

## IV. The Federal Parliament of Ethiopia

**Communication by the Hon. Mr. Haile HALEFOM,  
Secretary General of the Federal Republic of Ethiopia,  
Windhoek Session (April 1998)**

Ethiopia, for some time now, has been undergoing a historical transformation in wide range of affairs. Amongst them, we find, the establishment and development of a representative democracy under a parliamentary system of government.

I am grateful for the opportunity I have been given to communicate to you in what has been happening in the Federal Parliament of Ethiopia itself during this process.

After the demise of the military rule in May 1991 Ethiopia's challenge was how to organise the transition to democratic governance based on the free expression of the will of the people of Ethiopia. The process began with the 1991 Peace and Democracy Conference in which 29 political and nationality organisations took part and adopted a Charter for the transition period. It was during this period that the constitution was drafted, and after an extensive discussion by the public it was directed to the Constituent Assembly whose members were directly elected by the people under universal suffrage in June 1994. The Constituent Assembly endorsed the Federal Constitution in December of the same year which came into effect in August of 1995 by creating a legitimate government formally known as the Federal Democratic Republic of Ethiopia (FDRE).

### **The Constitution and the Parliament**

#### *The Constitution*

The Constitution represents the most authoritative expression of the people's core beliefs, for the strength of the document lies in the time honoured principle of unity in diversity by affirming that the Nations, Nationalities and

Peoples of Ethiopia have equal say on matters of their collective sovereignty. It declared the supremacy of the Constitution, separation of state and religion, respect of fundamental rights (including the Universal Declaration of Human Rights), and principles of good governance. It created a defence force that is loyal to the Constitution and through it to the Ethiopian public. It established a bicameral parliament, an independent judiciary and an executive organ that is accountable to the Federal Legislature. The Federal Government's structures are replicated at the nine Federal States level. The Federal Constitution provides the nine states to have their own autonomous State Councils marking the beginning of the transition from centralism to a federal system of government.

### *The Parliament*

The Federal Legislature is made up of two Chambers - the House of Peoples' Representatives and the House of Federation with a five year term.

*The House of Peoples' Representatives (HPR)* is the sole legislative body and therefore, the highest authority of the Federal Government. Members of the HPR are elected by the people at district level. The districts are based on population with the provision that at least 20 of the 550 seats are reserved for minority nationalities. It determines the organisation of the national defence and security, declares state of emergency or war on the basis of a draft submitted to it by the Council of Ministers, lays taxes and ratifies federal budget and international agreement concluded by the Executive, appoints Federal Judges and members of the Council of Ministers, and establishes autonomous bodies, such as the Human Right Commission, Ombudsman and Auditor General. The House has also the power to call the Prime Minister and minister for questioning and holds oversight responsibility over the activities of the same. The House has nine Standing Committees.

*The House of Federation (HF)* is composed of 108 representatives of Nations, Nationalities and Peoples of Ethiopia. Members of the HF are appointed by the State Councils or the State may hold election to have representatives elected by the people directly. The HF has the power to interpret the Constitution. It has also the power to resolve disputes that may arise between the Federal States, to determine the division of revenues between the two levels of government that derive from joint resources and to allocate federal subsidies among the State governments. It has the constitutional responsibility to promote equality of the peoples of Ethiopia and consolidate their unity based on mutual respect. It also has the power to order Federal intervention in any state when constitutional order is endangered. The House has three Standing Committees.

*Immunity of members of parliament*

The Federal Constitution provides that no member of parliament may be prosecuted on account of any vote he/she casts or opinions he/she expresses during parliamentary deliberations nor may be arrested or prosecuted without the permission of the parliament except in the case of *flagrante delicto*.

*Parliamentary Sessions*

The annual session of the HPR begins in October and ends in July. It may adjourn for a month's recess during its annual session. Parliament is closed from July to October and it is during this time that members meet extensively with their constituents. The House holds plenary session for two days of the week, and uses the remaining three days of the week for committee work to review bills and hold public hearings. The House of Federation, on the other hand, holds at least two sessions annually. The rest of the time work is done by the Speaker's Office and by its three Standing Committees.

*The Legislative Process*

Bills are introduced to the HPR either by Members of the Parliament or the Executive branch. There are two readings to the draft bills presented to the HPR.

The first reading takes place when the Speaker announces the bill's introduction to the Assembly (copies of the bill are distributed to members in advance for prior considerations). After a general debate on the objectives of the bill it is referred for detailed consideration to the appropriate committee, or sometimes to several committees, one of which is assigned overall responsibility. In committee, the bills are subjected to in-depth scrutiny by Members. The committee may call upon the help of experts from the parliament and/or outside the parliament to gain further understanding of the bill. Depending on the complexity of the bill or the issue at stake, this may take some amount of time. The Committee may also call a public hearing to discuss the bill further. The committee finally reports its findings and its draft recommendations to the full plenary for a second reading.

The second reading is based on the committee reports and draft recommendations for amendments in the bill. The Assembly discussed the bill more in detail this time and votes on each clause of the draft separately. The second reading ends with the final vote on the whole bill.

Laws deliberated upon and passed by the House are then submitted to the President for signature. After having been signed by the Federal President, the law is announced in the federal law gazette called the *Federal Negarit Gazeta* and consequently enters into force on the date stipulated in the text.

### *Administration of Federal Parliament*

The task of running and administering the Federal Parliament is carried by over 230 employees headed by the Secretary General of the Parliament. The Secretariat's Office jointly serves the two Houses of the Federal Parliament. It monitors the duties of the administration and process the activities in the Parliament. It organises professional services for the Parliament through its research department. It meets the needs of the Parliament's press, minutes and protocol services, keeps records and provides library services.

The Secretary General is appointed by Members of the House of Peoples' Representatives and serves for the term of the Parliament. He executes his duties impartially. In regard to the independence of the Secretariat's Offices it is an autonomous body only accountable to the parliament's two Chambers and their Members. The relations of the parliamentary service with the Members of Parliament has been smooth and encouraging. The parliamentary service is functioning in a spirit of neutrality in its performance of its duties.

The parliamentary administration provides the Speaker's and Deputy Speaker's Offices and the 12 Committees of the two Chambers with secretarial services of their own. Other Members do not have secretaries and staff of their own and mostly receive secretariat, technical and professional help from the staff managed by the Office of the Secretary.

The Secretariat's Office performs its duties without interference from members. There is always, of course, a possibility of such occurrences. But, they are of the nature we identify as normal communication, coming from the fact that members in their official capacity are represented on parliamentary bodies (like meeting of Committee Chairmen, Speakers and the parliamentary service) dealing with general administrative affairs.

### *Performance of the Federal Parliament*

*The House of People's Representatives* has approved and promulgated 107 laws, heard 63 reports of the Executive and held 31 public hearing in the last two and a half years of its existence. The workload of the Chamber is growing with time. Its Committees are actively performing their assigned duties and this can be attributed to the rise in capacity of its members by reason of their

being experiences with the workings of a parliament. At the moment, the House is in the process of establishing two very important institutions, namely the Human Rights Commission and the Office of the Ombudsman. An international conference is scheduled to take place in May of this year to exchange experiences for the establishment of these bodies.

*The House of Federation* also has been active in the last two and a half years. It has finalised and implemented the sharing system on revenues that derive from joint resources between the States and the Federal government and the allocation of subsidies among the regional governments. It addition, it has engaged in the study of cultures, languages and history of the nationalities of the country. It has also organised the translation of the Federal Constitution into different languages of the country.

*The Office of the Secretariat*, in the last two and a half years, considered the development of the capacity of the Parliament as its major objective. To this end the Office prepared different workshops, symposiums and training programs for the MPs and the staff; fulfilled the major technical needs, such as sound systems in the Plenary Halls, electronic vote-counting, introduction of information technology to a certain level, Internet services, and the straightening of the Research Department and the future upgrading of it to the level of a Parliamentary Research Centre.

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Mr Michael DAVIES congratulated Mr HALEFOM. He was sure Ethiopia would adapt well to democracy. It was important to remember that the French, Westminster and US models were not best for all countries of the world. He was interested for Mr HALEFOM to elaborate on his role as Secretary General. He wondered what happened if he had constitutional duties as well. Mr HALEFOM said that he was a member of the main party. He knew that there was considerable responsibility vested on him since he had to be impartial in his duties. It was not difficult for him to combine the work of Secretary General with that of a member since his constituency was in Addis Ababa. It was, therefore, quite easy to meet' his constituents. In fact, the parliamentary building was in his constituency.

Mr MEVA'A M'EBOUTOU (Cameroon) congratulated Mr HALEFOM on his presentation. His first question related to the nomination of ministers. Mr HALEFOM's report stated the House of People's Representatives nominated federal judges and members of the Council of Ministers. He was interested to

receive more information on this. Was it nomination or election? How did it take place and who took the initiative? Mr HALEFOM explained that ministers were nominated by the Prime Minister. The nomination was then approved by the House of People's Representatives. The President and Deputy President of the Federal Supreme Court were nominated by the Prime Minister and approved by parliament. Also the Supreme Courts at regional level had their presidents and deputy presidents nominated by the relevant parliaments. Any appointment below President and Deputy President of the Supreme Court was met by the Federal Court of Administration which consisted of MPs from both Houses. This body, being accountable to the House of People's Representatives, presented the appointed judges for approval to the House of People's Representatives.

Mr KHATRI CHHETRE (Nepal) asked whether the House of Federation had any legislative power. Mr HALEFOM explained that it did not. Legislation was only for the House of People's Representatives.

Mr LANTAM-NINSAO (Togo) asked what the difference was between nations, nationalities and peoples. He noticed all these difference words had been used. He also asked what the population of Ethiopia was and if both chambers took part in the vote on the national budget. Mr HALEFOM said that there was no difference between the three words. Within the nine federal states there were nations with their own well developed literary languages and boundaries. These tended to be called nations. Nationalities tended to be smaller language groups within those nations. The population was 55.5 million. The number of representatives was 550 which meant about 100,000 constituents per MP. It was the House of People's Representatives which considered the budget. The Budget Committee studied the proposed budget when it arrived in the House, and possibly made amendments. The budget was then ratified by the House of People's Representatives. The House of Federation had nothing to do with the budget.

Mr HONTEBEYRIE (France) asked if there was a system of responsibility of the government to the House of People's Representatives. Did the chamber ever remove its confidence from the government. Mr HALEFOM said that the Constitution stated that parliament had the power to revoke its confidence in ministers. The Constitution had, however, only been in force for the last two years so they had not, as yet, come across the situation.

Mr OLAFSSON (Iceland) asked if the electorate lost faith in representatives that confidence and trust could be withdrawn. Mr HALEFOM explained that there was provision whereby the electorate could call back an MP if they lost their confidence in him. There was a procedure for this. A vote of 75 per

cent of the original electorate was necessary. The plea then went to the House of People's Representatives where it was checked by the Administration Committee and voted on.

Mr OWUSU-ANSAH (Ghana) asked whether the House of People's Representatives had sufficient capacity to deal with private members bills or bills from the Executive. Mr HALEFOM said they did not have the necessary capacity to help MPs draft bills. The experience was not there although it was not a constitutional right.

Mr WINSON (Namibia) commented on Mr HALEFOM's statement that the Speaker decided on the distribution of bills. Did that mean that the Speaker could decide not to distribute a draft bill that came to parliament? She wondered whether distribution took place prior to tabling and whether the bills were in the public domain before they were tabled. Mr HALEFOM explained that the Speaker did not have the right to reject a bill. The Secretary General could not issue the bill without the Speaker's authority. Bills were distributed prior to tabling. There was no instruction telling MPs not to publicise bills before tabling. The bill was already official and known since it had gone from the Council of Ministers to the House of People's Representatives. Distribution took place in advance for the preparation of MPs.

Mr HOOPLOT (Suriname) noted that the House of Federation consisted of 108 members at the moment. He wondered whether that number might change. Mr HALEFOM said the Constitution provided for there to be 120 members in the House of Federation but because of the number of ethnic groups there were some not represented at the moment.

Mr Michael DAVIES thanked Mr HALEFOM for his fascinating account of the parliamentary system of Ethiopia.