

Unit 2

Rule of Law

Introduction

In Grade 10, you studied how rule of law limits the power of the government. You also examined the breakdown of the rule of law and its impacts. In this unit, you will distinguish the similarities and differences between the federal and regional states constitutions. Furthermore, you will see how rule of law is important in conflict management and combating corruption.

Lessons

1. Rule of Law and Constitution
2. The Necessity of the Rule of Law
3. Limited and Unlimited Governments
4. The Rule of Law and Combating Corruption

What you will learn

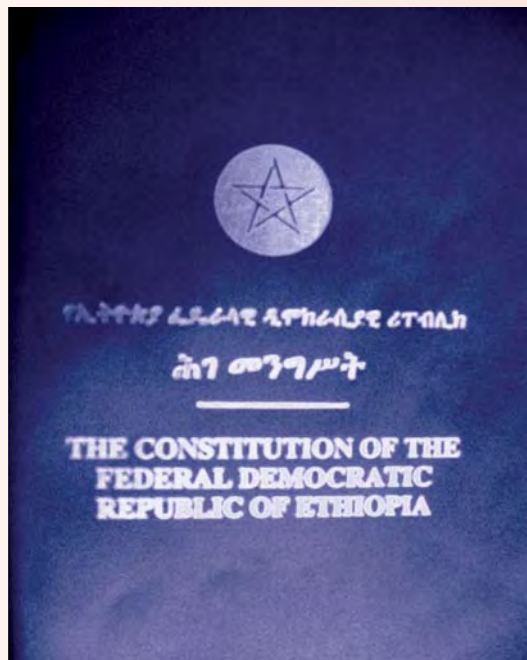
You will:

- recognize the relation between a constitution and rule of law.
- realize the nature of limited and unlimited government.

- appreciate the necessity of combating corruption.

Key words and concepts

- Arbitrariness
- Basic rights of citizens
- Common good
- Conflict
- Constitutionalism
- Constitutional principles
- Corruption
- Dictatorship
- Ethics
- Inequality
- Judiciary
- Limited government
- Unlimited government
- Values



1

LESSON

Rule of Law and Constitution

By the end of this lesson, you should be able to:

- distinguish the differences between the constitutions of the federal and regional states.

What do you think about the relationship between the federal and the regional states' constitutions?

In Grade 10, you discussed rule of law, constitution and their relationships. Rule of law prevails under a democratic government with a democratic constitution. The previous Constitutions of Ethiopia adapted a unitary system of government, but the FDRE Constitution set a federal system of government. That means in Ethiopia there are federal and regional states' constitutions.

The Federal Constitution established the Federal Government that exercises powers over the entire country. The Constitutions of the regional states have established governments at the regional level. As a result, the regional governments (states) have their own respective legislature, executive and judiciary bodies.

Both the FDRE Constitution and the constitutions of the regional states provide that:

- Power can only be assumed according to the law stated in the Constitution.
- Everyone is subject to the law and jurisdiction of the courts.

- Both the government and the citizens act only in accordance with the Constitution.
- The basic rights of citizens are respected.

The federal and regional states' constitutions prohibit government officials from violating the laws of the country. Obligations are imposed on them to respect the basic rights of citizens.

The constitutions do not give way to arbitrary rule of individuals but enhance rule of law at all levels of the administration structure. The federal and regional state constitutions underline the need to promote democracy and a democratic system in the country. The constitutions set the objectives to safeguard citizen's fundamental freedom and rights. The constitutions also work to bring about social, political, economic and cultural justice throughout the country.

These are some of the similarities between the two sets of constitutions. It is also important to know the differences between these constitutions. The Federal Constitution is the supreme law of the land and forms an umbrella law that gives shelter to all the regional state constitutions.

The constitutions of the regional states follow the pattern and fundamental principles enshrined in the federal constitution. In effect, they derive from and are subordinated to it. The regional state constitutions work only within the territory of the state and not beyond. The Federal Constitution works across all regional states.

Rule of Law and Constitution

? In groups of six, divide your group into two. One group will take the Federal Constitution and the other group will take the Regional Constitution. Compare and contrast the two constitutions.

The Federal Government of Ethiopia is constituted of the nine regional states. This arrangement has established different power centers in the country. The federal government at the national level forms one of the centers of power and has a constitution that functions throughout the country.

The Federal Constitution sets limits and provides direction for the administrative activities of regional states. The regional states form the other centers of power and operate based on their constitution but not disregarding the federal constitution. Their constitutions are designed to meet the specific circumstances of their own regions.

In this regard, the constitution of the SNNPRS has stipulated the formation of the council of Nations, Nationalities and Peoples at regional level. This council is the equivalent of the House of Federation. No other regional state has such a type of council. The SNNPRS has a unique feature because it is composed of over fifty ethno-cultural groups within its territories. The formation of such a council is in line with the fundamental principles of the Federal Constitution. All constitutions in the country, whether federal or regional, promote democracy and the democratic system and the fundamental rights and freedoms of citizens. They are dedicated to ensure rapid, economic, social, political and cultural development.

The Federal Constitution is exclusively in charge of finance, defense and international relations. In such matters the regional states are not involved, as the Federal Government is not involved in matters of the regional states.

REMEMBER

- ❑ Rule of law prevails under a democratic government with a democratic constitution.
- ❑ The previous constitutions of Ethiopia adapted a unitary system of government.
- ❑ The FDRE Constitution adopted a federal system of government.
- ❑ The regional governments (states) have their own constitutions and establish the legislature, executive and judiciary at the regional level.
- ❑ Both the federal and the regional constitutions prohibit government officials at all levels from violating the laws of the land and acting against the basic rights of citizens.
- ❑ The regional states constitutions are always subordinate to the federal constitution.

LESSON 2

The Necessity of the Rule of Law

By the end of this lesson, you should be able to:

- explain the importance of the rule of law.
- describe what follows when rule of law breaks down.
- explain how to prevent and manage conflict.

How might you find a solution when your interests and the interests of your friends conflict? Use an example to make your point.

Constitutions of democratic countries are the bases for the prevalence of rule of law. Rule of law establishes restrictions, both on the governor and the governed. This means the government officials who are elected and hold offices must respect the basic rights of citizens. Their activities shall be in accordance with the law of the land. Rule of law prohibits people from violating the rights of others. The governed or the citizens' basic rights and freedoms must be respected by the government officials. Rule of law also imposes restrictions on citizens to act only according to the law. Every citizen, irrespective of social status, ethnic or religious background, is subject to the laws of the country.

Where there is rule of law, the rights of individuals and groups will be respected. Nobody has the right to go against the well-being of individuals and groups of people. In addition to this, the right extends to the protection of their property.


Since individuals live in society, they have to respect and work for the common good of society.

As a citizen, you have lots of needs and wants to satisfy. However, there are conditions that compel you to sacrifice part of them for the interest of promoting the common good.

The absence of the rule of law implies the existence of unlimited power that can put citizens in danger. Where there is no rule of law, there will not be justice. The absence of justice weakens the authority of government and the people will not feel secure. Absence of rule of law is characterized by anarchy and arbitrary rule.

Anarchy means a situation in a society whereby there is no supreme power or law, which will result in political and social disorder. In the absence of rule of law, justice suffers, peace and stability are threatened, and the strong may take advantage of the weak.

Therefore, the absence of rule of law can be characterized by arbitrariness, lawlessness, disorder, destruction, insecurity, and conflicts. The absence of rule of law makes society permanently enter into mutual destruction and annihilation. In such circumstances people lose their lives and those who survive for a while lose their hope for the present and future.

 Form groups in a class and list indications of the absence of rule of law and discuss in a group their impact on individuals and society. Present the summary of your discussion to the class.

The Necessity of the Rule of Law

An absence of rule of law means there is no legally established and fair procedure to take action to resolve conflicts or regulate social relations. It can also create inequality and an absence of the equal protection of the law.

Conflicts happen in the normal course of social interaction. Conflict means disagreement that arises due to differences that can result from divergences of interests in a society. A number of different conflicting interests can arise between individuals and groups.

Rule of law helps to prevent and manage conflict through legal means and established procedures. This means, before the conflict turns into violence and anarchy, rule of law attempts to prevent its occurrence and manage it using the appropriate mechanisms.

Conflicts on the use of natural resources and regarding personal interests can be resolved when we respect and obey the values and principles stated in the constitution and laws of the country. For

example, conflicts on boundaries, grazing land, water and other resources may arise between different groups. If these conflicts are to be resolved legally, we have to adhere to the values and principles of the Constitution.

Working together on common problems is another peaceful means of resolving conflict. For example, where there is a conflict on drinking water, the people from both sides can come together and discuss how to get another water resource or arrange a program.

Furthermore, identifying the commonly shared values, interests and goals are also a means of conflict prevention and resolution. Therefore, it is important to identify these commonly shared values, interests and goals, which are quite useful to bring about national consensus and create stability. These can be done through encouraging communication among different groups and through cultural exchanges such as festivals, Nations and Nationalities days, National Flag days, sport events and similar communal activities.

CASE STUDY

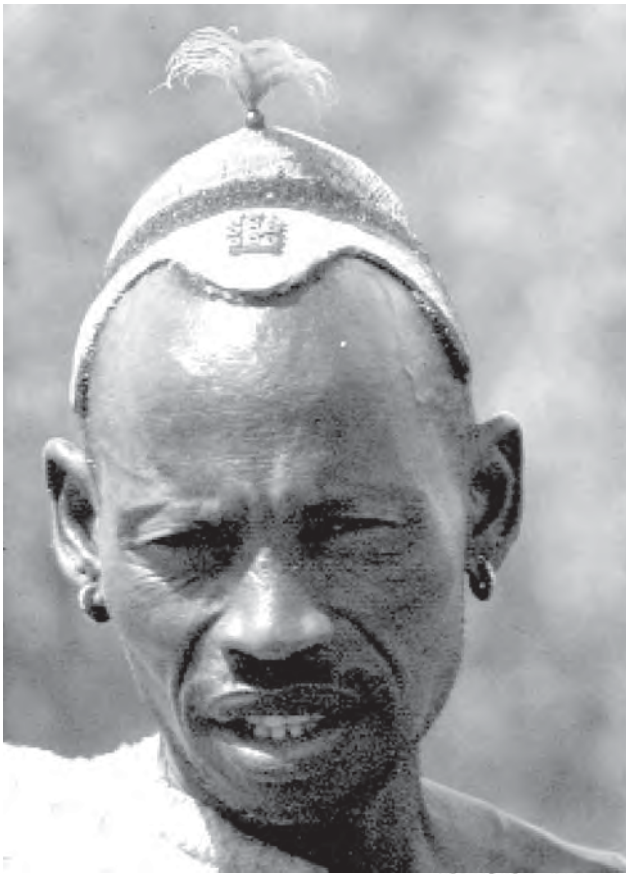
The Youth Peace Building Effort in South Omo

On August 14, 2007, a caravan of forty youths, representing the Hamar, Karo, Nyangatom and Dessanech pastoralist ethnic groups of South Omo Zone, set out to tour one another's villages for the purpose of cultural exchange. For ten days, the youths travelled, danced, decorated one another, played sports, slept and ate together. They spent two days in the hosting village of each ethnic group, before moving on to the next. These seemingly simple social interactions had a profound symbolic meaning

for each of these local cultures, instilling bonds of deep kinship and peace between the groups. The event was the first of its kind in South Omo Zone, and was immediately recognized by all stakeholders as an unprecedented, innovative move towards peace in the area.

? What can other communities learn from South Omo Youth efforts to resolve the conflicts that may arise in their region? Discuss this in groups and present to your class.

The Necessity of the Rule of Law



Karo man



Dessanech youngsters

Peoples of the South Omo Zone

REMEMBER

- ❑ Rule of law establishes restrictions on both those who govern and the governed.
- ❑ Everyone, irrespective of wealth, rank or condition, is subject to law and jurisdiction of the courts.
- ❑ Where there is rule of law, the rights of individuals and groups will be respected.
- ❑ Conflict means disagreement that arises due to differences that can result from divergences of interest in society.
- ❑ Conflicts can be legally resolved by adhering to the values and principles of the Constitution, by working together on common problems and identifying the commonly shared values, interests and goals.

LESSON 3

Limited and Unlimited Governments

By the end of this lesson, you should be able to:

- describe the nature of limited and unlimited governments.

How much power does the government in Ethiopia have?

Limited government is a government whose power is restricted constitutionally. An absence of arbitrary power and protection of basic rights and freedoms of citizens characterize such governments. A country with limited government exercises constitutionalism. Constitutionalism is a political doctrine that indicates state ideology to uphold rule of law in an environment of democratic governance; that means the strict observance of the constitution by the government.

Accountability, transparency, protection of rights and freedoms of citizens, the mechanisms of checks and balances between the organs of government are ways in which government power in democratic countries is limited. Every democratic government is characterized by limiting the powers of officials. The role of the people to limit the power of government is the cornerstone of a democratic system.

The governments of the USA and Great Britain have limited power because, conceptually, power emanates from the people and they have strong mechanisms to check and control the powers of state organs and officials. The US congress, the White House and the judiciary systems work in such a

way that no one body is able to monopolize power. In Britain, the parliament and the judiciary body work together to avoid any of the two becoming dominant on the other.

In Ethiopia, the 1995 Constitution has created a favourable condition to control power abuse by any branch of the government. Political parties and individuals can assume state power only through democratic, free and fair election; authorities cannot violate the basic freedom of the people and the power of the government is decentralized. This has brought a new condition in the country where the government's power is legally limited.

Unlimited government is associated with authoritarianism and totalitarianism; it is undemocratic and includes monarchies and dictatorships. Examples of such types of governments include Fascist Italy under Benito Mussolini's rule, Nazi Germany under Adolph Hitler, and Spain under General Franco. The government of Nazi Germany had absolute power to do anything against the basic rights of the people. Adolph Hitler massacred Jews. Courts ignored the rule of law whenever they deemed it necessary.

Mussolini also crushed the opposition of Italy and transformed the government into a dictatorship supported by a secret police. He dissolved the parliament and formed his own Chamber of Fascist rule. He strengthened Italy's ties with Nazi Germany and invaded Albania and other neighboring countries.

Limited and Unlimited Governments

? Form groups to discuss the characteristics of limited and unlimited governments. In what ways do you relate underdevelopment and government with unlimited power? Group leaders should present their ideas to the class for more discussion.

CASE STUDY

Apartheid in South Africa

Apartheid was a policy of racial segregation formerly followed in South Africa. The word apartheid means “separateness” in the Afrikaans language and it described the rigid racial division between the governing white minority population and the non-white majority population. This meant that non-whites were denied many of their basic human rights. The National Party introduced apartheid as part of their campaign in the 1948 elections and, with the National Party victory, apartheid became the governing political policy for South Africa until the early 1990s. Although there is no longer a legal basis for apartheid, the social, economic, and political inequalities between white and black South Africans continue to exist.

? Form groups of three. Look at the photograph and discuss the impact that unlimited power of the government had on citizens. Present your ideas to the class.



Apartheid tensions — white killings of the blacks for their demonstration against apartheid in South Africa — the case of Soweto

REMEMBER

- ❑ Limited government means decentralized power; imposition of other restraints on the power of the government.
- ❑ Unlimited government can be expressed through authoritarianism and totalitarianism.
- ❑ Constitutionalism means a limited government as the result of strict observance of the constitution by the government.
- ❑ Unlimited government is undemocratic, for example, a dictatorship.

4

LESSON

The Rule of Law and Combating Corruption

By the end of this lesson, you should be able to:

- explain the role of individuals and institution in the fight against corruption.

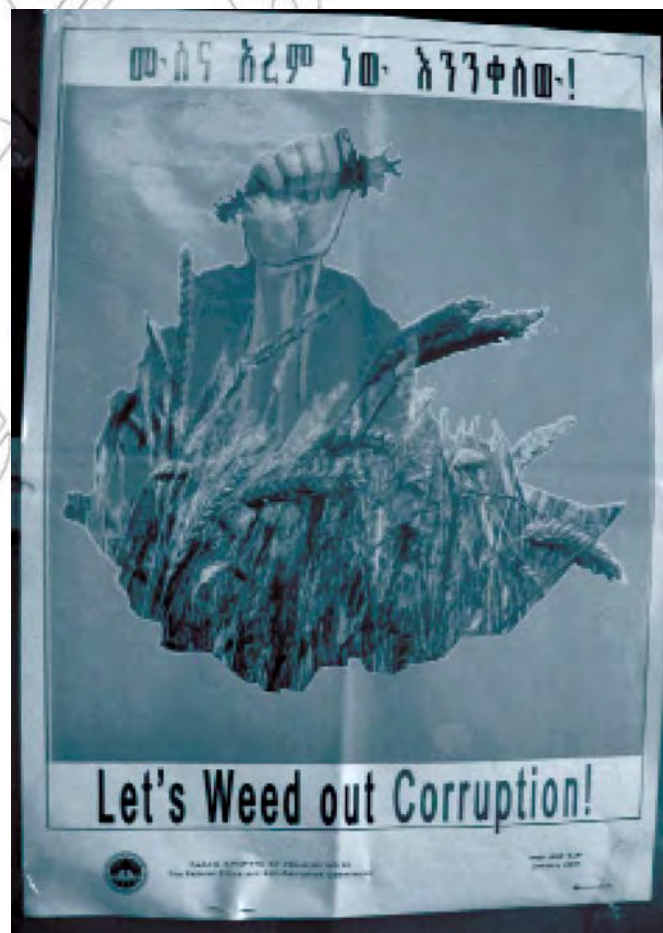
In pairs discuss three different types of corruption that can occur. Why are they corrupt activities? Share these examples with the rest of the class.

Corruption is morally wrong and one of the ways of breaking rule of law. It is a serious problem that countries are suffering from and a setback to the development efforts of a nation. Thus, countries are fighting to do away with corruption. In Ethiopia, the Ethics and Anti-Corruption Commission was established in 2001 and the government calls on the public at large to play its role in combating corruption and abuse of power.

Individuals must be honest and truthful in their day-to-day activities in order to combat corruption. This means they should have respect for rules and regulations of the country and decide to fight corruption by every legal means. Through honesty and truthfulness, we can expose corrupt people and turn away from corrupt practices.

The fight against corruption requires the active and full participation of the public and the unreserved commitment of, among others, each and every government institution. In keeping with

the Constitution, government officers must make their activities transparent to the public. Moreover, officials must be held accountable for any fault they commit. Transparency and accountability play a great role in combating corruption.



All citizens have a duty to fight against corruption

The Rule of Law and Combating Corruption

CASE STUDY

President Nixon and the Watergate Scandal

Nixon was President of the USA and under his presidency he did many great things for America. He was the first president of the USA to visit China and establish closer relations with the communist country. He also took the Middle East politics in a new direction.

Though the president had remarkable achievements, the media in America exposed corruption in which he was involved. The corruption is known as 'The Watergate Scandal'. In 1973, some of the President's staff were charged with breaking into the opposition party's headquarters in the Watergate Building in Washington. They had tapped telephones, planted electronic listening devices and taken copies of documents.

The Supreme Court of the USA impeached (accused) him and he was found guilty of the crime. As a result he was forced to resign as the President of the USA in 1974 and is now better known for the corruption in which he was involved.

? Form groups to discuss what you learn from an American president who lost his office due to corruption. Group leaders should present their ideas to the class for more discussion.



President Nixon on a visit to Ethiopia

REMEMBER

- ❑ Corruption is morally wrong and breaks rule of law.
- ❑ Individuals must be honest and truthful in order to combat corruption.
- ❑ Transparency and accountability in government institutions play a great role in combating corruption.
- ❑ Active and full participation of the public and unreserved commitment is required to fight corruption.

UNIT SUMMARY

Ethiopia, as a federal state, has two levels of government. The federal government has overall jurisdiction across the country; and jurisdiction of the states is limited to their respective regions. Both the federal government and the states have their own constitutions. These constitutions have similarities and differences.

The prevalence of the rule of law requires a democratic constitution. In democratic countries, there is constitutionalism which means the strict observance of the constitution. In these countries, the principle of rule of law is respected and human and democratic rights are guaranteed.

The rule of law is very important to restrict the powers of both those who govern and the governed. It also helps protect and respect the rights of individuals and groups. An absence of rule of law means arbitrary rule, disorder and destruction that can lead to conflict.

A government whose power is restricted constitutionally is called limited government. The action taken, the decisions passed, and the laws and rules issued by limited government are in accordance with the principles and values set by law. If there is no limitation or restraint upon the power of the government, then that government is an unlimited government. An unlimited government expresses itself through authoritarianism and totalitarianism.

Corruption is a serious problem from which the whole world is suffering. It is a threat and sets back the development effort of a nation. Therefore, in the fight against corruption, both individual citizens and institutions must contribute. The most important factor in the fight against corruption is the prevalence of the rule of law in everyday life.

GLOSSARY

Constitutionalism: Belief in the idea of a constitution.

Dictatorship: A dictator's power or authority, or the period of time during which a dictator rules and exercises absolute power or authority.

UNIT REVIEW EXERCISES

Do these review exercises in your exercise book.

Part I – True or false

1. The regional governments of Ethiopia do not have their own legislature, executives and judiciaries.
2. The constitutions of the regional states are subordinate to FDRE Constitution.
3. Rule of law shall not impose restriction on a citizen.

4. A country with limited government does not necessarily have constitutionalism.

Part II – Missing words

1. In a limited government, the government officials at all levels are prohibited from violating the laws of the land and against the basic rights of citizens by the

2. The contributions of and are essential in fighting against corruption.
3. The commission established in Ethiopia to combat corruption and power abuse is known as

- (c) constitution and constitutionalism
- (d) decentralization of power
- (e) all of the above.
3. Which one of the following is true?
 - (a) adhering to the values and principles of the laws of a country does not have any contribution in resolving conflicts.
 - (b) identifying the commonly shared values, interests and goals is important for conflict resolution.
 - (c) as it has been observed in reality the rule of law cannot resolve conflict.
 - (d) all of the above.
4. The fight against corruption involves:
 - (a) participation of the public
 - (b) commitment of government institutions
 - (c) honesty and truthfulness of individuals
 - (d) all.

Part III – Multiple choice

1. The prevalence of the rule of law indicates:
 - (a) the existence of democratic government
 - (b) the government is limited
 - (c) the government is unlimited
 - (d) (a) and (b) are both correct.
2. We can say that the power of government is limited when there is/are:
 - (a) accountability and transparency
 - (b) check-and-balance between three organs of government

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