



**MISSION TO
ETHIOPIA**

and the

**CENTER FOR
DEMOCRACY &
GOVERNANCE**

**THE PARLIAMENT OF ETHIOPIA:
ALTERNATIVES FOR THE DEVELOPMENT OF
PARLIAMENTARY AND LEGISLATIVE
PROCEDURES**

by

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I. INTRODUCTION

A. Purpose of Visit and Report

This document is a revision of the November 1995 draft report on the Parliament of Ethiopia. The authors visited Ethiopia for a second time in December 1995 and met again with the leadership and members of the Ethiopian Parliament. The Parliament had made a great deal of progress since October, establishing a committee system with 9 standing committees whose members represent the peoples and language groups of nation. During the December 7 - 21, 1995 visit the authors presented a 3-day course on legislatures and legislative modernization worldwide to as many as 300 parliament members per session, and spent at least an hour with the leaders and members of each of the 9 standing committees. The authors are exceedingly grateful for the openness and candor of these meetings, and leave Ethiopia impressed with the seriousness of purpose and clear desire parliamentarians of Ethiopia have that their new institution be effective and representative, and that it actually better the lives of the people of Ethiopia.

One meeting was especially helpful. Early in the visit we met with the chairman and secretary of each of the 9 committees who discussed with us their impressions of the October draft report; the Budget Committee also submitted comments in writing. Their comments dealt for the most part with the authors' presentation of the political situation in Ethiopia, and this version of the report is amended to accordingly. Comments on the second visit are not included in this report, but will rather be given as smaller, separate reports to USAID/Ethiopia and to Speaker Ato Dawit Yohannes. Finally, this report includes as an appendix the expanded notes on the authors' presentations to the Parliament.

We wish to thank Speaker Ato Dawit for his openness and availability, Deputy Speaker Dr. Petros, Parliamentary Secretary Ato Haile, each of the committee leaders and members with whom we met. Finally, we wish to thank USAID and, specifically, Stevens Tucker and Christiana. Without the relationship with the leaders of the Parliament they enjoy, this mission would not have been possible.

The objective of this report is to advise Ethiopia's new legislators on alternatives for devising a transparent and participatory legislative process. In preparing this report we have: met with the legislative leadership to learn their

expectations of how their legislature should develop; consulted the staff task force working on structure, met with veterans of earlier legislative bodies; and reviewed the available documentary material in the form of the Constitution and working papers. Our discussions were conducted in Addis Ababa, Ethiopia, from October 5, 1995 through October 17, 1995.

Prior to our visit, the transition from a provisional council to the new government had been completed: a new constitutional structure was in place, elections had been held and a single coalition party had taken control of government. An initial meeting of Parliament had been held and this meeting had put the executive branch in place as well as elected the speakers of both houses. The timing of our visit at this point was fortuitous. Beyond formal constitutional obligations, the role that Parliament would play was yet to be defined. And beyond a few important initial decisions about rules of procedure and the creation of a small central staff to serve both houses, decisions about important substantive matters were still under discussion.

This report is not intended as a thorough detailed assessment of the needs and capabilities of the Ethiopian Parliament. Rather, it presents options and recommendations for the leaders of the Parliament of Ethiopia to consider as they develop their committees, a professional staff structure and rules and procedures. Both members and leaders of Parliament made it clear that they desire a Parliament which plays a significant role in the life of Ethiopia, and the authors hope that the thoughts and recommendations shared below will be of assistance in this process.

B. Factors Shaping Parliament's Role in Ethiopia

Decisions regarding the role or roles a legislature plays in governing are decided at three levels. First, the Constitution of the nation establishes the limits of legislative authority and enunciates certain minimum responsibilities. Second, the party system, executive branch and other outside forces shape a political agenda to which the legislature must respond. And third, the democratically elected members of legislative bodies constantly make decisions, both individually and collectively and explicitly and implicitly, regarding the ways in which, and the extent to which, the legislative body will utilize its powers and carry out its responsibilities.

1. The Constitution

The Constitution of the Federal Republic of Ethiopia was adopted in December of 1994. It establishes two representative bodies: the Council of Peoples' Representatives which is popularly elected and a Federal Council structured to represent regional interests. The Constitution follows a parliamentary

model by vesting both electoral and legislative power in a popularly elected Council of Peoples' Representatives. This body passes the legislation which defines the powers of government as well as controlling important sources of revenue. The Federal Council represents regional differences as well as population, and is given both quasi-judicial and legislative obligations in determining the use of joint revenue sources (shared by the federal government and regions) and in determining the apportionment of revenue sharing monies.

The Constitution makes the Council of Peoples' Representatives accountable in several ways. Individual members are held to a code of conduct and may be recalled or removed for cause. Representatives must periodically stand for election. And government as a whole-- including Parliament-- is obligated to conduct its business in a "public and transparent" manner.

The Ethiopian Parliament described in the Constitution is a potentially powerful legislative body: it has a strong claim to legitimacy based on popular election and representativeness, it is granted broad legislative powers in a large number of enumerated areas of responsibility, it controls the purse-strings of national government which cannot levy taxes or spend money without its approval, and it has the power to declare war. And while substantial executive power resides in the Prime Minister and Council of Ministers these officials are elected to their positions by the Council of Peoples' Representatives and can be called before it to explain their actions.

The Constitution of Ethiopia grants the Parliament significant electoral, oversight, legislative, and budgetary powers. Article 55 of the Constitution enumerates the legislative powers of the Council of Peoples' Representatives, which include the power to legislate in the areas of:

- Land and natural resources;
- Inter-state and foreign commerce;
- Transportation, postal and telecommunication services;
- Enforcement of the political rights;
- Nationality and immigration;
- Standards of measurement and calendar;
- Patents and copyrights;
- The possession and bearing of fire arms;
- Labor, Commercial and Penal codes;
- Civil laws "which the Federal Council deems necessary to maintain and sustain one economic community"; and
- The organization of national defense, public security, and a national police force.

In addition, the Constitution grants the Congress of Peoples' Representatives important fiscal and budgetary powers, including the power to:

- Approve general policies and strategies of social and economic development, and fiscal and monetary policy of the country;
- Enact laws on matters relating to the administration of the National Bank, exchange of foreign currency, and local currency; and,
- Levy taxes and duties on revenue sources reserved to the Federal State. It shall ratify the Federal budget.

While the Constitution makes Parliament potentially very strong, practical circumstances constrain its role. There is no tradition of strong legislative power in Ethiopian history, the internal structure and necessary staff support for even a modest legislative role has yet to be developed. For now, the Constitutional role of Parliament makes legislating an essential step in legitimating the exercise of executive power in Ethiopia and it remains to be seen how the other legislative powers are to be exercised.

2. The Party System and Executive Branch

An important fact shaping Ethiopia's political environment is the dominance of the Ethiopian Peoples Revolutionary Democratic Front (EPRDF) political party. While the EPRDF was the dominant party under of the previous transitional government, other parties were widely represented in both the transitional government councils and in the constitutional commission. With the new constitution, and its stress on regional representation, the dominant party was able to use its greater national organization to sweep national Parliamentary elections often without significant local opposition. The new Parliament differs from the transitional government and constitutional commission in that it is more rural (and, therefore, more representative of the population of Ethiopia, which is 85% rural) and has less legislative experience than the appointed body it replaced.

In parliamentary systems in which one party enjoys such significant power, the legislature has two tasks: serving as an electoral college to install the leadership of the party in government and passing the party's national program. How it might do the latter job of legislating is the subject of the remainder of this report.

Clearly, the most important external political factor shaping Parliament comes in the form of the expectations of the dominant party and its leaders. The most important party-based task facing Parliament is the enactment of the Party's Five Year Plan for national development, as well as its other priority pieces of legislation. The exact process by which this and other legislative matters will be dealt with remains to be seen.

Opposition figures outside of government have been critical of the EPRDF's past practice of reaching internal consensus within party circles, then announcing a new policy as a *fait accompli* leaving little opportunity for discussion. These critics believe that there is a danger that Parliament, reflecting these past practices, may amount to little more than a body that rubber stamps decisions made elsewhere.

There are a number of reasons for believing that Parliament may play a larger role than is envisioned above.

First, the ruling party expects the members themselves to serve as representatives of their constituents as part of their general strategy of building regional strength. "President Negasso Gidada urged members of the Council of People's Representatives and the Federation to get closer to the people and to deeply understand the problems of the Ethiopian public in order to be able to pass resolutions based on its wishes and aspirations. The President reiterated that parliament should win the confidence of the public especially on matters that decide its future and that of the county." The Ethiopian Herald, vol. LII- No. 024, Addis, Wed 11, October (Meskerem 30, 1988).

Second, the Constitution (discussed above) spells out expectations that the legislative process will be a transparent and participatory one.

Third, some in the ruling party see benefits in a more participatory legislative system. Opposition participation in the Constitutional Commission increased its acceptance among Ethiopian elites, and opposition members were the source of several ideas later adopted by the majority party in the final Constitution..

In short, the constitutions power and obligations and the political party environment appear to provide some support for the development of the Ethiopian Parliament beyond the rubber stamp status predicted by critics.

3. The Expectations of Members

With only a limited amount of discussion time with legislators about member expectations, the authors cannot make an authoritative statement, but can state the following.

Speaker Dawit Yohannes of the Council of Peoples' Representatives expressed the firm desire to have his house exercise significant budgetary power, and to have his membership participate in legislative deliberations. His task force of organization has been concerned with the development of professional expertise to support legislating, a capacity which would be unnecessary in a rubber stamp body which merely endorsed

decisions made elsewhere. The Speaker also wants the Council of Peoples' Representatives to control its own budget independent of the Ministry of Finance.

The Parliament is considering legislative procedures requiring a formalized process which should make the surprises of the past more unusual. That process requires written legislation, with notice requirements in advance of the decision time, that would provide an opportunity for discussion. The parliamentary leadership has, in at least this particular way, chosen to reduce its discretionary scope for action in pursuit of a more open process.

At the individual member level, many members are inexperienced in legislative matters and have few preconceptions about the role of legislators. It would be expected that many would take their cues from the legislative and party leadership. They do, however, have some interest in reelection which can only be achieved if they improve their own standing in constituencies.

The leadership of the upper house, the Federal Council, expressed a desire to serve the interests of the regions, nationalities and groups which they represent because the bulk of their members' lives will be lived in regions and their representative status is that of a two-month annual sojourn in the capital. In short, they expect that their standing at home will depend on effectively representing their unique regional interests to the center. Again, it is expected these factors will contribute to a measure of legislative independence.

II. ROLES TO BE PLAYED BY THE ETHIOPIAN PARLIAMENT

A. Functional Expectations

What are the problems facing the newly created Councils? What functions are they expected to perform? The authors have created a list of expectations based on the following: obligations spelled out in the Constitution; expectations stated by participants (from the majority party and opposition groups) in the political process; and a review of legislative functions drawn from the literature of the social sciences.

1. Electoral Functions

The Constitution gives the parliament the task of electing the government as an electoral college. The degree of difficulty of this task depends on the extent to which voters produce clear majorities in parliamentary elections. In fragmented societies, coalition building to create and sustain governments is often a difficult and continuing task. If and when strong, competing political parties emerge in Ethiopia, one

would expect the electoral function to become more complex. For now, at least, the task of serving as an electoral college in Ethiopia has been an undemanding one.

2. Legislative Functions

Party leaders expect Parliament to enact the party's program into law. Another feature of the legislative function is to enact sound laws, those that do what is intended and are consistent with the requirements of framework laws such as the constitution. A degree of expertise is needed to be able to legislate effectively and this can be provided by the executive, the legislature, or both.

3. Legitimation Functions

Legitimation means increasing the people's acceptance of governmental decisions as the product of a fair and just process.

The Constitution's promise of a transparent process, the placement of supreme national authority in a popularly elected assembly, and the use of the parliament to create ministers all are intended to use the legislature as a means for legitimating the state's exercise of power. It is important to remember, however, that legitimation is only achieved when citizens are satisfied. So while government has some control over what it does, the degree to which its actions are perceived as legitimate by citizens is only indirectly under its control. Openness and procedural due processes can contribute to greater legitimacy, while closed and arbitrary proceedings may undermine it.

4. National Integration Functions

The Ethiopian Parliament, like a number of other legislatures, is expected to perform a role in integrating the nation by representing its diversity in a national institution. Representation may be by defining a constituency (in the Federal Council the unit represented maybe a region); it may be by selecting members from ethnic, religious, or other groupings to be representatives; or it may be by insuring that parties based on regional or ethnic differences are represented on decision making bodies like ministries or committees. Whatever the means, the goal is to leave important groups in the society with the belief that they are represented in their uniqueness at the national level. This is a particularly important function in a federal system like Ethiopia's which contains considerable diversity. And given the Ethiopian Constitution, with its generous clauses recognizing the right to form separate states, it is important that national minorities feel that they have access to and influence in deliberations at the federal level so that they have reasons to stay and will not choose to exercise their power to secede.

5. Democratization and Representation Functions

Democracy is a two-way street. While legislatures are the supreme bodies for articulating collective preferences to be enforced on society, they are also expected to be the means by which the people communicate with their government. The Ethiopian Constitution's apportionment system in which representatives are elected by people in places symbolizes this connection. Elements of this function are found in the Constitution and in the rhetoric of members.

B. Other Legislative Functions:

There are, in addition, other legislative functions found elsewhere that the Ethiopian Parliament may want to consider performing.

1. Oversight

Many legislatures, primarily in presidential-congressional systems, play some role in monitoring the implementation of laws by the executive branch. The benefits of oversight include the following: increasing the chances of learning from experience to improve lawmaking in the future, keeping executive agencies cognizant of legislative power, and the chance to shape implementation of the laws. Disadvantages include increasing the prospect of conflict with the executive branch.

2. Education

Legislatures can, because of the public nature of their proceedings, perform roles in educating the public and shaping public attitudes. On the other side, legislatures typically speak with the many voices of diverse representatives and therefore rarely send a single, reinforcing message to the attentive public.

3. Constituency Service

Individual representatives often help individual constituents in their dealings with government and its bureaucracy. In legislatures where this is done commonly, the incentive for members is often an electoral one: helping individual constituents is a useful way of building local support. For citizens, the constituency service function helps to make government more responsive by providing constituents with an advocate who is on their side. A possible disadvantage is strong party-based system is that the ties nurtured are those between the representative and his/her constituents on an individual basis rather than on a party of policy basis.

4. Policy Incubation

Because legislatures are diverse institutions, individual members are often the first government audience for new and untried policy ideas. These ideas may get their first hearing in legislatures, increase in visibility, be tested against objections and get modified to achieve greater acceptability or administrative, technical or financial feasibility. And as their worth becomes more apparent, some such ideas are ultimately adopted by majorities and become law. Thus legislatures which become agents of policy incubation perform a valuable function in their societies.

III. OTHER PARLIAMENTARY MODELS

Following are a brief discussion of lessons that other parliamentary forms might offer for the Ethiopians. Drawing lessons from other parliamentary experiences can shed light on two important questions. First, how much is foreclosed by Ethiopia's choice of a parliamentary model? Are parliaments necessarily weak, rubber stamp bodies for decisions made elsewhere? And second, what lessons can other parliamentary systems offer to Ethiopians in dealing with the important issue of representing national diversity?

A. How Much is Foreclosed by the Decision to Adopt a Parliamentary Form?

Ethiopia has chosen to adopt the parliamentary rather than presidential-congressional form of government. On the whole, the strongest parliaments are less assertive and powerful as legislatures that are the strongest congresses. Parliaments are less likely to develop large expert staff to rival government ministries, they are less likely to exercise aggressive legislative oversight since their own allies are typically in charge of executive agencies, and they are more likely to encourage conformity and obedience to party leaders as a means for members to get ahead. There is, however, considerable variation among parliamentary and congressional legislative bodies. The decision to choose a parliamentary or Westminster form does not automatically foreclose the exercise of a degree of independent power. While the strongest legislatures-- those capable of transforming societal demands made upon them and channeling them in new directions-- are found in congressional systems, there are rubber stamp congresses as well as powerful parliaments. Under military governments in Latin America, congresses have often been reduced to rubber stamp bodies despite their formal independence. And some parliaments, and more often parliamentary parties, have carved out a policy role for themselves. In Great Britain, for example, the Tory parliamentary party (comprised of party members in Parliament) is

an important implementor of the national party's policies, individual members of both parties perform considerable constituency service functions, and important oversight activities are sometimes conducted through parliamentary questioning and other means of inquiry. Choosing the parliamentary form alone does not, based on the experience of other parliamentary systems, relegate legislatures to a wholly passive role or rubber stamp role.

In any event, the capacity building options being considered by the Ethiopian Parliament are relatively modest ones (see subsequent sections). They are in line with what legislatures need, at a minimum, in either parliamentary or congressional models to perform at levels beyond the least demanding functions listed above.

B. How Other Systems Deal with Diversity

Many of those political legislators interviewed indicated that Ethiopia's greatest political challenge lay in how it will deal with its numerous, diverse ethnic groups. The history of the nation has been-- like other former empires-- also a history of ethnic and regional conflicts. Ethiopia's new political system has sought to deal with this issue head on by: redefining regions to reflect rather than mute ethnic differences, adopting a federal system which envisions greater regional autonomy, and creating the upper house in the national parliament to represent regions. In addition, there are constitutional provisions which can be interpreted as supporting the peoples' right to define a region and to separate themselves from existing political units.

What lessons, if any, do other political systems offer to Ethiopia in dealing with the issues presented by diversity? An examination of recent historical experiences is not encouraging. After a period of unity, many similarly situated nations saw a precipitous decline into group conflict: Yugoslavia after Tito; the former Soviet Union; Lebanon; and so on. In the former Soviet Union and Yugoslavia, federal and confederal solutions failed to hold those nations together. Our impression of the corrosive force of diversity is, perhaps, more influenced by spectacular failure than quieter success. So, for example, the thirteen colonies were able to overcome their diversity and unify in a federal system-- with guaranteed representation in a senate-- after the American revolution to form the United States. And Switzerland's smooth running system of strong sub-national governments and a severely constrained central government rarely evokes notice.

How much a role can parliamentary institutions play in producing a measure of stability in divided societies? No one believes that parliamentary forms by themselves are the solution but they do have some role to play. Ethiopia has already decided

to represent ethnic groups in the drawing of sub-national governmental lines, and it has chosen to represent these interests primarily in an upper chamber. These two decisions make the Ethiopian structure similar to two other systems with some history of success: India and Canada.

First the similarities. All three are parliamentary systems. All use an upper chamber of parliament as a means for representing sub-national units. All contain some significant national minorities whose commitment to the nation is weak enough to threaten or sustain separatist movements. And all have some form of revenue sharing between the national government and sub-national units as a means for sustaining a degree of unity.

There are also some important differences. Ethiopia represents its minorities in its sub-national units to a far greater extent than the other two nations. While the degree of homogeneity differs in the regions, the Ethiopian regional lines have more meaning than sub-national lines in India or Canada. The Indian state lines are primarily lines that capture language groups and often contain within them a mix of religions, in addition there other important cleavages-- such as caste lines among Hindus-- which cannot be represented geographically. In recent years, it is religious divisions in India that have posed the most serious challenges to internal peace. The Canadian provincial lines do capture the bulk of its largest language minority-- French-Canadians-- in Quebec but franco-phones are significant minorities in other provinces and these lines do not represent the native peoples (the other significant minority) in any way. Only in recent years have appointments to the Canadian Senate-- an appointed rather than elected body-- reflected the desire to have some native representation.

Both India and Canada use their upper houses as their means of representing sub-national governmental interests at the national level: the Canadian senate by appointments and apportionment formula based on province, and the Indian senate relies on state authorities for selection of members.

Interestingly while India and Canada have a system of revenue sharing, which allocates resources from their "have" states to the "have less" or "have nots," neither uses their upper chamber for making this decision. Ethiopia has chosen to grant this power to the Upper Chamber of Parliament and this reinforces the role it is to play in representing regional interests at the national level.

According to experts consulted, neither the Indian Parliament nor the Canadian Parliament has a practice of representing the ethnic mix of their nations on parliamentary committees.

Neither India nor Canada offers any special secrets for reconciling minority concerns through Parliamentary organization beyond those devices already adopted in Ethiopia: a federal system, an upper house representing sub-national interests, and a revenue sharing system. Indeed, Ethiopia's decision to draw regional boundaries as closely as possible to major group divisions, and the decision to make their upper chamber the body that decides on revenue sharing takes regional representation further than the other two nations.

IV. RECOMMENDATIONS

A. Needed Capacity

What kind of capacity does the Ethiopian Parliament have to develop in order to perform the roles expected of it in Section II? In this section we will stress more generic recommendations, but in subsequent sections there are outlines to specific recommendations, .

Some of the functions discussed above would require relatively little internal legislative capacity to perform. Successful performance of the electoral function, putting the government in place, requires little beyond ratification of choices made by voters. Legitimation, at least in terms of meeting minimum procedural requirements, can be performed by even rubber stamp legislatures although citizens may be less accepting of the results.

Other functions-- particularly legislating effectively, representing constituencies and integrating a nation-- may require more legislative capacity. While legislatures start with some undeniable advantages-- constitutional powers, the claim to represent the people, and public attention-- they need to develop a minimum set of capacities to perform the more demanding functions.

Following is a brief examination of what might be considered the minimum set of functions for an effective legislature.

1. Effective Internal Organization

A legislature's strongest claims to influence rests jointly on being a representative institution and an institution which makes the laws. But these two claims are less than fully compatible. It is difficult to both represent diversity and at the same time be able to come to the agreement necessary for collective action. Thus successful legislatures must develop functioning structures which allow them to be both air disagreements and to facilitate agreement. Typically these structures are in the form of effective party leadership structures and a functional committee system.

An effective party structure in the legislature does several things: it creates forums for the discussion of policy and other concerns of interest to members, and it imposes a measure of discipline and control over the process so that action is possible. A functioning committee system provides for a predictable division of labor to subunits capable of making containing discussion and making informed choices.

2. Control Over Money and the Authority to Act

Others in a society pay attention to legislatures insofar as these bodies have control over things of value to them. Government ministries cooperate when they want things from legislatures. Citizens consider legislatures to useful public forums insofar as decisions of consequence are made there. In theory, and sometimes in practice, legislative power finds its most persuasive expression in control over money and control over the authority to act. Effective exercise of the power of the purse depends on the development of a measure of expertise in budgetary matters. Because it is an important power, perhaps the most essential one, if a legislature lacks this capacity, then it should defer to those who have greater knowledge and this has most commonly meant the executive branch. The other fountainhead of legislative power is the passing of laws which define what governments can do, what they are permitted to do, and what they can't do. Executives have often preferred broad grants of legal authority from legislatures because these maximize their discretion at the expense of legislative influence. Legislatures-- when they have the capacity and political will to write more precise legislation-- exercise greater control through more specific grants of authority.

3. Knowledge/Information/Expertise to Make Informed Decisions

As the discussion above indicates, legislative power turns on being able to use the power over money and the capacity to write laws effectively. Thus legislatures have to develop two sets of minimum capacities if they are to be taken seriously. One involves budgetary expertise and the other expertise in the drafting of laws. The former makes it possible to make decisions about money and the latter makes it possible to draft laws which do what is intended.

4. Acceptance by the Public

Of the various capacities, this is the item least under the control of government institutions. Its development can be encouraged, however, by developing a degree of legislative power which allows representatives to influence government on behalf of their constituents, by creating processes which are transparent and open to popular participation so that citizens

can feel that they have been included, by using citizen and constituent input to improve the quality and acceptability of legislative outcomes.

B. List of General Recommendations

How does a legislature develop an adequate internal organization, exercise effective control over its constitutional powers, develop the knowledge to make informed decisions, and gain public acceptance? While it is obvious that these things cannot be achieved by legislative action alone, there are a number of steps that legislatures can take to increase the likelihood that they fulfill at least some of their potential. Steps that other legislatures have found useful include developing:

- Committees able to effectively consider and act on legislation in their jurisdiction;
- At least a minimal professional staff to conduct research, draft bills, analyze the national budget and handle committee clerical tasks;
- Efficient and fair rules and procedures which allow for adequate member, public and expert comment on the issues before the body;
- A system of parliamentary party leadership enabling both the government and the opposition to mobilize members for votes, for discussion and other parliamentary activities;
- A means of both communicating parliamentary activities to constituents and obtaining input from the society; and
- A public record of legislative proceedings.

C. Options for Achieving Recommended Capacity

1. Committees

Parliaments, in which members elect the government and both pursue the same government program, do not need to develop as elaborate professional staff capabilities as are needed in presidential systems. Neither the Canadian nor Indian parliaments, for example, have any substantial staff establishments associated with their committees. In a presidential system each branch acts as a "check and balance" on the other. So the United States Congress, and the legislatures of the larger states, have substantial committee staff capabilities. Legislative committees in a presidential system require staffs which are sufficiently large and professional to enable the legislature to provide an effective challenge to the executive. Yet while the legislature in a parliamentary system does not need to exercise the same level of

power, many do not limit themselves to acting simply as an electoral college to determine parliamentary leadership. It has been noted previously that the Constitution grants Parliament significant powers, and Parliamentary leaders interviewed voiced a clear preference that the Parliament exercises those powers.

While committees in a presidential system compete with the executive, committees in a parliamentary system can play a useful role as vital partners with the executive in the policy-making process. Committees can function to "perfect" executive proposals by incorporating both local and interest group concerns which the executive may overlook. No matter how expert and well intentioned Executive planners may be, they cannot know beforehand the impact of their policies on each region of the country. By providing a forum for discussion of policy-issues, parliamentary committees can also help to build support for and understanding of policies throughout the nation. Members of parliament learn what policies the government wishes to pursue - and why - and are able to explain to their constituents these policies.

Criteria to consider in constructing a committee system:

There are some initial criteria that should be considered in creating a committee system. Like any such list, some of the criteria may be in partial conflict with others, leaving resolution for the political judgement of leaders.

1. Committee jurisdictions should be drawn to:

- minimize jurisdictional conflicts (be clear, as mutually exclusive as possible) over the referral of legislation;
- encourage the development of clear and consistent policy;
- increase the likelihood that repeatedly dealing with the same type of business will increase the expertise of committee members;
- develop an ongoing relationship with affected governmental agencies and non-governmental groups.

2. Committee membership should be selected to:

- insure that interested groups and individuals are represented on committees;
- increase the likelihood that individual members are interested in the subject matter;

- recognize the special knowledge or competence of members;
- be representative of the party and power balance in the full house;
- be representative of regional and other population differences;
- be able to represent national interests.

3. Committee practices, rules and norms develop to:

- facilitate the airing of important differences among members;
- facilitate the process of coming to agreement after the airing of differences.

In addition to this rather generic list of recommendations, the authors would like to emphasize a special consideration for Ethiopian decision makers. Since an opposition within the Parliament does not appear to exist in organized form, Ethiopian decision makers should consider taking special care in devising public forums for the expression of alternative views. Committee hearings and other public processes may provide useful opportunities.

Following are a number of decisions Ethiopian Parliamentarians must make with regard to parliamentary committees.

a. Determine the number and jurisdiction of committees.

Effective committees consider expert and citizen input and use it to refine government proposals. In a parliament as large as Ethiopia's, committees can also serve as a mechanism of utilizing the broad talent and experience of the members of parliament. To our knowledge, the Council is considering two options with regard to committees:

- 24 committees dealing with detailed areas, or
- 8 committees dealing with less specific areas.

It is suggested that the Parliament consider establishing a system of both committees and subcommittees, incorporating both the need to allow for sufficient discussion of legislation and the need to keep order in the process. The speaker and/or the cabinet would refer legislation to committees, and the major committee chairs would refer it to the appropriate subcommittee. The Speaker would

have power to set specific calendars for committee action on legislation, and the committee chairs would have similar power to set timetables for subcommittee action. This option should provide opportunities for many members to participate and make the concerns of their districts heard, but should also help to maintain the order necessary for the body to function.

Without sufficient information on the structure of the government or on the needs of Ethiopia to make recommendations regarding specific committees, the following is an **illustrative list** of committees and subcommittees providing an example of how committees might be structured.

- | | |
|-------------------|--|
| Committee: | Social Affairs |
| Subcommittees: | Education
Public Health
Culture, Language, Nationalities and
Historic Heritage |
| Committee: | Family and Youth Affairs |
| Subcommittees: | Aged
Womens' Affairs
Disabled Persons
Pensions and Social Security |
| Committee: | Judiciary |
| Committee: | Budget Affairs |
| Subcommittee: | Pensions and Social Security |
| Committee: | Agriculture, Mining and Environment |
| Subcommittees: | Environmental Protection and Natural
Resources Food and Agriculture
Mineral and Energy Development |
| Committee: | Economic Affairs |
| Subcommittees: | Construction, Housing and Urban
Development Trade (Commerce)
Transport and Communication
Industry, Science and Technology
Regional, Social and Economic Development
Affairs |
| Committee: | Defense and Public Security |
| Committee: | Foreign Affairs |
| Committee: | Internal Administration (Parliamentary) |
| Committee: | Mass Media |

b. Committee Leadership, Representation and Procedures

Regional Representation

Legislative leadership should consider placing individuals from regions most affected by committee decisions on those committees. For example, a committee dealing with issues such as coffee prices and transportation would do well to include among its members parliamentarians from coffee growing areas. At least some members from mining areas should sit on the committee dealing with mines.

Minority Representation and Comment

A vocal and loyal opposition - which is involved in the legislative process - can help to keep a nation united as well as assure improved legislation. Many are the ideas enacted into law by a majority party which were originally conceived and developed by the minority. If minority members are given the opportunity to criticize and comment on legislation in committee - and even to introduce ideas of their own - the process of policy debate is enriched, and ideas which can improve government policy can surface and be included in the law.

Limits on Debate

Depending on the size of committees selected, there may be a need to set some formal limits on discussion. This could be as simple as granting the committee chairperson the right to set time-limits for discussion by both the government and the opposition. There are many reasons for giving opposition members an opportunity to speak - and to introduce legislation. Opposition members may be more forthright than the party faithful in pointing out weaknesses in Government program, and can therefore alert the governing party to problems in their proposals before they become the law of the land. Enacting flawed, ineffective law breeds cynicism by the electorate and a lack of respect for the law and those who enact it.

Terms of Committee Members

Systems of very strong political parties often move both committee chairs and members from committee to committee fairly frequently. This helps to assure party loyalty (if a member wants a good committee assignment, he or she better behave as the party wishes). When the party changes assignments regularly, it is able to reward those who are loyal and punish those who are not.

While frequent committee transfers may make political sense, they also weaken parliaments. Government ministers, and especially government professional staff, spend years on their jobs, develop detailed expertise and long-term relationships with those

individuals and groups most affected by their decisions. Parliamentary committees whose members and leaders change frequently (typically on a yearly basis in Latin America), never become expert in their area of responsibility. They tend not to have sufficient expertise to question ministers and key governmental staff effectively and do not generally develop sufficient expertise to improve the legislative proposals sent down by the government.

c. Openness of Legislative Process in Committees

Media coverage of meetings

Another area of consideration regarding committees is the issue of public openness of the legislative process in committees. In modern democracies, most deliberations of legislators are open to the public. Committees hold public hearings to elicit public comment, committee meetings are open to the public, and the media are welcome at committee meetings. Such openness may at times slow the legislative process and can even be uncomfortable to legislators and the government. At the same time such openness allows citizens to know what their government is doing, and the resulting feedback helps the government to refine its policies.

Public hearings

Both legislatures and parliaments in other nations often make use of public hearings, which allow the public and interest groups to speak out on proposed legislation - often providing opportunities to amend and refine legislation - and also gives the parliament an opportunity to "sell" its program. One important function of public hearings is to allow groups and individuals to speak out on issues which affect them, and for their comments to be made part of the public record.

Public hearings are often held not only in the capital, but in the regions affected by proposed changes in government policy. Regional hearings serve multiple purposes; they provide parliaments and the government opportunities to explain their programs to the electorate in the regions of the country, they enable legislators to talk to those who will be affected by policy changes and help parliamentarians learn what specific difficulties will be involved in implementation.

Following are some suggestions which might be of use in conducting a public hearing:

- Announce the hearing far enough in advance, and publicize it sufficiently to assure a good deal of public input;

- Legislative bodies typically ask that those testifying at the hearing contact the committee holding the hearing in advance, and committee members or staff set the order of presentation;
- Those testifying are asked to present their comments in writing, and, in the event that there is not time for everyone to speak at the hearing, everyone's comments will be included as part of the record;
- When many individuals are scheduled to make presentations, committee leaders may require those testifying to summarize their comments and limit the time for presentation.

Constituent Involvement

Finally, the public can be made part of the legislative process in committee matters by parliament members contacting constituents for their input on specific legislative proposals. Constituents in many systems are contacted through questionnaires, by which Members obtain their views. Most commonly, however, constituents provide input to the policy process whenever the members are in their districts or visitors from the districts visit the capital. It is common for legislatures to publish a membership directory to make it easier for constituents to understand who is responsible for specific areas and enable them to contact appropriate members.

The high level security around the Parliament would not tend to make citizens feel very comfortable entering the Parliament building, and therefore tends to keep citizens away the legislative process. The authors would encourage parliamentary leaders to consider a system of security which would make members of the public feel more comfortable about entering the building.

2. Professional Staff Issues

If the Parliament of Ethiopia is to fulfill its role as the Government's partner in the public policy process, it will need at least some level of professional staff. There was broad support among those legislators interviewed regarding the need for some level of professional staff, and the next few paragraphs describe a number of staffing options.

a. Types of Professional Staff

Please note that the Constitution grants the Parliament significant budget and legislative powers. It is common in developing legislatures, however, to act as "rubber stamps" for the cabinet. This is so for a number of reasons, among them the need to "close ranks" to show solidarity with the government program and

the resulting unwillingness to expose any weaknesses in it. Another common reason, however, is a lack of professional parliamentary staff capable of analyzing bills and budgets and making recommendations to improve programs. Following are some types of staff from which the Parliament could profit and for which a good deal of support was voiced.

Budget Staff

The Constitution grants the Council of Peoples' Representatives the power to levy taxes and duties on revenue sources reserved to the Federal State and also to ratify the Federal Budget. Executive budget specialists in all systems, however, tend to produce information which is not in a form not useful to laymen. Legislative budget specialists "repackage" executive budget information in a format more understandable to legislators, and also provide different degrees of analysis of the information. Analysis could be as mundane as determining how much money was spent in each budget category relative to the money originally budgeted to determining whether budget funds were used effectively and accomplished the purposes set forth in legislation.

The very small budget staff currently employed by the Parliament appears to be doing useful work for the Parliament. The USAID funded SUNY/Bolivia project worked with the National Congress of Bolivia to establish a small "technical budget office" within the Congress, which now provides to the Congress periodic reports on government spending, analysis of the national budget, fiscal impact analysis of legislative proposals and education to members on the budget process. A small, centrally managed office within the Ethiopian Parliament could provide many of these same services. The Government Finance Ministry can be an excellent place from which to draw staff for this office. Individuals in the Finance Ministry understand how the Government budgets and could teach parliamentarians to understand the executive budget.

Parliamentary Bill Drafting Staff

The language of legislation must be precise if the intent of Parliament is to be faithfully carried out. Sloppy, inaccurate, imprecise or vague legislative language will defeat this purpose.

The authors understand from their interviews with various parliamentarians that the Justice Ministry plans to detail two bill drafters to the Parliament to assist with bill drafting needs. The Parliament should be applauded in this step as it recognizes the need for the Parliament to both amend legislative proposals from the Government and to introduce some of their own proposals. Following are some additional recommendations:

- Training for bill drafters

Because of the need for precision in bill language, as well as the knowledge of the law required for bill drafters to understand exactly which sections of law to amend for specific purposes, periodic training for bill drafters should be provided. Depending on local capabilities, this training could be provided by in-country experts or by individuals brought to Ethiopia for this purpose. Such training could be made part of a package of assistance requested from outside donors. Training for parliamentarians in the bill drafting process would also be useful, as they must understand their part in the bill drafting process.

- Additional drafters

The demands on two bill drafters for a parliament of more than 600 members (both upper and lower houses) will be greater than they can meet. Any training provided for parliamentary drafters could be broadened - possibly to include students at the law school or lawyers wishing to work as bill drafters. If these individuals develop sufficient expertise they might be brought in as full-time bill drafters or develop legal specialty areas and be asked to assist with legislation on their area as the need arises.

- Bill drafting manual

Many legislatures in the world develop manuals which instruct bill drafters in drafting accurate bills. If such a manual were developed and used in Ethiopia, it could improve the quality of legislation drafted by both the Parliament and the Government and assist in the development of more consistent statutes. Such manuals can also instruct bill drafters in exactly what their responsibilities are toward the Parliament and how to carry them out - helping to avoid problems, questions and difficulties before they arise.

Committee Staff

Another, quite basic type of staff required in parliaments is committee clerical staff. Someone must perform such mundane tasks as keeping track of committee votes and keeping attendance at committee meetings and general sessions. Depending on committee schedules and the number of committees, these individuals can be shared by more than one committee.

There are a number of options for committee staff. Some systems use clerical staff able to work with great accuracy but not equipped to provide expert advice on substantive issues before the committee. Other systems, such as Chile's, use permanent, high level civil servants who manage legislative committees and become experts in their committee areas.

b. Staff Management and Structure

Legislative staffs can be structured in a number of ways, depending on the type of legislative body and the desires of legislative leaders. The legislature might develop a small centrally controlled staff, and leadership might assign staff members to specific committees to carry out specific tasks. Alternatively, each committee might have its own professional staff assigned permanently to that committee (as is the case in the Chilean Congress). A third, a much more expensive option is for members to have their own staffs. Parliamentary systems, where the government and the parliamentary majority are from the same party, tend to have smaller more centralized staffs than do legislatures in a presidential system.

3. Rules and Procedures

There is an old adage that there are two things that one should never watch being made -sausages and laws. The process can be slow, confusing and messy, because in an open lawmaking process the interests, disagreements and complex issues of society surface. After a series of Interviews with parliamentary leaders, members and staff, and members of the former opposition, the following recommendations concerning rules and procedures emerged.

Time

Make the process slow enough that members of Parliament, individuals and groups in society can study proposals in detail and comment on them before they are enacted into law. When policy-makers in any nation enact proposals in haste and in secret they cannot know what the impact of their policies will be in every area of the nation. A slower, more open policy is more of a problem for policy-makers, but it helps to assure that the policies eventually enacted will more likely accomplish their desired objectives.

Who can introduce legislation?

Generally, elected representatives in parliaments worldwide have the right to introduce legislation in the parliament. They may lack the technical ability or the resources to put legislation into a suitable format, but the right to introduce legislation is not in question. It should be duly noted that during the reign of Haile Selassie the parliamentarians could introduce legislation only if they obtained a suitable number of co-sponsors for the bill.

The right to introduce legislation does not equal the right to have legislation discussed or voted on in committee or on the floor. Systems vary of course, but minority legislators in some parliaments know that their proposals will never be considered in committee or on the floor. The best that they can hope for is that

majority members will agree that their idea is useful, introduce a variation of the legislation as their own and perhaps have it enacted into law. It is also common for legislation to be introduced for public relations purposes. Constituents may clamor for a particular item or cause, and request that their legislator do something. The legislator might therefore introduce legislation which does address the need, fully realizing that he lacks the power or ability to get the law enacted.

Public notice of legislative action

A number of individuals interviewed voiced their hope that the public receive notice of legislative action sufficiently in advance that they would have time to respond to proposals before they became law. One way this might be done would be for the parliamentary calendar, with information on committee discussions and votes, public hearings and votes on the floor of the Parliament to be published in newspapers throughout the nation.

Parliamentary record

The Parliament has determined that it will publish a record of its proceedings, and it will use the services of three professional staff in the new Public Affairs Office. The authors applaud this step. As the Parliament is working in six official languages, and has committed to publishing its record in each of these languages, this level of staff will probably not be sufficient unless it is complemented by additional translators from the Parliament or hired from outside. Copies of the parliamentary record could be distributed to a number of locations, such as the law school, and to regional government centers across the nation.

Process for questioning ministers

The Constitution of Ethiopia grants the Council of Peoples' Deputies the authority to call government ministers and employees to testify and explain their actions. The question arises as to whether Ministers should be asked to appear on a regular basis, or only when called. One suggestion is that Ministers be asked to appear on a specific schedule as they are developing their ministry budget. An orderly schedule at this time will enable members from other committees to attend the committee meeting in which the minister is being questioned about resources to his or her district. It should also help to avoid scheduling conflicts. They might be asked to appear only on an ad-hoc basis during the remainder of the year.

Parliamentary party discipline

The Ethiopian Council of Peoples' Deputies is a very large body. Legislatures - especially very large ones - generally find it necessary to establish systems of party discipline to make sure

that members are mobilized for important votes, that they attend meetings to discuss and learn party positions, etc. Political parties generally establish systems of legislative leadership to manage their members. Ethiopia should consider a system of "whips" able to poll members, assure their presence for votes and to assure passage of legislation.

4. Constituent Relations

Public understanding of legislative process

As stressed in our presentation to Members of Parliament on October 17, Government leaders are not able to reach into each village and farm in the nation to understand the specific needs of the nation or how proposed government policies might be received around the nation. Parliamentarians, who represent individuals in every corner of the nation, can. Feedback from constituents, as well as from interest groups early in the public policy process enable government planners and decision-makers to avoid embarrassing policy blunders and to make better, more informed public policy.

Both general and specific information can be provided to constituents to enable them to understand both the legislative process and specific legislative proposals being considered. Legislatures and parliaments commonly provide brochures and other pieces of literature explaining the legislative process in forms simple enough for even children to understand. Such brochures are also used in schools, as part of the education process for children. Schools, incidentally, can be a useful place for

parliamentarians to visit to help children to understand exactly what their parliament is designed to do.

Specific information provided to constituents can include information on new legislation, schedules for hearings and other legislative activities. Copies of the legislative record available in government buildings in the provinces, or in libraries where they are accessible to the people, are another way of providing such specific information. And finally, and most commonly, specific information regarding legislation can be provided to the nation through the medias of communication. Open committee meetings and open general sessions provide this opportunity. The authors had the privilege of attending the opening session of the parliament in October 1995 (Western calendar) and were able to read newspaper coverage of the event as well, and were favorably impressed with the coverage.

IV. FOLLOW-ON ACTIVITIES

This report is one component of a USAID-funded consultancy to the Ethiopian Parliament. The remaining component is a second visit to Ethiopia to discuss report recommendations with Parliamentary leaders and to provide assistance in implementing whatever recommendations the Parliament considers useful. Specific activities during the authors next visit depend on the needs and interests of the Parliament and could include the following:

- Meet with legislative leaders to refine suggestions and recommendation. Based on their comments, do some preliminary design for follow-on training and other activities.
- Work with the Finance Ministry to obtain details on their plans for developing the national budget and share this information with the Parliament which might then be able to involve itself earlier in the budget-making process,
- Meet with bill drafters in the Ministry of Justice to obtain details on their plans to work with the Parliament, and to learn more about bill drafting capabilities in Ethiopia. The authors then could sketch out ideas on bill drafting training for Parliament.
- Help draft procedures to involve the regions in the legislative process,
- Draft recommendations for parliamentarian and staff training.
- Interview staff of donor agencies and write a brief report on possibilities for funding additional parliamentary strengthening activities.

Our interviews during this consultancy revealed additional Parliamentary needs. Ethiopia might be able to pursue some of these with its own resources, or might request donor funds to do the following:

A. Parliamentary Training

Once the Parliament determines its rules and procedures it could conduct a training program on parliamentary rights, responsibilities and procedures. Professional parliamentary staff and some outside experts might be brought in to conduct this training.

B. Parliamentary Study Tours

One way to understand the operations of a successful parliament is to actually observe one in operation, and to speak with members, staff and informed observers about the parliament. Legislators from many nations have benefitted from traveling to other nations to observe their parliaments in operation. Study tours can be useful to both members and staff, and can best be used as a component of a broad project to strengthen the Parliament.

C. Legislative Manual

Legislative training is a one-time, or at best, periodic event. A legislative manual detailing rules and procedures and translated into each of Ethiopia's parliamentary languages would serve as a reference book for each parliamentarian. In addition, legislators could use this publication to explain to their constituents the duties and responsibilities of the Parliament. The manual might also be made available to university and even high school students to help them better understand their Parliament.

D. Staff Training

Legislative staff could benefit greatly from training in computer use, bill drafting, legislative research, the legislative process, desktop publishing, using the Internet and many other subjects. Specific training sessions can be beneficial, but staff training as a component of a broad project in parliamentary strengthening supports an overall program in parliamentary institutional development.

E. Internet Connection

Most of ideas for legislation are not new. Ideas are borrowed from other nations and other states, repackaged and amended to meet local needs. Legislation from many states and nations are available for free on the Internet, and access to this system would enable Ethiopians to borrow ideas from other nations.

F. A System of Consolidated Laws

It was learned during the first visit that the University Law School is working on a system of consolidated laws for Ethiopia. Without such a system, it is difficult to know what laws are in effect or what laws must be amended to accomplish specific purposes. The authors applaud the efforts of the Law School, and encourage the Government to considering adding Government or outside resources to this effort.

G. A Broad Project of Legislative Strengthening

Finally, a number of developing nations have received funding for programs in legislative strengthening. USAID has been a leader in providing such projects, and regional development banks (especially the Inter-American Development Bank) are beginning to do more in this field. In addition the governments of Denmark and the Netherlands, some German foundations, The Organization of European Parliamentarians for Africa are all involved with the Parliament of Mozambique. The Parliament of Ethiopia might appoint an individual or committee to oversee parliamentary strengthening activities, to work with outside donors and solicit specific assistance.