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## Violence and Insecurity along Contentious Boundary Areas between Oromia and Benishangul-Gumuz Regional States: Police Reform Options under Federal Constitution of Ethiopia

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### **Abstract**

*In the Western part of Ethiopia, there are contentious boundary areas along the Benishangul - Gumuz Regional State Oromia National Regional State. The areas are the center of people's insecurity, human rights violations, and conflict. This study argues that irrespective of the cause of the violence, the contribution of people, and the pattern of ethnic cleavage in the prevention of violence and conflict is the duty of government, importantly the police. The purpose of this study was to identify the police organs reorganization reform approaches based on the FDRE Constitution. To this end, the study used secondary data. The legal and theoretical analysis is the major analysis method. The study has revealed the need of reform police service organization in controversial boundary areas, to avoid ineffective and partial policing. The constitution also allows the provision of full-fledged police service by federal government police institutions. The constitution has another police reform option to avoid partiality, the constitution allows the provision of coordinated police service between federal-regional, regional, and federal-local. Finally, to stabilize, counter human rights violations and insecurity in controversial boundary areas the study recommends both the Federal and Regional governments to undertake cooperative works towards reforming police in line with the above schemes enshrined under the supreme law- FDRE Constitution.*

**Key Words:** 1 police, 2 police reform, 3 human rights, 4 FDRE Constitution, 5 federal government, 6 regional states

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## Introduction

In federations, territorial boundary disagreement between states is one of the most troubling sources of inter-state friction, which is the case where two or more states assert sovereign power over one or the same territory.<sup>1</sup>This type friction is apparent in Ethiopia, even if there is a claim that the introduction of the federal system in 1990's has changed the dimension of the conflict from the conflict between local communities to conflicts between the Regional States,<sup>2</sup>the involvement of local communities at controversial regional boundary area is apparent.

In Western Ethiopia, the boundary between Benishangul-Gumuz Regional State and Oromia National Regional State is not only undefined and contentious but also the area is center (drivers) of conflict, violence, and insecurity.<sup>3</sup> The conflicts and human rights violations in post-reform periods of Ethiopia are associated with the collapse of law and order and the weak performance of law enforcement agencies, mainly in the regional states.<sup>4</sup>The objective of this study is to examine police organizations reform options in light of the policies and provisions of the Ethiopian federal constitution (the FDRE Constitution herein after).<sup>5</sup>The study has employed a qualitative approach, in particular the doctrinal research method. The study has three sections. Section one is an introduction on the relevancy of the organizational police reform. Sections two, three and four provide the different reform options and schemes on the basis of the FDRE Constitution. Finally, the last section provides conclusion and recommendation.

### 1. The Relevance of the Police Institution Reorganization

In western part of Ethiopia, some of the contentious boundary areas along with Benishangul-Gumuz Regional State and Oromia National Regional State are the center of people insecurity, human rights violation, and conflict. This study argues the need for introducing police organizational reform at controversial regional boundaries of western Ethiopia. Any endeavor to develop and introduce a successful police reform should be

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<sup>1</sup>Allan Erbsen (2008), Horizontal Federalism: Vertical Federalism, Horizontal Federalism, and Legal Obstacle to State Marijuana Legislation Efforts. *Minnesota Law Review* Vol93, Issue No 493

<sup>2</sup>Asnake, Kefale. (2004), Federalism: Some Trends of Ethnic Conflicts and their Management in Ethiopia, in A.G. Nhema (ed.), *The Quest for Peace in Africa*. Utrecht: International Books.

<sup>3</sup>Semir Yusuf (2019), *Drivers of ethnic conflict in contemporary Ethiopia*, The Institute for Security Studies monograph (202)

<sup>4</sup>Andinet Adinewet al. (2021), Conditions of Human Rights in Ethiopia in the Aftermath of Political Reform, *Northwestern Journal Of Human Rights*, Volume 19 Issue 1 Symposium: Human Rights and Access to Justice in Ethiopia. 23.

<sup>5</sup> The Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No.1/1995, *Negarit Gazeta*, 1st year, No.1, 21st August, 1995

underpinned by a strong theories and real-world experience.<sup>6</sup> The justification for the need of the reform is the following.

First, since 2014 Ethiopia has experienced instability and conflict marked by the participation of third parties, such as individuals, groups, and non-state actors in violations of human rights. Police reform is suggested in states which experience such kind of conflict and instability situations.<sup>7</sup>Second, public security institutions need to be created or adapted to meet changing security needs as well as the expectations of the communities they serve.<sup>8</sup> Hence, the practical situation in the study area triggers the need of adapting Police reform.

Third, the cause of human rights violation problem, in post-reform periods of Ethiopia, is associated with the collapse of law and order and the weak performance of regional police institutions.<sup>9</sup> Besides, it is reported that regional states are very weak in ensuring law and order in their respective administrative territories, and they are not in the position to effectively uphold their responsibilities so as to avert conflict-borne human rights violations.<sup>10</sup> The Ethiopian Human Rights Commission (EHRC) Commissioner stated to Reuters that, “in some cases, security officials deliberately avoided stepping in” and further, “there is also a lack of accountability” for the deliberate involvements.<sup>11</sup>

For example, in the study area, the human rights violation of May 2008 in the area is associated with the participation of Regional anti-riot police forces.<sup>12</sup> Recent report in the study area, Action Against Hunger has related the violation of human rights in the kamashi zone with factors like the involvement of officials and public figure in the conflict, delayed justice and lack of law enforcement, Fear and tension among the people, and Poor integration and coordination in security management.<sup>13</sup>

Finally, the government is advised to introduce the police reform as quickly as possible; otherwise the implication will be continual state violence and emergence collective violence, which will put the life of the masses at risk and incite the people to organize in groups and take justice in their own hands.<sup>14</sup> This requires government focus and determination to set up a clear plan and comprehensive reform strategy to build strong police institutions that ensure the prevention of human rights violations in the area.

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<sup>6</sup> David H. Bayley (2001) *Democratizing the Police Abroad: What to Do and How to Do It*. Issues in International Crime; National Institute of Justice, U.S. Department of Justice

<sup>7</sup>United Nations Institute for Training and Research.(2014). *Introduction to Security Sector Reform*.Foundation Course. Retrieved from [www.unitar.org](http://www.unitar.org)

<sup>8</sup>DCAF - Geneva Centre for Security Sector Governance.Police Reform.SSR Backgrounder Series. Geneva: DCAF,2019.

<sup>9</sup>AndinetAdinewetal. (2021), *supra* note 4

<sup>10</sup>Ibid

<sup>11</sup> Ethiopia Government Failing to Protect People from Ethnic Violence: Rights Commission, REUTERS (Oct. 4, 2018, 12:29 PM), [www.reuters.com](http://www.reuters.com)

<sup>12</sup>MesfinGebremichael (2011) *supra* note 5

<sup>13</sup>Action Against Hunger (2019) *Benishangul-Gumuz Region (Kemashi Zone) Multi-sectoral Rapid Assessment Report on Returnees/IDPs MAY 2019*.

<sup>14</sup>AndinetAdinew et al. (2021), *supra* note 4

To that end, the constitution is an overarching legal framework for society and regulates political power and strongly affects relations between society and the state, and plays an important role in forging a common identity and creating institutions.<sup>15</sup>

This signifies the role of the Constitution, in the endeavor of formulating reform ideas, goals, and aims of public institutions, including police organizations.

Similarly, the zenith position of the FDRE constitution in the hierarchy of federal as well as regional laws, policies, and practices amplify its relevance on the process of government effort to introduce legal and institutional reforms, including the police reform. In this regard, Article 9 (2) and Article 51, and Article 52 of the FDRE Constitution put a limitation on regional states to act in accordance with the constitution as well as to ensure observance of the Constitution and to obey it. Consequently, any kind of proposal or decision in relation to police reform should be in line with the provision of the Constitution, as it is the supreme law. Hence, it is important to recognize the FDRE constitution as a source and method of adapting police reform.

Consequently, to improve human rights protection role of the police in the study area, the first reform component relate with the introduction of police reform, which is principled on federalizing Policing service. thisreform scheme relate with the provision of the constitution, which determine the power and exercise of the multiple police institutions. This reform scheme relates to the role of the FDRE Constitution, in particular those provision deals with distribution of police powers, to federalize police service at controversial boundary areas. This is due to the fact that conflicts and human rights violations in the study area is highly associated the collapse of law and order as a result of weak and partial policing performance of regional states law enforcement. Hence, as third reform component this study evaluates the role FDRE Constitution to federalize police power in controversial boundary areas.

The second component of police reform relates with the constitutional mechanism to create and run joint police service among the different police institutions in a formal, institutionalized and effective manner. Informal, complex, or uncertain relations can lead to inefficiencies; and institutionalized and formalized frameworks are preferable to ensure for effective formulation of joint policy and execution of the same.<sup>16</sup> Thus, unlike the total federalization of the police, which is the second reform scheme, the third reform component under this study relate with the role of the FDRE Constitution to introduce joint police service in a formal, institutionalized and effective manner.

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<sup>15</sup> Martin van Vliet, WinluckWahiu, Augustine Magolowondo (2012) Constitutional Reform Processes and Political Parties: Principles for Practice, The International Institute for Democracy and Electoral Assistance ( NIMD, The Hague, The Netherlands, ISBN/EAN: 978-90-79089-14-7

<sup>16</sup> Business Council of Australia (2006) Intergovernmental Relations In Federal Systems, Business Council of Australia ABN 75 008 483 216

The last constitutional issue in relation to the reform is the identifying legal mechanism in order to introduce and support the reform which is related with the division of power on police law, penal code and police standards.<sup>17</sup> In sum, each of the above police organizational reform components is touched independently on the following sections, individually on the basis of the FDRE Constitution.

## 2. Federalization of the Police Service

Federal States have peculiar feature of police organization; as the police power is one important of the constitutional distribution of police powers.<sup>18</sup> The role and operation of police (police institutions and their member's) cannot escape from the power allocation principle of the constitution. In this regard, Article 52(2) (g); and Article 51(6) of FDRE Constitution has vested police power to Regional States and Federal Government respectively. The issue is the scope of regional and Federal Government police power.

Article 52(2) (g) of FDRE Constitution has vested two distinct but interrelated power to regional states. These are the power to preserve peace and security of the state, and determine the nature police forces organization and leadership.<sup>19</sup> The regional states have the autonomy to determine their police force structure and leadership based on their unique public security and peace treats; and their financial capacity; as they are responsible to cover the financial expenditures necessary to maintain peace and security under Article 94(1) of the constitution. Consequently, the constitution is not interested on the presence of federal intervention that affect the nature of regional police organizational and leadership and thereby operation.

Article 52(1) of the constitution hints the scope of Regional State power to be limited by those powers not given expressly to the Federal Government alone, or concurrently to the Federal Government. Besides, the Constitutional Assembly has stated that the power of the regional states should be seen in parallel and in corresponding with the power of federal government; and the assembly put on parallel list of table the powers of regional states under article 52(2) along with the power of the federal government under article 51; in particular; Article 52(2) (g) Article 51(6) of the constitution.<sup>20</sup> Hence, Article 51(6) of the constitution is a limitative provision on the scope of the regional police power.

Hence, the police power allocation formula under the constitution is concurrent. The constitution has introduced factor affect the balance of the concurrent police power, which is affected on basis of human rights circumstance- normal vs. abnormal situations. In normal circumstances, where the State authorities are in good position to arrest violations of human rights within their jurisdiction; the balance police power is inclined to the regional states. In this case, relatively to the regional government, the scope of the federal

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<sup>17</sup> Ibid

<sup>18</sup> id

<sup>19</sup> The Amharic version of the FDRE constitution is clearer on the nature of the regional police power. It empowers the regional state to organize and lead a state police force (*ye kililun polis yadrajaj; yemeraal*). Supra note 5

<sup>20</sup> The Minutes of the Constitutional Assembly, Compilation 5, November 1995, Addis Ababa (Translated from Amharic to English by this Author)

government police power seems narrow and limited. This does not mean that in normal circumstances the federal government has no police power or human rights protection power, which is unquestionable under article 51(1) and (6).

In abnormal circumstances (in troubled times) the balance police power not only inclined to the federal government but also it tends to gain additional competence. In exceptional circumstances, the army and the federal police force is allowed to intervene in policing duties and the regional police loses its autonomy (police power) in the use of its own police force. Accordingly, Art 55 (16) also the HPR is vested power to take appropriate measures, either on its own initiative or a joint session with the HoF; when State authorities are unable to arrest violations of human rights within their jurisdiction. It shall, on the basis of the joint decision of the House, give directives to the concerned State authorities. The HPR has also the power to deploy Federal defense forces, under Art 51 (14), at the request of a state administration to arrest a deteriorating security situation within the requesting State when its authorities are unable to control it.

The above provisions of the constitution allow the monopoly of federal government police involvement in regions on fulfillment of some exceptional conditions. In controversial boundary areas, the dominance and monopoly of federal government police power has justification under the constitution. This is based on the co-equality principle and the principle of territoriality stipulated under Article 47 (6), and Article 52(2) (g) of the constitution respectively. The co-equality principle put, the concerned Regional States on the boundary controversy, on equal footing to exercise all powers given in aggregate; including the power to organize and lead police force under Article 52(2) (g).

However, co-equality principle should be qualified by the principle of territoriality provided under Article 52(2) (g) of the constitution. This principle limits the police power of regional states within their geographical jurisdiction. In other words, constitutionally speaking, the regional states have no *de jure* power in the areas where their boundary controversy is not settled. The power of the federal government is unquestionable, as the constitution makes the scope of federal government police power throughout the territory of the federation. The presence of unsettled boundary friction or boundary misunderstanding gives *De jure* police power only to the federal government.

### **3. The Creation of Joint Police Institutions**

From the previous sections (section 4 and 5) an attempt is made to provide police institution reform options. Section 3 is the first option, which is the introduction of police reform in all police institutions on the basis of the four relevant reform aims enabling to achieve the goal of human right based effective police service in controversial boundary areas Viz. democratic Policing, Rule of law, community inclusive policing and impartial policing.

Section 4 is the second option, which is the introduction of police institutional reform aimed at the use of the Federal Government police power is paramount and the first option under the constitution, in order to enhance human rights protection and to counter the problem of ineffective and impartial police service in controversial boundary areas. This constitutional option demands the federal government to initiate police service policy reforms and implement it in controversial areas (until the settlement of the controversy) based on an effective federal law.

This section (Section 6) provides the third option, under the constitution, is the use of joint police institutions which composed of federal, regional and local police forces. This is not the use of federal government constitutional base to initiate and institutionalize joint police service; as in controversial boundary areas the Federal Government has inherent police power. As the *De jure* police power of the federal government also include the power to decide as to the use of joint police institutions between or among the federal, regional and local police forces/ institutions. The second option is distinct police institutional reform, from the first. It is another institutional reform option (alternative) to the monopoly of the federal government police forces in controversial boundary areas.

The core of the reform is not to provide joint police service among the different police institutions and forces. The point is the role of the FDRE Constitution to introduce police institution reform enabling to run joint police service in formal, institutionalized and effective manner. Informal, complex or uncertain relations can lead to inefficiencies; and institutionalized and formalized frameworks are preferable to ensure for effective formulation of joint policy and execution of the same.<sup>21</sup> To this end, the constitution may facilitate statutory mechanisms to establish a scheme of uniform legislation or it may entrench formal (inflexible) and certain arrangement no individual state will be able to remove its agreement or mandate.<sup>22</sup>

Establishing an appropriate legal framework is essential to optimize the role of IGR in the Ethiopian federal system.<sup>23</sup>The Ethiopian federal system one of the key challenges is the absence or weakness of formal mechanisms and systems for intergovernmental relations (IGR), i.e., the horizontal and vertical relations among the different tiers of government, which are perhaps the least developed and least understood (or most misunderstood) dimension of federalism in Ethiopia.<sup>24</sup>

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<sup>21</sup> Business Council of Australia (2006), *supra* note 16

<sup>22</sup> *Ibid*

<sup>23</sup> Nigussie Afesha (2015) The Federal-state Intergovernmental Relationship in Ethiopia: Institutional Framework and its Implication on State Autonomy, *Mizan Law Review*, Vol. 9, No.2

<sup>24</sup> Strengthening Mechanisms of Intergovernmental Relations of the Ethiopian Federation: Published in *Africa Solution (Multiple Countries)*, 20 June 2018 15:13 Written by Beakal

### **3.1 Joint Federal -Regional Police**

According to Article 51(6) and Article 52(2)(g) of FDRE Constitution the Federal Government and Regional States have the power to institute a Police Force; respectively in order to ensure peace and security throughout the members of the federation and within a regional boundary. This power also involve the power to determine the legal and institutional framework their respective police forces and provide police service; including the power on establishment of a formal and institutionalized policy making and execution enabling to create and run joint police institutions.

The constitution has also not mandated either the federal or regional government to establish and supervise the institutional mechanism of police cooperation between them. The constitution does not incorporate the legal framework on the establishment and deployment of bi-lateral joint (regional state and federal government) police force, including in controversial boundary areas. Consequently, there is no effective (statutory and constitutional) legal framework under the constitution which is enabling the federal and regional government to establish joint security forces in boundary contested area.

Hence, the first challenge of the constitution is the absence of legal framework to establish joint security forces in boundary contested area. However, this does not mean that the absence of clear constitutional provision for the establishment joint police forces policy formulation and coordination legal framework doesn't mean that it is impossible to institutionalize joint police institutions. The absence of legal framework not ban to establish joint security forces in boundary contested area but that is weak and informal. This in turn affects the process peace and security policy making and execution between the federal government and regional government. For this reason it is paramount to create formal and effective joint police institutions based on the first option.

### **3.2 Joint Regional Police**

According to Article 52(2)(g) of FDRE Constitution all Regional States have the power to institute a Police Force in order to ensure peace and security within a regional boundary. This power also involve the power to determine the legal and institutional framework their respective police forces and provide police service; including the power on establishment of a formal and institutionalized policy making and execution enabling to create and run joint police institutions. The co-equality principle, recognized explicitly under article 47 (4) of FDRE constitution provides all regional states equal rights and powers.

Hence, the idea of mandating one regional government to establish and supervise of joint police institution is undesirable under the constitution. The constitution does not provide an effective mechanism for the establishment and deployment of bi-lateral joint (regional state) police force which take over the role of regional security forces in controversial boundary areas. Consequently, there is no effective (statutory and

constitutional) legal framework under the constitution which is enabling regional government to establish joint security forces in boundary contested area.

In sum, the absence of supportive legal framework to establish joint police institution and provide policing service by joint regional security forces in boundary contested area is one of the challenges of the constitution. However, the absence of clear constitutional provision for the establishment regional joint police forces policy formulation and coordination legal framework doesn't mean that it is impossible to institutionalize joint police institutions. The absence of legal framework not ban to establish joint security forces in boundary contested area but that is weak and informal. This in turn affects the process peace and security policy making and execution between the regional governments.

### **3.3 Joint Federal –Local Police**

The constitutional recognition of local government as an order of government in Ethiopian federal systems is not explicit. The creation of formal federal-local police relation and increase the role of local authorities in the provision of services are seen as engines for growth and development, and more and more functions are being downloaded on them.<sup>25</sup> For example in Australia, organized local government is a member, along with the state premiers, of the federal Council of Australian Governments; South African local government has arguably, from a comparative perspective, the closest ties with central government; and in contrast there are no structured relations with the federal government in Canada.<sup>26</sup> Importantly, the autonomy to local Police commissions is considered as essential based on the idea that such kinds of local responsibilities are too sensitive or too important to be managed by locally elected councils and becomes the important vehicle for communication.<sup>27</sup>

The federal constitutions of Ethiopia did not include local government as an order of government. The constitution under article 50 provides the necessity of devolving power to lower units of the society. This principle of the constitution has wide utility in accommodating the opportunity of border conflict. This is due to the fact that the framework to solve the issue of border can be properly addressed by the cooperation and negotiation of institutions which are established at lower unit of the society in which the border conflict is at issue.

Hence, the idea of mandating the local government of one regional government to establish and supervise of joint police institution jointly with the federal government is undesirable under the constitution. The constitution does not provide an effective mechanism for the establishment and deployment of bi-lateral joint (between federal and local government of the regional state) police force which take over the role of regional

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<sup>25</sup>Konrad-Adenauer-Stiftung (KAS), the Place and Role of Local Government in Federal Systems, Conference Paper, Ed. NicoSteytler, Johannesburg, November 2005, p 40.

<sup>26</sup> Ibid

<sup>27</sup> Id

security forces in controversial boundary areas. Consequently, there is no effective (statutory and constitutional) legal framework under the constitution which is enabling the federal and local government to establish joint security forces in boundary contested area.

In sum, the absence of supportive legal framework to establish joint police institution and provide policing service by joint security forces in boundary contested area is one of the challenges of the constitution. However, the absence of clear constitutional provision for the establishment joint police forces policy formulation and coordination legal framework doesn't mean that it is impossible to institutionalize joint police institutions. The absence of legal framework not ban to establish joint security forces in boundary contested area but that is weak and informal. This in turn affects the process peace and security policy making and execution between the regional governments.

The regional states of Ethiopia are not allowed for delegation of their power and function to the institutions of the federal government. However, the constitution is in favor of making delegation to lower unit of the society, who are more likely to be affected on the border conflict as well as who have the best knowledge concerning the boundaries of the particular border. Hence, the presence of constitutional policy supports for lower units of government is enabling to create joint police institution. This can be also considered as practically effective as it enable to institutionalize police institutions which are the result of local government inclusive negotiation and cooperation.

#### **4. The Scope of Federal Government Legislative Power on Regional Police Organs**

In federations, the mechanism of introducing any reform on police is under influence of federal constitutions distribution of police competence. Most times, the role of federal government to introduce/ influence local police reforms is dependent on its power in relation police law, penal code and police standard.<sup>28</sup> On the following sub-sections an attempt is made to discuss the role of the federal government to shape and introduce the reform of the FDRE Constitution in this regard.

##### **4.1 The Enactment of Police Law**

Federations differ in terms of the presence/absence of common police organization and functioning laws. In Switzerland, each of the cantons regulate the work of the police in so called 'police organization laws enacted by the cantonal government, in the US also the federal governments have no primary duty on local public security, and in India, there is considerable uniformity –as most of State Police Forces are governed by the Police Act of 1861 or State Police Acts modeled mostly on the 1861 legislation). in Spain, on the contrary there is an organic police law pursuant to the constitution, which govern internal security throughout the country.<sup>29</sup>

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<sup>28</sup> Id

<sup>29</sup> Id

In Ethiopia, Article 52(2) (g) of FDRE Constitution has vested power to regional states to establish and administer a state police force, and to maintain public order and peace within their respective State. This provision reveals that the inherent power of each regional state to determine the nature of their respective police forces organization and leadership. The constitution is not interested on the presence of federal legislative intervention that affect the nature of regional police organizational and leadership and thereby operation. Under FDRE Constitution there is no such lawmaking power given to federal government.

Unlike the FDRE, in US the federal government however, is responsible for protecting rights against discrimination, for example with regards to the recruitment of minorities in the police forces.<sup>31</sup> However, the FDRE Constitution has no mechanism which promotes uniformity in the structure and functioning of the police institutions. Consequently, the FDRE Constitution does not allow for the enactment of a national police law, in order to promote standardized structure and functioning policing service throughout the federation. Hence under the constitution these kinds of binding laws and standards can be introduced by the regional states.

#### **4.2 The Enactment of Criminal Law**

The operation of regional police can be affected by the presence or absence of integrated or disintegrated criminal law. In this regard, Art.55 (5) of the FDRE Constitution provides that the HPR shall enact a penal code. It goes on to state that the States may, however, enact penal laws on matters that are not specifically covered by the Federal penal legislation. From this provision, it is possible to understand that the criminal legislative jurisdiction of the States is limited only to the legislation on crimes. That is to say that they are not conferred with the power to enact a criminal code of their own. The Federal Government has dominant power on the enactment of the criminal code leaving the States only with the power to enact criminal legislations.

Art.55 (5) of the Constitution a priority has been given to the Federal Government in enacting a criminal code and other criminal legislations will qualify it to have an upper hand over all criminal matters. The Federal Government has dominant power on the enactment of the criminal code leaving the States only with the power to enact criminal legislations. Art.55 (5) of the Constitution a priority has been given to the Federal Government in enacting a criminal code and other criminal legislations will qualify it to have an upper hand over all criminal matters than the regional states Art.55 (5) of the Constitution includes not only the criminal substantive law but also criminal procedure law. The constitution has provided enabling framework to widen the jurisdiction of the federal government on the investigation of crimes as the notion of criminal law embraces both substantive and procedural criminal laws. This in turn widen the involvement of the federal government police institutions, as the issue of crime prevention and punishment are related ones and involve the exercise of police power.

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<sup>30</sup> Id

<sup>31</sup> Id

#### **4.3 The Enactment of Police Standards**

In order to create standardized police service nations take steps which gear the behavior of police forces and institutions in the direction of a more homogeneous police service. This is either by providing service. This is either by establishing a national police force or a police corps (recruited and managed even if not operating under the authority of a central government) or police standards for selection and training.

Under Article 52(2)(g) of FDRE Constitution regional states have the power to establish and administer their respective police institutions. This power also involves the power to determine the legal and institutional framework of their respective police forces and provide police service; including the power on determination of police service recruitment, training and certification.

Thus, there is no effective (statutory and constitutional) legal framework under the constitution which is enabling the federal government to ensure the regional police forces are fit with the national police standards. However, the constitution requires the regional states to take into account the federal police standard. According to Article 52(2)(f) of FDRE Constitution regional states have the power to enact and enforce laws on the State civil service and their condition of work; in the implementation of this responsibility it shall ensure that educational; training and experience requirements for any job, title or position approximate national standards. This provision also hints (the police as a public office) the federal government has the power to issue national police standard.

#### **5. Conclusion and Recommendations**

In the Western part of Ethiopia, there are contentious boundary areas along the Benishangul - Gumuz Regional State and Oromia National Regional State. The areas are the center of people's insecurity, human rights violations, and conflict. The purpose of this study was to identify the police organs reorganization reform approaches based on the FDRE Constitution. To achieve the objectives the study has relied on qualitative approach and doctrinal method and used secondary data on the basis of literatures, reports, legislations and the constitutions. Finally the study has revealed the following findings.

First, in order to enhance human rights protection and to counter the problem of ineffective and impartial police service in controversial boundary areas, the first option is use of the Federal Government police power. Second, the study has revealed the presence of challenge under the FDRE Constitution to introduce police institution reform which is enabling to run joint police service in formal, institutionalized and effective manner. Finally, the study has revealed that the role of the constitution to avoid (minimize) fragmentation of police service and invent elements of standardized and harmonized police legal framework; via power of the federal government to enact criminal code and the requirement of regional government conformity regional civil service standards with the federal one. The study has forwarded the following police institution reform options.

First, the Federal Government is expected to exercise properly its inherent police power in controversial areas. Second, it is important to identify areas which are prone to human rights violation and make initiative for the creation of formal police relations and joint police institutions between/ among the federal and the two regions, and local police. Third, the formulation and implementation of police institution reform- including the federal police institution (as the first option) and joint police institutions (as the second option)- should be supported by adequate legal framework and the federal government and the regions should independently enact procedural and substantive laws ensure rule of law on police institutions. Finally, further research should be conducted in order to compare and contrast the reform options provided above.

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