

**Addis Ababa University
School of Graduate studies
Institute of Human Rights**

**The Implication of Absence of Human Rights Education in Higher Military
Institutions: the Case of Ethiopian Defence Command and Staff College**

By

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Declaration

The thesis is my original work, has not been submitted for a degree in any other university, and all sources of materials used for the thesis have been appropriately acknowledged.

Name: Amanuel Redatu

Signature: _____

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Acronyms

ACHPR: African Charter on Human and Peoples Rights

APAP: Action Professional s' Association for the People

AU: African Union

CRC: Child Rights Conventions

EASBIRG: East African Standby Force Brigade

EDCSC: Ethiopian Defence Command and Staff College

EHRC: Ethiopian Human Rights Commission

ENDF: Ethiopian National Defence Forces

FDRE: Federal Democratic Republic of Ethiopia

GA: General Assembly

HRE: Human Rights Education

ICCPR: International Covenant on Civil and Political Rights

ICESCR: International Covenant on Economic, Social and Cultural Rights

ICRC: International Committee of Red Cross

MOND: Ministry of National Defence

NGOs: Non-Governmental Organizations

OAU: Organizations of African Unity

PoWs: Prison of Wars

PSOs: Peace Support Operations

UN: United Nations

UNESCO: United Nations Educational Scientific and Cultural Organization

UDHR: Universal Declaration of Human Rights

WWII: Second World War

Abstract

This study examines into the extent of the implication of absence of human rights education in the Ethiopian Defence Command and Staff College. The investigation has mainly focused on revealing gaps in the institutional machinery vis-à-vis the mission stated in the FDRE Constitution as well as the Defense Mission, and the shortcomings of the curriculum to inculcate them through formal education for the higher Officers. Review of legal instruments, key informant interview, focus group discussions, as well as documentation of prevalent realities pertaining to the curriculum of the EDCSC were the major sources of data. Qualitative analysis were employed, and the analysis were multifaceted, iterative, and simultaneous which eventually mirror out what has been intended to put into practice and what is actually being accomplished. Findings primarily revealed that though the EDCSC is the highest level of all other colleges of the National Defence, its curriculum is not in position to instill courses which are pivotal to enrich the students to understand and in turn to realize the top priority institutional missions. Secondly, even if the top management of the EDCSC have the perception that the students who joined the College are already internalized concepts of human rights and their instruments, the study uncovered that the know-how of the students is not up to expected. Thirdly, the study revealed that for formal education in the EDCSC is the first in kind for most of the students; it is hardly possible for them to have comprehensive understanding on human rights education or related courses.

CHAPTER-ONE: Introduction

1. Background of the Study

1.1. Human Rights Definitions from different perspectives

Human Rights are entitlements that "...are ours by nature of being human and are ours from birth."¹ As the natural rights theorist stated that "Man had natural rights even before society and state were born." One of these philosophers John Locke said that "nature has made all men free and rational, and has given him rights like right to life and liberty."² Herbert Spencer, who also thinks along the same lines, believes that the process of evolution shows that all men have the fundamental right to equal freedom, which enables them to do what they will. Such a right comes from nature, and not from any human agency like state.³ As St. Thomas Aquinas stipulated that: "human beings created in the image of God, endows human with a worth and dignity from, which there can logically flow the component of comprehensive human rights system."⁴

Human Rights are also defined as rights that every human being has by virtue of his or her human dignity. That is, Human Rights are those rights that belong to every individual, group or society simply because they are human beings. They are rights we acquire naturally, being born as human beings.⁵ In short, Human rights can be defined as the rights of all individuals regardless of sex, race, color, language, national origin, age, class or religious or political beliefs to certain fundamental freedoms.⁶ Human rights are universal, inalienable, indivisible and interrelated.⁷ They are universal legal guarantees protecting individuals and groups against actions, which interfere with fundamental freedoms and Human dignity."⁸

¹ Sean Stitt, unpublished, *The Universal Declaration of Human Rights & School Education* (1998), p.11

² C.Naseema, **Human Rights Education: Conceptual and Pedagogical Aspects** (2004), P.6.

³ **Ibid.**

⁴ Jerome, Shestack '**The Jurisprudence of Human Rights**'(1992), p.15

⁵ Freeman, **Human Rights: An Interdisciplinary Approach** (2002) ; UN, Vienna Declaration and Program of Action on Human Rights,(1995); An-Naim and Deng,(eds.) **Human Rights In Africa: Cross-Cultural Perspectives** (1990) ; Perry . "Are Human Rights Universal? The Relativist Challenge and Related Matters" (1997) *Human Rights Quarterly*, 19, 461-509.

⁶ "*Women's Human Rights Step by Step.*" (1997) Women, Law and Development International,.

⁷ UN General Assembly, "Vienna Declaration and Program of Action," A/Conf. 157/23, 12 July 1993, Para. 5.

⁸ **Ibid.**

1.2. Evolutions and Development of Human Rights Instruments

The first recorded version of a human rights declaration dates back to 570 BC and Cyrus the Great of Persia. His 'Charter of Freedom of Humankind' recognized the right to liberty, security, freedom of movement and residence, right of property, freedom of religion, right to work and the prohibition of slavery.⁹ Throughout the centuries, other documents established the rights and responsibilities of citizens of countries, including the Treaty of Westphalia, the Bill of Rights in Britain, the French Declaration of the Rights of Man and Citizens and the US Bill of Rights.

The founding documents for modern international human rights which are called the International Bill of Human Rights adopted after the end of the WWII, and consists of the United Nations (UN) Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Our globe experienced with two major and highly destructive World Wars which consequence to mass violations of human rights. Following these two devastated world wars at different parts of the world many Human Rights Movement also started to emerge. In other words, most international developments in the modern human rights movement began to take place after World War I; although before WWI there were some international campaigns such as the effort to abolish slavery, but for the most part these campaigns involved just a few dedicated nongovernmental organizations.¹⁰

More over, before the WWII nations were not as such concerned with human rights violations within the borders of other nations, and even the Convention of the League of Nations after WWI contained no mention of human rights.¹¹ But following the WWII and the Holocaust which resulted to the death of millions of human beings governments recognized the need for an independent institution which would work to prevent such an atrocity from occurring

⁹ Charter of Cyrus the Great, available at <http://www.derafshkaviyani.com/english/kourosh1.html> accessed on August 15/2010.

¹⁰ Lauren, p. **The Evolution of International Human Rights** (1998), pp.25-27

¹¹ James W., Nickel, **Making Sense of Human Rights** (2nd ed., 2007), p. 7-8

again. As a result, on October 24, 1945, in the aftermath of WWII, the UN came into being as an intergovernmental organization, with purposes “to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms.”¹² Thereafter, shortly after the approval of the UN Charter an international bill of rights emerged in December 1948 as the “Universal Declaration of Human Rights” which was a set of proposed common standards of achievement rather than a treaty.¹³

Today, the international human rights system has four main tasks. These are; first, Articulation of those rights, which are fundamental human rights; second, Identify and condemn violations and assert possible remedies; third, Create conditions in which human rights can be more realized; and finally, Enlighten people about their rights.¹⁴ The last statement ‘enlighten people about their rights’ refers to the issue of Human Rights Education. It is believed that HRE empowers individuals as well as communities to solicit transformation of society towards the full realization of human rights.¹⁵

However, respect for Human Rights is a Philosophy and an attitude of life. It is not simply a question of knowing the provisions of laws and treaties. That is why it must be learned at a tender age. In other words, Education is obviously a key vehicle for the dissemination of rights. As the United Nations also stipulated that one of the goals of education is “the strengthening of respect for human rights and fundamental freedoms...”¹⁶ Consequently the UN General Assembly called upon the member countries to publicize the text of the UDHR and “to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions...” After that, it can be consolidated by sustained education.¹⁷

The rationale for Human Rights Education is entrenched in order to ensure that basic human rights be enclosed and defended internationally. In this perspective Flower point out that

¹² **Charter of the United Nations** (Signed on 26 June 1945 in San Francisco): Article 1 Para.3 United Nations Conference on International Organization Document, Vol. XV (1945) 335 ff.

¹³ Charter of Cyrus the Great cited above at note 9, p.8

¹⁴ Human Rights and Advocacy in Namibia in 1990s (1993), A Collection of Papers, p.44.

¹⁵ Lauren cited above at note 10; Morsink, J., **Universal Declaration of Human Rights: Origins, Drafting, and Intent.** (1999)

¹⁶ Universal Declaration of Human Rights (1948), Art. 26(2)

¹⁷ The Marangopoulos Foundation for Human Rights: Twenty Years of Activity (2001), p.25.

“Progress in the larger world must start with Human Rights Education in just those small places close to home.”¹⁸

As a result, in 1974 Human Rights Education reappeared on the international scene with the UNESCO “Recommendation Concerning Education for International Understanding, Cooperation and peace and Education relating to human rights and fundamental freedoms.” In spite of the political differences between member countries of the UN, the UNESCO Recommendation was significant because it was the first educational document to directly emphasize the need to both foster respect for human rights and promote knowledge of the international instruments protecting human rights. Moreover, an International Congress on Teaching Human Rights which was sponsored by UNESCO held in Vienna in 1978 and reached to a consensus on what is often called the “Ten Commandments”¹⁹ for teaching Human Rights.²⁰

Human rights education is now taking place everywhere in the world because people increasingly know they have human rights and they demand to know and exercise their human rights. This is happening in Africa as it is elsewhere. It is well documented that Human Rights Education is not well developed in most African Countries.²¹

In order to realize the protection of human rights in every parts of the world there needs mechanisms (instruments), the first step is creating awareness about the concept of Human rights through Human Rights Education, establishing institutions works with issues on human rights. As a result, the FDRE government which gave emphasis for human rights incorporates at all level of educational curriculum a subject called “Civic and Ethical Education” as a critical component of Ethiopia’s education policy. It is overseen by the Civic and Ethical Education Department within the Ministry of Education at federal level. Through this

¹⁸ Flowers, N., **The Human Rights Education Handbook: Effective Practices For Learning, Action and Change.** (2000), p.18-25

¹⁹ See in the appendix I of the thesis.

²⁰ Habtamu Wondimu, **The Marginalization of Human Rights Education in Teacher Education Programs in Ethiopia** (2006), p.467-68, in Claude, R.P, **Education for Human Rights: The Philippines and Beyond.** (1996), p. 7-9

²¹ Sifuna, D.N. “Education for Democracy and Human Rights in African Schools: The Kenyan Experience.” (2000) Vol. 25, No 1&2, p. 213-239; Chanda, A. **Education For Human Rights In Zambia.** (1999), p. 32. ; Balde, S. (ed.) **Human Rights Education in Africa: Principles, Methods and Strategies.** (1998).

program, citizens are given orientation on human rights, cultural diversity and tolerance.²² The FDRE government is also established institutions which work for protection and investigating of violation of human rights named “Human Rights Commission”, and “Institution of the Ombudsman”.²³

Human Rights Education as a means to protect and create awareness about Human Rights is also basic for Citizens with uniform (the Military Personnel’s). That is, Military personnel having awareness and the knowledge on human rights are fundamental. That is why most of those Higher Military Institutions²⁴ in Ethiopia, therefore, made a subject called “Civic and Ethical Education” as integral part of their curriculum. In addition, it is important that human rights have a formal place in basic armed forces’ training curriculum. Because training is a means of ensuring that members of the armed forces are aware of their legal rights and obligations, including rights and obligations arising under international conventions such as the Geneva and Hague Conventions.

In a nut shell, this paper strives to look into the implication of absence of Human Rights Education in higher military institutions in general and in Ethiopian Defence Command and Staff College in particular. In addition, it will deal with the methods used to educate Higher Military Officers in what manner should they internalizing the values of human rights and be able to put human rights to practice in their work.

1.3.Statement of the Problem

1.3.1. Problem Description

Armed forces are an integral part of a democratic state and society. By fulfilling their defence and national-security functions, the armed forces play a key role in enabling a security environment that allows civilians to enjoy the inalienable rights and freedoms to which they

²² CERD, CERD/ETH/CO/15/Add.1 (2008)

²³ Constitution of the Federal Democratic Republic of Ethiopia, (1995), Proclamation No.1, Federal Neg.Gaz. year 1 no.1, 23, Art.55 (14&15); Establishment of Ethiopian Human Rights Commission Procl.No.210/2000 Federal Neg. Gaz. and Establishment of Institute of Ombudsman Procl.No. 211/2000.

²⁴ Those Higher Military Institutions of the ENDF encompass: Defence Engineering College, Defence Human Resources College, Defence Health Science College, M/G/Mulgeta Buli Technical College, Ethiopian Defence Command and Staff College, M/G/Hayelom Araya Military Academy, Defence Intelligence College, Defence Logistic College, Defence Communication College, Defence Combat Engineering College, Defence Combined Armed Forces College.

are all entitled as human being. As part of the executive organ of state structure, armed forces personnel are bound to respect human rights and international humanitarian law in the exercise of their duties.

Human rights works are a daily phenomenon where the armed forces personnel must to integrate them. They will be also better prepared for such activities if they themselves aware of them (the human rights) and operate in an environment that respects and protects those rights, and requires to internalize the values that underlie them through education or training.

It is witnessed that people who are aware of their rights stand best chance to realizing them and defend against the violations of others human rights too. In other words, learning about one's own rights builds respect for the rights of others. Human Rights Education is also one mechanism to build tolerant and peaceful society, including those citizens with uniform. Particularly Human Rights Education is more important tool in countries where human rights culture is less developed like Ethiopia.

The FDRE Constitution²⁵ and the Mission of the Ministry of Defence²⁶ clearly stipulated that the major Mission of the army is to protect the Constitution which contains the above listed values of Human Rights and other from external threats as well as internal anti-peace forces. Therefore, it is a pressing need to have Human Rights Education in the curriculum of Higher Military Institution of the FDRE armed forces. In line with this, the Ethiopian Defence Command and Staff College as one of higher military institution and which is also the highest level of all other colleges of the National Defence is expected to play pivotal role in the realization of Human Rights. Ironically, currently there is no Human Rights Education incorporated in the curriculum of the EDCSC which is a bench mark for the realization of the mission of the armed forces locally as well as internationally which stated under the FDRE Constitution and the mission of the Ministry of Defence.

Indications of the pit falls in the realization of Human Rights Education in the Ethiopian Defence Command and Staff College are:

²⁵ Constitution of the Federal Democratic Republic of Ethiopia cited above at note 23, Art. 87

²⁶ The Mission of the Ministry of National Defence, in the EDCSC Curriculum (2008), p.5

- ✚ In spite of the fact that the EDCSC is highest level of higher military institution in Ethiopia in the present curriculum²⁷ Human Rights Education is not part of it
- ✚ There is no any institutional mechanism which is in position to translate Human Rights Education in to action in the EDCSC

1.3.2. Research Question

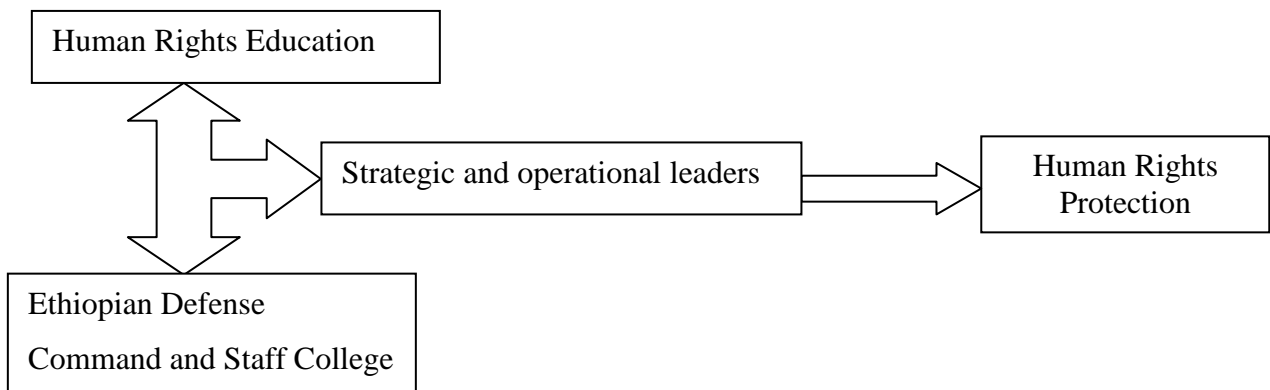
What is the implication of the absence of Human Rights Education in the Ethiopian Defense Staff and Command College?

1.3.3. Assumptions

↑ Human Rights Education → ↑ Achievement of the Mission of the FDRE armed Forces stated in the Constitution.

The foregoing assumption depicts a positive relationship between Human Rights Education and the Achievement of the Mission of the FDRE Armed Forces.

Figure No. 1: Assumption of the Integration of the Human Rights Education and the Achievement of the Mission of the FDRE Armed Force



The above diagrammatic presentation also makes clear the presumption of the integration of Human Rights Education and the Mission of the Ethiopian National Defense Forces which in

²⁷ The EDCSC Curriculum of (2008), p.7

turn bring about the deep entrenchment of human rights protection in the Ethiopia legal system as well as international and regional documents.

1.4.Objective of the Research

1.4.1. General Objective

- ✚ To assess the implication of the absence of Human Right Education in Higher Military Institutions with particular emphasis on EDCSC.

1.4.2. Specific Objectives

To Assess:

- ✚ the viability institutional arrangement of EDCSC in the realization of Human Rights Education;
- ✚ the potency of the curriculum of the EDCSC in the realization of the graduate profile which inculcate elements of human rights;
- ✚ the actual and/ or potential opportunity of the graduate Officers of EDCSC on issues of human rights education

1.5. Delimitation of the Study

In Ethiopia there are several Higher Military Institutions with different programs. But the focus of this study is on EDCSC which trained Higher Military Officers. Specifically, the EDCSC has also a number of batches which trained previously and currently, the study, however, is delimited to the 4th and 5th batches of EDCSC that are part of the curriculum that have no any Human Rights Education Course.

1.6. General Working Definitions

The Ethiopian Defence Command and Staff College

- The EDCSC is one among many Higher Military Institutions in Ethiopia which strives to be the military educational center of excellence in national security and military issues. The College has given a responsibility from the Ministry of Defence to educate and graduate Higher Military Officers who has the rank of Colonel and General. Graduates

will also be strategic and intellectual leaders in land and airpower employment, and experts in multinational, joint, and interagency environments.

Command

- The authority that a commander in the armed forces lawfully exercises over subordinates by virtue of rank or assignment. Command includes the authority and responsibility for effectively using available resources and for planning the employment of, organizing, directing, coordinating, and controlling military forces for the accomplishment of assigned missions.

Staff

- It refers to body of Officers without command authority, appointed to assist a commanding officer. The parts of any army concerned with administrative matters, planning, etc.

Higher Military Officers

- These are members of the National Defence Force which comprises from the rank of Major to Colonel and some times includes General Officers as well.

Higher Military Institutions

- A centre of education which shoulder responsibility to train soldiers in several military profession into higher skill levels

Strategic Leadership

- Military leaders who have the mandate in providing the vision and direction of the institution for the growth and success of the organization. In other words, such leaderships sets the vision and goals for an entire organization

Operational Leadership

- At such leadership level, the leaders have the responsibility for translating strategic objectives which set by strategic leadership into a series of operational objectives within a specific operating entity, combination of entities, or across a geographic region.

Higher-Tactical Leadership

- These levels of leadership are focused almost exclusively on achieving specific tangible objectives.

Standing Rule of Engagement

- Standing Rule of Engagement (SROE) defined as “it is a form of military command (order) which is ratified by Higher Civil and Military Authorities.” The rule is determined when? Where? Over Whom? And, how? Does the army to use of force and to what extent while fulfilling its mission and defending itself. The SROE is also derived from the FDRE foreign affairs Security policy, Military Strategy, and National and International Law. It is a legal document which helps to avoid from excessive use of force by soldiers.

1.7. Justification of the Research

1.7.1. Contribution of the Research

Human Rights Education is crucial in raising awareness and developing human rights culture within the military in general and for Officers in particular, that includes respect for human rights as part of a commitment to democratic values. When this is achieved, the armed forces are not just defenders of a state’s territorial integrity; they also defend and embody its democratic commitments.

As under article 87 of the FDRE Constitution as well as the Institutional Regulation of the National Defence stated that the main duty of members of the Ethiopian armed forces is obeying and safeguarding the Constitution and Constitutional Principles. To realize this it is high time to have Human Rights Education as a bench mark to equip the higher military officers in the Ethiopian Defence Command and Staff College. That is, Human Rights Education is a sine qua non condition for having all rounded military officers that could excel the mission set in the FDRE Constitution in general and in the Regulation of the Ministry in particular. In other words, the research has a significance to point out gaps and challenges in Mission imposed on the member of the institution and the incorporating of the courses of Human Rights Education in the curriculum of EDCSC. It will be relevant to build up the

Officers knowledge on human rights aspect which ultimately has vital impact on promoting human rights in their internal and external duties.

As a logical extension of the above fact, the research will, therefore, have a grain of contribution in the inculcation and deep entrenching of human rights know how and creating awareness on human rights concept, and enforcing mechanisms by the military officers who would be graduated from the Ethiopian Defence Command and Staff College. In addition, human rights education would enable Officers after they graduate on how to preventing abusive/violation practices, on how to spot illegal practices, on the need to investigate any form of abusive practices, and on how to strictly and consistently apply disciplinary punishment in all cases where such punishment is warranted.

1.8. Limitation of the Study

Data were collected mainly using a key informant interview schedule. Though the respondents were selected through careful screening of their institutional responsibilities and access to reasonable and balanced information, the intrinsic weakness of the instrument used to collect data may rarely give room for the reflection of personal bias of key informants.

1.9. Organization of the Study

The thesis is organized into five chapters. The first chapter deals with background, statement of the problem, objective of the study, significance, scope & limitation of the study, and the research methodology pursued. The second chapter deals with revision of conceptual as well as empirical literature pertinent to the objectives of the study. Chapter three presents major analysis of findings and discussions. Finally, the summary, conclusion and recommendations are presented in chapter four.

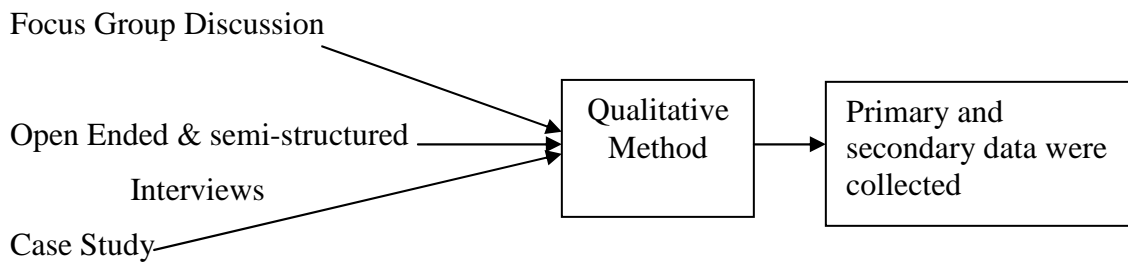
1.10. Methodology of the Research

The objective of this chapter is to depict the type, nature, and rationale of the methodology of the research. To achieve this objective the chapter covers the framework design of the

research, research strategy, study area description, ethical consideration, data source and data collection, data collection instrument, data analysis and interpretation.

1.10.1. Research Framework Design

Figure No. 2: Research Framework Design of the Study



As indicated in the diagram, the study has tried to carry out a deep investigation into the implication of absence of human rights education in the EDCSC. The study is concerned with issues pertaining to a given institution and aspects of analysis are also focused on specific objectives of the research. Thus, advocacy alternative knowledge claim that is issue/ change oriented and qualitative method of research with semi-structured open ended interview that elicit the views and opinions from participants (including the 4th & 5th batch students of the EDCSC) is employed for its convenience to develop themes from the data. Case by case in-depth exploration and analysis of facts were made in order to identify the implication of the absence of human rights education in EDCSC. In further interest to refine the findings, triangulation of responses from different sources was also made.

1.10.2. Research Strategy

In order to realize its intended purpose, this research undertaking has employed variety of strategies in gathering pertinent data. First, key informants were contacted in order to obtain their agreement to take part in the study. Secondly, secondary data sources have been identified and sorted out on the basis of their relevance for the study. Thirdly, series of interviews were conducted with the key informants in accordance with the prior arrangements made with the respondents. Fourthly, responses from different respondents have been tallied to check their consistency with each other. Finally, data obtained from primary sources have been substantiated with facts from secondary sources.

1.10.3. Study Area Description

The Ethiopian Defence Command and Staff College is located in Addis Ababa, next to 'Jan Meda'.

1.10.4. Ethical Consideration

In the process of data collection due care was taken in order to make this piece of work ethically sound. Respondents have been informed that their contribution was sought for exclusive academic purpose. Their consent was also obtained on the basis of consensus to fully respect their rights, needs, values, and desires as far as the issue of this research is concerned.

1.10.5. Data Sources

Primary data were collected through face-to-face in person interview with the key informants who were strategically and purposefully selected.

To have balanced information, the primary data were collected from key informants within the EDCSC (including the commandant, Deputy-Commandant, the Academic Dean, and Students from 4th and 5th batch), and from stakeholders out of the EDCSC that have direct/indirect attachment with the implication of absence of human rights education in EDCSC.

- The first category of key informants was composed of top officials of the EDCSC;
- The other category of key informants is composed of the ENDF Training Main Department which has a direct link with the college as well the prime responsible body of the Ethiopian National Defence Force (ENDF) in controlling the overall activities of the EDCSC. Furthermore, in spite of the fact that the EDCSC is not fully in a position to design and adopt its own Curriculum for this very reason the researcher looked on and selected the Curriculum and Planning Section of Training Main Department to be key informants and interviewed;
- The 4th and 5th batch students of the EDCSC who are part of the curriculum where the researcher assess be informants and interviewed;

- The Ethiopian Human Rights Commission shall act in tandem for the inclusion of HRE in curriculums of the armed forces institutions as well as to arrange training on human rights. To see the practice, the Training Centre of the EHRC & colleagues are selected to be a key informant and interviewed;
- The ENDF are active in international missions as part of the UN and AU peacekeeping force, thus to identify the shortcomings observed among the ENDF members in general and the Officers in particular while accomplishing their duties, the researcher selected the ENDF Peacekeeping Centre to be key informants and interviewed;

Secondary data were collected from public and private documents. These were national and international legal instruments, books, journal, and periodical.

1.10.6. Sample population and Sampling Techniques

The researcher population included a range of respondents from the EDCSC, the ENDF Training Main Department, the ENDF Legal Affairs Directorate, the ENDF Peacekeeping Centre, and the Ethiopian Human Rights Commission.

The researcher in regard to students of the EDCSC employs purposive convenience sampling techniques for the Focus Group Discussion participants, that is, I selected total 16 students from both batches out of 73 due to their availability in the college.

1.10.7. Data Collection Instruments

This study uses qualitative methods of data collection and the instruments used to collect data were semi-structured interview, Focus Group Discussion, and Personal Observations. The semi-structured interview contained a number of questions that were responded by different groups of key informants. The checklist was also developed by the researcher to be able to take notes of any discrepancies regarding human rights education while review of documents as secondary data sources.

1.10.8. Data Analysis and Interpretation

Qualitative analysis was employed. The analysis was multifaceted, iterative, and simultaneous. The process of data analysis involved making sense out of data. It involved preparing the data for analysis, conducting analysis, moving deeper and deeper in to understanding the data, representing the data, and making an interpretation of the larger meaning of the data.

Interpretation of data was made on the basis of identification of prevailing practices and the working documents governing that particular practice in view to come up with the implication of the absence of human rights education in EDCSC.

CHAPTER-TWO

2. Conceptual and Theoretical Frame work of Human Rights Education

2.1. Essence of Human Rights Education

In post-WWII Human Rights [have] emerged as an influential discourse and this discourse is changing from a solely legal to a broader Human Rights Education (HRE) focus.²⁸ The notion of Human Rights Education can be traced back to the 1948 Universal Declaration of Human Rights in which the declaration in its preamble makes reference to the role of education in securing Human rights and fundamental freedom for the world.²⁹ Today, HRE is increasingly became a major theme in educational system of [states] around the world and also advanced among the world organizations, professional associations, and international advocacy groups.³⁰

Human Rights Education is a developing field and a curricular movement that has been defined and articulated by the international community, including the United Nations (UN). As such, the UN defined HRE as “training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the molding of attitudes which are directed to:³¹

1. build respect for human rights and fundamental freedoms;
2. promote full development of the human personality and its sense of dignity;
3. promote understanding, tolerance, gender equality, and equality and peaceful coexistence among nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
4. enable every person to participate in a genuinely free society; and
5. Further United Nations objectives regarding the promotion and maintenance of peace.

²⁸ David Suarez & Francisco Ramirez, **Human Rights and Citizenship: The Emergence of Human Rights Education** (2004), p.1.

²⁹ Janas Grimhenden and Rolf Ring (eds.), “**Human Rights Laws: From Dissemination to Application**”(2006), p.85.

³⁰ David cited above at note 28.

³¹ United Nations, the United Nations Decade for Human Rights Education: 1995-2004. (1998), p.3; United Nations, the Plan of Action: World Programme for Human Rights Education-First Phase (2006), P.12. See also http://www.hurights.or.jp/asia-pacific/no_13/no13_guideline.htm accessed on August 25/2010.

To sum up, the phrase 'Human Rights Education' can refer both to the human rights to education-which is a right protected by the International Covenant on Economic, Social and Cultural Rights (ICESCR)-and, which is more often the case, to the content of education to develop a substantive knowledge and understanding of human rights. The rights to education and the teaching of human rights (Human Rights Education) are intertwined. On the other hand, Human Rights Education "...aims at providing pupils and students with the abilities to accompany and produce societal changes".³² Thus, Human Rights Education has an important place in defining and determining the scope of the right to education. Because of its instrumentality for implementing the right to education "human rights education is an integral part of the right to education and has gained of late larger recognition as a human right in itself."³³ The UDHR under its Article 26(2) placed Human Rights Education in the centre of human development:

*Education shall be directed to the full development of human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.*³⁴

2.1.1. The Rationale For Teaching Human Rights Education in Schools and Inclusions in Curriculum's

The United Nations Charter's references to the promotion and encouragement of human rights were clarified in 1948 when the General Assembly, with no dissenting votes, adopted the Universal Declaration of Human Rights. It was proclaimed as "a common standard of achievement for all peoples and all nations," who were directed to "strive by teaching and education to promote respect for these rights and freedoms..."³⁵ Thus education is identified as instrumentally connected to the Charter task of promoting human rights.³⁶

Education is obviously a key vehicle for the dissemination of rights and the project of changing attitudes by incorporating a substantive rights element into education. Thus, as stated above while the UDHR was adopted in 1948, the General Assembly of the UN called

³² Available at www.portal.unesco.org/education/en/ev.ehp. Accessed on August 23/2010.

³³ Available at www.portal.unesco.org. Accessed on August 23/2010.

³⁴ Universal Declaration of Human Rights (1948), Art. 26

³⁵ **Id.** Preamble.

³⁶ Available at <http://www.pdhre.org/materials/methodologies.html> accessed on July 07/2010

upon the member countries to publicize the text of the Declaration and “to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions....”³⁷ Ethiopia also include the UDHR and other international bill of rights as integral parts of the constitution.³⁸

In respect to HRE, the inclusion of HRE in the curriculum of schools is a derivative of a series of factors.³⁹ First, the definition of HRE varies. There is the legal definition which is drawn from the international documents that many nations have signed over the years. A second determinant of HRE is the general sense of the importance the society attaches to human rights, where there is a genuine commitment or sense of urgency, an effort is made to include them in the curriculum.

Teaching about human rights is closely associated with development, peace and disarmament education and specific topics of human rights violation; for example: apartheid, racism, colonialism, terrorism, and poverty and starvation.⁴⁰ The general goal of all HRE is to integrate international human rights standards and practices into peoples' daily lives. It is often linked conceptually and in practice with civic education, conflict resolution programs, democracy education and the like.⁴¹ In a nut shell, the teaching of human rights in schools instills human rights values and knowledge in young people.

Moreover, the UNESCO’s international Congress on Education for Human Rights and Democracy (1993) stipulated that the rationale for teaching HRE is because “it provides protection from discrimination, unfair treatment, undemocratic attitude, deterioration of

³⁷ David cited above at note 28

³⁸ Constitution of the Federal Democratic Republic of Ethiopia, (1995), Proclamation No.1, Federal Neg.Gaz. year 1 no.1, article 9

³⁹ C. Naseema, cited above at note 2, p.167-168.

⁴⁰ UNESCO, Proceedings of the International Congress on Teaching of Human Rights (1978); UNESCO, Experts Meeting On the Teaching of Human Rights (1982) (UNESCO Document No. SS-82/Conf.401/24); UNESCO, , Synthesis of Member States Reports On the Application of the Recommendation Concerning Education For International Understanding, Cooperation and Peace and Education Relating to Human Rights and Fundamental Freedoms (UNESCO Document ED 83/Conf.214/2) (1983).

⁴¹ Vergara A.C. & Estevez, J.V. “Justice, impunity and the transition to democracy: A challenge for human rights education.” *Journal of Moral Education*, Vol. 23 No 3,(1994), Pp.273-284.

cultural values, unawareness of society and environment, exploitation, bondage, human rights illiteracy, abuses of human rights at any level etc.⁴²

Human Rights Education teaches important academic and life skills and deepens students' understanding of course materials. Knowledge and skills to be gained from Human Rights Education includes:⁴³

- Critical thinking, analyzing credibility and authenticity of cause-effect relationships, formulating analysis and asking questions;
- Viewing an issue from multiple perspectives and identifying bias in your own and other's opinions; and
- Research and data collection, use of statistics, reporting and monitoring techniques, and measuring human rights violations.

Finally, Human Rights Education stimulates and engages learners, helps them relate emotionally and intellectually to course material, and helps them make connection between their own lives and events happening elsewhere.⁴⁴

2.1.2. Human Rights Education as a Right

The right to know one's Human rights through Human Rights Education and learning can make a vital contribution to human security.⁴⁵ Human Rights Education is a basic right of individuals which has been recognized under different international, regional and national Human Rights treaties.⁴⁶ Hence, everyone has to know that Human Rights Education is not only about good intention, but also, many of the major international Human Rights Instruments actually established a right to Human Rights Education.

⁴² Naseeman cited above at note 2

⁴³ Martin, Dr. J. Paul, "Self-Help Human Rights Education Handbook." (1996). The author references how Human Rights Education facilitates various forms of intellectual inquiry and how they relate to the disciplines of Law, Philosophy, Political Science, Anthropology, History and others.

⁴⁴ N. Flowers, **Human Rights Education Handbook: Effective Practices For Learning, Action, and Change** (2000); Shiman, David, , **Teaching Human Rights** (1999)

⁴⁵ Wolfgang Bendek (ed.), **Understanding Human Rights: A Manual on Human Rights Education** (2006), P.213.

⁴⁶ Such as the UDHR (article 26), the ICESCR (article 13), the CRC (article 29), and, most recently, the Vienna Declaration and Program of Action (Section D, Paragraphs 78-82).

Human Rights Education has to be designed in order to make those educated able to act in accordance with their knowledge-either to restrain from violations or to claim human rights. In that sense of empowerment the General Assembly states that “Human Rights Education involves more than providing information but rather it is a comprehensive life-long process by which people at all levels of development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect within a democratic society.”⁴⁷

2.2. The United Nations, Education and Human Rights Education

The United Nations was formed in 1945 immediately after the end of the horrific WWII with the purposes “to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms.”⁴⁸ The main perpetrators of this common concept of human dignity concerning human rights are governments – including their police forces, military and tolerated or empowered private forces.⁴⁹

2.2.1. Human Rights Education and Education

Education takes the status of Human rights because it enhances human dignity through its fruits of knowledge, wisdom and understanding.⁵⁰ In other words, Education is a precondition for exercise of Human rights as well as important tool in promoting Human Rights. Although the goals and objectives of education may vary according to the respective historical, political, cultural, religious or national context of states, there is a growing consensus under present international law that tolerance and respect of Human Rights shall be major areas of

⁴⁷ OP 5 of GA Resolution 48/127 and OP 4 of General Assembly Resolution “United Nations Decade for Human Rights Education” 22 December 1995, United Nations Doc. A/RES/50/177.

⁴⁸ Charter of the United Nations (signed on 26 June 1945 in San Francisco), Article 1 Para. 3: United Nations Conference on International Organization Documents, Vol. XV (1945) 335 ff.

⁴⁹ Nils Rosemann, **Human Rights Education: Towards the End of the UN Decade** (2003), p.14

⁵⁰ Richard Pierr Claude, “The Right to Education and Human Rights Education,” *Sur International Journal of Human Rights*, Vol. 2, (2005), p.37.

education.⁵¹ Because of many people do not have knowledge of Human Rights there needs education which focuses on human rights.⁵²

In short, Human rights and education have gone hand in hand ever since the Charter of the United Nations (UN) was accepted on October, 1945. Respectively by signing the UN Charter, States committed themselves to cooperating with the UN to promote and achieve universal respect for and observance of human rights, and fundamental freedoms to all without distinction regardless of their race, sex, language, or religion.”⁵³

However, the emphasis on education rather gained further attentions while the UDHR was adopted in 1948. Long before the UN declared 1995-2004⁵⁴the Decade for Human Rights Education, the UDHR and the Covenants (the ICCPR & ICESCR) placed education at the centre of human rights activities.⁵⁵

2.2.2. The Road to and the United Nations Decade for Human Rights Education

After the UDHR was adopted in 1948, there were international conferences on issues of human rights held at different parts of our world too. The initiative for those conferences was made by the UNESCO and reach into agreements on issues of HRE.

In the 1970s, the right to Human Rights Education became a popular theme within the UN.⁵⁶ Eventually the UNESCO took the initiative and placed Human Rights Education on the agenda of a General Conference in 1974, which led member states unanimously adopting the so-called ‘Recommendation’ concerning Education for International Understanding, Co-operation and Peace and Education Relating to Human rights and Fundamental Freedoms.

⁵¹ Manfred Nowak, **Introduction to International Human Rights Regime** (2003), p.10.

⁵² N.Flowers, “Human Rights Education in the USA”, Vol.7, No. 1, (2002), p.24.

⁵³ Charter on the UN cited above at note 21, Article 56, read with Article 55 (C).

⁵⁴ From a suggestion made at the World Conference on Human Rights in Vienna in December 2004, the UN General Assembly proclaimed the Decade for Human Rights Education as being from January 1995 until 31 December 2004 (Resolution 49/184).

⁵⁵ See also article 26(2) of the UDHR, article 28&29 of the CRC, and article 13&14 of the ICESCR.

⁵⁶ Naseema cited above at note 2

In addition, in 1993, in Montreal, Canada, the UNESCO together with the UN Centre for Human Rights held an International Congress aimed on the education of human rights and democracy. The major theme of the conference was also structuring a “World Plan of Action for Education in Human Rights and Democracy”. As a result, it made provision for the creation of extensive programs for Human Rights Education to further the ideals of tolerance, peace and friendly relations among states, peoples and marginalized groups.⁵⁷ Finally the Congress adopted a plan to obtain its educational goals which reads as:

*“This plan calls for methods which will reach the widest number of individuals most effectively, such as the use of the mass media, the training of trainers, the mobilization of popular movements and the possibility of establishing a world-wide television and radio network under the auspices of the United Nations.”*⁵⁸

The 1993 Vienna Conference was the next landmark in Human Rights Education. In the concluding document of the Conference, representatives of 171 countries affirmed the State’s obligation to incorporate Human Rights Education programs in their curriculum.⁵⁹ Education on Human Rights and the dissemination of proper information, both theoretical and practical, play an important role in the promotion and respect of human rights with regard to all individuals without distinction of any kind such as race, sex, language or religion, and this should be integrated in the education policies at the national as well as international levels.⁶⁰

Moreover, the Vienna Declaration and the Program of Action that came out of the 1993 World Conference on Human Rights reaffirmed the central importance of Human Rights Education’s role in the promotion of universal human rights norms by declaring a United Nations Decade for Human Rights Education (1995-2004).⁶¹ A central concern of the Declaration of the UN Decade for Human Rights Education was the role that Human Rights Education can and does play in the promotion of peace, both locally and globally.⁶² In other

⁵⁷ World Plan of Action text available at http://www.unesco.org/webworld/peace_library/UNESCO/HRIGHTS/342-353.HTM accessed on August 25/2010

⁵⁸ **Ibid.**

⁵⁹ **Ibid.**

⁶⁰ UNOHCHR (1993), Article 33.

⁶¹ Vienna Declaration cited above at note 54, Paragraph 33, Part 1.

⁶² **Ibid.**

words, one of the formative causes behind the declaration of the United Nations Decade for Human Rights Education (1995-2004) was the need to enhance knowledge of human rights.⁶³

Since the UN decade HRE can be seen as a comprehensive and lifelong learning process aimed at empowering people to stand up for their human rights and against human rights violations as well as to respect human rights of others.⁶⁴ By this reason HRE is also education in regional and international instruments and mechanisms of protection and procedures for ensuring accountability.⁶⁵

Moreover, the UN General Assembly adopted a second decade for Human Rights Education, called “World Program for Human Rights Education”⁶⁶ in which the program started on 1 January, 2005 and will be ongoing. The first phase of this program was run until the end of 2009, and focuses on Primary and Secondary education. This time National strategies and minimum standards to the implementation process of HRE were given to governments.⁶⁷

2.3. Countries Experience on Human Rights Education

HRE is strongest among states in Europe and the Americas, followed by the Middle East and North Africa, Sub-Saharan Africa, and the Asia-pacific regions.⁶⁸ But, situations of HRE in school system differ from country to country. For instance, in Philippines and Albania HRE is mandated in the national constitution and is required throughout the entire school system respectively. As in the Philippines Constitution specified that there established a body which is responsible to promote HRE named as the Commission on Human Rights of the Philippines

⁶³ **Ibid.** and See further OP 9 of General Assembly Resolution “Human Rights Education Decade” (GA Resolution 48/127) of 20 December 1993; United Nations Doc A/RES/48/127 and OP 4 of General Assembly Resolution “United Nations Decade for Human rights Education” (GA Resolution 49/184) Of 23 December 1994; United Nations Doc. A/RES/49/184.

⁶⁴ Karl-Peter Fritzsche, **Teaching Human rights-Suggestions for Teaching Guidelines** (1993), p.16.

⁶⁵ UN, 2000, Report of the United Nations High Commissioner for Human Rights on the mid-term global evaluation of the progress made towards the achievement of the objectives of the United Nations Decade for Human Rights Education (1995-2004).UN Document A/55/360, Geneva; also available at [http://www.unhchr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/55da934a2691b02ac125698400496605/\\$FILE/0064037e.doc.](http://www.unhchr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/55da934a2691b02ac125698400496605/$FILE/0064037e.doc.), Para. 131 of mid term evaluation.

⁶⁶ UN, World Programme for Human Rights Education (Document A/59/43). 59th General Assembly of the UN. (2004), New York:UN.

⁶⁷ **Ibid.**

⁶⁸ S. Cardenas, “Constructing Rights? Human Rights Education and the State.” *International Political Science Review*, Vol.26, No.4, (2005), p.368

(CHRP).⁶⁹ In addition, the Pilipino government which gave an emphasis on HRE designed its own HRE Program Plan and accordingly the CHRP envisions that “a Philippines society that deeply values the dignity of every person and fully respects human rights.”⁷⁰

2.4.Over views of Human Rights Education in Africa

Until recently what the reality in Africa in regard to HRE was that African nation including Ethiopia not willing enough for schools to teach human rights. However, with the collapse of dictatorships, the end of colonial vestiges and apartheid some African nations made efforts in entrenching HRE in their educational systems. The following table also shows us how some of the national policy directions and educational aims of those listed nations intended in addressing HRE.

No	Factors	Ethiopia	Nigeria	South Africa
1	Aims of Education in National Educational Policies	<ul style="list-style-type: none"> ▪ To bring up citizens who respect human rights, stand for the well-being of people, as well as for equality, justice and peace, endowed with democratic culture and discipline; ▪ To bring up citizens who differentiate harmful practices from useful ones, who seek and stand for truth, appreciate aesthetics and show a positive attitude towards the development and dissemination of science and technology in society 	<ul style="list-style-type: none"> ▪ To enable him/her to derive maximum benefits from his/her membership in society, lead a fulfilling life and contribute to the development and welfare of the community ▪ The national educational aims and objectives for all levels of education are: <ul style="list-style-type: none"> ➤ The inculcation of national consciousness and national unity; ➤ The inculcation of correct types of values and attitudes for the survival of the individual and the Nigerian society; ➤ Training for understanding the world around. 	<ul style="list-style-type: none"> ▪ Equal access to lifelong education and training opportunities, which will contribute towards improving their quality of life and building a peaceful, prosperous and democratic society. ▪ This statement points the way toward a system that is freed from discrimination and inequality, and united on a foundation of opportunity and democracy.

Source: UNESCO International Bureau of Education Geneva, Switzerland World Data on Education, 5th edition, 2003

⁶⁹ The Philippine Constitution, (1987), Article XIII, Section 18(5).

⁷⁰ Commission on Human Rights of Philippines, The Short-term Human Rights Education Program Plan of the Commission on Human Rights of the Philippines, 1988 (revised in 1990), p.1.

As the UN reports in 2000 evaluated and reported on Human Rights Education activities done by African governments also the overall picture of African participation in the UN Decade for Human Rights Education is bleak.⁷¹ Only seven of the 53 member states returned an evaluation questionnaire to the High Commissioner. The UN added a point in its report that the obstacles listed by the seven African governments that responded to the questionnaire in respect of implementing Human Rights Education programs are an indication of a lack of political will rather than the obstacles themselves being insurmountable. This lack of will is evidenced by there being no technical assistance for developing and executing national Human Rights Education plan, and no provision of long-term state funding on Human Rights Education.⁷²

In addition, the UN reports shows that there was very little done by African governments to take Human Rights Education to professional groups such as the Police, the Armed Force and Immigration Officers, and even less to vulnerable groups such as minorities, migrant workers, prisoners and people living in extreme poverty.⁷³ African governments rather than adding their efforts in funding and teaching Human Rights Education , they expected intergovernmental organizations to fund Human Rights Education projects.⁷⁴

2.4.1. Human Rights Education and the African Charter on Human and People's Rights

The African regional system is the latest addition to the regional efforts towards the protection and promotion of human rights. The African Charter on Human and Peoples Rights and the African Court of Human Rights parts of the instruments and institution that occupy a central place in the regional system for the protection and promotion of human rights in Africa.⁷⁵

As we understand from the charter, it presents not only the most straightforward statement in international norm-making regarding governmental responsibility for education, but as well, a

⁷¹UN cited above at note 65.

⁷²*Id.*, points 39-41.

⁷³*Id.*, points 33 and 34.

⁷⁴*Id.*, point 37.

⁷⁵ Ethiopian Human Rights Commission, A Survey on the Human Rights Aspects of the Ethiopian Primary Education(2006),p.6

significant and unique call for effective human rights education. That is, the Banjul Charter says that signatory African states:

*Shall have the duty to promote and ensure through teaching, education and publication, the respect for the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.*⁷⁶

To say that government responsibility to teach human rights should also ensure their understanding is an innovative standard and an important addition to international discourse. The effectiveness of human rights education should not only be the concern of the Banjul signatories, but of everyone who takes Human Rights Education seriously.⁷⁷ The standard suggests that those obliged to teach human rights should also ensure that such programs are effective in that people accept and understand their rights and that they are thereby empowered to use them and can benefit by exercising them.⁷⁸ It should be clear that the objective of effective human rights education is not to sow the seeds of social unrest.

2.5. Military Personnel's and Human Rights education

The armed forces are one among the three target audiences of HRE⁷⁹. That is, HRE can consist of the Military and Police training activities.⁸⁰ States basically rely on their military capability against their external threats which are basically military and political in nature. Thus, in achieving this goals education is taken as an important part of the induction and development of armed personnel. In addition, education to the military like any other individuals provides an opportunity to inculcate shared values, a common vision, and collective pride.⁸¹ Because of the nature of the profession the armed forces of any state are often exposed to violate the human rights of individuals in the conflicting areas. Thus specifically in countries where the armed forces have been involved in inter-communal conflict or repressive practices, appropriate training [education] presents an opportunity to

⁷⁶ African Charter On Human and Peoples Right (1981), art. 25

⁷⁷ [Richard Pierre Claude](#), **Methodologies For Human Rights Education** (1999), p.3.

⁷⁸ **Ibid.**

⁷⁹ Such as first, the public at large; second, schools and educational institutions; and finally, professional groups both governmental and NGOs.

⁸⁰ Sonia Cardenas, (2005), Constructing Rights? Human Rights Education and the State. International Political Science Review, Vol.26,No.4, pp.366-367

⁸¹ OSCE/ODIHR, **Handbook On Human Rights and Fundamental Freedoms of Armed Forces Personnel** (2008), p. 204.

take a new approach based on respect for human rights, democratic values, and international legal commitments.⁸²

2.5.1. Armed Forces has a rights

Armed forces personnel, whether conscripted or volunteers, are part of a chain of command in which the interests of the individual are subordinated to the requirements of military duty. Yet they remain citizens in uniform, and must be granted the same rights as civilians, without prejudice to military discipline.⁸³ The military profession can maintain its dignity and professionalism only if the human rights of soldiers are respected. Armed forces play an essential role in protecting society against various threats. As such, they must be prepared to protect and uphold the constitution, state institutions, and the central values of the society at all times. Human rights standards as part of the society's central values apply to the armed forces as well.⁸⁴

2.5.2. Significance of HRE for Military Personnel

Human rights education is also crucial in raising awareness and creating a professional culture within the military as part of a commitment to democratic values. When this is achieved, the armed forces are not just defenders of a state's territorial integrity; they also defend and embody its democratic commitments.⁸⁵

Moreover, the human rights of members of the armed forces have additional importance in the contemporary context for two reasons. The first is the changing nature of military operations. Armed forces are now more likely to be deployed on peacekeeping operations than in conventional warfare. Servicemen and women in peacekeeping operations are frequently called upon to assist political institutions within societies fractured by conflict to re-establish a culture of respect for human rights in their area of operations. They will be in a better position to do this if they themselves have knowledge of, and are accustomed to, such a culture within

⁸² **Ibid.**

⁸³ Parliamentary Assembly of the Council of Europe, **Human rights of Members of the Armed Forces**, Doc. 10861, (2006), Para.53, also available at <http://assembly.coe.int/Main.asp?link=/Documents/Working-Docs/Doc06/EDOC10861.htm>. access on July 21/2010

⁸⁴ See at <http://www.publications.parliament.uk/pa/cm200506/cmselect/cmarmed/828/828we13.htm>.

⁸⁵ OSCE cited above at note 81, p.24

their own armed forces. Second, the increasing use of multinational military task forces in these and other operations draws attention to differences in the working conditions and rights enjoyed by members of the armed forces in different states.⁸⁶

2.6. Human Rights Education in Ethiopia

As one of the oldest nation states and a founding member [of] the League of Nations, the United Nations and the African Union, Ethiopia had been taking part in various international endeavors for the protection and promotion of human rights.⁸⁷

Despite its weaknesses and limitation, the Revised Constitution of 1955⁸⁸ was the Pioneer legal document in introducing human rights norms to the people of Ethiopia.⁸⁹ But, those rights listed on the constitution were only remained as part of the paper rather than to be practical. In addition, the 1987 Peoples Democratic Republic of Ethiopia (PDRE) Constitution had incorporated a chapter on the fundamental rights and freedoms “Guaranteed” to the Ethiopian People.⁹⁰ In practice, however, the 1987 constitution like the previous once was only nominal. Human rights violation during this period (under the Dergue regime) was common.⁹¹

Immediately after the downfall of the Dergue a Charter was adopted by the Transitional Government of Ethiopia. And the Charter in which fully incorporated the Universal Declaration of Human Rights as part of the laws of the nation began in its first provision by a commitment to respect and promote human rights and fundamental freedoms.⁹² In addition,

⁸⁶ **Id.**, p.34

⁸⁷ Ethiopian Human Rights Commission cited above at note 75, p.6

⁸⁸ It was a second kind of constitution to Ethiopia which ratified some years after the expulsion of the Italian Invaders from the country under the emperor H/Selassie Regime. The first Constitution was the 1931 Constitution.

⁸⁹ Ethiopian Human Rights Commission cited above at note 75, p.7

⁹⁰ That is, in the PDRE Constitution Articles from 35-52 “guaranteed” various rights, such as right to equality before the law, equality between sexes, equal rights of spouses in family relations, the right to work, the right to free education, freedom to conduct research engage in creative activities in science, technology and the arts; the right to inviolability of the person, freedom against arbitrary arrest, the right to be presumed innocent; non-retroactivity of criminal law; the right to legal counsel; freedom of conscience and religion; freedom of speech, press and assembly, peaceful demonstration and association; freedom of movement; secrecy of correspondence; the right to elect and be elected; the rights to submit criticism and complaint against organs of state.

⁹¹ Bahru Zewde, **A History of Modern Ethiopia: From 1885-1991** (2nd edit.2002), p.253-256

⁹² Ethiopian Human Rights Commission cited above at note 75, p.8

during the Transitional Period (from 1991 to 1995) the UDHR was served as direct source of human rights law in Ethiopia.⁹³

The FDRE Constitution which makes as one of its objectives the protection of and respect for human rights⁹⁴ was promulgated in August 1995 and has embodied a lengthy list of human rights norms⁹⁵ and incorporated various international human rights instruments into domestic laws. It has also further makes all international human rights instruments ratified by Ethiopia as an integral part of the law of the land.⁹⁶ It goes on providing that the fundamental rights and freedoms specified in the Constitution shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and international instruments adopted by Ethiopia.⁹⁷ The FDRE Constitution also states that “to the extent the country’s resources permit, policies shall aim to provide all Ethiopians access to public...education.”⁹⁸ The central mission of the Ethiopian education is to instill the worth of the constitution in the minds of the students, through democratization of the curriculum.⁹⁹

In the Resolution No. 49/184 of the UN, the General Assembly stated that “everyone must know that Human Rights Education and public information are in dispensable elements...to protect human rights.”¹⁰⁰ That is, states are supposed to protect their people, guarantee the rights of individuals and create an atmosphere conducive to the development of individual and society as a whole in their jurisdiction.¹⁰¹ In reference to this as per article 9 (4) of the FDRE Constitution reads: “all international agreements ratified by Ethiopia are part of the law of the land”¹⁰² This implies that the FDRE government is obliged to implement those principles enshrined under the UDHR and other International treaties and covenants. From the above

⁹³ **Ibid.**

⁹⁴ **Id.**, P.1

⁹⁵ See Chapter three of the constitution which is entirely dedicated to human rights norms under the title of “Fundamental Rights and Freedoms”.

⁹⁶ Constitution of the FDER cited above at note 38, Art.9 (4).

⁹⁷ **Id.**, Art.13 (2).

⁹⁸ **Id.**, Art.90 (1).

⁹⁹ Ethiopian Human Rights Commission cited above at note 75, p.2.

¹⁰⁰ UN, Declaration for Human Rights Education; Lesson for Life (1998), GA Res. No. 49/184, p.6.

¹⁰¹ **Ibid.**

¹⁰² Constitution of the FDRE cited above at note 38, Art.9(4)

statements we can conclude that the Constitution in one way or another ways recognizes the issue of Human Rights Education.

Human rights education is thus very vital to inform the society so that people may be able to pursue their rights more vigorously. In the absence of adequate knowledge of rights and the mechanisms available to realize them, violations rights might became day-to-day phenomena and rights cannot be protected.¹⁰³ In 1999 the subject called “Civic and Ethical Education” has been introduced in the Educational Curriculum of Ethiopia for the purpose to explores human rights from a variety of points of view. First, civic education is examined as a method of knowing and enjoying one’s rights. Next, the Constitution is studied as the source of rights and democracy as a vehicle for practicing rights.

As one step of this education process, higher education has been assuming the mission of fostering citizens with human rights knowledge. In regard to this Professor Habtamu who made a research on HRE in Ethiopia concluding in his findings that “most colleges and Universities, including Addis Ababa University are offering courses on Civic and Ethical Education in which the course include topics such as state and government, constitution, citizenship, democracy, ethics of citizens, human rights, rule of law, and international relations (global issues). But the issues on human rights and democracy get small coverage, while the issues of peace and conflict resolution get some mentioning or no coverage at all.¹⁰⁴ He also further strengthens his finding on how HRE in Ethiopia is marginalized by saying that “none of the Universities or Colleges under study has textbooks or even well organized teaching materials for the course. They only have handouts, photocopies of the Ethiopian Constitution and Chapters of some books.”¹⁰⁵

¹⁰³ Action Professionals’ Association for the People (APAP), 2002, Enforcement of Human Rights In Ethiopia, p.17.

¹⁰⁴ Habtamu Wondimu **The Marginalization of Human Rights Education in Teacher Education Programs in Ethiopia: A Call For Better Covenvrege**, in College Of Education (AAU), **Proceedings of the Conference on Teacher Education For Sustainable Development In Ethiopia** (2006), Pp.472-473.

¹⁰⁵ **Ibid.**

2.6.1. The Role players on HRE in Ethiopia

2.6.1.1. Non-Governmental Organizations (NGOs)

It is very important that the society is aware what human rights are recognized by the Constitution and the international human rights standards Ethiopia has ratified. In Ethiopia as other parts of the world NGOs could play an important role by providing public HRE in its broadest sense, to develop a culture of human rights by raising the awareness of people of their rights.¹⁰⁶

An NGO known as Action Professionals' Association for the People (APAP) argued on the importance of Human Rights Education in Ethiopia as follows: "We [APAP] seek to promote human rights in Ethiopia because: (1) the international community has strongly and repeatedly endorsed Human Rights Education; (2) we believe in the right to education affirmed in the Ethiopian Constitution and the Ethiopian Education Policy Statement; (3) we believe in the right to know our rights; and (4) Ethiopia which is signatory to the Charter [ACHPR] has an obligation to implement , and thus we want to help ensure the kind of effective human rights education specifically called for by the African Charter on Human and Peoples' Rights."¹⁰⁷

2.6.1.2. The Offices of Ombudsman and Human Rights Commission

The FDRE Constitution in its article articulated about the establishments of the Human Rights Commission (EHRC) and Office of Ombudsman.¹⁰⁸ Accordingly to the proclamation which established the EHRC the objective of the Commission (EHRC) is "to educate the public using the mass-media and other means, with a view to enhancing its tradition of respect for, and demand for enforcement of rights upon acquiring sufficient awareness regarding human rights".¹⁰⁹ In addition, the Institute of Ombudsman has established with a duty to conduct

¹⁰⁶ EHRC cited above at note 75, p.54.

¹⁰⁷ **Ibid.** And also available at <http://www.HumanRightsEducationLibrary/TheBellsOfFreedom-Part2.htm> access on December 09/2010

¹⁰⁸ FDRE Constitution cited above at note 38, Art.55

¹⁰⁹ The Establishment of Ethiopian Human Rights Commission, Federal Neg. Gazt., Proc. No 210/2000, Article 6 (4).

preventive activities by raising the awareness of the public and officials in which directly or indirectly related to Human Rights Education.¹¹⁰

The EHRC in its five year strategic plan issued on April 2006 has also stipulated on the role and importance that education could play to promote, enhance and maintain human rights of people. Meanwhile, the strategic plan considering HRE as one of the program areas delineated action-plan and general list of activities to be implemented, particularly review and development of education curriculum.¹¹¹

2.6.2. The FDRE Army and Human Rights

2.6.2.1. Introduction

At the symposium held in Addis Ababa from 17-21 of May 1993, on the making of the new Ethiopian constitution, the former Chief of Staff partly shed light on the nature of the future Ethiopian army “if the military is to facilitate, and not frustrate, the process of democratization in Ethiopia” the relationship between the new constitution and the military should be defined on clear principles which include:

“...the definition of clear purpose for the army; a political awareness, within the army, of the constitution and of its role in defending and promoting that constitution; democratic internal management of the army; an integrated relationship between the army and the civilian population; control of the armed forces by civilian authorities; accountability of the army to the people and their elected representatives; ...an army which is composed which is composed to reflect the diversity and unity of Ethiopia.”¹¹²

Moreover, the FDRE National Defence Minister to strengthen its commitment in the fulfillment of the constitution and constitutional values has developed a Standing Rules of Engagement (ROE) on June 2007 which helps to prevent abuse and excessive use of force by the armed forces.¹¹³ The ROE regulates the use of excessive force during conflict time. The use of force is not in principle allowed, therefore, the ROE specifies when to use force, how

¹¹⁰The Establishment of Institute of Ombudsman, Federal Neg. Gazt., Proc. No. 211, Neg. Gaz. , 6th year, No. 41.

¹¹¹ H.E. AMBASSADOR TERUNEH ZENNA, Chief Commissioner, Human Rights Commission of Ethiopia, Address on Consultative Workshop on Human Rights Plan of Action for Ethiopia, Addis Ababa, Ethiopia, On March 15, 2010

¹¹² Tsadkan Gebre Tensae, “A Vision of a New Army for Ethiopia”, A paper presented at the symposium on the making of the new Ethiopian Constitution, held in Addis Ababa, 17-21 May 1993, p.8

¹¹³ MoND, ‘Yegdaje Afetsatsem Quami Te’ezaz’ (Standing Rules of Engagement) (2007), the preamble

to use force, based on this the ROE cards are prepared for a specific action like during internal conflicts, riots or international law.¹¹⁴ In other words, this shows that the need to protect human beings rights during intra as well as inter-state conflicts.¹¹⁵

There were several workshops and trainings provided to the FDRE armed forces mainly by the ICRC at different time and places on international human rights law and Conventions. To take as an example, in such instances On 31 March, 2006 the International Committee of the Red Cross (ICRC) has organized workshops for the Ethiopian security Officers on themes of respect for humanitarian rules. During the opening ceremony of the workshop Head of Training Main Department Major General (currently Lt.General) Tadesse Woreda declared that “The Ethiopian Military is governed on the principles and directives of the constitution and the international treaties that Ethiopia has ratified.” He also said that “The Ethiopian Military should know the legal framework in which they are operating, and training on international standards should be undertaken.”¹¹⁶

2.6.2.2. HRE and Higher Military Institutions in Ethiopia

The Emperor H/Selassie regime was remembered as the turning point in the history of modernizing the army. The vital contribution for these was foreigners from Sweden, Britain, USA, and India. As a result, at the time several Military Institutions with the aim to train different professionals (such as Officer Cadets, Military Science, and Health Science etc) were established as Harar Military Academy, Holeta Staff College, Air Force Academy, and the Navy College.¹¹⁷ The curriculums, however, failed to orient the students to have respect for fundamental human rights, one of the main weaknesses revealed in regions where battles were fought against anti-government forces.¹¹⁸

Most of the EPRDF forces which overthrow the Dergue regime from its power in 1991 were not educated at the time. Thus at the Transitional period as well as after the establishment of the FDRE government, the Defense institution continued to educated and train the army

¹¹⁴ **Id.**, part-I, art.1

¹¹⁵ **Ibid.**

¹¹⁶ H.E. Lieutenant General Tadesse Woreda, Address to Security Officers on themes of respect for humanitarian rules, Addis Ababa, On 31 March/2006

¹¹⁷ ‘*Yemekelakeya Strategic Eked YeTenat Buden Senedoch*’, p.11.

¹¹⁸ Tekeste Melake, **The History of The Ethiopian Army: 1977-1991**, no date, p.29

members beginning from primary to secondary education. Concurrently the ministry of Defence established and re-organized Higher Military Institutions¹¹⁹ to train professionals beginning from certificate level to Degree levels.

Today, there are several Military Institutions in Ethiopia which established with different specific objectives. The Ministry of Defense also believes that all those higher military institutions need to be guided and formed accordingly to the values and Constitutional mission of the institution.¹²⁰

- ✚ One of the organizational cultures to be implemented in the Ethiopian Higher Military Institutions as stated in some documents is that “Protecting from any threats the profession, the people and the Constitutional Government of FDRE.”¹²¹
- ✚ The vocational education offered in military institutions should to follow-up the Educational policy of the country as well as be accorded to the Institutional mission of the armed forces.¹²²

A subject named “Civic and Ethical Education” is part of the curriculums of most of the Higher Military Institutions in Ethiopia. In addition, in some of those higher military institutions such as M/G/Hayelom Araya Military Academy, the Intelligence College courses related to HRE like International law, Conflict Management are part of their curriculum too.

In addition to the above listed principles, while the researcher assesses the curriculum of the Ethiopian Defence Command and Staff College (EDCSC), the background of the EDCSC Curriculum stated that:

“Ethiopia currently needs transformed military forces. It is in view of this fact that the Ministry of National Defence has planned to transform its forces to meet future challenges through providing further training and education to its higher officers. The

¹²⁰ Defence University College, ‘Yemekelakeya University College Yeameset Amet Strategic Eked Rekik:1999-2003’,(1998 E.C.), p.12

¹²¹ **Id.**, p.27

¹²² FDRE Ministry of Defence, **Training Policy**, 2nd ed.,(1997 E.C.), p.29

Ministry has recently articulated a new vision for its future, entirely consistent with the Federal Constitution and the Democratic values of the Ethiopian government.”¹²³

Educating Officers has the potential to turn into a major factor for harmonization of civil-military relations in Ethiopia.¹²⁴ Similarly, the Ministry of National Defence (MOND) and the EDCSC has their own Vision, Mission, Values which directly or indirectly related to the constitution and Constitutional principles of the FDRE government. Among the four core value of MoND, “**Un-curtailed Democratic Thinking**”, a value demands from each and every member of the army or defence force of the country, which includes respecting human and democratic rights, believes in racial, religious and gender equality etc.¹²⁵

¹²³ The Revised Curriculum of the EDCSC, (2008), p.4-5

¹²⁴ The Curriculum for Ethiopian Defence Command and Staff College (2004), p.11

¹²⁵ The Revised Curriculum of EDCSC cited above at note 123, p.6

Chapter-Three: Discussion and Analysis

3. Introduction

The EDCSC has been functional since January 2006. To this date the college conducted three regular courses based on previously developed curriculum. However, as in the preface of the revised curriculum depicted that there needs to revise the previously curriculum of EDCSC based on the following rationale, that is, it arises based on the high interest of the Ministry of National Defense of FDRE. The Armed Forces shoulder responsibilities of ensuring sovereignty, peace and security thereby creating stable environment for economic activities and development of the nation. Accordingly; it is imperative to enhance the ability of commanders and leaders to conduct full spectrum joint operation and elevate the leaders' knowledge in strategic matters and strategic leadership.

For this purpose, joint operation, higher level strategic and leadership courses are incorporated in the revised curriculum. In addition, the teaching methodology and evaluation systems are also revised. The course breakdown of the revised curriculum also looks as follows:

Courses Distribution and Credit hours

Component Area	Number	Courses	Credits
Security Strategic Studies	SSS131	Strategic Concept	6
	SSS132	National strategy	4
	SSS133	National Strategy application	6
	SSS121	Master of War (Theory & Practice	6
	SSS122	Wars in the 20 th century	4
	SSS123	The future war	4
	SSS113	Irregular warfare (strategic approach)	4
		Total	34
Joint Operations	JMO231	Joint Operations fundamental	8
	JMO242	Conducting Joint operation	16
	JMO223	Joint full spectrum exercise	14
	JMO212	Joint Operations-Application of air power	6*

		Total	38(44*)
Strategic Leadership and Decision- Making	SLD132	Introduction to Leadership	4
	SLD143	Strategic leadership & Management	4
	SLD153	Strategic Decision-Making & Problem Solving	3
	SLD251	Personal & Professional in Military Leadership	3
	SLD241	Cross-Cultural Leadership	3
	SLD252	Competency Based Human Resource	4
	SLD251	Management	3
	SLD243	Leadership Historical Cases	3
	SLD112	Leadership seminar (distributed in all semester)	3
		Military communication	
		Total	30
Supportive Courses	Eng101	College English	3
	SLD121	Research Methods	3
	Eng112	English Spoken and written communication	3
	MSL243	Senior essay	3
		TOTAL	12
		Sum Total	114(120*)

Source: the Revised Curriculum of EDCSC, 2008

As we understand from the points listed in the EDCSC curriculum with a sub-topic “the rationale for revision of the curriculum” the first point to revise it is that ‘to Promote the mission of the college from tactical level to the higher level that is educating the operational and strategic level in accordance to the specific need of the ministry.

The researcher who wanted to identify the challenges might be facing for the Defence as an institution in general and those military officers who will be graduated from the EDCSC in particular with the absence of HRE in its curriculum collected data from various sources. Thus the researcher collected data via Focus Group Discussion selecting 8 students from each totally 16 and stratifying them according to their batch into two groups. The discussions were

conducted in Amharic and the researcher after taking notes converted the collected data into English. There were also six students selected from both batches to be interviewed.

The researcher arranged interviews with the top Managements of EDCSC, Head of Training Main Department (TMD), Head of ENDF Peacekeeping Centre, Head of TMD Curriculum and Planning Section, Training Head of Ethiopian Human Rights Commission and Colleagues. All the interviews were in Amharic.

In short, the analysis and interpretation part of the data is made under different parts. The data collected through interview, focus group discussion, and observation are analyzed and interpreted together with secondary sources relevant to each question. For the sake of clarity, the responses of each target group have been analyzed separately. Moreover, interrelated questions are organized and analyzed under the same sub-topics.

3.1.The Inclusion of HRE in the EDCSC to Enhance Officers Awareness and Shoulder Responsibility on human rights

There is a great need for promoting human rights and human rights instruments awareness at the present juncture among the FDRE armed forces to be competent worldwide. Marshalling of human rights knowledge into a single discipline of study in higher military institutions like the EDCSC will also open the path of commitments for the sake of greater public good and achievements of the institutional missions.

The ENDF armed forces to be aware of and entrench responsibility in respecting the human rights of their subordinates and citizens.¹²⁶

Armed forces defined as amalgamation which consists of human beings, weapons, attitudes as well as rules, but, it is machinery with life. Thus armed force can exist as an institution if all of those elements alive, but, the major actor is the human being. The human beings also need to catch-up the demanding attitude, behaviors, knowledge, and skill; to realize this so, training and education are taken as major tools.¹²⁷ One of the major objectives of education is also

¹²⁶ MoND, 'Ye'ethiopia hege'mengest Yekomelachew Meseretawi Alamawoch' (2002), Pp.118-19

¹²⁷ ENDF Training institutional arrangement regulation (1996E.C.), p.1

through providing basic knowledge able to develop a skill and culture of peaceful conflict resolution mechanisms among the soldiers as well as the society (emphasis added).¹²⁸ In addition training on human rights for Officers, who are in the first-line for human rights protection, can equip to be aware of the particular concerns and needs of the vulnerable groups and to recognize situations that put the rights of these groups at risk.¹²⁹ Thus what we scrutinize from the above statements is that the importance of education which could entrench human rights culture into the armed forces is not questioned.

The inclusion of HRE in curriculums also helps individuals to aware their rights and to protect from infringement of rights of racial, ethnic, and religious groups in any country through inculcation of global awareness and mutual understanding among the citizens. The FDRE armed forces have institutional task in the region as well as internationally. Our globe is also consists diversified group of societies with diversified culture, language, religion, ethnicity etc. The ENDF also taking part in several international missions as peacekeeper, military attaché, or to assist nations in military training-for this and other purposes the armed forces need to know human rights culture. Particularly the higher military Officers who are obviously a focal point by everyone for their over all activities must need to be perfect in human rights awareness and the instruments to be used to prevent violations.

Based on the above principle and fact the researcher gather data from different informants on the matter and analyzed as follows. Accordingly to the informant who is a 4th batch student of the EDCSC puts his view on the question asked to him, on his awareness of human rights and the responsibility shouldering to protect them, as follows: ‘I know that there are many members of the armed forces including the military leaderships who don’t aware of their rights and others rights.’¹³⁰ The same respondent added that ‘as evidence for this some soldiers knowingly or unknowingly can’t defend for their rights, and even became negligence in times of violations observed by other individuals.’ The respondent also underlined that ‘while we joined the College [EDCSC] the objective is to bring changes and add values on the already existing leadership and to work intensively for the realizations of the ENDF

¹²⁸ **Ibid.**

¹²⁹ OSCE/ODIHR, cited above at note 81, p.204

¹³⁰ Interview with Confidentiality, 4th batch EDCSC student, On 05 January 2011

institutional missions and values, which facilitating to implement a culture of good governance and democracy among the armed forces.’ Similarly another key informant stipulated that ‘educational institutions are centers for change, therefore, the EDCSC which is responsible to train higher military leadership need to graduate them with efficient knowledge, to be competent enough at international level too.’¹³¹ Because he said ‘though our military leaderships are more better in their local mission and in respecting the human rights of the society, but still lagging behind to know those international laws and UN guidelines which could tackle their international missions.’

In addition to the above interviews the researcher also held Focus Group Discussion (FGD). The group (5th batch students) who held discussion with the researcher and asked to convey their view on the inclusion of HRE in the EDCSC curriculum stipulated their view as follows: ‘taking courses which could equip us and enhancing our limited knowledge in educational centers like EDCSC is vital.’ The participants of the FGD emphasized that as armed forces, we live with weapons which could be easily manipulate by us as means to violate human rights. Thus, they said ‘if the armed forces in general and specifically the leadership don’t have full-fledged awareness on human rights, it makes easy to them or us to violate the defenseless persons as well as the armed persons who are not in the leadership too.’¹³² Meanwhile, all of my informants who are part of the FGD requested that ‘the inclusion of human rights education in the curriculum of higher military institution particularly in the EDCSC could avoid our existing limited knowledge on human rights and enable us to refrain from the use of force as a means to solve any problems.’¹³³

Similarly one of the key informant also expressed his feelings on the absence of Human Rights Education from the curriculum of the college and its consequence as follows ‘while the college exclude courses related to human rights education, the justification is that the students aware of human rights, but in my opinion it is wrong to reach into such conclusion; for instance, ‘we can observe the limited knowledge of Ethiopian Officers in cases such as peacekeeping missions where Ethiopia is part of it.’ The scrutiny for lack of good governance

¹³¹ Interview with H.E. Major General Yohannes Gebremeskel, Head ENDF Peacekeeping Centre, On 05 February 2011

¹³² Focus Group Discussion with 5th batch students of EDCSC, On 03 January 2011

¹³³ **Ibid**

in some units of the armed forces is also evidences for the limited knowledge of those military leaderships (including students of the EDCSC) of army units.¹³⁴

On the other side, one of the key informant stated that most of the FDRE armed forces particularly those who are in the leadership position were former guerilla fighters. The military doctrine of the Ethiopian Peoples Revolutionary Democratic Party (EPRDF) by itself was also emphasizing in building fighters loyal to the people and who respect the human rights of society. Therefore, he said these leaderships including those students of EDCSC are not alien to human rights. Hence offering courses focusing on human rights for this leadership in the EDCSC might be minor to them. The same informant added that ‘moreover although HRE or HRE related courses are not part of the curriculum, these Officers enhance knowledge on human rights via several meetings, workshops, as well as short-term training held by the institution and organizations such as the ICRC.’¹³⁵

Based on the above data gathered through interview and FGD, and the discussion made as well as the researchers personal observations as a result of lack of human rights awareness of the leadership’s in some units of the FDRE army violation of human rights observed.

On the other side, the Deputy-Commandant of the EDCSC stated that these (the FDRE) armed forces is a democratic and peoples military force. As he also emphasized and explained that ‘the armed force often stands to prevent and protect the democratic and human rights of its citizens. So that, the canceling of course related to the HRE from the curriculum of the EDCSC is not implying that to demean (marginalize) the significance of human rights for these students rather because we assume that the student (the 4th & 5th batch) of EDCSC are well-experienced higher military Officers (there are even General Officers with them). Therefore, what we call human rights as well as the mechanisms to be used for their implementations is familiar to our students. Moreover, though before these batches’ (4th & 5th batch) we trained and graduated higher military officers with a curriculum which had human rights education related courses; however, the rationale for this is that because their leadership

¹³⁴ Interview with Ato Demle Molla, Academic Dean of EDCSC, On December 21, 2010.

¹³⁵ Interview with H.E. Lieutenant General Tadesse Worede, Head of ENDF Training Main Department, On 09 February 2011

level (which was higher-tactical level) is different from the current students of the college.¹³⁶ In other words, after the college graduated the 3rd batch students its mission was transformed from training higher-tactical level to Operational and Strategic levels. The transformation into another level is, thus, forced the college to prepare another curriculum pertinent to the students who are at strategic and operational leadership levels. In short he said that the basic rationale to cancel courses which are related with human rights education from our curriculum is that because of the level transformation, that is, from the previously higher-tactical level to the current Operational and Strategic levels.¹³⁷

3.2.Human Rights Education in the EDCSC as a medium to Create human rights culture and for the realizations of the Institutional Missions

In democratic nations, the armed forces play an essential role in protecting society against various threats. As such, they must be prepared to protect and uphold the constitution, state institutions, and the central values of the society at all times.¹³⁸ The overall goal of any HRE is also raising consciousness and an acting or active respect for Human Rights as formulated in the UDHR. This can be seen as a contribution to the knowledge and belief that the fulfillment of human rights can only be furthered if all individuals are subjects to human rights and make them the background for their individual acting and valuing as for instance expressed by Fredric's:

"The hope for the fulfillment of human rights lies therefore in each individual itself: each one has to watch actively the protection of human rights in all areas. Each one should be conscious about the fact that his/her individual social and political attitudes/actions can form an important part of the universal realization of human rights."¹³⁹

One of the pillars of the FDRE constitution is that “respecting and protecting those human and democratic rights of the people.” In line with this principle the ENDF Strategic Plan set the vision and missions as well as the means. The ENDF set the vision as follows:

¹³⁶ Interview with H.E. Brigadier General Getachew Shiferaw, Deputy-Commandant of EDCSC, On 10 January 2011

¹³⁷ Interview with H.E. Brigadier General Negash Dagneu, Commandant of EDCSC; H.E. Brigadier .General Getachew Shiferaw, Deputy-Commandant of EDCSC, On 11 January 2011 & 10 January 2011 respectively.

¹³⁸ See also at <http://www.publications.parliament.uk/pa/cm200506/cmselect/cmarmed/828/828we13.htm>. accessed on October 16/2010

¹³⁹ Available at <http://www.amnesty-international.org> accessed on September 27/2010

*Building a capable and modern national defence forces which is absolutely loyal to the constitutional order, ready to protect and safeguard the country and the constitutional order from any threat effectively, healthy, strong and disciplined, example of the country's citizens equality and good will, has peoples' credit and love; and plays significant role in continental and international peacekeeping activities.*¹⁴⁰

While we say “the army has the duty to protect the constitution and to be guided by the constitution” first, it means that the army has the duty to protect and guarantee those rights of individuals from any threats. Second, it refers to “in overall its action the armed forces must to take care of from abusing the public human dignity and violating their human rights.” In other words, while the army is in its duty it must be conscious not to violate the human rights of any individuals and its activity be pursue in accordance to the law of the land.¹⁴¹

Moreover, as it stated in the constitution and the proclamation on the Defence Force article 87(3) and article 24(2) respectively:

“The army to hold the territorial integrity and sovereignty of the nation inviolable and execute a state of emergency. In the event of violations of peace and security beyond the power of Regions, to work out a plan for getting the situation under control and implement same upon approval.”

As a result of this constitutional mandate imposed on the Defence Forces and the invitations by the respective regional governments the Ministry forced to deploy its armed forces in those Regions. For instance, while uncontrolled security problem occurred in the Ogaden area, the Gambella Regional state and others the ministry deployed some of its army contingents in those areas.

Thus, it is obvious that the constitution and constitutional values as well as the constitutional missions of the army are not simply to be ingrained without learning about it. Hence to embed this and other values educating the armed forces in educational centers is vital. As a result the researcher interviewed several informants on how much the impacts could face particularly for those Higher Military Officers on achieving institutional missions at national as well as

¹⁴⁰ MoND, ‘Yemekelakeya Ye’amset amet strategic eqed’ (2006), p.3

¹⁴¹ *Id.*, p.77-78

international level without taking HRE in EDCSC. The responses of the informants also discussed and analyzed as follows.

In respect to the above mentioned facts, the responses gathered from one category of my informants, that is, the students of the EDCSC who held Focus Group Discussion with the researcher analyzed as follows. Accordingly most of them said that ‘it is true that we have little knowledge on some articles of the FDRE constitution and the International armed conflict laws, but, it is hard to say that we have a full-fledged knowledge of human rights which is helpful in fulfilling our institutional missions at regional as well as international levels.’¹⁴² Similarly another respondent who was interviewed by the researcher expressed his view as follows: “for us (the armed forces) to take courses which contain human rights issues are not simply a course to us which could be optional rather it is crucial, because directly or indirectly all our institutional duties could be related with aspects of human rights. He added that during our stay in this college courses such as Civic Education, International Law, Peace Support Operations, Conflict Management etc courses which offered previously to the previous batches, who graduated from this College, were not given to us as course.”¹⁴³

Similarly one of my key informants shared the views expressed above by students of EDCSC and puts his view as follows: ‘we might say that the Ethiopian army who had rich experience in war and international mission could have some concept on how to handle Prisoners of War (PoWs) as well as Peace support operations (PSOs), but, not fully internalized them.’¹⁴⁴ He added that to learn courses of Peacekeeping support and international laws are vital particularly for Higher Officers. The rationale he mentioned for this were: firstly, one of the major task of the FDRE army is to take part in international mission, thus, taking those elements as course while they joined higher educational centers could help them to be competent in PSOs and not to be below the UN standards. Secondly, the conflict nature itself also became dynamic and complex, so, always updating ourselves to avoid challenges at international levels the short-trainings offered by different organizations are not enough too.

¹⁴² Focus Group Discussion with 4th batch students of the EDCSC, On 05 January 2011

¹⁴³ Interview with Confidentiality, 4th batch student of EDCSC, on 04 January 2011

¹⁴⁴ Interview with H.E. Major General Yohannes Gebremeskel, Head of ENDF Peacekeeping Centre, On 05 February 2011

Another respondent from the ENDF legal affairs directorate also expressed his view ‘there is no comprehensive training provided for our armed forces on human rights and their mechanisms either by our department or other organs. It is true that, there are trainings on international law and conventions offered to the armed forces at different time mainly by the ICRC and sometimes by our department but not accessible to all.’ He also added because of there is no uniform and continuous training/education on human rights for our armed forces; and most of them including our higher military Officers don’t have full-fledged knowledge on national and international laws, as well as the Standing Rule of Engagement (SRoE).¹⁴⁵ Another respondent from 5th batch stated also there are suspicions for the training provided to the armed forces by the ICRC. He added the ICRC is alien to us and we suspected them as spy, and we are not even keen on the training provided by them.

Therefore, while we analyze the data gathered from students of EDCSC as well as the ENDF Peacekeeping head, and the listed institutional mission to be accomplished by the members of the institution provided by the MoND, there observed a gap. That is although traditionally the armed force members aware some of the constitutional values and principles, it is hard to say that it is sufficient enough for accomplishing their mission. As a result of these facts most of the students of EDCSC are not far away from poor knowledge on human rights and their instruments.

On the other side, the researcher also gathered data via interviews from Managements of the College as well as persons who have high contribution to the curriculum of the College. The data also discussed and analyzed as follows. Even though the researcher held interviews at different time and place with the commandant, the Deputy-commandant of EDCSC, and the Head of Defense TMD Curriculum and Planning section because of the similarity of responses given by them, the researcher tried to condense and summarized the various answers given by the informants as follows: all agreed and said that ‘the students (higher Military Officers by status) are not ignorant of the human rights concepts as well as the instruments used to prevent violations of human rights.’ In addition, all of them emphasized and said that ‘we believe that the students have a full-fledged knowledge on human rights and their instruments helpful to fulfill their institutional missions and to actively work for the

¹⁴⁵ Ibid.

realizations of human rights.’ The same informants underlined that ‘at this level (students who are Operational and Strategic leaders) teaching about human rights and the mechanisms to protect is not their proportion or could be minor, because as we explained above they [the EDCSC Students] already had been familiarized themselves with such issues long before they joined the college.”¹⁴⁶

However, these informants reached into hasty-generalization and thinking knowledge is not progressive. The informants also missing the point what human rights education mean and its significance for enriching the constitutional and institutional missions among the army.

As the researcher observed that although the armed force in general and the Higher Officers in particular have knowledge on the FDRE constitution but it is not comprehensive. While we look on the knowledge they have in international laws and treaties, however, almost all have only know-how on them. That is why particularly some of those higher officers who take part in the UN mission returned back to their homeland without accomplishing their institutional as well as UN-AU missions. In addition even a little knowledge what they have encircled on political and civil rights. So that, in some local missions there observed some violations of human rights by individual soldiers.

Both the head of TMD and ENDF Peacekeeping center head stated and agreed that the short-term training obtained in the EDCSC are not satisfactory to arm those Officers with human rights and human rights instruments.

3.3.The Need of Human Rights Education in the EDCSC to Built Efficient Army Unit

Internally, human rights violations resulting from illegal practices such as mistreatment of regular soldiers by commanders are among of the most common violations occurring in the armed forces. In regard to the ENDF the question of good governance remains the primary challenge to the reformation process.¹⁴⁷ Specifically, good governance is a basic requirement

¹⁴⁶ Interview with H.E. Brigadier General Negash,; H.E. Brigadier General Getachew Shiferaw; and H.E. Brigadier General Getachew Gudina, On 24 December 2010, 04 January 2011, and On 10 January 2011 respectively

¹⁴⁷ Halefom Alemu, , Lessons Learned From the Past Experience of Military Change for the Current Defence Reform Program of F.D.R.E.(2008), p.90

in a military organization because of several rationales. For instance the military is a very hierarchal and bureaucratic organization in which meritocracy is very critical. But, if meritocracy is ignored, that could lead to mistrust the whole system and can impact the motivation and moral of the members of the institution on which every change activity depends.¹⁴⁸ In addition, the armed forces are not only just defenders of a state's territorial integrity but also defend and embody its democratic commitments, therefore, the leadership need to be committed to respect human rights of subordinates.¹⁴⁹

Thus the leadership who shoulder responsibility to implement good governance in their unit need to familiarize themselves with elements of good governance, in which to respecting human rights is the major one. The means to enhance human rights knowledge is also education.¹⁵⁰ So, as the background of the 2004 EDCSC depicts that 'the ministry of defence opened the EDCSC on January, 2006 with the objective to realize the ENDF reformation process, like eliminating challenges of good governance.'¹⁵¹ The international Congress on education for human rights and democracy held in 1993 also stipulated that schools need to teach HRE because "¹⁵²it provides protection from discrimination, unfair treatment, undemocratic attitude, deterioration of cultural values...bondage, human rights illiteracy, abuses of human rights at any level."

The Officers leadership which considered being the first line of defense against violations [of human rights] within the barracks is crucial for respect of human rights within the barracks.¹⁵³ In this context, commanders have a responsibility to play an assertive and proactive role in creating a climate of trust and mutual respect among soldiers, and they have an obligation to take all measures necessary to prevent subordinates from committing unlawful acts too.¹⁵⁴ In regard to this, the EDCSC which is an educational centre for higher military leaderships has to take responsibility, in approaching its students with human rights concept and the legislations

¹⁴⁸ **Ibid.**

¹⁴⁹ OSCE cited above at note 81, p.24

¹⁵⁰ Habtamu Wondimu **The Marginalization of Human Rights Education in Teacher Education Programs in Ethiopia: A Call For Better Covenvege**, in College Of Education (AAU), **Proceedings of the Conference on Teacher Education For Sustainable Development In Ethiopia** (2006), p.472

¹⁵¹ EDCSC Curriculum of 2006

¹⁵² Naseema cited above at note 2, p.167-68

¹⁵³ **Ibid**

¹⁵⁴ OSCE cited above at note 81, p.209

to halt violations. That is because in addition to training, competent leaders play an essential role in forging personnel into cohesive fighting units; also play an important role in taking measures against bullying.¹⁵⁵

Based on the above mentioned principles and realities the researcher interviewed several informants on the issue and presented as follows. Because of the similarity of the responses, however, condensed and puts the ideas as follows: ‘it is obvious that one of the fundamental overriding operational imperative of the armed forces is to sustain team cohesion and to maintain trust and loyalty between us (the Commanders) and those we command (the soldiers). So, they said this imposes a need for values and standards which are more demanding in the armed forces than those required by society at large.’¹⁵⁶ One of those respondents also strengthened the above views by saying ‘as part of our responsibility for ensuring operational effectiveness, we need to build-up effective team relationships within our members of the unit by realizing respect for their human rights. As a result we will be able to fostering team spirit and a climate of mutual trust and respects in our military unit.’¹⁵⁷ Similarly another informant added that ‘even in some units of the ENDF we observe a number of drop-outs in which our institution can not be proud of or aim for, rather it is because of the mistreatments of those soldiers by their commanders.’¹⁵⁸ This could also mirror negative impact in building strong and modern armed units.

From the above statements we could say that ‘respecting human rights of the army is not only taken as respecting their human dignity rather also helps a state to build strong and modern armed forces. Even respecting human rights of soldiers can guarantee directly or indirectly the civilians’ human rights and could improve the civil-military relationships too. Hence, while the human rights of ordinary soldiers are violated by their commanders as it also stated by some of my informants, it direct to drop-outs, which this could threat the sovereignty of the nation as well as human rights of citizens too. Thus respecting or refrain from violating the soldiers human rights by commanders is vital, even for the protection of the civilian populations rights.

¹⁵⁵ OSCE cited above at note 81, p.167

¹⁵⁶ Interview with four students of the EDCSC, January 03-04/2011

¹⁵⁷ Interview with Confidentiality, 4th batch student of EDCSC, On 19 December 2010

¹⁵⁸ Interview with Confidentiality, 5th batch student of EDCSC, On 25 December 2010

But, as we look on the content of the EDCSC curriculum there is no any significant course which could assist the students (who are higher military leaders) to attain human rights culture in their unit and the environment as a means to guarantee security.

In addition to the above concepts the researcher also contacted several key informants who have a great influence in designing the EDCSC Curriculum. While the researcher interviewed one of the key informant on 'what is the major objective to educate those leadership in EDCSC?' he responds and said that 'today the country is in reform and for the success of this reform also we need a reformed modern army, therefore, the EDCSC also established to realize this goal.'¹⁵⁹ He also added 'while we educate the military leaderships this could guarantee the continuity for the already started democratic process and to make good governance a culture within the army units.' But, he said 'I believe that offering course such as Rule of Law in the college would be very significant, but excluded from the revised curriculum which is a very mistake.' This would even show us there were shortcomings of researched evidences in revising the curriculum of the EDCSC.

A respondent who is a 4th batch student of the EDCSC articulated his argument on the necessity of leaderships awareness of human rights in building army unit as follows "the major rationale for differences to be mirrored among military units (or one division from another division) is that the culture of respect or disrespect of rights by army commanders and soldiers of that respective unit."¹⁶⁰ But he said 'during our study in the EDCSC no courses provided to us that could help us to be prevented from such acts.' In this respect the researcher identified that the students (the 4th and 5th batch) will graduate from the college without learning HRE or related courses helpful in their leadership.

It is true that learning about human rights shall not be stop at one-time learning. In regard to this fact another informants also expressed his idea as follows: 'I'm a division commandant but I have only a limited knowledge on human rights and mechanisms to be used to prevent

¹⁵⁹ Interview with H.E. Lieutenant General Tadesse Worede, Head of ENDF Training Main Department, On 09 February 2011

¹⁶⁰ Interview with Confidentiality,, 4th batch EDCSC student, on 18 December 2010.

violations, as a result, often I faced with difficulties to work for the realizations of human rights.’¹⁶¹

3.4. HRE as a rights for Students of the EDCSC

Human rights education which has been recognized under different international¹⁶², regional¹⁶³, and national human rights treaties is defined as basic rights of individuals. The rights to know one’s human rights through human rights education and learning can also make a vital contribution to human security.¹⁶⁴ That is, someone who learns about their human rights could be able to restrain from violation of other rights.

In addition, in training military personnel and especially commanders should be vetted and properly informed about their rights and about what constitutes bullying.¹⁶⁵ As we observe from the curriculum of the EDCSC itself and the researcher personal observation most of the subjects are designed mainly in directing those student obligations expected from them rather than informing about their rights. Except the two day short-term training on the Standing Rule of Engagement and some peacekeeping concepts offered by the ENDF Legal Affairs Directorate and the ENDF Peacekeeping Centre respectively, no any HRE or HRE related course which is helpful to bear human rights awareness of the students be part of the curriculum of the EDCSC.

Based on the above facts the researcher gathered data via interview and FGD from several respondents to identify if HRE is taken as a right in the EDCSC and analyzed as follows. The researcher who held FGD with the 4th and 5th batch students of EDCSC at different time, either if they had believe on and taking or assuming HRE as their basic rights, the students (respondents) responded in different perspectives. For instance, one of the informants from 5th batch puts it “I know that what responsibility do I have in respecting and protecting the rights of citizens, but I am not sure that could I have a right to learn about it.”¹⁶⁶ Similarly, another

¹⁶¹ Interview with Confidentiality, 5th batch student of EDCSC, On 10 January 2011

¹⁶² The UDHR (article 26), the ICESCR (article 13), the CRC(article 29)

¹⁶³ The ACHPR , 1981, art. 25

¹⁶⁴ OP 5 of GA Resolution 48/127 and OP 4 of General Assembly Resolution “United Nations Decade for Human Rights Education” 22nd of December 1995, United Nations Doc. A/RES/50/177.

¹⁶⁵ OSCE cited above at note 81, p.171

¹⁶⁶ Interview with Confidentiality, 5th batch student of EDCSC, On 23 December 2010

respondent who is 5th batch student said that “we are soldiers of a democratic nation [Ethiopia] so that we should serve for our people (he articulated it in Amharic “*egnnä yehezba Chamma nen*”, that is, we obliged to respect and protect our people’s human rights.” The respondent answering for the question ‘whether if he is assuming HRE as basic rights’ by saying “even the phrase ‘HRE’ by itself become unfamiliar to me and I don’t know could it be my basic rights to learn about it.”¹⁶⁷

One of my key informant from the Ethiopian Human Rights Commission stipulated his idea ‘this old generation is a generation which is not lucky enough to learn human rights like the new generation starting from Kindergarten to University level, therefore, our institution also believes that providing long-term training would be vital.’¹⁶⁸ In short, he said ‘denying them to learn human rights through HRE is taken as violation of one of their basic rights.’

3.5. Integrating Human Rights Education in the EDCSC Curriculum for the attainment of Security

The central concern of the UN decade for Human Rights Education declaration was the role that human rights education can and does play in the promotion of peace, both locally and globally.¹⁶⁹ That is, one of the formative causes behind the declaration of the UN Decade for Human Rights Education was the need to enhance knowledge of human rights.¹⁷⁰ Naseeman who wrote on HRE also stated that “Learning about Human rights education make possible to remove the fear of war in future through eradication of human rights abuses, social injustice, and human selfishness and self-oriented.”¹⁷¹ As he emphasized that “human rights education promotes understanding and practice of human rights values including respect for human dignity, non-violent conflict resolutions, tolerance and multi-culturalizm.”¹⁷² Ethiopia had been experienced with mass human rights violations over its people in the previous regime.

¹⁶⁷ Interview with Confidentiality, 4th batch student of EDCSC, On 19 December 2010

¹⁶⁸ Interview with Ato Paulos Ferdessa, Head of EHRC Training Department, On 25 January 2011

¹⁶⁹ Vienna Declaration and Programme of Action, Para.33, part 1

¹⁷⁰ **Ibid.** and See further OP 9 of General Assembly Resolution “Human Rights Education Decade” (GA Resolution 48/127) of 20 December 1993; United Nations Doc A/RES/48/127 and OP 4 of General Assembly Resolution “United Nations Decade for Human Rights Education” (GA Resolution 49/184) of 23 December 1994; United Nations Doc.A/RES/49/184.

¹⁷¹ Naseema cited above at note 2, p.171-172

¹⁷² **Ibid.**

Those violations also mainly made by the security forces of the regime. Thus though the present day armed forces are completely different from the previous one but, to assure for the future not to be happened to teach the army, specifically the leadership on human rights and consequences of violations of rights is vital.

In respect to the above mentioned facts, one of my informants who are students of the EDCSC and part of the curriculum which appraise my research puts it, “while we joined the college [the EDCSC] we are expecting to advance our limited knowledge on human rights by taking courses on human rights as a subject, but we found the reverse in the EDCSC while we take our study’.¹⁷³ This directly or indirectly could impose restrains for over-all our activities, to work for the attainment of security.

In addition, another informant from the Defense Legal affairs directorate stated that HRE is vital particularly for higher military officers, the rationale is that if an education on human rights concept and how to use force is not clearly understandable among them, because of the army equipped with weapons violation of human rights might be common features. In addition, because of the common nature of its duty armed forces are in the first line to easily violate human rights, thus, to minimize violations need to learn about human rights and mechanisms to prevent in educational centers like EDCSC.¹⁷⁴

Moreover, the researcher who interviewed a key informant on HRE for attainments of security, the respondent puts his view ‘the institutional mission of our armed forces particularly in regional as well as international started to be broad, that is, he said not only in peacekeeping but also in regional missions became active, EASBERG. Thus up-grading one self to be competent worldwide is demanded today. HRE is also the major one to be competent and vigorous in all aspects of institutional missions.¹⁷⁵

Another informant stated that ‘the Ethiopian armed forces are blessed and gained acceptance from the society where it taking part its peacekeeping mission that is because of the culture of

¹⁷³ Interview with Confidentiality, 4th batch student of EDCSC, on 21 December 2010

¹⁷⁴ Interview with Confidentiality, Training Head of the Defense Legal Affairs Directorate, On 28 December 2010

¹⁷⁵ Interview with H.E. Major General Yohannes Gebre Meskel, Head of ENDF Peacekeeping Centre, On 05 February 2011

discipline developed with them, but still the army has shortcomings in regard to human rights and instruments of human rights.’¹⁷⁶ But he said that ‘if HRE is not integrated in the curriculums of higher military institutions like the EDCSC, because of the nomenclature of military forces the challenges will continue in attaining peace. He also added that ‘as I mentioned above because of the armed forces has interconnection with human rights the EHRC began to work for the integration of HRE in those higher military institutions.’¹⁷⁷

In addition, one of my informant remarked that we heard from previous graduates of the college there were human rights related courses, but not available in today’s curriculum, therefore, in my view the cancellation of human rights courses from the EDCSC curriculum is a great mistake.¹⁷⁸

3.6. HRE in EDCSC Curriculum to entrench Major treaties among the Military Officers

The modern law of international human rights is based on the UN Charter (in particular its preamble and Arts. 1(3), 55, & 56), supplemented by the UDHR, ICCPR, and the ICESCR. Human rights law is also complemented during times of armed conflict by international humanitarian law.¹⁷⁹ The main treaties are the Geneva Conventions of 1949, with the 1977 Protocols to those conventions. A number of other treaties also protect human rights by dealing with the criminal liability of individuals, rather than state liability. These include 13 general treaties of terrorism, treaties on genocide and slavery, and the Rome Statute on the International Criminal Court. A number of these provisions can potentially apply to armed forces personnel. Thus to enrich the above stated treaties and conventions among the members of armed forces education is a major means. Particularly Officers who has double responsibility (i.e. refrain themselves and their unit from violating the laws, as well as to train the unit members about the laws/conventions) requires learning on them as formal subject if possible.

¹⁷⁶ Interview with Ato Paulos Ferdessa, Head of EHRC Training Department, On 25 January 2011

¹⁷⁷ Interview with W/ro Eleni, EHRC Training Department Worker, On 25 January 2011

¹⁷⁸ Interview with Confidentiality, 4th batch student of EDCSC, On 19 December 2010

¹⁷⁹ D.Fleck (ed.), **The Handbook of Humanitarian Law In Armed Conflicts** (1995); I. Detter, **The Law of War** 2nd edition (2000).

On the conference organized by the ICRC and held on 31 March, 2006 General Tadesse Worede said that “The Ethiopian Military should know the legal framework in which they are operating, and training on international standards should be undertaken.”¹⁸⁰

At the preamble of the Amharic version of (the International armed conflict law) which prepared by the ENDF Training Main Department mentioned that “every members of the FDRE army has the obligation to work for the realizations of the law. The manual added that the means to familiarize the law is nothing rather while the armies learn about it properly. One of the major centers to learn about it is also higher institutions such as the EDCSC. In regard to this, one of my key informant stated that the then FDRE armed forces are well experienced with wars. He added ‘they [the armed forces] are tested with evils of war and knows how to protect the human rights of enemy soldiers as well as civilians in the war zone.’¹⁸¹ Similarly, another informant stated that the then armed forces are completely different from the previously Military regime armed forces.¹⁸²

¹⁸¹ Interview with H.E. Lieutenant General Tadesse Worede, Head of ENDF Training Main Department, On 09 February 2011

¹⁸² Interview with H.E. Brigadier General Negash Dagneu, Commandant of EDCSC, On 11 January 2011

CHAPTER-Four

4.1.Summary

There is no single universal definition of human rights. However, conventionally it means rights that all people have simply because they are human beings. As a logical extension of this human rights are deemed to be inalienable, indivisible, and interdependent. In short, human rights are the basic standards human beings need to live a life with freedom and dignity. Accordingly, they include in general the fundamental civil and political rights, economic, social and cultural rights, and in particular the right to education.

Despite human rights have existed since ancient period and it fails to get full-fledged legal penetration, and holistic recognition, it was after the destructive World Wars that particular attention was given to it by governments across the globe. That is, following the extermination of over six million Jews by the brutal rule of Hitler during the WWII and other mass human rights violations, governments recognized the need for an independent institution which would work to prevent such an atrocity from occurring again in this world. As a result, on October, 1945 the UN was established with the major objectives “to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms.”

The UN which shouldered to promote international peace created a special committee known as the “UN Commission on Human Rights” and given the responsibility of creating a document that would define the above stated rights. The commission subsequently issued a document called the Universal Declaration of Human Rights in 1948. The UDHR provides a comprehensive framework and vision for how human dignity and freedom should be protected. Though the UDHR is a general declaration, which has been adopted at a global level as common set of standards and guidelines, the UNCOHR produced two additional treaties intended to act as legally binding documents to enforce the UDHR. The documents are the International Covenant on Civil and Political Rights (CCPR) and the International

Covenant on Economic, Social and Cultural Rights (CESCR). Together the above listed three documents are referred to as the “International Bill of Human Rights”.

Thus since the adoption of the UDHR, the UN General Assembly has called on member states and all segments of society to disseminate and educate about this fundamental document. As a result in 1993 the world conference on human rights in Vienna reaffirmed the importance of HRE, training and public information, declaring it “essential for the promotion and achievements of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace.”¹⁸³ In other words, the UN which is the prime responsible organ to the maintenance of international peace and human rights promotion, in 1994 the General Assembly declared the years 1995 to 2004 as the UN Decade for Human Rights Education. During the decade also NGOs, educators and human rights advocates around the world worked to further promote HRE.

Human rights education is the teaching and learning of human rights principles and values as contained in the Universal Declaration of Human Rights. Human rights education which informs people of their rights, and gives people the skills and attitudes that lead to protection and support of human rights should be undertaken by all persons at appropriate levels. In other words, HRE is central to the human rights framework, and all individuals must be aware and informed of their rights in order to claim those rights and to hold governments accountable for protecting those rights. Article 26 of the UDHR also states that:

Education should be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Moreover, the UN devised a set of minimum guidelines for all states to follow. The notion of devising to be integrated to this guideline is a “National Plan of Action” in which the state can detail exactly how intends to implement HRE.¹⁸⁴ HRE is also predicated on the central

¹⁸³ Vienna Declaration and Programme of Action, part 1, pars 33-34 and part 2, pars. 78-82

¹⁸⁴ UN, The United Nations Decade for Human Rights Education (1995-2004) and Public Information Activities in the Field of Human Rights(1997). Report of the Secretary General, Addendum, A/52/469/Add.1, October 20.

premise that a culture of human rights can be constructed.¹⁸⁵ This article calls into question the extent to which states have in fact contributed to building such a culture.

As some documents stated that more specifically however HRE tends to have three types of target audiences. These are: first, the public at large; second, schools and educational institutions; and third, professional groups both governmental and non-governmental. Within the state professional groups HRE can consist of the military and police training activities, as well as training of the judiciary.¹⁸⁶

Until recently there was no room for HRE in Africa. That is African nations including Ethiopia not willing in the inculcation of HRE in schools. Even HRE for professional groups has been relatively rare and most professional human rights training tends to be conducted by NGOs. Moreover, though African regional system is the latest addition to the regional efforts towards the protection and promotion of human rights, the Banjul Charter present unique call for signatory African states to make HRE effective. Accordingly African states

*Shall have the duty to promote and ensure through teaching, education and publication, the respect for the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.*¹⁸⁷

In Africa human rights commissions which became main role players are an excellent vehicle for HRE.

Educating the military on human rights is also vital for the military like any other individuals in providing an opportunity to inculcate shared values, a common vision, and collective pride. HRE is also fundamental for the military because of the following rationale. That is because of the nature of the profession the armed forces of any state are often exposed to violate the human rights of individuals in the conflicting areas. In addition the military profession can maintain its dignity and professionalism only if the human rights of soldiers are respected.

¹⁸⁵ Risse, Thomas, **Constructivism and International Institutions: Toward Conversations across Paradigms**, (2002), in S. Cardenas, "Constructing Rights? Human Rights Education and the State." *International Political Science Review*, Vol.26, No.4, (2005), p.374

¹⁸⁶ Das, Dilip K. and Verma, Arvind "Teaching Police Officers Human Rights," *International Journal of Human Rights*, (2002), summer: 33-48

¹⁸⁷ African Charter on Human and Peoples Rights, (1981), art.25

The army needs to establish a culture of respect for individual human rights in their area of operation and to do this however the knowledge of human right is significant and the means to enhance this is also HRE.

While we look on countries experience on HRE there is no uniformity. The approaches applied from one country to the other have differences. Philippines which is active in HRE has won international recognition from UNESCO which gave it the prize for HRE in 1994.

Ethiopia which experienced mass human rights violation under the previous regimes also has been experienced with fully incorporating of the UDHR in the Transitional Charter. Hence the UDHR until the ratification of the 1995 FDRE constitution even served as a direct source of human rights law (constitution) in Ethiopia. In addition the FDRE constitution which promulgate in August 1995 has embodied a lengthy list of human rights. The constitution also aims to provide all Ethiopians access to education and the central mission of the Ethiopian education is to instill the worth of the constitution in the minds of students, through democratization of the curriculum. Thus with the purpose to explore human rights from variety point of views in 1999 the subject called Civic and Ethical Education has been also introduced in the educational curriculum of Ethiopia. The FDRE constitution also established two major institutions known as the Ethiopian Human Rights Commission (EHRC) and the Institute of Ombudsman with the purpose to promote and protect human rights in Ethiopia. Particularly the EHRC held responsibility to work for the inclusion of HRE in school curriculums.

The Ethiopian military has also a long time experience in establishing higher military institutions beginning from Emperor H/Selassie's period. But, those curriculums of the Imperial Military Institutions failed to orient the students to have respect for fundamental human rights. Immediately after the downfall of the military regime of the Dergue the FDRE Ministry of Defence re-established higher institutions and continued to educate army members. The Ministry also believes that all higher military institutions need to be guided and formed accordingly to the values and constitutional missions of the institution. The EDCSC also established with this objective to train higher military officers ranking from Major to General Officers.

The researcher who needs to assess the content of the EDCSC curriculum in reference to HRE coverage gathered data through interview, FGD, and secondary sources discussed, analyzed presented some as follows.

As it mentioned in its curriculum one of the major objectives of the EDCSC is to depict and deep entrench the Constitutional Missions of the armed forces among the students. It also dedicated to provide the national security endeavor with well-trained and educated leader proficient at strategic and operational planning, synchronizing elements of power and conducting full spectrum operation. In relation to this objectives of the College, as it mentioned in chapter four of the thesis by several respondents although the officers have the capability to fight which also a long time trend with them, however, the curriculum is mainly focused on military courses. Today while any conflicting party wage a war or forced to join wars or conflicts, it required to observe those international armed conflicts law. In contrast the EDCSC curriculum which held the prior responsibility in training Higher Officers have no any course related to armed conflict laws, the UN Standing Rules of Engagement or any other laws helpful for armed forces during their operations either regionally or internationally. Even courses deals with national legislations and laws including the constitution and the recently ratified, the ENDF Standing Rules of Engagement are not part of the curriculum too.

As Nowak and Flowers stipulated that there is a growing consensus under present international law that tolerance and respect of human rights shall be major areas of education. Because of many people do not have knowledge of human rights there needs education which focuses on human right. In regard to this as some key informant from the Ethiopian Human Rights Commission and the ENDF, as well as the student of EDCSC agreed that HRE is basic particularly for the armed forces. The FDRE army which consists of individuals from different ethnic, religious, cultural background need to live with a culture of tolerance and human rights culture, to realize this however, education is fundamental. The EDCSC, however, has pitfalls in making human rights as a culture either during the students stay or after. In other words, it is true that HRE which recognized under different international, regional, and national human rights treaties also helps to make those educated able to act in accordance with their knowledge either to restrain from violation or to claim human rights. However, as some respondent specified that in some army unit human rights violations

occurred at different time and place over soldiers as well as soldiers against civilians. As these informants also verified that the major rationale is because of lack of awareness by the military leaders themselves on individuals human rights and incapable to become role models for their subordinates.

On the other hand, some key informants also stated that the rationale for the absence of HRE in the EDCSC is because there are trainings on such issues provided by the ICRC, as well as via several meetings and workshops, thus, the officers have the opportunity to be aware of the constitution and the international conventions. In contrast to this view another key informant stipulated that although I myself provide a two days training to them (the students of EDCSC) on some aspects of the Peace Support Operations, that is not enough to make the leaders competent in present day in which we live in an era of globalization. The same informant said that the trainings are not also accessible to all Higher Officers. This implies that all higher Officers who joined the EDCSC do not mean that they have full-fledged knowledge of human rights. Moreover, those students who interviewed by the researcher explained their opinion on trainings by saying 'even we are not attentive on short-training as well as suspecting organizations like the ICRC wants to spying us'.

In a nut shell the absence of HRE in the EDCSC under discussion also clearly demonstrates to what extent HRE marginalized from the curriculum of the college which a modern army force requires. As the graduate profile of the EDCSC also shows that one of its major objectives is to develop commanders and General Staff Officers who are fully understand and committed to the constitutional system of FDRE. Though the above statement is listed as one objective to be entrenched among the students during their graduation, we can conclude that the curriculum is not eligible to include course which realize this facts, and to fill the gaps listed in its graduate profile.

4.2. Conclusion

In 1995 the FDRE government has recognized several fundamental human rights and freedoms, and even one chapter of the constitution is fully consists of human rights. Following the constitutional commitment, the government was organized a democratic army

first in its kind for the country too. Thus the Ministry of Defence committed to the promotion and protection of human rights of citizens issue institutional missions, and other enabling military legislations. Finally, as the extension of the above legal and institutional commitment, the government which established the Ministry of Defence shouldered several responsibilities, and the major one is safeguarding and protecting the Constitution and Constitutional values.

In spite of the above major regulatory and institutional commitment of the FDRE government and the Ministry of Defence; the finding arrived at the following implications:

1. For there is limitations of knowledge on the content of the constitution and the international treaties which are also integral parts of the FDRE Constitution, the institutional mission imposed on the FDRE armed forces is amenable to failure due;

Hence as we understand from the discussion and analysis chapter of the thesis the EDCSC students like to attend and learn HRE mainly due to the fact that HRE is relatively more significant for the realizations of their institutional duties at national as well as international levels. That is, issues of human rights related to their immediate daily conditions. This could also be complemented while the EDCSC committed for the inclusion of HRE or HRE related courses in its curriculum;

2. For the training manual of the ENDF depicts that the responsibility in disseminating knowledge on the national, international laws as well as the institutional rules and regulations is particularly left to academic centers such as the EDCSC, failure to encompass HRE as part of the curriculum of the college would have negative externality in the performance of the students in their endeavor to translate human rights and their instruments into action;

3. For the EDCSC have no deep entrenched human rights institutional machinery, it is hardly possible to vitalize the human rights know-how of Higher Military Officers of the EDCSC;

4. For the short term trainings provided to officers before and/or after they joined the EDCSC were more of government policy and politics focused; it is a pressing need to complement it by and through exposing them to human rights education;

5. For there is wrong perception that the students at Operational and Strategic level know everything in regard to human rights, the EDCSC indulged in the exclusion of Human Rights Education; as facts of indication a number of Officers returned back home because of failure to fit with the UN Standards.

4.3. Recommendations

- To the best of the researcher's knowledge almost all the students of the EDCSC have only limited knowledge's on human rights concept and the instruments to protect them from any violations. Thus, in order to enhance the limited knowledge of those military officers (students) the EDCSC should instill HRE related courses in its curriculum.
- As EDCSC is the preliminary educational centre for most of those students who joined the college, it must be working enormously to fill the gap between the limited knowledge of those Officers regardless of human rights concept and the instruments to be used to protect human rights violations, and fulfilling the institutional mission imposed on them.
- One of the problems identified throughout the research is that the EDCSC top-managements do not see HRE as essential for the students of the college who referred as operational and strategic leaders. Thus, the existing biases and hasty-generalizations of the top-management of the EDCSC on the learners know ability of human rights concepts and the instruments should be avoided. Rather serious attention should be given on the significance of offering HRE in the college for those higher Military Officers in order to fulfill their institutional missions properly.

Moreover, the top-managements of the college must reach into such consensus based on researched works. In addition, they must know and develop the reality how far HRE plays a significant role in building human rights culture among the armed forces. Hence, the College has to give an emphasis on the significance of HRE and need to integrate it in the curriculum.

- Since Ethiopia is committed to contribute troops to the UN, AU and EASBRIG knowledge on international law, treaties and conventions of armed conflicts should be augmented. In other words, since the armed forces have become increasingly important players in the humanitarian and human rights areas, educating soldiers particularly Officers on such issues is very significant. To this end therefore, there requires integration of courses which contains such concepts in the EDCSC curriculum.
- The ongoing reform of the ENDF is addressing the need for improvement in the Officers overall knowledge to be competent at regional as well as international levels. Thus the EDCSC should work for what remains is to strengthen and to improve on shortcomings of those Officers (students) for better results in future operations.
- The EDCSC in collaboration with local as well as international human rights organizations/actors (such as the Ethiopian Human Rights Commission, the ICRC, the Defence Legal Affairs Directorate, etc) should provide specific and continuous training on human rights to the students.
- The under studied curriculum of the EDCSC mainly focused on combat and occupational skills of the commanders. However, since armed conflicts have laws and Ethiopia also abides by those armed conflict laws and conventions any armed personnel particularly Military Officers need to be fully trained and aware of them.
- The EDCSC should include HRE or HRE-related courses in its curriculum and need conducting training on the basis of the changing nature of the future wars.
- The EDCSC need to revise its curriculum based on feedbacks and careful research made on the previously graduated Officers of the college.

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Annex-I

The Ten Commandments for teaching human rights are:

1. Human Rights Education and teaching should be based on the principles which underline the charter of the UN, the UDHR, the International Covenants on Human Rights, and other international human rights instruments. Consequently equal emphasis should be placed on economic, social, cultural, civil and political rights as well as individual and collective rights. The indivisibility of all human rights should be recognized.
2. The concept of human rights should not be formulated in traditional or classical terms but should include the historical experience and contributions of all peoples particularly in relation to the major contemporary problems such as self-determination and all forms of discrimination and exploitation.
3. HRE and teaching must aim at:
 - Fostering the attitudes of tolerance, respect and solidarity inherent in human rights;
 - Providing knowledge about human rights, in both their national and international dimensions, and the institutions established for their implementation;
 - Developing the individual's awareness of the ways and means by which human rights can be translated into social political reality and at both the national and the international levels.
4. While education should make the individual aware of his or her own rights, it should at the same time instill respect for the rights of others.
5. Care should be constantly taken to create awareness about the close relationship between human rights, on the one hand, and development and peace, including *inter alia* disarmament; on the other hand. UNESCO should make it a priority task to promote the analysis and understanding of this relationship.
6. Human Rights must be seen as an aspect of professional, ethical and social responsibility in all fields of research, study, teaching and work.
7. HRE and teaching should stress that a new international economic, social, and cultural order is essential to enable all people to enjoy their rights and promote and facilitate education on human rights at all levels in all countries.

8. human rights must be taught at all levels of the educational systems, as well as in out-of-school settings, including the family, and in continuing education programs, including literacy and post-literacy programs. States shall strive to improve and broaden HRE and teaching and cooperate to this end.
9. It is not enough to dispense teaching and education in the spirit of respect of human rights; human rights should also be taught as a subject integrated in the appropriate disciplines and, in particular, fields such as philosophy, political science, law and theology and they should be taught as an independent course.
10. In order for the teacher of human rights to be able to carry out his or her task properly, it is particularly important that his or her personal integrity and freedom of expression be guaranteed.

INTERVIEW QUESTIONS

Addis Ababa University

School of Governance

Institute of Human Rights

The purpose of this interview is to collect first hand information about the implication of absence of human rights education in Ethiopian Defence Command and Staff College. This study is believed to result in generating new ideas and approaches in human rights education. Your honest responses will play a significant role in making this study a success. Therefore, you are kindly requested to make remarks on the following questions as freely and frankly as possible.

Thank you in advance for kind cooperation

**Questions for Commandant and Deputy-Commandant of the Ethiopian Defence
Command and Staff College**

1. What mandates given to the Ethiopian Defence Command and Staff College by the FDRE National Defence Force?
2. What methods or principles have been addressed in the EDCSC regarding to Human Rights?
3. What provided the impetus for your College to cancel courses related to Human Rights Education from its curriculum?
4. In your view, what consequence does have in the absences of Human Rights Education in the Curriculum of Ethiopian Defence Command and Staff College for the institution (the ENDF) in general and for those officers who graduate from the College in particular?
5. How do you evaluate the performances of those who graduated from the EDCSC with the curriculum having courses related to Human Rights Education and those without, regardless of enhancing their awareness on fundamental human rights and fulfilling their institutional mission?
6. Do you think that the graduate profile of the EDCSC is compatible with Human Rights Issues? What are the objectives of the curriculum in graduate profile of the EDCSC?

7. What is the implication in the absence of Human Rights Education specifically for the fourth and fifth batch students of the Ethiopian Defence Command and Staff College?

Questions for Head of ENDF Training Main Department

1. What are the major objectives to be addressed by teaching Higher Military Officers in Higher Military Institutions?
2. Do you think that all Higher Military officers have a clear understanding about Human Rights in general and about their rights and others right in particular? If yes, how they acquire it? If no, why Human Rights Education is not part of the Curriculum of the EDCSC?
3. What are the negative consequences to the institution in the inclusion of Human Rights Education in the curriculum of the Ethiopian Defence Command and Staff College?
4. What is the rationale to cancel HRE related courses from the EDCSC Curriculum

Questions for Head of the ENDF Peacekeeping Centre

1. What are the basic problems (shortcomings) reflects among the members of the ENDF during peacekeeping Missions regarding to the United Nations standards?
2. How do you perceive the capacity of the ENDF Military Officers in international Missions? What are their Limitations (shortcomings)?
3. How do you evaluate the knowledge and performance of those who graduated from the Ethiopian Defence Command and Staff College and those not, in the realization of the peacekeeping missions in which Ethiopia is part of it?
4. Does your organization provide opportunities for continued learning relating to specific human rights laws and international human rights standards helpful in peace keeping?

Questions for Training Main Department Curriculum and Planning Section

1. What are the yardsticks used to prepare curriculum for the Ethiopian Defence Command and Staff College?
2. What is the role of your department in overall activities of the College?
3. Is there any role played by your department in canceling courses related to Human Rights Education from the Ethiopian Defence Command and Staff College curriculum? If yes, what is the rationale in canceling those courses?

Questions for students of EDCSC

1. How do you relate human rights with a Military Profession? What connections do they have?
2. What is the responsibility of a Military Officer in protecting human rights of other individuals?
3. How do you relate the Mission of the FDRE armed forces with the concept of human rights?
4. As a Higher Military Officer, do you think that you have a full-fledged knowledge about what Human Rights mean and how to protect?
5. When does human rights violated among the army personnel? What are the means, therefore, to avoid/eliminate such violations?
6. In your study (in the EDCSC) is there any course which directly or indirectly related with human rights? If there, which course?
7. Can you think that the absence of HRE in the curriculum of the EDCSC doesn't have any negative impact for the students of the college? If yes, why? If No, why?
8. Do you think that the absence of HRE in the EDCSC have a negative impact in fulfilling your institutional mission?
9. If you ever taken training on Human Rights, What is the difference between taking training on human rights in short time and taking a course on human rights in formal education?
10. What is your suggestion/opinion in the absence of human rights education in the EDCSC curriculum?

Question for Head of Ethiopian Human Rights Commission

1. What efforts do your Office contributed for the inclusion of HRE in Higher Military Institutions?
2. Do you think HRE is specifically important for citizens with uniform other than ordinary citizens? If yes, how? If no, why?
3. As HRE expertise, what is your opinion in the exclusion of HRE from higher military officer's educational centre?

Questions for of ENDF Legal Affairs Directorate

1. What are the efforts made by your Department in enhancing those Higher Military Officers knowledge on Human Rights issues?
2. Do you think that taking courses/training on Human Rights must stop at one time only? If yes, why? If no, why?
3. In your view, how do you explain the importance of Human Rights Education for Military Personnel in general and for Higher Military Officers in particular?
4. Are there specific aspects of Human Rights Education that are particularly important in Military profession? What aspects are these? For whom are they particularly important? Why?
5. What role do you feel should the Ethiopian National Defence Force Law Department have to play in promoting Human Rights Education in Higher Military Institutions?
6. Do you think that all Military officers of the Ethiopian National Defence Force have full-fledged knowledge on national as well as international law; and the Ethiopian National Defence Force Rule Of Engagement (ROE)? If yes, how they acquire? If no, why?
7. Does your Department ever investigate cases related to human rights violation? Which section of the army highly violated those rights? What is your view on these? What is the rationale behind the violations particularly by Officers?

List of Informants

No.	Rank	Informant Name	Position	Date of Interview
1	Lieutenant General	Tadesse Worede	Head of Training Department	09 Feb. 2011
2	Major General	Yohannes Gebre Meskel	Head of Peacekeeping Centre	05 Feb. 2011
3	Brigadier General	Negash Dagnew	Commandant of EDCSC	11 Jan. 2011
4	Brigadier General	Getachew Shiferaw	Deputy-Commandant of EDCSC	04 Jan. 2011
5	Brigadier General	Getachew Gudina	Head of Training Main Department Curriculum and Planning Section	10 Jan. 2011
6	Ato	Demle Molla	Academic Dean of EDCSC	Dec. 21, 2010
7	Ato	Paulos Ferdessa,	Head of EHRC Training Department	25 Jan. 2011
8	w/ro	Eleni	HRE Expert	25 Jan. 2011
9	Lt.Colonel	Zenawi	Head of FDRE Air Force Legal Affairs Directorate Director	27 Dec. 2010
10	Lt.Colonel	Tesfaye,	Head of Defense Legal Affairs Directorate Training Dept.	28 Dec. 2010
11	Colonel	Gebre Egziabiher Beyene	4 th batch Student of EDCSC	18 Dec. 2010
12	Colonel	Mebrahtom	4 th batch Student of EDCSC	19 Dec. 2010
13	Colonel	Mekonnen	4 th batch student of EDCSC	19 Dec. 2010
14	Colonel	Aligaz	5 th batch Student of EDCSC	25 Dec. 2010
15	Colonel	Darge	5 th batch student of EDCSC	23 Dec. 2010
16	Lt.Colonel	Gemechu	5 th batch student of EDCSC	21 Dec. 2010