WOLKITE UNIVERSITY

COLLEGE OF SOCIAL SCIENCE AND HUMANITIES

DEPARTMENT OF GOVERNANCE AND DEVELOPMENT STUDIES

A POST GRADUATE PROGRAM IN POLITICAL SCIENCE

THE IMPACT OF POLITICAL INTERFERENCE ON JUDICIAL INDEPENDENCE: THE CASE OF WOLKITE TOWN

BY: TARIKU DAGYE

APRIL (2023)

WOLKITE (ETHIOPIA)

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BY: TARIKU DAGYE

THESIS ADVISOR: ROBEL F. (PHD)
CO-ADVISOR: ALEX B. (MA)

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Declaration

I, the undersigned, hereby declare that this Thesis, titled "the impact of political interference on judicial independence: the case of Wolkite town," is my original work and has not been submitted and presented for any degree award or any other purpose in this University or any other University. All materials, secondary or primary used for the study have been appropriately cited and acknowledged. It was produced in accordance with University Policies and satisfies set standards for originality and quality.

Tariku Dagye Shikur

Signature ----------

Date**:** ----------

I grant permission for this thesis to be presented for review.
Robel Fantu is the Advisor. (PhD)
Signature: _____
Date _____
Co-Advisor: Alex B. (Ato)
Signature: _____
Date _____
Submission Date _____

Wolkite University, Wolkite

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We, the undersigned, members of the Board of Examiners of the final open defense by Tariku Dagye have read and evaluated his thesis entitled the impact of political interference on judicial independence: the case of Wolkite town, and examined the candidate. This is, therefore, to certify that the thesis has been accepted in the partial fulfillment of the requirement of the degree of masters in political science.

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This Thesis Is Dedicated

To My Parents

Keremush Maruta & Kassa Nida

(Authors of My Life, My Success, Still they are boring more for me)

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Abstract

This thesis examines the legal and institutional framework regarding the impact of political interference on judicial independence in the Gurage zone, with a specific focus on Wolkite town. The study aims to identify and analyze standards for assessing the influence of the executive on judicial decision making, using both qualitative and quantitative methods. Wolkite town was chosen due to a high demand for judicial independence caused by political interference in the city. In order to achieve objective of the study the researcher used purposive sampling technique and collected information both from primary and secondary sources. Different data collection methods have been employed. Primary data gathered through questionnaire, interview, focus group discussion and observation closed documents whereas secondary data gathered from books, journals, articles, reports, theses/dissertations, and others. The data generated have been analyzed using tables with percentages and explanations for each figure (descriptive statics) of the data. Therefore, evaluating the impact of political interference on judicial independence is crucial for ensuring justice and upholding the Ethiopian constitution and international conventions. The separation of powers between the three branches of government, namely the judiciary, legislature, and executive, is crucial for a balanced and cooperative governance system. As this research focuses on the judiciary's independence, it must be free from any internal or external influences or interference to ensure transparency, accountability, and the provision of public services. Thus, it is essential to maintain a mindset that prioritizes the public's interests and well-being. The inquiry reveals that the institutional quality of Wolkite town's FIC falls far below the standards of judicial independence, mainly due to a lack of transparency, accountability, and independence. The judges are struggling to maintain their independence and overcome the influence of leaders and powerful individuals. This Thesis argues that the absence of guidelines on transparency, accountability, and independence is a significant factor in the lack of proper service delivery. Unfortunately, the role of mass media, public representatives, civil organizations, and others in overseeing the performance of judicial institutions in serving the public is insignificant. This Thesis recommends that the problems of lack of independence, unfair justice, mismatch of judges and cases, partiality, corruption, lack of the rule of law, lack of transparency, and accountability must be addressed to ensure good governance, fair justice, and public satisfaction with the government and laws in Wolkite town.

Key Words: - Politics, Interference, Wolkite Town, Independence, Impact

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Glossary of Local Terms

Impact:

Noun: a marked effect or influence, impression, footprint, consequences.

Verb: Have a strong effect on someone or something:

Synonyms: Affect, influence, have an effect, have an influence, exert influence, interference (source: website) https://www.bing.com/ck/a?!).

Politics: Is the acquisition (gain), retention (holding), and exercise of power for the purpose of collective action; Simply put, politics determines "who gets what, when, how (Brian L. Porto, 2017: 26); a philosophical thought and strategy that play a great role in influencing the organizational structure of institutions such as the judicial.

Impact of politics: the influence of government (executive or legislative) or government office holders or leaders or influential personnel; or exerting influence or interference on judicial decision making.

Judge: a person appointed by the council upon nomination by the regional commission (SNNPR State Judicial Administration Commission Re-establishment pro. 42 and 43/2002: 2); are individuals tasked with deciding matters in dispute; the judicial power refers to the types, levels and hierarchy of courts whose responsibility it is to interpret and apply the law, including the Constitution, statutes and regulations, jurisprudence and leading precedents; "Judge" and "court", are often synonymous or interchangeable; "Judge" and "justice" are often used in substantially the same sense (Black's law dictionary 4th ed.: 976).

Judicial: Belonging to the office of a judge; as judicial authority; Relating to or connected with the administration of justice; as a judicial officer; having the character of judgment or formal legal procedure; as a judicial act (Black's law dictionary 4th ed.: 983).

Independence: kept distinct and apart from; the state or condition of being free from dependence, subjection, or control; a state of perfect irresponsibility; political independence is the attribute of a nation or state which is entirely autonomous, and not subject to the government, control, or dictation of any exterior power (Black's law dictionary 4th ed.: 911).

Judicial independence: means that the judiciary must be kept distinct and apart from the other branches of government; the courts and judges must be shielded from improper influence stemming from the legislative or executive branches of government; courts must also be sheltered from private or partisan interests; is vital to the model of governance of the state based on the separation of powers (Canadian judicial council; May 2006: 9); the

fundamental concept of judicial independence exists for the benefit of all citizens, not judges. (Canadian judicial council; May 2006: 2)

Decisional independence means that in the making of judicial decisions and exercising other official duties, individual judges are subject to no other authority but the law Federal Justice Organs Professional Trainee Center Manual; year not mentioned; 7; the judge should decide cases solely based on the law and the facts that are applicable without regard to political or popular pressure,… fear of intimidation or special interests.; 8); decisional independence is sine qua of the judicial function, as cited in Federal Justice Organs Professional Trainee Center Manual; year not mentioned; 13).

Separation of power: The Ethiopian system of government is divided into three branches: the legislative; the executive; and the judiciary; each has separate and independent areas of power and responsibility; in its simplest form, the legislative branch creates the law, the executive branch administers and enforces the law, and the judicial branch interprets and applies the law in individual cases (Canadian judicial council; May 2006:9) as stated by the revised constitution, 2001 of SNNP Regional state Article 46(1 - 3): 117 and FDRE Constitution Article 50(2): 18).

ACRONYMS

ADR:	Alternative Dispute Resolution
APA:	America Psychology Association
ATJ:	Access to Justice
BOFED:	Bureau of Finance and Economy Development
CCI:	Council of Constitutional Inquiry
CDR:	Consensual Dispute Resolution
CILC:	Center for International Legal Cooperation
CJSRP:	Comprehensive Justice System Reform Program
CP:	Court Performance
CSA:	Central Statistics Authority
DI:	Decisional Independence
ELJSA:	Ethiopia Legal and Judicial Sector Assessment
EPRDF:	Ethiopian People Democratic Revolutionary Front
FDRE:	Federal Democratic Republic of Ethiopia
FEDB:	Finance and Economic Development Bureau
FFIC:	Federal First Instance Court
FGD:	Focused Group Discussion
FHC:	Federal High Court
FIC:	First Instance Court (s)
FSC:	Federal Supreme Court
IT:	Information Technology
JAC:	Judicial Administration Commission
JDM:	Judicial Decision Making
JLSRT:	Judicial and Legal System Research Institute
JRP:	Judicial Reform Partnership
JRPO:	Justice Reform Program Office
NJC:	National Judicial College
R & S:	Recruitment and Selection
SNNPRS	Southern Nation Nationalities Peoples Regional State
SPSS:	Statistical Package for the Social Science
TGE:	Transitional Government of Ethiopia

CHAPTER ONE

1. INTRODUCTION

1.1. Background of the Study

Ethiopia has a constitution enacted in 1997. The government of the country is governed on it. The three organ of government are the executive, the legislative and the judiciary. The function of the executive is to enforce the enacted law by the legislative and the function of the judiciary is to interpret the enacted laws.by the executive. To satisfy the society, they are doing their tasks in corporation, keeping check and balance. If one interferes on the other, the democracy and the justice system is unacceptable and hence tyranny of government is exercising. To summarize, if there is an influence of an executive on judicial decision making, in democratic society, the independent of the judiciary is in question which brings mistrust of citizens on the government and on the rule of the law. The influence of executive on judicial decision making is a new concept. As many literature, written abroad, suggests that political interference on judiciary in developed nation is insignificant but very serious in undeveloped nations especially in our continent and I our country, Ethiopia.

Throughout Ethiopia, the justice system is in a state of crisis. The public is fearful and angry especially in the criminal justice system. Practitioners are weary and frustrated. Victims are re-victimized in the process. This widespread sense of dissatisfaction has caused a fundamental rethinking of the justice system in Ethiopia. One of the central debates in judicial politics literature is about whether, and to what extent, political context affects higher court decisions. The existing literature asserts that when one political party dominates the political sphere and has the power to limit the jurisdiction or overrule judicial decisions, the likelihood of judges deciding against the government diminishes (Aylin Aydin-Cakir, 2019).

The causal mechanism underlying this argument suggests that under a unified government, political actors will not encounter coordination problems to curb judicial authority. As such, in order to prevent some political sanctions under a unified government, the judges have strategically and are less likely to defy the incumbent government (William N. Eskridge, 1998). This argument perceives judicial preferences as irrelevant in an unfriendly political environment and suggests that the judges' key motivation is to protect themselves from possible political revenge (Andrew D. Martin, 2001).

Under a divided government, however, the judiciary is expected to be more independent and more likely to challenge the incumbent government. The basic feature of this mechanism is that political fragmentation reduces the capability of incumbents to overturn judicial decisions or interfere in judicial decision-making because the dispersion of power makes it more difficult to pass new legislation or put together a legislative coalition to curtail the autonomy of judges. Assuming that the judges have different policy preferences from the government, the expectation is that only in environments where political power is highly fragmented will they cast their true preferences and be more willing to decide against government decrees (Lisa Hilbink, 2012).

Although these strategic models of judicial behavior acknowledge the importance of judicial preferences, they still predict the rational foresight of the judges as the key determinant of their behavior and seem to envision that the judges will give their decisions based on their true preferences only when the political context is friendly and there is no threat. But then, why do we still observe judicial assertiveness under unfriendly political environments in which the judiciary meets certain political constraints? Unlike the strategic models for judicial behavior, the attitudinal models for judicial behavior argue that the court will strike down the acts of its biased opponents and support the acts of its biased partners regardless of the strength of the government (Matías Iaryczower, 2000).

In this regard, judges are expected to vote only according to their individual ideologies without engaging in any strategic calculations (Lee Epstein, 2001). As such, the attitudinal approach manages the explanatory power of the political context within which the judges act and rejects the perception of judges as strategic actors.

Arguing that the preferences and strategic calculations of judges interact, the main goal of my research paper was to explain whether, and to what extent, Ethiopian politics is affecting the judicial decision making and the court system of the country. The theoretical framework of the study suggests that situational characteristics across cases can activate these factors of possible reaction from political branches which vary across different types of cases.

1.2. Statement of the Problem

Ethiopia is accompanied in a new era for the country's legal and judicial institutions with the adoption of a new constitution in 1995. One of the important features of this constitution is Federalism. In federal setup the power is constitutionally divided horizontally and vertically (art. 50(2) of FDRE constitution). On this basis, the constitution allocates powers among the three branches of the government. Judicial power is shared as to the Federal Government and the Regional States. It also provides the principles of separation of powers that *"Courts shall be free from the interference of any governmental body, office of government, or from any other source… Judges shall exercise their judicial function in full autonomy and they shall be directed solely by the law"* (Article 79 (1-3) of the constitution).

The Ethiopian justice system, according to the Comprehensive Justice System Program baseline study (2005), has three core problems.

First, it is neither accessible nor responsive to the needs of the poor. Secondly, it has serious problems to tackle corruption, abuse of power, and political interference in the administration of justice. And thirdly, inadequate funding of the justice institutions magnifies most deficiencies of the administration of justice. The perception of the independence of the judiciary is very low.

Moreover, the process of selection and promotion of judges is insufficiently transparent and lacks input from other legal professions. The lack of training of judges remains one of the most important problems of the Ethiopian judiciary; court administration and case management are weak, and access to all kinds of legal information is limited.

As it is part and portion of the country's legal system, the judicial system in Wolkite town is not absolutely free of the above mentioned insufficiencies. As far as the judicial decisional independence is concerned, judicial independence is not clearly indicated in the revised charter (proclamation No 361/2003).

Moreover, the extent of the autonomy in judicial and non-judicial personnel administration of the judiciary is not clear. Not only is this, the selection and promotion of judicial personnel not transparent enough. Though the Wolkite town courts are established to be empowered with the selection of judges for judicial appointment, to determine the transfer, salary, allowance, and promotion and placement of judges, in practice, its institutional independence to perform these powers remain under question. The process of initiation and investigating of ethical misconduct is given to these courts, with no appeal against to their decisions.

In plus to these, the office of general attorney and judicial organ physically inter-connected. The leaders of these offices at different level have meetings. They do exchange executive instructions using such opportunities. The effect of such arrangement on the professional and institutional autonomy of the court is not clear. There is doubt whether the executive use such platform to hack the independence of the judiciary or use as instrument to serve the purpose of justice. In some cases one can see occasions which justifies how judges are ready to adopt the positions of the public prosecutor in entertaining the case against justice.

Furthermore, if the government is one among the litigants to a case, the impartiality of the judges is quite questionable. These situations warrant the researcher to synthesis the extent and the outcome of such ills on justice system. These factors have their own direct and indirect impact on the judicial efficiency, access to justice in the town courts. These realities in the Town judicial system call the researcher to conduct this research and analysis the existence and adequacy of legal framework as well as the practice on the ground demand. To evaluate the gap, there are no researches which are not done previously. So my thesis is a new concept and I am going to study or asses the influence of the executive on judicial decision making in Wolkite town FIC particularly.

1.3. Research Questions

The study attempts to answer the following basic questions:

Is the town's judiciary independent in terms of managing its judicial and non-judicial staff?

The independent functioning of judicial in Wolkite town, by judges is adversely affected by which factors?

How do the selection, appointment, withdrawal, and promotion criteria of judges in the Wolkite town compromise the impartiality and give a lee way to politicians?

Are the laws, rules, and regulations in the town well-organized to safeguard the judiciary and the society?

1.4. Research Objectives

1.4.1. General Objective

The main objective of this study is to assess the interferences of the politics on judicial independence in Wolkite town.

1.4.2. Specific Objectives

It also has the following specific objectives:

1. To examine if the judiciary in the town is independent in performing its functions without the interference of politics.
2. To assess how clear and transparent the selection, appointment, removal, and promotion of judges are and whether they are free from the interference of politics.
3. To determine whether the local judiciary is free to manage its staff, both judicial and non-judicial.
4. To find out if the laws, rules, and regulations in the town are well organized, clear to the judicial personnel, to other legal professionals, and the public.

1.5. Significance of the Study

The research will aid in understanding the effects of Wolkite town's lack of an independent judicial system and make an effort to show how these issues have both direct and indirect effects on the effectiveness of judicial decision-making.

Last but not least, the study may act as a springboard for more extensive research by academics and experts, especially those who need to investigate the precise influence of politics on judicial decision-making.

1.6. Scope of the Study

The research focused on the Wolkite town FIC. In the town, there is one social court for each of the six kebeles. The zonal high court was not considered as such in the study.

Geographically, the research was only conducted in Wolkite town, SNNPR State, Gurage zone which is 155-kilometer-distance from AA.

1.7. Limitation of the Study

The study's implementation has a number of restrictions. The fundamental restraint brought on by Wolkite's political climate at the time. Few informants were therefore very hesitant to share their opinions out of fear that it would negatively impact them, even after the researcher provided clarification. Additionally, some of the study's important informants were unwilling to share their thoughts and relevant documents. Numerous and expanded meetings, the difficulty of analyzing closed documents, a lack of focus during filling out the questionnaire, the absence of key informants from the office, and the lack of an acceptable source were additional constraints. The lack of relevant secondary data sources/references in Ethiopia and the research area was another limitation. Since the title was recent, some judges were extremely hesitant to provide information, especially those who were in positions, as a result of the political climate at the time.

Due to time constraints, the study's more doctrinal nature, and my own observations, some politicians lack the confidence to provide information, and others are unwilling to be interviewed. I have tried up to six going and coming backs to convince these politicians to fill the questionnaire, but I have been unable to do so, especially with regard to those who are the prosperity party's leaders in the Gurage zone and wolkite town levels. The other issue is a lack of resources and logistics. Since interference is carried out secretly via telephone or other mechanisms, it is difficult to detect using document analysis, interviews and questionnaire distribution. Further technological study is required.

1.8. Ethical Consideration

An essential ethical factor has been taken into account by the author. In order to obtain additional information about the title, WKU's postgraduate school sends letters of support to the Wolkite FIC, as well as to AAU Jon of Kennedy, to ECSU, to Aron Degol, the Director General of the Federal Justice Research Institute, and to the libraries of the Federal Supreme Court. In return, the institutions send written comments to WKU. A lot of effort was put into

avoiding bias and remaining as impartial as feasible. Before obtaining informed consent from interviewees, the study's purpose was fully disclosed to them during data gathering without using any deception. The interviewees' response to not making unnecessary disclosures that would harm their connection with their employer has also been considered by the researcher. By analyzing the data gathered to create a clear justification for descriptions, the researcher has also given an accurate account of the information.

1.9. Organization of the Study

There are five chapters in this thesis. The study's introduction is covered in the First part. The Second chapter examines the literature and theories that are used as a yardstick to assess the impartiality, effectiveness, and accessibility of the Town and Zone Courts for the underprivileged. The Third chapter covered the study's methods. The Fourth part concentrated on the findings and analysis from the study's questionnaires and interviews. Findings, conclusions, and recommendations from the research were covered in the Final chapter of the thesis.

CHAPTER TWO

2. LITERATURE REVIEW

2.1 Basic Concept and Conceptual Frame work

(Characteristics, theoretical analysis and conceptual definition of interference of politics and judicial independence)

An interference of politics is having a strong effect on someone or something, influence, a marked effect, impression, consequences; (source: https://www.bing.com/ck/a?!).

Politics/Executive as a law enforcing organ; the third part of government's organ other than the law maker and the judiciary. In light of my thesis, the interference of government—either legislative or executive—or of officeholders, leaders, or important people is referred to as the influence of the executive. It can also be defined as the exertion of influence or interference on judicial decision-making or judicial independence.

According to the 2001 SNNP Regional State revised constitution (Article 74: 118) and the FDRE constitution (Article 79: 29), judicial decision is judges' decisions in cases and their performance of court office duties are exclusively founded on the law and decisional independence, according to Federal Justice Organs Professional Trainee Center Manual, year not mentioned on page 7 and 8, the judge should decide cases solely based on the law and the relevant facts without regard to political or popular pressure... fear of pressure or special interests. This means that individual judges are subject to no other authority but the law in making judicial decisions and performing other official duties. Decisional freedom is a requirement of the judicial function. To summarize, if there is an influence of an executive on judicial decision making, in democratic society, the independent of the judiciary is in question which brings mistrust of citizens on the government and on the rule of the law. The influence of executive on judicial decision making is a new concept and I cannot get enough literatures which are done in our country, Ethiopia. So it is impossible to express the influences empirically, but conceptual framework is discussed.

2.2. Theoretical Analysis of Judicial Independence

It is apparent for everyone that there is direct correlation between and among the three political ideals. Even though the realization of the one does not necessarily require the achievement or existence of the other, it is self-evident that the ineffectiveness of any will likely result in the malfunctioning of the other. For instance, the preservation and promotion

of the rule of law is directly influenced by the degree of independence of a judicial system in a given country. A discussion on the ideals is in order.

2.2.1. The Judiciary and the Rule of Law

The rule of law, be it in its substantive or formal version, requires the existence of an independent judiciary, which is vested with the power to interpret the constitutionality or otherwise of laws and government actions. Dicey, for instance considers the existence of an independent judiciary with the power to determine the rights of private persons in a case brought before them is the corner stone of the rule of law (David C., 2008). The role of courts in preserving the rule of law is paramount if one considers the proliferation of government functions in recent times in particular by welfare states which necessarily results in the delivery of broad flexible powers to administrative agencies.

The delivery of choice to administrative agencies in turn potentially and inevitably results in unreasonable violation of fundamental rights and freedoms. Here it is not to make whether or not discretion to government is necessary. Rather how the potential abuse of fundamental rights and freedoms by the exercise of discretionary powers are to be preserved and thereby realizing the rule of law.

The usual mechanism which is believed to serve the protection of fundamental rights and preserving the rule of law is judicial review of legislations and administrative acts for their constitutionality by an independent tribunal. The power to review the constitutionality of legislations is vested on different institutions in many countries. In some countries such power is given to the Supreme Court, in others to special constitutional court, still others establish unique organs for the same purpose; yet referendum may be used as a means to react to the constitutionality of laws passed by the parliament (Founday J., 2013).

The judiciary is one of the main institutions of government in realizing the constraints of the constitution up on government. It is repeatedly said that the judiciary is established to serve as a counter majoritarian purpose. That is to say, the judiciary preserves the rule of law by declaring laws unconstitutional when they are found to be contrary to individual liberties recognized by higher laws, and in particular, it protects minorities from being abused by the laws passed through the majoritarian democracy. This is possible if there is an independent judiciary or similar organ with a power to test the constitutionality of laws and actions taken by the other branches.

Despite the attachment of the importance of the judiciary with the protection of fundamental rights and serving as guardian of the rule of law, it does not escape from criticisms in relation to its review power. The critics are stronger concerning the power of courts to review legislations than executive acts and on parliamentary systems than in presidential systems (Gardner J., 2008). One of the grounds for the critics is based on the nature of the power of the judiciary.

According to the mechanical theory of the judicial function, judicial power is held to be legitimately exercised only when the judge gives effect to the will of the legislature as reflected in the law (Dakolias M., 2015). This theory expounds that the judiciary shall not be given a power to invalidate laws passed by the legislature. The argument is forwarded in light of the separation of powers theory according to which the legislature makes the law, the executive administers it, and the judiciary apply it to a particular case and more so complies with Montesquieu statement that "the judges are but the mouth which pronounces the words of the law" (Gardner J., 2015).

The theory does not prohibit interpretation by courts; for application of laws necessarily involve interpretation of same, rather it is meant to say that under the pretext of preservation of the rule of law the interpretation power of courts shall not be made in any sense a law-making activity for the nature of judicial power is not law making.

The mechanical theory is however faced with counter argument on the reason that the theory provides nothing when determining the intention/will of the legislature is difficult. It is admitted that interpretation is necessary only if there is a problem in determining the clear intention of the legislature or if there is a need to fill a gap in a law. In the presence of such facts, thus, strict adherence to the mechanical theory of judicial function is said to be hardly believable. Critics of this theory strongly argued that if judges are considered a simple entrance through which the law is to be pronounced, judges‟ function is an administrative, not judicial (Guarnieri C., 2001).

The other critics of review power of courts with a view of preserving the rule of law are based on the claim that judicial power has democratic deficit. It is common for many that the rule of law is often taken and understood together with democracy and sometimes these terms are used interchangeably in the daily public speech. However, the ideals are not, if not unrelated, the same and yet there are arguments by advocates of both ideals that one is a threat to the other. In fact, absolute adherence to one of the ideal may have a negative impact on the other but there is still a proposition that says both ideals may be consumed side by side.

As discussed above, the recognition and protection of individual rights is considered as important aspect of the rule of law. Such recognition of rights is also one of the manifestations of constitutionalism in that constitutions by providing lists of fundamental human rights tries to control the evil exercise of power by government. It is not true that rights are recognized in constitutions to be restricted nor are they self-applying, instead they are recognized to be protected and require an institution which enforces them and it is the judiciary, *although* not the only, that is vested with such power. It is, therefore, taken for granted that the judiciary is considered as an ultimate guardian of the fundamental rights and freedoms by limiting the power of the majoritarian legislature through judicial review.

However, there is conception that the recognition of rights and the resultant empowerment of the judiciary to question the constitutionality of legislations have antidemocratic implication. A question that often follows this regard is that why should courts through their unelected [thus unaccountable] judges have the power to invalidate laws passed by democratically elected legislature?

However, one may forward the following general justifications in favor of judicial review. First, courts from the very outset are constitutionally designed to serve a counter majoritarian role. Delivering the protection of individual rights to democratically elected body [because this is the possible option we would have in the absence of courts or similar institution] is self-defeating.

In this connection a statement by Alexander Hamilton is of important value:

Constitutional interpretation by the courts does not by any means suppose the superiority of the judicial to the legislative power. It only that the power of the people is superior to both; and that where the will of the legislature , declared in its laws, stands in opposition to that of the people, declared in the constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws, rather than by those which are not fundamental (Hobbes T., 2002).

2.2.2. The Rule of Law and the Separation of Powers

Needless to say, the rule of law is a must requirement for the protection of individual freedoms and rights, and advancement of limited governance. One of the various means of

achieving these ends of the rule of law is the principle of separation of powers. The original theory of separation of powers provides for the division of government powers between the two organs, the legislature and the executive, leaving the judiciary out. Latter however, Montesquieu advocated for the tripartite separation of powers among the three branches. He was totally against the concentration of power in a single government branch because he had the fear that if any of government powers are merged together in one man, there is no liberty because the same organ makes dictatorial laws implemented them autocratically. He confesses as follows:

Liberty is threatened when one branch of the government acquires more than one of the powers of government and all the more so when it acquires all three of the powers; so that in order to have liberty it is necessary that law be made by a legislative body, but administered by a separate executive, and applied by an independent judiciary.

What Montesquieu claimed to say is, in order to promote accountability of government, and protect the fundamental freedoms of citizens from the arbitrary of the government it is essential to keep separate the legislature's power to make laws, from the executive's power to administer laws, and the judiciary's power to hear disputes according to the law. Montesquieu believed that political power is always distributed; he said that "it is distributed under a dictator as much as in a republic"; but if freedom is to exist, power should be organized or distributed "in a certain way". Interestingly, Montesquieu argued that it is not correct to say that freedom is greater for the mere fact that the rulers have small power rather it depends on how power is distributed and limited.

Though the doctrine of separation of powers assigns the three powers to three distinct government branches, such separation of powers is not intended to be air-tight instead some degree of checks and balance with in each branch is necessary. James Madison in his federalist paper provides that the separation of powers as expounded by Montesquieu is not a hermetic separation of government departments but the different branches were allowed to have a „partial agency" or „control" over each other so long as the whole power of one department was not in the same hands which possess the whole power of another branch (Lowenstien S., 2017).

Thus, for it is not possible, and of course unnecessary, to have a perfect, strict separation of powers, certain degree of interaction among the government branches is necessary. The question is not, therefore, whether some degree of interaction is permitted at all but in which

cases, under which conditions, and to what extent such breach of the ideal of separation of powers are to be tolerated.

It is not the purpose of the paper to discuss on each and every aspects of Montesquieu understanding and proposition of the separation of powers. However, his idea on the doctrine is widely imported by many legal systems of which the founding fathers of the United States constitution are the noticeable borrowers of the ideal. Many of the Federalist Papers contain articles on the importance of the doctrine in preserving freedom in almost similar way as Montesquieu explained.

Many constitutional law scholarships today submit that the principle of separation of powers is at the heart of the rule of law and constitutionalism. This is because it serves various values of the rule of law of which the following are most important for the purpose of the paper. The first value is that separation of powers serves guarding against government tyranny. A tyrannical government is a government with free strong authority that keeps the power to limit popular choice. In this regard one writer argues that "it is for nothing but in the interest of freedom and liberty that the powers of government must be and supposedly are, separated and are kept separated" (Merry M., John H., 2000).

Thus, separation of powers provides a structural guarantee of citizens where by government authority is constrained and reduced by dividing it among the different branches yet with some degree of check and balance among themselves. Another crucial value which emanates from the fundamental principle of the rule of law is the doctrine of separation of powers prevents arbitrary government (Metzger B., 2014). Even though the rule of law has various implications and meanings for the reasons already discussed above, at its bottom it reflects a core requirement of legal regularity under which government actors derive their authority from and are bound by the law.

Whether the government actors are acting within the authority they are entrusted by the law or established principle of law is to be determined, not by those bodies in question, but by separate government branch, the judiciary, which can be better supported within the separation of powers principle.

The third point where the separation of powers serves the ends of rule of law is ensuring the independence of the judiciary, which is consider as guardian of the rule of law. This is true because the separation of powers provides a shield for the judiciary against interference from

the other branches in the judicial process. Fourthly, the ideal defends against legislative supremacy (Trubek D.M., 2018). It is evident that the legislature, though following the formal democratic procedures, may issue laws that have a well-known and adverse impact on fundamental rights or interest of minorities. This value is however, as was discussed later, hardly achievable in parliamentary systems since the legislature/parliament is superior to the other two branches.

Finally, it promotes government efficiency, since there is division of labor and no branch is allowed to excessively interfere in the affairs of the other branch. This purpose is however challenged for two reasons; first the separation of powers from the very beginning, as Justice Brandeis of the US Supreme Court argued, was not intended to promote the efficiency of government, but to avoid arbitrary power. Second, the principle in its pure conception is considered to be against government efficiency because the fact that there is unavoidable friction between one another may result a dead end or deadlock between each branches.

However, it is important to note here that although the theory of separated powers is sustained by the rule of law, the rule of law can exist without the need to firm adherence to separation of powers if there is commitment to follow the democratic and constitutional values served by the separation of powers. Regarding this, it is stated that "separation of powers is not holy end by itself rather is a means to an end, liberty. What is inviolable is rather liberty" (Sherwood R., 1998).

The assertion is sound if one considers the fact that the ideal has fewer adherences in parliamentary systems and despite of the absence of fullest application in its conventional understanding, the systems serve some of its core values as it is discussed in the subsequent sections.

2.2.3. Judicial Review and Separation of Powers

In the preceding paragraphs, the role of judicial review and separation of powers in ensuring and preserving the rule of law and individual liberties is briefly established. At this point, an attempt is made to see what contributions these principles owe each other. This is because there is an argument that judicial review may end up to be intrusive of the doctrine of separation of powers while there is a related conception which says that separation of powers contains mechanisms necessary to ensure the rule of law of which judicial review is the one.

It is taken for granted that the independence of the judiciary in any system is a critical aspect of whether the systems abide by the rule of law and recognize human rights

Constitutionalism and constitutional supremacy is nothing unless there is an independent judiciary established to enforce these constitutionally deep-rooted rights. The rule of law requires the existence of an independent and impartial organ, usually the judiciary, with a power of invalidating legislations when they are not compatible with the rights of individuals as recognized by supreme law. The importance of both in relation to government according to law and in the protection of liberty against the executive is the basic feature of judicial independence. This independence of the judiciary is usually expressed through the appointment, salary, occupation, removal of the judges and the budget allocated to the institution (Shihata F.I., 2009).

The independence of the judiciary can only be realized if the judiciary is functionally, institutionally, and in its personnel kept separate from the legislative and the executive organs. This is possible only when there is genuine adherence to the principle of separation of powers by all government branches. On the other hand, a threat to separation of powers may arise when a branch boosts itself by violating up on or seizing functions that are more appropriately performed by another branch. Any threat on separation of powers can, therefore, be regarded as a threat stood on the independence of the judiciary the subsequent effect of which is the deterioration of the judicial function in reviewing acts of other branches of government.

It is important to note here that it is the constitutionally mandated independence that makes the choice of the judiciary to hold the Executive Branch in check (through review) legitimate than the appellate tribunals within the executive (Stanely, Z. Fisher, 2001).

Despite the fact that separation of powers contributes a lot in realizing the practicability of judicial review by ensuring the independence of the judiciary, there is a parallel argument which provides that the unregulated permission of the judiciary to review the compatibility of laws and acts passed by the other branches with a supreme law violates the principle of separation of powers. Elsewhere it is said that when, for instance, a reviewing court hit down the application of a legislation, it is in effect involving in determination of policy issues of a legislation which is an appropriate task of the legislature.

It is argued that certain degree of judicial delay to the decision of the other branches of government is important. Considering the legislative and executive spheres to meet the demands and activities of modern government, and recognizing the presumption that the legislature is deemed to be better equipped to address questions of significant social and political policy choices than the judiciary, requiring the judiciary to exercise certain degree of self-control is justified (Guarnieri C., 2001). If not, assigning courts with review power may result in unnecessary judicial activism also called "juristocracy" or "Judicial tyranny" whose consequences may be seen from two angles.

Firstly, it may be used against the democratic institutions since the court in this regard is vested with a power to invalidate acts of these democratically elected branches, thus ultimately runs against the separation of powers. Secondly, and most exciting, it may result in judicialization of politics, a situation where political and some social questions may be considered to be judicial question, *although* such questions would have been properly solved through political checks and negotiations (Lowenstien S., 2017).

However, these facts are far away from establishing a firm claims that judicial review always run against the principle of separation of powers. If separation of powers is intended to result in preserving individual rights and freedom, there shall be a conflict or contest among and between the different branches of government. The doctrine of separation of powers does not require a complete division of the three government powers rather allows each branch to have a limited amount of control over another (through check and balance). In the absence of such tolerable contest between the branches, the principle may easily end up in creating legislative, executive or judicial tyranny for it is high likely that any of the branches becomes with an overwhelming power to influence the other branches.

In this connection, Justice Brandeis of the US Supreme Court in his dissenting opinion argued that "…the purpose of the doctrine of the separation of powers was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of powers among three department, to save the people from autocracy" (Metzger B., 2014). One of the unavoidable frictions that may exist as a result of the doctrine is judicial check of the other branches.

Besides, it is argued that the principle of separation of powers is considered as one ground for judicial review by courts. Regarding this, Neuborne argues that it is possible to have a "separation of powers theory based judicial review" which is capable of protecting important substantive values without being against, not only democratic values, but also separation of powers. According to the theory, the reviewing court is required to rely on the separation of powers for its review task and it is required to review legislations only when there is attempt by the government to act in a way incompatible to certain "fundamental values". According to this thesis, separation of powers should not always be considered as exposed to potential violation by courts, rather as one ground for reviewing courts to be used in protecting fundamental values as well as the ideal itself.

To support such assertion, it is claimed that looking at the decision of the French Constitutional Council is compelling and the Council secures success in its function by employing the separation of powers based theory of judicial review. In many cases, the Constitutional Council raises the separation of powers principle in order to deal with the protection of other fundamental rights from being restricted or violated by proposed laws without direct determination of the substantive policy issue of a proposed law (Gardner J., 2015).

The reliance on separation of powers principle for judicial review without substantive evaluation of a proposed law reduces counter majoritarian argument against judicial review apart from preserving the doctrine itself. Yet, separation of powers based judicial review reinforces democratic values. The theory also seems to be employed by the German Constitutional Court. In one case, Court ruled against the delegation of legislative power to the executive saying that it is for the legislature to lay down in all crucial principle in particular where the rights protected by the basic law are concerned. The decision was made based on the reason that citizens expect that it is their democratic representatives that are to take the most fundamental decisions that may affect them.

From the overall discussion what one can deduce is that judicial review and separation of powers, if consumed carefully, are mutually inclusive and serve the same end, the rule of law. The separation of powers promotes judicial review not only by helping in establishing an independent judiciary, but also serves as one ground over which courts may rely to decide cases. Thus, what kinds of review powers by courts are considered to be in excess of the normal tolerable checks under the doctrine remains to be crucial in deciding whether judicial

review is against the principle of separation of powers though determining the beginning is yet hardly easy.

2.3. Separation of Powers in Parliamentary Systems

Before rushing to the application and relevance of the doctrine in parliamentary systems, the writer believes that it is worthy to deal a paragraph on the basic differences between presidential and parliamentary systems of government so that a clear path of the possible limitation on application of the ideal in parliamentary systems was established. Many differences can be mentioned but the most important are, first, in parliamentary systems the government (chief executive) is elected by the parliament (whose members are directly elected by citizens) where as in presidential systems, the executive (president) and the legislature are elected in separate and independent elections by citizens.

The effect of this is that the executive in parliamentary systems needs to secure parliamentary (legislative) confidence in order to survive while this is not necessary for the president in the presidential systems. Another difference is that in parliamentary systems executive power is usually vested in the Cabinet. In contrast, executive power in presidential systems is vested on the president.

Thirdly, the parliament is usually put as supreme over the other branches in parliamentary systems where as in presidential systems the belief is the three government organs are coordinate. Finally, in presidential systems the president is prohibited from sitting in the legislative chamber while the prime Ministers or/and cabinet can do it. These are not the only differences. There are other differences such as presidential systems provide a fixed terms for the presidency but this is unusual in parliamentary systems and the power of the chief executive can be terminated any time the parliament losses confidence on him.

Having said this on the major differences between the two systems, let us turn to the main business under the section. It is repeatedly discussed that the principle of separation of powers serves various values with a view of avoiding dictatorship and preserving liberty. The values that are served by the principle are discussed by the Federalist papers of the founding fathers of the US constitution more than anywhere else. In its usual formulation, the separation of powers requires the existence of three separate government functions; the legislative, executive and judicial which are vested to three separate departments, the legislature, the executive and the judiciary. Such strict separation was however considered to

be faulty and according to the Madison's conception as discussed above, the doctrine is thought to be designed in a way that each branch have certain degree of "agency" or "control" over the other which we used to say check and balance.

However, it is difficult to expect the application of the doctrine in parliamentary systems in the fullest sense. There is a long-held argument that the doctrine of separation of powers best fits, even is unique to, and its purposes are best served in presidential systems. This declaration is made based on the adherence to strict separation of powers doctrine which requires the existence of three branches of government having the same constitutional status. The argument has truth in it since the theory requires the three branches of government to be entirely separate in both membership and function with some degree of checks and balance which is better achievable in presidential systems. However, the separation of powers in parliamentary systems, except in "constrained parliamentarianism", may exist only as between the executive and the judiciary, not the legislature regarding the other two branches, because in most cases these organs are secondary to the legislature [parliamentary supremacy] and the executive and the legislature are fused in real sense. Most ministers sit in the parliament which is against the separation of membership of the organs.

In fact, in most parliamentary systems, including the UK, there is no fusion of power between members of the legislature and the judiciary. But so long as the parliament is supreme it is less convincing to say there is separation of powers principles for the judiciary cannot check the legislature's acts. Consequently, the ideal cannot serve one of its important values, defending legislative supremacy. The scenario is almost the same even in France where the separation of powers is considered to be the fundamental principle. In French constitutional history the pure doctrine of separation of powers is not yet fully incorporated because the check and balance and judicial review of legislative statutes are inherently rejected by the system.

What may follow from the above fact is, if genuine principle of separation of powers is to be found only as between the executive and the judiciary, genuine disputes related to separation of powers in such systems, in systems where parliamentary supremacy is firmly established, may arise only between the executive and the judiciary. This does not mean however that the doctrine does not have any value to serve in parliamentary systems. Even though the executive and the judiciary, because of parliamentary supremacy, are put at subordinate position in the hierarchy of powers, parliamentary system does not exclude the principle of

separation of powers. Nor does it implicate that the values of separation of powers cannot be achieved in parliamentary systems.

It is undeniable that there are threats on the values of separation of powers in such systems for there is a heavy reliance of the executive on the legislature for its political survival, and the executive's power to dissolve the legislature which is totally absent in presidential systems. Not only this, the existence of fusion of power between the executive and the legislature since, in most cases, the executive cabinet are elected members of the legislature offers a weaker defense against abuse of political power than in presidential systems.
However, Parliamentary systems, however not fully, can serve the values of separation of powers as well. This is because in such systems, by keeping at least the judiciary independent from the other two fused branches can limit arbitrary government there by preserve the rule of law; yet this is possible only if there is no parliamentary supremacy.

In the existence of parliamentary supremacy, it is not easy to keep the judiciary separate (in the real sense of the doctrine) from the legislature and in such case it was difficult for the judiciary to keep the parliament in check.
In fact, there is an argument which provides that the separation of the judiciary from the other branches does not serve the same purpose as the separation of all powers from one another. The argument is that the separation of the judiciary prevents "oppression in violation of law" but the separation of the legislative and executive powers greatly discourages "oppression by law"; thus, keeping the three departments separate achieves better values in controlling government chances. The argument is tangible that the fact that the legislative and executive powers are tied together makes both to be directly responsible and trustworthy to strong party discipline, not to electorate, and this strong party line in the branches results in weak or no legislative inspection over the executive.
Note however that all parliamentary systems do not equally succeed in applying the principle. Their potential compliance to the values depends mainly on the constitutional position given to the judiciary because in such systems one can only speak separation of powers as between the judiciary and the other two branches in concert. Three scenarios can be examined in this regard. The first scenario is the application of the separation of powers in the Westminster model where legislative and executive powers are merged together and the judiciary is excluded from reviewing the validity of legislations.

This type of parliamentarism is apparently exemplified in the UK where the government is elected from the legislature and the cabinet members sit in either the lower or upper houses of parliament. The consequences is that the executive, if it secures the majority in the houses, can determine legislative outcomes with no or nominal opposition. The second type of parliamentarism is where the parliament is not fully sovereign. In such systems, not only the parliament is subject to constitutional supremacy, but also is subject to review by ordinary court or similar institution for its acts (Gardner J., 2015).
The third type is semi- presidentialism, also called "executive separation of powers", where executive power is divided between the president and the prime minister with strong presidential power especially when he secures majority seat in the parliament.

In the West Minister Model, it is argued that separation exists between the legislature and the Crown; and since the Cabinet is responsible to the parliament, the latter puts the Crown in check for the Cabinet represents the Crown. However, what is evident is that the doctrine is not fully applicable in its straight way and judicial review of legislations is strange-odd in the UK parliamentarism. In contrast, „Constrained parliamentary systems" are effective in serving the values of the separation of powers by establishing a judiciary or similar institution which is capable of putting the other two branches in check without affecting government efficiency which is one of the advantages of parliamentary systems. In such systems, the judiciary occupies a central role in monitoring the actions of the fused executive and legislative departments and serve as a counterbalance to the majoritarianism that exemplifies parliamentarism.

What is important from the discussion in the previous paragraph is that, separation of powers need not always be understood to mean in the existence of clear distribution of functions between the three distinct departments which is better achievable in presidential systems. Rather it should be seen in light of an interrelated rules and principles that are designed to ensure that power is not concentrated in the hands of one branch and it is in this sense that the ideal can have sense. In this context, thus, it could be said that it is possible for parliamentary systems to fulfill, if not perfectly, with the doctrine and serve its core purposes. For instance, in UK by making the Crown and the legislature in tension, it serves one of the values of the ideal, reducing government tyranny.

More strongly, by establishing strong judiciary that reviews both executive and legislative acts constrained parliamentary systems serves the values of the ideal. However, this is not to mean that the values that separation of powers serves in presidential systems are equally achievable in parliamentary systems. The bottom level is that separation of powers can only serve preventing both oppression in violation of law and oppression by law only if there is strong judiciary or similar institution that is vested to review the constitutionality of both legislative and executive powers and this is possible for unnatural parliamentarism.

2.4. Separation of Powers in Parliamentary Systems in Ethiopia

Ethiopia is a country established under a parliamentary system of government. Like many parliamentary systems, the government (chief executive) is elected by the legislature and is accountable to same. However, it is hardly clear that the Ethiopian parliamentary system reflects the feature of the Westminster model for the sovereignty of the parliament is subject to constitutional supremacy. Nor does it reflect the features in constrained parliamentary systems because the judiciary is not vested with the power to review legislations. One may argue that our system reflects constrained parliamentarism considering the House of Federation (HoF) as an institution vested to review the constitutionality legislations.

The writer however, opposes the assumption because the HoF is outside of the conventional power structure and cannot be considered as an organ vested to exercise judicial power. This line of argument is clearly asserted by the Constitutional Assembly that the HoF is not within any of the government branch. Thus, what follows is that, how the separation of powers is employed by our constitution so that power is not be concentrated in a single man or branch of government?

It is unusual to find a constitution which provides a specific section dealing with separation of powers. What one can find in many constitutions in this regard is an inference from the structure of the constitutions. For instance, if one observes the USA and German, constitutions, they provide provisions as to what powers are given exclusively to which government branch (Hobbes T., 2002). They may state the power to make laws is given to the congress/parliament, executive power to the president/cabinet and the prime minister, and judicial power to courts. All this tells us that each branch of government is vested with certain power over which no other branch has direct and dominant influence.

In a similar manner, the FDRE constitution protected the principle of separation of powers by specifying that legislative, executive, and judicial powers of the federal government are vested on the House of Peoples Representatives (HoPR), the prime minister and the council of ministers, and the federal courts respectively. Looking at its structure therefore it is possible to say that the FDRE constitution recognizes the separation of powers principle. However, the doctrine is not incorporated in the Ethiopian constitutional regime in similar manner as expounded by Montesquieu or Madison because the HoPR is constitutionally established to be the highest organ of the federal government.

The fact that the Prime Minister and its cabinet sit in the parliament and its accountability (together with its Cabinet) to same inevitably diminishes the place of separation of powers between the legislature and the executive (for it runs against personal separation of powers). This is, in fact, a feature in almost all parliamentary systems. The German chancellor, for instance, is elected by and sits in the Bundestag (the lower legislative house). However, two important facts may reduce, if not avoid, the effect of the combined legislative and executive powers in the German parliamentarism.
First, the fact that the Federal Council (Bundesrat) has active role in approving legislations initiated by the Bundestag will make the promulgation of laws in a way that the Bundestag and the Chancellor (executive) wished less easy. Second, the existence of a relatively active president with some degree of control over the Chancellor will have crucial value in diminishing the adverse impacts of the fused Bundestag and chancellor office.

In Ethiopia, the arrangement is different. The president has no right to say on the selection of the Prime Minister by the HoPR nor does he/she have a role in the legislations agreed by the HoPR. More worrying, the absence of second legislative chamber which is elected in separate procedure and vested with the right to participate in the legislative process opens a clear shelter way for the HoPR (legislature) and the executive to conspire along party line and pass a law with no or less obstacles. Furthermore, the power of the Prime Minister to dissolve the parliament and the analogous power of the parliament (HPR) to call and question the prime minister and the executive in general and take any measure it deems necessary may end to be disturbing of the doctrine.

Considering the above facts, one can safely say that true separation of powers in Ethiopia like in many parliamentary systems exists as between the executive and the judiciary. Two reasons can be forwarded to justify the assertion. First, the fact the HoPR is supreme provides less institutional defense for the other branches to counteract the ambition of the former. Second, the blending of membership in the legislative and executive branches exposes that it is inexperienced to imagine the existence of real separation between the branches. One may say that there is separation of powers between the legislature and the judiciary for the reason that there is no fusion of membership and the fact the judiciary is not accountable to the legislature. However, it is important to know that absence of fusion of membership and accountability of one to another is not enough for the doctrine.

The doctrine, as it is repeatedly said, also requires that each branch must be give the "necessary constitutional means and personal motives, to resist violations of the others" and not to rely on the other branch. In the case at hand, the judiciary is, with in the constitutional limit, subject to the will of the legislature and in this connection the judiciary cannot defend its institutional responsibility by itself against violation by the legislature.
However, it is worthy to remind the fact that regarding those constitutionally mandated powers it seems sound to say that neither of the branches in general and the parliament in particular can encroach up on the power of the other branches for there is no parliamentary supremacy over the constitution. In similar vein, there is no any constitutional requirement which indicates the supremacy of the executive over the judiciary nor does it provide vice versa. In the absence of constitutional requirement to such effect, one cannot yet interestedly say that the executive and the judiciary are constitutionally put at equal footing under the FDRE constitution. This is because of the vague constitutional requirement in relation to delegation of legislative powers to the executive.

The Constitution provides that the HoPR may empower the Council of Ministers (executive) to issue a regulation. The absence of clear constitutional standard as to when the legislature cannot delegate its legislative power to the executive may result in unrestricted and standard less delegation even in those areas where fundamental rights are at issue. Not only this, the potential for broad delegation of legislative power to the executive under our constitution may put the executive at superior position over the judiciary since the delegation may meant dressing the legislative crown by the executive. Yet, broad delegation strengthens the fusion

of legislative and executive power since it breaks functional separation that must to exist between the two branches.

The scenario, if it holds to be real, may prove the absence and practical impossibility of the application of separation of powers to any conceivable extent even between the executive and the judiciary.

To sum up, in Ethiopia, it is obvious that disputes related to separation of powers are more likely to appear between the executive and the judiciary. Yet, the declaration is conditional up on the nature and practice of delegation of legislative powers to the executive. Unless the legislature is careful and provides standards while delegating its power to the executive, there is no limitation for the later from issuing laws that puts itself in the upper level and make the judiciary it's meek. However, it is less likely to imagine that dispute regarding separation of powers may arise also between the legislature vis-a-vis the executive and judiciary. How the institutional responsibility of the other branches, particularly, the judiciary could be defended against an unwarranted violation by the legislature may therefore be an important issue.

2.5. Judicial Power and the Court

Despite the judiciary is considered as one of the *trias politica* in government power structure, the scope and legitimacy of its power is usually challenged. In principle, judicial power, the power to say what the law is, is vested on courts. However, the extent and scope of such power of courts is not the same all over nations. Instead, judicial power is dependent on the type of specific legal system and accordingly, it may be broad or narrow. Judicial power also varies from country to country on the ground where the power emanates from. In many countries, judicial power is expressly vested under a constitution and courts cannot exercise lesser or greater power than is vested by the document. Yet, the scope of judicial power may develop, not only from the express constitutional demand, but from the actual exercise of the power by courts, either through judicial activism or judicial self-control.

In the United States, for instance, the constitution is silent as to whether the Supreme Court and other federal courts are authorized to engage in judicial review of laws and acts of the executive. The power of the federal courts to review the constitutionality of congressional statutes and acts of government is firmly established through strong judicial activism by the activist judge, Chief Justice Marshal of the US Supreme Court in the case *Marbury*

V.Madison. In France, on the other hand, courts are constrained from reviewing the constitutionality of statutes issued by the parliament.
The power to check the constitutionality of statutes is vested to the Constitutional Council and yet, this power of the Council is limited in time that it can test the constitutionality of proposed laws before they are promulgated. In Germany, the power to engage in constitutional adjudication is vested on the constitutional Court.

In Ethiopia however, the power of courts does not seem to be clear. In fact, the constitution clearly stipulates that judicial power is vested on courts. The same constitution provides that the power to interpret and decide all constitutional disputes resides on the House of Federation (here after the HoF). The disagreement arises as to whether ordinary courts are completely excluded from interpreting the constitution. The fact that there is no constitutional requirement that provides clear demarcation on the power of the HoF regarding the role of ordinary courts in the enforcement of the various constitutional provisions created divergent opinions among many authors who worked on the respective role of courts and the HoF.

Moreover, the declaration of laws in the last one and half decade which limit or totally removed court jurisdiction to review decisions of administrative agencies is argued as a threat to judicial power. The laws may be contested both on the ground of legitimacy of their compatibility with the constitution and on the allegation that they reinforce the delivery of free powers that establishes factual supremacy of both the legislative and executive organs of government in a way incompatible to the supremacy of the constitution.

Not only this, the logical soundness of decisions of relevant government institutions, particularly, that of the CCI and the Federal Supreme Court Cassation Bench in relation to the jurisdiction stripping laws from the constitutional perspective also rises a great deal of controversy on the area. Considering the relevance of the CCI in ensuring the supremacy of the constitution by declining any law or government action that breaks the constitution, making reference to some of its decisions in similar area is found to be necessary. In similar manner, the decision of the Cassation Bench on the same area is found to be a contested and the writer believes that recalling to the decisions is mandatory remaining the fact that the Bench plays a dominant role in shaping/determining jurisdiction of ordinary courts.

To this end, analysis of the laws that stripped court jurisdiction, appraisal of cases decided by concerned bodies in the area, and interview with key persons to the subject matter is widely employed in this chapter. Based on this, an attempt to establish the pattern of the jurisdiction stripping laws and decided cases on the same subject area together with the possible implication they connote on the rule of law, judicial power, and protection of fundamental rights is in order.

2.6. The Constitutional-legal Mandate of the Judiciary in Ethiopia

Judicial power is among the controversial powers of the three departments of government. Yet the power of the judiciary to interpret the constitution is the most contested area in constitutional law scholarships. In principle, it could be said that constitutional interpretation is vested up on the ordinary judiciary. This principle does not however always hold true in all countries and depending on the type of legal system, the institution involved in constitutional adjudication varies. Under the FDRE constitution, this power is given to the HoF even though the scope of the power is still a contested area in post 1995 Ethiopian constitutional history and many contending literatures have been witnessed in the last one and half decade regarding the issue.

Most of the literatures address the area of constitutional interpretation in Ethiopia from the perspective of two main issues; which are, whether or not constitutional dispute and constitutional interpretation as employed by the constitution meant one and the same and what is the scope of the power of the HoF regarding the judiciary in constitutional interpretation. Many of the literatures respond to these questions differently and the disagreement has widening up when one looks the late published Article by Getachew.

Judicial power in Ethiopia is challenged not only by the constitutionally posed limits but also by parliamentary legislations enacted at different times. There are legislations disseminated in the last few years that have the effect of, partially or totally, stripping courts from their [inherent] jurisdictions. Thus, under this part, it is intended to establish judicial power in Ethiopia by looking it against two limitations imposed on it; the constitutional and legislative limits as discussed here under.

CHAPTER THREE

3. RESEARCH METHODOLOGY

3.1. Description of the Study Area

Wolkite is a town and the administrative center of the Gurage Zone for the Southern Nations, Nationalities and Peoples' Region (SNNPR), of Ethiopia. Geographically Wolkite town lies 37° 44′35" E to 37°48′45” E and 8°15′50"N to 8° 20′ 00" N. The town is located on the main road from Addis Ababa to Jimma with a distance of 155 km from the country capital Addis Ababa. This town lies in a latitude and longitude of 8°17′N 37°47′E and an elevation between 1718 and 1909 m above sea level. It is surrounded by Qebena woreda (Figure 1).

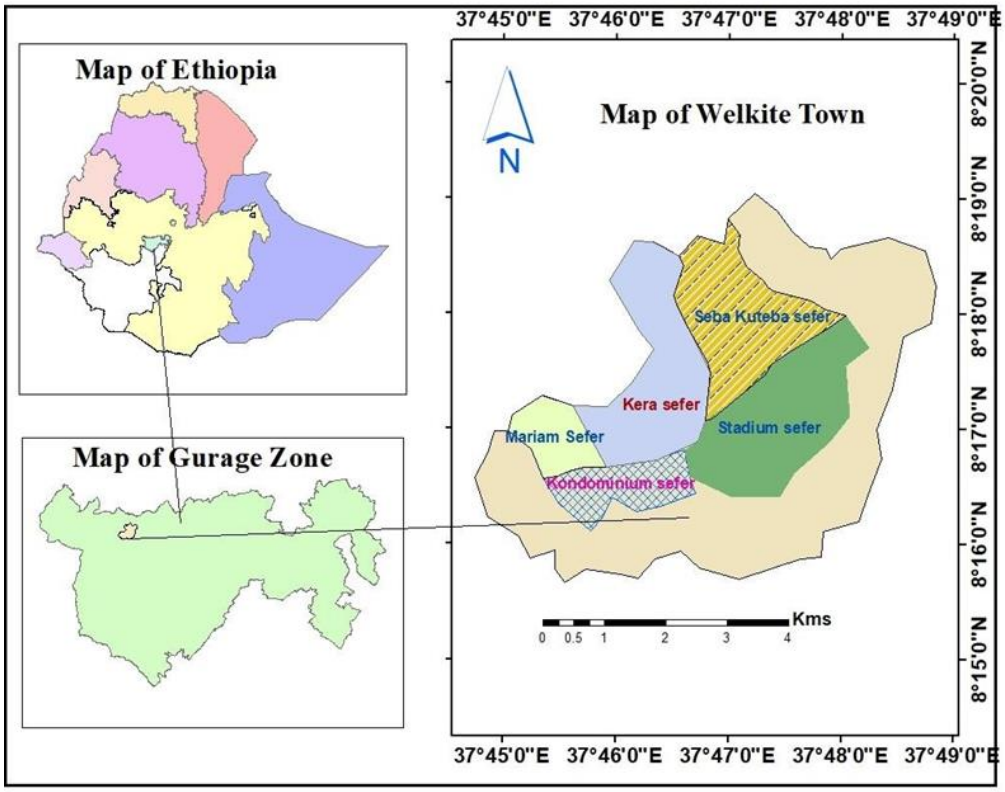


Figure 1. Location Map of Wolkite Town, Gurage Zone And Ethiopia.

3.1.1. Demographic Characteristics

Based on the Central Statistical Agency (2007) and Wolkite Town Plan Commission Office Report, this town has a total population of 92,517, of whom 48,109 are men and 44,408 women. The plurality of the population practiced, 48.17% Ethiopian Orthodox Christianity, 42.31% were Muslim, 7.86% were Protestants, 1.34% Catholic, and 0.32% other types.

3.1.2. Geographical Location of the Study Area

Gurage is a Zone in the Ethiopian Southern Nations, Nationalities, and Peoples' Regional Stat (SNNPRS). This zone is mainly named for the Ethnic of Gurage, Mareqo and Kebena peoples, whose homeland lies in this zone. In addition the other Ethnicity like Amhara, Oromo, Tigre, Wolayta, Kembata and other peoples of the country lives peacefully and incorporation. Gurage is bordered on the Southeast by Hadiya Zone and Yem special woreda, on the West, North and East by the Oromia Region, and on the Southeast by Silt'e Zone. Its highest point is Mount Gurage.

Wolkite is the Administrative Centre of Gurage Zone; Butajira is the largest Town in this zone and the former administrative Centre. The other six developing town administrative in Gurage Zone includes Emdibir, Bue, Gunchire, Arekit, Agena and Enseno. In addition to the above listed eight towns this Zone has sixteen woredas. (Guraghe Zone BOFED, 2014)

Map 4.1. Map of SNNPRS Showing Administrative Zones and Special Woredas'

Map 4.2. Specific Map of the Study Area

3.2. Research Approach

Based on the objective of the research, the researcher used both quantitative and qualitative approach. Such approach gives a good opportunity to escape the weakness of each approach and to identify the truth. According to Creswell (2003) if the research problem wants to assess different situations and the factors that influence an outcome, or understanding the best predictors of outcomes, then a quantitative approach is the best choice. Quantitative approach also raises the post positivist perspectives. Post positivism reflects a deterministic philosophy in which a need to examine causes that influence an outcome; this provided a chance to the Researcher to Assess the Influence of the executive on Judicial decision Making, the Case of Wolkite Town.

In the same way by using qualitative the researcher thought that will provide rich descriptions of complex phenomena; following unique or unexpected events; illuminating the experience and interpretation of events by actors with widely differing stakes and roles; giving voice to those whose views are rarely heard. Therefore, using both quantitative and qualitative approach in this study was the best suit.

3.3. Research Design

Since it outlines the general nature of the data collected, this research used a descriptive and correlational research method. It is possible to numerically compare, correlate and describe variables while publishing descriptive statistics, which enables researchers to draw specific conclusions about the data they have collected. As a result, by taking into account the aforementioned, a descriptive survey design is applied by the researcher to determine the actual influences of the executive on the judiciary's decision-making process, as well as how much of an influence it is having. The analysis of court records from the FIC in Wolkite town was also employed in connection with the study.

3.4. Sampling Technique and Sample Size

3.4.1. Sampling Technique

Purposive sampling, a non-probable sampling technique was used for this study. This technique can be used only for some specific purposes. In the first place, Wolkite town was selected purposively due to researcher’s familiarity with the Town as he has living and also working there. The Wolkite town Judicial was selected purposively based on researcher’s observations, work experience and educational background in contributing to promotion of democracy, judicial independence, rule of law, public satisfaction, good governance and others. Also the research participants have been selected purposively on the basis of their

specialist knowledge and positions they occupy in the research setting to get rich and quality data. The judgmental sampling assists in recruiting participants based on their capacity to provide as much necessary data and information as feasible, while convenience sampling uses immediate and accessible participants. The target population of this study was all the judiciary courts found in wolkite town and the town people who are directly influenced due to the influences of the executive on the judgment system. A research population as the entire group of people, events, or things of interest that the researcher wishes to investigates (Sekaran 2003). This was done for the purpose of triangulation and to make up for the limitation of the large amount of data.

3.4.2. Sample Size

Care was taken to make the sample size of the study to be as representative as possible in accordance with the time and budget allocated. The rationale for deciding this sample size was based on factors like the homogeneity of population, cost of the survey, shortage of time, large number of factors to be analyzed and the precision level required.

Because of their experience in judicial center as a customer, the more informed one than other, 100 of them was selected purposefully using the formula adapted by Yamane Taro (1967: 886). Lists of experienced personnel heads from the town are used as the sampling frame to select the 100 sample purposefully. A 95% confidence level and P = 10% are used in this Equation.

$n = \frac{N}{(1+N)(e)^2}$ Where; N is the population size, n is the required sample size and e is the level of precision

$n = \frac{92{,}517}{(1+92{,}517)(0.1)^2} = 99.9$. Of which proportionally, 70 of them would be from town level having experience related to the topic which means they are working in Wolkite area high court, Wolkite town FIC, Polices office, Justice office, Attorney generals, Law and political Science Scholars at different institutions, Gurage zone and Wolkite town politicians, Judiciary Customers and the remaining 30 would be from the 6 Kebeles of the towns social court judges which are listed in the following table.

Accordingly, the samples size of the social court was summarized in the following table:

No.	Name of the Kebele	No. of Employees in the Social Court	Samples Selected
1.	Menahariya Kebele	8	5
2.	Selam Ber Kebele	9	5
3.	Edget Chora Kebele	10	5
4.	Gubrye 01 Kebele	8	5
5.	Edget Ber Kebele	7	5
6.	Addis Hiwot Kebele	9	5
	total	51	30

Table 3.1:- Samples Selected from Kebele Social Courts

Because it is difficult to get the people in one place at a time, so purposive sampling, a non-probable sampling technique is fast, inexpensive, easy and the subject are readily available. The researcher selected participant from the parts of population which is close to hand.

3.5. Sources and Methods of Data Collection

3.5.1. Source of Data

To enhance the quality of data, the study's material came from both primary and secondary sources of data. Combined sources of data would provide the most effective way of gaining the necessary understanding of the problem under the study.

i. Primary Source of Data

Primary source of data are sources for firsthand information to achieve the objectives of the research. Judges, politicians, attorneys, customers of Wolkite FIC, law scholars, public prosecutors, polices are used as the primary source of data. The study used questionnaire, interviews and focus group discussion so as to generate primary data from these sources.

ii. Secondary Source of data

The secondary source of data was gathered from publications related to the topic under study, including books, journals, articles, documents/files, MA/LLM/BA and PhD theses, wolkite town FIC official reports, websites, FDRE and SNNPR State constitutions, proclamations and other related literature have been used as secondary sources of data.

3.5.2. Instruments of Data Collection

One of the key components of the study is data collection. Multiple instruments for data collection were used to gather both primary and secondary data in order to keep validity and reliability. Following is a discussion of the specifics:

1. **Questionnaires**

Both closed- and open-ended questionnaires of the appropriate type were sent. This allowed the researcher the freedom to pose inquiries in light of the situation's context and the questionnaire's history. I directly administered 57 questionnaires in total. Personally judgment, based on work experience on this area, Out of which, 6 from the Wolkite area high courts, 5 from the Gurage zone justice head and public prosecutors, 5 from the Gurage zone politics, 7 from the Wolkite town FIC judges, including the president of the Wolkite FIC, 5 from the Wolkite town politics, 5 from FIC customers, 6 from the Wolkite town justice, 3 from the Gurage zone police head and investigator officers, and 2 from the Wolkite town police head and investigator officers, 5 kebele social courts, 4 attorneys, 4 law schools at WKU, and the governance and development departments all sent and collected questionnaires.

Out of the 57 questionnaires sent out, 51 are collected, but 6 are not (3 are from the Gurage zone prosperity party office heads, 1 is from the Wolkite town prosperity party office head, 1 is from the Gurage zone justice head, and the other is from the Wolkite town FIC President) because the respondents are very busy, as indicated by the title. Due to their occupations and proximity to the title with superior information, these informants were carefully and attentively chosen.

2. **Interviews**

Both unstructured and organized interviews were conducted. This allowed the researcher the freedom to ask questions that were appropriate given the circumstances and the interviewee's background. I directly interviewed 23 people in total. Out of which, 1 from the vice president of the Wolkite Area High Court, 5 judges of the Wolkite Town FIC (including the president), 3 Gurage zone politics, 5 Wolkite town politics, 1 FIC customers, 2 public prosecutors—1 from Gurage zone and the other from the SNNPR State Justice Bureau—who were formerly employees and the head of the Wolkite Town Public Prosecutors—by telephone, 5 social tribunals (one from each Kebele), and lastly, 1 law School Lecturer from WKU who is also an attorney were selected and interviewed. Due to their occupations and proximity to the title

with superior information, these informants were carefully and attentively chosen. Some are listed around the last page of thesis, as an example.

3. Focus Group Discussion

A total of 20 participants have been carefully chosen, taking into account their political allegiances, willingness, status, and access to reliable information. 3 of them were held in the municipality of Wolkite, and 1 was in the Gubrye sub-city of Wolkite. The participants' convenience led to the division of the debate into 4 sessions, each having 5 members. The researcher has benefited greatly from using the FGD to observe various points of view and, at the same time, collect a significant quantity of condensed data. With the help of a single qualified and experienced judge who was delegated by the president of Wolkite Town FIC, the researcher personally gathered all of the original data. They did this with the aid of a carefully prepared checklist, set of instructions, and notes. Politicians, particularly zonal ones, are very busy, which makes it time-inefficient for the FGD session to be held.

4. Document Analysis

The researcher looked at a variety of document types, including: related topics on the title were inspected in printed materials and soft materials on the internet, AAU (Jon of Kennedy and Law school libraries both in printed and digital/soft copies) and ECSU law and political science libraries both in digital and the other forms, Wolkite area high court and Wolkite town FIC documents, laws, journals, Proclamations, Federal and SNNPR State constitutions, publications, observation and asking officials of Federal and SNNPR State supreme courts reports and cassation decisions from part 1 to 24 roughly, MA/LLM/BA and PhD theses, and MA Minutes, other different sources, closed and documented cases/files are also used.

Because of the interferences' information listen rigorously, I saw three cases from Wolkite Town FIC, sealed documents in which Wolkite judges made judgments. The Wolkite and zonal lawmakers keep interrupting or interfering with the case, according to FIC. The observed cases are listed on this thesis' last page. It is difficult to detect the interference or influence of the boss or any influential person unless you are closely monitoring the cases; this implies that they are influencing in a secret and systematic manner. This is done in order to avoid legal liability.

3.6. Data Collection Tools and Process

To make the study more precise and effective, the researcher used both quantitative and qualitative research method. The quantitative research was used by implementing questionnaire that employees of Wolkite Town Court and Kebele Social Courts filled. The qualitative research was used by the use of interview with managers, president, Law scholars, politicians, selected societies (FIC customers), FIC and High court Judges, public prosecutors, attorneys and lawyers found in WKU different courts of Wolkite Town. The primary data was collected through questionnaire which includes both open ended and close ended questions for customers.

3.7. Methods of Data Analysis

After gathering all relevant primary and secondary data, data analysis was performed as part of the study activity. Editing and categorizing the gathered data into more useful and appropriate categories served as the first step in the data analysis process. Following data classification, the collected data was put into groups according to similarity, and a general study of the data was carried out. Finally, the data was analyzed and presented as tables with percentages and explanations for each figure (descriptive statics).

CHAPTER FOUR

4. FINDINGS AND DISCUSSIONS

This chapter deals with the discussion of findings obtained from primary and secondary sources of data. In the process of data presentation and analysis, the results obtained through each data collection instrument used in a mixed way as necessary. In other words, the results of the interview are presented together with the results of FGD and document analysis as it is appropriate.

Moreover, under this chapter, the basic research questions are answered, and the objectives of the study are addressed. The results of the analysis are presented under topics and sub-topics created in line with the objectives and basic research questions of the study.

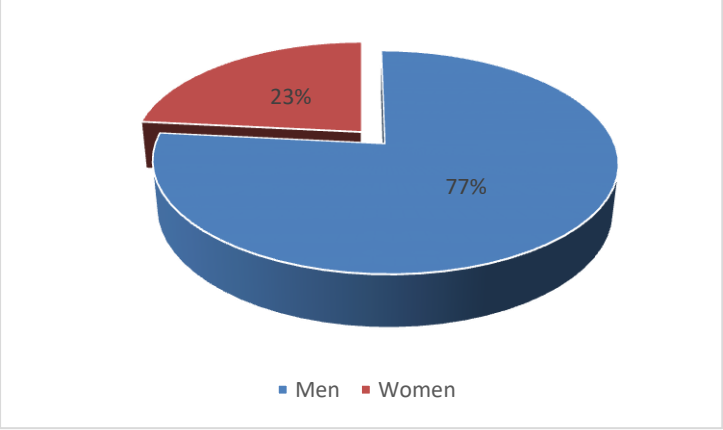
Having the pervious discussions in chapter two and three, this part critically analyzes the Extent of Political Impact in the Wolkite Town Courts in relation to demographic and socio-economic status of respondents, recruitment (employment) and selection of judicial personnel, institutional and decisional independence within the framework of the FDRE Constitution and International Conventions. It further critically assesses the efficiency of the courts in relation to the existence of modern court case management, and their accessibility in relation to different factors of access to justice.

4.1. Demographic and Socio-Economic Status

4.1.1. Demographic Information

Demographic information shows the characteristics of the elements in the sample size: As such the researcher sought to establish the general information of the respondents which forms the basis under the interpretations was made.

Figure 4.3:- Gender of the Respondent



Note: Source SPSS output from Survey Data, 2022

Demographic factor Figure 4.3 analyzed the gender of the respondents. This information was necessary to enable the researcher to obtain information on whether the respondents were either male or female. Accordingly, 77% of the respondents were male whereas 23% of them were female.

Table 4.1:- Age Group of Respondents

No.	Age Group	Frequency	Percent	Cumulative Percent
1.	18 – 25	11	12%	-
2.	26 – 35	48	51%	12%
3.	36 – 45	28	30%	63%
4.	45 and above	7	7%	93%
	Total	94	100%	100%

Note: Source SPSS output from Survey Data, 2022

Demographic table 4.1 shows the age groups of respondents, 63 (63%) of the respondents were below 35 years of age, whereas 28(30%) of them were between 36-45 years of age the remaining 7 (7%) respondents were above 45 years. This result illustrates that most of the respondents in selected town were generally younger people who are less than 35 years.

4.1.2. Educational and Socio-Economic Status

Educational levels and current position in general are the most important variable.

Table 4.2 :- Educational Background of Respondents

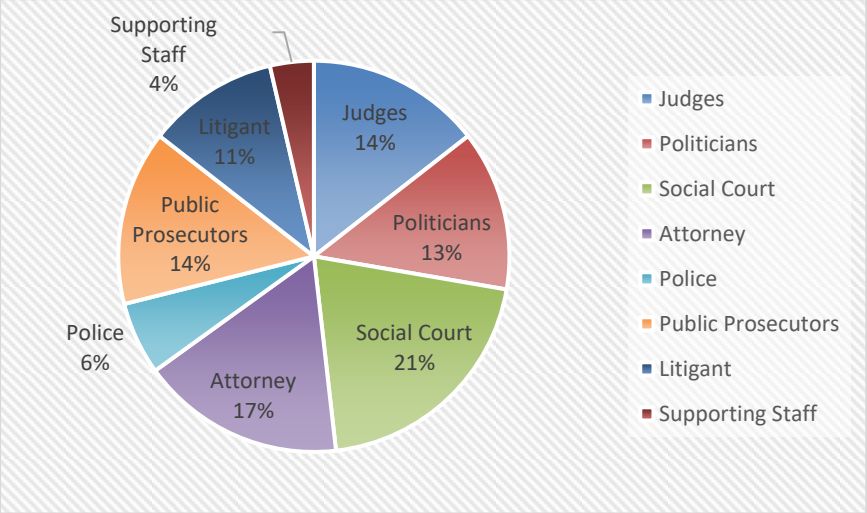
No.	Educational Background	Frequency	Percent	Cumulative Percent
1.	Never been to School	0	0.0%	
2.	Primary level	5	5.3%	0.0%
3.	Secondary level	5	5.3%	5.3%
4.	College Certificate	8	8.5%	10.6%
5.	University Degree	64	68.1%	19.1%
6.	MSc/LLM/MA and above	12	12.8%	87.2%
	Total	94	100.0%	100.0%

Note: Source SPSS output from Survey Data, 2022

Generally, the respondent's socio-economic status is presented in Table 4.2 with regard to educational background of study samples, 64(68.1%) majority of the respondents have First Degree educational level followed by 12(12.8%) were MSc/LLM/MA Degree holders, 8 (8.5%) have college Certificate and the remaining 10(10.6%) were primary and secondary level.

Figure 4.4 below shows that 4% the respondents were Supporting staffs for Wolkite town judicial sectors, 14% the respondents were judges, 13% were politicians, 21% were social court judges, 17% were attorneys, 6% were police officers, 14% were public prosecutors and finally 11% of the respondents were litigants.

Figure 4.4:- Occupational Position of Respondents



Note: Source SPSS output from Survey Data, 2022

4.2. Findings

4.2.1. Selection and Recruitment of Judicial Personal

Table 4.3 shown below presents the data concerning issues of selection of judges, the actors who involve in the selection process. The table further shows whether there is strict evaluation for ethics and qualification in the process, if other stakeholders participate in the evaluation and selection process, and if there is frequent transfer of judges in the town courts or not.

As shown in table 4.3 below 18.30% or 17 out of the 94 of the sample strongly agreed that selection of judicial personnel is made by the president of the town courts, 23% or 22 out of 94 agreed that selection of judicial personnel is made by the president of the town courts, 12% or 11 out of 94 took a neutral position on the idea that selection of judicial personnel is made by the president of the town courts, 30% or 28 out of 94 disagreed that selection of judicial personnel is made by the president of the town courts and 16.7% or 16 out of 94

Strongly disagreed that selection of judicial personnel is made by the president of the town courts.

One of the respondents of the interview does not agree with the information in the data collected. He said that selection of judges is made by the JAC based on their curriculum vitae and selecting those who fulfill the requirements. However, he admitted that in the past, the decisions of the JAC, including its decisions on the selection of judges were refused by the executive and it was common to see judges appointed by the executive without following the normal selection procedure and process. He argued that this might not only because the JAC is not independent.

It is because the JAC was unwilling to exercise its power by saying "why?" But he did not deny the interference of the executive body, which is contrary to the constitution of the country including the Wolkite Town Courts establishment proclamation Number 1/1994 E.C. The above argument of the respondent seems persuasive, that the JAC was reluctant to exercise its power by challenging the interference of the executive.

Let us see some provisions from the JAC establishment proclamation No 4/ 1994 that reveals how the JAC in the town courts is technically designed to be powerless in the real terms.

It says "*…The commission shall have the power to select and present to the zone administrator eligible judges for their appointment by the Regional Council after soliciting the opinion of the Federal judicial Administration commission and complementing its opinion…"*

Here, the JAC in Gurage Zone is required to present the selected judges not directly to the Regional Council but to the Zone Administrator i.e. to the executive body. This is contrary to the FDRE constitutional framework regarding recommendation of appointment of judges. As per Article 81 (1) of the FDRE constitution the president and vice-president of the Federal Courts are to be appointed by HOPR upon recommendation of the Prime Minister. At the state level, the practice is similar regarding the recommendation of the precedents and vice presidents of the regional state Courts (Article 81/3).

However, state Supreme, High Courts and FIC judges are to be appointed by the state council upon recommendation of the concerned state JAC (article 81 (4)). This is the constitutional framework that empowers the JAC in every regional state in the Country.

The practice in Wolkite Town courts is contrary to this constitutional provision i.e. the Gurage Zone JAC establishing proclamation No 4/1994 Articles 4(1) contradicts with the supreme law of the land for it undermines the constitutional powers of the JAC to select nominees, and directly recommend for their appointment to Zone Administrator.

The implication is that executive interference in the function of the judiciary goes to the extent of enacting laws contradicting with the constitution that allow directly the involvement of the executive in the process of appointment of judges.

Table 4.1:- Selection of Judicial Personal (Judges) in Wolkite Town Courts

Possible Measure	N	Percent						Mean	Std. Dev
		Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total		
Selection of Judicial Personnel is made by Presidents of the Courts.	94	18.3	23	12	30	16.7	100	1.68	1.355
Before appointed as judicial personnel in the town courts, strict evaluation and assessment about their ethics and qualification is made.	94	29.11	18.11	36.58	12	4.2	100	4.06	0.926
The judicial personnel in the town courts frequently transfer from one court to the other.	94	29.11	18.69	15.22	10.89	26.09	100	3.44	0.644
In selection of judicial Personnel in the town courts, more emphasis is given for their qualification and ethics	94	17.11	8.05	16.78	25.17	32.89	100	3.98	1.235
In selection of judicial Personnel in the town courts, more emphasis is given for their political attitude	94	41.95	19.8	8.39	5.03	24.83	100	3.58	2.485
With regard to appointment and promotion of judicial personnel, the emphasizes is given to their education, experience, capability & ethics	94	29.25	28.69	18.25	5.28	18.53	100	3.25	1.589
With regard to appointment and promotion of judicial personnel, the emphasizes is given to their political attitude and interest	94	38.95	19.8	10.39	6.03	24.83	100	4.39	2.87

Note: Source SPSS output from Survey Data, 2022

Findings of table 4.3 Selection of Judicial Personal (Judges) in Wolkite Town Courts reveal that “Respondents attitude towards selection of judges” is very varies from between the smallest mean of 1.68 to the largest 4.39 mean vale. The attitude of the respondents diverges towards both less attitude as well as good attitude about Selection of Judicial Personal (Judges) in Wolkite Town Courts and its importance and how well the selection, appointment, Promotion and transfer of judges in the town affects judicial decision making of the town courts.

Not only this, the power of the JAC is limited to select among the nominees prepared by the president of the appellate court, who is yet the chairperson of the JAC. This practice is clearly provided under the proclamation No.4/1994 Article 6 (4). The process of selection of nominee judges is not transparent i.e. the role of the JAC in identifying nominees that fulfill the required quality seems taken by the president of the Gurage Zone Appellate Court, who is expected to satisfy the interest of the Zone and Wolkite Town executives. As already discussed above, nominee that pass through such non transparent selection process are yet to pass through the careful observation of the Zone Administrator before their appointment by Council (personal observation).

On the other hand, as indicated in table 4.3 above, 29.11% or 27 out of the 94 of the sample strongly agreed that strict evaluation and assessment about the ethics and qualification of the nominees is not mandatory before their appointment as judges, 18.11% or 17 out of 94 agreed that that strict evaluation and assessment about the ethics and qualification of the nominees is not mandatory before their appointment as judges, 36.58% or 35 out of 94 took a neutral position on the idea that strict evaluation and assessment about the ethics and qualification of the nominees is not mandatory before their appointment as judges replied that strict evaluation and assessment about the ethics and qualification of the nominees is not mandatory before their appointment as judges, 12% or 11 out of 94 disagreed that that strict evaluation and assessment about the ethics and qualification of the nominees is not mandatory before their appointment as judges , 4.2% or 4 out of 94 Strongly disagreed that that strict evaluation and assessment about the ethics and qualification of the nominees is not mandatory before their appointment as judges.

In this regard, the Consultative Council of European Judges, issued on 19 November 2002 on its opinion number 3 says:

"…The ethical aspect of judges' conduct needs to be discussed for various reasons. The methods used in the settlement of disputes should always inspire confidence. The powers entrusted to judges are strictly linked to the values of justice, truth and freedom. The standards of conduct applying to judges are the corollary of these values and a precondition in the administration of the justice…whatever methods are used to recurrent and train them and however broad their mandate, judges are entrusted with powers and operate in…"

(www.Civiljusticecouncil.gov.uk-files-oct;o4/access/to/justice.pd4 (bold).visitedon 1/9/2009.

The point is that if judges are selected and appointed without assessing their integrity, behavior and qualification, strictly, it has an adverse impact to the justice system itself and to citizens who solely depend on judges appointed.

Regarding the participation of other stakeholders in the process of selecting judges, 94.6 percent or 89 out of the 94 respondents responded that other stakeholders such as the Bar and other professional associations do not participate in the process. Only 54 percent of the respondents believed that there is such participation. In line to this, a respondent from Gurage Zone High Court admitted that the selection of judges was not transparent in the past due to the weakness of the JAC. So, the public and other stakeholders were not participating in the process of nominating candidates for judicial appointment.

In this regard, the SNNPR Municipal Courts JAC establishing proclamation No 4/1994 says nothing concerning the participation of other stakeholders in the process of selection of nominees for judicial appointment. Rather, the SNNPR Municipal Courts establishment proclamation number 1/1994 E.C. includes some important stakeholders within the JAC to present their opinion in the discussion of JAC's meetings with no voting power during decisions. This was a very important progress, though it was not practiced. However, proclamation number 4/1994 does not include this important provision to ensure the participation of such stakeholders in promoting transparency and enhancing democracy.

As indicated in the table above, 41.95% or 39 out of the 94 of the sample strongly agreed that focus is given for political attitude and interest during selection of judicial personnel (judges) in the town courts, 19.8% or 19 out of 94 agreed that that focus is given for political attitude and interest during selection of judicial personnel (judges) in the town courts, 8.39% or 8 out of 94 took a neutral position on the idea that focus is given for political attitude and interest during selection of judicial personnel (judges) in the town courts, 5.03% or 5 out of 94 disagreed that focus is given for political attitude and interest during selection of judicial personnel (judges) in the town courts, 24.83% or 23 out of 94 Strongly disagreed that that focus is given for political attitude and interest during selection of judicial personnel (judges) in the town courts.

Therefore most of the respondents affirmed that the emphasis during selection of judicial personnel is not for their qualification and experience but for the political attitude. This is in-fact shows that executive interference is evident in the selection of judicial personnel since the respondents are still in office.

The implication is that judicial independence during selection of judges in the town courts is questionable. The practice is that those who fulfill the interest of the executives for being supporters or even being members of the ruling party are selected for appointment as the town courts judicial personnel.

Regarding the appointment and promotion of judicial personnel, 29.25% or 28 out of the 94 of the sample strongly agreed that the appointment and promotion of judicial personnel, is given to their education, experience, capability & ethics, 28.69% or 27 out of 94 agreed that the appointment and promotion of judicial personnel, is given to their education, experience, capability & ethics, 18.25% or 17 out of 94 took a neutral position on the idea that the appointment and promotion of judicial personnel, is given to their education, experience, capability & ethics, 5.28% or 5 out of 94 disagreed that that the appointment and promotion of judicial personnel, is given to their education, experience, capability & ethics, 18.53% or 17 out of 94 Strongly disagreed that that the appointment and promotion of judicial personnel, is given to their education, experience, capability & ethics.

This implies that appointment and promotion of the Town judges depends not on their qualification and ethics but on their loyalty to the Town executive or the ruling party. The responses from the respondent show how the issues of executive interference are serious in the town courts.

These acts of the Town executive amount to violations of the United Nations Basic principles on the independence of the judiciary which says,

"…persons selected for judicial office shall be individuals of integrity and ability with appropriate training or qualification in law. Any method of judicial selection shall safeguard against judicial appointments for improper motives. In the selection of judicial personnel, there shall not be discrimination against a person on the grounds of race, sex, religion, political or other opinion, national or social origin, birth or status…except a requirement that a candidate for judicial office must be a national of the country concerned…" (World Bank, 2004).

With regard to the frequent transfer of judges, 29.11% or 27 out of the 94 of the sample strongly agreed that there is frequent transfer of judges, 18.69% or 18 out of 94 agreed that there is frequent transfer of judges, 15.22% or 14 out of 94 took a neutral position on the idea that there is frequent transfer of judges, 10.89% or 10 out of 94 disagreed that that there is frequent transfer of judges, 26.09% or 25 out of 94 Strongly disagreed that there is frequent transfer of judges.

The respondents on the interview given to them said that most of the time frequent transfer is directly related with the constant influence and interference of the Town administration bodies in the decisions passed by the Courts. In addition, transfer is made by the employees own motive for promotion and other purposes. Family separation was also mentioned as a problem for the frequent transfer of judges in Wolkite Courts.

Judges in the town courts were frequently transferred when they pass decisions against the Town administration; he/she is frequently condemned by the Sub-Town officials, by the Town Justice Bureau, and claim for transfer of such judges. Almost always, it is getting done. The other reason, for frequent transfer of judges, is when the individual judge's political attitude is against the needs of the executive bodies in the Town, when he/she resists the interference of the executive, they are frequently transferred to other court or made to work in the criminal benches to handle only petty offence cases or to remand criminal cases, that are to be trialed by the Federal Court. As identified in the data in table 4.3, above frequent transfer is aimed to harm the morals of such judges, as a result most of them were left their office by themselves.

Furthermore, frequent transfer and rotation of judges often meaning the same judges who heard evidence may not decide the disputes taking way thereby much of his incentive to pass forward the preceding to judgment and seriously impending the process of continuous trial; the new judges may have to repeat some of the procedural requirement already fulfilled. This

affects the performance of the town courts since cases are to be adjourned for some more months to be studied by the new comer.

Therefore, frequent transfer of judges affects institutional and decisional independence, the morals of judges, and the efficiency of the judicial system in the Town. This frequent interference of the executive body is against international principle of separation of powers independence of the judiciary, which is also stipulated in the FDRE constitution.

(In the long run, there is no guarantee of justice except the personality of the judges. In turn, most discussion of the quality of the judiciary center on how judges are chosen American Law professional says, as cited in Ethiopia Federal Justice Organs Professional Trainee Center Manual; year not mentioned: 22)

4.2.2. Institutional and Decisional Independence

The following table 4.4 below indicates the responses of key informants to the question posed in relation to institutional and decisional independence of the town courts.

The data in the table 4.4 below indicates that 18.46 or 17 out of the 94 respondents strongly agreed that the town executive interfere with the case decisions of the town courts, 23.83% or 22 out of 94 agreed that the town executive interfere with the case decisions of the town courts, 45.3% or 43 out of 94 took a neutral position on the idea that the town executive interfere with the case decisions of the town courts, 8.39% or 8 out of 94 disagreed that the town executive interfere with the case decisions of the town courts, 4.03% or 4 out of 94 Strongly disagreed that the town executive interfere with the case decisions of the town courts.

The result from the respondents shows that even if most of the respondents comparatively took a neutral position, the mean value of 4 shows that the respondents agreed on the idea that the town executive interfere with the case decisions of the town courts. This shows that there is a conflict between the town courts and the town executive bodies with regard to decisions given by the town courts. Furthermore, the interviewed respondent personally gave his opinion that the executive interference in the town is exercised through the presidents and vice president of the town courts, in addition to the appellate courts. Since these officials are implicitly appointed to technically safeguard the interests of the executive by controlling the judiciary.

With regard to the random assignment of cases, 5.03% or 5 out of the 94 respondents strongly agreed that special cases are assigned for some selected judges, 29.87% or 28 out of 94 agreed that the special cases are assigned for some selected judges, 61.07% or 57 out of 94 took a neutral position on the idea that special cases are assigned for some selected judges, 4.03% or 4 out of 94 disagreed that special cases are assigned for some selected judges.

Such practice is common on cases when the Town executive bodies or administrative bodies are parties to the lawsuit. This reality implies that the existence of impartial (neutral) judicial organ in the Town is under question, which is contrary to the Constitutional and Universal Declaration on the Rights of Citizen to be judged by an independent and impartial judicial body.

The implication is that there is mistrust among the judges who work in the same bench or court, especially in the appellate court. The data in the above table 4.4 show that the executive influence in the town courts is so grave, which is against the constitutional provisions of the country, regarding independence of the judiciary.

Judicial independence is proclaimed in the FDRE constitution. Article 78 (1) stipulates that "…*the judiciary is independent*". The constitution also explicitly provides for principles of separation of powers on the Federal and State levels. Article 79 (2) provides, *"…courts of any level shall be free from any influence of governmental body, governmental official or from any other sources"* Paragraph (3) of that same article says "…*Judges shall exercise their function in full independence and shall be directed solely by the law*"

Moreover, the Universal Declaration of the basic principle on the independence of the judiciary, drawn up by the UN in 1985 stipulate that *"…the judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law without any restrictions, improper influences, inducements, pressure threat or interference, direct or indirect, from any quarter or any reason. Judges shall always conduct themselves in such a manner as to preserve the dignity of their office and the impartiality and the independence of the judiciary"* (World Bank: 2004).

In addition, the Consultative Council of European Judges, on the principle and rules governing judges' professional conduct states that "Judges should have freed freedom to decide cases impartially, in accordance with their conscience and the facts, and in pursuance of the prevailing rule of law..." (World Bank: 2004).

As already discussed above, the town courts are not independent in exercising their function. They are influenced by the Town executive, contrary to the constitutional provision of the country. The implication is that the judicial body in the Town is not institutionally independent in the process of judicial selection and appointment of judges.

Furthermore, the data presented above indicates that judges are not free and independent in exercising their function. There is no trust among the colleague judges due to the problem in the selection and appointment process, which is indirectly controlled by zone and the town executive in contrary to the FDRE Constitution and the Universal Declaration on the Principles of independence of the judiciary as already discussed above.

Judicial reform aimed at consolidating the judiciary's independence and enhancing its professional cape town should be made a high priority to avoid the existing situation in the town judicial body. The data clearly show that there are influences from the executive that could be detrimental to the independency of the town judiciary. In this regard, the reform movement, began before 1994 in the town did not address the problems of judicial independence.

Here, the author personally observed that as the reform movement was initiated by the Town executive, it is difficult to expect the existence of a judiciary which is free to exercise its function independently.

Table 4.2:- Institutional and Decisional Independence of Wolkite Town Courts

Possible Measure	N	Percent						Mean	Std. Dev
		Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total		
The Town Executive interfere with the case decisions of the town courts.	94	18.46	23.83	45.30	8.39	4.03	100	4.12	4.235
I believe that special cases are assigned to specific judicial personnel in the town courts.	94	5.03	29.87	61.07	4.03	0	100	3.64	2.66
I believe that special cases are assigned to specific judicial personnel when the Town administration is a party in the lawsuit.	94	66.11	29.87	3.02	1.01	0	100	1.28	0.454
I believe that there are judges who are appointed without consideration of their qualification and experience, due to patronage.	94	29.19	19.46	41.28	5.70	4.36	100	2.98	2.585

Note: Source SPSS output from Survey Data, 2022

Here, it must be noted that independence of the judge is an essential principle and is the right of the citizens in the Town, including its judges. It has both an institutional and an individual aspect. As the FDRE constitution is a modern and founded on democratic basis with the principle of separation of powers, each individual judge in the town court should do everything to uphold judicial independence at both the institutional and at the individual level. The rational of such independence and the precondition of the impartiality of judges is essential to the credibility of the judicial system and the confidence it should inspire in a democratic society. Hence, the practice of assigning cases, in which the Town administration body is a party, to specific judges causes citizens to suspect that their cases are not judged by an impartial judicial body.

As mentioned above, the FDRE constitution unequivocally declares the independence of the judicial body. However, the declaration of independence does not equate to the creation of independence, if institutions and systems are unable or unwilling to shoulder the burdens and share the power. This is the reality in the Wolkite Town in relation to the independence of the town judicial branch.

*(Decisional Independence is sine qua of the Judicial Function; Ethiopia Federal Justice Organs Professional Trainee Center Manual**;** year not mentioned**:** 17**)***

4.2.3. Court Performance

To analyze the performance of the town courts, questions as indicated in the table 4.5 were posed to the sample respondents. As shown below, 89.26% or 84 out of the 94 of the respondents confirmed that the town courts do not resolve cases qualitatively and timely. In addition, only 44.63% or 42 out of 94 of the sample responded that the cause for not resolving cases as indicated above is due to judges' lack of interest. 97.32% or 92 out of the 94 of the sample confirmed that it is due to mismatch of judges with number of cases. On the other hand, 92.95% or 87 out of 94 of the respondents agreed that the reasons why judges conflict of interest with private business in performing their function are due to insufficient salaries and other benefits.

The data below at table 4.5 implies that the town courts are not efficient in performing their functions. It further indicates that lack of attractive compensation and other benefits have an adverse impact on the performance of the Town Court.

Table 4.5:- Performance of the Courts in the Town

Possible Measure	N	Percent						Mean	Std. Dev
		Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total		
The courts resolve cases qualitatively and timely.	298	18.79	28.52	41.95	5.70	5.03	100	2.58	3.668
Mismatch of judges and the cases are the main reason for the town courts not to resolve cases qualitative and timely.	298	51.68	37.25	8.39	0.67	2.01	100	1.36	1.295
Judges' lack of interests is the main reason for the town courts not to resolve cases qualitative and timely	298	4.03	5.37	35.23	40.27	15.10	100.00	4.08	1.896
Conflict of interests with private business and insufficient compensation (payments) are the main reasons for Judges in the town courts not to resolve cases qualitative and timely.	298	46.98	44.63	1.34	3.69	3.36	100.00	1.37	4.289

Note: Source SPSS output from Survey Data, 2022

From the above discussions; we can conclude that the data in table 4.5 above is reliable, regarding the performance of the courts. The point is that the courts were not efficient. Furthermore, the primary data shown in the table 4.5, and the secondary data discussed above proved that no effort was made to improve the efficiency of the Wolkite Town Courts even though these Courts were reorganized at Sub-Town level, by the reform movement in 2003.

The point is that an efficient judicial sector is a crucial component of democracy and good governance. Court case delays prevent the timely resolution of conflicts and also prevent others in need of resolution.

Hence, courts efficiency and access to justice are closely linked, and low level of efficiency prevents citizens from exercising individual rights. Delay in the judicial process leads to the erosion of individual and property rights. An inefficient judiciary therefore, prevents full citizenship and is a barrier to the consolidation of democracy too.

The implication is that the Wolkite Town Courts were not efficient to realize the rights of citizens, and this implies that the reform movement in the Town must focus only on reorganizing the location and places of the courts, and improving the laws to govern the judiciary ignoring the important aspects of reforming the courts to enhance their independence, efficiency, and access to justice.

4.2.4. Access to Justice

The following table 4.6 presents information whether the Wolkite Town Courts are accessible in terms of legal formalism, in terms of cost for attorneys and other costs.

As presented in the table 4.6 below, 84.2 percent or 79 out of the 94 sample informants responded that the legal language during hearing of cases is confusing for the non-legal professional or the litigants. In addition, 65.8 percent or 62 out of the 94 respondents confirmed that because of the courts confusing legal jargons litigants will not win cases unless they hire attorneys. Only 34.2 percent or 32 of the respondents disagree with the question posed. On the other hand 86.4 percent or 81 out of the 94 informants disagreed that the locations of the courts are not accessible to litigants and to the poor in particular. Moreover, 84.4 percent or 80 out to the 94 informants believed that the laws and regulations of the Town executives are not accessible in an organized manner.

"The administration of justice is distinguished by excessively formalistic and bureaucratic procedure that transforms justice into something exclusive, which only experts can understand. The legal language is so complex that even well-educated people find it difficult to understand. This fact, not only excludes most citizens from the legal world, but also reinforces exiting inequalities in various ways, making it mandatory to pay for experienced lawyers. Clearly, within this formalistic context, a lawyer will perform better when he or she knows how to deal with these complexities and how to exploit them to his or her advantage." (Thomson, 2000, cited by Roberto Gargarella: 2003).

The data indicated in the table 4.6 below show that the Wolkite Town Courts uses complex legal language during trials, which is difficult for litigants who are not lawyers to understand the procedural legal jargons. The data also pointed out that ordinary litigant cannot win their cases. As a result, litigants or parties are forced to hire a lawyer, which costs them money. The depth of the problem of legal formalism should not be reduced to the matter of language.

In this regard Thomson, (2000) cited by Roberto Gargarella (2003) argues that *"..,the formalities of justice transcend legal rhetoric and extend to the way in which lawyers and justice dress or behave, even to the structure and architecture of the courts themselves, which are commonly known as "place of justice". Ultimately, all these formalities contribute to establishing barriers against the people and to enforcing the perception that justice is not far all"*

The reality in Wolkite Town Courts clearly indicates that the costs, such as costs to hire a lawyer and other costs are not affordable to litigant. The implication is that the Wolkite Town Courts are not accessible in terms of costs for litigation.

Table 4.6:- Access to Justice in the Town Courts

Possible Measure	N	Percent						Mean	Std. Dev
		Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total		
During hearing of cases, court terminologies are confusing for litigants' who are not legal Professionals.	298	41.28	8.39	17.45	17.79	15.10	100.00	3.44	3.668
Parties will not win cases unless they hire legal professionals.	298	50.34	19.80	15.44	8.05	6.38	100.00	1.13	1.295
The laws and regulations of the Town executives is accessible for judges and other legal professionals as needed.	298	19.80	8.72	42.95	9.40	19.13	100.00	2.68	1.896
When the Town executives are a party, I believe that the town courts give decision in favor of the government.	298	14.09	8.39	45.30	17.11	15.10	100.00	2.59	4.289
The town courts are suspected of impartiality and corruption.	298	42.28	18.79	19.13	9.06	10.74	100.00	1.39	3.556

Note: Source SPSS output from Survey Data, 2022

The data also show that the Wolkite Town Courts are located in areas accessible to litigant, which demands them less transport cost and is not consuming their time.

The above table 4.6 shows whether the Wolkite Town Courts are accessible in terms of impartiality and corruption or not.

As indicated in the table 4.6, 69.7 percent or 66 out of 94 of the key informants believed that the town courts, in passing decisions, favor the Town executives in cases when the Town executives is a party to the lawsuit. Only 30.3 percent or 28 of the sample disagree with the question posed for them.

The issues of impracticality are directly linked to whether the courts are institutionally independents or not. The issues of independence of the Wolkite Town Courts are discussed in the previous sections above. A judicial system which is not initially designed to perform its function independently is not expected to serve ordinary citizen equally with the executive who indirectly controls and influences the judicial system by controlling the process of selection and appointment of judges, controls the budget of the courts, as already discussed above in different sections of this study.

The point is that the Wolkite Town Courts, since they are not independent from the influence of the Town executive, are not expected to be accessible in terms of impartially treating individual litigants equally with the Town executive bodies. Here, as the author's personal observation is concerned, it was a common practice that the presidents of the FIC and appellate courts were called by the Town executive body to comment and evaluate the decisions which were given against the Town administration bodies. As a result of these practices, a special bench was established to reverse the decision that passed against the Town administration bodies and judges who dealt with decision against the Town executive bodies were removed from the civil benches and transferred to petty offence benches, even some of them were accused for disciplinary ethical misconduct and frequently transferred to other Woreda courts' that are far from their homes.

But it should be noted that the above-mentioned decision against the town executive might not necessarily be correct. The issue is not whether the decisions were correct or not. The point is that they should not be reversed by the influence of the executive body. There is a legal procedure to reexamine them through a court process, even by applying for cassation into the Federal Courts than reversing them by directly forcing the court officials, which is not expected in a country that judicial independence is guaranteed constitutionally.

On the other hand, 80.2 percent or 75 out of 94 of the sample believed that the Wolkite Town Courts are suspected of corruption. Only 19.8 percent or 19 of the sample disagreed with the question posed. In addition, 73.7 percent or 69 out of 94 of the sample believed that due to corruption in the courts, parties who afford enough money can win cases. Not only this, 65 percent or 61 out of 94 of the respondents agreed that it is better to be accused or be a defendant than being an accuser or plaintiff in the Wolkite Town Courts. Hence, the town courts are not accessible in terms of impartially treating parties.

The data shown above implies that corruption was the other obstacle in accessing the town courts, in the process of deserving justices. The fact is that the Courts were not accessible in terms of location as already discussed above, which is costly in terms of money and emotional distress, costs for attorneys, providing money for corruption, are the most unbearable obstacle in the process of accessing justice.

Regarding the issue of corruption in the Wolkite Town Courts, the author strongly agrees with the responses of the key informants.

4.3 Discussions

This thesis sets out with the objective of analyzing the impact of political interference on judicial independence: the Case of Wolkite Town Southern Ethiopia from the perspective of theoretical and policy frameworks.

Theoretically, judicial independence gives emphasis that the judiciary should be politically insulated from the legislature and the executive powers. That is, courts should not be subjected to improper influence from other branches of government, or from private or partisan interests. Judicial independence includes institutional, decisional, and internal (individual judges) independence.

In line to these theoretical perspectives, independence of the judiciary is unequivocally declared in the FDRE constitution. The principles of judicial independence and the principles of separation of powers are constitutionally guaranteed to enhance the process of creating a democratic state governed by rule of law. With this theoretical frame work this thesis arrives at the following findings:

4.3.1. Selection and Appointments of Judges

The Ethiopian constitutional framework in this regard is so clear. In the regional state level and the corresponding zonal and woreda level, the power to select nominees for judicial appointment at all levels of courts is given to the JAC of the states and respective councils. The JAC is empowered to select nominees and directly submit to the respective state council for approval of appointment.

In the selection and appointment of judges, the clarity and transparency of the process is the most important stage in the efforts to create a judicial system characterized by professionals of integrity, capability, and internal or personnel independence to serve justice. In this regard, the issue of selection and appointment process of judges in the Wolkite Town courts is quite different. The judicial selection process is not transparent by itself. The JAC's power to select eligible candidates is technically influenced by the president of the town Court indirectly. The JAC is made to present the nominated candidates to the administrator of Gurage Zone who is part of the town executives. This contradicts with the constitutional framework in relation to powers and functions of JACs, which affects the Wolkite Town Courts.

In addition, the practice in the process of selection of judges, more emphasis is given to their political attitude and interest than to their integrity, qualification, and ethics. This is contrary to the principles of universal declarations on the selection of judge and the provisions of the FDRE constitution.

4.3.2. Institutional and Decisional Independence

Interference of the Wolkite Town executive body, as indicated above, is so clear in the process of selection and appointment of judges. The town and zone executive also interferes in decision passed by the town courts, particularly when its administrative organs are parties to the lawsuit. Though the principles of separation of powers and the FDRE constitution prohibit the interference of any organ of government in the functions of the courts, the SNNPR municipal courts establishment proclamation clearly obliges the courts to accept and consider the clarifications and opinions of the executive in their decision. These realities are completely against the above-mentioned principles of separation of powers and independence of the judiciary provided in the FDRE Constitution.

4.3.3. Efficiency of the Wolkite Town Courts

Theoretically, case flow management system is the modern concept that should apply to improve the efficiency and performance of courts.

The courts were not performing their function efficiently in the past years. Lack of sufficient salaries and other benefits for judges have contributions to this. On the other hand, the courts' performance lags from the role of courts in economic development. In principle, a sound judicial system is very essential in enhancing good governance and economic growth. However, the town Courts were not organized and reformed towards their role in enhancing the town's good governance, and to efficiently serve the needs and economic interactions of the Wolkite Town.

4.3.4. Access to Justice

The right to access to justice is the universal principle which has many obstacles to get it easily. Legal poverty is one of the most obstacles to access to justice. In the history of judicial reform, the rationales of reforming the judicial system is to make them accessible to citizens, particularly for the poor.

In this regard, with all its shortcomings, the effort in re-organizing the city courts in to the newly created woredas was a progress to ensure geographical accessibility of the town courts. However, the town courts are not, in terms of location, yet accessible for the poor. Public hearing, during hearing of cases is not practiced in the town courts. This is contrary to the universal conventions on the rights of people to public hearing. Moreover, corruption, lack of legal information, and absence of organized legal materials, are also some the obstacles of access to justice in the wolkite town courts.

CHAPTER FIVE

5. CONCLUSION AND RECOMMENDATIONS

5.1. Conclusion

Wolkite is the administrative town for Gurage zone. The SNNPR State charter establishes the three branches of government. Of the three, the judicial body in the town is organized to be the most powerless and dependent to the zone and town executive, which is contrary to the FDRE Constitutional principles of separation of powers and principles of judicial independence. Initially, the town judiciary is not established to play a significant role in the complex economic interactions of the city. Rather, it was designed simply as a supporting body to the zone courts, exercising only simple issues of petty offences and civil cases.

For these reasons, the Wolkite town courts were considered as insignificant in serving the demands of citizens. The selection and appointment of judges is influenced by Gurage zone and town executive. In this regard, the JAC in the Gurage zone courts is not powerful and independent to resist the executive interference and to work towards the needs of the courts. To this extent, the state charter says nothing regarding the independence of the town courts in their institutional and decisional independence.

As result, the town courts are inefficient and inaccessible, particularly for the poor. In addition, the town courts are characterized by their poor court case management and administration. They are also characterized by corruption and nepotism. Therefore, to change these challenges radically, the following recommendations are suggested:

5.2. Recommendations

Institutional and Decisional Independence

In a democratic society the existence of an impartial, stable and independent judiciary is crucial. Therefore, the judicial body in wolkite town should be fundamentally reorganized to be impartial, institutionally independent, with no direct or indirect interference and influence of the town executive or other organs thereof in its functions and decisions making.

Selection and Appointment of the Judges

In a democratic society, in which governmental power is conferred through democratic election, the existence of judicial integrity and impartial judicial personnel is so important in creating a stable judicial system. Therefore, the selection of judges should be based on merit, integrity, and qualification, not on political attitude or patronage. Moreover, the JAC should make the selection and then present the nominees directly to the regional council for

appointment. In this regard, the JAC establishing proclamation No. 42/1994 needs to be amended to address these issues.

Efficiency of the Town Courts

One of the short comings of the wolkite town courts is lack of modern court case flow management system, and ADR mechanisms. To make them efficient: case flow management system should be introduced; and institutions of ADR mechanisms should be legally recognized along with the judicial system in the town court. The courts should be equipped with IT equipment like audio recording and also which changes the audio to words during trials to enhance their efficiency. Therefore, the state charter needs to be amended to recognize the establishment of ADR institutions and mechanisms along with town courts.

Access to Justice

To make the town courts efficient and accessible, the wolkite town courts should be facilitated, and equipped with necessary capacities, particularly, with relevant IT equipment such as audio recording and buildings with benches that are proper for public hearing.

Further Research

Finally, the researcher invites interested researchers and concerned legal professionals for further in-depth study on the issues raised in this thesis in relation to the influences of the executive on the independence of town courts, enhancing their efficiency and accessibility and other aspects of justice system.

References

AACG (2008), Addis Ababa Town Government Town Population and Development Document (Official Document)

Aderajew T. (2021). Judicial Review under the Federal Administrative Procedure Proclamation of Ethiopia. Unpublished LLM Thesis of ECSU Department of Law. Addis Ababa, Ethiopia.

America Bar Association, (1990), Standards Relating to Court Organization Armstrong, Patricia (1998) Selected World Book, Judicial and /or Legal Reform Projects (Lawyers Committee for human Rights). New York.

American Psychological Association (4th Ed.). Washington, DC: Author.

Approach for Donor- supported Rule of Law Program, Program and Operations Assessment, report 7, U.S Agency for International Development.

Baar, C. (2001) *The Emergence the Judiciary as an Institution*: Journal of judicial Administration.

Becker, D. (1997) The role of Law in Latin America: a Framework for Analysis, a Paper Prepared for the 1997 criminal meeting of the American Political Science Association, August 28-31. Washington D.C:

Blueirs, H. and Gary H. (1994) weighing in on the Scales of Justice: strategic

Bogie K. (June, 2016) Political Participation of Women at Local Level: The Case of Sebeta Town Administration, Oromia National Regional State MA Thesis Center of Federal Studies, AAU, Ethiopia.

Bula W. (2013E.C). The Impact of Media on Judicial Autonomy in Ethiopia: The Case of Federal Court. Unpublished LLM Thesis of ECSU Institute of Federalism and Legal Studies Department of Comparative Public Law and Good Governance. Addis Ababa, Ethiopia.

Buscagalia, E. (2001), Investigating the Link between Access to Justice and Governance Factors: Paper Presented at the World Bank Conference on Justice. Rusia: St. Petersburg

Bradley W. (2008): The Many Meanings of "Politics" in Judicial Decision Making; Santa Clara University School of Law: 347-370; bjoondeph@scu.edu.

Brian L. (2017). (3rd Ed.): May It Please the Court; judicial processes and politics in America (3rd Ed.). Taylor and Francis Group; http// taylorandfrancis.com. : 26-51.

Burnham, P. (2014). Research Methods in politics. New York: Pal Grave.

Buscagalia, E.; Jr., Dakolias, M. (1995), Judicial Reform in Latin American Countries. St.Paul Min. USA: West Publishing Co.

Conference on Justice and Development in Latin America and the Caribbean. Montenegro, Uruguay:

CSA, (2007), 3Rd population and Housing Census: Central Statistics Authority, 2007 Report Cyrus Das and K. Chandra Ed, (2007), Judges and Judicial Accountability.

Central Statistical Agency (CSA) (2007): National Population Census of Ethiopia. Available at: http://www.csa.gov.et/census-report/complete- report/census-2007 and (Gurage zone, wolkite town BOFED or wolkite town plan commission office report, 2013E.C: 1-3).

Constitution of the Federal Democratic Republic of Ethiopia, Federal Negarit Gazeta, 1st Year, No.1, 21 August, 1995: 29-32.

Creswell J. (1994) (4th Ed.): Research design; qualitative, quantitative and mixed methods approaches; University of Nebraska-Lincoln: 1-44. Copyright © 2014 by SAGE Publications, Inc. Visit him at his website: www.johnwcreswell.com.

Dakolias, M. (1996) The Judicial Sector in Latin America and the Caribbean: Element of Reform, Technical Paper 319, World Bank. Washington D.C.

Dakolias, M. (1995-1996), *A Strategy for Judicial Reform*: the Experience in Latin America. Virginia: Journal of International Law. Global Journal of Political Science and Administration Vol.6, No.4: 21-31, September, 2018. Published by European Centre for Research Training and Development UK (www.eajournals.org).

Dakolias, M. (2015) Legal and Judicial Development: the Role of Civil Society in the Reform Process. Fordham: International Law Journal

Daniel, M. (1991), American Courts. USA: St. Paul. Min, West Publishing Co. Danziger, J. N. (1991). Understanding the political world. New York: Addison-Wesley.

David C. Steel M. (2000) Case Flow Management: the Heart of Court Management in the New Millennium, St. Paul Min. USA: West Publishing Co.

Debub Negarit Gazeta of the SNNPR State 7th Year No.9 Awassa-20th April, 2002.

Debub Negarit Gazeta of the SNNPR State 7th Year No.10 Awassa-20th April, 2002. Revised Southern Nation Nationalities Peoples Regional Courts Proclamation No.43/2002: 1-9.

Denscombe, M. (2002). Ground rules for good research. Open University Press: Philadelphia.

Douglas C. (1990) Institutions, Institutional Changes and Economic Performance. Cambridge: Cambridge University Press.

Europe (1993): A dictionary of modern politics. 2nd Edition. Europe publications limited.

Founday, J. (2013) Good Governance and Law: Legal and Institutional Reform in Developing countries. New York: St. Martinis Press.

Gardner, J. (2015) Legal Imperialism, American Lawyers and Foreign Aid in Latin America. Madison: University of Wisconsin Press

Gargaella, R. (2003), Access to Justice for the Poor: the Case of Latin America

Guarnieri, C. (2001) Judicial Independence in Latin Countries of Western Europe: Judicial Independence in the Age of Democracy. Charlottesville and London: Virginia University Press.

Hobbes, T. (2002) Modernization of the State Inter America Development Bank. Washington D.C.

Johnston, L. (2007). Politics: an Introduction to the Modern Democratic State. 3rd ed. Canada: Broadview press.

Johnson, J. & Reynolds, T. (2011). Political Science Research Methods. 6th Ed. London: Sage.

Lowenstien, S. (2017) Language, Legal Education, and Development: an Examination of the Process of Reform in Chile. New York: International Legal Center.

Lu, Tai-Lang ed (1994) The Record of Judicial reform (unpublished)

Martinez N., Nestor H. (1996). The Tens Sins of Judicial Reform, a Paper Prepared for Tinker Forum on the Role of the States in Latin America, the Caribbean and Mexico.Merry

Kothari, R. (2004). Research Methodology: Methods and Techniques. 2nd Edition. New Delhi: New Age International Publisher.

Lynne K. (April, 2020): A Political Effect on Judicial Decision Making. Does Ideology or Election Effect the Way Judges Decide? Bemidji State University Political Science Senior Thesis.

Man, H. (2000), *Comparative Law and Social Change on the Origin, Style, Decline, and Removal of the Law and Development Movement.* The American Journal of Comparative Law.

Mathew, B. & Ross, L. (2010). Research methods: A practical Guide for the Social Science. Edinburgh: Pearson Education.

Metzger, B. (2014), An Asian Perspective on Legal Modernization, Asian Development Bank General Council Office. Manila

Michael J. (date not mentioned) Guidelines of Concept Paper Development: 1-6; Email: tukeyokwadi@utamu.ac.ug, info@utamu.ac.ug.

Miller, R. L. & Brewer, D. (2003). The A±Z of Social Research: A Dictionary of Key Social Science Research Concepts. London: Sage.

MoCB, (2005), Comprehensive Justice System Reform Program: Base Line Study Report North,

Mouton, J. (2013). How to succeed in your Masters and Doctoral Studies: A South African guide and resource book. Pretoria: Van Schaik. Abab

Mwanje, I. (2012). Justice, Issues in Social Science Research. Addis a: OSSREA.Pajares, F. (2007): Elements of a proposal: 1-9.

Nancy L. (1993): Judicial Decision Making and Public Opinion in the Warren and Burger Courts; 1-14; follow this and additional works at: https://scholarworks.wmich.edu/masters_theses.

Ponton, G. and Gill, P. (1982). Introduction of Politics. Oxford: Basil Blackwell.

Ramseyer, J. and Eric R. (2003) Measuring Judicial Independence: The Political Economy of Judging in Japan. Chicago: Chicago University Press.

Redekop, J. (ed.) (1983). Approaches to Canadian Politics, 2nd Ed. Toronto: Prentice Hall.

Reiner, R. (1992). The Politics of the Police. New York, Prentice Hall.

Rekha, R. (2012): *Influence of the executive and Concerns with the Indian Education System*. International Journal of Educational Planning & Administration. Vol. 2, N0S. 2 (2012): 91 96, © Research India Publications http://www.ripublication.com/ijepa.htm.

Reynolds, D. (2009). Ethical dilemmas and Social Science Research. San Francisco: Jossey-Bass.

Stanely, Z. (2001), Ethiopian Criminal Procedure Stefan Trechsel, (2005), Human Right in Criminal Proceedings.

Sherwood, R. (1995) Judicial System and National Economic Performance, Paper Delivered at the Inter-American Development Bank's Second Annual125

Shihata, F. (2009), *the World Bank in a Changing World*: Selected Essay and Literatures, Viol.2. The Hague: Martinus Nijhoff Publishers.

Social Courts Proclamation, Debub Negarit Gazeta of the Federal Democratic Republic of Ethiopia, Proclamation no. 65/2003, 8th Year, No.14, AWASSA, 2nd August, 2003: 1-10.

Suri, H. 2011. *Purposeful Sampling in Qualitative Research Synthesis*. Qualitative Research Journal, Vol. 11. No. 2: 63-75.

Taney, O. (2006). Process Tracing and Elite Interviewing: A case for non-probability sampling. Available at www.aspanet.org Accessed on 07 November 2014.

Tesfahun A. (August, 1975) Politics and Religion in Ethiopia. A Thesis Presented to the Department of Political Science Emporia Kansas State College. MA Thesis, AA. Ethiopia.

Tibebe T. (2004E.C). The impact of African intervention. Unpublished BA senior essay of AAU Department of political science and international relation. Addis Ababa, Ethiopia.

Trubek, M. (1972) Max Weber on Law and the Rise of Capitalism, Wisconsin Law Review, 1972.

The SNNPR State JAC Re-establishment. Proclamation No.42/2002: 1-6.

The Revised Constitution, 2001 of SNNPR State, No.35, 12th Day of November, 2001: 47-50.

Trubek, M. and Marc G, (2018) Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development, Wisconsin Law Review (USAID: 2019)

University of South Africa Research. (2007). Policy on research ethics. Pretoria: University of South Africa.

UN Basic Principles on Judicial Independence 1985 Article 6.

USAID, (2008) Russian Judicial Reform and Partnership Program: Final Report

Vargas, J. (2008) Lessons Learned, Introduction of Oral Process in Latin America.

Vargas, J. (2008) Lessons Learned, Introduction of Oral Process in Latin America.

Verma A. (September 28, 2020): A Study of Political Influences in Judiciary; Published: 27/09/2020: 1-8. https://blog.ipleaders.in/study-political-influences-judiciary/

VonDoepp P. (2006a) "Politics and Judicial Decision-Making in Namibia: Separate or Connected Realms?" IPPR Briefing Paper No. 39. Available at http://www.ippr.org.na/publications.php; last accessed 31 October 2008: 177-205.

Walker, G. (1995). Justice and Development: A Study Paper Prepared for Administrations of U.S. Agency for International Development.

Washington D.C. Burg, M. (1977) *Law and Development*: a Review of the Literature and Critique of Scholars in self- Estrangement. American Journal of Comparative Law.

Wendwosen D. (2001 E.C), Be Addis Abeba Keteme Fird Betoch Yemitayu Yeaserar Chigiroch, Ke Federal Yehzib Emba Tebaki Tqaume Ena Ke Addis Abeba University Hege Facalti Gar Bemtebabr Yetetena (Amharic Version) Unpublished.

White, T. (2006). Principles of good research and research proposal guide. London: Sage.

Williamson, E. (1995), The Institutions and Governance of Economic Development and Reform, Proceedings of the Annual World Bank Conference on Development Economics, 1994. Washington DC: The World Bank.

Workneh G. (March, 2016) An Analysis of the Influence of Politics on Policing in Ethiopia Submitted in Accordance with the Requirements for the Degree of Doctor of Literature and Philosophy in the Subject of Police Science at the University of South Africa.

World Bank (1999) The World Bank and Legal Technical Assistance: Initial Lessons Policy Research Work Paper 1414, World Bank Legal Development. Washington, D.C.

World Bank (2002) Justice System in Ethiopia: Proceedings of the Workshop on Justice System.

Wang, C. (2007). The Rule of Law and Democracy as a Moment Strategy: Explaining Judicial Independence Reform in Taiwan. National Cheng Kung University Press.

Yemane K. (November, 2011) the Judiciary and its Interpretive Power in Ethiopia: A Case Study of the Ethiopian Revenues and Customs Authority. LLM Thesis, School of Law Department of Constitutional and Public Law, AAU, Ethiopia.

5. List of interviews with the key informants

No	Sex	Name of the Interviewee	Position	Place of interview	Date of Interview	Remarks
1.	M	Ato Daniel Misganaw	Judge at Wolkite Town FIC	Wolkite, Ethiopia	April 27, 2014	
2.	M	Ato Fehru Abrar	Vice President of the Wolkite Area High Court	Wolkite, Ethiopia	May 23, 2014	Has no Audio Record
3.	M	Ato Girma Wegu	Head of Wolkite Town FIC	Wolkite, Ethiopia	April 27, 2014	
4.	M	Ato Tatek Haile Mariam	Vice President of the Wolkite Town FIC	Wolkite, Ethiopia	April 27, 2014	
5	M	Ato Tadese Teni	Head of the Gubrye 01 Kebele Social Court	Gubrye, Wolkite, Ethiopia	April 21, 2014	Has no Audio Record
6.	F	Weizero Rahel	Judge of the Wolkite Town FIC	Wolkite, Ethiopia	April 28, 2014	No Audio b/c absence of consent
7.	F	Weizero Roman	Head of the Ediget Chora Kebele Social Court	Wolkite, Ethiopia	April 21, 2014	Telephone Interview
8.	M	Ato Gedion Bogale	Prosecutor at SNNPR Justice Bureau.	Hawasa, Ethiopia	April 28, 2014	Telephone Interview
9.	M	Ato Abdulmenan Dino	Gurage Zone Justice Bureau Prosecutor	Wolkite, Ethiopia	April 21, 2014	Telephone Interview
10.	M	Ato Mesfin Tibebu	Attorney at Wolkite	Wolkite, Ethiopia	April 21, 2014	Telephone Interview
11.	M	Megabi Sibehat Sahelu Tesema	Ethiopian Orthodox Tewahido Church Gurage Diocese Head	Wolkite, Ethiopia	April 23, 2014	Telephone Interview

6. List of cases (Cases which are politically interfered)

Case number 18738/2014, Gurage zone police, Gurage zone and Wolkite town politics, and illegally organized youth group interfere on the judicial judgment, dispute between Ato Alemayhu Siware jointly with five other peoples Vs. Ato Seife Haile Mikael (Yejoka international hotel). On February 25, 2014, it was evidently interfered with via call, social media, facial recognition, etc.

Case number 17675/2014 involves a dispute between Ato Shemsedin (his father's name is not mentioned) and his two wives, widnesh and fozia. widnesh's side has experienced significant political interference because she is of the Qebena ethnicity, while fozia's side has experienced political interference because she is of the Gurage ethnicity. On February 3, 2014, significant interference was seen in call, patronage, facial expressions, etc.1250 care meters of land is the subject of the dispute.

Gurage zone chief administrator, Gurage zone other executives, Gurage zone prosperity party, some Muslim and Orthodox Christian elites, both Wolkite area high court and Wolkite town FIC presidents, Wolkite town politics, and illegally assigned youth groups interfere on the judicial decision in the dispute between the Ethiopian Orthodox Tewahido Church Gurage Diocese and Ato Abubeker Fedlu (youth prosperous man), case number 15721/2011. Clear interference is seen in calls, Facebook social media, facial expressions, etc. 7 January 2011 required almost 3 years of litigation.

APPENDICES

Appendix i: Questions for questionnaires, interviews and (FGD):

Questions Addressed in questionnaires (English Version):

I would first like to thank you for your openness and commitment to the group discussion for my study. For a research paper titled "The Interferences of politics on judicial independence: the case of Wolkite town," the discussion's objective is to gather information. This independent study is being carried out by a prospective graduate student from Wolkite University as a requirement for the political science master's degree. The researcher would like to reassure that all responses will be treated in confidence and that the information supplied will only be used for research purposes.

To everyone who answers this questionnaire, thank you in advance.

1. The town executive body interferes on judiciary decisions of the town courts.

1/Strongly Agree 2/Agree 3/Neutral 4/Disagree 5/Strongly Disagree

2. I believe (Is that) that special cases are assigned to specific judicial personnel in the town Courts?

1/Strongly Agree 2/Agree 3/Neutral 4/Disagree 5/Strongly Disagree

3. I believe (Is that) that special cases are assigned to specific judges when the town administration is a party in the lawsuit?

1/Strongly Agree 2/Agree 3/Neutral 4/Disagree 5/Strongly Disagree

4. The courts resolve cases qualitatively and timely.

1/Strongly Agree 2/Agree 3/Neutral 4/Disagree 5/Strongly Disagree

5. Mismatch of judges and the cases are the main reason for the town courts not to resolve cases qualitative and timely.

1/Strongly Agree 2/Agree 3/Neutral 4/Disagree 5/Strongly Disagree

6. Judges' lack of interests the main reason for the town courts not to resolve cases qualitative and timely.

1/Strongly Agree 2/Agree 3/Neutral 4/Disagree 5/Strongly Disagree

7. Conflict of interests with private business and insufficient compensation (payments) are the main reasons for Judges' in the town courts not to resolve cases qualitative and timely.

1/Strongly Agree 2/Agree 3/Neutral 4/Disagree 5/Strongly Disagree

8. During hearing of cases, court terminologies are confusing for litigants' who are not legal Professionals.

1/Strongly Agree 2/Agree 3/Neutral 4/Disagree 5/Strongly Disagree

9. In cases, when the town executive body is a party, I believe (do you think) that the town courts will definitely give decision in favor of the town executive body.

1/Strongly Agree 2/Agree 3/Neutral 4/Disagree 5/Strongly Disagree

10. I believe (do you think) that the town courts are suspected of impartiality and corruption.

1/Strongly Agree 2/Agree 3/Neutral 4/Disagree 5/Strongly Disagree

11. I think that (is there)/ (does) Wolkite Town's politics have an impact on the performance of the town's courts.

1/Strongly Agree 2/Agree 3/Neutral 4/Disagree 5/Strongly Disagree

12. I believe that (does) the town courts are efficient enough to absorb the complex political interaction of Wolkite Town.

1/Strongly Agree 2/Agree 3/Neutral 4/Disagree 5/Strongly Disagree

13. I believe (do you think) that the town courts have to take fundamental changes to respond the existing complex political interaction.

1/Strongly Agree 2/Agree 3/Neutral 4/Disagree 5/Strongly Disagree

14. I believe (do you think) that parties will not win cases unless they hire legal professionals who know every detail of the town.

1/Strongly Agree 2/Agree 3/Neutral 4/Disagree 5/Strongly Disagree

15. The laws and regulations of the town government accessible for judges and other legal professionals as needed.

1/Strongly Agree 2/Agree 3/Neutral 4/Disagree 5/Strongly Disagree

16. In selection of judicial Personnel in the Town Courts, more emphasis is given for their political attitude.

1/Strongly Agree 2/Agree 3/Neutral 4/Disagree 5/Strongly Disagree

Questions Answered by Questionnaires (*Amharic Version*):

1. የ ከ ተ ማው አ ስ ፈ ጻ ሚ አ ካ ላ ት በ ከ ተ ማው ፍ ር ድ ቤ ት የ ዳ ኝ ነ ት ስ ራ ላ ይ ጣ ል ቃ ይ ገ ባ ሉ ብ ለ ው ያ ስ ባ ሉ ?

1. በ ጣ ም እ ስ ማ ማ ለ ሁ 2. እ ስ ማ ማ ለ ሁ 3. ገ ለ ል ተ ኛ ና ቸ ው 4. አ ል ስ ማ ማ ም 5. በ ጣ ም አ ል ስ ማ ማ ም

2. በ ከ ተ ማው ፍ ር ድ ቤ ት የ ተ ለ ዩ ጉ ዳ ዮ ች ለ ተ ወ ሰ ኑ ዳ ኞ ች ተ መ ድ በ ዋ ል ?

1. በ ጣ ም እ ስ ማ ማ ለ ሁ 2. እ ስ ማ ማ ለ ሁ 3. ገ ለ ል ተ ኛ ና ቸ ው 4. አ ል ስ ማ ማ ም 5. በ ጣ ም አ ል ስ ማ ማ ም

3. በ ከ ተ ማው ፍ ር ድ ቤ ት የ ተ ለ ዩ ጉ ዳ ዮ ች ለ ተ ወ ሰ ኑ ዳ ኞ ች የ ሚ መ ደ በ ው የ ከ ተ ማው አ ስ ተ ዳ ደ ር ተ ከ ራ ካ ሪ ሲ ሆ ን ነ ው?

1. በ ጣ ም እ ስ ማ ማ ለ ሁ 2. እ ስ ማ ማ ለ ሁ 3. ገ ለ ል ተ ኛ ና ቸ ው 4. አ ል ስ ማ ማ ም 5. በ ጣ ም አ ል ስ ማ ማ ም

4. ፍ ር ድ ቤ ቱ ጉ ዳ ዮ ቹ ን በ ጥ ራ ት እ ና በ ጊ ዜ እ ል ባ ት ይ ሰ ጣ ል ?

1. በ ጣ ም እ ስ ማ ማ ለ ሁ 2. እ ስ ማ ማ ለ ሁ 3. ገ ለ ል ተ ኛ ና ቸ ው 4. አ ል ስ ማ ማ ም 5. በ ጣ ም አ ል ስ ማ ማ ም

5. የ ዳ ኛ ና የ መ ዝ ገ ብ ጥ ም ር ታ አ ለ መ መ ጣ ጠ ን የ ከ ተ ማው ፍ ር ድ ቤ ት ጉ ዳ ዮ ች ን በ ጥ ራ ት እ ና በ ጊ ዜ እ ል ባ ት እ ን ዲ ያ ገ ኙ የ ሚ ያ ደ ረ ግ ዋ ና ም ክ ን ያ ት ነ ው ፤

1. በ ጣ ም እ ስ ማ ማ ለ ሁ 2. እ ስ ማ ማ ለ ሁ 3. ገ ለ ል ተ ኛ ና ቸ ው 4. አ ል ስ ማ ማ ም 5. በ ጣ ም አ ል ስ ማ ማ ም

6. የ ዳ ኞ ች የ ስ ራ ተ ነ ሳ ሽ ነ ት ማ ነ ስ የ ከ ተ ማው ፍ ር ድ ቤ ቶ ች ጉ ዳ ዮ ቹ ን በ ጥ ራ ት እ ና በ ጊ ዜ እ ል ባ ት አ ለ መ ስ ጠ ት ዋ ነ ኛ ም ክ ን ያ ት ነ ው ፤

1. በ ጣ ም እ ስ ማ ማ ለ ሁ 2. እ ስ ማ ማ ለ ሁ 3. ገ ለ ል ተ ኛ ና ቸ ው 4. አ ል ስ ማ ማ ም 5. በ ጣ ም አ ል ስ ማ ማ ም

7. የ ጥ ቅ ም ግ ጭ ት ከ ግ ል ን ግ ድ እ ና በ ቂ ያ ል ሆ ነ ክ ፍ ያ የ ከ ተ ማው ፍ ር ድ ቤ ት ጉ ዳ ዮ ች በ ጥ ራ ት እ ና በ ጊ ዜ እ ል ባ ት እ ን ዲ ያ ገ ኙ ከ ሚ ያ ደ ር ጉ ም ክ ን ያ ቶ ች ዋ ነ ኛ ው ነ ው ፤

1. በ ጣ ም እ ስ ማ ማ ለ ሁ 2. እ ስ ማ ማ ለ ሁ 3. ገ ለ ል ተ ኛ ና ቸ ው 4. አ ል ስ ማ ማ ም 5. በ ጣ ም አ ል ስ ማ ማ ም

8. የ ወ ል ቂ ጤ ከ ተ ማ ፖ ለ ቲ ካ በ ከ ተ ማው ፍ ር ድ ቤ ት አ ፈ ጻ ጸ ም ላ ይ ተ ጽ ዕ ኖ አ ሳ ድ ሯ ል ፤

1. በ ጣ ም እ ስ ማ ማ ለ ሁ 2. እ ስ ማ ማ ለ ሁ 3. ገ ለ ል ተ ኛ ና ቸ ው 4. አ ል ስ ማ ማ ም 5. በ ጣ ም አ ል ስ ማ ማ ም

9. የ ከ ተ ማ ው ፍ ር ድ ቤ ት የ ከ ተ ማ ው ን ው ስ ብ ስ ብ የ ፖ ለ ቲ ካ መ ስ ተ ጋ ብ ር ለ መ ሸ ከ ም ብ ቁ ነ ው ብ ለ ው ያ ስ ባ ሉ ?

1. በ ጣ ም እ ስ ማ ማ ለ ሁ 2. እ ስ ማ ማ ለ ሁ 3. ገ ለ ል ተ ኛ ና ቸ ው 4. አ ል ስ ማ ማ ም 5. በ ጣ ም አ ል ስ ማ ማ ም

10. የ ከ ተ ማ ው ፍ ር ድ ቤ ት አ ሁ ን ያ ለ ው የ ከ ተ ማ ው ን ው ስ ብ ስ ብ የ ፖ ለ ቲ ካ መ ስ ተ ጋ ብ ር ም ላ ሽ ለ መ ስ ጠ ት መ ሰ ረ ታ ዊ ለ ው ጥ ማ ድ ረ ግ አ ለ በ ት ብ ለ ው ያ ም ና ሉ ፤

1. በ ጣ ም እ ስ ማ ማ ለ ሁ 2. እ ስ ማ ማ ለ ሁ 3. ገ ለ ል ተ ኛ ና ቸ ው 4. አ ል ስ ማ ማ ም 5. በ ጣ ም አ ል ስ ማ ማ ም

11. በ ች ሎ ት ወ ቅ ት የ ፍ ር ድ ቤ ቱ ቋ ን ቋ አ ስ ተ ር ጓ ሚ ተ ከ ራ ካ ሪ ዎ ች ን ግ ራ ያ ጋ ባ ል ብ ለ ው ያ ስ ባ ሉ ፤ በ ተ ለ ይ የ ህ ግ ባ ለ ሙ ያ ል ሆ ኑ ት ን ፤

1. በ ጣ ም እ ስ ማ ማ ለ ሁ 2. እ ስ ማ ማ ለ ሁ 3. ገ ለ ል ተ ኛ ና ቸ ው 4. አ ል ስ ማ ማ ም 5. በ ጣ ም አ ል ስ ማ ማ ም

12. ተ ከ ራ ካ ሪ ዎ ች ከ ተ ማ ው ን በ ጥ ል ቀ ት የ ሚ ያ ው ቁ የ ህ ግ ባ ለ ሙ ያ ዎ ች ካ ል ቀ ጠ ሩ በ ጉ ዳ ዮ ቹ አ ይ ረ ቱ ም ብ ለ ው ያ ስ ባ ሉ ?

1. በ ጣ ም እ ስ ማ ማ ለ ሁ 2. እ ስ ማ ማ ለ ሁ 3. ገ ለ ል ተ ኛ ና ቸ ው 4. አ ል ስ ማ ማ ም 5. በ ጣ ም አ ል ስ ማ ማ ም

13. የ ከ ተ ማ ው አ ስ ተ ዳ ደ ር ህ ጎ ች ና ደ ን ቦ ች እ ና ለ ሎ ች ም የ ህ ግ ባ ለ ሙ ያ ዎ ች በ ሚ ፈ ል ጉ ት ሁ ኔ ታ ተ ደ ራ ሽ ና ቸ ው ፤

1. በ ጣ ም እ ስ ማ ማ ለ ሁ 2. እ ስ ማ ማ ለ ሁ 3. ገ ለ ል ተ ኛ ና ቸ ው 4. አ ል ስ ማ ማ ም 5. በ ጣ ም አ ል ስ ማ ማ ም

14. የ ከ ተ ማ ው አ ስ ፈ ጻ ሚ አ ካ ል ተ ከ ራ ካ ሪ የ ሚ ሆ ን በ ት ጉ ዳ ዮ የ ከ ተ ማ ው ፍ ር ድ ቤ ት በ እ ር ግ ጠ ኝ ነ ት ለ አ ስ ፈ ጻ ሚ አ ካ ል ይ ወ ስ ና ል ብ ለ ው ያ ምና ሉ ?

1. በ ጣ ም እ ስ ማ ማ ለ ሁ 2. እ ስ ማ ማ ለ ሁ 3. ገ ለ ል ተ ኛ ና ቸ ው 4. አ ል ስ ማ ማ ም 5. በ ጣ ም አ ል ስ ማ ማ ም

15. የ ከ ተ ማ ው ፍ ር ድ ቤ ት በ ገ ለ ል ተ ኛ ነ ቱ እ ና በ ሙ ስ ና ይ ጠ ረ ጠ ራ ል ፤

1. በ ጣ ም እ ስ ማ ማ ለ ሁ 2. እ ስ ማ ማ ለ ሁ 3. ገ ለ ል ተ ኛ ና ቸ ው 4. አ ል ስ ማ ማ ም 5. በ ጣ ም አ ል ስ ማ ማ ም

16. በ ከ ተ ማው ፍ ር ድ ቤ ት ዳ ኞ ች ም ል ም ላ ወ ቅ ት ይ በ ል ጥ ት ኩ ረ ት የ ሚሰ ጠ ው ለ ፖ ለ ቲ ካ አ መ ለ ካ ከ ታ ቸ ው ነ ው፤

1. በ ጣ ም እ ስ ማ ማ ለ ሁ 2. እ ስ ማ ማ ለ ሁ 3. ገ ለ ል ተ ኛ ና ቸ ው 4. አ ል ስ ማ ማ ም 5. በ ጣ ም አ ል ስ ማ ማ ም

Appendix ii: Questions answered by interviews (English Version):

1. Selection (nomination) of Judicial Personal (Judges) in Wolkite Town is by Presidents of the Courts.

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_____

2. Selection of Judicial Personal (Judges) in Wolkite Town is by Judicial Administration Council.

_____

_____

3. Before appointed as judicial personnel in the town, strict evaluation and assessment about their ethics and qualification is done.

_____

_____

4. Other stakeholders (such as the public, the Bar association and so on) participate in the process of judge's appointment.

_____

_____

5. In selection of judicial Personnel in the Town Courts, more emphasis is given for their qualification and ethics.

_____

_____

6. With regard to appointment and promotion of judicial personnel, the emphasizes given to their political interest and attitude

_____

_____

7. With regard to appointment and promotion of judicial personnel, emphasizes is given to their education.

_____

_____

8. With regard to appointment and promotion of judicial personnel, emphasizes is given to their experience.

_____

_____

9. With regard to appointment and promotion of judicial personnel, emphasizes is given to their capability and ethics.

_____

_____

10. I believe (Is that) that there are judges who are appointed without consideration of their qualification and experience, due to patronage?

_____

_____

11. The judicial personnel in the Town Courts frequently transfer from one to the other courts.

_____

_____

12. The town courts have the power to determine and increase the number of supporting staff (non-judicial personnel) as needed.

_____

_____

Questions Answered by Interviews (Amharic Version) (ቃለ -መጠይቅ):

1. በ ከ ተ ማ ው የ ዳ ኞ ች ም ል መ ላ የ ሚ ደ ረ ገ ው በ ፍ ር ድ ቤ ት ፕ ሬ ዝ ዳ ን ት ነ ው?

_____

_____

2. በ ከ ተ ማ ው የ ዳ ኞ ች ም ል መ ላ የ ሚ ደ ረ ገ ው በ ዳ ኞ ች አ ስ ተ ዳ ደ ር ጉ ባ ኤ ነ ው?

_____

_____

3. በ ከ ተ ማ ው ዳ ኛ ሆ ነ ው ከ መ ሾ ማ ቸ ው በ ፊ ት ስ ለ ስ ነ -ም ግ ባ ራ ቸ ው እ ና ብ ቃ ታ ቸ ው ጥ ብ ቅ ግ ም ገ ማ ና ም ዘ ና ይ ካ ሄ ዳ ል ፤

_____

_____

4. በ ዳ ኞ ች ም ል መ ላ ና ች ሎ ት ባ ለ ድ ር ሻ አ ካ ላ ት ለ ም ሳ ሌ ህ ብ ረ ተ ሰ ቡ እ ና አ ደ ረ ጃ ጀ ቶ ች ተ ሳ ት ፎ ያ ደ ር ጋ ሉ ፤

_____

_____

5. በ ከ ተ ማ ው ፍ ር ድ ቤ ት በ የ ገ ዜ ው ዳ ኞ ች ከ አ ን ድ ፍ ር ድ ቤ ት ወ ደ ሌ ላ ፍ ር ድ ቤ ት ይ ዛ ወ ራ ሉ ?

_____

_____

6. ከ ተ ማ ው ፍ ር ድ ቤ ት የ ዳ ኞ ች ም ል መ ላ ወ ቅ ት ይ በ ል ጥ ት ኩ ረ ት የ ሚ ሰ ጠ ው ለ ብ ቃ ታ ቸ ው እ ና ለ ስ ነ -ም ግ ባ ራ ቸ ው ነ ው ፤

_____

_____

7. የ ዳ ኞ ች ሹ መ ት እ ና እ ድ ገ ት በ ተ መ ለ ከ ተ ት ኩ ረ ት የ ሚ ሰ ጠ ው በ ት ም ህ ር ት ዝ ግ ጅ ታ ቸ ው ነ ው ፤

_____

_____

8. የ ዳ ኞ ች ሹ መ ት ና እ ድ ገ ት ን በ ተ መ ለ ከ ተ ት ኩ ረ ት የ ሚ ደ ረ ገ ው ል ም ዳ ቸ ው ን ነ ው ?

_____

_____

9. የ ዳ ኞ ች ሹ መ ት ና እ ድ ገ ት ን በ ተ መ ለ ከ ተ ት ኩ ረ ት የ ሚ ደ ረ ገ ው በ ች ሎ ታ ቸ ው እ ና በ ስ -ም ግ ባ ራ ቸ ው ነ ው ?

_____

_____

10. የ ዳ ኞ ች ሹ መ ት እ ና እ ድ ገ ት በ ተ መ ለ ከ ተ ት ኩ ረ ት የ ሚ ሰ ጠ ው በ ፖ ለ ቲ ካ ፍ ላ ጎ ታ ቸ ው እ ና አ መ ለ ካ ከ ታ ቸ ው ነ ው ?

_____

_____

11. የ ዳ ኞ ች ሹ መ ት ን በ ተ መ ለ ከ ተ ድ ጋ ፍ ተ ደ ር ጎ ላ ቸ ው ያ ለ ብ ቃ ታ ቸ ው እ ና ል ም ዳ ቸ ው የ ተ ሾ ሙ ዳ ኞ ች አ ሉ ብ ለ ው ያ ም ና ሉ ?

_____

_____

12. የ ከ ተ ማ ው ፍ ር ድ ቤ ት የ ራ ሱ ን የ ድ ጋ ፍ ሰ ጪ ሰ ራ ተ ኞ ች /የ ዳ ኝ ነ ት አ ካ ል ያ ል ሆ ኑ ግ ለ ሰ ቦ ች / ቁ ጥ ር እ ን ደ አ ስ ፈ ላ ጊ ነ ቱ የ መ ወ ሰ ን እ ና የ መ ጨ መ ር ስ ል ጣ ን አ ለ ው?

_____

_____

Appendix iii: Questions answered by FGD (English Version):

1. Is political attitude and interest taken as a requirement in the process of selection of judges?

_____

_____

2. Is the judicial selection process transparent? Whose function is selecting judges?

_____

_____

3. Do you believe the town courts independent in exercising their functions?

_____

_____

4. Does the executive interfere in the functions or in the activities of the Courts?

_____

_____

5. If there is an executive influence on the of the towns judicial body? Do you believe the Judicial Administration Council is powerful and independent enough to resist the influence and involvements of the executive?

_____

_____

6. Does the laws and regulations of the town government accessible for judges and other legal professionals as needed?

_____

_____

Do you have any opinions on how politics has affected judicial decision-making generally in Wolkite Town Courts?

_____

_____

Questions Answered by Focused Group Discussion (Amharic Version):

1. የዳኞች ምልመላ የዳኞችን የፖለቲካ አመለካከት እና ፍላጎትን መሰረት ያደረገ ነውን?

_____

_____

2. የዳኞች ምልመላ ሂደት ግልፀኝነትን የተከተለ ነውን? የመመልመል ተግባሩስ የማን ነው?

_____

_____

3. የከተማው ፍርድ ቤት ስራውን በማከናወን ረገድ ነፃና ገለልተኛ ነው ብለው ያስባሉ?

_____

_____

4. አስፈፃሚአካሉ መቼ እና እንዴት ነው በፍርድ ቤት የዘወትር ስራዎች ላይ ጣልቃ የሚገባው? ይህንን ችግር ለመቅረፍ ምን እርምጃ መወሰድ አለበት ብለው ያስባሉ?በተለይ እንደ ወልቂጤከተማ ፍርድ ቤት?

_____

_____

5. ምናልባት አስፈፃሚአካላት በከተማው ፍርድ ቤት ተፅዕኖ የሚያሳድር ከሆነ፤ የዳኞች አስተዳደር ጉባኤ ይህንን ለመመከት አቅም እና ገለልተኝነት አለው ብለው ያስባሉ?

_____

_____

6. የከተማው አስተዳደር ህጎች እና ደንቦች ለዳኞች እና ሌሎች የህግ ባለሙያዎች እንደ ፍላጎታቸው ተደራሽ ናቸው እንዴ?

_____

_____

እንደ ወልቂጤከተማ ፍርድ ቤት በዳኝነት ውሳኔ አሰጣጥ ረገድ ፖለቲካው እያሳደረ ያለው ተፅዕኖ በተመለከተ ማንኛውም አስተያየት ካለዎት?

_____

የ መረ ጃ ገ ፅ

የ ጥ ና ቱ ር ዕ ስ ፡ - “የ ፖ ለ ቲ ከ ኞ ች ተ ፅ ዕ ኖ በ ዳ ኞ ች /በ ፍ ር ድ ቤ ቶ ች ነ ፃ ነ ት ላ ይ የ ሚ ያ ሳ ድ ረ ው ጫ ና “(the impact of political interference on judicial independence: the case of Wolkite town) በ ወ ል ቂ ጤ ከ ተ ማ የ ሚ ል ነ ው ፡ ፡

የ ጥ ና ቱ ዋ ና አ ላ ማ ፡ - የ ጥ ና ቱ ዋ ና አ ላ ማ ነ ባ ራ ዊ የ ዳ ኝ ነ ት ነ ፃ ነ ት ን ያ ለ በ ት ሁ ኔ ታ ማ ለ ት ም ከ ዳ ኞ ች ም ል መ ላ ሹ መ ት ና ሽ ረ ት ፣ ዝ ው ው ር ፣ ደ ረ ጃ እ ድ ገ ት ፣ የ ው ሳ ኔ አ ሰ ጣ ጥ ፣ የ ደ ጋ ፍ ሰ ጪ ሰ ራ ተ ኛ ሁ ኔ ታ ፣ በ አ ጠ ቃ ላ ይ የ ዳ ኝ ነ ት ሙ ሉ ነ ፃ ነ ት ን ባ ከ በ ረ ና በ ጠ በ ቀ መ ል ኩ እ የ ተ ሰ ራ ስ ለ መ ሆ ኑ ማ ጥ ና ት ና ተ ፅ ዕ ኖ ው መ ገ ም ገ ም ነ ው ፡ ፡ እ ን ዲ ሁ ም በ ሀ ገ ራ ዊ እ ና በ አ ለ ም አ ቀ ፋ ዊ ስ ነ -ል ኮ ች መ ለ ካ ት ይ ሆ ና ል ፡ ፡

አ ላ ማ ፡ - እ ር ስ ዎ የ ተ መ ረ ጡ ት ሆ ን ተ ብ ሎ በ ወ ል ቂ ጤ ከ ተ ማ ካ ሉ ት ዳ ኞ ች ፣ ዐ ቃ ቤ ህ ጎ ች ፣ ፖ ለ ቲ ከ ኞ ች ፣ ጠ በ ቆ ች ፣ የ ህ ግ መ ም ህ ራ ን ና ተ መ ራ ማ ሪ ዎ ች ፣ የ ቀ በ ሌ ማ ህ በ ራ ዊ ፍ ር ድ ቤ ት ዳ ኞ ች ፣ የ ወ ል ቂ ጤ ከ ተ ማ ፍ ር ድ ቤ ት ደ ን በ ኞ ች እ ና ከ መ ሳ ሰ ሉ ት ባ ለ ሙ ያ ዎ ች /ኃ ላ ፊ ዎ ች መ ካ ከ ል አ ን ዱ ሆ ነ ው ነ ው ፡ ፡ በ ዚ ህ ጥ ና ታ ዊ ጽ ሁ ፍ ለ መ ሳ ተ ፈ ፈ ቃ ደ ኛ ከ ሆ ኑ ፤ የ ቃ ለ - መ ጠ ይ ቁ ን ጥ ያ ቄ መ ል ስ ይ ስ ጡ ፡ ፡ የ ቃ ለ - መ ጠ ይ ቁ ን ጥ ያ ቄ ዎ ች ለ መ መ ለ ስ ከ 20- 30 ደ ቂ ቃ ዎ ች አ ካ ባ ቢ ይ ወ ስ ዳ ል ፡ ፡

የ ጥ ና ቱ ጉ ዳ ት እ ና ጥ ቅ ም ፡ - በ ጥ ና ቱ ው ስ ጥ በ መ ሳ ተ ፍ ዎ እ ና ጥ ያ ቄ ዎ ች ን በ መ መ ለ ስ ዎ ም ን ም አ ይ ነ ት ቀ ጥ ተ ኛ ጥ ቅ ም ወ ይ ም ገ ን ዘ ብ አ ያ ገ ኙ ም ፡ ፡ ቢ ሆ ን ም የ እ ር ስ ዎ መ ል ስ ለ ማ ስ ተ ር ስ /ለ ሁ ለ ተ ኛ ዲ ግ ሪ ት ም ህ ር ት ማ ሟ ያ ጥ ና ታ ዊ ፅ ሁ ፌ “የ ፖ ለ ቲ ከ ኞ ች ተ ፅ ዕ ኖ በ ዳ ኞ ች /በ ፍ ር ድ ቤ ቶ ች ነ ፃ ነ ት ላ ይ የ ሚ ያ ሳ ድ ረ ው ጫ ና “(the impact of political interference on judicial independence: the case of Wolkite town) በ ወ ል ቂ ጤ ከ ተ ማ በ ቂ ግ ን ዛ ቤ እ ን ዳ ገ ኝ ይ ረ ዳ ኛ ል ፡ ፡

እ ር ግ ጠ ኛ ነ ኝ የ ጥ ና ቱ ው ጤ ት ፣ ጠ ቀ ሜ ታ እ ና ተ ደ ራ ሽ ነ ት አ ሁ ን ካ ለ ው በ ተ ሻ ለ አ ገ ል ግ ሎ ት ለ ነ ዋ ሪ ው ለ ማ ቅ ረ ብ ይ ረ ዳ ል ፡ ፡ እ ር ስ ዎ በ ዚ ህ ጥ ና ት ው ስ ጥ በ መ ሳ ተ ፍ ዎ ም ን ም ዓ ይ ነ ት ጉ ዳ ት አ ይ ደ ረ ስ ብ ዎ ም ፡ ፡

መ ብ ት ፡ - እ ር ስ ዎ ማ ን ኛ ው ን ም ጥ ያ ቄ በ ነ ጻ ነ ት የ መ መ ለ ስ ያ ለ መ መ ለ ስ ነ ጻ ነ ት አ ለ ዎ ት ፡ ፡ ለ እ ር ስ ዎ ጥ ያ ቄ ዎ ቹ ጥ ሩ ስ ሜ ት ከ ሰ ጡ ዎ ት መ መ ለ ስ ፣ ጥ ሩ ስ ሜ ት ካ ል ተ ሰ ማ ዎ ት ሙ ሉ በ ሙ ሉ ከ ጥ ና ቱ የ መ ው ጣ ት መ ብ ት ዎ የ ተ ጠ በ ቀ ነ ው ፡ ፡

ም ስ ጢ ራ ዊ ነ ቱ ፡ - እ ር ስ ዎ የ ሚ መ ል ሷ ቸ ው ጥ ያ ቄ ዎ ች ዋ ጋ አ ላ ቸ ው ፡ ፡ የ ሚ ው ሉ ት ም ለ ጥ ና ታ ዊ ፅ ሁ ፍ መ ተ ን ተ ኛ ብ ቻ ነ ው ፡ ፡ ም ስ ጢ ራ ዊ ነ ቱ በ ከ ፍ ተ ኛ መ ጠ ን የ ተ ጠ በ ቀ ነ ው ፡ ፡

የ ስ ም ም ነ ት /ፍ ቃ ደ ኝ ነ ት ቅ ጽ

ለ ዚ ህ ጥ ና ት ኢ ላ ማ እ ና በ ጥ ና ቱ ላ ይ የ መ ሳ ተ ፍ ም ሆ ነ ያ ለ መ ሳ ተ ፍ ወ ይ ም በ ማ ን ኛ ው ም ሰ አ ት ቃ ለ -መ ጠ ይ ቁ ን ማ ቆ ም እ ን ደ ም ች ል ተ ገ ል ጾ ል ኛ ል ። እ ና ም በ ቃ ለ -መ ጠ ይ ቁ ለ መ ሳ ተ ፍ ፍ ቃ ደ ኛ ነ ኝ ። በ ቃ ለ - መ ጠ ይ ቁ ላ ይ ለ መ ሳ ተ ፍ ፍ ቃ ደ ኛ ነ ዎ ት ? ቀ ጥ ሎ ባ ሉ ት ሳ ጥ ኖ ች ላ ይ የ "X" ም ል ክ ት ያ ድ ር ጉ ፡ ፡

01. አ ዎ ☐ 02. አ ይ ደ ለ ሁ ም ☐

የ መ ላ ሹ ፊ ር ማ _____ ቀ ን _____

የ ጠ ያ ቂ ው ስ ም _____ ቀ ን _____

ፊ ር ማ _____

ስ ለ ት ብ ብ ር ዎ እ ጅ ግ በ ጣ ም አ መ ሰ ግ ና ለ ሁ ፡ ፡ ለ ማ ን ኛ ው ም ጥ ያ ቄ ወ ይ ም ለ በ ለ ጠ መ ረ ጃ ወ ይ ም ለ ማ ን ኛ ው ም ች ግ ር በ ማ ን ኛ ው ም ሰ ዓ ት አ ጥ ኚ ው ን በ ሚ ከ ተ ለ ው አ ድ ራ ሻ ማ ግ ኘ ት ይ ች ላ ሉ ፡ ፡

ሥም ፡ - ታሪኩ ዳግየ ሽኩር

አድራሻ ፡ - ወልቂጤ ኢትዮጵያ

ስልክ ቁጥር ፡ - 0913737579/0902444054

ኢ-ሜይል ፡ - dagyertariku21@gmailcom

Documents and Photos

WOLKITE UNIVERSITY ወልቂጤዩኒቨርሲቲ

DEPARTMENT OF GOVERNANCE AND DEVELOPMENT STUDIES

የገቨርናንስና ልማት ጥናት ትምህርት ክፍል

Ref. No. GaDS/320/14

Date: 24/08/2014 E.C.

ለአዲስ አበባ ዩኒቨርሲቲ ኬኔዲ አብያተ ቤተ-መጽሐፍት

ጉዳዩ፡- ትብብር እንዲደረግላቸው ስለመጠየቅ

ከላይ በርዕሱ ለመግለጽ እንደተሞከረው በወልቂጤ ዩኒቨርሲቲ በገቨርናንስና ልማት ጥናት ትምህርት ክፍል የፖለቲካል ሳይንስ የሁለተኛ ዲግሪ ተማሪ የሆኑት **ተማሪ ታሪኩ ዳግየ** ለሁለተኛ ዲግሪ መመረቂያ ጽሁፍ"The Impact Of Politics On Judicial Decision Making:The Case Of Wolkite " በሚል ርዕስ ምርምር እየሰራች ሲሆን ለዚህ ጥናታዊ ምርመር የሚያገለግል መረጃ ስለሚፈልጉ በእናንተ በኩልአስፈላጊውን ትብብር እንዲደረግላቸው እየጠየቀንለሚደረግላቸው ትብብር ከወዲሁ እናመሰግናልን፡፡

Wolkite University College of Social Science & Humanities

"ከሰላምታ ጋር"

ግርማ ሰንበቱ

ገቨርናንስና ልማት ጥናት ት/ት ክፍል
Dept of Gov/Dev/Studies

Tel: +251928337421 Fax: +251 11 322 01 85 Web: www.wku.edu.et
Email:girma.senbete@wku,.edu.et P.O.Box: o7
Girma senbetie – Head, GaDS Wolkite University, Wolkite

WOLKITE UNIVERSITY ወልቂጤዩኒቨርሲቲ

DEPARTMENT OF GOVERNANCE AND DEVELOPMENT STUDIES

የገቨርናንስና ልማት ጥናት ትምህርት ክፍል

Ref. No. GaDS/320/14

Date: 24/09/2014 E.C.

ለኢትዮጵያ ሲቪል ሰርቪስ ዩኒቨርሲቲ

የቤተ-መጽሐፍት አገልግሎት ዳይሬክቶሬት

ጉዳዩ፡- ትብብር እንዲደረግላቸው ስለመጠየቅ

ከላይ በርዕሱ ለመግለጽ እንደተሞከረው በወልቂጤ ዩኒቨርሲቲ በገቨርናንስና ልማት ጥናት ትምህርት ክፍል የፖለቲካል ሳይንስ የሁለተኛ ዲግሪ ተማሪ የሆኑት **ተማሪ ታሪኩ ዳግየ ለሁለተኛ ዲግሪ** መመረቂያ ጽሁፍ"**The Impact Of Politics On Judicial Decision Making:The Case Of Wolkite** " በሚል ርዕስ ምርምር አየሰራች ሲሆን ለዚህ ጥናታዊ ምርመር የሚያገለግል መረጃ ስለሚፈልጉ በእናንተ በኩልአስፈላጊውን ትብብር እንዲደረግላቸው እየጠየቀንለሚደረግላቸው ትብብር ከወዲሁ እናመሰግናልን፡፡

Wolkite University College of Social Science & Humanities

"ከሰላምታ ጋር"

ግርማ ሰንበቱ

የገቨርናንስና ልማት ጥናት ት/ት ክፍል
Department of Gov/Dev/Studies

Tel: +251928337421
Email:girma.senbete@wku,.edu.et
Girma senbetie – Head, GaDS
Fax: +251 11 322 01 85
P.O.Box: o7
Wolkite University, Wolkite
Web: www.wku.edu.et

WOLKITE UNIVERSITY
DEPARTMENT OF GOVERNANCE AND DEVELOPMENT STUDIES

ወልቂጤ ዩንቨርሲቲ
ገቨርናንስና ልማት ጥናት
ትምህርት ክፍል

REF.NO. GADS / 331 / 14
Date: ነሐ /10 /2014E.C

ለፌደራል ጠቅላይ ፍርድ ቤት

አዲስ አበባ

ጉዳዩ፡- ትብብር እንዲደረግላቸው ስለመጠየቅ

ከላይ በርዕሱ ለመግለጽ እንደተሞከረው በወልቂጤ ዩኒቨርሲቲ በገቨርናንስና ልማት ጥናት ትምህርት ክፍል የፖለቲካል ሳይንስ የሁለተኛ ዲግሪ ተማሪ የሆኑት ተማሪ ታሪኩ ዳጊዬ ለሁለተኛ ዲግሪ መመረቂያ ጽሁፍ "The Impact of Politics on Judicial Decision Making :The Case Of Wolkite Town " በሚል ርዕስ ምርምር እየሰሩ ሲሆን ለዚህ ጥናታዊ ምርምር የሚያገለግል መረጃ ስለሚፈልጉ በእናንተ በኩል አስፈላጊውን ትብብር እንዲደረግላቸው እየጠየቅን ለሚደረግላቸው ትብብር ከወዲሁ እናመሰግናለን፡፡

"ከሰላምታ ጋር"

ግርማ ሰንበቴ

የገቨርናንስ ልማት ጥናት ትት ክፍል
Department of Gov/Dev/Studies

Tel: +251928337421 Fax: +251 11 322 01 85Web: www.wku.edu.et
mail:girma.senbete@wku..edu.etP.O.Box: o7
Girma senbetie– Head, GaDSWolkite University, Wolkite

በጉራጌ ዞን
የወልቂጤ ከተማ የመጀመሪያ ደረጃ ፍ/ቤት
Guraghe Zone
Wolkitte Town First InstanceCourt

ቁጥር ወ/ከ/ፍ 231/2014

ቀን 22/09/2014

ለወልቂጤ ዩኒቨርሲቲ ድህረ ምረቃ ት/ቤት

ወልቂጤ"

ጉዳዩ፡- መረጃ ስለመስጠት ይሆናል፤

ከላይ በርዕሱ ስመገለጸ እንደተሞከረው የዩኒቨርስቲያችሁ 2ኛ ዲግሪ የፖለቲካል ሳይንስ ተማሪ የሆነው አቶ ታሪኩ ዳግዩ ሽኩር ለ2ኛ ዲግሪ ማሚያ ጥናታዊ ጽሁፍ እያዘጋጀ መሆኑን ምክንያት በማድረግ ከዩኒቨርስቲያችሁ በቀን 26/4/2014 ዓ.ም በቁጥር wku pos. 107 በተላፈልን የድጋፍ ደብዳቤ መሰረት ተማሪው በወልቂጤ ከተማ የመጀ/ደ/ፍ/ቤት ጥናቱን ስለመልክት የሚከታተለው እና የሚደግፈው ዳኛ በመመደብ ለጥናታዊ ጽሁፉ አስፈላጊውን መረጃዎችን መጠይቅ በመበተን እና በመሰብሰብ፤ ቃስ መጠይቅ በማድረግ፤ ዳኛች እና ፕሬዝዳንቱ በተገኙበት አንድ የቡድን ውይይት በማድረግ ያከናወንችኑና መዛግብቶችን በማየት አስፈላጊውን ሁሉ ትብብር ተቋሙ በማድረግ ለጥናታዊ ጽሁፉ ስፍ/ቤቱ በጠየቃችሁን መሰረት ተገቢውን ያደረገን መሆኑን ከወዲሁ አንገልፃለን።

"ከሠላምታ ጋር"

ግርማ ወጉ ንጋ
Girma Wogu Nega
የወልቂጤ ከተማ የመጀመሪያ ደረጃ ፍ/ቤት ፕሬዝደንት
President of Wolkite City First Instance Court

WOLKITE UNIVERSITY ወልቂጤዩኒቨርሲቲ

DEPARTMENT OF GOVERNANCE AND DEVELOPMENT STUDIES

የገቨርናንስና ልማት ጥናት ትምህርት ክፍል

Ref. No. ገ.ል.ጥ.ት./328/14

Date: 24/09/2014 E.C.

ለኢትዮጵያ ሲቪል ሰርቪስ ዩኒቨርሲቲ

የቤተ-መጽሐፍት አገልግሎት ዳይሬክቶሬት

ጉዳዩ፡- ትብብር እንዲደረግላቸው ስለመጠየቅ

ከላይ በርዕሱ ለመግለጽ እንደተሞከረው በወልቂጤ ዩኒቨርሲቲ በገቨርናንስና ልማት ጥናት ትምህርት ክፍል የፖለቲካል ሳይንስ የሁለተኛ ዲግሪ ተማሪ የሆኑት ተማሪ ታሪኩ ዳግየ ለሁለተኛ ዲግሪ መመረቂያ ጽሁፍ"The Impact Of Politics On Judicial Decision Making:The Case Of Wolkite " በሚል ርዕስ ምርምር እየሰራች ሲሆን ለዚህ ጥናታዊ ምርመር የሚያገለግል መረጃ ስለሚፈልጉ በእናንተ በኩልአስፈላጊውን ትብብር እንዲደረግላቸው እየጠየቀንለሚደረግላቸው ትብብር ከወዲሁ እናመሰግናልን::

"ከሰላም ጋር"

ግርማ ሰንበቱ

አመለወርቅ ውቤ
የቤተ መፅሐፍትና ዶክመንቴሽን
ዳይሬክተሬት ዳይሬክተር
Amelework Wube
Library and documentation
Directorate Director

Tel: +251928337421
Email:girma.senbete@wku..edu.et
Girma senbetie – Head, GaDS
Fax: +251 11 322 01 85
P.O.Box: 07
Wolkite University, Wolkite
Web: www.wku.edu.et

Wolkite University
ወልቂጤ ዩኒቨርሲቲ

School of Graduate studies
የድህረ-ምረቃ ትምህርት ቤት

ቁጥር (Ref.No) ወኒ/ድህ/ም/ 005/107
ቀን (Date) 26/4/2014

ለወልቂጤ ከተማ የመጀመሪያ ደረጃ ፍርድ ቤት

ወልቂጤ

ጉዳዩ የድጋፍ ደብዳቤ ስለመስጠት ይሆናል

በወልቂጤ ዩኒቨርሲቲ በሶሻል ሳይንስና ስነ-ሰብ ኮሌጅ የፖለቲካል ሳይንስ ተማሪ የሆኑት አቶ ታሪኩ ዳግየ ሽኩር የምርምር ስራ ለመስራት ወልቂጤ ከተማ የመጀመሪያ ደረጃ ፍርድ ቤት ምልከታ እንዲያደርጉ የድጋፍ ደብዳቤ እንድንሰጣቸው በቀን 26/4/2014 በጽሁፍ ማመልከቻ ጠይቀዋል።

ተማሪው የጥናት ጽሁፋቸውን ለማዘጋጀት ይረዳቸው ዘንድ አስፈላጊውን ትብብር ሁሉ በእናንተ በኩል እንዲደረግላቸው እንጠይቃለን።

ከሰላምታ ጋር !

ዶ/ር ጌታቸው መኮንን ውቡ
Getachew Mekonnen Wubu (PHD)
የድህረ-ምረቃ ት/ቤት ዲን
Dean, Graduate Studies

ግልባጭ

- አቶ ታሪኩ ዳግየ
- ለድህረ-ምረቃ ት/ቤት
  ወልቂጤ ዩኒቨርሲቲ

Inreplyining, plesse quote our ref.no
መልስ ሲፅፉልን የእኛን ቁጥር ይጥቀሱ
Tell Phone +251113220450P.o. Box 07
Fax 0113220019

Website:htpp://www.wku.edu.et

Photo showing document analysis in Wolkite Town FIC by the researcher (April 27, 2014E.C. Wolkite, Ethiopia).