



**Economic and social rights: Practice and  
Enforcement Problems in Ethiopia.**

**Senior research paper**

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**February 2014**

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# **Economic and social rights: Practice and Enforcement Problems in Ethiopia.**

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## **Acronyms**

<b>CESCR</b>	<b>Committee on Economic, Social and Cultural Rights</b>
<b>CSA</b>	<b>Central statistics Agency</b>
<b>EPRDF</b>	<b>Ethiopian People’s Revolutionary Democratic Front</b>
<b>ESCRs</b>	<b>Economic, social and Cultural Rights</b>
<b>ESDP</b>	<b>Educational sector Development program</b>
<b>GDP</b>	<b>Gross Domestic Product</b>
<b>HIPC</b>	<b>Heavily Indebted poor countries</b>
<b>HR</b>	<b>Human Rights</b>
<b>IBR</b>	<b>International Bill of Rights</b>
<b>ICCPR</b>	<b>International Covenant on Civil and Political Rights</b>
<b>ICESCR</b>	<b>International Covenant on Economic, Social and Cultural Rights</b>
<b>IEC</b>	<b>Information education communication</b>
<b>ILO</b>	<b>International Labor Organization</b>
<b>IMF</b>	<b>International Monetary Fund</b>
<b>MDGs</b>	<b>Millennium Development Goals</b>
<b>MEDaC</b>	<b>Ministry of Economic Development and cooperation</b>
<b>MOE</b>	<b>Ministry of Education</b>
<b>MoFED</b>	<b>Ministry of Finance and Economic Development</b>
<b>SAP</b>	<b>Structural adjustment program</b>
<b>UDHR</b>	<b>Universal Declaration of Human Rights</b>
<b>UN</b>	<b>United Nations</b>
<b>UNHCHR</b>	<b>United Nation High commissioner for Human Rights</b>

## 1.1 INTRODUCTION

Values such as justice, equality, integrity and freedom have been upheld and promoted throughout human history. In modern parlance, these values are embodiments of the comprehensive concept called human right. Associated with this are concepts such as rule of law, participatory development; empowerment and good governance. These all concepts are linked, one way or another, to issues of human rights.

The expression “human rights”, replacing the phrase “natural rights”, began with the birth of the United Nations Organization in 1945 (Steiner; 2004 P.324). Human rights are standards of conduct on the part of the state and the state actors. The standard of treatment of individuals carries accountability in performing these duties. The latter gave rise to the promotion and institutionalization of international human rights law.

Following the founding of the UNO, the Universal declaration of Human Rights (UDHR) was adopted in 1948. After 28 years (1976), the international Covenant on Civil and political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Right (ICESCR) were ratified. The three sets of rights are termed as the International Bill of Rights (IBR). Human rights are standardized by the General Assembly of the UN Declaration and a Consequent Human right is one of the principal purposes of the UN. The entry in to force of the covenants, together with extended exercise and implementation, new fields of activity and increase dues of economic and social right norms, will continue to confront all states and non state actors and the people of the world with significant challenges. These challenges will include how to apply policies and programs of the government in accordance with the spirit of the covenant, how to harmonize national legislation with it and how to fulfill the obligations incumbent up on states under the covenant.

The government including national and international actors will continue to play a major role in the implementation, strengthening democratic institutions and other pertinent activities related economic and social right.

Many states endorse the UDHR and other covenants either directly to their constitution as a part of the law of the land or enacts similar protection of human rights law domestically soon after taking power, the EPRDF led government adopted a new democratic constitution whereby it endorsed the UDHR and other covenants. Article 9(4) of the present constitution of GFDRE states that “All international agreements ratified by Ethiopia are an integral part of the law of the land”. This democratic constitution has a strong bearing on the political landscape of the country.

This paper will examine the degree to which Ethiopia has demonstrated its compliance to the various covenants it ratified as evidenced in its legal, policy and program documents; the challenges and opportunities to the realization of the HR which particular reference to economic and social rights. The paper will examine the historical trends and present practice in the realization of the same rights.

## **1.2 Statement of the problem**

The basic objective of Human Rights is to enable individuals to enjoy life with dignity.

The Second world conference on Human Rights in Vienna adopted that the two covenants (ICCPR & ICESCR) and sets of rights are universal, indivisible interdependent and interrelated [<http://.unhchr.ch/html/menu6/fs16.html>].

Ethiopia, as a state party to various International covenants is endeavoring to mainstream the various conventions through the adoption of these covenants in to its legal and policy frameworks and creation of appropriate institutional machinery. The government is willing to show its political commitment to domesticate the covenants through various sector policies dealing with poverty reduction and balanced development with recent tradition of democratic rule and its level of development, the country’s commitment to the realization of the different elements of human rights could face a number of setbacks. The paper intends to examine the extent of the country’s efforts to comply with the standards set in the ICESCR. For

the sake of manageability, the paper will dwell on Economic and social rights but does not cover cultural rights.

### **1.3 Objectives**

The general objective of this study is to appraise the compliance of Ethiopia, as signatory of the ICESCR, in meeting the standards framed under each sets of economic and social rights. The specific objectives of the paper are:

- To ascertain the extent to which the ICESCR have been domesticated in the legal and policy documents of the country;
- To examine the degree of compliance of the country to the minimum standards set for the various elements of the Covenant;
- To appreciate the opportunities and challenges in the implementation of the ICESCR in the country;
- To contribute to the body of literature in the field in the country
- To forward possible recommendations to the problems identified;

### **1.4 Significance of the study**

Needless to say, Human Rights is one the corner stone to peace democracy rule of law and good governance commitment and compliance to the realization of HR varies with level of socio-economic development. Generally speaking countries with long traditions of democratic systems are better in terms of both commitment and compliance. The problems associated with these will not be exceptional to Ethiopia. The practice of economic and social rights is one of the areas of complaints among human rights advocates. There are several cases as observations and experience witness when economic and social rights are not realized due to meager recourses.

When this research is completed it will provide certain inputs to the government of Ethiopia to see to it that it treats its citizens in accordance with the legal provisions. The study also has its own significance at least to what extent the government of Ethiopia shall fulfill major economic and social rights to its citizens subject to shortage of resources. It must be borne



in mind that the study cannot answer all questions related to the application of the covenant.

## **1.5 Methodology**

The study entirely employs secondary sources of data from the large reservoir of literature in the field. To this end it will draw references such as various aspects of the HR documents such as the IBR (UDHR, ICCPR and ICESCR), treaties and conventions; government legal. Policy and program documents; Internet articles and related documents. In addition the researcher will try to see related research works whenever access permits.

## **1.6 Limitation**

This study is undertaken in a setting where sufficient references in relation to the research topic are not available. In other words, absence of similar studies in the field may constrain the author on how best he should organize the thesis. On the other hand, the breadth of the topic may pose another limitation. Finally access to various statistical data may be precluded given the constraints of time.

## CHAPTER II LITERATURE REVIEW

Human rights are standards of conduct on the part of the state and the state actors. Before 1945, human rights were not as such treated as they exist now. Human rights existed mainly as group and national rights. The most notable human rights prior to 1945 are the rights enacted by ILO with regard to employment and the conventions to abolish slavery. ILO introduced such elements of human rights as the right to work; equal pay; social security; forced labor; discrimination in employment and freedom of association (Ian Brown lie; 1990). Moreover, peace treaties and several minority treaties as well as declarations introduced concepts of non-discrimination among linguistic racial and religious minorities in post 1919 period.

Human rights consist of a range of norms and standards generally known to be universal indivisible, interdependent and interrelated. The universality of human rights has given rise to the development of the International Human Rights law, The latter exists primarily in the form of state constitutions treaties between states and international customary law (sphere project; 2004). The basic sources of International Human rights law (IHRL) are the United Nations charter and the International Bill of rights (IBR) number of declarations conventions and treaties to standardize practices in the field of human rights.

The expression “human rights”, replacing the phrase “natural rights”, began with the birth of the United Nations Organization in 1945 (Steiner; 2004 :324). The charter establishing the UN provided formal and authoritative expression to the human rights movement. Since its birth in 1945, the UN served as a vital institutional vehicle to the development of the movement as well as the major form for many sided debates about it. In the charter it was stipulated that the promotion of the human rights is one of the responsibilities of UN and that relations between a state and its own inhabitants were construed to mean a matter of international concern. Human rights in general have been stated in the UN charter starting from its

preamble, paragraphs and through Article 1(3) Article 55, Article 56 Article 76(c), Article 13(1) (b), Article 62 (2) Article 62(3) and Article 68. All these articles reveal human rights are the major concerns to the UN Vis a Vis with its major objective of promoting peace and security.

Article 68 of the charter stated also that ECOSOC, one special organ of the UN, shall set up commissions in economic and social fields for the promotion of human rights. Accordingly, ECOSOC established the Commission on Human rights which evolved over the decades to become the world's single most important human rights organ (Ibid). The UN commission was charged with the responsibility of drafting bill of rights to the general assembly.

In 1948, the Universal Declaration of Human Rights (UDHR) was adopted. As the concept "Declaration" implies, the provisions contained were comprehensive sort of recommendations exerting moral and political influence on states rather than legally binding instruments. In deed the UDHR served as the springboard to subsequent treaties and broad-based human rights instrument. The UDHR, with 29 articles, straddles Civil and political Rights as well as Social and Economic Rights. Articles 22 to 27 including the right to food clothing, housing, medical care, social security right to work right to equal pay for equal work and education specifically address economic and social rights. Even if the declaration of the General Assembly is not binding among member states the UDHR has become a living document and customary practice across nations with the absence of opposition to the principles.

After 28 years (1976), the provisions in the UDHR were transformed into legally binding instruments of human rights through the ratification of two international covenants: international covenant on civil and Political Rights (ICCPR) and the International Covenant on Economic, social and cultural rights (ICESCR). The three sets of rights (UDHR ICCPR and ICESCR) are termed as the International Bill of Rights (IBR). Other conventions such as International Conventions on the Elimination of Racial Discrimination

(CERD); convention on the Elimination of All Forms of Discrimination Against women (CEDAW) and convention on the rights of the Child (CRC) and ILO treaties such as ILO 87 Freedom of Association and protection of the Right to Organize (1984); ILO 98 Right to organize and Collective Bargaining Convention (1949) and ILO 111 Convention Concerning discrimination in Respect of Employment and Occupation (1958); ILO 138 Minimum Age convention (1973) took the UDHR as a springboard.

The founding document of international human rights law is, therefore, the Universal Declaration of Human Rights (UDHR), unanimously ratified by the UN general Assembly in 1948. The Universal Declaration established the fundamental vision and principles of the new human rights regime by recognizing the interdependence and indivisibility of all human rights. Under this vision people were guaranteed civil and political freedom through the human rights to life, physical integrity, free speech and belief, and due process of law – as well as economic and social well-being-through the human rights to an adequate standard of living housing, work, education, food and health.

Over the past 50 years, ESCR were elaborated through a wide range of international treaties, laws, and principles despite being neglected in practice. Of primary importance is the 1976 International covenant on economic, social and Cultural Rights (the “Covenant”), which has been ratified by 137 states to date. ESCR have been recognized in all major international treaties protecting the human rights of vulnerable groups such as the Convention on the rights of the Child the convention on the Elimination All forms of Discrimination Against women. And the convention on the elimination of all forms of Racial Discrimination, as well various treaties of the International Labor Organization. ESCR have also been affirmed at the world conferences in Rio (on Development and Environment), Vienna (on Human Rights), Copenhagen (on social development), and Rome (on Food Security). Finally ESCR have been incorporated into regional law through organization such as the European Union, as well as the domestic

law of many countries in the form of constitutional rights and national/local legislation.

The international law of ESCR provides a legal, political, and moral framework to challenge policies that perpetuate poverty and inequality. Just as governments are accountable under human rights law for denying political freedom, so too they are accountable for denying adequate food or health care. ESCR also provide a frame work for people to participate in claiming their own rights. This enables affected communities and NGOs to demand legal accountability in situations where policy-makers would prefer to obscure the lines of responsibility and avoid public scrutiny (<http://cesr.org/conaact...>)

ICESCR encompasses a number of articles pertaining to rights of citizens and duties of the States. Article I stipulates the right to self determination with sub articles 1 and 2 providing for the free choice of citizens to pursue their economic and social development and dispose of their natural wealth and resources. Article 2 obliges states parties to take measure, to the maximum of its available resources, towards the full enjoyment of all the rights without discrimination of any kind as to race color sex, language, religion and political creed, national or social origin.

Article 11 is concerned with the right to an adequate standard of living and its continuous improvement. The range of concerns embodied in this article includes adequate food clothing and housing the right to adequate housing does not signify merely shelter provided by merely having a roof over one's head. The right to adequate housing encompasses security of tenure availability of services affordability, habitability, accessibility, location and cultural adequacy.

Article 12 provides the right to the highest attainable standard of physical and mental health. Articles 13 and 14 deal with rights pertinent to education. It has been stipulated in sub article 2(a) that secondary and tertiary education shall free to all. Sub article 2(b and C) indicate that

secondary and tertiary education shall be made generally available and accessible to all by the progressive introduction of free education.

The indivisibility, universality and interdependence of human rights enshrined in both covenants are well recognized. While this is generally true, application both at international and national levels testify that civil and political rights have received more attention legal codification and judicial interpretation while economic, social and cultural rights are viewed as “second-class rights” unenforceable non-justiciable, only to be fulfilled progressively over time (<http://www.unhchr.ch/html>]

Divergence of position prevails over the proper status of economic, social and cultural rights. At one extreme lies the view that economic and social rights are superior to civil and political rights in terms of an appropriate value hierarchy and in chronological terms. Of what use is the right to free speech to those who are starving and illiterate? At the other extreme lies the view that economic and social rights do not constitute rights at all. Treating them as rights undermines the enjoyment of individual freedom distorts the functioning of free markets by justifying large-scale state intervention in the economy, and provides an excuse to downgrade the importance of civil and political rights [p.237].

David Bentham argues that “the list of so called rights in the UDHR and ICESCR are lists of aspirations or goals rather than proper rights. For an entitlement to be human rights, it must satisfy a number of conditions; it must be fundamental and universal; it must in principle be definable in justifiable form; it should be clear who has the duty to uphold or implement the right; and the responsible agency should possess the capacity to fulfill its obligations. The rights specified in the covenant do not satisfy these conditions” [David Bentham cited in Steiner et al: 255]. David went on to argue “one is to conclude that the incorporation of economic and social rights in the human rights canon is simply spitting in the wind when hundreds of millions suffer from malnutrition and vulnerability to disease and starvation”.

Although David has a point in reference to the duty-bearer and its capacity to meet its obligations (especially in countries with mass poverty). He has undermined the fundamental and universal attribute of the rights enshrined in the ICESCR. It should not also be forgotten that the rights issue has an element of promotion and advocacy without which States and non-state actors would not be responsive.

Despite this extreme position on the primacy of right, almost equal number of member states gave support for the equal status and importance of economic and social rights. As of March 2000, 142 states ratified ICESCR against 144 for ICCPR [Ibid]. In its 93<sup>rd</sup> plenary meeting of 7 December 1987, the UN. In addition to the recognition of the ICESCR by the international body, regional organizations such as OAU and European Conventions on Human Rights also ratified it as rights. “African Charter on Human and peoples’ Right, “Stated in its preamble, “that it is hence forth essential to pay a particular attention to the right to development and that civil and political rights cannot be dissociated from Economic, social and Cultural Rights in their conception as well as universality and that the satisfactions of Economic Social & Cultural Rights is a guarantee for the enjoyment of Civil and political rights”.

African Charter also lays down duties to every individual and it has taken measures to establish, “organization of the African Commission on Human and peoples’ Rights, (ACHPR) “to promote human and peoples’ rights and ensure their protection in Africa. The charter, therefore, contains a number of economic and social rights such as the right to the best attainable state of mental and physical health the right to social security the right to health environment, the right to adequate standard of living the right to food, and the right to work, all of which are contained in the covenant.

There are a number of reasons why ESCR can make a difference in the struggle for justice;

- They confront the most pressing problems of the day. Adequate food health care and housing are of fundamental importance to all human

beings. Yet hundreds of millions around the world have neither access to these basic necessities nor influence over the policy decisions that affect their daily survival. Economic and social rights empower people to take an active role in challenging the root causes of their impoverishment.

- They transform needs into rights. Traditional models of development treat people in low-income communities as passive victims. Grounded in concepts of justice and human dignity economic and social rights enable people to re-conceive their basic needs as a matter of rights to claim rather than charity to receive. This change in consciousness is the first step towards taking action.
- They provide legal accountability. International and domestic laws impose clear duties on decision-makers to guarantee economic and social rights. This means that advocacy groups can use legal mechanisms to demand more transparent allocation of resources and concrete remedies for policies that violate these rights.
- They help build coalitions across borders. A wide variety of grassroots, social justice human rights, development environmental, and women's groups are working for social change. Economic and social rights provide an overarching framework and common focus to link these efforts at the local national and international levels.
- They challenge global inequality. Globalization has widened the gap between rich and poor and left decisions about people's basic welfare in the hands of unaccountable officials in transnational corporations and financial institutions like the World Bank. Economic and social rights provide a mechanism to hold these powerful international actors responsible for the impacts of their policies.
- They are inseparable from other human rights. The interdependence of all human rights is an inescapable reality in the world today. The rights to vote and to free speech have little value to those lacking the education and income to make them meaningful. Only when all human all human rights are respected will all people have the opportunity to realize their full human potential.



Implementations of economic and social rights have faced government challenges. “Applicants for membership of the Council of Europe must undertake to ratify the European convention on Human rights but are not required to give assurance of any type as to the European social Charter (which is the European convention counter-parting the field of economic and social rights)” [hennerly J. Steiner and Philip Alston 2000;249]. They also stated that the only open hostility to this group of rights has come from the United States, whose attitude has varied considerably from one administration to another”.

The United States, however, is not the only country in its ambivalence challenging the implementation of economic and social rights, there are others too. Although formal support for economic, social and cultural rights has been near universal, in practice no group of states has consistently followed up its rhetorical support at the international level with practical and sustained programs of implementation.

It must, however, be understood that the implementation of economic and social rights is gradual. This is truly stated on Article 2 of the covenant. “In other words and evolving program is envisaged depending up on the good will and resource of states rather than an immediate binding legal obligation with regard to the rights in question”. (Malcolm N. Shaw, 2008: 229). Shaw also wrote related problems of implementation. “The implementation of this covenant faces particular difficulties in view of the perceived vagueness of many of the principles contained therein, the relative lack of legal texts and judicial decisions, and the ambivalence of many states in dealing with economic, social and cultural rights”

The difficulty of realizing ICESCR was also appreciated by UNESCO. “A fifth of the developing world’s population goes hungry every night, a quarter lacks access to even a basic necessity like safe drinking water, and a third lives in abject poverty-at such a margin of human existence that worlds simply fail to describe it” (UNDP) Human development Report 1994, cited in Human Rights concepts and Standards UNESCO, 2000:156).

Despite such difficulties, implementation of human rights has got increasing momentum. This idea is supported by the UN. “Indeed measures to promote and protect human rights are stronger than ever and increasingly linked to the fight for social justice economic development and democracy. The vigorous action of the HCHR and steps taken to enhance cooperation and coordination among UN partners, are expressions of the concrete efforts under way to strengthen the ability of the UN system to fight for human rights (Basic facts about the UN, 2000:241).”

The constitution of FDRE, in its preamble, reflects the commitment of the Government to realize the HR. the preamble of the constitution states as “strongly committed in full and free exercise of our rights 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.” Article 41 of the same constitution clearly stipulates the commitment of the government to the realization of ICESR. The article specifically states that the state has the obligation to allocate ever increasing resources to provide to the public health, education and other social services. As the supreme law of the land, other legal and policy documents are believed to address this commitment.

Apart from the constitution, the policy documents of the country also demonstrate Government’s commitment to the realization of economic and social rights. “Of the policies made, the most seminal are the economic policies and the social policy. The others, which are actually based on these two, include population policy, the education policy, and the health policy. In addition to these polices, a need to formulate a developmental social welfare policy has been felt in order to prevent and control the further spread of the already prevalent and deep-rooted social problems in our country, and to generally eliminate them. “(Developmental Social Welfare policy of FDRE, 1996:51.)

## **Chapter III: Endorsement and legislation**

### **3.1 constitutional Recognition of Economic and Social Rights in Ethiopia**

The constitution is a fundamental law of the state. It is usually considered as supreme law of the land. It explains how the government and its peoples are governed. Ethiopia has experienced three known constitutions: the constitution of the emperor, the constitution of the Dergue and the Constitution of EPRDF. Before such constitutions, the country was governed by “Divine kingship”. For the purpose of the evaluation it is necessary to see the endorsement and the practical application of economic social and cultural rights within those constitutions.

#### **3.1.1 The Imperial Constitution**

After a great debate between the Emperor and his nobilities the Emperor ordered his concerned bodies to prepare the first constitution in 1931. Because of the inclusion of Eritrean and political changes in the 1950, both at national and international arena the 1931 constitution did not stand as it was. This resulted in the amendment of the constitution in 1955. This constitution though revised was mainly concerned with the perpetuation of the power of the king rather than the building up of a democratic nation. This is evidenced by article 2 which reads as “the Imperial dignity shall remain perpetually attached to the line of Haile Sellassie I descendant of king Sahle Sillassie whose line descends without interruption from the dynasty of Menelik I, son of the queen of Ethiopia, the queen of Sheba and king Solomon of Jerusalem “this shows us that the power of the country remains within the realm of the king and his descendants. It is not the people but the king who is the sovereign rule of the country.

Moreover Article 4 says “By virtue of his Imperial Blood, as well as by the anointing which he has received the person of the emperor is sacred his dignity is inviolable and his power is indisputable. He is, consistently, entitled to all the honors due to him in accordance with tradition and the

present constitution. Any one so bold as to seek to injure the emperor will be punished”

People accused of working against the king do not get fair trials. The same article also states that the king is above the law and the emperor believes that the courts should be used to protect his power. From these articles we can understand that the revised constitution though it stated some civil and political rights did not recognize fundamental elements of human rights. However some elements of economic and social rights had been endorsed under chapter III of the constitution. Article 44 says “Everyone has the right within the limits of the Law to own and dispose of property” Article 47 also says “Every Ethiopian subject has the right to engage in any occupation and, to that end to form of join association in accordance with the law” It is within this very perspective that the issue of economic and social rights had been marginalized.

It is quite known that the economic and social issues have not been fully endorsed within the constitution of the emperor. Most of the peoples and the government officials did not claim and respect Human right issues because a large majority of the people believed that the king as Devine and sacred.

### **3.1.2. The Socialist Constitution**

The Constitution of the Dergue looked like democratic as compared to the previous one. However it prohibited the people from enjoying those human right principles as were stated in the constitution. According to Article 2(1) and 2(4), which says “the People’s democratic Republic of Ethiopia is a unitary state in which all nationalities live in equality”, such right was clearly denied. Article 9(2) also says that “the state shall extricate the country from economic backwardness by progressively broadening and strengthening socialist relations of production and by accelerating the development of the productive forces through the application of science and technology”. This shows us that the economic system was oriented by socialist ideology.

The constitution of the Dergue however, provides some economic and social rights. For instance, Article 35(2) says that “equality among Ethiopians shall be ensured through equal participation in political economic social and cultural right”. The constitution specifically also states that every Ethiopian has the right to work and the government was obliged to provide employment opportunities and improved working conditions as much as possible/ Article 38/. In addition to this, people have the right to free education and the state shall implement compulsory education for school – age child and expand schools and vocational institutions of various type and levels/ Article 40/. Moreover according to Article 42, Ethiopians had the right to health care and the state was also obliged to provide health services progressively.

These rights enshrined in the constitution were not working because the people had no chance to request as rightful citizens for they live under brutal human rights violation. And many of the constitutional provisions were not elaborated in other rules regulations and proclamation. Though the party members were too few in number most Ethiopians were afraid of them. This is because workers party had many spies and the people were not sure who might be a spy and were afraid to speak his feelings about the workers party leader. In addition to this, people did not want to be accused of doing against the party, because it is hard for them to prove their innocence. Once the parties decided people became guilty and might be sent to forced labor camps or prisons or be executed.

### **3.1.3 The FDRE Constitution**

The current constitution is democratic indeed as compared to the previous constitutions. It is a breakthrough in the Ethiopia history, to come about all sort of problems related to human rights. It is the constitution of people nations and nationalities of Ethiopia. Article 39 of the constitution states that and of the nations and nationalities has the right to self determination whenever they want to. This is to cure the past unanswered question of the diverse and highly oppressed nations and nationalities of Ethiopia which

plunged the country in to protract and destructive fratricidal war among its people answering this question is a base for realizing human rights in general and economic and social rights in particular. It is this very fundamental people's right that steers the will of the people towards formulating this construction.

This constitution has fundamental difference from previous two constitutions. One of the most peculiar characteristic of this constitution is its belongingness to its people. It has been ratified with a full participation of representatives that are elected by the peoples of the country. Almost all elements of human rights recognized in UDHR, ICCPR and ICESCR and ICESCR are incorporated in the current constitution. In addition to this, article 13(2) of the constitution states that fundamental human rights specified in different articles of the constitution have to be interpreted according to those standards of human right stated above.

Economic social and cultural rights are vividly incorporated in the constitution stated under articles 41 to Article 44. These articles elaborates that people have the right to engage freely in economic activities, to choose his or her means of livelihood occupation and profession, have the right to from association and working condition, the right to sustainable development. The constitution also obliges the State to allocate its resources in public health, education and other social services including creating job opportunities for employment. Such rights are also recognized in Economic and Social objectives of the country stated in articles 89 and 90 consecutively-accesses to public health and education, clean water, housing, food and social security.

The constitution has been accepted even by opposition parties except the right to self-determination and public land ownership rights expressed in Articles 39 and 89(5) this constitution is becoming a living document because it lays down duties and responsibilities on the part of the state and rights to the people. As we shall see in the next chapters the government shows political commitment and willingness to make it practical through

different proclamation, rules and regulations. As we have seen, it is the only democratic and most practical constitution that we have ever met in our history as compared to the last two constitutions of Ethiopia. This constitution is believed to be and will be the solid weapon for the people to fight against human right violations and to reduce poverty.

The EPRDF-Led government did not stop at legislating holistic and democratic constitution. It also established the requisite institutional set up to implement and regulates the practice of human rights. In this regard, the government realizing the crucial role of human rights institutions in promoting and ensuring the indivisibility and inter dependence of all human rights has established Human Rights commission and Ombudsman. The human rights commission has been established by the proclamation No 210/2000. Its preamble says that building one political community founded on the rule of law, as one of the basic objectives of the nations/nationalities and peoples. In addition Ethics and Anti-Corruption Commission is established to perform similar activities to strengthen the law and order of the country.

The establishment of such national institutions is in tandem with the requirements of the ICESCR. Article 2, paragraph 1, of the Covenant obligates each state party “to take steps... with a view to achieving progressively the full realization of the [covenant] rights ...by all appropriate means”. One such means, through which important steps can be taken, is the establishment of such national institutions with the necessary mandates. These national institutions have also strong support from office of the United Nations High commissioner for Human Right (UNHCHR).

Human rights institutions, both at national and global level, can play significant role in the promotion and protection of Human Rights. The following list is indicative of the type of activities that can be, and in some instances already have been, undertaken by national institutions in relation to these rights.

- a) The promotion of educational and information program designed to enhance awareness and understanding of economic, social and cultural rights, both within the population at large and among particular groups such as the public service, the judiciary, the private sector and the labor movement;
- b) The scrutinizing of existing laws and administrative acts, as well as draft bills and other proposals, to ensure that they are consistent with the requirements of the International Covenant on Economic, Social and Cultural Rights;
- c) Providing technical advice, or undertaking surveys in relation to economic, social and cultural rights including at the request of the public authorities or other appropriate agencies;
- d) The identification of national-level benchmarks against which the realization of Covenant obligations can be measured;
- e) Conducting research and inquires designed to ascertain the extent to which particular economic, social and cultural rights are being realized, either within the state as a whole or in areas or in relation to communities of particular vulnerability;
- f) Monitoring compliance with specific rights recognized under the covenant and providing reports there on to the public authorities and civil society; and
- g) Examining complaints alleging infringements of applicable economic, social and cultural rights standards within State.

The 1994 constitution further establishes an independent judiciary body both at the federal and regional level. Though the ultimate power to interpret the constitution lies with the Federal Council, the judiciaries have powers to interpret laws.

### **3.2 The current Government policy documents**

After 1991, the country has witnessed a period of radical constitutional change. This change can be manifested by participation of civic society, rising of opposition parties, increasing privatization and progressively deepening decentralization.



The country has made transition from generally planned to a free market and private-led economy. A number of policy documents, both at macro and sectoral levels have been formulated and are under implementation. These policy documents are the practical instruments to help the practical implantation of Economic and social rights. The policy documents are briefly presented in to two major group macro and sectoral. By macro policy documents we mean those policy documents which are cross-cutting in nature.

### **3.2.1 The Macro Economic Policy**

The government of Ethiopia has begun to implement an economic reform in response to the economic Social and political challenges. The long-term objective of development in Ethiopia is structural transformation of the economy in which the relative weight is given to agriculture finally leading to development of industry and service. The objective of these policies includes reducing the role of the state in the economy, economy, encouraging private and foreign investments, increasing community participation and decentralizations in economic management to regional states. The government in its policies believed that the implantation of these policies will lead to the expansion of the industrial sector and employment opportunities. The government introduced the structural adjustment program/SAP/in 1992, which was recommended and supported by IMF and the World Bank. The objective of SAP was to achieve macroeconomic stability in the country so as to create conducive atmosphere for investment and economic growth. Its first phase of economic reform program was undertaken during 1992/93-1994/95. At this time the program achieved many of its objectives. For instance,

*“Ethiopia achieved a real average annual growth rate of 6.6 percent and inflation. Averaged 8-2 person during 1991/92”  
(Economic reform for 1998/99 – 2000/01, the policy frame work paper. 1998:1x)*

The second phase of economic policy reform was also implemented during the period 1994/95 – 1996/97. According to the policy framework paper of the same.

*“real economic growth slowed down from 6.2 percent in 1994/95 to 5.6 percent in 1996/97, with an exceptionally high growth rate of 10.6 percent in 1995/96; the inflation rate dropped from 13.4 percent in 1994/95 to negative 6.4 percent in 1996/97”.*

So, it was believed that the structural adjustment and reform program designed for the period of 1998/99 – 2000/01 is envisaged to mobilize the concerted efforts and resource to achieve sustainable growth and development. Generally, one can see at this level fiscal policy reform monetary and financial sector reforms, exchange and payment policy reforms and trade policy reform has been done to improve the national economy. This macro level economic reform has led the overall structural policy change on different sectors of the country.

### **3.2.2 Sectoral Policies**

Due to long list of sectoral policies, not all of them will be presented here sectors of greater relevance to the subject under discussion, such as agriculture, industry, water, education health and infrastructure will be covered below.

#### **3.2.2.1 Agricultural Policy**

Agriculture is the mainstay of the Ethiopian economy. It accounts for about 43% of GDP, more than 90% of exports and 85% of total employment. The sector accounts for the lion's share of the total GDP, in foreign currency earnings and in employment creation. In spite of its importance in the national economy, agriculture is at subsistence level where farm implements and entire sectoral operation have remained unchanged for centuries resulting in declining production and productivity against a fast growing population. Moreover, the sector also suffered from the dergue inimically imposed agricultural policy measure which destroyed or degraded the man

power and ecology of Ethiopia [http://.Ethioembassy.Org.Uk/fact% 20 file/a-z/agriculture.htm](http://.Ethioembassy.Org.Uk/fact%20file/a-z/agriculture.htm))

Needless to say, Ethiopia has suffered chronic food shortage because of natural and poor policy measures of the previous governments. To overcome such problem the current government has adopted Agricultural Development Led Industrialization (ADLI) Strategy.

The strategy visualizes export led growth, which leads in to an interdependent agricultural and industrial development. It mainly focuses on two strategies of agricultural developments, improving productivity in the small-holder peasant farms and expansion of extensive and intensive large-scale farms. The government also introduced specific policies and provided technical and institutional support to farmers, in its drive to increase food production through intensive cultivation. ADLI, in particular, concentrates on the following measures to improve food security of the country. This includes disaster prevention and preparedness, organizing investment resources, irrigation development, building infrastructure, improving access to credit via rural banking establishment of credit association and operatives, development of live stock dairy and poultry and agricultural extension program. (Knife: 2001, P.234)

The long-long-term objective of ADLI is structural transformation where the share of agriculture declines in terms of its contribution to the GDP and employment. On the other side, the contributions of industry and service will be increasing. This strategy directly or indirectly, helps the government to enforce its commitment of human right especially the right to food or freedom from hunger recognized in article 25 of Universal Declaration of Human rights/UDHR/and article 11 of the International Covenant of Economic, social and Cultural Rights/ICESCR/.

In addition to this the agricultural sectors as a strategy is use full in providing the peoples of the country to create job opportunities. This in turn helps the government to implement its obligation of providing employment opportunities for its people as recognized in article 23 of the UDHR and

article 6 ICESCR. Whether this strategy meets the obligation of the government towards those human rights in practicable or not will be discussed in detail in the next chapter.

### **3.2.2.2: Industry Sector Policy**

Prior to 1974, the Imperial state policy was to promote a mixed economic system, based on public and private initiative. In this regard, the role of the state included the actual undertaking of industrial investment, Promotion of industrial enterprises through its financial institution, and promotion and execution of policies intended to encourage industrial investment.

During the Degue Regime, however, with the official declaration of socialism as government policy, there was a radical reversal in the ownership structure of manufacturing establishments. As part of the overall economic policy, nearly all large and medium private manufacturing industries were nationalized and the government emphasized on public ownership while private ownership was confined to small scale industries and hand crafts. The spatial structure of the sector is uneven, and therefore leads to unbalanced regional development; income disparity between rural and urban areas, high rate of rural – urban migration and high rate of urban unemployment.

After the overthrow of the military government in 1991, the new EPRDF led government introduced free market economy. As a result, since 1991/92, private ownership became the dominant feature of the industrial sector. The nexus between industry and agriculture has been well recognized in the overall development strategy of ADLI. The premise is that agriculture would be the source of domestic demand/or market and reliable raw material base for the industrial sector. This strategy is further anticipated to promote the linkage between agriculture and industry, thereby bringing internally generated and self sustaining industrial development.

To overcome the structural problems of the sector, the current government industrial strategy measures includes the recognition of private sector as the leader of the sector and encouraging with different incentives, creating

stabilized macro economic and financial condition, and building of favorable and reliable infrastructure, and finally establishing responsible civil services [MOI: Industrial Development strategy,2001]

This strategy helps not only achieving the desired goal of the overall economic growth but also provides the opportunity of employment for its people which entered into an obligation to implement an internationally recognized human right such as the right to work/article 23 of the UDHR and article 26 of ICESCR. In addition to this, the sector is also expected to absorb the surplus labor in the agricultural sector in the future.

### **3.2.2.3 Education policy**

The EPRDF-Led Government adopted an new Education and training policy with the general objectives of, among others, is to develop the physical and mental potential and the problem solving capacity of individuals by expanding education and in particular by providing basic education for all (MEDaC:1999)

From this objective, the government of Ethiopia has tried not only achieving its overall objective of economic development but also provides education for its citizens which is recognized as a human right in article 26 of the UDHR and articles 13 and 14 of the ICESCR.

### **3.2.2.4 Health Policy**

Unless it was considered as part of the overall plan, the health sector was not given special emphasis during the Imperial Regime. The Military Government also gave priority to curative types of strategies. However, after the new government has come to power, it adopted a new health policy in 1993 which includes an objective of distributing the health care service equally to its people among other objectives. The over-riding objective of the health policy issued in 1993 was the prioritization of the preventive components of health care and equitable distribution of health care to social group and geographic areas. Hence the new Health Sector Development

program /HSDP/ is based on the basic strategy of improving access to primary health care in the country (MEDaC: 1999, p.29)

The attempt of the government to meet the economic and social rights of its citizens has gone far. But, due to the deep-rooted poverty, recurrent drought, Population increase, low productivity of economic sectors, people's tradition for work, unskilled labor force, spread of HIV/AIDS and other diseases etc are the major concerns of the country. This shows that the implementation of economic and social rights will be a challenge of the government.

Proper policy formulation should be taken as a step forward and it is also a tool for struggle to reduce poverty and bring about sustainable development. This in turn will also help the government to fulfill its obligation on the implementation of economic and social rights.

## CHAPTER IV: IMPLEMENTATION OF MAJOR ECONOMIC AND SOCIAL RIGHTS

In Chapter three, we have seen how ESR was reflected in the legal and development policy documents of the country. This chapter will try to assess the extent to which the Economic and Social Rights stipulated in these documents have been realized. For the sake of data availability, the assessment is confined to education, health housing food and employment sectors.

All governments are obligated to guarantee ESR. State parties to the Covenant are obligated to respect the full range of ESR contained therein. They have also the obligation to submit periodic reports to the Committee for Economic social and Cultural Rights, established to monitor compliance of States with the Covenant and issue specific recommendations regarding implementation of the Covenant.

Due to Variation in the interpretation of ESR across countries, the Committee for Economic and Social Rights (CESR) define minimum requirement and standards to be fulfilled under each thematic field. This enables comparison of achievement across countries. The minimum standards are presented immediately after the sector for which ESR is implemented.

### 4.1 Education

#### ***What is the Right to Education?***

The right to education is twofold: it requires free and compulsory primary level education, and it requires that there is equal access to every level of education. Basic education is a right inherent to being human, and thus constitutes and ends in itself. However, education is also a means to an end: it is required to ensure all people can participate effectively in a free society, and to promote understanding, tolerance and friendship among all nations and groups.

Education is both a means and an end to development basic education is an end when considered as a human right. It is a means to actualize the

inherent potential in human beings. Unmistakably, education is a powerful weapon to materialize all other rights. As such it can be argued that education, as a very important factor to economic and social rights, is of a high priority in the overall development endeavourer of governments, both in developed and developing countries.

Needless to say, Ethiopia's education is entangled with complex problems of relevance, quality, and accessibility and equity, inadequate facilities, insufficient training of teachers, overcrowded classes, shortage of books and other teaching materials, all indicate the low quality of education provided. These all are challenges, to implement the right to education sector in the country.

Despite the numerous problems, encouraging progress has been made in terms of expanding education in the country. To improve the coverage and quality of education, the Government of Ethiopia in partnership with donors, launched a five year Educational Sector Development program (ESDP) in 1997/98. The ESDP envisages universal primary enrollment by 2015 progressively raised the gross enrollment rate. It aims at improving the quality of education, and promoting social equity by narrowing gender, regional, and urban rural gaps in access" (IMF and IDA Ethiopia, Decision point Document for the Enhanced Heavily Indebted poor countries (HIPC) Initiative, 2001:16).

In 1994 the gross participation rate of primary education was below 26% of the relevant age cohort. After the launch of ESDP, however, substantial progress has been made to increase the enrollment rate.

According to the annual report issued by the ministry of Education at the mid of 2004, the gross participation rate of primary education has increased from 26.2% to 68.4% within a period of 10 Years. Furthermore, the country is committed to the UN Millennium Development Goals (MDGs) to achieve Universal primary Education by the year 2015.

The progress made in the implementation of the education policy can be gauged in terms of schools construction, enrollment in terms of boys and



girls, teachers training budget allocation, and the participation of private sector in providing education for the people. The following table reveals some of parameters of the progress.

**Table 1 Basic Indicators of primary Education (1-8)**

Indicators	1999 E.C	2000 E.C	2001 E.C	2002 E.C	2003 E.C
Number of Schools	20,660	23,354	25,212	26,951	28,349
Sections	71865	78178	85137	89937	97315
Pupil/teachers ration	59	57	54	51	51
Pupil/section ratio	64	62	59	57	57

Source: Ministry of Education, Education Statistics Annual Abstract 2003E.C

Table 1 highlight the main characteristics of the Ethiopian education system and shows the most recent five, four or three years of systematic increase in almost all measures of activity in all sub-sectors. From the above table the number of primary schools has increased from 20,660 in 1999 to 28,349 in 2003, representing an average growth rate of 8.2% similarly, pupil/section ratio decreased has also from 64 in 1999 to 57 in 2003, representing an average annual growth rate of 2.9%. Finally, pupil/teacher ratio has increased from 33 in 1995/96 to 43 in 1999/2000, with an average annual growth rate of 6.6%. This shows us that the government of Ethiopia has tried to achieve its commitment in the ICESCR and even the millennium Development Goals.

**Table 2 Trends in primary school Enrolment in Ethiopia**

<b>Year</b>	<b>Primary (1-8)</b>
1991	2871325
1992	2422746
1993	2204697
1994	2641067
1995	3098422
1996	3787919
1997	4468294
1998	5090670
1999	5702233
2000	6462503
2001	7401473

From table 2 we can understand that primary education enrolment in 1991-2001 increased from 2871325 to 7401473. In terms of growth rate, enrolment in primary education registered an average growth rate of 12% in 1991-2001. The growth enrolment ratio for primary education has shown upward trend recently. The Ministry of Education has also summarized the achievement of the sector as follows,

*Primary school enrolment rate has increased from 19.7% in the year 1992/93 to 34.6% in 1995/96. During the same period the participation gap of boys and girls widened from 7% to 17 %. Between the years 1993/94 to 1996/97, the number of primary school and teachers have increased from 8674 and 86372 to 10204 and 92528, respectively. On the other hand student to teacher and student to classroom ratios have increased from 27 and 40 to 43 and 56, respectively during the same period. (MEDaC1999, p.28)*

Ethiopia is one of the highest in the world as well as in sub Saharan countries in terms of both adult and youth illiteracy rates.

**Table – 3: Country Comparisons in Education Status, 1999**

Country	Adult illiteracy rate (15 and above)		Youth illiteracy rate (age 15-24)	
	Male	Female	Male	Female
Ethiopia	57	68	46	48
Kenya	12	25	4	6
Tanzania	16	34	7	12
Uganda	23	45	15	29
Sub-Saharan Africa/SSA	31	47	18	27

Source: WDI, 2000

According to the above table-3 the adult illiteracy rates for male and female were 57 and 68 in 1999, respectively, and the youth illiteracy rates for male and female were 46 and 48, respectively, during the same period. The Sub-Saharan adult illiteracy rates for male and female were 31 and 47, respectively during the same period, and that of adult literacy rates for male and female were 18 and 27, respectively, for the indicated period. This indicates that Ethiopia is much below that of the sub Saharan average.

Moreover, other education sector indicators, such as gross primary enrolment, gross secondary enrolment and gross tertiary enrolment, show “Ethiopia is at the lowest level in education development when compared to its neighbors and other developing countries. (UNDP,. 1998)

Another way of looking the sector emphasis is so much related to its share of capital expenditure from the total budget of the country. In this regard the education sector is one of the government’s priorities among other sectors such as agriculture, health transport and communication. According to MEDaC, 1999

*During the period of the derg, the share of capital expenditure in education averaged 3.7 per cent of the total. During the Transition period, however, its share has*

*increased to 7.9 per cent. Government capital outlays on education sector increased from 43.2 million birr in 1990/91 to 442.2 million Birr in 1995/96.*

Furthermore, the first phase of ESDP, with has a long term goal of achieving universal primary education by the year 2015, was implemented by substantial assistance from the donors' community. The education sector has not only benefited from the government annual budget but also from donors such as Official Development Assistance/ODA/ which allocated 6.3% of its annual average of amount of ODA to the first phase of the sector. (UNDP Ethiopia, 2003)

The current government also encourages the involvement of private sectors in education through tax holidays and duty free importation of materials and equipment. For this reason, "from 1992/93-1997/98, investment certificates were given to 103 projects in the education sector" (MEDaC, 1999, p.29)

## **4.2 Health**

### **What is the right to Health?**

Health is one of the components of an adequate standard of living. Historically, the protection of public health has been accompanied by legal regulation-health law is as old as law itself. Its development demonstrates that the state of an individual's health is often determined by factors beyond a person's medical condition.

The right to health includes access to adequate health care (medical, preventative, and mental), Nutrition, sanitation, and to clean water and air. It also includes occupational health consequences such as chronic injuries and diseases resulting from unhealthy and hazardous working conditions. This does not mean that an individual has the right to be healthy since no government can assure a specific state of health. The state of health depends on the person's genetic makeup, and is molded by environment and health interventions.



The right to health and access to it is present a central issues in Ethiopia. Ethiopia desperately needs a healthy and productive manpower to reduce poverty. The struggle for development essentially seeks a healthy environment and favorable conditions. To do this the country must go through implementation of economic and social rights recognized by the ICESCR and are constitution to bring about success in the field of health.

As in an Article 12(1) of the covenant on Economic, social and Cultural Rights “the state parties to the present covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”. The Ethiopian government, which claims to have a popular political commitment and a coherent development strategy, has gone to great length to overcome health problems.

The Government of Ethiopia is committed to improve the health of its citizens through the creation of enabling environment for the participation of all possible actors- the general public, the private sector and the government itself. The health sector is addressed through a comprehensive program known as the Health Sector Development program (HSDP). The program is known as the Health Sector Development Program (HSDP). The program was designed as an integral part of the multi pronged poverty reduction programs of the country in a twenty-year rolling health development program. Launched in 1998, the program is being implemented in phases where phase III has ended and phase IV is under implementation.

Assessment of selected HSDP IV Indicators shows that the program has registered commendable achievements as evidenced by the following data. (FoMoH, 2003:3-8)

- Full Immunization coverage increased from 56.8% to 74.5%;
- Primary health coverage increased from 33% to 92%;
- Maternal and Child Health service grew from 15% to 29%;
- Contraceptive prevalence Rate increased from 56% to 61%;
- Reduction in the threat and loss of life from infectious diseases such as malaria, Meningitis, Tuberculosis and Leprosy and

- Avoidance of serious epidemic outbreak.

Despite such achievements, Ethiopia’s health status remains among the least in the world. The following table indicates that the majority of ill-health in Ethiopia is related to potentially preventable communicable diseases and nutritional deficiencies.

**Table – 4: Basic Indicators of Health sector.**

Indicators	Sub-Saharan Africa	Ethiopia
Infant mortality rate/100	97	111
Child mortality rate/1000	114	161
Maternal mortality rate/1000	7	10
Life expectancy	50	48
Access to safe water	51%	54%

The table depicts that, Ethiopia’s health status relative to other low-income countries, such as Sub-Saharan Africa is low. This is largely attributed to preventable infections ailments and nutritional deficiencies. From this general truth of the sector, the government designed a health policy mainly focusing on preventive measures. The implementation of the country’s health policy calls for largely popular participation. This is because mechanism is less costly and highly effective in terms of preventing 80% of communicable disease.

According to the Ministry of Health, prevention and control of communicable diseases of malaria, tuberculosis, leprosy, HIV/AIDS, and blindness are given priority. Even though malaria is still one of the leading causes of morbidity and mortality, HIV/AIDS is by far the most rapidly expanding threat of human health.

The commitment of the Government to the implementation of the HSDP is demonstrated by the increase in the capital budget allocation to the sector. When we see the allocation of the government budget, it shows an improvement from year to year as indicated below.

*The share of the health budget in the public capital expenditure increased from 3.3% in 1990/91 to 6.2% in 1997/98. During the same period, the share of the health services in total recurrent expenditure increased from 1% to 1.5%. In 1993/94, of the total health sector recurrent budget, 84% was allocated to the regions (MEDaC, 1999, p.30)*

This increased allocation of capital budget to the sector gave rise to substantial changes in the number of health institutions and health personnel of the respective tier. For instance, the report of Ministry of Health shows that the number of hospitals increased from 87 in 1996/97 to 110 in 2000/01. The numbers of health centers increased from 257 to 382, while a total of 1023 health posts were constructed during the same period. During the same period, 14062 health workers of different categories were trained; training institutions increased from 15 to over 3 and graduates number per year from 700 to 4500.

There are also improvements in pharmacy clerical services; Information, Education and communication/IEC/; Health sector Management and Information Systems, health care financing and monitoring and evaluation. The overall effect of these activities is manifested by 63.1% current country's health coverage. In addition to the government effort in providing health service to the people, NGOs and the private sector also encouragingly participated in establishing and delivering the health services. For instance,

*An increasing number of indigenous and international NGOs are currently involved in various aspects of service delivery, and there are currently an estimated 1117 private clinics and 17 private and NGO owned hospital in the country. In addition, of the 311 pharmacies, 249 drug shops and 1917 rural drug vendors which are estimated to exist, some 95% are privately owned (Ministry of Health. January 2002)*



Moreover, according to MEDaC (1999), the Ethiopian Investment Authority approved 13 private health projects from 1992 to 1996. The government also encourages the private sector participation in the provision of health care services in terms of tax holiday, exemption from custom duty on imports of health equipment, and access to land at reasonable price.

The Ministry of Health also noted that, widespread poverty, along with general low income levels of the population, low education levels, inadequate access to clean water and sanitation facilities, a high rate of migration, and poor access to health services have contributed to the high burden of ill – health in the country. Improving health conditions and many others related activities constitute a context within which implementation measures attempt to stimulate economic and social rights.

## 4.3 Food

### **What is the right of food?**

The right to food guarantees all people the ability to feed themselves. It also obligates States to cooperate in the equitable distribution of world food supplies. As part of the more general right to an “adequate standard of living,” the right to food contributes to a broader question of whether people live in basic dignity. People have a right to the basic amount of food necessary for survival, but they also have a right to food of high enough quality and quantity to live in adequate dignity.

The country is known for having a significant food gap. This is because of the adverse climatic change, a decline in land holding per household, soil degradation, decline in yield per hectare, hangover of inappropriate policies of the ousted Military Regime and the civil strife which afflicted the country. Even under normal climatic conditions the country experiences a short fall in food production to the tune of 25% of need (Kinfu: 2001, P.294). Generally, this has been always related to the poor performance of the agricultural sector. Agriculture is both a way of life as well as the primary source of livelihood for most Ethiopians.

For most of the harvesting seasons, the productivity level of agriculture is subsistence and in some cases below subsistence to produce food for the people. However, agriculture provide not only of food but also of industrial raw materials, export and employment.

According to the ministry of Agriculture, in 1999 and additional 3.23 million hectares was cultivated as compared to 1991. The population in 1999 was approximately 61.67 million. IN support of this population size, the country's grain production was approximately 58. 67 millions quintals. This means 1.44 quintal per person annually. This quantity is totally inadequate to provide the required energy in take even without considering post-harvest loss and seed requirements. There afore, Ethiopia today is unable to provide sustained food supply and enough amount of diet to a great number if its people.

The erratic rainfall late in arriving and early cessation is usually a cause for agriculture production failure. According to the Central Statistical Authority [CSA] estimates, production fell by 22.8 percent in 2002, a year characterized by one of the worst drought in recent years. As in most backward countries, Ethiopian agriculture is rain-fed with less than 3 per cent of its cultivated land under irrigation. It is the recurrent drought that is inimical to Ethiopian agriculture, which creates serious problems to meet our food demand.

According to UNDP/Ethiopia (2003), at the end of 2002, the joint Government-United Nations Appeal estimated that more than 11.3 million people required emergency food assistance totaling 1.46 million metric tons (MT), while an additional 3 million people were vulnerable.

The recurrence and growing intensity of the natural disaster besetting the country obliged the creation of an independent government organ designated as disaster prevention and preparedness commission [DPPC]. DPPC carries out food security assessment, pre-harvest and post-harvest, and jointly with donors, determines the number of people requiring food assistance from donors. DDPPC has been active in coordinating emergency interventions

whenever the crisis occurred. In the year 2003, for instance, DDPPC was able to coordinate the mobilization of 1.5 million MT food resources to 1.2 million people. This indicates that the government is committed to ensure the right to food in all possible ways.

In spite to the problems we are facing to meet our food demand, Ethiopia's potential is an enabling environment to combat the existing human suffering from hunger. Ethiopia is endowed with excellent and varied climate and rich soil appropriate for the production of varied food and cash crops as well as horticulture crops. A total of 146 types of crops are grown for food.

The government's strategy for addressing the issue of food shortage center around the small holder farmers. To increase productivity on these smallholdings, the government is trying to use water from rivers ponds lakes, and rain to the maximum of its effort.

## **4.4 Employment**

### **What is the right to work?**

The right to work gives everyone the opportunity to earn a living wage in a safe work environment, and also provides for the freedom to organize and bargains collectively. The right to work does not guarantee organize and bargain collectively. The right to work does not guarantee that every person will have a job; rather it means that governments are required to take effective steps to realize the right over time. States violate the right when they either fail to take those steps or when they make the situation worse. The right prohibits the use of compulsory or forced labor.

Employment in Ethiopia needs emphasis in view of the fast growing population and the coming of younger generation in to the already existing huge number of unemployment. Besides, the low level of production in the rural area and an unemployed labor in the urban aggravates unemployment problem. In our case agriculture is the only sector which creates the highest employment opportunity in the country since other sectors are underdeveloped.

According to the MEDaC 1999, agriculture accounted for close to 90% of total employment according to the result of the 1984 census, while the distribute service (trade, hotels, tourism transport communication) and others services distantly followed by agriculture at 4.8 percent share in 1994. In urban areas, however, the above mentioned services accounted for 36.7% of the total employment in 1994. On the other hand, employment in the public administration and defense and social security sector declined in importance from 5% in 1984 to 1% in 1994 (MEDaC 1999,p.11)

As indicated in the previous chapter the government of Ethiopia has tried to alleviate the problem by taking different measures from 1991/92 on wards. For instance the government adopted and is implementing the rural centered agricultural development led industrialization /ADLI/, different sectorial reform measures, rationalization of public resource expenditure in favor of human resource infrastructural development, the ratification of national population policy, adopting of the new labor code by 1993 with the proclamation No.42/93 and the encouragement of the private sector.

Up until 1997/98, some 1184 private investment projects have been made operational creating job opportunities for an estimated 64 thousand permanent and 301 thousand temporary employees. (MEDaC, 1999 :12)

This helps the government to address the problem of unemployment and low productivity of labor in the rural area and enhancing the employment prospects for the urban.

The government also took encouraging measures to enhance the role of the informal sector through its Micro and Small Scale Development Strategy with the expansion of credit services and training for the generation of urban employment. In addition to the federal government effort, the regional governments are also conducting various vocational training programs that would provide the required skill for productive employment.

The employment structure in the industrial sector reveals that about 90% of the employed labor force are engaged in self employment and unpaid family

labor which shows us that how the subsistence nature of the economy and the dominance of the informal sector. Comparison of data in 1984 and 1994 indicates that there has been a shift in the pattern of the employment from public to private.

According to CSA's Analytical Report of the National Labor force Survey (1999), in Ethiopia, 24,896,579 persons, aged 10 years and over, were employed during the survey reference period. Of these 14,117,785 were males and 10,778,794 were females. The rural areas of the country employed 22,194,104 persons, while the remaining 2,702,475 persons were employed in the urban areas. Accordingly, employment-to -population of the country aged ten years and over was working during the reference period. The corresponding figures for urban and rural areas were 48.2% and 73.0, respectively.

Article 6(1) of the covenant states "the state parities to the present covenant recognize the right to work which includes the right of every one to the opportunity to gain his living by work which he feely chooses or accepts, and will take appropriate steps to safeguard this right". To implement this right Ethiopia has promulgated work right in its constitution and also established labor law. Historically, labor law in Ethiopia has evolved through various systems. The earliest one was probably related to the feudal system. According to International observatory of Labor Law (2003), present-day labor Law, as a specialized law designed to protect employees' welfare, only came in to existence as a result of the modern industrial development and with the rise of the status of the employee wage earner.

*"during the derg period (1974-91) as part of the social is Order of state and society, labor law was based on the public ownership of the means of production and was subject to central planning and central management"*  
*(International observatory of Labor Law, 2003;23)*

The current government promulgated a law, which provided for the readjustment of the previous undemocratic law and this is a new labor

proclamation of No. 377/2003. The constitution of the country on its Article 42, “Rights of labor” also reflected the extent of the right of service workers farmers, farm laborers, other rural workers and government employees.

Employment structure by sector reveals the pre-eminence agriculture in employment generation. Agriculture employs 80% of the labor force distantly followed by government and services (12%) and industry and construction (8%). Unemployment rate in country is about 30 percent. Thus, the right to work enshrined in the constitution will be met when the government increases employment opportunities in other sectors of the economy.

If we see the contribution of industry alone it accounts for 11 percent of the GDP 9.5 percent of total employment and 21 percent of export earnings. Small and medium scale industries including handicraft and micro-enterprises in general play vital role in economic development by utilizing local resources producing essential goods and services of mass consumption, generating employment opportunities and promoting implementation of economic and social rights.

Of course, the government made an encouraging attempt to reduce the number of unemployment by enabling to function every sector of the economy. The constitution and the new labor proclamation no 377/2003 as amended, are the legal instruments of the Covenant helping guaranteeing dignity and self-realization of the employees. As in Article 8 of the ICPR which prohibits slavery, servitude and forced or compulsory labor, the Ethiopia constitution as well as the labor law has taken similar measures.

## **4.5 Housing**

### **What is the right to Housing?**

The Right to housing is much more than simply a roof over one’s head Housing requires a habitable space that fulfills the basic needs of humans to personal space, security, and protection from the weather. The right to adequate housing means people must have equal access to a safe, habitable

and affordable home. It also means people must be protected against forced evictions.

The right to housing is recognized in Article 11(2) of the ICESCR. As a party to the covenant the right to housing should also be an obligation for the government.

The right to housing is further elaborated by the committee of Economic social and cultural rights in its comment as follow,

Pursuant to article 11(1) of the covenant, states parties “recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions”. The human right to adequate housing, which is thus derived from the right to an adequate standard of living, is of central importance for the enjoyment of all economic, social and cultural rights.

In the committee’s view, the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head or views shelter exclusively as a commodity. Rather it should be seen as the right to live some wherein security, peace and dignity. This appropriate for at least two reasons. In the first place the right to housing is integrally linked to other human right and to the fundamental principles up on which the Covenant is premised. This “the inherent dignity of the human person” from which the rights in the covenant are said to derive requires that the term ”housing” be interpreted so as to take account of a variety of other considerations most importantly that the right to housing should be ensured to all persons irrespective of income or access to economic resources. Secondly, the reference in article 11(1) must be read as referring not just to housing but to adequate housing. As both the commission on Human settlements and the Global Strategy for shelter to the Year 2000 have stated; “Adequate shelter means... adequate privacy, adequate space, adequate security, adequate lighting and ventilation adequate basic infrastructure and adequate location with regard to work and basic facilities – all at a reasonable cost”



Thus the concept of adequacy is particularly significant in relation to the right to housing since it serves to underline a number of factors which must be taken into account in determining whether particular forms of shelter can be considered to constitute “adequate housing” for the purpose of the Covenant. While adequacy is determined in part by social economic cultural climatic, ecological and other factors the committee believes that it is nevertheless possible to identify certain aspects of the right that must be taken into account for this purpose in particular context.

The World Bank, on its world development Report of 1990, estimates that over 50% of the third world population live in conditions of extreme poverty and that nearly one quarter of the world population live in conditions of extreme poverty and that nearly one quarter of the world population live in shelters that do not satisfy the basic needs of housing.

According to the National Population and Housing Census in 1984, 39.0% of urban and 52% of the rural population live in an overcrowded housing. The 1994, population and Housing census of Ethiopia indicates that in the urban areas of the country there were 1,420,352 units or 95.8% made of permanent structures while the remaining 4.2 were made of temporary structure requiring replacement with permanent materials. The same census also describes, basic housing needs such as safe water and sanitation have low coverage in the majority of housing units in rural population representing 14.8% and 5.91% coverage respectively.

The meaning of housing as many of the scholars agree involves the production, supply and maintenance of housing units and accompanied infrastructure. In Ethiopia, where 85% of the population live in rural areas the housing type is known as traditional hut called “Tukul”. Thus, housing facility is poorer in rural Ethiopian than the urban centers. Even the big cities of the country are known by widespread of slum and overcrowding. It is believed that in the capital city, Addis Ababa, 85% of the housing stock are said to be located in unplanned areas.

To realize the right to housing; the government did not intend to invest in housing development. Its intervention focused on creating enabling environment for the participation of the private sector and the community at large. The community has organized itself in to Housing Development Cooperatives. Real estate developers have also flourished both of which have enhanced housing development and increased the supply of housing in terms of quality and quantity.

The government also encourages housing development in terms of expanding infrastructure such as road, water supply and electricity. Besides, the government undertakes research to enable provision of low-cost housing to address the largest segment of the people particularly the urban poor.

The number of new family formation and the demographic changes in general affect the size and needs of housing. According to the paper resented for a work shop on Housing and urban development for the low income group in sub-Saharan Africa,” there is no unanimous agreement on how much housing units are required annually. In the same paper, it was cited.

*“The housing delivery system in Ethiopia could be classified into four categories when one looks how it is provided. From these four delivery systems the two, the house hold and the rental housing delivery system are dominating the Market. The remaining categories are the institutional and informal housing supply system. In terms of owner ship of the stock to the delivered the categories are four too, that is individual house hold, private organizations, government and institutions” (paper presented for a work shop “Housing & urban Development for Low income Groups in sub-Saharan Africa, -5).*

The challenge faced to materialize the right housing is mainly related to affordability. The cost of construction material is soaring every time as opposed to the low level and static nature of the income of households. Most of the households live on incomes that hardly cover their daily consumption

necessities. In addition to income, the land allocation process, its accessibility, the cost of land development and its price as well availability in sufficient quantity. Despite the multiplicity of the problems, the government is trying to tackle these problems either by introducing proper policy measures such as lease rental & free grant or by making conducive environment for the private sector to engage in the construction of housing.

The problem of housing in Ethiopians not limited to the housing stock. A no less problem to limited housing stock is the problem associated with inadequate facilities such as electricity, piped water, sanitation and telephone.

According to MEDaC (1999) such limitation of facilities are summarized as follows,

*Around 68 percent of the total urban housing units have electricity while around 31 percent use lantern and Kerosene. A little more than one percent uses other type of lighting and remaining is classified as not stated. About 75% of urban housing units have access to piped water, a little less than 16% use protected and unprotected spring or well, and 9% use pond or lake. About 42% of the urban housing units have no toilet facility while the remaining has different type of latrine. About 92% of the total housing units have not telephone. The senses result indicated that about 45.4% of the housing units are owner occupied, a little less that 7% rent free duelers and the remaining are stated to have rented from different bodies. According to the 1994 population and Housing Census, in all urban areas of the country, around 98 percent of the housing units are non-storied type of building while only 1.8 percent is classified as one or more storied buildings.*

Generally, this right needs legal security of tenure, availability of services, accessibility, location to employment options and cultural adequacy should be considered by governments of which party to the International covenant

on Economic, Social and Cultural Rights as commented by its committee in different general comments stated in the above.

## CHAPTER V: OPPORTUNITIES AND CHALLENGES.

In Chapter IV, we have tried to examine the extent to which the various economic and social rights have been realized in the country in the sphere of education, health, food, employment and housing. The assessment could not be made to the required detail as per the minimum standards set by the Committee for Economic, Social and Cultural Rights for lack of data to in concurrence with the minimum standards. The assessment made with the information available shows that the various economic and social rights have not been fulfilled to the required degree.

Whether this non-fulfillment of the ESR in the country constitutes violations or not might be a debatable issue. In other words, lack of clarity as to what constitutes a violation has impeded efforts to implement and enforce ESCR. Part of the difficulty lies in the Covenant's "progressive realization" clause (discussed below), which some states have erroneously interpreted to avoid and accountability for violations.

What constitutes violation? What follows is a very simple framework that divides violations into two broad categories: failure to "progressively realize" right, and "discrimination in access to rights".

The first category of violation is based on the much-debated provision in the covenant that state parties are obligated to "progressively" realize ESCR "to the maximum of available resources." While this language recognizes that poor state are not immediately capable of guaranteeing the same levels of education and health care as developed states, the concept of progressive realization does not permit the perpetuation of economic injustice and disparity. On the contrary, state parties are required to take step to continuously improve people's enjoyment of ESCR. These rights are therefore violated when a government does not allocate sufficient resources towards basic social services, or when these services are undermined through corruption, or when the institutional structures necessary to deliver these services are deliberately neglected.

Within the progressive realization paradigm, there are two types of policies that always constitute violations of ESCR. First are policies that deprive people of a basic level of subsistence necessary to live in dignity (the principle of minimum core content). Second are measures that actually worsen people's access to ESCR (the principle of non-regression).

It is widely agreed that failure to satisfy essential human needs, based on the minimum core content of ESCR, is an immediate the absolute violation of human right that can never be excused by a country's level of development. This recognizes that people's very survival depends upon access to essential services and that not hat is too poor to meet those basic needs. As noted by Danilo Turk, the UN Special Reporter on ESCR; "States are obliged, regardless of their level of economic development, to ensure respect for minimum subsistence rights for all." Along the same lines, the Committee has affirmed that" a state party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education, is, prima facie, failing to discharge its obligations under the Covenant."

The second category of violations is the prohibition of discrimination in access to ESCR. The obligation not to discriminate is not subject to the limitation of progressive realization, but rather is an immediate duty of states and non-state actors. The Covenant flatly prohibits discrimination in access to food, health care, housing work, education and other ESCR on the grounds of "race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." T he prohibition against discrimination is absolute. Discrimination may not be justified under any circumstances, such as low levels of development. A government's failure to provide the same standard of health care or education to girls as to boys is per se a violation of ESCR under all circumstances. Moreover, policies are considered discriminatory if their effects are discriminating in practice, even if those effects were not intended. (<http://cesr.org//contact?>)

In view of the above explanations, the non-fulfillment of ESR in Ethiopia as per the minimum standards cannot be termed as violations as progressive achievement in various components of ESR has been witnessed. In other words, the Government of Ethiopia has demonstrated its political will to incorporate the various components of ESR in its constitution and policy documents. Furthermore, the Government has exerted its relentless efforts to the extent its resource capacity permits. Signs of progressive realization of the ESR are visible in various components, the most notable being education and health. In education, the enrolment in primary education grew from 14, 014,008 to 16, 718, 111. Primary Health service coverage also grew from 32% to 92%.

Substance in the growth of these and other components of ESR in the country, however, depends on the balance between forces of opportunities on the hand and challenges on the other. The opportunities available to help the country meet the ESR are presented first.

## 5.1 Opportunities

### 5.1.1. Pro-poor Development programs

Ethiopia is a land of contrast. The country has a long history, mosaic of peoples and diverse cultures. It has reasonably good resource potential for development agriculture, biodiversity, water resources and abundant labor force. Yet, the country is faced with complex poverty line is 44 percent in the year 2000 [MoFED; 2002]. Given this level of poverty, the central development agenda to the country is poverty reduction.

It was with this realization that the Government of the Federal Democratic Republic of Ethiopia adopted what is known as sustainable Development and poverty Reduction program (SDPRP) as of the year 2002. This program was designed following examination of the nature, dimension and causes of poverty with broad based participation of the all stakeholders; extensive reviews of the country's agriculture and rural development policies; the performance and constraints of key sector programs on education, health and roads; issuance of new water resource development policy and strategy and formulation of sector development program for the same. The overarching goal of the SDPRP is to reduce poverty by half from its current level and meet the Millennium Development Goals (MDGs) by the year 2015 (Ibid).

The SDPRP is built on four pillars (building blocks); Agricultural Development Led Industrialization (ADLI), Justice system and Civil Service Reform and Decentralization & Empowerment and Capacity Building.

#### ***Agricultural Development Led Industrialization Strategy***

The SDPRP mainly focuses on the agricultural sector because it is the source of livelihood for over 85% of the population and the potential source for the generation of the primary surplus to kick- start growth in other sectors of the economy.

Despite the attention given for agriculture in Ethiopia, significant improvement both in the productivity and production system has never been



achieved for the past decades. Paradoxically, Ethiopian agriculture has been suffering drastic deterioration from time to time and human population has escalated tremendously which affect people's right to food. Taking this problem into consideration, the Ethiopian Government set the strategy called Agricultural Development Led Industrialization/ (ADLI) which aims to use agriculture as the basis for the countries over all development.

As it is clearly stated in the policy document, central to the strategy is the objective to enhance the productivity of small farmers to ensure food security both in the rural and urban areas. Ethiopia's existing realities reveal that there is an acute shortage of capital. On the other hand, the country is endowed with a large number of working age population and cultivable land. It is believed that faster growth and hence economic development can be realized if the country adopts a strategy that help raise the employability of its labor resources and enhance productivity of land resources. This will lead in to capital accumulation. ADLI is a long term strategy which focuses on technology that are labor using and land augmenting such as improved seeds and fertilizer plus improved cultural practices. Due to the limited domestic market, agriculture has to be market oriented and internationally competitive. Credit services and marketing infrastructure will have to be strengthened to help agriculture become commercial and market oriented. The linkage between agriculture and other sectors of the economy, such as industry has to be strong.

While ADLI is a long-term development strategy, rural development policy, where agriculture occupies central position, has been adopted for the first time in the history of the country in the year 2002. The Rural Development policy is comprehensive and pro-poor worth considering here. Four major directions and relevant details have been worked out in the policy as follows.

***Proper Utilization of Agricultural Land;*** The utilization of land has to be guided in a manner that maximizes its contribution to overall development. This component envisages fair and equitable access to land by people who are able and willing to till it. Land, whether private or government owned,

should be utilized to optimize the benefits with the protection of it in mind. The utilization of water resources is an integral part of proper agricultural land utilization.

Furthermore, accompanying measures to the above four directions in the rural development policy include improving agricultural marketing system; establishing & strengthening rural finance; provision of rural electrification and rural telecommunication development.

An integral part of the rural development policy is the food security strategy/program. The food security strategy rests on three pillars; increasing the availability of food through domestic (own) production, ensuring access to food for food deficit households and strengthening emergency response capability. Increase in domestic production is envisaged through increasing food production and productivity (both crop and livestock) by expanding research-based extension services, promoting irrigation and strengthening conservation-based agriculture. Access to food is intended to be ensured through creation of micro and small scale enterprises; improving the food marketing system; supplementary employment and income generating schemes and targeted programs.

### ***The Justice System and Civil Service Reform***

The justice system and Civil Service Reform relate to the political transformation process which complements the various economic reform measures taken to engineer market economy. The Government is aware of capacity constraints inhibiting the efficient performance of public institutions in the country. As a result, the Government embarked upon a comprehensive civil service Reform program aimed at building fair, transparent, efficient, effective and ethical civil service to render the implementation of policies and regulations as well as delivery of services. CSR includes judicial, legal and financial management reform designed to improve the functioning of the public sector and to deal with ongoing decentralization program by creating the framework and strengthening the

institutions needed to exercise the powers and responsibilities of the regional administration.

The measures which have been taken by the CSR are summarized as follows,

- i) The economic management and control component which includes the reform of procurement, audit, and internal controls and the provision of training for relevant staff including the manpower of the regions,*
- ii) The human resource management component which includes reforming of performance appraisals and job classification, and improving the incentive system,*
- iii) The service delivery component which is designed to improve the quality of service provided by public sector employees including the establishment of a compliant handling mechanism,*
- iv) The top management systems which aims in improving the selection and performance of senior government officials and*
- v) The ethics and judicial reform which are designed to overhaul the legislative framework (Ministry of Justice, September 28, 1998)*

Reforming the judiciary is intended to strengthen enforcement of contracts and property rights and practice the rule of law.

### ***Decentralization and Empowerment***

The government of Ethiopia has adopted a federal system of government with devolution of power to the regional governments. Implementation of economic policies and development programs has been shifted from the center to the regions.

The devolution of power from the center to the regions has created room for tailings poverty directly at the grass root level. The decentralization process continued to deepen to district level as the latter were rendered the center of

socio-economic development. Districts have been given autonomy on resources where they allocate the budget at their disposal as per their priorities. This provides the basis for a meaningful participation of the people in local development programs.

### ***Capacity Building***

Capacity building comprises of the development of human resources, building and strengthening of institutions and establishment of effective working practices in combinations. The program is comprehensive in the sense that it involves public institutions, private sector including the smallholder as well as local development actors such as NGOs. Various activities are envisaged to develop the private including;

- Establishing industrial training institutes;
- Strengthening the financial sector;
- Supporting the development of chambers of commerce and industrial associations, and Improving the setting of product standardization;

The building blocks taken together have strong positive effects on poverty reduction. The justice system and civil service reform, decentralization and empowerment and capacity building will bring together better governance and institutional development leading to effective public and private sector organizations which in turn give rise to a strong state. A strong state will enhance ADLI whose central focus is the smallholder.

Beside the overarching development policies and strategies enumerated above, key sector policies, such as education, health, water and road, also provide opportunities to the realization of ESR in Ethiopia. Education plays a pivotal role in improving the country's capacity for development. The education policy focuses on achieving "primary education for all" and envisages the bringing-up of citizens with human outlook, countrywide responsibility and democratic values, having developed the necessary

productive, creative, and appreciative capacity in order to participate fruitfully in development and the utilization of resources.

The health policy aims at achieving access, for all segments of the population, to a basic package of quality primary health care services, via decentralized states system of governance. This service package includes preventive, promotive and basic curative services. The growing size and scope of the private health sector, both for profit and non-profit, offers an opportunity to enhance health service coverage.

The Ethiopia water resource management policy describes general water resource and sector policies including irrigation, hydropower, and water supply and sanitation policies. The policy also includes cross-cutting topic such as Trans – boundary issues, ground water resources, watershed management, water allocation, water quality, technology and engineering and disasters and emergencies.

Development of the road network is a critical part of the government's strategy to integrate the rural population in to the national economy. In this regard autonomy has been given to the Ethiopia Road Authority in implementing a road fund for sustainable road maintenance and expanding the road net work by 80% by 2007 (Economic Reform for 1998/99 – 2000/01, the policy frame work paper).

## **5.1.2 Global partnership**

### **5.1.2.1 Foreign policy**

A country's foreign policy plays a pivotal role in assisting the country under consideration to benefit from the global partnership. Ethiopia's national (domestic) policies were the basis of the country's foreign policy, and the government needed to concentrate on development, it is difficult to conclude that the country had a common understanding regarding just how internal problems weighed on the prospects for the citizens national survival.

Since the down fall of the Dergue regime, it was understood that our national policies were the basis of our foreign policy, and that we need to

concentrate on development. Based on this Ethiopia's policy and strategy on foreign affairs and national securities was formulated to insure the national security. Issues of prosperity, sustainable peace, and stability and other related concerns then follow.

According to the Ministry of information, November 2002 the foundation of foreign affairs and national security was originated from

- a) Development and the building of democratic system to bring about democratic order, human rights and good governance;
- b) National pride and prestige an
- c) Globalization which helps the country to bring about development through regional and global cooperation. As the ministry also stated that the objective of Ethiopia's foreign and national security policy is the realization of the countries vision of democracy and development and creating an enabling environment to this end.

This strategy also centered on devoting the prime focus to activities at home, centered on the economy, with full realization of benefits based on proper analysis such market opportunities, investment, technical and financial support for economic development and democratization, minimizing threats on the basis of proper analysis to create fertile ground for democratization and development, reducing vulnerability to threats, building reliable defense capability, and building strong implementation capacity.

Ethiopia direction with regard to foreign policy is to move from the internal to what is external, doing its own home work first t here by enabling the country to identify its shortcomings. Thus the country's foreign relations and national security policy and strategy are designed to address the gap that need to be filled. In general the external environment is viewed from the prism of the country's national situation and condition, and this ensures that the policy and strategy have relevance to the country's national security and survival.

### 5.1.2.2 Development Assistance

Improving the standard of living of citizens and reducing poverty demands a concerted response. Although the primary responsibility for addressing poverty rests with the Government of Ethiopia, it is a challenge that calls for the support of the global partners. Successive efforts to improve development policies, strategies and programs by the Government of Ethiopia served as good opportunities to solicit external assistance. With the latter, the Government of Ethiopia was able to implement recovery, demobilization and reintegration programs aimed at restoring the economy. The Government of Ethiopia secured financial assistance from a number of bilateral and multilateral partners.

Development cooperation between Ethiopia and its partners has relatively long history. The cooperation level, however, gained momentum following the demise of the communist regime and institution of democratic rule. External assistance, alternatively called, Official Development Assistance (ODA) showed a steady growth over the years. In 1997, for example, the total amount of ODA was US \$ 1.1 billion [UNDP: 2003]. The mode of external assistance the country secure is broadly divided in to two; grants and loan. The former is in turn divided in to grants to humanitarian/relief and grants to normal socio-economic sectors.

The structure of ODA in terms of loan and grants, during the last 7 years (1997-2003) reveals that 66% of the ODA is received in the form of grants. Within the grants, normal development assistance to socio-economic sectors accounts for 54% where as the humanitarian/relief assistance accounts for 46% of the grants. The percentage values change when individual years are taken into account. Loan, for instance, accounted for 56.3% of the ODA in the year 2003 in contrast to 34% in the 7 years average. The relative importance of grants in ODA was 81% in the year 1997, compared to 66% for the seven years average. By the same token, humanitarian assistance took the major share of the grant in the year 2000 (57%) in contrast to 46% for the seven years average.

### 5.1.2.3 Private Sector Development and Foreign Investments

The reform on export by the Ethiopian government has an obvious and important bearing on private sector development more generally, including foreign direct investment (FDI). The government also envisages several other measures to promote private sector development with a less immediate and direct export dimension. According to Dr. Kifle, a stable political and macro-economic system prevails in Ethiopia. Investment policy for Foreign Direct Investment [FDI] is very clear. It provides guarantees against expropriation and other commercial risks. It also follows full repatriation of profits, dividends and other forms of proceeds.

The same author also expresses as that one of the most positive conditions that both local and foreign investors will be impressed by is the Ethiopian foreign work force, which is adaptive, productive and disciplined. Wage rates are competitive. Other advantages of investing in Ethiopia are industrial peace, reasonable operating costs, and attractive local and large international market. There is a one-stop shopping arrangement for all approval and licensing processes provided for foreign investors by the Ethiopian Investment Authority. One highly significant set of measures aims to both encourage foreign investment and greater role for the private sector in the provision of infrastructure. These measures comprise the implementation of decision to allow foreign participation in the telecommunication and power sector.

Development cooperation exists within a set of frameworks associated with specific targets. The aid system went through different frameworks and goal in history. In the twenty first century the aid system is influenced by the MDGs. There are two points to note in this regard. First the MDGs determine investment preferences and policies of governments and donor agencies. Secondly, MDGs define what priorities governments must adopt if they wish to access greater development funding and indicate where aid flows will probably be directed.



### **5.1.2.5 Globalization**

Globalization is the process of integrating an economy with the world market. The economic interdependence through such process encompasses both product and factor markets involving transactions in goods and services, investment and finance.

Ethiopia as an LDC seems apriority consensus possess comparative advantage, natural resource based and labor intensive industries.

Among the notable policy and institutional reform initiated and adopted by the country since 1992 was managed in consultation with Breton-woods institutions. Therefore the overriding framework for policy and institutional reform measures was in line with the requirements for globalization. Among the broad spectrum of measures was in line with the requirements for globalization. Among the broad spectrum of measures,

- a) The legal and regulatory environment has been rationalized in favor of private sector development and to attract FDI.
- b) The role of the state has been rationalized towards supplementing private initiatives and measures including privatization of public utilities and reorientation of public expenditure towards building the productive capacity of the economy.
- c) Decentralization of political and economic power with the establishment of a federal system of government and.
- d) Civil Service Reform aiming at improving the quality and efficiency of service delivery by the bureaucracy are the main ones.

## **5.2 Challenges**

As there are opportunities to enable the country realize economic and social rights there are also challenges militating against this endeavor. These challenges are divided into two-internal and external. These challenges are presented as follows.

As in most poor countries of the world, our internal challenges for the proper implementation of economic and social rights are natural calamities, population growth; cultural and religious constrains policy enforcement problems, land degradation.

Through the ages, Ethiopia has faced frequent natural disaster often leading to famine. The intensity and recurrence interval of this famine has increased from time to time to the extent that one drought episode appears before the recovery from the preceding drought was achieved. In the year 2003, nearly 14 million compatriots were affected by the drought in the year 2004; about 7.8 million people are affected by drought. It has been realized by the Government of Ethiopia that some 7 million people are chronically food insecure.

The implications of this recurrent drought are grave and multi-dimensional first it will divert sizable resource of the country from development to humanitarian interventions. To substantiate this truism, we can refer to the grant structure of external assistance in chapter 4. In the year 2003, 45% of the grants the country received went to humanitarian assistance. In 1998, considered as normal year, the percentage of the humanitarian assistance in the grants was nearly 29%. Although data do not exist, the diversion of resources is not limited to externally generated resources as the appeal to external resource is made when internal resources are sufficient. The humanitarian intervention no doubt saves lives but unfortunately results in the creation of undesirable effect the dependency syndrome, a permanent damage to the self reliance and initiative of the effected people. Ehen this phenomenon occurs repeatedly as is the cause in Ethiopia the probability to get out of this trap becomes low denying the opportunity to successive development.

The other challenge facing the country from within is its population size and rapid growth. The country is the third populous country in Africa after Nigeria and Egypt. In an agrarian country such as Ethiopia the size of the population affects the size of land holding which in turn affects livelihood.

Ethiopian agriculture is predominantly subsistence with little technical progress and rain fed. Given the subsistence nature of the sector, yield is affected mainly by the size of land holding. In many parts of the country the size of land holding is small. Furthermore this diminishing man-land ration could not accommodate newly forming households inevitably giving rise to landlessness. The small land holding size coupled with growing landlessness constitutes a major predicament to the country to achieve food security.

The growth rate of the population is nearly 3%. Not only the size and the growth rate of the populations a problem. The structure of the population in terms of age constitutes a formidable challenge. Ethiopia's population is considered youthful with high growth potential. The country has to allocate a substantial proportion of its resources in social services sectors. It is generally agreed that investments in social service sectors undermine the potential of investment in sectors (such as infrastructure-road water resource development for irrigation and power etc) that generate employment and economic stimulus.

The socio-cultural factors expressed by different religious and customary practices are no less than deterrent forces inhibiting socio-economic transformation. Ethiopia is a multi-national country with heterogeneous cultural and religious practices often conflicting rather than complementing with one another to bring about national integration. In terms of religion Christianity and Islam are the dominant religious beliefs with the highest number of followers. Both religious beliefs have their own setbacks in terms of development. In the realm of Christianity, especially with Orthodox Christian sects, there are a number of non-working days traditionally called as saint's days. Although data from studies fail it has been increasingly felt that the non-working days in the rural setting outweigh the working days. This no doubt keeps production and productivity low coupled with low fertility status of soil. Low input utilization and unreliable rainfall. Above all, households observing the holidays will have to spend enormous resources to prepare feasts in reverence to the holidays.

There are also extravagant cultural practices such as preparing feasts as an offering or tribute in the name of the dead. Early marriage and abduction are traditional harmful practice affecting livelihood of the people. In eh realm of Islamic belief, polygamy is a common and accepted practice. The impact of this on the growth of population is obvious. Beggary and poor work ethics as well as negative attitude to some categories of work are also cultural ailments that need proper attention.

The resource base of the country the natural capital stock is weakening due to sever environmental degradation. The country is a leading example of soil erosion after India and Colombia. The forest cover has declined below 3%. Age long exploitation of the resources without regard to their rehabilitation aspect has given rise to deterioration of the land in many parts of the country. Two major factors have contributed to this state of affairs-physical and socio-economic. The physical factors have to deal with the topography and associated attributes. Owing to its elevations, Ethiopia is often called as the roof of Africa. Nearly 50% of the country's landmass falls within the highlands, having elevations above 1500 meters with slopes exceeding 15% [Gashaw: 1995].

The socio-economic factors have to do with age of settlement and agricultural practices. It is generally held that agriculture started in Ethiopia 2000 years ago. The continued exploitation of land resources with agriculture till dominating the economic scene means that the land did not have the opportunity to regenerate but is subjected to over-cultivation. Furthermore, the agricultural system in the highlands is mixed where crop production and livestock rearing take place together. This complementary system has a compounding effect on the deterioration of land resources. This because the two sub-systems are characterized by open grazing improper farming. This in turn negatively affects land productivity. The lower the land productivity the higher the population growth the minimal will be provision of benefits from economic and social rights.

According to the most recent report of the Ethiopian economic association, “possible gains in yield levels in some regions or farming areas over the past few years for most cereals crops have not been able to increase average yield for the country as a whole despite substantial increase in the use of modern farm inputs particularly fertilizers and improved seeds” (Ethiopian economic Association (EEA: 2002; ii)

### 5.2.2 External Challenges.

External challenges are somehow connected with internal challenges. Among the most significant external challenges border conflict indebtedness and weak external sector stand out as impediments of economic and social rights implementation.

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The other external challenge emanates from its indebtedness. The trend in Official Development Assistance indicates that the loan component is rising significantly. IN 1997, the loan component accounted for 18.8% of ODA whereas in 2002 this percentage grew to 45.6%. In absolute terms, the size of loan the country secured from WB and IMF was US \$58 million in 1997 whereas in 2003 this size grew to US \$662 million in 2003, more than tenfold in less than a decade (see table above). For lack of data it has not been possible to show the sectorial distribution of the loan the country received. Given the protracted war the country went through, defense is expected to take a significant shaper, the worst side of the indebtedness problem. On the other hand , public investment programs in the country, such as Education sector Development program (ESDP); Health Sector Development program (HSDP); Road Sector Development program (RSDP) and Water sector Development program (WSDP) which run in phases are financed in the main out of loans. The debt-service ration compared to its GDP could be significant. According to MoFED (2002), the country lost US

\$464 million in the form of external resource leakage through debt servicing and deteriorating terms of trade in 1999/2000. This trend did not change afterwards as conditions in both factors have not improved for the better.

Ethiopia will be very much in need of further assistance to materialize the various sector development programs planned under Sustainable Development and poverty Reduction program (SDPRP). “While the IMF and the world Bank underline the urgency to help countries during their phase of post-conflict recovery, the procedural steps that each country has to undertake are very lengthy, and Ethiopia will have under HIPC, to wait years to reach the so-called” Decision point” to start receiving some debt relief” (EUATS article [http:// all Africa.com/Stories/ 200105210223.html](http://allAfrica.com/Stories/200105210223.html), 2001: 2) To get rid of the problem, Ethiopia will continue to seek debt relief for the coming years. These burdens of the country also contribute to the challenge to implement economic and social rights. So Ethiopia will continue to seek debt relief for coming years. These burdens of the country also contribute to the challenge to implement economic and social rights. So Ethiopia needs to address its national accounts, fiscal monetary, and balance of payment.

The third major external challenge is the term of trade. Ethiopia’s foreign trade balance has basically remained negative with some improvements in recent years. Hosts of factors contributed to the growing imbalance between value of imports and exports. The most important factors include:

- Slow through static to declining economic growth;
- Rapid population growth;
- Recurrent drought and the resultant shock;
- Reliance of the export sector on (few) primary products;
- Worsening terms of trade.

The country heavily depends on the external trade for its development. While its import requirements are quite numerous in variety and enormous in quantity, its export sector of the country is plagued by a number of constraints.

Given the subsistence nature of its coffee production, we can readily judge the susceptibility of the export sector to the vicissitudes of nature.

Coffee, the single most important cash crop to Ethiopia, provides over 60 percent of the foreign exchange earnings, 4 percent of GNP and 10 percent of the government's revenue. About 25 percent of population is involved in the production is estimated at 180,000 tons from about 4 percent of the country's cultivable land. Out of this, on the average, between 70 and 80,000 ton is exported while the balance is used for domestic market. Moreover, small growers, whose holdings are often less than 2 ha, produce about 95 percent of the coffee. The remaining belongs to the state coffee farms [Dejene and Teferi: 2002].

Ethiopia's reliance on coffee exposed its export sector to internal as well as external shocks. Recently, with the entry into world coffee market of viet Nam, the world's second largest producer of coffee after Brazil, Coffee has been one of the commodities worst affected by low and unstable prices. Prices have fallen by 70 percent since 1997, costing developing – country exports some \$8 billion in lost foreign exchange earnings [ibid]. For some countries, these losses have out weighted the benefits of aid and debt relief. For Example, Ethiopia has lost foreign exchange earnings [ibid]. For some countries, these losses have out weighted the benefits of aid and debt relief. For example, Ethiopia has lost US \$ 300 million in export revenue over the last two years as a consequence of the slump in prices, an amount equivalent to half the country's annual export earnings. In 2002 alone Ethiopia's coffee income dropped by US \$ 58 m it is set to save in debt relief that year [ibid].

The combined weight of internal and external challenges exceeds the weight of opportunities. This imbalance between opportunities and challenges inhibits the realization of ESR in the country.

## Chapter VI: Conclusion and Recommendations

The human rights movement gained momentum with the birth of the UN. Following the founding of the UNO, the Universal Declaration of Human Rights (UDHR) was adopted in 1948. After 28 years (1976), two compartments of human Rights originated from the UDHR- International Covenant on Civil and Political Right (ICCPR) and the International Covenant on Economic, Social and Cultural Right (ICESCR).

The ICCPR and ICESCR are inherently indivisible and universal. The fulfillment of the one is imperfect without the fulfillment of the other. The realization of the right to “free speech” has no significance without the fulfillment of the right to “food”. While this is generally true, application both at international and national levels testify that civil and political rights have received more attention, legal codification and judicial interpretation while economic, social and cultural rights are viewed as “second-class rights” – unenforceable, non-justifiable, only to be fulfilled progressively over time.

ICESCR has gained recognition by all major international treaties protecting the human rights of vulnerable groups, such as the CRC, CEADAW and CEFRD, as well as various treaties of the ILO. ESCR have also been affirmed at the world conferences in Rio (on Development and Environment), Vienna (on Human Rights), Copenhagen (on Social Development), and Rome (on food security). Finally, ESCR have been incorporated into regional law through organizations such as the European Union, as well as the domestic law of many countries in the form of constitutional rights and national/local legislation.

In addition to the recognition of the ICESCR by the international body, regional organizations such as OAU and European Conventions on Human Rights also ratified it as rights. African Charter also lays down duties to every individual state and it has taken measures to establish Organization of the African Commission on Human and Peoples’ Rights, to promote human and Peoples’ rights and ensure their protection in Africa. The charter, therefore, contains a number of economic and social rights such as the right



to the best attainable state of mental and physical health and the right social security, the right to healthy environment, the right to an adequate standard of living the right to food, and the right to work, all of which are contained in the covenant.

ICESCR provide a legal, political, and moral framework to challenge policies that perpetuate poverty and inequality. Just as governments are accountable under human rights law for denying political freedom, so too they are accountable for denying adequate food or health care. ESCR also provide a framework for people to participate in claiming their own rights. This study has demonstrated that, as Member State of the UN, Ethiopia has endorsed all international covenants including IESCR and reflected the same in its policy and program documents. The paper has also tried to assess the level of achievement of ESR in selected sector (education, health, food, employment and housing). The opportunities and challenges in the realization of the same.

Economic, social and Cultural Right is vividly incorporated in the constitution stated under Articles 41 to Article 44. These articles elaborate that people have the right to engage free in economic activities, to choose his or her means of livelihood, occupation and profession, have the right to from association and working condition, the right to sustainable development. Such rights are also recognized in the economic and social objectives of the country stated in articles 89 and 90 consecutively-accesses to public health and education, clean water, housing, food and social security.

The government not only ratified the ICESCR but also demonstrated its political commitment by establishing the requisite institutional setup to regulate the implementation and the practice of human rights. In this regard, the government has established Human Right Commission on the Ombudsman in the year 2000 the establishment of such national institutions is in tandem with the requirements of the ICESCE. Human rights institutions, both at national and global level, can play significant role in the promotion and protection of Human Rights.

An achievement has been registered in the sphere of education and health sectors. According to recent information, health coverage has reached 63% while primary education has reached 68%. The right to food is met both through external assistance and own production which fluctuates from year to year.

The right to housing and employment are far from being fulfilled. 85% of the country's population lives in rural areas where basic utilities such as potable water, latrines, lighting and accessibility are hard to meet. Furthermore, most of the housing units in the rural setting provide multiple functions-storage, kitchen and livestock manger under one roof. Housing problem is pronounced in both rural areas and urban centers. According to the National population and Housing Census in 1984, 39.0% of urban and 52% of the housing stock are said to be located in unplanned areas.

## RECOMMENDATIONS

1. **Focused Intervention in Housing and Employment:** The country has made impressive progress in the implementation of education and health sectors where there are signs to progressively fulfill its obligations where under MDGs or ICESCR. Much remains to be done in terms of employment and housing. The demand for this group of rights and the supply for them are far from convergence. Complementary measures have to be taken to ameliorate the situation.
2. **Broad Participation of stakeholders:** Broadening the involvement of actors in the realization of ESR will assist significantly. The community at large needs to be given the opportunity to participate in the campaign to realize the ESR. The Government has to work closely with different partners and actors towards the realization of ESR.
3. **Harmonizing population Growth with resources:** The population size of the country is large with high growth rate. Despite the existence of population policy for over 10 years in the country, significant change has not been registered. The country's population is large and grows alarmingly, which in turn undermines the gains achieved in the field of social and economic rights. The country has to review the implementation of population (the demand side) with their resources available to meet needs (the supply side).

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