

Draft

**Commission on Legal Empowerment of the Poor
(CLEP)**

**Background issue paper on
Legal Empowerment of the Poor:**

Access to Justice

Addis Abeba, Nov 12, 2006

A Centre for Human Environment Concept Note prepared as a backgrounder for the National Consultations of the High Level Commission on the Legal Empowerment of the Poor. This is a more specific note on the realities of access to justice in Ethiopia has been prepared separately. The paper is undergoing peer review to ensure its representativeness of coverage of the main Issues the Commission is entrusted with

**Constitution of the Federal Democratic Republic of Ethiopia,
Proclamation No. 1/1995 - Article 37, Right of Access to Justice**

(1) Everyone has the right to bring a justifiable matter to, and to obtain a decision or judgment by, a court of law or any other competent body with judicial power. (2). the decision or judgment referred to under sub-Article 1 of this Article may also be sought by: (a) Any association representing the Collective or individual interest of its members; or (b) Any group or person who is a member of, or represents a group with similar interests.

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Abbreviations and acronyms

AS-SLA	Adaptive Strategies SLA	MIS	Management Information Systems
AU	African Union	MTAs	Multilateral Trade Agreements
CBD	capacity-building domains	MTCS	Multi-track communications Systems
CBM	capacity building modules	NGO	Non-Governmental Organisation
CBO	Community Based Organizations	NRM	Natural Resources Management
CHE	Centre for Human Environment	PAPSL	Participatory Assessment and Planning for SL
CoP	Communities of Practice	PMESL	Participatory Monitoring & Evaluation for SL
CSOs	Civil Society Organizations	PMSC	Program Management, Support and Coordination
EGS	Employment Generation Schemes	PPA	Participatory poverty Assessment
EU	European Union	PPISL	Participatory Implementation for SL
GCA	Global Coalition for Africa;	PRSP	Poverty Reduction Strategy Paper
HLCLEP	High Level Commission on Legal Empowerment of the Poor	RBA	rights/asset-based development
ICA	the income/consumption approach	SAP	Structural Adjustment Program
ICT	Information communication Technology	SL	Sustainable Livelihoods
IGAD	Inter-Governmental Authority on Development	SLA	Sustainable Livelihoods Approach
IMF	International Monetary fund	SSA	Sub Saharan Africa
IPR	intellectual property rights	TRIPS	Trade Related Intellectual Property Rights
IFI	International Finance Institutions	UNGA	United Nations General Assembly
IT	international trade	WB	World Bank
KM	Knowledge management	WTO	World Trade Organisation
M&E	Monitoring & Evaluation		

Legal Empowerment of the Poor:
Access to Justice
Executive Summary

Beginning in the early 1990s, Ethiopia has been experiencing a major ground swell of social, economic, cultural and political changes. While the movement towards fundamental political change is remarkable, there are certain formidable challenges that will make the transition to a stable, democratic and pluralist system of governance very difficult. The system of justice in Ethiopia is generally characterized by delays in the dispensation of justice, lack of institutional capacity in law enforcement, court and inefficient system of law enforcement and congestion. This creates obstacles in the promotion and protection of human and democratic rights, inefficiencies in law enforcement as well as in the administration of justice. These problems exist mainly because of shortage of adequately trained personnel and the lack of essential equipment and facilities at both federal and regional levels. Programs designed to bring about a fair and efficient system of justice in the interest of the people have not fully lived up to expectations. Building a Legal Empowerment Program will require a mix of features:

- a) prioritizing the needs and concerns of the disadvantaged;
- b) emphasizing civil society, including legal services and development NGOs, as well as community-based groups;
- c) using whatever forums (often not the courts) the poor can best access in specific situations; encouraging a supportive rather than lead role for lawyers;
- d) cooperating with government wherever possible, but pressuring it where necessary; using community organizing or group formation;
- e) developing paralegal resources;
- f) integrating with mainstream socioeconomic development work; and
- g) building on community-level operations to enable the poor to inform or influence systemic change in laws, policies, and state institutions

The objective is to press for a more skeptical stance and a better balance in ROL aid. The best intentions of some donor and government officials notwithstanding, state institutions often are burdened by counterproductive incentives and constraints that outweigh or outlast efforts to ameliorate them through learning and knowledge management. The institutional competence and preparedness of legal empowerment to operationalize the strategic objectives and reforms necessary to develop

- 1) transparent legal and institutional arrangements in which the poor have confidence, can access justice, and which will generally contribute to a culture of fairness, equity and rule of law
- 2) Citizens and grassroots organizations participate successfully in a transparent reform process? How can their priorities, needs and concerns be heard and incorporated into proposals and actions using various tools of participatory governance (for instance, public forums/hearings, surveys, citizen report cards, etc)?
- 3) dispute resolution mechanisms support poor people's access to rights in affordable and locally appropriate ways
- 4) Special considerations to be given to indigenous peoples' issues, including their customary norms, traditions, and legal structures, barriers preclude them from accessing the formal or national legal and judicial structures? Does the national government issue indigenous peoples the necessary identity papers or documentation, or recognize the local equivalents, to ensure their access to legal and judicial institutions

Legal Empowerment of the Poor:

Access to Justice

I. Introduction

Ethiopia has been experiencing a major ground swell of social, economic, cultural and political changes. While the movement towards fundamental political change is remarkable, there are certain formidable challenges that will make the transition to a stable, democratic and pluralist system of governance very difficult. It is difficult to anticipate legal protection when genocidal marauders go left unchecked. In addition, the cultural, historical, and political conditions of this troubled region are not simply too conducive to the emergence of strong democratic polities. This is indeed the context within which the legal empowerment of the poor and access to justice has to be recognized.

Many have asserted that it highly unlikely that the “rule of law orthodoxy,” yet pursued by very powerful forces of international development and peace making. Within the Ethiopian context the justice reform focuses on capacity for building for the judiciary, law reform and law enforcement. The state-centered approach concentrates on law reform and governance institutions, to build business-friendly legal systems that presumably spur poverty alleviation, good governance and public safety. The challenges of “the paradigm are not these economic and political goals, per se, but rather its questionable assumptions, unproven impact, and insufficient attention to the legal needs of the disadvantaged”.

Legal empowerment is a phrase used to define the use of legal regimes to boost the Poor’s access to resources through rights-based development; grounded in grassroots needs and activities; involving government wherever possible. It also addresses a central reality that rule of law orthodoxy overlooks: in many developing countries, laws benefiting the poor exist on paper but not in practice unless the poor or their allies push for the laws’ enforcement. It is more than an alternative to the dominant paradigm; it should be integrated into many mainstream socioeconomic development efforts that generally do not address rule of law orthodoxy or the legal needs of the poor. The upshot for rule of law orthodoxy development practitioners is that they need to think less like lawyers and more like agents of social change. Conversely, development practitioners in other fields could benefit from thinking a bit more like lawyers and human rights advocates. The dual changes in perspective open up vistas for law to catalyze development, breaking the programmatic isolation embodied in the rule of law orthodoxy.

The HLCLEP has been set-up as yet another attempt in the evolution of centers of excellence that seek to augur on new policy and strategic trajectories to achieve the MDGs in a more radical way. Its core mission to “secure, enforceable property and labor rights, within an enabling environment that expands legal business opportunity and access to justice” is yet a novel attempt at bringing in marked changes in the fulfillment of a set of normative goals and an integrative concept which aims simultaneously to maintain or enhance resource productivity, secure their ownership of and access to assets, resources and income earning activities, and ensure adequate stocks and flows of goods and services. This resource paper aims at bring in out the issues on Access to Justice within the Ethiopian Context and diverse internationally supported programs that can become a challenge both for the international agencies involved and for Governments because of their narrowly technocratic orientation and limited generalisability and variability.

II

Strategic Objectives

To produce an updated summary and analysis of the existing body of knowledge concerning local (national) experiences in one of the four areas of focus of the Commission on Legal Empowerment of the Poor – Property rights. This will be the basis for discussion and analysis at the national level in each of the countries involved in the regional consultation. The thematic survey papers will be discussed in more detail with CLEP's Secretariat and the focus groups and the national Consultation in December 1st 2006.

Access to Justice and Rule of Law

- What reforms are necessary to develop transparent legal and institutional arrangements in which the poor have confidence, can access justice, and which will generally contribute to a culture of fairness, equity and rule of law?
- How can citizens and grassroots organizations participate successfully in a transparent reform process? How can their priorities, needs and concerns be heard and incorporated into proposals and actions using various tools of participatory governance (for instance, public forums/hearings, surveys, citizen report cards, etc)?
- How can dispute resolution mechanisms support poor people's access to rights in affordable and locally appropriate ways?
- What special considerations should be given to indigenous peoples' issues, including their customary norms, traditions, and legal structures? What barriers preclude them (linguistic, geographic) from accessing the formal or national legal and judicial structures? Does the national government issue indigenous peoples the necessary identity papers or documentation, or recognize the local equivalents, to ensure their access to legal and judicial institutions?
- How can improved public administration contribute to transparency and accountability, and increase public trust in the formal economic system?
- What factors and conditions (enabling environment) external to the focus of the Commission's work should be addressed to ensure success (e.g. corruption)?

Methodology: Research based on all the available literature sources in the subject matter, as well as interviews and other information gathering mechanisms deemed necessary to collect pertinent information or observations from relevant actors (including academics and representatives from civil society and the government involved in the sector).

Section III

The Overall Context within which the Justice Reform is situated

In Ethiopia modern public administration started in 1907, following the initiative of the political leadership to create the first European type of ministries of Justice, Interior, Commerce and Foreign Affairs, Finance, Agriculture and Industry, Public Works, War, Pen and Palace. State administration was strengthened by raising the number of ministries to 11 in the 1940s and to 16 in the 1950s and 1960s. This was gradually followed by encouraging qualitative and quantitative changes including the modernization of the appointment of salaried and educated people in the civil service. In this respect, although the basis for appointment to higher positions was loyalty to the monarch and family background, the emergence of a merit governed recruitment system in the 1960s had qualified the civil service as potentially good and efficient administrative machinery.

However, following the advent of the Dergue military regime, in 1974, the country went into a situation that badly affected the civil service. The political turmoil and the measures that the regime took to control and restructure public administration, constrained the capacity of the civil service to implement governmental development policies and programs and adversely affected the service's morale and performance, resulting in low productivity. After the present government came to power, in May 1991, the state underwent a number of unprecedented fundamental changes including:

- 1) Adoption of the 1994 Constitution that created a democratic federal government structure where autonomous regional states enjoy vast powers in various aspects of public administration and shoulder service delivery responsibilities such as health, education, social security, rural water and rural roads – with the Worked as the basic unit of a decentralized system of government; and
- 2) A significant shift from a command economy towards a market based economy, which gives emphasis to the role of the private sector.

In May of 1991, Ethiopia made a major shift from a highly centralized system of government to a democratic and decentralized federal system. The country's constitution, which was adopted in December of 1994 guarantees respect for human and democratic rights of citizens. The principle of self-determination as enshrined in the constitution is manifested by a federal state structure devolving power to regions that are constituent members of the federation. The constitution guarantees full independence of the judiciary with judicial powers both at the federal and regional levels vested in the courts. In addition to federal courts, there are nine regional courts each with a three-tier court structure -- supreme, high (zonal) and first instance (*woreda*). The Federal Government and member states of the federation have parallel legislative, executive and judicial organs that perform their functions independent of one another.

So, the emergence of the federal state system has led not only to a measure of rationalization of government structures and functions as the core initiative that greatly influenced the operation of the civil service, but also a greater devolution of managerial autonomy and resource control thereby creating unprecedented opportunities for people's participation in deciding on matters affecting their lives. The devolution of administrative and governance power, in particular, has facilitated actions aimed at strengthening the role and capacity of local authorities so that they become responsive and accountable to the concerns of local communities and groups, and be equal development partners in local governance and

development by involving the community, civil society organizations and the local private sector in formulating, implementing, and managing plans and policies.

Given that it is designed to promote democracy and achieve the Government's long-term development objectives through public participation, the new federal government arrangement is then a key issue surrounding the civil service system and the reform program initiated to improve the quality of its management.

Basic Architecture of the Federal Government: The new federal governance arrangement comprises the Federal Government and the Regional State members. The Federal Government has both a President and a Prime Minister. The President serves as the Head of State, nominates and receives the credentials of ambassadors, proclaims laws approved by the Council of Peoples' Representatives (COPR).

The Prime Minister is the Chief Executive, Chairman of the Council of Ministers (COM), and Commander in Chief of the armed forces. He/she nominates ministers, judges and the Federal Auditor General leads the COM and organizes its agenda; and ensures implementation of laws, policies, directives and other government initiatives. As determined by the Constitution, the functions of the Federal Government include:

- (a) Formulation of the country's overall economic and social development policy,
- (b) Establishment of national standards and basic criteria for evaluation of policies in public health, education, science, technology and culture,
- (c) Formulation and execution of the country's financial, monetary and foreign investment policies,
- (d) Enactment of laws regarding land and other natural resources,
- (e) Establishment of national defense and public security forces,
- (f) Administration of the National Bank, borrowing and printing money,
- (g) Development and regulation of air, rail, waterways and sea transport, as well as, postal and telecommunications services, and
- (h) Regulation of inter-state and foreign commerce, immigration, patents and copyrights, together with other lesser functions.

The Federal Government's powers are exercised through its executive, legislative and judicial branches. Its highest executive powers of implementing laws and decisions adopted by the COPR, establishing the organizational structures of ministries and other administrative agencies, drawing up the annual Federal budget, and providing policy guidance for the country on both for foreign and domestic policy are vested in the Prime Minister and the COM consisting of the Prime Minister him/her self, the Deputy Prime Minister, Ministers of the Federal Government and other Federal officials whose membership is determined by law.

At present, there are 17 ministries: (1) Agriculture, (2) Health, (3) Education, (4) Finance and Economic Development and Cooperation, (5) Trade and industry, (6) Mines and Energy, (7) Infrastructure, (8) Water Resources, (9) Capacity Building (10) Labor and Social Affairs, (11) Justice, (12) Information (13) Youth, Sports and Culture, (14) Foreign Affairs, (15) Revenue, (16) Rural Development, and (17) National Defense.

The legislative powers of the Federal Government are vested in the two parliamentary councils including the COPR and the Federal Council. These bodies are responsible for legislating over a number of matters. The COPR, in particular, which is the primary legislative organ is responsible for legislating over land and natural resources, inter-state and foreign commerce, transport, postal and telecommunications, the enforcement of political rights, nationality, immigration, passport and exit, patents and copy rights, the codes for labor, commerce, penal

and civil matters, and the administration of the National Bank and foreign and local currency. The COPR also has the authority to declare war, ratify treaties, and approve general policies and social and economic development policies, and approve the appointment of Federal judges, members of the COM, Commissioners, and the Federal Auditor General, levy taxes and ratify the Federal budget.

Composed of representatives of nations, nationalities and peoples elected for five-year terms, at least one member, plus one additional representative representing each nation, nationality and people for each million of population, the Federal Council has the power of interpretation of the Constitution.

To expedite the legislative process, twelve House Committees are set up within the COPR. These include those for Legal Affairs, Budget Affairs, Economic Affairs, Defense, Security and Foreign Affairs, Rural Development, Social Affairs, Media and Culture, Women's Affairs, Capacity Building, Pastoralists Affairs, Trade and industry, and Natural Resources and Environment. The responsibilities of these Committees include reviewing proposed legislations and making recommendations to the house in their defined areas of concern.

The judiciary is an independent body consisting of a Federal Supreme Court, which has the highest and final jurisdiction over federal matters, and a series of high and lower State Courts, and under certain circumstances, religious and customary courts.

Regional States: The federation consists of nine member states including Afar, Amhara, Benishangul Gumuz, Gambella, Hareri, Oromiya, Somali, Tigray, and Southern Nations, Nationalities and Peoples (SNNP) Regional States, which do have the right to exercise legislative, executive and judicial powers. Each Regional State is vested with the responsibility for enacting and executing policies, strategies and plans for its economic and social development and for administering land and the use of other natural resources in accordance with the Federal laws. It is also authorized to levee and collect taxes on revenue sources allocated to it, to enact laws on administrative matters and on conditions of service for its employees in a fashion consistent with the national standard, and to establish and administer its police force.

The House of Peoples' Representatives, the highest authority of the Federal Government, is the law-making organ in all matters assigned by the constitution to the federal jurisdiction. The State Council, the highest organ of state authority, has the power of legislation on matters falling under state jurisdiction. It is important to note here that regions have residual powers in matters that are not expressly given to the Federal Government alone or concurrently with regions. The House of Federation, the second chamber of the parliament, is vested with the power to interpret the constitution, organize the council of constitutional inquiry, decide on issues relating to the rights of citizens, nationalities and self-determination, including the right to secession.

The Independence of the judiciary is also guaranteed by the federal constitution. Judicial powers both at federal and regional levels are vested in the courts. Because of the duality of institutions entailed by the dichotomy of the federal/regional state structure there are, in addition to federal courts, nine regional courts each with its own compliment of a three-tier court structure -- supreme, high (zonal) and first instance (woreda) courts. Unless the House of Peoples' Representatives votes to establish nation-wide federal high and first instance courts by two-thirds majority, jurisdiction is delegated to regional courts.

The constitution also elaborates the powers and duties of the executive branch of the

Government. The Council of Ministers is the highest executive organ at the federal level. Other federal agencies referred to as commissions, authorities and offices are accountable to appropriate ministries excepting those directly accountable to the Office of the Prime Minister. In regions, the state council (legislature) is the highest governmental organ. State executive organs parallel and analogous to ministries of the Federal Government are referred to as bureaux. In regional states, the executive organ is the state cabinet headed by the chief administrator of the state.

Institutions Involved in the Justice System: There are various institutions involved in the justice system with their respective duties and responsibilities. These are:

- i. The House of Peoples' Representatives
- ii. The House of Federation
- iii. The State Councils
- iv. The Courts
- v. The Ministry and Regional Bureaux of Justice
- vi. Federal and State Police
- vii. The Federal and State Penitentiary Administration
- viii. Institutions of Legal Education and Research
- ix. The Bar Association of Ethiopia

Federal Institutions

House of Peoples' Representatives: Legislative power resides with the House of Peoples' Representatives, which is "the supreme legislative organ in all matters assigned by the constitution to federal jurisdiction. Its members are elected for a term of five years on the basis of universal suffrage and by direct, free and fair elections.

House of Federation: The House of Federation is the second chamber of parliament composed of representatives of nations, nationalities and peoples of the country. The house is vested with the power to interpret the constitution, decide on self-determination, and division of revenues between federal and regional governments.

The Federal Courts: Proclamation No. 25 of 1996 establishes federal courts, which comprise the Federal Supreme Court, the Federal High Court and the Federal First Instance Court. These courts have jurisdiction over cases arising under federal laws as well as cases of parties and places specified in federal law. Judges of federal courts are selected for appointment by the Federal Commission for Judicial Administration and are appointed by the House of Peoples' Representative after nomination by the Prime Minister. Federal judges hold office as long as they are in good health and behavior.

Another institution worth mentioning is the Court of *Cassation*, which is an integral part of the Federal Supreme Court. In addition to reviewing final decisions of federal courts, it has the power to review the final decisions of state supreme courts in cases containing "fundamental errors of law". Provide legal education with a view to raising the public legal consciousness.

The Ministry of Justice: According to Proclamation No.4 of 1995 (as amended), which defines the powers and duties of the executive organs of the Federal Democratic Republic of Ethiopia, the duties and responsibilities of the Ministry of Justice are the following

- Act as a chief advisor to the Federal Government on matters of law.
- Prosecute federal crimes before federal and state courts.
- Study the causes and methods of crimes and their prevention.
- Institute cases or intervene in proceedings before federal and regional courts, other judicial body's or arbitration tribunals, where the rights and interests of the public and of the Federal Government so require.
- Issue, supervise and revoke licenses of advocates practicing before federal courts.

The Police: The Federal Police, which is under the Ministry of Federal Affairs, is responsible for investigating federal crimes. The Federal Police has also the duty to investigate federal crimes committed at state level.

The Penitentiary Administration: The federal Penitentiary Administration was established recently under Proclamation No. 365/2003. It is vested with executing sentence passed by the federal courts and rehabilitation of convicts. In doing so, it has the responsibility of creating a better environment where inmates can be educated and rehabilitated as responsible members of the community.

The Bar Association: The Ethiopian Bar Association is an organization of licensed lawyers whose function is to assist the courts in rendering justice. Established in the 1960s, the Association has taken new initiatives to revitalize itself, particularly since 1995. At present, it has membership of over seven hundred practicing lawyers. Its ultimate objective is to establish itself as self-governing professional association.

Institutions of Legal Education and Research: Several institutions of higher learning and one research institute are involved in the country's justice system in one way or another. The higher learning institutions, which provide trained legal professionals to the justice and other institutions are law faculties of the Addis Ababa University, the Civil Service College and others. Established in 1963, the Faculty of Law at the Addis Ababa University: has been offering degree and diploma programs to regular and evening students. Due to capacity limitations it graduated only about 1,200 LL.B degree holders and approximately 2,000 graduates with diploma in its nearly 40 years of existence. The Civil Service College was established in 1996 with the objective of creating conditions under which civil servants in regions serve the people by training them in various skills and professions, with priority given to women and backward regions in admission of students. To date, the College has graduated over 500 lawyers. The Justice and Legal System Research Institute was established in 1997 with the objective of undertaking research with a view to strengthening and modernizing the country's justice and legal system.

Regional Institutions: There also are several other institutions at state levels, including the following. The State Council is the highest organ of state authority in each member state. It is responsible to the people of the state and has the power of legislation on matters falling under state jurisdiction according to the federal constitution. The state administration constitutes the highest organ of executive power. All member states having enacted their respective constitutions and are in the process of implementing them by establishing institutions and promulgating laws.

State Courts: Courts established in all states have three levels: state supreme courts, zonal or high courts, and woreda courts. As with the federal system, and similar in both composition and powers, state courts also have their cassation benches.

State Justice Bureaux: The functions of state justice bureaux of regional governments are similar to those of the Federal Government's Ministry of Justice.

State Police: In principle, the state police are responsible for handling state crimes. State police also partake in the investigation of federal crimes committed in states.

State Penitentiary Administration: The State Penitentiary Administration is responsible for enforcing judgment of state courts and for rehabilitation of offenders serving prison terms.

IV

Current Policy Realities and Analytical Limitations in Current Perspectives of Access to Justice

A. Analytical Limitations

Current discussions and analyses of pluralism generally are marked by several limitations. These include a tendency to narrow democratic thought and practice to the terms and categories of immediate, not very well considered, political and social action, a naive realism, as it were; inattention to problems of articulation or production of democratic systems and process rather than simply as formal or abstract possibilities; ambiguity as to whether civil society is the agent or object of democratic change and concerning the role of the state; a nearly exclusive concern in certain institutional perspectives on legal empowerment in Greater Horn with generic attributes and characteristics of political organizations and consequent neglect of analysis in terms of specific strategies and performances of organizations in processes of transition; and inadequate treatment of the role of international agencies and of relations between global and indigenous aspects or dimensions of legal empowerment.

Civil Society: Agent or object of Legal empowerment? In the current drive for democracy and development in Greater Horn civil society and institutions within it are "foregrounded" as the arena, agents and instruments of the movement. Internal and external demands for good governance and legal empowerment and the need to reform the indigenous state into a system of transparent practices have placed a heavy emphasis on social institutions as autonomous actors within democratic projects. It cannot be expected that pressure for regime transformation will come from above. The most likely and most effective initiative will come from below, outside the decrepit, authoritarian state, in civil society. (Global Coalition for Africa / Africa Leadership Forum, (1993) Society yields the spontaneous interests, demands and institutional mechanisms of democratic transition. From this perspective, the state has only a limited role to play. Its function will not be to manage society's democratic aspirations and activities, but to create the enabling conditions for their free play. Institutions and groups in civil society must be allowed to form and run themselves. When they begin to address longer socio-economic and political issues beyond their limited sectional concerns, or to cooperate with the state on certain matters, they should be able to do so in terms of their specific interests and competence, not as mere instruments or extensions of governments. On account of this view, the state assumes a large role in legal empowerment. It is assigned the task of nothing less than "cultivating civil society" itself through political education and mobilization and other means. Government is not pushed to the background as society activates itself and leads the struggle for reform. Rather, the former acts on the latter, promotes and manages the participation of individuals and groups in legal empowerment. We have here, then, two divergent representations of civil society accompanied by somewhat conflicting conceptions of the role of the state in the Greater Horn passage to democracy.

The perception of society as producer of the spontaneous interests, demands and institutional resources of democratic change to some degree conflicts with the view of civil societies in Greater Horn as weakly developed social and institutional structures in need of cultivation and support by the state. The conception of the state as creator of the enabling environment for the free democratic activities of individuals and groups diverges from the view of government as political educator, mobilizer and democratizer of civil society.

Overlay of generic institutional variables: Institutional approaches to the study of democratic reforms in Africa call for analysis of the effectiveness of government and non-government organizations in contributing to the reforms in terms of the generic characteristics of the organizations. The characteristics include: **autonomy, capacity, complexity, cohesion and a combination of these**. Presumably, the more organizations and institutions are endowed with these attributes, the greater their strength, and the more likely they are to promote democratic transition. Let us then look at the hypotheses. Pluralism is least likely in highly personalistic, neo-patrimonial regimes where state elite have routinely violated the rule of law with impunity. The prospects for a democratic transition improve to the extent that the state apparatus contains organizations that are autonomous (from the executive branch), capacious, complex and cohesive. The prospects for democratic transition are heightened to the extent that the judiciary exhibits independence by arbitrating neutrally in rule disputes between state (the executive branch) and organized plaintiffs in society.

Inadequate Analysis of the Role of External Agencies: The effectiveness of political conditionality is a function of the dependence of a recipient government on foreign aid. Government compliance with donor conditions varies with the type of policy reform. Compliance is "high for measures that can be implemented by a small number of central government officials and low for reforms requiring extensive institutional change". The growth of foreign interventions seems in marked contrast to the limited thought and effort exerted by developers and democratizers to put the interventions in coherent theoretical or strategic perspective. One can ask - What is the overall rationality or significance of the great traffic of international programs of empowerment and development in Greater Horn, the proliferating activities that seem to show little regard for economy of co-ordination; not to mention new norms of social engineering that seem to haunt the rural landscape indefinitely? How far and in what ways do various international agencies, programs, mechanisms, forms of knowledge and technical assistance feed on one another in helping set the boundaries of reform? The important issues that these questions suggest are not sufficiently addressed, or even raised, in much of the current discussion of political transitions. Insofar as the activities of external agencies in Greater Horn are not understood and engaged in partly as indigenous societal potentialities developing gradually into actual structures, functions and characteristics of government and societies, their developmental impact may diminish with their proliferation. This can mean little more than a weakly coordinated multiplication of projects which have immediately recognizable or measurable effects in limited areas, but which seem to suspend rather than serve the ultimate goals of legal empowerment.

Concluding this section, the stewardship, management and administration of the reform process in Africa are marked by uniquely austere organizational-strategic issues. Even under democratically favorable contemporary global conditions, historical, ideological and strategic characteristics internal and external to the transition process still would exist that make the transition a costly exercise. In situations where public officials are seen to be using their positions to advance parochial interest and self aggrandizement, a general loss of respect for authority and the law occurs and despondency in the general population develops. It is apparent that as the continent enters this new era of political pluralism and democratic governance there is a need to overhaul the administrative machinery and develop institutional alternatives to the centralized, bureaucratic and hierarchical organizational structure. Characteristics and problems of this sort can be identified and understood through critical, yet constructive, analysis focused on certain key elements of the reform strategy; in setting the stage for the evolution of political culture.

There is no simple or immediate identification of transition strength, weaknesses, opportunities and challenges as they actually are; there is only a definition of them from a

certain perspective and towards a certain "resolution". The complexity and uncertainty surrounding empowerment stems from lack of information, knowledge (what matters) and predictability of courses of events. It refers to systems components, differentiation and interdependence. Hence, the passage to legal empowerment is political development problematique not merely because of the challenges of balancing the desire for an immediate poverty exit with the reality of initiating a pluralistic transition in nations with a limited pluralistic record, an "underdeveloped" civil society and high levels of illiteracy; but was bound to have shortcomings that stem in part from historical and structural conditions marked by authoritarian and militarist tradition for a good part of their history.

B. The Orthodoxy behind the Rule of Law

Steven Golub in his thesis on beyond the rule of law orthodoxy asserts that "the international aid field of law and development focuses too much on law, lawyers, and state institutions, and too little on development, the poor, and civil society. In fact, it is doubtful whether "rule of law orthodoxy," the dominant paradigm pursued by many international agencies, should be the central means for integrating law and development. As most prominently practiced by multilateral development banks, this "top-down," state-centered approach concentrates on law reform and government institutions, particularly judiciaries, to build business-friendly legal systems that presumably spur poverty alleviation.¹

Other development organizations use the rule of law (ROL) orthodoxy's state-centered approach to promote such additional goals as good governance and public safety. The problems with the paradigm are not these economic and political goals, per se, but rather its questionable assumptions, unproven impact, and insufficient attention to the legal needs of the disadvantaged.

An alternative, more balanced approach often is preferable: legal empowerment—the use of legal services and related development activities to increase disadvantaged populations' control over their lives. This alternative paradigm, a manifestation of community-driven and rights-based development, is grounded in grassroots needs and activities but can translate community-level work into impact on national laws and institutions. It prioritizes civil society support because it is typically the best route to strengthening the legal capacities and power of the poor. But legal empowerment engages government wherever possible and does not preclude important roles for dedicated officials and ministries. It also addresses a central reality that ROL orthodoxy overlooks: In many developing countries, laws benefiting the poor exist on paper but not in practice unless the poor or their allies push for the laws' enforcement.

Legal empowerment is more than an alternative to the dominant paradigm; it should be integrated into many mainstream socioeconomic development efforts that generally do not address ROL or the legal needs of the poor. Though still exceptions to the rule, there are increasing instances of this "mainstreaming" taking place in ways that benefit human rights, development, and project performance. Examples include initiatives addressing natural resources management in Ecuador, public health in South Africa, land reform in the Philippines, women's literacy and livelihood in Nepal, reproductive health in Senegal, and gender equity in Bangladesh.

This alternative approach puts community-driven and rights-based development into effect by offering concrete mechanisms, involving but not limited to legal services, that alleviate poverty, advance the rights of the disadvantaged, and make the rule of law more of a

¹ Golub S, (2003) BEYOND RULE OF LAW ORTHODOXY The Legal Empowerment Alternative Rule of Law Series Democracy and Rule of Law Project Carnegie Endowment for International Peace WORKING PAPER, Number 41, Washington, DC

reality for them. So far, however, legal empowerment efforts mainly consist of diverse civil society initiatives rather than deliberate donor programs. As a result, it is underappreciated and underused.

The upshot for ROL development practitioners is that they need to think less like lawyers and more like agents of social change. Conversely, development practitioners in other fields could benefit from thinking a bit more like lawyers and human rights advocates. The dual changes in perspective will open up vistas for using law to make a greater contribution to development, breaching the programmatic isolation represented by ROL orthodoxy. Both groups also should stop assuming that assistance to state institutions yields greater impact and more sustainable outcomes than does support for civil society. In key respects, the opposite is the case.

Legal empowerment differs from ROL orthodoxy in at least four additional ways: (1) attorneys support the poor as partners, instead of dominating them as proprietors of expertise; (2) the disadvantaged play a role in setting priorities, rather than government officials and donor personnel dictating the agenda; (3) addressing these priorities frequently involves non-judicial strategies that transcend narrow notions of legal systems, justice sectors, and institution building; (4) even more broadly, the use of law is often just part of integrated strategies that include other development activities.

Numerous studies by academics and development organizations highlight the importance of building the capacities, organization, or political influence of civil society—all of which legal empowerment contributes to—in improving the lives of the disadvantaged. A growing array of qualitative and quantitative research more specifically suggests that legal empowerment has helped advance poverty alleviation, good governance, and other development goals. It accordingly merits substantially increased financial and political support. Such assistance can be provided: (1) as aid specifically directed at legal empowerment; (2) in conjunction with ROL promotion; or (3) as part of mainstream socioeconomic development work.

Despite its drawbacks, I do not claim that ROL orthodoxy is the wrong path to take under all circumstances; nor is legal empowerment a panacea. Nor are the two mutually exclusive. Those of us concerned with law and development do not know enough to be so absolutist about these matters.

But we do know enough to raise questions—and that is precisely one point of this paper: ROL orthodoxy's many problematic features make the prevalent devotion to it a remarkable state of affairs. In numerous countries, law-oriented development aid goes mainly to a narrow range of state institutions, whereas the legal priorities of the poor often lie elsewhere. The international community needs a paradigm shift in how it integrates law and development.

Key Features of Rule of Law Orthodoxy

The rule of law orthodoxy embraced by much of the international donor community should not be confused with the rule of law itself. In the view of the World Bank, while defined in various ways, the rule of law prevails where

- (i) the government itself is bound by the law,
- (ii) every person in society is treated equally under the law,
- (iii) the human dignity of each individual is recognized and protected by law, and
- (iv) justice is accessible to all.⁹

ROL orthodoxy, by contrast, is a set of ideas, activities, and strategies geared toward bringing about the rule of law, often as a means toward ends such as economic growth, good governance, and poverty alleviation.

This paradigm comprises a *mélange* of goals, assumptions, activities, and strategies. Many of these vary according to context, are ill-defined, or are only implicit. The characterization offered here, then, seeks to distill some common traits without identifying them with any one institution, project, or country.

The paradigm's programs and goals are not confined to the economic sphere, though that often is most salient in development discourse and among the multilateral financial institutions that today are major sources of funds for ROL programs. This central stream of ROL orthodoxy considers the rule of law essential for long-term development because it provides security for foreign and domestic investment, property and contract rights, international trade, and other vehicles for advancing economic growth.

Martinez accordingly asserts that "the liberalization of market economies...requires a legal order that is fair, efficient, easily accessible, and predictable."¹⁰ This line of thought further holds that properly functioning courts and other legal institutions nurture a favorable business climate by protecting investments and by enforcing contracts and property rights. Foreign and domestic enterprises are more likely to establish and expand operations that manufacture goods and provide services under such circumstances, the reasoning goes. Among other benefits, this in turn provides jobs, increases the output of goods and services, yields a ripple effect of additional business for and employment by local enterprises that serve expanding domestic and foreign firms, brings about technology and skills transfer, and increases foreign exchange reserves.

As a strategy for presumably alleviating poverty by promoting business and investment, ROL orthodoxy is substantially linked to globalization. It seeks to further the national adoption of international legal standards and practices, as well as the integration of national economies into the world economy.

ROL orthodoxy has an even wider reach, however, as a set of programs that emphasize top-down, state-centered approaches for pursuing a diversity of goals, beyond building better business environments. It infuses many law programs supported by donors which seek to advance the rule of law as part of their democracy and governance. To be fair, international aid agencies increasingly consult with the disadvantaged and civil society in setting priorities, and a few are broadening their perspectives on legal systems. DFID's policy papers, for example, emphasize how crucial it is to ascertain the legal needs of the poor and the multifaceted ways in which dysfunctional legal systems perpetuate their poverty.¹³ But civil society consultation is far different than supporting civil society to serve the disadvantaged and build their legal capacities.

However, they still tend to exclude administrative agency and local government decisions that boil down to matters of law and that the poor often consider crucial matters of justice. In short, key features of ROL orthodoxy include:

- A focus on state institutions, particularly judiciaries.
- This institutional focus is largely determined by the legal profession, as represented by a nation's jurists, top legal officials, and attorneys, and by foreign consultants and donor personnel.
- As a result, a tendency to define the legal system's problems and cures narrowly, in terms of courts, prosecutors, contracts, law reform, and other institutions and processes in which lawyers play central roles.
- Where civil society engagement occurs, it usually is as a means toward the end of state institutional development: consulting nongovernmental organizations (NGOs) on how to reform the (narrowly defined) legal system, and funding them as vehicles for advocating reform.
- A reliance on foreign expertise, initiative, and models, particularly those originating in industrialized societies.
- These features translate into funding a distinct array of activities, including:
 - courthouse construction and repair;
 - purchase of furniture, computers, and other equipment and materials;
 - drafting new laws and regulations;
 - training judges, lawyers, and other legal personnel;

- establishing management and administration systems for judiciaries;
- support for judicial and other training/management institutes;
- building up bar associations; and
- international exchanges for judges, court administrators, and lawyers

IV

Assessment of the legal and practical dimensions of Access of the Poor to Justice

Access to justice, civil society, public information and media

The Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995 Article 29 - Right of Thought, Opinion and Expression states that

1. Everyone has the right to hold opinions without interference.
2. Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice.
3. Freedom of the press and other mass media and freedom of artistic creativity is guaranteed. Freedom of the press shall specifically include the following elements:
 - (a) Prohibition of any form of censorship.
 - (b) Access to information of public interest.
4. In the interest of the free flow of information, ideas and opinions which are essential to the functioning of a democratic order, the press shall, as an institution, enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions.
5. Any media financed by or under the control of the State shall be operated in a manner ensuring its capacity to entertain diversity in the expression of opinion.
6. These rights can be limited only through laws which are guided by the principle that freedom of expression and information cannot be limited on account of the content or effect of the point of view expressed. Legal limitations can be laid down in order to protect the well-being of the youth, and the honor and reputation of individuals. Any propaganda for war as well as the public expression of opinion intended to injure human dignity shall be prohibited by law.

In the following we will examine specific indicators for evaluating the access to justice by the poor.²

A. CIVIL SOCIETY AND ITS ORGANIZATIONS

Arena	Indicator	Percentage points				Y/ N
		25	50	75	100	
CSOS ARE LEGALLY PROTECTED	1) In law, citizens have a right to form CSOs					Y
	2) In law, CSOs are free to accept funding from any sources.					Y
	3) In law, CSOs are required to disclose sources of funding.					Y
	4) In practice, there are barriers to form rights CSOs.					N
	5) In practice, CSOs engages in policymaking process.					N

² GI 2006 - Global integrity indicators – permission will be requested to use these indicators

MEDIA	6) In law, citizens have a right to organize into trade unions.					Y
	7) In practice, citizens are able to organize into trade unions.	■	■			Y
	8) In law, freedom of the media is guaranteed.					Y
	9) In law, freedom of speech is guaranteed.					Y
	10) In practice, there are no barriers to form a media entity					Y
FREE SPEECH PROTECTED AND CITIZENS ARE ABLE TO FORM MEDIA ENTITIES³	11) In practice, citizens obtain a media license within a month	■				N
	12) In practice, citizens obtain a license at a reasonable cost.				■	Y
	13) In law, media companies are required to disclose their ownership.				■	Y
	14) In practice, journalists and editors adhere to strict, professional practices in their reporting.	■				N
	15) In practice, during the most recent election, political parties or candidates received fair media coverage.				■	Y
PUBLIC ACCESS TO INFORMATION	16) Do citizens have a legal right of access to information?				■	Y
	17) In law, citizens have a right of access to government information and basic government records.		■			Y/N
	18) In law, citizens have a right of appeal if access to a basic government record is denied.		■	■		Y
	19) In law, there is an established institutional mechanism through which citizens can request government records.	■	■	■		Y
RIGHT OF ACCESS TO INFORMATION EFFECTIVE	20) In practice, citizens receive responses to access to information requests within a reasonable time period.	■				N
	21) In practice, citizens can use the access to information mechanism at a reasonable cost.				■	Y
	22) In practice, the government gives reasons for denying an information request.	■				N

B. EXECUTIVE ACCOUNTABILITY

Arena	Indicator	Percentage points				Y/N
		25	50	75	100	
OFFICIALS HELD ACCOUNTABLE FOR HIS/HER ACTIONS	23) In law, can citizens sue the government for infringement of their civil rights?				■	Y
	24) In practice, officials give reasons for policy decisions.			■		Y
	25) In law, the judiciary can review decisions of the executive.				■	Y
	26) In practice, judiciary reviews decisions of the executive.				■	Y
	27) In law, the heads of state and government can be prosecuted for crimes they commit.				■	Y
	28) In law, ministerial-level officials can be prosecuted for crimes they commit.				■	Y
	29) Are there regulations governing conflicts of interest by the executive branch?				■	Y
	30) In law, there are restrictions on heads of state and government and ministers entering the private sector after leaving the government.	■				N
	31) In practice, the regulations restricting post-government	■				N

³ Article 29 - Right of Thought, Opinion and Expression 1. Everyone has the right to hold opinions without interference. 2. Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice. 3. Freedom of the press and other mass media and freedom of artistic creativity is guaranteed. Freedom of the press shall specifically include the following elements: (a) Prohibition of any form of censorship. (b) **Access to information of public interest.** 4. In the interest of the free flow of information, ideas and opinions which are essential to the functioning of a democratic order, the press shall, as an institution, enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions. 5. Any media financed by or under the control of the State shall be operated in a manner ensuring its capacity to entertain diversity in the expression of opinion. 6. These rights can be limited only through laws which are guided by the principle that freedom of expression and information cannot be limited on account of the content or effect of the point of view expressed. Legal limitations can be laid down in order to protect the well-being of the youth, and the honour and reputation of individuals. Any propaganda for war as well as the public expression of opinion intended to injure human dignity shall be prohibited by law.

	private sector employment for heads of state and government and ministers are effective.					
32)	In practice, executive branch asset disclosures (defined here as ministers and above) are audited.					N

C. LEGISLATIVE ACCOUNTABILITY

Arena	Indicator	Percentage points				Y/ N
		25	50	75	100	
THE LEGISLATURE BE HELD ACCOUNTABLE FOR THEIR ACTIONS	33) In law, the judiciary can review laws passed by the legislature.					N
	34) In practice, when necessary, the judiciary reviews laws passed by the legislature.					N
	35) In law, are members of the national legislature subject to criminal proceedings? ⁴					Y
	36) Are there regulations governing conflicts of interest by members of the national legislature?					Y
	37) In law, members of the national legislature are required to file an asset disclosure form.					Y
	38) In law, there are restrictions for national legislators entering the private sector after leaving the government.					Y
	39) In law, there are regulations governing gifts and hospitality offered to members of the national legislature.					Y
	40) In law, citizens can access the asset disclosure records of members of the national legislature.					Y
	41) In practice, citizens can access these records within a reasonable time period.					Y
	42) In practice, citizens can access these records at a reasonable cost.					Y
	43) In law, citizens can access records of legislative processes and documents.					Y
	44) In practice, citizens can access these records within a reasonable time period.					N
	45) In practice, citizens can access these records at a reasonable cost.					Y

D. JUDICIAL ACCOUNTABILITY

Arena	Indicator	Percentage points				Y/ N
		25	50	75	100	
JUDGES APPOINTED FAIRLY	46) In practice, there is a transparent procedure for selecting national-level judges.					Y
	47) In practice, there are certain professional criteria required for the selection of national-level judges.					Y
	48) In law, there is a confirmation process for national-level judges.					Y
	49) Members of the judiciary are held accountable for their actions?					Y
	50) In law, members of the national-level judiciary are obliged to give reasons for their decisions.					Y
	51) In practice, members of the national-level judiciary give reasons for their decisions.					Y
	52) In law, there is an ombudsman (or equivalent agency or mechanism) for the national-level judicial system.					Y
	53) In law, the judicial ombudsman (or equivalent agency or mechanism) is protected from political interference.					Y
	54) In practice, when necessary, the judicial ombudsman					N

⁴ Article 63 Immunity of Members of the House of the Federation, I. No member of the House of the Federation may be prosecuted on account of any vote he casts or opinion he expresses in the House, nor shall any administrative action be taken against any member on such grounds. 2. No member of the House of the Federation may be arrested or prosecuted without the permission of the House except in the case of flagrant violation of the law.

ANTICORRUPTI ON AND WHISTLE- BLOWING MEASURES	initiates investigations.					
	55) employees protected from recrimination or other negative consequences when reporting corruption					Y
	56) In law, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.					Y
	57) Is there an effective internal mechanism (i.e. phone hotline, local office) where civil servants can report corruption?					Y
	58) In practice, the internal reporting mechanism for public sector corruption has a professional, full-time staff.					Y
	59) In practice, the internal reporting mechanism for public sector corruption receives regular funding.					Y
	60) In practice, the internal reporting mechanism for public sector corruption acts on complaints within a reasonable time period.					Y
61) In practice, when necessary, the internal reporting mechanism for public sector corruption initiates investigations.					Y	

E. NATIONAL OMBUDSMAN

Arena	Indicator	Percentage points				Y/ N
		25	50	75	100	
NATIONAL OMBUDSMAN IS EFFECTIVE	62) In law and in practice, the ombudsman is protected from political interference. ⁵					Y
	63) In practice, the head of the ombudsman agency/entity is protected from removal without relevant justification. In practice, the ombudsman agency (or agencies) has a professional, full-time staff. In practice, the ombudsman agency (or agencies) receives regular funding. In practice, the agency (or agencies) makes publicly available reports.					N
	63) In practice, when necessary, the national ombudsman (or equivalent agency or agencies) initiates investigations.					Y
	64) In practice, the government acts on the findings of the agency (or agencies).					Y
	65) In practice, the agency (or agencies) acts on citizen complaints within a reasonable time period.					Y
	66) In law, citizens can access reports of the ombudsman(s).					Y
	67) In practice, citizens can access the reports of the ombudsman(s) within a reasonable time period.					N
IS ANTI- CORRUPTION AGENCY	68) In practice, citizens can access the reports of the ombudsman(s) at a reasonable cost.					N
	69) In law, is there an agency (or group of agencies) with a legal mandate to address corruption? In law, the agency (or agencies) is protected from political interference. ⁶					Y
	70) In practice, the agency (or agencies) is protected from					Y

⁵ **Institution of the Ombudsman Establishment Proclamation**, Proclamation No. 211/2000 – *Establishment* - 1) The Institution of the Ombudsman is hereby established as an autonomous organ of the federal Government having its own juridical personality. 2) The Institution shall be accountable to the House. 4. *Scope* I) The Provisions of this Proclamation set out in the masculine gender shall also apply to the feminine gender.

2) This Proclamation shall also apply to maladministration committed by the executive organs, and officials thereof, of a Regional Government. 5. *Objective* The objective of the Institution shall be to see to bringing about good governance that is of high quality, efficient and transparent, and are based on the rule of law, by way of ensuring that citizens' rights and benefits provided for by law are respected by organs of the executive.

⁶ **Independence of the Federal Ethics and Anti-Corruption Commission**: Article 4 Revised Federal Ethics and Anti-Corruption Commission Establishment Proclamation NoA33/2005 states that 'notwithstanding the provisions of Sub-Article 2 of Article 3 of this Proclamation, the Commission shall be free from any interference or direction by any person with regard to cases under investigation or prosecution or to be investigated or prosecuted'. Article 3 is the Establishment of the Commission - sub article 1 – 'The Federal Ethics and Anti-Corruption Commission is hereby established as an independent Federal Government body' and sub-article 2 – 'The Commission shall be accountable to the Prime Minister'.

criminal proceedings.
99) In practice, law enforcement officials are not immune from criminal proceedings.



V

Reforming the Justice System for the poor: Capacity building Initiatives

2) **Problem synthesis** (Extract PSCAP – Justice Reform Paper) the system of justice in Ethiopia is generally characterized by delays in the dispensation of justice, lack of institutional capacity in law enforcement, court and inefficient system of law enforcement and congestion. This creates obstacles in the promotion and protection of human and democratic rights, inefficiencies in law enforcement as well as in the administration of justice. These problems exist mainly because of shortage of adequately trained personnel and the lack of essential equipment and facilities at both federal and regional levels. Programs designed to bring about a fair and efficient system of justice in the interest of the people have not fully lived up to expectations. The most critical problems are the following:

- Acute shortage of trained professionals and inadequate qualification of existing personnel.
- Lack of essential facilities in institutions of justice.
- Insufficiency and inability of institutions providing legal education to produce competent lawyers in desired numbers.
- Outdated and inefficient methods and procedures of the justice system in delivering justice.
- Inability of existing laws to fully cope with the constitution and the present state of affairs.
- Court congestion and delays.
- Obstacles in the promotion and protection of human and democratic rights.

In general, the justice system is unnecessarily costly, complex and unpredictable. Dispositions of criminal cases are so protracted that rights granted by the constitution are not fully operational. In order to ameliorate the situation, the Government has been taking measures aimed at bringing about improvements in the administration of justice by making budgetary allocations from its meager resources. These include regular trainings, on-the-job and otherwise, of judges, prosecutors and other justice personnel on procedural and substantive laws of Ethiopia. About 3,000 judges and prosecutors have been trained with focus on upgrading skills of lower level judges and prosecutors during court recess. This is both at the federal and regional levels and has been going on for the last several years.

Parallel measures have been undertaken aimed at raising the professional competence of the police and prisons' administration officials. Measures are also being taken to bring about a comprehensive reform and revision of the laws of the country aimed at harmonizing existing laws with the constitution. The major laws of the country existing in the form of codes such as the penal code, the commercial code, the criminal procedure code and the family code have been revised in line with the federal constitution and the needs and aspirations of the people in the last three years. Several new laws such as the administrative procedure law, the notary public law, the stock exchange law, and law on civil registration system have been initiated.

The Government recognizes that fragmented and piecemeal approaches in reforming and building the capacity of justice institutions cannot solve problems facing the justice system and bring about effective changes. This can only be achieved within the framework of a program of comprehensive justice system reform. Towards this end, preparations are being made for formulating a comprehensive justice sector reform with defined priorities, areas of strategic intervention, etc. This will be a major task requiring external funding and expert assistance. In the meantime, improvements in the system

of justice will proceed with the Government continuing to allocate funds within the framework of the annual budget as in the past.

- 3) **principles for a Paradigm Shift:**⁷ Building a Legal Empowerment Program will require a mix of features:
- a) prioritizing the needs and concerns of the disadvantaged;
 - b) emphasizing civil society, including legal services and development NGOs, as well as community-based groups;
 - c) using whatever forums (often not the courts) the poor can best access in specific situations; encouraging a supportive rather than lead role for lawyers;
 - d) cooperating with government wherever possible, but pressuring it where necessary; using community organizing or group formation;
 - e) developing paralegal resources;
 - f) integrating with mainstream socioeconomic development work; and
 - g) building on community-level operations to enable the poor to inform or influence systemic change in laws, policies, and state institutions –
 - h) This will inevitably give way to the reality that legal empowerment work must vary from country to country, issue to issue, and even community to community. Paralegal development and law reform cut across numerous legal empowerment initiatives, but there are many exceptions to this rule and many locally determined ways of undertaking these activities. Legal empowerment programs should take a long-term perspective: It can take at least a few years to start producing impact and even longer for that impact to broaden and deepen. A long-term approach also involves building a public interest bar by supporting law school and NGO programs that engage law students and young attorneys in legal services and that teach them the skills and perspective of development lawyering: how to both teach and learn from the poor; how to view them as partners rather than (subservient) clients; how to analyze problems politically, culturally, and from a gender perspective, rather than just legally; and how lawyers can advance social change. Conversely, exposing other development fields' young professionals to human rights and legal empowerment considerations could expand their capacities to integrate law and development in their work. In-country and international exchanges also can open up vistas for disadvantaged populations' leaders, NGO lawyers, law students, law professors, development practitioners, and government officials to learn from pertinent experience elsewhere. Regardless of the exact nature of a legal empowerment program, it can be undertaken under at least three rubrics:
 - i) as aid specifically directed at legal empowerment;
 - ii) in conjunction with ROL promotion; or
 - iii) As part of mainstream socioeconomic development work.
 - b) The program's effectiveness will hinge not just on *what* work is supported, but *how* it is supported. NGOs that show sufficient progress and potential merit ongoing core funding that enables them to pursue their own agendas in accordance with evolving circumstances and partner populations' priorities, rather than in response to sometimes rigid donor requirements. Similarly, it is best for funding agencies to take a flexible, foundation-like approach.⁸

⁷ Golub S, (2003) BEYOND RULE OF LAW ORTHODOXY The Legal Empowerment Alternative Rule of Law Series Democracy and Rule of Law Project Carnegie Endowment for International Peace WORKING PAPER, Number 41, Washington, DC

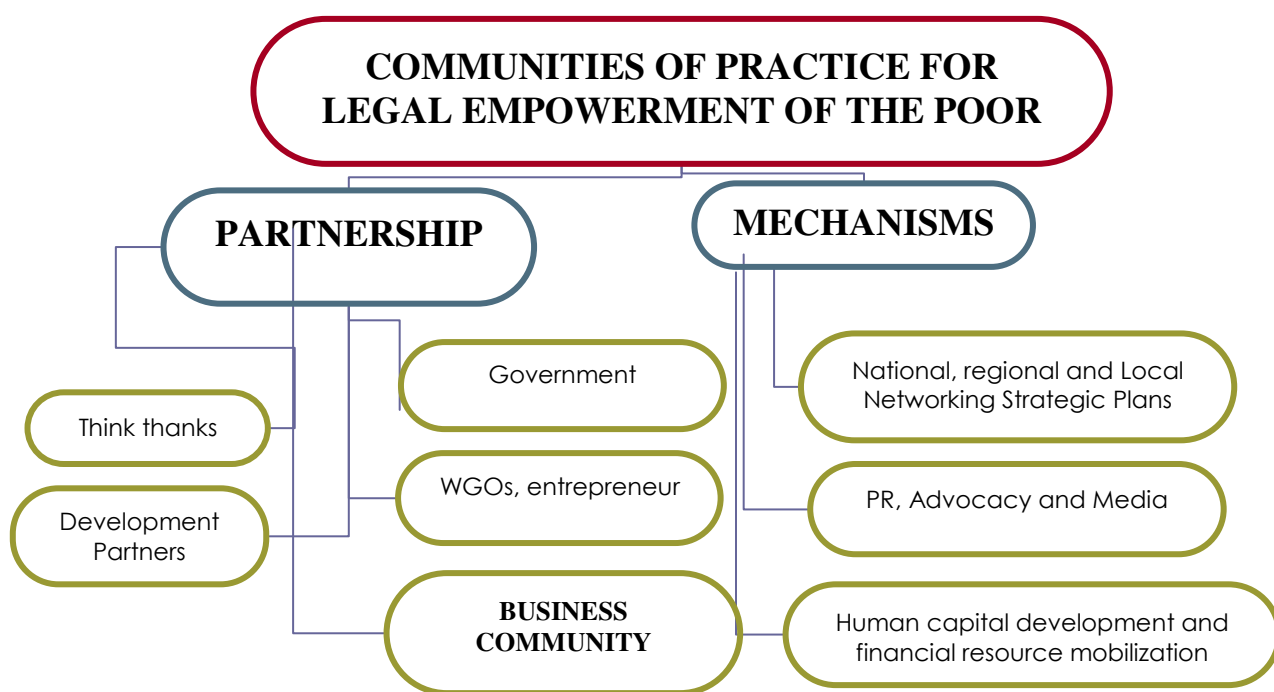
⁸ this approach involves gradually identifying grantees, making grants, and building programs as situations evolve. It is in contrast to the project approach that tends to lock in activities at the outset. This is not to say that bilateral and multilateral donors can or should restructure to resemble foundations. But they should set up foundation-like assistance windows for supporting legal empowerment. This can involve channeling bilateral aid funds to local and international NGOs familiar with grant making, legal empowerment, civil society or grassroots

- 2) **Designing symmetry in Rule of Law and Legal Empowerment of the poor.** The objective is to press for a more skeptical stance and a better balance in ROL aid. The best intentions of some donor and government officials notwithstanding, state institutions often are burdened by counterproductive incentives and constraints that outweigh or outlast efforts to ameliorate them. These include
- a) entrenched bureaucratic structures,
 - b) inefficient use of resources,
 - c) corruption, patronage, gender bias,
 - d) General aversion to change, and other factors that work against, rather than for, the disadvantaged. Many aid organizations' law programs either do not address the legal priorities of the poor or do so ineffectively because of excessive reliance on state institutions and top-down approaches. Though precise calculations are beyond this analysis, some international agencies could be spending as much as 90 percent of ROL funds on activities that address only 10 percent of disadvantaged populations' greatest legal problems. In view of the dominant paradigm's problematic assumptions and track record, it is best to raise the bar in deciding where and to what degree to work with state legal institutions. The political will for reform should be strong, not simply acquiescent. We should be modest about our expectations for generating and sustaining that political will where it is lacking. Even to the extent that long-term cultivation and support of local reformers in state institutions makes sense, this also weighs in favor of long-term funding of civil society forces that act on their own justice agendas, hold those state institutions accountable, and help them do their jobs whenever possible. With legal empowerment's accomplishments and potential in mind, it should be the sole focus of some law-oriented programs and a core component of most others. This translates into substantial support for legal services and capacity building for the poor, toward the dual ends of both implementing and reforming laws. Where legal empowerment is the sole focus of a law program, it could be organized around general themes such as gender or agrarian issues, or could more comprehensively support pro-poor legal services. Regardless, a guiding principle is responsiveness to disadvantaged populations' legal needs, rather than a top-down focus on a narrow range of legal institutions. This emphasis is also guided by the fact that domestic civil society's homegrown analyses of problems and solutions are often better informed than those of foreign donors. As a core component of law programs, legal empowerment can complement work with state institutions.
 - e) Networking scope to develop **Communities of Practice on gender and the RBA** nationally and regionally in thematic and cross-cutting concerns: women's empowerment, RBA, feminization poverty, education, governance, policy, civic engagement, human development, infectious diseases management, child rights and development, and knowledge management. CoP are freely allied information and advocacy set of contacts and forums that deliberate on specific issues to develop emerging consensus on what constitutes best practices and forums of exchange of such outcomes that can influence the individual and hence their institutions) on the following thematic issues.
 - i) RBA, gender, governance and human and child rights
 - ii) Participatory assessment, planning, implementation and M&E

development, as well as to those multilateral development agencies whose mandates and operating styles aim to serve the poor rather than their host governments. Funding for legal empowerment work should not be administered by aid agencies that are constrained by their policies or orientations to work through official channels rather than civil society, unless they can open appropriate funding windows or otherwise modify their operations. Although it would be a great step forward for multilateral banks to mainstream legal empowerment work into their socioeconomic development projects, the funds for that work should be grants rather than loans under most circumstances and should flow through organizations that can best take a foundation-like approach.

- iii) Elimination of absolute poverty and food security
- iv) Policy formulation and management on women’s livelihoods
- v) Health, HIV/AIDS and other infectious diseases
- vi) The objectives of developing the CoP listed above are to evolve rules of conduct so as to evolve and/or enhance social responsibility and unity in addressing the conceptual and operational clarity of the specific CoP substance under discourse. The exchange of knowledge and the management of the utilization of that knowledge are important features of these CoP and KM. Monitoring indicators should be explicit on empowerment, auguring deep in changing the position of women.

Communities of Practice: partnership framework



3) **Reaching the Poorest of the Poor:** The legal empowerment project will need to intensify its advocacy efforts on the need for a national policy and legal frameworks that enable women’s citizen’s organizations to operate fully and unconditionally, and access to resources such as land and the related need for a legal frame-work for establishing rights of access, use, transfer, alienation, and compensation for and by women that must be recognized. Land-use and land tenure by women have important linkages to food security and NRC, the need for which has been well documented. (See Annex II for details). Coordination of such activities and anti-poverty initiatives via collaboration among the public sector, the private sector and NGO partners in its operating areas and participate in national processes affecting these local realities is important. The development of a **multi-track communications strategy** that enhances the capacity of CoP to articulate their perceptions and value systems, vision, mission and objectives is necessary. It enables decision-making based on fair access to and analysis of relevant information through functional tracks, channels and both electronic and non-electronic media for information exchange. It enhances shared-responsibility among stakeholders,

especially of the poor. It uses networking as learning strategies and processes through formal and informal tracks in stakeholder participation that are determined by

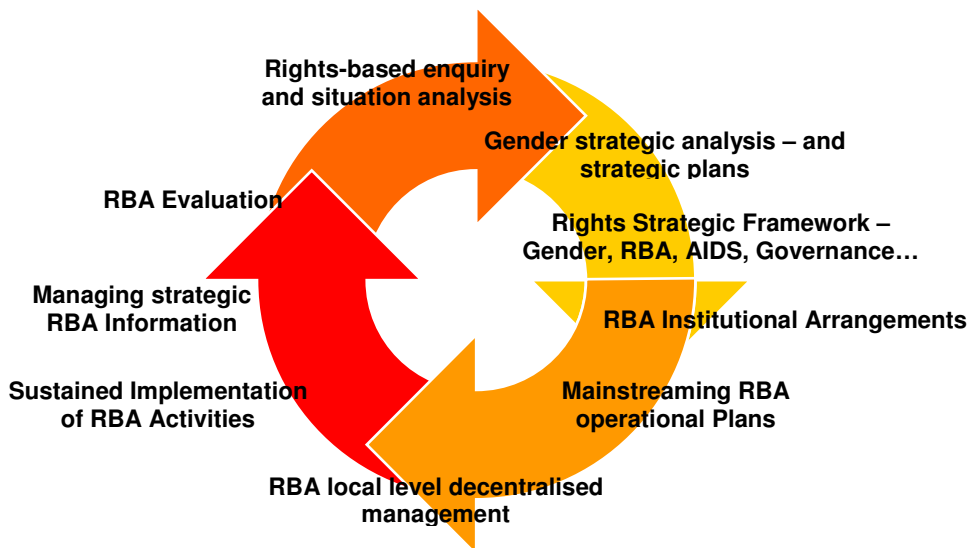
- a) **Tools and technology** for the assessment, articulation and production and reproduction of information that feeds into the CoP; **message articulation capability** refers to organizational characteristics of skill, aptitude; power; unity of purpose; bureaucratization of the CoP and the communications hub.
 - b) **Channels:** decision-making structure and process, stakeholder participation and partnership;
 - c) **Message content:** messages communicated can be on the physical, psychosocial, political, gender, organizational, and economic adaptations and dimensions of the particular domain of the CoP;
 - d) **Levels of communication:** Community, Local, National, etc.
 - e) **Code of practice:** A clear output, which will seek to define a strategy for communication, networking and advocacy that will determine the rules of the game, is a Code of Practice. The Code will clearly spell out the mission, goals and objectives of the CoP domain and relations among networkers. A well-defined CoP networking strategy on using scarce resources for maximum impact to achieve organizational goals and provides choices should be developed. A series of procedural guidelines that would underscore the mechanism for participation, communication and interaction among CoP will emerge as the process evolves. Partnership drive can indeed be the animators of such CoP networks and development of a more participatory vision of knowledge management. In this manner, legal empowerment could support the advocacy work done on the MDGs that represent a unified response to poverty. Specifying a set of targets and the resources requirements to achieve them, the goals are renewing the momentum to reduce poverty and address "our common environment," " human rights, democracy and good government", "protecting the vulnerable" and "meeting the special needs of Africa." Significantly, the MDGs direct the world's attention to the conditions of billions of people and to the threats to survival and well-being.
- 4) **Learning and knowledge management (KM):** we have been able to list our findings regarding the institutional competence and preparedness of legal empowerment to operationalize the strategic objectives. In reviewing the KM⁹ we observe the lack of program MIS, which is essential for systematic database, learning, action and feedback that have been identified as a major weakness. Information sharing to grassroots level and the non-exploitation and limited usage of media to the desired level were also identified as limitation of communication efforts of the organization. Several KM initiatives, though not part of an institution-wide coherent plan, and targeted at satisfying the needs of only a specific department/unit, are already underway in legal empowerment (for example, knowledge-based systems such as intranet, e-mail discussion groups, eWorkspaces,). Simply put, *knowledge* in legal empowerment's context is the most valuable of strategic resources, and *learning* one of the most important capabilities for expanding its resources. The compilation, analysis and dissemination of strategic information on program impact and sustainability are prime tasks for both secretariats at regional, country, and local levels. A study must be commissioned to conduct a four-week KM diagnosis of current KM practices and environment, as well as identifying strengths and weaknesses in current capabilities in

⁹ Knowledge can be divided into two spheres in UNIFEM/IGAD. EXPLICIT KNOWLEDGE within UNIFEM/IGAD is formal, codified knowledge that comes in the form of books, documents, white papers, databases, and policy manuals, etc. and TACIT KNOWLEDGE is defined as informal, un-codified knowledge found in the heads of people: highly experiential, difficult to document in any detail, ephemeral and transitory.

order to propose the most suitable approach to further develop and optimize KM capacity. As a result of the assessment, the process will have an appreciation of its KM by an independent evaluation of the process's KM vision, processes, culture and IT applications; an identification of existing activities, which are good exemplars of KM; a clear indication of areas requiring management attention and better understanding of the scope of a successful KM journey; possibilities for outsourcing of communication department functions and the strategic objectives must be complemented by quantifiable and deliverable outputs. Program indicators should be explicit on empowerment of women and appropriate inquiries need to be made during project appraisal so as to adequately inform project design / implementation.

- 5) **Mainstreaming governance, gender, HIV/AIDS, rights...** Mainstreaming is an essential approach for expanding multi-sectoral actions to engrain the tenets of governance, gender, HIV/AIDS, RBA to development constituting a range of practical strategies for scaling up activities within civil society. Through mainstreaming, UNIFEM/IGAD can engage government sectors, NGOs, private sector entities, church organizations, etc., that can both meet the needs of their own workplace environment, as well as apply their comparative advantage to support specific aspects of governance, gender, HIV/AIDS, and rights. Mainstreaming provides a mechanism through which multi-sectoral strategies can be analyzed and acted upon, within clear areas of responsibility, building up multi-level yet coherent interventions at national and sub-national levels. Based on current experience and aimed at guiding mainstreaming at different levels,

Fig.3 Processes in mainstreaming the rights-based approach and thematic issues on legal empowerment



The following simple principles have emerged that attempt to provide a comprehensive framework to analyse where and when to introduce and implement mainstreaming.¹⁰

¹⁰ UNAIDS/GTS/UEMOA (2001) Mainstreaming across Development sectors in Africa" Ouagadougou

- 1) Developing a clearly defined and focused entry point or theme, advocacy, sensitization and capacity building for mainstreaming in order to maintain the critical focus necessary to make an impact.
- 2) National strategic frameworks should be used as the frame of reference and existing institutional structures; developing strategic partnerships based upon comparative advantage, cost effectiveness and collaboration.
- 3) There is the need to maintain a distinction between two domains in mainstreaming: the internal domain (mainstreaming strategies within partners) and the external domain, where aid supports thematic and integrated programs.¹¹

What of the many situations in which civil society, legal services, and the basic capacities of the poor are torn by war, crushed by repression, stunted by severe poverty itself, or in the early stages of recovering from any of these situations? Admittedly, legal empowerment works best in the presence of a vibrant civil society. Is it beyond the reach of the poorest of the poor? Legal empowerment (or, for that matter, state legal institutions) should not automatically be included in the initial mix of development efforts. Sometimes basic socioeconomic recovery initiatives should be the priority. Still, despite these constraints, the building blocks of legal empowerment can be put in place. As discussed above, group formation around basic socioeconomic needs can provide an entry point for mainstreaming subsequent law-oriented work. A long-term strategy of building up a rights-oriented civil society can benefit both development and human rights. Local conditions permitting, the long road toward the poorest of the poor achieving control over their lives can include introducing them to the very notion that they have rights and the ways in which those rights can benefit their daily existence. Training them regarding these matters should take account of their priorities, their levels of education, and the nature of the laws most relevant to them. This generally translates into the use of interactive, "popular education" methodologies rather than law lectures, and a focus on domestic laws rather than international human rights treaties (unless of course the domestic laws repress rather than serve the poor). International NGOs may play leading roles in these efforts where local conditions or insufficient capacities bar domestic NGOs and community-based groups from doing so. A goal, course, is to build those domestic capacities over time.

VI

Legal empowerment of the Poor – Capacity Building Targets

Basis for action

- 1) reforms necessary to develop transparent legal and institutional arrangements in which the poor have confidence, can access justice, and which will generally contribute to a culture of fairness, equity and rule of law

¹¹ **Context and principles of integration and mainstreaming:** It can be argued that **integration** occurs when the rights based approach related issues and interventions are introduced into a project, program or policy context as a broad component or content area, without much regard for the specific core business of an institution or the main purpose of a development or policy instrument. **Mainstreaming**, on the other hand, starts from the analysis of the purpose, mandate and routine functions of an institution, sector or development instrument. Mainstreaming is located within the wider context of a national strategic management process for the rights approach responses as one of its primary aspects. As part of the strategic management, mainstreaming is an iterative process that is revisited on a regular basis. This national process, however, can be adapted as a tool for the global and local levels. Broad international experience and exchange has, up to now, produced five basic principles for mainstreaming the rights approach, regardless of the level at which it is being undertaken. As inter-dependent issues these principles provide a backdrop against which mainstreaming experiences can be analyzed and practices introduced.

- 2) Citizens and grassroots organizations participate successfully in a transparent reform process? How can their priorities, needs and concerns be heard and incorporated into proposals and actions using various tools of participatory governance (for instance, public forums/hearings, surveys, citizen report cards, etc)?
- 3) dispute resolution mechanisms support poor people's access to rights in affordable and locally appropriate ways
- 4) Special considerations to be given to indigenous peoples' issues, including their customary norms, traditions, and legal structures? What barriers preclude them (linguistic, geographic) from accessing the formal or national legal and judicial structures? Does the national government issue indigenous peoples the necessary identity papers or documentation, or recognize the local equivalents, to ensure their access to legal and judicial institutions
- 5) improved public administration contributes to transparency and accountability, and increase public trust in the formal economic system
- 6) What factors and conditions (enabling environment) external to the focus of the Commission's work should be addressed to ensure success (e.g. corruption)?

Objectives

- 1) Develop laws and legal regimes based on the cultures and aspirations of the Ethiopian people
- 2) Strengthen the performance of the country's justice system
- 3) Promote the practical implementation of democratic and human rights as enshrined in the constitution
- 4) Promote an efficient system of justice that is consistent with sustainable economic growth
- 5) Ensure community participatory in the justice system
- 6) Streamline the system of courts
- 7) improve the legal framework and judicial capacity
- 8) Bring about improvements in access to the system of justice consistent with the growing needs of the society
- 9) Strengthen institutions for an efficient and transparent judicial system that will ensure a rule of law.

Activities: Legal empowerment of the poor and access to the ROL comprises enhancing the content of the law, effectiveness of law-making organs and affiliated bodies, effective delivery of justice by judicial organs, efficient law enforcement, training of legal professionals and researchers and putting in place an efficient system of justice. Its main components are law reform, the judiciary and the law enforcement organ and develop a national crime prevention strategy.

The Judiciary: This component mainly concerns the courts at various hierarchies of federal and regional governments with the following key activities.

Improve the filing system

Improve the management system

Introduce an automated case recording and transcribing system in federal and regional courts

Establish information counters for the public
Improve the production of court orders and decisions
Conduct workshops for judges and court personnel to raise awareness.
Conduct managerial skill training for court leadership.
Upgrade ICT skills of judges and staff.
Establishing legal institution centre
Regularly conduct training for court clerks,

Law Enforcement Organs: This component concerns the justice Ministry (bureaux), police commissions and penitentiary. Key activities include the following:

- Develop a program of continuous professional development training for prosecutors.
- Develop and deliver special training for police officers to enable them properly direct and manage police institutions with a view to developing a modern police force.
- Conduct continuous professional development for members of the police on crime prevention, human rights, constitutional law, criminal procedure, investigation techniques, community policing and the management of evidence.
- Develop training standards for penitentiary staff.
- Provide police and the penitentiary administration for the installation of modern equipments.
- Equip the law enforcement organs with ICT.
- Establish community policing systems.
- Upgrade existing national forensic laboratory
- Conduct public awareness programs to fight crime and its causes.

Law Reform and Revision: The component concerns the parliamentary and affiliated organs such as the House of Federation and regional state councils; it comprises the following key activities.

- Conduct training and workshops for members of Parliament, House of Federation, regional councils and their respective staff
- Revise existing laws and enact new legal provisions where required
- Conduct a study on a comprehensive national justice system reform program
- Publish and distribute proceedings of legislations
- Compile, consolidate and distribute legislations and regulations
- Publish and distribute legal research materials
- Procure information and services
- Undertake a study on the establishment of systems and procedures for declaring income and property
- Develop by-laws for the Human Rights Commission and Ombudsman's offices.

References

1. Amanda Perry, "An Ideal Legal System for Attracting Foreign Direct Investment? Some Theory and Reality," *American University International Law Review*, Vol. 15, No. 6 (2000), 1627-57.
2. Anti-Corruption Special Procedure and Rules of Evidence (Amendment) Proclamation, Proclamation No. 239/2001
3. Anti-Corruption Special Procedure and Rules of Evidence Proclamation, Proclamation No. 236/2001
4. *Article 62 Powers and Functions of the House of the Federation*- 1. The House has the power to interpret the Constitution. 2. It shall organize the Council of Constitutional Inquiry. 3. It shall, in accordance with the Constitution, decide on issues relating to the rights of Nations, Nationalities and Peoples to self-determination, including the right to secession
5. Banuri, T, and Holmberg, J (1992) *Governance for Sustainable Development: A view From The South*, London: IIED
6. Bratton, M (1989) *The Politics of Government - NGO Relations In Africa*, World Development Vol. 17, pp.569-589.
7. Chazan, N (1999) *Politics and Society in Contemporary Africa*, Colorado,. p 7-17
8. Conform with the Constitution of the Federal Democratic Republic of Ethiopia (Amendment) Proclamation
9. Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995 *Article*
10. Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995 - *Article 10: Human and Democratic Rights* - Human rights and freedoms, emanating from the nature of mankind, are inviolable and inalienable; and 2. Human and democratic rights of citizens and peoples shall be respected. Proclamation No. 438/2005, Proclamation to make Electoral Law of Ethiopia Conform with the Constitution of the Federal Democratic Republic of Ethiopia (Amendment) Proclamation ...
11. Costantinos, BT (1997). *Local institutions, farmer's local knowledge, research and practice in Greater Horn: A Primer on Sustainable Livelihoods*. Paper presented International Conference on Creativity and Innovations at Grassroots for Sustainable Natural Resources Management, Institutional Innovations - Ahmedabad Jan, 10-14; pp 12-13
12. Costantinos, BT (1997, a). *Building in-country capacity for sustainable democracy, Zambia Case Study* International Institute for Democracy and Electoral Assistance, (Mission Report) p5
13. Costantinos, BT (1997, b). *Local institutions, farmer's local knowledge, research and practice in Greater Horn: A Primer on Sustainable Livelihoods*. Paper presented International Conference on Creativity and Innovations at Grassroots for Sustainable Natural Resources Management, Institutional Innovations - Ahmedabad Jan, 10-14; pp 12-13
14. Costantinos, BT. (1996) *Political transitions in Africa: a Greater Horn case study*. ALF/GCA. pp 22,24, 234
15. Costantinos, BT. (1997, b). *Strategic approaches to building capacity for democratic transition in Africa*, Backgrounder prepared for the international advisory group on capacity building, International IDEA, Stockholm p12
16. Costantinos, BT. (1999). *Is good governance evaluable? Concepts, strategic and processual elements, and analytical limitations in evaluating national political and economic governance*, ECA Sept 21-23, 1999, Addis Ababa, Pp 27-21
17. Demeke, G. 2005, *Elements of Successful Anti-Corruption Strategy*. Paper presented to the Ethiopian Legislature
18. Emery R, (1998) *Taking complexity theory seriously: policy analysis, triangulation and sustainable development*. Kluwer Academic Publishers.
19. Ethiopian Government. (1975) *Proclamation to make all rural lands public property*. Addis Ababa.
20. Ethiopian Human Rights Commission Establishment Proclamation, Proclamation No. 210/2000
21. Ethiopian Women's Development Fund Establishment Proclamation, Proclamation No, 240/2001
22. Federal Civil Servants Disciplinary and Grievance Procedure Council of Ministers Regulations, Council of Ministers Regulations No. 77/2002
23. Federal Civil Servants Proclamation No. 262/20P2 - Proclamation No. 398/2004 - Public Sector Capacity Building Program (PSCAP) Meritocracy Review of the ETHIOPIAN CIVIL SERVICE Final Report Addis Ababa, March 28, 2006 Ministry of Capacity Building Public Sector Capacity Building Program, consolidated civil service reform, action plan for public sector capacity building (2004-2008) civil service reform program office December 2003 Addis Ababa
24. Federal Ethics and Anti-Corruption Commission, Establishment Proclamation, Proclamation No. 235/2001 and Revised Federal Ethics and Anti-Corruption Commission Establishment Proclamation No A33/2005. 11th Year No.18, ADDIS ABABA 2nd February, 2005
25. *Forest Trees and People* (1994) pp 5-9
26. GCA (1995) *Checklist for self evaluation of governance processes*, Washington DC
27. GCA/ALF (1995) *Study on the Political Transition Ch 10, Rule of Law*. Addis Ababa
28. Global Coalition for Africa / Africa Leadership Forum, (1993) *Transition To Democracy In Africa: A Cross National Study*. Research Design and Methodology, Paper prepared by Michael Bratton and Nicholas van de Walle of Michigan State University and consultants to GCA. Revised version
29. Golub S (2003) *Beyond the Rule of Law Orthodoxy*, Carnegie Endowment Working Paper 41 Washington DC p1
30. Haggard, *Pathways from the Periphery: The Politics of Growth in the Newly Industrialized Countries* (Ithaca, NY: Cornell University Press, 1990).

31. Hausermann, J., 1998, 'A human rights approach to development', *Discussion Paper* commissioned by the Department for International Development of the UK Government in preparation of the Government White Paper on International Development, London: Rights and Humanity
32. HLCLEP, (2006). Concept Note, Background Paper. New York
33. IIED (2005), http://www.iied.org/sarl/gatekeepers/gk_abs/abs61_70.html,
34. IISD (2005) http://www.iisd.org/wcfsd/sdi_sa.doc,
35. ILO (1976-1977). Employment Growth and Basic Needs Meeting Basic Needs Strategies For Eradicating Mass Poverty and Unemployment (Geneva).,
36. INQUIRY COMMISSION TO INVESTIGATE THE CONFLICT OCCURRED IN GAMBELA REGIONAL STATE ON DECEMBER 13, 2003 ESTABLISHMENT PROCLAMATION
37. Institution of the Ombudsman Establishment Proclamation, Proclamation No. 211/2000
38. John Hewko, *Foreign Direct Investment: Does the Rule of Law Matter?* Carnegie Endowment Working Paper No. 26, Rule of Law Series, Democracy and Rule of Law Project (Washington, D.C.: Carnegie Endowment for International Peace, April 2002),
39. Katarina Pistor and Philip A. Wellons, *the Role of Law and Legal Institutions in Asian Economic Development: 1960-1995* (New York: Oxford University Press, 1999), 19.
40. Kretzmann, JP, McNight, JL. (1993). *Building communities from inside out – a path towards finding and mobilizing community assets* ACTA Publications. Chicago.
41. Lane CR, ed (1995) *Custodians of the Commons*. EARTHSCAN Publications pp5-7
42. Linn Hammergren, *Rule of Law: Approaches to Justice Reform and What We Have Learned: A Summary of Four Papers*, USAID Center for Democracy and Governance (Washington, D.C.: USAID, April 1998). Another thoughtful report in this vein, as reflected in its title, is Madeleine Crohn and William E. Davis, eds., *Lessons Learned: Proceedings of the Second Judicial Reform Roundtable Held in Williamsburg, Virginia, May 19-22, 1996* (Washington, D.C.: National Center for State Courts, USAID, Inter-American Development Bank, November 1996).
43. *PROCLAMATION NO.262/2002 The FEDERAL CIVIL SERVANTS PROCLAMATION Declaration of Income-* When necessary and upon request of the government office, any civil servant shall declare all his income other than his salary.
44. Proclamation 14/1995 - House of Peoples' Representatives Legislative Procedure
45. Proclamation No. 187/1999 - A proclamation to make the Electoral Law of Ethiopia
46. Proclamation No. 438/2005 Proclamation to make Electoral Law of Ethiopia Conform with the Constitution of the Federal Democratic Republic of Ethiopia (Amendment) Proclamation
47. Revised Anti-Corruption Special Procedure and Rules of Evidence proclamation.. Proclamation No. 434/2005
48. Revised Federal Ethics and Anti-Corruption Commission Establishment proclamation, Proclamation No. 433/2005
49. UN Commission on Human Security. (2003) *Human Security Now: Protecting and Empowering People* Published August, 2003, ; OUP, New York.
50. UNDP (2005). <http://www.undp.org/fssd/approach.htm>,
51. UNDP (2005). <http://www.undp.org/governance/>
52. UNEP (2005). www.unep.org/Documents/Default.Print.asp?DocumentID=52&ArticleID=51-26k -