

The Constitutional Right to Enhanced *Livelihood* in Ethiopia: Unfulfilled Promises and the Need for New Approaches

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Abstract

The civilized-uncivilized line of thinking had an *element-system interface* whereby social conduct was the aggregate of individual moral standards and behaviours. On the contrary, *developmentalism* tends to reverse this interface and give prime attention to ‘economic growth’. This usually depersonalizes individuals and at times relegates them to the oblivion of anonymity. In spite of Ethiopia’s statistical claims of double-digit economic growth, there are challenges in the implementation of the right of citizens to *enhanced livelihoods*. I argue that new approaches should critically examine the most effective means of enhancing the (physical, mental, spiritual and emotional) *being* of citizens and their (economic, social, political and environmental) *living conditions*. Development is not ‘given’ by a ‘Big Brother’, and is rather the making of citizens themselves through a strong work culture in the context of an appropriate institutional setting including policy environment. Nor should development be regarded as hasty campaign because it is an incremental steady march and attainment. The 1995 Ethiopian Constitution envisages the *capacity* enhancement of citizens so that they can bring about development and meet their needs. New approaches should thus give prime attention to nurturing and developing the *state of being* and *livelihoods* of citizens in the context of environmental sustainability and the preservation of positive cultural legacies. Such approaches and conceptions should transcend statistical figures and reports of ‘accelerated growth’ in construction, the number of universities, etc., and instead offer prime attention to the bigger picture of enhancing *livelihoods* (including poverty alleviation) and *the state of being* (i.e., moral character, quality education, social ties and work ethic) of citizens.

Key terms

Livelihoods, living conditions, well-being, capabilities, state of being, development, new approaches, Ethiopia

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Introduction

Ethiopia's Post-1991 pursuits of structural adjustment programs (SAPS) promoted by the World Bank, IMF and donors focused on privatization, macroeconomic stabilization and the enhancement of free market. At present, Ethiopia pledges to pursue the policy of a democratic developmental state. While Ethiopia's centrally planned economic policies of 1975-1991 were informed by an *ideology*¹, the Post-1991 structural adjustment programs (SAPS) prescribed to Ethiopia by international monetary institutions were based on the *theories* of free market economy in its 'Washington Consensus' version. The current economic policy pledges to pursue the experience of successful East Asian developmental states of the 1960s.² These states were largely homogenous and did not resort to massive intervention (as economic actors) other than their active regulatory engagement (through a meritocratic and de-politicized bureaucracy) in the course of empowering and assisting private economic actors by interacting with them through a synthesis of *embeddedness* and *autonomy*.

Development is a process that requires steady efforts, time and incremental achievements. Yet, claims in the periodic attainment of the pledges should be accompanied by the enhancement of the livelihood of citizens. This article deals with the need for new approaches that should critically examine the *unfulfilled promises* of the 'development' landscape and the developmental state narrative in Ethiopia with particular attention to the constitutional right of citizens to enhanced *livelihoods* which is related with the enhancement of *capabilities*.

The first section deals with the need for due attention to the well-being of citizens which should be among the prime targets of development as opposed to its trade-off as the price toward 'development'. The section highlights the constitutional basis –in Ethiopia– which requires the capacity enhancement of citizens as a path toward development and well-being. This necessitates *caveats* against fixation on reports and statistics of economic 'growth' without due attention to the corresponding outcomes on the *being* and *livelihoods* of citizens.

Section 2 highlights the gaps in the attainment of the 2000-2015 Millennium Development Goals with regard to the enhancement of livelihoods in Ethiopia and provides an overview of the 2030 Sustainable Development Goals. The third section briefly discusses the challenges in the attainment of these goals under the current global order which entrenches sustained underdevelopment and meanwhile enhances the globalization of conspicuous consumerism. The

¹ Even though Karl Marx's *Das Kapital* was informed by various theories, most of the contents in the volumes and other works of Marx, Engels and Lenin ended up in promoting an ideology rather than theories that are open for discourse and further inquiry.

² See for example, Meredith Woo-Cumings, ed. (1999), *The Developmental State*. Cornell University Press.

fourth section raises ten issues³ under three categories, i.e.: (a) material-environmental-demographic conditions, (b) socio-political living conditions and (c) state of being.

It is argued that these three categories of concerns illustrated by the issues that are highlighted in Section 4 require new approaches for the enhancement of *capabilities* and *livelihoods* of citizens. Each issue raised under the three categories of concern deserves series of research outputs, and this article is meant to encourage further academic and policy discourse. As a synthesis of the discussion in the first four sections, Section 5 suggests a model for measuring well-being at the individual level which can be scaled up to groups and communities with a view to obtaining insights into actual living conditions at the grassroots. The last section briefly reflects on unexamined ideology as an impediment to new approaches.

1. Enhancing the *Capacity* of Citizens as the Path to Well-being and *Improved Livelihoods*

The core questions in moral philosophy regarding “*the best way to live* and the *right principles for our actions*”⁴ have been addressed through various approaches. In the context of well-being and development, the questions involve “what sorts of things are intrinsically rather than just instrumentally valuable” and what are ‘the ultimate goals of development’.⁵ The ‘*crude*’ *commodity approach* “defines fundamental ethical categories in terms of goods and commodities that are seen as intrinsically good or basic”.⁶ Even though this approach duly recognizes the significance of material prosperity in development, it has the shortcoming of giving “too much attention to commodities turning them from means to ends”.⁷ Thus, there is the need to make reference to the wider dimensions of well-being which include material and other conditions of human existence.

Stephen Hawking states the apparent importance of money “because it is liberating for individuals”, and he remarks that “money has helped not only make [his] career possible but has also literally kept [him] alive”.⁸ But he notes

³ The issues are illustrative and not exhaustive.

⁴ Robert C. Solomon, Kathleen M. Higgins (2010), *The Big Questions: A Short Introduction to Philosophy*. Wadsworth Cengage Learning, p. 252.

⁵ David A. Crocker (1997), “Summary of Functions and Capability: The Foundations of Sen’s and Nussbaum’s Development Ethic, Parts I and II”, in *Human Well-Being and Economic Goals*, Frank Akerman *et al*, editors, Island Press, p. 302.

⁶ *Ibid*.

⁷ *Ibid*.

⁸ Stephen Hawking, “Our attitude towards wealth played a crucial role in Brexit. We need to rethink”, *The Guardian*, 29 July 2016, Available at

that “people are starting to question the value of pure wealth. Is knowledge or experience more important than money? Can possessions stand in the way of fulfilment? Can we truly own anything, or are we just transient custodians?” Hawking raises the multiple global challenges, and he duly suggests that “we must broaden our definition of wealth to include knowledge, natural resources, and human capacity, and at the same time learn to share each of those more fairly. If we do this, then there is no limit to what humans can achieve together”.⁹

1.1 Objective and subjective aspects of well-being

Well-being refers to the state of a person’s life which includes *objective* conditions and *subjective* aspects. The *objective* dimensions of well-being “capture material and social attributes (recognized as important for fostering well-being)” and they include the level of real income, “provision of education and health care, infrastructure and so on. Broadly speaking, they include many basic human needs, economic needs, and environmental needs”.¹⁰ Elements of the objective dimension of well-being are “deemed important for the society’s welfare” and can be measured at the population level.¹¹

The *subjective* dimension of a person’s well-being, on the other hand, captures the assessment of individuals “of their own circumstances—what they think and feel”.¹² Subjective well-being may relate to *experienced well-being*, or well-being as remembered (*evaluated well-being*). These feelings of subjective well-being relate to the experiencing self and the remembering self.¹³ Well-being thus involves not only one’s life circumstances but also how a person feels and functions.¹⁴ As Seligman observes, well-being does not only relate to the objective conditions of life, but also the positive evaluation of one’s life

<www.theguardian.com/commentisfree/2016/jul/29/stephen-hawking-brexit-wealth-resources>

⁹ Ibid.

¹⁰ J. K. Summers, L. M. Smith, J. L. Case, R. A. Linthurst (2012), ‘A Review of the Elements of Human Well-Being with an Emphasis on the Contribution of Ecosystem Services’, *AMBIO* 2012, 41:327–340, Royal Swedish Academy of Sciences 2012, p. 328

¹¹ Ibid, citing:

Parris, T.M., and R.W. Kates. 2003. ‘Characterizing and measuring sustainable development’. *Annual Review of Environmental Resources* 28: 559–5865.

Talberth, J., C. Cobb, and N. Slattery. 2006. The genuine progress indicator 2006—a tool for sustainable development. *Redefining progress—the nature of economics*, 31. Oakland, CA.

¹² Ibid.

¹³ See, for example Daniel Kahneman and Jason Riis (2005) ‘Living, and Thinking About It: Two Perspectives on Life’ in Felicia A. Huppert, Nick Baylis & Barry Kaverne (eds.). *The Science of Well-being*, Oxford University Press, pp. 286-289.

¹⁴ Ibid.

which “includes positive emotion, engagement, satisfaction, and meaning”.¹⁵ The role of engagement, meaning and function in a persons’ well-being is, for example reflected in Mark Twain’s quote which reads: “*The most important days in your life are the day you are born, and the day you find out why?*”

1.2 The right to enhanced livelihood: Narrow and wider interpretations

According to Article 43(1) and 43(4) of the FDRE Constitution, the objective of development pursuits in Ethiopia is to ensure “*the right to improved living standards and sustainable development*” of the Ethiopian people, and “*enhance the capacity of citizens for development and meet their basic needs*”. Ethiopia’s Investment Proclamation¹⁶ embodies a similar content.¹⁷ As briefly indicated below, the interpretation of Article 43 (1) & (4) of Ethiopia’s Constitution – which requires the enhancement of capabilities of citizens for development so that they can meet their basic needs– reflects Sen’s *capability* approach to development, enhanced livelihoods and social justice.

The objective conditions that are external to a person constitute *state of living* or *living conditions* in the form of material, social and environmental aspects of life. *Livelihood* in its wider interpretation is further influenced by a person’s subjective state through a dialectical (or reciprocal cause-and-effect) relationship with a person’s *being*. In its narrower definition, however, it usually represents the material ingredient although this merely constitutes one of the elements of *living conditions*. From this perspective, the World Commission of Environment and Development defines *sustainable livelihood security* as follows:

Livelihood is defined as adequate stock and flows of food and cash to meet basic needs. *Security* refers to secure ownership of, or access to resources and income earning activities, including reserves and assets to offset risk, ease shocks and meet contingencies. *Sustainable* refers to the maintenance or enhancement of resource productivity on a long-term basis. A household may be enabled to gain *sustainable livelihood security* in many ways – through ownership of land, livestock or trees; rights to grazing, fishing, hunting or gathering; through stable employment; or through varied repertoires of activities.¹⁸ (*Emphasis added*)

¹⁵ Martin E. P. Seligman (2002). *Authentic Happiness: Using the New Positive Psychology to Realize Your Potential for Lasting Fulfillment*. New York: Free Press.

¹⁶ Investment Proclamation No. 769/2012.

¹⁷ See Stebek, E.N, ‘Development and Improved Living Standards: The Need to Harmonize the Objectives of Ethiopian Investment Law’, 2013(1) *Law, Social Justice & Global Development Journal* (LGD), University of Warwick, School of Law, July 2013, pp. 3-6. Available at <https://www2.warwick.ac.uk/fac/soc/law/elj/lgd/2013_1/stebek/>

¹⁸ WCED (1987). *Food 2000: Global Policies for Sustainable Agriculture*, a Report of the Advisory Panel on Food Security, Agriculture, Forestry and Environment to the World Commission of Environment and Development. Zed Books.

Sustainable livelihood, in its wider interpretation is, for example, used in the ‘multiple capital’ approach known as the *Sustainable Livelihood Approach* promoted by various international institutions, NGOs and academics. The *Sustainable Livelihood Approach* (SLA) “is an analysis of peoples’ current livelihood and what is needed for an ‘enhancement’.”¹⁹ As Scoones notes, “the ability to pursue different livelihood strategies is dependent on the basic material and social, tangible and intangible assets that people have in their possession”, and he uses the economic term ‘*capital*’ base “from which different productive streams are derived”.²⁰ Scoones suggests sets of resources toward sustainable livelihood so that they can be ‘amenable to empirical investigation’. They are:

- a) *Natural capital* – the natural resource stocks (soil, water, air, genetic resources etc.) and environmental services (hydrological cycle, pollution sinks etc) from which resource flows and services useful for livelihoods are derived;
- b) *Economic or financial capital* – the capital base (cash, credit/debt, savings, and other economic assets, including basic infrastructure and production equipment and technologies) which are essential for the pursuit of any livelihood strategy;
- c) *Human capital* – the skills, knowledge, ability to labour and good health and physical capability important for the successful pursuit of different livelihood strategies; and
- d) *Social capital* – the social resources (networks, social claims, social relations, affiliations, associations) upon which people draw when pursuing different livelihood strategies requiring coordinated actions.²¹

In due course, the resources stated under ‘b’ are divided into (i) *Economic and Financial Capital* that represents capital base (cash, credit/debt, savings, and other economic assets) and (ii) *Physical Capital* that refers to infrastructure (buildings, roads) production equipment and technologies²² thereby raising *livelihood assets* to five, i.e, natural, physical, financial, social and human capital.²³

¹⁹ Stephen Morse & Nora McNamara (2013), *Sustainable Livelihood Approach: A Critique of Theory and Practice*, Springer, p. 18.

²⁰ Ian Scoones (1998), ‘Sustainable Rural Livelihoods, A framework for Analysis’, *IDS Working Paper 72*, p. 7.

²¹ *Id.*, pp. 7-8.

²² Stephen Morse, Nora McNamara and Moses Acholo (2009), ‘Sustainable Livelihood Approach: A critical analysis of theory and practice’, Geographical Paper No. 189, The University of Reading, November 2009, p. 5.

²³ See, for example, Morse & McNamara (2013), *supra* note 19, p. 28.

Although the *minimalist* definition refers to means of securing the material aspects of a person's livelihood (መተዳደሪያ), this article uses a wider conception of *livelihood* as "a means of securing the necessities of life" and what is needed for their sustainability and enhancement. This article considers the *natural*, *physical* and *financial* resources identified by Scoones and developed in other literature as *material and environmental living conditions*; and it regards *social capital* and *human capital* respectively as *social aspects of living* and the *being* of individuals.

The word *livelihood* is thus wider than the material aspects of a person's livelihood (መተዳደሪያ), and includes all aspects of *living conditions* (ከኗኗር) which, in addition to material necessities, includes the social and environmental aspects of livelihood as they are inseparable from the material limb. Equally important is a person's *state of being*²⁴ which –as a steady and unending process of self-actualization– relates to the physical, mental, moral (spiritual) and emotional self. The success or failure of any development pursuit should thus be assessed based on its outcomes and impact in the enhancement of the *living conditions* (livelihoods) and the *state of being* of citizens. Although some literature integrates *livelihoods* and *being* into a generic theme,²⁵ this article uses the categories as separate but dialectically interrelated concepts.

1.3 The commodity, basic needs and capability approaches to enhanced livelihoods

The *commodity approach* to development tends to idolize 'economic growth'. On the contrary, the *basic needs* and *welfare approaches* to well-being require minimum objective standards for the satisfaction of basic needs. As Maslow duly indicates, physiological needs are the "most pre-potent of all needs" because if a human being, for example, lacks everything in life in an extreme fashion, "the physiological needs rather than any others" would most likely be the major factors of motivation.²⁶ This is because "a person who is lacking food, safety, love, and esteem would most probably hunger for food more strongly than for anything else".²⁷ In such settings, the "capacities that are not useful for this purpose lie dormant, or are pushed into the background".²⁸

Pigou suggests that "governments should establish a minimum standard of real income", below which they should not allow any citizen to fall under any

²⁴ Aristotle perceives *state of being* in terms of intellectual and moral virtues.

²⁵ See, R. Chambers and G. R. Conway (1991), 'Sustainable rural livelihoods: practical concepts for the 21st century', *IDS Discussion Paper* 296. December 1991.

²⁶ A. H. Maslow (1943), *Psychological Review*, 50, p. 374.

²⁷ Ibid.

²⁸ Ibid.

circumstances.²⁹ Sen goes beyond Pigou's minimum standards and argues that "commodities are no more than means to other ends".³⁰ He underlines the need for due focus to "what life we lead and what we can or cannot do, can or cannot be".³¹ Likewise, Aristotle's notion of well-being was beyond the basic-needs approach. He considered happiness "as an activity of soul in accordance with perfect virtue".³² Aristotle's view of well-being was also different from the notion of *preference satisfaction* which is promoted by various economists. He conceived well-being "in terms of access to objective goods, such as friends, the ability to develop one's own capacities and shape one's life, or the opportunity to contemplate what is beautiful".³³

On the contrary, the *commodity approach* to well-being –accompanied by conspicuous consumption– widens the gap between the objective and subjective thresholds of well-being. The Aristotelian objective notion of human well-being is "systematically undermined by the market" while in fact "the gap between well-being and ideals is narrower, than is usually assumed".³⁴ As Lok Sang Ho observes, "when people pursue mutually incompatible goals such as conspicuous consumption, they may remain unhappy even in the presence of a relative abundance of resources".³⁵ Nor does mere satisfaction of material conditions ensure well-being. In this regard, Sen³⁶ indicates that the enhancement of one's standard of living goes beyond the attainment of higher income. He gives emphasis to how human beings actually function and their *capabilities* "to achieve outcomes that they value and have reason to value".³⁷ In other words, an individual's decision and action *to be* and *to do* should not only be what one values, but there should also be *reason to value it*.³⁸

²⁹ Arthur C. Pigou (1932), *The Economics of Welfare*, Fourth Edition (London: McMillan & Co.). Part IV, Chapter XII.

³⁰ Amartya Sen (1985), *The Standard of Living*, Tanner Lectures on Human Values, Delivered at Cambridge University (March 11 -12, 1985).

³¹ Ibid.

³² Aristotle, *Nicomachean Ethics*, 350 BC, Book I, § 13. Translated by W. D. Ross. Available at: <<http://classics.mit.edu/Aristotle/nicomachaen.1.i.html>>. Last visited, July 20, 2016.

³³ John O'Neil (1997), 'Summary of Human Well-being and the Natural World and Nature, Intrinsic Value, and Human Well-Being', in *Human Well-Being and Economic Goals*, Frank Akerman *et al*, editors, Island Press, pp. 41-42.

³⁴ Id., p. 42.

³⁵ Lok Sang Ho (2006), "The 'Three Happinesses' and Public Policy" in *Happiness and Public Policy*, Yew-Kwang Ng and Lok Sang Ho, editors, Palgrave MacMillan, p. 64.

³⁶ Sen, Tanner Lectures, *supra* note 30, pp. 48-49.

³⁷ Amartya Sen (1999), *Development as Freedom*, Oxford University Press, p. 291.

³⁸ A certain decision or action may not lead to a person's well-being or enhanced standard of living merely because s/he feels attracted to it.

1.4 Statistical figures of ‘growth’ versus livelihood enhancement at the grassroots

Although most Human Development Index indicators –are (in terms of general framework) influenced by Sen’s capability approach–, they usually represent statistical claims rather than actual performance at the grassroots. HDI’s reliance on numbers and statistical reports seems to be counterproductive against real achievements in *state of being* and *living conditions*. As stated earlier, Article 43 of Ethiopia’s 1995 Constitution aspires to “*enhance the capacity of citizens for development and meet their basic needs*” and to improve their standards of living. This is in tandem with the fact that development is not ‘given’ to citizens by a paternalistic Big Brother, because the Ethiopian Constitution rather requires the *capacity enhancement* of citizens so that they can bring about development and meet their needs.

Enhancing *capacities* and *livelihoods* as envisaged in the Constitution requires grassroots empowerment including the setting noted by WCED, i.e., “secure ownership of, or access to resources and income earning activities”.³⁹ It enables citizens to be active economic actors in development with enhanced capability to produce and earn income thereby enhancing the supply and demand sides of the local market. This, *inter alia*, requires land reform in Ethiopia which enhances tenure security⁴⁰ and private sector development. New approaches in this regard should rectify excessive restrictions in various policies that have disempowered the grassroots thereby denying them tenure security to the most vital factor of production in the Ethiopian context, i.e., *land*, which is input for production, a stock contribution of landholding in big investments or source of finance as collateral (or through sale of landholding rights).

The level of available goods and services that are expedient in the livelihoods of citizens depend on various inputs and processes in which the human element is decisive. There are indeed achievements in the expansion of schools and universities in Ethiopia. However, measurements such as Human Development Index (HDI) can only capture the number of schools, universities and graduates. This is susceptible to the rush to attain and report targets which can compromise standards and quality thereby resulting in disservice to the promise enshrined in Article 43(1) & (4) of the Constitution (regarding capacitating citizens to development and meet their basic needs). In terms of enhancing the capacity of citizens, Ethiopia would have been better off with lower HDI ranking as a result of lesser number of graduates from schools and universities, but with the requisite quality and standards.

³⁹ WCED, *supra* note 18.

⁴⁰ See for example, Muradu Abdo (2015), ‘Reforming Ethiopia’s Expropriation Law’, *Mizan Law Review*, Vol. 9, No. 2, pp. 301-340: <<http://dx.doi.org/10.4314/mlr.v9i2.3>>

Haste that is primarily motivated by statistical claims of ‘growth’ can be analogous to cancerous growth. The process of organic renewal in human cells (i.e. *homeostatic self-renewal*) unfolds at its natural pace, while the opposite trend in the multiplication of cells is cancerous ‘growth’. In the course of discussing environmentalist views regarding the concept of rational growth, Caldwell states that “self controlling organic growth characterizes all living things, except perhaps cancerous cells which ultimately kill their host”.⁴¹

The extent to which Ethiopia’s development pursuits have fulfilled the objectives enshrined in Ethiopia’s Constitution (and the Investment Proclamation) thus depends upon the degree of their *actual* contribution to enhanced *capabilities* and *living conditions* of citizens, and not in the statistical claims of growth. To use Sen’s *caveat*, “the successes and failures in the standard of living are matters of living conditions and not of the gross picture of relative opulence that the GNP tries to capture in one real number”.⁴²

2. Sustainable Development Goals (2030) and Challenges

2.1 Lessons from the Millennium Development Goals

The Millennium Development Goals had, *inter alia*, envisaged the eradication of extreme poverty and hunger by 2015 (MDG 1).⁴³ This goal had three targets: “(1) ‘Reduce by half the proportion of people whose income is less than one dollar a day’; (2) ‘Achieve full and productive employment and decent work for all, including women and young people’;⁴⁴ and (3) ‘Reduce by half the proportion of people who suffer from hunger’.”⁴⁵ However, the facts on the ground (in Ethiopia and many developing countries) show that the pledges related to extreme poverty, hunger and productive employment (and decent work) have not been met. The same holds true for the gaps in the attainment of universal primary education (MDG 2) which had pledged “to ensure that all boys and girls complete a full course of primary schooling” until 2015.⁴⁶

⁴¹ Lynton Keith Caldwell (1992), *Between Two Worlds: Science, the Environmental Movement and Policy Choice*, Cambridge University Press, p. 91.

⁴² Sen, Tanner Lectures, *supra* note 30.

⁴³ The other goals were: the achievement of universal primary education by 2015 (Goal 2), the promotion of gender equality and the empowerment of women (Goal 3), reduction of child mortality (Goal 4), improved maternal health (Goal 5), combating HIV/AIDs, malaria and other diseases (Goal 6), ensuring environmental sustainability (Goal 7), and developing a global partnership for development (Goal 8).

⁴⁴ The Millennium Development Goals, Issued by the UN Department of Public Information <<http://www.un.org/en/mdg/summit2010/pdf/List%20of%20MDGs%20English.pdf>>.

⁴⁵ *Ibid.*

⁴⁶ *See*, for example, the challenges that were envisaged even at the early stages of the MDGs in: *Millennium Development Goals Report: Challenges and Prospects for Ethiopia*,

The other MDGs (i.e. Goals 3 to 8) had envisaged progressive realization in promoting women empowerment, reducing child mortality, improving maternal health, combating various diseases, environmental sustainability and developing global partnership for development. There are commendable achievements in the health sector. For example, it is announced that Ethiopia has achieved MDG 4 “one year before the target year,” thereby “reducing the maternal mortality rate (MMR) through the use of low-cost impact interventions”.⁴⁷

However, the optimal gains of the MDGs do not depend on achievements in the health sector alone unless they are accompanied by corresponding successes in the combat against poverty commensurate with the pace of population growth. The solution to this vicious trap lies in an integrated approach to development. Observable facts such as challenges in the rate of inflation (along with its adverse impact on real income) and the pace of population growth are concerns that should be taken into account so that the wider picture can be considered beyond statistics of annual economic ‘growth’ percentages.

Consumer Price Index (CPI)⁴⁸ in Ethiopia is reported by the Central Statistical Agency.⁴⁹ According to the Agency’s reports, CPI in Ethiopia “increased to 154 Index points in June 2016 from 152.50 Index points in May 2016. Consumer Price Index Cpi in Ethiopia averaged 128.36 Index points from 2011 until 2016, reaching an all time high of 154 Index points in June 2016”.⁵⁰ The following Table from the Annual Report (2014/2015) of the National Bank of Ethiopia⁵¹ indicates the trend of inflation:

Annual Inflation Rates (in percent)

Items	2013/14	2014/15
	A	B
General	8.5	10.4
Food & Non-alcoholic beverages	6.2	12.5
Non-Food	11.0	8.2

Source: CSA and NBE Staff Computation

Volume 1, Main Text, The Ministry of Finance and Economic Development (MOFED), of the Federal Democratic Republic of Ethiopian and United Nations Country Team, March 2004.

⁴⁷ Abraham Haileamlak (2015), ‘Ethiopia Successfully Attaining Millennium Development Goals’, Editorial, *Ethiopian Journal of Health Science* 25(2), April 2015, p, 109.

⁴⁸ CPI is calculated by identifying *updated cost* and dividing it by *base period cost*, and then multiplying it by one hundred.

⁴⁹ See <<http://www.csa.gov.et/index.php/price-indices/consumer-price-index>>

⁵⁰ <<http://www.tradingeconomics.com/ethiopia/consumer-price-index-cpi>>, Accessed: 1 August 2016.

⁵¹ National Bank of Ethiopia, *Annual Reports*, 2014/2015, Table 3.2, p. 38.

The Central Statistical Agency's projection of the population of Ethiopia by July 2017 is 94,350,001.⁵² This is in tandem with the figures of Ethiopia's Mid-year population in millions stated in the (2014/2015) Annual Report of the National Bank of Ethiopia which (among various data in Table 1.1 titled Sectoral Contributions to GDP and GDP Growth)⁵³ shows the following population growth:

Items	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
Mid-year population (in million)	74.9	76.8	78.8	80.7	82.7	84.8	87.0	89.1

According to UN estimate, Ethiopia's population on 1 July 2016 was 101,853,268 with 8,879 birth rates and 1,957 deaths per day.⁵⁴ The chart in Worldometers⁵⁵ shows the annual population growth in Ethiopia since 1950. The following figures are selected from the data at five year intervals:

1950	1955	1960	1965	1970	1975	1980	1985	1990	1995	2000	2005	2010	2015
18.1	19.9	22.1	25	28.4	32.6	35.2	40.8	48.1	57	66.4	76.6	87.6	99.4

The 1950 figure (18,128,034) doubled in 31 years, i.e., 1981⁵⁶, and it grew four fold by 2005 and 5.5 fold by 2015. Attainments in the Millennium Development Goals should thus not only consider the health sector, but should pay equal attention to the corresponding achievements against poverty which in the Ethiopian context can be aggravated owing to various factors such as steadily rising inflation and the pace of population growth unmatched by corresponding levels of *enhancement in capabilities and livelihoods*.

2.2 Overview of the 2030 UN Sustainable Development Goals

The current UN Post-2015 *Sustainable Development Goals*⁵⁷ aspire to attain seventeen goals⁵⁸ by 2030. The first eight goals aim at ending poverty (SDG 1),

⁵² Federal Democratic Republic of Ethiopia, Central Statistical Agency, Population Projection of Ethiopia for all Regions at Woreda Level, 2014-2017, August 2013, Addis Ababa

⁵³ National Bank of Ethiopia, *Annual Reports*, 2014/2015, Table 1.1, p. 6.

⁵⁴ <<http://worldpopulationreview.com/countries/ethiopia-population/>>, Accessed 9 July 2016.

⁵⁵ <<http://www.worldometers.info/world-population/ethiopia-population/>>, Accessed 9 July 2016.

⁵⁶ Population of Ethiopia in 1981 according to Worldometers was 36,093,319.

⁵⁷ UN Post-2015 Sustainable Development Goals. Available at <<https://sustainabledevelopment.un.org/?menu=1300>>. Last visited: 10 March 2016.

⁵⁸ Goal 1. End poverty in all its forms everywhere

Goal 2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture

ending ‘hunger, achieving food security, improved nutrition and promoting sustainable agriculture’ (SDG 2), ensuring ‘healthy lives and promoting well-being for all at all ages’ (SDG 3), ensuring ‘inclusive and quality education, and promoting lifelong learning opportunities for all’ (SDG 4). Other SD goals include women empowerment (SDG 5), water and sanitation (SDG 6), energy for all (SDG 7), and full employment and decent work (SDG 8).

With regard to industrialization and urbanization, SDGs 9 and 11 envisage not only growth, physical expansion and intensification, but they also require resilience, inclusiveness, sustainability, innovation and public safety. The SDGs also envisage sustainable consumption and sustainable production patterns (SDG 12), combat against climate change and its patterns (SDG 13), and due attention to other environmental concerns (SDGs 14 and 15).

Moreover, SDG 16 makes specific reference to peaceful and inclusive societies, access to justice for all and ‘effective, accountable and inclusive institutions at all levels’. In the realm of global justice, SDG 10 states the need to ‘reduce inequality within and among countries’, and SDG 17 pledges to strengthen and revitalize Global Partnership for Sustainable Development. The attainment of these goals and targets in the SDGs envisages new insights beyond the *commodity approach* to development.

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- Goal 3. Ensure healthy lives and promote well-being for all at all ages
 - Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
 - Goal 5. Achieve gender equality and empower all women and girls
 - Goal 6. Ensure availability and sustainable management of water and sanitation for all
 - Goal 7. Ensure access to affordable, reliable, sustainable and modern energy for all
 - Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
 - Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
 - Goal 10. Reduce inequality within and among countries
 - Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable
 - Goal 12. Ensure sustainable consumption and production patterns
 - Goal 13. Take urgent action to combat climate change and its impacts
 - Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development
 - Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
 - Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
 - Goal 17. Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development
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3. The Global Order, Sustained Underdevelopment and the Globalization of Consumerism

The impact of failed statehood in Somalia and fragile statehood in Libya, Southern Sudan, Yemen, Iraq, Syria, and other countries are wake up calls –for the global community– regarding the transnational effects of failed statehood and fragility. Challenges such as waves of immigration are bound to continue as long as there are civil wars, extreme poverty, social tension, hunger and widespread unemployment in various parts of the world. Under such settings, extremist forms of religious fundamentalism purport to provide ‘ready-made’ interpretations and ‘solutions’ to turbulent and difficult living conditions.

Every nation is duty bound to keep its own house in order, and no amount of assistance can bring about development in the absence of the requisite domestic institutions including work culture and policies. Yet, positive externalities are crucial. For example, it is difficult to protect Africa’s elephants in the midst of the greed for ivory in various countries. In Tanzania, for example, illegal hunters are armed and anti-poaching efforts are becoming difficult.⁵⁹ As a result, Tanzania’s elephant population declined from 109,051 in 2009 to 43,339 in 2014.⁶⁰ “When an annual birth rate of 5% is taken into account, the number of dead during this period was 85,181”.⁶¹ The recent sentence given to two Chinese ivory smugglers in Tanzania “after being caught with over seven hundred pieces of ivory”⁶² is a symptom of the general phenomenon. The cause and effect relationship in such scenarios involves the underlying motivation on the parts of actors, brokers, traffickers, greedy ‘businesspersons’ and fetishist end-users. The realities and institutional settings that prevail in the victim states and the global order cumulatively nurture and facilitate the chain. Such challenges (including merchandise dumping, unsustainable resource extractions, land grabs, foot-loose ‘investments’, etc) entrench sustained underdevelopment in Africa.

Many developed countries, such as USA, Germany, Japan, etc. had policy space toward shields of protectionism in order to nurture and encourage their infant industries. On the contrary, the global era (of the post-1950s) has not only ‘kicked away this ladder’ thereby making such protection difficult, but has also entrenched commodity fetishism and conspicuous consumerism (in effect,

⁵⁹ See, for example, Sarah Kaplan, ‘Pilot shot down by poachers in Tanzania where protecting elephants can be a deadly endeavor’, *Washington Post*, February 2, 2016.

⁶⁰ Karl Mathiesen, ‘Tanzania elephant population declined by 60% in five years, census reveals’. *The Guardian*, 2 June 2015.

⁶¹ Ibid.

⁶² See Josh L. Davis (2016), “Tanzania Sentences Two Chinese Ivory Smugglers to 35 Years in Jail”, *IFL Science*, March 22 2016 < www.iflscience.com>, Last visited: 10 April, 2016.

pushing the demand side of goods and services) while at the same time suppressing the enhancement of domestic manufacturing and value creation. This is clearly manifested in the balance of payments deficit of most developing countries.

Ethiopia recorded a trade deficit of 3,441.30 USD Million in the third quarter of 2015. Balance of Trade in Ethiopia averaged -1,965.93 USD Million from 2006 until 2015, reaching ... a record low of -3,737 USD Million in the fourth quarter of 2014. Balance of Trade in Ethiopia is reported by the National Bank of Ethiopia.⁶³

These consistent trade deficits are attributable to “small production of exportable goods and logistic difficulties”.⁶⁴ Domestic manufacturing and business cannot flourish under the setting of merchandise dumping from other countries that invades the streets of Ethiopian cities and towns. Most of these goods enter the market untaxed. Street vending is steadily involving a considerable number of people as sellers and buyers even though its negative impact on the formal business sector is apparent. If street vending continues at its current pace, it can crowd out the formal sector, and as a result repress manufacturers and taxpaying shops. The current global realities of illegal merchandise dumping thus offer challenges in developing countries.

A statement at the official website of the Ethiopian Revenue and Customs Authority (ERCA) indicates that, “frequently seized contraband goods smuggled into the country include manufactured goods such as electronic and electrical goods, garments of various kinds, perfumes, cosmetics, pornography, habit forming drugs, armaments and others”.⁶⁵ It states that smugglers are “assisted by some dishonest customs officers at check points and local security forces” and further indicates how far “it has become a commonplace to see the selling of contraband goods at a street level in Addis Ababa and other major towns of the country by the evening”.⁶⁶

As the statement duly notes, “goods smuggled into the country can create an adverse effect” on the business pursuits of legal businesses. It states that clothes, for example, “smuggled into the country can create serious risk for domestic textile industry” and importers as well.⁶⁷ ERCA’s statements underline that if these problems persist, domestic industries that are essential “to ensure national

⁶³ <<http://www.tradingeconomics.com/ethiopia/balance-of-trade>>, Accessed: 30 July 2016

⁶⁴ Ibid.

⁶⁵ Contraband. 17 November 2014, ERCA Web Admin, Ethiopian Revenues and Customs Authority, Available at: <<http://www.erca.gov.et/index.php/customs/others/101-controband>>. Accessed, 27 July 2016.

⁶⁶ Ibid.

⁶⁷ Ibid.

growth and development, will be forced to go out of business”⁶⁸ as a result of which unemployment will grow worse along with the subsequent adverse impact on cotton producing farmers.⁶⁹

This is contrary to the pledges of partnership in the sustainable development of low income economies (SDGs 8 and 17) that are rather being harmed by the invasion of their domestic markets through illicit dumping. The meaningful attainment of the seventeen SDGs (indicated earlier in Section 2.2) thus hinges upon endogenous and exogenous factors. Unfortunately, however, the external factors are becoming complex because the hegemony is not only *North-South*, but it currently has *South-South* features as well.

Article 25 of the Universal Declaration of Human Rights (UDHR) provides that “Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care”. Citing this provision, Pogge indicates that freedom from severe poverty “is among the most important human interests” and he states that we, as physical beings “need access to safe food and water, clothing, shelter and basic medical care in order to live well – indeed in order to live at all”.⁷⁰ Pogge argues that the global order causes massive severe poverty which benefits the governments, corporations and citizens of the affluent countries and the elite of the poor countries.⁷¹

Vizard considers Pogge’s argument as a ‘minimalist normative position’⁷² and she argues that Sen’s ‘capability approach’ is wider because it gives due focus to the valuable things that people *can do* and what they *can be* including the capability to satisfy basic necessities regarding food, adequate living conditions, normal spans of life and adequate educational provision.⁷³ These basic capabilities are linked to claims on others to *respect, defend* and *support* the “capability freedom”.⁷⁴ Even if Vizard’s views on the issues of minimalist scope and subordinate evaluative criteria are plausible,⁷⁵ Pogge’s arguments on the duty not to cause harm and the responsibility thereof are relevant with regard to states that illicitly dump their merchandise in various developing economies

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Thomas Pogge (2007), ‘Severe Poverty as a Human Rights Violation’, in *Freedom from Poverty as Human Rights*, T. Pogge, Editor (Oxford University Press), p. 11.

⁷¹ Id., p. 52.

⁷² Polly Vizard (2006), ‘Pogge -vs- Sen on Global Poverty and Human Rights’, *Ethics and Economics*. 3(2).

⁷³ Id., p. 3.

⁷⁴ Id., pp. 3, 4

⁷⁵ Id., pp. 10, 11, 18.

such as Ethiopia. This duty also applies to all ‘investors’ who cause economic, social and environmental harm in host states.⁷⁶

The challenge encountered in developing economies including Ethiopia further relates to the globalization of unsustainable consumption. As the 2006 New Economics Foundation (NEF) Report notes: “we would need more than double the biocapacity actually available –the equivalent of 2.1 planet Earths– to sustain us” if everyone on Earth wants “to live at the current European average level of consumption”. The Report further states that “If everyone consumed at the US rate, we would require nearly five”.⁷⁷

Most of the environmental damage is attributable to the greed and desire for “endless acquisition of material wealth and greater consumption”⁷⁸ rather than rising consumption of necessities.⁷⁹ As Sklair observes, the culture-ideology of consumerism is “a coherent set of practices, attitudes and values, based on advertising and the mass media”⁸⁰ and the “transnational media institutions transform the global audience into consumers of transnational commodities”.⁸¹ In low income economies, *wants* are aggravated primarily as are result of subsistence *needs*, and secondly due to the consumerist-luxury ‘*wants*’ of ‘modernity’ mainly through expensive imports”.⁸² Luxury wants generate other luxury wants, and –to use Adorno’s words– developing countries might in the long-run ‘grow tired of development’⁸³ promises if the current global order continues to entrench underdevelopment and conspicuous consumerism.⁸⁴

⁷⁶ For details on the issues raised in this paragraph, see Section 2.1.3, Elias N. Stebek (2012). ‘The Investment Promotion and Environment Protection Balance in Ethiopia’s Floriculture: The Legal Regime and Global Value Chain’, PhD Thesis, University of Warwick, December 2012, pp. 43-45, Available at <http://wrap.warwick.ac.uk/56244/1/WRAP_THESIS_Nour_2012.pdf>

⁷⁷ New Economics Foundation (2006). *Growth isn’t Working: The Unbalanced Distribution of Benefits and Costs From Economic Growth*. London.

⁷⁸ E. K. Hunt & Ralph C. d’Arge, ‘On Lemmings and Other Acquisitive Animals: Proposition on Consumption’, *Journal of Economic Issues*, Vol. VII, No. 2, June 1973, pp. 337, 338.

⁷⁹ Peter Dauvergne (2008), *Shadows of Consumption: Consequences for the Global Environment* (The Cambridge & London: MIT Press) p. 222.

⁸⁰ Leslie Sklair (1997), ‘Summary of the Culture-Ideology of Consumerism in the Third World’ in *The Consumer Society*, Goodwin *et al* (eds), Island Press, p. 320.

⁸¹ *Id.*, p. 322.

⁸² Stebek (2012), *supra* note 76, p. 47.

⁸³ T. W. Adorno (1993) [1951], *Minima Moralia*, London: Verso, p. 156-57, [in Cowen, M. P. & Shenton, R. W. (1996), *Doctrines of Development*, London & New York: Routledge, page 476].

⁸⁴ The term ‘conspicuous consumerism’ was introduced by Thorstein Veblen in his book *The Theory of the Leisure Class* (1899). It refers to buying expensive items to display status of income and wealth rather than satisfy the buyer’s real needs.

4. The Need for New Approaches in Enhancing Livelihoods

Enhancing *capabilities* requires enabling citizens (a) to meet their basic needs and acquire the opportunities which empower them to conduct their callings in life (functions) as discussed in Section 1; (b) to steadily attain the aspirations of the SDGs stated in Section 2; and (c) to deal with the challenges that are posed by the global order (as highlighted in Section 3). The core factor that improves the *living conditions* of citizens is the enhancement of their *capabilities*. This includes opportunities and access to basic necessities, education, health care, infrastructure, utilities, etc. in the context of environmental sustainability and conducive social and political conditions so that citizens can steadily improve their *state of being*, *achievements* and *standards of living*. The following are among the core issues that need new approaches in Ethiopia:

4.1 Improved material livelihoods, environmental sustainability and demographic pressures

While the material setting (including the natural environment) in which we live involves what we need to survive, demographic pressures can bring about competing needs and interests. For example, improved material livelihoods for a steadily growing population necessitate enhanced production of goods and services which may be in tension with environmental sustainability. A case in point is using chemicals and fertilizers to enhance food production to feed a steadily growing population and to address an increasingly widening balance of payments deficit through enhanced exports of resource-intensive products.

In due course, unsustainable economic pursuits such as large-scale modern farming (with intensive chemicals and fertilizers) and extractive economic activities (as in the case of mining without simultaneous land reclamation of degraded fields) become unsustainable within a period of few decades. Such challenges to sustainability relate not only to the environment but also to economic benefits (e.g. fixed capital formation) and to social well-being. The enhancement of livelihoods in the Ethiopian context thus calls for holistic approaches in the realms of material-environmental conditions and demographic pressures that, *inter alia*, necessitate (a) land reform which nurtures productivity and reasonable care in land management,⁸⁵ (b) private sector development to significantly enhance efficiency, effectiveness and the supply side of goods, services and job opportunities, and (c) due attention to environmental sustainability and demographic issues.

⁸⁵ Standard of care expected of a reasonable person (*bonus pater familias*) in the context of land management is usually pursued by persons who have tenure security which naturally creates vested interest in protecting land from erosion, deforestation and other forms of degradation.

4.1.1 Land reform

The rural and urban land law regime has been subject to criticism for a long time. While Article 43(4) of the Ethiopian Constitution foresees the enhancement of “the capacity of citizens for development and meet their basic needs”, the land law regime embodies weak tenure security, transferability and collateral benefits,⁸⁶ and it denies adequate compensation upon expropriation.⁸⁷ Some critics consider landholders in Ethiopia as tenants of the state who can be evicted without due process of law and adequate compensation.

Such restrictions are closer to the Hobbesian notion of sovereign absolutism⁸⁸ than the Marxist version of state ownership of land whereby landholders or communes are entitled to land grants free of charge with relatively stable use rights. China, for example (that pursues the policy of blending socialism with market forces), allows *ownership over land use rights* based on its 2007 Property Law⁸⁹ while Ethiopia –despite its pledge to have forfeited its Pre-1991 Marxist policies– has rural⁹⁰ and urban⁹¹ land laws with weaker tenure security and narrower rights in transferability as compared to China’s current laws. There is thus the need to revisit the pattern of top-down development prescriptions and restrictions and enhance the *capabilities* of rural and urban landholders. Even though the draft amendment of the rural land proclamation addresses some of the problems, it could have embodied wider reform.⁹²

4.1.2 The need for private sector development and rectifying ‘endowment’ and state pressures

Various policy documents⁹³ and Ethiopia’s Growth and Transformation plans (GTP I⁹⁴ & GTP II⁹⁵) pledge to strengthen the private sector and they state that

⁸⁶ Muradu Abdo (2013), ‘Legislative Protection of Property Rights in Ethiopia’, *Mizan Law Review*, Vol. 7 No 2, pp. 165-206. <<http://dx.doi.org/10.4314/mlr.v7i2.1>>

⁸⁷ See Muradu Abdo (2015), *supra* note 40.

⁸⁸ See <<http://www.ajol.info/index.php/mlr/article/viewFile/68766/56832>>

⁸⁹ See Elias N. Stebek (2015), ‘Access to Urban Land and its Role in Enhancing Business Environment: Multi-track versus Mono-route Land-use Markets’, *Mizan Law Review*, Vol. 9 No. 1, p. 26. <<http://dx.doi.org/10.4314/mlr.v9i1.1>>

⁹⁰ Muradu Abdo (2013), *supra* note 86.

⁹¹ See Elias N. Stebek (2015), ‘Challenges in Access to Urban Land for Business Activities in Ethiopia: Between Oligarchy and Broad Based Private Sector’, *Mizan Law Review*, Vol. 9 No. 1, pp. 37-82. <<http://dx.doi.org/10.4314/mlr.v9i1.2>>

⁹² See Daniel Behailu (2015), ‘Brief Comment on the Draft Land Administration, Use, Registration and Plan Proclamation’, *Mizan Law Review*, Vol. 9 No. 2, pp. 408-412. <<http://dx.doi.org/10.4314/mlr.v9i2.6>>

⁹³ For example, Agricultural-Led Industry Policy of Ethiopia , 1994 (ADLI); and Government of Federal Democratic Republic of Ethiopia, Capacity Building Strategies and Programs, February 2002 (Amharic).

the sector is the engine of Ethiopia's development. It is commendable that the Ethiopian Public and Private Consultative Forum (EPPCF)⁹⁶ facilitates the dialogue between the Ethiopian government and the Chamber of Commerce and Sectoral Associations on issues related with the private sector. However, the pace of private sector development lags far behind the pledges and promises.

The pragmatic route to industrialization is the steady empowerment of the private sector. As Daniel Kitaw notes, there is the need for paradigm shift from our culture of prime focus on campaigns (ዘመን).⁹⁷ He underlines that industrialization develops bottom-up as culture.⁹⁸ Owing to various challenges in manufacturing such as power outage, relatively high cost in logistics in the course of importing inputs and exporting products (through a foreign port) and other factors, the sector has not grown at the pace of Ethiopia's Growth and Transformation plans. These problems coupled with the impact of the global economy and the volume of goods that are illegally dumped in the market are impediments in the enhancement of manufacturing. These challenges are push factors toward dubious auctions, 'investment' simulations to acquire land, and the illegal diversion of duty-free imported (investment) inputs to sale.

The internal challenges in private sector development, according to critics, further include factors that adversely affect free competition such as "the dominance of endowment-owned businesses [affiliated to political parties] and regional development organizations".⁹⁹ To the extent that these endowments are affiliated to political parties in power, there is the potential for preferential

⁹⁴ Ministry of Finance and Economic Development (2010), *Federal Democratic Republic of Ethiopia, Growth and Transformation Plan, 2010/11- 2014/15*, Volume I, Main Text GTP I. November 2010, Addis Ababa, English Version.

⁹⁵ Federal Democratic Republic of Ethiopia, *Second Five Year Growth and Transformation Plan (2015/16- 2019/20)*, Volume 1, Main Text, National Planning Commission, December 2015, Addis Ababa, (Amharic version).

⁹⁶ "The EPPCF was formally implemented by a Memorandum of Understanding (MoU) signed between the Ministry of Trade and Industry (MoTI) and the Ethiopian Chamber of Commerce and Sectoral Associations (ECCSA) in June 2010. Following the MOU, the EPPCF secretariat was established under ECCSA and is responsible for facilitating and co-coordinating the work of Public private Consultative Forum. It is located within the ECCSA building where it will provide support to the private sector in research & development".

<<http://www.ethiopianchamber.com/public-and-private-consultative-forum-ppcf.aspx>>

⁹⁷ Professor Daniel Kitaw's Interview with Sheger FM Radio, March 27, 2016. He is Chairman of the School of Mechanical and Industrial Engineering.

⁹⁸ Ibid.

⁹⁹ Sarah, V. and Mesfin, G. (2011). 'Rethinking Business and Politics In Ethiopia, Africa, Power and Politics Research Paper no.02, 2011', in Tessema Elias (2015), 'Gaps and Challenges in the Protection Framework for Consumer Protection in Ethiopia', *Mizan Law Review*, 9(1), September 2015, p. 98.

treatment by regulatory offices. The likelihood of such preferential treatment is enhanced by the magnitude of gaps in the independence, efficiency and effectiveness of the judiciary¹⁰⁰, law enforcement organs¹⁰¹ and the media. A setting of weak civil society organizations can further aggravate abuse of authority. For example, there is an endowment-owned flower farm near Lake Tana, and regulatory offices can encounter conflict of interest while enforcing environmental compliance standards. The way forward thus envisages their actual devolution onto endowments ‘per se’ (without affiliation to political parties) so that they can be managed as envisaged under the Civil Code of Ethiopia,¹⁰² and be able to directly serve the grassroots which constitute their *raison d’être*.

Conflict of interest can also occur due to the engagement of political party affiliated endowments in the sale of chemical fertilizers. This adversely affects smallholder organic farming. Sustainable farming requires prudence against the overuse of such fertilizers. On the contrary, the economic gains in expanding the volume of sale, creates the vested interest of endowments –which are major fertilizer sellers– to unduly push chemical fertilizers onto smallholder farmers.

Moreover, the involvement of organs under the Ministry of Defence –such as Metals and Engineering Corporation (METEC) –in economic activities has adverse impact in the enhancement of manufacturing and construction by the private sector and public enterprises. The military’s role as economic actor also entails the risk of creating pressures and opportunities of corruption at various levels of the military leadership where integrity, commitment to public service and professionalism are indispensable. As Tsadkan Gebretensae observes,

There is no reason why pursuits of accelerated industrial development should be managed by military generals. METEC is in charge of the country’s hydroelectric projects, sugar factories and railroads. It is good that these projects are undertaken domestically. But why should they be under military generals? If there is the technical capacity in the Ministry of Defence, it should rather focus on maintaining or –if it can do so– manufacturing tanks, airplanes, vehicles, communication, etc. The technical military personnel can indeed offer services in the civil sector.¹⁰³

¹⁰⁰ See Elias N. Stebek (2015), ‘Judicial Reform Pursuits in Ethiopia, 2002-2015: Steady Concrete Achievements - versus - Promise Fatigue’, *Mizan Law Review*, Vol. 9 No. 2, December 2015, pp. 215-257. <<http://dx.doi.org/10.4314/mlr.v9i2.1>>

¹⁰¹ See Elias N. Stebek (2015), ‘Legal Sector Reform Pursuits in Ethiopia: Gaps in Grassroots Empowerment’, *Mizan Law Review*, Vol. 9 No. 2, December 2015, pp. 258-300: <<http://dx.doi.org/10.4314/mlr.v9i2.2>>

¹⁰² Articles 483- 506 of the 1960 Civil Code of Ethiopia.

¹⁰³ Lt. General Tsadkan Gebretensae, “The Political Conditions of Our Country and Recommendations” (የሃገራችን ፖለቲካዊ ሁኔታና የመፍትሔ ሃሳቦች), *Horn Affairs- Amharic*, July

Tsadkan not only indicates the need to rectify the heavy involvement of the military in economic activities, but he also states the risks of corruption and entrenched opportunism as long as the state continues to dominate big projects:

The major employer in [Ethiopia] is the state. It is the state that offers various contracts. The executive is in charge of undertaking mega projects. If the executive so desires, it can make you rich, or can subject you to poverty. The state has a decisive role in the economic lives of citizens. The power of the executive exercised at various levels of the hierarchy exerts pressure on the lives of citizens –including their political views. Those who ascend to power in search of opportunities have the authority to decide on issues that involve billions [of Birr], and in effect, the efforts and the benefits thereof [i.e., livelihood] of citizens shall depend on the decisions of such office holders. As a result, subservience (ሎሌነት) to the interests of key office holders, rather than hard work and effort, becomes the means toward benefits.¹⁰⁴

4.1.3 Examples of environmental harm and unsustainable economic pursuits

Various development pursuits evoke concerns regarding their adverse impact on social well-being and environmental harm. The following are some examples:

- a) Various investments are causing harm to lakes. For example, “Lake Abiyata has been exploited for production of soda ash and hence, [it is] experiencing anthropogenic induced changes”.¹⁰⁵ Intensive extractions of soda ash from the lake have brought about steady degradation and shrinking thereby

24, 2016, p. 17. Available at: <<http://hornaffairs.com/am/2016/07/24/ethiopia-current-political-challenges-recommendations/>>, Accessed 1 August 2016. The original Amharic version reads:

“የሀገርን በኢንዱስትሪ ዕድገት ለማፋጠን የሚደረገው እንቅስቃሴ በዋናነት በጄኔራሎች የሚመራበት መንገድ አይገባኝም። በተለምዶ ሜቱክ እየተባለ የሚጠራው አደረጃጀት በሀገሪቱ ያሉትን የጋይል ማመንጫ፣ የስኳር ፋብሪካ፣ የባቡር ሃዲድ ሥራዎች እንዲሁ ጋላፊነት ተሰጥቶታል። እነዚህ ሥራዎች ሃገር ውስጥ ቢሠሩ ጥሩ ነው። ግን ለምን በጄኔራሎቹ ቁጥጥር ሥር ይሆናሉ? በሀገር መካከል ውስጥ የሚገኝ ቴክኒካል ብቃት ካለ ታንክን፣ አውሮፕላን፣ ተሽከርካሪዎችን፣ የመገናኛ መሣሪያዎችን ወዘተ ይጠግን፣ ብቃት ካለውም ይፈብርክ። ከዚህ በላይ ብቃታቸው ተፈላጊ የሆኑ የሠራዊት አባላት ካሉም በሲቭል መዋቅሩ ውስጥ ገብተው ሥራውን ይሥሩ።”

¹⁰⁴ Id., p. 6. The original Amharic version reads:
“በአገራችን ዋና አሠሪ መንግሥት ነው፤ የተለያዩ ኮንትራክቶችን የሚሰጠው፣ ትላልቅ ፕሮጀክቶችን የሚያከናውነው የሥራ አስፈጻሚው ነው። የሥራ አስፈጻሚው ከፊልገ ሀብታም ያደርግሃል አለበለገደ ደግሞ በድህነት እንድትኖር ይፈርድብሃል። መንግሥት በዜጎች ኢኮኖሚያዊ ሕይወት ላይ እጅግ በጣም ከፍተኛ ተፅዕኖ አለው። ይህ በየደረጃው ያለው የሥራ አስፈጻሚው አካል ተግባር ላይ የሚያውለው ሥልጣን በዜጎች ሕይወት በፖለቲካዊ አቋማቸውም ጭምር ከፍተኛ ተፅዕኖ አለው። በአድርባይነት ወደ ሥልጣን የሚወጣው አካል በሲቪል ሆኖች ላይ የሚወሰን ስለሚሆን የዜጎች ሠርቶ የመጠቀም ጉዳይ በርሱ ፍላጎት ሥር ይወድቅና በላብና በጥረት ሳይሆን ሎሌነት የመጠቀሚያ መሣሪያ ይሆናል።”

¹⁰⁵ Ethiopian panel on Climate Change (2015), *First Assessment Report, - Working Group II Water and Energy*, Published by the Ethiopian Academy of Sciences. Page 16.
<http://www.eas-et.org/new/images/docs//EPCC_Reports/Water%20and%20Energy.pdf>
Last visited: 26 March 2016.

- adversely affecting the natural environment including the number and variety of migratory birds such as flamingos.
- b) There is intensive flower farming around Lake Zway with extensive water extraction from the lake. Lessons should have been drawn from the harm caused to Kenya's Lake Naivasha as a result of intensive flower farming.¹⁰⁶ Lake Zway is shrinking and the level of chemicals and pesticides released by the flower farms and other irrigated farms have denied the inhabitants their right to clean water.¹⁰⁷ Moreover, the fisheries supply of the lake is dwindling as a result of chemical contamination and pesticide residues.¹⁰⁸ New approaches to development call for the categorical prohibition of flower farms and irrigation around lakes such as Lake Zway, Lake Tana and others. The flower farms that are already established should be subjected to strict regulatory control in waste disposal and water usage.
- c) The drying up of Lake Haramaya shows that intensive economic activities and water extractions in lake watersheds result in the shrinking and eventual 'death' of lakes. As Brook indicates, the drying up of Lake Haramaya is attributable to human, demographic and climatic changes which contributed to the transformation of the lake "from Lake Haramaya to an ephemeral lake".¹⁰⁹ The human and demographic factors that caused the harm are municipal water supply and pumping for *khat* (ኣካት) plantations. Brook states that "the increase in population in Harar town and in the lake watershed demanded high municipal water supply over the years that has never considered any water budget scheme". He also indicates that "farmers in the watershed were pumping water out of the lake twenty-four hours a day ... mainly to irrigate a commercial crop locally known as 'khat'".¹¹⁰
- d) Lessons should be drawn from the impact of large-scale land acquisitions such as the 300,000 hectares of land that was acquired by Karuturi and then reduced to 100,000 hectares.¹¹¹ According to the Ethiopian Agricultural

¹⁰⁶ See, Stebek (2012), *supra* note 76, pp. 166-168 & 245-247.

¹⁰⁷ Sheger FM radio, 15 April 2016, Evening news, based on interviews with persons in charge of fishery resources and environmental protection.

¹⁰⁸ *Ibid.*

¹⁰⁹ Brook Lemma, 'The impact of climate change and population increase on Lakes Haramaya and Hora-Kilole, Ethiopia (1986 – 2006)', in The Ethiopian Fisheries and Aquatic Sciences Association, EFASC (2011), *Proceedings of the 3rd Annual Conference on Impacts of climate change and population on tropical aquatic resources*, Brook Lemma and Abebe Getahun (eds.), 03 - 06 February 2011 Haramaya University, p. 13.

¹¹⁰ *Ibid.*

¹¹¹ See Stebek (2011), "Between 'Land Grabs' and Agricultural Investment: Land Rent Contracts with Foreign Investors and Ethiopia's Normative Setting in Focus", Mizan

Investment Land Administration Agency, the lease contract with Karuturi was terminated because the company failed to use the 100,000 hectares it had received nine years ago in Gambella Regional State.¹¹² The revocation is laudable, and the lessons should inform new insights into prudent regulatory regimes and institutional frameworks against land grabs.

- e) A suit (public interest litigation) was filed against Ethiopia's Environmental Protection Authority by APAP¹¹³ in March 2006 regarding the Authority's failure to take measures against the pollution of Akaki River –due to waste disposal by factories. The river crosses Addis Ababa, and it is also of high importance to farmers and inhabitants downstream. Unfortunately, such efforts have not continued. Cases in point are the recent incidences of acute vomit and diarrhoea in Addis Ababa which can, *inter alia*, be attributed to fruits produced in polluted riverbanks and gaps in municipal management of urban sewerage systems and water distribution pipes. The protection of rivers and river banks in cities such as Addis Ababa thus deserves new approaches of *integrated watershed management*¹¹⁴ that rectifies the current features of fragmentation in various environmental laws, compliance monitoring and their enforcement at federal regional state levels.
- f) Haphazard 'redevelopment' in cities such as Addis Ababa has caused concern owing to the *role conflict* that exists in municipal authorities. The role conflict lies in the interest of municipalities to enhance revenue from leasing out urban land to 'investors' *vis-à-vis* their municipal functions as regulators of urban master plan.¹¹⁵ This has prompted violations and serial changes of master plans in the quest for attaining revenue targets from land lease. The role conflict has led to the construction of chains of buildings mostly at the edge of the main streets and zigzag inner roads (without proactive determination of blocks, open spaces and aligned wide streets). Even if there are periodic waves of reshuffling and imprisoning of office holders who are accused of corruption,¹¹⁶ the footprints of haphazardly

Law Review, 5(2), December 2011. pp. 198-199. Available at
<<http://www.ajol.info/index.php/mlr/article/view/72958>>

¹¹² *Capital*, 4 January 2016, Addis Ababa.

¹¹³ Action Professionals' Association for the People.

¹¹⁴ Discussion with Tefera Eshetu (Asst. Professor, University of Gondar School of Law) who is conducting research on the legal regime and institutional framework for the management of rivers and river banks in Addis Ababa, 18 March 2016.

¹¹⁵ See E. N. Stebek (2013), "Role Conflict between Land Allocation and Municipal Functions in Addis Ababa", *Mizan Law Review* 7(2), December 2013, pp. 165-206. Available at: <<http://dx.doi.org/10.4314/mlr.v7i2.3>>

¹¹⁶ For example, the Federal Ethics and Anti-Corruption Commission of Ethiopia has "(from 26-29 February 2016), arrested 85 heads and employees of the Addis Ababa Land

constructed buildings, disfigured landscaping and poorly planned road systems can hardly be reversed. Non-aligned streets and buildings are steadily distorting and blocking the amenities from the scenery of the mountains that surround most cities in Ethiopia, including Addis Ababa. On top of aesthetic nuisance, Addis is becoming a sauce pan (ብረት ድስት) whose surrounding mountains are being deforested for construction. The words “apartments built on the chest of a mountain” (በተራራ ደረት ላይ የተገነቡ ኢፓርታሚንቶች) in an ad of a real estate company reflect the magnitude of the problems which are not only eating up open spaces, parks, shared facilities and roads, but are also invading the mountains that surround Addis Ababa.

- g) Many buildings at the edge of the main streets in the interior parts of Addis will eventually render the interior parts behind the main streets inaccessible. The act of fencing streets by ‘investors’ while constructing buildings shows the magnitude of regulatory gaps. For example, the owner of the building under construction next to the building where Flamingo Café and Photo Unique (Bole Road, from Mesqel Square) are located has closed an asphalt rightward feeder road. The road has been closed for over a year (and is not yet open) even if the inconvenience and social cost highly outweigh private benefits. The ‘investor’ might have possessed the road (it has blocked) on temporary lease until the construction is complete. Yet, the question arises whether municipality offices have the power to lease public streets. Even if such *ultra vires* acts are void in accordance with the law, monitoring and enforcement remain weak not only in allowing the blockage of the road, but also letting the building be constructed (at the edge of the road that is blocked) without the standard front parking and pedestrian space.

4.1.4 The demographic challenge unmatched by economic development

There are *three* differences between the features of population growth in the Global North during the industrial revolution and the current population growth in low income economies (such as Ethiopia’s experience highlighted in Section 2.1). *First* the current population growth in developing countries is faster than the one that occurred in the Global North¹¹⁷ during Europe’s industrial take off. *Second*, population growth in the advanced economies “was essentially an *endogenous* phenomenon induced by accelerated economic growth,” increased employment and income, while the population growth in low-income economies “has largely been *exogenous* in nature” mainly attributable to “importation of

Administration with alleged corruption offences”. Available at <http://www.feac.gov.et/> Accessed 07 April 2016.

¹¹⁷ Yujiro Hayami and Yoshihisa Godo (2005), *Development Economics: From the Poverty to the Wealth of Nations*, 3rd Ed. (New York: Oxford University Press), p. 63.

health and medical technologies from advanced economies”.¹¹⁸ *Thirdly*, the Global South “does not have the option of migration to 'new' lands, and the time available for adjustment is much less than industrial countries had”.¹¹⁹ Thus, population growth unmatched by a higher pace of economic development means that “there is less to go around per person, so that per capita income is depressed”.¹²⁰

Meade indicates that three essential factors, i.e. “sparse population, technical progress and capital accumulation” can “prevent the pressure of a larger population on a given limited amount of natural resources from causing a fall in output per head”.¹²¹ In the absence of these factors, rapid population growth adversely affects standards of living, and causes heavy unemployment and great inequalities in the distribution of income.¹²² In other words, “sustainable development can be pursued more easily when population size is stabilized at a level consistent with the productive capacity of the ecosystem”.¹²³

One of Einstein’s famous quotes reads: “If I had an hour to solve a problem and my life depended on the solution, I would spend the first 55 minutes determining the proper question to ask, for once I know the proper question, I could solve the problem in less than 5 minutes”. However, Ethiopia is shying away from inquiring into (and exploring the appropriate questions regarding) the factors behind demographic pressures in the country. In response to a question on population policy that was raised in parliament, the late Prime Minister had said: “babies are born not only with a stomach, but also with hands to work with”. This statement assumes the prevalence of Meade’s three scenarios (stated in the preceding paragraph), i.e.: “sparse population, technical progress and capital accumulation” that are clearly lacking in Ethiopia.

On the contrary, the reality in Ethiopia shows an increasing number of undernourished primary school children. Moreover, street children are increasingly being exposed to addictions in inhalant abuses of benzene and glue sniffing. Malnutrition in children adversely affects not only their physical being, but their mental development and academic performance as well.¹²⁴ Other

¹¹⁸ *Id.*, 64. Also *see*, Stebek, *supra* note 76, Sec. 4.1.4, pp. 48-51.

¹¹⁹ WCED, *Our Common Future*, 1987, Chapter 2, Para 50

¹²⁰ Debraj Ray (1998), *Development Economics* (New Jersey: Princeton University Press), p. 326.

¹²¹ J. E. Meade (1967), ‘Population Explosion, the Standard of Living and Social Conflict’, *The Economic Journal*, Vol. 77, No. 306 (Jun., 1967), p. 236.

¹²² *Ibid.* Also *see*, Stebek, *supra* note 76, Sec. 4.1.4, pp. 48-51 for further discussion on the themes and citations under Footnotes 118, 120, 121 and 122.

¹²³ WCED, *supra* note 119, Chapter 2, Para 48.

¹²⁴ *See* for example, Beimnet Sisay (2015), “Assessment on the Effects of Child Undernourishment on the Academic Performance of Students in Governmental Primary

effects of demographic pressures include urban migration¹²⁵ (which adversely affects livelihoods if it is beyond urban capacities), human trafficking to foreign countries, smallholder farm size fragmentation¹²⁶ and other challenges.

These challenges require critical thinking in examining the relationship between development, livelihood enhancement, women empowerment, the fatalist notion of '*bedilu yadgal*' (child's luck) and the rate of Ethiopia's rising population which is expected to exceed 125 Million in 2025, and 188 million in 2050.¹²⁷ Population policies should thus "be integrated with other economic and social development programmes, female education, health care, and the expansion of the livelihood base of the poor" in addition to which "developing countries will also have to promote direct measures to reduce fertility, to avoid going radically beyond the productive potential to support their populations".¹²⁸

4.2 Enhancing capabilities through conducive social and political conditions

The material conditions (including environmental conditions) and the demographic issues highlighted in Section 4.1 constitute the physical base for living conditions. The enhancement of livelihoods further envisages social, ethical and political settings. Issues of concern in Ethiopia include the levels of credibility and public trust in official statements. Other avenues of concern relate to the level of corruption and the slow pace in nation building beyond ethnic and religious identities.

4.2.1 Credibility of government and the media

The 2005 elections and the aftermath have their impact in the level of rapport between political parties in Ethiopia. For example, there is decline in the percentage of meritocratic assignments and appointments as compared to the years that immediately precede 2005, during which professional competence and merit were, to some extent, considered for appointment to various posts (outside certain institutions) even if candidates were not affiliated to political

School: The case of 'Atselibnedingel' governmental primary school in Addis Ababa, Master of Social Work (MSW) Thesis, Addis Ababa University, June 2015.

¹²⁵ See for example, Erick Thorbecke (2007), 'The Evolution of the Development Doctrine, 1950–2005', in *Advancing Development: Core Themes in Global Commons*, Mavrotas & Shorrocks Editors (New York: Palgrave Macmillan), p. 13.

¹²⁶ Procrastination against reforming Ethiopia's land law regime (as stated in Section 4.1.1) toward rectifying the restrictions in the land law regime retards the pace of farm consolidation and *bonus pater familias* (standard of care expected of a responsible person) in land management. It thus exacerbates land fragmentation and aggravates the current pressures on forests, wildlife and sloppy land cultivation.

¹²⁷ < <http://www.worldometers.info/world-population/ethiopia-population/>>

¹²⁸ WCED, *supra* note 119, Chapter 2, Para 51.

parties. On the contrary, Post-2005 realities show primary reference to political loyalty. A case in point is the “party re-energising process” which had, *inter alia*, focused on “increasing the number of party members”.¹²⁹ This is susceptible to the rush for party membership and simulations in opinions (and allegiance) which can eventually transform a political party into a mass organization without genuinely shared vision, open discourse, tolerance for perspectives, and meeting-of-minds among members.

Unearned and undeserved opportunity ‘grabs’ usually based on simulated loyalties lead to appointment and promotion in various institutions including public enterprises and education institutions. This scenario further cascades to recruitment and selection opportunities of new employees including new graduates from universities who should have been employed on the basis of their academic performance and employability skills. This is usually because persons who are appointed despite their mediocre or below average levels of professional competence tend to recruit employees who are below their levels.

As Goodall and Bäker noted, “it has been suggested that people find it hard to hire others who are better than themselves”.¹³⁰ In this regard, Goodall and Bäker cite André Weil, “a French mathematician from the mid-20th Century” to have said that “First rate people hire other first rate people. Second rate people hire third rate people. Third rate people hire fifth rate people”.¹³¹ They also indicate that the American writer Leo Rosten is cited as having made a relatively similar statement.¹³² This holds true, not only in the realms of competence and diligence, but also for the levels of integrity and credibility.

Unlike absolute monarchs who claim to be ‘Elect of God’ or Marxist regimes who attribute their legitimacy to an ideology, the state legitimacy of most current African governments emanates from ‘elections’. In various African countries, irregularities in the election process and impediments created against opposition parties are apparent even if the official media –as observed in various instances– reports otherwise. In these settings, ‘public support’ campaigns are expensive in budget and time, and preparations for ‘elections’ might take about two years. If hostilities occur during the elections, another year or two might be devoted to justify or conceal abuse of power and law infringements. A

¹²⁹ Kjetil Tronvoll (2009), ‘Ambiguous Elections: The Influence of Non-Electoral Politics in Ethiopian Democratisation’, *The Journal of Modern African Studies*, Vol. 47, No. 3 (Sep., 2009), Cambridge University Press, p. 469.

¹³⁰ Amanda H. Goodall and Agnes Bäker (2014), ‘A Theory Exploring how Expert Leaders Influence Performance in Knowledge-Intensive Organizations’, in *Incentives and Performance: Governance of Research Organizations*, Edited by Isabell M. Welpe, Jutta Wollersheim, Stefanie Ringelhan, Margit Osterloh (Springer), p.59.

¹³¹ *Ibid*, Footnote 3 in Goodall & Bäker.

¹³² *Ibid*

significant portion of the service term of a government may thus be devoted to efforts toward elections and to post-election ‘justifications’.

The reluctance of African leaders or key officials to handover power in spite of clear loss in votes is usually attributable to power greed, the desire to avoid the risk of prospective legitimate prosecution for corruption and/or other offences, or the political culture of intolerance and political polarities that may render officials susceptible to politically motivated charges by incoming office holders. In countries where politically motivated prosecutions are possible, charges can easily be framed thereby rendering peaceful transfer of power difficult. This causes a setting analogous to holding a ‘tiger by the tail’.¹³³

The other extreme of autocracy and tyranny renders popular trust and respect unattainable for authoritarian governments in Africa. Where voters have no option and are under pressure to merely act in the theatrical performance of voting simulations, they are aware of being taken advantage of and being used as pawns for political legitimacy. In terms of effect, this simulation of authoritarian governments is inferior to the political myth of ‘Elect of God’ which was not usually interrogated by the majority at the earlier stages of absolute monarchy. Nor is the theatrical performance in ‘elections’ veiled under the Marxian claim of ‘working class (proletarian) dictatorship’.

The dilemma in incumbent African governments relates to global standards of free and fair elections toward legitimacy and the push factors to manipulate election processes. Such push factors can be harnessed only through rule of law, an independent judiciary (accompanied by a strong and ethical legal profession), political pluralism, fair and independent media and civil society organizations.

This setting calls for new approaches of *credibility* and *tolerance* on the part of all political actors (i.e. government officials and opposition party leaders) in the interest of the bigger picture of peace, stability, social harmony, predictability, national consensus and sustainable development. Hate discourse, offensive words and fixations on the past beget further polarities, in effect, corroding synergy and social cohesion at the grassroots.

In the absence of *credibility*, the official media, for example, loses public trust. This erodes public confidence in official statements thereby adversely affecting national consensus and nation building. The experience of ‘legitimate’ lies in politicking steadily entrenches itself as a sub-culture. This gradually corrodes the moral authority of regulatory offices to require integrity and credibility from their employees, the business community and the public at large. Disdain or disrespect (ንቀጥ) that results from lack of credibility naturally erodes the effectiveness of leadership.

¹³³ The Amharic saying “የጎበር ቁሬ አይዘም፣ ከያዙም አይለቁም” (‘Don’t hold a tiger by the tail, and if you do so, keep up your grips’) illustrates the point.

4.2.2 The need to address the *roots* rather than *symptoms* of corruption

Studies on corruption such as the “Survey on Perception of the level of Corruption by Foreign Investors in Ethiopia” (2014)¹³⁴, the 2012 Ethiopia Second Corruption Survey,¹³⁵ World Bank’s study on ‘Diagnosing Corruption in Ethiopia’¹³⁶ and others show the experience and perceptions of corruption in Ethiopia. As the Reporter indicates, Ali Sulieman, Commissioner of Federal Ethics and Anti-Corruption Commission has “requested Prime Minister Hailemariam Desalegn to show direction and give instruction to concerned parties” in the government with regard to the combat against bad governance which erodes public trust on the government.¹³⁷

The adverse impact of corruption on development¹³⁸ is apparent, and its prevention and control are not easy tasks. The combat against corruption should not merely deal with the effects, but should give particular attention to their sources so that preventive measures can gain utmost attention. To use Kiltgaard’s¹³⁹ corruption formula: “Corruption equals monopoly *plus* discretion *minus* accountability” ($C = M + D - A$). As Kiltgaard duly observes, there is the tendency for corruption “when an organization or person has monopoly power over a good or service, has the discretion to decide who will receive it and how much that person will get, and is not accountable”.¹⁴⁰ Systems of combating corruption should thus be devised and implemented so that monopolies are “reduced or carefully regulated”.¹⁴¹ Moreover, “official discretion must be clarified, transparency must be enhanced, [and] the probability of being caught... (for both givers and takers), must increase”.¹⁴²

¹³⁴ Federal Ethics and Anti- Corruption Commission in Collaboration with JGAM Donors (2014), “Survey on Perception of the level of Corruption by Foreign Investors in Ethiopia”, Final Report, May 2014.

¹³⁵ Final Report, Ethiopia Second Corruption Perception Survey (2012); Commissioned by, Federal Ethics & Anti-Corruption Commission (FEACC) Federal Democratic Republic of Ethiopia, Volume 1 – Main Report Prepared by: Kilimanjaro International Corporation Limited, April, 2012.

¹³⁶ World Bank (2012), *Diagnosing Corruption in Ethiopia: Perceptions, Realities, and the Way Forward for Key Sectors*, Janelle Plummer, Editor.

¹³⁷ Solomon Goshu & Neamin Ashenafi (2013), *The Reporter*, October 26, 2013.

¹³⁸ See, for example, Kempe Ronald Hope, Sr & & Bornwell C. Chikulo, Editors (2000), *Corruption and Development in Africa: Lessons from Country Case-Studies*, Macmillan Press Ltd.

¹³⁹ Robert Kiltgaard (1998) ‘International Cooperation Against Corruption’, IMF/World Bank, *Finance and Development*, March 1998, p. 4.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Ibid.

Ethiopia is the 103rd least corrupt nation out of 175 countries, according to the 2015 Corruption Perceptions Index reported by Transparency International. Corruption Rank in Ethiopia averaged 109.93 from 2000 until 2015, reaching an all time high of 138 in 2007 and a record low of 59 in 2002. Corruption Rank in Ethiopia is reported by the Transparency International.¹⁴³

The combat against corruption requires wider approaches to address the problem before it becomes *widespread* which would make it difficult to control. In a country where corruption is not only *widespread*, but also *systemic*, it becomes *a way of life* and, in effect, renders pursuits of development and social justice ineffective. The *pressure* toward corruption in Ethiopia seems to be generally attributable to (a) levels of real income *vis-à-vis* needs of subsistence for persons with modest income, or (b) levels of consumerism and greed. The *opportunities* relate to the prevalence of *economic rent* in resources such as land (and/or services) whose access and transferability are restricted. The *discretion* of office holders in allocating or denying these scarce resources or services is also prevalent in various offices.

Findings of a study “imply that an increase in civil service pay from 100 to 200 percent of the manufacturing wage is associated with an improvement in the corruption index”, subject to other “indirect effects through variables such as the quality of the bureaucracy and rule of law”.¹⁴⁴ Even though the efforts and achievements of Ethiopia’s Anti-Corruption Commission are commendable,¹⁴⁵ the core sources for corruption, i.e. non-meritocratic appointments and inadequate remuneration, *restrictions* in land tenure insecurity that cause economic rent, the *discretion* in the allocation and revocation of access to scarce resources or services, and the institutional settings that fail to enhance *accountability* should be addressed.

For example, any ‘solution’ to the problems related with Addis Ababa’s master plan of further expansion to the peri-urban and adjacent rural areas merely becomes a power reshuffle between evictions by federal *versus* regional state municipal offices unless smallholder farmers at the grassroots are empowered with tenure security to *land-use ownership rights* which involve market value far beyond the huts, crops and trees on the land. The economic (market) value of use rights, for example, can entitle a smallholder farmer to

¹⁴³ Available at <<http://www.tradingeconomics.com/ethiopia/corruption-rank>>. Last visited 12 August, 2016.

¹⁴⁴ Rijkeghem and Weder (1997), “Corruption and the Rate of Temptation: Do Low Wages in the Civil Service Cause Corruption?” *IMF Working Paper* 97/73, June 1997 (Washington: International Monetary Fund), p. 39.

¹⁴⁵ The Commission effectiveness after the recent restructuring remains to be seen.

own a condominium in the same site where he/she had a farm (based on capital contribution of land use ownership rights) commensurate with the market value of the landholding.

Various laws in Ethiopia involve restrictions on economic resources thereby generating opportunities for economic rent. These *restrictions* –as briefly mentioned in Section 4.1.1– adversely affect tenure security and transferability in urban and rural land use rights. The discretionary powers of regulatory offices –which constitute one of the foundations for corruption– are bound to continue in the absence of administrative procedural law, judicial review and enhanced “stakeholder engagement and public participation including civil society oversight”¹⁴⁶ and unless the discretion in administrative rule making¹⁴⁷ is addressed. There is thus the need to deal with the roots of corruption which require the abolition of various *restrictions* that give opportunities for economic rent. This further envisages the enactment of Administrative Procedure Law which is a draft since 2004, and judicial review (on administrative decisions) in the context of judicial independence as guaranteed under Article 79 of the FDRE Constitution.¹⁴⁸

4.2.3 Nation building and language policy

“Good leaders learn from their own mistakes and faults.

Better leaders learn from others' mistakes.

*But the best leaders learn from three things: their own mistakes, other's mistakes and others' successes”.*¹⁴⁹

The path pursued in most countries was favourable to centripetal forces of social cohesion and nation building, while on the contrary, centrifugal forces of conflict –in countries such as the former Soviet Union and Yugoslavia– led to dismemberment. Ethnic tensions that occurred between students in some universities in Ethiopia, some instances of religious tensions and the recent events particularly in the regional states of Oromia and Amhara are wake up calls. They indicate the need for a setting that enhances rights and the livelihoods of citizens while at the same time nurturing and building up social cohesion in Ethiopia rather than polarized ethnicity or religiosity.

The experience in Rwanda, Bosnia, ethnic violence during Kenya's 2007-2008 elections, Burundi's 2015 pre-election unrest, etc. offer important lessons to Ethiopia because proactive *prevention* is more effective than *post facto* efforts

¹⁴⁶ See Stebek (2015), “Legal Sector Reform Pursuits ...”, *supra* note 101.

¹⁴⁷ See Aron Degol and Abdulatif Kadir (2013), “Administrative Rulemaking in Ethiopia: Normative and Institutional Framework”, *Mizan Law Review*, Vol. 7, No. 1, pp. 1-28: <<http://dx.doi.org/10.4314/mlr.v7i1.1>>

¹⁴⁸ See Stebek (2015), “Judicial Reform Pursuits ...”, *supra* note 100.

¹⁴⁹ Stephen Nellis (2012), 40 Leadership Nuggets of Wisdom To Live By (Lulu)

of *control* or *reversal*. The geopolitical realities in the Nile Basin are so complex that ethnic and religious issues can be hijacked by external interests that ‘expect’ strategic ‘benefits’ in rendering national consensus difficult in Ethiopia. To use Freud’s remarks –which he had forwarded as a *caveat* regarding the potential side effects of various economic and social realities in the 1920s and 1930s –, “the only hope for humanity lay in the defense of Reason against the dark forces of Unreason”.¹⁵⁰

In the nation states of 19th Century Europe, linguistic uniformity was regarded “as a precondition for the creation and consolidation of a national unity”.¹⁵¹ Building on Spolsky’s classification, Orman makes a distinction between (a) the pure monolingual/monoethnic state (such as Iceland, South & North Korea),¹⁵² (b) the monolingual state-nation with small and/or highly marginalized minorities (such as France, Turkey which marginalizes its Kurdish minority, etc),¹⁵³ (c) the dyadic or triadic multinational state (e.g. Finland, Switzerland, etc.),¹⁵⁴ and (d) the post-colonial multi-ethnic state (e.g. Papua Guinea with 820 languages).¹⁵⁵

African countries have –out of pragmatism– opted to respect colonial boundaries¹⁵⁶ (which were imposed on them) rather than resort to linguistically-defined nation-states. Although Ethiopia does not fit to the literal reading of the last category –because it has not been colonized–, one can argue that this category, *for a stronger reason*, applies to Ethiopia’s boundaries as well (where expansion and assimilation were predominant).

Orman states that “Switzerland represents a classic example of a state which has, by and large, successfully applied the territoriality principle in order to avoid language conflict”.¹⁵⁷ This is done through federal division “into mainly monolingual, self-legislating cantons” which “has greatly depoliticised the country’s language question”.¹⁵⁸ However, he underlines that the unique settings in Switzerland may not be readily applicable to other states. He cites the disintegration of the former Yugoslavia and the USSR as illustrative situations whereby the ethno-linguistic composition of multinational states can have

¹⁵⁰ Cited in Leslie Sklair (1970), *The Sociology of Progress*, Routledge, p. 96.

¹⁵¹ Jon Orman (2008) *Language policy and Nation Building in Post-Apartheid South Africa*, Springer, p.47.

¹⁵² Id., pp. 48-49.

¹⁵³ Id., pp. 49-52.

¹⁵⁴ Id., pp. 52-55.

¹⁵⁵ Id., pp. 55-58.

¹⁵⁶ 1964 OAU Cairo Declaration on Border Disputes among African States legitimising national borders inherited from colonial times

¹⁵⁷ Orman, *supra* note 151, p. 53.

¹⁵⁸ Ibid

populations that are “generally more resistant to state-led projects of identity construction especially when sub-state groups are large enough and have sufficient institutional development”.¹⁵⁹

As Endalamaw notes, “ethno-linguistic complexity and diversity” prompt multinational states to design institutions such as federalism “in order to forge a shared and unifying national identity between diverse ethno-linguistic groups”.¹⁶⁰ Yonatan compares two approaches in the language policy of multi-ethnic federations, i.e., *individualistic/personal* language policy or *territorial* language policy. The *personality* model is non-exclusive thereby allowing individuals to use the language of their preference across the country, but, it tends to perpetuate the *status quo* in favour of a historically privileged group and can enhance the pressures for assimilation to this group.¹⁶¹ On the other hand, *territorial* language policy model recognizes linguistic identities and facilitates the promotion, preservation and development of languages and culture of ethnic groups, subject to the “concern that this particular approach risks developing isolated communities and scores low in the promotion of inter-group solidarity”.¹⁶²

It is in the midst of these complex outcomes and impact that Ethiopia should explore new approaches toward the most appropriate balance between respect for *linguistic identities* and pursuits toward *national consensus*. A person whose anonymity is respected¹⁶³ graduated from a regional university. While on campus, he had no difficulty in communicating with friends in his regional state’s language. During his university education, he could only acquire modest levels of communication in Amharic which upon graduation was not adequate for him to communicate in the community in which he had obtained employment. He thus had to leave his job and look for another employment in the regional state he was born. If a wise and neutral stranger who visits Ethiopia is asked to offer his/her opinion on Ethiopia’s language policy that can best enhance the twin objectives of respect for *linguistic identities* and *nation building*, the suggestions can most likely be:

- (a) in the long run, try to use one language (depending on its level of development, instrumentality to reading resources, regional integration and global competitiveness) in your education curricula as medium of instruction

¹⁵⁹ Ibid.

¹⁶⁰ Endalamaw Chekoil Baweke (2015), *Ethnic Federalism and Nation Building in Development: The Case of Ethiopia*, LL.M Thesis, Addis Ababa University School of Law, March 2015, Unpublished, p. 57.

¹⁶¹ Yonatan, T. Fisseha (2009) “A Tale of Two Federations: Comparing Language Rights in South Africa and Ethiopia”, *African Human Rights Law Journal*, pp. 505-508.

¹⁶² Id., pp. 508-510.

¹⁶³ Based on discussion with the person’s close relative, held on 6 April, 2016.

so that you can effectively communicate at national, regional and global levels, and in the short run, you need to have a fairly adequate level of communication and national consensus by teaching the working language of the federal government,¹⁶⁴ i.e., Amharic, as a subject in all schools;

- (b) where the medium of instruction is the federal working language (Amharic), make sure that each regional language is taught as a subject in the regional states or zones where it is spoken; and,
- (c) until you may opt to use English as medium of instruction starting from the early grades (as was the case in Ethiopia's curriculum up to 1963 (1955 Ethiopian calendar)¹⁶⁵, make sure that your English language teaching is strengthened starting from the earlier grades, because it is your medium of instruction at high school and universities. Such measures require high thresholds in teacher recruitment (including primary grade teachers) and very attractive remuneration to teachers as was the case until the '*digoma memhiran*'¹⁶⁶ (emergency teachers) crisis, in 1975-76 when the regression started contrary to the lyric '*Yegna lij kuri kuri, agebash astemari*' (be proud our daughter, for being married to a teacher) which reflected the enhanced competence, behaviours and status of teachers at all levels.

4.3 Caveats against capability regression in the *state of being of citizens*

The categories of factors discussed in Sections 4.1 and 4.2 relate to *living conditions* and some issues on '*being*'. The latter element, i.e. '*being*' refers to who a person is. The social and political conditions that nurture and refine the '*being*' of citizens transcend the issues highlighted in Section 4.2, and they further include factors such as quality education and enhanced moral standards.

¹⁶⁴ Article 5(3) of the FDRE Constitution provides that "Amharic shall be the working language of the Federal Government."

¹⁶⁵ Until June 1963 (Sene 1955 Ethiopian Calendar), all subjects were taught in English starting from grade three. For example *March of Time Book 1* was the textbook for Grade 3. Even if there were problems of comprehension in Grade 3, childhood is an age of optimal potential for learning language and the problems of comprehension were not issues of concern as of Grades 4 and 5. Students of Grade six were capable of writing short essays, and by the time a student reached eighth grade all national exams were essays and work outs. That was why the education standards in Ethiopia were globally competitive at all levels and in all fields. Even if there are advantages in teaching certain subjects in a child's first language, it could have been possible to continue teaching most subjects in English as of Grade 3, while at the same time teaching the Federal working language as a subject, and one or two subjects in the regional state's language.

¹⁶⁶ It occurred in 1976 when 'teachers' were assigned to classes irrespective of teacher training and the other considerations due to the shortages that occurred after the Idget Behibret zemecha (Development through Cooperation Campaign) in 1975-76.

4.3.1 Education policy

Subject to the impact of externalities, resources and location, a country's level of economic development is mainly determined by the attitudes of citizens and governance that are results of culture and education. Work ethic, punctuality, team work, etc. are for example, elements of culture that need due attention in the context of Ethiopia. Formal education and value systems that are acquired through family upbringing, neighbourhoods, peer groups, the media engaged in constructive and holistic programmes (rather than simulations, hate discourse and overextended frivolities/ዓልጎ) etc., are inputs in the mental and moral development of citizens. In particular, the formative ages of children are crucial in personality development, and the foundations for the practical, interpersonal, intellectual and artistic capacities of citizens are laid down during childhood.

Large class sizes (for students with good academic foundation) may be tolerated at college level education in certain theoretical courses (subject to tutorials for small size groups). However, resort to large class size at primary and elementary grades puts children –who are in the process of intellectual and moral formation– at a disadvantage by making them ‘anonymous’ units whose individual names, particular potentials, attitudes and identities are unknown to the teacher. This is caused by the desire and pressure to widen access to education.

However, there is the need to interrogate ‘access’ if it compromises quality which usually includes lower competence (and motivation) of teachers, decline in learning resources per student, and reduced facilities such as open space and playing grounds. This negates the organic enhancement of education services which needs expansion without compromising facilities and quality. It is to be noted that the rush to report enhanced number of universities is different from viable specific targets regarding literacy programmes and vocational training.

In addition to the core subjects, the teaching from the initial grades onward is expected to include moral stories, music, arts/drawing, hygiene, etc., so that children can, at tender age, be shaped towards moral standards, creativity, aesthetic taste, tidiness and proper clutter disposal, appreciation of nature and other elements that are crucial in personality development and citizenry. For example, the thematic stories,¹⁶⁷ and latent meanings (known as Wax and Gold)¹⁶⁸ exercises in earlier Amharic language curricula were very useful in the enhancement of analytic skills since childhood.¹⁶⁹

¹⁶⁷ *Tarikina misale* (ታሪክና ምሳሌ)

¹⁶⁸ *Semina worq* (ሰምና ወርቅ)

¹⁶⁹ For example, there was an exercise which required children to resolve the dilemma of a person who wanted to cross a bridge but was allowed to carry only two of his possessions: a tiger, a goat and a bundle of kale (ጎመጎ). After he takes the two to the other

Unfortunately, however, there are frequent changes of curricula, and prime attention is given to enhancing access to education through class size intensification which entails opportunity cost in quality education. This is harmful to Ethiopia because our future depends on today's children. Unfortunately, however, the interests of children are neglected not only in the avenue of quality public education, but in other domains as well, such as the dwindling open spaces in residential areas where children can socialize and play with their peers in line with Ethiopia's deeply held tradition. As Forest Wittract¹⁷⁰ duly observed, one hundred years from now, what matters most is what we, at present, positively contribute toward the life of children.

4.3.2 Laissez faire policy stance regarding the *Khat* wave

The current *khat*¹⁷¹ wave in Ethiopia has adverse impact on the standards of living and the well-being of citizens. Chronic use of *khat* can result in symptoms such as physical exhaustion and depression, while deeper addiction can reduce productivity and motivation in work; it also causes hyperactivity and hallucinations.¹⁷² As Ermias Dagne states, "apart from the social and economic problems associated with addiction to Chat-chewing, it may cause hypertension through its active ingredient, called cathinone."¹⁷³

A study by Solomon Teferra explains the phases in the influence of *khat* on daily behaviour. He indicates that *khat* chewers undergo three phases during the day: "pre-chewing known by the name *harara* time which is around lunch time characterized by some form of craving; the chewing phase where the person chews and feels the high which usually lasts for 2 hours followed by the post-chewing phase known as *mirkana*".¹⁷⁴ Solomon distinguishes between "the feeling of high, excessive talking and optimism" during the *mirkana* stage which is "usually replaced by quiet withdrawal and pessimism" as a result of which "chewers often drink alcohol to counteract the feeling of anxiety, dysphoria and sleeplessness, an activity known by the name *chebsi*, meaning breaker of the

side, the person could come back with one of his possessions to pick the one he has left behind.

¹⁷⁰ "One hundred years from now, it will not matter what my bank account was, the sort of house I lived in, or the kind of car I drove ... , but the world may be different, because I was important in the life of a child". Forest Wittract (1894 – 1967).

¹⁷¹ It is also spelled as tschat, qat or chat. *Khat* (*Catha edulis*) is a stimulant plant when chewed, and it is banned as Class C drug in the UK.

¹⁷² See < <http://www.medicinenet.com/khat/article.htm>>, Last visited: 25 March 2016.

¹⁷³ <http://www.digitaladdis.com/NaturalProducts/ED_On_chat.htm>, Last visited: 28 March 2016, citing Professor Ermias Dagne's statement published in Addis Zemen' Tahsas 14, 1991 E.C [23 December 1998].

¹⁷⁴ Solomon Teferra Abebe, (2011), Studies on psychotic disorders in rural Ethiopia, Umeå University Medical Dissertations, New Series No 1427, Umeå University, Sweden, p. 18.

state of khat intoxication.¹⁷⁵ Solomon further states that “Khat causes psychological dependence” and indicates various problems:

In chronic khat chewers, withdrawal symptoms that involve frightening dreams which last for one to two nights were reported to occur besides being lethargic, feeling hot in lower extremities and the desire to chew khat (Al Motarreb, 2002b). More severe psychological reactions such as psychoses were reported as well. In a review published in 2007, Warfa reported more than twenty cases of khat induced psychosis. It was difficult to establish a causal relationship, but the onset of psychotic symptoms was temporally related with khat chewing (Warfa, 2007). There are few community based studies which show the association of khat with the development of severe mental illnesses (Bhui, 2006; Odenwald, 2005). A study done at Amanuel Specialized Mental Hospital in Ethiopia described the role of khat in frequent relapse of cases with psychosis (Bimerew, 2007).¹⁷⁶

In spite of these side effects, the accelerated expansion of *khat* production in Ethiopia is encroaching onto plots that were previously used for food production thereby weakening food security. Even if *khat* (as cash crop) may –in the short-run– appear to have economic benefits (in export and local trade), there is the need for new approaches which should give primacy to the bigger picture of its adverse impact on the *livelihoods* and moral character of citizens.

The genesis of khat chewing in Ethiopia cannot be affiliated to being Muslim because it is illegal in all Arab countries except Yemen, where it currently claims over half of the household expenses in the majority of Yemeni families and where it covers most of the arable land of cash crops. Lessons can be drawn from the adverse effects of widespread khat addiction in Yemen. World Bank Study states that “until the 1960s, qat chewing was an occasional pastime, mainly for the rich. Now, it is chewed several days a week by a large share of Yemen’s population”.¹⁷⁷ It also states the grave consequences “linked to widespread child malnutrition and household food insecurity since spending on it pre-empted expenditures on basic foods and essential medicines”.¹⁷⁸ The study further indicates the adverse health effects of Khat in Yemen in addition to which “the culture of spending extended afternoon hours chewing qat is inimical to the development of a productive work force, with as much as one-quarter of usable working hours allocated to qat chewing”.¹⁷⁹

¹⁷⁵ Ibid.

¹⁷⁶ Id., pp. 18-19 (citations in the original are omitted).

¹⁷⁷ World Bank (2007), *Yemen, Towards Qat Demand Reduction*, Report No. 39738-YE, Country Department III, Sustainable Development Department, Middle East and North Africa Region, June 2007.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

According to the World Health Organization (WHO)'s bulletin "up to 50% of household income is thought to be allocated to the daily khat requirement of the head of the household."¹⁸⁰ The bulletin further states the following:

For WHO's Dr M. Taghi Yasamy, regional adviser for Mental Health and Substance Abuse for the Eastern Mediterranean Region, that impact is obvious: 'Khat chewing causes insomnia that leads to waking up late the next morning, going to work late and poor work performance. Meanwhile the time spent chewing khat (four to five hours daily) can be considered hours lost to work.' Khat also distorts an already fragile economy with farmers ripping out fruit trees and coffee plants to replace them with the more lucrative crop. Between 1970 and 2000, the area devoted to khat cultivation ballooned from 8,000 to 103,000 hectares in Yemen. Nearly 60% of the land cultivated for cash crops is devoted to khat growing. And khat doesn't just push out other more desirable crops, it also sucks in water. According to Qahtan Al-Asbahi between 27–30% of Yemen's ground water goes into khat irrigation.¹⁸¹

Ethiopia should draw lessons from the adverse effect of khat in Yemen. Contrary to the perception of 'positive' economic returns of *khat* in Ethiopia, (in the forms of foreign exchange and household income for growers), it entrenches 'secondary poverty'¹⁸², i.e., poverty caused by mismanagement of income through expenses unrelated with necessities. Rowntree defines *primary poverty* as the minimum income level that is required for physical subsistence.¹⁸³ His "distinction between primary and secondary poverty was not designed to identify the poor but was intended to illuminate the nature of that poverty".¹⁸⁴ Nor did he suggest a rigid poverty-line. Rowntree stated that judging a family by outward appearance can be misleading because one may seem above the poverty line merely because he/she does not seem to be so, while some families "living in the slums ... should not have been so counted" as poor.¹⁸⁵ *Secondary poverty* is, *inter alia*, caused by various forms of compulsive behaviors such as addiction to drugs, alcoholism and gambling. Indeed, *khat* addiction entrenches

¹⁸⁰ Khat chewing in Yemen: turning over a new leaf, Bulletin of the World Health Organization, Volume 8 No. 10, October 2008, <<http://www.who.int/bulletin/volumes/86/10/08-011008/en/>> , Accessed 13 July 2016

¹⁸¹ Ibid.

¹⁸² Benjamin Seebohm Rowntree (1871-1954) is the pioneer in systematically defining poverty and introducing the notion of *secondary poverty*.

¹⁸³ J. H. Veit-Wilson (1986), "Paradigms of Poverty: A Rehabilitation of B.S. Rowntree", *Journal of Social Policy*, Vol. 15, Issue 1, p. 69.

¹⁸⁴ Id., p. 76.

¹⁸⁵ Benjamin Seebohm Rowntree (1901), *Poverty: A Study of Town Life*, Macmillan, London, p. 117 (in VeitWilson, Ibid).

secondary poverty in the lives of a considerable number of citizens who otherwise could have had relatively better standards of living.

4.3.3 Manipulative beer advertising and crude hedonism

As Paul Nystrom (1878- 1969) observed, the monotony of the industrial age is susceptible to sense of futility and boredom. This setting has in due course become conducive to rising levels of atomistic individualism and addictive behaviours which are aggravated by advertising. A case in point is the beer industry’s aggressive advertising in Ethiopia which presents beer as a gateway to feeling good. This can gradually erode the perception of pragmatic *joy of life* that unfolds naturally. For example, a certain beer advertising uses the words ‘the conversation warmed up’ (ጨዋታው ደራ) while Ethiopia’s round-the-year sunshine and deep-rooted culture of hospitality (and not beer) constitute the foundations for warmth in social relations.

The largest beer producing companies in Ethiopia are foreign owned. For example, the manipulative ads of two beer factories include narrations about Ethiopia’s historical legacy to capture and manoeuvre the attention of the public. One of the advertisements of a foreign owned beer company uses the expressions: “ከኢትዮጵያችን ጋር ያደገ፣ ... ኢትዮጵያዊ በረከት” (which means “developing with Ethiopia; ... Ethiopian Gift”), and then states the brand along with a statement that it is not sold for persons under the age of 18. Its claim of being an ‘Ethiopian gift’ *contradicts* with the façade of its ‘prohibition’ for persons under eighteen. The English translation of another ad (with rhymes) from a foreign owned beer company includes the following:

The longstanding love for our country
is the bondage of our unity,
our multi-colour beauty
enshrined in the golden values of social harmony.

xx Beer. Not to be sold to persons under the age of eighteen.¹⁸⁶

Another example can be a manipulative beer advertising which contains misleading statements stated hereunder as footnote.¹⁸⁷ The theme of the

¹⁸⁶ “... ከዘመን ዘመን የዘለቀው የሀገር ፍቅር ስሜታችን፣
ያንድነታችን መቀነት ነው፣ የኅብረ ቀለማት ውበታችን
በአብሮ መኖር ያከበርናቸው ወርቃማ እሴቶች ባለቤት ነን፣
xx ቢራ፣ ከ18 ዓመት በታች ለሆኑ የተከለከለ”

¹⁸⁷ ሀገር ይሉት መግባቢያ፣ ሰንደቅ ይሉት መለያ
ሀገር ማለት ቋንቋ ነው፣ በአንደበት አይናገሩት፣ በጆሮ አያደምጡት
የየልዕናችንን ሀቅ ፍንትው አድርጎ አያሳዩ
ሕዝቦችን ከሰንደቃቸው አስተባብሮ ያቆዩ፣
ሀገር ቋንቋ ነው፣ የሁለንተናዊነት ምስጢር
ትመካበት ጥራት፣ ትደምቅበት ብርሀን፣ የሰብዕና ግማሽ ውል
ወገን ነው ኩራት፣ ዜጋው ነው ሀገር
ሲቸገር ታድኅ፣ ሲታመም አያስታመመ

advertising glorifies the Ethiopian flag, citizenry, fraternity and other nationalist themes that are not related with beer, and it is clearly a farce when a foreign company abuses the elements of heritage that are dear to Ethiopians.

In many cases, the same voice which engages the audience in FM radio programmes injects beer advertising thereby pushing advertising onto listeners unnoticed. The warning in beer advertising such as “Don’t drive if you have taken drinks’ is pretentious because bars are not expected to assign drivers to beer customers who are intoxicated. Nor is the statement in beer advertising about the prohibition of sales for persons below the age of eighteen genuine, because bars and draft beer houses do not check the ID cards of young customers. As an interviewee in an FM radio duly observed:

Beer multinationals claim that they create job opportunities. When the modest number of employment opportunities is mentioned, they claim to have created job opportunities to ten thousand farmers. They don’t hire these small-holder farmers, but they argue that they have doubled the income of the small-holder farmers. However, the lands of the farmers were not idle. They push their beer to the rural dwellers and take back what they claim to have provided. They have now controlled many football (soccer) teams, and their advertising has even usurped certain aspects of our legacy and history. Ethiopia does not have comprehensive Drug and Alcohol Control Policy, and we are being guided by reflexive decisions and spontaneous events.¹⁸⁸

The beer advertising wave in TV programmes, for example, depicts positive lifestyles and presents beer as a conduit toward socializing, fun and pleasurable time. The findings of the study by Shimelis indicate the following:

The qualitative result of this study showed that beer advertisements depicted youthful lifestyle perceived as fun and healthy lifestyle. In response, adolescents [appear] to perceive alcohol advertisements as promoting a desirable lifestyle, hence found to be encouraged when alcohol ads portrayed common activities of teenagers (e.g. party scene and social gathering). This result is consistent with previous findings indicating that the students responded positively to ads with humor, and youthful lifestyle appeal and negatively to the product focus of the ads (Waiters, Treno & Gurbe, 2001). Moreover, the presentation of TV alcohol advertising was perceived as a way to get happiness, increase confidence and enhance social interaction across both boy and girl discussants. This result is observed, possibly because TV

... ሰው ነው ሀገር፣ ወገን ነው ሀገር
ኢትዮጵያዊነት ረቂቅ ነው ቃሉ፣ ውስብስብ ነው ውሉ
... ቤራ ከወገን ጋራ
ከ18 ዓመት በታች ለሆኑ የማይሸጥ

¹⁸⁸ Sheger FM Radio, (Sene 27, 2008 EC), July 4, 2016. Abridged translation by the author.

alcohol ads sent [the] message [of] only positive outcomes of alcohol use, which may encourage drinking intentions of youths.¹⁸⁹

The income gained by radio and TV stations from these ads and ‘sponsorships’ is steadily increasing. And currently, one of the beer companies is aggressively advertising lottery prizes of attractive smart phones and automobiles. In the absence of proactive policy interventions, it is thus becoming difficult to reverse the challenge. This not only adversely affects the feelings, thoughts and acts of the youth, but it also persuades adults. Even if adults are free to determine the elements and pattern of their recreation including beer, they should not be manipulated beyond what they would do based on rational thought.

The waves of crude hedonism and fixations on sensory ‘pleasures’ –that are reflected in extensive beer advertising– are accompanied by a bigger package of ‘cultural globalization’ such as rising accessibility of pornography to the youth. Various elements of ‘fashion’ such as loose trousers and sagging pants merely represent certain street sub-cultures, and not the mainstream behaviour in their country of origin and other cities of the Global North. Pornography, in particular (which is easily accessible through personal items such as smart phones), is causing misperceptions, confusion and identity crisis (especially during the formative stages of childhood and early adolescence). These misconceptions affect feelings, behaviours, hedonic expectations (and ‘desire’) for immediate gratification that conflict with Ethiopia’s long-held values of decency (አገልግሎት ጠቅላይ). A brief observation through the streets of certain parts of Addis Ababa and the number of young persons who are clearly under the influence of excessive alcohol in these places during evenings, and ‘*shisha*’ houses that are on the rise are indeed impediments to Ethiopia’s pledges and aspirations.

Emmanuel Kant had envisioned *cosmopolitanism* informed by practical reason, duty-based ethics and fraternity. On the contrary, various elements of cultural ‘globalization’ are, in the course of targeting at sensations, uninformed feelings and immediate gratification rather than higher levels of feeling, thinking and rational action. Toynbee had duly indicated that most human civilizations died due to internal decadence rather than external attack. He also noted that decay occurs when the creative and leading section of the society ceases to be so, and when it resorts to domination rather than mentoring and influencing the majority. At this point, there will be regression toward worshipping the ‘former self’ and, in effect, societies fail to adequately address the challenges ahead.¹⁹⁰

¹⁸⁹ Shimelis Ayalneh (2012), *The Influence of Alcohol Advertising Exposure on Adolescents’ Alcohol use*, MA Thesis, Addis Ababa University School of Graduate Studies, Institute of Psychology, Advisor Dr. Teka Zewdie, p. 42.

¹⁹⁰ Arnold J. Toynbee (1939), *A Study of History* Volume V *The Disintegration of Civilizations* (First Edition 1939, Sixth Impression 1955), Oxford University Press.

5. The Need to Measure Individual Well-being

Chambers and Conway criticize three ‘conventional’ lines of thinking, i.e. production thinking, employment thinking and poverty-line thinking.¹⁹¹ They argue that hunger, under-nutrition, malnutrition, and famine “are much more of problems of entitlements, of being able to command food supplies, than production and supply”.¹⁹² With regard to full-employment thinking, they note that “this misfits much rural reality, in which people seek to put together, a living through multifarious activities”.¹⁹³ Chambers and Conway also criticize the ‘poverty-line’ thinking “which is measured in terms of incomes (especially wages and salaries) or consumption” with many dimensions that do not fit to rural realities and the perceptions of rural people.¹⁹⁴ They consider these modes of thinking as industrial society imprints and “reductionism for ease of measurement”.¹⁹⁵

As Adelman and Paliwala noted, development should “satisfy the direct needs of the people rather than some abstract notion of national wealth”.¹⁹⁶ Shiva shares this view, and she argues that subsistence economies “serve basic needs through self-provisioning”.¹⁹⁷ Societies that predominantly have such economies cannot thus be regarded as ‘poor’ merely “because they do not participate overwhelmingly in the market economy” and because they do not consume a bulk of “commodities ... through the market.”¹⁹⁸

Fixations on production thinking in Ethiopia (and double-digit statistical claims of growth) unduly alienate the process of production from entitlements to access – i.e., the means of meeting basic needs and enhancing living conditions. In the domestic front, the paradox lies in the contradiction and cascading effects that are inherent in Ethiopia’s laws and policies, which aspire and promise growth and transformation in the midst of private sector and smallholder farmer disempowerment. The global order further exacerbates this contradiction in various international trade and investment schemes that pledge to promote ‘free competition’ at a platform in which developed economies are well ahead in the production track.

¹⁹¹ Chambers & Conaway, *supra* note 25, pp. 2-3.

¹⁹² *Id.*, p. 2.

¹⁹³ *Ibid.*

¹⁹⁴ *Id.* pp. 2, 3.

¹⁹⁵ *Id.*, p. 3.

¹⁹⁶ Sammy Adelman and Abdul Paliwala (1993), *Law and Development in Crisis* (Hans Zell Pub., Published for the Centre of Modern African Studies, University of Warwick) p. 7.

¹⁹⁷ Vandana Shiva, (1988), *Staying Alive: Women, Ecology and Development* (London: Zed), p. 10, in Jan Nederveen Pieterse, “After post-development,” *Third World Quarterly*, Vol. 21, No. 2 (2000) p. 177.

¹⁹⁸ *Ibid.*

Pre-colonial Africa was not poor, even if the Global North had classified it as uncivilized.¹⁹⁹ Article 38(3) of the Statute of the Permanent Court of International Justice²⁰⁰ states: “the general principles of law recognized by civilized nations” as one of the sources that can be applied by the PCIJ. This civilization-line thinking has been substituted by poverty-line thinking after the ‘civilization’ discourse gave way to ‘developmentalism’ particularly since the late 1940s and early 1950s.

The development landscape promises employment opportunities, foreign exchange, infrastructure and other benefits. Achievements in production and infrastructure can indeed be commendable. However, they should not conceal regressions in the livelihoods of the majority. Such simulations occur if claims of ‘overall development’ consider the aggregate separately from its elements.

In spite of its shortcomings, the civilized-uncivilized line of thinking had an *element-system interface* whereby the group, community or society was the aggregate of civilized/uncivilized individuals. On the contrary, however, *developmentalism* has reversed this interface because it is the economy at large that is regarded as developed, developing and underdeveloped. This has created the mythical *other* (in the form of ‘*the economy*’ outside the individual) which can be ‘perceived’ through the mind’s eye thereby depersonalizing the creators, subjects and beneficiaries of development toward an oblivion of anonymity.

There is thus the need to touch base and measure the livelihoods of individuals. A framework can be suggested to measure individual well-being which can then be used for insights at group and community levels. The suggestion that individual well-being needs to be measured, does not undermine other measurements such as GNP, per capita income and HDI (Human Development Index). As supplement to macro-level measurements, individual well-being measures can be used in case studies of specific communities, neighborhoods and villages for the purpose of insights into livelihoods.

As indicated in the preceding sections, the objective dimensions of well-being include the material, social and environmental aspects in living conditions. The *material* aspect of living conditions refers to the level of real

¹⁹⁹ For example, Art. 22, paragraph 5 of the 1919 Covenant of the League of Nations reads: “There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or *their remoteness from the centres of civilisation*, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population”. (*Emphasis added*).

²⁰⁰ Statute of the Permanent Court of International Justice, 16 December 1920. The same text appears in Article 38(3) of the Statute of the International Court of Justice.

income (or subsistence harvest in smallholder farming), education services,²⁰¹ health care, shelter, clean water, electricity, infrastructure and others. *Fifty points* (highest) to *Zero* (lowest) can be assigned depending on a person's station in the material dimension of living conditions. Researchers can designate fifty levels and indicate *specific* and *measurable* thresholds to minimize the effects of subjective bias. For some of the elements, a researcher may review payrolls that are accessible at work places or tax offices in order to identify disposable income (of persons who solely live on their earnings from employment) and compute *real income* based on cost of living indices for basic necessities, house rent, and other essential living expenses.²⁰²

The *social* aspect of living conditions depends upon society's values, level of social ties at all levels,²⁰³ sense of citizenship, governance at local, municipal and national levels, cosmopolitan identity, etc. To use a Tswana proverb from Africa: "A person is a person because of another person".²⁰⁴ *Twenty five points* (highest) to *one point* (lowest)²⁰⁵ can represent a person's social living conditions. High score in social conditions does not, however, assume that individual interest is subsumed within social aspects, but rather considers the interdependence of people. This balance reflects the harmony in the perceptions of the 'I', the 'We' and the 'Other' based on one's cognitive (knowledge), affective (feeling) and the conative (action and behavioural) domains.²⁰⁶

The *environmental* aspects of living conditions relate to the natural or human-made component of the surroundings –in which a person lives, commutes, works and recreates. *Twenty five points* (highest) to *one point* (lowest) can be given to the environment in which a person lives. Living in green cities and towns with low levels of air pollution, noise, glaze, aesthetic nuisance, etc., and with lower rates of crime, drug trafficking, homelessness, begging ... can be represented by higher points. Big cities may not necessarily

²⁰¹ Education services are elements in material *living conditions* while being educated, intellectual development, lifelong learning, etc, should come under *state of being*.

²⁰² It is to be noted that the highest points in material conditions which include real income, education services, health care, etc. do not necessarily depend on wealth. When real income increases towards certain standards of affluence, there a point beyond which its contribution to *basic needs* shows diminishing returns.

²⁰³ Social ties include mutual caring and harmony in the household, among friends, colleagues, relatives, neighbours, community (workplace, profession, religion, clubs, associations, alumni, etc),

²⁰⁴ "Motho ke motho ka motho yo mongwe". Ellen K. Kuzwayo (2002) *African Wisdom: A Personal Collection of Setswana Proverbs* (Kwela Books).

²⁰⁵ Zero is unimaginable in the context of the social and environmental conditions because their total absence would be unrealistic.

²⁰⁶ The conative domain is not synonymous with rational action. It merely refers to part of the mind that relates to the tendency to act.

represent very low scores in environmental conditions as long as their master plans, municipal services, cultural legacy, etc. render them comfortable in terms of environmental amenities, minimal pollution levels and other elements of the natural and human made environment.

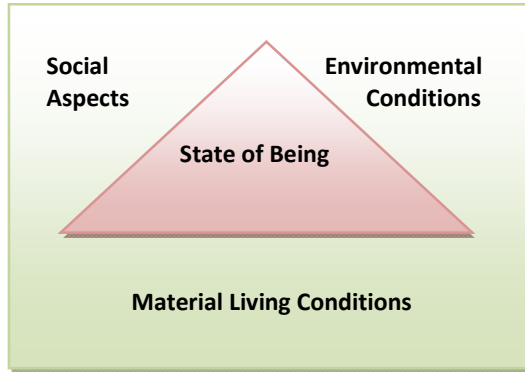


Fig 1: Elements of Well-being (Author's Framework)

The points in *living conditions* (out of 100) can be the aggregate of material living conditions (50 points), the social aspects of living conditions (25 points) and environmental conditions (25 points).

- a) Where the score for material conditions of living (M) is zero (as in the case of a beggar in the streets who is unable to work or a homeless child), the equation that summarizes living conditions can be $M(S+E)$ so that M can have multiplicative effect. As the M score of such persons in extreme poverty is zero, the other scores in *social conditions* (S) and *environmental conditions* (E) multiplied by zero will indicate the aggregate zero score of the person's living conditions. This is because the basic material conditions of food, shelter, etc. must be satisfied for a person to stay alive in the first place, a minimum condition which (with regard to food) was not beyond the reach of every person in the most primitive hunter-gatherer communities.
- b) Higher points in material conditions of living (M) do not only represent a person's income because utilities (water and power supply), education, health, transportation etc. also constitute elements of material living conditions. Moreover, income and other material conditions cannot guarantee happiness and well-being as long as a person's physical, mental, moral and spiritual being is not conducive for 'subjective well-being' (an issue highlighted below) as in the case of drug addiction, lack of meaning in one's functions, inner disharmony, and other shortcomings in 'being'.
- c) Where the score for material conditions of living (M) is 1 to 50, the equation $M+S+E$ may indicate *living conditions*. The designation of zero point can include all persons who cannot satisfy their subsistence needs, while the

next tiers, i.e. 1 to 50 can refer to levels of material conditions of living which can be determined by researchers.

- d) Zero cannot be envisaged in social and environmental conditions, and these elements can have an additive effect for all the tiers from 1 to 25.

The evaluation of a persons' *state of being* relates to the assessment of one's physical, cognitive and affective circumstances. While healthcare is one of the elements under *material living conditions*, being healthy is a physical and mental condition that comes under the dimension of *state of being*. Likewise, education services come under *material living conditions* while the level of education, knowledge, wisdom, self development, life-long learning, reading habits, being inquisitive, analytic and being keen in observations, etc belong to the domains of *state of being*. The same holds true to the affective (feeling) domain whereby values and normative systems are parts of a person's *social living conditions* as elements of the social environment, while moral character (which includes the spiritual and emotional self) is part of one's *state of being*. It is also to be noted that the *state of being* of a parent or a teacher constitutes part of the social aspects in the *living conditions* of a child.

A person's objective *living conditions* and *state of being* determine subjective well-being. This may relate not only to ongoing feelings (well-being as currently experienced) but also refers to rational thinking (i.e., feeling based on the evaluation of life in retrospect, life in progress and life in anticipation, i.e hope and optimism). A good score in objective living conditions can bring about well-being only where there is a corresponding *positivity ratio* of feeling good in the subjective aspects of awareness, appreciation, gratitude, purpose and action.

For example, drug-addiction, alcoholism and other mental and emotional states can reverse the points that can be gained from the objective living conditions. In other words, gaps in subjective well-being adversely affect the positive impacts of objective living conditions. A person's state of *being* in the domains of cognition (knowledge, wisdom, rational thoughts), moral character (spiritual standards and emotional intelligence) and action (efforts, work ethic, sense of purpose, meaningful pursuits) thus determine the level of subjective well-being that can be attained commensurate with the various levels of objective living conditions.

New approaches of development and enhanced livelihoods in Ethiopia thus need such assessments of well-being at the grassroots so that claims of economic growth can be demystified –where they are not accompanied by steadily improving *living conditions* and *state of being* of most citizens. The promises stated in Article 43 (1) and (4) of Ethiopia's Constitution can be realized only when development touches base to facilitate organic bottom-up enhancement in the *state of being* and *livelihoods* of citizens.

6. Ideology, Theory and the Reality in the Pursuit of New Approaches

Twenty years from now you will be more disappointed by the things you didn't do than by the ones you did do. So throw off the bowlines. Sail away from the safe harbor. Catch the trade winds in your sails. Explore. Dream. Discover. (Mark Twain)

The issues raised in Section 4 may be approached from ideological, theoretical or pragmatic perspectives. A purely ideological perspective is usually rigid because its epistemic foundation relies on a system of beliefs or deeply held ideas.²⁰⁷ Ideology may be based on myth, sentiments, beliefs, religion, culture, theory or reality. Theories go beyond sets of unexamined beliefs (or sentiments that may be deeply shared by a group without inquiry). Theories are set of ideas and principles that are generally considered as correct in explaining things, events and actions. Moreover, theories predict based on the explanations and presumptions about the past and the present. They are stronger than hypothesis because the principles and findings in theories are based on premises that are systematically examined and tested. Yet, some theories can possibly be disproved thereby giving rise to new theories that are more plausible. Changing realities may also cause the obsolescence of theories and lead to the emergence of new ones.

Ideology in its crudest form can include superstitious beliefs. For example, in a case brought (in 1935) to Ras Kassa Hailu's Chilot (traditional tribunal of a regional ruler),²⁰⁸ the plaintiff accused his neighbour of witchcraft (መተት) for allegedly causing injury and infertility to his cow.²⁰⁹ The respondent stated that the allegations are false, and that he is a religious person who does not believe in acts of sorcery or witchcraft.²¹⁰ After examining the arguments of both sides,

²⁰⁷ On the positive front, ideological packages in culture save decades of inquiry because they provide beliefs, ideas and principles as tool kits in the course of a child's moral development. We can imagine how chaotic societies would have been in the absence of cultural legacies which would have required every child to inquire and search for the truth on one's own rather than accepting sets of inherited values. As a child develops onto adolescence and adulthood, some ideas, values and concepts still remain unquestioned (which may include some ontological issues and various elements of religion) while certain irrational beliefs (such as superstitions) are usually set aside. However, most of the elements of an ideology can be backed by theories and truth.

²⁰⁸ Adolf Parlesák (1948), *Habešská Odyssea*, Translated to Amharic, by Techane Jobre Mekonnen *Yehabesha Jebdu* (Addis University Press, 1997, i.e. 1989 Ethiopian Calendar), pp. 81, 82. Dr. Adolf Parlesák (1908-1981) was in Ethiopia (1935-36) during the initial year of the Italian invasion.

²⁰⁹ “ከላሽ ገብረጊዮርጊስ ጎረቤቱን ሲከስ በመተት በጥንቆላና በድግምት ላሜን ጡቷን አድርቆ ይኸው ለዓመታት አመክናት ሲል ክሱን ሰነዘረ”። Id. p. 81.

²¹⁰ “በአንገቱ ያሠራትን ማተቡን አውጥቶ፣ ለምናልባት ብሎ ደጋግሞ አየሳማት፣ ድግምተኛና መተተኛ አለመሆኑን አያስረዳ ራሱን ያለጠበቃ ተከላከለ።” Id. p. 82.

Ras Kassa decided in favour of the respondent and advised the plaintiff to take good care of his cow rather than attributing the problem to the respondent. Another example is the Witchcraft Trials of Salem in the colonial province of Massachusetts (1692-93)²¹¹ during which twenty persons who were accused as witches were sentenced to death. Under such superstitious perceptions, ideas in the minds of persons are considered true while they are not. Yet, misperceptions cause their own subjective 'reality' in a person's belief system. In the context of political and economic policies that are *mistaken* but 'honestly' pursued, the belief system does not involve 'witchcrafts', but *dogmatic belief in sets of ideas* even if they are wrong.

Ethiopia had rehearsed centrally planned economic policies in its development pursuits from 1975 to 1991. It has also attempted to implement post-1991 structural adjustment programs (SAPs). As stated in the introduction, the former policy was based on the ideology of Marxism-Leninism, while the latter (i.e. SAPs) was, in principle, based on the theory of free market economy in its neo-liberal variation. However, SAPs had an incongruent co-habitation with the ideology of 'Revolutionary Democracy'²¹² which was inherently within the Marxist fold although its tone was hedged to befriend the West and claim departure from the Eastern block that was crumbling in the early 1990s.

Post-2005 Ethiopia pledges to pursue a democratic developmental state policy. The term 'developmental state' was coined by academics and writers as a *post facto* designation for the policies pursued in South Korea, Singapore and Taiwan during the 1960s. The developmental states of the 1960s and early 1970s revisited some elements of the *theory* of 'free market economy' in relation to the regulatory role of the state without, however, negating the role of the private sector as the core actor in the economy. As Johnson observes –by using Japan as an example of a developmental state–, the experience “illustrated to the West what the state could do to improve the outcome of market forces”, and it also revealed “to the Leninists that their big mistake was the displacement of the market rather than using it for developmental purposes”.²¹³ Thus, a developmental state does not espouse a theory outside the free market economy.

²¹¹ “Nineteen men and women, all having been convicted of witchcraft, were carted to Gallows Hill, a barren slope near Salem Village, for hanging. Another man of over eighty years was pressed to death under heavy stones for refusing to submit to a trial on witchcraft charges”. <<http://law2.umkc.edu/faculty/projects/ftrials/salem/salem.htm>>, Accessed: 3 March 2016.

²¹² Revolutionary Democracy has much in common with Lenin's ideas of the New Democratic Revolution. Unlike the latter, however, Revolutionary Democracy (as promoted in Post-1991 Ethiopia) does not openly espouse Marxism owing to the shift in balance of forces in post-Cold War global power relations.

²¹³ Chalmers Johnson (1999). 'The Economic Theory of the Developmental State' in Meredith Woo-Cumings (ed.). *The Developmental State*, Cornell University Press, p. 49.

A developmental state adopts the policy of state intervention in regulating various *laissez-faire* aspects of market economy *without displacing* the market and the private sector. It pursues the free market theory, but rectifies the gaps in the theory by underlining the need for state intervention in empowering economic actors while at the same time retaining its regulatory autonomy. The successful developmental states of the 1960s did not pursue a dogmatic *ideology* but rather formulated and implemented innovative policies that interrogated the mainstream views of state non-intervention in free market economies. They focused on the *reality* at the grassroots which necessitated state intervention to empower the private sector with due *embeddedness* in the economy while at the same time ensuring *autonomy* against opportunistic ties with economic actors.

It is also to be noted that the successes of these developmental states marked their obsolescence because their pursuits eventually culminated in constitutional democracy and mature market economy.²¹⁴ New approaches toward the achievement of the constitutional right to enhanced livelihoods in Ethiopia thus require adherence to the *reality* and *valid theories* that are contrary to dogmatic and misinformed ideology.

When truth and reality go against one's vested interests, there is the tendency to evade them because "[i]t's difficult to get a person to understand something if his job *depends* upon his not understanding it".²¹⁵ Thus, not every adherence to an erroneous ideology is pursued in good faith, and there can be *three* tracks of motives in the pursuit of ideology. The *first track* relates to *liars* and *hypocrites* who seek 'justification' through an 'ideology' even where they know that their actions are wrong and counterproductive. In the *second track*, we find *manipulators* who may be uncertain or unaware about the validity of or gaps in their perceptions, in spite of which they are keen in using ideology as an instrument toward their objectives. *Manipulative* persons usually use various schemes of manoeuvre (rather than dialogue, tolerance, empathy and reason), in contrast to the *third* category of *honest, diligent and competent* policy makers and legislators. As Warren Buffet's famous quote duly suggests, we should "[l]ook for 3 things in a person- Intelligence, energy and integrity. If they don't have the last one, [we] don't [need to] even bother with the first two".

Concluding Remarks

An ideology of development and social justice cannot succeed unless it is consistent with the *reality* at the grassroots and in tune with valid theories. No matter how much we may strive toward development, good intentions and

²¹⁴ See, Eun Mee Kim (1993), "Contradictions and Limits of a Developmental State: With Illustrations from the South Korean Case", *Social Problems*, Vol. 40, No. 2 (May, 1993).

²¹⁵ Upton Sinclair (1935); and Al Gore in '*An Inconvenient Truth*' (2006).

aspirations alone cannot enhance *livelihoods* and social justice unless new approaches influence Ethiopia's policies based on the facts on the ground. New approaches are thus expected to enhance individual *livelihoods* and *state of being* rather than fixations on statistical claims of double-digit annual 'economic growth'. Such grassroots approaches are expected to pay particular attention to the challenges and gaps in *capabilities* and the *well-being* of citizens which, *inter alia*, call for dealing with problems in the rural and urban land law regime, government and media credibility, merit-based appointments and employment, national consensus, education and language policies, private sector development, *caveats* against the waves in *khat* proliferation and aggressive beer advertising, and other issues including the ones highlighted in Section 4.

It is against this backdrop that Ethiopia requires new approaches toward the progressive realization of the constitutional right of citizens to *improved livelihoods* through the steady *enhancement of capabilities* based on concrete facts at the grassroots. A pragmatic approach to development is wider and deeper than the statistical claims of 'growth' based on the commodity approach to development. Bottom-up organic development may not be accompanied by big claims and glittering reports, but it addresses problems head-on and proactively pursues new paradigms to empower citizens so that they can steadily improve their livelihoods and enhance capabilities.

As Goethe had noted, "advances and regressions must be addressed" with prudence because progress does not pursue an ascending straight line. In the context of many African countries, including Ethiopia, regressions whose real features are concealed by statistical claims of 'growth' can lead to chronic traps. If this occurs in the midst of severe socio-economic and political vulnerabilities, it may lead to fragility which creates vicious traps that can reverse the pursuits toward development and social justice. To use Benjamin Franklin's words, "by *failing to prepare*" [ourselves and proactively deal with the challenges in the *livelihoods* of most citizens at the grassroots, we] "are *preparing to fail*".

No solution is eternal. Land, education, language and other policies that emerged at different times are not dogmatic solutions and prescriptions into eternity. New solutions need dialogue, insights and perspectives, and as George Bernard Shaw posited: "*Those who cannot change their minds cannot change anything*". Even if certain policies were operational solutions for yesterday's problems, some of them have shelf lives, and such policies (or legal regimes) can in due course be part of the problem rather than serving as tools toward solution. They should thus be periodically enriched and updated in the context of unfolding experience, valid findings and the *reality*. Or else, they will negate the core purpose of their existence, i.e., the progressive realization of enhanced *livelihoods*.
