CHAPTER ONE

UNDERSTANDING CIVICS AND ETHICS

Chapter Introduction

Dear students! Chapter one briefly discusses the meaning of civics and ethics, similarities and differences between civics and ethics and its goals. The chapter also tries to examine the major characteristics features of a good citizen.

Chapter Objectives

At the end of this chapter students will be able to:

- *Define the subject matter of civics and ethics*
- *Identify the similarities and differences of civics and ethics*
- *Describe the goals of civics and ethics*
- *Explain the characteristics of good citizenship*

1.1. Defining Civics, Citizenship, Ethics and Morality

The word civics is derived from the Latin word "civi-tates"; which means citizens. Therefore, civics is the study of the theoretical and practical aspects of *citizenship* including its rights and duties'. Being civics deals with citizenship which is about state-individual relationship-it is a citizenship study. In short civics is the study of participation, self determination, negotiation, respect and tolerance in a democratic system.

What is citizenship? It is a relationship between an individual and a state, defined by the law of that state, with corresponding duties and rights in that state. Although nationality is often synonymous with citizenship, includes the relationship of an individual to a state but suggests other privileges, especially protection aboard. Therefore, different from others like nationals, aliens and noncitizen nationals, citizenship is a full membership of an individual in a state.

➲**Morality:** in short morality deals with morals/standards/values/norms which are emanated from the culture/tradition of a society.

➲**Ethics:** is a field of study which deals with what is "good" or "bad", what are ~~"right"~~ or "wrong", what is "acceptable" and "not acceptable" and what is "morally sound" and "immoral" in human activities and deeds/actions. These values are established by the society or by governmental bodies for the purpose of regulating personnel relations in the society at large and in public institutions. Therefore, ethics deals with morality that is about morals, values and beliefs of individuals, family, or the society while morality is concerned with principles and practices of morals such as: What ought or ought not to be done in a given situation? And what is right or wrong about the handling of a situation?

Morals are the welfare principles enunciated/articulated by the society/ the wise people, based on their own experience and wisdom. However, it can be changed, modified or edited in accordance development of science and technology, human development and time. It is a condition of being subjected or not to the customary practices. It is concerned with the degree of conformity of individuals/group behaviors, attitude, judgment and actions to the values and norms of a particular society.

Unlike ethics, morality denotes the specific behavior of an individual or group as it measured in reference to the beliefs or values (culture) of a given society. As such it indicates the validity of attitudes, judgments, decisions and action in consequence of cultural connotation. Values can be defined as general orientation toward a particular practice, object or action or it is all about the general out looks or notions of a society on what constitutes desirable and undesirable behavior.

1.2. Similarities and differences of Civics and Ethics

One of the major difference citizenship study (civics) and morality study (ethics) is that the former one deals with the political and legal aspect of the life of an individual citizen in relation to a state where as the later one focused with the study of the cultural aspect of his/her life in relation to a society. Although civics and ethics are separate academic fields of study and they do have such a difference, however, they share certain commonalities/similarities. The followings are some examples:

➲***The Issue of Membership:*** Membership to a certain groupings is the very essence of both citizenship and morality studies. With the absence of the concept of membership both lose their fundamental meanings and status as subject matters to be studied. In citizenship study membership is meant that individual citizen is member to a political and legal community of the highest order(the state) whereas in morality study it largely denotes to that of a cultural community tied up by common moral and value bonds whether there is government or not. In other words, Citizenship basically needs two parties and their relations for its existence under minimum conditions—the state and the individual citizen, while morality needs the relation between the individual and the larger social group as well as the state directly and indirectly as a rule maker and protector. As such, civics tends to focus on the vertical and artificial relation of the individual while ethics studies the horizontal and natural relations. Put differently, citizenship needs some kind of political and legal arrangement to determine who is a member of the state and who is not. Similarly, morality is a value arrangement that describes and prescribes the conditions for the individual member to be accepted as a ‘good” element as judged and rated by the society itself which is the biological and cultural breeding ground of its members. However, under both conditions membership to a certain grouping and community is an established common factor shared by citizenship and morality. The reason is, as Aristotle also holds it, that humanity is destined by its exceptional nature to be a social creature with an inherent duty to tie itself to a political company.

➲***The Issue of Rights and Obligations:*** Human beings are social animals under inherent trend to live together in a social group. This social group has some kind of systematized organization and common orientation. There are rather certain unavoidable rules and procedures with lists of privileges and concomitant obligations attached to the individual person as a condition of social attachment with the vast social surrounding. For instance, Citizenship entails a set of rights and obligations for individual members thus the violation or respect of which results in some arrangement of punishment or reward by the group as well as the state. Morality on its part is nothing but a list of values standardizing bad and good behaviors and dispositions of the individual by the larger mass or group. Both underscore the fact that the individual person is accountable to sets of rights and obligations mostly set and protected by social forces out of his/her control.

➲***The Issue of Institutional Protection:*** Both citizenship and morality are founded on institutionalized origin, development, operation, supervision and protection within the community. An institution here signifies a sociological establishment and organization of people formed strictly with a degree of executive right to exercise coercive power on the individual in the name of the community. It bases itself on certain sets of rules and procedures accepted by the majority of the people in the community and practices hierarchic structures to apply its control over the behavior of the individual. The institution obtains and maintains its legitimacy to rule over the behaviors of the individual member of the group from majority approval and its capacity to transcend itself across generations. With the major differences in the authority of the institution, it is commonly responsible to protect civic and moral sets of rights and obligations by applying formal and informal supervisory mechanisms over the individual. The state through the government and all agencies under it regulate and administer citizenship on day-today basis while such social institutions like the church, family, neighborhood and others inspect morality and ethical standards more informally. This institutional protection of citizenship and morality helps to make individual relations and actions within the community predictable and subject to proportional rewards and punishments.

➲***The Issue of Interactive Duality:*** although citizenship differs from morality in that it is formal, official, predominantly rational, highly authoritative and regular in its operation because it finds its strength from the legitimacy of the government and its formalized authority, both categories of social formulations have a strong tendency to reinforce each other in application which leads to some sort of interactive duality. In other words, the list of rights and duties in citizenship are officially communicated, documented, and guarded by full time public institutions in the name of the well being and peace of the state, the people and the nation.

Morality on the other hand, lists recommended prescriptions of good behavior and denounces/condemns a long list of bad actions within the community but it lacks formality, regularity and immediacy unlike citizenship or legal rule. Despite this duality, however, both citizenship and morality reinforce each other as the political community of citizens is at the same time the cultural community of human beings. Most legal rules, restrictions and controls over

the behaviors of the citizen get their origin from the moral traditions and thoughts of the people over its individual member. For instance, homicide is as seriously punishable crime by the law of citizenship as it is unacceptable and denounced by the moral rule of cultural community. This implies that most legal-political rules are formalizations of moral standards and derive their justifications for their authoritative application from them. Similarly, moral rules function with a state back for formalization though not all the time. This gives them a dual existence with a high level of positive interaction.

1.3. Goals of Civics and Ethics

There are several and complex real life problems that make the need to study civics and Ethics highly imperative/vital and hence justifiable for its problem solving profession nature. Although the degree of their severity vary from state/society to state/society, the following challenging societal problems can be identified as the most crucial ones demanding an effective and constructive study of citizenship and morality to be solved. These problems are discussed as follows.

➲**Civic/political culture related problems:** civic culture is the one with a good level of civic consciousness in which citizens' posses a tendency to be reasonably concerned with the conduct of politics and to get actively participated. Civic culture is understood as a trend (of behaviors, attitudes and orientations) among citizens to be concerned about political processes and being efficacious /efficient in the political climate. Based on this definition, residents of a given state usually demonstrate participatory, passive/subject or parochial civic culture and each affects the level of awareness they develop. For instance, participant citizens are those with good general knowledge and understanding about policies and government activities and thus are assertive/self-confident on civic participations. This in turn implies that in states with a proportional size of participant citizens politics has been found to be stable, civilized and predictable though dynamic. Besides, economic progress would be consistent/ uninterrupted and also with little or no massive report of violent conflict.

In contrast, subjects (citizens with passive civic culture) are those with inconsistent interest in politics may be because they feel their private conditions are too good to be concerned about politics(say join national elections) or they have largely poor general knowledge and understanding about national politics. At any rate, this group of citizens tends to be passive in its civic participation. The worst case is, however, that of parochial civic culture in which we have citizens with neither the knowledge about political developments at national level nor the interest to participate at any level and agenda of discussion. They strongly believe that they have no power to change or affect things even at local levels but simply observe political developments only that are local and close to them. In other words, parochials are largely self- marginalized from politics unusually due their day to day concern to win their daily bread which they feel has no relations with what the radio or the television may say. They lack all the means to

divert their attentions to politics and may go to the extent of having no information about who rules the country or wins in a hotly contested national election. They virtually have no record of visiting the polling station at all.

The general lesson to be derived from the above is that the stability of the state and its socioeconomic developments are largely dependent on how reasonably it maintains the balance among these three stages of civic cultures. More ever, a society dominated by a majority of parochial is more likely to face even dangers of national disintegration and fragmentation. The following are still seen prevailing as the most frequent cultural problems in many states/society today;

☞**Large Imbalance between rights and duties:** This undesired civic culture manifests itself as the following ways. A good number of citizens regardless of differences of age, sex, religion, profession, etc, are usually observed to be more concerned and conscious about their civic rights, while they tend to forget their civic duties recognized by the constitution. An even clearer example here is that a lot of citizens demand and guard the right to safe, peaceful and predictable life. They weight the efficiency of the state solely on its capability to ensure a day – to – day safe life for the individual citizen. These citizens, however, tend to forget their civic duty to co-operate with the law by often cooperating with illegal citizens, not reporting crimes of all kind to the police and not initiating the society for the prevention or control of crimes etc.

The other group of citizens is those standing at the opposite pole of the above. These citizens feel that they are weak and helpless to protect their rights even when their rights are arbitrarily violated against constitutional limits. These citizens are more sensitive to discharging duties at the price of their rights because they regard the state as all powerful, unquestioned, unaccountable and naturally rightful to do all its wishes upon citizens. For these citizens, complete submission to the state without an equal or parallel concern and assertiveness about their constitutional rights benefits, advantages and official entitlements is the most reliable guarantee for their individual safety and security. They have a strong tendency to distant themselves from visiting public institutions, like kebele administrations, courts etc. This extreme imbalance in the form of sacrifices/surrender legal rights (benefits) in excess of civic duties adversely affects positive civic culture

The other group of citizens, which is said to be dominant, by researchers, in many societies particularly of the developing world, is the one lacking a good understanding about the generalist civic rights and civic duties. The level of their consciousness about what is going on in the society and the state is at best, inadequate and blurred, and at worst, they are ignorant and devoid of any relevant information. Thus, with regard to their relation with the state on the protection of their rights and discharging their civic duties, these groups of citizens tend to do as per the instruction of others without self civic skill, in a passive and uncritical manner. On the other hand, when they are asked why they violated the rights of others and failed to discharge their civic duties, they innocently and intuitively say that they know little or nothing that their action was illegal. Under civic conditions where such group of citizens

is a majority, leave a lone the development in the life of the society, the existence of the state is at foreseeable/predictable danger. These citizens negatively contribute for the growth of a civic culture that cultivates societal peace and security.

☞**Virtue/good quality of socio-economic life related problems:** civic mindedness is a highly desirable quality/virtue of a citizen due to its positive contribution for the development and transformation of society i.e. when the mentality of civic –mindedness becomes a dominant national spirit, citizens develop a strong tendency to be committed to and concerned daily with the well – being of the general public. As a result, they do things often voluntarily as far as their service provides some benefit for the good life of their people. Moreover, civic – minded citizens have a clear understanding and awareness about the strategic importance of public infrastructures, common natural resources and properties and thus they never hesitate to guard and preserve such public utilities and infrastructures as roads, bridges, school buildings, hospitals, water pipelines, electric poles and cables, etc. against any damage and misuse. Despite all theses, however, there are still several evident problems regarding the virtue of socio-economic lives of both governments and societies manifested mostly in the form of repeated and uninterrupted records of ‘’abuses and careless treatment” by citizens and government of ‘common goods’. This can be seen from three recognizable angles.

One is a virtue of ***vandalism*** in which citizens tend to intentionally and illegally destroy public infrastructures, utilities and properties like wild animals, forests, water, electric and communication facilities. Secondly, citizens usually demonstrate a virtue of public good abuse/misuse (a behavior of using public goods and wealth illegally and unethically for one’s computed/calculated benefits) either via patron – client relationship mechanism - a situation where a few government officials abuse their political decision – making power to divert public resources for sectional benefit of themselves and their supporters or through

The second is ***prebendalism*** a concept denoting the use of state office as an instrument for the gains of individuals and their ethnic brethren. The point here is that such behavior systematically undermines civic duty when citizens begin to regard it as normal, unavoidable and at times, an established and rightful quality of being a political leader. Prebendalism is also called ‘rent seeking’ behavior – gathering wealth, not as a reward to one’s labor and innovation, but exploiting public resources. The third way citizens display their non-civic minded virtue is via engaging in ***kleptocracy*** –a behavior in which the entire government system, relations between citizens and the state, citizens with each other, etc. become dominated by official and proactive attitudes of corruption. Generally, civics and ethics aimed at promoting the culture of civic responsibility, enhancing and sustaining the moral and ethical values, virtues of our society and producing an effective citizen as well as, building civic competence of citizens.

1.4. Competences of Good Citizen

There are several competences of good citizens. These are discussed one by one as follows.

➲***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.

➲***Patriotism****:* it is the love, devotion and commitment to one's country. It was said that a true patriot should respect and adore his country's symbols like flag and national anthem.

➲***Responsibility:*** Citizens have various obligations in their society. These can be 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.

➲***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 to create good industrial environment.

➲***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.

➲***Active community participation:*** it is the 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 with forms based on purposes different of the participation including political and civic participation.

In sum the goals of teaching civics and ethics at any level of educational institutions is to produce competent, high moral standard society and responsible citizens who can ask and use their rights and fulfill their obligations in accordance with the laws of their respective country.

CHAPTER TWO

UNDERSTANDING SOCIETY, STATE AND GOVERNMENT

Chapter Introduction

Dear learners, this chapter basically deals with the fundamentals of society (definition, origin and attributes of society), state (definition, origin, attribute and structures of state), and the fundamentals of government which includes: the definition and function or purpose of government, systems and forms of government, power distributions among and between different levels of government. Lastly but not least is the nature of the Ethiopian society, the nature of state formation and nation building process, and the nature and systems of government.

Chapter Objective

At the end of the chapter you will be able to:

- *Know the fundamentals of society, state and government*
- *Get knowledge about the theoretical discourses and practices of society, state & government,*
- *Understand the historical dynamics and nature of state formation and nation-building in their country along side with the major problems generated by this process and the efforts lately made such as introducing ideals like constitution, democracy and human rights as remedies; and*
- *Understand the essences of such values and principles as democracy and human rights, multiculturalism and constitution and constitutionalism especially in the context of Ethiopia*

2.1. Definition and Attributes of Society

The term society may refer to different things and concepts among different scholars. For instance, the term and concept of society mean different between sociologists and anthropologists, and at the same time it may also mean differently between political scientists and lawyers, etc.

☞ **The Definition of Society:** in its broader sense society can be defined as a largest community of people living together. Or it is the collective existence of human begins in varying forms of organization and relationships over a period of time in a defined territory. Or it can be defined as a broad grouping of people who live in a common environment and have common traditions, institutional activities, and interests. Or society is the totality of modes of human life, interactions, norms of behavior and underlying structures.

☞ **Attributes of Society:** Society is constituted by certain elements which include: common culture, bounded territory, variety of interactions, the feeling of solidarity, common political or social structure, and common language.

➲***Common geographical territory:*** a particular society has been demarcated by the other with natural or artificial boundaries. For example, the natural boundaries such as the rivers, mountain ranges or forests, canals, and etc. The artificial boundaries are demarcated by political settlements. The people of the area share the resources in common

and participate to reach the common goals of the population. The people develop unity, common feeling, and integrity (oneness) and collective consciousness.

➲***Variety of interactions:*** the society is full of interactions and the different social processes and going on in the society. The people come face to face and interact among themselves and share certain interests, attitudes, skills, traditions, customs, values, objectives and mores/civilizations. Members of the society depend upon each other for their survival. The division of labor among the individuals exists and the functions assigned to them are performed. This develops functional inter- relationship among the members of a society.

➲***Feeling of solidarity:*** since members of a society occupy a common territory, share common customs and traditions, common values, common history, common cultures, self-contained interdependence on each other obviously causes oneness and feelings of development and solidarity among themselves.

➲***Common culture:*** each society has its own culture and individual's relationships are organized and structured by the culture. Because of commonness in culture content and tradition of a society they unite together. A particular society will be differentiated from the other society because of its unique culture.

➲***Social Structures:*** members of a society are socially organized. Society itself has a structure and the important components of social structure include: norms, rules, power, authority, groups, associations and institutions. The norms are important which give it stability, order and structure to human society that without them social interaction would be difficult and chaotic. Organization of human society is maintained with the help of norms and institutions that make the society peaceful. These organizations can help to maintain society in a social equilibrium.

➲***Functional differentiation:*** all individuals in human society never perform similar activities and functions. Rather they perform different functions depending upon their sex, age, interest, abilities, skills and other qualifications. There is more and more specialization in each work and are expected to do their work allotted to them.

2.1.1. Contending theories of Society

Sociologists view society in different ways and developed different theories. Some see the society basically as a *stable and ongoing entity*. They are impressed with the endurance of the family, organized religion, and other social institutions. Some sociologists see society as *composed of many groups in conflict, competing for scarce resources.* To other sociologists, *the most fascinating/attractive aspects of the social world are everyday custom interactions among individuals that we sometimes take for granted*. These three views, the once most widely used by sociologists, are the functionalism, conflict, and interactions perspective.

➲***Functionalism/structural-functionalism:*** Think of society as a living organism in which each part of the organism contributes to its survival. This view is the functionalist perspective, which emphasizes *the way that part of society is structured to maintain its stability.*

The proponents of the functionalist theory saw any society as a vast network of connected parts, each of which helps to maintain the system as a whole. The functionalist approach holds *that if an aspect of social life does not contribute to a society's stability or survival–it does not serve some identifiably useful function or promote value consensus among members of a society –it will not be passed from one generation to the next.* Therefore, accordingly, society is seen as a resulting from consensus about what is important (values), and how we should behave (norms) in particular situation (roles).

➲***Conflict theory:*** In contrast to functionalists' on stability and consensus, conflict theorists see the social world in *continual struggle*. The conflict perspective assumes that social behavior is best understood in terms of *conflict or tension between competing groups*. Such conflict need not be violent; it can take the form of labor negotiations, party politics, competition between religious groups for members, or disputes over the governmental budget, etc.

➲***Inter-actionist theory:*** workers interacting of job, encounters in public places like bus stops and parks, behavior in small groups–these are all aspects that catch the attention of inter-actionists. Whereas functionalist and conflict theorists both analyze *large scale society wide pattern of behavior*, the inter-actionist perspective generalizes about every day forms of social intonation in order to understand society as a whole.

2.2. Definition and Attributes of the State

The Definition of State

State can be defined as a self- governing political entity which consists of five essential elements (population, territory, government, sovereignty and recognition). Therefore, state is a political association or entity that establishes sovereign jurisdiction with in a defined territorial borders and exercise authority through a set of institutions over all members of a society. In other words state is a political unit that has the highest (ultimate) sovereignty and responsibility for the conduct of its own affairs that is internally as well as externally being with in defined territorial borders over members of a society through a set of institutions and organizations.

Attributes of State

The state is fundamentally characterized by the following five (5) major attributes or features:

➲***Sovereignty:*** A state exercises absolute and unrestrained/unreserved power in that it stands above all other associations, institutions, and groups in a given society. Sovereignty in its literal sense, it is the highest (supreme) decision making power. Therefore, state sovereignty means the state has the highest and unrestrained (unfettered/free) power /authority by laws originating outside the area (territorially defined) and the independence of the state completely free from direct external control. Put it defiantly, the state sovereignty means the state is the final and ultimate source of all laws within its territorial jurisdiction. Or state sovereignty the highest power /authority which distinguish from all other associations' institution and groups of human being in a given society having their territorially defined territory. Sovereignty of a state has two dimensions. These include the following**:**

- ***Internal sovereignty**:* refers to the state's government not that of any other institution or other state decides on how it will manage its domestic affairs, problems and challenges: formulate their own laws and rules, etc in general.
- ***External Sovereignty:*** is about the external sphere of a state. it implies that the country should (is) free from any foreign control of any kind of the external affairs of a state. It is, however, a different matter that the state willingly accepts some international obligations in the form of membership of the UN, AU, IGAD, etc.

➲***Human populations:*** since a state is a human association, it is constituted by human population. The jurisdiction of the state is geographically defined, and it encompasses all those who live within the state's borders, whether they are citizens or non-citizens. At the international stage, the state is therefore regarded as an autonomous entity.

How much people constitute a state? There is no minimum or maximum number required to constitute the human populations of a state. For instance, China has more than 1.3 billion human populations and San Mario (a small state surrounded by Italy) has around30, 000 human populations. Therefore, whatever the size of population a particular geographical entity has, if it has its own population it can be considered as a state if other requirements are fulfilled.

What is the Nature of the human population? It can be *homogeneous or heterogeneous but*, a particular geographical territory to be a state it should have its own population whatever, its nature.

➲***Defined territory:*** there can be no state without a territory of its own i.e. definite portions of the earth's surface marked off from the portions occupied by population of other states. However, a state should have more or less generally recognized limits, even if some of its boundaries are undefined or disputed. For example, the case of Palestine - which area (s) belongs to which state?

➲***Government:*** government is the administrative wing/department of a state being portrayed/ represented on the behalf of a state. It is considered as the soul and brain of a state which is the body of the legislature + the executive + the judiciary organs essentially contains politically appointed and elected group of persons to administer a state.

Government as the representative of a state it implements and should implement the will of the community and it protects the people against conditions of insecurity, lack of laws and order, the threats of peace, stability and its situate or solidarity etc. Since the state is regarded as the first condition of civilized life and it due to the existence of a government that maintains and promotes laws and order and essentially makes and should make; "good life" possible. The state through its government exercises its legitimate and ultimate authority; and sustains its national interests.

➲***Recognition*:** a certain entity to be accepted as a state within the international community as a legal personality, *it must be recognized by a significant portion of the international community.*

2.2.1. Theories on the 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. Hence, various theories presupposed different factors, which are reconciled to a large extent that causes of state formation. There are various theories developed by scholars on the origin and development of state. For instance the Devin right theory which argues state is a make than a growth which means state is naturally create entity. That is God ordained and established the state. On the other hand the evolutionary theory argues that state *not a make, but a growth; and not one but many factors have played their part in state building.* Consequently, this theory dwells on the fact that the state is a result of a very long process of evolution and hence there many factors that have played pivotal role in their part in the origin and gradual development state. The evolutionary theory raises all the major compelling factors that have caused the origin and development of state. According to this theory the following are the major factors contributed for the origin and development of state:

➲***Kinship:*** blood relationship is the first and foremost factor that led to the creation of family as the first unit of collective life. Then 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.

➲***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.

➲***Social contract/agreement:*** the authority of rulers is based on some kind of agreement between ruler and the subjects. It regarded people as the source of authority. In other words, men had originally created the state by means of a social contract to which each individual had consented.

➲***Force (physical force):*** it is another factor is that 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 a leader eventually developed in to political organization.

➲***Economics:*** according to this factor, difference in occupation and in wealth created social and economic exploitation and the domination of one class by another for the purposes of 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. The origin of state is 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 and

oppression of the class having no ownership of the means of production but depending upon the sale of its labors power.

➲***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.

2.2.2 Types of State Structure: Unitary vs Federal

Basically state structures can be categorized into unitary and federal. The classification is based on the forms of distribution between the central and sun-national units.

①**Unitary state/unitarism:** is a form of state structure which is characterized by centralization of power and *indivisible sovereignty*. The national government is legally supreme over sub-national units. Hence, in a unitary state, sub national units may be potentially be over ruled by the central government in any political decisions they make. Accordingly, in this form of state structure there is only one source of authority whatever territorial units exist. These units are merely agencies of the central government established for its convenience in local administration. Examples of unitary states, Britain, the Netherlands, Romania, Poland, etc.

Unique Features of Unitary Structure: a unitary state may have the following unique characteristic features.

➲***Supremacy of the central legislature****:* there is only unicameral kind of legislature, which is supreme. It is the only body that enacts and monitors the law. But sub-national bodies are simply responsible to implement the laws made by the central legislature.

➲***Absence of subsidiary sovereign bodies****:* sovereignty is vested in the hands of a central government and hence sub-national bodies are not sovereign because in a unitary state *sovereignty is indivisible*. But subsidiary legislatures can exist when represented by the central government. However, it can be bankrupted/ ruined by the central government at any time.

➲***Re-centralization of power at the will of the central government unilaterally:*** the power that may have been decentralized to sub-national bodies can be recentralized at the will of the central government unilaterally.

➲ ***Unchecked centralization of power at the center:*** sub-national bodies can be reshaped, reorganized and even abolished at the will of the central government.

Pushing factors to adopt/opt unitary state structure: in the modern world, there are factors that inhibit centralized law making processes. These are:

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

Majority of states in the world are unitary states. But there are great differences among these unitary states in the institutions and procedures through which their central government interact with their territorial sub-units. 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 the statutes of 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 a country. But there are possibilities of the people to take part in the government through: *electing delegates (representatives) to parliament, referendum, initiative of proposals, and 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*.

2.3.1.2. Advantages and Disadvantages of Unitarism

➲***Advantages****:* even though unitarism is characterized by centralism and indivisibility of sovereignty, it has the following merits/advantages.

- 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 throughout the whole state, and
- It is advantageous to a country with relatively small area and homogenous population.

However, it is not good in a country with widely different economic and social interests and with widely different standards of political conduct.

➲***Disadvantages:*** in addition to the above merits unitarism has the following 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.
- Leaving 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 and 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.

②Federal form of State Structure

Federal form of state structure (federal state) is the form of state structure where by power is formally (constitutionally) divided between the federal / central government and sub-national (regional or provincial) governments, each of which is locally supreme in its own sphere. In contrary to unitarism in a federal state, the legislative authority is constitutionally divided between the federal government and sub national governments in a relatively sovereign manner. Hence, 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, example; Ethiopia, Nigeria, India, Brazil, USA, Canada, Australia, and Germany etc.

Features of Federal form of State Structure

➲***The existence dual polities****:* two relatively autonomous levels of government i.e. both the central government (federal) and sub national (regional) state levels possess a range of powers and functions that other cannot encroach/influence.

➲***Written constitution****:* a federal state has a written (codified) constitution. The constitution stipulates formal (constitutional) division of authority between the federal and sub national governments. The responsibilities and powers of each level of governments are defined in a written constitution. Therefore, the relationship between the federal state and sub national/ regional states is conducted within a formal legal framework.

➲***Supremacy of the federal government and constitution****:* in most states, the federal government and constitution are superior and supreme over the sub national governments and constitutions in conducting key issues and activities of the country. The 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.

➲***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.

➲***Absence of the re-centralization of powers and authority by the federal government at its will unilaterally***

➲***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.

➲***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 governments. 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.

➲***Linking institutions****:* in order to develop cooperation, partnership and understandings between the federal and regional governments, regional governments have representation both at the national and regional legislature.

Reasons (Rationales) for why states preferring federal orders to a unitary state?

❶Unlike unitarism, give regional and local interests a constitutionally guaranteed political voice. The regions 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.

❷Federal 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.

❸Local 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.

❹Federalism may promote mobility and hence territorial clustering of individuals with similar preferences, and allow sub-unit autonomy to experiment and compete for who are free to move where their preferences are best met. Hence, like-minded individuals add to the benefit of local authority over the provision of public services.

❺Local decisions prevent decision-making from becoming overloaded in the central government and, thus, avoid inefficiency and bureaucracy and bureaucratic chaos.

The Processes of Federalism: states may acquire their federal arrangement either through holding together or coming together process of federalism.

➲***'Holding Together Federations' (Federalism by Disaggregation)***

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. For example, over language and cultural rights in an asymmetric federation, while maintaining broad scope of action for central government and majorities. Examples include Ethiopia, India, Belgium, Canada and Spain.

➲***'Coming together federations' (federalism by aggregation)***

Independent states may come together by ceding/giving up or pooling sovereign powers in a 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

Power distribution in a federal state is categorized in *exclusive power*, *concurrent power* and *reserved powers*.



Figure 1: Power distribution in federalism

How these power distributions do in practiced? Let us see the practice of these power distributions in the case of Ethiopia.

➲***Exclusive power:*** it refers to powers exclusively exercised by the federal authority or federal units. Let's take the Ethiopian federal practice as an example. The following are exclusive powers by exercised only the federal authority. Which include: enact laws and constitutional laws and follows its application, keep the country's constitutional system, foreign affairs, defense, and printing and circulating of money.

➲***Concurrent powers:*** refers to powers exercised commonly by federal authority and federal units. These include: social sectors (like education, health, labor and social affairs, culture and information, civil service), planning, transport and communication, internal security, agriculture, industry, trade, tourism, finance, justice, etc.

➲***Reserved power:*** powers which are reserved either for the federal or regional governments. For instance in Ethiopia reserved powers which are not illustrated by the constitution constitutionally guaranteed for regional governments.

Advantages and **potential Disadvantages of Federalism**

- 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 institutions and the protection of individual and minority rights.
- Maintains balance between centrifugal (unifying) and centripetal (integrating) forces in a state
- It stipulates 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 relives the central legislature and authorities from the necessary 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 control.

2.3. Definition and functions of government

Definition: as it is briefly defined above, government is the administrative wing of a state being portrayed on the behalf of the state.

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

➲***Self-preservation:*** any government must keep its state from any form of internal and external threats. That is, order, predictability, internal security and external defense are among the major functions whether it is democratic or authoritarian.

➲***Management of conflict (supervision and resolution of conflict):*** it is a government's responsibility to develop and consolidate institutions and procedures for the management of conflict. It is obvious that conflict is inevitable and inescapable because of competing interests of human beings. Therefore, building and effectively applying institutions for resolving and managing conflicts is an indispensable function for developing and consolidating peace, security and stability and tranquility.

➲***Regulating the economy:*** it is one the major functions of a government is regulating the economy by formulating policies such; as agriculture, industry, transportation, taxes, tariffs, etc. Moreover, governments usually play role on 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 privately owned.

➲***Protection of political, human, social and economic rights of its citizens:*** especially those rights enshrined in the constitutions of states.

➲***Provision of necessary goods and/or services to the public:*** especially governments of 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.

2.3.1. Government structure: Vertical Vs Horizontal Arrangements

➲***Vertical arrangement:*** although there is a variation from one government to another (due to, among others, nature of state structure), generally any government is vertically arranged into central/federal and sub national/constituent levels of governments where by each government level posses some sort of jurisdiction and authority and hence makes and implements policies thereof.

➲***Horizontal arrangement:*** in today's world, government is horizontally arranged into the legislative, executive and Judiciary bodies. What does each branch primarily do?

❖**The Legislative body:** it one body of a government which is basically responsible for the formulation of laws, policies and strategies. It also provides a link between government and the people hence serves as a channel of communication. But specifically, the organ undertakes the following functions:

- ***Statue making****:* statute literally means parliament made laws. So is primary function is statute making.
- ***Representation****:* the major role of the parliament/congress is linking the government with the people and hence smoothing the communication/relationship between the two.
- ***Controlling the administration****:* it involves supervising/scrutinizing the executive which implements the laws and decisions passed by the legislature itself. In this sense, the legislative body has the power to check and balance the executive body and thereby to deliver responsible/ accountable government.
- ***Constitutional making/ amending****:* it also performs the function of constitutional making. This may, however, vary from country to country depending upon the nature of state structure they have. For example, in a federal form of state structure, the constitutional amending is usually carried by a joint agreement between the federal and regional governments following certain set of procedures where as in unitary state structure the same function is normally done unilaterally by the central legislature.
- ***Electoral and disposing functions****:* for instance in the case of Ethiopia it elects members of the council of ministers, and voting on motion of "no confidence" to reelect or remove the incumbent executive members (including the Prime Minister) by the principle of vote of no confidence in parliamentary system of government and in the presidential system it removes the president from power by the principle of impeachment.
- ***Financial functions ("power of the purse")****:* it is the legislative body that determines the nature and amount of taxes and approving the budget presented to it by the executive body. For example, the budget presented by each ministry is approved by this body.
- ***Investigative function****:* the legislatives through the establishment of "standing committees" such as commission of inquiry also engage in digging up information regarding the causes, the profile and the consequences of certain conflicts in any part of the country and suggest solutions accordingly.

❖**The Executive body:** in its broadest sense, this branch of the government is responsible for the implementation of the laws, rules, policies, and decisions made by the legislature. It consists of the head of government, the head of state and other various enforcement agencies. However, it is usually divided in to two broad categories namely; the political executive and the bureaucratic executive. Whereas the political executive refers to almost all elected or appointed politicians from within or without the parliament the bureaucratic execute the other hand consists of professional civil servants whose job is to offer advice and administer policy subject to the requirements of political neutrality and loyalty to their ministers. This being the case some of the principal functions of the executive body include:

➢***Enforcement functions:*** This is the function of enacting (implementing) all laws, rules, decisions made by the legislative body and the judiciary body (court's decision) a country.

➢***Formulation of administrative policy:*** the executive body makes regulations and policies to allocate funds to various public activities. In this sense, the executive plays a policy–making leadership in that it also develops coherent economic and social programmes that meet the needs of the society.

➢***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.

➢***Control of foreign relations:*** this is the general function of conducting foreign relations with other states which also specifically includes granting or withholding recognition to the governments of foreign state. To this end, it appoints ambassadors and other Foreign Service officers.

➢***Bureaucratic leadership:*** this is particularly the task of the top management executive (ministerial ones) and revolves around overseeing the implementation of policies by the whole machinery of the government.

➢***Crisis leadership:*** this is the power of political executive over the assembly/ parliament and includes its ability to take swift and decisive action when crises break out in either domestic or international politics.

❖**The Judiciary Body:** is a branch of government whose primary function is undertaking adjudication / deciding on legal disputes. Besides, however, the body has also the following specific functions. These are:

➢***Formulating case laws:*** case law is judge-made law which then becomes binding on all other courts.

➢***Protection of individual rights:*** the judiciary body has great role in protecting the constitutionally guaranteed rights of individuals mainly through due process of law. This function includes, for example, protection of the individual from unreasonable or arbitrary laws and procedures made by the government and its institutions at any level.

2.3.2. Forms/types and Systems of Government

➲**Forms/types of Government**

(1). Monarchy: it is the oldest form of government in which the ruling power invested in a single person who weak 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.

❖***Traditional Monarchy:*** the king or the Queen maintain his/her position by the claim of legitimate blood decent than their appeal as popular leaders. For example, the Hohenzollerns in Germany, Hapsburgs in Austro-Hungary, Romania, in Russia, Solomonic in Ethiopia, and …etc.

❖***Constitutional Monarchy:*** the king or the Queen is ceremonial head of the state, and an indispensable figure in all great official occasions and a symbol of national unity and authority of the state but lacking real power for example, the Queen and King of Britain and Japan respectively.

(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 hymens of 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 part 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 counties 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.

➲**Systems of government**

In the modern world, there are various systems of government. The two most well known systems of government are the parliamentary and presidential system of government.

➊**Parliamentary system of government:** it refers to a system of government in which the government governs in and through the parliament/ assembly, there by 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 + the Prime Minister) entirely or largely from its membership. Example; Britain, Canada, Germany, Italy, Japan, Australia, Israel, India, Ethiopia etc. have parliamentary system of government.

Features of a Parliamentary System of Government

⅄Government is formed as a result of a parliament election, based on the strength of a party or a coalition of parties. Therefore, there is no a separately elected political executive. In other words members of the parliament are directly elected by citizens, but members of the executive are not directly elected by the people, rather their representatives elect them. For instance, in federal states like Ethiopia, citizens directly elect representatives both to the federal parliament and regional councils. But members of the federal and regional parliament and councils respectively elect members of the executive bodies of each level of governments. As a result, the executive power of the government is lodged with a group of people who are elected and even approved by the parliament to conduct of the affairs of the state.

⅄*There is overlapping of membership and fusion of power between the legislative and executive organs of a government:* majority of members of the Cabinet (council of ministers) are members of the parliament. And usually,

the party or coalitions of parties that have majority seat or control that take on executive responsibilities in addition to their legislative chores.

- 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.
- *Members of the executive body are not directly elected by citizens:* The government can, in most cases, dissolve the parliament, meaning that electoral terms are usually flexible within a maximum limit. As such, just as the parliament holds the cabinet (council of ministers) in jeopardy, the leader of the cabinet (usually the Prime Minister) has the right to have the parliament disbanded with the consent of the majority members of the parliament.
- *There are separated head of government and head of state:* as the head of the government is the Prime Minister, there is a separate head of the state__ the constitutional monarch or non- executive president. For instance, in the Ethiopian case, the head of the state is the president who is non-political executive who cannot be a member of any political party _ serves as the figure head of the state. The 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 of no confidence, the Prime Minister must resign because the parliament has the ultimate power; the ability to remove.
- *Electoral terms of the Prime Minister may not be constitutionally fixed.*

❷**Presidential System of Government:** is a system of government which is chiefly characterized by separations of powers between the legislative and executive branches of government. Example, USA, Argentina, Mexico, Costa Rica, etc are countries with presidential system of government.

Features of a Presidential System of Government

- **Real authority of the president:** That is 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/she may nominate his/her ministers as his/her advisers. The body of the ministers is called the cabinet. The president may change the portfolios of his/her ministers as per his/her will, or may dismiss any one of them in case he/she loses the confidence of the "boss". He/she 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/she governs like the real ruler of the country.
- *Separation of legislative from the executive:* the president and his/her ministers cannot be the members of the legislature. In case the president appoints a member of legislature as his/her minister, he/she has to level his/her legislature membership. It is for this reason that the president and his/her 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/she may send "messages" that may be accepted by the legislature. Even his/her 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 are separately elected and work independently and separately.

- It is based on the strict application of the principle of separation of powers between the legislative and executive organs of government. What is separation of power? *Separation of power* 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 function and a power 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/Congress).

- Each of the executive and legislative are vested with arrange of independent constitutional powers.
- 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.
- 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).
- The president can neither "dissolve" the legislative nor be dismissed by the Congress except possibly through *impeachment*. The process of impeachment is provided to remove the president in case he/she held quality of violating the oath of office. The president is under an oath that he/she will defend and protect the constitution of the state. In case he/she does otherwise, the process of impeachment may be cause to remove him/her from office. Usually the power of impeachment is given to the legislative.

2.4. Similarities and differences between Society, State and Government

➲The State Vs Government

Though the state and government are identified when we study then in concrete or practical terms, the two may be distinguished on a theoretical plane on principal grounds and, hence, the principal distinctions/differences between government and the state are the following:

①The state is more extensive/wide/broad than government i.e the state is a bigger entity that includes all citizens of a country but the government is a small unit that covers only those who are elected and appointed, directly and /or indirectly, by people to performs its functions.

The state is the politically organized person of entity for the promotion of common ends (goals /purposes) and the satisfaction of common needs, while the government is the collective name for the agency, or organization through which the will of the state is formulated. The government is an essential organ or agency of the state but it is not more than the state itself than the board of directors of corporation itself the corporation.

②State is all inclusive association that encompasses all the institutions of the public real and embraces all the members of a community (in their capacity as citizens) .Therefore, government is part and parcel of the state.

③The state is an abstract (intangible) but the government has its existence in a concrete (realistic/tangible) form. In a broad sense, government includes all persons whether in the legislative, or executive, or judicial organs from the monarch or president and prime minister at the top to a mere watch man at the bottom/to the grassroots, but in a restricted sense, it means the administrators of the country sitting at the top level of a political structure. Whether it is wider or narrower form, certain it is that government has a concrete form.

④The power of the state is original and primary, but the authority of a government is delegated and derivative. That is while the power of the state is absolute on account of being a sovereign entity; the authority of the government is limited by the provisions of a constitution of states.

⑤ State is continuing, even relatively permanent, human entity or institution. This means state survives until its sovereign power is destroyed by the invasion of other state(s). Divergently, government is temporary and hence it come and go, and the systems of government can be reformed and changed. The office-holder of government is changed- the rule of one party is changed by another party.

⑥The membership of a state is compulsory (involuntary), but membership in government is an optional matter.

⑦Government is the means through which the authority of the state brought into operation; by making and implementing state policy, and laws government is "the brain and soul" of a state, and it perpetuate/continue the state's existence.

⑧Theoretically state represents the permanent interests and needs of a society- its common good or general will. On the other hand, government represents the "partisan" sympathies of those who happen to be in power at a particular time, usually (in the current world) representing the interests and needs of the over wheeling members of society.

⑨States are not different kinds_ all states are made of five elements (human population, defined territory, government, sovereignty and recognition) and therefore, they may not be distinguished from each other, where as governments have their forms like; monarchy, democratic, dictatorship, constitutional or unconstitutional, etc.. It is a different matter that states may have difference from each other in economic, demographic military and other terms.

➲**The state vs. society:** first of all, we will take up the case of distinction between state and society. Accordingly the principal distention between state and society may include the following:

❶*In terms of time:* society exists proper to the state - society came into being much earlier than the state. For instance, family and community are the oldest social institutions or human associations. Even the hunters and wild fruit gatherers had their society but the state (authority) came much later.

❷ *In terms of scope:* the term society implies our relations and associations of all kinds- it is a complex of mutual inter -course in which human beings are involved. Since a human being is asocial creature by nature and necessity, such relations have diverse forms in the religions, cultural and economic directions. Of these diverse forms, state is one post (political pass) that has its purpose limited to the maintained of peace, security law and order, etc. to the people.

❸*In terms of functions:* society performs a multiplicity of look at the functions of society in order to meet multi-fold requirements of human beings. In contrast, the function of the state is to make and enforce legal order so that people may lead a life of peace, security, stability and honor. But the most important point of distinction that exists between the two entities is that- *the state possesses the attribute of sovereignty* whereby it may coerce/force and obliges/compels others by *the use of legitimate force*. Society has no such force and whatever force it has, it appears in the form of moral persuasion. The customs and traditions of the society are followed by the people because of the force of public conscience but the laws and rules of the state are obeyed, because their violation is visited with suitable and appropriate physically pain full punishment.

2.5. The Ethiopian society, Government and State Formation and Nation Building in Modern Ethiopia

The state of Ethiopia has undergone diversified forms throughout its evolution to assume the present shape and characteristic. We have seen that the Ethiopian state had Axum as its first and core state that expanded south ward to incorporate finally a lot of diverse nations, nationalities and peoples, which was a major land mark for the political evolution in the past hundred years since around 1900. This time period marked a drastic transformation in the evolutionary process for several reasons that shaped the state of Ethiopia and at the same time marked a break with the past.

Since then, Ethiopia became a highly diversified state in terms of culture, value systems, traditions, geo-topography, economic activity, language, religion, political views and so forth. Ethiopia's boundaries more or less gained international recognition and a strong central government was established at Addis Ababa. The sovereignty of Ethiopia gained full international recognition and all cultural groups were effectively made subject to national authority. Politically, this event precipitated two major diverging views among Ethiopian and foreign scholars as to what these developments imply to the present Ethiopian generation which could be seen from two angles: state formation and nation building.

Generally the formation of centralized statehood in Ethiopia goes back to the end of the 19th century. However, this does not mean Ethiopia did not exist before the end of the 19th century. As a matter of fact, the existence of Ethiopia as a state is as old as no less than three thousand years. However, with its present form and extent of territory, the Ethiopian state can relatively be viewed as a recent phenomenon. The modern state formation and nation building can be seen in two phases i.e. the making and the remaking phases.

➲**The phase of modern state formation (Emperor Tewodros -Emperor Menelik II):** the modern Ethiopian history has passed through two major dynamics; (A**)** the first phase is the *"making"* phase i.e since the 2nd half of the 19thc (the 1850s). This dynamics includes: (I) the period of Emperor Tewodros; and the goal his state formation was establishing/creating a centralized and modernized state of Ethiopia through abolishing the era of the princes/ "zemene mesafnit", avoiding (by force) separatist and rebellious tendencies of the nobility and then making them under his Imperial Authority; (II) the period of Emperor Yohannes IV; and the goal of his state formation was establishing/creating a centralized and modernized state of Ethiopia but with a different policy/approach- not only by force but also through diplomacy (by adopting the idea of controlled regionalism - or a quasi-federal or semi-federal form of state structure. III) the period of Emperor Menelik; and the goal his state formation was establishing a modern and centralized state of Ethiopia and his state formation process was through forceful subjugation and peaceful incorporation of different parts of the present day Ethiopia. Therefore, Emperor Menelik has finalized the making of the geographic map of more or less today's state of Ethiopia. (B) The second phase is the "re-making" phase which is the state building process which taking place since the 2nd half of the 20th c (1960s) to the contemporary state of Ethiopia which is characterized by class and national struggles. This dynamics includes; (1) the 1974 revolution against the absolute monarchial regime, (2) the thirty years armed struggle in Eritrea for 'independence', (3) the 17th years struggles in different parts of Ethiopia for regime change and (4) the ongoing struggles (post-1991).

➲Pre- war periods (1930-1935)

By1931, Haile Selassie has declared a new constitution in the history of the country. This constitution asserted the emperor's own status and reserved imperial succession to his line. All legislative, executive, judiciary and military powers were concentrated in the hands of the emperor himself.

After the exile of the emperor during the Italian occupation (1936-41) there was a resistance movement which was conducted costly but at the end effective. After his return from exile, the emperor *has faced a number of resistance* movements in different parts of Ethiopia. For instance, in Gojjam lead by Belay Zeleke and the Gojam peasant rebellion, the first Weyane rebellion in Tigray, the Bale peasant Rebellion, etc. Externally, Haile Selassie due to his speech before the League of Nations in Geneva (1937) in support of collective security over international lawlessness

was regarded as a major international figure often considered as internationalist, Pan-Africanist and advocator of peaceful coexistence. However, after the invasion all these could not go with him.

❶Peasant Rebellions and Regionalism: Regime Challenged From Rural Ethiopia

After his return from exile, series local rebellions followed in different parts of Ethiopia particularly in Gojam, Tigry, Bale, and other parts of the country. This has been caused by administrative corruption and instability and insecurity, the nature of measurement of land and the tax system. Then, all these uprisings and rebellions signified the importance of land in Ethiopian economics and politics and then indicated the need for recognition to the rural society as the critical social base.

❷The Attempted Coup D'état of 1960 and Urban (Palace-Military Generals) Challenges: ➲The Beginning of the Remaking of Ethiopian Empire

Members of the coup makers came from three groups: the commander of the Imperial Body guard Mengistu Neway and his followers: few security officials, including the police chief; and handful of radical intellectuals related to the officials, including Girmame Neway. The coup was initially successful in the capital (6 kilo palace- the present Addis Ababa university), as the rebels seized the crown prince and more than twenty cabinet ministers and other government leaders. But finally the coup d'état failed due to: *(1) lack of coordination; failed to fully control the ground forces, air forces, the police and the media- the necessary pre-conditions for coup making.* (2) *Lack of mobilization to the people; even in Addis Ababa city*- the coup was limited to the palace (6 kilo palace- Addis Ababa University) as a result only the students in campus expressed their support. (3) The high role of the American Embassy; being the emperor was considered loyal to America and the high role of bishop in condemning the coup makers and mobilizing the public –as coup de'tat was new to Ethiopian culture (Nigus aykesesm,semay aytaresm).Though failed, the coup d'état had left the following legacies: The coup indicated the climax of regime decadence (feudal absolutism)— one that is even challenged by its top defenders – the military loyal generals and consequently a culture break of emperor's sacredness/holiness (Nigus aykesesm,semay aytaresm) and the expansion /broadening of protest(challenges) against the regime to urban areas and hence served as catalyst "mass mobilization" by student moments and later by organized nationalist armed struggles like; ELFs, TLFs, OLFs, SLFs etc.

❸Urban Political Challenge and the Imperial decadence: a shift from Rural Revolt to Urban Mobilization

Two factors seem to have operated as triggering factors for a shift in the nature of opposition to the imperial regime: the coup of 1960, and the federation of Eritrea with Ethiopia. They both instigated challenges to the regime by a body of students at Haile Selassie I University Collage, later Addis Ababa University. The student movement which was largely influenced by the Marxist-Leninist leftist thinking began to echo two main issues: the land (class) and the nationality questions- which later became the back bone causes of the 1974 revolution. In fact, in the politics of the

post-liberation period students' preoccupations began to be to vigorously contest the imperial nation-building project through popularizing and politicization of Marxist-Leninist conception of 'the Nationality question'**.**

➲Class Question: Land question

Land, as the means of production of the Ethiopian agrarian society, has remained the major defining political issue in the country since its modern formation. This is because the alienation and privatization of land from its natural owner (peasants) by the feudal lords. Then, the immediate three most important consequences of such a move were: (1) the expulsion of a large number of peasants, (2) the spread of tenancy, and (3) emergence of landlordism. The rate of landlordism, a phenomenon characteristic to the members of the nobility, high government (civilian and military officials), and civil servants was also high. This then made the social and economic conditions of the peasantry more miserable and led to the people to rising up revolt against the government and, in most cases, the social system that reduced them to the status of tenancy. As a result a number of movements challenged the alienation of land, because the nature of land alienation had created both a land question and a national question. Three exemplar movements were the Weyane movement of 1943, the peasant movement in Gedeo district in 1960 and the Bale peasant rebellion of 1963-70 and the Gojam peasant rebellion. In all these movements the alienation of land and the high taxation imposed by feudal lords were central issues of concern. Resistance to the land policies of the central government was not only waged in the countryside by peasant dominated movements but also in the cities by the university student movement. The Ethiopian university students were organically connected to the land question in a number of ways; *Firstly*, many of the students were not from urban areas but from rural areas hence land was not abstract issue of justice but an issue that directly affected them and their immediate families. *Secondly*, national universities are one of the few places where individuals from different regions and nationalities were brought together---as a result land which was previously a local or regional question became a common national issue, and Lastly**,** the *students played important roles in the overthrow of the feudal order and the agitation for land reform*.

Why land to the tiller was popular by the students? *First*, it was a direct challenge aimed at eroding the foundation of the feudal social order, and *second*, it set in motion a process that brought together students and other progressive forces in society to challenge the imperial regime. Then by 1974, after a series of military revolts, strikes by teachers, taxi drivers and eventually the confederation of Ethiopian Trade Unions, and the demonstrations of other social forces led to the downfall of the monarchical regime (absolute monarchy) and the coming of the military junta to political power.

➲The Derge Regime and the Land and Nationality Questions

Following the revolution, the Provisional Military Administrative Council (PMAC) or *Derg faced* three intimately linked structural problems. (1) Nationality questions (2) the land question and (3) the social and economic backwardness of the Ethiopian society. Derge began by addressing the land question through what it calls radical land reform. Why A Radical Land Reform? *Firstly*, the two opposition democratic left groups (EPRP and MEISON) saw

the necessity for a radical land reform for the future development of the country. *Secondly***,** the reform was believed to be essential for resolving the nationality question. These groups and students exerted greater pressure on the junta to come up with a radical land reform**.** *Thirdly*, the junta realized the need for a radical policy measure regarding land in order to uproot the landed aristocracy from the rural areas, to appease the left opposition, and to win over the support of peasants, thereby consolidating its power. *Fourthly*, within the Derg, there were some forward-looking elements that then had significant influence. *Fifthly*, in the early days of the popular uprising, peasants in the central and southern parts of the country-directly seized land 'belonging' to the landlords, using violent measures such as the killing or expelling landlords. This gave great urgency to the land question and was a constant reminder to the military that it was on the agenda of the day. Then, on the land question, the Derge's policy was quite radical: with a single stroke in 1975, all land was nationalized, eliminating the politico-economic basis of the imperial régime. In addition, the land reform bill abolished all private ownership of land by individuals or organizations and declared that 'all rural lands shall be the collective property of the Ethiopian people.' More specifically, it stated that 'without differentiation of sex, any person who is willing to personally cultivate land shall be allotted rural land sufficient for his/her maintenance and that of their family and large-scale mechanized farms were expropriated without compensation. The farms were later to be converted into state farms or co-operatives, or broken into smaller plots and distributed to peasants. *How about the nationality question?* Primarily for reasons of ideology, Derge had relatively neglected this question. It was only towards the end of its rule it began to make sense of the issue and give legal recognitions to nationalities. Otherwise for much of its history Derge was living under its slogan of "Ethiopia Tikdem/Ethiopia-first" and in 1991 the Derge regime came to an end.

➲ The Ethiopian federalism and federation: Brief overview

Since 1991, Ethiopia has been implementing an ethno-linguistic federal politico-legal arrangement. As per Articles 1 and 47 the FDRE constitution, the country is a federation of nine ethno-linguistically divided regional states and two city administrations. So, therefore, the current Ethiopian state is entertaining of the following manifest realities which are all radical shifts of the past ; (1) Federalism – a system of state power structuring (2) Constitutional revolutionary democratic republicanism – as a form of government system and (3) Diversity and Multiculturalism- as a socio-cultural foundation /fabric of the state of Ethiopia.

CHAPTER THREE

UNDERSTANDING CITIZENSHIP: ETHIOPIAN FOCUS

Introduction

Dear learners, this chapter basically tries to discuss the fundamentals of citizenship. These include, firstly the definition and dimensions (political, social, economic, cultural, etc.) of citizenship. Secondly, philosophical discourses on citizenship, which includes the liberal, republican and communitarian discourse on citizenship will be discussed. And lastly the chapter tries to discuss the modes/ways of acquiring and loosing citizenship, in particular reference to the 2003 amended Ethiopian nationality proclamation.

Chapter Objective

Upon the copulation of the chapter you will be able to:

- *Define the concept of Citizenship*
- *Discus the major domains of citizenship*
- *Examine certain philosophical discourses on citizenship*
- *Know the different modes of acquiring citizenship generally and in the case of Ethiopia Particularly*

3.1. Definition and Dimensions of Citizenship

Definitions: as to the views of different scholars like Isin Engin F. and Turne Bryan S. r defined citizenship, it is the legal, political, and economic forms of relationships of individuals with their respective state which is defined by the law of that state. Or it can be defined as the full membership of individuals in a given state (regardless of their ethnic identity, culture, color, sex as well as educational, economic and political status member/citizens receive equal protection of the law from their state). Therefore, citizenship is the state of being a member of a particular country with corresponding rights and obligations because of their membership to a state.

Almost all people in the world have citizenship in at least one country. Off course, 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*. For example, 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.

There will be also people in a country who are neither citizens nor noncitizen nationals. Such people are called aliens.

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 have citizenship. There are also people who are *Illegal aliens*- they are noncitizens living in a foreign country without proper papers. But all the aliens must obey the laws of the country in which they are traveling or living, except for those who 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 while they are visiting may be put *on trial and imprisoned*. Many nations grant *diplomatic immunity* to aliens who represent foreign governments.

Dimension of citizenship

The modern conception of citizenship as merely a status held under the authority of a state has been contested and broadened to include various political and social struggles of recognition and redistribution as instances of claim-making, and hence, by extension, of citizenship. As a result, various struggles based upon identity and difference (whether sexual, 'racial', 'ethnic', ecological, technological, or cosmopolitan/multinational) have found new ways of articulating claims to citizenship understood not simply as a legal status but as political and social recognition and economic redistribution. As different scholars agreed that, we can identify at least four major domains/aspects which constitutes of citizenship. These include: civil, political, socio-economic, and cultural or collective aspects. These domains of modern citizenship are dynamic and inter-connected in a complex interaction within a global context.

➲**The civil Dimension of citizenship**: refers to a way of life where citizens define and pursue commonly held goals related to democratic conceptions of society. It inscribes fundamental community values, the limits of governmental decision making in relation to the individual citizen, and the rights of private interest groups and associations. It includes freedom of speech, expression and equality before the law, as well as the freedom of association and access to information.

➲**The political Dimension of citizenship**: it involves the right to vote and to political participations. Free elections are key to this dimension of citizenship, as it is the right to freely seek political office. In other words, political citizenship refers to political rights and duties of citizens with respect to the political system.

➲***The Socio-economic Dimension of Citizenship****:* it refers to the relationship between individuals in a societal context and to the rights of participating in the economic activities. The definition of social and economic rights includes the rights to economic well-being, for example, the right to social security, to work, to minimum means of subsistence and to a safe environment. *Social citizenship:* it refers to the relations between individuals in a society and demands loyalty and solidarity. *Economic citizenship:* is also another aspect of citizenship which refers to the relation of an individual towards the labor and consumer market and implies the right to work and to a minimum subsistence level.

➲***The Cultural Dimension of Citizenship****:* it refers to the manner in which societies take into account the increasing cultural diversity in societies, diversity due to a greater openness to other cultures, to global migration and to increased mobility. This dimension of citizenship refers to *awareness of a common cultural heritage*. This component includes the quest for recognition of collective rights for minorities. The culture- state relationship is based upon human rights which recognize an anthropological dimension of a person, and which imply a certain conception of human beings, their dignity, and the affirmation of legal equality against all forms of discrimination on the basis of membership in a particular group.

The interminable debate on citizenship makes reference to all or any of these domains, to deal with issues of national identity, human rights, and ways of belonging, and citizens' responsibilities to each other and to the state.

3.2. Philosophical Discourses on Citizenship

There are various philosophical discourses on citizenship. Some of these include: the liberal, republican and comminiterian discourses. Each discourse has its own views on individual state relationships which area discussed below.

➊**Liberal Citizenship:** *what is liberalism?* It is a political philosophy founded on the ideas of *liberty and equality*- it is about free and fair elections, civil rights, freedom of the press, freedom of religion, free trade, and a right to life, liberty, and property of individuals. Therefore, Liberal citizenship is a distinct conception and institutionalization of citizenship whose primary value is *to maximize individual liberty and equality*. Whether of citizenship or of anything else, the liberal theory begins *with the individual*. Its view of the individual also shapes its views of all other social aggregations, including the state.

Liberal philosophers like John Lock viewed individuals as endowed with and animated by reason. Therefore, the basis for decisions is to leave the state of nature. That is to enter into civil and political society, and to act in the community; and making a just law and government possible. With this regard freedom under government is important. Meaning it is not simply the absence of external restraint but also living in conformity with a predictable, non-arbitrary law to which one has directly or indirectly consented.

In general the primacy of individual liberty understood primarily as freedom from state interference with one's personal development and projects; a very broad protection of freedom of inquiry, speech, and worship; a deep suspicion of state power over individuals; the restriction of state coercion to those areas of activity in which individuals' conduct affects others; and a strong though rebuttable presumption in favor of privacy, markets, and other forms of private ordering.

➋**Republican citizenship:** *republic* is a Latin word (*res publica)* which means the public thing, matter, business, or property, with the implication that a republic differs from a state or society in which the rulers regard everything, including the people who inhabit it, as their property. In other words it is a form of government that derives its powers directly or indirectly from the people, is administered by officials holding power for a limited time, and incorporates representative institutions. In a republic, the government of a state is a public matter, and the people rule themselves. Therefore, publicity and self-government are central in the study of republican citizenship. *Publicity* -the condition of being open and public rather than private or personal - and *self-government* is the essential elements of republicanism by which individuals should make their decisions by their own.

The republican citizen is not someone who acts arbitrarily, impulsively, or recklessly/irresponsibly, but according to the laws he /she has a voice in making. Again, the need for the rule of law is evident. As with publicity, the republican commitment to self-government leads to characteristic republican themes- such as the republican conception of freedom and, again of civic virtue. Self-government is, of course, a form of freedom- which requires dependence upon the law so that *citizens may be independent of the arbitrary will of others.*

Republican citizenship has an ethical as well as a legal dimension. It would make no sense in a state where more and more people hold the legal title of citizenship. Citizenship may be a matter of legal status that confers various privileges and immunities on the citizen, in other words, but it must be more than that. Accordingly, real citizenship requires commitment to the common good and active participation in public affairs. It requires civic virtue- that is not to say that republicans denigrate the legal aspect of citizenship. On the contrary, the citizen of a community governed by the rule of law must be someone who holds the legal rights and duties of membership. This is to say that citizens not only enjoy the protection of its laws but is also subject to them. It is also to say that, as a citizen, it is supposed to be on an equal footing with other citizens. If they are not treated equally under the law, then they may rightly complain of being a 'second-class citizen'. In these respects, legal status is necessary to the republican conception of citizenship.

➌**Communitarian Citizenship:** according to communitarians a communitarian citizenship is rooted in a culturally defined community, and therefore political community is the derivative of its members, who are always individuals. The assumption in the communitarian conception of citizenship is that *community provides a cultural foundation for citizenship*. For communitarians, *citizenship is about participation in the political community* but it is also about the *preservation of identity, and therefore citizenship is always specific to a particular community*.

3.3. Modes/Ways of Acquiring and Loosing Citizenship

3.3.1. Ways of Acquiring Citizenship

Nations have various laws that govern the granting of citizenship. In the contemporary period people may become citizens of states in two major ways (by birth, and by law /naturalization).

➲***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* which is a Latin phrase- means *right of soil*. The laws of most nations, including Canada, the UK, and the USA, grant citizenship based on jus Soli. Others like Ethiopia limit jus soli to children whose parents are already have citizenship in that nation. Some other nations also deny jus soli to certain groups of persons which include children who are born in a country where their parents are serving as diplomatic representatives and babies born to refugees.

Some countries use anther 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*. The phrase is a Latin term that means *right of blood*. Ethiopia, Canada, France, the USA, and a number of other nations grant jus Sanguinis to children born abroad if one or both parents are citizens of a given state. For instance, in the context of Ethiopia's nationality proclamation No378/2003 (Article 3) any person shall be an Ethiopian national by descent where both or either of his parents are/is Ethiopian.

➲**By Law/Naturalization:** is the legal process by which foreigners become citizens of another country. Each countries set requirements that aliens most meet to become naturalized in another state. 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*.

The Ways of acquiring an Ethiopian citizenship

A person can acquire an Ethiopian citizenship either by birth or by naturalization.

➲**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 the parents* are/is Ethiopian citizens/citizen.

➲**By Law (Naturalization)***:* any foreigner may acquire an Ethiopian nationality by law in accordance with the provisions of Articles 5-12 of the amended Ethiopian nationality proclamation of 2003. Accordingly a foreigner can legally acquire an Ethiopian citizenship by the following ways:

➊**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: (1) *one should attain the legal age of 18* ;(2) *one should lived in Ethiopia for a total of at least four years*; (3) *self-reliant- she/he must have sufficient and lawful source of income to maintain himself/herself and his/her families*; (4) *one who is able to communicate in any of the languages of the nations and nationalities of the country*; (5) *one who have a good character*; (6) *one who have no recorded criminal conviction*; (7) *one who be able to show that he/she has been released from his/her previous nationality or the possibility of obtaining such a release upon the acquisition of Ethiopian nationality or that he/she is a stateless person*; and (8) *he/she shall be required to*

take the oath of allegiance under Article 12 of this proclamation which says that "I-----, solemnly affirm that I will be a loyal national of the federal democratic republic of Ethiopia and be faithful to its constitution".

❷**Marriage**: a foreigner who is married to an Ethiopian national may acquire Ethiopian nationality. Accordingly, the Ethiopia, proclamation number 378/2003 article 6 clearly states that a foreigner who is married to an Ethiopian national may acquire Ethiopian nationality by law when he/she fulfills the following requirements: (1) *the marriage is concluded in accordance with the laws of Ethiopia or the other country where the marriage is contracted*; (2) *there is a lapse of at least two years since the conclusion of the marriage*; (3) *he/she has lived in Ethiopian for at least one year preceding the submission of the applicatio*n; and (4) *he/she has fulfilled the conditions stated under article 5 (1, 7, 8) of the proclamation.*

❸**Legitimating (Cases of Adoption)**: this is citizenship by recognition. An illegitimate child has the right to get his biological or caretaker father/mother citizenship after legitimating. Such process is usually attributed to a father /mother of multiple citizenship. And child adopted by Ethiopian national may acquire Ethiopian nationality by law. For example article 7 of the Ethiopian nationality proclamation (No 378/2003) any child adopted by Ethiopian national, may obtain Ethiopian nationality by law when the following conditions are fulfilled: (1) *he/she has not attained the age of majority*, (2) *he/she lives in Ethiopia together with his adopting parent*; (3) *where one of his adopting parents is a foreigner and so expressed in written statement*; and (4) *the condition stated under article 5(7) of the proclamation has been fulfilled*. However, the government of Ethiopia also grants citizenship rights to those foreign individuals who have made an outstanding contribution in the interest of Ethiopia irrespective of the above stated conditions.

❹**Reintegration (Restoration)**: a person who has lost his/her citizenship due to some reasons may get it back if he/she fulfills 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*.

❺**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.

Other Ways of Acquiring Citizenship

An individual can acquire his/her citizenship in a certain state by the following modes of acquiring the citizenship:

❶**Citizenship by Political Case:** the political case refers to acquisition of citizenship by conquest or cession of

territory. Cession is voluntary process where as conquest is coercive act. Citizenship by political case is possible in two ways. These are: (1) 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. (2) 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.

❷**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.

❸**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.

❹**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.

3.3.2. The ways of Loosing Citizenship in another States

An individual may loose his/her citizenship in a certain state by the following ways.

❶**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: (a) *to make access national secrets to alien country*, (b) *serving in another country's armed forces or government*, (c) *Trying to overthrow the government by force*, (d) *promising loyalty to another country*, (e) *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. In addition to these articles of the Nationality Proclamation, articles 33 of the FDRE Constitution no Ethiopian citizen can be deprive of his/her Ethiopian citizenship by the decision of any government authority.

❷**Lapse:** citizenship may be lost, if a person stays outside his/her country for a long and continuous period of time. For example, according to the Indian nationality law, if an Indian stays outside his/her country *continuously for more*

than seven years, the person will loose his/her Indian citizenship *by the principle of lapse*. According to the amended Ethiopian Nationality proclamation of 2003, the principle of lapse has no application in Ethiopia.

❸**Statelessness:** is lack of citizenship in any country. Children of aliens 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 state. 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, 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 UN 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.

Modes of loosing Citizenship in Ethiopia

According to the 2003 amended nationality proclamation an Ethiopian national may loose his/her Ethiopian citizenship by the following ways:

❶**Renunciation (Expatriation):** the 1948 United Nations Universal Declaration on Human Rights, article 15(2) provides the right to individuals to renounce/ give up/ reject his/her citizenship and seek the citizenship of some other state according to his/her choice. And most countries recognize the right of any citizen to expatriate his/her allegiance/ loyalty to one country for allegiance of another country. A person gives up his/her citizenship in one country when he/she is naturalized in another, if the country he/she leaves recognizes his/her right of expatriation. In such condition the person ceases to be a citizen of the former state. Ethiopia also recognizes the right of its citizens to expatriate and renounce their Ethiopian citizenship status. For example, as it is clearly explained in article 19 of the nationality proclamation one can loss his/ her Ethiopian nationality via *renunciation if he/she has acquired or has been guaranteed the acquisition of the nationality of another state*. However, one who intends to do so *shall in advance inform the concerned authority*. Moreover, he*/she who has declared his/her intention to renounce his nationality may not be released until he/she has discharged his/her outstanding national obligations or where he/she has been accused of convicting a crime*. However, *the renunciation of the nationality of a minor child shall be effected by the joint decision of his/her parents or, where one of his parents is a foreigner, by the decision of the Ethiopian parent*. Thus, given, dual nationality is impossible in the Ethiopian context. Article 20 of the above stated proclamation supports this stating: (1) *without prejudice to the provision of article 19 (4) of this proclamation, any Ethiopian who voluntary acquires another nationality shall be deemed to have voluntarily renounced his Ethiopian nationality*; (2) *an Ethiopian who acquires another nationality by virtue of being born to a parent having a foreign nationality or by being born abroad shall be deemed to have voluntarily renounced his/her other nationality unless he has declared to the authority his option to retain it by renouncing his other nationality within one year after*

attaining the age of majority or unless there has been an earlier expressed renunciation of his/her Ethiopian nationality pursuant to Article 19(3) of this proclamation; (3) *an Ethiopian who acquires, in the absence of his own initiative, another nationality by the operation of the law in connection with any ground other than those specified under sub-article (2) of this article shall be deemed to have voluntarily renounced his Ethiopian nationality if he starts exercising the rights conferred to such acquired nationality or fails to declare his option to the authority to retain his Ethiopian nationality by renouncing his other nationality with in a period of one year*; and (4) *a person who retains another nationality in addition to Ethiopian nationality shall be considered an Ethiopian national until the loss of his Ethiopian nationality pursuant to sub-article (2) or (3) of this Article.* The personal decision of a person to renounce his/her citizenship may emanate 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.

❷**Substitution:** citizenship may be lost when the original citizenship is substituted by another state, where it is acquired through naturalization. According to the Ethiopian amended Nationality proclamation of 2003, article 20, Ethiopian nationality can be lost upon the 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.

CHAPTER FOUR

CONSTITUTION AND CONSTITUTIONALISM, DEMOCRACY AND HUMAN RIGHTS

Chapter Introduction

Dear learners, this chapter is about the fundamentals of constitution, democracy and human rights. 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 the 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 a state, constitution is the fundamental one. Therefore, this chapter tries to assess the fundamentals of constitution and constitutionalism, democracy and human rights.

Chapter Objective

At the end of the chapter students will be able to:

- *Know the concepts of constitution and constitutionalism;*
- *Explain the purposes and functions of a constitution of a state;*
- *Gain knowledge about the fundamental values and principles of democracy as well as the different approach for understanding democracy;*
- *Identify the unique features of human rights and different human right instrument;*
- *Explore Ethiopia's experience on constitution, human rights and democracy*

4.1. Definitions of Constitution and Constitutionalism

Constitution: is the fundamental/basic law of a state, constituting of: (a) the organization of the government, (b) the powers and functions of the principal government organs and agencies, (c) the restraints on the extent of and methods of exercising these powers, (d) the relationship between the government and the people, and (e) the basic political principles that should be followed. Or it is a body of laws and rules, that determine the organization of government, the distribution of powers and functions to various organs of a government, regulate the relationship between these organs, the relationship between the state and the individuals (citizens), and the general principle on which these powers are to be exercised.

Constitutionalism: is the doctrine that governments should be faithful to their constitutions. This is because; the rules and laws so provided all that can protect citizens' rights from arbitrary actions and decisions of the government. In other words *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.

4.1.1. Purposes and Functions of Constitution

The main purpose of a constitution of state is limiting/restraining the powers and authorities of a government, determine the structures and functions of a government, outlines the rights and duties of citizens and their relations with their state, ensuring and safeguarding the rights of citizens, etc. Generally, the *constitution of state has the following basic purposes and functions.*

➲***A Framework of a State:*** a constitution of a state sets out the principles and values upon which the state is organized and governed. The ideals and aspirations provide the country with direction and a vision for the future, and prescribe the legitimate purposes or interest which state power is to be used.

➲ ***Limiting the Powers of a Government:*** a constitution provides a foundation for orderly government by defining and limiting the powers of government agencies. It establishes checks and balances within the main branches of government (the Executive, Legislature and Judiciary), through the doctrine of separation of powers. A constitution establishes government based on the rule of law and which is limited by law. It thus provides a legal basis for governmental operations and makes constitutional government possible. It therefore prevents an arch or dictatorial government which knows no legal bounds.

➲***Gives Guarantee for the human and democratic rights of individuals:*** it safeguards the basic rights and freedoms of the people by incorporating a Bill of Rights, and providing the machinery for their enforcement through an independent judiciary and other institutions. Apart from protecting the integrity of the human personality, the free exercise of human rights ensures that people can fully participate in their governance and hence control their destiny. It can therefore be concluded that a constitution is an indispensable instrument for good and modern governance.

➲***The Supreme Law of a Country:*** constitution of state is the source of all laws in a country. In other words, other specific laws with regard to different affairs and issues are emanated from the constitution of a state. No specific laws will be valid if it contradicts the supreme law of the land i.e. *all laws in a country are made to fulfill the objectives and goals clearly specified in a constitution of state*. For instance according to article 9 of the FDRE constitution any laws, customary practices and decisions of an organ of state are below the constitution; which means if they contravene to the principles of the constitution they shall be of no effect (invalid). Therefore, all laws are derived from the constitution, thus, constitution of a state is considered as *the highest law of a country* i.e. constitution of a state serves as the binding instrument of all other laws in a country.

➲***As the Weapon for Legitimizing Regimes:*** a constitution of states is also indispensable for building legitimacy for regimes. *Legitimacy is* the right to rule or the validity to govern. A legitimate system of government is one based on authority- those subject to its rule recognize its right to make collective decision or to rule or is the right to act, rather than the power to do so. However, authority creates its own power so long as people accept that the authority figure has right to make decision which is specified by a constitution of a state.

4.1.2. Classification of Constitutions

Constitutions of a state in different political systems differ from one another in terms of their principles on the distribution of political power, on the structural separation of authority among the different branches of government, and on the limits they set on government authority as well as their amendment procedures and their forms. Accordingly can be classified into the following categories:

I. Written (Codified) Vs Unwritten (uncodified)

Based on their form/appearance constitutions can be classified as written and unwritten.

➲**Written Constitution**: key constitutional provisions are collected together in a single legal document. Being all the key provisions are available in a single document, it can have the following *benefits: (a) it is full of clarity and definitions because key provisions are written, (b) it has the quality of stability- since people know the nature of constitutional provisions; the people can feel a sense of satisfaction, (c) the Rights and liberties of the people are secured- since all important points are reduced to writing, (d) it has educational Value in that it highlights the central values and over all goals (objectives) and principles of the political system, (e) major principles and key constitutional provisions are entrenched, safeguarding them from interference by the government of the day, (f) the power of the legislative is constrained, cutting its sovereignty down to size, and (g) non-political judges are able to police the constitution of state to ensure that its provisions up held by the public.*

➲**Unwritten (uncodified) Constitution**

It refers to a set of rules, regulations, declarations and laws passed by either a legislature/ other body (ies) at different times. In other words, it is not compiled in a single document- containing key constitutional provisions. Therefore, the legislative body will have the right *to make/unmake* any law on any issue what so ever. Because most of the time uncodified constitutions didn't show clear separation of power between the different organs of a government and the law making power resides in the hands of the legislative body.

Benefits of uncodified constitution: (a) it has the quality of elasticity and adaptability to changing circumstances or situations, (b) it is resilient with the result that it can absorb and also recover from shocks that may destroy a written constitution, and (c) it is dynamic in that it prevents chances of popular uprisings.

II. Rigid vs Flexible Constitutions

On the basis of amendment process constitutions can be classified as- rigid and flexible.

➲**Rigid Constitution of State:** is a constitution that does not adapt itself to changing circumstances immediately and quickly i.e. amendment procedures may be more or less complex or difficult. For example, in Australia, Denmark, Ireland, and Spain, popular referendums are used to obtain the public approval for constitutional amendments or ratify once endorsed by the legislature. The FDRE constitution also stipulates the initiation and enactment of constitutional amendment in its article 104 and 105.

➲**Flexible Constitution:** is a constitution that adapts easily and immediately to changing circumstances. The legislature has the unchallenged and unconstrained power to make laws on any issues and affairs. Prominent examples are- *UK and Israel.*

III. Effective Vs Nominal Constitution

On the basis of the degree to which constitution of state observed in practice, constitutions can be classified as effective and Nominal Constitutions.

➲**Effective Constitution:** is one that fulfills two criteria: (a). at least, the practical affairs of government correspond to the provisions of the constitution; (b). the above occurs because the constitution has the capacity through whatever means, *to limit government behavior 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 government behavior and activities- there is *constitutionalism*.

➲**Nominal /Facade/ Constitution:** that shows the texts, principles, rules and laws that may accurately describe the government behavior but fail to limit government behavior and activities in practice. Therefore, a nominal constitution of state is not observed in practice but in form. Hence, it can be said a *paper value constitution*- there is no *constitutionalis*m.

Constitutions can be further classified into federal and unitary (based on the nature of state structure), parliamentary and presidential (based on the systems of government), etc.

4.2.Definition and Ways of Exercising Democracy

Definitions

The word democracy comes from two Greek words "Demos"-people and "kratein"- to govern or to rule. Therefore, democracy can be literarily defined as:

➲Democracy is government of the people, or government of the majority. According to Abraham Lincoln who has been the president of the USA, democracy can be defined as "*the government of the people, by the people and for the people"*. In other words, democracy is a government comes from the consent of the people which is exercised by the people and for the purpose of the people's own interests.

➲Other scholars have also defined it as *management of conflict*. Because, it is composed of the values of tolerance cooperation, compromization, 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. In addition Democracy can be also defined as 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 *direct democracy*.

Ways of Exercising Democracy

In theory, one of the defining characteristics of democracy is that the great mass of citizens can directly or indirectly participate in political decision making and policy making process of a state. Accordingly, there are two broad ways of exercising democracy: *Direct and indirect way of exercising democracy.* Direct way of exercising democracy implies 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. For instance, citizens direct participation in referendum and local meetings/discussions. On the other hand indirect way of exercising democracy is a way of exercising democracy in which citizens exercise their rights and freedoms and discharge their obligations not in person but through representatives chosen by them.

4.2.1. Major Theoretical Approaches of Understanding Democracy

On the basis of how we confront, with and vie democracy, we can identify two theoretical approaches of understanding democracy. These are: the procedural and substantive views.

❶***Procedural view of Democracy:*** the procedural view of democracy focuses on the procedures that enable the people to govern themselves; such as meetings to discuss issues, voting in elections, running for public offices. The questions that the procedural approach to democracy seeks to address are. ***(a)*** *Who should participate in decision making?* ***(b)*** *How much should each participants' vote count?, and* ***(c)*** *How many votes are needed to reach a decision? The theoretical answers to these quotations include:*

- ☞ Everyone should participate in government decision making process, as possible as directly, and through representation.
- ☞ All votes should be counted equal.
- ☞ An equality majority of the participants' i.e 50+% or the so called simple majority or qualified majority (70%). This is the principle of majority rule.

❷***The Substantive view of Democracy:*** the substantive view of democracy, on the other hand, emphasizes on the substance of government policies, laws, rules and regulations. According to this view democracy, the public of a democratic government should at least guarantee such human and democratic rights as, for example, the right to life, liability secularity, property, freedom of religion, conscience, thought, expression, assembly, movement, peaceful demonstration, the right to petition, as well as cultural rights, economic rights and forms of rights and freedoms. Therefore, the principles of universal participation, political, social, economic and legal equality, majority rule and the provisions of fundamental human and democratic tights, among others, essentially characterize democracy and should be incorporated in state substances.

4.2.2.Fundamental Principles of Democracy

Citizens should understand basic principles of democracy and be familiar with the tools in their applications to specific situations. There are a number of universal principles of democracy which are discussed below:

➲***Sovereignty of the People:*** is the idea that the only legitimate source of government authority is *the consent of the governed/the people*. Consent is given by the people through their regularly elected representatives and through the 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 body (HPRs).

➲***Supremacy of the Constitution:*** constitution is above all laws and organs of a state. It dictates all laws and governmental or non-governmental acts to be under the constitution. Thus constitution is important for officials or citizen to take extra care not to violate any provision of a constitution. It is also important to keep in mind that if an act is found to be against the constitution, the act will be without of effect or void. Example, refer article 9 of the FDRE constitution.

➲***Rule of Law:*** it is about both government and citizens are and must be, subject to the laws of a country. Government decisions and actions shall be made according to the established laws of the country rather than by arbitrary actions.

➲***Separation of Powers:*** the legislative, executive, and judicial powers of a government should be separated and exercised by different institutions. If a government follows federalism, powers and functions should be distributed between the central government and regional states in a sovereign manner.

➲***Check and Balance:*** powers given to the different bodies of a government are balanced so that no branch can completely dominate others. Many of the powers of one branch are shared and checked by those of the other branches. For instance, the legislatives branch certain powers, which make it possible to check the exercise of power by the executive and judicial branches.

➲***Majority Rule and Minority Rights/Political Tolerance:*** democratic societies are politically tolerant. While majority of the people rule in a democracy, the rights of the minority must be protected. People who are not in power must be allowed to organize and speak out. Minorities are sometimes referred to as the opposition because they may have ideas which are different from the majority. Individual citizens must also learn to be tolerant of each other. A democratic society is often composed of people from different cultures, racial, religious and ethnic groups who have viewpoints different from the majority of the population.

➲***Civilian Control of 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.

➲***Secularism:*** individuals as well as groups should have freedom of conscience i.e the right to decide for themselves what to believe. Freedom of conscience would be endangered 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. For example, the following are included in Article 11 of FDRE Constitution: (**a**) state and religion are separate; (**b**) there shall be no state religion; and (**c**) the state shall not interfere in religious matters and religion shall not interfere in state affairs.

➲***Accountability:*** in democracy, elected and appointed officials have to be accountable to the people. They are responsible for their actions. Officials must make decisions and perform their duties according to the will and wishes of the people, not for themselves.

➲***Transparency:*** a government to be accountable; the people must be aware of what is happening in the country. This is referred to as transparency in government. A transparent government holds public meetings and allows citizens to attend. In a democracy, the press and the people are able to get information about what decisions are being made, by whom and why.

➲***Regular/periodic, free and fair elections:*** electing their representatives in government **is** one way that citizens can express their will in their own country. Democracy insists that these elected officials are chosen and peacefully removed from office in a free and fair manner. Intimidation, corruption and threats to citizens during or before an election are against the principles of democracy. In a democracy, elections are held regularly every so many years. Participation in elections should not be based on a citizen's wealth as well as other status of individuals. For free and fair elections to occur, most adult citizens should have the right to stand for government office (All inclusive-election or universal suffrage). Additionally, obstacles should not exist which make it difficult for people to vote.

➲***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.

➲**Accepting the results of elections:** in a democratic election, there would be a winner and a loser. If democracy is to succeed, it is essential that political parties (the ruling and oppositions) and their members, even individuals be will - full to compete in elections and accept their results. Often the losers of an election may argue so strongly that they refuse to accept the results of elections. Such conditions will be against democratic principles.

➲***Citizens' participation:*** one of the most basic signposts of a democracy is citizen participation in government. Participation is the key role of citizens in democracy. It is not only their right, but it is their duty. Citizen participation may take many forms including standing for election, voting in elections, becoming informed, debating issues, attending community or civic meetings, being members of private voluntary organizations, paying taxes, and even protesting. Participation builds a better democracy.

➲***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 these rights. However, human right can be restricted if they interfere with the rights of other people.

➲***Multi – Party System:*** it 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 co-exist in the same state to live together, improve their development, and promote their prosperity and welfare.

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.

➲***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.

➲***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 is the belief that individuals have certain basic rights that are to effectively protect by government but also which government should guarantee. These are the rights of 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), liberty (should be considered on unalterable aspect of the human condition which include: *Personal Freedom* i.e individuals should be free from arbitrary arrest and detention and secure in their persons, homes, and from unreasonable searches and seizures, etc).

Political freedom is another dimension of individual rights. It 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.

Besides to political freedom individuals in their respective nation they would have *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.

➲***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. (a) *Distributive justice*- is about 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. *(b) Corrective justice*-is the idea that fair and proper response should be used to correct wrongs and injuries. *(c)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.

➲***Equality:*** the constitution contains prominent statements of the value placed up on equality in constitutional government. Basically there are three forms of equality. These include: (a) *Political equality*-it is central to the idea that all people who attain the status of adulthood have equal political rights. For example, each adult citizen is to have an equal right to vote and to run for and hold political office. *(b) Social equality*-it is central to the idea that there should be no social hierarchy at individual and collective level. That is all individuals as well as groups of individuals should have equal rights/privileges and duties. For example, in the case of Ethiopia, all Ethiopian citizens, and nations and nationalities have and must have social equality without any discrimination. Otherwise there would not be tolerance which is one core value of democracy**.** (c) *Economic equality*-means all citizens of a given country deserve equal and fair assessment to the national resources services, etc.

4.2.3.Democratization and actors in democratization process

What is a democratization process? While democracy is the 'rule by the people', democratization is the process by which the power of the people is established and institutionalized. Democratization is a process which leads to a more open, more participatory, less authoritarian society. Democracy is a system of government which embodies, in a variety of institutions and mechanisms, the ideal of political power based on the will of the people.

In places from Latin America to Africa, Europe and Asia, numbers of authoritarian regimes have given way to democratic forces, increasingly responsive Governments and increasingly open societies. Many States and their peoples have embarked upon a process of democratization for the first time. Others have moved to restore their democratic roots.

Both democratization and democracy raise difficult questions of prioritization and timing. It is therefore not surprising that the acceleration of democratization and the renaissance of the idea of democracy have met with some resistance. On the practical level, the world has seen some slowing and erosion in democratization processes and, in some cases, reversals. On the normative level, resistance has arisen which in some cases seeks to cloak authoritarianism in claims of cultural differences and in others reflects the undeniable fact that there is no one model of democratization or democracy suitable to all societies. The reality is that individual societies decide if and when to begin democratization. Throughout the process, each society decides its nature and its pace.

What are the key actors involving the democratization process? Different actors can contribute their part in the democratization process which may include the following: Media organizations, civil societies, political parties, government, citizens, etc.

➲**Media:** responsible and independent media can encourage governments and citizens to be informed, to discuss and debate, and to express their positions on domestic and global affairs. In this way, the global communications revolution and the global wave of democratization are mutually reinforcing: a free press is a vehicle for democratization; democratization promotes the open society in which a free press can flourish. However, in this age of instant information and near total communication, the media have become not only the major venue for dialogue and debate within and among States, but also, definitively, an international actor with a distinct role on the international stage. The media can help keep international politics open, responsive and accountable. Without that essential link to the world public, organizations such as the United Nations would be nothing more than forums for the mutual mutterings of national and international bureaucracies.

➲**Civil societies:** the democratization process has involved not only a change from single party rule to multi-party contest, but also a general opening of space for social and political activities, including for civil society. The prospect for democratic consolidation depends on the development of a robust civil society. The prospects for democratic consolidation are strengthened by the growth and development of a powerful civil society, reflected in the presence of vigorous organizational vehicles for popular participation.

➲**Political parties:** political parties fall under the umbrella of 'non-state actors' because of the theoretical significance normally attributed to political parties in democratic consolidation. To speak of democracy is to speak of a system of competing parties. One justification for dealing specifically with parties is that although parties are, in principle, private, voluntary organizations based on supporters and separate from the state, they are distinguished from other civil society groups by their very function in the political system. Political parties are private organizations producing public goods by means of their functions: nominating candidates and seeking office control in order to implement policy.

4.3.Definition, Nature and Classifications of Human Rights

Definition: Human rights are much more than a mere component of democracy. This is because, different from other

rights such as democratic rights human rights are emanated from the very nature of mankind. When we come to the definition of human rights, different scholars have defined democracy in different ways. However, for the purpose this course, Human rights are generally defined as *rights enjoyed only by human beings simply because they are humans and with no further requirements what so ever attached*. Because of even alternatively called as natural rights which are equally possessed by all human beings everywhere. Human rights are understood to represent individual and group demands for shaping and sharing of power, wealth, enlightenment and other values (like-respect and its constituent elements of reciprocal tolerance, mutual clemency). Unlike Moral rights that emanate from the consensus of two or more groups and Legal rights which are exercised as per the legal permission of certain bodies and thus are accordingly amendable /violable human rights are natural rights that do not emanate from government will or from individuals conventions. Given this, human rights possess the following salient features that distinguish them from other variants of right like democratic rights.

Classification of Human Rights

Based on different benchmarks human rights can be classified as: Individual Personality Rights, Political and Civil Rights, Social and Economic Rights and finally, third generation rights.

➲***Individual Personality Rights:*** these rights are the core of human rights which includes: the right to life and the right to free personality development.

➲***Political and Civil Rights:*** individuals can participate without any restriction to the political life of his/her community. This means that he/she should not fear any non-justified sanctions. The most important rights under this category of Human Rights include: freedom of speech/expression, freedom of the press, freedom to hold meetings and freedom to set up associations. Generally, 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:*** minimum living wage for the survival of human beings must be guaranteed for him/her. These rights include: the right to education which is vital for every body's benefit from training which enables individuals not to be left starving and deprived of resources. Generally, 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.

➲***Third Generation Rights:*** are newly emerging classifications of human rights. These rights can include: *the right to development*- which aims at reducing the gap that separates the rich and the poor. Another form of human rights is *environmental right* (the right to environment) which aims to make sure that species that are vital and must not be damaged or even destroyed. Generally these rights are those that make an individual to participate and decide on ecological protection and their development in their surroundings.

4.3.1. Human Rights Instruments

For the enforcement of the above mentioned human rights different institutions/instruments are established at the international, regional, sub-regional and domestic levels. These include: ➲**International Human Rights**

Instruments: to make sure the effective enforcement/implementation of all these rights, various regulations have been made by the United Nations as an international institution. In 1945 the United Nations were created upon some states' instigation and now a days almost all states across the world are members of this institution. Following its establishment it has published" the Universal Declaration of Human Rights" (UDHR) which was formulated by the General Assembly on 10 December 1948. The declaration consists of different types of rights that include: civil, political, social and cultural rights. And for its actual effectiveness some commissions as well as committees have been put in place, like for instance, the "Children's Rights Committee". In a situation where one state commits infringement/violation of human rights, there is, at the *Hague-Netherlands, an International Court of Justice (ICJ)* that is entitled to deliver sanctions to any offender. In addition to the ICJ, the United Nations as an international human rights instruments are supported by a large number of Non-Governmental organizations like the *Human Rights Watch* which, through the contribution of active militants/activists in the protection of human rights, can establish and publish report on diverse infringements of these rights: thus, they can get governments not to continue accepting such exactions. For instance, Ethiopia is one of the signatory member of the UDHR and the United Nations Charter it is expected to promote and respect human rights as a result it has incorporated the fundamental rights and freedoms of individuals in the contemporary constitution as well as in the 1987 and to some extent in the 1955 revised constitutions. Therefore, UDHR has been important in that it has influenced the constitutions, laws, and court decisions of many countries and international organizations since its development.

➲**Regional Human Rights Institutions/Instruments**

➊***The European Convention on Human Rights of 1950:*** it was adopted by the council of Europe in 1950, and entered into force on 3 September 1953. The convention has originally created both the Human Rights Commission and a European Court of Human Rights. These organs/bodies of the convention are entrusted with the observance of the engagements undertaken by the high contracting parties to the convention, but these come into force in 1998. For instance now a days all allegations which are in relation to human rights are directly referred to the European Court of Human Rights in Strasbourg, France. This court is the first, and so far only, permanent Human Rights Court sitting on a full time basis.

The European Convention on Human Rights through its extended additional protocols has prohibited the violation of Human Rights in various situations. For example, Protocol number 13 which has been signed on 3 May 2002 in Vilnius concerns the abolition of the death penalty in all circumstances. In addition to the following rights are fully guaranteed by this protocol.

The Convention guaranteed the following major rights:

- *The right to life;*
- *The prohibition of torture, inhuman or degrading treatment or punishment;*
- *The right to liberty and security;*
- *The right to fair trial and the right to an effective remedy;*
- *Prohibition of discrimination;*
- *The right to a fair trial;*
- *The right freedom of expression;*
- *Freedom of association and association, and the right to freedom of expression, etc…*

❷***The America Convention on Human Rights, 1969 and its protocols of 1988 and 1990:*** the American Convention on Human Rights also called the Pact of San Jose, Costa Rica, since it was adopted in the capital city, entered into force on 18 July 1978 and, as of 9 April 2002 had 24 states parties. The convention reinforced the Inter-American Commission on Human Rights, which since 1960 has existed as "as an autonomous entity of the *Organization of American States*"(OAS). The convention become a treaty –based organ which together with the *Inter-American Court of Human Rights* and the *Inter-American Commission on Human Rights*.

The major rights recognized by the convention:

- *The right to humane treatment , including freedom from torture and cruel, inhuman or degrading treatment or punishment;*
- *The right to personal liberty and security, including freedom from arbitrary arrest or detention;*
- *The right to fair trial;*
- *The right to privacy;*
- *The right to freedom of association;*
- *The right to equality before the law and equal protection of the law;*
- *The right to freedom of thought and expression;*
- *The right to freedom of conscience and religion;*
- *The right to life;*
- *The right to freedom of movement and residence, etc.*

❸***The African Charter on Human and People's Rights, 1981:*** the adoption of the African Charter on Human and People's Rights in 1981 was the beginning of a new era in the field of Human Rights in Africa. The Charter entered into force on 21 October 1986, and as of 29 April 2002 including Ethiopia it had 53 states parties.

Although strongly inspired by the Universal Declaration of Human Rights, the African Charter reflects a high degree of specificity due in particular to the African conception of the term "right" and the place it accords to the responsibilities of Human beings. The Charter contains a long list of rights, covering wide spectrum not only civil and political rights, but also of economic, social and cultural rights.

The Individual and Collective Rights Recognized and incorporated by the Charter

- *The right to freedom from discrimination on any grounds in the enjoyment of the rights and freedoms;*
- *The right to equality before the law and to equal protection of the law;*
- *The right to respect for one's life and personal integrity;*
- *The right to respect for one's inherent dignity as a human being ; including freedom from slavery , the slave trade, torture, cruel, inhuman or degrading punishment and treatment;*
- *The right to liberty and to the security of one's person, freedom from arbitrary arrest or detention;*
- *Freedom of conscience, the profession and free practice of religion;*
- *The right to receive information and the right to express and disseminate one's opinions (article-9);*
- *The right to freedom of association (article 10) and the right to assemble freely with others (article 11);*
- *The right to freedom of movement and residence within the borders of a state; right to leave any country including one's own and to return to one's own country; the right to asylum in case of persecution, prohibition of mass expulsion (art. 12) , etc.*

➲Domestic Human Rights Instruments: Human Right Instruments in Ethiopia

Ethiopia has fully accepted the human rights provision of the 1948 UDHR. The present as well as the 1987 and to some extent the 1955 revised constitutions have incorporated the fundamental and basic freedoms and rights that are defined in the UDHR. For the implementation of these rights there must be a mechanism of checking, monitoring and protecting the human rights of citizens against abuses and violations. Now a days there are two major human rights institutions which includes; the *Human Rights Commission* and the *Ombudsman* which are basically established for the protection of citizens against abuses and violations of their rights and for redressing wrong doings. According to Article 55 sub Article 14 and 15 of the current FDRE constitution the House of Peoples Representatives (HPRs) is the responsible body to establish the Human Right Commission and the institution of the Ombudsman and determine their power and functions.

Major objectives of these institutions:

(a)to serve as public guardian for the growth of democracy and proper application of rights, and stand for the fulfillment of human and democratic rights in Ethiopia; (b)to protect Ethiopian citizens democratic and human rights as enshrined in the constitution from any violations by societal forces including government authorities, administrative personnel and community; and (c) to assist avoidance of injustice, misuse of governmental powers, embezzlement and corrupt behaviors of governmental officials.

More specifically under proclamation No. 210/2000 on the establishment of the Human Right Commission, Article 5 states that, the Human Rights Commission was established with the objective of educating the public in order to be aware of human rights and to see it that human rights are protected, respected and fully enforced as well as to have the necessary measure taken where they are found to have been violated. Under the same Proclamation *article 6* stipulates the duties and power of Commission as to: *(1) ensure that the human rights and freedoms provided for under the Constitution of the Federal Democratic Republic of Ethiopia are respected by all citizens, organs of state, political organizations and other associations as well as by their respective officials; (2) ensure that laws, regulations and directives as well as government decisions and orders do not contravene the human rights of citizens guaranteed by the Constitution; (3) educate the public, using the mass media and other means, with a view to enhancing its tradition of respect for, and demand for enforcement of, rights upon acquiring sufficient awareness regarding human rights; (4) undertake investigation, upon complaint or its own initiation, in respect of human rights violations; (5) make recommendations for the revision of existing laws, enactment of new laws and formulation of policies. (6) provide consultancy services on matters of human rights; (7) forward its opinion on human rights reports to be submitted to international organs; (8) translate into local vernaculars, international human rights instruments adopted by Ethiopia and disperse same; (9) participate in international human rights meeting,*

conferences or symposia; (10) own property, enter into contracts, sue and be sued in its own name; (11) perform such other activities as may be necessary to attain its objective.

In addition to these institutions the FDRE constitution can be taken as another domestic instrument of Human Rights. Because, Chapter three of the constitution from articles 14 to 28 gives guarantee for the fundamental rights and freedoms of individuals/citizens.

4.3.2. Constitution, Democracy and Human Right Experiences in Ethiopia

The 1931 First Written Constitution of Ethiopia

The 1931 constitution was the first written constitution in the Ethiopian history. However, it doesn't mean that a new philosophy was introduced to the Ethiopian political system. Instead, it was simply an attempt to 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 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", i.e 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.

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 guarantee popular sovereignty, political freedoms and fundamental human rights to the Ethiopian people. And the people were considered as subjects as they used to be, without granting any kind of political and civil rights. In general the constitution was formulated/ 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, Haile Selassie 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 Haile Selassie by extending his power over the regional rulers.* In other words the constitution was meant to create a legal framework that enabled the Emperor to 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 constitution served the interests of the Emperor. 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.

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

➲***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 (Yehig Memria Miker Bet). These were the legislative body. The Emperor had the power to appoint members of the chambers of senate from the members of dignitaries (Mekuwanints) who have for a long time served his empire as princes or ministers, judges or army leaders while the Chamber of Deputies (Yehig Memria Meker Bet) were to be elected through an indirect voting system in which only the nobility participated until the people are capable of electing them themselves. Their term of office was not limited. The primary function of the deliberative chambers was advisory. It was not an institution that decides on laws because the chambers could neither refuse to deliberate on proposal sent to them nor initiate legislation themselves. The law making power was vested on the emperor and the parliament was merely meant to rubber stamp the legislation of the Emperor.

➲***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 minister of finance during deliberations in the Chamber of Deputies and in the Senate, whose resolutions shall be submitted for the approval of the Emperor. In practice, however, the assignment of budget as indicated in the constitution had not been properly implemented.

➲***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. There was no prime minister; the ministry of pen acted as the first among equals. Thus, the executive branch of government was heavily dominated by the Emperor.

➲***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 one deals with both 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.

The 1955 Revised Constitution

After nearly 25-years experiment of written constitution, Ethiopia entered into the second phase of its constitutional development. The political principles and objectives of the 1955 constitution were much *clearer in pronouncing the powers and functions of the Imperial government than its predecessor*. It included some provisions bearing advanced democratic ideas compared to the previous written 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 25 years in power, i.e. silver jubilee.

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*. 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.

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 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 the prime minister and other ministers, judges, diplomats, and other 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. He was also provided with co-legislative functions. Besides members of the parliament, only the emperor had the right to submit proposals; and proposals approved by both house of parliament were not law unless and until signed by him. Thus, the emperor has veto power on legislation and when parliament was not in session the government issued imperial decrees. The emperor was not only commander in chief of the army forces but was constitutionally empowered to meet threats to the defense or integrity of the empire. The emperor exercised supreme direction in the foreign relations of the empire and alone conferred and withdrew titles of prince and other honors and instituted new orders. 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. In contrast, little significance was attached to the need to guarantee political and human rights of the Ethiopian people through 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, it is possible to 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.*

The Constitution of Peoples Democratic Republic of Ethiopia (PDRE) (1987-1991)

In order to deepen its power, the Derg established its single party, the Workers' Party of Ethiopia (WPE) in 1987. This has marked the transition from no party system to the one party system in Ethiopia. Nevertheless, this did not give rise to democratic orders. Through eliminating or weakening internal opposition, the Derg moved on establishing the Peoples' Democratic Republic of Ethiopia (PDRE).

The PDRE constitution differed from the previous constitutions in some ways. (1) *It was drafted by a constitutional commission* through a program of public "consultation". (2) It *was later on ratified by the name of a popular referendum* to provide it pretext of broad participation. However, the discussions were not effective as planned because the public was in the state of insecurity and intimidation. Discussions were carried out on matters of peripheral importance and nobody dared to express his/her opinion on issues of central importance such as political and ideological matters. The overall objective of the 1987 constitution was the establishment of a proletarian dictatorship under the WPE. Following that the constitution put all three branches of the government under the strict control of the party.

Under the 1987 constitution there was *no separation of powers* but unity of power following one of the basic principles of *socialist constitutionalism*. Power was totally in the hands of Mengistu Hailemariam and/or the WPE but allowing separation of functions only. In other words, what is desirable in a socialist set up is the delineation of the competence and practical activities of the different state organs and not separation of powers used in the capitalist political system.

The PDRE constitution has divided the unified state power among the National Shengo, the Council of State, and the President of the Republic and Shengos of the Administrative Autonomous regions. Theoretically, the National Shengo was the most important organ exercising the most significant functions of the state of the PDRE. Accordingly, the working people exercise their power through the National Shengo and Local Shengos they established through election. The authority of other organs of the state shall derive from these organs of state power. Thus, the National Shengo was the supreme organ of state power through which the sovereignty of the working people would be manifested.

The council of state was meant to be an organ of state power functioning as a standing body of the *shengo*. The council was given the power, *inter alia* to ensure the interpretation and implementation of the constitution including other laws; ratify and denounce international treaties; grant amnesty, citizenship, and political asylum; and to issue special decrees between sessions of the National Shengo. *The President of the Republic was to be elected by the National Shengo*, and vested with broad powers. He was the head of state representing the Republic at home and abroad as well as the commander in chief of the Armed forces.

Matters pertaining to citizenship and fundamental freedom, rights and duties of citizens were given better coverage in the 1987 PDRE constitution compared to the way they were treated under the previous constitutions. To mention but few of the concerns, irrespective of their nationality, sex, religion, occupation, social or other status the constitution has provided that *Ethiopians are equal before the law*. This equality was to be manifested through equal participation in political, economic, social and cultural affairs. Moreover, the constitution came up with *women's rights* which until then had never been reflected in Ethiopian constitutions. It also set the duty to provide women with special support particularly in education, training, and employment so that they participate in political, economic, social, and cultural affairs on equal basis with men.

In Contrary to the previous constitution, the 1987 PDRE constitution explicitly states the separation of state and religion. So it appeared to be a meaningful solution to problem related to inequalities among nationalities in Ethiopia. The establishment of the Institute of Nationalities was assumed by many as a prelude and by the Derg to ending the civil wars. However, the most the Derg could offer was regional autonomy, as is unable to implement genuine decentralization of governance.

The 1995 Constitution of FDRE

It affirms that the peoples of Ethiopia are the source of sovereignty. It also explicitly states the rights and duties the two levels of governments i.et clearly declares the areas that purely fall under the jurisdiction of the federal government and regional governments as a well as their concurrent powers. It also states 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. For this it 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 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.

Principles of the 1995 FDRE Constitution

Some of the fundamental principles of the contemporary constitution of Ethiopia includes: respecting the fundamental Human and democratic rights of the Citizens at individual and collective levels; and the principle of living together. i.e. the principle of peaceful co-existence on the basis of equality and without any ethnic, cultural, political, religions, gender, social status, or any other form of discrimination.

Features: (1*) system of Federalism ;*(2) *recognition of diversity* - 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. (6) *parliamentary Democracy*-The use of parliamentary democracy assumes the exercise of freely and fairly contested, periodic elections and representative assembly or assemblies. (7) *the right to self-determination up to Secession; (8) state ownership of Land*- the right to ownership of rural and urban land is exclusively vested up on the state and up on the peoples of Ethiopia. "*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- "all Ethiopian Languages shall enjoy equal state recognition."* (10) *constitutional Interpretation*- i.e. the highest authority, of interpreting the Constitution is vested up on the House of Federation.

CHAPTER FIVE

OVERVIEW OF ETHICS AND ETHICAL THEORIES

Chapter Introduction

Dear student! In this chapter, you shall discuss ethical theories which include: the consequentialist and non-consequentialist theories of ethics and issues in applied ethics like: development ethics, professional ethics, environmental ethics and public service ethics. In addition the chapter tries to discuss civic virtues.

Chapter objectives

Upon the completion of this chapter, you will be able to:

- ✍ *List competing ethical theories and civic virtues*
- ✍ *Discuss selected issues in applied ethics*
- ✍ Know certain moral values and civic virtues and develop the value of tolerance towards diversity- in a multi-cultural Ethiopia

5.1. Ethical Theories

Ethics is about the rules of personal behaviors accepted by the society. Or it refers to a system of principles which can critically change previous considerations about choices and actions. Or ethics is a branch of philosophy which deals with the dynamics of decision making concerning what is right and wrong; and it is usually broken down into descriptive and normative ethics.

➲**Descriptive Ethics:** descriptive ethics is one form of ethics that describes how people behave and/or what sorts of moral standards they claim to follow and incorporates research from the fields of anthropology, psychology, sociology and history as part of the process of understanding what people do or have believed about moral norms. These theories attempt to explain why people judge things to be good or bad. It is empirically based, aims to discover and describe the moral beliefs of a specific culture.

➲**Normative Ethics:** normative ethics involves creating or evaluating moral standards. It is an attempt to figure out what people should do or whether their current moral behavior is reasonable. Normative Ethics (or prescriptive ethics) attempts to argue for a system of ethics that provides rules that you should follow. For example, if you thought that theft was bad a descriptive ethical theory would explain why you thought it as bad while a normative theory would tell you if you should think that it is bad. Normative ethics is often called *philosophical ethics* search for norms, not in the sense of what is average, but in the sense of authoritative standards of what it "ought" to be. Normative ethics has various theories. Among others, virtue ethics, consequentialist (teleological), and non-consequentiality (deontological) can be mentioned. Let us discuss these major theories of normative ethics as follows.

➊**Virtue Ethics**: can be described as another part of normative ethics. It is described as an alternative approach to ethics altogether. A different explanation of why an action is right or given might be given by a virtue ethicist. For example: a lie is wrong not because of its consequences and not because it violates rules but because of it is not what

a virtuous and honest person would do. It focuses on what sort of people we should strive to be, not what things should we do on individual occasion. 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. It is also believed that the effort to identify and understand their ingredients is the first major step toward the practice of civic virtue which is described in terms of civic dispositions and civic commitments which are two important characteristics required from citizens in democratic society.

Civic disposition refers to the traits of private and public character essential to the maintenance and improvement of constitutional system. It develops through time. Ex. Private Traits include self discipline, respect human dignity, moral responsibilities while public traits include spiritedness, to be cooperative, clemency, civility, compromise. It refers to habits or characters of citizens that are conducive or helpful to healthy functioning and common good of democratic system. It includes all the behaviors and actions that are good, desirable and acceptable. Such behaviors and habits are expected from responsible citizens. Some of civic dispositions are the following:

- **Civility:** is a polite way of acting or behaving towards others. It is the need to respect others. It includes respect and politeness to those with whom one may disagree and requires you to respect the rights of those who are in dispute with you. It is a way of peaceful living and co-existence with others.
- **Self-Discipline:** acting and behaving according to some acceptable standards without external controls and impositions.
- **Individual Responsibility:** fulfilling duties or obligations of citizenship. As we would like to demand and enjoy our rights and benefits, we should also be ready to discharge the responsibility that is expected from us.
- **Civic Mindedness:** It is readiness and desire to give concern to public interest. It is a commitment to give priority to the common good than our private interest and unselfish behavior that enables us to do well and make sacrifice ourselves to the society and to our nations.
- **Open mindedness**: it refers to our willingness to listen to the ideas, views, and arguments of others. It is the tolerance we show to carefully examine what others say or suggest. It is also our ability to express what we feel is in our mind.
- **Compromise:** It is one form of behavior that should be observed in settling conflict peacefully. it involves the readiness and willingness to add something on both sides of the conflict in favor of the peaceful resolution of the problem and its outcomes. It requires giving up some of our position or interests. However, compromise never allows abandoning basic principles and interests.
- **Tolerance:** it is the ability and willingness to accommodate differences in ideas, out looks, views, etc. It is also the heart of peaceful co-existence in diversity. The first important step in tolerance is to positively accept diversity as it is and it also involves recognizing, appreciating, and being patient with others views, ideas, languages, beliefs.

➲**Honesty:** it is the behavior and attitude of not telling and not accepting lies. It is a habit of not cheating or stealing and being free from corruption and dishonesty.

➲**Patriotism:** it is one of the most valuable responsibilities expected from competent and responsible citizens. The attributes of patriotism includes: constitutional patriotism, tolerance and culture of peace, respect for national symbols and a search for true history, safeguarding the country's security and keeping states secrets. The whistle blowers are people who expose wrong doings, unethical activities or criminal acts happenings in their companies, government, neighborhoods and other forms of organizations without identifying themselves as a source.

Civic Commitment refers to the extent of citizens' devotion for truth and carries out responsibility. It includes: to stand for justice, for rights of individuals, and groups, respect the rule of law, and advance common good. It is an active participation of citizens for their personal as well as the common good in a democracy. It is the expressed devotion of citizens for the implementation of the fundamental principles of democracy. In a democracy, the political authority resides in the people. Citizens should be obligated among others, commitment in tax payment, commitment to defend the state from both external and internal threats, commitment to hard working commitment to struggle the multidimensional social evils including poverty, rent seeking, mal traditional practices and views.

❷**Consequentialist (Teleological)**: The term "teleological" is derived from the Greek word "telos" which means end or goal. Teleological theories evaluate actions by the goal or consequences that they attain. Thus, right actions are those that produce the most or optimize the consequences of one's choices, whereas wrong actions are those that do not contribute to the good. Maintains the morality of an action is determined by its consequences. Teleological theories interpret moral judgments as dependent on values and evaluation. Hedonism as a value theory says only pleasure is good as an end. Utilitarianism is hedonistic because it interprets happiness as a balance of pleasure over pain.

❸**Non-consequentialist (Deontological theory)**: Deontological derived from the Greek word, "deon", which means obligation. It claims that the morality of an action depends on its intrinsic nature, on its motives, or on its being in accord with some rule or principle. Actions are intrinsically right or wrong regardless of the consequences which they produce. The "right" or ethically proper action might be deduced from a duty or a basic human right, but it is never contingent on the outcome or the consequences of the action. Deontological theories include both duty-based and rights-based approaches to ethical reasoning. This section will describe some of the competing ethical theories and frameworks and how they might be applied to solve certain practical moral problems:

5.2. Approachs to Understand Ethical Theories

We can understand the above mentioned theories of ethics by the following approaches.

➲**The Utilitarian Approach (the greatest good for the greatest number):** utilitarianism attempts to maximize good for the greatest number of people. It was conceived in the 19th century by Jeremy Bentham and John Stuart Mill to help legislators determine which laws were morally best. Both Bentham and Mill suggested that ethical actions are those that provide the greatest balance of good over evil. The ethical choice is the one that produces the greatest excess of benefits over harm. An action or policy is right if it produce the greatest net benefits or the lowest net costs. Utility refers to the net benefits (of good) created by an action. Moral principle of utilitarianism is persons ought to act in a way that promotes the maximum net expectable utility, that is, the greatest net benefits or the lowest net costs, for the broadest community affection by their actions.

Utilitarianism argues that the consequences of an action make an action either moral or immoral. An action that leads to beneficial consequences is right or moral; one that leads to harmful consequences is wrong or immoral. The utilitarian approach strives to increase by way of choices, the' good over the bad that is done in any situation. It argues that the consequences of an action make that action either moral or immoral. Utilitarianism holds that an action is morally justified to the extent that it 'maximizes benefits and minimizes harms or costs. Thus, the one moral thing to do in any situation is that action that can be reasonably seen to provide the greatest net benefit, when the expected costs are' subtracted from the expected benefits. The more an action maximizes net costs or net harm, the more immoral it becomes. Thus, utilitarianism calls "the greatest good for the greatest number of people".

Utilitarian usually state that the greatest good means the greatest happiness. Your moral duty is to maximize human happiness and to minimize unhappiness. They back up this claim by pointing out 'that everybody wants to be happy; it is the one universal thing that everybody desires and agrees as good. Equated happiness with pleasure while unhappiness with pain. A life of pleasure is a happy life, and a life of pain is an unhappy one. It is important to note that utilitarianism does not say that the moral action is the one that maximizes the benefits or happiness of the person doing the action. It must be the benefits and happiness of all each person counts equally. Any attempt to use utilitarianism to justify selfish behavior at the expense of the greatest good for the whole society would be a misuse of the doctrine. Another common misconception is that utilitarianism takes into account only the immediate consequences of an action. This is wrong; utilitarianism clearly states that all consequences must be counted, and this includes both short-term and long-term consequences.

To analyze an issue using the utilitarian approach, we first identify the various courses of action available to us. Second, we ask who will be affected by each action and what benefits or harms will be derived from each. And third, we choose the action that will produce the greatest benefits and the least harm.

➲**The Rights Approach:** the right approach to ethics has its roots in the philosophy of the 18^{th} century thinker Immanuel Kant, who focused on the individual's right to choose for himself. According to these philosophers, what

makes human beings different from mere things is that people have dignity based on their ability to choose freely what they will do with their lives, and they have a fundamental moral right to have these choices respected. People are not objects to be manipulated; it is a violation of human dignity to use people in a way they do not freely choose. These rights may include free choice, dignity, equality, truth, privacy and the right not to be injured. Ethical behavior ground in a rights approach protects people from having their rights harmed by the actions of others.

The Rights Approach stresses the protection of moral rights. These rights may include free choice, dignity, equality, truth, privacy and the right not to be injured. Ethical behavior ground in a rights approach protects people from having their rights harmed by the actions of others. Of course, many different, but related, rights exist besides this basic one. Among the others, these rights are discussed as follows.

- ✍ The right to the truth: We have a right to be told the truth and to be informed about matters that significantly affect our choices.
- ✍ The right of privacy: We have the right to do, believe, and say whatever we choose in our personal lives so long as we do not violate the rights of others.
- ✍ The right not to be injured: We have the right not to be harmed or injured unless we freely and knowingly do something to deserve punishment or we freely and knowingly choose to risk such injuries. In deciding whether an action is moral or immoral we must ask, 'Does the action respect the moral rights of everyone?' Actions are wrong to the extent that they violate the rights of individuals; the more serious the violation, the more wrongful the action.

➲**The Fairness or Justice Approach:** the fairness or justice approach to ethics has its roots in the teachings of the ancient Greek philosopher Aristotle, who said that "equals should be treated equally and unequals should be treated unequally." The basic moral question in this approach is: How fair is an action? Does it treat everyone in the same way, or does it shows favoritism and discrimination? Favoritism gives benefits to some people without a justifiable reason for singling them out; discrimination imposes burdens on people who are not different from those on whom burdens are not imposed. Both favoritism and discrimination are unjust and wrong. The ethical choice is the one that treats everyone the same and does not show favoritism or discrimination.

Aristotle, an ancient Greek philosopher (384-322BC), divided the concept of justice into three types: 1) distributive justice, 2) retributive justice, and 3) compensatory justice. Distributive justice, perhaps the most basic kind, concerns the division of benefits and burdens among individuals. These must be distributed fairly. Retributive justice concerns what form of "retribution," or punishment, should be imposed on someone who has done wrong. When we say, the punishment must fit the crime; we are calling for retributive justice. Compensatory justice refers to what kind and amount of compensation someone should receive if they have been wronged. Again, we tend to think that

compensation should in some way be proportional to the degree of damage that has been done to them. The greater the wrong or the greater the damage, the greater should be the compensation.

The principle of fair equality of opportunity obviously means that all forms of racial, sexual, nationality and other forms of discrimination are unjust. It also means that everyone must be provided the same opportunities to qualify for the best jobs and positions. Everybody must be given access to the training and education necessary for success in any competition for favored employment. The Fairness / Justice approach says that people need to be treated equally. If they cannot be treated equally they need to be treated properly based on some criteria. Justice is important ethical standard that involves protecting individual rights, or preventing an injustice to an individual. It also requires us to compare cases to avoid discriminating or treating people differently who are alike in relevant respects. This means treating people fairly.

➲**The Common Good Approach:** this approach to ethics assumes a society comprising individuals whose own good is inextricably linked to the good of the community. Community members are bound by the pursuit of common values and goals. The common good is a notion that originated more than 2,000 years ago in the writings of Plato, Aristotle, and Cicero. More recently, contemporary ethicist John Rawls defined the common good as "certain general conditions that are...equally to everyone's advantage."

The common good approach believes that all actions / decisions should benefit the life of the community. In this approach, we focus on ensuring that the social policies, social systems, institutions, and environments on which we depend are beneficial to all. Appeals to the common good urge us to view ourselves as members of the same community, reflecting on broad questions concerning the kind of society we want to become and how we are to achieve that society.

Individuals own good is parallel with the good of the community, members are bound by the pursuit of common values/goals. The common good approach believes that all actions / decisions should benefit the life of the community. Laws, public safety, peace among nations, a just legal system, an unpolluted environment, hospitals and health care are all artifacts of the common good approach. When acting from a common good point of view you need to be aware of how your actions will effect or benefit the community at large.

The Virtue Approach (Aristotelian Ethics): the virtue approach to ethics assumes that there are certain ideals toward which we should strive, which provide for the full development of our humanity. These ideals are discovered through thoughtful reflection on what kind of people we have the potential to become. Virtues are attitudes or character that enables us to be and to act in ways that develop our highest potential. They enable us to pursue the ideals we have adopted. Honesty, courage, compassion, generosity, fidelity, integrity, fairness, self-control, and prudence are all examples of virtues.

Virtues are like habit; that is, once acquired, they become characteristic of a person. Moreover, a person who has developed virtues will be naturally disposed to act in ways consistent with moral principles. The virtuous person is the ethical person. The Virtue approach is similar to the Rights Approach in that it aims for ideals/ ethics. These ideals then provide for the full growth of people. The virtue approach focuses on truth, humanity, courage, kindness and equality when making decisions and carrying out actions. Virtue ethics claims that the main task of ethics is to give us knowledge of what is the right type of person, or what is a "good" person. Virtue ethics asks: what kind of character must a person have to be a moral human being? The most famous proponent of virtue ethics was Aristotle, the ancient Greek philosopher. Aristotle stated that a morally virtuous person is one who constantly and habitually acts the way a human being. For Aristotle, a moral virtue is the disposition or tendency to do the right thing and avoid doing wrong. We develop this disposition over time and through training. In other words, a good character is an achievement, not a natural endowment.

"Doing right" becomes second nature to us, if we have developed our moral character properly. We must strive to achieve a virtuous character, and we do this by constantly practicing the virtues and thereby developing a good character.

What exactly is a moral virtue? For Aristotle, moral virtues follow from our nature as human beings. Virtues enable human beings to act in accordance with our "essence" or human nature. The thing that distinguishes humans from all other creatures is our ability to reason. Therefore, the virtues are those traits or characteristics that enable us to act according to reason. We must act in a reasonable fashion. A person who leads a life of moderation, avoiding deficiencies and excesses, leads a virtuous life, and therefore will be "happy" or fulfilled in his or her life.

The four fundamental moral virtues according to Aristotle are courage, temperance, justice and prudence. A courageous person shows just the right amount of bravery and displays a virtuous character. Only reason can tell us what is exactly the right amount of bravery, and once it does, a person must practice and develop the virtue of courage so that acting courageously becomes habitual. Justice is the virtue of giving other people exactly what they deserve, neither more nor less. Aristotle would say that only reason can tell us what is just, and only constant practice in treating others justly can build a virtuous character, so that we habitually treat others in a just manner.

There are numerous other virtues that could be mentioned, although the four mentioned above are the most central ones to Aristotle. Additional moral virtues include: trustworthiness, honesty, generosity, civility, sincerity, gentleness, reliability, warmth, dependability, cooperativeness, empathy, tact, kindness, tolerance, benevolence, etc. There is rather widespread agreement across many differing cultures and religions on a number of basic virtues. Virtually no one, for instance, finds cruelty, arrogance, injustice, cowardice, self-centeredness, dishonesty, insensitivity, etc., to be virtues. In dealing with an ethical problem using the virtue approach, we might ask, what kind of person should I be? What will promote the development of character within me and my community?

5.3. Selected issues in Applied Ethics

Applied ethics is part of the specific normative ethics that concerned with crucial aspects of human life and social development. It is the art or science of reflecting on moral dilemmas and moral problems in different social contexts. One of the most influential philosophers in the field of applied ethics, James Childress, defines applied ethics as follows: The terms "applied ethics" and "practical ethics" are used interchangeably to indicate the application of ethics to special arenas of human activity, such as business, politics and medicine, and to particular problems, such as abortions. It also refers to any use of philosophical methods to treat moral problems, practices, and policies in the professions, technology, government, and the like. Among the others, applied ethics can be explained by the following nature of the ethics.

➲**Development Ethics:** the notion of "development" is as equally a moral issue/concept as it is political, legal and economic. Therefore, from the point of view of the study of ethics/morality, there are a number of development related questions /issues that are worth of discussion and analysis. For instance, one might legitimately ask questions like; in what direction and by what means should a society 'develop'? Who is morally responsible for beneficial change? What are the moral obligations, if any, of rich societies to poor societies? In fact, if some is a development ethicist, he /she might even go as far as asking the following deeper and wider questions;

- What should be counted as good or bad development?
- What controversial moral issues might emerge in development policymaking and practice and how should they be resolved?
- How should the burdens and benefits of development be distributed?
- What are the most serious local, national and international impediments to good development? And the like.

At the heart of all the above questions is therefore a moral concern to find out sources for moral assessment of theories and practices of development that exist today and thereby prescribing a morally better way outs for future development. This being the case, studying development ethics would be extremely crucial to identify major areas of moral consensus and controversy on practicing and defining development and eventually develop shared general parameters for ethically based development. As their points of convergence, almost all development ethicists first underline that development practices and theories have ethical and value dimensions hence they must be approached accordingly during analysis of support and criticism. Second, although development is multidisciplinary lacking precise definition they tend to agree on its minimum understanding as reducing human deprivation and misery particularly in the material sense. Third, a consensus exists also on the fact that development planners should seek strategies in which both human well-being and a healthy environment jointly exist (i.e. the issue of sustainable development). A fourth and recently evolving area of agreement is that development strategies must be contextually sensitive. This is so because what constitutes the best means of development depends on a society's history and stage

of social change as well as on regional and global forces. For instance, some might prefer state provisioning while others market mechanisms. Neither could be absolutely bad or good.

Despite all the above points of agreement, however, there are several controversies and unsettled issues on conceptualization and practice of development. This controversy starts with scope of development ethics itself. Development ethics' initial concern was assessing the development ends and means of poor societies (third world societies). The question is should it now go beyond this, there is no consensus. The same trend of controversy exists on how to deal with kinds of currently existing North-South relations and their effects on economic and political power gaps. Development ethicists also are divided the moral norms that they seek to justify and apply. Three positions have emerged in this regard. Universalists, such as utilitarians and Kantians, argue that development goals and principles are valid for all societies. Particularists, especially communitarians and postmodern relativists, however argue that universalism masks ethnocentrism and cultural imperialism. Instead, particularists support what can be called procedural principle which asserts that each nation or society should grow only on its own traditions and decide its own development ethic and path. The third approach in this respect tries to avoid the extremism between the first two positions stating that development ethics should forge a cross-cultural consensus in which a society's own freedom to make development choices is one among a plurality of fundamental norms and in which these norms are of sufficient generality so as not only to permit but also to require sensitivity to societal differences. The above debate in short was on issue of procedure of development-how is it to be brought about? How about on its contents?

There is also an ongoing debate about how development's benefits, burdens and responsibilities should be distributed within poor countries and between rich and poor countries. Utilitarian's prescribe simple aggregation and maximization of individual utilities. Rawlsians advocate that income and wealth be maximized for the least rich (individuals or nations). Libertarians contend that a society should guarantee no form of equality apart from equal freedom from the interference of government and other people. Capability ethicists defend governmental responsibility to enable everyone to be able to advance to a level of sufficiency. Development ethicists also differ with respect to whether (good) societal development should have as an ultimate goal, the promotion of values other than the present and future human good. Some development ethicists ascribe intrinsic value, equal to or even superior to the good of individual human beings, to human communities of various kinds, for instance, family, nation or cultural group. Others argue that nonhuman individuals and species, as well as ecological communities, have equal and even superior value to human individuals. Those committed to 'eco-development' or 'sustainable development' do not yet agree on what should be sustained as an end in itself and what should be maintained as an indispensable or merely helpful means. Nor do they agree on how to surmount conflicts among intrinsic values.

In sum, it is the existence of all the above complicated development oriented ethical issues that directly or indirectly and positively or negatively affect the life of every one of us that justifies studying development ethics via

interdisciplinary and cross-cultural dialogue so that we all could deepen and widen the current consensus and then apply ethical wisdom to enhance human well-being and international development.

➲**Environmental Ethics:** environmental ethics is the discipline that broadly studies the moral relationship of human beings to the environment. It is an ethic that can be the basis of adequate environmental policy. There are many ethical decisions that human beings make with respect to the environment. For example: should individuals continue clearing forests for various consumption purposes? Should individuals continue making gasoline powered vehicles? What environmental obligations do individuals need to bear for future generations? Is it right for humans to knowingly cause the extinction of other species for their own convenience? etc. With a view to develop answers to the above moral questions on environment, three general ethical approaches have emerged over the last 20 years. The following technical terms can be used to describe the approaches: Libertarian Extension, Ecologic Extension and Conservation Ethics. According to libertarian extension approach, the value of liberty must be echoed when we deal with environment too. (i.e. a commitment to extend equal rights to all members of a community). The approach defined community as consist of both non-humans and humans. In view of ecologic extension approach, however, emphasis must not be placed on human rights on the recognition of the fundamental interdependence of all. The point here is that as planet is unified entity that human race alone is not particular significance in the long run. Finally, supporters of conservation ethics approach on the other hand tend to look at the worth of the environment in terms of its utility or usefulness to humans .i.e. the approach argues for the preservation of the environment as long as it has extrinsic value to humans (it is instrumental to the welfare of human beings). In other words, conservation must be understood as a means to an end and purely concerned with mankind and intergenerational considerations. It is this ethic that has been also widely pronounced at the Kyoto environment summit of 1997 and the three agreements reached in Rio in 1992.

Professional Ethics: Profession has now become a very popular term in almost all world countries/societies including Ethiopia partly due to new developments in the relations between citizens and government as well as citizens each other in the ethical sphere. What then are profession and professional ethics? The concept profession, though it may mean different things under different contexts. It can be generally defined as a systematic way of acquiring and continuous development of a balanced combination of :

✓*Training* (here to mean a formal, rational, systematized and scheduled activity to transfer knowledge and skill from the trainer and the environment to the trainee),

✓*Specialty/expertise* (here refers to a situation in which the trainee ends up with being an almost irreplaceable one/a referent point in a specific field), and

✓*Full time activity and source of livelihood* (to mean that the individual now becomes fully engaged in the application of the knowledge so gained on full time arrangement and that has to be the major source of his/her income). This definition in turn provides us with the following distinguishing features of a profession;

✓*Technicality/specialty/particularity:* which refers to having a knowledge and skill about parts of a whole regarding specific procedures in the operations of things, the specific rules governing operations and relations that should be kept along the general process;

✓*Service delivery:* any profession has the ultimate purpose of rendering some sets of services for individuals, groups or the state;

✓*Decision making:* this feature follows from the above because every service delivered to the people is directly or indirectly a decision made by a professional. For instance, a patient who goes to the hospital may be told by the nurse that he will undergo medical operation. This is a professional decision made by the doctor as a professional and hence cannot be shared by any other people inside or outside. Similarly, to give some professional advice to a political leader at any level of government is by itself a decision because it involves influence over the options before the leader. Any professional decision is an official response of the government to the demand of a citizen who needs the service. It may be a decision to give the service on demand or it may be a rejection due to some failure in the process or it may be a post-phoning until some preconditions are met by the service seeker;

✓*Complementarities:* specialty and particularity cannot be the end points of a profession in this dynamic and interconnected world; requiring vast knowledge and skill in order to resolve a long list of social problems widening ever and ever. As such, there can never be an encyclopedic type of profession which contains all needed professional services by the people. This is so because an average citizen may demand a dozen of services at one time as a matter of right. For example, a man who wants to build his house may need service from a planner, then an architect, then a consultant, then a banker then a designer and so on. It is thus becomes clear that all these services cannot be full field at one instant and location as they are fragmented and naturally belong to different professionals. This necessitates for the complementarities of all professions.

From all the above discussions profession and its salient features one can safely argue that if someone does not possess a combination of the above defined elements of profession in their right balance and with the stated distinguishing features then he/she is better considered as having been engaged not in profession but rather amateurism - a condition in which someone might earn life by engaging in activities where he/she has no formal/regular training and clearly defined area of expertise. Furthermore, it can be generally argued that a good profession is a whole time self-education once the fundamental knowledge are gained from formal educational institutions because these are beginnings for a more tiresome and difficult development of personality by one's own continued efforts.

Building on the definition of profession, professional ethics can also be generally defined as ethics that enables professionals of different fields to distinguish what is right from what is wrong using morality as standard of evaluation and thus judge on their actions and behaviors. It follows that Professionals are expected to behave and act in accordance with the codes of conduct each profession demands. In other words, professional ethics is concerned

with the moral issues that arise because of the specialized knowledge that professionals attain, and how the use of this knowledge should be governed when providing a service to the public. What this in turn implies is that a meaningful discussion of professional ethics is almost impossible in the absence of the concept of professional responsibility attached to it. i.e. a professional carries additional moral responsibilities to those held by the population in general. This is because professionals are capable of making and acting on an informed decision in situations that the general public cannot as the latter have not received the relevant training. As in all areas of human life, there are values of good and bad in the professional world too. A professional is first and for most never an angel simply because he/she is of a specialty of the most desired type. A professional is a human being as anyone with all human strengths and weaknesses though with a strong tendency to modify them through rational thinking which the training he/she supplied.

5.4. Some Selected Fundamental Codes / Principles of Professional Ethics

Although different professions may have different codes of ethics (example, the Hippocrates oath in the case of Medicine profession) by which respective professionals' actions and behaviors are judged as right or wrong, there are also common codes of ethics applicable across professions. The followings are therefore some of the fundamental codes of ethics universally applicable for all professions:

- Punctuality: a state of being strictly observant of an appointed or regular time. It is a belief that across all professions a worker must always be on time both to come to work place and during the entire work process.
- Honesty and Integrity: refers to the art of telling the truth. Employers/ institutions expect their workers to be honest. Thus, when someone is employed somewhere for a certain job of a given profession, he/she has already entered agreement to his time, knowledge and skill to an institution and hence his/her time, skill and knowledge do not solely belong to him/her but also the institution. So, there is a need to be honest on how to use these resources.
- Confidentiality: a desired tendency of a professional to keep some information that should be kept secret. For example, in the case of medical profession this would entail that a nurse/doctor has to keep secret all the information regarding patients.
- Impartiality (Non–Partiality): an ethical condition in which a professional is expected to treat all clients equally during service delivery without any forms of discrimination. Example a teacher (an instructor) should treat his/her students equally on the basic of their academic performance or achievement regardless of their respective sexual, ethnic, religious etc. grounds.

CHAPTER SIX

ISSUES IN CIVICS AND ETHICS

Introduction

Dear student! This chapter discusses topical issues in civics and ethics. In this last chapter, you shall be introduced with the selected global/international and national issues in civics and ethics. Regarding this, development, democracy and peace and security issues will be briefly discussed.

6.1. Selected Global and National Issues in Civics and Ethics

There are several international and national issues in Civics and Ethics. These include: development, democracy and peace and stability. Let us discuss these selected global and national topical issues of civics and ethics as follows.

6.1.1. Issues on Development

There are various factors which undermining development efforts of many states. These factors/issues are considered as topical issues of Civics and Ethics due to the fact that it undermines socio-economic development of a given state. These include poverty/inequality, hunger, work habit/ethics, begging, gender and affirmative action, climate change, global warming, and sustainable development.

- **Begging and Poverty:** begging is generally viewed as an activity emanated from poverty and destitution. It is practiced to obtain from others what one is unable to get by oneself. It is a request directed to the rest of the society to bring oneself out of misery and poverty. It also conceptualized as a method of earning one's living from the income obtained from other sectors of society using age, health and economic conditions as a means of gaining sympathy. The socio-economic conditions of developing countries are characterized by low incomes, high unemployment rates, fast rising cost of living, high rates of population growth and continued rural-urban migration. Conflict, famine and displacement are additional features notably in Africa. These socio-economic pressures in turn resulted in the collapse of traditional social structures and joint families. Poverty has many facets: lack of material necessities and comforts, the multi-problems of the family and individual, dysfunctional behavior. Migration flows from Sub-Saharan Africa are thus occurring within a context of extreme poverty, conflict, and the HIV/AIDs pandemic, all of which impact migration dynamics.

Exploring the causes of the migration patterns in the Horn of Africa is complex due to the fact that there are so many agents present at the same time. The causes of refugee formations in the Horn of Africa including ethnic and religious conflicts, irredentist and separatist-inspired violence, international war between countries in the region, and intervention in domestic conflicts by external powers. Apart from war and political issues, ecological factors are also seen as drivers of population movements in the Horn of Africa. The effects of conflict and poverty issues on migration patterns are

considerable. The conflicts severely damaged agricultural capital, thereby hindering agricultural practices. This, in turn, led to poverty, which caused large migration movements of people seeking better living conditions elsewhere.

The global sustainable development transformation require significant price corrections, a strong commitment to preserving natural endowments, a reduction of inequalities, introduction of environmental accounting, strengthening of public spheres of life, redirection of the financial sector to the real economy and sharing of profit and employment. Transformation along these lines may be expected to increase the well-being of people, especially the poorest. Sustainable development strategies of developing countries will continue to give priority to human development, with the eradication of poverty as its central goal. Human development requires more attention to be directed towards quality issues as well as coherence at the national level.

Human development success depends to a large extent on using the opportunities created by globalization and on minimizing its negative effects. In this context, better management of capital flows and macroeconomic regulations may be necessary and coherence between national development strategies and global decision-making is important. Global institutions have to accommodate the special needs of developing countries, especially those of the least developed countries, the small island developing States, the landlocked developing countries and the countries in post-conflict situations. The global agenda will also need to attach greater importance to human rights, conflict prevention, good governance and reduction of inequality. Thus, both developed and developing countries need to be entered into a virtuous cycle of cooperation and engagement so as to ensure global sustainable development.

- **Gender and Affirmative Action:** there are peoples who traditionally patriarchal and are based on gendered role division. In rural areas, women traditionally have the role in the household economy of engaging in agricultural, trade and domestic services. In the division of labour in tasks such as cloth making, it is evident that women are allocated simple and repetitive tasks such as spinning while the men do skilled tasks such as the weaving. Marriages are traditionally arranged to create further community ties and to increase or maintain the family's social status.

Affirmative action remedies past discrimination, fights present-day discrimination, and promotes diversity in our society. Affirmative action is intended to remedy the effects of discrimination against women and minorities in the labor market. Affirmative action and antidiscrimination policy, in general, may also have broader social benefits, beyond the gains to the specific individuals hired, for instance by expanding networking opportunities for women and minorities. Affirmative action is one of the most effective tools for redressing the injustices caused by historic discrimination against women and minorities.

- **Global Warming and Climate Change:** climate change poses numerous and harsh challenges for sustainable development and its effects will be felt in all regions of the globe, although the intensity of exposure will vary. Degree

of vulnerability will vary even more, with developing countries and the poor, which have contributed the least to global warming, likely to suffer the most. The eighteenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change held in Doha in November and December 2012 again illustrated that climate change mitigation efforts are insufficient. In Doha, countries agreed and launched the second commitment period for the Kyoto Protocol that was commenced from 1 January 2013 and will end on 31 December 2020. However, several countries that had ratified the Kyoto Protocol for its first commitment period withdrew from it and decided not to join the second commitment period. The remaining states parties to the protocol with obligations to reduce greenhouse gas emissions.

The greenhouse gas reduction goals set out in the Kyoto Protocol remain largely unachieved. If the economies in transition are not taken into account, most of the developed countries have failed to achieve their reduction targets. Countries that apparently have achieved their targets have often done so mainly through off shoring greenhouse gas-intensive production operations to developing countries. Meanwhile, since production technologies in developing countries are generally more green-house gas-intensive, off shoring has led to an increase rather than a decrease in the total (global) volume of emissions, thus frustrating the very purpose of the Protocol. Although countries agreed to continue the Kyoto Protocol via the second commitment period through 2020, the post-2020 comprehensive regime, which is to be universal and applicable to all countries, is yet to be negotiated and concluded by 2015.

6.1.2. Issues on Democracy/ Governance

Democracy/ governance issues are also other topical issues of Civics and Ethics. These include corruption and rent seeking, globalization, cultural imperialism, (knowledge/technology transfer), loan conditionality and state sovereignty.

- **Corruption and Rent Seeking:** rent seeking is the attempt to gain access to or control over advantages for receiving rents. In economics, rent-seeking is an attempt to obtain economic rent by manipulating the social or political environment in which economic activities occur. Rent seeking destructiveness stemming from the fact that it diverges and wastes the necessary resources which otherwise could be used to fuel the economy. The two most important rent seeking behaviors in the developing countries are bureaucratic corruption and political violence. Bureaucratic corruption involves several kinds of activities. In addition to accepting bribes from individuals and groups, seeking government favors, bureaucratic corruption also includes theft or the illegal appropriation of public resources by the civil servant, nepotism, illegal taxation by the bureaucrat, and other types of activity that illegally increase the bureaucrat's compensation package.

Rent seeking poses threat credibility of government itself and can decays government structures and capacity. It is a threat to the legitimacy of government itself and has unmitigated negative effect on the hard work of any nation to achieve political and economic development. It repulses investment and discourages foreign aid. Corruption can negatively impact the quality of goods and services produced in a given economy. Some multinationals bribe government officials to win contracts and other patronage; some conspire with government officials to overcharge governments for the supply of goods and services; still others induce government officials with money to give them undue favorable operating conditions over competition such as in the interpretation of tax laws, licenses and fees.

According to the Federal Ethics & Anti-Corruption Commission Corruption Prevention & Research Department of Ethiopia poor governance, lack of accountability and transparency, low level of democratic culture and tradition, lack of citizen participation, low level of institutional control and harmful cultural practices are the major causes of corruption in Ethiopia. As the government posing to launch a new nationwide campaign to fight rent seeking mentality, enhancing public awareness and garnering its active participation must be the central point of its focus and effort. Fighting rent seeking is a two way road which requires both the government leadership and the public active participation.

- **Globalization and Cultural Imperialism:** globalization is the emergence of a complex web of interconnectedness that means our lives are increasingly shaped by events that occur, and decisions that are made, at a great distance from us. The central feature of globalization is therefore, geographical distance of declining relevance, and territorial boundaries, such as those between nation-states, are becoming less significant. Distinct forms of economic, cultural and political globalization can also be identified. Economic globalization is reflected in the idea that no national economy is now an island: all economies have, to a greater or lesser extent, been absorbed into an interlocking global economy. Economic definitions of globalization denote an expansion of the scale of economic activity beyond the nation-state, manifested in the expansion of market relations.

Economic globalization constitutes integration of national economies into the international economy through trade, direct foreign investment (by corporations and multinationals), short-term capital flows, international flows of workers and humanity in general, and flows of technology. As a result, in a globalized world, economic management, decision making, production, distribution, and marketing are organized on a global scale, which limits the nation-state's ability to regulate its own economic interests, and makes national welfare heavily dependent on the international market. In effect, economic globalization essentially comprises the two parallel phenomena of heightened economic interdependence and transnationalism. Globalization begins with a high volume of cross-border transactions, but also implies an increase in the scale of transactions beyond the level of the nation-state.

Cultural globalization is the process whereby information, commodities and images that have been produced in one part of the world enter into a global flow that tends to 'flatten out' cultural differences between nations, regions and

individuals. This has sometimes been portrayed as a process of McDonaldization. McDonaldization is the process whereby global commodities and commercial and marketing practices associated with the fast-food industry have come dominate more and more economic sectors. Cultural globalization is fuelled by the so-called information revolution, the spread of satellite communication, telecommunications networks, information technology and internet and global media corporations. The popular image of globalization is that it is a top- down process, the establishment of a single global system that imprints itself on all parts of the world. In this view, globalization is linked to homogenization as cultural, social, economic political diversity are destroyed in a world in which we all watch the same television programmes, buy the same commodities, eat the same food, support the same sports stars and etc. Globalization has in some ways fashioned more complex patterns of social and cultural diversity in developing and developed states alike. In developing states western consumer goods and images have been absorbed into more traditional cultural practices through a process of indigenization. Indigenization is the process through which alien goods and practices are absorbed by being adapted to local needs and circumstances.

Cultural definitions of globalization focus on the degree to which cultural identities increase in scale, as people shift their allegiance from national or sub-national units to supranational ones. As social relations between peoples are increase worldwide, with events happening at different locations around the globe affecting all the world's peoples and shaping their identities. Thus, as the power gradually shifts in varying proportions above and below the territorial state," cultural identities will follow suit. Globalization implies cultural convergence, which "involves the movement of national populations away from diverse indigenous cultural patterns towards the adoption of attitudes, values and modes of daily behavior that constitute the elements of a more or less common world culture.

Cultural anxiety and turmoil are a consequence of two related but distinct phenomena. First, there are the material and economic effects of globalization and modernity. Among these are urbanization, the appearance of modern consumer goods, and the impact of the mass media, including satellite television, movie cassettes and the internet. These provide a window to and sometimes distorted impressions of the outside world. A second element, western values, is more intangible but often more profound in its impact. These values include, among others, scientific reasoning, secularism, individualism, freedom of expression, political pluralism, the rule of law, equal rights for women and minorities, and openness to change.

➲ **Knowledge/Technology Transfer:** technology can be defined in a narrow or broad way. A narrow version simply refers to the technical information that is attached to a certain technology, i.e. information that is codifiable and accessible through written information, for example documents. This definition is associated with the hardware of production. Broadly, technology is all skills, knowledge and procedures required for making, using and doing useful things. Technology, therefore, includes the software of production – managerial and marketing skills, and extended to

services- administration, health, education and finance. This complexity in which technology can be defined also applies to the transfer of technology. It is important to be aware of technology transfer as far more complex than simply moving technology from one place to another. The capacity to understand and develop new technology is crucial. From this one can understand that technology transfer is not just acquiring of knowledge in production, but also a building of the nation's technological capability.

The difficulties in defining technology transfer stem from the insights that technology is knowledge, not a product. Consequently, there are many aspects in the transfer process that need to be considered and a number of potential "barriers" to overcome. In order for technology transfer to actually be effective and successful, the capabilities of the recipient organization as well as the infrastructure of the wider local context are important. They both impact the extent to which technology can be transferred, further developed and adopted to specific local needs and use. Broadly defined, technology transfer is an effective mechanism to advance the flow of technological development in a developing country's economy. Technology can be marketed in different ways, either as a complete entity or in fragmented ways, meaning that the technological parcel is divided in separate pieces. A number of different factors influence the process of technology import, such as the technological market, the parties to interact with during the process and the contract. It appears that those who buy the technology are often in a weaker bargaining position during these transactions, and by avoiding mechanisms such as supplier financing, their power may be increased. There are structural factors, education and training and capabilities that impact on the success of the transfer as one block. A stable government, managerial effectiveness and objectives form another.

Factors that have been identified as crucial enablers and supporters for successful technology transfer are basically absent in the context of most LDCs. Only if various hinders are holistically addressed and the technology is viewed in its complex, entire context, the transfer will contribute to the social and economic development of industries in the increasingly global marketplace. If the technology transfer process is successfully implemented, it would also lead to an increase in the technological capability of the organization and country to which it was transferred. Hence, the traditional focus of technology transfer was to view it as a process that leads to the acquisition of new technology from one firm to another to improve the technological competence of the receiving firm and increase its internal technological capability.

Loan Conditionality and State Sovereignty and Brain drain: the 1970s and 1980s saw many African countries fall into economic recession, and an increasing role in sub-Saharan Africa for donor agencies attached to European governments (such as the UK's Department for International Development (DFID) and Germany's German Technical Cooperation (GTZ), as well as international institutions such as the World Bank and the International Monetary Fund

(IMF) (known collectively as the Britton Woods Institutions). In a context which saw the fall of the Soviet Union and the demise of socialist systems of governance, adjustment lending, debt scheduling and debt forgiveness were attached to neoliberal economic reforms, privatization of state-owned companies and trade liberalization, otherwise known as structural adjustment programmes (SAPs). With SAPs deemed a failure in the early 1990s, donor policy demands now focused on political reforms, including the establishment of democratic institutions and improving 'efficiency', transparency and accountability of bureaucracies.

The donor-dependent nature of the economy provides the country's so-called development partners with significant policy leverage, and raises questions as to the extent to which any state can claim 'ownership' over its economic policy choices. Liberalization of economies in sub-Saharan Africa and their subsequent integration at regional and global levels saw more power transferred away from central governments to international institutions, regional bodies and local decentralized authorities. For example, poverty reduction strategy, initially seen as a requirement in receiving debt relief through the Heavily Indebted Poor Countries (HIPC) initiative from the IMF and World Bank came to dominate African economic and social policies in the 1990s, while the Millennium Development Goals (MDGs) became a key framework through which donor aid was disbursed and linked to the New Partnership for Africa's Development (NEPAD).

In 1997, the Fund adopted governance guidelines indicating that its conditionalities would cover issues of fiscal and public sector reforms, legal and judicial reforms, accountability in public management, banking and financial sector reforms and informational reforms as a means of "maintaining its macroeconomic policies. The policy space of developing countries was constricted as IMF increased its policy, economic and governance conditionalities. The IMF pervaded all the sectors of the country and the policy spaces were constricted to levels where the national sovereignty was in question. The countries which failed to implement the conditionalities were subject to severe fiscal discipline and these threats to poor countries amounted to blackmail; that poor nations had no choice but to comply. The IMF operates on the assumption of non disclosure; this has implied that they do not ensure that what has been agreed upon is made public, by themselves or the negotiating country.

The SAPs Conditionalities in developing countries include: low one-digit inflation rates, High IMF-determined currency reserve levels, Decreased public expenditure by the Government, Reduced Government budget deficits, Privatization of state owned corporations, Trade liberalization, Labor market reforms, foreign investment deregulation, and focus on production of goods for export rather than domestic production. Programmes of structural adjustment and sectoral policy reform sponsored by the IMF and the World Bank have been less dramatic, but far more pervasive in their consequences. In their boldness and scope these and related interventions have thoroughly discredited traditional notions of sovereignty in many parts of Africa. During the Cold War years good governance and

democracy were not foremost among the concerns of Western aid givers. Good governance conditionalities were not placed on aid money, nor was aid focused on democratization efforts. This statement warrants one big qualification. During the Cold War period there was of course one big conditionality that decided whether a developing country would be the beneficiary of the aid and co-operation of the Western world. This conditionality was anti-communism. To put it crudely, the world was divided into communist and anti-communist blocs (rather than communist and democratic), and this geo-political division – rather than any internal characteristic, such as democracy, human rights, corruption, nepotism, or political repression – would determine aid levels.

6.1.3. Issues on Peace and Stability

Terrorism and piracy are also belongs to topical issues of Civics and Ethics.

Terrorism: the word "terrorism" was first popularized during the French Revolution. In contrast to its contemporary usage, at that time terrorism had a positive connotation. The régime was adopted as a means to establish order during the transient anarchical period of turmoil and upheaval that followed the uprisings of 1789, and indeed many other revolutions.

In the modern age, terrorism often takes the form of assassinations, bombings, kidnappings, hostage situations, hijackings, and armed assaults. Though many of today's terrorist groups use the same time-tested tactics, they increasingly operate in new and unconventional ways. Terrorists typically do not control territory, wear uniforms, carry their weapons openly, or maintain permanent bases. Terrorism is a political strategy whereby groups or individuals use violence against civilian or symbolic targets to persuade a government to change a specific policy. It is not an ideology, a political party, or a goal, but a method of achieving a particular goal. Terrorists seek to disrupt daily life to effect change. They draw their power both from the violence of their activities and from the unpredictability of who a group chooses to target. If anyone anywhere could become a victim of terrorism at any time, frightened citizens might pressure their government to take action. More rarely do governments work to alleviate the causes of terrorism, such as poverty, alienation, and perceived discrimination. Terrorist and terrorism are negative words applied to people who commit appalling crimes. However, most terrorists reject those terms for themselves. They see themselves as freedom fighters, guerrillas, holy warriors, or martyrs rather than terrorists.

Piracy: in order to understand and frame piracy, an appropriate definition of piracy is required. However, the definitions given for piracy in different literatures are often synonymous with the concepts of privateers and buccaneers are often considered being one and the same. For this reason, a conceptual clarification and distinction would be made about acts of maritime piracy, buccaneers, privateers and robbery at sea in this teaching material. There is no authoritative definition of international piracy. But to be an essence of a piratical act is violence committed at sea or closely connected with the sea by persons not acting under proper authority. Similarly, unauthorized act of violence

committed on the high seas is understood as piracy by some public service in view of the fact that it committed irresponsibly for plundering, murdering of persons, destruction of goods and attacking vessels for personal enrichment.

Piracy is an act of boarding or attempting to board any ship with the apparent intent to commit theft or any other crime and with the apparent intent of capability to use force in the furtherance of that act. This includes actual or attempted attack whether the ship is berthed, at anchor or at sea. Piracy is indiscriminate taking of property (or persons) with violence, on or by descent from the sea. Pirates are posing several risks. These include threats to commercial shipping and national and global trade, humanitarian aid deliveries, national, regional and international security.