteristics contributed a lot in minimizing the tension and the frequency and intensity of the conflict. However, one can wonder why different forms of conflicts are occurring? Who are the main actors behind the problem? As we can see from the whole chapter, we can observe some points which have direct or indirect relation with the questions raised.

Firstly, the old legacy of Mahmoud Harbi, the motive of the establishment of an Issa state has direct and strong effect on the interaction of Issa and other ethnic groups in Dire Dawa and on the claim of Dire Dawa as well. This old legacy still manifests itself in a number of ways. For instance, for several years the clan leader of the Issa/Somali clan resides in Dire Dawa. As they did everywhere they have clashes either with Oromo or Afar ethnic groups, they have developed their own definition of the term Dire Dawa in their language.

Secondly, the position and treatment of Dire Dawa in each successive highly centralized regime (1902-1991) was quite different from the policy these regimes followed over the area. The city was highly centralized tightly controlled by the Emperors this is because the city`s economic potential and the geographic strategic position as the out let to the other parts of the world. For example, The Issa/Somalis used their geo-political position and their decisive position both in the newly established Somali region and in the neighboring country Djibouti to influence on the policy of each regime not only for Dire Dawa but also for the whole region from awash to Djibouti.

From the discussion throughout the whole section, we have observed that in the history of the relationship among different ethnic groups in Dire Dawa, strong common cultural identity had been evolved. However, since 1991, because of the introduction of ethnic territoriality in the country, the city became the contentious place where different actors contend each other for their diverse interests. It is more devastative that a lot of new actors are proliferated with their own interests. The usual competition for the control of scarce pasture and water has been changed to territorial and ethnic conflict which is wrapped with ethnic political competition to control the City.

CHAPTER FIVE

IGR BETWEEN DIRE DAWA AND ITS SURROUNDING LOCAL ADMINISTRATIONS

5.1. Introduction

Based on the data collected from primary and secondary sources and my personal observation this chapter deals with the major findings obtained. The chapter has five sections; the first section dwells on the structure of IGR in DDCA and its neighboring localities. The second section deals with the nature of the IGR exist between DDCA and its neighboring localities. The third section describes the determinant factors that shape the structure of the IGR. The last section deals with IGRs in the management of land in and around the City. In this section key actors that are involved directly or indirectly in the land administration and the degree of institutionalization of the existing IGR have been discussed.

5.2. The structure of IGR between Dire Dawa and its surrounding local administrations

As already indicated in chapter two, there are four categories of IGR structure. However, for the purpose of this research the “inter-jurisdictional” IGR structure has been utilized to analyze the structure of IGR between DDCA and its neighboring localities. Before dealing with the structure of IGR, it is better to identify the place and position of DDCA in the structure of the Ethiopian federal system.

Most of the younger federations established a distinctive tier of government with its own powers and functions, whether two tiered or three. In most of them local governments especially urban local governments are constitutional entities. According to which they establish the relationship with, their relationship is said to be horizontal or vertical. Most of the respondents underscore that they are not clear about the exact position of DDCA. An informant from Shinile zone said “when we seek a relationship to solve certain issues with the officials of DDCA, they usually reject our request if they think that they would loss in the negotiation or if they consider the agenda is irrelevant in their side to be discussed. The informant also said that the officials of

DDCA are not sometimes willing to communicate with them because the officials think that they best fit with the region in the horizontal relation.”¹⁹⁰

In this regard the proclamation of DDCA in art 51 (1), states that the city administration shall be part of the federal government.¹⁹¹ In art 52 (1), it also states that the city administration may establish relations with other cities and regions at home as well as cities abroad.¹⁹² As we can see from the provisions in the articles the status of the city is not explicitly stated. Do the terms “part of the federal government and “accountable to the federal government” imply that DDCA is federal in status, equivalent in status with regions, zones or weredas? The answer is no. The notion of the phrases is ambiguous and subject to personal judgement. Of course, there are some provisions which make DDCA differ from other cities, zones and weredas rather it gives the feature of region. For example, Art 9(1) states that the city administration shall issue and implement policies, proclamations and regulations as well as adopt economic and social development plans concerning the development of the city.¹⁹³

The informal relations so far have been instigated by the federal government or because of the strong “democratic centralism” principle of EPRDF and its affiliated parties. The scope and depth of the relationship is not as expected to be. Peace and security, border demarcation and contraband controlling and human trafficking are among the areas of interaction. With out in part-9, art - 51 and 52,¹⁹⁴ there is no other law, proclamation or regulation that deals with IGR.

The practice of interaction between DDCA and its neighboring local administration is characterized by weak in its institutionalization. There is no an independent institution which is responsible to translate the provisions in to effect and facilitates, guides and controls the interaction of the city`s governmental structures among themselves and with other external relations with in the country and out. However, there is a core process organized under the office of the mayor. It`s responsibility, according to the process owner, is coordinating international

¹⁹⁰Interview with the deputy chair person of sitti zonal administration, Ato Abdishikur Adem Farah, March 9, 2017,Dire Dawa.

¹⁹¹Federal Democratic Republic of Ethiopia. Dire Dawa Administration Charter Proclamation, Proclamation No.416/2004. *Federal Negarit Gazeta*. Addis Ababa, art- 51(1).

¹⁹² *Ibid.* art-52(1).

¹⁹³ *Ibid.* art-9(1).

¹⁹⁴ *Ibid.* part-9, art-51 & 52.

sister-city relation worldwide.¹⁹⁵ The informant added that without certain ad hoc forums intended to attain specific goals, there were no formal interactions established with any of the neighboring localities. The same is true in formulating relevant rules, regulations and policies in the structure of the government that are helpful for smooth interaction among them and with external bodies.

However, according to other informants from the Dire Dawa council and the mayor`s office¹⁹⁶, there are informal interactions in several areas. For example, Dire Dawa has collaboration with Harari region in water supply. Residents of some areas of rural kebeles of Dire Dawa where they are bordered with Oromia region seldom experience personal conflicts among individual farmers. Such instances are usually treated by local/kebele leaders. They also added that there are also various informal relations between DDCA and Sitti Zone of Somali region. For instance, they resolved the land conflict in collaboration; they have also some forms of forums that are established to deal with certain issues as security, human trafficking, contraband trade, border demarcation and so on.

5.3. Issues of IGR between DDCA and its Surrounding Local Administrations

Diversity

Intergovernmental relation is one of the fundamental features of modern federations. It`s used as a plat form where all actors come together and consult, cooperate, negotiate, share experiences, and mobilize resources and so on. As Dire Dawa is transportation and commercial hub linking the Ethiopian hinter land with the coast and the city that has ample industrialization opportunity in the region, the City is inevitably connected to its neighborhoods. There are several factors which necessitate IGR between DDCA and its surrounding local administrations.¹⁹⁷ These range of factors comprise: diversity, land, experience sharing and joint planning policy, environmental conservation and dispute resolution.

¹⁹⁵ Interview with Inland and abroad relation core process owner, Ato Amanuel Fissiha, March,2017, Dire Dawa.

¹⁹⁶ Interview with Ato Teferi Fekade, and Ato Sebsibe Mekonen, March 6 & 7, Dire Dawa

¹⁹⁷ The information is compiled by the researcher from the interview made both at Dire Dawa and Shinile.

First, the federal constitution of Ethiopia in its preamble describes the Ethiopian people agreed to live as one economic community in order to create sustainable and mutually supportive conditions, in its Article –5 states the equality of all languages, Article -8 states the sovereign power resides in the nations, nationalities and peoples of Ethiopia, Article-39 –self determination of people and Article -43 states the right to development.¹⁹⁸ Moreover, as the objective of any political arrangement is to serve the interests of its people, it is necessary to act cooperatively with others and respect the distinctive identity of others.

As the articles discussed above show, people always have diversified interests and aspirations due to their distinctive identities. According to an informant from Housing Development office of Dire Dawa¹⁹⁹, any constituent unit in a multi-ethnic federal structure should have room to entertain these identities. Any form of governmental interaction should respect this bed rock principle. Dire Dawa is home to several identities and surrounded by different clans of Oromo and Somali ethnic groups. Thus the City administration should not only respect the identities of its residents but also the identities of the people in its neighboring localities.

Based on the data collected, most of the informants underscore that the operation of the city administration so far is encouraging but is not as such impressive²⁰⁰. Though the official working language is Amharic²⁰¹, for the purpose of being accommodative, it is not as such difficult to open Oromifa and Somali language schools, since there is a strong concern in the two societies. This still have positive effect in the interaction of the DDCA with the neighboring localities which has an immense usage in building common concern in the long run. They also described that there is no institution that is responsible for enhancing and cultivating the common cultures of the various ethnic groups in the city. Such institutions are pivotal in creating an opportunity to know one another deeply, to avoid prejudice and suspicion, to develop mutual trust and respect at the end of the day attaining the aim of the preamble of the constitution²⁰².

¹⁹⁸Supra note - 140, preamble, art-5,8, 39 and art-43.

¹⁹⁹ Interview with Head of housing development bureau of DDCA, Ato Gezahegn Tadiyos, March 8,2017, Dire Dawa.

²⁰⁰Interview with Ato Teferi Fekade, Ato Sebsibe Mekonen and Gezahegn Tadiyos, March 6,7and 8, Dire Dawa.

²⁰¹Supra note- 152.

²⁰² Supra note-199.

Environmental Conservation

In 20th century, the agenda of environmental conservation becomes one of the burning issue in any development endeavor in developed or developing countries of the world. This global agenda is among one of the points of negotiation in IGR. For example, as cities expand to the neighboring localities, environmental hazards like flooding, land slide, pollution of rivers and ground water table are consequently occurred due to unplanned use of land, the expansion of slums, and absence of proper waste disposal system and so on.

The city of Dire Dawa, as a lot of researches prevailed that flooding, air pollution, and land slide are among the hazards. In 2006, for example, people who live at the bank of river *Detchatu*²⁰³ were victims of flooding. A research done on the social impact of 2006 flooding found out that the total estimated loss of capital in the flooding was 17,146,493 birr, 256 people lost their life, 244 missing, 9,956 people displaced.²⁰⁴ According to kebele leaders from both kebeles of Dire Dawa and Oromia after the severe damage of 2006 flooding there hasn't been any joint effort as afforestation water shade management and overall soil conservation mechanisms to tackle the problem.

The early warning system to avoid any possible danger from the residents of the upper stream to their relatives in the downstream during elongated heavy rain is very weak if at all doesn't exist. However, as part of the country wide initiative for the natural resource conservation especially soil conservation and the age old practice of the people in the area, both DDCA and the Oromia region kebeles carryout soil conservation at the upper stream that can reduce if not avoid the danger in the downstream, especially in Dire Dawa. This unilateral effort of DDCA and Oromia region hasn't been organized so far.

The strengths of this relation are: (a) both parts are carrying out soil conservation to minimize flooding and to conserve the natural resources, (b) the kebele leaders and the community in both parts have relatively good knowledge about flooding and its causes and measures to be taken, and (c) there is positive and collaborative relation of the kebele leaders is an important step for the future collaborative initiative in this respect.

²⁰³ Detchatu is seasonal river that cross the city from south to north.

²⁰⁴Yonas Tadesse (2015),Flash Flood Hazard in Dire Dawa, Ethiopia, Journal of social Science and Humanities,vol.1,No.4,pp, 400-414.

Whereas, among the weaknesses, (i) the absence of joint planning of the entire catchment, (ii) the absence of an institution that is responsible in coordinating the efforts of both parties in establishing common and harmonious planning and implementation process, and (iii) the shortage of budget and trained manpower for the sector is also another challenge.

Air pollution is another danger especially for people who live at the fringe of the city where most of the cement factories are situated. These can be an important area of cooperation that benefits both parties. So far there is no significant tie, whether formal or informal, to tackle the flooding problem between Oromia and DDCA without carrying out their part of the job unilaterally.

Dispute resolution

Dispute is inevitable when spheres of governments carry out their responsibility to satisfy the needs of their residents. The question here should be whether there is a mechanism or not that helps different actors to negotiate debate and decide on disputable issues. There are a number of disputable issues between DDCA and its neighboring localities. For instance, before the border demarcation, there was frequent dispute in the border of DDCA and shinile wereda of Somali region.

As an informant underscores²⁰⁵, even though there was no formal IGR system between them, they managed to settle the problem by creating *ad hoc* committee. This informal relation can be used as a spring board to establish a formal institution that facilitates their relation. Actually the political parties (EPRDF, OPDO & ESPDP) have played important role in the process of negotiation. The informants further added that the federal representative who chaired the negotiation was not from any federal executive body rather he was a political appointee to settle the problem. The effort that we observed is informal in one hand and a federal imposed in other hand.

Experience Sharing

Constituents in a federation do not naturally have similar capacities and performances. The weakness or strength of a given constituent unit may have a spillover effect on the other. So it is

²⁰⁵ Interview with Mayor`s special advisor on legal and administrative affairs, Ato Sebsibe Mekonen, March 7,2017, Dire Dawa, & Urban Plan Data preparation core process owner in land management office head, Tahir Zuber, March 9, 2017.

impossible for any sphere of government to set itself aside behind a closed door. Between Dire Dawa and the neighboring localities, there are a number of forums in which each participates for achieving common goals.

For example, According to information from informant from DDCA council²⁰⁶ the joint committee of peace and security is a model forum which is used as a common platform to tackle problems of peace & security, contraband trade, terrorism, human trafficking and so on. Such platforms are useful for experience sharing and capacity building. This forum has common plan, common resource mobilization mechanism, information sharing. Unfortunately, according to an informant from Sitti Zone²⁰⁷, it is established and coordinated by the federal government. It is usually chaired by representatives from the federal government.

5.4.IGRs in the management of land in and around the city of Dire Dawa

Territorially DDCA is bordered with Somali region in both urban and rural kebeles. However, it is bordered with Oromia region with its rural kebeles. According to land management bureau of DDCA, the land of the city administration is administered by two bureaus, the urban land by Urban land management bureau and the rural one by agricultural and rural development bureau.²⁰⁸ As land related policies are formulated at federal level²⁰⁹ the responsibility of the city remains to be the administration part only. Several land related issues are treated in accordance with the relevant laws. Since the urban land law is different from the rural land law, in most cases clashes occur between private land owners of the rural residents and the city administration.²¹⁰ The other challenge related to land is the border dispute between the shinile wereda of Somali region and the DDCA.

The City Administration in seeking the solution for these two problems, according to urban land management bureau of DDCA,²¹¹ the internal land crisis is treated by combining the rural and urban land laws as a short term solution and revising the existing structural plan of the city as a long term plan aiming at expanding the territory of the urban area to the neighboring rural

²⁰⁶Interview with Law formulation and control process owner in the office of DDCA Council, Ato Teferi Fekade, March 6, 2017.

²⁰⁷Interview with head of the SPDP in Sitti Zone, Abdi Ummer, March 10, 2017, Dire Dawa.

²⁰⁸Interview with Ato Tahir Zuber, Urban Plan Data Preparation Core process owner, March, 2017, Dire Dawa.

²⁰⁹See articles 51 (5) and article 52 (2d) of FDRE constitution.

²¹⁰Interview with Ato Tahir Zuber, Urban Plan Data Preparation Core process owner, March, 2017, Dire Dawa.

²¹¹ *Ibid.*

administrations of the city itself. If we carefully see the experience so far, this problem can be resolved as far as the city council approves the new plan.

However, the major problem that posed a great challenge for the future development of the city and the region at large is the conflict between Shinile and DDCA. In 2014 an ad hoc committee was formed aiming at finding solution on ending the conflict and to suggest ways of strengthening the relationship and cooperation. The committee collected relevant data from the society and governmental institutions and came up with a solution. The higher officials of DDCA and the Somali region with a little reshaping ratified the demarcation solution forwarded on May, 2015.²¹² However, the main issue that has to be noted here is the demarcation solution is good in ending the controversy but nothing has been done in their future relation especially in land management.

The last important point to be raised here is that an institution which is responsible for managing land at federal, regional and local levels has not been established yet. The task of administering land is scattered across several sectors as urban land use and management bureau, small and medium enterprise bureau, house development agency, agriculture and urban development bureau. The case of Dire Dawa and its localities is not different from this. There is no any institution that facilitates the use and management of land in each locality.

5.4.1. Key Actor in management of land between the City of Dire Dawa and its neighborhoods.

Land is one of the very unique resources for socio-economic and cultural development. It is equally a key driver of conflict if it is not properly used and managed. Land is an important resource all over Ethiopia more essentially in Dire Dawa, since it has a bright future in development, trade and investment due to its strategic position and the newly constructed train line and international air port. Dire dawa is selected as special industrial zone of eastern region by the federal government and planned to construct Industrial Park.²¹³ For this reason investment will flow to the city. Therefore, the need to prepare enough land and the management of the land in the city and its neighboring local administrations is viable. As discussed previously, the land

²¹² Minute of the meeting of Higher Officials of DDCA and Somali Region, May,2015, Dire Dawa.

²¹³ PM Hailemariam Desalegn put bed rock to construct Industrial park.

management system in the city and its neighboring localities is very weak and vulnerable to corruption and illegal land transactions. Key actors involved in land management in the city and its neighbors are indigenous people (farmers, pastoralists), brokers, higher officials, local political entrepreneurs and government.²¹⁴

Indigenous people (farmers, pastoralists)

The people who live in the neighboring local administrations are mostly pastoralists, agro-pastoralists and farmers in the city's rural kebeles. As the information obtained from the interview²¹⁵, as the urban area expands to their localities they invade communal and vacant lands with other invaders. These people believe that the land in their locality is their ancestral land; therefore, they consider themselves as legitimate and rightful owners of the land. The land they get by invading sell it in the informal land market. The other reason for this illegal practice is the insecurity in the land tenure system. They think that if the city expands towards their locality, their land automatically is out of their full control and not only the communal and the vacant but also the private land can any time be taken by the government without proper compensation.

Brokers

Brokers are informal land market actors which catalyze the interaction of land and buyers. The brokers effectively use the inefficiency and weakness of the government in land administrations. They messed up the land of Dire Dawa and its localities. For example, an informant from FGD²¹⁶ in Shinile expressed that in Shinile without the negotiation effort of brokers, it is difficult to access land. He further added that if a person wants land, he/she must belong to Issa Somali clan, higher or local official or at least their relative, otherwise be leader of clan. Brokers also play their own role in the informal land market of DDCA and its rural localities. An informant said that residents at the fringe of the city in the territory of rural, due to brokers' mobilization transfer all their land illegally before the locality incorporated in to the urban²¹⁷.

²¹⁴ The data for this study were collected through field work that was undertaken in Dire Dawa in March.

²¹⁵ Interview with Ato Sebsibe, Ato Teferi and Ato Gezahegn, March 6,7 & 8, 2017, Dire Dawa.

²¹⁶ Information from FGD in Sitti Zone Office held in March 13, 2017, Dire Dawa.

²¹⁷ Interview with Ato Belachew Teshome, March 8, Dire Dawa.

Higher and local officials

In the informal and illegal land transaction, the role of local and higher officials is crucial²¹⁸. Instead of designing mechanisms so as to maximize the benefit of their locality by establishing cooperation with the expanding Dire Dawa, they rather become the main actors of informal land transaction. The land policy of Somali region has not been enforced. The land at the villages bordering Dire Dawa is administered by customary law and informal or ad hoc committee formed from representatives of zone, wereda and shinile municipality. Practically after the demarcation some informal settlers were given certificate to legalize their ownership of their invaded land whereas some others are expelled from their informal settlement based on their ethnic identity.

There are lots of court cases that are presented in seeking justice for illegal land taking from former legal owners who get legal ownership right from Dire Dawa. A case, for example, describes a farming plot of land which has legal documents before the demarcation from DDCA, redistributed to Djiboutian Issa Somalis by the name of Diaspora after it is demarcated in to Somali region²¹⁹. Most of the informants explained that what is done in Shinile zone of Somali region is intentional. Such practices can be tackled by the strong cooperation, joint planning and information sharing. Access to urban land shouldn't be related to ethnicity. If so the consequence would be devastative. The marginalized group and the territorially concentrated, favored group would be in conflict.

Government

Government is the other major actor in the administration of land. The structure of government in relation to land management is very weak in all of the localities. There are not trained man powers in the neighboring localities²²⁰. Even the institutional arrangement of land administration in Dire Dawa is weak²²¹. Workable land policies, laws, regulations are not formulated. The government cannot proactively and flexibly respond for the increasing demand of land and the dynamic nature of its market. For example, DDCA has relatively better man power, logistics and

²¹⁸ Interview with Ato Sebsibe, Ato Teferi and Ato Gezahegn, March 6,7 & 8, 2017, Dire Dawa.

²¹⁹ A court case at federal first instance court, accuser Abdirahman Teha, Dire Dawa.

²²⁰ Interview with Ato TahirZuber, Urban Plan Data Preparation Core process owner, March,2017, Dire Dawa.

²²¹ Interview with Abdo Ummer Bulhan, vice mayor of Shinile Municipality, March,2017,Dire Dawa.

relevant resource but so far effort that has been made to devise ways of mobilizing each concerned body to effectively use this scarce resource for common benefit.

5.5. Experience of Dire Dawa in Regional IGR : The Five Regions Congress

There were different forms of interactions since the introduction of federalism in the area. The interaction was mainly on informal ways. There was also formal interaction among five regions of the eastern part of Ethiopia. An exemplary attempt after 1991 in relation to IGR to be mentioned is the Five Neighboring Regions Intergovernmental Congress. This congress was established by Oromia, Somali, Afar, Harari regions and DDCA in 2005. According to Art-2 of the charter of the congress, the aim of the cooperation was coordinating the development and good governance effort for maximizing the benefit of the people and ensures growth and development in the area.²²² This congress was model in the system of horizontal intergovernmental relation of the country. This model initiative of collaboration formed without any favorable condition throughout the country, couldn't stay for long because of the weaknesses listed below. There were both weaknesses and strengths in this initiative.

Dire Dawa City was chosen as the economic center of the eastern corridor of the country both by the member states of the region and the federal government. Practically, it continued to be the only City acting as a focal point where the regions connected with the port and various governmental and non-governmental organizations reside for the Eastern part of Ethiopia. This prior experience of IGR among the five regions has left some lessons to the members on the necessity of IGR and for the smooth functioning of the already existing informal relation between DDCA and its neighboring localities.

The strengths of the congress were: (1) the collaboration among members whenever there was natural disaster. For instance, when Dire Dawa was hit by flood in 2006 these regions helped the city in various ways including financial, technical and material support, (2) they also used the congress as a suitable platform and good opportunity to resolve conflicts through negotiation before it turned to be violent, (3) they have shared experiences one another and organize trainings and (4) they prepared the fourth Nation, Nationalities and peoples day in collaboration.

²²²Supra note - 8.

However, the weaknesses observed were: (1) relevant experts and manpower needed for the congress were not deployed; (2) the required budget for the office of the congress was not allocated from member states based on their share, (3) lack of commitment in political leaders of member regions to strengthen the congress. For example, meetings were not conducted according to the schedule, (4) lack of support from relevant federal government structure and so on,²²³and as a result (5) the office of the congress didn't start work.

5.6. Degree of Institutionalization of IGRs between the city of Dire Dawa and the Surrounding Administrations

The degree of institutionalization of IGR between DDCA and the surrounding administration as it is discussed elsewhere in the paper; is an informal institution which is growing from time to time. Some years back Dire Dawa and Shinile, for example, were in conflict. By now a careful examination of the relation is progressing. At least they can form an ad hoc arrangement for the specific issue they intend to address. There are also a number of informal bilateral relationships. Some of these are security, controlling illegal trade, human trafficking, resource sharing service delivery.

Dire Dawa city administration is giving water for some villages at its urban fringe which are under the territory of Somali region without any budget allocation from Somali region. The Somali region also permits to DDCA to take selected materials to construct roads from its territory. The other area of contact is security. All the security forces of the federal and the regions are conducting their responsibility unilaterally and work together as one unit in the areas listed above in DDCA and neighboring regions. The relationship between the rural kebeles of Dire Dawa and Oromia region weredas is relatively peaceful and the two administrations are working cooperatively. This is because in both sides the residents are unanimously Oromos. But the relationship is an informal one but is based on mutual trust and respect.

When we see the institution in terms of legal provisions, Dire Dawa's charter has a chapter on IGR. This has to be further strengthened and come in to effect by formulating specific rules and regulations in each concerned executive branches in the judiciary and legislative bodies. For

²²³ IGR Directorate General (2016),A paper presented for the discussion of the members of the congress.Mofa, Addis Ababa.

effective collaboration, it is inevitable in federations that informal communications have been found to contribute to the development of mutual trust and respect. Thus, without having informal contacts, communications, information exchange it might be difficult to imagine effective relationship but formalizing the already existing relationship, norms and agreements may bring strong formal institution. To conclude, the relationship between DDCA and its neighboring localities is informal, progressive and it can be taken as a good start for further effective relationship.

5.6.1. Determinant Factors that shape the structure of IGR between Dire Dawa and its Surrounding Local Administrations

As it is already discussed in the previous section, the structure of IGR between DDCA and its local administration is weak and characterized by informal institutions of IGR. The shape of these structures is determined by the following factors. These are:

Historical factors

The other factor that influences IGR is the historical relationship, common experiences, cultural and religious interactions, events shared among different societies. The people of Dire Dawa and its neighboring localities shared a number of historical events commonly. To list some, both of them were victims of the expansion of emperor Minilik and the political, social and economic suppression and subjugation.²²⁴ These people struggle against the expansion of the troops of emperor Minilik towards eastern region of Ethiopia. The Chelenko Massacre is the common history of the people of the region, Harari, Somali, Oromo and so on. Moreover, during the Gragn Mohammed counter attacked the central Christian state, almost all people of eastern region who claim to be Islam were on the side of him through their Sultanates.²²⁵

During Derg era, when the Somali invaded the vast areas of the south, south east and eastern region of Ethiopia, alliances was formed between Somalis and Oromos for their varying reasons. The Somalis participated in the war in the side of their “brother” for their genealogy where as the

²²⁴Bahru, Z. (1991), A History of Modern Ethiopia, 1855–1974. London: James Currey.

²²⁵Supra note 136.

Oromos were sided with Somalis because of the tyranny internally and the mobilization mechanisms of Somali invaders, using religion as a unifying mobilization tool.²²⁶

Despite the sharing of all these common historical events, the 1991 change of government that restructured the country based on identity, language, settlement pattern and consent of the people concerned²²⁷ posed a strong challenge in their long lasting common history. The pre-existing clan-centered nature of these people coupled with the newly requirement of being self-determinant of their fate obliged them to further strengthen the ethnic identity than the former religious and cultural identities. The contention on the claim of the city is the result of this. Such historical dynamics greatly affect the IGR system.

Political factors

Up until the adoption of the Dire Dawa city charter in 2004 by the federal parliament, the central/federal executive established several provisional ad-hoc administrations to the city. In these administrative structures, the Somali and the Oromo through the OPDO, which is a member of the EPRDF and the EPRDF-affiliated SPDP, respectively, came to play a predominant role in the politics of the city. These administrations were put in charge by executive appointment and without statutory mandates.

The Dire Dawa city charter was approved by the federal parliament in 2004²²⁸. As it is discussed in the previous sections, Dire Dawa City Administration was established with limited autonomy, accountable to the federal government. Moreover, the charter does not recognize the claims of both the Oromo and the Somali regions over the city which definitely has a significant effect in the type and extent of the relation between DDCA and its local administrations. Instead, it affirms the need to ensure the equality to all ethnic groups of the country within the city.

In the context of the new emphasis of enabling the self-administration of residents and expediting development, the charter did not contain any provision that provides a mechanism in which the different ethnic groups within the city are going to be represented both in the city council and the executive cabinet. A new formula, which is obviously an outcome of intra-party

²²⁶Supra note -9.

²²⁷Supra note -140, art-46(2).

²²⁸Supra note -152, art- 51(1).

negotiation involving the EPRDF and its affiliate the SPDP, was introduced. Accordingly, the OPDO and SPDP were each given 40% of the city council seats. The remaining 20% of seats were divided between the other member organizations of the EPRDF. More specifically, ANDM, SEPDM, and TPLF were provided with 12%, 8%, and 2% of city council seats. On the same basis, executive cabinet positions were shared.²²⁹The mayoral office rotates between the OPDO and the SPDP within a single electoral term of five years.

One of the chief characteristic features of this power-sharing arrangement is its informality and it is an intra-party affair. It is an intra-party affair because it is negotiated and implemented by the EPRDF and its affiliate the SPDP. Thus no one is certain about what will happen to this arrangement if opposition parties elected to share political power. The unpredictable, fragile and informal nature of the political power sharing arrangement considerably influenced the structure of IGR.

The other point to be mentioned is, according to information from a number of informants, the Oromo and Somali political elites in the city are unhappy that the charter did not provide recognition of their territorial claim. Many informants²³⁰ underscore that as officials of the city feel that they are vanguards of the ethnic interests of their groups, they do not reach out to the other groups and work for the common good of the city. They argue that these political representatives couldn't fully and independently represent and serve the interests of the residents as they are not only accountable to the City Administration but also to their respective parties in the two regions. Thus, this complexity has a considerable effect on the negotiation of the city with their respective regions.

Constitutional and institutional factors

The autonomous existence, status and position of Dire Dawa City Administrations not clearly stipulated in the charter of DDCA. In the preamble of the charter it says:

“WHEREAS, legal foundation that enables self administration is necessary to ensure good governance and to expedite development in Diredawa city until a lasting solution is secured;[...] it is necessary to confer self-government power on the residents of Diredawa and to legally determine the organizational structures and

²²⁹ Supra note -12.

²³⁰ Interview with Ato Sebsibe, Ato Teferi and Ato Gezahegn, March 6,7 & 8, 2017, Dire Dawa.

operations of the city in conformity with democratic principles, .good governance order and contemporary trends of growth and development.”²³¹

However, in part 9, article 51 (1-3), it state that

1. *The City Administration shall be part of the Federal Government the City Administration shall be accountable to the Federal Government.*
2. *The Ministry of Federal and Pastoralist Affairs shall, as an agent of the Federal Government, follow up the performances of the City Administration and shall support the capacity-building undertakings of the city.*
3. *The City Administration shall submit to the Ministry of Federal and Pastoralit Affairs annual and periodical reports concerning its plans, budget and the overall status of the city.*²³²

The latter articles contradict with the notion of the previous one which considerably limits the autonomy of the city administration. The other thing which can have significant impact on IGR is the temporariness of the city administration. The phrase “until a lasting solution is secured” in the preamble clearly shows that the city administration is a temporary arrangement as temporary measure of conflict management.

Far better than the federal constitution, the DDCA charter tries to address the issue of IGR with few articles. These are:

1. Article - 4 which deals about the boundary of the city states that:

The City shall have a boundary, which includes the existing urban and rural kebeles. In the event of a need of making a change in its boundary in the future, the City Administration may delimit it as per agreements to be made with neighboring Regions.

In part – 9, Article – 52 (1-3), states that:

²³¹Supra note -152, preamble.

²³² *Ibid.* part-9,article 51(1-3).

1/ The City Administration may establish relations with other cities and regions at home as well as with cities abroad.

2/ The City Administration may co-operate and exchange experiences with cities and regions at home in respect of policies, infrastructure and service delivery in order to promote the interests of residents.

*3/ The City Administration may establish relations with sister cities abroad.*²³³

It is good to have such provisions but practically all governmental wings didn't formulate rules, proclamation and regulations accordingly so as to facilitate their interaction with other spheres of the federal government and with their neighbors more specifically. There is no also any formal institution that organizes, direct, facilitate and control the IGR between DDCA and any other body. There is only one core process under the mayoral office organized to carry out internal and external city to city interaction. The interactions so far made were characterized by high informality, ad hoc arrangement organized to perform certain occasional issue. The other characteristic is the IGR is made through the executive body of the city administration. There were no a single interaction in legislative and judicial level (except the inevitable legal procedural relation among courts when they treat the same cases)²³⁴.

Demographic and Geo-political factors

The composition of different identities in the city's population and the geographical location of the city greatly affect the nature of the interaction and the structure of the process of IGR between DDCA and its surrounding localities. As we can see the data from the table, nearly 70% of the population in both rural and urban Dire Dawa is Oromo and Somali ethnic groups. The governmental structure is organized as 40% Oromo, 40% Somali and 20% others.²³⁵

²³³*Ibid.* art-4 & part-9,article 52(1-3).

²³⁴Interview with Law formulation and control process owner in the office of DDCA Council, Ato Teferi Fekade, March 6, 2017.

²³⁵ Supra note – 12.

Table-1: The ethnic composition of DDCA in 2007 census.

No	Dire Dawa	2007 Census						Remark
		Urban	%	Rural	%	Total	%	
1	Total popn.	233,224	100	108,610	100	341,834	100	
2	Oromo	77,103	33.05	79,855	73.52	156,958	45.91	
3	Somali	54,807	23.49	28,262	26.02	83,069	24.03	
4	Amhara	68,728	29.46	234	0.21	68,962	20.16	
5	Guraghe & Silte	16,091	6.89	57	0.05	16,148	4.72	
6	Others	16,495	7.07	436	0.40	16,697	4.88	

Source: The 2007 Census of Ethiopia.

It is because of the contention between the two and the last resolution hasn't been put in place, each part try to impose in every possible ways so as to ensure its hegemony over the other. Most Somali Issas argue that the boundary of the city was the place called *Shinile* informally where Orthodox cemetery is located in kebele 09 of Dire Dawa then it goes along the federal prison, Air Port, DDU, Mermersa and so on.²³⁶ They added that the village *Hafete Issa* once was dominantly the residence of Somalis but because of historical reasons the number of Somalis decreased.²³⁷

At the restructuring of the boundary of Dire Dawa, a number of rural kebeles were included most of these are the residents of Oromos.²³⁸ As a result of which the composition of the ethnic groups significantly changed because of a considerable increase in the number of Oromo ethnic groups. The number of Oromos exceed in almost 10% in urban and 47.5% in the rural.

According to some informants from government offices of *Shinile*²³⁹ the intention behind the seeking of demarcating the border is not blocking the growth but to use their constitutional right of administering their territory and serve the interest of their people.

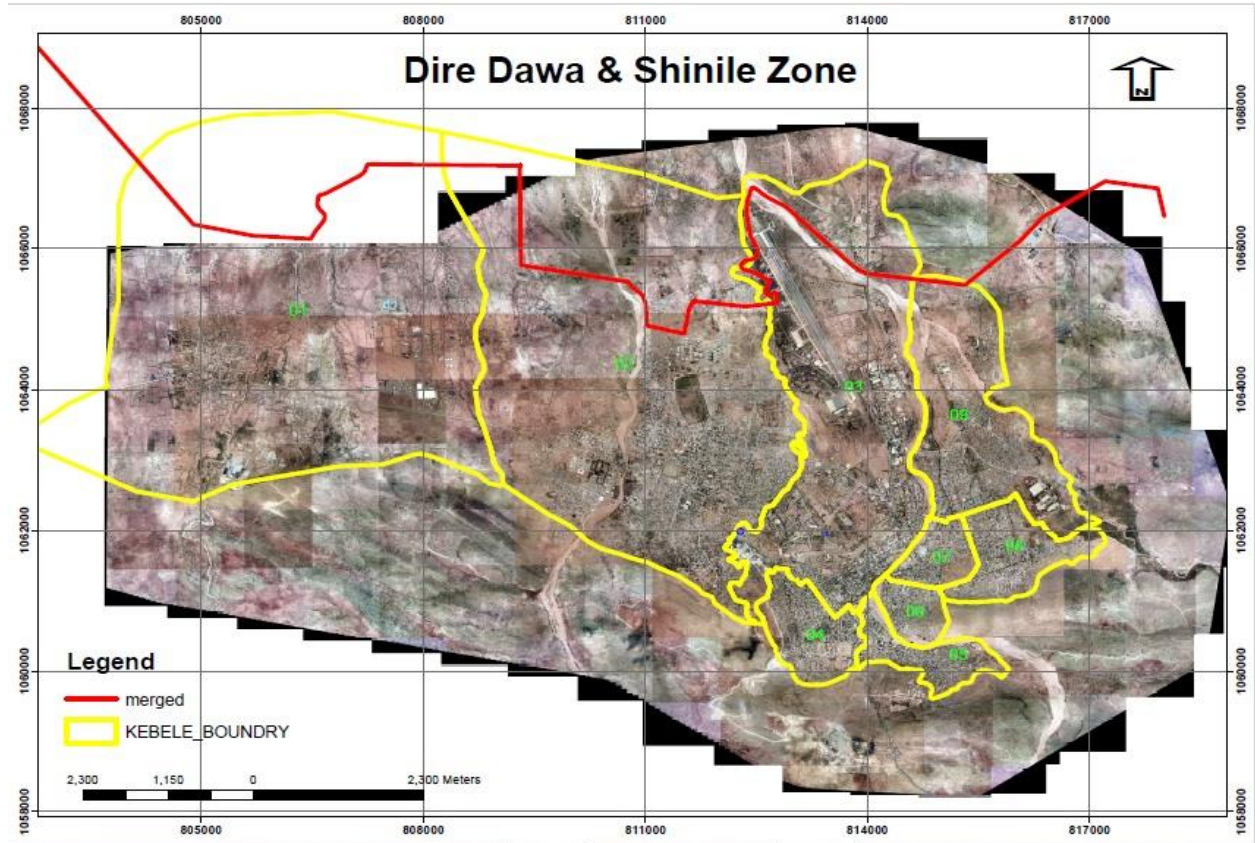
²³⁶As we can see from Map-1, Geographically speaking, these places lay from east to west, convenient for development expansion because it is near to the city core.

²³⁷ Supra note – 136.

²³⁸Supra note –152, preamble.

²³⁹ Interview with Ato Abdishikur Adem Farah and Ato Abdo Ummer Bulhan, March 9, 2017, *Shinile*.

Map 2- The demarcation between DDCA and Shinile Zone of Somali region.



Source: Dire Dawa City Administratin Land Management Bureau.

In practice however there are number of gaps which are related to workable legal instruments guidelines and manuals, lack of skilled man power, absence of proper institutional arrangement, lack of clear vision which is designed to realize regional development by contextualizing long and short term plans prepared unilaterally are observed. For example in my observation both in the sitti zone and Shinile Wereda I have seen the above gaps clearly. In a focus group discussion from two groups of Sitti zone experts and High school teachers who worked for more than 15 years²⁴⁰ concluded that corruption, clientelism and clan-centeredness become the main feature of land administration. The teachers` group for example said “When Shinile was established as a new wereda, we asked to get land to build home. The Zonal head of the time answered “Whose land do you want me to give you?” then we desperated and stopped requesting.”

²⁴⁰ Focus Group Discussion held at Sitti Zone and Shinile Secondary School, March 13 & 14, 2017,Shinile.

The strategic geo-political site of DDCA is the other important point that has an influence in the structure of the city administration and its relation with other neighbors. The boundaries of most of African countries are the result of colonialism which dissects an ethnic group in to two or more.²⁴¹ Most of these countries share people of the same origin in their borders that potentially has its own pros and cons for the overall socio-political and economic interests of the countries.²⁴² The ethnic group Issa, one of the competent on the claim of Dire Dawa is a dominant group in the government structure of Djibouti²⁴³ where these days becomes the only adjoining areas to Ethiopia`s linkage to Djibouti`s port services.

The geo-political factor affects not only the power balance between the claimants within the structure of the city but also the relation with its neighbors. As several researches²⁴⁴ show that there has been hidden hand of Djibouti in every interaction of Issa clans with the neighboring ethnic groups. According to information from FGD in Sitti Zone²⁴⁵, the Shinile municipality has given land to Issa Somalis of Djibouti by the name of Diaspora whereas they took lands from other legitimate owners who receive land before the demarcation from DDCA. They added that even it is not easy for Somalis that belong to other ethnic groups to get land in Shinile Municipality. Such practices potentially harm the legal process of land administration not only jointly with neighbors but also for the Municipality itself.

Social and Cultural Factors

The Oromo and Somali ethnic groups are in constant interactions of various forms of long period of time which holds true for other ethnic groups as well. These two ethnic groups have certain common features. That is both speak languages that belong to the Cushitic language phylum, members of both groups are dominantly Islam. Even the close examination of their culture from their day to day activity, it is difficult to identify which kind of activity should goes to which ethnic group. Even the slight difference between them culturally is the byproduct of their livelihood system. Oromos are farmers and agro-pastoralists whereas Somalis are agro-

²⁴¹ Yassin Mohammed Yassin(2010). *Trans-Border Political Alliance in the Horn of Africa: The Case of the Afar-Issa Conflict*.In Dereje Feyissa & Marcus Virgil Hoehne(Eds), *Borders & Borderlands as Resources in the Horn of Africa*,pp.85-96, Fountain Publishers, Kampala

²⁴² *Ibid.*

²⁴³ *Ibid.*

²⁴⁴ *Ibid.*

²⁴⁵ Information from FGD held at Secondary School of Shinile, March 14, 2017, Shinile.

pastoralists and pastoralists. The strong clan-centered nature of Issas impacted in their relation with other clans of Somalis and also with other ethnic groups. They develop the sense of “us” and “them” because of several historical and genealogical reasons.²⁴⁶

Therefore, their interaction is highly influenced by this strong clan-centered tendency which subsequently affects the structure of the city government and the IGR. Theoretically the existence of difference in ethnicity, language and culture is not a problem by itself but the mechanisms of accommodating is what matters here a lot. In multi ethnic cities like Dire Dawa every activity the government should strictly consider the diversity within the city and in its interaction with the neighboring localities.

Dire Dawa is the seat of the Issa Ugas. According to an informant²⁴⁷ from Dire Dawa, This helped the Issas to insert themselves in to the political and administrative process of the City so as to influence the decision making in considering their clans` concern. Whenever there is anything that concerns their clan, the Issa Ugas²⁴⁸ try to settle by communicating with the relevant governmental office of DDCA. However, there is no similar organized social group for the other ethnic groups in and around the City. The variation of such social organizations among ethnic groups in and around the City can have an influence on the characteristics of the interaction among the ethnic groups.

Land: An IGR factor between DDCA and Surrounding Local Administration

Federal arrangement has a potential to avoid unnecessary competition over the control of resource. It can create a plat form for negotiation, bargain and encourage the competitors to use the principle of give and take. In the last 20 years, the Ethiopian federation has been tested on the ground. It solved several age old questions. But it couldn` t fully control the main causes of conflict yet. Among the conflicts, as several literatures indicate that most of them are related

²⁴⁶*Ibid.*

²⁴⁷Interview with Ato Desalegn Nemera, Former Advisor of Security for Sitti Zone, March 9, 2017, Dire Dawa.

²⁴⁸*Ibid.*

with the competition over resource control.²⁴⁹ The conflict between the two regions on the claim of Dire Dawa is not basically far from this, a politicized resource control competition.

Land is a scarce resource which is central in both at urban and rural developments. Dire Dawa, because of the increasing population and the investment that flows, is looking for additional land.²⁵⁰ According to the data from the Investment bureau of DDCA, the land required for the planned industrialization, investment and other services is very huge. However, the land available in the city's land bank prepared for the upcoming investment is only 452 hectares of land²⁵¹. Dire Dawa is also among the Cities which are chosen to build industrial park by the federal government in the intention of making Cities as industrial hubs. 4,500 ha of land is already been prepared for the construction of the industrial zone. Since there is no such amount of land in the territory of DDCA, the park lies on the territory of both DDCA and Sitti Zone.

An informant from the Mayor's office²⁵² describes that the vision of Dire Dawa to be the hub of investment and industrialization will be illusion without devising certain kind of common mechanism of resource mobilization system aiming to achieve common goal of development that can satisfy the individual and common needs of the participants. He further added that land suitable for industrialization and other services is found in Sitti zone of Somali region. An informant from Investment bureau of DDCA²⁵³ underscores that even though they have clear idea of the vision of DDCA to be the hub of investment couldn't be realized without the preparation of enough land for several needs and also well understands that this can be achieved through collaboration with the neighboring Sitti Zone which has land needed in Dire Dawa, the contention of the two ethnic groups over the claim of Dire Dawa city and the demarcation of the border over shadowed the relationship in this respect.

²⁴⁹Kandagor, Daniel K.2005. Rethinking pastoralism and African development: A case study of the Horn of Africa. Egerton University, Njoro, Kenya.

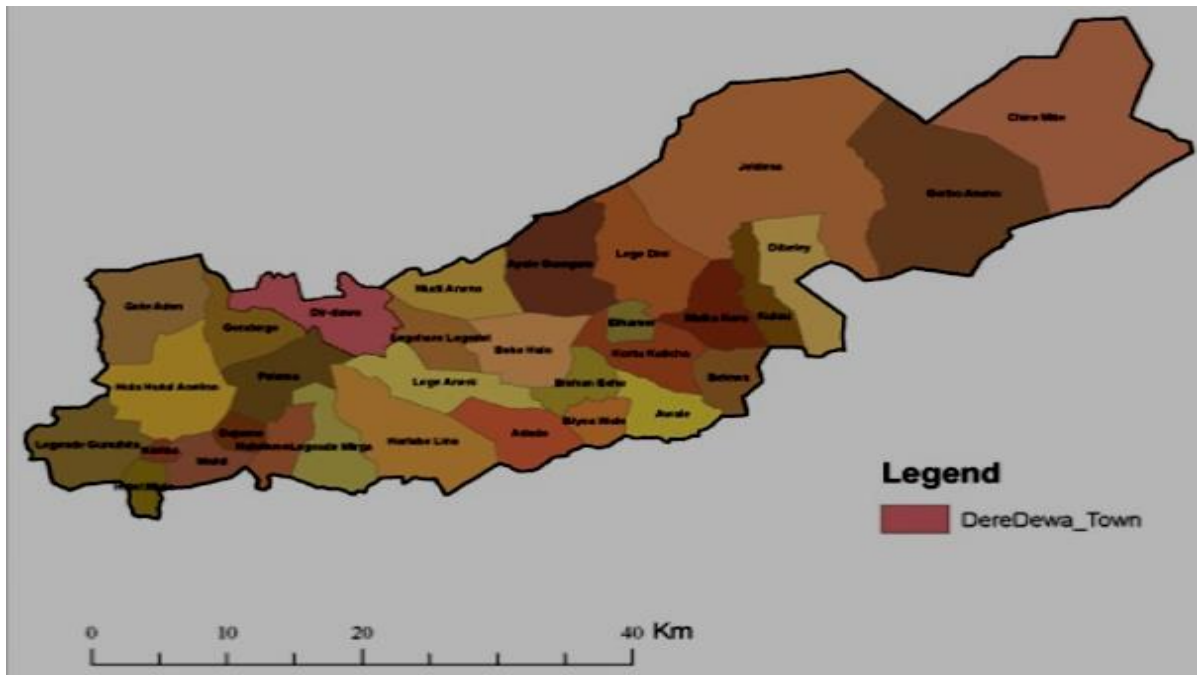
²⁵⁰Supra note –10.

²⁵¹Data obtained from Interview with investment core process owner in Investment bureau of Dire Dawa, March,2017,Dire Dawa.

²⁵²Interview with Mayor's special advisor on legal and administrative affairs, Ato Sebsibe Mekonen, March 7,2017, Dire Dawa.

²⁵³Interview with Investment core process owner in DDCA land development and management bureau, Ato Fuad Suge Hosh, March 6,2017, Dire Dawa.

Map 1 – Dire Dawa Administration Council Administrative Division By Kebele



Source: Magazine of DDCABFED, 2016.

Even there are no enough land for the future expansion of the City in its own rural kebeles, the only nearby kebele which has land for this purpose is *Melka Jebdu*. According to a study carried out by the Ministry of Urban development²⁵⁴, housing and construction for the expansion of the City, it was compelling that melka Jebdu which is 7 km west of DDC was selected since it is the only hope for expansion rather than the vast plain of Sitti zone, stretched from the core City towards Djibouti in the northern part of the City.

The Sitti Zone respondents²⁵⁵ also states that without hampering the autonomy of the Somali region they can collaborate one another in a number of ways by strengthening the existing relations, For instance, DDCA water supply bore holes are located in our territory in return Dire Dawa City administration provide water service to residents of *Mermersa* kebeles of Somali

²⁵⁴National Urban development Project ; Neighboring development plan ,Dire Dawa- Melka Jebdu, Final Report, April, 2016, Addis Ababa.

²⁵⁵Interview with Ato Abdishikur Adem Farah and Ato Abdo Ummer Bulhan, March 9,2017, Shinile. Ato Abdishikur also said that once, when he discussed about the development of Dire Dawa and Shinile in relation to the border with the president of Somali region Ato Abdi Mohammed Ummer, he (the president of Somali region) said that we have to follow a strategy of developing together and promised to command relevant regional offices for the preparation of Plan.

region. We give permission for DDCA to take selected materials for road construction from our territory. They further added that the border of the Somali region and DDCA has not been demarcated since 1991 to 2013 that resulted with conflict between DDCA and Somali region. The conflict had its own influence in retarding the development process of the two contenders. Thus, to stop the contention the immediate remedial measure that had to be done first was demarcating. They describe that the demarcation has its own impact on the development of both contenders. They confirmed that the regional government has a strategy to design the Shinile part of the City by harmonizing the existing structural plan of DDCA. However, nothing has been done so far.

The respondents also affirmed that the other obstacle is the variation in land policy between the two, DDCA and Somali region. The DDCA has its own land policy and implemented in its territory but the Somali region couldn't enforce the land policy of the region. Therefore, most of the indigenous people in Sitti Zone still think that the land of their residence belongs to their clan. Thus, as it is observed the zonal administration couldn't fully manage the land. However DDCA has land laws which are formulated at federal level, the lease policy for urban land and another policy for rural land administration.

The cement factories in DDCA use gypsum from *Ayisha* Wereda of Somali region. The Somali region gets royalty tax from minerals sought by the cement factories and lots of youth associations get jobs, the production and supply of minerals needed by the factories. According to documents collected from shinile, there are few practices of sharing resources. For example, the Sitti Zone gave permission for DDCA to use selected materials for the construction of road in the adjacent kebeles. The Dire Dawa City administration provides potable water to some villages of Somali region whereas use water source (bore-holes) in Shinile zone.²⁵⁶ An informant from the office of the mayor²⁵⁷ states that these experiences of resource sharing must be strengthened by formalizing and applying in all development sectors that requires cooperation.

²⁵⁶Interview with Abdo Ummer Bulhan, vice mayor of Shinile Municipality, March,2017,Dire Dawa.

²⁵⁷Interview with Amanuel Fisiha, Inland and Outside intergovernmental relations core process owner in the office of Mayor.March 8, 2017, Dire Dawa.

Conclusion

Based on the discussion on the findings the following conclusion has been drawn. According to the finding, the place and position of DDCA in the structure of the Ethiopian federal system is ambiguous which significantly harms the relationship of the city with its neighbors, and to decide the nature and type of interaction to which level the City is communicating with. The proclamation of DDCA itself declares that the city shall be part of the federal government. The existing relationship between DDCA and its neighbors is found to be informal; ad hoc arrangements are being used to resolve specific problems. In addition to this, there is no institution that coordinates IGR in DDCA and its neighboring localities. Relevant rules and regulations that have importance to enforce the IGR principles, except some provisions in the proclamation.

Though the relation so far is informal; the kind of relations existed between DDCA and its neighboring localities are security, human trafficking, contraband trade, border demarcation and dispute resolution. The determinant factors that shape the structure of IGR between Dire Dawa and its surrounding local governments are constitutional and institutional, demographic and territorial, social and cultural, historical, the five regions congress and political factor. Even though land is an important resource for the common development of the neighboring local administrations, there is no institution that coordinates these administrations in managing and using their land for attaining the common purposes. The land is scattered across several sectors in both urban and rural areas which makes the management of land more complex. The key actors involved in land management in DDCA and its local administrations are indigenous people (farmers, pastoralists), brokers, higher and local officials and government.

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

6.1. Conclusion

Intergovernmental relation is an important structural foundation in realizing synergy among different levels of government and within specific levels for stability of entire government. It is an ever-present concept though sometimes some federations underestimate its role. Then, it is a decent proposition that the crux of intergovernmental relation is a mechanism by which different levels and branches of government interact with one another to satisfy public interest.²⁵⁸ It connotes the interactions that take place among the different levels of government within a state. Usually, the concept is associated with states having a Federal administration system where the relationships between the Federal, Central or National Government and the major sub-national unit (province, region or state). A full exploration of inter-governmental Relations within a Federal administration system, however, covers the following: Federal-State, Federal-State-Local, Federal-Local, Inter-State, State-Local and Inter-Local Relations.²⁵⁹ The focus of this research, however, is the interaction between DDCA and its neighboring local administrations. It is difficult to judge the relation as horizontal or vertical because of the ambiguous place and position of the City in the federation.

IGR can be generally defined as “body of activities or interactions occurring between governmental units of all types and levels within the federal system”.²⁶⁰ It is not possible to precisely enumerate the activities forming an agenda of an intergovernmental relationship. However, one can canvass the areas in which governments need to interact almost on daily basis. IGR can be held in both unitary and federal arrangements but the nature of IGR exist in federal arrangements is quite different from the unitary arrangements. In federal arrangements, IGR focuses on the relationship among the federal government, the states and local governments both vertically and horizontally.

²⁵⁸Graham Hassall, Challenges and opportunities for improved intergovernmental relations in the Pacific, Victoria University of Wellington, accessed at:

www.clgfpacific.org/.../Professor%20Graham%20Hassall_%20Presentation.pdf last visited on 16/05/2017

²⁵⁹Nwokedi, Ralph Chiemeka (2004), Power Sharing in Nigeria Federation. Enugu: Snaap Press. Pp.174.

²⁶⁰Anderson, William, Intergovernmental Relations in Review, 3 (Minneapolis: University of Minnesota Press, 1960).

Because of beginning as a temporary city administration to end the contentions of the two claimant groups, the self governing right of the people and the autonomy of the city administration as independent unit is compromised. As we can clearly see from its charter²⁶¹, DDCA is not an autonomous unit which is fully accountable to its electorate. For example, Article-51(1) states that the City Administration shall be part of the Federal Government and it shall be accountable to the Federal Government. Article-15(1) also states that the accountability of the City Council shall be to the Federal Government and to the Residents of the City. These two articles underscore that DDCA is the mere extension of the federal government structure in spite of some provisions of policy formulation and IGR. The federal government has power to abolish the City administration at any time. Thus, it is not possible to tell the exact position of DDCA in the usual levels of Ethiopian federal system (whether it is at federal, zonal or wereda level) and the mere existence and security which adversely affect the nature and structure of its relation with other spheres of government.

The DDCA's charter in its preamble states that "WHEREAS, legal foundation that enables self administration is necessary to ensure good governance and to expedite development in Dire Dawa city until a lasting solution is secured".²⁶² This temporariness of the city administration coupled with the shifting of mayoral position every five years²⁶³ between the two claimant ethnic groups, Oromos and Somalis highly influenced the internal structure of the administration and its activities as well as its relationship with the neighboring localities. The claim over Dire Dawa is still fresh in the members of the two claimant groups: Oromos and Somalis. 80% of the members of the city executive are assigned or fired from the two political parties in the respective regions. Their accountability is not only to the city administration but also to the party of their "mother" region. Therefore, DDCA is suspended between federal government in one hand and the two claimant groups in the other hand.

The experience in DDCA is seriously deficient regarding to IGR though it had better experience of intergovernmental agreements than elsewhere in the federation. Even though it didn't last long, the five regions congress was good attempt of formalizing horizontal relation in the history of IGR throughout the country which was intrinsically formed by the consent of the members.

²⁶¹Supra note –152.

²⁶²*Ibid.*

²⁶³*Ibid.*

There are some provisions in its charter that deal with IGR. It is encouraging to have provisions that solely deal with the issue of IGR. However, it is not fully implemented through formulating relevant rules and regulations in each concerned sectors. The other characteristic of the IGR in DDCA is executive dominated. Except a core process organized to facilitate international sister city relation, there is no other institution that is responsible for activating IGR. Moreover, a number of factors have been influencing the relation between Dire Dawa and surrounding local administration. These include: history, Socio-cultural, institutional and political contexts in which Dire Dawa is embedded.

This study has particularly assessed the role of IGR in handling the issues of land between DDCA and its surrounding local administrations. In this regard, the study found out that there is no IGR institution that brings all the contending actors on the management of land in and around DDCA. For example, as the city expands it needs more land for several purposes. These lands are available in the neighboring localities. In the process of incorporating the lands of the rural areas in to the Urban boundary, there were tensions internally with its rural local administrations and externally with Shinile zone of Somali region. The internal problem is policy related that the policy for urban and rural land use and management is different. The other problem with the Somali region, Shinile wereda has been resolved by demarcating the boundary. However, the main issue that has to be noted here is the demarcation solution is good in ending the controversy but nothing has been done in their further relation especially in the land management and cooperation in other IGR factors. The other challenge in relation to land administration is the task of administering land is scattered across several sectors.

There are lots of actors involved in the management of land between DDCA and surrounding local administrations. These include: indigenous people (farmers, pastoralists), brokers, higher and local officials and the government itself. The absence of good governance, weak institutional set up and inefficiency of the government in land administration pushed all these actors to take their own advantage to maximize their benefit.

6.2. Recommendations

This paper argues that without harming the autonomy of the neighboring local administration its possible to develop commonly through establishing effective IGR institutional frameworks and guidelines.

Based on the findings of the research the following points are recommended:

1. As we have seen in the previous sections the Dire Dawa city administration is part of the federal government; the council is accountable to the federal government and also it can be dissolved by the federal government. These provisions constrain political and democratic right of the residents and harm the local autonomy of the city administration. Thus, it is important to develop the structure of government which is fully accountable to the people of the city, and determine the stable position of the city in the federal arrangement of Ethiopia. It is unfair to administer a city like Dire Dawa by temporary charter for more than a decade. In this perspective, the next revision of the city proclamation needs to secure the very existence of the city (its security should be legalized), basic principles should be laid on which the relationship of the City with any tier of government including the federal government. It should determine the relative position of the City in the federal structure of the country. Without having stable footing in a level of the federal structure, it is not possible to establish effective IGR system.
2. For effective management of issues between DDCA and its surrounding local administrations, there is a need for IGR forums. The neighboring local administrations themselves can create forum of horizontal cooperation with DDCA without even consulting their regional government for issues outlined exclusively under their jurisdiction whereas for matters beyond their power should inform to the concerned level based on the respective law of the region. So they could have responsible and accountable body of IGR.
3. Besides having an intergovernmental institution, it is basically very essential to determine the guiding principles and frameworks that transcend any individual interaction and ensuring the continuation beyond the life span of the regime. The guiding principles should be derived from the unique nature of the city and the geo-political contexts of the

city. Therefore, IGR instruments need to take account of the political history, diversity, geographical location of the city, socio-economic and geo-political issues in to account.

4. In addition to these grand principles, there are other specific modalities of carrying out IGR. First, building trust and commitment is important. The parties must be genuinely interested in and dedicated to building a meaningful relationship of mutual trust and respect. One can achieve these through open and effective communication between the parties; a willingness to listen and learn from each other; honesty and trust; mutual recognition and acknowledgment of each other's right to be in the territory and the time and patience to establish the relationship and negotiate agreements. Second, involving others and informing the same in the process is paramount. To this end, community members and organizations, other levels of government as well as the business community and the media must be informed and involved in the whole process.
5. Unlike the responsibilities and function of second chambers (Upper houses) of most federations, the role of Hof in Ethiopian federation is related to the right of nation nationalities and peoples; self determination, conflict resolution, designing of formula for fiscal redistribution and so on. Such structural formation is being used as a platform to serve the diverse interests of different ethnic groups and to help minorities to be heard and guaranteed their rights from being violated by the majority decision not only at federal level but also at state levels as in SNNPR. This good practice has to be implemented in Multi ethnic city of Dire Dawa city so as to use the house as IGR forum to serve the diverse interests of all ethnic groups; create opportunity to each ethnic group to negotiate, bargain and communicate with others on matters that concern it without entering to conflict.
6. Currently, there is a move to codify the basic framework of IGR of the country by HOF and MOFPA in collaboration with Forum of federations. It is a good practice that has to be backed by all the concerned. I suggest therefore that this codification would bring improvement to the IGR between DDCA and its surrounding local administrations.

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List of Informants

No	Name of the /key informants /interviewee	Responsibility	Place	Date	Remark
1	Derara Ibrahim Ummer	Land development and management bureau head	Dire Dawa	7/03/17	
2	Tahir Zuber Abdella	Urban plan data preparation core process owner	Dire Dawa	9/03/17	
3	Fuad Suge Hosh	Dire Dawa investment bureau – investment core process owner	Dire Dawa	6/03/17	
4	Sebsibe Mekonen	Mayor`s legal and administration affairs special advisor	Dire Dawa	7/03/17	
5	Teferi Fekade	DDCA council-Law formulation and control process owner	Dire Dawa	6/03/17	
6	Gezahegn Tadiyos	Head of housing development bureau of DDCA	Dire Dawa	8/03/17	
7	Amanuel Fisiha	Inland and outside IGR core process owner	Dire Dawa	8/03/17	
8	Belachew teshome	Former Advisor of the Mayor in DDCA	Dire Dawa	10/03/17	
9	Desalegn Nemera	Former Security Advisor of Sitti Zone	Dire Dawa	10/03/17	
10	Abdishikur Aden Farah	Vice Chairman of Sitti Zone	Shinile	9/03/17	
11	Abdo Ummer Bulhan	Vice Mayor of Shinile Zone	Shinile	9/03/17	
12	Abdi Ummer	Head of SPDP Sitti Zone Office	Shinile	10/03/17	
13	Mohammed	Expert of Water Office of Shinelle Wereda	Shinile	10/03/17	
14	Hussen Bere Muse	Expert at Sitti Zone Administration Office	Shinile	13/03/17	
15	Abdiquadir Ahmed Dere	Expert at Sitti Zone Administration Office	Shinile	13/03/17	
16	Tahir Nur Ali	Expert at Sitti Zone Administration Office	Shinile	13/03/17	
17	Ferhan Nur Derar	Expert at Sitti Zone Administration Office	Shinile	14/03/17	
18	Ayisha Muse Abdullahi	Expert at Sitti Zone Administration Office	Shinile	14/03/17	
19	Bush Adugna Bere	Expert at Sitti Zone Trade & Industry office	Shinile	14/03/17	
20	Abdulfetah Shek Hassen	Expert at Somali Region Urban Development Bureau	Jijiga	16/03/17	
21	Abel	Engineer at Somali Region Urban		16/03/17	Assigned in Sitti Zone.

		Development Bureau	Jijiga		
22	Ahmed abagissa	Expert at Security Office of East Hararghe Zone	Harar	17/03/17	
23	Kebede Soresa	Expert of Agriculture Office of East Hararghe Zone	Harar	17/03/17	
24	Zelalem	Oromia Region	Addis Ababa	20/03/17	
25	Guttu Feyissa	Oromia Region	Addis Ababa	20/03/17	
26	Markos Fasil	Mofa, IGR Directorate General Expert.	Addis Ababa	21/03/17	
27	Fikir Girma	Mofa, Conflict Management Directorate Expert.	Addis Ababa	21/03/17	
28	Hailu	HoF,	Addis Ababa	22/03/17	
29	Wondwosen Mesfin	HoF,	Addis Ababa	22/03/17	

List of Focus Group Discussions

FGD with Residents of Dire Dawa, 6 participants (3 Oromos, 3 Somalis), Dire Dawa, March 13, 2017.

FGD with Residents of Dire Dawa, 7 participants (2 Amharas, 2 Guraghes, 2 Tigres and 1 Wolayta), Dire Dawa, March 14, 2017.

FGD with Residents of Shinile, 6 participants (1 Amhara, 2 Oromos, 2 Guraghes and 1 Tigre), Mermersa, March 14, 2017.

FGD with Residents of Shinile, 6 participants (Somalis), Shinile, March 15, 2017.

APPENDICES

Interview guide for participants from Oromia Region, Somali Region and Dire Dawa City Administration.

1. What is the structural arrangement of the existing intergovernmental relation between Dire Dawa City Administration and its surrounding localities/formal/informal?
2. What Formal and Informal Mechanisms are available to implement IGR?
3. What are the areas you frequently make intergovernmental agreements with Dire Dawa/Oromia localities and Somali localities?
4. What is/are the Actor/s that is/are actively engaged in the existing intergovernmental relation?
5. Which Law or Guiding Principle Regulates the Issue of IGR between them?
6. What does the Decision Making Process look like?
7. Who covers Budget/costs of implementation of IGR between them?
8. How much these agreements serve the purpose assigned to fulfill?
9. What are land related problems at the fringe of Dire Dawa City administration where it bordered with other localities?
10. What do you think are the main causes or factors that contribute to these problems?
11. Who are the actors that involve in the conflict?
12. What do you think are the opportunities and challenges of integrating Dire Dawa and its surrounding localities?
13. How do you see the Bargaining process among the two regional states during the cooperative agreement making? Do you think that all participants are equally powerful enough to challenge one other?
14. Are the Member and Affiliate parties to the EPRDF autonomous to decide on behalf of their regional concern?

Interview guide for participants from MOFA, Hof and Ministry of urban development

1. What do you perceive as the major strengths and weaknesses with the IGR framework for the federal arrangement especially for cities?
2. In general what do you feel about the current Intergovernmental relationship between states?
3. What is the major role of the Ministry of Federal Affairs in general and the IGR Directorate in particular? Do you think that MOFA can properly handle its mandate as IGR forum?
4. What do you think the role of the EPRDF in the overall State-state and state- local Relationship?
5. In general do you think that the current Intergovernmental relationship is based on cooperation and mutual understanding between the states and the federation?
6. Are there any laws and proclamations that regulate the interaction of urban governments with their neighboring localities?
7. How do you think should be the relationship between urban governments with their neighboring local administrations?
8. Where is the place of Dire Dawa City Administration in the system of intergovernmental relation in Ethiopian federation?

Points of discussion for focus group discussants

1. What is the historical relationship between the Oromos and Somalis in terms of marriage, religion, economy and politics?
2. Personally, are you willing to accept a person from Oromo/Somali as mayor, neighbor, your boss, partner in common enterprise, mother, father, spouse etc
3. How do you explain the practice of land administration in your locality in relation to Dire Dawa expansion?
4. How do you explain the contention between the Oromos and the Somalis on the claim of Dire Dawa?
5. Do you think that the contention still has effect in the interaction of Dire dawa City Administration with its surrounding localities? If yes, how?
6. What do you think are the factors that influence the intergovernmental relation between Dire Dawa City Administration and its surrounding localities?
7. What do you think about the role of political parties in the intergovernmental relation between Dire Dawa and its surrounding localities?
8. What would you suggest about the administration of the land at the fringe of Dire Dawa City Administration?