

Boundary Demarcation and Amalgamation of Local Governments in Oromia Surrounding the Federal Capital of Ethiopia¹

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Abstract

This paper explores the procedures of boundary demarcation between Oromia regional state and Addis Ababa city, and of the subsequent amalgamation of local governments in Oromia regional state. In doing so, comparative lessons are drawn regarding procedures of local government boundary changes and amalgamation focusing on the Confederation of Switzerland. The findings of the study show that, in Ethiopia, the procedure of boundary demarcation and merger lacks details and is dominated by political elites. The merger of local governments surrounding the federal capital which led to the establishment of Sheger city in Oromia regional state indicates a purpose and goal of amalgamation beyond ensuring autonomy at the local level. This paper argues that the lack of detail in the procedure and process of boundary demarcation and amalgamation undermines the significance of public consultation, transparency and autonomy of local governments.

Key Words

Local Government, Urbanization, Boundary, Oromia, Federal Capital, Procedure, Amalgamation, Capital City.

A) Introduction

Urbanization causes challenges to the existence, boundaries and structure of rural and small local governments surrounding big cities. Territories surrounding federal capitals are areas of urban expansion and sprawl which are associated with problems of demarcation and spillover and have aggregated regional consequences (Briffault, 1996; Meyer, 2019). The inevitable boundary disputes due to urbanization, and the significance of boundaries for the proper functioning of local government including cities makes having a fair procedure for boundary demarcation and amalgamation of local governments a necessary condition for their legitimacy (Meligrana and Razin, 2004; Paddison, 2004). The purpose of this paper is to explore the procedure of boundary demarcation between the federal capital of Ethiopia, Addis Ababa, and Oromia regional state; and the procedure of subsequent amalgamation of local governments and establishment of a new city in the Oromia region. In order to do so, comparative lessons are drawn from the Confederation of Switzerland regarding procedures used in local boundary changes and the merger of local governments. In this study, local government is defined as the government closest to the people, which may consist of single-tiered or multi-tiered structures in rural and urban areas, cities and metropolitan regions (Steytler, 2009). The federal city, commonly known as the federal capital, refers to the political seat of the federal government. It can be structured either as a state in its own, a city within a state or a self-governing local government accountable to the federal government (Watts, 2008; Steytler, 2009).

Unchecked expansion of the federal capital of Ethiopia, Addis Ababa, has been the cause of political tensions between the government and the Oromo people at large, reaching its peak between 2014 and 2019 (Sirna, 2020; Debela and Soboka, 2022). In 2008, the state of Oromia reformed its boundaries within the region and established a new zone enclaving the federal capital, called Oromia Special Zone Surrounding Finfine (OSZSF), in the Oromo language Godina Addaa Oromia Naannawa Finfinnee (Debela and Soboka, 2022). This zone was established through amalgamation of local governments annexed from neighboring zones of Oromia with the aim of curbing the expansion of the federal capital. However, this did not solve the problem of expansion of the federal capital, partly due to the absence of a clear boundary between Oromia regional state and Addis Ababa city until its demarcation in 2022. What are the procedures followed in the demarcation of boundaries? How does the subsequent amalgamation of local governments in the Oromia region take place? Are there consultations held with local communities and stakeholders regarding the demarcation of the boundary and the amalgamation of local governments? In doing this research, the author has had the opportunity to interview and discuss with scholars of constitutional law and federalism about local government and cities in Switzerland and beyond, which contributed to substantiate the comparative perspective with primary data in addition to secondary sources.

The paper is organized into five main sections, aside introduction and conclusion. Concepts and theories of urbanization, local government and procedures of local boundary demarcation and reform are discussed in section B). Section C) comparatively looks into the politico-legal history, constitutional recognition, procedures of boundary change or merger, and structure of local governments surrounding cities in the Swiss and the Ethiopian federation. Section D) discusses and analyzes structures of local governments in Oromia regional state and procedures used in local government boundary demarcation as well as amalgamation of local governments surrounding Addis Ababa/Finfine and the establishment of a new city and its structure in Oromia regional state.

B) Concepts and Theories: Urbanization and Local Government

Urbanization can be defined as a process of creation and expansion of towns and cities, which is a complex phenomenon with myriad dimensions (Hussain and Imitiyaz, 2018). The process of urbanization includes a shift of settlement from sparsely populated into densely populated areas as well as a shift of economic activities from agriculture-focused to industrialized and servicebased activities. Urbanization has various dimensions which include urban hierarchies, urban sprawl, over-urbanization and urban primacy (Hussain and Imitiyaz, 2018). The idea of urban hierarchy arises from inter-city linkages at a global level and categorizes cities based on their demographic size and level of development. Urban sprawl refers to the expansion of cities into their suburbs and pre-urban areas driven by individual preferences which have, among others, a negative impact on agricultural land and integrated land use planning. Over-urbanization is a concept used to describe cities in the third world, where urbanization failed to produce the desired outcome as in the developed world. The concept of urban primacy, also known as primate city, deals with how the first city of a nation continues to be the biggest city in terms of demographic size and influence in the intra-national urban system (Hussain and Imitiyaz, 2018). The concept of a primate city implies the existence of secondary cities, including a secondary capital city mainly in federal states where there is a decentralized urban system (Meyer, 2019; Kaufmann et. al., 2016). The federal capital of Ethiopia, Addis Ababa, is a primate city while the federal city of Switzerland, Bern, is a secondary capital city, meaning it does not have the largest demographic size or dominate the urban system of the Swiss state (Kaufmann et. al., 2016).

Local government boundaries, including boundaries of cities, are crucial in decentralized systems since they determine who is included and where local governments carry out their functions and responsibilities (Briffault, 1996; Meligrana, 2004). Though there are three commonly known forms of decentralization, i.e., deconcentration, delegation and devolution, in this study only the concept of devolution, which is the main feature of decentralization in federal systems, is considered.² Devolution refers to the transfer of autonomy by a constitution or enabling legislation to subnational units including local governments to exercise self-government. Autonomy is understood as the freedom of local governments to make decisions that solve the problems of their community, and it is an 'instrument for the realization of communal interests, as well as a means to implement other values' (Kjellberg, 1995: 43). Local governments, perceived as territorial units closest to the people and delineated by clear boundaries, require political, administrative and financial autonomy to function properly. Before looking into the procedures to draw or reform local government boundaries, it is imperative to discuss the concept and values of local governments and its place in the federal constitutional system.

1. The Notion of Local Government

The notion of local government can be used interchangeably with the terms of municipality, community and local authority (Birhanu, 2017). It is a multidimensional concept that can be defined from various perspectives, including political, social, economic, geographic, legal and administrative viewpoints (Tonwe, 2011; Birhanu, 2017). From a political perspective, local governments

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² Deconcentration is a type of decentralisation in which duties and responsibilities are transferred from the centerl government to subnational units without political power or autonomy while delegation is a system of decentralization in which subnational units act in the name and on behalf of the central government as its agents.

are democratic institutions at grass-root level in which citizens exercise self-government by electing local officials and their representatives to higher levels of government who are accountable to them (government closest to the people). From the economic outlook, local governments can be defined as economically viable institutions that generate their own revenue to promote the well-being of the local community by providing basic services and engaging in development activities. Local governments also include legal institutions, established by competent and higher authority having governmental character, organization and minimum power/autonomy, legal personality and immortality or continued existence bestowed by law. Finally, local governments can be defined from a geographical perspective as having territorial jurisdiction with inhabitants whose interests and economic activities differ from those in neighboring areas. In sum, the above perspectives of local government are directly linked to the values of local government in a federation.

2. The Main Values of Local Government

The main values of local government as a government closest to the people are enhancing participation/democracy, effective service delivery/economic efficiency and accommodation of diversity/minorities (Kjellberg, 1995; Fessha and Kirkby, 2008; Birhanu, 2017). Local governments are considered 'incubators of democracy' and a vital 'training ground' for democracy (Briffault and Panther-Brick cited in Birhanu, 2017: 15). The relatively small size of the population and area of local governments creates extensive opportunities for individual participation making it more attainable than at higher levels of government. The democratic element of participation (electoral process) provides a training ground for democratic education both for the representatives and the represented at grass-root level. Kjellberg states, '[t]he democratic ideal in local government implies that active participation of the citizens in local affairs is both a goal in itself and an instrument for strengthening democracy in society at large' (1995: 44). The second value of local government is related to economic efficiency. The assumption is that, since structures of local government are closest to the people or within the communities, they can efficiently deliver public services according to the preferences and needs of local communities unlike higher levels of government. Accommodation of minorities is considered the third value of local governments in pluralistic/diverse societies (Fessha and Kirkby, 2008; Fessha, 2012; Lyon, 2011; Ayele, 2014). Even if multi-nation/ethnic federalism guarantees autonomy to national minorities making them majorities at the constituent unit level, it is impossible to create a homogeneous unit. In this context, having a constitutional framework to accommodate sub-national minorities where they are found territorially concentrated helps minimize discrimination and ensures self-government at the local level by offering autonomy to local minorities.

3. Constitutional Recognition of Local Government

Considering the values and pivotal roles local governments play in federal systems, there are a range of arguments for the constitutional recognition of local governments as a third tier of government.³ However, in most federal constitutions only two levels of government have been made

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³ The arguments for constitutional recognition of local government as third tier of government include: (1) it enhances the structural relation of the three tiers of government; (2) it ensures formal continued existence of local governments; (3) it protects local governments from arbitrary action of states and obliges states to ensure the existence of elected government at the local level. Another argument is that such constitutional recognition strengthens the important roles

part of the constitutional system, leaving the determination of boundaries, roles and powers of local governments to the constituent units (Steytler, 2009; Watts, 2008). But since the 1980s, there is an increasing constitutional recognition of local governments as autonomous units and a third tier of government. Leading examples of recognizing local governments as a third tier of government are the Constitutions of Brazil and South Africa (Steytler, 2009). Steytler (2005) argues that the increased constitutional recognition of local governments is the result of measures taken to build democracy bottom-up and to facilitate development. This can be seen in the Amendment of the Indian Constitution of 1992 as well as in the 1999 Swiss Constitution. On the other hand, Olowu (2012: 42) considers constitutional recognition of local governments as a 'distinctive contribution of developing countries to governance reform and the policy and practice of modern public administration' which is backed by international development agencies such as United Nations agencies. In other words, in developing countries, constitutional recognition of local government is an important element of decentralization and local government reforms. The increasing recognition and the values of local government draw importance to having fair procedures for demarcation and change of local government boundaries since boundary change can infringe on powerful territorial interests, and 'how boundaries are redrawn reflects those interests and the unequal power relations through which changes become mediated' (Paddison, 2004: 26).

4. Decision of Redrawing Local Government Boundaries

Many federations allocate the power to decide on the procedures of redrawing local government boundaries to the constituent units which may designate an independent body, their parliament, or their executive body to make the final decision (Birhanu, 2017). For instance, in all US-American states and in many Australian states, the power to decide on boundary changes lies with the state legislature (Aulich cited in Birhanu, 2017: 46). Only few federal constitutions, such as the Constitution of South Africa, call for the establishment of an independent body or authority to decide on the procedures and criteria for redrawing local government boundaries. 4 Boundary disputes are often inevitable, particularly in underbound cities, i.e., cities which legitimately control part of the built-up areas, even if the city has expanded to pre-urban areas (Meligrana, 2004). These conflicts are often resolved either by the institution responsible for demarcating the boundaries or through intergovernmental relations in consultation with stakeholders and taking into account the general structural situation of the federation. In this regard, Meligrana and Razin state that in multi-ethnic societies '[l]ocal government boundary change procedures are deeply embedded in the broader political-ideological environment and could also influence fundamental aspects of the state and society rather than solely aspects of local development and service provision' (2004: 227). This means that the purposes and goals of internal boundary reform may go beyond the values of local government, depending on the boundary problem and conflict.

5. Purposes and Goals of Local Boundary Reform

Local boundary reform has both explicit and implicit purposes and goals (Meligrana and Razin, 2004). The explicit purpose and goal of boundary reform are often contained in the boundary

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played by local governments regarding socio-economic development, responsiveness, transparency and accountability in particular. See Steytler, 2005; Ayele, 2014; Kapur, 2008; Galadima, 2009; Olowu, 2012.

⁴ See The Constitution of the Republic South Africa, 1996, Art. 155(3)(b).

reform procedure laws or regulations which may span 'a continuum from no criteria to a very detailed one' (Meligrana and Razin, 2004: 228). The implicit purpose of local government boundary reform is related to responding to challenges arising from urbanization. Especially urban-rural sprawl or enlarging urban areas can be used as an instrument to achieve economic and political goals, or it can aim to develop cities that function well in the global economic system (Meligrana and Razin, 2004). Depending on the politico-legal framework of a particular country, there are at least three main stakeholders in boundary demarcation or redrawing, namely the superior government (federal and regional), local governments, and local/regional groups with strong attachment to places or local territories (Meligrana and Razin, 2004: 232). Often, higher levels of government are strong supporters of either enlarging or reducing local government boundaries (Meligrana and Razin, 2004: 33). Difficulties frequently occur with regard to local/regional groups that have strong ties to the place or territory. In this context, Meligrana and Razin argue that 'where aspiration to promote equality and to secure ethnic minority representation could be explicit objectives for reform, municipal boundary changes are frequently implicitly motivated' (2004: 236). If boundary reform is largely based on an implicit purpose and goal, the likelihood of fair procedures could be compromised. A fair procedure of boundary reform and local government restructuring considers local preferences and needs, is transparent and relatively easily accessible to the public, and is not dominated by either central or local political elites (Paddison, 2004: 27-35).

6. The Procedures for Boundary Demarcation

The procedures for boundary demarcation or reform follow top-down or bottom-up or intermediate approaches in terms of the identity of the initiators and the authorities making the final decision (Meligrana and Razin, 2004: 230). In a top-down approach, a higher level of government may play a leading or reactive role in revising boundaries or amalgamating local governments. The higher level of government plays a leading role when it initiates the reform or amalgamation of municipalities, while it plays a reactive role when it sets the regulations and rules for amalgamation, but is not involved in either the initiation or the actual redrawing of local government boundaries. Intermediate procedures may exist where local stakeholders initiate the redrawing and demarcation of boundaries, but the decision is taken at a higher level of government. Meligrana and Razin (2004: 231) argue that 'most boundary reform procedures try to balance the top-down and bottom-up approaches in redrawing local government boundaries'. In the intermediate procedures, the needs and interests of local communities are directly or indirectly considered in the approaches of local government boundary reform.

C) Local Government and Federal Cities in Switzerland and Ethiopia

This section briefly looks at the politico-legal history of local government boundaries and federal cities, their constitutional status, the procedure of changing boundaries or merger of local governments, and the dynamics of the structure of local governments surrounding the federal cities in the Swiss and the Ethiopian federation.

1. The Confederation of Switzerland

1.1. Politico-legal History of Local Governments and the Federal City

The Confederation of Switzerland is one of the classical federations, established in 1848 through a coming-together process. The Confederation came into being through a bottom-up process of nation-building in which the cantons containing municipalities with clear boundaries played an important role (Ladner, 2009: 330). There were 3,203 municipalities at the establishment of the Confederation (Belser et.al., 2021: 39). In this context, Bulliard (2005: 123) notes the following:

The state structure of Switzerland has three levels: the confederation, the cantons, and the municipalities. From a historical perspective, the municipalities existed before the building of the confederation, with deep roots in the political tradition of the country. Moreover, at the level of cultural identity, a Swiss citizen enjoys three citizenships: municipal, cantonal and national. This explains the strong feelings that link the Swiss citizen with his/her municipality and the challenges facing local government in the future.

There is considerable difference among the Swiss municipalities in their political organization, services, facilities and financial capacities. However, their autonomy is strengthened based on the principle of subsidiarity and there is a demand for efficiency, economies of scale and fiscal equivalence, leading to a disentanglement of tasks, increased inter-municipal cooperation and an amalgamation of municipalities (Ladner, 2009).

In this context, cities face particular challenges despite being motors of economic development. Among these challenges is the lack of a direct link to the federal government. In Switzerland, there is no special status for cities, not even in relation to the seat of the federal government, the city of Bern. In this regard, Ladner (2009: 334) notes that '[t]he entire territory [of Switzerland] consists of Municipalities. There is no area falling directly under the federal rule, and there is no special constitute status attributed to cities'. When Switzerland was founded, the city of Bern, located in the Canton of Bern, was designated by consensus as the political seat of the federal government. This was done to balance the political and economic power between the Cantons and cities of the federation. The geographic location of the city of Bern in the middle of the country and close to the language border also contributed to being chosen as the political seat of the federal government.⁵ In this regard, Bergamin explains that 'the founding fathers of the Swiss Confederation did not want the economically powerful cantons and cities of Zurich and Geneva to dominate the federation politically as well'.⁶ This is how the large canton of Bern and its seat of government, the city of Bern, were chosen as the political seat of the federal government.⁷

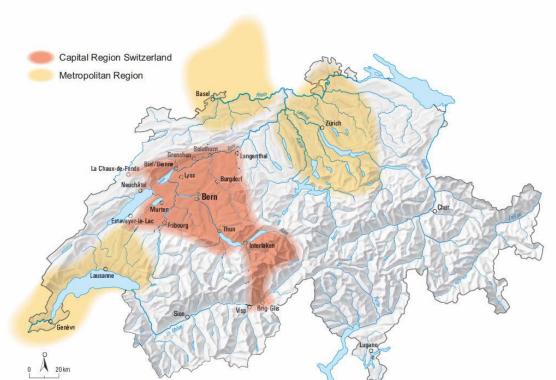
⁷ The Canton of Bern also had the largest number of municipalities in Switzerland, still around 398 in 2006 (Ladner, 2009: 334), decreasing to 346 in 2019 due to mergers (Debela, 2020: 12) and currently 337.

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⁵ Interview with Prof. Peter Hänni, Institute of Federalism, University of Fribourg, 16 May 2023; Interview with Dr. Rekha Oleschak-Pillai, Institute of Federalism, University of Fribourg, 23 May 2023.

⁶ Interview with Mr. Florian Bergamin, legal expert on cities and local government, 10 May 2023, Fribourg.



Geographic location of Bern within the urban system of Switzerland

Source: Kaufmann et. al. 2016: 7.

The city of Bern is categorized as a secondary capital city because it is neither a primary economic center nor the largest city of Switzerland (Kaufmann et. al., 2016). It is not anchored in the Constitution as the political seat of the federal government.⁸ Due to the decentralized government structure of Switzerland, aside the political seat of the federal government, other major cities play an important role. Even though Bern is the seat of the legislative and executive branches of the federal government, the seat of the Federal Supreme Court is in Lausanne and Lucerne, the seat of the Federal Administrative Court is in St. Gallen and the Federal Criminal Court is based in Bellinzona, while Geneva is the seat of many international organizations.⁹ Moreover, the canton and the city of Bern did not want the federal government's buildings to dominate the cantonal cultural buildings. For example, when the federal parliament's building was constructed, the municipality of Bern ordered the height of the building to be lower than the tower of the Bern Minster, a cathedral of the Swiss reformed church.

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⁸ Interview with Mr. Florian Bergamin, legal expert on cities and local government, 10 May 2023, Fribourg. ⁹ Ibid.

1.2. Constitutional Status of Local Governments and the Federal City

Article 50 of the 1999 Swiss Federal Constitution recognizes the existence and autonomy of municipalities and cities. However, the organization, competencies, power and resources of municipalities and cities are defined by the constitution and laws of each of the twenty-six cantons of the federation (Bulliard, 2005). Accordingly, the federal government's political seat, the city of Bern, is governed by the laws of the canton of Bern like any other municipality on Bernese territory. The city of Bern is not given any special position or recognition as federal city by the federal constitution, and it has no direct connection with the federal government with regard to exercising local government autonomy (Ladner, 2009: 339).

Within the constitutional recognition of municipalities in the Swiss Federal Constitution, subsidiarity and municipal autonomy are the guiding principles. As per the principle of subsidiarity (Ladner, 2009: 339)

[a]ll activities not explicitly assigned to higher political levels remain within the scope of cantonal or municipal authorities. Higher levels thus should take over powers of the lower level only when the lower level is not able to assume its responsibilities. Basic pillars of local autonomy are substantial freedom in determining the organization of political systems within the terms set by cantonal legislation.

1.3. Procedures for Boundary Change or Merger of Local Governments

Switzerland is known for a voluntary bottom-up strategy of scaling up the territorial size of municipalities (Kaiser, 2014; Strebel, 2023). Usually, democratic procedures are followed to change local government boundaries by merger, meaning Cantons usually require the consent of the majority of citizens in each municipality to merge municipalities (Ladner, 2009: 337; Strebel, 2023). However, there are a few cases in which municipalities in the mountainous area were forced to merge due to the very small size of their population which inhabited effective service delivery. Between 2000 and 2020 voluntary bottom-up municipal mergers have taken place in fourteen Cantons (Strebel, 2023: 7).

The merger of municipalities is encouraged by the Cantons and the Confederation due to the small size of some municipalities as well as in order to achieve the goal of amalgamation (Kaiser, 2014: 627). The goals of local government amalgamation include, firstly, increasing their efficiency and effectiveness in service delivery, using economies of scale and strengthening their autonomy. Secondly, amalgamation allows the Cantons to benefit from savings since the transfers under the fiscal equalization scheme decrease. Thirdly, the reduction of the number of municipalities lowers coordination and administration costs and enhances professionalism. The Swiss Cantons support municipal mergers using a variety of financial and non-financial incentives (Kaiser, 2014: 629-630). The financial incentives for municipal mergers include general financial aids, project-related contributions, debt relief as well as compensations for financial loss in the fiscal equalization system (which is relevant regarding municipalities with an average per capita tax revenue below the cantonal average that used to receive (more) support from the Canton). There are also non-

¹⁰ Interview with Prof. Eva Maria Belser, Institute of Federalism, University of Fribourg, 23 May 2023.

financial incentives for mergers such as consulting services, tools, and information about municipal mergers (Kaiser, 2014).

As a result of mergers, the number of municipalities in Switzerland decreased from 3,021 in 1990 to 2,715 in 2008 (Ladner, 2009: 337). In 2012, the number of municipalities further fell to 2,495, and, in 2023, to 2136. However, different tax rates and unequal voting powers between big (cities) and small municipalities are considered as obstacles for amalgamation, especially in agglomeration areas. In Switzerland, the term agglomeration refers to a coherent area consisting of at least 20,000 inhabitants and a core city surrounded by municipalities having urban characteristics (Widmer, 2012: 2). To address challenges of agglomeration and encourage vertical and horizontal cooperation, the federal government launched the Federal Agglomeration Policy in 2001¹³ To this end, the Tripartite Conference of Swiss agglomerations, which is an association to facilitate intergovernmental relations among municipalities, cities, cantons and the federal government, was founded. Furthermore, regional or agglomeration conferences were established in some Cantons (Debela, 2019).

There are also situations in which municipalities prefer inter-municipal cooperation rather than mergers. This contributes to the achievement of the goals of amalgamation such as economies of scale in some policy areas. A classic form of cooperation in this context is the administrative union, which is an association of municipalities. For example, civil service is one of the areas where four out of five municipalities cooperate, followed by medical care, schools, fire brigades, and sewage treatment (Ladner, 2009: 338).

In sum, the procedures of mergers of local governments surrounding cities in Switzerland suggest that neither the federal nor the cantonal governments force the municipalities to merge. Rather, they use different strategies to encourage amalgamation, from creating (financial) incentives to facilitating intergovernmental relations to accommodating the challenges usually caused by mergers.

2. The Ethiopian Federation

2.1. Politico-legal History of Local Government and the Federal City

The Ethiopian federation was constitutionally established in 1995 through a top-down approach following a period of transition (1991-1994). There were two phases of decentralization of power to local governments since 1991. The first phase of decentralization started during the transitional period based on the Transitional Period Charter (TPC) that guaranteed the right to self-determination to ethnic communities, or to use constitutional parlance 'nations, nationalities and people.' Ethnic-based regional states (constituent units) and ethnic-based local governments were created simultaneously during the first phase of decentralization (Ayele, 2014).

11 https://www.bfs.admin.ch/bfs/en/home/statistics/catalogues-databases.assetdetail.24065856.html

¹² For the successful merger of rural municipalities often the cantonal governments often provide subsidies to keep the low tax level in the newly merged municipalities. See Ladner, 2009: 337.

¹³ The challenge of agglomerations is mostly a mismatch between political boundaries and functional areas of cities.

To demarcate boundaries of constituent units and local governments, a so-called Boundary Commission was established, composed of ten members and representing seven political parties. In addition, Proclamation No. 7/1992 was issued which listed forty-seven ethnic groups having the right to establish self-government units at the district/woreda level; seventeen ethnic minority groups were guaranteed the rights to fair representation in the district/woreda legislative body/council. The Boundary Commission delineated and defined fourteen regional states but abstained from drawing internal boundaries or establishing local governments (Voughan, 2003: 33). 14 The fourteen regions were reduced to nine regional states by merging five regional states and by changing the status of the federal capital from a regional state into the capital city district in the 1995 FDRE Constitution. There was no debate about the political seat of the federal government as Addis Ababa was already established as the capital city. On a national level, Addis Ababa, functioning as a primate city, plays pivotal role as a melting pot for the diverse ethnic communities within the country.¹⁵ Furthermore, it serves as the economic epicenter of Ethiopia, attracting investments from both the government and private investors. Additionally, the city serves as the headquarters of the African Union (AU), and the United Nations Economic Commission for Africa (UNECA), thus serving as a diplomatic hub hosting various diplomats and embassies.

The second phase of decentralization and the creation of local governments began following the federal government's initiative called District Level Decentralization Programme (DLDP) in 2000 (Ayele, 2014). In this second phase of decentralization, the emphasis was on the creation of autonomous regular woredas/districts including zones, cities and municipalities to bring administrative efficiency. In the Ethiopian federation, the local administration usually includes zones, woredas and kebeles. These are all recognized under the regional state constitutions though only woredas are autonomous local government units. A zone is composed of several woredas/districts and cities and it is usually an administrative arm of the regional executive in relatively homogeneous regional states such as Oromia, Somali and Tigray. Kebele is the lowest local government administrative unit under woredas in almost all regional states (Birhanu, 2017: 102-103).

2.2. Constitutional Status of Local Governments and the Federal City

The FDRE Constitution sets principles for the establishment of two types of local governments: ethnic-based local governments and regular local governments (Ayele, 2014: 139-141). The primary objective of the ethnic-based local governments as stated under the FDRE Constitution Article 39/3 is the accommodation of ethnic minorities by guaranteeing them autonomy in multiethnic regions. The purpose of establishing regular local governments/woreda is to enhance democratic participation at grassroot level. In this regard, Article 50/4 of the Constitution reads as follows:

¹⁵ Addis Ababa contains the largest number of urban dwellers in Ethiopia, its population is estimated at 5,460,591 in 2023. Cf. https://worldpopulationreview.com/world-cities/addis-ababa-population.

¹⁴ The Boundary Commission phased out following the end of the initial phase of boundary demarcation of the constituent units.

¹⁶ In multi-ethnic regional states such as the Southern Nations, Nationality and People's region, Benishangul-Gumuz and Gambella regional states, there are structures called *Liyu Zone* and *Liyu Woreda* which are autonomous ethnic-based local government units. See Van der Beken, 2007.

State government shall be established at State and other administrative level 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.

In addition to Article 50/4, the creation of regular local governments is linked to Article 88 /1 of the FDRE Constitution that enshrines democratic 'self-rule at all levels' as one of the political objectives of Ethiopia's constitutional system. Regular local governments are established throughout all regional states according to their respective regional state constitutions and laws (Ayele, 2014).

The federal capital, Addis Ababa, is recognized in the Constitution as the capital city of the federation under the federal government (FDRE Constitution, Art. 49/1 and 3). The residents of the city have the right to self-government and representation at the lower house of the federal government (FDRE Constitution, Art. 49/2 and 4). The Constitution recognizes the location of the city at the center of Oromia regional state and guarantees the protection of the special interest of Oromia, that would be determined by law regarding social services, common administrative matters and utilization of natural resources (FDRE Constitution, Art. 49/5). The law that would define the special interest of the state of Oromia has never been enacted, and the voices advocating for the determination of this special interest have diminished or disappeared in recent years. There are political elites arguing that the special interest of Oromia is nothing less than a recognition of the historic territorial ownership of the land of the city by the Oromo ethnic community (Ararsa, 2019; Sirna, 2020; Debela and Soboka; 2022, Fite, 2022). On his part, Fessha (2020) argues that the special interest of Oromia as per the FDRE Constitution is an issue of intergovernmental relations which should be determined by law. Similarly, Abebe and Taye (2019) argue that the city's exclusionary socio-cultural environment, for example through its language policy, is the cause for the Oromia regional state's claim of territorial ownership. Therefore, if the city adopted more inclusive socio-cultural and development policies, the special interest of the Oromia region could be determined by law without any change to the existing constitutional system. On the other hand, Sirna (2020) states that the intricate governance problem related to the capital city and its surroundings should be resolved by establishing a twin city system. This would mean establishing a new autonomous city in Oromia regional state surrounding the federal capital that should closely collaborate with Addis Ababa/Finfine to ensure the protection of the special interest of the region.

2.3. Procedures for Local Boundary Change or Merger of Local Governments

The power to demarcate local government boundaries is vested in the regional states (FDRE Constitution Art. 50/4). The regional states' constitutions transfer the power to decide on the establishment of local governments to the executive of the region (Birhanu, 2017). All regional states have enacted laws that set guidelines for the establishment of local governments and their structure (Birhanu, 2017). Since the adoption of a federal system in Ethiopia, local government boundaries have undergone constant change through mergers and divisions at zonal, woreda and kebele level. In this regard, Birhanu states (2017: 113):

Over the past two decades [of the Ethiopian federation], the number and boundaries of zones, woredas and kebeles have been changed noticeably. The experience indicates that some woredas have been subdivided into either two or three

woredas, while other two or three adjacent woredas have been combined into a single woreda.

Throughout the country there were 676 woredas in 1992, a number which decreased to 550 in 1998 due to mergers (Birhanu, 2017: 114). The reasons for the merger of local governments included, among others, efficiency, i.e., maximizing local administrative efficiency and increasing the administrative capacity of local authorities. However, there were no laws regulating the procedures for mergers either at the federal or the regional level, although in multi-ethnic areas there were referendum schemes in place for drawing inter-regional boundaries. In this context, it is argued that 'despite the enormous potential impact of mergers on local communities, residents had not in many cases taken an active stance in voicing their opinions to mergers and setting out prerequisites for mergers' (Birhanu, 2017: 114). Since 2000, there is a tendency of division of woredas that increased the their number and separated rural and urban woredas. The total number of local governments reached 805 in 2014 (Birhanu, 2017: 115). However, it is challenging to generalize the trends related to the mergers and divisions of local governments due to limited data, evolving dynamics and the absence of clear patterns. In this regard, Birhanu (2017) notes that there is no consistent pattern in the creation and boundary demarcation of local governments although considerations related to linguistic, historic and settlement patterns have always played a role, even prior to the emergence of the federal structure.

3. Comparative Summary

The politico-legal histories of nation-building and local government of Switzerland and the Ethiopian federation are different although both federations promote certain values of local government constitutionally. In Switzerland, the nation-building process followed a bottom-up approach in which the Cantons, including the local governments, established the Confederation. Rooted in the established decentralized Swiss urban system, the selection of Bern as the federal city (the seat of the federal government) was a negotiated compromise between economic and political power among the Cantons. In Ethiopia, in contrast, the nation-building process followed a topdown approach in which regional states were created which in turn created local governments. The primate city of the Ethiopian state, Addis Ababa, continues its historic role as the capital and center of political and economic activities in a centralized federal system. Constitutionally, Switzerland recognizes the autonomy of local governments (in accordance with cantonal laws) but there is no special mention of the federal city or the seat of the federal government. In Ethiopia, the federal city/capital city has constitutional recognition including its intricate link with the surrounding Oromia regional state. In Switzerland, scaling up the territorial size of municipalities/merger is done on a voluntary basis following democratic procedures except in few cases where very small municipalities were forced to merge. Cantons encourage merger of municipalities using a variety of financial and non-financial incentives. The federal government also encourages economies of scale by supporting agglomeration of municipalities and inter-municipal cooperation. In Ethiopia, the process of splitting and merger of local governments has limited procedural transparency and is dominated by political elites. In Switzerland, the number of municipalities is decreasing due to mergers and agglomerations are emerging as new structures. In the Ethiopian federation, though there is a tendency of increasing the number of local governments, it is difficult to generalize this trend as there is an absence of clear patterns.

Local Governments in Oromia Regional State D)

1. **Structure of Local Governments**

The Oromia regional state is the largest regional state of the Ethiopian federation both in terms of territory and in terms of population size. The Constitution of the region provides for the establishment and existence of three tiers of local government, namely zones, woredas and kebele.¹⁷ As per the Constitution, Caffee Oromia (the parliament of the region) has the power to create additional administrative structures if necessary. 18 Based on this provision, the regional parliament (Caffee) created urban local governments through Proclamation No. 65/2003. Accordingly, in Oromia regional state, rural local governments were created by the regional Constitution while urban local governments were created by Proclamation. As per Art. 6/1 of Proclamation No. 65/2003, urban areas/cities within Oromia regional state are categorized into four grades based on their population size. Grade one are cities containing more than 90,000 residents; grade two cities contain 45,000-89,999 inhabitants; grade three cities contain 10,000-44,999 residents and, lastly, grade four cities contain 2000 to 9999 residents. The proclamation also guarantees power for the regional state's executive to modify the criteria for urban grading (Proc. No. 65/2003, Art. 6/5).

The number of local governments in Oromia regional state is increasing. While in the mid-1990s, there were twelve zones and 180 woredas, these numbers had increased to 18 and 305 respectively by 2014. ¹⁹ In each zone of the region, there is at least one city in addition to many rural woredas. ²⁰ The largest number of cities with a small number of rural woredas is found in the Oromia Special Zone Surrounding Finfine ('OSZSF'), counting eight cities and six rural woredas. OSZSF is located around the federal capital, Addis Ababa/Finfine. Unlike other zones and woredas which are created by splitting zones and woredas, OSZSF was established through the amalgamation of local governments surrounding the federal capital. The amalgamated woredas and kebeles were taken from the neighboring zones of Addis Ababa/Finfine within Oromia regional state, particularly from the East Shawa, North Shawa, Southeast Shawa, and West Shawa zones in 2008. This merger of local areas taken from different zones for the creation of OSZSF was aimed at curbing encroachment of Addis Ababa into the region (Birhanu, 2017; Regassa and Soboka, 2019). In order to provide the necessary context for boundary demarcation between Addis Ababa and Oromia as well as the subsequent creation of new urban local government structures surrounding the

¹⁷ See Oromia Regional State Constitution Art. 45.

¹⁸ Ibid.

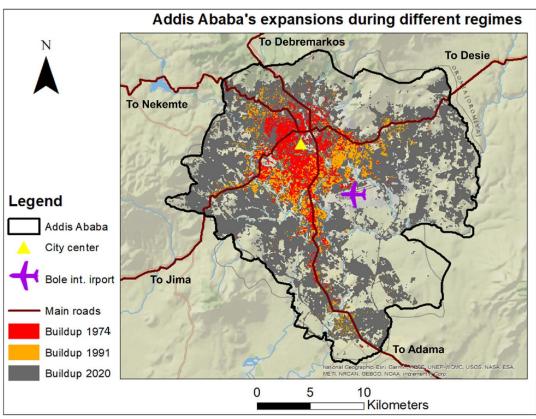
¹⁹The main reasons for the split of woredas and the creation of new woredas are the need for development/infrastructure and for services to be brought closer to home since many of the rural local governments cover wide geographic areas with poor infrastructure. In addition, rapidly increasing population size also contributed for split of woredas. See Birhanu, 2017.

²⁰The zones containing only one urban centre/city are East Wellega, West Shewa, North Shewa, South West Shewa, Kelem Wellega and Horo Guduru Wellega which count 17, 18, 13, 11, 10 and 9 rural woredas respectively. The zones containing two cities are West Wellega, Illubabur, Jima, Arsi, West Harerghe, and Borena, which have 19, 22, 17, 24, 14, and 13 rural woredas respectively. The zones containing three cities are East Harerghe, Bale and Gujji, which have 19, 18 and 13 rural woredas respectively. The West Arsi zone contains four cities and 12 rural woredas while East Shewa contains five cities and ten rural woredas. See Birhanu 2017: 140.

federal capital, it is imperative to briefly examine the geography of local government boundaries and the challenges of urban expansion.

When a federal system was adopted in Ethiopia in 1991, the built-up area size of Addis Ababa city was 58.81 km². By 2020, the built-up area had expanded to 365.18 km² representing an increase of more than 500% (Weldegebriel et. al., 2023: 7). Formal and informal expansion of the city into pre-urban areas of Oromia regional state is one of the main factors for this significant growth of the built-up area of Addis Ababa.²¹ This expansion in turn created complex socio-economic, environmental and governance challenges in the region. In particular, displacement and dispossession of farmers without adequate compensation for their land led to protests by the Oromo people. These protest called for the determination of the special interest of Oromia in Addis Ababa/Finfine, as required by the Constitution, as well as the demarcation of the boundary, and the compensation of farmers (Debela and Sabok, 2022).

Built-up area of Addis Ababa in 1974, 1991 and 2020



Source: Weldegebriel et. al., 2023: 7.

²¹ There are scholars who consider the urban land policy of the federal government as the main cause for the unchecked expansion of Adds Ababa. According to the FDRE Constitution Article 40/3, land is collectively owned by the state and the ethnic communities of the country. However, the urban land law of the federal government strengthens state ownership of land by prohibiting private ownership. It furthermore narrows down citizens' land holding rights and encourages informal settlements by gradually enacting laws that change the informal settlements into land lease holding system, which, in turn, encourages land grabbing and corruption. See Regassa and Soboka, 2022.

There were two rounds of protests against the unchecked expansion of Addis Ababa city into Oromia regional state which broke out across Oromia (Fite, 2022). The first round of protest was in opposition to the federal government's Integrated Development Plan of Addis Ababa and OSZSF in 2014. The plan aimed to incorporate eight cities under the administration of the OSZSF into Addis Ababa city to create a mega city under a single administration.²² The protest resulted in divisions within the ruling party and forced the government to abandon its plan of integration (Debela and Soboka, 2022). The second round of popular protest demanding the demarcation of the boundary started following the identification of lottery winners of the Koye Fiche Conduminuim site, which was built by the Addis Ababa City Administration Savings & Houses Development Enterprise (AASHDE) for residents of the city in March 2019. Since the Koye Fiche Condominium site and other condominium sites such as Tulu Dimitu and Jemo were built in the territory of Oromia regional state, people argued that these areas should be administered by the Oromia region. The regional state government also made its position clear, stating that 'transferring houses built within its boundary would be "unacceptable" until the boundary demarcation was completed' (Fite, 2022). Hence, both the protests by the people and the pressure from the regional government increased the urgency of demarcation of the boundary between Addis Ababa and the Oromia region.

2. Boundary Demarcation between Addis Ababa and OSZSF

Following the second round of protests by the Oromo people, Prime Minister Abiy Ahmed established a Boundary Demarcation Committee in 2019. The Boundary Demarcation Committee is composed of eight members, selected from senior government officials of the federal government, Addis Ababa city administration and Oromia regional state. In August 2022, the Addis Ababa city administration announced the demarcation of the boundary between Addis Ababa and Oromia region (Tsegaye, 2021). There is no official statement about the detailed procedures used to demarcate the boundary although in the announcement ceremony, the Mayor of Addis Ababa city said that 'we have consulted half a million people on both sides of the boundary' (Fite, 2022). Prime Minister Abiy Ahmed also applauded the works done to demarcate the boundary as one of the main achievements of his party. Since the Addis Ababa City Charter, which was revised in 2018, states that 'the boundary of the city shall be delimited by an agreement to be made between the city government and Oromia regional government or pursuant to the decision of the federal government', the measures taken by the Prime Minister do not contravene the law. However, given the complexity of issues and demands surrounding the boundary, it is argued that an independent body or the federal legislature would be the appropriate entity to take a final decision.

Moreover, while there was some participation of the Oromo people and the regional government in initiating the demand for boundary demarcation, the actual demarcation process has taken place behind closed doors, led by government officials/members of the ruling party and without consulting stakeholders such as city residents, the Oromo people as a whole and opposition political parties.²³ The absence of such kind of public consultation and transparency raises questions about

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²² The eight cities are, Dukam, Sabata, Burayu, Sululta, Galan, Holota, Sandafa, and Laga Tafo into Addis Abeba.

²³ Regional parties such as the Oromo Liberation Front (OLF) and the Oromo Federalist Congress (OFC) opposed the decision, arguing that they did not belief that the demarcation was in line with the interest of the Oromo people or that it would bring any benefit to the Oromo people in context where the law does not determine the special interest of

the legitimacy of the process and procedures employed, especially considering the theories developed by Meligrana and Razin (2004) and Paddison (2004) (see chapter B) which emphasize the significance of public consultation and procedural clarity for the legitimacy of local boundary demarcation. One of the procedural gaps in the boundary demarcation process in Ethiopian federalism is the absence of any law that outlines in detail the mechanisms and methodology of public consultation and participation in the process (Birhanu, 2017). This gap is vividly visible when the ruling party claims that it has consulted the public after having gathered local communities with limited capacity and opportunity to criticize government action, excluding politically interested groups and stakeholders.

3. Amalgamation of Local Governments Surrounding the Federal Capital

Following the demarcation of the boundary between Addis Ababa and Oromia regional state, local governments in Oromia surrounding the federal capital were amalgamated. Urban and rural local governments and villages found in OSZSF which decided to be administered by the Oromia regional state during the boundary demarcation were merged, and a new city surrounding the federal capital was established. The newly established city is named Sheger city following the informal name of Addis Ababa/Finfine. The merged cities and districts of OSZSF to form Sheger city includes Sebeta, Burayu, Legatafo, Legedadi, Sululta, and Gelan as well as woredas such as Welmara, Sululta, Barak, Akaki and Sebeta Hawas. However, there are rural villages which were part of OSZSF but were excluded from the merger and from being part of Sheger city. For instance, in Barak woreda there are twenty-three villages of which ten villages were incorporated into Sheger city while the remaining thirteen villages were left to be under the Barak district which will now be part of the North Shawa zone of Oromia regional state. Similarly, in Sebeta Hawas woreda there are fourty-one rural villages, but only seventeen villages form part of Sheger City, the other twenty-four remain under the district and were made part of the South West Shawa zone of the Oromia region. Residents of the villages excluded from incorporation into Sheger city staged protests, particularly claiming that they were not consulted and that their exclusion would divide communities and create administrative hurdles to get services.²⁴

The local governments merged to create Sheger city were previously politically autonomous local governments. As the merger of local governments was realized in a short period of time following the demarcation of the boundary between Addis Ababa and Oromia, there was no meaningful public consultation of the local communities. The Swiss practice of public consultation within merger projects stresses the significance of taking sufficient time for meaningful public consultation. The public consultation may moreover take many forms such as hearings, exchange platforms, roundtables, information campaigns etc. The public consultation also targets the broad public, i.e., not only supporters of the process of merger but also opponents as well as specific sections of the society such as children, youth, elderly people and non-Swiss residents (Schläppi

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Oromia, and the Oromia regional state has no stake in the administration of its seat of government in Addis Ababa/Finfine. Among national parties the Ethiopian Citizens for Social Justice Party expressed that in the absence of public consultation within the process makes the disadvantage of the decision of boundary demarcation out way its advantages. See, Fite, 2022; Tesfaye, 2023

²⁴ The decision of amalgamation faced opposition not only from the residents who are excluded from incorporation under the new city but also high government officials as well as regional opposition political parties such as OFC and OLF on the ground that the decision lacks transparency and did not follow legal procedures, and even violates the constitutionally recognized autonomy of local governments. See Tesfaye, 2023.

and Bishop, 2021: 79). Having wider public consultation during mergers ensures promotes the main values of local government, i.e., democracy, enhancing service delivery, economies of scale and accommodation of diversity.

4. Local Government Structure of Sheger City

The newly established city, Sheger city, contains similar local government structures as Addis Ababa/Finfine, i.e., a city administration lead by a Mayor, sub-cities and woredas. The city is established having twelve sub-cities and thirty-six woredas.²⁵ The new city is established as an 'overbound' city containing both urban and rural areas. The administrative seat of Sheger city is Addis Ababa/Finfine which was also the administrative seat of OSZSF and located outside the city's administrative borders. It would be difficult to fully evaluate whether the new structures of local government within Sheger city are aimed at fully benefiting from the values and role of local government since the law enacted to establish Sheger city and restructure cities in the surrounding Oromia region are not yet made public. However, naming the new city taking the informal name of Addis Ababa/Finfine, and making Addis Ababa/Finfine the administrative seat of Sheger city is a paradox from the perspective of local government, as local governments should be closest to the people. Here, it may be reasonable to assume that the objectives and goals of amalgamation and establishing the would-be mega city may go beyond the explicitly expressed objectives of its establishment, given the special interest of Oromia which is not determined by law and the demands of the Oromo people for territorial ownership/administration of the federal capital as well as the importance of mega-cities in the global economic and trade system.

E) Conclusion

The values of local government make having a fair procedure and process of local government boundary demarcation and merger imperative in a federal system. The comparison between Switzerland and Ethiopia showed that the politico-legal history of a federation influences urbanization and the procedures and processes of local government boundary reform and merger. In Switzerland, scaling up the territorial size of municipalities or merger is done on a voluntary basis following transparent procedures and democratic process except in a few cases while in Ethiopia, the processes of boundary demarcation, division and merger of local governments have limited procedural transparency and are dominated by political elites. The process of boundary demarcation between the federal capital and Oromia regional state as well as the subsequent merger of local governments to create a new city/Sheger city in Oromia regional state is realized through a top-down approach, disregarding the autonomy of local governments and without a clear policy on possible joint new structures and intergovernmental collaboration that could emerge in the course of the creation of the new city.

²⁵ https://borkena.com/2022/12/19/sheger-city-oromia-regions-new-encase-addis-ababa/

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