

**The Role of the Ministry of Federal Affairs in Facilitating
Federal-State Relationship in Ethiopian Federalism: A
Critical Appraisal**

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List of Abbreviations

HOF	House of Federation
Lander Name	Name for the sixteen Constituent units of German Federation
ANDM	Amhara National Democratic Movement
Bundesrat	Germany's Upper House
Bundestag	Germany's Lower House
EPRDF	Ethiopian People's Revolutionary Democratic Front
FDRE-	Federal Democratic Republic Of Ethiopia
HOPR	House of People's Representatives
MOFA	Ministry of Federal Affairs
TPLF	Tigray Peoples' Liberation Front
IGR	Intergovernmental Relations
US	United States of America
NA	National Council of Provinces
SALGA	South African Local Government
PCC	President's Coordinating Council
CEM	Council of Education Ministers
ISC	InterState Council
NDC	National Development Council
NF	National Front
CUD	Coalitional For Unity and Democracy
HNL	Harari National League
GPDF	Gambela Peoples' Democratic Front
SEPOM	South Ethiopian People's Democratic Movement
SPOF	Somali Peoples' Democratic Front
BGPDUF	Benshangul Gumuz Peoples' Democratic Unity party.
BPR	Business Process' Re-engineering
MINIMECS	(Intergovernmental Relations (matter(s) of ministers and Memberas of Provincial Councils)

Chapter One

1. Introduction

1.1 Background of the Problem

Constitutionally entrenched division of power between the federal and state governments is one of the core features of federations. In federations it is hardly possible to distribute administrative or legislative jurisdictions among governments with in a single polity in to watertight compartments or to avoid overlaps of functions. As a result, various forms of interactions and cooperation are expected to exist between the federal and state governments. Intergovernmental relation is one of those forms of interactions and cooperation.

Intergovernmental relations are the responses that have been developed to facilitate cooperative policy making among divided governments with in a federal system. Intergovernmental relations are supposed to play a bridge-building role to bring a degree of coordination and cooperation to divided powers. According to professor Ronald watts, intergovernmental interdependence with in a federation has two important dimensions. First, there are the vertical relations between governments of different orders i.e. federal-state relations and state-local relations. A second dimension is the horizontal relationship of different governments with in the same sphere, such as inter-state or inter- local relations. Typically, in federations both kinds of relations have been important. With in each of these two dimensions, intergovernmental relations may involve all the governmental units with in a federation.

Art 50(2) of the FDRE Constitution hints a dual forms of federalism i.e. both the federal and state governments execute their own polices and laws using their own machineries. Except this provision, intergovernmental relations are the least regulated area under the FDRE Constitution.

Art 10 of Proclamation No.4/1995 and Art 10 of proclamation 471/2005 hold that each Federal Ministry shall ensure the enforcement of federal laws. However, federal law enforcement agents have not yet been established throughout the country except for

exclusive federal matters. Hence there is no a well organized institution to work as good intergovernmental relations to coordinate the shared (frame work) policy programs.

The Ministry of Federal Affairs has been formally established in order to facilitate the relation between federal and state governments. However, due to many problems this institution has not effectively discharged its huge tasks as it is given in proclamation No.471/2005. Today enforcement of federal laws and policies in the state in particular and the task of intergovernmental coordination in general is mainly done through party channel. Using such mechanism to execute federal laws and polices in the states seem to be easy currently as the ruling party (EPDRF) controls both the federal and state governments. The question is, can the party channel sustainably be taken as good forum of intergovernmental relations in Ethiopia for long in the future.

Certainly the intergovernmental relations cannot be stable if the ruling party loses its position in states. This is because if there are two different political parties in both the federal government and states, there might be intergovernmental conflict. Therefore, today there is a wide gap between making laws and policies and implementation of these laws in states. To fill this gap the need to strengthen the present institution or to reestablish other separate forum for intergovernmental relations in Ethiopia is very crucial.

Thus, the above problems has led this writer to work on analyzing the practical problems of the Ministry of Federal Affairs in enforcing federal laws and polices in the states in particular and other coordinating activities in general.

1.2. Statement of the Problem

Today the issue to have better intergovernmental institutions in federations has grown to be one of the most sensitive issues. A number of federations recognize that the problems of enforcing federal legislations in the states require genuine response.

From the very beginning, Ethiopian federalism has some problems in enforcing federal laws and policies in different territories of the country. Except the centralized party

channel, there has not been as such well organized and efficient formal institution that is responsible to perform the task of coordinating of policies on shared programs between the federal government and the states. Though the Ministry of Federal Affairs is a formally established institution in charge of facilitating intergovernmental relations, practices reveal that it has not been found to be very successful in this regard.

1.3. Research Questions

This research is going to address the following main issues.

- What is the concept of intergovernmental relations (IGR)?
- Has the current formal institution of intergovernmental relation (Ministry of Federal Affairs) been effective in implementing federal legislation in state governments?
- Do we have other informal forums of intergovernmental relations? If there are, how much have they been effective in doing such a business in Ethiopian Federalism?
- Do we need to re-establish other very effective formal institution of intergovernmental institution?
- Whether provision for intergovernmental relations should be constitutionally prescribed, or established by legislation?

With regard to these questions (issues), the writer tries to explore the experiences of Germany, South Africa, and India.

1.4. Objective of the study

This work basically attempts to examine the efficiency of the Ministry of Federal Affairs (which is formally in charge of doing the task of intergovernmental relation in Ethiopian federalism). It also analyzes the law that gives power and responsibility to facilitate intergovernmental relations. However, a brief account of explanation will be given to other practices of intergovernmental relations.

By examining the experiences of other federations mainly India, Germany, and decentralized unitary form of government of South Africa, the study attempts to what

extent the Ethiopian system(s) of intergovernmental relations may learn from them on this issue.

Certainly, different federations vary considerably in establishing different institutional mechanisms of intergovernmental relations. Usually such variations are caused by historical, social, political and other peculiarities of the federations. The study makes assessments of the extent to which the current mechanisms of intergovernmental relations (formal and informal) have successfully enforced federal laws and policies in the states.

1.5. Research Methodology

In the main, the study attempts to review available literature, documents and laws of intergovernmental relations as well as comparative studies. In so doing, the study sets up the proper conceptual, legal and theoretical framework, which serves as a spring board to analyze whether the Ministry of Federal Affairs (formal institution for facilitating intergovernmental relations) has been working well in Ethiopian federalism.

Besides, the writer has interviewed several experts and officials of federal and state governments. This is possibly useful to make a profound assessment of the success and failures of the Ministry of Federal Affairs while it has been engaged in implementing federal legislations in the states.

1.6. Significance of the Study

In its findings the research tries to make profound analysis mainly on the efficiency of the Ministry of Federal Affairs in its tasks of facilitating Federal-State relations and cooperation. Based on that, it proposes ways of reestablishing better and effective separate institution(s) to facilitate the interaction and cooperation of the federal and state governments in Ethiopian federalism. This work hopefully adds its own contribution in solving the current institutional and practical deficiencies of federal-state relations. In that sense, the findings are of practical significance to the Ethiopian Government which genuinely desires to establish better and effective intergovernmental institutions. Besides,

this work will be used as a good start for those legal scholars who want to make further research on the subject.

1.7. Scope of the Study

The term intergovernmental relations are very wide concepts which include interaction between the federal and state governments of all types and levels within a political system. However, this work is limited to work on legal and practical assessment on Ministry of Federal Affairs in facilitating Federal-State relations. To be specific this work evaluates whether the Ministry of Federal Affairs has been serving as an effective institution in implementing federal laws in state governments.

1.8. Organization of the Study

In brief, this study attempts to examine the role of Ministry of Federal Affairs in discharging its responsibility of facilitating the relations between the Federal Government and Regional States. In so doing it has aimed at approaching the subject in the following sequence. The work is divided into five chapters each of which has its own sections and subsections. As a prelude to the study chapter one introduces the whole idea of the subject. This section introduces the statement of the problem, objectives of the research, research questions and methods, significance and limitation of the study.

Chapter two gives a brief explanation of the conceptual and theoretical framework used in the study. This chapter explores the concepts of models of executing federal laws in the states, and intergovernmental relations in general.

Chapter three addresses mechanisms of different systems of intergovernmental relations in some jurisdictions. An attempt is made here to briefly explore the experience of India, Germany and South Africa.

Chapter four is devoted to discuss the legal and institutional framework of the division of executive power and the current practices of intergovernmental relations in Ethiopian federalism. This section explains the different forms of relations (informal and formal) between the federal government and the states.

Chapter five attempts to make analysis on the role of Ministry of Federal Affairs in facilitating federal- state relations in Ethiopian federalism. Besides explaining the mandate and functions, this chapter examines the success and failure of Ministry of Federal Affairs while it has been doing the business of intergovernmental coordination and cooperation.

The last part of the study by way of conclusion and recommendation, examines alternative way of addressing the problem of intergovernmental coordination and cooperation in Ethiopian federalism.

Chapter Two

2. Conceptual and Theoretical Framework

This chapter has two sections. Section one examines the two broad models of enforcing federal laws and policies in the constituent units as developed in different federal systems. This section mainly focuses on constitutional background regarding intergovernmental relations. Discussing the models of federalism is significant because they are aspects of intergovernmental relations in federations. Besides, they direct our attention to important aspects how federal systems operate. Broadly speaking there are two models in which federations execute federal laws in the constituent units: dual and executive federalism. Section two explores the concepts, principles and different forms of intergovernmental relations as developed in some federations. It aims at bringing a clear understanding about the regime of intergovernmental relations in general.

2.1. Models of Executing Federal Laws in States

Federations often employ different mechanisms of enforcing federal laws and policies in their constituent units. One mechanism is by establishing dual structures in federal and state institutions. The other is by giving mandate to state institutions to execute federal legislations. This section is devoted to explain the two mechanisms of enforcing federal legislations in the states. This in turn helps to comprehend which model the Ethiopian Constitution employs to enforce federal laws and policies in the states.

2.1.1. The Dual Federalism

Dual federalism, which is very influential for many years, is sometimes called 'layer-cake' federalism. This mechanism holds that each level of government is supreme with in its areas of responsibility. According to this model, one level of government is not dominant and should not interfere in the affairs of the other. ¹

¹ David Nice, Patricia Fredericksen, The Politics of Intergovernmental Relations, 2nd ed. (Chicago: Nelson Hall Publishers, 1995), PP.6-7

Dual federalism is represented by the United States “Federation, where the allocation of executive authority is in principle considered co-extensive with the distribution of legislative responsibilities. This stems from the fact that, if the federal and state governments are to remain autonomous, then each must act directly towards the people in the process of enforcing its laws. As a result, it follows that not only legislative but also executive, financial and judicial powers should be divided between the federal government and the states so that each will act autonomously. A strict application of the principle results in a dual polity. In theory, dual federalism assumes little overlaps or sharing of functions between the two governments.² This model does not give responsibility for the state machineries in order to enforce federal laws and policies rather it sets up its own institutions in all states to discharge the task of enforcing federal laws.

Dual federalism has the following advantages. “Firstly, this is believed to reinforce the autonomy of the legislative body; Secondly, it assures its own legislation, which might otherwise run in to difficulty when it relies on the state machineries, thirdly, there is a possibility of implementing law as each levels of government employ their own agents.”³

However, this model is not without problems. It ignores the possibility that cooperation between national and state level might sometimes be more effective than either level acting alone. It assumes that policy responsibilities can be divided so that decisions made in one policy area do not affect other policy areas, a dubious assumption at best. The competitive model tends to ignore the possibility that the national government and the states could both gain power simultaneously, a possibility that is very real. This model shares a serious omission: local governments, such as cities are typically ignored. In the US for example, local governments were excluded from the competitive models because the US constitution did not mention local governments.⁴

² Assefa Fiseha, Federalism and the Accommodation of Diversity in Ethiopia: A Comparative Study (Nijmegen Wolf legal publishers, 2006),p.369

³ I bid, P.37

⁴ David Nice Patricia Fredericksen, Supra note 1 at 6

2.1.2. Executive (Functional) Federalism

Executive federalism is one aspect of intergovernmental relations. “Even if, in theory , the system of coordinating policies and shared programs between the federal government and the states involve the elected and appointed officials , in parliamentary federations, it is often dominated by the executive branch of both governments hence the name executive federalism”.⁵

This approach is widely applicable in European federations particularly in Switzerland, Germany and to some extent in India. Executive federalism holds that administrative responsibility does not coincide with legislative authority, administration for many areas of federal legislative authority being assigned by the constitution to the governments of the constituent units. This enables the federal legislature to lay down considerable uniform legislation while leaving this to be applied by regional governments in ways that take account of varying regional circumstances. Such an arrangement requires more extensive collaboration and coordination between the levels of government.⁶ The idea is that federal government is responsible for the enactment of federal laws and policies where as the states are entrusted mainly for implementation of such laws and policies.

Executive federalism has some advantages. Firstly, it might minimize the unnecessary duplication of legislatures and resources by sharing certain institutions such as administrative services and courts. Secondly, when states are responsible for administration of federal laws and policies, this gives high discretion to the states to adopt the federal laws to local circumstances even if this does not work for all federations which follow this model. It may be an important factor for maintaining federal unity.⁷

Thirdly, today even if federations constitutionally divide powers, they all operate under a single political union. The activity and powers of governmental activity and the consequent integration of the economy clearly indicate that it is very difficult to divide responsibility neatly between the federal government and states even if desired. The ever-

⁵ Assefa Fisseha, *Supra* note 2 at 354

⁶ Ronald Watts, *Comparing Federal Systems*, 2nd ed. (Kingston: Queen’s University press, 1999), p.90

⁷ Assefa Fisseha, *Supra* note 2 at 360

expanding regime of constitutional or other practice-based shared powers is clear evidence to this effect. It is evidence of the fact that the functions assigned to the different governments are inevitably interrelated. The need for flexibility rather than a rigid classification of authority contributes to the close links between the governments.⁸ The experience of the German Federation is very much helpful in understanding of the feature of executive federalism. This is thoroughly explained in the following chapter.

As it is explained in the introductory part of this chapter the purpose of exploring the models of federalism is to understand how federal systems implement federal laws in states. Besides the models discussed above are the aspects of intergovernmental relations. Therefore, the previous discussion can be taken as a spring board to explain the concept of intergovernmental relations. This will be discussed in the following section.

2.2. The Concept of Intergovernmental Relations (IGR)

Intergovernmental relations (IGR) are conventionally defined as important interactions between governmental units of all types and levels within a political system.⁹ The study of intergovernmental relation is not synonymous with the study of federalism: it is both a narrower in that it is one of the many aspects of every federal political system. A common characteristic of intergovernmental relations in all federal systems is their executive nature¹⁰. On the other hand, it is broader in the sense that it is an aspect of not only of federal political systems but of all multi-tiered or multi-sphered political systems, including decentralized unitary systems and of confederal systems.¹¹

The reason intergovernmental relations are so significant in multi-sphere political systems is because it is impossible to distribute administrative or legislative jurisdictions among government with in a single polity in to clear compartments and to avoid overlap

⁸ I bid, p.396

⁹ Deil Wright, Understanding Intergovernmental Relations 3rd ed.(Pacific Grove, CA: Brooks /Cole Publ,1988,) p.12

¹⁰ Thomas O.Hugelin and Alan Fenna, Comparative Federalism :A Systematic Inquiry, (Canada, Broadview Press, 2006),p.216

¹¹ Norman Levy and Chris Tapscott, Intergovernmental Relations in South Africa: The Challenges of Co-operative Government (Cape Town, School of Government, University of the Western cape 1999),p.5

of functions. Interdependence between tiers of government within a multi-sphere regime is thus unavoidable¹². It should be noted that intergovernmental interdependence within a federation has two important dimensions. First, there is vertical relation between governments of different orders. i.e. federal – state relations and state-local relations. A second dimension is the horizontal relationship of different governments within the same sphere, such as inter- state or inter-local relations. In both kinds of relations all the government units are involved¹³

Deil Wright has identified some common basic features of intergovernmental relations (IGR).¹⁴ Firstly, IGR comprises all kinds of relations among the different levels of government. The relations can be legislative, financial or administrative in nature. Besides, they recognize vertical and horizontal types of relations. The former refers federal-local, state-local, and federal-state relationships. The latter implies inter-local or interstate relationships. Secondly, there is involvement of public officials in all kinds of intergovernmental relations. As Anderson says “it is human beings clothed with office who are the real determiners of what the relations between the units of government will be. Consequently, the concept of intergovernmental relations necessarily has to be formulated largely in terms of human relation and human behaviours”¹⁵. This implies that public officials such as members of the parliament, executives and experts of both federal and state government take part in day-to-day decision making activities of intergovernmental co-operation and co-ordination.

Thirdly, the relations of public officials are not going to be done at one time or occasionally. However, the relations are conducted continuously to exchange information and different views. Normally, the relations are not based on randomly or arbitrarily, but

¹² Ibid,p.7

¹³Ronald Watts, ‘Intergovernmental Councils in Federations’ in *Constructive and Cooperative Federalism?* (Montreal : Queen’s University, Institute of Intergovernmental Relations 2003) P. 4

¹⁴ Deil Wright, *Supra* note 9 at 17

¹⁵ Ibid, George Anderson, *Federalism: An introduction* (Ontario: Forum of Federations 2008) P. 65

rather their relations are often scheduled and repeatedly done in order to get better achievements.¹⁶

A final distinctive feature of IGR is its policy components. The basic agenda for intergovernmental relations is to discuss and pass decisions on some common policy issues. Therefore, the main concern of interactions of officials is consulting and discussing on some shared policies and programs. Policy consists of intentions and decisions of elected or appointed officials.¹⁷ Policies can be generated by interactions among all elected or appointed public officials.

Therefore, the main concern of interactions of officials is consulting and discussing on some shared policies and programs.

2.2.1 Principles of Intergovernmental Relations

In many federations and decentralized unitary political systems, there are ideal principles that should guide intergovernmental relations.¹⁸ These principles may be applied for formal or informal institutionalized or ad hoc systems. They are often provided in the constitutions or other laws. For instance in South African decentralized system three basic principles of co-operative government and intergovernmental relations are provided under the constitution¹⁹. These are explained in the following.

- a) The principle of distinctiveness- This principle holds that the constitutional status, institutions, powers and functions of the three spheres of government (i.e. national, provincial and local) must be respected. According to this principle, governments are exercising their powers. They must not do in the manner that affects the geographical, functional or institutional integrity of another sphere.²⁰

¹⁶ Ibid

¹⁷ Ibid

¹⁸ Ibid

¹⁹ Article 41 (1) (e) of the 1996 South African Constitution. These principles are also provided in the preamble of Intergovernmental Relations Framework Act which was enacted in August 10,2005.

²⁰ Janis van der Westhuizen, 'South Africa' in Ann Griffith's ed, Hand Book of Federal Systems, 2005 (Montreal and Kingston: McGill-Queens University Press, 2005), pp 313-316.

In short, each spheres of government are given their own legislative and executive competencies.

- b) The principle of interrelatedness-The interrelatedness of the three spheres of government is the duty of each to :co-operate with one another in mutual trust and good faith.²¹ This principle reflects the idea that there is a common loyalty to the republic as a whole.²² This means that all spheres of government are committed to securing the well being of all the people in the country and, to that end, must provide effective, transparent and accountable government for the republic as a whole.
- c) The principle of interdependence- The interdependence of the spheres is the degree to which one sphere of government depends on another for the proper fulfillment of its constitutional functions. There are two aspects here. The first is both the provincial and local governments have the right to get assistance from the national and provincial governments respectively to discharge their constitutional responsibilities²³. The second is that both the national and provincial governments have the duty to supervise the provincial and local governments respectively .This means that there is a duty to monitor and supervise the other sphere and intervene when a lower sphere of government fails to discharge its functions²⁴

In addition, In Australian federation, the following are some guiding principles²⁵ that govern intergovernmental relations. These are elaborated in the following paragraphs.

(a)Transparency

This principle requires that effective information about policy objectives and decisions should be communicated to the people. The decisions and outcomes of negotiation

²¹ The South African Constitution, 1996, article 41(1) (h)

²² Ibid

²³ Ibid

²⁴ Ibid. For instance the national government has the duty to intervene when the provincial governments are unable to discharge their constitutional responsibilities. Similar mandate is give for provincial government to intervene when local governments fail to carryout their duties.

²⁵These principles are provided under an intergovernmental agreement that was signed between the Common Wealth of Australia and eight member states. This document was signed in 12th April 2006.

between the different levels of the government made by political leaders should be known to the people. This is because the people have the right to know the activities and decisions of their governments²⁶. This can increase the commitment and acceptance of political leaders by their electorates. Thus, the decisions of governments of all levels should be communicated to the people.

(b) Accountability

According to this principle “government must be subject to appropriate checks and balances to ensure their actions and decisions and scrutinized and justified.”²⁷ This means that intergovernmental co-ordination and co-operation should not defeat the democratic accountability of each levels of government to its own electorate.²⁸ The idea is that the actions and in actions of political leaders are accountable to their people in their engagement of intergovernmental relations forums. This principle helps governments to discharge their obligations effectively.

(c) Effectiveness

One of the main objectives of establishing intergovernmental relations is to achieve policy objectives which are common for both central government and the states.²⁹ These policy objectives are easily achieved when intergovernmental relations are institutionalized and formalized. Thus, there should be clear framework for both policy objectives and intergovernmental meetings. However, if intergovernmental relations are informal and complex, there will not be effectiveness in achieving policy objectives among the different levels of government.

However, in Ethiopian Federalism neither the constitution nor the proclamation that establishes MOFA has explicitly provided basic guiding principles to facilitate the relations between the federal government and the states.

²⁶ Ibid, Part II

²⁷ Ibid

²⁸ Ibid

²⁹ Timothy Layman ‘Intergovernmental Relations and Service Delivery in South Africa- A Ten Year Review commissioned by the presidency, August 2003. Available at <http://www.sarfn-org.za/document> as visited in Feb 12’ 2009 at 5:00 PM

Stephen Dion, the president of the Privy Council and Minister of Intergovernmental Affairs of Canada, has identified some intergovernmental principles. These are summarized as follows.

1. The constitution must be respected. “This principle is very significant to reduce potential disputes and facilitate integrated development programs that are carried in inter-state or inter- local boundaries. Effective institutions of intergovernmental relations facilitate this process.”³⁰ The idea is both the center and constituent units should exercise their powers which are given under constitutions. One should not encroach the powers of the other .Governments should respect constitutional values and principles.
2. Cooperation is essential. This implies that it is very necessary to cooperate because the jurisdictions of governments cannot neatly be demarcated. “The responsibilities of government may touch on each other in many areas. Many studies indicate that federal governments are unable to implement all development policies with out the active co- operation and coordination of constituent units”.³¹ Thus, central governments and constituent units should cooperate so as to implement developmental policies of governments.
3. Governments’ ability to act must be respected. Dion explains “we must not let our quest for cooperation leave us with a federation where no government can act with out first having to get permission from the others. Autonomous spheres of activity, the capacity to innovate, initiative, all this must be preserved.”³² This principle implies that the right of both the center and the constituent units to initiate and generate new ideas must be respected.³³This is an important principle that must be preserved by the actors of intergovernmental relations.
4. The federation must be flexible. According to Dion “in striving for joint action; we must take in to account the diversity of the country. This quest for joint action

³⁰ Stephen Dion ‘Intergovernmental Relations within Federations: Contextual differences and Universal Principles’ in International Conference on Federalism, Oct 6’ 1999 Mont-Tremblant, Quebec at <http://www.pco-bcp.gc.ca/aiial.archives/> as visited on Feb 2’ 2009 at 9:AM

³¹ Ibid

³² Ibid

³³ Ibid

must reconcile the pursuit of common objectives and citizens desire for government services of comparable quality through out the country to innovate and establish a healthy emulation among them selves”³⁴

The above paragraph addresses the principle of flexibility. This implies that in order to achieve a successful co-operation and coordination between the center and the states, the diversity of the country must be taken in to account. Thus, the relation must consider the common objectives of both the central and state governments. Besides, it should consider the idea that citizens have to get quality services of government throughout the constituent units.

5. The federation must be fair. This means that there should be fair re-distribution of wealth and resources among the constituent units so that citizens who live in less wealthy states have a chance to get acceptable quality services of their government.”³⁵ This principle holds that national revenue should be distributed to the constituent units.
6. The exchange of information is essential. This implies that governments (actors of IGR) must be notified on any new initiatives that may have significant effect on their activities .This should be made in advance. Exchange of information allows governments to compare their performances, Besides, it may be helpful in evaluating the respective initiatives of governments and establish a healthy co-operation among themselves”.³⁶
7. The public must be aware of the respective contributions of the different governments. This is about the principle of transparency.³⁷ The point is that citizens have the right to know the actions or inactions of their government.

To sum up these are principles that could guide intergovernmental relations with the federations and decentralized unitary systems. They are certainly important if they are fully respected by actors of intergovernmental relations.

2.2.2 Objectives in the Organization of Intergovernmental Relations

³⁴ Ibid

³⁵ Ibid

³⁶ Ibid

³⁷ Ibid

Intergovernmental relations are not an end by themselves but a means for managing the distinctive effort, capacity, leadership and resources of each level of governments and directing these goals as effectively as possible towards developmental objectives of government as a whole.³⁸

Intergovernmental relations promote and facilitate cooperative decision making. It is vital to coordinate and align priorities, budgets, policies and other activities in common. It also ensures smooth flow of information within governments, and between governments and communities with a view to enhance the implementation of policies and programs.³⁹ They are also significant to manage conflicts between states. Intergovernmental relations could be possible measures to resolve conflicts. They give people in the federation the opportunity to collaborate and exchange experiences, skilled manpower and information on development, security issues and the likes.⁴⁰

Generally, the major objectives of intergovernmental relations in federal systems are to promote cooperation between levels of government, address the needs of the peoples, resolve disputes between them and carry out the functions and responsibilities given to each of them.⁴¹ They are also vital to bring about the culture of negotiation between the center and the states. They are also used to control the monopoly of power of the central government by increasing the bargaining power of the constituent units.⁴²

2.2.3 Factors Affecting Intergovernmental Relations

There are a number of factors that affect the character of intergovernmental relations within different multi-sphere regimes. Some of them are elaborated in the following paragraphs.

³⁸ Timothy Layman: Supra note 29 at 13

³⁹ Mekonnen Teshome 'Intergovernmental Relations to Realize the Federal Order at <http://www.waltainfo.com/> as visited Jan 31' 2009 at 10:00 AM

⁴⁰ Ibid

⁴¹ Solomon Nigussie, Fiscal Federalism in the Ethiopian Ethnic-Based Federal System (Nijmegen, Wolf Legal Publishers, 2006) P.101

⁴² Assefa Fiseha Supra note 2 at 358

The first factor that affects intergovernmental relations is constitutional allocation of powers to each levels of government. This is a very important element because the constitution defines the scope and the kind of intergovernmental relations.⁴³ The constitution may clearly envisage the nature of allocation of power to each government i.e. the extent of concurrent and frame work powers for both the center and the states. Besides, the constitution may tell what legislative and administrative powers are granted to the central government and the constituent units. This may determine the nature and type of intergovernmental coordination and coordination between the center and the states.⁴⁴

The second factor is the kind of executive institutions established in the system i.e. the constitution may envisage a clear separation of powers between the executive and the legislative as in the United States and Switzerland. Or it may be 'executive federalism' which involves the fusion of the executive and the legislative branches which is widely applicable in the parliamentary federations such as Germany and Canada.⁴⁵ This factor highly affects the nature of intergovernmental relations. This is because both systems follow different systems and arrangements for coordination and cooperation. As it is elaborated in the beginning of this chapter, in the former case, both the executive and legislators have relative roles in intergovernmental relations. However, in the latter case the executives have usually dominated intergovernmental relations.

The role of political parties is the third factor which has impacts on the nature of intergovernmental relations in a given system.⁴⁶ As it is discussed under chapter four, obviously political factors hugely affects the nature of intergovernmental cooperation in federations and decentralized unitary systems. Thus, if both the states and the center are controlled by one homogenous political party, there should be no occasion for intergovernmental conflicts. In this system, party line can be used as an effective

⁴³ Ronald Watts, Federalism, Federal Political Systems and Federations (Kingston, Institute of Intergovernmental Relations, Queens University, 2001) P.113

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Ronald Watts, 'Intergovernmental Relations: Conceptual issues' in Norman Levy and Chris Tap Scott, Intergovernmental Relations in South Africa: The Challenges of Cooperative Government (Cape Town School of Government, University of Western Cape 2001) PP. 26-28

instrument to facilitate the relations of the center and the states. The Indian National Congress can be taken as a good example. It played significant role in dominating both the union and most state governments in early years after independence in reconciling national and state views. African National Congress (ANC) has been serving as a mediation body for intergovernmental relations in South Africa⁴⁷. EPRDF, a centralized ruling party, affects the nature of intergovernmental relations in Ethiopian federalism. On the other hand, if all states are controlled by one homogenous political party and the federal government by another, there might be conflict.⁴⁸

The character of the central second legislative chamber and whether it has constituted to serve as a good forum for representatives of states or not is another crucial factor. "The German Bundesrat provides a good example which plays a key role in intergovernmental relations. Members of Bundesrat are delegates of their Länd cabinets, holding office in the federal second chamber ex officio as members of their Länd executive and voting in the House in a block on the instruction of their Länd governments"⁴⁹. Each Länd Government has members of its cabinet to represent the interest of the land in the Bundesrat. Since these representatives are delegates for the Bundesrat and officials of the Länd government, they can be ordered and recalled by the Länd government.⁵⁰

The Bundesrat is both legislative organ of the states with in the federal state and at the same time federal administration organ in the whole state.⁵¹ All federal laws which affect the role of the states in implementation of these laws should get the consent of the Bundesrat. German federalism is known in that federal government is responsible for law making and states are responsible for executing such laws. Therefore, the Bundesrat plays two important roles. It serves as a co-legislature with the lower House and representative

⁴⁷ Ronald Watts, 'Cooperative Government and intergovernmental Relations: A Comparative Perspective' A paper presented at the Special meeting of Intergovernmental Coordinators, Cape Town South Africa, May 22' 1997

⁴⁸ Assefa Fiseha Supra note 2 at 392. Nicole Bolleyer, 'Federal Dynamics in Canada, The United States and Switzerland: How Sub States' Internal Organization Affects Intergovernmental Relations', Publius: The Journal of Federalism 36:4(2006):476-477

⁴⁹ Article 51 of the Basic Law

⁵⁰ Ronald Watts, Comparing Federal Systems Supra note 6 at 95

⁵¹ Uwe Leonardy 'The Working Relationship Between Bund and Lander in the Federal Republic of Germany' in Charlie Jeffery and Peter Savigear eds, German Federalism Today Newyork:Saint Martin's Press, (1991) PP.45-48

of the Länder in administration of federal laws.⁵² Therefore, the Bundesrat plays important role in facilitating the coordination of the federal system.

The National Council of provinces (NCOP) in South Africa is a key forum of co-operative government in which the provinces are represented. This second chamber of parliament is unique in its composition, comprising 90 members-10 per province-of the 10, six are permanent and four are special members. The permanent members are designated by the provincial legislative on a proportional basis, while the special members comprise the premier and three other members of the legislature. The composition of this parliament is to facilitate close cooperation between the provincial legislature and the provincial executives. It plays an important role on deciding matters affecting the national and provincial governments.⁵³

Thus, the second chamber of central government in many federations and some decentralized unitary form of government may influence intergovernmental co-operation and co-ordination.

The judiciary and the extent to which they resolve intergovernmental conflicts is also another factor that affects the intergovernmental relations. In most federations the judiciary is mainly an arbitrator of intergovernmental conflicts and disputes. In India for example such conflicts are resolved by Federal Supreme Court. The Federal Supreme Court in its original jurisdiction adjudicates purely federal disputes or intergovernmental disputes.⁵⁴ In Germany and South Africa, however, intergovernmental disputes are resolved by constitutional courts. In German federation if there are conflicts and disputes arise in cooperative government such issues are resolved by constitutional court.⁵⁵ In South Africa too, the constitutional court has a constitutional mandate to resolve similar cases. Before disputes come to hearing, the constitutional court may refuse the matter to

⁵² Ibid

⁵³ Betrus de Villiers, 'The Future of Provinces in South Africa' Policy Paper, Johannesburg: Konard-Adenaer –Stiftung, No 2 Oct 2007, PP12-13

⁵⁴ The Constitution of India 1950, article 131

⁵⁵ The Basic Law, article 93(4). Donald Kommers, The Constitutional Jurisprudence of the Federal Republic of Germany (2nd ed) (Durham: Duke University Press 1997) P. 13

be resolved amicably. However, if such disputes are not settled, ultimately the constitutional court has responsibility to resolve the same.⁵⁶

Thus, the factor whether intergovernmental disputes are resolved through ordinary courts or other tribunals have its own impacts on the nature of intergovernmental relations.

2.2.4 Channels of Intergovernmental Relations

Intergovernmental coordination and co-operation may occur using one or more of four channels.⁵⁷ One is using executive and administrative interaction involving ministers or officials of each government consulting, coordinating and deciding on common agendas with each other. This is the most common channel that dominates intergovernmental cooperation and coordination in federations. A second channel is through legislative channels which involves the legislators in each of the governments to perform legislative responsibilities. A third and crucial channel in most federations and decentralized political systems is intergovernmental financial relations that involve financial transfers between governments. A fourth channel is judicial and non-judicial processes to settle intergovernmental disputes.⁵⁸

Though the above are the different channels of intergovernmental relations which are found in federations, the following section gives further explanations on administrative and executive channel. This is because the main theme of this paper focuses on this channel of intergovernmental relations.

2.2.5 Structures and Processes for Executive and Administrative Intergovernmental Relations

In most federations and decentralized political systems the executive branch plays very significant role to achieve co-operative government. This fact is more visible in the

⁵⁶ Betrus de Villiers, Supra note 53 at 13

⁵⁷ Ronald Watts, Intergovernmental Relations: Conceptual issues Supra note 46 at 29

⁵⁸ Ibid

parliamentary form of government. As hinted in the first section of this chapter, intergovernmental cooperation and coordination in parliamentary federations is often dominated by the executive branch of government.

According to professor Ronald Watts, structures and processes for executive and administrative intergovernmental interaction can be classified in to three groups.⁵⁹ The first is a day-to –day informal contacts between ministers and officials in different governments. These contacts may be made by letter, telephone, etc in order to exchange information and different views and supervise the execution of shared programs. This informal exchange of information and communication are useful to develop trust and respect which are vital for effective co-operation between governments.⁶⁰

A second important channel is the establishments of both formal and informal forums, committees and conferences which are done frequently or annually. This channel helps to share information and discuss on common problems. For instance it has been estimated that in Canada over 700 meetings take place every year and similar meetings are conducted in Germany and Australia. In these forums high level officials of the central government and the constituent units are invited to discuss on common problems and issues.⁶¹

A third mechanism for intergovernmental co-operation is the establishment of formal or informal intergovernmental agreements. These agreements are formed in the way that has legally binding effect. In Germany many intergovernmental agreements have legal binding effect.”⁶² However, in most cases they take the form of non-binding agreement. These may include agreed administrative arrangements or programs or delegation of executive responsibilities in particular sector.⁶³

2.2.6 Fundamental Conditions for Effective Intergovernmental Relations

⁵⁹ Ibid, PP. 26-28

⁶⁰ Ronald Watts, Comparing Federal Systems Supra note 6 at 57-59

⁶¹ Ronald Watts, Intergovernmental Relations: Conceptual issues supra note 46 at 31

⁶² Ibid

⁶³ Ibid, P. 32

The practices of many federations and decentralized political systems demonstrate that provisions of intergovernmental relations are made by constitutional provision, statutory provision, and practice and convention. However there are two fundamental requirements that are much more important than the legal instruments that establish intergovernmental relations.⁶⁴

The first is the establishment of a political culture of co-operation, mutual respect and trust. This is the most significant condition than legal structures and procedures provided by a constitution or by legislation. “To develop trust and respect between governments it needs to have tolerance towards diversity and autonomous experimentation and a willingness to consult and consider the concerns of other governments before decisions are made. Imposed solutions simply bring about resentment and distrust”⁶⁵

In order to enhance co- operation and co- ordination, a political culture must recognize the need for intergovernmental consultation and interaction between different levels of government .It should also give mutual assistance and support and exchange of information in common problems and concerns. To be effective such relations should be managed by accepted procedures.⁶⁶

To sum up, the conditions explained above are quite significant for effective intergovernmental relations in federations and most decentralized political systems.

⁶⁴ Timothy Layman supra note 29 at 15

⁶⁵ Ibid

⁶⁶ Ibid

Conclusion

Two major themes have been the subject of the above conceptual and theoretical background chapter. The first section of this chapter deals the two broad models of executing federal laws and policies in the states. The dual federalism which is sometimes called the 'layered cake' federalism presupposes the establishment of parallel federal institutions in constituent units to implement its laws and policies. This model, which is widely used in U.S, does not trust the state agents to implement federal laws and policies. Executive federalism, which is widely practiced in Germany and Switzerland, is the other model of federalism. In these federations execution of federal laws and policies is constitutionally assigned to the states.

The second section of this chapter explains the conceptual issues of intergovernmental relations. By defining the phrase intergovernmental relations, this section addresses the objectives and purposes in the organization of intergovernmental relations. There are some accepted intergovernmental principles that seem to be common to most decentralized system of government. These principles are thoroughly elaborated in this part. A number of factors or variables affecting the system of intergovernmental relation are also discussed. Besides, it is devoted to explain channels, fundamental conditions, the different structures and processes of intergovernmental relations in different jurisdictions.

Sketching such theoretical and conceptual background in this chapter can be used as a spring board to analyze the different intergovernmental practices of some jurisdictions in order to see what the Ethiopian Federation learns from them on this issue. This will be the task of the next chapter of this paper.

Chapter Three

3. Intergovernmental Relations Practices in some Jurisdictions: A Comparative Perspective

Introduction

This chapter is devoted to explain the mechanisms of intergovernmental relations of some federations namely South Africa, India, and Germany. It begins with a brief overview that sets the general constitutional context and then the three countries are treated in the order mentioned above as to how their mechanisms of intergovernmental relations have been able to solve the practical problems with the view to sketching some lessons for Ethiopian Federalism.

In this section some sort of comparative work is done although it is not as such comprehensive. The countries are not randomly selected. Rather they are selected to their relevance to the Ethiopian Federations. Ethiopia and India, though they have differences between them, are multicultural federations that have engaged in the task of accommodating many differences based on religion, language and other differences. India has established an extensive number of intergovernmental forums (formal or informal) so as to enhance the relations between the union government and the states. These forums decide on many matters on consensus processes. Thus, the young Ethiopian Federation will gain a lot of practical imputes in to how the issues of enforcing federal laws and policies are implemented in the states.

The decentralized unitary system of South Africa and the German federal system may contribute a lot although they operate in different contexts. In both cases the federal second chambers have been playing significant roles in enhancing the relations of federal governments and the states though there are differences between the two systems. Consequently, Ethiopia will learn more from these practices with a view to design better institutions (forums) of intergovernmental relations.

3.1. South Africa

3.3.1. Background

The Republic of South Africa is a parliamentary democracy with the president acting both as head of government and head of state. South Africa's hybrid presidential-parliamentary system and constitution came into effect on 11 October 1996. The 1996 constitution makes a decisive break with the British inspired principle of parliamentary sovereignty in that parliament is subject to limitations imposed by the constitution.¹

The constitution establishes a federal entity of nine constituent units. It recognizes three 'Spheres' of government. Chapter 3 of the constitution rejected the use of the term 'level of government'. The formal recognition of local government as a distinct constitutional sphere in South Africa contrasts with the practice in many federations where local governments fall under the jurisdiction of the constituents units. The founding principles of the South African State are found in section 1 of the constitution "(a) human dignity, the achievement of equality and the advancement of human rights and freedoms; (b) non-racialism and non sexism (c) supremacy of the constitution and the rule of law."²

The Constitution of the Republic of South Africa 108 of 1996 provides for a distinction between the legislative, executive and judicial authority. According to art 40(1) of the Constitution, South Africa is constituted in the Spheres of government which are distinctive, interdependent and interrelated.³

Within the national sphere the legislative authority is vested on bicameral parliament consisting of the National Assembly (NA) and the National Council of provinces (NCOP). The National Assembly Consists of 400 representatives elected on the basis of proportional representation and a party list system. The National Council of provinces which is an upper House consists of 90 members and ensures that those

1 Janis Van der Westhuizen, 'South Africa' in Ann Griffiths ed., Hand Book of Federal Systems 2005 (Montreal and Kingston: Mc Gill-Queen's University Press, 2005): 313-316

2 Ibid

3 Ibid

interests are not seriously abrogated by the central government.⁴ The Executive Authority consists of the President and the cabinet (Comprising the President, the Deputy President(s) and ministers). Cabinet's accountability and responsibility towards parliament or the execution of their powers and functions powers are provided for in section 92 of the constitution. Ministers may also assign any power or function to a member of a provincial executive council or Municipal Council. Specific provision is made for the intervention by the National Executive when a province cannot or does not fulfill its executive obligations in terms of the constitution or legislation.⁵

With in the provincial sphere, the provincial legislature is the legislative authority. Executive authority is vested in the provincial premier, and is exercised by him together with members of the (provincial) executive council. These members are often referred to as MECs. The provincial legislature's power to pass legislation includes legislation in respect of matters referred to in schedule 4 and 5 of the Constitution.⁶ The implementation of provincial legislation is "an exclusive provincial executive power" with respect to amongst others, the matters referred to in schedule 4 part A and schedule 5 part A. Accountability and responsibility towards the provincial legislature are regulated in section 33 of the constitution. A member of a provincial executive council may assign any power or function to a Municipal Council. Provision is also made for a provincial government to intervene when a municipality cannot or does not fulfill its executive obligations in terms of legislation⁷

The sphere of local government consists of municipalities. Both the executive and legislative authority of a municipality is vested in its Municipal Council. Neither the national government nor the provincial government concerned may act in such a manner as to compromise or impede the ability of a municipality to exercise its powers or perform its functions Municipal Councils are elected bodies. Municipalities must administer (and may make by-laws) the functional areas listed in schedule 4 part B as well as schedule 5 part B of the constitution. In addition, the national

4 N. Oliver, "Intergovernmental Relations in South Africa: Conflict Resolution with in the Executive and Legislative Branches of Government, in P.Meekison, ed., Intergovernmental Relations in Federal Countries (Ottawa :Forum of Federations, 2002): 71-90

5 Ibid

6 Schedule 4 is about functional areas of concurrent national and provincial domain. Schedule 5 envisages functional areas of exclusive provincial domain.

7 N. Oliver supra note 4 at 73

government and provincial governments must assign to municipalities the administration of a matter falling within schedule 4 part A and schedule 5 part A if such matter would most effectively be administered by municipality concerned and if it has the capacity to administer same.⁸

As it is explained above, in South Africa the President and Cabinet members are entrusted to implement laws that are enacted by the national parliament. Besides, the provinces are responsible for execution of national laws and policies. Provinces of South Africa derive their executive responsibilities of national laws and policies from the constitution. The Constitution provides that the provinces are responsible to implement all schedule 4 and 5 legislation passed by the national government unless the legislation stipulates that it is not to be administered by the province.⁹ The most significant feature of this section is the provision that normally provinces will administer all schedule 4 legislation. In other words, all legislation that falls in to the area of concurrent national and provincial powers.¹⁰

The constitution gives more power for national government to intervene and supervise on provincial administration whether the latter properly implement the laws and policies enacted by national legislature. If necessary, the national government can take over the power of province if the latter is not found to fulfill its obligations.¹¹

3.1.2. Cooperative Government and Systems of Intergovernmental Relations

A notable feature of the 1996, Constitution is the fact that it designed to promote a model of “cooperative federalism”. Intergovernmental cooperation is to be the underlying philosophy for the conduct of government and the relations between the three spheres of government: national, provincial and local. Furthermore, to encourage intergovernmental cooperation, the constitution empowers the constitutional court, if it is not satisfied that every reasonable effort to settle a dispute

8 Ibid

9 The 1996 South African Constitution, art 125(2)

10 Ibid, art 125(3)

11 Christana Murray, ‘The Constitutional Context of Intergovernmental Relations in South Africa’ in Norman Levy and Chris Tap Scott, Intergovernmental Relations in South Africa: The Challenges of Co-operative Government (Cape Town, School of Government, University of the Western Cape 2001) pp.72-74

by intergovernmental negotiation.¹² A rigid separation of tasks and functions between the different 'spheres' of government is absent. This is clearly suggested by the Council of provinces with its influence of national, provincial and local government interests. Nevertheless, the principle of co-operative government does not undermine provincial autonomy.¹³

Intergovernmental relations in the South African context concern the interaction of the different spheres of government as defined in chapter 3 of the constitution. The constitution declares that government is comprised of national, provincial and local spheres of government and that these spheres are distinctive, interdependent and interrelated. These concepts reflect the three components of the decentralized South African State. As it is discussed under the preceding chapter, the working definitions of these components are explained as follows.¹⁴

- i. Distinctiveness: This implies that the constitutional powers of the national, provincial and local governments should be maintained. One sphere of government should not affect the constitutional mandates of the other while exercising their powers.¹⁵ In other words each spheres of government is given its own law making and executive powers.
- ii. Interrelatedness: This reflects the idea that each spheres of government should be commonly loyal to the republic as a whole. Each spheres of government has a duty to cooperate with one another in mutual trust and good faith.¹⁶ This means that all spheres of government are committed to secure the well being of all the people in the country one must respect the constitutional status and powers of other spare of government. If there are inter governmental disputes, the parties should exhaust other remedies before they take their cases to courts.¹⁷

12 Ronald Watts, 'Intergovernmental Councils in Federations in Constructive and Co-operative Federalism?' (Montreal Queen's University, Institute of Intergovernmental Relations, 2003), P.6

13. Janis Van der Westhuizen supra note 1 at 314

14 The 1996 South African Constitution, art 4(1) (e) and also these concepts are elaborated under the preamble of Intergovernmental Relations Act, 2005

15 Timothy Layman, 'Intergovernmental Relations and Service Delivery in South Africa'. A Ten Year; Report' Commissioned by the Presidency. August, 2003 p.9

16 Ibid

17 Ressie Malherbe 'Conflicts of Competence in Education : The South African Example' Proceeding of 3rd International Conference on Federalism, 2005 (Montreal and Kingston: McGill-Queen's University press, 2005) pp.199-201

- iii. Interdependency: This is the extent to which one sphere of government depends on another to fulfill its constitutional duties. The interdependency can have two forms. On one hand, both the provincial and local governments have the right to get assistance from the national and provincial governments respectively to discharge their constitutional responsibilities. On the other hand, both the national and provincial governments have the duty to check and supervise provincial and local governments respectively.¹⁸

While in most federations the judiciary is mainly an arbitrator of intergovernmental disputes, the constitutional court of South Africa is responsible to ensure that the above principles of cooperative government are complied with and the spheres of government act in the spirit of cooperation.¹⁹ “The courts have a unique position in that it is expressly given a power by the 1996 constitution to serve as a guardian of cooperative government. Thus, the constitutional court can compel the spheres of government to develop systems and processes to facilitate cooperation and coordination”.²⁰ In general the essence of cooperative government is that a partnership between the spheres of government rather than adversarial relationship. Thus, the spheres of government should cooperate for the common good of the people of the nation, rather than run for their own selfish interests.²¹

A wide range of formal and informal intergovernmental structures have been established to facilitate close cooperation between the three spheres of government. The Intergovernmental Relations Framework Act, 2005 has formalized some structures of IGR in South Africa. These include the President’s Coordination Council,²² the national intergovernmental forums previously known as Min Mecs,²³ the Budget Council and Budget forum²⁴, technical support structures²⁵, and provincial and local government intergovernmental structures.²⁶

18 Ibid

19 Bertus de Villiers, ‘The Future of Provinces in South Africa’ Policy paper, Johannesburg: Konard – Adenauer-Stifting No.2 October 2007) pp 12-13

20 Ibid

21 Ibid

22 Intergovernmental Relations Framework Act, August 10,2005, art 6

23 Ibid, art 9

24 Ibid, art 13

25 Ibid ,art 30

26 Ibid, arts 16 and 24

At national level, though there are quite a number of forums of intergovernmental structures in South Africa, the following are the most decisive in facilitating co-operation between the different spheres of government.

1. The President's Coordinating Council (PCC)

This forum consists of the president (chairman), the nine provincial premiers and the Minister for provincial and local government. It meets twice a year.²⁷ The PCC is a consultative body that is responsible to deal with cross-sectorial issues such as rural and urban development programs and creates favorable situations for provinces to implement national laws and policies. It also promotes dialogues between provinces and solves disputes in the provinces. Besides, it improves the co-operation between the national and provincial governments.²⁸

2. The Council of Education Ministers (CEM)

This institution is established pursuant to art 9(1) of National Education Policy Act in 1996. It consists of the Minister and Deputy Minister of Education and the nine MECs for education.²⁹ Its main functions include promotion of the national education policy, exchange of information and coordination of matters of mutual interest to the national and provincial governments. Besides the national education minister should consult this forum before and education legislation is submitted to the parliament.³⁰

3. The Financial and Fiscal commission

This commission has been established in terms of Financial and Fiscal commission Act of 99 of 1997. It consists of chairperson and nine other persons appointed by the president, nine persons nominated by the executive council of each province, and two persons nominated by SALGA. The commission is responsible for consulting and advising to organs of state (national, provincial and local) for financial matters. It also gives advice for loans and during the budget process.³¹

27 Timothy Layman supra note 15 at 13

28 Ibid

29 In Ethiopia though it is not formalized under the law, similar forums have been developed between the Federal Education Ministry with Bureaus of Regional Education. Their mandate is to follow up whether national education and training policy are implemented throughout the regions. This is discussed in detail under chapter four.

30 Ressie Malherbe supra note 17 at 77

4) MIN MECS

These are forums of IGR which are responsible to coordinate between the national government and provincial governments. They have been established along sectoral lines consisting national ministers and their provincial counterparts. They are formed in a view to address the problems of each sector. In other words, they are usually responsible for supervising the implementation of national policies and laws in the provinces in their respective fields.³²

Generally, in South Africa there are a number of formal (statutory) intergovernmental structures with their own internal procedures. There are also increasing number of informal intergovernmental structures that have been established without any legal binding force. As a result, there is no prohibition against many agreements of intergovernmental relations as far as they observe the guiding principles of IGR provided under chapter 3 of the constitution of South Africa.

3.2 India

3.2.1. Background

India became independent in 1947 and its parliament, serving also as a constituent assembly, drafted the new constitution which came into effect on January 1950 establishing the Federal Union of India. Its federal features followed closely the Government of India Act, 1935 under which the British government had attempted a federal solution to resolve the problems facing India. Given the vast, populous and variegated nature of India and concerns with the threat of insecurity and disintegration, the Constituent Assembly concluded that the soundest framework was "a federation with a strong center."³³ Today the federation comprises 28 states and several other territories with a total population of over 950 million people.³⁴

31 N. Oliver as supra note 4 at 77

32 Similar informal forums have been established in Ethiopia between some Federal Ministries with their respective bureaus to supervise the implementation of their respective sectoral policies in the regions. Ministry of education, health, ministry of justice has made informal forums with their respective bureaus. The first two are thoroughly explained under chapter four of this paper.

33 Ronald Watts, Comparing Federal Systems, 2nd ed. (Montreal and Kingston: McGill-Queen's University Press, 1999), pp.27-28

34 Assefa Fiseha, Federalism and Accommodation of Diversity in Ethiopia: A Comparative Study (Nijmegen, Wolf Legal Publishers 2006)P. 185

India is a diverse multilingual society. Hindi, the official language, is spoken by no more than 40 percent of the population (mostly in the north) and there are 18 recognized regional languages. Between 1956 and 1966 the states were recognized largely on an ethno-linguistic basis and in once case (Punjab) on a religion-linguistic basis.³⁵ Its constitution provides for three types of exhaustive lists of legislative power namely, exclusively federal, exclusively of the states and concurrent powers with federal paramouncy and residual power are assigned to the union government.³⁶ The constitution is for the most part supreme, but giving overriding powers to the union parliament. The provisions that have bearing on the federal structure cannot be amended by parliament alone. They require the ratification by the legislatures of not less than half of the states. Formally, the union government possesses very substantial powers, especially powers with in an ethno-political and multi-party context that requires that those powers be used for the most part to preserve federalism.³⁷

The institution of the union and the state governments are parliamentary in form with responsible cabinet government at both levels. The head of state is a president elected by an electoral college and consisting of the elected members of both houses of parliament and the state legislatures. The judiciary has extensive powers in determining the constitutional validity of laws passed by parliament and state legislatures, with the supreme court not only having the authority to decide disputes between the union and the states but also being the final authority in interpreting the provisions of the constitution.³⁸

In India Union legislation may be administered either by the union itself or by the states. In practice, the union civil service is relatively restricted, and much administration takes place in the states sphere. Union legislation enacted pursuant to concurrent powers is likely to be administered by the states unless the legislation provides otherwise. In addition, authority to administer union laws made in the exercise of exclusive powers may be conferred on state officials.³⁹ Conversely, states may confer administrative function on the union⁴⁰ through the amendment to the

35 Ibid

36 Ronald Watts, Comparing Federal Systems, supra note 33 at 28

37 Ibid

38 Assefa Fiseha, Supra note 34 at 185

39 Indian Constitution Art 154 (2)

40 Ibid, art, 258A

constitution in 1956 that was promoted initially by experience with the execution of development projects.⁴¹

The constitution provides a framework of principle for these arrangements. Union functions may be conferred on states by the president, conditionally or unconditionally, only with state consent.⁴² Union legislation, however, may confer functions on states without a requirement for state consent in either case, additional administrative costs must be met by the union.

Inevitably, there is a question about the extent to which one sphere can supervise the exercise of its executive power by the other. The union has authority to give directions to the states in particular cases but has more general authority as well. First, the states are obliged to exercise their executive power in a way that complies with union and state law, and the union may give directions to the states for this purpose.⁴³ Second, the states are obliged to exercise their power in a way that does not impede the executive power of the union, and again, union directions may be given to this end.⁴⁴ If a state does not comply with union, a sanction may be imposed upon them by the Union.⁴⁵ Thus, in India like Swiss and Germany, there is no exclusive union institution in the states for the administration and execution of union laws. Consequently, the union laws and policies are executed by the state agents.

3.2.2 Major Intergovernmental Forums in India

The Constitution of India presupposes a functional interdependence between the two orders of government. Article 263 provides for an Inter-State Council (ISC) for harmonizing union –state and interstate relations and for policy coordination. From 1950 to 1990, the first five Ministers did not form the inter-state council under this constitutional mandate and preferred to make do with non-constitutional bodies like the National Development Council (NDC) or ad hoc intergovernmental conferences like chief Ministers/Ministers’/ Secretaries’ conferences. It was in the 1990 that inter-state council was set up by the first coalition government in New Delhi formed by a

41 M.P.Jain, *Indian Constitutional Law* (4th ed.) (Nagpur: Wadhwa and Co; 1998) p.771

42 Indian Constitution, art 258, 258A

43 I bid, art 256

44 I bid, art 257

45 I bid, art 365, the President of the Union may declare that the government of the state is unable to be carried on in accordance with the constitution, triggering a Union takeover of state administration.

group of non-congress parties who called themselves the National Front (NF) under the Prime Minister ship of Janata Dal's V.P. Singh.⁴⁶

There are numerous bodies and processes with varying degrees of formality or informality through which intergovernmental relations in India have been conducted. Functionally several such bodies have emerged over the years, some by cabinet resolution (with out a formal presidential order), some under acts of parliaments. Thus, it can be said that a part from the first degree of constitutional formality under which ISC was established under Articles 263, there is a second degree of institutional formality, namely, parliamentary enactments which such bodies are set up. e.g. Zonal Councils. The third degrees of institutional formality characterizing such bodies are set up by a cabinet resolution e.g. the National Development Council (NDC)⁴⁷

All the formal or informal intergovernmental councils have shunned majority rule and have relied instead up on consensus processes with agendas set by the union in consultation with the states. As a general pattern, Union government has preferred the informality and flexibility of non-formal intergovernmental forums, them more convenient.⁴⁸

As it is discussed despite Constitutional provisions in, India a number of intergovernmental commissions and committees have been constituted by the central government and several state governments to promote the relations between the center and the states. The following are discussed in this regard.

A. Planning Commission

Planning Commission is an extra- constitutional body. The constitution of India has not provided for such a commission. It was set up in March 1950 to promote a rapid rise in the standard of living of the people by exploiting the resources of the country increasing production and offering employment opportunities to all.⁴⁹ The planning commission has the responsibility for formulating plans as to how the resources can be used in the most effective way. However, the implementation of the plans rests

46 Rekha Saxena, 'Mechanisms of Intergovernmental Relations in India', (Ontario ,Forum of Federations ,2003),PP.2-4

47 Ibid

48 Ronald Watts Supra note 12 at 6

49 O.P.Tiwari, Federalism and Center-State Relations in India: Towards a New Era of Mutual Co-operation (New Delhi ,Deep and Deep Publications,1996) ,PP255-257

with the states because the development relates mostly to state subjects. The planning commission has great weight, having the Prime Minister him self as its Chairman but so far as the states are concerned, the role of the commission is only advisory. The Commission acting in close collaboration and consultation with the ministries of the Union and the state governments. The states formulate their plan proposals and send them to the planning commission. Then the Planning Commission consults the National Development Council (NDC), which is a policy making body at national level. It has formulated eight Five year plans until now. The results of all these plans are most encouraging. Foundations of a sound and progressive economy have been laid. Production and national income are constantly rising; poverty and illiteracy are continuously diminishing and India is marching a head with full speed.⁵⁰

Thus, the planning commission has rendered very significant service by providing the Union and state governments with expert technical advice on many matters and maintains the stability of the nation.

B. The National Development Council (NDC)

Planning in India has been unified and comprehensive in so far as the plans deal with both the central and the State subjects. It, therefore, becomes necessary to give a sense of participation to the state as well in the process. National Development Council was created by the Governments of India in 1952 to serve as the highest reviewing and advisory body in the field of planning. It is also extra-constitutional body like the planning commission. It was established with the following aims.

- (a) To strengthen and mobilize the efforts and resources of the nation in support of the plans
- (b) To promote common economic policies in all vital spheres.
- (c) To ensure the balanced and rapid development
- (d) To recommend measures for the achievement of aims and targets set out in the National Plan including measures to secure the active participation and cooperation of the people, ensure the fullest development of the less advanced regions and sections of the community, and through sacrifices borne equally by all citizens build up resource for national development.⁵¹

50 Ibid,P.256

51 Ibid

The National Development Council, which will make its recommendation to the central and state governments, will be composed of the Prime Minister, the Chief Minister of all states and the members of the planning commission. Other Union and state ministers are also invited to attend when considered necessary. It is responsible to lay down guidelines for formulation of the national plan.⁵²

Though it is an advisory body to advise the center as well as the states, yet its decisions bear the stamps of certainty and carry conviction to the people. It provides a good forum to the chief ministers to discuss the plan in all its aspects. The central government in this way ensure to co-operation of the states before getting it approved by the Parliament.⁵³

“The NDC has been mainly used to facilitate the process of planning involving the two orders of governments and for the approval of the entire plan document by the executive heads of the union and state governments. The state governments submit their five years plan and annual plans to the planning commission which prepares a national plan after discussion with delegation from state governments consisting of chief ministers and relevant ministers and secretaries. The planning commission’s draft is then discussed and approved by the union government. The revised/unrevised/ draft is then finally presented to a meeting of the NDC for intergovernmental approval. The NDC is a policy making body and its recommendations are not just advisory suggestion but policy decisions and policy directives. It is a national forum for planning which deals informal function to the underlying concept of cooperation’s between the center and states. It brings states in to an organic relationship with the organization of national planning.”⁵⁴

As it is pointed out in the foregoing discussions though the union government remains powerful politically than the states in India, the institution of intergovernmental relations have played significant roles. The institutions have enabled states to initiate dialogue with the center and with each other, and have helped minimize tensions and co-operative dimension of the federal structure. Many contentions issues have been resolved successfully through the existing institutional arrangements. The central governments has recently acknowledged the need to make the inter sate council a more effective mechanism for discussion on crucial economic and social concerns.⁵⁵

52 Ibid

53 Ibid,p.265

54 Ibid

55 Gurpreet Mahanjan, ‘Restructuring the Center Relationship in India,’ (Ontario: Forum of Federations,2007),pp.8-10

3.3 Germany

3.3.1 Background

Germany has a strong tradition of regional government dating back to the founding of the German Empire in 1871. Since unification in 1990, the Federal Republic has consisted of sixteen Länder: the ten Länder of the former West Germany, and the five new Länder of the former East Germany and Berlin with a total population of over 80 million.⁵⁶ “The population of the German federation is linguistically homogeneous, although there remains a considerable gulf between the political cultures of the former West Germany and the former East Germany.”⁵⁷

A notable characteristic of the German federation is the interlocked relationship of the federal and state governments. The Basic Law divides the federal governments legislative responsibilities into exclusive powers (Art 71 and 73), concurrent powers (arts 72,74 and 74 a), and framework powers (Art 75).⁵⁸ But the Länder has mandatory constitutional responsibility to administer a large portion of these laws. All policy areas which are not assigned to federal jurisdiction is with in the legislative jurisdiction of the Länder.⁵⁹ The Länder retains significant powers of taxation. Most federal taxes are collected by Land officials

“The Land governments are more directly involved in the federal government decision making process through the representation of their first ministers and designed cabinet ministers in the Federal second chamber, the Bundesrat, which possesses a veto on all federal legislation affecting the Länder.⁶⁰” Thus, the Bundesrat is a key institution in the interlocking federal –state relationship with in the German federation.

56 Hartmut Klatt, *Centralizing Trends in West German Federalism, 1949-89* in C. Jeffery (ed) *Recasting German Federalism*, (Pinter, London /New York, 1999), p.152

57 Ronald Watts, *Comparing Federal Systems* super note 33 at 26-27

58 The exclusive legislative jurisdiction of the federal government extends to defense, foreign affairs, immigration, transportation, communications and currency standards. The federal and land governments share concurrent powers in several areas including civil law, refugee, public health and collection of vital statistics (data on births, deaths and marriages.) In the areas of mass media, nature conservation, regional planning, and public service regulation, framework legislation limits the federal government's role to offering general policy guidelines, which the Länder then act upon by means of detailed legislation.

59 These areas include education, Law enforcement, regulation radio and television, church affairs, and cultural activities.

60 Ronald Watts, *Comparing Federal Systems* supra note 33 at 27

Both the federal and Land institutions are parliamentary in form. The federal chancellor and cabinet are responsible to the Bundestag, but there is a formal head of state, the President of the Republic, elected by an electoral college consisting of the Bundestag and an equal number of members elected by the legislatures of the Lander. The federal parliament is bicameral, with the second chamber of ex officio instructed delegates of the Land governments.⁶¹

Now days, many legislations are enacted at the federal level. The execution of laws is given to the Landers. The administrative role of the Lander is defined in Art 83 of the Basic Law, which confers upon them both the right and duty to execute the federal statutes as matter of their own concern in so far as this Basic Law does not otherwise provide or permit. Articles 84 and 85 of the Basic Law differentiate in this field between the administrative functions to be performed by the Landers as matters of their own concern (under general administration rules requiring the Bundesrat's consent and subject to federal supervision relating to legal standards only), and other matters in which the Lander execute federal laws as agents of the federation (subjecting them to the instructions of the appropriate highest federal authorities and to federal supervision dealing also with the appropriateness of execution).⁶² However, in the entire field of administrative functions, the Lander are clearly the predominant bodies, while federal administrative powers, defined in Arts 87-90 of the Basic Law, are classed as exceptions to that rule. They only cover areas such as the foreign service, defense, the federal waterways and others which are conducted, as matters of direct federal administration with their own administration substructures.⁶³

In general, the federal government is for the most part responsible for lawmaking where as the states are for administering it. This is the feature of executive federalism which is applicable in German Federation.

61 Ibid

62 Uwe Leonardy, 'The Institutional Structures of German Federalism, London 1999' (Electronic edition ,Bonn:Frederich Ebert Stifting ,Digital Bibliothek ,1999)PP.1-3

63 Ibid

3.3.2. The System of Intergovernmental Relations in German Federation

As it is explained above the constitutional provisions governing the relationship between the Federation and the Lander manifests a high degree of co-ordination and co-operation in German federation. Co- ordination between the federation and the Lander should be affected in the spirit of “co-operative governance.” The legal relationship between the Federation and the Lander and among the Lander themselves includes the obligation of the federation and its constituent states to be “loyal to the Federation.” As a result, there are, among other things, obligation to co-operate in many activities.⁶⁴

In other words, its constitutional structure and complementary institutions that have been established have created a much more highly integrated, indeed interlocking, and set of intergovernmental relations than in most federations. A key institutional factor is that in Germany most of the legislative power has been concentrated in the federation, but most of this legislation is implemented and delivered by the Land governments. This requires a very high degree of co-ordination between the Federal and Land governments.⁶⁵

In this interlocking relationship, the Bundesrat is a key institution. Established by the constitution as a federal second chamber, its powers include as an absolute veto over all federal legislation affecting the Lander (in practice about 60 percent of federal legislation). Its composition consists of Land delegations each led by its minister – presidents (premier). This means that the Bundesrat and its many committees also serve as a powerful intergovernmental institution for co-ordinating the Federal and Land governments.⁶⁶

It would go far beyond the limits of this section to describe in detail all the intergovernmental networks envisaged in these three groups. So, the following section seeks to identify the central institutions of intergovernmental cooperation and

64 Klaus – Dieter Schnapauff, ‘The Federal System of the Federal Republic of Germany’ in P.Meeikson ,ed., Intergovernmental Relations in Federal Countries (Ottawa :Forum of Federations ,2002),PP.24-32

65 Ronald Watts, Intergovernmental Councils in Constructive and Cooperative Federalism supra note 12 at 6-8

66 Ibid,P.5

coordination. Thus, three levels of relationship are explained in the following sections.

1 "Firstly, there is the level of what is termed the whole state (Gesamtstaat) i.e. the level which comprises institutions in which both the federation and its component parts, the Länder, are represented on terms of equal status. This arrangement of equal status allows no room for majority decision making. All decisions in this sphere must consequently be arrived at by accommodation and compromise. At the level of the 'whole state' the 'highest' institution is the conference of the Heads of Governments of the Federation and the Länder. These are conferences held between the Federal Chancellor and the Minister –presidents /Governing Mayors of the Länder in more or less regular sequences of roughly every four months. They are preceded and prepared by conferences of the Head of the Chancellors office with his colleagues in the cabinet offices of the Länder.⁶⁷ "

In addition, a second sub-group of coordinative institutions comprises the top-level machineries of the political parties, among them in particular the institutionalized conferences of party Leaders in the Bundestag and the Länder legislatures, which are partly assisted by permanent staffs. Also, the party executive committees or Presidiums at the federal level, assisted by the party head quarters, play a prominent role in the handling of Federation –Länder business.

The third sub-group of institutions in the field of the whole state is concerned more specifically with inter parliamentary coordination. It is represented in the inter parliamentary Presidents of the Federation and the Länder and its more frequency convened nucleus, the conference of Presidents of Länder legislatures. Its meetings are also prepared by senior officials, the clerks or directors' of the parliaments.⁶⁸

2. "Secondly, there are the levels of the Federal State (Bundesstaat) i.e. the constitutionally organized structure of interrelationships between the federation and Lander institutions, whose decisions are subject to majority

67 Uwe Leonardy, 'The Working Relationships between Bund and Länder in the Federal Republic of Germany;' in C. Jeffery, P. Savigear (eds), German Federalism Today, (Liecester, , University Press, 1999), P.121

68 Ibid

*voting rules. The subject matter of all such decisions is subject to majority voting rules. The subject matter of all such decisions must be located within the field of several competence, or must be subject to federal procedures (as in the case of the 'joint tasks' in which federal participation takes place in areas of competence originally exercised by the Länder, and in which the federation and the Länder cooperate by virtue of specific agreements.)*⁶⁹

At the level of the 'Federal State' the Bundesrat, is of course, at the center of the structure. As pointed out already, all its plenary business is prepared by a system of numerous, highly efficient select committees, which sit every third week and submit their recommendations to the plenary session which follows two weeks after the end of the committee work. The preparation of their meetings, minute taking and the drafting of their recommendations to the plenary are the main tasks of the secretariat of the Bundesrat. This is headed by a director who assists the president of the Bundesrat in preparing for and presiding over the plenary session held on every third Friday.⁷⁰

In cases of conflict between the Bundesrat and the Bundestag, the Committee of mediation comes in to play. This constitutional organ consists of sixteen representatives of the Bundesrat (one for each of the Länder) and the same number of members of the Bundestag. In order to make compromise possible on its recommendations, its Bundesrat members (all of cabinet rank) are not subject to instructions from their Länder cabinets as they are in the Bundesrat itself.⁷¹

3. *"Thirdly, there is the level of horizontal coordination between the Länder themselves (i.e. excluding the federation) which in a strict sense is not part of the fields of relations between the federation and the Länder. On this level, the agendas can consist both of federal and Länder matters. In both fields, decisions must be unanimous and they may also require approval in either the federal or the Länder legislatures. This area is commonly known as the Third level.*⁷²

69 Ibid

70 Ibid

71 Art 77(2) of The Basic Law

72 Ibid

“On the ‘third level’ of horizontal cooperation among the Länder themselves, the conference of Minister – Presidents is the highest ranking of the institutions. It meets formally once a year, but convenes in practice almost monthly and always before the conferences of the Länder Heads of Government with the chancellor. The chair alternates between the Länder and the conferences are prepared by meetings of the Heads of the Länder cabinet offices.”⁷³

One step below this level is the conferences of equivalent ministries from different Länder whose departmental responsibilities cover the same area of policy. These are staffed and prepared partly by the Bundesrat Committee secretariats and partly (as e.g. in the case of the conference of Ministers of Housing) by organizational units of their own which may be attached to one of the missions of the Länder. The permanent conference of Ministers of Education and science is assisted by a secretariat of its own outside the Bundesrat structure and its surrounding institutions.⁷⁴

The main functions of the three levels of cooperation and coordination are summarized as follows:

- Mutual consultation and cooperation in all fields, but in particular in overlapping fields of competence on the level of the ‘whole state’
- Coordination and preparation of voting, and finally voting it self , on legislation on the level of the ‘Federal state’ and
- Coordination not just in the preparation of legislation but also (and sometimes primarily) on matters of administration on the ‘Third level.’⁷⁵

In general as it has been discussed above, the German parliamentary model is one of ‘shared’ and ‘integrated’ federation emphasizing not the distinct status and roles of the different orders of government, but of their collective responsibility for both law making and implementation. Most national legislation is implemented and delivered by Land governments. This model requires that the constitution and legislation spell out a complex set of institutions and rules to govern how they will operate in order to manage the relationship. As a result, intergovernmental relations are highly institutionalized and formalized.

73 Ibid,P.133

74 Ibid,P.134

75 Ibid,P.135

Comparative Summary

From the above discussions it is clear that interdependence among government as partners has been inherent in federations. It is not surprising, therefore, that the extensive intergovernmental institutions and processes have been a basic feature of most contemporary federations. However, there is variation from federation to federation due to some specific factors peculiar to them.

The German federation is one of shared and integrated, emphasizing not the distinct status and the roles of the different levels of government, but of their collective responsibility for both legislation and implementation. Most national legislation is implemented and delivered by Land governments. Institutions of intergovernmental relations as the result are highly institutionalized and formalized.

The South African Cooperative government, which is provided under chapter 3 of the 1996 constitution, is closely related to the German System. Like Germany, South Africa has a long list of concurrent powers and provides for provincial execution of national laws. Despite the fact that the constitution requires that national legislation is required to institutionalize intergovernmental forums in South Africa, such legislation has not fully formalized all intergovernmental forums. Thus, we may conclude that mechanisms of intergovernmental relations in South Africa are more of informal and function in ad hoc basis. However, their tasks are found to be very significant in enhancing the national, provincial and local relations.

As it is known in India, the union government has influenced the state governments with its centralizing powers. The office of the centrally –appointed governor, the all – India administrative services, the power to declare an internal emergency and dismiss an elected State government are some of them. Nevertheless, India has established many formal intergovernmental institutions to resolve many contentious issues successfully. The central government has recently acknowledged making intergovernmental forums more effective for discussion on crucial policy issues.⁷⁶

76 Gurpreet Mahajan, *supra* note 55at 9

Chapter Four

4. The System of Intergovernmental Relations in Ethiopia: The Institutional and Legal Framework and some practices

This chapter mainly focuses on constitutional and legal frameworks governing the division of executive power between the federal government and the states. Specifically it analyzes some practices how federal policies and laws are implemented through out the territories of Ethiopia.

Before we look at the division of executive power in general and processes and forums of intergovernmental relations in particular, it is essential to put the constitutional division of legislative power.

4.1 Division of Legislative Power Under FDRE Constitution: An overview

The combination with in a single political system of shared rule and self rule through the distribution of powers between the federal and regional governments, according to professor Ronald Watts, is the defining institutional characteristics of federations.¹ The specific form and allocation of the distribution of powers are predicted upon and determined by the existing political reality and social diversity, more specifically, the degrees and kinds of common interests and diversity, with in the particular society in question. Watts argues that, generally, the more the degree of homogeneity with in a society the greater the powers that have been allocated to the federal government and the more the degree of diversity the greater the powers that have been assigned to the constituent units of government.²

¹ Ronal Watts, Comparing Federal Systems, 2nd ed. (Montreal and King Ston: McGill-Queen's University, 1999) p.14

² I bid

The Ethiopian Constitution establishes a federal state structure that comprises two distinct entities, the federal state and the regional (member) States.³ It defines and distributes powers and functions of the two entities. It requires both entities to respect the powers of one another.⁴ Each entity exercises legislative, executive and judicial powers within its allocated sphere and is autonomous from one another.⁵

Article 51 of the constitution lists 21 powers and functions of the federal government.⁶ Besides, there are other powers which are not mentioned in this provision but which are granted to the federal government. These include the power to enact labor, commercial and penal codes and to approve federal appointments submitted to the executive and to establish federal institutions.⁷ The powers of the regional governments of Ethiopia are envisaged under art 52(1). It states that “all powers not given expressly to the federal government alone or concurrently to the federal government and the states are reserved to the states”. Besides, more powers are granted to the states under art 52(2) of the constitution.⁸ The federal constitution has empowered regional governments to enact and execute the state constitution and other laws. To this end, the constitution provides that the states with a legislature, an executive and a judiciary which are constitutionally independent and a from the central government in matters assigned to them.

3. The Constitution of the Federal Democratic Republic of Ethiopia Proclamation No.1/1995, Federal Negarit Gazeta, 1st year No. 1, Addis Ababa, 21st August 1995, art 50(1)

4. Ibid, art 50(8)

5. I bid art 50(2)

6. 3 The lists of matters under the federal constitution are: defense public security and order; international relations, Citizenship and immigration; international and inter- state trade; fiscal and monetary policies, currency, banking and domestic borrowing by states; air, rail, water ways and sea transport and major roads linking to two or more states, postal and telecommunication services; general economic, social dev't plans and policies; national standards and policy measures for public health education, science technology, and for the protection of cultural and historical heritages; land and other natural resources; political parties and elections; patent and copy rights; possession and bearing of arms; and declaration of state of emergency.

7. Assefa Fisseha, Federalism and The Accommodation of Diversity in Ethiopia: A comparative study (Nijmegen, Wolf Legal Publishers, 2006), P.303

8. Ibid

4.2. The System of Intergovernmental Relations in Ethiopia

As I have pointed under chapter two of this paper, the way federal government executes its laws and policies through out the constituent units vary from one federation to another. For instance in most cases Germany, Switzerland and India employ a system called executive federalism in which law making power is given to the federal government while law enforcement is the responsibility of the states. On the other hand, USA, adopts a dual federalism in which both the federal and the state government have their own institutions to implement their respective laws. This method works with the assumption that the two levels of authority retain autonomy with respect to their respective powers.

According to the FDRE Constitution, each government has the power of legislation and execution on matters that fall under the respective jurisdictions. Each level of government shall respect the power of the other. At the federal level executive power of the federal government is vested in the Prime Minister and the Council of Ministers. The Prime Minister shall follow up and ensure the implementation of laws, policies, directives and other decisions made by the federal legislature (HOPR).⁹ Article 50(2) of the constitution declares that, the federal government and the states shall have legislative, executive and judicial powers' which suggests that the organization of the federal executive is co-extensive with the division of legislative power- that there will be a federal executive who is entrusted to enforce federal laws and a parallel state executive that is responsible to implement state laws.

Thus, in principle, the Ethiopian Constitution follows a USA model structure by reserving the executive responsibility to each level of government on matters in which they exercise the legislative powers.

Although the jurisdictions of the federal government and the member states are delineated, they are interdependent in a wide range of matters.

⁹ Solomon Nigussie, Fiscal Federalism in the Ethiopian Ethnic - Based Federal System (Nijimegen, Wolf Legal Publishers, 2006), pp 68-69

“First, in economic, social and development matters the federal government is authorized to formulate and implement the overall policies and strategies are limited to specific policies and strategies. Second, in matters of education, health, science and technology, protection of cultural and historical legacies, the federal government sets the national standards and basic policy criteria while regional states are the conduits for the promotion of the language, cultures and histories of their respective ethnic communities. Third, while the federal state is responsible to enact laws for utilization and conservation of land and other natural resources the administration of such resources within the bounds of the federal laws is left for the regional states. Fourth, although each orders of government is in principle, assigned executive authority in the same matters for which it has legislative authority, federal laws are in practice largely executed through regional states.”¹⁰

Therefore, in all the foregoing matters, the interdependence of the federal government and the states necessitates their cooperation and makes it crucial for the smooth and efficient application of their responsibilities.

Presently the Ethiopian Federalism employs different mechanisms to facilitate the enforcement of federal laws and policies in the regional governments:

- (a) Through delegation
- (b) through the party structure
- (c) Through executive institutions mainly through Ministry of Federal Affairs (MOFA)¹¹

4.2.1 Delegation

One of the mechanisms for promoting intergovernmental cooperation in a federal system is the delegation of power from one level of government to the other.¹² As it is discussed under chapter three in India intergovernmental delegation of administrative power is more commonly used. This may happen either under an agreement between the

10 Hashim Tofiq, ‘The Importance of Party System for Intergovernmental Relations in Ethiopia,’ A paper presented at Conference on Ethiopian Federalism, Adama, 2007, p.10

11 Assefa Fisseha Supra note 7 at 383

12 Solomon Nigussie Supra note 9, at 97

governments or by legislation. The federal government can use both methods to delegate administrative powers to the states; a state can delegate administrative power to the union using the first method i.e. through agreement between the two governments.¹³

Delegation of power is allowed under the FDRE constitution. This is provided under art 50(9) which states “the federal government may, when necessary, delegate to the states powers and functions granted to it by art 51 of this constitution.” However, this provision seems to delegate legislative, executive or adjudicative functions. Nevertheless, practices indicate that the federal government has mainly granted administrative powers to the states rather than legislative powers. The states are given delegation to enact their own laws in order to administer the utilization and conservation of land and natural resources in accordance with the federal laws. Both the federal government and the states seem to have parallel powers. The point is that the federal government enacts general legislations on utilization of land and states are also empowered to issue specific and detailed laws in order to implement and administer the same in accordance with the federal law enacted by the House of the Peoples’ Representatives. For instance, the Amhara regional government has enacted its own land law to administer rural land. This law was enacted before the federal land proclamation.¹⁴ Unlike the Indian federation, the Ethiopian States cannot grant their powers to the federal government by delegation.

There is no explicit provision allowing the Ethiopian states to delegate some of their powers to the federal government.¹⁵ In this regard, there was an explicit provision provided in the draft when the FDRE Constitution was adopted. However, this idea was rejected on the ground that such delegation affects the autonomy and the interests of the states¹⁶. In the view of this writer, such justification was not sound. The states should have been given a right to delegate some of their powers to the federal government. It is true that in the law of agency who ever have given some powers through delegation can take it away at any time. Thus, giving some states’ powers to the federal government by

13 Assefa Fiseha Supra note 7, at .384 and see also arts 258(1),154 of the Indian Constitution

14 Ibid, p. 319, see also Proclamation No 89/1997, Federal Rural Land Administration Proclamation, Federal Negarit Gazeta, 3rd Year No 54, Addis Ababa, July 7, 1997.

15 Assefa Fiseha, supra note 7, at 384

16 Ibid

delegation could not be a problem. If it is believed that the federal government encroaches the powers of the states, it could be solved through constitutional adjudication by the House of the Federation.

Except some constitutional provisions related to courts, delegation of other powers are not done in a comprehensive approach. Instead, delegation of administrative powers to the states is often done on piecemeal basis.¹⁷ Just to mention one instance, following the 2005 national and regional election, the Ministry of Justice has delegated its prosecution powers to justice bureaus of regional governments. Consequently, the former branch offices of federal prosecution in almost all states except in Addis Ababa and Dire Dawa have been closed and the task of prosecution of Ministry of Justice has been carried out by justice bureaus of regional governments. However, such delegation has not been done formally as provided in the constitution.

4.2.2. The Importance of Party Line for Intergovernmental Relations

Political parties play significant role in determining how a written constitution operates in practice.¹⁸ William Riker wrote “the structure of the system of political parties is what encourages or discourages the maintenance of the federal bargaining”.¹⁹ He also asserted that “the proximate cause of variations in the degree of centralization (or peripheralization) in the constitutional structure of a federalism is the variable in degree of party centralization”.²⁰ Accepting the fact that party systems can exert centralizing or decentralizing influences on federal systems, Edward Gibson argued that federal systems can, shape the nature of party competition, the structures of incentives for politicians, and the decentralization of parties and party systems.²¹ George Andersen also concluded, “Political parties are basic to the functioning of federations. The character of parties and of the party system reflects political cleavages with in the population and partisan history,

¹⁷ I bid, p385

¹⁸ George Anderson, Federalism: An introduction (Ottawa, Forum of Federation, 2008) p.49

¹⁹ William H.Riker, Federalism: Origin, Operation, Significance (Boston: Kluwer Academic Publishers 1988)P.187

²⁰ I bid

²¹ Edward L.Gibson, Federalism and Democracy in Latin America: Theoretical Connections and Cautionary insights, (New York, New York University Press, 1987)p.151

but is also significantly shaped by electoral laws and constitutional arrangements. Federations vary in having one dominant party, two or more major or many parties.”²²

If the officials of both sets of government are adherents of the same ideology or followers of the same leader or leaders, then they might be expected to pursue harmonious policies. But in all federations which have a relatively free society with competing political parties, just the converse occurs. In the heat of party struggle, competing parties use the central government against the constituent governments and vice versa.²³ The only circumstance in which it is perhaps impossible for intergovernmental conflict to appear as a product of party competition is when one highly disciplined party controls all government, both federal and the state governments.

*“In federations, there are two extreme situations with so many other options in between. Firstly, if one homogenous political party controlled all governments both federal and the state, there would be no occasion for intergovernmental conflict. Secondly, if all constituent governments are controlled by one homogenous political party and the federal government by another, the degree of federal conflict would be tense. All existing federations are found between the above two extremes.”*²⁴

This implies that if the federal government and states are controlled by different political parties, things may not be run smoothly. Instead, there might be conflicts between the federal government and the states.

In Ethiopia, political parties can be divided into two categories. The first category comprises of the dominant political force: the Ethiopian people’s Revolutionary Democratic Front (EPRDF), a coalition of four Ethno-territorial parties (Tigray people Liberation front (TPLF), Amhara National Democratic Movement (ANDM), and Southern Ethiopian peoples’ Democratic Movement (SEPDM) and EPRDF affiliated ethno-territorial parties. These are the Afar National Democratic Front in Afar region; the Somalia Peoples Democratic Front in Somalia; the Gambela Peoples’ Democratic Front

²² George Anderson, Supra note 18, at 49

²³ Ibid

²⁴ Assefa Fisseha, Supra note 7 at 392

/GPDF/ in Gambela; the Benshangul Gumuz Peoples' Democratic Unity Party Front, BGPDUF in Benshangul Gumuz and the Harari National League (HNL) in Harar. Although the latter are formally outside the EPRDF coalition, they all have been the permanent supporters of its social, economic and political program.²⁵

The second category refers to the opposition parties. The prominent opposition parties include the former members of Coalition for Unity and Democracy (CUD) such as Unity for all Ethiopian party, Unity for Justice and Democracy, Oromo Peoples Congress and United Democratic party- medhin party and others.

The ruling coalition party, EPRDF, has a centralized internal party structure. The party congress is at the top of the structure. The congress is made of equal number of delegates who are elected by each of the parties in the coalition. Each party in the coalition elects representative to the central committee. The central committee, which is the highest political body, decides on the over all programs of the coalition. Each party in the coalition elects 9 representatives to 36 member's executive committee, which manages the day to day activities of the coalition. The executive committee elects the chairperson of the coalition; who will be the chairperson of the central committee. Each party in the coalition has equal member of representatives in all the organs (Congress, Central Committee, and executive committee) of the EPRDF.²⁶

The central committee through the chairman generates broad issues of social, economic, and political matters, policy directions, plans and strategies that have nation-wide application. These plans and strategies are adopted at federal level and become the basis for state government plans and policies²⁷

The internal party structures of the EPRDF is replicated by its four member parties. Each member party has its own party program, which is usually in line with the EPRDF program. Each has its own councils at the regional, zone and woreda, kebele levels of administration. Each is responsible to implement its party program, discuss and adopt its

25 Hashim Tofiq, *Supra* note 10 at 10

26 *Ibid* p.11

27 Assefa Fisseha *Supra* note 7 at 393

own plans and strategies with in its respective regions. Each party is also responsible to implement the program of EPRDF with in its own regional base.²⁸

The political landscape in Ethiopia reflects the electoral dominance of the EPRDF and the weakness of the opposition of parties. EPRDF is the party that holds over whelming majority seats in both the houses of the federal parliament. It also holds the majority seats in the councils of the Oromiya, Southern Nations, Nationalities, Amhara and Tigray States.

This largely centralized party structure contradicts the division of power that exists in federations. The party line in Ethiopia is highly centralized. The ruling party EPRDF with democratic centralism decides on many national policies and strategies. The point is that the central committee of EPRDF through its chairman generates specific plans of action which are the basis of the EPRDF's five-year plan that are implemented nation wide. The five-year plans to be implemented are adopted at federal level and become the basis for state governments' plans and policies. In this respect, both the central government and states can be influenced by the centralized party structure. The states might not get the chance to formulate policies on different matters in their jurisdictions as policies are predetermined and formulated by the centralized party structure. The states' right to formulate and execute policies and strategies are thus highly affected.²⁹ Therefore, we may conclude that the party line in Ethiopia influences the constitutional division of powers and the autonomy of the states which are developed in most federations.

In the absence of well organized institutions to facilitate intergovernmental relations between the federal government and the states, party line can be used as a better option to accomplish such tasks. This is because the party line is currently well organized. The prevalent political role of EPRDF and its partner political parties at both levels of federal and regional governments have created favorable and supportive political environments for building positive intergovernmental relations in Ethiopia. Members of the ruling party are used as good models to implement new policies and strategies in many rural areas.

²⁸ Hashim Tofiq supra note 10 at 11

²⁹ Assefa Fisseha, Supra note 7 at 393

Having seen the efforts made by members of the party to implement new policies of the party, other non-members of the community begin to carry out the same. Thus the party line in Ethiopia is a good option to execute strategies and policies of federal government in the states.³⁰

4.2.3. Relations of Some Federal Ministries with their Respective Bureaus

Although the main intergovernmental forums and institutions are emphasized above and in the next chapter (which focuses on the role of Ministry of Federal Affairs), cooperation concerning the better performance of responsibilities is actually facilitated through various forums, conferences, workshops, exchange of personnel and technical experts, or through personal exchange of information between the authorities of the levels of government.³¹ The meetings, discussions and other forms of cooperation between the center and the regions take place as the occasion demands. Some of them may remain as forms of informal cooperation between authorities, while others may evolve into more formal institutions with a clear mandate and staffed with skilled labor.

As it is pointed out in the preceding chapter, the practices of South Africa and Germany demonstrate that different forms of vertical intergovernmental relations are envisaged. In South Africa, for instance many national ministries conduct several meetings and discussions with their respective provincial ministries. The Ministry of Education of South Africa often has conducted frequent meetings and discussions with the nine heads of provincial education. Such meetings and discussions focus on promotion and implementation of national education policy in the provinces.³² Similarly in Germany each federal executive and Länder institutions hold conferences and meetings to deal their respective fields.³³

³⁰ Interview with Ato Gedu Andargachew, Head, Office of the Amhara National Democratic Movement (ANDM), and Vice president, Amhara Regional State, 18, December 2008, Bahirdar.

³¹ Solomon Nigussie Supra note 9 at 98

³² Ressie Malherbe, 'Conflicts of Competance in Education: the South Africa Example', Proceeding of 3rd International Conference on Federalism (2005) (Montreal and Kingston :McGill-Queen's University Press,2005) pp.199-201

³³ Uwe.Leonardy, 'The Working Relationships Between Bund and Länder in the Federal Republic of Germany' in C.Jeffery, p.Saviger (eds) , German Federalism Today, (Leicester, Liecester University press, ,1999) p.121

In Ethiopia Similar trends have been emerging since 2003. The various ministries of the Federal Government have direct and close contacts with their corresponding bureaus in regional governments. This close link and contact is not only to carry out their respective responsibilities effectively and in a coordinated manner but also to assist and build the capacity of the regional government institutions which suffer from lack of adequate human and material resources.³⁴

For instance, the Federal Ministry of Health and the health Bureaus Heads in regional governments work together in a mutual dependent manner in the process of implementing federal health policies and standards in the regional states. The ministry also provides technical assistance to the regional health bureaus. It often conducts regular meetings and conferences with regional health bureaus within three months. Led by Minister or State Minister, the main focus of coordination and cooperation include prevention of epidemic diseases such as malaria, HIV and others, capacity building, giving assistance and maximizing coverage of health services.³⁵ However these relations suffer from many problems. Firstly, the relations are not governed by rules and procedures and are not done in regular basis. Secondly, the regional state health bureaus have not been consulted when strategic health plan was made. Thirdly, there is no sense of accountability when one of the partners (either the federal ministry or bureaus) does not comply with the common decisions.

An annual consultative forum between the Ministry of Education and sector bureaus has been established to strengthen the partnership between them. This forum crates a favorable opportunity to discuss how the national education policy is implemented through out the country. The conferences are held in rotational basis through the regional states. In order to deal specific problems and issues of the concerned field, the ministry conducts a monthly video conference with regional education bureaus.³⁶ Decisions are passed on consensus basis. The ministry does not impose its decisions on regions.

³⁴ Interview with Ato Ewnetu Bilata, Head of IGR Department, Ministry of Federal Affairs, 25 Dec.2008, Addis Ababa

³⁵ Interview with Ato Ahmed Emano, Head, Department of public Relations, Ministry of Health, 23 Dec. 2008, Addis Ababa

³⁶ Interview with Ato Tilaye Gete, Head, Amhara Regional State Education Bureau, 18 Dec.2008, Bahirdar.

However, the relations and forums are not governed by rules and procedures and as a result; there are no mechanisms to make the parties of the forums liable to their decisions. A new law is being currently made in ministry to manage the relations. When draft law is endorsed, many problems of the relations of the ministry and regional educational bureaus will be solved.³⁷

Even if recently dissolved by the decision of the federal executive, the ministry of information has established better forums with respective state bureaus of information. The ministry which was head of the ruling party's propaganda has been engaged in installing the party's directions to be implemented in the regions. This forum has been conducted three times in a year. Besides, the conferences have tried to focus on how to bring national consensus among the citizens.

The other area where the federal government effectively cooperates with the regions is in the area of capacity building activities. In this regard, the ministry of capacity building as "super ministry" has been involved in some basic activities that would bring about nation wide impacts. The ministry is given a mandate in coordination, monitoring and evaluation of reform programs. The former deals with the over all reforms of all law schools, courts, prosecution and police. The latter mainly emphasizes on business process re-engineering (BPR) activities both at federal and regional public offices. The ministry is responsible to implement and facilitate such big national reforms through out the country. Thus, it practically influences the interactions of both governments through such reform tasks.³⁸

Similar forums for coordination and cooperation are currently conducted between the Ministry of Water Resources, Labor and Urban Development with their respective Bureaux in order to implement their national policies and laws in the states.

We have noted under chapter three that in South Africa, using the president's Coordinating Council (PCC), forums are conducted twice a year between the president

³⁷ Interview with Ato Desalegn Samuel, Head, Foreign and Public Relations Department, Ministry of Education, 15Dec.2008, Addis Ababa

³⁸ Interview with Ato Zephaniah Alemu, Head Justice Sector Reform Program, Justice and Legal System Research Institute 15 Dec.2008, Addis Ababa

and the premiers of the provincial governments in a view to discuss on the implementation of national policies, dispute relations and other related issue. Similarly in Germany regular conferences are held between the Federal Chancellor and the Minister Presidents of the Lander in every four months. These conferences have been used to evaluate whether national laws and policies are executed in the Länder governments.

In Ethiopia, similar forums have not yet started. The study reveals that the Prime Minister does not usually conduct regular meetings and conferences with presidents of regional governments except in party meetings and conferences where the Prime minister and most presidents of the regional government meet twice a year.

Concluding Remarks

On the whole, the party line seems to influence the intergovernmental relations in Ethiopian Federalism. Besides, other ad hoc mechanisms are currently developed. These are the different forums and relations conducted between the federal ministries with their respective bureaus. However, these relations are conducted with out duly established rules and procedures. Fundamental principles of intergovernmental relations that are developed in most federations such as accountability, transparency, responsiveness and others are not observed. Most of the relations are not done regularly and in sustainable ways rather they are conducted for specific period or purpose. Besides, in most of the executive relations, regional state bureaus have not been consulted when national laws and policies are initiated rather they are done by unilateral act of federal executive but ultimately regional governments are imposed to execute those laws and policies.

On top of this, the Ministry of Federal Affairs (MOFA) (which is legally responsible to facilitate these relations) has not fully engaged itself in connecting the respective federal and state offices. In some situations the relations have not promoted real partnership between the center and the states rather the superiority of the central government has been reflected. MOFA has been widely focused on assisting the least developed regions instead of facilitating the interactions and relations of all state governments. The next chapter will focus on examining its role in facilitating intergovernmental relations.

Chapter Five

5. The Role of Ministry of Federal Affairs (MOFA) in Facilitating Federal-State Relationship

This chapter is in essence a continuation of the discussion on the system of inter governmental relations in Ethiopia. Its main concern is to examine the practices of MOFA in facilitating intergovernmental relations between the federal government and the states. Having explained its organizational structure, mandate and functions of the Ministry, mainly this section tries to examine its efficiency in the process of discharging the responsibility of connecting the relations and cooperation between the federal government and the states. More specifically the study emphasizes to what extent MOFA has discharged its main tasks in implementing national laws and policies in the states.

5.1 Evolution of the Ministry of Federal Affairs

At the federal level, up until 2000, the focal point for intergovernmental collaboration had been the office of Regional Affairs Bureau, which was established in 1994 as a part of the Prime Minister's Office. The office was responsible to coordinate and facilitate communications and intergovernmental relations between federal and regional governments, to ensure cooperative and interdependent approach in governance processes, to bring regional capacity building, and to give advice to the Prime Minister on matters of regional governments. It had three sub departments dealing with matters of development, human resource capacity building, and political and administrative affairs.¹ It was composed of high officials of the ruling party and the representatives of other ethnic-regional parties who had control over their respective regional governments. The representatives of ethno-regional parties in the office were responsible to serve as liaison officers between the office and their respective regional governments.

¹ Solomon Nigussie, Fiscal Federalism in the Ethiopian Ethnic-Based Federal System (Nijmegen, Wolf Legal Publishers, 2006), pp. 94-96.

Other mechanisms were also used to facilitate communications between the various governments and the political parties that administered regional governments outside the direct control of the ruling party. One such mechanism involved was the assignment of experts of the office to work with the executives of the so-called peripheral states, Afar, Beneshangule-Gumuz, Gambella and Somali regional states. Although these advisors were referred to as technical experts of the office, they used to be involved in regional council and executive meetings and constitutions. Such a role of the office was criticized on the grounds that it stood in the way of genuine self-administration.² However, John Young argued that it was rather received well in Gambella and Beneshangul regional states because they needed the assistance of the federal government to fill the gap for expertise and human resource.³

In October 2001, the role of the office of regional affairs was taken over by a newly established Ministry, the Ministry of Federal Affairs.(MOFA). The Ministry was empowered: to ensure public place and order in cooperation with the regions; to facilitate the resolution of misunderstandings arising between regions with out prejudice to arts 48 and 62(6) of the constitution; to give assistance to the regions with particular emphasis to the less developed ones; and to supervise and coordinate the activities of the Federal Police Commission, Federal Prison Administration, National Urban Planning Institute, Addis Ababa City Government and Dir Dawa City Administration.⁴

The Ministry of Federal Affairs comprised two divisions, dealing with regional relations, and with urban development. The urban development division was responsible to oversee the activities of the Addis Ababa and Dredawa City Administrations and to design new policy directions in relation to municipal/urban development through out the regional states. The division of regional state relations was concerned with issues of democratization, decentralization, assistance to the peripheral regional states (Afar, Somali, Beneshangul-Gumuz, and Gambella regional states), and activities of inter state

² Lovise Aalen, *Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991-2000* Report (Bergen, Chr, Michelsea Institute, Development Studies and Human Rights 2002), p. 85.

³ John Young, A long Ethiopia's Western Frontier: Gambella and Beneshangul in Transition (1999) *Journal of Modern African Studies* 3: 321

⁴ Art 11, proclamation No. 256/2001, Reorganization of the Executive Organs of the Federal Democratic Republic of Ethiopia, 8th year No. 2, Addis Ababa *Federal Negarit Gazeta* 12th October 2001.

relations that the Ministry undertook its role as a focal institution for intergovernmental relations.

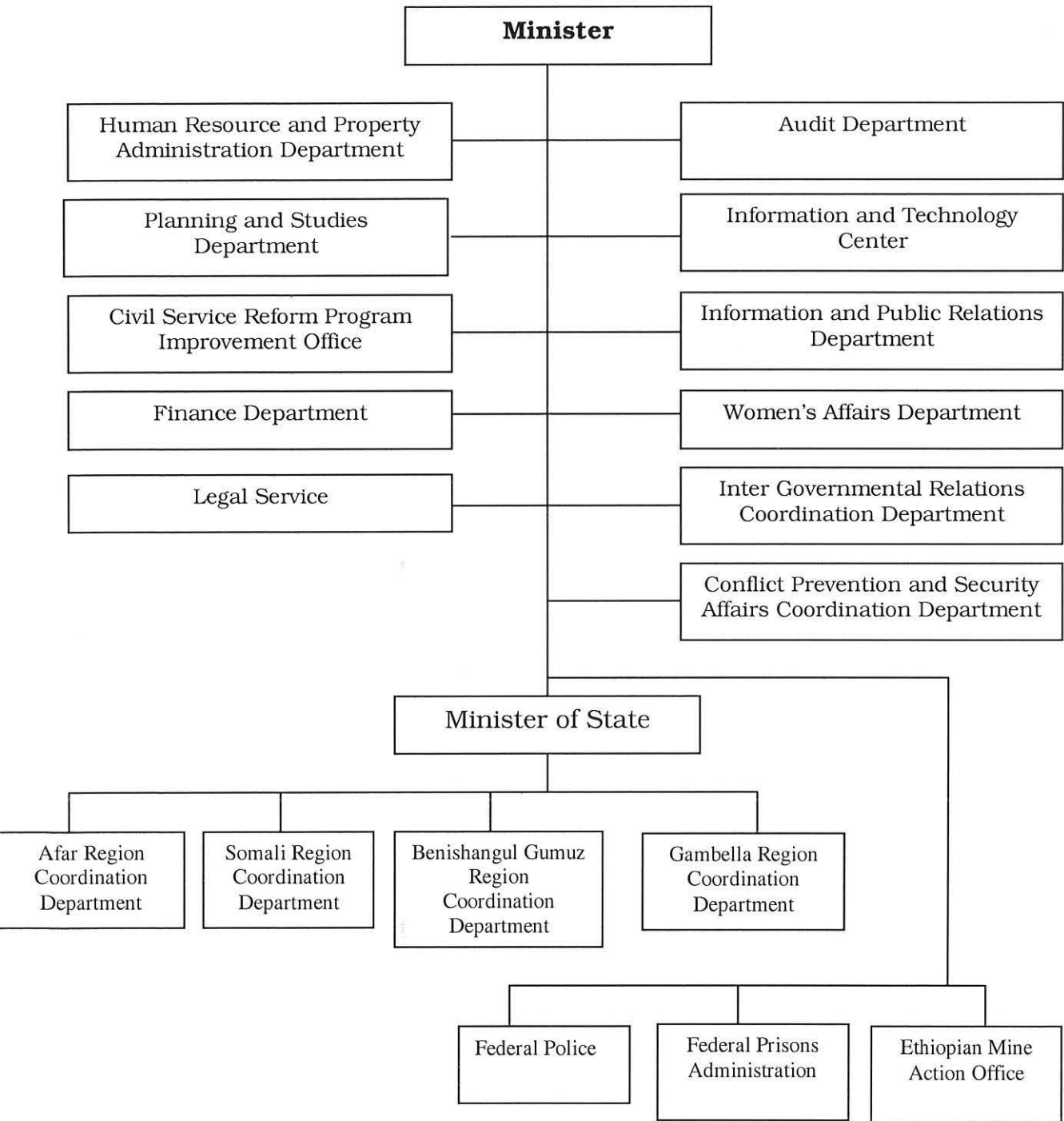
With the promulgation of proclamation No 471/2005 the power and functions of the Ministry have been amended. Art 21(6) of this proclamation brings new elements to the list of power of MOFA-more formal and legalized institution. It is organized to serve as focal point in creating good federal-regional relationship and cooperation based on mutual understanding and partnership.

5.2 Organizational Structure of MOFA

With respect to the organizational structure it is conventional one with a vertical line of command a top-down administrative hierarchy. The Ministry of Federal Affairs is headed by a Minister and a State Minister. It is organized in to six line departments, six support departments, an office a service and a center. IGR, Conflict prevention and security, audit, Information and public relation, planning and women's affairs departments are directly accountable to the Minister. The office of civil service reform, the center of information and technology and legal service are under supervision of the Minister too. Besides, Federal Police, Prisons Administration and Office of Ethiopian Mine Action are federal institutions which are directly accountable to the minister.

Next to the Minister is State Minister. There are four coordination departments which are accountable to the State Minister. These departments are responsible for assisting developing regional states namely Afar, Somali, Beneshangul Gumuz and Gambela. The following diagram shows the organizational structure of the MOFA.

Ministry of Federal Affairs Organizational Structure



Source: The MOFA

5.3 Mandate and Functions

According to Proclamation No 471/2005, the main functions of MOFA are outlined as follows

- a) Cooperate with concerned federal and regional state organs in maintaining public order,
- b) Facilitate the resolution of misunderstandings arising between Regional states with out prejudice to art 48 and 62(6) of the constitution.
- c) Devise and implement sustainable political solutions for misunderstandings and conflicts that may arise with in regional states upon the requests of regional states;
- d) Coordinate the implementation of decisions authorizing the intervention of the federal government in the affairs of regional states;
- e) Provide assistance to regional states particularly to the emerging ones;
- f) Serve as a focal point in creating good federal-regional states relationship and cooperation based on mutual understanding and partnership;
- g) Coordinate and integrate supports of other federal organs to the emerging regional states;
- h) Ensure the proper carrying out of federal police, federal prisons and mine action activities.⁵

From the above, the law brings new elements to the list of powers of the Ministry i.e. it has been established as more formal and legalized institution. According to this law, MOFA is served as focal point in creating good federal-regional relationship and cooperation based on mutual understanding and partnership which is one of the cardinal features of federalism. Its role as an instrument of intergovernmental relations between the center and all the states is explicitly stated.

⁵ Art 21 Proclamation No 471/2005, Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia, 12 th year No.1, Addis Ababa, Federal Negarit Gazeta, 17th November 2005

5.3 Evaluating the Practices of Ministry of Federal Affairs

One of the main tasks endowed to MOFA by proclamation NO 471/2005 is conflict handling and resolution. In this regard there is an overlap of power between the HOF and MOFA. The overlap and ambiguity is clear in that what has been assigned by the HOF by the constitution has been given to MOFA by proclamation NO 471/2005.⁶ In this regard experts from MOFA argued that the role of MOFA is provision of fertile ground and facilitating favorable forums so as to solve misunderstandings and conflicts that arise between states. However, if conflicts can not be solved (resolved) through political or administrative measures and become beyond the capacity of the MOFA, the House of the Federation may involve. Thus, as the HOF being a quasi-judicial organ, solves such conflicts based on relevant provisions of the constitution.⁷

With respect to resolving disputes or inter-state disputes, federations have employed different formal institutional and informal political arrangements. For instance” in India interstates disputes are often resolved using Inter-state Council. In Canada federal conflicts are often formally resolved through regularly held inter- provincial conferences, whose decisions and resolutions are given due weight in adapting and formulating federal and state laws”⁸

In Ethiopian federalism to solve such conflicts both the HOF and MOFA have their own roles. Under the Ministry, a department of Conflict Prevention and Security Affairs is established to discharge this responsibility. When conflicts occur between different ethnic groups, the first thing to be done is to send federal police force to the place where conflicts are occurred. Then an effort is made to facilitate the dialogue between the

⁶ The HOF, according to art 48 and 62(6) of FDRE constitution is engaged to find solutions to disputes or misunderstandings that may arise between states. Similarly pursuant to art 21(2) and (3) of procl.471/2005, MOFA is given a mandate to facilitate the resolution of misunderstandings arising between regional states and devise and implement political solutions for misunderstandings and conflict that arise within regional states.

⁷ Interview with Ewnetu Bilata, Head of IGR department, MOFA 25 Dec 2008 and Interview with Ato Abduwasie Yusuf, Vice Chairman, Constitutional and regional Affairs standing committee, HOF, 10 Dec, 2008, Addis Ababa

⁸ Akhtar Maejeed, 'Conflict-Management in Federal-Plural polities: Some Lessons from India' A paper presented at 1st National Conference on Federalism, Conflict and peace Building, Addis Ababa, 5-7 May 2003, p.139

parties if they are found to be volunteer. The issue raised here is that does MOFA give order to the federal police to employ forces?

Under Proclamation no 471/2005, MOFA has a mandate to ensure whether the federal police properly carry out its responsibilities. Institutionally the Federal Police Commission is accountable to the Ministry of Federal Affairs pursuant to art 21(8) of this law.

However, this is not the case in practice. Usually if conflicts occur in one of the regional states, the Federal Police Commission employs force at the place where conflicts occur by the order of the Prime Minister who is the Head of the National Security Council.⁹ This is the closet permanent structure established by the federal government to monitor and manage domestic and external security issues. It is an inter-ministerial council at the federal level and multi-sectoral at the state, zone and kebele levels.¹⁰ Having settled conflicts, the Police often reports the outcomes to the council and the Ministry.¹¹ Thus, although the Police Commission is legally accountable to the Ministry, it rarely accepts orders from it.

The Ministry has involved with conflict between Oromia and Somali states, Oromia and Afar, Somali and Afar, Amhara and Afar, in interethnic conflicts in Gambella, and Beneshangul and Harari regions. Its efforts were mainly facilitating dialogues between parties to the conflict.¹² MOFA's effort in this regard is not backed by well established strategies and policies of conflict prevention and resolution. Although there is a recent effort to have strategy on this regard through BPR committee, it has not yet been

⁹ Pursuant to art 3 of procl.No 257/2001 the National Security Council comprises the following members:

- a. Prime Minister-Head (Chairman)
- b. Deputy Prime Minister-Deputy chairperson
- c. Foreign Affairs Minister-member
- d. Defense Minister-member
- e. Head of Security, Immigration and Refugee Affairs Authority member
- f. The Chief of Staff of the Armed forces member
- g. Head of the Office of Prime Minister-member and secretary

¹⁰ Gebreab Barnabas, 'Ethnic and Religions Policies of the FDRE' A paper presented at 1st National Conference on Federalism, Conflict and Peace Building , Addis Ababa, 5-7 May 2003, p.216

¹¹ Interview with confidential, MOFA, Feb 18,2009 , Addis Ababa

¹² Gebreab Barnabas supra note 10 at 216-217

finalized. Thus, it has followed a fire brigade approach to settle disputes and misunderstandings.

As it is discussed under chapter two, intergovernmental relations principally refer to the relations between the center and the constituent units to carry out common/shared programs. Institutions of intergovernmental relations are basically formed to achieve this purpose.

However, the practices of MOFA have not yet observed the above generally accepted principles. It has a problem of identifying activities that should be accomplished in collaboration with the states. It has been clear that experts of the Ministry who are assigned to give technical assistance have been engaged in intervening in almost every issues of the region.¹³ Besides, there are instances in which MOFA is engaged in carrying out the programs that ought to be implemented by regional governments. One instance is that it has been engaged in building primary schools and health posts in the less developed regions. These interventions has not given an opportunity for the respective regions to stand by themselves in implementing the activities in their jurisdictions.¹⁴

Sometimes MOFA seems to administer projects which are solely funded by federal government. One instance is pastoralist program. This program has been implemented in some pastoral areas of Oromia and Southern regions. It is implemented by federal conditional grants¹⁵ with a view to help the marginalized areas to bring proportional development among the states. In order to achieve this and give general assistance for less developed regions, a Federal Board¹⁶ has been established. Chaired by MOFA, its main responsibilities are giving capacity building support and initiate planning ideas.¹⁷

¹³ Solomon Nigussie, *supra* note 1 at 96

¹⁴ Interview with Ato Seifeden Harun, speaker, Beneshangual –Gumuz Regional State Council, 25 Oct 2008, Asosa

¹⁵ Art 94(2) of the Constitution provides that the Federal Government may give grants to the state of emergency, rehabilitation and development assistance and loans to the states for the purpose of proportional development among the states. The less developed regions are those which receive conditional grants for this purpose.

¹⁶ The Board comprises the Ministry of Federal Affairs as Chairman, Ministry of Agriculture and Rural Development, Ministry of Education, Ministry of Health, Ministry of Works and Urban Development. (see art 6 of Regulation No 103/2004 and art 2(2) of Regulation No 128/2006 (amended) Regulation that established a board that gives affirmative support for less developed regions.

¹⁷ *Ibid*, Arts, 5 Regulation No.103/2004

The issue here is that has MOFA been engaged in implementing federal policy and program in less developed regions through administration of pastoral projects? Or should it engage in coordinating common agendas /shared programs/ of the federal government and the states?

As pointed out in chapter three, the experiences of some federations reveal that the center and the constituent units are represented in intergovernmental institutions and forums so that decisions are passed having taken the interests of the constituent units. As a result, there is no possibility of unilateral decisions on common agendas. Nevertheless, MOFA is a federal executive which plays the role of facilitating co-operation and co-ordination between the center and the states. The other issue raised here is that how MOFA, being a federal executive protects the interests of the states?

In this regard the Regional Affairs Department which preceded MOFA, did not have good record in that states were not represented at this department to decide on some common concerns. Even to day there is no way for states to be represented at MOFA as it has been originally established as a federal executive.

The law that established MOFA stipulates that it is given a mandate to create co-ordination and co-operation between the center and the states based on mutual understandings and partnership. At it is explained in chapter two, administration of federal laws and policies in the constituent units is one aspect of intergovernmental relations in many federations. This significant role is missed in the law. Like the previous law (proclamation no. 256/2001), the latest law (Proclamation. 471/2005) has not given a clear mandate to MOFA to supervise and coordinate the implementation of federal laws and policies in the states. The proclamation puts its power of intergovernmental relations in broad terms. Its role to supervise the implementation of federal laws and policies limited to Federal police, Prison Administration and Mine Action activities.¹⁸ MOFA has not designed mechanism of supervising the implementation of laws in these institutions except through annual and biannual report communications.¹⁹

¹⁸ Art 21(h) of Proclamation. No 471/2005

¹⁹ Interview with Ato Shanko Desalegn, Head, Afar Region Coordination Department, MOFA 15 December 2008, Addis Ababa

In less developed states MOFA's role is limited to capacity building, and giving technical assistances. Existing practices reveal that MOFA has not yet established its branches offices in these regions.²⁰ The only way to supervise such a business is through joint sessions of officials of these regions with focal persons of the Ministry. This is conducted when annual plans and programs of respective tasks are evaluated.²¹ As can be gathered from proclamation No 471/2005 and the practice, MOFA has not organized itself institutionally to administer federal legislations even in less developed regions let alone in all regional states. Thus, this role of MOFA is found at to be its infant stage.

As stated in chapter four, new trends of cooperation and coordination between the institutions of federal government and the states have emerged in Ethiopia. A few federal ministries often hold consultations and meetings with their respective bureaus with a view to execute their respective roles. Similar regular interactions have started between the federal parliaments (HOPR) and state councils. Coordinating such relations is one of the main responsibilities of MOFA endowed by art 21(f) the proclamation. However, existing practices demonstrate that such relations and consultations have not been facilitated by the Ministry. This is due to, according to the head of IGR department in MOFA, lack of clear legal and political frameworks and trained personnel²².

As it is explained in chapter two IGR forums function optimally when there is clarity on responsibilities, mandates and guiding principles. Uncertainty and confusion about the guiding principles brings about inconsistent practices and unconstitutional conduct. In this regard the study indicates that the role and the status of MOFA in intergovernmental relations ha not been known by public officials of the center and the states.²³ Thus, clarity on the role and the status of the Ministry is essential for stability and effectiveness of intergovernmental relations.

²⁰ The idea of establishing branch offices in the less developed regions to implement federal laws is not reflected by BPR revising committee of the Ministry.

²¹ Interview with Ato Shanko Desalegn, Head, Afar Region Coordination Department, MOFA, 15 Dec 2008, Addis Ababa

²² Interview with Ato Ewnetu Bilata, Head, Department of IGR, MOFA, 25 Dec 2008, Addis Ababa

²³ Interview with Ato WoyanatoAbera, Speaker, Gambella Regional State Council, January 18, 2009, Gambella, Intergovernmental Relations Preliminary Survey Report, Ministry of Federal Affairs, Addis Ababa, Hamle, 2000 E.C pp 8-9

The system of intergovernmental relations can be effective when the various actors of IGR are well integrated and connected. This requires creating clear channels of dialogue between various forums.²⁴ This means that there should be effective information communication between the various IGR forums and institutions. The practice suggests however, ineffective linkages between MOFA and other executive institutions of federal governments and states. Though MOFA claims better achievements in assisting the less developed regions, it has made very little communications and interactions with the executives of these regions.²⁵

Like other federal and regional institutions, MOFA is recently engaged in revising its mandates and roles through Business Processing Re-engineering (BPR). In its findings, MOFA has tried to identify its main responsibilities into four different core-processes.²⁶

These are

- a. Conflict Prevention and Resolution
- b. Promoting Intergovernmental Relations
- c. Religious Affairs
- d. Special Support for less Developed Regions

Conflict prevention and resolution core-process is made to accomplish three main tasks.

These are

- i. to create culture of peace through out the nation
- ii. to prevent conflicts and misunderstandings
- iii. to solve conflicts and misunderstandings in sustainable ways.²⁷

In order to achieve these main responsibilities, MOFA is recently preparing memorandum of understandings that regulate all the states and federal government. The memorandum is going to be made by incorporating basic principles of IGR explained under section 2.2.1 of this paper. The first draft of this document has been prepared by joint committee comprising representatives of the states and the center. This draft is

²⁴ Timothy Layman, 'Intergovernmental Relations and Service Delivery in South Africa. A Ten Year Review Report' Commissioned by the Presidency. Cape town, South Africa, 2003,p.15

²⁵ See Intergovernmental Relations Survey Report supra note 23 at 15

²⁶ Core- processes refer the types of activities that are going to be revised with a view to render better services to the public. The term is translated in to Amharic as 'Yesirahidet.'

²⁷ Conflict Prevention and Resolution Core-process Document, MOFA, January 2009,Addis Ababa pp 23-25

going to be presented for further discussions and comments.²⁸ Besides a new early warning and response conflict resolution strategy is being drafted by the BPR team. The strategy is in its initial stage and will be disseminated for further comments and feedbacks to the regional states and federal government institutions. Additional strategies are going to be launched in major activities by joint committee representing the states and the center.²⁹ The lack of strategies and policies in major activities have contributed much for MOFA's ineffectiveness to carryout its responsibilities provided in the law.

The role of intergovernmental relations has been re-visited as one of MOFA's pillar activities through BPR. It is identified as one major core-process. Under this process, there major activities are assigned.³⁰

- a. Task of Policy Initiation. This is responsible to initiate policies, strategies and relevant working procedures related to intergovernmental relations. It is also responsible to refer any draft policies and strategies to the concerned government organs and follow up their approval.
- b. Task of Resolving Intergovernmental Disputes. This task is responsible to solve intergovernmental misunderstandings and disputes at early stage as possible. This is done through negotiation and dialogues between the parties of the disputes before the matter is referred to the House of the Federation for final decision.
- c. Task of Organizing and Creating Forums. The main responsibility of this task is to promote both vertical and horizontal relations between and among governments. This is done through creation of awareness, conducting researches and capacity building activities. Perhaps this may contribute in acquitting the concept of intergovernmental relations in general and the role of MOFA in particular to political leaders, civil servants and the public at large. Recently

²⁸ Interview with Ato Sisay Melese, Head , Department of Conflict Prevention and Resolution, MOFA, 28 Feb 2009, Addis Ababa

²⁹ Ibid

³⁰ 'Yemengistat Ginugnenet Adissu Yesira Hidet Sened 'Intergovernmental Relations New Core process Document, (January 2001 E.C MOFA), pp 15-125

MOFA has started to disseminate certain awareness programs on the radio and television.³¹

The special support core process is also given more emphasis. This is already formalized before under regulation No.103/2004. As it is already pointed in this law, this process is mainly aimed at conducting capacity building activities, and initiating planning ideas for less developed regions. This kind of assistance to these regions is going to be accomplished for the next 6 years.³²The document does not make clear whether MOFA stopped assisting these regions or continues performing this task.

The Ministry is also studying another core process on religions affairs. As it is recently started, it has not established major responsibilities and functions.

Generally the Ministry attempts to give more emphasis on IGR, Conflict prevention and resolution and special (Affirmative) support activities through BPR. However, the Ministry does not outline the role of supervising and coordinating implementation of federal laws and policies in the states. This important aspect of intergovernmental relation is a gain missed. Thus, it is even very difficult to expect MOFA to perform this significant role in the future.

Though the Ministry is trying to revise its activities through BPR there is no readiness on the part of the government to transform it in to separate institution of IGR as it is widely practiced in South Africa and India.³³ The assessments on the practices demonstrate that MOFA has not accomplished better achievement in facilitating intergovernmental relations. Thus, to maintain the federal system through coordinating the relations of governments, the task of facilitating intergovernmental relations should be given to a separate institution. The institution may be established in the form of council or commission through federal proclamation. Besides, other informal IGR institutions could be established. However, as it is provided under the South African Constitution, the guiding principles of IGR should be provided under the constitution.

³¹ Ewnetu Bilata, ' Intergovernmental Relations" (Initial Draft Proposal" MOFA, Dec 2008, Addis Ababa pp 7-8

³² Adissu Yeleyu Egeza Yesira Hidet Send (The New Special Support Core process Document, MOFA, January 2009) Addis Ababa, pp 43-45.

³³ As it is explained under Chapter 3, in India and South Africa separate institutions have been established to coordinate the relations of national and constituent units. However in Ethiopia, the idea of creating similar separate IGR institutions is not yet considered by the government.

Concluding Remarks

This chapter has analyzed the practices of MOFA in facilitating intergovernmental relations as provided in proclamation No.471/2005. From the analysis the following conclusions can be drawn.

Firstly though MOFA is given a mandate for liking the relations of the center and the states, its mandate of supervision and coordination of federal laws and policies is not explicitly stated under the law. In this regard the study indicates that MOFA has not designed effective channels to check whether national laws and policies are executed and it has not established its branch offices in developing regions to carry out the same. Though the Ministry is recently engaged in revising its activities, it has not outlined this significant aspect of intergovernmental relations though BPR.

Secondly, it has been clear that MOFA has been engaged in deciding on some development programs and plans without consulting regional governments and imposes them for the execution. Unlike in many federations where constituent units are represented and taken as partners in IGR institutions, states are not represented in the decision making process of MOFA. Thus, the relation is not based on genuine partnership rather the superiority of central government has been reflected.

Thirdly, despite the fact that many forums and conferences are recently formed between some ministries of federal government and state bureaus, MOFA has not been found to be effective in connecting such relations. This is due to lack of clear political and legal frameworks. The Ministry does not have clear policy guidelines and strategies as to how to discharge its responsibilities. Recently an effort is made to initiate a strategy for conflict prevention and resolution. However this strategy has been prepared with out consulting states. This might be perhaps the root cause of all its shortcoming to discharge its tasks.

On top of that the concept of intergovernmental relations in general and the role and status of MOFA in particular are not known by political leaders, civil servants and the public at large. The above concepts are not fully understood by officials and experts of the ministry, too.

Conclusion and Recommendations

Conclusion

Intergovernmental relations are important interactions between the government units of all types and levels within a political system. The study of intergovernmental relations is not limited to the study of federalism but is also widely applied in some decentralized unitary systems. The reason intergovernmental relations are so significant in multi-sphere political systems is the fact that it is impossible to demarcate administrative or legislative jurisdictions among government units within a single political system into clear compartments. Thus, interdependence between the levels of government within multi-sphere regimes is unavoidable. Intergovernmental relations have two dimensions: vertical and horizontal. There are some accepted intergovernmental principles that seem to be common to most decentralized systems of government. These principles may be provided in the constitutions or other laws. A number of factors or variables affect the system of intergovernmental relations in federations.

Implementation of federal laws and policies is one aspect of intergovernmental relations. In this regard there are two broad models of executing federal laws and policies in the constituent units. The first model presupposes the establishment of parallel federal institutions in constituent units to implement federal laws and policies. The second model constitutionally assigns the state agents to implement federal laws and policies. As it is explained in chapter three, the second model is widely used in Germany, India and South Africa in some extent. In Germany institutions of intergovernmental relations are highly institutionalized and formalized. In South Africa despite the fact that the constitution requires IGR institutions to be formalized and institutionalized, the Intergovernmental Act of 2005 has not fully formalized all IGR forums. In India, a number of formal intergovernmental forums are established. However, Union governments have preferred the informality and flexibility of non-formal intergovernmental forums. In these three examples institutions (formal or informal) are much more developed. Thus, in this regard, the Ethiopian Federal system has a lot to learn from them.

Chapter four explores the regime of intergovernmental co operations and coordination in Ethiopia. It is conducted by many mechanisms. Delegation, Party line and the different forums of the federal and states are the major mechanisms that enhance the relations of governments. The study reveals that the party line seems to be the most effective way in this regard. This is so as the centralized party system in Ethiopia has currently controlled both the federal government and the states. Different forums and relations are recently begun to be conducted between the federal ministries with their respective bureaus. Nevertheless these relations are conducted without duly established rules and procedures. Fundamental principles of intergovernmental relations that are developed in most contemporary federations are not yet observed. Besides, these relations are not done regularly and in sustainable ways rather they are conducted for specific period or purpose. Executing federal laws and policies in the states through delegation are not done in comprehensive approach except some constitutional provisions related courts. Thus, institutions of intergovernmental relations in general and implementation of federal laws and policies in the states in particular are found at its infant stage.

Sketching the organizational structure of MOFA, Chapter five discusses its role in facilitating intergovernmental relations. Though MOFA is given a mandate for facilitating the relations of the center and the states, its mandate of supervision and coordination of federal laws and policies are not explicitly stated under the law. In this regard the study has indicated that MOFA has not designed effective channels to check whether national laws and policies are executed and it has not established its branch offices in less developed regions. Though the Ministry is recently engaged in revising its mandates, it has not outlined this significant aspect of intergovernmental relations through BPR. Thus, an overall assessment MOFA's experiment suggests that implementation of federal laws and policies in the states are very much rare unless non existent. In principle, MOFA is given a mandate to facilitate the relations between the federal government and all the states. However, in practice it focuses on less developed regions Afar, Somali, Gambela, and Beneshangul-Gumuz. It has focused on mainly conducting capacity building activities, giving technical assistance and initiation plans and programs. The study indicates there are instances in which MOFA decides on some development programs without consulting these regions and imposes them for the

execution. Besides, States are not represented in the decision making process. Thus, the relation is not based on genuine partnership rather the superiority of central government has been reflected.

Though a few forums and conferences are recently formed between the federal executive and state bureaus, MOFA has not been found to be effective in coordinating such relations. This is due to the lack of clear political and legal frame work. So far, the Ministry does not have clear policy guidelines and strategies as to how to discharge its responsibilities endowed with the proclamation.

Besides, the concept of intergovernmental relations in general and the role and status of MOFA in particular are not known by political leaders, civil servants and the public at large.

Recommendations

In order to make the federal Structure more stable and sustainable the establishment of intergovernmental relations institution is very crucial. As it is explained under chapter four and five intergovernmental coordination and cooperation is facilitated mainly through the centralized party structure and the Ministry of Federal Affairs. Employing a party line as one of the basic means of coordinating the relations of governments will not be sustainable if the party loses its position in federal or state governments. Established as an Executive organ in the outset, the Ministry of Federal Affairs has not been found effective in implementing federal laws policies even in less developed regions. The more we rely on institutions and laws than the party line, the more mature and stable our federal system will be. Thus, it is a proper time for the government to establish a formal separate institution that cooperate intergovernmental relations. In this regard, the writer recommends the following.

- The institution that is going to be established should not reflect the superiority of the center rather based on genuine cooperation and partnership between the governments. To avoid unilateral decision of the center and to protect the interests of the states, it should comprise the representatives of both federal government

and the states. This institution should have basic policies and strategies in order to carry out effective intergovernmental relations between states.

- The institution should facilitate the cooperation of different forums created between the Prime Minister with the presidents to state governments. Besides, it should strengthen the cooperatives of recently formed relations of some federal Ministries with their respective regional bureaus and promote interstate cooperation among the different states. The role of different federal and state government institutions in IGR needs to be clarified.
- The institution should be established by proclamation. Besides, the law that establishes the institution should incorporate basic guiding principles that lead the relations of governments. Besides, other informal forums should be formed.
- If the government is not interested to establish a separate institution that facilitate intergovernmental relations, the law that establishes MOFA has to be amended. Particularly proclamation No. 471/2005 has to be amended in such away that enables MOFA to discharge the responsibility of implementing federal laws and policies in the sates.
- Today in Ethiopia IGR is found to be its infant stage and there is a need, for better understanding of this system and its importance as it is crucial for our federalism to be effective. Thus, there should be made public awareness activities on the importance and role of IGR in general and the responsibilities of MOFA in particular. Therefore, public officials, civil servants and the public at large will have good understandings about the importance of cooperation and coordination of governments.

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Declaration

This thesis is my original work and has not been presented for a degree in any other university, and that all sources of material used for this thesis have been duly acknowledged.

Signature

Ayana Simachew

 16/03/09

This thesis has been submitted to for the examination upon my approval as a university advisor.

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