

UNIT 3: Constitution and Constitutionalism

Understanding Constitutions

A constitution is a crucial document that outlines the fundamental laws and principles governing a country. It serves as the supreme law and defines the structure of government, the rights of citizens, and the responsibilities of officials.

Types of Constitutions

1. Written and Unwritten Constitutions

- **Written Constitution:**
 - **Definition:** A constitution codified in a single document.
 - **Examples:** The constitutions of Ethiopia, the USA, and India.
 - **Advantages:** Easily accessible, helps citizens understand their rights and duties.
 - **Disadvantages:** Often rigid and difficult to amend.
- **Unwritten Constitution:**
 - **Definition:** A constitution based on customs and conventions rather than a single document.
 - **Examples:** The constitutions of the UK and Israel.
 - **Advantages:** Flexible and adaptable to changes.
 - **Disadvantages:** Less accessible to citizens, making it harder to understand rights and duties.

2. Rigid and Flexible Constitutions

- **Rigid Constitution:**
 - **Definition:** Requires special procedures for amendments, making changes difficult.
 - **Examples:** The constitutions of Ethiopia and the USA.
- **Flexible Constitution:**
 - **Definition:** Can be amended by ordinary legislative processes.
 - **Examples:** The constitutions of the UK and Israel.

3. Federal and Unitary Constitutions

- **Federal Constitution:**
 - **Definition:** Distributes power between national and regional governments.
 - **Example:** The 1995 FDRE Constitution of Ethiopia.
- **Unitary Constitution:**
 - **Definition:** Centralizes power in a single national government.
 - **Example:** The constitution of the UK.

Fundamental Principles of a Constitution

1. **Popular Sovereignty:** The people hold the ultimate power and the government must be based on their consent.
2. **Limited Government:** Government powers are restricted by the constitution.
3. **Separation of Powers:** Government responsibilities are divided among different branches (legislative, executive, judiciary) to ensure a system of checks and balances.
4. **Rule of Law:** Everyone, including government officials, must follow the law.
5. **Respect for Human Rights:** The constitution must guarantee and protect the rights of individuals.
6. **Transparency and Accountability:** Government actions should be open to public scrutiny, and officials must be accountable for their actions.

Understanding Constitutionalism

Constitutionalism is the practice of government based on the principles outlined in the constitution. It ensures that the government operates within the framework of the law and respects fundamental rights and freedoms.

Importance of Constitutionalism

1. **Protection of Human Rights:** Ensures that individual rights are safeguarded and prevents tyranny.
2. **Prevention of Abuse of Power:** Provides checks and balances to prevent misuse of power by officials.
3. **Rule of Law:** Ensures that all citizens, including leaders, abide by the law.

Ethiopia's Constitutional History

1. **Traditional Constitutions:** Before 1931, Ethiopia used traditional documents like the Kibre Negest and Fetha Negest, which were based on customs and religious principles.
2. **1931 Constitution:** Introduced by Emperor Haile Selassie I, aimed at consolidating imperial power.
3. **1955 Revised Constitution:** Expanded on the 1931 constitution but still centralized power and lacked democratic rights.
4. **1987 Constitution:** Marked a shift to a republican system but did not fully establish democratic principles.
5. **1991 Transitional Charter:** Introduced by the EPRDF, focused on human rights and self-determination but was short-lived.
6. **1995 FDRE Constitution:** Established a federal system, parliamentary democracy, and detailed protections for human rights.

Summary

A constitution is essential for defining the governance framework and protecting citizens' rights. Constitutions can be written or unwritten, rigid or flexible, and federal or unitary. Fundamental principles like popular sovereignty, limited government, and respect for human rights guide the effective functioning of a constitution. Constitutionalism ensures that governments adhere to these principles, promoting justice and preventing abuse of power. Ethiopia's constitutional journey reflects the evolution of its governance and legal frameworks over time.