

UNIT 2

The Rule of Law

By the end of this unit, students will be able to:

- identify the differences and similarities of federal and regional constitutions.
- understand the necessity of limited power.
- realize expected ethical standards.
- recognize corruption and its effects.

2.1 Constitution

2.1.1 The Similarities and Differences of FDRE and Regional Constitutions



Picture 2.1. Constitutions

- What do you see of similarities and differences of constitutions in the above picture?

The table here shows certain ideas taken from the preamble of both the federal constitution and the constitution of SNNPR government. In different groups, compare the ideas and also answer questions stated after the table.

| <i>The Preamble of the Constitution of Federal Democratic Republic of Ethiopia</i> | <i>The Preamble of the Revised Constitution of SNNPR</i> |
|---|--|
| <p>We, the Nations, Nationalities and Peoples of Ethiopia:</p> <p>Strongly committed, in full and free exercise of our right to self-determination, to building a political community founded on the rule of law and capable of ensuring a lasting peace, guaranteeing a democratic order, and advancing our economic and social development;</p> <p>Firmly convinced that the fulfillment of this objective requires full respect of individual and people's fundamental freedoms and rights, to live together on the basis of equality and without any sexual, religious and cultural discrimination;</p> <p>Further convinced that by continuing to live with our rich and proud cultural legacies in territories we have long</p> | <p>We, the Southern Nations, Nationalities and Peoples:</p> <p>Dedicated to ensure the supremacy of the law, to advance our economic and social development to further develop our language, culture and unity, and consolidate peace and prospect of a democratic order which our struggle and sacrifices have brought about in a region we have established on basis of equality and common understanding by using our right of self determination;</p> <p>Convinced that the fulfillment of these objectives in our state requires full respect of individuals and nations, nationalities and peoples fundamental rights freedoms, recognition of the equality of sex and the observance of languages and religions without any discriminations;</p> <p>Convinced that the continuing to live with our proud cultural legalizes in the state we have long</p> |

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inhabited have, through continuing interaction on various levels and forms of life, built up common interests and have also contributed to the emergence of a common outlook;

Have therefore adopted, on 8 December 1994 this constitution through representatives we have dully elected for this purpose as an instrument that binds us in a mutual commitment to fulfill the objectives and principles set forth above.

inhabited, we have through continuing interaction on various forms and levels, built up on common interests and out looks.

Therefore, it is necessary to revise the existing constitution, an instrument that binds us in a mutual commitment to fulfill the objectives and principles set forth above; we discussed and adopted the revised constitution of Southern Nations, Nationalities and Peoples on this 12th day of November 2001, in Hawassa, by an extra-ordinary meeting of the state council.

and endorsed by the elected representatives of the people.

The major objective of a federal constitution is stating the power and function of three organs of government and ensuring basic rights and privileges of citizens. However, the regional constitution states powers and functions of organs of a government at regional levels and ensuring rights and privileges of citizens within a region. Since the constitution is the highest law, all laws, rules and regulations have to conform to the basic objectives of a constitution.

Among the similarities, both are formulated by public representatives and supreme laws in their respective scope. This shows that a federal constitution is supreme at federal level while regional constitution is supreme at regional level. The difference is that the federal constitution is universally applicable throughout the country. But the regional constitution is applicable to the region only. Therefore, a law contradicting the basic principle of the federal constitution immediately becomes invalid.

Activity 1

Answer the following questions:

1. Explain similarities in the preamble of federal and regional constitutions.
2. Explain differences in the preamble of both constitutions.
3. Identify and compare ideas which indicate that regional constitutions do not have to contradict federal constitutions.
4. On basis of this, by identifying any other region compare and contrast similarities and differences of preambles of that constitution with the federal.

The federal constitution is formulated through serious discussion of elected representatives of nations, nationalities and peoples of Ethiopia. Hence all other laws are rooting from the constitution. However, Regional constitutions are endorsed by regional representatives in State Councils. From this we can realize that, both constitutions are founded

Activity 2

Based on the note above, answer the following questions orally:

1. How are federal and regional constitutions formulated?
2. Explain how the federal and the regional constitutions are supreme to all other laws?
3. Mention similarities and differences of federal and regional constitutions.

2.2 Ethics

2.2.1 Ethical Standards Expected from Students at Country Level

The major ethical principles of government institutions are honesty, loyalty, integrity, confidentiality, responsiveness, accountability, and impartiality, legitimate use of authority, respecting laws and being an exemplary.

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- What kind of advantage would be attained if workers know such principles?

I must be born

“My mom is waiting for her turn by carrying me.”

“Why did you come to hospital?” I said accidentally.

“Who are you after all?” she said

“Whom do you expect? I am your son” I said rolling back two times to ensure I am a baby within her womb.

“I have the right to know why you came here.”

“I came here to abort you!”

“Not to be born?”

“Yes”

“I must be born” said loudly.

I must be born that I have good vision to my country’s and people’s destiny. I do not think all people are bad. Some are good, genuine, loyal, and polite, worthy, gentle, wise, industrious, dispute settlers while others are bad, disgusting, disloyal, aggressive, worthless, addicted, and problem makers. So, I want to see good people, especially those who are good for their friends, appreciating the work of their friends. I like people supportive in character and a person of deeds more than mere sayings. I want to see good Ethiopians who are loyal, non-bureaucratic, and non-embezzled and a person combating corruption and working for people’s prosperity, development and security. I want to see the non-influenced person by a mere, non-contextual white outlooks but a committed one for promotion of his/her own identity. I want to show such models to bad people and to correct them. So, I object to abortion so as not to lose such great persons, though I accept family planning. I want to see best leader of a country and a best defend of a state from external aggression. So, I must be born.

(Source: Mesfin Habtemariam, ‘EFETA’, 1993)

Activity 3

1. From the behaviour mentioned in the passage, which is expected from students? Justify.
2. From the behaviour mentioned in the above passage, which is expected to be corrected by students?

The rule of law is the major pillar for establishment of a system in which all rights and privileges are safeguarded. Good ethics is the key for the rule of law. Hence, a lot of good ethical standards are expected from students at country level.

As anyone likes to get his/her rights respected, he/she has to respect the rights of other individuals. This has to be taken as a basic principle. He/she has to understand that a right is respected through the rule of law only. It is not through force. It is good ethics to respect a law regardless of its consequences.

Different languages, beliefs and cultures co-exist through tolerating one another. So, tolerance is another ethic that is expected from students.

To take part in a country’s issues, youth have to be patriotic. If not, their rights and privileges can be overridden by the few. Hence, it is important to actively participate in all country’s issues by self-initiation.

A country needs an honest young generation. Honesty refers to the absence of differences in talking and doing. It has certain attributes, such as not telling lies, not cheating and stealing. Hence, youth have to be honest. Eventually, the young students have to be industrious and have due respect for work. “A person satisfied by work is satisfied in his life”. This implies that what is shame is not considering all works as equal but it is being idle. It is not necessary to consider work as superior or inferior. Giving due attention to some work while disregarding other is an indication of backwardness.

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In general, the basic ethical issues which are expected from students are:

- Tolerance of differences.
- Being on the base of rule of law.
- Not getting something at the expense of others.
- Attaining a destiny through strong attendance of education.
- Carrying out constructive work for a country and people etc.

Activity 4

Work on the following questions:

| | | |
|----------|-----------------|-------------------|
| Honest | Patriot | Respecting rights |
| Tolerant | Industriousness | Compromise |

A. By identifying ethical standards mentioned in the box, fill the appropriate answer in the blank spaces.

1. Though the youth in Dinna community are of different religions, they act together through _____.
2. Tekola and his friends do not let their rights be violated and also they do not violate others' rights. They are _____ models of the community.
3. Though Tadele is a young merchant, for unnecessary and illegal profit, is not telling lies. Hence, he is _____ in his community.
4. Since the girl succeeded eventually by enduring a number of ups and downs, people call her _____.
5. Not creating superiority or inferiority among work is _____.
6. Where _____ youths are, there is no need of an initiator for defending a country.

B. Mention and explain ethical standards expected from students at country level.

2.3 Limited Power

2.3.1 Effects of Unlimited Power

- What would happen if an official of a given institution abuse his power?

It is evil

Ato Ochalla, in order to construct a shop in an unoccupied area beside his house, had asked for police permission. The policeman said "No problem; even if you have to give up it, here I am!" Based on this, Ochalla constructed the shop. However, after three months, he was ordered to give up the shop for purposes of road construction. Ochalla objected to the order by indicating the permission he got from the police. Furthermore, by giving a bribe to higher official, he arranged the arrest of the police man.

Group Work

Discuss and present the written report on who was the guilty person, the user of unlimited power or problems that occurred due to procedures.

The prevalence of procedures for limiting and checking of power of officials is among the major attributes of the rules of law. The existence of unlimited power is an arbitrary action which has a lot of consequences.

The absence of the limited power leads to anarchy in which basic rights of individuals are violated. If service givers are not based on the rule of law, the rights of service takers would be violated. This encourages the customers to come via intermediaries and bribery which will strengthen corruption. In the absence of limited power, it is unthinkable to have accountability and transparency. In the absence of accountability and transparency, violation and non-violation of laws by officials would be unclear. The victims cannot even identify the wrong action. Even if they know the mistake was committed against

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them, they do not know to whom they have to apply.

Furthermore, the unlimited power lets government bodies and members act arbitrarily. This in turn encroach the rights of citizens. For example, any one can be penalized if he/she acts against expressly stated laws and accused by the issue in the court. But, whenever there is unlimited power, some one can be penalized without proper accusation and court's decision by the mere interest of public officials. Such procedures violate the justice and the country's development endeavour in general. Hence, limiting the power of government is important.

Activity 5

Debate the following questions:

1. How is unlimited power a challenge for enhancing the rule of law?
2. What would occur in the absence of limited power?
3. If citizens do not know whether they are victims or not while their rights are violated, what kind of system it does indicate?
4. By referring to article 12 of constitution of Federal Democratic Republic of Ethiopia, what are the significances of limited power?

2.4 Confidential (Secret)

2.4.1 Care to be Taken for Confidentiality

- Are there tales (sayings) on encouraging confidentiality in your society? Please mention some.
- What kind of care has to be taken to keep secret?

Kataro

Ato Kataro is a worker in a given institution. He has a secretary typist and Janitor under him. When he

goes to tea break, usually, he does not close the office. Without tearing up the draft papers, he usually puts them into the basket. His secretary typist usually also does not shutdown the computer and lets others use it. One day, Kataro was ordered to prepare an examination for a vacancy. But, unexpectedly students had high scores in the exam which lead to the suspicion that the exam may have been stolen.

Activity 6

Answer the following questions on basis of the above passage:

1. How was the exam stolen?
2. Present a written report on how could it possible to avoid the possibility of stealing an examination?

If confidential issues are not kept secret, they have effect on individual, family and country at large. Hence, great care has to be taken to keep issues confidential. Untrustworthy peoples commonly regret their action.

- What kind of cares has to be taken to keep secret?

Among the care to keep a secret, the first thing is identifying issues which are secret. Sometimes due to negligence of confidential issues, a secret may leak out. This is why secrets of an institution are usually explicitly mentioned under ethical issues for customers. To be confidential, it is important to have good ethics. Ethical persons are loyal and do not pass secrets to others. Hence, confidentiality is important for building good ethics.

Some individuals pass secrets to others carelessly. For example, leaving an office open where there are secrets, not shutting computers down where a secret is written or letting others use that computer, and for their friends, passing secrets to others deliberately because he/she has left that institution etc., are

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among ways of leaking confidential issues. Hence, avoiding carelessness is important to maintain confidentiality.

Activity 7

Read and answer the following questions:

1. How can it be important to state confidential issues on ethical standards? Debate.
2. How are building good ethics important in keeping secret?
3. How can we leak secrets due to carelessness?

Group Work

In groups, write a report on the following questions:

1. What are secret issues in your school? What kind of cares has to be taken to keep those secrets?
2. By identifying a given institution in your localities, write a report asking issues to be secret and cares taken to keep those secrets.

2.4.2 Effects of Non-confidentiality

- What are effects of non-confidentiality?

Non-confidentiality has a number of effects at country level. If some core secret security issues are communicated unnecessarily, a country may be easily invaded. This is why in wartime, countries are assigning spies to enemy states.

In addition to this, a number of national resources can be exploited, looted and destroyed if there is communication of secrets unnecessarily. Hence, secret provider as well as taker has to be careful. Furthermore, if information held by police and the court are miss communicated, criminals may escape and the people may lose confidence in the government. This can result in a feeling of less concern about people by the government while national resources are looted and destroyed unnecessarily.

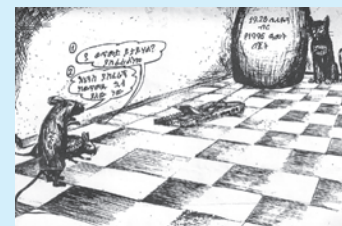
Activity 8

Discuss on the following questions:

1. What kind of problems can occur at country level due to non-confidentiality?
2. I have encountered a foreigner and talked a lot with him. But my friend said to me "Why do you talk about such a lot national issues? You are giving a lot of secrets always to a foreigner?" Then I said "Since the person is a foreigner, what kind of effect will it have?". Then students, what would you say?

2.5 Ways of Combating Corruption

2.5.1 The Necessity of Democratic Institutions for Combating Corruption



Picture 2.2. To combat corruption, anti-corruption institutions are important (Bulletin of Ethics Vol 4, No. 2, 1995)

- What do a trap and a cat represent in the above picture?
- What kind of exemplary role does the picture have to combat corruption?

Who is correct?

Butula says, to combat corruption, the role of a policeman is enough? But Gelfeto has another idea. Let us see their conversation.

- Gelfeto** - Have you realized that the crime of corruption is different from usual corruption?
- Butula** - It is not different. Crime is crime.
- Gelfeto** - I do not deny that. But corruption has certain peculiar characteristics which needs due attention.

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Butula - Ok! What are those special characteristics of it?

Gelfeto - Crimes of Corruption are commonly emotional committed with special cares and also deliberately. So, they lead a country to critical problems. Hence, to combat corruption, some organized structure is needed.

Gelfeto - Shall I add more?

Butula - Continue.

Gelfeto - Furthermore, the victim of corruption is the whole society. But in other corruptions, the victims are individuals. Furthermore, the victims of corruption are unlikely to come and apply to the concerned body.

It is possible also to mention other points.

Gelfeto - Then do you not say these points make corruption similar to other criminal actions?

Butula - Anyway, I would like to thank you for such a detailed explanation. But still nothing will change my stand.

Gelfeto - In these and other issues, my ideas are to emphasize the need to establish an anti-corruption commission. Do you understand?

Butula - Of course. What I understand is the idea you raised now is your personal opinion.

Activity 9

Based on the above conversation, discuss on the following question:

1. Whose idea do you think is correct? Justify.

Combating corruption and creating a corruption free society must not wait until tomorrow. Though

there are different reasons for this, the major ones are the following:

Corruption is the antithesis of democracy. Corrupt bodies do not want to promote accountability and transparency. This is a danger for the prevalence of the rule of law. If there is no rule of law, rights of individuals are violated. Hence to combat corruption, it is important to have accountability and transparency.

Corruption is a crime that is an obstacle to country's development and social progress. Especially, it has the power to affect the life of the people of the poor countries. This is because; the money collected from people for a country's development endeavour would be used by few greedy individuals. Hence, it has to be combated since it is severe crime.

Corruption is different from other crimes since it is complex and carried out by higher government officials. This indicates that anti-corruption declarations and rules by themselves are not enough. Hence, countries and governments must establish institution to combat corruption.

In our country, Ethics and Anti-corruption Commissions are established by declaration to combat corruption. Those institutions try to combat corruption by expanding ethical education; correcting procedures open to corruption and bringing corruptive activities to the court.

Activity 10

Answer the following questions:

1. How is corruption an antithesis for good governance?
2. How is corruption an obstacle to development?
3. Why is it necessary to have strong laws for combating corruptive crimes?
4. What are the functions of anti-corruption institution in our country?

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2.5.2 Roles of Judicial Bodies to Combat Corruption



Picture 2.3. Combating corruption promotes justice

- What is the message of each picture?
- What exemplary role do those pictures have regarding roles of judicial bodies in combating corruption?

The police force, Courts and Prosecutors are among judicial bodies that should combat corruption. They are following up the criminal and getting the guilty penalized and corrected. By doing so, they have role in maintaining rights of others. Since corruption is also a crime, it takes measures to correct such corrupt persons. Based on this, corruptive crimes are mentioned in criminal law of our country.

Activity 11

Answer the following questions:

1. What are judicial organs?
2. What are ways of combating corruption?

2.5.3 Roles of Society in Combating Corruption

- Do you think it is possible to have success in combating corruption without community participation?
- How can a community participate in anti-corruption activities?



Picture 2.4. Combating corruption is the duty of every society (source Federal Ethical and anti-corruption commission)

Answer the following questions on basis of the picture above.

- What does each picture indicates?
- What does number 988 indicate? What is its significance?
- Based on the information in the pictures, what are the roles in combating corruption?

Milosa

He is resident of Abobo town (in Gambella). Ato Milosa is employed in a given institution with a 500 birr salary. Within very short period of time, he arranged for himself and his family to live a luxurious life. He bought a Minibus for his brother. He is helping his friends and aged persons in the

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dwelling areas. He invites his friends to extraordinary hotels. He has great acceptance from his friends and the community in general. Some people, however, suspected that, it might be corruption. Then they agreed to give advice to this guy. But others said, it is important to apply to the anti-corruption commission while still others said, no it is up to him whether he is corrupt or not. Such good guys have to be more appreciated than criticized in their actions. Then what do you say regarding the issue?

Group Work

By putting yourself at the place of Milosa, discuss in groups about what you have to do on the issues mentioned above.

Since corruption is the antithesis of good governance, distorts justice, economic and social progress, every society has to combat it seriously. On basis of this, a community can play certain roles to halt it.

Every society has to recognize that corruption is not carried out due to economic problems. But, it is due to greediness and to get a short to enrichment which is backed by authority. Hence, every community

has to combat it seriously. Therefore, by realizing that corruption is resulting in critical problems in a society, everyone has to be committed to combat it.

Since every illegitimate privilege is corruption, people have to disgust gaining illegal benefits. A society has great responsibility to uncover corruptive practices and to bring them to the courts. So, it is important to report such practices to the concerned body when it occurs regardless of place and time.

Furthermore, in every place where we encounter wrong doings which leads to corruption, society has to inform concerned bodies to get corruptors corrected. If a society is working together to avoid corruption, it is possible to avoid it entirely.

Activity 12

Discuss in groups the following questions:

1. The roles of a community in combating corruption.
2. Make different groups and debate on the following two different titles.
 - (A) "It is possible to avoid corruption."
 - (B) "It is not possible to avoid but possible to reduce corruption."

Summary

Both federal and regional constitutions are formulated by the elected representatives of the people of Ethiopia. Federal constitution is formulated by representatives of people after a series of discussions at federal level while regional constitutions are formulated by representatives of people at regional level.

Since good ethics is the basis for the rule of law, acceptable ethical standards are expected from students as a whole. Among them, open-mindedness, tolerance, peaceful settlement of disputes and patriotism are the major factor.

As the limit of power has a great role for the prevalence of rule of law, unlimited power has the role from the absence of the rule of law.

The absence of the rule of law encourages the absence of accountability and transparency which further leads leaders to act arbitrarily and violate rights of citizens.

Non-confidentiality has a number of effects on a country. Identifying issues which are secret from non-secret and loyalty are among the care to be taken to keep secrets.

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Corruption is an antithesis for the rule of law. It is important to disgust corruption. It is important to create justice and anti-corruption institutions. The

institutions are not enough to combat corruption. Hence, a society has a responsibility to uncover corruptors; criticizing rather than appreciating them.

Unit Review Exercises

Do these review exercises in your exercise book.

I. Write "True" if the statement is correct and write "False" if the statement is incorrect

1. Polite personalities are enough to combat corruption.
2. Keeping state secret is the authority of higher officials only.
3. In the absence of limited power, it is unthinkable to have accountability and transparency.
4. There are ethical standard expected from students at school level but not at country level.
5. There is no difference between federal and regional constitutions in their structure and content.

II. Match words or phrases under column 'A' with correct items of column 'B'

- | A | B |
|---|---|
| 1. Expanding ethical and anti-corruption education | A. Ethical and anti-corruption commission |
| 2. Controlling criminals | B. Prosecutor |
| 3. Penalizing a criminal on basis of a law | C. Courts |
| 4. Investigating procedures and following up their implementation | D. Police force |
| 5. Bringing a criminal into court | |

III. Copy the following questions on your exercise book and fill the correct answer on the space provided

- Anti-corruption institution
- Federal Ethical and Anti-corruption Commission
- Regional Ethical and Anti-corruption Commission
- State constitution
- Federal constitution
- The rule of law
- Corruption
- Courts

1. A constitution formulated by regional states is said to be _____ constitution.
2. _____ are judicial bodies for combating corruption.

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- _____ is universal institution established by declaration to combat corruption.
- Judicial bodies try to penalize and correct illegal persons in order to assure _____.
- _____ is a crime.

IV. Choose the correct answer for the following questions

- Which one is the right name of the current federal constitution of Ethiopia?
 - A Constitution of the Federal Democratic Republic of Ethiopia
 - A Constitution of the Federal Republic Democratic Ethiopia
 - A Constitution Republic the Federal Democratic Ethiopia
 - A Constitution of the Democratic Republic of Ethiopia.
- Which one is the correct statement?
 - State constitutions are the highest law of a country
 - State constitutions are the highest law in a region
 - State constitutions are formulated by elected representatives of the regions
 - Sometimes, state constitutions can contradict federal constitutions
 - (a) and (d) only.
- Which one of the following does not show the advantage of limited power?
 - To ensure the rule of law
 - To promote accountability and transparency
 - To enhance lawlessness
 - All.
- Which one of the following is not the way to combat corruption?
 - Educating people
 - Correcting wrong doings that lead to corruption
 - Bringing criminals to court
 - All
 - None.

V. Give short answer for the following questions

- What does it mean when we say that in unlimited power system, it is unthinkable to promote accountability and transparency?
- Among systems that lead to corruption mention three.
- To keep secrets, the first thing is identifying what is secret from non-secret. What does this statement imply?