

CHAPTER ONE

CIVICS AND ETHICS

CONCEPTUALIZING CIVICS AND ETHICS

Introduction

Civics and Ethics are understood and analyzed in different countries as per their socio-economic and political realities. Given this, civics and ethics are separate fields of academic study in the social sciences dealing with citizenship and morality respectively. While civics is concerned with the study of the legal and political rules governing the relationship between the individual and the state, Ethics deals with the moral rules and values governing an individual's behavior and his/her relations with other individuals in a social group.

1.1 Definition of Civics and Ethics

Civics: the word civics comes from a Latin word “*civis/ civitas*” meaning citizen. Citizen, as commonly stated by scholars, are legally recognized members of a given state. Therefore, civics is an education for citizens concerning the political, economic, cultural, and socio-economic affairs of their country.

Civics education can also be stated as a way of empowering citizens with the knowledge of their country's political system, their rights and duties and their contribution to the wellbeing of their country. It is a way of empowering citizens because it has mainly to do with the fundamental principles for the organization of their country's political system by dealing with the constitution.

Ethics: ethics is commonly defined as the branch of philosophy that studies what constitutes good and bad human conduct, including related actions and values. In this regard, ethics is an area of philosophy, which investigates the principles of governing human actions in terms of their goodness, badness, rightness, and wrongness. It is concerned with discovering the principles that should govern human conduct and with the investigation of normative issues involving value judgments. Therefore, ethical education is a way of identifying or distinguishing good codes of conduct from bad codes of conduct, right actions from wrong actions and acceptable behavior from unacceptable behavior. In this regard, the objective of ethical education is to help citizens develop good codes of conduct and behave accordingly in their day-to-day activities.

1.2 Similarities and Differences of Civics and Ethics

Generally, civics studies the political and legal aspect of the life of an individual citizen where as ethics concerns with the study of the cultural aspect of his/her life. Although civics and ethics are separate academic fields of study, they however share certain commonalities. The following are some examples of the common features of civics (citizenship) and ethics (morality).

1.2.1. Membership to a certain grouping

Membership to a certain grouping is the very essence of both citizenship and morality. In the absence of the concept of membership, both lose their fundamental meanings and status as subject matters to be studied. In civics/citizenship, membership implies the association of an individual citizen to a political and legal community of the highest order (the state) whereas in morality membership denotes the association of an individual into a certain cultural community tied up by common moral and value bonds, whether there is government or not. 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. 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. However, under both conditions membership to a certain grouping is an established common factor.

1.2.2. The Issue of Rights and Obligations

Human beings are social animals under inherent trend to live together in a social gathering. But this social gathering is not any accidental aggregation of individuals without 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 state.

Morality on its part is nothing but a list of values standardizing acceptable and unacceptable behaviors and the disposition of the individual by the cultural group.

Both underscore the fact that the individual person is accountable to rights and obligations mostly set and protected by social forces out of his/her control.

1.2.3. 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 hierarchical structures to apply its control over the behavior of the individual. Based on majority approval, the institution obtains and maintains its legitimacy to rule over the behaviors of the individual member of the group. With the major differences in the authority of the institution, it is commonly responsible to protect civic and moral rights and obligations by applying formal and informal supervisory mechanisms over the individual. While the state through the government and all agencies under its control formally regulate citizenship, institutions such as the church, family, neighborhood and others inspect morality and ethical standards informally. This institutional protection of citizenship and morality helps make relations and actions of individual within a community predictable and subject to proportional rewards and punishments.

1.2.4. The Issue of Interactive Duality

Although citizenship differs from morality in that it is, official, predominantly rational formally regulated in its operation, 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 of the state and its people. Morality, on the other hand, lists recommended prescriptions of good behavior and denounces evil/bad actions as per acceptable standards set by the community but it lacks formality and regularity. 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 community. 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 justifiably adopted moral standards which are applied to govern individual behavior within a political community.

1.2.5. The relative nature of the fields

Both citizenship and morality bear a degree of relativity. The following factors, among others, supply the reason for their relative nature.

i) The relative nature of existing philosophy/outlook of the government

Based on sources of legitimacy for rulers and in the context of citizenship and morality, governments' outlooks could be generally classified as **authoritarian or democratic**. Given this, the conduct of governments makes citizenship to be a relative politico-legal concept and practice i.e. some states are excessively authoritarian thus in their politico-legal arrangements, they give individuals the status of *subjects* –people who have obligations to be performed without rights to be exercised. Besides, under such government systems, personal and group beliefs, religions, cultures, values and attitudes of rulers become equated with national values and moral standards with a wide coverage on the media and the national education system. At present, this outlook of governments is under pressure from global standards of behavior and norms and hence is in transformation towards democracy though exceptions are always there. This in turn gave rise to a relatively modern citizenship and human moral standards of political rules. The same trend of relativity also applies to the conceptualization and practice of morality.

ii) The Relative Nature of Levels of Civic and Moral Awareness of Citizens

Citizens' level of awareness about fundamental civic and moral values also shapes the relative nature of **citizenship and morality**. This gives us the relative nature of the two concepts, not among different societies but among citizens within the same society and state. In the strict sense, citizenship and morality are meaningless without some kind of *bottom up* participation by citizens on state's affairs; its policies and rule philosophy. This participation also depends on how far civic awareness is there among the people on political processes and ethical aspects of citizen-state relations. Civic awareness is probably the most relative issue in the study of civics and ethics, for there are always background factors that affect it. For example, citizens' awareness level is affected, among others, by the following notable factors:

a) Level of Income

In the analysis of why there is difference in the level of awareness among citizens regarding their politico-legal relations with the state and moral ties with their people, it is widely believed that their level of income really matters, i.e., wealth/ income places citizens of the same state at different positions in their access within the state, government policies and the rest of the society. Accordingly, **the upper class society** which consists of few citizens commanding the largest concentration of wealth and thus are stable/ comfortable in their life styles due to their privileged economic positions in the society tend to be conservative in their political and moral dispositions with a strong need to see only little or no change of the statuesque in the political, moral, legal and social setting. They heavily need a great degree of national stability and political predictability in order to maintain their unchallenged advantages. They also tend to be remarkably nationalistic with maximum loyalty to the state and the constitution as they guarantee them peace and protection for their property and wealth. These citizens are close to politics and government with keen interest areas of government policy that would greatly affect their civic and moral positions within the state. The most important issues of interest for them are policies of taxation, inflation, labor, environment and foreign relations in general.

The Middle class society which includes section of the society that economically stand next to the upper income group, on the other hand, is highly dynamic and with the best opportunity to uninterrupted rise of income as it works hard tends to be vibrant, participatory and active social group for it consists of probably young, professional, ambitious and liberal section of the society. It was this social group that successfully led the bourgeois revolutions in Western Europe that

transformed society into a capitalist socio-economic and political community. The political efficiency and determination of this group comes from its very middle position between the richest upper income group, which seeks it to effect policy changes to its advantages. It equally tends to master the support of the lower income group which is believed to understand more about the life conditions across the ordinary and helpless people.

Finally, **the Lower class society** which constitutes the largest section of society, with little opportunities, whose annual income is extremely low, tends to be scarcely interested at what is going on within the national and regional governments. People within this category are hardly tuned to the media nor do they seek to access almost all information sources though they generally tend to be law abiding citizens. The lower income group gets alerted occasionally by particular domestic and foreign political developments and unusual events that captivate their interest and, negatively or positively, influence their hopes for better life. Politics is too complex, elusive, and unmanageable for them hence they want to free of it and strongly feel to reject elections as meaningless to change conditions by the vote of poor people. Generally, low income groups are extremely marginalized from the main stream of politics and moral debates worrying little about rights and the nature of their relation with the state.

b) Civic Culture

Civic culture is generally defined as a trend (of behaviors, attitudes and orientations) among citizens to be concerned with political processes and being efficacious 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 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.

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.

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 to 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 thus the stability of the state and its socio-economic developments are largely dependent upon how reasonably it maintains the balance among these three gradations of civic cultures. Moreover, a society dominated by a majority of Parochials is more likely to face even dangers of national disintegration and fragmentation.

1.3. Purposes (Goals and Objectives) Of Civics and Ethics

The main objective of teaching civics and ethics is to produce good citizens with the necessary wisdom that help them actively participate in the affairs of their country so that they would

contribute their best for the development of their country. To this effect, civics and ethics as a subject incorporates in its content: civic knowledge, civic skills and civic virtue.

Civic knowledge refers to basic concepts and principles about government and politics.

Civic skills refer to the intellectual and participatory ability of citizens. Intellectual ability refers to the ability of individuals to understand, explain, and evaluate the political and socio-economic situation where they live in. generally, civic skill implies the capability of individuals to apply their knowledge into practice. Civic skill also implies the participatory ability of citizens to monitor and influence public policies and decisions.

Civic virtue refers to dispositions and commitment of citizens that are essential for the maintenance and development of democratic government. Among the elements of civic virtue are civility in speech, open-mindedness, self-discipline, generosity and respect for the worth and dignity of people individually and in groups.

In accordance with their contents, civics and ethics, as fields of study, are taught to promote participation, develop self-awareness, self-governance, empower citizens with their rights and duties, introduce citizens with the type, structure, form, function and distribution of power within their country's government.

Objectives of civic and ethics will vary from political system to political system. In the case of current Ethiopia, for instance, civics and ethics is taught to:

I. Enable the young know and exercise basic democratic values that will make them efficient and responsible citizens.

II. Ensure participation of the young in their local and communal affairs based on enlightened self-interest and out of personal concern

III. Understand, maintain, and develop appropriate dispositions towards issues that have relevance to group interest as a precondition for sustaining individual security and interest.

IV. Prevent government from exercising unconstitutional practices

V. Protect violations of citizens' rights

VI. Equip students with appropriate knowledge and skills in order to exercise all-round participation and to monitor social activities in their communities.

VII. Promote values that are believed to serve as foundations to the democratic system envisaged and to the prosperity the country destined to bring

VIII. Help students stand with their full commitment to ensure that the country's constitution is respected and enforced to the benefit of maintaining individual rights and security.

IX. Create capacity that help citizens understand government priorities, the nature of the law, political and economic problems in their communities and on international political directions

X. Promote socially approved cultural elements

Generally, civics and ethics as a subject in Ethiopia is given to cultivate good citizens who participate actively in the country's democratic process.

The goals and objectives of civic and ethical education can be broadly classified into two categories.

1. Building Civic Competence

Civic competence is the capability of citizens to participate effectively in the political as well as social systems to influence decisions adopted by the government of their country.

The level of civic competence would substantially be affected by the level of literacy and democratic development. The higher level of literacy and democratic development, the higher level of civic competence whereas the lower level of literacy and democratic development, the lower level of civic competence. Therefore, in accordance with the level of literacy and democratic development, civic competence would vary from society to society.

Common features of civic competence

Competent citizens are characterized (among others) by the following qualities:

- I. They follow up-to-date information through the mass media
- II. They concern with public issues and seek for their solutions

III. Actively participate in the political, cultural, and socio-economic affairs of their country

IV. They take part in civic and political organizations (interest groups, political parties, and non-governmental organizations *etc*).

Based on these qualities, citizens could influence the decision and policy making of their government. In this regard, competent citizens have the ability to force their government to adopt favorable policies to improve the well-being of the public.

2.Promoting the Culture of Civic Responsibility

Responsibility is the commitment or devotion of citizens to perform their obligation. In this regard, citizenship of an individual reflects his or her rights and responsibilities of participation in different sectors.

Common features of civic responsibility

Responsible citizens are characterized (among others) by the following qualities

- I. They protect public property
- II. They respect laws and abide by them
- III. They respect others' rights
- IV. They pay taxes properly
- V. They are ready to defend their country
- VI. They control the government to function within the limits of the constitution
- VII. They follow up public policies and contribute to improve the quality of government functions *etc*

Generally, the ultimate goals of teaching civics and ethics are aimed at maintaining and promoting the healthy conditions of the body politic through active participation of citizens.

Body politic refers to the overall social structures, institutions (governmental and non-governmental), norms, values and the possible interactions of the people in a definite territory. Therefore, teaching civics and ethics is necessary to keep the balance of a social system.

1.4. Origin and Historical Development of Civic and Ethical Education

Historical evidence shows that civics and ethics education is as old as the history of humankind. It was begun to be offered starting since antiquity in different forms and names in different parts of the world.

Among others, civic education was given in the ancient Greek city-states like Athens and Sparta, as political philosophy, economic philosophy and the like.

Greece was the origin of many political thinkers, among others, Plato (427- 347 B.C) was the founder of the first college. He was also the first systematic political thinker. He raised the fundamental questions of human personality, human organization, justice, political order, etc.

One of the main and most revolutionary assumptions of 'the Republic' (Plato's famous work) is that, the right kind of government and politics can be the legitimate object of rigorous scientific thinking rather than the inevitable product of muddling through fear and faith, laziness and improvisation. He strongly argued that political and social issues could be clarified by rational argument rather than force and dogma. This key element of political outlook and temperament got its acceptance even from the anti-Platonists.

The ideas of Plato imply the vision and mission of the current civic and ethical education. However, Plato's civic and ethical education was distinct from the current civic and ethical education regardless of its contribution to the modern civic education.

Above all, Plato denied the idea that civic education is necessary for all citizens. As historical evidence shows, the ancient Greek societies were divided into male, female, slaves, etc. In this regard, female citizens and slaves were not allowed to learn civic education. They were

marginalized from political participation of their nation. Particularly, Plato did not consider them as capable enough to think and acquire necessary knowledge and skills. He believed that, only free male citizens are capable enough to acquire necessary knowledge and skills as well as rational thinking. Thus, the ancient Plato's civic education lacks universal suffrage.

Currently, both developed (industrialized) and developing countries offer some form of civic and ethical education to their citizens to make them:

- ☞ Well informed
- ☞ Skilled and competent
- ☞ Duty minded and hard workers
- ☞ Self controlled and independent
- ☞ Accept differences
- ☞ Able to reject prejudice and discrimination
- ☞ Exercise rights and respect others' rights etc.

1.5.The Development of Civics and Ethics Education in Ethiopia

Proper civics and ethics education in Ethiopia did not take place until the adoption of the new constitution in 1931. As an integral part of modernization, the integration of civic education in Ethiopia introduced with the promulgation of the first written constitution in 1931 and the revised constitution of 1955. The very objective was for the implementation of a constitution that was designed by the monarch to impose its will upon the people. Hence, Civics was served as an instrument of the feudal constitution where students were expected to accept the political legitimacy of the Emperor and his dynasty. Moreover, civic education assumed to play predominant role to inculcate the traditional legitimacy of the throne ("received from God" /divine right to rule) in the mind of the young generation. During the Hailelassie government, civic and ethical education was related to the religious code of conduct. It was the religious dogmatism served as a source of civic and ethical education to shape the moral and ethical values of the Ethiopian society. Religion and state were not separated until the down fall of the monarchical government through the 1974 Ethiopian revolution.

After the collapse of the monarchical system in 1974, the Dergue abolished moral education of the imperial regime and replaced it with political education. In place of moral education, with the objective of shaping and molding the young generation along the ideology of Marxism – Leninism, political education was offered in schools. In other words, political education was integrated into the country's educational curriculum to reflect the Marxist – Leninist philosophy like:-

- ☞ Dialectics
- ☞ Historical materialism
- ☞ Political economy and philosophy of capitalism
- ☞ Socialism etc.

In this regard, political education as a discipline was conducted to enhance fundamentals of Marxism -Leninism. The Dergue regime believed that political education was fundamental to further class struggle corresponding to objectives of the revolution such as - enhancing revolutionary consciousness, socialist morality, socialist personality, etc. Thus, socialist principles became the guidelines in offering civic education to serve the interest of the broad masses.

Generally, civic and ethical education in both the Imperial and Dergue regimes did not take place in its practical sense. Instead, in place of civics and ethics education, moral and political education was offered for different purposes during the Hailelassie and the Dergue regimes

respectively. Moral education and political education were mainly offered not for generating democratic citizens; rather they used and served as machineries for political indoctrination in the monarchical and the Dergue governments respectively. Social transformation and political emancipation were made impossible. Moral and political educations were serving as the guardians of the statuesque by fostering values that encourage control and domination among citizens of the country.

But following the demise of the military regime, integration of civic and ethical education into the curriculum was made to ensure and sustain democracy, to promote political and cultural values, and people-centered institutional arrangements as well. The idea of liberty, democracy, and constitutionalism has risen to prominence in Ethiopia.

It has been recognized that schools must teach citizens the theory and practices of constitutional democracy in order to develop free society and democratic government. In this regard, since 1991, Ethiopia began to identify social values that will create the spirit of democratic citizenship for political engagement within the mainstream of national politics to reverse political apathy and withdrawal. Accordingly, a new curriculum is introduced with the aim of promoting democratic values and democratic culture by helping citizens to properly understand public policy and their contribution for the development of the Ethiopian state. To this effect, civic and ethical education is expected to liberate citizens from the fear of performing new roles and setting new agendas for social wellbeing and progress at the national, regional, and local levels. Moreover, the new curriculum is designed to help citizens develop the ability of participation in the affairs of their country.

It is generally accepted that civic and ethical education contents and values must be skill oriented. Hence civic and ethical education aims to produce active, informed, competent, and responsible citizens. Therefore, integration of civic and ethical education into the curriculum reflects the desire to make the youth well behaved and democratic citizens. Unlike the previous curriculum that was established to serve and promote the ruling party's official ideology and political indoctrination, civic and ethical education currently serves as an instrument to uphold the FDRE constitutional principle.

1.6.The Sources (Foundations) and Interdisciplinary Nature of Civic and Ethics

Civic and Ethical Education is an interdisciplinary or multidisciplinary subject that borrows its contents from different fields of studies.

Generally, there are two main sources of civic and ethical education. These are:

1. Subject (disciplinary) Sources:

All the social sciences deal with the study of various aspects of human life and activities. These fields of studies lend certain contents to civics and ethical education.

Political Science: Political science is an academic discipline which focuses on government and politics. It specifically deals with areas such as power, authority, legitimacy, the process of decision-making, distribution of political power, political ideologies, political culture, political interaction among interest groups and political parties, institutions of politics and functions of the political system. In political science, we are mainly concerned with the study of man's political behavior in association with other men and women as members of a common society. Political science provides citizens with knowledge of various political theories, necessary skills for political participation, and different methods on how to analyze political issues, policies, laws, governmental activities and the ability to identify the nature of their government. Hence, there is a more correlation between civics and ethical education and political science.

International Relations: is the study of relations between two or more than two entities at the international level. It refers to all activities of the state that are concerned with its external affairs. International relations contribute to civic and ethical education by helping citizens to be familiarized with various global issues such as terrorism, HIV/AIDS, poverty, rapid population growth, environment, the way the international system operates, major international organizations and their functions, foreign policy of the state, and actors in the international system vis-à-vis state's national interests.

Philosophy: is a universal science, which deals with the ultimate causes of all things in a rational and critical manner. It deals with all aspects of reality such as the nature of knowledge, society, politics, and moral values. Philosophy tries to answer questions such as:

What is the ultimate source of reality? This is studied under metaphysics (theory of being).

What is good, what is evil and how good is attained, and evil is avoided? This is dealt under ethics.

What is truth and source of knowledge? This is studied under epistemology.

What is being human and where is the place of human being in the universe? This is studied by political philosophy. Hence, philosophy contributes to civics and ethical education by providing knowledge on various areas that are necessary to cultivate good citizens.

History: the subject matter of history has strong bearing on civics and ethical education. We cannot make progress at present unless we have an idea of the past. History deals with the study of the past whereas civics is the study of contemporary facts. Hence, civics draws on the funds of history to get knowledge of the past attempts of people in solving the different civic problems. In this regard, history contributes to civics and ethical education by enabling the current generation to identify the strengths and weaknesses of past political, economic and social experiences, insight how the present life has come into being and forecast about the future.

Law: is defined as a rule of conduct or procedure recognized by a community as binding or enforceable by authority. It can also be defined as an act passed by a legislature or a similar body. The body or system of rules recognized by a community that is enforceable by established process. Moreover, law is also stated as the branch of knowledge or study concerned with the rules of a community and their enforcement or, it is a general rule or principle that is thought to be true or held to be binding.

Generally, law is coercive or permissive that allows or prohibits individuals to do something. Hence, it contributes to civic and ethical education by enabling citizens to know their rights and duties properly.

Sociology: is the study of various social relations of humankind. It deals with the development of human as a social being. It also studies the economic, religious, moral and political developments of a society. Sociology plays a greater role in achieving the objectives of civic and ethical education by helping citizens to be familiarized with how societies interact each other, and grasp how society is organized, how diversity is accommodated, and good governance, accountability, and morality are realized.

Economics: is a field of study that concerns with production, distribution and exchange of the wealth. It studies about economic activities, policies in an attempt to solve economic problems by proposing alternative options and mechanisms. The knowledge of economics helps civics to a great extent. Economics inspires human beings to perform certain acts of human welfare. Knowledge of civics is quite useful in dealing with laborers and consumers in a reasonable and judicious manner. If economic relations are not properly established it becomes very difficult to establish proper social and civic relations. Thus, we find that economic development forms the

basis of various developments- social, cultural, moral, religious etc, which are also the subject matters of civics and ethical education.

Geography: is the study of the natural problems of the world. Therefore, it is correlated to civics education. With the help of the knowledge of geography, we can have an idea about the culture and the way of living of the people of a country. Civics can take advantage of this knowledge. To understand the different political setups in different countries, we have to understand the differences in geographical factors in those countries. As one source of civics education, geography also makes an effort to improve human welfare. Hence, geography and civics education are interrelated fields of studies, which have common concerns to be achieved.

2. Documentary Sources:

This category of sources includes international agreements, constitutions(written and unwritten) decisions and enactments of legal bodies, historical resources, photographs, films, etc.

a. International enactments: These are group of documents that refer to the decisions of the *United Nations including the Universal Declaration of Human Rights (UDHR), which was adopted in 1948, the Convention on the Right of Child, the Convention on All Forms of Discrimination Against Women (1979), and the Convention on Refugee and Stateless Person (1951).*

b. Constitution: is the supreme law of the land. It can be written or unwritten that specifies the political structure, power distribution, functions of government and the rights and duties of citizens.

c. Decisions and enactments of legally recognized bodies: the legislative, executive, and judiciary branches of government. These bodies would enact and pass decisions to be implemented such as decrees, proclamations, and declarations.

Chapter Two

Ethics

2.1. Definition

Ethics, also known as moral philosophy, is a branch of philosophy that addresses questions about morality—that is, concepts such as good and evil, right and wrong, virtue and vice, justice, etc. The field of ethics (or moral philosophy) involves systematizing, defending, and recommending concepts of right and wrong behavior. Originally it is derived from the Latin word *Ethos* which refers to *customs* and *norms* of society that has to be respected by every individual. These ideals of the *ethos* demand immediate and unquestionable obedience because they are respected values of society. Ethics, however, is not guided by values that are not rationally justified. Thus, Ethics is not about unquestionable obedience, rather it is a matter of basing ethical values in rational arguments. Here based on the focus of analysis and issue of concern; we have metaethics, applied ethics and normative ethics as the three major orientations and approaches in ethics.

2.2. Approaches of Ethics

2.2.1. Metaethics

The term “meta” means *after* or *beyond*, and, consequently, the notion of metaethics involves a bird’s-eye-view of the entire project of ethics. We may define metaethics as the study of the origin and meaning of ethical concepts. When compared to normative ethics and applied ethics, the field of metaethics is the least precisely defined area of moral philosophy. It covers issues from moral semantics to moral epistemology. Two issues, though, are prominent: (1) *metaphysical* issues concerning whether morality exists independently of humans, and (2) *psychological* issues concerning the underlying mental basis of our moral judgments and conduct.

2.2.1.1. Metaphysical Issues: Objectivism and Relativism

Metaphysics is the study of the kinds of things that exist in the universe. Some things in the universe are made of physical stuff, such as rocks; and perhaps other things are nonphysical in nature, such as thoughts, spirits, and gods. The metaphysical component of metaethics involves discovering specifically whether moral values are eternal truths that exist in a spirit-like realm, or simply human conventions. There are two general directions that discussions of this topic take: *other-worldly* and *this-worldly*.

Objectivism (Universalism)

Proponents of the other-worldly view typically hold that moral values are objective in the sense that they exist in a spirit-like realm beyond subjective human conventions. They also hold that they are absolute, or eternal, in that they never change, and also that they are universal insofar as they apply to all rational creatures around the world and throughout time. The most dramatic example of this view is Plato, who was inspired by the field of mathematics. When we look at numbers and mathematical relations, such as $1+1=2$, they seem to be timeless concepts that never change, and apply everywhere in the universe. Humans do not invent numbers, and humans cannot alter them. Plato explained the eternal character of mathematics by stating that they are *abstract entities* that exist in a spirit-like realm. He noted that moral values also are absolute truths and thus are also abstract, spirit-like entities. In this sense, for Plato, moral values are spiritual *objects*. Medieval philosophers commonly grouped all moral principles together under the heading of “eternal law” which were also frequently seen as spirit-like objects. 17th century British philosopher Samuel Clarke described them as spirit-like *relationships* rather than spirit-like objects. In either case, though, they exist in a spirit-like realm.

A different other-worldly approach to the metaphysical status of morality is *divine commands* issuing from God’s will. Sometimes called *voluntarism* (or divine command theory), this view

was inspired by the notion of an all-powerful God, who is in control of everything. God simply wills things, and they become reality. He wills the physical world into existence, He wills human life into existence and, similarly, He wills all moral values into existence. Proponents of this view, such as medieval philosopher William Ockham, believe that God wills moral principles, such as “murder is wrong,” and these exist in God’s mind as commands. God informs humans of these commands by implanting us with moral intuitions or revealing these commands in scripture.

Relativism (Subjectivism)

The second and more *this-worldly* approach to the metaphysical status of morality follows in the skeptical philosophical tradition, such as that articulated by Greek philosopher Sextus Empiricus, and denies the objective status of moral values. Technically, skeptics did not reject moral values themselves, but only denied that values exist as spirit-like objects, or as divine commands in the mind of God. Moral values, they argued, are strictly human inventions, a position that has since been called *moral relativism*. There are two distinct forms of moral relativism. The first is *individual relativism*, which holds that individual people create their own moral standards. Friedrich Nietzsche, for example, argued that the superhuman creates his or her morality distinct from and in reaction to the slave-like value system of the masses. The second is *cultural relativism* which maintains that morality is grounded in the approval of one’s society – and not simply in the preferences of individual people. This view was advocated by Sextus, and in more recent centuries by Michel Montaigne and William Graham Sumner. In addition to espousing skepticism and relativism, this-worldly approaches to the metaphysical status of morality deny the absolute and universal nature of morality and hold instead that moral values in fact change from society to society throughout time and throughout the world. They frequently attempt to defend their position by citing examples of values that differ dramatically from one culture to another, such as attitudes about polygamy, homosexuality and human sacrifice.

2.2.1.2. Psychological Issues in Metaethics

A second area of metaethics involves the psychological basis of our moral judgments and conduct, particularly understanding what motivates us to be moral. We might explore this subject by asking the simple question, “Why be moral?” Even if I am aware of basic moral standards, such as don’t kill and don’t steal, this does not necessarily mean that I will be psychologically compelled to act on them. Some answers to the question “Why be moral?” are to avoid punishment, to gain praise, to attain happiness, to be dignified, or to fit in with society.

i. Egoism and Altruism

One important area of moral psychology concerns the inherent selfishness of humans. 17th century British philosopher Thomas Hobbes held that many, if not all, of our actions are prompted by selfish desires. Even if an action seems selfless, such as donating to charity, there are still selfish causes for this, such as experiencing power over other people. This view is called *psychological egoism* and maintains that self-oriented interests ultimately motivate all human actions. Closely related to psychological egoism is a view called *psychological hedonism* which is the view that *pleasure* is the specific driving force behind all of our actions. 18th century British philosopher Joseph Butler agreed that instinctive selfishness and pleasure prompt much of our conduct. However, Butler argued that we also have an inherent psychological capacity to show benevolence to others. This view is called *psychological altruism* and maintains that at least some of our actions are motivated by instinctive *benevolence*.

ii. Emotion and Reason

A second area of moral psychology involves a dispute concerning the role of reason in motivating moral actions. If, for example, I make the statement “abortion is morally wrong,” am I making a rational assessment or only expressing my feelings? On the one side of the dispute,

18th century British philosopher David Hume argued that moral assessments involve our emotions, and not our reason. We can amass all the reasons we want, but that alone will not constitute a moral assessment. We need a distinctly emotional reaction in order to make a moral pronouncement. Reason might be of service in giving us the relevant data, but, in Hume's words, "reason is, and ought to be, the slave of the passions." Inspired by Hume's anti-rationalist views, some 20th century philosophers, most notably A.J. Ayer, similarly denied that moral assessments are factual descriptions. For example, although the statement "it is good to donate to charity" may on the surface look as though it is a factual description about charity, it is not. Instead, a moral utterance like this involves two things. First, I (the speaker) am expressing my personal feelings of approval about charitable donations and I am in essence saying "Hooray for charity!" This is called the *emotive* element insofar as I am expressing my emotions about some specific behavior. Second, I (the speaker) am trying to get you to donate to charity and am essentially giving the command, "Donate to charity!" This is called the *prescriptive* element in the sense that I am prescribing some specific behavior.

From Hume's day forward, more rationally-minded philosophers have opposed these emotive theories of ethics and instead argued that moral assessments are indeed acts of reason. 18th century German philosopher Immanuel Kant is a case in point. Although emotional factors often do influence our conduct, he argued, we should nevertheless resist that kind of sway. Instead, true moral action is motivated only by reason when it is free from emotions and desires. A recent rationalist approach, offered by Kurt Baier (1958), was proposed in direct opposition to the emotivist and prescriptivist theories of Ayer and others. Baier focuses more broadly on the reasoning and argumentation process that takes place when making moral choices. All of our moral choices are, or at least can be, backed by some reason or justification. If I claim that it is wrong to steal someone's car, then I should be able to justify my claim with some kind of argument. For example, I could argue that stealing Smith's car is wrong since this would upset her, violate her ownership rights, or put the thief at risk of getting caught. According to Baier, then, proper moral decision making involves giving the best reasons in support of one course of action versus another.

iii. Male and Female Morality

A third area of moral psychology focuses on whether there is a distinctly female approach to ethics that is grounded in the psychological differences between men and women. Discussions of this issue focus on two claims: (1) traditional morality is male-centered, and (2) there is a unique female perspective of the world which can be shaped into a value theory. According to many feminist philosophers, traditional morality is male-centered since it is modeled after practices that have been traditionally male-dominated, such as acquiring property, engaging in business contracts, and governing societies. The rigid systems of rules required for trade and government were then taken as models for the creation of equally rigid systems of moral rules, such as lists of rights and duties. Women, by contrast, have traditionally had a nurturing role by raising children and overseeing domestic life. These tasks require less rule following, and more spontaneous and creative action. Using the woman's experience as a model for moral theory, then, the basis of morality would be spontaneously caring for others as would be appropriate in each unique circumstance. On this model, the agent becomes part of the situation and acts caringly within that context. This stands in contrast with male-modeled morality where the agent is a mechanical actor who performs his required duty, but can remain distanced from and unaffected by the situation. A care-based approach to morality, as it is sometimes called, is offered by feminist ethicists as either a replacement for or a supplement to traditional male-modeled moral systems.

2.2.2. Applied Ethics

Applied ethics is the branch of ethics which consists of the analysis of specific, controversial moral issues such as abortion, animal rights, or euthanasia. In recent years, applied ethical issues

have been subdivided into convenient groups (Professional ethics) such as medical ethics, business ethics, environmental ethics, and sexual ethics. Generally speaking, two features are necessary for an issue to be considered as an “applied ethical issue.” First, the issue needs to be controversial in the sense that there are significant groups of people both for and against the issue at hand. The issue of drive-by shooting, for example, is not an applied ethical issue, since everyone agrees that this practice is grossly immoral. By contrast, the issue of gun control would be an applied ethical issue since there are significant groups of people both for and against gun control.

Issues in Applied Ethics

Developmental 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? Etc.

In fact, if someone 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? Etc.

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 ethical and value dimensions of development must be approached accordingly during analysis of support and criticism. Although development is multidisciplinary lacking precise definition it can be viewed 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 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 exist on how to deal with kinds of currently existing North--South (and South--South) relations and their effects on economic and political power

gaps. Development ethics theorists also divided the moral norms that they seek to justify and apply into three positions. 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 (Northern) 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.

Utilitarians prescribe simple aggregation and maximization of individual utilities. Rawlsians advocate that income and wealth be maximized for the least well-off (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 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. 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 (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 biological entities. The point here is that as planet is unified entity the human race alone is of no particular significance in the long run. Finally, supporters of conservation ethics approach on the other hand tend 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. How about in *Copenhagen* and the coming *Cancun conference*? What are the main agendas? What are the main arguments and counterargument, etc.,

Principles of Environmental Ethics.

Now a day the issue of environment is not the issues of a particular community only. The problem of climate change is the problem of the world. The ethical principles need to be seen in light of addressing the global environmental problems. The basic ones are the following:

Duty for future generation: every economic activity that is being taken in this generation should not adversely affect the future generation. As you know renewable and non- renewable resources are getting depleted due to the irresponsible acts of human beings. It is the duty of human beings to save resources for the future generation. It is the moral compulsion of the existing generation to care for the forth coming generation.

The duty to limit over consumption: As the earth's resources are finite, there should be a limit in the production and consumption pattern of resources. The consumption style of lives in industrialized countries and developing countries is not comparable. Data indicates that the industrialized societies that constituted $\frac{1}{4}$ of the global population consume $\frac{3}{4}$ of the natural resources of the planet earth.

The right to livable environment: every human being has inherent right to live in an environment which is free from pollution, subjugation, exploitation. In this regard, article 25 and 26 of the universal Declaration of Human Rights/UDHRs/ proclaims that everyone has the right to standard of living adequate for the health and well-being of himself and his family. In the similar vein Article 44 of our constitution grants that all persons have the right to clean and healthy environment.

The polluter pays principles:

This principle holds that those actors who affect the environment need to pay the cost and value in proportion to the damage. With regard to climate change regimes, The UN Framework Convention on climate change accepted the principle of common and differentiated responsibilities. It has been recognized that the largest share of historical and current global emissions of green house gases has originated in developed countries. The Framework convention also accepted that the share of global emissions originating in developing countries will grow to meet their social and development needs.

Professional Ethics

Before directly proceeding to professional ethics, it is important to touch upon the concept of profession. The concept *profession*, though it may mean different things under different contexts, can be generally defined as a systematic way of acquiring and continuous development of a balanced combination of 1) Training (here to mean a formal, rational, systematized and scheduled activity to transfer knowledge from the trainer and the environment to the trainee), 2) 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 3) 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/relationality:

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. 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; And 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 fulfilled at one instant and location as they are fragmented and naturally belong to different professionals. This necessitates for the complementarity of all professions.

From all the above discussions about profession and its salient features one can safely argue that if someone doesn't 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 is gained from formal educational institutions because these are areas of 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.

For example, a layman member of the public could not be held responsible for failing to act to save a car crash victim because he/she could not give an emergency medical treatment. This is because he/she does not have the relevant knowledge. In contrast, a fully trained doctor with the correct equipment and thus capable of making the correct diagnosis and carrying out the procedure did wrong if he/she stood by and failed to help in this situation. On the other side, this additional knowledge comes to the professional with authority and power i.e., the clients places trust in the professional on the assumption that the service provided will be of benefit to them though it is also quite possible for the professional to use this authority to exploit the client. An example here can be the case with a medical professional who undertakes unnecessary treatment on his patients in order to gain more money. It is likely that the patient will not have sufficient knowledge to question what is being done, and so will undergo and pay for the treatment. It is a situation like this that makes the study of professional ethics-professional responsibilities nexus justifiable and valuable. 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. Secondly, a professional is a citizen with a set of specified rights and obligations shared with all other citizens regardless of educational standing and income level.

This brings additional duty to the professional to be integrated into his mission and goal as a professional. Thirdly, a professional is a member of one of the cultural groups of the society with he/she shares commonality in language, religion, culture, and psychological make-up and thus it is natural for him/her to develop a tendency to have some kind of bondage i.e., he/ or she feels what other members of his/her cultural group feel and strongly tempted to respond somehow to pressures from the groupings. Fourthly, a professional is a citizen with an exceptional knowledge and capacity which is not shared with all citizens and cultural groups. Therefore, a professional is over stretched by a long list of national and international socio-economic, cultural and political factors.

For example, since all professionals are either male or female in their sex, they are encountered with varied experiences everyday simply because there is a difference in sex. Similarly, a professional might be born in to low income families, urban business or state servant family or from a farmer which has a great bearing on his/her psychological setup. Because of all the above settings, a professional is then probably the most vulnerable citizen to morality and moral rules due to the especial multiple roles he/she is expected to play among the society. Therefore, an in-depth study and understanding of professional ethics and the universal as well as profession specific principles within the field becomes imperative.

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 following are therefore some of the fundamental codes of ethics universally applicable to all professions:

Punctuality: a state of being strictly observant a regular time. It is a belief on the idea that a worker must always be on time both to come to his/her workplace and stay in his/her office/workplace throughout the working hours.

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 into 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 discrimination based on differences such as sex, ethnic background, religious belief, political position etc.

Fairness: Civil servants and public officials should make decisions and act in a fair and equitable manner, without bias or prejudice, taking into account only the merits of the matter, and respecting the rights of affected citizens.

Responsiveness: As agents and employees of the elected government, civil servants and public officials are required to serve the legitimate interests and needs of the government and the people. To do so, they are required to become ready to give reasonable answers to the demands of the public.

Efficiency and Effectiveness: Civil servants and public officials are required to effectively and efficiently manage public resources.

2.2.3. Normative Ethics

Normative ethics involves arriving at moral standards that regulate right and wrong conduct. In a sense, it is a search for an ideal litmus test of proper behavior. The **Golden Rule** is a classic example of a normative principle: We should do to others what we would want others to do to us. Since I do not want my neighbor to steal my car, then it is wrong for me to steal her car. Since I would want people to feed me if I was starving, then I should feed starving people. Using this same reasoning, I can theoretically determine whether any possible action is right or wrong. So, based on the Golden Rule, it would also be wrong for me to lie to, harass, victimize, assault, or kill others. The Golden Rule is an example of a normative theory that establishes a *single principle* against which we judge all actions. Other normative theories focus on a *set* of foundational principles, or a set of good character traits.

The key assumption in normative ethics is that there is only *one* ultimate criterion of moral conduct, whether it is a single rule or a set of principles. Three strategies will be noted here: (1) virtue theories, (2) duty theories, and (3) consequentiality theories.

2.3. Major Ethical Theories

2.3.1. Virtue Ethics Theories

Many philosophers believe that morality consists of following precisely defined rules of conduct, such as “don’t kill,” or “don’t steal.” Presumably, I must learn these rules, and then make sure each of my actions live up to the rules. Virtue ethics, however, places less emphasis on learning rules, and instead stresses the importance of developing *good habits of character*, such as benevolence. Once I’ve acquired benevolence, for example, I will then habitually act in a benevolent manner. Historically, virtue theory is one of the oldest normative traditions in Western philosophy, having its roots in ancient Greek civilization. Plato emphasized four virtues

in particular, which were later called **cardinal virtues**: wisdom, courage, temperance and justice. Other important virtues are fortitude, generosity, self-respect, good temper, and sincerity. In addition to advocating good habits of character, virtue theorists hold that we should avoid acquiring bad character traits, or *vices*, such as cowardice, insensibility, injustice, and vanity. Virtue theory emphasizes moral education since virtuous character traits are developed in one's youth. Adults, therefore, are responsible for instilling virtues in the young.

Aristotle argued that virtues are good habits that we acquire, which regulate our emotions. For example, in response to my natural feelings of fear, I should develop the virtue of courage which allows me to be firm when facing danger. Analyzing 11 specific virtues, Aristotle argued that most virtues fall at a mean between more extreme character traits. With courage, for example, if I do not have enough courage, I develop the disposition of cowardice, which is a vice. If I have too much courage I develop the disposition of rashness which is also a vice. According to Aristotle, it is not an easy task to find the perfect mean between extreme character traits. In fact, we need assistance from our reason to do this. After Aristotle, medieval theologians supplemented Greek lists of virtues with three Christian ones, or **theological virtues**: faith, hope, and charity. Interest in virtue theory continued through the middle ages and declined in the 19th century with the rise of alternative moral theories below. In the mid 20th century virtue theory received special attention from philosophers who believed that more recent approaches ethical theories were misguided for focusing too heavily on rules and actions, rather than on virtuous character traits. Alasdair MacIntyre (1984) defended the central role of virtues in moral theory and argued that virtues are grounded in and emerge from within social traditions.

2.3.2. Duty (Deontology) Theories

Many of us feel that there are clear obligations we have as human beings, such as to care for our children, and to not commit murder. Duty theories base morality on specific, foundational principles of obligation. These theories are sometimes called *deontological*, from the Greek word *deon*, or duty, in view of the foundational nature of our duty or obligation. They are also sometimes called *nonconsequentialist* since these principles are obligatory, irrespective of the consequences that might follow from our actions. For example, it is wrong *not to care for* our children even if it results in some great benefit, such as financial savings. There are four central duty theories.

2.3.2.1. Major Duty Theories

The *first* is that championed by 17th century German philosopher Samuel Pufendorf, who classified dozens of duties under three headings: duties to God, duties to oneself, and duties to others. Concerning our duties towards God, he argued that there are two kinds: a theoretical duty to know the existence and nature of God, and a practical duty to both inwardly and outwardly worship God. Concerning our duties towards oneself, these are also of two sorts: duties of the soul, which involve developing one's skills and talents, and duties of the body, which involve not harming our bodies, as we might through gluttony or drunkenness, and not killing oneself. Concerning our duties towards others, Pufendorf divides these between absolute duties, which are universally binding on people, and conditional duties, which are the result of contracts between people. Absolute duties are of three sorts: avoid wronging others, treat people as equals, and promote the good of others. Conditional duties involve various types of agreements; the principal one of which is the duty to keep one's promises.

A *second* duty-based approach to ethics is *rights theory*. Most generally, a "right" is a justified claim against another person's behavior – such as my right to not be harmed by you. Rights and duties are related in such a way that the right of one person implies the duties of another person. For example, if I have a right to payment of \$10 by Smith, then Smith has a duty to pay me \$10. This is called the *correlativity of rights and duties*. The most influential early account of rights

theory is that of 17th century British philosopher John Locke, who argued that the laws of nature mandate that we should not harm anyone's life, health, liberty or possessions. For Locke, these are our natural rights, given to us by God. Following Locke, the United States Declaration of Independence authored by Thomas Jefferson recognizes three foundational rights: life, liberty, and the pursuit of happiness. Jefferson and others rights theorists maintained that we deduce other more specific rights from these, including the rights of property, movement, speech, and religious expression. There are four features traditionally associated with moral rights. First, rights are *natural* insofar as they are not invented or created by governments. Second, they are *universal* insofar as they do not change from country to country. Third, they are *equal* in the sense that rights are the same for all people, irrespective of gender, race, or handicap. Fourth, they are *inalienable* which means that I cannot hand over my rights to another person, such as by selling myself into slavery.

A *third* duty-based theory is that by Kant, which emphasizes a single principle of duty. Influenced by Pufendorf, Kant agreed that we have moral duties to oneself and others, such as developing one's talents, and keeping our promises to others. However, Kant argued that there is a more foundational principle of duty that encompasses our particular duties. It is a single, self-evident principle of reason that he calls the "categorical imperative." A categorical imperative, he argued, is fundamentally different from hypothetical imperatives that hinge on some personal desire that we have, for example, "If you want to get a good job, then you ought to go to college." By contrast, a categorical imperative simply mandates an action, irrespective of one's personal desires, such as "You ought to do X." Kant gives at least four versions of the categorical imperative, but one is especially direct: Treat people as an end, and never as a means to an end. That is, we should always treat people with dignity, and never use them as mere instruments.

For Kant, we *treat people as an end* whenever our actions toward someone reflect the inherent value of that person. Donating to charity, for example, is morally correct since this acknowledges the inherent value of the recipient. By contrast, we treat someone as a means to an end whenever we treat that person as a tool to achieve something else. It is wrong, for example, to steal my neighbor's car since I would be treating her as a means to my own happiness. The categorical imperative also regulates the morality of actions that affect us individually. Suicide, for example, would be wrong since I would be treating my life as a means to the alleviation of my misery. Kant believes that the morality of all actions can be determined by appealing to *this single principle of duty*.

A *fourth* and more recent duty-based theory is developed by British philosopher W.D. Ross, who emphasizes *prima facie* duties. Like his 17th and 18th century counterparts, Ross argues that our duties are "part of the fundamental nature of the universe." However, Ross's list of duties is much shorter, which he believes reflects our actual moral convictions:

Fidelity: the duty to keep promises

Reparation: the duty to compensate others when we harm them

Gratitude: the duty to thank those who help us

Justice: the duty to recognize merit

Beneficence: the duty to improve the conditions of others

Self-improvement: the duty to improve our virtue and intelligence

Nonmaleficence: the duty to not injure others

Ross recognizes that situations will arise when we must choose between two conflicting duties. In a classic example, suppose I borrow my neighbor's gun and promise to return it when he asks for it. One day, in a fit of rage, my neighbor pounds on my door and asks for the gun so that he

can take vengeance on someone. On the one hand, the duty of fidelity obligates me to return the gun; on the other hand, the duty of Nonmaleficence obligates me to avoid injuring others and thus not return the gun. According to Ross, I will intuitively know which of these duties is my *actual* duty, and which is my apparent or *prima facie* duty. In this case, my duty of nonmaleficence emerges as my actual duty(and I should not return the gun).

2.3.3. Consequentialist/Teleological Theories

It is common for us to determine our moral responsibility by weighing the consequences of our actions. According to consequentialism, correct moral conduct is determined *solely* by a cost-benefit analysis of an action's consequences:

Consequentialism: An action is morally right if the consequences of that action are more favorable than unfavorable. Consequentialist normative principles require that we first tally both the good and bad consequences of an action. Second, we then determine whether the total good consequences outweigh the total bad consequences. If the good consequences are greater, then the action is morally proper. If the bad consequences are greater, then the action is morally improper. Consequentialist theories are sometimes called *teleological* theories, from the Greek word *telos*, or end, since the end result of the action is the sole determining factor of its morality. Consequentialist theories became popular in the 18th century by philosophers who wanted a quick way to morally assess an action by appealing to experience, rather than by appealing to gut intuitions or long lists of questionable duties.

In fact, the most attractive feature of consequentialism is that it appeals to publicly observable consequences of actions. Most versions of consequentialism are more precisely formulated than the general principle above. In particular, competing consequentialist theories specify which consequences for affected groups of people are relevant. Three subdivisions of consequentialism emerge:

Ethical Egoism: an action is morally right if the consequences of that action are more favorable than unfavorable *only to the agent* performing the action.

Ethical Altruism: an action is morally right if the consequences of that action are more favorable than unfavorable *to everyone except the agent*.

Utilitarianism: an action is morally right if the consequences of that action are more favorable than unfavorable *to everyone*.

All three of these theories focus on the consequences of actions for different groups of people. But, like all normative theories, the above three theories are rivals of each other. They also yield different conclusions. Consider the following example. A woman was traveling through a developing country when she witnessed a car in front of her run off the road and roll over several times. She asked the hired driver to pull over to assist, but, to her surprise, the driver accelerated nervously past the scene. A few miles down the road the driver explained that in his country if someone assists an accident victim, then the police often hold the assisting person responsible for the accident itself. If the victim dies, then the assisting person could be held responsible for the death. The driver continued explaining that road accident victims are therefore usually left unattended and often die from exposure to the country's harsh desert conditions. On the principle of ethical egoism, the woman in this illustration would only be concerned with the consequences of her attempted assistance as *she* would be affected. Clearly, the decision to drive on would be the morally proper choice.

On the principle of ethical altruism, she would be concerned only with the consequences of her action as *others* are affected, particularly the accident victim. Tallying only those consequences reveals that assisting the victim would be the morally correct choice, irrespective of the negative consequences that result for her. On the principle of utilitarianism, she must consider the

consequences for both herself and the victim. The outcome here is less clear, and the woman would need to precisely calculate the overall benefit versus disadvantage of her action.

i. Types of Utilitarianism

Jeremy Bentham presented one of the earliest fully developed systems of utilitarianism. Two features of his theory are noteworthy. First, Bentham proposed that we tally the consequences of each action we perform and thereby determine on a case by case basis whether an action is morally right or wrong. This aspect of Bentham's theory is known as *act-utilitarianism*. Second, Bentham also proposed that we tally the pleasure and pain which results from our actions. For Bentham, pleasure and pain are the only consequences that matter in determining whether our conduct is moral. This aspect of Bentham's theory is known as *hedonistic utilitarianism*. Critics point out limitations in both of these aspects.

First, according to act-utilitarianism, it would be morally wrong to waste time on leisure activities such as watching television, since our time could be spent in ways that produced a greater social benefit, such as charity work. But prohibiting leisure activities doesn't seem reasonable. More significantly, according to act-utilitarianism, specific acts of torture or slavery would be morally permissible if the social benefit of these actions outweighed the disadvantages. A revised version of utilitarianism called *rule-utilitarianism* addresses these problems. According to rule-utilitarianism, a behavioral code or rule is morally right if the consequences of adopting that rule are more favorable than unfavorable to everyone.

Unlike act utilitarianism, which weighs the consequences of each particular action, rule-utilitarianism offers a litmus test only for the morality of moral rules, such as "stealing is wrong." Adopting a rule against theft clearly has more favorable consequences than unfavorable consequences for everyone. The same is true for moral rules against lying or murdering. Rule-utilitarianism, then, offers a three-tiered method for judging conduct. A particular action, such as stealing my neighbor's car, is judged wrong since it violates a moral rule against theft. In turn, the rule against theft is morally binding because adopting this rule produces favorable consequences for everyone. John Stuart Mill's version of utilitarianism is rule-oriented.

Second, according to hedonistic utilitarianism, pleasurable consequences are the only factors that matter, morally speaking. This, though, seems too restrictive since it ignores other morally significant consequences that are not necessarily pleasing or painful. For example, acts which foster loyalty and friendship are valued, yet they are not always pleasing. In response to this problem, G.E. Moore proposed *ideal utilitarianism*, which involves tallying any consequence that we intuitively recognize as good or bad (and not simply as pleasurable or painful). Also, R.M. Hare proposed *preference utilitarianism*, which involves tallying any consequence that fulfills our preferences.

ii. Egoism

The word "Egoism" comes from Greek word 'ego', 'I' and therefore, literally, 'I-ism'. The central concern of egoism is the 'self' as the beginning and of all consideration. Generally, in egoism, self-interest is the nucleus or central for every ethical action or decision. In other words, what is right and wrong is to be decided on the basis of the interest of every egoist individual. On the basis of the above two views, egoism can take two forms, the psychological egoism and the ethical egoism.

1. Psychological Egoism

The psychological Egoism is motivated out of self-interests and aims at self-satisfaction. It is also doctrine about human nature, claiming that everyone by nature is motivated primarily by his or her own interests. The main moral argument of the psychological egoism indicated in the table below.

According to psychological egoism, people always seeks one's own advantage or self interest, or always does what he thinks will give him the greatest balance of good over evil. This means also that "self-love" is the only basic "principle" in human nature. The 'ego-satisfaction' is the final aim of all activity or that" the pleasure principle". Self love is the basic ethical principle.

The psychological egoism theory criticized from the moral points view as it is discussed below. For psychological egoism, one may derive self-satisfaction and rightfulness. But, the core question in relation to this view is that "How are we known what motivates people?" we cannot just assume that people are acting for the sake of self-satisfaction. For example, people themselves are not always the best judge of what motivates them. It is true that we commonly hear or say to ourselves, "I don't know why I did that."It is difficult to prove theory of psychological egoism. Even if it were shown that we often act for the sake of our interests, this is not enough to prove that psychological egoism is true. It is true that we are selfish (a psychological egoism claim). But, it is difficult to conclude that we should be selfish.

2. Ethical Egoism

Ethical egoism maintains that each of us should look at only at the consequences that affect us. It views that each person ought to perform those actions that contribute most to his or her own self-interest.

Ethical egoism is a normative theory. It is a theory about what ought to do, how we ought to act as with psychological egoism.

Chapter Three

Understanding Society, State and Government

3.1. Definition, Attributes and Theories of State

Definition of State

The term state has not been defined precisely. Hence, there is no universally accepted definition of state. However, for our purpose State is defined as:

“A political association that establishes sovereign jurisdiction within a defined territorial borders and exercises authority through a set of institutions over all members of society [its people]. (Anonymous)

From this definition, it can be deduced that the state is a collection of institutions, a territorial unit, has ultimate authority and has its own defined population.

The following definition of state can also be mentioned alternatively:

- The institution through which the dynamics of politics are organized and formalized
- A network of structured relationships, which consists of citizens with their rights and duties, institutions and jurisdictions, principles and powers.
- A political entity with certain observable characteristics
- The highest form of human organization
- An organized political community of people occupying a definite territory, and possessing internal and external sovereignty
- An abstract entity, which consists of sovereignty, population, defined territory, government and recognition.

Different philosophers conceive the state in different ways.

Thomas Hobbes - a sovereign authority capable of ensuring the life, liberty and property of the people.

J. Locke- a community endowed with supreme power having its instrument in a government with limited authority for effective protection of natural rights of human beings.

Aristotle- a beneficent institution of human beings to achieve good life.

Karl Marx- an instrument of exploitation of the ruling class. Hence, the abolition of the state is essential to achieve perfect freedom of human beings.

Attributes (Elements) of State

The State consists of at least four fundamental elements (attributes) namely *population, territory, government and recognized sovereignty*. A nation or a state ceases to exist if any one of these elements stops to exist, especially for long-period of time.

Population

It refers to a group of people residing in a definite territory who are claiming membership to the state. Nowadays, as many as approximately 7 billion people live curved up in about two hundred states with a lot of political, sociological, economic, cultural and socio-historical variations characterizing them. The following are some of these characteristic features:

Homogeneity: is one feature distinguishing nations and it denotes peoples' similarity or sameness in cultural-psychological identity i.e., they speak the same language, follow similar way of life, share one and adjacent territory and similar psychological make-up. Example; Germany, Iceland in Europe, Somalia and Swaziland in Africa, Korea and Japan in Asia are few examples of a relatively homogeneous states in the world today.

Heterogeneity: refers to variation in cultural identity among the populations of states in language, culture and traditions. Examples of heterogeneous states include, among others,

Ethiopia (with about 85 ethnic groups), Nigeria (with some 250 ethnic groups) and India (with about 800 languages).

Socio-economic diversity: is another feature of populations in a given state with developed nations having a majority of urban, industrial and literate populations while fast developing states are transforming from majority peasant and rural, uneducated and labor-based population to that of urban and literate one.

Government

Government in this context broadly refers to group of people who exercise political power. Moreover, government is defined as a body of people with their institutions to make, implement and interpret the law. Government can also be defined as a machinery of administration through which the state realizes its existence.

All states by definition have governments of some kind that exercises sovereign power on their behalf. But, there have been a lot of differences among the governments of the world due to different reasons.

For instance, the issue of **Legitimacy** is a reason for governments to differ from one state to another. Legitimacy is *popular acceptance of a governing regime or system of governance*. It is a need not restricted to liberal democratic regimes, but considered a basic condition of rule because without at least a minimal amount of legitimacy, governing regimes would face deadlock or collapse. In this regard, different governments follow different mechanisms to achieve legitimacy to rule over the people. Certain democratic governments have been trying to achieve it through democratic election while others have been trying to achieve it through economic transformation.

Governments also differ on the issue of **Authority** (a real capacity of a government to exercise its legitimate or formal political power to rule the people effectively) i.e., while some states have such required authority, others lack it due to political inefficiency resulted from lack of either allegiance or obedience.

Another area of difference between states is the **form/system** of their governments (how the government is organized and how it makes divisions of power among its different branches and institutions) i.e., while some states organize through constitutional mechanisms other states do it through force or some traditions. Similarly while some states adopt *Presidential system of government* in which ultimate authority lies under a strong president directly elected to serve both as the head of state and head of government other states adopt *Parliamentary system* in which the parliament is the most powerful organ with the ultimate decision making power. The parliament exercises its executive authority through a strong prime minister who is head of the government usually supported by a president with little or only ceremonial power and acts as head of the state.

Territory

Refers to part of the earth's surface that marked off the areas occupied by a population of other states. These territorial divisions among the present states of the world are extremely irregular due to irregular political evolutions in creating the state. In general, there can be no state without a territory of its own though its boundaries might be clearly defined or ill-defined.

Sovereignty

Sovereignty is the right of a country to exist. Or, the power of the state to rule over its territory. Moreover, it can be also understood as the national control over the country's territory.

Recognition- approval of the legal personality of the state by other states in the international system.

3.2. Origin of the State

There are different theories advocated about the origin of the state. Some of them are the following:

a) *The Divine Right Theory*

This is the oldest theory of the origin of the state. It argues that God established the state. This notion prevailed in the ancient time when the rulers themselves were regarded as descendants of God.

b) *The Social Contract Theory*

This theory maintains that the state is an artificial creation based on the agreement or consent of people. The argument of this theory is based on popular sovereignty. Therefore, according to the social contract theorists, the state is established by the consent of the people for the purpose of securing their rights and their property.

c) *The Force Theory*

According to this theory, the state is the result of evil. It is created or emerged as a result of war and conflict. War of conquest resulted in the occupation of more territories and lead to the rise of the state. Therefore, the state is created through a process of conquest and coercion of the weak by the strong.

d) *The Natural Theory*- this theory maintains the idea that the state was created when humankind was created. According to Aristotle, Man is inseparable from the state. Aristotle further indicated that man by nature is a political and social animal that fulfill himself through the state.

e) *The Marxist Theory*- this theory indicates that the state is the result of the division of society into social classes with sharp and polarized economic interests. Hence, according to the Marxist theorists, the state is the result of class antagonism or the conflict between the rich and the poor.

State vs. the Nation

The terms state and nation are commonly used as synonymous terms. But they are different and convey varied meanings. That is the terms nation and state have more precise meanings for political scientists.

A nation is a large group of people who bound together; and recognize a similarity among themselves, because of a common culture, language, ethnicity etc. A state on the other hand is a political unit that has ultimate sovereignty.

A nation is a cultural and especially linguistic grouping of people who feel that they belong together. A state is a political unit with sovereignty.

One reason state and nation tend to commingle in common use is that leaders of states have almost universally tried to link the two to harness the emotional attachment of people to their notion and use that attachment to build support for the most abstract, legal entity- the state.

Relations and difference between the state and society

If society is ready for integration, the state is as well placed to provide it as are associations based upon kinship, economic and religion. Or possibly, it is even better placed because of its original or primary function. All human beings want protection. So, all of us depend on the association which provides it, the state. Moreover, the state controls the force which ensures the protection.

Society is a broad grouping of people who live in common environment and have common traditions, institutions, activities and interests. It is the total mode of human life. The state is the highest political organization which manifests society by creating different structures and organizations to facilitate political, social, economic and cultural life of the society

Difference between the state and society

Society came into existence earlier than the state.

The state is part of the large social system. Society is vast and complex concept, whereas the state is relatively specific entity.

Society involves multiplicity of functions, whereas the state makes and enforces laws, frames policies; ensure legal order to secure peace and stability of the society.

The state possesses sovereignty and it can coerce others through the use of force, whereas society does not have such kind of coercive force to compel others.

3.3. State Structure

Based on the way power is distributed and exercised, states can be classified into unitary states, federal states and probably confederal states.

The Unitary State Structure**Definition**

- The unitary state structure is a political structure where the national government entirely controls the sub-national units.
- A political structure in which the central government is the only source of authority within the state
- A political structure in which the central government is legally supreme over the local governments.
- A political structure where sovereignty and law making activities are indivisible

A unitary system accords its component areas little or no autonomy; most governance is done from the capital city. In this regard, unitary governments have significant control over local authorities. Local governments are agents of the central government. They are established for the purpose of implementing the laws and policies framed by the central government.

Features of a unitary state structure

- *Supremacy of central legislature*- in unitary state structure, the central legislature (parliament) is absolutely supreme in making laws whereas the local units are obliged to implement the laws, rules, regulations and policies.
- *Absence of subsidiary law-making sovereign bodies*- the national government is the only responsible body for making laws.
- Local governments can be created or abolished by the central government- the existence of local governments is determined by the will and interest of the central government.
- Local governments are weak- they do not have any power to make their own laws, policies, rules and regulations, financial power to implement laws and policies.

Rationale (reasons) for opting unitary state structure

- Homogeneous society- society which has similar language, ethnicity, culture, history, etc. In such societies, it is possible to have uniform laws, rules, regulations and policies.
 - Small territory- if a country has small and manageable territory, it is easy for the central government to control the peripheries. Majority of states in the world are unitary states.
- Although unitary states have common features, they differ from one another in terms of the degree of centralization of power and authority. Hence, based on their interaction with the local governments, unitary states are classified into two categories:

A. *Centralized (concentrated) unitary state structure*

It is characterized by the absence of the devolution of power. Local governments have not administrative (political) power to make decisions on matters relating to socio- economic and political affairs. Or, local governments are highly regulated by the central government and are

established for the purpose of implementing policies and programs framed by the central government.

B. Decentralized unitary state structure

This type of unitary state structure involves the delegation of power to the local units. In this type of state structure, there is certain delegation of power and responsibilities to the local units. But such kind of power delegation is not constitutionally supported and guaranteed.

In decentralized unitary states, like the Scandinavian and the UK, the central government grants decision-making autonomy, including some legislative powers to local governments (units).

E.g. China gives regional autonomy to Tibet. In Britain, Scotland, Wales and Northern Ireland are autonomous regions.

Merits of a unitary state structure

- It is an effective and efficient political structure, i.e. the central government can take any step and decision to meet the situation.
- It is a flexible political structure. The central government can easily amend its structure and organization according to the requirement of the situation
- It promotes uniformity in administration and legislation.
- It is less expensive because there is no duplication in the fields of legislation, administration and adjudication.
- It avoids conflicts of jurisdiction among different levels of government.
- Power organization in unitarism is relatively simple
- Conflict of jurisdiction is easily avoidable or manageable
- Services/functions duplication is comparatively rare because powers and functions are centralized at the center /national government.

Demerits of unitary state structure

- Suitable for autocratic governments. Because, all powers are concentrated in the central government.
- It discourages the initiatives of local governments, because the system is characterized by top-down approach in the process of administration.
- It may lack adequate knowledge of the local situation.
- The central government is burdened with all activities at the national as well as local levels.
- It is not suitable to apply in territorially large states.

The Federal State Structure

Definition

☞ Federalism refers to a spatial or territorial division of power between two or more levels of government in a given political system.

☞ A state in which two levels of government rule the same land and people. Each level has at least one area of action in which it is autonomous.

☞ There is constitutional guarantee of the autonomy of each government in its own sphere.

☞ Federalism is a political organization in which the activities of government are divided between regional governments and a central government in such a way that each kind of government has some activities on which it makes final decisions.

Federalism can be achieved through two ways:

“Coming together” federation- appear when sovereign states decide to form a federation voluntarily due to various reasons such as security purposes, governmental efficiency and so on.

“Holding together” federation- mostly emerge after consensual parliamentary decisions to maintain a unitary state by establishing a multi- ethnic federal system largely to avoid or settle ethnic, regional and other type of group conflicts.

There are many forms of federalism, but the bottom line is that fundamentally all involve self-rule and shared-rule.

Basic features of a federal state structure

- i. The existence of dual governments – federal and regional governments, with their own separate constitutions.
- ii. Absence of unilateral re-centralization of powers and authority by the central/federal government at its will.
- iii. Absence of unilateral amendment of the federal constitution or some of its provisions by either government level. That is to say that the consent or agreement of the sub-national/regional governments is needed in the amendment process.
- iv. Supremacy of federal constitution – regional constitutions are expected to be subordinated to the federal constitution. They are also expected to be framed in relation to the principles that are stipulated in the federal constitution. The federal constitution is the ultimate supreme constitution that all laws that are framed in the country are required to uphold it.
- v. Supremacy of the federal government- key activities are the responsibilities of the federal government. Military (defense), foreign policy monetary issues, declaring and lifting up state emergency are some of the key activities of the federal government.
- vi. Recognized power of regional states – regional states in the federal government are autonomous bodies. The federal government cannot shape (dictate) them as it wishes.
- vii. The existence of written constitution- all federal states have written constitutions that specify the powers and authorities of the central government and its constituent units. E.g. the Ethiopian constitution clearly specifies the functions of the federal government (Art- 51) and the functions of regional government (Art 52). In this regard, there are powers that are exclusively given to the federal government such as
 - a. conducting foreign relations
 - b. organizing and controlling the defense forces
 - c. printing and circulating money, etc.

There are powers and responsibilities that are exclusively given to the constituent units such as

- a. Provision and management of education, health and labor affairs;
- b. Promotion and management of transport and communication sectors
- c. Realizing internal security
- d. Agriculture, industry, trade and tourism
- e. Managing local finance (raising and spending)

There are also *Residual Powers*, which are not expressly/explicitly given to any level of government. In some federal states, they are given to the central government while in others to the regional units. In Ethiopia, such powers are given to regional governments.

Merits and demerits of federalism

Merits

- ☞ Suitable to apply in territorially vast states and diverse society
- ☞ Maintains a balance between the **centrifugal and centripetal forces** within the system
- ☞ Grants self-government and self-determination for people to decide on their affairs
- ☞ Federal orders may increase the opportunities for citizens’ participation in public decision-making, through deliberation and offices in both sub-units and central bodies

☞ Local and regional governments are usually closer to the people and sensitive to their needs. This ensures that the government responds not merely to the overall interests of the society, but also to the specific needs of particular communities. In this regard, federalism facilitates efficient preference maximization more generally and specifically in the area of economic/ fiscal management.

☞ Local decisions prevent decision-making from becoming overloaded in the central government and, thus, federalism may also minimize inefficiency and bureaucratic chaos.

☞ Federalism tends to combine national unity and local autonomy and the rights of self-government and thus maintains balance between centrifugal and centripetal forces in a state.

Demerits

➤ Creates unnecessary complexity and confusion since there is duplication of legislation, administration, taxation, adjudication, etc

➤ It is very expensive

➤ The division of power between the central and federal government may lead to conflicts of jurisdiction between national and local officials and thus a sort of 'No Man's Land' in which neither authority may take decisive action.

Con-federal state structure

Con-federations are voluntary associations of independent states to achieve their common interests without affecting the internal affairs of member states. Confederations establish for military and economic purposes. For example, the USA was a confederal state before it became a federal state.

3.4. An Overview of State Structure in Ethiopia

PRE-1991 state structure in Ethiopia

Pre-1991 Ethiopia was a unitary state. Political power was concentrated at the center. Specifically, during the Imperial and the Derg regimes, local governments (*kiflehagers*) were established to implement laws and policies which were formulated by the central government. Hence, local governments did not have constitutionally recognized power or authority to make laws and policies. Policy-and law-making activities were monopolized by the central government.

POST-1991 state structure in Ethiopia

In May 1991, the Derg regime was ousted by the EPRDF, which in the aftermath formed a coalition for a transitional government on the basis of a Transitional Charter adopted in July 1991. This charter proclaimed the equal rights and self-determination of peoples as the governing principle and affirmed the rights of nations, nationalities, and peoples to self-determination. Art-2 (b) of this charter guaranteed each nation, nationality, and peoples the right to administer its own affairs within its own defined territory and effectively participate in the central government on the basis of freedom, fair and proper representation.

National regional self-governments were established by proclamation 7/1991. Art-3 of this proclamation identified 14 regions for the establishment of regional states.

The 1994/95 FDRE constitution once again fully expressed the sovereignty of the ethnically defined regional states. Art-8 of the constitution states that all sovereign power resides in the nations, nationalities and peoples of Ethiopia. Art-46 also affirms that the FDRE is constituted by states. It also stipulates that states shall be delimited on the basis of the settlement patterns, language, identity and consent of the people concerned. The constitution established 9 regional states and two city-administrations.

The current Ethiopian state structure is generally characterized by

- ☞ Decentralization of power and responsibilities between the federal government and regional governments.
- ☞ The existence of federal as well as regional legislative, executive and judiciary organs to run their affairs.
- ☞ Self-rule and shared-rule

3.5. UNDERSTANDING GOVERNMENT

Definition

Government is one of the most essential components of the state

- ☞ It is a machinery of administration through which the state performs its activities
- ☞ A body of people along with their institutions that make, interpret and enforce laws
- ☞ A formal social institution which operates at the national level to maintain public order and facilitate collective action
- ☞ A political organization which is empowered to establish laws and regulate interrelationship of the people
- ☞ It is the agency of the state and society
- ☞ A combination of institutions and officials who hold power on behalf of the state to make laws and public policies
- ☞ An institutional process which maintains order in the state

Division of Governments

Aristotelian division of governments

Monarchy: - it is one-man rule. Such governments exist in two forms.

- a. **Traditional monarchy:** - The king or the queen has a ceremonial position by hereditary line.
- b. **Constitutional monarchy :-** The king or the queen maintain his/her head of the state, an indispensable figure in all great official occasion and symbol of national unity and authority of the state but lacking real power.

Dictatorship: - refers to the absolute rule of a single person who occupies his position by means of force. This is directly or indirectly the outcome of militarism. The president or the prime minister seizes personal power by destroying opposition parties and building authoritarian one party system.

Aristocracy: - it is rule by the few. It may be drawn by birth or hereditary social grouping set apart from the rest of the society by religion, economic status, prestige, and even language.

Aristocracy and oligarchy are used interchangeably.

For a long time, aristocracy took as natural form of government. Thinkers from Aristotle in ancient time maintained that nature has made **only few persons talented and good.**

Aristocracy as a form government has now disappeared from the face of the earth.

Democracy: - In this form of government, the people are powerful. Sovereign authority is vested with the people. The government implies the rule of the people, by the people and for the people; rule of the many in which the governing body reflects large fraction of the entire population.

Republic- a form of government where power is seized based on election.

Montesquieu's classification

1. Republican
2. Monarchical
3. Despotic- a form of government where a ruler exercises total personal power over the people

Rousseau's classification

1. Autocratic- a form of government where an individual exercises unrestricted authority
2. Aristocratic
3. *Democratic*

Relations and differences between the state and government

Relationships- commonly, the state and government appear synonymously. This is because of the fact that the government speaks on behalf of the state. The government is an important machine through which the state realizes its existence. Hence, the government is part of the state.

Difference

- ☞ The state is an inclusive entity that encompasses the four attributes whereas the government is part of it.
- ☞ The state comprises the entire population whereas the government constitutes relatively small population or few people who are performing office activities
- ☞ The state is permanent whereas the government is temporary
- ☞ The state is an abstract entity but the government is tangible

Uniqueness of the government

The government is different from other social institutions in that:

1. **It has comprehensive authority**- rules made by any social organization other than the governments are intended to apply to members of that organization. But the rules of the government are intended to apply to all members of the society within a state. Government authority is a recognized power to make binding decisions within the state.
2. **Legitimate monopoly of using force**- all social organizations imposes sanction on rule breakers. But government differs from other organizations in that it is authorized to impose sanctions that are prohibited to be imposed by other organizations. It will punish law breakers through imprisonment and taking their lives. The ability of the government to impose these sanctions indicates the existence of legitimacy on the government.

The purposes of government

- Organizes, mobilizes and taking responsibility for the well-being of the society
- Manages resources of the society
- Defines the interest values of the society
- Protects the state from external attack
- Safeguards the life, freedom, liberty and property of the society
- Realizes or ensures peaceful life in society
- Self preservation from external threats
- Distribution and regulation of resources
- Preventing and resolving conflicts within the state
- Provision of goods and services that cannot be provided by the private sector
- Organizing and mobilizing the society for developmental activities
- Maintaining peace and order in society etc.

3.6. Structure of the Modern Government

Modern governments constitute three main branches to perform their functions: the legislative, executive, and judiciary organs. Each organ has its own powers and responsibilities.

The Legislative (Law-Making) Organ

It is the supreme law-making organ of the government. It has different names: Parliament, Assembly, Congress, etc.

The legislative organ may differ from state to state depending on the number of houses. Some legislative organs of government are bicameral and others are unicameral, having two houses and a single house respectively.

Bicameral parliaments are introduced to provide check and balance within the legislature. For example, the USA has a bicameral legislature (the House of Representatives + the Senate). The two houses check each other in their activities. Federal states are basically characterized by the existence of bicameral parliament.

Countries with bicameral parliament:

Canada, USA (1st house=the House of People's Representatives, 2nd house=the Senate)

Ethiopia (1st house=the House of Peoples' Representatives, 2nd house=the House of Federation)

Britain (1st house=the House of Commons, 2nd house= the House of Lords)

Australia, India, etc.

Members of the 1st house are directly elected by the public whereas members of the second house could be nominated by a concerned body.

Unicameral parliament is common in unitary states. It is adopted to avoid duplication of activities and services, and to have a clear responsibility of one body.

Countries with unicameral parliament

China, Bulgaria, Denmark, Kenya, Algeria, Costa Rica, Finland, Tanzania etc

Powers and functions of the legislative organ of government

Legislative branch of the government provides a link between the people and the government, and perform very complex functions. Some of the functions are the following:

1. Law-making (legislation) - law-making is the primary function of the legislative organ of the government. It is responsible to draft, amend (modify) and ratify (endorse) public laws, policies and decisions. The laws endorsed by the legislative organ are expected to be binding laws. Law is made by the legislature based on majority vote.

Policy proposals and draft laws can be emanated from the executive and any member of the parliament for deliberation and approval by the parliament.

Procedures (steps) of law-making in Ethiopia

1st step (initiation of the draft proposal) - the draft proposal can be emanated from the political executive and any member of the parliament

2nd step (discussion stage) - the draft law will be presented for discussion and will be debated and commented

3rd step (ratification stage) - the draft law will be approved if it gains two-third majority vote in the parliament.

4th step (signature by the President of the republic)- the draft law is to be signed by the President within 15 days.

5th step (publication stage) - after it is signed by the President it is expected to be publicized by the Negarit Gazettea.

2. Control over administration

Legislative branch of the government is responsible to oversight and control the administrative functions of the government. In parliamentary systems, the executive is accountable to the legislative branch of the government. The prime minister and the ministers, collectively and individually, are accountable to the parliament. The parliament evaluates and censures the works of the executive. Depending upon the investigation and evaluation results, the parliament will punish or reward the executive (leaders of the government departments).

3. Amending the constitution

The legislative organ of the government has the power and responsibility to amend (modify) the constitution.

4. Elect and depose the executive (the Prime Minister)

5. Financial function

Endorse decisions on the government budget proposed by the executive organ of the government. It has also the power to revise the budget proposed by the executive. It also determines the nature and amount of taxes and appropriations.

6. Investigative function

Digging up and collect information through the establishment of different standing committees and commission of inquiries.

The Executive Organ of Government

In many countries, the term government connotes only the executive branch. But this is wrong, because it excludes the two branches. The executive organ of the government is responsible for the daily administrative and management of the state bureaucracy. Or, it is responsible for the implementation of laws and policies of the state. It also controls and oversees the overall functions and agencies which are concerned with the implementation of policies and laws of the state.

The executive organ of the government is very a complex organ that consists of the head of state and government, ministers and other enforcing bodies of the government. It is commonly divided into two:

A. The chief executive that refers to an individual or group of individuals who are at the apex of the state or political apparatus.

B. The executive- a broad term which refers to all officials and organizational machinery that is below the chief executive.

In parliamentary systems, the political executive consists of elected officials and ministers appointed by the parliament. Members of the executive in parliamentary systems are accountable to the parliament. But in presidential systems the political executive is not accountable to the parliament.

Powers and functions of the executive organ of government

Basically, the main function of the executive organ of the government is implementation of laws and policies made by the legislative organ of the government.

A. Provision of national policies- the executive organ gives general direction for the national policies. It also controls and implements these policies after endorsed by the parliament

B. Supervises or oversees the implementation of the national policies

For effective implementation of national policies, the executive organ of the government organizes and mobilizes the public so that citizens can actively participate in the process of policy implementation.

C. Controlling the military (defense forces) - the executive organ of government is responsible to keep the law and order from violation, and maintain peace and stability of the state. To do so, it has a control over the mechanisms of coercion: the military and the police.

In most states, the prime minister or the president is the commander-in-chief of the armed forces. The executive controls and mobilizes the mechanisms of coercion to ensure peace and stability of the state.

D. Conducting foreign relations

Foreign policy formulation and implementation are the responsibilities of the executive. Foreign policy involves complex issues relating to national interest and national security. It needs quality of leadership to deal with problems properly.

E. Providing leadership- usually, the executive organ of government provides leadership roles. Leadership can be classified into two: ceremonial and effective.

Leadership in parliamentary systems

Effective leadership- in parliamentary systems, effective leadership responsibilities are given to the prime minister (head of government). As the head of government, the prime minister performs various functions such as

- Commanding the national army
- Nominate ministers
- Supervise foreign policy implementation and follow up the implementation of national policies

Nominal leadership- in parliamentary systems, the head of state is the president. He/she is a ceremonial figure. He/she can be elected, as the case in Ethiopia and come from hereditary line (as in Britain).

Some of the ceremonial duties of the president are:

- Serving as the symbol of national unity
- Representing the state in ceremonial conferences and national holidays
- Receiving guests and awarding prizes

Leadership in the presidential systems

Real and nominal powers in presidential systems are given to the president. That is the president serves as the head of state and government.

Powers and functions of the president

- Appointing ministers and other officials but subject to ratification by the legislature
- Formulating national policies
- Declare state emergency
- Take necessary steps for the implementation of laws and maintenance of order
- Serves as the final source of all executive decisions
- Makes decisions relating to foreign policy
- Receiving guests and signing treaties

The office of the head of state and the office of the head of government are merged or fused in the office of the president.

F. makes decisions in crisis situation

The power and responsibility to take decisions in crisis is given to the executive organ of the government. It is expected to take swift and decisive action when the state faces with crisis either domestically or externally emanated problems. To do so, the executive organ of the government has the authority to declare state emergency when the country is faced with serious problems such as natural disasters, civil disorder, terrorist threats, communicable disease etc.

E.g. the authority to declare state emergency in Ethiopia is given to the prime minister.

Generally, decision-making matters relating to a situation of crisis are the responsibilities of the executive organ of the government.

The Judiciary Organ of Government

It is an organ which is primarily concerned with the interpretation of laws. It is empowered to decide legal disputes and adjudicating on the meaning of laws (interpret laws).

Basically, the judiciary organ is responsible to interpret laws, including the constitution and other laws of the country. But the case of Ethiopia is different in that the power and responsibility to interpret the constitution is given to the House of Federation.

The judiciary is expected to become free from any influence to perform its activities effectively. The judges are also expected to become free from any influence and are to be accountable to their conscience and the law.

According to the Ethiopian constitution, judges cannot be removed until their time of retirement. But, they can be removed from their power (position) when

- *They violate disciplinary rules*
- *No longer perform their activities due to illness*

The major powers and functions of the judiciary branch of government are:

A. Adjudication- administers justice through court systems. Courts hear and decide cases such as civil, criminal and constitutional disputes. They have also the responsibility to resolve disputes between or among citizens, government organs, institutions, etc.

B. Formation of case laws- all laws are not made by the legislative organ. Sometimes the judiciary and even the executive organs are also engaged in formulating laws when the legislative delegates law-making power to these organs. Hence, case law can be enacted by the judiciary organ of the government.

C. Protection of the constitution- the judiciary is responsible to ensure that all laws within the country are formulated based on the constitution. It ensures the conformity of all laws to the provisions of the constitution.

D. Judicial review- an important function of the judiciary is reviewing the acts and decisions of the legislative and executive organs, whether these acts and decisions have constitutional validity or not. If the actions and decisions are found to be invalid or unconstitutional, this organ declares that these actions and decisions are null and void.

3.7. Systems of Government

There are two systems of government: Parliamentary and Presidential, and probably a third one: hybrid system.

A. Parliamentary System of Government

Modern parliamentarianism was only created when monarchs lost effective power over governments. A democratic parliamentarianism is required to emerge from, and be responsible to an elected parliament. That is the executive organ of government is accountable to the legislative organ of government. For example, in Ethiopia the prime minister and the council of ministers collectively and separately are accountable to the House of Peoples' Representatives.

Democratic parliamentarianism requires universal suffrage. When a government or the executive loses confidence of the parliament, there is always the possibility of new election. Moreover, if a prime minister loses confidence in the parliament, he/she can be deposed by the parliament through the motion of the vote of no confidence. In this regard, if a political party wishes to change its leader within life time of a parliament, then there are likely to be means by which this can be accomplished. This is not so clearly the case in presidential systems, where presidential impeachment is possible but generally requires evidence of wrongdoing rather than mere unpopularity or policy failure. E.g. Mrs. Thatcher was removed as a prime minister in 1990 by the British conservative party in parliament because of policy failure, although there was no suggestion of wrongdoing.

The role of political parties is crucial in parliamentary systems. For stable government to be possible, the executive or the government must be able to control the legislature (parliament). If it cannot do so, then either the government changes or the parliament is dissolved and new election will be held. Hence, political parties have to act in a disciplined way in order to allow the system to work. They have to act as key intermediaries between the ordinary voter and the government.

In parliamentary systems, the electorate vote for parties, parties are represented in the legislature, and the legislature selects the executive. If the electoral system is based upon proportional representation there is a chance for the existence of several parties in the parliament. If no party has a majority seats, two or more parties will form a coalition

government. In pure parliamentary systems, the prime minister is also a member of the legislative body as is the rest of his/her cabinet. There may be some provision for non-parliamentarians to join the cabinet, but this is relatively rare. Parliamentary systems do rely mainly on strong and disciplined political parties as a means of connecting voters to government. In parliamentary systems, the head of state (figurehead monarch or weak president) is distinct office different from the head of government (prime minister or chancellor). In this system, the prime minister is the important figure. He/she is the chief executive and commander in-chief of the armed forces. Hence, he/she holds the real executive power. Term office for the prime minister is not fixed. It depends upon the will of the political party that holds political power or majority seats in the parliament.

Advantages of parliamentary systems:

- A prime minister can be removed without great upheaval. He/she can be forced out of office if he/she becomes excessively unpopular or loses the support of parliamentary colleagues.
- Either a vote of no confidence within the legislature or successful challenge from within the ruling party can bring about a change of prime minister.
- Avoids dual legislation. In parliamentary systems, voters choose a single legislature/executive body, namely, parliament. In presidential systems, however, voters have to choose twice, once to elect the president and once to elect the congress. Thus, if president and congress disagree, they can both claim a democratic mandate.
- It creates harmony between the executive and legislative branches of the government, because majority of the members of the parliament are members of the political party that holds state power.
- The executive branch of the government is accountable to the parliament; hence, there is less possibility of the tendency towards dictatorship
- Necessarily the party that secures majority seats organizes a government.

Demerits of parliamentary systems:

- Violates the principle of separation of power
- It will result in unstable government when there is no party that secures majority seats in the parliament
- There will be a tendency to ignore the interest of the public in order to keep the interest of a political party.

B. Presidential System of Government

Presidential systems are systems where the president is not just a figurehead but also a functioning head of government. Presidential democracies most clearly show the separation of power between the executive and legislative branches. In presidential systems, the president is more or less directly elected by the people, in the US, of course, the quaint Electoral College mediates between the people and the actual election. The president is vested with considerable powers, and cannot easily be ousted by the legislative body.

Presidents in presidential systems are not responsible to legislatures. The close connection between the legislative and executive is broken. Presidents are elected on their own and choose cabinet ministers or department secretaries from outside the ranks of the legislative body.

Common features of presidential systems

1. Separation of power and responsibilities among the branches of the government. The doctrine of separation of power implies the absence of overlapping powers and authorities. Moreover, it refers to the idea that each government organ has its own responsibilities that are to be performed without the interference of the other.

It also implies the idea that no individual shall be a member of two or more organs of the government. Each organ of the government checks the activities of other organs. Each organ of the government is also constitutionally independent and accomplishes its duties freely.

1. The president is the head of state and government. He/she is the commander-in-chief of the national defense forces. Office of head of state and the office the head government are merged in the office of the president.
2. The president has veto power over the draft bills presented by the legislative body of the government. He/she has parallel power with the legislature.
3. The president can be impeached if he/she is found guilty of wrong doings or crimes.
4. Term office for the president is fixed in presidential systems but not for prime ministers in parliamentary systems

Advantages of presidential systems

- The fate of the executive does not depend upon the legislative. Hence, it ensures stability of the executive organ.
- It provides a better room for check and balance.
- It minimizes the abuse of power on the organs of the government.

Demerits of presidential systems

- Since the president is not accountable to the legislative, this system may lead to autocracy or dictatorship.
- There is a possibility of confrontation between the president and the legislative. This can happen when one political party wins the office of the president and other party wins the majority of seats in the legislature.
- The president may not be able to influence the legislature to make laws to meet the conditions of crisis.

C. Hybrid (Mixed) System

Hybrid system refers to the combination of both parliamentary and presidential systems. It is also termed as semi-presidential system. In this system, the people (electorate) elect the legislative members and the president. Then, the president will elect the prime minister. The president has important power such as controlling the defense forces, matters relating to foreign affairs. France is the best example of the hybrid systems.

3.3.7. Important Concepts

Authority- institutionalized power that is recognized by the people or the governed. It is recognized power that is seized through democratic election. In short authority is legitimized power.

According to Max Weber, there are three *sources of authority*:

1. ***Traditional authority-*** legitimate power conferred by custom and accepted practice. E.g the king/queen is accepted as a ruler of a nation simply by virtue of inheriting the crown.
2. ***Legal/rational authority-*** recognized power that is granted/given based on the constitution.
3. ***Charismatic authority-*** power that is acquired based on the leader's exceptional appeal to his/her followers. E.g Mahatma Gandhi, Martin Luther King, etc.

Power- refers to the ability of someone to influence others do something. Or it is the ability to exercise one's will over others.

Legitimacy- an attribute of the government in which the governed/people/ to comply with willingly to the government's authority. Legitimacy is associated with popular acceptance of governing of governing regime and it is a basic condition for rule. It is a basic attribute for stable governance. The term legitimacy differs from legality. It is a willingness to comply with the

system of rule regardless of how a ruling regime is popular and respected. Legitimacy can be checked through democratic election.

Chapter 4

Constitution and Constitutionalism

4.1. Definition of Constitution and Constitutionalism

Constitution consists of fundamental laws of a country. It includes basic rules, regulations, values, beliefs, traditions, norms, customs, standards and aspirations that channel internal affairs of a country and give direction to country's foreign relation. It is a document containing essential principles on distribution of governmental powers as well as rights and responsibilities of citizens. It indicates economic, political and social policies of a given country. Constitution is also defined as the body of doctrines and practices that form the fundamental organizing principles of a political system. In this regard, constitution is understood as the highest law of the land that prevails over all other laws of a country.

Yet constitution is different from specific laws, because it is the highest law of a given country. It is brief and general in outline.

Constitutionalism means government by constitution or practice of government regulated by a constitution.

It is a concept which implies constitutional provisions and full realization or implementation. It is a culture in which government officer's act in accordance with the rule of law. Constitutionalism is the way that public authority is to be exercised, implemented, or applied according to the law. Hence, constitutionalism is more than having a constitution. In short, it implies the proper implementation or practice of the principles, which are included in the constitution. It also refers to the prevalence of the rule of law where the government and public officials are held accountable to the people and responsible for their decisions and actions.

4.2. Purposes and Functions of Constitution

A. Serves as a framework for government: constitution is a plan for organizing composition and structures of a government. It establishes foundation for government.

B. Grants powers to government: constitution provides authority to government to accomplish its tasks and to make different decisions.

C. Constitution limits government powers: constitution determines what public authorities must do and must not do. It restricts extent or degree of officials' power. Government authorities should not do whatever they wish to do but according to their constitution. The working of government officials in the spirit of constitution ensures the rule of law.

D. Constitution as the supreme law of a country: constitution is the source of all specific laws with regard to different affairs in a country. All other laws are derived from the constitution. When detail laws are made in a country constant reference should be made to the constitution. All laws in the country must conform to the constitution. Likewise, any law that contradicts with the constitution will not be valid as a law in the country. Thus, constitution serves as a binding instrument of all other laws in a country.

Generally, the very purpose and functions of constitution are closely linked with the ever-increasing demand to limit the absolute powers of governors, and guaranteeing the rights of the governed.

4.3. Classification of constitutions

Constitutions 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 branches of the government, and on the limitations they set on government authority. Moreover, constitutions of various countries differ from each other in their form, content, and patterns of political arrangements. These differences may have been caused due to the difference in historical backgrounds, social traditions, and political practices. In some cases, constitutions tend to be products of compromises and consensus of the different social and political forces of a society. In other cases, power holders in government with the aim of securing their desired political and socio-economic interests draw constitutions. Generally, constitutions of different countries are not only differing in their forms and appearances, but they may also differ in terms of their contents of the underlying principles and procedures.

4.3.1. Written Vs. Unwritten Constitutions

In terms of their forms, constitutions are classified into written and unwritten constitutions.

a. Written constitution: -is one that exists in a single document containing the basic principles and rules specifying the rights and duties of citizens and the composition and powers of institutions of the government. In this document, all political structures and institutions of the state are organized in accordance with the principles stated in the single written document. The majority of the constitutions in the world are written constitutions. For example, India, Nigeria, Ethiopian, Kenya, France, Germany, United States of America, and the like have written constitutions. A written constitution has its own advantages and disadvantages.

Advantages:-

- ☞ It is full of clarity and definiteness because the provisions are written in detail.
- ☞ It is readily available to citizens to enable monitor the behavior of their government and prevent the emergence of dictatorship. Moreover, as it is easily available to citizens, it helps them easily know their rights and duties.
- ☞ It has the quality of stability and the ability to help citizens develop a sense of confidence and satisfaction. Since the people know of the nature of the constitutional provisions, they feel a sense of satisfaction and confidence for being their rights are accorded with a legal protection of the constitution.

Disadvantages:-

- ☞ It creates a situation of rigidity; it is difficult to change it easily and quickly as per the requirements of the time. Or, it is not easily adaptable to new changes.
- ☞ Implementation of the constitution usually involves interpretation. In some instances, interpretation leads to disputes between branches of the government

b. Unwritten constitution:-is a document based on common traditions, and usages of the country. It is meant that the fundamental principles and powers of the government are not written down in any single legal document. In other words, there is no single written document that specifies the rights and duties of citizens and the composition of powers of institutions of the government. Instead, principles exist in a number of documents, customs and conventions. In short, unwritten constitution is a collection of documents, rules, regulations, declarations and traditional practices that serve as governing principles. These elements were passed by either a parliament or other competent government bodies at different times, without compiling into a single document.

Unwritten constitution is used in Great Britain, New Zealand, Oman, Saudi Arabia, Israel and the like. Great Britain's constitution is a typical example of unwritten constitution. Like that of written constitutions, unwritten constitutions have their own advantages and disadvantages.

Advantages:

- ☞ It has a quality of elasticity and adaptability.

☞ It is so dynamic that it prevents the chance of popular uprising, because the government will easily amend it based on the demands of the public.

☞ It is resilient as a result it can absorb and recover from shocks that may destroy written constitution.

Disadvantages:-

☞ It is not stable and could easily be abused by politicians who are irresponsible to the interests of the public.

☞ It leads to a state of confusion, because it is not easily available to citizens.

☞ It is not suitable in democratic political systems, because in democratic political systems the government is required to make citizens know their rights and duties.

4.3.2. Rigid Vs. Flexible Constitutions

A constitution is the supreme law of the land and considered as a permanent legal instrument. However, it needs modification in order to cope with changing internal and external circumstances. Modification takes place either by writing a new provision (s) into the constitution or by modifying the exiting provision(s) of the constitution. Such a process is called amendment. Accordingly, writers on constitutional matters have traditionally divided constitutions into rigid and flexible constitutions depending on the complexity of the requirements (procedures) for amendment.

a. Rigid constitution: - is the one that provides a series of procedural requirements for amendment. In this case special procedures need to be followed to amend such constitution, and therefore, difficult to amend.

b. Flexible constitution: - is a constitution that adapts easily to changing circumstances. It has simpler requirements (procedures) for amendment. Therefore, it is easily amendable constitution.

4.3.3. Federal Vs. Unitary Constitutions

One major function of a constitution is the definition of the political structure of the state. Accordingly, some constitutions design federal state structure and they are named as federal constitutions, and others design unitary state structures and they are named as unitary constitutions. In this regard, constitutions may concentrate power at center or distribute it among the different (horizontal and vertical) branches and levels of the government. When a constitution determines that there must be sub-national levels (dual polity) of government such as *regions* in Ethiopia, *states* in the United States of America, *Lander* in Germany, *cantons* in Switzerland, it is said to be a federal constitution.

On the other hand, in unitary constitutions, all state powers are concentrated in the hand of the central government. The central government can establish or abolish the lower levels of government, determine their form, composition, and sub national units do not have constitutional guarantee for their existence.

4.3.4. Contents and Validity of Constitutions

Constitutions differ from one another on how they are framed and introduced. But most of them contain certain basic statements about the institutions and functions of the government. The most important objective of constitutions is to distinguish the distribution of power among the branches of the government: the power to make laws, to enforce laws and to interpret laws.

Constitutions could be made in a number of ways. One way of making constitution is through a body called constituent (constitutional convention) whose members are representatives delegated by the people, that may draft, discuss, improve and ratify a constitution as the law of the country. It also involves members of political parties or civic organizations. Such a broad participation in the process could help to incorporate public interest in the constitution to be formulated.

The other way of making constitutions is via rulers who could unilaterally draft and introduce constitutions without involving the public. Autocratic, monarchic, and dictatorial rulers usually make constitutions based on their own wishes and interests. Such constitutions are imposed on

the people without having their consent and, hence, are always challenged. Ultimately, they collapse since the broad members of the society do not support them.

Majority of states have framed their constitutions by incorporating legal protections to the rights of their citizens. However, the mere fact of a written guarantee should not be assumed to mean that such rights really exist and protected. The guarantee lies on objectively. A constitution to be worthy, must contains essential contents and principles such as:

- ☞ Stability both in form and procedure,
- ☞ Adaptability to the social, economic, technological, and other changes that are important to the life of state and the society,
- ☞ Accountability of those in power or political officials
- ☞ Representation of the governed within the government,
- ☞ Transparency in the process of administration
- ☞ The division of power among various organs of the government etc.

4.5. Origins and Development of Constitution and Constitutionalism

The historical evolution of constitution can be traced back to earlier stages of civilization. The ideas of constitution as political phenomena extend further into previous historical periods. In the history of human societies, the emergence of constitutional government is related to the desire to limit the absolute powers of rulers over those who are ruled. Different political experiences of governance, political rights, roles and relations of state and society developed through time. In this regard, many cultures influenced and shaped the development of constitutional thinking. Thoughts and actions of different cultures of societies since ancient times have contributed for the appearance of the modern concept of constitution and the development of constitutional practices.

Hammurabi's Law: Hammurabi (r. 1792-1750) was ancient Amorite Babylonian king. His legal traditions were not concerned with issues of freedom and rights of the citizens. Instead attention was given to maintain forceful orders. Rules were aimed at consolidating the authorities of rulers who claimed justifications that their laws originated from supernatural forces or divine being. Subjects who did not obey the law would be seriously punished. Any criticism against the law was unacceptable. Thus, Hammurabi's law established a highly authoritarian rule. Modern sense of constitutionalism was not known. There was no limit on authority of government. The relationship between government and people was not based on equality. Thus, Hammurabi's Law introduced a legal system of governance or legality but not the idea of constitution and democratic practices.

Hebrews- Theocratic Constitutionalism: the Hebrew were the first to practice constitutionalism emphasized on limiting rulers' absolute power by divine law. Subjects claimed that they lived under divine guidance and rulers on earth were considered as God's agents. Thus, rulers were expected to have moral obligation to their subjects. When rulers became unjust in practicing law, *prophets* claiming spiritual authority arose to advice, warn and resist them. This is considered as the first legitimate opposition against established authority. However, Jewish understanding of justice was based on religious thinking, not on free will of the governed. Hence, contemporary ideas of political rights did not exist.

Greeks-Constitutional Democracy: Greeks were the first to exercise democratic governance during 5th and 4th century. They developed a fully constitutional political civilization. The constitutional ideal of the Greeks included popular participation of all citizens in decision making through direct democracy. There was no possibility for political power to be held in the hands of the few. It also involved sharing of power and state functions. Moreover, that system also included mechanisms of limiting the powers of office holders. The office holders were usually selected by the vote. In some offices that required qualification and knowledge, the office holders were designated by election. All active citizens had access to the public offices. When

public officials tend to abuse power, condemnation and exclusion from social acceptance were exercised. The office terms were also short. Therefore, political power was rationally shared. Officials and citizens also made observance to the rule of law. Nevertheless, the constitutional democracy of the Greeks was not absolutely perfect. The assembly of citizens was without any constitutional limitations. That is, the kind of democracy exercised was excessive. As a result of this, the Greek political system was unstable and full of internal disharmony.

Romans-Republican Constitutionalism: Romans introduced a republican system of governance from 600 BC to about 100 BC. Republican constitutionalism was not completely left at the mercy of all citizens and not completely controlled by absolute monarchy. Romans exercised distribution of powers among different assemblies which were meant to be complex devices of checks and balances on each other's powers. Officials were elected by assemblies of citizens and for a term of a year at a time. Thus, republicanism was a form of constitutional supremacy of legitimate officials and bodies for limited purposes and periods. The Romans also established a system of civil and criminal law, which is the source for the legal codes of many modern nations. Republicanism emphasized the operation of an elaborate legal system and institutional means of limiting power. Anyhow, the influence of citizens in governance process was limited although it was conducted on legally or popularly acceptable ways. Eventually, the Roman republic degenerated and resulted in absolutist rule.

Magna Carta: in its modern sense, constitution emerged in 7th century England. In 13th century England King John used to rule his people unfairly or selfishly. The abuses of his power were asking unusual tax rates and depriving of established privileges. As a result, those who suffered decided for an armed confrontation. However, in 1215 AD John agreed to sign a great charter of liberties called Magna Carta,

which put restriction upon king's power. Magna Carta has served as cornerstone for modern systems particularly English parliamentary, USA's presidential and French hybrid systems.

4.6. Overview of Constitutional Experiences in Ethiopia.

4.6.1 Traditional Constitutional Experiences in Ethiopia

The modern Ethiopian Empire, which was created in the last quarter of the 19th century, did not possess written constitution until 1931. But this does not mean the various nations and nationalities of Ethiopia did not have customs and social norms that regulated their day-to-day life. The different ethnic entities in the country had their own customary laws and highly developed cultural norms, which governed their society. For example, the Christian kingdom in north Ethiopia, the Abyssinian core, had for centuries lived according to *Fitha Negest* (legislation of the king). It is the most highly respected legal document in Ethiopia which even in modern times continued to be cited by judges. It is interesting to note that the *Fitha Negest* has two parts: the first is based mainly on the Holy Scriptures and the ecclesiastical canons of the Egyptian Coptic Church and the second-secular part- is described as the canons of the kings. *Fitha Negest* continued to serve until it was replaced by the 1931 Hailelassie constitution. In addition to the *Fitha Negest*, there were also other traditional documents such as the *Kibre Negest*, and the *Sirate Mengist*, which contributed a lot to the development of a constitution in Ethiopia. *Sirate Mengist* has provided administrative and protocol directives since 19th c.

These documents, as bodies of doctrines, set out the laws through which the society was governed. In this regard, until the early 1930s, the rule of the Ethiopian Emperors was based on traditional and customary political and legal premises. Generally, the traditional constitutional experience was characterized by the dominance of myth and legends. The myths and legends that provide legitimacy were the myths of the *Solomonic* Dynasty based on the *Kibre Negest*. The *Kibre Negest* emphasizes on the "divine right rule". It states that the Ethiopian monarchs derived their power to rule from God and therefore they were not accountable to any secular power. The

myths and legends provided virtually no opportunity for the Ethiopian peoples to participate in political affairs and to influence the decision-making process of their nation. The people were merely considered to be subjects of the kings.

The existence of different traditional documents like the Fitha Negest tell us that before 1931, there was no fundamental and all-embracing document stated as the Ethiopian constitution. There were rules growing out of the history of the nation that operated to secure harmonious action between and among the distinct entities that makeup the polity.

4.6.2. Modern Constitutional Experiences in Ethiopia

In its modern history, Ethiopia has experienced three constitutions: the monarchical constitution (1931 later revised in 1955, the 1987 PDRE, and the 1995 FDRE constitutions). These constitutions have reflected their own values and political objectives as per the nature of the successive Ethiopian governments.

4.6. 2.1. The 1931 Written Constitution

In the literature of the Ethiopian legal systems, the 1931 constitution has been given wider attention. There are many reasons for this, but the most important being:

1. It was the first written modern constitution
2. It furnished the formal basis for government and consolidation of the imperial power.
3. It illustrated both the theoretical and practical problems of integrating traditional political system with Emperor Haileslasie's policies of modernization and centralization
4. It emphasized the reputation of Haileslasie as a reformer and modernizer both at home and abroad.

The constitution was introduced in order to achieve Ethiopia's diplomatic recognition abroad and to strengthen Haileslasie's authority at home. The 1931 constitution was not a reform measure in response to popular demands from Ethiopian citizens. There was little or no attention to guaranteeing political freedoms and fundamental human rights to Ethiopians. Rather than creating a limited monarchy, the constitution gave all sovereign power to the emperor. The people were considered as mere 'subjects', and not as 'citizens' with political and civil rights. Generally, the 1931 constitution was formulated to attain the following two basic purposes that would advance the Emperor's authority and political control.

At the **first place**, the constitution was intended to give Ethiopia the image of 'modernity' in the international community because Ethiopia was considered as 'uncivilized' state in the eye of western colonial powers. **Secondly**, in the domestic affairs, the 1931 constitution aimed at providing a legal framework for subordination of the powerful traditional nobility to the Emperor. Thus, the constitution served the interests of the Emperor. It was mainly designed to affirm the absolute power of the Emperor in the political life of the country, rather than guaranteeing the rights and freedoms of Ethiopian citizens. Evidently, the 1931 constitution can be referred to as the charter of the absolute power of the monarchy.

Nevertheless, the 1931 is considered as an instrument of modernization in that it introduced some modern institutions such as:

a. Parliamentary system:-The core contribution of the 1931 constitution was the creation of the parliament. The parliament consisted of two chambers (Houses), namely, the senate or upper house (Yehig Mewesegna Meker Bet) and the chamber of Deputies (Yehig Memria Meker Bet). In this regard, the parliament in its structure was bi-cameral (having two houses). Those elected to the two houses (chambers) were only noblemen and princes and their term of office was not limited. However, the constitution did not provide powers and functions to the parliament. It was a weak institution to decide on matters relating to laws. Power to make laws was vested with the Emperor and the parliament was nominal (superficial), which mainly assigned to approve the legislation of the Emperor.

b. Annual budget system: The second major contribution of the 1931 constitution was the introduction of the idea of providing fixed annual budget for government. However, the assignment of budget as indicated in the constitution had not been properly implemented.

c. The Ministerial system: The constitution provided the institutional framework for the ministerial system. However, the executive branch of government was heavily centralized in the hand of the Emperor. Individually and collectively, the ministers were completely subordinated to the Emperor.

d. The judiciary: The fourth major contribution of the constitution of 1931 was the introduction of two separate systems of courts. These were:

- ☞ The regular courts that dealt with civil and criminal cases
- ☞ The administrative tribunals which concerned with civil cases that affect the government.

At the top of the court system was the Emperor's chilot (Yenigus chilot or zufan chilot), where the Emperor reviewed cases, and can change any judicial decision.

In all aspects, whatever the constitution is innovative, it was more of paper value. Thus, the 1931 constitution was undemocratic in its nature. The main objective of the 1931 constitution was to justify the centralized and absolute authority of Emperor Hailelassie over all internal and external affairs of the country.

4.6.2.2. The Revised Constitution of 1955

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

Like the constitution of 1931, however, the revised constitution did not involve popular process for ratification. Indeed it was a “gift” from the Emperor to his subjects on the occasion of celebrating his twenty-five years in power, i.e. silver jubilee. In terms of enhancing popular sovereignty, the principles and manners of implementing the revised constitution made little or no progress.

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

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

Secondly, in its nature, the Eritrean constitution implied a more liberal government that incorporated some element of democratic society as a result of their colonial tradition. There were quasi-political, quasi-religious groups in Eritrea, while, in Ethiopia, political grouping outside the royal crown was a personal offence to the emperor, hence illegal. Thus, the Emperor saw it necessary to settle this political anomaly by granting the revised constitution of 1955.

Therefore, one can clearly observe that the origins of the revised constitution were related mainly with the historical factors of the time rather than being simply adapted from foreign constitutions as in the case of the 1931 constitution. As far as the content and issues addressed are concerned,

the revised constitution maintained some of the basic principles of the 1931 constitution. However, it incorporated some new concepts, and it was much more elaborated than its predecessor. It has 131 articles divided in to eight chapters. The first two chapters, comprising nearly one third of the articles, were concerned with defining the power and authority of the Emperor and privileges of the imperial family. Only one chapter was reserved to deal with some rights and more duties of the people. Its undemocratic character can simply be inferred from the Emphasis given to the Authority of the Emperor. It further developed the centralizing and “modernizing” themes of the 1931 constitution.

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

In contrast, little or no significance was attached to the need to guarantee political and human rights of the Ethiopian people. The constitution expressed intention of protecting individual rights in terms of property, life and private affairs.

By far the most striking change was the provision for the election of the then appointed members of the Chamber of Deputies by the people and this body was also made to have the power, at least in textual sense, to question the ministers with the view to hold the government accountable. Meanwhile the veto power of the Emperor is still there.

4.6.2.3. The 1987 PDRE Constitution

The 1974 Ethiopian revolution resulted in the deposition of Emperor Haile-Selassie from power. Nevertheless, the military Junta that formed a military council known as the “Derg” controlled political power. The Derg emerged to be the military government in Ethiopia.

The military regime suspended the 1955-revised constitution and began to rule the country by series of decrees and proclamations. Constitutional process of government was foiled. In order to deepen its power, the Derg established its single party, the Workers’ Party of Ethiopia (WPE) in 1987. This was transition from a no party system to the one party system in Ethiopia. Nevertheless, this didn’t give rise to democratic order.

In 1987, the ‘Derg’ constitution was issued justifying its rule. It introduced the first republic whereby abolishing the system of monarchy in Ethiopia. It differed from the previous constitutions in some ways. The constitutional commission via a program of public “consultation” drafted it and it was later on ratified in the name of broad popular participation.

In principle, some of the provisions of the “Derg” constitution included “democratic” elements. Sovereignty lies on the workers of Ethiopia and exercised through the National *Shengo*, Local *Shengos* they establish by election, and referendum. Candidates to the National *Shengo* were nominated by organs of the Workers' Party of Ethiopia, mass organizations, military units and other bodies. The terms of the *Shengo* would be five years. The national “Shengo” was by name the supreme organ of the state. It was responsible to establish the subordinate organs of the state and elect the president and other state leading officials. However, in practice, actual powers of the “Shengo” were artificial or superficial. The military regime, which claimed to be socialist, centralized all political powers under the leadership of one party system. In effect, the 1987 constitution apparently attempted to present the military dictatorship as popular civilian government.

The Council of Ministers was the highest executive and administrative organ of the PDRE and was accountable to the *Shengo* and between the sessions of the *Shengo* it was accountable to the Council of the State and the President.

The Judiciary branch consisted of the Supreme Court, Courts of Administrative and Autonomous Units and other courts established by law. President, vice president and judges of the Supreme Court were nominated by the president and approved by the *Shengo* for five years term. Other judges were to be elected and recalled by the *Shengos* in the respective levels.

Generally, the constitution of the military regime and the two constitutions of the imperial regime of Haile-Selassie served only to legitimize the political powers of the central governments. The Ethiopian political system the two governments seriously lacked the process of constitutionalism. In other words, although there were written constitutions, they were invariably failed to ensure the prevalence of the rule of the law.

4.6.2.4. The 1991 Transitional Charter

The ethnic based liberation movements came together immediately at a conference and drafted and approved an interim constitution or otherwise known as the Transitional Charter. The Charter is a very brief document with only 20 articles. The aspirations stipulated in its preamble include the guarantee of freedom, equal rights, and self-determination of all peoples; ensuring peace and stability by bringing an end to all hostilities, redressing regional prejudices and safeguarding rights of citizens through democratically elected, accountable government, and rebuilding the country and restructuring the state.

Interestingly the Charter, despite its briefness, puts a high premium on human rights. This is manifested in its direct reference to the Universal Declaration of Human Rights (UDHR) in its Art(1) which states that based on UDHR individual human rights are respected fully and without any limitation what so ever. In accordance with the aspiration of the Charter Art(2) give recognition to the right of “Nations, Nationalities and Peoples to self-determination” thereby guarantying their right to a) preserve their identity, culture, history and language; b) self-administration with fair and proper representation at the center; and c) independence when the above mentioned rights are “denied, abridged or abrogated.”

Thus, the Charter, in contrast to Ethiopia’s legal and political tradition, gave an explicit recognition to the rights of “Nations, Nationalities and Peoples,” and also recognized their right to secession. This strong assertion to the rights of “Nations, Nationalities and Peoples” demonstrated the commitment of the new regime towards group rights and decentralization.

The process of decentralization initiated by the Charter was further elaborated by National/Regional Self-Government Establishment Proclamation No.7/1992. Accordingly, 14 National/Regional self-governments, whose borders were determined, based on settlement structure of nations, nationalities and peoples were established. Hence during this period one can say that some degree of federalism has been introduced even though federalism had to wait until 1995 to appear in the Ethiopia’s constitutional public speaking.

In general, the Transitional Charter was a breakthrough in many ways, for example as we have seen it, established devolved administrative units on the basis of ethnic and linguistic criteria. On the basis of the Charter, fourteen regional governments were created; Addis Ababa and Dire Dawa were given autonomy on the basis of political and population considerations. Each regional government shall have executive, legislative and judicial power in respect to all matters within their geographic territory, except such matters as defense, foreign affairs, citizenship, declaration of state of emergency, national economic policy and so forth. In any case,

decentralization was one breakthrough and the basis of the political program of the Transitional Government of Ethiopia.

Secondly, the charter granted self-determination up to secession to all Nations, Nationalities and Peoples of Ethiopia. Article 2 stated that each Nation, Nationality and People have the right to preserve its identity and have respected, promote its culture and history. Also recognized was the right to administer its own defined territory and effectively participate in the central government on the basis of freedom, fair and proper representation.

Thirdly, the charter allowed the creation of several centers of power and authority. Indeed, different associations, especially political parties were flourished following the promulgation of the Charter. Thus, political pluralism is another departure of the charter from the Ethiopian constitutional tradition.

4.6.2.5. The 1995 FDRE Constitution

The 1995 FDRE constitution is different from that of the Imperial and the Derg constitutions. It made an important departure in the history of constitutional development in the country in terms of its basic philosophy, content, and organization of government. The constitution strongly affirms and expresses that nations, nationalities and people of Ethiopia are source of sovereignty. It explicitly states the rights and duties of the federal government as well as the prerogatives of the regional states. It also states that political power shall be held through free, fair and periodic elections.

It entitles the Ethiopian citizens to exercise their human, democratic, political and socio-economic rights and freedoms. It defines the rights of nations, nationalities, and peoples of Ethiopia to exercise their self-determination, including the right to secession (art.39). Besides, the constitution recognizes and affirms fundamental human rights and freedoms in conformity with the United Nations Universal Declaration of Human Rights (UDHR) and other international human right instruments. The constitution established a federal state structure with nine member states (National Regional States) that exercise legislative, executive, and judicial powers in their own jurisdictions.

It also established a parliamentary system with three branches of the government: legislative, executive, and judicial powers performing different functions. It is a bi-cameral parliament (House of Peoples' Representatives and the House of the Federation). The parliament has the power of legislation on matters relating to the federal government. The constitution gives provided the House of the Federation with the power to interpret the constitution. This makes Ethiopia unique in that the power to interpret a law (the constitution) is given to a government body other than the judiciary branch. Council of Constitutional Inquiry (CCI) is given the power to investigate constitutional disputes assisting the House of Federation.

An executive organ led by a Prime Minister whose office is accountable for the House of Peoples Representatives (HPR) is set up. The executive branch includes the President, Prime Minister, Council of State, and Council of Ministers. The president is elected by both legislative chambers for a six-year term. The leader of the largest party in the lower chamber becomes Prime Minister, who submits cabinet ministers for the chamber's approval. All ministers serve for the duration of the legislative session. Executive power is in the hands of the Prime Minister, who is also the commander in chief of the armed forces.

Similarly an independent judiciary with the supreme federal judicial authority vested in the Federal Supreme Court is established. Likewise, states have the State Council (with legislative power), State administration (highest organ of state executive) and a judicial power vested in courts. The judicial branch is composed of federal and state courts. The Federal Supreme Court is the highest court and exercises jurisdiction over all federal matters. The president and vice

president of the Federal Supreme Court are recommended by the Prime Minister and approved by the lower chamber of the legislature.

4.6.2.5.1 Stages in the ratification of the FDRE Constitution

1. Drafting Stage

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

2. Discussions and Development Stage

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

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

3. The Ratification Stage

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

Objectives of the 1995 FDRE Constitution

The preamble, which is an introduction to the main body of the constitution, determines the objectives and principles, which the nations, nationalities, and peoples of Ethiopia share in common.

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

Fundamental Principles of the FDRE Constitution

☞ **Sovereignty of the People:** it indicates that power is vested in the hands of the people. As stated in Article 8 “All sovereign power resides in the nations, nationalities and peoples of Ethiopia.” Hence, citizens are legally recognized as they are the ultimate sources of political power.

☞ **Supremacy of the Constitution:** according to Article 9 (1) of the constitution “the constitution is supreme law of the land.....Any law that contradict with the constitution has no legal effect”.

☞ **Separation of State and Religion (Secularism):** in the long history of Ethiopia, state and religion were inseparable entities. However, to day, according to article 11 of the FDRE constitution, state and religion are separate and there is no state religion. Religion shall not interfere in state affairs and like-wise state shall not interfere in religious affairs.

☞ **Respect for Human and Democratic Rights...** human and democratic rights in current Ethiopia have legal protections and stated in Articles 14-44 of the FDRE constitution.

☞ **Accountability of Government...** This principle is given recognition in Article 12 (1) and (2) of the FDRE constitution. It denotes that the government should be responsible for its functions. The conduct of government affairs shall be transparent and any public official or an elected representative is accountable for any failure in his/her duties.

Furthermore, the following are the salient features of the FDRE constitution:

- ☞ Recognition of the diversities
- ☞ The introduction of a federal political system
- ☞ Provisions of basic rights and freedoms
- ☞ Unity on the bases of equality
- ☞ Sovereignty and territorial integrity of Ethiopia etc

All in all, the Ethiopian constitutional order, as is expressed mainly in its principles and partly in the preamble and the aspiration provisions of the policy objectives, is one in which popular sovereignty, constitutionalism, human rights, secularism, and transparency and accountability of government become visible large.

Understanding Citizenship

Meaning and Definition of Citizenship

Etymologically, the word citizen is derived from a Latin word “Civis” which means city resident. The origin of the term is associated with ancient Greek city-states whose full members were known as citizens. Citizen is a legally recognized member of a state. Citizenship is the legal status or official identification of individual to be integrated in to a state. It is a contractual relationship between state and citizens. 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.

Citizenship involves both rights and responsibilities. Citizens are guaranteed such privileges as the right to vote, the right of freedom of speech, and freedom of religion. Citizens are also expected to obey laws, serve on juries, help their communities, and perform other duties. Citizenship is also understood as a mode of identification. It serves as a way of identifying nationals found in territorially defined countries.

Ways of Acquiring and Loosing Citizenship (Emphasis on Ethiopia)

Modes of acquiring citizenship

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

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

Citizenship by Birth

A. *Jus Sanguinis*: this is a Latin phrase which means right of blood, whereby a child acquires citizenship of his/her parents. What matters is the lineage, descent or blood relationship, not the place of birth.

i. *JusSanguinis Materni* means blood line of mother, e.g. followed by Israel

ii. *Jus Sanguinis Paterni* means blood line of father, e.g. followed by Bulgaria.

*Ethiopia follows legal parents’ blood principle (father or mother or both) for historical makeup.

B. *Jus Soli*: this is also a Latin phrase which denotes soil right, whereby a child attains citizenship from a birth state. However, children of diplomatic missionaries and representatives of international organizations may not claim this citizenship in line with international conventions such as 1930 Hague Convention on Conflict of Nationality Laws, 1961 Vienna Conventions on Diplomatic Protocols and 1963 Vienna Consular Protocols of United Nations. Most European & North American (Anglo-Saxon) countries adhere to *Jus soli* with the hope that it will facilitate intermingling of nations.

Citizenship by Law (Naturalization)

A. Citizenship by Registration

i. Marriage: according to this principle, if a woman marries a man of another state, she can have her husband's citizenship. If marriage takes place without legal procedures, married woman/man can claim citizenship of her/his husband/wife. This is considered as *de facto* or Apparent Nationality.

ii. Legitimation this is citizenship whereby an illegitimate child gets citizenship of his/her care taker.

iii. Option: a multi-citizenship person chooses citizenship of one selected state.

iv. Acquisition of Domicile: this is through permanent residence in a certain country.

v. Appointment as Government Official: by serving as a worker in a defined state.

vi. Grant on Application: this is acquired based on specific rules and principles.

B. Citizenship by Political Case or Process

i. By Force –occupied state individuals are forced to acquire conquering state citizenship.

ii. By Voluntary Process (Cession): due to willful merger of one state with another state, people of state which decided to join another state will get citizenship of that state. People of Louisiana decided to join USA in 1803 from France. Saar valley voted through plebiscites to join Germany in 1934-35.

C. Citizenship by Re-integration/Restoration: this is a system whereby a person who had lost citizenship of a state due to certain reasons can get back citizenship on fulfilling conditions laid down.

D. Citizenship by Option: this takes place due to voluntary partitions or exchange of territories. In such cases, residents are given the option to choose the citizenship of one of the two states.

E. Citizenship by Legislation: a state can grant honorary citizenship to prominent figures.

F. Citizenship by Special Case/Functional Nationality: this is a possibility whereby citizenship is given without undergoing all legal procedures. .

*When a person has citizenship status of two countries at a time, it is known as dual citizenship. One can be acquired by birth place (*Jus soli*) and the other by blood line (*Jus Sanguinis*) or through naturalization.

Modes of Loosing Citizenship

I. Renunciation (Expatriation): this happens either when a person gives up previous citizenship because of being naturalized in another country or harassment by the state or personal dislikes of state ideologies.

II. Deprivation: this takes place when a person commits serious crimes against the state such as exposing the secrets of his own country to alien forces, siding enemy forces in times of war and carrying out diplomatic, economic, political and military intelligence for another state within own state.

III. Substitution: this happens if naturalization substitutes original citizenship or state is conquered by another state and conquered territory citizenship replaced by conqueror citizenship.

IV. Lapse: this takes place as result of long and continuous stay outside one's own state. E.g. If an Indian stays outside his country for more than seven years, he will lose Indian citizenship.

***Statelessness** is lack of citizenship or a person is not a citizen/national of any country. Statelessness happens if:

- the homeland of a person denies him/her citizenship as punishment, e.g. by expatriating.
- a person renounces citizenship of his/her country but does not acquire another citizenship.
- a child is born from alien parents without being citizen of a country that does not recognize *jus soli*.
- the laws of some countries pertaining to marriage do not give citizenship right.
- a person's homeland has been destroyed by another country.

Modes of Acquiring and Loosing Citizenship in the Ethiopian Context

As the case in other states, there are some modes of attaining and losing Ethiopian citizenship. For the first time citizenship law in Ethiopia was adopted in 1930. Prior to this law, the issue of citizenship was regulated by custom and tradition. There was no formal law based on which individuals identify themselves with the state. However, based on the traditional practices the status of individuals was more of subjects than citizens. Citizenship was conferred to individuals from various nationalities and peoples due to their integration into the Ethiopian state.

As mentioned above, the first citizenship law in Ethiopia was adopted on July 22, 1930 and amended on October 5, 1932.

The 1930 Ethiopian Citizenship Law

This law was based on the general principle of *Jus Sanguinis*. Unlike *jus soli*, which awards citizenship by birthplace irrespective of parents' nationality, the principle of *Jus sanguinis* gives a child the nationality of his/her parents. Based on the principle of *Jus sanguinis*, the law stipulates that any person, born in Ethiopia or abroad, if his/her father/mother is an Ethiopian is an Ethiopian citizen.

Modes of attaining Ethiopian citizenship

The **1995 Constitution** of Ethiopia reaffirmed the principle of *Jus Sanguinis*. The FDRE constitution regulates citizenship in general terms and the details of mode of acquiring and losing of citizenship is regulated by the Ethiopian Nationality Pro.No.378/2003.

Generally, there are two modes of acquiring Ethiopian citizenship: by descent and by law.

1. By Blood (descent):- according to the nationality proclamation (Proc. No. 378/2003), any person is recognized as an Ethiopian national by descent, where both or either of his parent is an Ethiopian. In other words, if a child is born to an Ethiopian mother or father, he/she is an Ethiopian regardless of his/her birthplace.

2. By Law (naturalization):- the particulars of Ethiopian nationality law are legislated in the Ethiopian Nationality Proclamation No. 378/2003. In this proclamation, the requirements for naturalization in Ethiopia are clearly indicated. Naturalization is a process of granting citizenship status or nationality to those who are not originally nationals of a state. Following are the ways by which a person can become a naturalized citizen of Ethiopia.

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

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

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

- One who is majority or legal age, that is, eighteen.
- One who lived in Ethiopia for a total of at least four years.
- One who is able to communicate in any of the languages of the nations and nationalities of the country.
- Not dependant (self-reliant), that is, he/she must have sufficient and lawful source of income to maintain himself and his family.
- a person of good character
- has no record of criminal conviction
- 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.

D. 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.

E. Citizenship By Special Case:

Citizenship can be given to an individual or collectives without undergoing all the legal procedures related to acquisition of citizenship. As to the Ethiopian Nationality Proclamation article 8, a foreigner who has made an outstanding contribution in the interest of Ethiopia may be conferred with Ethiopian Nationality by law irrespective of the conditions stated under sub-Articles (2) and (3) of Article 5 of the proclamation. That is, he/she is not required to live in Ethiopia for a total of four years and may lack the ability to communicate in any of the languages of the country.

Modes of Loosing Citizenship

1. Renunciation (Expatriation)

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

Ethiopia also recognizes the right of its citizens to expatriate and renounce their Ethiopian citizenship status (Refer the annexed Ethiopian Nationality proclamation article 19).

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

2. Deprivation

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

- ♣ To make access national secrets to alien country
- ♣ Serving in another country's armed forces or government
- ♣ Trying to overthrow the government by force

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

3. Substitution

According to the Ethiopian Nationality proclamation article 20, Ethiopian nationality can be lost upon acquisition of other nationality.

4. Lapse

Citizenship may be lost, if the person stays outside of his/her country for a long and continuous period. The principle of lapse has no application according to the Ethiopian Nationality Law.

Chapter 5

Democracy and Good Governance in Ethiopia

5.1. Understanding Democracy

In our contemporary world, democracy as a way of life is the most advocated system of government. It is conceived as the institutional arrangement for arriving at political decisions in which individuals acquire the power to decide based on competitive struggle for the people's vote. In this case, competition for political leadership is the distinctive feature of democracy. Democracy as a way of life concerns with social justice, civil and political rights, gender equality etc in the process of interactions between citizens themselves and between the government and citizens. In this regard, democracy implies the existence of ethical values in an enabling environment such as freedom, human rights, organized dialogues, and the exercise of citizenship. Etymologically the term democracy derived from classical Greek *demokratia*, which means rule by the people. It is formed from the two roots *demos* (by the people) and *kratos* (rule). Hence, the word democracy literally means rule by the people.

Democracy is a complex and illusive concept. There is no universally agreed definition of democracy among politicians and researchers. Hence, different people define democracy in different ways.

For example, Shumpeter, defined democracy as

☞ A system for arriving at political decisions in which individuals acquire the power to decide by means of competitive struggle for the people's vote.

Przeworski also defined democracy as

☞ A regime in which governmental offices are filled as a consequence of contested election.

According to Abraham Lincoln, democracy is also defined as the government of the people, by the people and for the people. Accordingly, democracy is a system of government and also a society where liberty, justice, and respect of human rights prevail. It is also a way of life in a society in which individuals are entitled to equality of participation in societal matters.

5.1.1. Forms of Democracy

There are two basic forms of democracy, direct democracy and representative democracy.

1. Direct (Pure) Democracy is a political system where all citizens can participate in making public decisions personally, without relying on intermediaries or representative officials. Direct democracy is obviously practical only with relatively small numbers of people – in a community organization, where members can meet in a single room to discuss issues and arrive at decisions by consensus or majority vote. Modern society, with its large size and complexity, offers few opportunities for direct democracy.

2. Representative (Indirect) Democracy: - Today, the most common form of democracy is representative democracy, which involves the selection of government officials by the people being represented. In representative democracy, citizens elect their representatives to make political decisions, formulate laws, and administer programs on their behalf. It can be true representative democracy if and only if the representatives are elected through a democratic election.

5.1.2. Principles and Values of Democracy

Whether a given political system is democratic or undemocratic it could be measured in terms of the major principles of democracy and their practice. In this case, the mere inclusion of the major democratic principles in a constitution does not necessarily make a given government or state

democratic. It is the level of implementation or practice of these principles that makes a government democratic or undemocratic.

There are a number of principles and values of democracy. Some of them are the following:

1. Popular Sovereignty

Popular sovereignty refers to the idea that the supreme or ultimate power of the state is vested in the people. In other words, people are the source of power or legitimate authority to govern or hold political power. This is realized through democratically elected representatives that make decisions and supervise the policies for their implementation on behalf of them.

2. Free, Fair and Periodic Election

Election is the most significant way through which people can participate in decisions that would affect their lives and hold representatives responsible for their decisions and actions. That is, election serves as a means for people to choose their representatives to legislative or executive offices.

It would be a mistake to equate democracy with regular elections. Or, election should not be for the sake of election. It is required to fulfill certain criteria. It must be free from threats, intimidation, harassment etc. it is also required to become fair that allows equal opportunity to all adults who reach the age of suffrage to elect and be elected without any discrimination based on their differences in religion, sex, color, ethnic background etc. moreover, election must also be periodic that is to be conducted in accordance with a time table stated in the constitution.

3. Majority Rule and Minority Rights

Basically, democracy is the rule of the majority. The government is required to act based on the decision of the majority. But the government is also required to respect the rights of the minority. The minority has also the duty to be governed by the majority. In modern societies, people have different interests that have resulted in difference in view points on a particular issue. When a certain portion of the population makes a certain decision, other sections of the society may oppose that decision. Therefore, a compromised solution to this problem is the rule of the majority and respect for the rights of the minority.

4. Multi-party System

Multi-party system refers to the existence of two or more than two political parties competing to hold political power through democratic election.

Political parties are coalitions of individuals seeking to control the government by contesting elections and winning offices. Parties tend to link the people and the government by providing some organization and information. Parties exist and compete in elections in democratic political systems. Therefore, the existence of political parties is crucial to make meaningful political practices, because, they provide voters with policy and program choices of developmental activities.

Generally, political parties are necessary for a democratic political system, among other things, in performing the following functions:

- Reflect and advocate the political, social, and economic interests of the public
- Provide political education
- Present alternative policies and programs for development
- Control and exercise political power and provide voters with alternative candidates for competition in election.

5. Human and Democratic Rights

Democratic political systems are characterized by the recognition of human and democratic rights in which individuals, groups, children, and women have certain basic rights, which have to be protected and promoted by the government.

6. The Rule of Law

This is a political situation where: both the government and the governed are subjected to the law, both public officials and ordinary people abide by and behave in accordance with the law, officials' power is given and limited by the law, and transfer of power is also peaceful which is conducted based on legal principles that are constituted in the law.

7. Equality Before the Law

Equality can be stated as a state of being when individuals are treated impartially without their differences in terms of color, sex, political attitude, religion etc. In this case, the concept of equality denotes that citizens are provided with equal rights, privileges, and entitled with equal protection of the law and entrusted with equal duties or responsibilities.

8. Accountability and Transparency

Accountability refers to the idea that elected public officials must be responsible to the electorate for their decisions and actions.

Transparency refers to a state of being when the decisions and actions of a government are clear and open to the public. Or, it is a situation where people have the rights and opportunities to know how government policies and decisions are made. In this case, the government is required to create the situation for citizens to have access to the mass media and information. However, the government is not required to make all of its decisions and actions open to the public like issues relating to the military and national secrets because.

5.2. Approaches of Understanding Democracy

There are two views of understanding democracy: substantive and procedural views. In this lesson you will assess each of them in relation with some of the theories of democracy, like liberal democracy, economic democracy, social democracy, and developmental democracy.

1. Substantive Views of Democracy

The substantive view concentrates on *what* a government actually does, that is, the policies it makes should fulfill democratic ideals. A substantive theorist would not recognize a decision that violated those ideals as "democratic" even if it were made in response to majority wishes.

Substantive democracy is a form of democracy in which the outcome of elections is representative of the people. In other words, substantive democracy is a form of democracy that functions in the interest of the governed. Though a country may allow all citizens of age to vote; this characteristic does not necessarily qualify it as a substantive democracy. This type of democracy can also be referred to as a functional democracy.

2. Procedural Views of Democracy

The procedural view stresses the form and process of government, or *how* the government governs. Procedural democracy emphasizes the principles of *universal participation, political equality, and majority rule*. The procedural view of democracy also insists on the principle of responsiveness, that the government should follow the general thrust of public opinion. In other words, the procedural view of democracy sets forth principles that describe how government should make decisions and address three distinct questions:

- ✓ Who should participate in decision-making?
- ✓ How much should each participant's vote count?
- ✓ How many votes are needed to reach decisions?

This type of democracy is characterized by voters choosing to elect representatives in free elections. Procedural democracy assumes that the electoral process is at the core of the authority placed in elected officials and ensures that all procedures of elections are duly complied with. It could be described as a democracy in which only the basic structures and institutions are in place. Commonly, the previously elected representatives use electoral procedures to maintain themselves in power against the common wish of the people, thus awkward the establishment of a full-fledged democracy.

Theories of democracy

There are four major theories of democracy. These are

- ❖ Liberal democracy
- ❖ Socialist Democracy (Economic Democracy)
- ❖ Social Democracy and
- ❖ Developmental Democracy

Liberal Concept of Democracy

Liberal democracy advocates the principle of *private enterprise and the guarantee of basic civil and political rights* such as freedom of speech, religion, the right to elect and to be elected, etc. The state **intervenes** in order to protect an individual and sections of society *from the evils of free private enterprise*, and to promote greater social efficiency. Liberal democrats, however, have emphasized **individual freedom** over economic activities and decision making and demanded that the state shall not lose sight of this in the search for social justice. Liberal democrats accept inequality or privilege so as to safeguard individual freedom.

In nutshell, liberal democracy is a system of government in which the people govern themselves, criticize leaders of their government and choose new ones in an election. A basic belief of liberal democracy is that people of different interests and backgrounds have different political opinions. Democratic government rests on public opinions since in such a system there is a freedom of expression. Liberal democracy aims at the just and rational organization of authority in human society under the guise of the system of **capitalism**.

Economic Democracy /Socialist Democracy/

Economic democracy is the transfer of **economic decision making power** from the **few to the many**. Capitalist democracy, according to economic democracy advocates, does not guarantee **universal rights to decent food, housing, employment, child-care, education, or health care**. There are no rights guaranteeing control over the fruits of one's labor and control over the work process itself. This is because of the fact that these rights contradict the unequal distribution of wealth and power and the desire to get rich. Formal liberal democracy helps to legitimize corporate capitalism. True democracy, however cannot exist without economic democracy and economic democracy cannot exist under the principles of capitalism. Here, to speak of economic democracy is to advocate democracy for the 'poor' as well as the rich. As such, economic democracy is the transfer of economic decision making from the few to the many. In this case, the assumption is that when **workers and the poor control production**, democratic choices to work, employment, income, technology, and the like can be extended.



According to this democracy, true democracy cannot exist without economic democracy and economic democracy cannot exist under the principles of capitalism.

Social Democracy

Social democracy is the result of two factors. These are: the changing nature of national economies, and the changing nature of economic relations among society. Social democracy is sometimes called **social equality**, which aims to give **all citizens equal rights** under the law. All laws apply equally to all citizens regardless of their wealth, race, and religion, ideological outlook, sex, and the like. The goal of social democracy is to bring about **equality and classless society** through reform within the guise of capitalism. In this case, it recognizes that individual background, abilities, efforts and so on determine his/ her way of life. And hence this is to ensure

everyone an opportunity to make full use of his/her abilities. In other words, social democracy calls for **social justice and economic empowerment** of the subaltern classes. To this effect, it concerned with the provision, among others, **provision of social security service, housing, free education, health and medical cares**, and the like.

The goal of social democracy is to bring about equality and classless society through reform within the guise of capitalism.

Developmental Democracy

Another model, the developmental democracy, views human beings as capable of civic virtue. Supporters say that **through involvement in government and community affairs, persons can gain an understanding of the public good and what it requires. Good citizens** aware of and **participate in government and civic affairs** through voting, expression of their opinions to representatives, and sometimes even public service. Involvement in democracy is both a way of educating people and increasing their ability to better themselves. Through the exercise of judgment on political issues, citizens can better exercise judgment in other areas of their lives. The Developmental model utilizes indirect representation simply because of the impracticality of direct involvement such as that of the participatory democracy. Political and social equality exist in a developmental democracy which advocates that people can achieve civic virtue and become conscious through active participation in democracy.

5.3. Actors in the Democratization Process

Modern democracy has procreated the system of political parties, organized interest groups and an independent media as indispensable factor for its operation among others. The fact behind is that the representative system arrange the mobilization of political participation by enjoying upon the members of politically active people to take the mass, as much as possible in confidence either for the sake of demonstrating their faith or to justify the very legitimacy of their leadership and authority. Building up of democracy is not an overnight program; as process it needs not only time but different actors must also involve to build democracy and democratic culture. The following are the major actors.

1. Political Parties

In a political regime characterized by representative democracy, political parties are vectors of democracy. They are essential to the functioning and durability of democracy since they are not only the instruments through which power is attained by means of free, fair and transparent elections but also the setting for working out practical ideas and proposals which may constitute alternative programs to the government. They also constitute the means through which individuals may influence public affairs, express their discontent or support governmental action.

Open competition between political parties in the framework of elections is one of the indispensable characteristics of representative democracies. Open competitions between parties contend for the management of a country's affairs is a socially and politically divisive factor and the stakes are generally high for those involved in this competition. It is therefore important and this is one of the conditions for democracy's survival.

Party Systems

Party systems refer to the number of parties and pattern of relationships among the parties within a nation. Taking into account the number of dominant or existing political parties within a state, party systems are classified in to four major categories.

- a. One Party System
- b. Two Party System

- c. Dominant (One) Party System
- d. Multi Party System

One Party System

One party system is, most of the time, ideological in its outlook and authoritarian in its structure. In this system, it is usually not allowed for other parties to exist and function. As such, the party and its ideology are the main determinants of governmental policy, style, and the very existence of the media and interest groups and the like. In this case, the party requires that important government officials are members of the party or of satellite groups and expects their behavior to conform to the policies and ideology of the state or the ruling party.

Two Party System

Two party systems are characterized by a regular alternation in office between two major dominant parties. In two party systems, although minor parties exist, two major parties dominate government power. It is argued that the system provides the people with a choice of policies and leaders while at the same time guaranteeing governmental stability. The devices of the electoral arrangement in such a system assure a majority for one party or the other, thus enabling that one will have the power to carry out its election promises. United States of America and Britain are examples of this system.

Dominant (One) Party System

Dominant party system is competitive in the sense that a number of parties compete for power in regular popular elections, but is dominated by a single major party that consequently enjoys prolonged periods in power. Dominant party system is characterized by weak and ineffective oppositions.

Multi Party System

Multiparty systems are systems in which we have at least three or more major parties. In multiparty system, one party rarely wins enough seats in the legislature to form government. Consequently, several parties combine forces to obtain a majority and form a coalition government to direct the nation's affairs. Coalition government established by multiple party systems is often fragile and unstable. Example: Israel.

Like political parties, non-governmental associations and organizations are valuable vectors of democracy. They differ from political parties only in their final goal, but they all contribute to consciousness raising, defense of the legitimate interests of groups of individuals and the protection of individual and collective rights and freedoms. The efficacy of the work of civil society depends on the extent to which such associations are autonomous or institutionalized. When they have relatively formal links to the State or political parties, they lose some of their autonomy and thus their ability to intervene in all freedom in the management and conduct of public affairs and in the working of institutions according to arrangements deriving from their governing principle of special interests. NGOs, while being associations, have more pronounced concerns in the area of the protection of human rights and humanitarian law. Such concerns urge them to intervene in the political field even if they claim to have nothing to do with politics. It is nevertheless true that the growth of professional associations and national NGOs is making a strong contribution to the consolidation of civil society in these countries.

2. Interest Groups

Interest groups, as associations on the basis of the free will of individuals, play a prominent role in the process of democratization. Here, we will deal with the nature of interest groups, their

difference with political parties, various types of interest groups and methods they employ to influence government.

Consistent with the freedom of association granted to citizens in democracies, democratic states are characterized by the emergence and operation of several kinds of interest groups. Interest groups are organizations or groups of people, which are autonomous from government or political parties, with the objective of influencing government. In democracies we find several interest groups who are attempting to promote and influence the policies of government. In fact interest groups are regarded as essential transmission belts between people and government.

3. Public Opinion

Public opinion is of a crucial importance for democracy. Are you wondering why? Public opinion is made up with citizens or specific groups that reflect on their community and express their criticisms, their proposals or their agreement to influence the construction of political will. It is not possible to talk about only one, but of several public opinions because in a plural society, there are always several stands.

Public opinion is then a tool to control the politicians that lead the country. On the one hand, this is important for the opposition as the latter is only potentially active in front of the government through this public opinion.

4. Mass Media

Freedom of the media is essential in a democracy. The mass media refers institution and to the methods of communication which can reach large number of people at the same time. It includes newspapers, television, radio, books, posters, magazines, and cinema etc. Media plays a role in the political training of citizens and democratic culture by informing them of the scope of public policies, the management and conduct of affairs by those responsible at both the State and grass-roots level, by providing and offering the members of the community the means of communicating with each other. But if the media is to perform those functions, it must be free and independent; it must have sufficient material and human resources to deal with all the important problems of society. The importance of the mass media in a country is not dependent on the number of newspapers or private radio and television stations but on the quality of the information provided to the public.

5.4. Principles of Democratic Elections

Democratic elections are **free** when citizens have the right to choose from several candidates or parties that can run for the election without any restriction. They must also be free to decide whether they want to use their right to vote or to abstain from doing so, if they prefer.

Democratic elections are **free** when citizens have the right to choose from several candidates or parties that can run for the election without any restriction.

Democratic elections are **equitable** when each citizen who can use his/her right to vote has at his/her disposal a vote and when neither his/her origin nor his/her sex, language, incomes or possessions, job or social stratus/class, training, religion or political convictions have an influence of whatever kind on the assessment of the value of his/her vote.

In democratic elections, there must be no way of knowing for which political party or for which particular candidate a citizen has voted. They are then **secrete**, when each citizen can put his ballot in an envelope, without having been either watched over or influenced, in the

secrecy of the polling booth, and when he/she is also able, in the same way, to put his/her envelope inside the ballot box afterwards.

In democratic elections, there must be no way of knowing for which political party or for which particular candidate a citizen has voted.

Democratic elections are, therefore, **public and transparent**. Which means on the one hand, that each citizen has the right to attend the counting of the votes when the ballot box is opened; this also means on the other hand, that it is possible to completely follow the whole process of the passage of the constituents' votes: starting from the ballots inserted into the ballot box till the final counting undertaken to establish the calculation that will eventually share out.

In addition to the requirements mentioned above, it is also important to institute elections on **regular basis**. Everybody, in that case, has the possibility to know the date of the coming elections, and to get ready for that ahead of time. It is a way to make sure that the current government is defined within a time frame and that its people have the right to remove it from office. The electorate should represent the whole population, which is to mean that apart from the underage population, no group should be excluded.

In addition, the electorate's votes should be final, meaning that the election results should be enforced effectively, which implies that they must be accepted as legitimate.

Regarding election process, there are in fact two separate systems:

1. the **absolute majority** votes
2. the **proportional ones**.

Both have crucial importance, given the fact that they influence not only the political structure but also the formation process of the political will. To settle the choice on which polling system to adopt, one has to take into account not only the political traditions and historical situations, but also social conditions because those eventually may authorize solely one of the two possibilities.

Several parameters may be subject to some variations: the internal regulations of the party, the relations between the parties, as well as the relations between the government and the Parliament, according to the enforcement of either the absolute majority election system or the proportional one. An election loses its primary function if it is manipulated through the choice of a polling system; it will then have negative impact on the so-called "elected" organs which will then lose their legitimacy.

In the **absolute majority system**, the polling area is divided into as many constituencies as necessary, depending on the number of seats to be assigned (at the Parliament, for example). Those candidates or lists of candidates that can gather the majority of votes from their constituents will be assigned the seats to be filled.

In the **proportional system**, the Parliament seats are assigned according to the percentage obtained by the political parties over the total number of votes from the whole constituency. The assignment of seats (at the Parliament, for example) thus reflects, much more than what happens in the absolute majority system, the effective choice of the population. The candidates are elected through the lists in their constituency.

Most importantly, elections are usually coordinated and carried out by an **electoral commissions or boards**. These commissions shall be independent and neutral of any political loyalty or affiliation for undertaking the election properly and in a democratic manner. In addition to an independent and neutral electoral board, a democratic election also requires an independent judiciary organ. Those individuals or parties who disagree with the final decision of the electoral commission submit their complaints to courts for final decision.

An electoral process of a given state is not only about the simple translation of votes in to seats but also must address, at least, the following issues:

↳ The number of people and the constituency a candidate represents. And representation takes three forms: **geographical representation**- where each part of the country is adequately reflected in national political organization; **descriptive representation** – where the national government represents the population in a way that all sectors of the people (the poor, men and women equally, different religions and cultures) have a voice in government; and **functional representation** – a system whereby no significant parts of the population are disenfranchised but the system takes into account the preferences of most people.

↳ The number of representatives that a constituency would have, and

↳ The electoral system

1. In principle an electoral commission or board shall be independent and neutral of any political loyalty. Think of our electoral board, and how do you know whether it is neutral or not loyal to any political party?
2. Find the present electoral code of conduct signed by different political parties and evaluate each article with the principles of democratic election?

5.5. Democracy and Good Governance

Introduction

Like many other social science terms governance in general and good governance in particular is different thing for different individual. However, classically governance nowadays occupies a central stage in the development discourse. To be sure if you talk about good governance in one way or the other, there should be democracy. This is because democracy and good governance share many values and principles. Thus, in this lesson you will learn the concept of good governance and its relation with democracy.

5.5.1. The Concept of Good Governance

✍ What do you understand when we say good governance?

Given that the term "governance" means different things to different people, it is useful, therefore, to clarify, at the very outset, the sense in which it understands the word. Among the many definitions of "governance" that exist, the one that appears the most appropriate is the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.

Good governance is the exercise of economic, political and administrative authority to manage a country's affairs at all levels.

Good governance is, among other things, participatory, transparent and accountable, effective and equitable, and it promotes the rule of law. It ensures that political, social and economic priorities are based on broad consensus in society and that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources.

The role of the state is viewed as that of creating a stable political and legal environment conducive to sustained development, while civil society institutions and organizations are viewed as a means of facilitating political and social interaction and mobilizing groups to participate in economic, social and political activities.

Governance is the manner in which power is exercised in the management of a country's economic and social resources for development. On this meaning, the concept of governance is concerned directly with the management of the development process, involving both the public and the private sectors. It encompasses the functioning and capability of the public sector, as well as the rules and institutions that create the framework for the conduct of both public and private business, including accountability for economic and financial performance, and regulatory frameworks relating to companies, corporations, and partnerships. In broad terms, then, governance is about the institutional environment in which citizens interact among themselves and with government agencies/officials.

In broad terms, governance is about the institutional environment in which citizens interact among themselves and with government agencies/officials.

Since governance is the process of decision-making and the process by which decisions are implemented, an analysis of governance focuses on the formal and informal actors involved in decision-making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision. Government is one of the actors in governance. Other actors involved in governance vary depending on the country context.

Governance nowadays occupies a central stage in the development discourse but is also considered as the crucial element to be incorporated in the development strategy. However, apart from the universal acceptance of its importance, differences prevail in respect of theoretical formulations, policy prescriptions and conceptualization of the issue itself. Moreover, governance is not only about the 'organs' or actors. More importantly, it is about the quality of governance, which expresses itself through elements and dimensions.

The most important principles of good governance that can be drawn from the fundamental values of democracy are: participation, efficiency, efficacy, sense of responsibility, the act of reporting, adaptation capacity, transparency, rule of law and participation.

Good governance is not only based on the State or its leaders, but also on all the actors and all the groups of actors that take part in the democratization and development of the country. The main actors of the system of good governance is then composed of, apart from the (central) State, the regional decentralized bodies, the political parties, the civil society and the private sector as well as the citizens.

Generally, in a good governance system:

- ✍ The roles are clearly defined, well distinguished and balanced among different actors and groups of actors, in the law texts as well as in practice.
- ✍ The interests of the different actor groups are articulated in decision making.
- ✍ Leaders are characterized in the exercise of their power by a democratic behavior and a democratic type of leadership, like taking into consideration of the fundamental values of democracy, the respect of contrary opinions of others, taking into consideration of laws and rules in force, tolerance, capacity and good frame of mind for dialogue, discussions, non-violence.
- ✍ In front of this, citizens and groups of actors are encouraged to express themselves, to take part in the processes of decision making and to control the exercise of power by the leaders in place.
- ✍ Between the two camps (the State authorities and the other groups of actors), the controlling mechanisms always function well and in a transparent way; the channels of information and communication are fluid and efficient.
- ✍ There are informal and formal participation structures that function well for consultations, dialogues and negotiations, in which all citizens and social groups, man and woman, young and old, minorities or majorities can and have the right to participate freely and without any fear.

The Relationship of Democracy and Good Governance

Democracy is fairly vague and encompassing term. It is often used as an elastic synonym for good government, stretching to include whatever is desirable in a state. Of course, democracy is a system of government based on the consent of the people and one in which the mandate to rule is subject to periodic renewal. Modern democratic governance also entails citizen representation.

The relationship between democracy and good governance is fairly straightforward. Democratic governance and good governance share similar values and institutions. Indeed, governance focuses on the administrative and technical aspects of the exercise of public authority; democracy focuses on the political aspects of governance.



Democratic governance and good governance share similar values and institutions.

In this case, democratic governance fosters transparency, accountability, the rule of law, respect for human rights, and civic participation – all of which are not only necessary for securing economic productivity, equitable distribution and state legitimacy but also denote the existence of good governance. Accordingly, you will see the key elements of good governance, highlighting their links with democracy.

An enabling legal and regulatory framework: An enabling legal and regulatory framework is one in which laws and regulations are clear, transparent, and applied uniformly, and in a timely manner, by an objective and independent judiciary. Where legal systems are weak and the application of law is uncertain and/or enforcement is arbitrary, they tend to distort economic transactions, foster rent-seeking activities, and discourage private capital flows, all of which undermine democratic system and good governance.

- ✍ What activities are considered as rent-seeking?

Transparency: Transparency refers to openness in the process of governance – in the election process, policy and decision making, implementation and evaluation, at all levels of government (central and local) and in all branches of government (executive, legislature and judiciary). It is broadly defined as public knowledge of the policies and actions of government, existing regulations and laws and how they may be accessed. It requires making the public account verifiable and official behavior amenable to analysis.

Transparency refers to openness in the process of governance.

Transparency helps to counteract the well-known and universal tendency for public agencies and officials to impose, violate and bend the rules. Transparency has profound socio-political and economic consequences for our societies. It has fostered citizen doubts, distrust, apathy and lack of interest in participation among the society. Without information about rights, entitlements and responsibilities, the relationships between rulers and the ruled as well as between providers of public services and the consumer public have become degraded and contradictory. Lack of transparency is largely responsible for the tendency for the public to believe in wild and fantastic rumors, especially where public officials are involved. Today, there is widespread recognition of the importance of transparency to good governance.



Can you think of ways in which government demonstrate its transparency?

Accountability: Accountability refers to the ability to determine who in government is responsible for a decision or action and the ability to ensure that officials are answerable for their actions. Accountability is also defined as holding responsible elected or appointed officials and organizations charged with a public mandate to account for specific actions, activities or decisions to the public from which they derive their authority. In a narrow sense, accountability focuses on the ability to account for the allocation, use, and control of public assets in accordance with legally accepted standards. In a broader sense, it is also concerned with the establishment and enforcement of rules of corporate governance, avoidance of conflict of interest, and careful as well as competent discharge of public trust.

Accountability focuses on the ability to account for the allocation, use, and control of public assets in accordance with legally accepted standards.

Accountability is essential for affirming the obligation of rulers to the ruled, public officials to the public, and government to taxpayers. It is therefore crucial for inducing governmental effectiveness and responsiveness, and generating legitimacy. Accountable governance requires the creation and sustenance of a variety of cross cutting institutions and processes: free, fair and regularly scheduled elections; an independent media; independent judiciary; independent election authority; independent audit body, independent ombudsman and other independent constitutional commissions.

For these agencies of vertical and horizontal accountability to be effective, the processes of appointing and removing the officials in these institutions must be insulated from politics and political regimes, and they must have operational as well as financial independence. In addition, to ensure good governance citizens must be empowered to demand responsiveness and accountability from governmental and public agencies.

An Anti-Corruption environment: Corruption of course is a universal problem, with complex causes. Its net effect is commonly regarded as negative for all societies, especially for developing countries. It leads to economic inefficiencies; bends development; slow down long-

term foreign and domestic investments; misallocates talents to rent seeking and away from productive activities; induces wrong sectoral priorities and technological choices. It also undermines state effectiveness in the delivery of services, and the protection of the vulnerable and the environment. Corruption promotes economic decay and social and political instability, changes the ability of the state to foster rule of law, and eventually crash trust and undermines legitimacy. These costs mean that democracy and good governance requires mounting a frontal attack on corruption.

Corruption leads to economic inefficiencies; bends development; slow down long-term foreign and domestic investments; misallocates talents to rent seeking and away from productive activities; induces wrong sectoral priorities and technological choices.

Indeed, corruption is highly rewarding for those who engage in it. Therefore, to possibly avoid corruption it requires the establishment of effective mechanisms of discovery and punishment. To ensure democracy and good governance we must build institutions for preventing, detecting and punishing corruption instead of relying on individual morality. And because of its complex and multi-faceted nature, combating systemic corruption requires partnership and collaboration among public agencies, private sector and civil society, including the media. Maximum effectiveness is possible only when the existing laws and regulations are supportive and transparent.

In this case, democratic societies try to prevent any elected official or group of people from misusing or abusing their power. Various methods have been used in different countries to protect against these abuses. Frequently, the government is structured to limit the powers of the branches of government. This is supported by an independent and impartial court and agencies with power to act against any illegal action by an elected official or branch of government; to allow for citizen participation; and to check the government abuse of power.

1. Some argued that it is possible to minimize corruption thorough awareness creation program, but some others disagree with this idea. They said that when we create such awareness in one way or the other we are showing how to misuse and abuse their power? What is your position? Argue for or against.

Active participation: one of the most basic indicators of democracy and good governance is citizen participation in government. Participation is not only their right, but it is their duty. Citizen participation may take many forms including running 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. Such participation builds a better democracy and good governance.

Active citizen's participation gives meaning to civil society empowerment, which is vital to making governments and private sectors responsive; and of course, governmental responsiveness in turn fosters trust and legitimacy. It is also crucial for engaging the energies and securing the commitment of citizens for the development of democratic culture and for fostering equity in the distribution of both benefits and burdens.

Particularly, in our country that has diverse societies widespread civic participation is absolutely essential for generating social capital and societal unity. It helps to foster mutual trust between citizens and our governments, the state and the private sector, and among the different social and political groupings. As we mentioned earlier, participation does not

necessarily have to be direct. Democracy and good governance is best served in modern societies through active representative democracy with strong elements of consultativeness and a little bit of direct democracy.

5.6. Fundamental Freedoms and Rights

Introduction

Fundamental freedom and fundamental rights are much more than a mere component of democracy. It represents *sine qua non* requirements for the well performing of a democratic system. The development and evolution of human rights are only possible when humans live in a democracy, given the fact that it is only within this system that the population itself can draw up the laws that will rule and publicly control the three powers: the legislative power (power to propose and vote for laws), the executive power (power to enforce laws) and the judiciary power (power to make and to promulgate laws). In this lesson you will see your fundamental freedom and rights.

HUMAN RIGHTS

What are Human rights?

Human rights are *those basic freedoms and rights that belong to every individual or people purely by virtue of their being human beings*. To be free from fear, deprivation and to have the opportunity to achieve all that we deserve and are capable of is a basic human aspiration. Because of this, human rights hence constitute sometimes called **natural rights**.

Human rights can also be defined as *those basic standards without which people cannot live in dignity as human beings*. Human rights are the foundation of freedom, justice and peace, the existence of which allows the individual and the community to fully develop. Human rights are thus **universal, inalienable, indivisible and interrelated**.

Human rights are **universal** that shall be enjoyed by all human beings regardless of their sex, age, race, class, language, national origin, or political beliefs. We are all born free and equal, in dignity and rights. Human rights are also called universal because their core ideas are common to all major religions, faiths, moral codes and cross-national and cultural boundaries. Another reason for their being universal is that they belong not only to individuals but also to communities. For example, a community of tribal people has the right to speak its own language and preserve its way of life, provided these do not violate the human rights of their individuals or groups.

Human rights are **inalienable** that cannot be taken away; no one has the right to legitimately deprive another person of these rights for any reason. A citizen has the rights and moreover, the obligation to insist that the state provides for their protection and unlimited use. People have human rights even when the laws of their countries do not recognize them, or when they violate them. For example, when slavery was practiced, slaves still had human rights even though these rights were being violated.

Human rights are **indivisible & interrelated**. This means that all the rights together form a set that cannot be divided into smaller groups of rights. To live in dignity, all human beings are entailed to freedom, security and decent standards of living concurrently. Though they are called by different names and sometimes separated into different categories, every right depends on another for its fulfillment. No right can really be put into practice without other rights. For example, the right to education is classified as a social right but it would not be possible for all people to get that right if there was no right to equality, or if there was no court to uphold that right. Without this, only some people would get to school while others could be left out.

Human rights are also recognized as **birthrights**, which all human beings are born with. They do not have to be bought, earned or inherited; they belong to all people simply because they are human. They are rights people acquire naturally, by merely being born as human beings. Human rights are inherent to each individual.

Human rights are both abstract and practical. They hold up the inspiring vision of a free, just and peaceful world and set minimum standards for how both individuals and institutions should treat people. They also empower people to take action and to demand and defend their rights and the rights of others.

Today, human rights standards (values) are becoming the basis for defining the relationships between and among people, between individuals and governments, between institutions and the people. Some aspects of cultures are changing to accommodate human rights values. Concepts of justice, respect, responsibility, cooperation, and the concern for fellow human beings are some examples of cultural and human rights issues. When we say that each person has human rights, we are also saying that each person has responsibilities to respect the human rights of others.

Categories of Human Rights

Though human rights are indivisible and interrelated, they are often put into different categories for better understanding of the characteristics and significance of each right in relation with others. There are various classifications of human rights; but commonly human rights are classified into three broad categories:

Civil and Political Rights (first generation rights, also called liberty rights):- these are liberty – oriented rights that include; the rights to life, liberty and security of the individual; freedom from torture and slavery; political participation; freedom of opinion, expression, thought, conscience and religion; freedom of association and assembly.

Economic and Social Rights (second generation rights, also called equality rights):- these are security –oriented rights that concern the production, development, and management of material for the necessities of life. Rights that give people social and economic security include the rights to work, education, a reasonable standard of living, food, shelter and health care.

Environmental, Cultural and Developmental Rights (third generation rights) – these include the right to live in an environment that is clean and protected from destruction, and rights to cultural, political and economic development. These rights are sometimes also called solidarity or development rights, as they focus on peace, more equitable socio-economic order, solidarity and a sustainable environment.

A Brief History of Human Rights

The basis of human rights: - such as respect for human life and human dignity- is a value as old as humanity that can be found in most religions and philosophies. The concept of human rights, which is an ethical concept, has developed throughout history as a result of negative conditions that befell the humanity, such as the World War II. The emergence of this concept as an ethical value, which embodies human dignity, can be traced in history of all world religions, as the basis, which guides human relations among individuals, communities and groups. This value is developed because it is related to fundamental human needs. Indeed, the development of human rights has its roots in the human needs and struggle for freedom and equality everywhere in the world.

The belief that everyone, by virtue of her or his humanity, is entitled to certain rights and freedoms is fairly new. Its roots, however, lie in earlier tradition and documents of many cultures. Throughout much of history, people acquired rights and responsibilities through their membership in a group – a family, nation, religion, class, community, or state. Though human rights were codified in the twentieth century, human rights values are rooted in religious teachings, traditional values, and wisdom literature of most cultures. Most societies have traditions, whether in oral or written, that address questions of people's duties, rights and

responsibilities. For example, **the Bible, the Koran, the Hindu Vedas, the Babylonian code of Hammurabi**, and the Analects of **Confucius** are five of the oldest written sources, which served as sources of standards of proper behavior (morally and socially acceptable), as systems of justice and ways of ensuring the health and well-being of their societies.

Many charters and bills asserting individual rights had also been enacted long before the twentieth century. Some example of such written documents (precursors to today's human rights documents) is the *Charter of Magna Carta* (1215), the *English Bill of Rights* (1689), the *French Declaration on the Rights of Man and Citizen* (1789), and the *US Constitution and Bill of Rights* (1791).

The contemporary idea of human rights, however, emerged stronger after and necessitated by the horrible experiences of World War II. The extermination by Nazi Germany of over six million Jews, Sinti and Romani (Gypsies), homosexuals and persons with disabilities horrified the world. After the war, trials of Nazi officials from the defeated countries were held in Nuremberg and Tokyo, which resulted in their punishment for committing war crimes, *crimes against peace and crimes against humanity*. Subsequently, governments committed themselves to establishing the United Nations, with the primary goal of promoting international peace and preventing conflict. There was a common desire then to ensure that never again would anyone be unjustly denied life, freedom, food, shelter and nationality. The global call for human rights standards to protect citizens from abuses by their governments, standards against which nations could be held accountable for the treatment of those living within their borders eventually led to the emergence of the United Nations Charter.

Adopted by 50 of the 51 original member countries on 26 June 1945 and entered into force on 24 October 1945 in San Francisco (U.S.A), the *United Nations Charter* is an initial document that forms and establishes the international organization called the United Nations, and setting forth its goals, functions and responsibilities. The charter states that one of the aims of the UN is to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

The goals of the UN stated in Article 1 of the charter are of a general nature. For those goals to be achieved, specific human rights and freedoms needed to be defined first. Then laws and procedures had to be drawn up that would promote and protect those rights and freedoms. For these purposes, the UN *commission on Human Rights was established and charged with creating an **International Bill of Human Rights***. The international bill of human rights consists of the **Universal Declaration of Human Rights (UDHR)**, **The International Covenant on Civil and Political Rights (ICCPR)**, and the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**.

The Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) was adopted by the General Assembly of the United Nations, which consisted of 56 member countries including Ethiopia, on December 10, 1948. The UDHR, **the first international human rights instrument**, serves to define the basic human rights and freedoms to which all individuals are entitled. It is the most widely accepted statement of human rights in the world, a statement of principles to base a new world order so that all the death, destruction and sufferings that took place in the two world wars would never happen again. The core idea of the UDHR is the inherent value of every human being.

The UDHR sets out a list of basic rights for everyone in the world whatever is his/her race, color, sex, language, religion, political or other opinion, national or social origin, class or other status. It states that governments have promised to uphold certain rights, not only for their own citizens,

but also for people in other countries. In other words, national borders are not barriers to help others achieve their rights.

A declaration is not a legally binding document. For the rights defined in a declaration to have full legal force, they must be written into documents called conventions (also referred to as treaties or covenants), which set international norms and standards. A treaty is an agreement by states to be bound by particular rules and could be designated as a covenant, charter, protocol, convention, accord or agreement. Treaties are legally binding on those parties to the treaty or on those who ratified them. When a government signs a convention, it becomes legally bound to uphold the standards incorporated in the convention.

The UDHR which is generally considered as a common standard of achievement for all people and all nations has substantially influenced the modern world. Its principles have been incorporated into the constitutions of most of the more than 185 nations now in the UN. With the goal of establishing mechanisms for enforcing the UDHR, the UN Commission on Human Rights drafted two treaties in 1966; the international covenant on Civil and political rights (ICCPR), and the international covenant on Economic, social and cultural rights (ICESCR), which were ratified by over 130 nations as of 1997. For political and procedural reasons, the rights stated in the UDHR were divided and codified into these two separate covenants, each addressing different categories of rights. Together with the UDHR, they are commonly referred to as the *International Bill of Human Rights*.

The International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (ICCPR) reiterates some of the rights specified in the UDHR. It articulates the specific, liberty-oriented rights that a state may not take from its citizens, such as freedom of expression, freedom of religion, freedom of movement, and the rights to life and liberty. These include the rights to self-determination, being free from discrimination, equality of men and women in the enjoyment of civil and political rights, and the rights to equality before the law.

The International Covenant on Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights (ICESCR) addresses those provisions in the UDHR that define an individual's rights to basic necessities, such as food, housing, education and health care, which a state should provide for its citizens in so far as it is able. Some of these include: - the inherent dignity of the human person, equal and inalienable rights of all members of the human family being the foundation of freedom, justice and peace in the world, the right to self-determination, the right to use and dispose of natural wealth and resources, men and women being equally entitled to the enjoyment of all economic, social and cultural rights.

Both of the two covenants (ICCPR and ICESCR) emphasize the extension of rights to all persons and prohibit discrimination. These and other treaties are binding laws in those countries, including Ethiopia, that have ratified them. These countries have agreed to abide by the provisions, to change national laws to conform to the conventions, and to report on their progress in doing so. Even during war and conflicts, states are required to observe all international humanitarian laws and the minimum standards set in the *International Bill of Human Rights* in other treaties.

Subsequent Human Rights Documents

In addition to the covenants in the *international Bill of Human rights*, the United Nations has adopted more than 20 principal treaties further elaborating human rights. These include conventions to prevent and prohibit specific abuses like torture and genocide and to protect especially vulnerable populations, such as refugees (Convention Relating to the Status of

Refugees 1951), women (Convention on the Elimination of All Forms of Discrimination Against Women 1979), and children (Convention on the Rights of the Child 1989).

In Europe, the Americas, and Africa, *regional documents for the protection and promotion of human rights* extend the international Bill of Human Rights. For example, African states enacted their own charter, the ***African Charter on Human and Peoples' Rights*** (1981), and Muslim states have created the ***Cairo Declaration on Human Rights in Islam*** (1990). The dramatic changes in Eastern Europe, Africa, and Latin America since 1989 have powerfully demonstrated a surge in demand for respect of human rights.

The African Charter on Human and Peoples' Rights

The African charter on Human and Peoples' Rights contains most of the rights in the UDHR, and ICCPR. It also includes the rights to equality of all peoples and the duties of individuals, such as respect for the family and individuals, protecting the family and the country. Almost all of the rights provided in the UDHR are also enumerated in constitutions of many African countries, such as Ethiopia, South Africa, and Uganda.

Despite the ratification of most international and regional treaties, the state of human rights protection is bad in most African countries. Violations of rights to liberty, security and freedom are rampant. The rights to property, the right to speedy and fair trial, the right to privacy, the right to free expression, the right to work, the right to education and health services are often violated. Some prisoners are tortured or ill treated; discrimination and domestic violence also prevail. The major categories of causes for the violation of rights and abuses include:- poverty, bad governance, monopoly of power by certain groups, ethnic and religious diversity and misunderstandings, ignorance of rights and responsibilities, corruption, and mal-distribution of resources (political and administrative positions, land, money).

Some of the conditions often considered as constituting violation of human rights by the African states are the following:-

- Failing to take steps stated in the constitution and or (required) in international and regional instruments.
- Failing to remove obstacles to the fulfillment of rights.
- Willfully failing to meet generally accepted international minimum standards for the treatment of people.
- Applying limitations to the rights recognized in various human rights documents.
- Deliberately retarding or halting the progressive realization of the rights.
- The government itself committing various violations of rights.
- Failing to protect the right of others from violation by community members, organizations, employers or others.

The task of promoting and protecting human rights and thereby preventing human rights violations in Africa, like anywhere else, is a formidable challenge. Generally speaking, education is considered as the basic and crucial tool for the promotion and protection of human rights and fundamental freedoms. Hence, education must be directed toward the strengthening of the respect for human rights; the full development of human personality and the sense of its dignity; the promotion of understanding; tolerance, gender equality, and friendship among all nations, indigenous people, racial, ethnic, and religious groups the enabling of all persons to participate effectively in a free society.

Some Reflections on the Universality/Relativity of Human Rights

Some debates exist regarding the *universality or relativity of the international human rights standards and the instruments* ratified by most countries of the world. With the growing concerns for human rights in the international community and the development of international

law in the field, many people have regarded that human rights are universal in nature and the same for all people regardless of their race, language, culture or country of origin. However, in recent decades especially among the Asian countries such as China and Singapore, it has been argued that human rights are relative rather than universal, and that the traditional concept of human rights which places emphasis on political and civil rights must be adapted to such emerging concepts as the right to development. These scholars argue that the human rights standards are based on western (American and European) cultures, rather than on universal values, and thus are not fully applicable to countries in other continents, such as Africa and Asia.

The controversy over the universality and relativity of human rights seems to have developed into a contention between the West and the East. While many Western nations support the former notion, many Asian countries argue for the latter. However, neither of the two arguments seems flawless and/or pointless.

The Universality of Human Rights

Arguments for and by proponents of the universality of human rights are mainly based on at least one major premise; that human rights are inherent in human beings and human values, and therefore are universal in nature. Accordingly, the concept of human rights is made up of various intrinsic human values that are interrelated and interdependent. These values need to be looked at in a holistic manner so as to have a complete understanding of their meaning and their intended end result—the well-being of human society. A large number of advocates of human rights regard economic equity, quality of opportunity, democratic participation, and freedom of person, sustaining and sustainable environment, responsibility and accountability as forming the central values of human rights. Thus, it is not surprising that these values appear as a priority at the end of the twentieth century.

Human rights are in principle based on the philosophy of humanism. **Humanism** is a broad category of ethical philosophy that affirms the *dignity and worth of all people*, based on the ability to determine right and wrong by appeal to universal human qualities—particularly rationality or the ability to reasoning. Humanism entails a commitment to the search for truth and morality through human means in support of human interests and rights. Humanists endorse universal morality based on the commonality of the human condition, suggesting that solutions to human social and cultural problems cannot be localized or limited to a certain country or people.

The Relativity of Human Rights

Proponents of the relativity theory of human rights argue that from the empirical study of human history, as well as the contemporary world, human rights are relative as they are not held and guaranteed in all places and at all times. This is in line with modern western view that there are no absolutes, that everything is relative. It was argued that human rights are relative because human beings are constrained within limit of their own existence, which could be in terms of culture, religion, economy, ethnicity, class and so on. These values must be respected and it is not permissible to impose universal values upon them. The core human values will be universal in nature but their development into practical principles for guidance of individual and collective life would necessarily be culture specific.

The Changing Concept

Though the theoretical conflicts between a universal and relativist approach to human rights remain unresolved, the former has become codified in international agreements, and seems to have won wider support. The latest consensus among the UN member states on the universality of human rights values, within the context of cultural diversity, was expressed in the 1993 Vienna Declaration on Human rights. Article 5 of the Declaration states all human rights are universal, indivisible, interdependent, and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis. While the significance of national and regional particularities and various historical,

cultural and religious backgrounds must be borne in mind, it is the duty of states, regardless of their political, economic and cultural systems,

5.7. The case in Ethiopia

Introduction

The modern Ethiopian state emerged at the second half of the 19th century with the ascension of Tewodros (1855-1868). This marks the emergence of the country out of two centuries of decline and endless quarrel between provisional rulers. Tewodros initiated the policies of modernization and centralization. Almost all of his successors followed these policies, albeit with different levels of enthusiasm and passion. In this lesson we will give a particular emphasis on the case of Ethiopia. In this manner, you will assess the democratization process in successive regimes.

5.7.1. Democracy and Good Governance in Ethiopia

Emperor Haile Selassie dominated much of the 20th century history of the country. Since the beginning of the 1960s, the imperial government began to face opposition from increasingly radicalized students who rallied behind 'land to the tiller', 'the nationalities question' and armed insurgency in Eritrea. The 1970s saw many changes that would shape the history and politics of contemporary Ethiopia. In 1974 revolutionary upheavals shocked the country. The imperial regime, whose structures failed to handle the increasing demands for change coming from the various corners of the country, was overthrown by a popular revolution in September 1974. This meant the end of monarchy in Ethiopia. State power was assumed by a military committee which was inspired by Marxism-Leninism.

The new rulers established a 'People's Democratic Republic of Ethiopia'. Although the military committee took some radical social measures, it did not offer satisfactory solutions to the problems which had accelerated the downfall of Haile Selassie. Moreover, some of these problems were even reinforced by the actions of the military. Therefore, from the beginning of its time in power, the military regime had to deal with the actions of armed resistance movements. After a long civil war, the regime was finally defeated in May 1991.

The most striking reform undertaken by the new power holders - the former resistance movements laid down the transformation of the unitary state into a federal state.

Thus, the EPRDF that assumed power in May 1991, after its protracted 17 year armed insurgency, undertaken the reconstruction of the Ethiopian state. The July 1991 Peace and Democracy Conference, convened by the ERPFD brought together 25 political organizations. This conference adopted a Transitional Charter that incorporated the 1948 United Nations Declaration on Human Rights (UDHR); promised multiparty democracy, freedom of association and speech; and incorporated the right of ethnic self-determination up to and including secession.

Ethiopia has embarked upon what it claims to be a novel experiment in 'ethnic federalism'. The ruling Ethiopian Peoples' Revolutionary Democratic Front has asserted that it is intent on forthrightly addressing the claims of ethnic groups in the country of historic discrimination and inequality, and to build a multi-ethnic democracy.

Throughout its modern history, Ethiopia has been characterized by ethnic tensions. Until, 1991, however, successive regimes either tried to suppress the unique cultural identities of more than eighty distinct ethno-linguistic groups and, at the same time, to assimilate them into the dominant culture.

On coming to power, the EPRDF decided not to suppress the national aspirations of Ethiopia's grieving ethnic groups but, instead, to allow them the full expression of their languages and cultures. Moreover, within less than two years, it decided that the country would be administratively and politically reorganized, creating what are largely (though not exclusively) ethnically based national/regional governments or states.

This approach was seen as the best way to demonstrate that the regime was committed to social equity and democracy. Democratic principles were eventually enshrined in a well crafted national constitution. In addition to the institution of a constitution that was intensely democratic, the TGE introduced public policies designed to devolve administrative authority from the center to the states.

In such a way, EPRDF committed itself to building a multi-party democracy and economic reconstruction. This was significant in that, until that time, Ethiopia had never had pluralist democracy. Optimistically, therefore, Ethiopians currently enjoy greater political freedoms than at any point in their state's long history. To appreciate the present Ethiopian political development look at the human rights enshrined in the FDRE constitution chapter three thoroughly. Bellow you will see some of the democratic rights and their scopes.

Freedom of Thought, Opinion and Expression (ART.29):- This article contains seven sub articles, which explain the main article in detail. This article gives everyone to hold any kind of opinion without interference. The exercise of these rights could be limited for the sake of higher goods such as the well being of the youth, and honor and reputation of individuals. In addition any propaganda for war and public expressions aimed at injuring human dignity is prohibited by the constitution.

The Right to Assembly, Demonstration and Petition (Art. 30):- Everyone has the right to assemble and demonstrate together with others peacefully and unarmed to present petition. Once again the enjoyment of these rights is subject to legal restrictions. In the interest of public morality, peace and democratic rights, concerned authorities could legally prescribe the time, place and route of public meetings and demonstrations.

Freedom of Association (Art. 31):- Every person is given with the right to form association for any cause or purpose. Citizens of similar interest have the right to join together and form an association. As a result, political parties, pressure groups, professional associations, economic, social or cultural groupings etc could be established in accordance with this right of citizens.

Freedom of Movement (Art. 32):- Ethiopian citizens as well as legal residents in Ethiopia have the right to freely move in every corner of the country and to choose their own area of residence. Citizens have also the right to move even out of the country and come back at any point of time.

The Rights of Women (Art. 35):-Traditionally, irrespective of the immense contribution of women, women were not equal with men. Women were considered as men are subordinate simply to satisfy men's wish and desire. Furthermore, in the eyes the law, women were considered as second-class citizens, who could not stand by themselves and as persons to be administered by father', husbands or sons. By granting equal rights with men, the constitution tried to redress some of these irrational acts and believes at the level of marriage and family.

However, prejudices on women are not limited to marriage only. Irrational beliefs and wrongdoings on women manifest themselves in every walk of life. The rights of women as mentioned by the constitution are:

- ☞ Women have equal rights with men in the enjoyment all the democratic and human rights.
- ☞ Taking in to account the historical legacy of discrimination and inequality, women are entitled with affirmative measures.
- ☞ Maternity leave with full pay before and after they give birth,
- ☞ The right to possess, administer, control, use and transfer private property. Particularly women are given equal right with men for using, transferring and administration of land.
- ☞ The right to full consultation in the formulation and execution of national development policies, particularly those policies affecting the lives of women, and
- ☞ Women are also given with the right to education, employment, promotion, and equal pay for equal work with men etc.

The Right to Elect and be Elected (Art. 38):- Election is a critical component of a democratic political system. The sovereignty of people in a democracy is ensured through the ballot box. Every Ethiopian citizen, without any discrimination, is given with the right to participate in public affairs, and on the attainment of 18 years of age to elect and 21 years of age to be elected. There is also other restriction in accordance with the law.

Right of Nations, Nationalities and Peoples (Art. 39):- Nations, Nationalities and peoples according to the constitution refers to the group of people who share common language, culture, history etc. Nations, Nationalities in Ethiopia are given Un-conditional right to self-determination including the right to secession. Every nation, nationality and people in Ethiopia is given the right to speak, write and develop its own language and to maintain and develop its culture. Furthermore, the right to full measure of self-government and to establish governmental organs in the territory they inhabit is another right given to nations, nationalities and peoples of Ethiopia.

Chapter 6

International Relations

6.1. Meaning and Scope of International Relations

There is no single and clear cut definition to international relations. Different scholars define it differently. Below are some of the definitions given to International Relations.

Hoffman : International Relations is “ a discipline concerned with the factors and activity which affect the external policies and power of the basic units into which the world is divided.”

Frankel: “:- - - a discipline [which is] a combination of studies of the foreign affairs of the various countries and of international history. It also includes the study of international society as a whole and its institutions and processes.”

In simple terms, International Relations can be defined as the study and practice of all forms of relations among the world’s nations, particularly their governments. These relations are not confined to politics, but they also include economic, social, cultural and other forms of relations. Moreover, international relations also refer to contacts besides relation among governments. Hence it includes interactions between nongovernmental groups like multinational corporations (companies that operate in more than one country), individuals, and international organizations such as the United Nations (UN) or Red Cross.

Actors in the International System

Relations between states have various goals and results. These diverse and complex relationships are influenced by various elements which include economic, political, and cultural and amongst others. These relations are regulated by the primary participants in the international system. These are:

- States
- Intergovernmental organizations
- Non-governmental organizations
- Individuals with influential personalities

States:

- The state is the central actor in IR.
- States whether large/small, democratic/totalitarian interact among themselves for various reasons. **It is through the activities of states in the International System that the world well functions and go orderly.**
- The diffusion of power among states is asymmetrical and the way in which power is distributed among them are key variable in determining the structure of their relationship. In IR the most powerful actors dominate in establishing rules and regulations of the international system.

Non-state Actors

- IGOs are international institutions founded by states for different purposes. They have states as their members.
- They are organized to accomplish various goals of economic and political nature. E.g IMF and WB:- have economic goals, AU and UN:- are founded for political reasons
- IGOs are growing rapidly both in terms of number and activity. Through IGOs states can organize activities that they cannot easily accomplish alone.

Functions of IGOs

- To maintain international peace and security and to that end to take effective collective measures for the prevention and removal of threats to the world peace
- To develop friendly relations among nations based on respect for the principle of equal rights
- To achieve international co-operation in solving international problems of an economic, social, cultural and humanitarian character and encouraging respect for human rights.

NGOS

- Are organized interest groups that operate privately or in combination with others to promote their causes.
- They provide mechanisms for individuals to become involved both at the local and global level and have impact on it.
- They also either individually/collectively bring pressure on governments and policy makers at various levels.

Individuals

Individuals with influential personality have also actively participated in the affairs of the world. Example: The Catholic Pope, the late Mandela, etc.

Despite all the above mentioned actors of the international system and their influences the principal concern of International Relations is on the interactions between states.

6.2. Theoretical Approaches to the Study of International Relations

International Relations and International Politics are much related concepts. Hence, often times many use them interchangeably. However, these concepts are not identical. International Politics is a narrower concept and its basic concern is power politics. International Relations is a wider concept because it includes the totality of all forms of relations (economic, social, cultural, etc.) apart from politics. Scholars have developed several approaches to the study of international relations. These approaches include: realism, neo-realism, idealism/liberalism, neo-liberalism, and Marxism. In the subsequent discussion you will briefly look at each approach.

1. Realism

Realism/Political realism is a classical school that influences the idea of scholars for more than two millennia. The works of **Thucydides**, **Nicholo Machiavelli** to **Hans Morgenthau** are on the base of realism principle. The basic principles of realism are:

- Realist considers human nature is basically selfish and power seeking egoist/lust for power - The argument arises from a statement of states' decision is highly influenced by individuals, because state men are influential in an affair of states.
- Realism considers the struggle for power as the central point of international relations. It tries to describe politics rationally, not on the basis of morality.
- It argues that states are self-interested, power seeking rational actors, which seek to maximize their national interest, security and chance of survival.
- It argues relation among states and world politics is highly competitive. Realists believe that cooperation between states is a way of maximizing their security.
- They consider states as the most important/dominant actors in the international system.
- The organizing principle of international system is anarchy and only the fittest can survive.
- It emphasizes that all nation states are motivated by national interest of their states.

- Thus, power is the only means to get security and promote national interest.
- The strategy of diplomacy according to realism principle is secret diplomacy (closed diplomacy).

Therefore, primary interests of states in the international system could be promoted if and only if states could build power at least that make them capable of defending their interest; most importantly the security of the state. Others like international norm, international law and international institution have got nothing to do in the protection of a state's interest or security.

Central tenets of realism: Power, national interest, security, anarchy, statism/state-centric, secret diplomacy.

2. Idealism

It is a school most importantly advocated after the end of the First World War. It is basically established from the critics against Classical Realism. The basic ideas of this school are;

- Idealism considers human nature as essentially good and the goodness of human nature will help to prevail a new world order marked by the absence of war, inequality and tyranny.
- Idealist believes that man was innately unselfish and generally sought the welfare of others as well as himself. They believed in the principle of 'peace through law'.
- States relation have cooperative orientation by in large than competitiveness.
- States motive in the international system should be common interest and states do have at least some certain common interest that they want to promote.
- The international system is not anarchy, because there were international norms that regulate states interaction in the international system; later on international principles, laws and international organizations have developed to meet the growing demand.
- If states able to understand the means of getting security and achieving interests, it is only through fostering cooperation and developments of international principles and organizations then war could be averted.
- Therefore, in order to achieve peace and security and succeed in the pursuit of their goals, the development of international norm, international law and international institutions are important. The promotion of force or military power could result for war and destruction but not peace and prosperity. The later could be achieved only as the result of cooperation through institutional developments
- They argue that war could be prevented by the form of international organizations, which could act against military aggressors.
- Thus, Idealism presents a picture of international system free from power politics, violence and immorality.
- They advocate open diplomacy instead of secret diplomacy

Central tenets of idealism: Common interest, cooperation, interdependency, collective security, international institutions, international law and norms, open diplomacy.

Commonality between the two classical theories is that of human nature. However, on the contrary Classical Idealists believed that Human nature is good, cooperative and harmonious

Neo-Realism:

- Is an influential theory developed after the demise of the role of League of Nations and of course, when the Cold War politics getting its momentum since the mid 1950s.
- Neo-Realism basically differs from Classical Realism on the following basic ideas:

1. Rejecting the foundation of Classical Realism, Neo-Realists argue that concentrating for the motive of states in the international relation on **human nature** is **to be reductionist**. To this end,

foreign policy of states is not only the impact and motive of individual states' men, though it is difficult to absolutely ignore the roles of individuals in the process. But the major factor that do have decisive impact on the foreign policy and states motive in the international interaction, according to this theory is the *power structure* or *power distribution* nature of the international system.

2. Moreover, they have advanced the idea of classical theory by accepting the possibility of having international cooperation most importantly among international communities to promote common interests on some aspects of international interaction other than security.

3. For security, according to this principle, no one should trust other than power.

4. Nonetheless, as their predecessors, they do have a firm believe that only states are the principal actors in the international scene. Others might play very minor roles. In their explanation states should have to aware about the power structure to get security, because establishing alliance is vital for two basic reasons:

1. To get security to themselves
2. To keep the power balance of the world

In the view of neo-realists, **disequilibrium** of world power structure makes **international conflict and crises inevitable**. Therefore, states should establish alliance with hegemonic powers and maintain balance of power. Here, it is important to define the concepts: Hegemonic powers and Balance of power.

Hegemonic powers: are powers that have an aggregate influential powers of Military, political, Economic, diplomatic and prestigious power. Such a state is known as hegemonic power or pole of world power structures. Other states will form alliance with hegemonic power to get security.

Balance of power: is to form an alliance and compete with power to keep the power equilibrium among poles of the world. Taking this into consideration scholars of the field have identified the following polar power structures in the history of the world.

1. **Uni-Polar structure:** when there is one hegemonic power in the world and others to be subordinated virtually. Historically Roman Empire is a good example.
2. **Bi-Polar Structure:** when there are two hegemonic powers in the world and others subordinated virtually in their respective poles. Historically Cold War is a good example of Bi-polar structure; and USA for the west, USSR for the east blocks were hegemonic powers.
3. **Multi –polar structure:** when there are more than two hegemonic powers. Historically the period before Second World War was a good example for Multi-polar structure.

Neo-Liberalism: like neo-Realism, it starts with rejecting the classical liberal foundational idea that says, human nature is the determination of states foreign policy to interact in the international system. But according to this principle, **global challenges** that require the **cooperation** of states and communities of the world in general are the major determinant factors such as, proliferation of mass destructive weapons, natural disasters, trans boundary diseases, international terrorism, environmental crises and the like. These challenges are the world problems in which a single state cannot avert them alone. To this end, Neo-Liberalists want to see international politics interconnected with economics claiming that economic prosperity could be possible when states cooperate to foster international trade and international economic relation. Since, to them no state is self sufficient; every state need something from the other and peaceful interaction is essential and peace could be achieve not through military power but with the development of international norm, international institutions and international law. Because of their discourse on political and economic view, neo liberal scholars are also seen as advocates of economic interdependency. Finally, they underlined on the need of international institutions to advocate and advance international co-operations, to the implementations and respect of international laws and international norms and combating international challenges.

3. Marxist View of International Relations

Marxists view of international relations is seen as an extension of the struggle between the classes, with wealthy countries exploiting poorer and weaker ones. They mainly focus on imperialism i.e. the practice of stronger nations to control or influence weaker ones. They look at the unfair and exploitative aspects of relationships between the world's rich and poor states. *Marxists tend to see economic relationships as both the cause of and potential solution to the problem of war.* Accordingly, Marxists tend to suggest that unless the existing national and international system have been affected/changed, it is impossible to achieve peace to the world. To this end, their slogan for the new system is “**Proletariat of the World Unite**” to assert communism by overthrowing imperialism. This theory has not been influential since the end of the Cold War.

6.3. Understanding the Basic Principles and Concepts of International Relations and Foreign Policy

A) National Interest

National interest is a key concept in foreign policy and international relations. It encompasses a set of particular goals, commonly of short-term nature but it also includes long term interests, which states are trying to realize at a given time. National interest can be determined both by internal and external factors. The internal factors include: ideology of the state, personality and role of leaders, the influence of political lobbies and parties, customs and traditions of societies, etc. The external factors include the roles of great powers and international organizations, the nature of the country's relations with the neighboring states, etc. National interest has two crucial purposes. Firstly, it provides general policy direction towards the external environment. Secondly, it serves as controlling mechanism of choice in urgent situations. The aforementioned purposes are usually help to maintain a consistent foreign policy.

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Categories of National Interest

National interest can be classified into the following categories.

- 1. Primary Interests:** are central or core interests of a state such as preserving sovereignty and territorial integrity of the state. In genera it includes security issues.
- 2. Secondary Interests:** are crucial yet not vital as primary interest. These include protecting citizens who live abroad and maintaining the diplomatic immunity.
- 3. Permanent Interests:** are almost fixed and constant interests, which are not changing frequently like ensuring self-reliant economy and increasing the prestige of a country.
- 4. Variable Interests:** denote vital interests of a state in times of certain conditions. Such interests can be influenced by leaders, institutions, political parties, etc,
- 5. General Interests:** are common interests shared by various states, like promoting trade, diplomatic relations, etc.

B) Foreign Policy

Foreign policy refers to a course of action or set of principles adopted by a nation's government to define its relations with other countries. A country's foreign policy also sets forth its positions on a wide range of international issues. Foreign policy is taken as a guiding document of a state of external affairs. However, things might urge to skip from established principles since the international system is highly unpredictable. The foreign policy of a given state may reflect broad national objectives or represent a narrow and specific response to a particular situation. However, the basis of any state's foreign policy is national interest. Formulation of foreign policy starts with identifying the state's vital national interests.

Factors that Influence Foreign policy

A country's foreign policy is influenced by many variables. These factors can be broadly categorized in to: internal and external factors.

The internal factors include

- a) **Geographic-strategic factors:** these include locations, natural resources, size, climate, topography, soil, climate, etc.
- b) **Historical traditions:** from its history a state inherits a style and culture that influence its course of action taken in its external relations.
- c) **National capacity:** includes military power, level of technology, economic development, population, etc.
- d) **Public opinion:** refers to beliefs, views, and attitudes of the people towards any political and economic institutions.

The external factors include:

- a) **International organizations:** Today various governmental and nongovernmental organizations play an important role in foreign policy. The success of the state's foreign policy depends on how much it accommodates the main principles of world organizations and international law.
- b) **World public opinion:** can also exert strong pressure over the states' foreign policy
- c) **Relations with friendly states:** while formulating foreign policy, policy makers usually take into consideration the interests of friendly states.
- d) **The nature of neighboring states and major power.**

Apart from the aforementioned internal and external factors policy makers have also their own role in foreign policy. Their impression, attitude, personality, etc, have their own role in shaping the nature of the state's foreign policy.

Instruments of Foreign Policy

A state can achieve its foreign policy goals in several ways. These include:

- Diplomacy
- Economic instruments (today it is known as economic diplomacy)
- Propaganda and subversion
- Terrorism
- War

Diplomacy: is a means of conducting negotiations between nations. It refers to practices and institutions by which nations conduct their relations with one another. As Quincy Wright puts it "it is the art of negotiation in order to achieve the maximum of group objectives with a minimum cost within a system of politics in which war is a possibility."

Economic Instruments: refer to economic capacity or techniques used to realize foreign policy goals. They are non-violent mechanisms which can be applied for good or bad purposes. These instruments include: foreign aid, loans and grants, sanctions, control of enemy assets, etc.

Propaganda and Subversion: are indirect attempts in changing the political conditions in the target nations in which the leaders of these nations will be obliged to accept the intended policies.

Terrorism: It is planned and systematic uses of violence against civilians to realize political goals. Nowadays this action is used by political groups and even by states that are unable to achieve their objectives through diplomacy and conventional military force.

War or use of force: When all non-violent ways of achieving foreign policy objectives fail, states may resort to use force. Though it is not a good choice, the history of mankind is full of the history of wars.

6.4. Functions of Diplomacy

Diplomacy has several useful functions. These functions focus on the diplomacy corps by an ambassador. Some of the basic functions of diplomacy include the following:

1) Representing State Interests

Ambassadors act as the spokesperson for their governments and serve as channels of communication between the countries that send them and the host states. As a conduit of these channels of communications, the first concern of ambassadors is always their own government interests.

2) Symbolic Representation

Usually, the exchange of ambassadors between two countries accomplishes their formal recognition of each other. Not only the diplomat's presence is important but the diplomat's conduct can be a significant living symbol. The ambassador becomes the personification of his or her own country. The diplomat's skill, professionalism, charm, and understanding of the host country's customs may have as much impact as the official communications the diplomat transacts. The thoughtful diplomat can promote a positive image by dutifully attending numerous state functions of the host, making many speeches to private groups, and taking part in civic activities such as charities.

3) Obtaining Information

Every state that is wisely led pays attention to what happening in its environment, such as the military activities of neighbors or major global economic trends that could affect its domestic economy. If a state's government is going to react intelligently to new challenges or take advantage of an opportunity, it must have information to formulate and conduct an appropriate policy. States' capabilities for obtaining information vary considerably, but they can include spies' activities, information from globally based news services, and reports from other governments. Much of the information that leaders of states trust flows back to them from around the world via the diplomatic corps of the various states. Diplomats monitor situations on a long – term basis so they can anticipate developments and give timely warnings to their countries.

Most reports are periodic and routine; but they can still be useful. For instance, the US has published its country reports on Human Rights annually for many years. These reports derive from information supplied by all U.S. embassies. These reports not only describe the human rights conducts of almost every country in the world, but, according to congressional law, also provide a basis for distributing American foreign aid.

4) Promoting and protecting the interests of its nationals

The Diplomatic corps of a given state will try to serve the interests of fellow nationals in two ways: promoting the general interests of nationals abroad and protecting individual citizens while they are in other countries. Diplomats are formally busy carrying on activities such as seeking preferential tariffs, arranging flights for their countries' aircraft, and negotiating trade contracts that will benefit companies from the home states. Diplomats also aid individual nationals in foreign countries when the latter suffer harm to their persons, lives, and property and when they break the local laws.

5) Policy making by Diplomats

Traditionally, the diplomat is the official channel of communications between the sending and host states. At a minimum, the diplomat can pass on information and receive instructions, but the diplomat also can play a role in policy making. Although modern communications and travel have made possible more policy directives from the home capitals, diplomats on the scene are still important because of their personal impressions about leaders and policy trends in host capitals. Diplomats at least set the stage for decisions with a backlog of advice and reports. The individual diplomat's experience and wisdom may lead to significant influence in the home capitals in some cases.

In summary, diplomats are useful in several ways. Their presence in a host's capital signifies that the sending country legally recognizes the government of the host state, and ambassadors can present the interests and concerns of their states to their hosts. Diplomats are also able to help fallow nationals abroad who are in trouble and to obtain a great deal of information about the host states. In an age of modern communication ambassadors are still important in the policy making hierarchy because of impressions they derive from personal interaction with their hosts' leaders.

6.5. An Overview of Ethiopia's Foreign Policy and Relations

Ethiopia's foreign policy can be traced back to the earlier period. Being one of the oldest states of the world Ethiopia has maintained an old age relations with other countries of the world since time immemorial. The relation had been both peaceful and hostile. During the ancient and medieval periods Ethiopia maintained relations with various countries, particularly with Egypt, Meroe(Sudan), Palestine, South Arabia, China, India, etc.,

In the modern period the country witnessed tense and unprecedented relations with European countries. This was partly the result of the general European colonial interest in the continent. Nevertheless, throughout the long history of the country there was no defined foreign policy. The foreign policy of the country has begun to assume a more or less defined form in the early 1960s, while Ethiopia was championing the cause of African independence and solidarity. However, this cannot be confidently stated that the country had a clear foreign policy based on objective assessment of its national interests. The foreign policy of the *Derg* was also a one-sided policy based on the alignment of the regime with the socialist camp. The military regime's hostile approach toward the West was detrimental to the long national objectives of the country. The *Derg* gained little in terms of national benefits from its association with the USSR and the Eastern camp. The EPRDF regime has clearly formulated a definite foreign policy. This policy has been a subject of intense national deliberation at various levels. In contrast to the previous regimes the policy has not been based on the sole criteria of ideology. It attempts to identify the long and short term national benefits of the country and its role in the regional, continental, and international levels. As a continuation of the past, the country has also maintained being the champion of African cause and solidarity.

6.6. Contemporary Global Issues

1. Globalization

The term globalization is a comprehensive term which denotes the emergence of a global society in which economic, political, environmental, and cultural events in one part of the world quickly come to have significance for people in other parts of the world. Globalization is the result of advances in communication, transportation, and information technologies. It describes the growing economic, political, technological, and cultural linkages that connect individuals, communities, businesses, and governments around the world.

Although most people continue to live as citizens of a single nation, they are culturally, materially, and psychologically engaged with the lives of people in other countries as never before. Distant events often have an immediate and significant impact, blurring the boundaries of our personal worlds. Items common to our everyday lives—such as the clothes we wear, the food we eat, and the cars we drive—are the products of globalization.

Globalization has both negative and positive aspects. Among the negative aspects are the rapid spread of diseases, illicit drugs, crime, terrorism, and uncontrolled migration. Among

globalization's benefits are a sharing of basic knowledge, technology, investments, resources, and ethical values.

Most experts attribute globalization to improvements in communication, transportation, and information technologies. Advances in communication and information technologies have helped slash the cost of processing business orders by well over 90 percent. Vast amounts of information can be processed, shared, and stored on a disk or a computer chip, and the cost is continually declining. People can be almost anywhere and remain in instant communication with their employers, customers, or families 24 hours a day, 7 days a week, or 24/7 as it has come to be known. The Internet, the cell phone, and the fax machine permit instantaneous communication. The World Wide Web and computers that store vast amounts of data allow instant access to information exceeding that of any library.

Improvements in transportation are also part of globalization. The world becomes smaller due to next-day delivery by jet airplane. Even slow, oceangoing vessels have streamlined transportation and lowered costs due to innovations such as containerized shipping. Advances in information technologies have also lowered business costs.

Not only do goods, money, and information move great distances quickly, but also more people are moving great distances as well. Migration, both legal and illegal, is a major feature of this era of globalization. *Remittances* (money sent home by workers to their home countries) have become an important source of income for many countries.

Very few people, groups, or governments oppose globalization in its entirety. Instead, critics of globalization believe aspects of the way globalization operates should be changed. The debate over globalization is about what the best rules are for governing the global economy so that its advantages can grow while its problems can be solved.

On one side of this debate are those who stress the benefits of removing barriers to international trade and investment, allowing capital to be allocated more efficiently and giving consumers greater freedom of choice. With free-market globalization, investment funds can move unimpeded from where they are plentiful (the rich countries) to where they are most needed (the developing countries). Consumers can benefit from cheaper products because reduced tariffs make goods produced at low cost from faraway places cheaper to buy. Producers of goods gain by selling to a wider market. More competition keeps sellers on their toes and allows ideas and new technology to spread and benefit others.

On the other side of the debate are critics who see neoliberal policies as producing greater poverty, inequality, social conflict, cultural destruction, and environmental damage. They say that the most developed nations—the United States, Germany, and Japan—succeeded not because of free trade but because of protectionism and subsidies. They argue that the more recently successful economies of South Korea, Taiwan, and China all had strong state-led development strategies that did not follow neoliberalism. These critics think that government encouragement of “infant industries”—that is, industries that are just beginning to develop—enable a country to become internationally competitive.

Furthermore, those who criticize the Washington Consensus suggest that the inflow and outflow of money from speculative investors must be limited to prevent *bubbles*. These bubbles are characterized by the rapid inflow of foreign funds that bid up domestic stock markets and property values. When the economy cannot sustain such expectations, the bubbles burst as investors panic and pull their money out of the country. These bubbles have happened repeatedly as liberalization has allowed speculation of this sort to get out of hand, such as in Indonesia,

Malaysia, and Thailand in 1997 and since then in Argentina, Russia, and Turkey. According to critics, a strong active government is needed to assure stability and economic development.

Protests by what is called the anti-globalization movement are seldom directed against globalization itself but rather against abuses that harm the rights of workers and the environment. The question raised by nongovernmental organizations and protesters at WTO and IMF gatherings is whether globalization will result in a rise of living standards or a race to the bottom as competition takes the form of lowering living standards and undermining environmental regulation. One of the key problems of the 21st century will be determining to what extent markets should be regulated to promote fair competition, honest dealings, and fair distribution of public goods on a global scale.

2. Terrorism

Terrorism is commonly understood to refer to acts of violence that target civilians in the pursuit of political or ideological aims. Although the international community has yet to adopt a comprehensive definition of terrorism, in 1994, the General Assembly's Declaration on Measures to Eliminate International Terrorism, in its resolution 49/60, stated that terrorism includes "criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes" and that such acts "are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them." Terrorism has occurred throughout history for a variety of reasons. Its causes can be historical, cultural, political, social, psychological, economic, or religious—or any combination of these. Some countries have proven to be particularly susceptible to terrorism at certain times, as Italy and West Germany were during the 1970s.

In general, democratic countries have provided more fertile ground for terrorism because of the open nature of their societies. In such societies citizens have fundamental rights, civil liberties are legally protected, and government control and constant surveillance of its citizens and their activities is absent. By the same token, repressive societies, in which the government closely monitors citizens and restricts their speech and movement, have often provided more difficult environments for terrorists. But even police states have not been immune to terrorism, despite limiting civil liberties and forbidding free speech and rights of assembly. Examples include Russia under tsarist rule and the Communist-ruled Union of Soviet Socialist Republics, as well as the People's Republic of China, Myanmar, and Laos.

In broad terms the causes that have commonly compelled people to engage in terrorism are grievances borne of political oppression, cultural domination, economic exploitation, ethnic discrimination, and religious persecution. Perceived inequities in the distribution of wealth and political power have led some terrorists to attempt to overthrow democratically elected governments. To achieve a fairer society, they would replace these governments with socialist or communist regimes. Left-wing terrorist groups of the 1960s and 1970s with such aims included Germany's Baader-Meinhof Gang, Italy's Red Brigades, and the Weather Underground in the United States. Other terrorists have sought to fulfill some mission that they believe to be divinely inspired or *millennialist* (related to the end of the world). The Japanese religious cult AumShinrikyo, responsible for a nerve gas attack on the Tokyo subway in 1995 that killed 12 people, falls into this category. Still other terrorists have embraced comparatively more defined and comprehensible goals such as the re-establishment of a national homeland (for example, Basque separatists in Spain) or the unification of a divided nation (Irish nationalists in Northern Ireland).

Finally, some terrorists are motivated by very specific issues, such as opposition to legalized abortion or nuclear energy, or the championing of environmental concerns and animal rights. They hope to pressure both the public and its representatives in government to enact legislation directly reflecting their particular concern. Militant animal rights activists, for example, have used violence against scientists and laboratory technicians in their campaign to halt medical experimentation involving animals. Radical environmentalists have sabotaged logging operations and the construction of power grids to protest the spoiling of natural wilderness areas. Extremists who oppose legalized abortion in the United States have attacked clinics and murdered doctors and other employees in hopes of denying women the right to abortion.

National governments have at times aided terrorists to further their own foreign policy goals. So-called state-sponsored terrorism, however, falls into a different category altogether. State-sponsored terrorism is a form of covert (secret) warfare, a means to wage war secretly through the use of terrorist surrogates (stand-ins) as hired guns. The U.S. Department of State designates countries as state sponsors of terrorism if they actively assist or aid terrorists, and also if they harbor past terrorists or refuse to renounce terrorism as an instrument of policy.

State sponsorship has proven invaluable to some terrorist organizations—by supplying arms, money, and a safe haven, among other things. In doing so, it has transformed ordinary groups, with otherwise limited capabilities, into more powerful and menacing opponents. State sponsorship can also place at terrorists' disposal the resources of an established country's diplomatic, military, and intelligence services. These services improve the training of terrorists and facilitate planning and operations. Finally, governments have paid terrorists handsomely for their services. They thereby turn weak and financially impoverished groups into formidable, well-endowed terrorist organizations with an ability to attract recruits.

Impact of Terrorism

Although most terrorist groups have failed to achieve their long-term, strategic aims through terrorism, terrorism has on occasion brought about significant political changes that might otherwise have been impossible. Moreover, despite the claims of governments to the contrary, terrorism has sometimes also proven successful on a short-term, tactical level: winning the release of prisoners, wresting political concessions from otherwise resistant governments, or ensuring that causes and grievances that might otherwise have been ignored or neglected were addressed.

Terrorism was used by some nationalist movements in the anticolonial era just after World War II, when British and French empires in Africa, Asia, and the Middle East dissolved. Countries as diverse as Israel, Cyprus, Kenya, and Algeria owe their independence to these movements.

Evidence of terrorist success has come more recently in the examples of Gerry Adams and Martin McGuinness in Northern Ireland and Yasir Arafat in the Middle East. Adams, president of the political wing of the Irish Republican Army (IRA) in Northern Ireland, and his deputy McGuinness both won election to the British Parliament in 1997. Arafat, as leader of the Palestine Liberation Organization (PLO), won international recognition for the PLO. Through tactical victories and political achievements, each of their organizations demonstrated how a series of terrorist acts can propel to world attention long-standing causes and grievances.

At the same time, for every terrorist success, there are the countless failures. Most terrorist groups never achieve any of their aims—either short-term or long-term. The life span of most modern terrorist groups underscores this failure. According to one estimate, the life expectancy

of at least 90 percent of terrorist organizations is less than a year, and nearly half of the organizations that make it that far cease to exist within a decade of their founding.

Terrorism is designed to threaten the personal safety of its target audience. It can tear apart the social fabric of a country by destroying business and cultural life and the mutual trust upon which society is based. Uncertainty about where and when the next terrorist attack will occur generates a fear that terrorism experts call “vicarious victimization.” A common response to this fear is the refusal to visit shopping malls; attend sporting events; go to the theatre, movies, or concerts; or travel, either abroad or within one’s own country.

The public's perception of personal risk, however, often does not dovetail with the observable dimensions of the terrorist threat. Even though the United States was the country most frequently targeted by terrorists from 1968 to 2000, fewer than 1,000 Americans were killed by terrorists, either in the United States or abroad, during that 32-year period, according to figures tabulated by the U.S. State Department and the Federal Bureau of Investigation. Although more than three times that number was killed on September 11, 2001, the fact remains that the perception of the terrorist threat far outweighs the likelihood of being the victim of a terrorist attack. Nonetheless, terrorism’s ability to engender so acute a sense of fear and unease is a measure of its impact on our daily life.

3. Environmental Challenges

Though the environmental challenges on human life goes back as long as the existence of man on earth, the response towards the problem has cropped up of late only in the decades of 20th century. Environmental problems led to the world's first environmental conference in 1972 in Stockholm. The most significant product of the conference was the creation of the UN Environmental Program UNEP, which was to act as midwife to safeguard the global environment. Some of the major global strategies in dealing with these problems are contained in the multilateral environmental agreements such as ozone depletion, global warming and desertification. The big progress is that states have come to a recognition that they have to act more collaboratively at the international level in order to search for effective solutions to environmental problems.

It should be mentioned here that the development of a sense of shared vulnerability to environmental threats on the part of states and the catalytic and coordinative role of United Nations Environmental Program (UNEP), however, has faced a number of debilitating responses from the states. The shared vulnerability is due to the fact that the problem brought about in view of sheer neglect to the environment by the states-whether belonging to the Northern hemisphere or the Southern hemisphere-has a drastic impact on all states all over the world. Hence all states are vulnerable today and thereby creating a corresponding catalytic and coordinative role to the principle programme-UNEP. This is due to the fact that states respond to continuing environmental challenges based upon their national interests.

Consequently, insufficient contributions by governments to environmental fund, insufficient authority and legitimacy of UNEP, collective disintegration and other factors in general have sadly produced a desperate impact on UNEP in addressing sufficiently the continuously deteriorating global environment.