

Practical Power and Effectiveness Level of the Ethiopian Legislature

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Abstract

This study examines the influence, independence and effectiveness level of the Federal Democratic Republic of Ethiopia (FDRE) legislature throughout the policy making process in the first year of the fifth tenure in 2016. To this end, descriptive research design is used and heavily relied on data gathered from a number of relevant documents and other related secondary sources. The findings indicate that even if most of the legislative and oversight powers are vested in it, the FDRE legislature is practically powerless and ineffective in using these important mandated powers. Moreover, the results clarify that rubber stamp parliamentary model is the typology that best describes the legislature. The findings further suggest that the legislature's ineffectiveness might be attributed to the presence of a single dominant party which continually practices strict party discipline on its members, along with the absence of opposition parties in the House. Hence, we recommend that there is a timely need to winding the political space for the opposition parties and the legislature, as well as to make major levels of structural and administrative system improvements to make the FDRE legislature more effective in performing its public policy making role.

Keywords: FDRE legislature; parliamentary model; power and effectiveness

Introduction

Legislatures are known to be key actors in the political system of a nation and have a lot of roles to play in enhancing good governance and democracy. Some of their basic functions are representing the needs and wishes of citizens and groups; reflecting and bringing their needs, aspirations, problems, concerns, and priorities to the policymaking process; identifying problems and making policies to address them; and overseeing the implementation of policies so as to assure policies and programs are carried out legally, effectively, and according to the legislative intent (Remini, 2007; Franchino & Holland, 2008; Jonson, 2005).

Furthermore, scholars tend to agree that the extent and nature of the role played by legislatures in the policymaking process vary greatly from country to country (Johnson, 2005). On the one hand, there are countries whose legislatures are more influential, proactive and constructive in developing their own legislative proposals independently and thus participate along with the executive in directing the policy agenda. Furthermore, there are nations which have the simplest of legislatures usually known as "rubber stamp" legislatures. Such legislatures' role in the policy making process is fairly marginal: they simply endorse legislative proposals made by parties and/ or the executive branch; they do have little capacity or willingness to scrutinize the conduct of government (Jonson, 2005; Saiegh, 2005).

In addition, there is a broad part in the central point where legislatures can show signs of different degrees of doings in the policy making process and turn into good places of real dialogue, speech, and debate. Arena legislatures receive policy initiatives made elsewhere by parties and/ or the executive branch but differences in society are articulated and the proposed policy are evaluated from diverse perspectives. If the required capacities are built, such legislatures can organize debate, efficiently analyze proposals and comment on them critically, and to some degree block some of what the executive branch proposes or refine executive initiatives. However, there is a dire need for common indexes to measure the practical power and level of effectiveness of legislatures.

Although very few studies present indexes of parliamentary power of national legislatures, these pay higher attention to the overall duties of legislatures rather than merely focusing on the legislative function. Moreover, they pay little attention to the effectiveness level of legislatures in performing their legislative function. For instance, M. Steven Fish and Matthew Kroenig (2007) constructed a Parliamentary Powers Index with 32 items that mainly consider the powers of a national legislature. This index assesses the strength of the national legislature of every country in the world with a population of at least a half-million inhabitants in relation to the legislature's way over the executive, its institutional autonomy, its authority in specific areas, and institutional capacity. Regardless of this, the index gives no particular attention to the legislative function and effectiveness level of national legislatures in the policy making process. Similarly, some studies on legislative function of the FDRE legislature contribute a lot to the policy making process and the roles played by the legislature (Abebe, 2005; Tiruye, 2015; Khasay, 2013; Atsbeha, 2012; and Awel, 2011) but lacks systematic analysis about its practical power and effectiveness level in the policy making process on the basis of a common objective and measurable framework. Likewise, in depth analysis of the powers and effectiveness level as well as the

parliamentary model that best explains the legislature, remains understudied.

The lack of all-round instrument to assess the practical power and effectiveness level of FDRE legislature calls for the usefulness of constructing an index that can adequately address the case under study. This paper therefore, proposes and applies a legislative power and effectiveness index (LPEI), that is a broader measure of the effectiveness level of the FDRE legislature in terms of its practical power and influence in the policy making process. It's believed that the LPEI can be applied, potentially, to any national legislature. Furthermore, exploring more about the parliamentary model that best describes the FDRE parliament is believed to be important not only to offer an explanation for its unsatisfactorily low level of performance in the national public policy making process but also to imply ways for changes to make the legislature more powerful, independent and effective in the future.

Models of Parliamentary Power

The concept of parliamentary power, which encompasses numerous meanings, has a lot to do in explaining the independence and effectiveness of legislatures. Despite of various meanings of power, Beetham (2006) describes two of its meanings as particularly relevant in terms of legislature's effectiveness:

The first is power as a capacity: having the relevant legal rights and resources – financial, human and organizational – to carry out necessary tasks. The second is power as relational: here having sufficient power and independence in relation to the executive to oversee it effectively (p.115).

In order to better know the power and independence of legislatures some scholars have developed some typologies so as to categorize a model of parliamentary power. Among these typologies, it is Johnsons' typology which is referred constantly. Regardless of the variations across countries, Johnson (2005) argues that legislative branches can be categorized in any of the three major models of parliamentary power rooted in the power and influences they have and exercise over the executive branch of governments. The three types or models of parliamentary power are: Rubber stamp legislatures, Arena legislatures, and Transformative legislatures. The distinctive features of each model of parliamentary power are presented in this section as follow:

Rubber Stamp Legislatures

It is the simplest model of legislatures which is characterized by its little independence and insignificant power over the executive. In this model any legislation draft made and submitted by the executive or other actors out of the parliament is simply accepted and endorsed without any meaningful debate and change. Some considered such legislatures as largely symbolic bodies that endorse choices made elsewhere in the society in general and the decisions made by political leader in particular (Johnson and Nakamura, 1999). The majority of parliamentarians in rubber stamp legislatures are not free to make decisions according to their consciousness, or the wish of their constituencies rather they tend to stick with the choice and intent of the ruling political party in which they are included as a member. Most believe that this type of legislatures are neither expensive to operate nor demand adequate internal structure or expert staff since they are not required to participate actively and meaningfully.

Moreover, rubber stamp legislatures are generally considered as non-democratic and the least effective models of legislatures. However, it should be noted that such legislatures are not always restricted to non-democratic political systems. In support of this Johnson and Nakamura (1999) argue as follows:

While the term "rubber stamp" is often used in an unflattering fashion and equated with undemocratic, being a "rubber stamp" is not necessarily undemocratic, nor bad. Leaving aside non-democratic societies, a rubber stamp legislature may be justified in democratic terms if the decision made by the external body should be made by them for democratic reasons. ... Sometimes proponents of strong party systems, in which the political parties are expected to go to the people with a detailed program, advocate a minimum of legislative involvement and prescribe strict discipline over the dominant party's legislative members. The reasoning is that when the people vote for a party's candidates, they simultaneously vote for the party's program, and obligate the winners to follow through on what amounts to their campaign pledge. The legislature should then 'rubber stamp' the popular decision for to do otherwise would be undemocratic (p.6).

However, Rubber stamp legislatures are unable to make independent contributions to the practice of leading their societies (Ibid). According to Johnson, the Duma of the former Soviet Union and the Mexican Congress during the decades of PRI dominance can be best explained as rubber stamp legislatures (Johnson, 2005).

Arena Legislatures

Arena legislatures are the other model of parliamentary power which are placed in between rubber stamp and Transformative legislatures for they are more influential than the former and less powerful than the latter. Unlike the rubber stamp, Arena legislatures are characterized by the presence of real discussion through which parliamentarians articulate differences in societies and evaluate and interpret the policy proposal initiated, most

often, by executive from different perspectives. In other words, in arena legislatures the society with its diversity is represented all together and the initiated public policies as well as the actions of the state are debated and assessed through the use of a number of criteria from different point of views so as to and incorporate the societal preferences in its diversity (Ibid).

As a result, they require sufficient internal capacity and expert staff that help them to properly organize the debate and adequately discuss and critically comment on the draft legislatives. In some situations, arena legislatures even refine draft legislatives. However, these types of legislatures, in most cases, are unable not only to initiate but also to vibrantly restructure the policy proposals. Some scholars compare arena legislatures' functions in analogy, figuratively speaking, with thermometers for arena legislatures are able to accurately mirror the 'political temperature' with regard to the issues before them'. The British House of Commons is the commonly mentioned good example of the arena legislature model (Ibid).

Transformative Legislatures

Transformative legislatures are legislatures that are capable of initiating their own policies, representing diverse societal interests and shaping budgets and policies. Furthermore, such legislatures, even if they are rare, not only represent but also lead (Johnson, 2005). In general, the distinctive features of legislatures in the transformative model are that they require highly complex internal structures and adequately trained expert staffs as well as have a diversified need of information in order to undertake their legislative function effectively. Transformative legislatures are also known for their active engagement and meaningful independence and power over the executive. The functions of this type of parliament model are seen in relation with the role of a thermostat. The implication of the analogy is that as it is true for a thermostat to change the temperature of a room through air conditioning or heat activation. Transformative legislatures are also able to affect the content and other important issues of any policy proposal brought to them since their engagement is active and meaningful in determining the fate of the budget as well as the policies.

As a result of all this, it is not surprising that not only they are the most expensive of all of the models but also there are only few practical examples of them. In addition, it is more likely for the presidential system than its parliamentary counterpart to develop and possess transformative type of legislatures. Hence, the US Congress is frequently cited by different scholars as the best example of a transformative legislature.

The LPEI and Its Component Variables

In order to describe the practical power and effectiveness level and identify the parliamentary model that best explains the FDRE parliament, we constructed a legislature power and effectiveness index (LPEI) based on various indicators explained in different literatures related with the parliamentary power models. Some of these indicators that were used in previous studies are also included in the LPES but adapted and amended so as to address the question under investigation properly with regard to the Ethiopian context. Therefore, a total of 30 dummy variables/items that were coded as 1 and 0 were used to assess the power and independence of the FDRE parliament so as to include it in one of the parliamentary model categories (see annex A). Brief descriptions of the codes, indexes, and indicators as well as the data and analysis methods are presented as follows:

LPEI: The legislature power and effectiveness index (LPEI) is an index that consists of five sub-indexes and a total of 30 indicators that measure the practical power and effectiveness level of the FDRE parliament. The index assesses the practical formal legislative and oversight power held by the current FDRE legislature as well as its effectiveness level in the policy making process. Specifically, The five sub-indexes evaluate the formal legislative power, its formal oversight power, its capability in undertaking the legislative and oversight functions, and its effectiveness in representing the needs, and diversified interests of the public throughout the policy making process.

In order to identify the indicators and construct the LPEI, we undertake a thorough document review and analysis. We reviewed a vast majority of literatures, empirical studies, and other relevant secondary sources including the word for word minutes of the parliament, the FDRE constitution, etc. Even though the document review and analysis process was time-taking and painstakingly demanding, it help us not only to construct the LPEI but also to generate adequate data that we used to provide appropriate responses for each of the 30 items included in the five sub-indexes.

On the basis of the literature review and document analysis, we extracted the first two sub-indexes (component variables) and a total of 11 indicators from the work of M. Steven Fish and Matthew Kroenig (2007), and then, we adapted and used them in our study. These two sub-indexes, LPI and OPI, measure the formal legislative as well as oversight power of the FDRE legislature in relation to the policy making process. Besides, we added the remaining three sub-indexes (component variables) having a total of 19 items that gauge 19 indicators of the legislative capacity, the oversight capacity and the representativeness qualities of the FDRE legislature in the policy making process. The inclusion of these 3 sub-indexes (component variables) in the LPEI is guided by our intent to assess the real practical power, independence and effectiveness level of the legislature

in carrying out its legislative function throughout the policy making process. If we want to gauge the real practical power and influence of the parliament as policy scholars, we need to decide that we had to include some indicators that could measure the actual capabilities of the parliament in terms of its legislative, oversight and representation performance during the policy making process.

The First component variable of the LPEI- legislative power index (LPI) - is an index that measures and determines the aggregate formal legislative power held by the legislature. Hence, the variable consists of 6 items/indicators that gauge the powerfulness of the legislature in terms of holding the required formal legislative power and its least and maximum value ranging from "0" (least powerful) to "6" (most powerful). The six items ask whether the executive lacks decree power, laws passed by the legislature are veto-proof or essentially veto-proof, the legislature's laws are supreme and not subject to judicial review, the legislature has the right to initiate bills in all policy jurisdictions, the legislature's approval is necessary to ratify all treaties with foreign countries, and has power to amend or reject legislative proposals initiated by the executive.

Oversight power index (OPI) is the second sub-index that measure the aggregate strength of the legislature's oversight power that could be used in the policy making process. The index consists of a total of 5 items/indicators that measure the legislature's specific oversight powers related to the policy making process, and its least and maximum value ranges from "0" (least powerful) to "5" (most powerful). The items in this sub-index ask whether the legislature possesses formal power to question the executive and force it explain its policies/plans, can conduct independent investigation of the chief executive and the agencies of the executive, has effective powers of oversight over the agencies of coercion, can vote no confidence in the government, and is immune from dissolution by the executive. Here, it should be noted that, the LPI and OPI are the two component variables of the LPEI that have been extracted and adapted Steven Fish and Matthew Kroenig (2007) study.

The third component variable of the LPEI, legislative capability index (LCI)-determines the aggregate practical legislative capabilities of the FDRE parliament observed during the legislative process through the 6 items/indicators included in the index. The variable's least and maximum value ranges from "0" (incapable) to "8" (most capable). The items enquire about whether the legislature practically proposed at least one bill, undertaken meaningful and open debate on the legislative proposals (assessed in terms of time spent and substantive amendments raised), referred many (75%) of the legislative proposal to the respective standing committees, made adequate substantive (at least 50 %) amendments/ changes on the legislative proposals, undertaken a clause-by-clause scrutiny of at least 75 % of legislative proposals, and approved all treaties with foreign countries.

The fourth component variable of the LPEI is OCI. Oversight capability is one of the important qualities expected from a legislature in order to undertake its legislative function powerfully, efficiently and effectively. Hence, OCI is an index measuring the aggregate strength of the legislature's oversight capabilities observed during the policy making process. Accordingly, the index consists 6 items/indicators that we used to assess whether the legislature is capable of performing its oversight function throughout the policy making process independently and effectively, and its least and maximum value ranges from "0" (incapable) to "6" (most capable). Specifically speaking, the group of items in this sub-index gauge whether the legislature made adequate use of question periods or hearings requiring executive minister's attendance, adequately investigated the policy implementation performance of the ministers and ministry officials, made use of public hearings and the media to apply pressure on the executive, there was in time provision of legislative proposals, made the executive subject to present a brief analysis about the contents and purposes of draft laws, and took appropriate measure on those who had a serious problem in relation with policy implementation.

Effective representation appears to be one of the main criteria to consider whether a legislature is powerful and effective player in the policy making process. Hence the fifth and final variable used for the LPEI - effective representation index (ERI) - is an index that gauges the FDRE parliament's aggregate strength and effectiveness level in representing the interests, concerns, and diversified needs of the public during the policy making process. This variable consists 7 items that measure the effectiveness level of the legislature related to specific qualities of its representation functions throughout the policy making process, and its least and maximum value ranges from "0" (ineffective) to "7" (effective representative). Particularly, these group of items evaluate whether the legislature made a conscious effort to be representative, was open to citizens and the media, adequately (at least 50% of the amendment issues raise by stakeholder) incorporated citizen concerns into policy proposals, allowed think tanks and universities to regularly (at least once a year) provide, information and analysis to the legislature, used various systems/mechanisms to promote the citizens' understanding and knowledge of legislators' role, had adequate representation of the diversity of political opinions in the country, and provided public policy related information to the public on timely basis.

Research Design, Data and Methods

We used a descriptive type of research design and a dominant qualitative research approach in the study. The

descriptive design was selected to accurately describe the legislative and oversight powers possessed by the legislature as well as to provide a precise and valid explanation of its actual capabilities and representation effectiveness level. This study is mainly the product of secondary data gathered from rigorous document analysis. Hence, we heavily relied on qualitative data collected from a number of relevant secondary sources using document review as a data collection method. The document review activity included reviewing relevant literatures, empirical studies, policies, laws, guidelines, legislative document which are, in one way or another, related to the role of FDRE parliament in the policy making process at federal level. In particular, the FDRE parliament's 15 formal and 3 special sessions' word-for-word minutes; the four standing committees' formal meetings as well as evidence taking and public hearing sessions' minutes and official reports were thoroughly reviewed. Though it required our painstaking effort, we employed this data collection instrument for it allows to obtain information from the participants' own words, as well as its appropriateness to provide adequate, reliable and objective data that were required to answer and score all the 30 items found in the 5 sub-indexes (component variables) of the LPEI. Furthermore, we make use of this data collection method to identify and come up with the component variables as well as the item/indicator that we used to construct the LPEI.

Moreover, we focused on analyzing, and quantifying the qualitative data in order to produce quantitative data and provide a systematic objective measurable picture that help to better understanding of the practical power and electiveness level of the FDRE parliament in the policy making process.

With regard to the Scoring System, a checklist was prepared having all the 30 items/indicator variables in the form of questions. Then, we code each of the items in the five sub-indexes as dichotomous variable. Based on data generated through a thorough literature review and analysis of relevant secondary sources, we scored the item in the affirmative if the legislature possesses the power or capable of doing the case in question. If the legislature lacks the power or incapable of doing the case in question, the item is scored in negative. Then, we gave a value of one (1) for the indicator if the response for the item/when question was affirmative, and zero (0) if negative. Consequently, each of the five indexes (LPI, OPI, LCI, OCI, and ERI) is calculated by summing the value given for each indicators included in them and dividing by the total number of their respective indicators, which ranges from zero (least powerful/effective) to one (most powerful/effective). Thus, the LPES is the overall score of the FDRE parliament that is obtained by adding the values of the five indexes divided by the total number of indexes.

$$LPES = (LPI + OPI + LCI + OCI + ERI) / 5$$

An identical and dichotomous scoring system for each item/question was used for the following two reasons: first, the system helps us to keep consistency across all items in the LPEI; second, it makes the aggregation of the individual items into the larger index very easy. Note should be taken that there are other scoring systems. However, as described above, we stick with the dichotomous system in order to make the presentation of the data consistence, as well as to make the comparison as well as aggregation of items less difficult and easily understandable. Finally, to arrive at the final score of the LPEI, we divide the total number of affirmative answers by the total number of items in the LPEI.

In terms of data analysis methods, we used descriptive statistics in order to make sense out of the numerical data from the LPEI and the five sub-indexes (component variables), and content analysis method to describe, present and interpret the findings of the study. Furthermore, we used SPSS version 22 and Microsoft excel for encoding data, and facilitating the data quantification process as well as generating some graphs.

Results and Discussion

The practical power and effectiveness level of the FDRE Parliament in the policy making process

This section provides the results and discussions of the study. Figure 1 presents the summary of the results of the LPEI as well as the five indexes followed by their findings and discussions of each of the five sub-indexes as follow:

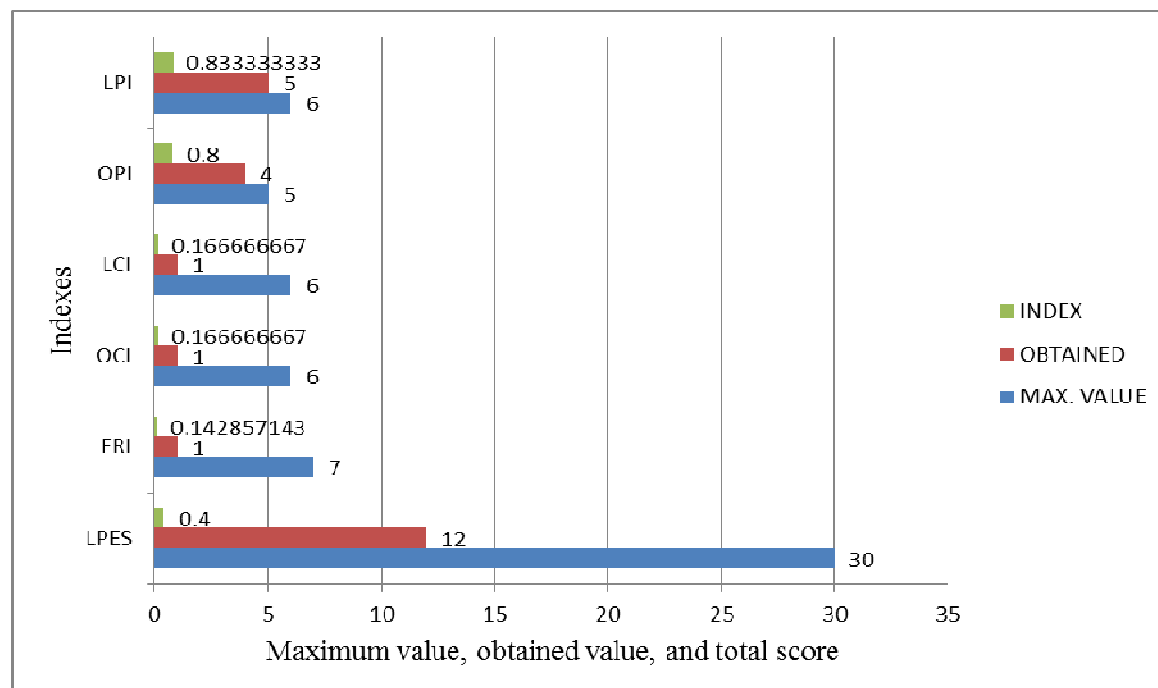


Figure 1: Practical power and effectiveness score of the FDRE parliament

The Figure provides the maximum value, the obtained value, and the final results of the LPEI and the five sub-indices namely: the legislative power index, the oversight power index, the legislative capacity index, the oversight capacity index, and the effective representation index.

Formal Legislative Powers

Figure 1 shows that five of the six formal legislative powers received the affirmative response with LPI value of 0.84, after rounding. The FDRE parliament formal legislative power is, therefore, placed in the ‘most powerful’ category in the scale above. In other words, based on the result of the content analysis, there is an apparent monopoly on law making authority, power to make laws without great concern from the executive’s defiance, power to protect the legislature’s laws from judiciary review, power to approve treaties with foreign countries, and power to amend/ or change any legislative proposal initiated by the executive are regarded as the most highly useful legislative powers vested in the FDRE parliament. In this regard, power to initiate bills in all policy jurisdictions is the only indicator that received negative response since the FDRE legislators do not have a mandate to initiate, for instance, financial bills. The finding indicates that the FDRE parliament is generally considered as the most powerful branch of the government that holds a number of independent legislative formal powers.

Formal Oversight Powers

With regard to the oversight power index, the result also indicates that the House is categorized as most powerful. As indicated earlier, except one, all of the oversight power indicators received an affirmative response. This implies that the FDRE parliament possesses the most important oversight formal powers that give it a legal ground to undertake its monitoring of policy implementation activities in a problem-solving and effective manner. Put it specifically, powers to question the executive and force it to explain its policies/ plans; conduct independent investigation of the prime minister and the executive’s agencies; express opposition to the executive with a veto of no confidence; as well as power to be immune from dissolution by the executive are found to be vested on the FDRE parliament. The power to oversee the policy or program implementation performance of coercion agencies is the only indicator that received negative response for this power is not clearly given to the parliament. Therefore, the finding suggests that the FDRE legislature, at least in principle, has a legal ground to maintain its independence over the executive in terms of the formal oversight powers guaranteed by the FDRE constitution (FDRE, 1995).

These findings are, to some extent, at odds with the arguments of some literatures stated that a vast number of African legislatures do not have adequate formal power to undertake their legislative and oversight functions as effective as possible (UNECA, 2005; Kochanek & Hardgrave, 2007). In contrast, the findings of this study provide enough empirical support that the FDRE legislature is indeed one of the few legislative bodies in Africa which holds the highest formal constitutional legislative and oversight powers. Moreover, the finding is evident that, if the FDRE legislature is not effective in the public policy making process, the major cause might be some

other things not due to lack of possessing adequate level of formal legislative and oversight powers.

Legislative Capabilities

Regarding the LCI, figure 1 shows that the FDRE parliament is relatively least effective in undertaking its legislative function. Of the indicators included in this index, only one indicator, “approving all the treaties with foreign countries”, received an affirmative result. In other words, the parliament is capable of approving all the treaties with foreign countries. On the other hand, the score of all the remaining five indicators were negative, implying that the FDRE parliament is a) unable to initiate any legislative proposal since all the nineteen proposals (in the first nine months of the first year of the fifth tenure of the legislature) were exclusively initiated and proposed by the executive, implying the ineffectiveness of the parliament to exercise its formal power to introduce legislative proposals, b) incapable of undertaking meaningful and open debate on the legislative proposal. This indicator was assessed in terms of both the time spent to discuss legislative proposals and the percentage of substantive amendments over technical amendments and clarify questions raised during the discussion/deliberation. Accordingly, the total time spent on scrutiny of all the nineteen bills was about thirty-seven hours, of which the highest share (about twenty-seven hours) goes to the two specific legislative proposals namely *authentication and registration of documents*, and *Ethiopia's overseas employment* bills. Put it differently, the total time spent for considering all of the legislative proposals excluding the mentioned bills was only eleven hours (on average thirty-nine minutes for each legislative proposal) which is much below the required time to undertake a meaningful discussion as well as a sound debate. Though it is expected and possible for MPs to oppose the approval of bills that tend to be endorsed without any significant deliberations and scrutiny by a pertinent committee, the result of the document review shows that they were not capable of doing this.

In addition, during the discussion and scrutiny of the legislative proposals, a total of two hundred sixty questions and amendment motions were raised, of which only seventy-nine (30%) were found substantive. One of the surprising results in this regard was the fact that the parliament has enacted four legislative proposals without raising any technical or substantive issues in order to improve the quality of the bill presented by the executive. The implication, here, is that the FDRE parliament did not have adequate capability to undertake meaningful and open debate on legislative proposals. c) Of the nineteen legislative proposals, seven (36.8%) bills were neither referred to the respective standing committee nor was any justification provided for why they were not referred. Besides, it's believed that at least four of the seven bills that are related with financial issues should be referred to the finance and budget standing committee so as to initiate detail deliberations. However, the parliament spent even less an hour to enact these legislative proposals with no substantive change. The next indicator assessed (d) the percentage of the substantive amendment made by the legislators and accepted. As indicated earlier, there were seventy-nine substantive amendments raised, and only twenty (10%) were accepted.

This result indicates that the percentage of substantive amendment is not satisfactory enough to consider the FDRE parliament as powerful and effective in bringing about adequate and substantive changes on the legislative proposals. Finally, the study also found that the legislators were capable of undertaking a clause-by-clause deliberation only in two (10%) bills which indicates that it passed the majority of bills without giving enough amount of consideration to produce a law that is well formulated as well as easy to understand and implement. This implies that the time spent on the deliberation/consideration of the remaining seventeen bills, was not enough to enable the parliament to undertake meaningful and responsive discussions and debates. These findings indicate that there exists a considerably high distinction between the provisions and realities being played out. They further suggest that such vested legislative powers remain only in the constitution since the legislature is not totally free from the domination of the executive branch which emanates from the absence of practical separation of power between the two branches. This finding is in line with some studies that revealed that majority of African legislatures are not undertaking their legislative role due to the executive branch's domination (Eberlei and Henn, 2003; UNECA, 2006).

Oversight Capabilities

The aforementioned Figure 1 further indicates that the oversight capability of the FDRE parliament indicators also fell into the least effective category since the responses received by 5 of the 6 legislative oversight capability indicators were negative. According to parliament's regulation no 6, 2008, the parliament can question any minister once a week and the prime minister once in a month for an hour. However, the result of the document analysis shows that the parliament's performance in using the question periods and hearings periods requiring executive ministers' attendance was inadequate. In this regard, only two of the ministers could attend and fulfill their annual quota of appearance to HoPRs. Besides, the parliament was unable to undertake systematic and organized oversight mechanisms to investigate the policy implementation and program activities of ministers and ministry officials. For instance, until the fifth month of the annual budget year, the number of ministries and executive agencies that submitted their annual plans was not more than 5%. Besides, as far as the

selected five standing committees are concerned, none of the executive agencies and departments did show up before the committee to present and defend their quarterly performance reports. Even at the House level, until the 13th formal sessions, there were only two ministries that appeared before the House and defend their report. Moreover, as revealed during the intensive investigation of their formal meeting minutes, most of the standing committees failed to provide timely feedback to the concerned agencies and departments of the executive body. This implies that the parliament was unable to ensure whether the majority of the ministries and executive agencies' annual plan were consistent with the policies, strategies, programs and laws they promised to implement. There was also a problem with the regularity and timeliness regarding the submission of the quarterly and midyear plans as well as performance reports. Moreover, despite the occurrence of at least a single field trip activity in the fifth tenure of the legislature, almost all of the standing committees rarely undertook independent investigation and field work-based oversight activities to monitor and evaluate the policy and program implementation of the agencies of the executives. Regardless of the crucial importance of field visit-based oversight to compare and contrast with the previously set plans and performance reports, it was found out that rather than insisting on and facilitating for the activity, the leadership prohibited some standing committees. For instance the budget and finance affairs committee, did not to undertake field visit and they cancel their plan. These results indicate that the FDRE parliament is not exercising its legislative oversight role properly and effectively to monitor and investigate the performances of the executive branch.

The other indicator we assessed was the oversight capacity of the FDRE parliament in terms of its use of public hearings and the media to apply pressure on the executive regarding public policy issues. As revealed during the analysis of the document review, such a trend is not well developed as far as the FDRE parliament is concerned. Though some attempts were made to allow groups, individuals, and related stakeholders during the legislative scrutiny process of two bills at committee stage, the parliament is not continually interacting with the public throughout the public policy making process so as to understand and bring the views, concerns and interests of the constituents to the attention of implementing institutions. In consequence, it is not uncommon to see nowadays even the executive is revealing that there are a number of policy implementation and good governance problems. However, there is no formal evidence that indicates the parliament made adequate use of the media, public forums or its website in order to discuss with the general public in order to properly understand the depth and the whereabouts of the real problems, and those who are responsible for such problems. As a result, it can safely be concluded that inability of the parliament to engage citizens in the public policy making for using different mechanisms is considered as one of the indications of its ineffectiveness in the policymaking process.

With regard to the final indicator of the OCI, the result revealed that the parliament is incapable of taking appropriate measures against the executive branch for reasons that may include the following instances: the parliament could not either reject some of the articles found inconsistent with the constitution or force the executive to make necessary compliance; in addition, some ministries' plan were found to be not only copy of the previous annual year's plans but also the one that did not fulfill the criteria, however, the respective standing committees approved the so called 'annual plans' while some MPs had a reservation on the decision since they believed the plans should be sent back to the ministries for necessary modifications. This, again, implies that the FDRE parliament is incapable of taking appropriate and timely measures in order to maintain the intention of the constitution. In general, the finding shows that of the 6 indicators within the OCI, the FDRE parliament is effective only in one, making the executive subject to present a brief presentation on the legislative proposals during the legislative process. Accordingly, based on the overall result of the OCI (which is 0.17), it can be safely be concluded that the parliament carried out its legislative oversight function only to a very limited extent.

These findings indicate that there is no itching reprimands directed the executive. It further suggests that the legislature's ineffectiveness to bring about a significant outcome from its policy oversight activities may be attributed to the presence of a single dominant party in the House which continually practices strict party discipline on its members. Absence of opposition parties in the House might also be another possible factor for the topic under consideration. The findings are in broad agreement with the results of some studies. For instance, Barkan (2009) points out that presence of a very dominant party and harsh party discipline, together with absence of opposition parties are major aspects of a given political System that affect most legislatures' effectiveness especially in Africa.

Although the parliament possesses the highest oversight powers in the country, it is also evident that the house is not effectively using its important formal legislative and oversight powers. The result indicates that the FDRE legislature is not independent from the executive body since the legislative process is almost controlled by the latter. This finding confirms the finding of the African governance report for 2005 that revealed many legislatures in Africa, including the FDRE legislature, are not free from the domination of the executive with regard to their role in the public policy making process. What makes the FDRE legislature's case a bit different from most of them is the degree of domination tends to be much stronger. Furthermore, most of the results presented here are in line with the findings of some previous studies conducted by Ethiopians. For instance, Abebe (2005), Tiruye (2015), Kahsay (2013), Atsbeha (2012), and Awel (2011) found out that the inability of

the FDRE legislature to perform its legislative activities such as introducing bills, undertaking meaningful discussion and substantive deliberations and making substantive amendments, taking appropriate measures, etc.

Effective Representation

In this regard, the result shows that the only indicator that received affirmative response was ‘openness’, indicating the FDRE parliament is open/accessible to citizens, and the media at least during scrutiny processes of the two legislative proposals. Whereas the result of the document analysis revealed that the parliament is not making a conscious effort to be representative, there was no formal forum organized for the public to provide and receive information and debating points regarding problem identification, policy implementation and evaluation issues in each of the policy process. No formal attempt was made to address questions and public policy implementation problems /concerns/ of the constituents to the executive. In general, the parliament does not have a well - established system or effective mechanism by which MPs continually interact with their constituents in order to understand their views, interests and concerns regarding public policy related issues. Regardless of its effort to allow the public at least during the scrutiny process of the two legislative proposals, the FDRE parliament is not adequately incorporating citizens’ concerns, issues and interests that are raised during the public hearing forum into the legislative proposal. For instance, of the seventy-two substantive issues raised by the participants during the hearings, only three (4%) were accepted.

Taking into account the rejection of the majority of amendments with very important substances, it can be concluded that the parliament is not effective with regard to the case under consideration. Similarly, the parliament was found to be ineffective with regard to allowing think-tanks and universities to regularly provide information and analysis to the legislators as well as the general public. The result of the document review revealed the fact that not only such a system is absent, but also there is no formal evidence that revealed the parliament is doing in collaboration with think-tanks and universities. Moreover, it is found that an insignificant effort was exerted to provide a system/mechanism/ in order to promoting citizens’ understanding and knowledge of legislators’ role in the legislative process. With regard to adequate representation of the diversity of political opinions in the country, the FDRE parliament’s effectiveness level is found to be inadequate not only for there is no any opposition party or individual member in the House, but also no opposition party was invited to engage in throughout the public policy making process. Thus the finding vividly shows that the extent to which the parliament adequately represents diverse political opinions in the country is unsatisfactory.

With regard to the final indicator of the ERI, Parliament’s performance to provide the necessary policy-related information to the public in a timely manner is also very unsatisfactory. Though the FDRE parliament has its own website, it is not properly and effectively used to disseminate information such as legislative proposals, proceedings of standing committees, and the like. In addition, it is not using its website effectively for informing the public about what it is really doing regarding public policy making processes, how the public can air their concerns, areas of the legislative proposals as well as the policy implementation problems it is facing, to be known to the parliament. These findings go in line with some researches that found the legislature’s ineffectiveness not only to establish a mechanism that allow the public to actively participate throughout the public policy making process, but also to work in collaboration with of key stakeholders such as universities, think tanks and the likes (Tiruye, 2015; Atsbeha, 2012).

As clearly shown in figure 1, the overall picture is reflected through the FDRE parliament’s power and effectiveness score (0.4), which is even below the average value. This implies that even if most of the legislative and oversight legal powers are vested in the FDRE parliament, the House was not practically and effectively using these important mandated powers during the policy making process. In other words, the FDRE parliament is quite powerful on its provision paper but not in practice. The study also further revealed that all of the legislative proposals made and submitted by the executive were simply accepted and endorsed by the legislature even without adequate substantive change. In this regard, one can argue that the FDRE legislatures are not totally free to make decision according to the constitution and their conscience. The overall finding of the study is broadly in line with what is mentioned by the African governance report for 2005: “ in terms of enacting laws, debating national issues, checking the activities of the government and in general promoting the welfare of the people, these duties and obligations are rarely performed with efficiency and effectiveness in many African parliaments” (UNECA, 2005, p.127).

Conclusions and Recommendations

The study uncovered the fact that the FDRE legislators are not practically capable of making meaningful discussions and significant constructive debates to enhance the contents of the legislative proposals, providing adequate and substantive amendment, undertaking enough legislative scrutiny, etc. It was also found that since there is no clear practical separation of power between the FDRE legislature and the executive party, MPs tend to be loyal to their party and its preference than the constitution, their conscience, and the public. As a result, they were even unable to reject some articles that were not consistent with the constitution. In other words, they

did not incorporate enough amounts of the public and interest groups' interests, concerns, and substantive ideas in the later stages of the legislative process; they fail to take appropriate measures, etc. The analysis further suggests that FDRE legislators do actually have little influence over the legislative proposals proposed by the executive. The findings further speak most directly to the inability of FDRE legislators to undertake their oversight activities to monitor and evaluate the performance of the executive body with regard to the public policy making process in general and policy implementation in particular.

Besides, the FDRE legislature is found to be least effective in representing the concerns wills and diversified interests of the public. All in all, though the FDRE legislature holds very great legislative and effectiveness powers, its legislative and oversight capabilities as well as its representation qualities are categorized as least effective. Hence, the overall legislative power and effectiveness level of the FDRE legislature in the public policy making process is found to be even below the average and considered as least effective. Moreover, the findings indicate that the FDRE parliament can be best explained as rubber-stamp parliamentary model for it is not practically powerful and effective. The FDRE legislature, unlike many legislatures in Africa, however, holds remarkable legislative and oversight constitutional powers. Yet, it uses neither of the powers practically in an efficient and effective way. Therefore, it can be fairly concluded that holding a number of formal legislative and oversight power is important but cannot be sufficient to become an independent, powerful and effective actor in the political system.

On the basis of the findings of this study the following recommendations are made:

- Having a certain power may seem good by itself, but it is nothing if the power holder is not free to use it. Therefore, those who held the highest practical power should let the MPs to function with total freedom and responsibility.
- The legislature should establish a pre-legislative scrutiny system so as not only to reduce the number of unsound clarity and technical questions but also to make the legislative process meaningful and alive.
- Unless impossible, any legislative proposal should be referred to the respective standing committee(s). In this regard, there must be clear, measurable and justifiable criteria to decide whether a legislative proposal shall be referred for detailed deliberation or not. Besides, the legislature should take the main responsibility to undertake detailed and enough legislative scrutiny, to make meaningful discussion and significant constructive debate that help to enhance the contents of the legislative proposals, and to provide adequate and substantive amendment, etc.
- There should be a formal law which enforces the legislature to provide policy related information to the public on timely basis. The public must be allowed to get access to legislative proposals, laws, minutes ...in easy and efficient ways.
- Much attention should be given to reorganize the supporting staff with adequate human and material resources. The House shall strive to establish an advisory research institution and have adequate and well trained professionals in the policy making area. Moreover, should launch a system to work in collaboration with think-thanks, universities, and other legislature.
- The trend of allowing the public to engage in evidence taking sessions should continue in order that the public can exercise their democratic rights to participate in the development of policies and laws. This can also be powerful mechanism to ensure the implementation success of any given policy.
- The legislature has to establish a system and uses variety of mechanisms to promote the publics' understanding and knowledge about the policy making processes as well as the role of major the actors' including the public itself.

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Annex A: Indexes and variables used for Measuring the Power and Effectiveness Level of the Legislature

Variable	Variable type	Coding (coded one if the FDRE legislature or...)
LPI (Legislative power index)		
No decree	Dichotomous	if the executive lacks decree power
No veto	Dichotomous	laws passed by the legislature are veto-proof or essentially veto-proof.
No review	Dichotomous	the legislature's laws are supreme and not subject to judicial review
No gate	Dichotomous	if the legislature has the right to initiate bills in all policy jurisdictions.
Treaty	Dichotomous	if the legislature's approval is necessary to ratify all treaties with foreign countries.
Amend right	Dichotomous	has power to amend or reject legislative proposals initiated by the executive
LCI (Legislative capability index)		
Bill proposed	Dichotomous	has power to propose a bill (either by committees or individual legislators)
Debate	Dichotomous	undertakes meaningful and open debate on the legislative proposals (assessed in terms of time spent and substantive amendments raised)
Referral	Dichotomous	refers many (75%) of the legislative proposal to the respective committees
Amendment	Dichotomous	makes adequate substantive (at least 50 %) amendments/ changes on the legislative proposals
Deliberation	Dichotomous	undertakes a clause-by-clause scrutiny of at least 75 % of legislative proposals
Approval	Dichotomous	approves all treaties with foreign countries
OPI (Oversight power index)		
Question	Dichotomous	has power to question the executive and force it explain its policies/plans
Investigate:	Dichotomous	can conduct independent investigation of the chief executive and the agencies of the executive
Oversee pol	Dichotomous	has effective powers of oversight over the agencies of coercion
No conf	Dichotomous	can vote no confidence in the government.
No diss	Dichotomous	is immune from dissolution by the executive.
OCI (Oversight capability index)		
Attendance	Dichotomous	makes adequate use of question periods or hearings requiring executive minister's attendance
Invest exec	Dichotomous	adequately investigates the policy implementation performance of the ministers and ministry officials
Pres exec	Dichotomous	makes use of public hearings and the media to apply pressure on the executive
Bill prov	Dichotomous	If there is in time provision of legislative proposals
Presentation	Dichotomous	is makes the executive subject to present a brief analysis about content and purposes of draft laws

Measure taken	Dichotomous	is taking appropriate measure on those who have a serious problem in relation with policy implementation
ERI (Effective representation index)		
Representativeness	Dichotomous	is making a conscious effort to be representative
Openness	Dichotomous	is being open to citizens and the media
Citizens' input	Dichotomous	adequately (at least 50% of the amendment issues raise by stakeholder) incorporates citizen concerns into policy proposals
Think tanks' input	Dichotomous	allows think tanks and universities to regularly(at least once a year) provide information and analysis to the legislature
Citizens' understanding	Dichotomous	uses a system/mechanism to promote the citizens' understanding and knowledge of legislators' role
Political diversity	Dichotomous	has adequate representation of the diversity of political opinions in the country
Info provision	Dichotomous	provides of public policy related information to the public on timely basis

Areas	Indicators For Assessment	Value	Evidence
Legislative power	Power to participate in the making of all laws / No decree /	1	It has the power to participate in the making of all laws. Provided for in FDRE constitution article, 55(1),(10); 74(3),77(11) and regulation no. 6,2008 article, 60(2)
	Power to make laws without great concern for executive defiance / No veto /	1	Laws passed by the legislature are veto-proof. Provided for in regulation no. 6,2008 article, 58/4/
	The legislature's laws are the final word / No review /	1	The parliament's law cannot be rejected by the judiciary. Provided for in the regulation no. 6, 2008 article ...
	Power to initiate bills in all policy jurisdictions / No gate /	0	For instance, it does not have a mandate to initiate financial law.
	Power to approve/ratify treaties with foreign countries / Treaty /	1	Its approval is necessary to ratify all treaties. Provided for in the FDRE constitution article, 55/12/
	Power to amend or reject legislative proposals initiated by the executive / Amend right /	1	It has a mandate to do so. Provided for in regulation no. 6,2008 article, 64/2,a/
Legislative capabilities	Able to initiate any bill in any policy jurisdictions / Bill proposed /	0	Of the 19 legislative proposals, none of them were initiated by the FDRE legislators (in the first nine months of the first year of the fifth tenure of the legislature).
	Undertaking meaningful and open debate on the legislative proposals / Debate /	0	-The total time spent (37hours) to discuss and debate on all the19 legislative proposals were significantly very low (of which the highest share (about 27 hours) goes to the 2 specific bills namely <i>authentication and registration of documents</i> , and <i>Ethiopia's overseas employment bills</i>). (i.e., on average thirty-nine minutes for each legislative proposal) . A total of 260: 119 questions and 143 amendment motions were raised of which only 79 (30%) were found substantive. It has even enacted 4 legislative proposals without raising any technical or substantive issues.
	referring many of the legislative proposal to the respective committees / Referral /	0	Of the 19 Legislative proposals only12 (63%) of them were referred. Particularly, 7 (37%) of bills that required detailed deliberation were not referred, and no justification provided for why they were not referred. the parliament spent even less an hour to enact these legislative proposals with no substantive change.
	Making adequate substantive amendments on the legislative proposals / Amendment /	0	Of the total of 143 raised 64 were technical, and 79 were substantive amendments. There were seventy-nine substantive amendments raised, and only twenty (10%) were accepted.
	undertaking a clause-by-clause	0	Of the total legislative proposals, only 2 (10%)of them

	scrutiny of legislative proposals / Deliberation /		were subject to clause-by-clause scrutiny. it indicates that it passed the majority of bills without giving enough amount of consideration to produce a law that is well formulated as well as easy to understand and implement.
	Approving all treaties with foreign countries / Approval /	1	All treaties (10) were approved and ratified by the FDRE parliament
Oversight power	Power to question the executive and force it explain its policies/plans / Question /	1	-Provided for in FDRE constitution article, 55/17/ and regulation no. 6, 2008 article, 79/a, b/; 81/1, 3). Besides, the annual plan as well as GTP2 were presented
	Power to conduct independent investigation of the chief executive and the agencies of the executive / Investigate /	1	Provided for in the constitution , article 55(17)
	Powers to monitor the state's coercive agencies / Oversee pol /	0	Not clearly indicated either in the FDRE constitution or regulation no. 6, 2008
	Power to express opposition to the government with a veto of no confidence / No conf /	1	Provided for in the rules and regulation no. 6, 2008 article, 64/2,d/; 98; 99/4/
	Immune from dissolution by the executive / No diss /	1	Provided for in FDRE constitution article, 60(1), and regulation no. 6, 2008 article, 6
Oversight capabilities	Adequate use of question periods or hearings requiring executive minister's attendance / Attendance /	0	Only 2 (%) of the ministers were attended. only two of the ministers could attend and fulfilled their annual quota of appearance to HoPRs
	Adequate investigating the policy implementation performance of the ministers and ministry officials / Invest exec /	0	Not adequate. For instance, until the 5th month of the annual budget year, the number of ministries and executive agencies that submitted their annual plan was not more that 5%. Besides, as far as the selected five standing committees concerned, none of the executive agencies and departments did appear before the committee to present and defend their quarterly performance reports. Even at the House level, until the 13th formal sessions, there were only two ministries that appeared before the House and defend their report.
	Use of public hearings and the media to apply pressure on the executive regarding public policy issues throughout the legislative process / Press exec /	0	There is no adequate use of platform, media, forums, and the likes so as to apply pressure on the executive. In general, such a trend is not well developed. It is not continually interacting with the public throughout the public policy making process so as to understand and bring the views, concerns and interests of the constituents to the attention of implementation institutions. There is no formal evidence that indicates the parliament made adequate use of the media, public forums or its website in order to discuss with the general public in order to properly understand the depth and the whereabouts of the real problems, and those who are creating such problems.
	In time provision of legislative proposals / Bill prov /	0	About 35% of the legislative proposals was not provided in time and adequately. About 10 percent of the legislative proposals were not properly prepared in the federal official language.
	Making the executive subject to present a brief analysis/ presentation about the legislative proposal / Presentation /	1	The executive presented a brief explanation about the content and purpose each of the legislative proposals
	Taking appropriate measure on those who have a serious problem in relation with policy implementation / Measure taken /	0	No appropriate measure was taken. The parliament, for instance, neither reject some of the articles found inconsistent with the constitution nor force the executive to make necessary compliance; in addition,

			some ministries' plan were found to be not only copy of the previous annual year's plans but also the one that did not fulfill the criteria, however, the respective standing committees approved the so called 'annual plans' while some MPs had a reservation on the decision since they believed the plans should be sent back to the ministries for necessary modifications.
Effective representation	Making a conscious effort to be representative /Representativeness/	0	There was no formal forum organized for the public to provide and receive information and debate regarding problem identification, policy implementation and evaluation issues in each of the policy process; no formal attempt was made to address questions and public policy implementation problems /concerns/ of the constituents to the executive. In general, the parliament does not have a well established system or effective mechanism by which MPs continually interact with their constituents in order to understand their views, interests and concerns regarding public policy related issues. It is not adequately incorporating citizens' concerns, issues and interests that are raised during the public hearing forum into the legislative proposal.
	Being open to citizens and the media /Openness/	1	Some groups, interests and individuals were allowed to participate least at some stage in scrutiny processes of the two legislative proposals during the second reading stage at committee level. Sometimes, the proceedings of the parliament is televised and also put in news papers. is open/accessible to citizens, and the media at least during scrutiny processes of the two legislative proposals.
	Incorporating citizen concerns into policy proposals /Citizens' input/	0	It is not adequately incorporating citizens' concerns, issues and interests that are raised during the public hearing forum into the legislative proposal. Though many ideas, concerns and interests were raised by the groups and individual participants during the legislative scrutiny process, almost none of these ideas were incorporated in the legislative proposal at later stages of the legislative process. For instance, of the seventy-two substantive issues rose by the participants during the hearings, only three (4%) were accepted.
	Allowing think tanks and universities to regularly provide information and analysis to the legislature /Think tanks' input/	0	Such a system does not exist, and there is no formal evidence that revealed the parliament is doing in collaboration with them.
	Using a system/mechanism to promote the citizens' understanding and knowledge of legislators' role in the public policy making process /Citizens' understanding/	0	Very little effort was exerted to educate, inform and sensitize citizens on public policy making process and legislators' role in the legislative process.
	adequate representation of the diversity of political opinions in the country /Political diversity/	0	It is inadequate for there is no any opposition party or individual member in the house. Besides, no opposition party was invited to engage throughout the public policy making processes
	On time provision of public policy related information to the public /Info provision/	0	Policy related information is not timely available to the public, and there is no legal requirement that binds the Parliament to provide such information