

Administrative Agencies

Administration

- ▶ Of a business, an estate, government
- ▶ Administration of foreign, military, judicial, financial, internal affairs
- ▶ Whenever we see the government in action as opposed to the deliberation or rendering of judicial decisions
- ▶ Administrative Agencies - a body that does not include the legislature or the judiciary
- ▶ a governmental body with the authority to implement and administer particular legislation
- ▶ Proliferation: *'a veritable fourth branch of government'*

Nature of agencies

- ▶ Created by law = do not exist if not by law
- ▶ agency's *organic act or enabling act*, is the fundamental source of an agency's power – for their material and legal existence
- ▶ the legislature may exclude or modify some organs from the scope of an agency
- ▶ The nomenclature used : *Ministry, department, board, bureau, commission, division, office, council, committee or officer of the state or a public benefit corporation*
- ▶ That it has legislative and/or adjudicative power granted by the legislature.
- ▶ That the head of the agency is appointed by the executive or by the house of people's representatives.

Classification of Administrative Agencies

- ▶ **Based on their formation and accountability**

- ▶ **By the Constitution**-their creation is not dependent on the will of the parliament --independent agencies

- ▶ The Federal Ombudsman
 - ▶ The Human Right Commission
 - ▶ The National Election Board
 - ▶ The Auditor General
 - ▶ The Population and Census Commission

- ▶ **By the Legislature**

- ▶ **Executive agencies**

- ▶ departments staffed by civil servants who are accountable to the relevant minister --in charge of regulating a certain sector of the economy
 - ▶ the parent department is responsible for any unlawful decision or act by the agency responding to a ministerial policy --Ministries not only enforce a government program or policy, but they also supervise and overview other lower agencies that are accountable to them
 - ▶ The degree of discretion handed down to the service providers is considerable, since the chief executives of these agencies have to behave like managers of commercial services, producing results.
 - ▶ accountable for those *results* rather than for the *policies* behind the services.
 - ▶ Roads Authority, Energy, Telecom
 - ▶ Executive agencies were themselves created in the interests of speed, economy and efficiency (this being the reason for their replacing the unwieldy powers exercised by civil servants in large departments).

Regulatory agencies

- ▶ have broad powers to regulate the relevant industries.- industry self-regulation failing to protect public interest EPA, Education, Trade and Industry
- ▶ their role is to act in the public interest
- ▶ **Self-regulatory organisations**
- ▶ regulation in this country is conducted by the industry itself, based on an understanding that if self-regulation does not work, government will step in and legislate -Bankers' Association, Architects, Physicians etc, sporting bodies Athletics Federation
- ▶ self-regulating agencies are set up to ensure compliance with codes of practice.-- developed by an interest group threatened with legislation in order to ward off any more binding form of regulation.

Advisory bodies

- ▶ set up to advise the government; others are watchdog organisations established to act in the interests of certain sectors of society
- ▶ Policy Studies Institute

Local authorities

- ▶ have largely become agents of central government, through processes such as rate-capping, compulsory competitive tendering and the transfer of other important responsibilities
- ▶ A range of other local matters are under their control, such as the enforcement of compliance with hygiene and sanitary standards, traffic flow and parking and the provision of care for children and the elderly. They have extensive licensing powers which determine whether certain films, plays or occupations are permitted in their area.

Powers of Administrative Agencies

- ▶ Need powers to carry out their responsibilities
- ▶ The powers should be given by the enabling act
- ▶ The powers include rule -making, adjudicatory and administrative

The Evolution of Administrative Agencies in Ethiopia

- ▶ Agencies as a machinery of public administration - recent phenomena in Ethiopia.
- ▶ Emperor Tewodros reform activities -turning local chiefs as salaries state employees
- ▶ some traditional administrative personnel in the government. 1) *Yetor Abegaz*(commander-in-chief of the army) 2) *Afe Negus*(judge on all appeals in the name of the emperor save the death sentence) 3) *Tsehafe Tezaz*(keeper of the great seal of the Emperor and writer of all imperial orders) ; 4)*Ligaba*(communicator of all imperial orders, deputy yettor Abegaz, and sergeant-at-arms to the Emperor.)
- ▶ 1907, Emperor Menelik created the first ministerial framework -delegation of usable power hardly existed
- ▶ The 1931 constitution laid a foundation for the existence of the first administrative agencies
- ▶ the Imperial Ethiopian Central Personnel Agency (CPA), was established by order no. 23 of 1962 --the most relevant government institution for the development of formal administration, --to issue regulations necessary for the establishment of homogeneous public service
- ▶ Under the Dergue, 21 ministries and several chartered agencies
- ▶ Under the FDRE Constitution- executive power is vested in the PM and the COM
- ▶ 20ministries, and commissions, authorities, committes, institutions
- ▶ administrative agencies are established at the federal and state level.