

Reconstructing Policy Decision-Making in the Ethiopian Seed Sector: Actors and Arenas Influencing Policymaking Process

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Abstract

In Ethiopia, new policy actors and new policy arenas have emerged as a result of major changes that took place in the political and economic system in the early 1990's: the separation of state powers between the legislature and the executive, and the decision to move towards a market-oriented economic system. These are important changes that clear ground for better policymaking processes. However, the mere separation of power and emergence of new actors do not necessarily guarantee effectiveness of the established system, and thus need analysis. Considering policymaking as a process involving multiple actors, arenas and interactions between policy actors, this article sheds a new light on policymaking processes in Ethiopia. Focusing on the four years of discussions on developing seed law, we question whether and how the emergence of new actors and new policy arenas have influenced the process and outcome of policymaking in the Ethiopian seed sector. Our analysis reveals that the new policy arenas provided opportunities for actors to place their preferred policy options on the agenda and to get them incorporated into the draft seed law. However, decision-making ultimately remains firmly in the hands of the executive, mainly because of a blurred separation of power between the executive and the legislature.

Keywords: public policy, arena, actor, legislative, executive, seed policy

1. Introduction

Since the creation of modern Ethiopia in the second half of the 19th century, public policymaking has been the domain of emperors, kings and palace courts, the nobility, military dictators, and civilian and bureaucratic elites (Abebe, 2005). The historically authoritarian system of the country provides little room if any, for society to influence policymaking. Rather, as in many other developing countries, society is ill informed of the policymaking process, yet nevertheless affected by the resulting policies (Saasa, 1985). Since 1974, the political regime of Ethiopia has dramatically changed twice. In 1974, the socialist regime replaced the age-old monarchical system, and in 1991, 'revolutionary democracy' replaced the socialist regime (Abebe, 2005). Under the monarchy and socialist regimes, the power of policymaking was vested in the monarchical and the executive respectively (ibid).

The political shift of 1991 brought about two major changes in policymaking in the country. The first is the separation of state power between the executive and the legislature, demarcating their respective roles in policymaking process (Dercon, 2006; HoPRs, 1995). After a four-year transitional period, the constitution that separates their powers was ratified in 1995. Accordingly, the House of Peoples' Representatives (HoPRs) is the highest authority of federal government retaining the legislative power over all matters of federal jurisdiction, while the executive composed of the Prime Minister and Council of Ministers (CoM) implement policies. Both the legislative and executive can draft policies. The drafting of policies by the executive is mainly conducted by sectoral agencies.

The second change was the transformation of Ethiopia's economic system from a command economy to a more market-oriented economy (Abebe, 2005; Dercon, 2006), which consequently led to changes in the landscape of policy actors in the agricultural sector. The change brought in private sector and donor agencies into the

policymaking process. The involvement of new actors, including the HoPRs and private sector, and increased participation of others, have introduced new arenas, such as public hearings, and have changed the dynamics in existing arenas. As a result, state agencies often organize stakeholders' workshops to improve the content of the draft document. The sectoral standing committee of the HoPRs may also organize public hearings to get the views of the public about draft policy documents.

Until very recently, with a few exceptions of government companies, agriculture in Ethiopia was the domain of smallholder subsistence farmers. The government agencies were the only policy actors involved in developing policies that target these smallholder subsistence farmers. In recent years, although smallholders still dominate, commercial farming is becoming part of the Ethiopian agricultural system, supported by different development programmes of the government. The first five-year development plan, Sustainable Development and Poverty Reduction Program, which began in 2002, prioritized the private sector in its agenda, as did the second five-year development plan, Plan for Accelerated and Sustainable Development to End Poverty, which was initiated in 2006 (FDRE, 2002; FDRE, 2005). As a result, seed companies and other commercial companies operating in agricultural sector, including export-oriented horticultural companies that had stakes in the seed sector, are taking part in agricultural policymaking processes (Melese & Helmsing, 2010). Moreover, the Development Assistance Group¹ has been taking part in different development and policymaking activities in Ethiopia, since 2001 (Young, 2005).

Actors in the seed sector have diverse interests, and in the context of the policymaking process, they may frame problems and solutions concerning the seed sector in different ways (Hassena, Hospes and De Jonge, unpublished). Seed² is a strategic input for agricultural productivity, and the government has an interest in designing policies that ensure the equitable availability of seed to all farmers. Seed is also a commercial commodity, and it is in the interests of seed companies that policies be conducive to their business. Similarly, as seed users, the emerging horticultural companies want policies to ensure easy access to high-quality seed. The experts in the ministry and research system, who usually take part in policymaking, are concerned about the governance of the seed sector and risks to the seed sector and agriculture in general. These underlying drivers are key to actors' engagement in policymaking processes of the seed sector. Actors use different venues or arenas to take part in the policymaking process. The arenas create an opportunity for actors to table their preferred policy option and negotiate to include the option in the policy concerned. Similarly, some arenas are used to enact policies according to the authority vested in the actors.

Ethiopia revised the 2000 Seed Law after a four-year policymaking process (from late 2008 until early 2013). On close examination of the various drafts produced over those four years, it became clear that the policy options for variety registration and seed sector governance are the elements that change most often, showing that these were the most contentious issues in the process. The revised law was the result of interactions between all actors, both new and existing, in the various arenas that were created in the process. As indicated above, a landscape of new seed sector policy actors has been emerging in Ethiopia over the last few decades. The appearance of these new actors has led not only to the emergence of new arenas (e.g. public hearings³) but has also changed the dynamics in existing arenas, affecting the policymaking process and its outcome. The central research question is how this new landscape of seed policy actors' and associated arenas influenced the process and outcome of Ethiopian seed sector policymaking during the period 2008–2013.

To address this question, the article has been organized as follows: Section two, provides a brief description of key concepts (such as the 'rounds model' and the 'policy arena') used to analyse decision-making processes. Section three, reconstructs the process involved in developing seed policies, focusing on the different rounds of revision, the arenas used, the interaction between actors, and the main outcomes of the process. Section four, gives analyses of how the different policy arenas and policy actors have influenced policymaking in the context of seed. Based on the results of our study, in section five, we reflect on the extent to which the arenas and actors influence Ethiopian policymaking.

Empirical data were generated from documents and semi-structured interviews were conducted with different policy actors involved in the process of seed policymaking. The data collection focused mainly on the policy

¹ The Development Assistance Group was established in 2001 to foster information sharing and, policy dialogue and harmonize donor support to Ethiopia in order to support and enable the country in its effort to meet the targets set in the United Nations Millennium Development Goals. The group comprise 28 bilateral and multilateral development agencies. See: <http://dagethiopia.org/new/>

² Seed is a true botanical seed, bulbs, tubers, cuttings, rhizomes, roots, seedlings or any other plant propagating material intended for planting

³ The legislative; a new actor as a result of the separation of power, which uses public hearings, a new arena, as an important venue to get the views of the public about draft policies.

actors and policy arenas that guided the process of policymaking. Different drafts, in addition to reports produced in the course of the revision process and minutes of a public hearing, were used as starting points to identify changes in the content and decisions over the full period of the process. The drafts and reports were obtained from experts and consultants involved in the drafting process. The minutes of the public hearing were obtained from the Agricultural Standing Committee of the HoPRs. After scrutinizing drafts and reports, interviews were held with selected actors involved in the policymaking process. This was done to understand the process, the rules of the game, the level of interaction among different actors and the extent to which the actors influenced changes in the content of the drafts and the final policy document. For the interviews, major emphasis was placed on experts, including external consultants that were involved in the drafting process; staff members of Plant Health Regulatory Directorate, the then Animal and Plant Health Regulatory Directorate (APHRD) of the Ministry of Agriculture (MoA); policy actors who took part in the drafting and negotiation workshops; and the agricultural standing committee of the HoPRs. Total 40 interviews were conducted for the study.

2. A framework for analysing the chosen policymaking process

Developing public policies is complicated: they are often the result of complex interactions between various actors, with different perceptions, values and resources, varying levels of participation and influence, in a challenging administrative and legislative setting (Hermans & Cunningham, 2013; Howlett, 2007; Mintrom, 2011). Moreover, policymaking is never determined by once-off decisions, rather it is a process that extends over a period of time with many decisions passing through a political process in which there is conflict, bargaining and negotiation among actors (Teisman, 2000). Recognizing how policy actors navigate through this complex process helps to foster an understanding of how policies are made, and how challenges are identified in the process of policymaking. Different models can support an understanding of the policymaking process. In this study, we combine the 'rounds model' proposed by Teisman (2000) and the concept of the 'policy arena' (Hermans & Cunningham, 2013; Ostrom et al., 1994; Sabatier, 1988) for understanding and reconstructing the complex process of seed policymaking.

The rounds model emphasizes that decisions are made through interactions between purposeful actors in which they negotiate on acceptable combinations of problems and solutions (Teisman, 2000). According to Teisman (2000), decision-making process can be regarded as an indefinite number of decision-making rounds. Important decisions demarcate different rounds in the decision-making process in which there is a dynamic combination of problems and solutions, and a process of mutual adjustment. In the adjustment process, there could be cooperation whereby actors agree on certain issues or there could be conflict, which may force one actor to adjust. Alternatively, there could be domination by one actor, leading to the adoption of a policy option presented by that actor without agreement. As pointed out by (Carrozza, 2011), the rounds model is appropriate for dealing with unpredictable chains of events, where identifying the round at which a central decision is made is difficult due to the incremental nature of the process itself. Hence, there are unpredictable numbers of rounds of discussions in which some decisions are made in each round, which may or may not affect the next round. In an ongoing policymaking process, each decision can be considered a "temporarily-stable state of equilibrium in which streams of negotiation, deliberation and fact-finding are connected" (Van Buuren & Gerrits, 2008:382).

The participation of policy actors with different interests, resources and values makes public policymaking processes dynamic and complex (Young, 2005). In the policymaking process, the decision of an actor is related to the value that an actor places on the usefulness of the decision, also showing the internal motivation of the actor. As there are multiple actors, such motivations make the process more chaotic, but there are rules, at least informal ones, that guide the policymaking process. The rounds model does not identify the setting in which decision-making takes place. This setting is named differently by different scholars: policy subsystems (Sabatier, 1988), action arenas (Ostrom et al., 1994), constellations (Scharpf, 1997), and policy arenas (Hermans & Cunningham, 2013). Arenas are venues in which actors negotiate or bargain with the purpose of influencing decision-making; they determine how actors interact with formal and informal rules, and demarcate the boundaries in which actors operate (Ostrom et al., 1994; Sabatier, 1988). In these venues, different discussions can result in different intermediate decisions, contributing towards a formal policy decision. The arenas determine the extent to which actors have access to and influence over the policymaking process (Mayer, van Daalen & Bots, 2013). Depending on the rules of the game, as well as the participating actors, the game itself changes, and consequently changes the outcome (Van Buuren & Klijn, 2006).

We consider policymaking not only as a process that involves multiple actors and different rounds of discussions, but also as a process that is shaped by policy arenas, operating according to different rules. Therefore, we combine the rounds model with the concept of policy arena to better analyse the process of policymaking in the Ethiopian seed sector. The process of revising the 2000 Seed Law began at the end of 2008, and went through

three rounds of drafting separate by interruptions, until it was completed in 2013. Each round comprised arenas with specific settings in terms of actors, rules and boundaries. The arenas included drafting processes, involving experts; different workshops and consultative meetings where drafts were discussed and options were negotiated among actors; and decision-making fora in the ministry, Council of Ministers and HoPRs.

3. Reconstruction of the seed policymaking process

Sectoral agencies usually developed policy documents to be enacted by HoPRs. The way in which a responsible sectoral agency drafts a policy document depends on the nature of the policy document and the capacity of the agency. In addition to experts within the agency, donors are increasingly involved in drafting policies. Regardless of who and how a draft policy is prepared, the respective sectoral agency is responsible for its content. The agency approves the draft and passes it to the Prime Minister's office, to be endorsed by CoM, and experts review the document prior to its endorsement by the CoM. Because of separation of power, the endorsed draft is sent to the HoPRs. To evaluate a draft document and come up with recommendation, the HoPRs commonly direct a draft document to a parliamentary standing committee of specific sector. Finally, the HoPRs enact the policy document based on the recommendation of the standing committee. Throughout the entire approval process, the state agency, the CoM, and HoPRs have to make sure that the draft does not conflict with the constitution, or with other laws that the country has ratified, including international laws (Alemu, 2015).

To understand the specific case of seed policymaking, we reconstruct the process from the beginning until the end, or the enactment of the policy that took place over the four-year period (2008-2013). As a sectoral agency, the MoA initiated and coordinated the process from its inception in the latter part of 2008 until the draft policy was submitted to the Prime Minister's office towards the end of 2012. The whole process involved three rounds of drafting, with two drafts produced in each round. In this section, we narrate the process of seed policymaking in terms of the rounds and the arenas, focusing on variety registration and seed sector governance. The ministry initiated the first round by organizing a team of experts from the MoA, the Ethiopian Institute of Agricultural Research, the Ethiopian Seed Enterprise, the Institute of Biodiversity Conservation, and the Ethiopian Standards Authority. These are public organizations that have a stake in the seed sector at the federal level. APHRD representing the ministry as the body in charge of seed sector regulation, guided the drafting process throughout.

The expert team formed by the ministry produced the first draft ('draft-1) mainly based on their experience in the seed sector and through reviewing the existing documents. The APHRD did not organize a stakeholders' consultation in this round (informant-5; informant-8; informant-6). During the drafting process, major emphasis was placed on food crops, whilst the issue of export crops (horticulture in particular) was not considered. As indicated by the former manager of the Ethiopian Horticulture Producers Exporters Association (EHPEA), for many experts, seed policy only concerns itself with smallholder agriculture. As a result, the issue of the export market is generally is not considered (informant-39). The team felt strongly that in order to 'protect smallholder agriculture' from any risk related to the introduction of new varieties, all varieties to be evaluated before registration¹. Major risks expected, were the introduction of new pests to the country, and a risk of low yield (informant-5). The APHRD touched upon the issue by suggesting that the drafting team give the ministry an opportunity to allow the importation of some varieties without registration to encourage private sector investment in Ethiopia. Although the expert team did not fully agree with the idea of the APHRD, the team created an apparent 'loophole' in the draft by indicating that the exemption of any variety would be decided through ministerial directives in the future. The idea of the expert team was to minimize requirements for registration, rather than exempting from registration as suggested by APHRD (informant-5).

In the case of seed sector governance, the team suggested establishing two offices: one for variety registration and the other for seed quality control at national level: the proposal to establish a variety registration office was already under discussion in the Ministry (informant-48; MoA/FAO, 2008). In 2009, when the Agricultural Growth Program (AGP) commissioned a study on the formal seed system, there was a general understanding that the variety registration office would be established (AGP, 2009). The team submitted the draft in February 2009 to the APHRD indicating that the draft was mainly technical and needs to be reviewed by legal experts in the ministry or Prime Minister's office (informant-5; informant-6; informant-8). Before officially sending the draft to the Prime Minister's office, the ministry sent the document informally to experts in the Prime Minister's office to obtain their comments (informant-48).

The Ministry began a second round of drafting before getting the comments from the experts in the Prime

¹ Registration of new varieties is beyond inclusion in the national list. The varieties have to be evaluated, including through field trials, before being registered.

Minister's office (informant-15), as they wanted to ensure the law would allow Ethiopia to trade internationally. An event that triggered this idea was the confiscation of Ethiopian flowers at Schiphol airport, in the Netherlands, at the end of 2008¹. The confiscation resulted from the failure of the Ethiopian exporter to complete payments of royalties to those to whom the specific flower varieties are registered intellectual property. This did take place partly as a result that Ethiopia has not implemented a plant variety protection. This triggered a discussion between the Dutch Embassy of the Kingdom of the Netherlands in Addis Ababa and the MoA on the subject of seed policy and intellectual property rights. The Embassy presented different options to overcome problems related to the international trade of agricultural commodities (informant-4; informant-48)². Furthermore, there was also an ongoing request from the Common Market for Eastern and Southern Africa (COMESA) to harmonize seed policy across Eastern and Southern African countries to facilitate easier regional trade. The Association for Strengthening Agricultural Research in Eastern and Central Africa (ASARECA), together with COMESA, aims to foster the harmonization of seed policies in the region. Ethiopia is also interested in working towards this direction (Alemu, 2011). Thus, the ministry realized that it was necessary to accommodate the issue of international markets in the process of revising the 2000 Seed Law. The ministry approached the Dutch embassy to ask for their support in drafting the new seed law (informant-4; informant-48). Moreover, the ministry also requested support from the International Development Law Organization (IDLO), which has been supporting the ministry in the livestock sector. Both IDLO and the embassy accepted the invitation and hired consultants to draft the seed law.

Just before the start of the second round, the ministry received a revised draft ('draft-2') from the experts in the Prime Minister's office, and the comments were important for the subsequent drafting. In the revised draft, the proposal to establish new offices for variety registration and quality control and the loophole of exempting varieties from registration were excluded. Although this is informal consultation, their input is substantial and APHRD advised the consultant team to follow the revised version also showing the power of experts in Prime Minister's office (IDLO, 2010).

The second round of drafting took place during January and February 2010. In this round, the external consultants held discussions with a wide range of stakeholders in the seed sector. In the case of variety registration, the horticultural companies and their supporters (the Ethiopian Horticulture Development Agency and EHPEA) were major actors. The challenges raised by companies and their supporters were the lack of appropriate varieties in the country for the export market and the lengthy process involved in registering imported varieties that does not go with fast changing demand for horticultural products (informant-39). Their interest in participating in the seed policymaking process is to make sure that the new policy enables them to import seed easily. International companies in particular, have little patience for lengthy procedures, and rather they opt to work with other countries where they can more easily register and use their varieties. However, the government does not want to lose this investment opportunity (informant-38). Accordingly, the consultants proposed to exempt 'export-only varieties' from registration in opposition to draft-2.

In the case of seed sector governance, the main issue is concerned with the deterioration of seed quality and poor coordination of activities in the seed sector, which have been aggravated by discontinuation of the Ethiopian Seed Agency and the even shorter-lived Ethiopian Agricultural Input Authority in 2004. Similar to draft-1, but at odds with draft-2, the consultants recommended the establishment of a national office for seed sector governance, concluded from their discussions with different stakeholders.

Parallel to the discussions with stakeholders, there were continuous consultations back and forth between the ministry and the consultants to make sure that the draft included the concerns of the ministry (informant-2; informant-15). The consultancy team produced the next draft ('draft-3'). When submitting this draft to the ministry, the team requested the ministry organize a stakeholders' workshop to obtain more inputs (informant-1). Although the ministry did not support some of the issues like establishing a national office for better coordinating activities in the seed sector, these unresolved issues remained on the table for discussion during the workshop.

The workshop was organized in March 2010, and over the course of a long debate, the issues of variety registration and seed sector governance became even more contentious (informant-2; informant-5; informant-38; IDLO, 2010). With regards to the issue of governance, two camps of negotiators could be distinguished: the

¹ See, for example <http://ip4all.com/increasing-number-of-illegal-flowers-are-expected-to-enter-the-eu/> (Accessed 30 October 2015)

² Since 2006, the Dutch Embassy has been supporting the seed sector in Ethiopia; the Dutch are intensively involved in the horticultural sector.

APHRD as the ministry representatives on the one side, and the experts from different offices and seed companies on the other. In the ministry, the idea of establishing an office for seed sector governance has been a discussion point for a long time. The APHRD was in favour of establishing a coordinating office and stimulated this idea in discussions within the ministry (informant-36). However, since the ministry's decision-makers were not in favour of establishing an office, APHRD carefully positioned itself during the workshop, stating that the issue of establishing a new office should be left to the ministry (informant-15; informant-36). Experts and seed companies suggested that the main legislative document should at least indicate the general structure of seed sector governance. However, there was no room for the APHRD to negotiate, and thus an agreement could not be reached (informant-2; informant-15; IDLO, 2010). Due to the firm stance of the ministry's decision-makers, the issue of establishing a national office has remained an omission in the finalization of the draft following the workshop (informant-5; informant-12).

In case of the exemption of specific varieties from registration, the discussion was mainly between the EHPEA on the one side, and researchers and ministry experts on the other. Representatives from the EHPEA argued strongly that exemption would facilitate international trade and help to generate foreign currency. This is in line with the government policy of export promotion to generate foreign currency. Additional argument was that these varieties will only be used on companies' farmland, and would therefore not affect smallholder agriculture (informant-5; informant-15; informant-39). Given the general policy privilege to the export sector, the experts group could not strongly oppose the idea of exemption during the workshop. The consultants incorporated the feedback from the workshop and, in consultation with the ministry, finalized the draft (hereafter: draft-4) and submitted it to the ministry in April 2010. In this draft, the national office was omitted, whilst the exemption of export-only varieties was included. Draft-4 was expected to be endorsed by the ministry and submitted to the Prime Minister's office, but the draft was not submitted for more than a year. This is partly because, this was an election year and according to an informant from the ministry, the seed law was not an urgent matter for the ministry's decision-makers (informant-8). Moreover, following the election in May 2010, there were changes in the executives of the ministry, which may also have slowed down the policymaking process.

In December 2010, the Agricultural Transformation Agency (ATA) was established to support transformation in Ethiopian agriculture, and the seed sector was on its list of priorities. However, the MoA did not finalize the revision of seed law, which could have been used to support the sector. Instead, the ATA was tasked with drafting the seed law. Therefore, the ATA took up the concern and initiated a third round in mid-2011. Initially, the ATA started from scratch, because it thought that not much progress had been made. However, ATA finally decided to build upon draft-4 as the base of the final draft (informant-5). Only ministry experts, the ATA and researchers were involved in editing draft-4; however, ministry decision-makers were consulted during the process. As such, there was no consultation with stakeholders. Draft-4 was edited and presented at a workshop in October 2011 (informant-6). The actors of the horticultural sector, who had earlier proposed the inclusion of an exemption clause, did not attend the workshop. Similarly, the Dutch Embassy, which works with the horticultural sector and was involved in the development of draft-3 and draft-4, learned at a very late stage that draft-4 was withdrawn from the approval process and that they were not consulted during further revision (informant-38). The major participants in this workshop were experts from different government offices, public and private seed companies, all of whom consider seed law mainly from the perspectives of small-scale farmers.

In the absence of actors from the horticultural sector in particular, the participants of the October 2011 workshop who had been against the exemption of varieties from the very beginning of the drafting process, excluded that option from the following draft. One major reason was a perceived risk of unregistered varieties ending up in the hands of farmers. Presentations by experts, which dominated different discussions, cited incidences of farmers obtaining unregistered varieties (informant-38; informant-39). Although there was a counter argument to think about how to control unregistered varieties from ending up in the hands of farmers, the ministry's decision-makers did not approve automatic exemption for export-only varieties (informant-15; informant-38; informant-39). As a result, exempting varieties from registration was excluded from subsequent drafts including the draft submitted to the Prime Minister's office.

During the third round, efforts were made by the ATA and experts to convince the ministry to accept the establishment of a national office to coordinate activities in the seed sector. For example, presentations were given to the ministry's decision-makers to illustrate the practices of other countries (informant-30; Dessalegne, Sahilu & Mekbib, 2012). One of the arguments made by participants during the workshop in October 2011 was that if a national office is established, it could be easily aligned with the regional seed regulatory offices that are

in the process of establishment¹. There was not much resistance from the APHRD during the workshop, but the idea was simply ignored during the editing of the document. As indicated by one of the informants, the ministry's decision-makers only indicate that this is something that the ministry can do if necessary, which did not convince other actors in the process. Instead, the ministry rejected the proposal, because they ultimately had the power to decide (informant-36). Finally, draft-6 was finalized in the presence of the ministry's decision-makers. In this final draft, the issue of exempting varieties from registration was not included; neither was the provision to establish an office. The draft law was submitted to the Prime Minister's office during the second half of 2012, accompanied by a letter summarizing the objectives of the draft and how the draft was developed, and highlighting major changes compared to the 2000 Seed Law. However, this letter did not include the perspectives of different stakeholders concerning different policy options discussed during preparation of the draft (informant-49). In the CoM, no major changes were proposed, as the draft also complied with the initial comments made by experts of the Prime Minister's office.

The draft was presented to the HoPRs in November 2012, and was passed to the agricultural standing committee who evaluated the draft for its relevance. The standing committee then organized a separate discussion with the ministry in December 2012 to have a better understanding of the objectives and the content of the draft. The purpose was to understand the objectives of the draft and to build consensus between the ministry and the standing committee. As indicated by one of the standing committee members, the common ground for both the executive and the legislature is the policy and strategy set by the ruling party (informant-47). The discussion between the standing committee and the ministry was thus to make sure that the draft reflected this common policy. As indicated by one parliamentary member, such discussions between the standing committee and the ministry are usually in line with the discussion conducted between the ministry and CoM (informant-44). The standing committee also decided to conduct a public hearing session, to check if any issue has been left out, before passing the draft to the HoPRs for final endorsement (HoPRs, 2012). The public hearing was open to the public, but participation was limited mainly to representation of different governmental offices as well as the private sector, including the EHPEA. In the public hearing, the ministry was expected to clarify questions raised by the participants, and the issue of variety registration and seed sector governance were again the major focus of the discussion.

In the case of variety registration, EHPEA questioned why the issue of exemption had been excluded, also indicating that it had been discussed in different forums and had been agreed upon in earlier drafts (HoPRs 2012). For EHPEA, which had not been involved in the previous negotiations in the third round, the exclusion of exemption was unexpected. From the ministry's side, the overall direction was registering all varieties, but it recognized the fact that capacity to provide the service was limited. As such, one informant acknowledged that the ministry had decided beforehand that if participants raise strong objections to the idea of registering all varieties during public hearing, they will accept the exemption (informant-15). As soon as the EHPEA raised an objection, the ministry indicated that the case of export only varieties will be dealt with separately. It was also pointed out that it will not be mandatory to register export-only varieties, referring to the existing directive, which the ministry released to allow the companies to import unregistered variety before the revision of the seed law started (informant-8; HoPRs, 2012). This was eventually indicated in the endorsed seed law under Article 17(2), which states that the ministry will issue a separate directive regarding the import of unregistered varieties for export purposes (HoPRs, 2013).

Similarly, the issue of seed sector governance was raised by those participants who had previously proposed the establishment of a national office. However, it was concluded by the State Minister that this issue should not be part of the seed law and presented to the HoPRs. If necessary, the ministry can establish the office without including in the seed law (HoPRs, 2012). As indicated by one of the standing committee members, the issue of the national office was not included in the justification that the ministry presented along with the draft law. The ministry limited the purpose of the law to: creating clear demarcation of responsibilities between regional and federal governments; specifying the quality control systems for different seed types; establishing standards for emergency seed; and establishing integrated seed production planning (informant-41; informant-45; HoPRs, 2012). When the draft law was submitted to Prime Minister's office, these objectives were listed in the official letter accompanying the draft. Since the ministry did not include the issue of establishing a national office in the objectives, the standing committee considered the issue was outside the scope of the draft. As indicated by one of the senior experts in the ministry, even if the standing committee accept the idea of including a national office, practically they cannot include in the draft without the consent of the ministry. This is because, the standing

¹ By this time, there were discussions in regional states to establish seed regulatory bodies, and Oromia regional state was at an advanced stage.

committee assumes that the ministry designed the policy document based on the existing problem (informant-47). Thus, although theoretically the standing committee has the right to change, they did not attempt to include the issue of establishing a national office as the ministry had not accepted the suggestion of the participants of public hearing (informant-8). Taking into consideration all the reviews and suggestions, the standing committee updated the document and requested the ministry to provide its final comments on the edited version, which the ministry then endorsed without contestation. The standing committee presented the revised draft and their positive recommendation to the HoPRs, and in January 2013 it was endorsed as proclamation No. 782/2013, and officially gazetted it in February 2013 (HoPRs, 2013).

4. Policy arenas and actors shaping seed policymaking

In this section, the process of seed policymaking in Ethiopia is analysed according to how new policy actors and associated arenas have influenced the process of developing seed law and its outcome based on the results presented in section three. First, we look at how different policy arenas provide opportunities to generate alternative policy options; we then discuss the power of individual actors in influencing the ultimate policy decision-making.

4.1. Policy arenas and policy output

As indicated by Mayer, van Daalen, & Bots, (2013), arenas determine the extent to which actors have access to and influence over the policymaking process. The main focus of arena in the first round was on experts developing document, regardless of the opinions of other actors in the seed sector. In addition to the experts who drafted the policy, the ministry consulted experts of the Prime Minister's office to get comments before formally submitting the draft. There was no attempt to consult stakeholders about their perceived problems and solutions. As a result, the experts produced a draft document based only upon their knowledge and perspectives.

The needs to accommodate international market pressure and legislations dominated the second round, which made it important to adjust the arenas accordingly. Although the setup of the arenas was still with the experts to develop the document, international consultants led the process instead of national experts. However, the consultants, who did not have in-depth knowledge about the Ethiopian seed sector, wanted to consult different actors in the seed sector, thereby altering the setup of the arenas. This gave stakeholders the chance to express their ideas and perspectives in the drafting process. Although it was not the original intention, by holding a workshop to stimulate more stakeholder discussions, the arenas expanded not only in terms of number and types of actors involved, but also the dynamics of their interaction. The workshop created an opportunity for discussions and negotiations among actors with different perspectives.

The aim of the third round was to finalize and approve the draft. In order to prepare the final draft for submission to the ministry and CoM, the arenas for finalizing draft policy - editing the document and holding the workshop - were dominated by MoA, regional bureau of agriculture, research institutes, ATA, and seed companies. The domination of these actors in these arenas meant that the issue of exempting export-only varieties could be ignored, while the issue of seed sector governance could be brought back on the table. The CoM decision-making arena was an internal discussion among experts in the Prime Minister's office, members of the council and the ministry following the development of the draft policy. The final draft of the new seed law easily obtained the approval of the CoM: the experts in Prime Minister's office had commented on draft-1, and the final draft (draft-6) was largely in accordance with their comments four years back.

Before the HoPRs approve a draft policy, it has to pass through another important arena - evaluation by the standing committee. This arena comprises two spaces: the first, for introducing the draft document to the standing committee, and the second for the public hearing. In the first room, the standing committee identifies any unclear issues, and requests the ministry to clarify. The purpose is to make sure that the standing committee understands why the ministry has proposed the policy, and to clarify any doubts that the committee may have. In fact, this room is where agreement between the standing committee and sectoral agency (in this case the MoA) should be reached, and only if necessary, is a public hearing called for. Public hearings organized by standing committees are open to anyone who wants to participate, and provide the last opportunity for different actors to express their views. In the case of seed law, the participants were limited to representatives of government offices, seed companies and the EHPEA. This arena provided the chance for actors to raise the issues of exempting export-only varieties and establishing a national office, which were cancelled in the preparation of the final draft by the ministry. Consequently, the public hearing arena helped to get the exemption clause back into the new Ethiopian seed law.

Informally, the scope of the standing committee's evaluation of the draft is limited to maintaining the objectives set in the draft document, and identifying contradictions with any other policy or legal document. This is because

the standing committee assumes that the executive has set the objectives based on the problems faced, and follows the policy direction of the ruling party. Comments are only considered if they help attain the objectives indicated in the draft, or if they concern potential contradictions with existing policy documents. However, the objectives in the draft are what the ministry intends to target, which may not necessarily address all the challenges in the sector. This limits the potential of the public hearing to discussion within the objectives of the draft, and contradiction with other policy documents. The two issues focussed upon in this article – variety registration and seed sector governance – are good examples of this challenge. Although both issues were contentious throughout the whole discussion leading up to the public hearing, the State Minister accepted the argument of exempting export-only varieties, because rejecting it would conflict with the existing policy of supporting agricultural exports. Conversely, the ministry rejected the idea of establishing a national office, as it neither contradicts any existing policy nor the ministry consider it to be a problem that limited the seed sector. Whilst the existence of different arenas has created an opportunity for actors to put their policy options on the table, the informal institution of rule in critical arenas has limited its potential contribution to policymaking.

4.2. The policy actors and their power of influence

Different policy actors take part with different interests, aims and perspectives in the policymaking process. These actors include executive officials and the experts in and outside the ministry, the EHPEA, seed companies, the APHRD and the HoPRs. The different policy option and configuration of actors reflect the role of actors in the process. In this policy process, we observed that some issues attracted the interest of some actors but not others. While the issue of seed sector governance was the concern of seed companies, it was not the case for the EHPEA. The opposite was true concerning the exemption of export-only varieties from registration. This is because the seed companies and the EHPEA have different objectives to attain. The EHPEA is not in seed business, but they are users of seed of imported varieties, and they want to import seed easily. In the case of seed sector governance, the debate took place between the executive, on the one side, and the experts and seed companies on the other. This debate was a domestic governance issue, concerned with how to make the seed sector operate more efficiently. The malfunctioning of the seed sector post 2004 was partly the reason behind the initial push towards revising the 2000 Seed Law. As a result, the experts and seed companies strongly argued for the establishment of a national office, but both had little power to influence decisively the final policy decision. Despite some decision-making power, the APHRD did not strongly support the idea, as they knew the executive was not in favour of it. In the end, the ministry decision-makers did not agree with the establishment of a national office, showing the exclusive power of the ministry in making decisions.

Regarding the issue of variety registration, the experts in and outside the ministry, and the EHPEA were the only two groups of actors that was negotiating on this topic, each with a contrary perspective on the policy, thereby making variety registration a contentious issue. Experts mainly see the issue of seed in relation to smallholder farmers that dominate Ethiopian agriculture. For this group, the export sector is of minor importance and does not merit special privilege. On the contrary, the import of varieties without registration may pose risks to smallholder agriculture, and the experts could also lose the possibility to oversee the process of import in general. The experts dominated the process of drafting the new seed law and therefore most drafts excluded the issue of exemption, except the first draft in which APHRD asked the experts to include and the third draft, which involved external consultants. For actors from the horticultural sector, the export of horticultural products is in line with government policy of export promotion, they strongly pushed for the idea of exempting export-only varieties from registration. Given the general policy privilege granted to the export sector, the ministry decision-makers could not but accept the idea of exempting export-only varieties from registration as raised by EHPEA during the public hearing.

Regardless of the technical and administrative reasons behind the arguments of actors, the configuration of policy actors differs for the two issues concerned. In the case of variety exemption, the major points of conflict were between the experts who wanted to control the system and the companies who did not want to be controlled. The horticultural companies had to play their political card, export promotion, to win the political interest of the executive, which holds the actual decision-making power. In the case of seed sector governance, although the experts and the seed companies were aligned, their power of influence was not strong enough to convince the executive. As a bureaucratic department within the ministry, the APHRD, has a vested-interest in the management of the seed sector at national level. This is also because experts in the APHRD are loosely connected to the activities in the regions, and they are interested in controlling the sector. However, this is not the direction of the ministry decision-makers, and the APHRD had at times to play an internal mediatory role between the experts and the ministry decision-makers. Yet, in the discussions outside the ministry, the APHRD only presented the position of the executives, in order to be politically correct.

The role of the standing committee is critical for reaching decision by the HoPRs. The standing committee has the privilege to analyse the draft carefully inviting independent experts for consultation if necessary, and providing recommendations to the HoPRs. Unfortunately, the standing committee assessed the draft policy based on the information from the MoA, and the legal experts who support the HoPRs. Consequently, the standing committee only saw the perspectives of the ministry and did not consider the views of other stakeholders or any other independent body. This prevented the standing committee from evaluating the draft from different perspectives. The standing committee relied heavily on the ministry partly because of the shared policy direction of the ruling party.

5. Discussion

As indicated above, the new actors and associated arenas have contributed to the emergence of policy options from the perspectives of actors that took part in the process. While this is a positive step forward, the opportunity was not fully utilized in the Ethiopian policymaking process mainly for two reasons. In the first place, the different arenas are not systematically linked to one another, and secondly, the separation of power between the executive and the legislatures is blurred, with the executive dominating the policymaking process. In the following sub-sections, we elaborate our argument in more detail.

5.1. *The loosely connected arenas*

There were different arenas in developing and enacting the seed law. Some of the arenas focused on drafting, which also involved negotiations between actors with differing perspectives. During the second round for instance, there were clear differences among participants as to how the policy options for both variety registration and seed sector governance should be formulated. While participants from research institutions, experts in the ministry and seed company representatives argued for the establishment of a national office, the ministry, represented by the APHRD, argued that such a decision should be left to the ministry. The second round was concluded without coming to an agreement as to how to structure the governance of the seed sector. Similarly, in the case of variety registration, there was a difference of opinion between experts from the ministry and researchers on one side, and EHPEA on the other side. This difference could be observed vividly in the third round, when the decision in the second round was changed in the absence of EHPEA. The difference in opinion were not resolved in either case.

The CoM is where the document is practically approved: none of the documents submitted to the HoPRs have been rejected since the establishment of the parliament (Alemu, 2015). Formally, the draft is sent from the ministry to the Prime Minister's office, accompanied by a letter. However, the letter from the MoA, does not explain the debates and the perspectives of different stakeholders, in terms of policy options and why the option in the draft has been chosen. Rather it presents the perspective of the ministry, and the ministry frames the problem and the solutions included in the draft document based on its own perspective. For the CoM, what is presented by the ministry is sufficient, and the perspectives of other actors are not considered. Similarly, when the approved document was passed to the HoPRs, only a summary letter was written, which did not indicate any debate among actors. Thus, the critical decision-making arenas, the processes in the CoM and the HoPRs, were detached from the arenas where reflection and discussion on policy options among actors took place. In article 50(8) of HoPRs regulation 3/2006 requirements for submitting draft laws are listed, but this list does not include information about prior negotiations (HoPRs, 2006). This suggests that the HoPRs believe that there is no need to share discussions held in the earlier consultations. As will be discussed later, the policy formulation is based on the policy and strategy of the ruling party, which is shared equally by the legislature and the executive. Thus, CoM and HoPRs accept the preceding decision neglecting any other idea that might have emerged in the process.

5.2. *The blurred separation of power*

The above analysis shows that although the actors and arenas influenced the process of policymaking, the final policy decision remains firmly in the hands of the executive, which strongly resembles former regimes in Ethiopia. Two decades have passed since the constitution separated the powers of the executive and the legislature, and yet it is not clear from the outset why ultimate policy decision-making remains nevertheless in the hands of the executive. This requires a close look at how the two are structured, and the extent of separation of power in policymaking. One party dominates the Ethiopian HoPRs, and during the period of 2010 - 2015, 99.6% of members of the HoPRs were from the incumbent political party or its allies. Likewise, the executive is composed of ruling party members selected by the ruling party from among the HoPRs members. This is important for the ruling party to control both the executive and the legislative wings of government (Lefort, 2013). Moreover, the party reserves executive positions for more capable and experienced members of the HoPRs, and thus they develop policies. The less experienced members remain in the HoPRs to evaluate and

enact the draft (Abebe, 2005). Such disparity in capacity between the ordinary members of the HoPRs, who enact policy, and members of the executive, who draft policies, increases the dependency of legislature on the executive. Furthermore, compared to the ordinary members of the HoPRs, the executive are at a higher political position in the party, which is important for controlling junior members in the HoPRs. Abebe (2005), in his earlier research on policymaking processes in Ethiopia, also noted a heavy dependence of members of the legislature on the executive:

Having seen no difference between party and the executive leadership, some ruling party members of the HoPR have bestowed enormous trust on the executive, in terms of the capability to articulate policies and the competence to implement them. They are very strongly and candidly of the view that not only they have no objections to the executive presiding over or prevailing on the entire policymaking process, but there is also nothing wrong for the executive to command an overwhelming influence, for many of the persons in the executive are members of the HoPR representing their positions. They further contended that officials in the executive are also in the political leadership (or are party leaders); thus they are in a better position than the legislature to be able to articulate and forge policies along party lines (Abebe, 2005: 218).

Such dependency limits the role of HoPRs to legitimizing the policy developed by the executive. Alemu (2015) noted that the executive proposed 100% of the bills during the government's fourth term (2010 - 2013), and the HoPRs endorsed them all. The fact that all the policies were proposed by the executive, and that all were endorsed, shows the undisputed power of the executive in the policymaking process. A decade after Abebe's observations and almost two decades after the instalment of parliament as the legislative body, the power of the executive in policymaking remains the same. Alemu (2015) also confirms this in his recent research about policymaking practices and challenges of the HoPRs:

All of the responses of the MPs explicate that the reason they hold up to initiate law is, for one thing, they understand that the task of the legislature is to promulgate the policies proposed by the executive and to oversee their implementation; they rather mull over themselves only to approve detailed legislation/law than as formulators. Secondly, they believe the ability of the MPs' is not as such competent compared with the executive to propose well-informed policy ideas (Alemu, 2015: 148).

Our findings suggest that the separation of power between the executive and legislative in Ethiopia is orchestrated by the ruling party under which this separation has evolved as a mere division of activities within the government. The ruling party has assigned more power to the executive, making it difficult for the legislature to play a pro-active and meaningful role in the process. More importantly, the ordinary members of the legislature have accepted the supremacy of the party and the executive in terms of policymaking, limiting their roles to just approving the policies designed by the executive (Alemu, 2015). Such obedience is very much linked to the democratic centralism of the party system and the blurred boundaries between the executive and the ruling party. This centralism promotes accountability to the party instead of to the legislative that is supposed to play a direct role in policymaking (Aalen, 2006; Lefort, 2013). As such, the introduction of a formal government structure that separates power between the executive and the legislature does not define the policymaking process in Ethiopia. In the Ethiopian context, the party system provides the underlying rules and values of formal structures in the policymaking. In principle, the executive has only the leverage to propose a policy option. In reality, the executive has much more power, enabling them to enact policy options regardless of its acceptance by other actors. Such power is based on the deep belief of the executive that they 'alone are capable of making policies' (Lefort, 2013).

Our focus on the role of actors and arenas has been very helpful to shed a new light on policy processes in Ethiopia. Future research that could help to better understand and analyze seed policy processes could take different forms. One approach is to reconstruct different frames of policy actors and to explore how these frames have shaped policymaking. Another approach is to focus on the implementation of seed sector policy and understand how this is affected by the emergence of different actors.

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