

## BIBLIOGRAPHIC DATA SHEET

1. CONTROL NUMBER  
PN-AAH-2972. SUBJECT CLASSIFICATION (695)  
PA00-0000-G136

## 3. TITLE AND SUBTITLE (240)

Law and population growth in Ethiopia

## 4. PERSONAL AUTHORS (100)

Haile, Daniel; Yimer, Erku

## 5. CORPORATE AUTHORS (101)

Tufts Univ. Fletcher School of Law and Diplomacy

## 6. DOCUMENT DATE (110)

1976

## 7. NUMBER OF PAGES (120)

52p.

## 8. ARC NUMBER (170)

## 9. REFERENCE ORGANIZATION (130)

Tufts

## 10. SUPPLEMENTARY NOTES (500)

(In Law and Population monograph ser. no. 35)

## 11. ABSTRACT (950)

## 12. DESCRIPTORS (920)

Ethiopia  
Population policy  
Population law  
Sociology  
LawPopulation growth  
Family planning  
Government policies  
Fertility

## 13. PROJECT NUMBER (150)

932061100

## 14. CONTRACT NO.(140)

AID/pha-C-1095

15. CONTRACT  
TYPE (140)

GTS

## 16. TYPE OF DOCUMENT (160)

PN-AAH-297

Law and Population Monograph Series  
Number 35 (1976)

(24)

# Law and Population Growth in Ethiopia

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Law and Population Programme  
THE FLETCHER SCHOOL OF LAW AND DIPLOMACY  
Administered with the Cooperation of Harvard University  
Tufts University  
Medford, Massachusetts 02155

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This monograph is one in a continuing series published under the auspices of the Law and Population Programme, the Fletcher School of Law and Diplomacy. / The Law and Population Programme and its field work are supported in part by the International Planned Parenthood Federation, the United Nations Fund for Population Activities, and the U. S. Agency for International Development, among others. The Programme is under the general direction of an International Advisory Committee on Population and Law, whose members are listed at the end of this monograph. / The conclusions and opinions of this monograph are the sole responsibility of the author, and do not necessarily reflect those of the Law and Population Programme, the Fletcher School, or any of the supporting agencies. / Printed in the U.S.A.

**LAW AND POPULATION GROWTH IN ETHIOPIA**

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# LAW AND POPULATION IN ETHIOPIA

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## INTRODUCTION

Population trends and growth rates are not determined by mere biological functions. The whole network of the social system has a very important role to play in shaping levels of human fertility. Factors like economic conditions, religious and cultural patterns, status of women, health facilities and educational levels of the people and other variables have a role to play in this regard.

In the first section of this paper, we shall provide basic data on the major population variables within the Ethiopian context, and in the second section we shall, on the basis of this data, discuss the desirability and feasibility of a population policy for Ethiopia.

In the third and fourth sections a more detailed analysis of the legal system and its impact in facilitating the above policy considerations will be discussed; and finally general observations and recommendations will be offered.

## I. BACKGROUND INFORMATION ON ETHIOPIA

### A. Geography:

Ethiopia is a large country, covering an area of 1,221,900 square kilometers. It is situated in the Horn of Africa, just north of the equator. In area, it is the ninth largest country in Africa - twice as large as Kenya and more than four times larger the size of Britain and Northern Ireland.

The terrain consists of huge table land that is highland, with steep slopes and escarpments leading to semi-desert and desert lowlands along the periphery of the country. Because of the altitude, the climatic condition in some of the highlands is temperate, despite the country's proximity to the equator. Generally, the soil on the highlands as well as in the lowlands is fertile. However, there is the problem of soil erosion in the highlands and endemic diseases like malaria in the lowland areas.<sup>1</sup>

Even though Ethiopia has a huge land area, only 69 percent of the land is arable, and 11 percent is cultivated.<sup>2</sup>

### B. Population: General Characteristics

#### 1. Density

No population census has been taken in Ethiopia. Hence the figures that are cited below are based on Central Statistical Office sample surveys and other professional or institutional estimates. According to these surveys, an estimated population of 26,461,200 live in Ethiopia today. This places Ethiopia third in population size amongst African countries, next only to Nigeria and Egypt.

The population is unevenly spread all over the country with heavy concentration on the highlands which are comparatively free from debilitating diseases.

Even though a population density of about 21 people per sq. km. has been reported for the whole country, in nomadic lowland areas the population density is less than 5 per sq. km. In the highlands of Wollo surrounding Dessie, more than 200 persons per sq. km. have been reported.<sup>3</sup> Table 1 below gives a general picture of the population distribution.

**TABLE 1**

**Size of Area, Estimated Population, Population Density  
and Size of Households in 1972 by Administrative Region.<sup>4</sup>**

Administrative region	Area (sq. km.) (thousands)	Population (thousands)	Population Per sq. km.	Number of Persons per household	
				Rural	Urban
Arussi	23.5	852.9	36.3	5.03	3.39
Bale	124.6	707.8	5.7	4.28	--
Begemdir	74.2	1,355.8	18.3	4.41	3.30
Eritrea	117.6	1,947.6	16.6	--	3.79
Gemu Gofa	39.5	698.8	17.7	4.26	3.35
Gojam	61.6	1,750.1	28.4	4.47	3.02
Hararghe	259.7	3,359.2	12.9	5.05	3.49
Illubabor	47.4	688.8	14.5	4.14	3.75
Kefa	54.6	1,693.0	31.0	3.94	3.62
Shoa	85.4	5,369.5	62.9	4.97	3.79
Addis Ababa	0.2	912.1	4,560.0	--	--
Sidamo	117.3	2,479.8	21.1	4.80	3.76
Tigrai	65.9	1,828.9	27.8	4.53	3.67
Wollega	71.2	1,269.1	17.8	5.03	3.82
Wollo	79.4	2,459.9	31.0	4.39	3.27
<b>TOTAL</b>	<b><u>1,221.9</u></b>	<b><u>26,461.2</u></b>	<b><u>21.7</u></b>	<b><u>4.85</u></b>	<b><u>3.65</u></b>

Because of the concentration of the population around the highlands for a long period of time, the land has been overused giving way to erosion of the soil. Besides the problem of erosion, population pressure is being felt in some of these highland areas. This pressure of population is manifested in the fragmentation of land and migration of the highlanders to the lowlands.

## **2. Rural and Urban Population**

The greater majority of the population (about 90 percent) resides in the rural areas. Only about 10 per cent of the population lives in urban localities and towns of 2,000 inhabitants or more. The urban population in Ethiopia is now increasing by 6.6 percent per year.<sup>5</sup>

About one third of the urban population is found in small towns with less than 20,000 inhabitants, with the rest in towns above that size, of which one half is in Addis Ababa. More than half of the urban population live in the five biggest towns: Addis Ababa, Asmara, Dire Dawa, Dessie and Harrar, in that order.<sup>6</sup>

As can be seen from Table 2 the highest percentage of urban population and number of towns is concentrated in Shoa and Eritrea. They are the two provinces where large scale industrialization has taken place and hence better employment opportunities and facilities are available.

TABLE 2

Estimated Rural and Urban Population and Number of Towns above 2,000 Inhabitants by Administrative Region

Administrative Region	Population (in thousands)			Percentage of Total Pop. that is Urban	No. of Towns
	Total	Rural	Urban		
Arussi	852.9	800.3	52.6	6.2	10
Bale	707.8	680.0	27.8	3.9	5
Begemdir	1,355.8	1,260.0	95.8	7.1	11
Eritrea	1,947.6	1,528.0	419.6	21.5	20
Gemu Gofa	698.8	662.0	36.8	5.3	7
Gojam	1,750.1	1,655.0	95.1	5.4	11
Hararghe	3,359.2	3,176.0	183.2	5.5	15
Illubabor	688.8	662.0	26.8	3.9	5
Kefa	1,693.0	1,614.3	78.7	4.6	6
Shoa	5,369.5	4,172.3	1,197.2	23.3	36
Sidamo	2,479.8	2,346.1	133.7	5.4	18
Tigray	1,828.9	1,692.3	136.6	7.5	18
Wollega	1,269.1	1,213.0	56.1	4.4	9
Wollo	2,459.9	2,344.0	115.9	4.7	11

### 3. Age and Sex Distribution

Forty-five percent of the population are in the age group below 15, Only 4 percent of the total population are above age 60. The sex ratio for the total population is about 104, meaning that there are 104 males for every 100 females. While females outnumber males in many African countries, the Ethiopian case is not unusual. For example, males also outnumber females in Egypt, Nigeria, Ghana, and Libya.<sup>8</sup>

### 4. Rate of Population Growth

The annual growth rate of the Ethiopian population is 2.5 percent per annum. Table 3 indicates reported and adjusted fertility rates.

TABLE 3

Reported and Adjusted Fertility and Mortality Rates<sup>9</sup>

<u>Rates</u>	<u>Reported</u>	<u>Adjusted</u>
Crude Birth rate	38/1000	45/1000
General fertility rate	17/1000	188/1000
Total fertility rate	5.1	5.8
Gross reproduction rate	2.5	2.8
Crude death rate	12/1000	20/1000
Infant mortality rate	90/1000	155/1000
Child mortality rate (ages 1-5)	32/1000	47/1000
Expectation of life at birth	-----	44 years
Rate of natural increase	2.6 %	2.5 %

This population growth rate is 25 percent higher than the average growth rate of the world. But when compared with the population growth rates of the developing world, the figure is quite reasonable. For example, the growth rates for Latin America and Africa are 2.9 percent and 2.6 percent respectively.<sup>10</sup>

C. Economy

Ethiopia is one of the twenty-five least developed countries in the world. Its annual per capita income was estimated at only Eth. \$168 (US\$82) in 1971 and was increasing at an estimated annual rate of 2.1 percent in recent years. The annual average GNP growth rate was estimated at 4.5 percent between 1961 and 1971, with the agricultural sector's growth estimated at some 2.2 percent and the non-agricultural sector's growth at about 7.2 percent.<sup>11</sup>

But the Ethiopian economy is mainly dependent on agriculture; 84 percent of the total population is engaged in subsistence agriculture and 8 percent in commercial farming and other trades in rural Ethiopia.<sup>12</sup> The economy is heavily dependent on the export of primary agriculture (over 90% of the total exports),<sup>13</sup> with coffee providing 58 percent of the total exports.<sup>14</sup> Grains are also important agricultural products.

Although the country has a large land area, cropland per capita is low. An estimated two-thirds of the country's farm population operate holdings of less than one hectare of crop land.<sup>15</sup> This is of course due to the unbalanced land holding system which was prevalent in the country.<sup>16</sup>

Despite the heavy dependence of the economy on agriculture, farming tools and equipment are still very primitive except in the commercial farming sector which constitutes a very small proportion of the whole agricultural sector. In addition, the former archaic land tenure system and meagre budgetary allocations have contributed to this despicable situation.

The 84 percent of the population that is reported as engaged in agriculture are not all gainfully employed. As is true in most other developing countries, disguised unemployment in this sector is extremely large. Also, urban unemployment prevails, because of the high rate of population migration from the rural areas to the urban centres. The chances of getting employed in the modern sector of the economy requires the possession of some skills which, in most instances, the rural population does not have.

The overall rate of unemployment in Ethiopia is not known. The Third Five-Year Plan is mainly concerned with the shortage of skilled manpower and the means to overcome this problem, and therefore does not indicate the rate of unemployment. But the unemployment rate of other African countries, as for example, Kenya, might be indicative of the situation in Ethiopia since the unemployment situation is more or less the same in many of the developing countries.

In the case of Kenya, the potentially and actually active population was estimated at 40 percent in 1970. This represents a total of 4.8 million people. But the rate of unemployment has been estimated at around 12 percent. This reduces the economically active population to 35 percent.<sup>17</sup>

The unemployment rate for Ethiopia is believed to be around the above figure. This already high rate of unemployment will be aggravated if a high rate of population growth continues, as indicated in Table 4.

TABLE 4

Projected Male Labor Force and New Jobs Needed in Ethiopia, 1970-2000

<u>Year</u>	<u>Male Labor Force</u>	<u>New Jobs Needed</u>
Assuming a Population Growth rate of 2.3% per Year		
1970	6,000,000	
1980	7,600,000	1,600,000
1990	9,375,000	1,775,000
2000	12,750,000	<u>3,375,000</u>
	New Jobs needed by the year 2000	<u>6,750,000</u>
Assuming a Population Growth Rate of 1.5% per Year		
1970	6,000,000	
1980	6,963,000	963,000
1990	7,961,000	998,000
2000	9,239,000	<u>1,270,000</u>
	New Jobs needed by the year 2000	<u>3,231,000</u>

In addition to the high rate of unemployment and rate of population growth, the high dependency rate is another problem. With more than 45 percent of the population below the age of 15, the society has difficulty accumulating capital for investment in the fields of social, economic and educational endeavour. If very little provision is left to train the growing population, poverty, ignorance and disease will continue to cripple the society at a higher rate than ever before.

#### D. Ethnic Groups, Religion and Culture

##### 1. Ethnic Groups

There are fourteen administrative regions in Ethiopia. Within each region, a variety of cultural and other differences exist. It is thus a country of complex variety of races and ethnic and linguistic groups. More than seventy ethnic groups<sup>19</sup> are believed to exist in Ethiopia. However, there are three main ethnic groups -- Cushitic, Semitic and Nilotic<sup>20</sup> -- each with various sub-groupings.

##### 2. Religion

George A. Lipsky estimates the Ethiopian Orthodox Christians to comprise 35 percent of the population, the Muslim 35 percent, Pagan 25 percent, and all other religious groups 5 percent.<sup>21</sup>

Christianity had been the state religion since the beginning of the 4th century until the end of 1974. The Coptic church of Ethiopia had enjoyed many privileges of a state religion (as, for example, under the revised Constitution of 1954, now suspended). Under the socialist policy of the present Government, these privileges have been terminated. In late 1974, the State was completely separated from the Ethiopian Coptic Church for the first time in Ethiopian history. The Coptic religion which combines Mosaic laws with some fatalistic Christian teachings has greatly influenced the culture of the people. Many of its religious laws are reflected in the socio-economic life of the population.

Islam is also a very important religion. It dates back to the 6th century when Mohammedanism penetrated Ethiopia. Unconfirmed reports have it that Mohammed himself taught his philosophy in Ethiopia along the Red Sea coast. However, Islam has not had as great an influence as the Coptic religion in shaping the social life of the people.<sup>22</sup>

##### 3. Culture

Religion and culture are many times intermingled, and we find it difficult to disentangle the two. The cultures of the Amhara-Tigre groups are dominant and they are also mostly Coptic Christians. There is very little information on other cultures. The dominant Amhara have tried to assimilate more than seventy ethnic groups into a modified model of the Amhara culture.<sup>23</sup>

In addition to this ethnic domination by the Amhara, the Ethiopian society reflects an acute form of domination based on sex. Women are dominated by men. The intensity of such domination varies from one sub-culture to another. Women are usually confined to the household. Although they are actively involved in subsistence farming, their role in socio-political affairs is minor. Their status in some sub-cultures is greatly affected by the property law. For example in the Gurage, Tigre and in some of the Oromo cultures, women are not allowed to inherit land. As a result, the men have always dominated them by controlling the means of production. Because of this and other similar social factors like education, religious beliefs and traditional practices, the position of women in the Ethiopian society does not seem to have improved. Children are also the objects of domination.

#### E. Health

Health problems both contribute to and are partly caused by the whole set of social, economic and political problems. Health problems are also a function of lack of adequate health facilities and skilled medical manpower and the maldistribution of existing facilities and manpower in favor of the urban areas.

The structure of the health services is presumably designed to reach as many people as possible, but the reality indicates the opposite. More than half of the hospitals are found in the three administrative regions of Shoa, Eritrea and Hararghe. Only 15-20 percent of the population has access to any kind of medical services.

The following estimates show the actual or potential impact of the high fertility level on the health of the population, especially women.<sup>24</sup>

Infant mortality rate	200/1000
Mortality of children 1-5 years	50/1000
Fertility rate	200/1000
Maternal mortality rate	20/1000
Number of women who become pregnant every year	800,000
Babies born every year	700,000

Maternal mortality is particularly related to continuous child bearing, i.e., when pregnancies take place without adequate spacing. Besides maternal mortality, there is also the problem of maternal morbidity that leads to other health problems as well. "Inadequately spaced pregnancies deplete a woman's store of nutrients, including protein and iron." <sup>25</sup>

In a country where health services are meagre, and where the doctor-population ratio is 1: 70,000, the health status of the people will remain the same for some years to come.

## II. IS A POPULATION POLICY DESIRABLE AND POSSIBLE IN ETHIOPIA?

### A. Definition of Population Policy

Up to now, we have been considering very briefly the general socio-economic situation that is prevailing in the country. Can we say that the situation described above calls for population policy measures? Can a population policy declaration improve the situation described?

We very often hear that population policy must be contained in development planning or should be a component of development planning. But as the phrase "population policy" is used in various ways, it is imperative to give a working definition, and we shall take population policy to mean:

The study of the size, the structure, distribution and rate of growth of a country's population, the relationship between these parameters and economic development, and the action taken by a Government to influence the parameters in such a way to ensure the achievement of the goals of the society with a view to enhancing national and individual well-being.<sup>26</sup>

According to this definition, population policy is meant as a conscious action taken by a Government to balance population size with socio-economic growth for the welfare of the members of the society. This action or policy may be pro- or anti-natalist.

### B. Evidence of Change in the Government's Attitude toward Population Growth

Taking the above definition, let us examine whether there has been any population policy in Ethiopia. The attitude of the Government in the past used to be a pro-natalist one. In the Second Five-Year Development Plan (SFYDP) 1963-67, the following statement was made:

During the next five years the total increase in the population is estimated to reach nearly two million, which means that in 1974 the population will be about nine million larger than in 1954. Such a rapid growth of population is encouraging both from the point of view of the availability of the labour force and the extension of the domestic market, particularly since Ethiopia is a sparsely settled country.<sup>27</sup>

According to this statement, the Government's position was clearly a pro-natalist one, but there were no plans of action to promote population growth.

In the Third Five-Year Development Plan (TFYDP) 1968-73, there was no pro-natalist statement like the above. The drafters of the Plan seemed

to realize that population pressures were defeating the objective of improving the quality of life. The Plan states:

With a population presently growing at slightly over 2 percent and even though it is likely to grow somewhat faster over the next decade, the target for improvement in real income per person is quite challenging.<sup>28</sup>

In relation to housing problems in the urban areas, the Plan had the following to say:

Housing facilities are basic amenities necessary for community living. The demand for housing is accentuated particularly by the rapid growth of urban population and the expansion of monetary incomes. The demand for urban housing cannot be fully satisfied because the extent of needs is so vast, and the nations limited resources are also required for investment in other social and economic activities some of them necessarily accorded higher priority in the plan.<sup>29</sup>

In the draft of the Fourth Five-Year Development Plan (1974-1978) which has not yet been adopted because of political unrest and social changes that followed, the Government's attitude was believed to be very sympathetic to a new population policy. Certain measures like strengthening maternal and child health services and family planning were proposed. Settlement schemes were also in the Plan, but these did not get endorsed. Thus, there was a shift of government attitude from pro-natalism to slight anti-natalism. Another evidence of this shift of government attitude could be gleaned from the editorials and comments of government papers as shown in the ensuing paragraphs.

It should be noted that, as recently as 1970, Ethiopian papers were against family planning practices. For example, the Ethiopian Herald in its Editorial of June 5, 1970, writes:

Ethiopia's population is increasing annually by 2.3 percent. It's planned rate of growth is 6 percent. This rate of growth will more than support the rising population...population increase is contributing to the attainment of its development goals...it is the know-how by which the necessary factors of development can be put into operation that is lacking. How to...[obtain] this know-how is of more immediate concern than the long term consequences of population growth.<sup>30</sup>

But now the papers carry news in their editorials favouring family planning practices in the country. The Ethiopian Herald in its editorial of June 4, 1974, for example, writes:

Here in our own country...abortion—which is criminal—is wide-spread throughout the country. Statistics are not quite available on how many women are dying every year as a result of abortion. But the figure must be frightfully high. That is why in this day and age, prevention seems to be better; it is in the general interest of a country like ours for the government to encourage the establishment of a family planning association...There is no conceivable reason why the family planning association should not be running its own clinic in a centrally located place. In fact there is a crying need for several such clinics in the city alone.<sup>31</sup>

In another editorial the Ethiopian Herald states:

It is good that a family planning programme exists in our country. However, for any programme to be effectively applied, it is vital for it to be adequately publicized. What still remains to be done here in our own country is for a family planning educational programme to be adopted.<sup>32</sup>

Again, the same paper in its front page of the 20 April, 1975 issue describes the conditions of people in shelter-homes in one of the drought-stricken areas:

Shelters for the drought-stricken in the Wollo region currently face an unforeseen problem of their own population explosion. In both Dessie and Alamata shelters, women who were admitted single are now mothers and the number of new born is increasing every month. This has worsened the condition of the shelters which are in dire need of money and facilities.<sup>33</sup>

Thus, Government papers like the Herald have devoted a number of their editorials to the desirability of family planning services in the country. These editorials must be taken to reflect the attitude of the Government on the issue.

There are other proofs that the Government is shifting from a pro-natalist to an anti-natalist attitude. For example, it has been reported in one of the Amharic papers that one expert group from the Relief and Rehabilitation Commission which completed its studies on settlement schemes around seven big valleys has recommended very strongly that population control measures be introduced along with the development programs that are going to take place in these areas. This report has very boldly indicated that with improved health services the population will continue to grow unless some population control measures are taken.<sup>34</sup> Some administrators in the provinces, particularly in the drought stricken areas, also seem to be convinced that some population control should be effected.

In another development, after more than nine year's delay, the Family Guidance Association of Ethiopia (FGAE) was "registered" as a private welfare organization in December 1974 by the present Government. Before then, its legal status was obscure. This also could reflect the Government's new position in matters of birth control.

The FGAE is an affiliate member of the International Planned Parenthood Federation. It has been giving family planning services since 1966 as an integral part of maternal and child health services. It is now extending its services through 140 government, private and missionary health settings. To facilitate the effective discharge of family planning services, the Association has launched a programme to train at least 75 health workers per year.

Since the FGAE is a small organization and since its main concern is not population control, the FGAE cannot have a big impact on population trends. However, it could be a stepping stone for the Government to use in introducing fertility control measures.

Although the position of the Government as stated in its development plans and its newspaper editorials has been clearly shifting from one of pro-natalism to anti-natalism, there is still no coherent policy on the issue. In the absence of such a policy a kind of anarchy seems to prevail in government agencies. While some favor the adoption of anti-natalist measures, others remain indifferent. It is a hopeful sign that there is increasing cooperation among government ministries, e.g., the Ministry of Public Health making available its facilities for family planning purposes, the Ministry of Education trying to incorporate sex education in the school curriculum, the Ministry of Information propagating the desirability of family planning, and the Ministry of Community Development educating the public at the grass root level about the health and socio-economic benefits of family planning.

### C. Attitudes towards Birth Control in the General Population

So far, we have been considering the attitude of the Government. How about the people's attitude towards birth control? KAP studies on small sub-group within the Ethiopian population have been conducted from time to time by some individuals in Addis Ababa and in some of the administrative regions. One of the largest KAP studies (2,659 respondents) was done by Dr. Wen Pin Chang in 1970 in Addis Ababa, Alemaya, Fitcha and Holeta in the administrative regions of Shoa and Hararghe. The following table shows respondents opinions about whether it is right or wrong to use birth control methods.

TABLE 5

Attitudes toward Using Birth Control by Area of Residence<sup>35</sup>

Response	<u>Urban</u>		<u>Rural</u>		<u>Total</u>	
	No.	%	No.	%	No.	%
No, Not right	790	50	236	57	1,444	54
Yes, Right	289	18	18	4	392	15
No Answer	496	32	160	39	819	31

Thus, 55 percent of the survey population disapproved of birth control methods while only 15 percent considered it right.

However, three years later, another KAP survey of 71 families in the northern area of Addis Ababa showed that 58 percent approved of family planning, 20 percent disapproved, 13 percent had neutral attitudes, and 10 percent gave no response.<sup>36</sup> Our own sample survey of 100 persons from different professional groups showed that 83 percent of the respondents approved of the practice of family planning, while only 15 percent disapproved and 2 percent were neutral.

The experience of the FGAE indicates that the people have very little religious or moral bias against the use of contraceptives. What they are concerned about is the safety of the methods. In fact, there is a favourable attitude to family planning ideas, and the demand for the services is growing enormously.

Even though the FGAE offers contraceptive services primarily to promote the health of mothers and children, about 80 percent of those who use its services<sup>37</sup> give economic reasons, not health, for practicing contraception. In a KAP study in 1970 conducted by Dr. Wcn Pin Chang on 2,659 people from different localities and religious and cultural groups. The respondents usually gave "economics" as the main reason for using contraception if any reason was given. However, the most frequent response in each respondent group was "no answer" or "don't know".<sup>38</sup>

D. The Need for a Population Policy

Despite all the above circumstantial evidence, the Government has not yet taken any clear-cut stand on the population issue or toward any sort of policy. Whether there is a need for population policy in Ethiopia is the next question to deal with. To answer this question one needs to remember the population problems that exist in the country. Population problems are complex and intermingled. The total size and density of population are not

the only criteria for judging the extent of the problem. According to Dr. Chang, although the present population problem in Ethiopia is not as acute and urgent as in India or Egypt, there is no question that it has been increasing in importance and urgency from health, education, social, and economic points of view.<sup>39</sup> The objective reality in Ethiopia today is that since the people live under all sorts of social and economic ills of great magnitude, population policy as a component of developmental programs is desirable and necessary to eradicate these ills.

In Ethiopia the illiteracy rate is over 90 percent, the doctor-population ratio is 1:70,000, unemployment and underemployment are rampant, the status of the half of the population (women) is low and the per capita income is as low as (US) \$82. In such a country no matter how progressive might be the social system or how efficient the development program, it is impossible to create the necessary development infrastructure for all the people if the present growth rate of population (2.5 percent) is allowed to continue. Social and economic obstacles prevent the provision of compulsory education, medical care services, etc., even just for the existing population, let alone an increasing one.

The effective implementation of population policy in Ethiopia is possible only within the context of a progressive social system. A progressive social system should be guided by the principles of equitable distribution of wealth, equality of the sexes, equal educational and employment opportunities and justice to all people. Such a progressive system is now being introduced in Ethiopia.

Another progressive social system is that of the Peoples' Republic of China, where family planning programs have been found to be more effective than anywhere else in the world. According to the late Premier Chou En-Lai's statement in an interview with Edgar Snow, the Chinese have linked family planning effectively to the raising of the people's standard of living.<sup>40</sup>

#### E. Other Factors Facilitating the Development of a Population Policy and Programme in Ethiopia

##### 1. Introduction

What new situations are developing now that facilitate the full realization of a population policy and program in Ethiopia? Factors like the attitude of the people and the Government have been considered above. Another important factor is organization. Let us now consider very briefly some of the new organizations that are being structured and that can possibly be used to introduce family planning education and services in addition to traditional institutions like "Idir".<sup>41</sup>

##### 2. Development through Cooperation Campaign

This is a program initiated by the Provisional Military Administrative Council (PMAC) to enlighten and organize the rural masses to achieve better living conditions. The participants in this program are students and teachers from senior secondary schools and higher institutions as well as some mem-

bers from the armed forces and the police. There are 60,000 participants of which 15,000 are females.<sup>42</sup>

The campaigners give basic instructions on health, agriculture, reading and writing, etc. to the masses of the people. They politicize and organize peasants to form peasant associations and do collective farming. Besides, they explain the philosophy "Ethiopia Tikdem," which means "self reliance." Many of the participants are now carrying out the program in various districts, sub-districts, villages, and localities in almost all of the provinces.

Population and family planning education can be integrated into the campaign program and reach as many people in the rural areas as the campaigners could reach or even more, considering the multiplying effect of the mass campaign. The FGAE has already used this program to some extent for spreading information on family planning, and the results have been found encouraging.

### 3. Peasant Associations

Since March 4, 1975, all rural lands have come under government control and public ownership. Farmers within 800 hectares of land are expected to form a peasant association and do collective farming. No official figure has been released by the Ministry of Land Reform as to how many peasant associations have been formed so far. However, from what we hear through the radio, the number of peasant associations that have been formed is considerable. The establishment of such associations facilitates the educational and service programs of family planning.

### 4. Women's Coordinating Committee

Women in Ethiopia, as in any other developing nation, have been subjected to all forms of exploitation. Realizing the importance of organizing women so that they could fully participate in the social, economic and political activities of the country, a women's coordinating committee was formed early in 1975. The purpose of this organization is to politicize and organize women at all levels — national, provincial, district, and sub-district and village — to improve their conditions and contribute better to the society. In view of the relationship between family planning and the status of women the committee could well use family planning as one of the means of improving the status of women.

## F. Conclusions

All of the above mentioned developments enhance the possibility of adopting and enforcing a population policy in Ethiopia. Therefore, population policy, as an integral part of the whole socio-economic planning, is not only desirable but also possible to improve the existing situation of mass ignorance, poverty and poor health. After all, a planned economy is not consistent with an unplanned population.

### III. ETHIOPIAN POPULATION LAW

In the previous two sections some basic population data and a general framework of the socio-economic system were provided. We shall now proceed to go deeper and focus our attention on the legal system<sup>43</sup> and the role it plays in shaping and effecting governmental policies in this area.

#### A. Laws Directly Affecting Fertility

##### 1. Contraception

There are five main types of laws which limit or regulate the availability of contraceptives: namely, laws which affect imports, manufacture, sale and distribution, advertising and publicity, and the use of the mails.<sup>44</sup>

##### a. Sale and Distribution

In Ethiopia the sale and distribution of contraceptives is governed by Arts. 510(1), 518-519 and 789(b) 786(c) of the Penal Code of 1957<sup>45</sup> which restrict the sale and distribution of toxic substances in general. These laws impose the requirement of lawful authorization in order to sell contraceptives. This requirement is even more clearly pointed out in Arts. 23-24 of the Pharmacy Regulations.<sup>46</sup>

But despite the above requirement no prescription is needed to buy contraceptives and they are freely available to almost anyone wishing to buy them in pharmacies. Moreover, in addition to pharmacies, in cities like Addis Ababa, street vendors do a reasonable trade in condoms by offering this merchandise not only in streets but in drinking places as well. Although there is no official distribution of contraceptives, the Family Guidance Association distributes contraceptives to the needy free of charge; moreover, there is no customs duty on medical supplies imported by hospitals.<sup>47</sup>

##### b. Quality Control

The requirement of a permit is applicable not only in order to sell but to manufacture as well. Pharmacy Regulations Arts. 52 and 54 give the power to the Minister of Public Health to determine the standards of quality in all medicinal preparations. Moreover, Penal Code Arts. 510, 511 and 786 impose heavy penalties on people who either intentionally or negligently adulterate the quality. Labelling requirements are imposed and mislabelling is punishable.<sup>48</sup>

##### c. Importation Restrictions

Importation is subject to restrictions similar to those for sale and manufacture.

d. Advertising

Article 802 of the Penal Code prohibits solicitation of contraceptive sales by the mailing of advertisements or samples. As a result of such restriction and the total absence of dissemination of contraceptive information either through the educational system or as a special service, there is still little knowledge about family planning in general and contraceptives in particular within the population. When asked what happens if a couple wants no more children, one survey (see Table 6) found that respondents were generally unprepared to take actions. Over 60 percent either had no answer (Don't Know) or responded: "Nothing can be done."<sup>49</sup> See Table 6 for more data from this survey.

TABLE 6

Responses to question, "What Happens if Couple Wants No More Children", for Muslims and for Total Population by Location of Residence<sup>50</sup>

RESPONSE	Location of Residence							
	MUSLIM		URBAN		RURAL		TOTAL	
	(No.)	%	(No.)	%	(No.)	%	(No.)	%
Practise Contra- ception	92	14	449	28	42	10	583	22
Nothing can be done	243	36	252	16	122	30	617	33
Pray to God	59	9	75	5	26	6	160	6
Go to Doctor	54	8	205	13	5	1	264	10
Witchcraft	0	0	0	0	0	0	0	0
Divorce	5	1	14	0	2	1	21	1
Other	1	0	20	1	1	0	22	1
No Answer	212	32	564	36	216	52	992	37

What is even more surprising is the fact that even most of those that buy condoms, do so for protection against venereal disease rather than for contraception.

2. Abortion

Abortion is regulated by Arts. 528-535 of the Penal Code. In brief, abortion is allowed only "where it is done to save the pregnant woman from grave and permanent danger to life or health which it is impossible to avert in any other way," and a detailed procedure for the ascertainment of the existence of such reasons is set out in the Code. Aside from the medical ground stated above, none is permitted. Humanitarian reasons which would justify abortions to terminate pregnancies that are the result of such criminal

acts as rape, incest or sexual intercourse with a mentally defective woman, socio-economic grounds and even abortion for eugenic purposes are not justifiable reasons. However, as is stated in Art. 533 of the Penal Code, a "grave state of physical or mental distress, especially following rape or incest, or because of extreme poverty" is considered to be an extenuating factor in sentencing.

As a result of such severe restriction, the frequency of induced abortion is unknown.

TABLE 7

Knowledge of Induced Abortion  
for Muslims and for Total Population by Location of Residence<sup>51</sup>

METHOD	Location of Residence							
	MUSLIM		URBAN		RURAL		TOTAL SURVEY	
	(No.)	%	(No.)	%	(No.)	%	(No.)	%
Traditional	6	0.9	47	3.0	4	1.0	61	2.3
Unscientific	1	0.2	17	1.1	0	0.0	19	0.7
Scientific	0	0.0	10	0.6	0	0.0	10	0.4
No Method	641	96.2	1381	87.5	410	99.0	2440	91.7
No Answer	18	2.7	124	7.8	0	0.0	129	4.9

As the above table shows, only 5 percent of the urban and 1 percent of either Muslim or rural groups claimed to know about induced abortion.<sup>52</sup>

The procedure for abortion where it is permitted is very rigid, non-conformance with which is punishable under Art. 790 of the Penal Code.

Except where it is impossible, the "danger" to the pregnant woman's life or health shall be diagnosed and certified in writing, by a registered medical practitioner. Also required are the concurrent opinion of a second qualified doctor and the consent of the pregnant woman or, where she is incapable, that of her next of kin.

### 3. Sterilization

Sterilization is a criminal offence. Penal Code Arts. 537 and 538 which include the "maiming and disabling of essential organs" cover sterilization by interpretation.

#### a. Compulsory sterilization

There are no official eugenic programs as such, but interdicted persons are not permitted to marry,<sup>53</sup> and habitual criminals, sex offenders and epileptics are to be confined in institutions. However, the rationale

for such laws appears to be that of protecting society from physical danger arising out of criminal acts rather than a well-thought out eugenic oriented policy.

b. Voluntary Sterilization

It has been noted that "until very recently it seldom occurred to anyone that such a thing as a medical procedure for sterilization, especially for males, which would not adversely affect the normal sex relationship, was either possible or desirable."<sup>54</sup> Hence one finds in many laws, including the Ethiopian Penal Code, provisions which make sterilization an illegal act even when such an act is done with the consent of the party (the consent being considered as merely an extenuating factor in the sentencing process).

But despite the law in the books, cases of voluntary sterilization are not unknown. Indeed, while the most frequently mentioned method of birth control used by the wife in Ethiopia was the oral pill, the second most frequently mentioned was sterilization.<sup>35</sup> We have also been able to trace from the files of the Family Guidance Association 20 recorded cases of voluntary sterilization. The formalities followed are similar to those prescribed for abortion. An examination of the cases reveals that the decision of the Family Guidance Association to grant financial assistance to a person wanting to perform the sterilization operation was based on the fulfillment of the following five requirements. The person requesting sterilization must have:

1. attained at least 35 years of age,
2. at least five children,
3. presented proof indicating that pregnancy is dangerous to the health of the mother,
4. agreement of the other spouse
5. socio-economic need.

Discussion with the information and educational officer of the Association showed that the rationale for requiring 5 children was based on a study that revealed that the most frequently noted response as regards an ideal number of children was four.

B. Laws on Family Planning Education

There are no laws pertaining to this matter, but, as was indicated earlier, the Ethiopian Family Guidance Association has finally been registered, and editorials and articles dealing with family planning have recently become frequent features. Moreover, various programs dealing with the same subject are being increasingly broadcast over the radio and TV. But despite these recent innovations, family planning courses in general and sex education in particular are not legally authorized nor is there any

known school giving such a course.<sup>56</sup>

In fact, even elementary education itself is not mandatory, let alone sex education. Only about 16 percent of the primary, and 3 percent of the secondary, school age children go to school. As for the University age groups, only less than 1 percent of them has the privilege of university education. The literacy rate is shockingly low: 7 percent for the total population, 12 percent for males and only 2 percent for females. Although public education is free at all levels with only minor charges for the cost of books and stationery, there are not enough government schools to accommodate all students. At present about 25 percent of all students attend non-government schools: Mission 9 percent, private 14 percent, and church 2 percent.<sup>57</sup>

There are several repercussions on the family planning field resulting from the lack of compulsory education. First, as was found out in a survey, there seems to be a direct relationship between the level of education and the knowledge about contraceptives: the higher the level of education the higher the knowledge about contraception.

TABLE 8

Knowledge of Male Contraceptives by Education<sup>58</sup>

METHOD KNOWN	EDUCATION									
	Grades 1-6		Grades 7-12		Att. Univ.		Priest School		None	
	(No.)	%	(No.)	%	(No.)	%	(No.)	%	(No.)	%
Sterili- zation	8	3	32	13	7	39	9	3	26	1
Condom	17	6	33	13	2	11	6	2	17	1
Withdrawal	2	1	10	4	3	17	2	1	6	0
Rhythm	4	2	6	2	3	17	1	0	4	0
Abstinence	29	11	47	19	5	28	36	14	122	17

TABLE 9

Knowledge of Female Contraceptives by Education <sup>59</sup>

METHOD KNOWN	EDUCATION									
	Grades 1-6		Grades 7-12		Att. Univ.		Priest School		None	
	(No.)	%	(No.)	%	(No.)	%	(No.)	%	(No.)	%
Steriliza- tion	19	7	37	15	6	33	13	5	42	2
Oral Pill	78	29	130	52	8	44	48	18	113	6
Abortion	9	3	19	8	1	6	4	1	10	1
IUD	11	4	18	7	1	6	6	2	15	1
Rhythm	0	0	4	2	3	7	2	1	0	0
Diaphragm	1	0	8	3	0	0	0	0	1	0
Spermicides	0	0	2	1	0	0	0	0	0	0
Douche	0	0	2	1	0	0	0	0	0	0
Abstinence	28	10	50	20	5	28	34	13	128	7

Second, when the question of the ideal number of children was raised, a clear pattern emerged for respondents who had never attended schools or had only attended priest schools to give "God's Will" as an answer.<sup>60</sup>

TABLE 10

Ideal Number of Children by Education <sup>61</sup>

No. of Children	EDUCATION									
	Grades 1-6		Grades 7-12		Att. Univ.		Priest School		None	
	(No.)	%	(No.)	%	(No.)	%	(No.)	%	(No.)	%
only 1	6	2	5	2	0	0	5	2	28	2
2 children	22	8	22	9	4	22	13	5	79	4
3 children	18	7	31	13	2	11	13	5	69	4
4 children	91	34	91	37	0	33	43	16	200	11
5 children	11	8	26	11	1	6	10	4	74	4
6 or 7	23	9	16	6	0	0	17	6	52	3
8 or 9	6	2	1	0	0	0	6	2	27	2
10 or more	11	4	8	3	1	6	13	5	85	5
God's Will	47	17	23	9	0	0	108	41	859	48
No Answer	25	9	25	10	4	22	37	14	334	19

This is, of course, understandable because education by itself can help people become aware of the advantages of limiting the number of children and learn about the techniques of avoiding undesired pregnancies. Moreover, the more educated a woman, the better her chances to be employed and the less her desire to get pregnant. Greater education of the wife will also result in better health and lower mortality rate for her children, in addition to breaking the traditional taboos against the free exchange of ideas on sex and fertility.

### C. Family Laws Affecting Population

#### 1. Minimum Marriage Age

That the number of children a marriage produces is related to the age of marriage is beyond any doubt. The latter is greatly determined by the general status of women in a particular society. If the doors to education and careers are closed to women, the only avenue open to them to achieve at least symbolic self-assertion in the society would be the institution of marriage.

On the other hand, increased choices of roles for women outside the home will provide an alternative to such an avenue. Thus, increased education opportunities delay the age of marriage, while increased employment opportunities for women seem to lead to a reduction in the number of children desired by the family.<sup>62</sup>

However, like many other developing countries, Ethiopia is basically a male dominated society. And even though men and women are in most respects equal before the law as a result of the socio-cultural traditions and practices, women are most of the time confined to the home doing the most tedious work and their role in socio-political affairs is minimal. As a result, the marriage age is very low. A survey of 300 women working in drinking houses in Addis Ababa showed<sup>63</sup> that the majority of them had married between the age of 10-14, as follows:

<u>Age at the time of marriage</u>	<u>No. of women</u>	<u>Percent</u>
Under 10 years of age	47	16
10-14	163	54
15-19	76	25
Age unknown	<u>14</u>	<u>5</u>
	300	100%

In a seminar held on January 25, 1975, to celebrate Women's Day, the women participants cited the age of 10 as the most common age at which girls marry.

In contrast to this reality, Art. 581(1) of the Civil Code states:

"A man who has not attained the full age of eighteen and a woman who has not attained the full age of fifteen years may not contract marriage," while the Fetha Negast requires that a man be at least twenty years old and the woman be twelve.<sup>64</sup>

## 2. Polygamy

As stated earlier, despite the fact that half of the Ethiopian population is composed of Muslims, the country is under the socio-cultural domination of the Christian sector. Hence, polygamy is formally prohibited. Marriage is a voluntary union of one man and one woman to the exclusion of others, as it has always been in Christian Ethiopia.

This principle is enshrined in the provisions of Art. 585 of the Civil Code which prohibits a person bound by a contract of marriage from entering into another union. Art. 616 of the Penal Code imposes criminal sanctions on persons who do so.

It may be noted that the original draft had included separate provisions for Muslims to practice polygamy. However, these were rejected by the Codification Commission.<sup>65</sup> In practice polygamy among Muslims is tolerated and there has been no prosecution for bigamy.

## 3. General Marriage and Divorce Laws

The Code contemplates three types of marriage.<sup>66</sup>

1. Civil marriage
2. Religious marriage
3. Customary marriage

The effects of marriage, both as regards the personal relationship between the husband and the wife and as regards their property are the same in all three types of marriage, even as regards customary marriage. Thus, although a marriage may have been solemnized according to the custom of the husband or the wife, the effects of the marriage are governed by the provisions of the Code and not by the customary law under which the marriage was solemnized.<sup>67</sup>

### a. Consent to marriage

As in any other contract the consent of the parties is necessary for a valid marriage. Such consent must be freely given and must not be affected by any error of substance. The spouses must give the consent personally at the time of the celebration of the marriage. They cannot be represented by other persons for the giving of the consent.<sup>68</sup> In addition, Civil Code Art. 562 requires the consent of a representative of the family and lays out a systematic list of priorities.<sup>69</sup>

b. Formalities of marriage

The formalities for the three kinds of marriage vary. As the formalities in cases of customary and religious marriage vary from place to place and according to the faith of the spouses, the code does not make any attempt to list the formalities except to lay out general principles.<sup>70</sup> In case of a civil marriage however, the code requires that the future spouses inform not less than one week in advance the officer of civil status of their intention to contract marriage<sup>71</sup> and that the contract be made in writing and in front of four witnesses.<sup>72</sup>

c. Prohibited degrees of marriage

According to the Civil Code, marriage between individuals related by consanguinity up to seven generations and those related by affinity up to three degrees is prohibited.<sup>73</sup>

The Fetha Negast on the other hand lists two opinions on the matter. According to the first opinion, marriage is prohibited until the third degree, while the second opinion prohibits marriage between relatives in the sixth degree and allows marriage from the seventh degree. Furthermore it prohibits the marriage of "relatives-by-law," such as god-parents, and the marriage of "relatives-by-dwelling" (people who were brought up in the same family).<sup>74</sup>

The applicability of the Civil Code provisions to the Muslim sector of the population is very doubtful. Followers of the Islam faith often marry their close relatives.

d. Termination of marriage

A marriage may come to an end in three ways:

- (1) by death of one of the spouses;
- (2) by annulment;
- (3) by divorce.

The first method requires no further comment; we shall thus comment briefly on the two remaining methods for the termination of marriage:

Violence, errors of substance which are enumerated in the Civil Code,<sup>75</sup> and marriage within the prohibited relationship are grounds for the annulment of marriage. In this connection there seems to be confusion between annulment and dissolution due to the interchangeable usage of the terms "void" and "voidable" marriages. As Professor O'Donovan states,

The Ethiopian law relating to defective marriages does not use the term "nullity" in reference to such marriages. Defects are classified along with death and divorce as a cause for the dissolution of marriage. The words, "application for dissolution" as a "sanction for the condition of marriage" are used in the Civil Code for what is traditionally called nullification. The significance of the Civil Code terminology is most important. Dissolution of defective marriages has much the same consequences as divorce.<sup>76</sup>

#### e. Divorce

One thing that sociological treatises, travelogues and the like dealing with Ethiopia have had in common through the years is the message that marital ties are lightly taken in the nation and that divorce rate is high.<sup>77</sup> Giel and Van stated the "40-60 percent of the semania marriages and 9.25 percent of the kurban marriages ended in divorce."<sup>78</sup>

A study showed that most marital disputes where the husband was thought to be at fault could be traced either through one of the numerous "Tej and Tella Pets" (one-woman Ethiopian bars) or to another common or lasting acquaintance. But these same establishments have a great lure for the female partner as well. Many young girls leave their men to set up a "similar shop after passing by one and noting the pretty dresses and the amenities possessed by their sisters therein and finding themselves poor in comparison."<sup>79</sup>

But despite the above, divorce of the formal variety is frowned on by the Ethiopian orthodox church except under serious enumerated circumstances. Similarly, the Civil Code sets divorce hindrances to ameliorate the situation. The Code states that in cases of divorce pecuniary relations between the spouses shall be liquidated as in the case of death of one of the spouses;<sup>80</sup> however, if the divorce is ordered for a serious cause imputable to one of the spouses or for no serious cause, the family arbitrators are allowed to award to one of the spouses the greater portion or even the whole of the communal property.<sup>81</sup> This economic threat is a major deterrent to divorce, and "it has theoretically at least made divorce more difficult to obtain than it was under the prevailing customary practice prior to the code."<sup>82</sup>

Since women tended to produce children as a security against the rather easy-to-get traditional divorce, the legal discouragement of divorce can have an impact in reducing the fertility rate.

#### D. Laws on Economic Factors Related to Family

##### 1. Family Allowance

No provisions for family allowance exist in Ethiopia. However, a social security system in the form of pensions insuring against the absence of income due to old age and retirement, unemployment, temporary sickness and long-term illness is available in the civil service.<sup>83</sup> A provident fund system has been devised by many enterprises in the private sector to insure their employees against similar contingencies.<sup>84</sup>

"When persons are paid, or when other assistance is given, this could be expected to have a negative effect on the size of the family, in that the need for a large number of children as a potential support for old age is reduced."<sup>85</sup>

### a. Maternity Benefits

Ethiopian laws provide that a woman is entitled to one month leave with half pay in the private sector<sup>86</sup> and up to six weeks with full pay in the civil service.<sup>87</sup> A study of employment conditions in Ethiopian business, in which twenty-four firms from the garage and beverage industries were chosen, revealed the following as regards maternity leave:

Nine firms in the sample either had no female employees or had no reason to give this leave, primarily due to age factors. Seven of the remaining firms gave what the law required, the others giving more. The comments of employees of two companies are significant here. One said that the maternity leave in her company was without pay, although the management had said it was with pay, and that rather than lose the wages, most women returned to work after a little more than one week. While not denying the stated policy of the firm, the employee of the other company said that a woman has to argue and beg too much to receive payment, so it is usually forfeited.<sup>88</sup>

### b. Child Allowance

There is no provision for child allowance. As a matter of fact any amount spent on another spouse or children is not even considered as a deductible item for income tax purposes.

## 2. Other Social Welfare Factors

There exist other areas of law that could bear directly or indirectly on fertility. Public health rules dealing with the control of communicable diseases, in particular venereal diseases, and prostitution are quite relevant in a discussion concerning the issue of fertility. Prostitution in Addis Ababa is very extensive. A survey of drinking houses in 1964 in Addis Ababa alone with a population of approximately 500,000 revealed that there were more than 6000 licensed drinking houses employing more than 9000 girls most of whom were thought to have been engaged in prostitution. An unestimated number of drinking houses were also thought to be operating without licenses, and an additional number of prostitutes were suspected of practicing independent of drinking houses.<sup>89</sup> Even though one cannot tell the exact contribution of these institutions to the high rate of gonorrhoea and syphilis which prevails in the country it cannot be denied they must be major contributors in this regard.

It is true that the government, in an effort to combat the dangers of venereal disease, has promulgated a law which provides, among other things, the forceful submission of a person infected with a venereal disease to a medical institution;<sup>90</sup> however, due to difficulties in detection and the lack of availability of clinics, it is extremely difficult to enforce the legislation.

#### E. Inheritance and Land Tenure

An archaic land tenure system which had been in operation in the country for a considerable period of time and that has been cited as a major hindrance to the overall progress and a cause of insecurity to tenants<sup>91</sup> (resulting in the desire to have more children) has been dismantled by the recent Land Reform Proclamation. Although the law prohibits discrimination based on sex, nationality or on the basis of illegitimacy, as has been stated earlier, in some cultures women are not entitled to inherit land. This is basically due to the tradition of the male offspring being the protector and the guardian of the family tree.

#### F. Laws on Descent and Distribution of Property

According to the Ethiopian Christian ancient work of law, the 16th century Fetha Negast, illegitimate children cannot inherit, unless there is a testament in their favor. Such distinction, however, has not prevailed, or has disappeared in practice, since customary law has as a rule, made no distinction between the status of a legitimate child and that of an illegitimate child.<sup>92</sup> However, Art. 836(1) of the Civil Code states that "the legitimacy or illegitimacy of the deceased or of the heir shall not affect the ascertainment of the heirs or the values of the portion of each of them" and provides a detailed procedure for establishing paternity. It thus constitutes a peculiar blend of a traditional Ethiopian notion with modern legal technique and concepts. The traditional Ethiopian principle of equality between marital and extra-marital children has been maintained with respect to both the effects of filiation and the modes of establishment. But the modes of establishing filiation and proving such establishment, which were unlimited in traditional law, have been severely limited in accordance with a policy of reducing litigation and a technique influenced by the French legal system.<sup>93</sup>

#### IV. IMPACT OF THE LAWS ON FERTILITY BEHAVIOR

We have now reviewed a variety of "laws which regulate fertility, prescribe certain types of sexual behavior, offer incentives and disincentives for fertility and provide a framework for particular approaches to fertility control."<sup>94</sup>

The question of how great an effect the law can have on fertility behavior is an aspect of the broader question of the impact of law on social patterns and processes. Can the law be a positive force in the attempt to reshape the demographic behavior of peoples from the top, or is it merely an obstacle course for reformers?<sup>95</sup>

In order to answer this question, a sample survey consisting of 100 people was carried out. Interviews were conducted with respondents regarding their evaluations of three sets of laws relating to fertility, i.e., the law making abortion illegal, the regulation of the sale of contraceptives and various benefits guaranteed by law that may affect the motivation for having a baby (maternity benefits, tax exemptions for dependents, social security and medicine).

Respondents were chosen to fall into four major categories: (1) Individuals with a legal background, working as judges, prosecutors, police and in similar capacities; (2) Doctors and paramedical personnel; (3) Policy makers, such as legislators, city mayors and high government officials; (4) Others: a rather diverse group, consisting of social scientists, teachers, religious and union leaders and ordinary people (housewives, students, etc.).

All interviews except one were conducted in Addis Ababa, the exception being a folk doctor residing about 105 km south of Addis Ababa.

TABLE 11  
Profile of Sample

<u>Occupation</u>		<u>Sex</u>	
Lawyer	19		
Doctor/Nurse	15	Male	77
Policy Maker	17	Female	23
Other*	49		
<u>Education</u>		<u>Age</u>	
None	19	up to 30	40
Elementary	4	31-40	37
Secondary	14	41-50	14
Junior College	11	51-65	7
University	17	Don't Know	2
Post Graduate	24		
		<u>Marital Status</u>	
		Never married	42
		Married	58

\*5 social scientist, 4 social workers, 4 teachers, 6 motivators, 6 religious leaders, 3 Professor Associates, 3 labour union leaders, 3 from the Chamber of Commerce, 6 students and 9 housewives.

In the succeeding pages each of the three sets of laws will be discussed in turn from the viewpoint of these respondents, followed by a general discussion on the possible role of law in fertility control in Ethiopia.

#### A. Abortion

As we stated earlier, the Penal Code of 1957 makes induced abortion a crime with punishment ranging from 1 to 10 years imprisonment, except when the abortion is performed to save the life of the mother.

Our sample survey revealed two distinct opinions about whether this law was good or bad. Out of the 100 man survey population 38 considered it a good law, while 44 considered it a bad law, and 18 gave other responses. Thus the majority considered it a bad law. Of particular importance on this matter is the opinion of the lawyers. To our surprise 9 out of 19 of these lawyers, people who are entrusted with enforcing the law consider it a bad law, and only 5 consider it otherwise.

TABLE 12

Opinion of Abortion Law by Occupation

OPINION	OCCUPATION			
	Lawyer	Doctor/ Nurse	Policy Maker	Other
Good Law	5	8	4	21
Bad Law	9	3	11	21
Other Opin- ion	5	4	2	7

Our question on the issue of abortion did not stop with this, but furthermore we tried to find out the extent of violation of the abortion law. In an attempt to find out the number of illegal abortions performed we asked our respondents to give their estimates. The estimates ranged from none to 50,000. However due to our feeling that as a result of their day to day contact with the enforcement of the law the estimate of lawyers would be more accurate. We analyzed their responses, and our findings show that the estimated mean average of illegal abortion performed in Addis annually according to this group estimate was 8957. Despite the very few actual cases reported, this figure may not be too inflated, considering the attitude of majority of the lawyers and the improbability that illegal abortions will be reported.

Just as there is a wide variation in the estimates of the number of illegal abortions performed annually, so are the variations in respondents' views as regards the effectiveness of such laws and the ease or difficulty in getting illegal abortion. Table 13 shows the perception of respondents as regards the effectiveness of the anti-abortion law.

TABLE 13

Opinion of Effectiveness of Anti-Abortion Law by Occupation

EFFECTIVENESS OF LAW	OCCUPATION				
	<u>Lawyer</u>	<u>Doctor/Nurse</u>	<u>Policy Maker</u>	<u>Other</u>	<u>Total</u>
Substantial	1	2	1	3	7
Moderate	6	6	1	13	24
Slight	5	2	8	18	33
None	7	5	3	14	29

It is worthy to note that 12 out of 19 lawyers consider the laws to have little or no effect.

**B. Regulation of Contraceptives**

As indicated earlier there is no law requiring prescription for contraceptives, and we tried to gauge the dissatisfaction if any, with the current state of affairs. We asked respondents whether this practice of dispensing contraceptives without prescription was good or bad. Table 14 shows the findings.

TABLE 14

Opinion of Lack of Prescription Requirement in Law by Occupation

OPINION	OCCUPATION				
	<u>Lawyer</u>	<u>Doctor/Nurse</u>	<u>Policy Maker</u>	<u>Other</u>	<u>Total</u>
Good	9	6	6	19	40
Bad	10	7	10	23	50
Other Opin- ion	0	2	1	4	7
No response	0	0	0	3	3

A simple majority considered the omission as bad, and most of them would be happy to see a law proclaimed requiring a prescription. This holds true even for the lawyers who earlier had considered the abortion laws to be ineffective. As regards the usage of contraceptives various opinions and reasons were given by respondents. Table 15 shows the findings:

TABLE 15

Reasons Why Contraceptives Should Not Be Used by Education

EDUCATION

STATED REASON	Grades 1-6		Grades 7-12		Att. Univ.		Priest School		None	
	(No.)	%	(No.)	%	(No.)	%	(No.)	%	(No.)	%
	Against God's will	79	31	61	27	9	56	124	48	639
Country needs people	9	4	3	1	0	0	9	4	34	2
More respect with more children	14	5	10	4	0	0	25	10	149	8
Against conscience	10	4	4	2	1	6	3	1	30	2
Against culture/religion	2	1	10	4	1	6	2	1	10	1
Bad for health	28	10	54	25	2	12	23	9	74	4
No reason	23	10	37	11	2	12	16	6	61	3
No answer	94	36	58	26	1	6	55	21	787	44

TABLE 16

Reasons Why Contraceptives Should Be Used by Education

EDUCATION

STATED REASON	Grades 1-6		Grades 7-12		Att. Univ.		Priest School		None	
	(No.)	%	(No.)	%	(No.)	%	(No.)	%	(No.)	%
	Economic	71	29	101	40	6	35	73	28	304
Educational	2	1	5	2	0	0	3	1	7	0
Economic and educational	20	8	51	20	4	24	28	11	53	3
Population explosion	11	5	11	5	1	6	4	2	17	1
Social	4	2	3	0	0	0	1	0	8	0
No good reason	28	11	10	4	0	0	33	13	127	7
No Answer	109	45	74	29	6	35	117	45	1269	71

\*Any respondent may give more than one reason.

C. Laws on Economic Benefits

Several disparate laws provide benefits, mostly economic, which were not designed to influence the fertility behavior of recipients but which taken collectively, may have some impact on the motivation to have children. The laws include maternity leaves and old-age pensions.

Our sample survey indicates that while 19 persons thought these laws have great effect, 23 thought they have little effect and 10 thought they have no effect, and 10 had no opinion.

When this response was broken down by occupational classes, the following findings were shown:

TABLE 17

Opinion about Laws on Economic Benefits by Occupation

DEGREE OF EFFECT	Occupation				Total
	Lawyer	Doctor/Nurse	Policy Maker	Other	
Great	5	2	4	8	19
Medium	6	6	6	11	29
Little	4	3	4	12	23
None	3	4	1	11	29

## V. GENERAL OBSERVATIONS AND RECOMMENDATIONS

We have noted earlier that under the Ethiopian laws three forms of marriage -- customary, religious and civil -- are recognized and that this facilitates the formation of families. In addition, reproduction is encouraged while family planning is discouraged through: (a) no provision for old-age security, (b) high infant mortality rate and (c) illegality of abortion, sterilization and advertisement of contraceptives.

Overall, even though one cannot positively argue that the Ethiopian laws are designed to enforce a pro-natalist policy, one is justified in concluding that the general impact of these laws is to further pro-natalist policies.

This pro-natalist tendency of the Ethiopian laws seems to be consistent with the attitude of most countries until the recent past. Until as recently as the middle of this century, all nations encouraged fertility. An interference with procreation as the natural and proper result of love and sexual partnership was thought of as immoral, sinful and unnatural. The laws of most countries reflected this basic attitude, either consciously or unconsciously. But over the past twenty years, particularly during the 1960's fundamental changes in public attitudes towards the subject have occurred as a result of the following:

- (1) A precipitous fall of the death rate,
- (2) Increased understanding of hazards of large families,
- (3) Awakening of women to their natural right to equality,
- (4) The change in general concepts of morality and security,
- (5) The new and more reliable contraceptives, and
- (6) The concept of responsible parenthood.<sup>96</sup>

In addition to these changes, the concept of regulating matters of contraceptives and family planning through the criminal law is increasingly recognized as faulty. The overwhelming modern trend is towards "decriminalization" due to the recognition that criminal laws are unsuitable in areas of highly personal or private family relations.<sup>97</sup>

Thus, in line with the apparent shift from pro-natalist to an anti-natalist position on the part of the Ethiopian government,<sup>98</sup> it is our considered opinion that the following legal reforms be carried out:

### (1) Fertility Regulation

#### (a) Contraceptives

The requirement of a permit or lawful authorization to manufacture and sell contraceptives may be considered as a remote barrier. The restriction on advertisement and publicity is, on the other hand, the most serious barrier to general accessibility to contraceptives in Ethiopia.

Moreover, "if family planning is a human right and if governments have a basic concern with public health and social welfare, then the principal objective of laws dealing with contraceptives should be to make safe, effective, acceptable and cheap contraceptives available to all groups of the population. 99

Hence, even though the requirement of a permit to produce is quite in harmony with the Governments' obligation of assuring the public's right to safe and effective contraceptives, the limitation of sales to pharmacies (non existent in most places) and the vague restriction against solicitation and publicity is contrary to the human right of responsible parenthood and works against the Governments' obligation to provide safe and effective contraceptives to the public.

We had earlier noted that family planning is still a largely untapped service field as a result of the low exposure of the public to contraceptive information. Maintaining the laws against contraceptive advertisement and publicity would aggravate the situation. Thus, they should be repealed.

#### (b) Abortion

As we have already noted, abortion is illegal except if performed to save the life of the mother. Our sample survey shows that the majority considered this law as bad, and many doubted its effectiveness. The major reason for considering the law to be bad was religious, but there are even more scientific and convincing reasons to justify such an opinion.

A number of reports have demonstrated the consequences of denied abortions upon women, the children and the society at large. In a Swedish study 120 children born after refusal by the authorities to grant permission for abortions were compared to paired controls of the same sex born either in the same hospital or district to mothers who had not applied for abortion. After a close observation for 21 years, the former group of children were found to have higher incidences of psychiatric disorder, delinquency, criminal behaviour, and alcoholism. They were more often recipients of public welfare assistance, were more unfit for military service and received less schooling than those in the control group. The study concluded that the very fact that a woman applies for legal abortion indicates that the prospective child, if carried to term, will have greater likelihood of social and mental problems than his peers.<sup>100</sup>

Moreover, where abortion is illegal, the rich can resort either to high cost and illegal but safe abortions at home or to a pleasure trip abroad combined with an abortion. The poor can only stay at home and face the consequences of either child birth or high risk, illegal operations. Thus, built into a restrictive abortion law system is an inherent discriminatory treatment against the poor and a favoring of the rich. This raises the serious issues of justice and equal protection under the law.<sup>101</sup>

For all the above reasons the abortion laws should be liberalized by making socio-economic factors grounds for abortion. Also, the law should permit specially trained paramedical personnel to perform abortions, in light of the grim Ethiopian reality, that there are not enough Ethiopian physicians to meet the need for abortion services, especially in rural areas.

(c) Sterilization

As we noted earlier, sterilization is a criminal offence, even if committed with the consent of the victim. There is no valid reason to maintain such a policy on the grounds which we have already stated. We believe that voluntary sterilization should be permitted with the following caveats:

- limitations to prevent rash actions such as a minimum age requirement, a mandatory waiting period between the application and the operation, or the requirement of a full medical examination in advance;
- requirement of the consent of spouse, if applicant is married;
- requirement of proper medical conditions (e.g., licensed hospital properly trained physician, etc.);
- requirement of approval by a medical board;
- a minimum number of children.

It is noteworthy that the above conditions are similar to those adopted by the Family Guidance Association of Ethiopia as guides to its sterilization policy.

In addition, compulsory sterilization for eugenic reasons should be implemented. As a basic governmental function, public health should not be limited to post-disease type of treatment but should embrace preventive measures as well. Although still at a very early stage, a draft bill to introduce an eugenic program is in the pipelines in the Ministry of Public Health.<sup>102</sup>

(2) Provision of Social Security

Although the civil service and most enterprises in the private sector provide their employees with pensions to cover accidents and old age, the great portion of the Ethiopian society is denied such a protection. It is obvious that in the absence of any kind of social security, the family will shoulder this responsibility, responsibility which is aggravated by severe poverty which characterizes the subsistence economy. To meet this responsibility couples, not irrationally, tend to produce children as protection against future contingencies.

The Ministry of Community Development and Social Affairs has recently established a section for Family Welfare and Development charged with the responsibility of planning and implementing programs designed to help rural and urban families to improve their living conditions.<sup>103</sup> But even more, we believe that in line with the socialist policy that has been declared, the Government will assume a greater role in the provision of such services.

### (3) Compulsory Education and Minimum Age for Child Labor

As we have seen earlier, elementary education is not mandatory. As a result, the literacy rate is shockingly low. This is aggravated in case of women, due to the general notion that since a woman's place is at home it would be a rather unwise investment to educate them. The result of such belief is quite evident when one compares the 1.7 percent literacy rate for women with that of 6.6 percent for men.

We noted several repercussions which arise from this state of affairs. Education helps to facilitate communication between the spouses, and it helps to create an awareness about family planning and to enhance knowledge about the means to achieve family planning. Moreover, in combination with a minimum age for child labor, education lowers the motivation of couples to produce children, if a major factor in such decision is the immediate economic benefit which a new hand brings. As was succinctly stated by Lee:

...[O]f all the measures of social reform that have an effect on the family, compulsory education laws and child labor laws must be considered in the forefront. The two are closely inter-related in that without compulsory education laws, a minimum age for employment is less easy to enforce and more difficult to justify and conversely without the minimum age for employment, the parents' temptation to disregard compulsory education laws will be increased because of their desire to benefit from the children's earning power as early as possible.<sup>104</sup>

The Ethiopian labor regulations provide that "No person under 14 years of age shall be employed in industrial enterprises in which persons other than members of his immediate family are employed."<sup>105</sup> However, the usefulness of this law is negligible since industrial enterprise is defined as "any business establishment in which electricity, steam, water or other mechanical power is used in the manufacture, production, processing, assembly, repair or transformation of goods or services,"<sup>106</sup> which are not many in Ethiopia and are mostly found in towns where both the educational facilities and the people who can afford to send their children to schools are located.

### (4) Promotion of the Status of Women

The status of Ethiopian women is generally low. This has been caused both by customary socio-cultural practices and to a certain extent by the formal laws. The Civil Code treats women more or less like grown-up minors, and their status in marriage is one of subservience to the man who is the master of the house.<sup>107</sup> Although the formal laws make no distinction between male and female as regards inheritance and employment, under certain customary laws women are not entitled to inherit. Also, since most women never receive education, their chances of securing gainful employments are minimal.

To ameliorate this situation laws should be reformed to give the woman an equal say in the major family decisions and to offer greater incentives to them to enroll in schools.

A long-term solution for the above problem would be the scrapping of the archaic laws and replacing them with well thought-out and well-devised legislation in view of modern developments and trends in this area. But since law revision is usually a cumbersome as well as a time consuming process, a short-term solution would be to give a liberal interpretation to existing laws rather than to adhere strictly to the letter of the law. Liberal interpretation of existing laws may extend to the area of burden of proof with similar results.108

## VI. CONCLUSION

We have attempted to give an overall picture of the population situation and have discussed some of the socio-economic problems that uncontrolled population growth can cause. We have found that as a tool of development policy, population policy of one form or another is essential. Noting a shift in attitude from pro-natalist to anti-natalist on the part of the Ethiopian Government, we proceeded to analyze the legal system and to suggest certain reforms to make it more compatible with the government's new attitude.

The population problem can be viewed from three different perspectives: from the viewpoints of (1) human rights, (2) the environment and pollution, and (3) economic development.<sup>109</sup> Our main concern in this monograph has been the last one, as we consider it to be the most immediate question confronting the Ethiopian society. In addition, the integration of population policy into the development process is appropriate to the humanistic nature of the Ethiopian society. Such a humanistic society attaches a high value to man and to respect for human dignity. In this society man enjoys the fellowship of another because he is a man. Thus, Ethiopian society is struggling to secure for its people the basic requirements for life, such as adequate nutrition, health, education, employment opportunities and income.<sup>110</sup>

## VII. FOOTNOTES

1. Since the introduction of commercial farming in the fertile lowland areas and the malaria control programmes that have been going on for some time in these areas, some highlanders have been migrating to settle in the lowlands.
2. IEG (Imperial Ethiopian Government) Central Statistical Office, Ethiopian Statistical Abstract, (Addis Ababa, 1972), p.7.
3. Lars Bondestan, "The Population Situation in Ethiopia," On Family Planning in Ethiopia, No. 1 (1972), pp. 5-6.
4. IEG, note 2 supra, p.23.
5. Bondestan, note 3 supra, p. 10.
6. Id.
7. IEG, note 2 supra, p. 23.
8. ECA (United Nations Economic Commission for Africa) Demographic Situations in Africa, prepared for the workshop on population problems in Sub-Sahara Africa, Nairobi; 25-30 March 1974, (unpublished, Addis Ababa: ECA library, dated 1974), p. 5.
9. IPPF (International Planned Parenthood Federation) Family Planning in Five Continents, (London: IPPF, Oct. 1974), p.1.
10. IEG, Central Statistical Office, The Demography of Ethiopia (Addis Ababa, 1971), pp. 65-72.
11. Tekola Dejene, Report on the Seminar on Agricultural Planning and Population, FAO Conference, Rome, 14-25 October 1974 (unpublished, Addis Ababa: Ministry of Planning and Development, dated 1974), Appendix A., p. A3.
12. Wen Pin Chang, Country Information on Ethiopia (unpublished, Addis Ababa University School of Medicine Library, dated 1972), p. 3.
13. Dejene, note 11 supra, p. A3.
14. Chang, note 12 supra, p.4.
15. Dejene, note 11, supra, p. A3.
16. As of March 4, 1975, all rural land has been nationalized and peasant associations are being formed to facilitate collective farming. Although very favourable results are expected, it is premature to assess the impact of this legislation at present.

17. Philip M. Mbithi, Population Growth and its Relevance to the Social and Economic Development of Sub-Sahara Africa, Nairobi, March 24, 1974 (unpublished, Addis Ababa: The Reference Library of the FGAE (Family Guidance Association of Ethiopia); dated 1974), p.16.
18. IPPF, Africa Fact Book: The People of Ethiopia (Nairobi: IPPF, March 1973), p. 8.
19. Robert L. Hess, Ethiopia: The Modernization of Autocracy (London and Ithaca: Cornell University Press, 1970), p. 23.
20. Edward Ullendorf, The Ethiopian: An Introduction to Country and People. (London: Oxford University Press 2nd Edition, 1966), pp.32-35.
21. George A. Lipsky, Survey of World Cultures: Ethiopia (London: Oxford University Press, 1960), pp. 100-101.
22. Hess, note 19 supra, p. 22.
23. Id. at 23.
24. Widad Kidane Mariam, MCH Services: What are They (unpublished, Addis Ababa: FGAE Reference Library, dated 5 March 1973), pp. 1-3.
25. WHO Health and Family Planning, Document E/CN. 14/POP/ Nations (unpublished, Addis Ababa: ECA Population Center, dated Nov., 1974), pp. 1-2.
26. J.J. Kise, Population Policy As A Component of Development Planning in Kenya, Linuru, Kenya: March 15-30, 1974 (unpublished; Addis Ababa: FGAE Reference Library, dated 1974), p. 1.
27. IEG, Planning Commission, The Second Five Year Development Plan (Addis Ababa, 1963), p.58
28. IEG, Planning Commission, The Third Five Year Development Plan (Addis Ababa, 1967), p. 38
29. Id. at 346.
30. The Ethiopian Herald, June 5, 1970, p. 2, Editorial Col. 1.
31. Id., June 4, 1974, p. 2, Editorial Col. 1.
32. Id., Feb. 24, 1974, p. 2, Editorial Col. 1.
33. Id., April 20, 1975, pp. 1-5, Col. 1.

34. Yezareitu Ethiopia (Amharic), Tahasas 26, 1967, E.C. pp.1-3. Col.2.
35. Wen Pin Chang, "Population studies in Ethiopia: knowledge, attitudes and practice surveys in population and health," 12 Journal of Ethiopian Studies 40 (1974). A similar article by same author is in 5 Studies in Family Planning 344-348 (1974).
36. Tsega-Ab Tekie, "A Study of the Impact of Family Planning on the Low Income Residents in Gullele Woreda." (unpublished, Addis Ababa: FGAE Reference Library, dated 4 May 1973), pp. 74-75.
37. Mariam, note 24 supra, p. 13.
38. Chang, note 35 supra, p. 17.
39. Chang, note 12 supra, p.3.
40. The transcription of the 1964 interview is in Edgar Snow, The Long Revolution (New York: Random House, 1972), p. 226.
41. Idir is a traditional institution for mutual assistance purposes in time of adversity and happiness. But in recent times its horizon has been expanded and developed and it has assumed important roles in development programs.
42. Mulugojam Assaye, Speech to Women Development Workers' Seminar Organized by the Family Guidance Association of Ethiopia, (unpublished, Addis Ababa: FGAE Reference Library, dated 29 May, 1974).
43. Although the Ethiopian legal system is very eclectic, the Civil Code and the Penal Code, to whose provisions we shall be constantly referring, were drafted by French and Swiss jurists, respectively, and are interwoven with notions and principles that originate from the continental legal system.
44. Jan Stepan and Edmund H. Kellogg, The World's Laws on Contraceptives, Law and Population Monograph, series No. 17 (Medford, 1974), p. 15.
45. Penal Code, Art. 510:  
 (1) Whosoever, without lawful authority, produces or makes, transforms, imports, exports or transports, acquires or receives, stores, offers for sale or distributes, or procures for another, poisons, drugs or narcotic substances,...is punishable with simple imprisonment for not less than three months, and with a fine not exceeding twenty thousand dollars.

Art. 518

Whosoever, having neither the professional qualifications prescribed...by the competent authority nor the authorization to set up in official practice required under the relevant regulations, makes a practice of treating sick persons in no matter what form, or does so for remuneration, whether it be by consultations, treatment, the sale of remedies or any other medical or curative activity or practice,...is punishable with simple imprisonment and fine.

Art. 519

Any doctor, pharmacist, dentist, veterinary surgeon or nurse, or any other person authorized to give medical care with the help of poisonous or narcotic substances or substances entailing grave danger to health, or to keep or sell such substances, who makes use of them or delivers them to the public without special authority and apart from the cases permitted in normal curative practice,... is punishable with simple imprisonment or in more serious cases, with rigorous imprisonment not exceeding five years, and fine; where the offender has acted in a grossly capable manner for gain, the fine shall not exceed twenty thousand dollars.

Art. 786

Whosoever apart from the cases punishable under the Penal Code (Art. 510)

...

(c) keeps or handles such substances or products without taking the precaution required by official or professional regulations, custom or the dictates of common prudence, in particular when there is a risk of mistake or confusion...is punishable with fine or arrest.

Art. 789

Whosoever apart from the cases punishable under the Penal Code (Art. 518, 519) contravenes the rules and regulations regarding:

...

(b) the sale or delivery of drugs and medicines... is punishable with fine or arrest.

46. Art. 23

No person shall sell in quantity medical supplies manufactured or imported by another except one authorized by a license or permit issued pursuant to these regulations, unless he shall first have obtained a permit to act as a wholesaler of medical supplies pursuant to Art. 24 hereof.

47. Customs Revised Import and Export Regulations, 1970, Tarriff 293 Neg. Gaz.29th year No. 16.

48. Pharmacy Regulations 1964, Legal Notice 288, Art. 53. Neg. Gaz., 23rd year, No. 18.

49. Chang, note 35 supra, p. 13.
50. Id.
51. Id., at 14-15.
52. Id.
53. Civil Code, Art. 369.
54. The World's Laws on Voluntary Sterilization for Family Planning Purposes, Population Report Series C-D. No. 2 (Washington, D.C.: George Washington University Medical Center, April 1973), p. C-63.
55. Chang, note 35 supra, p. 16.
56. An innovation in this respect is a pilot project which is being undertaken at the Haile Sellassie Teacher Training School.
57. IEG, note 2 supra, p. 53.
58. Chang, note 35 supra, p. 39.
59. Id.
60. Id.
61. Id. at 10.
62. Luke T. Lee, Law and Family Planning, Law and Population Monograph Series, No. 1 (Medford, Mass.: Law and Population Programme Tufts University, 1971),p. 90.
63. Eyassu Gayim, "Population Control and Law in Ethiopia," (unpublished Senior Thesis, Addis Ababa: Addis Ababa University Law Library, dated 1973),p. 81.
64. Abba Paulos Tzadua, The Fetha Negast: the Law of Kings (Addis Ababa: Addis Ababa University, Faculty of Law, 1968),p. 135.
65. David, "Le Droit de la Famille dans le code civil Ethiopia," (unpublished, Addis Ababa: Addis Ababa University Law Library, dated 1971).
66. William Buhagiar, "Marriage under the Civil Code of Ethiopia," 1 Journal of Ethiopian Law 73 (1964).
67. Id. at 74.

68. Civil Code, Art. 586.
69. For the spouse who contracts a first marriage the following persons shall be deemed to be the representative of the family:
- (a) the father of such spouse.
  - (b) in his default or if he is not in a position to give his consent, the mother.
  - (c) in her default or if she is not in a position to give her consent, one of the grandparents or great-grandparents.
  - (d) in default of ascendants or if no one of them is in a position to give his consent, an elder brother or a paternal or maternal uncle.
70. Civil Code:  
Art. 579  
 A religious marriage shall take place when a man and a woman have performed such acts or rites as are deemed to constitute a valid marriage by their religion or the religion of one of them.
- Art. 580  
 A customary marriage shall take place when a man and a woman perform such rites as constitute a permanent union between such man and woman under the rules of the community to which they belong or to which one of them belongs.
71. Civil Code, Art. 599.
72. Civil Code, Art. 603-604.
73. For relationships by consanguinity see Civil Code, Arts. 551, 582. For relationships based on affinity see Civil Code, Arts. 553, 583.
74. Tzadua, note 64 supra, pp. 134-137.
75. Art. 616, Civil Code:  
 (1) Whosoever by violence forced a person to consent to a marriage and the witnesses of such marriage shall be liable to punishment provided in the Penal Code.
- Art. 617  
 (1) A person who has contracted a marriage under the influence of violence may apply to the court to order the dissolution thereof.
- Art. 618  
 (1) Whosoever has contracted a marriage under the influence of an error of substance may apply to the court to order the dissolution thereof.
76. Katherine O'Donovan, "Void and Voidable Marriages in Ethiopian Law" 8 Journal of Ethiopian Law 441-442 (1972).

77. John H. Beckstrom, "Divorce in Urban Ethiopia, Ten Years after the Civil Code," 6 Journal of Ethiopian Law 284 (1969).
78. Giel and Van, The relevance of marital instability and broken homes in Ethiopian psychiatry. (no place of publication, publisher, or date). "Kurban" marriage is the name given to the marriage which is celebrated according to the formalities prescribed by the religion of the parties concerned. "Semania" marriage is a kind of marriage which was recognized under customary law but not under the present civil code. The main characteristics of this marriage are, (1) the wife is paid a certain amount of money for her matrimonial services, (2) the wife is not entitled to any share from any common property.
79. Beckstrom, note 77 supra, p.285.
80. Civil Code, Art. 691(1).
81. Civil Code, Art. 693(1), 694 cum 692(1).
82. Beckstrom, note 77 supra, p. 289.
83. Public Servants Proclamation, 1963, Legal Notice 209, Art. 4,5,6,7.
84. General practice in most major institutions; e.g., the Commercial Bank, Chamber of Commerce, and Ethiopian Airlines.
85. Lee, note 62 supra, p. 92.
86. Civil Code Art. 2566.
87. Public Service Regulations No. 1 of 1962, Legal Notice 269.
88. Lynn G. Morehouse, "Ethiopian Labour Relations, Attitudes, practice and Law," 7 Journal of Ethiopian Law 264-265 (1970).
89. Lemma Gutema, "Prostitution in Addis Ababa" (Addis Ababa: unpublished copy found in Addis Ababa University Law Library, dated 1967).
90. Venereal Disease Proclamation of 1952.
91. The Land Reform Proclamation of 1975.
92. George Krzeczunowicz, "The Law of Filiation under the Civil Code," 3 Journal of Ethiopian Law 511 (1966).
93. Id. at pp. 521-22.
94. Rudolf Bulatao and Luke Lee, "The impact of Law on Fertility behaviour perspectives of Philippine Influentials," in Law and Population Growth in the Philippines, Law and Population Book Series, No. 9 (Medford, Mass: Tufts University, 1974), p.22.

95. Id. at 23.
96. Stepan and Kellogg, note 45 supra, p. 1.
97. Lee, note 62 supra, p. 93.
98. See pp. 19-24 for a description of the change in the government's position.
99. Stepan and Kellogg, note 44 supra, p. 29.
100. Luke T. Lee, International Status of Aboriton Legalization, Law and Population monograph series No. 18 (Medford, Mass.: Law and Population Programme, Tufts University, 1973), p. 344.
101. Id. at 346.
102. The source was a discussion with a legal expert at the Ministry of Public Health, Addis Ababa.
103. The new Land Reform Proclamation, by giving security of land tenure, will help lower the need for investment in the form of children.
104. Lee, note 62 supra, p. 90.
105. Labour standard Proclamation 25/13 (1966), Art. 13(1) and Art. 3(b).
106. Id., Art. 3(b).
107. The husband is the head of the family; he choses the common residence, and the wife owes him obedience and fidelity. Moreover, she is bound to the household duties. See Civil Code, Arts.635-646.
108. Lee, note 100 supra, p. 352.
109. See Human Rights and Population: from the Perspectives of Law Policy and Organization, Law and Population Book Series No. 5, (Medford, Mass.: Law and Population Programme, Tufts University, 1973).
110. ECA, Report of the Regional Consultation Preparatory to the World Population Conference, Document E/CN.14/POP/118 United Nations; Economic and Social Council (unpublished, Addis Ababa: ECA Population Center, dated 10 July 1974).

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