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# Policy Brief

## **A Parliament for the People: Recommendations for The House of People's Representatives of Ethiopia**

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# EXECUTIVE SUMMARY





This policy brief identifies gaps in the interaction of the parliament with the electorate and the Executive, with focus on obstacles to substantive representation. The inefficiency of Ethiopia's parliamentary system can be cited as the main reason for violent confrontations between government and society for the last two decades. The dysfunctional relationship between Members of Parliament (MPs) and their constituencies has perpetuated the view that (1) MPs are incompetent and largely unqualified; (2) that MPs "do not care" about the people and (3) that MPs do not have the power to enforce decisions on the Executive branch of the Government. A closer look at the institution of the House of Peoples' Representatives (HPR) however reveals multiple layers of challenges that can be addressed through policy instruments that can be initiated and approved by the HPR itself.

## KEY POINTS

- The overlapping membership between the HPR and the Executive branch of the Government should be regulated. The regulation should specifically address the withdrawal of some of the most capable members of the Executive from representational duties.
- The HPR should work towards building a prestigious brand image of its institution both towards the public and aspiring politicians. This will require both monetary and non-monetary investments by the Parliament.
- The HPR should develop guidelines that would allow objective oversight steps and actions towards executive organs.



# INTRODUCTION

The popular opinion on parliament in Ethiopia is that it is 'for the government and not for the people'. The public has deduced this from the (in)actions of Members of Parliament (MPs) through observation and experience; the parliament has never voted against a proclamation proposed by the Executive nor has it ever initiated one on its own. It has become characteristic of the parliament of the House of Peoples' Representatives (HoPR) to solely rely on the executive to propose new legislations or revisions to existing ones (Merera, 2011). According to the constitution, the Executive is privileged with these rights; it is, however, unusual for the legislative to never question the prepositions. This character is consistent with the lack of democratic election and the occupation parliamentary seats by a single coalition political party until 2018 (Arriola and Lyons, 2016).

Furthermore, there are other pertinent indicators that can be used to measure the quality of representation. These include the number of constituency visits, the fairness of electoral processes, frequency and quality of constituency visits, accessibility and transparency of decision making processes (Crewe, 2018). Crewe (2018) argues

that contexts like Ethiopia present a challenge to scholars due to their uncertain environments emerging from the immature culture of representation. Pitkin (1967) presents four views on representation, namely, formalistic, symbolic, descriptive and substantive. According to Pitkin, Formalistic Representation is linked with the basis or the legitimacy of the representational role a body plays. These include electoral laws and institutions that enforce these formal processes. Symbolic and Descriptive Representation refer to the similarity, compatibility and acceptability of the representative and the represented. Examples of such representation could be through emblems, national symbols, dress codes and anything that might be related to the resemblance and the acceptance of the representative. The fourth view on representation by Pitkin is Substantive Representation; to him Substantive Representation is the ability of the representative to act on behalf of the people s/he represents. It goes beyond the authority the representative possesses to act on behalf of the people but also the extent to which the actions satisfy the constituency. The existence of effective Substantive Representation would require policy outcomes and

actions by the MP that resonates with the needs, wants, demands and values of the people s/he represents (Pitkin, 1967). This policy brief will focus on the key gaps identified in the interaction of the parliament with the electorate and

the Executive, with focus on obstacles to substantive representation. It will do so with a specific objective of recommending actionable changes to how the relationship is handled.

## GENERATIONS OF CONSTITUTIONS AND PARLIAMENTS IN ETHIOPIA

The parliament's journey in Ethiopia has been long and still has important milestones to achieve. The first modern Ethiopian parliament was established almost a century ago in 1931 (Nahum, 1997). As per the provisions of the constitution, Emperor Haile Selassie I (1929 - 1974) established a bicameral parliament. The members of the Senate were appointed by the Emperor from among the "Princes or Ministers; Judges or high military officers." The Chamber of deputies was also appointed by the emperor but had a disclaimer in the constitution that this would apply "Until the people are in a position to elect them themselves." While universal suffrage took time to achieve; on March 9, 1941 a proclamation was issued that brought Article

32 of the constitution into effect allowing "residents paying land tax and notables" to vote. (Ethiopian Constitution, 1931)

With changing context both domestically and internationally, the Emperor was obliged to revise the constitution in 1955 (Markakis & Beyene 1967). The 1955 constitution incorporated two crucial decisions. The first is the incorporation of basic tenets of fundamental human and political rights from the United Nation Universal Declaration of Human Rights (Ethiopian Constitution, 1955). Second is the provisions allowing the chamber of deputies to be partly elected through popular vote; this decision was influenced by the fact that the federated territory of Eritrea already

had a popularly elected parliament. There were three consecutive elections that took place after the approval of this constitution (Markakis & Beyene 1967). Reflecting the nature of the Imperial government, parliamentarians were mainly noblemen and few educated intelligentsia that were preoccupied with sustaining the system. However, at a small scale the parliament became a place of ethnic consciousness especially by culturally marginalized groups and the bureaucracy became a space for reformist and even revolutionary thoughts. This coupled with a deep dissatisfaction among the military, the Imperial government was overthrown by a military coup d'état in 1974. The Military government did not have a proper constitution as well as establish a parliament for over a decade. (Cohen & Koehn 1977)

1987 the Military government adopted a constitution with socialist

and revolutionary paradigms (Fiseha, 2007). This Constitution set a parliament called Shengo and council of state (the executive). Since the Shengo held only one regular session per year as per Article 67 of the constitution, decrees and special decrees between Shengo sessions were made by the executive body (the council of states as per Article 83). Even if this constitution and parliament had apparent weaknesses, the parliament was the first to allow all Ethiopians of various cultural and economic backgrounds to vote. The Military socialist government led the country until 1991, where it was ousted by a coalition of liberation movements led by the Tigrayan People's Liberation Front (TPLF). After going through a transition period that saw a series of political and institutional reconfigurations, the coalition of liberation movements emerged as the Ethiopian People's Revolutionary Democratic Front (EPRDF).

# THE 1994 CONSTITUTION AND TWO GENERATIONS OF PARLIAMENT

The 1994 constitution for the first time made a distinction between the powers of the legislative, the executive and the judiciary on Articles 55, 77 and 79. While the parliament, based on constitutional provisions, has the main features of an independent parliament, the parliament itself, due to many factors, has been weak in safeguarding its authority and exercising its power (Fiseha, 2007); it has not been safeguarding the interests and needs of the people it represents.

This popular dissatisfaction has been central to the protests that erupted in April 2014 and lasted until 2018, with the ousting of the TPLF from power and the coming to office of a new Prime Minister, Abiy Ahmed (Arriola, 2013; Østebø & Tronvoll 2020). The protests rejected key parliamentary discussions such as the anti-terrorism law, and consecutive state of emergencies that were designed to suppress the voices of the people. Parliamentarians were compliant to these suppressions by unanimously approving proclamations that were proposed by the executive

to crush the protests. In some areas, the parliamentarians seen on televised parliamentary sessions voting “yes” to State of Emergency Proclamations were threatened by their constituencies, and warned against returning.

Data from a survey of two different electoral districts in two regions, i.e. Oromia and Amhara, have shown that on average only 20% of the electorate believed that parliamentarians made promises that were specific to the electoral district and only 25% of those believed that the parliamentarians delivered on their promises (Mercy, 2020). 80% of the respondents did not even believe parliamentarians made promises specific to their locality. This is an indication of low expectation from the parliamentarians related to the way they are perceived by the electorate. Looking at the data, three electorate views on parliamentarians come to light. The first of these is that parliamentarians are incompetent and largely unqualified. During interviews, members of the constituency,

opinion makers and civil society organizations express the view that most Ethiopian parliamentarians are uneducated – usually referenced in comparison to the Executive. The educational data of parliamentarians depicts a different view that over 95% of parliamentarians from 2015 to 2020 were university graduates with either Bachelors or Masters Degrees (Mercy, 2020). However, a closer look at the situation shows that the most educated members of the parliament are appointed by the Prime Minister to Executive and even Ambassadorial positions outside of the country; so far there has not been a substitution “election” based on these grounds so the spaces remain vacant when parliamentarians were especially appointed abroad. In cases where the parliamentarian remains in-country but holds an executive position, depending on the number of parliamentarians in this position, this could compromise the separation of power between the two legislative and the executive. The parliamentarians are not assigned an executive position exclusively due to the selfish desires of the Executive but to some extent due to its responsibilities to distribute rent fairly among powerful party members; legislative positions are not economically and socially as prestigious as executive positions. Another factor also is that novel

legislative and policy ideas have never emanated from discussions in the parliament. The parliament, as in the Imperial time, is still not a place of brilliant provocative ideas.

The other reason that emerged from the data that showed the perception of the constituency towards parliamentarians is the view that parliamentarians “do not care” about the people. The household survey mentioned earlier, conducted in four regions showed that nearly 49.7% of the electorate believed that the laws passed by parliament do not consider the good of the community and 33% believed they rarely consider the needs of the communities (Mercy, 2020). This perpetuates the view that parliamentarians are not really in office to serve the people but other causes. A survey completed by members of parliament also indicated a similar response where the majority of the parliamentarians felt their time in parliament mainly served the party and the prime minister instead of the electorate and the constitution.

The other perception is that the Executive is an institution that is impossible to move. This view shows the powerful role the executive has been playing and the weakness of mechanisms put in place to hold

the Executive accountable. The few times where the parliament was engaged in processes of removing a member of the executive, also a fellow MP, from office, stripping them of immunity was when executives from higher up the power ladder were determined to remove the person from power. Interviews with parliamentarians

also show disappointment with the Executive on its priorities and efficiency of completing activities within a budget period. However, they complain that their task is limited to mere evaluations that are not translated to a carrot and stick approach due to the lack of instruments put in place.

## CONCLUSION AND RECOMMENDATIONS

Unlike previous progresses registered in parliamentary democracy, the current anticipated progress is not linked to the revision of the 1994 constitution. For the first time in over two decades, the parliament elected in 2021 has allowed opposition political parties to come to office. This lights a flicker of hope that compels thoughts on what can be done to improve the parliament with minimum effort and maximum result. Drawing from the data presented above, I outline below five recommendations I believe will transform the parliament within a short period of time.

1. Limit the number of MPs in Executive positions: If completely halting the practice is not viable, it is necessary to ensure that members of the House that are also part of the executive are a minimum set number. The HPR should devise a way to prevent strong and influential members of the House from being recruited into executive offices. An example is the UK's disqualification act that prevents members of the executive from running into office. This aims to keep the integrity of the members by making sure that their primary responsibility is their electorate as it might be impossible for them to scrutinize an institution they are benefiting from (as they will be receiving benefits and salary from the Executive directly).

2. The motivation for MPs to opt for Executive roles over Legislative positions should be examined and addressed. One of the challenges is that the Executive is viewed as more prestigious than the legislative. This might require monetary and non-monetary rewards to make parliamentary positions as prestigious as being in an executive office. It is also a communications and marketing assignment for the HPR.
3. Transparent and participatory planning: If indeed the challenge is unrealistic expectations from the side of MPs and their constituencies project implementation; this can be addressed through transparent and participatory plans by the executive. However, if there are other factors involved, these processes will help ensure accountability based on plans.
4. Clear actions for accountability should be laid out: currently the power of the parliament is limited to following up implementation and recommending actions to the Prime Minister. The HPR is yet to develop a clear oversight guideline that would allow it to objectively take disciplinary measures towards executive organs.
5. Anonymous voting devices should be available and used at all times. Oversight should be preceded by political freedom. MPs must be extricated from party discipline. The guideline for holding the executive accountable should possess specific procedures and should outline the measures to be taken clearly. Opinion making and voting must be untied from party influence.

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