Local-Level Decentralization in Ethiopia: A Case Study of Tigray Regional State

Assefa Fisseha

Abstract

This article is an investigation into the degree of autonomy that local government enjoys in Ethiopia's Tigray Regional State. At a formal level, local governments are autonomous units with certain defined mandates, including the power to decide on policy issues; in reality, they function more as deconcentrated than autonomous units, with their autonomy curtailed by higher-level governments and ruling-party structures that turn them into little more than extension arms of the regional state. Institutions such as elected councils, mayors and executive bodies do exist at local level, but the lines of accountability are more vertical than horizontal in nature, weakening the influence of communities on local decision-making. Decentralization, in other words, has not resulted in popular control of local governance and in local-level development, since the interests of the ruling party and the local political elite prevail over popular interests. The article. based on two rounds of fieldwork covering nine districts, calls for a rethinking of the way local government is designed; in particular, decision-making needs to be shifted from higher levels of governance to local ones, thereby constituting communities as stakeholders exercising control over local government.

1. Introduction

Political systems characterized by "big-man" imperial presidencies, one-party rule, and centralized governance were common in Africa in the 1960s. Almost all post-colonial African countries viewed the alternatives, in particular federalism and decentralized systems, as forms of colonial "divide and rule" that would

LL B (Addis Ababa University), LL M and LL D (University of Utrecht, the Netherlands), and Associate Professor at the Centre for Federal Studies, College of Law and Governance, Addis Ababa University. He has extensive research experiences in the areas of Comparative Federalism, Constitutional Design, Decentralization, Legislative and Executive Relations, Human Rights, Judiciary and Constitutional Adjudication. He has published books, book chapters and Articles in reputable journals, both in Ethiopia and abroad. Email: assefafish@yahoo.com

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weaken national unity and facilitate state fragmentation in the context of artificially drawn borders. The result was an over-concentration of power and resources in the hands of ruling elites, which led to civil war, poverty and the failure of states to deliver even a bare minimum services outside their capitals (Wanyande, 2004, p. 2).

Pursuing unity and territorial integrity at the expense of ethno-national minorities remained a priority for African states, but at the end of the Cold War, federalism and devolution came to be seen as a means to "domesticate the Leviathan" (Steytler, 2016, p. 272) and transfer power from the all-powerful center to its sub-units. Federalism and devolution were meant to address the pitfalls of centralization, chiefly poverty and the state's failure to deliver basic services, by enhancing public participation at grassroots level and enabling people to have control over their own governments.

It was in this context that Ethiopia, following the collapse of its military junta in 1991, adopted a federal system and established nine constituent units, primarily with a view to accommodating politically mobilized ethno-national groups. But this proved not to be enough: a second phase of devolution came a few years later and saw more than 800 local governments being established below regional states to enhance public participation and bring government closer to the local level.

Drawing on the literature on decentralization, this article aims to analyze and assess the status, functioning and autonomy of local governments in Tigray Regional State, one of the constituent units of the Ethiopian federation. To this end, an empirical investigation was undertaken to ascertain whether local government units do indeed exercise those powers and enjoy local autonomy. The study is based on fieldwork that – conducted from February to June 2017 (phase one) and February to June 2018 (phase two) – covered four zones and, within them, six *woredas* (districts) and three urban local governments.¹

1 Ten focus group discussions were held as part of this study, along with interviews with key experts and former governors, mayors and administrators. In addition, the research entailed examining annual reports prepared by *woreda* administrators and mayors for local-level elected councils and the regional state. Speakers and committee members of local-level elected councils were interviewed to gain insight into the workings and functions of local legislative bodies and how the latter interact with the local execu-

It is argued that, in formal terms, local governments are autonomous units with certain defined mandates, including the power to decide on policy issues. They also enjoy a notable degree of administrative autonomy, provide wide opportunities for employment at local level, and perform well in providing basic services such as education and environmental rehabilitation. Nevertheless, the local governments in the case study continue to serve as deconcentrated units of the regional state rather than as autonomous units. Their autonomy is often curtailed by the zones, by regional-state executives and, more importantly, by higher-level structures of the ruling party. Local governments are thus extension arms of the regional state, with little autonomy and only weak connections with the population at the local level.

In formal terms, institutions such as elected councils, mayors and the executive exist, but there is relatively less horizontal accountability to local councils and voters and relatively more vertical accountability to senior party figures at the zonal and regional-state level. Elected local councils operate unpaid on a part-time basis; their members are hence often busily engaged in their private affairs and have little incentive to commit themselves to their work in the councils. They are thus unable to ensure accountability and exercise proper oversight over the activities of the executive. As a result, decentralization has not led to popular control of local governance, as the interests of the ruling party and the local political elite prevail over popular interests.

So, while local governments have done well in service delivery in rural areas, they have not yet become centers of development. Local government revenue has increased significantly due to block grants transfers, but no less than 85 percent of it is spent on recurrent expenditure, with little then left for the capital projects that are key to development. Accordingly, this article calls for a rethinking of the design of local government to shift decision-making away from higher-level institutions to the locallevel and in the processto constitute local populations as stakeholders exercising control over the affairs of local government.

A growing body of literature deals with Ethiopia's post-2001 decentralization effort,² but little of it considers the situation in

tive, in particular in regard to issues of oversight and accountability.

² For a comprehensive study of local government in Ethiopia, see Ayele (2014); for work earlier than that, see Birhanu (2008).

Tigray.³ Given that this regional state was a major actor in the struggle against the military regime and in post-1991 state reform, one is curious to examine whether the decentralization effort in Tigray has made headway in ensuring service delivery as well as some degree of autonomy and development at the local level

The article has seven sections. After this introduction, Section 2 sets out the socio-political context of the case-study region and the wider decentralization process in post-1991 Ethiopia. Section 3 focuses on the concept and substance of decentralization as it relates to the case study. Section 4 describes local governments in detail in terms of their constitutional status, types, institutions, mandates and functioning. The making and unmaking of local government boundaries – often overlooked in the literature on decentralization – is also discussed in this section, as it has a significant impact on local-level autonomy. The sections thereafter analyze the administrative and fiscal aspects of decentralization, followed by a conclusion.

2. Decentralization: Local and National Context

2.1 Tigray's Socio-Political Context

Geographically, Tigray Regional State is found in the northern part of Ethiopia and shares common borders with Eritrea in the north, Afar Regional State in the east, Amhara Regional State in the south, and the Sudan in the west.

Historically, it was one of the centers of Ethiopian civilization. The Yeha Temples of the pre-Axumite as well Axumite era (dating from the first to the ninth century A.D.) are located in Tigray. Axum left a rich architectural and archaeological heritage of rock-hewn churches, monuments and monasteries. The obelisks, the ancient script *Geez*, the number system and the calendar – all are Axumite inventions and symbols that came to define the Ethiopian state until 1974. Christianity was introduced to the area in

The only exceptional work in this regard is Mezgebe (2015), yet it is largely a political analysis of local-level decentralization under the dominant-party system and lacks empirical detail on the workings and functions of local government, a lacuna which it is this study's primary aim to address.

⁴ For the socio-political context of Tigray Regional State, see Tareke (1991);

the fourth century and became the state religion until the end of the monarchy in 1974: as is well known, from ancient times and until that point, Solomonic genealogy and Orthodox Christianity were the two bastions of Ethiopia's unity and legitimacy (Markakis, 1974). By the end of the sixth century, Islam had also been introduced in Tigray. Moreover, the region is home to Adwa, the place where European colonial forces, in the form of Italy, were defeated in 1896, a victory that reinforced Ethiopia's pride and history of uninterrupted independence as well as symbolized the struggle of Africa as a whole against colonialism.

According to a census released in 2007, Tigray has a population of 4.32 million, which comprises 6 percent of the country's population. Of these 4.32 million people, 19.5 percent of them live in urban areas and 80.5 percent, in rural. Tigray has seven administrative zones, one special zone (the regional state capital, Makelle), 34 rural *woredas* and 11 urban local governments.

In its ethnic composition, Tigray is more homogenous than other regional states. Tigrigna-speaking Orthodox Christians make up 95 percent of the region's total population, with Muslims constituting 4 percent, Catholics, 0.4 percent and Protestants, 0.1 percent. There are also a few ethnic minorities, such as the Irob/Saho (amounting to 33,372) and the Kunama (4,860).

For most of the twentieth century, the region was marginalised as a result both of the central ruling elite's extreme centralization of power and resources and of the state's narrowly defined values (mainly concerning language). This gave rise to widespread dissatisfaction and ledto a popular rebellion against the center in 1943, an uprising commonly known as kedamay weyane. A more organized form of resistance emerged in 1975 with the establishment of the Tigray People's Liberation Front (TPLF). Today the ruling party in Tigray, the TPLF played a key role in post-1991 Ethiopia. In coalition with other liberation forces in the country, it formed the Ethiopian People's Revolutionary Democratic Front (EPRDF) and, after overthrowing the military regime in 1991, restructured the Ethiopian state as a federal system by decentralizing power to nine constituent states, defined largely by language, and two autonomous cities (Dire Dawa and the federal capital, Addis Ababa).

Ethiopia's constitutional transformation arose from the collapse of socialist dictatorship and the victory of a coalition of ethno-nationalist insurgent forces, with the new rulers rejecting the centralization and cultural homogenization of the past and designing a federal system aimed at empowering ethno-national groups at regional-state level. Yet its functioning between1991–2012 was so highly centralized that it limited regional-state autonomy (Fisseha, 2006), political pluralism, and democratic rights. In practice, the federal system rested tacitly on three pillars: (i) a "big man" in the form of the late Meles, who died in 2012 – he was Ethiopia's most powerful Prime Minister and dubbed by Clapham as "the philosopher-king of the EPRDF" (2017, p. 69); (ii) democratic centralism(Meles's main tool); and (iii) the vanguard party. Now the "big man" has passed on, while democratic centralism is in disarray and in rivalry with ethno-nationalism.

Since 2105, the federal system has been under immense pressure, with unprecedented anti-regime public protests (particularly in Oromia and Amhara states) ebbing and flowing for the past three years. The crisis led to the resignation of Meles's successor, Hailemariam Desalegn, and the election in 2018 of Dr Abiy Ahmed as the current Prime Minister. Dr Ahmed released thousands of prisoners, including high-profile opposition figures, ended the state of emergency, called for dialogue and reconciliation with political parties in the diaspora, reached out to various sectors of society, and initiated reforms. Ethiopia has thus felt some sense of hope about its prospects for democracy.

At the same time, there is a perception that the federal government is weak and unable to ensure law and order and curb the growing militant ethno-nationalism at regional-state level. Given this incipient fragmentation, the ideological vacuum within the ruling party, the apparent shakiness of federal institutions, and the lack of a clear political road map from the leadership, people are forced to ask: What is it that holds Ethiopia, and Ethiopians, together? It is a risky state of affairs, because emboldened ethno-nationalism is stepping in everywhere to fill the void. In short, in the light of these multifaceted challenges, post-1991 Ethiopia has entered new phase, one in which there is renewed hopefulness in its politics but, so too, heightened risk.

2.2 The Context of Local-Level Decentralization in Ethiopia

Ethiopia has undergone massive social and political transformation since the fall of the military regime in 1991. Of overarching significance was its change from a highly centralized unitary system to a federation initially comprising 14 states (1991–1994) and later, nine, as proclaimed by the Constitution of the Federal Democratic Republic of Ethiopia (FDRE) (1995). This is referred to as the first phase of decentralization, which in essence focused on building the political and administrative institutions of the nine regional states.

However, after five years, it was apparent that, given the size of Ethiopia's territory and population, establishing regional states would not be enough to bring government closer to the people. Regional states remained the focus of the new dispensation, but the challenge was to decentralize further downwards to the local level. Thus it was that another milestone came to pass: motivated by intra-party crisis, a district-level decentralization program, and the desire to tackle poverty at the local level through empowerment and enhanced participation, reforms were introduced at regional-state level in 2001 to amend the regional state constitutions and devolve power from the states to local governments (Gebre-Egziabher, 1997, p. 2).

In this second phase of decentralization in Ethiopia, regional states (and, indirectly, the federal government) took measures to effect the transfer of power from the states to local governments. This included enacting enabling legislation for local governments, transferring funds from the regional state to local governments (largely via unconditional block grants based on a formula), reducing the powers of regional state and zones, and building the institutions of local government (Gebre-Egziabher, 1997, p. 2). Decentralization was thus implemented in steps: it involved a transfer of power initially from one to nine centers and, later, to an estimated 810 local units that exist below the states.

The aim of second-step decentralization⁵was, first, to address local demands and preferences, including those to do with the provision of basic services. The assumption was that local governments are better informed of local preferences than distantly located central or provincial ones, and that "second-step" decentralization would thus reduce bureaucratic logiams. The second

⁵ For the broader goals of decentralization, see Chandler (2010); Lidstrom (1998); Ryan &Woods (2015).

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aim was to boost local-level development in an effort to tackle poverty. A third aim, related to the "democracy and autonomy argument", was to bring government closer to the people (Beshara, et al., 2014, pp. 27-28) by enhancing participation in elected and locally accountable bodies as well as allowing such units some measure of autonomy to decide things for themselves. In other words, it was about popular control of local governance.

A fourth justification for decentralization is "to enhance the legitimacy of government power", given that, as in many a developing country, local governments were introduced in response to central-government failure to deliver (White, 2011). The argument goes that "if government can perform closer to the people it is meant to serve, the people will get more out of it (government becomes efficient, responsive and accountable) and be more willing to accept government authority" (White, 2011).

3. Decentralization: Concept and Substance

3.1 The Concept of Decentralization

The concepts of decentralization and local government are often misused in the literature,⁶ particularly so when decentralized systems within unitary states are erroneously likened to federations. In general, decentralization refers to the transfer of power from the center to sub-state units – but that transfer need not have constitutional backing.

In decentralized unitary systems, the transfer of power from the center to local governments is not necessarily entrenched in a constitution. Local governments often are created instead by statute and thus subordinate to the center (Watts, 2008, p. 9). Such an arrangement presupposes the existence of a central authority that for one reason or another wishes to transfer a portion of its authority to local governments; however, the transfer is subject to unilateral withdrawal, amendment or revocation by the center. The decision to disband the local units requires merely the passage of legislation.

In a federation, on the other hand, the division of power is consti-

⁶ For different meanings of decentralization, see Bockenforde (2011, p. 4) and compare with Watts (2008, p. 9).

tutionally guaranteed and the states are not creations of the federal government. Both the federal government and the states derive their authority from the federal constitution, and as a result neither level can change the terms of the compact as enshrined in the constitution.

There is thus an important difference between the two types of transfer of power. Decentralized unitary systems do not have the legal safeguards necessary to curb undue political interference in their autonomy by the center (Bockenforde, 2011, p. 7). By contrast, when the transfer of power takes the form of a federation entrenched in a constitution, the federal government cannot interfere with the list of powers transferred to the states, in that there is a legal guarantee in the constitution that protects the mandate of the states when encroachments materialize (Bockenforde, 2011, p. 8). Proceeding from the same logic, constituent units in a federation have the constitutional right to be represented in federal institutions such as the second chamber and the federal institutions; local governments in a unitary state, however, have no similar such guarantee (Watts, 2008, p. 12). In decentralized systems, the emphasis, that is to say, is on self-rule rather than shared rule, whereas in federations it is the opposite way around.

While the constitutions of older federations such as the United States, Switzerland and Canada remain silent on local governments and make them the creation of the states, post-World War II federal constitutions such as the German Basic Law of 1949, South Africa's post-apartheid constitution, and India's 1992 73rd and 74th amendments to its constitution have included the powers and status of local governments, thereby giving the latter entrenched status. It has thus become common to speak of "multilevel government" in federations (Steytler, 2005, p. 8), given that local governments can also be constitutionally entrenched. In such a case, their autonomy is backed by the constitution and they enjoy some degree of political, administrative and fiscal autonomy over the powers allocated to them by the constitution.

Where local governments are constitutionally backed and their powers defined in the federal constitution, the implication is that they have security of existence as a sphere of government, inasmuch as they are neither created nor abolished at the discretion of the federal or state governments (Steytler, 2005, p. 3).

Local governments in such a case are said to be assured of their continued existence as autonomous units. While there may be a need to adapt or change, for example, the number, size and basis for establishment of local governments, these changes are made on a *principled basis*, not at the arbitrary whim of the federal- or state-level executive organs. The issue of the making and unmaking of local governments, including of their institutions and boundaries, is centrally pertinent to local government autonomy, which points to the importance of having agreed-upon principles in this regard at a constitutional level.

When local governments are constitutionally entrenched or, irrespective of this, enjoy political autonomy in practice, a manifestation of their autonomy is that they often tend to have elected institutions. This means that there is a transfer of political power to self-governing elected institutions, such as villages, municipalities and districts (Bockenforde, 2011, p. 2). As John Stuart Mills observed, "Local institutions of democracy are the most accessible locations for political skills to be acquired and practiced and ... local democracy not only provides greater opportunities for political participation but also is an instrument of inclusion" (quoted in Ryan & Woods, 2015, p. 9).

This fits well with the argument that "local governments are embodiments of local democracy" (Pratchett, 2004, p. 359). Politics become accessible to the local people, and local governments serve as instruments for empowering the population through direct or indirect participation in public affairs. Such institutions allow voters to influence policy and decision-making in regard to the nature and quality of services provided at the local level. In the autonomy model, local governments become agents of the voter, not of the upper level. Elected institutions serve as a representative and deliberative body responsible for approving local laws and regulations, for scrutinizing the local executive, and for approving budgets (Bulmer, 2017, p. 4).

In this vein, the new concept of the "city deal" (O'Brien &Pike, 2015) has been coined of late to capture the link between local autonomy and economic growth. A city deal is a partnership between different levels of governments, the community and the private sector that shifts decision-making away from the higher level to local governments. The various actors develop a shared vision and design an inclusive local government that enjoys au-

tonomy and unlocks local-level potential to accelerate economic growth and job creation.

3.2 The Substance of Decentralization

The autonomy of local governments depends on the substance of the power transferred to them through a constitution or enabling laws (that is, a law on decentralization). These powers may be local government "own" powers or delegated ones from either the federal or state governments. It is the allocation of these powers to local governments, and their competence to exercise such powers, that shapes the role they play and how effective they are at achieving their goals (Steytler, 2005, p. 6). As discussed below, there are three possible types of transfer of power from the center to the sub-units (Bockenforde, 2011, pp. 12-18).

3.2.1 Devolution

The first type of transfer of power is devolution, or political decentralization. A local government with political autonomy transferred to it by a constitution or enabling law enjoys perhaps the highest degree of autonomy among the various forms of political decentralization. The most extensive form of transfer of power there is in this category encompasses a political, administrative and fiscal transfer of power to a sub-unit; empowers the sub-unit to elect its leaders; and affords it a measure of policy autonomy to determine its own policies and development priorities in a manner suited to its local context. This type of local government resembles a genuine self-governing unit to which real competences have been transferred.

In terms of their monitoring and supervision by higher levels, self-governing local governments have the least interference. It is also possible that the sub-unit may have the autonomy to elect its leaders but lack policy autonomy and be mandated only to implement the laws and policies of the higher level. Nevertheless, in either case the local government has an elected law-making and executive organ, in addition possibly to a judicial one. As a manifestation of its political autonomy, local government also has the mandate to generate revenue in order to cover at least some of its expenditure (Bulmer, 2017, p. 3).

Political decentralization can engender "active citizen involve-

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ment and voice in the formulation and implementation of public policies" (Chattopadhyay, 2014, p. 426) at the local level. It has also been argued that it enhances governmental responsiveness and accountability at this level. That having been said, the factuality of these claims will be investigated in the relevant sections of this case study.

3.2.2 Deconcentration

The second type of transfer of power takes the form of deconcentration. In deconcentration, the center transfers responsibility to sub-units that, for all intents and purposes, are branches of itself and which it has to establish in various locations for reasons of geography and population size. Deconcentration entails a transfer of administrative duties and responsibilities, rather than political power, to a sub-unit (Wanyande, 2004, p. 5). In other words, there is no transfer of actual power, since the center retains its mandate over matters; moreover, sub-units do not have elected bodies or mandates over the substance of policies (Bockenforde, 2011, pp. 18-22).

3.2.3 Delegation

The third type of transfer of power is delegation. Here, the subunits act in the name and on behalf of the center, and local subunits act as agents of the central government. The agent may have some degree of administrative and implementing authority, but the principal (the central government) retains the political autonomy and the mandate to decide on policy issues. In much same way as with deconcentration, the sub-unit does not have elected bodies or the mandate to decide on the substance of policies. In deconcentration and delegation, legislative power is not transferred to the sub-unit, and the mandate of the local government is limited to implementing laws and policies set by the higher level (Wanyande, 2004, p. 5).

Taking the discussion above as its general framework, this article now proceeds to examine the substance of decentralization in Tigray in-depth, which it does, first, by analyzing the list of mandates in the regional-state constitution and other enabling laws enacted by the regional legislature, and, secondly, by enquiring into how they operate in practice.

4. The Constitutional Status of Local Government

4.1 The Federal Constitution

The FDRE Constitution (1995) merely hints at the tiers of government that should exist at state level. "[S]tate governments," it declares, "shall be established at state and *other administrative* levels that they find necessary. *Adequate power shall be granted* to the lowest units of government to enable the *people to participate directly* in the administration of such units."⁷

As can be gathered from the minutes of the Constitutional Assembly, there was heated debate on whether the federal constitution should prescribe the full hierarchy of governance that ought to be in place at regional-state level. In the end, a compromise was reached. On the one hand, the framers of the Constitution agreed that - in view of how diverse the states were in size and population, and in order to give effect to their autonomy – the states should be left to specify such details themselves. On the other, the framers thought it necessary to stipulate that, however diverse their position may be, local governments should be granted "adequate powers". It was agreed in this regard that local governments should not be mere agents of state governments but enjoy a degree of autonomy.8 This is reflected in Article 88(1) of the Constitution, which states that, "guided by democratic principles, Government shall promote and support the people's self-rule at all levels".9

As a result, except for the general power stipulated under Articles 50(4) and 88(1), the determination of the scope of powers and autonomy of local governments has been left largely to the states. Several state constitutions accordingly provided for elaborately designed sub-state entities, particularly so as part of a major project of state constitutional reform in 2001/2002.¹⁰ This

⁷ Article 50(4), FDRE Constitution (1995). Emphases added.

⁸ *Ye Ethiopia Hige Mengist Gubae Kale Gubae* v. 4 Hidar 14–20, 1987 E.C. (Minutes of the Constitutional Assembly, November 1994: Addis Ababa, unpublished) discussions on Article50.

⁹ Emphasis added.

¹⁰ This reform was no doubt inspired by party crises in the TPLF, a dominant coalition partner of the EPRDF, and their spill-over effects on the ruling party as well as on federal and state organs. The regional-state president, Ato Gebru Asrat, was variously the speaker of the state parliament, Tigray's chief executive, and then, during the split within the TPLF, a dissident. His

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is to be seen in the light of developments in Germany, India¹¹ and Nigeria, where federal constitutions have been amended to define the powers and responsibilities of local governments. ¹²The regulation, to one degree or another, of local government is a trend that is gaining momentum the world over, the objective thereof being to enhance participation in public affairs by people at local level.

4.2 The Regional State Constitution (1995): Powers and Institutions

In formal terms, the Tigray regional-state constitution tends to reflect the autonomous model of local government. Articles 71–82 stipulate details about local governments established below the regional state. For example, Article 72 provides that *woredas* (districts) shall have an elected legislative council ("the highest government organ" in the *woreda*); an administrator elected from among the members of the legislative council;¹³ an executive nominated by the administrator and approved by the legislative council; and a judiciary.

This institutional arrangement makes it clear that the population at local level is entitled to participate in the election of its leaders. Consistent with the parliamentary principle, the *woreda* legislative council is also empowered to exercise oversight over the administrator and *woreda* executive. The administrator and *woreda* executive are thus accountable in principle to the *woreda* legislative council, whereas the latter is accountable to the electorate.

In this regard, Article 5(2) of the African Union's Charter on Decentralization underlines the importance of elected local institutions: "Local governments or local authorities shall, in accordance with national law, have the powers to, in an accountable

removal from office was not hard to accomplish as it was effected in party meetings behind closed doors, albeit later approved at the state-legislative level when members petitioned for Asrat to be recalled from office. But one can imagine what would have happened if the party channel were not effective. The impeachment of the chief executive and chairman of the house, who holds both key powers, would not be so easily accomplished in parliament, owing to his influence over this institution.

- 11 See the 73th and 74th Amendments of India's Constitution.
- 12 Article28, Basic Law of Germany.
- 13 While this is the general rule, certain *woreda* administrators not elected but appointed by the regional state or zonal heads.

and transparent manner, manage their administration and finances through democratically elected, deliberative assemblies and executive organs." Accordingly, local government is regarded as a form of decentralization if it has a democratically elected body and if this body is also accountable to its constituency at local level.

In practice, each *woreda* has its own elected council comprising 120–300 members.¹⁴ At a formal level, the *woreda* legislative council also invites representation from various sectors of society, such as women, the business community, teachers' associations, the youth, elders, and leaders of religious organisations.¹⁵ Yet except for the members of sub-committees¹⁶ (roughly 20–35 in total), most members of *woreda* legislative councils are rural peasants, who are largely illiterate and serve unpaid and parttime, as a result of which they are often engaged in their own private affairs. Also, they do not sit permanently during their tenure in office– only committees, which are tasked with supervision and oversight of the executive, have offices, and only committee members work permanently in representing the council.

Moreover, because few *woreda* legislative councils have their own premises, they are forced to conduct their routine operations in hotels or leased buildings.¹⁷ This is revealingly symbolic, given that local governments are each meant to have buildings and iconography that reflect the unique context of their locality. Even af-

¹⁴ The rural *woredas* of Ahferom (in Tigray's Central Zone) and Hintalo Wajirat (in its South-eastern Zone) are the most populous *woredas* in the regional state and consequently have the highest numbers of elected councillors – in each, close to 300 members.

¹⁵ The sectoral representatives are not elected; instead, the council invites them to its regular sessions. They are non-voting members and occupy 30 percent of seats in the legislative council.

¹⁶ Most *woreda* legislative councils have the following committees to assist in the supervision of the executive: legal and security affairs; budget and audit affairs; social and economic affairs; and women's affairs. Each committee supervises the relevant *woreda* sector office. As members of the *woreda* legislative council do not sit permanently and are often busy running their own lives, the committees are the main bodies actively engaged in monitoring and supervising the activities of the executive.

¹⁷ Among the sample *woredas*in this study, the legislative councils of Axum, Adwa, Tahtay Koraro do not have their own buildings; the same is also true of most *woreda* sectoral offices (except for Wukro, both rural and urban). *Woredas* thus spend hundreds of thousands of birr on rent instead of investing it in development.

ter two and a half decades of federalism, building the institutions of local government – literally and figuratively – remains a major challenge.

In reality, therefore, woreda legislative bodies are very weak and unable to ensure effective oversight and accountability. As a result, woreda executives and municipalities led by mayors are often perceived as powerful institutions unaccountable to councils. While in theory they are elected by, and remain accountable to, the elected local council, the woreda administrator, mayor and sector heads are, in terms of the ruling-party structure, often the seniors of members of the legislative body; because political juniors cannot take seniors to task, the former thus have difficulty in ensuring the accountability of the latter. As will be explained later, the implication is that local governments are not embodiments of local democracy: there is a thick line of vertical accountability connecting local government executives to institutions at a higher level (zones, regional government, party structure), but a thin line of horizontal accountability connecting them to locally elected councils.

Despite these limitations, local governments perform commendably in the area of education, and, indeed, Ethiopia has shown impressive progress in this regard. The government allocates 30 percent of its budget to education – the highest proportion in Africa – and access to education plays a key role in combating poverty and promoting socio-economic well-being. Under the federal system, higher education is the mandate of the federal government, whereas primary and secondary education are the mandate of the regional state; at regional-state level, local governments are responsible for primary education (grades 1–8) and are thus pivotal role-players in ensuring access to education at this level.

When the EPRDF assumed power in 1991, access to primary education was not more than 37 percent of each age cohort that sought to enter grade 1 – one of the lowest enrolment rates in the world at the time. By 2017, however, the net enrolment rate in primary education in Tigray Regional State reached 96 percent (and was thus higher than the national average of 83 percent). By 2009, the number of schoolchildren enrolled in the first phase of primary school (grades 1–4) in Tigray was 574,037; by 2015, it was 801,981. In the second phase of primary school (grades

5–8), there were 408,735 pupils in 2009; this number went up to 455,314 in 2015. The number of primary schools has grown from a few hundred in 1991 to 2,207, while the number of high schools increased from no more than ten in 1991 to 265 by 2017. Local government manages primary schools in the regional state and hence has been instrumental in driving these crucial improvements in service delivery.

While the regional state constitution initially made no distinction between urban and rural governments, a recent new does precisely that. In the past, in terms of both their naming and organizational structure, rural and urban local governments were identical, but given that the ruling coalition draws its legitimacy and support from the rural population, urban problems, such as rising unemployment and a lack of sanitation and other basic services, were accorded less attention than rural ones.

It was in this context that Proclamation No. 47/2001 was enacted, establishing 12 urban local governments¹⁹ and thereby increasing the number of local governments in the regional states from 35 to 47. Undoubtedly, urban local governments need a different organizational structure that suits their context in terms of delivering basic urban services such as city planning and urban land management, including lease of land. Roads and bridges, vital statistical services (registration of birth, marriage and death), green areas, traffic regulation, streetlights, sewerage and sanitation, ambulances and fire brigades, public transport, parks and recreation areas - these and others like them are appropriate functions for urban local government. Regulation of municipal services and fees, the issuance and transfer of title deeds in relation to buildings, and the provision of basic services such as water, roads, electricity are not only critical services but critical sources of revenue.

It was thus appropriate to distinguish urban from rural local governments. Proclamation Nos. 107/2006 and 276/2017 elaborated on the mandates and status of urban local governments, expressly stating that urban local governments would ensure good

- 18 See the report of the regional state Education Bureau (2018, unpublished, available with the author in Tigrigna). See also World Bank (2005).
- 19 See Proclamation No. 47/2001, a proclamation to amend Proclamation No. 10/1995, 10th year,No. 4 Hidar 7/2001. The new urban local governments included Alemata, Korem, Maichew, Kuha, Wikro, Adigrat, Adwa, Axum, Shire Endaselassie, Aby Adi, Sheraro and Humera cities.

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governance, provide efficient and quality services, self-government and citizen participation in city affairs, ensure the accountability of mayors and sector heads to city residents, and serve as centers of development.20

To this end, the latter law established urban institutions responsible for preparing and implementing plans and polices for the development of the city. It established elected city councils that in turn appoint a mayor from among the members. The mayor remains the key executive leading the city executive. He or she is also required to appoint a city manager who runs the municipalities and has specialist expertise in the management of cities. In practice, however, municipalities are led by political appointees, not expert managers. Article 37 of Proclamation No. 276/2017 stipulates that in larger cities with 50,000 inhabitants or more, the mayor or administrator is authorized to submit a nominee for the position of manager (with relevant professional expertise and educational background, albeit that the nature of this is not specified) to the elected council and, upon approval, appoint him or her. Since running municipalities requires special expertise, the position of city manager should have been merit-based and open for competition. However, like the administrator of a rural local government, the mayor has dual accountability: horizontal accountability to the elected council, and vertical, to the regional state president.

Distinguishing between urban and rural local governments is vital to the process of regulating local governments, but there is a major problem one observes throughout the regional state in relation to access to basic municipal services. While major cities other than the capital (Makelle) have an estimated population of 80–100,000, there is only one municipal center in each city. Land development, management and administration, provision of basic services, matters related to transfer of title deeds on buildings, building plans and permit licenses, and payment of compensation to evicted peasants owing to expansion of urban territory, all remain delicate issues that municipalities have not yet been able to resolve effectively.

In particular, land access, land management and the provision

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²⁰ Article 11, Proclamation No. 107/2006, a proclamation issued to amend Proclamation No. 94/2006 and Proclamation No. 65/1991, 14th year, No. 14, August (Nehase) 30/2006.

of compensation to evicted rural peasants owing to urban expansion remain thorny issues. Municipalities have the mandate in principle to allocate land for development (for residential quarters, industries, small-scale manufacturers, and shades)21 through lease. Nearly 85 percent of service-related complaints in municipalities concern land and management. In February 2017, for example, some 11,000 cooperative associations were provided with land in Makelle for the construction of residential houses for civil servants. The price per square meter to determine the compensation to land-holding peasants was 2.30 birr, while the market price (when leased) was somewhere between 4-8,000 birr per square meter.²² In the urban municipalities that were examined in May 2018 as part of this study (Kuha, Hagere Selam, Adwa and Axum), rural peasants who were evicted from their land holdings as a result of urban expansion were compensated on average 100–150,000 birr, at a rate of 24–38 birr per square meter, regardless of their family size.²³

The amount of compensation is certainly the main source of discontent, as there is little a family could do with such sums of money. In many cases, the compensation is also neither paid immediately nor in due time, and peasants are not provided with an alternative way of life. The law requires that those who won the lease bid enter into a contract with the local municipality and utilize the land as per the contract. The municipality is required to provide basic infrastructure and services, such as water, electricity and roads, but municipalities in the region simply lease the land without ensuring that those required basic services are provided. As a result, investors are not able to utilize the land in the agreed timelines due to lack of these services, while land developers are not able to utilize it due to lack of infrastructure for water, roads and electricity; on the other side of the equation, peasants have been evicted from their land and cannot farm on it anymore. Urban expansion and the urban-rural nexus are thus growing sources of discontent in nearly all urban municipalities in Tigray.

²¹ The regional government, in consultation with local governments, provides land for cemeteries, the construction of higher-learning and religious institutions, and investments with countrywide or regional implications. *Shades* are wood- and metal-workshops for the youth.

²² Sergean (Tigrigna magazine) (2017).

²³ Focus-group discussion held in the cities mentioned at the start of this article, May 2018.

In a public consultation forum led by a senior government official, a young man asked in regard to municipal services, "I need a non-stop and efficient supply of electricity and internet. Can your government provide this?"The question by the young man took the government officer by surprise as he was emphasizing the gains made in municipal services since 1991.²⁵ The question highlighted, municipalities are not all able to provide basic services of the same level to the fast-growing population, including its booming numbers of youth. Municipalities suffer from a lack of skilled personnel and decent buildings, and the perception of corruption is very high.

There is, as a result, growing discontent in the cities. It is paradoxical, given the fact that this is happening in the context of an ever-growing local government budget and large numbers of university graduates entering the labor market. There is thus an urgent need to decentralize the municipalities in each urban local government even further so as to extend them into sub-cities,²⁶

- 24 In a public consultation held in Makelle in March 2018 between the newly elected Prime Minister Abiy Ahmed and residents of the regional state, an elderly father asked him a question along the lines of "Why do you guys ask for years of service when you announce vacancies, when there are many young men and women university graduates desperately looking for employment?" –a question surfacing a major paradox in the publicsector.
- 25 Indeed, one observes a growing tension between the older generation, who were engaged in the struggle against the military regime and who seem to dwell on the gains made relative to life under that regime, and the younger generation, who have unmet expectations and little to no idea of what the military regime was all about.
- 26 Until 2001, Ethiopia's federal capital, Addis Ababa with an estimated population of five million had but one municipality. Trying to access even a minimum of service was a nightmare that created opportunities for high-level corruption and led to increasing levels of urban protest. It was in this context that a new law was enacted to decentralize municipal services

or to delegate certain municipal services to *tabias* (for example, collection of fees) to address the growing discontent and be able to deliver basic and essential services efficiently.

4.3 The Autonomy of Local Government

In terms of autonomy at the *woreda* level, Article 72(2) of Tigray's Constitution provides that "each *woreda* is a *self-governing unit* mandated to autonomously decide its internal affairs including to deliberate upon and approve plans and programs with regard to economic development and social services". In other words, local government must be able to make policy decisions autonomously on matters of local concern. It is also empowered to implement laws, policies, regulations and directives issued by the regional state.

Beyond entrenching autonomy per se, these clauses ensure some degree of *policy* autonomy for *woredas* and grant them a broad implementing mandate. While it is extremely rare to find a *woreda* legislative council enacting a law or policy, some councils enact directives (*sirit* in Tigrigna) regulating protected areas such as forests and the proper use of irrigation schemes on rivers and grazing land at local level, as well as directives discouraging traditional practices such as extravagant marriage celebrations. As will be seen later, the mandate to implement the laws, policies, regulations and directives of the regional state remains visible in the day-to-day activities of the *woreda*. This raises the question whether the autonomy envisaged exists in reality or not, a question addressed in the next sections.

Following the TPLF party crisis in 2001,²⁹ two significant devel-

from one to ten sub-cities. Since then, those ten sub-cities, along with 117 lowest-level *woredas*, have shown significant improvement in their provision of basic municipal services.

- 27 Emphasis added.
- 28 For example, the *woreda* council of Tahtay Koraro enacts such *sirits*. Interview with the speaker of the council,7 February, 2018, Shire.
- 29 After Eritrea's invasion of Badime, all-out war erupted between Ethiopia and Eritrea and Ethiopia expelled the Eritrean army. Nevertheless, the then Prime Minister of Ethiopia, Meles Zenawi, was accused by his comrades of "being soft" on Eritrea, which led to an internal party crisis and Meles's dismissal of senior members of the TPLF. One of those dismissed was Gebru Asrat, the then president (governor) of Tigray Regional State, who was also speaker of the regional state legislative body. Meles's first reform was to initiate a regional-state constitutional amendment that, in each state legis-

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opments emerged that had an impact on the autonomy of local governments and on the vertical relationship between the regional state and woredas. The 1995 regional state constitution was revised and the status and powers of woredas were elaborately defined. Yet this was an incomplete process. A former defense minister and senior political figure in the TPLF Siye Abraha's constituency in Tembien -a historic sub-province (Awraia. the birthplace of Emperor Yohanes and Ethiopia's war hero Ras Alula), and now a woreda in the Central Zone - was unhappy with the way the party and government managed the crisis in the party and with the process of tehadiso ("renewal"). The woredas regarded the act of the regional state as undue interference in its autonomy. The then-new regional state governor, Tsegay Berhe, and senior party members visited the woreda in an effort to resolve matters, but the woreda would not concede, which was understood as a misuse of woreda-level political autonomy.

This was unprecedented in the experience of the party, and led to calls for a more rigorous system of higher-level control over *woredas*. The regional state thus amended its constitution for a second time, and proclaimed:

If the wereda becomes a threat to the constitutional order or if the wereda administrator is not able to ensure law and order at local level or is not able to discharge the mandates stipulated in the constitution, the regional state legislative body may dissolve the wereda legislative council or the wereda executive and establish a caretaker administrator.³⁰

The regional state president is mandated to take over the powers of the *woreda*, implement the regional-state legislative body's decision, organize and lead the caretaker administration, and set its tenure until anew *woreda* government is elected. The regional state thus reserved broad mandates to intervene and dissolve

lature, made the speaker separate from the governor.

³⁰ Article 73(4), Tigray Regional State Constitution, as amended. Article 58 of Proclamation No. 98/2006 elaborates on the mandate of the regional state to suspend the *woreda* administrator if he or she commits an act that is a threat to the sovereignty of the country or regional state, to security and to the national interest, or is a threat to the constitutional order, or commits corruption. Article 18 of Proclamation No. 107/2006 provides similar details on the power of the regional state to dissolve urban local governments. Proclamation No. 107/2006, a proclamation issued to amend reestablishment of urban local governments; Proclamation No. 94/2006 and Proclamation 65/2001, 14th year No. 14, *Nehase* (August) 30/2006.

institutions of local governments. Comparative experience shows there are a range of specific grounds on which higher-level institutions of government can intervene in the affairs of local government. Examples include situations where local-level institutions fail to censure or impeach a local executive and as a result he or she becomes grossly incompetent; where service delivery is imperilled; or where power is abused or crimes committed. Nevertheless, the wording of the regional state constitution is extremely vague and thus open to manipulation and misuse.

More importantly, Article 82 of the Constitution adds a dimension of vertical accountability to the *woreda* administrator's accountability to the *woreda* legislative council: it stipulates that he or she is accountable to the regional state president. It should be noted that the 1995 Constitution emphasizes the accountability of the administrator and *woreda* executive to the *woreda* legislative council: it is envisaged that, in local democracy, elected councils and the executive at the local level remain accountable to the people of the locality for the proper exercise of their mandates. This line of accountability establishes strong links between officials and the people at local level – that is to say, it creates a political bond between the voter and the administrator that gives the voter at local level the opportunity to exert direct influence on leadership at that same level (Bulmer, 2017, p. 4).

However, the regional state's broad mandate to intervene and dissolve local governments, coupled with the introduction of strongly-worded upward accountability, brings a new dynamic to local-level decentralization. A similar system of vertical accountability has also been introduced with regard to mayors in urban local governments. As mentioned, the *woreda* chief executive and the mayor have dual accountability: weak or thin horizontal accountability to the legislative council at local level, and strong or thick vertical accountability to the higher level. While they both remain chief executive bodies at the local level, they also receive instructions (be it formally, or informally through the party channel) from the zones and the regional state.

For instance, Article 55 of Proclamation No. 99/2006 stipulates that the regional state executive body must ensure that each *woreda* is discharging its mandates as set out in the regional state

³¹ For comparative insights, see Article 162(6) of the Constitution of Belgium and Article 139 of the Constitution of South Africa.

constitution and other laws. It is also the responsibility of the regional state executive body to ensure that regional-state development plans and strategies, laws, policies and directives, as well as the mandates of the *woredas* as defined by the constitution and this proclamation, are implemented and discharged in each *woreda*.

In terms of party position, the heads of the zones (see the next subsection) and regional state are the political seniors of the *woreda* administrator and mayor, who are hence subject to the influence of senior party figures at the higher level. Moreover, decisions at the local level can be vetoed or reviewed by zones and the regional state. As a result of the legal and political developments mentioned above, the vertical line of accountability of local governments to zones and regional states is relatively thick, whereas horizontal accountability to elected councils at local level is relatively thin and weak. Thus, in reality, the state of decentralization appears as a mix of decentralization and deconcentration, which is a setback for the autonomy of local government.

4.4 Zones: The Elephants in the Room

Although they are not expressly mentioned in the revised regional state constitution, bodies intermediate between the regional state and the *woredas*– called zones – play a critical role in the political process. Indeed, it is difficult to grasp the nature of local-level decentralization without understanding the function of zones. Interestingly, Article 45 of the Constitution – while elaborating on the number and level of governments in the regional state – mentions the regional state, the *woredas* and the *kebeles* (the lowest local governments below the *woredas*); zones are not mentioned, save for a vague clause in the same article that provides for the possibility of the regional state establishing other levels of government.

In practice, zones are established as deconcentrated units below the regional state but above the *woredas*. There are seven of them in Tigray: North Western, Western, Central, Eastern, South-eastern (Enderta, Hintalo Wajirat, Seharti Samre, Doga Tembien), Southern and Makelle Special Zone.³²The zonal administrator and other members of the zonal administration are appointed by the regional state president after approval by the regional-state

³² Articles 4-6, Proclamation No. 48/2001, a proclamation to re-establish

legislative body, and are accountable to the regional-state executive body.

In terms of political stature, zone administrators are members of the central committee of the ruling party and more senior and influential than officials at *woreda* level. Zones do not have elected councils and are part and parcel of the regional-state executive.³³ At a formal level, their mandates include coordinating the activities and sectors of the *woreda*; supporting and monitoring departments within the zone; submitting periodic reports on zonal administration and the *woredas* under it to the regional state president; and ensuring that the regional state's policies, laws, regulations and directives are properly implemented in the *woredas*.

As deconcentrated units of the regional-state executive and the president, zones support, supervize and monitor the activities of the *woredas* under them. In particular, as primary actors in the party machinery, they ensure that current issues and priorities identified by the party are given equal priority in the *woreda* and lower echelons of administration. As senior political figures who act on behalf of the regional state, zonal administrators are actively engaged in the routine functions of the *woreda*, given that zones coordinate, support and supervize *woredas* routinely on a weekly, even daily, basis. It is an institution with teeth, invisible at a formal level but the elephant in the room in the hierarchy of institutions in the regional state – all which impairs the autonomy of local government in the regional state.

4.5 Recentralization after the "Deep Renewal" of 2017?

Lastly, since August 2017 the regional state has decided to in-

Zones in Tigray National Regional State, 10th year No. 5, November 2001.

33 Makelle was initially given a special zone as it is the capital of the regional state capital and its largest city. It was the only special zone that had its own elected city legislative council, led by a mayor. Proclamation 223/2012 later restructured the city, retaining the city legislative council but establishing seven sub-cities each with their own elected bodies, executives and sub-city courts. The mayor is elected from among the members of the legislative council, but once elected he leads the city along with the other executive body appointed by the legislative body. The city, populated by an estimated 400,000 residents, also has its own city courts. See Proclamation No. 18/1996, a proclamation to establish a Special Zone for Makelle, 4th year, No. 18, July 1996; Proclamation No. 223/2012, a proclamation issued to restructure Makelle city, 19th year, No. 12 Sene (June) 28/2004.

terfere even more routinely than usual in the affairs of *woredas*. While Article 71 of the regional state constitution clearly stipulates that the *woreda* administrator and executive are appointed by the *woreda* legislative council from among its members and remain accountable to the elected body, the *woreda*-level party structure, along with the zonal administrator, undertake prior screening and consultation before the appointment is tabled at the *woreda* legislative council.

Following countrywide protests and political crisis in 2016, the ruling party arrived at the conclusion that *woredas* have remained loosely connected to the regional state and that, as a result, maladministration is rampant at the local level, with *woredas* not having delivered as expected. The party thus resolved that the nomination and appointment of the *woreda* administrator and executive have to be decided at regional-state level, albeit that in the end the matter is submitted to the *woreda* legislative council for formal approval. In effect this means that the making and unmaking of the *woreda* administrator and the local executive are the prerogative of the regional state and, more specifically, of the party at regional-state level.

This strengthens vertical rather than the horizontal accountability, given that the center of political gravity is located at regional-state level. Thus, the woreda administrator, sector heads, and speaker of the legislative council need to have the prior approval of the regional state before their appointment in the woreda council; as for their deputies, they are appointed by the zonal administration. Woreda legislative councils are hence mere rubberstamps that approve such appointments only after the party and executive organs in the different hierarchies make their decision in the screening process. As Erk (2015, p. 413) points out, in a dominant-party system the workings of local government are dictated not by local concerns but higher-level party interests. Ethiopia seems a prime such example in that the EPRDF's iron grip on every subnational government in the country has produced not local accountability - the core element of devolved democracy - but vertical political hierarchy (Mezgebe, 2015).

What this entails for the relationship between zones and *wore-das* is a matter of interest, because zones will continue to supervize *woredas*. The question then arises of whether maintaining the zones has any relevance, seeing as they are not mentioned

in the regional-state constitution and that some of their powers have been taken away by the regional state. In several interviews in *woredas*, it was noted that the new centralized screening and appointment process not only impinges on the mandate of local government but introduces additional bureaucratic burdens.³⁴ A possible way out is to strengthen the regional state's monitoring and supervision mandate, as well as that of the *woreda* legislative council, and dissolve the zones. The idea behind local government is, after all, to empower local-level actors rather than upper-level ones.

4.6 Making and Unmaking the Boundaries of Local Governments

As mentioned, where local governments are constitutionally backed and their powers defined in the federal constitution, they have security of existence as a sphere of government inasmuch as they can be neither created nor abolished at the discretion of the states or federal government. Instead, as Ayele (2015) observes, "[t]here should be clear criteria and transparent procedures, involving the concerned community, for creating individual units of local government and delimiting their boundaries" The South African Constitution even goes one step further and establishes an independent municipal boundary demarcation board authorized to deal with issues relating to the alteration of local government boundaries.³⁵

In this regard, as noted earlier, the need may well arise to change, for example, the size or number of local governments, but what is crucial is that the changes be made on a principled basis rather at the whim of federal or regional-state governments. The manner in which local governments are made or unmade has a direct bearing on their autonomy, which underlines the importance of having agreed-upon principles for this at a constitutional level. Nevertheless, in the case study, neither the federal nor regional state constitutions provide guidelines for making or adjusting the boundaries of local governments.

Historically, Tigray had eight *awrajas*³⁶ during the imperial era. In

- 34 Focusgroups with experts and sector heads, 7 February, 2018, Adwa, and 22 February, 2018, Kiha.
- 35 Article 155(3)(b), Constitution of South Africa (1996).
- 36 In historic Ethiopia, *awraja* were intermediary bodies between provinces and *woredas*. The eight *awrajas* were Raya (Michew), Enderta (Makelle), Kilte Awlaelo (Wukro), Agame (Adigrat), Adwa, Tembein, Axum and Shire.

reaction to the Weyane protest in 1943, Emperor Haile Selassie slashed away part of southern Tigray as punishment and gave it to his heir, Asfaw Weson Asrat, who was governor of Wello province (Markakis, 2012, p. 266). Similarly, in 1894, part of western Tigray was slashed away and taken by Emperor Menelik.³⁷By 1991, the regional state had some 81 *woredas*. However, Proclamation No. 10/1995, enacted to establish *woredas* in the regional state, amalgamated several of them, reducing their number to 35 on the argument that administrative costs had to be reduced so that limited resources could be used for ensuring development.³⁸

This was understandable given that setting up local governments calls for massive investment and that the proclamation was made in the early phase of decentralization, a period when the country was just beginning to emerge from the ravages of civil war. However, there are also grounds for a more critical view. Article 49(3b) of the proclamation hinted that population³⁹ and geographic size, as well as socio-economic factors, were taken into consideration in establishing *woredas*, but the wording was vague. For example, what size of population constitutes a *woreda* is not expressly specified in the law.

Furthermore, bearing in mind the geography of the regional states, one notes that the law does not consider administrative convenience and access to basic services as factors. One of the main reasons for waging war against the military regime was to bring government closer to the people – a sentiment evident in the words of a popular song from the early phase of the civil war in the 1970s, "Showa, a faraway province, is too remote to administer Tigray." Guided solely by the intent to reduce administrative costs and use limited resources for development, the proclamation in each instance amalgamated two, sometimes three, pre-existing *woredas* into one.⁴⁰

³⁷ Following the death of Emperor Yohanes IV and the coming to power of Menelik II, the latter summoned disgruntled Tigrayan *rases* to his palace in 1894 and "demanded that Tselemti, hitherto governed by Ras Hagos, be transferred to Empress Taytu" as a condition for acceptance of Show an hegemony (Erlich, 1996, p. 187).

³⁸ Interview with a former bureau head who was involved in the amalgamation, 15 March, 2017, Addis Ababa.

³⁹ In general, the criterion is that a *woreda* is inhabited by 100,000 people; however, urban *woredas* were much less populous than rural *woredas*.

⁴⁰ See the annex of Proclamation No. 10/1996 for a list of the old and new *woredas*.

Of significance for rural local government in particular was Proclamation No. 99/2006. Articles 5 and 6 provide detailed indicators and principles to be taken into account in establishing, merging, amalgamating, splitting or adjusting the boundaries of local governments. Article 6 sets out the main considerations:

- access to basic services and administrative convenience (access and proximity to basic services at the local level are key rationales for decentralization);
- economic viability and revenue potential (having a tax base that is large enough to make the local government fiscally viable);
- population size (often a minimum threshold is required in the interests of democracy-building);
- local-level participation;
- geographic location, historic and cultural ties (whether to use pre-existing boundaries or redraw new ones depends on the goals the decentralization design is pursuing);⁴¹ and
- the consent of the people concerned.

The law requires that a body composed of the regional state bureau of finance and economic development, the security and administrative bureau, and land administration must conduct a thorough study based on the indicators above and report its findings to the regional-state legislative body for a decision.⁴² In do-

- 41 If empowering distinct communities and minorities is the goal, then boundaries may have to be redrawn with a view to ensuring communities' right to self-government. Decentralization may also have other goals, such as the provision of services at the local level.
- 42 In some countries, South Africa for example, the legislation on decentralization establishes an independent body of experts (in geography, history, economics, political science, public law) to provide a proposal, after consulting with the people, to a political body, such as the legislative body, and obtain its approval. In general, adjustment of existing local government boundaries owing to population size and increased urbanization may be initiated by the federal- or state-level legislative body, the executive as advised by committee of experts, or by a commission of experts. Proposals in this regard then have to be submitted to the legislative body concerned (in federations, this would be a body at the provincial level). In all cases, the population that would be affected by the changes must either be consulted on the changes or approve them by a majority vote. Ideally, as mentioned, the population at the local level expresses its general will by referendum (Beshara, et al., 2014, p. 48).

ing so, this body is required to secure the opinion of the *woreda* legislative body. As local government boundaries are prerequisite for self-government, boundaries should not be changed without the advice and consent of the elected body at the local level. Ideally, local boundary adjustments require the approval of the local population via a referendum, this to protect the territorial identity of the local community and to refrain from amalgamating or dividing that community against its wishes (Bulmer, 2017, p. 4).

What is interesting in this regard is that despite the notable development in the substance of the law, no major adjustments were made to the boundaries of existing *woredas* despite a series of demands to that effect. Two and a half decades later, local communities in several parts of the regional state find the argument based on "development and reduction of administrative costs" outdated and demand adjustment that addresses new developments. The mobilizing factors they cite include historical claims; maladministration; claims for access to basic public services; bringing government closer to the people; and administrative convenience. In short, communities are demanding to access to basic public services from a local government which is closer to them than it is at present.

Illustrative in this regard is the "bring back our *woreda*" movement, along with the peaceful demonstrations that residents of Nebelet (Central Zone) heldas part of it in April 2016. Historically, Nebelet has been an area of importance since the medieval era, and had had its own *woreda* since the beginning of the twentieth century. It lost it, however, after the regime-change of 1991 and the subsequent amalgamation of Tigray's 81 *woredas* into 35 – in this case, Nebelet's *woreda* was merged with two others in Central Zone. The residents have been unhappy with the loss of self-governance and the impact the reorganization had on access to services. The current center of the *woreda*, Werei Leke, is 60 kilometers from Nebelet, an inconvenience which is a major factor in the "return our *woreda*" movement. As a popular placard put it, "Why pay 50 birr to drive by bus to pay a ten-birr traffic

⁴³ Historically, the *wajrat*that today take the form of Hintalo Wajerat, Sahrti Samre, Selewa (merged with Alaje), Embaseneti and Egela werewell-known *woredas* in their own right, so it is no surprise that these areas are hotbeds of mobilization for further decentralization and reform. Interview with the former president of the regional state, 15 March, 2017, Addis Ababa.

Residents of Nebelet/Embasineyti, unable to get a response from the regional state for nearly two decades, staged a massive demonstration demanding a return of their *woreda*. They argued that "a political organization or government that cannot respond to our demands is not our government", and threatened to recall their representatives in the regional and federal legislative bodies.⁴⁴ The local council endorsed the demand for adjustment, as did the *woreda* administrator, but since this was not welcomed by the regional state and the party machinery, it led to his removal from office.

Zonal and regional state officials were,in other words, unwilling to concede to (re)establishing the *woreda*. They argued that as soon as one does so in one case, other cases will arise, opening a Pandora's Box of endless demands for local government. The conservative position of the regional state is hence: We are in GTP II and this will consume our meagre resources destined for development. Thus, although there is an enabling law to this effect, the goal of bringing government closer to the people is far from attained in rural *woredas*, with regional-state rigidity remaining an obstacle despite the clear demands that have been made.

5. Administrative Decentralization

Bestowing political autonomy on local governments is effective if only these governments have the administrative structure and skilled personnel necessary for carrying out their functions. Indeed, it is difficult to effect genuine decentralization without corresponding administrative decentralization (Wanyande, 2004, p. 7). This is closely linked to whether the government has the local *capacity* to fulfil its mandates on its own, which in turn depends, inter alia, on the structure and quality of human capital deployed at local level (Ryan and Woods, 2015, p. 23).

⁴⁴ See the special report on Nebelet in *Wirayna* (Tigrigna news magazine), v.35, February 2009 E.C.

⁴⁵ Interview 25 February, 2017, Makelle.

⁴⁶ It led to massive confrontation between the local community and the regional state; in the course of this, the *woreda* administrator was sacked by the party, with the issue at present still unresolved.

The regional state constitution provides no detail on whether woredas have the administrative structure – including the mandate to hire, promote, demote and fire the human resources – that is necessary for discharging their functions. It is also not clear if the regional state is the body responsible for organizing the administrative structure of the woreda. It was only with the enactment of Proclamation No. 99/1998 (99/2006) that these issues were clarified. To discharge its mandates (to collect and administer its revenue, deliver woreda-level services, and undertake its other legislative, executive and judicial activities) as set out in this and other laws enacted by the regional state, the woreda shall have its own administrative structure and personnel.⁴⁷In establishing its administrative structure, the woreda is required to take into account its revenue capacity and the nature and type of services provided at the woreda level.

The *woreda's* administrative autonomy, however, is subject to standards set by the regional-state civil service law. Accordingly, the *woreda* administrator and cabinet are under obligation to apply, and monitor compliance with, standards set by the regional state. The administrator, in particular, is required to submit periodic reports to the relevant regional state bureau on the implementation of these standards.

In practice, *woredas* have the administrative autonomy to hire, promote and demote personnel, barring teachers, medical doctors, and officers in health clinics, who, owing to their scarcity, are employed centrally at regional-state level and deployed to *woredas*. In the case of all other high-skilled employees, the *woreda* has the mandate to administer its own personnel. One major issue in this regard is that the framework for *woreda* human resourcing was designed at a time when the local government budget (both own revenue and funds transferred from the regional state) was much less than it is now. Although local government mandates and budgets have increased, this framework has not been revised and is outdated. Local governments thus lack sufficient human resources to meet the more extensive responsibilities that they have to shoulder nowadays. A key indicator of the problem is that municipal services continue to be hamstrung by

⁴⁷ Articles23 and 51–54, Proclamation 99/2006, proclamation to enhance self-rule and redefine the powers and mandates of *woredas* in Tigray National Regional State, 14thyear, No. 6,Makelle, *Megabit* 15/98 (24 March, 2005).

a lack of skilled human resources as well as office equipment and technology.

No matter what powers are devolved, it is scarcely possible for decentralization to be effective without building the capacity of local-level institutions. Local governments, as noted, may have their own administrative structure, but unless that structure is run by competent civil servants, decentralization can end being unresponsive and turning into local autocracy (Bulmer, 2017, p. 3). The promised aims of decentralization can be realized only by means of a competent, merit-based civil service at the local level. Beyond serving their routine functions, local governments are also expected to serve as development centers. If the developmental goals of local governments are to be achieved, the bureaucracy should not only be recruited and promoted on an impersonal, competitive, and meritocratic basis⁴⁸ but supported in carrying the additional burden of implementing measures to attain the developmental goal.

In actuality, the civil service⁴⁹ is not immune to politics, and the public sector has been unable to attract and/or retain personnel with the appropriate capabilities. The ability of the state to deliver basic services as well as much-needed economic transformation and industrialization is hindered primarily, however, by a weak and neglected civil service. This institution suffers from a lack of competent and skilled staff. Political loyalty and merit compete equally in the recruitment, retention, and promotion of civil servants in the regional state (Fisseha, 2015). Given this reality, it is naïve to expect the civil service to be effective in delivering basic services and implementing the development policies set by the government. It is no surprise, therefore, to hear reports of service-delivery inefficiency emanating from across the spectrum of local governments in the regional state.

⁴⁸ These are famous characteristics of the Weberian model of civil service; by contrast, civil services in Africa are commonly afflicted by neo-patrimonialism and extreme politicization. For detail, see Mkandawire (2010, p.63).

⁴⁹ The term "civil service" is used here to refer to experts who implement policies and whose tenure is dependent not on elections, as is the case with politicians, but on merit and efficient delivery of services. Ministers, members of parliament, the armed forces, the police, and judges do not constitute the civil service. Politicization is rife in the civil service in Africa generally and Ethiopia in particular. See Olowu (1996, pp. 104–109).

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6. Fiscal Autonomy at the Local Level

An essential element of their autonomy is the ability of local governments to raise own-revenue to cover at least a portion of their expenditure. As is often said, finance follows functions, and hence the transfer of competencies to local government must be accompanied by a transfer of revenue-raising powers to them, along with assigning them the mandate to spend what they raise (Nigussie, 2016). Albeit that it is nearly impossible for a local government to cover all its expenditure from its own revenue collected at local level, the legal framework should provide at least some revenue-raising competencies to enable it to discharge its functions: a local government that is granted a degree of autonomy cannot be required to depend exclusively on revenue generated at a higher level of government, because ultimately its financial dependency on the higher level will affect its autonomy at the local level.

The regional state constitution does not provide detail on the revenue-raising competencies of the *woredas*. Article 74(2)(f) stipulates that the *woreda* legislative council shall ensure the "proper collection" of land-use taxes, income taxes on agricultural products and similar taxes as determined by law. While this provision makes it clear that the *woreda* is mandated to *collect but not levy* these taxes(tax rates are set by regional-state law), the same provision empowers *woredas* to levy service charges and fees (different to taxes)but then leaves the details to be specified by other laws. The provision also mandates the *woredas* to utilize revenues, other than those allocated and administered by the regional state, for its own purposes.

It is Proclamation No. 98/2006, however, that provides detail on the revenue sources of local governments in the regional state. First, in terms of Article 56 of this proclamation, the regional state is obligated to allocate the necessary budget to the *woredas* to enable them to discharge their functions. The allocation of this annual budget to the *woreda* is based on its population size, level of development, revenue-collecting capacity and potential, expenditure needs as well as recurrent and capital expenditure financial management, and financial discipline and audit record.

In addition the *woreda* is mandated to collect income tax from employees (civil servants, private employees and those of pub-

lic enterprises owned by the *woreda*, if any); agricultural income tax; tax on income from rent related to buildings in the *woreda*; profit tax from traders under category C (whose annual income is less than 100,000 birr) of the regional-state revenue tax; tax on small-scale mining, as well as on public enterprises owned by the *woreda*; land-use fees; service charges and fees from roads, bridges, underground water, clinics, libraries, and convention halls built or administered by the *woreda*; fees related to the registration of births, marriages, divorces and deaths; fees from business licenses and renewals; turnover and excise taxes from individual traders; capital gains tax; turnover tax from public enterprises; and sales tax on the sale of movable and immovable property located in the *woreda* as well as on the sale of construction materials such as sand and stones.⁵⁰

Article 43 of the same proclamation also provides for concurrent revenue sources. The sources include income from land leased for investment purposes; agricultural income from such investments; income related to petroleum and mining (other than small-scale mining); income from incense, water and other natural resources; royalties from forests; and income from tourism. Income from these sources is shared concurrently with the regional state.

As mentioned, *woredas* implement laws, policies and directives of the regional state. Regional state bureaus may also discharge some of their mandates through the *woreda* administration and the various sectors in the *woreda*. Article 55 of the proclamation stipulates that regional state bureaus are duty-bound to allocate the necessary budget to the *woreda* or respective sector in order to cover those activities of the bureau discharged at *woreda* level.

The overall picture shows that rural local governments that have limited revenue sources cover only 15–18 percent of their expenditure from own revenue.⁵¹ Poorer rural local governments rely for the rest of their expenditure on transfers, in the form of block

⁵⁰ For detail, see Articles 39-46 of Proclamation No. 99/2006.

⁵¹ This is calculated from expenditure and revenue (own and transferred) over five years. For example, Tahtay Koraro, a rural *woreda* near Shire town, had a budget of 104 million birr for 2009 E.C. The *woreda* raised 14.5 million in own revenue, which covers only 15 percent of its expenditure. This means it relies on transfers from the regional state for the other 85 percent. Interview with the *woreda* financial officer,7 February, 2018, Shire.

grants, from the regional state. A few urban local governments with plentiful revenue sources (for example, Wukro and Shire towns) cover 90 percent of their expenditure from their own revenue. Sevenue, a booming town in the North-western Zone, had 207 million birr for the 2009 E. C. budget year. Seventy-nine million birr was spent on salaries and pensions, 38 million on recurrent expenditure, and 89 million on capital projects (43 percent – the highest in the regional state). Axum town had a 122-million-birr annual budget for the 2010 E.C. fiscal year. Of this sum, million birr was collected from its own revenue sources. Only 43 million birr was spent on capital projects. Many rural and urban local governments fall somewhere between the poorer rural and richer urban local governments.

It is vital to note that most of the revenue from own sources or transferred to local government as block grants is spent on recurrent expenditure (salary payments to employees and the costs of routine functions). This means that although local governments are providing employment opportunities, they are not becoming centers of development. Only ten to 20 percent of their annual budget goes to capital expenditure. Local governments, in other words, have limited resources on which to draw for development projects designed at local level for local-level priorities. Thus, while Shire and Wukro represent the hope of local-level decentralization, Laelay Adiabo (Adi Daero) shows that local-level decentralization is empty rhetoric, with there being little publicly financed – that is, federally, regionally or locally financed – development. financed – development.

This is not to say that there is no development at all at local-government level. Development projects led and financed by the federal and regional state are indeed implemented at local level

⁵² Shire town received only 23 million birr by way of transfers from the regional state in 2009 E.C., which accounted for 11 percent of its annual budget

⁵³ Capital projects are commonly understood to include the construction of cobblestone and gravel roads, drainage systems, green areas, elementary schools, clinics, health centers, youth sports and entertainment centers, and *shades* (wood- and metal-workshops for the youth).

⁵⁴ Tahtay Koraro spent 10.5 million birr on capital projects from its 104-million annual budget in 2009 E.C., which is merely 10.5 percent of the total. Interview with a financial expert of the *woreda*, 7 February, 2018, Shire.

⁵⁵ One finds a large mosque and one decent privately-owned hotel; for the rest, the *woreda* seems in a deep sleep.

– but this means that whatever development takes place, it is financed by the federal or regional government, not locally driven. Still on the plus-side of the ledger, it is also the case that local governments mobilize large parts of the population for terracing and reforestation in winter and spring, mobilization which is done for free. In addition, donor agencies and non-governmental organizations provide finance for limited capital projects, where the *woreda* may provide free labor as a matching resource to construct, for example, small dams and canals for irrigation.

7. Conclusion and Recommendations

While the second phase of Ethiopia's decentralization coincided with the emergence of the political-cum-economic ideology of the developmental state and delivered well – for example, in the education sector, particularly so in rural *woredas* – this may not have been matched with genuine autonomy at the local level owing to weak democratic institutions and higher-level party and government control over local affairs.

The regional state's broad mandate to intervene and dissolve local governments, and the introduction of strongly-worded upward accountability for rural and urban local governments, bring a new dimension to the dynamics of local-level decentralization. The *woreda* chief executive and mayor have dual accountability: thin horizontal accountability to the legislative council at local level, and thicker vertical accountability to the higher level. While both remain chief executive bodies at the local level, they also receive instructions (formally, or informally through the party channel) from the zones and the regional state.

In terms of party positions, the heads at the zones and regional state are the political seniors of the *woreda* administrator and the mayor. The latter are thus subject to the influence of senior party figures at the higher level of government. Decisions made at the local level can also be vetoed or reviewed by zones and the regional state. The vertical line of accountability of local governments to zones and regional states is thicker than the horizontal line of accountability to elected local councils. The state of decentralization resembles, in reality, a mixture of both decentralization and deconcentration, which is a setback to the autonomy of

Another obstacle to local-level political decentralization is the recentralization of appointments and dismissal of local leaders (woreda chief executives, mayors and heads of sector offices) by the regional state government and party structure following the advent of the policy of "deep renewal". Strengthening checks and balances at the local level by strengthening the oversight and monitoring function of elected councils would improve the links between the people and local government institutions. Such strengthened horizontal local accountability would in turn give a fresh lease of life to local democracy currently overshadowed by upward accountability. There is thus a need to rethink the design of local government so as to shift decision-making to the local level and away from the party, zones and regional states.

Local-level self-government is also hindered by the fact that boundaries are not adjusted in a manner that is responsive to new developments and the wishes of the people. The process of decentralization and boundary adjustment in post-2001 Tigray has been guided by a single axiom: "We have limited resources and must use them for much-needed development by reducing administrative costs" Legislatively speaking, the establishment of local government is guided by a variety of factors, such as economic and administrative viability, efficiency, geography and history, resource capacity, and the consent of the people. However, despite these improvements in the law, no major adjustment has been made as yet to the boundaries of local governments in response to emergent popular demands.

As a case in point, the amalgamation of historically long-standing sub-units for the sake of an "economically optimal size" has led to calls for *woredas* to be brought closer to the people to address administrative inconvenience and limitations in service delivery – this is a major problem in urban local governments, where there is often only one service center for every 60–70,000 residents, but it is a problem, too, in rural *woredas*. Urgent action is needed to adjust the boundaries of local governments, with the consent of the community, to bring government closer to the people and ensure efficient service delivery – two of the major promises of decentralization. Nonetheless, the regional state is currently resistant to such calls, which has brought the decentralization project to an impasse. Further decentralizing the municipalities in

cities and equipping them with skilled personnel are also very likely to enhance the quality and efficiency of services in *woredas*, not to mention increase revenue-raising capacity.

While at a formal level there is fairly workable administrative decentralization, in reality local-level capacity and effectiveness are extremely limited. Merit and political loyalty compete with each other in recruitment, promotion and relocation in the civil service at regional-state and local level, which has adversely affected the performance of local governments and the quality of services they deliver. The situation is acute in urban local governments, and is aggravated by the lack of horizontal accountability. Improving service delivery is thus a major priority for nearly all the local governments covered in this study.

In terms of development and fiscal decentralization, the overall picture shows that rural local governments that have limited revenue sources cover only about 17 percent of their expenditure from their own revenue. Poorer rural local governments rely on block-grant transfers from the regional state for the rest of their expenditure. A few other rural and urban local governments with rich revenue sources cover all of their expenditure from their own revenue. Many rural and urban local governments fall somewhere in between these extremes.

Yet this could be misleading. Most of the revenue generated from own sources or transferred to local governments goes to recurrent expenditure, with only ten to 20 percent spent on capital expenditure. This implies that local governments are not centers of development, as they have limited resources for development projects designed at the local level to address local priorities. Whatever development efforts there at the local level are financed by the federal or regional state. That being said, local governments also mobilize large numbers of people for terracing and reforestation activities – such massive population and resource mobilization is done for free and brings about useful development activities at the local level.

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