

UNIVERSITY OF GONDAR
College of Social Sciences and the Humanities
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Teaching Material for the Course Civics and Ethics

CHAPTER ONE
INTRODUCTION TO CIVIC AND ETHICAL EDUCATION

Chapter objectives

1.1. An overview

Every society faces the challenge of educating succeeding generations of young people for competent, responsible, effective and ethical citizenship. Civic and Ethical education must go far beyond merely having students memorize the structures and functions of government. It must be more beyond knowledge – basic civic & ethical education and to be used this knowledge as a foundation for developing the skills and forge new attitudes, and life long commitment that are conducive to living and participating effectively in a society.

It has been recently recognized that education has a civic and ethical mission: to prepare informed, rational, humane, ethical, responsible and participating citizens in affairs of the nation and the society. This prepares students for responsible and ethical citizenship for productive employment and effective participation. It makes them involved in activities that promote and demonstrate good citizenship, community service, and personal responsibility.

The students' effective, responsible, and ethical participation requires the acquisition of a body of knowledge, intellectual and participatory skills and embark attitudinal change. Effective and responsible participation is also furthered by development of certain sets of dispositions or traits of character that enhance the individual's capacity to participate in the political and social systems and hence contribute profoundly to the healthy functioning of the political system, improvement and prosperity of society.

Progress, prosperity and democratic solidarity can only be realized if the young generation is made aware of its own identity, and the identity and the history of its own people and is also enabled to respect and to be cognizant of the culture of hard work and basic civic and democratic rights of citizens. Furthermore, the experience gained from the developed countries presupposes that the citizen should be adequately armed with the basic skills and funds of knowledge that are essentially required to extricate his/her country out of the tentacles of poverty and backwardness. This option is the only viable way to socialize and internalize the youth of our country with the culture of civic and ethical education.

To date, our institutions of learning have not paid due attention to produce citizens who are aware of the problems of the society and could contribute their civic responsibility steeped in correct ethical conduct and democratic culture.

At present, the ethical problems that are spreading like wild fire among the citizens and even among elites who have shirked their public responsibility can be curtailed only through concerted effort that may take a long period of time. But the task of shaping the school youth along ethical values solidly rests upon the education experts. The new generation should be grounded upon the good values inherent in the society and should be given profound civic knowledge on the organizational structure of government, and how it works, ethics and morality, the constitution of the state (**FDRE**), local and national policies, the human and democratic rights of citizens and their responsibilities and so on. Therefore, it is necessary to string them the initial work done in this field by defining clear objectives and moving on towards their practical implementation.

1.2. Defining Civics and Ethics

Since the term education is relevant to Civics and Ethics, it is better first to vein by explaining it. Although it is difficult to present an adequate definition of education to all, the following may be the most appropriate definition with respect to our interest.

Education refers to the aggregate of all deliberate attempts to bring about development and change of positive value in rational human behavior. **Education** is the cultivation and development of all those capacities in the individual, which will enable him/her to be competent environment, fulfill his responsibilities, and embark attitudinal changes in away that he/she becomes adoptable to the prevailing environment.

Education is a purposive human activity designed towards the achievement of certain desired sets of goal. No doubt, these goals are revolved around the demand for good living condition through the creation of well-prepared work force for a nation and the society. Therefore, education should promote and sustain social welfare. This is meant effective educational program should strive to the attainment of such collective advantage common interests at a societal level.

It is becoming well recognized and an accepted fact that education is an important instrument for the economic development of a nation. A well-educated person can be considered as a big asset of the nation, with out literate population it is difficult to spread out the knowledge necessary to improve agricultural techniques and health services. It also becomes difficult to inform and the common citizens about government policies, reforms an other changes. As a whole, education (schooling) is claimed to be a basic factor incorporating rationality of thought, improving social mobility, and enhancing an individual's capacity, skills, and to respond to the demands of the society in the changing world.

Therefore, civic and ethical education is essentially about **civic life** and hence it is about the public life of citizens concerned with affairs of the community and nation. Hence civic life includes all aspects of societal life, and others. Thus, civic education is aimed at laying favorable ground for the prosperous civic life. To this end, student of all subject streams and citizens at large should be well-informed, effective, ethical & responsible citizens through civic and ethical education.

Etymologically the term civics comes form the Latin word "**civis**," which means citizens. And citizens are legal members of a nation. Therefore, civic and ethical education is an education for citizenship. The primary object of civic and ethical

education is the citizen. But citizens must be exposed to both domestic and international political, economic, social, cultural ... realities.

Defining Civic and Ethical Education

1. Civic & ethical education is the study of the rights and responsibilities of citizens accompanied by the necessary standards of ethics & morality. Wherever you might reside, you are already a member of a particular group(s). For example, you are a member of the family, a member of your village or "kebelle", a member of your administrative "Wereda" and zone, a member of your administrative region, province, state, state and/or society at large. Besides, you may also be a member of different kinds of civic organizations such as sport clubs, "edirs", pressure groups and/or interest groups and others. These groups represent the interest of their members. Thus, in every of these groups in which you are a member; there are benefits that you should gain. You also have obligations or duties that you should fulfill.

The privileges or benefits that you are entitled to get are called your rights while the obligations that you are required to fulfill are called your responsibilities.

Essentially, a right has the following three elements.

1. Moral foundation and recognition: Rights are ethical or moral when we deal with claims of individuals based on their real wills, and therefore recognized by the community /society.
2. The goodness /wills/ common interest of society: a right must get universal application and hence rendering a public service
3. Protection by the state: rights are legal when they are translated in to law & protected by the state.

Therefore, a right is a claim of individual(s) that is recognized and accepted by a society, and translated into law and protected by the state.

On the other hand, responsibilities are obligations that every one is required to fulfill. In other words, responsibility is the duty or obligation of a person or a group **to do some thing and not to do some thing**. Essentially, rights and responsibilities are inseparable. They are two sides of a coin. That means, in demanding your rights, you have to fulfill your responsibilities. You cannot make use of your rights by ignoring your responsibilities.

Responsibility can be classified in to two categories. These are:

1. **Individual responsibility:** refers to the moral and legal obligation of citizens to care for and take responsibility for them selves and their activities.
2. **Collective Responsibility:** refers to the obligation shared by all members of a group, community or nation to promote common good.

For the group to be successful in attaining its objectives, members must know and discharge their rights and responsibilities. Every member must know what to do and what not to do. Failure to know rights and responsibilities may lead you to do what you are not expected to do. In such situations, it may be very difficult or impossible for the group to achieve its established objectives. In short, unless members of a group know and discharge their rights and responsibilities, they cannot properly operate within the group laws and regulations. This implies that if citizens fail to know their rights and obligations, the society or/and nation cannot achieve its established objectives; that is, the betterment and prosperity of the society.

Citizens have rights and responsibilities that do not apply to non-citizens. Some of the rights of citizens include the right to participate in the decision – making process of government at various levels, the right to vote and to be elected, equal opportunity to work and so on. The responsibilities of citizens include, among others, loyalty for their state and respect for the law of the land (Constitution of the state) and other ordinary/specific laws.

2. Civic and ethical education is primarily an education in self-government. Self-government implies active participation and involvement in self – governance; not passive acquiescence in the actions of others. Self-government implies also controlling one's own actions, behaviours etc. Governance is an act or manner of governing or controlling. Such governance includes governance of labour unions, business set-ups, schools, private organizations and associations, governmental institutions, political parties, interest or/and pressure groups etc. In short, it is the governance of civic and political organizations and institutions.

The focus of civic and ethical education in lower grade levels is to prepare students to take part in the ethical and legal governance of their classroom, clubs, school property, games and sports, reading rooms, etc. It begins with their classes, schools, and social groups and then, at appropriate levels dealing with formal political and civic institutions and processes. The classical political thinker, Aristotle, explicitly states that: "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be attained when all persons alike take part in government to the utmost." The words of Aristotle reflect the view that the ideals of democracy are most completely fulfilled when every member of the political community actively shares and effectively participate in government, i.e., when every individual become member in the sovereign body politic.

3. Civic and ethical education is development of active, effective & responsible participation in citizenship. This is possible when students learn about and appreciate their own rights, duties, obligations and responsibilities as citizens and the immediate rules, laws and governance structures within which one exercises citizenship. Participation in citizenship is the basis of all other forms of participation in development. Democracy underpins successful development and that successful development is the outcome of popular self-government & representative participation not only at the project level but more importantly participation in citizenship. Effective participation in a modern and complex world is unlikely to occur without a concerted effort to create effective programmes of civic & ethical education.

Ethical and responsible participation in decision-making process is a key indicator of a competent and responsible citizen. It is not any kind of participation by any kind of citizen; rather, it is the participation of informed and responsible, & ethical citizens. The participation should be meaningful both in government and in their communities. That is why you are required to acquire participatory skills and forge new attitudes in civic and ethical education.

Ethics is a branch of philosophy and/or political science that studies what constitutes good and bad human conduct, including related actions and values. In other words, it deals with what is good and bad, with moral duty and obligation. It is an area of study

that is concerned with the scarification of fragmental moral or ethical concepts, principles, and the critical discussion of positions and perspectives.

It attempts to raise fundamental moral questions and to provide logical and meaningful answers to them. It also attempts to determine precisely what moral standards to follow so that our actions may be morally right or good for most of us. Ethical actions spring from some standards.

However, ethical principles do not have uniform application throughout the world. There is difference among people in selecting and applying ethical standards.

To bear in mind again, it is experience that brings about these differences. A youth for he lacks experience of the actions in life which civics and ethical education dictates from and about, tends to be guided by his feelings. Therefore, civic and ethical education is an education aiming at filling this gap.

1.3. Foundations of civic and Ethical Education

Civic and ethical education is not a recent phenomenon. A lot of historical resources indicate that civic and ethical education has been given in different ways and forms since ancient times. For example, Plato, one of the most known Greek philosophers of around 300 B.C, considered education as very important element in building his ideal state to produce competent philosopher kings (guardians). He argues that, any art requires knowledge and skill. That is why Plato viewed education positively and he himself was actually a great teacher. To Plato, politics is an art, which requires philosophical and rational thinking. To this end, Plato's educational curriculum has three levels. These were:

- 1. Elementary level for children between the age of 1 and 20 years.**
- 2. Secondary level for people between the age of 20 and 30 years.**
- 3. Tertiary level for people between the age of 30 and 35 years.**

He divided the primary education into two levels. The first to children below the age of ten and includes tales and fictions. The second is gymnastic and music for physical strength and mental relaxation respectively. But these should be given in balanced manner because to much gymnastic will result in aggressiveness and to much music in the other hand will produce weak people physically.

While he prescribed mathematics and natural science at secondary level, he advises dialectics and philosophy to the Tertiary level. Perhaps this level would constitute the essence of civic and ethical education because, according to Plato, education at this level is a borderline, water shade to the future philosopher kings and guardians as well as auxiliaries (administrators). Those who possed the competitive examinations at this level were considered as candidates to serve as philosopher kings because they are equipped with the necessary knowledge that enabled them to tackle the complicated problems they might face.

When we critically examine the above statements, we found them incorporated the basic elements and purposes of civic and ethical education in the modern sense. Therefore, the intention of civic and ethical education from the beginning was to build-up civic virtues in the minds of citizens such as tolerance, respect for others, to be compassionate or to share civic dispositions at large.

1. 4. The Significance of Civic and Ethical Education

The first and primary reason for civic and ethical education in a constitutional democracy like that of Ethiopia is that the health of the body politic requires the widest possible citizens' participation consistently according to the public interest and respecting the rights of individuals as well. The aim of civic and ethical education is, therefore, not just any kind of participation by any kind of citizen; it is the participation of informed, responsible and ethical citizens, skilled in the arts of deliberation of effective and responsible actions.

No one's civic potential can be fulfilled without forming and maintaining an intention to pursue the common good; to protect individuals from unconstitutional abuses by government and from attacks on their rights from any source, public or private; to seek the broad knowledge and wisdom that informs judgment of public affairs; and to develop the skill to use that knowledge effectively. Such values, perspectives, knowledge, and skill in civic matters make responsible and effective civic participation possible.

The focus of civic and ethical education constitutes that development, promotion, maintenance, and sustenance the health of the body politic. What does body politic refers to? Some people tend to consider politics as the concern of few individuals perhaps of the people who hold top political positions in the government structure or public administration. Hence they keep themselves always at a distance from political affairs at least theoretically.

However, body politic involves a wider interpretation. Man by nature is a political animal. This implies that no one can live out of politics even those who do not want so. Still "personal is political". Thus, all human interactions, either consciously or unconsciously, would involve politics. This includes the entire indoor interaction that exists between a husband and a housewife.

Therefore, the body politic refers to the overall social structure, institutions, norms, values, and the possible interactions, which people would have in their daily life. In this regard the goal of civic and ethical education is to keep the social system healthy.

Inline with this, knowledge, skills, ethics and morality, forging new attitudes, and of self-governance, and active civic participation, is the essence of civic & ethical education. Civic and ethical education in democratic system has a pivotal role because, if liberty and equality, as is thought by many, are chiefly to be found in democracy, they will be attained when all persons alike share in government to the utmost. This is to say that all citizens should develop the desired frequency and qualitative participation of citizenship.

In this respect, there are four fundamental goals of civic and ethical Education. These are:

1. Building civic competence of citizens

Civic competence is the capacity or ability to participate effectively in the political as well as social systems. In newly democratic or democratizing countries where people are just beginning to learn the arts of self-government and even in countries where there are developed democratic institutions, there are limits of civic competence.

If citizens were required to be effective in participation, it would presuppose a certain level of civic competence on the part of citizens. In this regard, there are common forms of participation that characterize competent citizens.

2. Promoting the Culture of Civic Responsibility

Civic responsibility is the reasoned commitment to fulfill the obligations of citizenship. Some of these obligations or responsibilities among others, are listed in the box below:

- To respect others right.
- To Vote.
- To study issues.
- To limit government to its constitutional limits, i.e., to make the constitution effective.
- To help one's family, neighbors etc through voluntary service.
- To evaluate people's representatives.
- To pay taxes.
- To give military service when necessary.
- To influence government policy.
- To improve quality of government functioning, etc.

3. Enhancing and sustaining the moral and ethical values and virtues of our society.

4. To produce an effective citizens; that is, citizens who have awareness, are sensitive to societal needs, problems, and opportunities. Moreover, it is also needed that "know – how", skills and knowledge, the capacity for intelligent action.

In general, civic and ethical education is to enable citizens to participate ethically, competently and responsibly in the monitoring and influencing of public policies.

Public policies are the rules, laws, decisions, and actions of the legislative, executive, and judicial branches of local, state and national governments. But, policies of many other organizations also have a public character and significantly affect the citizens. For example, policies of corporations, labour unions, religious organizations, private social service agencies, all part of "civic society". As broadly interpreted, civic participation involves the monitoring and influencing of the policies of any organization that significantly affect individual rights and the public interest (common good).

Monitoring public policy

In a representative democracy, like that of Ethiopia, citizens participate in self-government not primarily by direct policy formulation and administration on a daily basis but, instead, by delegating this authority to democratically chosen leaders and then monitoring their performance. Accordingly, when government fails to meet the expectations of citizens, they attempt to influence policy either directly or by choosing new leaders (representatives). A fundamental task of self-government, therefore, for citizens, is to make judgments about the extent to which the existing policies adequately protect their rights and advance the public good. This monitoring process is complex and requires knowledge in-depth and participatory skills. Consequently, the effective monitoring of public policy requires:

- i. Understanding the ways in which government decisions and actions affect one's own and other's life.

- ii. The ability to assess the extent to which existing policies are more or less likely to achieve specific goals.
- iii. The capacity to make selective judgments about what issues are most important to follow since citizens may have no time to monitor all aspects of public policies, they must have. Thus, it is possible to determine the issues on which citizens choose to exert more active influence.

Influencing public policy

Influencing public policy also requires a fund of knowledge and sophisticated intellectual and participatory skills. The first step in influencing public policy relies heavily on the conclusions from the monitoring process, i.e., the classification of long-range and short-range goals. If reducing poverty is the long-term goal, short-term goals might include electing a favored candidate, lobbying for an adult literacy campaign, or pressurizing government to allocate more funds to agriculture and for shelters for the homeless. Achieving any of these goals will undoubtedly require even more specific intermediate objectives. Once one has chosen a course of action, the central challenge is to win sufficient support from relevant authorities and constituencies to achieve it.

1.5. The Interdisciplinary Nature of Civic and Ethical Education.

Civic and Ethical education is a multi-disciplinary subject. That is, a particular subject that borrows its contents and methods from different fields of studies. Therefore, the foundation of civic and ethical education lays on theories, principles as well as findings of different fields.

Some of the disciplines, which are interrelated with civic and ethical education, are: Political Science and International Relations, philosophy, law, sociology, Economics, history, Geography etc. Now let's see how they are related.

Political Science and International Relations: It is the study of how societies determine the way in which they will govern themselves. In other words, it is the study of how societies make public policies through their government. Hence, it focuses our attention to those who have the authority to allocate values for the rest of the society. Put it differently, this field of study helps citizens to be aware of the structure and function of their government, i.e., system of governance and the nature of the political system in their country. It also helps to keep citizens informed about contemporary issues both domestically as well as internationally. Political Science and International Relations also exposes citizens to comparative political systems of many other states so that they will be aware of various political systems, their similarities and differences. Besides, political science helps citizens to know their rights such as democratic rights, human rights, economic rights, political rights etc and discharge their responsibilities.

Philosophy: - Ethics is one branch of philosophy that deals about what constitutes good and bad human conduct, and related values and actions. Thus, philosophy helps civic and ethical education to deal with human behaviors, acts, decisions and moral values of individuals, groups, and societies in general. Therefore, philosophy also has a significant contribution to civic and ethical education to acquaint people with different moral principles, codes, and practices.

Law: - This also helps citizens to know and appreciate their constitutional rights and responsibilities, to distinguish what is legal from illegal action or decision or behavior.

Sociology: - Since sociology is the study of society at large, civic and ethical education borrows some of sociological and anthropological facts.

Economics: - economic activities are basic aspects of life in every society. So such activities are inseparable from political, social, cultural and environmental conditions in a given society.

History: - helps citizens to acquire knowledge of the past activities so that they will be motivated for the future advancement of their country.

Geography: - also helps citizens to understand the impact of geographic setting of their country in relation to their region and the world at large, i.e., they will be informed about the political, economic and cultural... impacts of geographic location of their country and other states.

Therefore, civic and ethical education is an interdisciplinary subject that produces citizens of wide scope of knowledge.

1.6. Civic Virtues

It is viewed that the citizen committed to civic virtue as one who watches both sets of values-those of the public good and those of freedom, diversity, and individual rights and who acts on the basis of the best informed judgment that profoundly study and active participation can be provided. It is believed that civic virtue embraces rational thinking and acting in such a way that individual rights are viewed in light of the public good and that the public good includes the protection of individual rights. Whether one prefers to stress balance, equilibrium, or tension between these traditions, or views them as a blend, mixture, or tapestry it is believed that the effort to identify and understand their ingredients is the first major step toward the practice of civic virtue civic virtue is described in terms of civic dispositions and civic commitments.

1.6.1. Civic Dispositions refers to those attitudes and ingrained habits of mind that are conducive to behavior that leads to the healthy functioning and common good of the democratic system. These dispositions also enhance the individual's ability to participate competently and responsibly in the political system.

Dispositions of the citizen conducive to the healthy functioning of a constitutional democracy include the following:

1. **Civility:** - is a polite way of acting or behaving towards others. It is the need to respect others. This includes the respect and politeness we show to those with whom even we may disagree. In this case, thus, we are expected to respect the rights of those who are in dispute with us. It is an element of civilized behavior. Moreover it is a way of peaceful living and co-existence with others.

In its civic context, civility has the following characteristics:

1. **Respect.** Civility includes treating others with respect and as individuals inherently worthy of regard whether or not one agrees with their positions.
2. **Civil discourse.** Civility includes a disposition to take part in public debate and in doing so to adhere to commonly accepted standards of discourse such as:
 - a. **Addressing the issue.** Debate should be based on the substance of opponents' argument or positions on the issue and not on personal attacks on their character.
 - b. **Respecting the right of others to be heard.** Disruptive tactics that undermine debate in a public forum should be avoided. However, when people are unjustly denied their right to express their views, disruptive tactics such as civil disobedience and similar non – violent activities can be justified.

2. Individual responsibility: - refers to the moral and legal obligation of citizens, and hence citizens should be disposed to care for and take responsibility for themselves and their actions and activities.

3. Self – discipline: - Virtuous citizens freely adhere to the fundamental rules required for the maintenance of a system of constitutional government without requiring the imposition of external authority. In all situations, there are some rules and regulations to be observed. These rules and regulations help to guide our actions. Thus, we should be able to respect these rules and standards in our day-to-day activities. When we do this freely and from our own initiative, our actions can be referred as self-disciplined. Thus self-discipline comes from inside of us without being forced or controlled by outside expectations or impositions.

4. Civic – mindedness: - this refers to citizen's readiness and desire to give concern to the public. Thoughtful citizens recognize that there is often a tension between private interest and the common good. Citizens should understand that there are times when they should place the common good above their personal interests. Civic-mindedness is unselfish behavior that enables us to do good and make sacrifice ourselves to the society and to our nation.

5. Open-mindedness: - This is the disposition to be receptive to different ideas and arguments. This includes the following attributes:

A. **Openness:** - citizens should be open to considering opposing positions and changing or modifying their own positions. Openness to opposing positions and arguments, however, does not mean that all views are of equal value or validity.

B. **A healthy skepticism:** - A healthy skepticism is an appropriate response of the citizen to unsupported generalizations and dogmatism.

C. **Recognition of ambiguity:** - citizens should recognize that actions and situations are sometimes capable of more than one interpretation and that the character of political and social reality is therefore sometimes ambiguous. It may therefore be difficult to achieve full understanding or certainty.

6. Compromise (Negotiation/bargaining): - is one form of behavior that should be observed in settling conflicts peacefully. It involves the readiness and willingness to spare something on both sides of the conflict in favor of the peaceful resolution of the problem and its outcome. That means, whenever we are in conflict with others on a certain issue, there is a need to give up some of our positions or interests. However compromise never allows abandoning basic principles and interests.

Therefore, compromise is based on the principle of give and take spirit and hence involves concession and counter concession by each party or individual person engaged in conflict.

7. Toleration of diversity: The disposition to tolerate, appreciate, and support diversity includes respect for the right of others to differ in ideas, ways of life, customs, and beliefs etc. Support for diversity in everyday life should be based upon an understanding of benefits of having people of diverse beliefs and ethnic and racial backgrounds as a part of the community.

8. Patience and persistence: - Citizens should understand that forming or changing public policy usually requires a great deal of time and persistent effort. They should not be dissuaded from this fact or by the inevitable delays and failures that result when trying to exert influence on governmental decision-making.

9. Compassion: - Compassion is the disposition to empathize with others and show concern for their welfare, and hence, it is an essential attribute of citizens in a society devoted to the common good.

10. Generosity: - Generosity means the disposition to expend time, effort, and resources in a civic context for the benefit of others. The virtuous citizen shows generosity to others and to the community at large.

11. Loyalty to the Nation and its Constitution: - Citizens should habitually act in accord with the fundamental values and principles of the constitution of the F.D.R.E and be committed to narrowing the gap between those values and principles and the actual practice. In doing so, therefore, the F.D.R.E constitution conspicuously effective and hence constitutionalism profoundly prevails across the nation and the society.

CHAPTER TWO

Understanding Ethics And Morality

2.1 Conceptual Approach: What is Ethics, and Morality?

It goes without saying that human beings are faced with numerous choices, day in, day out, through out life. We choose what clothes to wear, whether to go to work (or to school) today, what to eat for lunch, how to spend our leisure, what career to undertake, how to conduct our self around others, whether to consume alcohol, and so on. Some times our choices seem unimportant; there is nothing earth shaking about them. Never the less, other times, they can have profound effects on our lives and the lives of others.

But whatever their significance or difficulty, we are responsible for all our actions, at least in so far as we choose them or are their agents.

In this case, then, the process of living gives rise to human beings to the need of determining what is right and wrong, and of establishing ideas with which they can praise or blame others, and even themselves. Some acts are approved and are called **right or good** while other acts are condemned and are called **wrong or evil**. Moreover, human beings want to know and understand their own obligation, i.e. what they ought to do.

Having said this, now let's proceed to some prominent conceptual definition of ethics and morality.

Ethics a field of study that deals with what constitutes good and bad human conduct including related actions and values.

- ♣ It deals with good (moral) and bad (immoral) aspects of human conduct and moral judgment of an action, and moral duty and obligation.
- ♣ It is a set of principles or generally accepted guidelines for right and wrong behaviour.
- ♣ It is an-in-depth field of study questioning moral principles and thinking. And, it attempts to raise fundamental moral questions and provide logical and meaningful answers to them.

It follows, from the above given certain definitions that a question of ethics arise when we ask whether a course of action is moral or immoral, fair or unfair, just or unjust, honest or dishonest. And, it is the task of ethics to help us realize more clearly the nature and content of our moral consciousness.

Morality refers to the degree to which an action confirms to a standard or norm of human conduct.

- ♣ It deals with the aspects of good and bad actions themselves depending upon individuals act.

In the end, it is worth noting that though people erroneously use the term morality and ethics, interchangeably, however, the term morality and moral refers to the conduct it self while ethics and ethical refer to the study of moral conduct (morality) or the code that one follows. We should also take note of the fact that ethical decisions are not concerned with what one would do (an essentially psychological) but what one **ought to do (a matter of duty and obligation)**.

From the above discussion, (students) may choose either of them. i.e. "I was home" or "I was not home." If you choice to tell the caller the former, (i.e. "I was home"), your action betrays a commitment of some value, perhaps truth or if you choose the latter, (i.e. "I was not home"), again your action reflects a value, perhaps your own pleasure (i.e. lying).

Added to the above is that, taking the above example in to consideration, we can differentiate ethics from morality as follows:

- ✓ The specific act of telling the caller you were home could be described as moral or immoral.
- ✓ But, what makes the act (i.e. "I was home") moral or immoral, right or wrong would fall within the province of ethics. Hence, ethical problems are more general and theoretical ones.

There fore, it can be concluded that morality is about the specific human behavior (conduct) it self while ethics is about the study of morality (i.e. what makes a particular human conduct right or wrong, moral or immoral, just or unjust).

2.2. An Overview of Moral /Ethical Rule

2.2.1. What are ethical/ moral rules?

Every society or human community is organized according to various kinds of rules and standards of behaviour. These rules only apply to certain kinds of entities or beings. They do not apply to inanimate objects such as stones or animate object such as trees. Rules do not apply to these types of beings because rules are reasons by which behaviour is guided, and reasons presuppose a rational mind.

It follows, then, that Moral rules apply primarily to conscious rational beings, for they only have a choice about how to act. To the contrary, inanimate objects and lower animals behave according to their natural or genetic structure, neither by awareness of possibilities nor by using reason to decide on one of these Possibilities. If reason cannot make a difference in the behavioral conduct of something, morality is irrelevant.

Morality exists, then, because people have the ability to reason and to choose, but this is not the complete story. No need for moral rules would exist if human beings were fully altruistic (unselfishly concerned for the welfares of others). Because people are morally limited and often ignore the welfare of others, conflict results. This conflict is significant because all persons are more or less, vulnerable to be harmed by others. This vulnerability suggests that the next crucial component of morality, the fact that all human beings are roughly equal in their physical, intellectual, and moral abilities, moral weaknesses, and moral needs.

Moral rules are therefore, rules that have the greatest importance in that they override all other rules. Moral rules, for example, are rules against murder, rape, etc, override rules of self – interest. More over, they have priority because they are essential of the existence and welfare of the community.

2.2.2 Universality of Moral Rules

Moral rules, unlike rules of games or employment, are said to apply to all rational persons. Universality does not mean that all moral rules are universally believed and followed. Rather, the concept of universality is mean to convey that moral rules are logically distinct from statements about matter of taste, for example, (I prefer a cup of coffee and you prefer a cup of tea).

Universality is logically necessary condition for something to be a candidate for a moral rule, but this alone is not sufficient. It expresses the form that moral statements must have; but moral statements may have different and specific content.

The case of the above conceptual case illustration suggests that moral rules are such that if some thing is right for one to do under some given circumstances, then it must (ought to) be right for all to do the same kind of action under the same kind of circumstances; or in other words, universality is based on the equality and rationality of periods. It means that one would be willing to be on the receiving end of a moral action.

2.3. Contending Theories of Ethics

Before we directly go to major contending theories of ethics, it is essential and imperative to conspicuously understand certain criteria (parameters) to be met by ethical theories, like most other theories, so as to be rationally and reasonability acceptable.

2.3.1. Criteria (parameters) to be met by ethical theories

A. The most basic criterion of an acceptable ethical theory is the requirement for clear, well-defined concepts. Concepts are the building blocks of theories; and ambiguity at this level will infest the whole theory with vagueness and imprecision. In a good ethical theory, we need a clear definition of concepts such as “good” and “bad”. For example, “Lying is wrong” is an ethical statement.

B. A good ethical theory of ethics will have consistent statements. Consistency is a basic requirement of logic because two contradictory statements could not both be true and because contradictory statements would give conflicting suggestions about how we ought to act. In ethics, statements vary according to degrees of generality.

Example 1: “Persons deserve respect” is a general statement (principle)

Example 2: “Do not lie” “ Do not murder” are rules (derived form principle as specific statements)

C. A good theory of ethics must be complete. That is, it should help us to decide how to act in all significant problem areas of life. And, hence it should not be limited in its ability to tell us how to act in a given situation.

D. Good theory of ethics should have simplicity. It should not have more statements than necessary to be complete. Simplicity implies means that the rules and principles can be simple to be learned and understood by most people, for that is the function of an ethical theory, to provide guidelines for all rational persons.

E. A good theory of ethics must be based on the fullest set of relevant available, relevant evidence and facts for it to be rationally acceptable.

2.3.2 The need for combining the criteria of theories of ethics with certain Rational Mental Attitudes

We must combine the criteria for theories of ethics (A-E stated above) with certain conspicuous and rational mental attitudes in the following ways:

1. **Avoiding Hasty generalization:** we need to avoid hasty generalization (i, e, to generalize from few and diminish our reasoning ability; therefore, we should not decide important issues while under the influence of strong feeling.
2. **Avoiding Emotionalism:** Emotionalism refers to using emotion or “gut” felling (a product of personality, so canalization, experience) to prove moral point or Moral theory. Emotions could cloud and diminish our reasoning ability; therefore, we should not decide important issues while under he influence of strong feeling.
3. **Avoiding closed Mind:** (i.e. becoming open – minded). Rationality requires that we resist the temptation to assume that our society’s values are necessarily correct; we must accept the possibility of our own error.
4. **Reason:** (sound justification). Attitudes about what one should (ought to) believe ought to ultimately based not on to personal authority but on reason.

2.3.3. Theories of Ethics

Ethicists often disagree about the nature of those standards and desirable qualities and follow different path in establishing standards and discovering which qualities are desirable. How ever, their heroically views about ethics can be discussed, for the sake of convenience) by categorizing in to broad fields of ethics. These are:

1. **Normative Theory of Ethics**
2. **Non – normative theory of Ethics**

1. Normative theory of ethics

Normative ethics is concerned with developing rational rules, guidelines, or standards according to which we ought to live out life. Put it differently, it deals with an effort to discover, if there are, or if we can, and formulate any moral accord with which we can apply in the game of life. And, hence, it attempts to determine what moral standards to follow so that our actions may be morally right or good.

- A. Applied normative ethics
 - B. General Normative ethics
- A. **Applied Normative Ethics:** deals with attempts to explain and justify positions on specific moral problems likes sex outside marriage, capital punishment, abortion, euthanasia, and reverse discrimination. It is said to be applied because ethicists apply or use general ethical principles in an attempt to resolve specific moral problems.
 - B. **General Normative Ethics:** emphasizes the reasoned search for principles of human conduct including a critical study of the major theories about which things are good, which acts are right, and what moral standards to follow so that our action may be morally right or good.

General normative ethics, in part, tries to formulate and defend a system of basic ethical principles, which presumably is valid for everyone. General normative ethics can be categorized into two broad normative theories. These are:

- i. Teleological (Consequentialist) theory ethics; and
- ii. Deontological (non – Consequentiality) theory of ethics.

(i) Teleological (Consequentialist) theory ethics;

Teleological ethics (from the Greek telos, meaning purpose or end) one which emphasizes on the intended consequences or results of an action as the criteria for their rightness. In other words, this theory of ethics maintains that the morality of an action depends the non-moral consequences that the action brings about.

In plain English, an action is judge as right or wrong, moral or immoral, good or bad depending up on what happens or results of its pay-off (consequence). And, hence, rightness is solely a function of producing goodness or having good consequence.

Probably, the best examples of teleological sort of ethics are Egoism and utilitarianism. The former (Egoism—also called a egoistic hedonism) holds that the criteria of right action is the promotion of personal pleasure and focuses on the best consequences for self and hence it takes the “Self” as the central concern for the beginning of the end of all considerations. i.e. (Ask what you will do for your self”. The latter (Utilitarianism – also called social hedonism) asserts the promotion of every one’s best interest is the standard of morality. To put it differently, an action is right if it claims that we should always act so as to produce the greatest possible ratio of good to evil for all concerned there fore, utilitarianism holds that an action is right if it tends to produce the greater happiness for the greater number of people. Otherwise, it wrong. The two philosophers associated with utilitarianism are Jeremy Bentham (1748 – 1832) and John stuart Mill (1806 – 1873).

(ii) Deontological (non-Consequentialist) Theory of Ethics

- ◆ Deontological theory of Ethics is one that set up as the criterion of moral behaviour, not what might or might not happen—or be intended to happen – as a result of one’s action, but rather the intent (motive) to perform one’s duty through a certain action.
- ◆ It maintains that the morality of an action depends on the factors (motives) rather than consequences (achievements).
- ◆ It holds that the morality of an action is not primarily determined by its consequences but by certain intrinsic features of the intention or mental aspect of the contemplated action. A deontologist emphasizes doing one’s duty and the natures of our motives and intentions, not the consequences that may result from our actions. On this view, moral correctness means to follow certain universal rules or to be true to a moral insight, such as honesty, integrity, etc, regardless of the consequences. For more clarification and clear understanding of this theory of ethics, the following terms of concepts would get definitions:

- ◆ **Motive** is any thing whatsoever which by influencing the will of sensitive being is supposed to serve as a means of determining him/her to act
- ◆ **Intrinsic (an end by itself):** A thing has intrinsic value of (feature) when it is valued for its sake. For example, pleasure has instruct values of (feature) i.e. it is worth while in itself, not because it can yield some thing else
- ◆ **Extrinsic (a means to an end):** A thing is said to be with extrinsic value when it a means to an end. For example, a film could be said to have extrinsic value i.e. it is not a value in itself but it can yield (or produce) a value perhaps, pleasure.

N.B intrinsic and extrinsic values are not necessary mutually exclusive because what is valued in itself may also a means to some thing else. For example, knowledge is worthwhile in itself but also a means to a job.

Coming back to our discussion, according to deontological theory of ethics, the will is bound to duty and hence what makes an action right or wrong is the actor's

conformity to his/her duty. So this theory focuses on the performance of duty rather than the results (ends).

- ◆ It follows, therefore, that, to this theory, a person's moral worth is determined by why he does it (convincing reason), not what does. i.e. Morality must be grounded in how we reason about our contemplated action and the logical structure of this reasoning and intention.
- ◆ For this theory, morality is a matter of ought to (obligation), and hence to be unconditional ought to. Below is a glaring example to differentiate conditional and unconditional obligation.

Example 1: "You ought to do X if you want something or other to happen." This ought (obligation) is conditioned by something or other to happen (condition).

Example 2: "You ought to do X; period." This ought is obligation and at same time unconditional. This is known as unconditional ought.

Therefore, as is illustrated in the above example: 2, only unconditional ought is the moral ought because morality must be necessary and universal. That is absolutely binding and absolutely binding on every one at all time in everywhere. This is also known as **Formalism theory of ethics**.

- ◆ The deontological theory of ethics, which is discussed above at a length, is associated with Immanuel Kant (1724 – 1804), a German Philosopher.

The deontological theory of ethics involves two sub categories (formal) theories. These are: Categorical Imperative, and the Devine command theory.

- ◆ **Categorical Imperative:** This, which is associated with Immanuel Kant theory of demonological ethics, is a statement that commands one to act in a given way without laying down any conditions what so ever. It states that one must do such and such, and it states this with out any qualification. Therefore, according to this principles, it is the duty of every one to seek the happiness of others, and this entails treating each individual as an end in him self, not as a means to other ends. It is because of this that Immanuel Kant considered categorical Imperative as a moral law, which is true for all rational beings at all times. Kant believed that nothing was good in itself except a "good will". Intelligence, judgment, and all other facets of the human personality are perhaps good and desirable, but only if their will that makes use of them is good.
- ◆ **The Devine command theory:** is a single rule non – Consequentialist normative theory that says we should always do the will of God. Put it differently, whatever the situation, if we do what God will, then we do the **right thing**, if we do not do what God wills, then no matter what the consequences, we do wrong. God established laws are generally interpreted in a religious tradition. The Ten Commandments are good example. They are universally and absolutely binding for all people everywhere.

B. Non – Normative Theory Ethics.

Non – normative Ethics is the study of either a factual investigation of moral behavior, or analysis of the meaning of the terms used in moral discourse and an examination of moral reasoning by which moral beliefs can be shown to be true or false.

Non-normative Ethics has two aspects (fields). These are:

1. Scientific/ Descriptive study
2. Metaethics study

1. Scientific/Descriptive study: This deals with how people actually behave, not with whether such behaviour is right or wrong. In other words, this study of morality involves factual investigation of moral behaviour. This non normative theory of ethics has in turn two doctrines:

(i) Ethical Absolutism: - This deals with the description of the existence of one and one only moral codes. Absolutists maintain that this code applies to every one, at all times, everywhere. Example, if cannibalism – the belief in eating human flesh – is wrong, it is wrong for every one, at all times, everywhere.

(ii) Ethical Relativism: - This insists that morality is relative, not absolute or universal. Moral codes take root in diverse social contexts and environments. Ethical relatives maintain that any morality is relative to the time, place, and circumstances in which it occurs. In brief, ethical relativisms believe that what is thought right is right. This is to mean that what is “right” is what works in a society, and what “works” is what works in a society is therefore right. Notions of right or wrong are therefore relative to a particular society, and they differ from one society to another. Therefore, ethical relativists hold that one can make meaningful ethical decision only in social context in which an ethical problem occurs. For example: Polygamy (but not more than four wives) may be right in Egypt, but not in Israel. Moreover, it is wrong for Jews and Moslems to eat pork; but may not be wrong for other religious people (out of Jews and Moslems).

2. Metaethics:

Metaethics concerns the meaning of ethical terms such as “right”, “good” and “obligation”. Does “good” mean that which is commanded by God or Allah, or does it meant that which maximizes happiness? Therefore, it is highly technical discipline investigating the meaning of ethical terms, concepts and natures of moral philosophers, including a critical study of how ethical statements are verified.

2.3.4. Moral Responsibility (Moral Obligation) And Excusability.

Moral responsibility /moral obligations: are requirements that specify what acts are permitted or for bidden with out reference to the consequences of performing or committing the act. In other words, moral responsibility/o bligation is duty, which is valid and binding in conscience and which accords to natural justice. Therefore, it rests mainly up on ethical considerations.

Moreover, is issue of moral responsibility can be seen in connection to or in association with exorability. Here, we shall look at four kinds of circumstances or circum stones under which we excuse people for their decisions and conduct (behaviour).

Excusable Ignorance of consequences:

We usually excuse people when we do not believe they were aware of the unfavorable consequences their action would produce or be cause they could not reasonably have been expected to know how to prevent the consequences.

A. Constraints:

We usually excuse people when we think that they could not help what they did, that they had little or no choice in a matter. The constraint may be internal or external. External constraint refers to outside factors or forces we typically speak of, here, people acting against their wills on the contrary, internal constraint refers to compelling element(s) that come(s) from inside rather than from someone.

B. **Uncontrollable circumstances**

When, in our estimation, the circumstances of an act were beyond the person's control, we generally excuse the behaviour. Example, illness, accidents, unexpected duties.

C. **Lack of alternatives**

Ordinarily we excuse actions when we think that people lacked either the ability or the opportunity to do the right act. For example, if a man cannot swim, we would not blame him for not jumping in to a pool so as to save a drowning child.

2.4. **Moral Development and Moral Order:**

Moral Development is highlighting moral and ethical principles and applications. Analysis of issues is the examination of situations involving values. **Actions learning** is trying and testing values in real life situations.

N.B. The concepts such as **Values and norms** are defined below and hence to be understood as follows:

- ♣ **Values:** are society's (culture's) general Orientations towards life – their notion of what is good and bad, what is desirable or undesirable. Values themselves are abstractions and they can best be found by looking for the recurring patterns of behaviour that express them.
- ♣ **Norms:** are the rules of behaviour that are agreed upon and shared within a culture, which prescribes limits of acceptable behaviour.

Every society has a moral order. As history reveals, no society has been without moral order. By moral order, it is meant that a shared view of right and wrong. Without moral order, a society would soon fall apart. People would not know what is expected from themselves and one another, and social relations would be impossible to maintain. Therefore, the process of socialization must include instruction about moral order of an individual in a society.

It is worth mentioning that not every person is not capable of thinking about morality in the same way. Just as our sense of self and our ability to think logically develop in stages, our **moral thinking** develops in a progression of steps as well. In line with this, Moral developments are grouped into three moral levels. Kohlberg outlined six developmental stages of moral judgment.

These are:

- I. **Preconventional moral level:** - children have to develop yet a sense of right or wrong. The level comprises two stages:
 1. Children do as they are told because they fear punishment, and
 2. Children realize that certain actions bring rewards.
- II. **Conventional moral level:** In this moral level, children are concerned about what other people think of them, and their behaviour is largely other-directed. The two stages in this level are:

1. Children seek that parents' approval by being "nice", &
2. Children begin thinking in terms of laws & rules.

III. Post conventional moral level: Morality is based not only on other people's values but also on internalized precepts of ethical principles and authority. This level includes the last stage i.e.

5. Children view morality in terms of contractual obligations and democratically accepted laws.

The above discussion asserts that our moral thinking remarkably develops usually in progression of six steps that are also grouped into three moral levels. This is more recent and widely accepted across societies.

2.5. Morality and Law: A Juxtaposition of Morality and Right and Obligation

Moral declaration involves the good will of community/ society and as such they receive social recognition. However, all moral declarations may not be protected by the state. But, moral declarations become rights when they are accepted and recognized as having common interest by society and at the same time protected by the state. Therefore, it follows that morality (moral declaration) that are accepted and recognized by the society of a given state is an essential aspect (ingredient) of a right. Hence, it is self-evident that a right has the following three essential ingredients:

- A. **Moral foundation and recognition:** Rights are ethical (moral) when we deal with claims of individuals based on their real wills, and therefore recognized by the community.
- B. **The goodness /wills/ common interest of society:** This means that it (a right) must get universal application and hence rendering a public service. Therefore, the impetus (the driving force) should be a national consideration of the public interests and not personal caprice of the individual.
- C. **Protection by the state:** Rights are legal when they are translated into law by the state and protected by the state.

Therefore, it needs to be emphasized that morality is a conspicuous foundation of a right and hence the moral values, norms and customs are remarkably taken into account in framing (making) a right. Therefore, a right is a claim of individual(s) that is recognized and accepted by a society, and translated into law and protected by the state.

Morality and law are intrinsically and remarkably related in many aspects. Like wise they also differ from each other in their content, sanction, and definiteness. In the case of relationship, the following are aspects of relatedness:

- A. **Both of them base their source in the rational nature of human beings.** i.e. morality and law bound individuals by the common virtue of being reasonable creatures.
- B. **Both of them are related in the sense that they seek to enforce what is desired by a norm and values of morality.** For example, morality requires that one should not practice unfair means in one's public life and in order to make it mandatory, law prohibits fraud and cheating. In this way, a precept of morality is enforced by coercive legal authority.
- C. **Both of them are also related in the sense that law cannot undermine or violate a well-established norms and values of morality.**

On the other extreme, morality and law also differ from each other in the following aspects:

- A. **Laws are the outward acts of man.** i.e. the regulation of the objective behaviour of man where as morality deals with the inner motives (i.e. morality has its connection with subjective aspect (behaviour) of man).
- B. **The purpose of law:** is to restrain a man from doing a crime like theft or burglary where as the purpose of morality is to save him from committing a sin and evil things that are against conscience of his/her self and the community like honesty, practicing in gratitude, etc.
- C. **Moreover, they differ from each other interms of their imposition:** i.e. law is imposed by the state universally in that given society where as morality is developed and imposed by the society. While there may be a sanction behind the rules of morality, it is not applied by organized machinery (state), nor is it determined in advance.
- D. **Morality lacks a relative precision, technical and precise than law.** That is, rules of law, relatively unlike rules of morality, are expressed in technical and precise language.
- E. **Morality is relatively more diversified than rules of law.** Different societies may evolve different codes of morality. This is what is known as Relative theory of morality. On the other hand, law is relatively uniform across countries. For example, eating the flesh (meat) of a donkey or a Dog is immoral in societies of Ethiopia while it is moral in societies of China or Korea. But, killing a person is illegal relatively in all societies.
- F. **With regard to the nature and type of punishment, In most case, violation of law entails punishment, which is physically painful,** On the other extreme; violation of moral norms (values) entails only psychological pain like social ostracization, etc.

2.6 Virtue of Moral Codes and moral Order:

It is plausible and imperative to assess first what virtue mean? So as to conspicuously understand virtues of moral codes and moral order. The virtue of a thing, which is acquired capacity obtained from nature, is the excellence that causes that thing both

- a. To be its self in good condition; and
- b. To perform its function well.

For example, the virtue of the eye makes both the eye and its work good; for it is to by excellence of the eye we see well.

Since this holds good in all cases, the proper virtue of man will be the habit or trained faculty that makes a man good and makes him perform his function well.

2.6.1. Moral Knowledge

In the case of a diversified society moral knowledge is remarkably indispensable and imperative. In a society it is well – known, that there are agreed upon virtues and value laden issues such as honesty, integrity, trust worthy, caring, gratitude, helping the poor, humanity, respecting guest, freedom, equality, dignity, self inspect, democracy, cooperativeness, open – mindedness, and so forth. All these and others agreed – upon virtues and value-laden issues, are to be conspicuously developed and maintained in the Ethiopian society in particular, have to be enhanced through socialization and internalization of these values. Added to the above is that these virtues and value – laden issues are to be developed and maintained by exerting devoted commitment and conspicuous participation of the citizens and nations & nationalities in a cooperative and mutually supportive manner.

Added to above is that the most sources of the virtues and value-laden issues and moral codes of an Ethiopian society in particular and societies of the world at large are norms, values, customs, traditions, laws & so forth.

And, moral knowledge of moral conduct can be taught to citizens of a state by making them actively participating, by socialization of the values, and basing their behaviour on their conscience and reason in & very day life of society according to recognized and accepted moral standards of society.

Therefore, socially recognized and accepted moral standards, which are based on values and conscience of a society, do provide conceptual basis and practical guidelines for appropriate and socially expected conduct (behaviour).

2.6.2. Moral and Ethical standards:

Broadly speaking, all societies formulate and determined some standards of behaviour and conduct based on their cultural experiences. Culture is all that human beings learn to do, to use, to know, and to believe as they grow to maturity and live out their lives in the social groups (society) to which they belong. Culture is basically the blue print for living in a particular society and hence it (culture) determines some standards of conduct and behaviour.

Standards of behaviour are principles, values, norms, and codes of conduct, which are acceptable as good (moral) ways of behaving in the eyes of the general public. Consequently, they give rise to the moral foundation in a society. Therefore, it is not beyond imagination that we cannot have as such universal and ethical standards that guide or govern all persons, nations, and institutions in the world.

This situation is the result of many responsible factors. To mentions, some of them are:

- ◆ Custom
- ◆ Moral Values
- ◆ Religion
- ◆ Belief etc

For example, belief merely refers to man's view about the nature of the world. It needs to be emphasized that people may have agreed up on certain values and differ on their beliefs about the nature of the world or phenomenon. For example, the case of abortion. It is common that people may be pro- abortion (those who favour are infavour abortion) while other may become anti (against) abortion. Both of them (those who are infavour and anti - abortion) agree on a value i.e. wrongness of murder. But, they differ from each other in their beliefs i.e. advocates of abortion may believe that the fetus is not human while the other people may believe that the fetus is human.

2.6.3. Moral Character

A person can have moral knowledge and obey secular and religious laws, but still lack moral character. Moral character involves patterns of attitudes and behaviour that result from stages of growth, distinctive qualities of personality, and experiences. It involves a coherent philosophy and the will to act in away consistent with that philosophy.

To have moral character also means to help people, to accept their weaknesses without exploiting them, to see the best in people and build on their strengths, to act Civilly and courteously in relation with classmates, friends, colleagues, or other people in your community, and so forth, to express humanity.

2.6.4. Moral Values and Norms

No society has ever been without some value system, a collection of codes of values. What do we mean by moral values? Before we directly go to see what moral values and norms are, we shall look at distinguishing between a fact (factual judgment) and value (a value judgment).

- ◆ **A factual judgment:** describes an empirical relationship or quality For example, Addis Ababa is the capital city of Ethiopia; Water boils at 212 degree Fahrenheit at sea level, are factual judgment.
- ◆ **A value judgment:** Assesses the worth of objects, acts, feelings, and attitudes, even people. A value judgment is of two kinds: These are illustrated below using examples:

- "I should (ought to) visit my sick brother"
- "You were wrong in lying"
- "I ought to help poor people"
- "I should not do evil things" etc
- "I like the flavor of real Italian spaghetti (taste)"
- "I think Susan is beautiful" (vision – although beauty as such is not actually seen but is created from visual perceptions and past experiences)
- I enjoy walking in the rain (touch)

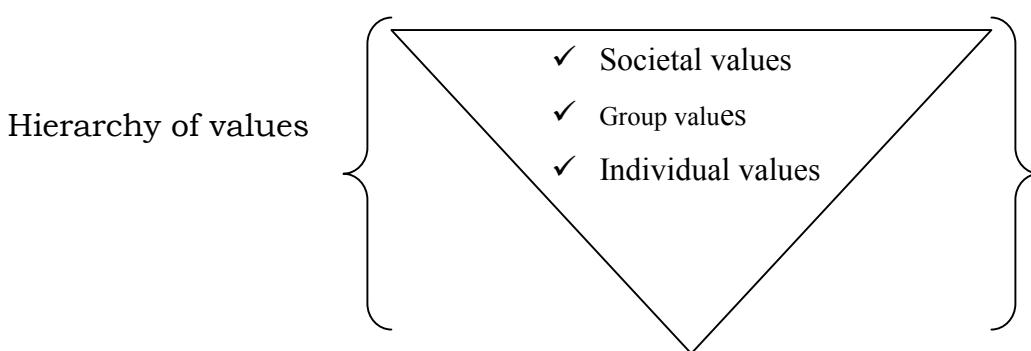
are value judgment that lend themselves to rational analysis and may be debatable

It is observed that the nature of value judgment in ethics involves relatively two values. **Firstly**, those that are statements of personal taste and temperamental and are not debatable; and **secondly**, those that lend themselves to rational analysis and empirical investigation and are, therefore, debatable.

Following this, in this section, we shall look at moral values i.e. Collective values judgment that lend themselves to rational analysis is based on conscience and reasonableness in societal context.

Values: are a culture's general orientations to ward life – its notions of what is good and bad, what is desirable and undesirable, value them selves are abstractions. They can best be found by looking for the recurring patters of behavior that express them.

- ✓ Values refer to special traits of human beings i.e. to ask thoughtful questions and to act in the desirable manner & the worth ness of different way of life or human behavior. Therefore, moral values are in tangible and acquired from culture, not born. Therefore, Moral values of conceptions of an individual or group. Characteristics of the desired values that influence the selection form available modes of means and ends of action.



Norms: - are rules of behaviour that are agreed upon and shared with in a culture, which prescribe limits of acceptable behaviour.

Well can see norms by categorizing it in to two parts: These are: -

ii) **Mores:** - are strongly held norms that usually have a moral connotation and are based on the central values of the culture. Violation of mores produces strong negative reactions, which are often supported by the law. For example, sexual molestation of a child, rape, murder, incest, and child beating are some examples. Mores, therefore, usually have absolute conformity.

iii) **Folkways (traditions):** are norms that permit a wide degree of individual interpretation as long as certain limits are not over stepped. People who violate folkways are seen as peculiar or possibly eccentric. For example, a dress style is different culture to culture. They (folkways) change with time. For example, in Ethiopia, it is customary to thank some one for a gift. To fail to do so is to be ungrateful and ill – mannered Subtle cultural differences can make international gift giving, however, a source of anxiety or embarrassment to well meaning business travelers. For example, if you give a gift on first meeting an Arab businessman, it may be interpreted as a bribe if you give a clock in china, it is considered as bad luck.

2.6.5. Conformity of individual Action to public Interest

2.7. Deviant Behaviour and Social Control, and the Need for Normal Behaviour

Normal behaviour is behaviour that conforms to the rules or norms of the group in which it occurs. On the contrary deviant behaviour is behaviour that fails to conform to the rules or norms of the group in question. For example, a man has no shirt on and is lying on the sidewalk in the middle of a street. Would this behaviour confirm to the standards of any group? It is oblivious that this kind of behaviour fails to conform to the norms of a group.

Generally, when we try to asses whether an action is normal or deviant, we must identify the group by whose terms the behaviour is judged. Moral codes, which are about the symbolic system interms of which behavior takes on the quality of being "good" or "bad" or "wrong", differ widely form one society to another. For that matter, even with in a society there exist groups and subcultures whose moral codes differ considerably.

It follows, therefore, that culturally relative view of normally and deviance is taken in to account and hence evaluate behaviour according to the values of the culture in which it take place For example, parent – child Incet is severely disapproved of in nearly every society.

2.7.1. Functions of Deviance (Deviant behaviour)

- A. It is not beyond imagination that it is in the presence of deviant behaviour that social groups become united in its response. In other words, opposition to deviant behaviour creates opportunities for cooperation essential to the survival of any group. And, hence, perceiving itself under pressure, the group where deviant act occurs marshals its forces to protect itself and preserve its existence.
- B. Deviance also offers society's members an opportunity to rededicate themselves to their social controls. Knowing what is wrong is a step toward understanding what is right. And, hence, deviance prompts the group to organize in order to limit future deviant acts.
- C. Helps clarify for the group what it really does believe in and teaches normal behaviour by providing examples of violation.

2.7.2. The Dysfunctions of Deviance

The most dysfunctions of deviant behaviour, among others, are the following:

- A. It is threat to the social order because it makes social life difficult and unpredictable.

- B. It creates confusion about norms and values of that society. People become confused about what is expected, what is right and wrong. The variety of social standards competes with each other causing tension among the different segment of society.
- C. It also undermines trust. Social relationships are based on the premise that people will behave according to certain rules of conduct. When people's actions become unpredictable, the social order is thrown into disarray.
- D. Deviance also diverts valuable resource. In order to control wide spread deviance vast resources must be called up only to be shifted from other social needs.

2.7.3. Mechanisms of Social control

Many social scientists remarkably distinguish between internal and external means of control.

1. Internal means of control

Individuals conform to moral standards not just because they know what they are, but also because they have internalized (socialized) these standards. Therefore, they experience discomfort, often in the form of guilt, when they violate these norms. As this occurs, individuals begin to pass judgment on their own actions. In this way, the moral code of a culture becomes an internal means of control – that, it operates on the individual even in the absence of reactions by others.

2. External Means of controls: Sanctions.

External means of social control consist of other people's responses to a person's behaviour, that is, rewards and punishments. They include social forces external to the individual that channel behaviour rewards the culture's norms and values.

Sanctions are rewards and penalties by a group's members used to regulate an individual's behavior. Therefore, sanctions can be positive or negative. Positive sanctions are actions that encourage the individual to continue acting in a certain way where as negative sanctions are actions that discourage the repetition or continuation of the behaviour. Below is a box that shows the four-main types of social sanctions.

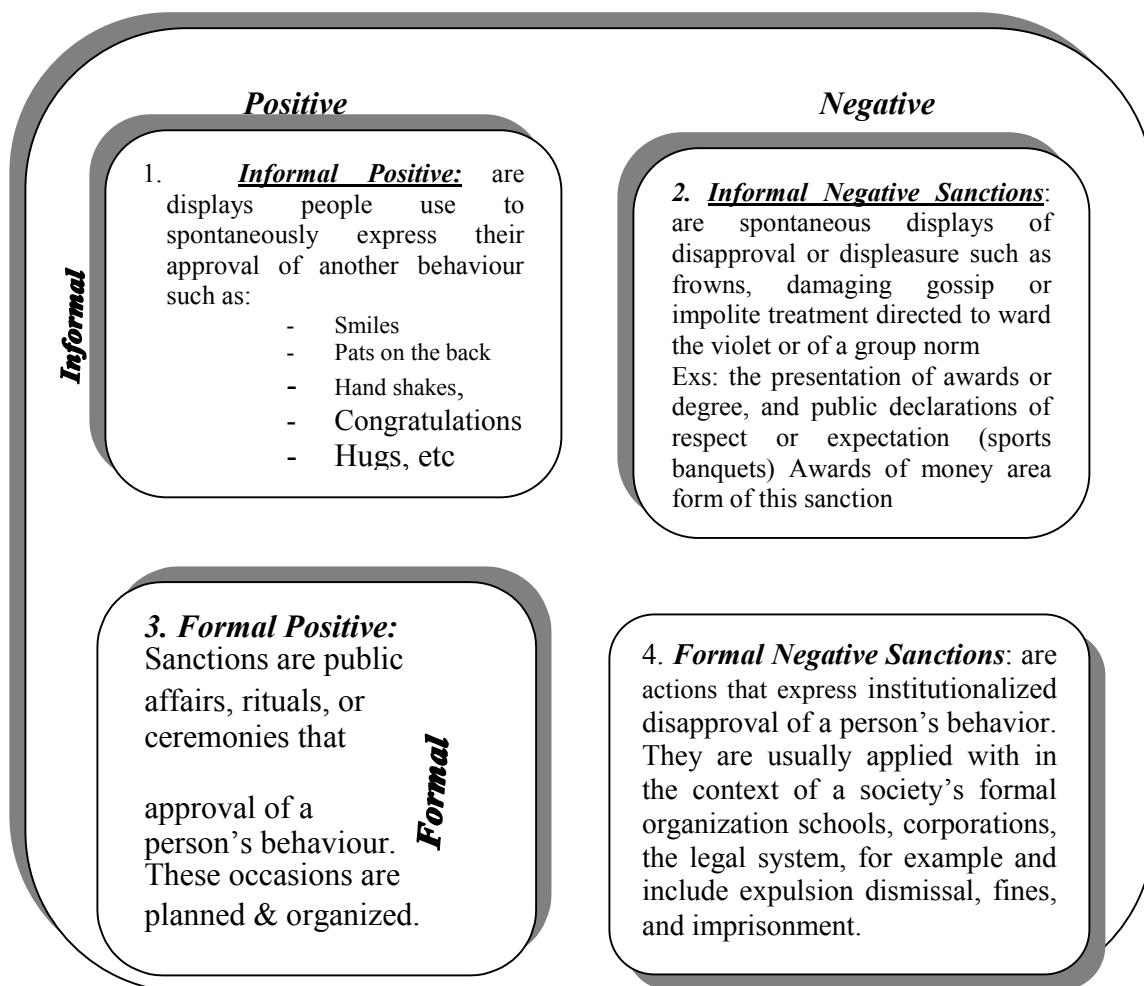


Figure 1: types of social sanctions

2.8. A profile of the morally Mature person

I. Respects human dignity, which includes

1. Showing regard for the worth and rights of all persons
2. Avoiding deception and dishonesty
3. Promoting human equality
4. Respecting freedom of conscience
5. Working with people of different views
6. Refraining from prejudiced actions

II. Cares about the welfare of others, which includes

1. Recognizing interdependence among people
2. Caring for one's country
3. Seeking social justice
4. Taking pleasure in helping others
5. Working to help others reach moral maturity

III. Integrates individual interests and social responsibilities, which includes.

1. Becoming involved in community life
2. Doing a fair share of community work
3. Displaying self-regarding and other – regarding moral virtues – self-control, diligence, fairness, kindness, honesty, civility – in everyday life.
4. Fulfilling commitments
5. Developing self-esteem through relationships with others

IV. Demonstrates integrity, which includes

1. Practicing diligence
2. Taking stands for moral principles
3. Displaying moral courage
4. Knowing when to compromise and when to confront
5. Accepting responsibility for one's choices

V. Reflects on moral choices, which includes

1. Recognizing the moral issues involved in a situation
2. Applying moral principles (such as the golden rule) when making moral judgments
3. Thinking about the consequences of decisions
4. Seeking to be informed about important moral issues in society and the world

VI. Seeks peaceful resolution of conflict, which includes

1. Striving for the fair resolution of personal and social conflicts
2. Avoiding physical and verbal aggression
3. Listening carefully to others
4. Encouraging others to communicate
5. Working for peace

In general, then, the morally mature person understands moral principles and accepts responsibility for applying them.

2.9. Ethics and Morality in the context of profession

The term profession refers to the knowledge, skill and ability, which can be acquired through formal educational institutions such as universities, colleges and training centers that are filled by those persons who posses such knowledge, and skills in any fields of study.

2.9.1. General Distinguished Features /Characteristics of a Profession

- A. **Prestige:** - this refers to a degree of esteem. As such, inorder to be a professional, this to incorporate:
 - ✓ A body of knowledge that includes general, specialized, and professional knowledge.
 - ✓ A body of skills, which includes needs science its own.
- B. In order to be a profession, it should stand for the well – being and improvement of human society.
- C. A profession should be practical. That is, a professional person must change the knowledge and skills to practical & tangible way of life.
- D. It should be organized. This is to mean that a profession must be strong, respected, secured and continuous.

2.9.2. Professional Ethics:

- ✓ **Professional Ethics:** refers to ethics that enables professionals to distinguish what is right from what is wrong using morality as standard of evaluation. Hence, it (professional ethics) serves as parameter by which actions and behavior of a professional or (professionals) can be judged as right or wrong.
- ✓ **It follows that, there fore, Professionals** are expected to behave and manifest their actions by which a profession conspicuously demands and each profession as a profession has its own codes and principles (standards) of ethics. And, the codes of ethics each profession demands are a sort of conspicuous guidelines and standards, which enable professionals to differentiate the *right way* of conduct from wrong way of conduct. There fore, these guidelines enable professionals to posses' proper conducts and actions, and to develop proper relationship with other workers. Consequently, fertile and conducive working environment would be created and effective, efficient, just and ethical services would be delivered to their clients and particularly to the public (people). It is if this is conspicuously developed by each profession that poor people, like Ethiopian society, and come out from the wretched and grinding poverty and effective and just services particularly that of public services, can be delivered.

2.9.3. Fundamental Codes and Principles of Professional Ethics

It is not beyond imagination that different professions may have different codes of ethic and rules of conduct with in which their professional's actions and behaviors are judged as right or wrong against their profession. But there are also common codes of ethics and rules of conduct of workers in all professions. Hence, these rules, which will be discussed in the following section, are universal applied and must be applied across all professions. The following are, among others, the most important and common codes of ethics and principles of conduct for all professions.

A. Punctuality

Punctuality refers to the state of being strictly observant of an appointed or regular time. Across all professions, a worker is said to be, and should be, punctual not only when he/she comes to work place on the time but also when he/she meets dead lines and when he/she is always available during working hours.

B. Honesty and Integrity

Honesty basically refers to the art of telling the truth. Employers and institutions expect their workers to be honest, but many workers and instructors (teachers) are not. When you are employed for a certain job of a given profession, you have entered into agreement to sell both your time, and knowledge & skill to your institution. And hence, your working hours (time) doesn't belong to you! Rather it belongs to your employer (the institution) employer/institution.

C. Proper Utilization of Instruments of Labour

A worker in any profession, be it a farmer, a teacher (instructor), or physician, should handle the instruments in a way that she/he can use the instruments for longer time. That is, any worker of a given profession should use restores – be it financial, material, etc – efficiently, effectively and in a just and proper manner. This is particularly applied by public institutions that deliver service to the public by any worker in a given profession. For example, avoiding wastage of material & financial resource putting off the light when leaving the office, which is an ordinary example.

D. Loyalty and Self – Efficacy

The maxim common to many societies that “Do not bite the hand that feeds you”. This is certainly true in your relationship with your employer or institution whether public or private institution. Any worker, in a given profession must stand for, not against your relationship with your employer or institution. There fore, always think what you can do to promote the organization or office or university you work for. This also includes the need to maximize productivity of your employer or institution i.e. the quantity and/or quality of work done. More over, an ethical professional must develop **self-efficacy**, which an appraisal or evaluation that a professional about his/her professional and personal competence to succeed in a particular task i.e. he has to develop his personal and professional belief in the ability to perform tasks successfully.

E. Working in cooperation with colleagues:

A worker of a given profession should make sure that he/she has a good relationship with other workers. The main rationale behind these codes of professional ethics is to create a fertile and good atmosphere conducive for cooperation and better productivity. He/she should serve hand in hand with other professional workers in the interest of effective provision of service.

F. Anti – Corruption spirit

It is well known that corruption severely hampers development and it is an impediment for building democracy. One way of fighting corruption is by making professionals to comply with the laws, rules and regulations of the state. But most importantly, it is plausible that every professional should enhance or develop the spirit (mentality) that is anti or against corruption so that development, equality, democracy and justice can remarkably be fostered.

G. Confidentiality

A worker of a given profession conspicuously needs to keep some information that should be kept secret. For example, in a case of physicians or nurse he/she has to keep all the information a regarding the patient contained in a patient's chart. Therefore, the physician or nurse should never voluntarily divulge information of a confidential nature unless the patient's best interest requires this to be done. Another example is that a teacher should keep all information of students achieve confidential.

H. Commitment

A professional should help his/her client and the whole community to maintain and satisfy societal (public) demands. More over, he/she holds paramount the safety; health and we fare of the public and shall strive to comply with the principle of sustainable development in the performance of their professional duties.

I. Persistent Tolerance and Democratic Culture

Any worker or professional have to develop the ability and willingness to accommodate differences in ideas, outlooks, views, etc due to various behaviour of human beings. For example, conflict of ideas, outlooks, or views is indispensable able but it should be carefully & peacefully managed and resolved so that fruit full produces and progress can be achieved. Having said this, it is also imperative to accompany or back difference or conflict of ideas outlooks, etc by tolerance.

J. Respecting the Dignity of People

A professional or worker should respect the dignity of all persons serving them in accordance with their basic needs, irrespective of their sex, personal status, religion or by other supernal factors involved.

K. Impartiality (Non-Partiality)

A professional should be impartial i.e. non - parties to his client or all persons that he/she contacts. Rather, he/she treat all equally in this service delivery to his client or people without any discrimination. A teacher (instructor) should treat his/her students equally on the basis of their academic performance or achievement. Therefore, a professional (worker) should keep a fair and impartial attitude to the public, clients, of his/her work, and serve sincerely.

L. Accountability and Responsibility

Any worker in a given profession has professional responsibilities or duties. In an organization where you are engaged, you have to be obedient for the chain of command, which are presented to you. As you are part of a given organization you have to be answerable for your actions.

M. Transparency

It is also imperative for a professional to be transparent i.e. his/her works must be open to the public to whom he delivers public service. Confident professionals who work for the people effectively and efficiently are usually transparent.

N. Responsiveness

Refers to the extent that a professional satisfies the needs, preferences, or values of his clients and/or the society. Since he/she has connections and professional relationship with his clients or public, he/she has to be able to reply or respond to the people's demand.

CHAPTER THREE

THE STATE, GOVERNMENT AND CITIZENSHIP

3.1. Understanding the State

3.1.1. Meaning, and definition of state

The word 'state', in a literal sense, is used in different ways. It refers to a 'condition' or to a 'description' of things; it also refers to anything that is 'official' in contrast to a thing that is under private ownership and control. It may also become a synonym with the 'government'. But, it has a technical expression implying a human association having four essential elements – population, territory, government, and Sovereignty.

Focus

The state is a political association or entity that establishes sovereign jurisdiction within a defined territorial borders and exercise authority through a set of institutions overall the members of society. Put it differently, the state is a political unit that has the highest (Ultimate) sovereignty and responsibility for the conduct of its own affairs internally as well as externally being with in a defined territorial borders over the members of a society through a set of institutions and organizations.

Among the institutions and organizations that are included with in state are: Courts, police departments, legitimate regulatory agencies, executive offices, and the military. Taken together, these specialized institutions and organizations of the state have the monopoly over the legitimate use of force with in a given authority. Hence, the state is all the specialized institutions and organizations in which power over a given geographic is concentrated. Therefore, a state is distinctive feature of modern societies.

Focus

A Nation refers to a large group of people who are bound together, and recognize a similarity among them selves, because of a common culture; in particular, a common language seems important in certain nation hood. In other words, nation refers to the cultural bonds that give a sense of shared identity to a group of people who occupy and aspire to occupy the same geographic territory. Therefore, a nation is a collective identify shared by people living with in certain frontiers as a result of their common history (plus a good deal of mythology dramatizing the past), expectation of remaining together in the future and, and usually a common language that allows them to communicate more easily with one another than with the inhabitants of neighboring nations who speak different language.

On the other hand, government is a body of organs such as the legislative (the law-making), the executive (the law-enforcing), and the judiciary (law- interpreting) that deals with the affairs of the whole country being the administrative wing of country.

3.1.2.Origin and Development of State

The origin and development of state may subject to mystery predicating that the state is originated and developed in many different ways. And, hence, various theories presupposed different factors, which are reconciled to a large extent, that causes the state formation. For the sake of convenience for this module, a holistic

(comprehensive) approach that is synthesized forms and factors are used here. This approach/theory is known as **evolutionary theory**, which consists of all the major compelling factors that have caused the origin and development of state. Generally, according to this theory, two points have been emphasized. These are:

A. The State not a make, but a growth; and

B. Not one but many factors have played their part in state building.

Consequently, this theory dwells on the fact that the state is the a result of a very long process of evolution and hence there many factors that have played pivotal role in their part in its origin and gradual development. These are the following:

1. **Kinship:** - Blood relationship is the first and foremost factor that led to the creation of family as the first unit of collective life. The family became a tribe and tribes eventually create society and society at length creates the state. Hence, the state is the eventual extension of the family. This is associated with what is known as Genetic theory, which is based on sociological facts.
2. **Religion.** Religion emerged out of the way of life of the people living in the families and tribes. It assumed the form of social practices associated with worshipping some objects of nature of some mystical forces. When the bond of kinship became weak, the bond of religion strengthened the relation.
3. **Social contract/ Agreement:** This theory was based in large on the notion that the authority of the ruler is based on some kind of agreement between ruler and his subjects. It regarded people as the source of authority. In other words, men had originally created the state by means of **a social contract (agreement)** to which each individual had consented. Three of the best known and most influential social contract theorists were Thomas Hobbes, John Locke and Jean – Jacques Rousseau.
4. **Force (Physical Force):** - Another of actor is that the state is the consequence of the forcible subjugation through long continued war-fare among primitive groups; i.e. it is the result of wars and conflicts that have been endemic in the history of human beings. History tells us that full of tribal wars in which force decided the issue. The victors become the masters and the conquered had to accept the religion and servitude of their lords. The coercive force exercised by the leader eventually developed in to political organization. This is known as **force theory**.
5. **Economics:** - According to this factor, difference in occupation and in wealth created social economic exploitation and the domination of one class by another for purposes economic exploitation was an important factor in the rise of state. Therefore, the state arose as a matter of necessity when society was divided in to hostile classes, each having its own interest.

This theory takes into consideration one factor – the fact of class contradictions. According to this theory, there was no state in the most primitive stage of social life as there were no contending classes. The origin of state, therefore, should be in the fact of class antagonisms. With the invention of agriculture and creation of private property, the dominant class came into being by virtue of being the owner of the means of production. It required some authority to protect its interest that lay in the exploitation an oppression of the class having no ownership of the means of production but depending upon the sale of its labors power.

Primitive society that had no private property and no class had no state either. Naturally, there were certain social functions, but men chosen by all members of

society, which had the right to dismiss these people at any time and to appoint others, performed them.

In those primitive times relation between people were regulated by public opinion. The further development of the productive forces led to the disintegration of primitive society private property appeared, accompanied by classes such as slaves and slave owners. It becomes necessary to protect private property, the rule and security of its owners, and this brought the state into being. Therefore, the state is the produce of class society. Thus, state is not something introduced into society from the outside, but is a product of society's internal development.

The essence of this argument is that the state had not always existed and it may not always exist also. It had come into being with the rise of class contradictions, so it will wither away with the end of class antagonisms.

6. **Political Consciousness:** - The need of the people for their security of their persons and property created the need for defense against external attack and for social moral and intellectual development all these things led to the emergence of political power (state) and the conscious adaptation of political institution to meet certain definite ends or purposes of a society.

3.1.3. Essential Elements of the State:

The state is essentially characterized by the following four attributes: population, defined territory, government, sovereignty and Recognition. While the first two elements (population and territory) are taken as its '**physical**' elements, the next two (government and sovereignty) are regarded as its '**'spiritual' or 'metaphysical' elements**'. Now, Let see and examine these elements.

1. **Population:** Since state is a human association, the first essential element that constitutes it is the people who are residing (living) within a certain defined area. No minimum number is required to constitute the population of a state. How much people constitute state? No exact answer can be given to such a question. We have states with a population of about **1.3. Billion as China** and few thousand-population number like **San Marino**. In this direction, we may appreciate the view of Aristotle that the population of a state should neither be so large that administration may be a problem nor so small that the people may not lead a life of peace and stability.

Another question that arises at this stage is whether the population of a state should be homogenous. It is good that the population of a state is homogenous, because it makes the task of national integration easy. But it is not necessary. Most of the states have a population marked by diversity in respects of race, religion, language, culture etc. It signifies the situation of '**Unity in diversity**'. Hence, a state is a human institution created by people to serve some of their particular needs.

2. **Defined Territory:** There can be no state without a territory of its own. Territory is second most essential attribute of modern statehood. I.e. definite portions of the earth's surface marked off from the portions occupied by population of other states. However, the state should have more or less generally recognized limits, even if some of its boundaries are undefined or disputed.

3. **Government:** Government is **the soul and brain of the state**. It implements the will of the community. It protects the people against conditions of insecurity. If state is regarded as the first condition of a civilized life, it is due to the existence of a

government that maintains law and order and makes ‘good life’ possible. The government is the machinery that terminates the condition of anarchy. Government is the administrative wing of the state.

4. Sovereignty: is power over the people of an area unrestrained (unfettered) by laws originating outside the area or independence completely free of direct external control. It means the state is the final and ultimate source of all laws with its territorial jurisdiction.

As already pointed out, sovereignty is the attribute of state. It is a creation of modern times. It is that highest power of the state that distinguishes it from all other associations of human beings. It has two aspects –internal and external.

A. Internal sovereignty: refers to a state’s government - not that of any other states –deciding how it will manage its domestic affairs, problems, and formulate their own laws & rules. In other words, it means that inside the state there can be no other authority that may claim equality with it.

B. External sovereignty: In the external sphere, it implies that the country should be free from foreign control of any kind and its right to define its interests and decides what its objectives are to be, the priorities among these objectives. It is, however, a different matter that a state willingly accepts some intentional obligations in the form of membership of the League of Nations or of the United Nations. The existence of sovereign authority appears in the form of law. It is for this reason that the law of the state is binding on all and its violation is visited with suitable punishment.

It is universally admitted that a sovereign state is legally competent to issue any command, which is binding on all citizens and their association. Thus, sovereignty implies that the territory and population in question must form no part of a wider political unit, nor must the territory contain any portion or portions, which, while forming geographically a part of it, are not a part of it, politically.

5. Recognition: - for a political unit to be accepted as a state with an “international personality” of its own, it must be recognized as such by a significant portion of the international community.

It follows that a state, has five essential elements. As such, a proper definition of this term should include its physical and spiritual elements. It is also required that all the four elements should be studied in the order given above. Therefore, the most appropriate definition of the state is that state is a community of persons more or less numerous, permanently occupying a definite portion of territory, independent or nearly so of external control, and possessing an organized government to which the great body of inhabitants render habitual obedience.

3.1.4 State and Sovereignty

The fundamental attribute of the present day state is sovereignty, i.e., supremacy of will and power over its subjects. The essence of the state is power and its legitimate use of force. The word sovereignty is an essential element of the state and that the legitimate holder of power has absolute supremacy that is not to be shared with others.

Originally, the word sovereignty meant merely superiority, but when applied to a state it means superiority of a special kind, such superiority implies law-making power. More than this, the word sovereignty is used to express quite a number of different ideas.

Aspects (kinds) of sovereignty

In complex modern states, it is very difficult to determine the place or location of sovereignty. Nevertheless, sovereignty has different aspects that are stated below.

- A. **Legal sovereignty:** A legal sovereignty consists of combination of authorities. There are bodies (authorities), which have legal sovereignty like -parliament, Supreme Court. etc.
- B. **Political sovereignty:** the electorate is a power behind legal sovereignty. The electorate constitutes the political sovereignty. The concept of political sovereignty is less exact than the concept of legal sovereignty. But, they are different aspects of the same concept.
- C. **Popular sovereignty:** the concept does not refer to the electorate but to the great-unorganized mass of people. Popular sovereignty means action through the duly constituted electorate. It is a dogma of people's democracy. The people are the highest body (people's sovereignty through elected government)
- D. **Defacto sovereignty:** Defacto sovereignty is sovereignty of the fact of its existences. It exists when a legitimate sovereign (the person/ body of people who can enforce obedience) has been displaced as a result of revolution or invasion.
- E. **Dejure sovereignty** - It is based on law or the approval of the new state by other rather than on physical power. The law assumes that obedience is enforceable... even if the rightful sovereign is temporarily unable to enforce obedience or is actually displaced.
- F. **External sovereignty** - It exists when one state has relations with other states. The term external sovereignty presupposes freedom from subjugation to foreign state. It is based on equality and absolute freedom. External sovereignty means absolute independence of one state as whole with reference to all other states.
- G. **Internal sovereignty** - It indicates that the sovereign power of the state within the defined territory over individuals, citizens and others. In a system of rule of law, it is agreed power of the people that explains the exercise of internal sovereignty.

Characteristics of sovereignty

The authority of the state is supreme as well as absolute. So, the principal characteristics of sovereignty are:

1. **Absoluteness**- refers that the sovereign's power cannot be restricted, the power is unlimited and unfettered (unrestrained).
2. **Comprehensiveness** - is the power of the sovereign that extends without exception over every person, association within the state.
3. **Permanence**. A head of state may die, government may succeed one another, the state itself may even be reorganized but sovereignty continues without interruption as long as the state exists.
4. **Indivisibility** – This indicates that sovereignty cannot be divided. It is impossible to have two or more coordinate supreme powers in the same state. The state is able to delegate powers of government to its subdivisions, but what it grants it may take away unilaterally or together with the sub national states. In federal system the authority to govern is shared but with supreme power.

3.1.5. Challenges of Sovereignty of State

State's sovereignty is challenged by domestic and international factors.

Significant threats to the State

1. **Globalization**

Globalization is the process through which actions and decisions in one part of the world have come to affect people in quite another part of the world. The implication of this development for states is dramatic for example

- ❖ It means that the capacity of individual states to manage economic life and deliver general prosperity is limited. One of the manifestations of this is that states have found it increasingly difficult to regulate multinational companies that can more easily relocate production & investment.
- ❖ Political globalization has had no less an impact, as reflected in the growing importance of international and supra-national bodies such as United Nations, the European Union (EU), NATO and the World Trade Organization. Growing ranges of policy decisions are made by these institutions rather than by Member States.

2. Restructuring of the State

Liberalization policies such as deregulation, privatization and the introduction of market reforms in the public services has led to a rolling back (contraction) of the state. State contraction was hastened as pro-market and anti-state philosophy of 'private, good; public, bad' are dictated by broader and more irresistible forces.

3. Sub State Governance

The final challenge to the state comes from the pressure for excessive decentralization, the tendency to transfer responsibilities from national or central bodies to a local or community level.

3.6.1. Forms of State Structure

The classification about the forms of state is related with structure and distribution of state power. In history, commonly practiced forms of state are unitary and federal forms of state. Confederations are also other arrangements of states.

3.6.1.1 Unitary Form of State

Unitarism is a form of state structure that is characterized by centralization of power and indivisible sovereignty. The national government is legally supreme over sub-national territorial bodies or units. In other words, a unitary state is one in which no other governmental body but the central government has any areas of public that are exclusively under control. In a unitary state, sub national bodies may be potentially be overruled by the central government in any political decision they make.

In unitary government, there is only one source of authority whatever local territorial units exist. Local units are merely agencies of the central government established for its convenience in local administration. They owe their legal existence to it (their power is increased or diminished or their legal existence ended). Eg. Britain, the Netherlands, Romania, Poland etc.

Essential Features of Unitary State

Distinctive/principal/ features of a unitary form of state structure include the following:

A. Supremacy of the Central Legislature (Parliament). There is only one (unicameral) kind of legislature, which is invariably (always) absolutely supreme. It is the only body that enacts and monitors the law. Other bodies (sub-national bodies) to implement the laws made by the central legislature/parliament).

B. Absence of Subsidiary Sovereign Bodies Sovereignty is vested in the national /central government and hence sub national bodies are not sovereign because sovereignty in unitary form of state structure is indivisible. But subsidiary

legislatures can exist when represented by the central government. However it can be ruined by the central government at any time.

C. Re-Centralization of Power at the Will of the National/Central Government

Unilaterally. This is to mean that power that may have been decentralized to sub-national bodies can be re-centralized at the will of the central government unilaterally.

D. Unchecked Centralization of Power at the Center i.e. Sub national bodies (regional, provincial and local bodies) can be reshaped, reorganized and even abolished at will of the central government.

In the modern world, there are factors that inhibit centralized law making processes. These are: -

- i. Complexity of political, economic, and social conditions within the confines of the state and at the international level.
- ii. Increased population size, and territory (internal demarcation)
- iii. Topography of the country
- iv. Population settlement
- v. People's history, language, culture and psychological Make-up etc.

A majority of states in the world are unitary systems. But there are great differences among these unitary states in the institutions and procedures through which their central government interact with their territorial subunits. Unitary government does not necessarily mean highly centralized government. Sub-national units can be granted some kind of autonomy by national government, which has the legal authority to take it back at any time it wishes. The degree of local autonomy varies from state to state; for example: in Britain (United Kingdom) the statutes of parliament (laws made by the parliament) have created local governments so local people may manage their local affairs. The actions of local councils are not interfered unless they overstep the legal boundary. In France, on the other hand, council of departments and communes are subject to constant detailed supervision by central authority.

Despite the difference on the nature of center-local units relations in general terms, Unitarism does not mean under-participation of the people in the governance of the country. But there are possibilities of the people to take part in the government through:

- ☞ Electing delegates (representatives) to parliament.
- ☞ Referendum
- ☞ Initiative of proposals
- ☞ Recall- the right of the people to take back or cancel decision that is contrary to the interests of the people and also the right to remove delegates from office.

Systems of Administrative Organizations in Unitary State

There are two types of territorial administrative organizations. These are:

- A. Administration Regions (Regional Administration) recognized as centralized Unitarism.
- B. Autonomous administration (Regional Autonomy) recognized as Decentralized Unitarism.

A. Administrative Region... the rationale for internal territorial division of administrative regions can be done either from historical and people's identity, or from the nature of politics, or for administrative efficiency or for socio-economic development. The principle of administrative region is realized by two major principles.

- i. National Territorial Administrative Principle- the division is based on ethnic

- identities... like language, culture etc.
- ii. Administrative Principle. Whether the country is multinational or uninational, the division of the territory is based on natural topography, people's history and settlement and relations with socio-economic development.

B. Autonomous Region. Such kind of internal territorial division seem federal system (quasi-federal structured). But, the local parliament (council) functions under the supervision of the central government and constitution. The local people elect the members of the local parliament, but in some countries judges are appointed by central government. Both principles and practices of unitary government administrative arrangements can be exercised simultaneously. The case of Ethiopia (during Dergue Era) and Britain are examples of situations existence of the two types of internal administrative arrangements, administrative regions and autonomous regions.

Potential Advantages and Disadvantages of unitary form of state

Potential Advantages (merits): -

- ⇒ The organization is relatively simple
- ⇒ Conflict of jurisdiction is avoided
- ⇒ Duplication of civil servants and services are comparatively rare because powers and functions are centralized at the center /National government.
- ⇒ Uniformity of law, policy and administration can be maintained through out the whole state.
- ⇒ It is advantageous to a country with relatively small area and homogenous population. But it is not good in a country with widely different economic and social interests and with widely different standards of political conduct.

Potential Disadvantages (demerits): -

- ⇒ Overburdens the national legislature with numerous local matters. In fast changing world, the central authority cannot cope with and maintain pace with the issues prevailing.
- ⇒ Leaves distant authorities and may lack adequate knowledge of local conditions to the determination of policies and the regulation of matters, which may concern only to the localities affected. Hence, it is relatively less responsible to local needs & interests.
- ⇒ Tends to responsive local initiatives and interests in public affairs and impairs the vitality of local government.
- ⇒ It restrains the self-governance and self -determination of sub national bodies /units.
- ⇒ It facilitates the development of central bureaucracy.

3.1.6.2. FEDERALISM: (Federal Form of State Structure)

Federal form of state structure (federal state) is the form of state where by power is formally (constitutionally) divided between the federal /National/ central government and sub National (Regional/or provincial) government, each of which is locally supreme in its own sphere. In federal state, the legislative authority is divided between a central or federal government and sub national government.

It is a direct opposite of unitary government. It provides for an actual division of powers between two or more nearly independent governments each of which exercises control within its scope of authority, over the same people. Generally federalism is a

political union of different political units (a creation against particularism and centralism).

Federalism is the basis of the political organization of several states of today. It may vary from place to place and from time to time. The indispensable quality of the federal state is a distribution of the powers of government between the federal authority and the federating units. The federal type of constitution has been adopted and is adopted by a number of nations in Africa, Asia and Latin America as a response to their often widely diversified linguistic, territorial and political traditions, e.g. Ethiopia, Nigeria, India, Brazil, USA, Canada, Australia, Germany etc.

Essential /principal features of federal form of state

A. **The existence Dual Polities:** two relatively autonomous levels of Government i.e. Both the federal /central government and sub national (regional) state levels possess a range of powers and functions that other can not encroach.

B. **Written constitution:** A federal state has a written (codified) constitution.

The written constitution stipulates formal (constitutional) division of authority between the federal /central government and sub national governments. The responsibilities and powers of each level of government are defined in a codified or written constitution. Therefore, the relationship between the federal state and sub national regional states is conducted with in a formal legal framework.

C. **Supremacy of federal Government and Constitution:** In most states, the federal government and constitution is superior and supreme over the sub national government and constitution in conducting key issues and activities of the country.

Federal Authority and Federal units have constitution of their own. Though federal units have their own local constitutions, they are accountable to the federal constitution. The federal constitution contains articles that stipulate (specify) about power sharing (distribution), rights and duties of the federal authority and units etc.

D. **Equal Power shared by the Federal Authority and Federal Units (Decentralized Federalism).** This does not mean they have equal power in one affair, rather the reserve powers (power applied when required but reserve until then) and federal powers are seen equally.

E. **Absence of Re-centralization of Powers and Authority by the central/federal government at its will or unilaterally.**

F. **Absence of amending the constitution or some of its provisions by federal government unilaterally.** Hence, it needs the consent or agreement of the sub national/regional governments for amending the federal constitution.

G. **Constitutional Arbiter.** The formal provisions of the constitution are interpreted by a supreme court (the judiciary) at the federal level, which there by arbitrates in case of conflict (disputes) between federal and regional government. In determining, the respective fields of jurisdiction of each level, the judiciary in a federal level (system) is able to determine. However, in Ethiopia, it is the House of Federation (HF) that is lodged with the highest power of interpreting the FDRE constitution.

H. **Linking institutions:** Inorder to foster or develop cooperation, partnership and understandings between the federal and regional (sub national) governments the regional (sub national) governments must be given representation a through bicameral legislature.

Reasons

The are many rationales for preferring federal orders to a unitary state. The following are among the major ones.

1. One of the chief reason for advocating federal system is that, unlike unitary systems, give regional and local interests a constitutionally guaranteed political voice. The states or provinces exercise a range of autonomous powers and enjoy some measure of representation in central government through the federal legislature. Sub-units may thus check central authorities and prevent undue action contrary to the will of minorities.
2. Federal orders may increase the opportunities for citizen participation in public decision-making; through deliberation and offices in both sub-unit and central bodies that ensure character formation through political participation among more citizens.
3. Local and regional governments are usually closer to the people and sensitive to their needs. This ensures that government responds not merely to the overall interest of society, but also to the specific needs of particular comminutes. Thus, Federations may facilitate efficient preference maximization more generally, as formalized in the literature of economic and fiscal federalism.
4. Federal arraignments may promote mobility and hence territorial clustering of individuals with similar preferences, and allow sub-unit autonomy to experiment and compete for individuals who are free to move where their preferences are best met. Such mobility towards sub-unity with like-minded individuals adds to the benefit of local authority over the provision of public services.
5. Local decisions prevent decision-making from becoming overloaded in the central government and, thus, avoid inefficiency and bureaucracy and bureaucratic chaos.

Processes of Federalism

Two processes of federalism may be identified.

1. ‘Holding Together’ Federations (Federalism by Disaggregation)

They develop from unitary state, as government's response to alleviate threats of secession by territorially clustered minorities. Such federations often grant some sub-units particular domains of sovereignty eg. Over language and cultural rights in an asymmetric federation, while maintaining broad scope of action for central government and majorettes. Examples include Ethiopia, India, Belgium, Canada and Spain.

2. ‘Coming Together Federations’ (Federalism by Aggregation)

Independent states may come together by ceding or pooling sovereign powers in certain domain for the sake of goods otherwise unattainable, such federations are typically arranged to constrain the center and prevent majorities form overriding a sub-unit. Examples include the present USA, Switzerland, and Australia.

Power Distribution in Federal Form of State

The power distribution in federal form of state is categorized in Exclusive power, concurrent power and Reserved powers (residuary powers to federal authority and federating units). How do this power distributions are practiced? Let see the practice of exclusive and concurrent power distribution in Ethiopia.

1. **Exclusive power.** Exclusive powers refer to powers not shared powers, only exercised by federal authority or federal units. Let's take the Ethiopian federal practice as an example. The following are exclusive powers by the federal authority

- ♠ To enact laws and constitutional laws and follows its application

- ♠ To keep the country's constitutional system
- ♠ Foreign Affairs
- ♠ Defense
- ♠ Printing and circulating of money

2. Concurrent powers. This refers to the powers exercised commonly by federal authority and federal units.

- ♠ Social sectors (like education, health, labor and social affairs, culture and information, civil service)
- ♠ Planning
- ♠ Transport and communication Internal security
- ♠ Internal security
- ♠ Agriculture, Industry, Trade, Tourism
- ♠ Finance
- ♠ Justice ---etc

Advantages and Potential Disadvantage of federalism

Advantages (merits)

- ⇒ It is essential to large states
- ⇒ Combines national unity and local autonomy and the rights of self-government. In modern political theory and practice, the federal idea is normally linked with democratic institution and the protection of the individual and minority groups.
- ⇒ Maintains balance between centrifugal (unifying) and centripetal (integrating) forces in a state.
- ⇒ It stimulates interest in government by leaving the determination of local policy in the hands of local officers and assemblies who are responsible to local electorate.
- ⇒ It *relieves* the central legislature and authorities from the necessity of devoting time and energy to the solution of local problems.

Potential Disadvantages:

- ⇒ There is duplication of activities and services, which results in expense. It is not always easy to deal with a specific situation.
- ⇒ The division of power between the federal units may lead to conflicts of jurisdiction between national and local officials or a sort of 'no Man's Land' in which neither authority takes decisive action.

Confederations

Confederations are voluntary associations of independent states. It is an association of states, which rests upon the common agreement of its members expressed in an elaborate document. Confederations are formed for common advantage without affecting internal freedom, structure, lawmaking and enforcing process, external relations of the state confederating. It differs from an alliance, in that it has fixed central organ through which the common wills of its members may be expressed. It also differs from the League (Union) in a greater variety of directives designed to achieve. These objectives include external security, promotion of cultural unity, and operation of postal service.

Historically confederations are often provided to be first of second step toward the establishment of a national state usually as federal union. The federal form of state in Switzerland, Germany and USA was preceded by confederations. The common wealth of nations, which was formed in 1972, is an example of confederation born as a result

of the decentralization and eventual disintegration of empire, UK and former British colonies. In contemporary world, there are modern forms of confederations, but such arrangements are different from the older ones. The modern arrangements are established around common defense (NATO) Economic alliance (Common Market of East and Southern Africa - COMESA, European Economic Community EEC, Economic community of Western African States - ECOWAS), neighborhood alliance (OAU, Association of south East Asia Nations - ASEAN, Organization of American States - OAS), Politico-religious alliance (Arab league), community of nations (UNO).

3.2. Understanding Government

A key part of the state, and such a key part that it is often simply referred to “the state”, is the **government** of state. Below are some prominent definitions of government.

- **Government** is the central agency or complex totality of interrelated organizations exercising over all control over a society of a territorially delimited sub divisions of a society. As such, government is the most essential component and administrative wing of the state.
- **Government** refers to some particular set of institutions and organs that make laws (the legislative body), implements public policies (executive body) and law interpreting body (the judiciary body). As such, a government is a group of people with in the state who have the ultimate authority to act on behalf of the state
- **Government** refers to the institutional processes through which collective and usually binding laws and decisions are made through its various branches of organs.

3.2.1. Essence, and Forms of Government

Government is defined as the rule or control a country. It is a body, which administers a country and main organization dealing with affairs of the whole country. Government is one of the most essential components and also an administrator at viewing of the state. The term government is often used to two related but distinct senses. Sometimes, it refers to a particular set of institutions, i.e. a series of accepted and regular procedures for performing those functions, procedures that persist over time. Both sense are incorporated in the definition of government. Thus government is the body of the people and institutions that make, enforce and interpret laws.

Government is undoubtedly one of humanity's oldest and most nearly universal institution. Humanity's desire for in all societies to establish the same kind of government indeed one of the most striking facts about actual governments past and present is enormous variety. Governments vary in complexity from backward to advance and in treatment of their peoples. Evidently, then different societies require different kinds of government to satisfy their special needs.

Differences between government and other organizations

Government as a political and a distractive body and because of its distinctive qualities, it differs from other organizations. The main points that clearly distinguishes government from other set-ups is discussed below.

1. **Comprehensive Authority:** - Rules made by any social organization other than government are intended to apply to members of that organization. On the other hand, the rules of the government apply and are intended to apply to all members

- of society. Governmental authority is acknowledged (recognized) power to make binding decisions and issue obligatory commands.
2. **Involuntary Membership:** Membership in most social organization is voluntary based on conscious choices. Membership in a nation is largely involuntary, i.e. most people initially become citizens of a nation and subject to its rules without out and deliberate choice or conscious act.
 3. **Authoritative Roles:** Rules made by some private organizations often conflict with those made by other private organizations in most societies, there is no clearly defined and generally accepted hierarchy among organizations. Therefore, there is no automatic way to determine which organization rules should prevail and which should be overruled in situations of conflict. However, the rules of government are quite another matter for in every nation governmental rules are generally recognized as authoritative, i.e. they are generally considered to be more binding upon all members of society than the rules of all other organizations.
 4. **Legitimate Monopoly of overwhelming Force:** all members of any society do not always obey all government rules. All organizations impose sanctions on rule breakers but government differs from other organizations in the kind of sanctions, it is authorized to impose. Government impose all sanctions and can also impose two additional sanctions forbidden to private organizations as well i.e. send law breakers to prison and take their lives.

3.2.2. The Purposes and Functions of Government

In a modern state, government functions have greatly expanded with the emergence of government as the most active force vehicle in political, social, and economic development. Accordingly, the major purposes and functions of government include the following.

A. Self-preservation:

Any government must keep its state from internal and external threats. That is, order, predictability, internal security and external defense are among the major functions whether it is democratic or authoritarian.

B. Management of Conflict (Supervision and Resolution of Conflict)

Governments usually develop and consolidate institutions and procedures for the management of conflict. It is obvious that conflict is inevitable and inescapable characterizing human beings. Therefore, building and effectively applying the institutions for resolving and managing conflict is an indispensable function for developing and consolidating peace, security and stability and tranquility.

C. Regulation the Economy

Government plays the role of regulating the economy like regulation of policies such as agriculture, industry, transportation, taxes, tariffs, etc. Moreover, governments usually play a role in controlling the distribution of resources in their societies. Hence, it is the government that determines which resources are to be publicly controlled and which are to be in private hands.

D. Protection of Political, Human, Social and Economic Rights of its Citizens, especially those rights enshrined in the constitution of state.

E. Provision of necessary Goods and/or services to the public. Governments, especially in developing countries like Ethiopia, usually participate in providing necessary goods and services to its citizens. Such goods and services include: provision of education, health care, development of public works, conservation of

natural resources, developing water supply, electricity, telecommunication, etc to the public.

3.2.3. Forms and Systems of Government

Forms of Government

1. **Monarchy**: It is the oldest form of government in which the ruling power invested in a single person who wears crown. In its widest sense, "any government in which the supreme and final authority is in the hands of a single person is a monarchy. There are two types of monarchy.
 - a) Traditional monarchy. the king or the queen maintain his/her position by claim of legitimate blood descent than their appeal as popular leaders. For example. Hohenzollerns in Germany, Hapsburgs in Austro-Hungary, Romania, in Russia, Solomonic in Ethiopia ...etc.
 - b) Constitutional Monarchy. The king or the queen is ceremonial head of the state, an indispensable figure in all great official occasions and a symbol of national unity and authority of the state but lacking real power eg. Britain, Japan ...etc.
2. **Dictatorship (monocracy)**: The existence of dictatorship has its proof in the position of a person who holds extra constitutional powers and identifies himself with the state. He is the head of the state, of the government, of the party kind of opposition to his power invites mutilation. It means absolute rule of a single person who occupies his position by force and as such is not accountable to any popular institution.
3. **Oligarchy/Aristocracy**: - It is rule by few. Many of the classical conditions of oligarchic rule were found until recently in those parts of Asia in which governing elites were recruited exclusively from a ruling caste a hereditary social groupings set apart from the rest of society by religion, kinship, economic status, prestige and language. In contemporary world, in some countries that have not experienced the full impact of industrialization, governing elites are still often recruited from a ruling class (a stratum of society that monopolizes the main social and economic function in the system). Such elites exercise their power in the interest of the ruling class.
4. **Constitutional Government**: - It is defined by the existence of a constitution that effectively controls the exercise of political power. The two major constitutional governments are:
 1. The presidential system: - It is based on the doctrine of separation of powers, which is practiced in USA, Argentina, Brazil, Costa Rica, and Mexico...etc.
 2. Parliamentary system: - It is based on the fusion of powers (legislative and executive), which is practiced in western European nations, Scandinavian countries, Japan, India, Ethiopia etc.

Systems of government

In the modern world, there are various systems of government. The two most systems of government are:

- (1). Parliamentary system of government; and
- (2). Presidential system of government

Being identified the two most systems of government, we shall look at these two systems of government to some extent in detail.

1. Parliamentary System of Government

A Parliamentary system/form of government refers to the form of government in which the government governs in and through the parliament/ Assembly, thereby fusing the legislative and executive branch of government. In other words, it refers to a system of government, which vests the political leadership in a legislative body (the parliament) which, in turn, selects the executive body (the cabinet + Prime minister) entirely or largely from its membership. Eg. Britain, Canada, Germany, Italy, Australia, Israel, India, Ethiopia etc.

The Principal features of a parliamentary system/form of government include the following:

- A.** Government is formed as a result of parliament/ assembly elections, based on the strength of party or a cooperative coalition party's representation; therefore, there is no separately elected political executive.
- B.** A parliament of representatives is elected by the citizens of the state. In federal state structure like Ethiopia, the citizens directly elect representatives both to the Federal parliament, and regional parliament.
- C.** The executive power of the government (both political executives like the Prime Minister and ministers at a federal and at Regional level) is lodged with group of people who are elected and even approved by the parliament to conduct of the affairs of the state.
- D.** Most or all members of the cabinet (council of ministers) are usually members of the parliament/ Assembly. And usually, the party or a cooperative coalition of parties that have majority seat or control that take on executive responsibilities in addition to their legislative chores.
- E.** The cabinet (council of ministers) retains executive power *only* as long as it has the "confidence" of the parliament; that is, only as long as majority vote in the parliament may unseat a cabinet. This is referred to as the "Government falling"
- F.** The government can, in most cases, dissolve the parliament, meaning that electoral terms are usually flexible with a maximum limit. As such, just as the parliament holds the cabinet (council of ministers) in jeopardy, the reader of the cabinet (usually the PM) has the right to have the parliament disbanded, with the consent of the majority members of the parliament.
- G.** As the head of the government is the Prime Minister, there is a separate head of the state, i.e., the constitutional monarch or non-executive president. In Ethiopia case, the head of the state is the president, who is non-political executive who cannot be a member of any political party. He/she is the figurehead of the state.
- H.** The PM (Prime Minister), who is the head of the government, retains office only as long as he/she can command majority support in parliament. If an issue is made the basis for a vote of "**no confidence**" in the legislative and results in a vote for no confidence, the PM must resign because the parliament has the ultimate power; the ability to remove.

I. Electoral Terms of the PM is not fixed.

Presidential System of Government

Presidential system of government is a form of government, which is chiefly characterized by separations of powers between the legislative and executive branches of government. Eg USA, Argentina, Mexico, Costa Rica etc.

The distinguishable features/characteristics of a presidential system of government include the following:

- A. **Real authority of the president:** i.e. the leadership of the executive is in the hands of the president who is elected by the people for a fixed period as of four years in the United States. The procedure of decision may be either direct or indirect and the constitution may also specify as either direct or indirect and the constitution may also specify as to the number of tenures a person may hold (as of two term in the US). He may nominate his ministers as his advisers. The body of the ministers is called the cabinet. The president may change the portfolios of his ministers as per his will, or may dismiss any one of them in case he loses the confidence of the "boss". He formulates national policy, orders mobilization of troops, declares state of emergency and takes all necessary steps for the enforcement of law and maintenance of order in the country. In short, he governs like the real ruler of the country.
- B. **Separation of legislative from the executive:** The president and his ministers cannot be the members of the legislature. In case the president appoints a member of legislature as his minister, he has to leave his legislature membership. It is for this reason that the president and his ministers do not take part in the deliberations of the legislature. The president may go to the legislature either for delivering an important address, or he may send "messages" that may be accepted by the legislature. Even his ministers may attend a session of the legislature and may also take part in the discussion, but they have no right to vote. Moreover, the executive and the legislative organs of government are separately elected and work independently and separately.
- C. It is based on the strict application of the principle of separation of powers between the legislative and executive organs of government.

Focus

Separation of powers presupposes that each of the branches of government (the legislative and the executive) should be entrusted to separate organs of government respectively. It presupposes the fragmentation of government in such a way as to defend liberty and keep tyranny at bay.

The parliament, the presidency, and the Supreme Court are separate institutions in the sense that there is no overlapping functions and powers permitted but nevertheless, possesses the ability to constrain one another's powers. This is called **check-and-balance**. In this regard, for example Congress (parliament) in USA has the ability to make law. But, when necessary the president can veto it, but the congress can, in turn, override the **veto** with 2/3 majorities in both Houses (the Senate and the People's Representatives).

- D. Each of the executive and legislative are vested with a range of independent constitutional powers.
- E. The roles of head of state and head of government (the chief executive) are combined in the offices of the president. As such, the executive authority is vested in or concentrated in the hands of the president; the cabinet and ministers being merely advisors and responsible to the president.
- F. Electoral terms of the president are fixed: That is, the president is supposed to be lead and govern the state for four years in one term for example, in USA. And,

he/she can be reelected for the second term (having four years). But, he/she cannot be elected for more than two terms (having 8 years totally).

- G. The president can neither “dissolve” the legislative nor be dismissed by the Congress /Assembly except possibly through **impeachment**. The process of impeachment is provided to remove the president in case he held quality of violating the Oath of office. The president is under an oath that he will defend and protect the constitution of the state. In case he does otherwise, the process of impeachment may be cause to remove him from office. Usually the power of impeachment is given to the legislative

3.2.4. Major Organs of Government /Distinct Branches of Government

In today's modern world, the government is composed of three major organs or distinct branches. These are:

- I) The legislative body;
- II) The executive body; and
- III) The Judiciary body

(I) The Legislative Body

The legislative body is responsible for the formulation of laws & decisions and other documents. Above all, assemblies provide a link between government and the people, a channel of communication that both support government and help to uphold the regime, and force government to respond to public demands and anxieties. The principal functions of the legislative are the following:

- A. Statute making.** Every legislative has the power to make statutes. The concept of statutes making is more accurate to describe what the legislature actually does the law making.
- B. Representation:** Assemblies /Parliaments play an important representative role in providing a link between government and the people. Thus, the people (the governed) are usually represented in the legislative branch of government.
- C. Control of Administration:** The legislative body plays pivotal role in supervising the executive who is supposed to administer by implementing the laws and decisions passed by the legislative. That is, the legislative body plays great role in scrutinizing and overseeing meaning that assemblies /the legislative body has the power to be scrutinizing body, to check and balance the executive body and to deliver responsible or accountable government.
- D. Constitutional making/ Amending:** The legislative body of the government can play or have the function of constitutional making/amending. But, how to undertake the constitutional making /amending may vary from country to country having various state structure. For example, in a federal form of state structure, the constitutional amending or modification is usually carried by a joint agreement between the federal and regional /state government by following a certain set of procedures.
- E. Electoral and desposing functions:** The legislative body plays the function of electing the Prime minister in a parliamentary form of government. In addition they also play voting on motion of “no confidence” to reelect and defeat the incumbent prime minister, etc. Added to this is that, in a presidential system, the legislative body plays the role of removing the president by the principle of impeachment.
- F. Financial functions:** The legislative body holds the “power of the purse”, i.e., to determine the nature and amount of taxes and appropriations. It also plays the role budget approval presented by, for example each ministry. And government can legally spend only funds appropriated or approved by it. Therefore, it has the executives and others.

G. Investigative functions: Most often, legislatures through established “selective committees” are engaged in digging up information it desires on matters not covered by its “legal standing committee.” For example, in Ethiopia, the legislative body (the parliament) plays this role by establishing “commission of inquiry” to investigate to any information and evidences. In this regard, a “commission of Inquiry” played, for example, to investigate and digging out the causes, the profile and the consequences of the Gambela conflict that had happened in 1996 E.C.

(ii). The Executive Body

In its broadest sense, the executive branch of government is a branch of government responsible for the implementation of the laws, rules, policies, and decisions made by the legislature. The executive branch of government extends from the head of government and head of the state to the members of enforcement agencies.

Focus:

Political Executive Vs Bureaucratic Executives.

Political executives refer to all or almost all of officials elected politicians, ministers, in parliamentary system, drawn from the parliament and accountable to the parliament. Whereas, bureaucratic executives are those office people appointed and professional civil servants whose job is offer advise and administer policy, subject to the requirements of political neutrality and legal to their ministers

Major /principal powers and functions of the executive body.

- A. Enforcement functions. The core/the chief function of executive body is to enforce (implement) all laws, rules, decisions made by the legislative body and the judiciary body (court’s decision).
- B. Formulation and execution of administrative policy. The executive body boldly exercise formulation of regulation (sub-legislative power and issues law of rules) and allocates funds to various public activities.
- C. Control of Military forces. The executive branch has the power to determine how and where troops, the military, warplanes and ships may be used in period of conflict and peace.
- D. Control of foreign relations. The executive branch is charged with conducting of foreign relations with other states. Besides, the chief executive also grants or withholds recognition to the governments of foreign state. In addition, the chief executive, ambassadors and other Foreign Service officers.
- E. Policy-making leadership. The political executive is looked to, in particular, to develop coherent economic and social programmes & policies that meet the needs of society.
- F. Popular leadership. The popularity of the political executive more than any other part of political system, is crucial to the character and stability of the regime (gov’t) as a whole. At a policy level, it is the ability of the executive to mobilize support that ensures the compliance and cooperation of the general public.
- G. Bureaucratic leadership. The task of overseeing the implementation of policy means that the political executive has major bureaucratic and administrative responsibilities. In this sense, the chief executive, ministries, and secretaries constitute a “top management” charged with twining the machinery of government.
- H. Crisis leadership. A crucial power that the political executive has over the assembly/ parliament is its ability to take swift and decisive action when crises break out in either domestic or international polities is invariably the executive that

responds, by virtue of its hierarchical structure and the scope it provides for personal leadership.

III) The **Judiciary Body**

The Judiciary body is a branch of government to decide legal disputes. The primary chief function of a judiciary body is to undertake adjudication.

Major functions of Judiciary body

- 1) Adjudication. The courts see and examine various cases and gives decision(s) on the cases presented.
- 2) Formulating case law. Case law is developed where judges must decide how a law, whether common or statute, should apply in a particular case. This kind of law is often referred to as judge-made law because the interpretation is made by the judge in each case and becomes binding on all other courts.
- 3) Protection of individual rights. The judiciary body has great role in protecting the constitutionally guaranteed rights of individuals mainly through the process of due process of law. For example the judiciary play a great role in the protection against unreasonable or arbitrary laws and procedures by the government and its institutions at any level.

3.3. Understanding Citizenship

3.3.1. Citizenship Defined

- ▲ **Citizenship** is a relationship between an individual and a state, defined by the law of that state, with corresponding duties and rights in that state. Nationality, although often synonymous with citizenship, includes the relationship of an individual to a state but suggests other privileges, especially protection aboard.
- ▲ **Citizenship** is full membership in a state or in some other unit of government. Almost all people have citizenship in at least one country. Not all the people in a nation are citizens of that country. For example, many countries have noncitizen nationals. The word national is often used as another word for citizen. In some cases, however, national means a person who owes loyalty to a country but lacks full membership in it. Noncitizen nationals of the United States include the people of American Samoa, a group of pacific islands controlled by the United States. The people of American Samoa have the protection of the U.S government but lack some of the special rights of citizens.

People who are neither citizens nor noncitizen nationals of a country are aliens there. Most aliens are citizens or noncitizen nationals of one country who are traveling or living in another. Many aliens have a permit called a *Visa* allowing them to visit or live where they do not citizenship. *Illegal aliens* are noncitizens living in a country without proper papers.

The laws or beliefs of a country might deny some rights to certain citizens. Such people are sometimes called *second-class citizens*. Many have a language, race, or religion different from that of the country's largest or most powerful group. For example, the South African government has made blacks second-class citizens. Under South African law, blacks lack the right to vote in national and provincial elections.

In 1948, South Africa established a policy of rigid racial segregation called *apartheid*. Under apartheid, blacks and other nonwhites faced official discrimination in education, employment, and other areas. In 1991, the government repealed the last of

the laws that had formed the legal basis of apartheid. But nonwhites in South Africa still face much unofficial segregation and discrimination.

Under the constitution and other laws, no Ethiopian may be made a second-class citizen. Citizens receive equal protection of the law, no matter what their language, culture, or religion, etc is.

♣ **Citizenship** involves both rights and responsibilities. Citizens are guaranteed such privileges as the right to vote, the right of freedom speech, and freedom of religion. Citizens are also expected to obey laws, serve on juries, help in their communities, and perform other duties.

3.3.2. What it means to be a citizen?

The word *Citizen* comes from the Latin word *Civitas*, which in ancient times meant membership in a city. Today, citizenship refers mainly to membership in a nation.

The rights of citizens differ from country to country. The constitution of Ethiopia provides the basic rights of Ethiopian Citizens. These rights are called *civil rights*. They include freedom of speech, freedom of religion, and freedom of assembly (the right to gather peacefully for political or other purposes). Ethiopian citizens have the right to vote for the members of parliament and to run for government office themselves. Ethiopian citizens have the right to travel through out Ethiopia. Ethiopian citizens, unlike those of some countries, cannot be forced to leave their homeland. Ethiopian citizenship cannot be taken away.

Aliens and noncitizens and nationals share many of the rights of Ethiopian citizens. But they cannot vote, hold public office, or do certain other things that citizens can do. The rights of citizens have certain limits. For example, Ethiopian citizens must be at least 18 years old to vote. States also can limit voting rights to people who have registered to vote. Freedom of speech does not allow a person to tell lies that damage someone's reputation. Many other civil rights also have limits.

The duties of citizens, like citizens' rights, differ from country to country. Most governments demand that citizens pay taxes, defend their country, and obey its laws.

Many people believe that citizens also have duties not demanded by law, such as voting, learning about public problems, and trying to help other people. Many of these duties go along with rights. For example, the duty to vote comes with the right to vote. The duty to learn about public problems comes with freedom of speech and of the press, which protect the open discussion of public events and the exchange of ideas.

Aliens must obey the laws of the country in which they are traveling or living, except for those that bind only citizens like giving military service. In addition, aliens must obey some of the laws of their homeland. For example, some foreigners who work in Ethiopia must pay taxes both to the Ethiopian government and to the government of their own country. Travelers who break the laws of a country they are visiting may be put on trial and fined or imprisoned. Many nations grant *diplomatic immunity* to aliens who represent foreign governments. Diplomatic immunity is a set of special rights granted to the representatives of foreign governments and to their representative families and staffs. In many countries, these rights include freedom from arrest, search, and taxation.

3.3.3. History and Development of Citizenship

History of Citizenship

The idea of citizenship developed in the citizens of ancient Greece and Rome about 700 B.C. The early Greeks and Romans thought of cities mainly as communities, rather than as geographic places. These communities consisted of citizens linked by such ties as friendship, family relationships, and participation in government. Not all the people of cities had citizenship. For example, ancient Greek and Roman cities denied citizenship to slaves.

The rights of Greek citizens included owning land and taking part in government. Their duties included voting, attending the government assembly, sitting on juries, and giving military service.

The special rights of Roman citizens included owning property, making contracts and will, and suing for damages. As the roman government expanded its rule, Roman citizens traveled to other lands to fight wars, rule territories, and conduct business. They kept all their special rights when they traveled anywhere in the Roman Empire.

The government also began to grant Roman citizenship to people who had never lived in Rome. In A.D. 212, the government granted Roman citizenship to most people throughout the empire, except for slaves.

During the middle Ages, which lasted from about the late 400's to about 1500, citizenship remained connected with cities. By this time people thought of cities mainly as geographic places where people lived. During the 1500's and 1500's, nations ruled by kings or queens developed.

As a result, people began to think of citizenship as membership in a nation. The people of these nations gave their loyalty to their monarch and were often called *subjects*.

During the 1700's, democracies began to develop. People living in democracies gave their loyalty to the nation instead of to the nation's ruler. As a result, the terms *citizen* and *national* began to replace *subject*.

Development of citizenship

The development of the concept citizenship (nationality) presupposes the emergence of nation-states and a system of international relations. In the absence of other states and a system of international relations citizenship will not have any meaning and its application become unthinkable.

States exist interconnected more and more within a system of international relations. The determination whether an individual belongs to one state or another happened with the introduction of compulsory military service and the universalization of national political rights, like voting. The determination that an individual is a national of a state to the exclusion of other states necessarily involves the relationship between states. Therefore, nation-states and international relations are important prerequisites for the feasibility of citizenship rules.

International law has not yet developed concrete rules to govern matters of citizenship. International law simply recognizes that each state has the right to determine under its own laws who its nationals are.

3.3.4. Characteristics of good citizenship

A. Legality: - virtuous citizens freely adhere to the fundamental rules required for the maintenance of a system of constitutional government without requiring the imposition of external authority. In all situations, there are some rules and

regulations to be observed. This means individuals should be prepared to follow rules and regulations without violating their personal freedoms.

B. Patriotism: - is love, devotion and commitment to one's country. It was said that a true patriot should respect and adore his country's symbols.

C. Responsibility: - Citizens have various obligations in their society. These can be of moral, ethical, and legal origins. Good citizens maintain the moral and ethical values of their society. They have also the duty to uphold the constitutional principles and values and observe other laws. Every member of the society has the duty to respect individual rights and freedoms.

Citizens are expected to actively participate in civic associations established for various purposes. Another way by which responsibilities shall be discharged is through paying fair tax and protecting public property from embezzlement and misappropriation. Moreover, citizens have the responsibility to protect and preserve natural resources, environment, and historical heritage. The other issue in which citizens are strongly expected to feel responsible is the threat posed by HIV/AIDS. Fighting this killing disease, which threatens the existence of human race, is the major responsibility of each and every citizen.

D. Industriousness: - work, being necessary for the survival of the human race and civilization, is the main concern of human beings. Ethical work conduct thus enables workers to possess proper behavior and so as to develop proper relationship with other workers and help them create good industrial environment.

E. Self-reliance: - is a remarkable level of dependency on one's power, resources and judgment. It is an attribute shared by both individuals and communities. Individuals or communities that lack a self-reliant character are dependent on others to satisfy their needs.

F. Active community participation: - Community participation means active involvement of citizens in the socio-economic and political spheres. The participation may take place at different levels having different forms. It might take place at school, at community, regional, national or international levels. It might also have different forms based on the purpose of the participation.

Community participation may include: political participation & civic participation.

3.3.5 Citizenship and ways of Acquiring and Loosing Citizenship (Emphasis on Ethiopia)

Nations have various laws that govern the granting of citizenship people become citizens in two ways.

1. By Birth, and
2. By Law (naturalization)

1. By Birth:

Most people become citizens of a country simply by being born there. The right to citizenship in the country of one's birth is called jus soli pronounced juhs SoHly, a Latin phrase that means right of soil. The laws of most nations, including Canada, the United Kingdom, and the United States, grant citizenship based on jus Soli. Some nations limit jus soli to children whose parents already have citizenship in that nation. Some nations also deny jus soli to certain groups of persons. Such persons include children who are born in a country where their parents are serving as diplomatic representatives. Persons denied jus soli also include babies born to refugees (persons who have been forced from their homeland by war or some other difficulty).

Some countries use another rule of citizenship instead of jus soli – or in addition to it.

This rule provides that the citizenship of children is determined by the nationality of their parents, no matter where the children are born. The right to citizenship in the country of one's parents is called *jus Sanguinis* (pronounced *juhs SANGWOH nohs*). The phrase is a Latin term that means *right of blood*. Ethiopia, Canada, France, the United States, and a number of other nations grant *jus Sanguinis* to children born abroad if one or both parents are citizens.

2. By Law (Naturalization): - is the legal process by which foreigners become citizens of a country they have adopted. Each nation sets requirements that alien must meets to become naturalized. For example, aliens cannot undergo naturalization in Canada or the United States unless they have lived in their new country for a number of years. On the other hand, Israel allows Jewish immigrants to become Israeli citizens the day they arrive under a rule called the Law of Return. Many nations naturalize only people who understand the rights and duties of citizenship and can use the national language.

Ways of Acquiring citizenship in Ethiopia

1. **By Birth:** - According to the Ethiopian Nationality proclamation of 2003, article 3(1), any person shall be an Ethiopian national by descent where both or either of his parent is Ethiopian.
2. **By Law (Naturalization):** - Any foreigner may acquire Ethiopian nationality by law in accordance with the provisions of Articles 5-12 of the Ethiopian Nationality proclamation of 2003.

A. Marriage: - A foreigner who is married to an Ethiopian national may acquire Ethiopian nationality (refer to the annexed Ethiopian Nationality proclamation of 2003, article 6). Naturalization through marriage has an international acceptance. Besides, status of citizenship cannot be obliterated even if the partners get divorced.

B. Legitimation (Cases of Adoption): - This is citizenship by recognition. An illegitimate child has the right to get his biological or caretaker father/mother citizenship after legitimization. Such process is usually attributed to a father /mother of multiple citizenship. And child adopted by Ethiopian national may acquire Ethiopian nationality by law (refer the annexed Ethiopia Nationality proclamation of 2003, article 7).

C. Grant on Application: - Depending on their rules, different countries adopt requirements to grant citizenship by application. According to the Ethiopian Nationality proclamation of 2003 article 5, the following are the requirements (Refer to the annexed Ethiopian Nationality proclamation of 2003, article 5).

- i. One who is majority or legal age, that is, eighteen.
- ii. One who lived in Ethiopia for a total of at least four years
- iii. Not dependant (self-reliant), that is, he/she must have sufficient and lawful source of income to maintain himself and his family.
- iv. One who is able to communicate in any of the languages of the nations and nationalities of the country.
- v. One who is a person of good character.
- vi. One have no record of criminal conviction
- vii. One who be able to show that he has been released from his previous nationality or the possibility of obtaining such a release upon the acquisition of Ethiopian nationality or that he is a stateless person, and
- viii. He/She shall be required to take the oath of allegiance stated under Article 12 of

this proclamation.

D. Reintegration (Restoration): A person who has lost his/her citizenship due to some reasons may get it back if he/she fulfill some conditions as laid down by the laws of the state. According to the Ethiopian Nationality proclamation article 22, a person who was an Ethiopian national and who has acquired foreign nationality by law shall be readmitted to Ethiopian nationality if he/she:

- A. Returns to domicile in Ethiopia;
- B. Renounces his foreign nationality; and
- C. Applies to the security, Immigration and Refugee Affairs Authority.

E. Citizenship by special case:

Citizenship can be given to an individual or collectives without undergoing all the legal procedures related to acquisition of citizenship.

As to the Ethiopian Nationality proclamation article 8, a foreigner who has made an outstanding contribution in the interest of Ethiopia may be conferred with Ethiopian Nationality by law irrespective of the conditions stated under sub-articles (2) and (3) of Article 5 of the proclamation. That is, he/she is not required to live in Ethiopia for a total of four years and may lack the ability to communicate in any of the languages of the country.

F. Citizenship by Political Case (Process).

The political case refers to acquisition of citizenship by conquest or cession of territory. Cession is voluntary process whereas conquest is coercive act. Citizenship by political case is possible in two ways. These are:

- ii. When the people of subjugated state are incorporated within the territory of the victorious state, they acquire citizenship of the new state. When large number of people acquires citizenship at the same time, such practice is termed as collective citizenship.
- iii. Due to the merger of one state or region of a state with another state, citizens of the merged territory become citizens of the new state in which they are merged. Example, when the United States bought the Louisiana territory from France in 1803, the treaty provided that all the people in the area should become American citizens.

G. Option.

This is a modern development due to the direct participation of the inhabitants in their status of citizenship. In voluntary partition, cession or exchange of territories option is given to the inhabitants to choose only the citizenship of one state. Example, when the territory of India was divided into Pakistan and India.

H. Defacto Citizenship (citizenship by claim).

A woman or man can marry another national without undergoing the required legal procedure of marriage. Under such condition the married woman or man can possibly claim citizenship of her husband's (his wife's) country. Such kind of citizenship by claim /assumption is termed as apparent Nationality.

Dual Citizenship

Some people hold citizenship in two nations. The condition of being a citizen of two nations is called dual citizenship or dual nationality. Some people gain dual citizenship by birth. For example, a baby born to a French family visiting the United States would have U.S. citizenship by jus soli. The baby also would have French

citizenship by jus Sanguinis. People whose parents are citizens of two countries might have dual nationality by jus Sanguinis.

Some people have dual citizenship as a result of naturalization. For example; a nation might allow its naturalized citizens to keep their original citizenship. Such persons could claim citizenship in two countries. Or, a nation might refuse to allow its people to give up their citizenship. People who declared that they no longer were citizens of such a country and became naturalized in another still would be claimed as citizens by the original nation.

3.3.6. Ways of loosing citizenship

Various states adopt different principles on those citizens who violate the nation's citizenship. The following points discuss the various modes of losing citizenship.

1. Renunciation (Expatriation)

The United Nations universal Declaration on Human Rights of 1948, Article 15(2) provides the right to the individual to renounce his/her citizenship and seek the citizenship of some other state according to his/her choice.

Most countries recognize the right of any citizen to expatriate (émigré) himself/herself or give up his/her allegiance or loyalty to one country for allegiance of another country. A person gives up his citizenship in one country when he is naturalized in another, if the country he/she leaves recognizes his/her right of expatriation. In such condition the person ceases to be citizen of the former state. Ethiopia also recognizes the right of its citizens to expatriate and renounce their Ethiopian citizenship status (Refer the annexed Ethiopian Nationality proclamation article 19).

The personal decision of a person to renounce or give up his/her citizenship emanates when the state harasses the person and when the person dislikes the policies or politics or ideologies pursued by the state or for other reasons like better economic standing.

2. Deprivation

A citizen of a state may be deprived of his/her citizenship, if he/she is guilty of committing certain serious crimes against the state. Such as:

- ♠ To make access national secrets to alien country.
- ♠ Serving in another country's armed forces or government
- ♠ Trying to overthrow the government by force.
- ♠ Promising loyalty to another country.
- ♠ Becoming naturalized in another country etc.

But according to the Ethiopian Nationality proclamation of 2003, article 17; no Ethiopian may be deprived of his nationality by the decision of any government authority unless he/she loses his/her Ethiopian nationality under article 19 or 20 of the proclamation.

3. Substitution

Citizenship may be lost when the original citizenship is substituted by another state, where it is acquired through naturalization. According to the Ethiopian Nationality proclamation article 20, Ethiopian nationality can be lost upon acquisition of other nationality. On the other side, this may also take place when a particular territory is annexed by another state, the inhabitants' citizenship within the annexed territory will be replaced by the citizenship of the subjugator.

4. Lapse

Citizenship may be lost, if the person stays outside of his/her country for a long and continuous period. For example, if an Indian citizen stays out continuously for more than seven years, the person will lose his/her Indian citizenship by the principle of lapse. The principle of lapse has no application according to the Ethiopian Nationality proclamation of 2003.

Focus

Statelessness is lack of citizenship in any country. Children of alien parents are born stateless if the country of their birth does not grant *jus soli* and the parents' homeland does not grant *jus Sanguinis*. People can become stateless by giving up citizenship in one country without gaining citizenship in another.

Some people become stateless as a result of government action. For example, a government might punish citizens by expatriating them, leaving them stateless. In 1935, the German government led by the Nazi dictator Adolf Hitler expatriated all Jews living in Germany. Many other people become stateless when their homelands are destroyed by war.

Stateless persons have no government from which to ask protection. So, there is an international concern over the case of stateless persons. To settle such conditions, the United Nations has adopted a convention on the protection and reduction of stateless persons. States are expected to observe the convention in resolving the plight of stateless persons.

3.3.7. Elements entitled to citizenship

The following elements are entitled to citizenship status.

1. **Human beings.** All persons irrespective of religion, race, color etc as long as they have the right to be citizens. Citizenship is a right but not a privilege. Citizenship is not a status that is conferred by the will of government but is a right of every person born within the confines of the state territory.
2. **Institutions, Plants, Animals and Materials** (dehumanized elements) that have legal status. Example –commercial Organizations, Registered Ships and planes, Endemic Animals and plants etc.

Dehumanized elements cannot be categorized under direct citizenship status. The term direct citizenship refers to human elements exercising the title of citizenship directly without the approval or will of any political body.

The government has the responsibility to determine citizenship status of non-human elements. Thus, direct citizenship applies only to humanized elements. But by legal status, it is possible to term dehumanized elements as nationals of a country.

CHAPTER FOUR **CONSTITUTION OF STATE AND CONSTITUTIONALISM**

4.1. Definition of Constitution of State

In the modern period, states usually govern their societies according to certain sets of laws and rules. The laws of the state are binding up on all members of society. As government is the brain and soul of the state, governments are supposed to make laws on the behalf of their states. Among the various laws of the state, the constitution is the fundamental one. The constitution of a state is described as the basic and supreme law of the land. It prevails over all other laws and rules in a country.

Definitions of Constitution of State

- ❖ The constitution of a state is the fundamental or basic law of a state, constituting of:
 - a) The organization of the government
 - b) Powers and functions vested upon the principal Government organs and agencies
 - c) The limitations on the extent of, and methods of exercising these powers;
 - d) The relationship between the government and the people who live under it.
 - e) The basic political principles that should be followed in conducting the government;

Constitution of State: is that body of rules and laws, written and unwritten, which determines the organization of government, the distribution of powers and functions to various organs of government, regulate the relationship between them regulate the relationship between the state and the individuals, and the general principles on which these powers are to be exercised.

Constitution of State: sets out the following structure of the stage, specifying the powers and institutions of central government, its balance with central authority, inaddition,, Constitutions list the rights of citizens and in doing so create limits on and duties for the government.

Constitutionalism

- ❖ **Constitutionalism** is the doctrine that governments should be faithful to their constitutions because the rules and laws so provided are all that can protect citizens' rights from arbitrary actions and decisions of the government.
- ❖ **Constitutionalism** is the belief that constitution of a state is the best arrangement of things and activities in a society. Again, it is a state of being subject to limitations and that operates in accordance with the general rules and Laws rather than arbitrary.
 - **Rules-** are procedures that governments and citizens should follow or keep in order to play and operate correctly. Such kind of rules are helpful for the games to be interesting and to be played properly.
 - **Law-** is defined as a rule of human conduct, imposed up on and enforced among, the members of a given state. In other words, Laws are essentially

rules that identify, formalize, and reinforce patterns of social behaviour that the overwhelming of society's members consider acceptable and beneficial.

4.1. Major Purposes and Functions of Constitution of State

Generally Speaking, the main purpose of a constitution of state is limiting or restraining the powers and authorities of government; ensuring and safeguarding the rights of citizens. A constitution of state is, as well, a framework or blueprint for government. A constitution of a state, among other things, determines the form of government etc. It also determines the form of state to be unitary or federal; and specify the powers and functions of government at both national and regional levels. The major purpose of a constitution is limiting the powers of governors. i.e. preventing the danger of absolutism and safeguarding the rights of citizens. This is to say constitution of state:

- Determines the structures and functions of a government
- It outlines the rights and duties of citizens and their relations with their government.
- It contains the common purposes of citizens in a society
- Being the supreme law of a state, it is the source of all other laws, Generally, the constitution of state has the following basic purposes and functions.

1. Constitution of state as a Framework for Government:

As a framework, the constitution of state is a plan for organizing the operation of government. That is, constitution of state effectively guides the functions and powers of a government; legislature and the judiciary.

Constitution of state is a brief and a general outline of duties and rights of governments. It establishes the foundation for governments, among others, in the sense that it defines the very structures or bodies of government: Legislative, executive and judiciary. It also defines the responsibilities and tasks of these structures of government. Each branch of government considers the constitution as the basic standard of any action and decision. All actions and decisions are to be undertaken according to the provisions of the constitution.

The three branches of government (the legislature, the executive, and Judiciary) and their responsibilities are determined and structured by the constitution. Thus, constitutions of states serve as frameworks for governments.

1. Constitution of State Provides Government Stability

In allocating duties, Powers and functions among the various organs and institutions of government, constitution of state acts as "**organizational Charts**", "**definitional guides**", or "**institutional blue prints**". As such, they formalize and regulate relationships between political bodies, and provide a mechanism(s) through which any potential combustible conflicts can be adjudicated and resolved. Constitution of state provides the vital function of introducing a measure of stability, order, and predictability to of government.

2. Constitution of State Limits the Powers of Government

A country having a constitution may not necessarily mean having constitutionally limited government. There is a difference between having a constitution and constitutionally limited government. In a constitutionally limited government officials

are always abided by the constitution. In this case, the constitution determines the specific functions and authorities of these officials.

There is a constitutional limit on the extent of official's power. There is no decision or action that will be undertaken arbitrarily and spontaneously, but every decision, act, or behavior will be entertained according to rules and laws that originate from the supreme law of the land, the constitution. This subjection to the laws and rules from the part of the government and the governed (the people) is coined as the rule of law.

Constitutional Government most importantly, protects the rights and freedoms of citizens, but this doesn't mean that the government is not having enough authority to effectively exercise its functions. A constitutional Government is neither too powerful nor too weak. If a government is excessively powerful, i.e. if it has unlimited powers, it tends to abuse the rights and freedoms of citizens. If, on the other hand, a government is too weak it can't protect citizens. Therefore constitutions shall grant Governments enough powers to effectively and consistently undertake their functions, and responsibilities, but at the same time put limits on their powers to make sure that they are not in a position to endanger, the rights, and freedoms of citizens.

On top of discharging their citizenship responsibilities, citizens shall critically check whether their governments are running government affairs up to the constitution, and insist on opposing unconstitutional government of what so ever. Governments on the other side are expected to stick critically to the constitution and adhere to the values of the constitution and respect the limits set. When government fails to respect the principles of its constitution, then it stops to be constitutional.

3. Constitution of State Protects Individual and Collective Rights and Freedoms of their Citizens

To protect the individual and collective rights and freedoms of people, the constitution of state, like the FDRE one, conspicuously provide or lay down the relationship between the state and the individual and collective ones, making out the respective spheres of government on the one hand, and the individual and collective rights and freedoms on the other.

4. Constitution as the Supreme (the Highest) Law of a Country.

Constitution of state is the source of all laws in a country, i.e. it is the source of specific laws with regard to different affairs and issues. No specific law will be valid if it contradicts the supreme law of the land. All laws in a country are made to fulfill the objectives and goals clearly specified in a constitution of a given country. All laws are derived from the constitution, thus, constitution of state is considered as the highest law of a country. For constitution of state serves as the binding instrument of all other laws in a country, it is the supreme law of the land. Because of this, the constitution of state is said to be "the law behind other laws", and hence, it is "the Mother of all laws" of a country.

5. Constitution of State as the Vehicle for Empowering States

Constitutions of states mark out the existence of states, and makes claims (validity; green light as the legitimate/legal right to rule or govern) concerning their sphere (Jurisdiction) of independent authority. In this regard, for example, the creation of new state is invariably accompanied by making, adopting, and consolidating of constitution.

The pivotal need for empowerment also applies to Subnational /regional bodies. In federal state structure or systems, for example, constituent provinces (what we call in Ethiopia Regional States) or federating units have their constitution in order to

guarantee their sphere of authority (ies) relative to that of National /Central/ or federal government.

6. Constitution of State as the Weapon for Legitimizing Regimes

Constitutions of states is also indispensable for building legitimacy for regimes.

Definition of Legitimacy

Legitimacy is the right to rule or the validity power to govern. A legitimate system of government is one based on authority; that is, those subject to its rule recognize its right to make collective decision or to rule. Strictly, authority the right to act, rather than the power to do so. However, authority creates its own power solong as people accept that the authority-figure has the right to make decision.

The process of legitimization of regimes has two dimensions. These are:

- i) The existence of constitution of state is almost prerequisite for a state's membership of the international community and for its recognition by other states in the current modern world; and
- ii) More importantly, the ability to use constitution of state to build legitimacy with in a state through the promotion and effective consolidation of respect and compliance amongst the domestic population. This is possible because constitution of state both symbolizes and disseminates the values of the regime.

7. Constitution of State as Blue Prints for establishing Values and Goals

Constitutions of states invariably embody a boarder set of political values, ideas and goals. It, therefore, seeks to invest for unifying political values. As such, the fundamental aims (objectives) and principles are described or accomplished explicitly in preambles to constitutional documents, which often function as statements of national ideals and values. In the Ethiopian context, you look at the preamble of the FDRE Constitution.

4.2. Kinds (Classification) of Constitutions of States

Constitutions of state in different political systems differ from one another interms of their principles on the distribution of political power, on the structural separation of authority among branches of government, and on the limitations they set on government authority.

Constitutions of different countries also differ from each other in their form, content and patterns of political arrangements. These constitutional variations among Nations may have been caused due to different historical backgrounds, social traditions and political practices. In some cases, constitutions tend to be products of compromises and consensus of the differing social and political forces of society. But it has been historically observed that in other cases, constitutions are also drawn by power holders in government with the aim of securing their desired political and socio-Economic interests. What distinguish the constitutions of different countries are not only their forms and appearances, but also their contents of the underlying principles and procedures. Accordingly we have the following classifications:

I. Written (Codified) Vs Unwritten (Codified) Constitution of State

This classification is made (based on the forms of the Constitution i.e. in view of breadth of written provisions).

A. Written (Codified) Constitution of State

A. **Written Constitution:** is one in which key constitutional provisions are collected together within a single legal document, popularly known as “the Constitution” and most constitutions of states of the world are written constitution.

- ❖ Written Constitution of state is compiled in a single document.
- ❖ Written Constitution of state is often expressed as basic law because, as basic law, written constitution is entrenched in that it overrides ordinary laws passed by the legislature.

Some Benefits of Written (codified) Constitution of State

- ❖ It is full of clarity and definitions because key provisions are written.
- ❖ It has the quality of stability. That is, since people know the nature of constitutional provisions, people feel a sense of satisfaction.
- ❖ The Rights and liberties of the people are secured since all-important points are reduced to writing. Hence, authoritarianism is kept at bay.
- ❖ It has educational Value in that it highlights the central values and over all goals (objectives) and principles of he political system.
- ❖ Major principles and key constitutional provisions are entrenched, safeguarding them from interference by the government of the day.
- ❖ The power of the legislative is constrained, cutting its sovereignty down to size.
- ❖ Non-political judges are able to police the constitution of state to ensure that its provisions up held by the public.

A. Unwritten (Uncodified) Constitution of State

Unwritten constitution of state refers to a set of rules, regulations, declarations and laws passed by either a parliament (the legislative body) or other competent body (ies) at different times.

- ☞ It is not compiled in a single document containing key constitutional provision
- ☞ The absence of codified (written) constitution of state implies, most importantly, that the legislative body enjoys sovereignty or unchallengeable sovereignty. Therefore, it has the right to make or unmake any law on any issue what so ever.

Some benefits of unwritten (uncodified) Constitution of State

- ☞ It has the quality of elasticity and adaptability to changing circumstances or situations.
- ☞ It is resilient with the result that it can absorb and also recover from shocks that may destroy a written constitution.
- ☞ It is dynamic in that it prevents chances of popular uprisings (upheavals).

II. Rigid us Flexible Constitution of State

On the basis of the ease with which provisions of the constitution can be changed or on the basis of the amending process, we can have rigid, and flexible constitution.

A) Rigid Constitution of State is constitution that does not adapt it self to changing circumstances immediately and quickly. In rigid constitution, amendment procedures may be more or less a complex or difficult. For example, in Australia, Denmake, Ireland, and Spain, popular referendums are used to obtain the public approval for constitutional amendments or ratify once endorsed by the legislature.

In other cases, special majorities must be achieved in the legislature, as in the requirement in Germany's Basic law that amendments must have $\frac{2}{3}$ support in both the Bundestag () and the Bundesrat ()

In USA, in addition to $\frac{2}{3}$ majorities in both Houses of Congress (the House of Representatives plus House of the Senate), Constitutional amendment must be ratified by $\frac{3}{4}$ (three –quarters) of the federating states.

The Case of Ethiopia

The FDRE Constitution Clearly States (Stipulates) the initiation and enactment of Constitutional amendment in its article 104 and 105. You can look at below for the constitutional amendment in the case of Ethiopia.

Article 104

Initiation of Amendments

Any proposal for constitutional amendment, if supported by a two-thirds majority vote in the House of Peoples' Representatives, or by a two-thirds majority vote in the House of the Federation or when one-third of the state Councils of the member states of the federation, by a majority vote in each Council have supported it, shall be submitted for discussion and decision to the general public and to those whom the amendment of the Constitution concerns.

Article 105

Amendment of the Constitution

1. All rights and freedoms specified in Chapter Three of this Constitution, this very Article, and Article 104 can be amended only in the following manner:
 - a. When all state Councils, by a majority vote, approve the proposed amendment;
 - b. When the House of People's Representatives, by a two-thirds majority vote, approves the proposed amendment; and
 - c. When the House of the Federation, by a two-thirds majority vote, approves the proposed amendment.

Article 106

Amendment of the Constitution

2. All provisions of this Constitution other than those specified in sub-Article 1 of this Article can be amended only in the following manner:
 - a. When the House of Peoples' Representatives and the House of the Federation, in a joint session, approve a proposed amendment by a two-thirds majority vote; and
 - b. When two-thirds of the councils of the member States of Federation approve the proposed amendment b majority votes.

B) Flexible Constitution of State: -

is a constitution that adapts easily and immediately to changing circumstances. In this case, the legislature has the unchallenged and unconstrained power to make laws on any issues and affairs. The glaring examples, in this case, are the unwritten constitution of UK, and TS Isra'el.

In the end, it can be concluded that the rigid –flexible distinction has no necessary connection with the distinction between written and unwritten constitution of state. What matters is the extent to which the legal constitution adjusts to Political reality. Never the less, understandably, unwritten constitution is flexible because there is no formal legalistic procedure for making a change.

III. Effective Vs Nominal Constitution of State

On the basis of the degree to which constitution of state observed in practice, or on the basis of the relationship between constitutional rules and laws and principles, on the one hand, and the practice of the government (the workings) of the constitution, on the other hand, we can have effective, and Nominal Constitution of State.

A. **An effective Constitution of State** is one that fulfils two criteria:

1. In major respects, at least, the practical affairs of government corresponds to the provisions of the constitution; and
2. The above occurs because the constitution has the capacity through whatever means, to limit government behaviour and activities.

Therefore, an effective constitution of state requires not merely the existence of constitutional rules and laws but also the capacity of those rules and laws to constrain or limit government behaviour and activities, and establish Constitutionalism.

B. **Nominal / Facade/ Fictitious/ Constitution of State**

This is a constitution of state that shows the texts, principles, rules and laws that may accurately describe the government behaviour but fail to limit government behaviour and activities in practice. Therefore, a Nominal Constitution of state is not observed in practice but in form. Hence, it can be said it is a paper value. This implies the lack or absence of constitutionalism.

IV. Federal and Unitary Constitutions

One of the fundamental functions of constitutions is designating political power. Constitutions either concentrate powers at the center or distribute it among the different branches and levels of government. When a constitution determines that there must be Subnational levels of government such as regions in Ethiopia, states in the United States of America, such a constitution is called federal constitution.

In federal constitutions the power and responsibilities of the federal government and that of the states or regional governments are specifically assigned. Under the Umbrella of the federal constitution, the regional governments exercise independent authority in their respective regions.

On the other hand, in unitary constitutions, all state powers are concentrated in the hands of the central government. The central government can establish or abolish the lower levels of government, determine their form, composition, and their powers and responsibilities. In short, in unitary systems, local governments do not have constitutional guarantee for their existence. Powers and responsibilities are delegated to them by the central government.

Generally, we can have the following kinds of constitutions of states

- ❖ Federal Constitution of State
- ❖ Unitary Constitution of State
- ❖ Parliamentary Constitution of State
- ❖ Presidential Constitution of State
- ❖ Republican Constitution of State
- ❖ Monarchical Constitution of State etc.

4.3. Origin and development of constitution

The origins of constitutional ideas in human society could be linked with the need to limit the political authority and power of governments. To this end there were various attempts to check the powers of rulers at different times. The evolution of constitutional practices can, therefore, be traced to historical periods during which different patterns of rule emerged. For instance, the idea of constitutional democracy

obtained greater importance in ancient Greece. The Greeks exercised democracy as a system of government and introduced the political tradition of citizen's participation in political decisions. The type of democracy in ancient Greece was direct democracy. The citizens elected public officials (rulers) and the power of these rulers was restricted so that no abuse of power would be made.

Among other things, the experience of limiting the power of rulers and that of the government is associated with the signing of the Magna Carta ("Great charter") by king John of England in the early 13th century (1215). After the Magna Carta, the absolute power of the English kings was limited in favour of the power of the parliament. It was the parliament that forced the king to be a constitutional monarch with restricted power.

Later, the emergence of the ideas of popular sovereignty, limited government, and separation of powers influenced the development of constitutional rule. Philosophers such as John Locke, Jean Jacques Rousseau, and Charler Monte queue underscored the need to establish governmental power in accordance to certain laws and rules that would enhance citizen's rights, liberties, and freedoms. And, the need for popular representation obtained increasing acceptance over the years. The coming into effect of the American Constitution in 1783, which was introduced, offers the American Declaration of Independence in 1776, witnessed the emergence of constitutionalism in its modern sense. Thus, constitutions emerged as legal instruments to form governments by the people. The powers people give to governments are limited by constitutions. Constitution of state also prohibits a government from exercising its power arbitrarily violating the law set forth in the constitution. As the result, most modern and democratic states establish governments and proclaim the constitution as the fundamental law by which they rule.

4.4. The Constitutional Experiences of Selected Countries

Countries have different constitutional experiences. This variation in constitutional practices can be explained by historical factors, political circumstances, and socio-cultural conditions that determine the political experiences of each country. Accordingly, the following discussions are intended to provide you with a useful basis for comparing the ways in which constitutions operate in different countries: and how the behaviour of governments and their political values are shaped. Here you will study the constitutional experience of USA and India, and this will give you a picture of varying constitutional experiences of different countries.

4.4.1. Constitutional Experiences of the United States of America

The United States of America (USA) occupies a vast expanse of the central and southern part of the North American continent. It is bordered by Canada and the Arctic Ocean in the north, the Pacific Ocean in the west, the Gulf of Mexico and the Caribbean Sea in the south, and the Atlantic Ocean in the east. As an independent state, the United States of America is over 200 years old. It is also one of the largest countries in the world with very large population. The population of USA comprises of a mixture of highly diversified racial, ethnic, linguistic, religious and cultural groups that commonly identify themselves as American Citizens.

Before independence, America was a British colony. Since the beginning of the 17th century, there were thirteen British colonies in the America. By the mid 17th century, the colonies had developed some degree of autonomy and self-governance, from 1760

onwards, however, the British Government, under king George III, begin to exercise tight economic and Political control over the colonies. The British parliament considered the peoples of the colonies as its subjects, not as citizens and this alarmed the Americans. In addition the imposition of new and heavy taxes by the British parliament led to the rise of oppositions. One of the most unpopular taxes was the one that was imposed on imported commodities. For example, the tax on imported tea led to what is known as the 1773 Boston Tea Rebellion, which was an opposition by the Americans expressed by dumping shiploads of English Tea in the Boston harbor. Nevertheless, the British Government continued imposing repressive policies and taking coercive measures in response to oppositions of the colonies. Eventually, the situation was culminated in military confrontation between the rebelling colonists and British colonial troops. This conflict latter developed in to the American Revolution and war of Independence.

While the fighting continued, the delegates of the thirteen colonies and the American revolutionaries met in what came to be known as the continental congress held in Philadelphia in July 1776. This congress appointed a committee to draft a Declaration of Independence, which was proclaimed on 4 July 1776. In the Declaration of Independence, the American colonies proclaimed their devotion to the ideals of human rights, political participation, and limited power of government. In fact initially, the thirteen colonies emerged as independent and sovereign states, each with its own government, only establishing a loose association among themselves called confederation.

The confederation was subordinate to the thirteen states for effective, legislative, judicial powers were retained by the states. The real birth of the USA, however, came with the holding of what came to be known as the constitutional convention in Philadelphia that started on 14 may 1787. After lengthy and relentless debates, discussions and negotiations the delegates to the constitutional convention finally drafted the existing constitution of the United States, which was signed on 17 September 1787. Then, the thirteen states ratified the constitution after some delays. Subsequently, the confederation was dissolved and the United States of America was established as a federal state. Therefore, the democratic system of the USA is shaped by its declaration of independence of 4 July 1776 and the constitution of 17 September 1787.

The constitution of the USA is in operation for more than 200 years now. We should, however, note that the United States constitutional practice developed over the years incorporating new changes and modifications without fundamentally upsetting the basic political and philosophical principles of the original constitution. The basic principles of the American constitutions are: popular sovereignty, limited government, separation of powers, checks and balances, judicial review and federalism.

The USA has a presidential system of government. The president is elected *indirectly* by an “electoral college” for a four –year term and can’t serve for more than two terms in office i.e. for more than 8 years. An electoral college, which is a body of electors who themselves are elected by their respective states to cast their votes to choose the president and vice-president. Each state has as many electors as its total members in congress. For example, if a state has 50 representatives in congress, it will have 50

members of Electoral College. The members of the Electoral College meet in their respective states to vote for the president and vice president. Then each Electoral College sends its total votes to congress in Washington, where they are counted. The winner is declared the president of the USA. Therefore, when, therefore, the American people cast their votes during presidential elections, they actually elect the electors, members of the Electoral College.

The president exercises vast executive powers though his exercise of these powers is checked and balanced by the congress. The president is both the head of the state and the head of government. He is also the commander in -chief of the Armed forces of the United States. He is the chief executive who ensures that the laws are executed by the administration that comprises a vast bureaucracy. Regarding legislation, president shares certain powers with the congress. He can propose or initiate bills to the congress, and he can also veto (reject) a bill passed by the congress. A bill cannot be law unless it is approved by a two-thirds vote of the congress. The president also exercises a dominant power in the field of foreign policy. He negotiates and signs treaties. But this has to be approved by the two-thirds vote of the senate in order to be binding on the United States of America.

The United States Congress is bi-cameral. It comprises the Senate & the House of Representatives. Members of the senate – senators, are elected directly from the people. Members of the two Houses are elected directly by the people. The senate has two members for each state serving six-year term. The House of Representatives is composed of 435 members that are elected for 2-year term of office.

The members of the House of Representatives are elected on the basis of population size. In all states, there are congressional districts comprising approximately 500,000 people for which one member is elected to the House of Representatives.

The Senate and the House of Representatives are independent of each other with equal legislative powers and checks on each other. That is each House can veto the decisions of the other. However, only the House of Representatives decide on the allocation of funds for government programs that is proposed by the president. Nevertheless, the senate can amend these decisions. As indicated earlier, the president can veto bills passed by the congress. But, the congress also can override the presidential veto by a two-thirds vote of both Houses. On the one hand, the House of Representatives has the power to impeach i.e. formally accuse the president on grounds of abuse of powers or extreme misconduct. But it is the Senate that has the power to try the president on impeachment charges. In simple terms, the various government institutions of the USA are constitutionally interlocked with each other through the system of checks and balances.

Both Houses of the US congress have various standing committees and sub-committees. These different committees deal with issues of legislation such as examining factors for passing bills investigating aspect of legality of government policies and their implementation. However, while the standing committees focus on major issues of legislation such as finance, agriculture, international relations, the sub-committees deal with more specialized issues.

The states that constitute the American federation have reserved powers where they exercise certain legislative, executive and judicial powers. They can do so without intervening in the powers and authority of the federal government in Washington D.C.

Such powers like determining social, economic, educational, and legal processes and activities within their territories are the rights of the states. The federal government has also delegated powers and is limited by the constitution not to interfere in matters that fall within the powers and functions of the states. Such powers as issuing currency, dealing with foreign relations, organizing and administering the national Armed forces, etc..., fall within the Jurisdiction of the federal government only. The states have their own constitutions and uni-cameral (single house) legislatures. And the executive powers of the states are carried out by elected governors of each state. There are also powers shared among the states and federal government known as concurrent powers. These are powers, to levy and collect taxes, to define crimes and set punishment, to set procedures as how to nationalize private property for public use, etc. The concurrent powers are not held and exercised jointly by the two basic levels of government, rather, separately and simultaneously. For example both the federal government and the states have the power to collect taxes in their own ways.

Having established a democratic system of government, the US emerged as a very prosperous and powerful country in the world during the course of the 20th century. It developed from an agrarian society to the most developed industrial and powerful nation in the world. Its technological and scientific advancements have made her one of the most influential and leading countries in the international arena particularly, after the end of the world war II, the United States became one of the super powers in world politics. With the end of the cold war politics and the disintegration of the Soviet Union in the early 1990s, the USA has emerged apparently as the only military super power in the world.

4.4.2. Constitutional Experience of India

India, which is found in the Asian sub-continent, is a large country with very wide cultural diversity. Its diversity is manifested in its linguistic, cultural, and religious variations. In India there are over 800 languages or dialects. Hence India is multi-lingual nation. Although India is a country of vast cultural heterogeneity, this situation has not prevented her from forging a single state with a constitutional government. Today, India can be considered as a unique case of third world countries that has created an effective and permanent parliamentary democratic system.

India became independent from the British colonial Rule in 1947 and the constitution of India was promulgated in November 1949. However, the constitution was formally put into effect on 26 January 1950. Perhaps the constitution of India is the largest constitution in the world; it has 395 articles. The Constitution of India specifies the powers and duties of the parliament, the cabinet, and the office of the president.

The Constitution of India has established federal state structure and parliamentary system of Government. The Indian Parliament is bi-cameral (has two Houses). The two Houses are: Lok sabha (House of Peoples' Representatives); and Rajya Sabha (Council of states or the Senate). Members of the Lok Sabha represent the people of India, while members of the Rajya Sabha represent the regional states of the federation. The Indian House of Peoples Representatives has 544 members, while the Senate has 250 members. Members of Lok Sabha are elected in general election for a period of five years. However, it may be dissolved by the president of the country up on the recommendation of the prime Minister, before the end of its five-year term of office. If Lok Sabha is dissolved, general election will be held to form a new government. On the

other hand, 238 out of the 250 members of the Indian senate are elected by the legislatures of the regional states for five years. The remaining 12 members are appointed by the president of India to represent the arts and professional groups.

The main function of the Lok Sabha is to adopt new laws. It also debates for or against government actions and pass resolutions. The Raja sabha does not have much substantial power. New bills that are introduced by the government must finally be voted in both houses before they are forwarded to the president for approval.

4.5. The Constitutional Experience of Ethiopia

Constitutional experiences in Ethiopia can be generally categorized in to two. These are the traditional unwritten constitutional experiences and the written constitutions. Up until 1931 Ethiopia had no written constitution. It had its first written constitution in 1931. Since then, Ethiopia Experienced different constitutions under the Imperial and the Derg regime and still it is.

4.5.1. The Traditional Constitutional Experience in Ethiopia (pre-1931 period)

Until the early 1930s, the rule of the Ethiopian Emperors was based on traditional and customary political and legal premises. The traditional constitutional experience was characterized by the dominance of myths and legends that were used to provide legitimacy to the monarchs. Example of such legendary sources of legitimacy was the myths of the Solomonic dynasty. Many of the legends and myths including the myths of Solomonic dynasty revolve around the idea of the divine rights of kings. This idea explicitly entertained in a traditional constitution document called Kibre Negest, (Glory of kings), that appeared during the thirteen century.

Kibre Negest, literally, translated, as the glory of kings is a written legend about the Jewish origin of the Ethiopian monarchy. Legend is a fabricated story that could not be proved through reliably evidence. Here, the points that claiming descent from country of the origin of Christianity and Christian rulers of Ethiopian wanted to persuade their people about the devine power by association of their origin of the country of Jesus Christ. They claimed to be “chosen people of God to rule”.

Kibrenegest mystifies that the Ethiopian monarchs drived their power to rule from God and, therefore, they could not be accountable to any power. These myths and legends inaddition to promoting the idea of divine right of kings, served as traditional constitutional justifications for those kings who assume political power to strengthen and cement their authority over the natural resources they owned and the peoples they ruled. In these traditional myths and legends that serve as traditional constitutions, monarchs are considered as elects of God that are born to rule. These myths and legends that were propagated through traditional documents such as Kibre Negest and Fithanegest, as a legal basis of the king’s power, stated that “the king is the Minister of God”. It explicitly opposition to the king as a sin against the order of God. These documents added with traditional laws, norms; customs were serving as a constitution (unwritten) for hundreds and thousands of years.

4.5.2. The 1931 First Written Constitution of Ethiop

The 1931 constitution was the first written constitution in the Ethiopian history. Ethiopia had the first written constitution in 1931. This written constitution was promulgated following the coronation of Emperor Haile Selassie I. The introduction of the written constitution however, doesn't mean that a new philosophy was introduced to the Ethiopian political system. Instead, it was an attempt to simply change the unwritten dynastic claim in to a written form, in other words; it didn't provide genuine freedom to the Ethiopian peoples. Its main aim was to give the country and the Imperial Rule an image of modernity. By and large, the major aim of the 1931 constitution was guaranteeing continuity to the rule of the Emperor. This can be clearly seen in the constitution that the king was presented as the representative of God. In the same constitution, the king is presented as "Niguse Negest Seyume Egziabher," which literally means king of kings elect of God. Those who were participating in the political leadership were only the noblemen. Even then, the power was absolutely in the hands of the Emperor.

Emperor Haile Selassie was considered as a "progressive" and "modernizer" even when he was a regent to the throne, among others, he introduced abolition of slavery, and made a visit to Europe in 1923 and managed to make Ethiopia a member of league of Nations. So he was famous both in the country and abroad as a modernizer.

The 1931 constitution was not initiated by the demand of the people and it was not also initiated for the people. That is why there was no attention to guaranteeing popular sovereignty, political freedoms and fundamental human rights to the Ethiopian people. Rather than creating a limited monarchy, like many modern constitutions, the constitution gave all sovereign power to the Emperor. And the people were considered as subjects as they used to be, with out granting any kind of political and civil rights.

In general the constitution was formulated or introduced mainly to attain two basic purposes that would advance the Emperor's authority and political control.

1. The constitution was intended to give Ethiopia the image of "modernity" in the international community. i.e. to achieve recognition abroad and to give Ethiopia the image of modernity. This was done in the hope of securing recognition to Ethiopia's statehood and the Emperor's sovereign rule in the country. During that period, Ethiopia felt pressures from the European powers that controlled colonial territories in Africa. Ethiopia was accused of being "uncivilized" to be considered as a sovereign political entity in an international atmosphere by the colonial powers. The colonial powers did that to justify their presence in Africa with a "civilizing" and "modernizing" mission. Therefore, HaileSelassie issued the constitution to impress Europeans with Ethiopia's political modernity in search of external sovereignty for Ethiopia.
2. More significantly than the above purpose, the constitution was introduced to strengthen, and centralize the absolute power of the Emperor HaileSelassie by extending his power over the regional rulers. In others words the constitution was meant to create a legal framework that enable the Emperor subordinate the traditional nobilities. The emperor had greater desire to centralize power, thus, he used the constitution as a legal basis to extend the power of the central government over regional rulers. As the result, the emperor became the only person that could give political titles and appointments. This helped him to end any tendency of provincial autonomy by the nobility. Thus, the constitution provided him with legal framework for political legitimacy to his personal rule.

This first written constitution served the interests of the Emperor. It was not meant to guarantee the rights and freedoms of the Ethiopian people. Thus, the 1931 constitution can be referred as the Charter of the Absolute power of the monarchy. The political and human rights, freedoms and liberties of peoples of Ethiopia were denied. They were treated as subjects, not citizens. The Emperor was represented as "Niguste Negest Seyeume Egiziabher, which literally means "king of kings elected of God."

However, the 1931 constitution laid some foundations or modern practices for experimenting with practices of modern government in Ethiopia. These innovations can be summarized as follows:

1. Parliamentary System

One major contribution of the 1931 constitution was the creation of the parliament. The parliament was bi-cameral. Namely the Chamber of the Senate (yehig Mewesegna Meker Bet) and chamber of Deputies (Yehigmemria Miker Bet). This was the legislative body. The Emperor had the power to appoint members of the chambers of senate and the Chamber of Deputies (Yehig memria Meker Bet). Those elected to these two Houses were only noblemen and princes, and their term of office was not limited. However the parliament was not given powers and functions by the constitution. It was not an institution that decides on laws. The law making power was vested on the emperor and the parliament was merely meant to rubber stamp the legislation of the Emperor.

2. Annual Budget

The 1931 constitution introduced the idea of providing fixed annual budget for government. In principle, Annual budget was meant to be proposed by the parliament & approved by the Emperor. In practice, however, the assignment of budget as indicated in the constitution had not been properly implemented.

3. Ministerial System

The constitution also provided the institutional framework for the ministerial system. While the Emperor remained with the most important executive power, the ministerial system of Government was completely subordinate to the Emperor. The ministers both individually and collectively were responsible to the Emperor. Thus, the executive branch of government was heavily dominated by the Emperor.

4. Judicial branches

The traditional courts of law were formally institutionalized by the 1931 constitution. According to the constitution there were two separate systems of courts, known as, Regular Courts and Administrative tribunals. The former deals with civil and criminal cases. The Administrative Tribunals handle civil cases that affect the government. At the top of the court system was emperor's chilot (Yenigus Chilot) where the emperor in person reviewed cases, and if necessary change judicial decisions. (The highest Judicial power was in the hands of the Emperor).

In all aspects, whatever innovative features the constitution introduced were more of paper value. Thus, the constitution of 1931 was, by no means, democratic or liberal in its inherent nature. The main objective of the constitution was to justify the centralized and absolute authority of Emperor HaileSelassie over all internal and external affairs of Ethiopia. Otherwise ordinary Ethiopians were considered by law as not yet ready to participate and decide on affairs.

However, the 1931 constitution legalized the emperor's absolute power in:

- ❖ Appointment and dismissals of officials in all three organs of the government
- ❖ The rendering justice
- ❖ The declaration and termination (end) of war:
- ❖ The granting of land and honours.

4.5.3 The Revised Constitution of 1955

After nearly 25-year experiment of written constitution Ethiopia entered in to the second phase of its constitutional development. The second written constitution of Ethiopia was a revised constitution. It was promulgated on 4 November 1955. The 1955 constitution was similar to that of the 1931. But, the political principles and objectives of the 1955 constitution were much more clear in pronouncing the powers and functions of the Imperial government. It also included some provisions bearing advanced democratic ideas compared to the previous written construction. It should be noted that the historical and political process of the Ethiopian state and society influenced the contents and issues addressed in the revised constitution.

Like the constitution of 1931, however, the revised constitution did not involve popular process for ratification. Indeed it was “gift” from the Emperor to his subjects on the occasion of celebrating His twenty –five years in power, i.e. silver jubilee.

In terms of enhancing popular sovereignty, the principles and manners of implementing the revised constitution made little or no progress.

There were major historical and political processes that forced the revised constitution to come into being. One of the essential prerequisites for constitutional revision was the act of federation of Eritrea with Ethiopia in 1952. Eritrea that had been under Italian colonial rule for decades, and latter under the British protectorate, was federated with Ethiopia following the decision made by United Nations (UN) General Assembly.

Under the supervision of the United Nations, the Eritrean constitution of 1952 was drafted providing a separate system of government for Eritrea under the sovereignty of Ethiopian crown. The federation of Eritrea, therefore, created abnormal political situation. **Firstly**, the federal act was not strictly federal in its nature, Ethiopia remained a unitary state with absolute rule of an Emperor, while Eritrea obtained an entirely different government. In other words, there emerged two separate governments, based on entirely different principles i.e. elected government in Eritrea and an absolute monarch in Ethiopia. Thus both were exercising different powers over the same territory.

Secondly, in its nature, the Eritrean constitution implied a more liberal government that incorporated some element of democratic society as a result of their Colonial tradition. There were quasi-political, quasi -religious groups in Eritrea, while, in Ethiopia, political grouping outside the royal crown was a personal offence to the emperor, hence illegal. Thus the Emperor saw it necessary to settle this political anomaly by granting the revised constitution of 1955. Moreover, it was also required to redress the inadequacies of the 1931 constitution to cope up with the social and political dynamics of the period.

Therefore, one can clearly observe that the origins of the revised constitution were related mainly with the historical factors of the time rather than being simply adapted from foreign constitutions as in the case of the 1931 constitution. As far as the content and issues addressed are concerned, the revised constitution maintained some of the basic principles of the 1931 constitution. However, it incorporated some new concepts, and it was much more elaborated than its predecessor. It has 131 articles divided in to eight chapters. The first two chapters, comprising nearly one third of the articles, were concerned with defining the power and authority of the Emperor and privileges of the imperial family. Only one chapter was reserved to deal with some rights and more duties of the people. Its undemocratic character can simply be inferred from the

Emphasis given to the Authority of the Emperor. It further developed the centralizing and “modernizing” themes of the 1931 constitution.

The revised constitution more strongly established the Absolute power of the monarch. It declares the “inviolability of the emperor's dignity”. He could appoint and dismiss government officials in all branches of government as he wished. The emperor also had the power to dissolve the parliament. Any law could not come in to effect unless he approved it. Moreover, his power also extended to the extent of determining the administrative affairs of the church itself. In short, the 1955 Revised constitution made the powers and authority of the Emperor absolute and complete in the Ethiopian state and society. It consolidated, the executive, legislative and judicial power of Emperor Haile Selassie.

In contrast, little or no significance was attached to the need to guarantee political and human rights of the Ethiopian people. The constitution expressed intention of protecting individual rights in terms of property, life and private affairs. However, in practice the mechanisms for implementing these limited rights were largely absent. There were no effective means for representing and reflecting the needs and interests of the people in the government. In the practical sense, Ethiopian people were still considered as merely subjects of the Emperor. Although the revised constitution of 1955 was a step forward in the history of constitutional development in Ethiopia, in effect it failed to lay down a democratic tradition in the Ethiopian political process.

In the end, we can identify some progressive elements which were included in the Revised Constitution of 1955. These were the following:

1. It gave at least textual recognition to rights and liberties of citizens, which included rights such as freedom of speech, freedom of press, freedom of assembly, and people's participation in election of the members of chamber of Deputies. But, there was no observance (enforcement) of these provisions of rights and freedoms of individuals in practice at all. It was only paper value to ordinary Ethiopians.
2. The Chamber of Deputies was made to have the power, at least in textual sense, to question the ministers with the view to hold the government accountable.

Though it was revised, it remained like that of the 1931 Constitution in the following aspects:

2. The Solomonic root of the dynasty, the Sacredness of the person and dignity of the Emperor.
3. The Emperor had unquestionable power over the executive, the legislative and judiciary.
4. The Emperor had the power to issue Decrees (laws) on emergency situation when the parliament is not in session.
5. The Emperor retained the power of being the commander-in-chief of the army.
6. He had also the power to guide and directs all activities pertaining to foreign relations.
7. He was vested with the power over the Orthodox Church in which all rules and regulations of the Church issued by him and the election and appointment of the patriarch to be approved by him.

4.5.4. The constitution of PDRE (Derg Era 197-1991)

By the mid 1970s the undemocratic system of the Imperial government came under socio-political challenges and crises that led to its ultimate collapse. Opposition to the regime was gradually intensified from all corners of the society. In particular the Ethiopian student movement led the struggle for political and socio-economic reforms. Peasant rebellions in various rural areas from all corners of the country were also the other challenges. The government ignored popular pressures for social and political changes. Demands such as “land to the tiller” and respect of Rights, freedoms and equalities of nations and nationalities of Ethiopia remained unanswered. Consequently, the continued social, economic and political crises led to the outbreak of the Ethiopian revolution in 1974. The revolution resulted in the deposition of Emperor Haile Selassie from power.

Nevertheless, the military Junta that formed a military council known as the “Derg” controlled political power. The Derg emerged to be the military government in Ethiopia. The military regime suspended the 1955-revised constitution and began to rule the country by series of decrees and proclamations. Constitutional process of government was foiled. In order to deepen its power, the Derg established its single party, the workers’ party of Ethiopia (WPE) in 1987. This was transition from a no party system to the one party system in Ethiopia. Nevertheless, this didn’t give rise to democratic orders. The party further enhanced the dictatorship of the Derg and that of col. Mengistu personal rule under the guise of the dictatorship of the Ethiopian working class. Having eliminating or weakening internal opposition, the Derg moved on establishing the peoples’ Democratic republic of Ethiopia (PDRE) that mainly aimed at Mengistu’s indefinite retention of power. The PDRE constitution of 1987 was issued for the purpose of justifying the derg’s rule, not to enhance democracy. Thus, the 1987 constitution didn’t depart from its predecessor’s interms of democracy, human rights and freedom to the Ethiopian societies.

The PDRE constitution differed from the previous constitutions in some ways. It was drafted by a constitutional commission through a program of public “consultation”. It was later on ratified by the name of a popular referendum to provide it pretext of broad participation. However this procedural activities, were not form genuine concerns.

In form, some of the provisions of the PDRE constitution incorporated democratic principles. It declared that all powers of the Government are derived from the elected National Shengo, a legislative body having uni-cameral structure. The National Shengo was, by name, the supreme organ of the state. It was responsible to establish the subordinate organs of the state and to elect the president and other leading officials. In practice, however, actual powers of the Shengo were compromised.

Although the constitution recognized the cultural identity and equality of nationalities, it didn’t attempt to address the national question in Ethiopia. The efforts of introducing regional autonomy failed to guarantee the equality and rights of the Ethiopian Nations and nationalities. Since the PDRE constitution kept in effect the centralized and unitary state structure under the part’s control, there were little or no opportunities for exercising the rights of nations, nationalities and peoples of the country to self – determination.

An important contribution of the PDRE constitutional experience was the involvement of the people in the ratification of the constitution. It was for the first time that the people were exposed in the constitutional experiment despite the active control of

WPE. Although not genuine in character, the very act of ratification through a popular voting was a step forward compared to the experience of the 1931 and the 1955 constitutions. In the final Analysis, however, the PDRE constitution was an instrument of making lawful the authoritarian rule of the Derg regime. As the result, when the Derg regime was deposed from power in 1991 due to wide spread popular resistance and Armed struggle, led by EPDRF, the 1987 constitution lost its political significance. A new and by far progressive process of constitutional development began to take place in Ethiopia After 1991.

4.5.5. The Charter of The Transitional Government of Ethiopia TGE (July 22, 1991 – August 21, 1995)

Following the end of the era of military dictatorship, our country entered in to what is known as transitional period. This period terminated on August 21, 1995. During this period, our country was led by the **Transitional Period Charter of Ethiopia**. Charter is a document of important Principles and laws that serve, in this case, as a highest law in place of a constitution of state.

The charter was formulated and proclaimed by the Peace and Democratic Conference, which was held in Addis Ababa from July 1-5, 1991. This conference was the first of its kind in our history as a forum in which many groups of different political outlooks sat together to discuss and decide up on the future of our country. In the conference different political groups, representatives of various interest groups, international non-voting bodies have participated.

The Peace and Democratic Conference established the major principles and ideas by which the country was to be governed until constitutionally limited government was formed. The principles and ideas convened during the conference were formulated in the document that we referred to as the transitional period charter. This document can be considered as the foundation for the 1995 or currently operational constitution of Ethiopia. Some of the major principles and features of the Charter of the Transitional Period were the following:

1. The charter established the Transitional Government of Ethiopia. The form of government was based on the principles of federalism. On the basis of this principle, the structure of government was founded on two major levels. These were: the Federal government, which was responsible for governmental affairs at the center; and the Regional Governments that were responsible for the administrative affairs of their respective regions. In this regard, the Charter established 14 Regional Member States.
2. It Guaranteed the Nations, Nationalities and Peoples of Ethiopia the rights to administer their own affairs and to participate on the basis of equality in the central government decision making process. This right was founded up on the principles of freedom, equality and fair representation. This achievement concluded the struggles fought by the Ethiopian peoples. In other words, the charter assured the freedom, equal rights, and self-determination to all the Nations, Nationalities and Peoples of Ethiopia. This is made to be the governing principle in all affairs of life in the country.

In general, the charter of the transitional period laid down the major foundations for the 1995 constitution. It opened a new era in the history of the country. It offered an opportunity for self-governance and it also recognized the diversity of the Ethiopian societies and it formalized it by devolving political power from its concentration at the

center to the regions. This was a solution to address the age-old political problems in relation to the needs for Autonomy and self-governance in Ethiopia.

4.5.6. The 1995 Constitution of FDRE

The 1995 constitution of the federal democratic republic of Ethiopia is significantly different from that of the Imperial and the Derg constitution. It made an important departure from the constitutional traditions of the country interms of its basic philosophy, content and organization of government. The constitution strongly affirms that the peoples of Ethiopia are the source of sovereignty and that this sovereignty is expressed through this constitution. The constitution explicitly states the rights and duties of the federal government as well as the prerogatives and obligations of the regional states. It clearly declares the areas that purely fall under the jurisdiction of the federal government and that of the regional states as a well as their concurrent powers. The constitution also states that the political power shall be held through periodic, fair and free elections which entitles the Ethiopian citizens to exercise their human, democratic, political, social and economic rights and freedoms.

It declares the right of nations, nationalities and peoples of Ethiopia to exercise their self-administration including the right to secession. More over, the constitution recognizes and affirms fundamental human rights and freedoms in conformity with the United Nations Universal declaration of human Rights and other international human right instruments.

The 1995 constitution has established a federal system comprising of nine member states called National Regional states. The member states exercise Executive, legislative and Judicial powers in their own territories in conformity with the federal constitution.

The constitution dictates that any official or governmental body shall not exercise power arbitrarily. Officials and governments at all levels are to be held accountable to their people and responsible for their actions and decisions. If the people lose confidence on their elected representatives they have a constitutional right to recall them at any time.

The 1995 constitution established a parliamentary system of government and divides the legislative, executive and judicial powers among the parliament, council of Ministers and the independent Judiciary. Let us now examine the structure of the Ethiopian government under the Federal Constitution. But, before that lets spend some time on the stages the FDRE Constitution goes through in its formulation and the major objectives, of the constitution and other related issues and more pints about the FDRE Constitution.

Stages of the Formulation that the 1995 FDRE Constitution has Passed:

1. Drafting Stage

- Drafting stage was the first stage of the formulation of the 1995 FDRE Constitution.
- A special body known as Constitution Commission carried out the drafting task.
- Experts with a good deal of experiences from other countries were invited to such seminars and workshops that have helped immensely in sharing experiences.

2. Discussions and Development Stage

This stage involved extensive public discussions on the draft of the constitution. This can be termed as popular discussion and ratification of the constitution. These extensive discussions on the draft gave citizens of Ethiopia the opportunity to:

- A. Know the tentative provisions that would be parts of the final constitution;
- B. Amend or improve the provisions before they enforced into action, and
- C. Participate in the formulation of their own constitution.

3. The Ratification Stage

- This stage is also known as adoption or endorsement
- A Constitutional Assembly- a special body constituted body of elected representatives of the Nations, Nationalities, and peoples of Ethiopia- accomplished a historical task of ratifying or endorsing the draft of the constitution.
- In the constitutional Assembly, 538 elected citizens participated.
- The constitutional Assembly thoroughly and conspicuously discussed on the draft of the constitution for 3 weeks. Each provision or article of the Draft was passed by Vote.
- Finally the signatures of the constitutional Assembly endorsed it on December 8, 1994, and Came in to force on 21st day of August, 1995.

Objectives of the 1995 FDRE Constitution

1. Building a political Community based on the popular will or agreement that is the destiny of all Nations, Nationalities and Peoples of Ethiopia;
2. To have the rule of law as the foundation of the political community built based on popular will;
3. Ensuring lasting peace, democracy and development that would characterize building a prosperous country; and
4. Maintaining and consolidating the effectivization and successful unity based on diversity through guaranteeing and securing the right of Nations, Nationalities and peoples of Ethiopia to self -determination, including up to secession.

Principles of the 1995 FDRE Constitution

1. The Principle of the full respect of the fundamental democratic and Human rights of the Citizens at individual and collective levels; and
2. The principle of living together. i.e. the principle of peaceful co-existence on the basis of equality and with out any ethnic, cultural, political, religions, gender, social status, or any other form of discrimination.

Some Major /Principal/ Salient Features of the 1995 FDRE Constitution

- 1. System of Federalism**
- 2. Recognition of diversity** i.e. Ethiopia is a home of various Nations, Nationalities and peoples. And, hence Unity is to be conspicuously and essentially founded on this diversity.
- 3. Provisions of Basic /fundamental Democratic and Human Rights.**
- 4. The Principle of Unity based diversity to be based on Equality Justice and rules of law.**
- 5. Ethnicity as a major component is officially empowered.**
 - Utmost Significance is given to the Ethno-linguistic components of the Ethiopia Society. Ethiopia is a nation of nations; a republic of republics. The

ethnicity of states is not just of historical importance; it is of actual significance (realistic) in the every day life of the people and of the federation as a whole.

6. Parliamentary Democracy

- The use of parliamentary democracy assumes the exercise of freely and fairly contested, periodic elections and representative assembly or assemblies that are the expression of popular will and hold power for a mandated period.

7. The Right to Self-determination up to Secession

8. **State Ownership of Land** i.e. the right to ownership of rural and urban land is exclusively vested in the state and in the peoples of Ethiopia. Added to the above is that “land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or other means of transfer.”

9. Equality of languages and their practical application in government.

The general principle is that “all Ethiopian Languages shall enjoy equal state recognition.” Therefore, each Nation, Nationality or people has the right to speak to write and to develop its own language.

10. **Constitutional Interpretation.** i.e. the highest authority, of interpreting the FDRE Constitution is vested in the House of Federation, not in the Federal Supreme Court.

The Parliament

The parliament has the power for legislation in all matters assigned to the Federal government. The Ethiopian parliament is bi-cameral, comprising of the House of Peoples’ Representatives and the House of Federation.

A. The House of Peoples Representative

The House of People’s Representatives has not more than 550 seats, of these, not less than 20 seats are allocated to represent minority nationalities.

Members of the House of Peoples’ Representatives are elected by direct popular vote through universal suffrage for 5 years. They, therefore, represent the Ethiopian peoples as a whole. The House of People’s Representatives has a wide range of powers. Some of there are the following:

- It makes laws, approve general polices, and strategies of the country.
- Supervises activities of the executive, and has the power to call and question the prime Minster and other Federal officials on the conduct and discharge of their responsibilities. About the dissolution of HPRs according to the federal constitution, there are two conditions by which the house of peoples’ representatives can be dissolved;
 - i. The prime Minster may cause the dissolution of the House with the expiry of the five-year term.
 - ii. Upon the dissolution of the previous Council of Ministers, because of the loss of its majority in the House, the president may invite political parties to form a new coalition government with in one week. If the political parties cannot agree to the continuation of the previous coalition or to form a new majority coalition, the house shall be dissolved and new elections shall be held with in 6 months. The new house becomes functional with in thirty days after the conclusion of the elections.

B. The House of Federation

- ❖ The House of Federation is composed of the representatives for the nations, Nationalities and peoples of Ethiopia. Each Nation, nationality or people is represented by at least one representative in the House of Federation.
- ❖ In addition, each nation, nationality or people will have one more representative for each additional one million of its population.
- ❖ Members of the House of the Federation are directly elected either by the state councils or the state councils may hold popular election to elect the representative.
- ❖ The House of Federation meets at least twice a year. The principal task of the House of Federation is to interpret the Constitution and decide on constitutional dispute submitted to it. It has the power to decide on issues of self-determination, including the right to secession as well as settling territorial disputes among regional states.
- ❖ The House of the Federation also determines the allocation of budget and subsidies from the Federal Government to regional states.

The Council of Ministers

- ❖ The Council of Ministers forms the executive branch of the federal government of Ethiopia.
- ❖ The Federal executive authority is constitutionally divided between the Office of the Federal President and the Office of the Prime Minister.
- ❖ The president of the republic is elected under a joint session of the two houses of the parliament by a two third majority vote.
- ❖ The term of office of the president is six years. And once elected as president he or she ceases to be a member of either of the houses.
- ❖ The president of the federal republic of Ethiopia is the head of the state.

Powers Functions of the President of the Republic

- ❖ He/she opens the joint sessions of the Houses of the parliament
- ❖ He/she proclaims laws approved by the House of People's representatives.
- ❖ The president up on the recommendation of the prime Minister, appoints ambassadors and envoys, receives credentials of foreign ambassadors and envoys; grants high military titles, awards medals, prizes and gifts, grant pardon (amnesty) in accordance with conditions and procedures established by law.

About the PM of the FDRE

- ❖ The highest executive powers of the federal government are vested upon the prime Minister. As the chief executive, the prime Minister plays the role of the head of government and is the commander-in-chief of the armed forces.
- ❖ She/he presides over the council of ministers: nominates the Ministers from among members of the two houses or other competent persons outside of the parliament.
- ❖ The prime Minister's nominees for ministerial posts must be approved by the House of People's Representatives.
- ❖ Further more, the prime Minister is responsible for ensuring and supervising the implementation of laws and policy decisions adopted by the parliament.
- ❖ She/he has the over all power to supervise the implementation of the country's Foreign policy. The Prime Minister and members of the council of Ministers are collectively responsible to the House of Peoples' Representatives for their actions and decisions.

- ❖ The Prime Minister is elected, and must be elected, from among members of the House of People's Representatives and must be the leader of the majority party.
- ❖ Majority party is a party that controls the larger number of seats in the House of People's Representatives.
- ❖ The terms of office of the prime Minister is equal to that of members of House of People's Representatives.

C. The Independent Judiciary

The FDRE Constitution ensures the establishment of an independent Judiciary. The judicial authority is vested upon the courts. As an independent organ, neither the Council of Ministers nor the Parliament interferes with the legal activities and decisions of the courts. The Federal Supreme Court (FSC) exercises the highest Federal Judicial Authority.

- ❖ The president and vice-president of the federal Supreme Court are recommended by the prime Minister and approved by the House of People's Representatives.
- ❖ Other Federal judges are selected by the Federal Judicial Administration Council and appointed, upon the recondition of the Prime Minister, by the House of People's Representatives.

The Constitution also provides for the establishment of the Council of Constitutional Inquiry. This council is composed of eleven members these are:

- The President of the Federal Supreme Court (FSC) who serves as its president.
 - Vice-president of the Federal Supreme Court (FSC) who serves as vice - President
 - Six legal experts, appointed by the President of the Republic up on the recommendation of the House of Peoples Representatives, with a proven professional capacity and high moral standing and
 - Three persons designated by the House of the Federation from among its members.
- The Council of the Constitutional Inquiry has the power to investigate constitutional disputes and submits its recommendations to the House of Federation. AS such, the Council of Constitutional Inquiry is not an independent body, of does not have the power to interpret the constitution or decide on constitutionality or unconstitutionality of laws.
 - Generally, the 1995 Federal Constitution of Ethiopia has created a federal system in which political power is formally /constitutionally shared between the Federal Government and the Regional States. Contrary to the centralized and unitary state structures under the previous regimes, now the political power to exercise legislative, executive and judicial authority is devolved to the regional states.

CHAPTER FIVE

UNDERSTANDING THE CONCEPTS OF DEMOCRACY

5.1. Defining Democracy:

Though there are arguments, democracy was originated in ancient classical Greece and Rome, where a civilization was emerged. In Athens and Rome, citizens exercised their right to make decisions and also to control over public officials. These societies used to choose their officials through periodic elections. In such a way they exercised democracy as early as the 5th century B.C.

To make you sure, democracy needs to be well defined. There are varieties of definitions that explain democracy from different perspectives. The varieties indicate that democracy has many facets in its conception and application. Democracy is now the most popular form of government, though it is as old as the Greeks. The peculiar thing about democracy is that it is an ethical idea or a way of life. A society is democratic if it stands on the pillars of liberty and equality, there are no social distinctions making a particular part of the community high or low, the worth and dignity of the individual and groups are recognized people, understands the relation between their rights and duties and very carefully try to maintain it, ways of violence and extremism are avoided and differences are resolved through peaceful and constitutional means.

However, what has engaged general attention is the meaning of democracy as a form of government Etymologically, the word democracy is derived from the Greek words 'demos' (people) and 'kratia' (rule), it implies the rule of the people. Its dictionary definition, is government by the people in which supreme power is vested in the people and exercised power is vested in the people and directly by them and/or by their elected agents under a free electoral system.

Some prominent definitions of Democracy

1. The term democracy has three basic senses in contemporary usage: These are the following:

- I.** Democracy is a form of government in which the right to make Political decisions is exercised directly by the whole body of citizens, acting under procedures of majority rule, usually known as direct democracy;
- II.** Democracy is a form of government in which citizens exercise their rights and freedoms discharge their obligations not in person but through representatives chosen by the responsible to them, known as Indirect (representative) democracy; and
- III.** Democracy is a form government, usually a representative democracy, in which the powers of the majority are exercised with in a frame work of constitutional limits or restraints designed to guarantee all citizens the enjoyment of certain individual and/or collective rights and discharge their expected legal and moral responsibilities.

2. In the phrase of Abraham Lincoln, democracy is a government of the people, by the people and for the people. Democracy can also be understood as the institutionalization of freedom. This is to mean democracy is a set of ideas and principles and a set of procedures and practices about rights and freedom. It also implies organizing of agencies that watch the respect of rights and freedoms, the

signing and ratification of international treaties and conventions and introducing these rights and freedoms in the country's constitutions.

3. Democracy is management of conflict. It is composed of values of tolerance cooperation, compromise consensus, compassion, civility, pragmatism, ... etc. These values are instruments to resolve differences peacefully. Therefore, democracy is peaceful resolution of differences in a peaceful, civilized and legal means.

4. Democracy can also be understood as a way of living and working together. It is evolutionary not static process. As ideals of democracy, the management of one's affair and citizen's responsibility in self-government is an essential element. Citizen's responsibility for self-government is realized by the application of democratic ethic. Citizens are expected to conceive and apply democratic ethic for successful self-governance.

Therefore, we can say that democracy is not only about enjoying rights and freedoms of individuals and groups but also it is about effective and persistent discharging of obligations.

In the end, it worth mentioning that, as a universal form of rule with specific manifestations in time and space, democracy is a political concept founded on three underlying ideas. Namely; Democracy as a value; as a process; and as Practice.

1) Democracy is Above all Amoral Value

Democracy is above all a moral value or imperative, that is, a basic human need, a necessity, and therefore a political demand of all freedom loving human beings. What, then, is this imperative: It is basically permanent aspiration of human beings for freedom, for better social and political order, one that is more human and more or less egalitarian. This is a sociological fact. In all human societies, people always feel the need to improve their material conditions of life as well as to feel freer-what ever the real situation might be. This need becomes a necessity, or even a political demand for a new social Project, when their situation deteriorates, or when they are in a period of crisis.

In the end, it should be emphasized that as a moral imperative, democracy implies tolerance, cooperation and mutual respect for all sorts of diversity.

2) Democracy as a Social Process

Like any human construction, democracy is never perfect. It is a continuous Process of promoting equal access to fundamental democratic and human rights and Civic rights and liberalities for all. By this, we mean:

- i) The fundamental rights of human person to life, security and property;
- ii) Freedom of religion, assembly, expression, press, association, etc;
- iii) Economic, Social and Cultural rights-the idea here being that democracy is meaningless when the needs of the population are not satisfied; and
- iv) The rights of people, including the inalienable right to self-determination.

Given its association with the quest for freedom and a better social order, the concept of democracy is incomplete with out reference to the notion of fundamental human rights. Democracy is that social process through which people strive to expand these rights, together with the political space necessary for promoting and defending them effectively. Central to this process is the idea that a good political order is one in which the state is capable of satisfying the material and spiritual needs of its citizens.

3) Democracy as Political Practice

Democracy as political practice or a form of rule, is also its best-known feature. Democracy as political practice or a form of rule refers to a specific manner of organizing or exercising power in accordance with certain guiding universal norms and principles. There are two levels at which this can be examined. These are: the level of the principles; and that of the institutions and procedures of government, which are compatible with democratic principles.

A. At the Level of Norms and Principles

there are many universal of democratic governance. For the sake of this part, we shall discuss some five universal principles of democratic governance because we will look at the detail part of the fundamental principles in the next section.

- i) **Popular sovereignty:** The idea that legitimate authority emanates from the people
- ii) **The concept Rule of law:** which means that power should not be arbitrary, and that its exercise must be circumscribed by a set of rules with respect to its limits and mode of operation. The concept of rule of law implies that everything is done in conformity with the law, and that there exists a judicial system capable of ensuring the impartiality of the law as well as the protection of the rights and freedoms of individuals and groups.
- iii) **The Principle that rules are chosen by and are accountable to the people.** The element of choice implies that democracy is government by the consent of the governed. Likewise, the rulers are, must be, accountable to the people for their acts.
- iv) **The Right of Citizens to Participate** in the management of public affairs through free, transparent, and democratic elections; through decentralized governmental structures; and through nongovernmental organizations (NGOs).
- v) **The Right of People to Change a Government that no longer Service their Interests**, because democracy is essentially “government of the people, by the people, and for the people.”

B. At The Level of the Existence of Institutions and Procedures of Government

As a form of rule based on the consent of the governed (the people), democracy requires those institutions that likely to help the people fulfill their deepest as privations, while maximizing their presence in the political space. Accordingly, democracy is inconceivable without free and fair election, representative government, and an independent judiciary. Moreover, these institutions are unlikely to perform in a satisfactory way in the absence of a vibrant civil society and, a free and responsible press.

S.2. Democratic Values

A Knowledge and understanding of democratic values provides citizens with a frame of reference useful in analyzing and evaluating the goals and operations of their government. These values are express either directly and/or indirectly in the country's basic documents such as Constitution of state and other specific laws.

1. The Public Good

The concept of the public good assumes that the democratic political community as a whole has a set of values and interest that affect all its members in common. These values and interests are usually assumed to be superior to the interests of particular groups within the political community and are considered essential for the security,

effective solidarity and general welfare of all individuals and groups within the community. The security of the nation from destruction and economic collapse; public health, and well-functioning political institutions are examples of the public good to which reasonable citizens give their concern.

2. Individual Rights

All men are endowed by their creator with certain unalienable rights. To deal with issues regarding individual rights and to protect these rights from encroachment, the citizen should be aware of the basic individual rights.

Fundamental to constitutional democracy like Ethiopia-past 1991 is the belief that individuals have certain basic rights that are to effectively protected by government but also which government should guarantee. These are the rights of life, liberty, and property. It is the purpose of government to protect these rights, and it should not place unfair or unreasonable restraints on their exercise. These rights are explained below.

I. Right to Life: with few narrowly defined exceptions, the individual's right to life is considered inviolable. Only in extreme circumstances, such as when certain criminal acts are being committed or in capital punishment may the state be justified in using deadly force (Look at article – of the FDRE Constitution).

II. Right to Liberty: - The right to liberty should be considered on unalterable aspect of the human condition. This right includes the following.

A. Personal Freedom: Individuals should be free from arbitrary arrest and detention and secure in their persons, homes, and from unreasonable searches and seizures. Central to the notion of personal freedom is free to act, to think, and to be live and which government can not legitimately invade. This realm includes, for example, the individual's rights to freedom of conscience and belief, to freedom of association and expression, and the right to be let alone.

B. Political Freedom: Central to the notion of political freedom is the idea that people of a nation have the right to participate freely in the political process. This process requires the free flow of information and ideas, open debate and the right of assembly. Elections occur at stated, agreed up on intervals; political candidates and their supporters should not be subject to arbitrary arrest, harassment and electoral corruption such as buying votes, intimidation and obstruction of voters.

C. Economic Freedom: Citizens should have the right to acquire, use, transfer and dispose of private property specified by the constitution without unreasonable governmental interference. Economic freedom includes, for example, to seeking employment wherever one pleases, to change employment at will and to engage in any lawful combination with others in units such as labor unions or business corporations.

3. Justice

Justice, another basic value of constitutional democracy, is embodied in the constitution. It is essentially synonymous with the idea of fairness. Generally three types of justice are recognized.

I. Distributive Justice. Central to the concept of distributive Justice is the idea that the distribution of benefits and burdens in society should be fair. These distributions should be determined by agreed up on standards such as the application of the principle of equality.

- II. Corrective Justice**. Corrective Justice is the idea that fair and proper response should be used to correct wrongs and injuries.
- III. Procedural Justice**. Procedural Justice is the idea that procedures used for gathering information and making decisions. Procedures of due process in the legal system as well as in other governmental institutions should be guided by such principles as impartiality and openness of proceedings. Standards of procedural justice may also be applied in the private sector.

4. Equality

The constitution contains prominent statements of the value placed up on equality in constitutional government. Directly related to the concept of distributive justice, three notions of equality are of particular interest.

- I. Political equality**: central to this concept is the idea that all people who attain the status of adult hood have equal political rights. For example, each adult citizen is to have an equal right to vote and to run for and hold politic office and all nations and nationalities in Ethiopia deserves political equality.
- II. Social equality**: central to this idea is there should be no social hierarchy at individual and collective level individuals and through which some individual, and have certain privileges and duties that others do not have. For example, all Ethiopian citizens, and nations and nationalities have and must have, social equality with out any discrimination.
- III. Economic equality**: Economic equality means all citizens and peoples of a country deserve equal and fair assessment to the national resources services, etc. Hence, it can be said that economic equality is foundation for political and legal equality, and that with out it they will be unrealized ideals.

5. Diversity

Individuals and peoples have the right to differ in beliefs and life styles. Central to this concept of diversity is the idea that variance in cultural and ethic background, race, lifestyle and belief is not only permissive but also desirable and beneficial in a pluralistic society. In line with this, for examples Ethiopia is a multi-cultural, multi-ethnic, multi lingual, country. Benefits include social and individual enrichment through the inter action of varying ideas, perceptions, beliefs religions, languages and practices. For examples, Ethiopia is a nation of nation of nations i.e. Ethiopia is a mosaic of various nations and nationalities and their solidarity is essentially manifested in unity based on diversity.

6. Truth:

Truth as opposed to false hood and truth as opposed to secrecy are the two values in the constitutional democracy. Truth as a value in the first sense declares lying by public officials to be an offense against the body politic; in the second since truth demands disclosure and affirmation of matters that government often with held in secret in the name of some necessity of state usually national security. In neither of these cases can citizens expect complete truth-telling by government, since legitimate interests of state may be fatally compromised by admission and disclosure.

7. Patriotism:

It is the devotion to one's country based on, not geography, the principles and values of constitution of a country and other specific laws where by people's solidarity and prosperity is founded up on and serves as an essential unifying force with in the considerable diversity of pluralist society and facilitates the perpetuation of democratic

institutions. Patriotic citizens willingly undertake actions intended to enhance the common good. They act to protect the country in time of national danger.

5.3. Fundamental Principles of Democracy

The citizen should understand the most basic principles of democracy and be familiar with the tools in their applications to specific situations. In this part, we shall look at the fundamental principles of democracy, with particular reference to Ethiopia.

1. **Popular Sovereignty (Sovereignty of People):** the idea that the only legitimate source of government authority is the consent of the governed. The citizens as a whole is the sovereign of the state and holds the ultimate authority over public officials and their polices. Consent is given by the people through their regularly elected representatives and through approval of all constitutional changes. Popular sovereignty also means that the people have the right to withdraw their consent when the government fails to fulfill its obligations under the constitution. Popular sovereignty in democracy assumes the principle of majority rule, which means that within constitutional limits, majorities should have the right to make political decisions. Such decisions are made within the framework of regular elections and include the choice of who should be elected to public office and what laws should be passed by legislative bodies (HPRs).

2. **The Supremacy of the Constitution:** This is a principle that puts the constitution at the highest level in the hierarchy of laws. According to this principle, the constitution is above all laws and organs of a state. This principle dictates all laws and governmental or non-governmental acts to be under the constitution. It is, thus, important for officials or any citizen to take extra care not to violate any provision of the constitution. It is also important to keep in mind that if an act is found to be against the constitution, the act will be with out of effect or void. In the Ethiopian case, you can refer Article 9 of the FDRE constitution.

For example, the FDRE constitution states that the highest power and authority is vested in the nations, nationalities and peoples of Ethiopia. (For more, look at article of the FDRE Constitution).

3. **Constitutional Government:** Central to the principle of constitutional government is the idea that in order to protect the basic rights of the people, government should be limited both in its scope and in its methods. By consenting to the constitution, the sovereign people agree not only to limit the powers of their government but their own powers as well.

4. **The Rule of Law:** The principle of the rule of law means that both government and the governed are, and must be, subject to the laws of country. Government decisions and actions shall be made according to the established laws of the country rather than by arbitrary action.

5. **Separation of Powers:** Another essential part of democracy is the idea that legislative, executive, and judicial powers should be separated and exercised by different institutions. And, if government follows federalism, power and functions should be distributed between the central government and the regional state.

Therefore, in a general state structure like Ethiopia, powers and functions are clearly separated between: the legislative, executive, and judiciary branches both at federal level and regional levels as well as between the federal and regional government (federating units).

6. Checks and Balance: The powers given to the different branches of government are balanced so that no branch can completely dominate the others. Many of the powers of one branch are shared and checked by those of the other branches as explained below.

A. Legislative Branch: The constitution gives the legislative branch certain powers, which make it possible to check the exercise of power by the executive and judicial branches. Examples are ratification of treaties; the confirmation of executive and judicial appointments; “vote of no confidence” up on the executives, and control and deterring of the budget. You need to be reminded that you have looked at the powers and functions of HPRs, to some extent. But for detail, look at article of the FDRE constitution.

B. Executive Branch: The constitution gives the executive branch certain powers, which make it possible to check the exercise of power by the legislative and judicial branches. Examples are the power to make judicial appointments; and the Prime Minister’s power as commander-in-chief of the army in parliamentary system government. Despite you have discussed this in the previous chapter (constitution part), look at article of the FDRE Constitution for detail.

C. Judicial Branch: The constitution gives the judicial branch certain powers given by the FDRE constitution which makes it possible to check the exercise of power by the legislative and executive branches. But, in case of Ethiopia for example, the house of Federation is given with the highest power to interpreter the FDRE constitution and any constitutional disputes. (refer to article ___ of the FDRE Constitution).

7. Majority Rule and Minority Rights: Majority rule should rule and make decisions and law. The idea of minority rights means that decisions made by in accordance with the principle of majority rule but should not unreasonably and unfairly infringe upon the rights of minorities. Constitutionally guaranteed rights should be placed out of the reach of legislative majorities. While the majority are ruling.

8. Civilian Control of Military: The principle of civilian control of the military is implied *in the constitutional provisions* that the head of government or state is the commander in chief of the armed forces and that parliament has the power to declare war.

9. Secularism: Separation of Religion and State: Individuals and groups in a free society should have freedom of conscience; the right to decide for themselves what to believe, freedom of conscience would be treated if government supported some religions but not others.

Government should do only what is necessary to keep the peace and prevent one religious group from violating the rights of others. To achieve this goal government should not interfere with religion in any way. The following are included in Article 11 of FDRE Constitution:

1. State and religion are separate
2. There shall be no state religion
3. The state shall not interfere in religious matters and religion shall not interfere in the state affairs.

10. Power of the Purse: This principle in a federal state structure, states that all federal laws for raising revenue must originate in the Legislative House closest to

the people (the House of People's Representatives) and be approved by both Federal Houses.

11. Federalism: According to this principle, in a federal state structure like Ethiopia, the sovereign people establish political unity while preserving diversity (unity based on Diversity) by devolving certain enumerated powers to a general (federal) government and certain powers to constituent government (the regional states), reserving other powers to them selves. In a state that advocates federal state structure like Ethiopia, Federalism is, therefore, an aspect of constitutionally limited government with limited powers and functions given and assured by the constitution of the country.

12. Accountability and Transparency: Public participation is an essential element of the principle of accountability and transparency. It is in society with a culture of participation and open-minded citizens that the government and the public officials will be forced to be accountable and transparent. This is because the ultimate power holder is the people and hence the officials are ultimately accountable and transparent for the people. A public officials might be directly accountable to the immediate public officials, who in turn will be accountable for the higher officials. This ladder of accountability goes on to the extent that the government at large will be accountable to the ultimate power holder - the people. In this regard, you can look at the FDRE Constitution in its article.

13. Fair, Free and Periodic Elections: In democracy, the authority of the government derives solely form the consent (will) of the governed (the people). The principal mechanism for translating the consent of the people in to governmental authority is the holding of periodic, free and fair elections.

* **All inclusive-election:** Means that the election will be held on the basis of universal suffrage in which all adult citizens will have the right to age limit for voting is set at 18 years age.

* **By Free and fair election,** it is meant that neither law, nonviolence, nor yet intimidation should prohibit candidates or voters from presenting their views. Inorder for the election to be free and fair from any influence, the casting of votes should be done in a secret ball of.

* **Democratic Elections are not Merely Symbolic.** They are competitive elections in which the chief decision makers in a government are selected by citizens who enjoy broad freedom to criticize government, to express their criticism and to choose among different alternatives. Democratic elections must be competitive in the sence that freedom of speech, assembly, and movement necessary to voice their criticisms openly and to bring alternative policies and candidates to the voters.

* **Democratic elections must also be periodic.** By a periodic election, it is meant that regular elections occur with in prescribed time limits. The FDRE Constitution in its article 54 (1) set the term of election at 5 years. This is because since elected officials must be accountable to the people, they must return to the voters at prescribed intervals to seek their mandate to continue in office. Hence, officials in democratic systems must accept the risk of being voted out of office.

* **The Principle of Periodic election,** for example enables the people to change government they are not pleased with, and it also avoids the possibility for a once elected government to stay in office for an indefinite perio

14. Peaceful Transition of Political Power: One of the most important elements of a democratic system is the prevalence of peaceful transition of political power. Elections ensure that key positions in government will be contested at periodic intervals and that the transfer of governmental authority is accomplished in a peaceful and orderly manner. This avoids the evil effects of taking political power by force.

15. Accepting the Results of Elections: In democratic elections, there would be winners and losers of vote to seize political power. If democracy is to succeed, it is essential that political parties and their members, even individuals be will - full to compete in elections and accept their results. Often the losers of election may argue so strongly that they refuse to accept the results of elections. Such conditions will be against democratic principles.

16. Protecting and Sustaining of Human Rights: Human rights are those values that reflect respect for human life, and dignity too. In other words, human rights have been defined as "generally accepted principles of fairness and Justice" or "universal moral rights that belong equally to all people simply because they are human rights". People are entitled to exercise their human right. However, human right can be restricted if they interfere with the rights of other people.

There are different types of human rights.

These are:

1. Civil and political rights
2. Social and Economic rights
3. Environmental and developmental rights.

Civil rights provide citizens with liberty, equality, and freedom to choose. Political rights enable citizens to participate in the political life of the community.

Social and economic rights: are those rights that include individual's free interaction, to get health and other services and job to sustain life etc.

Environmental and developmental rights are those that make an individual to participate and decide on ecological protection and their development in their surroundings.

17. Multi - Party System

Multiparty system refers to a political system that legally allows and has more than one party politics to participate in elections. In multiparty democracy, people of different views and various ethnic groups will be co-existing in the same state to live together, improve their development, and promote their prosperity and welfare.

5.4. Democratic Rights as Enshrined in FDRE constitution

Democratic rights tend to be essentially group oriented and political in nature. The right to freedom of thought and expression, the right of assembly, demonstration and petition, freedom of association and freedom of movement are included in this category. Moreover, the right of women and children, the right to marriage and family, the right to vote and to be elected, the right of nations, nationalities and peoples to self-determination, economic, social and cultural rights, the rights to property and the right of labor are made part of democratic rights. In this part, we shall look at some

democratic rights enshrined in the FDRE constitution Accordingly, some of them are following:

1. Freedom of Thought and Expression

The constitution guarantees freedom of press and other media as well as freedom of artistic activity. Two important points are particularly mentioned these are prohibition of any form of censorship and access to information of public interest.

The FDRE constitution provides freedom of press because of the assumption that a free press is essential to the functioning of a democratic order. However, there are certain legal limitations to protect the society from public expression that are intended to injure human dignity and from war endangering propaganda. The prohibition of censorship does not mean that no one is accountable for his/her action. Any person violating legal limitations on the exercise of these rights is accountable to the law.

2. Freedom of Assembly and Demonstration

Freedom to assembly, to demonstrate and to present petition is recognized as democratic right in FDRE. However, these rights are not absolute rights. There are two types of legal limitations.

1. The first is procedural, i.e. the location and the route of demonstrators should be identified. The concerned authorities could legally prescribe the time place and routes of demonstration.
2. The second limitation may be enacted by law inorder to protect war propaganda and the injuring of human dignity. Another democratic right is freedom of association. Citizen of similar interest could join together in an association. Political parties and professional associations of one form or another may be established on the basis of the freedom of association. The constitution imposed limitations to freedom of association.

For example,

- A. The following are some: prior registration with concerned authorities would be required.
- B. It prohibits associations, which are established for acts that subvert the rule of law, or destroy the constitutional order.

Such associations may be illegal, or an association may be established and terminated lateron because of unconstitutional acts it has undertaken. Such a decision has to pass using an independent Judiciary.

3. The Right to the Ballot

The right to elect and to be elected is the most basic constitutional right. Voting and being elected to public office are the means to ensure public participation in the public decision making process.

The FDRE constitution makes the right to the ballot available to every citizen with out any discrimination based on race, nationality, colour, sex, language, religion, political or other basis. Universal Adult suffrage is a principle that is now accepted through out the world.

The constitution limits the minimum voting age to 18, which is the most commonly chosen worldwide. The election takes place through secret ballot inorder to ensure the free expression of the will of the electorate. You can see this by reefing back the free, fair and democratic election in the fundamental principles.

4. The Nationality Right

The FDRE constitution provides for an unconditional right to self-determination including the right to secession of every Nation, Nationality or people in Ethiopia.

Self determination includes many components. It has linguistic, cultural, historical or political aspects. When we examine linguistic right, the constitution interprets self-determination to mean that every nation, nationality or people in Ethiopia has the right to speak, to write and to develop its own language. Moreover, the constitution considers all languages as equal and all are recognized by the state. The other components of self-determination are the right to express, develop and promote one's culture and the preservation of one's history.

Politically, self-determination means the right of every nation, nationality and people to a full measure of self-government. In the identifiable territory it inhabits, a nation has the right to establish institutions of government.

Focus

The FDRE constitution provides certain procedures to be orderly fulfilled for the exercise of the right to secession as follows:

1. A demand for secession has to be formally initiated by a two-thirds ($\frac{2}{3}$) majority vote (qualified majority vote) of the members of the Legislative Council of the nation, nationality or people in question;
2. The federal government is obliged to organize a referendum within three years from the time it has received the Council's decision for secession. Within that period there may be accommodation and the Legislative council may reconsider its decision for secession. If there is no accommodation, referendum will have to take place within the time specified;
3. Where the result of the referendum is against secession, the issue ends there. But, where the demand for secession is supported by a majority vote in the referendum, the process has reached a point of no return;
4. The next step is that power will have to be transferred from the federal government to the Council, and division of assets will have to be effected on the basis of a law issued by the House of People's Representatives. (HPRs)

5. Property Right

The FDRE Constitution categorizes property in various ways and provides specific rights to each category. The category most discussed is land. It includes urban and rural land as well as natural resources.

The right to ownership of land is for the state and the public, land is common property of the nations, nationalities and peoples of Ethiopia.

The most important user of land are peasants. Peasants are entitled to land without payment and not to be alienated from it. Pastoralists have similar right as peasants and they have the right to free land for grazing and cultivation as well as the right not to be displaced from their land.

6. The Right of the Child

The FDRE Constitution provides the rights of children. Five rights are enumerated as belonging to every child.

1. The right to life
2. The right to
3. The right to know and be cared for by parents or guardians

4. The right not to be subjected to exploitative or harmful labour practices.
5. The right to be free from institutional and corporal punishment or cruel and human treatment.

Some of these rights, particularly the right to life and the right to be free from cruel and inhuman punishment are rights not limited to the child. They are rights of every citizens as well.

The Constitution provides that the right to life is not absolute. The state has the authority to terminate life as punishment for grave crimes defined by law.

You can look at article 8 of the FDRE Constitution. However, the right to life of the child has no such legal limitations. Therefore, it is absolute, whatever criminal acts the child may be involved in, and the aspects of the definition of crime would be either non-existent or incomplete. Thus, no such measure as death sentence could be imposed on a minor (below 18 years of age).

Since life begins at conception, the right of the child includes the right of the unborn child as well. The right to life of the unborn child has been highly controversial and hotly debated worldwide.

In Ethiopia, the civil code includes the unborn in the definition of a child. Thus, the intentional termination of pregnancy has been considered a serious crime, unless done for grave medical reasons.

7. Marital and Family Right

The Constitution considers marriage and the family so important that it provides the right to marriage and a family and this is without limitation as to race, nationality or religion.

Moreover, marriage can be entered into only with the free and full consent of the intending spouses. Marriage may be concluded through civil law or under religious or customary laws. But, the constitution does not allow human practice to take place in the name of customary law. The general marriageable age requirement is a minimum of 15 years for women and 18 years for men.

The equality of the sexes throughout the married life is a constitutional right. Accordingly, men and women have equal rights while entering into, during and at the dissolution of marriage. It also recognizes the right to divorce and provides for equal rights in the divorce process.

Moreover, it allows culture and religion to play important roles in adjudication of personal and family disputes. But, such is to be practiced only if they agree to be adjudicated by religious or cultural laws.

8. The Right of Women

The general principle is that women have equal rights with men in the enjoyment and protection of the rights provided by the constitution. However, the constitution looks into the society's background. In recognition of the history of inequality and discrimination suffered by women, it provides them with remedial and affirmative measures. The purpose of such measures is to enable them to compete and participate on the basis of equality with men in political, economic and social life. Moreover, such measures are important for women to gain access to opportunities and positions in public and private institutions. For more detail, look at article _ of the FDRE Constitution.

9. Economic, Social and Cultural Rights

The FDRE Constitution includes a number of rights under the title economic, social and cultural rights. And, it puts them in different sub-articles of the same article. The first two sub-articles deal with the right to engage freely in economic activity and the

right to choose one's livelihood, occupation and profession, anywhere in Ethiopian territory. Obviously, one has to respect the laws, rules and regulations of government. The exercise of different types of occupations and professions require some criteria. The government's basic means of controlling and supervising economic activity is through granting license. Occupations and professions are all open to anyone capable of meeting the requirements with no discrimination based on nationality, religion or sex.

The next three sub-articles deal with different aspects of social services. The basic principles are that:

1. All citizens have the right to equal access to publicly funded social services.
2. Two important social services are specifically mentioned, public health and public education.

The Constitution provides that these as well as other social service will receive increasing resources from the state.

The last part of this provision deals with the responsibility of the state to protect and preserve historical and cultural legacies. And, to contribute to the promotion of the arts and sports. The state's responsibilities of protection and preservation of historical and cultural legacies is by no means easy. The loss through lack of proper care and preservation of cultural treasures from the many churches and monasteries makes the task not only important but urgent as well.

10. The Rights of Labour

The constitution enumerates five-categories of labour: Namely: factory and service workers, peasant farmers, farm laborers, other rural workers and lower government employees. It provides these categories of labour to form associations to improve their work conditions and economic well being. They are entitled the right to form trade unions and other associations to bargain collectively and to express grievances as well as to strike.

Obviously, the procedures for the formation of associations and unions as well as the procedures for the bargaining process are regulated through laws and regulations.

S.S. Traditional Political Institutions in Ethiopia

At the end of this section students are expected

The Gada System

The Gada system was a traditional institution, which directed the social and political life of the Oromo people.

Two distinct categories existed in the Gada system, which are very important to understand how the system worked in parallel or side-by-side. There are 10 different grades and 5 different classless. In particular the Gada grades were important, because they made the system work in a cycle.

The full cycle of the system had 10 grades and each grade had a life-span of eight years. Therefore, the full cycle of the Gada system had a life span of eighty years. Let us see how the system worked by means of the two categories.

All male Oromo joined the Gada system at their birth. Joining the system was marked by membership to one of the five classes. At the same time, the members for the class would enter the first grade. Those who became members of one of the classes would remain for the rest of their lives as members of that class. But this was not the case with Gada grades, because members of Gada class would not remain in the same

grade. Rather, they would stay for eight years in one grade and then pass to the next grade, where they again would stay for another eight years. In short, every eight years members of Gada class passed from one grade to the next grade until they completed the last eight years of the tenth grade. After completing the eight years of the last grade, the members of the Gada class would leave the Gada system.

In the Gada system, specified social and political duties were assigned to members of Gada class which they accomplished during their stay for eight years in each grade. In this regard, the sixth Gada grade is very important, because members of Gada class could assume political leadership. The right of political leadership was held by members of the Gada class as a whole. Never the less, the Gada government was set up by officials elected on the basis of their ability and merit. Among the officials, the highest authority was vested up on the abba bokku or abba gada (father of the trade i.e. the leader). However, the abba gada was the first among equals. Under the abba bokku various other officials such as abba sera or chief of Judge and abba dula or commander of the army were elected.

The elected gada officials would assume executive power for eight years. They administered the clan in accordance with the laws of the gada system in which the will of their class members and that of the Oromo people at large is embodied. After eight years, the gada officials and their class members would hand over power to the class in the fifth grade during the term of their office. In this manner, the gad system functioned among all Oromo clans for many centuries after their movement and expansion. However, due to various factors, the system lost its traditional elements through time and finally collapsed.

S.S.2. The Kingdom of Kafa.

The people of kafa call themselves kaficho. They trace their origin to a people called Minjo. This original people of kafa is considered as a royal clan from which the kings of kafa were descended. The crown of kafa was hereditary in the Busase family of the Minjo clan.

The administration of the kingdom was divided into provinces which were ruled by provincial governors. The central government was headed by the king who had absolute power in the kingdom. He was assisted by a council of seven called Mikrecho.

CHAPTER SIX **FUNDAMENTAL HUMAN RIGHTS**

6.1. Human Rights Defined

Different scholars provide various definitions of human rights. The following are among the most important ones.

Human rights are rights that could be enjoyed only by human beings, not by artificial persons or other juridical bodies. Every man is entitled to human rights simply because she/he is a human being; no further requirements what so ever is attached to it and irrespective of any rights or duties one may or may not have as a citizen, as a member of the families, workers, or parts of any public or private organizations or associations. In other words human rights are basic and fundamental rights which are held equally by all human beings regardless of race, age, religion, nationality, class, language, color, birth, political belief, social status or any other grounds.

Human rights by their essential nature are universal in form, hence, they are interchangeably called as natural rights, which are equally possessed by all human beings everywhere. They are inalienable that do not have to be earned or inherited. Because of this, they are conceived as extra commercial rights. For example, one cannot legally assign or sale his/her rights to life. Being a human cannot be renounced, lose or forfeited. One cannot loss his/her human rights as far as he/she exists. Human rights are lost only at death. Human rights then are irrevocable, which means they are always applicable and can be taken away from no one.

Human rights embody rights and these rights are classified in the following ways. The classification reflects the ways of attaining the rights.

A. Legal rights

Critical thinking:

- ❖ What is legal rights?

They are legally permitted one's; exercised by all or certain sectors of the society which can be amended by legislators. When these rights are violated the body whose right is (are) violated is able to bring the case to court to safeguard his/her right.

B. Moral rights

Critical thinking:

- ❖ What do you understand by moral rights?

Moral rights are rights that emanate from the consensus of two or more groups. The basic principles of these rights are justice and impartiality; such rights are related with religion and precepts. "Who or what is moral right?" is still under argument. The question of universalization and comprehensiveness of moral rights cannot be approved by all.

C. Human rights

Critical thinking:-

- * What types of human rights do you know which are closely related with the actions of governments.

These are natural rights. They do not emanate from government will or from individuals conventions. The following examples examine how human rights are natural rights.

The right to education, for example, emanates from man's desire to know himself and the environment. The right to life emanates from the instinctive desire of man to live in life. To exist man must get something to eat, get shelter and clothing, to get these necessities we have to work, move from place to place; then comes the right to work, the right to free movement etc.

Human rights are protections to which all human beings are entitled because of their humanity and not because of their social status or individual merit. Some of these rights are claimed and enjoyed without regard to political order. These rights are civil liberties and civil rights.

Civil Liberties: are constitutional protections of persons, opinions and property against arbitrary interference by government. They include such protections as freedom of speech, freedom of press, freedom of religious belief, and freedom from arbitrary arrest and punishment.

Civil Rights: are legally guaranteed benefits provided by positive actions of government. They include such guarantees as education, protection against illness and starvation and financial support in unemployment and old age.

Critical Thinking:

- * Discuss the difference between civil liberties and civil rights

The idea of international human rights

One of the most striking developments in international law since the end of the Second World War has been a concern with the protection of human rights. This development is the reflection of a wider phenomenon: the increased concern of people all over the world with the treatment accorded to their fellow human beings in other countries, particularly when that treatment fails to come up to minimum standards of civilized behavior. Legal rules are a reflection of social standards and the current interest in the international protection of human rights is the result of a profound change in individual and governmental attitudes. The first half of the nineteenth century saw a similar development when the abhorrence of slavery led to the acceptance of legal rules prohibiting the slave trade and then the institution of slavery itself. In the second half of the twentieth century we are witnessing the development of international legal rules prohibiting many other forms of cruel or oppressive behavior. Genocide is a prominent example. Others are arbitrary arrest, detention without trial, political executions and torture. The fact that violations of human rights continue to occur does not mean that attempts to prevent them by international action are pointless-any more than the existence of crime at the national level disproves the value of criminal law. Widespread violations of human rights show that the attempts to provide

international protection are not as effective as they ought to be and that a great deal remains to be done to improve the existing international procedures. But in order to improve them we need to know what they are and how they function.

The protection of human rights through international action is a revolutionary idea and traditional international law had no place for it at all. Thus Oppenheim, the leading authority on international law in the United Kingdom at the beginning of the twentieth century wrote that the 'so-called rights of man' not only do not but can not enjoy any protection under international law, because that law is concerned solely with the relations between states and can not confer rights on individuals. It was therefore the accepted doctrine that relations between individuals and the states of which they were nationals were governed only by the national law of those states, as a matter exclusively within their domestic jurisdiction. To move from this attitude to a position in which the fundamental rights of the individual are a matter of international law, with international remedies available if those standards are not respected, is clearly a major step. It is not surprising if such a change takes time. We are at present in the middle of this process of transformation and, as we shall see, many governments seek to shelter behind the old view of international law and hide their actions behind the cloak of national sovereignty. But such regressive policies cannot alter the fact that today the protection of human rights has a place in international law which it never occupied in earlier times and there is widespread recognition of the need to render the system of international protection more effective.

A realistic view involves recognizing that there are more countries in the world today where fundamental rights and civil liberties are regularly violated than countries where they are effectively protected. However, something is changing in the world: international opinion, as expressed in the United Nations and elsewhere; national opinion in many countries; and, for innumerable people throughout the world, individual opinion.

Non-governmental groups such as Amnesty International, the International Commission of Jurists, and the International League for the Rights of Man and, in the educational field, the International Institute of Human Rights are tireless in their work and increasingly numerous and influential. All this has produced a new awareness of human rights. Not everywhere, to be sure, but certainly enough to put the matter firmly on the international agenda. So attitudes on this issue have changed in the last fifty years and will change further in the years to come.

Critical Thinking:

- * Briefly discuss the evolution of the idea of international human rights?

S.2. Instruments and problems of International protection of

1. The UN Charter

As is well known, the charter of the United Nations contains a number of references to the promotion of human rights. The first is in the preamble, which reads:

We the peoples of the United Nations, determined ... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small ... have resolved to combine our efforts to accomplish these aims.

Then, among the purposes of the United Nations set out in Article 1, is 'to Co-operate . . . in promoting respect for human rights and fundamental freedoms for all'. The most important provisions are probably those contained in Articles 55 and 56 of the charter. Article 55 provides that the United Nations shall promote 'universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion'; while in Article 56 'all members pledge themselves to take joint and separate action in co-operation with the organization for the achievement of the purposes set forth in Article 55.' Other references in the charter are in Article 13, which authorizes the General Assembly to make studies and recommendations about human rights; Article 62, which contains a somewhat similar provision relating to the Economic and Social Council; Article 68, which requires the council to set up commissions in the economic and social fields and for the promotion of human rights; and Article 76, which makes the promotion of human rights and fundamental freedoms for all one of the basic objectives of the trusteeship system.

The obligation now contained in Article 56 was at one stage actually intended to be stronger. The first draft would have required member states 'to take separate and joint action and to co-operate with the organization for the promotion of human rights,' Which clearly implied an obligation for them to act individually, irrespective of the action, or failure to act, of other states. But this formulation was not approved, and the undertaking finally accepted was to 'take joint and separate action in co-operation with the organization.'

2. The Universal Declaration of Human Rights

The Universal Declaration was adopted by Resolution 217(III) of the General Assembly. It was not intended to impose legal obligations on states, but rather to establish goals for states to work towards. Thus, the operative part of the Resolution reads as follows:

Now, therefore, the General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of member states themselves and among the peoples of territories under their jurisdiction.

Since 1948, the Universal Declaration has acquired a greatly reinforced status, not only as 'a common standard of achievement for all peoples and all nations' but also as a statement of principles which all states should observe. It has been reaffirmed by the General Assembly on a number of occasions, of which the most striking were perhaps the adoption of the Declaration on colonialism in 1960, which provided 'All states shall observe faithfully and strictly the provisions of the charter of

the United Nations, the universal Declaration of Human Rights and the present Declaration . . .'; and the unanimous adoption in 1963 of the Declaration on the Elimination of Racial Discrimination, which contained a similar provision.

In the world outside the United Nations the influence of the Universal Declaration has been no less profound. It has inspired several state constitutions, together with the regional human rights treaties of Europe, Africa and the Americas, and examples of legislation quoting or reproducing provisions of the Declaration can be found in all continents. Thus, the impact of the Universal Declaration has probably exceeded its authors' most sanguine expectations, while its constant and widespread recognition means that many of its principles can now be regarded as part of customary law. (For more information refer to the Universal Declaration of Human Rights (UDHRs).

3. The International Covenant on civil and Political Rights.

Part III of the covenant on civil and political Rights sets out the rights which the covenant is designed to protect. They are as follows:

Article 6 The right to life

- 7 Freedom from torture and inhuman treatment.
- 8 Freedom from slavery and forced labor.
- 9 The right to liberty and security
- 10 The right of detained persons to be treated with humanity
- 11 Freedom from imprisonment for debt
- 12 Freedom of movement and of choice of residence
- 13 Freedom of aliens from arbitrary expulsion
- 14 The right to a fair trial
- 15 Protection against retroactivity of the criminal law
- 16 The right to recognition as a person before the law
- 17 The right to privacy
- 18 Freedom of thought, conscience and religion
- 19 Freedom of opinion and of expression
- 20 Prohibition of propaganda for war and of incitement to national, racial or religious hatred
- 21 The right of assembly
- 22 Freedom of association
- 23 The right to marry and found a family
- 24 The rights of the child
- 25 political rights
- 26 Equality before the law
- 27 The rights of minorities

This is an extensive list. The number of rights included is greater than in the Universal Declaration or the European Convention. As regards the Universal Declaration, it may be observed that the rights set out in the covenant are generally defined in greater detail and include the following, which were not contained in the Declaration:

- 10 The right of detained persons to be treated with humanity
- 11 Freedom from imprisonment for debt
- 20 Prohibition of propaganda for war and of incitement to hatred
- 24 The rights of the child
- 27 The rights of minorities

On the other hand, the right of property, which was included in Article 17 of the Universal Declaration, is not included in either covenant. This was because it proved impossible to reach agreement between countries of widely different political philosophies on a definition of this right.

The way the covenant defines the various civil and political rights has been the subject of extensive commentary and analysis and need not be considered in detail here. However, two general points should be made.

First, not only is the number of rights protected in the covenant greater than in comparable instruments, but also the definitions given are frequently broader and more enterprising. For example, Article 6 on the right to life does not actually prohibit the death penalty, but is clearly drafted with the intention of indicating that it should be abolished. It refers to countries which have not abolished the death penalty as if this is a temporary state of affairs which should be remedied, and states specifically that nothing in the article shall be invoked to prevent or delay the abolition of capital punishment. Similarly, Article 10 provides that all detained persons shall be treated humanely and with respect for the inherent dignity of the human person. This is a positive obligation going well beyond the mere prohibition of inhuman treatment found in other texts. Moreover, Article 10 continues by laying down separate standards for accused persons and juveniles, who shall be separated from convicted persons; while paragraph 3 of this article provides that the aim of the penitentiary system shall be the reformation and social rehabilitation of prisoners.

Another example may be seen in Article 25, which sets out certain political rights. This appears to apply not only to the right to vote in national elections, but also to the same right in local elections and to the right to take part in the government of one's country and in the public service. A further illustration is Article 27, which protects the rights of minorities 'to enjoy their own culture, to profess and practice their own religion, and to use their own language'.

Article 14 on the right to a fair trial is a provision of particular importance and wide scope. In addition to the usual guarantees of an independent and impartial tribunal, public hearings, the presumption of innocence and the rights of the defense, it also provides for protection against self-incrimination, the right of appeal, and compensation for miscarriage of justice, and lays down the principle that no one may be tried twice for the same offence.

A second general comment is that if the list of rights enumerated in the covenant is extensive, and if the definitions given are often more far-reaching than in earlier texts, some of them are so general or imprecise that they appear to be more statements of political principle or policy than of legally enforceable rights. This point has already been made in relation to 'the right of self-determination of all peoples'. It could also be made as regards several other provisions, notably those relating to the aim of the penitentiary system (Article 10 (3)), the right to recognition as a person before the law (Article 16), the prohibition of propaganda for war (Article 20) and the right to take part in the conduct of public affairs (Article 25(a)). (For more information refer to the international covenant on Civil and Political Rights).

In the last analysis, however, the effectiveness of the covenant depends less on the definition of the rights to be protected, than on its arrangements to ensure that governments respect the obligations they have assumed.

The African Charter on Human and People's Rights

In Article 1 of the African Charter the parties agree to recognize the rights, duties and freedoms which it contains and 'to adopt legislative or other measures to give effect to them. This is followed by a non-discrimination provision (Article 2) and a list of substantive articles with several unusual features. The **first** is that the charter covers economic, social and cultural rights, as well as civil and political rights. This clearly distinguishes it from the European and American conventions with their more traditional approach and reflects the importance which the African states attach to these issues. **Secondly**, as the title of the charter indicates, its provisions are not limited to human rights in the sense of individual rights of both categories, but extend also to 'peoples rights', that is to collective or 'third generation' human rights, as they are sometimes called. Here too the desire to move beyond the conceptual framework of the other regional conventions is apparent. **Thirdly**, the African charter, again in contrast to the earlier instruments, includes provisions, which express the idea that human beings can only realize their potential fully as a member of a group. While this is plainly linked to the idea of collective rights, its consequence is held to be that a person has duties, as well as rights in the community, so provisions to this effect are also included in the charter.

- a) **Civil and Political rights.** The provisions relating to these rights are to be found in Articles 3 to 16 of the charter, which guarantee the following rights and freedoms.

1. The right to equality before the law.
2. The right to respect for life and the integrity of the person.
3. Freedom from exploitation and degradation including slavery, torture and cruel, inhuman or degrading punishment.
4. The right to liberty and security of the person.
5. The right to a fair trial.
6. Freedom from retrospective punishment.
7. Freedom of conscience, including religious freedom.
8. The right to receive information and to express opinions.
9. Freedom of association.
10. Freedom of assembly
11. Freedom of movement, including the right to asylum
12. Prohibition of mass expulsion
13. The right to participate in government.
14. The right of equal access to the public service.
15. The right of equal access to public property and to public services.
16. The right to property.

- (b) **Economic, Social and Cultural rights.** The African Charter deals with these rights in Articles 17 and 18, but the two provisions cover a total of seven aspects of economic, social and cultural rights as follows:

1. The right to education
2. The right to participate in the cultural life on one's community.
3. The duty of the state to promote and protect morals and traditional values.
4. The duty of the state to take care of the physical and moral health of the family.

5. The duty of the state to assist the family as the custodian of morals and traditional values.
6. The duty of the state to eliminate discrimination against women and ensure the protection of the internationally recognized rights of women and children.
7. The right of the aged and disabled to special measures of protection.

The right to education is guaranteed in the American convention and in the First protocol to the European convention. The other rights are unique to the African charter.

(c) **Peoples' rights.** These rights are contained in Articles 19 to 24 of the charter which cover the following collective rights:

1. The right to equality of peoples.
2. The right to self – determination.
3. The right to dispose of wealth and natural resources.
4. The right to economic, social and cultural development.
5. The right to national and international peace and security.
6. The right to 'a general satisfactory environment' favorable to development.

(d) **Duties.** The subject of duties is dealt with in Articles 27 to 29, which form chapter II of the charter. It begins with three general principles: every individual has duties towards his family and society, the state, 'other legally recognized communities', and the international community; rights and freedoms must be exercised with due regard to the rights of others, collective security, morality, and common interest; and every individual has a duty to respect and consider others without discrimination and to promote mutual respect and tolerance. We then find a list of eight specific duties which are set out in Article 29 as follows:

1. The duty to the family.
2. The duty to use one's physical and intellectual abilities for the benefit of the state.
3. The duty to avoid compromising the security of the state.
4. The duty to preserve and strengthen social and national solidarity.
5. The duty to preserve and strengthen the national independence and territorial integrity of one's country and to contribute to its defense.
6. The duty to work to the best of one's ability and to pay taxes.
7. The duty to preserve and strengthen 'positive African cultural values' and to promote the moral well-being of society.
8. The duty to do one's best to promote African Unity.

Although the African charter is the first human rights treaty to prescribe the individual's duties in such an elaborate way, the inspiration for some of these provisions can be traced back to earlier instruments. (For more information refer the African charter on human and people's rights).

Critical Thinking:

- ❖ What impressive provision have you observed in the African charter on human and people's rights?
 - ❖ What distinguishes the African charter on human and people's rights from other instruments of human rights?
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Human Rights of Women and Children

Women have had to fight for their recognition as full human beings and for the granting of their basic human rights for a long time, and unfortunately the fight is not over yet. Although their situation has improved in many ways globally, societal structures and prejudices still hinder the full and immediate implementation of human rights of women the world over.

Gender is a useful category of analysis that helps us understand how women and men assume different responsibilities, roles, and positions in society. Introducing a gender analysis in human rights theory and practice makes us especially sensitive to the differences between women and men in society and the specific ways in which women's human rights are violated.

It is evident that gender-sensitive thinking should be promoted to attain the same rights for everybody regardless of sex, color, race and religion.

Human Security and women

Human security and the status of women are closely connected, as conflicts tend to worsen gender inequalities and differences. Refugees and internally displaced people, most of whom are women, the elderly and children, need to be given particular attention and assured special protection.

Human security is also about ensuring equal access to education, social services and employment for every body in times of peace as well. Women are very often denied full access to those areas. So women and children in particular can benefit from a human rights approach to human security which proves that no human security can be achieved unless human right are fully respected. Thus the eradication of any form of discrimination, particularly against women and children, should constitute a priority on human security agenda.

The Beijing platform for Action, adopted at the United Nations Forth world conference on women in 1995, is especially important. Its preamble and 12 chapters constitute the most complete program on human rights of women with a global diagnosis of the situation of women, and an examination of policies, strategies and measures for the promotion of women's rights all over the world. The following 12 critical areas of concern are given special attention: poverty, education, health, violence, armed conflict, economy, decision making, institutional mechanisms, human rights, media, environment, girl children, and institutional and financial arrangements.

Women and Poverty

Very often women work in the household, fulfilling their duties in caring for the children, the sick and elderly, doing the chores without receiving payment and almost every where without proper insurance of their own, although their contributions are socially and economically necessary and should be highly valued.

The division of labour based on gender is one of the structural dimensions of poverty that affects women. The biological function of maternity is another structural dimension, which is understood as a social function of parenthood and social responsibility.

Poverty is also created through unequal payment for equal work and denied or restricted access to education or public and social services or to inheritance rights and to ownership of land.

Poverty, in its political dimension, shows the inequality of rights between members of our societies, and poses significant obstacles in gaining access to their civil, political,

economic, social and cultural human rights. It also decreases access to information and possibilities for participation in public organizations and decision-making. In the context of migration, property also leads to an increase of trafficking in women, especially in Latin America, Asia and Eastern Europe.

The constitution of 1994 has tried its best to address these and other problems of women. (Refer to the constitution of 1994, article 35 with regard to rights of women)

Human Rights of Children

Critical Thinking:

* What special rights should be granted to children?

The concept of children's right has evolved on the one hand from the broader human rights movement, but is also derived from other developments in the social, educational and psychological field over the last 300 years. This includes the impact of state-sponsored institutionalized compulsory education in schools, the negative effects of industrialization on children (for example child exploitation in factories or mines) and the consequences of war. A new understanding of child development evolved, from new teaching concepts and models of child-upbringing to "children liberation movements" in the 1970s. They helped to shift the focus from the child's vulnerability and protection needs to a new discourse on child autonomy, competence, self-determination and child participation, rejecting traditional paternalistic views of children as mere objects of parental/adult control. Eventually, all these developments combined had a strong impact on the political process, which started in 1979 within the United Nations: the drafting of a new, first legally binding document on the human rights of children-the convention on the Rights of the child (CRC). The day of its adoption -20 November 1989- is now the annual International Child Rights Day.

Who is actually considered a "child" under the convention on the Rights of the child? Well, the CRC defines a "child" generally as any human being below the age of 18 (unless majority is reached earlier in the respective country, Art. 1), thereby choosing a rather simplistic approach by just separating adults from non-adults.

Principal Concepts of the Convention on the Rights of the Child

A. Empowerment of the child, Generational and Gender Aspects

Based upon the respect for the dignity of all human beings, the CRC recognizes every child as the bearer of his or her own human rights: these rights are not derived from or dependent upon rights of parents or any other adult. This is the foundation for the concept of empowerment of the child, enabling the child as a respected subject and citizen of society to challenge and change limiting and discriminating perceptions and expectations of young people. Factually, children remain dependent on adults (due to their physical and emotional development, lack of the material resources/income) and changes in the economic and social situation of the parents (unemployment, divorce of parents), which have immediate impact on the child's standard of living. Granting human rights to children, thus, does not create specifically "privileged" social group. On the contrary, it is the necessary precondition for raising their status in society to a level where they can defend their interests on an equal footing with adults. Only then will a child be heard before a court in

custody-related cases, will a girl feel secure enough to report sexual abuse. This also highlights the preventive, awareness-raising aspect of the empowerment of children. And only then will the interests of children as a social group be taken seriously-a crucial challenge, considering the demographic situation in western “ageing societies”, but also in the southern hemisphere with young people often constituting up to 50% of the entire population.

In addition to this generational aspect, the gender dimension is of prime importance to the empowerment of children. Trafficking of girls for sexual exploitation, the killing of girls in the name of the “family’s honor”, exclusion and disadvantages in education and employment as well as degrading stereotypes in the media and the entertainment industry clearly show their double discrimination both as girls and as children.

B. The Child-Parent-State Relationship

At the same time it is important to stress that these dual dimensions-protective rights and autonomy rights-are not mutually exclusive, but mutually reinforcing, the convention does not favor e.g. autonomy rights over protective rights, as has sometimes been claimed by critics calling the CRC “anti-family” and fearing the breaking -up of families by granting human rights to the child. The CRC explicitly recognizes the “responsibilities, rights and duties” of (both!) parents to provide “appropriate direction and guidance” for the child. However, this parental responsibility is qualified by being “consistent with the evolving capacities of the child” meaning that this responsibility does not grant any absolute power over the child, but is constantly dynamic and relative. Moreover, vis-à-vis the state, parents bear primary educational responsibility, but if they are not able or willing to fulfill their obligations, it is legitimate for the state /society to intervene.

C. Non-Discrimination of Children

The convention states a clear prohibition of discrimination among children, providing a long list of grounds unacceptable for differentiation (also relevant in regard to the child’s parent /guardian): “race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status” (Art. 2).

There is no explicit provision about non-discrimination of children in relation to adults (discrimination based on age). However, considering the broad catalogue of rights in the CRC, any measure limiting those guarantees only on grounds of age would also be difficult to sustain in light of Art. 1 and 3(1).

Art.3(1) formulates the overall guiding principle of the entire convention, namely “the best interest of the child.” This provision stresses the need to give priority attention to the child’s interests. It is not limited to actions directly targeting children (e.g. education, custody court cases, etc), but, instead, it is relevant for all actions, which might have a direct or indirect impact on the child (employment policies, budgetary allocations, etc). Therefore, this implies an obligation by any actor (state or private) to conduct a “child impact assessment” first, to consider possible consequences of any measure and alternatives and to further monitor the implementation of that measure.

Convention Rights: Participation Protection Provision

A commonly used structure for describing the contents of the convention apart from the guiding principles and concepts indicated above follows the “three Ps”- participation, protection, provision:

1. The **participation** aspect is represented first of all by an explicit recognition of a child’s right to participation as stated in Art. 12(1). Attributing “due weight” to the child’s perspective is the key element of this provision; it requires a level of involvement of children which allows them to truly influence processes, to have an impact on decision-making. In addition, the CRC adapts other basic political and civil rights relevant in this context as children’s rights, such as the freedom of conscience, religion, association, assembly and respect for one’s privacy as well as the right to life (including an explicit prohibition of the death penalty for juvenile offenders), protections from torture and from arbitrary detention and fair trial guarantees.
2. Regarding **protection** issues, the rights in CRC include protection from “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment, or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child” (this provision is also relevant in regard to disciplinary measures in schools). Protection is further strengthened by provisions aiming at measures against economic exploitation (child labour), sexual exploitation and trafficking of children, drug abuse and standards in relation to children and armed conflict.
3. **Provision** rights guaranteed under the CRC encompass the right to health, education, social security and an adequate standard of living.

Moreover, the CRC also develops new standards by formulating a child’s right to protection of his or her identity, family and other social relations (including family reunification), limits for international adoption of children, a child’s right to rest, leisure, play and cultural activity and a state obligation to ensure recovery and rehabilitation for all child victims of any form of violence or exploitation. (For more information refer to the convention on the Rights of the Child (CRC)).

The constitution of FDRE, article 36, enshrined the above provisions and rights of children. (For detail illustration refer the constitution of 1994, article 36).

Human Rights in FDRE Constitution

Critical Thinking:

- * How do you evaluate the constitution of FDRE in relation to the international Instruments and Standards of Human Rights?

One –third of the provisions of the constitution of 1994 deal with fundamental rights and freedoms. The chapter on fundamental rights and freedoms opens with the absolute and comprehensive requirement that all organs of federal and state government at all levels have the “responsibility and obligation to respect and enforce” the provisions dealing with fundamental rights and freedoms. Moreover, their interpretation has to conform to international standards of the Bill of Rights, such as

the universal Declaration of Human Rights and the international human rights covenants, which are specifically mentioned.

The importance given to fundamental rights and freedoms as enshrined in chapter 3 of the constitution is also reflected in the extra attention given to the risk of subsequently diluting fundamental rights and freedoms by easily amending the provisions. To ensure that no such thing occurs the constitution imposes an extra stringent amendment requirement with respect to the provisions of chapter 3 of the constitution. These provisions can be amended only when all state councils accept the proposed amendment by majority vote and each of the Federal houses accept it by a two-thirds majority vote. (Art. 105)

That even in the extreme case of the proclamation of a state of emergency a major concern of the constitution remains the fundamental rights and freedoms, again reflect the importance attached to the subject. During a state of emergency, proclaimed on any of the specifically enumerated grounds and for constitutionally specified duration, the power of the council of Ministers extends up to suspension of democratic and political rights contained in the constitution. But the House of peoples' Representatives "at the same time as it proclaims a state of emergency," has to establish an "Emergency Board" whose constitutionally assigned task is to oversee the implementation of the state of emergency proclamation. The Emergency Board's powers and responsibilities deal with various aspects of fundamental rights and freedoms and include: (refer to articles 55, 77 and 93 of FDRE Constitution)

- A. the making public - within one month of the proclamation of the state of emergency – the names of all individuals arrested on account of such state of emergency together with the reason for their arrest;
- B. ensuring that no inhuman measures are taken while the state of emergency is in effect;
- C. recommending to the Prime Minister or the Council of Ministers Corrective Measures in cases of inhuman treatment, and ensuring the prosecution of any one committing inhuman action.

The Emergency Board is accountable to the House of peoples' Representatives and also submits its views on whether the period of the state of emergency should be extended when the House is considering such extension. All of these, put together, place a very high premium on fundamental rights and freedoms under the constitution.

Human Rights enshrined in FDRE constitution may be summarized as follows:

Right to Life and Liberty

- * Within the category of human rights, the first set of articles deals with the right to life, liberty, and the security of the person (Art. 14, 15, 16 and 17). The "inviolable and inalienable right" to life, liberty, and the security of the person is guaranteed because of the "human dignity" every person is endowed with. The constitution however, in expressing the right, simultaneously establishes a limitation and involves both the state and positive law in such limitation. The constitutional provision that affirms the right to life states that "no person shall be deprived of his life except as punishment for grave crimes defined by law."
- * The right to the security of the person is the next right considered by the constitution. The provision reads, "every person has the right to protection from bodily harm." It recognizes no limitation on the right of protection from bodily harm.

- * The right to liberty stipulates that no person may be deprived of his or her liberty except in accordance with procedures established by law. Another interesting thing to note in this provision is that the constitution has gone out of its way to emphasize the right to liberty for women. There is no question that the concern reflected deals with certain customary practices in which young women are forcibly abducted from home for marriage purposes.

Criminal Law Rights

Rights flow into each other. Thus the right to liberty leads directly into the prohibition of arbitrary arrest and detention without trial or conviction. The provision on the rights of arrested persons deals exhaustively with the various aspects of their rights in six sub-articles. A most important aspect of the rights of the arrested person is the fact that he has the right to appear before a court of law within 48 hours of his arrest.

Once the investigation is completed, the constitution insists on the right of the accused person to a trial before a court of law and within a reasonable time. The arrested person has now turned into an accused person and has to stand trial. The trial is generally public. The court, however, may order closed –session trial to protect the privacy of parties concerned, public morals, or national security.

The constitutional rights of an accused person include the right to be presumed innocent until a final court verdict is given and the right to be given the charge in writing. Although the court would have its own working language, the proceedings all the way through, from the first appearance of the accused in court onwards, have to be conducted in such a way that the accused is able to follow in the language that he understands, and what ever interpretation is necessary is to be done at state expense. Once the court with material Jurisdiction over the case concludes the trial and reaches a verdict (or, prior to that, passes an important decision), the defendant is constitutionally entitled to recourse, by way of appeal or review, to the competent higher court.

The constitution provides for important rights of persons in custody. Any person who has lost his freedom and is in custody at whatever stage of investigation, trial, or sentencing has the right to be treated with respect to his human dignity. The right to communicate with and be visited by spouse and close relatives on one side and by professionals giving religious counsel and medical and legal services on the other are specifically provided for by the constitution.

The constitution emphasizes two points: one is the prohibition of slavery or servitude, and the other the prohibition of forced or compulsory labor. However, the prohibition of forced or compulsory labour is not absolute, as the constitution refers to four exceptions, which do not amount to an infringement of a constitutional right. These are:

- a) Work done as part of punishment and imposed according to law,
- b) Military service or conscientious objection's alternative,
- c) Service rendered in time of emergency or calamity, and
- d) Obligation to perform incurred through Voluntary community service.

The famous “non-retroactivity of criminal law” principle is made a constitutional right: that no one shall be punished for an act, the commission or omission of which was not defined by law as an offense at the time.

Another principle that the constitution establishes as a right is the prohibition of double jeopardy. This is a prohibition against a second trial or punishment for an offense in which decision of conviction or acquittal has been duly delivered in accordance with criminal law and procedure.

Equality, Privacy and Religion

The rest of the provisions of the constitution in the human rights part of chapter 3 deal with the right to equality before the law, the right to the protection of privacy, and freedom of religion, belief, and opinion. The right to equality guarantees all persons the equal and effective protection of the law. Discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, wealth, birth, or other status is specifically guaranteed against. (Art. 25, 26 and 27)

The right to privacy is a classical constitutional right of the individual. Its main concern is for government not to infringe upon the liberty of the individual. The right to privacy of the individual is defined in terms of his person, his home, and his property. The right to inviolability of one's correspondence and communication with others is also made part and parcel of the right to privacy. But, six objectives for the limitation of the right to privacy are enumerated in the constitution. These are national security, public safety, the prevention of crime, the protection of health, public morality, and the rights and freedoms of others.

The last right to be considered under the human rights part of chapter 3 of the constitution is the right to freedom of religion. That freedom of religion should be of constitutional concern is not surprising. Religion has been the visible cause of many bitter wars in human history. It still is. Religion has also been at the center of conflicts over the centuries in feudal Ethiopia. The idea of a state having only one religion has even been considered important for national security. The very fact that one religion would be considered the state religion and was given state protection and material assistance, this naturally disadvantaged all the others. The seeds of conflict would thus be sown among the different religions within a state. The constitution of 1994 takes the enlightened liberal stand that every person has the right to freedom of thought, conscience, and religion. This freedom encompasses both the inner personal belief as well as its external manifestations. That the right includes the freedom to hold or adopt a religion of one's choice and to worship, observe, exercise, teach and proclaim, either individually or in fellowship with others, in public or private, makes the right complete.

Education, public or private, the constitution stipulates, has to be provided in manner free from religious influence. The fine line of demarcation between "education free from religious influence" on the one hand, and "religious education" on the other would raise various specific issues that courts would have to tackle in the future.

The limitations on the exercise of the freedom of religion have to be prescribed by the law. The overriding public interest to be protected is stated by the constitution in terms of "public safety, peace, health, education, public morality, fundamental rights and freedoms of others and the guarantee of the independence of government from religion. (For more information refer the constitution of FDRE (1994 chapter 3).

Critical Thinking:

- * Enumerate the human rights of citizens contained in chapter 3 of the FDRE Constitution?

CHAPTER SEVEN

Actors In The process of Development and Democratization in Ethiopia

Introduction: An Overview

It goes without saying that there are many actors and agents that are desperately and conspicuously needed in the developmental endeavors and democratization process playing their pivotal and constructive roles. Broadly speaking, development and democratization process in general and in Ethiopia in particular substantially require diversified and persistent ceaseless efforts of government and non-governmental organizations including the public at large. Put it differently, both government and civil societies and the benevolent roles of the public in general are critically demanded and required to play their pivotal roles in transforming the socio-economic and prolifically development In general and our society in particular.

Needless to say, Ethiopia is a country plagued by wretched and grueling poverty and food insecurity. To overt this state of affairs, it is imperative for the government to be engaged in the provision a wide range of certain goods and services, which, by their very nature, cannot be provided efficiently and effectively through the market. Within their framework, the government is essentially expected to play its profound roles in developmental ventures and democratization process through effective and fair utilization of all available resources and in mobilization the public including civil societies both at nation and international levels. Cogitation of this fact, this chapter profoundly identifies and deals with many actors in development dentures and democratization process in Ethiopia such as the government both at the federal and Subnational (Locale) level, civil societies, Mass media and interest groups (pressure groups).

7.1 The proper Roles of the Government in Development and Democratization Processes.

It is not beyond imagination and governments, especially in developing countries like Ethiopia, plays the central pivotal roles in development and democratization processes mainly because there are a wide range of certain goods and services, which, by their very nature, cannot be provided efficiently and effectively, through the market. Accordingly, in this part, we shall look at the central roles and functions of government Ingeneral and in Ethiopia in particular in various developmental ventures and democratization processes. In line with, the following ones are the major central roles and functions of government, especially in developing countries like Ethiopia.

1. Authoritative Allocations Resource and Values

It is widely recognized that there are some vital community goods and services that cannot be adequately provided through the market (private). Even into day's world, the central role of the government, particularly in developing countries like Ethiopia, is to effectively provide certain essential services and goods that society desperately needs. These include the following:

Effective order, predictability, internal security and External Defense

Nearly all governments at least claim to have as their primary role and purpose the establishment of an order that permits predictability which intern, promote a sense of security among the governed (the public). More over the government, on the behalf

often state, is the administrative wing of the state takes a primary role the defense of their territory of their territory against external attack.

Distribution of Resources and Social Responsibilities

All governments play a role of controlling the distribution of resources in their societies fairly and persistently. These include capital, labour, and natural resources. Like wise, governments have the mandate to determine which resources will be publicly controlled, and which sectors and resources will be in private hands.

Moreover, governments have usually the responsibilities to discharging social responsibilities such s education, health (protection against the hazards of sickness), physical Infrastructure, protection against unemployment and old age.

Policy Planning and Public Policy Formulation

Governments are usually given the mandate to formulate, implement, and supervise and evaluating various public policies in many issues and sectors. To begin with, government formulate, implement and supervise versions laws such as constructional law, criminal law civil laws, etc Like wise, governments are vested with the power and authority to formulate economic, social, and cultural policies through its comprehensive policy planning and scrotal policy planning.

Conflict Resolution and Management

All governments develop various institutions and procedures for the management effective conflict and political flare-ups at individual and collective level. In line with this institution like legislative, executive, and judiciary and that establish laws and procedures for managing conflicts and potential flare ups (disputes) that arise in society. Like wise, governments may also provide other institutional and informal means of conflict management such as voting rights, majority rule, protection of minorities, and freedom of expression and discuss conflicting ideas, beliefs, etc.

2. Introducing and Consolidating of Good /Democratic Governance
3. Stabilization of the Economy
4. Income Redistribution

Good Governance /Democratic Governance

- Prevalence of democratic governance requires establishing the required organizations/ institutions, democratizing the already existing one and applying democratic systems every day life through these apparatus.
- Two most indicators of actual good governance are:
 - Accountability; and
 - Transparency

1) Accountability:

Refers to the system in which elected public officials are made to be responsible (answerable) to the people that elected them.

- It pertains the right of the people to make sure that government officials make and implement laws that reflect the infests and wishes of the people.
- Elected officials are expected to be guided by the sense of moral righteousness /farness/ accepted by the people in the exercise of their authority /power.
- Accountability includes the framework or the mechanisms through which citizens hold the government responsible for (answerable for) the actions they perform.

Article 12 of the FDRE constitution

Conduct and accountability of Government

Art. 12 (2)- Stipulates that: Any public official or an elected representative is accountable for any failure in official duties.

Art. 12 (3)- Incase of lose of confidence; the people may recall an elected representative.

Art 54 of ht FDRE constitution

Art. 54 (7) Stipulates that:

- A member of the house of people's representatives may sin a word ance with the law, lose his mandate of representation up on loss of confidence by the electorate.

2) Transparency:

Transparency refers to the ideas that the workings/procedures, decisions, and actions of the government and its officials should be clearly known to the people. In other words, the people should be made award of important policy decisions of the government, and how and why they are made. The rationale is that access to such information enables citizens to check the prevalence of accountability in their government, prevents a government from being corrupt and from transgressing the wishes and interests of the people. Recognizing this need. Art 12 (1) of FDRE constitution stipulates that:

“The conduct of affairs of the government should be transparent.”

- Public participation is an essential element of the principle of accountability and transparency. It is in a society with a culture of participation and open-minded citizens that the government and public officials will be forced to be accountable and transparent.

7.2. Essence and Importance of Civil Societies and Civil Organizations.

The term “civil society” originally used by the ancient Greek philosophers. They used to deal it with the concept of the state. That is when they explained the importance of state in their philosophy they also describe the concept of civil society.

But starting form the 18th century, different political theorist developed the idea of civil society as an institution parallel to but separated from the state. For example, De To Coupeville and Adam Ferguson described it as “the existence of a plurality of citizens: Organizations through which the individual could express and make effective his own concern and which consisted a reasonable pressure on the state.” From the above, we can understand that civil society is a team where citizens according to their area of interest and wishes. The term “civil” by itself refers to things or activities related to citizens or to the public. It is an action, which is outside of politics, military, etc. And has an interest of just cooperating and working to promote the common good and welfare of the people.

***Some Prominent Definitions of Civil Society.**

- ❖ Civil society are associations which are separate from state and enjoy some autonomy in relations with the state, and formed voluntarily by members of society to protect or promote their interests, values, or identities.

- ❖ Civil society is a fascination or attraction with non-governmental organizations, especially groups which advocate the public interest like about the environment, human rights, women's right, election, election monitoring, anti corruption, etc
- ❖ Civil society is a broader concept encompassing all the organizations and associations that exist outside of the state (including political parties) and the market. It includes the extent of organizations, which considered as interest group [not only NGOS but also Chamber of commerce, ethnic associations, welfare group, -- etc). It also includes religious organizations, sports club and informal community group.

From the above explanations, we can easily understand that civil societies are formed by the free will of their members, voluntarily not by force, but by their own. Thus, for an individual to voluntarily to participate in civil societies or civic group, he/she should believe that there is a cause to promote through participation.

7.2.1 The Imperatives and Importance of Civil Societies

It goes without saying civil societies delivers a lot of benefits and advantages of civil societies in the developmental endeavors and in building and consolidation of democracy and democratization. In this section we shall look at the following advantages merits of civil societies.

A. Enhancing Social Development.

Government institutions alone cannot succeed in eradicating brunt and wretched poverty and in bringing about development. Experiences around the world show that civic participation should be added to government endeavors in order to attain developmental goals and objectives. Therefore, citizens should conspicuously participate in the development endeavors since they know better about the needs and problems of the community. In doing so, some civil societies including local and international ones may participate in providing necessities and goods as well as money to people, especially to the poor, to extricate them from poverty. And even, to develop people for high living standards. While other civil societies may be engaged in mobilizing the local population for development programmes.

B. Supporting and Widening the Democracy Process

?How do civil societies play pivotal roles in supporting and widening the democratic process? Briefly explain it.

Democracy is about creating and consolidating an enabling environment and fertile ground for people's participation in the public affairs. Therefore, democracy to be successfully and effectively achieved devoted, and persistent participation of citizens in the affairs of the public is conspicuous. This is because of the fact that democracy is not like a machine that goes by itself once it is inserted; rather it needs the devoted and persistent participation on the realization and achievement of democracy and democratization process. Therefore, it is **evolutionary, not static**. In addition to the citizen's participation in decision-making on various issues directly or indirectly, they (citizens) also exercise their full rights of political and civic participation in democratic system through civil societies. Civil societies can go as they usually do, to the extent

that of influencing and monitoring the government in drafting, ratification and implementation of public policies and lawmaking.

In the end, it is worth noting that civil society's public opinion, which are non-partisan and non-profitable organization, are established to contribute for the well being and development of the society. Further more, they are important vehicles or organs in framing public agendas, developing public opinions, and mobilizing local populations for awareness development, and looking for solutions and come up with suggestions.

7.2.2 Types, Forms and Forums of Civic Participation

There are possible types of voluntary associations in which citizens can become members and contribute to the good cause of their community life. Some of these are as of voluntary associations are the following.

A. Human Right Organizations

There are many organizations here in our country and around the world formed for the purposes directly related to the state of human rights. They have different names pointing to one of the following: civic education, peace education, democracy or Human Rights Education. Their activities also vary between educating /informing the public about its human /or citizenship rights or monitoring the activities of governments in managing the observance of these rights.

For effective and persistent functioning and realization of their tasks, it needs active, informed, and responsible citizens to constantly evaluate the activities of these organizations because such organizations are legally registered in the name of the Ethiopian citizens.

B. Charity Organizations

Charity organizations are humanitarian organizations that can be formed with many religious backgrounds. But, while advancing their religious objectives, they are engaged in different forms of socially helpful activities. They are supposed to provide help to the needy ones irrespective of territorial boundary, race or religion.

Charity organizations can also contribute to community development in the area of building schools, and provision to related basic services. Thus, such voluntarily associations of citizens can help governmental institutions in handling some of the public affairs.

C. Youth Development Association.

Youth Development Associations are organizations formed on voluntary basis do form different types of organizations. Youth clubs are forms of such associations. Youth associations participate in various forms of community developmental activities in various ways. They can participate in economic sector by taking part in the form of labor education in their communities. This can be done in the areas of agriculture, industry, and services giving organizations. By arranging free service programmes with such institutions, youth association can contribute for the good of their communities.

D. Humanitarian Associations

Humanitarian associations are organizations formed for the purpose of caring out humanitarian services to those who need the support. Humanitarian can be provided to the elderly who are at their old ages without any one to take care of them. These are citizens who need help from fellow citizens.

Giving services in the hospital and health center in taking care of sick citizens is also part of the human service activities. Particularly these days, taking care of HIV/AIDS patients is becoming an important responsibility of citizens.

Red Cross /crescent societies are typical examples of human service associations.

E. Work - Related Associations

Work related organizations are organization formed by members of a profession or employees of institutions. Credit unions are forms of work related associations. Employees of a given institution form credit unions. The major purpose of credit unions is to encourage saving. Then, members are allowed to take loan from the union for something important. Such associations can help members in economic matters.

Professional associations are other types of work related voluntary organizations. The professionals in the field form such organizations. Such organizations can help contribute to the strength of the profession and for the country in the area. Examples of few professional associations in Ethiopia are listed below:

- ❖ Ethiopian Chemical Society
- ❖ Ethiopian Association of Teachers
- ❖ Ethiopian Association of Educational Researchers.
- ❖ Ethiopian Association of Economics
- ❖ Ethiopian Association of Political science

There fore, the professional associations contribute to their respective fields by promoting research. They can also contribute to the country in various ways. They can contribute, for example, to policy formulations in their areas.

F. Environmental Efforts Associations

Environment being endangered in many parts of the word. This is also true in our country. Environment is being deteriorating from time to time. Environmental deterioration takes place in different forms. Among these is deforestation. From time to time our forest resources are decreasing. As a result, we are falling shortage of rain, thus, drought and famine are frequently affecting our living situation.

Environmental problem is also caused by pollution of different kind. Pollution is the result of the by products of industries.

In response to the environmental problems, citizens have formed many voluntarily environmental associations. In Ethiopian schools, environmental clubs are becoming common.

7.3. The Role of Political Parties in the Process of Democratization

Now days, the presences of political parties have become a sign of democratization. Basically political parties are important to have different political views and policy alternatives, which could be used for socio-economic development of a country. In this section, we shall look at the roles of political parties, pressure groups, and mass media in a country, especially in Ethiopia.

7.3.1. Political Parties and their Roles in Democratization Process.

Political parties usually play their role in an all-out endeavors of democratization process and building and consolidating democracy. Before we shall see how they play their role in democratization process, let shall look at the comprehensive definition of political party and basic characteristics that distinguishes them from other groups.

Focus

Political party refers to a formally organized group of people that performs the function of educating the public that recruits and promotes individuals for public offices and that provides a compressive linkage functions between the public and government decision making having its known particular policy. This indicates that the definition of political party has the following three essential ingredients:

- A. It is an organization of persons who are more or less agreed on some important matters of public policy
- B. It is an organization whose main aim is to take part in the struggle for power; and
- C. It is a body whose members make concerted efforts to implement their policies and programmes by constitutional (democratic) means.

Distinct characteristics of political parties from any other groups

With regard to some major features of a political party that distinguishes from any other groups, we can identify the following characteristics:

- i. Parties aim to exercise government power by winning political office
- ii. Parties are organized bodies with a formal “card caring” membership. This distinguishes them from broader and more diffuse social movement.
- iii. Parties typically adopt a broad issues focus, addressing each of the major areas of government policy; and
- iv. To varying degree, parties are united by shared political preferences and a general ideological identity.

The Roles /Importance and Functions of Political Parties for the Process of Democratization Process

Constitutional parties operating in a context of electoral competition tend to be portrayed as bastions of democracy; indeed, the existence of such parties is often the **litmus test of a healthy democratic system**.

As such, political parties can play their pivotal role in the process of democratization. Accordingly, the following section shall make due focus on the importance of political parties in developing and consolidating democratization process.

The Importance/Vitalities of Political Parties in Building and Sustaining the Process of Democratization.

Politician parties can, as they often do, several pivotal for building and effective consolidation of democracy and democratization process in general and in Ethiopia in particular. The major indispensable roles and imperatives of political parties in democratization and democracy, among others, are the following:

1. It is important to organize and coordinate individual interest.

Needless to say, individuals or citizens have different political views and interests in the mean time the interest of some individuals are the same. In some cases, political party is important to sum up or to organize those people who have the same or similar political views. Organizing individual's interests is important to handle contradicting view of in development.

2. It is important to create political awareness among the citizens.

Political parties perform the job of political mobilization, secularization, and recruitment. In a democratic system, the people have the right to know about what is going on their government offices. So, the presences of such parties are important to expose the doings of government. Besides, it also educates the people about the democratic measures that should be taken.

3. Political parties are important to widen the base of popular participation.

Political parties are one of the most important attributes of democratic system. Inorder to implement the very concept of democracy, effective and persistent participation of people in their affords is must. In this regard, political parties are on the front line.

4. Political parties are important to serve the interest of people.

The very concept of the democracy is the rules of law. In democratic processes, the people are in charge and the government is expected to implement the interest of the people. After completion, for example one of the parties will hold power in such away that the party serves the interest of the majority in order to be successful in their completion.

Generally, it is worth noting that political parties play pivotal and constructive roles in building and consolidating democracy and contribute their roles in the process of democratization.

2.4.2. Pressure Groups

Pressure groups are indispensable for the prevalence and sustain of democracy and further democratization process. Pressure groups is a collection of individuals who, on the basis of one or more shared attitudes, make certain claims up on other groups in the society. In other words, pressure group is an organized association that aim to influence the policies or/and actions of government. The strength of pressure groups varies from on account of various factors such as the number of the members, intensity and forms of organization.

Kinds of pressure groups

There are different kinds of the pressure groups. Among others, the following are the major kinds of pressure groups.

i) Institutional group

Institutional groups are setup primarily for purposes other than political activity and would certainly exist even if they did not deal with politics; they become politically active only to defend their own interests in the stats policy decisions. This kinds of pressure group include; University that is set up to educate students and conduct research, may hire lobbyists to procure financial support from the government, and so on.

ii) Associational groups

Associational groups regard political activity as one of their primary purpose. Associational pressure groups may have some other primary purposes; organization of business men, labour union, workers, farmers, and professionals, etc.

iii) Non- Associational group

Non –associational group include informal Organization such as based on factors like kinship, religion, tribal loyalists, social traditions etc.

In the end, it is important to note that just like political parties, the presence of pressure groups plays their rules in building and promoting democracy and contribute their role in the furtherance of democratization process.

2.4.3. The Role of Mass Media

- ☞ People make political choices according to a calculation of personal self-interest based on the issues and policy positions on offer. This, in turn, widens the scope for the media's political influence as they are the principle mechanism through which information about issues and policies, therefore political choices, is presented to the public.
- ☞ The mass media plays a positive role in ensuring an inflamed citizenry, which both enhance the quality of democracy and guarantee that government power is checked. This 'watchdog' role of the media was classically demonstrated in the 1974 Washington post investigation into water gate scandals, which led to the resignation of Richard Nixon as US president.

But growing concern has been expressed about the closer relationship between government and the media, and about how each uses the other for its own purposes. This has led to a t transformation in the style and substance of political communication, affecting both public option and, possibly, the political culture. Government, for their part, have always had an unreliable relationship with truth. Politicians are concerned primarily with winning and retaining power, and are thus ever sensitive to the need to maintain public support. The desire to accentuate the positive and conceal the negative is therefore irresistible.

CHAPTER EIGHT

Development Issues and Theories of Development

It matters little how much information we possess about development if we have not grasped its inner meaning. Starting from 1950s theoretician tries to give various meaning to development.

We begin by defining development and underdevelopment followed by examining four competing theories of development.

Definition

Development: means the process of improving the quality of all human lives. It has three important aspects

- a. Raising peoples living levels. i.e. their incomes and consumption level of food, medical service education etc through relevant economic growth process
- b. Creating conditions conducive to the growth of people's self esteem and instructions, which promote human dignity and respect.
- c. Increasing people's freedom to choose by enlarging the range of their choice variables by increasing varieties of consumer goods and services.

Underdevelopment: means an economic situation in which there are persistent law level of living in conjunction with income, low rate of economic growth, low consumption level, poor health service, high death rates, high birth rates, vulnerability to and dependence on foreign economics ad limited freedom to choose between variables that satisfy, human wants.

Theories of development.

The literature on economic development over the past 40 years has been dominated by four major and sometimes competing strands of thought these are 1. The liner stages of growth model

2. Theories and patterns of structural change
3. The international dependency revolution and
4. The neo-classical, free market counter -recordation.

1. The linear stage of Growth model

This theory is developed in 1950 and early 1960s. It focused on the concept of stage of economic growth in which the process of development was viewed as a series of successive stages through which all countries must pass. Most influential advocate of this theory was w.w.Dostow. According to him the transition form a series of steps are the traditional society the pre-condition for take following in to self sustain growth – the rise to material and the age of high mass conception. According to him, the now developed countries had all passed the stage of take – off in to self sustain growth and the underdeveloped countries that were still in either the traditional society or the pre-condition stage had only to follow a certain set of rule of development to take – off in their turn into self – sustain economic growth.

But one of the most important things which is necessary for any take off is the mobilization of domestic and foreign saving in order to general sufficient investment to accelerate rate economic growth.

That means, every economy must save a certain proportion of its national income. More specifically, the growth rate of national income will be directly or positively related to the saving ratio i.e. the more an economy able to save – and invest –out a given GNP, the greater will be the growth of the GNP. Development according to this theory thus become synonymous with rapid, aggregated economic growth of a particular country.

Critics of the linear stages of Growth Model

i. Necessary versus sufficient conditions.

The liner stage of growth model did not always work. And the basic reason why didn't work was not because more saving and investment is not a necessary condition for accelerated rate of economic growth –it is – but rather it is not a sufficient condition. There is a need for other things like human development issue in terms of democracy, population issue, infant mortality, skilled labor and the ability to plan and administer a wider assortment of development projects.

ii. The liner states of growth give attention only to the internal factors

The liner stage theory, failed to take into account the civically fact that contemporary third world nations are part of a hilly integrated and complex international system in which even the best ad must intelligent development strategies can be minified by external forces beyond the countries control.

2. The Structural – Change Models

The theory of structural change focuses on the mechanism by which underdeveloped economics transform their domestic economics structure from heavy emphasis on traditional subsistence agriculture to amore modern, more urbanized, and more industrially diverse manicuring and service economy. It uses modern economic theory and statistical analysis in an attempt to portray the internal process of structural change that a “typical” developing country must undergo. The major hypothesis of the structural –change model is that development is an identifiable process of growth and change whose main features are similar in all countries.

One of the most known therein in this regards is W.Arthour Lewis. According to him the under developed economy consists of two sectors

1. The traditional, over populated rural subsistence sector characterized by zero marginal labour productions with drown from the agricultural sector with out any loss of out put.
2. A high – productivity modern urban industrtional sector into which labour from the subsistence sector is gradually transfused.

So according to Lewis labour transfer (surplus) from tradition ruler subsistence sector to a high –productive modern urban industrial sector is one of the mast important way or step to ember on structural change for development.

Criticism of the structural – change models

Although the Lewis two sector development model is both simple and roughly in conformity with the historical experience of economic growth in the west it's key assumptions do not fit the institution and economic realities of most contemporary third world countries. Because the rate of labour transfer and employment creation in the modern sector is not proportion to the rate of modern sector capital accumulation.

3. The International – Dependence Revolution

During the 1970s international-dependency model gained increasing support especially among third world intellect cutlass, as a result of a growing disenchantment with both the stages and structural change models. This model view third world countries as be set by institutional, political and economic rigidities. They caught up in a dependence and dominance relationship to rich countries.

This model is more radical and political in orientation be cause it views development as more general than the above two theories.

There are three sub-theories under this category.

i. The neocolonial Dependency Model

This is an indirect out growth of Marxist thinking. According to them, Third world countries are underdeveloped because of the historical evolution of highly unequal international capitalist system of rich country poor-country relationship. The rich nations re either intentionally exploited or unintentionally neglect the poor nations.

ii. The false – paradigm model

This model, at tributes third world underdevelopment to ably and inappropriate advice provided by well –meaning but often uninformed, biased and ethnocentric international “expert” advisers from developed countries, assistant agencies and prvtiateal donor organizations.

iii. The dualistic – Development Thesis

Dualism is a concept widely discussed in development economics. It represents the existence and persistence of increasing divergences between rich and poor nations on various levels.

Generally falls – paradigm and dualism theorists place more emphasis on international power imbalances and on needed fundamental economic political and institutional refines, both domestic and worldwide.

4. The neoclassical counter – Revolution

This theory is highly related to the free-market economic theory of development. And gives much more emphasis for the privatization of public corporations in developing nations and calls, for the dismantling of public ownership, planning and regulation of economic activities in developing countries. According to this theory underdevelopment results from poor resource allocation due to incorrect pricing policies and too much state interaction.

Gender And Development

Conceptual Framework on Gender and Development

As mast development policies have mooned towards to integration approach so does the terminology used in relation to women’s and gender issues have moved from women to gender reflection the gradual conceptual shift from person wormers to focus on Gondar.

Thus, gender and development terminology recognizes that the status of women cannot be addressed as a separate issue. It requites to integrate women’s needs, both practical and strategic in all development programmes at all level.

Gender refers to a system of roles and relationships between women and men that are determined by the social, political and economic concept. It is an analytical term, which refers to the sociality-determined difference between women and men as opposed to sex, which is biologically determined. Traditionally, socty assumes that there are operable differences between the saxes but it is known that personality, behavior and abilities are the result of differential socialization processes According to Nails Kabhar, a renown gender analyst, gender is that people are horn female or male but learn to be girls an hors who grow into women and men. They are taught what the appropriate behavior and attitudes, roles and activities are for them and how they should relate to other people. This learned behavior manes up gender identity and determines g ender role.

Gender Role and Gender Relation

Gender role refers to determined patterns of behaviour interim of right, duties, obligations and responsibilities assigned to females and males in a given society. It differs from one society to another, from place to place and over time.

Gender relations refers to the socially -constituted relation between women and men who are shaped and sectioned by the norms and values held by members of a given community.

Gender does not address people but issues in development concern, which includes division of labour, inequality in access to resources inputs and benefits. Gender issues are with action to be taken to correct tent imbalance. As gender identifies the imbalance in society, it is an important tool for planning the gender analysis of who does what or who controls what. It can assist planners in classing the gender gap since in planning the issue at stare is that of power relations or power – sharing.

Gender gaps result from inequality indecision – making which leads to inequality to access to resources and by the differential treatment give to women and girls as compared to that given to men and boys. Some times systematic gender discrimination exists where it is part of the social system and runs through all aspects of life and at different levels such as. At Family and household level, community level institutional level.

Contribution of Women for Development processes in Ethiopian constricts that hinder contribution

Ethiopian women make their contrition to family an community well – being with unequal accesses and control over essential resources (including time). They have limited bargining power to increase their control over resources both with in their families and with in their community.

To expand their economic activities and earn more to support their families, women need access to more resource Women usually have less income than men and it is harder for them to have enough for bigger and more profitable investment. Even when credit is available access requires collateral either as fixed asset or land. Most women have less control over marketable assets and thus may lack the opportunity to build independent business or investment. Generally speaking the most important reasons assumed to be responsible for lower economic status of women in Ethiopia are

- ↳ Uneven distribution of assets
- ↳ Under employment and unemployment
- ↳ Discriminatory consumes and practices preventing women from having equal access and control over major productive resource.
- ↳ Their lack of access to Business information and entrepreneurial skill.

To avert these problems scholars suggest some intermission strategies that promote women's empowerment and their access to and control over economic resources live for example.

- Advocate and promote women's role and contribution to social and economic development.
- Enhance women's economic participation in and benefit from economic activities prexeing them with access to educational and teching opportunities and promoting technology that reduce their workload.
- Recognize the importance of gender mainstreaming in all part ional economic development activities.

Generally the foundation for the impairment of women's economic status lies in the over all socioeconomic and political factors such as legal factors, credit, property ownership inheritance labour issuers, employment opportunites, family relations, health issuers educational statuses etc.

In political terms women could have untold contribution for democratization process. With out taxing the half part of the population it in detracts to materialize the heavy concept of democracy. Women's inducement in political position in Ethiopian hasty has been insignificant more roles is plaisted by then than women as a result hinder our development. Because we are not using the most valuable asset of the society (women). The major cause of such problems could be the following.

- Less amounts of the society about the constitution of women.
- Lack of equal access to education
- Prevalence of Harmful tradition practiions that demoralize women.
- Absence of concinnity political system that let women to hold political pasts etc.

To address all the above problems (both economic and political discrimination of women) the EPRDF Government tore a number of measures. For example, the Ethiopian government has a greed to implement by ratifying and adopting a number of united nations declarations and concretions to impose the status of women ad the girl Child in Ethiopia some of he declaration, are, the coeuction on elimination of all form as of Discrimination Against women (CEDAW), contention on the Right of the chilled (CRS), the worlds conference on Human Right, international conference on population and Development, world summit for social development. The Fourth world conference on women Action for Equality, Development and place of 1995. These all global declarations and policies are concerned with improving the status of women.

The Beijing platform for Action on women and development is the last global platform for action (1995). It has set 12 critiqued areas of focus for women and development. The global plat form has set these critical areas as priority areas of focus for gender and development in each UN member county, including Ethiopia. Among these priority areas, women's economic empowerment is a number one priority, and each member country has greed to address women's needs for economic empowerment and improve their status.

Critical areas of concern for Gender and development (Adopted and ratified by all member countries during the forth world conference on women at Beijing 1999)

- Women's poverty, insufficient food security and lack of economic empowerment.
- Inadequate access of women to education, training, science and Technology.
- Women's vital role in culture, the family and socialization
- Improvement of women's Health including reproductive Health, Family planning and Integrated population programs.
- Women's Relationship and lineage to environment and Natural resource managemnt.
- The political empowerment of women.
- Women's legal and Health Right
- Women and Armed conflict
- Women, information, communication and the Art
- Violence Against women
- The Girl Child

So if such problems are appropriate addressed women will have tremendous contribution for the development of particular country.

General speaking we comment separate development with gender issue to embark on development we have to take in to consideration the role of women in our society.

Social Equality

It implies that the right and opportunities of all are equal so that each may have the best possible development of his personality. Its best manifestation can be seen in the world of law and its equal protection for all. The law of the land is applicable to all from the president or prime Minister at the top to a constable or a watchman at the bottom. The judicial system protects the rights of all irrespective of any body's social and economic position. The noted English jurist (Dicey) defines it as one of the two essential principles of the "rule of law."

Political equality

It means the access of all to the venues of power. All citizens irrespective of their difference in matters of repartition, caste, creed, race, wealth, sex, language, and the like should have equal voice in the management of public affairs. Or in the holding of public offices. Thus, every adult citizens should have right like exercising franchise, fighting elections, securing a public employment, opposing or supporting some official policy or activity, changing the government by constitutional means and the like. If there are severe restrictions on the freedom of franchise, thought and expression, or where such privileges are available to a very limited section of the community, there is no political equality as we may see in the case of South Africa.

Economic Equality

It implies there should be no concentration of economic power in the hands of few persons. The distribution of national wealth must be such that no section of the people becomes over-privileged to the detriment of others. No section of the community must be forced to reach the margin of starvation or economic want. There should be a specific civic minimum in the realm of economic benefits accruing to all. In a technical sense, it implies the case of the "equality of proportion". But the difficulty with the case of economic equality is that it has different implications according to different thinkers. While the classical liberals take it as equal opportunities to all in the spheres of production, consumption and distribution of goods with least possible intervention of the state, it means economic freedom to all subject to rules and regulation imposed by the state in public interest so that the rich may not exploit the poor. The Marxists go to the final extent of establishing a "classless society" in which all property would be under the control of the state and the idea of economic equality would mean complete absence of the exploitation of man by man just by the use of economic power.

CHAPTER NINE

INTERNATIONAL RELATIONS AND CONTEMPORARY GLOBAL ISSUES

Many scholars define International Relations in various forms Among the prominent ones the following are some:

- ☞ **International Relations** is the totality of all relations traversing (crossing) state boundaries: the relations can be economic, political, legal, cultural, etc through peaceful and/or now-peaceful mechanisms. It also includes all human behavior originating on one side of state boundary and affecting human behavior on the other side of state boundary.
- ☞ **International Relations** refers to a combination of studies of the foreign affairs of two or more states which have contact with them and sufficient impact on one another's decisions to cause them to behave as parts and parcels of the whole and of international historical relations. It also includes the study of international society as a whole and of its institutions and processes.
- ☞ **International relations** is concerned with the study of the nature, conduct, and influences upon, relations between and /or among individuals or groups operating in a particular arena with in the framework of anarchy. **Anarchy** means absence of world government or authority, but not with in the framework of **disorder**.

It is imperative to have sufficient understanding about international relations as we are living in a world where states are coming closer to each other due the interactions of the political, economic, social, legal cultural dimensions or aspects. In this context, the world is becoming a "**global village**" where by many states have embarked a multiplicity of linkages between them (bilateral) and/or among various states (**Multilateral**) relations. This is the impetus or the driving force for states so as to attain their interests as well as for making the international system operational effectively by minimizing the non-peaceful ways of attaining their goals. Having introducing about international relations, the following sub unit shall look at the historical evaluation and development of international relations.

9.2. The emergence and Historical development of International relations.

The study of international Relations has been passed through various historical stages that remarkably contributed to its development. These are-

- A. The Ancient Period
- B. The Medieval Period
- C. The Modern Period
- D. The Contemporary Period

A. The Ancient Period.

Before the emergence of organized Political bodies, i.e. States, there were relations in the form of inter-clans, tribes, villages and cities communities. And, the relations were carried out in peace. The then city-states, for example, were Sparta, Athens, etc in the relations between and/or among the city-states, Greece become a laboratory of experimentation in the foreign affairs, and their relations. As such, disputes were arbitrated, Criminals extradited, Ambassadors, messengers, heralds, diplomatic officers and secretaries exchanged, etc.

The following written and unwritten rules and practices of the then period are witnesses of their importance for today's world.

- ☞ Rules or procedure observed in treaties and customs to regulate diplomatic relations and conduct of war.
- ☞ Recognizing the equality and independence of political units.
- ☞ Diplomatic immunities, asylum and citizenship rules.
- ☞ Pacific settlement of disputes through diplomatic negotiations, mediation, bargaining, arbitration, etc.

After Greeks, the Romans, which had changed the picture of International Relations, wiped out Small Strong and weak cities and replaced with Roman Empire. The modern system of International law is based on what Romans contributed the concept of Universal Law and World Empire. These foundations served as basis to establishment of League of Nations, United Nations and Modern Municipal law.

B. Medieval Period.

After the 17th century, there was a gradual revival of culture and knowledge and restoration of city-states. During the middle Ages (Medieval), there were no states and no great development in inter-state relations. The Medieval Period of history is important in the development of international relations. Modern nation-state system is the legacy of the medieval political developments. This was possible by the cumulative effect of concepts like nationalism and sovereignty.

C. Modern Period.

The decline of the influence church in politics marked the emergence of Nation-States equipped with the instruments of Sovereignty and Nationalism. Industrial revolution accompanied by Imperialist and colonial systems in Europe had also interacted in changing the political situation of Europe and the world at large. It was in the modern era with the strengthening of nation-state systems that diplomacy assumed a significant role in international relations. Some of the practices were:

- ☞ European States appointed diplomatic representation to maintain their foreign relations.
- ☞ Permanent embassy staffs were recruited to collect and pass information of allies and enemies.

There was a gradual shift from internecine war or religious war to conducting bilateral and multilateral treats and alliances. It signified the emergence of international system in the form as we have today. The 1648 **peace of West Phalia** is the turning point to the emergence of Nation-state system and development of international relations.

D. Contemporary Period.

The treaty of Versailles, a treaty which was made after WWI between the victorious states and defeated ones, served as a spring board for the creation of the first universal type international Organization. International Relations began to show the dynamism on its essence and practice. International Relations become more and more vital as a discipline, and departments began to be establish din UK and USA.

9.3. Approaches to the Study of International Relations: Three levels of Analysis as a frame work for the Study of International Relations.

There are certain conspicuous approaches or frame works that are essential to the study of international relations. They are called Levels of Analysis. As such we shall look at the three levels of analysis. Namely: -

- A. System Level Analysis (State system)**
- B. The State level Analysis (Nation- State level) and**
- C. Idiosyncratic /Individual/ decision making /level of Analysis**

It is plausible to see the different level of analysis stated above one by one because the differentiation highlights the fact that the transformations in international relations can not be attributed to a simple source but must be traced to the influence of many causes.

A. System Level Analysis (also known as state system)

☞ System level of analysis refers to the international system that comprises all existing political units that interact with one another around the globe according to some regular and observation pattern simultaneously influence the entire global environment. Such as its international legal rules, distribution (configuration) of power, or the number of crosscutting alliances in existence and amount of war under way. This level of analysis of international relations emphasize on external determinants of state behavior.

Here, the term system is used for two reasons. First, it encompasses all the sovereign states and therefore possesses the virtue of being comprehensive. Second, it helps us to focus on the relations or interactions among the component units. The international system as a whole consists of these nation-states, international organizations, multi-national corporations, individuals and their interactions.

Based on the major power pole (power distribution or configuration at international level, the international system is categorized in to three systems.

These are: - Uni-polar system, bipolar system, Tri-polar system and multi-polar system.

(i). **Uni-polar system**:- refers to a type of international system that would have just one dominant power. Unipolarity would require one state to be dominant and capable of imposing its will on the states. The Roman Empire was probably the nearest thing to a unipolar system.

(ii). **Bi-polar System** refers to the system characterized by two roughly equal major powers worldwide. More specifically, a bipolar system is distinguished by the presence of two actors whose power is so far superior to that of other states that they are called super powers: secondary powers and a host of less powerful states may align themselves with these superpowers, but it is their interactions that are central. For example, the Cold War.(1945-1989) that existed between the two super powers such as USA and USSR is a glaring example.

(iii). **Tri-polar system**:- refers to a system that has three major powers or super powers.

(iv). **Multipolar system**:- refers to the system in which there are more than three powers through out the world. This system resembles the international system that existed from 1648-1945 in Europe.

B. State-level Analysis (Nation-state Analysis)

This level of analysis examines the factors and forces that are prevalent with in the states that is, the internal aspects, not external ones, that affect (influence) and/or determines its foreign policy and its interactions with other states. These internal factors, among others, include:

- the domestic political system.
- the policy situation
- opposition political parties
- political culture
- power of the state in general
- the historical experiences
- the nature of the economy
- the nature and degree of political socialization
- political leaders
- the size of the state
- the location of the state
- interest groups
- the social structure
- public opinion.

The emphasis is not on the likeness of states, the similarity of their motives, or the insignificant impact of domestic attributes; rather the emphasis is on differences in motivation, attitudes, and internal composition or domestic structure among states. Consequently at the state level analyses, the impetus (the driving forces) that influences and/or determine state international relations of states are the internal (domestic) factors or forces.

C. Individual /idiosyncrasy/ decision-making/ analysis..

This level of analysis refers to the personal characteristics of those who make the important decisions on the behalf of the state and non-state actors in the international relations. This level of analysis study the role of human beings in international relations from different perspectives. These are:

- ☞ By examining the nature of human kind or fundamental human characteristics such as psychological and biological factors.
- ☞ By examining how people act in organizations. That is, how groups behave and how the interactions affect decisions.
- ☞ By examining the motivations, ambitions and perceptions of political leaders that affect or determine the foreign policy of states and its interactions with other states. For example, the policy maker's perceptions of the world; that is, policy decisions and external environments.

6.4. Models/Theories of International Relations.

There may be various models or theories of international relation. But among them the most one are the following:

- I. Realism; and
- II. Idealism

I. Realism

There are basic assumptions that are remarkably used by realists as conceptual guidelines for their model or theory of international relation. The most important **assumptions** include:

- The structure of the international system is **anarchical**.
- Unitary actors are **the sole** relevant actors in International relation.
- **The national interest** defines state goals.
- The structure of international system is accounted for by the distribution of power across states in the global system. i.e., **hierarchy and the " balance of power"**.
- Relative gains are more important than absolute gains.
- State behavior depends on relative power capabilities.
- **Military and diplomacy** are techniques used by states.
- **Pessimistic** about potential for cooperation under anarchy.
- Pessimistic about institutions ability to limit anarchy.

II. Idealism (Liberalism).

Assumptions of idealistic model of international relations include the following:

- ☞ Community of states: Norms, laws, and institutions constrain anarchy.
- ☞ Multiple actors are connected by multiple channels.
- ☞ **No hierarchy** among issue; power and security do not dominate over other issues; **power is fungible**.
- ☞ Absolute gains get priority over relative gains; actors seek mutually beneficial outcomes.

- ☞ **Military force is not the sole form of power**; power is fungible from one issue to another.
- ☞ **Dominant issues** are like security, human welfare, and environment.
- ☞ **Negotiation and problem solving** are used as type of actions.
- ☞ **Optimistic** about potential for cooptation; law and ethics have a role in international relations.
- ☞ Institutions limit anarchy and serve actors' interests through institutionalizing cooperation to reach common goods.

9.5. Understanding National Interest and Foreign Policy

?

Brainstorming: Say or write down what comes to your mind when you hear or read the term (phrase) National interest.

National interest is the fundamental objective and ultimate determinant that guides the decision makers of a state in making foreign policy. The National interest of a state is a highly generalized conception of those elements that constitute the state's most vital interests needs. These include.

- ☞ Political independence
- ☞ territorial integrity
- ☞ self-preservation
- ☞ military security
- ☞ economic well-being
- ☞ development at large

What we can observe from the above delineation is national interest of a state is too general to conceptualize it and hence, it is important to specify the national interest in to foreign policy objectives so as to clearly understand the concept national interest. But before we specify or, let us see some general conceptualization and definitions of National interest

- ☞ **National interest** - is a state of affairs valued solely for the benefit to the state.
- ☞ **National interest** is the general and continuing end or purposes for which a state acts.

9.5.1 Core elements of National Interest

For more clear understanding and conceptualization of the national interest, we can look at the classification of the nation interest in to five major categories. These are:

(i). **Primary interests** are vital interests of a state such as security survival, national development. In other words, primary interests include core interests like the preservation of physical and political identity of a state against foreign powers.

(ii). **Secondary interests** are vital but not as crucial as that of primary interest. It includes protection of citizen's abroad and ensuring diplomatic immunity of the diplomatic staff.

(iii). **Permanent interests** include state's long -term and constant interests, which rarely change. It is also related to the vision and the degree general and national objectives of a state like developing self-reliant national economy and power full nation.

(iv). **Variable interest** refers to vital interests of a state with in a certain circumstances or a given condition. They function with in time and space and are influenced by different factors like political institutions, personalities, and ideas. For example, existing political parties, leadership qualities and public opinion.

(v). **General Interests**:- refers to shared interests when many states common interests between and/or among themselves. It included trading, diplomatic relations, commercial contacts, as well as world order. In case of world order, for example, issues like maintenance of international peace, the promotion of international law or establishment of global organization are included.

9.5.2 Understanding Foreign Policy

Many writers and scholars of international relations in general and experts of foreign policy in particular have defined foreign policy in many forms and ways. Among the prominent definitions the following are some:

- ☞ **Foreign policy**: is a system of activities evolved by communities for changing the behavior of other states and for adjusting their own activities to international environment.
- ☞ **Foreign policy** involves the formulation and implementation of a group of principles, which shape the behavior pattern of a state while negotiating with other states to protect or further its vital interests.
- ☞ **Foreign policy** is the sum of official external relations conducted by an independent actors in international relations. This is very systematic, careful, and conscious definition of foreign policy. In this, definitions, there are certain phrases to be elaborated.
- ☞ **Foreign policy is an official strategy.** It means authoritative decisions and at the same time this allows inclusion of outputs from all parts of government mechanisms or ministries
- ☞ **Foreign policy is seen as the sum**: that is foreign policy is not a particular action of a particular ministry; rather, it is a coordinated action of different ministers.
- ☞ **Foreign policy**: is external (outward) oriented policy.

Note: Independent actors: do not only include state actors but also non-state actors.

9.5.3 Relations between foreign policy and national Interest

The goals and objectives of any state foreign policy constitutes national interest as a basis. The objectives of any state's foreign policy are the following:

- ☞ Maintaining territorial integrity of the state
- ☞ Promoting economic interest
- ☞ Providing for national security
- ☞ Protecting national prestige and developing national power.
- ☞ Maintaining world or global order.

National interest is a key concept in foreign policy and have the making of foreign policy begins by identifying the state's key national interest. Foreign policy cannot be subordinated to any other principle than national interest. More over, the task of foreign policy is to defend national interests peacefully, restrictively, and rationally. It is also imperative to know that national interests are not static i.e. they may be changeable and have they show drastic change due to change of states values, internal power shifts, and the prevalence of powerful economy and political personalities etc. And, we cannot understand foreign policy with out comprehending and identifying the main national interests.

9.5.4 Conditions/or factors that determine foreign policy

(Determinants of foreign policy)

There are certain conspicuous factors or frame of references that determine foreign policy making. Broadly, we can identify two conditions and these are:

- A. Domestic context/or internal factors; and**
- B. External /systemic factors**

A. Internal or Domestic Factors: are conditions or elements that make the totality of internal relations of a particular state. The Domestic content includes the following sub factors.

(i). Geography and topographic characteristics. Geography comprises sub-factors like location, natural resources, size, topography, state boundaries, population (size, character and destitution), climate, soil, etc, soil, etc.

- ☞ **Strategic location of the state:** for example, Djibouti is sea state and strategically important because it is located in advantageous position to the Indian oceans, Red Sea, Middle East, and Horn of Africa, In contrast, Ethiopia is a land locked state and hence not in an advantageous position than many sea states like Djibouti.
- ☞ **Climatic and soil types.** A climate, which is uniform and conducive to physical vigor, preferably either temperate or tropical highland. And, climate coupled with the soil type is indispensable whether there are favorable conditions for production or not.
- ☞ **Shape and Topography.** Shape which relatively more compact (Ethiopia, etc) a rather than elongated or disjoined (like Chile, Italy, etc). Is easier to defend, provide power potential allowing a state to persecute an independent foreign policy. Moreover, topography offers boundaries with natural defense barriers (using mountains, forests, scamps, rivers, deserts, and oceans).
- ☞ **Number and nature of neighbor countries.** For example, Sudan, which is the largest African state, has more neighbors than Ethiopia. And, Ethiopia has more neighboring countries than Djibouti. There fore, when there are many neighboring states to a given state, stability to some extent could be negatively affected. Example, Ethiopia. More over, the nature of neighboring states also affect the foreign policy of the state. Fore example, almost all our neighboring states are post-colonial states (new states), poor states, domestically politically unstable state because of lack of long culture, etc.

(ii). Historical Traditions. From history, a state adapts a style and culture, which in turn influence the course of action that a state follows its external relations. For example, Ethiopia has long standing history in maintaining its territorial integrity and non-interference in the internal affairs of other states. These foreign policy principles

are results of culminated resistance history of the people of Ethiopia against colonialists and expansionists.

(iii). Natural resources of a state. Natural resources of a state affects or influences foreign policy of a given state. This is because whether a given country is richly endowed or poorly endowed by natural resources. For example, Middle East is rich in oil and it is one of the most penetrated regions in the world in pursuit of oil. Another example is that of the Horn of Africa with regard to water resources and hence affects the foreign policy of the states in the region.

(iv). National Capacity. refers to military strength, level of technology, advancement and economic level (and development at late), quality of population, size of the state...etc. It is expected that foreign policy is to be consistent or compatible with the national capacity for better outcome.

B. External Systemic factors

Broadly speaking, international environment is considered as the external or systemic factors. Therefore, the international environment as the general external factor consists of basic elements: These are:

- (i) World organization, international law, and international ethical norms** have influence over each states foreign policy. The chance of states foreign policy success depends up on how much it accommodates the main principles of world organization and international law.
- (ii) The nature and characteristics of the world economy.** This is to mean that the existing asymmetrical and unequal relationship between the developed and developing countries as well as the trends and developments in the world economy have both structural and more immediate impacts on the welfare policies of different countries. For example, consider the plight for a small state, land locked or island country that produces only several commodities-mostly raw materials for export and also faced with yet several problem of over population, high unemployment etc. At the internal level, the country is faced with many constraints, among others, include: limited demand for its primary products, world price fluctuation, and unfair price not determined by demand and supply, etc. In these circumstances, the world economic system appears to have more built-in constraints than opportunities. This means that the area of practical or realistic choice is relatively small, compared with those available to major industrial countries.
- (iii) The policies and actions of other states** Most governments, most of the time, respond to the actions and policies of other governments; that is, to those that take initiative that are perceived to have some impact on one's own interests, principles, and preferences. For example, how Ethiopia should respond to the activities and actions of Somalia and some other political movements that are found in Somalia at standing against Ethiopia and the same to Ethiopia.
- (iv) World public opinion.** The last but not the least element of external factor is that of international public opinion, which conspicuously influence over each states foreign policy. World public opinion, being dynamic, is changing with the changing world political situation and hence there will be different wave of world public opinion that puts pressure over states concerned. For example, Bush administration address classifying Iran, Iraq and North Korea hosting terrorist groups has encountered criticism and support from the international community.

9.5.5. Instruments (Methods) to Advance Foreign Policy of a State

These are various techniques or mechanisms used to advance foreign policy goals or objectives. Among the major ones are the following:

A. Diplomacy.

Diplomacy may define as the management of international relations by negotiation. That is, it is the process of representation and negotiation by which states usually led with one another in terms of peace. So, states use diplomacy to attain their purpose by agreement rather than by war. We can distinguish several distinct methods of diplomacy applied in an inter-state relationship. These are:

- ☞ **Persuasion** is a diplomatic technique through which states seek to achieve their purpose by advancing their arguments and offering to do something in return.
- ☞ **Compromise** is a method that enables two states to modify their positions on an issue in order to reach a stable relationship. It is based on the principle of give-and take spirit.
- ☞ **Threat of force** this is a method of through which one state forces the other to accept certain terms of agreement by force.

B. Trade Policies and Foreign Aid

Trade policies and foreign aid are known as economic instruments. An economic instrument may be defined as an economic capacity, institution, or technique of explicitly or implicitly applied to foreign policy goals. Economic instruments are non-violent and represent manifestations of a state's economic policy in an effort to advance the national interest.

The economic instruments or techniques that are used to influence the relationship between states can generally be classified in to two:

- ☞ **Persuasive economic techniques** use the method of offering economic reward or advantage in return for a satisfactory modification of another states behaviors. Ex. Foreign Aid. (Loans plus grants).
- ☞ **Coercive economic techniques:** This is a method through which a state threatens the other with deprivations impoverishment unless it submits. For example; embargo (limited restrictions economic relations) and sanctions (out right interruption of economic relations).

C. Psychological Techniques: Propaganda and Culture

Propaganda, organized efforts by governments to convince foreign states to accept policies favorable to them. Effective propaganda may help increase the acceptability of a diplomatic, economic or military moves.

Moreover cultural imperialism, which is an attitude of cultural superiority and in sensitivity to other cultures. It favors one set of cultural values over others and produces a displacement of the cultures of weaker communities by the dominant one.

D. Military Techniques.

Military techniques are used as last or the ultimate alternative means of influence using some sort of military power. States use or conduct war to protect a national interest or to promote a national interest.

9.6. Ethiopian Foreign Policy

Through its foreign policy, a government designs joint features of relationship of its country with other countries and international organizations based on its national goals and interests. National interest is an important concept in formulation of a foreign policy of any country. Domestic political, economic, security, social and cultural policies and objectives are decisive factors in designing foreign policy of a country. In addition to this, other important factors are:

- ☞ Historical background of the country and level of development
- ☞ Geopolitical location and set up of the country
- ☞ Military affairs, structure of the government and its relationship with the government.

Though the base of foreign policy is national interest, other factors including the situation of near by and distant neighboring countries, regional and international conditions. International rules, laws and conventions should be taken into account. Since the mode of foreign relation of a country highly depends on the national policies of its international relationship and foreign policy.

A country with democratic system of governance resolutions, works for the common interest of countries and cooperate with peaceful decisions and measures thereby reflecting democratic principles.

9.6.1. The policy Regulating Ethiopia's Relation with other Nations

Having in mind the above – mentioned background about principles and policies let us see the Ethiopia's foreign policy. The FDRE constitution has recognized that foreign policy is important for the country and set principles by which the foreign policy should be framed. Therefore, the provision of the constitution must be the departure point for the country's foreign policy.

Article 89 of the FDRE Constitution provides the following provisions:

- To promote policies of foreign relations based on the protection of national interests and respect for the sovereignty of the country.
- To promote mutual respect for national sovereignty and equality of states and non-interference in the internal affairs of other states.
- To ensure that the foreign relation policies of the country are based on mutual interest and agreements promote the interest of Ethiopia.
- To observe international agreements which ensure respect for Ethiopia's sovereignty and are not contrary to the interests of its people?
- To forge and promote ever-growing economic union and fraternal relations of peoples with Ethiopia's neighbors and other African countries.
- To seek and support peaceful solutions to international disputes.

Self - reliance is now the major aspiration of Ethiopia. In line with this trend, the government of the Federal Democratic Republic of Ethiopia (FDRE). In line with this trend, the government of the Federal Democratic Republic of Ethiopia has issued a new policy in the year 2003. The new foreign policy of the country identifies its priorities as:

- ❖ Promoting relationships of peace and security with other countries
- ❖ Serving the economic development needs, economic policies and objectives of the country.
- ❖ Defining realistic goals on the basis of the country's capacity to achieve goals and objectives for development and democratization in its foreign policy.

9.6.2. Basis of the Ethiopian Foreign Policy

The Ethiopian foreign policy, which was issued in the early 2003, has approach of what some calls “inside out”. Thus, the bases for the policy are: -

Promoting development and building democratic system

The key and basic interest of the Ethiopian people is eradicating poverty, diseases, and illiteracy. Now having accelerated development is not only a question of improving the living standards of the people but also of existence as a nation. The government has already issued the development policy and strategy to achieve this. On the other hand, democracy is the key instrument to ensure citizen's rights, good governance that enables the people to have a peaceful life and focus on their development activities. It also ensures the peaceful co- existence of the diversified Ethiopian people. Therefore, development and democratization are the basis of the foreign policy.

National Pride

National pride is nowadays very much related to development and democracy. Ethiopians are proud of their civilization and the good things done by the previous generation. But the present generation is also humiliated due to poverty, backwardness, and lack of democracy and good governance. Ethiopians are now known as beggars due to the atrocious famine that claims thousands of life every year. The civilization and good things recorded by the previous generation, though we are proud of it, cannot rectify the humiliation of the present generation. Ethiopians are loosing their national pride for the humiliation of poverty and backwardness, which force them to look for help every year in saving the life of the people. Thus, form this perspective; national pride must be the base for the Ethiopian foreign policy.

Globalization

The efforts that Ethiopia is making to bring about development, democracy and good governance cannot be separated from the regional and global situations. The world economy is highly influenced by the process of globalization. No country (poor or rich) can be free from the influence of globalization. Globalization, with both its opportunity and challenges, has become, a reality, whether we like it or not. Therefore, the foreign policy makes globalization the base for the country's relation with other nations with the view to protect the damages and to make use of the opportunities of globalization and to minimize the impacts of its challenges.

9.6.3. Aims of the Ethiopian Foreign Policy

The foreign policy the country has adopted is aimed at:

1. Creating a conducive environment to make use of the available market and investment opportunities.
2. To get technical assistance, loans and aids for the development and democratization endeavor of the country.
3. Enhancing friendship with countries to bring about conducive global and regional situation that contribute to our development, peace and democracy.

- Predicting john possible threats to peace and solve or minimize it through discussion and negotiation.
- Minimizing the negative impact of globalization on the country's development in collaboration with other nations and through individual and collective efforts.

9.7 An over view of Contemporary Global Issues

International /Global Issues are issues that arise when two or more states cannot agree on how to solve a problem. The problem, for example, can be as global as **Nuclear proliferation:** that is, how to keep nuclear weapons from spreading, from large and powerful countries to every nation in the world. Or it can be localized problem like when two neighboring countries disagree on how to demarcate their common boundaries.

To day, countries of the world are highly independent and there are various issues and problems that connect them with each other. The world has because a global village and no country and people can live in complete isolation in the existing international system. Among the various daunting problems and challenges of international significance include:

- ☞ Poverty and underdevelopment
- ☞ HIV/AIDS
- ☞ Depletion of natural resources
- ☞ Pollution and degradation of the global environment
- ☞ Rapid population growth (population explosion)

These general daunting problems and challenges are some times referred to as the **global commons** because they are common that problems require an all-out, combined and collaborative efforts of all countries and peoples of the world. Before we look at the major global issues mentioned above, in the following section we will look at the method of identifying global issues.

9.7.1. Method of Identifying Global Issues

Of course, many ways/methods of identifying global issues may be prevalent. The major methods that are used in identifying are categorizing global issues include the following.

- The extent or scope of an issue.** Here, what is usually asked is: Does it (an issue) affect large parts of the globe (countries) and peoples or can it be confined or limited to a specific area? For example, this kind of question often raised or asked about civil works and other limited conflicts. How far are they likely to stirr up (Spread over) in to a broader area, and thus become the concern of a large number of states and peoples as well as international organizations.
- The urgency or intensity of a particular issue** The urgency or intensity of an issue is conspicuously related to the general questions "significance to whom?" For example, global environment issue has remarkably got a due attention by countries and peoples of the world.
- The Salient or visibility of a given issue** This is remarkably related to a number of questions raised above and the roles of the media or other groupings that confer urgency or intensity. It is also related to the ways in which an issue gathers up attention to make it a subject fit for national or international action.

D. The centrality or location of a particular issue This method or way of identifying of a global issue is partly an objective issue of geography implying that the closer an issue is to the powerful states, the greater the attention and significance it will require. The other dimension of this question is that it expresses the sensitivity of an issue and its links to other viral interests.

9.7.2 Understanding Major Aspects of Contemporary Global issues and problems

In the five inhabited continents of the world, more than six billion of people live in about 188 sovereign states. Moreover, the contemporary world characterized by a high degree of diversity and complexity in terms of social, cultural, political economic and natural conditions. Such diverse peoples of the world face the diverse problems that affect them in a number of ways. Some of the devoting problems and challenges are specific to each country and may require be local or national efforts. On the contrary, most of the problems are universal in the sense that they are widely shared by the countries and peoples of the world. In this section, we will look at the major contemporary global issues and problems that affect the countries and peoples of the world. Among the major ones, the following are the major global issues and problems that impinge (pose adverse) actual and potential threats to humanity: -

- ☞ Environmental issue, problems and hazards
- ☞ Absolute Mass Poverty
- ☞ Development and underdevelopment
- ☞ Hunger
- ☞ Epidemic diseases, especially HIV/AIDS, and
- ☞ Rapid increase of world pollution (population bomb)

A. Environment

The concept of global environment partly refers to the natural surroundings of the earth including dry land mass, water bodies, and the atmosphere. All these spheres exist in an inter-connected and independent way. Changes in the atmosphere or water bodies can have direct physical and biological impacts (repercussions) on animal and plant life.

The environmental issues emerged in the late 20th c. as a major focus of international concern and activity. Understanding the major causes and impacts of global environmental change is an urgent and pressing task. Since the late 1960s, awareness of the risks and implications of a wide range of international environmental problems has immensely increased. Since that time, it has become clear that most of the world seas and oceans are over-fished, soil is being degraded and eroded on a large scale through out the world. Natural habitats are being destroyed. For example, the area of tropical rainforest has been reduced by over 50% since 1950 and the process still continues.

As a result of this, tens of thousands of species of plants and animals are becoming extinct each year. Huge quantities of waste, including dangerous chemicals, have been damaged at sea, either directly or carried by rivers. Together with sewage and oil spills these have seriously damaged sea environment, especially lakes and semi-closed seas.

Why the environment is a contemporary global issue?

There are several reasons why the environment is considered as a contemporary global issue. Among these are the following:

(i). **Some environmental problems are global by nature** For example, manmade chemicals have destructive impacts on peoples, animals, and plants. In line with it can be stated that **Chloro Flurooro Carbons (CFCs)** and **Halogens**, which had been manufactured since 1930s and used for a variety of purposes (in refrigerators, air conditioners, fire extinguish hers, etc.), were considered as harmless inner gases to the environment. However, since 1970s, it is indicated and founded out that CFCs released in to the atmosphere contribute to the global problem of **stratospheric ozone depletion**. The **ozone layer** absorbs nearly all the high-energy ultraviolet radiation from the sun, protecting animals and plants from its damaging repercussions (impacts). CFCs, which are highly reactive chemical, destroy the **ozone layer** when they are emitted in to the atmosphere. This results in the **thinning** of the **ozone layer**, which in turn increases such risk of skin cancer. Thus, the effects are global and the problems can only be tackled through combined and an allout cooperative endeavors on a global scale.

(ii). **Some problems relate to the exploitation of global commons:** these are resources shared by all members of the international community such as the oceans deep-seabed, atmosphere, Antarctica, and outer space. The global commons are not under the control of any state but they are essential to the human welfare.

(iii). **Many environmental problems are trans national** In that by their nature they cross state boundaries; even if they are not entirely global. For example, emissions of sulfur dioxide by one state will be carried out by winds and deposited as acid rain on neighboring countries.

iv. **Many processes of over-exploitation or environmental degradation** are relatively local or international in scale, and yet they are experienced in such a larger number of localities around the world that they can be considered as to be global problems. Examples include degradation and erosion, deforestation, river pollution.

Factors responsible for environmental problems

Generally speaking, there are major human activities that are remarkably considered as responsible factors for the deterioration and decline of the environment. Among them are the following:

(i). **Massive Industrialization.** The expansion of Global industrial production and consumption requires extensive demands for energy, minerals and other natural resources. The production and utilization of energy sources such as fuels like coals and petroleum as well as nuclear energy has resulted in the generation of harmful gases and particles as by-products.

(ii). **Rapid population Growth** Increase population means increased competition for the earth's limited resources. Population growth also necessitates more industrial outputs and growing more food. Population explosion, particularly in third world countries, has gave rise to:

- ☞ The over grazing posture lands
- ☞ Over cultivation of farm lands
- ☞ Increasing deforestation to convert forest lands in to farm lands
- ☞ Increasing demand for food and exerts enormous pressure on natural resource, etc.

(iii). Rapid urbanization. The term urbanization refers to continuing process of the expansion of cities, which are centers of industries and manufacture and where there is large concentration of people. People move to cities in search of job opportunities in government institutions, factories, or business sectors. Particularly in developing countries peoples migration to cities is very high. This causes various social, economic and environmental problems such as unemployment, pollution, congestion or crowding, shortage of housing, and poverty in urban centers.

Cities and urban centers especially in the developing countries, produce large quantities of garbage and waste materials from industries, services and households. Moreover, they also use wood as sources of energy as well as for construction purpose. This results in massive deforestation and, high concentration of automobiles and other vehicles in the cities and urban centers also adds to the problems of air pollution.

9.7.3 Absolute Mass Poverty and Hunger

It is possible to discern two approaches to hunger. These are:

(i). The nature focused approach This approach identifies and relates the problem of hunger largely to one of over-population. Put it differently, this approach asserts that population growth is naturally faster than the growth in food production. So that a decrease in the availability of food for the newborn leads to hunger. So as to reverse this state of affairs, this approach seeks for ways to reduce the fertility of the human race, for example, through applying family planning policies.

(ii). The society focused approach This approach sees the problem of hunger more in terms of distribution. According to this approach, what, determines whether a person starves or eats is not so much the amount of food available to them, but whether or not they have the right to use that food. The key point is not therefore whether there is food availability but whether there is a fair distribution of food.

It is also possible to explain the occurrence of hunger by reference to the process of globalization. Globalization, in this context, means that events occurring in one part of the globe can affect, and be offered by, events occurring in other, distant parts of the globe? It is believed that the process of globalization contribute to increased hunger. Nearly forty percent (40%) of the world's food is produced by the third world. The reason is that:

- ❖ The local subsistence producers who traditionally have produced to meet the needs of their family and community may now be involved in cash-crop production for the world market; or they may have left the land and have become factory workers.