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**How the "Special Interest" of
Oromia over Addis Abeba
became**

**a vacuous exercise
in legal rhetoric**

What's next?



The "Special Interest" of Oromia over Addis Abeba

A Hollow Constitutional Promise, an empty legal rhetoric: The Draft Law on the interest that is not so special

By Tsegaye R. Ararssa

1. Introduction

This week, the government is seeking to force “public consultation” over the “Constitutional Special Interest” of Oromia over Addis Abeba. It is to be recalled that such consultation proposed by the Legal Affairs Standing Committee of the House of Peoples’ Representatives (HPR) in late 2017 was interrupted and postponed mainly because it came at a wrong time for the Oromo people, at a time when close to a million people were displaced and languishing in make shift rehabilitation camps, a time when the military was still killing people arbitrarily, a time when the Liyyu Police’s continued aggression on the borders was raging, and much else was ailing the Oromo nation.^[1] The public consultation is to be conducted based on a draft proclamation prepared by the HPR. The draft proclamation is tellingly entitled, “A Proclamation to Determine the Special Interest of Oromia over Addis Ababa.”

From the very title, we note that it is the Federal Government, not Oromia, who is positioning itself to decide Oromia’s interest in its own capital city. The Federal Government seems to have authorized itself to decide on what the interest is and how to procure it for Oromia. Of course, this is not new. In the case of Addis Abeba and much else in Oromia, it has almost always been the case that the federal government has been speaking and acting on behalf of, about, and against the region. The HPR has continued in that tradition when it (tacitly) authorized itself to putatively decide what constitutes the ‘special interest’ as per the words of art 49(5) of the FDRE Constitution. This move of the federal parliament to give itself the interpretive power to articulate the meaning and content of the constitutional clause—thereby telling Oromos and

Oromia what is and what is not their interest in their own city--is of course unconstitutional.

But what is it that the the federal government seeks to discuss with the people? What exactly do they want to consult the people about? What have they proposed in this draft legislation? How does that tally with the demands of the #OromoProtests? Is it even constitutional? What should be done in order to properly acknowledge the interests (rights and prerogatives) of Oromia? In this piece, I reflect on some of these questions. In so doing, I will, first, discuss the content of the ‘special interest’ as is presented in the draft proclamation. Secondly, I will point out its dispossessive implications and the unconstitutionality thereof. Consequently, I argue that the already hollow and unwieldy constitutional promise in art 49(5) turns, in this draft proclamation, into an empty legal rhetoric that is null and void ipso facto. Thirdly, I will propose ways of approaching the ‘special interest’ within the constitutional context and beyond, particularly in ways that take account of the history of the city as a garrison town and in a way that avoids or nullifies the legal fiction that excises the city from its core, its very heartbeat, as expressed in the common Oromo axiom, which proclaims that Finfinnee is Oromia’s ‘belly button’: *Finfinneen handhuura Oromiyaati*.

[1] It was also seen by the public as ruling party's way of provoking controversy among the public with an eye on the heartening gestures of alliance between Oromia and Amhara Regional States.

2. The Draft Proclamation's Content: 'Benefits,' Compensations, and Institutions

The draft proclamation is a brief document. It has six parts and twenty-four articles.

In Part I, we find general provisions which reiterate the words of art 49(5) by way of defining 'special interest' (art 2(4)). Thus, 'special interest' is defined as benefits of Oromo residents of the city and of the special zone to 'social services, economic facilities and opportunities, utilization of natural resources and environment, and joint administration.' We also read that the border of the city is that which is demarcated upon agreement between the State of Oromia and the City Administration (art 2(6)). 'Persons of Oromo descent', defined to mean residents of the city and of the special zone who are also born from Oromos (art 2(5)), are identified as the holders of the right to 'special interest.' In terms of scope, the proclamation is anticipated to be applied only within the territory of the City (which is still not clearly defined) and the Special Zone of Oromia 'as necessary'(art 3).

Part II of the draft proclamation enumerates *benefits* in relation to *social* services. Thus, the rights to education and schools in Afaan Oromoo (art 4), access to health (art 5), right of residents to use their language, to enjoy their culture, and to develop and promote their arts (art 6) are recognized. Of course, to anyone who has an elementary knowledge of constitutional human rights law, these provisions and the ones in Part III of the draft proclamation are nothing more than a restatement of the socio-economic rights of all citizens (as listed, for example, in arts 41-43 of the constitution). According to art 6(1), in order to make services accessible to Oromo residents, the city administration will adopt Afaan Oromoo as its working language. Also, for the sake of preserving the traces of Oromo identity in the city, the names of events related to the history of the Oromo people will be memorialized through re-naming of squares, streets, villages/neighborhoods in Afaan Oromoo harking back to their old names (art 6(2)). (Note that the name of the city itself, Finfinnee, is ignored and remains to be called Addis Abeba.) Moreover, in order for the city to help reflect the culture and history of the Oromo, the city administration shall build and introduce [or promote] theaters, recreation centers, cultural centers, and art centers (art 6(3)). In the same vein, the city's museums shall have books and heritage materials (sculptures, statues, etc) reflecting the history, culture, and traditions of the Oromo people (art 6(4)). Furthermore, there shall be public media operating in Afaan Oromo (art 6(5)).

Enumerating economic benefits of Oromo residents, **Part III** lists down access to land (art 7), water supply (art 8), transport services (art 9), jobs (art 10), market places (art 11), condominium houses (art 12), and compensation for evicts (art 13). Accordingly, land shall be provided free of lease charges for erecting buildings providing governmental and public/community services. Also, Special Zone residents shall benefit from water supply provided "at the expenses of the city administration"(art 8). In relation to transport services, distribution of taxi and public bus services and construction of railroads shall take into account the [needs of the] Special Zone (art 9). As far as job opportunities are concerned, the youth from the Special Zone shall benefit from job opportunities created in the city (art 10(1)). Moreover, the youth shall benefit from job opportunities deriving from water supply works, waste management, electric power generation, irrigation, transport, etc (art 10(2)). Regarding access to market places, the draft proclamation provides that market places for farmers [supposedly for Oromo farmers] shall be built by the city administration (art 11). In what seems to be a scheme of making housing services available, the draft proclamation provides that Oromo public servants that are also residents of the city shall have a quota to take part in the division-by-lot of condominium houses (art 12). According to art 13, the proclamation seems to rationalize and sanction continued eviction of Oromo farmers. It thus stipulates that farmers shall be offered compensation, apparently, to enable them find a means of sustainable livelihood and move on with their lives. An office dedicated to the study, assessment, and determination of compensation for sustainable livelihood shall be established (art13(2)).

In Part IV, the draft proclamation deals with benefits related to the utilization of natural resources. In particular, it lists down some rights as special benefits. The right to benefit from irrigation development (art 14), the right of the Oromia Special Zone to be protected from environmental pollution (art 15(1)) and the entitlement to compensation for such pollution (art 15(3)) are examples of such rights. The duty of the state to conduct environmental feasibility assessment for waste management (art 15(2)), the duty to recuperate and 'heal' Special Zone areas from which construction minerals are extracted (art 15(4)), the duty to collaborate on recycling and management of urban waste as a joint venture of the Special Zone and the city administration (art 15(5)) are presented as part of the "special interest" of Oromia.



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It is important to note that: a) there is no natural resource that flows from the city to Oromia (or its Special Zone); b) the protection of environment from pollution is a basic state duty under FDRE and Oromia Constitutions (art 43 of the FDRE Constitution and its equivalent in the Oromia Constitution); it is not a special interest; it is not even a benefit (operating within the parameters of the words of the draft proclamation); c) the duty to compensate for any harm on the environment is a legal duty; it is not a benefit or a special interest. The city administration cannot 'buy' its right to pollute the environment by paying a certain amount to the Special Zone; d) as per this draft, Oromia, particularly its Special Zone, continues to be, as has always been the case, a destination point for the city's waste. Oromia also continues to be seen as a useful origin or source of construction minerals catering to the needs of the city. What is new in this proclamation is that the City Administration is now granted a legal recognition for its illegal, unconstitutional, immoral practices of pollution, dumping of urban waste, and extraction of useful construction minerals.

“ The city administration cannot ‘buy’ its right to pollute the environment by paying a certain amount to the Special Zone

In what seems to be a nod to the “joint administration” component of the constitutional “special interest” package, **Part V** of the draft Proclamation stipulates that a “Joint Council” shall be established to administer and implement this proclamation (art 16). Its head office is set to be in Addis Abeba (art 17). Its objective is to monitor, evaluate, and expedite the support needed for the implementation of the proclamation (art 18). Its members come from the State of Oromia and the City Administration, each having 50% representation (art 19). The tasks and responsibilities of the Joint Council, its organizational structure, its budget, its rules of procedure, the code of conduct of the members, its tenure, etc, are all to be decided by the Federal Executive (i.e. the Council of Ministers) (art 20).

A quick observation one can gather from Part V is that the draft Proclamation radically departs from the joint administration of addis Abeba envisaged in art 49(5) of the Constitution. Instead of implementing the co-administration of the city by Oromia AND Addis Abeba Administration as expressly stipulated in the constitution, the proclamation creates a separate institution known as “Joint Council” in which the governments of the Region and the City collaborate to facilitate the effective implementation of this very proclamation. This is blatantly and utterly unconstitutional and should be rejected automatically.

Part VI has final provisions relating to the duty to cooperate (art 21), repealed laws (art 22), the envisaged rules and regulations to be issued by the Council Of Ministers in order to facilitate the implementation of the proclamation (art 23), and the date of coming into effect (art 24).



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3. Analyzing the Draft Proclamation: The Hollow Constitutional Promise, the Empty Legal Rhetoric

The very framing of the right of Oromia over Addis Abeba as a “special Interest” in art 49 is problematic, as it is based on the legal fiction that excises and removes the city from the jurisdiction of Oromia. This fiction has in time led to the wrong assumption that Addis Abeba is no more part of Oromia; that Oromia has no say or claim over the city; that any claim Oromia makes is granted to it as a privilege, as an exceptional regime of rights, and hence, “a special interest.”

From the reading of the constitution, one can gather that the ‘Special Interest’ is derived from mere physical-geographical intimacy between Oromia and Addis Abeba, i.e., from the fact that the city is located in Oromia, almost as if the city is an enclave of a sort. This is of course in line with the putative land alienation followed by its violent inauguration as a garrison town which subsequently became a capital. Having delinked it from its past, having thus normalized the removal and displacement of the Oromo from the land, and having sanitized growth of the city as a ‘natural’ process of urbanization by some ostensibly “more modern-minded people”, it became easy to reduce the Oromo-AddisAbeba relation to a matter of physical-geographical proximity.

This reduction of the relationship to a mere geographical intimacy can be read as a strategy of distancing the Oromo from the city and the demos in the wider Ethiopian polis. It can be seen as a way of keeping the Oromo away, a legal-discursive production of absence of the Oromo from the city. Having been rendered absent or invisible in the city, the Oromo now figure as an outsider looking in. Being an outsider, the Oromo is thus not entitled to rights normally claimed by every inhabitant of the city. Hence, the need to accord an “exceptional” regime of rights, now couched in the language of ‘special interest,’ to Oromos. Having thus severed the “natural” link between Oromia and Addis Abeba, the city is put outside of the jurisdiction of Oromia. Even though the city is still the capital city of Oromia (albeit nominally), Oromia has no ‘natural’ right or authority it can exercise over the city. Its presence is itself recognized as part of a scheme of benevolent exception-making. Hence, the constitutional recognition of a select set of interests to be guaranteed to Oromia (as per art 49(5)).

The language of ‘special interests’ is already a denial and/or diminishing of the right to exercise power and sovereign prerogative of Oromia over the city. (A more just and more complete constitutional arrangement—which can still be effected through constitutional amendment—is a restoration of the city to the State of Oromia, negotiated and possibly consensual designation of Addis Abeba as a Federal capital, or alternatively, relocating the Federal Government in another agreeable site and removing it from Addis Abeba altogether.^[2]) It is this language of ‘special interest’ that has already placed the rights of Oromos and Oromia in constitutionally awkward or ‘sub-constitutional’ position. It is this language that makes the whole constitutional arrangement a hollow promise.

Pending constitutional re-arrangement (via amendment or otherwise), there are reasons why the draft proclamation as it stands now is arguably null and void. Here is why: 1) the interests of Oromia envisaged in the Constitution are now reduced to benefits of Oromo residents of the town and the Special Zone - this is an unacceptable abridgement of the constitutional rights of Oromia and Oromos. 2) the fact that the scope of application is reduced to the City and the Special Zone - the fact that the proclamation is binding only on Addis Abeba Administration and the Special Oromia Zone Surrounding Addis Abeba - indicates that this draft proclamation has already fallen short of the constitutional requirement of securing the ‘special interest of Oromia’ and has rendered the entire legislation unconstitutional. 3) The interests have now become synonymous with ‘benefits,’ not legally enforceable entitlements; the constitution’s words are ‘*interests*;’ the demands of the Oromo public is for their *rights*. Ignoring the latter two and listing down their rights as special ‘benefits’ granted to the Oromo residents is not only patronizing to the Oromos but a radical departure from the letter and spirit of the constitution.

4) Even if they were framed in the language of rights (such as the right to education in one’s own language; access to health; housing/condominium; use of language, enjoyment of culture and promotion of the arts; or economic rights to land, water, transport, jobs, market places; or the right to clean and pure environment), they are merely a restatement of the individual rights constitutionally guaranteed to all persons, including Oromos. We cannot enumerate their constitutional rights and tell them that we are kindly extending ‘special benefits’ to them unless we are assuming that those rights that everyone else has are not theirs. The power and authority Oromia seeks to exercise over the city as its original and legitimate owner is conveniently ignored by this draft Proclamation. 5) The rights enumerated as interests should have been protected, enforced, and fulfilled as a matter of constitutional duty without a need for a special legislation for them; the draft proclamation is constitutionally superfluous and politically problematic at one and the same time. 6) The parliament arbitrarily arrogated the power to determine the content and unconstitutionally usurped the formal and non-formal interpretive power of the House of the Federation (HoF) and/or Courts. 7) Oromia’s interest to gain a political say in the administration of the city through the constitutionally arranged scheme of ‘joint administration’ is now reduced down to joint membership in a council that is organized under the Council of Ministers.

Consequently, the already hollow constitutional promise of art 49(5) is turned into a completely empty legal rhetoric of the draft proclamation.

Nonetheless, the legal rhetoric, however empty it is, is not without consequences. By being there, it serves as a performative moment generating some facade of legality to justify and perpetuate past and contemporary violence against the Oromo, even the violence of dispossession and displacement. The provisions that envisage the setting up of an office for assessing and determining compensation for eviction (e.g. art 13) regularize eviction and dispossession of Oromos, thus (re)enacting a more lasting and continuous violence that echoes the inaugural violence of dispossession and displacement.

^[2] There are a range of options one can consider on the arrangements for a capital city in a federal setting. One can have a designated Federal District Territory that is ceded by one or more members of the Federation. Canberra (Australia), Washington DC (USA), Abuja (Nigeria) are examples of this model. Alternatively, one can have a federal capital city in one of the States of the Federation. Ottawa of Ontario (Canada) and Bern of the Canton of Bern (Switzerland) are examples of this second model. One can also decide to have a City State (i.e., a city that is also one of the States of the Federation) as a Federal Capital. Berlin (Germany) and Brussels (Belgium) are examples. One can add the example of Addis Abeba of the Transitional times (Region 14) to this list of examples but one needs to remember that, during that time, Ethiopia was not a Federation formally-constitutionally. A fourth model to consider is to disperse the seats of the different branches of the Federal Government in different major cities of the Federation. Accordingly, Tswahne/Pretoria (in South Africa) serves as the seat of the Executive (alias administrative capital); Capetown serves as the seat of the South African Parliament (National Assembly and the National Council of Provinces) (alias legislative capital); and Bloemfontein serves as the seat of the Supreme Court of Appeal (alias the judicial capita). (Johannesburg serves as the seat of the South African Constitutional Court at Constitution Hill thereby making it also identified as the judicial capital alongside Bloemfontein.) A fifth model is one in which the Federal Government will have a roving capital, moving from State to State every ten years or every parliamentary term, etc.

4. The Political Significance: Its meaning to the #OromoProtests

The issue of Addis Abeba is the most important political issue for Oromos past and present. It is the pre-eminent political issue that triggered and permeated the #Oromoprotests in recent years. The rallying cry of the #Oromoprotests was the quest for abbaa biyyummaa, the right to have a full say on, and control over, the resources, the governance, and the ownership of their land and their country. It can be seen as a demand for sovereignty over land, resources, and politics of their country. This demand is an all-encompassing demand, of course, and as such, it has other smaller demands under it. The specific demands spelt out in the course of the Oromo Protests, as can be gathered from the slogans and protest chants, the placards held in demonstrations, the statements of the organizers, and questions submitted to the Oromia National Regional State and the party presiding over it, the OPDO, include, but not limited to, the following:

“ The specific demands spelt out in the course of the Oromo Protests, as can be gathered from the slogans and protest chants, the placards held in demonstrations, the statements of the organizers, and questions submitted to the Oromia National Regional State and the party presiding over it, the OPDO, include, but not limited to, the following:

Self-rule in Oromia (governing Oromia without interference from external forces);

Shared rule in the Ethiopian federation (having a deserved share in the role of co-governing the larger country with other groups in the polity);

Protection of farmers and other urban dwellers from eviction from their own land

Peace (i.e., removal of the military and the federal security forces from the civilian lives of the population and a call for ending the war of aggression on the borders; removal of the rule by command post;)

Justice (i.e., release of political prisoners);

Respect for human rights (equal treatment of Oromos, their identity, their language, and their human dignity in all spheres of life including in the federal government bodies, security institutions, and government mass media institutions);

Linguistic justice (equality of Afaan Oromo as one of the federal working languages and respect for the integrity of the language by respecting the chosen script and sequence of alphabets, A-B-C-D);

Repeal of the so called “Addis Abeba Master Plan” in all its forms and full recognition of Addis Abeba as an Oromo city, as Oromia’s capital city, and as the seat of the Federal Government, the African Union, and the United Nations Economic Commission for Africa (UNECA);

Implementation of the constitutional ‘special interest of Oromia over Addis Abeba’ (art 49(5)) unconditionally;

Bringing land grab schemes to an immediate halt;

Expropriation of illegal investments, trades, and constructions in Oromia;

Legality (the respect for laws and regulations including the constitutions both of the State of Oromia and of the Federal Government);

Civil liberties (freedom of Oromos to associate, assemble and organize themselves freely into associations, political parties, or self-help organizations); and freedom of all Oromo political parties to operate in the country without proscriptions as terrorists or threats and intimidation otherwise as long as they operate within the the ambit of the constitution and the relevant (constitutional) law thereof;

Freedom from fear (of all Oromos living, working, or studying in other regions of the country);

Social justice (arresting tax and price hikes on goods and services, provision of basic social services—housing, basic health, and means of subsistence—attention to vulnerable persons such as the disabled, children, and women—protection of natural resources, forests, and the well-being of the environment in general); and

Arresting the wide-spread corruption in Oromia and beyond, and implementing principles of good governance at all levels of administration.

Apart from this long list of demands, it is to be recalled that Addis Abeba was right at the center of the resistance to the Master Plan. The demands of the protesters centered around the repeal of the so called "Addis Abeba Master Plan" in all its forms and the full recognition of Addis Abeba as an Oromo city, as Oromia's capital city as well as the seat of the Federal Government. The demand for implementation of the constitutional 'special interest of Oromia over Addis Abeba' (art 49(5)) unconditionally was also a recurrent theme, if only as part of the reaction to the attempted expansion of Addis Abeba's jurisdiction to Oromia through the instrumentality of the Master Plan.

Does the draft proclamation give a proper response to the quest for abbaa biyyummaa as put forward in the Oromo protests? Juxtaposition of the draft legislation (as I have outlined in section 2 above) and the long list of demands of the Oromo protests (as enumerated in this section here) immediately highlight the fact that the answer is a resounding 'NO!' If so, what should be done now? How should the public react to the draft proclamation and the regime's plan for 'consultation with the public'? I now turn to these last set of questions.

5. Looking ahead: What needs to be done?

Attend to the Past, the Diversity in it, and the Presence of the Federal and the International

In a discussion pertaining to Oromia's rights over Addis Abeba, the past is heavily present. It is simply unavoidable. Perhaps this is where we need to remember that "forgetting, or remembering the wrong things, are dangerous...,"^[3] as John Keane says in a different context. We live under the imperative of attending to the past as we bring ourselves to recognize the Oromo identity and full say over the city. In terms of concrete action, the first thing to do is to restore full political and administrative authority over the city to Oromia. This is a question of restoring sovereign rights of the Oromo nation over its territory.

This gesture of recognition of the Oromo authority over the city will be one of the first steps to undo the (continued) act of fabrication of Oromo absence in Addis Abeba.

It is also important to remember that the city is teeming with people with diverse cultural and political background. Diversity is a lived fact, if a denied norm, in the city. And the diversity is here to stay. Whoever governs the city needs to attend to this contemporary diversity. This forces on us the imperative of making the city administration substantively—not just formally as it seems to be mindlessly invoked by the constitutional idiom of "We, the nations, nationalities, and peoples of Ethiopia"—multicultural, multilingual, and attentive to the needs of "the weakest and the worst among us," i.e., the minorities, the poor, the homeless, the street children, the commercial sex workers, several other category of people who flock to the city in search of jobs, opportunities, and urban anonymity (and the freedom thereof), and—above all—the more unfortunate ones who are trafficked into and lost themselves in the jungle of lawlessness in the city.

In terms of action, the Oromia State, after having asserted its sovereign power over the city, must grant autonomy to the municipality within the general regulatory framework of Oromia's urban laws. At the same time, it is essential to attend to the fact that Addis Abeba is the seat of the federal government. This confronts us with the responsibility to make the city a proper space for civic-democratic action that allows nobodies to rule. After all, democracy is the 'rule of no body, the rule of nobodies'(a la John Keane).^[4]

Also, the presence of the international-global in the city is real. Taking account of the fact that Addis Abeba is the seat of the United Nations-Economic Commission of Africa (UNECA), the African Union (AU), several other regional and international agencies, and numerous diplomatic and humanitarian missions, the need to upgrade the standard of service provision to the level expected of a city of transnational functions, forces one to make its governance mindful of the demands of an international city.

[3] John Keane, *The Life and Death of Democracy* (Norton & Co, 2009)

Reject a Discussion on a Flawed Draft (at the Wrong Time)

As the Oromia government asserts its authority over the city and takes judicious measures - legislative, administrative, and otherwise - to manage the multitude of interests in the city, especially that of the Federal Government,[5] the public should explicitly reject the proposed discussion over the draft proclamation because it is untimely. Caffee Oromiyaa should reinforce this by passing a resolution on the matter and preparing an alternative Oromia Law on the intricate mode of governance appropriate for the city within the framework of Oromia's urban laws. There are many more pressing issues that need to be addressed prior to engaging the public in deliberation on constitutional issues with far-reaching consequences. The release of political prisoners (especially ailing high level prisoners such as Bekele Gerba), the care for the one million people displaced from the Somali region, the restoration of peace on the borders, the disarming and banning of the Liyyu Police and the trial of the political officials and military officers who are perpetrators of the aggression, the removal of the Armed Forces from the day to day civilian life of the people, ensuring the political, administrative, and legal accountability of the Federal Police and Security officers for the atrocities they have been perpetrating, especially for the killings and mayhem during this long season of the protest, and allowing a UN-led investigation into the massive human rights abuses, are some of the most urgent tasks that need to be undertaken.

If discussion is forced upon the public, the people need to reject the draft completely. They should reject it because it is unconstitutional, first, on the ground of lack of competence on the part of the HPR to exercise interpretive power by preparing such a draft. The act of determining and articulating the content of art 49(5) is an act of interpretation that, constitutionally speaking, needs to be done by the formal or non-formal interpreters (i.e., the House of Federation or the Courts, respectively). [6] Secondly, they should reject it because it reduces the 'interests' to mere 'benefits' or 'privilege' extended gracefully, as it were, by the city administration. Thirdly, the draft proclamation's scope of application is limited to the city and the special zone. The 'benefits' are thus to be enforced only there. This is in stark contrast to—and in a blatant disfiguring and violation- of the constitutional recognition of the interests of all of Oromia.

Fourthly, the interests explicitly mentioned in art 49(5) of the constitution include, but not limited to, those relating to provision of social services, utilization of natural resources, and joint administrative matters. By restating socio-economic and cultural rights of arts 41-44—and enumerating access to education, health, job opportunities, land, the right to clean and pure (thus unpolluted) environment, the right to language, culture, the arts (and the right to recovering Oromo heritage in the city and memorializing significant historical events, moments, and figures)—as benefits extended to Oromo residents of the city, the draft proclamation is only affirming the obvious, if only tampering with the rights through limitations imposed in the form of compensation for eviction and pollution.[7]

[5] Technically-legally, this is grounded in the fact that the city, in addition to its being part of Oromia, is also the capital city of Oromia. Indeed it is truly the heartbeat, the handhuura, of Oromia.

[6] As per article 62 (1), the interpretive power is the power of the House of the Federation. It is interesting that the Government of Oromia had repeatedly sought such an interpretation between 2006 and 2008 but the Council of Constitutional Inquiry (CCI) rejected the request on the ground that the CCI and/or the HoF do not offer "an advisory opinion" in the absence of any legal contestation. In saying this, the HoF seems to demand the existence of a dispute, echoing the American constitutional doctrine of "case and controversy", as a prerequisite for it to entertain cases. At the time, it was politically expedient to tactfully refuse to clarify the content of the 'special interest'. It was part of the regime's strategy of denying the Oromo rights to and over the city.

[7] Stating these rights as special benefits of Oromos in Addis Abeba betrays the fact that Oromos have been discriminated against apropos of these rights so far. Discriminating against Oromos and the hitherto denial of their rights is not corrected by proclaiming a law that restates those same rights as special interests. If anything, this is a rationalization, justification, and subtle reinforcement of discrimination that is a recurring feature of the larger state project of pushing the Oromo aside.



"The so called joint council is a council set up not for joint administration but for the implementation of this proclamation only

Fifthly, Oromia's right to joint administration is totally ignored. The so called joint council is a council set up not for joint administration but for the implementation of this proclamation only. To make matters worse, even that council is totally powerless. Its tasks and responsibilities, the rules of procedure, the code of conduct of the membership, the budget, and its term limits are determined by the Council of Ministers of FDRE, an entity that, constitutionally speaking, has nothing to do with the administration of the city. In this draft proclamation, the Oromia Government, as a government whose capital the city is, has virtually no say in the governance of the city. The Government of Oromia has no seat, thus no voice or vote, in the City's Council, not even an honorary or non-voting, membership. It has no political say in the appointment of the mayor, the cabinet, or the configuration of its civil service. All in all, the city remains to be excised out of the political, administrative, and tax jurisdiction of Oromia and its laws. Moreover, Oromia's economic interest is completely ignored. There is no share in revenues driven from the city. The city is exempted (through legal excision) from the taxing power of the Oromia State. The only economic 'benefit' extended to the Oromia Government is access to land free of lease in order for it to erect buildings for governmental and public/community services.

The city's original name, Finfinnee, is left unrecognized even marginally. The Special Zone remains to be a destination point of urban waste. The only 'consolation', if it can be called that, is that the Zone will be consulted and compensated for the pollution. The Special Zone remains to be sources of extraction of construction minerals for the city only for some "compensation" and some trickling job opportunities for their youth.

6. Conclusion

The issue of Addis Abeba is a high stakes political issue in Ethiopia. Any serious effort to resolve the problems in contemporary Ethiopia cannot ignore the Oromo claim to and over the city. Addis Abeba was at the center stage of the #Oromoprotests. To ignore this quest and to tinker with marginal issues on the sides, as this draft proclamation does, is a non-starter. It does not address the demands of the protests. Nor does it help implement the constitutional clause on 'special interests.' In fact, it only turns the the weak and hollow constitutional promise into an empty, if problematic, legal rhetoric. It may well be an invitation for a fierce confrontation with the determined Oromo youth.

As has been pointed out above, the draft law that has a flawed constitutional root has become a vacuous exercise in legal rhetoric. Consequently, the Federal Government should recant this draft law and go ahead to discharge its part of the constitutional obligation to respect and implement the constitutional right of Oromia over the city. The Federal Government should therefore come to terms with the fact that just because the city is their seat does not make it theirs by right. It should recognize that the Federal Government has no distinct territory that it can claim as its own until and unless ceded to it explicitly by the States. The fact that it dwells in the city does not give it a right of primacy of say or superiority of authority in the governance of the city. In fact, as a government locked into a co-habitation arrangement with Oromia whose capital the city is, the Federal Government should self-consciously negotiate every ounce of its space, physical and political, in the city. It should recognize the primacy and authority of Oromia's laws and jurisdiction on the city needs no exceptional regime of protection and that it is the federal government that, having only derivative rights, need to negotiate for a package of 'special interests.' Hopefully, this will in time pave the way for taking initiatives in the quest for a consensually negotiated and/or built federal capital.

The City Administration must consider the demands of the Oromo public and start continuous dialog with the government of Oromia in good faith. Its willingness to listen to, and engage with, Oromia is only in accord with the fact that the City Administration dwells within the geographic jurisdiction of the state of Oromia. The City administration should therefore enter the dialog with a simple gesture of recognition that the city is also the capital city of Oromia.

This goes a long way in terms of acknowledging the presence of others in their midst. The fact that they are a self-governing city administration does not give them superiority or primacy to the States, especially Oromia. They should realize that it is a grave omission that the constitution did not explicitly acknowledge their accountability to the State of Oromia at least just as much as it acknowledges it in relation to the Federal Government. In the very least, there can only be a dual line of accountability. At present, the city administration should exercise modesty and regarding the sharing of revenues, particularly in the interest of providing relief to the displaced, and in ensuring social justice in an economically interdependent urban zone in the longer term. Above all, the city should stop speaking and acting as if it is the city of Ethiopians except that of Oromos.

The greater burden is on the State of Oromia. It should push back to counteract the legal fiction that excised and took out Addis Abeba from the ambit of the jurisdiction of Oromia. Most immediately, it should move its legislature, the Caffee Oromiyaa, to issue a resolution that denounces the draft proclamation. The Oromia Government should also take the initiative to implement what it deems is Oromia's constitutional interest. Whoever thinks that initiative is in excess of or contrary to what the constitution provides should take the measure (or law or policy) to the House of Federation and contest its constitutionality. In the event that the Federal Government presses on to proclaim this blatantly unconstitutional draft law, then the Government of Oromia should take necessary legal measure to have it annulled in the House of Federation or in the courts as appropriate. While the legal contention continues (or not), they should take all necessary political steps to negotiate and secure a settlement that helps reclaim, protect, implement, and defend the rights and powers of Oromia.

The Oromo public should press on with its demands for full right, the right to abbaa biyyumma in the same way and manner the rest of Ethiopia lays claim on the city. In that spirit, they should reject a discussion on this thoroughly flawed draft law. If discussion is forced upon them, they should seize the moment to articulate their demands by showing its constitutional-legal, moral, and political shortcomings.