



**ADDIS ABABA UNIVERSITY**  
**COLLEGE OF LAW AND GOVERNANCE**  
**CENTER FOR FEDERAL STUDIES**

**AN ASSESSMENT OF LEGISLATIVE OVERSIGHT OVER EXECUTIVE  
ORGAN: THE CASE OF AMEYA WOREDA IN THE OROMIA  
NATIONAL REGIONAL STATE**

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**BY**  
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**ADDIS ABABA**

**June/2015**

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**BY  
MELESE TAKELE DIRIBA**

**A THESIS SUBMITTED TO ADDIS ABABA UNIVERSITY CENTRE FOR  
FEDERAL STUDIES IN PARTIAL FULFILLMENT OF THE  
REQUIREMENTS FOR THE DEGREE OF MASTERS OF ARTS IN  
FEDERAL STUDIES**

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**ADDIS ABABA  
JUNE 2015**

## DECLARATION

I, the undersigned, declare that this thesis entitled - “An Assessment of Legislative Oversight over Executive Organ: *The Case of Ameya Woreda in the Oromia National Regional State*” is my original work and has not been presented for a degree in any other university or organization, and that all sources of materials used for the thesis have been duly acknowledged.

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# Approval

ADDIS ABABA UNIVERSITY  
GRAGUATE STUDY PROGRAM

COLLEGE OF LAW AND GOVERNANCE STUDIES CENTRE  
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REGIONAL STATE

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## **Acknowledgements**

First and above all, I would like to say “Glory to the Glorious GOD!!” for bringing me from the deepest cave to the highest hill and also for giving me health and strength for the completion of this study.

I am indebted to many individuals for their help and encouragement rendered while conducting this study. I am highly thankful to, Dr. Mulugeta Debebe my advisor for his invaluable assistance, corrective comments and advices; for the realization of this work. I also appreciate his politeness, encouragement and suggestions that made it possible to attain this research work.

I would like to express my special gratitude to my lovely wife, Taddelech Alemu for her unconditional support and encouragement on my endeavors and I also extend my gratitude to my boys: Natoli Melese and Naol Melese; for their patience and politeness throughout the years of the study.

My special gratitude also goes to my friend Bogale Tolera, for his model of hard work, encouragement & support with necessary material and also for his sharing my worries to pass all the difficulties during my stay in Addis Ababa University.

I would like to extend my thanks to my friend Gashaw Feyisa, for his support with necessary materials while printing this paper. Lastly, I also thank all those who have contributed in one-way or other to the successful completion of my study. Among these, I would like to thank the concerned staff of Ameya woreda council, interviewed woreda people’s representatives, and other respondents who provided the necessary data that informed this study.

## Table of Contents

<b>Title</b>	<b>Page No</b>
<i>Acknowledgements</i> .....	<i>I</i>
<i>Table of Contents</i> .....	<i>II</i>
<i>List of Tables</i> .....	<i>V</i>
<i>Acronyms</i> .....	<i>VI</i>
<i>Abstract</i> .....	<i>VII</i>
<b>CHAPTER ONE</b> .....	<b>1</b>
<b>1. INTRODUCTION</b> .....	<b>1</b>
1.1 General Background.....	1
1.2 Statement of the Problem.....	2
1.3 Objectives of the study.....	4
1.4. The Research Questions.....	5
1.5. Significance of the Study.....	5
1.6. Scope of the Study.....	5
1.7. Limitation of the Study.....	6
1.8. Research Design and Methodology.....	6
1.8.1. Research Design.....	6
1.8.2. Data Sources.....	7
1.8.3. Sampling Size and Techniques.....	7
1.8.4. Data Gathering Instruments.....	8
1.8.5. An Interview.....	8
1.8.6. Focus Group Discussion.....	9
1.8.7. Document Analysis.....	9
1.8.8. Data Collection Procedures.....	9
1.8.9. Method of Data Analysis.....	9
1.10. Organization of the Paper.....	10

<b>CHAPTER TWO.....</b>	<b>11</b>
<b>2. LITERATURE REVIEW.....</b>	<b>11</b>
2.1. The Theoretical Explanation of Legislative Oversight.....	11
2.1.1. The Modern Definition and Goals of Legislative Oversight.....	12
2.2. The Need for Legislative Oversight.....	14
2.3. The Purpose of Effective Legislative Oversight.....	16
2.4. An Overview of Forms of Governments and Their Legislative Function.....	17
2.4.1. Presidential Form of Government.....	17
2.4.2. Parliamentary Form of Government.....	19
2.4.3. The Functions of Legislative Organ in Democratic System.....	20
2.5. Legislative Oversight: Presidential versus Parliamentary System.....	22
2.5.1. The Fusion of Power between Legislative and Executive Organ in Parliamentary Democracy and Its Implication on the Practice of Legislative Oversight.....	22
2.6. Mechanism of Legislative Oversight.....	26
2.6.1. Questions.....	26
2.6.2. Debates.....	27
2.6.3. The Committees as a Means of Legislative Oversight.....	28
2.6.4. Criteria for Effective Legislative Oversight Committees.....	31
2.7. Party Discipline and Its Influence on the Legislative Role.....	32
2.8. The Opposition Party and their Legislative Oversight Role.....	33
2.9. General Factors Influencing How Legislatures Carry Out their Functions.....	36
<b>CHAPTER THREE.....</b>	<b>39</b>
<b>3. LEGISLATIVE POWER UNDER THE FDRE CONSTITUTION AND     OROMIA NATIONAL REGIONAL STATE CONSTITUTION.....</b>	<b>39</b>
3.1. Legislative Power under Ethiopian Constitution.....	39
3.1.1. The Law Making Power of the HoPR under FDRE Constitution.....	39
3.1.2. The Legislative Oversight Power of HoPR.....	40
3.1.3. The Tools of Legislative Oversight Available to the HoPR.....	41
3.2. The Regional States: their Legislative Power under FDRE Constitution.....	42
3.3. The Local/Woreda Level Government under FDRE Constitution.....	43
3.4. The Oromia Regional State Constitution and the Legislative Room.....	44
<b>CHAPTER FOUR.....</b>	<b>46</b>
<b>DATA PRESENTATION, DISCUSSION AND ANALYSIS.....</b>	<b>46</b>
4.1. Introduction.....	46
4.2. Geographic Location of the Study Area (Ameya Woreda).....	46

4.3. Socio Economic Profile of Ameya Woreda.....	47
4.3.1. Organizational Chart of the Woreda Government.....	48
4.4. Characteristic of Respondents.....	49
4.5. Data Presentation and Analysis.....	50
4.5.1. The Constitutional Powers and Functions of Woreda Level Government.....	50
4.5.2. The Constitutional Powers and Functions of the Woreda Council.....	52
4.5.3. The Functions of Woreda Legislative Organ ( Woreda Council) .....	53
4.6. Overview of Organizational Structures and Power of the Ameya Woreda Council.....	54
4.6.1. Human Resource Capacity of the Ameya Woreda Council.....	55
4.6.2. The General Power of Woreda Council.....	5
4.7. The Oversight Tools in Ameya Woreda Council.....	57
4.7.1. The Woreda Council Oversight through Regular Meeting of Councilor.....	58
4.7.2. The Committee Structures and their Responsibilities in the Council.....	59
4.7.3. The Effectiveness of Woreda Council Oversight, Over Executive.....	62
4.7.4. The Woreda Council Oversight in Planning and Budgeting.....	63
4.7.5. Woreda Council's Oversight in Monitoring Project Performance.....	65
4.7.6. The Accountability of the Woreda Executive Organ.....	67
4.7.7. The Power Relation between Woreda Council and Woreda Executive Council.....	69
4.7.8. Election System of Woreda Council.....	71
4.8. Factors Affecting How the Woreda Council Carries Out its Oversight Role.....	73
4.8.1. Limited Decision-Making Authority and Autonomy.....	73
4.8.2. Lack of Knowledge and Skill.....	74
4.8.3. Lack of capacity.....	74
4.8.4. Lack of Councilors Commitment.....	75
4.8.5. Financial Problem.....	75
4.8.6. The Extreme Fusion of Power between Woreda Council and Executive Bodies.....	76
4.8.7. Problems Related with the Election System of Woreda Council.....	76
<b>CHAPTER FIVE.....</b>	<b>77</b>
<b>CONCLUSION AND RECOMMENDATION.....</b>	<b>77</b>
5.1. Conclusion.....	77
5.2. Recommendations.....	80

**List of References**

**Appendices**

## **List of tables**

Table: 1 Summary of Sample Size and Sampling Technique

Table: 2- A. Respondents from the Woreda Selected Sectors

Table: 3-B. Respondents Selected from Woreda Peoples Representatives and Standing Committees.

Table: 4 General Human Resources of Ameya Woreda Council

Table: 5 Entire Powers of Woreda Council

## **List of Figures and Charts**

Figure-1:- Geographic Location of the Study Area (Ameya Woreda)

Chart: 1 Organizational Chart of the Woreda Government

## **Acronyms**

<b>BoFED</b>	Bureau of Finance and Economic Development
<b>FDRE</b>	Federal Democratic Republic of Ethiopia
<b>HoPR</b>	House of people's representatives
<b>HoF</b>	House of Federation
<b>HoC</b>	House of Commons
<b>MP'S</b>	Members of parliaments
<b>NA</b>	National Assembly
<b>ONRS</b>	Oromia National Regional State
<b>OFED</b>	Woreda Office of Finance and Economic Development
<b>SNNP</b>	South Nation Nationalities and People
<b>WC</b>	Woreda Council

### **Abstract**

*In modern democracies, the legislature (councilors), often considered as the forum of the nation, acts as guardian of the electorate's trust. As a result, they are tasked with ensuring executive accountability through a different process that regularly assesses the performance of executive institutions and their officials. Accordingly, with regard to our country Ethiopia, when we look the federal and all states constitution, the legislative organ at all tier of government is declared to be the highest political authority and therefore mandated and empowered to check and oversee the performance of executive organ in-line with the legislatures intention and the people's desire. However; various complaints appear that there are certain visible problems and defects that hinder the practical applicability of legislative oversight at all level. Especially at woreda level, many service takers often complain that the woreda councils are non-functional. Consequently the objective of this paper is to assess the practice and effectiveness of woreda council oversight, over executive organ in Ameya Woreda of Oromia region.*

*To meet the above objectives, the research employed a qualitative case study approach. Both primary and secondary data sources were used in gathering pertinent information. The technique of collecting primary data includes personal observation, interviews with woreda council speaker, with members of woreda council, with selected woreda sector employees and focus group discussions with the selected standing committees of the woreda council were conducted. FDRE constitution and ONRS constitutions and also published and unpublished electronic materials, books, different reports, and articles were used to get the necessary data. To this end a qualitative descriptive method of analysis is used to analyze the primary and secondary data.*

*The findings of the study revealed that, the practice of legislative oversight of executive organ at woreda level is not effective in ensuring accountability. It is challenged by many problems such as lack of knowledge and skill, lack of capacity, lack of councilors commitment, financial problems, the extreme fusion of power between woreda council and woreda executive bodies and finally the problems related with the election system of woreda council were assessed in this study as the major hindering factors for the effectiveness of woreda council oversight.*

*Finally, to make woreda council oversight meaningful and to create an accountable government organs at local level, recommendations are made on knowledge, skill and capacity issues, commitments of the council, financial and human resources, the separation of power at woreda level and election system.*

## CHAPTER ONE

### 1. INTRODUCTION

#### 1.1.General Background

Legislative oversight is the proper duty of a representative body. Since representatives are the eyes and voices of their constituencies it is their duty to look diligently into every affair of government.<sup>1</sup> When legislators hold agency administrators accountable for their actions, or failure to act, they are exercising legislative oversight.

According to (Fox, 2000) “Oversight” is defined as a key feature of executive-legislative relations, in which the executive branch owes to the legislative branch certain obligations and/or information. Thus, legislative oversight is a broad term defined by many authors in their countries context and with different perspectives.<sup>2</sup>

The separation of powers between the legislative, executive and judiciary organ is the basic principle of democratic government. Especially in federal democratic form of governments the division and separation of authority of these three organs at federal and states level can be taken as one basic feature. Under this principle, each organ of government has independent and separate functions. Hence, the concept of democracy as a central point of democratic governments is very attractive and important that it enables the people to participate in decision making process through their representative on important and sensitive issues of their own. To discharge their responsibilities, the legislators make sure that the rights and freedoms of the people are respected and public properties and finances are properly accounted for by those who are on administrative tasks.

The executive is one of the organs of government which carries out these administrative tasks, either through implementing legislation or policy, and acquires considerable power. The way of exercising this power in constitutional democracy is checked by being held accountable to an organ of government distinct from it. This notion is inherent in the concept of separation of power, which simultaneously provides for checks and balance on the exercise of the executive

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<sup>1</sup> Woodrow Wilson cited in EGPA A Study Group on Parliamentary Oversight Glasgow Caledonian University, Glasgow(UK),2000.p.1

<sup>2</sup> Mostly throughout this paper the term “Legislative” is used to denote the comparative “woreda level representative council”.

power, making the executive accountable to an elected legislature.<sup>3</sup> Hence legislative body is one of the organs of government empowered with checking the activities and action of executive organ; through thorough review into every affair of government.

The Legislative oversight in presidential system and parliamentary system of government is different from one another; in parliamentary system of government it depends on the legislative-executive relationship. With regard to our country Ethiopian since 1995, she has adopted the parliamentary federal democratic structure.<sup>4</sup> Therefore the fusion of power between the legislative and the executive organ at national, regional and woreda level is common. Consequently when we look at the power relationship between the legislative and executive organ at all levels, the legislative organs (the councilors) are constitutionally declared to be the highest political authority within its jurisdiction and as the same time it clearly articulated that, the executive organs should be accountable to legislative organ. However, there are different factors including awareness, knowledge and capability of the legislative organ (councilor) that hinders the councilor's oversight functions at all levels of governments and which becomes severe at woreda level. Depending on the general idea stated above, this study is focused on examining whether the oversight task of the woreda legislative body (woreda Council) is effective in ensuring and establishing effective government accountability in Oromia Regional State particularly in Ameya woreda.

So, the researcher is motivated to assess the practical reality of legislative functions at woreda level; especially the oversight role of woreda council, with regard to effectiveness, capability, awareness of the councilors and also to analyze other factors that affect the effectiveness of the practical applicability of woreda level legislative oversight.

### **1.2.Statement of the Problem**

In democratic governments the legislatures are expected to holds the executive accountable and responsible for their action. In doing so, legislative oversight is one of the means by which the legislators hold the executive accountable to people.

Hence, when we look at the Ethiopian case both at Federal and State levels, the legislative organ is constitutionally declared to be the highest political authority and therefore mandated and

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<sup>3</sup> D. Oliver; Law, Politics and Accountability cited in report on parliamentary oversight and Accountability prepared by Hugh Corner, Sarah Tagwanth, Fred Soltau, Faculty of Law University of Cape Town July 1999.

<sup>4</sup> FDRE constitution Article.1

empowered to check whether the laws, policies and strategies are implemented by the executive according to their intention and the people's desire.<sup>5</sup>

Accordingly, in (Art.50 (4)) of the same constitution the state and local government units are granted with adequate power and autonomy. Thus, the policies and strategies set by the government support the devolution of power from the center to the regions and from regions to woredas. So, if the devolution of power is properly executed as such at woreda level, there would be full participation of people in the development processes from inception of ideas to planning, approval of projects, implementation, monitoring and evaluation and also the transparency of government representatives towards their constituencies and accountability to their deeds is expected.

However; various complaints appear that there are certain visible problems and defects that hinder the practical applicability of legislative oversight at woreda level and the service taker often complain that the woreda councils are non-functional.

For example, according to the International Studies Program Working Paper 08-38 (WB. 2008), the local council that represents the citizens is expected to oversee executive policy implementation and service delivery and hold the local bureaucracy accountable for its performance. However in Ethiopia, councilors occupy dual roles as full-time executive functionaries dependent on and accountable to higher-up bureaucracies as well as elected local officials. This creates a conflict of interest and undermines the councilor's ability to oversee the executive organ.<sup>6</sup>

Moreover, according to (Meheret, 2007), there is broad consensus that devolving power and authority to woredas is a key to local empowerment and meaningful self-government. However, the full impact of the government's woreda devolution program and the challenges faced in instituting democratic governance structures have not been properly assessed.<sup>7</sup>

Therefore, the main problems that necessitate this research are:

- The real challenges and factors that are hindering the effectiveness and capability of the woreda legislative oversight in the region are not identified and addressed.

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<sup>5</sup> FDRE constitution art.50(3).

<sup>6</sup> International study program working paper; Andrew young school of policy studies, conference on decentralization: Lessons from selected countries, September 2008.

<sup>7</sup> Meheret Ayenew (2007).A Rapid Assessment of Woreda Decentralization in Ethiopia

- The gaps to be filled by the woreda council and people's representatives in exercising their power are not yet clearly articulated and identified.
- There is lack of research based evidence whether the existing woreda legislative oversight had brought any meaningful changes over the executive accountability.
- There are yet no enough literatures that clearly stipulate the practice of woreda legislative oversight in the region and also the extent to which legislative oversight has been implemented.

Consequently, the study attempted to assess the effectiveness of woreda council oversight function, with regard to the awareness, knowledge and capacity of people's representatives and also executive bodies, about legislative oversight and other legislative roles in Ameya woreda of the Oromia National Regional State. Hence, it is hoped that the study will fill the gap by giving a glimpse about the role of councilors at woreda level during its implementation.

### **1.3.Objectives of the study**

#### **1.3.1. General Objective**

The general objective of the study is to examine the effectiveness of woreda council's oversight process and its role toward ensuring executive accountability at woreda level in Oromia National Regional State. Therefore, the study is intending to assess the practice and effectiveness of woreda legislative oversight, over executive organ in Ameya woreda of Oromia region.

#### **1.3.2. Specific Objectives**

- ❖ Assessing whether the existing legislative oversight activities help in making the executive organ responsible and accountable to the people as intended.
- ❖ Identifying the challenges and factors affecting the practical applicability of legislative oversight in Ameya woreda.
- ❖ Assess the capacities of woreda council and its standing committees in terms of knowledge, adequacy, qualifications, and skills.
- ❖ Examining the mechanisms that woreda council uses to hold the executive accountable.
- ❖ To indicate the gaps that should be filled by woreda council and peoples representatives.
- ❖ Describing the role of members of the woreda council as a representative organ.
- ❖ To find out whether, the existing woreda legislative oversight is effective or not.
- ❖ To recommend the possible remedies for the problems of wereda legislative oversight.

#### **1.4.The Research Questions**

The followings are the main questions that have been used in the study:

- How is the Ameya woreda Council exercising the legislative oversight over executives and what measures they took to ensure accountability?
- Do the Ameya woreda people's representatives and the woreda executives have the awareness and capability about legislative oversight?
- What are the challenges and factors that affect the practical applicability of the legislative oversight in Ameya woreda?
- Are the established legislative committees are effective in supervising of the executive's action in Ameya woreda.

#### **1.5.Significance of the Study**

The woreda council is the main representative body at the local level, and its decisions directly affect the welfare of citizens and local communities. So, that the researcher hopes that this study will have the following contributions:

- It tries to make clear the role of legislative oversight in order to ensure executive accountability under the Oromia National Regional State constitution.
- The research also helps the member of the woreda councils and the executive organ to understand the importance of legislative oversight and to take their responsibility seriously.
- It may point-out the necessary improvements in order to strengthen the entire function of woreda council.
- Moreover, the study will contribute to readers as to whether the existing legislative oversight in the woreda is effective or not in terms of ensuring executive accountability.
- It may be used as a feedback by the administrative bodies at all level.

In general, it contributes a lot in pronouncing the factors that affect the oversight function of the woreda councils and could be used as an input to the Members of woreda councils in their role of legislative oversight.

#### **1.6. Scope of the Study**

To make the study more manageable and feasible, it is only delimited to the case study of Ameya woreda council. This has been done because of two main reasons: First, the researcher believed that it is convenient to manage it and tackle the problem with some pattern of uniformity

regarding the role of legislative oversight played by representatives of the people at district level. Second, the researcher already has personal observation about the practice of legislative oversight in ameya woreda council, so that he has better experience for doing different assignments and research works in the area and with the council and local people's representatives as well as government sectors.

Therefore, to make the research more realistic and manageable, this study is delimited to the legislative oversight over executives in Ameya woreda; and an assessment was also focused specifically on the practice, effectiveness and capability of the legislative oversight of Ameya woreda council and people's representatives regarding their knowledge, skills, commitment and constraints to accomplish the legislative oversight effectively. The study however, does not cover the legislative oversight of other organ of government (the judiciary organ), and the legislative organ at the regional and federal level.

### **1.7. Limitation of the Study**

The study was limited by absence of prior study in the woreda that has direct or indirect relation with role and functions of woreda council. In addition, during data collection absence of selected sector officials and experts from office for field work and meeting was also limitation to get the whole respondents. Moreover, there is lack of willingness among some respondents to give real information about the issue under study is also another problem that hindered data collection through interview and focus group discussion. However, utmost effort was made to minimize the negative impact of such constraints on the result of the study.

Therefore, the study relies on a combination of different primary data collection mechanisms with special emphasis to in-depth interviews, focus group discussions and personal observation to get the reliable data.

## **1.8. Research Design and Methodology**

### **1.8.1. Research Design**

For the purpose of this study, qualitative case study method was employed because of its suitability to describe and analyze empirical data in Social Science. Thus, the study is attempted to make an appropriate review of existing literature on legislative oversight and it was tried to set up the proper conceptual, legal and theoretical framework, which serves as a reference to determine the extent of the legislative oversight toward ensuring executive accountability.

Furthermore, an interview with the concerned Ameya woreda selected sectors and/or government officials and an assessment of Ameya woreda council office were conducted.

### **1.8.2. Data Sources**

In this study both primary and secondary sources of data were implemented. The Primary source of data was key informants from the Ameya woreda people's representatives including the speaker of woreda council, concerned experts, and selected standing committee members. Therefore, the Ameya woreda council speaker, concerned experts and members of different standing committees were contacted for their direct involvement in the practice of woreda council oversight function and their response is taken as primary source of information.

Secondary sources of data such as official reports and publications, working papers, national and regional constitutions as well as other laws have been reviewed in order to assess the role and practice of legislative oversight at woreda level, and to understand the formal responsibilities and functions of woreda councilors/legislatures. In addition, books, journals, electronic materials and other publications were reviewed to set the general theoretical frame works about the issue under study.

### **1.8.3. Sampling Size and Techniques**

The Ameya woreda council is taken as a focal point due to the fact that they are key local units of legislative organ and they play key roles at district level as a local people's representative. This woreda is selected due to the convenience the researcher has in terms of access to collect different valuable data used for the study.

The study used non-probability sampling techniques (purposive sampling). Because Purposive Sampling is appropriate in three situations; to select unique cases that are especially informative; to select members of a difficult-to-reach, specialized population; to identify particular type of cases for in-depth investigation.<sup>8</sup>

Therefore, having this factors in mind key informants were selected purposively for interview based on their familiarity to the legislative oversight functions in Amaya woreda, their seniority, as well as the different positions they held at different time so that it enables the researcher to get more reliable and dependable information about the issue under study. Depending up on the above general sampling technique, the sample size of this study has been taken as follow:

For this study the population target are all Ameya woreda peoples representatives (117) + all members of 4 standing committee in the council (20) and all employees in 6 selected sectors

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<sup>8</sup> Neuman1994.

(Agriculture, Education, Irrigation, Revenue authority, Animal health Agency and Woreda Council office) 113 = 250 is targeted population. From these 15(13%) from 117(100%) of Ameya woreda people's representatives has been selected by using purposive sampling method, out of 20(100%) members of 4 standing committee in the council 10(50%) has been selected by purposively and also out of 113(100%) employees in 6 selected sectors in the woreda 18(20.34 %) selected by using purposive sampling method. Generally the sample size and sampling technique used in the study is summarized in the following table.

Table:1 **The Summary of Sample Size and Sampling Technique**

No	Sample Target	Sample Population	Sample Size	Sample Technique
1	Ameya Woreda People's Representatives	117(100%)	15(13%)	Purposive sampling
2	4 Standing committee	20(100%)	10(50%)	Purposive sampling
3	Employees of 6 selected sectors of Ameya Woreda	113	18(20.34%)	Purposive sampling
	<b>Total</b>	<b>250</b>	<b>43</b>	<b>Purposive sampling</b>

Source: *Constructed by the researcher (2015)*

#### 1.8.4. Data Gathering Instruments

In order to obtain valuable and reliable data, various types of data collection instruments have been used. To this end, the primary data was collected through field observation, interview questions and focus group discussion. The question has been prepared in English language; however it was finally translated in to Afan Oromo language, i.e. the official language in the study area, to solve the problem that the respondents face in understanding the questions.

#### 1.8.5. An Interview

Interview is useful to allow researcher control over the line of questioning, to attain higher response rates, to guard against confusing questionnaires items, the most flexible method, and helps to get answer to all questions.<sup>9</sup> Moreover, it is very good way of accessing people's perceptions, meanings, definitions of situations and constructions of reality as well as understanding individual or group perspectives.<sup>10</sup>

<sup>9</sup> Creswell, 2009; Babbie, 1973; Neuman,1994; Kumar, 1999; Kothari, 2004.

<sup>10</sup> Punch,1998.

Based on the above principle, in order to collect reliable information about the issue under study and to counter check the response; 15 respondents from Ameya woreda people's representatives (woreda councilors) and 18 respondents from the six selected office of the woreda: totally 33 interviewees were conducted.

#### **1.8.6. Focus Group Discussion**

A focus group discussion is a discussion made by a panel of 5-12 respondents led by a trained moderator. The moderator should be equipped with sufficient skill so that he/she can maintain a high degree of interaction among group members. Because the qualitative data that focus groups produce used for enriching all level of research questions through panel discussions. So that, interview question for group discussion has been prepared in Afan Oromo to collect crucial information and accordingly one focus group discussion was conducted with the selected Ameya woreda council standing committee members, towards the end of the field work to clarify the data collected during key informant interviews.

#### **1.8.7. Document Analysis**

The primary and secondary sources of data such as; books, journals, different publications, electronic materials and also national and regional constitutions as well as other laws have been reviewed in order to assess the role and practice of legislative oversight at woreda level, and to understand the formal responsibilities and functions of woreda councils/legislatures.

#### **1.8.8. Data Collection Procedures**

First, the researcher has been visited the Ameya woreda council and discussed the purpose of the research after showing the letter of cooperation from AAU and convince the woreda council speaker and concerned experts for the necessary cooperation. Then the researcher has conducted his personal observation about the legislative oversight at woreda level and also assessed the role and practice of people's representative at woreda level. Then to gather relevant data for this study an interview question which tailored to different respondents has been prepared and an interview were conducted with the previously selected respondents. At last, the interview result was arranged per the subjects of the study and finally analyzed.

#### **1.8.9. Method of Data Analysis**

Once the necessary data's and information are at hand, so as to attain the set of research objectives and answers to the research questions, the gathered data has been systematically analyzed and interpreted by following the necessary steps of data screening and organization in

argumentative, descriptive, and inferential fashion. In doing so, the qualitative technique of data analysis method has been employed.

### 1.9. Ethical Consideration

As far as ethics in the course of data collection goes, the researcher had to insist on persuading the informants in the endeavor to convince and win their confidence. The researcher promised that the dealing had no any negative consequence on their life by telling that all their data and information remains confidential besides informing the sole objective of the data required and its concern, and pledged not to disclose their identity in the course of reference citation without their desire. The researcher duly considered and respected the privacy of participants. The researcher never involved participants without winning their prior consent. The researcher made aware of the participants about the prime concern of the study.

### 1.10. Organization of the Paper

The study will consist of five main chapters. Accordingly, the introductory section includes the back-ground, statement of the problem, basic research questions, objectives, significance of the study, delimitation, the research methodology employed in the collection and treatment of data. and budget plan of the study. Chapter two set the framework of the study and the review of literature. It articulated a theoretical base for the research to be conducted. Literatures related to the roles of legislative oversight were also reviewed. The third chapter has devoted to a discussion of the role and functions of legislative oversight under the context of FDRE constitution and Oromia regional state constitution. In chapter four it was attempted to analyze and present the collected data, simultaneously the findings were also reported in this chapter. In chapter five it was attempted to conclude the implications of the issue under study and finally recommendations have been forwarded.

### 1.11. Definitions of Key Terms

- ☞ **Woreda Level Legislative oversight:** refers to the supervision, the review, the control and the evaluation conducted by woreda council over the activities of executive bodies of the woreda government.
- ☞ **Oversight:** It is the action of supervising and overseeing the activities of some body.
- ☞ **Executive:** It refers to the branch of government that responsible for executing plans, actions, and laws, as well as for the whole administrative roles.
- ☞ **Woreda Council:** It is a local council which consists of a district elected body to manage the affairs of district people.

## CHAPTER TWO

### 2. LITERATURE REVIEW

The literature review focuses on pertinent conceptual issues and theories that are relevant to the major theme of the study and also the definitions of the main terms and concepts which have been used in the study is very useful in ensuring clarity about the general overview of the issue under study. Therefore; this section attempts to provide such definitions and concepts regarding legislative oversight.

#### 2.1. The Theoretical Explanation of Legislative Oversight.

The origin of legislative oversight is traced back to Aristotle, who was the first scholar to highlight the necessity of protecting public funds from misappropriation, the obligation to disclose all financial activity to the citizens of the city and the commitment to deposit copies of expense accounts where the public could view them.<sup>11</sup>

In the 18th century, Montesquieu was also determined that the legislative branch in a free country should have the option to scrutinize in what way its laws were being implemented.<sup>12</sup>

Moreover, John Stuart Mill dealt with the issue in further detail and not only distinguished between the role of the government and the legislative branch, but also emphasized that the legislative branch's job was primarily to oversee the government. His definition is also applied in the contemporary democracies:<sup>13</sup>

The proper office of a representative assembly is to watch and control the government: to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which anyone considers questionable; to censure them if found condemnable, and, if the men who compose the government abuse their trust, or fulfill it in a manner which conflicts with the deliberate sense of the nation, to expel them from office ...

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<sup>11</sup> I.P. Massey: Administrative Law, Edn. 1970,p.35.

<sup>12</sup> Montesquieu, De L' "Espirit des lois, 1748 quoted in Justice D.D. Basu: Administrative Law, Edn. 199, p. 23.

<sup>13</sup> Mill, J.S. (1861), *Considerations on Representative Government*. London: Parker, Son and Bourn.

According to Mill, the representative body's role is to constrain the holders of high public offices who manage public affairs by voicing criticism or by withholding support.

### **2.1.1. The Modern Definition and Goals of Legislative Oversight**

Recently there are many other researchers who define the term "Legislative oversight" from different perspectives and perceptions. Among others the following definitions are selected to give a general concept for the purpose of this study.

Legislative oversight is the supervision of administration's actions, for which legislatures can count on mechanisms such as hearings, summoning of ministers, resolutions of inquiry, special investigatory committees, and confirmation process, among others.<sup>14</sup>

According to (D. Aberbach; 1990) Legislative oversight exposes bureaucratic behavior to public scrutiny. It reviews the actions of departments, agencies, and commissions, and of the programs and policies they administer and is a significant facet of congressional efforts to control administration and policy.<sup>15</sup>

Hence, legislative oversight is not limited only to the financial scrutiny, but it extends to controlling and over watching the overall activities of the executives including policy implementation and proper and effective execution and enforcement of the law according to the intention and desire of the legislature, and other Constitutional objectives and principles.

According to D.Oliver, (1994), legislative oversight is important to maintaining the checks and balances of representative government, and ensuring a vital legislative role in state government through review, monitoring and supervision of administration. Effective legislative review of executive branch actions responds to increasing public concerns about government performance. Legislative oversight primarily represents the power of the representative body to affect and have control over the executive and its agencies. In a democracy, this is a means of ensuring the accountability of the executive and other institutions as applicable.<sup>16</sup>

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<sup>14</sup> Llanos and Mustapic, 2006; James, 2002; Aberbach, 1990 and 2001; Sartori, 1987a:189

<sup>15</sup> Aberbach, J.D. (1990). *Keeping a Watchful Eye: The Politics of Congressional Oversight*. Washington, DC: Brookings Institution.

<sup>16</sup> D.Oliver,(1994), Law, Politics and Accountability, cited in Report on Parliamentary Oversight and Accountability, Prepared by the Hugh Corder, Saras Jagwenth, Jred Soltau, Faculty of Law, University of Cape Town July, 1999.

In most democratic countries, oversight is a constitutionally mandated function of legislative organ of state to scrutinize and oversee executive action and any organ of state.<sup>17</sup> It follows that oversight entails the informal and formal, watchful, strategic and structured scrutiny exercised by legislatures in respect of the implementation of laws, the application of the budget, and the strict observance of statutes and the Constitution.<sup>18</sup> In addition, and most importantly, it entails overseeing the effective management of government departments by individual members of Cabinet in pursuit of improved service delivery for the achievement of a better quality of life for all citizens. The National Assembly (NA) is mandated to provide for mechanism of ensuring that all executive organ of state in national sphere of government are accountable to it, and to maintain oversight of the exercise of national exercise authority, including the implementation of legislation, and any organ of state.<sup>19</sup> Thus, the general mandate of the South African (NA) is to hold organ of the state in the national sphere accountable, and exercise general oversight over national executive authority and organ of state.

From these definitions, the key functions of legislative oversight can be described as follows:

- To detect and prevent abuse, arbitrary behavior, or illegal and unconstitutional conduct on the part of the government and public agencies. At the core of this function is the protection of the rights and liberties of citizens;
- To hold the government to account in respect of how the taxpayers money is used. It detects waste within the machinery of government and public agencies. Thus it can improve the efficiency, economy and effectiveness of government operations;
- To ensure that policies announced by the government and authorized by parliament are actually delivered. This function includes monitoring the achievement of goals set by legislation and the government's own programs; and
- To improve the transparency of government operations and enhance public trust in the government, which is it a condition of effective policy delivery.<sup>20</sup>

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<sup>17</sup> Oversight and Accountability Model, Asserting Parliaments Oversight Role in Enhancing Democracy (South Africa)

<sup>18</sup> Ibid

<sup>19</sup> South African Constitution, section 55(2)

<sup>20</sup> Yamamoto, Tools for Parliamentary Oversight: A Comparative Study of 88 National Parliaments, Inter-Parliamentary Union/ IPU/ PLC Press Centrals SA, Renes,Switzerland,2007.p.10

Generally, legislative oversight can be used in any form of government, though the orientation and its philosophy and the process are varying from one political system to another. However, one important aspect of legislative oversight among all political systems is a belief that control of the administration is the most important function of Legislatures in modern democracies and that, democratic ideology requires control of the administration by the elected representative of the people.<sup>21</sup> Therefore, effective legislative oversight should cover a broader range of categories of activities of the administration than simply financial issues as it might appear.

## **2.2. The Need for Legislative Oversight**

As stated above the principle behind legislative oversight of executive activity is to ensure that public policy is administered in accordance with the legislative intent. According to this principle, the legislative function does not cease with the passage of a bill. It is, therefore, only by monitoring the implementation process that members of the legislature uncover any defects and act to correct misinterpretation or maladministration. In this sense the concept oversight exists as an essential corollary to the law making process.<sup>22</sup> Scholars identify three general ways in which a legislature may control the bureaucracy in a separation of powers system: oversight, legislation, and budget-making.<sup>23</sup> For these to work, some conditions must be met: there needs to be a certain degree of cooperation between the branches in policy making (each side must be willing to bargain and compromise in order to get some policy benefits), the legislature must have some capacity to monitor the executive, and the executive needs to be willing to comply with legislative enactments.

The principal value justifying legislative oversight of the executives is said to be ensuring the triumph of representative government by holding the administration accountable to popular sovereignty. This is precisely because when government officials perform the responsibility that the constitution shoulders them properly and in an efficient manner, the interests of the legislatures representing the people (to mean maintaining the benefit and well-being of the people), and the national interests (which is enhancing the national development and prevalence

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<sup>21</sup> Parliamentary Democracy: Promise and Problem <http://www.fds.oup.com/www.oup.co.uk/pdf/0-19-829784-x-pdf> last accessed on Nov, 10,2014

<sup>22</sup> Parliamentary Oversight of Finance and the Budgetary Process, the Report of Parliamentary Association Workshop. NAIROBI, KENYA, 10TH -14TH DECEMBER, 2001

<sup>23</sup> John D. Huber, Charles R. Shipan and Madelaine Pfahler, "Legislatures and Statutory Control of Bureaucracy", *American Journal of Political Science*, vol. 45, n. 2, 2001, pp. 330-345

of the rule of law for the better life of the people), will be promoted and enhanced. Accountability is the hallmark of modern democratic governance. Democracy remains clichéd if those in power cannot be held accountable in public for their acts or omissions, for their decisions, their expenditure or policies.

The principle of legislative power to control the executive can be viewed as a principle in favor of the public evaluation and review of executive decisions.<sup>24</sup> As a result, the legislative branch as the body representing the people must devise the mechanisms to control the executive organs to foil the abuse of power and misuse and misappropriation of the public funds and resources.

According to MacMahon, (1943),<sup>25</sup> the objective of oversight is to check dishonesty and waste guard against arbitrary and unresponsive administration evaluate implementation in accordance with legislative objectives; and ensuring administrative compliances with statutory intent. In most countries, this entire oversight objective could be achieved through different committees established in the parliament.<sup>26</sup>

Generally, what necessitates the legislative oversight is the need to hold the executive organ of government accountable so as to ensure accountability, good governance and people's sovereignty. Accountability is also designed to encourage open government. It serves the function of enhancing public confidence in government and ensures that the government is close and responsive to the people it governs. If the values of accountability and oversight and the purposes they serve in a constitutional democracy are realized, members of the executive will more willingly submit to them, thereby fostering and enhancing the principle of co-operative government contained in the constitution. Thus, legislative oversight must be seen as one of the central tenets of our democracy because through it the legislature can ensure that the executive is carrying out its mandate, monitor the implementation of its legislative policy and draw on these experiences for future law and policy making.

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<sup>24</sup> Paul G. Thomas Parliament and the purse string in Parliament, Policy and Representation by Harold D. Clarke, Colin Compell, F.Q. Quo and Arthur Goddard (eds), 1993 p. 161

<sup>25</sup> Arthur W. MacMahon, 1943, "Congressional Oversight of Administration: The power of the Purse", in 58(I-II) American Political Science Review 161-190.

<sup>26</sup> William V. Lyons and Larry W. Thomas (1982) cited in Bert A. Rock man, 1984, Legislative-Executive Relations and Parliamentary oversight, in Legislative Studies Quarterly, vol.9, No.3, p.415

### 2.3. The Purpose of Effective Legislative Oversight

As also indicated in the Guideline for Legislative Oversight through Annual Reports (2005), the scrutiny committees need to have a clear understanding of what they are seeking to achieve through the oversight of the state's strategic reports. In other words the purpose of conducting oversight should be clearly defined so that the outcome of such exercise can be measurable. However, in the first instance, the purpose of oversight it is to fulfill the obligation which the Constitution places on the National Assembly and the provincial legislatures to ensure that all executive organs of state in the national/provincial spheres of government are accountable to it; and to maintain oversight of the exercise of national/provincial minister, including the implementation of legislation and organs of state.<sup>27</sup> However, in fulfilling this constitutional obligation it is suggested that the aim of the oversight process is to give the portfolio committee (and through the legislature) the confidence that the department, constitutional institution or public entity under review is actually delivering:<sup>28</sup>

- High quality services; economically, efficiently and effectively,
- In line with its constitutional and/or legislative mandate, strategic plans and budgets, and
- That it is contributing meaningfully to the realization of government's overall objectives.

Furthermore, the portfolio committee's oversight work should also aim at gathering information on the views of customers and clients of the departments, constitutional institutions or public entities being reviewed and to take this into account when evaluating the performance of the particular entity and making recommendations as to how it can improve the responsiveness and quality of its services and functions. They would thus be the eyes and ears of members of provincial legislatures and the Parliament as well.<sup>29</sup>

More over the American Congressional Research Service lists the following purposes for congressional oversight:

- Ensure executive compliance with legislative intent
- Improve the efficiency, effectiveness, and economy of governmental operations
- Evaluate program performance

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<sup>27</sup> National Treasury. 2005. Guideline for Legislative Oversight through Annual Reports.

<sup>28</sup> Theory and Practice of Oversight and Accountability: Towards the 4th Limpopo Legislature, Limpopo Legislature. 2009.

<sup>29</sup> Ibid

- Prevent executive encroachment on legislative prerogatives and powers
- Investigate alleged instances of poor administration, arbitrary and capricious behavior, abuse, waste, dishonesty and fraud
- Assess agency officials' ability to manage and carry out program objectives
- Review and determine federal financial priorities
- Ensure that executive policies reflect the public interest
- Protect individual rights and liberties <sup>30</sup>

Therefore, legislatures at all levels are charged with debating and approving national and sub-national development plans and budgets with monitoring and holding government to account for the delivery of development results implementing the functions of legislative oversight effectively.

#### **2.4. An Overview of Forms of Governments and Their Legislative Function.**

A form of government refers to how the three branches (executive, legislative, and judicial branches) are organized. Democratic governments are those that permit the nation's citizens to manage their government either directly or indirectly through elected representatives, unlike that of authoritarian governments that which limit or prohibit the direct participation of its citizens.

The two popular forms of governments are Presidential and Parliamentary as practiced by the United States and Britain as exponents. In between these two models, there is the model of French executive that can be called a quasi presidential or quasi-parliamentary.<sup>31</sup>

##### **2.4.1. Presidential Form of Government**

In the presidential form of government, the president is both the chief executive and the head of state.<sup>32</sup> The president is unique in that he or she is elected independently of the legislature directly by the people.<sup>33</sup> This means the legislature is not involved in the election of the head of government unlike that of parliamentary system of government which the parliament or where legislature is actively involved in the appointment and approval of the head of the government. However, the legislature may override the president's veto if they can muster enough votes,

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<sup>30</sup> Washington, D.C.: *Congressional Research Service, 1995*

<sup>31</sup> Larry Diamond, *Developing Democracy: Towards Consolidation* Baltimore: Johns Hopkins University Press, 1999, p. 98.

<sup>32</sup> Michell Ameller, *Parliaments, A Comparative Study on the Structure and Functioning of Representative Institutions in Fifty Five Countries* (1966).p.268.

<sup>33</sup> Ibid

especially where the party of the president could not win the majority seat of the parliament. Among many countries having the presidential form of government as their system of government, the typical example of the presidential system of government is United States of America.<sup>34</sup> In this system of government, the president's power includes administrative and political affairs. This means, he is the symbol of the sovereign states and execute government policy. Moreover, the president has the power to receive and appoint diplomatic invoices, to conclude international treaties, to declare war, conclude peace and commissioning all officials, civil and military.<sup>35</sup>

Moreover, the president is also empowered to appoint the members of his cabinet and some other government officials. However, this power of president is shared by the Congress as it requires a congressional endorsement. Thus, the president enjoys ultimate power decision and, therefore, has complete political responsibility for all executive actions. This means, members of the cabinet serve at the pleasure of the president and must carry out the policies of the executive and legislative branches. As a result the control function over the members of the executive is resides on the president and the legislature.<sup>36</sup>

In most of the presidential systems either the president or any of his ministers/secretaries can be a member of the legislative organ. However, a member of the legislative can join the executive only after resigning his membership in the legislature. Therefore, unlike the case in parliamentary forms of government, the relationship of the legislative and executive in presidential form of government is so loose and there is no fusion of power between the executive and legislatures. It is therefore believed that the Congressional Oversight in presidential system seems more effective because of loose party discipline and executive-legislative relation. Presidential systems, on the contrary, are less disciplined and legislators are free to vote their conscious with fewer repercussions from their party. In addition, in presidential system, the executive branch, headed by the president, is distinct from other branches of the government which are all independent from one another. This separation of power serves to check and balance the powers of the three branches of government effectively.<sup>37</sup>

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<sup>34</sup> Inter Parliamentary Union, *Parliaments of their World: A Comparative Reference Compendium* (1986),p.805

<sup>35</sup> Oppenheim L, *International Law, A Treaties*,(1905),p.403

<sup>36</sup> George B.Galovlary, *The Legislative Process in Congress*,(1961),p.25

<sup>37</sup> M.J.C Vile, *Constitutionalism and Separation of Powers* (1967). P.19

#### 2.4.2. Parliamentary Form of Government

In Parliamentary forms of governments there is the system of constitutional democracy where the executive organ of government emerges from and responsible to legislature authority.<sup>38</sup> In this case the chief executive is not chosen directly by the people, but it is indirectly chosen by the legislature. Typically, the majority party in the parliament chooses the chief executive, i.e. Prime Minister. The fusion of the legislative and executive branches in the parliamentary system tends to lead to more discipline among political party members.<sup>39</sup> Thus, party members in parliaments almost always vote strictly along party lines. Parliamentary form of government is the form of constitutional democracy in which executive authority emerged from, and is responsible to the legislative authority; that is why, this form of government arises based upon the principle of parliamentary supremacy.<sup>40</sup> Therefore; legislative body, especially the Lower House, controls the executive organ. Hence it seems, in the parliamentary form of government, there is a tight legislative-executive relation. The later depends on the former for its legitimacy of its power and authority. So, parliamentary government is form of government which the executive is drawn from the legislature and also constitutionally responsible to the legislature. This can be exercised through two main devises. Firstly, the executive received its authority or right to govern from initially securing and subsequently retaining the support or the confidence of a majority of the member of the legislature. Secondly, members of the governments are accountable to the legislature for the exercise of the authority conferred up on them.<sup>41</sup> In principle therefore, the legislature may change the government in whole or in part by withholding or threatening to withhold its support and it may similarly reject or modify government policy<sup>42</sup>

The power is therefore limited by making those who exercise it dependent upon and answerable to those from whom they derive their power. This arrangement is commonly called a fusion of powers, because, on the one hand, members of the executives are also the member of the legislatures and, on the other hand, the executive exercises its power to make laws through the legislature (through delegation of power).

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<sup>38</sup> J.A.G. Griffitti, et al., Parliament: Function, Practice and Procedure ( 1989), p.15

<sup>39</sup> Ibid

<sup>40</sup> J. A.G. Griffith, et al., Parliament: Function, Practice and Procedure (1989),p.15

<sup>41</sup> Michael Rush, Parliament Today, Manchester University Press,2005.page,2

<sup>42</sup> Ibid

Generally in both presidential and parliamentary systems, the chief executive can be removed from office by the legislature as impeachment and vote of no confidence. Parliamentary systems use a "vote of no confidence" in some jurisdictions also called motion of no confidence or vote of confidence, where a majority of legislative members vote to remove the Prime Minister from office. In presidential systems, a similar process is used where legislators vote to impeach the President from office.<sup>43</sup>

### **2.4.3. The Functions of Legislative Organ in Democratic System**

The legislature performs a variety of functions that underscores its significance under a democratic dispensation. They vary in size, in how members are elected, how long they hold office, in their ways of relating to political parties and to constituents, in their relations with executive powers, in their responsibilities in lawmaking and budgeting, in how they oversee executive spending and activities, and in a dozen other ways. But scholars tend to agree that there are three functions common to legislators in democracies they are: representation, lawmaking, and oversight. In this section we briefly examine these three functions of legislative branch.

#### **a) Representative Function**

Unlike chief executives, who represent entire nations, or bureaucrats and judges, whose responsibility is to carry out and interpret the law impartially toward all citizens, legislators/councilors are responsible for representing the differences in society, and for bringing these differences into the policy making arena. These differences may be rooted in geography, ethnicity, religion, political identification, gender, or other characteristics, but legislators are expected to represent them at the national and subnational level. But representation involves more than simply living in a specific area in the country, or having characteristics in common with those one represents (e.g., gender, political beliefs). It involves listening to those one represents and making decisions and exercising influence on their behalf. Political scientist Nelson Polsby calls legislature the "nerve endings" of the polity. Legislative organ are the branch of government closest to people, and legislators, more than any other officials at the national level, need to be aware of the needs of constituents, and are expected to respond to those needs.<sup>44</sup>

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<sup>43</sup> J. A.G. Griffith, et al., *Parliament: Function, Practice and Procedure* (1989), p.15

<sup>44</sup> Nelson W. Polsby, "Legislatures," in *Handbook of Political Science: Government Institutions and Processes*, eds., Fred Greenstein and Nelson Polsby (Reading, MA: Addison Wesley, 1975).

Democratic parliaments are the most transparent and accessible of the three branches of government. Most parliaments open their plenary sessions to the public and to the press, and a growing number allow citizens to attend committee meetings.

In many systems, the legislature's representation function involves constituent services, (i.e., helping citizens cut through government bureaucracies to receive their benefits, assisting with special problems), and accessing government funds for projects to benefit the constituency, such as bridges, clinics, water systems, schools, etc. Parliamentarians become well known, and help ensure their re-election, through providing such services.<sup>45</sup>

### **b) Law-Making Function**

As stated above, the fundamental and primary function of the legislature is to make laws for the good and well-being of the people as well as for the order and security of the country. Such laws are made in accordance with the constitution of a country and in line with the standing laws and procedure that the assembly has stipulated.<sup>46</sup>

### **c) Oversight Function**

In addition to representing individuals and groups in society, and establishing the policies and budgets that govern society and distribute wealth, legislatures oversee the actions and spending of the executive branch. Oversight is one of the legislature's "check and balance" functions, through which it seeks to ensure that programs are carried out legally, effectively, and for the purposes for which they were intended. In practicing oversight, legislators look back on government spending and activities to determine whether money was spent appropriately, and to ask "value for money" questions. Different political systems practice oversight in different ways; a nation's political structure, formal over-sight powers, and access to budget information all influence the practice of oversight. Legislative oversight tools include the question period for ministers, the use of public accounts committees, investigatory and departmental committees, auditors general, subpoena and other court type powers. The increased national and international attention on government corruption in recent years has led to a greater focus on this aspect of parliamentary responsibility.<sup>47</sup>

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<sup>45</sup> Michael L. Mezey, *The Functions of the Legislatures in the Third World* in *Legislature Studies Quarterly*, vol.8, No.4 (1983).

<sup>46</sup> Ibid

<sup>47</sup> Nelson W. Polsby, "Legislatures," in *Handbook of Political Science: Government Institutions and Processes*, eds., Fred Greenstein and Nelson Polsby (Reading, MA: Addison Wesley, 1975).

## **2.5.Legislative Oversight: Presidential versus Parliamentary System**

The issue of legislative oversight in general is derived from the relationship between the legislative and the executive branches. In a presidential democracy based on strict separation of powers, the legislature draws its authority directly from the public and is usually independent and strong. In this model (mostly represented by the U.S. Congress) oversight functions stand out in their relative strength as an inseparable part of the checks and balances system that characterizes presidentialism.<sup>48</sup>

On the other hand, in a parliamentary form of government, there is a fusion of powers. In this model the ruling principle is the parliament's supremacy over the government, which emanates from it and requires its support. In practice, though, the government controls parliament through the integral (and disciplined) majority it has in the assembly and the committees, and such a structure greatly weakens the oversight function in parliamentary democracies. This does not mean that in parliamentarism there is no oversight of the executive branch. There are parliaments that oversee certain actions by the government more effectively, while others almost do not do so at all, or have very flawed oversight. The reasons for this difference are the institutional, structural and cultural conditions that characterize each state and affect the oversight activities in each parliament.<sup>49</sup>

In short, when compare parliamentary and presidential democracies, most researchers conclude that oversight in a parliamentary democracy is relatively weak and usually does not come close to the infinitely stronger oversight evident in a presidential democracy.

### **2.5.1. The Fusion of Power between Legislative and Executive Organ in Parliamentary Democracy and Its Implication on the Practice of Legislative Oversight.**

One of the important features of parliamentary system is a political party or coalition of parties, as the case may be, which has the largest seat in the parliament will constitute a government. The leader of the party which has won the majority seat in the parliament will become a Prime Minister and the latter would, then, form his/her cabinet by nominating either from among the

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<sup>48</sup> SUNY/CID | Comparative Assessment of Parliaments (CAP) Note: [http://: WWW pdf](http://WWW.pdf). Last accessed on July 2012

<sup>49</sup> Ibid

parliamentarians or from outsiders whom he believes are competent enough to discharge their responsibilities.<sup>50</sup>

Therefore, there is a water-tight relationship between the legislative and executive in parliamentary forms of government. Even more, there is a fusion of power and the members of the executive are considered as the part and parcel of the legislative organ.<sup>51</sup>

Modern democracies are characterized by shared decision-making by the legislative and executive branches especially in parliamentary form of government as the executive depends on the legislative for its legitimacy and existence.<sup>52</sup>

A country's constitution formally structures this interaction. Practically, precedent and habit then fill in the gaps to create the political system under which a government operates on a daily basis.<sup>53</sup> Because these circumstances differ considerably in each country, democracies vary widely in how political power is shared and the relative influence each branch of government has over policy formulation. Accepted practices in one democracy may be unimaginable or even unconstitutional in another equally vibrant democracy.<sup>54</sup> The health of a democracy declines dramatically, however, when the executive branch excessively dominates the legislature. A government with a legislature lacking the capacity to effectively oversee the executive or influence policy and that exists solely to "rubber stamp" executive's decisions cannot be deemed democratic in the modern sense. This is very common in most African countries, which have parliamentary government, where the democracy is emerging and inexperienced parliament. In such countries the executive is dominant and the legislatures are there only to approve without any rigorous debate and criticism over the proposed bills and policy. As a result, individual legislators are under significant pressure to vote with their party leaders, who are usually the very individuals selected to constitute the executive. Legislature is a fundamental component of

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<sup>50</sup> Charles Hankla, Legislative-Executive Relation and International Trade Policy Across National Study International Studies Association Conference Departments of Political Science Emory university Atlanta Georgia 2000.P.11

<sup>51</sup> Ibid

<sup>52</sup> Strengthen Legislative Capacity in Legislative-Executive Relation, National Democratic Institute for International Affairs (NDI), Legislative Research Series, 2000, Washington p.5

<sup>53</sup> Ibid

<sup>54</sup> Ibid

democratic government.<sup>55</sup> Indeed, the need for strong legislature is reflected in the very meaning of democracy, “rule by the people.” In order for the people to rule, they require a mechanism to represent their wishes to make (or influence) policies in their name and oversee the implementation of those policies. Legislature serves these critical functions.<sup>56</sup> A Legislature reflects in its ranks a broad spectrum of a country’s political opinion, and as such is the principal forum for debate on vital issues. It can serve as a demonstration of pluralism, tolerance of diversity and dissent as well as a place for compromise and consensus building.

Despite the need for strong legislatures, many legislatures are overwhelmingly dominated by the executive branch. This problem is especially prevalent in emerging democracies. Though democratic elections in these countries may result in multiparty legislatures, they rarely yield strong democratic institutions. Typically, this multiparty legislatures lack the organization, financial resources, equipments, experienced members and staffs to serve as a mature and autonomous point of deliberation in the policy process.<sup>57</sup>

In the course of a legacy of executive branch dominance, legislators in these countries are frequently unable to envision, let alone create, a level playing field in which the members of the legislature fully participates in lawmaking and checks executive power, controlling and oversight over the overall activities of the executive organ.<sup>58</sup> Without this level of playing field, democratic countries may risk reverting to exclusive rule by the executive which is resulted in executive dominance.

There are a number of reasons for ineffectiveness of legislatures in developing countries especially in Africa.<sup>59</sup> First, legislatures are in a weak position in many political systems, where they are marginalized by the executive and constrained by a constitution which fails to provide for parliamentary independence. Second, legislators often lack institutional capacity and resources and are dependent on the executive for access to resources. Third, legislators are often

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<sup>55</sup> Dr. Anthony Tsekpo and Dr. Alan Hudson Parliamentary Strengthening and the Paris Principles Tanzania Case Study. January,2009

<sup>56</sup> Ibid

<sup>57</sup> Larry Diamond, *Developing Democracy: Toward Consolidation* (Baltimore: Johns Hopkins University Press, 1999), p. 98.

<sup>58</sup> Ibid

<sup>59</sup> African Parliamentary Index (API) A Report for Seven African Countries, Canadian International Development Agency. <http://www.parlcent.org/en/WP-content/uploads/og/API-Af> last accessed on September 25,2014

by passed in the policy process, both by dominant executives and by bilateral and multilateral donors that deal with executive rather than legislative. Fourth, legislators often lack knowledge, experience, skills and resources. Fifth, voters as a result of social and cultural norms are often more concerned that their legislators provide them and their constituencies with school and hospital fees, roads and electricity, than that they legislate, oversee and represent their interests effectively in Parliament.<sup>60</sup>

Legislatures in parliamentary systems, therefore, usually rely on the executive to provide them with information, weakening their ability to criticize the actions of the government. Despite executive dominance in many countries, the relative balance of power between the legislative and executive branches in a country can be changed. If new legislatures are going to play a central role in a nation's governance, it is up to legislators themselves to build strong legislative institutions by asserting themselves in the regular law-making and oversight functions, or through specific structural changes via constitutional amendment, legislation or rules of procedures. The legislative-executive relation can be also expressed in terms of the membership in parliament and cabinet membership. Governmental systems also differ on the issue of simultaneous membership in both the cabinet and the legislature, although this difference is not strictly divided between presidential and parliamentary systems.

Therefore, the legislative-executive relation affects the legislative oversight. In parliamentary system of government, the executive organ is part and parcel of the legislature body. The chief executive (the head of government), is elected from among the member of the legislatures. The executive organ is not only chosen from the legislature but also primarily from the majority party in the parliament. This might hamper effective oversight as members of the legislature may be reluctant to call to account a government that is made up of leaders of their party. This is further exacerbated by the electoral system of proportional representation because members of parliament presently retain their seats through their membership of political parties. Members of the majority party in particular may be unwilling to subject the government to rigorous scrutiny for fear of being perceived as disloyal and even expulsion from the party and a consequent loss of their parliamentary positions.

Even, a considerable portion of the frontline members of legislative branch become members of cabinet and lead the executive branch. On the other hand, however, the executive's role in the

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<sup>60</sup> Supra note 54.p.10

formulation of bills that are passed into laws, and the articulation of governmental policies and objects often result into clash of constituencies between the legislature and the executive. To put in other words, additional institutional devices must therefore be put in place to keep a watchful eye over the executive and hold them accountable for sins of omission and commission. Moreover, the executive usually dominates the legislative outputs while the bureaucracy dominates the legislative inputs by playing a determining role in preparing legislative bills in a parliamentary form of government. This contention holds that the executive in fact is not in control of all vital areas of public administration and therefore legislators must intervene and step in where executives fear to tread.

## **2.6. Mechanism of Legislative Oversight**

There are various tools which can be used to effectively hold the executive accountable for their action or decision. The most common oversight tools are committee hearings, hearing in plenary sessions of the legislature, the creation of commissions of inquiry, questions, interpellations, the ombudsman, auditors general, and the public account committees.<sup>61</sup>

### **2.6.1. Questions**

As repeatedly stated in many part of the thesis, members of the executive branch are accountable collectively and individually to legislature for the exercise of their powers and the performance of their functions. The procedure of putting questions to the executive is one of the ways in which legislature holds the executive to account.<sup>62</sup> Questions can be put for oral or written reply to the chief executive, and the cabinet ministers on matters for which they are responsible. Question time affords members of parliament the opportunity to question members of the executive on service delivery, policy and other executive action on behalf of both their political parties and the electorate.<sup>63</sup> Now a days, when parliamentary time is devoted mainly to public business, questions are regarded as a means of eliciting information about the government's intentions, as well as the most effective way of airing, and possibly securing some redress of, grievances brought to the notice of members by their constituents.<sup>64</sup>

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<sup>61</sup> National Democratic Institute, "Strengthening Legislative Capacity in Legislative-Executive Relations", Legislative Research Series, Paper # 6, Washington, DC, 2000, pp. 19-32.

<sup>62</sup> Tools of parliamentary oversight: [statesources.worldbank.org/PSGLP/Resources/Tools for legislativeoversight](http://statesources.worldbank.org/PSGLP/Resources/Tools_for_legislativeoversight).

<sup>63</sup> Oversight and Accountability Model <http://www.un.org.disabilities/default.asp?>

<sup>64</sup> The British Parliament Great Britain Central Office of Information Reference Division, May 1971.P.29

A legislative question is, by definition, a request for information and asking for the clarifications. Regular questioning can be used by legislature to hold the government to account. In a parliamentary system, the government is obliged to provide an answer to any question forwarded by the legislature in the floor of the House. Answers to questions can be available not only to the person who provides such question but also to all parliamentarians in the chamber, most obviously in the case of oral questions for oral reply.<sup>65</sup> That is the reason why question is considered as the most effective and important mechanism of legislative oversight over the executive in helping the flow of information in the floor of the house as almost in many jurisdictions, the parliamentary proceeding is broad casted through the national media.

Moreover, through questions, legislatures can ask the government to clarify its stance on a particular issue or its political course more generally so that the legislature and the public in general can understand the overall agendas and activities of their government.<sup>66</sup>

In most jurisdictions, there are different types of parliamentary question.<sup>67</sup> Among others, there are oral question and question time. In case of oral question, each members of parliament have the chance to provide the questions. There is however the limit on the number of questions that may be asked by the legislature. The other types of Question is question time: this is the regular period in parliaments' agenda that is set aside for oral questions to the government and answers from the latter, allows both legislature and the public to obtain timely information.

Generally, parliamentary questions are among the most commonly used oversight tool. The purpose of these tools of parliamentary oversight intended to clarify or discuss government policies. For the proper and effective parliamentary oversight over executive, it is essential for legislature to be properly informed of the policies of the executive and its ministries.

### **2.6.2. Debates**

The debates are oral exchanges of opinions that are intended to facilitate the parliament's collective decision-making on certain issues. The decision is made after debating on the issues on the floor of the house. Debates can take place on special occasions such as opening speeches or at different stages of the examination of draft legislation. The debate is conducted in most

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<sup>65</sup> Michel rush Parliament Today Manchester University Press, Manchester and New York 2005P.211

<sup>66</sup> Colin Turpin, British Government and the Constitution, Text, Cases and Materials 4th ed. Butterworths,1999.p.444

<sup>67</sup> Ibid

cases, on the draft legislations. In addition, debates can address issues that are chosen by legislatures themselves, in most case or highlight the work of legislative committees.<sup>68</sup>

Generally, debates are about subjecting the government to public scrutiny, bringing matters in to the public domain, and providing the legislature and peers with opportunities to give voice to public opinion and the absence or curtailment of debate reduces legislative ability to fulfill one of its major functions. Moreover, the importance of the debate can be expressed in such a way that it prevents the government from being mute and compels them to explain and justify the government's position on a certain matters.

### **2.6.3. The Committees as a Means of Legislative Oversight**

The committees serve as a critical function in both the legislative process and legislative oversight of the executive.<sup>69</sup> Committees provide a forum in which current laws, proposed bills, and other important issues can be studied in detail by legislators. Such forums also supply opportunities for legislators to focus their attention on, and improve their understanding of, one set of complex issues, increasing their ability to participate meaningfully in the legislative process. A well developed committee system brings with it an additional resource of information for the legislature, like a competent committee staff. Permanent committees typically oversee portfolios that parallel executive agencies or ministries.<sup>70</sup> Sometimes they cover policy issues that span multiple agencies. Issue-based committees (or more narrowly focused subcommittees) can be effective forums for enhancing legislator's understanding of technical and complex issues. With the assistance of committee staff, members can become area specialists in their own right, and can be a trusted resource for their colleagues on policy specifics and nuances.<sup>71</sup>

Committee hearings often act as a primary avenue to inject public opinion into the legislative process, allowing various elements of society and government the opportunity to offer their opinions and expertise on proposed legislation. In Canada HoCC, oversight activities are largely undertaken through the committees. Each standing committee is mandated to study and report on all matters relating to responsibilities, management and operation of the department or

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<sup>68</sup> Asserting Parliament's Oversight Role in Enhancing Democracy: Oversight and Accountability Model. <http://www.un.org/disabilities/default.asp?> Last accessed on June 20,2014.

<sup>69</sup> NDI, Legislative Research Series, *Strengthening Legislative Capacity in Legislative-Executive Relations*.p.16

<sup>70</sup> Ibid

<sup>71</sup> Ibid

departments assigned to it, to consider and report on budgetary issues, on legislation and on such other matters referred to it by the house.<sup>72</sup>

Furthermore, the committees gather information through preparing forums, consult and visit political sites and take other measures for the matters under consideration. They hear witnesses and experts as necessary and listens the presentations in order to extract information and evidence through question and answer sessions. Then, the committees face the house through presenting the report about its finding with the possible recommendation to help the house to reach on decisions.<sup>73</sup>

Committees offer legislators powerful oversight tools. As one expert notes, committees “allows legislature to pursue a line of questioning with ministers in more detail than is possible during normal question time or during debates on the floor of the house.”<sup>74</sup> Committees may request written information from the relevant government and expert sources. In some countries, such as the United States, committees enjoy subpoena power to enforce such requests.<sup>75</sup> They may also offer a setting which facilitates detailed scrutiny of legislation, oversight of government activities and interactions with public and external factors. Consideration of the committees report is necessary because committees work as intermediary bodies between interest groups and government and are an entry point for citizens to the works of parliament.

To put in other words, oversight undertaken by committees is said to be important because of specialization that develops in it. This is to mean because of the experience that the member of the committees acquire through field visit or through any involvement, they become experts. To this juncture, there are different factors contributing to the conducive committee’s oversight role, among which include the legal authority to compel change, the structure, prestige and leadership of the committee, the resources such as staff of the committee, the committee relations with the executive and its officials as well as the programs and policies of the same and the roles of individuals on a committee.<sup>76</sup> This factor in one way or another reduces the incidence of legislative oversight through committees. Other factors for instance, modest staffing,

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<sup>72</sup> <http://www.oversightofcanadiangovernmentthroughcommitteestructure>.

<sup>73</sup> Ibid

<sup>74</sup> Shaw, “*Non-Ministerial Leadership in the British House of Commons*,” p. 506.

<sup>75</sup> Frederick M. Kaiser CRS Report for Congress Congressional Oversight July 2006. Order Code 97-936 GO

<sup>76</sup> Richardo Pelizzo, et al.(eds) *Parliamentary Oversight for Government Accountability*( World Bank Institute Washington D.C,2006,p.26-29

disinterested and disoriented chair person and other member of the committee, are among the factors that negatively affect the legislative oversight through committees established in parliament.

In addition, the work of committees include site visits that entails physical inspection, conversing with people, assessing the impact of delivery and developing report for adoption by committees which contain recommendations for the houses to consider. In exercising oversight, committees often obtain firsthand knowledge from people engaged in the direct implementation of specific programs and/or who are directly responsible for service delivery. In order to evaluate the work of government from a broader perspective, committees may invite experts from outside government to provide background knowledge and analysis on relative issues.<sup>77</sup> The committees facilitate oversight and the monitoring of the executive and for this purpose they are provided with procedural, administrative and logistic report, they are regarded as the engine rooms of legislature. Reports of legislative committees are the primary vehicles for formulating recommendations to the government legislative committees have various ways of oversight, including departmental briefing session, annual and departmental budget analysis, call for submission and petition from the public, the consideration of strategic plans and annual reports, and public hearings. Increasingly, attention is being focused on the roles of legislative committees, and notably their oversight role, whereas formerly discussion tended to focus on the legislative output of committees. While committee systems are found extensively across the legislature of the world, they are not all the same. Some parliaments have permanent committees which are involved in both law-making and oversight; others do not. The powers of legislative committees also differ. Some parliaments make more use of ad hoc committees of inquiry than others do. In many parliaments, permanent committees oversee the programs of the corresponding government departments. Committees of inquiry can be established to examine the positive and negative aspects of particular policies and to pursue the responsibility of the officials in charge.

Though legislative committee is considered as the most effective tools of legislative oversight, their effectiveness depends on different factors. Among such factors the most important one

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<sup>77</sup> Accountability and Audit Improving Accountability: Enhancing Public Confidence (CCAF-FCVI. INC. RESEARCH SERIES)-Parliamentary Oversight, Committees and Relationship, Review of Recent Developments in Parliamentary oversight in Britain, and Australia, with Special Reference to Public Accounts Committee /PAC"s/,August,2004.p.12

which in one way or another affects the legislative committees overseeing role are; the legal authority to compel change, the committee relations with the executive and its official as well as the programs and policies, the resources such as the staff of the committee, the roles of the individual in the committee, the party system and the composition of the committee, and the structure, prestige, and leadership of the committee.<sup>78</sup>

The above factors can determine the effectiveness of the legislative committee's role in legislative oversight. Most importantly, the tendencies of the committee to be influenced by the dominant party, especially the composition of the committee in parliament might undermine the quality of the committees role in oversight of the executives in parliamentary system of government where the body who over sighted (executive) is the sub part of the legislature, because of the nature of legislative-executive relationship.

#### **2.6.4. Criteria for Effective Legislative Oversight Committees**

A minimal checklist of elements needed for an effective legislative oversight committee includes:<sup>79</sup>

- ☞ **Independent/Bipartisan**- is the committee able to function independently of both the government and the agency it oversees?
- ☞ **Powers** - does it have the appropriate powers to call for and examine witnesses and papers?
- ☞ **Information** - does it have access to the information needed to render the agency accountable?
- ☞ **Resources** - are they commensurate with the functions the Committee is required to perform?
- ☞ **Implementation** - to what extent are its recommendations for reform acted upon by the government and/or the agency in question? Are governments required to at least respond to committee reports in a timely manner? Can a committee initiate follow up inquiries? A related issue concerns the influence parliamentary committees have on the structures and processes at work in the independent agencies they oversight.

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<sup>78</sup> Bert A. Rockman, Legislative-Executive Relations and Parliamentary Oversight, *Legislature Studies Quarterly*, Vol.9.No.3, 387-440 at 425-426.

<sup>79</sup> Parliament and Accountability: The Role of Parliamentary Oversight Committees

## 2.7. Party Discipline and Its Influence on the Legislative Role

In democratic governments, political parties and their parliamentary representation, often have a constitutional duty to monitor and actively criticize government behavior. As a result, depending up on the number of political parties; it is possible to identify different types of party system, whether “One-party”, “two-party”, “dominant-party” and “multiparty” systems.

- One-party system is a political system in which a single party enjoys the monopoly of power through the exclusion of all other parties (by constitutional means); Because monopolistic parties effectively function as permanent governments, with no mechanism through which they can be removed from power.<sup>80</sup>
- Two-party system is a duopolistic in which two “major” parties that which have a roughly equal prospect of winning government power.
- Dominant-party system is competitive in the sense that a number of parties compete for power in regular and popular elections, but is dominated by a single major party that consequently enjoys prolonged periods in power.
- Multi-party system is the other important type of party system. It is characterized by competition between more than two parties, thus reducing the chances of single-party government and increasing the likelihood of coalitions.<sup>81</sup>

The issue of party discipline and political parties are central to representative democracy and to the process of democratization. They connect society and the state, they aggregate and represent interests, they recruit political leaders, they disseminate political information, they socialize citizens into democratic politics and they manage conflicts of interest and, very importantly in societies that have recently experienced violent conflict, they can offer a forum for social and political integration, and they are used as a tool for nation-building. Therefore democracy in the modern world is inconceivable without healthy parties and an effective party discipline.<sup>82</sup>

Hence, the political parties and particularly opposition parties are indispensable in all democratic societies. After a democratic transition, the opposition can help consolidate and deepen

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<sup>80</sup> M. A. Mohamed Salih and Per Nordlund, Political Parties in Africa Challenges for Multi-Party Democracy African Regional Report Based on Research and Dialogue with Political Parties. International Institute for Democracy and Electoral Assistance 2007, Sweden .p.43

<sup>81</sup> Ibid

<sup>82</sup> Peter Burnell Building Better Democracies Why political Parties Matter? Western Foundation for Democracy 2004.p.11

democracy.<sup>83</sup> Party dominance is rather more likely to close down opposition and, in effect, transform democracy into elective dictatorship and in other way round the existence of an effective opposition can reveal modern democracy. In short the complex relationships between political parties will do much to determine the quality, and indeed the stability, of the political order.<sup>84</sup> Thus both the balance of political forces and the respective party strategies will be critical in shaping political developments.<sup>85</sup>

To put in general terms, dominant parties dominate the legislature and could monopolize the lawmaking process to promote the predominant party's economic and social interests; governments formed under the system are less accountable to the legislature, which they dominate, and the opposition, which is too small to be effective; and they encourage government to develop the arrogance of power and become irresponsible to citizen demands. On the other hand, the strength of multiparty systems is that they create internal check and balances within government and exhibit a bias in favor of debate, conciliation and compromise. Therefore, viable political parties and effective party systems are fundamental to building democracy.<sup>86</sup>

## **2.8. The Opposition Party and their Legislative Oversight Role**

In parliamentary democracy, decisions are taken by the majority, and a parliamentary system of government is characterized by the fact that the government will usually have the support of the majority. The opposition is usually in minority, and the minority as a general rule does not have the competence to adopt decisions for the main reason that they are minors in terms of number and does not govern as they constitute small number of parliamentary seats. However, they have a great role in the process of legislative oversight. Hence in a parliamentary democracy the opposition's major functions are: to offer political alternatives, to articulate and promote the interests of their voters (constituents), to offer alternatives to the decisions proposed by the government and the majority representatives, to improve legislative decision-making procedures by ensuring debate, reflection and contradiction, to scrutinize the legislative and budgetary

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<sup>83</sup> *Oppositions in New South African Democracy*

<sup>84</sup> J. Arthur, *Democracy: Theory and Practice*, (Andover, Hants: International Thomson Publishing Ltd. 1991).

<sup>85</sup> *Ibid*

<sup>86</sup> Peter Burnell *Building Better Democracies, Why Political Parties Matter*. Western Foundation for Democracy 2004.p.9

proposals of the government, to supervise and oversee the government and the administration, to enhance stability, legitimacy, accountability and transparency in the political processes.<sup>87</sup>

The functions listed above are supplementary and to some extent interrelated. Some opposition parties may choose to present alternative proposals to those of the government, while others choose to support it. Some conduct strict scrutiny of government actions, while others do not. Whether or not an opposition party may realistically aspire to government power after the next election will impact the way in which it perceives and fulfils its opposition role. While a large and well-established opposition party may typically concentrate on formulating an alternative policy for governing the country after the next election, many small opposition parties often define their legislative role quite differently, as watchdogs, emphasizing supervision and scrutiny. Legislatures are act as supervisory body and, even where they lack the legal power to prevent certain executive measures from taking effect, or where there is an overwhelming government majority, they can still be the source of initiatives, raise issues for debate and call the government to account for its policies.<sup>88</sup> Nevertheless, it is quite reasonable to assume that the oppositions in the Legislative branch have a crucial role in overseeing the executive branch.

Moreover, by overseeing and criticizing the action of the government, it works to ensure transparency, integrity and efficiency in the conduct of public affairs and to prevent abuses by the authorities and individuals, thereby ensuring the defense of the public interest.<sup>89</sup> Indeed, the opposition contributes to the promotion and defense of human rights and fundamental freedoms, thus helping to ensure that democracy functions properly. Without opposition parties, uncensored public criticism and the threat of being thrown out of office, rulers can act with impunity. It is, of course, the right of a democratically elected government to govern but it is also the duty of that government to do so in a manner that contributes to the consolidation of democracy.

For the effective roles of the opposition member of councilor, the member of oppositions in a parliament should enjoy the same right as the member of the majority enjoyed. As a result,

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<sup>87</sup> The Role the Opposition in Parliament [www.lawyersjurists.com/.../articles-and-assignment](http://www.lawyersjurists.com/.../articles-and-assignment) last accessed on September 2014

<sup>88</sup> Sara Whitmore State Building in Ukraine, the Ukraine Parliament 1990-2003, Taylor & Francis e-Library, 2005.p,16

<sup>89</sup> Rights and Duties of the Opposition in the Parliament <http://assembly.coe.int/Documents/workindocs/Doc08/EDOC11465.pdf> last accessed on September 5,2014

respect for freedom of expression and information is essential to legislature and particularly those who belong to the opposition to permit them to carry out their legislative duties. Representatives of the opposition must be able to denounce freely in Parliament and before public opinion the abuses which they have noticed or which have been brought to their attention by their constituents, and to act with a view to their remedy.<sup>90</sup> The opposition must also enjoy fair access, on equal terms with the majority, to state media in order to disseminate its views, criticize the government's action and propose alternatives to the government's solutions.<sup>91</sup> On the other hand, the opposition party members in legislative represent at least the interests of the people who elect them. Therefore, they have the same rights and privileges with the member of the major political party. The only difference is the minority and majority difference in terms of the number of seats in the council.

Therefore, the opposition in legislatures should not be considered as if they are in the parliament to only criticize the government, even though it is the main role of the oppositions in the parliament. In other words, genuine political opposition is a necessary attribute of democracy, tolerance, and trust in the ability of citizens to resolve differences by peaceful means. Therefore, governing parties need to recognize that an effective and responsible opposition is essential for the success of parliamentary democracy. The government must, therefore, provide the necessary resources, parliamentary time, and information, fair access to the media and opportunities for scrutiny if the opposition is to be able to discharge its duties. Undoubtedly, there is an equal responsibility on government and opposition parties to promote participatory democracy.<sup>92</sup> It is also essential that there is a shared commitment to the essentials of parliamentary democracy and to making legislative work properly. There also needs to be an agreement on "how the game is played" and the development of informal channels of communication between government and opposition so that both can keep in touch, however heated the political debate.<sup>93</sup>

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<sup>90</sup> Ibid

<sup>91</sup> IPU provide the guidelines for the rights and duties of the oppositions in parliament especially based on the consideration of UDHR, ICCPR, DCFE, and UDD.

<sup>92</sup> Kamal Siddiqui Local Government in Bangladesh, the University press Ltd 1995.p.1

<sup>93</sup> IPU's guideline for the roles and responsibilities oppositions in parliament.

## **2.9. General Factors Influencing How Legislatures Carry Out their Functions**

John K. Johnson has identified the impact of four factors that influence the legislatures function: These are; the type of political system, the legislature's formal power, political will and political space, and technical capacity of the legislature.

### **a. The Type of Political System**

In parliamentary systems, the parliamentary majority party or coalition selects the chief executive from among its members. Cabinet members are also named from the parliamentary majority. This unity between the legislature and executive is a disincentive for the legislature to develop a strong committee system or deep policy expertise, which could be used to challenge the executive. A loss of support or vote of no confidence in the government results in both the government and parliament leaving office. Not surprisingly, committees in parliamentary systems tend not to have large professional staffs, and policy-decisions will generally be made within the ruling party or coalition and through government ministries. Overt executive - legislative conflict is not common in parliamentary systems, nor is the legislature likely to exercise aggressive oversight.<sup>94</sup>

On the other hand; in presidential systems, by contrast, the president and legislature are elected separately, from different constituencies and often for different terms. The president selects the cabinet from outside parliament. Term lengths for presidents and parliaments are fixed and the fates of the legislature and president are not intertwined as they are in parliamentary systems. With the government thus divided, parliament has incentives to develop strong, effective committees and to play a competitive lawmaking role. However, these incentives do not mean that the legislature will necessarily become a powerful, independent institution. Lack of political will to develop a strong legislature, poor infrastructure, strong political party control from outside the legislature, a tradition of acquiescence to a strong executive - these all reduce the likelihood that the legislature will become a strong and independent institution.

Therefore; the degree of separation or unity between the legislative and executive branches in presidential and parliamentary democracy is the major factor in determining legislative strength and independence. Specifically, the cleaner separation between executive and legislative powers

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<sup>94</sup> John K. Johnson (200),The role of parliament in government no. 37251.

in presidential systems encourages presidential legislatures to play more independent lawmaking and oversight roles than their parliamentary counterparts.<sup>95</sup>

#### **b. Formal Legislative Power**

A legislature's formal powers, usually defined in its constitution and standing orders (or rules of procedure), are another factor help determine its independence and power. Some parliaments enjoy broad formal powers, allowing members and committees to introduce legislation (even legislation with significant financial impact), to dramatically rework executive taxing and spending plans, and requiring the executive to obtain legislative approval to borrow money. Formal powers in other legislatures are more circumscribed. For reasons we have noted above, legislatures in presidential systems tend to possess greater formal powers than do legislatures in parliamentary systems. But parliamentary systems have oversight mechanisms not common to presidential systems, specifically, question periods for ministers and public accounts committees which routinely examine how governments use their funds. Many parliaments used those powers to conduct oversight more thoroughly than their presidential counterparts.<sup>96</sup>

#### **c. Political Will and Political Space**

Possessing formal powers does not mean that legislatures will use them. In fact, constitutions and standing orders generally grant parliaments more power than they ever use effectively. Two factors which impact on how legislatures use their powers are political will and political space. Political will is the strength of the desire of parliamentary leaders and influential members to exercise or expand the powers of parliament. Power gained in one place is generally lost in another, and because of this, MPs leading efforts to expand the role of parliament may pay political costs inflicted by those who fear losing their power.

Political space refers to the willingness of others in the political environment to cede or to share political power with parliaments. Authoritarian political systems grant legislatures little political space, while more pluralistic, competitive systems permit more. In parliaments where the party discipline is strong, much of the use of the available political space, and any attempts to expand the political space, is largely determined by the political party's disposition.<sup>97</sup>

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<sup>95</sup> Ibid

<sup>96</sup> Ibid

<sup>97</sup> The International Bank for Reconstruction and Development/The World Bank, 1818 H Street, N.W., Washington, D.C. 20433, U.S.A.

#### **d. The Legislature Technical Capacity**

Finally, a legislature's ability to exercise its representation, lawmaking and oversight functions effectively rests to some degree on its managerial and technical capacity. Listening to citizens and processing their input, seeking and considering expert advice on budgets and policies, drafting technically sound amendments and legislation that accomplishes the desires of their sponsors, requires effective systems and experts to staffing and manage those systems. Most parliamentary strengthening efforts being made today focus on building legislative capacity - strengthening management, infrastructure, and staffing. Those involved in strengthening their parliaments know that the process puts their institution under tremendous stress. More assertive parliaments need more expert staff to meet their greater information needs, and faster, more effective, and better-coordinated administrative systems.

The need for rapid reform is especially challenging for traditional, hierarchal legislatures that rely on long-established traditions and procedures to guide them in what was formerly a methodical and moderate workflow. Legislatures expanding their roles struggle with increased workloads, growing demands by MPs, and new kinds of requests, even as they are attempting to restructure the institution.<sup>98</sup>

Generally to put in other word, there are various challenges that hindering effective legislative oversight of the executive in many countries, as stated above these challenges can be explained on the basis of authority, ability and attitude of legislative body regarding its oversight functions. Accordingly, authority represents lack of constitutional provisions for legislative control. Beyond formal constitutional provisions, the degree and effective legislative oversight may be affected by the capacity of the legislature to hold the executive organ accountable. Also significantly, the capacity of legislature to oversee the executives is handicapped by the tendency of the incumbent executive branch of government to marginalize the legislature.<sup>99</sup>

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<sup>98</sup> Ibid

<sup>99</sup> Gareth Griffith: Parliament and Accountability, the Role of Parliamentary Oversight Committees. Brief paper No. 12/05.p.17

## CHAPTER THREE

### 3. LEGISLATIVE POWER UNDER THE FDRE CONSTITUTION AND OROMIA NATIONAL REGIONAL STATE CONSTITUTION.

#### 3.1. Legislative Power under Ethiopian Constitution

Since 1995, Ethiopia has adopted an ethno-linguistic based federal system of government and a new constitution; and has established nine ethnic based regional states to accommodate ethnically diverse society of the country.<sup>100</sup> Under article 50(2) of the same constitution, it provides that the federal government and the states shall have legislative, executive and judicial powers.

The federal government has two federal houses; the House of Peoples Representatives (HoPR) and the House of Federation (HoF).<sup>101</sup> The supreme power of the federal government is instilled in the house of people's representatives, that which allows the legislature to exercise oversight and control over the executive.<sup>102</sup>

The HoF, the upper house of the federal government, which is composed the representatives of the ethnic communities of the country, deals with non-legislative matters pertaining to, self-determination of ethnic communities, inter-state disputes, division of revenue, and resolution of disputes involving the interpretation of the federal constitution.<sup>103</sup>

Similarly, a state government is established in each of the nine regional states. All of the regional states have a legislative house called a state/regional council which has the power to adopt a state constitution and enact proclamations on state matters.<sup>104</sup> Moreover, each regional state has also an executive council which is headed by a regional chief administrator or president.<sup>105</sup>

#### 3.1.1. The Law Making Power of the HoPR under FDRE Constitution

One of the main functions of the HoPR is law making. The constitution of FDRE, Article 55 (1) provides that the legislative power resides on the house of people's representatives. Furthermore, regulation No.3/2006, under its article 4, is also the article which provides for the general function of the house of peoples representatives. Hence, the ultimate law making power resides

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<sup>100</sup> The FDRE Constitution Art.1 and Article,52.

<sup>101</sup> See *FDRE*. Const. Art. 53

<sup>102</sup> *Ibid* art. 50 (3).

<sup>103</sup> FDRE constitution Article 62

<sup>104</sup> FDRE Constitution Art 50 (3) & 52 (2).

<sup>105</sup> FDRE Constitution Art.50 (6).

in the house of people's representatives and it shall have the power of legislation in all matters assigned by the constitution to federal jurisdiction,<sup>106</sup> and also at the state level the state council has the ultimate power of law making.<sup>107</sup>

### **3.1.2. The Legislative Oversight Power of HoPR**

While constitution varies from one country to another, according to the country's political, culture, economic and social background, the country's constitution stipulates that the executive body is responsible to the legislative body or parliament. It is therefore important to inscribe legislative powers regarding to the oversight function of the councilor over the executive actions. Therefore, the constitution represents an effective way of protecting the power of the legislature in that sensitive field. Such power however may be extended or reinforced by specific legislations and through the rules of parliamentary rules of procedures. Similarly, the Ethiopian constitution lay down as one of its fundamental principles the transparency of conduct and accountability of government. The constitution provides the general importance of the principle that the conduct of affairs of government shall be transparent, and it goes beyond to specify that any public official or an elected representative is accountable for any failure in official duties.<sup>108</sup> For this purpose, the constitution provides the most important legal basis for the legislative oversight of the executives. The powers and functions of the HoPR are provided under Article 55 of the constitution.<sup>109</sup>

As per the constitution, the HoPR shall ratify agreements concluded by the executive body.<sup>110</sup> Consequently, the executive cannot make any agreements, or the agreement that the executive organs of the government enters with another body do not have any effect unless ratified by the house. Furthermore, the house has the power to establish the federal auditor general and control offices. This is, to discharge its financial scrutiny. Most importantly, the HoPR has the power to call for question and request the executive and other state officials and investigate the executive's conduct and discharge of its responsibilities.<sup>111</sup> Moreover, the constitution empowers the house to take the necessary measures against those officials failing to discharge their duties

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<sup>106</sup> FDRE Constitution Article 55(1)

<sup>107</sup> Ibid article 50(3)

<sup>108</sup> The FDRE Constitution Article 12(1&2)

<sup>109</sup> See Generally Article 55 of FDRE constitution.

<sup>110</sup> Ibid Article 55(12)

<sup>111</sup> Ibid 55(17)

though the constitution fails to enumerate what kinds of measures that the house may take.<sup>112</sup> Therefore, the house has the power to conduct effective oversight over the executive action. As far as the accountability of the executive is concerned, even the chief executive and the executive council in general are accountable to the house of people's representatives.

In general, the house is vested with the power to conduct supervision and follow up around the matters articulated below:

- The implementation and the direction of the national polices, strategies, plans, laws and operations towards advancing the country's development,
- The observation of the fundamental rights and freedoms of citizens, and
- The proper implementation of the budget and resources of the federal government.<sup>113</sup>

Therefore, the purpose of overseeing the executive's actions and activities are to ensure the public officials act within the limit of their power and for the proper allocation and utilization of the limited resources, to combat corruption, and to ensure the rights of the citizens are maintained.<sup>114</sup>

### **3.1.3. The Tools of Legislative Oversight Available to the HoPR**

The supervision and follow up power is one of the core mandates of the HoPR and it should be conducted through formal working procedures. Hence, the house has issued the supervision and follow-up Procedure directive No. 13/2008. Thus, the directive sets out the mechanisms of controlling and conducting supervision and follows up. The major mechanisms of overseeing that the house uses to discharge this constitutional mandate are:

- Periodical report,
- Scrutiny committee,
- The debate and
- Question time; are among the others.<sup>115</sup>

The other available tools for the Ethiopian legislature to conduct legislative oversight is through organizing workshops and forums for discussions and experiences sharing also serves as it will pave the way for the establishment of an intimate kind of relationship between the pertinent

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<sup>112</sup> Ibid Article 55(17&18)

<sup>113</sup> Article74,of the Regulation No.3/2006, the regulation of working procedures and the member's code of conduct.

<sup>114</sup> IbidArticle73

<sup>115</sup> Proclamation No. 470/2005 Art.22 (2,c)

standing committee and concerned administrative institutions of the executive. This, in turn, helps the legislature to have a clear picture of the nature and the activities being undertaken within the executive office. Moreover, it will create opportunities for the members of the standing committees to ask questions for clarifications with regard to certain activities of the executives. Hence, this could also be taken, in the opinion of the writer, as one of the mechanisms of the way of conducting oversight role of the legislature.

Another way of conducting task of legislative oversight is, by using the question and answering periods in the house. As enshrined in Article 55 (17) and (18) of the constitution, the house has the power to call and to question federal officials and to oversee the executive as well as it has the power to discuss on any matter pertaining to the power of the executive and to take decisions or measures it deems necessary.

### **3.2. The Regional States: their Legislative Power under FDRE Constitution**

The FDRE constitution provides that the regional states shall have legislative, executive and judicial powers over matters falling under their jurisdiction. Within their legislative mandate, the regional states have the power to enact and execute state constitutions.<sup>116</sup> Therefore, according to Article 50 (3) of the same constitution the regional states are empowered to establish a legislative institution called the state council which is composed of representatives accountable to the people of the state and it represents the highest level of state authority. Hence the constitution granted regional states self-rule within their own defined territory and empowered them to participate effectively in the affairs of the central government through their representatives who are elected periodically. Moreover, regional states are given power and authority including the right to enact regional constitutions, establish elected regional councils, use their own national languages in schools and work places etc. They are also empowered to prepare their own socio-economic development plans, mobilize resources for local and regional development, and prepare and implement the regional budget.<sup>117</sup> In many contexts all regional state constitutions fundamentally resemble the federal constitution.<sup>118</sup>

The constitution also defined the respective functions of the federal and regional governments. Accordingly, except for activities related to national defense, foreign policy and macroeconomic

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<sup>116</sup> FDRE Constitution, Article 50 (5)

<sup>117</sup> Federal democratic Republic of Ethiopia, Constitution 1995, article 50(3).

<sup>118</sup> Solomon Nigussie, fiscal federalism in the Ethiopian ethnic based federal system, (2008)

matters and monetary policy, regional states are empowered to decide and undertake economic, social and development plans as well as maintenance of law and order within their respective jurisdictions.<sup>119</sup>

### **3.3. The Local/Woreda Level Government Under FDRE Constitution**

There are four levels of government in the Ethiopian Federal structure: the federal, regional, woreda and kebele levels of government. The functions assigned to the Federal Government are national in scope: monetary policy, foreign relations and defense. While regions are responsible for drawing and implementing budgets, providing public services such as primary and secondary education and health, carrying out socio-economic and infrastructure development at regional and local levels.<sup>120</sup>

The 1995 federal constitution article 50(4) provided legal bases for woreda administration as important local government unit. The constitution also required regional states to grant adequate power to the lowest units of government so that the latter serve as democratic organs of the government. This was aimed through empowerment of the communities at grass root level and by creating close interaction between the local administrative units and the people through direct participation of people in the administrative affairs of local governments. Empowerment at the grassroots is seen as a key to the improvement of service delivery. Hence within the framework of current state structure, woredas and kebeles are constitutionally recognized as lower tiers of local government. By law, these two levels of government have elected councils and executive committees that are responsible for local governance, provision of public services and socio economic development<sup>121</sup>.

Devolution of power to the lower units of government (woreda) is a recent phenomenon in Ethiopian context: Consequently, during the period between 1991-2001, woredas could not exercise sufficient local autonomy and the performance of the woredas as an effective unit of government has been constrained by a number of inter-related factors. These include a number of factors such as tight control of woreda administrations and constant interference by zonal authorities, limited institutional and management capacity of woreda councils, inadequate administrative and personnel capacity, poor revenue base to carry out socioeconomic functions,

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<sup>119</sup> FDRE constitution, Article 52(2(a-g))

<sup>120</sup> Meheret Ayenew (2007).A Rapid Assessment of Woreda Decentralization in Ethiopia‘.

<sup>121</sup> Ibid

and a high degree of dependence on regional states for financial allocation as well as limited space for political competition and participation of civil society at the woreda level.<sup>122</sup> While regions are endowed with substantial amount of resources to match at least part of the devolved responsibilities, the process of devolution at woreda level did not make much progress prior to 2001. This necessitated changes through devolution of power in financial and human resources that took place since 2001. With this change, woredas are considered as the basic unit and important lower level local institution and centers of development because of their key role in prioritizing the provision of public services at the local level. They are also considered as a strategic unit of government for the implementation of the country's development strategies such as rural development, expansion of educational and health services, and sustainable development and poverty reduction.

### **3.4. The Oromia Regional State Constitution and the Legislative Room**

Oromia national regional state is one of the nine members of states of the Federal Democratic Republic of Ethiopia recognized by the constitution.<sup>123</sup> Based on current border delineation, the land of Oromia is estimated at 363,136Km<sup>2</sup> and it occupies about 34.3 percent of the country's total physical area.<sup>124</sup> It is the largest state of Ethiopia with total border length of about 5,700Km sharing border with all regions except Tigray.<sup>125</sup> Furthermore, Oromia shares common borders with Kenya and Sudan in the South and West respectively. Oromia is also the most populous state of Ethiopia with 36.7 percent of the total population of the country.<sup>126</sup>

Based on Art.50 (5) and 52(2) (b) of FDRE Constitution the Oromia national regional state has adopted its constitution. Hence, Oromia as a regional state, after a right granted to it by the Constitution to set up its own government, has passed two constitutions. These are the 1995 Constitution, which is enacted for the first time and the 2001 Revised Constitution. Let's see the latter one. It has come into effect on 27th October, 2001 after 'Caffee' adopted at its extraordinary meeting, Proc. No. 46/2001. It is a clear document with a total of 113 articles. This

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<sup>122</sup> Meheret Ayenew, (1998), *Some Preliminary Observations on Institutional and Administrative Gaps in Ethiopia's decentralization Processes*,

<sup>123</sup> See Article 47(1(no.4)) of the FDRE Constitution.

<sup>124</sup> Nasise Challi, *Oromia Today: A pocket Guide* (2nd Edition, Addis Ababa, Oromia President Office, 2008), p. 1.

<sup>125</sup> Ibid

<sup>126</sup> The Federal Democratic Republic, Population Census Commission (Summary and Statistical Report of the Population and Housing Census, 2008).

proclamation is issued for the enforcement of the constitution indicated as there was disagreement in the previous constitution. It further pointed the ensuring of separation of power between state organs and specifying their accountability thereon necessitated revision. Accordingly, the Revised Constitution of Oromia provides different nomenclatures for the legislative and executive organs of the state. Accordingly, the legislature is called the '*Caffee Oromia*' while the executive is termed as '*Administrative Council*'. The legislative power in the region is vested in the '*Caffee*' as per Art. 46(2) of the constitution; the '*Caffee*' is the supreme organ of the Regional State.<sup>127</sup>

Therefore, regarding to the power of legislature, according to article 49 of the Oromia National Regional State constitution, *caffee*/ the Assembly has the mandate to enact laws, to provide oversight of the activities of regional executive, and judicial organs, summons the officials for formal questioning, appoint and improve the appointment of bureau heads, establish standing committee and other committees, provide support towards strengthening the capacity of woreda, town and kebele councils.

In general the council has different committee's as major tool in disposing its overall legislative functions. This committee's are: Administrative and Legal committee, Rural Development committee, Industry and Urban Development committee, Budget and Finance committee, Social Affairs committee, Women and Children committee, Capacity Building and State Expenditures Control committee.

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<sup>127</sup> See Oromia State Constitution, Article 46.

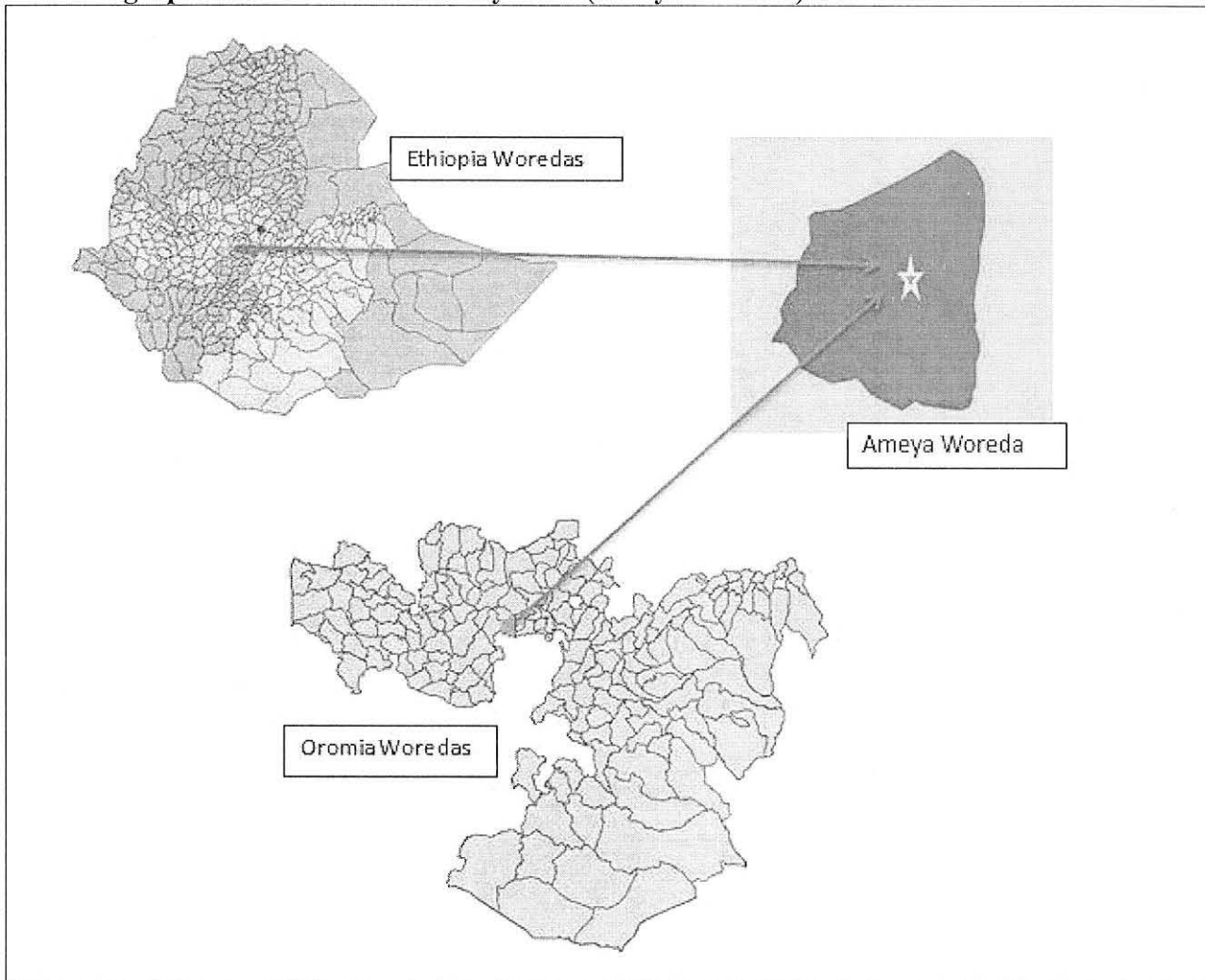
## CHAPTER FOUR

### DATA PRESENTATION, DISCUSSION AND ANALYSIS

#### 4.1. Introduction

In this chapter it is attempted to give a general qualitative description about the general legislative functions in the woreda Council, in particular the oversight function of the study woreda. This will be made by looking at the socio-economic profile and analysis of some basic preliminary performance indications of the role and practice of woreda council in the study woreda such as, powers and functions of woreda council, assessment of the practical reality of wareda legislative functions and factors affecting the effectiveness of legislative oversight at woreda level.

#### 4.2. Geographic Location of the Study Area (Ameya Woreda)



**Figure-1:-** Relative location of Ameya Woreda (*produced with ArcGIS*)

### 4.3. Socio Economic Profile of Ameya Woreda

Ameya woreda is one of the 11 woredas of South West Shoa Zone of the Oromia National Regional State which covers the total area of 93,278.5 hectares. The woreda capital Gindo town is 30 km away from the zonal capital Woliso town, and 144 km from Addis Ababa. Ameya woreda is composed of 36 Kebeles or “*Gandas*” acting as rural administrative units and 3 kebeles as urban administrative units, a total of 39 administrative sub-divisions.

The woreda is bordered by Tikur Inchini woreda of West Shoa Zone in the North and Wonchi woreda in the North East, Woliso woreda in the East and Goro woreda in the south east, Abeshge woreda of SNNP region in the south and Nonno woreda of West Shoa Zone in the West.<sup>128</sup>

#### A. Population

Many ethnic groups live together in Ameya woreda. These include Oromo, Amhara, Tigre, Guraggie and others living in the woreda; of which the Oromos account more than 90 % of the total residents. The woreda has a total population of **145,015**, from this **73,415** are males and **71,600** are females.<sup>129</sup>

#### B. Climate

Based on an altitude of the woreda climatically it is categorized in Dega (cold weather condition) type which is estimated to be 22% and Woina-Dega (moderate weather condition) type which is estimated to be 78%. The woreda has annual rainfall that ranges from 900mm – 1400mm which varies with seasons. The average monthly temperature is 20 °C and it varies between 16 °C in July to 24 °C in March.<sup>130</sup>

#### C. Economy

The main economic base and activities are crop production and animal production from the highly productive kebeles of the woreda. Teff, Maize, Wheat, Barley and Sorghum are the main crops which are highly produced in the Ameya woreda.<sup>131</sup>

#### D. Social Services

- **Health:** Government health institutions available in Ameya woreda in the year 1991 up to 2006 E.C there are 36 health posts, 7 health centers and one hospital is under construction.

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<sup>128</sup> Ameya Woreda Office Finance and Economic Development, 2011.

<sup>129</sup> Ameya Woreda Labour and Social Affairs office: 2014.

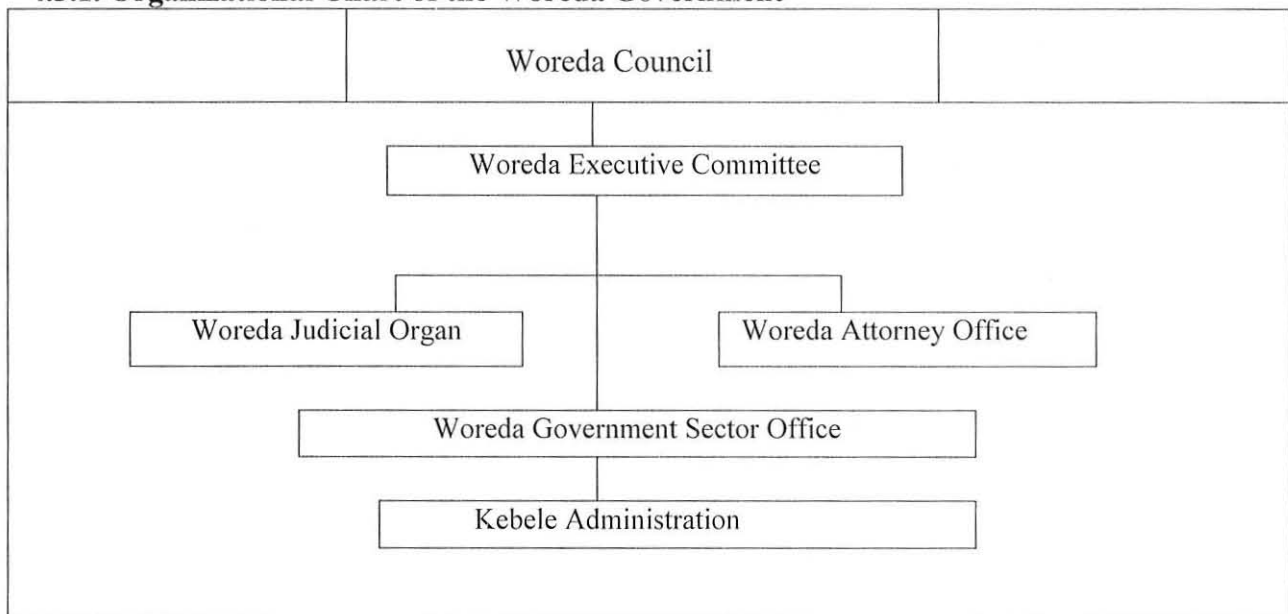
<sup>130</sup> Ameya Woreda Agricultural and rural development office, 2015

<sup>131</sup> Ibid

The number of health professionals found in the above mentioned health institutions are 5 Health officer, 55 nurse, 2 pharmacist, 1 lab technician.

- **Education:** In Ameya woreda there are 10 schools of grade 1-4, 38 schools of grade 1-8, 3 high schools and 1 preparatory school till the year 2014. All the schools are owned and run by the government budget.<sup>132</sup>
- **Communication and Electric Power:** The woreda has one digital type telecommunication service and one postal agent service. Regarding electricity, the woreda gets the electric power supply from substation found in Weliso at a distance of 30km.
- **Road and transportation:** At present there is main road that crosses the woreda and other internal arterial roads with different length and gravel in type which connects the woreda town with kebeles and kebele with Kebele, although they are not of required standards. The woreda also has one bus station at the center of the town and there is no fuel stations facilitate the transportation system.
- **Banking Service:** there are different micro finance institutions found in the woreda and two years ago the woreda got the chance of the provision of the commercial banking service.

#### 4.3.1. Organizational Chart of the Woreda Government



**Source:** Ameya Woreda Administration Office: 2015

<sup>132</sup> Ameya Woreda Education office 2007 E.C.

#### 4.4. Characteristics of the Respondents

As discussed in page 7 and 8 of this paper, the researcher used different methods to assess the legislative responsibility of the woreda legislative organ and ways of exercising it. These methods are interview question and focus group discussion with the concerned standing committees of the woreda council. The respondents were clustered under three categories: - The Ameya woreda peoples representatives, six selected sectors of Ameya woreda and woreda council standing committees. The selection of the sectors is based on the intensity of their direct and indirect integration with the woreda council on different issues.

The next step was determination of the number of respondents from each sector office and woreda people's representatives. Accordingly, total sample sizes of 43 respondents were considered for the study. The whole interview questions were responded by the respondents and the necessary data was collected. In general the characteristics and the distribution of the respondents are shown in the following table:

Table: 2- A. Respondents from the Woreda Selected Sectors

Name Of The Selected Sector	Position of the Respondents		Service Year		Level of Education			Sex	
	Experts	Head Office	1-4	5-15	Dip.	BA/BSC	MA/MSC	M	F
Office of Woreda Council	2	2	0	4	1	3	0	4	0
Agricultural Office	2	1	0	3	0	3	0	3	0
Woreda Revenue Authority	2	1	0	3	0	3	0	2	1
Animal Agency office	2	1	0	3	0	3	0	3	0
Woreda Irrigation Authority Office	3	0	0	3	0	3	0	3	0
Woreda Oducation Office	2	1	0	3	0	3	0	3	0
<b>Total</b>	<b>13</b>	<b>6</b>	<b>0</b>	<b>19</b>	<b>1</b>	<b>18</b>	<b>0</b>	<b>18</b>	<b>1</b>

**Table:3-B. Respondents Selected From Woreda Peoples Representatives and Standing Committees.**

Selected Respondents	Service year as Peoples representative		Level of Education				Sex	
	1-3	4-10	5-10	Certifi.	Dip.	BA/BSC	M	F
Woreda Peoples Representatives	4	11	2	3	4	6	12	3
Standing Committee of the Woreda Council	0	10	0	0	3	7	8	2
<b>Total</b>	<b>4</b>	<b>21</b>	<b>2</b>	<b>3</b>	<b>7</b>	<b>13</b>	<b>20</b>	<b>5</b>

**Source:** *Constructed by the researcher: 2015*

As indicated, in the above table A&B the large numbers of the respondents are interviewed from the woreda Council people's representatives and selected sector offices which have experience of more than five years. Hence, this can help in getting more accurate data on the practice of woreda legislative functions and responsibilities.

#### **4.5. Data Presentation and Analysis**

In the next sub-section the researcher attempts to present the results of the assessment of the role and the practice of legislative oversight at woreda level. The data presentation and analysis of this chapter is based on the response from interviews and focus group discussions with standing committees of the woreda, elected representatives and assigned officials at woreda levels and also employees of selected sectors. Besides, review of performance reports of the woreda council as well as the observation of the researcher has been used to triangulate and consolidate the results. Almost all of the analysis depends on qualitative description method.

##### **4.5.1. The Constitutional Powers and Functions of Woreda Level Government**

The legal basis of the structures and powers of the woreda is laid down under chapter nine of the 2001 revised constitution of the Oromia national regional state. In this regard, the Ethiopian legislative provision of powers and responsibilities to regions is given in article 52 of 1995 FDRE constitution. Under this provision, the constitution does not articulate about the woreda administration structure and its power. However, article 50(4) of the constitution in reference to the organizational structure; gives the regional state the power to establish the local government and other necessary administrative levels. Moreover it point out, adequate power shall be granted

to the lowest unit of government to enable them participate directly in administration of such units.<sup>133</sup>

Based on the above legal frame works, the Oromia national regional state revised constitution of 2001 established woreda administrations with necessary legal, institutional and financial powers. This was aimed at making the woredas effective and efficient institutions of local government for democratic governance and economic development. With regard to the legislative organ at woreda level, the constitution provides for direct election of woreda council from local people. Hence, the constitution recognizes the woreda institutions as the basic tiers of government which are closer to the local people.

The general organizational structure, power, duties and responsibilities of each organ of woreda government is articulated and defined under article 76-89 of the 2001 revised constitution of Oromia National Regional State.<sup>134</sup>

Accordingly, the woredas in the region are empowered to undertake the following duties and responsibilities, among others:

- Preparation and approval of annual woreda development plans and budgets,
- Collecting local taxes and levies, administering fiscal resources available to the woreda,
- Constructing and monitoring low-grade rural tracks, water points and woreda level infrastructure (offices, houses), managing agricultural development activities and protecting natural resources from irrational use and depletion, and
- Administering primary schools and health institutions.

Therefore, constitutionally the woreda enjoys substantial authority of decision-making on social and economic development plans, local revenue generation and expenditure. To put in other words, just like federal and regional governments there is also the tripartite structure of all governmental organs at woreda level. According to article 76 of Oromia national regional state constitution; woreda council, woreda administrative council and woreda judicial organ are replicated at the woreda level. As a result, since the woreda council is a people's representative organ within its jurisdiction, it is expected to play the role of legislative organ in supervising the overall activities of woreda executive institution to ensure their accountability for the woreda people.

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<sup>133</sup> ONRS revised constitution 2001 and FDRE 1995 constitution

<sup>134</sup> Generally refer the revised constitution of 2001 ONRS constitution article. 76-89

#### 4.5.2. The Constitutional Powers and Functions of the Woreda Council

The woreda council is the highest body of the woreda government within the woreda of its establishment. They are elected directly by the people of the woreda and their accountability is also to their electorate.<sup>135</sup>

Constitutionally the woreda council has the following powers and functions:-

- a. Examine and approves plans and programs with regard to economic development, social services and public administration of the woreda.
- b. Oversee the basic agricultural development activities those are undertaken in consistency with the appropriate season and task of development, conservation and care of natural resources is carried out with special attention given to it thereof;
- c. Create a conducive situations to mobilize and activate the population massively to engage in development efforts;
- d. Elect the speaker, deputy speaker and appoint an administrator from among the member of the council as well as considers and also approves the appointment proposal of the deputy administrator and other members of the woreda administrative council to be submitted to it by the chief administrator thereof;
- e. It can adapt and issue directives regarding its own internal rules of procedure;
- f. Ensures the proper collection of land use tax, agricultural income tax and similar other taxes as determined by law;
- g. Issue directives and implement the same to ensure the maintenance of peace and security of the woreda;
- h. With regard to the power of the speaker of the woreda council; He/She shall have the responsibility to call and preside over the council. Moreover, the power and duties assigned to the speaker of regional council shall mutatis mutandis be the power and duties of the speaker of woreda council.<sup>136</sup>

Therefore, according to article 79(2(b)) of the same constitution; the woreda council granted the power of legislative oversight over the activities of different executive institutions and sector offices at woreda level. Hence it is responsible for supervision, coordination and follow-up the implementation of basic social services which are; education services, health services, agricultural services, rural roads, water supply and sanitation, rural transport services etc that rendered by woreda sectors within its jurisdiction.

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<sup>135</sup> See ONRS constitution article 79(1) and 78(1-2)

<sup>136</sup> Ibid, article. 79(2)

### **4.5.3. The Functions of Woreda Legislative Organ ( Woreda Council)**

As expressed in chapter two; the legislative organ of democratic governments are responsible to carry out so many legislative roles in discharging their power; however scholars are tends to agree as there are three major functions which are common to legislative organs in democracy. These are: representation function, lawmaking function, and oversight function.

With regard to this study, according to article 79(2(a - j)) of the revised Oromia national regional state constitution, the woreda council are more responsible to carry out the representation function, oversight function and also to some extent the adoption of internal rules of procedure and issue directive within the woreda.

#### **i. Representation Function of the Woreda Council (WC)**

In the real democratic system it is agreed that the sovereign power of government is resides in the people and the people exercise this sovereignty through their representative. In this principle, the people's representatives can control the government authority and take the necessary measures on behalf of their electorate. Hence the elected representatives are required to interact with the electorate and as much as possible reflect the interests of their constituents in their general conduct and activities. To strength this idea Esebagbon (2005) argues that:

In a modern democracy today, the legislature evokes the idea of representative democracy, more than any other branch of government. Thus, democracy can only be sustained when legislatures have the will, ability and information to make decisions that reflect the interests and needs of the society. Similarly, the governed must have the will, ability and information to transmit their needs and interests to their legislators and to evaluate the performance of the legislators and the various parties and to reward or sanction their actions.<sup>137</sup>

With regard to woreda council, there is no exception, likewise one of their primary functions is to play representation role at woreda level. According to article 78(1) of ONRS revised constitution; the resident of each kebele of the woreda are directly elect its representatives and each kebele are represented by three representatives in the woreda council. Therefore, the WC elected representatives are expected to play representation role for their electorate and they serve on the interest of local people.<sup>138</sup>

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<sup>137</sup> Esebagbon 2005:3.

<sup>138</sup> The 2001 revised constitution of ONRS article 78

## ii. Law Making Function at Woreda Level

Constitutionally the woreda councils have no full power to make all laws, but their law making power is limited to some internal regulation and directives. Because according to article 46(1) of Oromia national regional state constitution; it says that the legislative power in the Oromia regional state is vested in “*caffee*” Oromia which is the regional council. So, the principal lawmaking function is reserved at regional level. However; according to article 79(2(f & j)) of the same constitution; the woreda council can adopt its internal rules of procedure and issue some directives regarding peace and security within the scope of its jurisdiction.

## iii. Oversight Function of Woreda Council

The woreda council that represents the woreda people is expected to oversee executive policy implementation and service delivery and hold the local bureaucracy accountable for its performance. As expressed above the woreda council has different standing committees to oversee the entire activities of woreda executive institutions. According to article 79(2(a & b)) of ONRS constitution the woreda councils are empowered to oversee the agricultural and natural resource development programs. Therefore woreda councils (WCs) are responsible to oversee the implementation of development policies, strategies and plans of all woreda sectors.

### 4.6. Overview of Organizational Structures and Power of the Ameya Woreda Council

According to article 77(1) revised constitution of Oromia national regional state the woreda council is a council organized below the regional council (*Caffee*) and its members shall be elected directly by the people from residents of each kebele found in the woreda.<sup>139</sup>

Depending on the above legal bases; the Ameya woreda council is one of legislative structure which is established by the woreda people’s representatives and it has the following organizational structure:

- i) The General Assembly of the council
- ii) The Office of the Speaker
- iii) The Steering Committees of the Council and
- iv) Different Standing committees established in the council

**The General Assembly:** refers to the total elected people’s representatives from all of the woreda kebele’s. Hence the Ameya woreda council has a *total of 117* elected people’s

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<sup>139</sup> ONRS: constitution art 77 &78

representatives; from these 74 are *Male* and 43 are *Female*. They have regular meeting every three months and they meet a minimum of four times per year.<sup>140</sup>

**Office of the Speaker:** the woreda council has its own office for the speaker, deputy speaker, head of the office and for other supportive experts and staff members. More over the woreda council has its own meeting hall for the people’s representatives.

**The Steering Committees of the Council:** this committee is composed of; the speaker of the council, deputy speaker, head office of the council, one person which is representing ruling party organization of the woreda from people’s representatives and the coordinator of each standing committees. This committee is guided by the speaker of the council and it has the power and responsibilities of supervising and coordinating the whole functions and success of the council and also coordinating the work plan of each committees.

#### 4.6.1. Human Resource Capacity of the Ameya Woreda Council

The availability of human resources; both in terms of number and quality has direct influence on the implementation of woreda council oversight functions. Woreda council support staff, the standing committees and the elected people’s representatives are key actors of woreda level legislative functions. With regard to Ameya woreda, currently the general manpower of the woreda council looks like the following.

Table:4 The General Human Resource Of Ameya Woreda Council

Educational Status	Experts Of Woreda Council (Support Staff)			Members of the Four Standing Committees			The Whole Elected People’s Representatives		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Degree	2	1	3	1	1	2	8	1	9
Diploma	2	1	3	8	3	11	20	6	26
Certificate	-	-	-	2	5	7	1	13	14
5-10	-	-	-	-	-	-	27	8	35
Under 5	-	-	-	-	-	-	18	15	33
<b>Total</b>	<b>4</b>	<b>2</b>	<b>6</b>	<b>11</b>	<b>9</b>	<b>20</b>	<b>74</b>	<b>43</b>	<b>117</b>

Source: - Office of Ameya Woreda council (2007 E.C.)

<sup>140</sup> Ameya Woreda council office (2015)

#### 4.6.2. The General Power of Woreda Council

According to the improved internal regulation no.2/2013 of the Ameya woreda council; this council is responsible to carry out the following general legislative functions within its jurisdiction:

Table:5 The Entire Powers Of Woreda Council

- They follow-up and examine the accomplishment of different development plan and strategies issued by the government with in the woreda.
- Make sure whether the woreda sectors have prepared their annual work plan, examine their accomplishment report and finally approve after giving the necessary directives.
- Follow-up the plan and the implementation of good governance and social justice within the woreda.
- Supervise the realization of constitutional rights and freedom of citizen's and ensures whether the local people are benefited from the service rendered by the administrative and justice bodies.
- Follow-up and supervise whether the woreda peace & security body is organized in manner to realize persistent peace and security within the woreda.
- Follow-up & encourage the participation of entrepreneurs, investors and other shareholders in the development activities of the woreda.
- Follow-up whether the right method is designed, to mobilize massive local people on the development activities of the woreda and also give the necessary directives.
- Follow-up the progressive increment of the woreda revenue, appropriate collection and its utilization.
- Approve the woreda budget, after scrutinize its accuracy and also follow-up the accuracy of the woreda Sectors budget utilization with regard to budget plan and financial system.
- Prepare different meeting with local people, to create awareness or to inquire the idea from the people and also to solve different social problems found in the woreda.
- Follow-up the implementation of civil service reform program and make sure whether it brought progressive change on the service delivery of woreda sectors.
- Follow-up and support any cooperation of different social groups, to claim their rights and to contribute their share for the development of the country.

- Elect the Speaker and deputy Speaker of the council from the member the council as per article 79(2(d)) of the ONRS constitution.
- Appoint the woreda administrator and approve the appointment of deputy administrator and other woreda sector officials as per article 79(2(e)) of the same constitution.
- Follow-up the protection and maintenance of natural resources in the woreda.
- Play all necessary representative roles, on behalf of the interest and benefit of their electorate.
- Issue directives about peace and security and implement the same, to ensure the maintenance peace within the woreda.
- Examine the work-plan and accomplishment reports of all woreda sectors and if necessary call them for question.
- Give the necessary Support to the Kebele councils.

**Source:** *Ameya Woreda council; improved internal regulation no.2/2013*

To carry out the above duties and responsibilities there are four standing committees established in the woreda council; hence all functions are divided and assigned to the standing committees in the woreda council.<sup>141</sup>

#### **4.7. The Oversight Tools in Ameya Woreda Council**

Constitutionally, the legislative organ found at any levels is the supreme organ of government within their jurisdiction and they are empowered to supervise and follow-up the accomplishment of the executive and judiciary organs found at their level.

Accordingly, the Ameya woreda council is also one of the legislative organs that which organized below “*Caffee*” Oromia as per article 77(1) of Oromia national regional state constitution and also according to article 79 of the same constitution it is responsible to play the necessary legislative function at woreda level. Based on the above legal bases, the woreda council is expected to oversee the overall executive policy implementation and service delivery and also to hold local bureaucracy accountable for its performance. More over the council is expected to make sure that whether the various economic and social policies and programs are being implemented by the executive organ in conformity with the intentions and desires of the woreda councilors. According to the data obtained from the Ameya woreda council office, in-

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<sup>141</sup> Ameya Woreda council; improved internal regulation no.2/2013

order to perform its oversight functions, the council uses two major mechanisms (tools); these are the normal session (general meeting) of the councilors and the established standing committee of the council.<sup>142</sup>

#### **4.7.1. The Woreda Council Oversight through Regular Meeting of Councilor**

Based on article 82(1) of ONRS constitution, the council shall meet every three months and the major functions of normal meeting of the council is to follow-up and oversee the entire work accomplishment of woreda sectors. According to the interview made with the speaker of the woreda council (on 05/February 2015); All the executive sectors of the woreda are responsible to provide their accomplishment reports before the general assembly of the woreda council each three months (quarterly). Accordingly, the council is expected to hear and deeply appraise and finally approve the accomplishments of different projects, the practice of good governance and different development activities practiced by the woreda sectors with its general meeting.

However, the data obtained from different interviewees revealed; the process of overseeing the woreda executive organ with the general meeting of the councilors is not as such effective to ensure the accountability of the woreda sectors offices because most of the woreda councilors are passive to the reports presented by sector officials because of different problems.<sup>143</sup> Thus, the idea obtained from majority of the respondents of selected sector employees, revealed that the councilors and the standing committees are not actively debating and challenging the executive bodies, rather they passively approve any reports provided by woreda sector offices after slight discussion is made over it. For example interviewee Yadesa (on February/12/2015) from Ameya Woreda Agricultural Office reflected the following:

Mostly with no doubt any agendas that provided by the executive organ will be approved with compromise; as result throughout the history of that council there is no time where the report or any agenda provided by executive bodies rejected because of the councilors refusal. Because, the council is not strong enough to quest, contest and debating against the agendas of executive bodies, beyond approval.

As a result, the woreda council oversight through regular meeting is not as such effective to control the overall activities of the woreda sector office and from this the effectiveness and decision making of the council is reduced to rubberstamp.

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<sup>142</sup> An interview conducted with the expert of Amaya Woreda council, 05 February 2015

<sup>143</sup> An interview conducted with the six selected sector offices of Amaya Woreda

#### **4.7.2. The Committee Structures and their Responsibilities in the Council**

Like in federal HoPR and regional council (*caffee*), standing committees are expected to play a great role in assisting the woreda council to conduct its oversight function and other representative roles. As a result, the improved internal regulation no.2/2013 of Ameya woreda council; has provides for the establishment of different standing committees in the woreda council as a major oversight tool. Thus, the Ameya woreda council has the following standing committees:

- I. Legal and Administrative Affairs Standing Committee
- II. Economic Development, Budget and Finance Affairs Standing Committee
- III. Social Development and Good Governance Affairs Standing Committee
- IV. Women's and Children Affairs Standing Committee

Each and every of the standing committees have five members which are elected by the council and also each of them has coordinator and secretary which nominated and approved by the council. The accountability of these standing committees is to its council, but the accountability of their coordinator and secretary shall be to the speaker and for the respective committee members.

##### **A. Power and Duties of the Legal and Administrative Affairs Committee**

The main objective of this standing committee is to supervise and ensure whether the woreda justice and administrative bodies are organized and discharging their responsibilities according to the constitution and law of the region. In addition they follow up, control and put the direction to solve the basic problems related with this sector.

In general this committee is responsible to;

- Oversee whether the right and freedom the woreda people granted with the constitution is implemented as intended or not and to identify the problems faced this process.
- Ensure the democratic election system and its implementation.
- Follow up the provision of fair legal and justice service for the people of the woreda.
- Oversee the implementation of democratic system policies, strategies and program in the woreda.

The legal and administrative affairs standing committee is responsible to follow up the following woreda sectors:

- a. Woreda Administrative Office

- b. Woreda Security and Peace Office
- c. Woreda Justice Office
- d. Woreda Police Office
- e. Woreda Court

### **B. Power and Duties of Economic Development, Budget and Finance Committee**

The main objective of economic development, budget and finance affairs committee is to supervise and control the implementation of agricultural development and industrial policies, strategies and program in the woreda. It also follow-up the proper utilization of woreda government budget and whether it follow the right financial system or not.

Therefore, this committee is the major one in the woreda council that established to oversee the implementation of all development policies, strategies and the provision of all basic service delivery in all kebele's of the woreda, with regard to the allocation and utilization of the necessary budget and finance within the woreda.

The economic development, budget and finance affairs standing committee is responsible to follow up the following woreda sectors:

- Woreda Finance and Economic Development Office
- Woreda Revenue Authority
- Woreda Water Resource Development, Mineral and Energy Office
- Woreda Rural Land and Environmental Protection Office
- Woreda Road Authority
- Woreda Trade and Market Development Office
- Woreda Transport Agency
- Woreda Investment Office
- Woreda Small Scale Micro Enterprise Development Agency
- Woreda TVET Institute

### **C. Power and Duties of Social Development and Good-governance Standing Committee**

The main objective of this standing committee is to supervise the implementation of all laws, policies and strategies regarding social development and good governance and also examine whether the local societies are benefited from the service given by woreda government as intended or not.

Accordingly, the social development and good governance affairs standing committee is responsible to oversee the implementation of:

- Educational and youth development policies
- The protection for elders, disabled persons, children and asylum policy
- Un-employment and other social problem solving
- The protection of culture, historical places and architecture
- The provision of health services and so on

The social development and good governance affairs standing committee is follow-up the following Woreda sectors:

- Woreda Education Office
- Woreda Communication Affairs Office
- Woreda Health Office
- Woreda Sport and Youth Affairs Office
- Woreda Culture and Tourism Office
- Woreda Labor and Social Affairs Office
- Woreda Civil Service and Good Governance Office

#### **D. Power and Duties Of Women’s and Children Affairs Standing Committee**

The basic objective of women’s and children affairs standing committee is to follow-up the implementation and the realization of constitutionally granted rights of women’s and children which encourage them to take-part in the social, political and economical prospects of the country. Hence this committee is expected to oversee and examine all woreda sectors regarding:

- Women’s and children’s right and its implementation in the woreda
- Eradication of every customary laws and back-ward cultures that which harm the women and children
- Encouraging women’s participation in the society in all aspects

According to focus group discussion of the standing committees of the woreda council (on 27/February/2015), when they are discussing about the general role and functions of the standing committee; each committees are responsible to take their respective sectors annual work plan at the beginning of the year and examine its appropriateness. They also, follow-up their respective woreda sectors to bring their accomplishment report quarterly and analyze their achievements. Furthermore, the committees are expected to follow-up the implementation of laws, rules and

regulations within the woreda, follow-up the proper utilization of allocated budget, conduct field observation to check the reality of sectors report, follow-up the accomplishment and quality of different projects within the woreda, gathering an information and grievances from different social group, discussing on necessary issues with their respective sectors officials and provide necessary corrective ideas and giving feedback on their supervision for the concerned bodies. Therefore, almost all of the major duties of the woreda council are intended to be accomplished through the standing committees, however their effectiveness is vary from committee to committee due to different hindering factors.<sup>144</sup>

#### **4.7.3. The Effectiveness of Woreda Council Oversight, Over Executive**

As can be seen from the above general overview, constitutional provision of the region and internal regulation of the woreda council; theoretically the council is granted the power to oversee the implementation of laws, policies, strategies and plans in the woreda sectors or executive institutions. Accordingly in discharging its duties and responsibilities the woreda council uses the standing committee as a major tool. However, according to the data gathered from different respondents, the practical reality of woreda council oversight is not brought a meaningful transformation over the accountability of executive organ of the woreda. The standing committees are expected to follow-up continuously the plan and accomplishment of their respective sector and they bring their supervision result to the council. But in practice the performance of the standing committees are different from committee to committee.

According to the interview made with speaker of the council (on 05/February 2015); from the four established standing committees of the Woreda council only one or two of them (Economic Development, Budget and Finance Affairs Standing Committee and Social Development and Good Governance Affairs Standing Committee) are to some extent can be said functional and the rests are not as-such functional because of different factors, that which undermine the role of the woreda council. The interview made with Gelana who is the expert in office of woreda council (on 05/February 2015) is also strength the above idea; according to his expression, even though the council provides the basis of discussions in quarterly meetings and there is usually a quarterly reporting on finances and physical activities from some selected woreda sectors to the council, the councilors and the standing committees are not as such strong enough to actively debate, quest and challenge the executive bodies as to disclose their weakness and

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<sup>144</sup> The focus group discussion held between 10 selected members from the standing committees

misappropriation. Because since most of the members of the woreda council are the members of the executives as well they are not dare to disclose the failure of each other; rather passively rely on the report of the executive sectors after some discussion made on it. As result still now there is no occasion the council rejecting any of the woreda sector plans and reports and also no dismissal of sector heads and official based on observation of councilors and committees oversight result.<sup>145</sup>

According to interviewee Gebbisa (on 11/February 2015) from the woreda irrigation authority office also support the above idea. He expressed that: the oversight functions of the council are seriously compromised due to conflict of interest between the cabinet members and the rest of councilors and thus they are unable to objectively oversee the cabinet. Being all the councilors are the member of same political party, sometimes there is the tendency to keep the interest of their party and there is reservation to take a decision that may harm a good image of the ruling political party. He also point out, since most of the woreda councilors are unpaid and also have low level of literacy compared to the woreda executive heads or officials who are full-time civil servants, the councilors are not bothering to devote themselves on the oversight functions. According to this interviewee; above all, the council has no capacity to properly overview the planning, budgeting and service delivery processes of woreda sectors because the councilors did not get adequate training to increase their understanding of local council decision making, which impedes their oversight role.

To realize the idea of the above respondents the data obtained from the woreda council office revealed that; out of 28 member of woreda cabinet, 17 of them (which-means more than half of the member of woreda cabinet) are also the member in the woreda council and all of 117 total people's representatives of the woreda council (which means 100%) are the member of the ruling party (OPDO).<sup>146</sup> Therefore, generally the data gathered from respondents of different category imply that; due to the above hindering factors the effectiveness of the council is seriously jeopardized to little more than a rubberstamp in the oversight process.

#### **4.7.4. The Woreda Council Oversight in Planning and Budgeting**

As mentioned in the previous sections, theoretically the council has the power to follow-up the proper allocation of woreda budget, to approve the woreda budget and to oversee the woreda

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<sup>145</sup> An interview conducted expert of the Amaya woreda council, 05 February 2015

<sup>146</sup> The data gathered from the profile of Woreda councilor (Office Ameya Woreda council)

sectors budget utilization. The council is also responsible to oversee the implementation different economic development programs in the woreda, whether it complying with its plan. But the interview made with different concerned bodies revealed that: the practical reality of the woreda council involvement in planning and budgeting is limited to approval.

According to an interview made with deputy head of the woreda finance and economic development office (on 19/February 2015); with regard to budget plan and allocation, the OFED is responsible for coordinating and facilitating the overall planning and budgeting process, that is why, the preparation of a woreda level plan is based on the budget ceiling information issued by the regional BoFED.

In addition, the interview made with the expert of plan and budget of OFED (on 19/February 2015); with regard to the process of planning and budgeting; first, all sector offices plan and prepare their activities and budget requirement by setting out their priority areas before the block grant of the woreda transferred from the region to the woreda and submit it to woreda OFED. Then the woreda OFED consolidate and examine through its experts the plan and budget of all sector offices and after the woreda grant budget transferred from the region; the OFED itself will allocate the transferred budget based on the general frame-work issued by the regional BoFED (which are three major sectors such as social, economic and administrative & general services) by consulting with the concerned woreda administrative steering committees, and then submit its draft to the woreda cabinet which discuss the draft plan and after some adjustments in both physical and financial plans submit it to the woreda council for approval. Then the woreda council's economic development, budget and finance affairs standing committee will passively grasp its general idea simply for formality without any adjustment and finally the woreda council approves the plan and budget.<sup>147</sup>

Interviewee Shibeshi (on 11/February 2015) from office of woreda irrigation authority expressed that: the councilors have no adequate knowledge, awareness, experience and capacity on planning & budgeting to oversee the planning and budgeting process. Consequently the woreda council oversight in planning and budgeting is not effective to ensure the genuine budget utilization and service provision of the woreda sector offices.

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<sup>147</sup> An interview made with deputy head and expert of planning & budget of Ameya Woreda OFED

An interview made with the members of economic development, budget and finance standing committee of the council is also not far from the above facts. According to their idea, though some gradual improvement started to reveal after the year 2013 on the practice of woreda council to follow-up the woreda planning and budgeting process, it is difficult to conclude that this has brought significant changes on the overall effectiveness of woreda council with regard to planning and budgeting.

Interviewee Malaku (on 16/February 2015) from the woreda peoples representatives responded that: all of the members of the standing committees of the council, which are expected to carry out the overall oversight functions on behalf of the woreda council are full time civil servant in different woreda sectors and they have full working time duty on different job position and job description within their sector and also they are accountable to their respective sector office to accomplish their duty. Hence they couldn't involved with full time and full commitment as councilor, rather they participate on their monthly meeting which is very erratic and on the regular session of the council as any other member. As a result the oversight role of the woreda council is mostly reduced to formality and approval.

Therefore, the sum of the data gathered from different woreda sector officials and employees revealed that: in practice the woreda council oversight functions on planning and budgeting is not passed beyond the collection of the woreda sectors plan and approval. Because, the woreda councilors have no full capacity, commitment and even time to oversee and scrutinize the plan & budget of woreda sectors.

#### **4.7.5. Woreda Council's Oversight in Monitoring Project Performance**

According article 85(1(e)) of the ONRS constitution woreda governments are empowered to undertake different social service, economic development programs, and administrative plans. Consequently there are many projects that which carried out by different woreda sector offices in order to provide basic infrastructures like; education services, health services, agricultural services, rural roads, water supply and sanitation services for the woreda people. Hence since the woreda council is the people's representative and also the highest government organ at the woreda level it is expected to oversee the performance of different development projects constructed by the woreda sectors. To confirm this; article 79(2(a)) of ONRS constitution is also stipulate that: woreda councils are responsible to deliberate upon and plans and programs with regard to economic development and different social services which implemented by woreda

administrative council.<sup>148</sup> Accordingly, like any other woreda councils in the region the Ameya woreda council is also empowered to undertake the above duties and responsibilities with regard to monitoring different projects within the woreda, even-though the assessment of this study revealed that, there is a miss-match between the blueprint and its practical reality.

According to interview made with the speaker of Amaya woreda council (on 05/February 2015), there is an attempt by the budget and finance affairs standing committee to follow-up the performance of different projects with regard to its efficiency, effectiveness, its budget aspect and its completion within the intended time table. But most of the time due to lack of budget and transportation problem the committee members could not access all the projects found in the woreda as to oversee its implementation. Mostly when the committees want to conduct field visit, first they should have to convince the woreda sector office who run the concerned project to facilitate the transportation and allowance of the committee members. As a result, mostly the follow-up process of the committee is not continuous and successful.

Interviewee Teshoma (on 28/February/2015) from woreda councilor expressed that; the committee members are some time attempt to follow-up the performance of projects through different ways, including field observation, hearing report, through gathering information from the society and through discussing with the concerned sector officials. But their oversight result is not bringing a significant change on the performance of different projects of the woreda. Still there are many projects found in the woreda, which are not completed in time due to different problems and misappropriation by different bodies. Because the council has no real power and full commitment to take the necessary corrective measure if there is any miss-appropriation by the concerned sector offices or any other agency while running the project work in the woreda. The necessary corrective actions can be taken only by the will of administrative council of the woreda and this undermines the oversight role of the council.

In general, the sum of responses gathered from most interviewees, with regard to the effectiveness of woreda council oversight on project performance revealed that: the woreda council is not effective in practicing its oversight function over project performance; the committees are not actively follow-up and access the implementation of entire projects in the woreda due to lack of logistics and budget, lack of technical capacity to identify the real defects of the project, lack of real information and necessary support from the administrative council,

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<sup>148</sup> See the 2001 revised constitution of ONRS article 85(1) and article 79(2)

high degree of compromise as to keep the conflict of interest of woreda sector officials and lack commitment to combat with the concerned woreda sector officials in a way to expose the observed mischief. As a result it can be said that: in practice, the role of the woreda council oversight over project performance is not effective to realize the benefit of local people and supremacy of woreda council in controlling and exposing the embezzlement and exploitation made by different executive officials.

#### **4.7.6. The Accountability of the Woreda Executive Organ**

In democratic system the concept of accountability is based on the premise that legislature, as the highest representative organ of government, has the duty to check on the activities of the executive through a number of measures. It refers to giving an answer for the way in which one has spent money, exercised power and control, and used discretions vested by law in the public interest.<sup>149</sup> In addition accountability is considered as the hallmark of modern democratic governance. This means that without accountability democracy will be compromised if those in power cannot be held accountable in public for their acts or omissions, for their decisions, their expenditure or policies.<sup>150</sup> Based on this general frame work the same is true in our country (Ethiopia) in which both federal and regional constitutions articulate that the accountability of executive organ at all level to be for their respective parliament and/or council. To confirm this, when we see article 72(2) of FDRE constitution, it express that the prime minister (which is the head of the executive organ) and the council of ministers (which comprise all ministers) are responsible to the house of people's representatives in the exercise of their functions and for all decisions they make as a body.<sup>151</sup> By the same manner, in Oromia national regional state constitution article 56(2); the president of the region (which is head of the executive and the chair man of administrative council) is accountable to "*caffee*" (regional council). Moreover With regard to the accountability of woreda level executive organ, according to article 87(1) and article 84(1) of the same constitution the woreda administrator (which is the chief of woreda administrative council) and the woreda administrative council are accountable to the woreda council.<sup>152</sup>

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<sup>149</sup> Taibur Rahman, Parliamentary Control and Government Accountability in South Asia. A comparative Analysis of Bangladish, India and Srilanka.p. 8

<sup>150</sup> Legislative Oversight Support 2012. Oversight Model of the South African Legislative Sector.

<sup>151</sup> See article 72(2) and article 76 (3) of 1995 FDRE constitution.

<sup>152</sup> Generally see article 56(2), 87(1) and 84(1) of ONRS constitution.

Therefore, from the constitutional point of view it is clearly articulated about the accountability of executive organ to be for the respective people's representative council found at their level. However, according to the personal observation of the researcher and the data gathered from different interviewee in the study woreda revealed the practical reality of this theory is not comply with its constitutional premise. When we start from the accountability of the woreda council itself, constitutionally they are accountable to their electorate; however the interviews made with Ato Bekele (on 27/February 2015) the experts of the woreda council office reveal that: practically the accountability of the council is not to their electorate only rather it is accountable both to their electorate and to the "*caffee*" which is regional council. Thus in practice the regional council can supervise, appraise and give the necessary support for the woreda council, where as the woreda council also oblige to submit their work plan and their accomplishment report quarterly to the regional council. This implies that practically even the council by itself has dual accountability which is up-ward to the regional council and down-ward to their electorate.

When we see, the accountability of woreda sector offices, obviously all the woreda sector offices have dual accountability; upward to their zonal or regional bureaus and to the woreda council. As interviewee Delesa (on 18/February 2015) from woreda people representatives said: Although, the constitution says: the woreda sectors are accountable to the woreda council, but some sectors offices did not recognized about the power of woreda council and most sectors offices of the woreda are don't mind about their accountability to the woreda council and they undermine it because of passiveness of the council. Most woreda sector officials give high value for the accountability of their line zonal or regional bureau and also for woreda administrative council than the woreda people's representative council because, that is this body who empowered to take the necessary political corrective measures over the woreda sector officials for their misappropriation and every decision they made. As a result most officials are don't bother about their accountability to woreda council because; they know that, woreda council could not take a critical measure over woreda sector officials beyond hearing reports, supervising the manner in which the sectors accomplish their duty and to the maximum giving feedback to the concerned body if there is any misappropriation by the woreda executive organ.

This revealed that; in practice the accountability of the woreda executive organ to the woreda council is not ensured. That means they are not fully accountable to the woreda council.

Surprisingly, from 33 respondents asked the question to identify “whether the accountability of the woreda executive organ is ensured or not” almost all of them have responded that: the accountability of the woreda executive organ is not yet ensured for the woreda council.<sup>153</sup> In other way round all of them responded that: in practice the executive organ at woreda level is very strong than the woreda council that which contravene with idea of supremacy of the peoples representative which expressed in the constitution.

From this it is easily understandable that; the woreda council is not institutionally strong enough to quest and challenge the woreda executive institutions (sector offices) as a responsible highest body of woreda government. Most of the members are not actively pass a decision; rather they passively approve whatever the woreda sector officials provide to them. Even, the interview made with the speaker of the council also confirms this idea. He has apparently expressed: as there is no occasion when the report or the plan presented by any woreda sector office failed or disapproved by the council, rather it approved and passed with a little bit difference through compromise. From this it is possible to conclude that; the accountability of woreda executive body is not yet ensured and as a result the effectiveness of the woreda council in controlling and checking this body is very low.

#### **4.7.7. The Power Relation Between Woreda Council and Woreda Executive Council**

As discussed in chapter two, the fusion of power between executive and legislative organ of governments is one of the basic feature in parliamentary democracies, which often contrasted with the more strict separation of powers found in most presidential democracies. In this system it is obvious that the chief of executive and other officials are arisen from the legislature and they are also accountable to the legislatures. The framers intention was aimed to control the executive organ through the elected people’s representatives, but not to secure the dominance of the executive organ over the legislative organ. However many scholars argued that in such system, especially in most African countries parliament, the executive dominance is still seen as an obstacle to exercise the real democracy.

Moreover, many studies on African legislatures also show that they play subordinate role as against constitutional provision. Hence Ethiopia is not an exception; especially in the local governance process the woreda councils are seen as a subordinate of the executive organ. This is a paradox of the constitutional powers granted to the legislative institutions to function as higher

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<sup>153</sup> From the interview conducted with all key informants.

organ of government within their jurisdiction. With regard to the study woreda, according to the data gathered from different respondents, the extent of power relation between the woreda council and administrative council is highly intertwined and as a result sometimes even it is blurred to identify the function of woreda council from the functions of administrative organ. Because most of the time the councillors are obliged to be confronted with administrative functions of the woreda.

According to an interview made with one of the members of woreda council (on 27/February 2015) he disclosed that; the relationship between the woreda representative council and woreda administrative council negatively affects the effectiveness of the woreda council because there is strong party discipline that which controls and governs the councillors and the executive activities. The executive bodies which include the head of the ruling party office (OPDO) and the woreda administrator have strong power to pass any decision on every issue of the woreda. According to this respondent, even the council has no full autonomy to deny any decision that comes from the party office and administrative council of the woreda. Because, it is this body who internally appoints the speaker of the council from the executive organ and if the speaker becomes incapacitated and challenges them with principle, they can change and appoint another person. According to this interviewee: from 117 the total members of the woreda council, 61(52%) of them are the officials and experts who serve a full working time as civil servants in different woreda sector offices and their accountability is also to their line zonal and regional bureaucracy and the rest 56 members come from woreda kebeles. For that reason, it is also the woreda administrative bodies who assign all the woreda cabinet and other party members to the woreda kebele's for field work which is locally called "Duula misoomaa" to accomplish & follow up different political agendas and also development activities within the kebele of the woreda through the name development army. The personal observation of the researcher is also assured of this fact. All officials and experts who are members of the woreda council including the speaker of the woreda council are obliged to be assigned on the woreda executive duties and field works throughout the year, with the command of the ruling party (OPDO) and woreda administrative council. Hence the councillors spend more time dealing with executive duties, rather than representative functions, even they do not get enough time to deal with representative roles because some time they are assigned even for more than one week to the kebeles for field work. Moreover, being most of the councillors hold the position of the executives and also the position

of councilors simultaneously, in such relation the power of executive is prevail over the council; because the executive is more enriched with budget, logistics, capacity and access to information to enforce whatever decision than the council. Consequently due to the executives' dominancy, the speaker and the councilors are not fully committed to exercise their powers and duties. As expressed above it is the woreda party leader who prevails over the speaker of the council.

Therefore, the result of an interview made with most respondents revealed that the power relation between executive bodies and representative council at woreda level can be sited as one of the systematic factor that which undermine the role of woreda council. The extent of fusion between the two organ is also extremely intermingled even up to the separation of power between the two organs are blurred to identify and also by this relation the autonomy of the woreda council is negatively affected to freely accomplish its oversight role and other representative functions. The other fact which revealed by this study is that: in practice apparently there is a dominant ruling party control of the executive and legislative branches of local governments even though the constitution allows a multi-party system both at federal and regional level. Taking one example from the study woreda is enough to confirm the reality of this idea, i.e. according to the data obtained from the study woreda council office; from 117 the total members of woreda council all of them (which mean 100%) are the members of the ruling party (OPDO). Thus, there is no need to mention any more evidence than this, to show the dominance of executive bodies and its implication on the effectiveness of the woreda council oversight role. Sometimes even if the member of the woreda council aware that there is a defect on the duty of the executive bodies they do not want to disclose it, because, it is considered as party failures. Consequently, the loyalty of some ruling party members goes even to the extent of being committed to give priority to party concerns than addressing the problems of the people who elect them.

#### **4.7.8. Election System of Woreda Council**

Election is one of the basic elements of democratic system; and it is this system that which provides the people a sense of belonging and satisfaction because they know that the power to elect and remove the leaders belongs to them. Thus, in every democracy there should be elections to be conducted regularly, every four or five years in which every adult of voting age should participate to elect their leaders and the result of such election should reflect the wishes of the people. However, one of the demerits of such system is that it breeds mediocrity because

some times in democratic contests, it is not always the ‘best’ among the candidates that wins either the primary or general elections to represent the people. More often than not, many of the elected representatives end up as benchwarmers, sycophants either because of their educational or other deficiencies that make them submissive to moral and intellectual superiority of others.<sup>154</sup>

Based on this fundamental theory of election, with regard to the election of woreda council under Oromia regional state constitution, article 82(3) stipulates that; the tenure of woreda council is five year. Accordingly the election of woreda council is held every five year in the study woreda. The formality of the election is symmetrical with the procedure of general election in which the federal and regional candidates are elected simultaneously; just by the same manner the woreda and kebele council election is held simultaneously. However, according to an interview made with some members of Amaya woreda council, there are various apparent limitations that which undermine the quality of the woreda council election system and the effectiveness of the woreda council in exercising their roles and functions.

As one key informant from the woreda peoples representative expressed(on 26/February 2015); among others limitations, the absence (boycotting) of most opposition political parties from the election of worda council and lack of alternative policies and as the same time lack of real political party competition are the major ones. According to his expression, most of the opposition political parties are not desire to compete and win on the election of woreda council except the ruling party and a few other parties. Of course, they are not protected by law or by force, rather they are not willing to participate and hold a seat in the woreda council for unknown reason, it might be connected with personal benefit and lack of any special privilege, since there is no salary and other incentives for being the woreda councilor.

Moreover, according to interview conducted with one of the employees of the woreda sector (on 23/February 2015) expressed; the woreda council election as a symbolic process. He said that: “since, there are no best alternatives of policies provided for the electorate to choose from and also no real competition and competence required, most of the time even those opposition parties who were registered to compete will be absent during election time through compromise between woreda leaders and the candidate of the opposition party”.

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<sup>154</sup> <http://www.nou.edu.ng>

This imply that, since there is no strong competing of opposition political parties, it seems like a selection process in which simply the ruling party selects its loyal members from the native civil servants of the woreda and from the farmers of the woreda kebele's as to provide them to the electorate for vote. So, it is not require strict psychological and academic preparedness for competition. Ofcourse, the result of this limitation is greatly contributing for the impotency of the woreda council.

#### **4.8. Factors Affecting How the Woreda Council Carries Out its Oversight Role**

Even though, another minor hindering factors might be there: the limited decision-making authority and autonomy, lack knowledge and skill, lack of capacity, lack of councilors commitment, financial problems, the extreme fusion of power between woreda council and woreda executive bodies and finally the problems related with the election system of woreda council were assed in this study as the major hindering factors for the effectiveness of woreda council oversight.

##### **4.8.1. Limited Decision-Making Authority and Autonomy**

Woreda councils are the lower people's representative organ in the state legislative structures which are very close to the local people. As such, they should be provided with sufficient decision-making autonomy, representative competencies and adequate resources to serve the demands and concerns of their constituencies. Although the regional constitution put the powers of the woreda council slightly, findings of the study indicate that most of the powers given for the woreda council are very limited to the role of follow-up and approval of development activities of the woreda sectors offices. According to the focus group discussion conducted with the standing committees of the council (on 02/March 2015), even if the council effectively accomplish its oversight function and identify any miss appropriation through its standing committees, but it has no power to take any measurement, for instance it has no power to resign the woreda cabinet or any other official from its office for their mischief. According to their response, the council is only responsible to conduct follow-up, to gather information from the people, to give feedback on their supervision result, hearing reports of woreda sector offices and approval of the necessary draft plan and budget. Thus, the decision-making authority, responsibilities and resources are belongs to woreda administrative council (executive bodies) which is more capacitated than the council. Moreover the interview made with most employees and councilors revealed; the council has no full autonomy to exercise its representative functions

because of extremely fusion of power between the executive bodies and the woreda councilors and also the domination of executive bodies. So the woreda council should be provided with adequate power in order to take the necessary decision.

#### **4.8.2. Lack of Knowledge and Skill**

Low woreda councilor's literacy and education are further reasons for the effective councilor's oversight function in order to ensure the accountability of the executive bodies. The data gathered from different respondents reveal that: woreda councilors, the standing committees and even including the speaker of the council have no full knowledge and skill to adequately assess the quality of complex services given by the woreda sector offices. According to an interview made with woreda people's representatives, since many of the members of the council comes from the woreda kebele's, most of them have no enough knowledge about the concept of check and balance between the organ of governments and supremacy of the council, rather they passively convinced with the report of the woreda executive bodies. Because the councilors do not get adequate training out of the normal session, as to scale-up their knowledge and skill on their role and functions. Thus the result is market imperfections in the sense that they cannot properly hold woreda executive bodies accountable.

#### **4.8.3. Lack of capacity**

Capable councilors at all levels are crucial in creating an enabling environment for socioeconomic development and good governance in all democracies. Because the representative council is the principal forum for communicating peoples' needs and the efficiency of the institution to check executive power through oversight, ensure transparency and accountability in economic management. These functions make the council at all level a valuable instrument for promoting good governance, democracy and the rule of law. However, the findings of this study revealed that; the council is still operating with limited human resource capacity, both in terms of numbers and expertise. As expressed above the standing committees are also not fully capacitated to undertake the oversight role over the woreda executive sector offices, still they lack academic, financial and material capacity which can enable them to carry out their oversight and supervisory roles very well. In addition according to the focus group discussion conducted with the selected members of standing committees of the woreda council; the existing four standing committees are not enough to oversee and follow up the whole woreda sectors because

since most of them are a civil servant in different sector offices, they are obliged to spent their full working time and devotion on their principal sector work.

#### **4.8.4. Lack of Councilors Commitment**

Many factors can influence the outcome of effective woreda council oversight process. Among these factors a strong commitment to exercise their granted power, is certainly an indispensable aspect for effective oversight functions. To this end, according to the interviewed woreda councilors and experts, even-though the regional constitution has granted some power to the woreda council, the responses of the interviewed woreda councilors and employees of selected sectors revealed that; there is an absence of commitment among the woreda people's representatives to exercise their constitutional power in a real sense rather most of them hold a seat for formality as a benchwarmer. Some of them are not care about their electorate once elected and they are not committed to combat with misappropriation of woreda executive bodies, rather they smoothly rely on the reports of woreda sector offices. Because they are unpaid and have no other special privilege that which motivates them to effectively accomplish their responsibilities.

#### **4.8.5. Financial Problem**

Financial incapacity is yet another pressing problem in conducting the oversight functions of the Ameya woreda council. The interview made with speaker of Ameya woreda council revealed, the recurrent budget that allocated for the woreda council is very limited, even most of the time extremely less than the woreda executive sector's budget and inadequate to conduct field visit and the whole oversight functions. Moreover the standing committees have no any logistics, allowance and even there is no single motor-bikes as to access the entire rural kebele's to supervise the development activities conducted by woreda sector offices. Hence, they are not committed and motivated to conduct their oversight role. In addition as expressed above the woreda councilors are unpaid and the daily allowance they get when they quarterly attend normal session is very minimum i.e. 50.00 (birr) per day that which couldn't cover their daily consumption. As a result many councilors which come from the remote kebele's of the woreda are prefer to absent from the session, as result the session is held with minimum requirement of the number councilor, that which is highly undermines the role of the councilor.<sup>155</sup>

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<sup>155</sup> Interview made with the speaker of Ameya Worde council (05/Feb/2015)

#### **4.8.6. The Extreme Fusion of Power between Woreda Council and Executive Bodies**

Even though the interaction between the executive organ and the councilor is the salient feature in parliamentary democracy; but the finding of this case study revealed that the extent of fusion between the two organ is extremely intermingled even up to the separation of power between the two organs is blurred to identify and also by this relation the autonomy of woreda council is negatively affected to freely accomplish its oversight role and other representative functions. According to the data obtained from the Ameya woreda council's office almost all of the members of the woreda council are also the member of the ruling party (OPDO). Thus there is a strong party discipline (party guiding rules) that which limits the capacity of the members of the party not to go out of the party's agenda and programs and also the members have to be very loyal to their political party not to express any views that may harm the good image of their political parties in the council. Therefore, the extreme fusion of power between the two organs of government at woreda level is among major factors that greatly affect the effectiveness of woreda council oversight process.

#### **4.8.7. Problems Related with the Election System of Woreda Council**

Although, the election of the woreda council is formally held every five year by following the necessary procedure; the data gathered from different interviewee revealed that there are various apparent limitations that which undermine the quality of the woreda council election system and the effectiveness of the woreda council in exercising their roles and functions. These are the absence of most opposition political parties from the election of woreda council, lack of alternative policies and at the same time lack of real political party competition and less emphasis given by regional board of election are the major limitations which are identified by this study. According to the respondents, most of the opposition political parties have no desire to compete and win on the election of woreda council except the ruling party and a few other parties.

Therefore, since there are no best alternative, no strong antagonism between the representative of different parties and less emphasis and control by the concerned board of election, it is obvious that the single party member (the ruling party) will hold the entire seats of the council that which resulted for inefficiency of the woreda council and also reduced the role of the woreda councilor to rubberstamp.

## CHAPTER FIVE

### CONCLUSION AND RECOMMENDATION

#### **5.1. Conclusion**

This research was conducted in Oromia national regional state, Ameya woreda, to assess the effectiveness of woreda level legislative oversight over executive bodies and simultaneously to broaden the understanding of the woreda councilors by exploring the factors that affect the oversight function of the woreda councils and its implication.

It is obvious that; the federal legislatures, the regional and local councilors in Ethiopia are required by the Constitution to provide for mechanisms to ensure that all executive organs of state within their respective spheres are accountable to them, and that they maintain oversight of the executive and any organ of state, including the implementation of law, regulations, policies and strategies within their jurisdiction. Because it is unquestionable that the concept of democracy is very important as it enables the people to participate in important and sensitive issues of their own indirectly through their representatives. The councilors representing the mass entrusted with the power and mandate to watch those who are in administrative tasks. On the other hand, those who are entrusted with the power of administrative tasks, and engaged in day to day activities which in one way or another affects the life of the people are required to be held accountable to the councilors. Thus, a condition of exercising this power in constitutional democracy is checked by being held accountable to an organ of government distinct from it, (legislature). This is because legislature (the councilors) at all level is the highest organ of government within their jurisdiction of its establishment with an overruling influence over the other organs.

Therefore, generally they are mandated to oversee and control the executives over all activities and functions of the executive organ of the state, which extends to checking the implementation of the law in accordance to the legislatures intent and implementation of the policies as per the desires of the legislatures.

With regard to woreda level legislative oversight functions; the woreda council is mandated to accomplish all the above duties including law making function. Because, as per article 79(2(f & j)) of the ONRS constitution; the woreda council can adopt its internal rules of procedure and issue some directives regarding peace and security within the scope of its jurisdiction. Moreover,

constitutionally woreda council is declared to be the highest governmental organ to preside over the woreda executive bodies, though its practical assessment revealed the reciprocity is true.

The woreda council oversight over the woreda executive bodies has the functions of detecting and preventing abuse of power on the part of the executive, detecting wastage of woreda resources and ensuring the implementation of laws, policies and strategies as intended by legislature and also ensuring the accountability of the executive organ of government.

Therefore, in this research an attempt has been made to examine the constitutional power of woreda council and the practical reality of woreda council oversight functions. To this end, the research has made an attempt to assess the general overview of the study woreda council in all dimensions and the extent of its effectiveness in conducting its oversight roles.

Finally, factors affecting the effective oversight role of the woreda councilor have been also dealt under this thesis. To this end the major problems are; the limited decision-making authority and autonomy of woreda council, lack knowledge and skill, lack of capacity, lack of councilors commitment, financial problems, the extreme fusion of power between woreda council and woreda executive bodies and finally the problems related with the election system of woreda council were assessed in this study as the major hindering factors for the effectiveness of woreda council oversight.

Institutionally, the woreda councils are the lower people's representative organ in the state legislative structures which are very close to the local people. As such, they should be provided with sufficient decision-making autonomy, representative competencies and adequate resources to serve the demands and concerns of their constituencies. However, the assessment of this study revealed that the power granted to the woreda councils by the constitution is not clearly articulated in a strict sense; rather it put the supervision and approval power of the council in general sense. They have no real power to take decisions or measures it deems necessary over the woreda executive officials based on the committee's oversight result, because they are not clearly granted such decisive power.

Lack of knowledge, skill, capacity and commitment among the members of the woreda council and also the standing committees are the major obstacles to their effective oversight function. Moreover, financial incapacity is yet another pressing problem in conducting the effective council's oversight functions of the study woreda. The standing committees are mostly constrained by lack of sufficient budget and vehicles to take field visit in the woreda kebele's.

Thus, although woreda council is assigned with all the representative and oversight responsibilities, it has no enough financial and material support for the proper implementation of its role and functions.

The other major challenges disclosed by this research are; the extreme intermingling of the woreda council along-with woreda executive bodies and the problems related with the election system of the woreda council are the main hindering factors that which weakened the practical implementation of the role and functions of woreda council and its standing committees. Although the interaction between the executive organ and the councilor is the innate nature of parliamentary democracy; but the finding of this case study revealed that the extent of fusion between the two organ in the study woreda is extremely intermingled even up to the separation of power between the two organs is blurred to identify and also by this relation the autonomy of woreda council is negatively affected to freely accomplish its oversight role and other representative functions. In other way round by this extreme fusion of power the dominance of the woreda executive bodies and the command of ruling political party (OPDO) are apparently observed without need of deep assessment. Because there is no even single representative of opposition political parties that which hold single seat in the woreda council, as result it is the ruling members who occupy 100% the seats of the woreda council. This is related with the problem of election system of woreda council in which most of the opposition political parties are not desire to compete and win on the election of woreda council except the ruling party and a few other parties. Most opposition parties are not giving as such a value for the seat of woreda council because of lack of personal benefit and lack of any special privilege, since there is no salary and other incentives for being the woreda councilor. Consequently there is no real competition and devotion to win the seat of the woreda council; rather the ruling party members hold the whole seats without any challenge. Generally, it can be concluded that because of the above mentioned reasons the effectiveness of woreda council oversight on the woreda executive organ is highly undermined and the research concluded that the quality and process of the study woreda council oversight is very poor. As a result, the accountability of the executive organ and the supremacy of the woreda council are not ensured as articulated in the constitution of the region.

## 5.2. Recommendations

Based on the above assessment and discussions of the study, the following recommendations are forwarded to fill the gaps hindering the role and functions of woreda council.

1. From the major problems explored by this research lack of knowledge, skill and the status of the awareness among the members of woreda people's representatives is a critical challenge that which can be sited as a consequence for the rest problems at woreda level. Because, since the representatives of the people have no deep knowledge and awareness about their responsibilities and how to exercise their power; it is difficult for them to check and control the power of the executive bodies through effective oversight functions. So, the woreda people's representatives should fully understand the rational and justification behind the need for woreda council oversight. Therefore, there should be institutional mechanism in which the regional council provides a training of trainers (TOT) for the woreda council and the woreda council should provide a continuous training for the whole woreda people's representatives, the standing committees and the support staffs step by step the necessary long and short term training to upgrade their knowledge, awareness and competence. Moreover, there should be institutional means in which speaker of the woreda council should exchange experience with his regional counterpart to develop a skill and confidence how to guide the overall activities of the council.
2. Lack of capacity among the woreda council's standing committees and support staff; both in terms of number and expertise is identified as hindering factors. Therefore, the regional government and the woreda council should give special emphasis for the continuous capacity development of the standing committees and the committee support staff to enhance their oversight capacity.
3. Financial problem is another major problem to freely exercise the overall legislative functions at woreda level. To this end, since the woreda office of finance and economic development, the woreda administration steering committees and also the woreda council itself; are responsible bodies to allocate the woreda grant budget, they should give special emphasis and supply the council with the necessary budget and resources required, as to encourage their oversight roles.
4. All most all the members of the standing committees in the woreda council are full time civil servant in different woreda sectors; consequently they obliged to spend the full working time

on their sectoral duties. As result they have no enough time to accomplish their representative roles effectively in the woreda council, rather they attempt it as additional work. Therefore, the regional government should issue a special regulation or directives that which makes free the members of standing committee from any sect-oral work until the completion of their tenure as to devote their full time on their legislative functions.

5. In this study it was revealed that, there is the extreme fusion of power between the woreda council and woreda executive bodies; which highly facilitate a condition for the dominance of executive organ and strong ruling party discipline while the woreda council remains subordinate. Therefore, there should be mutual power relation between the woreda council and executive bodies; based on the principle of check and balance, in which the woreda council maintains its oversight power on executive's bodies through the instruments of legislative oversight. On the other hand; there should exists loose party discipline in the council without any binding ideas of the ruling party that which may undermine the autonomy of the council. This means, the member of the woreda council representing the ruling party should actively debate as a councilor on behalf of their electorate regardless of their party tendency. Moreover, the leaders of the woreda ruling party should abstain themselves not to infringe the power and the autonomy of the woreda council.
6. Most of the time, the speaker of the woreda council, deputy speaker and the standing committees are assigned to the woreda kebele's for field work to accomplish administrative tasks equal to those other executive officials; as a result the autonomy of woreda council is under question. To this end it is recommended that:
  - The regional government should issue a special regulation; that which protect the power of speaker and deputy speaker of the woreda council not to be removed from their office until the completion of their tenure as to confidentially guide the woreda council.
  - The woreda ruling party (OPDO) office should make free the speaker and deputy speaker of the council from field work, as to let them for woreda legislative functions.
  - In other way round, the speaker and deputy speaker of the council should also be confident and reasonable to deny the extra executive tasks and field work assigned to them by party office and most importantly they should have to devote their full working time guiding the oversight functions of the council.

7. Lack of commitment from the side of councilors and the member of committees also the constraints to effective woreda level oversight. This means, even if the legal basis for woreda council oversight is impeccable, effective woreda council oversight of the executive cannot be achieved without strong commitment on the part of the councilor. Thus, the political commitment and dedication of the woreda people's representatives to genuinely dispose its oversight functions is very crucial. To this end; the regional government and the regional board of election should create enabling conditions as to encourage the commitment of woreda council. Moreover, the woreda council and its members should be committed and be loyal for their electorate by ensuring the accountability of woreda government bodies.
8. As pointed in the findings of this study the absence (boycotting) of strong opposition political parties from woreda election is also one of the consequences for the impotency of woreda council. Because absence of strong political parties in the opposition has weakened the element of influence on decision making process of woreda council. Therefore, the researcher recommend that; the regional board of election should facilitate a conducive situation and provide certain incentives for the competent political parties as to encourage their participation in the election of woreda council. In addition the national and regional government should give a due emphasis for the woreda council election with necessary provisions and support to encourage the representation of local people in the woreda council. On the other hand, all political parties who are registered and legally recognized as a political party, should be committed to provide its alternative policies to the local people, to assign its candidate as to hold a seat and finally to actively participate in the woreda council.
9. Finally, the researcher recommends the woreda executive institutions and their officials, the woreda administrative council and woreda ruling party leaders to fully understand the rational and justification behind the need for woreda council oversight and then cooperates with it, to give the necessary information, report and answer required by the council. To this end it is recommended that all the above bodies should have a political commitment to maintain the principle of check and balance and also to create accountable governmental bodies at woreda level.

Therefore, the writer believes that if the above recommendations implemented seriously, there will be effective woreda council oversight functions which intern helpful in ensuring accountability of executive organ at woreda level.

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# Appendices

## Appendix-I Interview Question Addressed to Different Respondents

Addis Ababa University

College of Law and Governance:

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### A. Interview questions Directed to Woreda Council people's Representatives

This interview questions are meant for the Ameya Woreda Council People's representatives for their direct involvement on the Woreda level legislative oversight and other legislative functions in the Woreda council. Its purpose is to collect relevant data to the study entitled as "An Assessment of Legislative Oversight over Executive Organ: *The Case of Ameya Woreda in the Oromia National Regional State*". Your responses are vital for the success of the study. So you are kindly requested listen to all the questions and give your genuine response. Be sure that your responses will be for academic purpose only.

**Instruction:-**Please respond to these interview questions based on your experiences as a people's representatives in the Woreda Council. All the questions are about you, your educational background and the role and practices of people's representative especially, the oversight on executive organ at woreda level:

#### I. Personal Information

1. Name of your office \_\_\_\_\_
2. Sex \_\_\_\_\_
3. Age \_\_\_\_\_
4. Level of your Education \_\_\_\_\_
5. Your profession \_\_\_\_\_
6. Service year as people's Representative \_\_\_\_\_

#### II. Interview Questions

1. What are the major roles of Woreda Council and Woreda people's representative?
2. What do you think about the power of legislative oversight at Woreda level?
3. How the Woreda Council exercise its oversight functions over the executive?

4. Do you think the Woreda council is effectively performing its oversight role?
5. What are the major measures taken by the Woreda Council over the executives to ensure accountability? And is possible to say accountability of the executive is ensured?
6. What can you say about the awareness, knowledge and capability of Woreda people's representative? Do they have enough knowledge and capacity about their oversight role?
7. Is there any short term training and brainstorming discussion prepared by the Woreda Council (this is out of normal session) for the Woreda people's representative to strengthen your awareness? If there, how often do you discuss per year?
8. How do you evaluate the effectiveness of standing committee's of the Woreda council? Are they effectively conducting legislative oversight?
9. What need further improvement to strength the Woreda council?
10. What are the challenges that affect the effectiveness of Woreda legislative oversight?

**THANK YOU FOR YOUR CO-OPERATION!!!**

**Addis Ababa University**  
**College of Law and Governance:**  
**Center for Federal Studies**

**B. Interview Questions Directed to Employees of Selected Sectors**

This interview questions are meant for the employees of six selected sectors of Ameya Woreda for their interaction with the Woreda council on different issues. Its purpose is to collect relevant data to the study entitled as “An Assessment of Legislative Oversight over Executive Organ: *The Case of Ameya Woreda in the Oromia National Regional State*”. Your responses are vital for the success of the study. So you are kindly requested listen to all the questions and give your genuine response. Be sure that your responses will be for academic purpose only.

**Instruction:-**Please respond to these interview questions based on your experiences and exposure of the practice of Woreda Council. All the questions are about you, your educational back-ground and the role and practices of people’s representative especially, the oversight on executive organ at woreda level:

**I. Personal information**

1. Name of office \_\_\_\_\_
2. Sex \_\_\_\_\_
3. Age \_\_\_\_\_
4. Level your Educational \_\_\_\_\_
5. Your profession \_\_\_\_\_
6. Service year \_\_\_\_\_

## **II. Interview Question for employees of selected sectors**

1. How do you see the role and Practice of Woreda Council and their power?
2. Does the Woreda council supervises and oversees your sector? if so,
  - a. How they supervise
  - b. How often per year
3. Do you think that their supervision is effective or not? Express why?
4. What you evaluate about the power of Legislative and Executive organ? Practically which one do you think prevail and more strong?
5. Can you express if there is any exemplary measure taken by the Woreda council over the executive to assure accountability? If so, is it possible to say the woreda executives are accountable to the people?
6. What can you say about the awareness, knowledge and capacity of the woreda people's representatives to oversee the executive?
7. Does the Woreda Council have any role on the Woreda budget allocation and revenue control; beyond approval?
8. Is there any training program me given by a council for the sectors of the woreda to up-grade the awareness of executive institutions?
9. How do you evaluate the practice and performance of different standing committee's in supervising the entire development program me of the Woreda.
10. What do you suggest for the improvement and strength the practice of Woreda council?
11. What are the challenges that hindering, the performance effective Woreda legislative oversight?

**Thank you for your cooperation!!!**

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**C. Interview Questions Prepared for Focus Group Discussion with Standing Committee of the Woreda council**

This interview questions are meant for the standing Committee's of Woreda Council for their direct and day to day involvement on the practice of Woreda legislative oversight and other legislative functions. Its purpose is to collect relevant data to the study entitled as "An Assessment of Legislative Oversight over Executive Organ: *The Case of Ameya Woreda in the Oromia National Regional State*". Your responses are vital for the success of the study. So you are kindly requested listen to all the questions and give your genuine response. Be sure that your responses will be for academic purpose only.

**Instruction:-**Please respond to these interview questions based on your experiences as a Standing committee and key role player in the Woreda Council. All the questions are about you, your educational back-ground and the role and practices of people's representative especially, the oversight on executive organ at woreda level:

**I. General information of the Committee**

1) The number of respondents: M \_\_\_\_\_ F \_\_\_\_\_ Total \_\_\_\_\_

**II. Interview Question prepared for focus group discussion**

1. What are major roles and responsibilities of Woreda council and what can you say about practical application?
2. Is it possible to say the role and the practices of the Woreda council compatible?
3. How the Woreda council exercise its legislative oversight power over executive organ?
4. What are the major tools (mechanisms) used by council to supervise and control the woreda executive institutions?
5. What you evaluate about the power of Legislative and Executive organ? Practically which one do you think prevail and more strong?

6. Can you express if there is any exemplary measure taken by the Woreda council over the executive to assure accountability? If so, is it possible to say the woreda executives are accountable to the people?
7. Does the Woreda Council have any role on the Woreda budget allocation and revenue control; beyond approval? If so, what is its practical reality?
8. How do you evaluate the role of Woreda council in planning, budgeting and reviewing the performance and effectiveness of woreda government and service delivery in public sectors?
9. Is there any short term training and brainstorming discussion prepared by the Woreda Council (this is out of normal session) for the Woreda people's representative and other stakeholders to strengthen your awareness? If there, how often do you discuss per year?
10. What can you say about the awareness, knowledge and capability of Woreda people's representative? Do they have enough knowledge and capacity about their oversight role?
11. Can we dare to say the Woreda council is effectively performing its oversight role? and also the accountability of the executive is ensured?
12. What can you say about the awareness of executive officials on the oversee power of legislative control at woreda level.
13. What are you suggest for the improvement and strength of the entire practice of Woreda council?
14. What are the challenges that hindering, the performance effective Woreda legislative oversight?

**Thank you for your cooperation!!!**

**Appendix- II: List of Interviewed Members of Woreda Council (Woreda Councilors)**

No.	Code of No.	Type of respondents	Date of Interview
1.	Interviewee 1	Member of woreda council	Feb/ 06/2015
2.	Interviewee 2	Member of woreda council	Feb/ 06/2015
3.	Interviewee 3	Member of woreda council	Feb/ 09/2015
4.	Interviewee 4	Member of woreda council	Feb/ 09/2015
5.	Interviewee 5	Member of woreda council	Feb/ 16/2015
6.	Interviewee 6	Member of woreda council	Feb/ 17/2015
7.	Interviewee 7	Member of woreda council	Feb/ 18/2015
8.	Interviewee 8	Member of woreda council	Feb/ 18/2015
9.	Interviewee 9	Member of woreda council	Feb/ 19/2015
10.	Interviewee 10	Member of woreda council	Feb/ 19/2015
11.	Interviewee 11	Member of woreda council	Feb/ 23/2015
12.	Interviewee 12	Member of woreda council	Feb/ 26/2015
13.	Interviewee 13	Member of woreda council	Feb/ 26/2015
14.	Interviewee 14	Member of woreda council	Feb/ 27/2015
15.	Interviewee 15	Member of woreda council	Feb/ 28/2015

**Appendix- III: List of Interviewed Employees from Six Selected Sectors of the Woreda.**

No.	Code of No.	Name Of Office and Code of Respondents	Date of Interview
1.	Interviewee 1	Speaker Of Woreda Council	Feb/05/2015
2.	Interviewee 2	The Expert Of Legal and Administrative Affairs Standing Committee In The Woreda Council	Feb/05/2015
3.	Interviewee 3	The Expert Of Economic Dev't, Budget and Finance Affairs Standing Committee In The Woreda Council	Feb/27/2015
4.	Interviewee 4	Respondent-1 From Amaya Woreda Agriculture Office	Feb/11/2015
5.	Interviewee 5	Respondent -2 From Amaya Woreda Agriculture Office	Feb/11/2015
6.	Interviewee 6	Respondent -3 From Amaya Woreda Agriculture Office	Feb/12/2015
7.	Interviewee 7	Respondent -1 From Amaya Woreda Revenue Authority	Feb/12/2015
8.	Interviewee 8	Respondent -2 From Amaya Woreda Revenue Authority	Feb/13/2015
9.	Interviewee 9	Respondent -3 From Amaya Woreda Revenue Authority	Feb/13/2015
10.	Interviewee 10	Respondent-1 From Amaya Woreda Animal Health Agency	Feb/26/2015
11.	Interviewee 11	Respondent-2 From Amaya Woreda Animal Health Agency	Feb/26/2015
12.	Interviewee 12	Respondent -3 From Amaya Woreda Animal Health Agency	Feb/26/2015
13.	Interviewee 13	Respondent -1 From Amaya Woreda Education Office	Mar/24/2015
14.	Interviewee 14	Respondent -2 From Amaya Woreda Education Office	Feb/24/2015
15.	Interviewee 15	Respondent -3 From Amaya Woreda Education Office	Feb/25/2015
16.	Interviewee 16	Respondent -1 From Amaya Woreda Irrigation Authority	Feb/25/2015
17.	Interviewee 17	Respondent -2 From Amaya Woreda Irrigation Authority	Feb/27/2015
18.	Interviewee 18	Respondent -3 From Amaya Woreda Irrigation Authority	Feb/27/2015

**Appendix- IV: Focus Group Discussants from the Four Standing Committees of Worde Council**

<b>No.</b>	<b>Name of standing committees</b>	<b>Number of Discussants</b>	<b>Date of discussion</b>
1.	Legal and Administrative Affairs Standing Committee	3	<b>March/02/ 2015</b>
2.	Economic Development, Budget and Finance Affairs Standing Committee	3	
3.	Social Development and Good Governance Affairs Standing Committee	2	
4.	Women's and Children Affairs Standing Committee	2	
	<b>Total</b>	<b>10</b>	