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The Role and Relevance of Subnational Constitutions in the
Ethiopian Federal System in Promoting Effective Self-rule and
Regional Autonomy: The Case of Oromia Regional State's
Constitution

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Abbreviations and Acronyms

ACIR	Advisory Commission on Intergovernmental Relations
Art.	Article
BG	Benishangul Gumuz Regional State
Con/n	Constitution
EPRDF	the Ethiopian People’s Revolutionary Democratic Front
FDRE	Federal Democratic Republic of Ethiopia
HoF	House of Federation
HoPR	House of Peoples Representatives
OPDO	Oromo People’s Democratic Organization
NNP	Nations Nationalities and Peoples
NA	Nationality Administration
NN	Nations and Nationalities
Proc.	Proclamation
SNNPRS	South Nations Nationalities and People’s Regional State
SNC	Subnational Constitutions
TPC	Transitional Period Charter
TPLF	Tigray People’s Liberation Front
TGE	Transitional Government of Ethiopian

Abstract

The Oromia regional state has had its own state constitution since the Transition Period. The state constitution has, since then, served as instrument of self-rule for the Oromo People with the 2001 revised version currently in effect. In practice, however, the document has, by and large, been awfully obscure and inadequately applied to insure effect self-rule entrenched in the Federal Democratic Republic of Ethiopia (FDRE) constitution. Extremely significant number of citizens of the regional state are not aware that the regional state has its own constitution let alone to observe it as supreme law of the state and rely on it as a safeguard of their rights and freedoms. As a result, the document has, for long, been an abandoned and inefficiently practiced contract.

This study hence seeks to explore the role and practical relevance of the regional state's constitution toward promoting effective self-rule thereby fostering the federal system. It also aims to identify what major factors affect the relevance of the state constitution. In so doing, qualitative method of data collection and analysis was basically employed. Findings of the research pointed out that, though the FDRE constitution grants wider subnational constitutional space to constituent units, the Oromia regional state was not able to exhaustively utilize available space to adopt one that is legitimate and relevant. The state constitution fails to represent the state and its people, nor does it provide alternative public policy that meet the polity and interest of the Oromo People. The same document not only lacks legitimacy and public consent, but also was hardly known and applied.

This paper argues that the state constitution has played an indispensable role in organizing the state as autonomous polity, and yet, the practical relevance of the document toward ensuring effective self-rule, rule of law and prevalence of subnational constitutionalism was extremely poor. This, by and large, attributes to the fact that the document was barely used in manner it can regulate the state politics and safeguard subnational citizens' rights. Lack of attention, underutilization, extreme similarity with the national constitution and exclusive reliance on the later, inaccessibility, its refusal to recognize minority nationalities have also been identified to be critical deficiencies attributing for poor competence of the constitution. Finally, this research work recommends that the Oromia state constitution needs to be revised on the base of meaningful public consultation so that these identified drawbacks be alleviated and it becomes legitimate document.

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Chapter One

Introduction

1.1 Background

Prior to the adoption of the federal system, Ethiopia had extremely centralized unitary system. As a result, its citizens have long been striving for democracy and regional autonomy which led the country to a severe political and economic crisis. Federal system hence appeared an ideal option to culminate the national catastrophe and public grievance.

Right after the ouster of Derg, a national peace conference was organized by EPRDF which was culminated by adopting Transitional Period Charter (TPC) that served as interim constitution till the adoption of the 1995 Constitution. The TPC fundamentally granted NNP of the country the right to self-determination. It hence provided for the establishment of ethnic-based regional and local autonomous self-administration units. Based on the TPC, the TGE enacted Proc. 7/1992, which established the then 14 regions thereby laying the foundation for the current federal system. The then regional transitional governments, however, had limited autonomy as they were accountable to the central government. The same proclamation, empowered regional councils to issue own constitutions and other laws in accordance with the laws of the central transitional government (Art 15:1(a)).

One of the critical arrangements made during the transitional period, was drafting of the 1995 federal constitution that formalized the federal setup and the right to self-determination of NNP entrenched in the TPC. The right to self-determination encompasses a full measure of self-government including establishment of government institutions at all levels. (Art.39 and Art 88:1).The 1995 constitution hence established dual-layered constitutional configuration empowering state councils to draft, adopt and amend own constitutions in accordance with the national constitution (Art.50/5). Accordingly, the four highland states (Oromia, Amhara, SNNPR and Tigray) adopted ones in 1995, 1996, 1995 and 1995 respectively followed by the five lowland states (BG, Afar, Gambela, Somali and Harari) in 1996,1998,1996,1995 and 1995 respectively. All the state constitutions were revised in 2001 as a result of an initiative taken by the Central Government. It is these revised constitutions that have been in operation for over one

and half decades. This research endeavors to explore the relevance of the documents taking the Oromia state constitution as a case study.

1.2 Statement of the Problem

As was stated earlier, the FDRE constitution empowers state councils to draft, adopt and amend own constitutions in accordance with the national constitution. Accordingly, the Oromia regional state was a forerunner in adopting and putting in to effect its own constitution since the transitional period. It could be hence said that the regional state was able to utilize the available subnational constitutional space in adopting its own state constitution. Given that subnational constitutions, in federal and federal type systems, are instruments of self-rule, having own constitution is an essential ground for the regional state as well as the People of Oromo to better exercise their right to self-determination. Also the state constitution could be taken as a symbol of their autonomy. The idea of subnational constitutionalism is, however, beyond having subnational constitutions in hand. Hence, having the document cannot, by any means, be an end by itself. Nor does it guarantee effective self-rule and meaningful autonomy. It is just a means to an end. What is important above all would be, therefore, how efficiently the constitution is enforced to ensure effective self-rule, rule of law and democratic governance at subnational level, which federalism anticipates. It is from this fundamental perspective that this research endeavors to raise and discuss a critical problem related to the Oromia state constitution.

It is stated under (Art.9:1) of the Oromia state constitution that the same constitution is the supreme law of the regional state, as it is in other federations as well. Hence, any law, customary practice or any act of an agency of government or official that contradicts the provision of this constitution is invalid. It is also stated, under the same article that residents of the region, government organs, and political organizations...have the duty to ensure observance of this constitution and to obey it. In principle, this provision directly coincides with the general understanding that subnational constitutions, in federal and federal type systems, are expected to play supreme role in regulating the political and socioeconomic activities of their respective polities. Above all, they are expected to control state power and thereby protect liberties of the subnational citizens so that democratic practices and human welfare prevail at subnational level. Hence in principle, there is no doubt the Oromia state constitution, as the highest law of the regional state, is expected to deliver this basic function of state constitution.

In practice, however, the state constitution has hardly been observed doing so in meaningful way. To the researcher's knowledge, the document, has not been regarded as supreme law starting from its conception, let alone to effectively achieve the above mentioned fundamental functions of state constitutions in democratic systems. It has rather been highly disregarded and invisible document and hence quite far from being observed and obeyed. To the researcher's close observation, it is quite difficult to find citizens residing in the regional state who are well aware of the document. Incredible number of citizens do not know that the regional state has its own constitution let alone to rely on it as a safeguard of their rights and freedoms. Also, finger counted citizens who are aware of its existence barely know for sure why the document is needed at all and what it provides or contains. How and by whom it was made also remains unclear for many including students, scholars, practitioner, lawyers, and civil servants. This coincides with Tsegaye Regassa's (2004) argument that very few people in Ethiopia were conscious that state constitutions in Ethiopian federal system are in operation. Through the researcher's survey this was found to make strong sense for the case of the Oromia Regional State as well.

It is unusual to observe people residing in the region (including those who are involved in the regional sector offices at various levels as well as key institutions) talking about the state constitution. It is rather relatively common to see these people (including top government officials), chatting about or referring to the national constitution in their work. Nor it is usual to see the regional state's constitution being discussed or used by regional media while dealing with regional agenda. The document is hence hardly used in various regional sectors and occasions as well. Also the document is hardly used by high level officials of the regional state including regional presidents and other dignitaries let alone competitive party leaders or lay citizens. The problem is even worse to the extent that the regional constitution vanishes from the memory of many and its existence is almost forgotten.

In general, the state constitution under investigation seems to be unknown and highly disregarded to the extent it becomes an abandoned document. Logically speaking, this phenomenon makes it unable to regulate the subnational politics efficiently. As a result, it appears to be unlikely to control the state government and protect rights and freedoms of subnational population, a practice that deviates from the very notion of subnational

constitutionalism. It would be hence foolish to expect it can serve the very purpose for which it was designed and bear the fruit subnational constitutionalism anticipates.

Although it can be said that the State Constitution had been used to establish the state government as well as local government units in the region, it was neglected thereafter and has not been observed. Consequently, its existence, by and large, appeared to be a nominal one as it failed to attain its supreme status even among key government organs (the legislative, executive and judiciary) let alone lay citizens to observe and obey it.

Furthermore, the Ethiopian federal system in general and the Oromia regional state in particular has been going through prolonged and intensive political and socioeconomic instability and grievance. The situation has resulted in unprecedented dynamics and reached its peak over the past three years. Besides, the condition was even worse in the Oromia regional state. On the other hand, the regional state has not been, for long, effective and not in a position to deal with the catastrophe meaningfully. One typical indication of this failure could be the regional state has not so far tried to provide constitutional answer to the problem. In other words, the state constitution has not responded to the crisis regardless of significant political and economic dynamics over the past more than two decades of its life in operation. Nor the document was modified to react to or answer public demand.

Though the Oromia state constitution has been amended thrice since 1995 (in 2001, 2005 and 2006), none of these amendments targeted to respond to the demand from the public side. Nor their process was participatory and have public consent. They were rather intended to address the interest of the political actors. Hence, its persistent rigidity to respond to the growing political and socioeconomic demand has not allowed the Oromia state constitution cope with prolonged political grievances and hence to regulate the subnational politics efficiently. On contrary, a series of party regulations and other legislations have been exchangeably tried or applied.

Generally speaking, the Oromia Regional State Constitution badly suffers from being obscure and non-reactive. The constitution, having been in operation for over two decades, has been inadequately applied and ineffective project. Nothing can be said than it was a fake. Moreover, the relation between the constitution and the Oromo people (who hold supreme power) as well as those who reside in the regional state has been negligible. This phenomenon, indeed, puts a big

question in mind, regarding why it was so? It is big and timely concern as well that the actual competence of the document needs to be investigated in ample detail together with major factors that contribute for the incident. Also the situation calls for the need to critically explore the nature of the constitution, its relation with local citizens and various government organs. This is the main area, therefore, this research intends to explore.

1.3 Research Questions

This research work is principally intended to investigate the role as well as level of practical relevance of the Oromia Regional State Constitution in the Ethiopian federal system. The study hence endeavors to explore the definite role the state constitution (as supreme law of the regional state) has played toward ensuring effective self-rule thereby by promoting democratic practice and Constitutionalism in the regional state. In so doing, therefore, the following questions, will be raised and discussed through the study, with the first one being the main question:

1. What practical relevance do Subnational Constitutions in Ethiopia have?
2. What Constitutional Space do Subnational Governments in the Ethiopian Federation have?
3. What is the role of the Oromia regional State Constitution in the federation in promoting effective self-rule and regional autonomy?
4. What major factors affect the relevance/competence of the Oromia State Constitution?
5. What is the nature of relationship among the document and subnational citizens as well as other concerned groups?

1.4 Research Objective

1.4.1 General Objective

This research can be categorized as an evaluative one in its type. Hence, the main purpose of the study is to appraise the practical relevance of the Oromia State Constitution and the definite role it has played to ensure effective self-rule and regional autonomy. Hence, it aims to explore how relevant the State Constitutions has been in governing the political and socio-economic activities in the region thereby ensuring subnational constitutionalism and rule of law at subnational level.

1.4.2 Specific Objectives

Having the above stated general objective, the research also endeavors to achieve the following related goals which are, at the same time, too important to accomplish the main objective in a comprehensive manner:

1. Appraise the role of the Oromia Regional State Constitution in the political and socioeconomic activities of regional state
2. Investigate the role of the state constitution in shaping government structure, limiting state power and protecting citizens' rights and freedoms at subnational level?
3. Explore the level of efficiency of the state constitution since it was in operation
4. Identify the major factors that affect the relevance/practicality of the State Constitution
5. Explore the nature of relationship between the Regional Constitution and the subnational population (lay citizens, politicians, educators, lawyers/judges, professionals, civil servants) as well as other concerned groups
6. Examine whether the State Constitution represents (in the way it is designed and embodied) the actual political, economic and social/cultural reality of the regional state and its people
7. Identify potential measures that should be taken to scale up the competence of the Regional State's Constitution and forward plausible recommendations.

1.5 Research Methodology

Given that this specific study aims to explore the relevance of subnational constitutions in the Ethiopian federal system, it takes the Oromia state constitution as a case study. This was because the regional state is a typical one in the federation for its huge territorial size, large population, so diverse ethnic configuration, geographical location and political and socioeconomic significance of the polity among others. Hence in this study, the researcher has employed a mixed methodological approach (both qualitative and quantitative) with a view to incorporate the benefits of both methods of data collection and analysis. This was made with much reliance on the former one. This is because, due to the nature of the subject matter under study and the kind of data needed to investigate the subject, the researcher was convinced that this

would be suitable method. Hegarty (1985) argues that qualitative method is the most viable method which enables researchers to gather intensive facts from lesser number of respondents. Moreover, this approach would help collect more reliable and in-depth data compared with quantitative one.

Hence, in this study, both primary and secondary data were systematically collected and analyzed by strictly following the existing and acceptable scholarly procedure as much as possible. Accordingly, observation, interview, questionnaire (mainly with open-ended ones), document analysis and focus group discussion were used as the main instrument to collect relevant primary and secondary input data for the research. With regard to sampling technique, the researcher has mainly followed purposive sampling technique while random sampling was also used when necessary.

The reason why the researcher was convinced to rely mainly on purposive sampling technique was due to the nature of the thematic area of the study. This is to mean that it was important to carefully select knowledgeable and relevant informants those who have high proximity/attachment with the issue so that it would be possible to pull together reliable data. Furthermore, since constitutions in democratic systems are expected to equally serve all citizens especially in safeguarding their rights and freedoms, data were also collected from lay subnational citizens. This was of highly important to explore the nature of the relation between the citizens and the state constitution in order to investigate the relevance of the constitution in this regard.

Hence, the main informants in this research were: head of Communication Affairs (with the rank of regional vice president) and top level experts at *Caffee*.¹ Eight chairmen of the Legislative Affairs Standing Committee at the regional council, council members, key regional officials and experts as well as lawyers and judges working at various courts including the regional Supreme Court. Also, data were collected from Academics, journalists, civil servants, high school and elementary teachers and students and other selected citizens in the region. In addition, journals,

¹ **Caffee** is a name given to the regional states council which is the highest political organ of the regional state. The council is vested with regional legislative authority with full power in the affairs of the region. (See the 2001 revised constitution of Oromia regional state: Articles 46(1), 48(1), 49 (1)). The word Caffee mean „wet land“ in „*Afan Oromo*“; the working language of the regional state. The house has got its own speaker and deputy speaker elected from among its members on the recommendation of the winning political party. (See Art. 50/2) Caffee members are representatives of the people of the region as a whole (Art 48/3).

books, related research papers, federal and regional proclamations and regulations, reports compiled by regional government officials, speeches made by presidents of the regional state and other archives as source of secondary data were utilized to the extent it was possible.

1.6 Literature Review

It can be said that adequate research works have not been conducted on the Ethiopian subnational constitutions. Only few materials are available on this subject. In addition to fewer research materials are available in this regard, almost all of studies conducted so far were targeted on either solely the federal constitution or subnational constitutions in Ethiopia in general. In other words, state constitutions in the Ethiopian federal system, including that of Oromia have not been specifically investigated in adequate detail especially from the perspective of evaluating their role and relevance toward effective self-rule and thereby the prevalence of subnational constitutionalism and rule of law. Van der Beken (2016) regarding this issue states that subnational constitutions in Ethiopia have not been well studied. This reality in fact is an indication that a lot needs to be done in the area so that subnational constitutionalism in Ethiopia could be strengthened which is at the same time very essential for the progress of the federal system as a whole.

The unavailability of adequate specific literature on the area, of course, can be attributed to the fact that Ethiopia is a young federation having been practicing federal system for about two decades only. On the other hand, scarcity of literature on the topic is an indication of the existing gap. It can also be taken as a call that a lot should be done on this specific area to address the gap. In this section of the paper, therefore, an effort has been made to review those few materials which the researcher thought are much related to the topic under study. This was made with a view to put the intended work in context and link it with the existing body of knowledge.

Solomon Emiru (2011) in his work that focused on exploring the compatibility of the Oromia region state constitution with the federal constitution regarding constitutional adjudication argues that state Constitutions in Ethiopia are not known by many people and their relationship with the federal constitution is not clear now a days. However, the entire focus of his work was to determine the incompatibility of the State constitution with the FDRE constitution on the matter

of adjudicating constitutionality issues and to identify its possible effect. Tsegaye Regassa (2009) also shares this idea as he states that very few people knew that state constitution are operational that it was unusual to observe legal argument regarding their provisions. Moreover, he argue that State constitutions in Ethiopian federation has not yet properly functioned the system stating that they have been limited to serving as instruments for conducting routine political rituals, regulating the relation between state organs and administering the conduct of government institutions. According to Tsegaye this negligence mainly attributes to the fact that they are not thought and have not been given attention among educators, academia, lawyers, politicians and publishers. However, his analysis was general focusing on subnational constitutions in the federation as a whole. Hence, his investigation was not specific and not targeted to address the specific question which this study was intended to answer. Moreover, he did not identify/show what major factors really affect the functionality of subnational constitutions in the country and why the documents were unable to function.

Guta Balcha (2016) in his study by which he investigated the state of minority rights“ protection in the Oromia Regional State taking the case of the „Zay People“, indicated that the regional constitution fails to comply with the provision of the FDRE constitution regarding protection of the rights of ethnic minorities in the region. The focus of his work was to assess whether the rights of minority ethnic groups residing in the Oromia national regional state were constitutionally and practically protected. However this was just a single drawback regarding the state constitution that other challenges related to the constitution have not been explored in the mentioned work. Moreover, the relevance of the state constitution in the regional state“s politics as well as what factors affect its practicality were not discussed or identified.

Tsegaye Regassa 2004 argued that subnational constitutions in Ethiopian federation are alike to the national constitution as well as to each other in many aspects. This means that they do not reflect the objective reality of their respective polities. On the other hand Van der Beken (2016) states that the regional states in Ethiopia entertain substantial autonomy as they are allowed to draft and enact their own constitutions which reflect their regional feature and identity. The ideas raised by the two authors seem to contradict a bit regarding whether subnational constitutions in Ethiopia are in a position to reflect the actual circumstances of their respective states. However, it seems that the former is convincing. Had it been subnational constitutions were able to reflect

their respective polities, they would have not been much similar since there exists considerable distinctiveness among the polities.

To the researcher's knowledge, subnational constitutions in Ethiopia in general and the Oromia state constitution in particular, so far, have been underemphasized documents not only among politicians and professionals but also among scholars and practitioner. The relevance of the state constitutions to the federal system as well as in regulating the regional politics has not been well investigated. This was because they have not been given adequate attention yet that they remained under-studied that almost all the research works conducted on constitutional law so far were tempted to focus either on the federal constitution or the subnational constitutions as a whole. As a result, the researches made so far on subnational constitutions were not specific.

Hence, as a result of these and other constraints and existing gap related to the Oromia state Constitution and being not well studied, it is obvious a lot needs to be done in the area. Its role and relevance also need to be investigated in detail. This paper, therefore, tries to evaluate the relevance and practicality of the Oromia Regional State Constitution with a view to contribute something toward filling the existing gap.

1.7 Scope of the Study

It is obvious that an academic work, if it is to be relevant and benefiting, should be specific scope wise so that it can better address a particular problem. This is because it is not possible to effectively deal with many things at a time. Besides, having that Ethiopia is a young federation where its polities and their respective constitutions have not yet become strong actors toward the progress of the federal system, there are quite many aspects of them that needs to be explored. Hence, while there are so many issues that needs to be investigated with regard to subnational constitutions in general and the Oromia Regional State constitution in particular, the researcher is convinced to deal with a very specific aspect of the selected topic.

Accordingly, the scope of this research is limited to assessing the role and degree of relevance of the Oromia Regional State Constitution in regulating the political and socio-economic life in the regional state as supreme legal and political instrument. Hence the work is not intended to go beyond investigating the practicality or actual competence of the state constitution toward

insuring effective self-rule thereby promoting regional autonomy and democratic practice which is entrenched in the federal constitution.

Besides, the work cannot be complete without determining what major factors really determine effective implementation of the document. Therefore, identifying these factors together with whether they are related to institutional arrangement or the nature of administrative practice, would be within the scope of this work. On the top of that, the paper will be carried out with special attention to the state Constitution's contribution in administering government structure, limiting state power as well as protecting the constitutional rights and freedom of citizens at subnational level. Having done this, therefore, the research would be winded up by forwarding recommendations (on the base of its findings) that would help scale up the efficiency of the state constitution under investigation.

1.8 Significance of the Study

The fact that Ethiopia is one of the youngest federations having been practiced federal system for less than three decades the system is not well developed that a lot needs to done in this regard. Moreover, even though few writers and academics have made their own effort to explore miscellaneous issues on the area, it can be said that subnational constitutions in the Ethiopian federation (one of which is the Oromia State Constitution) are understudied. Nor their real nature (excellence or drawbacks) and practical relevance have been adequately evaluated. To the researcher's knowledge, to what extent are they observed and their contribution for the progress of the federal system since their conception has not been well appraised. It is, therefore, the researcher's belief that this research would contribute to address this gap. Moreover, it can serve as a spring board and motivation for other researchers who want to carry out further investigation in the area by giving insight in to the subject.

Moreover, the Ethiopian federal system has been going through critical conditions and dynamics now a days than ever, especially since 2015. The Oromia region is one of the areas where the most severe opposition and revolt activities were undertaken. On the top of that, the state government and the regional ruling party OPDO have been claiming to bring about comprehensive political and economic reform so as to cease the problem thereby addressing the economic and political catastrophe and insuring good governance, as well as democratic practice.

Hence, now a days, the issue is common agenda of discussion thereof, among politicians, scholars, lawyers, civic Society groups, human right activists etc.

It is the researcher's belief that the pledge made by the regional government cannot be lasting unless it is supported by constitutional modification. Ahead of that, however, what has been the relevance of the state constitution in the ups and downs of the regional state's politics should be critically evaluated. Also, fundamental challenges and constitution-related factors needs to identified so that it would be possible to improve the situation. Addressing this issues would be, therefore, a critical and timely query that this study tries to make possible effort to answer. In general, the research adds something to the existing knowledge regarding the Oromia State constitution. Above all, the study is significant because it targets on what should be done to scale up the practicality and efficiency of the regional state constitution toward effective self-rule and subnational constitutionalism.

1.9 Organization of the Paper

This research paper is basically organized in to five chapters. All chapters begin with brief introduction of main elements of discussion, core argument, how the chapter is structured and conclude with reminder of main elements of discussion and restating the core argument. Chapter one gives general introduction to the subject under study. Accordingly, it begins with brief reminder of Ethiopia's transition to a federal system and the adoption of FDRE constitution. It then briefly discusses the major provisions of the national constitution regarding subnational constitutions in general followed by the adoption and revision of subnational constitutions. Chapter two tries to give conceptual and normative framework for the study. Hence, it discusses what subnational constitutions in general are (beginning with the very concept of constitution in general), their basic features, functions and their relevance in federal and federal type systems. The chapter winds up with brief discussion of the process of subnational constitutional making, implementation and amendment in federations. Chapter three is devoted to discussing the Oromia Regional State Constitution. Likewise, beginning with brief introduction of the regional state, it discusses the history of the state constitutions, its content as well as main features. Chapter four presents analysis and interpretation of gathered data. Finally, the last chapter is

conclusion that it deals with summarizing major findings and arguments of the study and thereby provides reasonable recommendations based on the findings.

Chapter Two

Subnational Constitutions in Federal and Federal Type Systems: Feature, Function and Relevance

2.1 Introduction

Federalism, among other things, is characterized by multi-layered government in a single political society. It also requires the constitutional division of power among levels of government. Among the powers that subnational units in many federations are constitutionally granted includes the power to adopt their own constitutions. State constitutions are hence seen as critical for effective self-rule at subnational level. The question that this study seeks to answer is whether state constitutions in Ethiopia are relevant in this regard. It seeks to do by taking the Oromia State Constitution as a case study. This begs several questions including: What are state constitutions? How are they different from national constitution? What functions in general do state constitutions have? What needs to be fulfilled for state constitutions to have relevance? This chapter seeks to answer these and other similar questions. In so doing, therefore, the chapter, briefly discusses what subnational constitutions in general are, their common features, basic functions, their making process and relevance.

2.2 The Concept of Constitution

The main focus of this chapter, as already stated above, is to discuss subnational constitutions in federal and federal type systems. However, the fact that subnational constitutions by and large, are similar to national constitutions despite some distinctive features of their own, they cannot be well understood apart from the concept of constitution in general. It would be, therefore, sound discussing what a constitution in general is together with its fundamental feature and functions so as to effectively deal with the concept of subnational constitutions.

Constitutions since the time of their conception in the history of societies, have been designed to serve different purposes depending on the political and socioeconomic realities and varying social interest.

Furthermore, the way the documents are perceived, made and the idea of constitutionalism itself has drastically changed over time.² The term constitution has acquired its current meaning in America in the late 18th century. It has been afterwards, perceived as an ultimate mechanism of preventing arbitrary exercise of state power (Giovanni Sartori 1962). From that perspective, the author describes constitution as a legal framework that governs the organization and functioning of a political system thereby stating fundamental guiding principles of the system and restricting exercise of power. Constitutions could also be described as highest and enduring set of rules that govern actors of a system thereby protecting citizens' liberties. Ginsburg & Posner (2010)

Furthermore, discussing their fundamental features would also help to better understand the concept of constitution. Getachew Asefa (2012) hence discusses four basic features of a constitution: *generality*, *stability*, *supremacy* and *rigidity*. By generality it means that constitutions, as opposed to ordinary laws, deal with broader issues such as structure of government, its powers and functions, the nature of relationship between government and citizens as well as fundamental political and socioeconomic principles. Stability refers to the nature of constitutions that they are relatively lasting. Since issues which constitutions address are general, they are likely to stay permanent unless critical issues that necessitate constitutional alteration such as system change occur.

² See Yashi Ghai (*Undated*). „*A Journey around Constitutions*“. To show its changing nature, the author discusses how the nature of constitutions has changed over the past fifty years. In so doing, he discusses five generations of con/ns: Colonial con/ns were designed to insure supremacy of the colonizers, protecting their power from any inherent rivals with an economic interest as core objective. They are characterized by absence of bills of rights. Independence con/ns, were aimed to define state sovereignty and establish unity of local communities for united nation. They had democratic forms as they were aspired by liberal philosophy of western colonizers. They emphasize individual rights and freedoms, rule of law and limited state power. In practice, however, they remained fake that their principles were not applied due to the emergence of autocratic rules especially in Africa. The communist con/ns are characterized by one party dominance. They were even worse due to their failure in safeguarding citizens' rights and freedoms. As a result of the intensive global demand for democratization (in the late 20th century), some communist countries such as in East European states, made meaningful move toward adopting democratic con/ns. Their con/ns gave much weight to establishing democratic institutions such as constitutional courts. The last generations of con/ns is related to the rise of ethnicity in the contemporary politics. Toward the end of the 20th Century the idea of ethnic politics became the concern of many nations especially those with diverse population. Accordingly, con/ns of such countries appeared more democratic in their nature and follow non-centralized approach. They are designed to accommodate diversity. This is the most fascinating and contemporary progress in the history of con/ns.

Supremacy implies that constitutions are the highest laws of a political system that everything including those who hold power, should abide by them while rigidity is to mean that their amendment requires tough procedure as opposed to ordinary laws. (Ibid) Another very important nature of a constitution is that the maker as well as owner of constitutions are the public not the government or any other institution. This is because, in principle, it is the public that establish the government itself through the constitution. (Philip S. Foner 1945 cited in Getachew Asefa 2012).

2.3 Subnational Constitutions: What are they?

As was said earlier, subnational constitutions, by and large, are similar with national constitutions despite some distinctive features of their own. The main thing that fetches the difference among the two category of constitution is the insertion of the term *subnational*. They can be hence explained almost in similar way but not apart from one another. For our purpose here let us deal with the above two categories as national constitution and subnational constitution as it is commonly used in the discussion of constitutionalism in federal systems. Moreover, since the concept of constitution has been already discussed earlier, explaining the term *subnational* would be enough to understand what subnational constitutions really are.

On the top of that, the term *subnational* refers to a political units/entities that are smaller than the national one. The expression „smaller“, however, does not imply inferiority since both national and subnational are granted supreme status at their jurisdiction. (Julio Pinheiro Faro Homem de Siqueira 2010). This also coincides with G. Alan Tarr (2007) argument that the relationship between federal and sub national constitutions in federal system needs to be complementary and not hierarchal. Hence, the underlying distinction between the two would be a matter of realm in which they operate. Hence the former deals with broader national agenda while the later with issues specific to their respective polities. Hence, the concept of *subnational constitutionalism* in general can be explained as a principle that refers to government structure, restraining of power and safeguarding of citizens“ liberties at subnational level. It is, in other words, the implementation of the principles of constitutionalism at subnational level. (Gardner 2007)

From the perspective of federalism, therefore, subnational constitutions are basically understood as typical instruments of self-rule designed to regulate subnational politics.

... an ideology of sub-national constitutionalism ... conceives of state, provincial, or regional constitutions as charters of self-governance self-consciously adopted by subnational populations for the purpose of achieving a good life by effectively ordering subnational governmental power and by protecting the liberties of subnational citizens (Gardner 2007:3 cited in Blokker and Reutter 2015)

Besides, to understand the concept of subnational constitutionalism in a more comprehensive manner, it is helpful discussing their features, relevance and functions hereafter.

2.4 Basic Features of Subnational Constitutions

Having that subnational constitutions by and large are similar with national constitutions, as discussed previously, they share (at their jurisdiction) the fundamental features of a constitution discussed under the previous section: supremacy, generality, stability and rigidity. The discussion in this section, therefore, emphasizes on their distinctive features. First, state constitutions are less comprehensive and region-specific as the term *subnational* itself indicates. (Ginsburg & Posner 2010). Though subnational constitutions are general as opposed to ordinary laws, their generality can only be explained in terms of regional issues. They could be hence considered to be specific compared with national constitutions as they deal with subnational issues. As a result, they are expected to represent/reflect the actual political and socioeconomic realities of their polities. This nature of state constitutions not only enable them serve as alternative legal instruments but also useful instruments to enhance accommodation of diversity. Ellis Katz (1989) noted that strengthening autonomous state constitutional law enhances the efficiency of state governments as efficient entities where alternative legal and social policy options could be incorporated and experimented. The author hence, argues that national and state constitutions should not be expected to be similar. Ginsburg and Posner (2010) also confirm that there is significant difference between the national and states constitutions in USA regarding their content and the kind and number of rights they provide, among others. This is because subnational constitutional autonomy includes (beyond having own constitutions) allowing polities to develop relevant and feasible state constitutions that meet their actual realities. "...sub-national constitutions often, or even typically, reflect distinctive values and choices of sub-national populations, a situation consistent with the widespread existence of sub-national constitutionalism ..." (Gardner 2008).

Another common feature of subnational constitutions is that they are in most cases, easy to revise compared to national constitutions. They are, in most federations including USA, more flexible and less rigid than the procedure followed to amend them is less tough. *Ginsburg and Posner (2010)*. It is this nature of state constitutions, according to the authors, that allows state governments cope with the changing political, social and economic situations by easily incorporating emerging issues into their constitutions. It is viable and economical as well for federations to revise state constitutions than the federal one. If we take the state of Texas in USA, for instance, its constitution has been amended more than 460 times since it was adopted in 1869, which means about three times a year. The USA federal constitution, on the other hand, was amended only twenty-seven times since it was adopted in 1787.

Thirdly, state constitutions are largely similar with national constitutions. Having that, they share common political, social and economic principles and national objectives of a given political community, they are not expected to be entirely different from the national constitutions. Hence, in principle, state constitutions are basically expected to complement national constitutions while representing their polities' objective realities. This is because all levels of government in federations share common goal and work for the same citizens. *"Although power is fragmented in such a system, its use is ultimately unified because each level of government pursues the same goal: serving the interests of the people (Gardner 2008)*. It is, at the same time, a common principle almost in all federations that state constitutions are required to be consistent with the national one. It is stated in the national constitution of Switzerland, for instance, that each cantonal constitution shall require the guarantee of the Confederation so that it (the Confederation) can assure that cantonal constitutions do not contradict with the federal law.³

³ It is mandatory that any cantonal constitutions in Swiss should be consistent with the federal laws. As a mechanism to insure the fulfilment of this general requirement, any cantonal constitution should get assurance from the confederation. This involves checking if proposed cantonal constitutions comply with the federal law, mainly the national constitution. *(1999 Constitution of Switzerland with amendments through 2014, Art. 51/2)*.

The resemblance between subnational and federal constitutions is even stronger in devolutionary federations.⁴ Having that state constitutions in such federations are both nonexistent before the adoption of the federation and creations of the central government as well, wider resemblance between two is common. It is, in other words, because the state constitutions are creations of the national constitution as they are adopted on the base of provisions of the later.

Fourthly, subnational constitutions mainly advocate/prioritize direct democracy than representative participation in their making and remaking process which makes them good platforms for participatory politics. According to Ellis Katz (1989), for instance, all state constitutions in USA, as opposed to the federal constitution, provide for direct involvement of citizens in the process of subnational constitutional revision as well as ratification of proposed amendment. Also they allow citizens to directly participate in major subnational decision making, which includes designing of subnational laws *Robert Hawkins (1989)*. The fact that they are much closer-to-the-people and manageable size of subnational population (among other reasons) make subnational constitutions more likely to allow direct involvement of citizens in their making and remaking process. (Williams, 2010) explaining the fundamental differences between the national and state constitutions in the USA federation, for instance, states that the later have different origin as they directly emanate from the people.

2.5 Relevance and Function of subnational constitutions

The idea as well as relevance of subnational constitutionalism is highly related to and hence cannot be discussed apart from the very concept of federalism since the two are interrelated. This is because federalism is characterized by the existence of multiple layer of governments in a single political society and hence integration of the principle of self-rule and shared-rule. (Watts 2008). As a result, the emergence of federal system in many parts of the world as a popular option for diversity accommodation and conflict resolution has

⁴ One of the mechanisms by which federations are made is when countries that had been under unitary government are transformed in to a federal system through proper federal arrangement. This basically takes place by devolving power from the center to the newly created constituent units. India and Belgium could be good example of this type. On the other hand, when countries which had been previously sovereign states come together on their free will to unite via federal arrangement so as to achieve a common goal, it would be coming together federalism. In this case the constituent units make central government to which all would surrender. In such federations, the constituent units would have own constitutions prior to the adoption of the federation. USA and Switzerland could be good example of such formation.

contributed a lot to the development of subnational constitutions in those countries. (James A. Gardner 2008) The adoption of federal system in Ethiopia, South Africa and Somali (all out of unitary systems) in the past three decades could be taken as typical indication of this fact.

According to Ginsburg & Posner (2010), the underlying principle behind federalism as a non-centralized system of governance in the contemporary politics is not only effective service delivery is better achieved below national level. It is also because citizens can better control governments at subnational/local level. Moreover, the intention of subnational constitutions (which the authors call substate constitutions) is based on the same justification as they are instruments which enable polities regulate subnational issues autonomously including certain policy matters. James Madison (as quoted in *ibid*) also explains that democratic state constitutions are legal instruments of self-government for the people thereby formulating a stable arrangement by which people administer themselves. Generally speaking, given that the vitality of subnational constitutions emanates from the principle of self-rule, which federalism pursues, their relevance in the system becomes undisputable. There cannot be better evidence of this reality than the fact that more than 70% of the federations in the world allow their constituent units to adopt own constitutions. Accordingly, many federations such as Argentina, Australia, Austria, Brazil, Ethiopia, Germany, Iraq, Malaysia, Mexico, Russia, South Africa, Switzerland, USA, Sudan and Venezuela have subnational constitutions (*Dinan Undated*). Only few federations such as Nigeria, India, Belgium, Russia, and Spain refuse to do so.

When it comes to holding together federations, the significance of subnational constitutions becomes even much stronger. According to public choice theory, subnational constitutions are so important in federal systems in general and in devolutionary federations like Belgium in particular Popelier (2012). The author, hence, criticizes the absence of state constitutions in Belgium and argues that it is inconsistent with the tradition of constitutional theory, which considers subnational constitutional autonomy as a basic distinctive feature of federal system. Constituent units in devolutionary federations are nonexistent prior the adoption of the system nor they are mere administrative units as is the case in decentralized unitary systems. Hence, the existence of subnational constitutions in such federations becomes principal in order for polities to stand and effectively function as separate sphere of government after the adoption of the system.

Having said this much regarding the place of subnational constitutions in federal and federal type system, it would be worth discussing hereafter, their basic functions. As was already stated earlier, the concept of *subnational constitutionalism* refers to application/ implementation of the principles of constitutionalism at subnational level. In other words, subnational constitutions deliver almost all the fundamental functions that national constitutions do except their jurisdiction is limited to subnational level. In general, it could be said that state constitutions in democratic federal and federal type systems deliver at least three fundamental functions with regard to regulating subnational politics.

First of all, they determine the structure and power of subnational governments in accordance with the national principles and objectives. This includes, among others, deciding the number and type of local government units including their power and functions (ACIR 1989).⁵ Secondly, state constitutions in democratic systems are the ultimate instruments to limit the power of subnational governments and their institutions thereby defining what they can do and what they cannot do. In this regard, they help to promote the notion of regional constitutionalism and rule of law. In the American federal system, for instance, state constitutions are considered as an alternative legal tool for putting restraint against subnational governments to protect the emergence of tyranny. Thirdly, state constitutions, are the supreme legal documents at state level that set subnational political, social and economic goals. Hence, they are used to establish fundamental subnational guiding principles and objectives of their respective polities. Furthermore, they play indispensable role in protecting citizens' rights and freedoms at subnational level. Liberty is best protected in a kind of governmental configuration where power is not concentrated and competing government organs exist (Gardner 2003). In that sense, state constitutions not only empower state governments to exercise the power they are granted, they also create alternative legal platform for the protection of subnational liberties of citizens. This is (in most federations) done through incorporating bill of rights thereby creating ground for double protection of citizens' freedoms.

⁵ ACIR-Advisory Commission on Intergovernmental Relations. ACIR (1989) is a study on state constitutional law conducted by study team composed of ten members. The material was organized and published by the advisory commission.

Beside the above discussed fundamental relevance and functions, subnational constitutions have got much more vitality for effective self-rule and democratic practice. The fact that national constitutions in most federations are incomplete is among the reasons that elevates the relevance state constitutions in federal and federal type systems. Unlike few federal systems such as India and South Africa (quasi), where the national constitution goes further to provide detailed local issues, national constitutions are by large not complete. They are usually limited to providing broad national agenda.

...in most federal systems, the federal constitution is an “incomplete” framework document in that it does not prescribe all constitutional processes and arrangements. Rather, it leaves “space” in the federal system’s constitutional architecture to be filled by the constitutions of its sub-national units... (G. Alan Tarr 2011:1)

In that sense, state constitutions play indispensable role by filling uncovered gaps regarding issues that cannot be addressed by national constitutions. Also, as a result of the growing demand for more non-centralized and inclusive governance in the contemporary world politics, the role of the documents is highly swelling. Rex Amsterdam (1996) in this regard argues that the federal government in USA (including the federal Supreme Court) has currently diminished role in governing the relationship between state governments and the local people as such accountability has been assigned to state governments and their key institutions one of which is state constitutions. As a result, though both the federal and state governments can act on citizens, the later ones (through their constitutions) are the most decisive regarding the local people. This is because, state constitutions are nearby and more effective to the local people than federal constitutions. (Ibid)

Moreover, state constitutions serve as typical instrument to integrate unity and diversity, especially in diverse population such as Switzerland. They are instruments through which distinctive values of respective polities as well as alternative public policies would be entertained. Due to the contemporary political demand for diversity accommodation, there is rising tendency toward establishing various institutions that enable to accommodate ethnic diversity (Yash Ghai 2008). The author, describes federalism as real option for dealing with such demand as it allows group to exercise considerable autonomy via the principle of self-rule. Since it is difficult for national constitutions to incorporate all diverse values. Subnational constitutions would become the best institutions by which such diversity could be welcomed. (James A. Gardner 2008).

Vander der Beken (2016) in line with this argues that one of the major reasons for which subnational constitutions are important in multiethnic federations, is to empower ethnic groups so that they can better exercise their right to self-determination.

Marshfield (2008) also affirms the relevance of subnational constitutions in Africa by explaining how they help communities of the continent enjoy their identity:

... multilayered approach to political identity cannot exist without some mechanism for recognizing subnational units and identities. If political identity in Africa is layered, governance and constitution making must also be layered. Because written constitutions are tools in the crafting of political identity, African countries struggle to accommodate the various layers of political identity in one central document. Thus, African countries must provide legitimate instruments for subnational communities to express and codify their political identities. Subnational constitutions and the subnational constitution-making process can make that possible. *(Page 631)*

According to the author, multilayered governance and meaningful accommodation of political identity of subnational communities in the absence of efficient subnational constitutions in Africa is unlikely to succeed. In general, therefore, the role of subnational constitutions in creating workable political platform to entertain political and ethno-cultural identities in the contemporary politics cannot, by any means, be de-emphasized. In addition, taking the experience of South Africa as a typical example, Marshfield argues that federal systems especially devolutionary ones and those who are not well established, can cope with challenging situations (and sustain) if they grant meaningful space to subnational constitutions.

Furthermore, subnational constitutions provide state governments with an alternative constitutional legal ground on which to rely in discharging their responsibilities thereby making balance between national and subnational powers. As a result, power would be unlikely to concentrate at the center protecting abuse of power by the central government. Popelier (2010) states that the notion of subnational constitutionalism is an issue of political balance among national and subnational entities. Also, it allows dual protection of citizens' liberties. Hawkins (1989) for his part regarding this subject argues that the American federal system, is built upon twofold pillars in terms constitutional law: the federal constitution and the constitutions of the fifty states. *"Metaphorically speaking, if one or the other pillar is cut down in size or raised too high, then the federal system becomes unbalanced."* *(Page 1)*. Hence, by effectively enforcing

subnational constitutions, state governments would stand competent to exercise regional autonomy meaningfully.

Their contribution as typical institutions for the prevalence of democratic practice at subnational level is another significant function of state constitutions. Both through the process of their making and revision they enhance local citizens' participation in to subnational politics.

Subnational constitution-making can bring democratic principles to a regional level and induce valuable political participation from citizens. Transitional governments that permit or require regional units to engage in constitution-making can elicit political participation from citizens and institutions that would not otherwise have an opportunity or an interest in government. (Marshfield 2008:635)

Hence for the above discussed indispensable role/function state constitutions' have, their potential relevance in federal and federal type systems is unquestionable. However, since the notion of subnational constitutionalism refers to the application of the values of constitutionalism at subnational level, the practical relevance of the documents, can only be realized if they are applied efficiently. In other words, given that state constitutions are social contracts, there is no way they can be efficient unless they are complied with and applied by all. Hawkins (1989), argues that despite state constitutions are essential democratic instruments of governance, they can be relevant when their function is well understood and are applied. He further states that their existence is meaningless unless polities are able to independently govern their issues by enforcing them. Gardner 2003 shares almost similar idea stating that courts in USA can act as agents of state power when they use that power to protect the freedoms of citizens by applying state constitutions. Hence in general, state constitutions are relevant in practice if they are enforced to restrain state power and safeguard the welfare of subnational citizens, among others. In other words, the existence of state constitutions could not be considered as accomplishment by itself. Their success depends on how much they are applied in a manner that can affect the real life of the local people. (Tushnet 2014) In other words, the documents can be considered relevant in practice if, among others, used at courts to resolve serious cases, citizens rely on them to defend their rights, made to be known (e.g. being taught at schools) and observed by all including those who hold power.

The actual practice, in terms of applying state constitutions extremely varies among federations. It is not in all federations that the documents are well applied as a source of legal ground in decision making regarding issues of public interest and in regulating state politics. Relatively, in federations such as USA and Switzerland state/cantonal constitutions are used as useful alternative laws at subnational levels. Rex Amsterdam (1996) for instance states that when judges are appointed in Oregon, which has a long practice of using its constitution exhaustively, they took an oath to uphold their state constitution. He argues then state courts should maintain their duty to interpret their state constitutions independently if federalism is to contribute to the progress of constitutional law in USA. Also, the author says there is nowadays growing effort to diminish the role of the federal government in public life in the American federal system to allow even wider autonomy to states. Sanford Levinson (2010) states almost similar idea saying, now a days in USA, many decisions that are highly significant to the public life are made at state level. State constitutions are hence commonly considered as relevant tools in making such decisions, especially decisions by courts. This is an indication of how the relevance of subnational constitutions is growing in the American federal system. Regardless of such progress, there are still some lawyers who tend to disregard the relevance of their state constitutions in their duties as a result of entire dependence on the national constitution. (Ibid)

Hence, state constitutions would remain lifeless documents if they are not enforced. These are the kind of constitutions which Sartori (1962) classifies as *façade constitutions*.⁶ According to the author, such kind of constitutions are deceptive as they are not applied though they bear the appearance of good constitution. Since their provisions are not practiced to affect public life or limit government power, they retain no life beyond the paper. They hardly contribute for the prevalence of democracy and rule of law as well as strength of the federal system in

⁶ See Sartory (1962) '*Constitutionalism: A Preliminary Discussion*'. The author classifies the present day constitutions as *garantiste*, *nominal* and *façade* based on their purpose, content and applicability. Garantiste are appropriate constitutions. They are relevant in terms of both what they provide their and practicality. They are enforced to restrain state power and protects citizens' liberties. Nominal constitutions just bear the name of constitution but are not real constitutions. They are intended to protect the interest of those in power and hence legalize the supremacy of power holders. They allow exclusive power and do not restrain its exercise nor protect citizens' liberties. What makes them similar with *garantiste* is that they are applied the way they are written. Façade constitutions take the form of real constitution but are not relevant in practice as they are not enforced the way they are written. Nor they limit power or safeguard citizens' rights.

which they operate. Robert B. Hawkins (1989), regarding this issue argues that the federal system of USA can be balanced only when states are strengthened and respected as autonomous constitutional entities. He argues then enhancing the relevance of state constitutions is vital to strengthen the capability of states because the federal constitution cannot by any means substitute the role of subnational constitutions that it complements instead. In that sense, the tendency of disregarding state constitutions is a threat against the foundation of the federal system as a whole (Ibid). Hence, how relevant subnational constitutions are in practice depends on the extent to which they are legitimate and applied.

2.6 Making of Subnational Constitutions

As was noted earlier, the relevance of subnational constitutions, by and large, depends on the level of their legitimacy, which itself depends on the way the documents are made in addition to what they contain. This is mainly because state constitutions that are legitimate are more likely to be respected and applied as opposed to those which lack it, (Fallon 2005 cited in Yohannes 2010). Besides, since constitutions are naturally rigid, their making and remaking process requires special procedure to be followed as opposed to ordinary laws (*Getachew Asefa 2012*). The relevance of state constitutions hence indirectly depends on whether or not such acceptable procedures are followed in the process of their making and remaking. Because it is not only what a constitution comprises that matters to be legitimate. The way it is prepared (the process) also has appeared to be equally essential for the validity of the document as a constitution *Vivien Hart (2003)*.

Of course, there is no uniform way regarding the making of subnational constitutions that the process is likely to take various approach among federations. Tsegaye Regassa (2009) regarding the subject states that the way subnational constitutions are made differs not only among federations but also among constituent units of same federation. Whatever the case may be, however, it is generally recommended that an acceptable procedure that exists in respective federations or constituent units needs to be met. Moreover, as it was already noted in this paper, subnational constitutions share almost all the fundamental features of a constitution despite they have some distinctive features of their own. Hence, the general principles of constitutionalism (including constitutional making) applies for state constitutions as well.

The process of constitutional making in democratic systems, in general, involves three fundamental phases: drafting, deliberation and ratification. Besides, inclusive approach should be followed through all the stages. Mark Tushnet (2014). The legitimacy of constitutions would, in other words, depend on the way these stages are managed or the tasks under each phase are carried out. Drafting refers to the stage where preliminary version of a constitution is compiled. An inclusive approach at this phase is highly essential to produce sound draft constitution. Given that it is difficult to meet the principle of inclusiveness by involving all interested public groups at this state, it is recommended that the drafting body represents all eligible citizens and groups (Ibid). Deliberation refers to the stage of constitution making in which the first draft is accessed to the general public, ahead of popular ratification, for revision and further discussion. This task, according to the above mentioned author, involves circulating the proposal to the public (via various medium) as well as providing adequate clarification so that everyone can understand the contents and nature of the document.

After going through both the drafting and revision phases, the proposed document should pass through popular ratification, before it becomes obligatory law and put in to effect. Public ratification through referendum, is regarded as the soundest mechanism in the contemporary constitutional making norm as it helps to insure constitutional legitimacy and public trust. (Ibid) In general, therefore, an inclusive approach through the process of constitutional making is highly crucial for the document to be legitimate as it is a well-accepted norm of constitutional making in the contemporary politics.

“In a changing world, constitutional practice is also changing. Twenty-first century constitutionalism is redefining the long tradition of expert constitution making and bringing it into the sphere of democratic participation.... Process has become equally as important as the content of the final document for the legitimacy of a new constitution. *Vivien Hart (2003:1)*

The national constitution of Switzerland for instance states that any adoption of provincial constitution should get the approval of the people. In addition, all cantonal constitutions are liable to revision on the request of the majority. (*Art. 51/1*). Also, Rex Amsterdam (1996), taking Oregon as typical example states that it is common practice in all states in USA (with few disparity of it) that citizens participate in constitution related matters. Such participatory practice, according to the author, is intentional as it provides citizens with an opportunity to have meaningful control over state governments regarding their relationship with it. Also, it promotes

diversity among states in the area of law and social policy thereby enabling people to decide the kind of system that is feasible for them. The kind of distinctiveness that federalism pursues to enhance in the area of constitutional law cannot be achieved in the absence of meaningful public participation in the process of constitutional making and remaking (Ibid).

In the absence of meaningful public involvement in the process of constitutional making, it is unlikely that relevant local values be incorporated and the final documents would barely represent their respective polities. To quote Yohannes (2010) here again, he argues that subnational constitutional making should not only meet acceptable procedures, it should fulfill principal requirements and acquire legitimacy as well. Also, subnational constitutions can be sound if they meet their respective polities. Hence, in democratic federations legitimacy is a typical benchmark for the validity as well as efficiency of constitutions including subnational constitutions. (Ibid) Hence, from the above discussion, it could be said that subnational citizens should be the ultimate decision-making bodies regarding subnational constitutional matters. Ellis Katz (1989) also argues that the development of autonomous subnational constitutional law enables state governments to play constructive role as laboratories for the progress of the federal system in the USA.

This does not mean, however, that subnational bodies are free from reasonable restraint in the process of subnational constitutional making. Having that state constitutions are required to comply with fundamental national principles and provisions of the national constitution, all state constitution are expected to be consistent with national values. Yohannes (2010) states that there is no uniform mechanism among federations regarding how to insure such consistency:

National constitutions either provide detail procedures, or minimum requirements that sub national constitutions should comply with. In addition, national constitutions may utter that sub national governments will have their constitutions leaving procedural details for them, but require them to be consistence with some fundamental principles. It all depends on the creation, operation, and establishment of the federation. It all depends on the national constitution. (Page: 38)

The national constitution of the Swiss Federation, for instance, states that each Canton should adopt a democratic constitution and acquire the consent of the people as well. It also states that all cantonal constitutions should get the assurance of the confederation. This is a mechanism by which the confederation checks that the documents do not contradict with federal laws. When it

comes to federations such as South Africa (quazi) and USA, they have constitutional courts responsible to check that. For instance, the Constitutional Court of the former refused to certify Western Cape and KZN's constitutions in 1997 and 1996 respectively although their provincial councils have passed it. The reason stated by the court for refusal was that the constitutions failed to comply with the requirement as they went beyond the competence of provinces.

As was stated earlier, two basic issues, are significant for a constitution to be legitimate and relevant in the contemporary politics: what it contains and the way it is made *Vivien Hart* (2003). The content of democratic and efficient constitutions, however, would not be always the same. Given that we are in a dynamic world politics, constitutional adjustment would be unavoidable. In other words, though constitutions are stable, their permanence is not absolute since there is nothing everlasting in political system.

Hence, constitutional amendment, which mainly includes inserting of new ideas, adapting what is already embodied and removal of irrelevant stuffs, appears to be another important element of constitutional making and remaking. In other words, though constitutions (including state constitutions) by nature are enduring documents compared with ordinary laws, this does not mean that they are everlasting. Reasonable flexibility is hence essential to keep constitutions capable of functioning in the changing political and socioeconomic situations by encompassing emerging issues *Ginsburg & Posner* (2010). Besides, reasonable constitutional amendment helps address potential desires unsatisfied or unseen at the time of initial constitutional making.

Moreover, the fact that subnational constitutions are, by and large, more flexible, they are most feasible alternatives to address such new developments. This is because it is not easy to incorporate emerging political and socioeconomic issues in to the national constitutions. As a result, subnational constitutions become highly useful for federations which help them to cope up with changing political and socioeconomic situations and public interests at the local level. *Hawkins* (1989).

The flexible nature of subnational constitutions, on the other hand, could make them susceptible to manipulation of their provisions by few individuals or groups such as those in power to satisfy their greedy one of which is prolonging their term in office *Ginsburg & Posner* (2010). According to the authors, two essential mechanisms are usually used among democratic systems

to control such kind malpractice. One is making the amendment process to be made on the approval of multiple (with a minimum of two) legislatures. The second technique is using direct participation of the public in the approval of constitutional amendment through referendum.

In general, therefore, following participatory and democratic procedures in the process of constitutional amendment helps to prevent potential malpractice in this regard. If we take the case in Swiss here again, for instance, constitutional amendment involves legislative, executive and the people. Besides, Swiss people have great responsibility above anybody else. The national constitution, as mentioned earlier, states that each constitution of the cantons must be liable to revision on the base of request by majority of eligible voters.

2.7 Conclusion

Generally speaking, the fact that the emergence as well as relevance of subnational constitutions as typical instruments of self-rule, by and large, is related to the nature of federalism itself, their indispensable role in the system becomes undisputable. However, since the documents are social contracts, their efficiency can only be attained when they are applied among all governors and those governed. In other words, their practical relevance would be unthinkable unless they are regarded and complied with. Besides, both obedience and applicability of state constitutions highly depends on how they are legitimate, which itself relates to how they are made in addition to what they contain. Therefore, meaningful participation of subnational citizens and all concerned groups is extremely vital in the process of state constitutional making.

Moreover, subnational constitutional autonomy includes, allowing polities to make feasible state constitutions which reflect their actual political, social and economic realities beyond just having the documents. Otherwise, they would lose their practical relevance. Also, subnational constitutions, could remain façade unless their principles and provisions are responsibly observed and practiced by all. Given that the notion of subnational constitutionalism refers to applying principles of constitutionalism at subnational level, state constitutions can bear the fruits, only if they are well known, respected and practiced to limit state power and protect citizens' liberties. Related literature as well as experience of effective federations shows the same fact.

Chapter Three

The Oromia State Constitution

3.1 Introduction

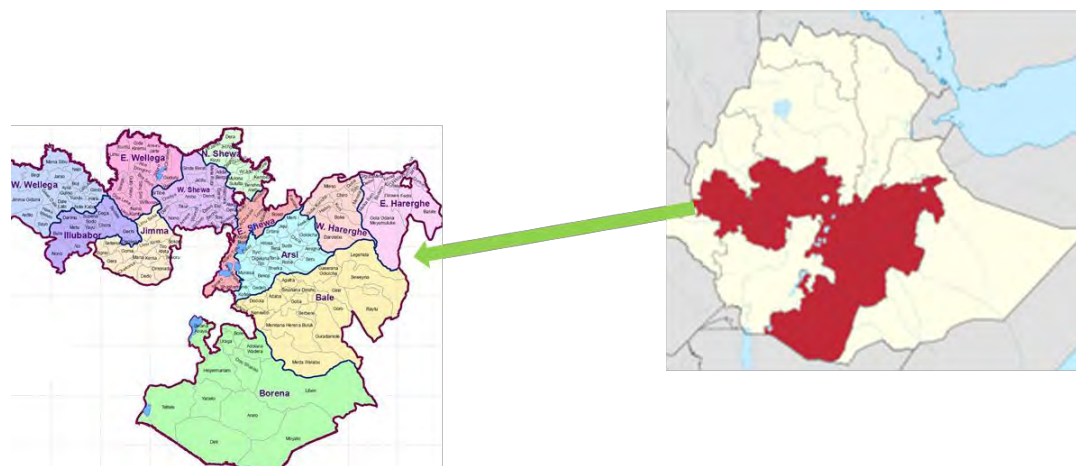
As already pointed out earlier, the main purpose of this research paper is to investigate the practical relevance of subnational constitutions in the Ethiopian federal system by taking the Oromia regional state's constitution as a case study. This chapter is hence designated to provide an introduction on the Oromia regional state constitution. The chapter argues that the Oromia regional state was able to utilize the available subnational constitutional space entrenched in the national constitution by adopting and putting into effect its own state constitution ahead of all regional states. The process of making and remaking of the state constitution, however, fails to involve the community and concerned bodies throughout. As a result, it fails to meet democratic procedure and hence unable to represent/reflect the actual realities of the regional state and interest of its people. This has resulted in poor public trust toward the document which badly affected its applicability. The chapter begins with brief introduction to the Regional State followed by a discussion on the history of the state's constitution. The chapter then discusses the general features of the state constitution with much emphasis to the 2001 revised version, the one currently in operation.

3.2 The Oromia Regional State in Brief

The Oromia Regional state is the largest state in the Ethiopian federation in terms of its population and territorial size as well. Accordingly, the regional state has a population of over 40 million (2017 estimate). Beside the Oromo Nation, who constitutionally hold the state's supreme power, millions of non-Ormos, (nearly all ethnic groups) are found in the region. Among these non-Oromo nationalities, Amhara constitutes about 7.2 % of the regional state's population according to *Guta Balcha (2016)*. Regarding its territorial size, the state is consisted of a total area of over 365,000 km² which constitutes about 32% of the total area of the country.

The Oromia regional state is situated at the heart of the country sharing boundaries with all the regional states of the federation but Tigray. Starting from the center of the country, it stretches to periphery in two directions sharing boundaries with Kenya and Sudan in the south and West

respectively. The Oromo People Democratic Organization (OPDO), one of the four members of EPRDF coalition, has claimed winner of the consecutive regional and local elections since 1992 and been ruling the regional state.⁷ Currently the state is organized in to regional government, twenty administrative zones and more than 300 weredas including City Administrations.



3.3 History of Oromia State Constitution

A study of the Ethiopian political history shows that autonomous regional governments had for long existed almost in every corner of the country till they were completely abolished after the coming to power of Emperor Haile Silasie in 1930. Assefa (2009), for instance, states that the regional powers used to enjoy remarkable autonomy and power to the extent of being able to regulate their economic activities independently and having own army as well. The regional powers exercised such autonomy in the absence of formal constitutions neither at national level nor at state level. Ethiopia adopted its first national constitution in 1931 which was revised in 1955.⁸

⁷ The 1992 regional election was the first election after the down fall of the unitary regime. It was held during the Transitional Period on 21st of June of the same year to fill regional councils which were established by the proclamation No. 7/1992 enacted on 16 of January. The Oromo Liberation Front (OLF) boycotted this election as a result of the unresolved disagreement between the Organization and EPRDF.

⁸ The 1931 national constitution was the first written constitution in Ethiopia. It was adopted about a year after emperor Haile silasie in power. The constitution symbolized culmination of local rulers and hence complete state unification/centralization. The document takes the model of 1889 Meiji Japan Constitution. It affirms absolute power in the hands of the emperor.(See Assefa 2009)

The history of subnational constitution began with the establishment of the Ethio-Eritrean federation in the 1950s. The United Nations General Assembly came up with a final resolution on the issue of Eritrea in 1950 so that Eritrea would be federated with Ethiopia after about 60 years of departure.⁹ Within the general framework of the UN resolution, two instruments were forwarded by the assembly, a federal act and an Eritrean draft constitution. The constitution was compiled by UN experts to provide solution for the then dispute regarding the fate of Eritrea. It was later submitted to the Eritrean council to be adopted. Both documents outlined integration of the two on the base of federal setup, with the Ethiopian government as national government and Eritrea as an autonomous entity.

Hence, following the adoption of the proposed federal act and the draft constitution by the Eritrean council in 1952¹⁰, Ethiopia experienced a semblance of federal system till 1962 with Eritrea having its own constitution (though not an inherent one) as an autonomous polity (ibid). This could not be, however, taken as complete federal arrangement that large part of the country remained under unitary system with absolute power in the hands of the emperor. Generally speaking, therefore, the 1952 Eritrean constitution could be considered as the first ever subnational constitution in the political history of Ethiopia.

In 1991 the Derg was ousted and a transitional period charter was adopted that established quasi-federal structure with 14 subnational units and a transitional central government.¹¹ Proclamation 7/1992 which the Central Transitional Government adopted provided that the states could adopt their own constitution. The Oromia Regional State, one of the 14 regions, took the lead by adopting its own transitional constitution in 1993 ahead of all states in the federation. The state adopted its second state constitution right after the establishment of the federal system with the

⁹ Eritrea had existed under the colony of Italy since it was departed from Ethiopia in 1890. Being freed from the colony of Italy in 1941, the country rejoined Ethiopia through a federal arrangement in 1952 as a result of the UN intervention. The Ethio-Eritrean federation was made about five years of Eritrean liberation from colony and it existed till 1962 only as it had been eliminated. (ibid)

¹⁰ The federal act as well as the 1952 Eritrean constitution were put in to force by Proc. 124/1952 which was enacted by the Eritrean Assembly to ratify the two documents. (See Assefa 2009).

¹¹ The 14 Regions/kilils were later reduced to Nine Regional States by the 1995 federal constitution. This was because five separate regions (established during the TP) were later condensed in to one regional state (SNNP).

promulgation of the 1995 federal constitution. It revised the second constitution in the early 2001.

3.3.1 The 1993 Transitional Constitution of Oromia

As already noted above, Proclamation 7/1992 which was enacted to establish regional transitional governments provided for establishment of regional council and executive organ (among others), which were formed following the 1992 regional and local elections. The powers and functions of each organ of the regional transitional governments were also stated in the proclamation. The same proclamation granted regional councils the power to issue regional constitution and other laws in accordance with the laws of the central transitional government (Art. 15:1(a)).

Accordingly, the first Proclamation issued by the Oromia Regional Council during the transitional period right after the establishment of the Oromia Regional Transition Government was proc. No. 1/1993. This was enacted to establish „Magalata Oromiyaa“, a regional government gazette.¹² Next, the council enacted proc. No. 2/1993 to ratify the Transitional Constitution of the Regional State.

The 1993 Transitional Constitution was, hence, the first subnational constitution after the full-fledged federal arrangement in Ethiopia. The Oromia regional state has utilized the available constitutional space by adopting its own constitution through its council (Van der Beken 2017). The transitional constitution was drafted in line with the TPC and following almost the same pattern. The actual procedure followed for its adoption remains unclear. It is clear though that the overriding objective for the adoption of the document (as it can be understood from the preamble) was to confirm the right to self-determination of the Oromo People entrenched in the TC. By so doing, the constitution was intended to translate or bring the fundamental principles entrenched in the TPC to regional context. The document was hence intended to provide the then newly established regional transitional government with a legal document by which it could govern and be governed. To that effect, it was designed to determine the powers and duties of government organs in accordance with the TPC and laws of the national transitional government.

¹² Magalata Oromiyaa is a regional government's gazette by which legislations (such as proclamations and regulations) enacted by the regional council are officially publicized.

The preamble of the constitution states that the Oromo People had been self-administering democratically via their own administrative and judicial institutions which were all based on the principles of *Geda*.¹³ It further states that they had fallen under aristocratic/oppressive rule since they were invaded by *Neftegnas* (armed retailers) over a century ago. As a result, it states, they had been deprived of their human and democratic rights to the extent their culture, language and history were eroded.

Also, the preamble reminds the struggle and sacrifices made by the Oromo People to eradicate the past despotic systems and ensure democratic system whereby their right to self-determination would be restored. The victory attained in this regard is mentioned as well.

The transitional constitution is a concise one being organized in to eight chapters. Chapter one states that the council of the Regional Self-government is the highest political organ in the region. The second chapter provides individual rights and freedoms while chapter three is devoted to providing the rights of the Oromo Nation and other Peoples residing in the region.

It is stated in the later chapter that the People of Oromo have the right to self-determination. This includes the right to self-government, use/express and develop their language and culture, preserve their history as well as fair and proper representation in the central government. Also it states that they have right to exercise their right to self-determination of secession when they are convinced that their rights entrenched in the charter are violated or not fully respected. Furthermore, it is provided in this chapter that any people residing in the region have the right to Preserve their national identity and history as well as develop/promote their language and culture. Chapter four provides the structure and function of the regional transitional government. Also it states the powers and duties of the executive committee.

¹³ Geda is an ancient, indigenous and democratic system of self-administration among the ancient Oromo People. Oromos used to rule themselves under Geda system till Oromo kingdoms were completely abolished in the late 19th Century in the name of state formation. The system had its own mechanism by which the political, social and economic issues used to be governed. It is, as a system, comprised legislative, executive and judiciary functions. Geda had an established and acceptable mechanism for democratic election, peaceful power Transfer (every eight years), Conflict Resolution as well as check and balance, among others values of it. Corruption and abuse of power in the system are not tolerated that leaders who violates the principles of Geda would be recalled any time before the end of their term. (See Ambassador Mohammed Ali 2013, „*Oromo Politics: Reflection and Statements*“)

Chapter five is about the relation between the regional government and the Central Transitional Government as well as other regions. Judicial jurisdiction and establishment of office of the Public Prosecutor and Office of the Auditor are provided in chapter six and seven respectively. Chapter eight deals with miscellaneous provisions which include nomenclature, flag and emblem, working language and Capital City of the regional government.¹⁴ It is also stated in same section that the constitution was the supreme law of the regional state and that it may be amended only by two third majority vote by members of the regional council.

In general, therefore, the transitional subnational constitution of the Oromia regional state was organized and served as an interim constitution till the adoption of the 1995 constitution that its lifespan lasted only till the coming-to-effect of the later.

3.3.2 The 1995 Subnational Constitution of Oromia Regional State

As is has been noted earlier, the 1995 FDRE Constitution authorizes each regional state to adopt its own constitution. On the base of that, the Oromia regional state adopted its formal constitution soon after the ratification of the national constitution and establishment of the federation. There were at least two major reasons regarding why the 1995 Oromia Regional state's constitution was adopted. The first objective seems to respond to the provision of the federal constitution (Article 50/5) which empowered and also expected state councils to draft, adopt and amend their own constitutions in accordance with the national one. This, at the same time, was quite important because the right to self-determination and regional autonomy entrenched in the federal Constitution could be best exercised if guaranteed by constitutional base at regional level.

Hence, the existence of subnational constitutional law becomes so essential in the Ethiopian context in general and in the Oromia regional state in particular. In other words, it can be said that one of the major reasons which necessitates the existence of subnational constitution in the Oromia regional state is related to the nature of the Ethiopian federation itself.

¹⁴ The issue of capital city of the Oromia Regional State has stayed disputable and unsettled agenda starting the transitional period that it has been changed two times. The 1993 and 1995 constitutions of Oromia state the Capital City of the regional state to be Finfinnee/Addis Ababa. Then in the 2001 revised constitution, the Capital was stated to be Adama. This has been again altered to be Finfinnee by Pro. 94/2005 enacted to amend the 2001 revised constitution.

This is basically because, the constituent units of the Ethiopian federation, including the state of Oromia, did not exist before 1991.¹⁵ For the Oromia regional state having its own constitution was necessary to be organized and function as an autonomous political entity.

The second reason which necessitated the adoption of the Oromia regional state's constitution relates to the nature of the federal constitution itself. The 1995 FDRE Constitution, as it is in many federations, was incomplete as it was limited to providing general framework or fundamental national principles and objectives regarding political, social and economic aspects of the nation. Also the constitution establishing dual-layered federal arrangement (the Federal Government and Regional Governments or member states Art.50/1), focuses mainly on dividing power between the central government and constituent units.

For instance, it is silent on the structure and functioning of subnational governments, including creation of local government units together with deciding their type, number and structure. This entailed the adoption of a subnational constitution that could fill the details.

The 1995 constitution is more detailed and hence much larger than the transitional one being composed of 99 articles. It followed almost similar pattern as that of the national constitution. The constitution grants supreme power of the regional state to the Oromo Nation. Regarding its content, it encompasses all issues provided in the 2001 revised version. Basically, it states the structure as well as power and function of the regional government at all levels. Also, it provides for human and democratic rights/freedoms and sets regional policy principles and objectives as well. The constitution as opposed to the 2001 revised version, allows much power to the regional government especially the executive organ. For instance, the president of the regional state was head of the state as well as chairman of the Caffee (Art. 56/2). Moreover, the secretary of the council was accountable to the president. In addition, the constitution did not clearly empower the council to call and question the president and other regional officials and investigate the performance of the regional administrative council.

¹⁵ The Ethiopian Federation takes the nature of holding together federation though some scholars argue it is coming together. This is because the country had been a unitary state starting from the coming to power of Emperor Halesilasie till the downfall of the military regime. The regional states, unlike some other federations such as USA and Swiss, were nonexistent prior to 1991. As a result, the federation was formed by establishing double-tiered arrangement thereby dividing power among the two level of governments.

When it comes to the wereda councils, it is stated that they shall be subordinate to the regional state and zonal administrative committee. Furthermore, members of the councils were accountable to the zonal and regional executive committees in addition to their electorate (Art. 75/2 and 76). In general, the 1995 constitution of the Oromia regional state allows more power in the hands of the regional government especially the executive resulting in fusion of power and hence unfavorable condition for check and balance.

Regarding the process of its making, the constitution was adopted by Caffee based on the general framework that was prepared by the central government after being reviewed by the legal standing committee of the council. Van der Beken (2017) states that the drafting, deliberation and adoption of all state constitutions, unlike the national constitution, did not involve the public and concerned groups. This is to say that not only the initiative was made by the central government and the ruling party, the making process was also highly dominated by their direct intervention.

3.3.3 The 2001 Oromia State Constitution

The 1995 state constitution of Oromia remained in force until it was revised in 2001. The major rationale behind the revision of the constitution, as indicated in the preamble of the revised constitution, was to ensure good governance thereby avoiding fusion of state power (among state councils and the executives organ, for instance). Hence, strengthening check and balance, transparency and accountability of state organs as well as effective state structure to enable them deliver effective service was also stated to be a motive. Enabling to meet the objective reality of the region and regulating local governments were also claimed to be among the basic reasons for the same revision.

Zemelak Ayele 2014, on the other hand, discusses two „ulterior motives“ behind the revision of regional states“ constitutions regardless of the above claim. He maintains that the actual reason for the revision of subnational constitutions of the regional states, including Oromia, was related to the interest and decision of the ruling party and the central government. Likewise, the first relates to the decision of the central government to curb the increasing demand for the establishment of ethnic-administration units with a view to focusing on the issue of development and better service delivery. This was meant to be achieved by devolving more power to the

regular local government units. The second reason, according Zemelak, was to cope with the conflict that occurred within the EPRDF, specially the TPLF.¹⁶

As a result of the revision, some visible modifications have been made. For instance, the revised constitution has clearly empowered the regional council to call and question the regional president and other regional officials and investigate the performance of the regional administrative council (Art. 49/3q). Furthermore, the Caffee and wereda councils have been made to have speakers and deputy speakers who are both elected from their members.

Constitutional interpretation commission has also been established which was nonexistence in the 1995 version. In addition, it is stated in the revised constitution that members of district councils shall be accountable to their electorate only (Art. 78/2). Another alteration made was that initiation for constitutional amendment has been provided and the amendment procedure which was too general in the 1995 constitution has been a bit elaborated. In general, therefore, the 2001 constitutional revision has made modification toward separation of power between the executive and legislative bodies. Moreover, the power of the executive at regional and zonal level has been reduced thereby devolving more power to weredas.

Regarding the process of the revision of the Oromia Regional State constitution, the draft was prepared in the Prime Minister's Office. It was then submitted to the regional state and adopted by its council. The researcher could not find any evidence that shows public have been consulted regarding the importance of the revision as well as any other related issue. No public participation took place in this process. Van der Beken (2017) argues that the process of subnational constitutional revision, was not only initiated by the ruling party but also dominated by the same. The revised state constitutions, including the Oromia state constitution, were

¹⁶ There had been an ideological disintegration within the EPRDF esp. TPLF that reached its peak in 2001. The dispute was between the former chairman of the party, Meles Zenawi and some high-ranking officials who insisted opposing him. As a result of the fight and to control the problem a crackdown has been made against the opposing groups such as Gebru Asrat, who was president of Tigray Regional state and then dismissed from the party. The successive actions taken to eliminate the opposition did not stop with dismissal of the rivals. It was intensified to the extent that state constitutions were revised. State con/ns of Tigray, Oromia, Amhara, SNNPR and Afar were revised in 2001 while that of BG, Gambela and Somali in 2002. Harari constitution was revised last, in 2004. The revision was aimed at weakening the power of regional governments via separation of power and devolving more power to regular weredas. See (Zemelak 2014) „*The Politics of sub-national constitutions and local government in Ethiopia*”.

principally meant to reflect and serve the objectives of the same party. In general, therefore, it would be sound to say that the initiative for the revision of the Oromia regional state constitution in 2001 was entirely taken by the ruling party and the central government. Not only that, the process of the revision as well was overridden by the same body.

The 2001 constitution was also amended twice. These successive amendments were made in 2005 and 2006 by proclamations No. 94/2005 and Proclamation No.108/2006 respectively. The 2005 amendment was mainly meant to fix some discrepancies observed in the *Afan Oromo*, Amharic and English versions of the constitution. It was also stated in the amending proclamation that the capital City of the regional state shall be Finfinnee as opposed to Adama.¹⁷

A new provision was also added to grant the Caffee with additional power to lead, supervise and administer „Magalata Oromiyaa“. The main focus of the amendment made in 2006 was to modify the election of wereda and kebele councils. Accordingly, articles 82(3) and 94(3) were cancelled and each substituted by three new sub articles a, b and c.¹⁸

Having that the 2001 revised constitution is the last version of the regional state’s constitution, it has been in operation for more than one and half decades. Moreover, the state constitution has persisted, without fundamental alteration even though the political and socioeconomic situation in the region has been dramatically changing over these years.

¹⁷ Finfinnee is an official name used by the regional government of Oromia to refer to *Addis Ababa*, which is the capital of both the Oromia Regional State and Ethiopia. The word Finfinnee is believed to be the inherent and original name of the area up on which the City had been established before its name was changed into Addis Ababa before more than a century. Adama is the second largest city that had once served as capital of the regional state from 2001 till 2005. It is situated about 100 KM away from Addis to the East.

¹⁸ In the original 2001 constitution, it is stated that election of both Wereda and Kebele Councils (Art.82/3 and Art.94/3 respectively) shall be held one month prior to the expiry of the tenure of the previous Councils and that the new councils shall begin their session/duty within fifteen days after the expiry of the tenure of the previous councils. The 2006 amendment, however, gives Caffee the power to extend or postpone election of both Wereda and Kebele Councils when it believes necessary. Hence, when the elections is extended or postponed, the previous councils shall continue their duty till new election is held. Moreover, the new councils shall begin their duty within one month after elected and authenticated by the National Election Board. The term/tenure of both councils, however, remained unchanged (Five years).On the other hand, the amendment made seems to be an effort exercised by exceeding the competence of the regional government. Because, election issues are under the competence of the Federal Government and hence regulated by the National Election Board via national electoral laws.

3.4 General Features of the Oromia State Constitution

It is often claimed that the Oromia state constitution is largely a direct copy of the federal constitution and almost similar with the other state constitutions in the federation. This is not however completely true. Indeed the constitution has similar structure with the federal one and the other subnational constitutions. Yet, it has its own distinctive features in terms of its size as well as content, by which it can be differentiated. Van der Beken (2017) argues that subnational constitutions in the Ethiopian federation should not be judged as direct copy of the federal constitution that the regional states have broad discretion to incorporate or follow their own organization. Hence, analysis of the Oromia regional constitution would not be sound and complete as well without examining these salient features of it. This section of the paper, therefore, briefly discusses the general feature of the constitution with ample emphasis on the 2001 revised version.

General speaking, it can be said that the outstanding objective of the Oromia Regional State constitution, as it can be understood from its preamble, was to boldly confirm the Oromo People's unconditional right to self-determination¹⁹. In so doing, the constitution is meant to translate the basic principles and provisions entrenched in the federal Constitution in to the regional context. Accordingly, it grants supreme power of the regional state to the Oromo Nation.

Also, the constitution states regional goal, general principles and directives, borders of the regional state, working language, capital city as well as the structure and function of the regional state. In addition, it created local government units and outlined their power and function. Regarding its size, the 2001 revised constitution of the state is composed of 113 articles arranged in twelve chapters, a bit larger than the national constitution. The constitution follows almost similar pattern/structure as that of the federal and other subnational constitutions in the federation.

¹⁹ It is stated under Article 39 of the federal constitution that every NNP in the country has an unconditional right to self-determination, including the right to secession. This right incorporates the right to self-government including the establishment of necessary institutions for the self-government at all levels. The State constitution hence becomes useful institution for the self-rule.

The preamble of the same constitution, states that the Oromo people had been, for long, oppressed under the past system being deprived of their human and democratic rights and freedoms to the extent that they were considered as second class citizens in their own country. As a result, it states, they were led into extreme poverty and backwardness. The preamble also reminds the painful sacrifices the Oromo People have paid with their fellow NNP of the country to eradicate the despotic system. Moreover, it states the commitment made by the Oromo People to establish a democratic system, peaceful and economically prosperous state on the base of their own constitution.

Regarding its contents, the constitution basically provides major issues such as general provisions (which include nomenclature, border, flag and emblem, regional anthem, working language, Capital City), Fundamental Rights and Freedoms, Structure of the regional state and division of power, State Council, Executive Organ, structure and power of courts, organization and power of zones, weredas, and kebeles, and regional policy directives. The constitution is, by large, similar not only with the federal constitution but also other subnational constitutions in the federation regarding its principles, major provisions and pattern.

3.5 Summary of Major Provisions of Oromia Regional State’s Constitution (2001)

Chapters	Main Components /Provisions	No. of Articles	Range of Articles
	<i>Preamble</i> → “We, the Oromo People ...”		
1	General provisions	7	Arti. 1-7
2	Fundamental Principles	5	Arti. 8-12
3	Fundamental Rights and Freedoms	32	Arti. 13-44
4	Regional State Structure and Division of Power	3	Arti. 45-47
5	State Council (Caffee Oromia’)	5	Arti. 48-52
6	The Executive Organ	8	Arti. 53-60
7	Structure and Power of Court	9	Arti. 61-69
No Provision on Nationality Administration			
8	Structure and Power of Zones	6	Arti. 70-75
9	Structure and Power of Wereda Administration	14	Arti. 76-89
10	Structure and Power of Kebele Administration	12	Arti. 90-101
11	Regional Policy Directives/ Principles /Objectives	6	Arti. 102-107
12	Miscellaneous Provisions	6	Arti. 108-113
	Total	113	

As it can easily be understood from the above table, the constitution gives wider provision for the protection of human and democratic rights and freedoms which are, of course, the characteristic of democratic constitutions. Accordingly, about 28% of the constitution is devoted to dealing with human and democratic rights and freedoms one of which is the right to self-determination of the Oromo People. Furthermore, looking into the fundamental principles of the constitution (Art. 8-12) as well as general Regional Policy Principles and Objectives

(Art. 102-107), the Oromia regional constitution, like the federal one, can be categorized as a democratic one in its appearance.

Another noticeable feature of the Oromia regional state constitution is related to the way it deals with minority ethnic groups who are commonly considered as non-indigenous. The constitution, provides nothing regarding the recognition and representation of minority nationalities who reside in the region. The fact that one of the major functions of state constitutions are expected to deliver is protecting citizens' rights and freedoms at sub-national level the issue should have been addressed in the Oromia state constitution. Tsegaye Regassa (2004) regarding this issue states that safeguarding citizens' rights and freedoms at sub-national level including ethnic minorities who are considered, in some cases, to be non-endogenous to a specific area, is one of the purposes that state constitutions are required to achieve.

The FDRE constitution grants due consideration to the recognition and accommodation of minority nationalities. A critical perusal of the Oromia state constitution, however, reveals that there are some discrepancies between it and the federal constitution as far as protection of minorities is concerned. For instance, Guta Balcha (2016) argues that the „Zay People“²⁰ who have been demanding recognition as distinct ethnic community and proportional representation in the region's political and administrative institutions could not assert their right for recognition based on the state constitution. Furthermore, the state constitution, unlike other states constitutions such as Amhara, BG, Afar, Gambela and SNNPR ignores to provide the establishment of NA in the region. In general, the Oromia state constitution appears to be inconsistent with the provision of the federal constitution by ignoring to provide for the establishment of ethnic-based administrative units as well as representation of minority groups. This leaves the democratic rights of these groups insecure.

²⁰ Zay People (according to Guta Balcha 2016) are one of the minority ethnic groups in the country having their own distinct ethnic identity, culture and language. They mainly reside in East Shewa and Arsi Zones of the Oromia Region being sparsely populated hence without having defined territorial boundary. Guta stated their population to be about 14,000 by citing local census estimate. He also argued that these people have the right to non-territorial autonomy for representation in the government institutions of the region.

3. 6 Conclusion

In general, the Oromia Regional State have had its own subnational constitution as supreme law of the region since the transitional period having adopted its own in 1993, ahead of all the regional states. In other words, it could be argued that the regional state was able to utilize the available subnational constitutional space. Moreover, the dominant objective of the regional state's constitution, starting from its very conception, is claimed to realize the right to self-determination of the Oromo People as entrenched in the national constitution. On the top of that, the regional state constitution grants supreme power exclusively to the Oromo nation.

Furthermore, the State Constitution has got its own general and peculiar feature although it has been condemned to be entirely similar with the national constitution. For instance, while the FDRE constitution gives due emphasis to the recognition and representation of minority nationalities, the Oromia state constitution refuses to recognize non-Oromos residing in the region both in principle and in practice. Besides that, the state constitution has the appearance of democratic constitutions. One indication of this could be that the constitution devotes broader provision to human and democratic rights and freedoms at least on the paper.

When it comes to the process of making and remaking of the constitution, it, starting from the very beginning, lacks meaningful public consultation as well as participation of citizens and concerned groups other than those in the government structure. As a result, it suffers from the hunger of democratic nature in practice. This was because both the initiatives as well as the process of making and remaking of the document was overridden by EPRDF and the central government.

Chapter Four

Data Analysis and Interpretation

4.1 Introduction

As was already noted in chapter three, the Oromia state constitution was meant to give effect to the right to self-determination of the Oromo People as entrenched in the FDRE Constitution and stated in the constitution itself. The state constitution is, therefore, intended to ensure effective self-rule thereby regulating the political, social and economic life of the state. This fundamental purpose can only be achieved if the document is effectively put in to practice. Hence, this paper seeks to examine the practical relevance of the Oromia state constitution.

For the above effect, relevant data were collected from various sources using diverse instruments. The process of data collection aimed at appraising the extent to which the constitution was practically implemented, its practical relevance, factors impacting its practical relevance. Effort have been hence made to carefully analyze and interpret assessed data following acceptable procedures, as much as possible, so that it would be possible to arrive at rational conclusion and answer the questions raised at the onset of this paper.

On the base of that, this chapter argue that the applicability of the Oromia state constitution in practice was extremely deficient as it was barely implemented in a manner to efficiently regulate the regional politics and affect the real life of the local population meaningfully. The chapter hence discusses major accomplishment of the constitution, its relevance in practice and major factors/drawbacks that affect its applicability.

4.2 Accomplishment, Relevance and Major Drawbacks of Oromia State Constitution

4.2.1 Practical Relevance of the Oromia State Constitution

As was already discussed in chapter two section five of this paper, the principal purpose of subnational constitutions in multiethnic federations is to empower and thereby enable ethnic groups exercise their right to self-determination. Besides, as stated in the FDRE constitution, the right to self-determination, comprises the right to self-government including the establishment of government institutions at all levels. (Art.39 and Art 88:1). Accordingly, the fact that the Oromia

state constitution is one of the prime institutions designed to realize the Oromo People's right to self-rule, accomplishment of the document needs to be evaluated in this light.

In general, as was stated in chapter three, it could be said that the Oromia regional state, was able to utilize existing constitutional space by adopting and putting in to effect its own constitution ahead of all states in the federation. Moreover, the state constitution has served as symbol of autonomy of the regional state and the Oromo People. It is hence an expression that the people of Oromo are autonomous political community and Oromia a political unit as opposed to an administrative unit. Over and above its symbolic value, the constitution, with all its limitations that will be discussed later in this chapter, has had some practical achievements in the politics of the state (especially during the early stage of the federation) which should not be disregarded.

Among its noticeable accomplishments, the constitution has served as an essential law on the base of which the regional state was established and become able to stand and function as an autonomous polity. In so doing, the constitution autonomously decides all fundamental elements of the regional state: Nomenclature, working language, flag and emblem, anthem as well as capital city of the regional state. Moreover, the document determines the nature as well as structure of the state government. It is stated under article 1, for instance, that the same constitution establishes a democratic regional state structure. Besides, the constitution establishes the regional state's government organs and determines their powers and functions as well. It was also the ultimate document by which the regional political, social and economic goals as well as general policy principles and objectives were set. The same document provides the establishment of some essential institutions such as the regional Judicial Administration Commission, Constitutional Interpretation Commission, Council of Constitutional Inquiry and the Auditor General.

Another very critical purpose the Oromia state constitution, as the highest legal and political document, has accomplished is the gap it fills regarding local government units. The fact that the FDRE constitution is silent about the nature as well as structure of local government units, as was discussed earlier, the state constitution has played an indispensable role in complementing the former in this regard. Hence, it creates local government units, determines their type, number as well as power and function which could not have, otherwise, been done by ordinary laws. Accordingly, the constitution establishes the regional state consisted of the administrative

structures: the regional government, zones, districts and kebeles, with all (except zones) composed of legislative, executive and judicial organs. (Art.45)

In general, the Oromia State Constitution, among its major accomplishments as instrument of self-rule, has played critical role in establishing the polity itself, dictating the nature and structure of the state government and determining power and function government organs including local government units. It has also served as a yardstick on the base of which all other subnational ordinary laws were enacted.

4.2.2 Applicability of the Oromia State Constitution among Some Government Bodies/ Institutions

In principle, the relevance of subnational constitutions in federal systems is undisputable as was discussed earlier under section five of chapter two. When it comes to the practical aspect, however, the documents can attain their relevance in practice only when they are efficiently applied. This mainly includes being used at courts to resolve serious cases, citizens rely on them to defend their rights, made to be known (e.g. being taught at schools), used by media and observed by all including those who hold power.

When it comes to the Oromia regional state constitution, the document has served indispensable purpose in organizing the Oromo People as an autonomous political community thereby establishing and structuring the regional state. A genuine perusal of its practical relevance, however, reveals that the document by and large remained unused document as it was hardly implemented in a manner it can efficiently regulate the politics and affect the real life of the subnational citizens. The achievement of the document was more visible during the establishment of the regional state (among few groups especially the executive) that its practical relevance could not be maintained throughout to the extent it was abandoned.

In general, close observation as well as analysis of data gathered from some key institutions and government organs (courts, media, the executive and schools) shows that the Oromia state constitution is barely utilized/taught in a meaningful manner. Before presenting the major factor that contributes for the failure as identified by this study, it is worth looking briefly what the utility of the document in these institutions look like:

4.2.2.1 The Executive

The Oromia regional state has more than fifty government offices (sectors) at regional level operating under the executive organ and the supervision the regional president. These are among the key institutions that are expected to observe and obey the state constitution in their work. In another words, they are expected to comply with the regional constitution in all their activities (Art.9and 13). When it comes to the practice, however, it was found that the document is by and large neglected that poorly used among significant number of civil servants and government officials. To the evidence of the researcher’s observation and analysis of data collected, the state constitution is barely known among considerable number of staff let alone to be well applied. The staff in many sectors including their officials are rather strictly expected to vest loyalty to other legislatures and party dogmas than the state constitution to the extent it is almost forgotten.

Among 30 civil servants working in various regional sectors and who responded to questionnaire, for instance, about 90% said they use the federal constitution than the regional one in their work if need arises. Moreover, as was stated earlier, it is not usual to hear or watch high-ranking state government officials quoting the Oromia state constitution in their speech or dialogue on regional media or public speeches. The document is barely used among these politicians, including regional presidents, in their documents as well as official reports let alone lay citizens and other society groups to rely on it. Three top officials of state candidly informed the researcher it was not possible to say the state constitution has been properly utilized in their respective sectors mentioning that a lot needs to done to improve the situation. Besides, the researcher reviewed twelve sample speeches of the Regional State Presidents.²¹

²¹ The sample speeches were not selected randomly or other way. Rather, these were the only samples accessed by consulting one of the senior officials (Head of Information and Public Relation Department) in the Office of the President. It was known that the speeches were delivered on different regional occasions. Due to incomplete filing, however, it was not possible to known the exact time when they were delivered. Also, it remains unclear that which of the regional state’s presidents delivered the speeches. What has been known for sure was that the speeches were made earlier 2016.

The regional state's constitution, however, was not specifically mentioned at all through the speeches while the idea of constitution was mentioned two times in general without referring to specific constitution (federal or state) and any specific article.²²

4.2.2.2 The Judiciary

The judicial organ of the regional state is consisted of wereda courts, zonal high courts and state supreme court. The data collection mainly focused on the regional supreme courts because it is the highest judicial power over state matters where most serious issues, most of them coming through appeal or cassation are tried. Both close observation and analysis of data collected from courts indicated that the constitution is rarely used among these institutions nor citizens refer to it to claim for or defend their rights.

In investigating the subject, for instance, thirty dead files from the Oromia Supreme Court's archive were accessed and analyzed. The sample cases have been tried at different levels of courts (Wereda courts and Zonal high courts) and finally brought to the Supreme Court for final decision through appeal. Through the process of deciding the cases, the judges who are involved referred to various legislations 59 times. Out of these legislations constitution was referred only two times (Article 40/1 of the federal constitution) and (Article 41/1 of the Oromia state constitution). Furthermore, the judges referred to Proclamation No. 130/1991 and regulation No. 15/2005 two times each. The rest 53 references (nearly 90%) were made to various statutes i.e. Criminal and civil laws. In this case, the percentage at which the Oromia state constitution was used by the judges is found to be below 2%.

Besides, through the process of the above cases, individuals and groups (persons, lawyers, and organizations) used various legislatives 41 times as justification in the process of appealing, defending and responding to court questions. These groups and individuals made reference to various legislations (mainly proclamations and regulations) eight times. Other statutes were used 33 times (about 80%). However, the regional constitution was not used by these groups at all.

²² The speech is undated (the time it was delivered is not mentioned) but it was filed in 5/27/2015. Its volume is seven pages and delivered on the event of May 28 Victory Day Celebration. In the speech it was said that human and democratic rights of people have been protected by the constitution (page 4). It was also mentioned that the Oromo People have been granted the right to self-rule via the constitution and laws they have adopted/enacted (page 6). However, no specific article was mentioned.

Of course, the Ethiopian federation is unique as opposed to many federations that the power to interpret constitution is vested in the House of Federation, a political body in which Nations, Nationalities and Peoples of the country are represented. As a result, courts have no power of interpreting the Constitution. The same trend exists in regional states. In case of Oromia, for instance, the power to interpret the state constitution is given to Constitutional Interpretation Commission (CIC), that any constitutional dispute is decided by the same body. The commission is a political organ composed of representatives nominated from each district council.

The fact that courts have no power to interpret constitution could be taken among the dominant reasons that restrain courts from using the state constitution. It is at the same time a factor which is likely to demotivate citizens not to rely on the constitution and take their cases to courts on the base of it. In general, through this study it was realized that the Oromia state constitution is not well used at the courts including the regional Supreme Court.

4.2.2.3 Regional Media

Another key institution where state constitutions are expected to be utilized is regional media. The researcher's investigation in this regard mainly focused on the Oromia Broadcasting Network (OBN), the most popular state media in the regional state broadcasting both radio and TV programs. Having its own media in its own language is of course an encouraging progress for Oromo People as an autonomous political community. It is a useful instrument that could be used to support the effectiveness of the right to self-determination thereby functioning to promote the history, language and culture of the people as entrenched in the FDRE constitution (Art. 39/2).

Besides, the state media could have played key role in promoting (making known) the state constitution as well, which could have contributed a lot toward effective self-rule. The state media carries out many investigative works on regional matters, especially now. For instance, in the area of exposing maladministration and abuse of power. To the researcher's close observation and analysis of gathered data, however, none of these programs are supported by provisions from the state constitution. There is rather high tendency to rely on the federal constitution even while reporting or dealing with regional issues.

In general, the document is poorly used among media organizations operating in the region including OBN. About 90% of respondents (journalists and media experts working in the organization) replied that they hardly refer to the document in their work. Rather, they said, they prefer using the federal constitution if need arises. Explain the reason, over 80% of the respondents said their awareness on the state constitution was low while the rest (20%) said it is because they believe the federal constitution is supreme over state constitutions. Moreover, the researcher himself had been a member of the Oromia Broadcasting Network for over a year (in 2011/12). During his stay in the organization, the researcher hardly thought of referring to the state constitution nor observed his colleagues doing so.

Furthermore, attentive and close observation by the researcher for over eight months (since the commencement of this research work) confirmed almost the same fact that the Oromia State constitution is hardly used by the state media. Through his prolonged observation on Oromia TV, the researcher was not able watch even a single journalist, interviewee, speaker (including top government officials who made public speech) tracing/quoting the state constitution.

4.2.2.4 The Oromia State Constitution in Schools

Civic and Ethical Education is among the pillars of the current education policy of Ethiopia and hence one basic element of its curriculum. The subject is designed/intended to equip students with moral values and make them know their history as well as rights and obligations among other concerns. It is, however, the national constitution that is formally taught in schools as part of the subject in the region that the state constitution is hardly taught anywhere including government schools. Most students (both at elementary and high schools) have negligible knowledge about their state constitution. The researcher, for instance, was able to speak to fifty randomly selected elementary students (of grade 5 to 8) who learn in various schools found in various towns of the Oromia Special Zone Surrounding *Finfine* regarding the level of their awareness on the regional state's constitution. About 80% of them said they have not been taught the constitution and hardly know it.

Almost the same thing was found to be true with high school students. About half (50%) of sixty randomly selected students who learn in various high schools (grade 9 to 10) in the same zone said that they do not know that Oromia has its own constitution. The rest said they know its

existence but with little knowledge on it. Responding to the question regarding the level of their awareness on the document, 60% of the respondents said their knowledge was very low while 30% and 10% said low and medium respectively. Explaining the reason for their inadequate knowledge on the constitution, 90% of them said they have not been taught the regional constitution. In general, it is only the federal constitution that is formally taught in schools which resulted in poor knowledge among students regarding their state's constitution. In general, having that the Oromia state constitution is not efficiently used among institutions including key government offices and not taught at schools as well, it could be soundly argued that it is underutilized and highly neglected document in practice. Instead there is an extreme reliance on the federal constitution, among these institutions even in dealing with regional issues. This has made the constitution, by and large, invisible to the extent its relevance vanishes.

4.2.3 Major Factors Affecting the Relevance of the Oromia State Constitution

As it has been discussed above, it was confirmed through this study that the practical relevance of the Oromia state constitution was extremely low as a result of its invisibility and poor utility. Hence, it is too logical examining why it was so. This was, at the same time, one of the basic questions this paper is intended to answer as was stated at the onset of the research. Therefore, possible effort has been made to identify major factors that contribute to poor utility of the constitution under investigation thereby causing it fail to attain its relevance in practice. On the base of close observation as well as analysis of accessed data, therefore, eight major factors have been found to be critical in this regard and briefly discussed hereafter:

1. Lack of Legitimacy

Legitimacy, as already discussed under section six of chapter two, is considered as a basic benchmark for the validity of subnational constitutions in democratic federal and federal type systems. Hence, a state constitution without this fundamental quality/requirement would not be expected to be relevant and effective. From this perspective, therefore, the legitimacy of the Oromia regional state constitution, from the very beginning of its formation remains in question. One major reason for this was mainly because the process of its making and remaking was not participatory and inclusive. Hence, it fails to incorporate the consent of eligible citizens and other concerned bodies (such as scholars, lawyers, individuals, civic society groups, political parties, and professional association) as it was badly influenced by the central government and the

ideology of ruling party. To this end, there is little disagreement on the importance adopting the constitution. The dispute among individuals who are familiar with the matter relates, among other issues, to the way it was made and adopted. Hence the state constitution lacks social origin and hence public consent.

For one thing, the undemocratic making of the state constitution by and large could be attributed to the fact that nothing is stated in the FDRE Constitution regarding what procedure should be followed in the process of adopting subnational constitutions. Nor it is stated what the nature of SNCs should be unlike it is in some federations such as Switzerland. The national constitution simply empowers state councils without any clear procedure or mechanism for incorporating public participation. For instance, nothing is mentioned in the constitution whether and how the public and other groups such as scholars, lawyers and Civic Organizations, should be involved in the process. State councils were given an exclusive power in this respect.

What is even worse with the absence of clear procedure for subnational constitutional making in Ethiopia, besides its denial of public participation is that it has paved the way for the central government and the ruling party to control the process. In their making, most of the state constitutions hardly had an elaborate procedure. “Unlike the federal constitution, which had to pass through the conventional stages of drafting, deliberation and adoption the state constitutions were simply adopted by the state legislatures after being drafted by the legal standing committees of respective states.” Tsegaye Regassa (2004:7). Likewise, the Oromia Regional State did not solicit the contribution of the public at large and other concerned groups in the process of making its constitution. It could be hence said that everything regarding the making of the constitutions was monopolized by Caffee which itself was dominated by a single political party, OPDO.

This has left the constitution mere creation statute adopted by the state council like any ordinary legislation.²³ On the other hand, the fact that constitutions, among their basic features, are rigid

²³ Even though it could be convincing that the Oromia regional councils was established by Federal Constitution and that it is given power regarding making of the state constitution, the process should have been participatory. Hence, the main problem lies in the monopoly. This could be related to the gap that the federal constitution said nothing regarding the procedure of making including the need to public consultation and participation. In general, even though empowering the state councils regarding the making of subnational constitutions is important and sound, there should have been common procedure stated in the national constitution regarding their making.

as was discussed in chapter two, their making and remaking requires special procedure as opposed to ordinary laws. Moreover, given that public participation in constitutional making is the most popular principle among democratic systems, the way the Oromia state constitution was made seems deficient.

In general, the process of making and remaking of the Oromia state constitution appears to depart from the general notion of subnational constitutionalism which assumes that regional constitutions should be adopted by local populations and have their consent. This has not only left the document illegitimate but also eroded its relevance among the subnational citizens as well as all groups that should have been consulted during its making and remaking.

2. Failure to Reflect the Objective Reality of the Region

Critical analysis of the Oromia state constitution reveals that, as one of its major drawbacks, the document fails to reflect the objective reality (political, social/cultural and economic context) of the region. As a result, the constitution lacks regional distinctive feature which clearly differentiates it from other regional states in the federation except for the language and some contextual names. Had it been the state constitutional making was able to take in consideration the objective reality of the region and the People of Oromo, we could have been lucky to see remarkable and much more distinctive features and values entrenched.

More than 60% of respondents (Students, Civil Servants, journalists, practitioners, Politicians) whom the researcher interviewed in this regard responded that the Oromia state constitution does not meet or reflect the actual reality of the regional state and the People of Oromo that it needs to be modified. Ancient Oromo People had many valuable democratic values entrenched in the *Geda*²⁴ such as mechanism of conflict resolution and peacemaking, peaceful transfer of power,

²⁴ Geda is an ancient, inherent and democratic system of self-administration among the ancient Oromo People. Oromos used to rule themselves by Geda till Oromo kingdoms who had been practicing the system were completely abolished in the late 19th Century in the name of state formation. The system had its own mechanism by which the political, social and economic issues used to be governed. It is, as a system, comprised of legislative, executive and judiciary functions. Geda had an established and acceptable mechanism for democratic election, peaceful power Transfer, Conflict Resolution and check and balance, among others values. The system had been therefore, free from corruption and abuse of power that leaders who violates the principles of Geda would not be tolerated (they would be recalled any time before the end of their term). (See Ambassador Mohammed Ali 2013, „Oromo Politics: Reflection and Statements“)

adjudication of disputes and other democratic practices. It was most respondents' belief that such values could have contributed a lot to the contemporary politics of the state region if adapted on the basis of adequate research. The legitimacy of the constitution among the Oromo People could have also been better than it is now. Any of these legacies and principles, however, were not incorporated into the state's constitution.

The failure of the state constitution to meet the objective reality of the region, among other reasons, attributes to the fact that its formation was not based on thorough investigation into the political and socioeconomic reality of the region and its people. Besides, extreme involvement of the central government and the ruling party in the process of its making and remaking has contributed much to the drawbacks thereby restraining it from having typical appearance without violating the principles entrenched in the national constitution. The federal government not only exceeded involvement in the process of making the 1995 Oromia state constitution but also maintained to be the dominant actor in the revision of the constitution in 2001. This was, in fact, not unique to Oromia as other subnational constitutions in the federation have also experienced similar influence as they were all drafted by a federal agency then known as „States“ Affairs Desk“ which was accountable to the Prime Minister (Gemechis, 2016).

The undemocratic procedure followed in the process of making and remaking of Oromia state constitution, therefore, not only makes the document fail to meet the objective reality of the region, it also goes against the principle of the federal Constitution. As it has been stated in previous chapters, the FDRE constitution empowers state councils to draft, adopt as well as amend their own constitution themselves not by the central government or anybody else.²⁵ However, regional governments (let alone the public and concerned groups) had little role in designing SNCs in Ethiopia. This has made the document extraneous and unable to suit the political, social and economic reality of the regional state. This concurs with Van der Beken (2017) argument as he states that the revised state constitutions (the Oromia state constitution included), were

²⁵ Since the power to draft, adopt and amend their own constitutions is granted to the state councils, the federal government should not have been directly involved in the process as long as they do not contradict with the general provision of the federal constitution. In other words, the regional government should have been given complete autonomy in practice (without intervention) to make the regional constitution (via its Caffe) in accordance with the federal constitution. In other words the role of the federal government should have been limited to checking if the SNCs are in consistency with federal laws/provisions.

principally meant to reflect and serve the objectives of the ruling party, EPRDF. Generally speaking, therefore, it is sound to argue that the constitution under investigation has not been designed in a manner it can represent/reflect the regional state and the Oromo People as it fails to incorporate typical regional values.

In general, regardless of the fact that the Oromo People is an autonomous political community with distinctive political, economic and cultural values and right to self-determination as entrenched in the FDRE constitution, the state constitution is found to be highly similar not only with the national constitution but also with other state constitutions in the federation. This was mainly because the constitution was not made by the subnational people and hence failed to incorporate regional values. As a result, it fails to represent the polity and its people and hence loses its relevance as well.

3. Lack of Awareness/ Invisibility

Lack of awareness is among the most critical factors for the poor utility of the Oromia regional state constitution. The document is hardly known from the very time of its conception among considerable number of civil servants and those who have very much proximity to the government structure let alone the lay local people. This is of course nor amazing because the document's making process was not inclusive nor it went through the generally acceptable stages of constitutional making (drafting, deliberation, ratification) discussed in chapter two of this paper participatory way .

It was found that among the 30 randomly selected civil servants in various regional sectors and interviewed regarding what they know about the Oromia state constitution and the level of their awareness over 70% responded they are not aware that Oromia has its own constitution. Nor they heard or taught about it anywhere (at school, on media or any other occasion) while the rest (nearly 30%) said they know little about it. Almost all the respondents said they have better knowledge on the federal constitution as they were taught at school and that usually watch it being discussed on media and at different occasions.

Tsegaye Regassa (2004) shares the same idea as he argues that very few people in Ethiopia were conscious that state constitutions in Ethiopian federal system are in operation. Also, Van der Beken (2017) asserts that even lawyers are barely aware of subnational constitutions in Ethiopia

as a result of inadequate attention given to the documents. In general therefore, it was realized regarding the constitution under investigation that even its existence is unknown among considerable number of citizens residing and working in the regional state let alone to use and rely on it as a safeguard of their rights and freedoms.

Logically speaking, the above figures reveal that the reality on the ground directly contradicts with Article 9:1 of the same constitution under investigation. It is stated in the article that. “This constitution is the supreme law of the regional state. Any law, customary practice or any act of an agency of government or official that contradicts the provision of this constitution is null and void.” (Art.9:1). Sub article two of the same article also states that residents of the region, government organs, and political organizations...have the duty to ensure observance of this constitution and to obey it. What appears anomaly here is, how can this happen where even those individuals who have high proximity to the government structure are not aware of the document let alone lay residents? It was realized through this study that it is only among negligible number of individuals (most of them government dignitaries, scholars, practitioners, lawyers) that the Oromia state constitution is well known though these individuals are reluctant to apply it in a meaningful manner.

4. Extreme Similarity with the Federal Constitution

Having that subnational constitutions are typical instruments of self-rule in federal and federal type systems, as discussed in chapter two, they are expected to be typical of their respective polities and provide alternative policy options as well that meet their polities. It is this feature of state constitutions, among others, that enable them to be distinctive enough and serve the interest of the local people. Likewise, the FDRE constitution clearly empowers state governments to formulate and execute economic, social and development policies, strategies and plans of their own which meet their respective realities. (Art.52/2: c). Through this research, however, it was realized that almost all state constitutions in the Ethiopian federation (including Oromia) fail to serve this principal purpose as they are almost similar with the national constitution and to one another. When it comes to the Oromia state constitution also, there cannot be better evidence of this fact than its extreme similarity with the federal constitution. It simply followed uniform pattern without adequate consultation of the local people.

One lawyer impressively told the researcher that, “If you translate the state constitutions in Ethiopia in to one language and discard some typical or local names, you would almost arrive at reproductions of the same document between which you cannot differentiate.” As a result, they were not able to utilize existing constitutional space as source of alternative public policy.

One reason commonly raised for poor utilization of the Oromia regional state constitution, among other factors, for instance is its extreme similarity with the federal constitution. Critical analysis of the document hence shows the fact the document is not only exceedingly similar with the national constitution but also other subnational constitutions in the federation. This is mainly because, besides its failure to meet the regional context, no alternative public policy options are provided in the document. Having that one of the major reasons for which subnational constitutions are necessary in federal systems is to serve the objective reality of their respective polities while complying with the principles and principles of national constitution, extreme similarity would not be acceptable. Nor it contributes to the strength of the system. Moreover, provided that there is broader diversity among constituent units of the Ethiopian federation, there should have been significant variation among their respective constitutions as well.

One of the judges working at Oromia Supreme Court who was asked if he uses the Oromia regional state constitution in his work said “..., why should I bother to look for and refer to the regional constitution while the two are all the same? I just use the Federal one if need arises.” It is indeed convincing that if two things are the same, using one of them would be enough and economical as well. Hence, regardless of the existing huge political, social/cultural and economic distinctive features of the regional state and its people, the Oromia state constitution is found to be highly similar with the federal as well as other subnational constitutions in the federation.

Logically speaking, if the photographs of two or more people are similar while the people do not physically resemble to each other, it means that the pictures do not represent the people or they are fake. At the same time, if the pictures do not represent the people it means that they are irrelevant. As was already discussed in chapter two, there are at least two basic rationale, among other functions, regarding why we need subnational constitutions in federal and federal type systems: they make detailed provisions and represent their polities. Likewise, the fact that the Oromia state constitution extremely similar with the federal as well as other states’ constitutions,

it fails to represent the polity and its people. This leads to a conclusion that the document is not relevant to the state and the Oromo People.

5. Failure to Incorporate Urban Local Governments

As it has been already discussed earlier, issues related to local government are not addressed in the FDRE constitution. As a result, almost everything regarding the issue is left to be covered by subnational constitutions. Urban Local Government issues in Oromia, however, remain unaddressed not only in the national constitution, the regional state's constitution as well provides nothing regarding the matter. Urban Local Governments in the Oromia regional state hence have remained without constitutional ground at any level that the same agenda has not ever been considered across the history of the constitution, from its initial making (in 1993) through its revision (in 2001). In other words, the document neither establish urban local government units nor it decide their structure as well as power and function of their organs. The state constitution hence has not been regulating the politics of the regional state in comprehensive manner as it leaves out the urban politics, which has crucial political, social and economic significance. The urban politics has been hence entirely regulated by ordinary laws.

Accordingly, Proclamation No. 65/2003 was the first legislation enacted to establish and regulate urban local governments units. This proclamation that provides mayors and vice mayors of first and second grade cities shall be appointed by the city councils from its members. The proclamation was, however, replaced by another proclamation No.116/2006 after about three years in operation. The later proclamation empowers the regional president to appoint mayors and vice mayor of first and second grade cities. As a result, the autonomy of the city councils was reduced as the mayor was made to be accountable to the regional president than the city councils. In addition, the power to appoint city kebeles' chairperson and cabinet was taken from the kebele council and given to the mayor. In general, the later proclamation 116/2006 has by and large reduced the autonomy of the city councils. In other words, the absence of constitutional ground regarding urban local government has paved the way for the executive to manipulate city administration. This is meant that the power of the regional government is not constitutionally limited with regard to urban local government issues.

As was discussed in chapter two, subnational constitutions are typical instruments by which the local people control the government. In that sense, the fact that Urban Local Government Units are not incorporated in the Oromia state constitution implies that the urban community have no constitutional ground to control the government, nor the state constitution can regulate urban politics. In other words, urban politics in the regional state is regulated by ordinary laws, a situation which could lead to prevalence of undemocratic practice.

The same situation exposes urban politics to be easily manipulated by the executive since ordinary laws could be altered easily. To take the case of *Adama city* here, five mayors of the city were changed between 2009 and 2012.²⁶ This was mainly because proclamation 116/2006, as stated above, empowers the regional president to appoint city mayors and hence makes the later accountable to the president.

Subnational constitutions, as was said in previous chapters, can be relevant in practice if they are applied to regulate subnational politics in a manner they can affect the real life of the subnational population. This includes, among others, restraining government power and safeguarding citizens' liberties. In this regard, the Oromia state constitution does not incorporate the issue of urban local governments let alone to deliver this above fundamental function. The fact that the constitution does not provide regarding urban politics it has not been applied to regulate it, since it cannot regulate what it does not provide. Hence in general, it could be soundly argued that the document had no practical relevance in this regard.

6. Inaccessibility

It has been realized, through this research, that unreachability was among major problems that has been affecting the relevance/utility of the Oromia regional state's constitution. For state constitutions to be functional, it is unquestionable that they need to be known among all (citizens, civil servants, scholars, politicians ...). But, it is difficult for individuals and interested groups to know what they cannot access. It was found that People residing and working in the

²⁶ Adama is the second biggest city in the region (next to Finfinnee). It is found about 100 KM away from the Capital of the country to the east. The City has once served as Capital of the regional state from 2001 till it was changed to Addis Ababa/Finfinnee after 2005 election. Currently it is known to have a population of more than 350,000(2017 estimate). It has got its own City Council being established as autonomous ULGU following pro. No. 65/2003. It is among the cities where extreme ethnic and cultural diversity is observed.

Oromia regional state have little exposure to the state constitution. Leave alone for personal or day to day usage, the document is scarcely accessible in academic institutions so that students, teachers, lawyers and scholars can easily access it for use.

Taking simple example here would be enough to show the extent to which the Oromia regional state constitution is an abandoned and inaccessible document. If you try to get just a copy of it, especially if you are interested for the original one, you must knock numerous doors. It was a difficult job for the researcher himself to get a copy of the state constitution at the beginning of this work. After patient search, he was asked to submit official letter from an esteemed organization to get a copy from Caffee. It is relatively so easy to get the federal constitution (including on the market) in the region.

Out of sixty high school students who responded an enquiry regarding their access to the regional constitution 98% of them said it is not available in library and elsewhere in their school. Also, a senior official at Caffee Oromia with rank of vice Bureau Head admitted that the document is barely accessible to people. He attributed the problem to poor publication and distribution of the document due to poor attention among other reasons. He said, till last year, it had been the responsibility of the Regional Justice Bureau to publish and distribute the constitution. According to the informant, however, the mentioned organization did almost nothing in this regard due to various reasons that the duty has been passed to Caffee since last year. The official also extremely scarce copies are published and distributed to just newly elected members of Caffee and District councils for free and on regular basis.²⁷ This is to mean once every five year. Besides, two senior experts working at Caffee Oromia in a department responsible for publication and distribution of the state constitution told the researcher that publication is made just when interested bodies request. Also, the request is acceptable only if it is delivered through official letter, otherwise no publication is made. Both experts said that few copies have been published and distributed to interested bodies on the base of collected requests.

²⁷ According to (Art. 9/2) of the Regional constitution, it is all residents of the region, government organs, political organizations and other associations as well as their officials who are expected to obey and observe the regional constitution (not only members of Caffee and Wereda Council). Therefore, accessing the constitution to only council members is not adequate and unfair as well. If not for free citizens should have been able to access the constitution on sell.

Regarding the number of copies published and distributed in 2015, for instance, the respondents told different figures: 1500 and 2000.

In both cases, it appear to be negligible and quite scarce.²⁸ What is striking is that if individuals want to get even a copy, they have to bring an official letter from an esteemed organization: otherwise they would be not be allowed. One of the experts was honest to share his experience regarding this issue. He said “...one day a professional lawyer got in to my office and asked for a copy of the Oromia Regional State Constitution. I asked him if he has an official letter but the lawyer said he has no letter saying he wanted it for personal use in his work. He asked to buy but I told him it is not for sell and not possible to get for free without a letter. „Why not?“ he shouted and insisted demanding. After prolonged debate, the lawyer left the room bare hand and terribly upset.” How can it be fair to expect citizens know, obey and observe the same constitution which they are denied to access? (Art.9/2) How can it be known or used without being accessed?

In general, unreachability of the Oromia Regional State Constitution along with other related problems, has left the state constitution not only unknown document, but also forgotten to the extent it vanishes from the memory of many. This is an indication that the state constitution has not been given adequate attention by the regional government and all concerned bodies. Also, it is severe indication that the document is not being used.

7. Negligence for Minority Nationalities’ Recognition

As was talked over in chapter two, one of the major requirements for subnational constitutions to be relevant is to comply with national principles and fundamental provisions of the national constitutions. Through this study, however, it was found that the Oromia state constitution fails to comply with the provisions of the FDRE constitution as it ignores the recognition and accommodation of minority nationalities residing in the regional state. Moreover, the fact that, the population in the Oromia regional state is highly diverse that millions of non-Ormos reside in

²⁸ More than 40 million (2017 estimate) people are expected to reside in the Oromia Region. Moreover, the respondent official confirmed the constitution has not been published and distributed for many years till last year. Hence, it would be, negligible to publish and distribute 1500 or 3000 copies in such a large and populous region.

the region as was discussed in chapter three, the issue of minority recognition and accommodation becomes a big concern in the polity. Besides, the right to self-determination entrenched in the national constitution is equality granted to all NNP of the country, comprises the right to equitable representation at state and federal level (Article 39). Likewise, the same constitution grants equal recognition to all ethnic groups including those who are considered to be minority nationalities at their respective localities. One indication which show due consideration given to such community groups could be Article 54(3) as it states that there will be special representation of minorities that at least 20 seats in the HoPR shall be reserved to minority nationalities and peoples.

Given that subnational constitutions should comply with the federal provisions similar trend is expected them in this regard. Moreover, since Ethiopia is composed of diverse communities, it becomes highly important that the country's political system be inclusive at all levels so as to culminate marginalization and conflict its citizens have been experiencing for decades. It is also one of the major functions of state constitutions (as discussed in chapter two) to protect citizens' rights and freedoms including minority groups at sub-national level.

The Oromia State constitution, regardless of the above discussed general expectation and unlike some other SNCs in Ethiopian federation, provides nothing regarding recognition and representation of these groups of the society who reside in the region.²⁹ With this, the constitution contradicts not only with the provision of national constitution but also of its own. Article 48/3 of Oromia constitution states that members of the state council (Caffee) are representatives of the people of the region as a whole. In other words, they are accountable to all the people of the region. However, the same constitution ignores to recognize or represent minority ethno-nationalities residing in the same region including those whose number is considerable. As a result, no ethnic minority group has been so far represented in the Caffee or any other council in the regional state.

²⁹ The Benshangul Gumuz constitution, for instance, provides for the representation of other people or left outs in the region. This means that if there are, in case, are certain people who need representation but were not considered (or whose existence was not realized by the time the constitution was adopted, , and if at any time it is known that they require representation, they would elect their representatives and represented in the regional council.

According to Guta Balcha (2016), for instance, the „Zay People“, who have been demanding recognition and proportional representation as distinctive ethnic group, are deprived of their right to non-territorial representation in the regional state.³⁰

Having that such groups have constitutional right to take part in various political and socioeconomic life in the region, they should have been embraced and granted fair representation. Furthermore, the negligence of the constitution for meaningful recognition and representation of such community groups in Oromia, not only denies their constitutional rights but also implies these groups are given space in the politics of the region. This results in political grievance as well poor sense of confidence and belongingness.

In other word the main cause for such political exclusion and maltreatment of minority groups could again be attached to the very process of the making of the constitution. As was said in previous chapters, the process of making of the Oromia state constitution was not inclusive that it denies meaningful participation of not only the Oromo People but also the whole population of the region including minority groups. As a result, the constitution lacks the consent of no only the Oromo People but also non-Oromos as well who reside in the region. Hence, given that the constitution fails to recognize minority nationalities, besides its denial of their participation, they have no adequate reason/motivation to rely on the document as safeguard of their rights. As a result, it could be logically argued that the state constitution, in practice, has no relevance among these groups whose number is considerable.

8. Lack of Attention and Centralistic Approach

As it has been discussed earlier in this chapter, several major factors contribute to poor utilization of the state constitution under study. From the previous discussion, it is clear the document has not been used efficiently not only among the citizens and professionals. It is

³⁰ One reason usually raised for the refusal of the Oromia state constitution to provide for the establishment of NA is that the ethnic groups who reside in the region, even though they are many in number, are dispersed. It true that they sparsely exist, however, this should not be a reason for not providing the issue. It can only be a good reason for not establishing. In other words, whether they are dispersed or not the issue should have been given provision and the issue related to the nature of their settlement (e.g. dispersion) should have been raised at the stage of implementation. For one thing this is because constitutions, unlike other statutes, are not meant just for immediate purposes. They are meant to serve over the coming generations also since they are, by large assumed to be rigid.

poorly used among government organs including high-ranking officials as well. Over 55% of government officials in the regional state who responded to an inquiry regarding why the Oromia state constitution is not properly used among government organs and institutions said it is due to lack of attention.

Also from close observation in to the subject and analysis of available data, it was known that poor attention is given to subnational constitutions in the Ethiopian federal system. Almost all eyes are targeted toward and all references made to the federal constitution. As a result, the Oromia state constitution has also been overshadowed by the national constitution as if the regional state has no own constitution in operation. In fact, this phenomenon, by and large, attributes to (among other factors) the long-existed and strong unitarily mentality that almost everything is expected from the center. Even though Ethiopia has been federation for over two decades coming out of centralized unitary system, such mentality still prevails.³¹ Likewise, there is an exclusive reliance on the federal constitution resulting in severe negligence against the state constitutions including the one under investigation.

In fact, such deep-rooted centralistic mentality and exclusive reliance on the center seems to be the legacy of the past political system in the country that prevailed since the late 19th century by harshly abolishing all local powers. At the same time it is against the notion and practice of self-rule and regional autonomy which is a common feature of federalism. Such unhealthy ideology and its impact on the current federal system has been even worsened by the centralistic approach followed by the central government and the ruling party. It has been a source of conflict and political grievance as well among many citizens, politicians and scholars in the Oromia regional state. The FDRE constitution gives wider subnational constitutional space to polities. Though there was good start among polities toward using the space at onset of the federation by adopting own constitutions, the states (Oromia included) were not able to maintain to efficiently utilize it in practice. Rather the federal government and the ruling party recollected the space (in practice)

³¹ Humble investigation of Ethiopian political history shows that there has been prolonged effort by past rulers toward full-fledge centralization. As a result, almost all local powers were harshly abolished in the late 19th Century. Since then, deep-rooted centralism ideology prevailed in the country. The current unhealthy centralistic inclination which is tempting the federal system seems to be the legacy of the past political system.

and kept controlling the politics through its part channel, an approach that left state constitutions awfully invisible and unpracticed projects.

4.3 Conclusion

As was mentioned earlier, the analysis of data collected to evaluate the practical relevance of the Oromia State constitution and identify major factors that affect its competence has been presented and discussed in this chapter. An effort has also been made to interpret the results and work out implications by relating to the research question raised at the onset of this work as well the actual reality on the ground. As a result, the relevance of the regional state's constitution in practice was found to be highly deficient that it was not applied efficiently, as supreme law of the state, to regulate the subnational politics in a manner it can affect the real life of the local population.

Poor utility and inefficiency of the document, by and large, relates to lack of legitimacy, its failure to represent the polity and its population, inability to provide feasible public policy options, invisibility and inconsistency with the national constitution in terms of the way it deal with minority nationalities residing in the regional state. It can be hence soundly argued that the regional state was not able to utilize the existing subnational constitutional space exhaustively and efficiently to adopt legitimate constitution, generate alternative public policy options that meet the polity and its people. Finally, it is the researcher's belief that the main question raised in chapter one of this paper has been answered. This leads to drawing conclusion and making recommendations which would be presented in the following chapter.

Chapter Five

Conclusion and Recommendations

5.1 Introduction

As has been stated through previous chapters, this research was intended to investigate the relevance of subnational constitutions in the Ethiopian federation by taking the Oromia state constitution as a typical case study. It has been hence strived to appraise the actual role the documents have played toward ensuring effective self-rule and democratic governance at subnational level. In so doing, scholarly procedures have also been followed through the research, as much as possible, to answer the basic questions raised at the onset of this paper. Accordingly, by way of close observation in to the matter, analysis of relevant data and sincere interpretation of their results, the study was able to come up with some major findings.

On the base of that, therefore, this final chapter winds up the paper. Hence, it concludes the discussion made in previous chapters thereby bringing major findings and researcher's key arguments all together. Also, the chapter provides some plausible recommendations which the researcher believes would help, if implemented in a responsible manner, enhance legitimacy as well as efficiency of the state constitution under investigation.

5.2 Summary of the Study

As has been, one or the other way, said in previous chapters, there is now a days widespread public call in many parts of the globe for a more democratic, inclusive and non-centralized system of governance in the contemporary politics. As a result, federalism is becoming an ideal option to meet such demand as it advocates self-rule among its principal features. In this regard, subnational constitutions in federal and federal type systems, play critical role being typical instruments to promote effective self-rule, thereby regulating subnational politics. Above all, they serve as key devices to limit state power and safeguarded citizens' liberties at subnational level.

As was discussed in detail in chapter two, the maker as well as owner of subnational constitutions is the subnational population. The process of their making and remaking hence

should not only involves unique and acceptable procedures but also requires participatory and inclusive approach. It should be based on public consent as well. Besides, the notion of subnational constitutionalism, involves respecting its principles and being abided by them beyond having the documents. The relevance of subnational constitutions in democratic systems, therefore, by and large depends on their legitimacy which itself depends on the way the documents are made, what they contain/provide, their application and hence what they can achieve in practice.

The fact that the FDRE constitution is incomplete, the role of state constitutions in the federation becomes critical to complement the later. Their relevance would be hence inevitable. Also, it was found through this research that the FDRE constitution and the federal arrangement in country grants wider subnational constitutional space to regional states. In principle, this is meant to allow them greater autonomy not only to have own constitution but also to design one that meets their political and socioeconomic realities and the interest of their people as well. Also, it is meant to empower NNP so that they can better exercise their right to self-determination on the base of own constitutions adopted by themselves. On the other hand, the FDRE constitution grants unrestricted subnational constitutional space to the polities with exclusive power to their councils regarding subnational constitutional issues. No procedure or requirement is stated, for instance, regarding the process of making and remaking of subnational constitutions. Nor it is stated what the nature of SNCs should be or mechanism for incorporating public participation. This leaves the state governments without any reasonable restriction unlike it is in some federations such as Switzerland as was discussed in chapter two. There should have been, at least, minimum standard that regional states should meet regarding state constitutional making.

The absence of such requirement, in practice, has been one of the causes for malpractices to prevail in the process of state constitutional making. Consequently, exclusion of public participation and exceeding intervention from the central government, among others, have been observed to be sever malpractices regarding subnational constitutionalism in the Ethiopian federation. Though there is consistency requirement stated in the national constitution, it is neither defined nor it is clear who checks that. This really has much to do with the relevance of the state constitution under investigation that it has been given due consideration in this research.

Accordingly, based on the results and major findings the study has come up with, it was possible to draw the following conclusions:

In general, it could be said that the Oromia regional state has utilized available subnational constitutional space to the extent of adopting and putting in to effect own state constitution. Besides, the state constitution, with all its limitations, has served as symbol of autonomy of the state and Oromo People. It has also played undeniable role in organizing the Oromo People as political community thereby establishing the regional state. The same document was used, as an ultimate law to set the political and socioeconomic goals, policy principles and objectives of the polity. Regardless of these short-lived accomplishments, the practical relevance of the document could not be maintained thereafter that it was soon faded out to the extent it become an abandoned contract. The document awfully lacks legitimacy and public consent as well. As a result, it was found through this investigation that the efficiency of the document in practice has been terribly poor.

This incident, by and large, could be attributed to the fact that the regional state went only half way toward utilizing available subnational constitutional space. It can be soundly said that it was not able to exhaustively utilize the space to adopt legitimate and relevant constitution in a democratic manner and so that the document could win public trust. Incredible portion of subnational citizens (both the People of Oromo and non-Oromos residing in the regional state) are ignorant of the document and hence it is hardly regarded as supreme law among these groups. As a result, the state constitution is hardly used by citizens and key government institutions (courts, media, schools, government offices etc.). Nor it was used efficiently to limit state power and safeguard citizens' rights and freedoms. Given that the notion of subnational constitutionalism refers to the application of the principles of constitutionalism at subnational level and that the Oromia state constitution was found to be underutilized, its practical relevance appears extremely poor. This was because the document, starting from conception through its implementation, suffers from some major deficiencies some of which have been mentioned earlier. Accordingly, since identifying major factors that hinder the efficiency of the Oromia state constitution was one of the objectives this research intends to achieve, eight issues (those discussed in chapter four) were identified to be critical in this regard.

Above all its deficiencies, the constitution lacks legitimacy, the most fundamental requirement for a democratic constitution to be relevant as it was discussed in chapter two. This was basically because the way the document made was not participatory and inclusive. As was said earlier, this major problem by and large attributes to absence of clear procedure and requirement in the FDRE constitution regarding subnational constitutional making. The situation has hence paved the way for the state government to deny public participation and for the central government and the ruling party to control the process.

It was also found that the state constitution fails to represent/reflect the objective reality of the regional state and the People of Oromo. Its making was not based on genuine consideration of the political and socioeconomic situation of the state, nor does it consider the interest of its people. Also, it does not provide alternative public policy that meet the polity and its population. There is no better indication of this fact than its extreme similarity with the national constitution and other state constitutions in the federation. Besides, the document is neither adequately known nor accessible to citizens and concerned bodies let alone to be exercised efficiently. It was found to be inconsistent with the principle of the national constitution by ignoring to provide the recognition of minority nationalities residing in the regional state. Nor it regulates urban local governments as it provides nothing regarding the issue.

As result of all these deficiencies the Oromia state constitution has been disregarded thus far. It has been exceedingly dominated by the central government and the ruling party from its conception through its life in operation. Furthermore, regardless of all the political and socioeconomic dynamics and grievance the state constitution remained unchanged to address any of the public demands except in 2001 which was to achieve the interest of the ruling party. In general, the relevance of the Oromia state constitution toward ensuring effective self-rule, subnational constitutionalism and democratic governance was found to be highly poor. The document hence remains „A lamp under a bowl“ in practice. It would be foolish then to expect that subnational constitutionalism, rule of law and democratic practices would prevail in the region unless due regard is given to the document and it is exercised.

Generally speaking, the major deficiencies of the Oromia state constitution could be put in to three main categories/sorts as *procedural*, *content* and *implementation*. The procedural deficiency relates to the way the constitution was made. Its making process fails to follow

acceptable procedures such as participatory and inclusive drafting, deliberation and popular ratification. By content it is to mean that the document was not able to incorporate what it should have been so that it could reflect the regional state such as regional values and alternative public policy. Also, it fails to provide or recognition of minority nationalities as well as urban local government issues. Thirdly, the state constitution lags far behind from being well implemented. Lack of attention, negligible effort made to promote the document, exclusive reliance on the national constitution and unreachability are among the factors that, one or the other way, contribute to its poor implementation. Given that the above discussed issues are the most critical areas affecting the competence of the Oromia regional state constitution, due consideration needs to be given in order for the document to be relevant in practice.

5.3 Recommendations

It was realized through this study that the Oromia state constitution has not been efficiently exercised. The relationship between the document and the subnational citizens has also been extremely weak. This was because it has been tied with lots of deficiencies as was discussed earlier in chapter four. It is hence the researcher's belief that some timely actions need to be taken in order to alleviate the drawbacks and forward the relevance and competence of the state constitution. With this view in mind, this paper recommends the following remedial actions to be taken:

Having that one of the basic deficiencies of the Oromia state constitution is lack of legitimacy, public consent and trust, it is highly important that large scale and inclusive public consultation and mobilization be made on subnational constitutional issues. This would help to make general consensus among the public and concerned groups (civic social groups, politicians, scholars etc.) on the state constitution thereby to improve the legitimacy and applicability of the document.

Secondly, all residents, government organs and political organizations have an obligation to observe and obey the state constitution. On the other hand, it was found that the state constitution is hardly known among these groups. To reconcile this contradictory situation and scale up the implementation of the document, therefore, the government should carry out intensive awareness raising work using accessible media and all available platforms. The work should focus on the

significance and functions of the state constitution as well as its fundamental provision and principles.

Thirdly, to the results of this research, the Oromia state constitution has severely been underutilized document due to lack of attention and exclusive reliance on the national constitution among other causes. Therefore, efficient implementation of the document should be given principal priority to insure rule of law and democratic practice at the state level. Hence, the state government, politicians, scholars, the public and all concerned groups should give adequate attention and implement the constitution and abide by its provisions. Above all, it is vital that top level regional government officials give due consideration and play leading role in observing the document. Moreover, the constitution should be applied at courts, government offices at all levels and other institutions working in the region which otherwise subnational constitutionalism, democracy and rule of law could not prevail.

Fourthly, to make the state constitution well known and the concept of subnational constitutionalism win out, the state constitution needs to be incorporated in to the state's education curriculum and taught at schools and colleges.

Fifthly, the regional state media especially the Oromia Broadcasting Corporation should play leading role in promoting the state constitution and using the document while dealing with regional issues.

One of the underlying facts the results of this study revealed was that the Oromia state constitution, among the factors that worsened its invisibility and poor utility is its unreachability. Hence, it is quite impossible to scale up the competence of the document nor rational to expect citizens observe and obey its provisions without allowing them to access it. Therefore, the constitution should be made accessible to citizens and all interested groups so that they can know and use it.

The fact that many cities in the Oromia regional state are currently growing fast and the urban population rising rapidly, their political and socioeconomic significance is getting higher and higher. On the other hand, the urban politics has not been addressed by the state constitution and hence has no constitutional ground. This makes the document unable to regulate the urban

politics. Therefore, it is highly important that urban politics be incorporated in the constitution by means of amendment.

The findings of this study have also indicated that the Oromia state constitution lags to comply with the provisions and general principles of the national constitution by ignoring to provide for the recognition and representation of minority nationalities though their number is considerable. The fact that these groups have constitutional right for recognition and representation at all levels, the issue needs to be reconsidered and minority nationalities be given constitutional guarantee. This would help to diminish potential ethnic tension in the regional state thereby enhancing peaceful coexistence among the Oromo People and non-Oromos.

Another fundamental drawbacks of the Oromia state constitution, according to the findings of this investigation, is its failure to represent the regional state. Nor it provides alternative public policies that meet the regional state. This was mainly because its making was not based on genuine public consultation and analysis of the state's political and socioeconomic realities and the interest of its people. Hence, the state constitution should be revised on the base of meaningful public consultation to incorporate the values of the Oromo People and provide feasible policy options so that it can represent the regional state its people.

Finally, the Oromia regional state has been going through the worst ever and wide range of uprising and instability since 2015 which, by and large, called for good governance and democracy. As a result, the regional government has been pledging to bring about fundamental political and economic reform to culminate the grievance. Hence, it is crucial for the promised reform to be backed by constitutional revision so as to be lasting. In general, the Oromia state constitution, should be revised through all inclusive process in a manner it can address the major drawbacks discussed in this study. Otherwise it would be foolish to imagine the document would acquire legitimacy, public trust and be fruitful in business as usual.

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Appendix

1. Questionnaire Distributed to Caffee Members

Gaafii Barbaachisummaa fi Ittifaydamni Heera Mootummaa Naannoo Oromiyaa Qaamolee Seera baaftuu (Caffee) biratti Maal akka fakkaatu Xiinxaluuf Qophaa'e

Kaayyoo:- Kaayyoon gaafii kanaa odeeffannoo qaamolee seera baastu biratti „Barbaachisummaa fi Hojiirra Oolmaa“ Heera Mootummaa Naannoo Oromiyaa“ xinxaluuf fayyadu walitti qabuu dha.

Seensa: *Mootummaan Naannoo Oromiyaa heera Mootummaa kan mataa isaa qaba. Heerri kun bara 1987 ragga'ee akkasumas bara 1994 labsii lakk. 46/1994 tin irradeebin fooyya'ee hojiirra ole jira. Gama biraatiin heerri MNO kun ummata bal'aa naannichaa , qaamolee mootummaa fi kan biroo biratti hangam beekama , hangam hojiirra olaa jira akkasumas bu'aan inni fide maali dhimmi jedhu dhimma xiinxalamuu qabuudha. kanaaf gaafileen kunniin dhimmicha qorachuuf kan qophaa'an waan ta'eef obsaan fi amanamummaan guutuun akka nagargaartan kabajaan gaafadga.*

Gaafilee:

1. Heera Mootummaa Naannoo Oromiyaa ilaalchisee hubannoon Miseensonni Caffee qaban maal fakkata?

A. Gadaanaa B. Giddugaleessa/gahaa C. Olaanaa D. Baay'ee olaanaa

2. Deebiin kee „A“ taanaan sababni isaa maalif sitti fakkaata?

3. Hojii seera baasuu keessatti heerri Mootummaa Naannoo Oromiyaa hangam fi haala kamiin faayidaarra oola?

A. Ittihinfayyadamamau B. Darbee darbee C. Yeroo baay'ee D. Yeroo Hunda

4. Hojii seera baasuu keessatti heerri MNO haala kaiin ykn kaayyoo maaliif faayidaarra oola?

a/.....

b/.....

c/.....

5. Hojii seera baasuu keessatti heerri feedaraalaa faayidaarra ni oola?

A. Eyyee B. Lakki

6. Deebiin keessan „A“ taanaan kaayyoo maalif faayidaarra oola?

a/.....

b/.....

c/

7. Caalmatti heera isa kamtu hoojiirra oola?

A. Kan MNO B. Kan Feedaraalaa

8. Maaliif ?

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9. Qaamni abbummaan hojiirra oolmaa heera Mootummaa Naannoo Oromiyaa hordofu jira?

A. Eyyee B. hin jiru C. hin beekamu

10. Yoo jiraate hangam hordofamaa jira? Sadarkaan hordoffii isaa...

A. Gadaanaadha B. Giddugaleessa C. Olaanaa D. Baay'ee olaanaa

11. Heerri Mootummaa Naannoo Oromiyaa ummata naannichaa fi qamolee mootummaa biratti hangam beekama? Sadarkaan beekamuu isaa....

A. Gadaanaadha B. Giddugaleessa C. Olaanaa D. Baay'ee olaanaa

12. Maaliif

.....
.....

13. Qaamni abbummaan Heera MNO barsiisu fi hubannoo uumuuf hojjatu jira?

A. Eyyee B. Hinjiru

14. Deebiin kee „A“ taanaan eeyyuni?

Hin jiru taanaan ammo kun dhiibbaa maalii qaba ?

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14. Heerri MNO dhaabbilee barnoota keessatti haalaan barsiifamaa hin jiru (E.g in Law Schools).

Dhimmichi hangam barbaachisaa dha. Barsiifamuu dhiisuun isaa hoo dhiibbaa maalii qaba ?

15. Heerri MNO yeroo ammaa hojiirra jiru haala qabatamaa siyaasaa fi hawaas diinagdee ni ibsa /calaqqisa, hangam? (Does it fit the actual Political, social/cultural and economic reality in the region, to what extent?)

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16. Heerri MNO hawaasa ,qaamolee mootummaa addaddaa akkasumas kan biroo biratti beekamee haalaan hojiirra akka oolu fi bu`aqabeessa akka ta`u taassisuuf maaltu ta`uu qaba jettee yaadda?

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17. Gaafilee armaan oliin walqabatee ykn isaaniin ala dhimmicha ilaalchisee yaada biraa/dabalataa kamiyyuu qabaannaan kanaan gaditti barreessi:

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Galatoomaa!

Geetaachaw Disaasaa

2. Questionnaire Distributed to Lawyers

Gaafii Gahee fi hojiirra oolmaan Heera Mootummaa Naannoo Oromiyaa dhaabbilee addaddaa keessatti sadaraa irra jiru Xiinxaluuf Qophaa'e

Kaayyoo:- Kaayyoon gaafii kanaa odeeffannoo sadarkaa „Gahee fi Hojiirra Oolmaa Heera Mootummaa Naannoo Oromiyaa“ xinxaluuf fayyadu walitti qabuu dha

Seensa: Mootummaan Naannoo Oromiyaa heera Mootummaa kan mataa isaa qaba. Heerri kun bara 1987 ragga'ee akkasumas bara 1994 labsii lakk. 46/1994 tin irradeebin fooyya'ee hojiirra olee jira. Gama biraatiin heerri MNO kun ummata bal'aa naannichaa , qaamolee mootummaa fi kan biroo biratti hangam beekama , hangam hojiirra olaa jira akkasumas bu'aan inni fide maali dhimmi jedhu dhimma xiinxalamuu qabuudha. kanaaf gaafileen kunniin dhimmicha xinxaluuf kan qophaa'an waan ta'eef obsaan fi amanamummaan guutuun akka nagargaartan kabajaan gaafadga.

Gaafilee:

1. Hubannoon ykn walittidhufeenyi ati heera mootummaa kan Mootummaa Naannoo Oromiyaa irratti qabdu maal hangam?

A. Gadaanaa B. Giddugaleessa C. Olaanaa D. Baay'ee olaanaa

2. Deebiin kee „A“ taanaan sababni isaa maalif sitti fakkaata?

.....
.....

3. Kanaann dura heera Mootummaa Naannoo Oromiyaa ilaalchisee mana barumasaatti ykn dhaabbilee barnoota olaanootti barumsi ati baratte jira?

A. Eeyyee B. Lakki

4. Deebiin kee „A“ taanaan barumsi argatte qabiyyeen isaa hangam ture, maal siffayadeera?

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5. Hojiirra osoo jirtu hoo heera mootummaa Naannoo Oromiyaa ilaalchisee addatti leeljiin ati fudhatte/siikenneme jira? A. Eeyyee B. Lakki

6. Deebiin kee „A“ taanaan leenjii fudhachuun keen wanti maalsiffayyade?

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7. Amalli hojiin ati hojjattu heera mootummaatti waliin hangam walqabata?

A. Walhinqabatu B. Baay'ee walhinqabatu B. Baay'ee walqabata C. Garmalee walqabata

8. Hojii kee keessatti heera mootummaa Naannoo Oromiyaa hangam fayyadamta?

A. Hinfayyadamu B. darbee darbee C. Yeroo baay'ee D. Yeroo hunda

9. Deebiin kee B,C ykn D taanaan kaayyoo maalif itti fayyadamta?

10. Kan Mootummaa Feedaraalaa hoo ni fayyadamta,hangam?

A. Hinfayyadamu B. darbee darbee C. Yeroo baay'ee D. Yeroo hunda

11. Heerota Mootummaa lamaan keessaa isa kam caalchistee fayyadamta?

A. Kan Mootummaa Naannoo Oromiyaa B. Kan Mootummaa Feedaraalaa

12. Maaliif ?

13. Heerri Mootummaa Naannoo Oromiyaa akka beekamu fi hojiirra akka oolu qaamni abbummaan immaanaa fudhatee barsiisu jira jettee yaaddaa?

A. Eeyyee B. Lakki

14. Deebiin kee A taanaan eenyu? Hangama haalaan hojii kana hojjachaa jira?

15. Heerri MNO dhaabbilee barnoota keessatti barsiifamaa hin jiru. (Fkn Manneen bernootaa fi kolleejjiiwwan seeraa keessatti). Sababni saa maal sitti fakkaata?

16. Kun ta'uu dhabuun isaa hoo dhiibbaa akkamii qaba?

17. Heerri MNO hangam hojiirra oolaa (ittiin hojjatamaa) jira jettee yaadda?

A.Haalaan hojiirra oolaa hinjiru B. hanga barbaadamu hojiirra oolaa hin jiru C. Haalaan hojiirra oolaa jira

Deebiin kee A ykn B taanaan kun ta'uu dhabuun isaa sababni isaa maal sitti fakkaata,dhiibbaa maaliiqaba?

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18. Heerri MNO yeroo ammaa hojiirra jiru haala qabatamaa siyaasaa fi hawaas diinagdee ni ibsa /calaqqisa, hangam? (Does it fit the actual Political, social/cultural and economic reality in the region, to what extent?)

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19. Heerri MNO hawaasa ,qaamolee mootummaa addaddaa akkasumas kan biroo biratti beekamee haalaan hojiirra akka oolu fi bu'aaqabeessa akka ta'u taassisuuf maaltu ta'uu qaba jettee yaadda?

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20. Gaafilee armaan oliin walqabatee ykn isaaniin ala dhimmicha ilaalchisee yaada biraa/dabalataa kamiyyuu qabaannaan kanaan gaditti barreessi:

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Galatoomi !

Geetaachaw Disaasaa

3. Questionnaire Distributed to Judges

Gaafii Barbaachisummaa fi Ittifaydamni Heera Mootummaa Naannoo Oromiyaa Manneen Murtii Naannoo Oromiyaa keessatti Maal akka fakkaatu Xiinxaluuf Qophaa'e

Kaayyoo:- Kaayyoon gaafii kanaa odeeffannoo „Barbaachisummaa fi Hojiirra Oolmaa Heera Mootummaa Naannoo Oromiyaa“ xinxaluuf fayyadu walitti qabuu dha

Seensa: *Mootummaan Naannoo Oromiyaa heera Mootummaa kan mataa isaa qaba. Heerri kun bara 1987 ragga'ee akkasumas bara 1994 labsii lakk. 46/1994 tin irradeebin fooyya'ee hojiirra ole jira. Gama biraatiin heerri MNO kun ummata bal'aa naannichaa , qaamolee mootummaa fi kan biroo biratti hangam beekama , hangam hojiirra olaa jira akkasumas bu'aan inni fide maali dhimmi jedhu dhimma xiinxalamuu qabuudha. kanaaf gaafileen kunniin dhimmicha xinxaluuf kan qophaa'an waan ta'ee'f obsaan fi amanamummaan guutuun akka nagargaartan kabajaan gaafadga.*

Gaafilee:

1. Abbootiin dhimmaa keessanii hubannoon isaan heera MNO irratti qaban maal fakkata?

(Himatoota, himatamtoota, Abukaatoota, Abbootii Alangaa, Ragoota)

A. Gadaanaa B. Giddugaleessa/gahaa C. Olaanaa D. Baay'ee olaanaa

2. Deebiin kee „A“ taanaan sababni isaa maalif sitti fakkaata?

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3. Namoonni fi qaaoleen kunniin seerota biroo biratti heera MNO hangam ittifayyadamu?

(Iyyata ykn gaafii isaanii keessatti, himata keessatti, falmii keessatti fi kkf)

A. Hinfayyadaman B. Darbee darbee C. Yeroo baay'ee D. Yeroo Hunda

4. Deebiin kee „A“ ykn „B“ taanaan sababni isaa maalif sitti fakkaata?

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5. Qaamolee kunniin heera mootummaa kan feederaalaa hoo hangam fayyadamu?

A. Hinfayyadaman B. Darbee darbee C. Yeroo baay'ee D. Yeroo Hunda

7. Namoonni fi Qaamooleen kunniin heera mootummaa isa kam caalchisanii fayyadamau?

A. Kan Mootummaa Naannoo Oromiyaa B. Kan Feedaraalaa

8. Sababni isaa maaliif sitti fakkaata?

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9. Siin dabalatee abbootiin seera murtii kennuu keesatti (in deciding cases) heera mootummaa kan naannoo Oromiyaa hangam ittifayyadamu?

- A. Hinfayyadaman B. Darbee darbee C. Yeroo baay'ee D. Yeroo Hunda

10. Kan Feedaraalaa hoo?

- A. Hinfayyadaman B. Darbee darbee C. Yeroo baay'ee D. Yeroo Hunda

11. Isa kam caalchisanii/baay'inaan fayyadamu?

- A. Kan Mootummaa Naannoo Oromiyaa B. Kan Feedaraalaa

12. Heerri MNO dhaabbilee barnoota keessatti haalaan barsiifamaa hin jiru (Fkn Manneen bernootaa fi kolleejjiiwwan seeraa keessatti).

Dhimmichi hangam barbaachisaa dha. Barsiifamuu dhiisuun isaa hoo dhiibbaa maalii qaba ?

.....

13. Heerri MNO yeroo ammaa hojiirra jiru haala qabatamaa siyaasaa fi hawaas diinagdee ni ibsa /calaqqisa, hangam? (Does it fit the actual Political, social/cultural and economic reality in the region, to what extent?)

.....

14. Heerri MNO hawaasa ,qaamolee mootummaa addaddaa akkasumas kan biroo biratti beekamee haalaan hojiirra akka oolu fi bu'aaqabeessa akka ta'u taassisuuf maaltu ta'uu qaba jettee yaadda?

.....

15. Gaafilee armaan oliin walqabatee ykn isaaniin ala dhimmicha ilaalchisee yaada biraa/dabalataa kamiyyuu qabaannaan kanaan gaditti barreessi:

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13. Gaafilee armaan olii ilaalchisee ykn isaaniin ala yaada biraa/dabalataa kamiyyuu qabaannaan kanaan gaditti barreessi:

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4. Questionnaire Distributed to Media Experts

Gaafii Gahee fi hojiirra oolmaan Heera Mootummaa Naannoo Oromiyaa dhaabbilee addaddaa keessatti sadaraa irra jiru Xiinxaluuf Qophaa'e

Kaayyoo:- Kaayyoon gaafii kanaa odeeffannoo sadarkaa „Gahee fi Hojiirra Oolmaa Heera Mootummaa Naannoo Oromiyaa“ xinxaluuf fayyadu walitti qabuu dha

Seensa: *Mootummaan Naannoo Oromiyaa heera Mootummaa kan mataa isaa qaba. Heerri kun bara 1987 ragga'ee akkasumas bara 1994 labsii lakk. 46/1994 tin irradeebin fooyya'ee hojiirra ole jira. Gama biraatiin heerri MNO kun ummata bal'aa naannichaa , qaamolee mootummaa fi kan biroo biratti hangam beekama , hangam hojiirra olaa jira akkasumas bu'aan inni fide maali dhimmi jedhu dhimma xiinxalamuu qabuudha. kanaaf gaafileen kunniin dhimmicha xinxaluuf kan qophaa'an waan ta'eef obsaan fi amanamummaan guutuun akka nagargaartan kabajaan gaafadga.*

Gaafilee:

1. Hubannoon ykn walittidhufeenyi ati heera mootummaa kan Mootummaa Naannoo Oromiyaa irratti qabdu maal hangam?

A. Gadaanaa B. Giddugaleessa C. Olaanaa D. Baay'ee olaanaa

2. Deebiin kee „A“ taanaan sababni isaa maalif sitti fakkaata?

.....
.....

3. Kanaann dura heera Mootummaa Naannoo Oromiyaa ilaalchisee mana barumasaatti ykn dhaabbilee barnoota olaanootti barumsi ati baratte jira?

A. Eeyyee B. Lakki

4. Deebiin kee „A“ taanaan barumsi argatte qabiyyeen isaa hangam ture, maal siffayadeera?

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5. Hojiirra osoo jirtu hoo heera mootummaa Naannoo Oromiyaa ilaalchisee addatti leeljiin ati fudhatte/siikenneme jira? A. Eeyyee B. Lakki

6. Deebiin kee „A“ taanaan leenjii fudhachuun keen wanti maalsiffayyade?

.....

7. Amalli hojiin ati hojjattu heera mootummaatti waliin hangam walqabata?

A. Walhinqabatu B. Baay'ee walhinqabatu B. Baay'ee walqabata C. Garmalee walqabata

8. Hojii kee keessatti heera mootummaa Naannoo Oromiyaa hangam fayyadamta?

A. Hinfayyadamu B. darbee darbee C. Yeroo baay'ee D. Yeroo hunda

9. Deebiin kee B,C ykn D taanaan kaayyoo maalif itti fayyadamta?

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10. Kan Mootummaa Feedaraalaa hoo ni fayyadamta, hangam?

A. Hinfayyadamu B. darbee darbee C. Yeroo baay'ee D. Yeroo hunda

11. Heerota Mootummaa lamaan keessaa isa kam caalchistee fayyadamta?

A. Kan Mootummaa Naannoo Oromiyaa B. Kan Mootummaa Feedaraalaa

12. Maaliif ?

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13. Heerri Mootummaa Naannoo Oromiyaa akka beekamu fi hojiirra akka oolu qaamni abbummaan immaanaa fudhatee barsiisu jira jettee yaaddaa?

A. Eeyyee B. Lakki

14. Deebiin kee A taanaan eenyu? Hangama haalaan hojii kana hojjachaa jira?

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.....

15. Heerri MNO dhaabbilee barnoota keessatti barsiifamaa hin jiru. (Fkn Manneen bernootaa fi kolleejjiiwwan seeraa keessatti). Sababni saa maal sitti fakkaata?

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16. Kun ta'uu dhabuun isaa hoo dhiibbaa akkamii qaba?

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17. Heerri MNO hangam hojiirra oolaa (ittiin hojjatamaa) jira jettee yaadda?

A. Haalaan hojiirra oolaa hinjiru B. hanga barbaadamu hojiirra oolaa hin jiru C. Haalaan hojiirra oolaa jira

Deebiin kee A ykn B taanaan kun ta'uu dhabuun isaa sababni isaa maal sitti fakkaata, dhiibbaa maaliqaba?

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18. Heerri MNO yeroo ammaa hojiirra jiru haala qabatamaa siyaasaa fi hawaas diinagdee ni ibsa /calaqqisa, hangam? (Does it fit the actual Political, social/cultural and economic reality in the region, to what extent?)

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19. Heerri MNO hawaasa ,qaamolee mootummaa addaddaa akkasumas kan biroo biratti beekamee haalaan hojiirra akka oolu fi bu`aqaabeessa akka ta`u taassisuuf maaltu ta`uu qaba jettee yaadda?

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20. Gaafilee armaan oliin walqabatee ykn isaaniin ala dhimmicha ilaalchisee yaada biraa/dabalataa kamiyyuu qabaannaan kanaan gaditti barreessi:

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Galatoomi !

Geetaachaw Disaasaa

5. Questionnaire Distributed to Students

Yuniivarsitii Finfinnee, Kolleejjii Seeraa fi Bulchiinsa, G/G Qorannoo Sirna Feedaraalaa

Gaafii beekamtii, Gahee fi hojiirra oolmaan Heera Mootummaa Naannoo Oromiyaa dhaabbilee addaddaa akkasumas manneen barnootaa keessatti sadaraa irra jiru Xiinxaluuf Qophaa'e

Kaayyoo:- Kaayyoon gaafii kanaa odeeffannoo sadarkaa „Beekamtii(hubannoo), Gahee fi Hojiirra Oolmaa Heera Mootummaa Naannoo Oromiyaa“ xinxaluuf fayyadu walitti qabuu dha

Gaafilee:

1. Kanaan dura Mootummaan Naannoo Oromiyaa heera mataa isaa akka qabu beekta?

A. Eeyyee B. Lakki

2. Hubannoon ati heera mootummaa naannoo Oromiyaa irratti qabdu hangami?

A. Gadaanaa B. Giddugaleessa C. Olaanaa D. Baay'ee olaanaa

3. Waa'ee heera mootummaa naannoo Oromiyaa wanta beektu yoo jiraate barreessi?

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4. Hubannoon ati heera mootummaa Feedaraalaa irratti qabdu hoo hangami?

A. Gadaanaa B. Giddugaleessa C. Olaanaa D. Baay'ee olaanaa

5. Isa kam irratti hubannoo fooyya'aa qabda (kan MNO moo kan feedaraalaa)?

Maalif?

6. Heera Mootummaa Naannoo Oromiyaa ilaalchisee Mana barumsaatti barattee beekta?

A. Eeyyee B. Lakki C. Baradheera garuu gahaa miti

7. Kan Feedaraalaa hoo? A. Eeyyee B. Lakki C. Baradheera garuu gahaa miti

8. Irraa Caala isa kam barattee? A. kan MNO B. kan Feedaraalaa C. walqixan baradhe

9. Heera Mootummaa Naannoo Oromiyaa dubbistee beekta? A. Eeyyee B. Lakki

Maaliif?

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10. Dhimma kanarratti Yaada dabalataa yoo qabaatte barreessi

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Galatoomi ! Geetaachaw Disaasaa

