Chapter Four:
State, Government and Citizenship

Defining State

The term ‘state’ has been used to refer to a bewildering range of things: a collection of institutions, a territorial unit, a philosophical idea, an instrument of coercion

from 1 an idealist perspective,

2 a functionalist perspective,

3 an organizational perspective and

4 an international perspective.

The idealist approach to the state is most clearly reflected in the writings of Hegel.

- Hegel conceived of the state as an ethical community underpinned by mutual sympathy – ‘universal altruism
- **Functionalist approaches**

  The central function of the state is invariably seen as the maintenance of social order
- the state being defined as that set of institutions that uphold order and deliver social stability.

  who have been inclined to see the state as a mechanism through which class conflict is ameliorated to ensure the long-term survival of the capitalist system.

The organizational view

- defines the state as the apparatus of government in its broadest sense; that is, as that set of institutions that are recognizably ‘public’, in that they are responsible for the collective organization of social existence and are funded at the public’s expense.

- The virtue of this definition is that it distinguishes clearly between the state and civil society.
- The state comprises the various institutions of government: the bureaucracy, the military, the police, the courts, and the social security system and so on; it can be identified with the entire ‘body politic

- The organizational approach allows us to talk about ‘rolling forward’ or ‘rolling back’ the state, in the sense of expanding or contracting the responsibilities of the state, and enlarging or diminishing its institutional machinery.

- **The international approach**
- the international view deals with the state's outward-looking face, its relations with other states and, therefore, its ability to provide protection against external attack.
- The classic definition of the state in international law is found in the Montevideo Convention on the Rights and Duties of the State

- **Population**: Since state is a human association, the first essential element that constitutes it is the people. How much people constitute state? No exact number can be given to such a question. The fact is that the states of the world vary in terms of demographic strength.

Defined Territory:

- There can be no state without a territory of its own. The territory of a state includes land, water, and airspace.

- The territorial authority of a state also extends to ships on high seas under its flag as well as its embassies and legations/diplomat's residence in foreign lands.

- It also possible that states may be in the form of islands as Indonesia, Philippines, and Japan. It is, however, certain that the boundary lines of a state must be well marked out.
- This can be done either by the geographical make up in the form of division by the seas, rivers, mountains, thick forests, deserts, etc., or it may be done by creating artificial divisions in the form of digging trenches or fixing pointed wire fencing.

Government

- Government is said to be the soul of the state. It implements the will of the community. It protects the people against conditions of insecurity.
- If state is regarded as the first condition of a civilized life, it is due to the existence of a government that maintain law and order
- The government of a state should be so organized that it enforces law so as to maintain the conditions of peace and security.
- The form of government may be monarchical, aristocratic, oligarchic, democratic, or dictatorial and the like, what really needed is that
- if there is no government, there is anarchy and the state is at an end.

•Sovereignty:

- As already pointed out, sovereignty is the fourth essential attribute of the concept state. It is the highest power of the state that distinguishes it from all other associations of human beings. Sovereignty

- Internal and External. Internal Sovereignty implies that inside the state there can be no other authority that may claim equality with it. The state is the final source of all laws internally.

•Recognition

as the fifth essential attribute of the state. This is because, for a political unit to be accepted as a state with an 'international personality' of its own, it must be recognized as such by a significant portion of the international community.

- the desire of coming in to effect of the legal and political results of recognition. Likewise, for a government of a state to be formally to act on its behalf, the government must be recognized as legitimate government of the state by other governments.

Rival Theories of State

- There are various rival theories of the state, each of which offers a different account of its origins, development and impact on society.

1 The Pluralist State

- The pluralist theory of the state has a very clear liberal lineage. It stems from the belief that the state acts as an ‘umpire’ or ‘referee’ in society.

- , the civil service and the military being seen as independent actors in their own right, rather than as elements of a broader state machine.

- Nevertheless, this approach is possible only because it is based on underlying, and often unacknowledged, assumptions about state neutrality. The state can be ignored only because it is seen as an **impartial arbiter** or **referee** that can be bent to the will of the government of the day.

2 The Capitalist State

- The Marxist notion of a capitalist state offers a clear alternative to the pluralist image of the state as a neutral arbiter or umpire.

- Marxists have typically argued that the state cannot be understood separately from the economic structure of society.

- This view has usually been understood in terms of the classic formulation that the state is nothing but an instrument of class oppression:

- the state emerges out of, and in a sense reflects, the class system. Nevertheless, a rich debate has taken place within Marxist theory in recent years that has moved the Marxist theory of the state a long way from this classic formulation. In many ways, the scope to revise Marxist attitudes towards the state stems from ambiguities that can be found in Marx's own writings.

The Leviathan State

- The image of the state as a ‘leviathan’ (in effect, a self-serving monster intent on expansion and aggrandizement) is one associated in modern politics with the New Right.

- Such a view is rooted in early or classical liberalism and, in particular, a commitment to a radical form of individualism.

- The New Right, or at least its neoliberal wing, is distinguished by a strong antipathy towards state intervention in economic and social life, born out of the belief that the state is parasitic growth that threatens both individual liberty and economic security.
- The central feature of this view is that the state pursues interests that are separate from those of society (setting it apart from Marxism), and that those interests demand an unrelenting growth in the role or responsibilities of the state itself

- While Marxists argue that the state reflects broader class and other social interests, the New Right portrays the state as an independent or autonomous entity that pursues its own interests.
- In this view, bureaucratic self-interest invariably supports ‘big’ government and state intervention, because this leads to an enlargement of the bureaucracy itself, which helps to ensure job security, improve pay, open up promotion prospects and enhance the status of public officials.
- This image of self-seeking bureaucrats is plainly at odds with the pluralist notion of a state machine

The Patriarchal State

- Modern thinking about the state must, finally, take account of the implications of feminist theory.

- Moreover, feminists have usually not regarded the nature of state power as a central political issue, preferring instead to concentrate on the deeper structure of male power centered on institutions such as the family and the economic system.

for instance, that the idea that the state exercises a monopoly of legitimate violence is compromised by the routine use of violence and intimidation in family and domestic life.

- Whereas instrumentalist arguments focus on the personnel of the state, and particularly the state elite, structuralism arguments tend to emphasize the degree to which state institutions are embedded in a wider patriarchal system.

- Welfare may uphold patriarchy by bringing about a transition from private dependence (in which women as ‘home makers’ are dependent on men as ‘breadwinners’)
- to a system of public dependence in which women are increasingly controlled by the institutions of the extended state.

The Role of the State

- Contrasting interpretations of state power have clear implications for the desirable role or responsibilities of the state.

- Even revolutionary socialists, inspired by the Leninist slogan ‘smash the state’, have accepted the need for a temporary proletarian state to preside over the transition from capitalism to communism, in the form of the ‘dictatorship of the proletariat’.
- Nevertheless, there is profound disagreement about the exact role the state should play, and therefore about the proper balance between the state and civil society.

Among the different state forms that have developed are the following:

- Minimal states
- Developmental states
- Social-democratic states
- Collectivized states
- Totalitarian states
- Religious states

Minimal States

- The minimal state is the ideal of classical liberals, whose aim is to ensure that individuals enjoy the widest possible realm of freedom.

- This view is rooted in social-contract theory, but it nevertheless advances an essentially ‘negative’ view of the state.
- From this perspective, the value of the state is that it has the capacity to constrain human behavior and thus to prevent individuals encroaching on the rights and liberties of others.
- The state is merely a protective body, its core function being to provide a framework of peace and social order within which citizens can conduct their lives as they think best..

- The institutional apparatus of a minimal state is thus limited to a police force, a court system and a military of some kind.

Developmental States

- The best historical examples of minimal states were those in countries such as the UK and the USA during the period of early industrialization in the nineteenth century.
- As a general rule, however, the later a country industrializes, the more extensive will be its state's economic role. In Japan and Germany

- A developmental state is one that intervenes in economic life with the specific purpose of promoting industrial growth and economic development.
- The classic example of a developmental state is Japan. During the Meiji Period (1868–1912), the Japanese state forged a close relationship with the Zaibutsu,

- the great family-run business empires that dominated the Japanese economy up until World War II. Since 1945,

Social Democratic (Welfare) States

- social-democratic states intervene with a view to bringing about broader social restructuring, usually in accordance with principles such as fairness, equality and social justice.
- In countries such as Austria and Sweden,

  state intervention has been guided by both developmental and social democratic priorities.
- The key to understanding the social-democratic state is that there is a shift from a ‘negative’ view of the state, which sees it as little more than a necessary evil, to a positive view of the state,.
- The social-democratic state is thus the ideal of both modern liberals and democratic socialists.

Collectivized States

- collectivized states bring the entirety of economic life under state control.
- The best examples of such states were in orthodox communist countries such as the USSR and throughout Eastern Europe.

- These sought to abolish private enterprise altogether, and set up centrally planned economies administered by a network of economic ministries and planning committees. So-called 'command economies' were therefore established that were organized through a system of 'directive' planning that was ultimately controlled by the highest organs of the communist party.

- The justification for state collectivization stems from a fundamental socialist preference for common ownership over private property. However, the use of the state to attain this goal suggests a more positive attitude to state power than that outlined in the classical writings of Marx and Engels (1820–95).

Totalitarian States

- The most extreme and extensive form of interventionism is found in totalitarian states.
- The essence of totalitarianism is the construction of an all-embracing state, the influence of which penetrates every aspect of human existence.
- The central pillars of such regimes are a comprehensive process of surveillance and terroristic policing, and a pervasive system of ideological manipulation and
- . In this sense, totalitarian states effectively extinguish civil society and abolish the private sphere of life altogether.

Religious States

- a religious state is a contradiction in terms.
- The modern state emerged largely through the triumph of civil authority over religious authority, religion increasingly being confined to the private
- through a separation between church and state.
- In the USA, the secular nature of the state was enshrined in the First Amendment of the constitution,
- which guarantees that freedom of worship shall not be abridged, while
- in France the separation of church and state has been maintained through a strict emphasis on the principle of *laïcité*.
- In countries such as Norway, Denmark and the UK, 'established' or state religions have developed, although the privileges
- these religions enjoy stop well short of theocratic rule, and their political influence has generally been restricted by a high

Understanding Government

•What is Government?

- In its broadest sense, to govern means to rule or control others. Government can therefore be taken to include any mechanism through which ordered rule is maintained,.

  It is a body or organ that administers a country and main organization dealing with affairs of the whole country.

  Thus, government is one of the most essential components and also an administrative wing of the state.
- political organization comprising individuals and institutions authorized to formulate public policies and conduct affairs of state..
- Thus, government applies both to the governments of national states,
- for instance the federal government of Ethiopia and to the governments of subdivisions of national states such as the regional states, provinces, and municipal governments, etc.

- **Authority:**

In politics, the word authority implies the ability to compel obedience.

It can simply be defined as ‘legitimate power.’ While power is the ability to influence the behavior of others, authority is the right to do so.

Authority is therefore, based on an acknowledged duty to obey rather than on any form of coercion or manipulation.

Thus, authority is the legitimacy, justification and right to exercise that power.

Authority can be expressed as naked force and terror as was the case in many

- **Legitimacy**:

broadly means rightfulness. Thus, legitimacy is the attribute of government that prompts the governed to comply willingly with its authority.

It confers on an order or commands an authoritative or binding character, thus transforming power in to authority. Thus, legitimacy is the popular acceptance of a governing regime or law as an authority

- **Purposes and Functions of Government**

the main purpose of the state is to protect rights and to preserve justice.

There are several ways to conceive the differences between the different political views.

A lot of institutions can be said to exist only because the government provides the framework for their existence; for instance,

Marxist argue that the institution of private property only exists due to government.

Mostly, the constitutions of various countries codify views to the purposes, powers, and forms of their governments, but they tend to do so in rather vague terms

In general, various countries have translated vague talk about the purposes of their governments in to particular state laws, bureaucracies, enforcement actions, etc.

- The major purposes and functions of government include,

- **Self-Preservation:**
- **Distribution and Regulation of Resources:**
- **Management of Conflicts:.**
- **Protection of Rights of Citizens:**
- **Protection of Property:.**
- **Implementations of Moral Conditions**
- **Provision of Goods and Services:**

Understanding Citizenship

- **Defining Citizenship**
- ***i) Citizenship as a Status of Rights*:**

The mere fact of being a citizen makes the person a creditor of a series of rights.

Each right is often pursued in specific institutional forums: legal/civil rights are mainly exercised in the courts;

political rights are used in voting booths, legislatures and street protests; social rights are often activated or disputed in government buildings.

- Citizenship as a status accords a range of rights and obligations.
- for instance, discovered four components of rights known as
    1. liberty (privilege),
    2. claim,
    3 . power and
    4. immunity.

- ***a) Liberty Right*:**

    is a freedom given for the right-holder to do something and there are no obligations on other parties to do or not to do anything to aid the bearer to enjoy such rights.

- ***b) Claim Rights*:**

  are the inverse of liberty rights since it entails responsibility upon another person or body.

  The duty bearer has to accomplish something that is indispensable for right holders to enjoy the claim rights.
- Liberty and claim rights termed as primary rules, rules requiring that people perform or refrain from doing particular action

- ***c) Powers Rights*:**

- are rights regarding the modification of first-order rights.
- They are cooperative controls that are imposed on others.

- ***Immunity Rights*:**
- Immunity rights entail the absence of a power in other party to alter the right-holder's normative situation in some way.

- ***Membership and Identity*:**
- Citizenship is associated with membership of a political community, which implies integration into that community with a specific identity that is common to all members who belongs to it.
- The criteria for membership have been linked to shared territory, common culture, ethnic characteristics, history, etc.

- ***Participation*:**
- Participation occupies a key position in citizenship. Nonetheless, individuals differ in what approaches they find important –
- some people focus on their private affairs while others actively participate in the life of the society, including politics.
- There are two approaches in this regard; minimalists and maximalists.

- ***Inclusion and Exclusion***:

- All individuals living in a particular state do not necessary mean that all are citizens.
- For instance, there are non-citizens visiting, working and living in Ethiopia branded as foreigners/aliens.
- Foreigners have the likelihood of staying in the territorial administration of Ethiopia as far as they have authorized visas.

Theorizing Citizenship

- Citizenship is not an eternal essence rather a cultural artifact mold by people through time and that is why the notion of citizenship and the meaning attached to it changes with the change in political thoughts, ideologies, policies and government.

- other States acknowledge government intervention in the market. Besides, all citizenship rights haven't got institutional recognition at the same period.

- Citizenship obligations vary too, ranging from States where military service is required (like Eritrea and North Korea)
- to those states (including Ethiopia) where every citizen, under normal circumstances, is not obliged to take military trainings or serve.

- As a result, various citizenship theories emerge out of such historical trajectories.

Citizenship in Liberal Thought

- Liberal theory of citizenship begins with the individual person (the self).

- Hence, in liberalism the primary political unit as well as the initial focus of all fundamental political inquiry is the individual person.
- Liberals insist that individuals should be free to decide on their own conception of the good life, and applaud the liberation of individuals from any ascribed or inherited status. Advocators of this though argue that individual citizens act rationally, corresponding to the constitutions and laws of the State, to advance their own interests.

- John Locke (1960), one among the influential early expositors of liberal theory, viewed individuals as endowed with reasoning skills, through which they can discern and act upon the dictates of divinely given natural law.

Critics of Liberal Theory of Citizenship

- First, how can individuals be/are prevented from destroying each other and from destroying the basis of their mutually beneficial interaction?
- Second, liberalists affirmatively valorize the privatization of personality, commitment, and activity. Hence, the problem has to do with is the ways in which individuals and their ideas are framed.
- Third, as we have seen in the above, individuals have absolute freedom either to actively engage in politics or ignore at all.

Deducing from this, the citizens do not only have the right to participate in the political affairs of their country but also the right not to engage in it and then retreat into their private pursuits if they wish..

- Fourth, liberalists justify that inequalities arise out of differences in individual talents, values, and choices – differences, moreover, that the State cannot seek to efface without endangering citizens' liberties.
- Finally, liberalism posits a State that maintains substantial normative neutrality. In this conception, the liberal State should neither choose among competing visions of the good society nor place its thumb on the scales in other ways, such as redistributive policies, that favor particular visions.

Citizenship in Communitarian Thought

- Communitarianism is as an approach emphasizes on the importance of society in articulating the good.
- The communitarian (also known as the nationalist) model argue that the identity of citizens cannot be understood outside the territory in which they live,
- All in all, the two defining features of communitarian perspective are: first, no individual is entirely self-created; instead the citizen and his/her identity is deeply constructed by the society where he/she is a member.
- Newcomers such as children and immigrants to a society must assimilate themselves in order to participate in community activities. Only when an

Citizenship in Republican Thought

- Republican citizenship theory put emphasis on both individual and group rights. Means republican though attempts to incorporate the liberal notion of the self-interested individual within the communitarian framework of egalitarian and community belonging. Like communitarian thought, it emphasizes on what bind citizens together in to a particular community. Citizenship should be understood as a common civic identity, shaped by a common public culture.
- It requires citizens to bring together the facets of their individual lives as best they can and helps them to find unity in the midst of diversity. However, republicans don't pressurize individuals to surrender their particular identities like the communitarian thought. Instead, it is underpinned by a concern with individual obligation to participate in communal affairs

- Republican citizenship has been criticized by scholars who advocate multicultural and other approaches of citizenship.

- The irst is that the republican conception of citizenship is no longer realistic.

- Republican citizenship is an irredeemably nostalgic ideal in this age of globalization

Modes/Ways of Acquiring and Loosing Citizenship

- Citizenship right was one of the rights guaranteed to individuals by the Universal Declaration of Human Rights adopted in 1948. According to Article 15 of the declaration,
- "everyone has a right to a nationality" and that "no one shall be arbitrarily deprived of his nationality." Hence, in the following sections we will discuss the ways of acquiring and loosing citizenship.

- ***Citizenship from birth/of Origin***: individuals can get citizenship status of a particular State either because he/she is born in the territorial administration of that or his/her mother and/or father are citizens of the State in question.
- That is, there are two principles of citizenship from birth commonly known as *Jus Soli* (law/right of the soil) and *Jus Sanguinis* (law/right of blood).
- Whereas *Jus Soli* is a principle whereby an individual is permitted to obtain citizenship status of a particular State because he/she was born in the territorial administration of that country,
- *Jus Sanguinis* is a norm where citizenship acquired claiming one's parents citizenship status
- ***Citizenship by Naturalization/Law***:

  is the legal process by which foreigners become citizens of another country. The common sub-principles of acquiring citizenship through naturalization are the following.

  Political case (secession, merger and subjugation),

  grant on application,

  marriage, legitimatization/adoption, reintegration/restoration.

The Modes of Acquiring Ethiopian Citizenship

- Before the 1930, there wasn't officially inscribed legal document that deals with citizenship. But in 1930 Ethiopia adopted a legal document named as "*Ethiopian Nationality Law*". Recently, this nationality law has replaced by another legal document called "*Ethiopian Nationality Proclamation NO. 378/2003*" which was adopted in 2003 by the House of People's Representatives.
- This proclamation is enacted in accordance to article 6 and 33 of the 1995 FDRE constitution and affirmed that a person can acquire Ethiopian citizenship either by birth or naturalization. Now, let's discuss the modes of acquiring Ethiopian citizenship included in the 2003 nationality proclamation

- ***Acquisition by Descent*:** the 1930 Ethiopian nationality law asserted that "any person born in Ethiopia or abroad, whose father or mother is Ethiopian, is an Ethiopian subject." In its Article 6(1), the 1995 FDRE constitution stated that "any person of either sex shall be an Ethiopian national where both or either parent is Ethiopian

- ***Acquisition by Law (Naturalization)**:* Article 6(2) of the 1995 FDRE constitution also avers that aliens can get Ethiopian citizenship

  Grant on Application (registration

  Cases of Marriage

  Cases of Adoption (Legitimating): this process whereby an illegitimate child get citizenship status of his/her caretaker's nationality.

Citizenship by Special Cases: as it is labeled in Article 8, an alien who has made an outstanding contribution in the interest of Ethiopia may be conferred with Ethiopian nationality by law without undergoing the pre-conditions

Re-Admission to Ethiopian Nationality

Dual Citizenship

- Dual citizenship is the condition of being a citizen of two nations. Of course, a person may acquire more than two States which is called multiple citizenship.

- Duality/multiplicity arises because of the clash among the *Jus Soli*, *Jus Sanguin*i and naturalization. For example, a baby born to a French family visiting the United States would acquire U.S. citizenship by *Jus Soli* and French citizenship by *Jus Sanguinis*.

- A child born from a mother and father of two different countries could acquire dual citizenship through decent. Besides, on the one hand, a State may allow its naturalized citizens to keep their original citizenship, an on the other, a State may refuse its citizen to revoke his/her citizenship for various reasons which are cause for dual/multiple 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

Ways of Loosing Citizenship

- **Deprivation** is an involuntary loss of citizenship which arises while government authorities or court take a decision to nullify an individual's citizenship
- **Lapse/expiration** is another way of losing citizenship which is not applicable to Ethiopia. Lapse is a mode whereby a person loses his/her citizenship because of his/her permanent residence or long term residence abroad beyond the number of years permitted by the country in question.
- **Renunciation** is the voluntary way of losing citizenship. The UDHR (1948) guarantees the right of a person to change his/her nationality. Loss of citizenship is voluntary only if it is intended and initiated by the individual concerned.
- **Substitution:** citizenship may be lost when the original citizenship is substituted by another state, where it is acquired through naturalization. On the other side, this may also take place when a particular territory is annexed by another state;
- **Statelessness** Statelessness is the condition of having citizenship of any country and with no government from which to ask protection. According to the international law, stateless person is a person who is not considered as a national by any state under the operation of its law

Chapter Summary

- The chapter tries to present the basic notions of state, government and citizenship.

- State is an institutions created to ease the complex relationships and interactions among individuals and groups.
- Government is the administrative wind of that institution which is empowered to take care of the business of the state.
- Citizenship refers to the rules regulating the legal/formal relation between the State and the individual with respect to the acquisition and loss of a given country's nationality.

Chapter Five:

Constitution, Democracy and Human Rights

Constitution and Constitutionalism

‘constitution’ is used mainly in many senses-constitution of a body, constitution of trade union, constitution of political party

Every state must have constitution of its own and that its government must be organised and conducted

according to the rules of the constitution so that the people must have a rule of law, it constitutes the case of constitutionalism.

Peculiar Features of Constitution

- With a few exceptions, all constitutions contain some common elements.
- From Magna Carta of 1215 to today, constitutional documents and traditions take the general form of a contract or an agreement between the ruled and the rulers..
- The following are some of the distinctive features of a constitution.
- **A. Generality**: a constitution provides the general principle of a state and carry on foundation and sets out general framework of the law and the government.
- **Permanency**: unlike laws constitution is made for undefined period of time. That means constitution serve for a long lap of ages. It is purposely made to be stable and permanent

- **Supremacy**: They are supreme laws, taking precedence over all others, and defining how all the others should be made

- **Codified document:** Constitutions are written down; often in a single document that presents the constitution in a systematic manner

- **Allocation of powers:** Constitutions outline the proper relations between institutions and offices of the state, and between government and citizens

Major Purposes and Functions of Constitution

- It serves as a framework for Government
- It Limits the Powers of Government
- It protects individual and collective rights of citizens
- It serves as the Supreme (Highest) Law of a Country
- It provides Government legitimacy /stability
- Constitution Blue Prints for establishing Values and Goals:

Classification of Constitutions

- Constitutions are classified into different categories using different criteria.
- For instance, taking the criteria, form, amendment procedure and degree of implementation/practice,
- constitutions can be classified into the following categories
- **Constitution based on form**

1 written and unwritten constitutions

Constitution based on complexity of amending process

2 as rigid and flexible

- **Constitution based on degree of practice**

1 effective and

2 Nominal Constitution of State.

Based on the kind of state structure

1 unitary and

2 federal constitution respectively

The Constitutional Experience of Ethiopia: Pre and Post 1931

- **Traditional Constitution (Pre- 1931)**

  Kebra Nagast,

  the *Fatha Nagast* and *serate mengest*

The 1931 First Written Constitution

With promulgation of first written form of constitution on July16, 1931 by Emperor Haile Selassie, the era of unwritten form of constitution came to an end.

The constitution reinforced the traditional position of the emperor as '*Siyume Egziabiher, Niguse Negast Za Ethiopia*' which literally means:

Elect of God, King of Kings of Ethiopia' but on the other marked the end of the role of the nobility or at least the gradual reduction of their role in local leadership, the traditional check against the power of the king of kings, to insignificance.

- Internally, the 1931 constitution was intended to provide a legal framework for the suppression of the powerful traditional nobilities to the emperor. The emperor has a deep interest of centralizing the state power in the internal politics of the country.
- This was effectively done by absolutist nature of the constitution. It was designed to unify and centralize all state power in the hands of the monarch. This also marked the beginning of the culmination of the struggle for centralization, which began with the attempt at unification by emperors during the 19th century and reached its consolidation under the absolutist rule of Emperor Haile Selassie to be further reinforced by the military.
- The consequence was the alienation of the bulk of the regional actors leading to the center- periphery polemics

The Revised Constitution of 1955

- When the emperor was restored to the throne by the British in 1941, he used their military and administrative assistance to bolster his own authority against what was left of the Church leadership and the traditional aristocracy.

  Moreover, it was surrounded by African colonies which were rapidly gaining their independence and left by the departing colonialists with varying forms of democratic institutions.

- There were constellations of social and political events that urged the revision of the 1931 constitution.
- The federation of Eritrea with Ethiopia led to the addition of two new documents in to the Ethiopia legal system.
- These were the federal act and the Eritrean constitution.
- The federal act was a document that specified the terms of agreements for the federation between Eritrea and Ethiopia.

- The Eritrean were established their own constitution with the support of UN.

The 1987 Constitution of People's Democratic Republic Ethiopia (PDRE)

- Immediately after came to power, the Dergue setup the Provisional Military Administrative Council (PMAC) type of temporary government.
- The PMAC presented itself for elections through a new party- the Workers' Party of Ethiopia. The party became the vanguard communist party.
- The establishment of the Dergue inevitably brought profound changes in the country. After coming to power the Dergue issued a series of decrees and proclamations that was used as legal rules until the adoption of 1987

In the Article 3, state would control key production, distribution and service enterprises, which legalized the massive nationalization of private businesses after the government came to power in 1974.

However, these, decrees and proclamations cannot be given a constitutional status because it does not touch basic constitutional issues. This may lead us to the conclusion that the time from 1974-1987 was a period of constitutional vacuum in Ethiopia.

- Though it was late, during the Dergue regime a new constitution was adopted in 1987. The regime facilitated the adoption of a new constitution, through a constitutional commission, which was different in its nature form the constitutions of its predecessors.

- The People's Democratic Republic Ethiopia constitution (1987) was different from the 1931 and the 1955 imperial constitutions in that constitution:
- State the political power and sovereignty were declared to be the preserve of the working people of Ethiopia.
- recognized the different cultural identities and the equality of Nation and Nationalities;
- Introduced a party system by giving recognition to the workers party of Ethiopia. Thus, leading to a transition from a none party system to a single party system;
- aimed at the principles of Marxist and Leninist ideology;
- Aimed at giving power to the peoples so that they exercise through referendum, local and national assembly.

The 1995 (FDRE) Constitution

- The FDRE constitution has a wider coverage of both human and democratic rights. Of the total 106 articles of the constitution just about one third (approximately 33 articles) is devoted to the discussion of rights..
- The 1995 Constitution has some salient features. Getahun (2007: 79) mentioned the "introduction of a federal form of governance and the assignment of the competence of determining constitutionality to the second chamber of the parliament" among the other things.
- democracy, development, fundamental rights and freedoms, equality and non-discrimination, sustainable peace and affirmative action in its preamble part.
- In the second chapter, the Constitution gives recognition to

  five fundamental principles; to be precise the principles of popular sovereignty (art. 8), constitutionalism and constitutional supremacy (art. 9), sanctity of human rights (art. 10), secularism (art. 11) and accountability and transparency of government (Art.12).

Democracy and Democratization

- **Values and Principles of Democracy**

  Democracy is a popular political notion in today's world, fair and free elections are the prerequisite of democracy and rule of the law,

  The respect of fundamental freedom and fundamental rights, elections, citizen's participation, equality, rule of law,

- separation of powers, democratic pluralism, and multi-party political system are principles of democracy.
- Hence, democracy is more than just a set of specific government institutions;
- There are three core values that are central in the discussion of the concept of democracy.

  These are values of **liberty/freedom**, **justice** and

- **Popular Sovereignty**

  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.

  . Such decisions are made within the framework of regular elections and include the choice of who should be elected to public office and what laws should be passed by legislative bodies.

Constitutional Supremacy

This is a principle that puts the constitution at the highest level in the hierarchy of laws.

. They are supreme laws, taking precedence over all others, and defining how all the others should be made

- **Rule of Law**

  There are two aspects of the rule of law that are important.

  First, the law should govern the people and the people should obey the law. And second, the law must be capable of being obeyed (‘good’ laws). This made the rule of law different from ‘rule of men’.

Secularism

Secularism referred to as an approach that asserts to dismiss or ignores God, the divine, the supernatural, and other religious viewpoints when discussing or participating in politics.

. In church and state matters, secularists demand a strict separation of religion and politics, keeping prayer and religious instruction out of government, public schools, and other common

- **Separation of Powers**

The doctrine of separation of powers refers to the idea that political power should be divided among several bodies or officers of the state as a precaution against too much concentration of power.

Most of the literature on federalism has emphasized the relationship between national and sub-national governments but overlooked the organization of sub-national powers.

Free, Fair and Periodic Election

In order to establish democratic government, first the election should be free means all interested parties to the election should get the chance to participate in the election.

Majority Rule Minority Right

- After conducting democratic election, those who gets the majority vote will establish a government.

- The policies, programs and decisions of the majority will govern the country while the right of the minority respected

Protection and Promotion of Human Rights

Human rights are those naturally given values that reflect respect for human life and dignity hence their protection and promotion test the legitimacy and constitionality of a democratic government

Multiparty System

- Democracy also requires having several political parties working together in one political system.
- These political parties should get equal constitutional guarantee, support and treatment to compete for elections and present their offer freely to the voters.

Actors of Democratization

- **Political Parties**
- **Media**
- **Civic Societies**

– **Human Rights: Concepts and Theories**

What Are Human Rights?

Human rights are basic to humanity. They apply to all people everywhere.

An understanding of human rights is an important part of our individual status as human beings and of our collective status as members of the global community of humankind

The Universal Declaration of Human Rights (UDHR, Article 2), stipulates that human rights belong to every human being “

without distinction of any kind, such as

race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Art. 2).

. Human rights are established upon some main principles including universality,
inalienability,
indivisibility and interdependence.

human rights are **universal**, it is to show their worldwide applicability

- Human rights are **inalienable**. That means you cannot lose these rights any more than you can stop to be a human being

- Human rights are **interdependent and interrelated**. This is to mean that all rights have equal weight/importance and it is not possible for one to fully enjoy any of his/her right without the others

Human Rights and Responsibilities

- Human rights involve responsibility and duties toward other people and the community.

- This is clearly states in various human rights instruments and resolutions issued by the UN including the UN Charter, Universal Declaration of Human Rights (UDHR),
- International Covenant on Civil and Political Rights (ICCPR),
- International Covenant on Economic, Social and Cultural Rights (ICESC),

  Convention on the Rights of Children (CRC), Convention on all forms Discrimination against Women (CEDAW) and the Paris Principles.

- **Landmarks in Development of Human Rights**

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Categories of Human Rights

First, Second and

Third generation rights.

1 Civil and Political Rights

the first generation rights which uphold the sanctity of the individual before the law and guarantee his or her ability to participate freely in civil, economic, and political society.

2 Social and Economic Rights

the second generation (social, economic, and cultural) rights

Social and economic rights

include such rights as

the right to education, health and wellbeing, work and fair remuneration, form trade unions and free associations, leisure time, and the right to social security

Development and Environmental Rights

- Third generation (solidarity) rights are aimed to guarantee that all individuals and groups have the right to share in the benefits of the earth's natural resources, as well as those goods and products that are made through processes of economic growth, expansion, and innovation

- Third Generation (solidarity) rights include rights to public goods such as the right to development, the environment and peace. The third generation rights are still considered as an emerging rights, where the rights holders and duty bearers of the rights included under this category are yet to be identified clearly

The Ethiopian Human Rights System

- The FDRE Constitution classifies human rights as one of its five fundamental principles and declares
- that human rights and freedoms, emanating from the nature of mankind, are inviolable and inalienable and that the human rights of citizens and peoples are respected.
- The Constitution further empowers all Federal and State legislative, executive and judicial organs at all levels with the responsibility and duty to respect and enforce the Constitutional provisions of human rights.
- The FDRE Constitution has established a national human rights

  These rights cover civil and political rights (arts. 14 to 38), socio-economic rights (arts. 41 to 42) and group rights (arts. 39, 43 and 44).

  About one-third of the Constitution is devoted to enshrining fundamental rights and freedom

Chapter Summary

- Human rights, constitution/alism and democracy are some of the core concerns of this course.
- Human rights are explained in the first section as entitlements with both legal and social recognition.
- The Universal Declaration of Human Rights associates human rights with "the highest aspiration" of the common people, and proclaims itself to be a "common standard" for all.
- Human rights are also recognized and stipulated in our FDRE Constitution in similar manner.
- Thus, the realization of all human rights is not a matter of choice for states and non-state actors working in the area, it is rather an obligation must be fulfil if citizens have to live a worth living life.


THANK YOU