



**Addis Ababa University  
School of Graduate Studies  
College of Business and Economics  
Department of Public Administration and Development Management**

**The Practice of Policy Making process in Ethiopia:  
The Case of HPR**

**By Atsbeha Aregawi**

**June 2012  
Addis Ababa**

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# The Practice of Policy Making process in Ethiopia: The Case of HPR

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A Thesis Submitted to the Department of Public Administration and Development  
Management

Prepared in Partial Fulfillment of the Requirement for the Degree of  
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**Addis Ababa University  
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**June 2012**

## **Declaration**

I, the undersigned, declare that this thesis is my original work and has not been presented or submitted partially or in full by any other person for a degree in any other university, and that all sources of materials used for the purpose of this thesis have been duly acknowledged.

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## Acronyms and Abbreviations

CSA	Central Statistical Agency
CSOs	Civil Society Organizations
DIP	Democratic Institutions Program
EC	Ethiopian calendar
EACC	Ethics and Anti Corruption Commission
ERCA	Ethiopian Revenue and Customs Authority
ERTA	Ethiopia Radio and Television Agency
FDRE	Federal Democratic Republic of Ethiopia
IMF	International Monetary Fund
IPU	Inter-Parliamentary Union
GDP	Gross Domestic Product
GTP	Growth and Transformation Plan
HOF	House of Federation
HPR	House of People’s Representatives
HRC	Human Rights Commission
IT	Information Technology
MoFED	Ministry of Finance and Economic Development
MPs	Members of Parliament
NGOs	Non-Governmental Organizations
OECD	Organization for Economic Cooperation and Development
OFAG	Office of Auditor General
PAC	Public Accounts Committee
PM	Prime Minister
PASDEP	Plan for Accelerated and Sustained Development to End Poverty
PWDs	Persons With Disabilities
RPMCR	Rules of Procedures and Members Code of Conduct Regulation
SNNPs	Southern Nations, Nationalities and Peoples
TGE	Transitional Government of Ethiopia
UNECA	United Nations Economic Commission for Africa
UNDP	United Nations Development Program
UNIFEM	United Nations Development Fund for Women
UNICEF	United Nations Children’s Fund
US	United States
WBI	World Bank Institute
WHO	World Health Organization

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## **Abstract**

The focus of this research is to identify the major problems of the policy making process of the legislature in Ethiopian and to suggest some possible recommendations. The general objective of the study is to examine the challenges and opportunities of the Ethiopian legislature in policy-making process. The researcher has followed the approach of qualitative research method and has applied purposive sampling technique. The data have been collected using structured, semi-structured questionnaires and interviews, group discussions as well as reading materials of the target area. It also employed descriptive and explanatory way of analysis to reveal the study result. The finding shows that the legislature had a good start in establishing institutional and procedural arrangements and exhibited relative improvements in the competence of MPs and standing committees in delivering the legislative, oversight, budget scrutiny and representation functions of the legislature. On the other hand the finding indicate that the legislature lacks an active role in its policy making process and does not have the mechanism to capture the public attention in doing so. The parliament has been experiencing drawbacks that hinder the quality of its policy making process. To further improve the performance of legislative, oversight, and representation functions, it is important to solve the shortage of trained human power, resource and time constraint and create conducive working environment. It is also essential to promote the capability of the MPs to advance the parliamentary debate and to increase the quality of laws adopted. Moreover, the executive body needs to take sufficient corrective actions based on the audit findings and the recommendations of the legislature to enhance the quality of policy making and implementation process.

# Chapter One

## 1. Introduction

According to the Ethiopian constitution (1995), the Federal Democratic Republic of Ethiopia follows a parliamentary system of government. There is a bicameral parliament made up of House of Federation (HoF) and House of Peoples' Representatives (HPR), which is vested in the federal legislative power. The Judiciary is more or less independent of the executive and the legislature. The House of Federation has members chosen by the state assemblies to serve five-year terms while members of the House of Peoples' Representatives are elected by direct election. Based on the nomination of the HPR, the two houses jointly elect the president for a six-year term.

The federal state comprises nine regional states and two self-governing administrations namely: Tigray, Afar, Amhara, Oromia, SNNP, Somali, Harari, Benishangul-gumuz, Gambela, Addis Ababa and Dire Dawa respectively.

To paraphrase the shared mandate of the two Houses indicated by the Constitution of FDRE (1995), the HPR and HoF jointly: elect the President of the Republic (Article 70/2), hear the opening address of the President at the commencement of their annual session (Article 71/1), take appropriate measures when State authorities are unable to arrest violations of human rights within their jurisdiction and give directives to the concerned State authorities (Article 55/16), determine by a two-thirds majority vote on the exercise of powers of taxation which have not been specifically provided for in the Constitution (Article 99) and amending the Constitution (Article 105/2).

As stipulated in the constitution of FDRE(1995) the House of Peoples' Representatives:

*is the highest authority of the Federal Government (Article 50/3), shall have the power of legislation in all matters assigned by this Constitution to Federal jurisdiction(Article 55/1), shall approve general policies and strategies of economic, social and development, and fiscal and monetary policy of the country,*

*enact laws on matters relating to the local currency, the administration of the National Bank, and foreign exchange(Article 55/10), shall approve the appointment of Federal judges, members of the Council of Ministers, commissioners, the Auditor General, and of other officials whose appointment is required by law to be approved by it (Article 55/13), has the power to call and to question the Prime Minister and other Federal officials and to investigate the Executive's conduct and discharge of its responsibilities( Article/17).*

The quoted paragraph in the above shows some of the powers and functions of the House. But it depicts the immense importance of the HPR. The HPR possesses the ultimate power and determines the fate of the nation. Its strengths and weaknesses that occur while performing its duties highly affect the life of the people positively or negatively. Therefore, it is essential to promote the strengths and to reduce the flaws that arise during its functioning. Conducting researches related to the powers and functions of the HPR can help to that end.

The focus of this research is, therefore, to identify the major problems of the policy making process of the House of Peoples' Representatives (HPR) of Ethiopia in areas of law making, oversight, budget process and representative functions and to suggest some possible recommendations. Hence, the study is intended to examine the extent of the drawbacks of the Ethiopian legislature in policy-making process and to identify its challenges and the opportunities and it can contribute some input to the performance of the legislature in discharging of its constitutional responsibilities.

### ***1.1. Statement of the Problem and Research Questions***

According to the constitution of FDRE (1995), the HPR has the mandate of law making, oversight of government departments and perform representation activities based on constituencies. In this regard, the 17years old legislature has made promising progress in discharging its constitutional responsibilities and entertaining multi party parliamentary democracy, which is the first experience in the history of the nation. Despite the encouraging progress, the legislature, obviously, has its own limitations in exercising its duties.

However, the challenges and opportunities of policymaking process of the supreme institution have not been researched in detail and in balanced manner as well as free of bias, so far.

Especially, nobody has tried to identify the challenges and opportunities of policymaking process of the Ethiopian legislature from within. The researcher, therefore, was induced that there is a knowledge gap that has not been addressed yet in the area in question.

The Ethiopian Legislature lacks an active role in its policy making process and does not have mechanism to capture public attention in doing so. It is important to conduct study and disclose the challenges and opportunities of the Legislature. The researcher, therefore, will try to answer the following questions:

1. Is sufficient time allocated for the examination of bills including the national budget bill? Does the parliament acquire reasonable professional and logistical support to discharge its responsibilities? Are the MPs well informed about the decisions they made beforehand?
2. What is the degree of stakeholders' participation in the oversight and law making process? Do the media and civil society contribute constructive role in the policy making process of the legislature?
3. Is party discipline and MPs' individual freedom of speech applied in balanced manner in the policy making process?
4. Do constituency issues get due attention in discussions of the parliament?
5. Is there any mechanism to assure that enacted laws are implemented and supported by appropriate regulations and directives?
6. What is the reaction of the executive to the oversight findings and feed backs of the parliament? To what extent are measures taken to correct the shortcomings of the executive departments that are identified by the parliament?

## ***1.2. Objectives of the Study***

### **The general objective:**

The general objective of the study is to examine the extent of the drawbacks of the Ethiopian legislature in policy-making process and to identify its challenges and the opportunities.

### **The specific objectives:**

The specific objectives can be defined as follow:

- a. To examine the context in which the Ethiopian legislature making a policy.
- b. To investigate if the legislative process has budgeted enough time and has involved public participation.
- c. To assess the practicality of legislations and measures taken to make them practical by the legislature;
- d. To identify the border between the party discipline and MPs' freedom of expression and assess whether there is proper understanding about it.
- e. To examine the impact of resource allocation to the policy making process;
- f. To scrutinize the reaction of the executive to the oversight findings and feed backs of the parliament;
- g. To understand the reason why the public has discontent in legislative policy-making process;
- h. Recognize the root causes of the problems and suggest recommendations.

### ***1.3. Scope of the Study***

The study is limited to the role of the Ethiopian federal legislature (HPR) in the policy making process. It neither covers the role of the executive and judiciary bodies nor the regional and local legislatures in the policy making process. It is also essential to note that the time span that the research covers is confined to the third and fourth terms of the contemporary Ethiopian parliament.

## Chapter Two

### 2. Literature Review

#### *2.1. Country Profile*

Ethiopia is a country located in the Horn of Africa with an area of 1,104,300 km<sup>2</sup>. Its capital, Addis Ababa, is the headquarters of the African Union, and United Nations Economic Commission for Africa (UNICA). It is the second-most populous nation in Africa, with over 82 million inhabitants (CSA, 2010:1). The Ethiopian population is growing rapidly at an annual growth rate of 2.6 % (CSA, 2007:11) equating to two million births per year. Despite having one of the lowest proportions of urban population in the world at only 17 %, Ethiopia is rapidly urbanizing at a high annual growth rate of 4.1 % (UNICEF, 2010). The National population is very young with 45 % under 15 years of age. Urban unemployment rate is 18.9% at country level and 26.9% in Addis Ababa (CSA, 2010:6).

According to the Ministry of Finance and Economic Development (MoFED, 2010:1-4), since 2003/04, the Ethiopian economy has been growing fast at an average rate of 11% per annum. Agriculture, service and industry sectors contributed 41.6%, 45.5% and 12.9% respectively to the GDP growth. Even though the Ethiopian per capita GDP is at a lower level, USD350 (IMF 2010), it is a fast growing in a similar pattern. The Gross Enrolment Rate of primary education is 94.5% while the Net Enrolment Rate is 87.9%. The number of under graduate students in public universities has been reached 185,788. With regard to the health care, the general health service coverage has met 89%. The 65.8% of the rural, 91.5% of the urban and 68.5% of the average population is being provided by potable water. In addition to this, the government has also made a massive investment in the areas of road, power and telecommunications (MoFED, 2010:13-14)

Ethiopia has been governed by a federal constitution since 1995, which was adopted in the will and active participation of its people. The process of drafting a new constitution began on a nationwide basis between 1992 and 1993, with debates taking place not only in the major cities but also at the village levels (Adejumobi, 2007:134).

The US Federal Research Division also recognized the adoption of democratic constitution and the transition of power in Ethiopia as follow:

*The Constitution of the Federal Democratic Republic of Ethiopia was adopted by the country's transitional government in December 1994 and came into force in August 1995. At that time, power also was formally transferred to the newly elected legislature, the Federal Parliamentary Assembly. It enshrines the separation of church and state and basic human rights and freedoms, and guarantees that all Ethiopian languages will enjoy equal state recognition, although Amharic is specified as the working language of the federal government(US Federal Research Division 2005:15).*

Although Ethiopia had little experience with a popularly elected democratic government or legislature, over 60 political parties emerged to contest in regional elections held in 1992 (Adejumobi, 2007:134).

## ***2.2. Definitions of Concepts and Terms***

The following terms and definitions, which are common in parliamentary business, are presented for better understanding of concepts in relation to the Ethiopian legislature:

**Legislature:** The department, assembly, or body of persons that makes statutory laws for a state or nation (Henry Campbell Black, 1979).

**Parliament:** the group of elected politicians or other people who make the laws for their country (Kate Woodford et al, 2003).

**Congress:** the elected group of politicians in the US who are responsible for making the law, consisting of the senate and House of Representatives (Kate Woodford et al, 2003).

**Bicameral parliament:** A legislative body composed of two chambers or houses. A legislative body comprising a single chamber is called a unicameral parliament (Yamamoto, 2007).

**Petition (to parliament):** A request from one or several members of the public to an authority for an action. The public can seek redress for personal grievances (Yamamoto, 2007).

**Representation Function (constituency service):** a function that is carried out by MPs in their electoral district or constituency. Representation function involves the consultations and discussions between the legislators and the electorate in areas of peace and security, democracy, governance, development and so on (Researcher's own definition).

**Parliamentary Group:** means a collection of members of a party or parties which have not competed against each other in electoral regions but which have competed in a political program, and consists of a party or parties that have won not less than ten seats (HPR, 2006).

**Caucus:** a closed meeting of party members within a legislative body to decide on questions of policy or leadership (American heritage dictionary, 2011)

**Presidential system:** a system in which the president is simultaneously the head of state and the head of the executive branch, and his/her status as such does not depend on legislative support (Yamamoto, 2007: 81).

**Parliamentary system:** a system in which the head of the executive branch leads the government which is dependent on the confidence or tolerance of the majority in the parliament. There may be a monarch or a figurehead president as head of state (Hironori Yamamoto, 2007: 81).

**Parliamentary Oversight:** the review, monitoring and supervision of government and public agencies, including the implementation of policy and legislation (Yamamoto, 2007: 9).

**Policy** is seen as 'the continuing work done by groups of policy actors who use available public institutions to articulate and express the things they value (Considine 1994:4).

**Public policy** is the broad framework of ideas and values within which decisions are taken and action or inaction is pursued by governments in relation to some issue or problem (Brooks, 1989:16). Public policy is whatever governments choose to do or not to do (Dye, 2002:1)

**Policy analysis** is finding out what the governments do, why they do it, what difference, if any, it makes (Dye, 2002:4). It is also defined as the process of assessing situations, defining problems, clarifying values and goals, developing and recommending options, and implementing and/or evaluating outcomes (Smith, 2003:5).

**The policy-making process** encompasses the stages of Problem identification and agenda setting, Policy formation, adoption, policy implementation, and Policy evaluation (WHO: 3-4).

**Public participation:** Processes in which individuals, groups, and organizations have the opportunity to participate in making decisions that affect them, or in which they have an interest (Smith, 2003:5).

**Stakeholder: a stakeholder is one** who will or may be affected, has an interest in an issue or may have the ability to affect a decision or outcome. A stakeholder may be an individual, an organization or a group (Smith, 2003:5).

**First Reading:** means the process of reading and general discussion held on fundamental concepts of a draft law submitted to the House before it gets endorsed, or referred to the pertinent Standing Committee for further inspection (HPR, Oct 2006:5)

**Second Reading:** means the process of reading in which detailed discussion is conducted on the draft law (HPR, Oct 2006:5)

**Third Reading:** means discussions and the process of giving decisions conducted after the submission to the House of reports and recommendations, which are prepared regarding the draft law referred to by the House to a Standing Committee(s) for further and extensive re-examination subsequent to the Second reading (HPR, Oct 2006:5)

### ***2.3. Background***

As to the researcher's opinion, Ethiopia's politics has been sustained under the monarchic and dictatorial regimes for thousands of years. Different opinions and thoughts never entertained and zero sum game politics has been a common practice. Instead of settling disputes based on

lawful and peaceful means, everything was solved based on arbitrary decisions and using force because the necessary legal framework and willingness to implement it was not in place.

The first written constitution of Ethiopia was prepared in 1931 by replicating the constitution of some western countries and was granted by the emperor to the people. Although that constitution had stipulated the establishment of a bicameral legislature, members of the two houses have been elected by the emperor and the nobilities, not by the public. Even the revised constitution of 1955 did not make significant difference in terms of election of MPs and their power of adopting laws. The emperor even had the power to dissolve the legislature. Furthermore, the legislature have not been vested in the power of passing laws without the consent of the monarch and the policy making mandate was absolute prerogative of him. Clapham (1961) articulated this role of the emperor precisely and clearly as follows:

*H/Selassie was the Chief Legislator, with the power to approve and disapprove parliamentary legislation and dissolve the parliament; had an indisputable executive power to appoint and dismiss the prime minister and other ministers; to determine foreign relations; had complete control on the armed forces and the sole power to appoint or dismiss provincial governors; and control over judicial institutions with the mandate to supervise courts mandate pardons(C. Clapham, 1961:1).*

During the dictatorial regime of military government (dergue), the civil and political rights were completely banned by law. Throughout this time, pursuing the idea that was different from the idea of the regime has been resulting in imprisonment and killing. The military junta ruled for thirteen years without any consent of the Ethiopian people. After thirteen years of military rule, In September 1987, the regime declared “the People's Democratic Republic of Ethiopia (PDRE)” under the so-called new constitution and in June of that year the National ‘Shengo’, a parliament, was “elected”. However, that kind of ‘shengo’ was not expected to make policies that possess public interest due to its generic problems. Fasil Nahom(1997 :22) describes the futile nature of that ‘shengo’ and its policy making role as follows :

*The elections that ensued, however, resulted only in a rubber - stamp National shengo that was not equal to the task at hand.... At the top, government and party offices converged, with the same person wearing two or more hats. At the*

*apex, the secretary general of the sole party was also the executive president of the republic , the chairman of the national shengo, and the commander-in-chief of the armed forces. The set-up is reminiscent of the monarchical absolutism of the Ethiopian history during both the unwritten and written constitutional epochs, in spite of the empire having changed in to a republic and emperor into a president.*

After the downfall of the dergue regime, the Ethiopian People's Revolutionary democratic Front (EPRDF) organized a peace conference at the end of June 1991 that accommodated 25 political parties including 17 rebel groups and other social segments of the society. The conference has adopted charter and established government of the transitional period. The charter has provided full protection to the civil and political rights and opened new era of democracy for the nation and its people.

Based on the transitional charter's provisions, the Council of Representatives, which was represented by the conference participants and the then legislature, appointed a constitutional-drafting commission. As the draft was prepared by the commission, it was deliberated by the Council of Representatives and disseminated to the general public for detailed discussions. In the discussions in, approximately, 23 thousand 'kebeles' throughout the country 16-18 million population has been actively participated (TGE, minutes No. 94). After sufficient public considerations, the draft was ratified on 8<sup>th</sup> of December 1994 by constituent assembly, its members directly elected by the Ethiopian people, and it was took effect on 21<sup>st</sup> of August 1995. The civil and political rights provided by the charter have been extended and became long lasting by the constitution.

*Following the 1991 regime change, several local and four national and regional parliamentary elections (May 1995, May 2000, May 2005, and May 2010) took place. The May 1991 regime change ushered in significant changes in the body politic of Ethiopia as enshrined in the 1991 Transitional Charter (TGE 1991) and the incumbent constitution (FDRE 1995) both of which recognized the inviolability of human rights, the rights of Ethiopia's ethnic groups to self-determination, and citizens' unabridged freedom of speech, association and assembly. Different legislations enacted after EPRDF's seizure of power (TGE,*

1992, FDRE 2002) ensured decentralization of power from the political center to the ethnically-constituted regions and subsequently to local and grassroots units as the cornerstones of the federal system. Hence following the ousting of the military dictatorship, Ethiopia adopted a multiparty and parliamentary political system anchored in ethnic federalism (Kasahun Berhanu).

#### **a. Members of the Houses of the FDRE**

In line with the Ethiopian constitution (1995): Members of HPR are elected by the People for a term of five years on the basis of universal suffrage and by direct, free and fair elections held by secret ballot(Article 54/1). Members of the HPR, based on population and special representation of minority Nationalities and Peoples, do not exceed 550; of these, minority Nationalities and Peoples have at least 20 seats(Article 54/3). Members of the HPR are representatives of the Ethiopian People as a whole and they are governed by the Constitution, will of the people; and their Conscience (Article 54/4). On the other hand, the HoF is composed of the representatives of Nations, Nationalities and Peoples (Article 61/1). Each Nation, Nationality and People is represented in the HoF by at least one member. Furthermore, each Nation or Nationality is represented by one additional representative for each one million of its population (Article 61/2).

Members of the HoF are elected by the Councils of Regional States. The State Councils may themselves elect representatives to the HoF, or they may hold elections to have the representatives elected by the people directly (Article 61/3). Members of HoF and HPR have been given immunity by the constitution. hence, cannot be prosecuted on account of any vote they cast or opinion they express in the House, nor any administrative action be taken against any member on such grounds (Articles 55/5& 63/1) and no member of the Houses may be arrested or prosecuted without the permission of the Houses except in the case of *flagrante delicto* (Articles 55/6 & 63/2). Members of the HPR may, in accordance with law, lose their mandate of representation upon loss of confidence by the electorate (Article 55/7).

Table 1 shows the number of nations and nationalities in HoF (Seife Derbie Dec, 2011:36-37)

**Table 1. Number of MPs from each Regional State (2010/11-2014/15)**

State	No. of MPs in HPR	No. of MPs in HoF	No. of Nations and Nationalities
Oromia	178	26	1
Amhara	138	24	4
SNNPs	123	62	55
Tigray	38	7	3
Somali	23	5	1
Benishangul-Gumuz	9	5	5
Afar	8	2	1
Gambella	3	4	4
Harari	2	1	1
Addis Ababa	23	-	NA
Dire Dawa	2	-	NA
<b>Total</b>	<b>547</b>	<b>135</b>	<b>75</b>

**Source:** HPR and HoF websites(March, 2012)

## **b. Powers and Functions of the Houses of the FDRE**

In accordance with the FDRE constitution (1995) Article 55, the HPR has the power of legislation in all matters of federal jurisdiction including enacting specific laws on the matters of:

- a. utilization of land and other natural resources, of rivers and lakes crossing the boundaries of the national territorial jurisdiction or linking two or more States;
- b. inter-State commerce and foreign trade;
- c. air, rail, water and sea transport, major roads linking two or more States, postal and telecommunication services;
- d. enforcement of the political rights established by the Constitution and electoral laws and procedures; nationality, immigration, passport, exit from and entry into the country, the rights of refugees and of asylum;
- e. setting uniform standards of measurement and calendar;
- f. Patents and copyrights;
- g. the possession and bearing of arms,
- h. labor code, commercial code, penal code,
- i. civil laws which the House of the Federation deems necessary to establish and sustain one economic community;

- j. determining the organization of national defense, public security, and a national police force and carry out investigations and take necessary measures if the conduct of these forces infringes upon human rights and the nation's security;
- k. declaring state of emergency; consider and resolve on a decree of a state of emergency declared by the executive;
- l. proclaiming a state of war on the basis of a draft law submitted to it by the Council of Ministers;
- m. approving general policies and strategies of economic, social and development, and fiscal and monetary policy of the country and enact laws on matters relating to the local currency, the administration of the National Bank, and foreign exchange; levy taxes and duties on revenue sources reserved to the Federal Government;
- n. ratifying the Federal budget;
- o. ratifying international agreements concluded by the executive;
- p. approving the appointment of Federal judges, members of the Council of Ministers, commissioners, the Auditor General, and of other officials whose appointment is required by law to be approved by it; and
- q. establishing Human Rights Commission and institution of the Ombudsman, selecting and appoint their members and determining by law their powers and functions;

It requests a joint session of the HoF and of the HPR to take appropriate measures when State authorities are unable to arrest violations of human rights within their jurisdiction and, based on the joint decision of the Houses, give directives to the concerned State authorities. The HPR has the power to call and question the Prime Minister and other Federal officials and to investigate the Executive's conduct and discharge of its responsibilities; at the request of one-third of its members, discuss any matter pertaining to the powers of the executive. In addition, it has the power to take decisions or measures it deems necessary; elect the Speaker and Deputy Speaker of the House and establish standing and ad hoc committees, as it deems necessary to accomplish its work (Ibid).

According to the Constitution of FDRE (1995), Article 62, the **HoF** has vested in the **powers and functions** to:

- i. interpret the Constitution; organize the Council of Constitutional Inquiry,

- ii. decide on issues relating to the rights of Nations, Nationalities and Peoples to self-determination, including the right to secession,
- iii. promote the equality of the Peoples of Ethiopia enshrined in the Constitution and promote and consolidate their unity based on their mutual consent; exercise the powers concurrently entrusted to it and to the HPR,
- iv. strive to find solutions to disputes or misunderstandings that may arise between States; determine the division of revenues derived from joint Federal and State tax sources and the subsidies that the Federal Government may provide to the States,
- v. determine civil matters which require the enactment of laws by the HPR,
- vi. order Federal intervention if any State endangers the constitutional order,
- vii. establish permanent and ad hoc committees, and
- viii. elect the Speaker and the Deputy Speaker of the House, and adopt rules of procedure and internal administration;

c. General Structure of the Ethiopian Legislature

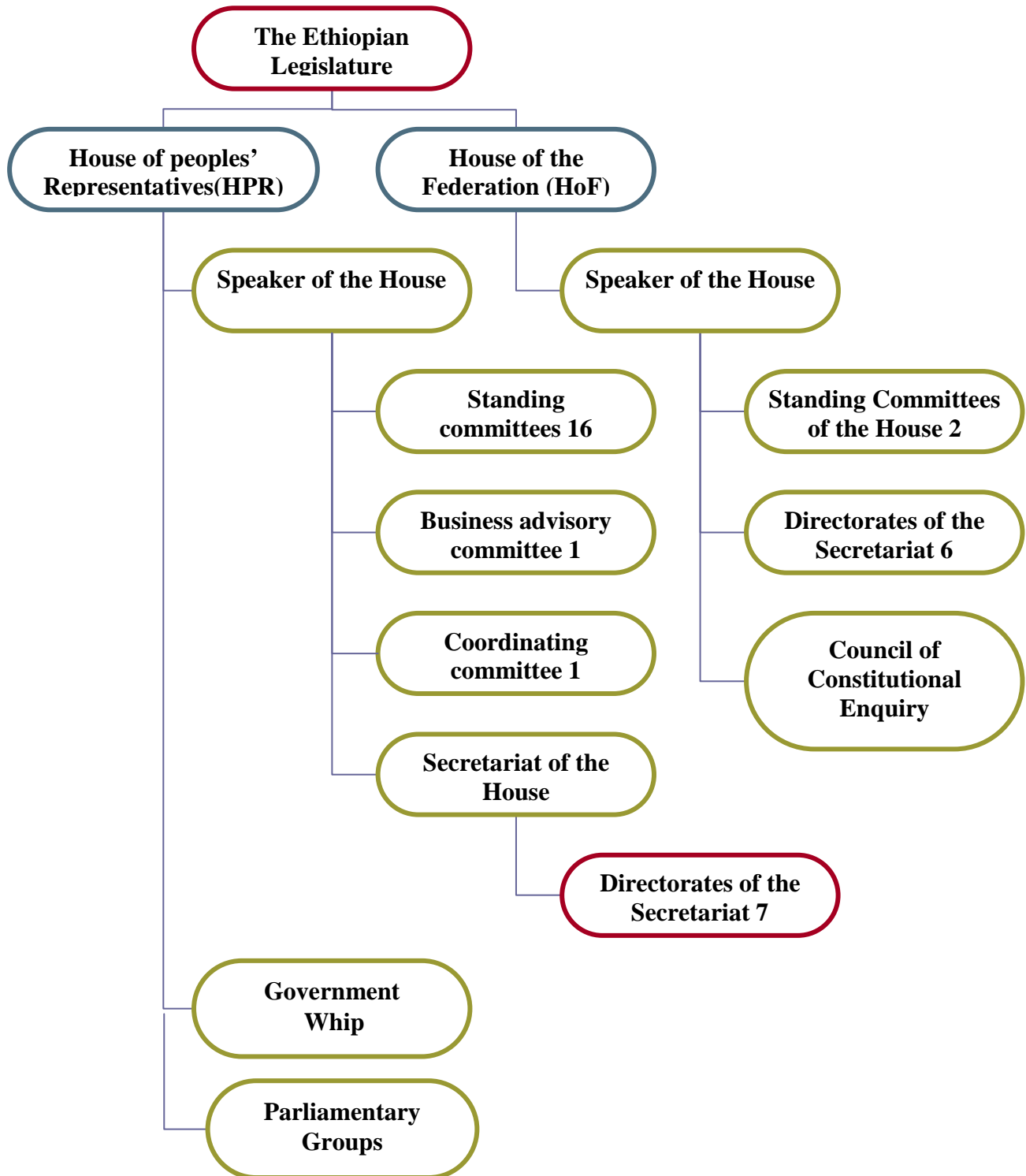


Figure 1: Structure of the Legislature (HPR & HoF websites, 2011)

Pursuant to Article 55 (19) of the Constitution, (1995) the HPR has organized the Business Advisory Committee, the Coordinating Committee, the Standing Committees and the Friendship groups, which promote bilateral relations with peer parliaments. The chairs and the members of these committees and groups are appointed by the general assembly. The Business Advisory Committee is formed in every term and the House determines the number of its members. Currently, at the fourth term of the house, the committee consists of the speaker and deputy speaker, the ruling party (11 members), allies of the ruling party (7 members), Ethiopian Federal Democratic Unity Forum (1 opposition party member) with a total number of 21.

According to the Regulation of Rules of Procedures and Members' Code of Conduct of HPR, article 143, (2006) the committee is vested in the powers and functions, among other things to:

- a. formulate the business to be discussed by the House;*
- b. allocate the debate time necessary for each agenda;*
- c. prepare and submit the draft annual budget of the House;*
- d. follow up and supervise the administration of the manpower, finance and property of the House;*
- e. interpret the House's Rules of procedures and Members' Code of Conduct; and issue a directive or manual which helps the implementation of this Regulation;*

The Coordinating Committee of the HPR comprises 36 members including the Speaker, the Deputy Speaker, the Chairperson and the Deputy Chairperson of each Standing Committee, the Head of the Secretariat of the House, the Government Chief Whip and it is chaired by the house speaker. In line with the regulation of the House (2006), article 147, the committee has Powers and Functions to:

- i. coordinate the general operation of the committees and supervise the effectiveness thereof;*
- ii. evaluate the general activities of the committees and set out directions on fundamental matters;*
- iii. investigate reports related to the plans and operation of Standing Committees and, where necessary, take corrective measures;*
- iv. co-ordinate and supervise activities that may build up the national and international image of the House;*

- v. *conduct studies regarding the needs of Standing Committees and conditions whereby they may become successful and;*
- vi. *discuss and decide on the matters submitted to it by the Speaker or Standing Committees or members of the coordinating committee;*

Standing Committees are the pillars of the house and almost all the businesses of the house are processed in the auspice of these Committees. The house has established 16 Standing Committees in the fourth term. Standing Committees of the house have been given the powers and duties, by the same regulation, to examine draft laws referred to them and submit reports and proposals after examining them; oversee government bodies; initiate laws; examine witnesses and documents and so on.

**Table 2. Number of committee members and number of public departments overseen by the committees**

No.	Name of the committee	No. of committee members	No. of Public departments overseen by the committees
1	Human resource Development Affairs Standing Committee	20	9
2	Trade Affairs Standing Committee	15	5
3	Industry Affairs Standing Committee	20	8
4	Agriculture Affairs Standing Committee	20	10
5	Natural Resource and Environmental Affairs Standing Committee	20	12
6	Transport Affairs Standing Committee	20	9
7	Urban Development and Construction Affairs Standing Committee	15	4
8	Science, Communication and Technology Affairs Standing Committee	20	5
9	Budget and Finance Affairs Standing Committee	20	9
10	Legal, Justice and Administrative Affairs Standing Committee	18	14
11	Foreign, Defense and Security Affairs Standing Committee	15	4
12	Women, Children and Youth Affairs Standing Committee	19	3
13	Culture, Tourism and Mass media Affairs Standing Committee	20	10
14	Social Affairs Standing Committee	20	9
15	Pastoralists Affairs Standing Committee	19	1
16	Public Accounts Affairs Standing Committee	15	1
<b>Total</b>		<b>296</b>	<b>113</b>

**Source:** *HPR – Resolution No.2/2010 of the House for the establishment of standing committees, appointment of members and chairs of committees, Addis Ababa*

The general assembly of House of Federation consists of 135 members who represent 75 nations and nationalities. The House has established two standing committees; each consists of 15 members, to discharge its constitutional mandates. The Committees are: the *Regional and Constitutional Affairs Standing Committee* and the *Budget Subsidy and Revenue Affairs Standing Committee*.

## **2.4. Policy and Law Making**

There are numerous definitions of public policy. Public policy is “a statement by a government of what it intends to do such as a law, regulation, decision, order, or a combination of these. The lack of such statements may also be an implicit statement of policy” (Bikkland, 2011:9) Furthermore, public policy is “a proposed course of action of a person, group or government within a given environment providing obstacles and opportunities which the policy was proposed to utilize and overcome in an effort to reach a goal or realize an objective or purpose”(Frederich, 1963:79).

Smith (2003:8) quotes Daneke and Steiss that public policy is ‘a broad guide to present and future decisions, selected in light of given conditions from a number of alternatives; the actual decision or set of decisions designed to carry out the chosen course of actions; a projected program consisting of desired objectives (goals) and the means of achieving them’. It can also be defined as “Commitment to a course or plan of action agreed to by a group of people with the power to carry it out” (Dodd and Michelle, 2000:2). Briefly stated, public policy is a choice or decision made by government that guides subsequent actions in similar circumstances (Smith, 2003:8).

Policy-making is a competitive process, with the competing interests of different groups involved in shaping the direction that policy takes (WHO: 17). Policy-making is thus a *competitive* process that aims at producing winners and losers and the basic assumption is that, in a fair fight, most of the time the best idea will win (Lenihan, 2011).

To Hollister (2007:6), “Public policy is traditionally made in elected bodies. Most people believe that the lawmaking process is the beginning and end of policymaking, but it is important to understand that there are five separate and distinct ways that public bodies make

policy”. Hollister continues to describe the five ways through which elected bodies make policy as follows: Lawmaking, Budget Process, Rule Making, Oversight and Sunset Option which refers to the concept that some kind of automatic review or termination built into a policy(Ibid:6-9).

## **2.5. Policy and Oversight**

Parliamentary oversight is an important part and parcel of the policy making process. Parliament should ensure that the agreed policy is properly implemented and delivered to the target citizens by means of parliamentary oversight. According to Pelizzo et al (2006:8),

*scholars have generally agreed on the fact that effective oversight is good for the proper functioning of a democratic political system. Effective oversight is beneficial for a political system for, at least, two basic reasons (West and Cooper, 1989): ‘first, because the oversight activity can actually contribute to improving the quality of the policies/programs initiated by the government; second, because as the government policies are ratified by the legislative branch, such policies acquire greater legitimacy.*

Besides their responsibility for the legislative process, parliaments have a key function in providing oversight of the government on behalf of the public (Beetham, 2006:127). Yamamoto (2007:6) also emphasizes the importance of oversight as follows:”through its core oversight function, parliament holds the government to account on behalf of the people, ensuring that government policy and action are both efficient and commensurate with the needs of the public. Parliamentary oversight is crucial in checking excesses on the part of the government”.

As Pelizzo et al (2006:8) stated ‘studies have underlined that the legislatures may adopt several tools to oversee the actions of the executives such as hearings in committees, hearings in the plenary assembly, the creation of inquiry committees, parliamentary questions, question time, the interpellations and the ombudsman (Maffio, 2002; Pennings, 2000)’. The key functions of parliamentary oversight can be described as follows:

- a. *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,*
- b. *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.*
- c. *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*
- d. *to improve the transparency of government operations and enhance public trust in the government, which is itself a condition of effective policy delivery (Yamamoto, 2007:9-10).*

## **2.6. Initiation of Bills**

Bills may be introduced by any member of the House called a private member's bill, but usually a bill is introduced by a council of ministers which is a government bill. Private Members' bills make up the majority of bills, but are far less likely to be passed than government bills, which make legislatures responsive rather than initiator of policy.

*It is a central feature of Parliament that it mainly performs a responsive rather than an initiating function within the constitution. The government at different levels initiates policy, formulates its policy on legislation and other proposals, exercises powers under the prerogative or granted by statute and, in all these aspects, performs the governing role in the State. Both Houses of Parliament spend most of their time responding, in a variety of ways, to these initiatives, proposals or executive actions (Blackburn and Kennon, 2003:5).*

This situation is common in countries that follow parliamentary system of government. In parliamentary systems, legislators introduce relatively few bills; most legislative proposals are instead presented by bureaucrats to the cabinet, which then introduces them as draft legislation to the parliament (Moran et al, 2006:231) whereas in the presidential system is the other way round. In the separation of powers system of the United States not only do legislatures have the

final word over the form and content of bills, but farther only legislator can introduce bills (Moran et al 2006:232).

However, as Blackburn and Kennon (2003:6) stated,

*the government is not the only source of input of business for Parliament. Much business is originated by the opposition front bench and by back-benchers on either side of the two Houses. The inspiration for their input is largely found in general public opinion, outside pressures or interest groups, newspapers, radio and television, and in the minds and attitudes of millions of citizens represented in the Commons by Members.*

Parliament, therefore, finds itself the recipient of a wide range of external pressures and proposals, broadly divided between the governments on the one hand and the outside world - the public on the other.

The prerequisite for policy making process is the existence of strong and competent legislative body. No country can long have a workable democracy- with voice of opposition, accountable government, and adequate avenues for citizens to be heard – without a vibrant and meaningful legislature and legislative process (Ornstein, 1992:1). According to Beetham (2006:115)

*Parliaments have to strike a balance between cooperation with, and oversight over, an elected executive; sheer obstructionism rarely serves the public. Yet the more likely danger in the contemporary period is that of undue executive dominance, whether through lack of parliamentary capacity or unwillingness on the part of parliaments to exercise the powers they have.*

Whatever the level of resources and staffing available, it is now becoming widely accepted that parliaments should be independent of the executive in the way they organize themselves, including control over their own timetable and the ability to recall themselves outside normal session if circumstances so require ( Beetham, 2006:117).

## ***2.7. The MPs' Freedom of Speech***

The freedom of speech of MPs and their representational mandate can also enhance the independence and strength of the legislature.

*Elected representatives enjoy absolute independence vis-à-vis their electorate. Just as parliamentarians are not representatives of only part of the population, so also they are precluded from defending special interests, deputies and senators exercise their mandates freely and are not bound by any undertakings given before their election or instructions received from voters during their mandate.. Elected representatives are not obliged either to support their party or any decisions taken by their group in parliament. It is for the party or group concerned to expel a parliamentarian whose conduct is deemed harmful to its interests. In no case, however, does expulsion entail the loss of a parliamentary mandate. Of course, parliamentarians are still free, once elected, to honor their pledges and comply with the voting instructions of their parliamentary group. (Hulst, 2000:9)*

The Inter Parliamentary Union also strongly insists to the realization of MPs' freedom of speech. Freedom of expression goes to the heart of democracy and is essential to members of parliament; without the ability to express their opinions freely, members of parliament cannot represent the people who have elected them (IPU, 2012:9). However, it is inevitable that the governments to have strong control over the legislatures so as to have power to implement their new policies. According to Blackburn and Kennon (2003:5),

*in many fields, but not all, new policies require new powers for their implementation and new powers are obtained by legislation. All governments in all countries must control the legislature. In some, such as the United Kingdom, governments are governments because they exercise the control. In others, such as the United States of America, the Government has more indirect means of control. But a government that had not the means to make laws could not exercise its proper authority.*

## **2.8. Public Participation and Policy Making**

A legislature that is representative and participatory is characterized by citizens having access to, and input in, the policy making process through the legislature. There is high degree of interaction between members and citizens; issues are addressed or legislation amended because

of public input or pressure; and civil society organizations, advocacy organizations, and/or interest groups are active participants in the legislative process (Saiegh, 2005). Participation matters because the people who are politically active are communicating their preferences to public officials and are wielding rewards and punishments, such as votes, and campaign contributions, that may affect officials' career (Nice, 2004:72).

The participants can be classified as spectators who are passive but majority and gladiators who are active but less in number. Interest groups can be considered as composed of the gladiators. "Interest groups are organizations that try to influence government decisions. A distinction can be drawn between economically motivated groups, professionally motivated groups, public interest groups and ideological groups. Interest groups engage in a variety of tactics to influence the government decisions-public relations, electioneering and lobbying" (Harrigan and Nice, 2004:89)

Though the expected role of the parliaments is described above, there have been limitations in most of them.

*In almost every parliament around the world, there is a gap between powers that a parliament has to hold the executive to account and the willingness or ability of politicians to use them. Public opinion about the older parliaments in North America and Western Europe highlights the widespread belief that the bodies are not as effective as they should be, and the public seems to be permanently disappointed with the ability of parliaments to fulfill their potential (Power, 2012:16).*

However, since recent times, optimistic practices have been emerging even in the most criticized Sub-Saharan Africa. Barkan (2009,), in a wide-ranging study of legislative development in Africa, suggests that the situation is changing, with parliaments evolving out of their role as rubber stamps for the executive and becoming more effective as watchdogs, policy-makers and representatives.

## **2.9. Representation Function (Constituency Service)**

A Legislature has to endeavor not only make the public to come and participate in the policy making process but also to perform representation functions in the constituency. Greg Power

(2012:59) has made a global parliamentary survey on the constituency service and the results of the parliamentarians' survey suggested that it was the single most time-consuming feature of their work and immensely important to both citizens and politicians – indeed, it is an accepted and expected part of the job. He also further explains the importance of the activity as follows:

*The other dimension to constituency activity consists in ensuring that local experience informs national policy-making. Through their interaction with voters, local MPs gain enormous expertise about the impact of policy decisions and legislation at the local level. That direct experience is often far greater than of the civil servants and ministers responsible for drafting and implementing legislation, but is rarely used by parliaments in any systematic fashion to shape legislation. Instead it is most frequently due to the initiative of individual politicians that the experience of citizens is used as a policy resource (Power, 2012:66)*

The first and foremost characteristic of a legislature is its intrinsic link to the citizens of the nation or state – representation and the legislature acts as the eye, ear and voice of the people in a representative democracy (Ornstein, 1992:2). According to the global parliamentary survey made by Power, the time dedicated to representation function (constituency work) is indicated as follows:

*The survey also revealed the amount of time that constituency work takes up; one fifth of politicians reported devoting more than 40 hours each week solely to helping constituents, while a further one third spent between 21 and 40 hours each week... while in the UK suggest that, in 1996, an already large 40% of politicians' time was spent on constituency work, but, by 2006, new MPs put the figure at 49%. In Canada, constituency work takes up more time than any other activity and parliament adjourns every fourth or fifth week to enable MPs to spend more time with their constituent(Power,2012:60).*

Power also disclosed the single most frequent complaint, cited by almost 36% of respondents, was a lack of resources for carrying out constituency work, including funds for running constituency offices, staff to work in the offices and the ability to travel.

## **2.10. The Media and Policy Making**

Media is an important tool for the proper functioning of the legislature because it can create the necessary communication interface among the legislators, the executive officials and the general public and they can influence each other using it. Beetham explains the role of media relating to the parliamentary function as follows:

*The media constitute the key means for informing citizens about public affairs, and a key channel of communication between parliament and public. In their investigative role, the media have always been seen as a 'watchdog' against all kinds of abuse. How well they fulfill these functions is vital for the quality of democratic life. Given the tendency for these functions to become distorted, whether by executive partiality in a government-controlled system, or by powerful economic interests in a commercialized one, parliament has a key democratic role in setting an appropriate legal framework for the media, to ensure both their independence and their diversity (Beetham, 2006:6).*

Legislatures also need to have means of engaging and influencing to the general public to their business. The participation of the general public in the activities of the legislature in person is, naturally, represented by small number of people. To bridge the gap Power suggests the need for broadcast media as follows:

*Because parliamentary outreach will ever physically touch only a small proportion of the population, the second main element of engagement strategies is the mass broadcasting of parliamentary proceedings through radio and television, which dramatically widens the potential audience. The World e-Parliament Report suggests that around one third of parliaments now televise through their own channels and a further one third collaborate with other TV channels to broadcast political programs (power, 2012:29).*

## **2.11. Public Petition and Policy Making**

Another essential function of legislatures in the policy making process is entertaining of public petition. I can help observing citizen rights and protecting abuse or maladministration. Yamamoto (2007:33) explains the importance of handling public petitions as follows:

*Parliament can defend the rights and interests of citizens in individual cases. The oversight activities of departmentally-related committees include handling individual complaints against the corresponding government department. Many parliaments have developed a system for streamlining the handling of such grievances.*

In Britain, according to May (1989:754),

*Public petition may pray for an alternation of the general law or the reconsideration of a general administrative decision. They also pray for redress of local or personal grievances. These are to be distinguished from petitions relating directly to private business. It is the inherent right of every commoner in England to prepare and present petitions to the house of commons in the case of grievance, and the house of commons to receive the same; that it is undoubted right and privilege of the commons to judge and determine, touching the nature and matter of such petitions, how far they are fit and unfit to be received.*

Any citizen or group of citizens may prepare and sign a petition to the house on any matter in which the house has jurisdiction to interfere (Blackburn and Kennon, 2003:380). The scholars extend their account by indicating that the petition must be presented to the house by a member: Any member can present a petition (provided it is in order), either publicly immediately before the adjournment is moved towards the end of the day's sitting (or at the beginning of the business on a Friday), or privately by putting the petition in the petition bag behind the speaker's chair. As to the writers, once petitions are presented, they are referred to the relevant government department. However, ministers are not required to reply to petitions though they frequently do so and any observations they make are presented to the House.

## **2.12. Budget Process and Policy Making**

Policy is nothing to do without budget allocation. Hence, it should be addressed as component of the policy making process. A law without a Budget is simply rhetoric and the budget-making process is as critical as the lawmaking process (Hollister, 2007:7). Wehner and Byanyima (2004:9) emphasize on the significance of budget to policy making as follow:

*The budget is the most important economic policy tool of a government and provides a comprehensive statement of the priorities of a nation. As the representative institutions of the people, it falls to national legislatures to ensure that the budget optimally matches a nation's needs with available resources. Effective legislative participation in the budget process establishes checks and balances that are crucial for transparent and accountable government and ensuring efficient delivery of public services.*

The budget process is governed by a timeline that can be separated into four different stages: drafting, legislating, execution, and audit. As Wehner and Byanyima (2004:30-31)

*the drafting stage is paraphrased that it is mostly internal to the executive that involves setting fiscal policy and estimate available revenues in order to establish the total resource envelope that will be available for spending; negotiating between spending departments and the finance ministry on the allocation of funds across different functions based on the indicative expenditure ceilings for each department set by the ministry, compiling draft spending proposals and reviewing by the finance ministry, discussing with departments to resolve controversial issues, and reviewing and approving by the cabinet.*

Once a comprehensive budget has been drafted, it has to be approved by the legislature to become effective. According to Krafchik and Wehner (2004:1)

*Parliament's 'power of the purse' is a fundamental feature of democracy. The vast majority of democratic constitutions require appropriations and taxation measures to be approved by parliament in order to become effective. For this requirement to be more than constitutional fiction though, parliament must ensure that the revenue and spending measures it authorizes are fiscally sound,*

*match the needs of the population with available resources, and are implemented properly and efficiently.*

Furthermore, Wehner and Byanyima (2004:31-32) depict the budget review and approval as follows:

*Its options are to approve or reject the budget, to amend it, or, in a few cases, to substitute the draft tabled by the executive with its own budget. In some countries, the legislature passes separate legislation for appropriations and changes to the tax code; in others it considers a unified budget bill. The exact form of legislative approval is less important than the fact that it must be comprehensive. The principle of legislative authorization of all public spending and taxation ensures the ‘rule of law’ in public finance.*

The duration of the legislative stage varies between countries. The United States Congress spends about eight months and sometimes more debating on the budget, while some legislatures only have about a month. Budget scrutiny takes time. A good rule of thumb, therefore, is that the more time the legislature has to review the draft budget, the greater its overall potential influence. International experience suggests that a national legislature requires at least about three to four months for effective consideration of the annual State budget (Wehner and Byanyima 2004:32)

**Table 3: How far in advance of the beginning of the fiscal year, does the executive present its budget to the legislature?**

Time	Number of countries	Percentage of total
Up to two months	10	26%
Two to four months	23	59%
Four to six months	5	13%
More than six months	1	3%
<b>Total</b>	<b>39</b>	<b>100%</b>

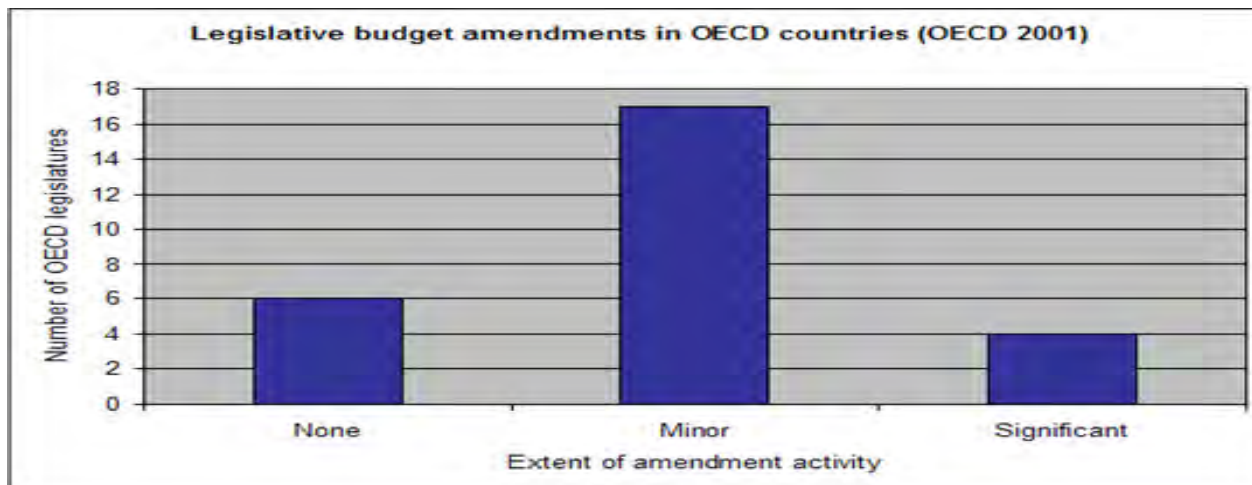
**Source:** (OECD, 2003, taken from W. Krafchik, J. Wehner, 2004)

Nevertheless, Krafchik and Wehner (2004:2) argue that,

*Parliament usually does not have sufficient information or technical capacity to play an effective role in the budget process. The executive will always have a greater information base than the legislature and parliament will enter the process at a late stage after roughly a year of secretive departmental negotiations. Moreover, most parliamentary committees in developing and transitional countries do not have sufficient technical research, or even administrative, capacity.*

If we take the number of parliamentary amendments as a yardstick, international evidence shows that few parliaments have much more influence than others as shown from the next figure.

**Figure 2: Legislative Budget amendments**



**Source:** *Legislatures and Budget Oversight: Best Practices* (Krafchik & Wehner, May 2004)

The execution or implementation stage of the budget process is mainly in the hands of the executive. Following the implementation of the budget, government accounts and financial statements are audited by an independent audit institution, such as an audit court or auditor general.

*General audit offices are generally autonomous organizations with functional links to parliaments. They provide critical advisory services to parliaments, directly or indirectly, in the exercise of their accountability functions. At the same time, the effectiveness of audit reports largely depends on the follow-up parliaments give to them (Santiso, 2004:66).*

Wehner and Byanyima(2004:35) indicate the need of timely audit report and the legislature's consideration on it as follow:

*In most countries, the audit of accounts is followed by the consideration of audit findings by the legislature and if the process is effective, any recommendations based on audit findings are reflected in future budgets, thus allowing for continuous improvements in public spending and public financial management generally...Audit reports need to be produced and tabled in the legislature as speedily as possible to ensure their relevance since long delays undermine accountability, because officials who are responsible for a loss of public money may have moved on or retired by the time an incident receives attention.*

### **2.13. Resource and the Legislature**

Legislature is required to have adequate resources that enable it to discharge its responsibilities. *No legislature can be effective unless it has adequate resources to conduct research on policy issues, develop models, analyze data, and write laws. Staffs, libraries, and expertise are all necessary, as are tools like computers, telephones, and fax machines.* (Ornstein, 1992:11)

Legislature is the highest authority of a nation. However, its power cannot be realized without necessary resources. This idea is reinforced by Beetham(2006:117) as follow:

*Parliamentary effectiveness cannot be satisfactorily treated without confronting issues of power. 'Power' has many different meanings, but two are particularly relevant here. The first is power as a capacity: having the relevant legal rights and resources – financial, human and organizational – to carry out necessary tasks. The second is power as relational: here having sufficient power and independence in relation to the executive to oversee it effectively.*

## **Chapter Three**

### **3. Research Methods and Tools**

#### ***3.1. Data Source and Gathering Tools***

In this research, primary and secondary data have been employed. The tools used to collect primary data have been:

- a. Questionnaires,
- b. Interviews,
- c. Focus group discussions and
- d. Personal observations,

The Interview guides and questionnaires have been semi - structured, which enabled the researcher to quantify some of the data and to understand the rationale behind the answers of the respondents. The researcher has also used ample secondary information from books, periodicals, proclamations regulations and directives of different libraries and websites.

#### ***3.2. Sampling Techniques***

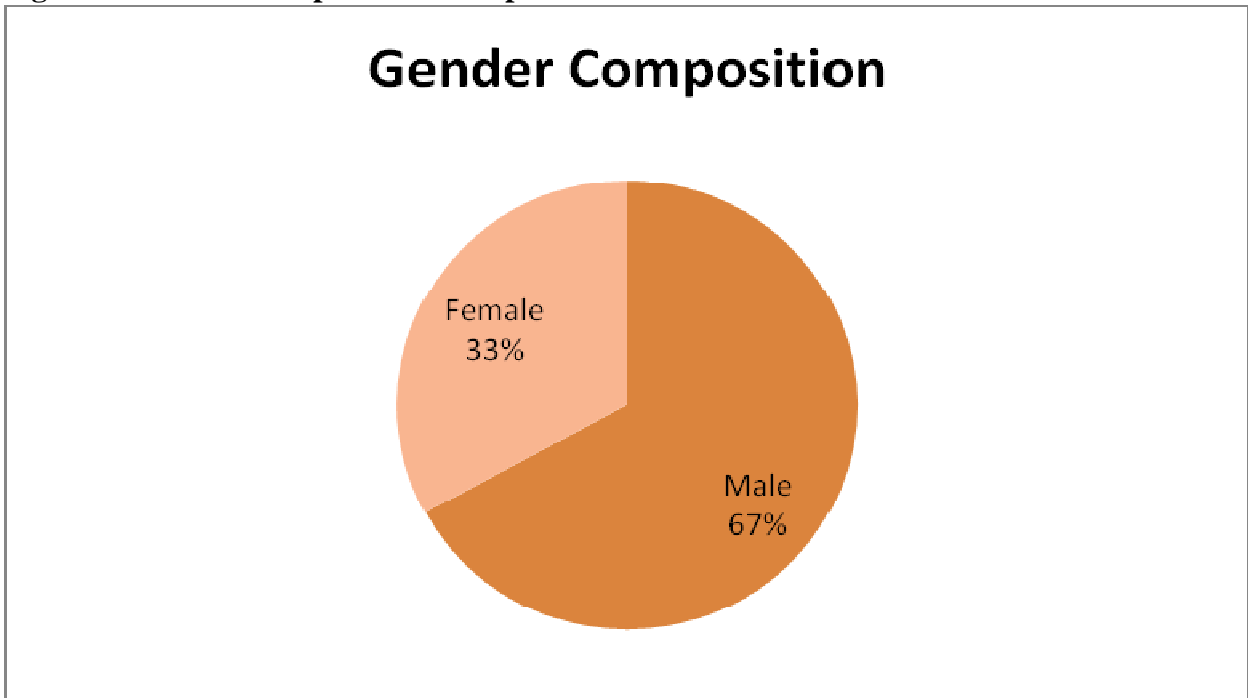
Since the research involved qualitative and quantitative study, the sampling technique was a combination of purposive and stratified sampling. According to researcher's design, samples were taken from veteran MPs (ex-MPs), senior MPs, standing committee chairs and members and experts of the secretariat of the HPR, HoF and OFAG. The researcher has believed that the selected people had detailed and correct information about the research area because of their current and previous positions and their long service time. Relevant questions were also made available to corresponding respondents.

### **3.3. Data Collection**

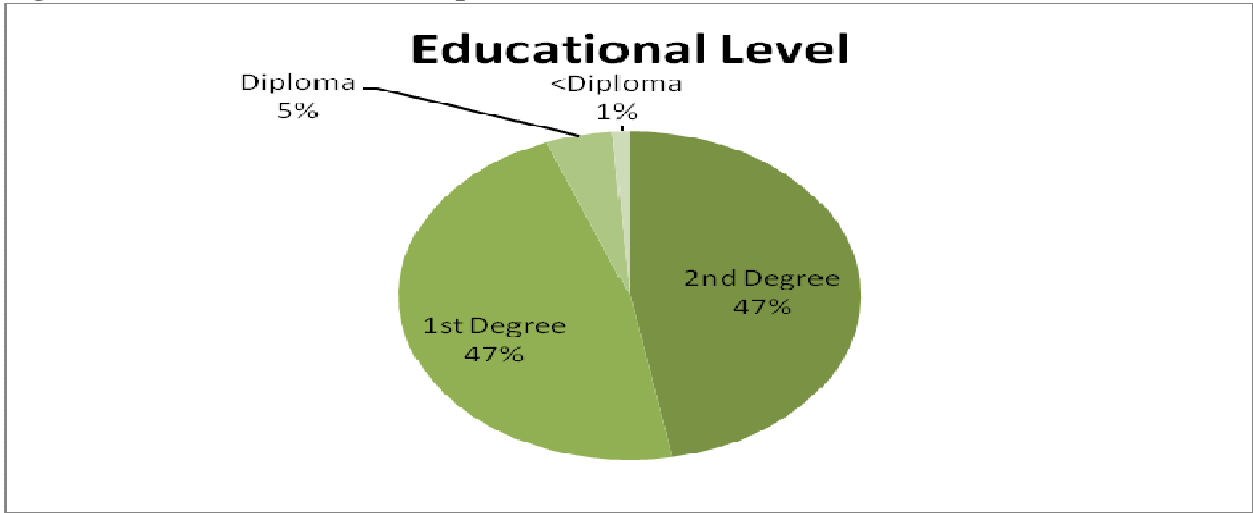
Accordingly, among the intended 126-sample size, 99 (79%) participants have been able to provide their opinions. Out of the total number, 85 MPs and veteran MPs have been involved in completing the questionnaire. The interviewees have included seven experts from the secretariat of HPR, 2 experts from HoF and one from OFAG. In the third category, four people have been selected in two focus groups from MPs and veteran MPs who have special knowledge about the legislature. Though the number of the members of the focus groups is small, they can be considered as the institutional memory of the HPR.

The demographic feature of respondents of the questionnaires (85 MPs) is depicted in the figures 2, 3 and 4. The work experience, educational level and gender composition of the respondents is tried to make reliable as much as possible.

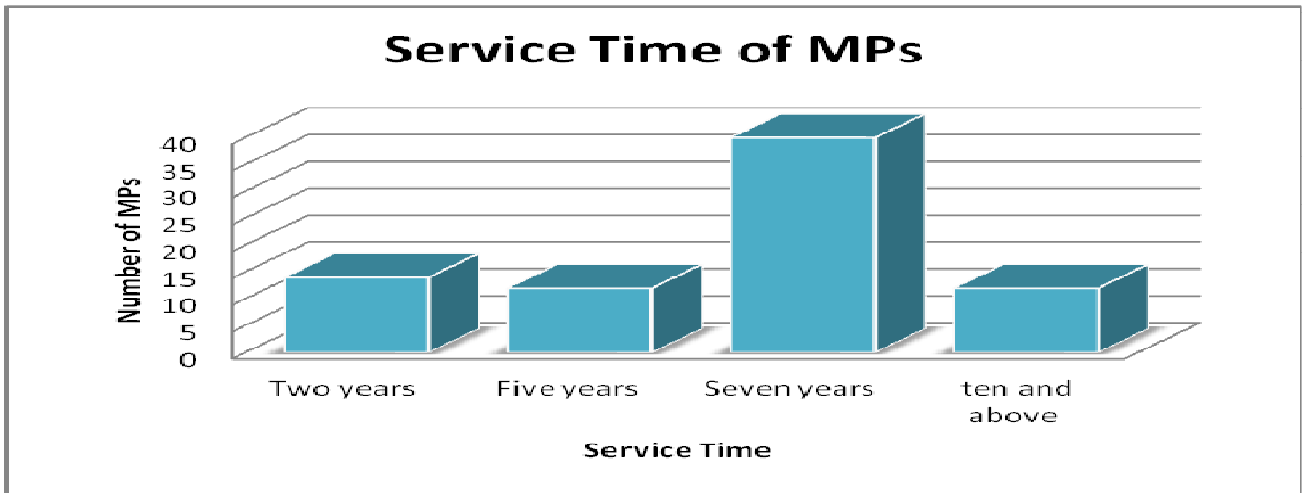
**Figure 3: Gender Composition of respondents**



**Figure 4: Educational level of respondents**



**Figure 5: Service times of Respondent MPs in the Parliament**



### ***3.4. Method of Data Analysis***

The data gathered during the survey have been analyzed using word descriptions, tables, percentages, graphs and diagrams as appropriate. The researcher has also tried to compare the current practice of the Ethiopian legislature with respect to the accepted theories and practices. The study is equally descriptive and explanatory research because the researcher endeavored to show what is going on and why it is happening in the study area in question.

## **Chapter Four**

### **4. Findings and Analysis**

The policy making process comprises several stages. The process includes problem identification and agenda setting, policy initiation and formulation, adoption, implementation, evaluation and policy redesign. The most important public policy making bodies are the legislature, the executive and somehow the judiciary. The focus of this study was the practice of the legislature in policy making process in Ethiopia. The Ethiopian legislature more or less involves in all policy making stages be it significantly or not. However, it boldly involves in legislative and oversight activities. Draft Laws (Bills) and other strategic documents, such as the five year plan, are scrutinized and adopted by the legislature. With regard to the oversight function, the legislature and its standing committees monitor and inspect the performance of the executive body in different ways. Legislators also visit their constituencies and they play representation roles by consulting their electorate. Furthermore, the legislature and its standing committees look after public petitions, grievances and tips, which are important inputs to the oversight process. Several resolutions are also passed by the legislature. These parliamentary functions are highly related to the policy making process in one way or the other.

#### **4.1. The Legislative Process**

##### **a. The Law Making Process**

According to the Ethiopian constitution (1995), and the RPMCR (2006) the HPR has the mandates from initiating to adopting laws. As defined by the RPMCR (2006 Article 50), the MPs, the committees and the parliamentary groups have the right to initiate draft bills except financial bill, which is limited to the government only. According to the researcher's assessment, however, in practice 99% of bills have been initiated by the executive departments. Nevertheless, the initiation of most of the bills by the executive does not mean the legislature has not any input in the preparation of the bills. The issues and problems that arise frequently in

the legislature push the executive to prepare bills that would ease the problems and the legislature contributes to the initiation of bills indirectly.

The bill that comes to the legislature must be signed by the respective initiator and handed over to the speaker. Under the auspice of the speaker, the bill is required to be approved as an agenda item by the business advisory committee and presented to the plenary session. Prior to its discussion, representative of the policy initiator need to brief to the house on the contents and importance of the bill. After the briefing the first reading debate is taken place by focusing on general issues. As the first reading is concluded, the bill either will be referred to relevant standing committee for further scrutiny or directly, if motion is moved, it will be passed to second reading and enacted as a law. Nevertheless, direct adoption of bills is not common except financial bills. If the document is not distributed before 48 hours, it must be presented by reading in detail.

The bill referred to the concerned committee after the first reading is required to undergo several stages prior to its approval by the House. Firstly, the committee to which the bill is referred has to examine carefully and in detail. After the committee members make it clear themselves it is important to identify issues and questions to be clarified and answered by the initiator. The next step will be inviting the initiator government department heads and professionals to explain the purpose and importance of the draft bill and answer the questions prepared by the respective standing committee beforehand.

In this testimonial forum, MPs other than the committee members can take part and pose questions and opinions over the agenda. The representative(s) of the initiator government department give(s) clarifications over the vague issues and give(s) answers to the questions from the standing committee and participants of the forum. If the bill under question is to have deemed affect public interest, public hearing will be organized by the focal committee. The public forum is represented by different stakeholders who may include mass organizations, professional associations, civil society organizations (CSOs) and higher education and research institutions, chambers of commerce, public institutions, interested groups and individuals. These stakeholders are invited through broadcast media publicly and through letters individually along with the copy of the agenda to make necessary preparations in advance.

Stakeholders who are not able to participate in person can send their opinions and questions through letters, telephone and other electronic means. Once the arrangements are finalized, the public hearing debate will take place. In this forum, the committee plays the role of a mediator. The opinions and questions forwarded by the participants are addressed (responded) only by experts of the initiator department. However, the committee takes notes carefully during the discussion. As the public hearing is concluded, evaluation of the standing committee is important to assure whether the hearing is enough or more hearing is needed. If the committee believes that more hearing is needed it can be organized in a similar way as the aforementioned pattern.

In the post hearing period the concerned standing committee make discussions about the public opinions and identify issues to be amended on the bill. Then report and resolution proposal will be prepared. Its content includes the process of examination of the bill, amendments and the resolution proposal. As the report is submitted to the speaker, he/she presents it to the business advisory committee to be approved as agenda item in the next session of the House.

The second reading is held based on the report of the concerned standing committee. In this step, detailed debate is taken place and finally either passed as a law or may be referred back to the committee for more scrutiny. As the scrutiny is accomplished, report is presented to the house in similar way to the previous situation and third reading is carried out. Eventually the bill is voted to be a law. This is the procedure how the Ethiopian legislations pass through.

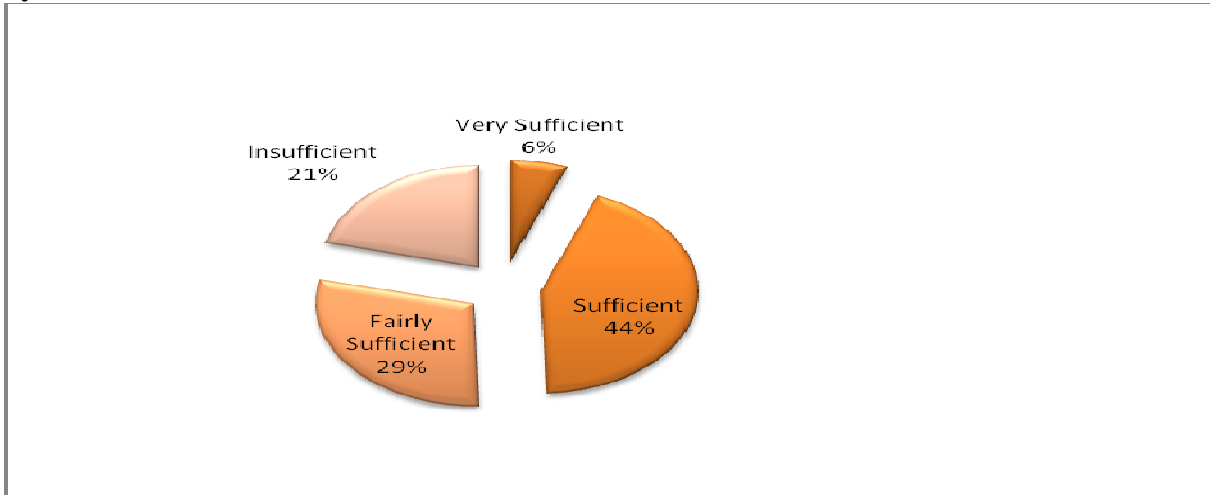
So far, we have seen the general procedure of law making process of the legislature. This procedure is only applied in examining and approving draft bills only. Around 99% of the draft bills are initiated by the executive departments, which is common in all countries that follow parliamentary system of government (Moran et al, 2006:231). Some people and even MPs consider this issue as a weakness of the legislature however this is no more different practice to Ethiopia.

Nevertheless, the general policy guidelines of the government departments are not only initiated by the executive but also adopted there. These general policies are the basis for the draft bills, which are scrutinized and adopted by the legislature. The perspective of the

legislature in scrutinizing the bills is based on these broad policy guidelines. Even though the MPs are abided by these policies, they do not have the opportunity to have their voices. The FDRE's Constitution (1995) Article 55(10) stipulates that the general policies and strategies of the country shall be approved by the legislature, while article 77(6) economic social and development policies shall be formulated and implemented by the executive. Most of the target group MPs (respondents) consider the adoption of general policies is as a sole mandate of the executive. However, like the PASDEP and GTP plans, the general policies and strategies of the country must be discussed and approved by the legislature. Though the adoption of regulations is vested in the legislature, the mandate is delegated to the council of ministers based on the constitutional provision. Directives are initiated and approved within the executive departments.

When we come to the scrutiny of bills in the parliament, it is worthwhile to mention some limitations of the process. During the data collection, most of the participants were not happy with the quality of bill scrutiny in the legislature. Reasons for lack of quality which are forwarded by them are: time shortage, lack of competence and commitment of committee members, limited stakeholders' participation, pressure (being hasty) to approve bills by the executive (some important bills were approved by motion), referring a lot of bills to be approved urgently at the end of the fiscal year by the executive, absence of annual legislative plan, the negligence of public media in reporting the business of the legislature and so on. The researcher feel that the time allotted to the scrutiny of bills is enough for the time being, twenty working days. Furthermore, a committee can request additional time to the speaker and time extension is possible if required. Nevertheless, the time allotted to the scrutiny of the budget bill is considered as an insufficient by almost all respondents (It will be discussed in budget process section in detail). The time allotted nowadays to other bills is also very short compared to the international practice, which extends from months up to several years to scrutinize and approve a single bill.

**Figure 6: The extent of scrutiny on bills in terms of allotted time and deliberation made by the HPR**

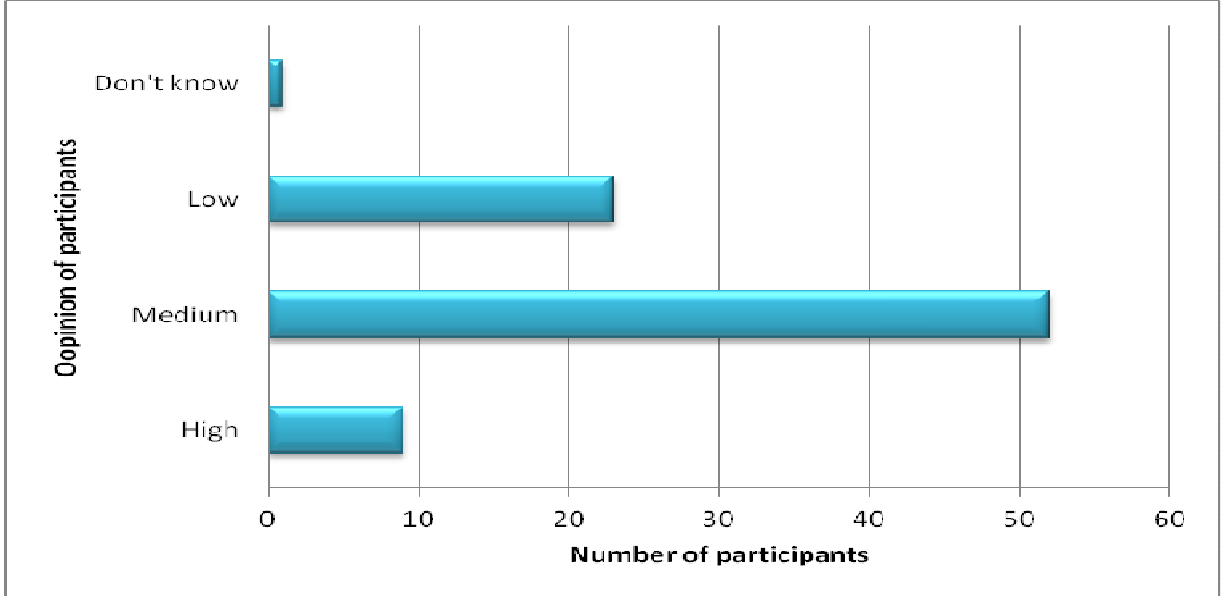


**Source:** The Researcher's own data (March, 2012)

The current principal problem, however, is not a matter of lack of time. The majority of the people who are involved in the focus groups, interviews and completing the questionnaires have underscored that the core cause of the low quality of scrutiny of bills is lack of competence and commitment of committees' members. The problem starts from nomination of candidates during the election. There is a tendency of selecting candidates who are not important to the states and local administrations. In some regions, some politicians even conclude to the extent of considering it as a place of demotion. Some MPs are not also happy with the privileges and benefits that they receive in the parliament. The MPs who have relative competence tend to search for jobs outside the legislature to get better salaries and other benefits. The executive also appoints many MPs who are considered as capable to the duties of executive departments and this in turn erodes the capability of the legislature. The lack of logistical support and office facilities are also demotivating factors for MPs. Committee chairs, members and other MPs do not have clear status that would allow them deserving privileges and benefits. Regardless of these privileges MPs are supposed to show strong spirit of responsibility, but the reality is different. Therefore, the feeble working attitude of MPs has contributed negatively to the bills' scrutiny quality. These all can be considered as sources of incompetence and lack of commitment of the committee members.

The next factor to the low quality of scrutiny of bills is the problems that emanate from the executive departments. Some bills, like the land lease bill and bill for the establishment of the federal police commission, are adopted directly by motion within three hours deliberation. Bills, which are included in the president’s annual opening speech and the government’s legislative plan, are not submitted to the legislature timely as intended. This caused the lack of annual legislative plan in the legislature. As a result, backlogs of dozens of bills are submitted at the end of fiscal year among which some are to be approved urgently. On the other hand, the end of the fiscal year is full of too much rush season to scrutinize these amount of bills. This situation forces the legislature to hasty approval of bills without sufficient deliberations. Furthermore, according to the opinion of the respondents, the executive departments are reluctant to accommodate the opinions of legislators and stakeholders during the time of scrutiny. They assume that they are perfect in every issue of the bill and they consider fully the public interest. This kind of rigidity discourages the rigorous scrutiny of bills - induces the feeling of “why do we waste our time and effort?”, given the limitations of MPs to convince the people from the executive departments.

**Figure 7: Willingness of the executive departments to welcome opinions of MPs and stakeholders**

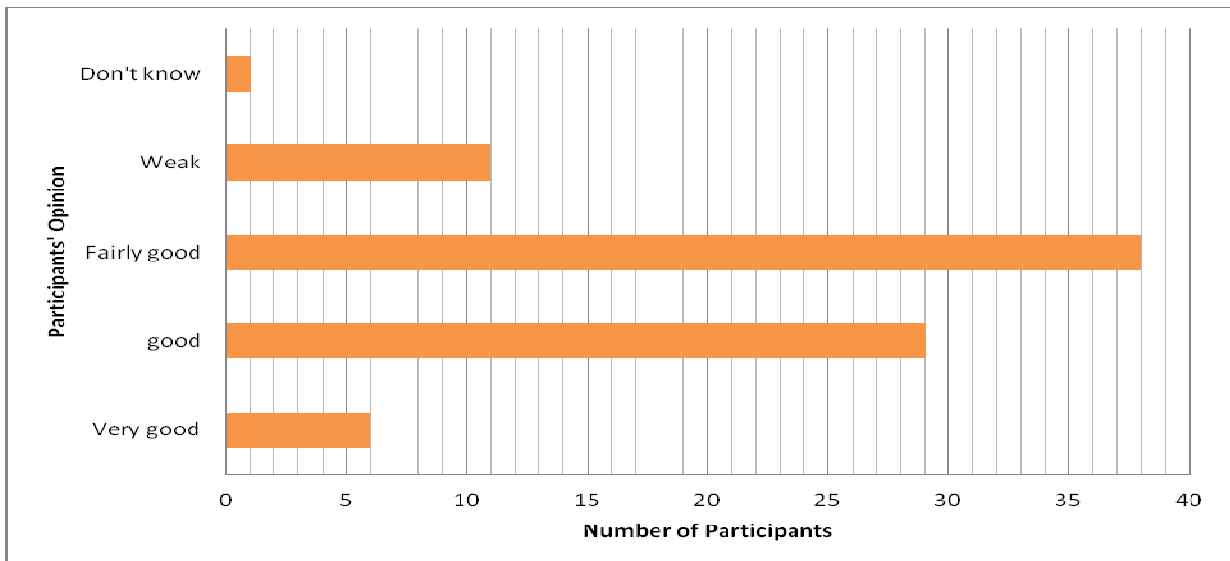


**Source:** The Researcher’s own data (March, 2012)

Some of the government departments consider the discussions that are held during the bill formulation around them and their stakeholders as sufficient and enough. Hence, they do not give weight to the time that must be allotted by the legislature to the participation of stakeholders. Nevertheless, the perspective of the forums organized by the legislature and by executive departments is largely different. The perspective of the legislature most of the time starts from the angle of public interest while the executive most of the time consider the bills from the view point of administrative suitability and efficient execution of policy.

The other factor for the poor scrutiny of bills is the inadequate participation of stakeholders. Of course, there have been some bills known for their stakeholders’ participation. For example, the amendment of the criminal penal code, which lasted for more than a year scrutiny and involved multiple sections of the society, the new NGO Law, the press and freedom to information Law, electoral Law are well consulted with concerned stakeholders. Nevertheless, these bills are very few compared to the bills approved so far - around 760 bills with in 17 years. Still, the great majority of bills lack participation of the public. It is weak and in a declining trend, as to the opinion of the participants.

**Figure 8: Degree of stakeholders’ participation on legislative and oversight process in HPR**



**Source:** The Researcher’s own data (March, 2012)

According to the collected primary data, this problem is justified by the following shortcomings: One of the causes is lack of due attention and institutional arrangement to make the participation possible. The existing Committees do not give proper weight to the issue. Most of the time they invite stakeholders in the last minute and the stakeholders do not have enough time to prepare for the public hearings. The secretariat is also very weak in facilitating these preparations. The stakeholders also do not give emphasis to the importance of their participation in these hearings. They lack proper understanding of the stake they have in policy making. Furthermore, stakeholders tend to ignore participating in public hearings if their opinions are not included as amendments in the bills under scrutiny. Moreover, they perceive as everything is predetermined and amendment is impossible. Hence, they tend to conclude that taking part in these types of hearing is not important.

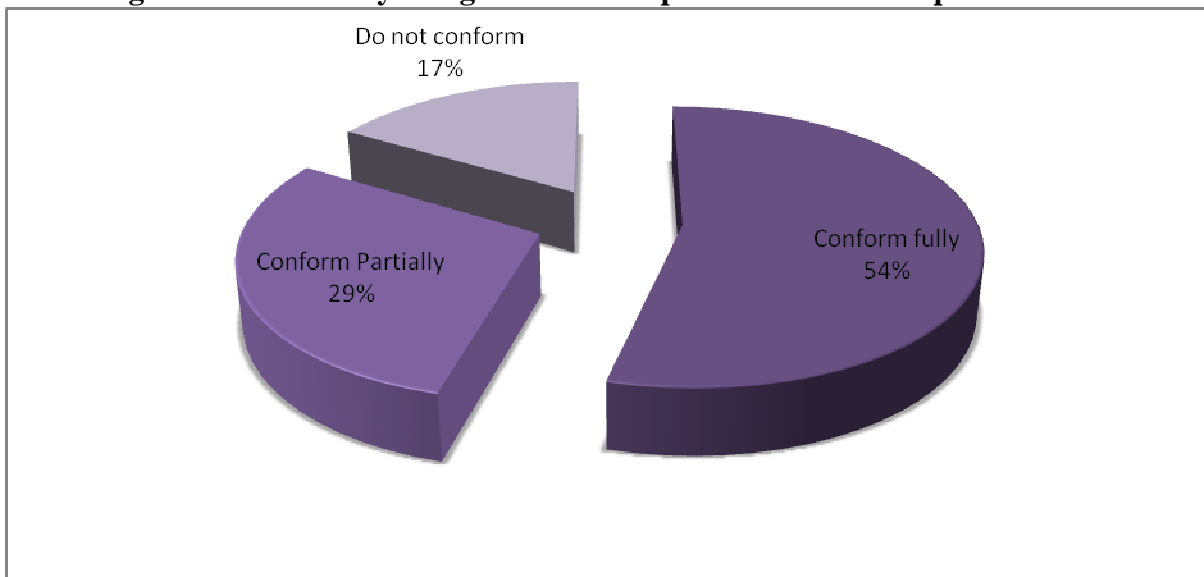
Even though the enacted laws are applied all over the country, people who are outside the metropolitan area do not have access to participate in the public hearings. The information technology would have helped to improve the participation outreach but not harnessed by the legislature and could not have any significant contribution to that end. The parliament building that was built 77 years ago is not also compatible to the existing legislature because it lacks sufficient office rooms, meeting halls and other facilities that are important to entertain public hearings.

The study has also tried to investigate whether the promulgated bills are in conformity with the supreme laws. According to the participants' opinion, there are no bold and widespread inconsistencies between upper and lower tier of laws but they consider there are some mismatches. For example:

1. The banking law that allows banks to foreclose property of debtors, who are no more paying back their debts according to the agreement signed, without any intervention of courts;
2. The law for the administration of government houses Proclamation No. 555/2000;
3. Different Directives formulated and adopted by the Agency for Government Houses that does not have the right to make directives by proclamation.
4. The land lease law that precludes court intervention in land issues;
5. The directive of ERCA that has revoked the duty free right given to PWPs;

6. The law for the establishment of ERCA that allows the director to fire any employee by citing corruption article without any evidence which makes impossible the employ to recruit in other jobs;
7. During the Addis Ababa's charter enactment, some experts of the administration had made changes that give the administration more power out of the context of decision of the legislature. As the legislature learnt about the issue, immediately restored the improper changes and decided measures to be taken on the guilty experts.

**Figure 9: Conformity of legislations to supreme laws in Ethiopia**



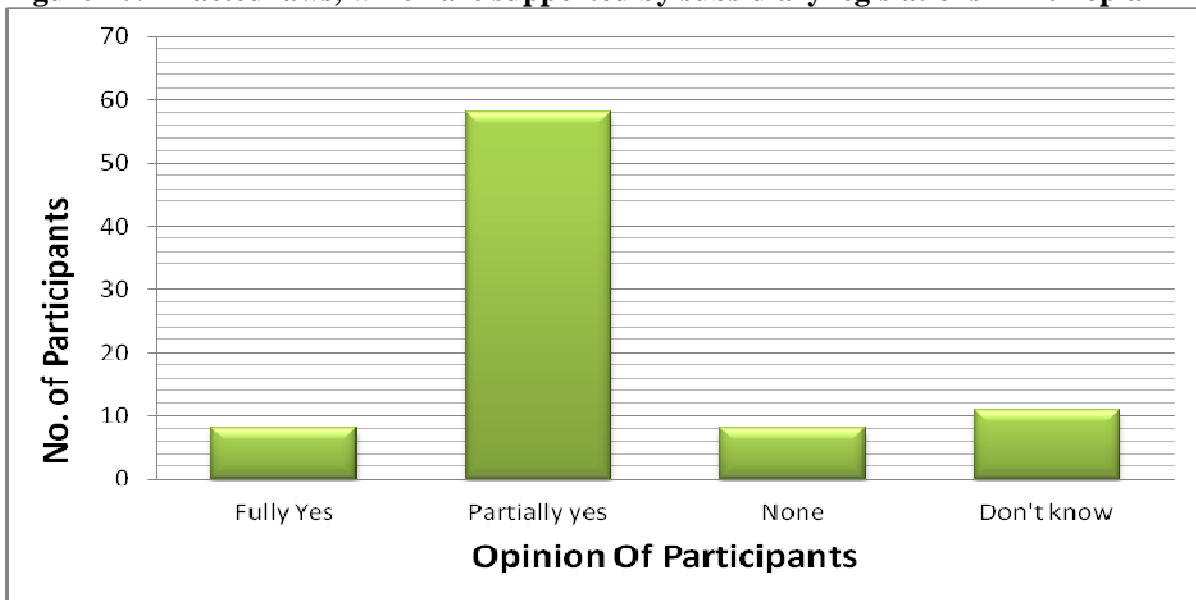
**Source:** The Researcher's own data (March, 2012)

Efforts have also made to comprehend if the passed laws are timely supported by subsidiary legislations and these subsidiary laws are consistent with the main laws. With regard to the timely preparation of subsidiary legislations by the executive, according to the answer of the respondents, the researcher has learnt that, it is only partially performed. That means there are a number of main laws that are not accompanied by subsidiary laws. They were also mentioned the following examples: the broadcast law, the civil service administration law, the health insurance law, the land lease law, the human right commission law, the press and freedom to information law, the employment law for PWDs and so on. Based on the opinion of the participants, the possible reasons for the absence of subsidiary legislations can be summarized as follows:

- a. Due to their technical nature, they require skilled man power that the executive departments lack;
- b. Lack of diligence and negligence on the part of the executive departments;
- c. Failing to prepare the draft subsidiary legislations side by side with the draft of the main law beforehand;
- d. Being busy in routine tasks which have lesser significance than the subsidiary legislations;
- e. Though some laws indicate that they need to have subsidiary legislation, at the end of the day they have been discovered to be enough by themselves; and
- f. The legislature also does not have any mechanism or system to control whether these types of law are legislated.

Concerning the consistency of secondary legislation with the parent law, the survey results show that there are significant deviations that create conflict with main law in many executive departments. However, this issue by itself requires separate and full research. The basic point is that the legislature fails to have controlling apparatus to correct these anomalies.

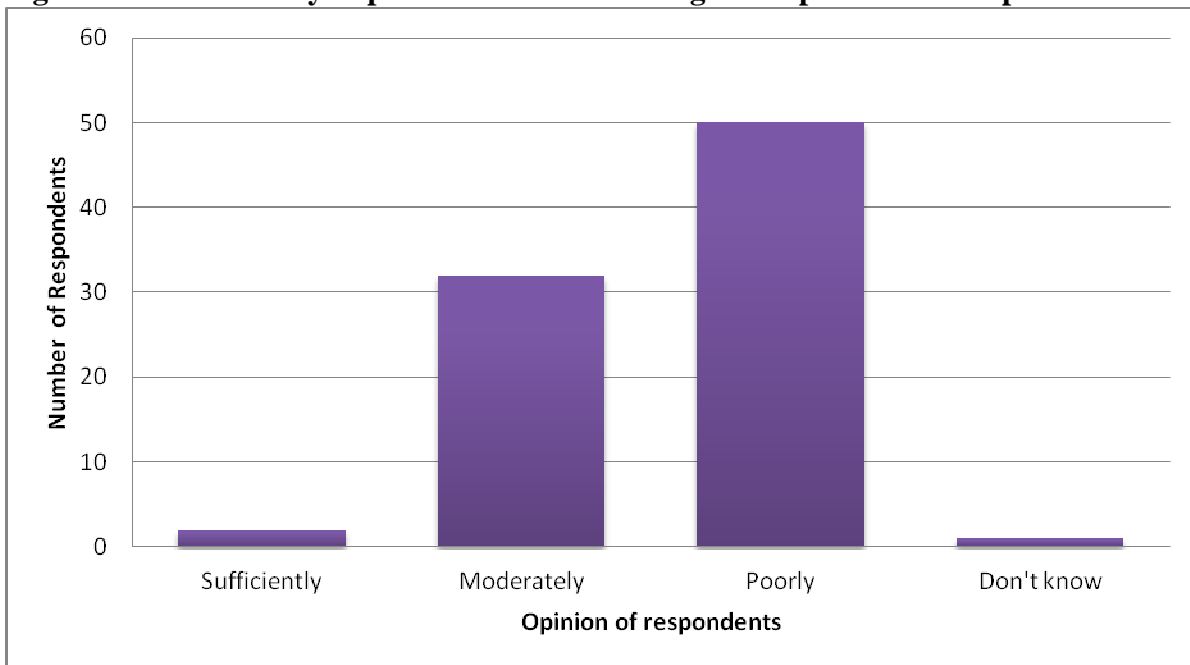
**Figure 10: Enacted laws, which are supported by subsidiary legislations in Ethiopia**



Source: The Researcher’s own data (March, 2012)

The final goal of different tiers of law is serving the general public. The public is governed based on these laws, which contain the rights and responsibilities of every citizen. Unfortunately, they are hardly accessible to the beneficiaries. For that reason, sometimes some courts have passed verdict based on revoked laws because they lacked access to the new ones. The sole publisher and seller of the country’s proclamations and regulations is ‘Berhanina’ ‘Selam’ printing press. ‘Berhanina’ ‘Selam’ provides the parliament with only 31 copy of every law; the rest of the copies are sold in its shopping windows which are only located in its Arat killo compound, Giorgis, Lideta and Hawassa. It is surprising to see the 82 million Ethiopians are being served by these shops only. Other persons cannot distribute without the permission of the printing press. Even the parliament could not post its proclamations because of the monopole of the printing press. Starting from this year, the parliament is posting laws on the website based on unilateral decision.

**Figure 11: Accessibility of policies and laws to the general public in Ethiopia**



**Source:** The Researcher’s own data (March, 2012)

The possible reasons for the chronic inaccessibility of laws pointed out by the participants are listed as follow:

- i. The first and foremost reason is that the duty does not have owner to which the responsibility is clearly given and held accountable. The nonexistence of this kind of body caused to the absence of system based dissemination of laws;
- ii. Inability of the legislature to revoke the traditional monopoly right of the printing press on public laws;
- iii. Given its limited distribution, its price is not considering the purchasing power of the general public (it is relatively expensive);
- iv. There is a tradition of hiding regulations and directives in the government departments that aggravates the inaccessibility problem;
- v. Though there is an IT infrastructure in the parliament, it is not utilized as required and its contribution is minimal as outlet of passed laws. It has a critical shortage of proficient manpower.
- vi. There is no synergy and coordinated effort between the federal and state legislatures to promote and to expand the outreach of passed laws in the state and local administration levels.

## **b. The Budget Process**

A budget is a document, which contains planned expenditures and revenues. It is also the law by which all policies and programs are implemented and it confers the legislature with “power of the purse”. The national budget process is another manifestation of policy making of the legislature. Even though the process of examining of budget bill is similar to the other bills, it is important to see separately due to its great significance.

According to the Constitution of FDRE (1995, Article 77/3) the federal budget document is drawn up by the council of ministers which is drafted under the auspice of MoFED. As the draft budget is supported by the council of ministers, it will be submitted to the HPR. Except where there is force majeure, the draft budget must be presented to the HPR one month prior to the new fiscal year. The draft budget should be submitted to the HPR in the form of: summary, detailed and, draft proclamation volumes.

After the submission of the budget draft to the House, the minister of MoFED is required to deliver his budget speech to the House based on the general principles of the budget bill and deliberation is conducted focusing on general issues of the draft budget. The minister of

MoFED is also expected to react on the issues forwarded by members of the house. When the first round deliberation is ended, the draft budget is referred to the Budget and Finance Affairs Standing Committee for further scrutiny. Then, the committee examines the draft budget carefully for almost a week. For more clarification, the committee invites the officials and experts of the MoFED to give their witness about the document and testimonial discussion is made. In this discussion, questions that are raised in the plenary session and in the committee meeting will be forwarded and answered by the officials. The minutes of the discussion will be recorded in audio form and transcribed to hard copy in the coming few days.

The next step is organizing public hearing. The committee announces publicly to invite the public to participate in the hearing either in person, by written letter, by telephone or by fax mail. Moreover, it sends invitation letters to the identified stakeholders that represent all segments of the society. Further, it invites all standing committees and MPs of the house to participate in the public hearing. The committee also must send the budget draft documents that comprise the summary volume, the detailed volume, the draft proclamation and the budget speech to all invited stakeholders ten days prior to the public hearing so as to have enough time to read. What's more, the officials and experts of the MoFED will also be invited to the hearing to give further clarification and to hear the comments and critiques forwarded by the participants. After the necessary preparations, the public hearing will be conducted for a whole day and if needed it could be held for the second time. The minutes of the hearing is also recorded in similar way as mentioned above. This type of public hearing is aimed at collecting public opinions.

Once scrutiny is finalized, the committee prepares report and resolution proposal and submit it to the speaker in similar way to the procedure of other bills. By consulting the business advisory committee, the speaker arranges time for detailed debate of the House on the budget bill, second reading. The detailed deliberation of the house on the draft budget will be held sector by sector for at least two days. The draft bill is commented and criticized by different parliamentary groups. In this step, members and parliamentary groups can forward cut motions either policy cut or economic cut which was submitted to the speaker one day prior to the debate. Cut motions are voted one by one and it is supposed that the motion that is supported

will take effect in the budget document. This debate is also aired on live TV and radio broadcast to the public.

As sector by sector deliberation is concluded, the Budget and Finance Affairs Standing Committee presents its report and resolution proposal to the House. To this day, the detailed debate on the draft budget continues to take place. At this event, customarily, the Prime Minister will be available to disclose the stance of his government related to the budget bill. Finally, the committee chair can react, if any, on issues reflected during the debate and the budget bill will be voted to become a law. Once the budget process procedure is elaborated, it is essential to address the limitations of the process.

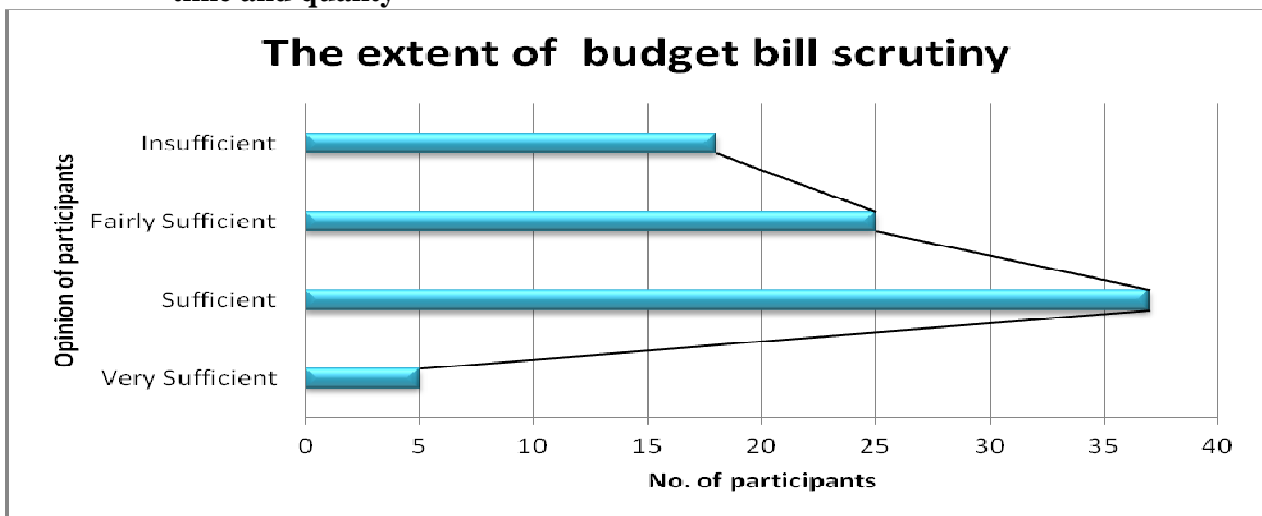
Since budget process is a part of the law making process, the challenges that have been undergone in other law making processes mostly occur in the budget process. Therefore, in this section the researcher focused on the peculiarities of the budget process. Budget process has four different stages: drafting, legislating, execution and audit. The budget drafting stage is a mandate of the executive and the involvement of the parliament is rare. However, at this stage, the budget committee of the legislature is invited to attend the budget hearing of the government departments organized by MoFED, though it does not exert any influence to the stage. After the hearing is over, MoFED compiles and submits the budget documents to the council of ministers. Once the council of ministers made deliberations and necessary adjustments, it submits to the legislature for approval. The involvement of the legislature in the budget process is boldly manifested by scrutinizing and approving it. Therefore, legislative stage is the most relevant stage to the parliament.

During the 1996-2000 and 2001-2005 tenures of the parliament, the budget scrutiny has been highly deficient in terms of time. It has been approved without necessary discussions. In the year 2001 fiscal year, the national budget was delayed to the extent that it was approved after three months passed from the beginning of the fiscal year. Whereas since 2005, the third term of the legislature, there have been changes in terms of better scrutiny and time allocation because the new RPMCR (2006) stipulates that the budget draft must be submitted one month prior to the new fiscal year and specifies the minimum deliberations that must be undertaken

over it. Given the improvements, still limitations are noticed in terms of time allocation and quality of scrutiny similar to the scrutiny of other bills.

The specified time is not practically put in place fully. Most of the time, a week at the beginning of the month and another week at end of the month is deducted from the earmarked 30 days. It shows late referral to the concerned committee and early approval of the budget bill. Therefore, the constraint of time makes difficult to carryout substantive deliberations by involving stakeholders as required. It is, by far, inadequate compared to the international parliamentary experiences that extend from three to four months on average. The time constraint coupled with the lack of consideration to the public involvement in the legislative process have been reducing the quality and effectiveness of the budget scrutiny like other bills. Though the examination of the budget document requires highly qualified personnel, the Budget and Finance Affairs Standing Committee is not supported by such technical personnel. The bulky document is scrutinized only by own capacity of the committee members. Even if we assume that sufficient time has been allocated, it would be impossible to make robust scrutiny without proficient supportive human resources. Furthermore, budget document is concerned with all public sectors and departments that demands concerted effort of all committees of the house which oversee the performance of public departments and have enough information about each executive department. Nevertheless, in reality the role of other committees of the House is minimal and entails improvement.

**Figure 12: The opinion of respondents on the extent of budget scrutiny in terms allotted time and quality**



**Source:** The Researcher’s own data (March, 2012)

The last issue that must be considered in the legislative stage is the procedure of budget approval of the public institutions, which are specified by the constitution directly to submit to and approve their budget by the legislature. These institutions are the HPR, HoF, the Federal Supreme Court, the OFAG and the Commission for Population and Housing Census. Despite the stipulation of the constitution, these institutions have been obliged to submit their budget through MoFED that imposes on them budget ceiling. Although the institutions frequently asked for compliance with the constitutional procedure, neither MoFED nor the legislature has realized their demand. After 2005, however, the HPR made a little bit change on its own budget approval procedure. The draft budget of the house is prepared by the secretariat of the House based on MoFED ceiling. Then the draft budget is sent to the budget committee of the House through the speaker. After the committee review, the draft budget is sent to MoFED. As soon as the MoFED finished its scrutiny on the draft budget of HPR, discussions will be held with the budget committee to negotiate on the details. However, MoFED has the power to reject the opinions of the committee on the grounds of resource scarcity. After the discussions with MoFED, the committee composes a report concerned with the process of discussions and points of agreements and differences. Then the committee submits its report to the speaker along with the draft budget and minutes of the discussions attached. Finally, the speaker forwards the draft budget of the House to the business advisory committee that has the power to take the final decision on the draft budget of the House. Nevertheless, the committee doesn't challenge the decision made by MoFED. Even though the committee has the mandate to decide on the budget of the legislature, there is no experience that show any change on the MoFED's proposal by it. According to the researcher's opinion, the reason is inability of the committee members to convince MoFED.

The HoF, the Supreme Court and the OFAG, however, even could not obtain the opportunity of direct scrutiny of their budget by the HPR. These institutions have deliberately established by the constitution to counterbalance the executive and they need to be independent from the executive's influence in allocation of resources. The power to decide the budget of these institutions is clearly identified by the constitution to be as a mandate of HPR. However, this constitutional provision is not in place in the legislature.

Budget execution is a core mandate of the executive. On the other hand, the legislature can contribute indirectly to the execution of budget by involving in the oversight activities. Since oversight function is addressed separately in the next section, it is worthwhile to pass to the audit stage of the budget process. The mandate to audit to executed budget or public spending is vested in OFAG by the constitution (1995) Article 101(2). Accordingly, OFAG has been auditing the public departments for the last 17 years although its audit coverage was very minimal until recent years. Whereas, according to the OFAG report, which presented to the HPR on 03 May 2012, its audit coverage reached 92.07% of the 164 government budgetary departments, which is a dramatic improvement. The OFAG is directly accountable to the parliament and it can be considered as its long arm in overseeing public money spending in the government departments. The OFAG was overseen by budget and finance affairs standing committee until 2006. However since 2007 PAC, chaired by opposition, is established in the parliament and the responsibility of overseeing of OFAG is transferred from budget committee to it.

Throughout the last 17 years tenure of HPR, the OFAG has made important auditing activities that assist the legislature's oversight function. Though there have been improvements from year to year, it is also undeniable that irregularities have been revealed concurrent to the improvements. The OFAG has been reporting annually many adverse opinions, disclaimer opinions, over budget spending, under budget spending and violation of financial rules in spending budget and collecting revenue. These irregularities are financial law offences and they need quick action and justification. However, these types of breaches have been recurring in many of the public departments. Every year, the same report has been presented to the legislature. The legislature never sent a single letter to the executive to take measure over the public departments that frequently violate financial laws or never recalled officials of the offender public departments to the floor to justify the audit findings before the legislature. As the legislature opted to calm after every audit report, the wrongdoers never took lesson from their weaknesses. This issue is the most important loophole revealed in the parliament in the last 17 years concerned with budge process. In the most of developed world, these issues are cause of vote of confidence or vote of no confidence.

In the last two years, however, encouraging improvements have been observed. The PAC along with the OFAG have summoned the departments that violate financial laws critically and frequently to justify to their offence in the public hearing. Since they are criticized and exposed before the audience they tend to internalize and correct the irregularities. They are required to prepare action plan by which the corrective measures fully be undertaken and to report to the committee as the corrective measure is completed. The OFAG is also happy with the current good start of the committee. Only in the year 2012 around 30 public departments have been summoned in that way and have shown significant improvements.

The final point in the auditing stage is the problem related to the audit that has to be made on the block grant given to the states. According to the constitution (1995) Article 94 /2, the federal government has the mandate to audit the block grant given to the states. However, the regional states do not use separate account to the block grant, it is used in a mixed manner with their revenue, and it is difficult to make audit as well as to prosecute those who abuse the public money by federal EAC. The solution underway is carrying out the audit while it is mixed by OFAG and by the states' audit offices unilaterally that caused duplication of audit. For the future, OFAG has proposed single audit Act and sent to PAC that helps to rule out the duplication of audit by federal and state audit offices which is based on American experience.

#### ***4.2. The Oversight Process***

One of the core functions of the legislature is overseeing the executive departments on how the policies of the government are implemented and public resources are utilized. The oversight activities of the legislature are confined only to the federal government mandates. It is aimed at supervising if rule of law, democracy, good governance, peace and security, human rights, balanced development of all regions and utilization of public funds are properly managed.

The oversight function can be implemented in different aspects including scrutinizing executive plans and reports, hearing the reports of the executive bodies in committee and House level, conducting field visits to see what is going on the ground, questioning the ministers including the PM before the House, managing the representation reports, using the reports of the Office of the Auditor General (OFAG) on public funds and properties. The reports of the Human Right Commission (HRC), the Ombudsman and the Ethics and Anti corruption Commission

(EACC) also are used as inputs of the oversight functions. Further, the public petitions, grievances and tips are important facts that support to the oversight activity.

Every year the joint session of the two houses, HoF and HPR, is held in the last Monday of September EC. In this session the president makes opening speech by which the annual plan of intention of the government is reflected focusing on core issues. These core blue print issues are the bases for the oversight process. Beyond this plan, each of the public department is required to get ready its own plan. Based on this plan, each standing committee of the House scrutinizes the departmental plan, makes necessary modifications, and hence creates common understanding over it.

Executive departments are obliged to submit their quarterly performance reports to the standing committees based on their plans. These types of reports are thoroughly examined by the committees in every quarter and feed backs of the committees are consolidated and sent to the concerned department. Each department must appear before the committee or the House at least once in a year to present and defend its report. During the presentations of these reports, the departments are questioned and critiqued by the committee or by the House based on the previously organized facts and at the end of the sessions directions are given by the committee or by the House.

The other means of conducting oversight is questioning ministers including the PM. The House can question any minister once a week and the prime minister once in a month for an hour. There is also monthly an opposition day through which the oppositions can present agenda to be discussed by the House. When members of the executive are questioned, they can only answer orally. The question hour held with the presence of the MP is aired by live broadcasting of state media.

The oversight function can also be done by means of field visit, which helps to understand what is going on in practice. This way of oversight is very crucial because it can help to compare and contrast with the previously set plans and performance reports. Apart from on the spot observation, discussions are made with respective offices of the executive department and the local community to generate additional information.

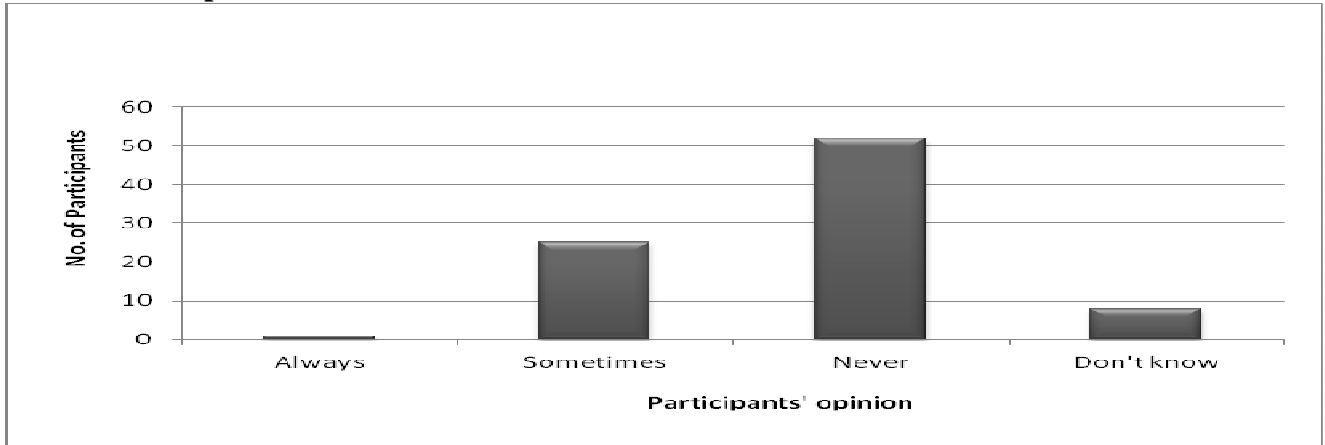
The information of the field visit needs to be evaluated. Strengths, weaknesses and issues that require special attention must be identified and sent to the concerned parties as feedbacks. Furthermore, as the executive department presents its report to the committee or to the House, the main findings of the field visit are forwarded in the form of questions and opinions by the concerned MPs. The field visit reports are also sent to the speaker and government chief whip as well as to the council of ministers through the speaker for necessary rectification to be made by the executive.

There are institutions directly accountable to the legislature such as the OFAG, HRC and the Ombudsman. These institutions are considered as arms of the legislature because they play significant role in overseeing the executive's performance. Their reports are basic inputs of oversight activity of the legislature. In addition to this, information that come from the general public and public offices are also taken as input in the oversight process.

So far, the general procedures of the House in performing its oversight function are discussed. It is more important to address the limitations of the oversight function. The researcher's assessment based on the collected data from the legislature shows several limitations of that parliamentary function. The first limitation is related to the scrutiny of plans and reports of the executive departments. As standing committees scrutinize the plans and reports, they recommend important verbal feedbacks on the spot and in written terms. Although officials of the departments show their nod during the meetings, in practice they show lack of internalizing the feedbacks and the same issues are discovered in subsequent times.

According to the participants of the study, there is a reluctance of the executive departments to accept the feedbacks forwarded by the legislature though its degree differs from department to department. Even if they accept during the discussions, they lag behind to translate in to practice because they do not internalize the feedbacks. As it was made clear in the budget process section, the reports of the Auditor General and its main findings have not given due attention either by the executive departments or by the legislature. For that reason the executive departments have considered the HPR and the OFAG as toothless institutions.

**Figure 13: Opinion of participants on the extent of measures taken on noncompliant departments**



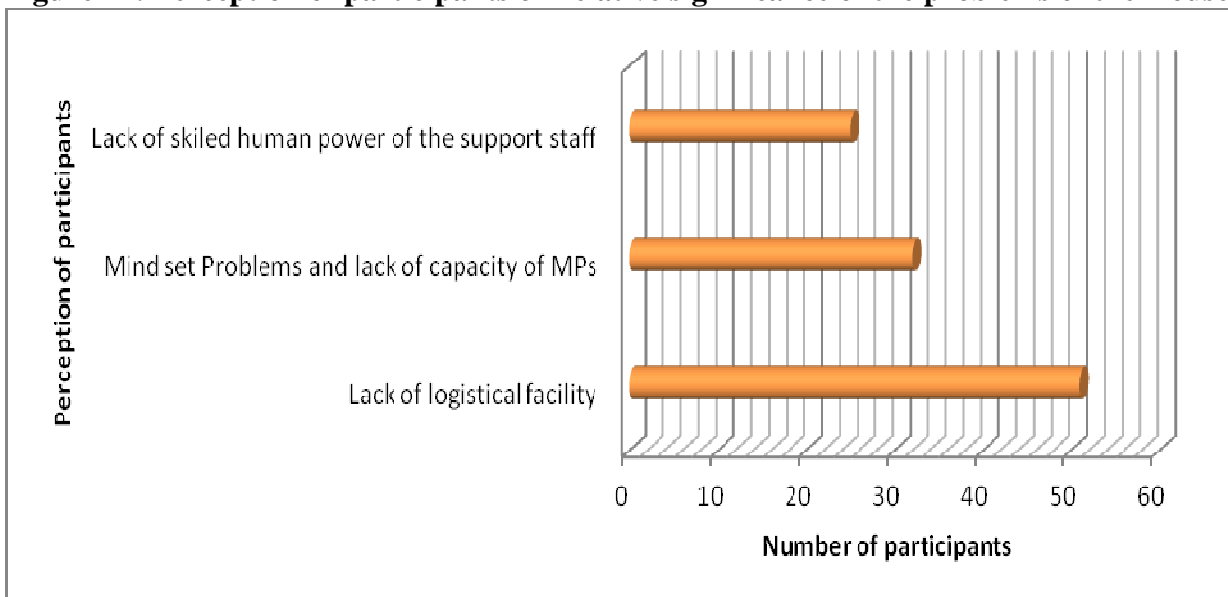
**Source:** The Researcher's own data (March, 2012)

Further limitation is deficiency of public involvement in the oversight process. When a public department presents its report in person to a standing committee, the only means for the public to participate is sending messages through telephone, fax and post. There is no procedure that enables the public to participate in person during the reporting. Although there is a tendency of posing personal problems by the public during the reporting, it is important creating a means that allows the public to participate in such meetings. This issue can be taken as the limitation of the reporting procedure of the legislature.

The field visit also has its own limitations. Some committees lack conducting selective field visits and have planning problems. Despite the improvement of field trip activities in the fourth tenure of the legislature, several restraining problems have been observed. Even though it is important in gauging the performance of the executive departments, less attention has been given by the leadership of the house. Instead of insisting for resources, the leadership tends to cut the field visit programs of standing committees. There has been controversy with the MoFED concerned with oversight budget in the budget scrutiny stages. Usually the MoFED has been earmarking insufficient budget to the HPR in its budget proposals. The parliament does not possess vehicle that is qualified to the field work. The vehicles are not only insufficient in number but also very old in status. The fuel and repair budget allotted to these vehicles for the oversight function is also very minimal because of the level given to the HPR by the MoFED that considering the HPR is one of the public offices do not have field work

which is level 5 and later improved to level 4. However, the House has the responsibility to witness at the spot the work of around 160 budgetary public departments and hundreds of programs and projects of the government. In addition to the low remuneration of per diem and accommodation, the oversight field visit was not more than a single time a year for a committee because of budget constraint. The MoFED has been daring to the extent that suggesting how much field trips of the House there should be. As the budget document of HPR indicated most of the time, more than 70% of the budget has been salary while operational budget has been insignificant. The participants of the study have been requested to rank three foremost problems of the house in their order of priority and they responded resource constraint of the House as a number one problem as shown in figure 14. Therefore, we can conclude that one of the main constraints to the oversight function was lack of resource that is key for its implementation.

**Figure 14: Perception of participants on relative significance of the problems of the House**

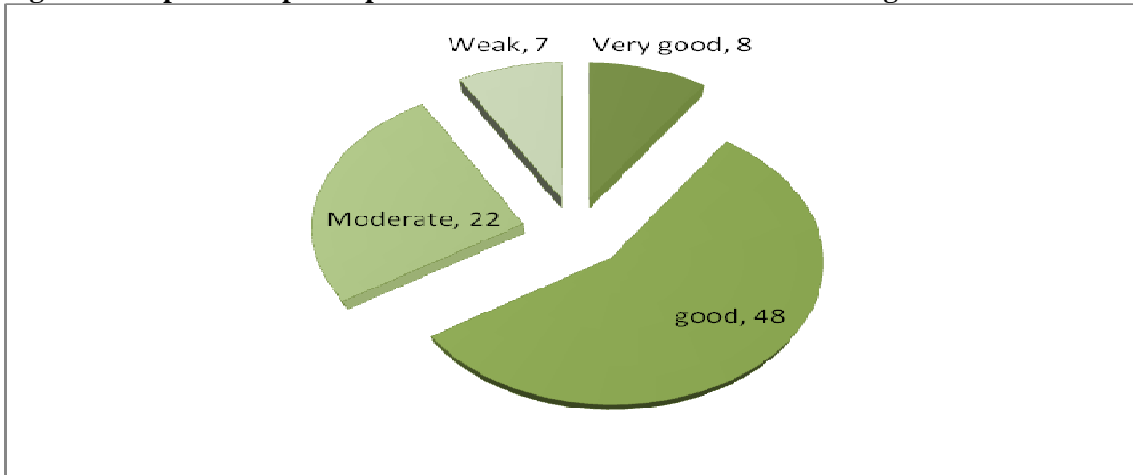


**Source:** The Researcher's own data (March, 2012)

Questioning cabinet members is a good practice. This activity must be done effectively for the future by relating to the field trip and constituency activity. The current questioning has its limitations. So far, many questions have been forwarded based on the oversight findings and constituency issues. Nevertheless, as the participants indicated, significant number of the issues has been continued unsolved. The other weakness reflected during the question time was some

questions were prepared by another person not by the presenter, though it was corrected later. This incident can damage the interest of MPs to prepare their own questions. If MPs are encouraged to forward their own questions the discussion will be live and capturing to the audience.

**Figure 15: Opinion of participants in the overall effectiveness of oversight function of HPR**



**Source:** The Researcher’s own data (March, 2012)

The participants tried to indicate why some of the executive officials reflect reluctance to welcome the oversight feedbacks of the legislature as follows:

- a. Lack of proper understanding and acknowledgement as to the supremacy of the house;
- b. Considering the role of the legislature as less important in the sense that it cannot do significant activity or cannot generate constructive ideas that can help to the better implementation of policy;
- c. The attitude of “we know everything more than the legislature” and ignoring the feedbacks of legislators.
- d. Overlooking that the officials are accountable to the voter through the elected and missing it to consider as fundamental characteristic of democratic system.
- e. Following hypocritical approach instead of accepting or rejecting candidly the recommendations forwarded by the legislature;
- f. Considering the legislature as fault finding rather than supporting institution;
- g. Measures have not been taken on those who do not accept reliable feedbacks given by the legislature that encourage them to continue rejecting constructive opinions.

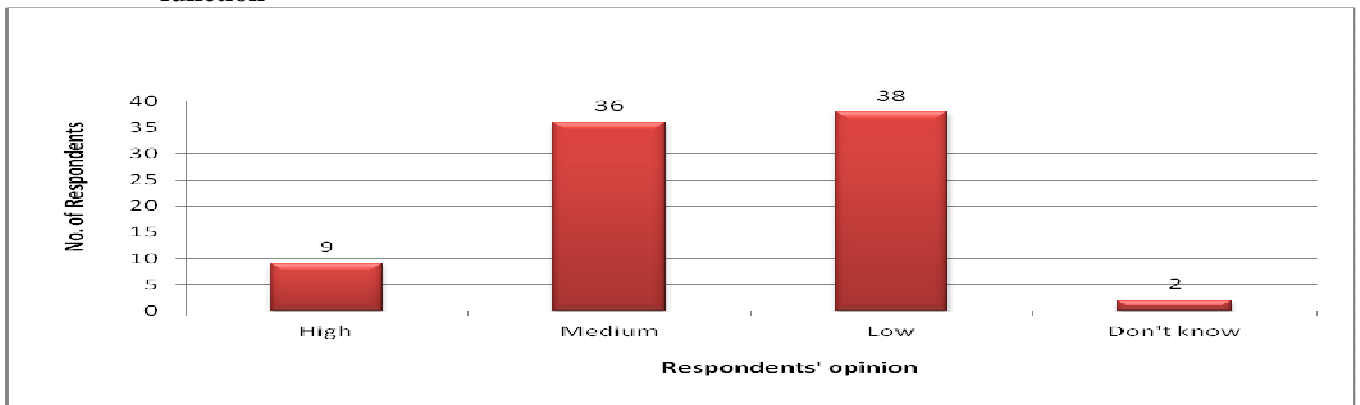
### 4.3. Representation Function

The representation function can also be taken as part of the oversight since all deputies regularly visit their constituencies and discuss with their electorate. This activity is helpful to establish transparency and accountability of the legislature and let the electorate to voice their demands and discontents about development issues, governance, democracy and peace and security of their localities. Although the representation function can be undertaken at any time, it is regularly held during the recess of the legislature twice a year from July - September and in February. The transport cost and 25 days per diem is covered by the House.

During representation activity, deputies can discuss on issues concerned with any administrative level. However, their main focus will be on federal issues. The issues raised by the electorate related to the local and regional administrations can be discussed with the concerned administrative tiers. As far as the federal issues are concerned, MPs are required to compose their reports and submit them to their respective parliamentary groups within few days after their return from their constituency.

Parliamentary groups have to summarize the reports of their members by sorting sector wise. They send their reports to the speaker as well as concerned standing committees. The RPMCR allows the House to call the executive departments to present their report or to answer questions related to the representation activities. Each MP can also deal with the concerned executive department individually so as to solve his/her constituency problems.

**Figure 16: Opinion of respondents on the degree of problem solving effect of the representation function**



**Source:** The Researcher's own data (March, 2012)

The researcher tried to assess the limitation of the representation function. Most MPs visit their constituency and hold discussions with their electorate once a year until the third term and twice a year in the fourth term. The reason why MPs visit their constituencies not more than once a year is justified by a budget constraint by the leadership. Even for one trip a year, MPs have been compelled to incur accommodation costs by themselves. Since 2011, however, the trip has changed to two times a year and the accommodation allowance has also covered by the House. The real cause for the weak constituency activity is not a matter of budget but a matter of consideration. In the second term some leaders of the ruling party in the House have dared to inhibit constituency visit of MPs for the reason that the public has elected the party not individual MPs and no need of visit of individual MPs since the party is there. Though the argument was defeated, the annual visit program has been cancelled because of the denial of budget. Therefore the main problem has been the negligent attitude of the leadership about the representation function of the legislature. The electorate has the right to be heard by the party and at the same time by the elected individual. It is also very important to the legislature to create a link with the public through the individual MPs to get sufficient information, which is beneficial to its business.

The issues and problems raised by the electorate and collected by MPs have been reported every year to the leadership of the House. Based on these issues, the House and the standing committees try to question and to forward their opinions to the concerned executive officials by recalling them. Although they always pledge they would solve the problems, things have been remained in their status quo for a long time. This parliamentary function has been a boring activity of the legislature because it could not bring about reasonable solutions to the problems, which were frequently raised by the electorate.

Every year MPs write the same report and they have been disappointed by their constituency activity. So do the electorate. As problems remain unsolved, MPs individually try to ease the problems by lobbying the executive departments. However, this effort has also faced prohibition by the whips for the reason that the executive departments are disturbed by MPs though the restraint was unrealized. If electorate's opinion and demand had properly organized and analyzed, they would have been a source of policy initiation and formulation to the

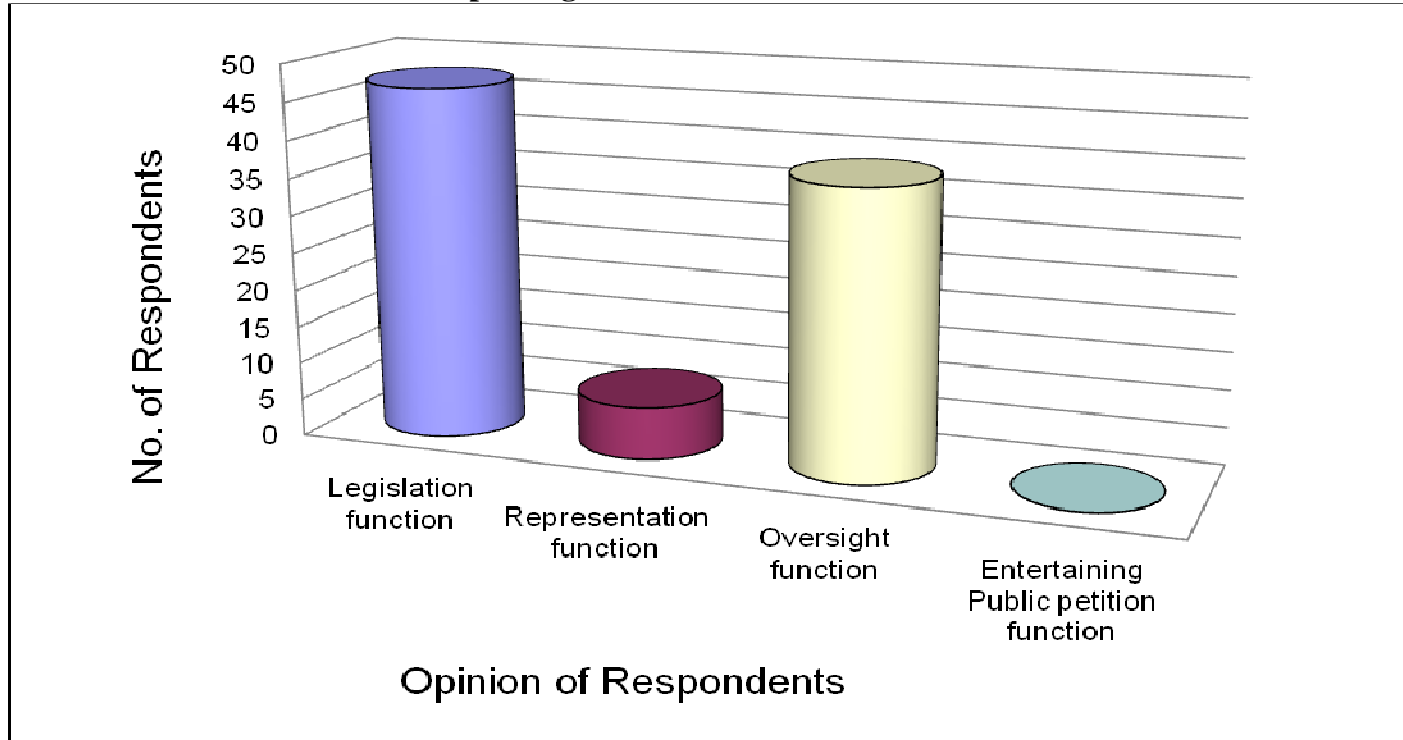
government. They could have also played to counterbalance the incorrect reports of some administrative levels. However, the information collected by MPs from their constituencies has been shelved without any use.

#### ***4.4. Entertaining Public Petitions and Grievances***

The parliament and its standing committees pay attention to the public petitions and grievances arising from maladministration of the executive departments. These considerations are done carefully and the legislature is restrained from interfering to the day-to-day activities of the executive departments and verdict of courts as well as court cases on process. However, the information generated in the form of petition; grievance and tip can help the legislature and the standing committees to understand the performance of the executive departments. These inputs can be related to the formal performance reports, field visits and representation activities which altogether are important to validate the real performance of the executive departments. There is interdependence between different sources of information that enable the legislature to comprehend the reality on the ground. Based on the petitions and grievances the legislature either may summon the concerned executive department to report before the House or it could discuss on them during the regular reporting time in the House or committee level.

This function can be considered as an emerging activity of the HPR. Currently, there is an apprehension of the House that, due to lack of awareness, the public may use it incorrectly by forwarding all judicial and administrative appeals. Therefore, the RPMCR (2006: Article 86) confines the mandate of the House only to accept information and tips that can be used in future scrutiny along with general issues. Though a lot of information is submitted to the House and to the standing committees, it is not common summoning of the executive officials who caused the petition and the grievance. This procedure is established to reinforce good governance and to make problems solved. However, it is not boldly being performed in that regard. The figure shown below illustrates its low performance.

**Figure 17: Respondents’ opinion on the relative performance of the parliamentary functions of the Ethiopian legislature**



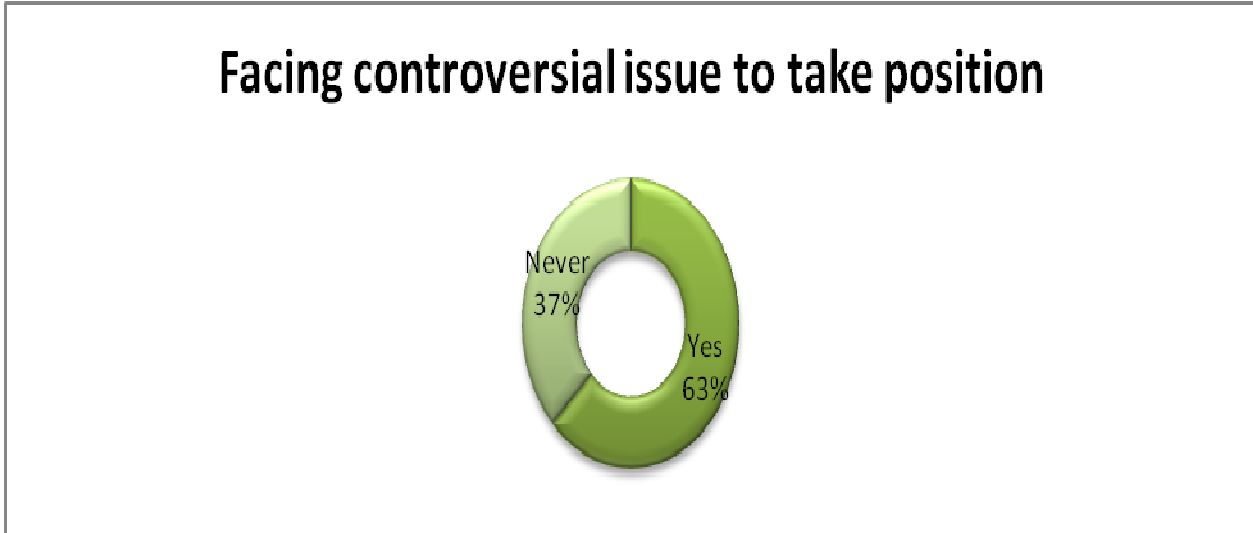
Source: The Researcher’s own data (March, 2012)

#### 4.5. Party discipline

The internal debate that takes place among legislators is the main factor to the good quality of bill scrutiny in any legislature. In HPR, however, this kind of debate is usually faint and is not fully realized. This weakness can be partly caused by the incompetence and lack of commitment of MPs as indicated in the previous sections. Nevertheless, in the legislative process there have been dilemmas that most of the MPs are facing during parliamentary debate. The MPs, on the one hand, have to be governed by the constitution, by the will of people and by their conscience; on the other hand since they are members of political party, they must be governed by their party policy. If issues are raised that entail choosing one among the alternatives, the dilemma is inevitable. Most of the time, MPs are abided by their party discipline whether the issue is concerned with policy or not. They always give precedence to the party discipline even if they have significant reservations. Among the participants, 63% of them have been confronted with contentious issues during their stay in the legislature and the

rest have not. Out of the 63% only one person in a single time has voted contrary to the party position but in later time he took self criticism in his caucus for violating party discipline.

**Figure 18: Number of MPs who faced controversial issues to take position**



**Source:** The Researcher's own data (March, 2012)

It is obvious that there is no policy difference within a political party. Nevertheless, it does not mean that the aforementioned two choices are irreconcilable. They can be reconciled and aligned if modalities are established. The first means of establishing modality is that members of parliament must discuss on the debating issues through parliamentary groups or caucuses so as to have their voice and to create consensus among themselves. First of all, MPs must discuss the general policy guideline that is approved by the party leadership and executive according to the constitution (1995, Article 55/10) because it is the basis for any draft bill to be legislated by the House. Secondly, MPs need to discuss, prior to the first reading, on the draft bill to make clarity and to reflect their differences on the issues of the draft bill. Even during the plenary session, MPs should have the right to oppose to the point they do not want to be part of the Law. However, at the time of voting, they must support their party position. Otherwise, they have to resign from their party membership to promote their own objection. Despite the importance of intraparty discussions to the quality of law making and oversight process, they are hardly performed in the legislature.

The other point concerned with the party discipline is that MPs traditionally restrain from expressing their opinions in all issues indiscriminately. Whether the issues are related to policy or policy implementation, MPs have the right to debate. Moreover, even they have the right to record their points of difference on non-policy issues. Most MPs, however, are blurred in identifying policy and non policy issues. Usually they prefer to be calm in all issues for the sake of party discipline. For example, MPs can oppose if bills are proposed to be approved by motion without any significant deliberations. This is the issue of procedure insisting bills to be referred to and securitized by a concerned committee. Nevertheless, during the land lease legislation by means of motion, for example, most MPs have been disappointed though no one is explicitly opposed the procedure. Even though the RPMCP(2006) stipulates that any document to be disseminated before 48 hours of the plenary session, the land lease bill, however, has been disseminated before 18 hours, which was not enough, even to read the draft bill and it would have deserved opposing this type of procedure at the spot.

The issues of performance reports and weaknesses witnessed during oversight activity can also be objected and criticized by MPs. Though there have been observed moderate questions and opinions, strong critiques and objections have been forwarded insufficiently in the plenary session while in the committee's meeting have been better done as the opinion of most of the respondents. The scantiness of strong opinions and objections in the plenary session is dominantly caused by apprehension of party discipline.

It is also possible opposing the appointment of officials because it is not a policy issue. According to the veteran MPs' respondents, the HPR had an experience occurred in the second tenure of the legislature that it opposed and rejected the appointment of the then minister of information as member and chairman of management board of ERTA. Although the Law for the establishment of ERTA requires its direct accountability to the parliament through its management board that is appointed by the House, the appointment proposal included the minister of information as chair man of the board. However, at the meantime majority of the House opposed and rejected the proposal for fear that the public media will be dominated by the executive, which is contrary to the Law of establishment of ERTA. The justification of the legislature for rejecting the proposal has been based on logical and legitimate arguments. Even so, following the rejection of the proposal, the party wing heads in the parliament summoned

caucus meeting through which members of the ruling party have been evaluated, criticized and intimidated to change their position on the appointment proposal. After the caucus meeting, the next session of the legislature has been held and the previous decision has been reversed. This experience has left its own negative impact on freedom of expression of MPs.

Therefore, it is valuable to comprehend the difference between the policy and non policy issues and to comply with full right of MPs freely to express their ideas up to taking position on non policy issues during the plenary debates. The aforementioned misunderstandings and practices have negatively contributed to the quality of law making and oversight function of the legislature.

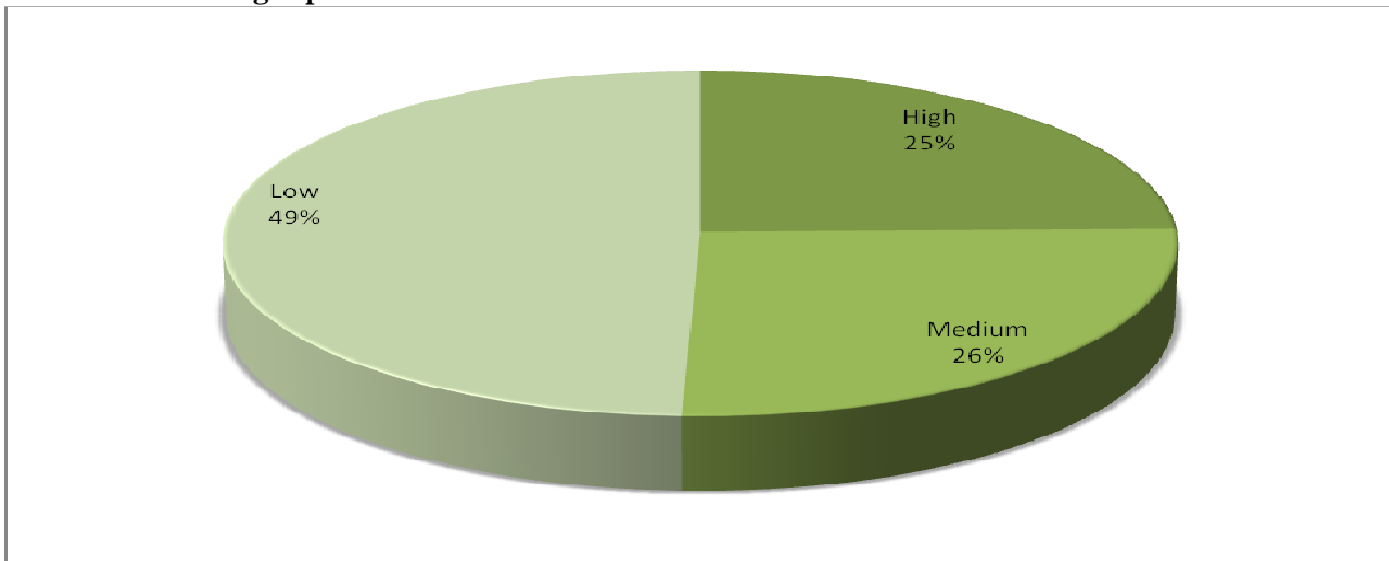
#### **4.6. Role of Media to the Functions of HPR**

The other limiting factor to the quality of the legislative and oversight process is the role of media. Media have important role in promoting and supporting of the parliamentary activities. Even though there are several public and private media in the country, they have no equal importance to the parliament and the role of ERTA is magnified in supporting of its function. However, ERTA has not played its role as expected in disseminating reliable legislative information to the general public. The legislature is not communicating well with the voters through the media. It is obvious that the legislative scrutiny and most oversight activities are taking place at the standing committees' level in closed meeting halls. More than 90% work of the legislature is done under the auspice of the committees. If the work of a committee is hidden, so is the work of a legislature. The general public does not have the opportunity to know about the national issues being discussed within each standing committee though most of the issues discussed in the committee level are imposing obligations and conferring rights to the citizens.

Of course the public media entertains some coverage of news, which is mostly fragmented, distorted and less substantive. According to most of the respondents, when the reporters of ERTA make news on issues of standing committees' meetings, the orientation of their reporting is on what the executive officials said usually magnifying only their performance achievements

not what the standing committees questioned, said, suggested, etc. They do not have patience to attend what the standing committees questioned and suggested to the executive departments during the meetings. The respondents have also observed some reflection of discriminatory approaches of some ERTA reporters and editors in entertaining different news ranging from omission to discriminating in airing frequency of news. The reporters and editors usually show bored attitude of reporting parliamentary activities, which is expressed frequently in their own words in different occasions. Although ERTA editors and reporters have been asked frequently to improve their service to the parliament, in the third term, they have claimed that they had simply followed their own editorial policies.

**Figure 19: the respondents’ opinion on the extent of media support to the legislative and oversight process in HPR**



**Source:** The Researcher’s own data (March, 2012)

Programs have not been made based on the demands of the standing committees except upholding the interest of ERTA reporters and editors. The parliament had its own TV air time on Saturday and Sunday for last 16 years. However, this year the program is cancelled by the consent of the leadership of the House for the reason that it was unattractive and it will be substituted by another better program. Based on this decision, time has been assigned for 15-20 minutes a week and even it is cancelled frequently due to other current prime issues. The researcher wants to underscore that the time allotted to report the activities of the legislature, by

which the legislative and oversight function of around 160 public departments is made, is extremely insufficient. It is appreciable that ERTA has assigned reporters to the new program (the 15-20 minutes time) and they are doing their best to cover the plenary sessions' discussions and the field visit observations. Since they have time constraint their reports become outdated until their broadcast. Sessions of standing committees are still not covered by the media though they have ample importance to the public. In every interim evaluation of the coordinating committee of the House grievances have been persisted about ERTA for the last seven years but improvements are slow. This type of role of the media has negatively affected the quality of law making and oversight process as well as the overall image of the legislature.

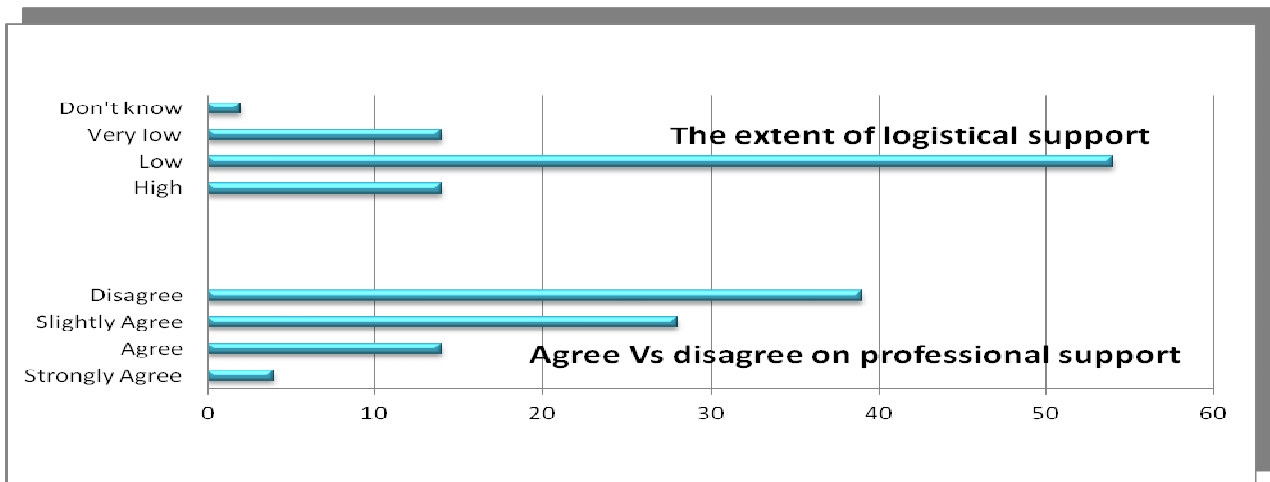
#### **4.7. Resource and the legislature**

The researcher has already tried to address the resource problem of the legislature in oversight section. However, since the resource problems suggested by the participants are multitude, it is important to assess separately. When we talk of the resource of the House, we are examining the needs of 547 MPs, the speaker, the deputy speaker, the government chief whip and the 4 assistant chief whips, whips of parliamentary groups, 16 standing committees, one advisory committee, one coordinating committee, 18 friendship groups and the the secretariat at large. These constituents of the legislature require a reasonable supply of resource to perform their duties and responsibilities. They need qualified supporting staff. They need suitable and conducive working environment which comprises standard and sufficient office rooms, meeting halls, audiovisual services, modern and well organized libraries and information centers, equipped IT infrastructure, office equipments like computers, printers, fax machines, laptops, photocopiers, scanners and telephones. They also need vehicles along with their complements which are compatible to the parliament in terms of quality and quantity. Similarly, they should receive decent health care services, remunerations including housing and accommodation allowances, per diem and retirement benefits and so on. The reasonable provision of these resources make the MPs more responsible and motivated.

The resource currently available to the parliament, however, is by far under standard in terms of quantity and quality. Of course, there is slight improvement in supply of cars, computers,

laptops, and office furniture in the fourth tenure of the House but it is insignificant compared to the need and these resources are mostly supplied by UNDP’s DIP which is a short-lived donor. The expenditures of the fourth tenure field trip oversight activities have been also covered by DIP. The allocation of resources from the treasury is highly conservative which ignores core parliamentary functions which are the legislative, the oversight and the representation functions. These parliamentary functions require significant allocation of human and material resources but not in HPR’s case. The parliament is still working in a premise ,which was built 77 years ago, that is overcrowded and unfriendly for the work of the parliament.

**Figure 20: The opinion of respondents on the logistical and professional support in the legislature**



**Source:** The Researcher’s own data (March, 2012)

The legislature is being supported by only around 350 civil servants among them not more than 15 junior professionals. Senior professionals could not be retained in the parliament because the overall benefits and privileges as well as the working environment is not attractive to them. Almost all works of standing committees are done with members’ own capacity. This reality can tell us how far the quality of legislative and oversight functions are affected. The MPS are always strangers and they don’t have deep knowledge about the parliamentary functions they do. Due to this reason standing committees have been forced to start from zero every term of the legislature because of the absence of experts who can bridge the activities of one committee to another. The audiovisual section of the House is not well equipped and it does not possess sufficient professionals. The quantity and the quality of its cameras, recording machines, sound system installations, and their accessories do not match with the vast and

intense work of the legislature and it is not digitalized. The library of the House has been denied of due attention. Based on the current status, it cannot be helpful as a source of information to the legislature. The researcher was highly in need of books related to policy and legislature, but nothing was found from the library. It lacks enough space and sufficient updated sources of information. The existing IT infrastructure has a problem of under utilization and it is not supporting the legislative and oversight process as expected. Its main drawback seems lack of professionals.

According to most of the respondents, the MPs are still in short of vehicles, computers, photocopiers, and laptops which are no more problems in other executive departments and agencies. From the parliament, the MPs who are eligible to use a vehicle individually are only the speaker, the deputy speaker, the government chief whip and the 4 assistant chief whips who have defined status that enables them to get all benefits and privileges. The rest of MPs use the pool by under standard vehicles which are not appropriate to their business. Of course this year, 16 pick up vehicles are purchased using the DIP fund and money generated from sold scrap vehicles only for the purpose of field visits and it has resulted in a little improvement of the facility. The MPs are also disappointed by the health care service, remunerations and allowances they are provided by the parliament and they are dissatisfied about their retirement benefits and privileges. All these material and psychological discontents of MPs could severely affect to the quality of policy making process in the parliament. If these discouraging factors are continued, it is difficult to get competent candidates in the next elections leading the parliament to deterioration which in turn resulting in poor quality of policy making process.

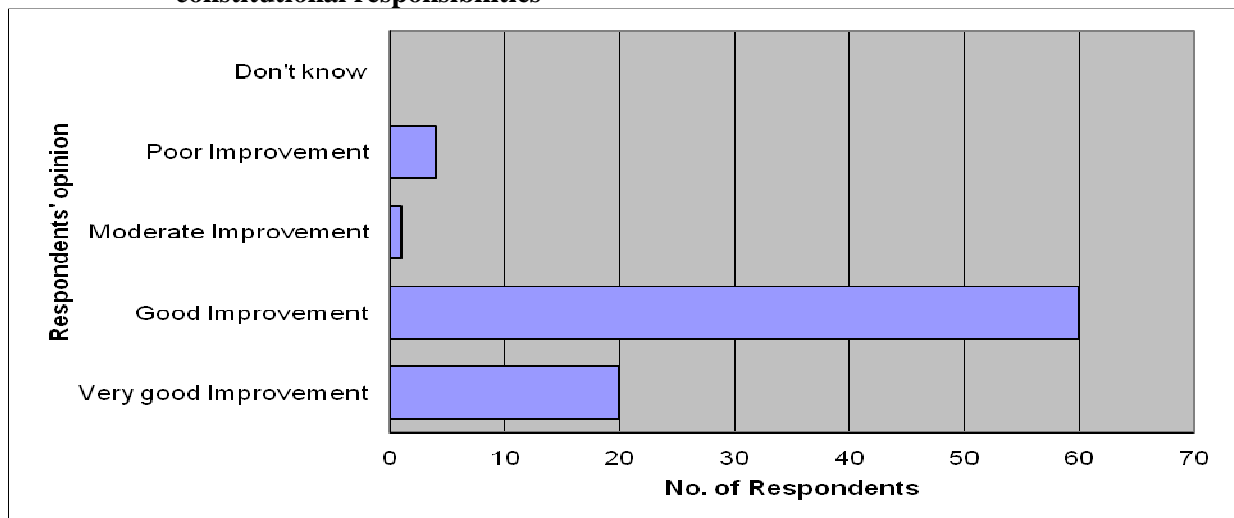
#### **4.8. The general trend of the legislature**

Participants have been asked to give their opinions on the general trend of the legislature in the last 17 years of its tenure. All their answers are very promising and reflect the bright future of the legislature. In terms of facility, in the first term MPs have been travelling by a taxi to attend parliamentary sessions and have been incurring full costs of representation activities but now these are no more problems, given the quality problem of vehicles. Plenary sessions have been using a single Mic for every MP to speak while today sound systems have installed in several

meeting rooms. The number of mini conference rooms have also increased significantly from three rooms to one to each committee. The committees’ offices have improved from a single room to three rooms. Likewise, in this term, there are some improvements in provision of some computers, printers, fax machines, laptops and office furniture to the standing committees which were in lack of this office equipments.

The institutional posture of the parliament, similarly, has shown significant progress. The composition of MPs has been changing from uneducated to educated considering more than 75% of MPs are degree holders that is helpful to enhance the capacity of the parliament (The Researcher’s own data). The gender composition has been changed from 13 in the first term to 153 in the fourth term(HPR website, 2012). The number of the standing committees and the approximate number of their members has been changed from 9 and 120 in the first term to 16 and 300 in the fourth term respectively and one of these committees is PAC which is chaired by opposition. The number of public departments assigned to be overseen by each committee have also increased proportionately. The parliament has developed the best Rules of Procedures and Members’ Code of Conduct which is supported by about 28 detailed directives starting from the third term, given the limitations putting them to practice.

**Figure 21: Respondents’ opinion on the general trend of the legislature in performing its constitutional responsibilities**



**Source:** The Researcher’s own data (March, 2012)

As a result of relative improvement in the strength of MPs and standing committees, the functions of the legislature have, similarly, shown progress in the areas of oversight, budget scrutiny and representation activities. The oversight function has becoming an outshining activity of the House since the last two years. It seems that the ruling party has realized that the absence of the opposition in the House can create gap in watching implementation weaknesses of the executive and should be redressed by promoting oversight activities of the House.

In the first two terms the budget scrutiny was not paid due attention by the House but starting from the third term a month is dedicated for its scrutiny, given the implementation limitations. Even the representation activities have begun to be led by the plan of the House in the last two years. In spite of the fact that Ethiopia has been under the monarchic and dictatorial regimes for millennia, in the last 17 years, however, the exercise of multi party parliamentary democracy of the nation has registered promising achievements starting from scratch. Especially in the third tenure of the parliament the institutional and procedural arrangements have been well established.

To ease the problem of media, the legislature is also trying to organize its own group of reporters and studios and starting self controlled programs, though they have their own limitations. Due to these reasons more than 94% of the participants have believed that the legislature have generally shown good or very good improvements in performing its constitutional responsibilities in the last 17 years.

## Chapter Five

### 5. Conclusions and Recommendations

So far the researcher has tried to give the readers a vivid image as to the parliamentary policy making process in Ethiopia. More or less, all the core problems have been addressed and the causes of the problems are also reflected. In this chapter, the researcher has endeavored to identify the major issues that need further attention and to suggest possible remedies.

Despite that the HPR is an infant legislature, its track record and general trend during the last 17 years is appreciable. Although infant parliaments do not necessarily need to undergo the Westminster evolutionary path, attaining the current stance of the HPR within the current political economy of the nation is not easy task. In spite of the fact that Ethiopia has been under the monarchic and dictatorial regimes for millennia, in the last 17 years, however, the exercise of multi party parliamentary democracy of the nation has registered encouraging achievements starting from the scratch.

Especially in the third tenure of the parliament the institutional and procedural arrangements have been well established. The parliament has developed world class Rules of Procedures and Members' Code of Conduct Regulation approved after negotiation with the oppositin parties which had parliametary seats. The Regulation has been supported by about 28 detailed directives that are fundamentals for the institutionalization of the legislature. As a result of incremental improvement in the capability of MPs and standing committees, the functions of the legislature have, similarly, shown progress in the areas of oversight, budget scrutiny and representation activities. The limitations addressed in this research must be considered in the context of positive trend and infancy of the legislature.

#### 5.1. Conclusions

5.1.1 It has been discovered that the general policy guidelines of different sectors are not only initiated and formulated but also adopted by the executive. Nevertheless, the adoption of general policy is vested in the legislature by the constitution. Moreover, these general policies are the premises of the draft bills which would be scrutinized and adopted by

the legislature. The perspective of the legislature in scrutinizing the bills is based on these broad policy guidelines. Even though the MPs are abided by the general policies due to the party discipline, they don't have the opportunity to have their voices in adopting them.

- 5.1.2 The other identified critical problem related to the law making process is lack of quality in the legislative scrutiny. The presumed contributing factors for the problem are: time related setbacks, lack of competence and commitment of MPs, hasty approval of bills by means of motion, referral of backlogged bills at the end of the year, absence of annual legislative plan, and limited public media role to the legislative process and so on. These drawbacks can be classified as internal and external factors.
- 5.1.3 Another point of concern is the insufficient stakeholders' participation in the policy making process of the legislature. Procedurally, stakeholders have the right to participate in public hearings concerned with bills and specially organized issues. Today, the participation in these issues is not only weak but also in a diminishing propensity. The people outside of the metropolis do not have access to participate in the public hearings. There is no procedure that enables the public to participate in person during the reporting of the executive departments. The public do not also have the say on the performance evaluation of the executive departments.
- 5.1.4 The research has discovered that there are some signals of nonconformity of several promulgated bills with the supreme laws and significant numbers of main laws are not supported by subsidiary legislations. The basic point is that the legislature fails to have controlling mechanisms to correct such anomalies. The nonconformity problem and lack of timely supporting main laws by subsidiary legislations have the implication of noncompliance with the rule of law by some institutions.
- 5.1.5 Though the final goal of different tiers of laws and policies is serving the general public, unfortunately, it is discovered that they are hardly accessible to the beneficiaries. That means, the people are being governed by the laws and policies which are not accessible to them. Since they contain the rights and responsibilities of citizens, the problem requires urgent solution.

- 5.1.6 Despite the improvements in budget scrutiny, still limitations are noticed in terms of time allocation and quality level of scrutiny similar to the scrutiny of other bills. The current blurred budget scrutiny process needs to be changed and must be attractive.
- 5.1.7 It is also discovered that the budget approval procedure of the constitutionally specified public institutions has not been realized. The constitution stipulates that the HPR, the HoF, the Federal Supreme Court, the OFAG and the Commission for Population and Housing Census budget should directly be submitted to and approved by legislature. Despite the stipulation of the constitution, the institutions have been required to submit their budget proposal through MoFED by which they are discomforted.
- 5.1.8 The research revealed that the OFAG has been reporting annually many adverse opinions, disclaimer opinions, over-budget spending, under budget spending and violation of financial rules in spending budget and collecting revenues. However, measures have never been taken on those public departments that frequently violate financial laws though there have been some improvements in PAC activities in this term. Another audit related finding is that the regional states do not use separate accounts to the block grant and it is used in a mixed manner with their revenue and it is difficult to make audit as well as prosecute to those who abuse public money by the Federal EAC based on audit findings.
- 5.1.9 With regard to the oversight function, it has been disclosed by the research that the feedback given by standing committees based on scrutiny of reports and field visits have been only rhetorically accepted by most executive departments; in practice, however, they do not take action on the feedback. Moreover, despite the improvement of field trip activities in the fourth tenure of the legislature, still there is an extreme scarcity of resources that impede the oversight function.
- 5.1.10 As far as the representation function of the legislature is concerned, the findings show that there have been some progresses in the last two years, given its insufficiency. MPs have visited their constituency every six months and they have got per diem and accommodation allowance. Since the source of budget was DIP, its sustainability is questionable. The second finding of the representation function is that the issues and

problems raised by the electorate and collected by MPs have been reported every six months to the leadership of the House but solution has not been obtained. Further, though properly organized and analyzed opinions and demands of the electorate could be an input for policy initiation and formulation to the government, there is no systematic utilization of these reports.

5.1.11 Despite that the parliament and its standing committees hear the public petitions and grievances arising from maladministration of the executive departments, it is not common summoning and questioning of the executive officials who caused the petition and the grievance. This procedure is established to reinforce good governance and to solve problems of the public. However, it is not boldly being performed in that regard.

5.1.12 The internal debate that takes place among legislators is the main factor to the good quality of parliamentary deliberations. In HPR, however, this kind of debate is known to be passive and is not fully realized in the House because of misunderstanding and wrong perception of party discipline. Most of the time MPs are abided by their party discipline whether the issue is concerned with policy or not even if they have significant reservations. Though it is obvious that there is no policy difference within a political party, the debate of the House should not be blurred due to misinterpretation of party discipline.

5.1.13 The other limitation that has affected the quality of the legislative and oversight process is found to be the media. In spite of the fact that more than 90% work of the legislature is done under the auspice of the committees, they do not obtain proper media coverage and most of their work is hidden from the public though the issues discussed at the committee level are imposing obligations and conferring rights to the citizens. Moreover, when the reporters of ERTA make news on issues of standing committees' meetings, the orientation of their reporting is on what the executive officials said usually magnifying only their achievements, not what the standing committee questioned, said, and suggested. Air time that has been established for a long time has been cancelled for the reason that it was unattractive and it will be substituted by another better program although the substituted program is not more than 15-20 minutes a week. Besides, ERTA reporters and editors reflect bored attitude as to the

parliamentary business reporting feeling that the media coverage is dominated by parliamentary activities.

5.1.14 Even though gradual improvements have been observed, the House still has been suffering from the deficiency of human and material resources. The buildings including office rooms, meeting halls, the vehicles, office facilities, the expertise, remunerations and allowances, benefits and privileges, the library, the IT etc. are not commensurate to discharge the functions of the legislature. Along with the scarcity of resources of the House, mismanagement of resources also highly aggravated the problem.

## **5.2. Recommendations**

5.2.1. With regard to the general policies the researcher recommended that, according to the constitution, they should be adopted by the legislature similar to the PASDEP and GTP documents. Furthermore, the adoption of the general policies by the legislature can help the MPs to understand their intent and to translate them in to detailed legislations. It can also be valuable for oversight function of the legislature.

5.2.2. In line with the law making business of the legislature, it is suggested that due attention should be given to the quality of law making process focusing on solving the internal factors. The capability of MPs needs especial consideration particularly in the standing committees. The attitudes of MPs must also be changed with regard to their role in the legislature and the demotivating elements should be improved. Though the time allotted to the scrutiny of bills is enough for the time being, however, in the future it requires additional time to meet the average international standard. Nevertheless, the time allotted to the scrutiny of the budget bill is considered as an insufficient and it requires improvement currently. The submission of backlog bills at the end of the fiscal year and passing laws by motion in the part of the executive necessitates proper communication and common understanding on these issues. It is also important having disciplined annual legislative plan.

5.2.3. To alleviate the drawbacks that manifested in the course of public participation, the following measures need to be taken:

- i. Capacitate the institutional capability of the secretariat to host stakeholders ;
- ii. The MPs have to Convince themselves that the stakeholders' participation is critically needed;
- iii. Make some amendment on the RPMCR related to the stakeholders participation on the evaluation reports of the executive departments;
- iv. The MPs and officials of the executive departments should accommodate reasonably the opinions of stakeholders;
- v. It is important to create awareness among the public as to the importance of stakeholders' participation.

5.2.4. To ease the problems of nonconformity of upper and lower laws and lack of supporting main laws by subsidiary laws, the following measures are recommended:

- a. It is very useful conducting separate and full research to understand the magnitude of the of the problem to give comprehensive solution;
- b. Bill initiating public departments must recruit senior lawyers who have wide-ranging knowledge of laws especially in the domestic laws so as to avoid inconsistency of laws. These types of professionals can also simultaneously help to the timely adoption of subsidiary legislations.
- c. The subsidiary draft bill should be prepared concurrently with the main draft bill in order to avoid overlook and delay; and
- d. The most important thing to the legislature is establishing controlling mechanism within. Even though each standing committee has the responsibility to control the consistency and presence of the subsidiary laws, there must be a focal person that oversees that business in the legislature.

5.2.5. The possible remedies recommended by the researcher for the chronic inaccessibility of laws and policies are listed as follow:

- i. The parliament has to assign responsible and accountable body that follows up the dissemination of laws and policies in a systematic way;
- ii. It is important to repeal the monopoly right of the printing press on public laws;

- iii. Offer reasonable price for published proclamations and regulations that is affordable to the general public;
- iv. Give official order and control to the government departments to disseminate their general policies, regulations and directives through publications, websites and other means;
- v. Using IT infrastructure in the parliament efficiently and effectively as an outlet of passed laws by employing proficient human power and
- vi. Creating synergy and coordination between the federal and state legislatures to promote and to expand the outreach of passed laws in the state and local administration levels.

5.2.6. For the improvement of the budget scrutiny process the following measures should be taken:

- a. The legislature should maximize the time already allocated by the RPMCR and increase beyond it;
- b. Make the involvement of all committees mandatory to scrutinize the budget of the sectors that they oversee in support of the budget committee;
- c. Special support of senior professionals that are qualified in economics and accounting; and
- d. Augment public involvement in the budget process in similar ways to other bills.

5.2.7. The Supreme Court, the OFAG, the HoF and the HPR have deliberately established by the constitution for check and balance of the system and they need to be independent from the executive's influence in allocation of resources. The power to decide the budget of these institutions is clearly identified by the constitution to be as a mandate of the HPR. Therefore, the constitutional provision should be put in to practice by the legislature.

5.2.8. It is recommended that the offenders of financial laws either must justify about the audit findings before the House or must resign from their post. Although the House cannot take direct measure itself, it can ask the PM to take measures, if necessary. It is also important empowering the PAC and the involvement of all committees similar to the budget scrutiny. The problem which arises from mixed usage of federal and regional states'

money can be solved by “single audit act” proposed by OFAG and sent to the legislature. This act omits the duplication of audit and gives legal mandate to EAC to prosecute abusers of federal funds.

5.2.9. It is advisable that the executive departments must be forced to give their justifications for the noncompliance with the feedbacks of committees in similar way to the financial law offenders. If they do not improve significantly, the PM must be informed and be requested to take remedial measures by providing tangible evidences about their drawbacks. Field visits should be planned based on the performance budgeting to be rational during the negotiation with MoFED. Members of the advisory committee must exert their maximum effort to convince the MoFED for allocation of reasonable budget to the HPR.

5.2.10. Due to the current resource constraint and underdeveloped infrastructure of the nation, the frequency of constituency visit is enough twice a year but for the future it should meet the average international standard that extends from monthly to quarterly. The source of budget also must be sustainable and should be from the treasury as the external grant is terminated. The electorate’s opinions and demands must be justified and reasonably solved. Policy initiators and formulators should pay due attention to the data collected from the constituencies where the policies are practically tested.

5.2.11. Concerned with the follow up of the public petition and grievance, it is important that the legislature and its standing committees have to improve the problem solving effect of this function to enhance good governance and to obtain public credibility.

5.2.12. The possible remedies suggested by the researcher to the active participation of MPs in the plenary session are:

- a. The legislature has to discuss and approve to the general policies which are the bases for any draft bill to be legislated by the House;
- b. MPs must discuss, prior to the first reading, the draft bill itself to make clarity and to reflect their differences on the issues of the draft bill;

- c. Even during the plenary session, MPs should have the right to oppose to the points that they don't want to be part of the Law. However, at the time of voting, they must support their party position;
- d. MPs have to differentiate policy and non-policy issues and forward objection and take position on non-policy issues such as implementation issues, procedural issues, and appointment and so on.

5.2.13. To alleviate the media coverage problems of the legislature, the following suggestions are forwarded:

- a. If ERTA does not offer free air time, the legislature must subscribe its own dedicated air time to cover the legislative and oversight activities.
- b. Capacitate the emerging parliamentary reporters' group in the house and create audio visual news and programs producing unit to redress the loopholes created by ERTA editors;
- c. Organize trainings to all reporters of the private and public media that can enhance their awareness on ethics of journalism , parliamentary language and norms;
- d. Leading the public media board by the leadership of the House and reduce the dominance of the executive in the management board.

5.2.14. As far as the, the resource problem of the House is concerned, the researcher urges the need for consensus with the executive as to the extent and the importance the business of the legislature. At the same time, the legislature should not be shy and have to claim its reasonable share from the available resource of the nation competing with other priorities. The maladministration of resources of the House also requires special consideration by the secretariat.

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# Appendices

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## ***Semi structured questionnaire***

This questionnaire is intended to collect primary data concerned with core policy making functions of the FDRE's Legislature. The topic of this research is "The role of the Legislature in policy making process in Ethiopian".

The purpose of this research is to identify the major problems of the policy making process of the legislature and to suggest some solution measures and hence to contribute supportive role to the better performance of the legislature in discharging of its responsibilities.

Therefore, dear respondent, you are kindly requested to read and complete all the questions patiently and carefully. Your answer will only be used to academic purpose and handled confidentially. So, please feel free. I thank you in advance for your diligence in filling my questionnaire.

**Atsbeha Aregawi, March, 2012**

1. Do you think the bills that are under scrutiny by the legislature, including the budget bill, are allotted enough time and discussed sufficiently?
  - a. Very sufficient
  - b. Sufficient
  - c. fairly sufficient
  - d. Insufficient

If your answer is "d", why it has happened?

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2. Do you think the enacted policies and laws are timely supported by appropriate regulations and directives?
  - a. Yes
  - b. Partially yes
  - c. No
  - d. don't know

If your answer is “b” or “c”, why are not?

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3. Do you think the enacted bills, regulations and directives conform to the government policies and supreme laws?

a. Conform fully b. Conform Partially c. Do not conform

If your answer is “b” or “c” why do not conform fully?

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4. Do you think the policies and laws which are approved by the legislature are easily accessible to the general public?

a. Sufficiently b. moderately c. poorly d. don't know

If your answer is “c”, what do you think is the reason for poor distribution?

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5. To what extent the oversight function being undertaken by the legislature is performed effectively?

a. Very good b. good c. moderate d. weak

If your answer is “c” or “d”, why?

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6. How do you weigh the degree of participation of stakeholders in the process of legislative and oversight (policy making) process?

a. Very good b. Good c. Fairly good d. Weak

If your answer is “c” or “d”, would you explain why the participation was minimal?

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7. To what extent the opinions of stake holders' are accommodated by the legislature during the legislative and oversight (policy making) process?
- a. Highly    b. moderately    c. slightly    d. poorly

If your answer is "c" or "d", would you explain the possible reasons?

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8. How do you evaluate the willingness of the executive departments in welcoming the opinions of the legislature and its standing committees concerned with the draft bills, plans and performance reports?
- a. High    b. Medium    c. Low    d. Don't know

If your answer is "c", what do you think is the cause?

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9. Have you ever observed any measure taken on the executive departments that do not comply with the recommendations and remedies forwarded by the legislature?
- a. Always    b. Sometimes    c. Never    d. don't know

If your answer is "b" or "c" what do you think the possible reasons?

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10. Do you think that the nonexistence of strong opposition party in the Ethiopian legislature has negative impact in its Policy making process?
- a. Yes    b. partially yes    c. No    d. don't know

If your answer is "a" or "b", please explain the impact

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11. Have you ever encountered controversial issues to take position during the plenary session such that: on the one hand being governed by the constitution, by the people and your conscience, on the other hand being governed by your party discipline?

- a. Yes      b. Never

If your answer is “a”, how did you compromise them? Which of them did you give priority to?

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12. Do you agree that standing committees are provided with professional support during scrutiny of bills (including budget bill) as well as plans and performance reports of the executive departments?

- a. Strongly agree    b. agree      c. slightly agree    d. disagree

If your answer is “c” or “d”, what was the solution to redress the gap?

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13. To what extent the legislature is provided logistical support (facility), as per the capacity of the nation, to discharge its constitutional responsibilities?

- a. Very high    b. High    c. Low    d. Very low

If your answer is “c” or “d”, what do you think is the possible reason?

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14. In relative terms, which one of the legislature’s functions do you think is better done?

- a. Legislation function                      c. Oversight function  
b. representation function                  d. Entertaining public petition

15. With regard to the representation responsibilities, how far the functions of the legislature are problem solving?

- a. High      b. Medium      c. Low      d. don't know

If your answer is "c", why?

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16. To what extent the representation reports are used as an input to the policy initiation and formulation?

- b. High      b. Medium      c. Low      d. don't know

If your answer is "c", why?

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17. How far the mass media does plays supportive role in the legislative and oversight process of the legislature?

- a. High    b. Medium      c. Low

If your answer is "c", please explain why?

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18. How do you generally evaluate the role of FDRE's legislature with regard to its policy making responsibilities.

- a. Very important role      c. Important role  
a. Moderate role      d. Insignificant role

If your answer is "c" or "d", would you explain the possible reasons?

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19. How do you gauge the general trend of the FDRE's legislature in performing its constitutional responsibilities during the 16 years tenure?

- b. Very good improvement      b. good improvement  
c. Moderate improvement      d. poor improvement      e. don't know

If your answer is "c" or "d", would you explain the possible reasons?

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20. Please list 3 problems that you think most important which are witnessed in the FDRE's legislature in their order of significance.

- a. \_\_\_\_\_  
b. \_\_\_\_\_  
c. \_\_\_\_\_

21. Personal information of the respondent:

A. Sex \_\_\_\_\_

B. Level of education \_\_\_\_\_

C. Your stay in the parliament and/or in the civil service:

- as MP for \_\_\_\_\_ years
- as civil servant for \_\_\_\_\_ years

Thank you very much!

March 2011

***Interview/focus group guide***

This interview/focus group guide is intended to collect primary data concerned with core policy-making functions of the FDRE’s Legislature. The topic of this research is “The role of the Legislature in policy making process in Ethiopian”.

The purpose of this research is to identify the major problems of the policy making process of the legislature and to suggest some solution measures and hence to contribute supportive role to the better performance of the legislature in discharging of its responsibilities.

Therefore, dear respondent, you are kindly requested to answer all the questions patiently and carefully. Your answer will only be used for academic purpose and handled confidentially. So, please feel free. I thank you in advance for your diligence in filling my questionnaire.

Thank you very much! March 2011

1. Do you think the bills that are under scrutiny by the legislature, including the budget bill, are allotted enough time and discussed sufficiently? why?

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2. Do you think the enacted policies and laws are timely supported by appropriate regulations and directives? If your answer is no, why do you think it is happened?

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3. Do you think the enacted bills, regulations and directives conform to the government policies and supreme laws?

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4. Do you think the policies and laws which are approved by the legislature are easily accessible to the general public?

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5. To what extent the oversight function being undertaken by the legislature is performed effectively?

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6. How do you weigh the degree of participation of stakeholders in the process of legislative and oversight (policy making) process?

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7. To what extent the opinions of stakeholders' are accommodated by the legislature during the legislative and oversight (policy making) process?

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8. Have you ever observed any measure taken on the executive departments that do not comply with the recommendations and remedies forwarded by the legislature?

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9. With regard to the representation responsibilities, how far the functions of the legislature are problem solving?

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10. To what extent the representation reports are used as an input to the policy initiation and formulation?

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11. Have you ever encountered controversial issues to take position during the plenary session such that: on the one hand being governed by the constitution, by the people and your conscience, on the other hand being governed by your party discipline? If you answer is “Yes”, how did you compromise them? Which of them did you give priority to?

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12. To what extent the legislature is provided logistical support (facility), as per the capacity of the nation, to discharge its constitutional responsibilities?

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13. How far the mass media plays supportive role in the legislative and oversight process of the legislature? please explain why?

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14. How do you gauge the general trend of the FDRE’s legislature in performing its constitutional responsibilities during the 16 years tenure?

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**ለዋናው ኦዲተር መስሪያ ቤት የተዘጋጀ መጠይቅ**

1. የዋናው ኦዲተር መ/ቤት የኦዲት ውጤቶች /ግኝቶች/ ምን ያህል በምክር ቤቱ ዘንድ ተመርምረው መፍትሄና እርምጃ ይወሰዳል ብለው ያምናሉ?
  
2. የአስፈጻሚ መስሪያ ቤቶች የበጀት አፈፃፀም ሁኔታ ላለፉት 7 ዓመታት ምን ዓይነት አዝማሚያ ይታይበታል?
  
3. የዋና ኦዲተር መ/ቤት ሙያዊና ሎጀስቲካዊ ዐቅም በምን ደረጃ ላይ ይገኛል?
  
4. በፌደራል መንግስት ለክልሎች የሚሰጠውን የበጀት ድጋፍ ሕገመንግስቱ በሚያዘው መሠረት ኦዲት ይደረጋል ብለው ያምናሉ?
  
5. የዋናው ኦዲተር መ/ቤት ዋና ዋና ችግሮች ምንድን ናቸው?
  
6. የዋናው ኦዲተር መ/ቤት ዓመታዊ በጀት በቀጥታ ለሕ/ተ/ም/ቤት ቀርቦ ለምን አይፀድቅም?