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THE SYSTEM OF CHECKS AND BALANCES IN AFRICAN PARLIAMENTARY REPUBLICS

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The article is devoted to a comprehensive analysis of the system of checks and balances in the parliamentary republics of the African continent, using the examples of Mauritius and Ethiopia. The focus of the research is the interaction, balance, and control among the main branches of state power – the executive, legislative, and judicial – under a parliamentary form of government, which remains a relatively rare phenomenon in the African region, where presidential and mixed republics prevail.

The study reveals that although both Mauritius and Ethiopia are parliamentary republics, the system of checks and balances differs significantly between them. In Ethiopia, the functioning and effectiveness of the system of checks and balances is influenced by its federal structure. The parliament is largely controlled by the ruling coalition, which reduces its ability to exercise independent oversight over the executive branch. The Prime Minister of Ethiopia holds extensive powers. The judiciary is not vested with authority to interpret the Constitution. This role is assigned to the House of Federation (the upper house), which raises concerns about the independence of the judiciary as a restraining force. In Mauritius, the parliament exercises genuine political control over the government, can issue a vote of no confidence, oversees the budget, holds hearings, and so on. The judiciary in Mauritius is characterized by a high level of independence. The government is accountable to the parliament, and the Prime Minister operates within a more balanced system than in Ethiopia. This interaction among the branches of power allows us to conclude that the system of checks and balances in Mauritius is more effective compared to that in Ethiopia.

The article presents recommendations for improving the system of checks and balances in both Ethiopia and Mauritius. The results obtained can serve as a foundation for further research on African countries that are parliamentary republics.

Key words: system of checks and balances, separation of powers, parliamentary republic, Africa, president, parliament, judiciary.

Introduction. The system of checks and balances constitutes one of the fundamental principles of democracy, intended to ensure equilibrium among the branches of state power, prevent its usurpation, and promote adherence to the rule of law. In political theory, it is viewed as a necessary condition for the effective functioning of a democratic regime, providing mutual oversight between the executive, legislative, and judicial branches. At the same time, the nature of its implementation largely depends on the form of government, political culture, and historical context of a specific country.

In Africa, the majority of states are presidential or semi-presidential republics. However, some countries, such as Mauritius and Ethiopia, are parliamentary republics, characterized by the dominance of parliament in government formation and the limited powers of the head of state. In such countries, particular importance is attached to the institutions of parliamentary oversight, judicial independence, and mechanisms of internal checks within the executive branch.

Main studies and publications. Among the numerous studies and publications that examine the system of checks and balances in African parliamentary republics, the works of scholars such as N. Zhuk, L. Sylenko, N. Haidaienko, and Kh. Zabavska deserve special attention.

The purpose of the study. The aim of this article is to analyze the peculiarities of the functioning of the system of checks and balances in the parliamentary republics of Africa.

Discussion. The system of checks and balances in Ethiopia is based on the provisions of the 1995 Constitution of the Federal Democratic Republic of Ethiopia [2], which is grounded in the separation of state power into three branches: legislative, executive, and judicial, each of which is formally vested with autonomy. However, the actual balance of power within the system largely depends on party dominance and the federal structure of the state, both of which significantly influence the effectiveness of the system of checks and balances [1, p. 186].

The President of Ethiopia performs primarily ceremonial functions, being elected by the House of the Federation and the House of Peoples' Representatives in a joint session (Art. 70 of the Constitution of Ethiopia of 1995) [2]. The president's powers are limited: he represents the state, ratifies international treaties, grants pardons, but has no veto power over legislation or influence on government formation. Thus, the president's influence over the parliament, government, and judiciary is minimal, indicating the absence of a real check on power from the head of state [4, p. 705].

The government is headed by the Prime Minister, who is elected by the House of Peoples' Representatives from among its members (Art. 73) [2]. The Prime Minister defines the general policy of the government, appoints ministers (Art. 74) [2], and coordinates the activities of executive bodies. Through the mechanism of accountability to the parliament (Art. 72) [2], the government is formally answerable to the legislature. However, in cases of one-party dominance or strong party discipline, the government may effectively subordinate the parliament to its political interests. The government also has influence over the judiciary through the Ministry of Justice, which can initiate judicial appointments, although final decisions are made by the Federal Judicial Administration Council.

The Parliament of Ethiopia consists of two chambers: the House of Peoples' Representatives (lower house) and the House of the Federation (upper house). The House of Peoples' Representatives is the principal legislative body (Art. 54), responsible for approving the Prime Minister, enacting legislation, overseeing executive activity, and initiating impeachment procedures. In addition, the parliament has the authority to ratify international treaties, appoint officials, and establish oversight committees – all of which serve as important mechanisms of executive accountability. However, the effectiveness of parliamentary oversight depends on the degree of political competition and the institutional autonomy of the parliament.

The judicial branch in Ethiopia is formally independent, as stipulated in article 79 of the Constitution [2]. Federal courts have jurisdiction over the interpretation and application of federal laws. Judges are appointed based on recommendations from the Federal Judicial Administration Council, which operates independently but has a politically vulnerable structure. The judiciary holds the power to review the constitutionality of actions taken by other branches of government; however, under article 62(1), the interpretation of the Constitution is assigned not to the courts, but to the House of the Federation, following preparation by the Council of Constitutional Inquiry. This arrangement limits judicial autonomy in constitutional matters [2].

Among the advantages of the system of checks and balances in Ethiopia are the clear constitutional enshrinement of the separation of powers, the existence of parliamentary oversight over the executive branch, and the formal independence of the judiciary. At the same time, significant shortcomings remain, including the weak institutional autonomy of the parliament

and judiciary in the context of the ruling party's de facto dominance, the limited powers of the president as a potential checking institution, and the absence of effective judicial constitutional review. The assignment of constitutional interpretation to a political body – the House of the Federation – contradicts the doctrine of the separation of powers and undermines legal certainty and the legal protection of citizens.

Thus, despite the formal entrenchment of the system of checks and balances in Ethiopia's Constitution, its practical implementation faces major challenges stemming from the political context, federal structure, and institutional weakness.

The system of checks and balances in the Republic of Mauritius operates within the framework of a parliamentary republic, as defined by the 1968 Constitution (as amended) [3]. The core principles of the governmental structure provide for a clear distribution of powers among the legislative, executive, and judicial branches, alongside mechanisms of interaction, accountability, and mutual control. A key feature of the Mauritian model is the dominance of the parliament and the Prime Minister as the de facto head of the executive branch, with the president holding limited powers.

The President of the Republic, according to articles 28–30 of the Constitution of Mauritius, is the head of state with predominantly ceremonial functions. The president is elected by the National Assembly (parliament) for a five-year term. The president's powers include appointing the Prime Minister (Art. 59), approving ministers upon the Prime Minister's recommendation, signing bills into law (Art. 46), and returning a bill for reconsideration – although they cannot block it if it is passed again. The president also chairs the National Security and Defence Council (Art. 60), but does not have authority to formulate policy in these areas [3]. Therefore, the president's influence over the parliament, government, and judiciary is largely symbolic.

The government of Mauritius is formed on the basis of a parliamentary majority. According to article 59 of the Constitution, the Prime Minister is appointed by the President from among the members of parliament who, in the President's opinion, command the support of the majority in the National Assembly. The Prime Minister heads the Cabinet of Ministers and determines the government's policy. Ministers are appointed and dismissed on the Prime Minister's recommendation. The government bears collective responsibility before the parliament (Art. 61) [3]. At the same time, the Prime Minister controls the legislative agenda through influence over government bills and determines the order of implementation of laws. While the government does not exert direct influence over the judiciary, the Ministry of Justice is responsible for the administrative support of the court system.

The Parliament of Mauritius, represented by the National Assembly, is the central institution in the system of checks and balances. Under Articles 34–50 of the Constitution, it holds powers to enact legislation, approve the budget, oversee the government, and initiate a vote of no confidence. Parliament may deliberate on any matter of public policy, summon ministers for hearings, and establish investigative committees. It also participates in the impeachment procedure of the president in cases of serious constitutional violations (Art. 30) [3]. Parliament's influence over the judiciary is limited to legislative regulation of the judiciary's functioning and budgetary control. Judges are not elected by the parliament, which helps preserve the principle of judicial independence.

The judiciary in Mauritius is independent, as enshrined in articles 76–82 of the Constitution [3]. It is composed of the Supreme Court, appellate courts, and subordinate courts of general jurisdiction. Judges are appointed by the President upon the recommendation of the Judicial and Legal Service Commission, which restricts the possibility of political interference. The judiciary has the authority to review the constitutionality of laws and suspend executive actions that con-

travene legal norms. In this way, the judiciary can act as a check on both the parliament and the government through constitutional oversight and the protection of legal guarantees.

Among the advantages of the system of checks and balances in Mauritius, one should highlight its institutional stability, clear separation of powers, governmental accountability to parliament, and an effective mechanism of independent judiciary. The high level of legal culture and democratic development in Mauritius ensures the practical effectiveness of its constitutional architecture [5]. However, the system also has certain shortcomings: the concentration of executive power in the hands of the Prime Minister without internal balancing institutions within the executive branch, as well as the weak role of the President, who has limited tools of influence in the event of a parliamentary crisis. Moreover, single-party dominance in parliament (in case of a monopoly) can reduce the effectiveness of parliamentary oversight over the government.

Thus, the system of checks and balances in Mauritius demonstrates a strong formal adherence to democratic principles but requires support from political pluralism and an active civil society to function fully.

Let us now compare the systems of checks and balances in Ethiopia and Mauritius. First, we identify their common features. Both countries have established a clear separation of powers among the legislative, executive, and judicial branches, which includes mechanisms of mutual oversight and accountability. In each country, the head of state – the President – performs primarily ceremonial functions and holds limited powers. The center of political decision-making is concentrated in the hands of the Prime Minister, who leads the government and determines public policy. The President is elected by the parliament, and the government is formed based on the results of parliamentary elections and majority rule. The judiciary in both countries is formally independent and plays a role in ensuring compliance with constitutional order. Therefore, the foundational structure of the checks and balances system in both states is similar, with a predominance of the roles of parliament and the Prime Minister, and limited influence of the President.

Despite these similarities, there are significant differences between the systems of checks and balances in Ethiopia and Mauritius – both structurally and in practice. In Ethiopia, the system operates within a federal state with a strong ethnic component, which significantly affects the distribution of powers between the central government and the regions. The parliament is largely controlled by the ruling coalition, which undermines its ability to exercise independent oversight over the executive branch. The Prime Minister of Ethiopia holds an exceptionally powerful position within the political system, effectively resulting in a concentration of power. The judiciary is limited in performing constitutional review: the interpretation of the Constitution is not the prerogative of the courts but rather of the House of the Federation – a political body – which raises concerns about the independence of the judiciary as a checking force.

In Mauritius, by contrast, a classical model of a unitary parliamentary republic has been implemented, with a well-structured system of checks and balances. The parliament exercises real political oversight over the government, may issue a vote of no confidence, controls the budget, and conducts hearings. The judiciary in Mauritius demonstrates a high level of independence, and the appointment of judges is carried out through institutions dominated by legal competence rather than political mandates [6, p. 191]. A constitutional tribunal ensures an effective mechanism for interpreting the supreme law. The government is accountable to the parliament, and the Prime Minister operates within a more balanced system than in Ethiopia. This structure allows us to speak of greater effectiveness of the system of checks and balances in Mauritius compared to Ethiopia's ethnically federal and party-centralized model.

Thus, although both countries are parliamentary republics, in practice Mauritius implements a more balanced and effective system of checks and balances thanks to legal stability, judi-

cial independence, and well-developed democratic institutions, whereas in Ethiopia, this system is weakened by the federal structure, political dominance of the executive, and the formal nature of institutional oversight.

The system of checks and balances in Ethiopia, despite the formal enshrinement of the separation of powers principle, requires substantial reform to ensure its actual effectiveness. First and foremost, it is necessary to strengthen the independence of the judiciary. It is essential to transfer the power of constitutional interpretation from the House of the Federation, a political body, to a specialized Constitutional Court or an appropriate body within the judiciary. It is also advisable to reform the composition of the Federal Judicial Administration Council to ensure a majority of judges and representatives of civil society, which would guarantee its institutional autonomy. Judicial appointments should be based on a transparent and open competitive process, minimizing political influence.

A second important direction is the limitation of the excessive concentration of power in the hands of the Prime Minister. It is recommended to distribute executive powers between the Prime Minister and a collegial body – the Council of Ministers, in which decisions would be made collectively. At the same time, it is advisable to introduce parliamentary hearings for the appointment of key executive officials, which would strengthen the government's accountability to the parliament.

The third set of recommendations concerns the development of political pluralism. In Ethiopia, it is advisable to strengthen legislative guarantees for opposition activity in parliament – in particular, by granting the opposition the right to form parliamentary committees and to chair anti-corruption or budgetary bodies. It is also important to ensure equal access for political parties to media and public funding, which would create conditions for genuine representation of alternative viewpoints.

Parliamentary oversight powers should also be reinforced. It is appropriate to expand parliamentary oversight tools – by requiring the government to report regularly to members of parliament, ensuring full parliamentary access to state reports, and reforming the procedure for a vote of no confidence, making it less procedurally burdensome.

Unlike Ethiopia, the system of checks and balances in Mauritius generally functions effectively. However, even in this unitary democratic republic, there are areas that could be improved. First and foremost, it would be appropriate to enhance the effectiveness of parliamentary oversight. Specifically, mandatory annual reports by the Prime Minister to the National Assembly analyzing the implementation of the government program should be institutionalized. In addition, the powers of parliamentary committees should be expanded, including access to government institutions and the ability to summon officials for hearings.

A second reform direction involves limiting executive dominance in the formation of the judiciary. It is recommended to strengthen the independence of the Judicial and Legal Service Commission, which prepares decisions on judicial appointments, and to introduce additional safeguards against political influence – such as public consultations or independent evaluations for candidates applying to high judicial offices.

Finally, the role of the President should also be reconsidered. Despite the ceremonial nature of the office, the President could perform an arbitration function in situations of political instability. It would be reasonable to grant the President a procedural right to refer laws to the Constitutional Tribunal for a conformity review before signing them, as well as to establish an advisory body under the President's aegis – such as an Ethics Council or Office of the Ombudsman.

Finally, it is necessary to strengthen institutions of civil oversight. The functional capacity of the Ombudsman's Office, the Anti-Corruption Commission, and the Auditor General should be

enhanced, and open access to information about public expenditures and the activities of key state institutions must be ensured. This will enable civil society and the media to effectively perform the role of the fourth branch of power and will reinforce the democratic legitimacy of the system of checks and balances.

Conclusion. Thus, the study of the system of checks and balances in African parliamentary republics allows for a number of theoretical and practical generalizations regarding the specific implementation of the principle of separation of powers. In Mauritius, the system of checks and balances demonstrates relative stability and effectiveness. In contrast, in Ethiopia, this system proves to be less effective due to the excessive concentration of executive power in the hands of the Prime Minister, the weakness of parliamentary oversight, and the limited independence of the judiciary. The system of checks and balances in both countries is influenced by factors such as the level of political culture, the party system, and the electoral system. Therefore, the experience of African parliamentary republics highlights the importance not only of the formal separation of powers but also of the existence of effective mechanisms of the system of checks and balances.

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СИСТЕМА СТРИМУВАНЬ І ПРОТИВАГ В АФРИКАНСЬКИХ ПАРЛАМЕНТАРНИХ РЕСПУБЛІКАХ

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Статтю присвячено аналізу системи стримувань і противаг у парламентарних республіках Африканського континенту на прикладі таких держав – Маврикії та Ефіопії. У центрі дослідження перебуває питання взаємодії, рівноваги та контролю між основними гілками державної влади – виконавчою, законодавчою та судовою – в умовах парламентарної форми правління, що є порівняно рідкісним явищем для африканського регіону, де переважають президентські та змішані республіки.

У дослідженні виявлено, що, попри те, що Маврикія та Ефіопія є парламентарними республіками, система стримувань і противаг є різною. В Ефіопії на функціонування та ефективність системи стримувань і противаг впливає федеративний устрій. Парламент тут значною мірою

контролюється панівною коаліцією, що знижує його здатність здійснювати незалежний контроль над виконавчою владою. Прем'єр-міністр Ефіопії наділяється широкими повноваженнями. Судова влада не наділяється повноваженнями щодо тлумачення Конституції. Палата Федерації (верхня палата) наділяється відповідними повноваженнями, відповідно, це ставить під сумнів незалежність суду як стримуючої сили. У Маврикії парламент здійснює реальний політичний контроль над урядом, може висловлювати вотум недовіри, контролює бюджет і проводить слухання тощо. Судова влада Маврикії характеризується високим рівнем незалежності. Уряд у Маврикії підзвітний парламенту, і прем'єр-міністр діє в межах більш збалансованої системи, ніж в Ефіопії. Така взаємодія між гілками влади дає змогу говорити про більш ефективну систему стримувань і противаг у Маврикії порівняно з Ефіопією.

У статті висвітлено рекомендації щодо покращення системи стримувань та противаг в Ефіопії та Маврикії. Одержані результати можуть слугувати підґрунтям для подальших досліджень країн Африки, які є парламентарними республіками.

Ключові слова: система стримувань і противаг, поділ влади, парламентарна республіка, Африка, президент, парламент, суд.