

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

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The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

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Addis Ababa, Ethiopia

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

DECLARATION

I, Ayou Asfaw, hereby declare that this thesis entitled “The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation” submitted by me for the award of the degree of Master of Public Management (MPA), Addis Ababa University at Addis Ababa, Ethiopia, is my original work and it has never been presented in any university. All sources and materials used for this thesis have been duly acknowledged.

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CERTIFICATION

**Addis Ababa University
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This is to certify that the thesis entitled, “*The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation*” was carried out by *Ayou Asfaw* under the supervision of *Meheret Ayenew (Ph.D)*, submitted in partial fulfillment of the requirements for the degree of Master of Arts in Public Management complies with the regulations of the University and meets the accepted standards with respect to originality and quality.

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The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

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The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

Table of Contents

Declaration.....	i
Certification.....	ii
Acknowledgment.....	iii
CHAPTER ONE.....	1
1.INTRODUCTION	1
1.1.Background of the study	1
1.2.Statement of the problem.....	3
1.3.Objectives of the study	4
1.3.1. General objective	Error! Bookmark not defined.
1.3.2. Specific objectives	Error! Bookmark not defined.
1.4.Research Questions.....	5
1.5.Scope of the study	5
1.6.Significance of the study.....	6
1.7.Limitation of the Study	6
1.8.Organization of the Study	6
CHAPTER TWO	7
REVIEW OF RELATED LITERATURES	7
2.1. Overview of Policy.....	7
2.2. Policy Formulation approach by parliament.....	8
2.2.1. The Formalistic Approach	8
2.2.2 The New Paradigm Approach	9
2.2.3 The Neo-Institutional Approach.....	9
2.3. The contents considered in policy making	9
2.4. Involvement of actors in legislative policy making process.....	11
2.5. Institutional set up Parliament in policy making process	11
2.6. Use of evidence in policy making process.....	11
CHAPTER THREE.....	13
RESEARCH DESIGN AND APPROACH.....	14
3.1. Introduction	14

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

3.2. Research Design	14
3.3.Data Source and Collection Instruments	15
3.3.1.Document Review	16
3.3.2. Interviews.....	16
3.4.Data analysis and interpretation.....	16
3.5.Ethical Consideration.....	17
CHAPTER FOUR	19
ANALYSIS AND Discussion	19
4.1. Introduction	19
4.2. ANALYSIS	19
4.2.1. The motivations, processes and stages of formulation of the national security policy	20
4.2.2. The processes and stages of formulation of the national security policy procedures followed by the government.....	21
4.2.3. The main strengths of the national security policy	22
4.2.4. The Main weaknesses of the national security policy	23
4.2.5. The Challenges Faced in Process of the Policy Formulation of the National Security Policy .	24
4.2.6. The contributions of the different stakeholders in the policy formulation process	25
4.2.7. The extent of Stakeholders involvement and influence in the process	27
4.2.8. The loop halls or missing in formulation of the national security policy	28
4.2.9. The extent of the ideas and contributions of the different stakeholders been taken into consideration in the final policy	29
4.2.10. The lessons of this exercise for policy and law-making by the legislature in Ethiopia regarding the policy formulation of national security	29
4.2.11. The main challenges of the policy and law-making by the legislature in Ethiopia in formulating National security policy.....	31
CHAPTER Five	33
SUMMARY OF THE FINDINGS, CONCLUSION AND RECOMMENDATION.....	33
5.1. Introduction	33

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

5.2. SUMMARY OF THE FINDINGS 33

5.3. Conclusion..... 35

5.4. Recommendation 37

Reference 38

Annex 1: Interview Questions..... 41

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

LIST OF ABBREVIATIONS/ACRONYMS

CoBE	College of Business and Economics
PADM	Public Administration Development Management
HoPRs	House of Peoples' Representatives
NISS	National Intelligence and Security Service
MPP	Masters of Public Policy
MPs	Members of Parliament

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

ABSTRACT

Purpose – The purpose of this paper is to investigate the process of Antiterrorism proclamation formulation by the Ethiopian parliament.

Design/methodology/approach- The research used the case study method to investigate the formulation of National Security Policy. Primary data has been gathered through the use of interview of key informants while documents such as minutes and other similar studies were examined to achieve the objective of the study.

Findings- The motivation behind the Antiterrorism proclamation was much more different than achieving the real peace and security of the nation itself. Rather than fulfilling the pledge of the country's commitment in fight against terrorism, the implied intention was to use it as a tool for consolidation of the power of the ruling party. The process of formulation of the antiterrorism proclamation was done through participation of a few elites. None of the major contents that needed due attention were discussed by neither the legislators nor the stakeholders. The participation of stakeholders was done for none - other than publicity stunt.

Research limitations/implications - The study area was limited to examining the formulation of the process of Antiterrorism proclamation 652/2009. Thus the results from this case might not be generalized to the amended proclamation process or any other related policies.

Social implications- This study suggests motivation of any given policy need to the benefit of the public. While doing so, the international practice is needed to consider the reality of the country, the legislators need to take control of the formulation process, and institutions need to build their capacity in terms of structure as well as personnel. Moreover, the extent and contribution of the stakeholder's position needs rethinking by everyone involved and finally each branch of government is needed to fulfill its mandate to the fullest scale.

Originality/value- The findings from the study provide useful insight and especially firsthand information on policy formulation practice regarding Antiterrorism. Furthermore, it is useful to the policy makers and scholars who are curious on the field. It can also aid relevant stakeholders to strategize in accordance with their respective roles towards the improvement of future policy making.

Keywords: Antiterrorism, formulation, National Security, Proclamation

**The Process of National Security Policy Formulation by the Ethiopian Parliament: Case
Study of the Anti-Terrorism Proclamation**

CHAPTER ONE

1. INTRODUCTION

1.1. BACKGROUND OF THE STUDY

Human security may be defined to incorporate threats as hunger, disease and repression while security indicates protection from covert and harmful disruption in conducting daily life affairs. Further, security might be associated with state of being or making safe, secure from danger or protection against something that might happen in the future or as the activities involved in protecting a country, a building or persons against threats of danger (UNDP, 1994; Wehmeier and Ashby, 2002). Essentially, security must be related to the presence of peace, safety, happiness and the protection of human and physical resources or the absence of crisis, threats to human injury among others. The presence of peace could facilitate progress (Otto1 and Ukpere, 2012).

National security, on the other hand, is a process or state to ensure the functioning of the basic state fields. It allows survival, development and implementation of the freedom of national interests in a particular position of safety. Efforts are challenges where chances are used. It also occurs reducing risks and preventing all kinds of threats to its interests (Warsaw, 2009).

Needless to say, particularly at this time, the world is confronting the threat of terrorism as one of the gravest trepidations to the international peace and security. Only few would contest the irreplaceable role that national intelligence and security service agencies could play in making state's action for the prevention and countering the crime a success (Hughbank & Githens, 2010).

It goes without saying that 'Intelligence and Security Services' no matter how shadowy, they are one of the very crucial aspects in the success or otherwise story of any government in all its political, economic, diplomatic, security and overall national interest affairs be it democratic, authoritarian or any other form or system of government (Omand, 2010; Johnson, 2010; Svendsen, 2012).

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

The New democracies are characterized usually by being fragile and prone to reverting back to authoritarianism. They have weak democratic institutions often unable to keep up with the demands of the public and mobilization of the new social forces. Huntington (1991) states parties are essential to new democracies as the main institutions that enable mass involvement in new democracies, particularly states that are undergoing modernization. As the twentieth century ended, optimism spread among supporters of democracy. During the “third wave” of democratization (Huntington 1991), the world witnessed the collapse of 85 authoritarian regimes, and the number of countries governed by elected officials became greater than at any previous time in human history (Geddes 1999). The prospects for democracy had never seemed better. Yet this spread of democracy was also accompanied by the spread of one-party autocracies, and when the third wave of democratization came to a halt in the end of the twentieth century, one-party regimes continued expanding known in the literature as “electoral authoritarian” (Linz 2000, Diamond 2002, Schedler, 2002) or as “competitive authoritarian” regimes (Levitsky and Way, 2002). Despite the important differences between single-party and dominant-party regimes, both have shown significant similarities in most of their feature than differences.

In the case of Ethiopian government, the absence of parties has been ever evident from the era of Emperor Haile Selassie who made numerous efforts to promote the modernization of the nation, to the centralized communist period ruled by the council of soldiers known as the “Dergue” to post-Dergue regime of the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF). Further, the Ethiopian political system of governance from the past three eras has been characterized by the power concentrating in a single person or group of elites that does not allow the participation of other individuals or social groups, use of force, repression of individual and human rights. The decision making that has the interest of the top is usually faster, has minimum or no opposition in decision making. While there was absolute power which allows wealth accumulation for the elites and abuse of power, there were no elections. Even the elections held usually meant to favor the one in power and consistently instill fear in citizens to make them obey the rules passed by the government or face heavy fines and penalties for questioning and free speech, which are the features of the democratic governance system.

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

Whatsoever, governments are expected to formulate and practice laws for the peace and security reasons, according to the existing mandates. The design of law making involves practical stages of drafting, deliberation, adoption, and ratification. At all these stages, inclusiveness, participation, and a 'bi-directional traffic,' in short; consent, are needed. Who is involved at the drafting, deliberation, adoption and ratification stage (and who is excluded at one or more of these stages) determines (the perception of) whose policy or sector it is, and to that extent, determines its legitimacy (Tsegaye, 2011).

It is worth to note that the participation and form of governance equally important in any policy making of any given government while the complexity of the policy by itself requires a level of involvement of stakeholders. Hence, this work examines the antiterrorism proclamation formulation's specific motivation, roots of the loopholes, stakeholders' engagement and motivation of main contributors of formulation of the National security policy in Ethiopia.

1.2. STATEMENT OF THE PROBLEM

The Ethiopian Strategy and Foreign Affairs of 2002 publication defines security policy as a matter of ensuring national survival. The alpha and omega of security is ensuring national survival. Other national security issues may be raised only if national existence is ensured. The Ethiopian constitution doesn't give any visible legal framework that specifically deals with foreign and domestic terrorism that might occur in a given time prior to 652/2009. The government uses the criminal law to deal with national security issues on perpetrators. The aforementioned proclamation among many of its shortcomings gave the NISS act as the lone wolf who have no check and balance unit within the government structure. The required level of transparency and accountability is left without a proper regulatory threshold.

The country has been accustomed to the system mainly after the establishment of the National Security, Immigration, and Refugee Affairs Authority back in 1995 (FDRE, Proclamation No. 6/1995). Without the consideration for the previous intelligence and security frameworks, the current institutional setup, that has given the lion share to National Intelligence and Security Service (NISS) was re-established pursuant to Proclamation No. 804/2013 (Art. 4). Furthermore, this proclamation gives sole authority to NISS. Regarding its intra-institutional setup, there is no

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

explicitly mounted organizational subdivision with a separate functional autonomy that takes the various purposes and goals of intelligence and security into account. It also runs with no form of check and balance (Shimeles, 2018).

The Anti-Terrorism Proclamation has not only explicitly endorsed admissibility of evidence gathered by the intelligence but also has forfeited the fundamental procedural requirement of probing their validity. Accordingly, there is no guarantee for suspects' indestructible freedom from torture and other forms of ill-treatment. Such unauthenticated dependency on intelligence and security information has also in effect neglected the suspects' right to a fair trial and the right to the presumption of innocence as painted both in the pertinent international human rights instruments and the FDRE Constitution as the supreme law of the land (Shimeles, 2018).

The source of a problem in any policy might arise from the formulation of the policy or implementation and system of governance. The formulation of the law in any sovereign country can be affected by having a participatory democratic system, as well as contemporary law making process (Tsegaye, 2011; Huntington 1991).

Hence, this study intends to assess proclamation number 652/2009 antiterrorism formulation. The national security policy reference is directly associated with the antiterrorism proclamation. The study shall be put in to the perspective of the level of democratization of the policy making, the level of the electoral authoritarian regimes influence on bi-directional traffic of the formulation, the strength of policy formulation and the missing pieces in the formulation of the policy formulation of the national security policy of Ethiopia.

1.3. OBJECTIVES OF THE STUDY

1.3.1. GENERAL OBJECTIVES

The purpose of this paper is to investigate the process of Antiterrorism proclamation formulation by the Ethiopian parliament.

1.3.2. SPECIFIC OBJECTIVES

The specific objectives of the study are;

- To assess the strength of antiterrorism proclamation formulation;
- To investigate the draw back in antiterrorism proclamation formulation;

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

- To investigate the extent of stakeholders engagement in antiterrorism proclamation formulation and
- To examine the motivation of main contributors of antiterrorism proclamation formulation.

1.4. RESEARCH QUESTIONS

This study will attempt to answer mainly the following research questions to achieve the intended objectives of the study and to address the research problem properly in accordance to and with relevant prior literatures.

- What were the motivations, processes and stages of antiterrorism proclamation formulation?
- What were the strengths and weaknesses or challenges of the antiterrorism proclamation formulation process?
- What have been the contributions of the different stakeholders in the antiterrorism proclamation formulation process and the extent of their involvement as well as influence the process?
- What were the loopholes or missing things in antiterrorism proclamation formulation?
- To what extent have the ideas and contributions of the different stakeholders been taken into consideration in the final antiterrorism proclamation?
- What have been the lessons and challenges out of this exercise for antiterrorism proclamation and law-making by the legislature?

1.5. SCOPE OF THE STUDY

This study analyzes practice of policy formulation by specifically assessing perspectives and processes, priorities, extent of technical levels of participation of policy formulation for Antiterrorism Proclamation. Accordingly, the scope of the study is limited to analyzing practice of process of proclamation formation directly related to the House of peoples' Representatives of

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

the Federal Government of Ethiopia pertaining to the proclamation formulation of Antiterrorism law.

1.6. SIGNIFICANCE OF THE STUDY

The Antiterrorism Proclamation is one of the elements that made up the National security of any given country as it is essential for the stability of any sovereign country. Regarding Ethiopia, the country is geographically located in the Horn of Africa where most of the neighboring countries are under constant turmoil for the past three decades. Somalia remains a failed state, Sudan has been separated into two nations and others too are suffering from unrests. In light of this, the study is expected to be helpful for similar National Security policy formulation in Ethiopian House of Peoples' Representatives (HoPRs) by shedding light on who should be involved in the process, to what extent shall they participate and to minimize the drawbacks of the declaration of similar proclamations.

1.7. LIMITATION OF THE STUDY

The study is limited to the specific proclamation, i.e., 652/2009 by specifically focusing on the process of formulation of the law into effect by the Ethiopian House of Peoples' Representatives (HoPRs). Thus, to minimize the effect of the encountered limitation, the researcher tried to define the scope properly. In addition, due to the unavailability of adequate scholarly work in the country's context, the study dealt with relevant literatures' as well as consultation of experts in the subject area inside Ethiopia.

1.8. ORGANIZATION OF THE STUDY

This study comprises of five chapters. In the first chapter, the background of the study, statement of the problem, significance of the study, scope and limitations of the study, general and specific objectives, research question were included. In the second chapter, reviews of theoretical and empirical literatures shall be incorporated. In the third chapter, the methodology part of the study shall clearly be detailed and in the fourth and fifth chapters, the result, discussion, summary, conclusion and recommendations of the study will be presented consecutively.

CHAPTER TWO

REVIEW OF RELATED LITERATURES

This chapter of the study consists of related literature review. A brief overview of the policy actors responsible, paradigms, content, use of evidence of policy making and finally conclusion and knowledge gap are presented.

2.1. OVERVIEW OF POLICY

The term policy is elusive with different meanings in different context. It is one of the notions that don't have a consensus in its meaning by scholars. However, the most cited border term has been stated by Brooks, (1989) as broad framework of ideas and values within which decisions are taken and action or inaction is pursued by governments in relation to some issue or problem. Osman, (2001) refers to it as broad statement that reflects future goals, aspirations and provides guidelines for carrying out those goals. Geurts, (2001) defined public policy as 'a choice that government makes in response to a political issue or a public problem' which the choice is based on values and norms that is aimed at bridging the gap between these values and norms and a situation.

Anderson, (2003) states, policies consist of courses or patterns of action taken over time by government officials rather than their separate, discrete decisions. It includes the decision to adopt a law or make a rule on some topic but also the subsequent decisions that are intended to enforce or implement a law or rule. It emerges in response to policy demands, or those claims for action or inaction on some public issues made by other actors—private citizens, group representatives, or legislators and other public officials—upon government officials and agencies. Such demands may range from general insistence that a municipal government "do something" about traffic congestion to a specific call for the national government to prohibit theft of pets for sale to medical or scientific research. In short, it is simply a call for action that others also specify as a desired action. It is considered as a choice or decision made by government that guides subsequent actions in a given circumstance.

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

The origins of policy may be from the media, public opinion, parliament, political parties, international organizations, government departments, public authorities and agencies. Accordingly, policy issues can be divided into two categories: those already on the public policy agenda, and those that are not. If an issue is already on the public-policy agenda, it has a sufficiently high profile, and a formal process is likely to be in place. If an issue is not on the public-policy agenda, the job of the stakeholders/community is to provide information and educate and take other steps to raise awareness and get it on the agenda (Smith, 2003).

According to Gerston, (1997) there are three conditions for an issue to remain policy agenda. The scope must be significant to affect wide array of the community, the effect needs to be high in magnitude and the issue must have a long tenure.

2.2. POLICY FORMULATION APPROACHS BY PARLIAMENT

Depending on various variables, policy formulation is organized into different approaches. These can be mentioned as the set-up of parliament, the method which members are chosen, the relationship between representatives and the represented, task of the parliament, the level of influence interest groups have, political parties, constituencies or the executive, the life of parliament central to governing the system, or peripheral and the consequences of parliamentary institutions for recruiting leaders, shaping public policies, legitimizing the government or stabilizing the regimes (Patterson and Copeland, 1994).

The mode of addressing issues varies when taking one theoretical point of view or another. Each theoretical framework directs us to formulate different hypothesis, and more than that to do research in a particular way (Manuel, 2014).

2.2.1. THE FORMALISTIC APPROACH

This approach is centered on the decisional function of parliaments, in its capacity of decision making of public policy. Under this approach, in the hands of constitutionalists, the study of legislatures remains on executive-legislative relations and in particular on the impact of the legislative procedures on policy making by the executive. A particular focus of interest is the fact that part of the legislative activity is now in the hands of the executive via legislative delegation or law decrees (Manuel, 2014).

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

2.2.2 THE NEW PARADIGM APPROACH

According to new paradigm approach, a structural study of parliaments, in particular the study of parliamentary groups, committees and the different patterns of bicameralism were developed. Now we are living in a world of remarkable reestablishment, reinvention and transformation of parliaments around the globe. In addition, the new paradigm found that parliaments are subject to exogenous political forces - organized interest groups - that foster a substantial institutional change, making MPs more participative in public policy-making. As a consequence, parliaments are stronger nowadays than ever before (Patterson and Copelan, 1994).

2.2.3 THE NEO-INSTITUTIONAL APPROACH

Neo-institutional approach considers institutions as determinant of the decision making process. And the rational choice approach takes into account mainly the dynamics of parliamentary actors both individual and collective. Both of them conflate into the rational choice of institutionalism. However, there are two schools on new institutionalism: the rational institutionalism and the historical institutionalism.

New institutionalism is different from the formalist approach though both take institutions as the main object of study. It explained clearly the nature of parliaments: they are institutions that institutionalize democracies. According to this approach a highly institutionalized legislature exhibits autonomy, formality, uniformity and organizational complexity. Finally historical institutionalism signals the evolutionary nature of any institution and as consequence that history must be taken into consideration. It identifies trends in the paths of institutional development.

2.3. THE CONTENTS CONSIDERED IN POLICY MAKING

According to Gezaw(2016) since 1997, successive efforts have been exerted to define and rationalize policy making. Even though, the effort made to improve policy making have varied in scale, focus, and have frequently overlapped or seemed to merge with one another. Yet it is possible to identify four areas of focus underpinning this activity:

1. **Process:** the actions recommended for producing policy. This strand of activity has mainly taken the form of ‘policy cycles’, which present the process as a logical flow

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

between discrete phases, so that the defining of objectives precedes and informs the appraisal of options, and so on.

2. **Qualities:** the way in which these actions should be carried out. A good Policy Making initiative should base on some characteristics or principles that policy should possess, such as;
 - Forward looking: takes a long term view, based on statistical trends and informed predictions, of the likely impact of policy;
 - Outward looking: takes account of factors in the national, continental and international situation and communicates policy effectively;
 - Innovative and creative: questions established ways of dealing with things and encourages new ideas, open to comments and the suggestions of others;
 - Using evidence: uses best available evidence from a wide range of sources and involves key stakeholders at an early stage;
 - Inclusive: takes account of the impact on the needs of all those directly or indirectly affected by the policy;
 - Evaluates: builds systemic evaluation of early outcomes into the policy process;
 - Reviews: keeps established policy under review to ensure it continues to deal with the problems it was designed to tackle, taking account of associated effects elsewhere; and
 - Learns lessons: learns from experience of what works and what does not (Institute for Government, 2011).
3. **Structures:** the institutional arrangements to support better policy making. There have been many attempts to create institutional bases for policy making.
4. **Politics:** the way in which political aims and desires contribute to policy making. The new Policy Skills Framework presents successful policy as the combination of politics, evidence, and delivery.

Harold Lasswell, (1936) notably defined politics as “**who gets what, when, and how**”. These four aspects represent the ‘**what, how, who, and why**’ of the policy process. But it’s argued that for each of these aspects, recent reforms have failed to address the realities of policy making.

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

2.4. INVOLVEMENT OF ACTORS IN LEGISLATIVE POLICY MAKING PROCESS

A legislature that is representative and participatory is characterized by citizens having access to, and input in, the policy making process through the legislature. This open process facilitates acceptability amongst the key stakeholders, subsequently facilitating efficient and effective implementation of the legislative instrument. Further, a citizenry that is often involved in matters that affect them is more amiable and acceptable to change and government directives. There should be a high degree of interaction between members and citizens; issues should be addressed or legislation also ought to be amended based on the public input or pressure; and civil society organizations, advocacy organizations, and/or interest groups need to be actively participated in the legislative process (Saiegh, 2005).

2.5. INSTITUTIONAL SET UP PARLIAMENT IN POLICY MAKING PROCESS

A strong institutional set up is critical determinant of Legislative policy making process. However, in case of African legislators their weakness as institutions of popular control of governments would remain a major issue to be seriously addressed if democracy must remain consolidated on the continent. There is, therefore; the need to create the needed enabling environment for robust legislatures' engagement of the governments of African states. Practical steps along this line may require a number of steps including but not limited to constitutional guarantee of the independence and separateness of the legislature, strengthening the resource base of the legislatures to make them less dependent on the executive in the procurement of basic needs, and freedom permitting of access to vital information necessary for legislative oversight of the executive. African legislatures, especially the new ones, need to be strengthened with well-trained support-staff that are outside direct control of the executive, adequate and independent means of finance, and infrastructural facilities, including high-tech reprographic equipment to meet the challenges of modern legislations (Olusegun, 2015).

2.6. USE OF EVIDENCE IN POLICY MAKING PROCESS

Legislative duties have become increasingly complex and challenging as legislative debates have now become evidence-based while such evidence has to be credible. This underlines the need for effective research backstopping for lawmakers (Mathooko, 2014). Evidence-based decisions are

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

being given an elevated value for their importance. Therefore, a policy recommendation needs to be supported by evidence based researches. Evidence based research clarifies a situation through qualitative or quantitative methods and helps to reduce uncertainty in the decisions of policy makers. That is why they are given weight by legislatures. And besides, evidence based research is needed to enhance public policy effectiveness otherwise there will be a high cost of formulating a policy without credible evidence. Credible evidence helps to illustrate not only the causality but also conditionality regarding usefulness and results of public policies (KIPPR, 2000).

In general, Legislatures can be categorized as four types according to their role in shaping policy debates and their related need for, and access to, information and research:

1. **Rubber stamp legislature:** Legislators meet to vote for the ruling party's program of work and have little need for independent information.
2. **Emerging legislature:** Legislators need information to participate in the legislative process.
3. **Informed legislature:** Legislators noted more for debate than for policy initiatives, the legislature amends some bills introduced by the government and enacts some bills of its own.
4. **Transformative legislature:** Legislators can alter proposals offered by the government and develop their own policy options. Such a legislature can introduce and enact fully developed proposals, and may undertake regular annual reviews of the implementation of new legislation (Jones, 2011).

2.7. CONCLUSION AND KNOWLEDGE GAP

The empirical literatures regarding the antiterrorism proclamation has been discussed by Wondwossen(2013) examine scrutinizes the aforementioned justifications for the law and concludes that they are invalid and maintain that the real reason for passing the law is to discipline dissent and crack down on opposition. Shimels, (2018) who analyzed Unchecked Powers of the Ethiopian National Intelligence and Security Service in the Prevention and Countering of Terrorist Crimes: Some Disquiets at a Glimpse. It concludes there is lack of

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

administrative and financial transparency, as well as the alleged alliance of the institution to the regime in power. Further, it lacks the key attributes of a politically independent and functionally autonomous institution that strives to protect the nation's politico-economic and security interests.

Hence, the above studies even though have a contribution regarding the antiterrorism proclamation the process of formulation as a policy making has not been discussed in previous studies. Consequently next chapter lays out the plan for research methodology specifically discuss the design of research, research approach and type of the data.

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

CHAPTER THREE

RESEARCH DESIGN AND APPROACH

3.1. INTRODUCTION

This chapter outlines the methodology and techniques used to fulfill the objectives of the research set out in the introduction. It contained the research design, the research type, data collection techniques, population and sampling techniques, research instrument and data analysis method.

3.2. RESEARCH DESIGN

Research design refers to the framework into which the research fits depending on the theory and nature of the research problem. This will underpin all of the research activities (Walliman, 2006). According to Creswell (2009), there are three research designs. These are – Qualitative, Quantitative, and Mixed designs. Quantitative research approach involves the generation of data in quantitative form which can be subjected to rigorous quantitative analysis in a formal and rigid fashion (Kothari,2004). It has two types of research design – Survey and Experimental (Creswell, 2009). A survey design provides a quantitative or numeric description of trends, attitudes, or opinions of a population by studying a sample of that population. From sample results, the researcher generalizes or makes claims about the population (Creswell, 2009).

For the sake of this study, qualitative data has been collected through interviews. Moreover, minutes and archived documents from House of People’s Representatives of FDRE are referred.

In order to ensure that the research design is consistent with the research objectives, the study used a case study mechanism to delimit the scope of the study emphasizing on the national security policy formulation. The case study research is most often described as qualitative inquiry (Creswell, 2013). This approach offers a rich method for investigating and researching a single case. The effectiveness of the approach being researched can be verified by replication of outcomes across similar cases. Due of the level of detail kept in the case record, outcomes of different but similar cases can be compared, and the specific variables which might have

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

impacted upon the difference in outcome can then be investigated separately (Widdowson, 2011).

Despite variation in the approaches of the different exponents of case study, there are characteristics common to all of them. Case study research is consistently described as a versatile form of qualitative inquiry most suitable for a comprehensive, holistic, and in-depth investigation of a complex issue (phenomena, event, situation, organization, program, individual or group) in context, where the boundary between the context and issue is unclear and contains many variables (Creswell, 2014). Methods used in case study to facilitate achieving the aim of co-constructing data most often include observations, interviews, focus groups, document and artifact analysis (Yin, 2014).

This study aims at the process of Antiterrorism proclamation formulation by the Ethiopian parliament due to the nature of the study; this study used qualitative research design with case study approach.

3.3. DATA SOURCES AND COLLECTION INSTRUMENTS

Generally, there are two basic sources of information used for any research; namely, primary and secondary sources. The primary sources are those which require conducting a new survey for gathering information at different levels with regard to the inquiry, while secondary sources are those which are made available or have been collected for other research purposes (Adams, Khan, Raeside, and white, 2007).

In order to achieve the stated objectives of this study, the research used various secondary sources in an effort to understand the afore stated factors including books, journal articles, various postgraduate studies, minutes, videos of HoPRs parliament assemblies, council of ministers minutes as well as the legal standing committee various minutes and letters, particularly the web and other relevant reports. To analyze the identified factors, primary data was collected from selected respondents of the House of Peoples' Representatives of Ethiopia, legislative scholars and policy experts.

The researcher employed various methods for data collection. The study used both primary and secondary data as a source of information. The primary data were used to collect interview

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

through key informants. Specifically, Chairman of the Peace Affairs Standing Committee, Chairman of the Standing Committee on Democracy issues, Legal and Justice, Two delegates upholding the deputy minister position from the security sector and Head and Deputy Secretary of the Office of the Speaker of the House of Peoples' Representatives are interviewed. While the secondary data involves reviewing books, previous research works, related articles and journals, minutes, various reports and online information available and relevant for the study.

3.3.1. DOCUMENT REVIEW

Document analysis is often used in combination with other qualitative research methods as a means of triangulation. It is the combination of methodologies in the study of the same phenomenon (Denzin, 1970). The qualitative researcher is expected to draw upon multiple (at least two) sources of evidence; that is, to seek convergence and corroboration through the use of different data sources and methods. Apart from documents, such sources include interviews, participant or non-participant observation, and physical artifacts (Yin, 1994).

3.3.2. INTERVIEWS

An interview is an instance of social interaction between two individuals, the interviewer and the respondent. Specifically, Chairman of the Peace Affairs Standing Committee, Chairman of the Standing Committee on Democracy issues, Legal and Justice, Two delegates upholding the Deputy Minister position from the security sector and Head and Deputy Secretary of the Office of the Speaker of the House of Peoples' Representatives were interviewed. The interviewer fills in the instrument as the respondent answers questions. He or she asks him or her Bailey (1994). The researcher employs semi-structured interviews as a second method of data collection. In the semi-structured interview approach, open-ended questions are formed bearing in mind the respondents in mind to solicit relevant data needed for the study in short period of time possible.

3.3.3. DATA ANALYSIS METHOD

The data collected through interview from key informants are interpreted thematically using an inductive analysis. This means the recognized themes are strongly made related to the data (Braun and Clarke (2006), Corbin and Strauss 2014). In this method in which the data are

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

collected for a specific research subject, for example with focus group method, the recognized themes may have little relationship with the questions asked from the participants (Braun and Clarke 2006, Vaismoradi, et al., 2013).

Document analysis involves skimming (superficial examination), reading (thorough examination), and interpretation. This iterative process combines elements of content analysis and thematic analysis.

The analytic procedure entails finding, selecting, appraising (making sense of), and synthesizing data contained in documents. Document analysis yields data excerpts, quotations, or entire passages that are then organized into major themes, categories, and case examples specifically through content analysis (Labuschagne, 2003).

3.4. ETHICAL CONSIDERATION

Ethics is all about the moral principles or values that guide officials in all aspects of their work. Ethical behavior encompasses the concepts of honesty, integrity, probity, diligence, fairness, trust, respect and consistency (Wee, 2002). Before conducting the study, the researcher considered the ethical issues that can be anticipated and described them in the study. These issues relate to all phases of the research process. In addition to that Honesty and integrity must be attained from the respondents. Problems therefore may be encountered as they may feel their posts are at risk if they speak ill of the policy making and implementation. To overcome this problem / this issue, each interview are conducted in strict confidence with informed consent from each respondent allowing them to refuse the interview. The researcher avoids plagiarism by ensuring that all information presented in the study are carefully referenced.

3.5. CONCLUSION OF THE CHAPTER

Chapter three included the methodology used to perform data analysis. The study employed a qualitative research design with a case study, and the data collected were both primary and secondary, with the primary being an in-depth interview and the secondary being an analysis of the minutes of the proclamation in question, both during the endorsement and final approval

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

stages. The following chapter will go into greater detail about the data that was collected and analyzed in an efficient manner.

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

CHAPTER FOUR

ANALYSIS AND DISCUSSION

4.1. INTRODUCTION

In the preceding chapter, the research design employed in this study is presented and discussed in detail. The purpose of this chapter is to present results and analysis of data involved in this study. Accordingly, the results of interview and document review are presented and discussed.

4.2. ANALYSIS

This section presents analysis of the antecedents, rationale, process and outcomes of the process of policy formulation with specific reference to National Security Policy through the use of case study in Ethiopia. The participants' position and length of interview is listed as follows.

Participant reference	Background of the Respondents	Interview date	Interview duration (min)
1	Deputy Minister of Government Affairs	8-Feb-21	100
2	Director of Research and Development at HoPRs	9-Feb-21	25
3	Director of Government Affairs Whip at HoPRs	10-Feb-21	80
4	Director of Legislation Department in Houses of Peoples' Representatives	11-Feb-21	20
5	Vice Chairman of the Legal and Justice Standing Committee	12-Feb-21	20
6	Vice Chairman of the Peace Affairs Standing Committee	15-Feb-21	75
7	Chairman of the Legal and Justice Standing Committee	16-Feb-21	45
8	Vice Chairman of the Legal and Justice Standing Committee	18-Feb-21	20
9	Vice Chairman of the Legal and Justice Standing Committee	18-Feb-21	20
10	Chairman of the Peace Affairs Standing Committee	23-Feb-21	20
11	Member of the Peace Affairs Standing Committee	23-Feb-21	70
12	Advisor and Head of Secretary of the Office of Speaker of the House of Peoples' Representatives on legal issues	24-Feb-21	90
13	Director of Government Affairs	24-Feb-21	80
14	Former Peace and Security Committee Mmember /Currently working as communication head for HoPRs	25-Feb-21	45

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

4.2.1. THE MOTIVATIONS, PROCESSES AND STAGES OF FORMULATION OF THE NATIONAL SECURITY POLICY

The Federal Democratic Republic of Ethiopia (FDRE), House of Peoples' Representatives, 2001 E.C., fourth year's third compiled document of minute indicates: Ministry of Foreign Affairs, Legal and Military Section of Ministry of Defense Forces, Federal Police Commission, Ministry of Justice and Intelligence unit representatives were the committee who drafted the Antiterrorism proclamation. According to the minute, the motivation was Ethiopia's membership of an African convention that has been declared in 1999 in Algiers by African countries which later in 2003 Ethiopia again has joined the convention to fight terrorism continent wide.

Since the September 11, 2001 attack; African Leaders had many meetings that have reached a consensus of the need to implement the protocol one which provides a legal framework for the antiterrorism tasks to the executive body of each country. Since then, Ethiopia has been implementing the action plan that was set by member countries and is part of the agreed protocol expected to enhance the country's effort to meet those demands. The specific need for the legal framework is the wide range of related terrorism and extremist activities. The second main need arises from the sophistication and use of various technologies which governments also need to keep up by using technologies to prevent these activities. Lastly, the need to have strong database and the importance and of exchange of timely information among countries has become essential.

The key informants mostly highlight the country did not have a policy concerning the antiterrorism in the past. It was known jointly as foreign affairs and national security which has been applied since 1994. Hence, the motivation behind the formulation of the policy was mainly aimed at bridging the gap in the law. By doing so, it was expected to preserve the peace of the people of Ethiopia. The policy was mainly designed to tackle international extremism and domestic terrorism. Such names included Oromo Liberation Front, Guenbot 7, Ogaden Liberation Front in Ethiopia as well as the activities of Al-shebab, Al-quida and the like across the world. The second implied purpose was to warn the political opponents. The law was used to deter the progress of the political parties as it allows monitoring the political activity of the

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

country. The circumstance aided the ruling party to consolidate power and extend the tenure of the ruling party as a sole ruler.

It discouraged citizens from freely competing in the political arena as Politicians were threatened for their criticism aimed at the government. It has also deterred freedom of speech as most of journalists, human rights activists and critics were fell a victim because of the law. Despite its entire shortcoming, it helped the government to get lots of bodies behaving against the security of the people and made the task of the government easy.

It is important to note there is discrepancy between what has been stated on the minute of the Antiterrorism Proclamation and the key informants' response. The document highlights the need for the proclamation as part of the Algiers convention, modernizing the task of antiterrorism, using it as a bases for extradition and cooperation among countries. Though the interview indicates, the motivation was to discourage political movement and dismantle those that were named prior to the proclamation and served as a clear green light to dismantle the unwanted.

4.2.2.THE PROCESSES AND STAGES OF FORMULATION OF THE NATIONAL SECURITY POLICY PROCEDURES FOLLOWED BY THE GOVERNMENT

The process and stages of formulation of the national security policy has been difficult to determine that it has followed the proper procedure as it limits participation in the process. The 2001 E.C. minute of HoPRs on the draft Antiterrorism Proclamation indicates, the session was held on 10th of Tikimt 2001 E.C with endorsers of the proclamation and the standing committee of Justice, Administration, Foreign Affairs, Intelligence and Defense. The minute for other proclamations indicates, when the need arises to incorporate more than one committee, the law allows it. Similarly, discussion with the endorsers has been held on the need of the proclamation. However, there is no specific argument on the content of draft proclamation. Rather than the needed discussion, mainly specific elements were emphasized from the proclamation on the need of the proclamation and in the context of the agreement the country signed.

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

According to Participant 3 the national security policy has been deemed (alpha and omega) or a pillar to country's peace and security. However, it is hard to say that the government has followed proper procedure. Further, the concern of the respondent which has been confirmed by Participant 1 also states, the formulation of National Security Policy included governing party members, government representatives of high positions and small number of journalists along very few people from other areas.

Furthermore, the minute of resolution on 30th of Sene 2001E.C. labeled as number 8/2001 indicates, the draft proclamation has been sent to the regions and two city administrations. And the respective councils and their questions as well as suggestions were delivered to the HoPRs. Despite the claim of participation by the stated bodies, no evidence regarding their question or suggestions was documented. Furthermore, the document claims that government bodies, all regional institutes, members of mass media, higher education representatives, professionals from legal associations, financial institutes, labor unions and others composed of 80 members took part during the draft stages. The document also confirms the key informant's testimony regarding the presence and involvement of the mentioned participants.

4.2.3. THE MAIN STRENGTHS OF THE NATIONAL SECURITY POLICY

Despite its weakness and lessons learned, for any given policy, their remains strength. This section assesses the main strength of the National Policy formulation from the perspective of respondents. The policy was well crafted considering the geopolitical position of the country as well as researches by security analysts.

This has been highlighted by Participant 1 - The strength of the policy can be seen in terms of national security, specifically from the point of view of foreign extremist attacks. This was considered in wider scope, and lays strong intelligence system permitting enabling room for experts specialized in domestic and foreign intelligence. It also enabled international cooperation among countries. Furthermore, the wider scope it covered has been highlighted by Participant 8. As to the participant, the policy has emphasized the means of financial cooperation and organization of the antiterrorism actions. This was due to the fact that the aspect went greater length and scope and hence, to be able to deter the activities of terrorism. While the strategic

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

position of the country was highlighted in the response of Participant 11, it also implies the policy was prepared considering various researches and the geopolitical position of the country. It has discouraged participation or support of individuals in those organizations branded as terrorist and extremist organizations. The various level of hierarchy it covers in the government has also been highlighted by Participant 9. Mostly, the major strength as stated by Participant 10 is stopping various attacks in the country prior to their occurrence in various areas of the country.

From the government perspective, Participant 3 states, it helped to fight terrorism globally. The west specifically considered Ethiopia as a strong ally and has given major grants for supporting the military and intelligence sections.

The 2001 E.C. minute of HoPRs on the draft Antiterrorism Proclamation indicates the scope of terrorism activities that need to be incorporated into the scope of terrorism. The need to fight terrorism using sophisticated and organized intelligence units, creating point of contact for inter-continental and world-wide cooperation of intelligence communities as well as technical assistance were among many of the arguments raised by the endorsers of the proclamation during the hearing. The minute indicates proper process has been followed procedurally. The endorsers tried to justify the need of the proclamation to the standing committee by recalling the fact that various bodies of the government have conducted discussions on the draft proclamation. Finally, the proclamation has been declared as a law.

4.2.3. THE MAIN WEAKNESSES OF THE NATIONAL SECURITY POLICY

The main weakness of the national security policy is deterring and threatening political parties from contesting the ruling party in peaceful manner. It suppressed peaceful protests of citizens and has set limits on democratic and human rights of citizens. Its continuous intervention in the political process has narrowed the scope of the political participation. The law has been regarded vague because it complicated most of the issues unnecessarily. Contemplating certain extremist activities by itself wasn't bad but deeming citizens accountable for merely nothing entailed social negation and injuries. As a result, innocent compatriots were detained for a considerable period of time for nothing and no worth.

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

The execution of the law by the executive branch of the government has been problematic to monitor as Participant 9 highlighted it. Instead of following legal and appropriate procedures, members of the executive branch tried to use shortcuts by relying on torture of the alleged individuals. In order to get confession from the suspects, coercion as well as physical and mental abuses were mostly considered right measures. Participant 8 - further explained use of the policy for personal gain of individuals. In practice, it was allowed to detain suspects taking part in any suspicious activity. But people were detained without any evidence of perpetration or plan to carry-out any extremist activity.

The policy that has an effect on all the citizens should have been publicized and awareness and sensitization should have been provided to them in order to prevent misuse of power. Participant 4 highlighted such social mobilizations can hinder personal and political gain of the executive bodies through improper interpretation of a law.

The 2001 E.C. minute of HoPRs on the draft Anti-terrorism Proclamation indicates, the stakeholders confirmed the proclamation is in line with international conventions, human and democratic rights and Constitution of the land. Similarly, Shimeles (2018) stated the Anti-Terrorism Proclamation has not only explicitly endorsed admissibility of evidence gathered by the intelligence but also has forfeited the fundamental procedural requirement of probing their validity. Accordingly, there is no guarantee for suspects' indestructible freedom from torture and other forms of ill-treatment. Such unauthenticated dependency on intelligence and security information has also in effect neglected the suspects' right to a fair trial and the right to the presumption of innocence as painted both in the pertinent international human rights instruments and the FDRE Constitution, which is the supreme law of the land.

4.2.4. THE CHALLENGES FACED IN THE PROCESS OF POLICY FORMULATION OF THE NATIONAL SECURITY POLICY

The challenge faced in the process of the national security policy formulation according to Participant 1 is mainly not letting participation of stakeholders in the process. The second one was the failure of the policy to emphasize or take the country's internal political problems into account.

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

The newness of the policy has made it hard for the law makers to formulate it properly and hence, they relied on other countries experiences heavily as highlighted by Participant 7. The policy was mainly mimicking other countries policies who has the check and balance system in place apart from ours. Furthermore, rallying the neighboring countries behind was hard because terrorism, as a global phenomenon, was undergoing dynamic circumstances as highlighted by Participant 5. Terrorism, as a global phenomenon, has been challenging to navigate internationally and countries couldn't cooperate to the expected level in real terms. It was also a challenge to involve the stakeholders and general population as highlighted by Participant 6. For that matter, the proclamation didn't involve the population to take part in the process and raise their opinion during formulation.

4.2.5. THE CONTRIBUTIONS OF DIFFERENT STAKEHOLDERS IN THE POLICY FORMULATION PROCESS

The involvement of stakeholders is essential for the success of any policy. Hence, as per the Participant 3 - even though the draft policy considered various countries practices, particularly the England's, the compatibility to the nature of the country's economic, political and social norms was not considered. This overlooking of the peoples mindset has later made the policy problematic during execution of the policy. The contribution by the stakeholders has not been seriously undertaken by the government as such significant. Only elites who were closer to the government, specifically cadres took the stakeholders positions in the meetings. Yet, neither their concern nor their opinions were believed to be essential by the government.

Further, Participant 6 highlighted there wasn't any contribution of the stakeholders in the process. The formulation was mainly undertaken by the endorsing committee composed of Ministry of Foreign Affairs, Ministry of Defense Legal and Military Section, Federal Police Commission, Ministry of Justice and Intelligence Units representatives.

According to Participant 9 - there wasn't any adequate participation of law scholars or professionals of the discipline. Various institutes and organizations were invited and forwarded constructive opinions during the second phase of amending the proclamation. It can be recalled

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

that during the first phase of formulation of the law in discussion, the participation of the stated organs was almost non-existent despite the stunt roles of some of them.

Despite the claim of Participant 6, the 2001 E.C. minute of HoPRs on the draft Anti-terrorism Proclamation indicates members of mass media, higher education, legal professional associations; financial institutes, Labor Union Confederation and others composed of 80 members took part.

The Minute of Resolution on 30th of Sene 2001 E.C., Number 8/2001 indicates the points raised by the stakeholders are general as well as supportive of the proclamation. They include the following seven main points:

1. The agreement of stakeholders was gained on the draft proclamation regarding its compliance with the international and local rules and regulations of the proposed proclamation.
2. The agreement was also gained on the need of the proclamation that it can aid the progress of peaceful democratic movement.
3. The rising terrorism activity in the country and continent-wide raises the essence of the government's responsibility to protect its citizen's right to live, protect assets of citizens and public as well as maintain the country's security.
4. The legislation allows the government to prevent, investigate and punish perpetrators which were not previously existent. This meant to bridge the legislation gap.
5. The need for compliance with various conventions was an obligation for the country. The proclamation remains essential in tackling such duties.
6. The confiscation of finance and asset of terrorist individuals and groups needs legislation by the government to do so.
7. The increase in terrorist activities and their use of dynamic technologies necessitates the need to use other advanced countries experience in line with the country's reality.

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

Hence, as can be seen from the above statements which are referred from the minute and provisions of Participant 3, the compatibility of the proclamation to the nature of the country's reality was overlooked whereas, the minute indicates the testimony of stakeholders is otherwise.

4.2.6. THE EXTENT OF STAKEHOLDERS INVOLVEMENT AND INFLUENCE IN THE PROCESS

The extent of stakeholders' involvement and influence on a major policy might have positive or/and negative influence on the successful implementation of any given policy. In consideration to this critical issue, the study assessed the extent of the stakeholders' engagement and influence in the policy formulation.

The basic purpose of the policy is to safeguard the peace and security of the country. It was ratified considering those who might perpetrate such extremist and terrorism act. The aim was to set legal ground for the government to deal with the issue and as far as stakeholders' engagement is concerned, there has been no significant involvement of the stakeholders or the public during the formulation. Highlighted by Participant 2, the engagement of the stakeholders in the policy formulation was minimal. Their influence in the process could even be regarded as non-existent. Furthermore, Participant 3 pinpoints, the stakeholders by themselves were primarily handpicked by the elites. The formulated draft law was discussed with individuals whose say was simply immaterial. The participants' opinion wasn't considered as essential and the critical opposition political leaders, members and activists were obliged to remain silent.

The involvement of stakeholders, as viewed by Participant 4, was simply negligible. This reality has become so apparent in the issues related to human and democratic rights. These issues of international, African and country wide standards were raised but not considered constructive by the then elites. Unfortunately, the law makers, i.e., Members of the HoPRs were insignificant as they were under influence of the elites for raising their opinion and considered treacherous in any of their opinions and suggestions that seem to oppose the process. Furthermore, the representatives were scrutinized by their own ethnic groups and political affiliates for any attitude that deviates from the party's norm. They were threatened even to the extent against their constitutional rights.

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

The belief that stakeholders' engagement is unimportant for the government is argued by Participant 6. They should have been refuted from the amendment action of the policy as there has been numerous debates open to the public and the key stakeholders.

4.2.7. THE LOOPHOLES IN THE FORMULATION OF THE NATIONAL SECURITY POLICY

In any given policy, there is always a loophole or a missing piece. In this case, the missing piece as highlighted by Participant 1 was the vagueness of meaning and activities of terrorism. The Minute of Resolution recorded on 30th of Sene 2001 E.C. as Number 8/2001 does not show any argument or concern of stakeholders or the government representatives. Rather, the translation of "even if not attempted" as per article 2 (6) was amended to be in line with the English meaning.

It intentionally considers peaceful political opponents as dangers and threats to the national security and moreover, the policy doesn't incorporate the essential stakeholders during the formulation for such sake. The lack of consideration to the peaceful political movement and activism was highlighted by Participant 8. The recorded Minute of Decision on 30th of Sene 2001 E.C. as Number 8/2001, to the contrary indicates, it was hailed by stakeholders. This is obviously different from the informant's opinion. "..... The policy branded peaceful political movements and activism as parts of terrorism. Even with its implementation, there were problems and there were potential efforts to delay any amendment of the policy....." the informant added.

The elusiveness of definition for the activities considered as extremism and terrorism opened loopholes as identified by Participant 3: ".....the gap of policy emanates from the formulation of the law which didn't follow the norms of other international practices. It gave room for misinterpretation because of the vagueness of the scope of extremist movement and terrorism activities".

Furthermore, Participant 3 relates the intent of the policy was responsible for the loophole as the implied purpose was to deal with the opposition and critics in a wrong way. In actual terms, the law was not to fight terrorism. It was intentionally prepared to weaken peaceful political

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

movements and hunt down anyone with any different opinion or critic. Further, it did not include the opinion of the legal scholars and experts of the field.

The other loophole in the formulation process can be attributed to the non-participatory formulation of the policy by the government which led to the clear problem of execution of the policy as pointed out by Participant 9.

4.2.9. THE EXTENT OF IDEAS AND CONTRIBUTIONS OF STAKEHOLDERS TAKEN INTO CONSIDERATION IN THE FINAL POLICY

The extent of consideration of opinions of stakeholders in the final policy was unthinkable and there is no record to show it otherwise. The intent of stakeholders' engagement was no more than a publicity stunt according to Participant 3: "...the forums were done for media purpose only. The final or the draft proclamation has not shown what has been included or amended or omitted after the encounter with the stakeholders. The government was unwilling to welcome any constructive forums".

The ideas and contributions of stakeholders should have been interconnected with economic, political and social policies. Even though the contribution of the stakeholders is known to be significant, throughout the practice, they were overlooked. Pursuant to the policy in discussion, problems in the implementation of the policy were imminently created. During the policy amendment process, according to Participant 4, participation shortages were corrected to some extent.

4.2.10. THE LESSONS LEARNED DURING EXERCISING THE POLICY BY THE LEGISLATURE IN ETHIOPIA REGARDING THE POLICY FORMULATION AND IMPLEMENTATION OF NATIONAL SECURITY

The lessons learned by the legislative branch include the necessity of consideration of the essential reality on the ground. Situations that require political solutions need to be considered. Supporting peaceful political movements and activism is quite necessary. Such and similar issues

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

shall be considered for sustainable peace and security of the country as highlighted by Participant 1. This view is also shared by Participant 8. Further on consideration of the reality on the ground, Participant 2 also agrees by saying: “...the various political, economic and social fabrics are necessary for the future policy of such scale and scope to be carefully scrutinized by the law makers”. This view is also shared by Participant 6.

The level of scrutiny by the legislators on conformity of basic standards, rules and regulations of international as well as country wide is necessary during formulation of policies. The better way to do it is engaging scholars and let the legislative body do their job without any external pressure. As Participant 3 puts it “.....legislative body needs to investigate the effect. It should investigate properly during formulation of the draft for the benefit the general public. It should safeguard human and democratic rights of the citizens. Those subject to interpretation of the executive body need to be eliminated during the process. Experts need to be involved in such cases and finally, the legislative branch shall be free from the pressure of the elites in order to be able to face their irreplaceable job.

The other issue is the capacity of the legislators. Most of the time, ratifying a law as stated by Participant 4 “.....In any emerging countries, the legislative’s responsibility is not the responsibility of the ones with the law background. Rather, it becomes the issue of the public. In our case, Members of the HoPRs, various ministries and regional experts were trained on the formulation and process of various issues of various policies”.

The heavy reliance of the legislators on the executive branch is the other main take away from the policy formulation as stated by Participant 9 “.....The legislative body relies on the executive branch to ratify and legislate the policy since it is required by law. However, the involvement of the law makers during the formulation process shall be a lesson for a successful implementation of a policy”.

Participant 5, Participant 10 and Participant 11 agree most of the issues with post formulation. They believe the consequences are preventable only if the stakeholders and general public are involved. Further, there shall be sufficient dialogues and successive platforms among the government and the concerned bodies.

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

4.2.11. THE MAIN CHALLENGES OF THE POLICY AND LAW-MAKING BY THE LEGISLATURE IN ETHIOPIA IN FORMULATING NATIONAL SECURITY POLICY

This section deals with the main challenges during the formulation of the policy. As discussed earlier, the non-engagement of the policy is the primary challenge raised by the respondents. The engagement of the concerned branches of government was overlooked as stated by Participant 2 “.....This kind of policy should include the three branches of government. The executive body should be in center of the formulation because of the attorney general, Police, the Ministry of Defense and Supreme Court are part of the executive unit. They have deeper understanding of the issue than the mere elites as anyone understands.

The pressure exerted by the elites is the other challenge. According to Participant 7, the main problem during the formulation was not making a room for the HoPRs to enable them discharge their duties as has been indicated by the law. Instead, they were made to simply agree without their true consent.

The pressure from the elites on the law makers was immense. On the other hand, the capacity and structure to legislate such policy at the time was a challenge. Participant 3 states “.... the legislative branch is not free from pressure of the executive body by itself. There is no strong structured legislative process for such policy. Instead of writing the bill by their own structure, the legislative body makes the executive branch draft the bill. During the public hearing, the number of stakeholders or citizens taking part in the process is quite minimal. This happens because they consider it as a job of the government, only”.

The issues rose by Participant 5 include: “.....The policy was mainly believed to be the responsibility of governing party. Further, according to Participant 9, with the exception of the HoPRs, the contribution and direct involvement of the stakeholders during the formulation and the process was low. The evolving circumstance was also not considered thoroughly as Participant 8 puts it “....Due to the dynamism of geopolitical issues, analyzing and reflecting on the changed issues was one of the many problems observed and disregarded”.

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

4.3. CONCLUSION OF THE CHAPTER

Chapter four included the detail description of key informants; the analysis of interview as well as document review of minutes during the endorsement of proclamation as well as the final approval has been analyzed using a chronological order of the predetermined research question of the study. The findings indicate the intention behind the antiterrorism proclamation was much more different than achieving the real peace and security of the nation itself it has a lot to do with fulfilling the pledge of the country's commitment in fight against terrorism, the implied motivation however is to use it as a device for consolidation of the power of the ruling party. The process of formulation of the antiterrorism proclamation was done through participation of a few elites. None of the major contents that needed due attention were discussed by neither the legislators nor the stakeholders. The participation of stakeholders was done for none - other than publicity stunt. The next chapter will discuss the summery of finding, conclusion drawn from the finding as well as put forward recommendation.

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

CHAPTER FIVE

SUMMARY OF THE FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1. INTRODUCTION

In the preceding chapter, the analysis and discussion has been presented as per the proposed research questions and objectives of the study. The purpose of this chapter is to present summary of the findings, merge a conclusion based on the findings and generate recommendations. Accordingly, summary of the findings, conclusion and recommendations are presented and discussed hereafter.

5.2. SUMMARY OF THE FINDINGS

The motivation of the Anti-terrorism act of Proc. 652/2009 was the result of various gaps in the legal system and emerging security and political issues. Prior to the establishment of National Security, Immigration, and Refugee Affairs Authority back in 1995 in accordance to the FDRE Proclamation No. 6/1995, the country used criminal law of the nation to deal with terrorism issues and tackle the gaps that disabled the country to appropriately handle dire crimes. The proclamation also paved a way for the re-establishment of National Intelligence and Security Service (NISS) as per Proclamation No. 804/2013 (Art. 4). The implied intent of the government was to deter the progress of peaceful political movement, freedom of expression through imprisonment, coercion and torture without trial or a kangaroo court. By doing so it was intended to consolidate the power of the governing party.

The process and stages of formulation of the national security policy has been difficult to determine that it has followed the proper procedure as it limits participation in the process. The Antiterrorism law has been formulated under a closed door with limited participation of a few level of high level position. It was so unclear whether the prescribed stages and processes were followed duly or was just a publicity stunt by the ruling party.

The main strength of the proclamation, as it was indicated earlier is the fact that it was well-crafted by considering the geopolitical location of the country, given wider scope to include issues of foreign extremists. It enabled strong, integrated intelligence system across the country through serious monitoring of any illegal financial circulation and managing to avoid illicit

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

technical as well as capacity supports. Furthermore, the proclamation has paved a way for the government to earn grant from the super powers. It also helped the country to be viewed as strong ally in the region, in the eyes of the developed countries.

Despite the strength of it, the flaws of the antiterrorism law were lack of room for freedom of expression, peaceful political movement of politicians and citizens and so on and so forth. The vagueness of the scope of the proclamation has complicated the whole situation and made the ground convenient for detention. It gave huge loophole for members of the security service to take advantage of personal gains regardless of others rights. The illegal long tenure detentions of individuals', coercion of physical and mental abuse and denial of the right of citizens to appear in the court of law in 48 hours were some of the major weaknesses of the proclamation. Furthermore, during formulation of the law, lack of participation of stakeholders and other key members as well as the down-play of peaceful expression and political movement were overlooked.

The draft Proclamation of Antiterrorism law considered various countries experience but failed to incorporate the crucial elements of country's economic, political and social norms. The overlooking of mindset of the citizens has become one of the issues contributing to the demise of the policy in question. The contribution of stakeholders is none and those who are closer to the elites were handpicked to fill the position of stakeholders but failed to raise their opinion during the formulation. The extent of stakeholders' involvement and influence on major policy might have a positive and negative influence on the successful implementation of any given policy. In consideration to this critical issue, the study assessed the extent of the stakeholders' engagement and influence in the policy formulation. The extent of consideration of the opinions and consideration of stakeholders in the final policy were unthinkable and mostly there is no record to show it otherwise. The intent of the stakeholders' engagement was no more than a publicity stunt. Unfortunately, besides the stakeholders' non-participation in the policy, the law makers, i.e., Members of the HoPRs were insignificant as they were under influence of the elite. They couldn't raise their opinion and had they did it, they ought to be considered treacherous. Furthermore, the representatives were under scrutiny even for their minimal opinions by their own ethnic group and political affiliation. They were threatened to the humiliating extent even.

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

The loopholes of the policy include the lack of meaning in defining the scope of extremism and terrorism activities by giving a room for misinterpretation by the executive body. The non-inclusion of key stakeholders brought about suppression of freedom of expression and peaceful political movement. Such and other rights of citizens were suppressed by the government standing upon the path paved by the will of the elites.

The lessons learned by the government from the process of formulation of the law and execution of it were abundant. The reality of the country on the ground needs a thorough investigation. Domestically, the issues that require political solutions must not be always referred as an act of terrorism and the government should seek sustainable peaceful resolutions. The legislators must ensure the draft legislative complies with the country's governing rules and regulations as well as international standards that the country has adopted and endorsed as an integral part of the law of the land. The impact of legislative on the general public need to be scrutinized deeply by the HoPRs before it is put into effect. The freedom to oppose, criticize and suggest on the legislative is essential for the successful implementation of the policy.

One of the drawbacks while drafting such a bill is lack of structured legislative process for such policy. Instead of writing the bill, the legislative body gives the opportunity for the executive branch to draft a bill, which is a practice that inevitably causes unwanted societal impacts. The none-participation of stakeholders and perception of stakeholders assuming it is the government's task to enact the law are a few but not only lessons gained along the process. The need for creating awareness to the general public as well as the executive body is essential to deter misinterpretation of the policy in question.

5.3. CONCLUSION

The Anti-terrorism Proclamation has been one of the controversial laws that has impacted wide array of the general population. The motivation of the then government in the formulation of the proclamation was to consolidate its power domestically as well as tackle various extremist and terrorism acts by filling the gaps through the legislator.

The strength of the proclamation was consideration of the country's geopolitical reality, using various countries experience, making use of proclamation to gain support in the international

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

arena, mainly financial and technical provision from United States of America. The other main strength lies in becoming stepping stone for the being of the National Intelligence and Security Service (NISS), which has strong and skilled employees with integrated system.

The flaw of the proclamation lies in the vagueness of the meaning of extremist and terrorism activity, the lack of room for peaceful freedom of expression, the contradiction between the law of the land and international standards which the country is accountable for. The lack of participation by the stakeholders emanates from two angles: the first one is the government's lack of transparency during the formulation. The second one is the perception that the legislation process is the sole task of the government that has affected the extent and contribution of stakeholders in the formulation of the anti-terrorism proclamation. Furthermore, the coercion of the HoPRs to endorse the proclamation without raising their concern, opinion or objectivity is one of the major drawbacks.

The loopholes of the proclamation were purposefully designed to include lack of meaning in the scope of extremism and terrorism activities. This gave room for misinterpretation of the executive body. Moreover, freedom of expression and peaceful political movements were suppressed by the government through for granted will of the elites to consolidate the power of the ruling party.

The country has amended the previous version of the anti-terrorism law in scope and terminology. Stakeholders' engagement was also set as mandatory by the government during the formulation of the legislation. This means, those issues that require political solutions shall only be undertaken through political means, preferably.

One of the drawbacks while drafting such a bill is lack of structured legislative process for such policy, as it's aforementioned. Instead of writing the bill, the legislative body gives the opportunity for the executive branch to draft a bill, which is a practice that inevitably causes unwanted societal impacts. Sensitization and awareness program need to be included in the formulation stage to prevent misuse of power. This process is one of the reform activities under review for the government in its aspiration of building strong institutions.

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

5.4. RECOMMONDTION

On the basis of the major findings of the study, the researcher forwarded few suggestions for future betterment of the Ethiopian policy making process. Accordingly, the researcher believes that the incumbent government has to practice the following pattern.

1. The motivation of any given proclamation is needed to consider the benefit of the general public explicitly as well as discreetly during the formulation.
2. The proclamation needs to consider international practices as well as national norms, rules and regulations.
3. The HoPRs is needed to be free during the formulation of such a policy as well as taking control of the legislative activities.
4. The country needs to build a strong legislative institution which has the check and balance mechanism to undertake its responsibility.
5. The legislative process personnel need to build their capacity consistently by employing consultants as an aids and consulting the think tanks of the nation.
6. The extent and contributions of stakeholders needs to have a paradigm shift.
7. The roles of the major branches of the government need to fulfill their respective mandates as per the expectations.

The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

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The Process of National Security Policy Formulation by the Ethiopian Parliament: Case Study of the Anti-Terrorism Proclamation

ANNEX 1: INTERVIEW QUESTIONS

1. What were the motivations of the government expected outcome while the policy has been prepared?
2. What were the processes and stages of formulation of the national security policy? Did it follow the proper procedures set by the government?
3. What were the main strengths of the national security policy?
4. What were the weaknesses of the national security policy?
5. What challenges were faced in process of the policy formulation of the national security policy?
6. What were the contributions of the different stakeholders in the policy formulation process?
7. What has been the extent of their involvement and influence in the process?
8. What were the loop holes or missing in formulation of the national security policy?
9. To what extent have the ideas and contributions of the different stakeholders been taken into consideration in the final policy?
10. What have been the lessons of this exercise for policy and law-making by the legislature in Ethiopia regarding the policy formulation of national security?
11. What were the main challenges of the policy and law-making by the legislature in Ethiopia in formulating National security policy?