

# Policy Mandates and Practices in a Federal System: The Case of Oromia National Regional State (Ethiopia)

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## Abstract

Federalism is the division of sovereignty between the national and sub-national levels of government. It's the prime constitutional separation of power, where policy responsibilities are shared among the autonomous agencies, usually between the central and state governments. The rest of policy responsibilities are also allotted to each subdivided separate departments to help maintain checks and balances. While history has it that central governments have ever enjoyed policy monopolies for years, federalism is believed to reverse such privileges in favor of both center and sub-national levels of governance. Ethiopia adopted a federal system of governance since three decades now. The 1995 FDRE Constitution ushered in the country's transition to a federal system, where two main level governments (federal and states) got policy jurisdiction in the history of the nation. Just like the federal government, the regional states were conferred with policy mandates to formulate and execute economic, social and development strategies. Oromia national regional state is one of the nine federations. Most regional states, Oromia included, also have designed their own constitution which could further explicate the federal policy mandates in view of their real situations. This study attempted to examine the status of policy mandates stipulated in the FDRE and Oromia's constitutions and their practical implementation in the study state. The study used a descriptive-explanatory approach. Research data were collected from members of Oromia Caffee (Council), legal and professional advisers, and members of the state cabinet using different data collection instruments (questionnaire, interviews and focus group discussions). The findings show that although state policy mandates are known, their translation into real practice have been constrained by factors such as age-old centralized policy perceptions, policy capacity (knowledge and skills) limitations, and related governance modalities put in place. Consequently, most policies are cascaded with little or no significant change from the federal to the study state, while some attempts have been made to design few state-based development policies and strategies. It is recommended that a new policy perception (re-conceptualization) has to be nurtured; policy capacity enhanced; and wider stakeholders' participation given due emphasis to ensure policy transparency among key actors.

**Keywords:** federalism; center/state; "Caffee"; policy mandates; policy sovereignty.

## Introduction

Ethiopia has been under monarch rulers until the advent of the early years of 1970s, the period when latent popular uprisings undermined the age-old autocratic government in power. The uprisings could be said to have violently swept away the once an invincible and "God-given" rulers from their long-entrenched political power base in an irreversible manner. The late emperor, Haile Sellassie I, was, therefore, forced to step-down by the forces of popular revolution in a manner never imagined before. However, no sooner than the military junta group stepped into usurping the popular uprisings of the mass where the mass sacrifices were grabbed and commandeered by the self-proclaimed military elites. Consequently, no one casts their doubts that policies before and during the military governments could become pluralistic, democratic or decentralized in form or content. The opposite was a reality to face head-on.

Due to its undemocratic behaviors and practices and the gradual erosion of the communist system in its country of origin, the demise of the repressive military rule was not a surprise but a consequential evident to prevail. Many popular resistance groups which had already gained momentum during the years of 1970s and end of 1980s, made history to repeat itself and brought the overthrow of the military regime in the early year of 1990s. It brought about a combined popular resistance led by the Ethiopian People's Revolutionary Democratic Front (EPRDF) came to power in 1991. This ushered in a historic departure of the political system from past so many years: from a unitary and tight centralization to the decentralization of power closer to the people. Pursuant to this change of style of governance, many fundamental political measures have also been taken. For instance, the formation of the federal, state and local governance structures has politically empowered the country's nations, nationalities and peoples to have revamped the federal system. In the socio-cultural fronts, issues such as diversity and equity, language, culture and religion were given due attention in an attempt to build a nation with common economic and political community. Above all, it can be said that a fundamental policymaking departure or policy shift has taken place in the country. This is succinctly expressed in the constitution of the FDRE, where policy mandates have been shared between federal and state government organs, charting out a strategy for multiple policy venues to become a norm than an exception. After the adoption of the FDRE Constitution (1995), the nomenclature of the state, *The Federal Democratic Republic Ethiopia*, has

ushered in the long awaited transition of the unitary system to a federalist system (FDRE Constitution Article 1, p. 131).

Scholars have ventured to define federalism but all in vain. According to Stewart (1984), almost all scholars have come up with up to 266 different but overlapping concepts of the term and indicating it as a forbidden task as a result. On the other hand, working definition was given by Thomas J. Anton as follows: “Federalism is a system of rules for the division of public policy responsibilities among a number of autonomous governmental agencies” (Anton 1989, 3). To Anton, the rules define the scope of power and authority accorded to the autonomous parties in order to help which of the parties can do what, a framework to govern relationships between and among agencies. The allocation of broad responsibilities to constituent units implies that a large number of individuals will have real interest in participation of any national or local interest such as policies. Scholars also have it that federal systems encourage greater political participation than that of unitary systems as the former is considered to have some built-in bias in favor of participation.

If federalism is the sharing of public policy responsibilities, the latter is essentially important that our life is shaped by it. Indeed, it can be said that public policies shape our life from birth to death. In the developed democracies, this is a fact of life. Similar to Anton’s conceptualization of federalism, Bickers and Williams (2001) also argue that federalism is the division of sovereignty between the national and sub-national levels of governance. It is the mode of governance based upon the separation of policy responsibilities between a national level of government and one or more lower tiers of governments, such as states in the US and provinces in Canada. The key feature of federal systems is that each of the levels of government is separately responsible. To Bickers and Williams, what all federal systems have in common is that each level of government possesses at least some sovereignty (policy sovereignty), where lower levels of government are not mere instruments created by the national government to assist in the implementation of policies, nor is the national government merely the product of the states or provinces acting together (p. 87).

This study attempted to shed light on the policy mandates of the FDRE to state governments and the practices of making and implementing policies in the federal system with a particular focus on Oromia national regional state, one of the nine federated states under the federal democratic republic of Ethiopia (FDRE).

### **Statement of the problem**

Public policymaking is a complex undertaking in all societies, socio-economic and political set ups (Cochran et al. 2012). The underlying reasons are often clear that there is always trade-offs between public policy objectives and the benefit and cost accrued to citizens. Most importantly, the “policy predicaments” (Edwards and Sharkansky 1978) emanate from policy stakeholders’ diverse interests. Furthermore, Anderson (2006), Howlett and Ramesh (2003), and Wu, Ramesh, Howlett and Fritzen (2010) argue that one of the policy predicaments or challenges is its implementation end of the scale which in turn emanates largely from stakeholders perception and the practices reflected as a result. While stakeholders’ public policy knowledge and skills is constrained by a host of factors in most parts of the world, such problems are quite enormous in developing countries such as Ethiopia. There can be convincing explanations for this. First, formal public policy as government development instrument is a relatively recent phenomenon (mid-1950s), with the First Five-Year Development Plan which ran from 1957-1961 (Alemayehu and Getahun 2004; Brown and Amdissa 2007; Amha 2012; and Mulugeta 2005). Second, the age-old centralized political system which continued until very recently, has not only affected the level of popular participation but it also created a deep-seated mind set in the policy communities in the country. That is, it gave the impression that policies are the prerogatives of few elites in the higher tiers of government, central government in particular. In consequence, the lower levels of governance were relegated to mere policy implementing institutions. There is no doubt that this has negatively affected the perception (attitudes) of all policy stakeholders at various levels. It could also be assumed that almost all public policies formulated at the center are implemented by the states, regardless of the socio-economic, human and material resource differences in each of the federations. It also follows that most public policies are moved from top to bottom without taking into account the societal or beneficiaries’ contextual realities or actual demands. However, such perceptions, practices and beliefs contradict states’ mandates stipulated in the FDRE constitution and needs an enhanced policy re-conceptualization and advocacy in order.

The objective of this study was, therefore, to investigate into the FDRE policy mandates, perceptions and practices in the study state (area) and help create a platform in which appropriate policy re-conceptualization can take place among policy actors at both levels of government. In addition, a review of the study national regional state (Oromia’s) constitutional policy provisions and their actual practices were examined.

### **Research questions**

This study attempted to explore the extent of the application of the constitutional mandates bestowed on regional states by the FDRE constitution. Moreover, it further investigates if such provisions were also explicated in the study state’s constitution and to what extent they have been transformed into actual deeds. To this end, the

following research questions have been put forward as follows:

1. What are states' policy mandates specified in the FDRE constitution?
2. Has the study regional state's constitution reiterated (endorsed) its policy mandates?
3. How much does the study state believe that it has exercised its policy mandates?
4. What are the impediments for not able to realize the conferred state's policy mandates?
5. What measures can bridge the unmet study state's policy mandates?

## **2 Research objectives**

The main objective of this study was to investigate into the policy mandates conferred by the FDRE constitution and that of the Oromia national regional state constitution and the real practice in realizing these mandates within the federal arrangement in Ethiopia.

### **Specific objectives**

- a. To find out some of the expressly states' policy mandates in the FDRE constitution;
- b. To examine if the study state has explicated the FDRE constitutional mandates in its constitution;
- c. To find out the level of exercise of the policy mandates as per both constitutions;
- d. To identify some of the underlying causes for limited policy initiatives by the study regional state ;

and

- e. To suggest future plans to maximize the realization of policy mandates in the study state.

### **Scope of the study**

There are widespread issues that can be dealt with under federalism. However, owing to time and other resource limits, the study was delimited to state policy mandates and its functions. The area of study was also confined to Oromia national regional state, one of the nine federated states in the country. There was no doubt that the scope of the study would have its own limitations when it comes to the findings and attempts to infer it to a wider scope. Nevertheless, Oromia national regional state, being one of the largest in the FDRE federations, the study would shed some lights in providing important insights which would help to draw ideas together and as the basis for future studies.

### **Significance of the study**

Federalism in practice is a new governance fashion in Ethiopia; it is only three decades old now. But here are far-reaching centrifugal and centripetal forces when it comes to the division of responsibilities among the governance levels (federal, state and local). As the essence of federalism is the division of policy responsibilities between especially the two main tiers of government, the issue of policy mandates and how best they are applied and handled will make an interesting discourse for today and the years to come in Ethiopia. This is more revealing in the Ethiopian context, where federalism is in its infancy. Consequently, the finding of the study will provide an essential understanding of what policy mandates have been given and available and how much of it is fully understood and implemented. While the study serves as a kind of fact-finding mission, the states in the country can draw some lessons from their own and experiences of other federal countries in the application of such mandates. The recommendations will also help policymakers, legislatives and executives to reassess the status of use of policy mandates as per the federal constitution of Ethiopia, its implementation and the way forward.

### **Limitations of the study**

The study experienced limitations due to lack of research fund as well as time. It was not easy to consult respondents as they were busy with their own regular commitments. There was also limitation in sampling, which made the researcher to treated limited data obtained which could not help come up with conclusive findings in some of the discussed issues as data sources were limited to government actors who are closer to the study. The study could not draw information from civic organizations and think-tank stakeholders who could have provided alternative data source for the study. Nevertheless, the researcher made every effort to come up with basic information that would at least provide an inspiration to people who would invest their research initiatives and like to advance the subject into its greater frontiers of understanding.

### **Ethical considerations**

The researcher was fully aware of the sensitivity of the subject matter under consideration in the Ethiopian public life, due mainly to the age-old centralized system of governance. In addition, it was the case that some regional states might have not fared well in implementing their constitutional mandates for various reasons. While many explanations could be given, the issue of policy conceptualization and trained human power could be cited as cases to be considered. Consequently, whatever findings are made available through this case study

will be handled with care and lesson-drawing mission to avoid uncalled-for misrepresentation of the study subjects and institutions used in the study. Above all, the subjects' informed consent to take part in the study and provide what they wished to get shared was the guiding norm and principle of the study. Consequently, maximum care was made in order to safeguard the integrity and career life of the respondents. For some of the sticky points, anonymity was preferred and findings were only disclosed on an official workshop where all have appreciated it the best interest and also provided their own criticism which the researched valued them high and to use them as input for subsequent research undertakings..

### **Operational Definition Key Terms**

- i. Federalism: It is a two- level governance model each of which has constitutional jurisdictions to plan and decide on matters residing under their jurisdictions.
- ii. Public policy: Government decisions and actions to solve public problems
- iii. Policy mandates: a constitutional or other legal mandate to formulate and execute policies which can respond to public needs
- iv. Cooperative federalism: A variant of federalism which has both vertical and horizontal interactions to formulate, implement and evaluate and review policies
- v. Dual federalism: Distinct sharing of responsibilities where both the center and sub-national levels behave as set constitutional framework and sometimes the relationship may tend adversarial
- vi. Intergovernmental relations: the relations established between all levels of governance
- vii. Regional States: They are the states as per the FDRE Constitution (1995), Article 47 (1)
- viii. FDRE is an acronym that represents the federal democratic republic of Ethiopia
- ix. 'Caffee'- is the concept which denotes 'council' in Afaan Oromoo (Oromo language)
- x. "Heera", "Labsii" and "Dambii" are simply hierarchies of law which also mean constitution, proclamation, and regulation respectively in Afaan Oromoo.

### **Organization of the Study**

The study was organized into five chapters. Chapter one is about research background and the statement of the problem, research objectives, scope, significance and limitations. Chapter two is a brief literature on the subject matter, while chapter three hints about the research design and methodologies applied with their underlying significance. Chapter four and five dealt with the findings and recommendations respectively.

### **Review of literature**

#### **Public policy: what it is and why?**

Policies are considered as old as human beings. This assumption is in light of the truth that human decisions, actions, activities and programs have been going on for years, manifested through public policies. However, past policy decisions were limited in scope; they were not complete or inclusive enough to describe what governments really do, how they do, and why they do them. Many scholars also consider that past policies were only meant for survival and at most territorial-bound in contrast to the current globalizing world. As a discipline, it came out of the recognition that traditional government decisions had limitations. This underlines the fact that public policy is the study of the description as well as the explanation of the causes and consequences of government activity (Dye 2005). Indeed, the interest of policy scientists was to explore this and provide policy advice to ensure that nations adopt the "right" policies to achieve the "right" goals. These critical debates and disagreements ("policy stalemate") almost always emanate from knowing and at the same time not recognizing the causes as well as consequences of public policies among various policy actors. While the causes of such disagreements can be complex to account for, one of the plausible answers is the promise that lawmakers uphold and live up to the expectations of the public they represent. Nevertheless, as a field of study, public policy is useful for scientific understanding, professional advice, and proving policy recommendations.

With the rise of modern society, technology and growing international relations, the scope of public policy got wider and wider to meet the ever-rising people's demands upon government; the vision and need towards public policy as a distinct discipline. Systematic public policy study, therefore, came out of public administration, which was then a field of political science (graduate of Public administration focusing on public policy). In particular, the field of policy analysis emerged by the US federal government in 1960s, in the Planning, Programming and Budgeting System (PPBS) in the Department of Defense. It was spearheaded by the then secretary of Defense, Robert McNamara. Policy analysis was also established as part of other agencies' operation during the mid of 1960s "War on Poverty" (Dunn 2004, Bellinger 2007). The underlying concept of public policy lies in its intention that is spearheaded by government in order to solve public problems using public institutions with public resources. Consequently, it is understood by policy scholars that all interventions (decisions) and initiatives taken by government on behalf of the public, as opposed to private domain decisions, are public policies. The concept, 'public policy', is therefore, a policy or tool put in place by a government

(elected government) for the public to solve the latter's problem. In short, public policy is something that we want to know as to what, why and how governments decide to solve popular problems, the underlying interests of policy scholars.

In general, public policy is a plan or program that addresses the gap between lack of (scarcity) and rational public interest (gaps between limited resources and the unlimited human wants), thus a need for prioritizing public or state programs. To most scholars, public policy is a government's decision made on behalf of public in response to solving public problems through public institutions with public resources (see Birkland, 2011, 2001; Gerston 2010; Dye 2005; Anderson 2006; Cochran and Malone 1999; Shafritz 2004; Howlett and Ramesh 2003; Edwards and Sharkansky 1978). Moreover, it is important to know the underlying principles that govern public policies. To this end, there are many actors both in government institutions and in the non-government institutions who want to influence the policies that are under formulation or design or those already approved and under implementation. All of the policy actors have their own positions and interests to be advanced or promoted. The main question is who they are and to what extent they can make a difference.

Policy actors are persons, groups, institutions, etc. having stakes or vested interest in policy decisions or actions. Each actor has got their roles in the policy processes, while their role is limited by law (Constitution and related rules and regulations). As policy processes are likened to a complex river with multiple streams converging and diverging as they cross the flood plain and meander toward the sea (Kingdon 1978), the multiple streams actually imply multiple actors having their own interests to advance. The three classical policy actors usually dominate the policy landscape (the legislative; the executive; and the interest groups), known as "iron triangles" or triple alliance. They got this name due mainly to the fact that the decision they make is stronger and far-reaching and the alliance also seems to have been endured for years. The interest groups are composed of think-tanks, political parties, the media, and civic societies, the public and individual citizens giving rise to policy transparency, consensus and collaboration which are typical of pluralistic (democratic) societies.

### **Federalism: Concept and Practice**

Broadly speaking, federalism characterizes intergovernmental relations or the existence of more than one level of government: federal; state and local. It also implies the relationship among the autonomous governmental agencies (Anton 1989; Lester and Stewart 2000). Theoretical literature on federalism as well as multi-level governance literature analyses show relationship structures consisting of several levels, where power and authority are shared along vertical and horizontal lines. In spite of this similarity in general terms, federal theory and multi-level governance literature differ from each other to a considerable extent. In the following paragraphs, the major differences between them will be highlighted in the next paragraphs whereas the origin of federal theory dates back to the 17th century, multi-level governance is a relatively recent concept that emerged in the 1980s. The word 'federalism' can be traced back to "foedus", which in Latin means union. The word foedus was first used by Johannes Althusius in the early 17<sup>th</sup> century. Althusius' work, *Politica Methodice Digesta*, was considered to be the first writing on explicitly federal theory. The modern meaning of the term 'federalism' originated during the American Revolution and is highlighted in *The Federalist Paper*, which was a collection of essays by Hamilton, Jay, Madison and Earle published in 1787. In French, federalism was first used by Montesquieu in the 18th century, although the word 'federation' was known in France since the 14th century (Watts, 1999a: 2; Khubua, 2000: 14-15). It must be noted that the first federal type arrangements took place much earlier than the first origins of federal theory. In the literature on the subject of the so-called leagues formed by ancient Hellenic city-states on the territory of Greece are often compared with federal polities and considered as the forerunners of modern federal arrangements. Within these structures, created on the basis of treaties for military and commercial purposes, the city-states retained a considerable degree of autonomy and the right to secede from the leagues (Davis, 1978: 11-35; Goudappel, 1997: 123-133; Elazar, 1987: 120-121). Daniel J. Elazar goes further than this and even considers the Israelite tribal federation that according to the Bible existed more than 3000 years ago, as the first federal experiment in the history of mankind (Elazar, 1987: 117-120).

The leagues of medieval self-governing city-states on the territory of northern Italy (Lombard League), and northern Germany, the Netherlands and Denmark (Hanseatic League), as well as the feudal Holy Roman Empire, that existed roughly on the territory of modern Germany from the late Middle Ages till 1806 are also considered as structures with federal features (Watts, 1999a: 2; Elazar, 1987: 118, 123). There are two notable examples of entities with federal characteristics that date back to the Middle Ages. The Swiss Confederation existed from 1291 till 1848 and was then transformed into a federation. The United Provinces of the Netherlands was originated in the second half of the 16th century (in 1567) as a result of a revolt against the Spanish rule on these territories and was destroyed later by Napoleon. These and other systems with certain federal features throughout human history and political organization until the origination of the United States of America in the 18<sup>th</sup> century should be considered as being closer to confederations rather than federations in the modern understanding of these terms. The first modern federation is the united structures and a brief description of

political systems of a number of federations (see Watts, 1999a: 1-34). Federations and confederations are both constitutional options that establish very different state structures. Both are characterized by multi-tier forms of governance in which powers and competences are distributed among at least two levels of government. Whereas a federation is a state that is recognized by international community as sovereign and independent, a confederation is a union of sovereign and independent states. A confederation is a loose structure created for limited purposes and often for a restricted duration.

In a federation, federated entities may possess certain sovereign rights as well as features of statehood such as a constitution, a flag, and different tiers of government, but even under these conditions they are not independent entities on the international level. The state-quality of a federation is expressed in and symbolized by a constitution, from which each level of governance derives its prerogatives. In this sense, in a federation, no level of authority is 'constitutionally subordinate' to the other (Watts, 1999a: 7). In a confederation, an international treaty regulates equality between the constituent states. Thus, confederation is a union of sovereign states, States of America established by its constitution in 1789. Successive federations were established in

Switzerland in 1848; Canada in 1867; and Australia in 1901. As for multi-level governance literature, it emerged as an attempt to describe and explain the European Union's cohesion policy after the introduction of the EU structural funds in the second half of the 1980s. Later on, it was also utilized to apply a certain governance model to political, economic and social processes, and institutional structures of the European Union in general. According to the multi-level governance model, powers and competences, instead of being monopolized by state authorities, are shared vertically by actors at European, national, regional and municipal levels as well as horizontally by public and private entities. Various levels and entities are interconnected with one another rather than nested vertically one within the other. The consequence of such an authority structure for regional entities is that they operate both within national and supranational arenas. Hence, the national level is not or only to a limited extent performing the function of a gatekeeper between domestic and European actors. Such a view of governance rejects a clear division between domestic and international politics (see for example Hooghe, 1996; Marks, Hooghe and Blank, 1996; Rhodes, 1996; Sand, 1998; Schobben, 2000).

Invented to analyze a particular political reality, the concept of multi-level governance became broadly utilized to study processes in structures composed of various interconnected levels. Apart from a considerable number of theoretical studies and rather general research done on multi-level structures, scholars have addressed the question of governance from various perspectives and applied the concept to different policy fields mainly with the aim to detect the degree of multi-level governance in these fields. However, it should also be noted that in the majority of cases the application of the concept is geographically restricted to the European context. Those limited number of studies that analyze multi-level governance in other geographic areas choose North America as the scope of analyses and compare European and which share limited spheres of competences. The sovereignty of states that form part of a confederation extends over their right to unilateral secession from the confederation, a prerogative not existing in federal constitutions. The difference between federations and confederations is well reflected in the German terms developed in the nineteenth century, Bundesstaat (federation) which means a union-state, whereas bund (confederation) signifies a union of states.

Federalism is also an ideological perspective. It stresses the hierarchical character of governance style. For example, to a French scholar Georges Scelle, federalism is in opposition to anarchy, as hierarchy: 'Federalism is contrary to anarchy because it is hierarchy: hierarchy of norms, hierarchy of institutions, of governments, and of administrations' (Scelle, 1959: 14). Joe Weiler's definition of hierarchy goes along similar lines and emphasizes that constitutions of federal states create a vertical hierarchy of a triple nature. This implies the existence of a hierarchy of norms, which is rooted in a vertical hierarchy of normative authority and this in turn is situated in a hierarchy of real power (Weiler, 2000: 2 (unpublished manuscript), cited from Hooghe and Marks, 2001b: 13). The four criteria of federalism are (a) territorial basis of representation, (b) at least two tiers of territorial representation, (c) incorporation of regional entities into decision procedures of the centre, and (d) that the basis of such representation of regional units at the centre cannot be altered easily, i.e. by means of majoritarian procedures otherwise used during decision making processes (King, 1982: 143). According to Dietmar Braun (2000), federalism is a widely debated topic in political science. However, most of the discussions are limited to normative and functional aspects of federalism or to problems of institutional engineering. On the other hand, adherents of federalism uphold its advantage of democratic quality of a community, arguing that it encourages a stronger participation of citizens and tighter links between the political elites and the electorate. Braun also explains that the economic theory of federalism has stressed the merits of decentralized and competitive federal structures as to the allocative efficiency of public resources and the innovative capacity of political action.

An equally intense debate is the empirical relationship between federal structures and public policy-making. In consequence, common questions are asked such as: do federal structures make a difference with regard to public policy formation, policy output and policy outcome in advanced industrial states? Basically different performances are expected depending on whether a given country's features of territorial division of

power are either unitary or federal. For instance, Lijphart (1999) has shown that the major institutions of government (executives, parliaments, courts, political parties, and electoral systems) form two clusters in modern democracies, with a clear distinction between federal and unitary governments.

The scholar argues that, federal systems differ from unitary governments in that they tend to have strong bicameral parliaments, strong supreme or constitutional courts with the power of judicial review, and high barriers for constitutional amendment. Consequently, federal states are typically countries with a higher degree of institutional constraints for policymaking than unitary ones (Colomer 1996; Schmidt 1996). Nevertheless, Braun (2000) argues that in a comparative public policy research the difference in territorial structure between the federal and unitary structures as it relates to policy-making has remained ambiguous for years. Scholars such as Kerman (1998) are also of the view that there are four different territorial categories: federal decentralized; federal centralized; unitary decentralized; and unitary centralized. Consequently, there is common ground as to what criteria should be used for developing a more elaborate typology of the territorial division of power. In a study conducted by Toonen (1985), distinction between the federal and unitary has since long obscured the similarities and of implementation arrangements in both states. In fact, Tooner argues that one may find an interdependence of action between territorial levels in both unitary and federal states. This is because even central government in a unitary system is just as dependent upon local government as the federal government is upon federal member states, notably because central government is a conglomerate of different organizations in competition with one another.

On the other hand, there is a wider consensus that one could use a rough distinction between “dual federalism” (Wheare 1967) and a more “cooperative” type of federalism. Accordingly, a dual type of federalism is one where there is a clear separation of responsibilities and there is also ‘division of jurisdictions’ (Chandler, 1987, 157) to indicate the two levels of authority. On the other hand, the cooperative type or “horizontal federalism” and intra-state federalism (Elazar 1962) stresses the division of labor and the functional relationships between member states and the federal government. The functional relationship includes the attribution of different functions within the same policy area to different territorial levels of government, such as policy formulation and implementation. There are also a large number of cooperation arrangements to coordinate this division of labor. In this type of federalism, it is often uneasy to draw lines of competence between territorial authorities (Baldi 1997). Hence, it shows that the distinction between the two types of federalism of federal and unitary states cannot be easily dichotomized with quantitative comparative studies.

As far as the outcomes of policies are concerned, there is no significant influence of federal structures (Gray, 1991). Consequently, the distinction between federal and unitary states should perhaps not be understood in terms of outcomes but rather in terms of modalities of action, of the organization of power and of the games that actors play. In other words, federalism should be considered as one constraining factor of public policy formation among many others. While territorial division of power may create multiple access points for interest groups on the federal arena, it also fragments and hence undermines their power, while strengthening the bargaining position of the federal government (Gray 1995, 205). Hence, in federal countries, it might be more difficult for associations to centralize and concentrate forces at the federal level and reach encompassing agreements on a national scale. This facilitates the federal government to formulate its national policies with much influence from interest groups. More so, the absence of “encompassing organizations” having means to oblige their members to accept decisions made at national level, will lead the federal government to look for an important partner for implementing national policies, and may be faced with greater difficulty in building its program on an overall national consensus (Olson 1982).

As a result, federal structures may have both malign and benign effects for the central government policy-making. They may serve as veto-points for opposition forces and at the same time may divide them in such a way that veto-points are rendered useless (Braun 2000). Parties may also use federal structures to advantage. In countries where party system is centralized and based on vertical homogeneity (e.g. Germany), the party system is the predominant system of policy-making as a result of which federal topics or issues are normally second-order priorities. In contrast, this is different in fragmented and heterogeneous party system where decentralized federal levels can be used to strengthen particular positions of regional parties and regional party factions (Chandler 1987). A good example is Switzerland, where the federal arena can become a much stronger institutional forum for political decision-making (Grande 1997). Hence, the role of the federal institutions/structures/ always depends on characteristics and features of other institutional structures. In countries with centralized party systems, territorial conflicts will certainly be less than in countries with decentralized party systems.

On the other hand, federalism does not only serve as an opportunity structure for interest groups and political parties. It also creates new groups of political actors with a “territorial logic” who enter the political game, these groups being sub-governments, regional parliaments and bureaucracies. The position actors in these groups have in the political system depends on the polity to which the latter is associated. Territorially bound political actors at member state level each pursue particularistic interests while sharing a common one in the

economic affluence and in the reputation of their region, in stable resource, in a relevant influence on political decisions as well as in a relatively high degree of authority relative to the weight of their own affairs (Bickers and Williams 2001). Federalism has passed various stages of development. For instance, in the US, it has progressed from its early dual federalism nature to cooperative, creative and the recent new form of federalism since especially 1972 to 1980s. The recent type of federalism was a shift of power and authority from the national government back to state and local governments during President Nixon's period. It was believed that the locus of policy authority should reside with those closest to the problems and to restore the balance between federal, state and local governments. Moreover, it was an attempt to regain what was lost under creative federalism (Lester and Stewart 2000). The difference between these federalism variants was the control of resource either at the center or local levels to be decided as to which projects would be funded and which ones to wait. In general sense, however, federalism may be dual (competitive) and collaborative. According to Painter (1991), the outcomes of the federal variants result in interactions that could be confrontational or collaborative.

In dual type of federalism, actors have a number of strategies at their disposal which seem to be missing in the cooperation system. In such arrangement, unilateral actions by territorial actors; the possibility to opt out of common financial transfer arrangements; cooperation based on ad-hoc and topic-based situations; pre-empting decisions which are likely to be made on the national level, etc. (Pierson 1995). The main advantage of the dual model is that solutions found within this type of federalism may be responsive and efficient in allocation as the solutions are found according to circumstances, often with particular incentives. Actors may also behave in a responsive way as they must bear the costs of their decisions. If, however, common agreements are not found, confrontation may make policy solutions much more costly, or simply impossible to find. In sum, competition in a dual system may have the advantages and disadvantages similar to those of a market model (Pierson 1995). By contrast, cooperative system may have all the advantages of institutional coordination, such as the avoidance of important negative externalities and high transaction costs which often arise in the wake of uncoordinated market mechanisms. Transaction costs are due to the time necessary for negotiation and to the side-payments needed for the emergence of a certain consensus, which is often sub-optimal and does not help to solve structural problems. The term "collusion" indicates precisely must find some way out of distributive conflicts (Braun, p. 10). All of the above shows the political game may be influenced by the existence of the federal structures and actors. Hence, the federal "set of channels" may be used by a large number of actors: they may be used as an entrenched power positions which make it difficult for national governments to formulate and, above all, implement a nationally coherent policy. In some cases, they may serve as a dissociating device on the regional level, thus strengthening the power position of the central government. Moreover, we can also see that the different versions of federalism (Braun 2000).

### **Federalism and Public Policy**

Countries which adopted a federalist mode of governance do feel how much both federalism and public policies interconnect. Our understanding of these two phenomena should also develop considering that there are greater influences that federalism poses on public policies. Anton (1989) argues that there are three main reasons that we need to understand the influence federalism poses on public policies. First, we need to understand that many of the policies are jointly pursued for their implementation. They in turn shape our lives as the ability of citizens to succeed in life is greatly influenced by the level and quality of the education they receive in realizing their job opportunities, health care, housing, and other social support provided to citizens who are unable to support themselves. These are equally felt at the center, state and local levels. Second, while federal policies are profoundly affecting the life of citizens, they are also considered expensive. As central governments kept assuming greater responsibilities, the cost (also known as transaction cost) of meeting these new responsibilities have risen dramatically; it has resulted in employing more and more government workers with new and more expensive technologies as well. Third, Program growth also results in cost increases (Anton, pp. 1-2).

The key feature of federalism is that there are policy responsibilities for which each of the levels of government are separately responsible (Bickers and Williams 2001). In other words, federalism is a division of sovereignty. This implies that federalism permits enormous variability in how policy responsibilities are divided, but what all federal systems have in common is that each level of government possesses at least some sovereignty: lower levels of government are not mere instruments created by national government to assist in the implementation of policies, nor is the national government merely the product of the states acting together (p. 87). Federalism is also characterized by its policy centrism, a structure of governance that contains elements of each of the three forms of government. The term "polycentrism" comes from "poly", which means 'multiple' or 'many', and "Centric" "refers to centers or locations of authority (Bickers and Williams 2001). Polycentrism is a structure of governance made up of multiple, overlapping jurisdictions of varying geographic scope. Furthermore, it describes the overlapping governments, small and not so small, that characterize much of the modern structure of governance. Modern system of governance is characterized by multi-policy venues where the federal, sub-national and local governments and organizations carry out different public policies. This has produced and led



to the emergence and growth of more polycentric governance systems which are abound. For instance, one can see the rate of employment at federal, state and local levels. According to the aforementioned scholars, the advantage of policy centrism is that it permits the structure of governance to be “sized” to the scale of particular public problems (p. 94).

For instance, some problems such as water pollution problems, transport services and traffic accidents, etc. may not involve the whole country, whereas others may call for a nation-wide intervention. Poly centrism also offers an additional opportunity to holding public organizations accountable for their inadequate policy performance and at the same time abuse of power. One of the limitations of polycentrism, however, is its lack of holding officials accountable due to overlapping layers of duties and responsibilities of institutions and some individuals. In addition, the fact that some people are elected and some are not will not also help citizens to have the option to “throw out the bums” when they are dissatisfied with their behavior or policy actions. Moreover, in situations where collective actions have to be taken, polycentrism faces difficulty (Bickers and Williams 2001).

### **Top-down versus bottom-up approaches**

It must be acknowledged that there are circumstances in which a national response to some policy problems can be appropriate. This can be ascribed to the unfortunate situations where lower levels of government are ill-equipped to deal with policy problems (Bickers and Williams 2001). Moreover, the problems may be widespread and immediate deserving national response. Other than requiring decisively, it also needs to mobilize resources on a greater scale than otherwise, which states and local governments are less able to do this. Another advantage possessed by the national government is its ability to finance its activities by incurring deficits and running up to a large national debt. Still important is when there are factors that have broad geographic coverage or cross-border which is beyond the means of a single state. In that regard, it makes sense to pursue a top-down policy approach to solving public problems by the central government. Related to the aforementioned is equity concerns- horizontal and vertical equity. Horizontal equity refers to where people in like circumstances should be treated alike, fairly and equitably. On the other hand, vertical equity refers to persons who should contribute to the betterment of society based on their ability to pay; those who are needy should be helped by people with greater incomes and wealth (Bickers and Williams 2001). Horizontal equity is used to justify a top-down policy action to equalize the treatment of people in different parts of the country- to equalize resources; people need to be treated equally, regardless of the particular place they happen to live (e.g. citizens’ pension matters).

While top-down approach allows for a quick, uniform response to large-scale problems, this type of response, however, can be a disadvantage on efficiency grounds. Thus one of the advantages of a bottom-up policy approach is that it ensures innovation and experimentation. Nevertheless, there is no guarantee to win approval at the national level always. The possible option is that it is important to have a multitude of state and local communities trying to solve problems in order that some of them are likely to try something that actually works. In consequence, the benefits and costs of each level of governance can become clear when considering three issues that policy analysts often confront: capacity to cope with crises; equity concerns; and policy efficiency. In consequence, it is important to reduce the choice of relying solely on either bottom-up or top-down policy approach in all circumstances (Bickers and Williams 2001, 162). When, however, the national (federal) government is with full and complete control over all public policies and functions within its borders, it is likened with what is known as a Leviathan state which has supreme power and enjoys substantial powers to execute. Such types of governance model have been implemented in history in Nazi Germany, Argentina, the Soviet Union, etc. where there have been monarch, totalitarian, communist regimes and military dictatorships.

By centralizing power the state is able to intervene in all social and economic matters with a minimum of effective opposition. As this gives the government the chance to control information, scholars believe that there is greater likelihood in which leaders are tempted to engage in corruption with almost complete impunity. One of the classic books by Vincent Ostrom (1987) argued that one of the chief limitations of central governments is that they seek to impose uniform policy solutions within their jurisdiction. Such uniform policy solutions in turn are inevitably too stringent in some areas and too weak in others. Part of the reason that Ostrom suggests is that costs of gaining information to make and implement policies is high, whereas a centralized (Leviathan) government has little incentive to bear the costs of gaining this information. As a result, alternative solutions to fit national to local conditions is limited or even absent. How can States Maintain Their Interests and Influence Federal policy making?

States can influence federal policymaking in many ways. This influence may be both reactive and proactive. A reactive strategy enables state governments to take actions following the passage of federal legislation in order to alter or minimize the negative effects on state-governmental interests. States may also be proactive in their attempts to influence the nature of federal policy while it is still in the developmental stages (Nugent 2009). There are four main state-governmental influences in the national policymaking process (from strongest to weakest).

1. State refusal to comply (informal veto): This includes that state or state officials can reconsider or bypass

- initiatives that do not have sub-national support or those that have minor state provisions. States can also try to compel the inclusion of provisions in the policies or bills and to be considered by the federal parliament or congress.
2. **Coordinate governance:** It is states' ability as an autonomous governmental entities quality public in their states and implement federal policies in ways consistent with their own interests. Consequently, states can pass policy legislation to stave off pressures for a uniform federal law or policy. In other words, states can influence the implementation of federal programs in states to avoid or minimize federal encroachment.
  3. **Participation:** is states' ability to compel or encourage federal officials to include state officials in policy deliberations. As a result, states can gain access to decision-making processes and institutions such parliament's legislative process and federal advisory commissions. This can result in negotiations between the state officials and the federal officials on various policy matters.
  4. **Exhortation:** It is a strategy in which states' high-profile officials gain publicity and media exposure in their opposition to some of the federal initiatives. States seize the opportunity to exhort, complain provide necessary information that help offer alternative interpretation, revise or change original programs or bills of federal actions (Nugent pp.61-62). It must be known that the aforementioned influencing strategies can take place at all of the policy stages: agenda setting; policy formulation; policy enactment (approval), policy implementation and evaluation. In other words, policy influencing can take place both in the pre-legislative, legislative and post-legislative policy phases.

Having the aforementioned mechanisms at hand to resist sometimes what does not effectively operate in states will pre-empt the assumption that states are at the mercy of the federal government simply because they lack a trump card for use against their federal counterparts. According to Haider (1996), because of their expertise and responsibility for implementing policies at the street level, state and local officials possess an informal veto- power over federal policies. This builds veto politics. It is from such beliefs that Hamilton's assertion becomes meaningful: "...it will always be far easier for the state governments to encroach upon the national authorities than for the national governments to encroach upon the state authorities" (Hamilton 2001, 93-103).

### **FEDERALISM IN ETHIOPIA**

Owing to a centralized system of governance for many years, decentralization and devolution of responsibilities and power has not been so common, which the country could talk of as its administrative values or assets. With highly centralized system of governance style, sub-national structures had no autonomy. According to Bahru (1991) and Eshetu (1984, 1992a), the centralization of governance was based on the then rulers' hand-picked assignments with a personal fashion, which gave the monarchs, the ultimate decision-makers in the country. Consequently, what could be thought of as regional autonomy and administration was manifested to be either very little in scope or unthinkable sometimes. This was also true even during the last monarch era (Haile Selassie), who was considered to have heightened the modernization drive in the country. The military government, which ruled from 1974-1991, did not want to tamper with the centralization antiquities until the very late of its iron-fist rule, which was induced by popular resistance struggles in the country as well as the gradual retreat of the socialist camp in its original countries. Accordingly, past political system did not spare any space for self-rule for a nation of nations (Taye and Tegegne 2007). The diverse ethnic groups in the nation's territory could not enjoy self-determination and the corresponding institutional arrangements that could contribute to both self- and shared-rule in the country. Such political measures had its implication for local administration in which the public could have appropriate access to take part and improve the quality and pace of the services to be delivered. The revised version of administrative arrangements only came as a prelude to the establishment of the "People's Democratic Republic of Ethiopia" (PDRE) in 1988 (Eshetu 1992c).

According to the scholar, however, the change was simply in form and could not in essence reflect true autonomy in all measures. In practice, it was argued that it was a virtual continuation of the imperial tradition of governance style. Indeed it is from such seamless change of governance style that Cohen (2001) characterized the military government's administration no more than "a veiled centralization of the past." The system was even considered unprecedentedly more centralized when seen in light of its excessive monolithic party rule and greater concentration of power in the hands of the few.

After the fall of the military rule, the transitional government of Ethiopia (TGE) assumed power in 1991. In effect, it can be said that it inherited a highly centralized system of governance (Eshetu 1992c). The new government drafted a transitional charter which helped set up the TGE, which was followed by a significant legislative departure. This included the Proclamation No.7/1992, which provided for the setting up of national/regional Self-governments (TGE 1992b). The legislation paved the way for the formation of new administrative structure consisting of both central and regional governments. Since the coming to force of the Ethiopian Constitution (1995), therefore, both federal and state governments were made to have separate as well as joint policy roles and responsibilities.

Consequently and as per the FDRE Constitution (1995),

a) Both the federal and state governments respect each other (Article 50 (8))

b) Both levels perceive each of their roles and how they undertake their tasks to influence policy-making and its implementation processes. Some of the Federal-State policy mandates provided in FDRE Constitution include:

- *Powers not expressly given separately or concurrently to both level of governments is reserved to the states (article 52, 1). This succinctly shows that state policy mandates are much wider than that of the federal government*

- *Federal government formulates and implements “overall” or “general” economic, social and development policies, strategies and plans... (Articles 51(2), 55 (10)).*

Similarly, state governments have the power to “*formulate and execute economic, social and development policies, strategies and plans of the state*” (Art.52, c). From this third provision, one can understand the fact that states in Ethiopia have equal policy roles with that of the federal government. It can be said that these policy mandates for the states in the country can be considered as the ant-thesis of the age-old perception that public policies have been the prerogatives of the federal or central government. Still to date, many people, including some policymakers and implementers, seem to doubt whether such fundamental policy mandates are provided to the states by the constitution. Some also fail to understand the fact that “building one economic and political community”, as stipulated in the preamble of our constitution, takes into account such policy preferences which are natural. In all of these processes, policy actors play major roles.

To sum up this sub-title, states, including States in Ethiopia, need to have a forum where to deliberate as to how to enhance and promote the interests of their constituencies to which they are primarily accountable. This in turn develops more horizontal accountability than the oft-known and practiced vertical accountability. In developing countries, including Ethiopia, such states’ forums are not common, by which they cooperate and oppose the federal government within their constitutional bounds. The question to be tackled is, therefore, how can state influence federal policies and maintain the interest of their constituencies? This study tries to explore the mandates, the actual practices and also what should be done in the years to come.

### **Research methods and designs**

This study opted for a descriptive-explanatory design which was meant to investigate into the policy mandates of the FDRE constitution and explain what the application of the mandates look like in the study regional state’s constitution. The choice of the design was deliberate on the part of the researcher in a bid to describe and explain in greater length the policy practice and some of the apparent limitations in the realization of the mandates. It employed a combined research method or approach, quantitative and qualitative. Its main justification was that it was found important to triangulate the data obtained through the research instruments used for the same.

In other words, the use of combined methods and data collection instruments was believed to provide the research a wider perspective to be considered as a baseline study which could serve as an initial encounter to carry out in-depth studies in the future. It is obvious that for any research work there is a need to identify the subjects that can provide the desired information (data) is about sampling. To this end, a purposive sampling was used in order to obtain the required data from individuals and groups considered having the necessary information about the subject under consideration. Though there are over 20 different sectoral bureaus and many government development agencies, it was not possible to reach them all. The researcher consulted with some persons closer to the bureaus and agencies and who have good information. Finally, the researcher was advised to collect data from five major government institutions or bureaus: education; health; agriculture and rural development; industry and urban development; and justice bureaus.

The underlying reason to be confined to these five main bureaus was that they are the ones in which many sector-based policies were designed mainly at the federal level and cascaded to the regional states. Furthermore, policies in these sectoral areas have been frequently evaluated and revised so that the bureaus are expected to have deployed and engaged in policy formulation, when invited by the federal sector ministries at the federal level. Their staffs are considered to have participated in policy implementation and evaluation activities more than other bureau staff. After identifying the aforementioned five main sectoral bureaus, the next task was to determine the number of respondents to fill in the questionnaires. From two perspectives, the respondents to take part in filling the questionnaires had to be determined. First, they have to be individuals who have the experience of the research concept of public policy and policy mandates, policymaking process and policy actors and their role. Second, the same respondents have to be persons who can relate the issue under discussion (policy mandates and practice) both in federal and regional states contexts, the FDRE constitutional provisions and the study state constitutional provisions (e.g. “Heera”, “Labsii” and “Dambii”), and the role of the two branches of government (the legislatives and executives), which have much more substantial roles in policy matters.

In most cases, such policy understanding may not be acquired unless persons are more inquisitive and knowledgeable through their assignments and exposure to the same. The justifications have led the researcher to selecting senior experts to fill in the questionnaires with the view that they have relatively better knowledge and experience about the subject under discussion. On the other hand, the number of senior staff experts in each of the government institution nowadays is subject to debate. That is, there is a continuous out-flow of staff due mainly to search for better job (better pay) and secondment or promotion to relatively high positions. At the end, ten senior experts (having at least five-years of service or at deputy bureau head level) from each of the five institutions (50 respondents) were made to fill in the questionnaires.

**Research instruments:** The underlying reason to be confined to these five main bureaus was that they are the ones in which many sector-based policies were designed mainly at the federal level and cascaded to the regional states. Furthermore, policies in the these sectoral areas have been frequently evaluated and revised so that the bureaus are expected to have deployed and engaged in policy formulation, when invited by the federal sector ministries. Their staffs are considered to have participated in many of policy implementation and evaluation activities more than other bureau staff. After identifying the aforementioned main sectoral bureaus, the next task was to determine the number of respondents to fill in the questionnaires. From two perspectives, the respondents to take part in filling the questionnaires had to be determined. First, they have to be individuals who have the experience of the research concept of public policy and policy mandates, policymaking process and policy actors and their role.

Second, the same respondents have to be persons who can relate the issue under discussion (policy mandates and practice) both in federal and regional states contexts, the FDRE constitutional provisions and the study state constitutional provisions (e.g. “Heera”, “Labsii” and “Dambii”), and the role of the two branches of government (the legislatives and executives), which have much more substantial roles in policy matters. In most cases, such policy understanding may not be acquired unless persons are more inquisitive and knowledgeable through their assignments and exposure to the same. The justifications have led the researcher to selecting senior experts to fill in the questionnaires with the view that they have relatively better knowledge and experience about the subject under discussion. On the other hand, the number of senior staff experts in each of the government institution nowadays is subject to debate. That is, there is a continuous out-flow of staff due mainly to search for better job (better pay) and secondment or promotion to relatively high positions. At the end, ten senior experts (having at least five-years of service or at deputy bureau head level) from each of the five institutions (50 respondents) were made to fill in the questionnaires.

For the purposively selected government institutions, questionnaires were used to gather research data. Moreover, informant interviews and focus group discussions were employed to supplement data obtained by the former. Interviews were used to gather data from two persons in the strategic positions in the Caffee structures (e.g. Caffee Deputy House Speaker and Administrative and Legal Affairs). Furthermore, three advisers or experts in Af-Yaii (Speaker’s) Office, four chair persons of standing committees and four graduate students at the Ethiopian Civil Service University were included in the focus group discussions. All of these respondents were purposively selected on the grounds of their knowledge and experiences of the subject matter under question.

**Data analysis:** Data for the study were gathered from primary and secondary sources. Primary data were those data obtained from the field. They were gathered through questionnaires, interviews and focus group discussions. Secondary data were obtained from books, research outputs, government official documents. Consequently, primary quantitative data were analyzed using percentages, while qualitative data were described or narrated. In light of the low policy perceptions which could limit dependable responses, the use of qualitative data analytic discussions have greatly contributed to the understanding of the subject under discussion.

### **Data presentation and findings**

This part deals with data obtained through research instruments and the findings that follow. Data presentation is followed by explanations. However, selective thematic discussions will be made toward the end of the same chapter. As explained in chapter three, 50 questionnaires were distributed to the five purposely selected government institutions. A purposive selection of 10 respondents each was made from the five identified bureaus (50 respondents). At the end, 46 questionnaires (92%) were filled in and returned, while 4 questionnaires were mishandled and could not reach the researcher within set deadline. In addition, research data were gathered through informant interviews and focus group discussions.

### **Main findings**

Questionnaire respondents were asked whether they know Regional States have policy mandates as provided by the FDRE Constitution (1995) to formulate and execute their economic, social and development policies, strategies and plans of the state. Table 1 below shows respondents’ views.

Table 1: Knowledge of regional state’s policy mandates as in FDRE constitution (1995)

Yes		No	
Frequency	%	Frequency	%
40	87	6	13

As can be seen from Table 1, most respondents confirmed their knowledge of the constitutional provision made to regional states to formulate and execute their economic, social and development policies, strategies and plans of the same. On the other hand, 13% of the respondents replied in the negative which implies that such provisions are not known on their part. However, the fact that 87% of the senior experts group knows such mandates is encouraging. It is a blessing opportunity for the entire policymaking process, as they can identify the role of the regional state with regard to setting public policies that are relevant and which can help solve real problems in the study regional state. In addition, based on their knowledge they can also advise and influence state law makers (policy makers) when it comes to some of the sectoral policies. They can also make a distinction whether a specific policy issue lies within the federal or state mandates, a means to ensure the relevance of the policy to the specific situation or problems of the state. Such policy screening ability will also help to urge sectoral bureaus to design a policy/strategy that can better serve the real needs and demands of the regional state in question.

Nevertheless, the fact that 13% of senior staffs do not know the states’ mandate affects the depth and breadth of the policy they implement, how and why it also limits the perception of their followers (subordinates). The next question set for the senior experts was to find out (learn) whether or not the regional states, Oromia in particular, has benefited from the FDRE constitutional provision stipulated in article 52 (c) and the state’s constitution article 55(4,5 and 6) .Table II depicts respondents’ views and knowledge about the subject .

Table 2: Regional states (e.g. Oromia) could design their own development policies and strategies.

Yes		No	
Frequency	%	Frequency	%
32	76	10	24

Table 2 shows that a greater majority of respondents (76%) believe or see to it that the regional states, including Oromia, have made use of their constitutional provision to formulate their own policies, strategies and plans. On the other hand, 24% of the respondents are of the view that such provisions have not been used. This latter group of respondents has put their justification in the following question (number 3). They include lack of policy knowledge and skills (capacity) (9%); the regional state does not want to take its own initiatives (2%); the federal state does not want (support) such initiatives to be practiced (7%); and all the given choices could be responses (2%).

In this question, a double counting has been witnessed; those who answered “yes” also rule out the stated problems are non-existent. To this end, about 30% of the respondents replied as “None of the above”. While the “No” responses for question number two amount to 22%, the response for question number 3 appeared more than the number and percentage of the respondents. With regard to questions number 2 and 3, it is important to relate the responses of the focus group discussants and interviewees here. Respondents of both instruments attribute lack of policy initiatives to three major reasons: the existence of dual policy mandates between the federal and the states, inappropriate (opposite to constitutional provision) policy perception, and low policy capacity. They also think that blurred policy mandates between the federal and states and lack of capacity to translate the policies into practice are the basis for most regional states not able to taking own policy initiatives, which Oromia is a part.

However, this must be cautiously understood and associated with the appropriate conceptualization of the term, “policy”. Had it not been for the lack of appropriate conceptualization of public policy, any decision made by a government to solve public problems, is crystal clear that regional states make several decisions every year, biannual and quarterlies. This is also justifiable on the grounds that except the rightly coined federal “overall ” and “general” policies, strategies and plans (FDRE constitution, Art 51 (2) and 55(10), all policy strategy and plan domains reside in the regional states’ jurisdictions, as rightly indicated in Art 52(c) of the same source. Another important point the researcher wanted to explore was respondents’ confirmation of policy making venues and frequencies at federal or state government levels. Table three below attempts to show the venues of policy making and the responses that participants provided.

Table 3: All of the development policies and strategies made or designed are by the federal government.

Response	F	%
Fully Yes	18	39
Partially Yes	7	15
Partially No	7	15
I do not know	1	2
No response	13	29
<b>Total</b>	<b>46</b>	<b>100</b>

The above table shows that most respondents (39%) are of the view that almost all of the development policies and strategies are designed by the federal government. Adding the respondents who confirm “partially yes”, about 54% of them believe that most development policies and strategies originate from the federal government, while only 15% of the respondents don’t partially agree to the statement. Moreover, the rest (29%) of the respondents did not indicate their position or made up their mind. It must be noted that the issue under discussion deserves critical consideration in light of the FDRE constitutional provisions and the study regional state’s constitution. The responses, in one way or another, vividly indicate that there is still a center-based policy perception and practice. While it could be ascribed to states’ capacity and also the center’s tendency to grip on each and every development policy, the fact remains that most policies are driven top-down. Consequently, how much these centrally designed policies respond to real situations is subject to further investigation.

Another point to consider is the policy role of regional states (including Oromia regional state). In principle, federalism is put in place with full understanding of diverse needs and realities in each of the members of the federal government. As the center cannot keep doing everything for the states and also lacks natural capacity to do so, states capacities have to be built in short, medium and long-terms. In light of the past two decades and beyond, such building capacity efforts must have come to a stage where states should have been empowered and could own their policy designs, implementations, evaluations, change or terminate them based on their objective needs and problems to be addressed. In contrast, and taking into consideration that some public policies may have a cross-cutting role and impact, they can be designed at federal level. It is, however, the case that the federal government alone cannot implement them and the active participation of states still becomes critically important. The next question, therefore, deals with the status of participation and how much state or local level concerns are taken care of during policy formulation at the federal level. Tables 4 and 5 respectively depict what respondents have to say in this regard.

Table 4: Rating state bureaus’ participation in federal policymaking processes

Response	Frequency	%
Very high	11	24
Medium	18	39
Low	8	17
Non-existent (not at all)	4	9
No response	5	11
<b>Total</b>	<b>46</b>	<b>100</b>

Table 5: To what extent state participants' views and concerns are considered (attended to)?

Response	Frequency	%
Well taken	21	46
Partially taken	13	28
Barely taken	5	11
Not considered at all	2	4
No response	5	11
<b>Total</b>	<b>46</b>	<b>100</b>

Both Tables (4 and 5) show the level of policy participation at the center by experts from the state. As can clearly be seen from table 4, more than 60% of the respondents agree that participation is “high” and “medium” respectively. The ‘medium’ group respondents who are not so enthusiastic tend to be critical and account for 39%, which implies that there is some level of dissatisfactions over either the frequency or quality of participation.

Not considering respondents who could not make up their minds, those who made their position as ‘low’ and ‘non-existent’ account for 26% altogether. As this matters a lot, both state levels need to find out the missing link with regard to the status of policy participation at the center, as effective implementation at the end of the day cannot be imagined in the absence of appropriate knowledge and commitment by state actors. Another important aspect of policy participation at the federal level is the active interaction between the two level participants (experts) to pave ways for mutual consent and designing mutual implementation strategies.

Lack of consensus at this critical stage means creating implementation deficit which may have far-reaching consequences. In table 5, 46% of the respondents confirmed that views and concerns are well taken, while 28% of them consider it as ‘partial’. The latter response sheds some lights on the prevalence and lack of consensus on some policy aspects. Furthermore, a total of 15% either consider that there is almost no consideration for state views and concerns, while few of them view a complete absence of considering their views and concerns. In general, leaving aside the 11% respondents who did not make their decision, lack of considering about 43% states participants' views cannot be considered a healthy interaction as it may imply a lop-sided policy relationship in favor of the center (federal government).

In Table 6 below, respondents were further asked to state the main reason (s) as to why their views and concerns are barely taken or not considered at all. Out of the alternative responses, the major ones were given as follows: “the center thinks they can do whatever they want to do (6%); the center always wants uniform ideas, policies and strategies to be implemented regardless of diverse situations in the country (17%). Moreover, close to 20% respondents made clear that the nostalgia of “top-down policy approach is still pervasive”. In addition, 15% of the respondents confirmed that the center thinks that they can impose policy that they wish to implement: emphasizing uniform attitudes and top-down traditions which still seem to keep haunting the federal policy making process in the country.

Table 6: Causes for not considering views and concerns outside of the center's realm

Response	Frequency	%
The center thinks they can impose policy	3	6
It wants uniform policies and strategies to operate	8	17
Top-down policy approach is still in existence	9	20
All of the above	7	15
None of the above	3	6
No response	16	35
<b>Total</b>	<b>46</b>	<b>100</b>

Similarly, in table 7, an almost sort of consensus seemed to have been reached with regard to views and concerns not taken care of while policy deliberations take place at the federal level. To this end, 13 (28%) of the respondents proved that such policies cannot be effectively implemented as desired, while about (24%) approved that it cannot be implemented as desired (subject to confusions and may sound irrelevant to specific situations of the regional state). Only two respondents (4%) remained exceptional in the sense that such policies can be implemented without any difficulty. This clearly shows concerns of greater magnitude that top-down policymaking process leads to policy implementation deficits, though the center pushes down implementation to states which lack trust on such policies.

Table 7: Results of the policy design that lack considering state views and concerns

Response	Frequency	%
Can be implemented without difficulty	2	4
Cannot be implemented as desired	13	28
Are subject to confusions	6	13
May sound irrelevant to specific situations of the regional states	6	13
All could be the responses	3	7
Only “B-E”	11	24
No response	5	11
	46	100

Consequently, a question was posed to find out which points more describe the policy making process in Ethiopia in general and in Oromia in particular. Table 8 below vividly shows the response as presented under.

Table 8: Policymaking process in Ethiopia?

Response	Frequency	%
Policy making is participatory	24	55
Policy making is not fully participatory	5	11
Policy making is still considered as special prerogatives of the federal government	5	11
Most regional governments look up to the center’s “go ahead” or decision to make their policies	4	9
All	2	5
Only “b”-“e” are response s	4	9
<b>Total</b>	<b>44</b>	<b>100</b>

From table 8, one can see that 24 (55%) of the respondents witnessed policy making in the country as well as in Oromia regional state is participatory. However, a total of about 20(45%) of the respondents have different views or positions. Indeed, this is a new finding in that most scholars consider the policy participation in the country is generally low. It also remains the prerogatives of the federal government. As a result, some of the respondents witness that regional state, including Oromia, look up to the federal government’s blessing or a “go ahead” signal or a combination of them. While the apparent situation implies that policy making process in the country is participatory, many policy scholars in the country and some foreign researchers question the authenticity of this participation. In particular, the perception and sometimes the real practice that state governments are not inspired to design their own problem-based policy is still an outstanding issue that calls for further investigation. Moreover, the responses reveal that even the policy designed at state level is not as participatory as may be thought. This has been affirmed by the focus group discussants who are part of the policy making process in the study regional state. The responses from the discussants further reveal the reality as follows:

Unless attributed to the deep-seated perception or belief that public policies are the ‘prerogatives’ of the central government, which implies that sub government levels do not have roles other than implementing the nationally set policies and strategies, there is no rule that inhibits the regional states from designing their own policies and strategies relevant to and applicable to the same should they desire. This has been affirmed both by the FDRE and the study state’s constitutions.

In Ethiopia, a larger section of policy stakeholders and communities (experts, civic societies and the general public etc.) always complain that their participatory role is still low. While it may be believed by some of the respondents that policy making process in Ethiopia is streamlined or adhered to as per the FDRE constitution arts 43(2) ,52(1) and 52(c) by about 15(33%) of the respondents, a total of 21 (46%) claimed the opposite as follows:

- a. The constitutional provisions and mandates are not translated into practice (action)
- b. The role of the law-makers and executives is not distinctively set to pave ways for active policy participation, and
- c. The role of the sectoral ministries and bureaus is not clear. Hence, the combination of the above three reveals the situation (see Table 9).



Table 9: What affects policy making process in Ethiopia?

Response	Frequency	%
The FDRE constitution has set the modality for policy making process in Ethiopia	15	33
The constitutional provisions and mandates are not implemented or put into practice	7	15
The role of policy makers (law makers) and that of the executives is not made distinct	4	9
The role of sectoral ministries or bureaus are not made clear	-	-
All of the responses	1	2
All of the responses except "A"	9	20
No response	10	21
<b>Total</b>	<b>46</b>	<b>100</b>

Respondents were also inquired for additional views and their policy experience in Ethiopia as well as in the study regional state. As can be seen from Table 9, only 10 (21%) did not make their response clear. Some of them explain that the alarming problem is not about policy formulation mandate issues, but policy implementation issues stands tall at the study regional state. The main challenges in this direction include lack of implementation capacity and commitment. Some of the respondents also added that there is lack of understanding of the policy objective and implementing it as per the objective and strategies. As a result, gaps between policy objectives and its resultant are clearly evident-ineffective implementation.

To sum up the quantitative findings of this sub section, it can be argued that policy roles are blurred at all levels of the policy spectrum. Moreover, the age-old centralized policy legacy and its resultant perception have not been found easy to reverse it even psychologically from both ends (center and state level). Despite that there are wider constitutional provisions for the regional states to design and execute their own social and economic development plans and strategies, this does not seem to have been fully realized. Unless there is a re-conceptualization of policymaking process both centrally and at sub-national levels, it can be said that the status quo remains to continue unaffected for some time to come.

## Qualitative data presentation and analysis

### Interview responses

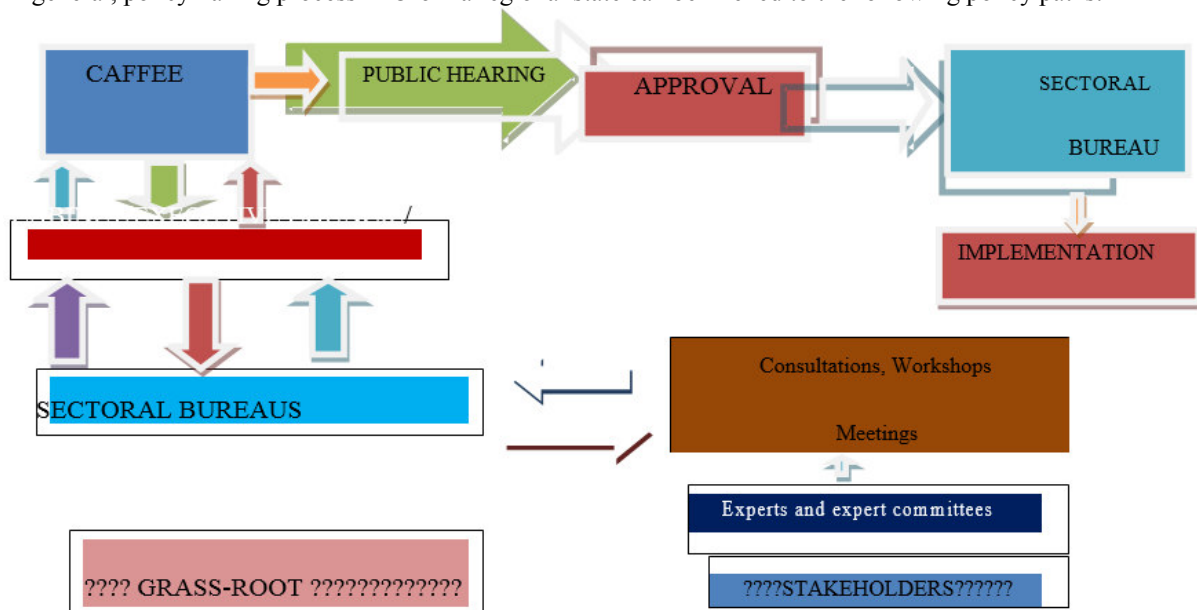
The first interview session began with H. E. Ato Abdi Teha Mohammed, Deputy Oromia Speaker of the House. Ato Abdi was invited to share his wider experience and the provision and practice of the Federal Constitution as it relates to policy mandates stipulated in Article 52 (c). He admitted that there is no what is as such called 'state policies' as most are adopted from the Federal government. Due to the age-old centralized policy perceptions and practices, there is no widespread knowledge about policies, specifically in the regional states, after federalism came to force. Furthermore, there are no widespread research institutions in the regional states that deal with policy issues. In Oromia, too, it is only the legal research on the justice reform that is available. The result is that there is a dichotomy of policy perception where policies are usually identified with the executive (Cabinet) and laws (proclamations) with the legislature (Caffee). In effect, all government decisions are public policies except that the Caffee, which is the supreme regional state body as the "Legislative power in the Oromia Regional State is vested in Caffee Oromia" (Article 47 (1). According to the informant, sectoral cabinet members have more time and activities in the formulation, implementation and evaluation of policies whereas the "Caffee is confined to the approval and overseeing of the policies". Consequently, the scope of involvement has given rise to the policy dichotomy picture in the study regional state. Nevertheless, this type of policy perception is not only confined to members of the Caffee and Cabinets in Oromia. Many parliamentarians in the Federal House of People's Representatives (HPRs) have also similar views that they are not concerned with policy decisions but legal proclamations.

The underlying dichotomy begins with the process of policymaking which starts from the executive (sectoral bureaus), later forwarded to the cabinet and finally the state council, known as Caffee. According to Ato Abdi, the draft policy proposal is thoroughly deliberated, justified and finally passed to Caffee through the state's justice bureau. After it reaches the Caffee, there is a first-hand general discussion presided by the Afyaa'ii

(Speaker of the House) and then sent to the relevant standing committee. There are 8 standing committees each having 48 members. The Itti Aana Afyaa'ii (Deputy Speaker) of the Caffee further added that “if found further deliberation is found necessary, a public hearing is organized”. This conditionality of stakeholders’ participation shows that most policies in the study regional states pass for implementation without the former’s consent. As to how many public hearings have been done so far, two instances could be recalled by the deputy speaker. They were the Baatu fishery and lawyers’ proclamation stakeholders which were endorsed after public hearings. To the view of the deputy Speaker, the quarterly Yaa’ii’s (assemblies) of the standing committees evaluate reports presented by the sectoral bureaus.

During Caffee members’ vacations, they meet their constituencies and report it back to the Caffee on the policies formulated and its implementation. Each overseeing and evaluation reports are also sent to the executive office in charge. The implication of these responses is that policy participation is ensured in the just mentioned mechanisms. But this scope of participation is critically skewed for two main reasons. First, such reports and meetings are done with limited stakeholders and particularly government bodies. Second, Caffee members’ meetings with their constituencies are more inclined to their election and re-election objectives. They cannot be considered inclusive in light of the wider stakeholders who have critical stakes in the policies implemented.

Another discussion point raised during the interview was if there ever has been any policy initiative taken by the Oromia Regional State. The response was in the affirmative. The informant cited examples such as the founding of cooperative bank of Oromia, Rift valley development (Fantaalee irrigation, etc.), and resettlement programs. To the informant, the federal government does not have “dos” or “don’ts” put as a rule not to initiate a state policy as long as the state in question has the capacity to do so. But he admitted that this does not mean that individual offices and persons from the center may not be uncomfortable with such policy initiatives. However, this may not a federal government’s views and beliefs as far as the initiative is concerned. In general, policymaking process in Oromia regional state can be likened to the following policy paths:



Source: Own policymaking visualization

With regard to the capacity building need, the informant believed that Caffee members need it; specifically, new members have to be acquainted with the Caffee working procedures. Hence, passing institutional memories of the outgoing Caffee practices, challenges, and mechanisms employed to tackling them is quite important. The deputy Speaker finally called for a continuous policy capacity building program in order to raise and bridge members’ policy knowledge, skills and attitudes gaps so that they can become active in policy approval, oversight and provide guidance to the executive branch. In case where the executive does not respond to the feedback given by the Caffee, “warning and sacking from positions is the option but most of the time report will be sent to the president providing all accounts to the same”. However, the informant does not recall the sacking of any executive member based on the Caffee’s report. On the other hand, the informant has it that one of the limitations to widespread policy participation and public hearing include the “late arrival of policies to the Caffee which puts it into limited deliberation time. Sometimes, he recalled, only one month is given and in few cases 15 days to approve a policy. As a result, sufficient time for standing committees’ deliberations are constrained and call for public hearing cannot be feasible. The public hearing could not be considered effective and complete as it does not cover all part and participants of the state except few nearby towns.

The informant believes that the fact that live policy discussions are not seen on the Caffee floor is

because draft policies are dispatched before two days to members of the standing committees where reading and discussions take place and “policy issues are digested by the same”. Difference of ideas among the same members will be “meshed before the issues come into Caffee floor and should not cause deadlock”. Though the informant did not discuss it further, such deviance is against the party principle and its transgression has its own consequences. Consequently, in the Caffee’s live sessions, members are expected to be loyal and observe Caffee disciplines which has its roots from the ruling party. The second interview session was conducted with H.E Ato Issa Boru Tola, Chair person, administrative and legal affairs standing committee.

According to the informant, decisions by Caffee are bound by laws, while there are many lab siiwwan (proclamations/laws), dambiiwwan (regulations) promulgated in Oromia which needed legal framework. As for the policy mandates and practices, however, the informant explains that there is lack of awareness of the constitutional policy provisions from both the federal and state constitutions. There is also low perception and lack of policy knowledge on the part of Caffee members as well as other executive or cabinet members. Most Caffee members (parliamentarians) consider themselves as lawmakers as distinct to policymakers. The informant, however, explains that “the law they make is itself a policy or meant for enforcing a policy”. While Caffee standing committees can initiate policies, however, in Oromia, “most policies are initiated by the executive bodies (state’s administrative council), after which they are sent to the Caffee Speaker’s Office by the Regional State President”. The standing committee in charge of a draft policy checks it against the constitutional provisions such as human rights and related public interests through first and second readings. After passing all the processes, it will go for final approval by the Caffee.

As to if there were instances where the Caffee has ever declined or rejected the approval of certain public policies and sent it back to the executive branch, the informant told that he did not come across such instances. To him, “most of such likely challenges are usually resolved during the oversight. When draft policies seem difficult for implementation, the legal section of the standing committee takes the matter to the Caffee. But many policy issues are not taken up to the Caffee or to the president of the regional state for fear of exposing the person (persons) in charge of losing their position “. Policy adaption as per the needs and realities of the regional state is done as much as possible but rejecting policies from the federal level on grounds of relevance or inability of its implementation is not common. This emanates from two likely conditions: adhering to policy centralization and lack of policy capacities to challenge such top-down policy traditions. On the other hand, whether regional state’s policy initiatives are appreciated by the federal, the informant is in the affirmative and such initiatives are even scaled up as “good lesson” or “best practice”. Some examples were cited such as regional state’s family law (code) promulgation, environmental pollution, and institutionalizing the state’s pastoral commission. In most cases, however, the informant admitted: “policies are totally accepted/adopted/ from the federal government”. But the informant proved that it cannot be ruled out that there is sometimes lack of appreciation of regional state’s policy initiatives. Mean time, there is also a tendency from the federal side that all federal policies are to be accepted without preconditions put by states.

In general, in light of lack of or limited policy conceptualization among many of the Caffee members, the informant suggested “the need for building the capacity of legislators as most of them are obviously lacking in policy capacity”. As to policy advisers’ role is concerned, the informant holds that “they are not competent themselves to provide advice”. However, as can be seen later on, the state policy advisers consulted have their own reservations in that their advice is not at all considered. They said:” Caffee members do not use advices they are given but all advice are only weighed in accordance with the operating politics.” The effective use of advisers for policymaking, implementation and evaluation is not a practice so far. In consequence, think-tank groups are not used for advice other than engaging them in researches. As to why lawmakers are not using these advisers effectively, it is not clearly known.

### **Focus group discussions (FGDs)**

The discussions were made with persons who were and are working closer to Caffee standing committees. Most them were and still are serving as chairpersons of the state’s legal and administrative affairs, capacity building, and youth and sports affairs. Some experts at the State’s Afyaa’ii (State Speaker’s Office) in charge of social, economic and legal were also consulted. Furthermore, four graduate students at the Civil Service University who were also serving as Caffee members at one time and heads or deputy bureau heads were made part of this focus group discussion.

The introductory discussion focused on whether the discussants know of the policy mandates provided both by the FDRE and Oromia State constitutions and these mandates being practiced by the study state. The Oromia Constitution in its Article 55, sub-article 4 states: “devise economic and social policies and strategies; submit draft laws to the ‘Caffee\ and upon approval, implement the same]” (2008, 29). Indeed, such policy mandates are cascaded to the Wereda and Kebele levels as per the same constitution articles 85 (1), 87 (b) and 98 (b) with similar tones “implement the policies, laws, directives, plans and programs of the state...” (pp 41-42). The difference only lies on the terms “devise” and “implement” or “ensure” implementation” at Wereda levels.

Discussant one holds that he knows both constitutions have specified the policy mandates. However, he believes that all Caffee members do not know such provisions. Even if they know them, they only consider them as any other proclamations (Labsiiwwan) to be in their domain while policies are to the Executive (cabinet). From this policy perception, it is clear that government decisions in any form (be it regulatory and distributive) all subscribe to policy and policy categories. There is lack of understanding that what Caffee members call as “Labsiiwwan” automatically fall into the three policy typologies (distributive, regulatory and redistributive). Another point is the fact that Caffee members do not clearly know where policies originate and where they end and actors who have greater influence over them. The problem seems to have emanated from the real practice in the country that outside of the two main government branches, there are no active policy platforms (policy networks) shared by civic societies, research think-tanks and the general public.

The same discussant emphasized that such temptations are also common at the federal level parliament where most policies are initially presented to the council of ministers and come for mere approval by the parliament. Hence, the apparent policy dominance perception by the executive is not without reason as role of the legislative is paradoxically limited. In Oromia, too, most public policies are identified, negotiated and re-negotiated by sectoral bureaus more than being under the Caffee’s platform scrutiny. Similarly, discussant two believes that policy debates usually take place in and among members of the standing committees before they get to the Caffee plenary sessions. The same informant holds that serious and critical debates take place at this level and that is why when it is presented to the Caffee’s open plenary sessions, laws or policies are simply made to pass without opposition or reservations. On the other hand, the fact that a hot and critical Caffee debate is not seen is not without reason. That is, almost all members of the Caffee are from a single political party (Oromo People Democratic Organization-OPDO) and there are no meaningful opposing views in the state council. Another important point is the fact that there is what is known as “party discipline”, to which all Caffee members strictly adhere to. Even if there are reservations on certain policy matters, they should be “exhausted” behind the curtains (outside of the plenary) without which an open difference of opinion may leave one to a far-reaching disciplinary scrutiny. However, this goes in contradiction to the State’s constitution art 48 sub art 4 which states that “No member of the ‘Caffee’ shall be charged with an offense on account of the vote he casts or opinion he expresses in the ‘Caffee’, nor shall any administrative action be taken against him on such grounds.” The FDRE constitution also upholds this similar principle which states that members of the parliament are only accountable to the constitution, the people who elected them, and to their conscience (Art.54, sub. art. 4).

Discussant three argues that the notion of policy participation is one of the most neglected aspects of policymaking processes in Ethiopia.

This is in contrast to the wider FDRE constitutional provisions (e.g. Articles 35 (6), 43 (2), 89 (6, 7), 92 (3), all of which have corresponding acclamations by states’ constitutions. But the real level of participation does not commensurate with all of these positions. The Oromia constitution articles 104 and 107 call for active policy participation and government has the responsibility to ensure this. Specifically sub article 6 attests this as follows: “the government shall promote at all times, the participation of the people in the formulation of regional development policies and programs; it shall also have the duty to support the initiatives of the people in their development endeavors” (p.49). This exactly fits with the FDRE Constitution (1995) word-by-word under article 89, sub art.6 respectively.

According to the discussants, while most policy participations are confined to among and between members of the Caffee standing committees, few public hearing forums are used. Such public hearings are even constrained with time, designated venues for public hearings and the type of participants to make meaningful policy discussions. Nevertheless, discussants unanimously admitted that avenues for popular policy participation in general and public hearing practices in particular, are narrowly skewed and not sufficient. As regards whether or why the study regional state does not take the initiative to formulate its own development policies and strategies, discussants attribute the problem to two main factors. Dual mandates between the federal and state governments and also low policy conceptualization and capacity. The dual mandates refer to some of the policies that seem encompassing or cross-cutting unique features. For instance, the environmental policy may tend to be a blanket issue at all levels of government to take necessary measures.

However, the magnitude of environmental challenges and its mitigation strategies may still differ from state to state unless there is a long-standing belief of “one fits all” policy perception. Consequently, Caffee’s usual focus is on adopting policies designed at the federal level with little or no changes. Moreover, except the “Labsiiwwan” (proclamations), policy matters are left to the discretion of the executive branch that apparently has an upper hand over the development policies and strategies in the study regional state. On the other hand, discussant three believes that beyond the few public hearings, “Caffee members have got two months vacation periods which they spare with their constituencies to deliberate on public policies”. But nobody can be certain whether such deliberations are either timely or how much they are focusing on real pressing public policies. The frequent deliberations mainly focus on generic policy implementation complaints and cannot be specific to the level desired. Furthermore, the period may instead serve for the consolidation of both the current and future

Caffee members' term of office.

It can, therefore, be argued that most policy matters end up among and between Caffee members' discussions, as if they are the only stakeholders. Consequently, the Caffee may not exactly know how many of the sectoral policies or regulations have gone through sufficient deliberations and got approval with full consent all the relevant implementing agencies, groups and the general public.

As regards taking state's own policy initiatives, there has been found a difference of opinion among some of the discussants. Some argued that there is no rule that precludes the regional states from designing their own policies that could respond to their real situations should they want. This group insists that there are already various policies and strategies enacted by both the Center as well as states. For instance, discussant one argues that there was an instance when a building construction policy (by the Center) was to be uniformly implemented throughout the country. But the legal and administration office of the Oromia regional state opposed to it on the grounds of the unique features of the state being rural (agrarian) as regards the number of floors to be constructed throughout the study state. Consequently, a building design that fits this situation was taken into account and implemented. A contrasting idea by some members of the focus group discussion held that that policies are readily taken from the Center regardless of their relevance. They continued "nobody wants to ask for or challenges whenever the federal government passes many of the development policies to the states for implementation".

The problem is actually linked to lack of policy knowledge and experience in order to determine whether a policy is relevant or otherwise and if there can be options using the FDRE and state constitutions as a justification. It is also partly related to allegiance or discipline that affected the depth and breadth of policy mandates and practices in Oromia regional state as well as in all states in the country in general. Moreover, the fact that regional states do not dare formulating their own relevant policies may be partly attributed to the fact they are considered as "party-led policies" with little or no change of adaptation, if any. Expert groups from the study state also believe that party influence is much greater in its centralizing mission of public policies.

This group of discussants who are made up of experts in charge of legal, social and economic affairs argue that Caffee's role in new policy making process is minimal as most state of affairs is spearheaded by the federal government's executive sectoral institutions. They further explain that policy participation at the federal level and direct involvement is limited and states are expected only for policy implementation. To these experts, the center has an overall policy monopoly. As a result, they view that the regional states, Oromia included, "lack in legislative courage", which inhibits designing state-relevant policies. They add: "While states have greater financial autonomy, they lack policy autonomy." But it totally undermines the basic principle of serving diversity, in terms of geography, climate, and culture. The experts also argued that "federal government institutions want to convince their state counterparts that they have the authority and overall policy mandates and better human power than the regional states." Consequently, members of the expert group argue that the federal government seems "to be inclined to forming one political space by ignoring diversity of the nation."

The experts also believe that mere public hearings by the federal parliament does not mean that state institutions are consulted as the contents and consensus reached at the hearings only reflect that of the federal situations. In Oromia, as of recent, public hearings over some regionally formulated policies has begun. But it is only limited to Adama, where the Caffee often convenes its meeting, and does not represent the entire Oromia rural and urban residents. This unintentionally precludes the participation of relevant stakeholders and the general public. Consequently, the experts believe that "most policies are adopted by the regional states, including Oromia, rather than attempting to formulate their own felt needs and real problems".

According to the discussants, there is "no space to oppose or even dare to comment over the policy drafted by the ruling party." Consequently, the role of the experts (also known as advisers) in their respective expertise does not seem valued and that their professional advices are not considered by the state's legislature. As a recommendation, the experts (advisers) put forward that as Oromia regional state has wider geographical areas, the policy decisions need to be based on such accounts. Research should serve as the basis for policy decision-making process. Moreover, federal-state relations and each state's autonomy should be respected as per the constitution. This reminds one of the important constitutional pillars which states: "The States shall respect the powers of the Federal Government. The Federal Government shall likewise respect the powers of the States" (FDRE 1995, article 50 sub article 8). Hence, when federal policies are adopted at state level, they have to be examined in light of their suitability and relevance to the regional state in question. Inter governmental relations have to be based on collaborative efforts rather than on mere competitive basis.

The above policymaking problems have been examined and confirmed by Habiba (2015). Her study made clear that the Oromia National Regional State depends on the Federal Government and most policies are cascaded for implementation with little or sometimes no change. In contrast to this, some of the respondents who have close ties with the Caffee argue that the Oromia national regional government made many policy initiatives. Some of the initiatives taken are considered 'pioneering' and exemplary to other states in the country. Some of the initiatives include the designation of the state's development corridors, establishment of the construction

materials production institution such as the pipe factory, institutionalizing and promoting Oromo culture and history and the establishment of the state's media to further raise the awareness of the state's population. Policy critical informants, however, take some of these 'pioneering' initiatives as either redundant or totally "useless" because they were already elsewhere or they could not be managed at state level.

On the other hand, the tendency of "why invent a new wheel?" is closing the door for innovations that could help address specific policy problems. The age-old policy centralization practice, supported by the crude understanding of "one political and economic community", is also maximizing its old-age banal political call that significantly affects policy initiatives to be taken at sub-national levels. Moreover, one of the underlying reasons why almost all regional states adopt federal policies with little or no change is that most policies are designed by the ruling party that has national influence in the four national regional states (Tigray, Amhara, Oromia and SNNPR). This political clout has given the ruling party (EPRDF) all the influence and leverage to maintain uniformity of the policies formulated at the center. According to Assefa (2009), the ruling party controls parliamentary agenda (policy agenda control), where the cabinet enjoys a virtual monopolistic leverage. The scholar further argues that "the ruling party to stay in power needs to ensure that its party members in and out of parliament should support and approve its own policies." All of these monopolistic state of the art results into two problems: lack of competitiveness and greater transactional costs when policies are made to flow from the center.

There is little chance of changing a decision or bill once it has been introduced or brought to the parliament. Policymaking in such circumstances is therefore centralized and enables government in power to take decisive actions whenever it wants to. In such circumstance, the executive is always privileged for various reasons to play an upper-hand over the parliament. Moreover, in situations where majority party forms the government, its members unanimously support the passage of the policy bill or decision. Most important policies are also decided not on the floor of the legislature but in the committees established along functional/ sectoral lines to review proposed legislation, while at times secret deliberations are also made. Consequently, the legislature only remains playing a marginal role (Howlett and Marsh 2003). As a result, the policy subsystem is monopolized by few actors. But it is believed that a state needs to have the capacity both to make and implement effective policies. This includes the function of its organizational coherence and expertise, which is a significant determinant of its success in performing policy functions (Howlett and Ramesh 2003). In light of these critical criteria, it can be said that in Oromia national regional state, there is lack of policy capacity which can be explained in the organizational coherence.. Many scholars argue that the policymaking model in Ethiopia is more top-down. Still to-date, academics and graduate students (Omer and Seble 2014, Habiba 2015) have come with similar findings where there is a tendency for regional states to depend on the federal level policy issuance. Despite that there are many policy think-tanks and advisers, structures, units and groups to be used, they are not effectively used. The consulted experts and members of some institutions confirm that they are not effectively used. Institutions such as legal and justice are only used for legal clearance rather than dealing with broader policy objectives, contents and implementation outcomes.

The centralization of public policies is the anti-thesis of federalism which upholds democratic quality, encouraging strong participation of citizens and lighter links between the political elites and the electorate (Braun 2000). The FDRE House of Peoples' Representatives Working Procedure and Members' Code of Conduct Amendment (Proclamation No. 470/2005) also endorses that policy actors in Ethiopia consist of government, HoF, the Speaker, federal supreme court, committees of the House and members of the House.

### **Findings, conclusion and recommendations**

This part provides the study's major summary, brief conclusion and recommendations. As rightly recalled, the FDRE Constitution of 1995 has given sufficient policy provisions to the Regional States. These provisions can be discerned in Articles, 50, 52 (2, c). Based upon the same constitution, States have also explicated the provision further in their own constitutions. For instance, the Oromia National Regional State under Article 55, sub articles 4 and 6 and Article 104 sub articles 1, 6, and 7 has done the same in its promise to formulate and implement and also help the state's public to participate in the policies that it initiates. This study, therefore, aimed at examining the practices to realize the above constitutional aspirations. The following are the main findings:

#### **Findings**

1. Most study regional officials consulted confirmed that they know that there are policy provisions by the FDRE constitution and that of the National Regional States. However, there is a pronounced perception that policy matters are still the prerogatives of the state executive branch (sectoral bureaus cabinet), while proclamations (Labsiiwwan) are that of the Caffee. This misperception has inadvertently widened the sphere of policy ownership and influence of the executive cabinet, while it slimmed down that of the Caffee (legislative branch) and its members. Such unintentional dichotomy created also narrowed the level of accountability to be observed on the part of the executive branch or administrative council.

2. Notwithstanding some of the pioneering policy initiatives taken by the study national regional state, its scope and autonomy is limited. The aforementioned constitutional provisions do not seem to be the basis of a legal autonomy. This might have been eclipsed by a number of factors: the age-old policy perception flowing from top to bottom; the centralized party system that favors uniform mobilization and report; and perhaps the misreading of the FDRE's constitutional preamble of "building of a political and living as one economic community" as opposed to "the full and free exercise of right to self-determination" provision in the same document.
3. Because of the strong center, the regional states in the country, including Oromia, do not seem to have policy influence or veto point against the federally initiated policies. There is no official states' forum to influence policy in its pre-legislative as well as post-legislative stages. Moreover, despite the FDRE policy provisions and also that of the state's constitution in question, it may also be argued that regional state constitution is more or less similar. It is also called as "... a constitution based on the Federal Democratic Republic of Ethiopia...", which may have played a "detering" role to policy initiatives taken at sub-national levels. In consequence, no one is certain the level of policy relevance or the encroachment it might have posed on the study state.
4. Stakeholders' policy participation is generally low in the study regional state. Almost all participants admitted that existing policy participation is not to the level desired at all stages. The common policy participation practice mainly culminates in among and between state actors. As found by Habiba (2015), it is only the civil societies affiliated to governmental institutions that have more policy network and access to than others. As it stands, it also seems that government is complacent by engaging its state actors and few of its affiliated civic societies to complete the loop. Moreover, members of the expert discussant group have made clear that use of expertise by the Caffee is minimal, while public hearing is rarely used. Its venue and frequency cannot also be said convenient and sufficient.

### **Conclusion**

In light of the constitutional provisions, the level of exercising policy mandates is very low. Past track policy flow attitude and practice (top-down policy legacy) could not be substantially intervened to amount to or match with the FDRE constitutional departures. The study state policy autonomy and level of influencing federal policies is found minimal or totally non-existent in most cases. As a result, no one is quite certain about the level of relevance and magnitude of encroachments that the federal policies posed on the regional states, including the Oromia national regional state.

### **Recommendations**

- a. Within the bounds of both the FDRE and the State's constitutions, it is important to exercise policy mandates in a bid to ensure that policies are relevant to the needs of the state in question. This may also reduce some of the uncalled-for encroachments that may result from policy outliers.
- b. The FDRE constitutional aspiration of "building one political and economic community" should also be understood in full light of the "free exercise of the right to self-determination..." Furthermore, it should be understood in the context of article 50 sub article 8, which articulates that just like as the States shall respect the Federal Government, "the Federal Government shall likewise respect the powers of the States". Such mutual respect and understandings should also apply to policy initiatives by the study State. In other words, the relationship between the two governments should be based on jurisdictional one where each level can and should manage its own policy affairs so that the political authority of sub-national level is formally autonomous rather than mere division of labor. Meanwhile, it is also important to note that the relation between these two levels should not be something of 'water-tight' compartments as there is always mutual interdependence.
- c. Current level of policy participation is virtually low. As it stands, much of the policy participation in the study state is confined to state actors or civic societies affiliated with government in one way or another. As this limits the policy subsystem, the Caffee and the regional state administrative council have to find ways in which an open policy network is enhanced in order that effective policy partnership and ownership can be created. Moreover, the scope of public hearing has to be widened by redefining the mechanisms of extending the venues as well as the category of participants in terms of venues and categories of participants.
- d. In light of the study State's demographic weight, settlement trajectories (rural-urban and pastoral) and its geographic land mass and ecological diversities, initiating state-specific policies is not a deviation. It is rather responding to the real needs which help rally all policy actors along for its implementation. Doing so is also responding to the real essence of federalism where governance is more accountable to the people it serves than remote vertical entities. This takes into account that policy execution always differs according to places, language, culture and tradition though achievement of common goals remains the prime criterion. Hence, looking for space-related (territorial) policies that address unique problems is a normal way of doing things and does not violate the constitutional promise of building a common political and economic community.
- e. Basically, people's representatives as good as their name. Their main duty is to represent their constituencies. Their representation, however, is manifested in the policy decisions they make on behalf of the electorate. To

discharge this national responsibility, they also need to develop some level of policy conceptualization, knowledge and skills to have informed policy decisions. In today's complex and more often than not globalizing world, nation (federal), state and local policy decisions have become critically complex. The level of accountability has also doubled and tripled in the face what is often times ritualized as "demanding society". Hence, it is recommended that in-coming and regular Caffee members get acquaintance with policy issues and the role of Caffee members in policy approval as well as overseeing its implementation. Moreover, there have to be group of policy advisers in Caffee with multi disciplinary backgrounds.

f. This survey study only uncovered a tip of the iceberg about policy mandates in a federal setup within a limited cope as baseline data. As it was aimed to set a stage for further research undertakings, it is recommended that individuals and groups having interests and stamina should embark on it to come up with a study of wider scope to reveal and explain the subject under consideration.

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