

Sectoral Intergovernmental Relations in Ethiopia Federation: Normative and Empirical Considerations

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Abstract

Policy overlap or functional interface is inevitable in all federations. In Ethiopia, federal sectoral offices depend on the regional state institutions to execute most of their policy, programs, and decisions. The policy overlap and functional interface demands the entrenchment of sectoral forums that facilitate interactions, consultation, and cooperation between federal and state sectoral offices to deal with functional interface and spillover. Yet, formal sectoral forums are not institutionalized. Previous studies reveal that there is no much study that shows how sectoral relations and interactions are conducted in various policy sectors. This article examines sectoral IGR using the practices of selected federal-state and interstate sectoral relations. It reveals that the established formal sectoral IGR forums have remained dysfunctional. Yet, there are several informal sectoral meetings (conferences) between the federal and state sectoral institutions or among state sectoral bureaus. The vertical sectoral meetings are organized by the federal sectoral offices which also set the agenda of the meetings. The federal sectoral personnel are also overrepresented. These matters negate the co-equal status expected in federal-state relations. In most of the sectoral IGR, there are no written rules that regulate their meetings and decision-making procedures except the relations that exist between the Ministry of Health and state health bureaus regulated by an internal bylaw. However, horizontal sectoral relations are regulated by interstate agreements.

Key terms:

Sectoral IGR · Policy overlap · Functional interface · Informal relations

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1. Introduction

“Intergovernmental relations are ‘the lifeblood of federalism’.”¹

The constitutional division of power and policy competence is the fundamental element of all federations. However, several functions and policy competence allotted to different spheres of government are never watertight however careful the allocation of powers is.² As argued in various literature, policy overlaps and functional interfaces are inevitable and have become a default position of federations.³ The policy overlaps that exist between the tiers of government require intergovernmental collaboration and cooperation to deal with externalities or gain surplus from coordinated action.⁴

¹ Johanne Poirier (2023). “Intergovernmental relations: the lifeblood of federalism”, in John Kincaid and J. Wesley Leckrone (eds.), *Teaching Federalism: Multidimensional Approaches*. Edward Elgar Publishing, UK, 79- 90, p. 79.

² Jennifer Wallner (2017), “Ideas and Intergovernmental Relations in Canada”, 50(3) *PS: Political Science & Politics*, 717-722, p. 717; see also Bertus de Villiers and Jabu Sindane (2011), “Cooperative Government: The Oil of the Engine”, *Policy Paper* No 6 February, p. 8.

³ Ronald L. Watts (2006), “Comparative Conclusions”, in Brown, DM, Kincaid, J., Majeed, A., Watts, RL (eds), *Distribution of Powers and Responsibilities in Federal Countries*, Montreal & Kingston: McGill-Queen's University Press, p. 323; see also Trevor W. Morrison (2009), “The State Attorney General and Preemption”, in William W. Buzbee, (eds.), *Preemption Choice: The Theory, Law, and Reality of Federalism's Core Question*, Cambridge University Press, Cambridge), 84.

⁴ Watts, *supra* note 3, p. 323.

As Saunders noted “substantial interaction, collaboration or cooperation between governments is inevitable, because of the complexity of the social organization, increased economic integration and exigencies of politics.”⁵ Practical experience across federations has also shown that shared policy competence, intensification of shared policy activities, resource scarcity, and spillover demand the tiers of government to cooperate, consult and integrate their shared activities.⁶ “Through IGR, federal actors redistribute resources, share information, make joint decisions, and elaborate interlocking arrangements.”⁷ It has been evident that IGR is the most integral and dynamic component of the federations, and the interplay between local, regional and national governments are at the heart of federalism and the working principle of any federal system.⁸

Intergovernmental relations encompass all types and dimensions of interactions between federal partners (federal, state, and local government officials).⁹ Given the complexity of policymaking, there could be vertical, horizontal, or sectoral relations.¹⁰ The concept of sectoral IGR is devised to capture the institutional setup and dimension of relations within a given policy sector.¹¹ It (sectoral IGR) brings together ministers and heads of the two levels of government in a certain policy sector to integrate their functions, manage shared policy programs and coordinate shared activities. “IGR helps determine who does what, who pays for what, and how things are done in

⁵ Cheryl Saunders (2002). “Collaborative Federalism”, 61(2) *Australian Journal of Public Administration*, 69-77, p. 69.

⁶ Nathalie Behnke & Sean Mueller (2017), “The purpose of intergovernmental Councils: A framework for analysis and comparison”, 27(2) *Regional and Federal Studies*, 507-527, p. 508; see also De Villiers and Sindane, *supra* note 2, p. 8.

⁷ Johanne Poirier (2023). “Intergovernmental relations: the lifeblood of federalism”, in John Kincaid & J. Wesley Leckrone (eds.), *Teaching Federalism: Multidimensional Approaches*, Edward Elgar Publishing, UK, 79- 90, p.79

⁸ Wallner, *supra* note 2, p. 717; see also Richard Simeon & Beryl A. Radin (2010). “Reflections on Comparing Federalisms: Canada and the United States, 40(3) *Publius: Journal of Federalism*, 357-365, p. 362; Dale Krane and Richard H. Leach, (2007), “Federalism and Intergovernmental Relations: Theories, Ideas, and Concepts” in Jack Rabin, W Bartley Hildreth & Gerald J Miller (eds), *The Handbook of Public Administration*, Taylor and Francis, USA, 65, pp-481- 500, p. 487.

⁹ John Kincaid & Carl W. Stenberg (2011). “Big Questions” about Intergovernmental Relations and Management: Who Will Address Them? 71(2) *Public Administration Review*, 199- 202, p. 196

¹⁰ John Phillimore (2013), “Understanding Intergovernmental Relations: Key Features and Trends”, 70(3) *Australian Journal of Public Administration*, 228-238, p. 230.

¹¹ *Ibid*, 231; see also Kincaid and Stenberg, *supra* note 9, p. 196.

specific policy areas.”¹² Thus, many federations have some form of sectoral IGR toolkits to align shared policy programs and activities.

The Ethiopian Constitution offers little direction in regulating sector-by-sector relations. Even if the inclusion of a constitutional clause regarding sectoral IGR is not mandatory, IGR is one of the salient features of the federations, and the constitutional base of enacting a law that regulates sectoral IGR is at least an issue of discussion. For example, some federations, such as South Africa give constitutional recognition for IGR.

There had been both institutional and policy gaps in managing sector-by-sector interfaces that need to be noted and addressed. Yet, recently, following the political transition in 2018, Ethiopia endorsed the intergovernmental relations law that instructs the establishment of two kinds of sector-driven relations, which fills the gaps of institutionalizing formal sectoral IGR. Though great efforts are underway to build robust sectoral interaction, consultation and cooperation, as Zemelak and Yonatan stated, “the IGR Proclamation has not been implemented yet.”¹³ Another research finding also shows that the formal sector IGR forums -that bring together federal sectoral offices and their counterparts in the states and are explicitly mandated to serve as sites of sectoral IGR, i.e. National and Joint Sector Executive Forums- have remained dysfunctional.¹⁴

¹² Poirier, *supra* note 1, p. 80.

¹³ Zemelak A. Ayele & Yonatan T. Fessha (2022), “Intergovernmental Relations and Ethnic Federalism in Ethiopia” in Yonatan T. Fessha, Karl Kössler and Francesco Palermo (eds), *Intergovernmental Relations in Divided Societies*, (Palgrave Macmillan, Switzerland), p. 128.

The reason for the failure to implement the IGR law is partly associated with the country’s history of federal-state relations. It is argued that:

“any attempt to regulate vertical relations between the federal and state governments is now viewed with suspicion. Institutions and processes of IGR are seen as mechanisms that the ethnic community dominating the centre uses to control the states rather than as forums where federal and state governments interact with equality and mutual respect. Many state authorities were against the institutionalisation of IGR when the proposal was first presented at a conference organised to promote the importance of establishing IGR forums”. (Id., 129).

¹⁴ Nigussie Afesha (2022). “Functional Domains of IGR Forums, House of Federation and Ministry of Peace in Ethiopia: The Need for Clarity”, 16(2) *Mizan Law Review*, 305-338, p. 325.

The enactment of the IGR law is to consolidate the IGR system in Ethiopia. The continual use of party apparatus to manage IGR affairs hinders the hitherto endeavours to strengthen formal intergovernmental relations. The fact that most intergovernmental concerns and issues are dealt with through the party channel has undermined the

In spite of the gaps in the institutionalization or operation of the established formal sectoral IGR forums, there are mechanisms by which federal and state sectoral offices interact, consult, cooperate, or integrate their activities. Where two sectoral offices of different tiers of government have shared powers to make policy in respect of the same functional areas, the only reasonable way in which these shared policy power can be implemented is through cooperation.¹⁵ It follows that, in practice, there could be various informal sectoral IGR processes or channels in which several issues of shared policy concern are discussed and possibly resolved while respecting their respective sectoral policy empire and supremacy.¹⁶

Yet, as Cohen and Assefa observed, there is no much study on how sectoral interactions are conducted or managed in Ethiopia.¹⁷ Studies on Ethiopia's IGR are concentrated on the vertical IGR¹⁸ which shows that sectoral IGR has been given little attention. A question that has not been addressed so far is how sectoral IGR functions and is managed in the absence of formal sectoral IGR institutions. This article intends to fill the research gap observed in sectoral IGR and aims to show the practice of how sectoral IGR functions including their capability to foster cooperative and uncompetitive relations between the federal and state sectoral offices.

In this regard, the main question is whether there are established practices and informal mediums that are accepted as sectorial forums and used as sites to facilitate cooperative relations between the federal and state sectoral offices. In this context, this article sets to examine the normative and empirical considerations of sectoral IGR. It depicts the orientation, institutional design,

implementations of the IGR Law and efforts to formalize and institutionalize the IGR system (Ibid).

¹⁵ De Villiers & Sindane, *supra* note 2, p. 3.

¹⁶ Nigussie Afesha (2021). *Intergovernmental Relationships in Ethiopia Federation: A Comparative Study- Special Reference to South Africa and India*, (August 2021) (Doctoral Dissertation, Andhra University).

¹⁷ John M. Cohen (1995). "Ethnic Federalism in Ethiopia", 2(2) *Northeast African Studies*, 157-188, p. 166; see also Assefa Fiseha (2009). "The system of Intergovernmental relationship (IGR) in Ethiopia: in Search of Institution and Guidelines", 23(1) *Journal of Ethiopia law*, 96-131, p. 119.

¹⁸ Assefa, id., note 17; Nigussie Afesha (2015), "The Federal-state Intergovernmental Relationship in Ethiopia: Institutional Framework and its Implication on State Autonomy", 9(2) *Mizan Law Review*, 341-368; Ketema Wakjira, (2017), Institutionalization of IGR in the Ethiopian Federation: Towards Cooperative or Coercive Federalism? 4(2) *Ethiopian Journal of Federal Studies*, 121- 160.

internal bylaw, and the dominant mode of sectoral interactions including their capability to serve as sites for sectoral IGR.

A blend of doctrinal and non-doctrinal legal research methodology is used. The FDRE Constitution other legislation and interstate cooperation agreements were explored to uncover the legal and institutional frameworks that govern the sectoral IGR. This is further supplemented by the relevant academic writings to provide a theoretical framework and foundation for the institutionalization of sectoral IGR. The non-doctrinal approach was employed because lack of formal sectoral IGR channels does not mean the absence of sectoral relations because “intergovernmental cooperation is implicit in any system where powers have been allocated concurrently to different levels of government.”¹⁹ It is thus logical to argue that there are, at least, informal sectoral IGR processes or channels, which are common in most federations.

This non-doctrinal field research involved interviews with fourteen key federal and state government officials and office holders. Structured and unstructured interviews were used to examine the representation of sectoral IGR and its gradual progress including the roles and involvements of states sectoral offices in sectoral IGR. This includes the sectoral relation, interaction, or collaborative experiences of the Ministry of Health and Education with their counterparts in the regional states.

The next section deals with the conceptual and analytical framework of sectoral relations. The third section provides the legal and policy context that leads to sectoral relations and collaboration in Ethiopia. Section 4 explores a vertical sectoral IGR of selected institutions. It examines recent developments of vertical sectoral IGR as they are evolving in different forms and brands involving several issues, the purpose of which is to look at the different ways in which the federal and state sectoral institutions interact with each other. Section 5 presents the practice of sectoral-driven relations of selected horizontal institutions followed by concluding remarks.

¹⁹ De Villiers and Sindane, *supra* note 2, p. 3.

2. Sectoral Intergovernmental Relations: A Conceptual Framework

As indicated above, policy overlaps are inevitable and functional interdependences have increased and intensified gradually, and also most policy problems concern and several policy areas cut across the spheres of governments in all federations.²⁰ Another notable contemporary trend is that "[i]n most federations, vast domains of policy development and implementation require some collaboration between orders of government."²¹ This is because policy decisions made or administrative actions taken by a given federal sectoral office may have a spillover effect in all or some of the state sectoral institutions. In this regard, Arora, Radin and Saunders stated that "[t]he exercise of a function by one sphere of government will often impinge on the functions and responsibilities of others."²² Watts argued that concurrency can "contribute to intergovernmental competition and conflict when processes for partnership in these areas are not developed."²³ The forgoing arguments underline the need for federations to develop the processes for consultation, collaboration, or cooperation between institutions of the different spheres of government in all facets: both vertically and horizontally.²⁴

Sectoral IGR involves all forum and kinds of sector-driven relations, both vertically and horizontally. The vertical sector relations comprise the relation between the federal and state sectoral offices. It also includes the federal and local government sectoral offices in addition to the state and local government

²⁰ Johanna Schnabel (2020). *Managing Interdependencies in Federal Systems Intergovernmental Councils and the Making of Public Policy*, Palgrave Macmillan, Switzerland, p. 1.

²¹ Poirier, *supra* note 1, p. 79.

²² Balveer Arora, Beryl Radin & Cheryl Saunders (2008). "Interaction in Federal Systems", in John Kincaid and Rupak Chattopadhyay (eds.) *Interaction in Federal Systems*, Forum of Federations, Viva Books, New Delhi, 3-24, p. 16.

²³ Ronald L. Watts (2008). *Comparing Federal Systems*, McGill-Queen's University Press Montreal & Kingston, p. 121.

²⁴ Vertical IGR brings together federal and state governments of the federation. The vertical IGR can occur between the different levels of the three branches of government (Arora Radin and Saunders, 2008). Conversely, horizontal IGR forums bring together the regional leaders (Yonatan, 2020, p. 102). Sectoral IGR forums bring together federal and state officials in a given policy sector, such as health, education, justice, etc. The classification of vertical and horizontal sectoral IGR is meant to indicate which levels of sectoral offices are involved. This is also clearly shown in the IGR Proclamation (see arts. 2 and 6 Proclamation No. 1231/ 2021).

sectoral office relations. On the other hand, horizontal sectoral IGR ordinarily brings together persons responsible for the relevant sector in their respective subnational governments.²⁵ Yet, conceptually horizontal sectoral IGR also includes sector-driven relations between officials of local governments.²⁶ It is vital to note that the expression sectoral IGR, in this article, covers the relations between the federal and state sectorial offices and interstate sectoral offices.

The entrenchment of robust sectoral IGR enables the national and state sectoral offices to influence outcomes of the various policy areas and find common ground in the interest of the nation. This makes sectoral IGR part of the federal creed in any federation, including those systems traditionally referred to as dual federalism, such as Canada, USA and Australia.²⁷ In Canada, for instance, there are thirty-five (35) intergovernmental councils, of which about half are vertical councils and the rest are horizontal councils, which include sectoral councils in some policy areas.²⁸ In the US federation, the relation in the policy sector is named 'picket fence federalism' in the way which refers to each policy sector tends to have its own IGR networks and personnel.²⁹ In Australia, the relation in the policy sector is formalized through the establishment of ministerial councils consisting of federal and state ministers and their officials.³⁰

What is commonly acknowledged is that sectoral IGR forums are vital for information sharing, to determine roles sectoral offices of each sphere of government have on shared policy areas, negotiate over funding, or conclude formal agreements over the performance of the respective government

²⁵ Yonatan Tesfaye Fessha (2020). "Addressing the limits of autonomy: Origin, organization and purpose of horizontal intergovernmental forums in three federations," 12(1) *Perspectives on Federalism*, 101- 123, p. 102.

²⁶ Nigussie, *supra* note 16, p. 246.

²⁷ Eva Sáenz Royo (2013), "The Present and Future Nature of Intergovernmental Relations: A Comparative Vision of the Model in the USA and in Spain", in Alberto López-Basaguren and Leire Escajedo San Epifanio (eds.), *The Ways of Federalism in Western Countries and The Horizons of Territorial Autonomy in Spain* Springer-Verlag Berlin Heidelberg, New York, 165-176, p. 165.

²⁸ Johanna Schnabel (2022), "Bilingualism, Quebec's Distinctiveness, and Intergovernmental Relations in Canada", in Yonatan T. Fessha, Karl Kössler and Francesco Palermo (eds.) *Intergovernmental Relations in Divided Societies*, (Palgrave Macmillan, Switzerland), p. 38.

²⁹ Phillimore, *supra* note 10, p. 231.

³⁰ *Ibid.*

functions.³¹ Besides, government officials in all federations communicate with each other on an ongoing basis either to integrate policy intentions or coordinate shared policy programs.³² The underlying culture and concrete experience of federations have revealed that sectoral interactions and collaborations are vital to harmonize governments' policies in response to their mutual dependence.³³ Thus, there is a need to entrench sectoral intergovernmental institutions to deal with externalities or gain surplus from coordinated action. It is to be noted that each federation develops its own unique sectoral IGR ecosystem in various policy areas;³⁴ and, the structure and nature of sectoral intergovernmental relations and cooperation vary from one policy sector to the other.

In sectoral IGR, ministers, officials, or administrators –responsible for a particular policy sector– need coordination with their state counterparts to harmonize, integrate, manage, or address specific policy concerns and coordinate policy programs.³⁵ As Malan noted, intergovernmental relations are “a set of formal and informal processes as well as institutional arrangements and structures for bilateral and multilateral co-operation within and among the three spheres of government.”³⁶ This needs the examination of the forms, structure and processes including the culture of sectoral IGR that is institutionalized in a given federation.

In this context, the first issue that needs to be seen is which levels of sectoral offices and how many of them are engaged in the sectoral IGR since federations vary in the size and number of constituent units, the way they distribute power, and the way they regulate the interface. It can be argued that sectoral IGR may involve a federal and all (or some of) the state sectoral offices. Depending on the issues that require coordination, a central government sectoral office may deal with all the state sectoral offices at a time, a few or just one of the state sectoral offices. The overall tendency

³¹ Rupak Chattopadhyay & Liam Whittington (2019), *Apex-level Intergovernmental Relations in Federal Systems: Comparative Perspectives and Lessons for the Indian Context*, a paper prepared by the Forum of Federations to the Fifteenth Finance Commission of India, August 2019, p. 3.

³² Thomas O. Hueglin & Alan Fenna (2015). *Comparative Federalism: A Systematic Inquiry*, University of Toronto Press, Canada, p. 241.

³³ Chattopadhyay & Whittington, *supra* note 31, ii; see also Schnabel, *supra* note 20, p. 270.

³⁴ Wallner, *supra* note 2, p. 717.

³⁵ Chattopadhyay & Whittington, *supra* note 31, p. 3.

³⁶ Lianne Malan (2005). “Intergovernmental Relations and Co-operative Government in South Africa: The Ten-Year Review”, 24(2) *Politeia*, 226-243, p. 228.

seems that it is not always necessary or even advisable for all state sectoral offices to be consulted equally by the central sectoral office on all issues. It means sectoral IGR could be bilateral or multilateral, or may involve asymmetry. The size and number of federation units, including the way a shared policy is distributed, could determine the nature of the sectoral IGR.

The other point that needs to be seen is the form of sectoral relations. The form of IGR refers to the modes through which different spheres of government interact with each other. On account of this cause, sectoral intergovernmental cooperation has been made in a variety of forms and come in various shapes over time.³⁷ The experience in several federations such as Canada, Switzerland, Belgium, India, and Spain reveals that sectoral IGR are conducted through multiple formal and informal institutions and instruments.³⁸ The (in)formal sectoral IGR processes, institutions, and instruments are established to facilitate cooperation between federal government sectoral offices and their counterparts in the states.

Sectoral IGR may be more decentralized or centralized, or weakly or strongly institutionalized.³⁹ The practices of most federations show that they can deal with functional interfaces or the exercise of shared jurisdiction through formal mechanisms, informal arrangements, or on an *ad-hoc* basis.⁴⁰ As stated above, Canada, for example, has multiple intergovernmental councils, half of which are weakly institutionalized, meet irregularly, and have neither a permanent secretariat nor a statutory basis.⁴¹

The other point is that sectoral intergovernmental interactions and cooperation could be vertical or horizontal. Vertical sectoral IGR brings functionaries of different levels of government together to coordinate their tasks in functional areas for which both offices are responsible, while the horizontal sectoral IGR facilitates coordination between sectoral heads of the regional states. In vertical sectoral IGR, the intensity and frequency of interaction vary between policy sectors, but most federations develop some

³⁷ Daniel J. Elazar (1965). "The Shaping of Intergovernmental Relations in the Twentieth Century", 359 (1), *The Annals of the American Academy*, 10-22, p. 13.

³⁸ Yonatan T. Fessha, Karl Kössler & Francesco Palermo (eds) (2022), *Intergovernmental Relations in Divided Societies*, Palgrave Macmillan, Switzerland, p. 226; Arthur Benz & Jörg Broschek (2013), "Federal dynamics: Introduction", in Arthur Benz and Jörg Broschek (eds), *Federal Dynamics Continuity, Change, and the Varieties of Federalism*, Oxford University Press, Oxford, p. 6.

³⁹ Ibid.

⁴⁰ Anderson George (2008). *Federalism: An Introduction*, Oxford University Press, New York, p. 67.

⁴¹ Schnabel, *supra* note 28, p. 40.

form of sectoral IGR with (without) a robust apex level to discuss cross-sectoral policy issues.⁴²

In Canada, "sectoral policy coordination is conducted mainly by the federal finance department or other ministries, which often have their own services for IGR."⁴³ On the other hand, in Spain, "sectoral conferences are vertical multilateral cooperation bodies that include representatives of the central government and Autonomous Communities for specific policy sectors."⁴⁴ Unlike other federations, in Spain, each sectoral IGR (conference) has established a framework for cooperation among the administrative levels.⁴⁵

The level of cooperation or conflict in the sectoral IGR depends on the financial dependence of states in each policy area, their constitutional powers, administrative experience, technical knowledge and competence in the area, as well as the political importance of the issues.⁴⁶ The structure and nature of each type of sectoral IGR may be determined by the area of activity and the set of actors involved in the relations.⁴⁷ Variation also exists in the pattern of sectoral intergovernmental interactions across the federations. "In some areas, no clear pattern of intergovernmental relations has evolved. In others, programs have tended to follow fairly well-defined sets of relationships. Seldom is the same pattern followed in two action areas; new varieties of relationships are constantly being developed and put into use."⁴⁸

3. Sectoral IGR in Ethiopia: Legal and Policy Considerations

The federal practices so far indicate that there are sectoral relations that range from formal interaction (collaboration) to informal contact the purpose of which is to ease consultation, negotiation and non-hierarchical exchange of information and experiences. However, in Ethiopia, sectoral interfaces have remained less recognized for a long as compared with other federations such as South Africa and India. For instance, in South Africa, there are statutory-based sectoral forums established to manage shared tasks between

⁴² Chattopadhyay & Whittington, Apex-level Intergovernmental Relations, *supra* note 31, p. 3.

⁴³ Schnabel, *supra* note 28, p. 4.

⁴⁴ Josep M. Castellà Andreu & Mario Kölling (2022), "Intergovernmental Relations and Communal Tensions in Spain", in Yonatan T. Fessha, Karl Kössler and Francesco Palermo (eds.) *Intergovernmental Relations in Divided Societies*, (Palgrave Macmillan, Switzerland), 159-182, p. 167.

⁴⁵ Ibid.

⁴⁶ Phillimore, *supra* note 10, p. 231.

⁴⁷ Krane and Leach, *supra* note 8, p. 493.

⁴⁸ Ibid.

functionaries of the spheres of government in areas where both are responsible. The sectoral forums bring national ministers and their nine provincial counterparts responsible for parallel portfolios together in shared functional areas. These forums are known by the acronyms MINMECs.⁴⁹ Unlike South Africa, India's sectoral IGR are instituted by top functionaries in a particular branch (activity) of the central government without having constitutional and statutory authority. Though a variety of informal institutions, forums and conferences have also been set up at different times to manage sectoral IGR, they discuss matters that add little to no value to IGR.⁵⁰

In Ethiopia, there is no constitutional clause that governs (or guides) IGR in general and sectoral interactions in particular. Yet, recently, Ethiopia has enacted the IGR law that governs the overall IGR system, structure and arrangements, which also sets the legal framework to regulate, formalize and institutionalize sectoral relations. The IGR law embodies provisions that deal with vertical and horizontal sectoral relation forums. These forums are designed to encompass a federal sectoral executive body and all (some) state sectoral executive bodies in the vertical line. On the other hand, the horizontal sectoral IGR forums are designed to encompass all or some parallel sectoral offices.

The IGR law envisages the establishment of as many sectoral IGR forums as there are sectoral offices and bureaus.⁵¹ The leading vertical sectoral relations forum, which is designed to encompass federal and all state sectoral executive bodies, is the National Sectoral Executives Relations Forum. The forum comprises heads of the concerned federal and the eleven Regional States' Sectoral Executive Offices including the Addis Ababa and the Dire Dawa City Administration Sectoral Offices.⁵²

⁴⁹ Derek Powell, (2015). "Constructing a Developmental State in South Africa: The Corporatization of Intergovernmental Relation", in Johanne Poirier, Cheryl Saunders & John Kincaid (eds.), *Intergovernmental Relations in Federal Systems: A Comparative Structure and Dynamics* (Oxford University Press, Canada), p. 324.

⁵⁰ Rajendra K. Pandey (2022), "Redundancy of Existence: Intergovernmental Relations in India", in Yonatan T. Fessha, Karl Kössler & Francesco Palermo (eds.) *Intergovernmental Relations in Divided Societies*, (Palgrave Macmillan, Switzerland), p. 146

⁵¹ Zemelak and Yonatan, *supra* note 13, p. 126

⁵² Proclamation No. 1231/ 2021, The System of Inter-Governmental Relations in the Federal Democratic Republic of Ethiopia's Determination Proclamation No. 1231/ 2021, *Federal Negarit Gazeta*, 27th Year No. Addis Ababa 11th January, 2021, Article 13(1).

The vertical IGR forum (National Sectorial Executives Forum) is designed to undertake essential functions that are sectoral in nature but have national importance (dimension) and to facilitate the carrying out of sectorial development and functional governance activities.⁵³ In this forum, members make consultations on outstanding issues of national importance in a particular policy sector.⁵⁴ In the forum, deliberation is made concerning the preparation and implementation of sector-driven policies, strategies, or plans of the Federal Government, in which views and opinions of the regional states are listened. The forum is expected to make discussion focusing on the quality of service delivery and the level of performance of every sector and the formulation of shared mechanisms to enhance the quality of services they provide. It also deliberates on the preparation, implementation and evaluation of the sector-driven nationwide plans and programs, which are executed at the state level. It devises and holds consultations on ways in which the exchange of best experiences and data is undertaken.

The forum further devises a peer-evaluation system that would enable one to bring the performance results which are registered in the states comparably to a similar level. It also discusses, as deemed necessary, such other related affairs that might strengthen the sectoral duties and render directives to that effect. Unlike the National Sectorial Executives Forum, the joint vertical sectoral forum is established by two or more Sectorial Executive Bodies. Members of the Joint vertical sectoral executive forum are empowered to determine specific duties and tasks of the forums in pursuance of the spirit contained in the IGR proclamation.⁵⁵

Likewise, a horizontal sectorial executives forum can be established between a federal and two (more) state sectorial executive bodies. Moreover, two or more state sectorial executive offices are allowed to establish a joint horizontal sectorial relation.⁵⁶ Members of the all-embracing or the joint horizontal sectorial executive forum are authorized to determine specific duties and responsibilities of the forums in pursuance of the spirit contained in the IGR proclamation.

The forgoing discussion shows that the Ethiopian federation entrenches essential vertical and horizontal sectoral relation forums in which all (most) state sectoral executive bodies participate and periodically meet to discuss,

⁵³ Id., Article 14.

⁵⁴ Id., Article 14(1).

⁵⁵ Id., Article 15.

⁵⁶ Id., Article 20.

compromise, or consult on issues of national importance, or coordinate their shared activities. However, these forums have remained in disuse.⁵⁷

Despite the dysfunction of formal sectoral forums, virtually, all federal ministries have developed particular mechanisms and practices of relations, cooperation, or collaboration with state sectoral institutions or agencies.⁵⁸ Yet, the structures, processes, and practices of the sectoral interactions vary from one sectoral office to other.⁵⁹ Each federal ministry interacts and cooperates with state sectoral offices ‘informally’ and without any protocols. The risks of regulating sectoral interaction or cooperation informally through established practice and tradition necessitate the reactivation of formal sectoral IGR forums and institutions toward harnessing centrifugal forces and nurturing coherent federal practice. Until the formal sectoral IGR forums resume their functions, as Solomon rightly stated, “each federal ministry and administrative agency is required to engage in cooperation with their counterparts in the regional bureaus in order to share information, discuss common problems, contemplate joint action on common concerns, exchange of expertise, share technical expertise and personnel and even establish joint agencies.”⁶⁰

In practice, the various functionaries of the federal and state government have interacted regularly in policy, financial, and administrative matters.⁶¹ This situation portrays that sectoral interactions and cooperation between federal and state sectoral institutions are unavoidable. The informal sectoral interactions have been taken place between the sectoral institutions of the federal government and states involving a particular pattern of relations. There was also short-lived cooperation and collaboration to address the outbreak of an epidemic, war, or sectarian violence.⁶² Yet, these sector-based forums were characterized by irregularity, lack of clear guidelines and absence of accountability.⁶³ “The situation has opened a loophole for the federal government to maintain its dominance over regional bureaus under the guise

⁵⁷ Nigussie, *supra* note 14, p. 325; Zemelak A. Ayele & Yonatan, *supra* note 13, p. 128

⁵⁸ Nigussie, *supra* note 18, p. 360.

⁵⁹ Nigussie *supra* note 16, p. 248.

⁶⁰ Solomon Negussie (2008). *Fiscal Federalism in the Ethiopian Ethnic-based Federal System*, Wolf legal Publishers, Netherlands, p. 105.

⁶¹ Nigussie, *supra* note 16, p. 248.

⁶² Solomon, *supra* note 60, p. 105.

⁶³ Ketema Wakjira (2017). “Institutionalization of IGR in the Ethiopian Federation: Towards Cooperative or Coercive Federalism?”, 4(2) *Ethiopian Journal of Federal Studies*, 121-160, p. 140.

of coordinating shared policies and programs.”⁶⁴ It can be argued that the sectoral IGR practices violate some of the essential principles of IGR, i.e., equality, partnership and mutual consent.⁶⁵

Despite the aforementioned limitations, the sectorial cooperation and relations have been growing and amenable to change. In this regard, we can take note of the informal sectoral IGR and the pattern of relations observed between the Federal Ministry of Health and state health bureaus following the outbreak of the coronavirus worldwide and the occurrence of the COVID-19 case in Ethiopia. At that point, the Federal Ministry of Health and regional state health bureaus worked in cooperation to arrest the spread of the virus. For instance, the Federal Ministry of Health and State Health Bureaus met and reviewed the 2020/21 fiscal year performance, the 2021 fiscal year plan, and the response strategy to COVID-19. They also deliberated on the nationwide Community-Based Activities and Testing campaign, in particular, to better understand the epidemic and determine measures to be taken.⁶⁶

4. The Practices of Vertical Sectoral IGR in Selected Policy Sectors

As highlighted above, sectoral cooperation and collaboration have evolved as a matter of necessity to facilitate the attainment of common goals, policy alignment, integration of plans, as well as information/experience sharing. For instance, the federal Ministry of Agriculture has formal and informal relationships with regional agriculture bureaus. The informal mechanisms include communication through letters, telephone, or video conferences.⁶⁷ Yet, there is neither an internal bylaw nor guideline to institutionalize the interactions and collaboration between the Federal Ministry of Agriculture and state agriculture bureaus.

In the absence of internal protocol and guidelines, the Ministry of Agriculture and State Agriculture Bureaus meet four times a year.⁶⁸ There is

⁶⁴ Ibid

⁶⁵ Sisay R. Senbeta & Yakob B. Hundie (2023). “Ethiopia”, in Jean-François Tremblay (editor), *The Forum of Federations Handbook of Fiscal Federalism*, Switzerland: Palgrave Macmillan, 125-158, p. 135.

⁶⁶ Official Facebook page of Dr. Lia Tadesse, Minister of Federal Ministry of Health 02 August 2020 (<https://www.facebook.com/liatadsmoh/>) (Last accessed: August 2/2020)

⁶⁷ Nigussie Afesha, *supra* note 18, p. 363.

⁶⁸ Interview with Ato Tesema Gebremedihn, Head, in the Office of the Minister at the Federal Ministry of Agriculture, Addis Ababa, (Oct 16/2019); Interview with Ato Markos Wondu, Deputy Head, Amhara Regional State Agriculture Bureau, Bahir Dar,

also an emergency meeting, which is customarily hosted whenever some problem occurs in the agriculture sector. For instance, there was a locust endemic in East Africa, which was spreading to Ethiopia and caused some damage to crops and agricultural productivity. The federal agriculture minister and state agriculture bureau staff met and discussed how to curb the spread of the pandemic. It should be noted that the composition of and matters seen in the meeting vary on each occasion.⁶⁹ Compared with the pre-existing sectoral interactions, there is some improvement. Previously, the Ministry of Agriculture and State Agriculture Bureaus met twice a year. The forums also comprised the higher officials, experts and donors, which erodes the essence of sectoral IGR in which only federal and state agriculture bureau representatives are equally engaged. The Federal Ministry of Agriculture set the agenda and the role of state agriculture bureaus were limited to participating and voicing their concerns in the meeting.⁷⁰

Likewise, the Ministry of Justice and regional state Justice bureaus met twice in 2022 in Bahir Dar and Bishofitu. The participants of the consultative meetings were the minister of justice (and his deputies), heads of regional Justice Bureaus, the heads of institutions that are accountable to the Ministry and representatives of stakeholders.⁷¹ Each meeting was chaired by the Federal Justice Minister. In the consecutive meetings, discussions, consultations, and appraisals were made on activities undertaken to strengthen the justice system in the Country and the effort underway to build a justice system that earns the public trust at large.⁷² To this end, unlike many federal ministers, the Ministry of Justice has Regional Affairs Directorate that is responsible to organize meetings and support the regional Justice Bureaus. There was also a similar kind of sectoral interaction and cooperation between the Federal and Regional State Police Commission. They met and

(Jan 16/2020); Interview with Ato Eyob Wattte, Bureau Head Advisor, in the SNNP Regional State Agriculture Bureau, Hawassa, (Oct 24/2019); Interview with Musa Ahmed, Head, in the Benshangule Gumuze State Agriculture and Natural Resource Bureau, Assosa, (Dec 24/2020).

⁶⁹ Ibid.

⁷⁰ Nigussie, *supra* note 18, p. 362

⁷¹ See the official website of the FDRE Ministry of Justice posted on 15, September 2022, <https://www.facebook.com/watch/?v=527731382688020>

⁷² See the official website of the FDRE Ministry of Justice, posted on 01 April 2022, <https://www.facebook.com/100064822533625/posts/343781987792550/?sfnsn=mo>

discussed how they work together and cooperate in the prevention and investigation of crimes.⁷³

4.1 Intergovernmental interface in the education sector

The FDRE Constitution authorizes the federal government to establish and implement national standards and basic policy criteria for education.⁷⁴ Accordingly, the Ministry of Education sets education and training standards and ensures their implementation.⁷⁵ These mandates include the authority to formulate national qualification frameworks, a general framework of education curricula, and set minimum educational qualifications and standards for education and training institutions. The state education bureaus, on the other hand, are required to ensure the compatibility, quality, and effectiveness of education offered in the states in conformity with educational standards set at the national level.⁷⁶

Moreover, the Ministry of Education formulates education policy goals, designs education strategies and sets education programs to address the problems of access to, equity, quality of, and relevance in education.⁷⁷ It has been observed that the eleven states are not able to offer quality and relevant education and training on the same level owing to historical factors, lack of resources, economic bases of the communities, and other similar causes.⁷⁸ In

⁷³ See Fana Broadcasting Corporate website, posted on 27 February, 2020: <https://www.facebook.com/123960474361367/posts/2827504490673605/?sfnsn=scwspmo&extid=2ZMhXz1JU754j5Om>

⁷⁴ FDRE Constitution, Article 51(3).

⁷⁵ Proclamation No. 1263 /2021, A Proclamation to Provide for the Definition of the Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia, *Federal Negarit Gazeta*, 28th Year No. 4, Addis Ababa, 25th January, 2022, Article 34(1(b)).

⁷⁶ Proclamation No. 264/2018; The Revised Executive Organs Re-establishment and Determination of its Powers and Duties in the Amhara National Regional State, *Zikre Hig*, 24th Year No. 03, Bahir Dar, March 10, 2019, Art. 24(2); Proclamation No. 199/2016, A Proclamation to Provide for the Reorganization and Redefinition of the Powers and Duties of Executive Organs of Oromia National Regional, *Megeleta Oromia*, 25th Year, No. 2, Finfine, July 20, 2016, Art. 22(3); and Proclamation No 161/2015, Proclamation for The Redefinition of the Powers and Duties of Executive Organs of Southern Nations, Nationalities and Peoples' Regional State, Proclamation No 161/2015, *Debub Negarit Gazeta*, 22 Year, No 1, Hawassa, Art. 22(1).

⁷⁷ Proclamation No. 1263 /2021, Article 34 (1(a)).

⁷⁸ See the Federal Democratic Republic of Ethiopia Ministry of Education Annual report of the 2019, 82- 93; see also, the 2019 fiscal year Annual Performance Report of the Amhara National Regional State SNNP Regional State and Benishangul Gumuz Regional Education Bureaus (documents on file with author).

such situations, the Ministry of Education provides support and resolves bottlenecks that retard the effort to offer quality and relevant education and training in the concerned state/s/.

To this effect, the Ministry of Education supervises government and private schools engaged in teaching activities in the eleven regional states to check whether they are performing their teaching activities in line with the education standards set by the national government. State education bureaus are required to prepare elementary school curricula and additional levels based on national education policy and standards.⁷⁹ The Ministry of Education ensures the compatibility of the curricula prepared by the state education bureaus against the educational standards set at the national level. This confirms that the Ministry of Education and state education bureaus should exchange information and cooperate to ensure that teaching activities are performed in line with national education standards.

It is thus evident that there is functional interdependence within these institutions. It is thus logical to argue that sectoral relations, interactions, consultation, cooperation and collaboration are inevitable and desirable features of the educational system for the successful implementation of the educational standards and to attain the objectives of the education sector. For this purpose, the Federal Ministry of Education and state education bureaus need to have extensive sectoral interactions to facilitate the attainment of education and training standards in all states. Instituting sectoral IGR forums and enhancing sectoral interactions are crucial to maintain the educational standard, offer quality and relevant education, entrench workable educational infrastructure, and ensure a smooth exchange of information.

However, there is no internal bylaw that regulates relation, interactions and collaborations of the Ministry of Education and state education bureaus. Yet, there are close informal sectoral interactions and collaborations between the two (see the discussion below). Apart from the informal sectoral interactions and collaborations, as seen in many sectors, the Ministry of Education and state education bureaus meet monthly. The forum comprises the Federal Education Minister, deputy education ministers, state education bureau heads and their deputies, and directorate directors of the Ministry of Education that concerns the agenda as members.⁸⁰

⁷⁹ Proclamation No. 264/2018, Art. 24(3), Proclamation No. 199/2016, Art. 22(7) and Proclamation No 161/2015, Art 22(15).

⁸⁰ Interview with Getachew Garedew, Head, the SNNP regional State Education Bureau, Hawassa, Oct 22/2019; Interview with Abdelmniem Adem, Deputy Head, Benishangul Gumuz Regional State Education Bureau, Assosa, Dec, 24/2019; and Interview with

The forum is organized by and held under the chairmanship of the Ministry of Education. Ahead of the meeting, the state education bureaus are required to submit a monthly report to the Ministry, as per the checklist developed by it. The report contains the activities they undertake, the problems they encounter, and the measures they take to alleviate the problems.⁸¹ The Ministry of Education decides when to convene a sectoral meeting and which topics to discuss in it.⁸² However, the state education bureaus can submit matters to be seen in the forum. As the Ministry of Education designs the agenda and chairs the meeting, it can be argued that the Ministry might take the venue to influence the agenda and areas of priority in its favor. However, there is a claim that the Ministry of Education and the state education bureaus undertake their shared functions in cooperation.⁸³ The monthly meeting is usually concluded by setting the next month's focus areas and defining the roles and activities of the Ministry of Education and state education bureaus against the objective set in that respect.

Moreover, the Ministry of Education and state education bureaus hold consultation conferences quarterly.⁸⁴ Participants of the conference are the federal Education Minister, Deputy Ministers, state education bureau heads and their deputies, the Director General of the education sector, concerned directorate directors of the Ministry of Education and institutions accountable to the Ministry of Education.⁸⁵ Before this forum, the Supervision and Oversight Committee of the Ministry oversees and audits the accomplishment of each state's education bureau, including selected zonal and local education bureaus. They usually check the accomplishment of each state's education and write a report against the target set for the period.⁸⁶

Tefera Feyissa, Deputy Head, Amhara Regional State Education Bureau, Bahir Dar, Jan, 15/2020.

⁸¹ See the monthly reports of the SNNP Regional State Education Bureau submitted to the Federal Ministry of Education on, Oct 2019 (document on file with author).

⁸² Interview with Getachew Garedew, Abdelmniem Adem, and Tefera Feyissa, *supra* note 80.

⁸³ Interview with Ato Tefera Feyissa, Deputy Head, Amhara Regional State Education Bureau, Bahir Dar, Jan, 15/2020

⁸⁴ Interview with Getachew Garedew, Abdelmniem Adem, and Tefera Feyissa *supra* note 80.

⁸⁵ See the minutes of the Federal Ministry of Education higher officials and the State education bureaus heads Consultative meeting, held from April Oct, 12 to 13, 2019, (document on file with author), and also Interview with Getachew Garedew, Abdelmniem Adem, and Tefera Feyissa, *supra* note 80.

⁸⁶ Interview with Ato Alamirew Akiliu, Inspection and Data Analysis Expert, Ministry of Education, Addis Ababa, Oct 13/2019.

As seen in monthly periodic meetings, the state education bureaus submit a quarterly report to the Ministry of Education regarding their performance.⁸⁷ In the forum, the report of the Committee is presented to and discussed by the participants.⁸⁸ The findings of the Committee are evaluated against the report submitted by state education bureaus regarding their performance. Based on the information gathered from each state education bureau and the findings of the Committee, feedback is given to a state education bureau that registered poor performance or performed below the standard.⁸⁹ Then, the Ministry of Education provides appropriate support (be it capacity building, technical or financial) to scale up the performance of the lagging state education bureaus in order to ensure a balanced and equitable development of the education sector in all states.⁹⁰ The problems encountered and the corrective measures taken by the state education bureaus are reported and deliberated. The forum forwards future direction and sets the agenda and focus of the next meeting.⁹¹

The Ministry and state education bureaus meet annually to integrate their annual plans. The state education bureaus prepare annual plans taking into account the Growth and Transformation Plan (GTP) within the annual framework plan developed by the Ministry and consistent with the standard and basic policy criteria set for education. The annual plan and programs of the state education bureaus are evaluated and integrated with the annual plan and programs of the Ministry of Education.⁹² The planning and budget personnel of the Ministry of Education and state education bureaus work together to integrate the education sector plan, which is tabled at the annual conference. The annual summit brings together all state ministers, state education bureau heads, directors from regional and federal offices, stakeholders from the public wing including professional associations and representation bodies, and donor partners. It represents all education sectors

⁸⁷ Interview with Getachew Garedew, Abdelmniem Adem, and Tefera Feyissa, *supra* note 80.

⁸⁸ See the minutes of the Federal Ministry of Education higher officials and heads of regional state education bureaus, consultative meeting, held on Oct, 12 to 13, 2019, at Bishoftu (on file with author).

⁸⁹ Interview with Ato Ketema Kewiy, School improvement Expert, Ministry of Education, Addis Ababa, Oct 13/2019.

⁹⁰ See the minutes of the Federal Ministry of Education higher officials and the State education bureaus heads Consultative meeting, held from April Oct, 12 to 13, 2019, at Bishoftu, document on file with author.

⁹¹ *Ibid.*

⁹² See the Annual Performance Report of the Federal Democratic Republic of Ethiopia Ministry of Education.

and serves as the highest-level decision-making body.⁹³ At the summit, the annual performance of the education sector is reviewed, and the next year's annual plan for the sector is launched and discussed.

As indicated above, the Ministry of Education and State Education Bureaus develop sectoral mechanisms or processes to expedite cooperation and collaboration in the education sector. The sectoral relations and interactions involve policy alignment, reporting requirements, planning, and budgeting. In the consultative summits, they share information regarding the quality and relevance of the education offered throughout the states and the effectiveness of the education system as well as problems they encounter in the course of maintaining education and training standards.⁹⁴

Yet, in the annual meeting, both governmental and non-governmental representatives participate in various capacities. The participation of non-governmental representatives and other bodies may evoke the question whether such consecutive consultation meetings can be considered formal sectoral IGR in the proper sense of the term. It is important to note that the consecutive forums help in creating good sectoral relations and cooperation between institutions of the two levels of government based on mutual understanding and partnership and thereby strengthening collaboration between them to attain their shared objectives.

One may also raise the question whether the consecutive meetings can be considered as sites of sectoral IGR. For forums to serve as sites of sectoral IGR, the composition, the role of the state education bureaus in the agenda setting, and the regularity of the meetings are important. As seen in the forgoing discussion, the meetings and summits are held periodically and regularly. Yet, it is the Ministry of Education that principally decides when to convene the sectoral conferences and which topics to discuss, even though state sectoral offices forward their opinion on the agenda the Ministry proposes and finally sets. Second, a given setting is deemed to be an IGR forum and serves as a site for sectoral IGR when it envisages equitable representation of the Ministry of Education and state education Bureaus. In all of the consultative meetings, the Ministry of Education is overrepresented.

⁹³ Interview with Getachew Garedew, Abdelmniem Adem, and Tefera Feyissa, *supra* note 80.

⁹⁴ The minutes of the Federal Ministry of Education Higher officials and the State Education Bureaus.

4.2 Sectoral intergovernmental interface in the health sector

The federal government is entrusted to establish and implement national standards and basic policy criteria for public health.⁹⁵ To this end, the Ministry of Health is tasked to develop and implement national standards and basic policy criteria concerning public health. It follows that the Ministry of Health is sanctioned to formulate, execute and evaluate the country's health sector development program.⁹⁶ The Ministry is also assigned to oversee the implementation of health sector development programs and ensure the provision of quality health services, comparable at the same level all over the states.⁹⁷ It is also tasked to prepare the country's health service coverage map and provide support for the expansion of health infrastructure and services coverage throughout the states.⁹⁸

Moreover, it devises and follows up the implementation of a strategy for the prevention of epidemics and infectious diseases.⁹⁹ The Ministry takes preventive measures against events that threaten public health and, in the occurrence of an emergency, coordinates actions taken by it and other stakeholders to expeditiously and effectively tackle the problem. It ensures adequate supply and proper utilization of essential drugs and medical equipment in the country as well as supervises the administration of federal hospitals and collaborates on the capacity-building activities of the national university hospitals.

Although the Ministry of Health plays significant roles in health care and setting national standards, the primary responsibility for health care rests with the states. The states are key actors and conduits in the provision of quality health services, expansion of health infrastructure and coverage, prevention of epidemic and infectious diseases as well as in ensuring adequate supply and proper utilization of essential drugs and medical equipment. Given the presence of functional interdependence in a wide range of matters between the Ministry of Health and state health bureaus, they are the important causes that underline the need for consultation, coordination, and collaboration between the two institutions.

Owing to this cause, the Ministry of Health and state health bureaus, unlike other federal ministerial offices, such as the Ministry of Education,

⁹⁵ The FDRE Constitution, Article, 51(3)

⁹⁶ Proclamation No. 1263 /2021, Article, 35 (1(b)).

⁹⁷ See, FDRE Ministry of Health, Health Sector Transformation Plan Woreda Based Health Sector Annual Core Plan EFY 2012 (2019/20).

⁹⁸ Proclamation No. 1263 /2021, Article (1(a & b)).*ff.*

⁹⁹ Proclamation No. 1263 /2021, Article 34(1(f)).

Agriculture and Justice, have prepared working protocols to regulate their sectoral relation and interaction.¹⁰⁰ The Directive is enacted to follow up and evaluate the outcome, success, and failure of the health sector. The enactment of the directive enables them to make systematic discussion and consultations that cut across the health sector. The Directive tends to show the respective roles of the Ministry of Health and the state health bureaus in the provision of quality health services and expansion of health infrastructure. The Directive contains terms of reference for the MOH-RHBs Joint Steering Committee, a permanent consultative body responsible for the Ministry of Health and the state health bureaus. The Committee is constituted formally and meets at regular intervals, at least six times a year.

The Joint Steering Committee is composed of twenty-one (21) permanent members, such as the federal minister of health and deputies, the eleven state health bureau heads, and other institution personnel that are working in the health sector.¹⁰¹ The joint meetings are chaired by the Ministry of Health, which also prepares the framework and outline of the session. The Directive devises the mechanism of how members of the Joint Steering Committee submit matters that need to be included in the list of the agenda and seen in the session, though it is the Ministry of Health that takes the upper hand in drawing the agenda of the meetings. The Joint Steering Committee holds regular meetings every two months.¹⁰² In its regular meeting, the Committee deliberates, *inter alia*, on the outstanding issues about health sector programs, quality of health service delivery and the level of performance of the sector, flagship initiatives as well the overall performance of the health sector.

The arrangement which has been employed by the Ministry of Health and state health bureaus enables them to ensure the uniform application of national standards and essential health policy. They conduct their regular meetings every two months during which they evaluate shared plans and activities as well as joint programs and actions, as indicated in the Directive. The state health bureaus are required to submit a report to the Ministry of Health every two months. In their regular meetings, they discuss the common concerns of all the states as outlined in the integrated plan. In their discussion, they evaluate their overall performance and identify the state health bureaus that

¹⁰⁰ See the Ministry of Health and Regional Health Bureaus Joint Steering Committee (MOH-RHBs Joint Steering Committee) Internal working Directive, No 1/2018.

¹⁰¹ *Id.*, Article 7.

¹⁰² *Id.*, Article 11(8.1).

perform below the national standard for which the Ministry offers appropriate support (technical or financial) to enhance their performance.¹⁰³

The regularity and predictability of the meetings are conducive to accountability and cooperation towards enhancing quality health service provision across all state-based hospitals and health centers. The Committee evaluates the quality, relevance, efficiency, and effectiveness of the health service provisions across the eleven states. In the course of its evaluation, the Committee identifies the states that have acute problems in delivering quality health services and suggests the kind of support that the Ministry of Health provides for that state to ensure provisions of quality health for all ages of the communities.

Some states have faced critical revenue shortfalls which have seriously challenged their ability to maintain national health standards. In such situations, the Ministry of Health provides financial support to state health bureaus in the form of a conditional fund to ensure that citizens have reasonable access to appropriate and effective health services throughout the Country. The provision of financial support to state health bureaus to provide reasonable, relevant, and efficient health services is consistent with the constitutional obligations of the federal government to allocate steadily increasing “resources to public health and other social services.”¹⁰⁴

In addition to the meetings held every two months, the Ministry of Health and state health bureaus meet biannually involving vast numbers of participants for continuous monitoring and evaluation of the performance of the health sector.¹⁰⁵ The biannual consultation is organized to review and evaluate the six months' performance.¹⁰⁶ Each state health bureau is expected to submit a report to the Ministry. Challenges that retarded the full implementation of the annual plan and activities of the sector are identified and discussed. Then, readjustment to the existing programs is made to address lagging and unexecuted activities. The Ministry rebuilds strong collaboration

¹⁰³ Interview with W/ro Firehiwot Abebe, Head, Benishangul Gumuz State Health Bureau, Assosa, Dec 26/2019; Interview with Ato Samual Darge, Deputy Bureau Head and Multi-sectorial HIV/AIDS/ Prevention and Control Core Process owner, SNNP Regional State Health Bureau, Hawassa, Oct 24/2019; and Interview with Ato Tariku Belachew, Deputy Head, Amhara Regional State Health Bureau, Bahir Dar, Jan 15/2020, and see also the minutes and Action Plan of the MOH-RHBS Joint Steering committee, Addis Ababa, August 4/2019.

¹⁰⁴ See the FDRE Constitution Art, 41(4)

¹⁰⁵ Interview with W/ro Firehiwot Abebe, Ato Samual Darge, and Ato Tariku Belachew, *supra* note 103.

¹⁰⁶ *Ibid.*

with lagging state health bureaus and also encourages them to exert maximum effort to accomplish the remaining activities to bring the intended result.

The annual conference examines overall executions and assessment reports, best practices and subsequent focus areas and priorities. The performance evaluation identifies main challenges in the implementation of the plan.¹⁰⁷ Upon detecting the main problems observed during the implementation of the program, strategic initiatives and main activities are set to address the issues and adjust discrepancies of services (equity) found across different geographical areas. The Ministry of Health and state health bureaus work toward enhanced relations through program-specific collaborations.¹⁰⁸

The Ministry of Health and State Health Bureaus work together in policy alignment and plan harmonization. The health sector has exercised the 'Top-down and Bottom-Up' Planning approach using the Woreda-Based Health Sector Plan (WBHSP).¹⁰⁹ Based on these, the Policy and Planning Directorate of the Ministry of Health sends an indicative plan to the State Health Bureaus.¹¹⁰ The State Health Bureaus, in return, prepare their respective plans taking into account the indicative plan of the Ministry of Health and their local circumstances.¹¹¹ Then, the Ministry of Health and state health bureau personnel align and harmonize the plan, program, strategies, and priorities of the health sector.¹¹²

One can argue that the yearly plan of the health sector is prepared with full participation and engagement of the state health bureaus in the planning process. Moreover, the Ministry of Health and state health bureaus communicate, interact, and cooperate in many ways. The institutions developed an electronic reporting system to update the continuous progress of the sector. The electronically submitted reports or data are assessed every month. There are multilateral or bilateral relations and collaboration that have

¹⁰⁷ Ibid.

¹⁰⁸ Interview with Ato Tariku Belachew, Deputy Head, Amhara Regional State Health Bureau, Bahir Dar, Jan 15/2020.

¹⁰⁹ See the FDRE Ministry of Health, Health Sector Transformation Plan Woreda Based Health Sector Annual Core Plan EFY 2012 (2019/20), p.2

¹¹⁰ Interview with W/ro Biruk Abate, Director of Policy and Planning Directorate, FDRE Ministry of Health, Addis Ababa, Dec 23/2019.

¹¹¹ Interview with W/ro Fiseha Lemango, Health Development, Plan and Economic Administration, sector core process owner, SNNP Regional State Health Bureau, Hawassa, Oct 24/2019.

¹¹² Interview with W/ro Biruk Abate, W/ro Fiseha Lemango, and See the FDRE Ministry of Health, Health Sector Transformation Plan Woreda Based Health Sector Annual Core Plan EFY 2012 (2019/20), p.3.

evolved and developed through practices.¹¹³ They also share a good experience to improve the overall performance of the health sector.

As highlighted in Sections 4.1 and 4.2, vertical sectoral IGR is conducted in multiple formal and informal instruments. They meet regularly and frequently though most of them have neither a permanent secretariat nor a statutory basis to regulate their meetings and decision-making procedures. The major problems observed are the overrepresentation of the ministry and their predominant roles in the agenda setting. Most of the multiple formal and informal instruments lack the organizational structure to be reliable forums for coordination and collaboration. Unlike the vertical sectoral IGR, the horizontal sectoral relations, interactions, and cooperation, as discussed below, have been regulated by interstate sectoral agreements.

5. The Practice of Horizontal Sectoral IGR in Selected Public Sectors

As indicated above, sector-specific horizontal interactions are conducted between two or more state sectoral offices that are responsible for particular policy areas. Indeed, these regional disparities could be corrected partly by enhancing interstate relations. State office holders responsible for specific policy areas meet and discuss important matters (including sharing and disseminating goods experiences) that are crucial for the sector, which, in turn, can bring equitable regional development and provision of equitable social services.

It is evident, in practice, that state sectoral offices have developed horizontal sectoral IGR that shift over time and might be influenced by external and internal political factors. As Assefa noted, “[i]n the last decade or so indeed there is an emerging horizontal IGR regarding the civil service where regional state Civil service bureau heads meet at least once a year and discuss some strategic issues concerning the human resource development but often without the center.”¹¹⁴ There are many more instances of horizontal sectoral interactions that have taken place between institutions of the states to discuss crucial sectorial matters. One can see the horizontal sectoral relations, interactions, cooperation, and collaborative practices of the two sectors: the health and education sectors.

¹¹³ Interview with W/ro Firehiwot Abebe, *supra* note 103.

¹¹⁴ Assefa, *supra* note 17, p. 105.

5.1 Horizontal sectoral relation in the health sector

Interstate interaction and collaboration focus on assisting less advantaged states, consolidating their health care center, increasing their skilled labor and enhancing their administrative capacity. One can see the Amhara and Afar Health Bureaus' cooperation, on the one hand, and the Benishangul Gumuz vs. Amhara States Health Bureaus' cooperation, on the other hand.

Amhara and Afar States Health Bureaus have age-old relations and cooperation in general and in the health sector in particular. Both regional states signed a memorandum of agreement to facilitate relations and cooperation in the health sector under the general cooperation framework agreement signed between the Amhara and Afar States.¹¹⁵ As seen in the agreement, the Amhara and Afar State Health Bureaus are presented as the key partners and exclusive executors of the cooperation agreement. The Afar State Health Bureau identifies the main health difficulties and problems in which the Amhara State Health Bureau intervenes and provides support.¹¹⁶ In connection with this, the Afar State Health Bureau is expected to prepare a shared plan together with the Amhara State Health Bureau. It is also under a duty to provide the necessary input for the execution of the program. It also shares better experience and adapts that to its local context and works for broader implementation of the same.

The Amhara State Health Bureau supports the expansion of health services coverage and coordinates the implementation of health programs. The Amhara State Health Bureau works with the Afar State Health Bureaus on the prevention and control of diseases and availing health services for the neighboring districts of both states. The Ministry of Peace and Health are presented as a signatory to the agreement in a different capacity. One may raise the question as to the Ministry of Health is involved if the agreement is a horizontal sectoral relationship.

The involvement of the Ministry in the agreement may be linked to the inherent duties of the Ministry to set minimum requirements and basic policy criteria for public health and its obligation to check the compliance of the same through state health centers. The Ministry of Health has the responsibility to support the expansion of health service coverage and coordinate the implementation of health programs uniformly throughout the states. These factors justify the involvement of the Ministry of Health in the interstate sectoral agreement to work with state health bureaus on the

¹¹⁵ Memorandum of Understanding signed between Amhara and Afar National Regional States Health Bureaus (Nov, 2017), (on file Amhara Regional State Health Bureau).

¹¹⁶ Ibid art, 4(3).

prevention and control of diseases and to avail health services for neighbouring districts.

Although the two State Health Bureaus bear the significant tasks and activities, the involvement of the Ministry of Health does not repudiate the basic essence of horizontal sectoral relations. As the cooperation agreement indicates, the Ministry of Health is assigned to undertake the coordination role and administrative tasks. It coordinates the two state health bureaus to prepare a collective plan and review their shared plan and programs accordingly. It is also tasked to consolidate the best experiences seen in the Amhara regional state and disseminate the same in the Afar regional state. It also organizes and coordinates forums where the two regional state health bureaus review midterm implementation appraisals.¹¹⁷

The Ministry of Peace monitors the activities undertaken by the Amhara and Afar States Health Bureaus. It works with both states' health bureaus to ensure that the support given to the Afar state Health Bureaus is effective. It further hosts mediums for reviewing the collective plan at all levels of the health sector every six months. It is evident that the Ministry of Health and Peace are involved in such sectoral cooperation agreement to hasten the effectiveness and outcome of the cooperation agreement and have equitable health system in both states.

As highlighted earlier, in many instances, the horizontal coordination and cooperation platforms involve the central executive as well, which serves as a connecting link between the two tiers of government.¹¹⁸ The points that need to be seen further are whether the existing interstate cooperation is regarded as horizontal sectoral IGR in the proper sense of the term, including its purpose, efficiency and effectiveness. The cooperation agreement lacks specificity regarding the composition of the forum, how collective plans and activities are financed, and how shared activities are managed, be it in the joint streaming committees or others.

Similarly, as indicated earlier, there have been close relations and cooperation between the Benishangul Gumuz and the Amhara State Health

¹¹⁷ Ibid. Art. 4(1)

¹¹⁸ Daniel Halberstam & Mathias Reimann (2014), "Federalism and Legal Unification: Comparing Methods, Results, and Explanations across 20 Systems", in Daniel Halberstam and Mathias Reimann (eds.) *Federalism and Legal Unification: A Comparative Empirical Investigation of Twenty Systems*, Springer, New York, 3-67, p. 18.

Bureaus for more than two decades.¹¹⁹ Both Health Bureaus strengthen their collaboration in continuously renewed bilateral sectoral agreements. The latest agreement, which is still in force, was signed in January 2019 under the auspice of the Ministry of Health and Peace. Again, the cooperation agreement sought to consolidate the Benishangul Gumuz health sector by integrating with the Amhara States Health Bureau which is deemed to have relatively 'better health facilities and services' so that citizens in both states would get equitable health services. The sectoral cooperation agreement contains the respective roles of both state health bureaus. The cooperation agreement was signed to create the situation in which the Amhara State Health Bureau identifies gaps in the Benishangul Gumuz health sector and supports the latter to provide robust health services.¹²⁰

Activities that need collective engagement of both state health bureaus are enhancing health extension, organizing a health army, controlling emerging diseases in the adjacent areas, arresting transboundary transmitted diseases and integrating the health system.¹²¹ The Amhara and the Benishangul Gumuz regional State Health Bureau work together on the prevention and control of diseases and provide health services for the neighbouring districts of both states. As per the agreement, the Amhara and Benishangul Gumuz State Health Bureaus shall independently review the implementation of the agreement quarterly and forward their assessment report to the concerned body.¹²²

The Ministry of Health and the Ministry of Peace are involved in the agreement with defined roles and tasks. The Ministry of Health coordinates the preparations for the proper implementation of a shared plan and programs. It identifies the best health practices seen in the Amhara Regional State and works to transfer and expand in the Benishangul Gumuz State. It hosts a meeting to review the adequate performance of the same biannually.¹²³ On the other hand, the Ministry of Peace is tasked to oversee the joint plan and possibly resolve misunderstandings in implementing the same. It closely works with higher officials of both states to make the support effective. It also organizes the platform for discussion at all levels of the health sector to annually review the performance of the shared activities and identifies

¹¹⁹ Memorandum of Understanding Signed between Amhara and Benishangul Gumuz National Regional States Health Bureaus (Feb 17, 2017), (on file Amhara Regional States Health Bureau).

¹²⁰ *Id.*, Article 2.

¹²¹ *Id.*, Article 3(2) & 3(3).

¹²² *Id.*, Article 3(2/7)) & (3/8).

¹²³ *Id.*, Article 3(1).

problems they counter.¹²⁴ It can thus be argued that neighboring states could use interstate cooperation agreement to coordinate and combine collective actions and ensure equitable provisions of essential social services. In this sense, horizontal coordination serves as a means to maintain equitable health care in the regional states and prevent the transmission of transboundary disease.

As seen in the Afar and Amhara State Health Bureaus' cooperation, there are imprecise issues that need to be reconsidered. These include the sources of fund and how the collective activities are reviewed, and determining who participates in the review process (the rough composition of the joint forums). The cooperation agreement¹²⁵ could have expressed the spirit of partnership that is created between these institutions.

5.2 Horizontal Sectoral IGR in the Education Sector

There are horizontal sectorial interactions and cooperation in the education sector, as seen in the health sector. Neighboring states use horizontal relations to combine their resources and educational inputs to provide basic and standard education in the remote and adjacent districts of neighboring states. In this milieu, neighboring states use interstate cooperation agreements to enhance and ensure the equitable provision of education in the border areas of the neighboring states. Several states strive to back their collaborations through interstate cooperation agreements. Such efforts are supposed to support the expansion of education coverage and hasten the execution of education development programs. The interstate cooperation agreement is also essential for capacity building, financial support, and experience sharing.

Within the general framework of the Amhara and Afar Regional states cooperation agreement, both states' education bureaus have agreed to work in concert to improve the enrolment rates, ensure access to and quality of education, and ensure the provision of equitable education in their adjacent Weredas.¹²⁶ Both state education bureaus have agreed to work in concert at all levels of administration in the education sector. They decided to share educational inputs, enhance their human resource, create a workable organizational system, implement effective assessment modalities, and improve the ethical conduct of students. They also agreed to form a joint

¹²⁴ Id., Article 4.

¹²⁵ See the entire contents of Memorandum of Understanding Signed between Amhara and Afar National Regional States Health Bureaus (Nov, 2017).

¹²⁶ Id., Article 2.

forum to ensure proper provisions of education in the adjacent districts of the Afar and the Amhara States.¹²⁷

Afar and Amhara regional states share eight adjacent zones, twenty-six weredas districts, and one-hundred thirty-three kebeles. The two regional states agreed to enhance access to education coverage and offer quality education areas. Both state education bureau heads, zonal administrators, and wereda education officials of all levels collectively review the annual performance of the joint agreement; they set the priorities for future actions. *Ad hoc* teams comprising two representatives from each bordering Weredas are assigned to prepare a collective plan and submit the same to their respective zones.

The zone education offices, in return, compile the joint scheme designed at the wereda level and send them to the state education bureaus for approval and implementation. As per the plan, the state education bureaus and zone education offices monitor the successful execution of the same. Moreover, the Afar and Amhara state education bureaus have agreed to equip and increase their human resources through continuous training. They have also agreed to share experience in assessment, exchange of teaching materials and aids, and support each other in teach-learning activities.¹²⁸ However, they have been gaps indicated in the report, with regard to execution the activities. The overall performance review of the agreement shows that the joint plan and actions lag behind the thresholds stated in the memorandum of understanding.¹²⁹

The cooperation agreement between the Benishangul Gumuz and the Amhara States Educations Bureaus is meant to ensure the provision of relevant education in their neighboring areas. The regional states have shared plans to ensure the accessibility of education for students living in the neighboring districts. The objective of the cooperation agreement is to combine the education development actors of both states and fulfill their deficiencies regarding educational inputs, skills and attitudes - to increase the enrollment rate and ensure the provision of quality education.¹³⁰ They have agreed to exchange experience regarding school improvement programs,

¹²⁷ See the Amhara and Afar National Regional States Education Bureaus 2017 Joint Annual performance Report (Jan. 2018) (on file Amhara Regional States Education Bureau).

¹²⁸ *Id.*, at 3.

¹²⁹ *Id.*, at 4-5.

¹³⁰ See the Amhara and Benishangul Gumuz National Regional States Joint Cooperative Annual Plan of 2019 (June. 2019), (on file at Benishangul Gumuz National Regional State), at 14.

continuous assessment, student-based teaching, civic education, and supportive personnel exchange to augment the teaching-learning process. They have also agreed to offer capacity development programs through short-term training in fundamental areas to improve management in the education sector, including the skill and capabilities of the teachers and supervisors.¹³¹ The robust side of the cooperation agreement included the benefits gained by students residing in the adjoining districts of Benishangul Gumuz and the Amhara regional States because they were allowed to attain their education in their nearby schools irrespective of which states the schools are located in.¹³²

The performance review of the cooperation agreement has revealed the success, weakness, and challenges in its implementation along with the shared activities that are identified and discussed. The gaps stated in the review report, include gaps in commitment to cooperative assignments and to activities as per the schedule prioritized and listed in the program. Other gaps and challenges indicated in the performance review include inadequate interest in regular monitoring and oversight. As seen in the health sector, several issues have remained mostly unregulated through the cooperation agreement thereby hindering the successful implementation of shared actions. These issues include the composition of the forum, financial sources for the execution of the joint activities, the review process of the shared activities, mutual benefits of both bureaus, the duration of the cooperation, and the lack of a mechanism to accountable a failed party.

6. Concluding Remarks

The federal government is expected to collaborate with regional states for a wide range of purposes, and sectoral IGR is an integral and significant part of the Ethiopian federal system. The newly approved IGR law instructs the establishment of two kinds of sector-driven relations involving all or some state sectoral executive bodies. The sectoral relation forums are designed to serve as a venue to ensure information exchange, promote interstate cooperation, or mediate interstate policy conflict regularly and effectively. However, these sectoral IGR forums have remained in disuse.

Yet, in practice, there are various informal sectoral intergovernmental relations conducted under the initiative of the federal government. In this regard, one can see sectoral relations, interactions and cooperation in the health and education sector. For instance, the Ministries of Health and State

¹³¹ Id., at 21.

¹³² Id., at 6.

Health Bureaus have developed a legal and institutional framework to regulate sectoral IGR. The undertaking and determinations of the Ministry of Health and State Health bureaus can be cited as exemplary relation, coordination, and harmonization in the context of sectoral relationships.

On the other hand, horizontal sectoral cooperation and collaborations have displayed varying institutional settings and actor constellations. The progress of horizontal sectoral collaborations indeed lags behind expectations. The concerned organs are thus expected to review the objectives, concentration, and administration of the cooperative agreement. The interstate cooperative agreement should clearly define the roles, authority, activities, and accountability of the actors involved. This author argues that the federal sectoral institutions have to undertake the initiative to activate established sectoral forums rather than reliance on informal relations to ensure predictability, regularity, and continuity in the sectoral IGR. —————■

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