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# ADDIS ABABA UNIVERSITY

## Centre for Federal Studies

**The Politics of Local Government Creation and Boundary Demarcation  
within Ethiopian Federation: Challenges and Implications**

By Ayenew Birhanu

A thesis submitted in partial fulfilment of the requirements for the  
degree of Doctor of Philosophy in Federal Studies

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May 2017

## Declaration

I, the undersigned, declare that "**The Politics of Local Government Creation and Boundary Demarcation within Ethiopian Federation: Challenges and Implications**" is my original work and has not been submitted for any degree or examination in any other university or academic institution, and that all sources and materials used are duly acknowledged and are properly referenced.

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This is to certify that the Dissertation prepared by Ayenew Birhanu, entitled: **The Politics of Local Government Creation and Boundary Demarcation within Ethiopian Federation: Challenges and Implications** and submitted in partial fulfillment of the requirements for the Degree of Doctor of Philosophy (Federal Studies) complies with the regulations of the University and meets the accepted standards with respect to originality and quality.

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## Abstract

*Few issues are as central to contemporary local government systems as their number and boundaries. The central aim of this dissertation is to cast light on trends and implications related to the number and boundaries of local governments in post-federal Ethiopia with special emphasis to two Regional States-Oromia and Southern Nations, Nationalities and People's Region (SNNPR). This study depicts that, since the inception of the federal system in the 1990s, the figures of local governments have experienced a conspicuous sequence of ruptures and shifts. The most obvious are changes at the woreda level, while, at the other levels of local governments, a similar tendency is seen in a slightly different form. Although kebeles have relatively been more expanded in Ethiopia since the early 1990s, this study focuses on woredas - the next higher and more expanded level of local government. The study attempts to respond to the following questions: Does the legal framework provide for criteria and procedures for local government creation and boundary demarcation?; Are there mechanisms for popular participation at the local level?; What are challenges and implications of local government creation and boundary demarcation?*

*Methodologically, this study employed a descriptive design and qualitative research approach and analysis. Both primary and secondary sources of data are used in this study. Key informant interview and document analysis are the main methods employed for data collection. Findings reveal that the fundamental decision in federal matters - the creation of local government - has been reserved for the Regional States. The FDRE Constitution has no express constitutional recognition of local governments, nor does it contain any specific procedures that govern the creation of local governments and demarcation of boundaries. This study, therefore, contends that the creation of local governments, their upgrading and change of boundaries are determined on ad hoc basis, and no comprehensible criteria have been laid down for the purpose. There also appears uncertainty on how local communities participate in the demarcation of local government boundaries, as the process is not regulated by law in detail.*

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Ayenew Birhanu, 2016

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## List of Acronyms

AAU	Addis Ababa University
AffRS	Affar Regional State
ARS	Amhara Regional State
Art	Article
BGRS	Benishangul-Gumuz Regional State
CON	Council of Nationalities
CSA	Central Statistical Agency
DLDP	District Level Decentralization Programme
EPRDF	Ethiopian People's Revolutionary Democratic Front
FDRE	Federal Democratic Republic of Ethiopia
GRS	Gambella Regional State
HoF	House of Federation
HoPR	House of People's Representatives
ISEN	Institute for the Study of Ethiopian Nationalities
LG(s)	Local Government(s)
MDB	Municipal Demarcation Board
MoFED	Ministry of Finance and Economic Development
MWUD	Ministry of Works and Urban Development
NEB	National Election Board
NRS	National Regional State
OPDO	Oromo People's Democratic Organization
OSZSF	Oromia Special Zone Surrounding Finfinne
ORS	Oromia Regional State
PASDEP	Plan for Accelerated and Sustained Development to End Poverty
PDRE	People's Democratic Republic of Ethiopia
PMAC	Provisional Military Administration Council
Procl(s)	Proclamation(s)
PSCAP	Public Sector Capacity Building Programme Support Project
SDPRP	Sustainable Development and Poverty Reduction Programme
SEPRDF	Southern Ethiopian People's Revolutionary Democratic Front
SNNPR	Southern Nations Nationalities and People's Region
TGE	Transitional Government of Ethiopia

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## Chapter-1: Introduction

### 1.1 Background of the Study

Ethiopia has a tradition of local government from ancient times.<sup>1</sup> However, the general outlines of modern Ethiopia's political system date back to the reign of Menelik (1889-1913), which was to become the foundation of the current Ethiopian state at the turn of 19<sup>th</sup> century.<sup>2</sup> Accordingly, a new system of local government administration had been initiated by Menelik, mainly to facilitate central control from Addis Ababa.<sup>3</sup> It was held that Ethiopia has a long, complex history of local government system with shifting boundaries and changing patterns for administering them.<sup>4</sup> This history compounds the problem of defining the boundaries and the number of local governments.

It is also expressed that Ethiopia's history during most of the nineteenth century was a story of repeated and usually successful efforts to centralize power and resources in the national state.<sup>5</sup> However, following the assumption of power by Ethiopian People's Revolutionary Democratic Front (EPRDF) in 1991, a new federal political order was created. The Ethiopian federal political system is typically described as consisting of three levels of government, Federal, Regional State and Local<sup>6</sup>. The 1995 Constitution of the Federal Democratic Republic of Ethiopia (FDRE) provides for the creation of local governments that would exist at Regional State level (Art 50(4)). Under the system of local government in operation at present, the structure of local governments is a responsibility of the Regional States, which

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<sup>1</sup> See, for instance, John Markakis, *Ethiopia: Anatomy of Traditional Polity* (Oxford University: Clarendon Press, 1974); Teshale Tibebu, *The Making of Modern Ethiopia, 1896-1974* (Lawrenceville, NJ: The Red Sea Press, 1995); Asmelash Beyene, 'Some Notes on the Evolution of Regional Administration in Ethiopia,' *Ethiopian J. of Development Research*, Vol.9, No.1 (1987); Daniel Gamachu, 'A nation in Perpetual Transition: the pattern of Changes in Administrative Divisions and Subdivisions in Ethiopia'. In Marcus HG(edi) *Papers of the 12<sup>th</sup> International conference of Ethiopian Studies*, 1994; Zemelak Ayele, 'Local government in Ethiopia; Still an apparatus of control,' *Law, Democracy and Development*, (2011)

<sup>2</sup> By 1900, Menelik had succeeded in establishing control over much of present-day Ethiopia. Hence, Ethiopia took its present shape with existing boundaries in the last quarter of the 19th century in the process of the expansion of the Ethiopian State. For a better understanding of the process of the creation of a modern Ethiopian state, see, among others, Teshale Tibebu, *The Making of Modern Ethiopia, 1896-1974* (Lawrenceville, NJ: The Red Sea Press, 1995), Bahru Zewde, *A History of Modern Ethiopia, 1855-1974* (Athens, O.H: Ohio University Press, 1991); Merera Gudina, *Ethiopia: Competing Ethnic Nationalisms and the Quest for Democracy, 1960-2000* (Netherlands: Shaker Publishing, 2003)

<sup>3</sup> See, among others, Simon Messing, 'Changing Ethiopia,' *Middle East J.*, Vol. 9, No. 4 (1955), p.425

<sup>4</sup> See Chri. Clapham, 'The State and Revolution in Ethiopia,' *Review of African Political Economy*, No. 44 (1989), p.11

<sup>5</sup> See, among others, Bahru Zewde, *A History of Modern Ethiopia, 1855-1974* (Athens, O.H: Ohio University Press, 1991); Assefa Fiseha, *Federalism and the Accommodation of Diversity in Ethiopia: A Comparative Study* (Nijmegen: Wolf Legal Publishers, 2006); Kidane Mengisteab, 'New Approaches to State Building in Africa: The Case of Ethiopia's Ethnic Based Federalism,' *African Studies Review*, Vol. 40, (1997)

<sup>6</sup> See, among others, Tsegaye Regassa, 'Sub-National Constitutions in Ethiopia: Towards entrenching Constitutionalism at Federal Level,' *Mizan Law Review*, Vol.3, No.1 (2009); Zerihun Yimer, 'The status, powers and functions of local government in Oromia'. In Alem H (edi), *Ethiopian federalism: principle, process and practice* (AAU Press: Addis Ababa, 2010); Zemelak A. and Yonatan F., 'The Constitutional Status of Local Government in Federal Systems: The Case of Ethiopia,' *Africa Today* Vol.50, No.4(2012)

have been given the power to determine the authority and functions of any local governments, such as zones, *woredas* or *kebeles*, which will be created within the Regional States.

As has already been hinted above, throughout the long and complex history, one might observe numerous reshuffle and fragmentation processes of local governments in Ethiopia. This trend has continued, even after the inception of the federal system. During recent years, there has been an increase in the number of local governments, while the number of constituent units has remained unchanged. The number of *woredas* (districts) increased roughly from 500 in 2000 to 800 a decade later and this figure continues to increase, with *woredas* periodically subdividing into multiple units.

This research focuses on local government system of the two selected Regional States of Ethiopian federation with the objective of assessing the challenges and implications associated with politics of creation and demarcation of local governments, with a heavy emphasis on *woredas*.

## 1.2 Statement of the Problem

There had been several changes in Ethiopia's administrative divisions at different times.<sup>7</sup> Changes in the boundaries, number, hierarchies and names of local governments were frequent.<sup>8</sup> The states of local government reforms in post-federal Ethiopia represent a continuity of this central historical tendency. The current federal administrative and territorial structure is characterized by relative instability of the second lowest and the basic unit of local government - *woredas* (districts).

Indeed, Ethiopia has begun reversing a process of centralization that took place for over a century. The first move in this respect was the creation of a federal system in 1995. The second move is the creation of, and decentralization of power to, local governments.

The official objectives for local level decentralization, as stated in several policy documents, are enhancing democratic participation and service delivery (MoFED, 2002). Achieving these objectives require a well considered institutional design of decentralization programmed that among other things provides clear substantive and procedural criteria for the creation, dissolution, amalgamation of local governments. Practice shows that in the past 20 or so years the number of local governments has exponentially increased. This raises the

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<sup>7</sup>Asmelash Beyene, 'Some Notes on the Evolution of Regional Administration in Ethiopia,' *Ethiopian J. of Development Research*, Vol.9, No.1 (1987), p.40; See also Assefa Fiseha, *Federalism and the Accommodation of Diversity in Ethiopia: A Comparative Study* (Nijmegen: Wolf Legal Publishers, 2006)

<sup>8</sup>Daniel Gamachu, 'A Nation in Perpetual Transition: the Pattern of Changes in Administrative Divisions and Subdivisions in Ethiopia'. In Marcus HG(edi) *Papers of the 12th International conference of Ethiopian Studies*, 1994, p.83

question that given the aforementioned objectives of the decentralization programmed, what are the substantive and procedural criteria for the creation and demarcation of local governments? Are these criteria observed in practice?

As has been argued above, the FDRE Constitution acknowledges the importance of decentralization, but it offers few specifics regarding local governments. Local governments are still in a state of flux and are subjected to continuous fragmentation. In this regard, although there has been some variation over time, the number of *woredas* has steadily climbed since the federal state's founding. Despite the amalgamation of *woredas* in 1996 that cut back on the total number of *woredas* in the country by an almost half, the overall trend since 2001 has been toward a continuous growth in the number of *woredas*. At the commencement of the District Level Decentralization Programme (DLDP) in 2002, there were only 552 *woredas* in the entire country. In 2013, *woredas* rose in number to a total of 801 nationwide, an increase of more than 31 percent, since 2002. This picture is unrivalled to the number of constituent units of the federation, which has remained steady at nine for the last the two decades, despite the unrelenting claim and demand for the creation of new Regional States.

The creation of *woredas* took place from time to time at a slow pace, and within each Regional States of the federation. While the Southern Nations, Nationalities and People's Region (SNNPR), a home to numerous ethnic groups, is a major contributor to such an increase in number of zones, *liyu woredas* and *woredas*, Oromia leads the multiplication of *woredas*. For instance, in 2001 the SNNPR had only nine zones having 72 *woredas* and five *liyu woredas*, 77 *woredas* in total against 13 zones (sub-divided in to 126 *woredas*) and eight *liyu woredas* in 2012. Similarly, Oromia had 12 zones and 180 *woredas* against 18 zones and 304 *woredas* for the same period. This is a much larger increase than in any other Regional State in the federation. Indeed, this number is constantly changing; the number of *woredas* has been steadily increasing over the last few years because of frequent splitting of existing *woredas* to create new ones.

This proposed research project aims at examining politics of local government creation, which has not only been a recurring phenomenon but also a contentious and sensitive one. It looks at the nature and pattern of creating local governments as well as the motives which account for the alterations in the boundaries and number of local governments in two selected Regional States, Oromia and SNNPR. The question posed by this paper engages with the extent to which this change is based on pre-determined substantive and procedural criteria as well as the extent to which local government creation is transparent, participatory and free

from political manipulation. The study details changes in the number of local governments and examines the major forces promoting change in favor of creation of new local government as well as the procedures for altering local government boundaries. It also identifies the various challenges and implications of the current state and practice of creating local governments and demarcating their boundaries.

### **1.3 Research Questions**

The study addresses the following research questions:

1. Does the state engage in local government creation through clear and consistently applied mechanisms?
2. How do local government boundary demarcations occur?
3. Are the local people involved in the process of demarcation? To what extent do decisions follow the will of the people?
4. What are the challenges in the creation and demarcation of local government and its implications?

### **1.4 Objectives of the Study**

The major objective of this study is to examine the challenges and implications associated with politics of creating local governments and demarcation of their boundaries within Ethiopian federation with particular reference to the practice of two Regional States-Oromia and SNNPR. The study looks mainly at the creation of *woredas*, which has become a continuous practice since the inception of the federal system. To this end, the study examines the bases and the principal drivers for the creation of local governments. It tries to assess the extent to which this change is based on pre-determined substantive and procedural criteria as well as the extent to which demarcation of local government boundary is transparent, participatory and free from political manipulation.

### **1.5 Significance of the Study**

Local government system in Ethiopia has not received the attention it deserves in light, especially of, recent discussions about the place and role of local government in federations. There is barely any academic work which comprehensively deals with the legal and constitutional principles governing the country's local government system. The purpose of this study is to bring to attention one of the prominent trends within Ethiopian federation and which has not been closely studied in academic literature: the politics of creation and demarcation of local governments. This is plainly a theme of great importance as little effort

has been made so far to explain and document this trend. This study is very significant as it seeks to explore this neglected area and build upon existing literature by examining the challenges and implications of the politics of creation of local government and demarcation of their boundaries in the federation's two largest and populous Regional States. In addition, this study will offer some further information on local government in the country that could be used by policy makers, researchers and academics.

### **1.6 Scope of the Study**

Ethiopia is a federal state composed of nine Regional States and two federal city administrations. This study has narrowed its field to the state of local government system of two Regional States, Oromia and SNNPR. Although *kebeles* have been the most expanded levels of local government over the last decades, this study focuses on *woredas*, the second most increasing local government levels, as *woredas* are centers of political and administrative power. Regarding geographical coverage, a total of five zones and 20 *woredas* are covered in this study.

The paper studies a particular aspect of Ethiopia's federalism or decentralization, the creation and demarcation of local government boundaries. The study attempts to critically examine the challenges and implications associated with the politics of creation and demarcation of local government boundaries, which has been underway in Ethiopia since the inception of the federal system in 1995. The scope of this study is, therefore, limited to a particular aspect of the state of local government affairs in the two selected Regional States: its pattern of creation and demarcation.

### **1.7 Limitation of the Study**

This study is not without limitations. The researcher has faced several constraints and challenges during data collection. Accessing some documents related to local government was very difficult due to low level of cooperation with people possessing important information. In addition, access to written documentation and records of local governments was limited. In a number of local governments, some vital information the researcher wanted were not available due to poor documentation practices and poor record keeping.

The other limitation of this study is the small sample size (only 20) of *woredas*. It was not possible to make the samples bigger because of financial constraints. With only 20 *woredas* in the sample, statistical power is limited. In fact, around 10,000 kms were travelled to visit the 20 local governments concerned. Although the number of interviewees may look smaller

in number, a qualitative interview, which mainly utilized semi-structured interview guide, brought a great deal of vital information through face-to-face discussion. In addition, most of the interviewees are selected purposefully because of their roles, status and knowledge in connection to the process of local government creation and demarcation of boundaries.

The other limitation is the difficulty of getting *woreda* officials and other key informants in the stipulated time. Some officials would make an appointment but never to honor their appointments. The data collection period was partly coincided with the 2015 national elections and so appointments to meet political leaders were difficult since they were at the time involved in active political campaigns. However, these challenges are substantiated by other means such as the use of diverse techniques to collect necessary information for the study and thus, the limitations do not have significant impact to decrease the credibility of the findings. In addition, the researcher was patient and reliable to ensure that accurate data is collected.

Last but not least, the resources allocated to the study were limited vis-a-vis the scope of the study which all negatively affected its comprehensiveness. The cost of the research was also higher than it was anticipated. One of the solution was to narrow the scope of primary data collection to five zones and twenty *woredas*. The respondents who were unwilling to give information they perceive to be sensitive were given confidential assurance on whatever piece of information they could give that their names will not be revealed in the dissertation. Extensive secondary data collection method was used as one of the strategies to minimize the cost of data collection.

## **1.8 Organization of the Study**

This research paper is organized into eight chapters. Following this introductory chapter, the second chapter provides a general direction of the study through a review of the relevant literature. Drawing on various studies, the chapter makes a close exploration and outlines various theoretical approaches to the understanding of local government. It looks at meaning and the basic theoretical rationale for creation of local government. This chapter also assesses the importance of local government boundary and provides some theoretical and comparative analysis of criteria and procedures of local government boundary demarcation. An attempt is also made to examine the role of local government in the design of federal institutions and understanding of contemporary federal theory.

Chapter three provides a description of research methodology employed for this study. It covers research design, data collection techniques, sampling techniques and methods of data

analysis as well as ethical considerations endorsed through the whole process of conducting this study.

Chapter four explains the origins, historical background and evolution of local government in Ethiopia. It provides a historical analysis of how local government systems have evolved up to the present, focusing on the political and legal aspects.

Chapter five describes the general pattern and the basic features of local government in Ethiopian federation. It explores the nature of local government system during the early decentralization period of Transitional Government and describes the general picture of local government under the new federal system.

Chapter six provides a brief overview of local government creation and boundary demarcation within Ethiopian federation in order to better address the central issues of the thesis. It evaluates the trend and dynamics of local government creation and boundary demarcation in the federation with a view to making the subsequent discussion more comprehensible.

In chapter seven, the founding principle and basic institutions of local government in the two Regional States are examined. This chapter details the institutional procedures for creation of new local governments as well as political process and motives that led to the creation of local government in the two Regional States. It critically identifies the various challenges and implications of politics of local government creation boundary demarcation in the two Regional States on the basis of the key findings presented in the preceding chapters.

Chapter eight is the final chapter of the dissertation and summarizes the major research findings from the case study areas and offers certain recommendations.

## Chapter-2: Theoretical and Conceptual Framework

### 2.1 LG: Approaches and the Semantic Problem

Local government as a concept has been subjected to a plethora of definitions.<sup>9</sup>

Local government is an ancient institution with evolving conceptualization.<sup>10</sup>

The concept of local government (the term being used interchangeably with ‘local authority’, ‘council’ and ‘municipality’), hereafter, LG, has been seen from different viewpoints. Some scholars link LG to the broad concept and practice of decentralization. For Olowu, for instance, LG comprises the most common element of decentralization.<sup>11</sup> Green also considered LG as one important aspect of decentralization.<sup>12</sup> Similarly, according to Asaju, decentralization constitutes the ‘basic and principle’ basis for the creation of LG.<sup>13</sup> Hence, viewed from this perspective, LG, is both a product and an expression of the notion of decentralization. Yet, this approach appears to be less persuasive. The tendency to regard LG as only a subset of a more general “decentralization” or “federalism”, it has been argued, runs counter to other theoretical considerations that suggest a distinctive role for LG in political participation and in policymaking.<sup>14</sup> It seems clear, therefore, that according to Sellers:

[...] the assimilation of local government systems into such aggregated classifications as “federalism”, [...] “decentralization” [...] or “state and local government” [...] amounts to [...] “concept stretching”.<sup>15</sup>

LG is often regarded as political organization in a local community. According to Niikawo, for instance, LG is a political institution in the local community and is a “focal point of a political system”.<sup>16</sup> Awa, as quoted in Adeyemo, sees LG as “a political authority set up by a nation or state as a subordinate authority for the purpose of dispersing political power”.<sup>17</sup>

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<sup>9</sup>P. O. Oviasuyi, ‘Model for Roles and Involvement of Local Communities in Development Projects and Programmes of Local Government Authorities in Nigeria,’ *J Hum Ecol*, Vol. 31, No.2 (2010), p.103

<sup>10</sup>Daniel A. Tonwe, ‘Conceptualizing Local Government from a Multi-Dimensional Perspective,’ *Higher Education of Social Science*, Vol. 1, No.1 (2011), p.66; See, also Daniel A. Tonwe, ‘Fluidity in democratic local governance: the Achilles’ heel of Nigerian Local Government,’ *J. Hum and Soc Sci.*, Vol. 4, No.2 (2012), p.75

<sup>11</sup>Dele Olowu, ‘Decentralization Policies and Practices under Structural Adjustment and Democratization in Africa,’ *UNRISD Democracy, Governance and Human Rights Programme*, Paper No. 4 (2001)

<sup>12</sup>Elliott Green, ‘District Creation and Decentralization in Uganda,’ *Crisis States Working Papers Series No.2*(2008)

<sup>13</sup> K. Asaju, ‘Local Government Autonomy In Nigeria: Politics and Challenges of The 1999 Constitution,’ *Inter'l J. of Advanced Legal Studies and Governance*, Vol. 1, No.1(2010), p.99

<sup>14</sup> See, Jeffrey M. Sellers, ‘Between National State and Local Society: Infrastructures of Local Governance in Developed Democracies,’ Manuscript Submitted for University of Southern California,2003, p.1

<sup>15</sup> *Ibid*, p.3, emphasis is mine

<sup>16</sup> T. Niikawo, ‘Decentralization and Local Politics,’ *Government and Politics*, Vol.1(2001), p.2

<sup>17</sup> D.O. Adeyemo, ‘Local Government Autonomy in Nigeria: A Historical Perspective,’ *J. Soc. Sci.*, Vol.10, No.2(2005), p.77

Lockard, likewise, perceived LG as a “public organization authorized to decide and administer a large range of public policies within a relatively small territory”.<sup>18</sup>

Ugoh and Ukpere defines LG, in the simplest language, albeit different way, as “management of the local affairs by the people of a locality”.<sup>19</sup> Similarly, Steytler considers LG as a government structure directly interacting with its constituent population without any order of government in between.<sup>20</sup>

From a rather different perspective, Cameron and Stone suggest that LG is “the sphere which interacts most closely with citizens through service delivery and can respond speedily and effectively to local problem”.<sup>21</sup> Similarly, Mukuro considers LG as a “medium through which the people actively participate in grassroots government and continue to enjoy the provision of services”.<sup>22</sup> In the same vein, Chatiza considers LGs as “the closest and locally accountable and accessible public institutions, with a role to represent local interests and deliver locally relevant services”.<sup>23</sup> According to Boadway and Shah, LG refers to “specific institutions or entities created to deliver a range of specified services to a relatively small geographically delineated area”.<sup>24</sup> Similarly, Bratton considers LG as a “set of formal institutions established to deliver a range of specified services to relatively small geographic jurisdictions”.<sup>25</sup> LGs, from this perspective, are mainly the providers and administrators of basic services in specified areas or localities, intended to meet the needs of the people.

Some scholars define LG from legal perspective. Alo, for instance, defines LG as a “formal organization set up by law, and it has a degree of autonomy to perform certain constitutional functions”.<sup>26</sup> Similarly, Agbakoba and Ogbonna define LG as a unit, empowered by law to administer a specific locality.<sup>27</sup> Kinuthia-Njenga defines LG as a system of administration,

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<sup>18</sup> D. Lockard cited in H. Okotie, *et al*, *Evolution of Nigerian Local Government* (Nigeria: National Open University of Nigeria, 2010), p.3

<sup>19</sup> S. Ugoh and W. Ukpere, ‘Problems and prospects of budgeting and budget implementation in Local Government System in Nigeria,’ *African J. of Business Management* Vol.3, No.12 (2009), p.836

<sup>20</sup> N. Steytler, ‘Comparative Conclusion’. In N. Steytler (edi), *A Global Dialogue on Federalism – Local Government and Metropolitan Regions in Federal System* (Montreal and Kingston: McGill-Queen’s University Press, 2009), p.396

<sup>21</sup> R. Cameron and A. Stone, *Serving the Public: A guide for practitioners and students* (Pretoria : J.L van Schaik, 1995), p.100

<sup>22</sup> A. Mukoro, ‘The Evolution of a Democratic Local Government System in Nigeria,’ *J. Soc. Sci.*, Vol.7, No.3 (2003), p.171

<sup>23</sup> Kudzai Chatiza ‘Can Local Government steer socio-economic transformation in Zimbabwe’. In N. Steytler, *et al*(eds) *Local Government reform in Zimbabwe: A policy dialogue*(South Africa: Community Law Centre, University of the Western Cape, 2010),p.22

<sup>24</sup> R. Boadway and A. Shah, *Fiscal Federalism: Principles and Practices of Multiorder Governance* (United States of America : Cambridge University Press, 2009), p.3

<sup>25</sup> Michael Bratton, ‘Citizen Perceptions of Local Government Responsiveness In Sub-Saharan Africa,’ *World Development* Vol. 40, No. 3(2012), p.517

<sup>26</sup> Ejikeme N. Alo, ‘Fiscal Federalism and Local Government Finance in Nigeria,’ *World J. of Education*, Vol. 2, No. 5 (2012), p.19

<sup>27</sup> Agbakoba and Ogbonna quoted in S. Ugoh and W. Ukpere, ‘Problems and prospects of budgeting and budget implementation in Local Government System in Nigeria,’ *African J. of Business Management* Vol.3, No. 12(2009), p.837

which empowers the local authorities through Constitutional Acts of government”.<sup>28</sup> After reviewing different definitions of LG, Adeyamo perceives that LG involves the conception of “a territorial non-sovereign community, possessing the legal right and the necessary organization to regulate its own affairs”.<sup>29</sup> From this perception, the legal status and autonomy aspects are highlighted.

The concept of LG, according to Pejanovic, not only has a political and legal dimension; it also has sociological connotations, in that “it directly affects community life within a demarcated locality”.<sup>30</sup> According to Bailey, LGs can be thought of as “democratically-elected bodies” whose jurisdiction is of a local (rather than regional or national) scale.<sup>31</sup> Likewise, Appadorai defined LG as “government by the popularly elected bodies charged with administrative and executive duties in matters concerning the inhabitants of a particular district or place”.<sup>32</sup> It is, therefore, clear that, from this perspective, democratically elected government is emphasized.

The definition for LG developed by the United Nations Office for Public Administration explains the basic features of a LG, and distinguishes LG from other governments:

[T]he term local government refers to a political subdivision of a nation or (in a federal system) state, which is constituted by law and has substantial control of local affairs, including the powers to impose taxes or to exact labor for prescribed purposes. The governing body of such an entity is elected or otherwise locally selected.<sup>33</sup>

This definition, as Oviasuyi argues, seems to have been widely accepted.<sup>34</sup> According to Oviasuyi, both the Cambridge Conference on LG in Africa and the United Nations Conferences at The Hague on Administrative Aspects of Decentralization adopted this definition.<sup>35</sup> The definition indicates that a LG is a lowest level of government; it is set-up by law and has certain responsibilities and it is usually democratically elected. Very clear from these interpretations is, as Ajayi, *et al* argue, the acknowledgement that LG is a government at the local level, established by law to perform specific functions within defined areas or jurisdiction.<sup>36</sup> The definition also reveals, as indicated above, that LG is a lowest tier of

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<sup>28</sup>Cecilia Kinuthia-Njenga ‘Local Government Reforms in the Region’ In UN-Habitat, *Local democracy and decentralization in East and Southern Africa*(Nairobi: Un-Habitat, 2002), p.15

<sup>29</sup> D.O. Adeyemo, ‘Local Government Autonomy in Nigeria: A Historical Perspective,’ *J. of Social. Science.*, Vol.10, No.2 (2005), p.79

<sup>30</sup> Mirko Pejanovic ‘Local Self-Government: A Must for Democracy, Civil Society and EU Integration’. In Martina Fischer (edi), *Peacebuilding and Civil Society in Bosnia- Herzegovina. Ten Years after Dayton* (Munster: Lit-Verlag, 2006), p. 216

<sup>31</sup>Stephen J. Bailey, *Local Government Economics: Principles and Practice* (London: Macmillan, 1999),p.2

<sup>32</sup> A. Appadorai, *The Substance of Politics* (New Delhi: Oxford University Press, 1975), p.287

<sup>33</sup> See UNO Summer Conference on Local Government in Africa, (1961), p.11

<sup>34</sup> See, Oviasuyi, *Supra* note9, p.104

<sup>35</sup> *Ibid.*

<sup>36</sup>K. Ajayi, *et al*, *Comparative Local Government: Course Guide* (Nigeria: National Open University of Nigeria, 2010), p.19

government depending on the political arrangement in place.<sup>37</sup> For instance therefore, in a federal system, LG is the third - tier level of government while in a unitary, non - Federal states, LG usually takes the place of second - tier level of government.<sup>38</sup> Perhaps this definition is made more explicit by Anwar Shah, who explains that:

[L]ocal government refers to specific institutions or entities created by national constitutions (Brazil, Denmark, France, India, Italy, Japan, Sweden), by state constitutions (Australia, the United States), by ordinary legislation of a higher level of central government (New Zealand, the United Kingdom, most countries), by provincial or state legislation (Canada, Pakistan), or by executive order (China) to deliver a range of specified services to a relatively small geographically delineated area.<sup>39</sup>

In the same vein, Alderfer, while not advocating an alternative conceptual framework, defines LG broadly as consisting of “all units of government under the national level in unitary states and under national and state levels in federal system”.<sup>40</sup> Sosmena defines LG as “political subdivisions of the state which are constituted by law, and which have substantial control over local affairs as well as the power to tax”.<sup>41</sup> In this context, He refers to lower level political units or ‘instrumentalities’, the peculiar or unique characteristic of which is their subordinate status to the central government.<sup>42</sup> Sosmena goes on to identify essential elements of LGs, which are of immediate relevance to its own definition: territory; population; continuous organization; separate legal identity; Independence from other LG units; government powers and functions; and power to raise revenues.<sup>43</sup>

For Whalen, LG is meant that system of subordinate local authorities and each unit of LG in any system is assumed to possess the following characteristics: a given territory and population, an institutional structure for legislative, executive and administrative purposes, a separate legal identity, a range of power and function authorized by delegation from the appropriate central or intermediate legislature, and autonomy.<sup>44</sup>

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<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> Anwar Shah, ‘A Comparative Institutional Framework for Responsive, Responsible, and Accountable Local Governance,’ In A. Shah(edi), *Local Governance In Industrial Countries* (The International Bank for Reconstruction and Development / The World Bank,2006), p.1; Matthew Andrews and Anwar Shah ‘Assessing Local Government Performance In Developing Countries’. In A. Shah (edi), *Measuring Government Performance in the Delivery of Public Services*, Vol. 2 of *Handbook on Public Sector Performance Reviews*. (Washington D.C.: The World Bank, 2003); Anwar Shah and Sana Shah, ‘The New Vision of Local Governance and the Evolving Roles of Local Governments’. In A.Shah(edi), *Local Governance in Developing Countries* (Washington D.C.: The World Bank, 2006)

<sup>40</sup> Harold F. Alderfer, *Local Government in Developing Countries*(London: Mc Graw Hill, Book Company, 1964) , p.1

<sup>41</sup>See, Gaudioso Sosmena, ‘Local Autonomy and Inter-governmental Relations,’ *Philippine Law J.*, Vol.61 (1986), p.426

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

<sup>44</sup> Hugh Whalen, ‘Ideology, Democracy, and the Foundations of Local Self-Government,’ *Canadian J. of Economics and Political Science* ,Vol. XXVI, No. 3(1960), p.377

Referring to Humes and Martin, Nyalunga argues that LGs have defined areas, populations, continuing organizations, and the authority to undertake and the power to carry out public activities in a particular area.<sup>45</sup> In the same manner, Chakaipa identifies a number of features that are commonly associated with definitions of LG.<sup>46</sup> LG is often, Chakaipa argues, a decentralized level of government; democratically established; charged with a service delivery mandate; comprised of legal entities with defined powers; charged with jurisdiction over a particular area within the limits sets by national legislation; and largely self-financing.<sup>47</sup>

Most interesting, however, is Tonwe's approach to LG from a multi-dimensional perspective.<sup>48</sup> From this point of view, LG is a multi-dimensional and integrated concept. LG is, according to Tonwe, an "integrant of democracy with social, economic, geographic, legal and administrative dimensions".<sup>49</sup> In this regard, Tonwe's fascinating account of LG deserves to be quoted at length:

Local government is basically an organized social entity based on the feeling of oneness. In political terms, it is concerned with the governance of a specific local area, constituting a political subdivision of a nation, state or other major political units. Thus, that local government or local self government (a concept that underlines the democratic aspect of election) cannot include rule by local notables, by traditional or hereditary rulers, some special elites or any one as a matter of right. In the same manner, local self-government is not reconcilable with the running of local affairs by local men nominated for the purpose by the central government. The participation of the local population in the selection of representatives, whether by election or by some special selection, is a very fundamental prerequisite of local government or local self-government. In the performance of its functions, it acts as the agent of the state. In effect, local government is an integrant of the political mechanism for governance in a country. As body corporate and juristic person, it represents a legal concept. The geography, demography and economic factors of a local area, offer important dimensions in the conceptual articulation of local government.<sup>50</sup>

In nutshell, in the literature, various definitions and diverse approaches have been advocated for LG. Put bluntly, like all political notions and institutions, LG (administration, authorities,

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<sup>45</sup> Dumisani Nyalunga, 'The Revitalization of Local Government in South Africa,' *Inter'NGO J.* Vol. 1, No.1(2006), p. xxx

<sup>46</sup> Stephen Chakaipa, 'Local Government institutions and elections'. In N. Steytler, *et al*(eds), *Local Government Reform in Zimbabwe: A policy Dialogue*(South Africa: Community Law Centre, University of the Western Cape, 2010), p.31

<sup>47</sup> *Ibid.*

<sup>48</sup> Daniel A. Tonwe, 'Conceptualizing Local Government from a Multi-Dimensional Perspective,' *Higher Education of Social Science*, Vol. 1, No.1 (2011)

<sup>49</sup> *Ibid.*, p.66

<sup>50</sup> *Ibid.*, pp. 69-70

etc.) is a 'polysemantic' phrase, subject to controversial theoretical-political interpretations and arguments for its “right” definition.<sup>51</sup>

Despite the conceptual differences, the preceding definitions make clear that LG is widely regarded as the nearest institution to the people at the grassroots. LG is considered as the lowest tier of government and closest to citizens and the community, and therefore known as ‘local’.<sup>52</sup>

Since it has no universally accepted definition, LG is taken in this study as a broad term that applies to that unit of government that is democratically elected and closest to the people and discharges its functions in a specified area within a state. In this study, district, local-self government and local authority will be used synonymously with LG.

Conceptualized in this way, the concept of LG as applied to the Ethiopian situation is used in a broader sense to refer to all levels of government which are structured below the Regional State such as zone, special (*liyu*, nationality) zone, special (*liyu*) *woreda*, *woreda* and *kebele*. However, this study primarily refers to the second lowest level of Regional State, i.e. *woredas*. *Woredas*, in this study, shall also include *liyu woredas* but will be referred and mentioned accordingly in different cases. *Zone*, *liyu zone*, and *kebele* would be mentioned only to the extent that they are relevant to the discussion.

## 2.2 Values of LG

The very object of having local representation is in order that those who have any interest in common, which they do not share with the general body of their countrymen, may manage that joint interest by themselves.<sup>53</sup>

The conventional argument for local government is that it secures the public interest in facilitating representative democracy, a crucial component of the democratic state in promoting pluralism, participation, and public choice.<sup>54</sup>

There have been various values and considerations that seem to shape the nature of contemporary LG. However, considerable theoretical debate exists on what the fundamental roles of LG are. The various classic theories on LG suggest that LG is supposed to embody certain values. LG has been long been embraced by political philosophers, legal scholars and economists for its ability to encourage political participation and to promote economic

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<sup>51</sup> Jovan Komsic, *Principles of European Regionalism* (Belgrade: Ass. of Multiethnic Cities of Southeast Europe, 2007),p.24

<sup>52</sup>Munawwar Alam ‘Local Government in the Commonwealth: Diversity at its Bloom’. In M. Alam and R.Koranteng (eds), *Local Government in Ghana* (London: the Commonwealth Secretariat, 2011), p.27

<sup>53</sup> J. Situart Mill as cited in L. J. Sharpe, ‘Theories and Values of Local Government,’ *Political Studies*, Vol. 18, No.2 (1970), p.115

<sup>54</sup> Bailey, *Supra* note31,p.4

efficiency. Policy-makers today, both in new and established federal democracies, seem equally enamored.

In Britain, early advocates such as Mill made two main claims: that LG widened opportunities for participation and education in government, and that it made efficient and effective government more likely.<sup>55</sup> Ismael, *et al*, posit that LG exists for two principal reasons, namely, service delivery and promotion of democracy.<sup>56</sup> Sharpe, in one of the seminal articles on LG, drew together a normative role for LG. According to Sharpe, the foundation of LG includes the values of local autonomy, local democracy (scope for citizen participation and influence) and efficiency (making the most of available resources).<sup>57</sup> Similar values are identified by Kjellburg, who argues that the institution of LG embodies a variety of values - autonomy, participation and efficiency - which on many occasions have been shown to be 'uneasy bedfellows'.<sup>58</sup> Similarly, Ola<sup>59</sup> amplified values of LG into three different schools of thought; (a) Democratic Participatory School; (b) The Efficient-Service School (c) The Developmental School.

In the same vein, in their examination of the transfer of power from central governments to sub-national units in Africa since the early 1990s, Yonatan and Kirkby wrote that central governments have justified the creation of LGs by arguing it promotes democracy, development, and accommodating diversity.<sup>60</sup> Three categories of valued outcomes have typically been offered throughout this research paper as broad justification for or comparative advantages of LG that are universally advanced: democratic participation, economic efficiency and management of ethnic diversity.

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<sup>55</sup> See, for instance, G. Stoker, 'Introduction: Normative Theories of Local Government and Democracy'. In D. King and G. Stoker (eds), *Rethinking Local Democracy* (Basingstoke: Macmillan, 1996), pp. 1-27; Jim Chandler, 'A Rationale for Local Government,' *Local Government Studies*, Vol. 36, No.1 (2010), pp. 5-20; John Greenwood and George Lambie, 'Local Government in Cuba: Democracy through participation?,' *Local Government Studies*, Vol.25, No.1 (1999), pp.55-74

<sup>56</sup> N. Ismael, *et al*, *Local Government Management* (Johannesburg: International Thomson Publishing, 1997), p.3

<sup>57</sup> L. J. Sharpe, 'Theories and Values of Local Government,' *Political Studies*, Vol. 18, No.2 (1970), pp.153-174

<sup>58</sup> Francesco Kjellberg, 'The Changing Values of Local Government,' *Annals of the American Academy of Political and Social Science*, Vol. 540 (1995); Francesco Kjellberg, 'Local Government Reorganization and the Development of the Welfare State,' *J. of Public Policy*, Vol. 5, No. 2 (1985), pp. 215-239

<sup>59</sup> See R. F. Ola, *Local Administration in Nigeria* (London: Kegan Paul International, 1984)

<sup>60</sup> Yonatan Fessha and Coel Kirkby, 'A Critical Survey of Sub-national Autonomy in African States,' *Publius: The J. of Federalism*, Vol. 38, No. 2 (2008), pp. 248-271

### 2.2.1 Democracy

LGs have long been celebrated for their role as “incubators of democracy”.<sup>61</sup> In other words, it is seen as a cornerstone in the structure of a democratic political system. It has been argued that the English term LG means “the free participation of the citizens in the management of the affairs of their community, which is in fact the essence of democracy”.<sup>62</sup> Many scholars, therefore, justify LG in terms of political participation. It has been suggested that there is strong link between LG and greater participation. LG’s contribution to democratic participation, first noted by Plato and Aristotle, is in the presumed ability of small polities to encourage public discourse.<sup>63</sup> Modern political theorists have made similar arguments. As Panther-Brick argues, LG is considered as a vital ‘training ground’ for democracy.<sup>64</sup> In fact, this thesis dates back to Alexis de Tocqueville, the insightful French observer of the post-Revolutionary period, who saw in the civic life of New England townships the roots of democracy in America:

Town meetings are to liberty what primary schools are to science: they bring it within the people’s reach; they teach people to appreciate its peaceful enjoyment and accustom them to make use of it.<sup>65</sup>

As Lawler argues, taking as his model the New England townships, Tocqueville observes that local institutions are a ‘school of political freedom’.<sup>66</sup> Hence, as Boulouis argues, the reason most commonly given for regarding LG as the cornerstone of democracy and the first step in the political education of the citizen is that “it betokens freedom”.<sup>67</sup> The traditional orthodoxy of the value of LG can also be traced to the work of J.S. Mill, who shared similar views about the importance of local political institutions with Jeremy Bentham, as being elemental to democracy. Mill, who acknowledged intellectual debt to Tocqueville, especially on matters related to decentralization, stressed that participation in local affairs plays an important role in the public education of the citizens.<sup>68</sup>

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<sup>61</sup> Richard Briffault, ‘The Local Government Boundary Problem in Metropolitan Areas,’ *Stanford Law Review*, Vol. 48, No. 5 (1996), p.1123

<sup>62</sup> J. Boulouis, ‘Local Government as a Basis of and Training in Democracy,’ *Inter’l Soci. Sci. Bulletin* Vol. V (1953), p.14

<sup>63</sup> For a detailed discussion, See, among others, Ann Ward and Lee Ward (eds), *The Ashgate Research Companion to Federalism*(England: Ashgate Publishing Limited, 2009)

<sup>64</sup> Keith Panter-Brick ‘Local Government and Democracy - A Rejoinder,’ *Public Administration*, Vol. XXXI (1953)

<sup>65</sup> Tocqueville quoted in Albert Breton, ‘Federalism and Decentralization: Ownership Rights and the Superiority of Federalism,’ *Publius*, Vol.30, No.2(2000), p.3

<sup>66</sup> *Ibid*, p.198

<sup>67</sup> Boulouis, *Supra* note 62, p.16

<sup>68</sup> *Ibid*; See also John Gray(edi), *Mill on Liberty and Other Essays*(Oxford: Oxford Uni. Press,1991), p.412

As many scholars emphasized, Mill's claim rested on two main points.<sup>69</sup> First, that local political institution expands the opportunity for participation and provides a context in which the local citizenry can be educated in the art of practical politics. Second, local political institution have the capacity to achieve efficient and effective service provision due to their scope for local administration and the belief that oversight functions are performed by local interests with the requisite knowledge. Participation at the local level, Mill wrote, is the "practical part of the political education of a free people".<sup>70</sup> Hence, Mill placed great emphasis on the participative virtues of LG, suggesting that they help to provide citizens with an education in democracy.<sup>71</sup> Davis supported this view and maintained that democracy underpinned the theoretical argument for the existence of LG.<sup>72</sup> While commenting about LG in the United Kingdom, Davis stated that:

The legitimate role for the local authority stems from its democratic base. Indeed the democratic process is the fundamental rationale for the existence of local government.<sup>73</sup>

By allowing people to participate in their own government, Sharpe suggests, LG has a 'democratic primacy' over central government because it enables 'more people to participate in their own government'.<sup>74</sup> Similarly, according to Lohmus, the foundation of LG includes the value democracy in the sense that LG as an institution proceeds from the democratic values of the society and the various management instruments are means to foster them.<sup>75</sup>

Other scholars who justify LG at least partially in terms of participation include Francesco Kjellberg, who perceives LG as a major vehicle for the access and sustenance of citizens' participation in public affairs.<sup>76</sup> According to Kjellberg, the democratic ideal in LG implies that active participation of the citizens in local affairs is 'both a goal in itself and an instrument for strengthening democracy in society at large' for the fact that participation represents a real occasion to influence the decisions about everyday life, creates the possibility for political education and the feeling of solidarity in community.<sup>77</sup>

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<sup>69</sup> G. Stoker, 'Introduction: Normative Theories of Local Government and Democracy'. In D. King and G. Stoker (eds), *Rethinking Local Democracy* (Basingstoke: Macmillan, 1996), p.5; J. Greenwood and G. Lambie, 'Local Government in Cuba: Democracy through participation?', *Local Government Studies*, Vol. 25, No.1(1999),pp. 55-74

<sup>70</sup> J.S. Mill quoted in Richard Briffault, *Supra* note 61, p.1123

<sup>71</sup> J.S. Mill, *Considerations on Representative Democracy* (New York, 1862), pp. 288–9.

<sup>72</sup> H. Davis quoted in Catherine Dale, 'The Role of Local Government for a Contemporary Victorian Community,' Unpublished PhD thesis, Victoria University, 2008,p.80

<sup>73</sup> *Ibid.*

<sup>74</sup> Sharpe, *Supra* note 57, p.160

<sup>75</sup> Mikk Lohmus, 'Local Autonomy and Territorial Decentralization in Capital Cities,' *Halduskultuur*, Vol. 9, (2008), p.62

<sup>76</sup> Francesco Kjellberg, 'The Changing Values of Local Government,' *Annals of the American Academy of Political and Social Science*, Vol. 540 (1995), p.44

<sup>77</sup> *Ibid.*

LG, it is asserted, is a focal point for efforts to advance participatory democracy.<sup>78</sup> It has been argued that LGs are crucial arenas for participation because they are small in area and population- at least when compared to the state or nation.<sup>79</sup> LG can offer the most extensive opportunities for local individual participation more than higher units, because it enables citizens to participate where they live, work, and play.<sup>80</sup> According to Alam, the element of popular participation (electoral process) in LGs provides a training ground of democracy at the grass-roots level, both for the representatives and the represented.<sup>81</sup>

In general, an outstanding feature of this approach is the emphasis that it places on the primary role of LG as being local democracy. Similar sentiments are expressed by such institutions as World Bank as a way of encouraging the citizenry of developing countries to participate in politics.<sup>82</sup> The importance of LG for democratic development has also been consistently reaffirmed by the Council of Europe.<sup>83</sup>

In fact, the notion that LG 'is necessary', or promotes democracy is less an area of consensus. One of the earliest writers to contest the democratic value of LG was Georges Langrod, who posited that there is no evidence to support the claim that "there exists an inevitable tie of reciprocal dependence between democracy and LG".<sup>84</sup> He further contends that "democracy does not come into being where LG appears nor does it cease with its disappearance".<sup>85</sup> Nevertheless, as Greenwood and Lambie argue, it is undeniable that LG has long been justified as an instrument of local participation- from which flows many of the other 'values' of LG - promoting citizenship and political education, power dispersal, developing local identity and so on.<sup>86</sup> Yonatan and Kirkby also maintain that the democratic justification is persuasive provided that "local elites are responsive to their constituents and those constituents have the capacity and desire to hold them accountable".<sup>87</sup> In brief, as has been noted, the most important value underlying LG is democracy. This value is best served at LG

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<sup>78</sup> R. Briffault, 'Our Localism: Part II- Localism and Legal Theory,' *Columbia Law Review*, Vol. 90, No. 2 (1990), p.396

<sup>79</sup> *Ibid.*

<sup>80</sup> Sellers, *Supra* note 14, p.3

<sup>81</sup> Munawwar Alam, 'Local Government in the Commonwealth: Diversity at its Bloom'. In M. Alam and R. Koranteng (eds), *Local Government in Ghana* (London: the Commonwealth Secretariat, 2011), p.27

<sup>82</sup> See, among others, World Bank, *World Development Report*, 2000; World Bank and United Cities and Local Governments, *Decentralization and Local Democracy in the World*, First Global Report, 2008

<sup>83</sup> In the European Charter of Local Self-Government, adopted in 1985, the Council of Europe defines the fundamental principles of local self-government based on the European states' experience (Council of Europe 1985). The Charter describes the local authorities as one of the main foundations of any democratic regime and states that the safeguarding and reinforcement of local self-government is an important contribution to the construction of a Europe based on the principles of democracy, participation and the decentralization of power.

<sup>84</sup> Georges Langrod, 'Local Government and Democracy,' *Public Administration*, Vol.31, No. 1(1953), p.25

<sup>85</sup> *Ibid.*

<sup>86</sup> J. Greenwood and G. Lambie, 'Local Government in Cuba: Democracy through participation?,' *Local Government Studies*, Vol.25, No.1 (1999), p.57

<sup>87</sup> Yonatan and Kirkby, *Supra* note 60, p.250

sphere, because of its closeness to the local community both in a geographical sense, and as far as its potential responsiveness is concerned. Moreover, access to politicians is likely to be easier and information about politician's activities more readily available when government is small. Promoting participation is also another stated value and, as has been already indicated above, its centrality to theories justifying LG has been a recurrent theme.

### 2.2.2 Economic Efficiency

LG has also been advocated for promoting efficiency. For some, the critical role of LG is to relieve higher tiers of LG from the burden of public service delivery and detailed regulation in all localities.<sup>88</sup> Charles Tiebout, in his seminal contribution on “A pure theory of local government expenditure,” a paper that has become a classic in the public finance theory of LG, demonstrates that given a certain set of circumstances, LG would be fully efficient in the provision of public services.<sup>89</sup>

Proponents argue that LGs- because they are local- are better placed than central government to know “what public services are needed, by whom, and how best to deliver them”.<sup>90</sup> This leads, in economic terms, to ‘allocative efficiency’.<sup>91</sup> Viewed in this light, LG, primarily, seen as a series of agencies for providing national services as efficiently as possible.<sup>92</sup> As has been hinted above, this reflects the beliefs that because LGs are closer to the people than the central government:

[T]hey will be better informed about the preferences and circumstances of the residents; therefore, decentralization can improve allocative efficiency in the sense that the services provided by local governments will be better matched to the preferences of their populace.<sup>93</sup>

According to Watt, a major advantage of LG provision of local public goods “lies in its ability to match local provision to local tastes and preferences in contrast with the uniformity

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<sup>88</sup> Eastern Cape Socio-Economic Consultative Council, ‘Framing the demarcation debate,’ Draft Research Reports, 26 June 2012, p.7

<sup>89</sup> Tiebout developed a theory based on the ‘menu’ of opportunities and alternatives under fragmented LG units. His model, which came to be known as the ‘Tiebout Model’, is formed around the idea that competition across local jurisdictions results in competitive pressure in the market for local public goods and hence results in efficient provision of the same. There are several assumptions that are necessary for Tiebout sorting to produce a perfectly efficient outcome. These assumptions are; consumer-voters are fully mobile; consumer-voters have perfect information of revenue and expenditure patterns of LGs; consumer-voters may freely choose from a large number of communities; there are no spillovers of public services across communities; there exists an optimum community size (which depends on the economies of scale in local public services); and communities seek to maintain this size. See Charles Tiebout, ‘A Pure Theory of Local Expenditure,’ *J. of Political Economy*, Vol.64(1956),pp 416-424

<sup>90</sup> International Council on Human Rights Policy, *Local Rule: Decentralization and Human Rights*(Switzerland: ATAR Roto Press SA, 2002),p.10

<sup>91</sup> *Ibid.*

<sup>92</sup> M. T. Balaguer-Coll, *et al*, ‘Decentralization and efficiency of Local Government,’ *Ann. Reg. Sci.*, Vol. 45 (2010), pp. 571–601

<sup>93</sup> K. T. Akramov and F. Asante, ‘Decentralization and Public Services in Ghana: do Geography and Ethnic Diversity Matter?’, *IFPRI Discussion Paper*, No. 00872, (2009), p.7

expected under central government provision”.<sup>94</sup> Zhou identifies two reasons behind the efficiency argument:

The primary argument for local government [...] to perform a certain function is efficiency, that is, local governments are closer to citizens, hence are more informed of local preferences and can more efficiently respond to them. A second efficiency argument derives from the assumption that mobile citizens and businesses in search of better public services and infrastructure create competitive pressure among local governments and improve their performance.<sup>95</sup>

Briffault makes it clear also that efficiency occurs in three ways.<sup>96</sup> First, according to Briffault, LG “permits public policy decisions to match distinctive local conditions and preferences”.<sup>97</sup> Second, using Tiebout's model, Briffault argues that “if there are large numbers of localities in a given area, and people are free to relocate from one locality to another, individuals will be able to select among localities, each offering its particular package of taxes, services, and regulation”.<sup>98</sup> Third, according to Briffault, the existence of a large number of localities “limits the monopolistic tendencies of government”.<sup>99</sup> In other words, according to Briffault, instead of one government providing public services on a take-it-or-leave-it basis, the multiplicity of LGs gives citizen options.<sup>100</sup>

A basic argument for maintaining and strengthening LG institution is that, according to Kjellberg, elected local bodies offer the most efficient way of handling the discrepancy between needs and demands in the community, as well as the production of public benefits.<sup>101</sup>

Like Briffault, Kjellberg also provides threefold argument:

First, being an expression of the local community, elected and politically responsible bodies at the local level have, to a greater extent than deconcentrated central administrative agencies, the necessary knowledge to deal with local issues and to transform needs into political action. Second, according to the efficiency argument, local government is more suited to promoting the coordination of public actions than are other possible alternatives. Third, being a multipurpose unit of government, it has a greater potential for connecting the different salient issues in a community than do specialized state organs.<sup>102</sup>

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<sup>94</sup> Peter A. Watt, ‘Principles and Theories of Local Government,’ *Economic Affairs*, (2006),p.4

<sup>95</sup>Yongmei Zhou, ‘Introduction’. In Yongmei Zhou(edi), *Decentralization, Democracy, and Development: Recent Experience from Sierra Leone* (Washington, D.C: The World Bank, 2009), p. XV

<sup>96</sup> Briffault, *Supra* note 61, pp.1124-25

<sup>97</sup> *Ibid.*

<sup>98</sup> *Ibid.*

<sup>99</sup> *Ibid.*

<sup>100</sup> *Ibid.*

<sup>101</sup> Kjellberg, *Supra* note 76, p.45

<sup>102</sup> *Ibid.*

As has been hinted above, according to the spatial competition model first suggested by Charles Tiebout, policy is developed simultaneously in many parallel jurisdictions, and citizens can choose which unit delivers services most efficaciously, leading to more efficient government. Yet it is unclear, according to Galle and Leahy, whether this efficiency gain is outweighed by the “costs involved in the constant uprooting and relocation that would accompany competition, not to mention the sacrifice of potential economies of scale from locating services in one large, central unit”.<sup>103</sup> Similarly, according to Galle and Leahy:

while decentralizing government might allow citizens to ‘sort themselves according to their preferences for the kind and amount of government services, this divided government also leads to inefficiencies, as local governments may not internalize the positive or negative spillovers generated by their choices.’<sup>104</sup>

Similarly, it has been argued that the efficiency argument ignores the inefficiencies that may result from small scales production, particularly “the failure to capture economies of scale and the limited incentives small units have to control externalities emerging from their behavior, which in turn requires central intervention to reduce systemic inefficiencies this creates”.<sup>105</sup> Public choice theorists have criticized these efficiency justifications on the grounds that monopoly service provision is prone to capture by powerful interest groups leading to the oversupply of service, and is thus ‘allocatively inefficient’.<sup>106</sup> According to Khan, elite domination or capture refers to the process by which individuals “dominate and corrupt community-level planning and governance and who can use – rather misuse – the institutions to benefit themselves”.<sup>107</sup>

Bardhan and Mookherjee held similar opinions that LGs are more prone to elite capture.<sup>108</sup> There are also doubts about the assumptions required for the Tiebout model, which are, according Bardhan, much too stringent, particularly for poor countries.<sup>109</sup>

In brief, conclusion from existing analyses on efficiency thesis has been mixed. The foregoing roughly depicts that one of the traditional primary roles of LG is to secure the smooth and efficient functioning of the public services. The service delivery thesis is premised on the assumption that, since the LG structures are or should be within the local

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<sup>103</sup>B. Galle and J. Leahy, ‘Laboratories of Democracy? Policy Innovation in Decentralized Governments,’ *Emory Law J.*, Vol. 58, No.6 (2009),p.1336

<sup>104</sup> *Ibid.*

<sup>105</sup>Eastern Cape Socio-Economic Consultative Council, *Supra* note 88, p.7

<sup>106</sup> *Ibid.*, see also G. Boyne, ‘Competition and Local Government: A Public Choice Perspective,’ *Urban Studies*, Vol. 33(1996), pp. 703-21.

<sup>107</sup>Shadiullah Khan, ‘Local Governments and Local Elites,’ *Local Government Studies*, Vol. 34, No. 4 (2008), p.512

<sup>108</sup>P. Bardhan and D. Mookherjee, ‘Capture and governance at local and national levels,’ *American Economic Review*, Vol.90, No 2(2000), pp.135-139

<sup>109</sup> Pranab Bardhan, ‘Decentralization of Governance and Development,’ *J. of Economic Perspectives*, Vol.16, No 4 (2002), p.188

communities, they are likely to respond more promptly to the local demands than would the central government itself.

When viewed as a whole, theoretical discussions seem to support the conclusion that LGs, as units of government closest to the population, have a vital role in providing services in their areas of jurisdiction. This is based on the assumption that district and municipal governments have a better understanding of the needs and aspirations of their communities than the central government. It is quite plausible to argue that since LGs are spatially and institutionally closer to the people, they have a better understanding of local needs and preferences and are better able to respond to these than central governments. But at the same time, it is important to keep in mind that LG can contribute to the valued outcome of government efficiency, but it is by no means guaranteed.

### 2.2. 3 Accommodation of Diversity

An alternative perspective on the role of LG underlines its contribution to cultural and ethnic identity. Many scholars posited the relevance of LG in responding to the multi-ethnic challenge.<sup>110</sup> In this regard, LGs, for instance, are defended as tool for accommodating ethnic claims. It has been argued, for instance, that LG unit, such as, districts and municipalities, may serve as "autonomous territorial units of minority groups".<sup>111</sup> The assumption is that by representing small geographical areas, LGs help to address the needs of the country's various minorities. It is assumed that LG, by its nature, symbolizes the easiest way of addressing the citizen's needs and finding out solutions for their problems.<sup>112</sup> Yonatan, in his examination of the relevance of LG in responding to the multi-ethnic challenge, stressed that:

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<sup>110</sup> See, among others, David A. Lake and Donald Rothchild, 'Territorial Decentralization and Civil War Settlements'. In P. Roeder and D. Rothchild (eds), *Sustainable Peace - Power and Democracy after Civil Wars* (Ithaca: Cornell University Press, 2005), pp. 109–132; Thomas Fleiner, 'Challenges of Devolution and Power Sharing Structures in Federation,' Paper for the Conference Comparative Constitutional Traditions in South Asia of the joint conference of SAIS and SOAS, Nov. 17-19,2006, London; Yonatan Fessha and Coel Kirkby, 'A Critical Survey of Sub-national Autonomy in African States,' *Publius: The J. of Federalism*, Vo. 38, No. 2 (2008), pp. 248-271; Yonatan Fessha, 'Federalism, the sub-national constitutional framework and Local Government: Accommodating minorities within minorities,' *Perspectives on Federalism*, Vol. 4, issue 2 (2012); Aisling Lyon, 'Municipal Decentralization in the Republic of Macedonia: Preserving a Multi- Ethnic State?,' *Federal Governance*, Vol. 8 No. 3 (2011),pp. 28-49; Arendt Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven: Yale University Press, 1977); T.R Gurr, *Peoples Versus States: Minorities at Risk in the New Century* (Washington, D.C.: United States Institute of Peace Press, 2000); 'Making Decentralization Work in Ethnically Divided Societies: State and Societal Synergism, Paper prepared for presentation at the Ethnic and Pluralism Studies Student Conference, Sidney Smith Hall, University of Toronto, April 14-15, 2008

<sup>111</sup>Zemelak Ayele, 'Decentralization, development and accommodation of ethnic minorities: The case of Ethiopia,' Unpublished PhD Thesis, University of the Western Cape, 2012,p.92

<sup>112</sup>See Bojana Jovanovska and Stiv Stojmenov, 'Implementing Multiculturalism: Social Inclusion of Minorities through Decentralization Reforms in Macedonia,' *The Western Balkans Policy Review*, Vol. 1, Issue 1161, January/June 2010

A sub-national constitutional framework that organizes local government based on the same constitutional principles of self-rule (and possibly shared rule), [...], represents the best hope in addressing the majority-minority tension that often characterizes sub-national units in multi-national federations.<sup>113</sup>

Hence, one of the most frequently cited argument in favor of LG creation is its ability to satisfy the demands of spatially concentrated ethnic groups for autonomy over their own affairs and resources. There is an assumption that building local self-government and decentralizing power in a multi-ethnic federal state can provide inter-ethnic accord and help develop cultural variety.<sup>114</sup> LG has been credited with the establishment of separate governance structures as well as multiple arenas of contestation for power and influence through which members of a specific ethnic community exercise control over their political, economic, social or cultural affairs.<sup>115</sup> In other words, it has been argued that LG creation provides greater scope for promoting minority rights and the protection of their cultural identity. LG creation is believed to instill a greater sense of security within these groups that they will not be subject to discriminatory practices and unwanted intrusions in the future.

As Lyon argues, LG has been posited as an institution for promoting public accord and working out mechanisms for balancing the interests of different ethnic groups.<sup>116</sup> According to Lyon, decentralized institutions facilitate better access to political structures and state resources for ethnic minority.<sup>117</sup> Accordingly, it provides greater scope for promoting minority rights and the protection of their cultural identity.<sup>118</sup>

Decentralized governance does not come without its risks, however. Several researchers have noted- usually in passing- how LG structures may be counterproductive under certain circumstances.<sup>119</sup> It has been stressed that the introduction or strengthening of LGs is not

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<sup>113</sup>Yonatan Fessha, 'Federalism, the sub-national constitutional framework and Local Government: Accommodating minorities within minorities,' *Perspectives on Federalism*, Vol. 4, issue 2 (2012), p.80

<sup>114</sup>Francesco Palermo, 'Decentralization as a Tool for Groups' Accommodation- Some Reflections,' A Paper Prepared for the Conference on "Democracy and Decentralization-Strengthening Democratic Institutions Through Participation," 3-4 May 2010, St Gallen, Switzerland

<sup>115</sup> Derick Brinkerhoff and Ronald Johnson, 'Good Enough Governance in Fragile States: the Role of Center-Periphery Relations and Local Government,' Paper presented at 4th International Specialized Conference on "International Aid and Public Administration" International Institute of Administrative Sciences, June 23-27, 2008, Ankara, Turkey, p.11

<sup>116</sup>Aisling Lyon, 'Between the Integration and Accommodation of Ethnic Difference: Decentralization in the Republic of Macedonia,' *J. on Ethno politics and Minority Issues in Europe*, Vol. 11, No. 3 (2012), p.83

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*

<sup>119</sup>See, among others, J. McGarry and B. O'Leary, *The Politics of Ethnic Conflict Regulation* (London: Routledge, 1993); S. E. Cornell, 'Autonomy As a Source of Conflict: Caucasian Conflicts in Theoretical Perspective,' *World Politics*, Vol. 54 (2002); David A. Lake and Donald Rothchild, 'Containing Fear : The Origin and Management of Ethnic Conflict,' *Inter'l Security*, Vol.21, No.2 (1996); B. Brancati, *Peace by Design: Managing Intrastate Conflict through Decentralization* (Oxford: Oxford University Press), 2008

automatically a recipe for success; to the contrary, it is a solution that brings a number of dangers in multiethnic states.

To sum up, there is an assumption that a great number of problems in inter-ethnic relations and preservation of cultural traditions and identity can be solved through empowering local communities. In many cases, local powers are proved to be more effective in solving inter-ethnic problems than the federal or regional powers. The main sense of the LG, as has been indicated repeatedly, is to bring authority closer to people. LG gives minorities the right to decide on their priorities at local level, and that way community identity is protected.

There is, however, considerable reason to argue that the institution of territorial autonomy may be conducive not to interethnic peace and cooperation but rather may foster ethnic mobilization and conflict. The general sentiment of the literature is that the advantages of LG nevertheless supersede its possible drawbacks. However, it must also be admitted that the relationship between LG and ethnic diversity is complex and crucially contingent on institutional arrangements. In brief, though some scholars confirm that LG is no panacea for divided states, they present a positive message; the merits of LG as a means of managing ethnic differences in plural societies. Hence, viewed from this perspective, in the armory of techniques available to regulate ethnic or other similar conflicts, LG occupies a prominent place. Drawing on various theories, it can be argued that there are a number of benefits usually cited in favor of creation of LG. It is, therefore, submitted that LG creation involves a combination of 'issues' and 'interests'.

### 2.3 LG in Federal Systems

The emergence of local government as an institution of self-government over the past half-century has seen the slow reshaping of federal systems.<sup>120</sup>

In the decade to come, local communities and their governments will play a larger role in the lives of citizens in federal political systems. The continued neglect of this reality in the institutional design of federal systems, therefore, threatens the normative appeal of federalism as a system of government, the legitimacy and relevance of federal institutions, and the efficiency of federal public policy.<sup>121</sup>

This section looks at the nature, role and differential constitutional arrangements for LGs in federal countries. The first subsection tries to locate the nature of LG in federal framework and demonstrates the importance of LG in federal system. It particularly looks at the current

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<sup>120</sup> N. Steytler, *Supra* note 20, p. 432

<sup>121</sup> Roger Gibbins, 'Local governance and federal political systems,' *UNESCO* 2001, p. 169

state and activities of LG in federations. The second subsection provides a brief description of the constitutional status of LG in federal countries.

### 2.3.1 Reviewing the Role and the Increasing Importance of LG in Federations

Local government has a long and venerable tradition in many countries. In some it is a young and sensitive plant, and in others it really has not yet been seriously tried.<sup>122</sup>

In all federations in recent years, there has been a growing awareness of the importance of local governments [...].<sup>123</sup>

[L]ocal government has an increasing role in the governance of federal countries, placing new demands on the theory and practice of federalism.<sup>124</sup>

LG is assumed as a unit of administration all over the world.<sup>125</sup> Although it is a universal institution, it exists in different forms and in different political systems. There has been a tendency in the federalism literature to ignore the issue of LG. Scholars of federalism often, as Stein argues<sup>126</sup>, point to the relative weakness of LGs, suggesting these authorities are minor players in the federal system.<sup>127</sup> In this regard, Sellers, for instance, observed that:

[L]ocal government [...] praised by Tocqueville as a bulwark of American democracy and now one of the most consistent institutional features of democracies around the world, has received remarkably little systematic, cross-national comparative attention.<sup>128</sup>

Until recently, as Sellers argues, despite growing attention in comparative politics to sub-national institutions, the LG systems that comprise the most common element of decentralization around the world have received little systematic attention.<sup>129</sup> It has been

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<sup>122</sup> See, United Nations, DDSMS and UNDP, 'Local Governance,' Report of the United Nations Global Forum on Innovative Policies and Practices in Local Governance, Gothenburg, Sweden, 23-27 September 1996, p.3

<sup>123</sup>Ronald Watts and J. Kincaid, 'An Introduction'. In J. Kincaid and R. Chattopadhyay (edi), *Local government In Federal Systems, Unity In Diversity*(New Delhi: Viva Books Private Limited,2008), p.XVI

<sup>124</sup>N. Steytler 'Introduction'. In N. Steytler(edi), *The Place and Role of Local Government In Federal Systems*(Johannesburg: Konrad-Adenauer-Stiftung,2005), p.1

<sup>125</sup>T. Lawal and A. Oladunjoye, 'Local Government, Corruption And Democracy In Nigeria,' *J. of Sustainable Development in Africa*, Vol. 12, No.5 (2010), p.227

<sup>126</sup> Michael Stein, 'The Concept of Multi-level Governance in Studies of Federalism,' Paper Presented at the International Political Science Association (IPSA) International Conference on "International Political Science: New Theoretical and Regional Perspectives" Concordia University, Canada, May 2, 2008, p.24

<sup>127</sup>See, among others, A.V. Dicey, *Introduction to the Study of the Law of the Constitution* (London: Macmillan and Co., 1939); K.C. Wheare, *Federal Government* (Oxford: Oxford University Press,1964); W.S. Livingston, *Federalism and Constitutional Change* (Oxford: Clarendon Press1956); W. Riker, 'Federalism'. In Fred.I.Greenstein and N.W.Polsby (eds), *Hand-book of Political Science: Government Institutions and Processes* (Reading, MA: Addison Wesley,1975); D. Elazar, *Exploring Federalism*(Tuscaloosa, AL: University of Alabama,1987); F. Stilwell and P. Troy, 'Multi-level governance and urban development in Australia,' *Urban Studies*, Vol. 37, No.5(2000)

<sup>128</sup>Sellers, *Supra* note14, p.1

<sup>129</sup> *Ibid.*

argued that LG is one of the less explored and yet most relevant aspects of federal studies.<sup>130</sup> LG is often, as one Russian scholar noted, viewed as the 'back yard' of 'Big Politics'.<sup>131</sup> In contrast to those who draw on more traditional understandings of federalism, there is now a tendency among modern scholars to study and place greater emphasis on the potential role of LGs in federations.<sup>132</sup> In its organizational settings, it has been argued, a federation has to leave sufficient room and provide the necessary resources for LGs to work as true units of self-government.<sup>133</sup>

The role of LG in federal systems can be looked at from a great array of viewpoints. It is stressed that recent developments in the world of federations suggest an increasing role and autonomy for LG.<sup>134</sup> Many scholars have offered a number of explanations for these developments. As has been stressed in the previous section, LG is considered as one of the main foundations of any democratic federal regime. In this regard, Matthew argues that LG can be understood as initiative in all federal systems to allow democracies to represent both 'numbers and interests' as sufficiently as possible.<sup>135</sup>

It is noted that strong and autonomous LGs in a territorially vast country and socially diverse society are commonly understood to be main grass root institutions essential to support a federal state.<sup>136</sup> LGs are considered to be a key to a territorially based federal system. Thomas and Marando, for instance, underscore the importance of LGs in American federation.<sup>137</sup> They argue that LG is important to the very foundation of the American system of government, as it supports citizens in their exercise of popular sovereignty to gain representation and access.<sup>138</sup> In the same vein, based on the social science literature about American LG, Gelfand identifies two principal LG roles: (a) LGs are (or can be) organs of democratic self-rule; and (b) LGs provide basic public services to their constituents.<sup>139</sup>

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<sup>130</sup> A. Gamper and F. Palermo, 'Federalism, Local Government And Policy-Making,' *Federal Governance*, Vol. 8, No. 3 (2011), p.3

<sup>131</sup> Vladimir Gel'man, 'The Politics of Local Government in Russia: The Neglected Side of the Story,' *Perspectives on European Politics and Society*, Vol.3, No.3 (2002), p.496

<sup>132</sup> For an excellent exploration of the role and position of local and in federal systems, See N. Steytler(edi), *A Global Dialogue on Federalism - Local Government and Metropolitan Regions in Federal Systems* (McGill-Queen's University Press, 2009)

<sup>133</sup> H. Risse, *et al*, 'Local Government in Federal Systems'. In J. Kincaid and R. Chattopadhyay(eds), *Local Government In Federal Systems, Unity In Diversity* (New Delhi: Viva Books Private Limited,2008), p.3

<sup>134</sup> Yonatan Fessha, 'Federalism, the sub-national constitutional framework and Local Government: Accommodating minorities within minorities,' *Perspectives on Federalism*, Vol. 4, issue 2 (2012), p.86

<sup>135</sup> George Mathew, 'The Functioning of Local Governments and their Relationship with Upper Levels of Government'. In J. Kincaid and R. Chattopadhyay(edi), *Local Government In Federal Systems, Unity In Diversity* (New Delhi: Viva Books Private Limited,2008), p.36

<sup>136</sup> *Ibid*.

<sup>137</sup> R.D. Thomas and V.L. Marando, 'Local Governmental Reform and Territorial Democracy: The Case of Florida,' *Publius*, Vol. 11, No. 1 (1981), p.50

<sup>138</sup> *Ibid*, p.51

<sup>139</sup> M. David Gelfand, 'The Burger Court and the New Federalism: Preliminary Reflections on the Roles of Local Government Actors in the Political Dramas of the 1980's,' *Boston College Law Review*, Vol. XXI, No.4 (1980)

According to Gelfand, the self-rule perspective is “a manifestation of the deeply felt notion, articulated as part of democratic theory, that government is most effective when it is closest to the people”.<sup>140</sup>

Steytler also makes it clear that the current trend is to increase the role of local authorities in the provision of services.<sup>141</sup> It is indicated that LG, as the sphere of government that is closest to the people, is at the “coalface of service delivery”.<sup>142</sup> Hence, it is emphasized that the role of LG as an institution of self-government in the provision of services is enlarged in many federations.<sup>143</sup>

In his reflection on Australian LG, Bell observed that LG embodies the 'spirit of subsidiarity', a principle which holds that the functions of government should be exercised as closely as practicable to the affected citizens.<sup>144</sup> As a new emerging trend in federalism, LG is said to be ‘the extension cord of a federal polity’ mainly due to its growing relevance for the people at the grass roots level.<sup>145</sup> Effective LG is considered as “a very healthy sign of the democratization process, which is an inevitable character of viable federalism in a country”.<sup>146</sup> For H. Risse, *et al*, LG is a key interface between civil society and the state:

Democracy begins here, and if democratic structures are not established locally, they will be missed elsewhere too. Then, local government has to be integrated into the complex structure of a federal system.<sup>147</sup>

Hence, as Steytler aptly observes LG plays a critical role in enhancing democracy in federal systems by facilitating the participation of minorities and disadvantaged groups.<sup>148</sup> In a similar way, Mattew asserts that:

[T]he principles of self-rule and shared-rule inherited in the doctrine of federal governance on one hand and the subsequent universalist surge of democracy in delivering benefits to the common people on the other hand became instrumental in reviving the institutions of local governments.<sup>149</sup>

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<sup>140</sup> *Ibid*, p.765

<sup>141</sup> N. Steytler, *Supra* note 124, p.2

<sup>142</sup> K.L.B. Moeti and T. Khalo, ‘Restructuring the Provincial Sphere of Government in South Africa: Exploring Options for Sustainable Reform for Improved Service Delivery,’ *J. of Public Administration*, Vol. 42, No 5 (2007), p.136

<sup>143</sup> Steytler, *Supra* note 124,p.2

<sup>144</sup> Paul Bell, ‘How Local Government Can Save Australia’s Federal System’. In A.J. Brown and J.A. Bellamy (eds), *Federalism and Regionalism in Australia New Approaches, New Institutions?* (Australia: ANU E Press, 2006), p.175

<sup>145</sup> George Mathew, ‘The Functioning of Local Governments and their Relationship with Upper Levels of Government’. In J. Kincaid and R. Chattopadhyay(eds), *Local Government In Federal Systems, Unity In Diversity* (New Delhi: Viva Books Private Limited,2008), p. 37

<sup>146</sup> *Ibid*.

<sup>147</sup> Risse, *et al*, *Supra* note 133,p.3

<sup>148</sup> N. Steytler, ‘Enhancement of Democracy through Empowerment of Disadvantaged Groups’. In J. Kincaid and R. Chattopadhyay(eds), *Local Government In Federal Systems, Unity In Diversity* (New Delhi: Viva Books Private Limited,2008), p.20

<sup>149</sup> Mattew, *Supra* note145, p.38

For Matthew, the spread of democracy, pluralism, and appreciation of diversity as both principles and values became a compelling factor for national and sub-national governments to pay attention to the revival and strengthening of LGs.<sup>150</sup> According to Aoki, *et al*, LGs are recognized as fundamental building blocks of the current global order.<sup>151</sup> The best summary of these developments has been formulated by Teune:

The spread of democratic ideas and the emergence of a global system have contributed to a resurgence of the local[...] The pressures for democratization have led to a new emphasis on local governance below the level of the nation-state. The rise of a global political economy provides localities with an alternative to national capitals.<sup>152</sup>

Teune argues that LGs have become focal points of democratic political development for, at least, two reasons: “the beginnings of a second democratic revolution that is based on participation and the emergence of a global political economy that defines local conditions of peace and prosperity”.<sup>153</sup> According to Teune, the first requires local self-determination rather than top-down direction while the second frees localities from national governments by providing alternatives for resources and support; the new sources are other countries or international agencies.<sup>154</sup> As Teune argues, one theory of the modern democratic state is that democratic institutions must have a local foundation, if only to act as a countervailing power to national aggrandizement.<sup>155</sup> According to Teune, the linkage between LG and democracy is based on the proposition that political participation is meaningful insofar as it deals with the familiar, a tenet of ‘*the Federalist Papers*’.<sup>156</sup> Another aspect of this argument is that, according to Teune, the incentives for participation are stronger locally than nationally in that the consequences are more visible and immediate on the local level.<sup>157</sup>

According to Olowu, a ‘paradigm shift’ has occurred in Africa and many other developing countries in favor of LGs, especially since the 1990s.<sup>158</sup> The evidence of a paradigm shift can be found in the increasing emphasis on LG as a part of policies and programs of democratic governance reform in several countries.<sup>159</sup>

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<sup>150</sup> *Ibid.*

<sup>151</sup> K. Aoki, *et al*, ‘(In)visible Cities: 1 Three Local Government Models and Immigration Regulation,’ *Oregon Review Of Inter’ Law*, Vol. 10 (2008), p.459

<sup>152</sup> Henry Teune, ‘Local Government and Democratic Political Development,’ *Annals of the American Academy of Political and Social Science*, Vol. 540 (1995), p.11

<sup>153</sup> *Ibid.*, p.12

<sup>154</sup> *Ibid.*

<sup>155</sup> *Ibid.*, p.17

<sup>156</sup> *Ibid.*, p.18

<sup>157</sup> *Ibid.*

<sup>158</sup> Dele Olowu, ‘Decentralization and Urban Governance in West Africa’. In D. Eyoh and R. Stren (eds), *Decentralization and the Politics of Urban Development in West Africa* (Washington, D.C.: Woodrow Wilson Inter’l Centre for Scholars, 2007), p.25

<sup>159</sup> *Ibid.*

According to Andrew and Goldsmith, the renewed importance of LG originates from the belief that improving democratic development at the local level is the best way to deal with some of the difficulties of globalization.<sup>160</sup> The new emphasis is a direct result of the “inadequacy of focusing too much on national level governance and an appreciation of the potential role local democracy can play in ameliorating the adverse effects of globalization”.<sup>161</sup> In addition, it is argued that, there has been reconsideration of existing values and in particular the role of LG in promoting democracy through the enhancement of citizenship and participation by the individual.<sup>162</sup>

Kapur considers LG in a multicultural context as an ‘exercise in self government of the people’.<sup>163</sup> He considers LG as a ‘process through which institutionalization of diversity takes place’.<sup>164</sup> In addition, Kapur emphasizes that as the order of government closest to its constituents, LGs are often best-placed to deliver services customized to local preferences and conditions, as well as provides opportunities for enhanced democratic participation in local affairs and for innovation.<sup>165</sup> Hence, given their democratic credentials and geographical and cultural proximity to those on behalf of whom they act, one might expect LGs to occupy a pivotal position in the democratic life of federal countries.

The forces of globalization are seen by various scholars as enhancing the role of LGs. According to Gibbins, for instance, globalization will boost the role of the local in federal systems.<sup>166</sup> In a similar way, Kapur notes that with increasing urbanization, LGs play a growing role in the lives of citizens, and are taking on greater responsibilities.<sup>167</sup> In the decade to come, it has been argued, local communities and their governments will play a larger role in the lives of citizens in federal political systems.<sup>168</sup> McCarney succinctly summarized that:

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<sup>160</sup> C. Andrew and M. Goldsmith, ‘From Local Government to Local Governance and Beyond?’, *Inter'l Political Science Review*, Vol.19, No. 2 (1998), pp. 101-117

<sup>161</sup> *Ibid.*, p.109

<sup>162</sup> *Ibid.*

<sup>163</sup> Y.A. Kapur, ‘The Functioning of Local Governments in Federal Systems, in Groups’. In J. Kincaid and R. Chattopadhyay(eds), *Local Government in Federal Systems, Unity In Diversity* (New Delhi: Viva Books Private Limited,2008), p.105

<sup>164</sup> *Ibid.*

<sup>165</sup> *Ibid.*

<sup>166</sup> *Ibid.*

<sup>167</sup> *Ibid.*

<sup>168</sup> R. Gibbins, *Supra* note 121, p.164

Deliberations on the role of the state in development and the associated execution of administrative and institutional reforms, including far-reaching decentralization exercises, have impacted the local level of government in significant ways. In addition, profound movements and trends in terms of globalization and urbanization have also drawn attention to the need for stronger and more effective local governments. Finally, the increasing currency of ideas associated with governance have also allowed new space for reformulating and respecifying state-society-market relations in the local context, as well as the potentials inherent in the local governing relationship.<sup>169</sup>

The other key point made in the literature on federalism is that state and LGs can serve as 'semi-independent and entrepreneurial poles of development', both for resource mobilization and for the provision of public goods and services in a manner that is more responsive to citizens' needs and demands than provision by a single central government.<sup>170</sup>

The role of LG in promoting economic growth and alleviation of poverty has poignantly been expressed in array of policy frameworks formulated by federal countries.<sup>171</sup> The South African White Paper on LG, for instance, announced a new vision for local democratic government, known as 'developmental LG'.<sup>172</sup> This means "LG committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives".<sup>173</sup>

In brief, in recent academic literature there has been quite some general consensus on the potential role of LG with respect to local development, and particularly, poverty reduction. The new developmental role of the LGs, as Stoker argues, implies that the issue of economic development is considered relevant to the core function of many LG systems.<sup>174</sup>

The opportunity for greater experimentation in decentralized government has also generally been presented in literature as another point in favor of LG. Federal systems with decentralized policies viewed as 'laboratories' for experimenting with new policies has led to

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<sup>169</sup>Patricia McCarney, 'Disjunctures, Divides, and Disconnects: The Promise of Local Government in Development,' *Isandla Institute Dark Roast Occasional Paper Series*, Vol. 2, No.1 (2000), p.8

<sup>170</sup> Ladipo Adamolekun and John Kincaid 'The Federal Solution: Assessment and Prognosis for Nigeria and Africa,' *Publius*, Vol. 21, No. 4 (1991), p.183

<sup>171</sup> See, for instance, SB Koma 'The Evolution of Developmental Local Government in South Africa: Issues, Trends and Options,' *J. of US-China Public Administration*, Vol. 9, No. 1(2012)

<sup>172</sup>Jaap De Visser discusses this issue in greater length in his book, *Developmental Local Government: A Case Study of South Africa*(Oxford: Intersentia Publishers,2005)

<sup>173</sup>Ministry of Constitutional Development and Provincial Affairs, *White paper on Local Government* (Pretoria: DCD, 1998), p.17

<sup>174</sup> Gerry Stoker, 'The comparative study of local governance: towards a global approach,' paper presented at the symposium on Chinese Societal Capacity Building in International and Comparative Perspective, 20-21 November 2010, Zhejiang University, Hangzhou, China, p.8

the concepts of ‘policy laboratories’ or ‘laboratory federalism’.<sup>175</sup> In other words, it has been argued that LGs are often thought of as ‘laboratories of democracy’, which are independently pursuing different policy experiments<sup>176</sup>:

The devolution of authority in federal systems is often based on the argument that states and localities may act as policy laboratories, experimenting with various alternatives, abandoning the failures, and adopting successful policies found elsewhere.<sup>177</sup>

It is believed that decentralizing policy choice to LGs has the advantage that several different LGs can be considered simultaneously.<sup>178</sup> Therefore, the promise of state and local policymaking in a federal system is that these sub-national governments may serve as ‘laboratories of ideas’, where they experiment with different policies and learn from one another.<sup>179</sup> The observation of Lapsley and Mussari captures the dimensions of LG activity that shape the policies and actions of local authorities:

We see local government as significant because of the central position which it occupies in the arrangement and delivery of public services; the impact of local government on the everyday lives of its citizens; the influential role occupied by local government as the custodian of key community assets and resources; the complexity of local authority relationships - direct, indirect and diffuse - with citizens and other stakeholders; and with local government as the locus of an interaction between political voice, management action and accountability to citizens.<sup>180</sup>

All the above arguments suggest that, in a federal system, there is a widely expressed concern that LGs are close to the people and hence could effectively alter socioeconomic and political conditions within their jurisdictions.<sup>181</sup> LG is increasingly being seen as a means to institutionalize democratic decision making at the grassroots. From this perspective, the existence of LG in federations has always been defended on the basis that LG is a crucial aspect of democratization. At its broadest level, as several scholars have shown, the creation of stronger democratic LG institutions can be seen as form national capacity-building and institutional strengthening, a necessary prerequisite of sustainable long term economic

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<sup>175</sup> See, among others, W.E. Oates, ‘An Essay on Fiscal Federalism,’ *J. Econ Literature*, Vol. 37 (1999); D. Elazar, *Exploring Federalism* (Tuscaloosa: University of Alabama Press, 1987)

<sup>176</sup>Koleman Strumpf, ‘Does Government Decentralization Increase Policy Innovation?,’ *J. of Public Economic Theory*, vol.4(2002), pp.207-41

<sup>177</sup>Craig Volden, *et al*, ‘A Formal Model of Learning and Policy Diffusion,’ *American Political Science Review*, Vol. 102, No. 3 (2008), p.319

<sup>178</sup> *Ibid.*

<sup>179</sup>Charles R. Shipan and Craig Volden, ‘The Mechanisms of Policy Diffusion,’ *American J. of Political Science*, Vol. 52, No. 4 (2008), p. 840

<sup>180</sup> I. Lapsley and R. Mussari, ‘Foreword: The Significance of Local Government,’ *Financial Accountability and Management*, Vol. 24, No.3 (2008), p.207

<sup>181</sup> A. Ekpo and J. Ndebbio, ‘Local Government fiscal operations in Nigeria,’ *AERC Research Paper 73*, (1998), p.1

development.<sup>182</sup> In this regard, LGs are recognized as critical partners for accelerated development in federations. In brief, underlying most of the purported benefits of LG are that, it is considered an indispensable element to make the state both democratic as well as developmental. Critical to both of these sources for the importance of LG is its relative proximity to the communities where citizens live. Hence, it can be argued that the role LG appears to be indispensable, especially in emerging federations, where the battle for political stability, economic progress, democratic reform and interethnic cooperation is not yet won.

### 2.3.2 The Constitutional Position of LG in Federal Systems

Local governments generally receive scant formal recognition in federal constitutions<sup>183</sup>

[L]ocal governments tend to be poorly integrated into either federal theory or the formal institutional structures of mature federal states<sup>184</sup>

This subsection explores factors and arguments for constitutional recognition of LG. It also examines the various constitutional arrangements for LG in federations.

#### 2.3.2.1 Constitutional Recognition as a Modern Phenomenon: Factors and Merits

The classical, centripetal model of federalism in fact is based on a dual system of government: the federal government and the constituent ones. Therefore, according to Gamper and Palermo, LG was seen not as a genuine part of the picture, but rather as a subject matter falling within the exclusive jurisdiction of the constituent units of a federation.<sup>185</sup> In this regard, Pernthaler and Gamper wrote:

The theory of federalism suggests that a federation and its constituent states comprise a federal system; Local government- though regularly at the bottom of the territorial order- does not typically play a particular role within the context of federalism. A federal constitution therefore does not need to recognize local government in the same way as it needs to recognize the federation or the constituent states.<sup>186</sup>

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<sup>182</sup> Bailey, *Supra* note 31, p.6

<sup>183</sup> Gibbins, *Supra* note 121, p.164

<sup>184</sup> *Ibid.*, p.166

<sup>185</sup> Gamper and Palermo, *Supra* note 130, p.3

<sup>186</sup> P. Pernthaler and A. Gamper, 'Local Government in Austria'. In N. Steytler (edi), *The Place and Role of Local Government in Federal Systems* (Johannesburg: Konrad-Adenauer-Stiftung), p.65

The foregoing roughly depicts that, traditionally, the determination of the scope and powers of LGs was left in federations to the intermediate state governments.<sup>187</sup> In general, LGs rest on a frail foundation within the national constitutions of mature federal political systems.<sup>188</sup>

Although the concept of autonomous LG enjoying powers that directly emanate from a constitution is unfamiliar to many federations, recent developments suggest an increasing constitutional recognition of LG.<sup>189</sup> Hence, as Steytler argues, the constitutional recognition of LG as an order of government in federal systems is a modern phenomenon.<sup>190</sup> Gamper and Palermo relate this phenomenon of constitutional recognition of LG as an autonomous order of government to two broad factors: ‘the hybridation of the classical idea of two-tiered federalism’ and the ‘practical relevance of the LG in a multilayered and multiplayer system of government’.<sup>191</sup>

Steytler pinpoints three broad factors for this development. For Steytler, the constitutional recognition and protection of LG that have occurred in the last 50 years have often been in support of the return to democratic rule.<sup>192</sup> In addition, according to Steytler, the entrenchment of LG in the 73<sup>rd</sup> and 74<sup>th</sup> Amendments to the Indian Constitution in 1992 was prompted by developmental concerns. Contrary to these developments, it is stressed that the recognition of LG in the new Swiss Constitution of 1999 was the result of recognition of the significance of municipalities and cities in practice.

Through a series of case studies on the place of LG in federal countries, Steytler argues that the trend of constitutional recognition emerged after the Second World War, prompted by three main concerns: building democratic governance from the bottom up; facilitating development through local accountability; and regularizing the political reality of LG’s significant role in the governance of federations.<sup>193</sup> Hence, LGs, now days, enjoy formal constitutional recognition as another autonomous governmental form in its own right. This shift, as has been argued above, is largely due to the renewed importance of LGs in contemporary politics. Part of the explanation for this surge of interest, in other words, is recognition of the potentially productive role of LGs.

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<sup>187</sup> R. Watts, *Comparing Federal Political Systems* (Montreal and Kingston: Mc Gill-Queens University Press, 2008), p.132

<sup>188</sup> Gibbens, *Supra* note 121, p.164

<sup>189</sup> Zemelak Ayitenew and Yonatan Tesfaye, ‘The Constitutional Status of Local Government in Federal Systems: The Case of Ethiopia,’ *Africa Today*, Vol.58, No.4(2012), p.89

<sup>190</sup> N. Steytler, *Supra* note 124, p.1

<sup>191</sup> Gamper and Palermo, *Supra* note 130, p.3

<sup>192</sup> N. Steytler, ‘The Powers of Local Government In Decentralized Systems of Government: Dispelling “The Curse of Common Competencies”,’ *Local Government Working Paper Series* No. 2(2003), p.2

<sup>193</sup> Steytler, *Supra* note 20, p.406

Olowu, on the other hand, considers the 'constitutionalization' of LG as a “distinctive contribution of developing countries to governance reform and the policy and practice of modern public administration”.<sup>194</sup> For Olowu, 'constitutionalization' became an important element of decentralization and LG reforms in developing countries.<sup>195</sup>

Scholars have made a range of arguments for constitutional recognition of LG. According to Steytler, the significance of recognizing LG as a full partner in a federal system of government would enhance the structural relationship between the three spheres of government.<sup>196</sup> For Kapur, having constitutional origin and sanctity amounts to continued existence of LGs.<sup>197</sup> Kapur's argument indicates that constitutional recognition is considered as a way to guarantee the continued existence of LG. Similarly, Zemelak considers constitutional recognition as one of the formal mechanisms for ensuring the existence of LG.<sup>198</sup> Galadima, in his comment on Nigerian experience, also notes that the rationale for the constitutional recognition has been the need to make it necessary for a state government to ensure the existence of elected LGs and to protect them from arbitrary state action.<sup>199</sup>

According to some scholars, constitutional recognition would recognize the important role played by LG. According to Dale, for instance, constitutional recognition would strengthen LG's position and relevance within the political framework, increase its economic significance and provide greater protection for local community assets.<sup>200</sup> 'Constitutionalisation' is thus seen as critical to entrenching LG as an administrative and political space for citizens.<sup>201</sup> Olowu also observed that:

As a part of what has been described as the “third wave of democratic reform” that swept the world in the 1970s on, local authorities were given constitutional status - this meant that state legislatures could not easily suspend them and their responsibilities and resources at will as they used to do. It also meant that they become important players in economic and political development as they controlled substantial national re- sources and expenditure heads.<sup>202</sup>

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<sup>194</sup> Dele Olowu, 'The Constitutionalization of Local Government in Developing Countries- Analysis of African Experiences in Global Perspective,' *Beijing Law Review*, (2012)

<sup>195</sup> *Ibid.*

<sup>196</sup> Steytler, *Supra* note 125, p.4

<sup>197</sup> Y.A. Kapur, 'The Functioning of local governments in Federal Systems, in Groups'. In J. Kincaid and R. Chattopadhyay(eds), *Local Government In Federal Systems, Unity In Diversity* (New Delhi: Viva Books Private Limited,2008), p.104

<sup>198</sup> Zemelak, *Supra* note 111, p.49

<sup>199</sup> See Habu Galadima, 'Federal Republic of Nigeria'. In N. Steytler (edi), *A Global Dialogue on Federalism- Local Government and Metropolitan Regions n Federal System* (Montreal and Kingston: McGill-Queen's University Press,2009), p.245

<sup>200</sup> Catherine Dale, *Supra* note 72,p.91

<sup>201</sup> *Ibid.*

<sup>202</sup> Olowu, *Supra* note 194, p.45

To put bluntly, the above discussion indicates that there are numerous advantages in 'constitutionalising' LG system. Federal structure with three spheres (federal, state, and local) has completely different implications than the (essentially) two-tiered federal system. The implication of having a separate LG sphere in the federal constitution is that it would be prudent to guard the local level against predation from the higher levels. It is also indicated that Constitutional recognition may also protect arbitrary dismissals or amalgamations of LG bodies. As Zemelak argues, this is why various international instruments, including, the Aberdeen Agenda and the European Charter of Local Self-Government, and the 1993 International Union of Local Authorities (IULA) World Wide Toronto Declaration of Local Self-government, call for the constitutional recognition of LG as 'a sphere of government.'<sup>203</sup> The following section provides a brief overview of the variety of constitutional position of LG in federations.

### **2.3.2.2 The Variety of Constitutional Arrangements for LG in Federations**

As has been argued above, though LGs became an important political reality of the federal system in the older federations, they are not given the same constitutional status as state and national governments. Nevertheless, as has been indicated above, in the past five decades LGs have enjoyed varying degrees of constitutional entrenchment.<sup>204</sup> There is no mention of LG at all in the Australian Constitution.<sup>205</sup> This is because in 1901 LG was regarded as 'residue', for which the States were responsible.<sup>206</sup> In Canada, LGs are the creation of the provinces and there is not constitutional recognition of LG in the constitution.<sup>207</sup>

The United States Constitution does not refer to LGs. As emphasized by the often quoted Dillion's Rule<sup>208</sup>, LGs owe their existence to a parent state.<sup>209</sup> As Steytler argues, Germany's Constitution inaugurated a new era of recognizing the role of LG in the federal system.<sup>210</sup> In

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<sup>203</sup>The European Charter of Local Self-Government (1986), Art 2; Aberdeen Agenda (2005), Art 1; The Toronto Declaration (1993), Art 1

<sup>204</sup> Steytler, *Supra* note 125, p.3

<sup>205</sup>Michael Hughes, *et al*, 'The Constitutional Status of Local Government in Other Countries,' Report Prepared for the Commission on Local Government and the Scottish Parliament, The Scottish Office Central Research Unit, (1998), p.4

<sup>206</sup> Local Government is steeling for a campaign for federal constitutional recognition, despite referendum failures in 1974 and 1988.

<sup>207</sup> Given this status, organized LG, both at federal and provincial level, is currently advocating for the entrenchment of LG as fully recognized order of government in the federal system. See, for instance, N. Steytler, 'Background Paper on the Place and Role of Local Government in Federations,' Paper Presented at "Cities and Federalism Conference", Rio de Janeiro, Brazil, 6 and 7 May 2002, p.7

<sup>208</sup> 'Dillion's Rule' is from John Forrest Dillon was a 19th century Iowa state chief justice who also wrote about municipal government. For an interesting examination of the place of LGs in American federal constitutional law, See Richard Briffault, 'Our Localism: Part I-The Structure of Local Government Law,' *Columbia Law Review*, Vol. 90, No. 1 (1990)

<sup>209</sup> See, for instance, R. Thomas and V. Marando, 'Local Governmental Reform and Territorial Democracy: the Case of Florida,' *Publius*, Vol. 11, No. 1 (1981), p.50

<sup>210</sup> N. Steytler, 'Background Paper on the Place and Role of Local Government in Federations,' Paper Presented at "Cities and Federalism Conference", Rio de Janeiro, Brazil, 6 and 7 May 2002, p.15

Germany, the position of LG was guaranteed in the post-World War II provisional Federal Constitution (the "*Basic Law*" of 1949). In addition to this assurance, every one of the States [*Länder*] has its own constitution and LG law, under which the structure and administration of the local authorities is declared to be a matter for themselves.<sup>211</sup>

According to Brazilian Federal Constitution of 1988, the municipality is one of the federative entities-the Union, states and the Federal District are the others. Art 18 of the Constitution designated municipal government as the third tier of government of the Brazilian Federation same status as state governments. Thus, different from similar structures in other countries, municipalities in Brazil are not only mere local administrative organizations, but also political entities with their own territory, population, government, and a relatively high degree of autonomy.<sup>212</sup>

In South Africa, LGs are constitutionally shaped as a separate sphere of government that is coequal with the national government and state governments (rather than a LG level that is politically inferior to the federal and state levels).<sup>213</sup> Accordingly, the Constitution of the Republic of South Africa Act 108 of 1996 granted LG unprecedented status as a sphere of government 'distinctive, interdependent and interrelated' with the national and provincial spheres.<sup>214</sup> De Visser's analysis of the various provisions, relating to the strength of the constitutional protection of LG's status in South Africa, clearly reveals that it is largely 'unprecedented' and a leading example worldwide.<sup>215</sup> Hence, LG in South Africa, unlike in many other federations, is not subordinate to the other spheres of government. From the above, it is clear that the constitutional status of LG varies by country.

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<sup>211</sup> *Ibid.*

<sup>212</sup>R. Horochovski 'Democratization Process in Local Government: A Case Study of three Brazilian Towns,' Paper Prepared for Presentation at the 21st World Congress of Political Science "Global Discontent? Dilemmas of Change" Santiago, Chile, July 12 to 16, 2009, p.6

<sup>213</sup>The term 'spheres' is being used in place of 'tiers' which is seen to imply a hierarchical dimension. See, for instance, Mary Galvin, 'The Impact of Local Government on Rural Development in South Africa,' *Transformation* 40 (1999), p.94

<sup>214</sup> The Constitution of the Republic of South Africa, (1996:s40(1))

<sup>215</sup> See, Jaap de Visser, 'Republic of South Africa'. In N. Steytler (edi), *A Global Dialogue on Federalism- Local Government and Metropolitan Regions in Federal System* (Montreal and Kingston: McGill-Queen's University Press,2009), p.274

## 2.4 How many LGs: Is More the Merrier, or Is Small Beautiful?

In debates about decentralization, size matters. It matters because of the impact on democratic participation and political accountability, on the one hand, and economies of scale and policy co-ordination, on the other.<sup>216</sup>

This section provides a brief overview of issues related the number and size of LG units in federations. In recent years, many countries across the world, especially in Africa, have created large numbers of new LG units.<sup>217</sup> The existing few literature has ascribed this trend to a variety of factors such as gerrymandering, the desire to improve service delivery, ethnicity and electoral calculations among others.<sup>218</sup> In other words, there has been much willingness to create new boundaries at the local level, in attempts to rationalize political, administrative, and fiscal imperatives in Africa.<sup>219</sup>

This initiative in and of itself is considered by Dickovick and Riedl as a welcome alternative to national-level boundaries, which have been interpreted as 'overly static, and political leaders have been unwilling to consider alternative visions of viable states'.<sup>220</sup> According to Dickovick, *et al*, it is imperative to consider the political socioeconomic and demographic realities' in creating viable LGs.<sup>221</sup> However, as Dickovick, *et al* insist, it is clear that in the majority of cases, new units are created for political manipulation or are remnants of historical legacies that are neither fiscally viable nor administratively efficient.<sup>222</sup>

According to Filippov, *et al*, there are numerous reasons for believing that a large number of LGs encourages federal-friendly parties, including the fact that it at least opens the door to filling a large number of official positions by direct election and thereby promotes the rise of

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<sup>216</sup> N. Devas and S. Delay 'Local democracy and the challenges of decentralizing the state: An international perspective,' *Local Government Studies*, Vol.32, No.5(2006), p. 680

<sup>217</sup> Elliott Green, 'District Creation and Decentralization in Uganda,' Crisis States Working Papers Series No.2, Working Paper No. 24 (2008), p.1; for an interesting examination. See also Guy Grossman and Janet Lewis, 'When Decentralization Begets Recentralization? The Intergovernmental Politics of Administrative Unit Proliferation,' Working Paper, 2013

<sup>218</sup> See, among others, Elliott Green, 'Patronage, District Creation, and Reform in Uganda,' *St Comp Int'l Dev*, Vol.45 (2010); Douglas K. Singiza and Jaap De Visser, 'Chewing more than one can swallow: the creation of new districts in Uganda,' *Law, Democracy and Development*, Vol. 15 (2011); G. O. Nwankwo, 'Management problems of the proliferation of Local Government in Nigeria,' *Public Administration and Development*, Vol. 4(1984); Emmanuel O. Ojo and P. F. Adebayo, 'The Politics of States,' *Local Governments' Creation and Nigeria's Search for Geo-Political Balancing*, *An Inter'l Multidisciplinary J.*, Vol. 2, No. 3 (2008)

For similar information, see, among others, Edmund Malesky, 'Gerrymandering- Vietnamese Style: Escaping the Partial Reform Equilibrium in a Nondemocratic Regime,' *The J. of Politics*, Vol. 71, No. 1 (2009); Purwo Santoso, 'Proliferations of Local Governments in Indonesia: Identity Politics within a Troubled Nation State, Power, conflict, Democracy,' Working Paper. No. 01 (2007)

<sup>219</sup> Tyler Dickovick and Rachel Beatty Riedl, *Comparative Assessment of Decentralization in Africa: Final Report* (New York: USAID,ARD Inc.,2010), p.38

<sup>220</sup> *Ibid.*

<sup>221</sup> *Ibid.*

<sup>222</sup> *Ibid.*

local politicians and local political organizations.<sup>223</sup> Correspondingly, according to Filippov, *et al*:

[I]t becomes more difficult for a fragmented federal subject to speak with a single voice, since at least some local politicians will prefer not to agitate on behalf of purely regional interests, however defined. Instead of being an entity capable of placing unified demands on the federal centre, a region becomes an aggregation of distinctive communities, each focused on issues whose salience need not be shared uniformly across a region.<sup>224</sup>

Moreover, according to Filippov, *et al*, when national parties operate locally, an electoral coalition across units becomes a coalition of local organizations, which, in turn, weaken the ability of the new parties to challenge the status quo nationally since they are unlikely to be able to match a national party's network of local supporters.<sup>225</sup> On the other hand, opting for a large number of LGs may generate financial costs and communication barriers that have a negative impact on national unity. In other words, the cost of required to maintain a larger number of LGs could be quite substantial.

The debate over the creation of LGs often also revolves around two theoretical perspectives, namely consolidation and fragmentation.<sup>226</sup> It has been indicated that the arguments for consolidation reforms are usually built on the ground of economic efficiency.<sup>227</sup> It is asserted that consolidation will inevitably result in greater efficiencies and cost savings for LGs, creating the potential for them to do more with less.<sup>228</sup> It has been argued that LG's administrative area should be large enough to determine strategies, provide sufficient revenues, and support popular control on public actions.<sup>229</sup>

Conversely, advocates of territorial fragmentation also have their arguments. The defense of small local jurisdictions is usually based on arguments for democracy; in small communities, the link between citizens/voters and local representatives is tighter, there is more mutual trust, flow of information is easier and, as a result, LGs are more accountable towards the local population.<sup>230</sup>

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<sup>223</sup> See M. Filippov, *et al*, *Designing Federalism* (Cambridge: Cambridge University Press, 2004), pp.273-274

<sup>224</sup> *Ibid*, pp. 274-275

<sup>225</sup> *Ibid*, p.275

<sup>226</sup> Joseph RA Ayee, 'The Political Economy of the Creation of Districts in Ghana,' *J. of Asian and African Studies*, (2012)

<sup>227</sup> Paweł Swianiewicz 'If Territorial Fragmentation is a Problem, is Amalgamation a Solution? An East European Perspective,' *Local Government Studies*, Vol.36, No.2 (2010), p. 188

<sup>228</sup> *Ibid*.

<sup>229</sup> Z.Hermann, *et al* 'Allocation of Local Government Functions: Criteria and Conditions'. In World Bank, *Analysis and Policy Proposals for Hungary Fiscal Decentralization Initiative for Central and Eastern Europe* (Washington DC: World Bank, 1999)

<sup>230</sup> *Ibid*.

Hence, while consolidation is usually promoted on the grounds of the efficiency or functional capacity of LGs, fragmentation is often defended on the grounds of local democracy. It is also argued that consolidation provides important opportunities to capture economies of scope and enhance the strategic capacity of LG.<sup>231</sup> Economies of scope, it has been argued:

[...] increase the capacity of councils to undertake new functions and deliver new or improved services that previously were not possible. Significantly, they enable councils to shift their focus towards a strategic view of their operations. We argue that this enhanced strategic capacity is in part a function of increased size and resource level, but it is also related to the potentialities that are created by the pooling of knowledge and expertise.<sup>232</sup>

Equally, it is argued, there may be disbenefits –disruption, transition costs, weakening of local democracy, loss of local identity and employment.<sup>233</sup> In the same vein, in their seminal work on the creation of new LGs in Indonesia, Fitriani, *et al* remarked that the size of LG involves "some kind of trade-off between scale economies and the costs of managing a larger and more heterogeneous polity".<sup>234</sup>

Devas and Delay, from their brief survey of the experience of developing countries, suggested that one of the key elements for effective devolution is an appropriate structure of LGs, in terms of size of units and number of levels, balancing local identification, representation and choice with the scale required for efficient provision of services.<sup>235</sup>

Some other scholars argue that the policy rationale for enhancing the number of LGs is intimately connected to the debate about the advantages and disadvantages of devolution.<sup>236</sup>

According to Brosio:

A high number of layers of government, and of distinct units forming them, give rise to huge political costs for countries with extremely low levels of gross domestic product. Part of these costs derives from the lack of co-ordination and is thus hard to quantify. Part of the costs is directly related to elections, fees and allowances paid to political personnel and the working of assemblies.<sup>237</sup>

The analysis presented above indicates that the issue of the size and number of LGs has many important practical consequences. Indeed, there are no quick and fast answers to the question of the size and number of LGs. According to the World Bank, for instance, it may be

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<sup>231</sup> Chris Aulich, *et al*, 'Consolidation in Local Government: A Fresh Look,' *Australian Centre of Excellence for Local Government Report*,( 2011), p.10

<sup>232</sup> *Ibid.*

<sup>233</sup> *Ibid.*

<sup>234</sup> Fitria Fitriani, *et al*, 'Unity in diversity? The creation of new Local Governments in a decentralizing Indonesia,' *Bulletin of Indonesian Economic Studies*, Vol.41, No.1(2005),p. 57

<sup>235</sup> Devas and Delay, *Supra* note 216, p.693

<sup>236</sup> Singiza and De Visser, *Supra* note 244, p.4

<sup>237</sup> Giorgio Brosio, *Decentralization in Africa* (Washington DC:UN, 2000), p.19

essential to create a LG structure with different tiers and jurisdictions depending on a country's physical characteristics, its ethnic and political makeup, and possibly its income level.<sup>238</sup> Hence, the basis for comparing the advantages and disadvantages of the two models has shown conflicts between the competing economic and political-administrative arguments. Therefore, as these criteria are equally important, one cannot prioritize either of them. Finding the conditions under which both sets of conditions could meet is more important.

Generally, in designing any decentralized system, attention must be paid to the number of LGs, the bases on which their boundaries are drawn and the mechanisms for changes in boundaries and in the number of LGs over time.

## 2.5 LG Boundary

In the structure of sub-national government, boundaries are not only spatial and geographic. They also delineate the allocation of functions and the distribution of political power.<sup>239</sup>

Local governments are public agents that influence spatial patterns of development and disparities, and boundaries are a major attribute that shapes the nature of their influence.<sup>240</sup>

LG boundary is another concept that receives considerable attention in the literature on LG. This section provides an analysis of theoretical approaches to LG boundary. It specifically explores the relevance of and approaches to LG boundary demarcation.

### 2.5.1 Why Does LG Boundary Matter?

Few issues are as central to contemporary LG system as that of the number and boundary demarcation. Recent years have seen increasing concern among scholars about LG boundaries. A theoretical perspective that focuses on the boundaries of LGs may seem rather narrow until one realizes that:

[B]oundaries determine who is included within a jurisdiction and define local arrangements of service provision and production, patterns of economic development, and the exercise of political power.<sup>241</sup>

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<sup>238</sup> Zemelak, *Supra* note 111, p.51

<sup>239</sup> A. Alexander as quoted in Shlomo Hasson and E. Razin, 'What is hidden behind a municipal boundary conflict?,' *Political Geography Quarterly*, Vol. 9, No. 3 (1990), p. 281

<sup>240</sup> E. Razin and A. Hazan, 'Municipal Boundary Conflicts between Jewish and Arab Local Authorities in Israel: Geography of Administration or Geopolitics?,' *Human Geography*, Vol. 86, No. 2 (2004), p.79

<sup>241</sup> Richard and Feiock and Jered Carrfeiock, 'Incentives, Entrepreneurs, and Boundary Change: A Collective Action Framework,' *Urban Affairs Review*, Vol. 36, No.3 (2001), p. 383

According to many scholars, LG boundaries have very important political, financial and social effects because they determine what each LG is responsible for, and where.<sup>242</sup> Briffault considers the role of boundaries in the theory and law of LG in the following way:

Boundaries are crucial to the interwoven set of political and economic arguments for local autonomy by helping to make local governments appropriate settings for political participation, for organizing the efficient provision of public goods and services, and for community self-government. Boundaries also affect both the principal powers and duties of local governments and the relationship between local governments and their people.<sup>243</sup>

The demarcation of LG boundaries often considered an important component of the process of devolution of power.<sup>244</sup> As such, the implementation of decentralization involves demarcating a country into manageable LG areas.<sup>245</sup> These areas, according to Shale, are the jurisdiction of the local authorities within which they formulate, approve and execute their own development plans.<sup>246</sup>

According to Shale, the demarcation of LG boundaries is done in order to determine areas in which people can contest LG elections.<sup>247</sup> It is also done so that local authorities can operate within a clearly and legally defined boundary for an enhanced delivery of services.<sup>248</sup> LG boundary demarcations, according to Razin and Hazan, “have implications for efficiency and effectiveness in service provision, for spatial development patterns and for fiscal disparities among LGs.<sup>249</sup> Moreover, LG boundaries define the limits of jurisdiction and could form a very important component of identity.<sup>250</sup>

In the same vein, Griggs argues that LG boundaries form the territorial space in which we live, distribute power to people who influence lives, determine where we vote, create tax bases, construct regional identities, and determine access to public services.<sup>251</sup> It determines

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<sup>242</sup>Paul Carmichael, *et al*, ‘Local Authority Structures and Administrative Boundaries: Evidence from the United Kingdom and Other Jurisdictions,’ *Political Science Working Paper Series*, No.6 (2005/2006), p. 6

<sup>243</sup> Briffault, *Supra* note 61, p.1121

<sup>244</sup> D. K. Singiza and Jaap De Visser, ‘Chewing more than one can swallow: the creation of new districts in Uganda,’ *Law, Democracy and Development*, Vol. 15 (2011), p.25

<sup>245</sup>See, among others, George Owusu, ‘Internal Boundaries and District Administration: A Challenge to Decentralization and District Development in Ghana,’ *Human Geography*, Vol. 91, No.1 (2009); Victor Shale, ‘Demarcating Local Authorities’ Boundaries for Good Governance Versus the People- to -People Relations: the Case Study of Lesotho,’ *EISA Occasional Paper*, No.28 (2005)

<sup>246</sup>Victor Shale, ‘Demarcating Local Authorities’ Boundaries for Good Governance Versus the People- to -People Relations: the Case Study of Lesotho,’ *EISA Occasional Paper*, No.28 (2005), p.1

<sup>247</sup> *Ibid.*

<sup>248</sup> *Ibid.*, p.2

<sup>249</sup>Razin and Hazan, *Supra* note 240, p.80

<sup>250</sup> *Ibid.*

<sup>251</sup>Richard A. Griggs ‘Creating Geographies of Peace: Provinces, Referenda and Spatial Decision- Making in South Africa,’ *IBRU Boundary and Security Bulletin*(1997-1998), p.68

service delivery, economic development, and intergovernmental relationships.<sup>252</sup> According to Henly, boundary demarcation determines not only a community's geographic bounds but also determines who is a member of a community and who is not.<sup>253</sup> This demarcation, therefore, has important implications for access to resources and size of voting population. According to Maharj, boundaries are not "neutral geographic lines".<sup>254</sup> LG boundary demarcations are associated with a redistribution of political power and resources.<sup>255</sup> Similarly, Briffault noted that LG boundaries are not 'arbitrary lines on a map' but reflections of "separate and autonomous" political entities.<sup>256</sup> Likewise, according to Newman, LG boundary demarcation "is not simply the drawing of a line on a map or the construction of a fence in the physical landscape, it is the process through which borders are constructed and the categories of difference or separation created".<sup>257</sup>

The foregoing generally shows the relevance of LG boundaries. It is indicated that LG boundaries do not demarcate physical space alone, but also define the range the persons who will be subject to the local political authority. LG boundaries have enormous social, cultural, economic and political ramifications that are left most deeply in the affected border areas. LG boundary demarcation defines, among others, electoral boundaries and establishes the size of the unit of local democracy. It has been also indicated that legitimate governmental objectives cannot be clarified or implemented unless the boundary where such authority is to be exercised can be defined. LG boundary obviously provides a population with their physical location and resources, and shapes their lifestyle, customs and culture.

### 2.5.2 Approaches of LG Boundary Demarcation

As already stated in the previous section, LG should have a precise territory, with boundaries accepted by all concerned groups. The question of how best to fix or modify the boundaries of LGs has rarely been posed. As hinted above, the demarcation process is often a thorny issue and contentious because boundaries have very real effects on the interests of different parties and stakeholders. In other words, an extremely sensitive political process may involve

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<sup>252</sup> Nicholas Bauroth, 'Explanations for the Proliferation of Economic Development Corporations across North Dakota and South Dakota,' *The Online J. of Rural Research and Policy* 5 (2008), p.3

<sup>253</sup> Megan Henly, 'Re-establishing Community Boundaries in Down east Maine: Understanding the Roles of Ethnicity, Tenure of Residence, Economic and Environmental Conditions,' *J. of Rural and Community Development*, Vol.7, No.2 (2012), p.18

<sup>254</sup> Brij Maharaj, 'Post apartheid Metro Boundaries: Conflicts, Contestations and Compromises in Durban,' Paper Presented in the IASTE Conference "[un]bounding traditions: the tensions of borders and regions", Honk-Kong (December 2002), p.2

<sup>255</sup> *Ibid.*

<sup>256</sup> Richard Briffault, 'Our Localism: Part I-The Structure of Local Government Law,' *Columbia Law Review*, Vol. 90, No. 1 (1990), p.111

<sup>257</sup> David Newman, 'The lines that continue to separate us: borders in our 'borderless' world,' *Progress in Human Geography* 30, No. 2 (2006), p.148

contradictory interests at various levels. There is abundant evidence that demarcation creates a wide variety of political tensions, and hold significant potential for conflict.

Keating, as cited by Razin and Hazan, indicates that the process of demarcation boundaries is 'conflictual', as it affects the distribution of power and resources, and defines the reference groups for public policy.<sup>258</sup> Cameron also stressed that the demarcation of LG boundaries will always be a contested issue.<sup>259</sup> This is because, according to Cameron, boundaries redistribute political power and influence communities' access to LG services.<sup>260</sup>

Similarly, according to Smith:

An almost permanent source of conflict over the organization of area government seems to be the drawing of boundaries. Matching functions to area and drawing boundaries which are coterminous with the pattern of communities and settlements are two of the most difficult tasks facing reformers.<sup>261</sup>

In a similar vein, De Visser, *et al* stressed that "determination of internal boundaries in a multi-level state is almost always a contentious, politically charged exercise".<sup>262</sup> This is because boundaries have an impact, among others, on access to power, access to resources, notions of local democracy, the viability and efficiency of sub-national units.<sup>263</sup> Shale also observes that the demarcation does not occur without problems because "it tempers with the cohesiveness of communities and with people's livelihoods".<sup>264</sup>

From the above, it is clear that boundary demarcation is a "politically fraught exercise".<sup>265</sup> Consequently, it can be said that demarcation is often a controversial and contested issue and disputes tend to be particularly bitter in countries that are deeply divided along ethnic lines. As a result, boundary demarcation in multi ethnic states is a critically important and highly challenging endeavor.

To sum up, the formation of LG represents an important form of local boundary change. It remains unclear, though, how the process of LG boundary change unfolds. Of critical importance are the criteria and procedures to be used to demarcate LG boundaries. The

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<sup>258</sup> Razin and Hazan, *Supra* note 240, p.80

<sup>259</sup> Robert Cameron, 'Local Government Boundary Reorganization'. In U. Pillay, *et al* (eds), *Democracy and Delivery: Urban Policy in South Africa* (South Africa: HSRC Press, 2006), p.76

<sup>260</sup> *Ibid.*

<sup>261</sup> Brian C. Smith, 'The Measurement of Decentralization,' *International Review of Administrative Sciences*, Vol. 45 (1979), p.220

<sup>262</sup> Jaap de Visser, *et al*, 'The Role of Ethnicity in the Demarcation of Internal Boundaries in South Africa and Ethiopia,' Draft paper presented at the Annual Conference of the International Association of Centers for Federal Studies(IACFS) on "Federalism, Regionalism And Territory", Rome, 20-21 Sept. 2012, p.1

<sup>263</sup> *Ibid.*

<sup>264</sup> *Ibid.*

<sup>265</sup> Ronan Paddison, 'Redrawing Local Boundaries: Deriving the Principles for Politically Just Procedures'. In J. Meligrana (edi), *Redrawing Local Government Boundaries: An International Study of Politics, Procedure and Decisions* (Vancouver: UBC Press, 2005), p.31

question of what is appropriate basis for the demarcation LGs is one of the most controversial ones in federations.

### 2.5.2.1 How Should LG Boundaries Be Demarcated? The Variety of Procedures

The fundamental concerns in debates over municipal boundary change procedures are twofold: first, achieving the appropriate balance between central control and local autonomy and democracy; second, balancing competing local interests and claims over the appropriate territorial configurations of local governments.<sup>266</sup>

As shown in the previous section, LG boundary demarcation is a complex, multifaceted, and contested undertaking. Consequently, the issue of who demarcates and how it is demarcated is also complex one. This section tries to look at the formal structure and rules that countries use to conduct LG demarcation. It is stressed that countries that demarcate LG boundaries must establish rules and a formal structure for carrying out the process. In this regard, the majority of federal countries contain legislations on LG boundary demarcation. Some countries contain extensive provisions regarding LG demarcation. Most provisions often detail the criteria and procedures used and address which party, organization, or person is responsible for LG demarcation.

The choices involved in the design of the demarcation process appear to be essential. LG legislation outlining the formal structure and rules for demarcation should address the following issues: Who should draw the LG boundaries?; Should the persons who draw the LGs be independent from the legislature?; Should the boundary authority be politically neutral?; Should the legislature have any formal role at all in the process?; Should the general public have input into the LG demarcation process?; Should some mechanism exist for public input into to the process?; Should formal criteria be established for LG demarcation? If so, what should these demarcation criteria be?

As has been hinted above, different approaches to handling proposed boundary changes, including the creation and merger, have been developed by different states. As some scholars argue, in most federations, the demarcation of LG boundaries is a difficult and contestable process.<sup>267</sup> As has been argued above, the complexity is illustrated by the great variation in how and according to what criteria boundaries of LG are established.

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<sup>266</sup> J. Meligrana and E. Razin, 'Conclusion: Changing Local Government Boundaries in Different Political-Ideological Environments'. In J. Meligrana (edi), *Redrawing Local Government Boundaries: An International Study of Politics, Procedure and Decisions* (Vancouver: UBC Press, 2005), p.230

<sup>267</sup> Watts, *Supra* note 187, p.98

It is stressed that attempts to alter LG boundaries or to create new LGs could be volatile and need to be approached differently in different states, in light of diverse laws, political traditions, community sentiments, and existing boundary arrangements.<sup>268</sup> According to Shale, demarcation, in order to be less controversial, should “entail a negotiation process between the government, the electoral authority, the affected communities, civil society organizations which often have vested interests in service delivery as well as other service providers”.<sup>269</sup> Shale highlights the fact that demarcation of LG boundaries does not happen without altering the way in which people have been living.<sup>270</sup> Due to its effects on the people-to-people relations, the demarcation exercise has to be preceded by a negotiation process - the importance of which is “to level the ground for the mutual understanding between those who undertake the demarcation exercise and the affected communities”.<sup>271</sup>

Ronan Paddison provides three propositions that could lead to a more just system of LG boundary demarcation: (1) that it meets local preferences and needs, (2) that it be a fair, transparent, and relatively accessible process, and (3) that neither central nor local political elites wholly determine it.<sup>272</sup>

As has been hinted above, international experience suggests that the procedures used to demarcate LG boundaries vary considerably from country to country, “reflecting differences in prevailing ideologies and political-administrative traditions”.<sup>273</sup> Razin and Hazan argue that procedures of boundary change, particularly the identity of those empowered to demarcate boundaries, have an influence on the LG map, with its implications on spatial patterns of development and service provision.<sup>274</sup>

In outlining the procedural aspects of LG boundary demarcation, Razin and Hazan make distinction between systems where the state retains the authority to decide on boundary changes and systems where decision is in the hands of local parties or arbitration bodies, and the role of the state is limited to determining the framework and legal basis for LG boundary change.<sup>275</sup> When the state holds the decision authority, according to Razin and Hazan:

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<sup>268</sup>U.S. Advisory Commission on Intergovernmental Relations, ‘Local Boundary Commissions: Status and Roles in Forming, Adjusting and Dissolving Local Government Boundaries,’ U.S. Advisory Commission on Intergovernmental Relations, May 1992, p.4

<sup>269</sup>Shale, *Supra* note 246, p.2

<sup>270</sup> *Ibid.*

<sup>271</sup> *Ibid.*, p.9

<sup>272</sup> Ronan Paddison, *Supra* note 265, p.32

<sup>273</sup>J. Meligrana and E. Razin, ‘Conclusion: Changing Local Government Boundaries in Different Political-Ideological Environments’. In J. Meligrana (edi), *Redrawing Local Government Boundaries: An International Study of Politics, Procedure and Decisions* (Vancouver: UBC Press, 2005), p.230

<sup>274</sup> E. Razin and A. Hazan, ‘Redrawing Israel’s Local Government map: political decisions, court rulings or popular determination,’ *Political Geography*, Vol. 20 (2001), p.514

<sup>275</sup> E. Razin and A. Hazan, ‘Municipal Boundary Conflicts between Jewish and Arab Local Authorities in Israel: Geography of Administration or Geopolitics?’, *Human Geography*, Vol. 86, No. 2 (2004), p.82

[A] fundamental difference exists between ‘internal-bureaucratic Procedures’ and more open ones that could include recommendations of a commission and monitoring by the courts. The latter procedures may be expected to be more pluralist, incorporating diverse political interests, with a greater role awarded to professional assessments, even if those are not necessarily neutral.<sup>276</sup>

Consequently, alternatives in which the state retains the authority to change LG boundaries also vary widely.<sup>277</sup> The minister in charge of LG affairs, the government at large, the legislature, or the regional levels of government can hold this authority.<sup>278</sup> When the state does not retain the authority to decide on boundary demarcation, an essential difference exists between procedures such as popular determination, which is explicitly political, and judicial or quasi-legislative determination, in which geographical-administrative assessments are likely to form part of the procedure.<sup>279</sup>

The choice of procedure thus, “determines both the role of professional assessments in the decision making process and the identity of political actors in the position to determine boundaries”.<sup>280</sup> According to Razin and Hazan, at one extreme are procedures that grant ultimate authority to the central state—either a government minister, the government at large, or the legislature and at the other extreme is popular determination, in which boundary changes are subject to the consent of all sides involved.<sup>281</sup>

In general, Meligrana and Razin divided the procedures for demarcating LG boundaries between ‘top-down’ and ‘bottom-up’ origins, in which according to the writers, the senior level of government plays either a leading or reactionary role:

Leading occurs in the sense that the senior government initiates various kinds of local government boundary reform, such as incorporating new municipal governments, altering their boundaries (i.e. annexations), amalgamating two or more municipal governments, or creating upper tier regional governments. Reaction occurs in the sense that the senior government merely establishes the rules and regulations for possible types of reform, but the process is triggered by local stakeholders, such as local government officials.<sup>282</sup>

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<sup>276</sup> *Ibid.*

<sup>277</sup> E. Razin, ‘Changing Local Government Boundaries in Israel: the Paradox of Extreme Centralism Versus Inability to Reform’. In J. Meligrana (edi), *Redrawing Local Government Boundaries: An International Study of Politics, Procedure and Decisions* (Vancouver: UBC Press), p.163

<sup>278</sup> *Ibid.*

<sup>279</sup> *Ibid.*

<sup>280</sup> *Ibid.*

<sup>281</sup> E. Razin and A. Hazan, *Supra* note 274, p. 514

<sup>282</sup> J. Meligrana and E. Razin, *Supra* note 273, p.230

The top-down/bottom-up distinctions refer, according to Meligrana and Razin, not only to the identity of the initiator but also the body that retains the authority to decide on boundary changes.<sup>283</sup> Meligrana and Razin argue that:

In most decentralized options, the central state not only leaves initiatives of municipal boundary change to local stakeholders but also does not directly intervene in the decision, other than determining the framework and legal basis for municipal boundary changes. [...]. Intermediate situations are characterized by largely local initiatives to change boundaries, in which the central state, either the government or the legislature, retains the power to make the final decision-making. Ultimate top-down situations are those in which the central state both initiates and determines the redelimitation of the local government map.<sup>284</sup>

In general, the comparative evidence suggests that this bottom-up approach to demarcation is probably the best way to encourage transparent demarcation system.

The evidence suggests that the recent trend is towards independent boundary commissions staffed by non-partisan civil servants. In many countries, commissions, boards, or task forces are set up with the specific mandate to investigate and assist in the resolution of LG boundary problems.<sup>285</sup> Such institutions, according to Meligrana and Razin, are usually created by senior governments for number reasons: to remove the senior level of government from hotly contested local political battles; to institute a more rational approach to boundary reform; and to impose its reform agenda' on the LG map.<sup>286</sup> The institutions also varied from advisory commissions, as in Germany to ones that have the power to make decisions, as in Ontario and South Africa.<sup>287</sup> In fact, the experience shows that a short provision often suffices for designating a responsible organization to demarcate LG boundaries. Accordingly, the authority to decide could be given to an independent body, to a state parliament, or to an executive body.

Currently, the United States sits at one end of the spectrum: LG boundaries are drawn by parliament. At the other end of the spectrum are those countries that have established independent boundary authorities or rely on nonpartisan boundary commissions to carry out demarcation. In this regard, the job of redrawing boundaries in most European countries is entrusted to independent commissions. In most U.S. States, the job of redrawing boundaries is entrusted to the state legislature. In U.S., each state decides for itself – usually in the state

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<sup>283</sup> *Ibid.*

<sup>284</sup> *Ibid.*, pp.230-231

<sup>285</sup> *Ibid.*

<sup>286</sup> *Ibid.*, p.234

<sup>287</sup> *Ibid.*

constitution – who will demarcate LG boundaries. In U.S., the constitutions and laws of the 50 states set the rules for establishing and revising the boundaries of LGs.<sup>288</sup> In Australia, all state LG Acts except Victoria and the Northern Territory contain provisions for statutory bodies to instigate and/or investigate boundary changes.<sup>289</sup> The reasons for these differences are best explained by the social, political and cultural norms.

The experience also indicates that the provision establishing boundary commission tends to address who the commission is comprised of, who heads the commission, the powers of the commission and its members, and a tentative timeframe for the commission to issue its judgment. The legislations have often also included provisions for increased public access to the demarcation process and formal criteria for commissioners to consider when drawing LGs. These demarcation criteria are usually listed in the LG laws of the country. These commissions vary substantially from state to state. The composition of the boundary authority and the degree of independence granted to this authority vary considerably from country to country. In short, some states have a permanent designated Board of specialists as organ to take care after the boundary demarcation. However, as indicated above, the type of boundary authority established and the rules this authority is obliged to follow vary widely across countries.

It has been argued that the legal framework for should provide that the persons or institution responsible for drawing LG boundaries be independent, nonpartisan, and impartial. Independent, politically neutral boundary commissions are heralded as a means of eliminating manipulation. It has been argued that if a legal framework has been established that requires demarcation to be conducted by an independent, nonpartisan boundary authority that is required to take into account a set of clearly identified criteria, then manipulating the boundaries for political gain is a far more difficult proposition. The appointment of an independent, nonpartisan boundary authority would provide an opportunity to the people to make representations to an accredited Body which would consider impartially the representations made and act suitably thereon. It has been maintained that with a flexible and adequate mandate, boundary commissions have been able to resolve many disputes that could have sparked conflict. In this regard, South Africa provides a striking example.

The South African Constitution calls for the establishment of an independent authority that will demarcate municipal boundaries and for the establishment of criteria and procedures for

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<sup>288</sup> U.S. Advisory Commission on Intergovernmental Relations, *Supra* note 268, p.2

<sup>289</sup> Chris Aulich, *et al.*, 'Consolidation in Local Government: A Fresh Look,' Australian Centre of Excellence for Local Government, Vol. 1 (2011), p.17

the demarcation.<sup>290</sup> In terms of the Municipal Demarcation Act (1998), the independent Municipal Demarcation Board (MDB) was established to determine the criteria and procedures for the delimitation of municipal boundaries. The Demarcation Board is an independent juristic person that has to determine municipal boundaries in accordance with this Act, and other appropriate legislation (for example the Municipal Structures Act), and the Constitution.<sup>291</sup> The South African case offers a clearly defined case of representation of diversity as a key aspect. The Act says that the Board must be representative of the South African society. Its members should come from all over the country and be knowledgeable and/or experienced in matters that are relevant to municipal demarcation and include, for example, development planning, community development, traditional leadership, municipal finance, town planning etc.<sup>292</sup> Politicians in national, provincial or LG cannot be members of the Board, nor can office bearers of political parties.<sup>293</sup> Therefore, it is important that the Board structurally be immune from political pressure.

The demarcation procedure is set out clearly in the Municipal Demarcation Act, Sections 26, 27, 28, 29 and 30. Hence, the Act typically specifies the demarcation criteria and it also tell us how the boundaries of LG shall be demarcated. Among other things that is interesting about the South African case is the provision made for public participation processes. This process is worthwhile to mention because the Act allows for an appeal mechanism enabling stakeholders who are aggrieved by the determination of boundaries to appeal against the decision. Especially interesting in this context is that the Board must consider those objections and “either confirm, vary or withdraw its determination”.<sup>294</sup> In addition, the Board is required to solicit views on any changes of boundaries from local stakeholders by holding public meetings and investigations.<sup>295</sup>

In brief, as Cameron comments, it is rare in international terms for politicians to grant decision-making powers of this sort to an independent structure, so the MDB was novel in many aspects and unprecedented in Africa where there is a weak tradition of LG.<sup>296</sup> As has been hinted above, the South African model covers all the stages of the process of boundary making, the components and activities to be included in the process. It is this idea of giving citizens a say in determining the layout of the new administrative units that is one of the

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<sup>290</sup> S155(3)(b) of the Constitution, Act 108 of 1996

<sup>291</sup> Community Law Centre, University of Western Cape, *Local Government Law Bulletin*, Vol.1No.1 April 11, 1999, p.1

<sup>292</sup> S(6) of the Municipal Demarcation Act

<sup>293</sup> S 13(3) of the Municipal Demarcation Act

<sup>294</sup> See s 21 of the Municipal Demarcation Act

<sup>295</sup> See ss 27- 30 of the Municipal Demarcation Act

<sup>296</sup> Robert Cameron, ‘Local Government Boundary Reorganization’. In U. Pillay, *et al* (eds), *Democracy and Delivery: Urban Policy in South Africa* (South Africa: HSRC Press, 2006), p.84

defining characteristics of the South African approach to creating LG territories. As has been indicated earlier, consultative procedure was prescribed rather than popular referendum. The criteria and independence of the Board have created predictable institutional framework. It can also be noted, from South African experience, that the process of boundary review should not be hijacked by short term political interests. It is worth noting also that the basis for review should be clearly articulated and emphasizes scientific and objective need. The Nigerian Federal Constitution gives the powers to create new LG areas to the state government through the State House of Assembly. According to Section 8(3):

- A bill for a law of a House of Assembly for the purpose of creating a new local government area shall only be passed if:
- a. A request supported by at least two –thirds majority of members (representing the area demanding the creation of new local governments area) in each of the following, namely-
    - i. The House of Assembly in respect of the area and
    - ii. The local governments councils in respect of the area, is received by the House of Assembly;
  - b. A proposal for the creation of the local government area is thereafter approved in a referendum by at least two-thirds majority of the people of the local government area where the demand for the proposed local government area originated.
  - c. The result of the referendum is then approved by a simple majority of the members in each local government council in a majority of all the local governments councils in the state, and
  - d. The result of the referendum is approved by a resolution passed by two-thirds majority of members of the House of Assembly.

However, Sections 8(5) and 8(6) required the involvement of the Federal Government through the National Assembly in the process of creating new LG areas in the country:

An Act of the National Assembly passed in accordance with this section shall make consequential provisions with respect to the names and headquarters of states or local government areas as provided in Section 3 of this Constitution and in Parts 1 and II of the First Schedule of this Constitution.<sup>297</sup>

For the purpose of enabling the National Assembly to exercise powers conferred upon it by sub-section (5) of this section, each House of Assembly shall, after the creation of more local governments areas pursuant to subsection (3) of this section, make adequate returns to each House of National Assembly.<sup>298</sup>

Hence, although, the creation of LGs is a function of the state, authority for their recognition is given to the National Assembly. In fact, this is contrary to the view that the number of LGs

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<sup>297</sup> Section 8(5) of the 1999 Constitution of the Federal Republic of Nigeria

<sup>298</sup> Section 8(6) of the 1999 Constitution of the Federal Republic of Nigeria

has been fixed for all times by the Constitution, which renders the creation or the adjustment of boundaries of LG a matter of constitutional amendment.<sup>299</sup> It should be noted that there could be a need for the creation of more LGs as the population and residential demographics change over time.<sup>300</sup> According to Section 8(4) of the 1999 Constitution, a bill for a Law of House of Assembly for the purpose of boundary adjustment of any existing LG area shall only be passed if-

- a. a request for the boundary adjustment is supported by two-thirds majority of members (representing the area demanding and the area affected by the boundary adjustment) in each of the following, namely -
  - i. the House of Assembly in respect of the area, and
  - ii. the local governments council in respect of the area, is received by the House of Assembly; and
- b. A proposal for the boundary adjustment is approved by a simple majority of members of the House of Assembly in respect of the area concerned.

As emphasized by several legal experts, these provisions were riddled with terminological and procedural difficulties.<sup>301</sup> Indeed, the process shows that local authorities and communities exercise some control over the demarcation of boundaries by requirement of a referendum supported by at least a two-thirds majority of the affected people of the LG area and also by a two-thirds majority of their elected representatives.<sup>302</sup> It is assumed that these provisions will prevent the manipulations of LG boundaries and the unwarranted proliferation of LG areas for purely partisan political reasons.<sup>303</sup>

The 1995 Uganda's Constitution provides that the parliament is empowered to alter the boundaries of LG units and to create new ones.<sup>304</sup> According to Art 179 (2), changes in or alteration of boundaries must be supported by the majority of the members of parliament.

The adjustment of district boundaries or the creation of districts in Ghana is the responsibility of the President of Ghana acting through legislative instruments passed by Parliament and implemented by the National Electoral Commission. In Ghana, the legal framework for district creation is provided by the 1992 Constitution and the LG Act (Act 462) 1993. Art 241 (2) of the Constitution stipulates that 'Parliament may by law make provision for the redrawing of the boundaries of districts or for reconstituting the districts'. In exercise of this

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<sup>299</sup> S (3)(2) of the federal constitution already indicated that there shall be 768 "Local Government areas" and six "area councils" in the capital territory, in the federation

<sup>300</sup> Habu Galadima, *Supra* note 199, p.242

<sup>301</sup> See, for instance, Kalu N. Kalu, *State Power, Autarchy, and Political Conquest in Nigerian Federalism* (USA: Rowman & Littlefield Publishers, Inc., 2008), p.240

<sup>302</sup> See Habu Galadima, *Supra* note 199, p.242

<sup>303</sup> *Ibid.*

<sup>304</sup> Constitution of Ghana(1995), Art 179(1)

power under Art 241 (2), Parliament in the LG Act, 1993, Act 462, vests the power for the demarcation of district boundaries and the creation of districts in the President. Section 1 (2) of Act 462 provides that the President may by executive instrument – (a) declare any area within Ghana to be a district; (b) assign a name to the district. The president in the exercise of his powers is required ‘to direct the Electoral Commission to make such recommendations as it considers appropriate for the purpose’. It can be argued that the legal framework for district creation in Ghana seems inconsistent. The Constitution gives parliament the main role in the creation of districts while Act 462 gives the president a dominant role through an executive instrument. Similarly, the Urban and Rural District Councils Acts in Zimbabwe give the President power to create, abolish and alter LG boundaries.<sup>305</sup>

From the above, it can be assumed there is now a growing consensus that the procedure for demarcation of LGs should be clearly spelled out in legislation. However, as indicated above, these procedures differ tremendously as to objectives, participants or design.

From the above, it is also clear that demarcation should be as unambiguous as possible in order to avoid disagreement over where the boundary is located. It is necessary that demarcation process should be as transparent as possible, with the methodology and guidelines clearly established.

LG boundary demarcation, therefore, needs to be credible in different respects. It is essential that the demarcation process be as open and transparent as possible. There is a widely shared opinion that transparency is important for maintaining public confidence in the integrity of the demarcation process. In addition, it has been hinted that a process that is as transparent as possible offers credibility and legitimacy to a process. According to this perspective, participatory demarcation is more likely to increase citizen trust in the process. In this case, the process can be considered divisive if it does not sufficiently participatory or if its approach were not sufficiently consensus-based.

It is also perceived that the process itself be perceived as nonpartisan and independent. It is commonly argued that if the stakeholders do not have confidence in the boundary authority to carry out its functions in an impartial and unbiased manner, this can seriously damage the credibility of the demarcation process. Therefore, the way LG demarcated should be clear and clearly communicated to the community it serves. It can be suggested that the participation of diverse actors would lead to the early recognition and even prevention of

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<sup>305</sup> Rural District Councils Act 1996 and Urban Councils Act 1996 of Ghana

problems concerning demarcation. It can further be suggested that incorporation of citizens with their local knowledge would lead to locally appropriate demarcation.

A similar argument is put forward considering legitimacy. According to many scholars, an open demarcation process with the involvement of citizens would lead to legitimacy. It can be presumed that the incorporation of citizens into the processes of demarcation is one of the most important means to generate legitimacy. From this perspective, then, participatory demarcation system would enhance legitimacy. In other words, the process should be inclusive and participatory to best achieve legitimacy. Hence, it follows that the greater the amounts of participation, the more legitimate the demarcation.

Generally, from the above, it is clear that demarcation system has to fulfill two main criteria: it must be participatory as well as legitimate. From this perspective then, successful demarcation could be reasonably regarded as having deep and meaningful democratic support. The demarcation process should as transparent and accessible to the public as possible. The demarcation process should be devoid of boundary manipulation.

The foregoing roughly depicts that some favor a uniform model for the whole country. Others see advantage in identifying the essentials for inclusion in the constitution, leaving all other matters flexible so as to let adaptation of the underlying idea to local circumstances in the different sub-national states. Most Regional States put the power to demarcation of LG boundaries solely in the hands of the state legislature. Still others give all power to entities other than the legislature, often called “commissions”. These commissions, as indicated above, vary substantially from one Regional State to the other. It has been argued that the choice of demarcation systems is always politically sensitive and always constrained by political considerations. It is stressed that the state has to ensure that public interest prevails over partisan or individual agendas.

It is widely acknowledged that the demarcation process is at the heart of LG system, and deserves recognition and protection from political interference. It has been maintained that the “politics” would be removed from demarcation-when an independent, nonpartisan commission is assigned the task. In this regard, the independent Municipal Demarcation Board (MDB), for instance, stands as one of the success stories of post apartheid demarcation process in South Africa. An interesting feature in this case is that not only is the Board seen as fairer, nonpartisan, and independent, it is also a credible actor in the political process because the results that it seeks to achieve explicitly take into account important and well-understood values and particular local considerations. The South African case indicates that

boundaries must be drawn in a transparent manner, and ideally by a nonpartisan commission of experts assigned for this purpose. The South African system maintained independence through the body's composition and transparency through the body's procedures. It has been repeatedly argued that the more transparent the demarcation proceedings, the less motivation to serve the narrow immediate interests of individual incumbents.

It can possibly be said that the universal importance of the South Africa's experience is to be found in its diversity. The IDB typically composed not only of impartial (nonpartisan) public officials but also of professionals with the requisite skills in administration, geography, cartography, demography, and statistic.

In brief, the experiences described above suggest that the system LG boundary demarcation is not common to all federal systems. Despite wide variation, comparative experience to date, emphasize that independent and permanent boundary demarcation bodies represent a clear best practice. It is emphasized that their perceived neutrality and independence from political interference lends credibility to the demarcation process. Hence, it can be said that there is more recognition now of the need for independent boundary commissions staffed by non-partisan civil servants.

### 2.5.2.2 Criteria of LG Boundary Demarcation

It is often assumed that successful federal systems have been characterized by the stability of their internal boundaries.<sup>306</sup> Boundary changes may occur, but such changes are made based on a set of criteria and only with the consent of the polities involved.<sup>307</sup> Barlow, as quoted by Razin and Hassan<sup>308</sup>, identified three basic criteria for demarcation of LGs: (1) The size and shape of government areas should be compatible with their functions, so as to assure efficiency in providing services; (2) The spatial extent of government areas should provide them with an adequate fiscal capacity to perform their functions; (3) Government areas should correspond to prevailing patterns of community.

Cameron and Meligrana, on the other hand, identify two broad categories of boundary demarcation criteria; Technical Consolidation Approaches and Subjective Criteria.<sup>309</sup> The

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<sup>306</sup>Daniel Kendie, 'The Causes of the Failure of the Present Regime in Ethiopia,' *Intern'l J. of Ethiopian Studies*, Vol. 1, No. 1 (2003), p.204

<sup>307</sup> *Ibid.*

<sup>308</sup>See Shlomo Hasson and E. Razin, 'What is hidden behind a municipal boundary conflict?,' *Political Geography Quarterly*, Vol. 9, No. 3 (1990), p. 280

<sup>309</sup> Robert Cameron and John Meligrana, 'Criteria for Determining Municipal Boundaries and Categorization of Metropolitan Municipalities,' Report prepared for: Municipal Demarcation Board, *Third draft*, 13 December 2010; For a similar discussion, See Robert Cameron, 'Local Government Boundary Reorganization'. In U. Pillay, *et al* (eds), *Democracy and Delivery: Urban Policy in South Africa* (South Africa: HSRC Press, 2006)

first category of boundary criteria consists of technical-consolidation approaches, which attempts to capture certain objective “hard” data.<sup>310</sup> However, even within this category, Cameron and Meligrana identify different approaches. Some of these major approaches are Economies of Scale; Socio-Geographic/Settlement Patterns Approach; Functional Boundaries; Financial Viability Equity/Redistribution Policies.<sup>311</sup> Economies of Scale are related with the idea that there is a relationship between the size of a local authority and the quality of its performance.<sup>312</sup> In other words, enlarging LG areas will enhance LG efficiency.<sup>313</sup> According to Cameron and Meligrana, the socio-geographic or settlement patterns approach attempts to correlate LG boundaries with their respective interdependent socio-economic areas.<sup>314</sup> Functional boundaries derive, according to Cameron and Meligrana, from the “optimal area for which a particular service is or should be provided, namely the catchment area”.<sup>315</sup> What is clear is that a “minimum organizational size is needed for each function and that the optimal size greatly exceeds this minimum”.<sup>316</sup> It is argued that the type and number of functions therefore form an important element in ascertaining the minimum size of a unit:

The fewer and less encompassing the functions and the smaller their catchment area, the smaller the size of the unit; the more numerous the functions, and the larger the catchment area of some of the important functions, the greater the size of the unit.<sup>317</sup>

Financial viability is another key LG demarcation criterion. It is almost conventional wisdom that, LG units needs to be at a minimum size if they are to have a tax base enabling them to be financially viable, to attract professional staff and to deliver a reasonable standard of services.<sup>318</sup> From a financial point of view, 'fairly large-scale' units of LG with financial resources are needed to provide necessary public services.<sup>319</sup> The principle of equity, the redistribution of finance and services from richer to poorer areas, has been used in boundary demarcation.<sup>320</sup> The argument, from a social-democratic perspective, is that small-scale fragmented LG leads to inequalities.<sup>321</sup> It is assumed that the larger the jurisdiction of a local

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<sup>310</sup> *Ibid*, p.4

<sup>311</sup> *Ibid*.

<sup>312</sup> *Ibid*.

<sup>313</sup> *Ibid*.

<sup>314</sup> *Ibid*, p.5

<sup>315</sup> *Ibid*.

<sup>316</sup> *Ibid*.

<sup>317</sup> *Ibid*.

<sup>318</sup> *Ibid*, p.7

<sup>319</sup> *Ibid*.

<sup>320</sup> *Ibid*.

<sup>321</sup> *Ibid*.

authority, the more likely it is to have both rich and poor communities, which theoretically makes it easier to facilitate redistribution.<sup>322</sup>

The second category of boundary demarcation criteria identified by Cameron and Meligrana is more subjective, in the sense that these criteria try to reflect wishes and concerns of local citizens.<sup>323</sup> According to Cameron and Meligrana, LG boundary demarcation criteria does not always reflect narrow technical considerations, but also take subjective concerns into account, which involves, looking at the will of the community and the use of referenda.<sup>324</sup>

The World Bank underlines the importance of the consideration of factors, such as, territorial and population sizes, resources, developmental level and rural-urban differences in demarcation of LG boundaries.<sup>325</sup> It is also emphasized that it is essential to consult the relevant community in the process demarcation of LG boundaries. In this regard, the 1985 European Charter of Local Self-Government, for instance, stipulates, “changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute”.<sup>326</sup>

It is often argued that demarcation cannot be understood in isolation from the broader context of LG powers, functions and roles.<sup>327</sup> In other words, demarcation criteria should reflect the purpose or objectives of LG. It has been argued, for instance, that LGs are obliged to provide democratic and accountable government for local communities.<sup>328</sup> Demarcation of LG boundaries dictates the conditions under which this obligation must be met. According to Carmichael, *et al*:

It is very important that the demarcation process not be politically biased or manipulated, otherwise people will lose confidence in the process and some of the objectives of effective local governance will be compromised in favor of more narrow political interests.<sup>329</sup>

It has been argued also that LG has an obligation to provide services to communities in an equitable and sustainable manner, and must promote economic development.<sup>330</sup> Boundaries will dictate the extent to which it is possible for each LG to do this successfully.<sup>331</sup> A related approach is, as has been indicated above, to demarcate boundaries based on socio-economic

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<sup>322</sup> *Ibid.*

<sup>323</sup> *Ibid.*, p.8

<sup>324</sup> *Ibid.*

<sup>325</sup> Zemelak *Supra* note 111, p.51

<sup>326</sup> The European Charter of Local Self-Government (1985), Art 5

<sup>327</sup> Eastern Cape Socio-Economic Consultative Council, *Supra* note 88, p.6

<sup>328</sup> Paul Carmichael, *et al*, 'Local Authority Structures and Administrative Boundaries: Evidence from the United Kingdom and Other Jurisdictions,' *Political Science Working Paper Series 2005/2006*, No. 6, p.28

<sup>329</sup> *Ibid.*, p.28

<sup>330</sup> *Ibid.*, p.29

<sup>331</sup> *Ibid.*

criteria in order that boundaries reflect the social economic inter-dependence of various sub-units.<sup>332</sup> It has been also indicated that LG should better reflect the identities and interests of local communities. LG has to encourage the involvement of communities in the matters of LG.<sup>333</sup> To some extent demarcation of LG boundaries determines how easy or difficult this is.<sup>334</sup>

In short, it has been maintained that LG must necessarily define the extent of its territorial reach. In other words, LG requires the establishment of easily identifiable geographic boundaries. Accordingly, LGs should be given clear and legally recognized geographical boundaries over which they exercise authority, and within which they perform public functions.<sup>335</sup> As has been hinted above, clearly defined boundaries remain vital, among other reasons, for effective LG administration. In demarcation of LG, it has been argued, several criteria should be considered. Among these are the size of the territory, population, and economic viability, common interest of communities and administrative convenience and effectiveness. Needless to say, they are sometimes in conflict. Given the interdependence of many of the criteria, as Cameron and Melgrana claim, it is difficult to assert a hierarchy to the criteria.<sup>336</sup> Hence, criteria should be given varying weight and importance depending on the unique circumstances of an area.

It is also important to note that stable and mutually agreed boundaries are a major prerequisite for a peaceful cooperation between peoples. It is very essential to note also that the boundary demarcation process is a transparent and open one. In other words, it should be consultative and participatory. As Zemelak argues, once created, the territorial boundaries of LG should not be haphazardly altered.<sup>337</sup> The central government should, therefore, be restrained from randomly altering LG boundaries through, for instance, division or amalgamation.<sup>338</sup>

From the above discussion, it is also clear that a number of reasons and criteria are responsible for the determinations of LG boundaries. It has been indicated, for instance, that areas of LG should correspond to those in which people live and conduct their social and economic affairs. It has been stressed that the demarcation exercise should contribute to the maintenance of the sanctity and cohesion of communities as well as foster peaceful

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<sup>332</sup> *Ibid.*

<sup>333</sup> *Ibid.*, pp.28-29

<sup>334</sup> *Ibid.*

<sup>335</sup> Dennis A. Rondinelli, *et al.*, 'Analyzing Decentralization Policies in Developing Countries: a Political-Economy Framework,' *Development and Change*, Vol. 20 (1989), p.75

<sup>336</sup> Cameron and Melgrana, *Supra* note 309, p. XVIII

<sup>337</sup> Zemelak, *Supra* note 111, p.51

<sup>338</sup> *Ibid.*

coexistence between neighbors. Typically, as Bauroth insists, boundary change requires a concerted effort by public and private actors, as well as some involvement by the local electorate.<sup>339</sup>

In brief, demarcation should be carefully handled, and be honestly conducted in order to assure a successful demarcation, as well as steadiness of the boundary in the future. It is therefore essential that the process of arriving at new boundaries is efficient, fair and procedurally acceptable. As has been indicated above, while certain criteria for demarcation of LG might be endorsed, there is no agreement on relative weighting. Hence, it should be noted that there is no conclusive evidence to support the use of any particular set of ‘optimal’ criteria.<sup>340</sup> Hence, it can be argued that there is no golden rule as to how the boundaries of LGs should be demarcated.

Nevertheless, the literature recommends institution of a set of formal rules or criteria for creation of new LGs. A set of criteria will provide, among others, clear information to the existing LG areas and about size and structure of LG areas accepted in the future. Population size, natural physical or geographic factors and ethnicity, among others, are often cited as major considerations in defining LG boundaries. It is indicated that many countries often create LG units on the basis of economic and administrative viability, on the basis of the efficiency, or on the basis of identity, but these criteria are more country-specific. As Bockenforde argues, identity based LG units might create new minorities, since territorial subunits rarely feature only one identity.<sup>341</sup> Failure to consider adequately the interests of this new minority could ignite conflict.<sup>342</sup>

On the other hand, opting for the economically ‘optimal size’, based purely on criteria such as infrastructure, geography, resources and capacities, does not necessarily guarantee effective and efficient governance.<sup>343</sup> Thus, as Bockenforde argues, a mix of approaches to create economically viable units which the relevant populations accept is needed.<sup>344</sup> This entails that boundary demarcation takes into account as critical considerations both economic and cultural factors. It can be suggested, however, that few criteria, that incorporate different aspects, may ensure more simplicity and transparency than many criteria.<sup>345</sup> In addition, an

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<sup>339</sup> Bauroth, *Supra* note 252, p.3

<sup>340</sup> Eastern Cape Socio-Economic Consultative Council, *Supra* note 88, p.6

<sup>341</sup> Markus Bockenforde, ‘Decentralized Forms of Government’. In International IDEA, *A Practical Guide to Constitutional Building* (Stockholm: International IDEA, 2011), p.16

<sup>342</sup> *Ibid.*

<sup>343</sup> *Ibid.*

<sup>344</sup> *Ibid.*

<sup>345</sup> See, National Association of Local Authorities in Denmark, *Local Government Territorial Reform in Estonia – roles, criteria, procedures and support measures*, NALAD, March 1999, p.10

unambiguous and objective criterion (e.g. minimum 100, 000 inhabitants) eliminates the need for interpretations of vaguely formulated criteria (e.g. a “sufficient number of inhabitants”).<sup>346</sup> Objective criteria can also ensure more fair treatment of all cases than subjective criteria.<sup>347</sup>

Although this is especially true in countries that have adopted neutral boundary commissions, many countries that allow the legislature or a government agency to demarcate have enacted demarcation criteria as well. As will be indicated below, these rules are usually listed in the LG legislations, but they can sometimes be found in the country's constitution. Hence, the bodies undertaking demarcations are required to work in accordance with well-defined and reasonable criteria. This section tries to answer the following questions: What should then be the criteria's according to which the LG boundaries should be determined? Are there at all generally valid and accepted criteria's to determine LG boundaries?

It is important to note that demarcation of LG boundaries should be conducted based on clearly identified criteria. In other words, the process must be guided by clearly defined criteria – else the process may lack credibility, legitimacy and acceptability.

The diverse experiences confirm that others for LG boundary demarcation exists that should automatically apply no given formula. Therefore, there is no perfect LG demarcation system, and no “right” way to approach the subject of boundary demarcation. The major criteria for demarcation for all societies, not just divided ones, are sometimes in conflict with each other or even mutually exclusive. As has been discussed in above, factors or criteria relevant to guide demarcation might include, for instance demography, ecological considerations, climate, geographical features (e.g. farm lands, relief, drainage, rivers, dams), economic considerations (e.g. resources, economic activities ), homogeneity of an area (e.g. socio-cultural, economic, geographic), functional criteria (e.g. infrastructure, communication), and historical factors. Choice as to the weights to be given the criteria associated with each of these criteria can be viewed as choice among competing demarcation criteria.

As has been hinted already, it is conceivable that LG have to be viable and administratively governable, as well as constitute an area with which its inhabitants can identify themselves. The experience suggests that any decision on the boundary demarcation of new LG units entails important consequences for their social and ethnic composition. This implies that any LG should be people-based and people-oriented. LG boundaries, it is stressed, should correspond to community identities and interests. It is suggested that there is a clear need to

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<sup>346</sup> *Ibid.*

<sup>347</sup> *Ibid.*

endorse stable and generally acknowledged boundary, which is roughly congruent with the people's sense of belonging to a common identity. Accordingly, some legislation has emphasized a need for greater cultural sensitivity and understanding in LG boundary demarcation. In a number of cases, therefore, the act of prioritizing ethnicity in order to demarcate boundaries is of greater concern.

In brief, it is recommended that demarcations be effected with due care, consideration being given to natural boundaries, concentrations of various community groups, socio-economic and developmental concerns and the views of the public. Although most federations' LGs were not constructed along ethno-linguistic lines so that its territorial boundaries do not coincide (as they largely do in Ethiopia) with linguistic or ethnic cleavages, a brief survey of recent trends in federations in strongly suggests a greater willingness to activate procedures for redefining LG boundaries along 'ethno-linguistic' lines. The geographic demarcation of LGs - ought to match the social-economic factors. The boundary must meet the need for legitimate self-government. The areas must not spread out too wide nor include too many people - or the leaders will lose touch with their constituents and the whole democratic point of LG be missed.

In brief, as has been hinted above, LG boundaries are not merely arbitrary lines drawn on a map. Usually, they are cognizant of geography and demography. Often they reflect historically developed unities of communal self-consciousness of a social or political character. The criteria often include factors such as population size and other geographic features such as natural (physically defined) boundaries, and recognition of ethno linguistic divisions. The state must therefore go through a careful process of prioritizing which criteria are most important to the particular political context.

Similarly, as indicated above, there would probably be a need for procedures and mechanisms for consultation complaints and appeals. It has been repeatedly noted that any consideration of the demarcation question should not neglect considering popular participation. The primary advantage to granting public access to the demarcation process is that the outcome is more likely to be viewed as fair if the process is perceived as open and accessible. Greater public access to the process would certainly make the process appear more open and democratic. It has been argued that participatory practice enables local people to exert a measure of control over demarcation.

The process of consultation is widely assumed intrinsic to the process of demarcation. It is also a core ingredient of legitimacy. The demarcation system tend to reinforce the legitimacy or seen as a legitimate when they are open to public participation. Consultative mechanisms

provide arenas for negotiation that protects various interests. As they engage, it can be argued, actors develop a stake in the system, which reinforces its legitimacy and gives them an interest in sustaining it. Evidence suggests that consultative and inclusive mechanisms that facilitate bargaining and negotiation contribute to public acceptance of demarcation and their outcomes. Accordingly, inclusion and participation make it more likely that citizens will trust the demarcation system. Ultimately, the larger objective of participation processes is to facilitate enough trust building and transparent demarcation process.

Consequently, the relevant constitutional and legal instruments should provide for various mechanisms for consultation and mediation. It is important that stakeholders understand the process: why demarcation is occurring, what criteria are to be utilized in the process, and what the outcome of the process is likely to be. Designing and carrying out a formal public consultation to solicit their comments will promote transparency and minimize cynicism regarding the demarcation process.

In the light of the preceding paragraphs, including a public consultation phase in the demarcation process is essential for promoting transparency. In addition, the more transparent the process, the more likely people are to view the outcome of the demarcation process as legitimate. Accordingly, democratic procedures serve to produce efficient and legitimate decisions. Another issue is a procedure for complaints and appeals, which provides a simplified and more transparent method for the resolution of disputes.

As has been argued earlier, countries that have recently established or reformed their demarcation practices have often instituted a set of formal rules, or criteria, for their boundary authorities to consider when demarcating LG boundaries. Local boundary demarcation provisions often use specific language in order to eliminate objections and ambiguities, which may later give rise to dispute.

The Nigerian Constitution has some similar provisions. The 1999 Nigerian Constitution assigns the demarcation of LG areas to 'The person authorized by law to prescribe the area over which a LG council may exercise authority'<sup>348</sup> and lists the factors to which regard should be paid in such delimitation. Subsection 2 of the Constitution then sets out the criteria for the creation of LGs:

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<sup>348</sup> S 7 (2) of the 1999 Constitution of the Federal Republic of Nigeria

The person authorized by law to prescribe the area over which a local governments council may exercise authority' shall-

- a. define such area as clearly as practicable; and
- b. ensure, to the extent to which it may be reasonably justifiable that in defining such area regard is paid to
  - i. the common interest of the community in the area;
  - ii. traditional association of the community; and
  - iii. administrative convenience

Indeed, the constitution does not provide for representation of local representatives from the affected LG areas.<sup>349</sup>

According to Art 179 (4) of the 1995 Uganda's Constitution, any measure for the alteration of boundaries or creation of districts or administrative units shall be based on the necessity for effective administration, the need to bring services closer to the people, the means of communication, geographical features, density of population, economic viability, and the wishes of the people concerned.

Section 1 (4) of the Ghana's LG Act(Act 462) stipulates the criteria of population, geographical contiguity and economic viability (that is, the ability of an area to provide the basic infrastructural and other developmental needs from the monetary and other resources generated in the area), for creation of districts.

The South African example provides again an interesting insight into criteria of LG boundary demarcation. South African Municipal Demarcation Act of 27 of 1998, Sections 24 and 25 of the Demarcation Act laid down the criteria that the Board had to take into account. Section 24 deals with demarcation objectives and section 25 lists the factors that have to be taken into account when determining municipal boundaries. The Act states that the Demarcation Board must consider the following factors when making a decision(s 25):

- a. the interdependence of people, communities and economies as indicated by-
  - i. existing and expected patterns of human settlement and migration;
  - ii. employment;
  - iii. commuting and dominant transport movements;
  - iv. spending;
  - v. the use of amenities, recreational facilities and infrastructure; and
  - vi. commercial and industrial linkages;
- b. the need for cohesive, integrated and unfragmented areas, including metropolitan areas;
- c. the financial viability and administrative capacity of the municipality to perform municipal functions efficiently and

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<sup>349</sup>Kalu, *Supra* note 301, p.236

- effectively;
- d. the need to share and redistribute financial and administrative resources;
- e. provincial and municipal boundaries;
- f. areas of traditional rural communities;
- g. existing and proposed functional boundaries, including magisterial districts, voting districts, health, transport, police and census enumerator boundaries;
- h. existing and expected land use, social, economic and transport planning;
- i. the need for co-ordinated municipal, provincial and national programmes and services, including the needs for the administration of justice and health care;
- j. topographical, environmental and physical characteristics of the area;
- k. the administrative consequences of its boundary determination on-
  - i. municipal creditworthiness;
  - ii. existing municipalities, their council members and staff; and
  - iii. any other relevant matter; and
- l. The need to rationalize the total number of municipalities within different categories and of different types to achieve the objectives of effective and sustainable service delivery, financial viability and macro-economic stability.

From the above, it is clear that criteria are heavily numerical and to a considerable extent objective. The relative importance of the main criteria is clearly defined in the legislation, and is not a matter in which the bodies conducting demarcation have any significant discretion. It is also clear that in South Africa, boundary changes take into account ethnically neutral factors, such as economic, geographic and infrastructure features. It can be argued that the legal provisions governing demarcations are precisely drafted, are detailed, and give relatively little scope for discretion in their implementation. The South Africa's model may rightly be hailed for the fact that the criteria were meant to assure that existing social, economic, and geographic and spatial variables were taken into account in the demarcation of LGs.

The Australian experience offers similar theoretical, political and economic justifications for LG boundary demarcation. In Australia, those LG Acts that set out criteria to be taken into account when considering boundary changes tend to dwell as much on matters of community of interest, local values, impacts of change and democratic representation – although the

relative weighting to be given to such factors is not stipulated.<sup>350</sup> In Queensland, for instance, the LG Regulation of 2005 states that:

The external boundaries of a local governments area should be drawn in a way that has regard to community of interest, including that the local government area should generally-

- (a) reflect local communities, for example, the geographical pattern of human activities (where people live, work and engage in leisure activities), and the linkages between local communities; and
- (b) have a centre, or centers, of administration and service easily accessible to its population; and
- (c) ensure effective elected representation for residents and ratepayers; and
- (d) have external boundaries that-
  - i. do not divide local neighborhoods or adjacent rural and urban areas with common interests or interdependencies, including, for example, economic, cultural and ethnic interests or interdependencies; and
  - ii. subject to the water catchment principle-follow the natural geographical features and non-natural features separating different communities; and
  - iii. do not dissect properties

From the foregoing, it can be said that a set of criteria for formation of new LGs should be decided and laid down by law. In this regard, it is clear that an objective, scientific and enduring criteria should be formulated. The chosen criterion should stand the test of time and be applicable henceforth. It can be taken for granted that a set of criteria will provide clear information to the existing LGs about size and structure of LGs accepted in the future. The comparative evidence indicated that almost all countries that have formal demarcation criteria require that the common interest of the community in the area should be considered. Population size and geographic considerations are other criteria that relate directly to the process of creating LGs. The importance of consultation was stressed in many cases. The process of undertaking consultation can serve as a valuable means to identify and engage various stakeholders. In addition, consultation can increase transparency, build trust, resolve issues of fact, and distinguish these from issues of interest.

In brief, there are no silver demarcation bullets, no single set of structures or principles or criteria that are uniformly “best.” In other words, there is no single best model of creating and

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<sup>350</sup> Chris Aulich, *et al.*, ‘Consolidation in Local Government: A Fresh Look,’ *Australian Centre of Excellence for Local Government*, Vol. 1 (2011), p.20

demarcating LGs that states can apply. More generally, the actual dynamics of boundary demarcation are complex, and they may include several interactions of variables and effects. In a comparative sense, it is imperative to note that one of the most stable factors in democratic federations has been the consistency of LG boundaries. It is quite possible – as has been experienced in some other federal countries – that changes to boundaries will be required. The experiences of other federal countries, such as Nigeria, show that amendments to LG boundaries may be required from time to time. Even in the case of long-established federations such as Germany, alterations to LG boundaries have been undertaken. It is therefore common for LG boundaries to be adjusted in order to deal with new challenges and realities.

It is difficult to draw definite conclusions about demarcation criteria. From the comparative analysis, it can be said that many of the cases emphasize the importance of procedural transparency and consultation in boundary demarcation. Another principal lesson from the experiences described above is that demarcation should rely on locally specific contexts. Any demarcation must rely on a detailed understanding of the 'idiosyncracies' of each unique local context. The importance of transparency in demarcation likewise was underscored. It has been argued that demarcation of LG boundaries needs to be transparent in its regulations and procedures. It can be suggested that the more transparent the demarcation proceedings, the less motivation to serve the narrow immediate interests of individual incumbents.

In fact, every country has its specific circumstances and LG criteria. Following the above comparisons, one can conclude that South African LG system operates based on a very progressive legislation. The important aspect is the competence and credibility of MDB. The importance of an independent body in demarcation process may appear to be self-evident. In addition, the strength can be seen to be the product of the application of enduring principles rather than less well-defined ad hoc considerations. The Act typically specifies the demarcation criteria and it also tell us how the boundaries of LG shall be demarcated.

In conclusion, it is submitted that there are no common principles of LG boundary demarcation, which are applied to all countries. It is important, however, to note that demarcation should be conducted based on clearly identified criteria. It is essential also that the process itself be perceived as nonpartisan and independent. In addition, it should be pointed out that the creation of legitimate viable LGs is seen as a precondition for the successful devolution of authority to decentralized institutions.<sup>351</sup> In order to assure

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<sup>351</sup> Oivind Hetland, 'The Politics of the Decentralization Reform in Mali: Democratization, State-Society Relations and Local Governance,' Unpublished PhD Thesis, University of Oslo, 2007, p.134

“viability” of the new LGs that have legitimacy among those who inhabit them, a large-scale participatory system should be organized.<sup>352</sup> Hence, some mechanism for ensuring public input into the demarcation process should be outlined. Consultation is important for several reasons: it promotes public awareness of the demarcation process, it encourages discussion and even consensus among the stakeholders, and it promotes transparency and lends legitimacy to the demarcation exercise.

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<sup>352</sup> *Ibid.*

## **Chapter- 3: Research Design and Methodology**

This chapter covers the approach and methods used during the assessment including the research design, sources of data, data collection techniques, sampling and sampling techniques as well as methods of data analysis. It also describes some ethical concerns considered during the whole process of conducting this study.

### **3.1 Research Methods and Design**

This study aims at assessing the challenges and implications associated with the practice of LG creation and demarcation of their boundaries in Ethiopia. This study employs a descriptive design and qualitative research approach and analysis. It is assumed that descriptive design is fitting to describe and interpret conditions are existing, processes that are going, effects that are evident, practices or trends that are developed regarding LG creation and boundary demarcation.

It is believed that qualitative methods encourage more discussion and involvement by the respondents on issues related to LG creation and demarcation of boundaries. As some scholars argue, the proposal behind qualitative research may lead to purposefully select participants or sites, or documents or visual material that will best help the researcher understand the problem and the research question (Creswell, 2009; Casley and Kumar, 1988). Qualitative method is employed for this to develop a level of detail about the practice of LG creation and boundary demarcation as well as to acquire deep information about the actual experiences of the participants.

### **3.2 Sources of Data**

As to the data used, the distinction is can be between primary and secondary sources of data, with the former referring to primary or base documents (such as minutes or laws) and interviews, while the latter refers to the academic literature on the subject matter. Both primary and secondary data are used as a source of information for this research. Primary data is collected through key informant interviews, whereas secondary data is collected from both published and unpublished sources. An in-depth interview is carried out with Federal, Regional State and LG officials, selected senior decentralization and LG experts and local residents and other relevant sources with a view to get input on the subject matter. Key informant interview is preferred because it is assumed that the actual operation or LG in process can be best captured through analyses of data gathered by such primary interviews. It is assumed that in-depth interviews can give a better opportunity to observe, discover and

interpret LG information through close interaction and relationships with the respondents. Semi-structured interview is preferred to be open for unexpected factors and issues, which the interviewee may bring up.

This study also makes use of legal documents and the very extensive recent literature that has emerged on decentralization and federalism in the context of LG in Ethiopia. Considerable data is collected through analysis of various categories of document, which includes constitutions, laws, proclamations, minutes, letters, performance reports, books, journal articles, and pertinent academic research papers.

### **3.3 Instruments and Procedures of Data Collection**

#### **3.3.1 Interview**

This study employs semi-structured interview guide as instrument of data collection. Qualitative researchers usually employ semi-structured interviews, which involve a number of open-ended questions based on the topic areas that the researcher wants to cover (Hancock, *et al*, 2007). It is believed that the open-ended nature of the questions posed defines the topic under investigation but provides opportunities for both interviewer and interviewee to discuss some issues related to LG creation and boundary demarcation in more detail. It is assumed also that in a semi structured interview the interviewer has the freedom to probe the interviewee to elaborate on an original response or to follow a line of inquiry introduced by the interviewee. An interview guide is prepared, based on the questions outlined in the research questions. The interview guide, which is used to collect the view from key informants, is presented in Appendix-1.

Primary data for this research is collected from September 2014 to April 2015. The researcher has recorded information from interviews using handwritten notes and audiotaping. For the interviews of civil servants and local residents, the researcher recorded the interview, however, the respondents' names are removed this information from Appendix II. This data will remain in the author's possession. Likewise, for the interviews of government officials, no names are ever recorded and all respondents are informed of this at the start of the interview. Since the interview is conducted in Amharic and Afan Oromo, languages in which the researcher is fluent in, there is no need to use an interpreter. A separate interview guides in Afan Oromo and Amharic are not formally prepared, though interviews are conducted in these languages.

The interviewees are identified by their roles and status in a way that would not compromise their safety. Thus, to protect the anonymity of the interviewees and yet to satisfy the requirement of documentation of the research, the interviewees or informants are identified by common names and number. For instance, the documentation sample: '(Interviewee 14, 2014: 3)', refers to the interviewee number, the year of the interview conducted and the page number in the researcher's field note respectively. The number assigned to the interviewees is classified as follows: from number 1 to 5 to the federal government; from 6 to 33 to the Oromia Regional State and from 34 to 60 to the SNNPR.

### **3.3.2 Document Analysis**

In order to substantiate the information that could not be accessed through in-depth interview with key informants mentioned above, document analysis is used in this study. In order to find out information regarding loc LG creation and boundary demarcation, the relevant materials are reviewed and archival analysis is conducted. Document analysis is carried out in order to internalize the subject matter and to get more knowledge of previous empirical studies on the same subject matter.

### **3.4 Sampling Techniques and Sample Size**

Purposive sampling is employed to select the Regional States of the study, LGs and respondents. This dissertation tries to explain the how and why of LG formation and the demarcation of their boundaries by using cases from Oromia and SNNP regions and see the wider picture of LGs in the Ethiopian federal system.

Accordingly, the paper looks at the politics of creating LG in Oromia and SNNPR. The selection of comparative research method, generally considered as a process of discovering similarities and differences among phenomena (Warwick and Osherson 1973), is justified and promising at least for three reasons. First, these two most populous and largest Regional States undertook far-reaching constitutional and legal reforms concerning LGs in the past decades. Second, the dynamics seem to be similar across the two cases. LGs operate under comparable legislative frameworks, albeit diverse political milieus; hence they provide an ideal environment for analysis of challenges and implications usually associated with politics of creation of LGs and demarcation of their boundaries in Ethiopia. Moreover, in both Regional States, there has been a noticeable creation of new LGs in recent years.

Third, considering the investigation of LG boundary demarcation, the objective is to select Regional States with a different ethnic composition and existing demarcation system. It is

believed that the two Regional States represent a suitable setting for the assessment of LG creation and boundary demarcation exercises.

Consequently, it is believed that, because of the structure and variance which LGs exhibit, they might provide insights into general issues and trends, which may well relate and be “extrapolated” to LG developments in other Regional States of the country. Accordingly, the study examines a number of empirical cases from both of the study regions to look at trends of LG creation and boundary demarcation. Case selection for this research is limited to five zones in the two Regional States: three from Oromia: West Shewa, OSZSF; Illubabor and two from SNNPR: Debub Omo and Gamo Gofa. The data is collected from 20 *woredas*; five *woredas* from Debub Omo zone (Hamer, Bena Tsemay, Nyangtom; Debub Ari and Semen Ari); five *woredas* from Gamo Gofa zone (Kucha, Chench, Deramalo, Mirab Abaya and Boreda); three *woredas* from Illubabor (Gechi, Bedele and Chewaka); three *woredas* from FZSZ (Holeta, Burayu and Sebeta) and four *woredas* from West Shewa (Cheliya, Dendi, Ambo and Ejere). Clearly, the study of the cases in the two Regional States may not have significance in the statistical sense of the term, but still can generate some explanations, which are persuasive to the extent that parallels to other cases can be drawn. The list of LGs visited is included in Table 3.1 below.

The four categories of target respondents include officials at Federal, Regional, LG levels and ordinary citizens. Details of the target respondents are provided in Table 3.2. Informants are selected on the basis of their knowledge about the issues concerned. A total of sixty qualitative interviewees are conducted: thirty are LG officials; twenty are officials at the Federal, Regional State and Zone levels; ten are from the civilian population who are deemed to be close to the political process the local level (Table 3.2). Information and claims from the politicians and officials are rechecked through interviews of experts and local residents in order to confirm the accurate description of the process or gather alternative explanations. Respondents include, among others, federal executive officials and members of parliament; Regional State Council members and executive officials, zone administration officials; *woreda* chief administrative officers and *woreda* councilors, civil servants, experts and local residents.

From the total of sixty interviews, twenty-seven interviews are conducted in SNNPR, twenty-four interviews are conducted in Oromia, and the rest nine are conducted in Addis Ababa. In some cases, an interview from a single individual took more than four pages. The coded list of interviews, including date, place of interview and the interviewee’s job category, are

included as Appendix II. Table 3.1 and 3.2 below indicate the list of the study areas and sample size of respondents.

**Table 3-1: List of Study Areas**

<b>Regional State</b>	<b>Oromia</b>			<b>SNNPR</b>	
<b>Zone</b>	West Shewa	OSZSF	Illubabor	Debub Omo	Gamo Gofa
<b>Woreda</b>	Cheliya	Holeta	Gechi	Hamer	Kucha
	Dendi	Burayu	Bedele	Bena Tsemay	Chencha
	Ambo	Sebeta	Chewaka	Debub Ari	Deramalo
	Ejere			Semen Ari	Mirab Abaya
				Nyangtom	Boreda

**Table 3-2: Profile of key informants**

<b>Background</b>	<b>Number</b>
Federal Officials	5
Regional State Officials	10
Zone Officials	5
LG Officials	30
Local Residents	10

### **3.5 Method of Data Analysis**

As it is described above, this research is benefited from combination of data from different sources. In addition to document analysis, in-depth interviews are held with key informants from Federal, Regional and LGs, and other practitioners and relevant parties from the LG sector. The analysis and interpretation of data is conducted based on the information provided by key informants of the study and relevant documents. A descriptive data analysis is employed to describe the results and to achieve the objectives of the study.

Information obtained from interview is selected and organized based on stated research questions and interview guide. The data is thematically identified, and discussed under specific subject using descriptive narrations.

### **3.6 Ethical Considerations**

Some ethical practices are upheld in all steps of the research process principally during data collection. Accordingly, at the time of data collection the researcher has introduced the purpose of the research to the respondents before taking any information from them to make the interviewee voluntary and all the information obtained in the process will be maintained confidential. All interview meetings are audio recorded upon permission from all respondents at the start of taping. To protect the anonymity of interview respondents, full names are not given anywhere. Therefore, as it is promised to the interviewees to protect their privacy, as they preferred to remain anonymous, and in order to avoid risks they may face regarding possible retribution because of the interview, the names of all of the interviewees are not revealed in the dissertation. Many efforts are made to report data honestly, without changing or altering the findings to satisfy certain prediction. In addition, studies undertaken by other scholars are not plagiarized, and credit is given for material quoted from other studies.

## Chapter- 4: History of LG in Ethiopia: A Brief Sketch

The vast majority of Ethiopia's people who live in the countryside have little contact with the central government establishment and the men who wield power in it. [...] Since time immemorial, the Ethiopian peasantry has been ruled by the local governor.<sup>353</sup>

Throughout its long and complex history, the Ethiopian state has been threatened by centrifugal forces of regionalism. While these forces were nurtured by geography, ethnicity, religion and many other disintegrative factors, the major cause for their threat to the centre was their manipulation by the provincial lords who controlled the periphery in an autonomous manner.<sup>354</sup>

Many scholars assert that Ethiopian LG has deep roots in the past.<sup>355</sup> However, the general outlines of the modern Ethiopia's political system date back to the reign of Menelik, which was to become the foundation of the current Ethiopian state at the turn of 19<sup>th</sup> century.<sup>356</sup> What follows is a very partial sketch of a history of LG in Ethiopia. The following section discusses the creation of LGs in Ethiopia since the formation modern Ethiopian state in the 19<sup>th</sup> century. In this regard, an attempt is made to provide a general summary of LG and administrative (re)division in Ethiopia since the reign of Menelik, with weighty emphasis on the criteria and motives behind LG reforms. Changes in number and boundary are used as an important framework in tracing the history of LG.

### 4.1 Historical Trends in LG (re)division

With its large population and land area, Ethiopia has historically been divided into several political subdivisions. According to many scholars, a new system of LG administration had been initiated by Menelik (1889-1913) to facilitate central control from Addis Ababa.<sup>357</sup> Menelik was credited with introducing the terms *awraja* and *woreda* as first and second orders of LG respectively.

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<sup>353</sup> J. Markakis, *Ethiopia: Anatomy of Traditional Polity* (Oxford University: Clarendon Press, 1974), p.347

<sup>354</sup> J. Cohen and P. Koehn, 'Local Government Reform in Ethiopia: Prospects for Reform in the 1970s,' Paper presented at the Seventeenth Annual Meeting of the African Studies Association, Chicago, 1974, p.20

<sup>355</sup> Many scholars claim that, during most of its history, Ethiopia was *de facto* federal country, where the power of the Monarch was often superficial and remote, and regional autonomy substantial. In other words, Ethiopia existed as a *de facto* federal system, in which the emperor exercised matters of national importance, while regional kingdoms had some powers to tax, guarantee local security and regulate trade. See, among others, Assefa Fiseha, *Federalism and the Accommodation of Diversity in Ethiopia: A Comparative Study* (Nijmegen: Wolf Legal Publishers, 2006); Zemelak Ayele, 'Local Government in Ethiopia: still an apparatus of control?,' *Law, Democracy and Development*, Vol. 15 (2011)

<sup>356</sup> By 1900, Menelik had succeeded in establishing control over much of present-day Ethiopia. Hence, Ethiopia took its present shape with existing boundaries in the last quarter of the 19th century in the process of the expansion of the Ethiopian State. For a better understanding of the process of the creation of a modern Ethiopian state, see, among others, Teshale Tibebe, *The Making of Modern Ethiopia, 1896-1974* (Lawrenceville, NJ: The Red Sea Press, 1995); Bahru Zewde, *A History of Modern Ethiopia, 1855-1974* (Athens, O.H: Ohio University Press, 1991); Merera Gudina, *Ethiopia: Competing Ethnic Nationalisms and the Quest for Democracy, 1960-2000* (Netherlands: Shaker Publishing, 2003)

<sup>357</sup> See, for instance, Simon Messing, 'Changing Ethiopia,' *Middle East J.*, Vol. 9, No. 4 (1955), p.425

According to Daniel:

While the bases and political motives behind changes in administrative subdivisions of Ethiopia have varied over time, the main criteria, at least during the reign of Menelik, seem to have been fertility of land, type and distribution of ethnic groups and geographical location.<sup>358</sup>

According to Markakis, the structure of the provincial administration is “based on the traditional design according to which homogenous units with a sense of historical identity constituted separate entities for purposes of government”.<sup>359</sup> Markakis further notes that:

The demarcation of the southern provinces following their conquest was more haphazard, and the criteria of homogeneity and historical identity often gave ground to considerations of political and administrative convenience, which resulted in frequent changes.<sup>360</sup>

In brief, the rationale proffered was administrative convenience and the demarcation, in most of the cases, paid little heed to regional or ethnic group feeling. Responsibility for provincial administration was entrusted to the Ministry of the Interior, which was established in 1908 as an intermediate organ between the Emperor and provincial governors and heralded the beginning of a centralized hierarchical system of LG administration in Ethiopia.<sup>361</sup> In fact, available records do not provide precise figures regarding the number of LGs during this period.<sup>362</sup>

The succeeding Haile Silassie I regime is generally credited with initiating modern LG reforms in Ethiopia.<sup>363</sup> By the time of Italian invasion in 1935, the country was divided into 32 *ghizats* or administrative regions.<sup>364</sup> The number of *awrajas* and *woredas* is not clearly known.<sup>365</sup>

The Italians occupied Ethiopia between 1936 and 1941. Following the occupation, Ethiopia was officially merged with Eritrea and Somalia into an entirely new territory called *Africa Orientale Italiana* (AOI) or Italian East Africa.<sup>366</sup> This area was then divided into six separate provinces: Eritrea, including Tigray; Amhara, formed out of the old provinces of Bagemder,

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<sup>358</sup> Daniel Gamachu, ‘A Nation in Perpetual Transition: the Pattern of Changes in Administrative Divisions and Subdivisions in Ethiopia’. In HG Marcus (edi), *New Trends in Ethiopian Studies: Papers of the 12th International conference of Ethiopian Studies* (NJ: The Red Sea Press, 1994), p.83

<sup>359</sup> Markakis, *Supra* note 353, p.348

<sup>360</sup> *Ibid.*

<sup>361</sup> H.K. Asmerom, ‘Trends toward Decentralization in Ethiopia,’ *Studies in comparative Decentralization*, Vol. I (1967), p.57

<sup>362</sup> Asmelash Beyene, ‘Some Notes on the Evolution of Regional Administration in Ethiopia,’ *Ethiopian J. of Development Research*, Vol.9, No.1(1987), p.33

<sup>363</sup> See, Theo Van der Loop, ‘Local Democracy and Decentralization in Ethiopia’. In Un-Habitat, *Local Democracy And Decentralization In East And Southern Africa Experiences From Uganda, Kenya, Botswana, Tanzania And Ethiopia*, (Un-Habitat 2002), p.86

<sup>364</sup> Daniel, *Supra* note 358, p.97; Asmelash, *Supra* note 362, p.35

<sup>365</sup> Daniel, *Supra* note 358, p.97

<sup>366</sup> *Ibid.*

Gojjam, Wallo, and northern Shawa; Oromo and Sidamo; Addis Ababa; Harar; and Somalia, including Ogaden.<sup>367</sup>

It has been argued that the Italians redrew the map, mainly, along nationality lines.<sup>368</sup> According to Voughan, when the six territorial governorships of Italian East Africa were established, ethnic principles were applied in dividing the territory'.<sup>369</sup> It is stressed that the division sought to take into account 'traditional laws, customs, religion, and language':

This was difficult to achieve. [...] The principle of providing unitary ethnic local government [...] proved to be unworkable. Administrative boundary lines cut across ethnic groups. Next to the ethnic principle, the geographical criterion was adopted, followed by economic interests. [...] the principle of political opportunism prevailed, rather than the ethnic one, although the latter was followed when possible.<sup>370</sup>

In brief, as a result of these arrangements, Ethiopia, as far as the Italians were concerned, ceased to be a legal entity. The Governorships were subdivided into district Commissionerships, Residencies, and Vice Residencies as second, third and fourth order administrative divisions respectively.<sup>371</sup> Thus, during their occupation, the Italians initiated a number of changes.

In short, the Italian occupation period saw some adjustments of boundaries of LGs. The Italians had redrawn the LG of Ethiopia, according to what they considered to be appropriate units for administrative purposes without consulting the inhabitants. Although it is said that the Italians attempted to draw ethnically inspired boundaries, the historical evidence indicates that the process of demarcation was on the basis of strategic and political considerations rather than on any rational basis. In brief, although the occupation period had been relatively short in duration, its impact on the subsequent LG structure was not negligible.

With the end of World War II and the Emperor's return from exile, and following the precedent set by the Italians, a four-tier LG division was set up through Decree No. 1 of 1942.<sup>372</sup> Decree No. 1 of 1942 envisaged a new system of LG built up through a hierarchical four-tier system.<sup>373</sup> According to Asmelash, in the area of regional administration, a committee composed of *Ras Abebe*, *Dejazmach Zewdu Abokoran*, *Woizero Shoareged Gedle*, *Dejazmach Mekonen* (the Minister of Interior) and *Tsehafi Tezaz Wolde Giorgis* was

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<sup>367</sup> *Ibid.*

<sup>368</sup> Asmelash, *Supra* note 362, p.37

<sup>369</sup> Sarah Voughan 'Ethnicity and Power in Ethiopia,' Unpublished PhD Thesis, The University of Edinburgh, 2003, p.120

<sup>370</sup> Sbacchi cited in Sarah Voughan, *Supra* note 369, p.120

<sup>371</sup> Daniel, *Supra* note 358, p.98

<sup>372</sup> *Ibid.*

<sup>373</sup> See, Administrative Regulations of 1942, Decree No.1, *Negarit Gazeta*, 1st Year, No.6, 27 March, 1942

setup to propose new administrative divisions for the country. Consequently, on the basis of the Committees proposal, the country was divided into 12 *awrajas*, and 60 *woredas*, and 339 *wana mislenes* and 1176 *mislenes* and their governors were appointed by the central government.<sup>374</sup>

Hence, as has been noted earlier, as first order division, 12 *awrajas* were created through an amalgamation of the 32 pre-war *ghizats*, which were further subdivided into 60 *woredas*, 339 *wana mislenes* and 1176 *mislenes* as second, third and fourth orders respectively.<sup>375</sup>

Various criteria were adapted in restructuring the LGs. According to Asmelash, the new LG divisions were carved mainly with centralization in mind and ethnic factors were hardly considered in the carving of the new areas.<sup>376</sup>

Hence, after liberation, as Markakis argues, the provincial boundaries were redrawn, with smaller units being incorporated into twelve large provinces.<sup>377</sup> Along with the obvious need for ‘consolidation’, it has been argued, political considerations influenced the redrawing of the provincial map.<sup>378</sup> According to Paulos, the decree had both administrative and political impact:

Administratively, it deconcentrated the central government and established a complex network of field agents representing the various ministries in the capital. Politically, it deprived the traditional elites, who had previously served as provincial administrators, of their enormous discretionary power.<sup>379</sup>

According to Asmerom, the decree was essentially promulgated to establish a unified system of LG administration throughout the nation as well as “to strengthen national unity and foster a homogenous and hierarchical process of decision making from the centre down to the lowest territorial level”.<sup>380</sup> For Keller, provincial boundaries were redrawn to reduce the power of aristocrats in certain areas, which were traditional administrative regions.<sup>381</sup> Accordingly, LG boundaries were redrawn to weaken the power of aristocrats in the sense that many of the powers of local governors were curtailed.<sup>382</sup> Similarly, according to

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<sup>374</sup> Asmelash, *Supra* note 362, p.39

<sup>375</sup> Daniel, *Supra* note 358, p.98

<sup>376</sup> Asmelash, *Supra* note 362, p.39

<sup>377</sup> Markakis, *Supra* note 353, p.348

<sup>378</sup> *Ibid.*

<sup>379</sup> Paulos Chanie, ‘What One Hand Giveth, the Other Hand Taketh Away, Ethiopia’s Post-1991 decentralization reform under neo-patrimonialism,’ Unpublished PhD Thesis, Institute of Social Studies, The Hague, the Netherlands, 2007, p.10

<sup>380</sup> Asmerom, *Supra* note 361, p.57

<sup>381</sup> E.J. Keller, ‘Ethiopia: Revolution, Class, and the National Question,’ *African Affairs*, Vol. 80, No. 321 (1981), p.533

<sup>382</sup> E.J. Keller, ‘The Revolutionary Transformation of Ethiopia’s Twentieth-Century Bureaucratic Empire,’ *The J. of Modern African Studies*, Vol. 19, No. 2 (1981), p.321

Adejumobi, reorganization of provincial administrations was guided by a decision to limit many of the discretionary powers of local governors.<sup>383</sup> In a similar vein, Teshale wrote that:

Besides the need for state centralization, the redrawing of provinces had political-power considerations. Shawa and Wallo (the latter was the domain of the Crown Prince Asfa Wossen) expanded their size; the traditional province of Amhara ceased to exist; Tigray was reduced in size, part of it added to Wallo for the Crown Prince; and Hararge was split into Hararge and Bale.<sup>384</sup>

Hence, according to Teshale, it was not merely that the LG units of the country that had changed, but also that the power of regional notables was reduced extensively.<sup>385</sup> Teshale argues that by redrawing the internal territorial boundaries of Ethiopia, Haile Silassie “destroyed the traditional power base of, what he considers as ‘the *geber* system’”.<sup>386</sup> In this regard, it is stated that boundaries of LG units were changed in order to break the power of regional leaders while administrators were frequently moved to prevent them from establishing regional followings.<sup>387</sup> According to Zemelak, the redrawing of boundaries was intended “to weaken the hitherto autonomous provincial or regional rulers, especially those of northern Ethiopia”.<sup>388</sup>

It is assumed that the criteria for the LG division were mostly administrative convenience and in some cases depended on the power and influence of local landlords.<sup>389</sup> From this, it can infer that criteria such as settlement pattern and economic viability were hardly considered in the demarcation of LGs.<sup>390</sup>

In brief, the Administrative Regulations Decree of 1942 was primarily promulgated to create a uniform system of LG administration. Provincial administration was reorganized under the control of the Ministry of Interior. The Ministry of the Interior had overall responsibility for central supervision of LGs. As provided in the Decree, administrators at all levels were simply made employees of the Ministry of Interior and were provided with support staffs such as clerks and secretaries who were also paid salaries directly by the national

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<sup>383</sup> Saheed A. Adejumobi, *The history of Ethiopia* (USA: Greenwood Press, 2007), p.93

<sup>384</sup> Teshale Tibebu, *The Making of Modern Ethiopia, 1896-1974* (Lawrenceville, NJ: The Red Sea Press, 1995), p.115

<sup>385</sup> *Ibid.*

<sup>386</sup> This system, coined by Teshale as ‘the *geber* system’ consists of three classes, or three orders, based on the tripartite functional division of Ethiopian society: those who fight, organized as *beta mengest*; those who pray, organized as the *beta kehmat*; and those who provide for daily subsistence, disorganized as *gabbars*. Fighting, praying, and tilling land—these were the social foundations ‘the *geber* system.’ *Ibid.*, p.4

<sup>387</sup> A.P. Wood, ‘Rural Development and National Integration in Ethiopia,’ *African Affairs*, Vol. 82, No. 329 (1983), p.519

<sup>388</sup> Zemelak, *Supra* note 11, p.138

<sup>389</sup> Gebreab Barnabas, ‘Governance And Social Development in Ethiopia : A Case Study of 20 Local Governments In the Provision of Social Services,’ Unpublished PhD Thesis, University of London, 1998, p.11

<sup>390</sup> Ghebrehiwot Baraki, ‘The making of States and Local Governments in the multi-ethnic federation of Ethiopia,’ Draft paper presented at the Annual Conference of the International Association of Centers for Federal Studies (IACFS) on “Federalism, Regionalism And Territory”, Rome, 20-21 September 2012, p.3

government. Hence, it is apparent that the authority to make changes in the map of LG was vested in the Minister of the Interior.

Through decree No.6 of 1946, which only had a slight influence on the LG system, the four-tier LG system of the early 1940s was maintained but the names of the LGs were changed.<sup>391</sup>

The first level LG division was renamed *teklay ghizat*, the second was named *awraja*, and the name of the third level was changed to *woreda* and that of the fourth level to *miktil woreda*.<sup>392</sup>

In short, it can be said that the LG system created in 1941 was slightly revised in 1946. Indeed, little was changed beyond the terminology, since these LGs retained the same boundaries and features as did in the past. They were nearly all the same in structure and in powers. It follows, therefore, that the reform did not produce sweeping changes to the previous LG system. Indeed, this division again was later inherited by the *Derg*, with slight modifications. The division was preserved and remained valid until 1987 with only small alternations. In brief, the decree did not create a big change in the LG system and most of the divisions were kept with few alteration.

Eritrea was federated with Ethiopia in 1952<sup>393</sup> and Ogaden was finally returned in whole to Ethiopia in 1954 and became part of Hararghe *teklay ghizat*.<sup>394</sup> Bale, formerly part of Hararghe was created as a new *teklay ghizat* in early 1960.<sup>395</sup> Because of this change, around 1961, there were 13 *teklay ghizats* or first-level LG divisions.<sup>396</sup> These were subdivided into 87 *awrajas*, 387 *woredas*, and 1086 *miktil woredas*.<sup>397</sup> According to Asmelash, when Harar

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<sup>391</sup> See, Administrative Regulations (Amendment) of 1946, Decree No.6, *Negarit Gazeta*, 5th Year, No. 10, 28 June, 1946

<sup>392</sup> Daniel, *Supra* note 358, p.99; Asmelash, *Supra* note 362, p.40

<sup>393</sup> At the Paris peace Conference between 1946 and 1947, a formula was worked out for the disposal of former Italian colonies in Africa. Italy renounced all right and title to Italian Somaliland, Libya, and Eritrea, and the Big Four (France, Britain, the United States and the Soviet Union) accepted the responsibility for determining the ultimate of these territories. If the matter was not settled within a year of the peace treaty, it was agreed the problem would be referred to the UN General Assembly for a binding resolution. Subsequently, the Big Four appointed the Four Power Commission, which journeyed to Eritrea to study situation in September 1947. The commission proved to be ineffective, as members could not work together. It was unable to resolve the Eritrean issue and referred to the UN General Assembly on September 15, 1948. The Assembly set up its own Eritrean study commission made up of Burma, Guatemala, Norway, Pakistan, and South Africa. On June 28, 1949, the UN Commission submitted its findings. The Majority (Burma, Norway, and South Africa) supported some sort of union between Ethiopia and Eritrea. Norway advocated for unconditional union, while South Africa and Burma advocated federation. Guatemala and Pakistan favored Eritrean independence. However, the United States and its allies pressed for a federal solution and this was what was finally agreed upon. Later on, the UN General Assembly had, on December 14, 1950, voted in favor of the so called "compromise" Resolution 390-the federation of with Ethiopia of an autonomous Eritrea with its own democratic constitution, elected parliament and government under the sovereignty of the Ethiopian Crown. For a detailed discussion on Eritrean question and the Ethio-Eritrean federal arrangement, see among others, Tekeste Negash, *Eritrea and Ethiopia: The Federal Experience* (Uppsala, Sweden: Nordiska Afrika institutet, 1997) pp. 71-81; Bairu Taffla, 'Historical Background to the Conflicts in Ethiopia and the Prospect for Peace'. In P. Woodward and M. Forsyth (eds), *Conflict and Peace In the Horn of Africa: Federalism and its Alternatives* (England: Partmouth Publishing Company Limited, 1994)

<sup>394</sup> Danile, *Supra* note 358, p.99

<sup>395</sup> *Ibid*, p.100

<sup>396</sup> *Ibid*.

<sup>397</sup> *Ibid*; Asmelash, *Supra* note 362, p.40

was split into Bale Harar *teklay ghizats*, the unmanageability of the area due to its size was underlined as a main reason.<sup>398</sup>

Hence, with the abolition of the federal status of Eritrea in 1962 and the elevation of the district of Bale in Harar to the status of a *teklay ghizat*, the number *teklay ghizats* were grown to 14.<sup>399</sup> Around the same period, Ogaden was made a special administrative region within Hararghe under the Ministry of Interior and Gleb and Hamer Bako *awraja* of Gemu Gofa were made a special administrative region under the direct control of the central government.<sup>400</sup> As a result, there were *dejure* 14 *teklay ghizats* and *defacto* 16.<sup>401</sup> These were subdivided into 99 *awrajas*, 444 *woredas*, and 1, 328 *miktil woredas* in the mid-1960s.<sup>402</sup>

Around the late-1960s, the major change in the LG system of Ethiopia was the abolition of *miktil woreda* as LG unit, and thus changes of LG hierarchies from four to three levels.<sup>403</sup> As already stated above, the process of LG changes during his period indicates that the number of *teklay ghizats* remained unchanged, while the number and importance of the *miktil woredas* vigorously decreased. Accordingly, the basic change took place in the LG system of country was that *miktil woredas* were put an end to and their places were mostly taken over by *woredas*.

During the early 1970s, there were 14 *teklay ghizats*, 101 *awrajas*, and 547 *woredas*.<sup>404</sup> According to Asmelash, the reason given for abolishing *miktil woredas* was administrative:

It was alleged that they simply increased the administrative hierarchy and it was argued that by doing away with them, unnecessary administrative delays could be eliminated.<sup>405</sup>

According to Markakis, *miktil woredas* had proved of little administrative value and were gradually eliminated.<sup>406</sup> The fourteen *teklay ghizats* vary greatly in size of area and population.<sup>407</sup> As is the case with the *teklay ghizats*, according to Markakis, *awrajas* represent partly the continuity of traditional entities and partly political and administrative expediency and they also vary greatly in size of area and population.<sup>408</sup>

It is clear from the above that there had been several changes in the LG divisions of the country at different times. As Asmelash argues, in the decades prior to the revolution, one

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<sup>398</sup> *Ibid.*

<sup>399</sup> *Ibid.*

<sup>400</sup> *Ibid.*

<sup>401</sup> Daniel, *Supra* note 358, p.100

<sup>402</sup> *Ibid.*

<sup>403</sup> *Ibid.*

<sup>404</sup> *Ibid.*

<sup>405</sup> Asmelash, *Supra* note 362, p.41

<sup>406</sup> Markakis, *Supra* note 353, p.349

<sup>407</sup> *Ibid.*

<sup>408</sup> *Ibid.*

observes numerous restructuring at the *woreda* and *awraja* levels undertaken for different reasons.<sup>409</sup> In case were keeping a certain nationality intact was regarded as a threat to the regime, according to Asmelash, boundaries of the areas in which the nationality lived were manipulated in order to split the nationality into different LGs.<sup>410</sup>

In some cases, as Asmelash argues, some ethnic groups were brought under one LG administration with the expectation that frequent dealings in market places, courts and other service centers may bring about better understanding between them.<sup>411</sup> Likewise, Daniel's reflection confirms the observation that there is an historical link between ethnicity and administrative division:

[I]t seems that the territorial distribution of ethnic groups in Ethiopia, in addition to the natural physiography of the country, has always been one of the main criteria employed in the past in subdividing the country for political and administrative purposes.<sup>412</sup>

According Daniel, ethnic manipulation, which has been done through the creation of LGs, was adopted mainly "to manage local challenges to central power".<sup>413</sup> There were also cases, according to Asmelash, when the prevention of splitting the same ethnic group among different LG administrations was considered as appropriate strategy.<sup>414</sup> According to Asmelash, the need to bring together all Gelebs in one *awraja* in 1950 was a case in point.<sup>415</sup> The scramble for additional territories among influential governors was also considered another factor influencing the restructuring of LG divisions.<sup>416</sup> As Asmelash argues, the struggle among influential governors to get the Emperor's approval for enlarging their *ghizats* was quite common.<sup>417</sup> Asmelash goes on to point out that:

Such territorial gains of course meant access to more land in these areas, the possibility of getting all kinds of gifts from prospective office and land seekers who wanted to maintain their land holdings.<sup>418</sup>

In brief, as indicated above, LG reform had always been the result of complicated compromises of many factors. There had been territorial jurisdiction problems related to the

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<sup>409</sup> Asmelash, *Supra* note 362, p.41

<sup>410</sup> For Asmelash, a good case in point would be the split of Raya *awraja* into two *awrajas*; Raya Azebo and Raya Kobo, which were assigned again in two different administrative regions, Tigray and Wollo respectively, *Ibid*, p.42

<sup>411</sup> Asmelash refers to the case of Yefat and Timunga *awraja* as well as the decision to bring together the two feuding groups, i.e. the Gurages and some of the Arsi Oromos under a new *awraja*-Haikotch and Butajira, Asmelash, *Ibid*, p.42

<sup>412</sup> Daniel, *Supra* note 358, p.83

<sup>413</sup> *Ibid*.

<sup>414</sup> Asmelash, *Supra* note 362, p.42

<sup>415</sup> *Ibid*.

<sup>416</sup> *Ibid*, p.43

<sup>417</sup> *Ibid*.

<sup>418</sup> *Ibid*, p.44

often inaccurate, legally defined boundaries of LG units. The number and size of LGs were skewed based on administrative and ethnic considerations as well as variation in the influence of provincial elites and governors.

As Asmelash argues, another development of significance in the evolution of LG administration in Ethiopia was the attempt to set up *Awraja* self-administration in 1966.<sup>419</sup> The LG reform was essentially part of the twin policies of modernization and decentralization pursued during imperial period. The primary aims of the 1966 Local s self-administration order are stated in its preamble, as follows:

1. The people shall enjoy the benefits and facilities provided by a modern administration which makes full provision for their active participation in the business of local government ;
2. The tasks and responsibilities of territorial sub-divisions of the nation have continued to grow with the advancing technical and economic revolution of the nation so that a further decentralization of such a system would now be advantageous.<sup>420</sup>

It has been argued that the motive was not to permit group autonomy, but to allow a ‘limited local administration in order to promote and facilitate development’.<sup>421</sup> According to Aaron, the idea of decentralization was first expressed by the Ministry of the Interior and later supported by a number of provincial governors for two conflicting reasons; the former wanted a more responsive and development oriented administrative structure and control over the provincial governors and local authorities, while the latter aspired for greater local autonomy from the central government.<sup>422</sup> In other words, according to Aaron, decentralization was seen by local officials as a way of consolidating control over local resources.<sup>423</sup>

As Mihret argues, the draft bill proposed to grant administrative autonomy to 50 *awrajas* drawn the majority of the country’s fourteen provinces.<sup>424</sup> The policy could be considered, according to Mihret, as a ‘typical administrative measure aimed at easing bureaucratic congestion at the centre rather than a serious decentralization experiment to bring about effective self-government’.<sup>425</sup> As Mihret argues, the policy did not have much impact on

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<sup>419</sup> *Ibid.*, p.45

<sup>420</sup> See, The Local Self Administration Order of 1966, *Negarit Gazeta*, 25th year, No.9B, Order No.43, 14 March 1966

<sup>421</sup> Aaron Tesfaye, *Political Power and Ethnic Federalism: the Struggle for Democracy in Ethiopia*(Lanham, MD: University Press of America,2002), p.63

<sup>422</sup> *Ibid.*

<sup>423</sup> *Ibid*

<sup>424</sup>Mihret Ayenew, ‘Decentralization in Ethiopia: Two Case Studies on Devolution of Power and Responsibilities to Local Authorities’. In Bahru Zedu and S. Pausewang (eds), *Ethiopia: the Challenge of Democracy from Below* (Elanders Gotab: Stockholm,2002), p.134

<sup>425</sup> *Ibid.*

decentralization in Ethiopia mainly because the imperial parliament failed to pass the LG finance bill.<sup>426</sup> The decentralization scheme was rejected by Parliament and applied only in 17 selected *awraja* administrations on an experimental basis.

According to Asmelash, the following factors are claimed to have been used as criteria in the selection of the 17 *awrajas*; (a) the resource base; (b) population and size of the area; (c) the agricultural, industrial, mineral and communication potential; (d) the political situation of *awraja* bordering neighboring countries; (e) inclusion of at least one *awraja* from each *teklay ghizat*.<sup>427</sup>

In brief, after the end of Italian occupation in Ethiopia and the restoration of the imperial rule, the country's LG structures were revised. Under Haile Silassie I rule, as indicated above, the country's LG structure went through two major reforms.

It is also indicated that the number of LG was continuously in flux. If we take a look at the process of Ethiopia's LG division during the early and middle twentieth century, we may come to the conclusion that the number of provinces almost remained unaltered (only two additional provinces were created).

By the early 1940's, a significant part of the system of *miktil woredas* had been formed, replacing *mislènes*. In 1968, approximately 950 *miktil woredas* were identified; though, the exact number was unknown, since they were always in a state of flux. This was twice as many as the number of *woredas* and nine times the number of *awrajas*.

However, *miktil woredas* began to lose its importance, signaled in many areas by the reduction of their number. The number of *miktil woredas* had sharply decreased by late 1960's and they were gradually abolished. The evidence indicates that *miktil woredas* were either dropped in favor of the *awrajas* at the next level or down or pushed up to the *woreda* level, merging with or forming separate *woreda*. This was a major shift in the structure of LG in imperial Ethiopia. The *awraja* was the largest LG unit within a province and was positioned at the top of the descending ladder of sub provincial administrative units. Both the territorial extent and the population of *awrajas* varied according to the size of and the number of *woredas* into which it was divided. In fact, in the course of historical development, the function of *awrajas* has changed several times. However, their spatial structure shows relative stability, in certain cases they have been modified to a slight extent.

Since the formation of the Ethiopia's modern administrative system, its most important LG units have been the *woredas*. As noted elsewhere in this paper, *woredas* form the LG

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<sup>426</sup> *Ibid.*

<sup>427</sup> Asmelash, *Supra* note 362, p.45

structure closest to citizens. The practice shows that, in contrast with the *awrajas*, *woredas* have been changed a lot several times in respect of number and boundary. On the other hand, compared with the ever- changing number of *woredas* and *awrajas*, the number of provinces was comparatively stable.

The evidence suggests that the old LG divisions of the country were loosely based on ethnicity. Those divisions rather followed some administrative-geographical factors. LGs were generally considered as mere geographical divisions of a single state for the purpose of administration. In most of the cases, therefore, the criterion of administrative expediency was used to justify LG boundary alteration, often underpinned by geographical considerations. This does not mean that the administrative boundaries were not, to a certain degree, coherent with ethnic boundaries. In a number of cases, ethnic concerns have historically been factors in the redrawing of LG boundaries. Hence, it would appear that ethnicity had been granted recognition as an unofficially suitable basis for administrative reorganization under certain circumstances. However, in most of the cases, as noted above, LG boundaries were determined by geographical and administrative concerns, not ethnic or economic factors.

In view of the above, the earliest LG subdivisions of the country were based mainly on administrative convenience. However, the later development of the political map of Ethiopia has been due principally to ethnic/political and economic considerations. The same reasons explain the various demands for new divisions and boundary adjustments. The next section of this paper examines the history of LG under the military regime.

#### 4.2 LG under the Military Regime (*Derg*)

On 12<sup>th</sup> September 1974, *Derg*<sup>428</sup> terminated the 44 years rule of Emperor Haile Selassie I. The overthrow of Haile Selassie's I regime was followed by revolutionary socialist rhetoric. The formal structure of LG in Ethiopia did not change in the years following the revolution, though there was turnover of officials holding administrative government positions under the emperor.<sup>429</sup>

The *Derg* regime (1975-1991) had maintained, as Ghebrehiwot argues, the previous administrative division over the first thirteen years of its rule.<sup>430</sup> The administrative reform in

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<sup>428</sup> The *Derg*, literally meaning committee or council, was the regular name used to refer to the socialist military regime that came to power in Ethiopia following the ousting of Emperor Haile Selassie I; and initially used to refer to the Provisional Military Administrative Council that assumed state power in the subsequent months of the outbreak 1974 Ethiopian Revolution

<sup>429</sup> See, among others, Chr. Clapham, *Transformation and Continuity in Revolutionary Ethiopia* (New York: Cambridge University Press, 1988)

<sup>430</sup> Ghebrehiwot, *Supra* note 390, p.3

this period had been carried out slowly. With its Land Reform Procl in March 1975, the *Derg* called for the formation of Peasant Associations that would be responsible for the implementation and enforcement of the land reform measures. Peasant Associations represented the lowest level of government administration. In the rural areas, Peasant Associations were created at *kebele*, *woreda*, and *awraja* level. The territorial jurisdiction of the *chiqa shum* was taken as the basis for delimiting the territory of each Peasant Associations at *kebele* level, with the geographical area of each Peasant Associations set at a minimum of 20 *gasha* (about 800 hectares) of land.<sup>431</sup>

The Minister of Land Reform and Administration, with the co-operation of the Ministry of Interior, was responsible for formation of Peasant Associations. Besides their rural development functions, Peasant Associations were created to take over the administrative role of the traditional leaders, and to become the lowest level of government authority.<sup>432</sup> Peasant Associations have been particularly important, as Wood argues, in providing the government with a means of implementation of land reform and in establishing ties between the peripheries and the core.<sup>433</sup> The emphasis in these Associations upon development matters has also played a role in “diverting attention from regional political feelings, while, like the former provincial elites of the north, they have helped keep the peace by 'filtering' government directives”.<sup>434</sup> According to De Waal, “the Peasant Associations leadership was purged and became an instrument of central rule”.<sup>435</sup>

In July 1975, the *Derg* issued Procl No. 47, which created *kebeles*, or Urban Dwellers' Associations. The Urban Dwellers' Associations became the urban equivalent to the so-called Peasant Associations, founded by *Derg*. It was a variant of local administration designed manage urban dwellings and Peasant Associations to implement land reforms. As Clapham argues, the new Urban Dwellers' Associations, grouping together communities of a few thousand people each, nominally permitted town dwellers to administer themselves, but “swiftly developed into indispensable agencies for urban political control, responsible for neighborhood policing, food rationing, military conscription and a variety of social services, in addition to their original function of collecting rents”.<sup>436</sup> They were organized at three levels: at the local or *kebele*, the higher and central levels.

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<sup>431</sup>Procl No. 31(1975), Art 8

<sup>432</sup> A. P. Wood, *Supra* note 387, p. 531

<sup>433</sup> *Ibid.*

<sup>434</sup> *Ibid.*

<sup>435</sup>Alex de Waal, 'Ethiopia: Transition to What?,' *World Policy J.*, Vol. 9, No. 4 (1992), p.734

<sup>436</sup>Chri. Clapham, 'Revolutionary Socialist Development in Ethiopia,' *African Affairs*, Vol. 86, No. 343 (1987), p.153

The primary task of delineating the boundaries of and organizing the Urban Dwellers' Associations was entrusted to the Ministry of Urban Development and Housing.<sup>437</sup>

In brief, it can be said that the Peasant Associations and the Urban Dwellers' Associations are a contribution of the new government to the social and political scene of Ethiopia.<sup>438</sup> They were the key base-level institutions of the *Derg* Regime, which were both created as agencies of local self-administration.<sup>439</sup>

Apart from the creation of Peasant Associations and Urban Dweller's Associations, no basic changes were made in the LG divisions of Ethiopia until about the late 1970s.<sup>440</sup> There were, however, according to Daniel, many 'name changes' of regions and peoples apparently to conform to the wishes of the various nationalities.<sup>441</sup> The name of the first order administrative region was changed from *teklay ghizat* to *kifle hager* (administrative region), which in turn divided into 102 *awrajas* and 556 *woredas*.<sup>442</sup> Towards the end of the 1970s and in early 1980s, there were 14 *kifle hagers* (*de facto* Asseb), 105 *awrajas*, and 577 *woredas*.<sup>443</sup> Hence, it can be argued that, the *Derg* only slightly reordered the imperial regime's pattern of administrative organization.

In March 1986, a Constitutional Commission, which had its origin in the Institute for the Study of Ethiopian Nationalities (ISEN), was formed to draft a new constitution. The drafting of the 1987 PDRE Constitution was preceded by the establishment of the Institute for the Study of Ethiopian Nationalities (ISEN) in 1983, which was entrusted with the responsibility of studying the political, economic, social and cultural condition of Ethiopian nationalities as well as the state structure and administrative set-up on the basis of which the new republic is to be established.<sup>444</sup> The ISEN was staffed mostly by academics from Addis Ababa University, who continued to serve as advisers to the Constitutional Commission. According to Voughan, ISEN's staff of around 20 people worked under the close supervision of the political section of the regime, the Commission for Organizing the Party of the Workers of Ethiopia (COPWE).<sup>445</sup> The institute's report indicates that:

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<sup>437</sup> Andargachew T., *The Ethiopian Revolution 1974-1987, A Transformation From An Aristocratic To A Totalitarian Autocracy* (Cambridge University Press 1993), p.16

<sup>438</sup> *Ibid.*

<sup>439</sup> Chri. Clapham, *Supra* note 4, p.7

<sup>440</sup> Daniel, *Supra* note 358, p.103

<sup>441</sup> *Ibid.*

<sup>442</sup> *Ibid.*

<sup>443</sup> *Ibid.*

<sup>444</sup> See Proclamation for the Establishment of Institute for the Study of Ethiopian Nationalities (ISEN), *Negarit Gazeta*, 42nd yr. No. 7, 1983

<sup>445</sup> Voughan, *Supra* note 369, p.152

[I]n the determination of those structures, in addition to language and cultural affinity and settlement pattern, such factors as regional economic unity and viability, territorial contiguity, population size and national security have been taken into account.<sup>446</sup>

According to Vaughan, the results of research demonstrated that only 30 of Ethiopia's 580 *woredas* could be considered monolingual and language-cum-ethnicity was abandoned in favor of more acceptable criteria associated with economic development.<sup>447</sup>

After having concentrated on a gradual alteration of the state's administrative structure, with the promulgation of the 1987 Constitution, the Mengistu regime prepared for a further reorganization of LG system. With the establishment of the PDRE, the LG boundaries of the country, which were maintained without any significant change since 1942, were re-drawn.<sup>448</sup> The 1987 Constitution of the military regime provided for the division of the country into 'Administrative Areas' and 'Autonomous Regions' and left the determination of their size to be governed through by laws.<sup>449</sup>

The National Assembly (National *Shengo*) was empowered to determine the Autonomous Regions, their powers and boundaries by subsequent legislation.<sup>450</sup> Hence, at its inaugural session, the National *Shengo* enacted a government plan for the administrative reorganization of LG. It was claimed that the historical political and administrative division of *teklay ghizats, awrajas, woredas, miktil woredas* was declared obsolete, imposing a more suitable structure to face new challenges posed by the national political development. As a result, twenty-five Administrative Areas and five Autonomous Regions were created. The Autonomous Regions consisted of Eritrea, Aseb, Tigray, Dire Dawa, and Ogaden. Every Administrative Area and Autonomous Region was further divided into 354 *awrajas*.<sup>451</sup> The *kebele* level Urban Dwellers' Associations and Peasant Associations were retained while *woredas* were abolished.

In short, Ethiopia was divided into 14 Administrative Regions. The Administrative Regions were subdivided into Provinces (*awrajas*) which number 12. In addition, the city area of the capital, Addis Ababa had a regional administrative status and was divided into 4 administrative zones that were equivalent to *awrajas*. The *awrajas* were subdivided into

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<sup>446</sup> Peoples' Democratic Republic of Ethiopia, "*Ye Astedader Kilil Tinat Budn Zegeba*" [Regional Administration Study Group Report] (Addis Ababa: Institute for the Study of Nationalities, 1986), pp. 9-10

<sup>447</sup> Vaughan, *Supra* note 369, p.152

<sup>448</sup> Zemelak, *Supra* note 111, p.161

<sup>449</sup> PDRE Constitution (1987), Art 59; The PDRE was officially proclaimed on February 22, 1987, at the time making Ethiopia the latest of six Black African regimes subscribing to the designation "People's Republic"

<sup>450</sup> PDRE Constitution (1987), Art 60 and Art 61

<sup>451</sup> Zemelak, *Supra* note 111, p.161

*woredas*. In rural areas, the lowest administrative unit was the Peasants' Association, and in urban areas, it was the Urban Dwellers' Association (*kebele*).

The Administrative Regions varied considerably in size. The biggest was Harerge with an area of 254,804 km<sup>2</sup>, and the smallest was Arsi with 24,622 km<sup>2</sup>.<sup>452</sup> Similarly, the size of *awrajas* varied greatly; Borena in Sidamo Administrative Region was 65,262 km<sup>2</sup>, while Kallu province in Wello was only 1,431, km<sup>2</sup>.<sup>453</sup>

Concerning the number of *awrajas*, as the following Table shows, Harerge had 13, followed by Wello with 12, while Arsi Administrative Region had only 3 *awrajas*, and Gamo Gofa 4. The majority had 6 to 7 each. Similarly, the number of *woredas* in each Administrative Region varied; Shewa had 107 *woredas*, again Arsi and Gamo Gofa had 22 as the lowest.

**Table 4-1: The number of LGs, 1987**

No.	Administrative Regions	<i>Awrajas</i>	<i>Woredas</i>	Peasant Associations
1	Arsi	3	22	1119
2	Bale	5	25	220
3	Eritrea	9	39	281
4	Gamo Gofa	4	22	777
5	Gojjam	7	35	2690
6	Gonder	7	29	1749
7	Harerge	13	53	1608
8	Ilubabor	5	34	980
9	Kefa	6	39	1663
10	Shewa	11	107	1485
11	Sidamo	6	34	1482
12	Tigray	8	57	1064
13	Wollega	6	50	2210
14	Wello	12	37	1703
	<b>Total</b>	102	583	23031

**Source:** Ethiopian Mapping Agency: The 1989 Statistical figure

The change promised to alter significantly Ethiopia's traditional pattern of LG system. There was an evident political rationale as well, in that, by offering local peoples their own LG,

<sup>452</sup> Ethiopian Mapping Agency, The 1979 Statistical figure

<sup>453</sup> *Ibid.*

they could provide a counterweight to the demands of the various separatist movements in the country.<sup>454</sup>

As has been hinted above, the 1987 Constitution left the determination of the size of Administrative Areas and Autonomous Regions to be governed through by laws.<sup>455</sup> As it transpired, the Administrative Areas were to be composed of 60,000 to 100,000 people each and, hence, bigger than the lowest administrative units of *woredas* under the old order.<sup>456</sup> According to Andargachew, the size of the regional administrative units was anything between the old *awrajas* and provinces both of which were replaced by the first.<sup>457</sup> These Administrative Areas were to be run by a three-tier administrative structure created at the basic or local, at the regional and at the national or central levels.<sup>458</sup>

Indeed, not all the Regions provided with more autonomy were able to take advantage of it, and not all the “ordinary” Regions are in fact feeble political units. The new reform did not alter the unitary character of the state in any fundamental way despite having introduced a new shape of LG system.

The boundaries of new units followed traditional boundaries of former administrative units. The *Derg* inherited many of its units, boundaries, and unit names from the previous imperial system. After all, the change from *Kifle Hager* to ‘Administrative Areas’ and ‘Autonomous Regions’ was nothing but referring to the old units by new names. Apart from a general renaming of LGs, partly to dramatize the establishment of a socialist state, the major reform was the abolition of the *woredas*. All the other old LG units were retained. Therefore, the long-established *woreda*-unit was obliterated, and three new levels of LG administration were created.

Indeed, the alterations were only piecemeal. There was no any authority with the duty or the power to make a systematic review of LG boundaries. As a result, there were wide variations in the population and areas of the same legal status. The legal status or formal ranking of any LG unit was, therefore, no clue to the population or area for which it was responsible for.

From the above, it is certainly difficult to believe that there had been a modest change. As a result, repeated enforcement of LG administrative systems, units, and boundaries had been considerable. Consequently, there had been no radical alterations to the number and

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<sup>454</sup> Clapham, *Supra* note 4, p.14

<sup>455</sup> Andargachew, *Supra* note 437, p.281

<sup>456</sup> *Ibid.*

<sup>457</sup> *Ibid.*

<sup>458</sup> *Ibid.*

boundaries of LGs. The fact remains that neither boundaries nor forms of LG have been kept adjusted to changes in area characteristics.

In addition, although some of the reforms described above could be explained as a means to achieve administrative efficiency, it nevertheless seems clear that the fundamental rationale was a drive for ‘socialist nation-building’. As a result, it can be said that although the government expressed an economic rationale for reform, the new reform had primarily made with the intention of enhancing the national unity. Indeed, the ideological emphasis of the reform appears to place the enhancement and persistence of national unity above and beyond everything else, making all other issues secondary to this prime goal. It needs to be pointed out also that the reforms of the 1970s and 1980s are criticized as making neither demographic nor economic sense. As already pointed above, some has called the reforms a facade that backed the augmentation of centralized state power. It is stressed that the LG structure was not democratically based, but rather reflected a militaristic top-down approach.

The reforms were expected to gradually bypass the imperial system. Under the military regime, as Gebreab argues, the concept of *woredas* was eliminated and replaced by the concept of sub-provinces (*awraja*).<sup>459</sup> The Autonomous Regions and Administrative Areas were created as first order administrative subdivisions—a total of thirty regions “reminiscent” of and similar to the pre-WWII 32 *ghizats*, which were further subdivided into 354 *awrajas*.<sup>460</sup> Similarly, Clapham argues that the areas inhabited by different peoples were carefully demarcated, and used (in conjunction with other criteria, such as transport networks) to create a set of thirty regions which corresponded as accurately as possible to the mosaic of Ethiopian nationalities.<sup>461</sup> Clapham further claimed that:

The whole exercise indicated a political sensitivity such as the Ethiopian government has very rarely shown; and if Ethiopia under any regime is to have a structure of local government which roughly corresponds to its ethnic diversity, this demarcation has as good a chance of providing it as any.<sup>462</sup>

The pre-existing *awraja* was retained as second order Administrative Region and was left unchanged while the *woreda* was abolished as a part of administrative reorganization. Within *awrajas*, PAs were to play administrative roles played by the former *woredas*.<sup>463</sup>

In brief, after the 1974 Revolution which overthrew the imperial regime, *Derg* slightly rearranged the imperial pattern of LG administration. However, with the introduction of the

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<sup>459</sup>Gebreab, *Supra* note 389, p.16

<sup>460</sup> Daniel, *Supra* note 358, p.104

<sup>461</sup> Clapham, *Supra* note 4, p.14

<sup>462</sup> *Ibid.*

<sup>463</sup> Daniel, *Supra* note 358, p.104

PDRE, as Clapham argues, a formal structure of LG was created, which entailed an almost complete redrawing of the regional boundaries which had existed (with minor modifications) since the early 1940s.<sup>464</sup> As Clapham argues, although the 1987 Constitution makes provision for Autonomous Regions in addition to ordinary Administrative Areas, at the same time makes clear that Ethiopia is a unitary state, and both the powers and the boundaries of the regions can at any time be changed by the National *Shengo* in Addis Ababa.<sup>465</sup> In this regard, Aklilu argues that:

The division of the country into various Administrative Zones did not involve actual devolution of administrative and functional powers. Though the nominal status of "autonomous unit" was provided [...], the central logic rested essentially for instrumental aim of discrediting armed insurgencies in these areas.<sup>466</sup>

Though official reasons were not defined, as hinted above, it is not far-fetched to suggest that the territorial reform in 1987 aimed at abolishing the territorial municipalities of feudal origin and character, and at establishing the unified territorial system of LGs.

The boundaries which separate Administrative Regions or Provinces, in most cases, were not based on physical, economic, cultural, linguistic criteria.<sup>467</sup> They are mostly administrative in nature.<sup>468</sup> In most of the cases, natural boundaries (mainly a river) were used for LG demarcation.<sup>469</sup>

Some Administrative Regions were separated by rivers.<sup>470</sup> The Blue Nile was the boundary between Gojjam and Wello, Gojjam and Shewa, and Gojjam and Wollega.<sup>471</sup> Bale Administrative Region was bounded by the Wabi Shebele River to the North and East and the Genale River to the West.<sup>472</sup> The Gibe River was the boundary between Shewa and Wollega, Shewa and Kefa, and its lower course, known as Omo, was the boundary between Gamo Gofa and Kefa.<sup>473</sup> The Tekeze River separated Tigray and Gonder, Gonder and Eritrea while the Awash River was the boundary between Shewa and Arsi, Shewa and Harerge, and Wello and Harerge Administrative Regions.<sup>474</sup> The boundaries between *woredas* usually run from

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<sup>464</sup> Clapham, *Supra* note 4, p.14

<sup>465</sup> *Ibid.*, p.13

<sup>466</sup> Aklilu Abraham, 'Ethnicity and Dilemmas of State Making: Ethnic Federalism and Institutional Reforms in Ethiopia,' *International J. of Ethiopian Studies*, Vol. 2, No. 1/2 (Summer/Fall 2005-2006), p.89

<sup>467</sup> Ethiopian Mapping Agency, The 1979 Statistical figure

<sup>468</sup> *Ibid.*

<sup>469</sup> *Ibid.*

<sup>470</sup> *Ibid.*

<sup>471</sup> *Ibid.*

<sup>472</sup> *Ibid.*

<sup>473</sup> *Ibid.*

<sup>474</sup> *Ibid.*

an outstanding land marker or feature to another and tended in the past to be zones of rivalry between *woreda* administrators or social groups.<sup>475</sup>

As has been argued earlier, the creation of LG took place mainly within the framework of the historical LG boundaries. During the formation of new LGs the former administrative territorial division was taken into consideration. In fact, in some instances, division into *woredas* was a difficult task because it has neither geographical nor historical foundations.

Hence, the areas of administration were created following the boundaries of older regions. This was done in order to rationalize the size of areas for the sake of efficiency and to discourage the habit of popular loyalty to the historical units. The provinces partly did represent historic units. It is, however, true that they did not strictly follow cultural boundaries. This was meant to destroy the historical identities of regions many of which could be identified by cultural and linguistic difference.

In nutshell, it should be noted that, as Clapham argues, Ethiopia has a long, complex history of LG system with shifting boundaries and changing patterns for administering them.<sup>476</sup> This history compounds the problem of defining boundaries and numbers of LG units. For the past century (precisely, since the emperor Menilek's accession in 1889), there had been many changes in the number of LGs. One of the enduring features of LG reform had been that their functions, the method of appointment of their officials, and their number varied from time to time. The other related attribute includes frequent and arbitrary redrawing of LG boundaries. The foregoing assessment suggests also that LG reform had always been interlinked with the prevailing political changes. As a result, LG division was subordinated to the political aims of the day. In this regard, it can be argued that in the former imperial and military regimes, LG was simply an 'executory agency' for national policies. LG were, in effect, merely an outpost of the centre. This tendency has largely reduced LGs as mere administrative apparatuses of the central government.

Given its unitary form, the pre-1995 Ethiopian Constitutions had never given any safeguards to the country's system of LG. Neither the imperial nor the military regimes gave constitutional cover to LG, which reflects the centre's lack of commitment to entrench an autonomous and self-sustaining local tier. There was, therefore, no real system of local self-government, but certain legal foundations for it were laid down. There were no clearly spelled out criteria for creation and dissolution of LGs and LG boundaries were often more contested. There is also an ambiguity in the exact number of LGs. Drawn upon a variety of

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<sup>475</sup> *Ibid.*

<sup>476</sup> Clapham, *Supra* note 4, p.11

sources, the following Table, shows the historical trends in administrative (re) division in Ethiopia, 1935-1987.

**Table 4-2: The number of LGs in Ethiopia under different governments since 1935**

Year	Administrative(LG) sub-division
1935	32 ghizats
1942	12 <i>awrajas</i> ; 60 <i>woredas</i> ; 339 <i>wana mislenes</i> ; 1176 <i>mislenes</i>
1960	13 <i>teklay ghizats</i> ; 87 <i>awrajas</i> ; 387 <i>woredas</i> ; 1086 <i>miktil woredas</i>
1964	14 <i>teklay ghizats</i> ; 99 <i>awrajas</i> ; 444 <i>woredas</i> ; 1, 328 <i>miktil woredas</i>
1968	14 <i>teklay ghizats</i> ; 103 <i>awrajas</i> ; 505 <i>woredas</i> ; 949 <i>miktil woredas</i>
1970	14 <i>teklay ghizats</i> ; 101 <i>awrajas</i> ; 547 <i>woredas</i>
1975	14 <i>kifle hagers</i> ; 102 <i>awrajas</i> ; 556 <i>woredas</i>
1980	14 <i>kifle hagers</i> ; 105 <i>awrajas</i> ; 577 <i>woredas</i>
1987	25 administrative areas; 5 autonomous regions; 354 <i>awrajas</i>

**Source:** Author's Compilation

From the above Table, it is clear that in the course of historical development, while the functions of the *teklay ghizats* might change several times, their spatial structure shows considerable stability, although in certain cases they have been modified to a slight extent. In contrast to the *teklay ghizats*, *awrajas* and *woredas* have changed several times. There was a gradual trend to reduce the number of *miktil woredas*, until they were completely removed in 1970. In brief, below the provincial level, the number of LGs expanded or contracted over time.

To sum up, there were a number of LG reorganizations since the 20<sup>th</sup> century. Accordingly, several attempts were made to alter LG structure, with successive reorganizations differing in their anticipated effects. Looking back at history, the LG system is more volatile in terms of size and names of LG units. Depending on each period, the LG units hold various positions and were differently called in the state administrative system. As indicated already, political, administrative and economic rationales have all been put forward to justify changes to the LG system, with different reforms leading to changes in the number and boundaries of LG.

The review indicates that, in the course of modern Ethiopian history, significant LG boundary changes occurred in 1936, 1942, 1987. An analysis of historical sources shows that LG boundary changes were caused on the one hand by the transformation of economic, social

and political affairs, and on the other by alteration of the ruling regimes. Therefore, it can be argued that LG boundary reforms had always been interlinked with the prevailing economic, social, political changes and endeavors. In addition, political transition had been accompanied by some reforms, and thus turned out to be the centerpiece of LG boundary alternations. Accordingly, throughout the modern Ethiopian history, the LG structure has undergone discernible changes parallel to the regime changes. Apart from that, the historical experience indicates that LG division was subordinated to the political aims of the day. It is important to underscore, therefore, that successive regimes have, over the years, used political rather than technical criteria for demarcation of LG boundaries.

So far, the analysis has unpacked that the outstanding feature of the history of LG boundaries during the past century had been that they were not determined democratically. Despite its obviously undemocratic features, LG boundaries were demarcated without an eye on economic feasibility and laid inadequate emphasis on the consideration of natural conditions. LG boundaries were demarcated mainly by administrative and at times by geographical factors. While their actual application in specific reforms had been mediated by a strong dose of expediency, these principles had provided the basic parameters for LG reforms in Ethiopia. Likewise, LG boundaries were often unstable due to political manipulation.

The foregoing clearly demonstrates also that both the imperial and the military regime were dedicated to breaking the power of certain elites, and used the reform of LGs in part to achieve this objective. Therefore, the LG reforms carried out by incumbents were principally intended to consolidate their ruling position. Consequently, in both the imperial and socialist periods, one can perceive a common process by which the regulations governing demarcation were not adjusted to existing demographic change and socio-cultural relations in the country. Therefore, it can be maintained that the adjustments which made were the result of occasional decisions and were never part of a considered and comprehensive design.

From the foregoing, it is also clear that, over the course of Ethiopian history, the boundaries of LGs were redrawn on several occasions, and followed neither geographic nor stern ethnic lines. It is important to stress that the reason behind the reforms of the LG system had nothing to do with considerations of local development and democracy, but were rather based on the desires of national politicians to gain more influence at the local level.

## Chapter-5: The Ethiopian Federation and the New Political Landscape for LGs

In the consideration of Ethiopian LG system, it is widely held that the development of modern Ethiopian local governance could be traced back to the period of Emperor Menelik. It is indicated in previous chapter that there had been various changes in the political map of the country and as a result the LG system was subject to continuous change. This chapter attempts to review the general nature of LG and territorial reordering in post-1991 Ethiopia. The central aim of this chapter, therefore, is to cast light on some major events and issues related to number and boundaries of LG in post-transitional Ethiopia.

### 5.1 The Transitional Government and the Aftermath: Setting the Stage for Early Decentralization Phase

In late 1991, just months after the fall down of the military regime, the legal basis of the Transitional Government was established with the adoption of the Transitional Period Charter pending the new constitution.<sup>477</sup> LG reform was one of the main priorities for the post-Derg government. In this regard, the right of self-determination found full recognition and endorsement in the 1991 Transitional Period Charter. To this end, each nation, nationality and people is, among other things, guaranteed the right to administer its own affairs with in its own defined territory.<sup>478</sup> Art of 13 of the Charter explicitly stipulated “there shall be law establishing local and regional councils for local administrative purposes defined on the basis of Nationality”. This came to effect when Procl No. 7/1992 was issued to establish “National and Regional self-governments”.<sup>479</sup>

Central to these reforms was also the establishment of the Boundary Commission in August 1991, composed of 10 members and representing six political groups in addition to EPRDF.<sup>480</sup> The Commission drew only the outlines of the Regions, and left it to the regional governments to sort out their own internal boundaries.<sup>481</sup>

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<sup>477</sup>The Transitional Government of Ethiopia was established after the conclusion of the July 1991 Conference in Addis Ababa, for a detailed history of this period, see among others, John Cohen, 'Transition toward Democracy and Governance in Post -Mengistu Ethiopia,' Development Discussion Paper No. 493 (1994); Christopher Clapham, 'Ethnicity and National Question in Ethiopia'. In P. Woodward and M. Forsyth(eds), *Conflict and Peace In the Horn of Africa: Federalism and its Alternatives*( England: Partmouth Publishing Company Limited, 1994); Sarah Voughan, *Supra* note 369

<sup>478</sup> Transitional Period Charter of Ethiopia, Charter No.1 of 1991, *Negarit Gazeta*, 50th Year, No. 1, July 22, 1991, Art 2(b)

<sup>479</sup>See “Proclamation to Provide for the Establishment of National/Regional Self-Government,” Procl No. 7 of 1992, *Negarit Gazeta*, 51st Year, No. 2, January 14, 1992

<sup>480</sup>The Commission was drawn from a range of stakeholders, including political parties and ethnic groups. The composition includes three from EPRDF, two from Oromo Liberation Front (OLF), one Gurage, one Hadiya, one Harari, one Somali, and one Afar, see Sarah Voughan, *Supra* note 369, p.33

<sup>481</sup>Sarah Voughan, *Supra* note 369, p.33

Procl No. 7/1992 provided for forty-seven, of the identified sixty-three nations, nationalities and peoples<sup>482</sup>, the right set up their own National/Regional self-government at the *woreda* level or above.<sup>483</sup> The remaining 17 small-sized ethnic groups, identified as ‘minority nationalities’, were provided with a right to have a fair representation in *woreda* legislative body or council.<sup>484</sup> (See Table 5.1 below for detail).

**Table 5-1: List of ethnic groups provided with the right to establish National/Regional Self- Governments, 1992**

Region	Ethnic groups
One	Tigray*, Saho**, Kunama**
Two	Afar*
Three	Amhara*, Agaw-Kamirgina*, Agaw-Awongigan*, Oromo*
Four	Oromo*
Five	Somali*
Six	Berta*, Gumuz*, Shinasha**, Koma**, Mao**,
Seven	Gurage*, Hadiya*, Kembata*, Alaba*, Tembaro*, Yem*
Eight	Sidama*, Gedio*, Burje*, Amaro* (Kore), Gidicho*
Nine	Wolaita*, Dawuro*, Konta*, Aydi*, Gewada*, Melon*, Gofa*, Zoyisse**, Gobez, Bussa*, Konssa*, Gamo*, Gidole**
Ten	Basketo*, Murssi*, Ari*, Hamer*, Arbore*, Dassenech*, Gngangatom**, Tsemai**, Maley*, Dimme**, Bodi*
Eleven	Keficho*, Nao*, Dizo*, Surma*, Zelmam**, Shekocho* (Mocha), Minit**, Chara*, Bench*, Sheko*
Twelve	Agnwak*, Nuwer*, Mejenger*
Thirteen	Harari*
Fourteen	(Addis Ababa)*

\* They shall establish their own National/Regional Self-Governments at the *woreda* level or above

\*\* They shall have adequate representation within their respective National/Regional Self-Governments

**Source:** “Proclamation to Provide for the Establishment of National/Regional Self-Government,” Procl No. 7 of 1992, *Negarit Gazeta*, 51st Year, No. 2, January 14, 1992

<sup>482</sup> Procl 7 (1992), Art 3(1)

<sup>483</sup> Procl 7(1992), Art 3(2)

<sup>484</sup> Procl 7 (1992), Art 5(3)

In brief, the issuance of Procl No.7 in the early 1992 resulted in the creation of fourteen Regional States.<sup>485</sup> Within less than a year, the original fourteen units were reduced to nine, as five of these Regional States were combined into one Regional State: SNNPR.<sup>486</sup> Hence, there were changes (formations and eliminations) to Regional States.<sup>487</sup>

The later stride was the concern about zones and *woredas*. As hinted above, the new reform essentially put LGs at the mercy of the Regional States. As Cohen argues, the boundaries of these local-level units had historical roots in the decentralized system of the Emperor and the military government that followed him.<sup>488</sup> It has been argued, for instance, that many of the late-1980s Administrative Regions are retained as zones within regions.<sup>489</sup> This is not to say, however, that the boundaries of these units were not reviewed and in some cases altered.<sup>490</sup> Therefore, it can safely be argued that the boundaries of the zones, where possible, based on the boundaries of the former Administrative Regions, with some modifications. The other major aspect of the territorial reform in the early 1990s' was the abolishment of the *awrajas* (as they renamed zones) and restoration of *woreda* as the lowest basic level of LG. In this sense, as Daniel argues, while, during the late-1980s, changes in administrative subdivisions abolished the *woreda* as administrative units, the new changes abolished *awraja*.<sup>491</sup>

Nonetheless, the process of local boundary demarcation was not, as Cohen argues, without problem, particularly concerning *woredas* located along the borders of Regional States.<sup>492</sup> Hence, demarcation of the boundaries of LGs, particularly *woredas*, had not been easy, and some remain contested.<sup>493</sup> In the initial years of this phase of decentralization, although there were places where boundary demarcation passed off without any serious disputes or counter-claims, there had been frequent disputes over demarcation of LG boundaries. In this regard, it should be noted that the Procl stated at the outset that the Transitional Government of Ethiopia would renew the pre-1974 *woreda* boundaries once the details of geographical borders of each nation, nationality and people are specifically laid down.<sup>494</sup>

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<sup>485</sup> John Cohen, 'Ethnic Federalism in Ethiopia,' *Northeast African Studies*, Vol.2, No.2(1995), p.159

<sup>486</sup> Regions 7-11(Gurage/Hadiya/Kembata, Sidama, Wolaita, Omo, and Keffa) were later collapsed into one state based on the Art 3 (2) (b)of Procl 7/1992, which provides that self-government of adjacent nations, nationalities and peoples may by agreement establish a larger regional self-government within any of the 14 regions specified.

<sup>487</sup>With the exception of some secessionist armed struggles in Somali and Oromia regions, and sporadic inter-ethnic conflicts and tensions in the SNNPR, Ethiopia has succeeded in quelling outright demands for separation.

<sup>488</sup> Cohen, *Supra* note 485, p.160

<sup>489</sup> Daniel, *Supra* note 358, p.107

<sup>490</sup> Cohen, *Supra* note 485, p.160

<sup>491</sup> *Ibid.*

<sup>492</sup> *Ibid.*

<sup>493</sup> *Ibid.*

<sup>494</sup> John Cohen, 'Transition toward Democracy and Governance in Post Mengistu Ethiopia,' *Development Discussion Paper* No. 493 (1994), p.10

The number of zones and *woredas* in each Regional State varied significantly.<sup>495</sup> In this regard, it can be said that throughout the 1991-1995 periods, the number of LGs were being both collapsed and expanded.<sup>496</sup> There were around 56 zones and 676 *woredas* in the early 1990s.<sup>497</sup> Nevertheless, not all Regional States were able to set up zones during the Transitional Period.<sup>498</sup> Regional State 12 and 13 were not divided into zones.<sup>499</sup> The following shows the distribution of LGs across Regional States.

**Table 5-2: The number of LGs by Regional States, mid-1993**

No.	Regional States	Zone	Woreda
1	Tigray	5	81
2	Afar	5	27
3	Amhara	7	128
4	Oromia	12	224
5	Somali	4	48
6	Benishangul	3	16
7	SNNPR	11	97
8	Gambella	-	8
9	Harari	-	1
10	Addis Ababa	6	27
	<b>Total</b>	53	657

**Source:** Adopted from Daniel Gamachu, 'A Nation in Perpetual Transition: the Pattern of Changes in Administrative Divisions and Subdivisions in Ethiopia'. In HG Marcus (edi), *New Trends in Ethiopian Studies: Papers of the 12<sup>th</sup> International conference of Ethiopian Studies* (NJ: The Red Sea Press, 1994), p.109

Regarding boundaries of *woredas*, Cohen observed that:

Regions are divided into *woredas*, which were administrative sub districts under Haile Selassie's provincial government system, and, subject to minor changes made because of ethnic patterns, appear to still have roughly the same boundaries as they did under his regime.<sup>500</sup>

Between the Regional States and *woredas* are zones, which also roughly approximate the boundaries of *awrajas* during the Imperial era.<sup>501</sup> According to Procl 7 (1992) Art 4 (2), the

<sup>495</sup> Cohen, *Supra* note 485, p.164

<sup>496</sup> *Ibid.*

<sup>497</sup> Cohen, *Supra* note 494, p.10

<sup>498</sup> Daniel, *Supra* note 358, p.107

<sup>499</sup> *Ibid.*

<sup>500</sup> Cohen, *Supra* note 494, p.10

<sup>501</sup> *Ibid.*

boundaries of each ethnic-based self-government area were demarcated based on the pre-1974 *woreda* boundaries. Hence, as Zemelak argues, the majority of whose residents belong to a specific ethnic community was brought together to form a Regional State or a sub-Regional State self-governing area of the particular ethnic community.<sup>502</sup> Subsequently, the pre-1974 territorial boundaries of *woreda* were re-introduced as the boundaries of *woredas*, while *kebele* was also kept, with few alternations, as the lowest LG unit under the new dispensation.<sup>503</sup>

The other related aspect, and one worth dwelling on at some length, is that, in the preliminary demarcation of the boundaries between the ethno linguistic areas, the Transitional Government has largely relied on the “nationalities map” of the Institute for the Study of Ethiopian Nationalities (ISEN).<sup>504</sup> Hence, according to Voughan, the Transitional Government Boundary Commission drew heavily on the work of the *Derg*’s ISEN.<sup>505</sup> The implication of this is that the pre-existing territorial boundaries were broadly retained during the post-1991 transition. During this period, although there had been a number of attempts to produce a conclusive map of LGs, there was no comprehensive map, since there were difficulties in ascribing some territories to specific groups and establishing definitive boundaries. However, it appears that the process of implementing territorial and political decentralization seems to have been rushed through. According to Voughan:

There was a clear political rationale for such haste. All parties sought stability, the reduction of controversy, and the rapid and peaceful demarcation of the areas of local government, which each could then seek to colonize [...] If ethnic groups select amongst historical precedents for markers and materials with which to categorize and label their identities and stake out their territories, the hasty administrative revisions of 1991 have contributed additional resources for the further complication of this selection process.<sup>506</sup>

In brief, as described above, by the early 1990s, it was clear that the process has taken off rapidly, without fully developed implementing guidelines. As Smith stressed:

[...]despite the contribution of the ISEN’s work, especially the preparation of the Almanac of ethnic groups on which the present-day institutions of ethnic federalism rest, there had yet to emerge clear criteria for determining ethnic group boundaries, nor a procedure for arbitrating disputes or contested claims.<sup>507</sup>

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<sup>502</sup>Zemelak, *Supra* note 111, p.168

<sup>503</sup> *Ibid.*, p.170

<sup>504</sup> John Young, ‘Regionalism and democracy in Ethiopia,’ *Third World Quarterly*, Vol.19, No.2(2010), p.193

<sup>505</sup> Voughan, *Supra* note 369, p.35

<sup>506</sup> *Ibid.*

<sup>507</sup> Lahra Smith, ‘Voting for a Nationality: Ethnic Identity, Political Institutions and Citizenship in Ethiopia,’ Unpublished PhD Thesis, University of California, Los Angeles, 2005, p.200

Therefore, as the above brief analysis makes evident, LG creation was done hastily without adequate consultation of key stakeholders. Though the boundaries were determined in a hurry, this did not pose as many problems as the fact that they were imposed with little or no consultation with the local people. The Transitional Government seems, in many cases, to have alternated between making top-down decisions about village groupings and drawing on the work of the *Derg*'s ISEN, rather than using inter mediation processes to reach agreement on the demarcation of boundaries. No doubt, this would indeed have made the process slower, but would have been preferable to a situation where 'enforced' village groupings can make it difficult for rural LGs to function.

In brief, it has to be emphasized that the Transitional Period Charter has served as a prelude for the establishment of a federal state.<sup>508</sup> One may consider, as highlighted above, that the system of LG in the Ethiopian federation began to take practically a new at the start of the 1990s, with adoption of Transitional Charter. Overall, one might take the view that the EPRDF has launched a far-reaching reorganization of political landscape in Ethiopia, drawing from the work of the *Derg* and the ISEN in particular. It must also be acknowledged that, although the reform seems to be rushed, the 1991 Transitional Charter laid the foundations for decentralization, which was to be further entrenched in the 1995 Federal Constitution, followed by many other efforts to devolve powers to LGs.

## 5.2 LG under the Federal Constitution: A Brief Sketch

The new Constitution of the Federal Democratic Republic of Ethiopia was ratified in Dec.1994 by a Constitutional Assembly and came into effect in Aug. 1995. The very first article of the new Constitution stipulates the establishment of a federal state. The existing federal system is formally a two-layered one, based on the Federal government and the Regional governments, as in classical federations.<sup>509</sup> LG in Ethiopia is, as in most federations, the competence of Regional States. It follows that LG in Ethiopia, unlike in some other modern federal states, has no strong constitutional backing. Thus, it is obvious that the Federal Constitution is eerily silent when it comes to the LG structure beneath the Regional States.

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<sup>508</sup>Further account on decentralization is found in three subsequent Procls; "The 1984 E.C. Budget Proclamation" Procl No. 26 of 1992 ; "Proclamation to Define the Sharing of Revenue between the Central and the National/Regional Self-Governments," Procl No. 33 of 1992; "Proclamation to Define the powers and Duties of the Central and Regional Executive Organs of the Transitional Government of Ethiopia," Procl No.41 of 1993

<sup>509</sup> Thorough analyses of the federal administrative organization and state institutions can be found in Assefa Fiseha, *Federalism and the Accommodation of Diversity in Ethiopia: A Comparative Study* (Nijmegen: Wolf Legal Publishers, 2006)

The Constitution is, as noted above, silent on the form of decentralization to be practiced at the Regional State level apart from the general signal given in Art 50(4) that provides legal sanction for decentralization of powers to other levels, prescribing that “adequate powers must be transferred to the lowest units of government”. Furthermore, Art 39(3) of the FDRE Constitution provides, albeit different way, that:

Every nation, nationality, and people in Ethiopia has the right to full measure of self-determination that includes the right to establish institutions of government in the territory that it inhabits and to equitable representation in state and federal government

Art 88(1) further informs democratic principles and ensures that the federal system "shall promote and support the People’s self-rule at all levels”. Accordingly, the Regional State shall be guided by the principle of principle of decentralization to ensure the full realization of democratic governance at all LG levels.

Indeed, the position of LG was the subject of some debate at the Constitutional Assembly.<sup>510</sup> The Constitutional Assembly was split with regard to the status of LG. A cursory survey of the debate depicts that some argued that the structure and powers of LG should be provided for in the federal constitution, while others argued that the matter pertaining to LG should be left to the Regional States. After considerable debate, the Constitutional Assembly came to a comprise:

On the one hand, they agreed that in light of the existing diversity in size and population among the states and in order to give effect to the autonomy of the states, the setting of such details should be left to the states. On the other hand, they thought it is necessary to state the fact that however diverse the position of local governments may be, they should be granted ‘adequate powers’. It was clearly stated that the local governments should not merely be agents of the state governments but should have some level of autonomy.<sup>511</sup>

In recent years, there have been moves to identify, based on a thorough inspection of provisions of the FDRE Constitution, two types of LG.<sup>512</sup> In this context, Yonatan and Zemelak are more emphatic on this issue as they make distinction between Art 50(4) and Art 39(3) LGs which, according to them, differ from each other both in object and structure.<sup>513</sup> According Zemelak, what is envisaged under Art 50(4) is a ‘regular type’ of LG “which was

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<sup>510</sup>See Minutes of the Constitutional Assembly, November 1994 Minutes No. 4 of Hidar 14-20 of 1987 E. C

<sup>511</sup>Assefa Fiseha, *Federalism and the Accommodation of Diversity in Ethiopia: A Comparative Study* (Nijmegen: Wolf Legal Publishers, 2006), p.341

<sup>512</sup>See, for instance, Zemelak Ayele and Yonatan Fessha, ‘The Constitutional Status of Local Government in Federal Systems: The Case of Ethiopia,’ *Africa Today*, Vol. 58, No. 4 (2012)

<sup>513</sup> *Ibid.*

to be created on a wall-to-wall basis with the object of enhancing public participation”.<sup>514</sup> Based on Regional State constitutional and legal frameworks, observes also draw distinction between two types of Art 50(4) LG units; rural *woreda* (districts) and urban LG units, which include cities and municipalities.<sup>515</sup> At the top of Art 50(4) LG hierarchy is the Zone while *kebele* is at the bottom of the hierarchy.<sup>516</sup> Yet, as rightly noted by Zemelak and Yonatan, the most vital tier of Art 50(4) LG is the intermediate LG, *woreda*.<sup>517</sup>

A *woreda*, established through the Regional State Constitutions, is created throughout the rural areas of the country.<sup>518</sup> Although Regional State Constitutions provide some general principles, the comparable of a *woreda* in urban areas, a city administration, is created through Regional State statutes.<sup>519</sup>

It has been argued that what is envisaged under Art 39 (3) is different from the ordinary type of LG.<sup>520</sup> The most significant explanation for this remains Zemelak’s argument that:

It is not a regular system of local government that is established in every part of the country. It is rather constitutionally envisaged to be established only in those parts of the country where territorially concentrated intra-regional minority ethnic communities are present.<sup>521</sup>

This same position is also reflected in his joint work with Yonatan, when they assert that these are LGs that are created to address ethnic claims or accommodate ethnic communities within some sort of territorial framework.<sup>522</sup> In their view, they are mostly created at the zone and *woreda* level and are respectively known as nationality zones and *liyu woreda* (special districts).<sup>523</sup> Hereafter, nationality zone will be used synonymously with special zone<sup>524</sup> and *liyu zone*, while *liyu woreda* will be used interchangeably with special *woreda*.<sup>525</sup> Hence, it has been maintained that there are two types of Art 39 LG units: nationality zones and *liyu woreda*:

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<sup>514</sup> Zemelak, *Supra* note 111, p.142

<sup>515</sup> *Ibid.*

<sup>516</sup> *Ibid.*

<sup>517</sup> Zemelak and Yonatan, *Supra* note 512, p.96

<sup>518</sup> *Ibid.*

<sup>519</sup> *Ibid.*

<sup>520</sup> Zemelak, *Supra* note 111, p.197

<sup>521</sup> *Ibid.*

<sup>522</sup> Zemelak and Yonatan, *Supra* note 512, p.97

<sup>523</sup> *Ibid.*

<sup>524</sup> ‘Nationality Administration Council’ is a term used in the Amhara Constitution. The Agaw (of Awi and Himra) and the Oromo in the Region have their own nationality administration, equivalent to zones in the SNNPR where the term ‘zone’ is used to refer to a similar category of LG. A variant of the same term “Administration of Nationalities” is used in the Constitutions of Benishangul- Gumuz and Gambella to refer to similar entities.

<sup>525</sup> *Liyu woreda* and *liyu zone* are terms of less venerable ancestry. They first appeared in administrative usage in the 1990s and continued thereafter to be used intermittently.

Nationality zones are established, as institutions of self-government, for regional ethnic minority groups who occupy a territorial area covering two or more *woredas*. A *liyu woreda*, on the other hand, is - in terms of territorial and population size - comparable to a regular *woreda*.<sup>526</sup>

This view highlights that both nationality zones and *liyu woredas* differ from the rest of LGs created in the country, at least, in two respects.<sup>527</sup> First, unlike the other LG units, the creation of these LGs is limited to circumstances where a territorial accommodation of ethnic groups is deemed important.<sup>528</sup> Second, largely owing to the objective that underlies their creation, the territorial demarcation of both a nationality zone and a *liyu woreda* follows the territorial settlement of the ethnic group on whose behalf they are created.<sup>529</sup>

From the above, it is clear that Ethiopia doesn't belong to the category of federal systems where LG is most extensively regulated by the federal constitution. Accordingly, it can be said the FDRE Constitution stated little and left the matter to Regional States.

### 5.3 LG System in Ethiopia's Federation: the General Picture

The Federal Democratic Republic of Ethiopia is structured into nine Regional States and two urban administrations.<sup>530</sup> As has been hinted above, LGs are the creation of the Regional States and are subject to regulation by the Regional States that create them. The objective of this section is to describe the institutional situation of LGs in Ethiopia. Broadly, the constitutions of each Regional State characterize LG in similar terms. They each provide for the maintenance of a system of LG, describe and allow the relevant Regional State's legislature to make any laws it considers necessary for, or with respect to, LG.

Conventionally, Ethiopia's LG structures are characterized as a three-tier structure. Under Ethiopia's federal framework, zone, the highest tier, is a LG division found immediately below the Regional State. It has been argued that zone is not an autonomous LG and usually responsible for coordination of the activities of the *woreda* and the Regional State executive.<sup>531</sup> At present, as Van der Loop argues, zone levels of government are staffed by appointees of Regional State and their functions remain one of supervising the work of *woredas* and *kebeles*.<sup>532</sup> This practice, according to Vander loop, is "an anomaly in

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<sup>526</sup> Zemelak, *Supra* note 111, p.222

<sup>527</sup> Zemelak and Yonatan, *Supra* note 512, p.97

<sup>528</sup> *Ibid.*

<sup>529</sup> *Ibid.*

<sup>530</sup> FDRE Constitution(1995), Art 47(1)

<sup>531</sup>For comprehensive surveys on functions of LG in Ethiopia, See, among others, Zemelak Ayele, 'Local Government in Ethiopia: still an apparatus of control?', *Law, Democracy and Development*, Vol. 15 (2011)

<sup>532</sup>See, Theo Van der Loop, 'Local Democracy And Decentralization In Ethiopia' In *Local Democracy And Decentralization In East And Southern Africa Experiences From Uganda, Kenya, Botswana, Tanzania And Ethiopia* (Un-Habitat, 2002), p.90

Ethiopia's government structure because zone administrations, which are non-elected bureaucratic structures, are being imposed on *woredas* and *kebeles* administrations, which are legally, recognized and democratically constituted" LGs.<sup>533</sup> An exception to this observation, has to be made in the SNNPR, where zones have been designated as separate tiers of LG with elected councils and administrative structures.<sup>534</sup> Except in the SNNPR, the Regional State executive appoints the officials of zones. In addition, in SNNPR, as hinted above, some zonal administrative boundary corresponds to the ethnically inhabited areas, while other zones do not reflect such correspondence. Ghebrehiwot makes distinction between nationality- based and functional zones:

The former are independent self-government entities. They are established on ethnic basis to guarantee minorities' rights to self-government. In contrast, the latter are established in the relatively homogeneous States [...]. They are simply branches (delegating organs) of the States. [...] They are established to serve as administrative links between the State bureaus and *woreda* governments.<sup>535</sup>

Over the past few years, according to Garcia and Rajkumar, the zones in most Regional States have become arms of the Regional State government.<sup>536</sup>

*Woreda* is found below the zone. It is the second lowest level of LG and forms the basic unit of Ethiopia's LG structure. The *woreda* level can be regarded as a level where most policy benefits can reach the masses at the grass root. The *woreda* is the basic administrative entity of every Regional State in the country, with significant responsibility for providing basic services.<sup>537</sup> Hence, *woreda* is the lowest level of LG and is made up of a number of *kebeles*. The other related term to *woreda* is *liyu woreda*. *Liyu woreda* appears to be LG unit for ethnic groups, which is numerically smaller than zone, but separate from other *woredas* in that zone; that is, it has status of a zone without meeting the requisite size requirements.<sup>538</sup>

*Liyu woredas* are given special status, as has been noted in the earlier section, because minority groups with distinct languages and ethnic identity inhabit them. According to Berhanu, for instance, *liyu woredas* are provided "to protect the self-government right for minority ethnic groups that do not have enough population to establish their own zonal or

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<sup>533</sup> *Ibid.*

<sup>534</sup> *Ibid.*

<sup>535</sup> Ghebrehiwot, *Supra* note 390, p.8

<sup>536</sup> M. Garcia and A. Rajkumar, 'Achieving Better Service Delivery Through Decentralization in Ethiopia,' *World Bank Working Paper* No. 131(2008), p.13

<sup>537</sup> *Ibid.*

<sup>538</sup> *Ibid.*

<sup>538</sup> Lahra Smith, *Supra* note 507, p.160

regional self-government structure”.<sup>539</sup> According to Aalen, *liyu woredas* are designed to “protect minorities which live in an area with a majority group and where the group is not large enough to have its own zone or regional structure”.<sup>540</sup>

It is necessary to equally add that *liyu woredas*, as Berhanu argues, are accountable directly to the Regional State without any intermediary structures of zonal administration.<sup>541</sup> In standard structures, as indicated in the earlier section, *woreda* administrations are accountable to their respective zonal administrations.

As it shall be analyzed in the next chapter, *liyu woredas* have been created largely in the SNNPR for minority ethnic groups, which cannot constitute either a zone or a regular *woreda* because of their small population size. Hence, as has been argued earlier, administrative border of some of these *liyu woredas* correspond to ethnically inhabited areas, while other *liyu woredas* contain more than one ethnic group. It is the Regional States that determine whether *liyu woreda* should be created. In other words, there is no federal procedure of forming *liyu woreda*; most of them were suggested by the Regional States.

Immediately under the *woredas* are *kebeles*. *Kebeles* constitute the last tier of Ethiopia’s LG system. *Kebeles* are the lowest LGs created by the previous regime and retained by the incumbent government.<sup>542</sup> *Kebeles* serve as the nearest unit of public administration.<sup>543</sup>

In addition to the above picture of the nature of LG, it can be said at this juncture that the term LG has been used scarcely within Ethiopian federation. Simply put, it has not yet become an influential political institution.<sup>544</sup> It has been shown that LG in Ethiopia occupies a minimal constitutional position vis-a-vis both the Federal and Regional State levels, and has lowest political position. Likewise, the current system, as the above discussion shows, partly caters to a continuation of past approaches in the sense that it does not show sufficient regard for LGs.

From the above account, it can be suggested that LGs are much less clearly crystallized as compared to the Regional State level, and the system offered insufficient protection for the autonomy of LGs. This state of affairs is made worse by the fact that there has not been meaningful integration and co-ordination between these units of government functioning at

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<sup>539</sup> Berhanu G., ‘Restructuring state and society: Ethnic federalism in Ethiopia,’ Unpublished PhD Thesis, Department of Culture and Global Studies, Aalborg University, 2007, p.200

<sup>540</sup> Lovise Aalen, ‘Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991-2000,’ Unpublished PhD Thesis, Chr. Michelsen Institute 2002, p.67

<sup>541</sup> *Ibid.*

<sup>542</sup> Gebreab, *Supra* note 389, p.161

<sup>543</sup> *Ibid.*

<sup>544</sup> Zemelak Ayele, ‘Local Government in Ethiopia: still an apparatus of control?,’ *Law, Democracy and Development*, Vol. 15 (2011), p.143

the grassroots partly because the very concept of LG and its structure is not well conceived and developed in Ethiopia.

In light of the above observations, the basic argument of this section is that in addition to lack of strong constitutional recognition, LGs do not enjoy strong presence in a federal forum. The lack of emphasis placed on the LG level is likely to result in an inefficient federal structure. An overall view of LG in Ethiopia reveals, as asserted at the outset of this chapter, that LG falls exclusively to the Regional States within the framework of the distribution of powers between the Federation and the Regional States. The consequence of this is that each Regional State has its own LG constitution and that the systems of institutions anchored in them sometimes vary from Regional State to Regional State. As things have progressed, the country plunged into further decentralization reforms and LG became one of the main integral parts of the decentralization package. The following is a brief reflection on the decentralization reform.

#### **5.4 District Level Decentralization Programme (DLDP): Dawn of a New Era?**

Since 2002, two related changes, apparently designed to diminish the link between budgetary provision and ethnically defined administrative unit, have been made in the structure of regional state governments. The first is the curtailment of the powers of the zonal administration. The second is the move to a system of block grants, which, since July 2002 (the beginning of the financial year), have passed directly from the federated states to *woredas*.<sup>545</sup>

As indicated in Chapter one, the process of LG is often inexorably linked to decentralization issues. This section examines one of the most crucial policy of decentralization in Ethiopia, specifically the District Level Decentralization Programme (DLDP) from the perspective of issues that touch on LG. Ethiopia, as indicated earlier, has been pursuing a decentralization reform since the early 1990s. The process of decentralization in Ethiopia, as many scholars maintain, can be interpreted in terms of two fairly distinct phases or periods<sup>546</sup>, each largely providing a quite different picture of the system of LG. The initial phase of decentralization (1991-2001) was centered on creating and empowering National/Regional Governments and was termed a 'mid-level decentralization'.<sup>547</sup> In general, during this period, the stakes of Regional State administrative reform were much higher than they had been with LG reform.

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<sup>545</sup> See, Sarah Voughan, 'Responses to Ethnic Federalism in Ethiopia's Southern Region'. In David Turton (edi), *Ethnic Federalism – The Ethiopian Experience in Comparative Perspective* (Oxford: James Currey, 2006), p.189

<sup>546</sup> Tegegne G. E. 'Introduction'. In Taye Assefa and Tegegne G. E.(eds), *Decentralization in Ethiopia* (Addis Ababa: Forum for Social Studies, 2010), p.14

<sup>547</sup> Tegegne G. E., 'The Influences of Decentralization on Some Aspects of Local and Regional Development Planning in Ethiopia,' *Eastern Africa Social Science Research Review*, Vol. 14, No. 1 (1998), p.89

Subsequently, after almost a decade, trends in Ethiopia's federal reform have led to the second phase, known as District Level Decentralization Programme (DLDP) since 2002. The new decentralization policy has been a fundamental in changing Ethiopia's sub-national administrative, political and fiscal landscape. It was one of the six programs integrated in the large Public Sector Capacity-Building Programme (PSCAP) under taken by Ministry of Capacity Building. The 'metamorphosis' of the DLDP starts from the Sustainable Development and Poverty Reduction Programme (SDPRP).<sup>548</sup> The decentralization reform was based on a certain number of underlying assumptions. Paulos, referring to the Prime Minister's document on 'Issues of Building Democratic System in Ethiopia' (2002), has highlighted three interrelated issues as factors for decentralization in Ethiopia, especially at the lowest levels of government.<sup>549</sup> The first factor is the enormous variation among localities or Regional States in Ethiopia in terms of settlement patterns and economic activity.<sup>550</sup> In this regard, the document states that:

[E]fficient and effective public service delivery can only possible if it is matched to the unique, situation of each locality; regional and local economic development plans that take their diverse demands into account; and lowest levels of administration have to be given decision making power to address the demands of their constituencies.<sup>551</sup>

The second factor presented is the underdeveloped transport and communication infrastructure in the country, which makes it impossible for the centre to reach the distant regions.<sup>552</sup> The third important factor is the need to allow direct participation by the people in the affairs government.<sup>553</sup>

Indeed, the reform was claimed to be aimed at increasing administrative efficiency and popular participation.<sup>554</sup> Official statements aside, a closer investigation of the considerations underlying the reform suggests that there were a series of implicit reasons behind the decision

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<sup>548</sup> The goal of the SDPRP, inaugurated in 2002, is broad-based growth, reduction of economic fragility, and improvement of quality and service delivery. Four pillars of the program are Agricultural Development Led Industrialization (ADLI), Justice System and civil service reform, decentralization and empowerment, and capacity building in public and private sectors. Such a four-pronged approach is believed to be effective in a fight against poverty and ensure sustainable development. The second phase of SDPRSP, called Sustainable Development to End Poverty (PASDEP), accentuated the promotion of improved democratic governance, decentralization and reform of the justice system. See Ethiopia: Sustainable Development and Poverty Reduction Program, Ministry of Finance and Economic Development (MoFED), July, 2002 and Ethiopia: Building on Progress, A Plan for Accelerated and Sustained Development to End Poverty (PASDEP), (2005/06-2009/10), Ministry of Finance and Economic Development (MoFED), 2006

<sup>549</sup> Paulos Chanie, 'What One Hand Giveth, the Other Hand Taketh Away, Ethiopia's Post-1991 decentralization reform under neo-patrimonialism,' Unpublished PhD thesis, Institute of Social Studies, The Hague, the Netherlands, 2007, pp.393-394

<sup>550</sup> *Ibid.*, p.393

<sup>551</sup> *Ibid.*

<sup>552</sup> *Ibid.*

<sup>553</sup> *Ibid.*

<sup>554</sup> *Ibid.*, p.394

that were actually very important. It has been argued, for instance, that the consequences of *woreda* decentralization are largely political in the sense that “the increasingly centralized partisan structure of the EPRDF has penetrated to the local level as a result of the decentralization process”.<sup>555</sup> The motivation for decentralization, it has been argued, turned from questions of basic stability with Regional State decentralization to questions of the political and economic reach of the state with *woreda* decentralization.<sup>556</sup> Some have argued that through the ‘*woreda* reform’ in 2002, the federal government aimed at reducing the budgetary ‘carrot’ of granting an independent ethnic zone<sup>557</sup>, which had been viewed as a threat to governance prior to the initiation of DLDP. In fact, the reform had led to the introduction of block grants directly from the Regional State government to the *woreda*.<sup>558</sup> It is suggested that since 2002, the government has been considering ways of removing incentives from those seeking separate new units, as an attempt to reduce the ‘disintegrationist’ trend.<sup>559</sup> The move was viewed as deliberate attempt by the federal government to reform what was throughout the 1990s a strong connection between ethnic identity and access to budgets, particularly, in the multi-ethnic SNNPR and to diffuse separatist tendencies.<sup>560</sup> Accordingly, the federal government appeared to take the view that pushing more resources to *woredas* would weaken the demand for ever-smaller ethnic based units. In other words, it has been argued that the basic intent behind the new decentralization policy was largely to limit ethnic fragmentation and avoid secessionist impulses. Indeed, the shift is visible in the way the new LGs are now being proposed mostly on the grounds of good governance and development rather than on the ethnic principle that had, ostensibly, guided LG formation during the first phase of the decentralization period. It has likewise been pointed out that decentralization to the lowest level reduces potential threats to the central leadership from regional leaders because the *woreda* decentralization weakens the political power of Regional State.<sup>561</sup> In this context, strengthening LG was subtly used in part as a counterweight to the power of regional governors or as systematic move to cut back the power of the Regional States.

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<sup>555</sup> Tyler Dickovick and Tegegne G. E., *Comparative Assessment of Decentralization in Africa: Ethiopia Desk Study* (Washington, DC: USAID, 2010), p.5

<sup>556</sup> *Ibid.*

<sup>557</sup> Lovise Aalen, 'Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: the Case of Ethiopia,' *International J. on Minority and Group Rights*, Vol. 13 (2006), p.260

<sup>558</sup> *Ibid.*

<sup>559</sup> Sarah Voughan, *Supra* note 545, p.201

<sup>560</sup> Sarah Voughan and Kjetil Tronvoll, 'The Culture of Power in Contemporary Ethiopian Political Life,' *Sida Studies* No.10 (2003), p.109

<sup>561</sup> Paulos, *Supra* note 549, p.394

Whatever the motive, DLDP has introduced, as already noted above, quite a significant change in the federal arrangement by decentralizing considerable authority and resources to the LGs. The DLDP has promised radical devolution and financial autonomy for *woredas*. Such decisions seemingly constituted a new era in the federal framework in the context of the LG. Practical implementation of DLDP has proceeded slowly: first in the four largest Regional States (Amhara, Oromia, SNNPR and Tigray), and then in the remaining Regional States in subsequent years.<sup>562</sup> The implementation was noteworthy in that it required the amendment of Regional State constitutions with the aim of providing a legal framework for the devolution of political and fiscal powers and institutional restructuring.<sup>563</sup>

As has been hinted above, the main innovation of the new reform was that the status and power of zonal administrations have been reduced and more powers have been accorded to *woredas*.<sup>564</sup> After the reform, *woredas* became responsible for preparing and implementing their developmental plans within the framework of regional plans.<sup>565</sup> As indicated earlier, the new decentralization policy introduced a new dynamic into the working of the polity by making resources available to *woredas* from Regional States through the *woreda* block grant transfers.<sup>566</sup> To create an enabling environment for effective and efficient service delivery, public employees have been redeployed from Regional States and zones to *woredas*.<sup>567</sup>

Based on the foregoing, it could be inferred that in the progress of decentralization and reshaping administrative territories over the last twenty years, one can observe that there have been two periods. As already pointed out above, each of the periods, it was felt, reflected a change in the approach to LG that was quite closely related to the ongoing political changes at National and Regional State levels. It is indicated under the new reform that policies and strategies have been formulated to facilitate the devolution of power down to the lowest units of government. This decision was conceived as a large step for LG. However, it is worth noting that the idea of decentralization did not arise “from below” but “at the top”- in federal structures-and began to be disseminated to the whole country without broad regard for the specific socio-economic and political nature of the various Regional States. It is clear enough, therefore, that federal government forces have played an important role in conditioning and influencing the decentralization process.

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<sup>562</sup> P. Zimmermann-Steinhart and Y. Bekele, ‘The Implications of Federalism and Decentralization on Socioeconomic Conditions in Ethiopia,’ PER/ PELJ, Vol.15, No.2 (2012), p.96

<sup>563</sup> *Ibid.*

<sup>564</sup> *Ibid.*

<sup>565</sup> *Ibid.*

<sup>566</sup> *Ibid.*

<sup>567</sup> *Ibid.*

From the above, it is also clear that the basic rationale of decentralizing the state power is mixed, from political grounds, economic motives, to administrative objectives.<sup>568</sup> Perhaps, the new decentralization policy era is broadly marked, among others, by ‘de-ethnicisation’ of LG creation and the rise of administrative *woredas*. In other words, the new step marked the swing of the pendulum toward administrative based *woredas*.

In general, the principal factors in the context of decentralization have been pinpointed thus far, indicating their impact on LG. In the next chapter, the analysis turns to issues related to the shift in attitudes and the number of *woredas*, which has been on the rise alongside the implementation of the decentralization policy. Accordingly, the next chapter sheds light on one particular aspect of decentralization in Ethiopia, the creation of new *woredas*.

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<sup>568</sup> For a lengthy review, see the work of Zemelak Ayele, *Supra* note 111

## Chapter-6: The Practice of LG Creation and Demarcation in Ethiopia

One fundamental decision in federal matters, the creation of LG, as indicated in chapter four, has been reserved for the Regional States. This chapter attempts to provide a general overview of LG creation and boundary demarcation exercises in post-1991 Ethiopia. It tries to highlight trends, motivations, dynamics and dilemmas of LG creation and boundary demarcation exercises.

### 6.1 The Legal and Institutional Framework for LG in Ethiopia

As noted already, the organization and functioning of LGs in Ethiopia is founded on the 1995 Constitution as well as Regional State Constitutions and laws concerning the structure, functions and as well as provisions about revenue sources. There is no single legislative enactment in relation to LG. The 1995 Constitution lays down some essential principles of LG. Art 54 of the FDRE Constitution contains provisions specifically related to LG, and requires the Regional State to be divided by law into administrative subdivisions. In broad terms, the FDRE Constitution, Art 54, reads:

State government shall be established at State and other administrative levels that they find necessary. Adequate power shall be granted to the lowest units of government to enable the People to participate directly in the administration of such units.<sup>569</sup>

This provision does not expressly assign the power of LG creation to Regional States, although it does at least refer to an option for the creation of a new layer of governance, at the Regional State level. At the same time, however, the constitution prohibits the Regional States from denying adequate power to LGs. Apart from that statement, stipulation related to LG is mentioned in the Art 39 of the FDRE Constitution. Art 39 does not specifically mention the criteria but only, “the right to full measure of self-determination that includes the right to establish institutions of government”.<sup>570</sup> This clause could, at least formally, be conceived as an arrangement for the internal exercise of the right of self-determination.

Who are the bearers of the right to self-determination? From the FDRE Constitution, it is clear that nations, nationalities and peoples are the beneficiaries of self-determination. Art 39(5) of the FDRE Constitution defines a nation, nationality or people as “a group of people who have or share large measure of a common culture or similar customs, mutual

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<sup>569</sup> FDRE Constitution(1995), Art 54(2)

<sup>570</sup> FDRE Constitution(1995), Art 39

intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, pre-dominantly contiguous territory”.

Art 39(5) does not differentiate between nations, nationalities and peoples.<sup>571</sup> Thus, the right has not been given to nine member Regional States of the federation, but instead to the nations, nationalities and peoples in the federation- “which are not well and separately defined”.<sup>572</sup> It is quite apparent from the reading of Art 39(5) that the criteria are neither precise nor detailed.

The House of Federation (HoF), the federal second chamber, is empowered to deal with questions of self-determination including the right to secession.<sup>573</sup> As stated in the Procl No.251/2001, the capacity to submit such questions to the house is as part of the constitutional rights of the nationality group concerned. The law states that:

The House shall have the power to decide on issues relating to the rights of nations, nationalities, and peoples to self-determination. Any Nation Nationality, or People who believe that its identities are denied, its right of self-determination is infringed, promotion of its culture, language and history are not respected, in general its rights enshrined in the constitution are not respected or, violated for any reason, may present its application to the house through the proper channel.<sup>574</sup>

Admittedly, these grounds, although so specified, are not restrictive as such. The first reason for uncertainty could be concerning the procedure verifying that whether grievances that may be submitted to the house genuinely reflect the actual situation of the people concerned. Closely related is the concern that the federal second chamber-the HoF could never be trusted to organize, and monitor the referendum neutrally and free from any prejudice. In addition, the HoF, an organ with the duty of handling issues regarding nations, nationalities and people of Ethiopia, has also a function of promoting equality and unity among peoples.

However, apart from the above general provisions, the FDRE Constitution does not contain any sturdy safeguards for LG. From the FDRE Constitution, one can easily notice two fundamental provisions: first, the recognition of the existence of LGs and second, the submission of LGs to the respect of the Regional States. Accordingly, the sphere of the LGs is left to the mercy of the Regional States, though the last item of Art 54 calls on autonomy to satisfy the needs of the inhabitants. As already indicated above, not much else is clear about

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<sup>571</sup> No distinction is drawn between the three categories in the FDRE Constitution and no official definition has been given to explain the differences between them.

<sup>572</sup> See J. Abbink, ‘Ethnicity and Constitutionalism in Ethiopia,’ *J. of African Law*, 41, (1997), p.167

<sup>573</sup> FDRE Constitution (1995), Art 62(3)

<sup>574</sup> See Procl No.251/2001, Art 19(1)

LG creation. As shown above, there is no legal obligation to create LGs. Therefore, their creation is not constitutionally guaranteed. For zones and for *woredas*, the power to make a scheme of division rests formally with Regional State Council. For *kebeles*, the power (generally) rests with the *woreda* of which the *kebele* is a part.

It can be stressed that there is no single provision of the law that expressly provides for criteria and procedures of LG creation. Therefore, it can be said that the FDRE Constitution has no express constitutional recognition of LGs, nor does it contain any specific procedures that govern LG creation. The federal constitution provides neither standard nor limitation based on which to determine the creation of LGs. It has been shown that the FDRE Constitution left the creation of LGs within the powers of each Regional State. An argument can, therefore, be made that one essential decision in local matters, the creation of LG, has been reserved for the nine Regional States and the two City Administrations. But this provision does not go far enough. In addition, there is nothing in the constitution to suggest how many LGs there should be, or how they should be constituted. Furthermore, as will be explained below, the section of the constitution dealing with creation of LG does not entail a requirement for demographic threshold or broader principles/ norms for the creation of LGs.

## **6.2 The Basis of *Woreda* Creation: A Brief Look at Regional State legislations**

A crucial issue at stake here, which we may explore further in the case studies, is that so far, many of the Regional States have neither developed nor implemented any comprehensive legislations regarding LG. However, there are already a number of pointers in this direction. It is encouraging that some Regional States are slowly moving in convenient direction by adopting a number of legislations in the field. The Tigray (TRS) and Benishangul Gumuz (BGRS) Regional States, for instance, have made some progress in providing a legal framework for creation of *woredas*. According to Art 59(3) of BGRS Constitution, the Executive Council is empowered to decide on petitions submitted to it from *woredas* and *kebeles* with respect to the redefinition of their boundaries.

The Procl of each Regional State (TRS and BGRS) empowers the respective Regional State Executive Councils to create new *woredas*, and/or to divide, amalgamate, or eliminate any existing *woreda* within the jurisdiction of the respective Regional State.<sup>575</sup>

The TRS Procl authorizes the Regional State Executive Council to define, through executive regulation, the criteria for the creation of a new *woreda*.<sup>576</sup> The Procl also hints that the

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<sup>575</sup>TRS Procl 99 (2006), Art 6(4); BGRS Procl 86 (2010), Art 10(4)

<sup>576</sup>TRS Procl 99 (2006), Art 6 (1)

criteria should include capacity to deliver services, administrative convenience, and the communities' culture and preference.<sup>577</sup> In the case of BGRS, it is stated that population size, capacity to cover 25 percent of its expenses from own resources, population settlement structure and the history, culture and interest of the community are considered in the creation of LGs.<sup>578</sup> It is important to note that the Procls entail the condition that the Regional State Council, in the exercise of this power, has to take into consideration the studies and a proposal of a Regional State bureau of finance and economic development as well as of administrative and security affairs bureau.<sup>579</sup> Art 58(3) of ARS Constitution grants similar power to the Administrative Council in the Amhara Regional State.

In the same vein, it is worth emphasizing that the city Procls of Oromia and SNNPR set certain preconditions and procedural guidelines for the creation of new cities and municipalities, such as clearly defined boundaries, a minimum population size, commercial and industrial economic activities, financial self-reliance, and other objective criteria that may be stipulated by the Regional State Executive Council.<sup>580</sup> An urban community that wishes to have its locality incorporated as a city may petition to the Regional State, Bureau of Works and Urban Development, with documents that prove the fulfillment of the legal preconditions for incorporation.<sup>581</sup> The Regional State Executive Council has the ultimate say on whether or not to grant the petition.<sup>582</sup> The following section reviews the general trends as well as factors that either affected the creation of or amalgamation LGs. In the next section, an attempt is also made to provide the general overview of the challenges and implications of the practice of LG creation in Ethiopia.

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<sup>577</sup> TRS Procl 99 (2006), Art 6(3)

<sup>578</sup> BGRS Procl 86 (2010), Art 11(1)

<sup>579</sup> TRS Procl 15 (2006), Art 6 (4); BGRS Procl 87 (2010), Art 10 (4)

<sup>580</sup> ORS Procl 65 (2003), Art 4 (1-2); SNNPR Procl 103 (2006), Art 8 (1)

<sup>581</sup> ORS Procl 65 (2003), Art 4 (1-2); SNNPR Procl 103 (2006), Art 8 (1)

<sup>582</sup> ORS Procl 65 (2003), Art 4(4)

## 6.3 The Number of LGs: the National Picture

### 6.3.1 The Dynamics: Consolidation and Fragmentation

Admittedly, under the current federal dispensation, the demand for more Regional States has not been pressed too hard. But the same thing cannot be said of the demand for the creation of additional LGs. Neither this demand nor its possible consequences have gone unnoticed. Concern about the increase in the number of LGs in Ethiopia has grown in recent years. In their study of this recent trend, a number of scholars tended to recall some of the experiences of countries like Uganda and Nigeria. In this sense, Green commented that:

Ethiopia is no different from Uganda, where demands for new local government preoccupy local politics across the country and divert attention away from opposition politics in Kampala.<sup>583</sup>

Somewhat mirroring with precision Green's concern, Assefa, on his accounts of this event, also reminds us that:

A newly emerging multi-ethnic federation may need to remain flexible in order to adjust territorial boundaries to meet new ethno-linguistic demands [...] But too much flexibility may lead to the Nigerian federation's logic of fragmentation.<sup>584</sup>

Ever since the establishment of the Ethiopian federation, LGs seem to be in a condition of almost constant flux. Over the past two decades, the number and boundaries of zones, *woredas* and *kebeles* have been changed noticeably. The experience indicates that some *woredas* have been subdivided into either two or three *woredas*, while other two or three adjacent *woredas* have been combined into a single *woreda*. In a perspective work, Gebrehiwot, for instance, has observed astutely that:

[...] Local governments in Ethiopia are characterized by continuous fragmentation. Over the past two decades, one might observe frequent reorganization and fragmentation process of local governments.<sup>585</sup>

The evidence indicates that, of all units of LG in Ethiopia, few have experienced as much change as *woredas*. We can most clearly understand the nature of these changes in a genealogy across two phases—before and after the DLDP. There was a trend to merge small *woredas* into the larger ones in the mid 1990s, which has resulted in reduction of the number

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<sup>583</sup> Elliott Green, 'Decentralization and Political Opposition in Contemporary Africa: Evidence from Sudan and Ethiopia,' *Democratization*, Vol.18, No.5(2011), p.1096

<sup>584</sup> Assefa Fiseha, 'Theory versus practice in the implementation of Ethiopia's ethnic federalism'. In D. Turton (edi), *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective* (Addis Ababa: Addis Ababa University Press, 2006), p.136

<sup>585</sup> Ghebrehiwot, *Supra* note390, p.9

of *woredas* by almost fifty percent.<sup>586</sup> During the early Transitional Period, as indicated in the previous chapter, there were 676 *woredas*. It was noted that during the mid 1990s, the number of *woredas* seems to have stabilized at around 550. Most Regional States, therefore, had fewer *woredas* in the mid 1990s than at the beginning.

There were a number of reasons for this collapse. It is officially claimed that administrative efficiency, among others, was a major consideration in the decision to pursue the merger. According to Ghebrehiwot, for instance, the amalgamation of the *woredas* was widely considered necessary “to make use of the available scarce public resources by minimizing administrative costs”.<sup>587</sup> Thus, according to Ghebrehiwot, the amalgamation was expected both to maximize local efficiency and increase the administrative capacity of local authorities. From this, it can be said that other factors were far less important. Accordingly, the issue of local populations and the size requirements for services provision (thresholds and scale economies) were minor considerations in the merger process.

Official rhetoric and justifications aside, it can't be denied that the dominant reason was the forceful agenda of the federal government. From this point of view, even though the merger rationale is often formulated as administrative expediency, it is primarily a political project initiated by federal centre.

The assessment indicates there has been no law that regulates the conditions and procedures for mergers. Partly, the implication of this is that the merger has often resulted in a rather arbitrary incorporation of a number of quite distinct peoples in a single LG. The practice confirms that in multiethnic areas, where LG boundaries in many cases reflected deep-rooted notions of identity, the merger of previously independent *woredas* into larger ones was particularly contentious. As will be discussed in the next chapter, such cases arose in the SNNPR, where local people reacted to attempts to relocate LG boundaries. It has been claimed that a number of referendum schemes have been pursued at the local level, although this has not been formalized in legislation at the Federal or Regional State level.

The evidence indicates that despite the enormous potential impact of mergers on local communities, residents had not in many cases taken an active stance in voicing their opinions to mergers and setting out prerequisites for mergers. According one commentator, for instance, “two entire or partial neighboring *woredas* were merged to form a ‘bigger’ *woreda* without consulting respective residents to which *woreda* they would like to join”.<sup>588</sup>

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<sup>586</sup> *Ibid.*

<sup>587</sup> *Ibid.*

<sup>588</sup> *Ibid.*

Therefore, it may be argued that the merger was not undertaken voluntarily. Rather, it was initiated and implemented without consultation with local people. As a result, it can be argued that instead of being the product of consultation between various identity claims, the official discourse sought to impose merger from above.

Meanwhile, the late 1990s saw a surge in claims for separate LG in the Regional States and many embarked upon creation of new *woredas*. While some experience amalgamation, but the most common phenomenon has been the creation of new *woredas*. There is a good deal of evidence that shows that since the adoption of decentralization reforms at the early twenty first century, Ethiopia has seen a significant increase in the number of *woredas*. Garcia and Rajkumar substantiate this argument by the assertion that:

[T]hese numbers [the number *woredas*] are constantly changing; the number of *woredas* has been steadily increasing over the last few years because of frequent splitting of existing *woredas* to create new ones.<sup>589</sup>

As has been hinted above, the period from 1990s saw some alteration on the LG institutions. It has already been indicated that as the reform process unfolded in the late 1990s, government policy papers proposed changes to the structure of LG as part of the Regional State devolution agenda. This study reveals that since the inception of the federal system in 1990s, the figures LG has experienced a conspicuous sequence of ruptures and shifts. It has been in a constant state of flux for the past 20 years. Indeed, such moves have been so commonplace, particularly during the end of 1990s and early 2000s, that alteration can be described as a dominant thread which runs through Ethiopian LG history. As will be discussed below, most obvious are the changes at the *woreda* level. The same tendency is seen in a slightly different form in the other types of LGs.

In brief, two major distinct phases are discernible. It should be noted in the first place that structural reform in the mid-1990s saw a substantial decline in the number of *woredas*. The evidence indicates that most of the reductions in the number of LGs took place in the form of a larger *woreda* taking over one or more smaller *woredas*. The official account confirms that the reform was expected, among others, to diminish administrative expenditures and improve infrastructure. The practice also substantiates the claim that the reform was initiated by the federal government and has been justified on the grounds of economic efficiency. As will be discussed below, the application of DLDP has produced a new trend in the LG structure of Ethiopia: growth in the number of *woredas*.

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<sup>589</sup>Marito Garcia and Andrew Sunil Rajkumar, 'Achieving Better Service Delivery Through Decentralization in Ethiopia,' *World Bank working Paper*, No.131 (2008), p.14

### 6.3.2 Changes Following DLDP

The previous chapter has indicated two particular aspects of the decentralization process –the introduction of *woreda*-level block grants and split of *woredas*. It is indicated in the previous chapter that the period since 2002 has been a time of conspicuous change in the number of LGs. From mid 1990s to early 2000, a small number of *woredas* were partitioned into two or more units. Since the early 2000s, however, Ethiopia has witnessed a major transition in its LG politics. The DLDP marked a new beginning for *woredas* in Ethiopia. At the commencement of DLDP, there were only about 550 *woredas* in the entire country (see Table 6.1 below). In 2013, *woredas* rose in number to a total of 801 nationwide, an increase of more than 31 percent, since 2002. It needs to be emphasized at this juncture that the number of zones, *woredas*, and *kebeles* varies according to estimates over time, and to periodic changes in their number. Cognizant of the fact that data for each year has not readily available, a comparison could be made over different time periods. These time periods might be: some years before DLDP, and some years after.

**Table 6-1: The number of LGs before DLDP, 1998**

<b>Regional State</b>	<b>Population (1996/97)</b>	<b>Area in thousands Km<sup>2</sup></b>	<b>No. of zones</b>	<b>No. of <i>woredas</i></b>
Tigray	3,358,358	60.2	4	35
Afar	1,131,437	77.0	5	28
Amhara	14,769,360	188.8	10	102
Oromia	20,012,952	360.0	12	176
Somali	1,978,600	215.9	9	47
Benishangul Gumuz	492,689	46.8	2	13
SNNPR	11,064,818	112.0	9	71
Gambella	194,755	26.1	2	8
Harari	143,587	0.3	3	19
Addis Ababa	2,341,964	0.4	6	28
Diredawa	277,245	1.6	4	23
<b>Total</b>	<b>55,765,765</b>	<b>1089.1</b>	<b>66</b>	<b>550</b>

**Source:** Adopted from L. Aalen, 'Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991-2000,' Unpublished PhD Thesis, Chr. Michelson Institute 2002, p.6

As we see from Table 6.1, the number of LGs varied across Regional States: Oromia had 12 zones and 176 *woredas*, and Gambella had only two zones and eight *woredas*. The number of zones and *woredas* in SNNPR has changed in 2000, when North Omo zone was split into several zones, and in 2001 when the Silte got their own zone, separated from the rest of the Gurage zone. Since DLDP went into effect, more than 250 new *woredas* have been created increasing the total number of *woredas* in Ethiopia by roughly 45 percent, during nearly ten years of reform era. A majority of these are rural *woredas*. In contrast, the number of *liyu woredas* has been nearly constant in the past two decades, rising from six to eight. The *liyu* zones have been relatively held constant in number at five since 2002.

In many Regional States, urban administrations with *woreda* status were created as independent administrative units shortly after the execution of DLDP. Around 2004, in the heyday of decentralization, a slew of towns were separated from their “parent” *woredas* and given the status of urban administrations with separate administrative boundaries and with *woreda* status (Interviewee 3, Sep.23, 2014:6). Accordingly, in the initial stages of decentralization, most urban administrations did not exist as separate administrative entities; they were a part of larger *woredas* that incorporated the urban areas (towns) as well as surrounding rural areas. In many cases, the creation of towns with *woreda* status- and this is typical of most Regional States in Ethiopia- led to the phenomenon of so-called ‘donut *woredas*’, in which the rural *woredas* surrounding larger towns are cut off from the infrastructural and economic core of the area(Interviewee 4, Sep.24, 2014:10). The following Table shows the number of *woredas* after DLDP.

**Table 6-2: The number of urban and rural *woredas* by Regional States after DLDP, 2008**

<b>Regional States</b>	<b>Rural <i>woreda</i></b>	<b>Urban <i>woreda</i></b>	<b>Total</b>
Amhara	128	22	150
Oromia	259	39	298
SNNPR	134	22	156
Tigray	34	12	46
Benishangul	20	1	21
Afar	29	0	29
Somali	52	0	52
Gambela	12	1	13
Hareri	3	1	4
<b>Total</b>	<b>671</b>	<b>98</b>	<b>769</b>

**Source** Adopted from S. Yilmaz and V. Venugopal, “Local Government Discretion and Accountability in Ethiopia,” *Inter. Studies Programme*, working paper 08-38, 2008, p.4

In short, after the reform, almost a decade and a half, there have been many cases where a *woreda* split into two or even three-thus creating one or even two new units with separate administrative boundaries.<sup>590</sup> Each of these new units became a new *woreda*-either a rural *woreda* or an urban administration with *woreda* status.<sup>591</sup> As detailed below in Table 6.3, the number of *woredas* varies considerably among the Regional States, and has only a weak relationship to population size.

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<sup>590</sup> *Ibid.*, p.38

<sup>591</sup> *Ibid.*

**Table 6-3: Population, Area and *Woreda* share by Regional States**

<b>Regional States</b>	<b>Population Share (%)</b>	<b>Area Share (%)</b>	<b><i>Woreda</i> Share (%)</b>
Tigray	6.02	5.53	5.9
Afar	2.03	7.07	3.7
Amhara	26.48	17.34	19.5
Oromia	35.89	33.05	38.7
Somali	3.55	19.82	6.7
Benishangul Gumuz	0.88	4.30	2.7
SNNPR	19.84	10.28	20.2
Gambella	0.35	2.40	1.6
Hareri	0.26	0.03	0.5

**Source:** Author's Compilation (analyzed from Federal Democratic Republic of Ethiopia Central Statistical Authority)

The percentage share of Regional States' population from the national total population shows that Oromia constituted the highest share (35 percent and 36.6 percent) in both censuses periods-1994 and 2007.<sup>592</sup> The Amhara Regional State constituted 25.9 percent and 23.4 percent during same census periods respectively, while SNNPR accounted for 19.4 percent and 20.2 percent of the total population of the country respectively during the three census periods.<sup>593</sup> According to a projected estimate by the Central Statistical Agency (CSA) based on the 2012 Inter-Censal Population Survey (ICPS), the share of Oromia, Amhara and SNNPR was estimated to be 37.2, 22.9 and 20.3 percent in 2012 respectively.<sup>594</sup> On the other hand, the lowest share in those census periods, 1994 and 2007, were observed in Harari (0.2 percent of the total population in both census years).<sup>595</sup> The figure estimated to be 0.3 in 2012, followed by Gambella, with 0.3 and 0.4, during same census periods.<sup>596</sup> Gambella's share was estimated to remain at 0.4 in 2012.<sup>597</sup>

The evidence appears to suggest that while the functions of the zones have changed relatively a number of times, their number and boundary show considerable stability (however, in certain cases they have been modified to a slight extent). In contrast with the zones,

<sup>592</sup> CSA: 1984, 1994 and 2007 Census Reports and Annual Statistical Abstract

<sup>593</sup> *Ibid.*

<sup>594</sup> *Ibid.*

<sup>595</sup> *Ibid.*

<sup>596</sup> *Ibid.*

<sup>597</sup> *Ibid.*

*woredas* have changed several times in respect of their number and boundaries. Admittedly, these entities have increased in number and scope of their activities. The findings indicate that just as the number of *liyu* zones was relatively stable, so also, though to a lesser degree, was the number of *liyu woredas*. This demonstrates that simultaneous with this increase in *woredas*, numbers of other forms of LG have either increased, stayed level or decreased due to mergers.

Overall, the findings imply that the number of *woredas* has continuously increased since late 1990s, while mergers and abolition of existing *woredas* are rare. The evidence indicates that the two Regional States under consideration-Oromia and SNNPR - account for more than 50 percent of the total number of *woredas* in Ethiopia. As was mentioned earlier, it is not difficult to see the period since the late 1990s as one in which both Regional States have seen growth of the number of LGs more than in the past. Therefore, the assessment reveals that Oromia and SNNPR have both experienced an increase in the number of *woredas*, particularly in the period following the implementation of DLDP. In SNNPR, however, this was in the context of a relatively slow pace. These two Regional States, as indicated above, have well over half of all of the *woredas* created in the country.

Likewise, according to the 2007 statistical data, Oromia and SNNPR had around 36 and 20 percentage share of the national population respectively, almost half of the population of Ethiopia as a whole. The data, in fact, indicates that SNNPR had a much smaller number of *woredas* than Oromia. The figure, however, is very different in relation to *liyu woredas*. Most of the *liyu woredas* and *liyu* zones in the country are created in the SNNPR. The figure reveals that in SNNPR, there has been a marginal increase in the number of *woredas*, a slight drop in *liyu woredas*, and a small increase in *liyu* zones. In SNNPR, the recent period witnessed a fall in the number of *liyu woredas*, and one could also observe at the same time increasing *woredas* and increasing *kebeles* in relative terms as well. In Oromia, the number of *woredas* has changed quite significantly.

The contention here is that, despite this nearly continual increase in the number of *woredas*, the trend has been toward a decreasing number of *woredas* per capita. The overall trend suggests that SNNPR and Oromia, contrary to conventional wisdom, have usually contained growth more through the expansion of existing *woredas* than the creation of new ones.

The other observation to make from the findings of this study is that aside from splits at the *woreda* level, a number of new zones and *kebeles* have also been formed. Somewhat by contrast, the number of zones hardly changed at all in the post-DLDP period. The evidence shows that in the post DLDP period, very few new zones had appeared. Hence, it can be

stressed that the number of zones has remained relatively stable, whereas the number of *woredas* and *kebeles* has not. It is clear, as hinted above, that *kebeles* are by far the most numerous types of LG in Ethiopia and continue to grow swiftly. A massive increase of *kebeles* took place, following the increase in the number of *woredas*.

Overall, this study indicates that over the last two decades, there has been a slow but persistent increasing tendency in the number of *woredas*. The finding shows that there has been no swift ascending trajectory in the trend toward greater number of *woredas*. However, it needs to be pointed out that although there has been some variation over time, the number of *woredas* has steadily climbed since the beginning of the implementation of DLDP. The evidence indicates also that that the growth rate is not uniform but varies across the Regional States.

In addition, with the adoption of the new decentralization policy, the status of towns underwent significant changes. In the course of the new decentralization reform, some of the towns, being equal in rank to the *woredas*, maintained their municipal character and became *woredas*. It has been maintained that the towns have been raised to the status of *woreda* because of their high population and economic growth (Interviewee 3, Sep.23, 2014:6; Interviewee 4, Sep.24, 2014:10).

It can be perceived that at the zone level, there would appear to be little justification at present for any drastic changes. Part of the reason for the relative stability zone is that zones are less visible, less public, than *woredas*. Similarly, given past trends and the continuing emphasis on *woredas*, we can reasonably expect that the *liyu* zone and *liyu woredas* might possibly remain much as it is.

Therefore, it is obvious from the above discussion that the country has experienced an increase in the number of LGs over the past two decades. As was already noted above, the evidence shows relative growth in the number of *woredas*. The implication of this is largely that virtually every Regional State is at one stage or the other in the exercise. Hence, it can broadly be argued that empowered legislative institutions have been involved in proposals for and approval of new LGs. The data presented above allows us to see that the number of new LGs varies across Regional States. In other words, since each Regional State has developed its own system of LG, one should expect to find some dissimilarity with regard to the frequency of change to the number of LGs.

The figures cited above constitute incontestable evidence that, of all the levels of the Regional State, the *woreda* one is the most often subjected to change. In other words, the most vivid change in the number of LGs occurred at the *woreda* level. The number of

*woredas* grew far overshadowing the growth of other forms of LG, particularly zones, *liyu* zones, and *liyu woredas*. It is important to note, however, that although there has been a relative growth in the number of *woredas*, *kebeles* remained to be a relatively numerous type of LG.

Likewise, the foregoing assessment indicates that, in the last twenty years, the number of *woredas* has continued to increase, while the number of Regional States today stands at nine. Today, the number of *woredas* totaled about 800 in Ethiopia, an average of 88 per Regional State. In spite of the limitations of data, some generalized picture of variations in the number of *woredas* may be provided. Table 6.4 below shows the distribution of LGs across Regional States in the federation.

### **6.3.3 Population Size and the Number of *Woredas***

As indicated above, the FDRE Constitution does not lay down the manner in which new LGs are created. One might also take the view that the criteria for creating *woreda* are uncertain as many of the Regional State constitutions too are silent on the issue. As was noted in the previous section, the provisions of the FDRE Constitution dealing with creation of LGs do not entail a requirement for demographic threshold. Regional State legislations stipulate no specific demographic criteria for creation of *woredas*.

Interview responses are far more consistent as political officials tend to construe correlation between demographic size and *woreda* creation (Interviewee 3, Sep.23, 2014:6; Interviewee 6, Oct.3, 2014:20; Interviewee 34, Feb. 5, 2015: 90). From the interview, it can be argued that demographic change is the prized instrument to “officialize” *woreda* creation. Therefore, the relationship between demographic size and the number of *woredas* requires consideration.

It is generally submitted that the practice of *woreda* creation followed the criteria given in the Ethiopia Interim Poverty Reduction Strategy Paper (PRSP) and Sustainable Development and Poverty Reduction Strategy Programme (SDPRP), which invariably mention that “the district forms the unit base for representation in the federal and regional assemblies, with a population of 100,000” (EPRSP, 2000: 13; SDPRP, 2002: 40).

Hence, Ethiopia’s current LG structure is designed to include *woredas* of approximately equal population. Accordingly, it could be argued that the variable determining the original number of *woredas* was population. In practice, however, it is implemented with considerable flexibility and tended to operate at best in an *ad hoc* fashion, and at worst existed only on paper. The analysis supports the assumption that *woredas* are not created principally on the basis of population (though there is demographic minimum that has to be

satisfied). In other words, creation of *woredas*, in many cases, does not reflect the size of population. To throw some further light on this argument, Table 6.4 examines the distribution of LGs across Regional States per 100,000 populations using 2012 census data (Population data here are only a projected estimate based on the 2007 census).

**Table 6-4: The number of *woredas* by Regional States, 2013**

Regional States	Population size(2012)*	Land area (Sq. Km)	No. of <i>woredas</i> (A)	No. of <i>woredas</i>	Deviation from the national rule(100,000) (A-B)
Tigray	4, 929, 999	41, 409.95	53	49	+4
Afar	709,997	72, 052.78	30	7	+23
Amhara	18,866,002	154,708.96	171	188	-17
Oromia	31,294,992	284,537.84	304	312	-8
Somali	5,148,989	215, 900	54	51	+3
Benishangul	982,004	50,698.68	20	9	+11
SNNPR	17,359,008	105,887.18	156	173	-17
Gambela	385,997	29,782.82	8	4	+4
Harar***	104,000	3, 33.94	NA	NA	NA
Dire dawa ***	387,000	1, 558.61	NA	NA	NA
Addis Ababa**	3,041,002	526.99	116	30	+86
<b>Total</b>	<b>84,320,987</b>	<b>957,397.75</b>	<b>796</b>	<b>793</b>	<b>NA</b>

**Source:** Author's Compilation, analyzed from Federal Democratic Republic of Ethiopia Central Statistical Authority, Ethiopia Statistical Abstract 2012 (Addis Ababa: Central Statistical Authority, 2012), p. 24

\* The population size is projected figure on the results of the May 2007 National Population and Housing Census of Ethiopia, FDRE Population Census Commission, 2012

\*\*The Addis Ababa City Government has reorganized the previously existing 99 *kebele* administrations into 116 *woredas* as of June 2010.

\*\*\*Harari and Diredawa are respectively divided into 9 *kebeles* (6 urban and 3 rural) and 47 *kebeles* (9 urban and 38 rural).

\*\*\*As of 2015, Diredawa is divided into 4 'clusters': Mehal (9 *kebeles*); Jaldessa (8 *kebeles*); Biyo Awale (12 *kebeles*); and Aseliso (9 *kebeles*)

**N.B:** Addis Ababa, Dire Dawa and Harari are excluded from the observations.

As is clear in Table 6.4 above, there is an uneven distribution of territory, population and *woredas* among the nine Regional States. Table 6.4 reveals that, of all Regional States, Oromia is by far the largest in terms of territory, population and *woredas*. Harari occupies the smallest territory and population. The differences between the largest and the smallest population (31,294,992 in Oromia and 104,000 in Harari), or the differences between the largest and the smallest territories (284,537.84 sq. km in Oromia versus 333.sq. km in Harar), are striking, and are indicative of the tremendous variation across the Regional States in terms of size.

Hence, it should be stressed that the criteria have not been strictly adhered to since, in some of the Regional States, *woredas* have been created in territorial areas with significantly smaller or larger population sizes. Two examples will be sufficient to illustrate this point. In Oromia, for instance, *woredas* vary in population from Dedo, with 290,450 inhabitants, in Jimma zone to Sendefa, the smallest, with 10,750, in North Shewa zone.<sup>598</sup> Similarly, in SNNPR, *woredas* vary in population from Borecha, with 236, 341 in habitants, in Sidama zone to Bero, the smallest, with 12,239 in Benchi Maji zone.<sup>599</sup> These examples show that population size, which were said to have guided the creation of LGs are not applied consistently in all cases.

The 2012 projected demographic data has been used to argue whether there are more or less LGs in each Regional State based on their population size. Column five shows the number of *woredas* each state should have according to the demographic criteria (a minimum of 100, 000 inhabitants in each *woreda*). The figures in this column are obtained by dividing the population of each state by 100,000. In the last column of Table 6.4 are the standard deviations from the national quotas of *woredas* they are entitled to, based on the national average of 100,000 population. The figures in the column are preceded by plus and minus signs to indicate the number of *woredas*, which they possess above and below their national quota. The figures in the column five are subtracted from those in column three to obtain those in column six.

It can be observed from the above Table 6.4 that none of the Regional States possess normal national quota as there is no '0' figure in the column. Five Regional States possess 3 to 23 *woredas* above their national quota while three Regional States possess 8 to 17 below their national quota. Looking at the absolute differences (fourth column), the disparity seems to be

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<sup>598</sup> See Summary and Statistical Report of the 2007 Population and Housing Census Results, FDRE Population Census Commission, 2008

<sup>599</sup> *Ibid.*

huge. Afar exceeds its national quota of 7 by 23 and has 30 *woredas*, while SNNPR is short of its quota of 173 by 17 and has only 156.

According to the 2007 Population Census, the average population size of a *woreda* is about 173,000<sup>600</sup>. However, the same census reveals that the average population size of *woredas* in Gambella is less than 24, 000, which is the lowest average among all states<sup>601</sup>. Based on 2007 population census, the average population size of *woredas* in Oromia is a little more than 150,000, which is below the national average.<sup>602</sup> Similarly, the average population size of *woredas* in the SNNPR is about 124,000, still far below the national average.<sup>603</sup>

The average population of *woredas* is now about 100, 0000. Despite the addition of 250 new *woredas* over the last two decades, Ethiopia's population per *woreda* has increased slightly from about 90,900 in 1991 to 100,000 in 2012. Similarly, it can be observed that physical size has not been taken into consideration. Tigray has 53 *woredas* while Somali, which is almost five times the size of Tigray, has only 54. In addition, Amhara, almost two-third of the size of Somali, has about 170 *woredas*.

The evidence shows that differences in number, and percentage increase, of *woredas* across Regional States is not simply a function of population, as is demonstrated by the large number of *woredas* in relatively low population Regional States, such as Afar, Benishangul, and Addis Ababa, and the relatively low number of *woredas* in heavily populated Regional States, such as Amhara and SNNPR. Hence, this finding does not reinforce the notion that *woredas* are more apt to spring up in growing Regional States, with the probability of *woredas* creation increasing as Regional State population increases.

Taken together, these data do not prove that new LGs are more likely to emerge in Regional States with expanding population. In other words, the trend doesn't provide strong support to the generally held view of a direct relationship between increased population and *woreda* creation. The analysis indicates that, beyond population threshold, the PRSP provides no other criteria to define *woredas*. The analysis also indicates that Regional State legislations regarding formation of new *woredas* stipulate no specific demographic criteria. In addition,

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<sup>600</sup> In Ethiopia, 2007 Population and Housing Census, *woredas* vary in population from Dima, with 7000 inhabitants, in Gambella, to Awubere, with 339,000 in Somali Regional state(2007 Population and Housing Census Results, FDRE Population Census Commission, 2008)

<sup>601</sup> In Gambella, according to 2007 Population and Housing Census, *woredas* vary in population from Dima, with 7000 inhabitants, to Godere, with 38,763 inhabitants. The average population size of *woredas* in Gambella is 23,379 (2007 Population and Housing Census Results, FDRE Population Census Commission, 2008)

<sup>602</sup> In Oromia, 2007 Population and Housing Census, *woredas* vary in population from Dedo, with 290,450 inhabitants, in Jimma zone, to Sendefa, the smallest, with 10,750, in North Shewa zone (2007 Population and Housing Census Results, FDRE Population Census Commission, 2008)

<sup>603</sup> In SNNPR, population from Borecha, with 236,341 inhabitants in Sidama Zone to Bero, the smallest, with 12,239 in Benchi Maji Zone (2007 Population and Housing Census Results, FDRE Population Census Commission, 2008)

although *woredas* are officially acknowledged to be re-examined on the basis of population growth and economic viability, no such revision has taken place yet.

The other observation to make from the findings of this study is that due to a substantial increase in the scale of LG, *woredas* are relatively large. In the beginning of the 20th century there were 550 *woredas* comprising an overall population of just 50 million people. A slow paced but steady process of creation resulted in a lift to 800 *woredas* in 2012, while the overall population has risen to nearly 85 million people.

Indeed, the number of *woredas* has increased since then and so has the population. Yet, the extent of the increase is not consistently related to population. Ethiopia's very high population growth rate means that its population-*woreda* ratio is still higher today than it was in the late 1990s. Yet, there is little evidence from the practice that there is any relationship between population and the number of *woredas*. In other words, there is a significant gap in the average number of *woredas* as a ratio of the population.

Therefore, it is clear that *woredas* have increased not only in number but also in population. However, although a significant demographic shift has occurred over the years, the study does not prove that there is an apparent relationship between population growth and the number of *woredas*. This study inferred that the preferred method for dealing with demographic increase has simply been permitting the existing *kebele* population to expand. Contrary to what one could be tempted to assume, increasing population resulted in densely populated *woredas*, which meant larger *woredas* rather than more of them.

Taken together, these findings do not suggest that new *woredas* are more likely to emerge in Regional States with expanding population. It follows, therefore, that the issue of "numerical significance" could not be the sole criterion involved in the creation of *woredas*. Indeed, the study indicates that there has been no strict reference to the underlying principle in the official account. Consequently, it is certainly possible to argue that while important, the change in demographics is not sufficient to explain the differences. One cannot, therefore, assume that *woreda* creation depends on the size of population.

The evidence indicates the appliance of population threshold has number practical problems. Many *woredas* don't meet the prescribed population criteria. The findings prove that some *woredas* are large, sometimes even spatially dispersed and thus difficult to manage. This does not mean that in some instances, the system has not defined an area and population which is not too large to handle nor too small to be ineffective. The tendency, therefore, is for *woreda* to grow well beyond the population of 100,000, a tendency further intensified in areas experiencing rapid demographic growth. There could be *woredas* with population fewer than

the statutory 100,000, but usually there are significantly many with more population than the stipulated figure. Eventually, most *woredas* came to be thought of as territorial rather than demographic. The findings, then, support the contention that *woredas* in official discourse thus became mere units of territorial account bearing little relation to actual population.

In brief, in a number of official reports and documents, concern is expressed about population size. As hinted above, the Interim Poverty Reduction Strategy Paper requires that *woredas* are reviewed on a periodic basis so that *woredas* would be of approximately the same population size. It can be observed, however, that there has been little consistency in LG creation and the government has not always followed required procedures to the letter.

In short, it can be asserted that, as long as *woreda* population is not redefined periodically, there is no way to preserve its originally demographic character. Ironically, however, the findings of this study demonstrate that *woreda* boundaries were seldom altered, for that would have introduced a measure of unwanted instability into the spatial structures of local society.

In addition, the findings suggest that another issue is administrative efficiency: it was simpler for a government to repeatedly use the same boundaries rather than redraw them on the basis of population. It is evident, therefore, that new provisions are necessary to deal with recent developments. This study suggests that the demographic provision need to be updated to suit present situations. From the above, it is clear that the number of LG is not stable because it is an object to change from time to time. It is indicated that the most significant recent trend of change in the figure of LG is the creation of new *woredas* (via the splitting of existing *woredas*). It is furthermore evident that the growth has not been uniform across the Regional States.

To put it more precisely, of all forms of LG, the number of *woredas* increased the most, while zones have been relatively the most stable feature of Ethiopia's LG. It is also important to note that aside from splits at the *woreda* level, a number of new *kebeles* have also been formed in different Regional States. The following Table shows the percentage changes in the number of *woredas* in Ethiopia across different periods.

**Table 6-5: The number of *woredas*, 1991-2013**

<b>Year</b>	<b>No. of <i>woredas</i></b>	<b>Percentage change</b>
1991	676	
1998	550	-22.9
2002	552	0.3
2004	612	10.8
2008	769	25.6
2010	774	0.65
2013	801	3.4

**Source:** Author's Compilation (analyzed from Regional State Block Grants, MoFED)

The above Table shows that the number of *woredas* has changed quite significantly. As has been repeatedly indicated above, in the few years that followed the DLDP, there has been an increase in the number of LGs. The most striking split is, of course, that of the *woredas*. In fact, this period witnessed a fall in the number of *liyu woredas* and a slight growth in *liyu* zones, so one could observe at the same time increasing number of *woredas* and *kebeles*. The pre-DLDP period, instead, was characterized by a much slower growth. Very few new *woredas* were created from 1991 until the DLDP, and some *woredas* were absorbed by other *woredas*. Whereas there were 600 *woredas* in 1991, this number declined to 550 in 1998.

The aftermath of the DLDP, vastly redesigned LG boundaries, and created several new *woredas*. Table 6.5 identifies this by the peak occurring in 2008. Hence, LG boundaries hardly changed at all in the pre-DLDP period, until the late 1990s, with the unfolding of the DLDP.

As the above Table 6.5 shows, in the pre-DLDP period very few new *woredas* were created. In the years that followed the DLDP, the number of *woredas* rose vividly. There were 612 *woredas* in 2004, 769 in 2008, and 801 in 2012. There was a sharp drop in the number of *woredas* between 1996 and 1998, due to unification. This suggests that too many *woredas* existed in the early 1990s relative to the mid 1990's.

A conclusion from this outline of the Ethiopian administrative history is that the number of LG was constantly changing in history. It is understood that the division of Regional States has been maintained in most cases. In contrast, however, LGs have undergone greater alterations. One may consider that this process has in fact been going on even after 1990s, but has taken on new momentum in the last decade, especially at the *woreda* level. The trend described above tends to show that the creation of *woredas* took place from time to time at a

slow pace, and within each Regional State. In practice, the division and creation of LGs has received far more attention than the dissolution or merging of LGs.

#### 6.3.4 Ethnic Diversity and the Nature of LGs

As stressed previously, there is compelling evidence that population size is not the sole consideration in LG creation. It should be noted that the consideration is also affected by cultural or linguistic distinctiveness, distinct styles of life and territorial concentration. Indeed, the emergence of *liyu woredas* and *liyu zones* has been one of the underlying features of LG restructuring over the last 20 years. These units are created in five of the nine Regional States in the federation. Of the five Regional States, SNNPR has the largest number of *liyu zones* and *liyu woredas* (14 *liyu zones* and five *liyu woredas*). Afar has one *liyu woreda*, Amhara has three *liyu zones* and one *liyu woreda*<sup>604</sup>, Gambella has three *liyu zones* and one *liyu woreda* and Benishangul has two *liyu woredas*.

The Regional State Constitutions contain two sets of principles that send mixed messages regarding the constitutional position of these ethnic-based LGs. The Afar, Amhara, and Gambella Regional State Constitutions distinctively indicate the ethnic groups for which a *liyu zone* or a *liyu woreda* is recognized (ARS Constitution (2001), Art 73 (1); AffRS Constitution (2001); GRS Constitution (2001), Art 77 (1)). However, the Regional State Constitutions of SNNPR and Benishangul-Gumuz provide only for the creation of a *liyu zone* and a *liyu woreda* without specifying the ethnic groups for whom it is to be created (SNNPR Constitution (2001), Art 80 (1); BGRS Constitution (2001), Art 74(1)).

While this study does not firmly establish that LGs are determined by ethnically defined distinctions, it does however suggest that the more diverse the Regional State is, the greater the probability that *liyu woredas* or *liyu zones* are created, confirming a widely held belief about the impact of ethnicity. There is evidence, of course, of an ongoing process of separation along ethnic lines and this has been observed in some Regional States and is most evident in the SNNPR.

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<sup>604</sup> The question Kimant people for separate administration has also been recognized; increasing the number of nationality based LGs in the Region to five (Interviewee 5, Sep.30, 2014:19).

#### **6.4 Assessing the Nature of Boundary Demarcation in Post-1991 Ethiopia: Some First Impressions**

As indicated in the previous chapter, the state structure has been changed since the overthrow of the *Derg*, with the modification of LG boundaries. This section provides an assessment of the practice of LG boundary demarcation in post-1991 Ethiopia. It was indicated in the previous chapter that demarcation of LG boundaries has been an important component of a noticeable process of decentralization in Ethiopia. As described in chapter four, in the early 1990s, when the new Transitional Government was officially established, the task of defining and identifying nations, nationalities and peoples began in earnest. The process required the combined efforts of teams of specialists first to define nations, nationalities and peoples and then to determine which groups would fit where (Interviewee 5, Sep.30, 2014:19).

Accordingly, the task involved deciding which would be included in the catalogue, and which would be merged with similar groups, and not regarded as a separate identity, thereby, no separate LG. It was evident that the practice of demarcation had relied on a multi-faceted set of characteristics to distinguish nations, nationalities and peoples, and they had included such variables as, language, culture, and territory in their classification. In fact, it can be suggested that the relevance of these traits was not similar and varied from Regional State to Regional State. The evidence suggests that the Boundary Commission largely relied on ethnographic maps and language, in particular, to demarcate LG boundaries in multiethnic Regional States (Interviewee 38, Feb. 9, 2015: 102). It can be observed, for instance in SNNPR, that language was the key identifying characteristic, whereas, in some cases, where linguistic lines are not always clearly drawn, the process had placed more importance on physical characteristics (Interviewee 38, Feb. 9, 2015: 102). It looks as though the whole process has had regard, not to factors of governance and administration as well as economic viability, but to cultural and linguistic factors. By 1992, a total of 63 different official nationalities were recorded. It is important to note, however, that the federal government has referred lately to more than 80 different ethno-linguistic groups.

The evidence reveals that intense distrust was one of the main challenges confronted in the process of demarcation as independence of the team was continually questioned. According to some sources, the perception that the study team was associated with politicians or government officials in general, a sizeable portion of the population engaged in the process expressed distrust in the work the study team was conducting (Interviewee 1, Sep.22, 2014:3; Interviewee 5, Sep.30, 2014:19). Hence, without assurances about the purposes of the

engagement in demarcation, citizens who seemed distrustful never fully believed or trusted that the team was being fully open and transparent.

Moreover, it has been noted that the fieldwork undertaken by the boundary commission did not involve significant engagement in local areas. In this regard, it has been argued, for instance, that the commission, in some cases, did not define the boundary with sensitivity to the local conditions taking into account the situation of the physical and social conditions on the ground (Interviewee 37, Feb. 9, 2015: 98).

Consequently, it seems likely that EPRDF leaders made a conscious decision not to meddle extensively with the boundaries inherited from the *Derg*, despite their shortcomings. Accordingly, it can be assumed that the post-1991 government largely accepted the geographical shapes and ethnic composition of LGs rather than any radical redefinition of LG boundaries. It can also be suggested that the boundaries of the LGs, which followed those of the *Derg*, had no particular economic or societal inference, although it was claimed that they did take some account of ethnic and geographical features. According to one informant:

The demarcations had made little or no effort to take into account, for instance, the people's main subsistence activity (be it cultivation or herding or nomadic) and the geographical conformation of the ground, either. Therefore, it can be assumed that the LG boundaries, in a number of cases, rarely coincided with the distribution of ethnic, linguistic communities or with the locus of economic, geographic and historical interests (Interviewee 35, Feb.6, 2015: 94).

As has been argued in previous chapter, in the legislative debate about the 1995 Constitution, the territorial structure of LGs was one of the most controversial issues. It was indicated that the final version of the 1995 Constitution showed the ambivalence of a compromise in which the detailed ruling of the territorial structure was left to the Regional States. The analysis suggests that although the FDRE Constitution does at least refer to an option for the creation of a new layer of governance, at the Regional State level, it does not specify what those boundaries would be. The FDRE Constitution provides only for Regional State border changes.<sup>605</sup> It states that "All State border disputes shall be settled by agreement of the concerned States".<sup>606</sup> It further states that "where the concerned States fail to reach agreement, the House of the Federation shall decide such disputes on the basis of settlement patterns and the wishes of the peoples concerned".<sup>607</sup> According to Art 48(2), "The House of Federation shall, within a period of two years, render a final decision on a dispute submitted

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<sup>605</sup> FDRE Constitution (1995), Art 48

<sup>606</sup> FDRE Constitution (1995), Art 48(1)

<sup>607</sup> *Ibid.*

to it pursuant to sub-Art 1 of this Article”.<sup>608</sup> Therefore, what should be clear from existing provisions in the FDRE Constitution is that no procedures governing the demarcation of LG exist. There is also no fixed criterion stipulated for demarcation. It can, therefore, be argued that the constitution does not provide how boundaries between LG units may be changed, how new boundaries may be founded or old units abolished.

As has been hinted in the previous chapter, the post-federal period saw numerous changes of LG boundaries, notably, through creation and merger. The experience indicates that there has been no consistent pattern in the demarcation of LG boundaries. According to Ghebrehiwot, two pragmatic approaches have been applied in the demarcation of LGs.<sup>609</sup> In the heterogeneous Regional States, according to Ghebrehiwot, LGs are mainly created along ethnic lines “regardless their economic viabilities to ensure the right of nations, nationalities and peoples to exercise self- rule”.<sup>610</sup> In the relatively homogeneous Regional States, according to Ghebrehiwot, the creation of LGs have taken into account administration convenience, population size, and settlement pattern, while minority ethnic groups within these Regional States are exceptionally created on ethnic basis at zone or *liyu woreda* level.<sup>611</sup>

Accordingly, two distinct, if not contrasting, principles were followed. As indicated in chapter three, ethnic factors have traditionally been used as one of the criteria in the demarcation of LG boundaries in a number of cases. Indeed, in Ethiopian history, issues of ethnicity have varied in importance at different times. When the victorious EPRDF came to power, it was an order that ethnicity would inevitably play a major role in shaping LG boundaries. Accordingly, the post-1991 government activated ethnicity as the constitutive basis of the federal state. The tendency to draw on ethnicity is evident in the federal constitution perspective. Today, ethnicity becomes entrenched in the constitution, which defines the main political organization of a country. In the process of LG reorganization, cultural and linguistic identity became the ordering principle of the federation. Therefore, the principle of ethnicity was recognized as one of the governing factors in the consideration of territorial arrangements. This new climate produced “self determination” as new catchphrase in the demarcation of LG. In the post-1991, it is often claimed that language, history, and ethnic settlement patterns have been variables in demarcation of LGs. Hence, it could be argued that whether or not the importance of ethnic categories emerges or is just reinforced is

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<sup>608</sup> FDRE Constitution (1995), Art 48(2)

<sup>609</sup> Ghebrehiwot, *Supra* note 390, p.7

<sup>610</sup> *Ibid.*

<sup>611</sup> *Ibid.*

a matter of degree. It could not be argued that the post federal demarcation system created ethnic groups from scratch, even if one can contend that the existence and existence of group boundaries can be shaped by institutions. In Ethiopia, ethnic groups already have a political identity even before the introduction of the federal system. In fact, the very reality of the federation was the result of highly 'ethnicized' political arguments. Hence, the federal system ensured ethnicity as the most relevant element in the boundary demarcation. As a result, in a number of cases, LG configuration involved ethnic categories and demarcated along ethnic identities.

## Chapter-7: LG Creation and Boundary Demarcation in Oromia and Southern Nations, Nationalities and People's Region (SNNPR)

The first and the second sections of this chapter provide a general profile and a brief account of the existing structures of LGs in the two Regional States under consideration. It provides a brief survey of the relevant constitutional and legal provisions for LG in each Regional State. The third section examines the trend of LG creation in the two Regional States. The fourth section attempts to describe factors that drive the creation of LGs in both Regional States. The fifth section provides a comparative assessment of pre and post-DLDP LG creation exercises of the two Regional States. The sixth section tries to provide assessment of the practice of LG boundary demarcation in the two Regional States. The seventh section looks at the nature of *woreda* boundaries. The final section attempts to identify the challenges and implications associated with LG creation and demarcation of boundaries in the two Regional States.

### 7.1 Oromia National Regional State

#### 7.1.1 General Profile

The Oromia National Regional State is located in the central area of Ethiopia and shares a boundary with all the Regional States of the country except Tigray. Based on the 2007 population and housing census, the population of the Regional State is 27,158,471 accounting for over 36.7% of the population in the country.<sup>612</sup> With its total surface area of 353 690 km<sup>2</sup>, Oromia is the largest Regional State of the Ethiopian federation, accounting about 34 % of the total size of the country.<sup>613</sup> Oromia is often considered as a single-ethnic-constituency Regional State in the sense that it is characterized by the existence of a single dominant ethnic group. However, although Oromia is inhabited largely by the Oromo people constituting about 88% of the total population of the Regional State, the remaining 12% are non-Oromo minorities which either belong to ethnic groups which are dominant in other Regional States or which are minorities all over the Regional States.<sup>614</sup> Of course, of the 12 %, Amhara people constitute 7.2% of the total population of the Regional State while the other remaining minority groups constitute less than 1%.<sup>615</sup> *Woredas* in Oromia vary in

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<sup>612</sup> See Summary and Statistical Report of the 2007 Population and Housing Census Results, *Supra* note 558

<sup>613</sup> *Ibid.*

<sup>614</sup> *Ibid.*

<sup>615</sup> *Ibid.*

population from Dedo, with 290,450 inhabitants, in Jimma zone, to Sendefa, the smallest, with 10,750, in North Shewa zone.<sup>616</sup>

### 7.1.2 LG Structure

The Constitution of Oromia Regional State provides for the formation and existence of three tiers of LG, namely zonal administration, *woreda* administration and *kebele* administration.<sup>617</sup>

At the Regional State level, the Oromia has legislative, executive and judicial institutions. Similarly, the Regional State Constitution ensures that the LG consolidates the tripartite system of government (made up of executive, legislature and judiciary) at each level of LGs. The parliament of the Oromia Regional State, *Caffee* Oromia, is vested with the highest political power in the Regional State.<sup>618</sup> The Constitution mandates the *Caffee* to create other structures when it deems essential.<sup>619</sup> Art 49(3) (b) of the Regional State Constitution empowers the *Caffee* to create other administrative structures on the basis of the number of population, area and socioeconomic activities without prejudicing administrative structures determined by the constitution. Accordingly, the *Caffee* created urban LGs as per Procl No. 65/2003. Therefore, it is clear that rural LGs are created by the constitution while urban LGs are created by Procl.

Art 6(1) of Procl No. 65/2003 stipulates the grading of cities:

- The cities in the Region shall be grouped into four grades as follows:
- Grade one (greater than 90,000 residents)
- Grade two (from 45,000 to 89,999 residents)
- Grade three (from 10,000 to 44,999 residents)
- Grade four (from 2,000 to 9,999 residents)

Art 6(4) provides that “where the number of residents is less than 2000 and the place serves as a seat of the district or zone administration, the Regional State Executive Council may decide to confer the status of grade four cities and exercise the power and functions thereof”.<sup>620</sup>

According to Art 6(5), the criteria for urban grading may be modified by the regulations to be issued by the Regional State Executive Council based on the study conducted by the bureau.<sup>621</sup> Art 6(6) of the Procl stipulates that:

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<sup>616</sup> *Ibid.*

<sup>617</sup> ORS Constitution (2001), Art 45

<sup>618</sup> ORS Constitution (2001), Art 68

<sup>619</sup> ORS Constitution(2001), Art 45

<sup>620</sup> ORS Procl No. 65/2003, Art 6(4)

<sup>621</sup> ORS Procl No. 65/2003, Art 6(5)

The subsequent standing of the cities in the region in improving or declining from their grade, the waiting period and other requirements shall be determined by the Regulations of the Regional Executive Council

Hence, there are four grades of cities, in theory based on population. In practice, however, this grading system has not been consistently applied across the Regional State.

According to Art 70(1), zone is a structure found immediately below the Regional State and consists of certain *woredas*. As spelt out in Art 71(1), zone administration is an executive body which is organized below the Regional State at zonal level.<sup>622</sup> The zone administration is run by a chief administrator and his deputy.<sup>623</sup> The chief administrator is nominated by the Regional State president and appointed by the Regional State Council.<sup>624</sup> The chief administrator is also the representative of the Regional State president at zone level and is accountable to him.<sup>625</sup> Accordingly, zonal administration in Oromia is structured as an executive subdivision or like ‘branch offices’ of the Regional State without any legislative power or function.<sup>626</sup> In other words, zonal administration is considered as a ‘deconcentrated arm’ of the Regional State, which is meant to serve as liaison between *woredas* or cities and Regional State.

*Woredas* are the second lowest level LGs. Their administrative structure reflects that of the Regional State, consisting of *woreda* council and a *woreda* administrative council and *woreda* judicial organ.<sup>627</sup> At the lower end of the LG system is the *kebele*.<sup>628</sup> *Kebele* is the lowest level of LG and as stipulated in Art 90, it has three organs, namely, *kebele* council, *kebele* administrative council and *kebele* social court.

According to Art 55(9) of Oromia Regional Constitution, the Executive Council can amalgamate, divide, or in another way to restructure LG boundaries determined by the Constitution or approved by the Regional Council.

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<sup>622</sup> ORS Constitution (2001), Art 71(1)

<sup>623</sup> ORS Constitution (2001), Art 71(2)

<sup>624</sup> ORS Constitution (2001), Art 72(1)

<sup>625</sup> ORS Constitution (2001), Art 73(1)

<sup>626</sup> Berhanu G, *Supra* note 539, p.234

<sup>627</sup> ORS Constitution (2001), Art 76

<sup>628</sup> Although not legally instituted, under *kebele* level people are grouped into *gares*, a group comprising households, and *gotes*, a group of representatives of each *gare* designated as a *sub-kebele*. One prescriptive source indicates that the total number of teams and *gotes* vary from *kebele* to *kebele* depending on the size of population in each *kebele*. The *gote* vary in size but usually encompass between 60 and 90 households. Each *gote* is divided into smaller groups of roughly 30 households called *gare*. The system is becoming a regular component of local administration.

## 7.2 Southern Nations, Nationalities and People's Region (SNNPR)

### 7.2.1 General Profile

The Southern Nations, Nationalities and People's Region (SNNPR) is located in the Southern and South-western part of Ethiopia. It is the third largest (after Oromia and Amhara), and the most diverse of the nine Regional States that constitute the FDRE. SNNPR is comprised of the former Regional States: 8, 9, 10 and 11. The SNNPR encompasses about 10 percent of the country's land area. The 2007 population is estimated at nearly 15,042,531; almost a twenty percent of the country's population.<sup>629</sup> SNNPR is the Regional State of the country with by far the greatest number of ethnic and language groups, inhabited by 56 ethnic groups. *Woredas* vary in population from Borecha, with 236, 341 inhabitants, in Sidama zone to Bero, the smallest, with 12,239 in Benchi Maji zone.<sup>630</sup> Population density and language density varies from *woreda* to *woreda*, but no *woreda* is monolingual. Rather, each *woreda* is home to a number of diverse languages.

### 7.2.2 LG structure

The 2001 Revised Constitution of SNNPR provides a four-tier internal administrative structure: the Regional State level, the zonal/ *liyu woreda*, the *woreda* level and finally the *kebele* level.<sup>631</sup> The State Council is the highest authority of the Regional State.<sup>632</sup>

The *zone/liyu woreda* is the administrative level just below the Regional State.<sup>633</sup> The Regional State Constitution provides that a *zone* and a *liyu woreda* have three principal organs: zonal/ *liyu woreda* council a zonal/*liyu woreda* administrative council and a judiciary.<sup>634</sup>

*Woreda* stands next to *zone* in the hierarchy of the Regional State administration.<sup>635</sup> *Kebele* is the lowest LG unit in the SNNPR.<sup>636</sup>

As has been discussed in chapter four, in contrast to their counterparts in other Regional States, *zones* in the SNNPR are recognized by the Regional State Constitution as an autonomous tier of LG with constitutionally mandated elected councils and executive

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<sup>629</sup> See Summary and Statistical Report of the 2007 Population and Housing Census Results, *Supra* note 558

<sup>630</sup> *Ibid.*

<sup>631</sup> SNNPR Constitution (2001), Art 45(1)

<sup>632</sup> SNNPR Constitution (2001), Art 46(1)

<sup>633</sup> SNNPR Constitution (2001), Art 80 (1)

<sup>634</sup> SNNPR Constitution (2001), Art 80 (2)

<sup>635</sup> SNNPR Constitution (2001), Art 90

<sup>636</sup> SNNPR Constitution (2001), Art 103(1)

administrations.<sup>637</sup> Accordingly, zone in the SNNPR is not the same as zone in Oromia discussed above. In the latter case, as Van der Beken observes, the zone is a “deconcentrated organ of the regional administration whereas the zone in the SNNPR is an ethnically based territorial entity,”<sup>638</sup> with some element of political autonomy.

In brief, as outlined in the preceding chapter, *liyu* zones differ from other zones, which – at least formally - function only as an administrative link between *woreda* and Regional State. By contrast, *liyu* zones, as Voughan argues, are ‘self-determining units’ and incorporate an additional tier of elected legislature and executive which reflect and embody the rights of self-determination granted to the populations in question, on the basis of their distinct ethnicity.<sup>639</sup> As Berhanu argues, *liyu woredas* are provided to protect the self-government right for minority ethnic groups that do not have enough population to create their own zonal or Regional State self-government structure.<sup>640</sup> Hence, according to Berhanu, a *liyu woreda* is designed for small ethnic groups, which are too small to create a zone, but concentrated in a specific territory that can have ‘political significance’ to the creation of their own self-administrative constituency.<sup>641</sup>

As Aalen argues, *liyu woredas* are “designed to protect minorities which live in an area with a majority group and where the group is not large enough to have its own zone or regional structure”.<sup>642</sup> As Berhanu asserts, the *liyu woreda* structure has a similar constitutional and hierarchical status like the zones; however, it usually has a smaller population.<sup>643</sup> Unlike the case in standard structures, where *woreda* administrations are accountable to their respective zonal administrations, *liyu woredas* are accountable directly to the Regional State without any intermediary structures of zonal administration.<sup>644</sup> In general, as Yonatan alludes, “functioning as autonomous entities, these ethnically defined zones and *woredas* provide intra-state minorities with the territorial space that is necessary to manage their own affairs”.<sup>645</sup>

Hence, as already stated above, *liyu woredas* and zones in SNNPR were designed to respond to local agitation for political self-determination. Most zones are made up of several *woredas*

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<sup>637</sup> Yonatan F., ‘Institutional recognition and accommodation of ethnic diversity: Federalism in South Africa and Ethiopia,’ PhD Thesis, University of the Western Cape, 2008, p.474

<sup>638</sup> Chri. Van der Beken, ‘Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level,’ *Afrika Focus*, Vol. 20, (2007), p.132

<sup>639</sup> Sarah Voughan, *Supra* note 369, p.240

<sup>640</sup> Berhanu G, *Supra* note 539, p.200

<sup>641</sup> *Ibid.*

<sup>642</sup> Lovise Aalen, ‘Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991-2000,’ Unpublished PhD Thesis, Chr. Michelsen Institute 2002, p.67

<sup>643</sup> Berhanu G, *Supra* note 539, p.200

<sup>644</sup> *Ibid.*

<sup>645</sup> Yonatan, *Supra* note 637, p.474

and *liyu woredas* are different in that they are single *woredas* that also have the status of a zone. Constitutionally, as Van der Beken argues, *liyu woreda* has the same status as zone, but it is created for smaller and territorially strongly concentrated ethnic groups.<sup>646</sup>

In brief, as can be observed from the above, *liyu woredas* and *woredas* are distinguished from each other on the basis of ethnicity and administrative recognition rather than size.

The Constitution of SNNPR provides that “Nations, Nationalities or Peoples in the Region shall have their own zonal or *liyu woreda* administration”.<sup>647</sup> The demarcation of *liyu woreda* or zone is predicated on a number of intersecting factors. The Constitution provides a general principle that each *liyu woreda* or zone will be delimited on the basis of the settlement pattern, language, identity, and consent of the people concerned.<sup>648</sup> The procedures for securing a new LG are also set forth in the constitution.

The Council of Nationalities (CON), the second chamber of the Regional State government, is authorized to decide on matters relating to nations, nationalities or peoples' rights to zone, *liyu woreda* or *woreda* administration.<sup>649</sup> According to (Art 59(4) of SNNPR Constitution, the CON is empowered to settle disputes between LG units. When an ethnic group in the SNNPR believes that its right to self-determination has been violated, it can submit a complaint to the CON. If it is not satisfied with the decision of the Council or if the Council does not reach a decision within two years, it can submit its case to the federal House of Federation.<sup>650</sup> The CON is also supposed to study disputes between neighboring states and questions of border delimitation, submits its findings to the HoF and follows up for implementation.<sup>651</sup>

### 7.3 What is the trend of *woreda* creation?

An overview of the number of *woredas* in Oromia over the last decades indicates a progressive increase. The number of *woredas* was reduced from about 300 during the period of military regime to 180 in the early 1990s (Interviewee 9, Oct.27, 2014:28). The evidence indicates that the number of *woredas* was kept at almost stagnant during the initial phase of decentralization. Ten additional *woredas* were created in 2002, bringing the total number to 190. In 2005, the number of *woredas* was raised to 197. In 2008, the number of *woredas*

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<sup>646</sup> Chri. Van der Beken, ‘Ethiopian Constitutions and the Accommodation of Diversity: The Limits of Territorial Approach’. In Tsegaye R.(edi), *Issues of Federalism in Ethiopia: Towards an Inventory* (Ethiopian Constitutional Law Series, Vol.2, Addis Ababa, 2009, p.273

<sup>647</sup> SNNPR Constitution (2001), Art 45 (2)

<sup>648</sup> SNNPR Constitution (2001), Art 45 (2)

<sup>649</sup> SNNPR Constitution (2001), Art 59 (3)

<sup>650</sup> SNNPR Procl No. 60/2003

<sup>651</sup> SNNPR Constitution (2001), Art 59 (8)

increased to 265. In 2014, the figure was raised to 305. In general, the number of LGs in Oromia has increased from 12 zones and 180 *woredas* in 2001 to 18 zones and 304 *woredas* in 2014. Hence, since the enactment of DLDP, the number of *woredas* until the year 2014 has increased by 124. The following Table shows the number of *woredas* in Oromia.

**Table 7-1: The number of *woredas* by zone in Oromia**

Zones	Number of <i>Woredas</i>		PA(2007 Census Result)	Area KM <sup>2</sup>
	Rural	Town		
West Wellega	19	2	482	13131
East Wellega	17	1	279	14103
Ilubabor	22	2	498	16884
Jimma	17	2	522	18696
West Shewa	18	1	531	14371
North Shewa	13	1	267	8990
East Shewa	10	5	312	9546
Arsi	24	2	506	21008
West Hararge	14	2	379	17779
East Hararge	19	3	554	26311
Bale	18	3	362	63555
Borena	13	2	195	63939
South West Shewa	11	1	265	5812
Guji	13	3	301	33321
West Arsi	12	4	316	12767
Kelem Wellega	10	1	250	10487
Horo Guduru Wellega	9	1	171	7868
OSZSF	6	8	151	4808
<b>Total</b>	<b>265</b>	<b>44</b>	<b>6341</b>	<b>363376</b>

**Source:** Oromia Finance and Economic Development Bureau, 2014

In brief, in almost a space of a decade, the number of *woredas* in Oromia had increased from 180 to 304. This was a much larger increase than in any other Regional State in the country. Of all units of LG in Oromia, few have experienced as much change as *woredas*. As already stated, in the period from 2001 to 2014, the number of *woredas* rose from 180 to 304, an

increase of about 69 percent. In the same period, the number of zones rose from 12 to 18, an increase of about 50 percent.

A modicum of amalgamation was occurred at the *woreda* level with the creation of Oromia Special Zone Surrounding Finfinne (OSZSF).<sup>652</sup> The merger was deemed necessary to enhance the capacity of LGs (Interviewee 20, Dec.8, 2014: 60). However, according another informant “the merger appeared to be meeting political objective, and has not been producing the purported economic benefits” (Interviewee 24, Dec.13, 2014: 68). Thus far, no amalgamations occurred at the level of zones as the emphasis has mainly been solely on dividing existing LG units into smaller ones.

In 1993 five Regional States<sup>653</sup>, which had been created a year earlier, during the Transitional Period, decided to merge and formed what is now called the SNNPR. Because of the merger, the number of the National/Regional self-governments created by the original Procl in the country decreased from fourteen to nine. According to one informant, there were no concrete objective criteria for the amalgamation (Interviewee 34, Feb. 5, 2015: 90). The statement was corroborated by Gebreab when he observed that “there was no clear explanation how the merger was initiated, negotiated and agreed” (Gebreab, 1998:97). The merger decision was made through “closed door agreement among the self-appointed ethnic organizations in the name of the people” (Aalen, 2002: 90).

Regional State officials claim that the merger of the Regional States came as a result of the regional party members’ desire “to utilize common resources and manpower in their respective administrations” (*Ibid*). Opposition politicians, however, claim that the merger was an outcome of “pressure from the central party, which had a clear strategy of obtaining a firmer grip of regional affairs in the south” (*Ibid*).

In brief, the official discourse indicates that one of the prime motivations for merger was the construction of an economically more viable entity, that is, a search for an optimal economic size of the Regional State. It should be noted, however, that economic viability was not the only motivation that led to the union. There is also compelling evidence that the consolidation of ethno-national politics was impetus for the amalgamation.

As hinted above, whether the ethnic groups were consulted in the redrawing of LG boundaries is another issue. In this regard, it is claimed that no referendums were conducted among the smaller groups in order to assess their opinions on whether they wanted to join any

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<sup>652</sup> OSZSF was created in post-2005 election period and consists of six districts (Akaki, Berek, Mulo, Sebeta -Awas, Sululta, and Welmera) and eight major towns (Burayu, Dukam, Gelan, Holata, Lega Tafo – Lega Dadi, Sebeta, Sendafa -Beke, and Sululta)

<sup>653</sup> The regions were Gurage-Hadiya, Kembata, Wolayita, Omo, and Sidamo

larger ethnic group to form the Regional State (Interviewee 36, Feb. 6, 2015: 95; Interviewee 38, Feb. 9, 2015: 100).

Whatever the preferred explanations, the LG system has been undergoing dynamic change at all levels since the creation of the Regional State. After consolidation, the fragmentation of the Regional State into LGs has been taking place slowly since the early 1990s, as separate ethnic-based movements sprung up in various parts of the Regional State (Interviewee 37, Feb. 9, 2015: 99). The practice indicates that LG creation in SNNPR has proceeded slowly and with difficulty. From about 56 ethnic groups officially identified in the Regional State, only 21 ethnic groups have been provided with separate LG at zone and *liyu woreda* levels. SNNPR started out in 1993 with nine zones. In 2005, the number rose to 13 zones, 8 *liyu woredas* and 104 *woredas*. In 2012, the number of *woredas* has grown to 156; this represents an increase of over 106 % from the original 77 *woredas* at the start of the DLDP over a nearly ten year period.<sup>654</sup>

As already stated above, from about 56 ethnic groups identified in the Regional State, 21 have been provided with separate LG at zone (13) and *liyu woreda* (8) levels. However, four *liyu woredas* (Amaro, Burji, Derashe, and Konso) were merged together in 2011 into single zone called 'Segen' zone (Interviewee 38, Feb. 9, 2015: 101). The amalgamation was implemented as part of a Regional State-wide LG reform programme (Interviewee 38, Feb. 9, 2015: 102). This number now appears to be fixed and not admitting any claims, though there are groups that are still hoping for recognition.

The tendency seems to be to go for smaller and smaller LG subdivisions. Aside from splits at the *woreda* level, a number of new *liyu woredas* and zones have also been formed in SNNPR. As one informant said, *liyu* zones all contain a number of *woredas*, not necessarily of the same ethnic group (Interviewee 38, Feb. 9, 2015: 101). The *woredas* in such cases must be regarded, according the informant, not as local unit divided for convenience into smaller segments, but as a cluster of self-contained ethnic groups inhabiting one LG (Interviewee 38, Feb. 9, 2015: 102). Often, for administrative purposes, the *kebeles* some distance from zonal capital are gradually grouped into *woredas*, based partly upon geographical convenience and partly upon ethnic considerations (Interviewee 50, March 23, 2015:129; Interviewee 39, March 3, 2015:104).

The total number of *liyu* zones has been relatively constant in the past two decades, at about 13. Change over time has been very slight. It shows a slight dip in fragmentation in the period

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<sup>654</sup> Based on the authors' review of Ministry of Finance and Economic Development(MOFED) Capacity documents and interviews with Regional officials in 2013

just before DLDP and a gradual increase in the period since. If current trends continue, one may expect an increase in this number, though there are two contrary processes at work: a tendency on the one hand towards integration and on the other towards separation in the form of a new LG. The numbers of woredas in SNNPR are indicated in the following Table.

**Table 7-2: The number of woredas by zone/liyu woreda in SNNPR**

No	Zone/ liyu woreda	No. of woredas	No. of Town woredas
1	Dawro	5	1
2	Wolayita	12	3
3	Gamogofa	15	2
4	Sidama	19	2
5	Gurage	13	2
6	Silti	8	1
7	Hadya	10	1
8	Kembata Tembaro	7	1
9	Kaffa	10	1
10	Sheka	3	2
11	Gedeo	6	2
12	Debub Omo	8	1
13	Bench Maji	10	1
1	Konso liyu woreda		
2	Derashie liyu woreda		
3	Amaro liyu woreda		
4	Yem liyu woreda		
5	Burji liyu woreda		
6	Konta liyu woreda		
7	Basketo liyu woreda		
8	Halaba liyu woreda		
	<b>Total</b>	134	22

**Source:** SNNPR Finance and Economic Bureau, 2013

This review has shown that the number of LGs in SNNPR has changed over time. The trend described above tends to show that over the whole period that followed the formation of the

Regional State, as will be detailed below, there has been an upsurge of demands for new LG from the ethnic groups in the Regional State. In other words, ever since the creation of the Regional State, there has been pressure for the creation of more LGs. The practice indicates that the creation of new LGs is typically a result of the division of existing LGs.

In general, there is a variation in the number of *woredas* between the two Regional States under consideration. A sense of this variation is conveyed in Tables 7.3 below.

**Table 7-3: The number of *woredas* in Oromia and SNNPR**

<b>Year</b>	<b>Oromia</b>	<b>SNNPR</b>
1994	102	71
1998	176	71
2000	190	77
2002	190	77
2004	197	104
2006	197	154
2008	265	156
2010	298	156
2014	305	156

**Source:** Author’s compilation from different sources

Indeed, the intensity of partition is greater in SNNPR than in Oromia considering the number of LGs that exist due to intense demand for self-determination.

#### **7.4 What generates demand for new LGs?**

A number of factors have acted in both Regional States to encourage more LGs to be created. First has been the impact of the new decentralization reforms. In this regard, the specific question of factors of LG creation in both Regional States is viewed in the same manner as the question of why the country decides to decentralize (Interviewee 3, Sep.23, and 2014:8). Accordingly, regional elites have viewed decentralization as a principle to propose the creation of new LGs (Interviewee 3, Sep.23, 2014:8; Interviewee 4, Sep.24, 2014:12).

In addition, the argument that decentralization has opened up the space for expression of rights of identity and coupled with right to self-determination, constitutes another related incentives to the increase in the demand for LGs (Interviewee 37, Feb. 9, 2015: 99 Interviewee 55, April 3, 2015:146; Interviewee 60, April 18, 2015:161). Since the period of statehood, SNNPR, comprised of different ethnic groups, has experienced such demands on a

wide scale compared to other Regional States in the country (Interviewee 48, March 19, 2015:126; Interviewee 45, March 13, 2015:119; Interviewee 57, April 9, 2015:152). In SNNPR, the struggle to maintain LG has frequently been depicted as a battle for the very survival of the ethnic group as a distinct people and the relevance of retaining the status of *liyu zone* or *liyu woreda* lies on the fact that it creates a better protection than *woreda* and *kebele* (Interviewee 5, Sep.30, 2014:20; Interviewee 38, Feb. 9, 2015: 102). According to one informant in SNNPR:

As the right of self-determination is central in situations of new district creations, the answer needs to be sought in this context. Arguably, a group of people to whom the right of self-determination does not apply cannot make a plausible claim for separation from their parent district (Interviewee 37, Feb. 9, 2015: 99)

In this regard, the creation of LGs in SNNPR is only undertaken when the demand is more strongly couched in linguistic terms (Interviewee 5, Sep.30, 2014:20). The official recognition of the existence of a language is, in effect, analogous to providing official recognition of a distinct ethnic group, hence separate LG (Interviewee 43, March 9, 2015:113 Interviewee 46, March 16, 2015:122).

Indeed, language has been a major element in defining “nation” for self-determination. Of the rest, the practice highlights the characteristics and will of the population, the other emphasis include, culture and settlement histories. Historical attachments have been particularly significant for establishing a link between a population and a territory and therefore, played important role in adding legitimacy to LG creation (Interviewee 37, Feb. 9, 2015: 99). Hence, from this perspective, ethnic differences, in particular linguistic, remain important considerations even if it is claimed, as indicated earlier, that they are declining in weight.

Consequently, there are numerous petitioners inundating the offices of the HoF and CON seeking recognition of their distinct ethnic identity. (Interviewee 5, Sep.30, 2014:19; Interviewee 38, Feb. 9, 2015: 102). In this regard, one informant in SNNPR said that:

The practice indicates that self-determination is not the only principle to be taken into account in the creation of LGs. The practice is also deemed to take place referring to the principles of administrative convenience and decentralization. Hence, the experience appears to reflect the view that self-determination might express legitimate aspirations, but it is considered with other principles and wider interests of regional stability (Interviewee 34, Feb. 5, 2015: 92)

Therefore, although the whole LG creation approach is presented in terms of being technocratically engineered, it has still been very much informed by ethnic criteria.

In this regard, it is imperative to consider some of the insistent demands made by several delegations from SNNPR. Kucha's attempt for separation, for instance, demonstrates how historical and ethnic arguments and a new political discourse of democracy and development mingled to produce a highly strong combination that still resonates in the demand for separate LG. In explaining this, one of the delegations entrusted to voice the demands of the Kucha has stated that "We are marginalized in terms of service delivery and development and, to remedy this situation, our area should be upgraded to a district" (Interviewee 52, March 26, 2015:135). Consequently, the respondent believes that if they were able to have authority over their own LG, they would receive services more efficiently and effectively. In addition, it is noticed one of the greatest fears of the Kucha is assimilation into Gamo whereby it is feared that such assimilation might lead to the extinction of their culture and language (see *Addis Admas* Newsletter, Dec. 28, 2014).

A similar pattern can be seen in Loma as well. Delegations of 11 *kebeles* from Loma appealed to the CON and HoF asking to become a separate district (Interviewee 5, Sep.30, 2014:18). And once again the solution is seen to be only in terms of the creation of a new district. The case in Loma has been presented on socio-economic grounds. A key informant in the CON told researcher that "the creation of Loma district is technically justified as it is very cumbersome to administer the area due to the long distances and in addition, they are populous enough to form a district" (Interviewee 38, Feb. 9, 2015: 100).

It is noteworthy, from the above cases that the demand for district status has not only based on linguistic, ethnic or cultural bases. The representatives of these areas defended their case on socio-economic grounds. Their claim is also based on the distance of their area from district center.

LG creation has been promoted as a "practical solution to the problem of accommodating diverse communities in a single state and at the same time it is sought to assuage ethnic tensions in the region" (Interviewee 39, March 3, 2015:103). In this regard, as one informant said:

The eruptions of conflicts for distinct ethnic identity status, self-governance at sub-regional levels and regional status have been particularly recurrent in the SNNPR and – remain serious challenge of the federation (Interviewee 5, Sep.30, 2014:18)

An examination of the experience of SNNPR shows that the creation of new LG is perceived as a "conflict-amelioration scheme to trim down some of the pressure in competition for elite

positions and to meet some of the grassroots grievances pertaining to marginalization” (Interviewee 39, March 3, 2015:103).

Moreover, it is recognized that "many 'ethnic entrepreneurs' are today engaged in a struggle for recognition of separate ethnic identities as this could lead to representation at Regional and Federal levels and give 'ethnic entrepreneurs' the chance to access government resources" (Interviewee 49, March 20, 2015:128; Interviewee 54, March 31, 2015:143).

According to one informant in SNNPR “all cases of LG creation in SNNPR reveal strong interests of local elites, who act as initiators of the separation process, head the lobbying committees, and – if successful – occupy the offices of power in the new LGs” (Interviewee 38, Feb. 9, 2015: 102). Consequently, local politicians are eager to form small LGs under their control, not only for the new offices and posts that would be so created but also because they believed the new LGs would be an avenue for easy access to regional resources (*Ibid*).

In a related way, the failure by LGs to deliver on the promise of service provision and socio-economic development tends to result into demands for new LGs from those who feel marginalized, a process which fuels further division (Interviewee 11, Nov.7, 2014:40; Interviewee 27, Jan.5, 2014: 73; Interviewee 50, March 23, 2015:129). In this regard, one of the variables is a pronounced sense of frustration and the motivation for separation usually stems from the sentiment that the government at the local and the Regional State in general, is not serving the interests of the local community (Interviewee 7, Oct.13, 2013:23; Interviewee 35, Feb. 6 , 2015: 94).

The wish to create a new LG is also likely to come from fiscal incentives as well. Attaining LG status is the goal for many communities in Regional States as it *inter alia* provides automatic access to their own budget, granted mainly through transfers from the Federal level via the Regional States (Interviewee 1, Sep.22, 2014:3; Interviewee 3, Sep.23, 2014:7). Accordingly, the practice indicates that the Regional States tended to the view the creation of more *woredas* serves as a means of attracting to their areas more grants (Interviewee 5, Sep.30, 2014:18).

The increase in the number of *woredas* has also been interpreted as a logical outcome of the increasing rural population growth (Interviewee 20, Dec.8, 2014: 60; Interviewee 50, March 23, 2015:129). From this point of view, the increase of *woredas*, then, has been explained largely as a product of population growth. In this regard, available data from the census reports indicate that there has been increased population growth in all Regional States, the

highest occurring in Gambella and Benishangul Gumuz, with 4.1 % and 3 % annual growth respectively, followed by Oromia and SNNPR, with similar 2.9% annual growth.<sup>655</sup>

It is noted also that much of the impetus for this change has also come in response to pressures generated by increased urbanization (Interviewee 20, Dec.8, 2014: 60; Interviewee 23, Dec.12, 2014: 64; Interviewee 27, Jan.5, 2014: 74). As a result, there has been an upgrading of formerly rural areas to *woreda* status (Interviewee 24, Dec.13, 2014: 68; Interviewee 26, Dec.24, 2014: 71). This move has been justified on the basis of efficiency and better service (Interviewee 21, Dec.10, 2014: 61; Interviewee 26, Dec.24, 2014: 71).

Regarding the level of urbanization,<sup>656</sup> the figure shows that the highest level of urbanization in 1994 and 2007 (98.7 percent and 100 percent, respectively) were found in Addis Ababa.<sup>657</sup> During same periods, the level of urbanization in Oromia was 10.5 and 12.3 percent respectively.<sup>658</sup> On the opposite, the lowest level of urban people in the above similar periods (6.8 percent and 10 percent, respectively) was observed in SNNPR.<sup>659</sup> There is a big variation in the rate of urbanizations among the Regional States.<sup>660</sup> The highest and lowest rates of urbanization in the years between 1994 and 2007, (4.9 percent and -0.2) were registered in Benishangul-Gumuz and Dire Dawa city Administrative Council, respectively.<sup>661</sup> During same period, the figures for SNNPR and Oromia were 3.4 and 1.4 respectively.<sup>662</sup> It can, therefore, be suggested that the trend does not support the assumption that urbanization has been the major factor behind the creation of LGs.

Other developments propelling a shift toward more *woredas* are related to the principle of bringing government and development closer to the people (Interviewee 11, Nov.7, 2014:41; Interviewee 35, Feb. 6, 2015: 94; Interviewee 37, Feb. 9, 2015: 98; Interviewee 39, March 3, 2015:104). The evidence indicates that, in Oromia, LG creation has almost regularly been motivated by the reasons of administrative nature. Accordingly, Oromia has no special arrangements for minority ethnic groups, although the number of LGs in Oromia is almost twice bigger than in SNNPR. This underlines the fact that Oromia does not use the creation of *woredas* to accommodate ethnic diversity.

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<sup>655</sup> See Summary and Statistical Report of the 2007 Population and Housing Census Results, CSA, *Supra* note 604

<sup>656</sup> Level of urbanization is used in this study as the proportion of country's or region's population living in urban areas as a percentage of the national total or regional total population at a given specific time.

<sup>657</sup> CSA: 1984, 1994 and 2007 Census Reports and Annual Statistical Abstract

<sup>658</sup> *Ibid.*

<sup>659</sup> *Ibid.*

<sup>660</sup> Rate of urbanization is used in this study as the rate by which the urban population is growing over time in comparison to the rural population of a country or region.

<sup>661</sup> CSA: 1984, 1994 and 2007 Census Reports and Annual Statistical Abstract

<sup>662</sup> *Ibid.*

In an interview with a top official of the Oromia Regional State, it is learned that *woredas* in Oromia are grossly unequal from their inception, though these disparities can, to a certain extent, be justified by considerations for geographical criteria (Interviewee 6, Oct.3, 2014:20). Moreover, the demarcation process in Oromia has been impaired by a number of other issues, such as the quality of the population data used and the interests and even political motivations of the bureaucrats at different levels.

According to the *woreda* officials' report, when the new Chewaka *woreda* was carved, which was created as resettlement area in Bedele *woreda* at the end of 2003<sup>663</sup>, the rationale proffered was administrative convenience (Interviewee 32, Jan.15, 2015: 86). The partition from Bedele *woreda* was meant to facilitate the independent development and streamline the administration of Chewaka (Interviewee 27, Jan.5, 2014: 75; Interviewee 28, Jan.7, 2015: 76). However, it seems likely that the decision has also taken into consideration the religious and cultural divergence of the settlers, in addition to political necessity (Interviewee 29, Jan.9, 2015: 79).

The evidence points toward the fact that, in Oromia, there is no clear ethnically contrived pattern, as there has been no special arrangement for minority ethnic groups. It would not be possible, however, to conclude that purely technocratic considerations- pertaining to administrative and geographical issues alone- have been employed in the demarcation of LG boundaries.

In sum, the evidence appears to suggest that there has been no consistency in the way LG creation is justified across state institutions involved in the process, including the Federal government and Regional State executives, as they developed different discourse to legitimize the same decision. Given these, it is hard to discredit dissenters contention that the official justification has been changing and contradictory and that the policy has been shaped by political ulterior motives.

However, considering the points noted above, it should be recalled that many of the demands are grown, among others, under the guise of decentralization. Accordingly, there is widespread agreement that the demand for separate LG is driven primarily by the policy of decentralization. Related to these are complaints by groups about being marginalized – on account of their different ethnic affiliations, languages or cultures – who demand access to

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<sup>663</sup> It used to be administered as part of Bedele *woreda* but recognized as one independent *woreda* of the zone since the establishment of the resettlement site in 2003. It is structured as an independent *woreda* exclusively embracing the settler's community. The *woreda* is adjacent to Gumuz/Berta people in Benishangul Gumuz Region to the north and to the East and other indigenous settlers to the south and west. It was inhabited by local Oromos as well as Gumuz people with the latter living along Didesa and Dabena rivers.

power at the local level. Hence, it can be maintained that a rich mix of local complaints ranging from recognition to leadership ambitions, neglect and geographic isolation seems to be driving the creation of new LGs.

Consequently, it can be concluded that the claim to have new LGS has been raised from time to time; sometimes on ethnic grounds, sometimes based on administrative convenience and sometimes on socio-economic backwardness of the areas.

### **7.5 Comparing pre and post-DLDP: Changes of Rationale?**

The aftermaths of the initial and second phase of decentralization offer an interesting comparison. The first phase started in 1991, when the interim constitution came into place. A second period began in post-2002, when the DLDP came to scene. The early post 1991 exercise was largely intended to empower ethno linguistic groups and thus, encouraged ethnic groups to voice demands for recognition and the restructuring of LGs (Interviewee 1, Sep.22, 2014:3; Interviewee 9, Oct.27, 2014:33).

The stakes in discussion of ethnicity in LG creation have been declined by the arrival on the scene of DLDP, which indicates that the ethnic policy has not been pursued consistently (Interviewee 35, Feb. 6, 2015: 94 Interviewee 37(Feb. 9, 2015: 99). The *woredas* have been important in the subsequent creation of LGs and new other type LGs are very rarely created, and then only for explicitly administrative purposes (Interviewee 2, Sep.24, 2014:4).

During the last decade, with newly found assertion of ‘de-ethnicisation’ of LGs and decentralization reform in progress, many Regional States experienced changes in number of *woredas* (Interviewee 3, Sep.23, 2014:9). To put it another way, after a phase of ‘ethnicization’ of LG creation, since the late 1990s we have witnessed a phase of ‘de-ethnicization’ – the phase in which administrative convenience and political expectations supersede ethnic calculations (Interviewee 34, Feb. 5, 2015: 92; Interviewee 37, Feb. 9, 2015: 99). In comparison with the pre-DLDP years, new LGs began to be proposed on the grounds of administrative convenience rather than on the language principle alone that has, ostensibly, guided LG creation in the past (Interviewee 39, March 3, 2015:104; Interviewee 50, March 23, 2015:129). This means that with the second phase of decentralization, even if the creation of LGs is linguistically motivated, the official account specifically mentioned good governance, administrative and development issues (Interviewee 36, Feb. 6, 2015: 99; Interviewee 59, April 16, 2015:159).

From the above point of view, in post-DLDP, decentralization, good governance and administrative convenience became the salient labels which begun to frame the politics of LG

creation. As already explained, the trend has been to move in recent years in favor of general grants which give *woredas* more discretion in the hope that this will enhance local service delivery and efficiency. It can, therefore, be suggested that the creation of LGs, in the later context, reflects a particular liberal philosophy, which defines LG primarily in instrumentalist terms as a vehicle for service delivery. This emphasis has not meant that the issue of ethnicity has been totally ignored in the debates regarding the politics of LG creation.

To sum up, there is compelling evidence that population size is not the sole consideration in LG creation. It is to be noted that the consideration is often affected by cultural or linguistic distinctiveness, distinct styles of life and territorial concentration. Ethnicity has therefore, been a re-occurring feature, overtly and covertly, in the LG creation exercises. Nowhere have these trends been more prevalent than in SNNPR.

However, it is important to note that the ethnic dimension of LG creation has not been entirely straightforward. The practice shows that it has been defined differently for different groups, depending on the political mobilization of the group (Interviewee 5, Sep.30, 2014:19; Interviewee 38, Feb. 9, 2015: 102; Interviewee 45, March 13, 2015:119; Interviewee 41, March 6, 2015:107). Accordingly, the argument that ethnicity necessarily entails creation of LG seems vastly overstated. In this regard, the lack of lucid constitutional direction has made it uncertain whether LGs are made the loci of ethnic self-rule as it is in the Regional States' discretion to decide on to whom to grant LGs.

### **7.8 Are there general trends in LG boundary demarcation?**

The practice of the two Regional States, under consideration (Oromia and SNNPR) confirms that there seem to have been two forms of LG boundary demarcation. Although the different pattern used in each Regional State are complex and contain many sometimes overlapping elements, they can be conveniently classified into two general types.

Accordingly, the SNNPR is a good example of how ethnicity is implicated in LG demarcation. A readjustment of the boundaries of LGs in SNNPR has been effected along recognizable lines of ethnicity, empowering ethno-national groups at local level by easing self-rule. The whole SNNPR is divided into 21 so-called *liyu woreda* and zone. Six of the 21 *liyu woredas* are named on an ethnic basis, and the unspoken assumption is that the leader and the majority of the representatives in the LG must come from the ethnic group so named, though no explicit rule to this effect is to be found in practice (Interviewee 37, Feb. 9, 2015: 99). It can be said that, today, a large number of LGs in SNNPR are organized on the basis of a shared cultural identity, although there are exceptions and, in the last few years, concerns of

administrative convenience and development have also been factored into the demarcation of new LGs (Interviewee 35, Feb. 6 , 2015: 94).

In an interview with officials of the Oromia Regional State, it is learnt that the practice in Oromia is generally taken for granted that LG boundaries are drawn for administrative convenience and the delivery of socio-economic services (Interviewee 7, Oct.13, 2013:22). From this perspective, the demarcation LG is seen as an administrative expediency, without any particular ethnic significance or ethnic justification. Accordingly, unlike SNNPR, Oromia's LGs have rather ethno-linguistically insensitive boundaries in the sense that boundaries of LGs in Oromia are not primarily devised to accommodate territorially concentrated linguistic communities. Rather, LGs are formed primarily for reasons of administrative convenience, in addition to political necessity. Therefore, cultural and linguistic factors have received hardly any recognition in the demarcation of LGs in Oromia.

According to another informant from the Regional State Executive:

The levels of political manipulation bias are very low, which suggest that the demarcation process was politically neutral to a great degree. The most likely reasons for this are that there has been a high level of transparency throughout, and extensive efforts to involve local people to give their inputs to the process. As a result, there has been relatively little controversy over the process as a whole (Interviewee 6, Oct.3, 2014:21)

In most of the interviews, senior officials of the *woreda* council and the *woreda* chief executives do not know the exact limits of their boundaries. In most of the cases, the boundaries of *woredas* are defined based on physical features such as rivers, ridges of mountains, hills, lakes and trees (Interviewee 10, Oct.30, 2014:38).

In short, in Oromia there is no clear ethnically contrived pattern and the very redrawing of boundaries LGs is almost regularly justified by reasons of administrative nature. It would be impossible, though, to conclude that purely technocratic considerations pertaining to natural and economic resources are uppermost in the demarcation of boundaries of LGs. The process is far more intricate, and strategic calculations of the potential for linguistic and cultural alliances also did play a part.

To sum up, it is clear that regarding LG demarcation process, the two Regional States neither pursue similar objectives nor follow similar rules. This difference in approach could be explained in terms of the prevailing ethnic diversity and political circumstances of the two regimes. Moreover, the two experiments provide evidence to the widely held view that the objective of LG creation has significant implications for the practice and law of boundary

demarcation. As noted above, the experience indicates that the bases of demarcation are neither purely ethnic in character, nor simply geographic. Rather, it is interplay between the two. Nearly in all cases, LG boundaries are demarcated generally referring to physical, administrative and ethnic characteristics. Thus, it can be suggested that there are limitations to understanding boundary demarcation in Ethiopia solely within the paradigm of ethnic politics.

### **7.9 How are the boundaries of *woredas* and its sub-units (*kebeles*) defined?**

In terms of boundary, the case studies show that *woredas* are defined by lists of *kebeles* subordinate to them. Accordingly, *woreda* boundaries are defined by counting the number of *kebeles* included in each *woreda*. The evidence indicates that each *woreda* is made up of a varying number of *kebeles*. As a result, there is significant variation in the size and geographical profile of existing *woredas*. From the case studies, it can be said that *woredas* are regularly named. *Woredas* consist mostly of the old imperial and communist period nomenclature. In a number of cases, *woredas* are numbered in one series in each zone.

*Kebeles*, currently the lowest level of formally recognized LG in Ethiopia, are often numbered rather than named, following the *Derg* practice. Except for rural *kebeles*, very rarely, *kebeles* bore names. The practice proves that quite frequently *kebeles* are numbered in one series within individual *woredas*. This is done in such a way that *kebeles* within the same *woreda* are consecutively numbered. The study indicates that, very occasionally, the numbering would start over with each *woreda*, so that *kebeles* have to be identified by *woreda* and number rather than by number alone.

The distribution of these *kebeles* across *woredas* is far from uniform. Since *woredas* are not demarcated precisely on the basis of population (though there is demographic minimum that has to be satisfied), there is no reason to expect *woredas* to have the same number of *kebeles*. In other words, just as zones do not constitute the same number of *woredas*, so *woredas*-despite their demographic definition of 100, 000 populations-do not have exactly the same size of *kebeles*. The practice indicates that the number of *kebeles* in a *woreda* could vary from two to six, the average being four, while the number of *woredas* in a zone could range between five and 15, the average being around 10.

*Kebeles* are used more as rough indicators for *woredas* within a zone than as precisely defined LG units. Indeed, *kebeles* served as boundaries for creating new *woredas* in post-federal LG reforms. When new *woredas* are formed in areas of growing population, they

usually incorporate some *kebeles* from same *woreda* and avoided cutting across different *woreda* boundaries as much as possible.

It is obvious of course that boundary change and creation of a new *woreda* can occur at the same time, for example, if a new *woreda* is carved out of an old one that continues to exist. The practice indicates that the creation of new *woredas* does not often involve demarcating new boundaries but entails ‘promoting’ one or more of a *woreda*’s constituent units (*kebeles*) to the *woreda* status. This demonstrates that *woredas* only exist by virtue of the list of *kebeles* that they encompass. Accordingly, the boundary of most of the *woredas* is determined by a list of *kebeles* rather than a demarcated boundary. Consequently, boundaries of *woredas* could hardly be understood without reference to the list of *kebeles*. However, most of the boundaries of *kebeles* are based on verbal description, which refers to features that change or disappear, and usually refers to natural geographical features, which are difficult to interpret as a definitive line, such as forest patches, trees, streams, lakes, rivers, mountains, roads etc.

## 7.10 Challenges and Implications

### 7.10.1 Legal framework

The 1995 FDRE Constitution does not directly determine the issue of who demarcates LG boundaries and how this should be done. As already explained, a closer examination of the legislations pertaining to LG reveals that although some Regional States tried to present criteria for demarcation, the manner in which any one of these criteria will subsequently be effectively translated into boundary demarcation is highly uncertain.

Consequently, although it is claimed that LGs are demarcated on strict scientific principles, the criteria appears to be more subjective than scientific in the sense that the criteria are not clearly spelt out and often subject to negotiation. For instance, each of the cases examined in SNNPR illustrates the explicit significance attached to linguistic identity in the demarcation of LG boundaries. LG creation is interpreted as state acknowledgement of the validity of these claims. However, the practice confirms that although linguistic identity is claimed as the primary ordering principle and has meant recognition for many cultural communities, applying this norm has not been easy (Interviewee 5, Sep.30, 2014:19; Interviewee 38, Feb. 9, 2015: 101). It has not been, in other words, a clear and simple process of recognizing existing nationalities. The practice in SNNPR demonstrates that when there are sizeable numbers of competing ethnic groups, which group gets admission is itself appears to be an issue of political negotiation and contestation (Interviewee 35, Feb. 6, 2015: 93).

Indeed, even if LGs are posed to be organized on the basis of ethno-linguistic principle, only a few major ethnic groups are accorded the status of *liyu zone* and *woreda*. A number of ethnic groups of considerable numerical strength are denied separate zone and *woreda*. (Interviewee 51, March 25, 2015:133; Interviewee 55, April 3, 2015:145). As stressed above, many commentators have criticized claiming that this was necessary in order to preserve the unity of the state and its peoples.

As already stated in Art 59(3) of SNNPR Constitution, the CON decides on issues relating to nation, nationalities and people's right to zone, *liyu woreda* and *woreda* administrations. Although all nations, nationalities and peoples of the Regional State have the right to establish their own zone or *liyu woreda*, only few of the 56 groups have so far effectively done so. As stipulated in Art 21(3) of Procl No. 60(2003), when a nation, nationality or people submit its application for the creation of a separate ethnic based LG to the CON, it will have to show that its rights enshrined in the constitution are violated. According to Art 20 of same proclamation, the CON, in its consideration of the application, will be guided by the "objective to build one common political and economic community". The importance of unity is also articulated in the power of the CON to promote and consolidate the unity and the equality of the peoples of the Regional State, based on their mutual consent (Art 59(4) of SNNPR Constitution). Consequently, the above legal provisions seem to give the CON considerable leeway in deciding whether or not to recognize the application.

Indeed, although there are certain stated criteria to be followed when creating a LG, there is no evidence that this has been strictly adhered to. According to many government officials, LGs are created to conform to new realities mainly population growth (Interviewee 9(Oct.27, 2014:34; Interviewee 11, Nov.7, 2014:42; Interviewee 20, Dec.8, 2014: 60; Interviewee 27, Jan.5, 2014: 75; Interviewee 34, Feb. 5, 2015: 92). However, the evidence indicates that the creation has not been merely an automatic response to demographic fluctuations. Rather, as the case in SNNPR demonstrates, actions concerning the creation of LGs have, above all, been part of the ethnic politics involving party structures (Interviewee 41, March 6, 2015:109; Interviewee 51, March 25, 2015:134).

The practice shows that the creation of *woredas* and change of boundaries are rather done on *ad hoc* basis. It needs to be pointed out that approval to create new LG has not been based on feasibility study. This has a direct implication on the demarcation exercise as it means that LGs have been created rather haphazardly without adequate attention being paid to area, population and the economic conditions of the resident population. As already stated, the practice shows that the demarcation process often prioritized ethnic accommodation above

administrative and financial feasibility. In brief, the lack of defined objective criteria upon which to make decisions regarding boundary changes suggest that the process is based largely on political and ethnic compromises.

Therefore, the lack of detailed legal entrenchment or Regional State statues relating to demarcation can be described as inadequacy. In this context, the past decade brought growing understanding that rules governing demarcation are not clearly defined, and while there has also been flexibility in applying the discretionary criteria. The acknowledgment accorded to nationalities does not always follow the criteria set out in the definition of nationality. Hence, as indicated above the principles that have been stated officially in demarcating new LGs in SNNPR reveal the predominance of political over economic objectives. The more important of these principles include the need to empower ethno linguistic groups, enhance administrative convenience and give adequate recognition to the wishes of the people (Interviewee 34, Feb. 5, 2015: 92; Interviewee 38, Feb. 9, 2015: 102; Interviewee 39, March 3, 2015:104; Interviewee 50, March 23, 2015:129).

Interview result also shows that the demarcation with regard to the degree of urbanization is not precise. According one informant, “there are some rural *woredas*, which are more urbanized than towns with *woreda* status” (Interviewee 27, Jan.5, 2014: 75). This observation underlines the fact that there are rural *woredas* with more urban characteristics than some municipalities and towns with *woreda* status. In this regard, it could be reaffirmed that there is no sufficient legislation or legal framework that would provide concrete standards and conditions to create LGs in Ethiopia.

In addition, the creation of LG without taking adequate cognizance of population requirement can be cited as one of the weakness of the system.

On the other hand, the viability of new LGs remains also a crucial question. Regarding the viability of many new LGs in recent years, many informants, both at Federal and Regional State levels, have suggested that economic viability has not been rigorously applied in the creation of LGs (Interviewee 1, Sep.22, 2014:2; Interviewee 10, Oct.30, 2014:39; Interviewee 34, Feb. 5, 2015: 92) The possibility of redrawing LG boundaries in order to reflect economic viability and changing political realities suggested by certain policy documents like the SDPRP has not yet implemented:

To be sustainable, this second wave of democratic decentralization will require a systematic approach to developing enabling legislation for local governments within regions including the re-demarcation of financing viable local jurisdictions and the harmonization of various forms of local government (including *woredas* and municipalities)

[...] *woredas* and municipalities will need to be appropriately restructured to ensure that they take on new functions and develop required core competencies (SDPRP, 2002: 40)

Accordingly, the current trend indicates that little or no attention has seemingly been paid to the importance of economic viability in determining the creation of LGs. In addition, it is rare for LG boundaries to be adjusted on the premise of 'improved service delivery' (Interviewee 4, Sep.24, 2014:17; Interviewee 8, Oct.17, 2013:27; Interviewee 36, Feb. 6, 2015: 96). In most instances, as is the case in SNNPR, boundaries adjustments are done to better accommodate cultural and linguistic concentrations (Interviewee 5, Sep.30, 2014:19; Interviewee 38, Feb. 9, 2015: 102). Accordingly, it can be inferred that the demarcation process, as evidenced in SNNPR case, prioritized ethnic accommodation above administrative and economic feasibility.

From the above, it can be stated that decisions concerning the creation of LGs are not primarily based on technical or economic feasibility. Rather, it is apparent that the creation of LGs, their upgrading and change of boundaries are determined on *ad hoc* basis, as no comprehensive criteria have been laid down for the purpose. The evidence indicates that the boundaries of LGs have been subject to changes that are often not based on demographic or clearly defined ethnic criteria.

### **7.10.2 The process of demarcation**

Over the past decades, SNNPR was affected by intermittent low intensity conflict, arising from boundary problems resulting from split of LGs (Interviewee 5, Sep.30, 2014:19; Interviewee 38, Feb. 9, 2015: 101). According to one informant from SNNPR:

The creation of new districts has led to numerous disputes, including boundary conflicts. Because some of the districts have been created with dominant ethnic groups in mind, there have been reports of ethnic tensions arising from the creation of the new districts (Interviewee 38, Feb. 9, 2015: 101)

Accordingly, one of the issues at stake in the Regional conflict, and in the controversies over the new LGs generally, has been their precise territorial demarcation. Indeed, it can be said that conflicts might derive from the ill-defined nature of many LG boundaries. In view of that, it can be argued that redrawing ethnic based boundaries between groups has been generating ethnic based boundary conflicts. Furthermore, there is enough evidence to prove that dispute surrounding demarcation could be stemmed to some degree from the lack of effective institutional mechanisms to involve local communities in the demarcation process. It is possible to submit that disputes raged over boundary demarcation in many parts of the

Regional State would most certainly have been moderated if wider consultation and representations had been allowed.

In a broader sense, the criteria for the creation of LGs are additional trigger for more tension (Interviewee 51, March 25, 2015:134). According to this view, dispute surrounding the creation of new LGs could be stemmed to some degree from the fact that the criteria for creating LGs are not entirely clear. It is necessary to equally add that the absence of clearly defined criteria for creation of LGs has left the door open for a continuous clamor for creation of new LGs (Interviewee 1, Sep.22, 2014:3; Interviewee 35, Feb.6, 2015: 94). Consequently, the regular tensions to redraw boundaries are a threat to LG as it creates uncertainty to what LG will be in place at any time (Interviewee 40, March 6, 2015:106; Interviewee 55, April 3, 2015:146).

In addition, it can be stressed that creating a new LG has not been completely a local affair. Rather, it is a complex affair involving intricate political maneuverings (Interviewee 2, Sep.24: 2014:5). In this regard, an informant in SNNPR explained that there is much historical evidence that a sheer struggle for LG creation, in which elites played a leading role, involved actors, institutions and decisions on all levels, from the grass root up to the federal centre (Interviewee 36, Feb. 6, 2015: 96). In this regard, the practices on Silti, in the drive for a new LG, show the importance of networks as vehicles in political campaigns (Interviewee 39, March 3, 2015:104; Interviewee 50, March 23, 2015:128). Accordingly, the creation of new LG has been based more on a national political strategy and constant lobbying efforts. Consequently, the practice of LG creation is mounted to a pragmatic and informal renegotiation among officials.

From this argument, it can be inferred that successful LG creation has largely been dependent on the ability to draw on multiple or broad networks at all levels of government. A closer examination of the legislations pertaining to LG demarcation reveals that the regional scheme does not promote the creation of LG areas of reasonable size which could be administered efficiently and economically, while preserving local interests and traditions. Also contributing to the fluidity is the lack of involvement from a higher institution with the authority to provide formal recognition of boundaries and control *ad hoc* revisions. Consequently, there are no laid down specific criteria and independent and credible commission charged to investigate the competing claims by the contending communities.

### 7.10.3 Participation

The existing legal frameworks do not define mechanisms envisaged for consulting and involving the communities in matters of LG boundary demarcation. This is not to say that public input into the boundary demarcation process through referendums has been generally absent from the practice of demarcation (Interviewee 6, Oct.3, 2014:21; Interviewee 35, Feb. 6, 2015: 94). These referenda are, however, conducted for the alterations of *woreda* boundaries which entailed changes to Regional State boundaries.<sup>664</sup> It has been argued that altering, modifying or creating a new LG boundary through referendum can be considered as an ‘exceptional’ practice rather than a regular process (Gebrehiwot, 2012: 9). In fact, the practice reveals that community participation often appears to be aimed at fulfilling official requirement rather than influencing the outcomes of the process.<sup>665</sup> The experience indicates that the government facilitates public participation with some predetermined outcomes and the process is run as a mere formality to comply with the requirement of public participation (Interviewee 5, Sep.30, 2014:19).

As a result, the implementation has failed to appear transparent, free and fair in the eyes of those that have denounced the process and its outcome as partisan and flawed. In this regard, one informant submitted that government democratic credence has been seriously damaged in the course of many LG boundary disputes (Interviewee 38, Feb. 9, 2015: 102). According to this informant, undemocratic conduct has included moving boundary decision-making power from communities to government, failure to facilitate public involvement, or “sham” public participation (Interviewee 38, Feb. 9, 2015: 102). The process of demarcation has been critiqued for failing to listen to the full range of public opinion and favoring vested interests. The evidence shows that although it appears that communities occasionally participated in the demarcation, in actual practice such process clearly fall short of honest efforts to discover the preferences of those within the territory so defined. It has been stressed that decisions are made in secret in the Regional head quarters, with little opportunity for the public to have input into the boundary demarcation (Interviewee 10, Oct.30, 2014:39).

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<sup>664</sup> In 2004, for instance, the federal government organized a referendum to decide on the fate of hundreds of disputed localities along the boundaries of the Oromia and the Somali regions. The decision made by the House of Federation of the federal government to carry out a referendum in 13 *woredas* and hundreds of *kebele* along the contested Oromo– Somali boundary included eighty-eight *kebeles* from the Jijiga *woreda*. According to the results of the referendum, made public in November 2004, forty-three *kebeles* were assigned to the Oromia region, while forty *kebeles* remained within the Somali region. In the remaining five *kebeles* the results of the referendum were either cancelled or the referendum did not take place. For a detailed discussion, See Asnake Kefale, ‘Federal Restructuring in Ethiopia: Renegotiating Identity and Borders along the Oromo–Somali Ethnic Frontiers,’ *Development and Change*, Vol.41, No.4 (2010).

<sup>665</sup>For instance, Somali politicians in the regional and federal government characterized the process of the 2004 referendum held on the disputed localities along the boundaries of the Oromia and the Somali regions as flawed. For more on this, See Asnake Kefale, *Supra* note 664

As already noted above, the practice indicates also that referendum has not been called for or organized for all cases (except insofar as they happen to be located adjacent to a Regional State boundaries). Government officials often resist resolving boundary disputes through referenda as it could cause instability or costly financial and logistical strains (Interviewee 5, Sep.30, 2014:19; Interviewee 37; Feb. 9, 2015: 99; Interviewee 38, Feb. 9, 2015: 102). It is indicated also that the methodology of people's participation in this connection has not been specified. In other words, public participation in boundary demarcation process is not regulated by law in detail. Predictably, it is a top down approach in which those most affected by it; the local people have little input. Indeed, as it has been submitted in this study, there is limited or insignificant local participation in the process, as the decisions are taken at Regional State and Federal levels, with several premeditated interests being the determining factors. Hence, it is discernible that the system has yet to make a decision on the eminence of public participation (except relating, for instance, to the rights of the local population along disputed Regional State borders to join Regional States they want to be part).

## Chapter-8: Summary of Findings, Conclusion and Recommendations

### I. Introduction

This study is concerned with the politics of creation and demarcation of LGs within Ethiopian federation. The assessment of LG creation and demarcation in Ethiopia is conducted through two case studies of different Regional States by examining selected LGs within the two Regional States. The two different Regional States selected on the basis of a different ethnic composition and different demarcation approaches were Oromia and SNNPR. Based on the analysis cases from two large Regional States, the study offers an insight into the process of LG creation and boundary demarcation in Ethiopia's federation. After looking separately into the two case studies to gain context-specific findings, it is believed that the comparison of the two cases will provide an opportunity to draw conclusions on overall key issues beyond the respective contextual differences. This study tries to respond to questions related to criteria and procedures of LG creation, the manner of the boundary making process and extent to which decisions follow the will of the people.

### II. Summary of Findings

#### ➤ *What are the bases of LG creation? What factors are driving the creation of new LGs?*

Considering the points noted in the discussion, it can be said that many of the demands are grown, among others, under the guise of decentralization. In this regard, the creation of LGs is related to the impact of decentralization on the devolution of financial authority from the central government to LGs. There are other potential incentives for creation of LGs. These include, among others, efficiency arguments (smaller LGS can better provide public goods). Related to these are complaints by groups about being marginalized – on account of their different ethnic affiliations, languages or cultures – who demand access to power at the local level. Hence, from the discussion, it can be said that a rich mix of local complaints ranging from recognition to leadership ambitions, neglect and geographic isolation seems to be driving the making of new LGs.

Interview responses were far more consistent as political officials tend to construe correlation between demographic size and *woreda* creation. In this regard, it is generally submitted that the practice of *woreda* creation followed the criteria given in the PRSP, which recommends that *woredas* be created for settlements with population of threshold of about 100, 000. Accordingly, it could be argued that the variable determining the original number of *woredas*

is population size. In practice, however, it is implemented with considerable flexibility and tends to operate at best in an *ad hoc* fashion, and at worst exists only on paper. The analysis supports the assumption that *woredas* are not created principally on the basis of population (though there is demographic minimum that has to be satisfied). In other words, creation of *woredas*, in many cases, does not reflect the size of population. Although, population, it is said, is the most important official criteria in deciding which areas qualify to LG status, interview results indicates that ethnicity turns out to be equally influential factor in the struggles over the creation new LGs. Accordingly, LG creation has not merely been an automatic response to demographic fluctuations. Rather, as the case in SNNPR demonstrates, actions concerning the creation have been part of the ethnic politics involving party structures and constant lobbying efforts.

While this study does not firmly establish that LGs are determined by ethnically defined distinctions, it does however assume that the more diverse the Regional State is, the greater the probability that *liyu woredas* or *liyu zones* will be created, confirming a widely held belief about the impact of ethnicity.

The practice shows that although there seems to be some persistent push for ethnic demobilization, ethnic mobilization is still used as a tool to support demand for LG creation. From the discussion, it can be said that there is ample evidence pointing to the ongoing importance of ethnic mobilization in the politics of LG creation.

However, it can be suggested that although there is a degree of ethnic or language activism within the multiethnic Regional States, this tend to be on a much lesser scale, and hence has a much lower political profile than the good governance activism which takes place within many of the Regional States.

It can be noted that although it is officially acknowledged that LG boundaries would need to be redrawn and economic viability would be taken under consideration in the demarcation system, there has been no major revision of LG boundaries.

At present, looking at the practice, it may be thought that creation of new *woredas* have been mainly based on and possibly driven by the discourse (and policy) of ethnic rights for self-administration, population growth and ethnic elites' competition for resources, political power and administrative offices. This study suggests that while these and other explanations may have some merit, the exercise of creating *woredas* and change of boundaries over the two decades has been done on *ad hoc* basis.

This study puts the case that although there has been substantial reform within the federal governance system in the last twenty years, there is a failure to set up permanent bases and clearly spelled out criteria and procedures for creation and amalgamation of LGs.

➤ ***What impact did DLDP have on LGs?***

The experiment with decentralization in Ethiopia has so far exhibited two main interrelated phases. The first phase covers the period from early 1990s to 2000s during which the framework of decentralization was established, while the second has taken shape since 2000s involving the implementation of the DLDP.

During the first phase, an attempt was made to entrench regional and LG structures of the new regime by introducing territorial reorganization of the state. This was a period in which the central government, with the ostensible aim of deepening local autonomy, took forward the process of confirming the right of self-determination throughout the whole country. In this regard, one important change is noticeable throughout this period: the creation of fourteen National/Regional self-government entities mainly based on ethnic and linguistic patterns. Indeed, for the first decade of the decentralization, LG had little or no importance as a political division. Throughout the Transitional Period, the number and boundaries of LGs were characterized by continuous changes. However, it can be noted that the interim organizational structure was not detailed. In other words, the Transitional Period Charter did not provide further details on the sort of process or methodology to be adopted in the creation of LGs.

The period since 2002 has been considered as a second phase of decentralization. The process of decentralization has gained further momentum during the past decade with adoption of DLDP. The new decentralization policy era has brought about several significant changes in LG political landscape in the country. According to official sources, the new policy was intended to make the government closer to the people by empowering LGs. In this regard, it is clear the execution of DLDP was coupled with the strengthening of *woredas* as providers of essential services through the delegation of responsibility and vast increases in capital expenditure budgets.

Experiences from this second period also show that with ushering in of the DLDP, there has also been an important surge in the creation of new *woredas*. During nearly ten years of reform era, 2002 to 2013, 289 new *woredas* have been created. Hence, one can observe that, over a nearly ten-year period, the numbers of *woredas* have increased by more than 31 percent.

➤ *Who holds jurisdiction over creation of LG-the Federal or Regional State?*

The FDRE Constitution acknowledges the importance of decentralization, but offers few specifics regarding LG. It has been shown that the FDRE Constitution left the creation of LGs within the powers of each constituent unit in the federation. An argument can, therefore, be made that one essential decision in local matters, the creation of LG, has been reserved for the nine Regional States and the two City Administrations. But this provision does not go far enough. Consequently, it can be said that there is nothing in the constitution to suggest how many LGs there should be, or how they should be created and their boundaries are demarcated.

➤ *What is the manner of the boundary demarcation process?*

It seems that the two Regional States under considerations are of course rooted in a different approach of what LG is about. With different histories and ethno-linguistic configurations, the two Regional States provide different perception of the role of LGs. In broad terms, the demarcation of LG boundaries in the two Regional States raises the question of the relevance of ethnic versus territorial criteria in defining LG administrative areas of jurisdiction.

Accordingly, while the principle of ethnic self-determination in creating new LGs remains widely popular in SNNPR, the discourse of administrative convenience and service provision seems to dominate totally over ethnic arguments in Oromia. Unlike SNNPR, where LG boundaries broadly correspond to ethnic sub-divisions, it is implemented on a strictly territorial principle in the Oromia Regional State. As such, it makes little sense to speak of ethnicity in LG demarcation in Oromia. Not only are there are no clearly established in the criteria for the demarcation of LGs are cultural and ethnic considerations, but- there has been an assumption that this Regional State is homogeneously populated by the Oromo people. From the discussion, it is clear that the very drawing of boundaries of LGs in Oromia has been almost regularly motivated by the reasons of administrative nature.

Therefore, not all LG boundaries are merely administrative lines. The structure of LGs in a multi-ethnic Regional State may be an arrangement for the exercise of the right of self-determination.

The discourse of ethnicity, which was evident in the conflicts surrounding the creation of new LGs in the SNNPR, has been observed in many other Regional States of the federation, too. Nevertheless, although the federal arrangement places 'ethnicity' at a central criterion, it would be incorrect to generalize that the demarcation of LGs are done only along ethnic line. The analysis confirms that no uniform criteria have been applied in the demarcation of LGs in Ethiopia. Rather, as has been argued already, two pragmatic approaches have been applied.

In the Regional States, where there is a dominant ethnic group, mix of factors like administrative convenience and population size has been taken into consideration. However, in the multi ethnic Regional States, ethnicity is used as a prime criterion. As a result, it can be suggested that the demarcation of LGs in Ethiopia has not only created very dissimilar LGs, but also, as cases in SNNPR suggest, LGs with ethnic heterogeneity within its boundaries. It is, however, clear in all cases, that *woredas* are defined by lists of *kebeles* subordinate to them.

The two Regional States provide different perception of the role of LGs in a contemporary state. It is also clear that the studies of Oromia and SNNPR contribute to a more nuanced description of the two-track LG demarcation process in Ethiopia. The analyses of the two Regional States have demonstrated that LG in Ethiopia takes different shapes in different Regional States, both formally and practically. Accordingly, the two regional experiments provide evidence to the widely held view that the objective of LG creation has significant implications for the shape of the law of demarcation.

The overall conclusion of the analysis is that the two Regional States cases illustrate that the processes of creation and demarcation of LG boundaries have been flexible, albeit politically inspired. Indeed, it cannot be suggested that the system itself should stay static, only that the system needs to be acceptable and agreed upon. It seems inevitable that in the course of time further changes in the number and boundaries of LG will be required, especially as population grows, and other socio-economic changes occur.

➤ ***Do the Regional States engage in LG creation through clear and consistently applied mechanisms?***

The legal framework for LG creation appears to be inadequate. The FDRE Constitution does not provide how boundaries between LGs may be changed, how new boundaries may be demarcated or old LGs abolished. It is also evident that there are no regulations issued and mechanisms developed to establish procedural uniformity across Regional States. A closer examination of the existing Regional States legislations pertaining to LG reveal that they provide no sufficient basis for creation of viable and legitimate LGs. The predominant characteristic of the Regional States legislations regarding LGs is that they often include only broad conditions, which must be met for a LG to be created, leaving scope for further interpretations. Consequently, it can be said that the existing Regional States Procls are less detailed and contains only general wording on the criteria and procedures of LG creation.

Since there are no clearly established criteria, it appears that the creation of LG is decided on *ad hoc* basis at the Regional States' executive discretion. Therefore, it can be said that LGs

have been created rather haphazardly without adequate attention being paid to area, population and the economic conditions.

It appears that political interests overshadowed the criteria of population, viability and administrative efficiency in the creation of LGs. Accordingly, the political stakes appear to be higher than drawing on both the technical and the deliberative mechanisms. The practice of LG creation in the two Regional States reveals that decisions of the executive seem to have been actuated more by the convenience of the general regional and national concerns rather than by considerations of local interest. It can, therefore, be suggested that political aspects usually prevailed over technical ones. It follows that the creation of LGs has always been influenced by political rather than developmental concerns.

In short, Regional States legislations regarding *woreda* creation often do not provide clear standards with which to judge the appropriateness of applications for *woreda* creation. The lack or poor implementation of national common standards created uncertainty, which informs their haphazard creation. The practice lacks also consistency and transparency. Accordingly, the politics of LG creation process is fraught with major challenges that engender mistrust and lack of confidence in the federal framework. In addition, the practice indicates that LG creation has mainly been an elite affair.

It is apparent from looking at existing constitutional provisions for LG demarcation that the Regional States charged with the creation of these rules and procedures. The new Regional States' Constitutions adopted in 2001 ushered in some slight changes. Practically all Regional States have enacted legislations that provide the statutory basis for creating LGs. The SNNPR Constitution clearly presupposes the continuing existence of LGs, each a discrete political community possessing its own distinct geographical and demographic characteristics. Likewise, Oromia's Constitution generally recognizes and maintains the existence of local self-governing communities at a zone, *woreda* or *kebele* level. It is important to note that these divisions are also parliamentary constituencies. In both Regional States, there are constitutional provisions that stipulate that all LGs have a tripartite model of government, which reflects executive, legislative and judicial functions. The constitutions also describe powers and functions of LGs.

Based on the foregoing, it could be argued that the two Regional States Constitutions lay down general frameworks defining the broad features of the LG institutions required in each Regional State. In this sense, the relevant constitutional texts provide only broad guidance on questions of LG creation and boundary demarcation. An essential framework is thus mandated, but the specifics are left to executive determination.

In brief, each of the constitution contains a set of provisions that goes only some way toward prescribing the precise form of LG. Nothing in the constitutions spells out detailed criteria, and there is neither clear procedure, which guides the demarcation of *woredas*. The constitutions simply state legal enactments will be issued regarding LG demarcation. Furthermore, some important areas are not even covered, and a number of constitutional guarantees that are essential for LG are missing. Hence, it is fair to say that at present there are remarkably few legal requirements governing the way in which LG demarcation is done.

➤ ***What are the limitations in the legal framework?***

The assessment confirms that the Constitutions of the Regional States do not include extensive provisions regarding LG boundary demarcation. The other limitation of the practice relates to insufficient clear legal regulations. It is not clear exactly who demarcates LG boundaries. The law does not provide well-established criteria for demarcation of existing boundaries of LGs. The SNNPR and Oromia Regional States Constitutions lay down certain ground rules for demarcation, but leave the actual practical details for executive to decide, leaving the system vulnerable to political interference and accusations of partiality.

➤ ***Are there mechanisms for popular participation at the local level? To what extent do decisions follow the will of the people?***

The laws governing LGs do not define mechanisms envisaged for consulting and involving the communities in matters of boundary demarcation. In other words, regulations and guidelines are not established to encourage and create conditions for the local community to participate in the affairs of boundary demarcation.

Overall, LG boundaries are largely demarcated in a climate of minimum consultation. While there are constrained options available (e.g. merger), the opportunities are dictated in a top-down manner. The input and control of citizens, who are directly affected by it, are clearly deficient. In most of the cases, this process is deliberately and carefully avoided.

If at any point the demarcations are subjected to public debates, such debates are often brief, carefully monitored and manipulated. Hence, it is discernible that the system has yet to make a decision on the eminence of public participation and legal provisions (except relating, for instance, to the rights of the local population along disputed Regional State borders to join Regional States they want to be part). Although it is claimed that some previous demarcations have been accompanied by a consultation process, there have still been complaints about partisan control.

In brief, it can be said that public participation in boundary demarcation process is not regulated by the law in detail. Consequently, it is not clear how decisions are taken and to what extent local people are consulted.

- ***What roles do Federal and Regional State actors play in the demarcation process? Where does the impulse for boundary change originate-from Federal, Regional State or local?***

The practice indicates that the Federal and Regional State authorities are the prime actors and central intelligence in initiating, directing and controlling boundary reforms and adjudicating differences. In many cases, the Regional governments have taken most of the initiative on reforms. These circumstances gave rise to a situation where citizens are excluded from the decision making process. Therefore, the arbitrary nature of the resulting boundaries has its source partly in the drive of the Federal and Regional State powers rather than in any broader consideration of the wishes of the indigenous population. The evidence confirms that there has been imposition of LG boundaries from above in the professed interests of the right to self-determination as well as administrative convenience. In SNNPR, this has led to an increase in conflicts and fragile compromises between various ethnic groups. The challenge has been in large part due to their haphazard demarcation, which ignored locally existing societies. LG boundary demarcation is not arbitrary in the sense of haphazard, but also arbitrary because they reflected short-term strategic and political interests.

It is clear that the imposition of LG boundaries has some major ramifications. The problem lies with the fact that, demarcation of boundaries rarely matched existing political, social or economic divisions. Therefore, it is important to stress that if the boundaries have reflected 'natural' social and economic divisions, rather than having been imposed arbitrarily, these, and other, anomalies would not have become a reality in SNNPR.

The practice indicates that back-room political party negotiations became the primary means to effect changes. Indeed, it appears that the party politics has stalemated the process and therefore no boundary dispute has been resolved to the satisfaction of affected parties. Consequently, the system becomes prone to exploitation by local elites and regional authorities. Therefore, leaving the process of demarcation to the discretion of politicians has opened it to the charge of political manipulation.

- ***What is the frequency of LG boundary change?***

The two Regional States have experienced numerous LG boundary changes over time. As noted already, the map of LGs has continually been changing through a variety of processes

that entail the creation of new LGs and mergers among existing LGs. In most of the cases, the boundary demarcation date back decades, with re-demarcation efforts with minor rectifications and adjustments having been undertaken periodically on a number of adjacent *woredas* and *kebeles*.

An examination of the frequencies of LG boundary changes reveals that the process of redrawing LG boundaries (a partial demarcation) within Regional States moved forward, albeit very slowly. However, there has been no massive redemarcation of LG boundaries. The practice reveals that *woreda* boundaries have been altered more often than other LGs. The experience has thus been that changes of *woredas* have been relatively frequent. In SNNPR, boundaries of LG have been redrawn constantly, mainly because of conflict. As a result, LG boundary demarcation has been a very arduous process. In many cases, LG boundaries have rarely been demarcated on the ground. Several local boundary disputes are presently still unresolved. The demarcation process is sometimes delayed to very long periods of time, partly because it is believed that attempts at demarcation are likely to cause tension. Accordingly, demarcation is avoided for political reasons, or in order not to enter into potential conflicts. As a result, in a number of instances, the old boundaries are retained, regardless of reservations regarding population size and financial viability.

### III. Conclusion

The FDRE Constitution acknowledges the importance of decentralization, but offers few specifics regarding local government. The FDRE Constitution left the creation of local governments within the powers of each region. However, this provision does not go far enough. There is nothing in the constitution to suggest how many local governments there should be, how they should be created and their boundaries are demarcated.

Regional States' Constitutions lay down general frameworks defining the broad features of the LG institutions required in each Regional State. Accordingly, the relevant constitutional texts provide only broad guidance on questions of LG creation and boundary demarcation. An essential framework is thus mandated, but the specifics are left to executive determination. In brief, each of the constitution contains a set of provisions that goes only some way toward prescribing the precise form of LG. Nothing in the constitutions spells out detailed criteria, and there is neither clear procedure, which guides the demarcation of *woredas*. The constitutions simply state legal enactments will be issued regarding LG demarcation.

In short, Regional States legislations regarding *woreda* creation often do not provide clear standards with which to judge the appropriateness of applications for *woreda* creation. The lack or poor implementation of national common standards created uncertainty, which informs their haphazard creation. The practice of LG creation process is fraught with major challenges that engender mistrust and lack of confidence in the federal framework. In addition, the practice indicates that LG creation has mainly been an elite affair.

In addition, the laws governing local government do not adequately define mechanisms envisaged for consulting and involving the communities in matters of local boundary demarcation.

#### IV. Recommendations

- Review the constitutional provision for LG creation: the fate of LGs must not be left to the mercies of Regional States. In this regard, it is recommended that the Federal Constitution may provide for some general guideline while the Regional State Constitutions provide further detail.
- Supplemental Regional State legislations that provide regulation for the creation and demarcation of LGs are recommended. For the process to move from *ad hoc* to systematic practice, it is suggested that some sort of legislative umbrella is required. The intent would be to confer some legitimacy and structure on the process.
- Re-examine criteria for LG creation with more weighting given to the economic viability. The criteria should be based on analysis of the social-economic implications, which may safeguard against the spontaneous creation of unviable LG units.
- There should be certain parameters and safeguards to check demands for LGs. It is essential to incorporate democratic concerns like development, decentralization and governance in addition to ethnicity and language as valid bases for conceding demands for new LGs.
- The other issue is one which must be settled if LG is to occupy a stable position within the apparatus of state government, concerns the criteria and procedure of demarcation. The procedure for demarcating LG boundaries should be clearly spelled out in the legal framework so that the rules regulating the process are the same. It is anticipated that the entrenchment of demarcation process would remove it from the interference of politicians and from the arbitrary implementation of miss-specified rules. Rules or laws have to be enacted in order to regulate and provide detailed legal procedures for creation of new LGs. It would therefore be very important to establish such criteria to be followed in the creation and upgrading of LGs in the future. The existence of such a law is likely to add stability and continuity to the process, which otherwise would be very vulnerable to political changes.
- It cannot be suggested that the system itself should remain static or LG boundary should be treated as inflexible and immune to change, only that an acceptable method of demarcation needs to be enacted and agreed upon.
- The decision to create new LGs should not be taken in haste; it is suggested that the system should seek an effective pattern of LG areas for the future and not merely a momentary adjustment of competing claims.

- Since boundary demarcation involves participation of a number of stakeholders, it is crucial to adopt an appropriate approach and put in place appropriate structures to ensure participation. Therefore, a mechanism for public participation should be envisaged. Demarcation should be considered as a consultative process, so that the bases of demarcation shall be commonly agreed. The legal provisions for public participation, therefore, need to be strengthened as a way of reinforcing local democracy.
- Reducing political involvement in LG creation and demarcation process. It is assumed that some of the uncertainty, instability, and arbitrariness that typically surround LG creation and boundary demarcation might be mitigated by an adjudicative body with the authority away to rule on LG claims. The appointment of a permanent entity, such as Independent Boundary Commission, which may be constituted as Regional State Constitutional Body with quasi-judicial power is suggested. The commission may ascertain a set of objective and coherent criteria to consider the demand for creation of a new LG. The idea would be to take the authority away from actors who are likely to be excessively influenced by a perception of their own national and regional interests, or biased by their own involvement in the case, and put it into the hand of an objective, third party that would be guided by publicly promulgated rules and principles.

## Appendixes

### Appendix-1: Interview Guide

The following questions are as guide in directing the interview process. The interview process may not necessarily follow the sequence and confined to these questions.

#### **Background information**

Date of interview.....Age.....Sex.....Level of education.....

Region.....Zone.....Woreda.....Occupation.....

#### **1. The general nature and status of LG in the federation**

- Does LG matter for Ethiopian federalism? How?
- Where does the recent drive for decentralization come from?
- What else could account for the move toward decentralization in the Regional State?
- What reforms have been carried out or proposed?
- Who has proposed reforms (central/regional/local level)?
- How do reforms implemented (e.g. centrally imposed, negotiated in partnership...)?
- What constitutional status does LGs has?
- What are the legal frameworks for LG?
- How effective is the legal-administrative framework in local governance?
- What are the criteria for the differentiation between LG units (such as zone, *liyu* zone, *woreda*, *liyu woreda*...)?
- How far do LGs function as per their design?

#### **2. LG Creation**

- When was the LG created?
- How was the LG creation decided?
- Why was it created?
- What are determinants/principles of LG creation?
- What has driven the process of the creation of new LGs?
- What are the rationale and major requests for new LGs?
- Are there clear pattern/criteria for creation LGs?
- Are there clear procedures for creating LGs?
- What is the role of the other levels of government with regard to regulation of LG creation?
- What is the trend of LG creation? How frequent is new LG creation?
- How widespread ethnicity or the clamor for ethnic based LG is?

Who are the major players and how do they frame the issue?

Do you feel LG creation is transparent? How?

### **3. LG boundary demarcation**

How do demarcations of LGs take place?

Are there criteria/procedures for boundary adjustments i.e. merger, amalgamation, dissolution...? How objective is it?

How deep do identity questions penetrate into demarcation system?

Who are the stakeholders in the actual demarcation?

Do local communities have a say in the demarcation process? How?

How do these 'consultations' conducted and the degree of popular participation?

### **4. The positive and the negative side of LG creation**

What is the positive impact/benefit of LG creation?

What are the political motives behind creation of new LGs?

Has the creation of the LG any help in accommodation of diversity?

Does the creation of new LGs improve service delivery?

Is there tension generated by LG creation?

What are the burden/ challenge of creating LGs?

Are there groups affected by creation of LG? How?

### **5. Challenges and implications of boundary demarcation**

What are the implications (positive and negative) of redrawing of LG boundaries in linguistic/ethnic lines?

Are there tensions/ problems encountered in the process of LG boundary demarcation?

How is this tension manifested in formal and informal institutions and political processes?

What role does government play to mediate the tension?

What are the implications from a governance/diversity perspective?

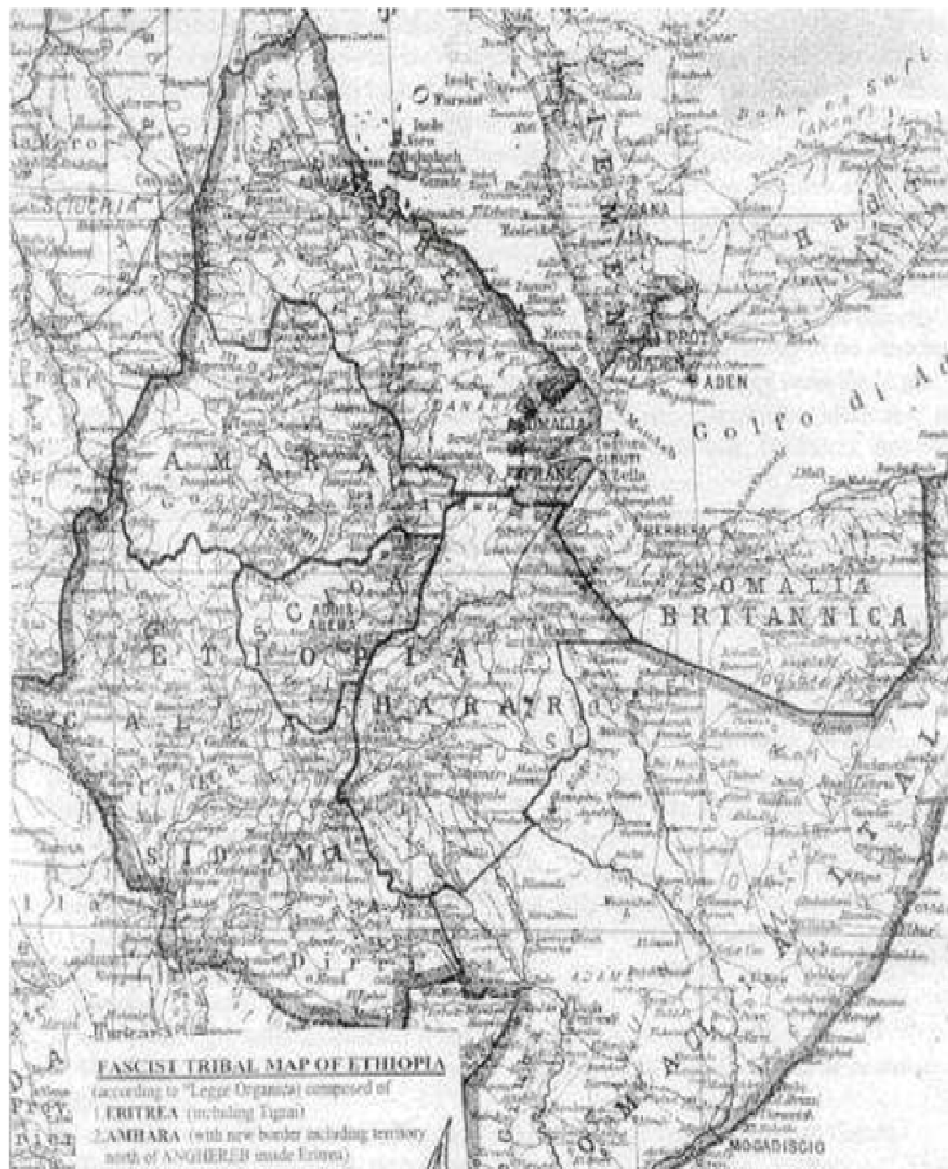
## Appendix-2: List of key informants interviewed during the study

No.	Name	Designation/Organization	Date of interview	Page numbers in the field notes	Location
1.	Interview 1	federal executive official	Sep.22, 2014	1-3	Addis Ababa
2.	Interview 2	member of HoPR	Sep.24, 2014	4-5	Addis Ababa
3.	Interview 3	official, MoFED	Sep.23, 2014	6-9	Addis Ababa
4.	Interview 4	civil servant, MoFED	Sep.24, 2014	10-17	Addis Ababa
5.	Interview 5	official, HoF	Sep.30, 2014	18-19	Addis Ababa
6.	Interview 6	regional executive official	Oct.3, 2014	20-21	Addis Ababa
7.	Interview 7	member of <i>Caffe</i>	Oct.13, 2013	22-23	Addis Ababa
8.	Interview 8	civil servant, <i>Caffe</i> Oromia	Oct.17, 2013	24-27	Adama
9.	Interview 9	advisor to regional president	Oct.27, 2014	28-34	Addis Ababa
10.	Interview 10	regional ex-official	Oct.30, 2014	35-39	Addis Ababa
11.	Interview 11	zonal executive official	Nov.7, 2014	40-42	Ambo
12.	Interview 12	<i>woreda</i> Administrator	Nov.10, 2014	43-44	Ambo
13.	Interview 13	local resident	Nov.11, 2014	45-46	Ambo
14.	Interview 14	member of <i>woreda</i> council	Nov.13, 2014	47-48	Dendi
15.	Interview 15	<i>woreda</i> executive official	Nov.13, 2014	49-50	Dendi
16.	Interview 16	member of <i>woreda</i> council	Nov.17, 2014	51-52	Ejere
17.	Interview 17	<i>woreda</i> executive official	Nov.17, 2014	53-54	Ejere
18.	Interview 18	member of <i>woreda</i> council	Nov.19, 2014	55-56	Cheliya
19.	Interview 19	<i>woreda</i> executive official	Nov.19, 2014	57-58	Cheliya
20.	Interview 20	zonal executive official	Dec.8, 2014	59-60	Burayu
21.	Interview 21	<i>woreda</i> executive official	Dec.10, 2014	61-62	Holeta
22.	Interview 22	local resident	Dec.11, 2014	63-63	Holeta
23.	Interview 23	member of <i>woreda</i> council	Dec.12, 2014	64-66	Burayu
24.	Interview 24	local resident	Dec.13, 2014	67-68	Burayu
25.	Interview 25	member of <i>woreda</i> council	Dec.22, 2014	69-70	Sebeta
26.	Interview 26	<i>woreda</i> executive official	Dec.24, 2014	71-72	Sebeta
27.	Interview 27	zonal executive official	Jan.5, 2014	73-75	Metu
28.	Interview 28	<i>woreda</i> administrator	Jan.7, 2015	76-77	Bedele

29.	Interview 29	local resident	Jan.9, 2015	78-79	Bedele
30.	Interview 30	member of <i>woreda</i> council	Jan.12, 2015	80-82	Gechi
31.	Interview 31	<i>woreda</i> executive official	Jan.12, 2015	83-84	Gechi
32.	Interview 32	<i>woreda</i> Administrator	Jan.12, 2015	85-87	Chewaka
33.	Interview 33	local resident	Jan.15, 2015	88-89	Chewaka
34.	Interview 34	regional executive official	Feb. 5, 2015	90-92	Awassa
35.	Interview 35	regional council member	Feb.6 , 2015	93-94	Awassa
36.	Interview 36	civil servant	Feb. 6, 2015	95-96	Awassa
37.	Interview 37	advisor to regional president	Feb. 9, 2015	97-99	Awassa
38.	Interview 38	member of CON	Feb. 9, 2015	100-102	Awassa
39.	Interview 39	zonal executive official	March 3, 2015	103-104	Jinka
40.	Interview 40	<i>woreda</i> executive official	March 6, 2015	105-106	Hamer
41.	Interview 41	local resident	March 6, 2015	107-109	Hamer
42.	Interview 42	member of <i>woreda</i> council	March 9, 2015	110-111	Bena Tsemay
43.	Interview 43	member of <i>woreda</i> official	March 9, 2015	112-114	Bena Tsemay
44.	Interview 44	<i>woreda</i> executive official	March 12, 2015	115-116	Debub Ari
45.	Interview 45	local resident	March 13, 2015	117-119	Debub Ari
46.	Interview 46	member of <i>woreda</i> council	March 16, 2015	120-122	Semen Ari
47.	Interview 47	<i>woreda</i> executive official	March 16, 2015	123-124	Semen Ari
48.	Interview 48	member <i>woreda</i> council	March 19, 2015	125-126	Nyangtom
49.	Interview 49	<i>woreda</i> executive official	March 20, 2015	127	Nyangtom
50.	Interview 50	zonal executive official	March 23, 2015	128-129	Arba Minch
51.	Interview 51	<i>woreda</i> executive official	March 25, 2015	130-134	Kucha
52.	Interview 52	local resident	March 26, 2015	135-139	Kucha
53.	Interview 53	member of <i>woreda</i> council	March 31, 2015	140-142	Chencha
54.	Interview 54	local resident	March 31, 2015	143-144	Chencha
55.	Interview 55	member of <i>woreda</i> council	April 3, 2015	145-146	Deramalo
56.	Interview 56	local resident	April 5, 2015	147-149	Deramalo
57.	Interview 57	member of <i>woreda</i> council	April 9, 2015	150-153	Mirab Abaya
58.	Interview 58	<i>woreda</i> executive official	April 9, 2015	154-157	Mirab Abaya
59.	Interview 59	member of <i>woreda</i> council	April 16, 2015	158-159	Boreda
60.	Interview 60	<i>woreda</i> executive official	April 18, 2015	160-162	Boreda

Appendix-3: LG Maps of Ethiopia

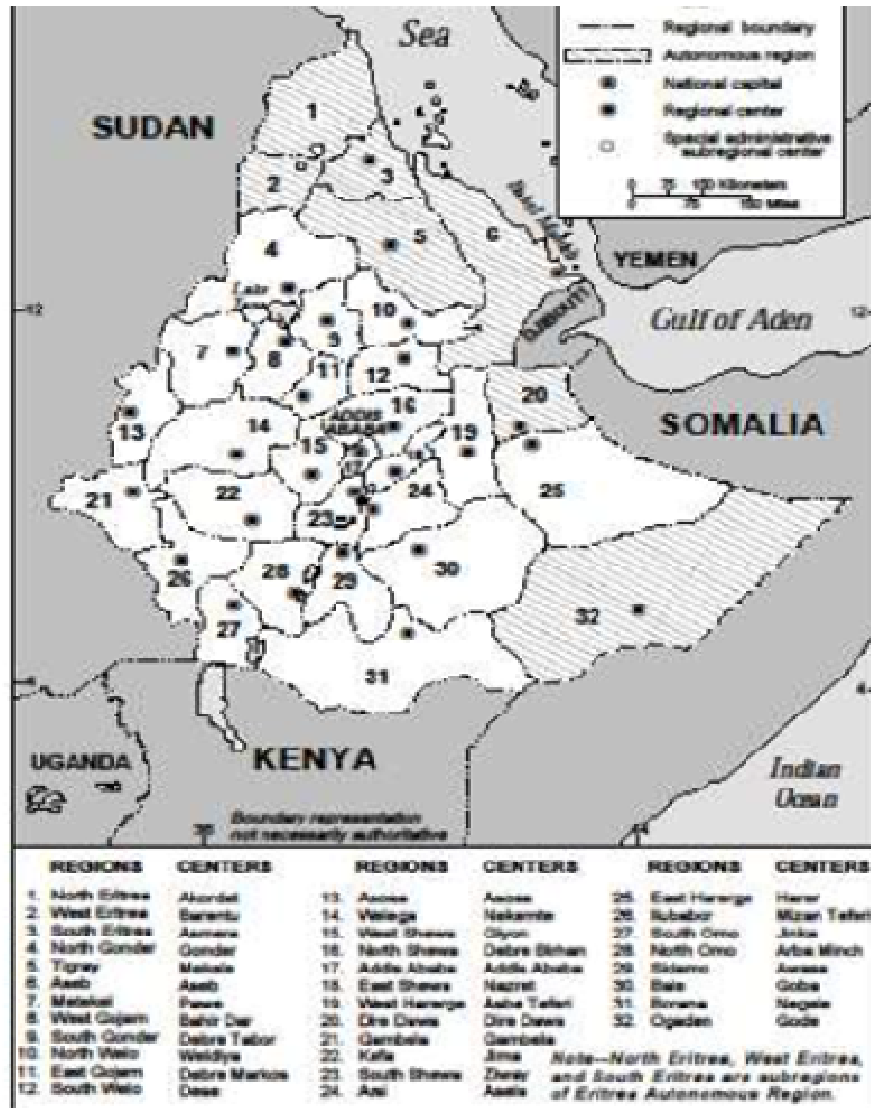
**Map-1:**  
**LG divisions, 1935-1941**



**Map-2:  
LG divisions, 1945-1987**

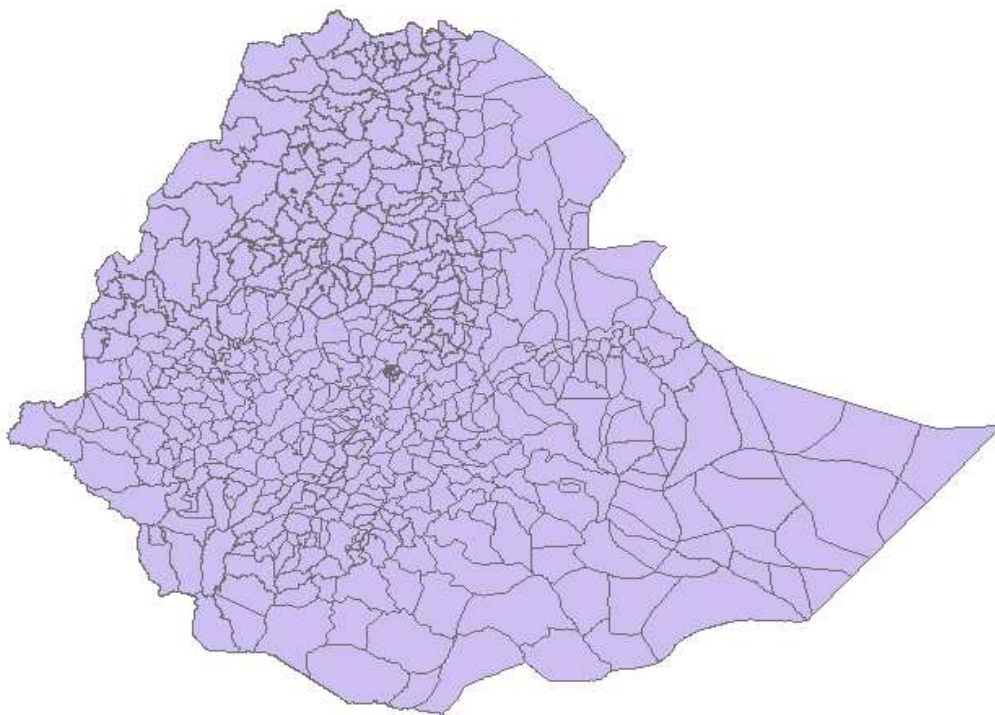


**Map-3:**  
**LG divisions, 1987-1991**

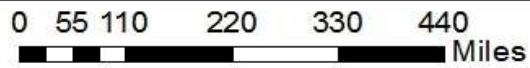


**Map- 4:**  
**LG divisions, Post-1991**

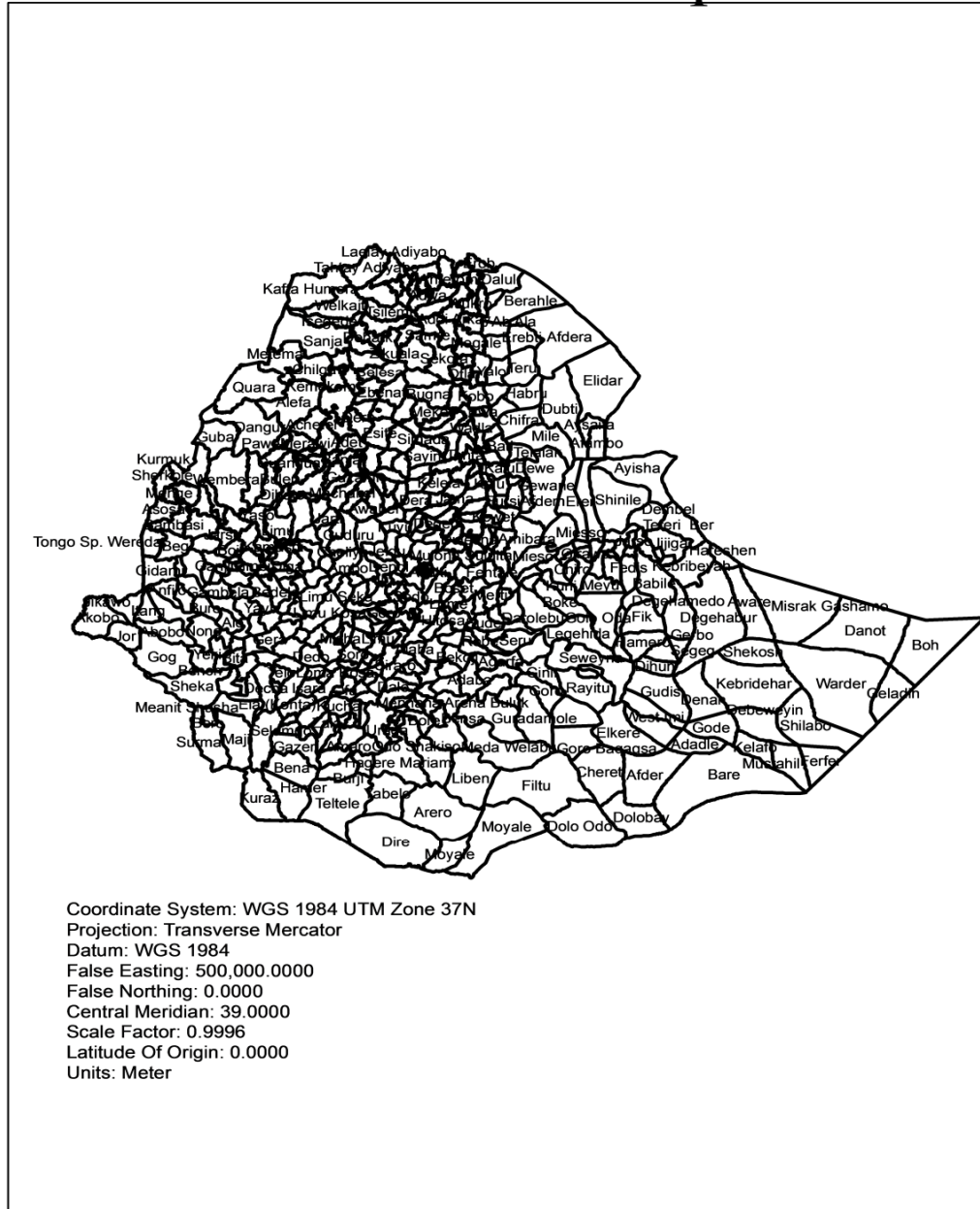
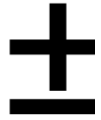
**Woreda boundaries in Ethiopia**



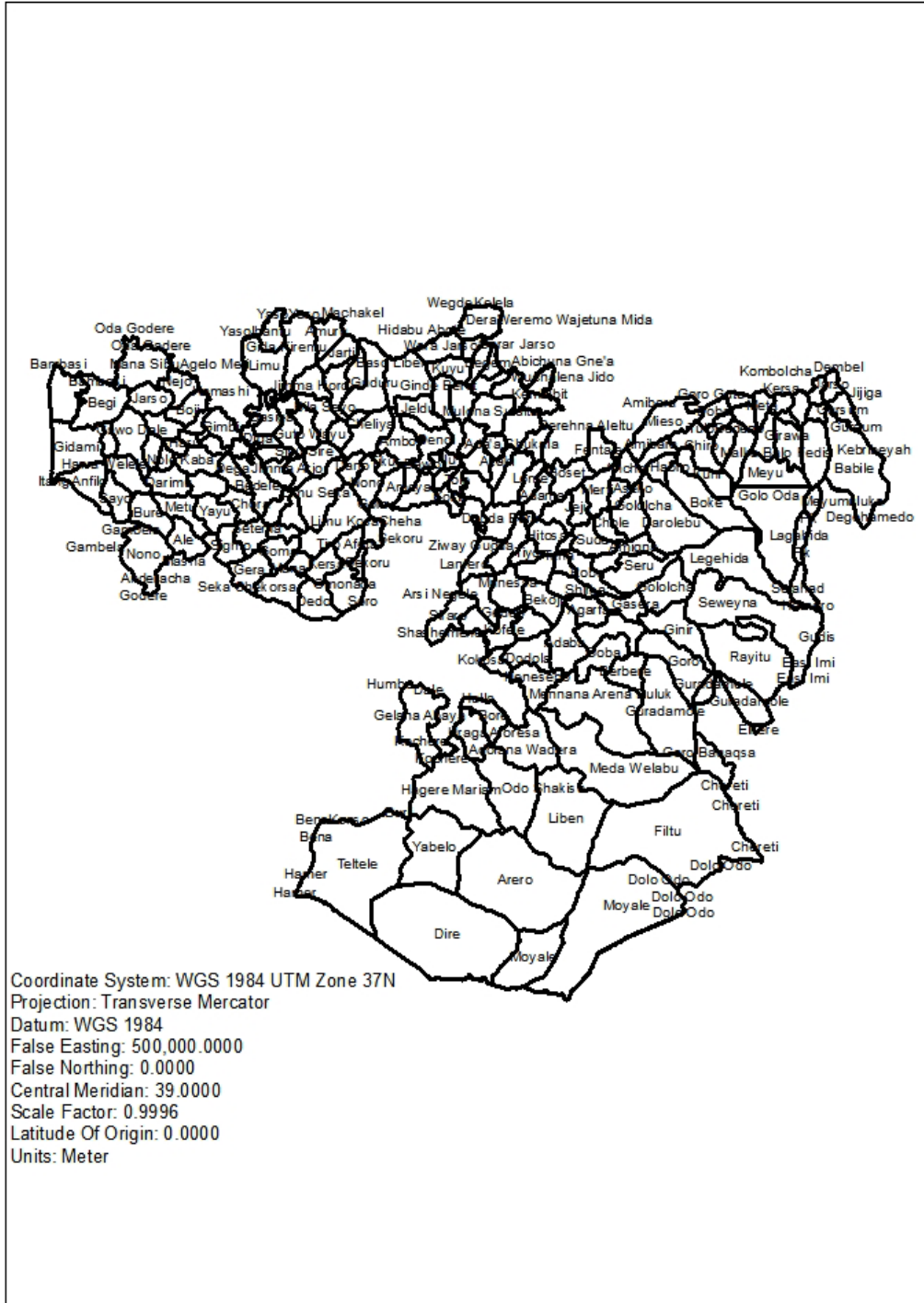
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Projection: Transverse Mercator  
Datum: WGS 1984  
False Easting: 500,000.0000  
False Northing: 0.0000  
Central Meridian: 39.0000  
Scale Factor: 0.9996  
Latitude Of Origin: 0.0000  
Units: Meter



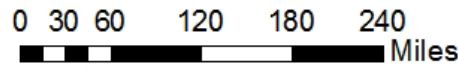
# Map-5: List of LGs, Post-1991 Woredas in Ethiopia



# Map- 6: Woredas in Oromia



Coordinate System: WGS 1984 UTM Zone 37N  
 Projection: Transverse Mercator  
 Datum: WGS 1984  
 False Easting: 500,000.0000  
 False Northing: 0.0000  
 Central Meridian: 39.0000  
 Scale Factor: 0.9996  
 Latitude Of Origin: 0.0000  
 Units: Meter





Appendix-4: List of LGs

A. List of LGs in SNNPR

በደቡብ ብሔር ብሔረሰቦች እና ህዝቦች ክልል የዞንና የወረዳ ዝርዝር							
ተ.ቁ	ዞን	ወረዳዎች	ተ.ቁ	ዞን	ወረዳዎች		
1	ቤንች ማጂ 11 ወረዳዎች	ሼይ ቤንች	5	ሃላባ ዞን 2 ወረዳዎች	ሃላባ ወረዳ		
		ሚዛን አማን ከተማ			ቁልቶ ከተማ		
		ሰሜን ቤንች	6	ስልጤ ዞን 9 ወረዳዎች	ስልጤ		
		ደቡብ ቤንች			ዳሎቻ		
		መካኒት ጎልዲያ			ላንቻ		
		መካኒት ሸሻ			ሁልባራግ		
		ማጂ			ሳንኩራ		
		ቤሮ			ምዕ/አዘ/በርበሬ		
		ሱርማ			ምስ/አዘ/በርበሬ		
		ሼክ			አልቾ ወረሮ		
		ጉራፈርዳ			ወራቤ ከተማ		
2	ሸካ ዞን 5 ወረዳዎች	የኪ	7	ጌዴኦ ዞን 8 ወረዳዎች	ዲላ ከተማ		
		ማሻ ወረዳ			ዲላ ዙሪያ		
		አንድራቻ			ቡሌ		
		ማሻ ከተማ			ወናጎ		
		ቴፒ ከተማ			ይርጋጨፌ ወረዳ		
3	ከፋ ዞን 11 ወረዳዎች	ጋዋታ	8	ጉራጌ ዞን 15 ወረዳዎች	ይርጋጨፌ ከተማ		
		ጊምቦ			ኮቾሬ		
		ጨና			ገደብ		
		ጌሻ			ቼሃ		
		ቢጣ			ኤቸ		
		ዲቻ			ገደበኖ ጉታዘር መሌኔ		
		ጠሎ			መሰቃን		
		አዲዮ			ማረቆ		
		ቦንጋ ከተማ			አብሽጌ		
		ሳይለም			ቀበና		
ጨታ	ጉመር						
4	ወላይታ ዞን 15 ወረዳዎች	ቦሎስ ስሬ	9	ልዩ ዞን	ምሁርና አክልል		
		ቦሎስ ቦምቤ			ሶይ		
		ዳ/ሶሬ			ወልቂጤ ከተማ		
		ኪንዶ ኮይሽ			ቡታጅራ ከተማ		
		ኪንዶ ዲዳዮ			እንምርና እኔር		
		ኦፋ			እንደረጋኝ		
		ሶይ ዙሪያ			ጌታ		
		ዳሞት ወይዴ			10	ልዩ ዞን	የም ልዩ ወረዳ
		ዳሞት ጋሌ					ከንታ ልዩ ወረዳ
		ዱ/ፋንጎ					ባስኬቶ ልዩ ወረዳ
		ዱ/ፑላሳ			12	ሰገን ዞን 6 ወረዳዎች	ደራሽ
		ሁምቦ					ቡርጂ
		አረካ ከተማ					አሌ
		ሶይ ከተማ					አማሮ
		ቦዲቲ ከተማ					ከንሶ



## B. List of LGs in Oromia

<b>Baayina Anaa Oromiyaa</b>									
Lak.	Godina	Anaa			S.No	Godina	Anaa		
1	G/Arsii	Suude	M/boqojii	Xiyyo	11	Jimmaa	Gommaa	Noonnoo Beenjaa	Cooraa Botor
		Roobe	Doddota	Shirkaa			Limmuu Saqqaa	Sigimoo	Saxxammaa
		Heexoosa	Zu/Dugdaa	Hunqoloo wabee			Shabee Somboo	Sokorruu	Xiroo Afataa
		Siree	Aminyaa	Martii			Qarsaa	Oomoo Naddaa	Deedoo
		Lemuufi bibiloo	Dikisisii	Colle			Maannaa	Geeraa	Limmuu Kossaa
		Xanna	Gunaa	Gololcha			Saqqaa Coqorsaa	Guumaay	Mag/Aggaaroo
		Seeru	Balee	Asakoo	12	Finfine Area	Sandaafaa	Aqaaqii	Bakkee
		Di/xijoo	Muneessa	Jauu			Sulultaa	Sabbataa Hawaas	Hoolata
							Wal maraa	Muloo	
2	W/Lixaa	Haaruu	A/Gimbii	B/Dirmajjii	13	Ki/B/Shawaa	Sooddoo Daaccii	Qarsaa	Walisoo
		S/Noole	M/Gimbii	M/Najjoo			Iluu	Tolee	Gooroo
		Hoomaa	N/Kaabba	Gullisoo			M/Walisoo	Bachoo	Wancii
		Qondaala	Ganjii	L/Assaabii			Sadan Sooddoo	Daawoo	Ammayya
		B/Gambeel	Yuubdo	A/Najjoo	14	Il/Ab/Booraa	Beddellee	Aallee	Deeggaa
		B/Coqorsa	Ayira	M/Sibuu			Boorracha	Aallee Mannuu	Mattuu
		Q/Kaarraa	Begii	M/Mandii			Buree	Hurrumu	Daarimuu
		Jaarsoo					Cawwaaqaa	Biloo Naphaa	Diiduu
3	Shawaa Kaabaa	Yaayyaa Gullallee	Qindibiit	Wucaalee	186		Daaboo	Yaayyoo	Aalgee Saachii
		Abbichuu	Girar Jaarsoo	Warra Jaarsoo			Dhidheessa	Doorannii	Makkoo
		Alaltuu	Dagam	Magaalaa Fichee			Haluu	Cooraa	M/Mattuu

		Hidhabuu Abootee	Kuyyuu	Jiddaa			M/Bedellee	Gachii	
		Dabre Libaanos	Darraa				Abee Dongoroo	Abaabuu Guduruu	Amuru
4	Qellem Wallaggaa	Daallee Waabaraa	Laaloo Qilee	Sayyoo	15	Horro Guduruu	Magaalaa Shaambuu	Jimmaa Raaree	Jaardagaa Jaartee
		Jimmaa Horroo	Daallee Sadii	Gidaamii			Jimma Gannatii	Abbayyii Coomman	Guduru
		Hawwaa Galaan	Anfilloo	Yamaaloogii Walal			Aanaa Horroo		
		Gaawoo Qeebbee	Magaala D/Doolloo						
5	Lixa Shawaa	Noonnoo	Calliyaa	Amboo	16	Godina Baalee	Dinniir	Laga Hidhaa	Daawwee Sarar
		Jibaat	Miidhaa Qanyii	Tukkee			Diinshoo	Sinaana	Gurra Dhamole
		Ginda Barat	Meettaa Roobii	Ganjii			Harannaa Bulluq	Gaasara	Sawweeta
		Iluu Galaan	Abulaa G/Barat	Dirree Incinnii			M/Gobbaa	Gololcha	Raayituu
		Ada'aa Bargaa	Ilfata	Jalduu			Daloo Mannaa	Gobbaa	Barbaree
		Baakkoo	Daannoo	Ejeree			Agaarfa	M/Ginniir	Daawwee Qaaccaa
6	A/Lixaa	Nageellee	Gadab Hasaasaa	Siraaroo	17	H/Bahaa	Ku/calle	Gursum	badannoo
		Dodola	Kofale	Shaallaa			Mayyuu	H/maayaa	Gola Odaa
		Qoree	Kokossa	Shashamannee			Gurawaa	Cinaksan	Kurfaa
		Magaalaa Dodolaa	Nansabo	Wando			Jaarsoo	Meettaa	kombolcha
		Mag/Arsii Nageellee	Mag/B/Gurracha				M/Bal'oo	Martii	badannoo
							Qumbii	Baabilee	Mune
7	W/Bahaa	Guutoo Giddaa	Gobbuu Sayyoo	Diggaa			Gira	M/Ball	Awadaay
		Gudayyaa Biilaa	Waayyuu Tuqaa	Jimmaa Arjoo			Kurfaa	Qarsaa	M/Dadar
		Sibuu Siree	Nuunnuu Qumbaa	Kiiramuu					

		Waamaa Hagaloo	Leeqaa Dullachaa	Giddaa Ayyaanaa			Dadar	Fadiis	midhagaa
		Bonayyaa Boshee	Saasigga	Eebantuu			Nageellee	Waadaraa	O/Shakisoo
		Limmuu	Haruu Limmuu				Uraagaa	Booree	Qarcaa
8	Shawaa Bahaa	Gimbichuu	Booraa	Fantaallee	18	Gujii	Liiban	M/Shakkisoo	A/Woyyuu
		Ada'aa	Dugdaa	Matahaaraa			Daamaa	A/Reedee	B/M/Nageellee
		Lumee	ATJK	Liiban			Gijaa	A/Sooraa	H/Wamanaa
		Boosat	Adaamaa				G/Doolaa	S/Booruu	
9	Boorana	Yaaballoo	M/Soddaa	B/Horaa					
		Dirree	Miyoo	Taltallee					
		Galaanaa	D/Dawwaa	Abbayyaa					
10	H/Lixaa	Odaa Bultum	Mi'eessoo	Masalaa					
		Gammachiis	Ciroo	Bookee					
		Hawwii Guddinaa	M/Ciroo	Burqaa Diimtuu					
		Gubbaa Qorichaa	Tuullo	Abroo					
		Hancaar	Doobbaa	Daaroo Labuu					

## References

### Books, Journal Articles, Working Papers and Unpublished PhD Thesis

- Aalen, Lovise, (2002), *Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991-2000* (Bergen: ChrMichelsen Institute Development Studies and Human Rights)
- Abbink, Jon, (2000), 'Violence and the crisis of conciliation: Suri, Dizi and the State in South-west Ethiopia,' *Africa*, Vol.70, No.4
- , (2006), 'Ethnicity and Conflict Generation in Ethiopia: Some Problems and Prospects of Ethno-Regional Federalism,' *J. of Contemporary African Studies*, Vol. 24, No. 3
- Adeyemo, D.O, (2005), 'Local Government Autonomy in Nigeria: A Historical Perspective,' *J. Soc. Sci.*, Vol.10, No.2
- , (1997), 'Ethnicity and Constitutionalism in Ethiopia,' *J. of African Law*, Vol. 41
- Alem Habtu, (2000), 'Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution,' *Queens College, City University of New York*
- , (2003), 'Ethnic Federalism in Ethiopia: Background, Present Conditions, and Future Prospects,' Paper Submitted to the Second EAF International Symposium on Contemporary Development Issues in Ethiopia, Addis Ababa
- Alemante G., (2003), 'Ethnic federalism: Its Promise and Pitfalls for Africa,' *J. of Inter'l Law*, Vol.28
- Alemseged A., (2004), 'Diversity and State-Building in Ethiopia,' *African Affairs*, Vol.103, No.413
- Andargachew T., (1994), *The Ethiopian revolution 1974-1987: A transformation from an aristocratic to a totalitarian autocracy*. Cambridge: Cambridge University Press
- Asaju, K., (2010), 'Local Government Autonomy in Nigeria: Politics and Challenges of the 1999 Constitution,' *Inter'l J. of Advanced Legal Studies and Governance*, Vol. 1, No.1
- Asmelah Beyene, (1987), 'Some Notes on the Evolution of Regional Administration in Ethiopia,' *Ethiopian J. of Development Research*, Vol.9, No.1
- , (1997), 'Decentralization as a Strategy for Resolving the Nationality Problem: The Ethiopian Experiment,' draft of a paper prepared for the 18<sup>th</sup> AAPAM Roundtable Conference on the theme 'Decentralization as a Principle of Democratic Governance in Africa: Issues and Options,' Nairobi, 17-21 March 1997
- Asmerom, H.K., (1967), 'Trends toward Decentralization in Ethiopia,' *Studies in comparative Decentralization*, Vol. 1
- Asnake Kefale, (2010), 'Federal Restructuring in Ethiopia: Renegotiating Identity and Borders along the Oromo–Somali Ethnic Frontiers,' *Development and Change*, Vol.41, No. 4
- Assefa Fiseha, (2007), *Federalism and the accommodation of diversity in Ethiopia: A comparative Study*. Nijmegen: Wolf Legal Publishers

- Aulich, Chris, *et al*, (2011), 'Consolidation in Local Government: A Fresh Look,' *Australian Centre of Excellence for Local Government*, Vol. 1
- Bailey, S., (1999), *Local Government Economics: Principles and Practice*. London: Macmillan
- Berhanu G., (2007), 'Restructuring state and society: Ethnic federalism in Ethiopia,' Unpublished PhD Thesis, Department of Culture and Global Studies, Aalborg University
- Boulouis, J., (1953), 'Local Government as a Basis of and Training in Democracy,' *Inter'l Social Science Bulletin*, Vol. V
- Bratton, M., (2012), 'Citizen Perceptions of Local Government Responsiveness in Sub-Saharan Africa,' *World Development* Vol. 40, No. 3
- Brietzke, P. H., (1995) 'Ethiopia's "Leap in the dark": Federalism and self-determination in the new Constitution,' *J. of African Law* , Vol.39, No.1
- Briffault, R., (1990), 'Our localism: Part II-Localism and legal theory,' *Columbia Law Review* 346
- (1996), 'The Local Government Boundary Problem in Metropolitan Areas,' *Stanford Law Review*, Vol. 48, No. 5
- Cameron, R., (2006), 'Local Government Boundary Reorganization'. In U. Pillay, *et al*, (eds) *Democracy and Delivery: Urban Policy in South Africa*. South Africa: HSRC Press
- Carmichael, P., *et al*, (2005/2006), 'Local Authority Structures and Administrative Boundaries: Evidence from the United Kingdom and Other Jurisdictions,' *Political Science Working Paper Series*, No. 6
- Central Statistical Authority, (2007), *Housing and Population Census of Ethiopia: Results for Oromia Region*. Addis Ababa
- Chakaipa, S., (2010), 'Local Government institutions and elections'. In N. Steytler, *et al* (eds), *Local Government Reform in Zimbabwe: A policy Dialogue*. South Africa: Community Law Centre, University of the Western Cape
- Chandler, J., (2010), 'A Rationale for Local Government,' *Local Government Studies*, Vol. 36, No.1
- Chatiza, K., (2010), 'Can Local Government steer socio-economic transformation in Zimbabwe'. In N. Steytler, *et al* (eds) *Local Government reform in Zimbabwe: A policy dialogue*. South Africa: Community Law Centre, University of the Western Cape
- Clapham, C., (1998), *Transformation and continuity in revolutionary Ethiopia*. Cambridge: Cambridge University Press
- Cohen, J., (1994), 'Transition toward Democracy and Governance in Post Mengistu Ethiopia,' *Development Discussion Paper* No. 493
- , (1995), 'Ethnic Federalism in Ethiopia,' *Northeast African Studies*, Vol.2, No.2
- Cohen, J. and Koehn P., (1998), *Ethiopian provincial and municipal government: Imperial patterns and post-revolutionary changes*. East Lansing: African Studies Centre Michigan State University

- Community Law Centre (1999), *Local Government Law Bulletin*, Vol.1, No.1, University of Western Cape
- Dale, C., (2008), 'The Role of Local Government for a Contemporary Victorian Community,' Unpublished PhD thesis, Victoria University
- Daniel G., (1994), 'Nation in perpetual transition: The politics of changes in administrative divisions and subdivisions in Ethiopia'. In Marcus HG (edi) *Papers of the 12th International Conference of Ethiopian Studies*. Lawrenceville: The Red Sea Press
- Derrese Degefa, (2003), 'Fiscal Decentralization in Africa: the Ethiopian Experience,' Ad-Hoc Expert Group Meeting, Economic Commission for Africa 7-9 Oct.2003, UNCC, Addis Ababa
- De Visser, J., (2009), 'Developmental Local Government in South Africa: Institutional Fault Lines,' *Commonwealth J. of Local Governance*, Issue 2
- De Visser, J., *et al*, (2012), 'The Role of Ethnicity in the Demarcation of Internal Boundaries in South Africa and Ethiopia,' Draft paper presented at the Annual Conference of International Association of Centers for Federal Studies (IACFS) on "Federalism, Regionalism and Territory," Rome, 20-21 Sept. 2012
- De Visser, J and D.K. Singiza, (2011), 'Chewing more than one can swallow: the creation of new districts in Uganda,' *Law, Democracy and Development*, Vol. 15
- Eastern Cape Socio-Economic Consultative Council (2012), 'Framing the demarcation debate,' Draft Research Reports, 26 June 2012
- Feiock, F. and J. Carrfeiock, (2001), 'Incentives, Entrepreneurs, and Boundary Change: A Collective Action Framework,' *Urban Affairs Review*, Vol. 36, No.3
- Yonatan Fessha (2010), *Ethnic Diversity and Federalism: Constitution Making in South Africa and Ethiopia*. Ahgate: Farnham
- Galadima, H., (2009), 'Federal Republic of Nigeria'. In N. Steytler (edi), *A Global Dialogue on Federalism – Local Government and Metropolitan Regions n Federal System*. Montreal and Kingston: McGill- Queen's University Press
- Gamper, A. and F. Palermo, (2011), 'Federalism, Local Government and Policy-Making,' *Federal Governance*, Vol. 8, No. 3
- Garcia, M. and Rajkumar A., (2008), *Achieving better service delivery through decentralization in Ethiopia*. Washington D C.: World Bank
- Gel'man, V., (2002), 'The Politics of Local Government in Russia: The Neglected Side of the Story,' *Perspectives on European Politics and Society*, Vol.3, No.3
- Ghebrehiwot B., (2012), 'The Making of States and Local Government s in the Multi-ethnic Federation of Ethiopia,' A Draft paper presented at the Annual Conference of the International Association of Centres for Federal Studies (IACFS) on "Federalism, Regionalism and Territory," Rome, 20-21 September 2012
- Gray, J.(edi), (1991), *Mill on Liberty and Other Essays*. Oxford: Oxford Uni. Press
- Griggs, R. A., (1997-1998), 'Creating Geographies of Peace: Provinces, Referenda and Spatial Decision- Making in South Africa,' *IBRU Boundary and Security Bulletin*

- Hancock B., *et al*, (2007), *An Introduction to Qualitative Research*. The NIHR RDS EM: YH
- Henly, M., (2012), 'Re-establishing Community Boundaries in Down east Maine: Understanding the Roles of Ethnicity, Tenure of Residence, Economic and Environmental Conditions,' *J. of Rural and Community Development*, Vol.7, No.2
- Institute for the Study of Ethiopian Nationalities, (1984), 'Documents on the Establishment of the Institute for the Study of Ethiopian Nationalities,' Addis Ababa, July 1984
- James, W., *et al*, (2002), (eds), *Remapping Ethiopia*. London: James Currey
- Kalu, N. K., (2008), *State Power, Autarchy, and Political Conquest in Nigerian Federalism*. USA: Rowman & Littlefield Publishers, Inc.
- Kapur, Y.A., (2008), 'The Functioning of Local Governments in Federal Systems, in Groups'. In J. Kincaid and R. Chattopadhyay (eds), *Local Government in Federal Systems, Unity In Diversity*. New Delhi: Viva Books Private Limited
- Keller, E., (1981), 'The revolutionary transformation of Ethiopia's twentieth-century bureaucratic Empire,' *The J. of Modern African Studies* Vol.19, No.2
- Khan, S., (2008), 'Local Governments and Local Elites,' *Local Government Studies*, Vol.34 No. 4
- Kjellberg, F., (1985), 'Local Government Reorganization and the Development of the Welfare State,' *J. of Public Policy*, Vol. 5, No. 2
- (1995), 'The Changing Values of Local Government,' *Annals of the American Academy of Political and Social Science*, Vol. 540
- Langrod, G., (1953), 'Local Government and Democracy,' *Public Administration*, Vol. 31, No. 1
- Leenco Lata, (1998), 'The Making and un making of Ethiopia's Transitional Charter.' In Asafa Jalata (edi), *Oromo Nationalism and the Ethiopian Discourse: the Search for Freedom and Democracy*. Lawrenceville: The Red Sea Press
- Lijphart, A., (1977), *Democracy in Plural Societies: A Comparative Exploration*. New Haven: Yale University Press
- Marcus, H. G. (ed.), (1994), 'New Trends in Ethiopian Studies: Ethiopia,' Papers of the 12<sup>th</sup> International Conference of Ethiopian Studies, Vol. I: Humanities and Human Resources, Lawrenceville N.J.: Red Sea Press
- McCarney, P., (2000), 'Disjunctures, Divides, and Disconnects: The Promise of Local Government in Development,' *Isandla Institute Dark Roast Occasional Paper Series*, Vol. 2, No.1
- Markakis, J., (1975), *Ethiopia: Anatomy of a traditional polity*. Addis Ababa: Shama Books
- , (1979), 'Garrison Socialism: The case of Ethiopia,' *MERIP Report*, Vol.79
- , (1981), 'The military state and Ethiopia's path to socialism' *Review of African Political Economy*, Vol. 21
- , (1998), 'The Politics of Identity – The Case of the Gurage in Ethiopia'. In Mohammed Salih and J.Markakis,(eds), *Ethnicity and the State*

in *Eastern Africa*. Uppsala: Nordiska Afrikainstitutet

- Mathew, G., (2008), 'The Functioning of Local Governments and their Relationship with Upper Levels of Government'. In J. Kincaid and R. Chattopadhyay(edi), *Local Government In Federal Systems, Unity In Diversity*. New Delhi: Viva Books Private Limited
- Messing, S., (1955), 'Changing Ethiopia,' *Middle East J.*, Vol. 9, No. 4
- Mihret Ayenew, (2010), 'A Rapid Assessment of *Woreda* Decentralization in Ethiopia'. In Taye A. and Tegegne G. E., (eds), *Decentralization in Ethiopia*. Addis Ababa: FSS
- Mill, J.S., (1862), *Considerations on Representative Democracy*. Toronto: University of Toronto Press
- MoFED, (2002), 'Ethiopia: Sustainable Development and Poverty Reduction Programme (SDPRP)'. Addis Ababa
- Mukoro, A., (2003), 'The Evolution of a Democratic Local Government System in Nigeria,' *J. Soc. Sci.*, Vol.7, No.3
- Nyalunga, D., (2006), 'The Revitalisation of Local Government in South Africa,' *Inter'l NGO J.*, Vol. 1, No.1
- Olowu, D., (2001), 'Decentralization Policies and Practices under Structural Adjustment and Democratization in Africa,' *UNRISD Democracy, Governance and Human Rights Programme*, Paper No. 4
- Olowu, D. and Wunsch J., (2004), *Local governance in Africa: The challenges of democratic Decentralization*. London: Lynee Rienner
- Oromia Bureau of Finance and Economic Development (2010) *Demographic and Socio-Economic Profile of Oromia*, Finfinne, Ethiopia
- Oviasuyi, O., (2010), 'Model for Roles and Involvement of Local Communities in Development Projects and Programmes of Local Government Authorities in Nigeria,' *J Hum Ecol*, Vol. 31, No.2
- Owusu, G., (2009), 'Internal Boundaries and District Administration: A Challenge to Decentralization and District Development in Ghana,' *Human Geography*, Vol. 91, No.1
- Paddison, R., (2005) 'Redrawing Local Boundaries: Deriving the Principles for Politically Just Procedures,' In J. Meligrana (edi), *Redrawing Local Government Boundaries: An International Study of Politics, Procedure and Decisions*. Vancouver: UBC Press
- Panter-Brick, K., (1953), 'Local Government and Democracy - A Rejoinder,' *Public Administration*, Vol. XXXI
- Palermo, F., (2010), 'Decentralization as a Tool for Groups' Accommodation- Some Reflections,' A Paper Prepared for the Conference on "Democracy and Decentralization-Strengthening Democratic Institutions Through Participation", 3-4 May 2010, St Gallen, Switzerland
- Pernthaler, P. and A. Gamper, (2005), 'Local Government in Austria'. In N. Steytler (edi), *The Place and Role of Local Government in Federal Systems*. Johannesburg: Konrad-Adenauer-Stiftung

- Razin, E., (2005), 'Changing Local Government Boundaries in Israel: the Paradox of Extreme Centralism versus Inability to Reform'. In J. Meligrana (edi), *Redrawing Local Government Boundaries: An International Study of Politics, Procedure and Decisions*. Vancouver: UBC Press
- Razin, E. and A. Hazan, (2011), 'Redrawing Israel's Local Government map: political decisions, court rulings or popular determination,' *Political Geography*, Vol. 20
- , (2004), 'Municipal Boundary Conflicts between Jewish and Arab Local Authorities in Israel: Geography of Administration or Geopolitics?' *Human Geography*, Vol. 86, No. 2
- , (1990), 'What is hidden behind a municipal boundary conflict?,' *Political Geography Quarterly*, Vol. 9, No. 3
- Razin, E. and J. Meligrana, (2005), 'Conclusion: Changing Local Government Boundaries in Different Political- Ideological Environments'. In J. Meligrana, (edi), *Redrawing Local Government Boundaries: An International Study of Politics, Procedure and Decisions*. Vancouver: UBC Press
- Risse, H. *et al*, (2008), 'Local Government in Federal Systems'. In J. Kincaid and R. Chattopadhyay(eds), *Local Government In Federal Systems, Unity In Diversity*. New Delhi: Viva Books Private Limited
- Saunders, C., (2005), 'Constitutional recognition of local government in Australia' in N. Steytler (edi), *The place and role of local government in federal systems*. Johannesburg: Konard-Adenaur-Stiftung Occasional papers
- Shah, Anwar, (2006), 'A Comparative Institutional Framework for Responsive, Responsible, and Accountable Local Governance'. In A. Shah (edi), *Local Governance in Industrial Countries*. Washington DC: The World Bank
- Shale, V., (2005), 'Demarcating Local Authorities' Boundaries for Good Governance versus the People- to -People Relations: the Case Study of Lesotho,' *EISA Occasional Paper*, No.28
- Sharpe, J., (1970), 'Theories and Values of Local Government,' *Political Studies*, Vol. 18, No.2
- Solomon Nigussie, (2006), *Fiscal Federalism in the Ethiopian Ethnic-Based Federal System*. Nijmegen: Wolf Legal Publisher
- Sosmena, G., (1986), 'Local Autonomy and Inter-governmental Relations,' *Philippine Law J.*, Vol.61
- Steytler, N., (2002), 'Background Paper on the Place and Role of Local Government in Federations,' Paper Presented at "Cities and Federalism Conference", Rio de Janeiro, Brazil, 6 and 7 May 2002
- , (2005), 'Introduction'. In N. Steytler (edi), *The Place and Role of Local Government in Federal Systems*. Johannesburg: Konrad-Adenauer-Stiftung
- , (2009), "Comparative Conclusions", In N.Steytler (edi), *Local Government and Metropolitan Regions in Federal Systems: A Global Dialogue on*

- Strumpf, k., (2002), 'Does Government Decentralization Increase Policy Innovation?,'  
*J. of Public Economic Theory*, Vol.4
- Tegegne G. E., (1998), 'The influences of decentralization on some aspects of local and regional development planning in Ethiopia,' *Eastern Africa Social Science Research Review*, Vol. 14, No. 1
- , (2007), 'Introduction' in Taye A. and Tegene G. E. *Decentralization in Ethiopia*. Addis Ababa: FSS
- Tegene G. E. and Kassahun B., (2007), 'A literature review of decentralization in Ethiopia' in Taye A and Tegene G E *Decentralization in Ethiopia* Addis Ababa: FSS
- Teshale T., (1995), *The making of modern Ethiopia 1896-1974*. Lawrenceville: The Red Sea Press
- Teune, H., (1995), 'Local government and democratic political development,' *Annals of the American Academy of Political and Social Science*, Vol.504
- Tonwe, D.A.,(2011), 'Conceptualizing Local Government from a Multi-Dimensional Perspective,' *Higher Education of Social Science*, Vol. 1, No.1
- Turton, D., (2006), 'Introduction'. In D.Turton (edi), *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective*. James Currey: Oxford
- Van der Beken, Chr., (2009), 'Ethiopian Constitutions and the Accommodation of Diversity: The Limits of Territorial Approach'. In Tsegaye R (edi), *Issues of Federalism in Ethiopia: Towards an Inventory. Ethiopian Const. Law Series*, Vol.2
- , (2009), 'Federalism and the Accommodation of Ethnic Diversity: The Case of Ethiopia'. Ghent: Ghent University, Law Faculty, Working Paper
- Vaughan, S., (2003), 'Ethnicity and power in Ethiopia,' PhD Thesis University of Edinburgh
- , (2006), Responses for ethnic federalism in Ethiopia's Southern Region'. In D.Turton (edi), *Ethnic federalism: The Ethiopian experience in Comparative perspective*. Addis Ababa: AAU Press
- Vaughan, S. and Kjetil Tronvoll, (2003), 'The Culture of Power in Contemporary Ethiopian Political Life,' *SIDA Studies*, No. 10
- Volden, C., *et al*, (2008), 'A Formal Model of Learning and Policy Diffusion,' *American Political Science Review*, Vol. 102, No. 3
- Warwick, D. P. and S. Osherson, (1973), 'Comparative Analysis in the Social Sciences'. In D.P. Warwick and S. Osherson (eds), *Comparative Research Methods*. Englewood Cliffs, NJ: Prentice-Hall
- Whalen, H., (1960), 'Ideology, Democracy, and the Foundations of Local Self-Government,' *Canadian J. of Economics and Political Science*, Vol. XXVI, No. 3
- World Bank, (2000), 'Ethiopia Regionalization Study,' Report No. 1 8898-ET
- Yigremew Adal, (2001), 'Decentralization and local governance in post-Dergue Ethiopia'. In *Proceedings of the Conference on Governance and Sustainable Development: Promoting Collaborative Partnership*. Addis Ababa: AAU Press
- Yilmaz, S. and Venugopal V., (2008), 'Local government accountability and discretion in Ethiopia,' Georgia State University Andrew Young School of Policy

Studies, Inter'l Studies Programme Working Paper 08-38; 21

- Yonatan F., (2008), Institutional recognition and accommodation of ethnic diversity: Federalism in South Africa and Ethiopia, Unpublished PhD Thesis, University of the Western Cape
- Yonatan Tesfaye, (2010), Ethnic Diversity and Federalism: Constitution Making in South Africa and Ethiopia. Ahgate: Farnham
- , (2012), 'Federalism, the subnational constitutional framework and Local Government: Accommodating minorities within minorities,' *Perspectives on Federalism*, Vol. 4, No. 2
- Yonatan F. and C. Kirkby, (2008), 'A Critical Survey of Subnational Autonomy in African States,' *Publius: The J. of Federalism*, Vol. 38, No. 2
- Young, J., (1996), 'Ethnicity and power in Ethiopia,' *Review of African Political Economy*, Vol.23, No.70
- , (1998), 'Regionalism and democracy in Ethiopia,' *Third World Quarterly* Vol.19, No.2
- Zemelak A., (2011) 'Local government in Ethiopia: Still an apparatus of control?' *Law Democracy and Development*, Vol.15
- Zemelak A., (2012) 'Decentralisation, development and accommodation of ethnic minorities: The case of Ethiopia,' Unpublished PhD Thesis, University of the Western Cape
- Zemelak A. and Yonatan F., (2012), 'The Constitutional Status of Local Government in Federal Systems: The Case of Ethiopia,' *Africa Today* Vo.50, No.4
- Zerihun Y., (2010), 'The status, powers and functions of local government in Oromia'. In Alem H (edi), *Ethiopian federalism principle, process and practice*. Addis Ababa: AAU Press

### **Constitutions and Proclamations**

- Addis Negari Gazeta* of the City Government of Addis Ababa: Addis Ababa City Government Sub-cities and *kebeles* establishment Procl No. 1 (2003) amendment Procl No. 13 (2004)
- Dehub Negarit Gazeta* of Southern Nations Nationalities and People's Regional State (SNNPR): The Revised Constitution of the Southern Nations, Nationalities and People's National Regional State Procl No. 35 (2001)
- Dehub Negarit Gazeta* of Southern Nations Nationalities and People's Regional State (SNNPR): The revised cities Procl Procl No. 103 (2006)
- Federal *Negarit Gazeta* of the Federal Democratic Republic Ethiopia: Addis Ababa City Government Revised Charter Procl No. 361 (2003)
- Federal *Negarit Gazeta* of the Federal Democratic Republic Ethiopia: Reorganization of the Executive Organs of the Federal Democratic Republic of Ethiopia Procl No. 256 (2001)
- Federal *Negarit Gazeta* of the Federal Democratic Republic Ethiopia: Consolidation of the House of Federation and the definition of its powers and responsibilities Procl No. 251 (2001)

*Lisane Hig Gazeta* of the Benishangul Gumuz Regional State: The Revised Constitution of the Benishangul Gumuz Regional State Procl No. 31 (2002)

*Lisane Hig Gazeta* of the Benishangul Gumuz Regional State: A Procl to strengthen a decentralised *woreda* level administration in Benishangul-Gumuz regional state Procl No. 87 (2010)

*Lisane Hig Gazeta* of the Benishangul-Gumuz Regional State: A Procl to provide for the establishment and organization of urban centers of the Benishangul-Gumuz Regional State and definition of their powers and duties Procl No. 69 (2007)

Local Government Act of Ghana, Act 462 (1993)

Local Government Municipal Structures Act of Republic of South Africa No. 117 (1998)

Local Government Municipal Demarcation Act of Republic of South Africa No. 27 (1998)

*Magaalota Oromia*: A Procl to amend Procl No. 65 (2003) the urban local government of Oromia National Regional State Procl No. 116 (2006)

*Magaalota Oromia*: Regulation issued to implement Oromia urban administration Procl No. 65 (2003) Procl No. 53 (2005)

*Magaalota Oromia*: The urban local government Procl No. 65 (2003)

*Magaalota Oromia*: A regulation issued to determine the functions and powers of *woredas* and *kebeles* in Oromia Regional State Procl No. 30 (2003)

*Magaalota Oromia*: The Revised Constitution of the Oromia National Regional State Procl No. 46 (2001)

*Negarit Gazeta* of the Afar National Regional State: Procl to establish and define powers and functions of Afar National Regional State Zonal Administration Procl No. 29 (2005)

*Negarit Gazeta* of Imperial Government of Ethiopia: Administrative Regulation, Decree No.1 1st Year No. 6 (1942)

*Negarit Gazeta* of Imperial Government of Ethiopia: Procl to Provide for the Control of Municipalities and Township Procl No.74 (1945)

*Negarit Gazeta* of Imperial Government of Ethiopia: Municipality Procl Legal Notice No. 86 (1945)

*Negarit Gazeta* of Imperial Government of Ethiopia: Local Self Administration Order No. 43 (1966)

*Negarit Gazette* of the Tigray Regional State: A Procl to strengthen self-administration and to determine the functions and powers of *woreda* administration Procl No. 99 (2006)

*Negarit Gazette* of the Tigray Regional State: A Procl issued to provide for rural land administration and use Procl No. 136 (2008)

*Negarit Gazette* of the Tigray Regional State: A Procl issued to strengthen self-governance and define the powers and functions of *woreda* administration Procl No. 99 (2005)

*Negarit Gazette* of the Tigray Regional State: A Procl issued to approve the Revised Constitution of Tigray Regional State Procl No. 45 (2001)

*Negarit Gazeta* of the Ethiopian Transitional Government: A Procl to provide for the establishment of national regional self-governments Procl No. 7 (1992)

*Negarit Gazeta* Peaceful and Democratic Transitional Conference of Ethiopia: Transitional Period Charter of Ethiopia Procl No. 1 (1991)

*Negarit Gazeta* of the People's Democratic Republic of Ethiopia: A Procl to establish autonomous and administrative regions of the People's Democratic Republic of Ethiopia Procl No. 14 (1987)

*Negarit Gazeta* of the People's Democratic Republic of Ethiopia: A Procl to provide for the consolidation of peasant associations Procl No. 223 (1982)

*Negarit Gazeta* of the People's Democratic Republic of Ethiopia: Urban dwellers associations and Urban administration Procl No. 206 (1981)

*Negarit Gazeta* of the People's Democratic Republic of Ethiopia: Urban dwellers associations and consolidations and Municipalities Procl No. 104 (1976)

*Negarit Gazeta* of the People's Democratic Republic of Ethiopia: A Procl to provide for the public ownership of rural lands Procl No. 31 (1975)

*Negarit Gazeta* of the People's Democratic Republic of Ethiopia: A Procl to provide for government ownership of urban lands and extra houses Procl No. 47 (1975)

*Negarit Gazeta* of the People's Democratic Republic of Ethiopia: A Procl to provide for the organisation and consolidation of peasant associations Procl No. 71 (1975)

*Negarit Gazeta* of the Ethiopian Empire: A Procl to provide for the control of municipalities and townships Procl No. 74 (1945)

People's Democratic Republic of Ethiopia: Procl of Define the Powers and Duties of the Organs of Powers and Administration of the Autonomous Regions of Eritrea, Tigray, Asseb, Dire Dawa, and Ogaden Procl No. 16/1987

Rural District Councils Act of Ghana (1996)

The Constitution of the Federal Democratic Republic of Ethiopia, *Negarit Gazeta*, Procl No. 1(1995)

The Constitution of the Federal Republic of Nigeria (1999)

The Constitution of the Republic of South Africa, Act No. 108 (1996)

The European Charter of Local Self-Government (1985)

The Revised Constitution of the Afar National Regional State (2001)

Transitional Government of Ethiopia: A Procl to provide for the establishment of National/Regional Self- Governments, Procl No. 7 (1992)

Urban Councils Act of Ghana (1996)

*Zikre Hig* of the Amhara National Regional State in the Federal Democratic Republic of Ethiopia: The Revised Constitution of the Amhara National Regional State Procl No. 59 (2002)