Affirmative action for women in higher education and the civil service: The case of Ethiopia
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concluded that the absence of adequate enforcement and monitoring mechanisms has rendered the legislation toothless.

6.3 Conclusion

The findings from this study confirm that attitudes, perceptions, practices and procedures related to affirmative action in higher education and employing institutions provide indicators of the challenges at implementation. While these findings alone may not provide a complete picture of the complexities related to affirmative action implementations, the data collected in this research identify specific areas that can be remedied in order to achieve the objectives set out in the constitution. In other words, this study has helped to identify the possible barriers for the effective implementation of affirmative action which could serve as a basis for further research.

Chapter 7

Concluding remarks and recommendations

This study notes that some sporadic and spontaneous steps had been taken to improve the situation of women in some sectors of the Ethiopian societies notably in urban areas during the consecutive regimes, namely the Imperial Era (1930-1974) and the Military regime (1974-1991). However, fully-fledged policy reform towards gender equality was officially enacted and took an institutional shape in the current federal system of government which has been in place since 1991. The Women’s Policy (1993), the National Action Plan on Gender Equality (2006) and the Women Development and Change Program Implementation package (2006) are among the various policies and strategies that directly focused on speeding up equality between men and women. Furthermore, the 1995 FDRE Constitution incorporates a series of provisions that deal with the rights of women in a comprehensive manner. These include women’s right to equality in marital, personal, and family matters, the right to maternity leave, participation in policy matters, exercising property rights, pension entitlements, access to family planning, and the right to equal pay for equal work (Articles 34 and 35(5-8)). The Constitution further provides provisions for the elimination of traditional practices
harmful to women and explicitly ban laws, customs and practices that oppress or cause bodily or mental harm to women (Article 35 (4)). The Constitution has also adopted affirmative action measures in favour of women in view of redressing structural and social inequality (Article 35 (3)).

Indeed, affirmative action is a controversial concept worldwide. A wide range of arguments have been provided by opponents and proponents of affirmative action since its inception. The debates on affirmative action revolve around issues pertaining to the necessity of the program, selection of target groups, the fairness/ unfairness of the programs etc. Proponents have argued for affirmative action for it promotes the professional careers of people from groups that have historically been denied equal opportunities and prevent future discrimination or exclusion from occurring. Opponents, by contrast, contend that affirmative action can cause reverse discrimination and could violate the principle of merit.

To contextualize the research agenda, this study has briefly reviewed the historical development of affirmative action programs in the USA, India and South Africa. As demonstrated in the study, the historical context of each country sets the basis for affirmative action. In the United States, institutional racism was shaped by the system of slavery in which people were treated as personal properties through legalized racist policies and practices. Although affirmative action addresses the historical effects of these institutional injustices, it has not been free from rejection since its inception. Supporters justify affirmative action as a remedy for prior effects of slavery, segregation of the Jim Crow laws and racial discrimination in every aspect of society. Opponents allege for a society where every person is treated as an individual and evaluated on his or her own merits. The mid-1990s has brought organized efforts against affirmative action in admission to higher education in the US. The on-going debates finally led to the elimination of affirmative action programs in different states of the US because it is believed that affirmative action has reached its capacity to promote proportional representation.
India, the second most populous country in the world, had a deep-seated caste based system of stratification which refers to a stratified social hierarchy in which people were alienated into separate close communities known as caste. Untouchability, which has its roots in the India’s caste system, was a social context of age-old discrimination which necessitated progressive legislation and introduction of affirmative action in India. The 1950 Indian Constitution affirms the economic and educational betterment of the weaker section of the Indian society. The Constitution further provided provisions for reservation policies for Schedules Castes, Schedules Tribes and Backward classes, who had been subjected to systematic and extensive social and economic discrimination through the caste system. In India, reservation policies that were introduced several decades ago apply in the political sphere, in government posts and educational institutions. The rationale for the continuing application of affirmative action is based on intergroup economic disparity, social backwardness, compensating historical wrongs of the caste system and level the playing field.

The history and social matrix of South Africa has laid the foundation for affirmative action in education and employment sectors. Needless to say, apartheid had an overwhelming effect on the social, economic, political and cultural life of black South Africans and women in particular. Looking at this history of discrimination, affirmative action becomes a necessary means to level the playing fields in the education and working environments. It has been noted that after decades of segregationist policies, non-discriminatory legislation per se is not enough to ensure equal opportunity. In the post-apartheid era, affirmative action program was adopted to rectify prior discriminatory practices and promote the economic advancement of disadvantaged groups, notably blacks and women. Proper monitoring and evaluating systems are in place to ensure compliance with the laws regarding affirmative action programs.

In short, such institutionalized discrimination and underrepresentation has urged the need for affirmative action in these countries due to their long history of material deprivation and social exclusion. Although these countries represent different continents, cultures and various levels of socio-economic developments, the rationale for the adoption of affirmative action is mainly based on redressing the effects of extreme historical wrongs.
This study has also shown that the deeply rooted patriarchal notions and gender role stereotypes, harmful traditional practices, religion which is mainly manifested through the general culture and discriminatory legislation, have relegated women to a subordinate position in Ethiopia. In addition, the legal system reiterates women’s subordinate position in various discriminatory laws. Further, it can be concluded that given the deeply entrenched structure of patriarchy and existing gender disparities, equal opportunity legislation per se may not be sufficient on their own unless accompanied by effective and practical positive measures and mechanisms. In other words, merely lifting the barriers through formal laws is not sufficient to bring about changes for these discriminatory practices are deeply-seated in society. Thus, acknowledging the necessity to eliminate the practice of subordination, Ethiopia has introduced affirmative action programs as a prime policy in order to enhance access and equality in employment, economic, political and educational opportunities for disadvantage groups of society.

Affirmative action measures have indeed enjoyed worldwide support in all relevant international instruments. More specifically, international conventions, organizations and world conferences including, the Convention on the Elimination of Racial Discrimination (CERD), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) have promoted affirmative action in various respects. Likewise, regional legal instruments including the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women, the so-called ‘Maputo Protocol’ have adopted affirmative action in order to promote women’s equal participation in public life.

Since the implementation of affirmative action programs in Ethiopia, some positive developments have been achieved in terms of employment opportunities and educational gains. Nonetheless, various challenges and constraints were identified to the effective implementation of affirmative action programs. Among others, attitudinal, structural and institutional difficulties hinder the effective implementation of affirmative action programs. Besides, the lack of a clearly articulated policy objectives, mandates, strategies and timeframe for achieving the stated goals have contributed to the ineffectiveness of affirmative action programs. In a nut shell, the study shows that the implementation of
affirmative action has clearly lacked well-thought organizational and institutional arrangements which are pivotal tools for the programs to be realized. In this regard, the study emphasizes that voluntary effort per se to increase women’s representation is insufficient and remains more of a matter of discretion for authorities than a policy, which in turn makes affirmative action programs unenforceable.

This study maintains that while institutions have in principle indicated their support for affirmative action, the data obtained from these institutions, questionnaires and interviews manifest little change has occurred at the employment sector and higher educational institutions over a ten year period (2000-2010). Women are still employed often in low-paid jobs and remain underrepresented in many occupations, most notably in high-level positions. In this regard, women have felt disappointed with the way institutions implement, promote and monitor affirmative action programs. They rather believe that affirmative action is a bit of propaganda with no tangible practical effect.

The study also found out that both beneficiaries and non-beneficiaries of the program have a limited knowledge and misunderstandings of the concept of affirmative action. As a result, the notion of affirmative action continues to be viewed as a gift from government to women rather than a right for redressing past discrimination. This misunderstanding may have also contributed to the consequential lack of commitment to its effective implementation and slowing the pace of achieving equality.

Further, it must be underlined as shown in this study, that affirmative action is perceived to be poorly implemented in the institutions under study as the latter have not done enough to encourage women to benefit from affirmative action programs either through advertising, recruitment or promotion. No baseline studies have been adequately conducted by any of the institutions under review on the nature and modalities of the implementation of affirmative action, and hence it is difficult to track improvements or the results of affirmative action in ensuring gender equality. Although the Constitution and federal and state laws, including legislation on higher education and civil service, have incorporated provisions for affirmative action, lack of active follow-up has made affirmative action ineffective. The current institutional and legislative framework of
affirmative action appears to be weak and often inconsistent. The conclusions drawn from this study, therefore, call for a standardized procedure for the successful implementation of affirmative action.

The main findings of this study show that the individual, institutional and societal capacity development programs could hardly permit affirmative action to be effectively applicable. In this regard, what is clear is that the policy of affirmative action has been introduced before preparing the necessary conditions on the ground in which awareness, attitudinal changes and material conditions to execute and follow up the implementation of affirmative action were hardly in place. One important observation noted in this study is that the lack of a sense of ownership and engagement by women has hindered the effective implementation of affirmative action. It is clearly evident from this study that there is a lack of adequate, active and visible support from women as they are not engaged in any coherently worked out schemes in order to ensure that affirmative action programs are translated into a strategically sustainable benefit for them. In this regard, women’s role to actively participate in policy initiatives and relevant activities as far as affirmative action policy and implementation is concerned is meager. It can, therefore, be safely concluded that beneficiaries of affirmative action, implementing institutions and the society at large seem to be not sufficiently ready or unprepared to accommodate the program. Hence, affirmative action remains just an imported concept and sought to accomplish its objectives without being internalized among all stakeholders.

Finally, this study has specifically identified loopholes in recording the available data regarding implementation of affirmative action in educational and employing institutions. The number of women who have been selected, admitted, recruited and promoted through affirmative action programs is not clearly indicated in the statistical reports. This, in turn, makes gender–based analysis, monitoring and evaluation of policy instruments difficult.

Recommendations
Having drawn up the above mentioned findings and remarks; the researcher proposes recommendations as listed below for alternative affirmative action programs which can be duly categorized in three phased parts: the planning phase, the implementing phase and the monitoring and evaluation phase.

I.

1. During the planning phase, a legal and institutional framework needs to be reviewed for a sustainable program. In this phase, possible activities may have to be listed to be utilized as a guide. More specifically, the planning phase needs to include a series of specific intervention strategies; inter alia, define the concept of affirmative action, set goals and objectives, create an awareness of affirmative action policies, develop strategies, determine the procedures and timeframes to achieve the objectives, consider the availability of resources for undertaking the proposed activities, determine strategies for information communication, identify progresses, problem areas, formulate solutions and determine the relevant bodies for monitoring and evaluation of the program.

2. As has been noted earlier, knowledge of principles and practices of affirmative action is an essential element for a successful implementation. It follows that an effective affirmative action program depends on commitment from all stakeholders. This is only possible if students, employees and institutions have recognized the need for affirmative action and accept its goals. In this regard, information and communication is an important tool for ensuring support and acceptance of affirmative action. It is essential that the rationale and purpose of affirmative action programs would fully be communicated, understood and accepted throughout the institutions. By way of communication of information, all stakeholders are able to see the relevance and importance of affirmative action to ensure gender equality. Women can see themselves as active participants in the process. They can for instance, respond positively to opportunities for training, development and career enhancement. Similarly, men need to understand the concern and values of women and demonstrate their support through their attitudes to achieve the aim and objective of the program. The key to developing a
sense of ownership is the active participation of students and employees. Affirmative action programs, therefore, can become firmly entrenched in the system rather than being superimposed upon them.

3. Awareness-raising and sensitization plays a pivotal role in understanding the principles underlying affirmative action policies and practices. Awareness could be achieved through formal educational programs and informal trainings. It involves a range of practical implementation tools and guidelines such as trainings, workshops, conferences, seminars, newsletters and publications. These campaigns need to focus specifically on eliminating harmful traditional practices against women, bringing about changes in attitudes and stereotypes and overcome the misconceptions and misunderstandings by familiarizing people with the goals, objectives and principles of affirmative action. In short, raising awareness and information around the promotion of women’s rights is indispensable for the effective implementation of affirmative action programs. Unless these issues receive careful consideration, affirmative action efforts will continue to be weak, allowing merely cosmetic changes. It is, therefore, inevitable that such strategies must be carefully planned and monitored to ensure the success of achieving the stated aims.

4. As has been noted above, although the principle of affirmative action is firmly established in and by the Constitution, it is not adequately supported by enabling laws and policies. The fact that neither the Constitution nor any other legislation for that matter, defines affirmative action, the constitutional provision on affirmative action becomes difficult to interpret and execute. In circumstances where the concept of affirmative action not clearly defined, courts would find it hard to determine what affirmative action does or does not constitute. Furthermore, no specific and comprehensive policy or legislation has been developed to ensure the effective implementation of the constitutional provision. Provisions that provide for affirmative action are thus found scattered in the different laws and regulations. Affirmative action will remain merely a paper tiger without the necessary legal backing. Thus, it is very important to enact affirmative
action laws that could assist institutions in developing and implementing action plans that will reflect their own particular circumstances. Subsequently, implementing institutions such as higher educational institutions and the civil service need to develop practical guidelines for executing and monitoring their respective affirmative action plans.

II.

5. The implementation phase involves designing various strategies of implementation to have an effect on the goals identified in the planning phase. More specifically, such measures include establishing roles and responsibilities of persons in institutions involved in each activity; maintain database of beneficiaries; identify the financial and human resources required for each activity and allocate a timeframe for the activity to be completed. It has been observed that most institutions do not have a specific department or unit that monitors the implementation of affirmative action. In this regard, the establishment of an affirmative action committee in each ministry responsible for the promotion of the institution’s affirmative action plans is of crucial importance. Alongside, human resource departments need to maintain regular communications and provide updated plans to the affirmative action committee. This committee must ensure the integration of the affirmative action plan into the human resources development strategy. More specifically, the committee can be responsible for re-designing advertising vacancies that reach more women, for monitoring of affirmative action programs; and play a role in the selection, hiring, promotion and appointment of employees. Likewise, setting up an affirmative action office in each higher educational institution responsible for the implementation and supervision of an affirmative action program in their respective institutions can make it workable.

III.

6. The monitoring and evaluation phase involves an assessment and evaluation of affirmative action program’s progress in achieving its established goals and objectives. Institutions, in this respect need to design monitoring, reporting and
evaluation arrangements aimed at assessing the implementation and compliance of the programs. Such assessment will provide further insights into the progress that has been made and the remaining barriers that need to be addressed for the promotion of affirmative action. Institutions, therefore, set monitoring and implementation mechanisms to be able to measure the impact of affirmative action. Such a monitoring mechanism could enable to demonstrate not only the quantitative representation of women but also qualitative changes that have been brought about, such as a woman’s sense of personal empowerment, greater self-confidence or a higher sense of self-esteem as well. The report should include the activities performed and the results achieved.

7. Institutions are also required to develop complaints handling procedures for evaluating and acting upon complaints. Adequate internal grievance procedures should be established for those beneficiaries who perceive that their right to affirmative action is infringed. In this regard, it is important to make a provision for resolving conflicts that may arise as a result of implementing affirmative action policies. Every effort shall be made by institutions to resolve all complaints without delay and in a fair and consistent manner. Moreover, insertion of a penalty clause in order to redress non-compliance could possibly better facilitate the implementation.

Furthermore, it is commendable that the Ethiopian Ministry of Women’s, Children and Youth Affairs be entrusted with a role to undertake the task of monitoring and evaluating the implementation of affirmative action programs in view of ensuring the progress of implementation in institutions. Furthermore, it should be underlined that the Federal Civil Service Agency, which is mandated with the task of collecting data on civil servants from both the Federal Government Offices and Regional Civil Service Agencies, is expected to produce sex-disaggregated data from the annual report of Federal and Regional Governments Personnel Statistics Office. It would be ideal to include statistics on affirmative action in the annual reports regularly. This will help to demonstrate the original gaps and the changes that have occurred as a result of the applications of affirmative action programs.
Likewise, higher educational institutions need to include statistics of affirmative action. The monitoring and evaluation system and grievance redressal mechanisms of the South African model could be cited as one practice relevant to a successful implementation of affirmative action programs.

Equally important, the information gathering, documentation and retrieval system have been a barrier for research. This has to be substantially upgraded to meet the needs of academics and researchers. In general, the mechanisms in place to record data nationwide have encountered problems. It can be said that institutions under review have poor primary data and information recordkeeping practices that call for an improved and standardized systems. The researcher hopes that this study contributes to the literature on affirmative action in Ethiopia.

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