

Parliament-Public Engagement in Ethiopia: Selected Notes and Case Studies on a Politically Fragile State



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Introduction

This book makes a vital contribution to the scholarship on Ethiopian politics. Development studies leave the detailed study of formal political institutions to political science, while the latter tends to ignore the relationship between parliament and civil society. The complexity of researching both, as well as the connections between them, is daunting. And yet this publication manages to offer both a sweeping overview of how these relationships affect both democracy and development as well as dive into specific aspects in depth.

Ethiopia's foremost scholar on Parliament, Dr Meheret Ayenew, with the assistance of two young researchers, Tsedey Mekonen and Nega Wube, is asking some questions that are vital to understanding how democracy is operating and its potential in the future. It is well-established that democracy requires free and fair elections, and a broad representation of the population in both parliament and positions of power within government in terms of gender and ethnicity, but what else? Ayenew, Mekonen and Wube scrutinise a much neglected aspect of democracy; the relationships between parliament and the people when politicians are doing various aspects of their political work.

This research is making an important contribution to the development of democracy by studying it. Whether the work is representing marginalized rights-holders or their own constituents, making policy and law or scrutinizing the administration of government, these scholars are providing their own form of political scrutiny. They look at not only the quantity but the quality of interaction between MPs and their constituents, the media, and civil society, considering a range of views about the strengths and weaknesses of engagement. It was an inter-disciplinary coalition – Meheret Ayenew is a policy scholar, Nega Wube is a political scientist and Tsedey Mekonen is an anthropologist – so the range of methods employed constitute a rich approach to researching incredibly complex topics in a volatile environment.

Interviews, focus group discussions, a survey, and observation all played their part and thanks to continual reflective discussion, and taking advice from other scholars in the country, the team adjusted their approach in an iterative way to overcome barriers when they met them. While Tsedey focused on writing up the experience of women MPs, Nega is responsible for the case study on social protection and Meheret led the whole research project. One of the many impressive aspects of their approach has been not only to listen to

a diverse range of views on how politics works in Ethiopia, but to explain these different perspectives in this book. So rather than portraying political work in simplistic categories, they explain how opinions vary on political history and aspirations and we have no right as scholars to airbrush some of the actors out of the story.

It is an output of a collaborative project funded by the Economic and Social Research Council and UK's Department for International Development (ES/L005409/1), for which I was PI, and is part of the research that inspired the establishment of the Global Research Network for Parliaments and People (of which Dr Ayenew is a co-founder). I would like to express my appreciation to all my colleagues at Forum for Social Studies (FSS) for the invaluable contribution they make to Ethiopian scholarship. This work paves the way for a new approach to the study of parliaments and people.

Emma Crewe

Global Research Network on Parliaments and People (GRNPP)

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Preface

Rich parliament-public engagement is the essence of a healthy democracy. The effectiveness of politicians' interactions with their constituencies is an extremely important aspect of a functioning democracy, the more so in a politically fragile state, such as Ethiopia. A true measure of this cardinal principle in democratic governance is the extent to which the genuine needs and concerns of the public are fulfilled by politicians. When politicians or parliamentarians fulfill public expectations through regular contacts with the electorate, this enhances the peoples' trust in their government while at the same time strengthening the ethos of accountability and representative democracy.

Effective politicians'-public engagement promotes societal consensus and stable governance in a complex and heterogeneous state and society landscape, such as Ethiopia's. The experiences of mature and older democracies suggest that parliamentary democracy is strengthened when politicians succeed in representing the varied interests of the diverse constituencies and weakened when they fail to do so. It may be pointed out that there is no precise yardstick to assess the extent to which politicians effectively represent the varied interests of the diverse socio-economic groups that they claim to represent. However, the frequency of their interactions with different constituencies and, more importantly, the kind of consideration that is given to public interests and concerns in the policy-or law- making process can be considered tangible proofs of their commitment to uphold public causes.

Post-WWII Ethiopia has had three successive regimes with radically different ideologies and sources of legitimacy –the Imperial regime (1941-1974); the leftist military dictatorship (1974-1991); and the current government led by the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) (1991-todate), which is a broad front of ethnic-based parties. All of them have the unenviable record of being authoritarian regimes with weak parliaments subordinated to the executive or suppressed by autocratic personal rule. Since mid-2018, the country has been ruled by Prime Minister Dr. Abiy Ahmed, a charismatic and populist leader who has come out of the ranks of the ruling party but has launched unprecedented measures with huge implications for the future of a democratic Ethiopian state and society, including setting up a 50% female cabinet, releasing imprisoned politicians and activists, legalizing banned political parties, easing restrictions on media and civil society.

His main strength lies in the fact that he comes from the country's single largest Oromo constituency and is supported by another major ethnic group, the Amhara, who together with the former constitute about two-thirds of the Ethiopian population. Under his leadership, despite the challenges and uncertainties gripping the nation, the country continues to surge on the path of sweeping reforms, which at times appear to be irreversible but are not without risks. That is the fast-changing context of the research on which this book is based.

This publication came out of a three-year research project titled '*Parliament, public engagement and poverty reduction in Ethiopia and Bangladesh*', which was funded by the UK's Economic and Social Research Council and the UK government's Department for International Development (DFID). The goal of the project was to conduct research on the relationship between parliament, parliamentarians and other actors and organizations in two societies – Bangladesh and Ethiopia.

As a comparative study in democratic governance in Bangladesh and Ethiopia, the research brought together academics with varied backgrounds, including social anthropologists, political scientists and experts in Public Administration and Policy. It drew together a multi-disciplinary team of researchers so as to better understand from multiple perspectives how the role of parliament and parliamentarians' interaction with their constituencies and others in society could help in strengthening democracy and participatory governance as well as fostering equitable development. In addition, the findings would stimulate further academic discourse into the work of parliaments as representative institutions, and influence governments and donors engaged in parliamentary strengthening programs.

All the papers published in this book contain the main findings and conclusions of this research in Ethiopia. The Ethiopian research was based on extensive field work involving interviews and focus group discussions with parliamentarians, academics, civil society activists and constituency groups in different parts of the country. The aim was to gather the perspectives of different stakeholders on the role of parliament and the extent of interaction of parliamentarians with their constituencies and civil society, and how this can strengthen democracy and reduce poverty and inequality.

This monograph has seven chapters. Chapter 1 provides an introduction to Ethiopia and a brief historical review of the Ethiopian parliament. Chapter 2 reviews parliamentarians'-public engagement in Ethiopia and discusses the challenges and prospects for democratic transformation of state and society. The state of politicians'- constituency interactions and an overview of the experiences gained in accountable and participatory governance are presented in chapter 3. Since the number of women representatives in parliament is exceptionally one of the highest in Africa, chapter 4 briefly examines the implications and roles of women politicians in parliament, particularly their contribution to the policy and law making process as it affects gender inclusiveness and other important issues of society. An examination of the role of parliament in promoting pro- growth and – poor policies and laws, and how this has helped poverty reduction in Ethiopia by taking Ethiopia's social protection policy as a case study is provided in Chapter 5. Chapters 6 presents 2 case studies in law making dealing with a summary of the debates and issues raised in the promulgation of the family law and controversial civil society legislation. In chapter 7 we offer our preliminary findings about the Ethiopian parliament and how it engages with society.

Currently, and as was pointed out earlier, the Ethiopian state is experiencing unprecedented changes that can potentially herald important beginnings in democratic and humane rule for the country and its people. The country has been experiencing many years of widespread discontent against repression and authoritarian rule. In addition, there have also been waves of social protests against economic and political marginalization as well as gross violation of human rights. It is against this background that the new Prime Minister Abiy Ahmed has been spearheading significant and bold steps that have the potential to transform the state-society landscape in Africa's second largest country. The new leader has won huge domestic and international support and admiration for all the progressive actions he took. Albeit the risks and uncertainties, there is no doubt that many of the reforms currently being introduced in Ethiopia will strengthen parliamentary democracy and promote accountable and participatory governance.

It may be that this research on parliament and public engagement added to the momentum for democratic change and the liberalization of Ethiopia's long entrenched authoritarian political order. In addition, it can also be observed that the focus group

discussions conducted with many different constituencies, and the many interviews and workshops that involved parliamentarians on the one hand and different focus group discussions with diverse constituencies on the other might have enhanced awareness for the need to promote greater freedom. So this research could be said to have been part of the movement for democratic change. Hence, the publication and wide dissemination of this monograph to relevant stakeholders, including legislators and government officials, civil society, academics and other relevant actors, could not come at a more opportune time because it will make a significant contribution to the further deepening of democracy and widening of the policy space in a politically fragile Ethiopian state.

Enjoy reading!

Meheret Ayenew

Addis Ababa, Ethiopia

December, 2018

Forum for Social Studies (FSS): an institutional profile

FSS is a non-governmental, a non-profit institution engaged in policy-oriented research and promoting public debate on a wide range of development issues. When established in 1998, it had its genesis in the deeply felt concern of a group of academics and CSO activists to help deepen and broaden a democratic tradition of public debates. It is a membership-based organization largely drawn from academicians, researchers, as well as representatives from civil society and government organizations. Its work is guided by the conviction that enhancing the public-government decision-makers interface on key social and economic issues can create a transparent, participatory and all-inclusive policy-making and implementation space.

In line with its mandate, FSS has maintained a reputable track record of policy research on a wide array of development issues, and has disseminated its findings to government decision makers, legislators and the wider public. Parallel with this, it has organized a series of policy dialogues (workshops, lectures and panel discussions) around the themes of poverty; gender; higher education; inter-generational transfer of knowledge (IGTK); good governance and democracy in Africa; culture and development; climate change, environmental management and sustainable development; youth and development; and the state and quality of urban public services in Ethiopia. In recent years, FSS has ventured into important social and community issues, and has conducted research and public dialogue workshop programs on important public concerns, such as the production, marketing and consumption of *Arake* and *Khat*, and their social and economic impacts on different segments of society, particularly women and the youth.

As required by the new Ethiopian Charities and Civil Societies law, FSS was first re-registered as an Ethiopian Residents' Charitable Society in accordance with the Charities and Societies Proclamation No. 621/2009 in 2009. It had been issued Certificate of Registration and License No. 0072, which was operational for up to the end of 2015. In March 2016, the license was renewed for another three years, i.e. up to 2018. As stipulated by the new law, cost control measures have been put in place to maintain the 70/30 percent proportion for program and administrative expenses respectively, and this has been one of the important criteria considered in the renewal process.

Chapter 1: An introduction to Ethiopia and the Parliament

To understand how the Ethiopian parliament operates today, a sense of its history and contemporary social, political and economic context is vital. In particular it is necessary to provide an overview of the demographics and political economy of Ethiopia in order to understand the relationship between parliamentarians and civil society. Such an approach can provide a proper context for understanding the dynamics of parliament-citizen interaction, and its contribution to accountable governance and the growth of representative institutions.

Country background

With an estimated population of nearly 97 million inhabitants in 2014, Ethiopia is Africa's second populous nation after Nigeria. Currently, the population grows at 2.9% per annum (2014 estimated), and, at this rate, it is projected to reach 175 million by 2050¹, and this will make it one of the most densely inhabited countries in the world. The country is a demographic power house accounting for more than 35 per cent of the total population of the IGAD countries comprising 10 nation states in north-eastern and Horn of Africa region. The population is largely young with a significant 40% falling under 24 years (CIA fact book, 2016; U.S. Census on World Population, 2014).

The Ethiopian state is a land of great diversity comprising numerous ethnic and religious groups. Most Ethiopians are followers of two great religions – Christianity and Islam². A significant majority of Ethiopians are Christians accounting for nearly 63% of the total population. Among these, Orthodox Christians constitute 43.5%; Protestants 18.6%; Catholics 0.7%, and about 3% belong to different religion denominations. Moslem Ethiopians constitute about 33.9% of the total. While all believers can be found in almost every community, Islam is most prevalent in the Somale (98.4%), Afar (95.3%) and Oromia (47.5%) Regions (CSA, 2007 Eth. Cal.).

Ethiopia is unique in very many respects. It is Africa's oldest independent country that has enjoyed an uninterrupted tradition of statehood, and has never been colonized by the Europeans except for the brief 5-year occupation by Fascist Italy during World War II.

¹ Some sources project the figure at 278 million depending upon varying assumptions.

² The number of Ethiopian Jews otherwise known as 'Bete Israel' has diminished since their exodus to Israel beginning in the mid-1980s.

It has a distinctly indigenous alphabet and calendar system that set it apart from other nations. The rich heritage and diversified value systems and traditions of Christians and Moslems point to the possibility that Ethiopia might have for centuries been a meeting center of African, Arab and Asiatic cultures.

In 1991, Ethiopia's political boundary was redrawn following a referendum that resulted in Eritrea, which, albeit problematic co-existence, used to be a constituent part with two vital ports of Assab and Massawa, becoming a separate state. This rendered the country land-locked with no outlet to the sea. As a result, it resorted to using the port of Djibouti and to some extent other ports in East Africa, such as Mombassa in Kenya, Port Sudan and Berbera in Somaliland, for trade and other links with the outside world.

Between 1998-2000, Ethiopia and Eritrea, to the dismay of friends far and near, fought a bitter border war that cost the lives of about 100,000 people on both sides (Abbink, 2003; Banks, et.al., 2005). Relations between the two countries have recently begun to heal thanks to the unprecedented steps taken by the new Ethiopian Prime Minister to end the hostilities thereby restoring normal relations that have resulted in the opening of the once closed border and allowing intra-border trade and the free movement of people have won domestic, regional and international admiration

Ethnicity and language are important features shaping national politics in Ethiopia; and in recent years have been important factors in restructuring the state and political representation at national and regional levels. The current government led by the ruling Ethiopian Revolutionary Democratic Front (EPRDF) is the torch bearer of this political agenda. Upon assuming power in 1991, the EPRDF Government reorganized the country along ethnic and linguistic lines, and established a federal state structure that consisted of nine autonomous ethnic regions and two administrative areas. These are Afar, Amhara, Benishangul-Gumuz, Gambella, Harari, Oromiya, Somale, Southern Nations, Nationalities and Peoples (SNNP) and Tigray regional states with Addis Ababa and Dire Dawa city administrations designated as self-governing administrative areas. Most of these regions have their own constitutions and enjoy formal self-rule, including the right to develop their cultures and history as well as the right to use regional languages in public administration, services delivery and the school system. As much as these political rights are important in a genuinely federal system, critics of the government have argued that these policies have

been used to entrench ethnic divisions and sow mistrust among the country's disparate groups to achieve short-term goals of divide and rule.

Ethiopia is said to be inhabited by more than 85 ethno-linguistic groups, and as such is considered one of Africa's diverse nations. According to the 2007 census, the two biggest ethnic groups are the Oromo and Amhara, who together constitute 61.4% of the total population. The breakdown of the country's major population groups is provided in Table 1.

Table 1: Ethnic Composition of the Ethiopian Population

No.	Ethnic group	%age share
1.	Oromo	34.5
2.	Amhara	26.9
3.	Somale	6.2
4.	Tigre	6.1
5.	Sidama	4
6.	Gurage	2.5
7.	Welaita	2.3
8.	Hadiya	1.7
9.	Afar	1.7
10.	Gamo	1.5
11.	Gedeo	1.3
12.	Others	11.3

Source: CSA 2007 Census

As can be observed in the above table, there is a great variation in the population size of the different ethnic groups. For example, the first 7 among the groups in the order that are presented constitute about 83% of the population. There are more than 75 other ethnic groups, which make up about 17% of the national population. This means the vast majority of the ethnic and linguistic groups have varying yet small population distributions. In addition, most of these peoples live in different ecological areas and depend on diverse livelihoods ranging from predominantly pastoral and semi-pastoral modes of life in the lowlands to sedentary peasant farming systems in the highland areas. Forging a cohesive

nation-state out of this conglomeration of diverse ethnic groups is a big task in nation building that should not be underestimated.

On the economic front, Ethiopia's economy is predominantly agriculture based, which accounts for 46% of GDP and more than 80% of total employment. For much of the 1970s and 1980s, the country suffered from recurrent famines and food shortages that affected millions of people. In recent years, the Ethiopian economy has been showing signs of improvement resulting in reductions in national poverty levels. The Government has been spearheading development by undertaking major infrastructural projects in the power and communication sectors, and significant investments in developing large-scale sugar industries and allied activities. The Government's role is also preponderant in other areas. For example, land is held by the state, and the banking and insurance industry is restricted to domestic investors, and telecom services have been off limits to foreign investment. Through the relatively successful implementation of the country's Growth and Transformation Plan I (GTP I), 2011/12-2014/15, good progress has been attained in the provision of education, low-cost housing and health services, and also in infrastructure expansion (MoFED, 2014). The economy is also showing signs of structural transformation with industry and the services sector contributing 13.4% and 45.6% to GDP respectively (MoFED, 2010, 2014; Dessalegn, et.al, 2014). Despite recent economic gains, however, there is widespread public perception that development has not been inclusive and participatory, and the benefits have not been equitably shared among the different ethnic and social groups, and this has been the primary cause of the recent social upheaval in the country.

Another area of concern that increasingly attracts bad publicity is the government's less than desirable record on democracy, human rights and media freedom. Despite the praiseworthy performance in economic growth, criticisms continue to be labeled against the government for stifling dissent and independent opinion, as well as its heavy-handed restrictions on opposition parties, the media and civil society organizations (Amnesty International, 2015-2016; Human Rights Watch reports 2008, 2009, Ethiopia; U.S. State Department, 2013). These undemocratic credentials have hurt the country's image and diverted the spotlight on its economic success. In addition, the long-term consequences of these confines on the political and societal stability of the nation remain unpredictable.

How did Ethiopia find itself in this politically fragile position? It has a long history of independent statehood, but a formal parliament as an institution was only established under the long-reigning monarch of Emperor Haile Selassie I in 1931. At the time, it was not a genuinely representative body but popularly accepted as a benevolent act of imperial reform and a progressive measure to build a centralized and modern state. There were no political parties and candidates for parliament were either largely drawn from the feudal aristocracy or selected for their support of the status quo. It was also around this period that the first written constitution was promulgated to lend modernity to a traditional monarchy whose legitimacy was largely derived from tradition and culture (Clapham, 1969; Perham, 1948).

The Imperial parliament had two houses – the Senate and the Chamber of Deputies. The Senate was composed of members appointed by the Emperor from among the nobility (*Mequanent*) who had for a long time served as princes, ministers, judges, or high military officers (Minas, 2005: 14). They were appointed by the Emperor for a tenure of six years while members of Deputies were to be elected for four years terms. The functions of parliament as a law-making body were limited. Legislative initiative was the monopoly of the Emperor though deputies could ask his permission to deliberate on subjects they suggested. The Emperor reserved absolute power in his hands, and hence, could veto any law proposed by the chambers. Thus, the Imperial Ethiopian parliament could hardly be characterized as democratic or representative because it was not a freely elected body, and the members, almost all of whom belong to the feudal gentry, were appointed by the monarch as a dispensation of imperial favor (Perham, 1948; Bereket, 1966).

At the time, parliament could hardly be characterized as democratic or representative because it was not an elected body, and the members, almost all of whom belong to the feudal gentry, were appointed by the monarch as a dispensation of imperial favor. The Emperor used these parliamentary appointments as a means to undercut the regional support bases of potential rivals for power, and place them under the watchful eyes of the central government no wonder for a regime whose overriding motive was effective control of the periphery to create a centralized state and forge national unity (Asmelash and Kohen, 1972; Kohen and Hayes, 1978).

Starting in the mid-1950s, the Imperial regime took some steps aimed at modernizing parliament and the constitution. A harbinger of this initiative was the introduction of the revised 1955 constitution, which was at the time a significant improvement over the 1931 constitution. The former introduced universal suffrage allowing the people to elect their parliamentary representatives for the lower house, and also paved the way for a more assertive legislature over the executive and more open and critical debates on political, social and economic issues. However, these measures by themselves did not bring about substantial change in the workings of parliament, and one of the world's oldest monarchies was swept away by a popular revolt and replaced by an oppressive military dictatorship known as the *Derg* in 1974 (Clapham, 1968).

In general, as Bahru Zewde (1991) has noted, the Emperor as apogee of both traditional and modern political institutions had been the source of legislation, and no policy was issued without his approval. Due to the absence of political parties or associations, the political system hardly encountered demands for alternative policies and policy changes throughout most part of the Emperor's reign. Hence, the fact that the last 14 years of the monarch's rule witnessed growing opposition from different segments of the society, and the failure to introduce significant economic and political reforms precipitated the end of the monarch as an institution.

Parliament under the military Derg

There was no parliament worthy of the name under the military *Derg*. Typical of all dictatorships, the group ruled the country through a series of emergency decrees and proclamations. There was no law to define the role of parliament, and legislative-executive relationships and separation of functions in the policymaking process were all non-existent. Most legislative and executive functions were exercised by a self-appointed Standing Committee composed of military people, and structured on the basis of a leftist command and rule model. In 1987, the *Derg* promulgated a constitution that paved the way for an ostensibly civilian rule, and also created a parliament, known as the *Shengo* at the time, an extremely weak institution to rubberstamp the decisions of a ruling military clique (Meheret, 1997; Halliday and Molyneux, 1983).

The election of members of the first national *Shengo* (national assembly or parliament) was conducted in 1987. Out of the 2466 candidates, 813 deputies were elected to the national *Shengo* through the facilitation and observation of the Election Commission – a weak and less than independent electoral authority. As per Article 67 of the PDRE constitution, the national *Shengo* had to hold its regular session once a year, but could also conduct extraordinary sessions at any time when called upon by the Council of State or President of the Republic or when requested by one-third of the members of the *Shengo* (Article 68). The tenure of the National *Shengo* was five years (Article 68/1); but it could prolong its term at times when the country was in a state of war or dealing with other emergencies and until such conditions were brought under control (Article 69).

The constitution granted extensive formal legislative powers to the national *Shengo*, which included enacting, amending and following up the observance of the constitution and other proclamations; issuing various national policies; determining the state of peace and war; determining fiscal and monetary policies; approving annual budgets and short and long-term socio-economic plans; and establishing autonomous and administrative regions and determining their revenue sources (Article 63). Since the national *Shengo* would be convened only once a year for its regular session, the Council of State represented the standing body of the national *Shengo* and was empowered to exercise many of the powers granted to the national *Shengo* (Articles 81 and 82) and could issue decrees and declare a state of emergency when the latter was in recess (Article 83).

In sum, although the powers of legislation and policy initiation were vested in the national *Shengo*, this power had been overtaken by the higher echelons of the organs of the Republic and the ruling Workers Party of Ethiopia (WPE) in practice. Moreover, the fact that the parliament could only hold its regular session once a year meant that it could hardly exercise its legislative and oversight duties and subpoena over the executive as stipulated in the constitution. Enormous powers of policymaking and legislating laws were retained within the office of the President, the executive committee and the party leadership all of which were dominated by military officers and appointed civilians. Hence, according to Mulugeta (2005), the legislature under the Derg (or the national *Shengo*) was not only used as an instrument of legitimizing policies, but was also a passive institution that could easily be manipulated by the party and the executive leadership.

In 1991, the *Derg* was overthrown and was replaced by the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF), which is a coalition of ethnic-based organizations currently ruling the country (Harbeson, 1988).

The parliament under the EPRDF

Upon coming to power in 1991, the EPRDF established a transitional government, which consisted of the council of representatives (numbering about 87) and a council of ministers that acted as the executive branch of government. The council of ministers was an interim legislative body for the transitional period empowered to elect the Head of State; initiate and promulgate laws and policies; approve the annual budget of the country; establish a constitutional drafting commission; and endorse the draft before it was passed for public discussion (Article 9/a, 9/d, 9/e, 9/g, respectively). The president of the transitional government was also the chairperson of the council of representatives, and this gave him extensive powers and influence in the policy making process. The first federal and regional elections under the new constitution took place in May 1995 based on the new Electoral Law (Proclamation No. 111/1995) and the FDRE Constitution became effective as of 21st of August 1995. Therefore, the TGE was replaced by the Government of the Federal Democratic Republic of Ethiopia (FDRE) through the pronouncement of the fourth constitution in the history of the country (Proclamation No. 1/1995).

In 1995, after a national referendum, the EPRDF adopted a constitution that created a parliamentary form of government and declared Ethiopia a federal state. According to Article 53 of the constitution, the Ethiopian parliament has two houses: (i) the House of Federation (HoF), and (ii) the House of Peoples' Representatives (HoPR). The former is a 153-member assembly, which can be considered the upper house, and consists of members designated by regional governments representing the different ethnic or nationality groups. It has formal powers only to deal with constitutional issues and ethnic or nationality matters. The latter, which is known as the House of Peoples' Representatives (HoPR) with 546 members, can be considered the lower house and is popularly elected on the basis of universal suffrage and by direct, free, and fair elections held by secret ballot (Article 54/1 and Article 58/3). This is the main law-making or legislative body of the country.

Since formally Ethiopia has a cabinet form of government, both houses of parliament are controlled by the ruling party, which also leads the executive branch of government. This has been the case since the EPRDF came to power in 1991. This raises questions about the efficacy of the arrangement of checks and balances, the more so in the Ethiopian situation where a one-party monopoly of state and government has been an important feature of the political system. Obviously, this means that the ruling party passes laws and policies without sufficient debate and often with unanimous consensus. No doubt the absence of a viable opposition and the heavy-handed tactics of the ruling party have contributed to one-party rule and an absence of competitive governance and political process.

Electoral system and elections: limitations under the EPRDF

Article 56 of the Ethiopian constitution stipulates that: a Political Party or a Coalition of Political Parties that has the greatest number of seats in the House of People's Representatives shall form the executive and lead it. Also, the Amended Electoral Law of Ethiopia, Proclamation no. 532/2007, clearly states that a candidate who received more votes than other candidates within a constituency shall be declared the winner (Article 25). Both the constitution and the amended electoral law emphasize that the country follows the majority system, under which the one seat in each electoral district is won by the candidate who gets a simple comparable majority of votes in the district. Thus, Ethiopia has adopted the “first-past-the-post” electoral system, which simply states that a candidate who receives the majority of votes within the electoral district is the winner.

Upon coming to power in the early 1990s, the EPRDF, currently still ruling the country, had committed itself to parliamentary democracy, including free and competitive elections and a pluralist political order. Subsequently, it has conducted five national elections, viz. 1995, 2002, 2005, 2010 and 2015 to date. Despite this, however, little or no headway has been achieved in instituting multi-party competitive politics because the ruling party has always been the dominant winner in all the elections, often with a landslide. Over the years, this has resulted in the entrenchment of one-party rule, and the absence of any alternative opposition worthy of the name. This undesirable outcome has led to a state of

‘shallow democracy’ and laid bare the fragility of multi-party competitive politics in Africa’s second largest country.

Roles and features of the contemporary Ethiopian parliament: an overview

Political roles

The formal functions of the Ethiopian parliament include representing the people in one of the most important institutions of national governance, scrutinizing the work of the executive, and taking measures to address government ineptitude where necessary; establishing and organizing different committees and other necessary structures of the House; approving or appointing government officials; and facilitating the conditions for members of parliament to meet with the electorate in their respective constituencies. In addition to its law making function, the House of People’s Representatives (HoPR) approves general economic, social and development policies and strategies as well as fiscal and monetary policy of the country (Article 55/10); and approves and amends the federal budget and levies taxes and duties on revenue sources reserved to the Federal Government (Article 55/11). In fulfilling their representational duties, party rules stipulate that parliamentarians must interact with their constituencies at least twice a year so that they can consider voter concerns and preferences in the law and policy making process. In the final analysis, however, these ritual functions have been of little relevance in creating an effectively functioning parliamentary system of government, administration, scrutiny and engagement with the public. As a result, the country has to go a long way before ‘deep democracy’ takes root (Appadurai, 2001).

High representation of women members

Articles 14 and 35 of the Ethiopian Constitution provide for equal rights of men and women. One of the ways by which this could find practical expression is through the active involvement and recognition of women in policy and law making as well as through leadership roles in the government’s high offices. In this regard, Ethiopia has attained relative success by encouraging women to serve as parliamentarians. It needs to be pointed

out, however, that the number of women in high government or executive leadership positions has been far from desirable (Meaza, 2008).

As a country with more than 50% female population, Ethiopia cannot afford to ignore the causes of women, and one of the ways of enhancing their status is fair representation in parliament and different levels of government in a substantive as well as numerical sense. There has been some headway in recent years. The proportion of elected women representatives of parliament in the country's national elections over the past twenty years has shown significant increases in the federal legislature as well as in big regional councils. This increasing number of women MPs has been particularly evident during the past five elections conducted under the EPRDF. In the current parliament, there are 212 women MPs (38.76 per cent) out of the 547-members assembly (Meheret and Tsedey, 2017). These vigorously work to have enough representation of women in the six permanent standing committees, and actively participate in the debates to ensure that gender is mainstreamed in budgets allocations for education, health and infrastructure services.

Conclusion

Since World War II, Ethiopia has had three regimes of different persuasions and ideologies, viz. a traditional absolute monarchy (1931-1973), a repressive leftist military dictatorship (1974-1990) and a left leaning-cum-capitalist government (1991—to the present). None of these governments had what could be considered strong, and freely and democratically elected parliaments that served as genuinely representative institutions. Parliament has been dominated by a single party and ruling clique with vested interests; multi-party and competitive politics has been the exception rather than the rule. The political order was authoritarian and top down. Simply put, all the three post-WWII governments commonly shared an unenviable historical legacy of failure to institutionalize a truly parliamentary and democratic form of rule. This puts Ethiopia in the category of countries exercising shallow or fragile democracy – where electing representatives through the ritual of voting is no guarantee that citizens' rights will be fulfilled, and equally important, where the potential for violence exacerbated by social exclusion and marginalization haunt state and society. Hence, much needs to be done to institutionalize genuine democratic governance and effective parliamentary rule.

Chapter 2: Parliament-public engagement: a weak link

Introduction

In a democracy, parliaments are important institutions with three key functions – making laws, exercising oversight over the executive, and serving as representatives of the people (Johnson, 2005). The extent to which parliaments effectively perform these functions has a bearing on the institutionalization of democracy and good governance in a particular country. Throughout much of Africa, there is the dearth of effective and strong parliaments that can be pillars of democracy and representational rule (Economic Commission for Africa, n.d.). This is a major democratic deficit that has resulted in the perpetuation of authoritarian regimes, and has held back opportunities for multi-party politics and accountable governance in many parts of the continent, including among Inter- Governmental Authority on Development (IGAD) member states.

Strong parliamentary institutions that represent wide cross sections of the population can empower citizens to have a say in how they are governed through their legitimately elected representatives. Given Africa's diversity, there is a need for a broad- based and all-inclusive parliamentary representation to mitigate political instability and avoid alienating significant segments of the population. When people get represented, they develop a sense of belonging and will have a stake in the system. This in turn reduces the proclivity to subvert the system because there is some degree of satisfaction with the status quo (Economic Commission for Africa, n.d.; Veit, 2008; Power, 2012). It goes without saying, therefore, that the attempt by African states to institutionalize democracy and stable governance can bear fruit through the instrumentality of strong parliaments that represent the interests and concerns of the broad sections of the citizenry.

Parliament and public engagement is an important aspect of the democratic process that can help attain three important goals, viz. strengthening the representational role of parliament; availing opportunities for the electorate to provide inputs that can influence public policy, and making it imperative for elected officials to consult regularly with their constituencies. All these are important yardsticks of accountable and responsive governance that allow for public needs and concerns of diverse constituencies to be considered in the law/public policy making process. Effective parliament-constituency interactions deliver

good governance and promote accountability, which are instrumental in effective poverty reduction for a country (Grindle, 2007; Aribisila, n.d.).

Apart from broadening the democratic space, effective interactions between parliamentarians and constituencies can further economic growth and reduce poverty and inequality (Aribisala, n.d.). Regular contacts with constituencies can help politicians to be responsive to the needs and concerns of the groups who elected them, and, therefore, can play an important role in enacting good laws that can lead to poverty reduction and the attainment of sustainable democracy. In addition, strengthening the oversight functions of parliaments can ensure good governance and effective implementation of development plans, and this can have the effect of reducing poverty and promoting the welfare of the people (Parliamentary Centre, 2009; ECA, n.d.). Simply put, when citizens regularly engage their representatives, public voices can be better heard in laws and policies made by the government. Public input into the legislative process promotes accountable governance, enhances legitimacy and garner support for governments' anti-poverty plans and programs. It can be argued that these roles assume particular significance in a poor country like Ethiopia because an effective parliament can contribute not only to strengthening democracy but also should play a pivotal role in the government's efforts to reduce poverty.

Formal representation is a hallmark of Ethiopia's parliament but the institution is a weak link in the country's democratic transformation because it is dominated by a single ruling party. For many reasons, multi-party or competitive politics has not taken root in the governance set up. Single-party dominance has meant that parliament has a less than desirable record in its oversight function over the executive branch of government, and all laws and policies easily get endorsed by parliament with little or no public discussion and consideration of alternative options that could have provided better prospects for democratic governance and the development of a stable society and economy. In addition, the absence of a viable opposition that can harness the people's energy for organized political action and that can offer a coherent political and economic alternative has perpetuated a monolithic one-party rule. The ruling party maintains unrivalled control over the executive and legislature, and this has hindered efforts at institutionalizing multi-party politics and a participatory and competitive governance system that can offer alternative economic and political programs.

Nonetheless, in recent years, Ethiopia has scored some economic successes. The gains have contributed to significant reductions in poverty levels in both rural and urban areas. For example, according to the World Bank Group's latest poverty assessment, poverty in Ethiopia fell from 44 percent in 2000 to 30 percent in 2011, which translated to a 33 percent reduction in the share of people living in poverty (World Bank, 2015). This economic success has not been accompanied by an equal measure of democratization and widening of the political space for non-state actors, and this has generated widespread political discontent and apathy towards the system. Indeed, it appears that despite the country's relative economic success and poverty mitigation efforts, political and social volatility seems to be on the ascendant. So, although some narrow economic development is possible without a strong democracy, the neglect of democracy in the face of development brings with it political risks. As the political space continues to shrink, there has been widespread unrest and upheaval. Indeed, the Ethiopian experience suggests that development conceived in the narrow sense without a corresponding measure of political democratization may not be sustainable in the long run (Assefa, 2014; Meheret, 2014).

One of the objectives of this chapter is to identify possible explanations for this mismatch and suggest ways and means on the way forward. More specifically, we will assess the challenges and constraints of the Ethiopian parliament in strengthening democracy and representative governance. It examines critical aspects of the engagement of parliamentarians with the electorate and other political actors, such as civil society organizations, as a vehicle for accountable governance and active citizen participation in politics. Despite the country's relative economic success, it will be argued that the shrinking of the political space, as epitomized by the dominance of one-party rule and the absence of competitive politics, have become the order of the day. Therefore, the authoritarian political order has to give way to the institutionalization of a participatory and all-inclusive governance arrangement to mitigate social and political unrest as well as to render the country's current economic growth sustainable and equitable.

Methodology and approach

The findings and conclusions in this chapter are based on our research project titled '*Parliament, Public Engagement and Poverty Reduction in Bangladesh and Ethiopia*,'

jointly being undertaken by researchers from Bangladesh, Ethiopia and the UK. This included extensive field work involving formal interviews with more than 30 participants consisting of parliamentarians, academics, civil society leaders and activists as well as donor representatives and five focus group discussions with constituency groups in three regions and two major urban centers, viz. Addis Ababa and Dire Dawa. The aim was to gather the perspectives of different stakeholders on the role of parliament and the extent of interaction of parliamentarians with their constituencies, and how this can strengthen democracy and reduce poverty and inequality. Since Ethiopia is formally a federal state, regional council members and constituencies in major regions of the country, viz. Amhara, SNNP and Tigray, were also consulted in this study.

Care was taken to keep the gender and socio-economic balance in the sampling frame in conducting the interviews and FGDs. For example, FGD participants were selected by civil society organizations working with the poor and other vulnerable groups to ensure that different socio-economic groups were represented in the discussions. In addition, focus group discussions were held with the women caucus of parliament and individual women parliamentarians, some of whom are chairs and members of important parliamentary standing committees. These discussions were designed to find out the extent to which their lobbying and advocacy work has helped women causes and rights, and how this group interacts and behaves with their male counterparts.

Parliament as a potential agent of democratic transformation

Parliament is a potent symbol of the sovereignty of the people, which holds that it has absolute authority, and is supreme over all other governance institutions (Dawn, 2013). Historically as well as in the contemporary world, no institution can be more important than parliaments in the democratic transformation of a nation. One of the best lessons that can be drawn from the world's longest and strongest democracies, including the UK and the USA, is that democracy and human freedom are inconceivable without strong representative institutions that serve as checks on absolute power and safeguard the rights and freedoms of the population who elected them.

The supremacy of parliament should be a sacrosanct fact of life. As such, it performs the following cardinal functions:

- Check and challenge the work of the government (scrutiny), for example, through questioning ministers;
- Make and change laws (legislation);
- Debate the important issues of the day (debating);
- Check and approve Government spending through budget/taxes.

It is equally important to recognize that parliaments are not static institutions, and there are several causes of change contributing to their increasing or decreasing functions and roles as pillars of representation and accountable governance. According to a Green Paper prepared for the European Commission, the main causes of change on the work of parliaments include *increasing scientification of politics*, particularly the use of expertise in law/policy making; *expanding role of organizations as vehicles of collective decision-making because of the diffusion of governance beyond parliament and its government*; and *the changing international environment*, which is characterized by globalization, transnational's, and regionalization (European Commission, 2000). To cope with these pressures, many parliaments have been working hard to achieve the following:

- to be more inclusive in their composition and manner of working, especially in relation to women and minority and marginal communities;
- to be more effective public communicators, through opening more of their work to the media, and through the development of their own websites and broadcasting channels;
- to experiment with new ways of engaging with the public, including civil society, and enabling them to contribute to the legislative process;
- to recover public confidence in the integrity of parliamentarians, through enforceable codes of conduct and reforms in party funding;
- to streamline the legislative process without limiting the proper scrutiny of bills;
- to exercise more effective oversight of the executive, including in the increasingly important field of international policy;

- to be more active in transnational collaboration so as to provide a more effective parliamentary component in regional and international organizations, and in the resolution of violent conflicts (IPU, 2007).

There is no doubt that the preceding coping strategies will go a long way in making parliaments indispensable tools of representation as well as inclusive and accountable governance.

While the afore-stated principles and values are self-evident in well-functioning parliaments in many parts of the world, this is not always observable in the parliaments of many African states. The absence of effective and well-functioning representative institutions that effectively play the crucial roles of law making, scrutinizing the executive and representing the people is the scarcest of political commodities throughout much of the continent. This dim reality of parliamentary politics has given rise to the perpetuation of authoritarian rule that has bred inefficiency, corruption and lack of accountability and responsiveness to the needs and demands of the citizens. The main contributing factor to this political malaise has been the fact that parliament *‘has been the most underdeveloped amongst the three arms of government as it suffered from long years of authoritarian and military dictatorships in which the parliament was either outlawed or completely muzzled out in governance’* (ECA, n.d.). It is against this background that this paper will examine the prospects and challenges of parliament acting as a genuinely representative institution in Ethiopia carrying out the core representational, oversight and law and budget making functions.

Recent political history: parliament and democracy in Ethiopia?

Since WWII, Ethiopia has had three regimes of different persuasions and ideologies, viz. a traditional absolute monarchy (1931-1973), a repressive leftist military dictatorship (1974-1990) and a left leaning-cum-capitalist government (1991—to the present). None of these governments had what could be considered strong, and freely and democratically elected parliaments that served as genuine representative institutions, as explained in brief in chapter 1. In the caricature of Ethiopian politics, the legislature has often been dominated by the executive branch of government, and this has impacted on its oversight function as

well as on its propensity to represent the interests and needs of the electorate. When it comes to law making, the legislature has also been a weak institution serving only to rubberstamp government policies and programs without sufficient public scrutiny. Unless there are changes in these fundamental tenets of Ethiopia's political praxis that are commonly shared by successive regimes, aspirations for parliamentary democracy and participatory governance will remain unfulfilled dreams for many years to come.

As noted above, an elected parliament acting as a genuinely representative body is a rare political sight in contemporary Ethiopia. The country has a long history of independent statehood, but a formal parliament as an institution was first established under the long-reigning monarch of Emperor Haile Selassie I in 1931. At the time, it was not a genuinely representative body but popularly accepted as a benevolent act of imperial reform and a progressive measure to build a centralized and modern state. There were no political parties and candidates for parliament were either largely drawn from the feudal aristocracy or selected for their support of the status quo. It was also around this period that the first written constitution was promulgated to lend modernity to a traditional monarchy whose legitimacy was largely derived from tradition and culture (Clapham, 1969; Perham, 1948).

The Imperial Ethiopian parliament could hardly be characterized as democratic or representative because it was not a freely elected body, and the members, almost all of whom belong to the feudal gentry, were appointed by the monarch as a dispensation of imperial favor. The building of a modern administrative and political infrastructure was in its infancy, and politics was the business of the narrow feudal elite as the mass of the people were passive agents who did not dare to question the power of the rulers. According to many observers of feudal Ethiopia, the Emperor appointed members of what he considered to be rebellious aristocracy to parliament as a means to undercut their regional support bases and place them under the watchful eyes of the central government (Perham, 1948; Asmelash and Kohen, 1972; Kohen and Hayes, 1978).

Starting in the mid-1950s, the Imperial regime instituted some reforms aimed at modernizing parliament and the constitution. A harbinger of this initiative was the introduction of the revised 1955 constitution, which saw a slight improvement over the original 1931 constitution. There was some degree of universal suffrage, and some rudiments of a functioning parliament were sown, such as a more assertive legislature over

the executive and more open and critical parliamentary debates on social and economic issues. Ostensibly, all these measures were intended to pave the way for a constitutional monarchy, and also institutionalize some form of parliamentary democracy, however embryonic it might have been.

Despite its feudal and decidedly traditionalist credentials, the Imperial regime (1931-1974) had introduced significant administrative reforms, such as the creation of a modern professional standing army and a civil service bureaucracy, and expanded modern education and health services (Bahru, 2002). At the international level, the country became a respected member of the club of nations, and was very much active in pan-African politics, including playing an important role in the establishment of the Organization of the African Unity (OAU) in the early 1960s – currently the African Commission (AC). Equally important, the regime also enjoyed a great deal of legitimacy and public support that none of its two successors had been able to attain since its departure in the early 1970s (Perham, 1948; Clapham, 1969).

The preceding steps aimed at opening up the traditional Ethiopian state did not bring about substantial change in the composition and workings of parliament, and the Imperial regime continued with business as usual until it was swept away by a popular revolt in 1974. An oppressive left-wing military dictatorship popularly known as the *Derg*, which plunged the country into unprecedented turmoil for the next 17 years, replaced one of the world's oldest monarchies (Halliday and Molyneux, 1981, Markakis, 1974). Subsequently, the First Ethiopian Republic was set up with the military disguising itself as a civilian government. The military regime has a notorious record with no bounds for its egregious human rights record, including ruthless suppression of individual freedoms, brutal crackdown on dissent, arbitrary and unlawful arrests and killings en masse, etc.

The military-led government had a highly repressive governance system that was devoid of any semblance of participatory democracy. Economic management was modeled after the ex-Soviet prototype and largely controlled by the government. There was extensive nationalization of land and other forms of private property. A one-party state masquerading as representing the working class and rural farmers was crafted, slamming the door on any competitive and participatory politics. The parliament, or the *Shengo* as it was then called, was extremely weak, an institution with no authority at all but to rubberstamp the decisions

of a ruling military clique (Meheret, 1997; Andargatchew, 1993; Halliday and Molyneux, 1983).

The *Derg*'s (1974-1991) misrule generated widespread discontent and resistance among the people. As a result, a number of ethnic-based opposition movements proliferated throughout the country and waged an armed struggle to topple the regime. This became a recipe for instability and destruction of the country's economy and infrastructure. The economy was left in ruins, living standards reached an all-time low level, and the country's infrastructure was in total disrepair. Much of the country's meager resources was invested in fighting internal wars. The mismanagement of the state and society inevitably brought about the violent downfall of the regime in 1991. It was replaced by the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF), which is a coalition of ethnic-based organizations that continues to rule the country to this day (Harbeson, 1988).

As a movement, the EPRDF espoused a leftist economic and political ideology. Upon coming to power in 1991, however, the group appeared to abandon much of the left-leaning economic and political posture adopted during many years of armed struggle, and opted for a market driven economy and a participatory political process, including free and multi-party elections. Because of the historic changes in the world scene, with the ex-Soviet Union gone and the rest of the world dominated by the USA and the West, the EPRDF did not have much option but to reaffirm its commitment to democracy and elected government, and an economic development model that would recognize the private sector as an important player. Many critics of the current government took this as a gimmick to consolidate power rather than a solemn pledge to institutionalize democratic rule because after nearly 25 years of EPRDF rule Ethiopia still remains a one-party authoritarian state. This was no wonder for many observers of the Ethiopian political scene given the pro- Chinese-Marxist-Leninist credentials of TPLF-EPRDF as a guerrilla movement that fought and replaced the Military regime (Pausewang, Tronvoll and Allen, 2016).

Upon assuming power, the EPRDF government expressed commitment to an elected popular government and a sovereign parliament that would be a vehicle for democracy and good governance. It also expressed respect for fundamental human rights, including freedom of expression, assembly and organization. The right of the diverse ethnic and nationality groups to self-rule was recognized as a possible remedy to end many years of ethnic-based strife and instability. In the first few years of its rule, there were also some

prospects that encouraged the emergence of an independent and free private media functioning competitively alongside a government-owned counterpart, and there was a permissive environment for unfettered and free activity by civil society. All this was, however, short-lived.

To be more specific, on the political front, unwarranted and gross violations of human rights that characterized the *Derg* era were capped, and there was more respect for citizen rights and freedoms. Formal elections were also conducted from time to time to institutionalize a democratic parliament. On the whole, the EPRDF offered Ethiopian society better prospects for a more accountable, humane and participatory rule than its predecessor—the military-dominated *Derg*. It needs to be observed, though, that these commitments in many instances were easier said than fulfilled, and the Ethiopian people still yearn for the full realization of these rights and the institutionalization of a truly democratic political order after over 25 years of EPRDF rule (Dessalegn and Meheret, 2004; Assefa, 2014).

Elections and parliamentary democracy under the EPRDF?

Despite repeated formal elections, the electoral landscape in post-Derg Ethiopia is characterized by single party dominance. As has been argued in the preceding paragraphs, upon coming to power in the early 1990s, the EPRDF currently ruling the country had committed itself to parliamentary democracy, including free and competitive elections and a pluralist political order. As a result, it has conducted five national elections, viz. 1995**, 2002, 2005, 2010 and 2015. Despite the fact that the country conducted five elections up to 2015, however, little or no headway has been achieved in instituting multi-party competitive politics because the ruling party has always been the dominant winner in all the elections, often with a landslide. Over the years, this has resulted in the entrenchment of one-party rule, and the absence of any alternative opposition worthy of the name.

Table 1: Results of National Elections in Ethiopia under the EPRDF (1995-2010)

No.	Election Year	Parliamentary seats won by the ruling party and coalition partners	Parliamentary seats won by the opposition and independent candidates	% age of seats won by the ruling party
1.	1995	496	50	89
2.	2000	481	66	87.9
3.	2005	367	172	66.9
4.	2010	545	2	99.6
5.	2015	546	---	100

Source: National Electoral Board of Ethiopia (NEBE), National Election Results 1995, 2000,2005, 2010,and 2015; Addis Ababa, Ethiopia

As can be observed in the above Table 1, the ruling party and its allies have always been the big winner since the advent of multi-party politics in the country. In the last two elections the outcome has eroded the legitimacy of parliament as a representative institution, and dimmed any hopes of introducing multi-party competitive politics in Africa's second largest country any time in the near future. As can be observed in the above Table 1, what is unprecedented is the fact that the governing party won all parliamentary seats in the 2015 national elections, which gave rise to questions about the credibility of the outcome.

From among Ethiopia's elections, the 2005 one has been the most important whereby the opposition and independent parties gained quite a significant number of parliamentary seats. This has been the most democratic, free and competitive in the country's history, and as a result, opposition parties and independents won a dramatic 34 per cent of all parliamentary seats (Table 1) at the national level. They also won nearly all the city council seats in the capital Addis Ababa, which was a highly significant political jurisdiction. This was a fact of history considered extraordinary given the country's relatively short experience in democratic political practice. The secret of the 2005 success was the fact that there was an even playing field and a conducive environment that allowed genuine political competition, considerable public interest and a free and fair electoral process. In addition, non-state actors, including civil society organizations, trade unions, professional associations and the media, all played active roles in the election, and there

were lively debates and discussions by all contestants on important national issues (EU Election Observation Mission, 2005; Carter Center, 2009).

Although Ethiopia's 2005 elections were hailed as a success in democratic experiment, the results were short lived in creating a genuinely competitive political process. The opposition alleged voting irregularities and cheating by the ruling party/government, and as elsewhere in Africa, the latter accused their competitors of refusing to behave according to rules. Subsequently, both parties contested the outcome, and turmoil and violence ensued leading to the unwarranted killing of innocent civilians. This was a serious setback and an unfortunate episode in terms of turning back irreversibly the wheels of democracy in Ethiopia, and also a harbinger for the institutionalization of one-party rule. Equally important, what could be considered a promising start by the opposition to scrutinize government and hold public officials accountable for decisions and actions were all gone, thus paving the way for a return to an authoritarian political order.

In relative terms, the 2010 elections were less violent but not as free and competitive. According to election observers from within and outside of the country, there was little by way of an even playing field for all parties contesting the country's politics. In addition, non-state actors and other democratic forces showed little interest in the election process, the media was muted, and there was very little of the debate and discussion characterizing competitive elections. As a result, the final outcome was overwhelmingly dominated by the ruling EPRDF claiming all but 2 (i.e., one sole opposition and one independent) out of the 546 seats parliament (NEBE, National Election Results, 2010).

After the 2005 national elections, which, as indicated earlier, were marred by violence, the Government took steps to clamp down on forces that would dare to challenge the party's hegemonic position. Parliament, in which the ruling party had an overwhelming majority controlling 544 of the 546 seats, passed the civil society (2009), media (2008) and anti-terrorism(2009) laws that dealt a severe blow to the potential involvement of independent organizations in political activity. They were indeed meant to cement the political authority of a single ruling party. The measures were widely criticized by human rights organizations and independent observers as being restrictions on civil and political rights of citizens. The criticisms have been justified because the cumulative effect of the measures has been the progressive narrowing of the political space, the weakening of the opposition, a restricted media, and the entrenchment of an authoritarian single-party rule

that controls the executive and the legislature (US State Department, 2004, 2013; Human Rights Watch, 2014, 2015). For its part, the Government claimed that these measures were necessary to contain foreign interference in the country's internal affairs, keep law and order and also fight terrorism.

In May, 2015, Ethiopia held the third important national and regional elections under the EPRDF, and the results were a foregone conclusion. The ruling party won in a landslide victory claiming all the seats in the 546-seat national parliament, and all the seats in the regional councils. This hundred percent victory marked a major turn of events in Ethiopia's political evolution with no opposition in parliament since the EPRDF came to power nearly twenty-five years ago. Many observers and critics of the government characterized the election as flawed and not up to international standards for a free and fair election because the opposition was marginalized, and the political space was very much skewed in favor of the ruling party, which employed formal elections only to seek legitimacy (Lyons, 2015). In addition, there were restrictions on the voices of civil society, the media and the opposition to be involved in the election processes. No external election observers from the European Union or the U.S.A. were invited, and only observers from the African Union were allowed to oversee the elections (African Union [AU], 2015; U.S. State Department 2015).

From the preceding, it can be observed that, despite repeated elections, multi-party and competitive politics have not taken root in Ethiopia, and the system remains dominated by a single ruling party. In other words, parliament has remained a one-party institution because there has not been a viable opposition that has made much headway in contesting the ruling party. This will no doubt negatively impact parliament as a genuinely representative institution reflecting different views and perspectives. Although the country has attained significant economic progress in recent years, this victory has not been repeated in the political democratic realm. Simply put, Ethiopia is effectively a one-party state today, as it was when the EPRDF came to power in the early 1990s. For a country as diverse and complex as Ethiopia is, democratic politics is as critical as economic progress to guarantee its stability and continuity as a state.

Current state of parliamentary democracy: limitations and challenges

Structure of parliament

According to article 53 of the Ethiopian constitution, the Ethiopian parliament has two houses: (i) the House of Federation (HoF), and (ii) the House of Peoples' Representatives (HoPR). The former is a 153-member assembly, which can be considered the upper house, and consists of members designated by regional governments representing the different ethnic or nationality groups. It has formal powers only to deal with constitutional issues and ethnic or nationality matters. In other words, it does not deal with substantive legislation. The latter, which is known as the House of Representatives (HoR), can be considered the lower house and is elected by public vote. Members are elected for five-year terms. This constitutes the 546-seat parliament of the nation, and is in reality the main law-making or legislative body of the country.

Since Ethiopia has formally a cabinet form of government, both houses of parliament are controlled by the ruling party, which also leads the executive branch of government. This raises questions about the efficacy of the checks and balances arrangement, the more so in the Ethiopian situation where one-party monopoly of state and government is an important feature of the political system. This only helps the ruling party to ride roughshod over laws and policies without sufficient debate and often with unanimous consensus. No doubt the absence of a viable opposition thanks to the restrictions on political activity and civil society, as well as lack of unity within the opposition side, have contributed to one-party rule and absence of competitive governance and political process.

The Ethiopian parliament: overview of roles, features and limitations

As modern politics dictates, the formal functions of the Ethiopian parliament include representing the people in one of the most important institutions of government, scrutinizing the work of the executive, and making laws and policies that promote the development of the country and society. In fulfilling their representational duties, parliamentarians are expected to interact with their constituencies regularly so that they can consider voter concerns and preferences in the law and policy making process. This will help them to be responsive

and accountable to the electorate, which in turn can lend legitimacy and popularity for the government of the day.

As elsewhere in Africa, formal elections of one type or another have been standard features of Ethiopian politics under the three post-World War II regimes. But, these elections cannot qualify or be considered as expressions of the democratic aspirations of the people because they have always been short of being free, fair and competitive by international standards (except perhaps the 2005 national elections). It needs to be pointed out, though, that the situation is even more complex because in a diverse and vastly rural country, such as Ethiopia, it may not always be possible to capture the true needs and concerns of the disparate population. Even with this caveat though, free and fair elections lend legitimacy to the political process, and there should not be any compromise on their conduct according to internationally accepted practices. Modern Ethiopia has never experienced a peaceful transfer of power nor has there been a change of government through the electoral system. As a result, post-WW II Ethiopia has been for the most part effectively a one-party state with serious shortcomings in the critical fundamentals of democratic governance and political plurality.

In Ethiopia, the dominance of the executive has meant that for a long time parliament has been an instrument in the hands of the ruling party rather than an autonomous representative institution reflecting the democratic aspirations of the people. Over the years, the weakness of parliament has given rise to fundamental problems in the political system, including lack of respect for the rule of law; absence of due process; impunity in government and lack of accountability by public officials; excessive dominance of public life by the executive; and absence of an independent judiciary that can uphold the basic rights of citizens. These dysfunctions of the political system were repeatedly mentioned as the most serious obstacles to Ethiopia's democratic transformation by organizers and leaders of civil society organizations, academics and researchers and participants in the focus group discussions we held, all of whom were important sources of information for this study on the Ethiopian parliament.

Despite the preceding challenges, however, it is not all doom and gloom for the Ethiopian parliament. Another important and more positive feature of the Ethiopian parliament is the high representation of women members in its ranks. Examples of other African countries with a similarly high representation of women MPs in the national

parliaments include Rwanda (63.8%), Senegal (42.7%), South Africa (41.7%) and Namibia (41.3%) (IPU, 2016). According to the views of the Ethiopian women parliamentary caucus interviewed for this study, the Ethiopian study suggests that if the right conditions, such as government commitment and constitutional guarantees for equality, are in place, the presence of a high number of women MPs in parliament could be an important boost for women empowerment and advancement of their rights.

Worth mentioning in this regard is the fact that the national parliament has a very influential and active women caucus consisting of 17 women parliamentarians in the executive leadership. The sizable female membership in parliament's composition has been a critical factor contributing to the success in giving prominence to women rights and concerns. For example, the important role women MPs played in the adoption of the family law and the strong advocacy work that they staged to promote girls' education in the nation's colleges and universities as well as their vigorous efforts to build the capacity of female members of parliament through further education and training can be cited as cases in point. The caucus' hard work has helped to elevate the status of women as leaders and members of important parliamentary standing committees. In the current parliament, there are 212 women MPs (39 per cent) out of the 547-members assembly, who vigorously work to have enough representation of women in the six permanent standing committees, and actively participate in the budget debates to ensure that gender is mainstreamed in key pro- poor and growth sectors, including education, health and infrastructure budget allocations.

In field discussions, it was also learnt that the women caucus is very active in many areas. For example, it had prepared a checklist to guide discussions with constituencies by women parliamentarians. The aim is to ensure that women issues and concerns are given sufficient focus, particularly in national poverty mitigation efforts. In its campaign work, the caucus also solicits the support of male parliamentarians to earn votes for legislation and policies that support the cause of women, such as the national women policy and the law on rural land registration and certification. The checklist has been particularly useful in scrutinizing the performance reports of executive departments and bureaus against plans and targets that are intended to bring about the fulfillment of the economic, political and social rights of women. Be it at the regional or federal levels, it was revealed in the interviews with women MPs that the implementing bodies will be required to provide explanations for discrepancies between plans and performance, or offer commitments to follow through the

accomplishments of planned objectives targeting women. It was also learnt that the checklist is shared with and popularized among other male parliamentary peers who support the cause of women rights to help them in constituency engagements.

In addition, the caucus has been very active in championing and targeting pressing needs of women and girls. For example, monitoring the activities of public health service providers and other interested parties to mitigate the adverse effects of harmful traditional practices (HTPs), such as early marriage, on women and young girls has been one of the priority areas of concern. Despite mixed success, working to reduce the attrition rate of female students in colleges and universities has also been yet another of caucus' preoccupations. An equally important success story that deserves mention has been the admirable work of lobbying and campaigning that the caucus carried out that resulted in a significant increase in the number of female councilors in the emerging and historically marginalized regional states of the country, such as Somali region of Ethiopia and Afar, where there are more potent cultural norms and attitudes that discourage the participation of women in politics than in the highland areas. This observation came out during discussions with parliamentarians from these regions and some members of the women caucus. It has also been confirmed by data from the National Electoral Board of Ethiopia (NEBE), which indicated that there had been a substantial increase in the number of women representatives in parliament. For example, in the Somali region while the 23-member regional representation was an all-male club during the 2010-2014 parliamentary session, women occupied 14 seats in the 2015 national elections. By the same token, out of the 9-seat regional representation in Benshangul-Gumuz, 2 were women between 2010-2014 and this number increased to 4 women out of the 9 representatives in the 2015 national elections (NEBE, 2015).

Chapter 3: MPs in their constituencies: formalism vs reality

Introduction

This chapter presents the results of a survey questionnaire administered to Ethiopian parliamentarians, and the objective is to assess the nature and extent of parliamentarians' constituencies' interactions. It reviews why they engage, what particular issues they discuss and who participates in the discussions, and how often and what means they use to interact with constituencies. In addition, it assesses the efficacy of these interactions in strengthening democracy, responsiveness and accountability of politicians to the people who elected them, the more so in a 'fragile democracy' such as Ethiopia's, which is characterized by a left-leaning ideological-oriented one-party rule.

Background

Parliament and public engagement is an important aspect of the democratic process that can help attain three important goals, viz. strengthening the representational role of parliament, availing opportunities for the electorate to provide inputs that can influence public policy, and making it imperative for elected officials to consult regularly with their constituencies. All these are important yardsticks of accountable and responsive governance that allow for public needs and concerns of diverse constituencies to be considered in the law/public policy making process. Effective parliamentarian-constituency interactions deliver good governance and promote accountability, which are instrumental in effective poverty reduction for a country (Grindle, 2007; Aribisila, n.d.). Judging from these perspectives, parliamentarians 'interactions in Ethiopian constituencies leave much to be desired because the relationships were found to be very formal, structured and conducted according to party rules and guidelines. This formalism provides very little opportunity for free and unfettered interaction between MPs and their constituencies.

The Ethiopian parliament, known as the House of Peoples' Representatives (HoR), has 547 members represented from the nine regional states and the two autonomous city administrations. With no opposition party member among its ranks in 2019, it is a one-party institution with the ruling party controlling the entire number of parliamentary seats following the last elections held in 2015. According to party rules, members of parliament

are required to visit their constituencies twice a year. In a validation workshop to present the findings of our study on parliament in Ethiopia cited earlier, questions were raised as to whether these visits actually took place and about the effectiveness of these constituency engagements in advancing democracy and accountability. To address these and other concerns, it was suggested that some kind of survey be conducted to assess the veracity of claims by some Ethiopian parliamentarians that they paid visits to their constituencies regularly. This piece presents the findings and conclusions from the survey involving about 60 parliamentarians.

Methodology

To assess the effectiveness of the parliamentarians'-constituencies' engagements and find out if MPs in Ethiopia pay regular visits to their constituencies, questionnaires were sent out to 70 members of parliament to solicit their opinions on when and how often they conducted visits to their constituencies. The sample MPs selected for the survey represented about 12.8 % of the 547-seat parliament. Out of the 70 questionnaires, 60 were completed and returned. Since the generally acceptable standard response rate is about 80 per cent, this result with more than 85% response rate can be considered valid.

It is worth mentioning here that care was taken to keep the gender balance in the sampling frame when conducting the assessment. Out of the total respondents, 25 or 41.7% were female MPs and 35 or about 58.3% were male MPs. This sampling frame corresponds to the current female and male membership in the full house, which is 39% and 61% for female: male MPs respectively. The full details are provided in the following Table 1.

Table 1: Gender composition of sampled Ethiopian parliamentarians

No.	Gender	Number of respondents	Response rate in percent	%age share in the full House
1.	Female MPs	25	41.7	39
2.	Male MPS	35	58.3	61
	Total	60	100.0	100.00

Source: Survey questionnaire, 2016

Results and findings

The summary of the Ethiopian MPs' responses as to when and how often they visit their constituencies, and other important findings from the survey, are presented in the sections that follow.

MPs' response rates by regions

MPs from all regions except Gambella participated in the survey. As the Table 2 below shows, the response rates from the different regions tally with the regions' share of MP seats in the federal parliament. However, Oromiya was an exception because the percentage of those who responded was found to be relatively lower than the region's share of parliamentary seats in the federal parliament. It can also be observed that the highest share is for Amhara at 28.3 % and both Addis Ababa and Dire Dawa had the smallest same share at 1.7 % representation.

Table 2: Ethiopian MPs response rates by region

No.	Region	Number of respondents	Number of MPs from region	%age share of respondents	Regional share of MPs from the total
1.	Tigray	6	38	10.0	6.95
2.	Afar	1	8	1.7	1.46
3.	Amhara	17	138	28.3	25.23
4.	Oromia	16	178	26.7	32.54
5.	Somali	2	23	3.3	4.20
6.	Benishangul-Gumuz	3	9	5.0	1.65
7.	SNNP	11	123	18.3	22.49
8.	Gambella	—	3	—	0.55
9.	Harari	2	2	3.3	0.37
10.	Dire Dawa City	1	2	1.7	0.37
11.	Addis Ababa City	1	23	1.7	4.20
	Total	60	547	100.0	100.00

Source: Survey responses, 2016

Terms of service of MPs

In parliamentarians'-constituencies' engagements, it can be generalized that politicians acquire more experience in dealing with the electorate and can earn the trust of their constituencies if they can serve for longer terms. Based on this observation, an attempt was made to assess the length of terms of service of Ethiopian parliamentarians and how this has helped them to be responsive to the needs and concerns of the electorate.

To differentiate between those MPs who have relatively longer years of service in parliament and those who were new or first timers, parliamentarians were asked to state their terms of service, and the results are presented in the following Table 3.

Table 3: Terms of service of Ethiopian MPs

Length of terms of service	Number of respondents	%age share
Only the current term	27	45
More than one term	33	55
Total	60	100

Source: Survey responses, 2016

As can be observed in the above table, responses from the collected questionnaires revealed that 55 percent of those questioned have been serving for more than one term and 45 percent stated that they were first timers. It is no wonder that there is a relatively higher percentage of parliamentarians with longer years of service given the Ethiopian political reality of the preponderance of a single ruling party. From a different perspective, it can be argued that having more MPs with long years of service is important to assess the effectiveness of parliamentarians'-electorate interactions for responsive and accountable governance. However, whether this general observation is true of the workings of the Ethiopian parliament is an issue that needs further scrutiny.

Level of education of Ethiopian MPs

In general, it can be observed that the higher the level of education of MPs the more the possibilities for better scrutiny of the executive by the legislator, the more so in an executive dominated political landscape like that of Ethiopia. To this end, Ethiopian MPs

were asked to state their levels of education, and the results are indicated in Table 4. It can be observed from the table, that out of the total respondents about 20% had master's degrees, 41% of them had first degrees and another 12% possessed college diplomas.

Based on the Ethiopian experience, it can generally be argued that a parliament with better educated membership can contribute to more effective scrutiny of the executive by the legislature. However, in a system such as Ethiopia's, where the legislature and executive branches of government are controlled by one authoritarian party, one should recognize the fact that there is a greater propensity to tow the party line on policies and programs proposed by the executive rather than present critical assessments of or initiate policies and plans that may run contrary to the party ideology and programs.

Table 4: Level of education of Ethiopian MPs

No.	Level of education	Number of respondents	% share
1.	M.A/MSc	12	20
2.	B.A/ BSc	41	68.3
3.	Diploma	7	11.7
	Total	60	100

Source: Survey responses, 2016

Number of constituency visits by Ethiopian MPs

One of the most important questions that Ethiopian MPs were required to provide answers for was how often they visited their constituencies. The results are presented in Table 5. It can be observed that a very large representative, i.e., 93% of those questioned, stated that they had visited their constituencies twice a year, and only a small minority (about 7%) said they had paid visits more than two times a year. As indicated earlier, this result tallies with the party guidelines that stipulate that elected representatives must visit their constituencies twice a year. No one said they did not pay any visits.

Table 5: Frequency of constituency visits by Ethiopian MPs

No.	Frequency of visits	Number of respondents	%age share
1.	Two times a year	56	93.3
2.	More than two times a year	4	6.7
3.	No visits at all	—	—
	Total	60	100

Source: Survey responses, 2016

Who participates in constituency discussions/consultations in Ethiopia?

Ideally, a parliamentarian should consult a wide range of members of his/her constituency, inclusive of all socio-economic groups and occupations, gender and vulnerable and marginalized groups, such as poor women, the elderly or people with disabilities.

Undoubtedly, this enhances accountability and responsiveness to voter concerns and needs while at the same time also promotes inclusiveness and greater awareness about the diverse needs and challenges of the community which the MP represents. It is in consideration of this essential precondition to good governance and accountability that Ethiopian MPs were asked to identify those with whom they conducted their twice yearly or more consultations with their constituencies. The findings are presented in Table 6.

Table 6: Groups Ethiopian MPs consult during constituency visits

No.	Types of Participants	Number of respondents	% age share
1.	Mainly small and middle-income farmers	16	26.7
2.	All groups, including farmers, the youth, women, the elderly, etc.	44	73.3
	Total	60	100

Source: Survey responses, 2016

The preceding results seem to substantiate the claim by a big majority of Ethiopian MPs that they consult everybody during their visits. At its face value, this can be taken as a sign of responsiveness and inclusiveness by Ethiopian MPs. But, the extent to which this claim is a genuine manifestation of effective parliamentary-constituency interactions, and, more importantly, whether constituencies' demands and concerns are considered in law or policy making by parliament is an open question.

In Ethiopia, party rules require that MPs submit reports on visits or consultations with their constituencies to the parliament or the relevant standing sub-committee. It is also obligatory for MPs to submit such reports to local government administrations and party offices. The aim is to ensure that follow up actions are taken by responsible administrative units regarding public concerns and petitions relating to provision of services or demands for some development intervention in the locality. In this survey, MPs were asked to verify if they regularly submitted reports on their visits, and, not surprisingly, all of them reported that they did. While this can be taken as a positive sign of politicians' responsiveness to voter demands and concerns, it can also be taken as emblematic of the workings of an authoritarian party, which enforces strict discipline on its membership.

Purposes/objectives of constituencies' visits or consultations

Another question which Ethiopian MPs were asked was to identify issues they usually discussed with their constituencies. This was important to know because it would provide information on the concerns and priorities of the electorate, and how MPs and government organizations respond to demands from the public. To this, the 60 MPs sampled for this study offered different responses. The summary of the results are presented in the following

Table 7: Issues for consultations by Ethiopian MPs with their constituencies

No.	Issues/concerns	Number of respondents	%age share
1.	Local issues	17	28.3
2.	National issues	18	30.0
3.	Community issues	11	18.3
4.	All	12	20.0
5.	No response	2	3.3
	Total	60	100.0

Source: Survey responses, 2016

As can be observed in the above Table 7, Ethiopian MPs offered varied responses regarding the subjects of consultation with constituencies. In terms of priority, the most important items for discussion appeared to be national issues (30%), followed by local issues, such as

the local health or education system or public services (28.3%), and community issues (18.3%), which can refer to inter-communal, religious or ethnic relations.

Who sets agendas for discussions or consultations?

Knowing how and by whom agendas for discussions or consultations between parliamentarians and the electorate are determined is an important consideration in the interaction between voters and politicians. In the Ethiopian case, this is particularly significant because it can be a very tangible indicator as to whether there is genuine democratic participation in politics or whether this involvement is highly formal and largely influenced by ruling party politics.

From the responses of the 60 parliamentarians sampled for this study, it was clear that the agenda for constituency-parliamentarian visits or discussions was set either by the party or the parliament, both of which share the same membership in the current one-party Ethiopian state. According to Table 9, the highest share of the responses (36.7 %) indicated agenda setting by the ruling party, 31.7% by parliament, and 23.3% jointly by parliament and the party, which in effect means that in a whopping 91.7% of the cases, it was the party which determined the agenda for discussion. It came out very clearly in the survey that only in 5% of the cases did the individual member of parliament decided the agenda upon his/her initiative. As explained earlier, these results were not unexpected in contemporary Ethiopia where the political landscape is predominantly dominated by an authoritarian one-party rule. It is also interesting to note that no parliamentarian reported that citizens identified issues or concerns for discussion.

Table 9: Agenda setting for constituencies'-MPs' discussions/consultations

No.	Who sets the agenda?	Number of respondents	%age share
1.	The federal parliament	19	31.7
2.	The individual MP	3	5.0
3.	The ruling party	22	36.7
4.	The parliament and the party	14	23.3
5.	No response	2	3.3
6.	Citizens/or the community	-	-
	Total	60	100

Source: Survey responses, 2016

Challenges in conducting constituency visits/consultations

Realizing that Ethiopia is a huge and diverse country, MPs were asked to identify challenges that they faced in conducting regular constituency visits or consultations with the people who elected them. Not surprisingly, transport and logistics (45%) stood out as the most serious challenges followed by budgetary constraints (10%), all of the above (13.3%) and other unspecified challenges (8.3%). This meant that in 76.6% of the cases Ethiopian parliamentarians face budgetary and logistical challenges in undertaking constituency visits or consultations. A relatively significant 20% of the respondents indicated that they faced no challenges and thus conducted visits without any problem. The full details are provided in Table 10 below. It is worth noting that this important finding should be shared with the secretariat of the Ethiopian federal parliament so that appropriate solutions are found to overcome challenges that discourage MPs from visiting their constituencies.

Table 10: Challenges in undertaking constituency consultations/visits

No.	Specific challenges	Number of respondents	%age share
1.	Budget	6	10.0
2.	Transport and logistics	19	45.0
3.	Other challenges, e.g. lack of time	5	8.3
4.	All of the above	8	13.3
5.	No challenge	12	20.0
6	No response	2	3.3
	Total	58	99.3

Source: Survey responses, 2016

Means of communication with the constituencies

In a democracy, MPs and the electorate employ a variety of means to communicate with each other, including internet, telephone, fax, personal visits, etc. In this regard, Ethiopian MPs were asked to identify the most common means of communication that the electorate used to reach them. This question is particularly important in a country like Ethiopia where

internet connectivity and per capita access to telephone or fax services in urban and rural parts of the country is one of the lowest in Africa. According to the responses received from sampled parliamentarians for this study, a significant 75% said that they communicated with members of the constituency by phone, 8.3% reported communications by formal letters, 6.7% by internet or fax and another 6.7% said that they had no communication at all. The results are presented in Table 11 below.

Table 11: Means of communication between MPs and constituencies in Ethiopia

No.	Means of communication	No.of respondents	% share
1.	Formal Letters	5	8.3
2.	Phone	45	75.0
3.	Others, e.g. visits, internet, fax, etc.	4	6.7
4.	No communication at all	4	6.7
5.	No response	2	3.3
Total		60	100.0

Source: Survey responses, 2016

In a related question, Ethiopian MPs were also asked to identify the organizational or administrative unit that planned and organized meetings with constituencies – an important question in a country where politicians’-constituencies’ interactions are closely monitored by the ruling party and the local government structure. Accordingly, a total of 77.7% reported that most meetings were scheduled and organized by the local party secretary at and local government administration. Only a small 2.3% reported that their meetings were not formally planned but were rather spontaneous. These findings tally with the question on agenda setting, where as it was indicated earlier in this chapter it was observed that in a staggering 91.7% of the cases, it was the party which determined the agenda for discussion. It came out very clearly in the survey that only in 5% of the cases did the individual member of parliament decide the agenda.

Finally, MPs were asked to offer their opinions on how effective constituency visits were in strengthening parliamentary democracy and enhancing responsiveness and accountability to voter needs and concerns. The results revealed a significant majority of 65% saying they were very effective or effective while a relatively small 18.3% responded by saying that they were not effective. These results are summarized in Table 12.

Table 12: Effectiveness of the parliamentarians' constituencies' consultations

No.	Assessment of Effectiveness	Number of respondents	%age share
1.	Very Effective	4	6.7
2.	Effective	39	65.0
3.	Not effective	11	18.3
4.	Not known	3	5.0
5.	Missing	3	5
Total		60	100.0

Source: Survey responses, 2016

It was also found that most MPs have favorable opinions about public consultations with constituents and visits to constituencies. According to interviews and discussions with selected parliamentarians sampled for this study, the following were said to be positive aspects of the consultative process:

- Have enabled MPs to establish or reach consensus on major problems that should be addressed by the federal and regional governments as well as local government administrations.
- Federal, regional and local governments obtain more information on public concerns and demands that have been addressed, and those that need further action.
- Politicians are in a better position to be aware of the major development challenges at different government levels, viz. federal, regional and local.
- Public consultations provide opportunities for the community to actively participate in development and governance.
- Public consultations enhance MPs' awareness about citizen demands and immediate concerns.
- The federal parliament will be in a better position to monitor the equitable distribution of development benefits and timely completion of infrastructure projects and services across regions.

Despite perceived advantages as discussed above, it needs to be also noted that the public consultations or constituency visits were not deemed effective as avenues for public participation in development and governance by some MPs. They raised the following as reasons:

- Often, local and regional governments were either not responsive or slow in responding to community/public demands and concerns for the improvement of social services and effective and timely implementation of development activities in the localities. This has generated apathy and has also resulted in reduced interest in public participation in governance and development.
- Some MPs have complained that popular public demands that have been subjects of discussion in constituency visits or public consultations are not always carried out by executive agencies and concerned local authorities. This has damaged public trust in elected officials and their ability to be conveyors of public needs and concerns in laws and development policies made by different levels of the government.
- Many MPs complained that elected officials lack the wherewithal, for example information or the expertise to scrutinize the work of executive departments be it at the federal or regional level. This has made it difficult to monitor and follow up the successful implementation of laws and plans made by parliament, and also to hold public officials accountable for their inaction and delay in addressing public concerns.
- Finally, some MPs noted that parliament does not have effective monitoring and follow up mechanisms on the work of executive departments, and this has generated impunity and lack of accountability. Equally important, this has eroded public trust in politicians and government to deliver on promises, and has also reduced interest in the utility of interactions between elected officials and constituencies. Simply put, the electorate is getting increasingly skeptical about elected officials because of widespread perception that constituency visits or consultations with elected officials were mere formal performative rituals rather than genuine actions to strengthen democracy and good governance.

Conclusions and summary

In Ethiopia, parliamentarians' engagements with constituencies are conducted in a highly formal and structured style because of the omnipresence of single party rule. This has to change in favor of a more participatory and democratic process of interaction if the different voices and concerns of the people are to be considered in law and policy making by the country's parliament. One of the essential conditions for this to happen is to put in place a broad-based and open political process that can stimulate public dialogue, promote freedom of expression and organization, and institutionalize inclusive governance and development. In the long run, this will enhance the legitimacy of the state, and helps to strengthen democracy and thus contribute to the long-term stability and peace of an Ethiopian nation-state.

At present, Ethiopian politics is characterized by top-down, one-party authoritarian rule. This is not the best option for a very diverse and complex country. Simply put, the present top-down one-party governance and development apparatus cannot serve the best interests of a highly heterogeneous Ethiopian state. What is needed is a political order that is capable of addressing and accommodating the diverse and sometimes conflicting interests and concerns of different socio-cultural and political groups. For this, a competitive political environment that allows for multi-party politics and unfettered political activity that is bent upon consensus building and compromise by all groups with different visions for an Ethiopian state is an extremely important first step. This can also bring social harmony, tolerance and respect among Ethiopia's diverse community of people with a hugely contrasting and complex web socio-ethnographic and cultural-linguistic identities and backgrounds.

Finally, it may be observed that the Ethiopian experience of limited and formal engagement of parliamentarians with constituencies may sound a contradistinction in many parts of the world where parliamentarians or politicians are often criticized for spending too much time with their constituencies (to retain their seats) and are left with little time to fulfill their parliamentary duties. This may lead to the argument that it is not the amount of time that parliamentarians spend with their constituencies that is important but the quality of the interaction, i.e. whether citizens' voices and concerns are listened to by politicians. Be that as it may, however, one should not jump to conclusions and characterize the

Ethiopian experience as a democratic political engagement without putting into proper perspective the role of a single ruling party and its command and control as well as its past highly authoritarian leadership and governance superstructure. Hence, the best one can say about the current political praxis in Ethiopia, albeit the current progressive reforms by the new Prime Minister, is that the country has a long way to go on the path to democratic politics with ironclad guarantees for freedoms of organization and expression, and a system of rule that recognizes the sanctity of human dignity and rule of law.

Chapter 4: Serving as women MPs: the challenges, ‘outcomes’ and beyond

‘You will see one day, after some years, there will be so many women in parliament!’

Statement on the House floor by the late Honorable Mrs. Sinedu Gebru, the first and only woman MP in Ethiopia, when she was challenged by male MPs (1954).

Introduction³

Ethiopia is an old and conservative country, where women are not traditionally treated equal to men when it comes to important social and economic rights and benefits. In recent years, though, it has had a parliament with a consistently high representation of women elected members among its ranks. There has been a progressive increase in the number of women members of parliament (MPs) during the country’s past five elections (1995-2015) as indicated below.

Composition of male and female members of the Ethiopian parliament (1995-2015)

No.	Election year	Total Number of Candidates	Distribution of Parliamentary Seats		% age of Women Members
			Male	Female	
1.	1995	2,871	526	11	2.01
2.	2000	–	505	42	7.68
3.	2005	1,594	410	116	21.21
4.	2010	2,188	395	152	27.79
5.	2015	1,828	335	212	38.76

Source: House of Representatives (HoR), Ethiopia, 2016

The possible effect of the increasing number of women MPs on the workings of parliament and, more importantly, the extent to which it has resulted in pro-women government policies and programs has been one of the subjects of our study (as part of our ‘Parliament,

³ This case study was carried out, and chapter written, by Tsedey Mekonen under the guidance of the main author.

Public Engagement and Poverty Reduction in Bangladesh and Ethiopia' research programme). While it has been difficult to draw a cause-and-effect link between the rising numbers of women MPs and laws and policies that favor the female population, it can be generalized that the rising number has positively impacted the work of parliament and resulted in some laws and policies that have mainstreamed gender as a priority area of concern. This chapter will cite some examples from the Ethiopian experience to lend credence to this observation.

The increasing representation of women MPs is not an Ethiopian-only phenomenon. Examples of other African countries with a similarly high representation of women MPs in the national parliaments include Rwanda (63.8%), Senegal (42.7%), South Africa (41.7%) and Namibia (41.3%) (IPU, 2016). Whether the presence of a high number of women MPs in parliament can be a contributory factor to the advancement of women's rights and championing of their causes is an important research agenda in comparative legislative studies because the lessons and experiences drawn can influence governments and donors that work to strengthen parliamentary democracy and encourage greater public involvement in politics.

Whither elections and parliamentary democracy in contemporary Ethiopia?

Since coming to power in the early 1990s, the current ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) has conducted five formal elections in a little more than 25 years – quite an achievement when compared with the track record of its two predecessors, viz. The Imperial regime (1931-1974) and the *Derg* (1974-1991). However, the electoral landscape has always been dominated by a single party, and little or no headway has been achieved in instituting multi-party competitive politics because the ruling party has always been the winner in all the elections, often with a landslide. Ethiopia is effectively a one-party state today as it was when the EPRDF came to power in the early 1990s. Given this political culture, it can be argued that the mere increasing numbers of women MPs by themselves can be deceptive, serving either as symbolic expressions of representation or a facade to lend legitimacy to the system rather than genuine tools of democratic representation and participation. It is against this backdrop that the increasing number of Ethiopia women

MPs and their contribution to the causes of democratic representation, equality and justice must be assessed.

Ethiopian Women MPs: what is there to gain in an increasing number?

In interviews and FGDs with women parliamentarians conducted for the research programme cited earlier, Ethiopian women MPs claimed their increasing number had helped to give prominence to women issues and made legislation and policies supportive of their causes. For this, some women MPs cited their advocacy and lobbying work in the enactment of the family law, which was made to recognize the right of women to paid leave from work before, at, and after giving birth. Another success story they talked about was the right of women in rural Ethiopia to be entitled to secure land registration certificates in their own names, which reversed a long-standing practice of recognizing rights to farm land in the name of husbands or male headed households. This is an extraordinary achievement given the fact that rural farm land is a critical resource in Ethiopia, which more than 80 per cent of the population depend on for livelihood and employment. These and other claims of success must be approached with caution because it is difficult to draw a cause and effect relationship as to whether these hard-won victories were attained thanks to the strong efforts of women MPs or whether they are dispensations of a populist party whose aim is to boost up its image and public support or a combination of the two.

Ethiopian women MPs talked highly of their 17 women-member caucus in parliament. The group is credited with strong advocacy work to promote girls' education in the nation's colleges and universities as well as their vigorous efforts to build the capacity of female members of parliament through further education and training opportunities. They also pointed to the hard work the caucus put into elevating the status of women as leaders and members of important parliamentary standing committees. In addition, encouraging women MPs to actively participate in budget debates to ensure that gender is mainstreamed in key pro-poor and growth sectors, including education, health and infrastructure budget allocations, is cited as another success story. Be that as it may, however, assertions about the influential role of women MPs must be considered against a background of the historically small number of women in high leadership and policy making positions in other branches of government, even if that has recently changed.

In the caricature of Ethiopian politics, democracy and its basic tenets, including freedom of speech and association, free press and multi-partyism, are rare commodities. Despite these challenges, there are more women legislators than ever before in the current parliament. How can one explain this phenomenon? Can this be attributed to the current deliberate party decision that set to reach a target of 40% representation of women in legislative posts? Alternatively, one can ask if the government is interested in numbers to comply with continental and international conventions that urge governments to show their commitments to gender equality by increasing women MPs in parliament, such as, for example, the African Union's call for 50% representation of women at all levels of political decision making positions by 2015? Or is it a homegrown decision by the Government to win the support of the female population by encouraging more women to political leadership positions to impress upon donors and the international community? What is the likelihood that such a track record can be sustained in an undemocratic and top down political culture? All these questions beg answers in Ethiopia's bewildering and complex politics under the ruling EPRDF.

Why limited representation in other branches of government: possible explanations?

Despite the gains in legislative positions for women, the number of women in executive bodies of the government has indeed been very small. For example, women were a very tiny minority in the number of cabinet positions in government in 2014/2015. In this connection, it is worth mentioning the fact that following disturbances in the country there were only three women cabinet positions out of the total 30 ministerial posts in the restructured and reshuffled government headed by the ex-Prime Minister Haile Mariam Dessalegn in 2014. Indeed, when asked by a woman MP why there were few women ministers in the new cabinet, the then Prime Minister gave a somewhat unconvincing response by saying that educated and experienced women were not coming forward for lack of interest, and were thus missing from the pool of candidates for such positions. Not surprisingly, many people remained unconvinced. This situation was radically changed in 2018 following the coming to power of the new Prime Minister Dr. Abiy Ahmed, who established a 50 per cent female cabinet

and Ethiopia's first woman president as well as another woman appointee for the President of the Federal Supreme Court.

As explained earlier, it is difficult to precisely account for the contradiction between the significant number of women in parliament but small number of them in high decision making and leadership positions in other branches of government until recently. In interviews with some women MPs, it was suggested that the quota system put in place by the party stipulating that a predetermined proportion of party candidates for election should be women might have contributed to the high number in parliament. This may sound like a credible assertion because according to some legislative scholars party directives can indeed increase the proportion of nominated female candidates by creating formal rules that prescribe a certain proportion of women among the party's candidates (Sadie, 2005; Caul, 1999). In a country like Ethiopia, where elections are relatively predictable, fair and free competition is almost absent, and the opposition is feeble, the ruling party can use its domineering position to increase the number of women MPs to secure public support.

Another reason that partially explains the increasing number of women parliamentarians may be the fact the ruling party employs its stronghold on power and public platforms, as well as the state-controlled media, to persuade the electorate to vote for more women. Obviously, in authoritarian political systems, targets set by the party can prevail over all other considerations. In this regard, IPU's (2015) assertion that the high success rate of women winning parliamentary seats in the case of Ethiopia could be attributed to the implementation of the quota system – the more so where the outcome of the election was more predictable—lends credence to the general observation. In a society where deep-rooted socio-economic, cultural and structural barriers discourage women from participating in public affairs, the strategies employed by the party in power maybe the only alternative to maintain a reasonable number of women in high positions. From a different perspective, although the quota system has its own critics (Sade, 2005), because it requires a strong and undemocratic party that can strictly enforce the requirement, it can also be argued that it may be an option to keep an acceptable representation of women in parliament, whatever that number may be.

Many scholars in legislative studies contend that the sharp rise in the numbers of women parliamentarians is not necessarily a true measure of the extent to which the system is democratic, the more so in shallow democracies, such as Ethiopia's (Stockemer, 2009).

Conversely, there is also the assertion that the fact many mature democracies have few women MPs does not prove that they are undemocratic systems. Simply put, there are very many other factors that need to be examined beyond numbers to assess whether the system is democratic or otherwise, and the Ethiopian experience cannot be an exception in this regard. While this high presence of women MPs is a great political success story, the jury is out on whether or not a significant representation of women MPs says much about the democratic nature of the political system.

As argued above, substantive gains in mere numbers of women MPs as in Ethiopia may be fascinating by itself but does not answer relevant questions relating to the degree of democratic maturity of the system, even more so in an authoritarian political system and traditionally conservative society. Other potent political, social and cultural factors, more than numbers, have to be considered before we can explain whether or not women MPs can gain positions of power and influence in democratic representation and governance. For instance, according to Tremblay (2007), male domination of politics and political parties, and the mis-perception that parties dominated by men represent “the true masters of the parliamentary representation of women”, can be reasons for women MPs being less powerful. In addition, women MPs’ insufficient political experience and fewer opportunities to develop skills are cited as additional explanations. In interviews and FGDs, this fact of life was repeatedly mentioned by Ethiopian women MPs as reasons for their relative lack of success in having greater impact on policies and laws. In the words of some women MPs, insufficient experience in grassroots politics and undeveloped skills and lack of training in dealing with constituencies also affected their effectiveness as politicians. Furthermore, according to some women parliamentarians, what they termed as ‘*lack of social and political capital*’, which is a reference to the perverted notion of women being inferior to men as held by a male-dominated traditional society (also a factor admitted to be held by many women themselves as well), has also been a drag on their power and influence, and one that has negatively impacted them as politicians.

In Ethiopia, there is a fusion of powers of the executive and the legislature because a single party controls both branches of government, and this has affected the work of women MPs. Obviously, it is difficult to institute effective checks and balances in this kind of political arrangement, and the system remains largely executive dominated. More importantly, since the executive is domineering and is male dominated, it can be difficult

for women MPs to push through laws and policies that are pro-women and can advance the cause of the female population. In addition, according to some women MPs, strong party discipline, which is a characteristic of a monolithic and ideological party such as the one in Ethiopia, can constrain women MPs from speaking their minds freely or taking different positions on critical issues from that of the party line. Needless to say, party loyalty may be more important than standing for causes or adopting an independent position on issues which are important and critical for women. Hence, decisions and actions of women MPs can be dictated by the pressure to toe the male-dominated party line, which at times can be incongruent with measures that can advance the cause of women, thus reducing their effectiveness as parliamentarians. In sum, the political context in which women MPs operate has a decisive effect on representation and the impact they can possibly produce, which leads one to the conclusion that numerical representation by itself may not produce the desired result without genuine political commitment to equality and producing substantial change in the rights and benefits of women.

According to some Ethiopian women MPs, a high number alone may not produce the desired result of more pro-women laws and policies. What is equally important is a challenge to gendered inequality within parliament. This requires that both men and women exert extra effort and conduct proactive lobbying to secure the support of senior male peers. In addition, some women MPs opined that their large number could put pressure on male MPs to stand alongside them in promoting their causes and ideals (Yoon, 2001). In the final analysis, however, what is crucial is the necessity to remove the deeply rooted and pervasive socio-cultural, political and structural barriers that militate against genuine equality between men and women, and change the male-dominated Ethiopian society to an egalitarian one. Equally important, a genuinely democratic political system and having an accountable and transparent governance regime is a *sine qua non* that determines the extent to which women can meaningfully participate in all spheres of social life and the degree of impact that they can produce as politicians and citizens (Nzomo, 2013). This view is shared by many legislative scholars who argue that once democratic institutions are consolidated, women will benefit from more open and transparent rules and will gain greater access to true political power (Stockemer, 2009).

In summary, it can be argued that the role and contribution of Ethiopian women MPs must be judged against a background of contextual and impeding cultural and social

factors that work against genuine equality and democratic representation. In addition, the fact that much of the society is not prepared to reverse the centuries-old disadvantaged position of women should also be taken into account when judging the effectiveness of Ethiopian women MPs. Hence, if there are limits to their power in their championing of women causes, it might be because they are aware of the consequences of speaking out in a male-dominated society, which in turn influences their behavior and action. Add to this the party discipline factor, which, as argued earlier, forces them to be loyal to their party rather than for causes which they strongly believe in and wish to advance. Despite their dilemmas, the study pointed out that most Ethiopian women MPs could have a range of motivations for joining politics, but all of them repeatedly claimed that it was due to their inherent dream of championing the causes of women which was the most important factor for joining politics.

Ethiopian women MPs' perception of their representational roles

Another important finding in this study has been the perception held by Ethiopian women MPs with regard to their representational roles. When asked how they perceived their representation work, Ethiopian women MPs affirmed that they did not want to be viewed as representatives of only women but rather of both men and women. For this, they gave two reasons. First, they fully understood that they were elected by men and women, and, hence, it was only logical that the public viewed them as national politicians. To reinforce their point, many MPs assertively reported that they engaged with different groups of people in their regular constituency interactions, including men, women, old and young, people with different social, religious and cultural backgrounds as well as individuals with different economic backgrounds, such as private business people, farmers, etc. This proved that they were legitimate representatives of a cross-section of society, and, equally important, were making significant contributions to strengthening representative government in one of Africa's shallow democracies.

A second reason why women MPs preferred to be viewed as national politicians rather than only representing women was the fact that women were not a homogeneous constituency, and, as such, all would not vote only for female candidates. In their view, recognizing that women belong to different social and economic groups would help them to

address the needs and expectations of different categories of women. What is at stake is the recognition of the fact that the female population constitute a little more than half the national population, and is, therefore, a significant constituency whose democratic aspirations for equality must be advanced at par with the whole population. Hence, there is no alternative to addressing the needs and expectations of this significant segment of the population to consolidate participatory and inclusive governance.

Gains and challenges

Apart from significant numeric representation, Ethiopian women MPs were asked what significant and tangible changes were introduced into the workings of parliament because of their involvement in national politics. First, it was reported that the meteoric rise in their numbers in parliament had dramatically increased the proportion of women serving in the standing committees. For example, among the 18 standing sub-committees of parliament, women chair seven of them. In the opinion of many women politicians, given the fact standing sub-committees play key roles in the policy and legislative process, their involvement has helped to influence government policies and plans to favor women and girls. In addition, they claimed that women MPs assigned to different committees were *‘very responsive to women needs and concerns; are willing to learn and careful to avoid errors, and committed and determined in their engagement so as not to give male peers a chance to criticize them’*. Equally important, being a chair or even a member of an important standing sub-committees, such as social affairs or women, youth and children’s affairs, had opened up opportunities to ensure that women derive an equitable share of benefits from key government development plans and programs. In the words of one woman MP, *‘Since we are women, we are in a better position to prioritize and focus upon women concerns and needs than men – naturally, we are more sensitive to women concerns and issues than our male counterparts’*.

Apart from their direct impact on government policies and programs, Ethiopian women MPs also believe that their high proportional presence has changed positively the way their male counterparts act and react to the causes of women. In this regard, the claim was that their lobbying efforts and dynamic campaigns to convince male MPs that improving the situation of the female population in general has tremendous benefits for society and the

country as a whole have paid off in terms of getting more and more of them to vote for female-friendly development policies and plans. Thus, winning to their side the majority of men who champion the causes of women is a hard-won success for women MPs and might be an important stepping stone to establishing amicable interaction and working relationships on an equal basis in one of Africa's male dominated societies. This conviction of Ethiopian women MPs is shared by many legislative scholars who have argued that an especially telling indication of women's impact will be an increase in men raising women's issues and exhibiting sensitivity to women's perspectives (Karamand Lovenduski,2005).

As explained earlier in this chapter, Ethiopian women MPs have an incredible degree of faith in their caucus, which was established in 2000 during the current parliament's second term. In their view, it strengthened their capacities for political work and provided useful training on how they can play important roles in influencing politics. It is also credited with the preparation of the checklist that would guide parliamentarians- 'constituencies' discussions all over the country from the perspective of women. To many members of parliament, it is a very important committee that had helped them to speak with one voice and strength about the pressing needs of women. A statement by one woman MP summarizing this well-founded conviction: *'when we unite and speak with one voice, we can even tame the lion in the den'*, is very telling of the incredible degree of commitment to and support for the 17-member caucus.

There is a general proposition by some feminist scholars that women have a different style of politics than men. Norris (1996), as cited in Childs (2004: 3), pointed out that women are said to 'introduce a kinder, gentler politics', one that is 'characterized by co-operation rather than conflict, collaboration rather than hierarchy, honesty rather than lack of it' .Do Ethiopian women MPs fit into this mold? The Ethiopian case study suggests a hybrid of two approaches to politics. Preliminary findings of this Ethiopian study suggest that women MPs do not 'perform politics' differently from their male colleagues. For example, women MPs interact with their constituencies to the same extent and as often as men in Ethiopia. They also present their ideas during the parliamentary debates freely and without any fear or reservation.

However, as reported by our interviewees, there are also important differences. In their words, women are 'softer' as they were socialized by society to be as such, and for most of them coming to the political arena does not change their unique feminine way of

interaction and expression. This is true even of ex-combatants who participated in the struggle against the *Derg* military dictatorship and who currently serve as MPs, whom one might have expected to be more confrontational and indefatigable than other women. As one women MP put it, it is very important to keep the conventionally accepted more ‘gentle’ and ‘softer’ side because it prevents their male peers from jumping to the hasty conclusion that the women are aggressive; rather it shows how adept women are at showing what is considered to be an unacceptable behavior. Assertiveness by women is not favorably viewed by male-dominated Ethiopian society.

Conclusion

The increase of women MPs is clearly reshaping the Ethiopian parliament, although the details are yet to emerge. Our caveat is that one should not jump to the conclusion that the rise in the number of Ethiopian women MPs has been an all-success story in championing the causes and concerns of women. Neither should it be concluded that centuries-old societal inequality between women and men has been fully addressed by government policies and laws passed by a parliament with a significant number of women representatives. Simply put, as in many places in Africa, there is a long way to go and a lot of work to be done before genuine equality can be achieved between women and men.

Equally importantly, it is only once Ethiopia’s current shallow democracy is replaced with a democratically functioning political system with truly representative and participatory governance that we can work towards genuine equality at a faster pace. Indeed, in assessing the success of Ethiopian women MPs in fighting gender-based political and economic inequality, it is important to take a set of inter-related social, economic and political factors into account, including the government’s political commitment to genuine democratic representation and universal equality and the deep rooted cultural and social barriers that militate against the equality of men and women.

Chapter 5: Performing development and democracy: social protection policy

Background⁴

The concept of social protection (SP) is very broad and the rationale for legislating on SP policies and implementation instruments are diverse but context specific in Ethiopia. Contemporary writings argue that SP as a policy instrument has emerged from debates about social theory, which advocate social transformation, wellbeing and ethics. Writers with social theory backgrounds tend to insist that SP is not only about, and should not be narrowly associated with, the reduction of poverty and vulnerability alone. It is also broadly about fulfilling the fundamental rights of people to survival, and other human rights, as well as developing stable and productive societies with the capacity to cope in the face of a multitude of external factors. Linking SP with the values and ethics of social theory offers new perspectives to policy makers and implementers to understand its multidimensional nature (Garcia and Gruat, 2003). So, SP refers to both public and private interventions that support poor communities, households and individuals in their efforts to prevent, manage and overcome risks and vulnerabilities as well as to the positive responses that governments make to the human rights demands posed by such groups and by the international community.

SP increasingly occupies a central place in the workings of international and regional organizations and national political activists and is being seen as a matter of human rights in the global agenda (UNICEF, 2016). Consequently, SP has become a central public policy component for countries addressing poverty, vulnerability and inequality. Reviewed sources (such as, Save the Children, 2013; Fiszbein et al, 2011; Barrientos and Scott, 2008; Sampson, 2009; Jones et al., 2011) suggest that various SP programs can play important roles in:

⁴ This case study was carried out, and chapter written, by Nega Wube, Addis Ababa University, under the guidance of the main author.

- Responding to the demands for and strengthening access to quality basic social and welfare services thereby transforming the lives of the poorest, vulnerable and marginalized people.
- Creating better balance between caregiving and productive work responsibilities.
- Fulfilling the fundamental human and survival right of people.
- Improving the efficiency and effectiveness of pro-poor investments and accelerating the achievement of the MDGs.
- Bringing greater social cohesion and ensuring national security, sustained peace and stability.

To these ends, in line with these conceptual propositions, almost all countries that have adopted SP policies, including Ethiopia, follow a universal approach in the operationalization of their policies through four broad dimensional actions known as *Protective*, *Preventive*, *Promotive* and *Transformative* schemes (Guhan 1994; Devereux and Sabates-Wheeler 2004). In general, empirical literature indicates that governments in many middle and low-income countries have demonstrated significant improvements in reducing poverty and vulnerability and securing the wellbeing of their needy citizens by endorsing SPP and implementing various forms of protection schemes (Bailey and Hedlund, 2012).

Ethiopia shares the general description presented in the preceding paragraph in many ways. As in many countries of the world, the Government of Ethiopia issued the National Social Protection Policy (NSPP) in November 2014, which aims to expand basic social services and directly address the deep-rooted poverty and vulnerability suffered by large proportion of citizens (as partly described below). Reportedly, the country has made significant progress in achieving economic growth and reducing poverty over the last several years. The declining trends in poverty and inequality have been credited to the performance of government –specifically attributed to the various pro-poor policies and strategies the government has adopted and implemented disjointedly by sector institutions prior to the issuance of the current comprehensive NSPP.

This chapter reviews not only the government’s role in pro-poor policies, but the roles of parliamentarians, which should ideally be at the forefront in a democratic

parliamentary system. Parliaments have crucial roles in the poverty reduction endeavors of nations by making frequent public consultations and constituency visits to identify the problems and needs of the local people, legislating appropriate policies, allocating sufficient budget to pro-poor sectors, monitoring and evaluating programs and projects, and making government accountable for its performance and utilization of public money (Draman, 2007: 2). However, studies generally indicate a trend noticeable in many developing countries that parliamentarians do not play these roles at the required levels due to a combination of constraining factors. MPs in Ethiopia rarely visit their constituencies (as we have seen in chapter 3) and, despite gradual improvements, they have had limited influence on policy-making and oversight functions. This may be related to the capacity of individual MPs (e.g. general lack of knowledge and political will or power) or institutional barriers (e.g. executive dominance and party guidelines) but mostly likely a combination of the two.

This case study assesses Ethiopia's SPP to consider the circumstances surrounding its development and examines the role parliament had in the entire process as well as the current status of the policy outcomes. The case study also aims to document existing good practices in Ethiopia that can be scaled up and the challenges that need be dealt with and resolved. Why did SP gain priority? How was the policy initiated and developed? What was it trying to achieve? What were the aspects and the level of parliamentary involvement and how effective has it been in the process? What progress has been made towards its implementation and what impacts have the interventions brought about so far? Addressing these questions will contribute to our understanding of the politics underlying policy development and the relationship between parliamentary involvement and desired policy outcomes.

Methodology

This case study was conducted mainly through interviews with key informants and document analysis. A total of 19 people were interviewed, who were systematically selected as key informants representing different groups of institutions and/or sectors; that is, 2 parliamentarians, 2 from the Secretariat Office within the HPRs, 7 from public institutions (3 from MoLSA and 2 each from other federal institutions), 2 from a donor

agency (UNICEF), 2 from CSOs, 2 from the private sector, and 2 from the opposition parties. Interview respondents were selected mainly based on the relevance of the institutions they represented as a stakeholder, their knowledge and/or direct involvement in the social protection policy-making and implementation process. Interview guide questions were also prepared as an instrument for primary data collection.

A good number of relevant materials, which were accessed from pertinent institutions and internet sources, were also extensively assessed and analyzed. Such materials which have relevance to issues of SP include: national legal documents (proclamations and regulations); policies, strategies, action plans and manuals; international and regional conventions/agreements; previous study reports; national and sectoral government performance reports; and theoretical/conceptual literatures. Attempts were made to triangulate the information obtained from primary sources (diverse groups of key informants) with the information obtained from the review of secondary sources.

Poverty and vulnerability profile of Ethiopia

This section will highlight core indicators of the levels of poverty and vulnerability in Ethiopia. This is because the indicators are all about the level of absolute poverty, economic dependency, HIV/AIDS infection, physically and mentally disability, child labor exploitation and abuses, unemployment, social security etc., from which many people identified as the target population of the NSPP have been suffering, and hence are related to our research interest. According to the 2007 Population and Housing Census of Ethiopia (PHCE), the annual population was then projected to grow at 2.6% between 2008 and 2017, which would have made the total population about 95.42 million by the end of 2017. Regarding the demographic structure, the proportion of economically dependent population, i.e., people who were under the age of 15 years and over 65 years, constituted 44% and 4.15% respectively. Currently, many poor people have no reliable income sources and not more than half a million older people have regular public sector pension. The Ethiopian Demographic and Health Survey (EDHS) conducted in 2010/11 indicated that the proportion of people living below poverty line was 29.6% and adult HIV/AIDS infection was reported as 1.9% of women and 1.0% of men between the ages of 15-49 (CSA, 2012).

According to the Central Statistics Agency (CSA), there were 3.8 million orphans and 864,218 persons with disabilities (PWDs) in 2011, who were living with a number of economic and social problems such as stigma and discrimination and limited opportunity for education, health, training, employment, and accessibility.

According to the 2011 urban employment and unemployment survey, the overall unemployment rate in urban areas was 18.0 percent. Compounded by a sizable number of new entrants joining the labour market every year, unemployment created social and economic barriers to young people. On the contrary, the 2010/11 EDHS found out that 27 per cent of children aged 5-14 were involved in labour, which obstructed their education and violated their right to have some play time. Low wage rates, job insecurity, poor and imperfect labour market information system and services, absence of social insurance, etc. aggravated the poverty situation and worsened the living conditions of many Ethiopians. Regardless of such worrisome indicators, international donors, such as the IMF and the WB, acknowledged that Ethiopia has made significant progress towards reducing poverty at an annual average rate of 2.32% since 1995 mainly due to government's continued pro-poor public spending. Government reports further indicate that the decline in poverty and inequality is attributable to the implementation of welfare programs, such as the productive safety net program (PSNP), and urban food distribution and subsidy measures. For over nearly three decades, the Ethiopian Government has been attempting to address poverty not only by allocating a large share of the annual national budget to pro-poor sectors, but also by putting in place different policies that aim at addressing the multidimensional poverty situation of the country, including the current NSPP.

The practice of poverty-focused budgeting is above all a sign of political commitment and can be considered as the required performance of the parliament (in Ethiopia the same as the government) –to show they mind about poverty – a commitment which is expected to be continually reaffirmed when the NSPP becomes fully operational. Despite such efforts of the government towards realizing the goals of poverty alleviation and sustainable development, poverty is still deep and widespread which makes Ethiopia remain one of the world's poorest countries and causes over a third of its population to suffer from various forms of deprivation, vulnerability and seasonal hunger. Therefore, the worth of a comprehensive and integrated pro-poor public spending approach in bringing

sustainable economic growth and eradicating poverty is yet to be seen – subject to the efficient and effective implementation of the various components of the NSPP.

Historical developments of SP in Ethiopia

Ethiopia has been putting into practice some elements of SP for over 50 years (e.g., pension security for government employees since 1963; Proclamation No. 209/1963). However, the previous public servants' pension law, which was promulgated by the Imperial Parliament and survived the time of the Derg regime, had flawed and discriminatory provisions. For example, Article 24 of the Proclamation provided entailment for only a widow to get a "Widow's Pension", while a widower did not have the same entitlement to benefit from a "Widower's Pension", even though the deceased wife had contributed to the pension fund during her employment life in public organization/s. No parliamentarian had the courage to propose or raise questions about equal application of Widow's Pension and Widower's Pension except the sole woman parliamentarian of the then Imperial Government, Mrs. Sinidu Gebru, who challenged the unfairness of the law in this regard (Nega Wube, 1999:13). This discriminatory article was amended after 36 years by the Public Servants' Pension (Amendment) Proclamation No. 190/1999, which provided for similar entitlement to both men and women through equal application of "Widow's Pension" and "Widower's Pension".

Generally, little can be said about the account of the past two governments (Imperial and Derg governments) with regard to the making and implementing of SP related laws and policies. During the periods of these governments, SP related laws and policies were not only few but also had pitfalls with respect to equal application and scope. It is therefore fair to say that the issue of SP in its proper sense began to be largely tackled only by the current government. More importantly, the Federal Democratic Republic of Ethiopia (FDRE) Government issued several policies and launched a number of programs that have direct relevance to SP through which implementation of different schemes have been underway, especially since the mid-1990s. However, those schemes have been implemented in a fragmented manner in the absence of a systematic and comprehensive social protection framework. According to various government documents and interview respondents from MoLSA, it was realizing the shortcomings and gaps of past policy experiments that led the

Ethiopian government to endorsing the NSPP in November 2014. Such written and oral sources further assert that the final version was framed in line with the general conceptual principles highlighted in the ‘background section’ above but adapted to the Ethiopian context.

Inception and development of the NSPP

Information obtained from reviewed documents and interview respondents reflect divided perspectives regarding the factors that persuaded government to develop the NSPP and on the ways in which it was initiated, drafted, deliberated and endorsed. In the opinion of about half of the interview respondents, the policy was initiated and developed because of external push factors; it was mainly a response towards fulfilling international and regional agreements and frameworks that Ethiopia had ratified; availability of money from external donors earmarked for social protection projects of developing countries and the strings attached to the offer and utilization of such resources; as well as following the pace of the global trend towards formalizing and implementing social protection blueprints.

According to some key informants on the other hand, the catalyst for the formulation of the new NSPP was an event called the “Alshaday Fund Raising Concert”, which was organized by Chachi Tadesse (a singer) at Mesqel Square (Addis Ababa) in 2009. The event was attended by high government officials, including the late Prime Minister of Ethiopia, Meles Zenawi, ministers, prominent personalities from among the private sector, senior citizens, celebrities (artists and athletes) ambassadors and representatives of some donor partners (such as UNDP, Save the Children, UNICEF, etc.), leaders of civil society organizations (CSOs), academicians, and community leaders. While the purpose of the concert was to raise funds for supporting and rehabilitating street children and beggars, and to generally address the issue of destitution, the presence of such core groups of people created an opportunity for the exchange of ideas on the need and the mechanisms for creating and instituting a more sustainable means of reducing poverty. During this event two novel proposals emerged to address chronic poverty: creating a National Developmental Social Fund (NDSF), and establishing a National Social Protection Platform (NSPP).

Two more interview respondents reiterated the foregoing account of the inception of the social protection policy. Analysis of the information obtained from written and oral sources would therefore lead to a conclusion that, by and large, the need for creating some kind of social protection framework was motivated by external factors or initiated by external agents. In other words, according to these categories of sources, the very inception of formulating the current NSPP was externally induced and supply driven.

In contrast to this assertion, reviewed government sources (including the approved policy and strategy documents themselves), and interviewed MPs and officials/experts from MoLSA, indicate that the NSPP is the product of homegrown interest and government's political commitment. According to them, the major sources for the inception of the policy are rather the federal constitution and the internal objective conditions that required government to protect poor, vulnerable and marginalized people not only from abject poverty and vulnerability, but also to create access to basic social and economic services and ensure their wellbeing as a matter of citizens' right. Article 41/3-6 of the 1995 Ethiopian Constitution granted all Ethiopian nationals the right to equal access to publicly funded social services and Article 90 also states, "To the extent that the country's resources permit, policies shall aim to provide all Ethiopians access to public health and education, clean water, housing, food and social security". Moreover, the African Union Social Policy Framework (AU-SPF) endorsed by member countries in 2008, which sets out the basic principles and guidelines that require each member country to put in place social development policies and strategies, had urged the Ethiopian government to formulate the NSPP. For respondents who maintain this position, the aforementioned 'Fund Raising Concert', which was held in 2009, was not and cannot be considered as the initial source for the idea of creating a national social protection framework. In fact, drafting of the policy has been on table since 2008, which is a year before the concert was performed.

One of the interviewees from MoLSA in particular acknowledged that that Chachi Tadesse has accomplished a wonderful philanthropic achievement by organizing the concert. He further underscored that the event might have contributed to arousing interest among people who attended the concert and might have caused private entrepreneurs and donors to pledge financial support to begin the drafting process. However, the event was not a landmark for the birth of the policy initiation. Government has issued many other pro-poor policies before the NSPP and the latter is one which brought together those

policies in a comprehensive form. Government has learnt from its own experiences that the previous SP activities that have been executed by different sector institutions, NGOs, faith-based organizations and the community, had gaps in terms of standards, coverage and accessibility, complementarity and synergy of programs, institutional arrangement and so forth. Hence, government decided to establish a sustainable social protection system by formulating and implementing a broader and all-inclusive NSPP to better address the economic and social wellbeing of citizens.

Another informant, a Member of Parliament, shared the opinion of a respondent from MoLSA and stated that government is duty-bound to fulfill the social and economic needs of all citizens as provided in the constitution, not as a matter of charity but as a question of human right. Government realized that although the performance of the national economy has been growing in double digits for over a decade and a half, citizens' real social and economic benefits have not been compatible with the economic growth. Therefore, as the interviewed MPs and public officials restated what is written in the NSPP document (MoLSA, 2014: 24), government has moved away from sector-based pro-poor policies, which have been implemented in fragmented ways, to endorsing a comprehensive NSPP to ensure access and equitable benefit for the poorest of the poor and vulnerable segments of the society.

According to other key informants, drafting the policy document was preceded by several steps and required measures. For example, the idea of creating the NDSF, which was meant to be included in the policy document, was discussed in regular meetings of the National Social Protection Platform under the auspices of the late Prime Minister, Meles Zenawi. To that end, a consultant was hired to undertake the study and prepare a detail plan for establishing the NDSF with the financial support of a private real estate company, known as 'Sunshine Construction Company'. The consultant researched the overall situation, including resource mobilization mechanisms as well as the institutionalization of the fund. He reported to Meles and to the then First Lady, Mrs. Azeb Mesfin, who was the chairperson of the Social Affairs Standing Committee (SASC) in the House of Peoples Representatives (HPRs).

In tandem, the government established a National Social Protection Platform in mid-2009—which comprised of major development partners, such as UNICEF, ILO, USAID, Irish Aid, Save the Children, and Help Age International as well as pertinent

government institutions including the Ministry of Labor and Social Affairs (MoLSA) and Ministry of Agriculture and Rural Development (MoARD) – to develop the draft policy document. The Platform was co-chaired by MoLSA and MoARD and was accountable to the Prime Minister. Towards the beginning, the National Platform used to convene fortnightly, sometimes monthly, to discuss and share information about the gaps and challenges of social protection related activities and programs which were already under implementation across the country and to brainstorm about the ways identified problems could be resolved and drafting of the new policy could be facilitated.

According to documented sources and interview respondents from MoLSA, HPRs, and donor groups, the National Platform noticed major shortcomings in the existing social protection policy framework within a short period of time of conducting its regular meetings, which required another necessary step to be taken before drafting the policy document. The concern and proposed action of the Platform for undertaking Mapping and Policy Gap Identification Study (MPGIS) was then communicated to, discussed with and consented by the then Prime Minister and the SASC of the HPRs. The idea of conducting the MPGIS was decided with the belief that its findings would serve as invaluable inputs for developing the draft policy document. To this effect, an international consultant was then employed to carry out the study and propose new policy requirements.

The MPGIS accordingly found out that most social protection schemes have been implemented in traditional ways and on a *de facto* basis without formal legal instruments and that some others were implemented in a very fragmented manner even if sectoral pro-poor policies were supposedly in place. The MPGIS also uncovered several limitations in the Developmental Social Welfare Policy (DSWP) of Ethiopia, which was adopted in November 1996. According to the final version of the NSPP document (2014: 26), and key informants from MoLSA and HPRs, although the DSWP has served as a guide for strengthening social welfare, the MPGIS results informed that it was incompatible with the existing situations. The main gaps identified in the DSWP were lack of clarity in the roles of executing bodies and communities in the coordination, collaboration and design processes of social welfare programs. The DSWP was also found incompatible with new requirements posed by demographic change, economic and social development, and legal amendments. Besides, the DSWP had no detailed implementation strategy and action plans.

The Productive Safety Net Program (PSNP) has been implemented since 2004 as one of the major instruments of DSWP. There were two modalities employed in the execution of the PSNP; i.e., *direct support* and *public works programs*, which were also found to involve several problems. Both the schemes have had their own phase-out time partly contributing to the problems spotted out by the MPGIS. For example, beneficiaries of the *public works* scheme were expected to ‘graduate’ from the program (to become self-reliant) after a certain period of intervention, but failed to do so and remained dependent on support for additional periods after the schemes were phased-out. Besides, about 8.3 million people, who had been benefiting from the *direct support* schemes (such as PWDs, elderly, orphans, etc.) also had to look for further support. This number of the needy population added to those who were covered by the *public works* program, but failed to graduate, have therefore remained helpless after the programs had been phased out.

Furthermore, implementation of the PSNP had limited geographic coverage; that is, it was implemented only by four regional governments while poor and vulnerable people living in other regions had no chance to benefit from the program. As one key informant from MoLSA remarked, though difficult to concretize, many of the setbacks discovered by the MPGIS were partly attributed to a lack of commitment by the government towards the broader and effective implementation of previous policies, such as DSWP and National Social Development Policy (NSDP). The lack of government commitment was mainly observed in terms of limited geographic coverage of and insufficient resource allocation for social protection schemes.

All these policy gaps and implementation weaknesses of the DSWP and other SP related policies and programs were meant to be corrected by putting in place a new policy. Accordingly, based on the MPGIS findings, the consultant recommended the development of a comprehensive social protection policy framework from which all the needy population across the region would benefit. The idea of revising the DSWP was finally agreed on in July 2009 and the Platform started working towards that end.

In general, the major gaps of the previous policy documents which were identified through the MPGIS and reiterated by key informants of this case study could be summarized in the following points:

- The former policy framework (DSWP) was so narrow in its scope that it could no longer help to accommodate the multidimensional aspects of social protection schemes and programs;
- It lacked implementation guidelines and action plans;
- It lacked a comprehensive and integrated conception of vulnerability at different levels;
- It placed supreme responsibility for social protection activities to the community without indicating discrete authority and responsibility to different stakeholders while the roles of regional and federal governments were limited to paying the salaries of social welfare employees in federal ministries and regional bureaus;
- It did not properly reflect the nation's growth and development records.

After the decision was made to revise the DSWP, NSDP and other SP related policies and programs and to draft the NSPP document, the experiences of selected countries were also assessed in order to take relevant lessons that could be customized for developing an appropriate policy that could best fit Ethiopia's specific reality, instead of directly adopting the western universal social protection model. To this effect, a few experts (who were later involved in the policy-making process) were sent to Brazil and some African countries to attend overseas workshops, attend short-term training and make experience sharing tour programs in order to learn important lessons from international experience through the financial support of IGAD and other international donors. As a whole, the design and drafting of the policy document started after all these steps were pursued and the pre- drafting requirements were fulfilled.

According to key informants, even though the idea of revising the existing policy framework was agreed by all members of the Platform, it was donor partners like UNICEF, Save the Children and ILO who were exceptionally influential in that endeavor. UNICEF, for instance, funded the cost of the consultancy service for MPGIS and continued covering the salary of an expatriate staff member, who was entrusted with the assignment of devising the implementation strategies and action plans of the NSPP. Interview respondents from MoLSA and UNICEF further told me that the latter has also covered the salary of another

expatriate staff of a foreign consulting firm called “Intra Health International” to undertake a Social Workforce Assessment and prepare a Workforce Development Plan of Action following issuance of the NSPP.

One of the key informants in MoLSA asserted that although the National Social Protection Platform was the principal responsible body for drafting the policy proposal, its actual role had been coordination and leadership throughout the entire process. The Platform was aided by short-term consultants hired through the financial support of donor partners and by a technical committee that consisted a group of local professional experts. Moreover, as the development and deliberations of the NSPP was in progress, additional government ministries such as the Ministry of Women, Youth and Children Affairs (Mo WYCA), Ministry of Education (MoE), Ministry of Health (MoH), Ministry of Urban Development and Construction (MoUDC), Federal Micro and Small Enterprise Development Agency (FeMSEDA), and Ministry of Justice (MoJ) joined the Platform to ensure wider participation and ownership of the policy by all relevant stakeholders. On the other hand, this suggests that relevant government institutions (especially ministries) were not involved right at the beginning of the drafting and deliberating the policy; rather, they joined rather late.

Primary sources indicate that in addition to expert assistance and direct involvement of the institutions mentioned above, the final policy document attained its final shape and content by conducting a series of consultations and deliberations with federal and regional governments and other stakeholders. A number of consultative meetings were also held with the relevant sectoral bureaus of regional governments, which were identified as the ultimate implementers, MPs, and focal persons of donor partners in the years 2011 to 2013. According to one informant, the policy document was also enriched by inputs obtained from the Social Affairs Standing Committee of the HPRs, from consultative and validation workshops which were held in five regional states before the document was submitted to the Council of Ministers. All relevant stakeholders, including relevant government institutions, associations of beneficiary groups, professional associations, donors, CSOs, community organizations, etc. were invited to and took part in such consultative and validation workshops.

Some key informants doubted the interest and courage of the government to genuinely involve representatives from a multitude of societal groups, such as opposition

parties, civil societies, organized social and/or interest groups, private sector, professional associations, experts/researchers, academics, and so forth. To the knowledge of these respondents, there was no wider national workshop or conference other than consultative meetings which were held at regional levels involving mainly Platform members. In general, these informants didn't believe that the views and suggestions of many stakeholders and policy beneficiaries were properly captured. The absence of documented evidence that could disprove the information obtained from primary sources strengthens the credibility of their claims or arguments. In the process of searching for secondary information, it was hard to find documented sources – such as written communications to the Platform, minutes, compendiums, and reports of any sort that comprise the views and needs of the policy target group (such as children under difficult circumstances, vulnerable pregnant and lactating women, PWDs, labour constrained people including the elderly, marginalized groups unable to meet their basic social and economic needs, etc.).

On the other hand, a few other informants didn't fully agree specifically with the remarks made against the Platform. They rather tended to externalize the sources of the problems and argued differently. As they suggested, even if the Platform had frequently invited stakeholders, pertinent public institutions and membership-based organizations and interest groups like the Ethiopian Women Federation, Federation of Persons with Disabilities (PWDs), etc. to participate in the policy deliberation meetings, their commitment to join the sessions and provide inputs that would contribute to the completeness of the policy proposal would have been very low or insignificant.

At the beginning, the problem was lack of continuity. Stakeholder institutions sent different representatives to attend different meetings organized by the Platform, which caused the newcomers to struggle to catch-up with previous activities and past developments. This had resulted in passive participation by representatives. Later on, non- attendance became the common trend as people increasingly become fed up and disinterested with the lingering pace and the ways that the processes of drafting and deliberations on the policy proposal were handled. As contended by interviewed persons from the NGO and opposition parties, many reasons could have contributed to these situations, which among others include:

- Lack of trust or disbelief that preoccupied the thinking of stakeholders regarding the practicality of the policy idea itself as well as the suspicion that government will not be interested to incorporate their views and opinions as this commonly happens in many other policy deliberations. Some key informants held the general belief that participation in such policy deliberations or any government agenda was simply a nominal requirement and hence is waste of time. Therefore, stakeholders could be discouraged from engagement knowing that they wouldn't have any impact in the policy-making process. Another reason which informants expressed for the lack of interest of stakeholders in being present at meetings, or for being passive participants, was the existence of institutional politics – rivalry between government institutions over functional assignments and resources allotted by donors for Social Protection activities. (This reason was emphasised by one of the interviewees from one government organization)

In the opinion of many informants, such loss of appetite and frequent changes in the assignment of representatives to participate, and/or to remain passive attendants in meetings held at various stages of the policy-making process, were indicators of the lack of concern and commitment from invited institutions.

There was also a third more positive version articulated by other informants (especially from MoLSA and the HPRs), which asserted the strong interest and courage of the Platform in involving relevant stakeholders, the regular presence of representatives from all invited institutions, and the incidences of active participation shown by the latter in every session. Stakeholders, especially associations of beneficiary groups like Association of PWDs, Association of the elderly, etc. showed active participation in the deliberation of the draft document. This third category of informants also disagreed with the earlier comments suggesting, “there were frequent changes in the assignment of individuals to participate in discussion forums, which implied that the task of the policy-making process was not given serious attention by relevant institutions”. They further argued that stakeholders who represented beneficiary groups were well known for their active participation in the deliberation of other pro-poor policies and national plans, such as in GTP-I and GTP-II, let alone in the NSPP which is their direct concern.

On the other hand, one informant within the third category of respondents, admitted that at the later stage, where the tasks have become highly technical in nature and required expert knowledge (such as in designing and reshaping the final version of the policy proposal in a standard format; in preparing implementation, monitoring and evaluation strategies; and in reviewing the works of consultants), the participation of many representatives was less active than at the earlier phases. He also referred to the provision of the guideline that governed the work of the National Platform to validate the information. In view of the respondent, the guidelines which determine for members of the Platform to assemble twice a year justifies the fact that most of the tasks at the later stages were supposed to be performed by professionals (focal persons or technical personnel).

After such a lengthy process, the NSPP of Ethiopia was finally adopted in November 2014 to serve as one of the legal instruments for fulfilling the promises and provisions enshrined in the Constitution (Pro. No.1/1995). So, government was then legally obliged to step up its provision of social services. The policy was not sanctioned, however, by a legislative proclamation or executive regulation, which had been the case with some policies which have broad national coverage and are supposed to be communicated to international partners as major stakeholders. In general, the donor's assistance and influence in the entire policy formulation process has been highly visible. Despite all these facts, by referring to the constitutional provisions and international and regional conventions, which were claimed to be the major sources for initiating the policy development, interview respondents were asked to comment on why government shied away for so long from issuing the NSPP.

Rephrasing the question, what constrained the government to delay the very agenda of drafting the NSPP for about fourteen years, if the 1995 Constitution is the major legal source compelling the government to develop the social protection policy framework? And why has the policy-making process taken another five years after the idea of drafting the same was on the table in late 2008? Respondents identified various reasons for this: (i) wrong attitudes or misunderstanding by public officials, e.g., assuming that providing social protection is the responsibility of families and local community organizations, and hence shouldn't be the priority of government; (ii) weak capacity and frequent turnover of key staff in MoLSA who have been assigned to facilitate the policy-making process; (iii) the fact that different social protection activities and programs have been separately

administered by various sectoral ministries, CSOs, the private sector and the community in general making the task of reaching consensus to streamline all these as a package with in a universal policy framework time-taking and cumbersome; (iv) the diverse nature of stakeholders having different opinions, background experiences, potential roles, and different levels of commitment for establishing common understanding amongst them have all been time-consuming; and (v) the need for pursuing step-by-step activities. In relation to the final point, these activities required the following: a gap identification in previous policies and programs like the DSWP; bringing together relevant stakeholders into a cohesive body (platform); collecting different views and suggestions that would be used as policy inputs; overseas training and tour programs conducted to take lessons from international best practice experiences; and drafting and deliberating on the policy proposal, etc. All these demanded sufficient time before the policy got its blessing and endorsement by the CMs.

Initially, the final draft of the policy document that was submitted to the CMs incorporated three important recommendations that were suggested by stakeholders, particularly by donor partners during consultative meetings. These included the need for incorporating livelihood promotion, introducing an universal pension scheme, and establishing an agency entrusted with implementing the policy within the MoLSA. These recommendations were first endorsed at the Platform level as the outcomes of the policy-making process and the final draft document that comprised these recommendations was referred first to MoLSA and then to the CMs. Nonetheless, while the proposal for livelihood promotion was finally accepted by the CMs and was included in the approved policy document, the other two proposals did not get support during the adoption of the policy. According to key informants from MoLSA, the CMs rejected the two aforementioned proposals mainly on the grounds of unaffordable cost and undesirable institutional arrangements which would accompany their endorsement. For example, the CMs realized that launching the *Universal Pension Scheme* would be impractical at that point as implementation of the scheme would require huge financial resource, which was beyond the capacity of the national economy to pay for, whereas establishing an independent implementing agency would entail not only duplication of efforts within MoLSA but also unnecessary budgetary pressure on the government's meager resource to run the institution.

However, instead of the proposed independent Agency, the approved NSPP document provides for the establishment of a Federal Social Protection Council (FSPC), which was to be accountable to the CMs and encompass members drawn from MoLSA, MWCYA, MoE, MoH, MFED, MUDHC, MTI, Public and Private Social Security Agencies, and Federal HAPCO. In addition, financial institutions, associations of employers, trade unions, CSOs, and other relevant institutions would also be members of the Council as required. The policy also dictates the structure and function of the Council to be established by law and MoLSA to be the Secretary of the Council. Moreover, it was provided that the duties and responsibilities given to the Council and MoLSA would be replicated in the respective structures at regional states and city administrations (MoLSA, 2014:40).

Key informants further revealed that although the FSPC had not been established to date, the draft structural and operational framework and guideline documents that would govern the workings of the Council were already prepared and waiting for the decision of the MCs. Besides, UNDP had prepared a comprehensive draft manual that consisted of several issues related to the division of functions and definition of responsibilities for each thematic area, formal accountability and governance system, and the whereabouts of the office of the Council, and so forth. On the other hand, it was felt that implementation of the policy required persistent effort for the coordination of multi-dimensional stakeholders. However, the Council was supposed to convene only twice a year to evaluate the performances of the policy, strategy and action plans, suggesting the impermanent presence of Council members as office holders. Some interview respondents believed that due to this kind of “sloppy institutional arrangement”, the Council is less likely to successfully discharge all its functions outlined in the NSPP document and hence it will be difficult to assign accountability for results.

In addition, the approved policy has finally introduced two innovative financial sources that are considered as essential policy outcomes; i.e., establishment of *Corporate Social Responsibility (CSR)* system and a *Social Protection Fund (SPF)*. The essence of the CSR is forming an institutional set up with legally defined roles and responsibilities for the private sector (investors in trade, industry, agriculture and other services) that can play a role in raising finance and pulling other resources towards implementing SP interventions in an organized form. The SPF is also another establishment that aims at mobilizing finance

from different resources (such as the community at large, CSOs, private sector other sources) other than government budget and putting the same into one coffer. In addition to harnessing financial resources, the *SPF* has the purpose of ensuring the efficient and equitable distribution of the same to different components of the NSPP across all regions MoLSA, 2014: 39).

However, like many other projected actions that were indicated in the approved policy document as essential requirements for the effective implementation of the various SP schemes, we are still waiting for practical measures at the time of writing. The key informants revealed that the envisaged innovative financial schemes have not yet been established but the preparatory works are underway and in progress. A situational analysis study that would lead to the establishment of the SPF has been finalized as well. Similarly, the guidelines for the workings of the *CSR* are being prepared through the financial support of ‘Help Age International’. The draft document has been discussed in two different forums with the private sector representatives and the general idea has got acceptance from the private sector. As provided in the NSPP document, both the *CSR* and *SPF* are required to be established by an executive directive after such preparatory works are completed.

Roles of parliament in the process of formulating the NSPP

Ethiopia’s NSPP is the national framework for collaborative and coordinated provisions of diverse social protection services. It is one of the legal instruments for progressive implementation of the economic and social rights enshrined indifferent articles of the 1995 Constitution. Parliament is the institution representing the interests of the people and responsible for ensuring the realizations of such constitutional provisions by performing various functions to which it is mandated. Ideally, one of the principal functions of parliament anywhere in the world is formulating laws and policies that are enforceable nationwide. It could be therefore imagined that the Ethiopian parliament might have played roles in various forms and at various phases of the NSPP.

As Draman (2007: 4) noted, at the core of the parliamentary role in development and poverty reduction in a functioning democracy is the authority of the people’s representatives over laws, policies, and annual national budgets. In the same way, in any poverty reduction process, parliament should validate the policy diagnosis, monitor

program implementations, and evaluate results, and question and hold the executive accountable for performances. The budget should represent where parliamentary authority and poverty reduction policies come together in the form of a well-constructed and widely-understood strategy to achieve socio-economic results. So, the questions are: to what extent is parliament involved in the policy-making budget process; and to what extent do laws, policies and national budgets to which parliament was mandated in their makings reflect pro-poor priorities?

Participation of MPs in the policy-making process can indicate country ownership. In this regard, Koenders, the Chairperson of the Parliamentary Network on the World Bank, quoted in Draman (2007: 4), aptly pointed out that “there can be no country ownership without parliamentary ownership”. Greater will of governments to adequately engage MPs in all phases of the policy-making process could contribute to greater ownership of the strategy and stronger support from the public they represent. The involvement of MPs in the policy development processes not only has the potential advantage of gaining popular acceptance of the policy but also in shaping and building an integrated political community. Despite such arguments, however, there are some who question whether MPs are really as representative of the ‘people’ as they are supposed to be, knowing that party loyalty overrides the principles of popular representation in parliaments where governments are not constituted through pure democratic processes.

The findings of the study on parliamentary representation, which was carried out in seven African countries, uncovered that parliamentary participation has been problematic. More than in anything else, parliamentary participation in pro-poor policy-making process is supposed to be the hallmark of government’s political commitment and assurance of local ownership to policy since MPs represent both the local people (the constituency) and constitute the highest political structure of the state (the parliament). Unfortunately, in most instances, social policies like many other policies, were seen as the exclusive responsibility of the executive supported by donor groups, while leaving aside parliament as if it has no business in the policymaking process (Draman, 2007:4). Findings of our case study similarly demonstrate the problems surrounding parliamentary participation in many respects, and confirm that the descriptions presented above by-and-large explain the situation in Ethiopia.

Interview respondents were asked several questions about the roles of parliament and parliamentarians in the NSPP – about the extent and aspect of their participation and influence in the entire policy cycle, their capacity/knowledge and commitment as legislatures, the constraints and challenges they had in the process, and so forth. Views obtained were mixed and in some instances contradictory. While some informants had only a little to say about the roles of MPs at individual and/or institution (parliament) levels, except for making general statements that indicate their indirect participation in the NSPP process and their concern about the social protection agenda in general, only two MPs showed full awareness and active engagement all through the whole policy-making process –starting from the inception up to its completion. According to informants, scheduled briefings on the essentials of the policy and the policy-making process were given twice to all members of the parliament and this helped to create awareness amongst them. In particular, members of the SASC within the HPRs have been playing key roles both in persuading greater involvement of parliamentarians and in giving directions, following up the progress, and facilitating policy deliberation forums, with various stakeholders. However, no MP was a member of the Platform since they were supposed to play a monitoring role over the Platform rather than directly participating in there.

Apart from the SP policy-making process, parliament has an important role in the budget allocation processes necessary for implementing the policy. In this regard, as two interviewed MPs emphasised, MPs often show considerable interest during budget hearings, voicing views in support of pro-poor sectors to get priority in the allocation of the national budget. Every year, parliament undertakes public expenditure reviews and evaluates the performances of previous expenditures in terms of reducing poverty before new budget decision are passed. According to these respondents, parliamentarians (particularly members of the Public Budgeting Standing Committee [PBSC]), are well- informed about national priorities and achieve high caliber debates when exchanging ideas with executive officials in favor of pro-poor investment during budget review sessions.

Besides, parliament made different proclamations that are directly related to the components and goals of the NSPP. For example, one of the respondents from MoLSA mentioned the 1999 Public Servants' Pension Proclamation that amended the 1963 pension law by introducing Widower's pensions for the first time and the 2003 pension law, which adjusted the percentage amount of the *Retirement Pension* rate (all in favor of pensioners),

and many other proclamations promulgated by parliament which serve as legal instruments for implementing different components of the NSPP.

MPs also indirectly participated in the policy endorsement process in their official position as members of the CMs. Since Ethiopia has a parliamentary form of government, there is an obvious fusion of power; i.e., most members of the CMs are at the same time elected members of the HPRs. Therefore, these individuals are expected to reflect the views of the parliament while sitting to endorse the policy as members of the CMs. One interviewed MP suggested that improvements in the Executive-Legislative relations have contributed to the growing trend of parliament's participation in the policy-making process in Ethiopia compared to the previous practices where parliamentarians were largely ignored.

However, other categories of interview respondents –one former parliamentarian from an opposition party and another one from the Office of Secretariat of the HPRs –do not agree with the above remark. For these informants, executive dominance over the parliament still persists creating institutional barriers on the participation of MPs in many occasions. This is in part due to the decision of the executive to limit the involvement of MPs only to take part in some formal decision-making activities, such as policy validation seminars and approval plenaries. Such measures make it difficult for ordinary parliamentarians to have access to information and have a positive influence over the policy-making process.

Regarding the participation of CSOs, government previously used to involve key umbrella organizations in meetings and technical committees. However, CSOs rarely had a chance to engage in the social protection policy development and deliberation process. While inadequate participation of civil society has been admitted by both the government and the CSOs, the reasons presented for the lack of involvement exposed a kind of 'blame game' from each side. According to an informant from one CSO, the sector in Ethiopia has been generally seen with suspicion by the political system and a destructor of the social order over the past decade. As a result, direct participation of the sector in any policy-making process, such as in the NSPP, has become a missed opportunity for poverty reduction and the development of democracy after the 2005 national elections. The relationship between CSOs and the parliament has increasingly become very shallow and tense since then, although a nominal Government-NGO forum was established in recent

years. While it is the fact that most social services in remote areas of Ethiopia have been provided by NGOs, parliament was either reluctant or powerless to call upon the participation of the sector as important partners of government during the social protection policy-making process. The same respondent further stressed that CSOs could have also played important roles in facilitating MP-public consultations and promoting a two-way dialogue if government had the political will to engage the sector instead of grossly labeling all as adversaries.

Moreover, informants from the CSO and opposition party groups are of the opinion that the poor rarely interact with MPs and had no chance to participate in the social protection policy-making process, despite the fact that the entire objective of the policy was meant to address their problems. Thus, target groups of the policy had no role in the policy-making process. In order for MPs to efficiently play their representation role, they need to reach further into their communities and build stronger relationships with their constituents. Out of these interactions MPs might gain greater knowledge and understanding of the challenges faced by the community. MPs could also gain greater respect and trust from constituents if as their elected representatives they listen to their problems and priority needs and are committed to dealing with their causes. In the process, the accountability of MPs to their constituents is likely to be strengthened. Despite all these theoretical advantages, MPs in Ethiopia rarely visit their constituencies. The rules of procedures of the Ethiopian parliament formally require MPs to visit their constituencies twice a year (see chapter 3). Even so, as the informant from the opposition party said, the issues or agendas which MPs have to discuss with local people during their visits are set out by the ruling party.

For MPs to participate effectively in any national policy process (such as in PRSP and NSPP), a firm grasp and good understanding of policy documents and processes is important. However, opinions vary regarding the capacity and commitment of parliamentarians to actively participate in any policy-making process and on their actual engagement in the drafting, deliberation and approval of the NSPP in particular. Interviewed MPs were confident to report that they are always committed to fulfilling their representation duties and responsibilities to the electorate and to have the capacity to effectively exercise their legislative and oversight powers. They confirmed that parliamentarians often do participate vigorously at all stages of the policy-making process.

For example, MPs actively participated to articulate the needs of their respective constituencies during deliberations on and endorsement of the NSPP as they often do in other cases.

Conversely, other groups of respondents have doubts about the capacity and knowledge of most MPs to make well-informed arguments during policy debates and budget hearings. Expert respondents from the Office of Secretariat within the HPRs, for example, had mixed opinions. According to these informants, in principle MPs have the duty to get involved in such functions as legislatures and almost all usually attend meetings during policy deliberations and parliamentary hearings. However, interviewed experts witnessed that most MPs do not have the technical capacity and knowledge to generate and articulate innovative ideas or to make any sort of influence in the policy-making process other than narrowly imparting the needs and problems of their respective constituencies. Only a few have decisive roles in the entire policy-making process while the majority are often passive attendants. Even if they could have the knowledge and interest to contribute their part based on the principle of independent thought, it is unlikely for them to deviate from the direction given by the ruling party on a particular discussion and decision agenda. Studies show that such capacity limitation on the one hand, and narrow-minded attitude of MPs to their localities on the other, is a common problem in parliaments of Sub-Saharan Africa where most motions put forward by MPs to a deliberative assembly for discussion and vote focus on their respective constituencies and not necessarily on national policies (Draman, 2007: 11).

Monitoring and evaluation is another critical element of the functions of parliament besides promulgating laws, issuing policies and approving the national budget. It is widely recognized that one important entry point for the parliament in the implementation of the NSPP is through monitoring and evaluation of the process. Regular reporting is the most common practice for informing parliament and the public about how public money is being disbursed and utilized. Field visit to project sites by MPs is another mechanism to capture the level of actual implementation of policy. Informants from two CSOs and one opposition party have the feeling that the theoretical monitoring and oversight functions of parliamentarians is generally weak in practice, even weaker than their policy-making and monitoring roles. In the views of these category of respondents, the reasons that MPs fail to conduct their mandated functions are multiple and go beyond

deliberate avoidance by the executive. These may include: MPs' lack of capacity or knowledge, lack of real political power, lack of concern or lenience towards the expectations of their constituencies, and absence of accountability system/practices to make MPs responsible for their failures. Respondents further expressed their observations that although parliamentary sessions are mostly held in full attendance of members, the majority of MPs prefer to sit in silence rather than articulating their views and promoting the needs and problems of their respective constituencies; hence, draft legislations and policies are usually debated by few MPs.

The overall assessment of the role of the parliament in the SP policy-making process shows that the engagement of majority of the MPs has been very low. When assessing the level and quality of participation, a number of issues emerged as hindering parliament's participation. One of the major challenges and obstacles for parliament to play an effective role in the NSPP process is the lack of qualified and trained staff to assist MPs with their policy-making, research and investigative work. The other obstacle is the lack of training for MPs themselves in matters of policy development and appraisal, budget oversight and poverty analysis. The third is a deliberate executive interest to side-line parliament as an institution.

On the other hand, members of the SASC in the HPRs had strong participation from the inception up to its approval phases. SASC members not only had active participation, but also played leadership and monitoring roles throughout the policy-making cycle. Even so, parliament, or the SASC more specifically, has barely attempted or showed any interest in seriously involving CSOs, opposition parties, professional and sector-based business associations in the policy-making process while all these are mentioned as stakeholders in the final policy document. Moreover, targeted policy beneficiaries, other interest groups and the community at large had no input into the policy document because they have not been consulted or asked for their opinions. While this was confirmed by about 90 percent of the respondents, no written sources have been found from concerned institutions including parliament that could otherwise repudiate the claims of primary sources to provide evidences about their involvement.

Many respondents argued that since parliament is the highest political organ constituted by elected members who have got the 'confidence' of the electorate, MPs should relentlessly demand and be uncompromisingly vocal not only to secure their active

engagement in the policy-making process, but also in questioning the executive on key issues that concern the nation. Respondents also suggest that parliament should go beyond the level of assuring its own engagement; it should further assume itself the most responsible body for promoting popular participation and ensuring whether adequate consultations with, and involvement of, different segments of the society have taken place before any draft law and/or policy is tabled for its approval.

Regardless of all these shortcomings, which should be corrected in the future, there is a positive trend in some respects. For example, there has been an increase in the level of knowledge and engagement of parliamentarians in the budget process to ensure that it reflects the priorities set out in five-year national plans (like the GTP) and poverty reduction strategy documents. Moreover, there has been an increasing trend in the provision of training for parliamentarians, especially for members of key parliamentary committees, so as to prepare MPs to adequately participate during policy and/or law-making debates, to ask the right questions, to properly scrutinize the budget, and to demand accountability on the part of the executive.

At this stage, we cannot assess with any certainty the impact of the NSPP of Ethiopia for different reasons. First, all components of the NSPP have not become fully operational across all regional states since many of the financial instruments, the *CSR* System and the *SPF* as well as the highest governing body responsible for coordinating and leading the implementations of the NSPP (the *FSPC*), have not yet been established at the time of writing. Second, results of the various components of the policy, which have been implemented since before the NSPP, are still reported separately by different sector institutions, and not in the overall framework of the NSPP. Third, there is no record of a parliamentary committee report or a comprehensive evaluation report on the overall progress and implementation outcomes to the credit of the new policy.

Moreover, there are strong suspicions about the practicality and envisioned impacts of the NSPP; it is seen as too ambitious and unrealistic. People who hold this view often try to elaborate on their position by referring to past experiences. Some social protection schemes that have been implemented prior to the coming into existence of the current NSPP, through the financial support of external donors and NGOs, were frequently seen to be interrupted in the name of ‘phased-out projects’. In plain language, this means that whenever donors stop or pull back their financial support, the implementation of social

protection projects will terminate and this has been experienced in Ethiopia many times. In addition, the broad coverage of SP schemes and large number and category of target groups the NSPP has already identified strengthens the qualms many have about its potential to bring about the level of impact pronounced in the document. Therefore, given the limited capacity of the country's economy to absorb the huge cost required to implement the identified schemes added to the unpredictable nature of the external resource flows, it would be unrealistic to expect that the vision of the NSPP could be easily achieved at least in the short run.

Chapter 6: Debates and engagement in law making

6.1. The civil society proclamation: making a contentious law⁵

Introduction

This case study on the promulgation of the civil society and charities law presents the divergent views and concerns aired by different stakeholders invited for public consultation on one of Ethiopia's most controversial laws in recent history. The main purpose of this case study is to illustrate how different stakeholders can voice their concerns and conduct debates on a contentious piece of legislation albeit within an authoritarian one-party rule.

The rationale for the new civil society and charities proclamation

According to the explanation by the Ministry of Justice (MoJ), following the downfall of the Derg regime, the responsibility to register different NGOs operating at the local and regional levels was given to the Ministry of Interior. A total of 3737 CSOs were registered between 1987 and 1998. However, the sectors in which these CSOs had been engaged and the regional distribution were not known. Moreover, there was no institution which ensured that these CSOs were working in accordance with their registered objectives.

According to the MoJ, the following problems were identified as affecting the smooth registration of CSOs during this period:

- The long time requirement to obtain official permission to start up new CSO or to renew existing permission. According to the document, the total numbers of days required to obtain permission for new domestic CSOs was 1 year, and required 37 working steps. For foreign CSOs, it required a total of 8 months and needed 37 working steps. In addition, the number of days required to renew existing licenses was 14 days, which required passing through 12 bureaucratic steps. CSOs were required to present biographies of the founders during registration, and this was time consuming. There was a committee which decided on the registration of CSOs. CSOs were required to present a project proposal, and recommendation letters from different institutions.

⁵The parliamentary minutes of the Social Affairs Standing Sub-Committee and documents from the Ministry of Justice (MoJ) were used to prepare this case study as part of this book

To address the above issues, the following reforms had been undertaken:

- Reduction of the bureaucratic steps required to get a registration license;
- Removal of the recommendation requirement to obtain a registration license;.
- Removal of the requirement to submit project proposals by CSOs;
- Reduction of the time required to get permission to operate in Ethiopia;
- Reduction of the time required to renew license.

Justification by MoJ regarding the relevance of the new CSO proclamation

Although the role of CSOs in Ethiopia's socio-economic development initiatives had been improving, the existing laws governing the CSOs has not been evolving despite changing circumstances. It was indicated that the laws that governed CSOs were stipulated in the 1952 civil code and in the 1959 directives concerning CSOs. According to the MoJ, these laws were not in line with the country's socio-economic development plans, democratization processes, sustainable peace building and the existing global situations. In addition, they were not suitable to incentivize those CSOs which were significantly contributing to the country's development and also to punish those who were violating the laws. According to the MoJ, this happened because the existing laws had a number of gaps:–

- There was no difference between a registration to authorize the legal personality and registration for obtaining operational license.
- There was no clear legal framework for handling legal issues of CSOs with no official license, but had only an agreement with the Disaster Prevention and Preparedness Agency.
- The existing laws did not cover all the CSOs actually operating in the country. Although the law tried to differentiate CSOs by definition, during registration all CSOs had been registered as associations.

- Even though the significance of CSOs in promoting social causes was known, under the existing law there was not a clear framework to incentivize CSOs.
- There was not a clear penalty other than cancelling the registration license or to postpone their operation when the management and staffs of CSOs committed unlawful actions. The existing law did not ensure the involvement of CSOs in the democratization, development and peace building processes. In addition, since the existing laws did not ensure transparency, accountability and uniformity, it undermined their accountability to the public.
- The areas of and sectors of operation of CSOs and also the amount of finance they were utilizing was not clearly known. Nor were the amount of funds they allocated for operational activities or their main objectives.

Pre-legislation consultation of the draft CSO proclamation

According to the explanatory documents about the proclamation obtained from the MoJ and House of Peoples' Representatives (HoPR), a draft CSOs proclamation was prepared by the then Ministry of Justice. Before the submission of the draft proclamation to the HoPR, various consultations had been undertaken both at the federal and regional levels with various stakeholders. According to the documents, the pre-legislation consultations involved three major steps:

- First, before the draft law was submitted to the Council of Ministers and appropriate stakeholders were consulted to provide comments and suggestions on the draft law. According to MoJ, in this consultation various constructive suggestions were gathered and consensus was reached on the draft CSOs proclamation.
- Secondly, CSOs operating in Ethiopia were invited for consultation with the Ministry of Justice officials and other relevant government officials and a one-day discussion was held on the draft proclamation. According to MoJ, this also helped to gather constructive comments and suggestions that further improved the draft proclamation. Finally, CSOs representatives and leaders had two consultations with the then Prime Minister. MoJ documents showed that issues raised during

these consultations were considered in the improvement of the draft proclamation. In addition, based on the direction given by the Prime Minister, CSOs had submitted their comments and suggestions, and these were utilized to further include the concerns of CSO in the proclamation.

CSOs responded to the proposed legislation in a coordinated manner by establishing a Special Taskforce that pursued continuous dialogue with the Government. Members of the Taskforce were drawn from various segments of civil society: development, advocacy, religious, and networks. The Taskforce prepared commentaries on the different draft versions of the law and submitted these to the Government. It organized forums wherein government officials and experts as well as CSO representatives came together and discussed the draft legislation. It also served as means of communication between the international community and CSOs. After the adoption of the Proclamation, the Taskforce had continued its activities with a revised mandate. Among the donor community, USAID, DFID, CIDA (ECCO), Irish Aid, and SIDA, actively participated in the process of supporting CSOs and expressing concern about the new legislation. etc⁶.

In addition, different draft documents concerning CSOs were circulated during the pre-legislation consultation process. According to FSS' Update (Issue No.27), the main concerns raised by the CSOs on the first draft presented by MOJ included the following :

- The national identity of predominantly foreign-funded indigenous CSOs.
- The barring of CSOs from engaging in rights-based advocacy and promotion of democracy and peace if they received over 10% of their income from foreign sources.
- Denial of access to an independent judicial review of the facts and contents of the decisions of the supervising agency.

⁶Special Section: Restrictions on Foreign Funding of Civil Society ,Ethiopia, Debebe Hailegebriel,2010

- Excessive discretionary and intrusive powers of the Agency as well as an emphasis on tight control rather than on encouraging self-regulation, good governance and creation of a more enabling environment.
- Criminalization of non-registration and support for or participation in such organizations irrespective of the legitimacy/ legality of their activities.
- Encroachments on organizational autonomy, including invasion of privacy and restrictions on the right to operate at the Federal level.
- Imposition of harsh penalties in addition to burdensome requirements for registration, license renewal and reporting.
- Restrictions on access to finances (e.g., public collections, anonymous donations).
- Lack of tax waivers for the voluntary sector, including tax relief for corporate donors.
- Inhibiting time-limit for transition and re-registration of existing CSOs.

Based on the suggestions and comments raised during the first consultation, MOJ improved the first draft (FSS, 2008). Among the changes made in the amended version, the main ones included the following:

- Rather than the entire “asset”, the amended version limited itself to the source of “funds” and incomes of CSOs to determine their national identity.
- Indigenous CSOs earning over 10% of their income were now labeled as Ethiopian “Resident” Charities or Societies.
- The objectives of the Agency are stated in more positive language, with emphasis on enabling and strengthening CSOs.
- The Council was replaced by a seven-person Board, including two CSO representatives. The Board was now explicitly empowered to hear and decide on the complaints and appeals of CSOs.

- Community development and the advancement of citizenship rights had been dropped from the list of charitable purposes; the advancement of women's and children's welfare has now been replaced by the promotion of gender equality and the rights of children and the disabled, but only for Ethiopian charities (i.e., those receiving not more than 10% of their income from foreign sources) who could now engage in these areas.
- Ambiguities about application to CBOs such as Iqubs and Iddirs (funeral societies) and religious institutions, had been clarified, and the amended version explicitly excluded these from its scope of application.
- The minimum membership requirement of ten persons for a society had been removed.
- Though the administrative sanctions had been removed, the penalties for "criminal" offences had been made harsher by increasing the fines and prison terms.
- Rather than getting prior permission, it now sufficed to notify the Agency to open a CSO branch or to change the name or place of work or amend the statutes of a CSO.
- Rather than every year, a CSO license could now be renewed every three years.
- Instead of directly removing, suspending, or appointing an official of the charity/society, the Agency now directed the executive organ of the charity/society itself to do so.
- Rather than automatically denying registration or deregistering a charity or society that failed to comply with its directives or any provision of the legislation, the Agency was now required to give a time limit within which the charity or society would be allowed to rectify the irregularity or infringement, or non-compliance.
- The provision allowing the Agency and sector administrator to direct their representative or a police officer to enter premises and participate in any meetings of the charity or society had now been removed.

- Whereas the initial draft made it conditional on the nature of the work and qualification of the expatriate for a charity or society to employ him/her, the revised draft removed any restriction on a foreign charity to assign an expatriate as its representative. With the removal of the provisions on income tax in the revised draft, the discrimination against societies that required them to pay tax on incomes other than membership fees had been removed; however, charities, too, had lost the privilege of waiver on income tax they were given in the initial draft.

The legislative consultation on the draft proclamation

MoJ presented the draft proclamation to parliament on December 2, 2008. It was read by MoJ higher officials and representatives from the Prime Minister's office. After the initial presentation, the House referred the draft proclamation to three standing sub-committees, viz. legal and administration affairs; Social Affairs; and Foreign, Defense and Security Standing Committees.

After undertaking a public consultation on the draft law, the standing committees came up with a resolution that changed some aspects of the draft law. Based on the standing committees' resolution, the full parliament had a debate on the draft and legislated the final charities and civil societies proclamation in 2009.

The Public Consultation on the draft CSOs law

The public consultation was jointly called by the three standing committees mentioned above. The public consultation was held on December 24, 2008 in the parliament. The consultation was moderated by chairperson of the legal and administration standing committee, Mr. Asmelashe W/Selassie. Explanations regarding the draft proclamation were given by Mr. Brehan Haliu, MoJ Minister. Mr. Brehanu Adelo, cabinet minister; Mr. Minilik Alemu, representing the Ministry of foreign affairs, legal affairs Directorate; Mr. Abader Mohammed, a prosecutor from MoJ; and Mr. Jimma Dillebo, MoJ, Associations Registration Office Chief, also participated in the discussions.

In the public consultation a total of 245 participants were invited. From this, 161 were MPs from different standing committees of the house. The remaining represented different public bodies, academic institutions, CSOs, popular associations, foreign and local media, and embassies representatives. The consultation started by a brief opening speech by

the legal and administrative affairs Standing Committee's chair, followed by explanations concerning the draft law by the drafters of the proclamation. After the explanation, the moderator opened the floor for questions, comments and suggestions by the participants.

Major issues raised by the consultation participants

Mr. Kebele W/Tsadeqe – MP

- The draft law stated the members of the Board and its chair would be assigned by the government. Were the members of the Board and its chair independent from any political parties or they could be nominated from the political parties? If they were nominated by the government, would this compromise their independence?

Dr. Meshesha Shewaraga – CRDA Director

- Article 2 of the draft proclamation states that “Ethiopian Residents Charities” or “Ethiopian Residents Societies” shall mean those Charities or Societies that were formed under the laws of Ethiopia and which consist of members who reside in Ethiopia and who received more than 10% of their funds from foreign sources.”The case for labeling the charities as resident based on the source of funding is not clear. Since the charities did not have a legal personality without their members, labeling the charities as resident would create problems during implementation.
- It was not clear how the source of funding related to the right to form associations as specified in the constitution? The draft law prohibited charities from involvement in issues concerning the right of children, persons with disabilities, conflict resolution, legal reform, and women or gender equality, if they received more than 10% of their funding from foreign sources. Would not this contravene the stipulation concerning the right of associations as per Article 31 of the constitution?
- The draft law specified that the right to get access to due process of law specified on the constitution Article 37 is only reserved for Ethiopian charities or societies. Foreign charities and Ethiopian Resident charities, which obtained more than 10% of their funding from foreign sources, did not have the right to receive due process

and the final decision on these institutions was given to the MoJ. Would not this contradict the constitution?

- The Article 9 (4) of the constitution specifies that international covenants and conventions that Ethiopia ratified were a part of the Ethiopian law. Does not the draft proclamation contradict with these international legal instruments? How would the draft law be aligned with the Continuo agreements and in the protection of basic services agreement with the World Bank concerning assuring accountability of CSOs.

Mrs. Maheder Paulos–Ethiopian Women Lawyers Association (EWLA)

- If the objective of the draft proclamation was to ensure and promote equality of citizens, CSOs which had been working on the marginalized and vulnerable section of the society should be given special assistance by the government. However, the draft proclamation stipulated that CSOs which received more than 10% of funding from foreign sources would not be allowed to work on the rights of these groups, such as women and children. Did not this contradict the constitutional provision and international conventions and agreements the country had signed. Hence, the draft law should be revised taking into consideration the issues raised by various important stakeholders.

Dr. Taye Assefa– FFS Research and Publications Head

- Article 103 of the draft proclamation specified that any person who violated the provision of the proclamation would be held accountable in accordance with the criminal code. This proclamation's sub-Articles 2 and 3 specified additional penalties, which seemed redundant for a single offence.
- Why did the proclamation first give a chance for correcting unlawful action instead of directly proceeding with taking legal action?
- Although the law specified that those CSOs which received more than 10% of their funding from domestic sources can generate income from different local sources, the draft law did not establish an enabling legislation for this.

- If the objective of the draft proclamation was to reduce the dependency of CSO from foreign funding, the transition period required to mobilize funding from the local sources should be extended.

Mr. Bezaworke Shemeleash– Alemayehu Haile Memorial Foundation

- Big CSOs which had a huge funding might be vulnerable to fraud and corruption; however those small CSOs which were obliged to cover at least 90% of their funding from domestic sources would be decimated. Therefore, it was important to differentiate between those CSOs which received huge amounts of funding and those CSOs that received small amounts. For instance, it could be stipulated that those CSOs that received below 150,000 birr funding be exempted from the legislation prohibiting foreign funding.

Dr. Minas Hiruy –Tesfa Organization – Local NGO

- The penalty specified in the draft proclamation focused on the management of CSOs and would prohibit their effective operations.
- Exemption of tax should include ToT and VAT.
- The law should include the provision of matching fund by the government to enhance the government's responsibility in promoting social causes.
- The income generation requirement or the permission of income generation from the government body in the draft law should be removed.

Mr. Tadesse Derso –Vision Ethiopia Congress

- Although the necessity of legislating law on CSOs was not questionable, it should be achieved in a way that would benefit the public at large.
- The provision that allowed only 10% of funding for CSOs working on advocacy was so small that it would not even cover the administrative/ operational costs of CSOs.

Mr. Lidetu Ayalew – Ethiopian Democratic Party –Opposition MP

- Since this proclamation would influence the foreign relations of the nation with other countries, the supply of foreign exchange, the flow of foreign assistance, the

fate of employees working in CSOs and the interest of millions who have been receiving support from these institutions, and the draft law should be evaluated based on whether it would benefit the public at large instead of only focusing on its effects on CSOs.

- The argument that the draft law contravened the constitution and international convention and agreements was not substantiated by evidence. If the government wished, it could legislate that all CSOs should receive their entire funding from domestic sources. Hence, instead of making a legal argument the focus should be on the fate of CSOs operating in the country.
- The draft law was in accordance with its objective of establishing an appropriate controlling and monitoring frame work. Given the inefficient and unlawful practices of CSOs operating in the country, establishing a strong controlling mechanism should not be contested. In addition, the objective mentioned in the draft proclamation of creating an enabling environment for CSOs operation was a desirable act. However, when the law was put in to effect, the survival of the majority of CSOs would be compromised. In general, the law would significantly affect the survival of CSOs operating in the country.
- Why was only source of funding taken to define CSOs? The government itself was obtaining a large portion of its budget from foreign sources; however, we did not call our government a foreign government. Taking source of funding as the only indicator for defining a CSO was not appropriate.
- The draft law stipulation that democratization and human rights issues as rights reserved only for citizens was a legitimate article, but ensuring development was also the responsibility of citizens. Although promoting the democratization process was the duty of citizens, why was it not permitted to be done by foreign finances? Are not questions of democracy, human rights and justice the part and parcel of development on the current global context?
- The draft proclamation clearly stated that to engage in advocacy issues, listed in the constitution as democratic and human right issues, were served only for those CSOs which generated more than 90% of funding from domestic sources. Did this

promotion really ensure the interest of the public and the government? It was better to see the funding issues taking into consideration the national and the public interest rather than the party in advance proclaiming that CSOs' engagement in certain areas would hurt the public interest. In addition, it was important to have a genuine discussion rather than undertaking public consultation for public relation purposes.

Mr. Degene Tafa –MP

- The government and CSOs have not had a strong working relationship and because of that it could be said that the government had not effectively identified the problem, while preparing this draft law. If the government effectively understood the reality, this kind of controversial law would not have been prepared. Therefore, it would have been important for the government to take some time to discuss the issues first with CSOs before drafting and legislating this law.
- Instead of prohibiting CSOs which generated more than 10% of their funding from external sources to involve in advocacy issues, why did the government not consider controlling and regulating these CSOs?
- The issues related to dispute handling in the constitution given to MoJ contradict the international convention and the constitution of having the right to due process.

Mr. Kibret Haile –MP

- Although the importance of a law that would guide CSOs was not contestable, it was imperative to focus on effectively controlling and monitoring these institutions rather than hindering their activity which would significantly affect the socio-economic development of the country.

Mrs. Yetennebresh Negussie – From Ethiopian Center for Persons with Disabilities (ECPD)

- The definition of charities which was stated in Article 2 (2) and Article 14 of the draft proclamation might be intended to control inappropriate activities of some CSOs, given the current circumstances of our country, the prohibition of foreign

funding to advocate on issues, such as on the rights of peoples with disabilities, would be problematic.

- The intention of the law was ensuring that the rights of citizens were the responsibility of the government, however, who was going to check the violation of citizens' rights by the government?

Mrs.Saba G/ Medhin – Ethiopian Women Associations Coalition

- The first draft preparation of this law had not been prepared based on stakeholders' analysis. It would have been important to consult CSOs. Given CSOs non-involvement in the draft, how could the government make CSOs accountable?
- It would have been better to revise the article which stated the definition of CSOs based on their source of finance. It was important to differentiate between CSOs, rather than putting them in one basket. Otherwise, this draft law could be taken as a law which did not consider exceptions.
- CSOs had been working in line with the country's constitution and various laws. Although advocacy issues on rights could be taken as political rights, CSO had been contributing a lot on promoting the rights of the poor, especially through creating forums on planning and monitoring and evaluation of the government efforts to reduce poverty. Development comes when people know their rights and these activities had not been so far prohibited. The draft law proclamation indicating that these should be undertaken by domestic finance only was not feasible or realistic.
- Although the government had shown its commitment to legislate laws concerning the protection of women rights, such as in the criminal law, the family law and other policies which concerned equitable development of women, the required results had not been achieved. This showed that legislating laws and policies were not enough to ensure the rights of women. Different CSOs were working to enhance awareness on issues in relation to women rights and their involvement in development activities besides the government efforts using foreign funds. The legislation would significantly affect their activities and an appropriate transition

period should be established in the law to enable these CSOs to generate their funding from domestic sources.

- The article which stated that the Ethiopian resident charity provision violated the rights of citizens in such a way that the citizens were defined as a resident based on their source of funding for the associations they established. This would clearly weaken local charities which used foreign funding for their purpose of advocacy.

Mr. Wondemu Ibisaa – MP

- The draft law did not follow some basic principles of legislation and it was a politically motivated proclamation. Since this proclamation would hurt the national and the public interest, he said he was opposed to this law representing himself and the party. . He specifically opposed the article of the law which prohibited foreign funding in areas of advocacy concerning citizens’ democratic and human rights.
- Any law should at least be supported by the majority of the public and the government should consider the interests of the public while drafting a law. However, this law contradicted the constitution and was not prepared based on an in-depth study of the situation. Rather, the government intended to attack CSOs which in the government eyes had supported the opposition parties during the 2005 election.

Response given to the questions, suggestions and comments by the participants at the public hearing:

- The issue of creating equal opportunity for citizens did not mean every citizen would have equal living standards. The issue of involving and improving living conditions significantly depended on the actions of individuals to actively utilize the opportunity provided by the government and the country. However, once equal opportunity was guaranteed to citizens, the government hoped that citizens would respect the result based on the contribution they had made.
- In a situation where rent seeking political economy was dominant, the major source of wealth was individuals’ networks and attachments to authorities and in

most cases the sources of wealth for these activities were foreign aid and loans. In such situations, personality cults would be built around the leaders of various institutions and these institutions would not promote the public interest in a developmental manner.

- Regarding the insufficiency of the not more than 10% funding from foreign sources stated in the proclamation to work on advocacy issues, the government was convinced that this was a huge amount and should be reduced in a piecemeal manner to zero percent in the future.
- The definition of the CSOs was not only based on source of finance but also where the CSOs were established.
- Although the issue of development was directly related to the democratization and the peace building effort, the ruling party differed from many others as to whom the right to involve in democratization and peace building should be given. We believed that the issue of building a democratic system and ensuring peace building was a right reserved only to citizens.
- The issue of expenditure of 30% for operational purpose was decided in the proclamation based on the analysis of our country's context and an analysis that this was enough to cover CSOs' activities in a satisfactory manner, while allocating the largest amount to carry out their objectives.
- The members of the Board would be represented from the government and CSOs. The government would not intervene in CSOs which had smooth working conditions. Given the problems encountered in the past, the government might intervene on CSOs that did not undertake a periodic board meeting as provided in the law. This was intended to handle the disputes that might occur during their operation.
- Regarding the issue of controlling the violation of rights by the government, the constitution had effectively addressed the issue of rights violation by the government. Institutions such as the Human Rights Commission, Office of Ombudsman and also the periodic election would address if any rights are violated by the government.

- Although the government addressed the gaps in the participation of stakeholders from the initial drafting process, the draft proclamation was prepared based on a deep understanding and evaluation of CSOs for the past 50 years in Africa and also the experience of other countries. Hence, the issue that the draft CSOs law did not consider the real issues of CSOs was a misunderstanding.
- The transition period specified in the draft as one year was sufficient for effective transition and it was in line with the budget calendar of donor agencies.
- The article which stated about Ethiopian residence charities was intended for those foreigners who resided in the country and did not relate to charities established by Ethiopian citizens. This article was only intended to give opportunities for foreigners who resided in Ethiopia to participate in the specified activities.
- Regarding the issue that the draft law was politically motivated; to think that a law should not be politically motivated was not acceptable. Since legislators represented their parties and tried to execute their party's policies, it was understandable that any law had some nature of political motivation.

Statement of the standing committees

After the public consultation, three standing committees prepared a statement taking into consideration issues that the committees considered and should be included in the final proclamation. The statement briefly elaborated the process the committees had followed to evaluate the draft proclamation through the participation of important stakeholders, the rationale for the initiation of the law presented to the committees by the MoJ, the amendment the committees had made and the final resolution statement of the committees. During the final meeting of the committee's meeting, 30 of the members voted for the resolution and 4 voted against it.

As the standing committees' statement showed, most of the amendments were editorial changes. Some of the important amendments were:–

- Clarifying the definition of religious organizations, which were established for religious purposes and to undertake charity activities.

- Regarding the definition of the charities and societies registration agency's officer, the committee proposed the definition to exclude internal auditors of the agency.
- In addition to using operations of CSO in different regions as a main criterion to label the CSOs as national or regional, it was also important to include the composition of members who founded the CSOs as an additional criterion.

The article which stated that any person aggrieved by any decision of the Charities and Society Agency may appeal to the Board within fifteen days from the date of the decision was added. The decision of the Board should be final. Since the Board was the final authority of the agency it was better to change the article so that any person aggrieved by any decision of the Agency Director might be able to appeal to the Board. The House's final plenary session on the draft legislation

During this session the Speaker reviewed the process through which the draft law had passed, and invited the three committees to read their resolution to the house. The statement was read by Mr. Kenae Kuma, Legal and Administrative Affairs Standing Committee Chair. After the committee's reading of the resolution the Speaker of the House opened the floor for comments and suggestions by MPs. The following were the major issues raised by different MPs:

Prof. Beyene Petros – An Opposition MP from Ethiopian Democratic Forces Union Party

- My party did not question the necessity of the CSOs law. Our concern was that the law included issues which the government thought were suitable for its purpose without addressing the real situation of CSOs in the country. Neighboring countries such as Kenya, Uganda and other African countries, such as South Africa, had a large number of registered and unregistered NGOs which worked on different matters compared to the small number of NGOs operating in our country. The government's claim that the nation had huge number of CSOs was a misrepresentation. The law was intended to limit the activities of CSOs, due to this our hope that the government would work to support these organizations was dashed. Therefore, my party considered this law as a draconian law intended to oppress citizens.

- The major problem of this draft law was that it violated the international convention and agreements that the country had signed and this would spoil our relations with donors and financial institutions and other countries around the world.

The committee's statement had not considered the major issues raised by the public and CSOs during public consultations and various discussion forums. Hence, it was difficult to say that the Standing Committees had undertaken their duty in a way that would promote the public interest. The amendment done by the standing Committees did not touch major issues and did more of cosmetic changes.

Mr. Lidetu Ayalew – Ethiopia Democratic Party

- Although various CSOs and representatives from various institutions and the public had forwarded relevant comments and suggestions during the public consultation, the Standing Committees' final statement had not touched any of these issues. These showed that the consultations were intended for public relations purposes rather than for addressing the needs and interests of the public.
- My party did not take the draft law as very oppressive as stated by other opposition parties. The government had the power to fully limit the source of finance even beyond the stated amount in the draft law. Therefore, my party did not see this law as something which contravened the country's constitution, but as something which would create obstacles in the working/operation of CSOs.
- The Ruling Party EPRDF claimed that the mismanagement and inefficient use of resource in CSOs was well acknowledged, but rather than focusing on limiting and prohibition of CSOs activities, it would have been better to use well developed monitoring and evaluation and controlling systems.
- The other problem of the draft law was that it saw development, democracy and human rights as separate and independent issues. In the existing global context these three issues were interrelated and interdependent.

Mr. Temsegen Zwede – Opposition MP from Kinijit (CUD)

- The draft law was intended to strengthen the ruling party revolutionary democracy ideology and to block CSOs which had been working in promoting awareness on democracy, good governance and human rights. The intention of this law was to enable the ruling party to single handedly control the playing fields.
- The article which limited the source of funding of CSOs contradicted the constitutional provision of the unconditional right to organization by citizens. Therefore, my party considered this law as a law which contravened the constitution.
- The issue of citizenship was applicable only to individuals, but in the draft law citizenship had been assigned to organizations to limit the activities of foreign CSOs to work on advocacy of human rights, democracy and good governance.
- The activities permitted by the draft law to Ethiopian charities was not intended to give exclusive rights to these CSOs. Rather the government knew that most of the Ethiopian charities would not be able to engage in these activities given the prohibition set by the draft law on their sources of funding.
- The draft law clearly violated the right to have due process specified in the constitution. The final judgment role assigned to the board of the charity and society agency clearly contradicted the constitution.

Mr. Leggesse Biratu - Opposition MP from Kinijit (CUD for democracy and Unity)

- NGOs in the past 10-15 years had been playing an important role in development activities, including the promotion of children and women rights, food security, and the interests of people who live with disabilities. In addition, these NGOs were also checking the activities of the government and had been giving constructive feedback to them. Given their contribution the government should have strengthened its support rather than limiting their operation through administrative and legal obstacles.
- Given the issues forwarded by the public during the consultations, it was our belief that the standing committees would come up with an improved law. However, the

Standing committees' statement was a reflection of the ruling party ideology and did not entertain public concerns.

- Based on the countries that were mainly reviewed as a benchmark, the government's intention was clear. For instance, citing the experience of Singapore showed that the country's CSO law was mainly used to hinder the activities of civil societies that challenged the government monopoly of power.
- Given the economic situation of citizens it was not appropriate to assume that domestic finance would be mobilized to address issues prohibited by the proclamation to be funded by foreign finances.

Based on our concern we opposed this draft law because it was oppressive and did not promote the public interest. Mr. Bulcha Demeksa- Opposition MP (Oromo Federalist Party)

- The draft proclamation was intended to close any avenue that would inform international institutions and other countries about the government's performance on human rights and democracy issues.
- The draft law had only a political significance for the ruling party rather than having any social and economic benefits.

The draft law could be taken as very oppressive. International experiences show that there has been no law as oppressive as this draft law except in China. My party vehemently opposed this draft law.

Mr. Brehanu Adelo- MP (EPRDF)

- The governments had taken CSOs as one of the partners in development activities and to ensure this the government had been trying to create an enabling environment. Given this the ruling party thought that although CSOs had an important role in the country's democratization process, the thinking that CSOs do political activities contradicted the purpose in which CSOs were established. Political activities were mainly undertaken by political parties and these should not be mistakenly equivocated with CSOs activities.
- The draft law had taken contemporary best practices from different countries. The lessons had not only been taken from Singapore but other countries such as India and Britain.

- The intention of the law was not to intervene in the day to day activities of CSOs, rather the government's intention was to ensure that CSOs were utilizing the resources that they mobilized for their objectives by clearly stipulating what portion of their funding should be used for operational and the objectives/ purposes they were established. Therefore, the claim that the law was draconian is incorrect.
- The opposition parties should not expect compromise on major principles which would significantly affect the ideology of the ruling party. Given the difference in the ideologies of parties represented in the house, there would always be contrasting views. Based on this the standing committees' statement would not have included all the issues voiced during the public consultations.
- The draft law did not prohibit any CSOs to undertake development activities on elderly persons, people with disabilities and other marginalized groups. Therefore, the claim that it prohibited all activities on these groups was a misunderstanding.
- The government considered the issue of ensuring the rights of citizens as the major responsibility of the government. However, given the capacity of the government, it was understandable that citizens would play a major role in promoting the rights of citizens until the government had the required capacities. Given this, the government had never given the issues of promoting rights to foreign bodies and countries. The issue of promoting rights and advocacy on issues concerning democracy, human rights and good governance were reserved only to citizens.

Mr. Hailemariam Dessealegn– The House Government Whip (EPRDF)

- The draft law had passed through various discussion forums and important and relevant amendments had been undertaken at different stages. Hence, the claim that the standing committees' resolution had only done cosmetic changes did not consider the amendment and improvements made during the different stages.
- The government thought that political parties were not a sufficient condition for promotion of citizens' rights. But, as stated in the country's different policies, our government had given the highest share to citizens to organize and promote their rights as specified in the constitution.

- The experience of our country had shown that there were some organizations which had not used foreign funds, but were successful in promoting their causes and rallying changes across the border. This showed that citizens did not necessarily require foreign funding to promote their democratic and other rights specified in the constitution.
- There were indigenous institutions such as Idir, Ekub, member and the like, in which Ethiopian citizens had organized themselves for different purposes through individual contributions. We could not say that there was no culture of organization in the country for different purposes. Citizens could mobilize resources from domestic sources once the commitment to get involved in the promotion of rights was widely acknowledged by citizens.
- The legislation of this law will not affect the country's relationship with donor countries. These countries have similar legislation which prohibits political activities to foreigners and reserves political activities only to their citizens.

Response by the Legal and Administration Affairs Standing Committee Chair

- Ethiopian societies and Charities and Ethiopian resident charities had the right of appeal to the court on decisions of the Board. The decision of the Board was final only to foreign CSOs. This was in line with other countries' experience' in which the activities of foreigners operating in the country was guaranteed by the permission of the government.
- The issue of citizenship did not only include individuals but also rights exclusively assigned to citizens. Hence, it was customary to differentiate between foreign and domestic organization based on the rights assigned to citizens and foreigners.
- The committee accepted the drafters' proposal that various criteria could be used to differentiate between CSOs taking their source of funding since independence and autonomy of CSO were heavily dependent on their source of finance.

The approval of the draft CSOs proclamation

After different opposition parties and the ruling party (EPRDF) representatives had voiced their concerns and comments on the draft law, the Speaker of the house finally put the draft law to the vote. Based on this, the CSOs draft law was approved by 327 votes for the law and 79 votes against the law. All MPs who represented EPRDF voted for the law, while all opposition MPs voted against it.

The preceding case study on the formulation of one of the most contentious law on civil society in Ethiopia has illustrated that public participation in the policy and law making processes is more formal than real the more so in a politically fragile state such as Ethiopia because although the Government has provided a forum for individuals, groups and organizations to offer their views and preferences on the law, these were often ignored because the consultation was conducted in a shallow and ritualistic manner. In this particular case, the concerns and dire warnings of civil society leaders and activists, opposition politicians, researchers/academics and concerned citizens that the law would cripple civil society were ignored, and the Government's version of the legislation came out at the end. The prophecies of those who participated in the debates proved right because the number and type of civil society organizations had drastically gone down over the past 10 years or so not to mention the fact that the space for independent activity by non-state actors has shrunk as a result of the enforcement of the draconian law. The lesson that can be drawn from the Ethiopian experience is that it is absolutely necessary that Government's heed the views and concerns of relevant stakeholders in making policies and laws as an essential requirement for accountable and participatory governance. The additional lesson that can be derived from the Ethiopian experience is that unpopular laws and policies imposed by authoritarian political orders will certainly change for the better when major shake ups occur in the system. The recent radical revision of the civil society law and the repeal of most restrictive provisions following the coming to power of the new Prime Minister Abiy Ahmed is a case in point. Simply put, authoritarian and fragile political systems as typified by the Ethiopian state are well advised to consult citizens on all aspects of governance and be loved rather than be feared to enhance their legitimacy and promote humane and democratic rule.

6.2. The rationale for the initiation of the revised family law

Introduction⁷

The main purpose of this case study is to review the experience in formulating a piece of legislation with important implications on the rights of women and children, and how these are perceived by different religions and different stakeholders in the law-making process in a fragile Ethiopian political state.

Background

The Ethiopian civil and the penal codes were enacted a long time ago. Appropriate updating on these laws had not been undertaken for a long time by taking into consideration the changing circumstances of the country.

It was clear that the existing family law required updating due to changes in the objectives and content of the FDRE constitution; the need for aligning the code with policies and strategies prepared by the government; and the need to ensure concordance with international agreements and conventions that Ethiopia's had agreed to or ratified (MoJ,2000⁸).

According to the Ministry of Justice's (MoJ) family law draft summary explanation, the following major issues were identified as the reasons for the revision of the family law:-

- The need to make the existing Ethiopian family law compatible with the socio-economic development of the society and, above all, with the new 1995 constitution of the country.
- The realization that marriage shall be based on the free and full consent of the spouses, and that it is necessary to provide the legal basis which guarantees the

⁷This case study on the promulgation of the family law reviews the rationale for updating the law, and the main issues and justifications raised in parliament by the relevant stakeholders invited for public consultation. The parliamentary minutes of the Social Affairs Standing Sub-Committee and documents from the Ministry of Justice (MoJ) were used to prepare this case study as part of this book⁷.

⁸Family law draft summary explanation provided by MoJ to the HoPR.

equality of the spouses-during the conclusion, duration and dissolution of marriage.

- The necessity to amend the law in such a way that it gives priority to the well- being, upbringing and protection of children in accordance with the constitution and international instruments which Ethiopia has ratified.
- The necessity to settle disputes arising in the family by a competent organ in a just and efficient manner.

Based on the above major rationales for the change of the family law, the former Ministry of Justice prepared a draft law to guide the public discussion at various levels before sending into the House of Peoples Representatives (HoR) for final approval.

Since the law on the family touches all sections of the society, it was necessary to conduct public discussions at large. To involve the public on the revision of this family law, wide-ranging consultations by different sections of the Ethiopian public were held throughout 1998-2000. All in all, a total of six workshops and discussion forums were organized on the law by various stakeholders during this period. These are described as follows:–

- The House of Peoples’ Representative’s Women Affairs Standing Committee held a 3-day workshop in Debre Zeit with professional support from the Federal Legal Research Institute. There were atotal of 150 participants drawn from the House of Peoples’ Representatives and female representatives from regional and worked council’s and also participants from different institutions. Four discussion papers were prepared and presented to the workshop. These focused on the conclusion of marriage, irregular unions, i.e., spouses who live in a sexual relationship without getting married)’; dissolution of marriage; and on affiliation and adoption.
- Through the principal coordination of the Prime Minister Office’s Women Affairs Sub- Division and with the professional support of the legal research institute a five-day workshop was held in Addis Ababa. A total of 250 participants drawn from various associations, including women civil servants, business owners, and associations involved in development, professional and other relevant organizations took part.

- Through the principal coordination of Addis Ababa City Administration three-day workshop was held in 1991. A total of 200 participants drawn from the city administration's zone, woreda and kebeles officials, the administration's various sector office representatives, public representatives from each woreda, prominent individuals and the elderly as well as representatives from youth and women associations participated in the workshop.
- A five-day workshop was held in Addis Ababa through the principal coordination of the Ministry of labor and Social Affairs (MoLSA) and with professional support of the legal research institute. A total of 200 representatives from religious institutions, higher education institutions, concerned federal and regional bureau representatives, and also prominent professionals and individuals participated in the workshop.
- A three-day workshop was held in Dire-Dawa City Administration. A total of 250 participants drawn from the city council officials, representatives from religious associations, rural and urban residents and also participants from various sections of the society were involved in the workshop.
- Finally, a five-day conference, which was intended to conclude the long public discussions on the draft family law, was held in Addis Ababa at the Economic Commission for Africa (ECA) conference hall. In this conference, contentious issues raised during the previous discussion and amendments on the draft law were evaluated. This conference was mainly intended to accommodate essential comments and suggestions on the draft law and present an improved version to the Council of Ministers and the House of People's Representatives.

Important inputs and feedback were received in all the public discussion forums. Some of the issues raised in the public consultations were very contentious, while others were important.. Among the issues categorized as contentious during the public consultation were the following: –

Forms of marriage

The views regarding the forms of marriage were mainly related to the necessity and applicability of national marriage forms, on the one hand, and the inclusion of religious or customary marriage forms in the revised law, on the other hand. According to the existing family law, there are three forms of marriage: national, religious, and customary marriages. According to Article 34 of the constitution, the law recognizes marriages concluded under religious or customary laws. In relation to this, an important concern during the consultation was whether recognition should be given to customary and religious marriages in accordance with the constitutional provision. One view was that religious and customary marriages should be recognized under a separate law. The other view was that these marriages should be recognized in accordance with the constitutional provision relating to the revised family law. It was also argued that the law should explicitly mention that these marriages should be based on the free consent of the spouses, and the equality of the spouses in marriage conclusions, duration and dissolution. Furthermore, any subjugation and sexual harassment of women should be prohibited in both religious and customary marriages. Moreover, recognition of religious and customary marriages should not violate the principles and rights specified in the constitution. It was also pointed out that marriage registration under custom or religion should ensure the fulfillment of essential conditions in accordance with the constitution and the revised family.

Given all the views, there was a consensus that national, religious and customary marriages were acceptable by law. However, these marriage forms should fulfill essential conditions like age, consent, prohibition of marriage between consanguinity and all should be registered by a legal body.

Betrothal

Betrothal issues were specified in the civil code from Articles 560-576. According to Article 560 (1) a betrothal contract involves two members of two families agreeing that a marriage shall take place between two persons, the fiancé and the fiancée, belonging to two families. Betrothal was considered way of setting and ensuring the future life of their children as the families desired, based on their customs and the traditions. Although it differs in its specificity in different parts of the country, in general betrothal is a way of acknowledging the authority of the family to decide on their minor's future. According to

the draft law prepared by the Ministry of Justice (MoJ) and presented by the legal research institute to the public consultation, betrothal was defined as “an agreement between a fiancé and fiancée with an intention of concluding a marriage between the two in the future”. This legal provision is amended in the existing family law by excluding the role of the family in arranging betrothal for their minors or children, so as to align spirit of marriage based on the free and full consent of the spouses as per the constitution.

Impediments to marriage

Marriage age

In order to conclude marriage that will have effect under the law, one of the issues which was controversial during the public consultations was the question of the legal marriage age. Under the civil code, the legal age for a man is 18 and for a woman⁹. The debatable issue was whether this difference should continue in the revised law.

The most widely accepted position during the consultation was that it was inappropriate to lower the marriage age to 15. Allowing marriage at the age below the decency age of 18 would not ensure whether the marriage was taking place by the free and full consent of the spouse. Hence, the majority view was that the legal marriage age for both men and women should be 18. This position was supported by the national population and education policies which promote the raising of legal marriage age so as to lower fertility rate and enable girls or young females to attend school.

Many professional women associations, such as EWLA, argued that the determination of legal marriage age should be based upon physical condition, maturity, living and health condition and also the customs of society. Given the agrarian nature of Ethiopia's economy, where most of the population resides in the rural parts of the country, specifying the legal marriage age at 18 would create enforcement problems. Rather, the group argued that before prohibiting marriage below the age of 18, it was important to first create awareness on the disadvantages of early marriage. Finally, it was proposed that since the federal proposed family law would be applicable only in Addis Ababa and Dire Dawa city administrations, which have relatively higher urban populations, the legal marriage age should be 18 for both women and men.⁹

⁹Mandefrot Belay, 2016

Marriage between consanguinity

The other controversial issue during the public consultation was the Article concerning marriage between consanguinity. According to the civil code, marriage between relatives up to seven generations was prohibited. Marriage below this standard was considered a criminal act by this code. The draft revised family law proposed that marriage between relatives should be prohibited up to five generations.

In the public consultation, a representative from the Ethiopian Orthodox Church argued that prohibition in the existing civil code should continue because doing otherwise would promote marriage between relatives and this was even problematic by modern scientific evidence in which marriage between relatives has a high probability of creating genetic problem.

Given the concern of various sections of the society regarding consanguinity, which prohibited marriage between consanguinity up to seven generations and those who proposed marriage between close relatives in accordance with their customs, it was proposed that the middle position of prohibition of marriage between individuals who shared a direct common bloodline be adopted.

Irregular union

In the existing law ‘irregular union’¹⁰ was not recognized as a legal marriage and when conflict arose in irregular unions the man was required to give a three months’ alimony for the women. In the draft law it was proposed that a marriage in an irregular union should be recognized as a legal marriage and if the relationship lasted for five years then property acquired during this period should be assumed as common property.

Some participants at the consultations argued against the recognition of irregular unions because they feared that this would promote adultery, reinforce the economic dependence of women on men, and violate the property rights of married individuals. On the other hand, the supporters of this recognition argued that this article would discourage relationships beyond one’s legal marriage and would help to ensure the rights of women and also promote the welfare of children born from irregular unions.

¹⁰An irregular union is the state of fact which is created when a man and a woman live together as husband and wife without having concluded a valid marriage (Revised Family Code, Proclamation 213/2000).

Prohibition of bigamy/polygamy

The other widely debated issue was the prohibition of polygamy. The debate concerning polygamy revolved around the recognition of cultural and religious marriages. Followers of the Orthodox Christianity supported the prohibition of polygamy. On the other hand, followers of Islam argued that the prohibition of polygamy would violate the religious rights of the Muslim community enacted in the constitution and should not be prohibited. Most women rights advocacy associations or organizations which supported the prohibition argued that whether polygamy was accepted by religious or customary practices, it contradicted the constitution; therefore, it should be banned.

Finally, it was proposed that polygamy should be banned by the revised law considering the constitutional provision and other relevant laws of the country.

Other major issues voiced during the public consultation included the following:

- The role of arbitrators
- The reason for filing divorce
- Specifying health checkup as one of the essential preconditions for legal marriages
- Choosing the occupation of spouses
- The protection of children and property during the divorce process
- Period of widowhood
- Sexual violence during marriage
- Hiring of womb

These were among the issues that were extensively debated during the public consultation before the law was submitted to the House of People's Representatives (HoPR). It was noted that some of the issues such as role of arbitrators, the protection of children and property and the period of widowhood, considered in the draft law would not contravene the rights ascribed by the constitution to women. Others, such as the reason for filing divorce, health checkups as an essential precondition for marriage, choosing occupations, sexual violence during marriage and the hiring of womb, were removed from the draft law because these would contradict the rights specified in the constitution, while others would

not be appropriate given the culture, custom, tradition and religious value of the society at large.

Public hearing discussion

The public hearing was prepared by HoPR's Women Affairs Standing Committee. The committee took the whole responsibility of organizing this public consultation through the TV and radio to enable various sections of the society to participate in the consultations and also by officially inviting prominent individuals and various associations. The hearing was moderated by the Chairperson of the Standing Committee. A total of five individuals, including drafters of the law, one representative from the MoJ, three from a legal research institute and one from Addis Ababa University were invited to elaborate the draft law to the participants in the public hearings.

After the elaborations, the Standing Committee chair opened the floor for the public hearing participants to express/voice their questions, comments and suggestions on the draft law.

Mrs. Meaza Ashenafi from Ethiopian Women lawyers Association (EWLA)

- She spoke against the applicability of this revised family law to regions that are accountable to the federal government. She queried why the right of women to universal suffrage was not stated in the draft law?
- She asked for more explanation on pension rights. Since pensions were not considered as a common property for men and women, it had become a controversial issue. Due to this some judges did not consider it as a common property in disputes involving property.
- She noted that the final judgment on divorce and division of property was under the jurisdiction of the court, but Article 83/2 stated that the court should give its judgment by itself, by arbitrators or by professionals appointed by the court or by any suitable means in which the court deemed appropriate can decide depending on the conditions of divorce. She insisted that this was not clear and asked further clarification.

- She insisted that it was advisable to specify the rights of the children to live with their mother, when they are under five years. This issue was included in the civil code, but not in this revised law. Given its importance in ensuring the welfare of infants, she advised its inclusion in this revised law.
- She strongly suggested that the rights of women to choose their occupation be included in the draft law.

Fetawerari Amedae Lemma – a prominent individual and social activist, who served as an MP during Emperor Haile Selassie’s Era

- If the revised law was going to be approved by the national parliament in accordance with the constitution, regions should be allowed to enact their own family law taking into consideration local cultures and customs.
- It was important to include in the law that the spouses should live in tolerance as much as possible rather than allowing unconditional divorce.
- The issue of arbitrators had been well studied but has its own problems. It is also advisable that arbitrators be chosen by the consent of both parties. On the other hand, to address the problems observed in the past, it is necessary to refer the issue to formal judges with modern education, who are aware of the customs and traditions of the society.
- In the existing draft law children below the age of five were to be raised by the mother. However, it is important to state that this would not be applicable if the mother was incapacitated to raise the child for whatever reasons.
- It is important to replace the Article which states, “Living under sexual relationship”, with other appropriate words or statements.
- According to the civil code women are allowed to marry again after 180 days following divorce. Since it was now possible to ascertain pregnancy within three months, it was important to reduce the period in this revised law.

The requirement that any marriage forms, including national, traditional or religious were to be legal when registered was problematic given the lack of registration systems and skilled man power in rural parts of the nation. *Mr.Genene Bizhunek– formerly an expert at*

the Central Statistical Agency (CSA) –now a consultant at the African Development Bank (ADB)

- The lack of civil or vital registration system would affect the submission of written proof about the spouses' age. In addition, given the lack of appropriate legal framework and institutional arrangement for the system, institutions which will be responsible for this should be specified in the revised law.

The late Dr. Konjit Fikade – a civil society activist and women rights advocate, and one of the founders and board member of the Forum for Social Studies (FSS)

- If the three months cooling period indicated in the law was over, it was important to state that the court should give its final verdict on the case.
- The Article which stated that the raising of children below five years, and its criteria for the selection of the responsible body, did not represent the situation of women in our country. The criteria of income, age, health and living standards relatively favored men compared to women, and this would give unequal rights to the father to raise the child. To ensure that infants got the necessary care and psychological support, in most countries infants below the age of seven were generally allowed to live with their mother. She advised that this provision be revisited so that infants below the age of seven could be exclusively raised by their mother in case of divorce. This could ensure the equal rights of the mother and also was to the benefit of the infant.

Mr. Bedru Adem-Opposition – anMP during the law revision process

- If spouses agreed on a certain issue and if one of them had the right to submit divorce independently, it was not clear how this could be considered an effective contractual agreement.
- The law recognized religious marriages and at the same time states that was to be governed by Article 11. This was not very clear. Was this not in contradiction with the Sharia law?

Additional comments and suggestion for warded by different participants

- One participant said “I am opposed to the court referral of the divorce case back to the arbitration committee since the court should be the one which should conclude the case rather than referring it back to the arbitration committee, which did not have a formal verdict role”.
- “The proposed legal marriage age for woman in the draft law does not consider the living conditions in rural Ethiopia. In addition, raising the legal marriage from 15 to 18 would not be in the best interest of rural women.’
- The draft law stated that betrothal could take place through formal agreements or according to customs or traditions. It is important to clarify how this would avoid unwarranted consequences. The draft law should include transitional articles concerning the registration of marriages. To mitigate the challenge of establishing the institution responsible for registration and also the lack of awareness on marriage registration, appropriate transitional provisions needed to be included in the law.
- The law should clearly define marriage contracts and marriage letters in ways that will be understandable for the wider public. In addition, the law should clearly state how inheritance which comes after marriage shall be divided during the dissolution of marriage.
- The Article which stated that ‘maternal filiations is ascertained from the sole fact that the woman has given birth to the child’ needs to include other means of ascertaining maternity and paternity, given the changing role of mothers because of modern technology.
- Although raising the child when the father died by the grandparents was a worthy article, it would create a property division claim by the grandparents from the wife and it was necessary to prohibit it in the revised law.
- On the one hand, the draft law stated that the legal marriage age was 18, and on the other hand, it stated that through authorization of the court, the legal marriage age could be lowered to 16. This provision would open a loophole for early

marriage and this also would reinforce early marriage practices in some parts of the country.

- The specified provision in the revised law regarding the authority of the family to take disciplinary measures on their own offspring violated international agreements and conventions the country had signed. The draft law stated that marriage concluded in a foreign country will be legal, but this would create problems in relation to the customs and morale of the society. Hence, this should be more clearly specified in the law.
- How the Article regarding the registration of marriage and its effect could accommodate the late registration of marriage after its conclusion was not clear. Also, it was not clear how the issues of property gained before the registration and the children born would be considered.
- The revised draft law stated that the husband and the wife were obliged to live together. What if one of them was unable to live with their husband/ wife due to circumstances which were beyond their control, such as education and work?
- The law states that one who committed the wrongdoing was liable to pay indemnity. But the law does not specify the type of wrongdoing that would necessitate payment of indemnity.
- The responsibility of the spouse to raise their children was clearly specified; however, the issue of children born from irregular unions is not stated. Why was it not included?
- The reason for the cancellation of adoption was not clearly specified?

Some responses/explanations by the drafters of the revised law

- The cooling period and the advice given to the spouses to settle their dispute through an arbitrator was only intended to give advice and it was not mandatory if they were not interested to discuss the issue with arbitrators.
- In the draft law debt should in principle be paid by the one who owed it, and the payment of debt independently as stated in the law was to be paid from private property. However, in cases when the spouses did not specify their private

property during marriage, the property would be considered as a common property and in a situation where the private property would not cover the debt, it would be paid from property held in common.

- Regarding the applicability of the law, the drafters of this law explained that it was not necessary to list the place where this law would be applicable, since specifying it in this manner would give signals to regions to claim that the law is intended for big urban areas. Defining marriage was not important given the recognition of civil, religious and customary marriages as long as all satisfy the essential condition for legal marriage.
- Concerning choice of occupation, it was not necessary to state in the constitution that any individual could choose his/her own occupation, since it would not be relevant to specify the right to choose occupation in the family law.
- The draft law specified that consent of the spouse to authorize lending or borrowing is required and the framers of this law believed that mentioning the amount might not be necessary.
- Concerning filiation, the draft law specified the ascertainment of both maternity and paternity. However, having maternity specified by a technological procedure would contravene the culture, religion and the living condition of the society, and would not be acceptable by other Ethiopian laws. Hence, the framers of this law would argue that giving birth to a child shall ascertain maternity automatically.
- The permission allowed for grandparents to raise children would not influence the wife, since the decision would be undertaken by involving the courts.
- Concerning the challenges in registering marriages, the law had specified that the registering body (Institution) should be established within six months of the approval of this law and this would significantly address the concerns voiced by some participants.
- The role of arbitrators is only limited to the counting of property and other relevant issues which would not be performed by the judges, but the final judgment which was legally binding was only reserved for the court.

- Regarding priority to give the mother to raise children below seven years, the framers of this law assumed that the decision would be made by the courts which would choose appropriate persons based on a set of criteria that would ensure the welfare of the infant.
- The framers of this law followed no fault divorce principle; however, the judges could give three months of cooling period taking into consideration and observing the mental condition and the psychological state of the spouses.
- Concerning pension and other incomes, as the draft law clearly puts it, any income, which includes pension obtained after conclusion of marriage, would be considered as a common property, and therefore it would not be appropriate to specify which source of income would be deemed common income after the conclusion of marriage.
- Concerning lowering the age of marriage in specific circumstances, the law stated that this should be authorized by a relevant legal body; this would not create loopholes for the continuation of harmful traditional practices and that violate the right reserved by the constitution.
- Concerning the period of widowhood the article which stipulates that the woman should remain widowed for 180 days would not be applicable if the woman gave birth to a child after the dissolution of her marriage; the woman remarries her former husband; if it is proved by medical evidence that the woman was not pregnant; and if the court dispensed the woman from observing the period of widowhood.
- Although the framers of this law were aware of the practices of early marriage in rural parts of the country, they believed that this practice should not continue as it was meant to protect the rights reserved for women and children in the constitution.
- Concerning the disciplinary measures that could be taken by families on their offspring, the constitution only prohibited physical punishment and inhumane treatment. Hence, families could take disciplinary measures as long as these are not inhuman and hurts\ children physically.

- The claim for the division of property for irregular union was set as five years in order to reduce the difficulties that would arise to identify common property when disputes arose.

Discussion, major changes and resolution by the Women Affairs Standing Committee

- The resolution of the Standing Committee affirmed that the revised draft family law was in line with the democratic system of the country and was prepared in accordance with the existing socio-economic and political developments. In addition, the Committee ensured that the law upheld rights assured by the 1991 constitution for women and children. Moreover, it also ascertained that the draft was in line with the international conventions and agreements that Ethiopia ratified concerning the elimination of harmful customary practices against women and also the socio-economic and political rights specified.
- Based on the above overall assessment, the Standing Committee proposed the following changes: –Article 82 (3) the court had the power to give a cooling period, but it should not decide what the spouses should do. Therefore, the Article should only state that the judges could give a cooling period for the spouses. As the draft law puts it, the court should not advise the spouse to reconsider the divorce case while giving a cooling period. The committee thought that this would limit the option of the spouses and the decision should be left to them.
- Article 8 (1) which stated that marriage between relatives with a common bloodline should be replaced by the provision that ‘marriage between direct ascendants and descendants is prohibited.’ The committee’s position on this Article was that the draft provision was too broad and would make some legitimate marriages illegal.
- Article 5 of the draft law stated that marriage that took place outside of Ethiopia would have a legal effect. The committee thought that this would allow marriages which contravene the public morals. Hence, the committee proposed that marriages that had taken place outside Ethiopia would have effect only if they did not contravene public morals. Article 86 (3) states ‘when the spouses consider the

retaking of personal property the same should be divided equally'. The standing committee proposed that the division of personal property should be based in proportion to their contribution, in a way which does not violate gender equality.

- The committee proposed that the article which prohibited adoption by families with more than four children was to be canceled. Given the large family size of Ethiopian families, the committee thought that this would create scarcity of adopters.
- The committee proposed that the existing law should be revoked for places where by this revised law is applicable rather than revoking the existing law for the whole country as specified in the draft law.

Discussion by the members of parliament before approving the law

Based on the preceding resolutions by the Women Affairs Standing Committee, the House discussed and voted on the revised law by going through articles by articles. Various issues were raised concerning the applicability of the law in different regions by members: –

Mrs.Genet Chockel – an MP from Amhara Region

- Was there a legal ground which supported the authority of Addis Ababa and Dire Dawa City administrations to enact a family law?
- Since the revised law was applicable to the two-city administrations, what would be the transitional law to govern regions until they prepare their own family law?

Mr.Desta Tesfa-- an MP

- The law was only applicable to Addis Ababa and Dire Dawa administrations. Could we say that this law is Ethiopian family law covering the whole nation? According to Article 55 of the constitution, the House of People's Representatives had the power to legislate a law on civil matters when referred to it by the House of Federation. This showed that it was possible to legislate a common family law which would be applicable across the country, and based on the standard (Common) national family law, while regions could legislate their own family laws.

Responses and elaboration by the standing committee chair Mrs. Hirut Birrso and the Speaker of the House, Mr. Dawit Yohannes

- The law is applicable only to Addis Ababa and Dire Dawa, because the constitution had given the power to regions to legislate their own family laws taking in to consideration their customs and traditions. If the federal government enacts a common family law which will be enforced across the country, this would contravene the constitution. The issue that the federal government could enact a common family law for the whole nation through the referral of the law by the House of Federation was debatable. The House of Federation had evaluated this alternative, and it was found that the issue of marriage was directly related to identities and traditions of nations and nationalities. Hence, the House of Federation decided that regions should enact their own family law.

Issues concerning marriage between consanguinity and recognition of religious and customary marriages were raised by members: –

Mr. /Aba Geberekidan W/Abezgi – an MP from Tigray Region

- It is not clear how the committee sees the bloodline definition of different religions as the amendment done by the standing committee regarding marriage between consanguinity does not reflect the prohibition of marriage between ascendants and descendants,

Mr. Ayalew Negash--an MP from Tigray Region

- If the Article concerning marriage between consanguinity is accepted, only children and families are considered relatives; how this would be accepted by the public needed further explanation.

. Mr. Deseta Kunassa Sidama – Peoples Democratic Organization (EPRDF)

- The prohibition of marriage among relatives with a common bloodline specified in the draft law was appropriate. However, the change made by the standing committee was not acceptable because it de facto lowered the definition of bloodline, in relation to conclusion of marriage between a direct line, ascendant and descendants as prohibited marriages. This change could open loophole for conclusion of marriage among spouses who could have a common bloodline.

. Mrs. Ababa Geberekidan Weldeabeezgi – an MP from Tigray Region

- It should be added in the Article that marriages between relatives need to receive approval from the religious leaders of the man and woman. Adding this Article will address the question raised regarding the permissibility of marriage between relatives allowable by some traditions and religions, but not widely accepted by other groups.

Mr. Mohammed Said – an MP from Amhara Region

- This issue of marriage between individuals with a common bloodline was part of the civil code. The civil code divides relatives into bloodline and marriage.
- The issue of marriage between relatives is a contentious issue given the various customs of the Ethiopian people; hence it was advisable to take the scientific reference to check the continuity of the family, thereby limiting the prohibition of marriages between relatives to four generations.
- The constitution was prepared by considering the needs of various communities. The issue raised by some members regarding the prohibition of polygamy is not substantiated by any evidence, since the constitution does not explicitly prohibit polygamy; hence, I would not support the view that polygamy is illegal. However, it is correct to set a minimum standard. If one of the standards was prohibiting extra marriage, and since Islam allows extra wives, how the law handles legitimate religious marriages was not clear. Would not this generate confrontation with Muslim citizens or would not this be tantamount to violating the religious freedom ascribed to the Muslim population by the constitution?

Mr. Indris Legesse – an MP from Amhara Region

- Imposing one culture on other people was not acceptable. If the law was going to prohibit marriage between close relatives, it would be important first to enact cultural and customary laws, which would help to enforce the family law in different places and across communities. Otherwise, people would not accept this law and would continue to practice their custom of marrying their closerelatives.

Mr. Iyaassu Dale Woliya – an MP from SNNP

- Different nations and nationalities have their own traditions and customs. Therefore, it would be important to add an article in addition to 8(1) and 8(2), which allowed religious and cultural marriages to particular groups according to their customs, traditions and religions.

Mrs. Genet Tadesse –anMP from AmharaRegion

- This law was enacted for Dire Dawa and Addis Ababa city administrations, and these cities were residences for many nations and nationalities. Hence, it was legitimate that the law must be enacted by taking into consideration the values and customs of these different groups. The proposal of the committee was also in accordance with the democratic system that the country was striving to build, which ensured the democratic and religious rights of the people.

Mrs./ Nuria Mohammed – an MP from Tigray Region

- Although the civil code prohibits marriage between relatives up to seven generations, the Muslim community did not prohibit marriage between cousins and marriages have been taken place irrespective of this law. Since the proposal of the standing committee considered the customs and traditions of all, it was better to accept it without making any changes. The recommended condition by some members of the House to specify marriages between relatives to five generations would not be applicable to all section of the society; and thus would make legitimate marriages illegal.
- What legal effects of marriages between relatives lower than seven or five generations would have was not clear. If the marriage is illegal, what type of action will be taken? What is the rationale for deeming marriages between relatives below a certain generation as illegal?
- Article 35 stated that in marriages women had equal rights to men and thus had the right to get equal protection, had the right to be emancipated from harmful customs, and also the right to oppose any custom, law or practices which oppressed or caused physical or mental harm. Therefore, these stipulations showed that one should not take for granted that the constitution did not prohibit

polygamy. Since any law which contradicted the constitution has no effect, it is important to make sure that the approved law was in line with this constitutional provision.

Mr. Bedru Adem – Opposition Party MP

- Some nationalities, such as Harari, allow marriage between second generations, while other nationalities like the Amhara did not allow marriages between relatives of ten generations. As it had been proved by scientific evidence, marriages between close relatives within two or three generation could create genetic problems, and as specified in the draft Article 26 and 27 religious and customary marriages are legal. Hence, it was not essential to list allowable marriages between relatives; rather, it would be acceptable for the majority of the House members to state the allowable marriage between relatives as five generations.
- Concerning the changes in Article 26 regarding religious marriage, accepting the changes by the standing committee would contradict the line specified in sub Article 2 which complement the essential condition or deem religious marriage as legal. If the prohibition and procedures are not explicitly specified, Article 11 which concerned the prohibition of bigamy would contradict Sharia law. If the religious marriage specified in the law needed to satisfy the essential condition specified for the civil marriage, the law would influence religions and create enforcement challenges.

Mr. Mohammed Abdu – an MP from Tigray Region

- Religion originates from individual beliefs and in Islam polygamy was allowed with the consent of the wife and if extra marriage takes place regardless of the consent of the wife this should be dealt with in the formal law. Otherwise if the marriage had taken place with the full and free consent of wife and husband it would not create any problems.

Mr. Kassawe Dirse– an MP

- Human beings are equal before the law; therefore, any legal provisions should ensure this principle. If two Muslim individuals want to marry according to their

religion, the law will not hinder them; however, it is important to set common criteria which will ensure equality of religions in relation to marriage.

Mr. Edamo Hergo— an MP

- The discussion regarding marriage should not go deep into religious arguments. Even issues espoused by people with the same religion differ, for instance the issue of polygamy, for some is a permissible act, while for others it is not. For instance, Egypt law prohibits polygamy. Therefore, the discussion should not be based on a specific religion or dogma, but rather should focus on the criteria that should be enacted to make religious marriage legal.
- It was necessary to accept traditional marriages, the national laws on equality of women, the free and full consent of individuals and the age of marriage; and these should be considered not as something which violate or ostracize Islam or other religions.

Response and elaboration by the Standing Committee Chair Mrs. Hirut Birrsoa and the House Speaker Dawit Yohannes

- Marriage between consanguinity was specified in this law, taking into consideration the cultural and religious diversity of the society, and the committee believed that it was better to have a middle ground Article for specifying marriage between relatives. Doing this would help to accommodate the concerns of those who support marriages between close relatives and those who opposed the idea.
- The necessary condition for the recognition of marriage applied to marriages concluded in both religious and customary ways. The government had a duty to ensure that marriage took place by any form and to respect the rights and freedoms specified in the constitution. Without satisfying this necessary condition any marriage would not be recognized whether it was concluded by religious or customary forms. The revised law could not specify the religious and customary practices of all sections of the society. This would not ensure the ensuring of the rule of law but creates legal intricacies. The only thing possible under this circumstance was enacting a provision which will govern all marriages.

Decision of the House concerning the article on marriage between consanguinity

- After this discussion and comments by MPs and responses by the Standing Committee Chair, the House cast its vote on the Article and it was approved by the House as proposed by the Committee. Only 3 members voted against it with four abstentions.

Recognition of irregular unions received the following comments and suggestions raised by members: –

Mr. Haile Adoro Dawaro --an MP

- Recognizing irregular unions, which are mainly relationships based on sexual relations rather than the conclusion of formal marriages, as well as recognizing the rights of a man or woman to claim for a share of propriety based on irregular unions promotes economic dependency of women on men. Moreover, the committee's rationale for the reduction of number of years for irregular unions from five years to three years is not clear.

Mr. Ayalew Negash –an MP from Tigray Region

- The lowering of the years for the recognition of irregular unions from five to three years is very problematic.

Mr..Mohammed Said –an MP from Amhara Region, ANDM (EPRDF)

- Recognition of irregular unions should only be given to a man and woman who have not entered into a formal marriage arrangement with others. Giving recognition in a situation where the partners had another legal marriage would promote adultery and polygamy. Furthermore, this would create a situation where a person who was involved in an irregular union would not be held accountable by law, because the law would not consider this as an illegal act. Recognizing irregular unions was against the custom and tradition of the public at large.
- The existing family law did not recognize irregular unions, but it obliged the man to provide alimony to his partner for three months, and specifying this on this proclamation would be important rather than recognizing irregular unions.

Response and elaboration by the standing committee Chair Mrs. Hirut Birrso and the House Speaker Dawit Yohannes

- The position of the Standing Committee was different from the Prime Minister's Office. The Prime Minister Office's position was that irregular unions should not be recognized, while the Standing Committee believed that irregular unions should be recognized. The proposal of the Standing Committee would ensure the welfare of children born from irregular marriages. In addition, the recognition of irregular unions was appropriate because it would discourage individuals from entering into informal sexual relations on top of their legal marriages.

Decision of the House

- The House approved the proposal of the Standing Committee by majority vote

Registration of marriage and property received the following comments and suggestions as raised by members:

Mr. Haile Adoro – an MP from SNNP Region

- To ensure the fair division of property, spouses needed to register their own private property to make sure that conflict would not arise when one of the party claimed exclusive right of their private property.

Mr. Ahemed Muktar – an MP from Gurage Peoples Democratic Organization (EPRDF)

- If any marriage needed to register by the officer of civil status, the identity, powers and responsibility of this body should be explicitly specified in this law.

Mr. Mohammed Abedu – An MP from Tigray Region

- Given the historical injustices committed against women, the division of property as specified in the draft law giving priority to women was legitimate as compared to the provision proposed by the committee.

Response and elaboration by the Standing Committee Chair Mrs. Hirut Birrso and the House Speaker, Dawit Yohannes

- The issue of the registration of marriage would be addressed by a separate law which would specify the registration of birth, marriage, and mortality. The law had been drafted by the legal research institute and would ensure the proper registration of marriage, which was problematic in the existing family law.

- The purpose of the law was to ensure equality between the spouses, and not to give special and differential treatment to women. Hence, specifying that the spouse should be allowed to take their private property in accordance with their contribution is legitimate.

Decision of the House

The article was approved unanimously by the House as proposed by the Committee.

Concerning the specific condition for adoption, members commented as follows: –

Mr. Ayalew Negash – an MP from Tigray Region

- He queried why adopting family size requirement was removed from the draft law?

Response and elaboration by the standing committee chair Mrs. Hirut Birrso and the House Speaker Dawit Yohannes

- Given the large size of families in Ethiopia, limiting the adopting families' choice of adoption would create a scarcity of adopters. Hence, the committee believed that according to the judgment of the court adoption should be allowed irrespective of the family size

The decision of the House

The House approved this article unanimously as proposed by the Standing Committee.

Comments and suggestion raised by members concerning the role of arbitrators: –

Mr. Fikadu Hirpo – an MP from Oromia Region, OPDO (EPRDF)

- Under the existing family law, the arbitrator committee had the power to see divorce proposals and this has been problematic during its enforcement, due to the intervention of non-elected individuals other than the arbitrators. The cooling period specified in the draft law ensures that if spouses are not able to solve their problems during the specified period, the court would give its final verdict on the marriage. Issues raised during arbitrators' engagement might not be raised in the court and it would create difficulties unless and otherwise the hearing at the court

took place in a closed hearing. Therefore, it is important to specify the roles of arbitrator in the law.

Response and elaboration by the Standing Committee Chair Mrs. Hirut Birrso and the House Speaker Mr. Dawit Yohannes

- In the revised law the role of arbitrator is to provide final judgment if a divorce request is rejected. However, the law gave a three months cooling period to enable the spouses to solve their differences, and they could nominate/select their own arbitrator. The role of the arbitrator was to help them solve or reconsider their divorce issue. If the problem was not solved within three months the court would be obliged to give its verdict within one month.

The Decision of the House

The House approved this article unanimously as proposed by the Standing Committee

In conclusion, it can be judged from the preceding case study on the promulgation of Ethiopia's family law that different and relevant stakeholders, such as politicians from the ruling party and the opposition, children and women rights advocacy groups, religious leaders (both Christian and Islamic) and community groups were given a forum to air suggestions and inputs on the law. No doubt that this kind of public consultation in the making of laws is a cardinal principle in participatory and responsive governance, which, a fragile democratic state the likes of Ethiopia should uphold. As repeatedly pointed out in this study, however, the reality on the ground in Ethiopia is that public participation and consultation in the policy process is much more formal than real. It is heartening to note that this has begun to change recently for the better with the introduction of important changes in the country's politics under the leadership of the new Prime Minister Abiy Ahmed. Simply put, there is no viable future alternative for a stable and peaceful Ethiopian state and society located in one of the world's volatile regions short of institutionalizing a participatory and inclusive governance regime. Nothing can be more true than this observation because if history is to be the judge the authoritarianism that the country passed through three post-World War regimes of different persuasions and ideologies has disastrously failed.

Chapter 7: Preliminary reflections and recommendations

Introduction

In a democracy, parliaments are important institutions with three key functions – making policies and laws, exercising oversight over the executive, and serving as representatives of the people. These roles assume particular significance in resource-poor countries like Ethiopia because parliaments contribute not only to strengthening democracy but also play a pivotal role in the governments' efforts to reduce poverty. By making pro-poor policies and through active engagement with constituencies, parliamentarians can also greatly aid the efforts of poverty reduction in poor countries, such as Ethiopia.

Parliament and public engagement is an important aspect of the democratic process. Apart from broadening the democratic space, the interaction can help parliamentarians to be responsive to the needs and concerns of their constituencies. In addition, when citizens regularly engage their representatives, public voices can be better heard in laws and policies made by the government, as we explained in chapter 2. Public input into the legislative process enhances legitimacy and garners support for the government's anti-poverty plans and programs. As the Ethiopian experience suggests, the imperative for parliament-public engagement cannot be aided without the political system's commitment to be participative, widening of the political space, and recognition of the constructive role that non-state actors, such as the media and civil society, can play in strengthening democracy.

In recent years, parliament in Ethiopia has been supportive of pro-poor and pro-growth policies, and this has contributed to significant reductions in poverty levels (see chapter 2). However, we have shown in this book that this economic success has not been accompanied by an equal measure of democratization and widening of the political space. Despite the dawn of multi-party politics in the early 1990s, the system of rule has long been dominated by a single ruling party, and no viable alternative has emerged over the years. Neither have there been a vibrant civil society and independent media, which are essential ingredients of a democratic and competitive political process. It needs to be pointed out, however, that there are some strong civil society organizations that have been able to operate within a very difficult political environment.

As part of the parliament-public engagement process, ruling party rules in Ethiopia dictate that parliamentarians must visit and talk to their constituencies at least twice a year. This interaction can be taken as a sign of the party's commitment to consider voter concerns and preferences in laws and policies, as well as remain accountable to the electorate. Nevertheless, as indicated in chapter 3, these exercises are far from being perfect expressions of effective democratic engagements. In interviews conducted with parliamentarians and constituency discussions with the community, these interactions were not viewed as exercises in democratic and accountable governance, but rather attempts to entrench the dominance of the ruling party among the voting public. Focus group discussions and interviews with constituencies revealed that the public generally lamented the fact that they were not presented with alternative economic and political choices other than those by the ruling party.

So, formal rules and reality are quite different in parliament-public engagement in Ethiopia. Preliminary findings of this study suggest that politicians/parliamentarians neither actively engage the electorate nor do parliamentarians carry out their oversight functions effectively because of single party dominance of the political space. Simply put, in a situation characterized by one-party rule, such as the one in Ethiopia, and where alternative outlets are not available for citizens to sound out public opinions, it is not easy to assess the extent to which parliament-public engagements are, or might be, effective tools for promoting democracy and representative governance.

In addition, one-party monopoly of the political space has also meant that parliament is constrained from exercising the oversight functions over the executive. In many parts of Africa including Ethiopia, where the executive is dominant, legislatures are not very active in initiating legislation or policy, and their roles are limited to endorsing bills or policies presented by the executive. Debates on policy are often limited in the interest of towing the single-party line, which means the range of policy choices for citizens is very limited too (Bereket, 1967). In other words, debates critical of government policy are often ignored or suppressed. Simply put, in many one-party African states, parliament's control over the executive is ceremonial, and is intended to provide legitimacy to the ruling party rather than an exercise in checks and balances.

Strengths and weaknesses in Ethiopian democracy

Although the country in recent years has made significant progress in economic growth, much work remains to be done in democratizing the political space and creating a level playing field for different contestants to partake in the political process. For a viable opposition to emerge in Ethiopia, it is absolutely necessary that the ruling party ease the restrictions on independent political activity and create conducive conditions for vibrant civil society and media organizations. Simply put, the government must be put to task to respect the constitution, which provide for the full and unfettered exercise of citizens' rights to free political activity and freedom of expression.

The Ethiopian parliament has a very influential and active women caucus consisting of 17 women parliamentarians in the executive leadership. The 152 women parliamentarians (27.9% of the 546 seat parliament) work vigorously to have enough representation of women in the six permanent standing committees, and actively participate in the budget debates to ensure that gender is mainstreamed in education, health and infrastructure budget allocations. As we explained in detail in chapter 4, in field discussions, it was revealed that the caucus had prepared a checklist to guide discussions with constituencies by women parliamentarians. The aim is to ensure that women issues and concerns are given sufficient focus, particularly in national poverty mitigation efforts. It was also learnt that the checklist is shared with other male parliamentary peers who support the cause of women rights to help them in constituency engagements.

In addition, the caucus has been very active in championing pressing needs of women and girls. For example, it works closely with public health service providers and other interested parties to mitigate the adverse effects of HTPs on women and young girls. Working to reduce the attrition rate of female students in colleges and universities has also been yet another of their preoccupations. This can be seen as a significant achievement in a male-dominated and traditional society such as that of Ethiopia. It was explained that donors had shown interest to support these kinds of initiatives by the women's group.

Although the women parliamentary caucus has been effective in championing the causes of women, other civil society organizations, such as the Ethiopian Women Lawyers Association (EWLA), have not been lucky. This organization has been very much affected by the Government's civil society law because restrictions were imposed on its activity, and

its funding levels from outside of the country were closely scrutinized. As a result, the organization is not allowed to work to advance women's rights or fight gender-based violence (GBV) if it receives more than 90 per cent of its funding from donors outside of the country.

Based on field discussions for this study, it was found out that the Ethiopian public is generally critical of their parliamentary representatives. Most participants in FGDs complained that there were not given many choices during elections because the playing field was largely filled by candidates from the ruling party. Also, there is very little trust in parliamentarians being able to adequately represent the needs and concerns of their constituencies. Parliamentarians are viewed as being more accountable to the ruling party than the electorate, and this is a natural outcome of one-party rule.

Many participants in the constituency discussions, reported in chapter 3, also criticized parliamentarians for not fulfilling election promises suggesting the view that they would not give their votes to such representatives again. Although party rules stipulate that parliamentarians should visit their constituencies twice a year, the public does not view these as effective forms of engagement between the public and their parliamentarians because the meetings are formal and structured in such a way as to promote party interests rather than serve as effective forums to promote dialogue.

In discussions with parliamentarians, it became clear that there was mistrust towards independent civil society organizations. While this may be taken as an indication of the antipathy of the party and the government towards the civil society sector and other non-government/independent actors, the observation should be considered tentative because it involved a limited sample of parliamentarians. It can be argued that the views of politicians towards civil society are very much influenced by the recently promulgated government law restricting the activity of civil society and charitable organizations. The main criticism from parliamentarians was that there was a lot of misuse of resources in the civil society sector, and these organizations were not transparent and were accountable to no one but only to themselves.

On the contrary, a significant majority of the public that participated in the focus group discussions had a favorable opinion of the civil society sector. They believed that these organizations were good at delivering development and providing essential public services, such as water and health, to poor communities. The public also recognize their

immense contribution to poverty reduction and alleviating food insecurity. They were particularly credited for their contribution towards improving the situation of the marginalized and hard-to-reach segments of society. The useful roles that these organizations could play in promoting good governance, and empowerment issues for poor women, children and other disadvantaged groups of the society, were much more appreciated by the community than the politicians.

Civil society leaders/managers and some members of the public have complained that parliamentarians have not been accountable to their constituencies (see chapter 3). In particular, the major complaint by the community was the absence of sufficient public consultation on laws and policies passed by the federal parliament and regional councils. This was particularly true in the adoption of controversial legislation, such as the anti- terrorism law, which has often been criticized as being unfairly used by the government to stifle dissent. For their part, politicians and parliamentarians believed that there was sufficient consultation and engagement of the public in policy issues, as was explained in chapters 5, while the electorate believed that these were largely formal rather than genuine attempts to encourage public participation in the policy process.

In many cases, civil society organizations and other actors, such as the private sector and the media, deal with the executive organ of government, and often their interaction with the legislators is somewhat limited. As a practical matter, it is the executive which registers and regulates the activities of civil society organizations in Ethiopia. It is the opinion of some civil society organizations that this vertical relationship must be accompanied by greater interaction with the legislature. This will provide more opportunities for civil society organizations to present cases to parliament directly, and this will aid their advocacy work for the rights of groups that they serve.

Finally, it can be observed that parliament in Ethiopia has established a good track record in poverty mitigation. Although dominated by the executive, the legislature has been credited with backing pro-poor and pro-growth policies that have contributed to substantial reductions in the levels and severity of poverty. In particular, it is worth mentioning that parliament has used the budget as an important tool for poverty reduction. This has become obvious in budget debates when members of parliament scrutinize the annual budget to ensure that sufficient allocations have been made to programs targeting poverty alleviation.

This was also a point repeatedly raised in the interview with the Chairwoman of the Budget Standing Committee.

As part of the national growth strategy and poverty eradication effort, the Ethiopian parliament annually allocates a significant chunk of the national budget to the regions. For example, in 2015, 34.7% of the total national budget was given as general grant to the regions for implementing development programs and providing public services. In addition, the federal parliament's regular 1% allocation of total regional financial transfers as specific grants to regional governments to meet MDGs is indicative of parliament's support for poverty reduction efforts (Meheret, 2014). These and other concrete measures attest to parliament's commitment to stimulate balanced and equitable regional growth and aid poverty reduction efforts.

Policy implications of our findings

This book has contributed some significant evidence for assessing the strengths and weaknesses of parliament in Ethiopia, including why it has not developed into a potent vehicle for the democratic transformation of the post-WWII state, the more so over the past 25 years of rule. In particular, it has to be noted that the country has achieved relative economic improvement and poverty reduction but there has also been increased political and social instability because of a shrinking political space and authoritarian rule. Democracy rooted in a strong and a genuinely representative parliament may be one answer to unlock the impasse, and to provide a stable political and social environment. Here below, are presented some reflections that may stimulate debate on the way forward.

1. Ethiopian parliamentarians face conflicting roles that have impacted responsiveness to constituency needs and concerns

Based on field data and focus group discussions with the electorate and interviews with selected parliamentarians, Ethiopian parliamentarians' perception of their role is dual, i.e., they view themselves as representatives of both the electorate and the party. Since most candidates are nominated for election by the party in power, they see themselves as playing an intermediary role between the electorate and the government. On the other hand, this conflicting role is not well received by the electorate because it has engendered a

widespread perception that parliamentarians are representatives of the party/government and not of the people, and thus cannot be purveyors of genuine concerns and needs of their constituencies in government decisions and policies. In the long run, this can erode public trust in parliament as a representative institution, while at the same time reinforcing the perception that party loyalty is more important than constituency interests, the more so in a political landscape monopolized by a single political party. Also, given the preponderant nature of single ruling parties and their monopoly grip on power, this can also affect the accountability of politicians for their decisions and actions.

For their part, politicians see their engagements as exercises in democracy and accountability but also as fulfilling party requirements to meet the citizens who elected twice a year, which is a characteristic of a highly organized and ideological party, such as the Ethiopian Peoples' Revolutionary Democratic Front (EPRD). Simply put, parliamentarians perceive dual roles in dealing with their constituencies: as representatives of the ruling party and as conveyors of the interests and concerns of those who elected them. In focus group discussions, this was a subject of much criticism by the electoral public, who continue to demand more accountability and responsiveness from their parliamentary representatives. On the other hand, politicians have accepted it as a legitimate form of engagement with citizens with no potential conflict of interest.

2. Need for more intensive and frequent engagement of parliamentarians with constituencies for accountable governance

In Ethiopia, there is the need for more frequent and regular parliamentarians' - constituencies' interaction to strengthen accountability and responsiveness to voter concerns and needs in law/policy making. At present, Ethiopian parliamentarians' interaction with their constituencies leaves much to be desired because it was found to be formal and structured, and conducted according to party rules and guidelines. This provides very little opportunity for free and unfettered interaction between MPs and their constituency. Constituency visits were arranged in consultation with regional/local governments or party offices, and these included discussions with some members of the electorate and local administration sector offices/bureaus about the state of public services and development being provided to the community. Simply put, to be expressions of democratic engagement and accountable governance, consultations that parliamentarians hold with constituencies have to be

arranged in such a way that they will be free from party or local government influence. In addition, they should be organized according to times and places convenient to the community as this will make parliamentarians more accessible and easily reachable. This is very important because one of the complaints aired by the community in focus group discussions was that they were often called upon to meet parliamentarians during times when they are fully or actively engaged in important social and economic activities, such as the harvest season or during important community or social chores.

Moreover, current party rules stipulate that Ethiopian parliamentarians should visit their constituencies twice a year. The experiences of some other countries suggest that frequent interactions between constituency groups and parliamentarians strengthen democracy and responsiveness (Mtanda, 2014; Veit, 2008). In this regard, the Ethiopian experience was found to be inadequate; MPs do not capture the diverse voices of the electorate and ensure these are fully considered in development policies and programs. Ethiopia is a big country and combining this with poor infrastructure on the one hand, and shortage of resources available to parliamentarians on the other, might be seen as possible explanations for not conducting frequent interactions with constituents. Since representing the views and concerns of the electorate is an extremely important duty of a parliamentarian, it is strongly suggested that means and ways should be found to overcome the current constraints that limit parliamentarian-constituency interaction; these relationships should be enhanced for greater accountability and responsiveness.

In a nutshell, our preliminary observations suggest that Ethiopian parliamentarians' interaction with citizens is formal and highly structured. The omnipresence of one party has meant that constituency visits are pre-arranged either by the party or local government, and it is the party which determines the terms of engagement, such as how often, whom to meet and what issues will be discussed. This has created a situation where citizens cannot discuss or debate community concerns freely and openly as they will be constrained to express their views about politics or economics because of the risks of being accused of being critics of the government. The Ethiopian experience of limited and formal engagement of parliamentarians with constituencies may sound a contradistinction in many parts of the world where parliamentarians or politicians are often criticized for spending too much time with their constituencies (to retain their seats) and are left with little time to fulfill their

parliamentary duties. This may lead to the argument that it is not the amount of time that parliamentarians spend with their constituencies that is important but the quality of the interaction, i.e., whether citizens' voices and concerns are listened to by politicians.

3. Limited political space for non-state actors in the policy/law making process by parliament

According to the research findings of our study on '*Parliament, Public Engagement and Poverty Reduction in Ethiopia*', there is limited public involvement in law/policy making by parliament in Ethiopia. Hence, there is the need particularly for parliamentary standing committees to reach out to more stakeholders to provide inputs and recommendations for policy action. It can be argued that this has been an attendant consequence of single party rule and a progressively narrowing political space for non-state stakeholders and opposition parties. In interviews with civil society leaders and activists, it was revealed that government policy or law making was largely a ruling party affair. Be it at the federal or regional levels, legislators do not often consult or approach representatives of independent civil society organizations or other actors to listen to their views or seek inputs. Bypassing this important sector in government decisions can reduce policy responsiveness to community needs and demands. In addition, it is vitally important that policy- or law- making be as participative as possible to enhance the democratic credentials of parliament as a representative institution and ensure good quality scrutiny of law making, which tends to lead to better quality laws.

In 2009, the Government of Ethiopia enacted a law that restricted the activities of civil society organizations and all forms of voluntary associations. Among other things, the law prohibited these organizations from engaging in advocacy or the promotion of human and democratic rights if more than 10% of funding for such activities comes from external/foreign sources (Taye and Bahru, 2010). In addition, the legislation put in place a strict legal and regulatory framework, and this has not helped the growth of civil society organizations in the country. One indicator of this has been the fact that the number of civil society organizations in Ethiopia has been much smaller compared to many other countries. For example, there were about 3,200 registered civil society organizations in Ethiopia in 2014 while in neighboring Kenya, with less than half Ethiopia's population, there were

more than 8,200 civil society organizations operating in the country (ICNL, 2013). The reality on the ground points to the need for the Ethiopian Government to recognize that a vibrant civil society culture with a conducive environment for unfettered public participation and engagement in the policy process is an important component of democratic governance.

4. High representation of women members but with constraints

The Ethiopian parliament has a high membership of women among its ranks, and this can be recognized as a noteworthy strength for a representative institution. Articles 14 and 35 of the Ethiopian Constitution provide for equal rights of men and women. One of the ways by which this can find practical expression is through the active involvement and recognition of women in policy and law making as well as through leadership roles in the government's high offices. In this regard, Ethiopia has attained relative success by encouraging women to serve as politicians/parliamentarians and occupying important leadership positions (Roman, 2005; Meaza, 2008). In this regard, the strong representation of women MPs in the eighteen different standing sub-committees can be cited as an example. Also, the fact that women MPs serve as chairs or deputy chairs in eleven of them lends credence to this observation (HoR, 2016).

As a country with more than 50% of the population being female, Ethiopia cannot afford to ignore the causes of women and girls, and one of the ways of enhancing their status is fair representation in parliament and different levels of government. In this regard, there has been some headway in recent years. As explained before, the proportion of elected women representatives of parliament in the country's national elections over the past many years has shown significant increases in the federal legislature as well as in big regional councils. As has been indicated in chapter 3, this increasing number of women MPs has been particularly evident during the past five elections conducted under the EPRDF.

In interviews and FGDs with women parliamentarians, it was revealed that the high female representation has contributed to the advancement of certain rights of women, who often are not treated equal as men when it comes to important social and economic benefits. Although it is difficult to draw a cause and effect relationship, it can be argued that the

increased number has helped to give prominence to women issues and made legislation and policies supportive of their causes. For this, some women MPs cited their advocacy and lobbying work in the enactment of the family law, which recognized the right of women to paid leave from work before, at, and after giving birth. Another success story has been the right of women in rural Ethiopia to be entitled to secure land registrations certificates in their own names, which reversed a long-standing practice of recognizing rights to farm land in the name of husbands or male headed households. Thanks to the efforts of women parliamentarians, this has been dubbed as an important gain for women in rural areas all over the country. In discussions conducted with independent women groups, however, it was pointed out that some of these successes were not attained without the active support and participation of independent civil society organizations, such as the Ethiopian Women Lawyers Association and other civic groups – a claim also shared by women MPs.

5. Need to overcome constraints to effective parliamentary oversight over the executive

The degree of success that parliaments as representative institutions attain in exercising oversight over the executive is a litmus test of their effectiveness. Indeed, this is a strong element in representational politics because it is instrumental in holding government officials accountable and responsive to public demands and concerns. The voters through their parliamentary representatives want politicians to be held accountable for their decisions and actions. This will compel them to be more transparent and responsive to public needs and concerns, and the Ethiopian parliament cannot be an exception.

In Ethiopia, the performance of parliament in exercising its oversight function leaves much to be desired. This is partly explained by executive dominance over the legislature and the omnipresence of the single ruling party, which controls both branches of government. In addition, the absence of a viable and strong opposition has also contributed to limited legislative scrutiny over government programs and plans. Simply put, in many one-party African states including Ethiopia, parliament's control over the executive is ceremonial, and is intended to provide legitimacy to the ruling party rather than an exercise in checks and balances.

On the surface, there is some degree of checks and balances in the Ethiopian parliament. For example, the Prime Minister is by law required to report on his/her

Government's performance every six months to the full house. In addition, all ministers and heads of federal agencies and commissions have also to report to parliament and selected standing sub-committees on their department's performance and plans during formal question and answer sessions. However, these exercises remain largely formal and are subdued affairs because there is very little debate on alternative policies and laws and the ruling party has an overwhelming control of parliament. In such a system, as the Ethiopian experience suggests, it is not easy for parliamentary representatives to offer options or question plans and programs presented by the executive.

As a way out, the Ethiopian Government needs to open up the political space to competitive electoral politics and encourage the growth of a vibrant media to strengthen public scrutiny over government. At a minimum, easing restrictions on civil society and the media, allowing freedom of action and a level playing field for opposition political parties, letting opposition political parties have equal access to the media, and, most important of all, amending the laws on civil society, media and the anti-terrorism bill, which has been being used to stifle dissent and freedoms of expression and organization, would be an important first step. The recent government decision making processes, which have been top down and authoritarian and carried out with little input from the public, should give way to a more transparent and participative model. In this regard, recognizing the supremacy of parliament that is composed of freely and fairly elected representatives of the people as the final decision maker in the land is of paramount importance. In addition, there needs to be a conducive political environment that permits free flow of ideas and participation by different stakeholders to enhance accountability and legislative oversight over the executive.

6. Limited public participation in the policy process has been a brake on parliamentary democracy

An additional yardstick to assess the effectiveness of the Ethiopian parliament as a democratic institution is the extent of public participation in the law-making process. In particular, inviting inputs from experts and listening to the voices of the different societal and economic groups can make the laws responsive to the needs and demands of different constituencies. Wide public participation in the policy process can strengthen democracy

and enhance trust in parliament as a representative body working for the equality and fair treatment of all segments of society.

As has been argued earlier in this chapter, due to executive dominance and single party rule, the Ethiopian legislature is known for hurriedly passing through laws and policies without sufficient critical public debate and input. This has rendered the political system authoritarian and much less inclusive whereby alternative inputs into policies and laws by important societal actors, viz. opposition political parties, civil society, the private sector, the media, etc. are hardly entertained. The recent promulgation of controversial legislations, viz. the civil society law and the anti-terrorism and media bills, which, according to critics and observers of the Ethiopian Government, have been used to restrict democratic freedoms of speech, organization and independent political activity, can be cited as examples. Needless to say, a political system that is bent upon progressively narrowing the space be it for all segments of society or a special section of the population can hardly afford to be stable, sustainable and healthy, and the recent wave of unrests in many parts of Ethiopia lends credence to this observation.

Preliminary conclusions

Parliament can be an important institution in Ethiopia's democratic transformation, but there are huge challenges to overcome. Its effectiveness as a representative institution is compromised by single party rule and executive dominance of many aspects of government. This has been a fertile ground for the perpetuation of an authoritarian system of rule with little accountability and responsiveness to the demands and interests of the people. In Africa as a whole, weak parliaments are a strong sign of the democratic deficit afflicting much of the continent. The Ethiopian parliament is not immune from the preceding observation because it has manifested a mixed record in fulfilling its law-making function and representational role as well as exercising effective oversight authority over the executive branch of government.

In Ethiopia, the extent of public participation in the law/policy making process by parliament leaves much to be desired. Often, laws are passed by fiat with insufficient public participation, and this has reinforced the perception that parliament is an appendage of the government. Its failure to consider the interests and needs of the different sectors of society

has generated the perception that the legislature is subordinated to the executive. This has been a result of the progressive narrowing of the space for political activity by different stakeholders, including opposition parties, the civil society sector and the media. There is no alternative to a participative and inclusive policy making and implementation process for a stable society and economy in Ethiopia and elsewhere in Africa.

Parliamentarian-electorate engagement is an important aspect of the democratic process because it is an effective means by which politicians can remain accountable and be responsive to the needs and concerns of the people. In this regard, the record of the Ethiopian parliament is far from desirable because constituency interactions with their representatives are infrequent and need to be conducted more often for meaningful democratic engagement. In addition, it is necessary to make these engagements less formal and free from party influence so that people can express their views and concerns freely and without any restraint.

One of the strong features of the Ethiopian parliament as a democratic and representative institution is the consistently high representation of women elected members among its ranks. Because of the strong leadership of the women caucus in parliament, this has been an important factor in gender empowerment and the protection of rights and privileges of Ethiopian women. Although it is difficult to draw a cause and effect relationship, it can be argued that the causes and concerns of women, who constitute more than 50% of the population, have been better heard and considered in economic and social plans as well as laws thanks to the energetic efforts of elected women in parliament.

Finally, Ethiopia has registered success in economic growth and poverty reduction efforts in recent years. Despite the economic progress, however, there has been a rising level of social and political tension between the government and groups with different visions for the future of the Ethiopian state and society. A shrinking political space and the increasingly authoritarian style of rule are to blame for this. In a dramatic fashion, the authoritarian political style has started to change because of the bold and sweeping reforms that continue to be introduced under the leadership of the new Prime Minister Dr. Abiy Ahmed.

Over the past few years, the government has been following a heavy-handed policy of restricting the activities of different stakeholders, including the media, civil society and opposition parties, and this has raised the level of public discontent. The

precarious political situation and instability have raised questions as to whether the country can continue on an economic growth trajectory in the long run. Hence, the lesson from the Ethiopian experience is that economic growth must go hand in hand with a sufficient set of political and democratic freedoms, and an acceptable level of public consensus to be sustainable and to have a lasting impact on the lives of the people.

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