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Organic Village as an Environmental Education Model based Community for Early Childhood in Semarang City, Central Java, Indonesia

By Rafika Bayu Kusumandari & Sukirman
Semarang State University

Abstract- Environmental education should be imparted to children from an early age. Environmental education model based community is expected to be more striking for early age children in managing the environment. The research was designed with a "Research and Development", to produce a prototype Organic Village As An Environmental Education Model Based Community for Early Childhood, taken systematic steps in the form of the process of action, reflection, evaluation and innovation by applying qualitative research methods, descriptive, development, experimentation and evaluation. This study aims to gain in-depth overview of the Organic Village As An Environmental Education. Village of Krobokan becoming a pilot village for urban areas for environmental regulation. For environmental education in early childhood, conducted in three schools namely Kindergarten Pembina State Semarang, Semarang Lab School kindergarten and kindergarten An Nur Semarang. The third school to apply the concept of habituation and role models as well as cooperation with parents.

Keywords: international criminal court, international order, african union, genocide, war crimes.

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Organic Village as an Environmental Education Model based Community for Early Childhood in Semarang City, Central Java, Indonesia

Rafika Bayu Kusumandari α & Sukirman σ

Abstract- Environmental education should be imparted to children from an early age. Environmental education model based community is expected to be more striking for early age children in managing the environment. The research was designed with a "Research and Development", to produce a prototype Organic Village As An Environmental Education Model Based Community for Early Childhood, taken systematic steps in the form of the process of action, reflection, evaluation and innovation by applying qualitative research methods, descriptive, development, experimentation and evaluation. This study aims to gain in-depth overview of the Organic Village As An Environmental Education. Village of Krobokan becoming a pilot village for urban areas for environmental regulation. For environmental education in early childhood, conducted in three schools namely Kindergarten Pembina State Semarang, Semarang Lab School kindergarten and kindergarten An Nur Semarang. The third school to apply the concept of habituation and role models as well as cooperation with parents.

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I. Introduction

Environmental education is a process that aims to build the world's population conscious and have concern for the environment as a whole, as well as a variety of problems associated with it. Imparting knowledge, attitudes, skills, motivation, and commitment to work individually and together to find solutions to the problems that currently arise and prevent new problems. Despite this, the majority displayed relatively low levels of knowledge of key environmental concepts, and were involved in little environmental action-taking outside of household activities (Connell, et all. 2015:39). The correlations between expressed views about caring for the environment and environmentally friendly actions were surprising, however, as actions did not necessarily align with beliefs (Broom, 2017:34). Education in and about the environment is intended to develop the knowledge, awareness, attitude and skill objectives, while education for the environment has its focus on the values, ethics, problem solving and action objectives (Spork, 2015:147). Aspects of the emerging concept of „education for sustainable living" are used to analyse some widely-held assumptions about environmental education practice. In doing so the paper seeks to contribute to the process of identifying a vision and practice appropriate to environmental education for a new millennium (Fien, 2015:21). The introduction of the environment for early childhood aims to build awareness from an early age the importance of education to give more attention to the environment. Longitudinal studies now confirm the economic, academic, and social importance of high-quality early childhood education (Cooper, 2014:85). As children develop as learners and thinkers from birth through high school, it is their teachers (including parents) who help shape their understanding of the world directly around them and, by extension, the world as a whole (Crawford, et all. 2014:54). If it can be agreed that a sustainable environment is a necessary prerequisite to a sustainable socio-economic system, then it also should make sense that the actions we take to remove threats to and foster environmental sustainability should contribute to such a system (Jonh Morelli, 2011:4). Environmental Education has made numerous advances a number of fronts over the past decade (Hungerford, et all. 2010:42). Environmental educators must learn from the mistakes by conservation educators, or as Hobart state. If, then, a major goal of environment education is the production of an active and informed citizenry, environmental educators should know the kind of learning experiences which produce such person (Tanner, 2010:20).

Additionally, it will get closer to the natural environment so that the child more quickly interact menyadarai that nature is so essential for survival. Environmental management education should be imparted to children from an early age. Early age was the "golden age" for someone, does it mean when someone at that time got a proper education, he gained a good learning readiness and one of the main keys to the success of learning to the next level. Children are more easily internalized values and habits to preserve the environment than adults. It is expected that in future environmental destruction can be prevented through environmental awareness of future generations. To that end, the community as the environmental manager, should be able to instill the values of environmental education for children. The existence of community-based environmental education will be easier for

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children to know how to manage the environment properly.The scope chosen at the primary level, which is to give more recognition to the child about the environment and natural diversity. As well as the provision of knowledge-based environment that can be applied to the wider community. Children experience nature through exploration of the world around them but are limited by the opportunities provided to them by adults (Laird, et all. 2014:58). Thus, burgeoning interest in environmental education in early childhood has been a catalyst for sharing theories, concepts, and methods across the disciplines of early childhood education and environmental education (Zurek, et all. 2014:28). Understanding early childhood educators‟ preferences and perceptions of outdoor settings is an important step toward bridging a potential gap between research and practice, helping guide professional development efforts by teacher educators and environmental educators to encourage selection and use of quality outdoor settings within early childhood education (Ernst, 2014:97). Children allowed to regularly play in natural environments have increased coordination, balance, and agility (Wood, 2013:42). Attaining a sustainable future environment requires a change in attitudes, beliefs and habits. This behavioural change and action can be achieved when there is adequate knowledge about the environment (Owusu, et all. 2016:416).

II. Method

Design and Methods Referring to the objectives to be achieved, the research program was designed with a "Research and Development". Methods of R & D is used when the researcher intends to produce a particular product, and also test the effectiveness of the product (Sugiyono, 2012:407). To produce a prototype Kampung Organik as a Environtment Education Models Based Community for Early Childhood, taken systematic steps in the form of the process of action, reflection, evaluation and innovation by applying qualitative research methods, descriptive, development, experimentation and evaluation. This study aims to gain in-depth overview of the Kampung Organik as a Environtment Education Models Based Community for Early Childhood. Therefore, as was common in scientific research steps taken by the researcher is doing exploratory (exploration) of the object being studied. In this connection, a qualitative method is a method of research that offers design exploratory research aiming. Unlike the design of experimental research for example on the design of qualitative research the researcher is not the starting point of a certain frame of mind, but let the natural setting of research / as they are and attempt to understand the phenomenon that is by putting yourself in the object being studied (empathy). Data collected from experienced background (natural setting) as the data source directly. Meanings of the data can only be done if the depth obtained on facts obtained. This approach is determined by observing the phenomena observed subjects conceptual world through the actions and thoughts in order to understand the meaning compiled by the subject around everyday events. This research program will be gradually carried out with the following activities:

1. Literature study across disciplines and undertake critical analysis of the results of previous studies that are relevant to the research theme.
2. Designing and carrying out preliminary studies to produce a complete description of the development of the village of Organic Environmental Education As Model For Community-Based Early Childhood.
3. Based on the educational development of the existing characters (which are applied in schools) and a number of relevant theory, are prepared (developed) a prototype Kampung Organik as a Environtment Education Models Based Community for Early Childhood.
4. Conduct a workshop seminar with relevant experts and praktisis about Kampung prototype Organic Environmental Education As Model For Community-Based Early Childhood. The target of this workshop seminar is drafting "Organic Village Books For Model-Based Environmental Education Society For Childhood", who socialized at the urban / rural as a reference for the implementation of community-based environmental education for early childhood. To disseminate the development of Kampung Organik as a Environtment Education Models Based Community for Early Childhood.
5. To test to determine the level of effectiveness of Kampung Organic Environmental Education As Model For Community-Based Early
6. Childhood developed in the implementation of environmental education.
7. Revise the development of Kampung Organik as a Environtment Education Models Based Community for Early Childhood based on the test results as the final results of the research program conducted.
8. A secondary source is the organizer of the program Kampung Organic As a Model for Environmental Education Community Based For Early Childhood deemed supports primary data source, literature, photographs of activities, and other documents from the village organizers villages organic expected to provide information about the issue studied. Data collection techniques in this study are:

a) non-participant observation conducted in a focused and carefully with a structured observation sheet instruments using a scale to obtain data relating to the learning process and learning tools that have been used in the environmental education program based society. Recording the results of

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observations followed by recording learning through video and photo cameras.

b) In-depth interviews with open interview guide instrument made to capture data from key informants with a flexible structure so that the information obtained has sufficient depth. Interviews were conducted to educators, students and program organizers organic village.

c) Questionnaire with instruments to complete the enclosed questionnaire data can not be obtained through in-depth interviews of key informants.

d) Documentary study, conducted on problem documents relating to the investigation, including a review of the literature sources. Validity of the data in this study pursued by: (a) test of the credibility that include triangulation, perseverance observation, discussion with colleagues; (b) transferability test by presenting data that is easy to understand, a detailed report; (c) test of dependability by conducting an audit of the whole process of research; (d) confirmability test, the results of the research process.

9. Analysis of qualitative description, is used to analyze the data and information obtained from a preliminary study with a survey method, the process of design development models and modeling work of experts through Delphi technique. The use of descriptive qualitative analysis is intended to gain an overview of the organic village as a model of environmental education that has been done today, needs assessment learning model development. Descriptive analysis was also used to interpret the results of the analysis of quantitative data and gain an overview of the weaknesses of the model were validated and tested in the field, so the results can be used as a basis for revising and developing models.

III. Results

Research result In managing the environment, Krobokan Village has become a Krobokan for other village in Semarang City. This was mainly driven by a Headman of Village Krobokan who had a hobby of growing crops. Starting from his hobby, he grows a variety of organic herbs and rare plants. His yard was transformed into gardens and medicinal plants so it looks green and lush. Although there amid the region Krobokan Villages, but the atmosphere is beautiful and green felt. This is what makes the Krobokan Village is known as the hometown of organic village. The head of village encourage all citizens to love to plant so they can get the benefits. The minimum requirement will be met from the vegetable crops they had planted on their home page. Although most citizens only have a narrow field and some even have no land at all, but this does not make the headman bored to encourage citizens to plant organic crops. Every citizen who wants to plant crops, they are educated on how to plant and maintain good plant. For people who want to grow plants but does not own the land, they are educated on how to plant and grow plants hydroponically in vertical land. Preferred crops are planted plants that have a direct benefit for example vegetables, chilies, fruits, plants for mosquito reppelant, etc. This is done so that citizens can directly benefit from plants crops, especially when the price of chili expensive, people very helpful because they live picking chili they had planted. For mosquito repellent plants, deliberately the headman promoting so that people can avoid dengue fever. Plants such as lavender, basil, citronella and aloe vera is some kind of useful plants that repel mosquitoes. Thus, what Krobokan village residents support the government's program on the prevention of dengue fever in a way of protecting the environment. How to prevent mosquito causing dengue fever through the planting of mosquito repellent plants, more effective and healthy. Another benefit is that they cost less, so healthy and beautiful environment. Currently,almost all the people planting plants that look beautiful and beautiful environment, not even in the middle of arid urban areas. Krobokan village so often participate in competitions on the environment. To clean the race village, the village Krobokan won 1 provincial level. In addition to planting organic crops, pack headman also encourages citizens to manage waste. Garbage is a problem faced by almost all masysarakat in Indonesia and the world. Average daily big cities in Indonesia resulted in tens of tons of trash. The rubbish was

Transported by special trucks and dumped or stacked away in a place that has been provided without left unharmed again. From day to day it continues to accumulate trash and garbage hill there as we often see. Garbage is piling up, it certainly will disturb the surrounding population. In addition to the unpleasant smell, trash often flies. And it can also bring disease. Although it proved to be detrimental to the trash, but there is a side benefit. This is because in addition can be catastrophic for the people, the trash also can be converted into useful goods. The usefulness of this waste is inseparable from the use of science and technology in handling it. Organic garbage is an item that is considered obsolete and is removed by the owner / user before, but can still be used if managed with the correct procedure. Organic is a process that is robust and relatively fast, then mark what we have to declare that the basic ingredients of life. Organic waste is waste that can undergo weathering (decomposition) and break down into smaller materials and odorless (often referred to as compost). Compost is the result of weathering of organic materials such as leaves, straw, weeds, trash, grass, and other materials similar process of weathering accelerated by human assistance Waste originating from settlements generally very diverse, but

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generally at least 75% consisting of organic and inorganic rest. Krobokan urban village itself has begun promoting the recycling of garbage, especially organic waste that leaves of trees that have fallen. The leaves are processed into compost, but before it becomes compost. These leaves, crushed in advance by using a grinding machine garbage. It is intended to order the leaves into small pieces, so that when inserted into the barrel composer of the leaf pieces faster into fertilizer. The finished compost directly used to fertilize plants that live in stalls in the village Krobokan. For structuring the environment, so that the cleanliness and beauty of the environment awake, the Headman implemented regulations for open environments that are used for reforestation.In addition, at the roadside given the plants grown in pots. In addition, the administration and management of sewers and drains is done regularly. For the management given to each household to maintain the cleanliness of the environment is the responsibility together. Thus, it is expected no dirty and clogged gutters are made of mosquito breeding and the source of the disease. Public awareness of the importance of keeping the environment clean and healthy so that always been very high.So it is not wrong if the village Krobokan confirmed as organic village and village to village pilot in urban areas.

1. Environmental Education for Early Childhood Pre-school phase is the phase that will be experienced every child after breastfeeding. In this phase of the exploration period for children who experience rapid development in speaking, want to always moving, always want to have something selfish. Phase of the school are aged between 3 to 6 years and is part of the early childhood are at the age range of birth to 6 years. At this age terminology is referred to as pre-school age children. To find out how the implementation of environmental education in early childhood, research conducted research in three different schools, namely:

a. TK Negeri Pembina Semarang, as a pilot project character education school, the school trustees strive to always be the leader in instilling good character for students. Planting character patriotism one of which is to maintain the environment. There are a few things done is to teach children to protect the environment, dispose of waste in place, maintain personal hygiene and encourage children to make props / educational media from the bins. To maintain the character of the environment through the planting of habituation, the teacher as a role model will set an example by taking garbage scattered and then thrown into the trash, throw garbage into the appropriate bins. Eg plastic waste will be dumped into the trash that is drawing the plastic. Maintain personal hygiene by washing hands. The children were given a cloth that has been given the name of each. On handwashing, the children taught to queue so not overcrowded. Limitations of land did not dampen the school to teach the importance of planting crops in order to keep the environment sustainable. One is to use old plastic cups of mineral water as a growing medium. Besides the children know how to grow crops, they also understand that plastic waste can be used as a place to sow the seed. One by one the children were given beans and plastic cups that have been filled with soil and a hole so it's great to be used as a growing medium. After several days of sowing seeds grow into plants. After that, the new plant was moved to land that had been prepared as a planting medium. Vacant land owned by the State Trustees kindergarten is very limited, however, the school tried to use it optimally for greening.

b. TK Labschool Semarang Almost the same as kindergarten Pembina State Semarang, cultivation of character patriotism one of which is to maintain the environment. This is in line with the Semarang State University as a college conservation. There are a few things done is to teach children to protect the environment, dispose of waste in place, maintain personal hygiene and the environment, crops and encourage children to make props / educational media from the bins. These activities involve the parents so that there is great synergy in the relationship of children and parents. For planting the character of protecting the environment, the teacher as a role model will set an example by taking garbage scattered and then thrown into the trash, throw garbage into the appropriate bins. Eg plastic waste will be dumped into the trash that is drawing the plastic. Maintain personal hygiene by washing hands. The children were given a cloth that has been given the name of each. On hand washing, the children taught to queue so not overcrowded. L and large enough to be one advantage for greening schools. Even in kindergarten Lab school available green house that is very useful to provide the planting of educational values to students about the importance of maintaining a sustainable environment in order to continue with the planting of trees. However, the biggest obstacle faced by the school is the limited cleaning service personnel. This makes the school trouble clearing dry leaves in the roofs of schools. Of course this does not deter the school to develop a live shop to be created in a corner of the school. Incidentally cleaning service that is really like to plant a tree.

c. TK An Nur Semarang managed to become the best in Central Java, with 1 ECD achievement won in 2013. With this title does not mean lulled into self pride. Precisely mandate entrusted Yag increasingly heavy, to maintain the quality, develop professionalism and consistency in efforts to

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improve the quality of education. TK An-Nur, which is located at Jl Raya No. 41 Tugurejo Site, Semarang City, received the champion trophy 1, ECD Achievement of Central Java in 2013, precisely on 26 August. In the past year, has also won 1 Java levels for category school health brilliant achievement at the same level. In 2012, TK An Nur get a championship level I Central Java as the best champion in the category of School Health Unit in Central Java Champion. An-Nur is the only schools that implement environmentally friendly concept is with its minizoo (a small zoo) with a wide variety of animals. It also has a wide area with diverse medicinal plants and fruit. As a means of learning support, TK An Nur provide facilities among others minizoo, area / vegetable and fruit plantations, large yard and garden traffic education. With these facilities the students TK An Nur will gain direct experience by exploring their environment. Of education applied at TK An Nur is expected to give birth to generations of pious-sholehah, creative, love of culture and environtment. After won the Healthy Schools Competition from the District Level, Level City, level of residency, and the Provincial Level, Monday June 18, 2012 TK An Nur become ambassadors of Central Java province to follow the Healthy School Competition National Level in 2012. In the process of learning environment for children, is one form of matter patriotism. Habituation clean and healthy lifestyle from an early age is the foundation for the growth of cultured generation and healthy behavior and clean school anyway. The creation of healthy school, comfortable and beautiful is the result of the synergy of the various relevant elements from Team Coach School Health from district level up to the provincial level, Foundation Board An Nur, public school, school committees, parents or guardians, Agency SelfSupporting Communities Tugurejo, Environment Agency Semarang City, the Department of Agriculture, Department of Hygiene Semarang City. The result in Competition Healthy School National Level kindergarten An Nur get the 1st place national level. Each class has a handwashing alone that is located in front of the classroom. This is because children are taught to wash their hands in order to keep it clean. In addition, children are taught to dispose of waste by sorting rubbish before inserting it into the trash. There are three bins that are red, yellow and green. According to the color, green bins for organic waste, plastic and clear to red for glass and trash in the trash cans where affixed whatever garbage they can put in the dumpster. Children are taught to sort the waste to be dumped into the trash according to its type. Every day the trash is collected to be processed. Organic waste such as leaves processed into compost in a way through the processing of composting, waste plastic to be used to create educational media. Composting processing carried out with the involvement of school students so that they can understand the usefulness of compost. Same also for the processing of plastic waste into props. The school also involves the parents. Where those who deliver and care for their children schools, invited the school to process waste, especially plastic waste to be props. The compost produced from the composting is used to fertilize crops that have been planted by the students. The land area of the school is very possible to be utilized as a stall life. Of course this makes the neighborhood kindergarten An Nur into a beautiful, leafy and green so that each year becomes the champion of healthy schools and even to the national level. Based on empirical studies of the Kampung Organic For Model-Based Environmental Education Society For Childhood In Semarang, the design of the initial model is structured as follows. Feed Back

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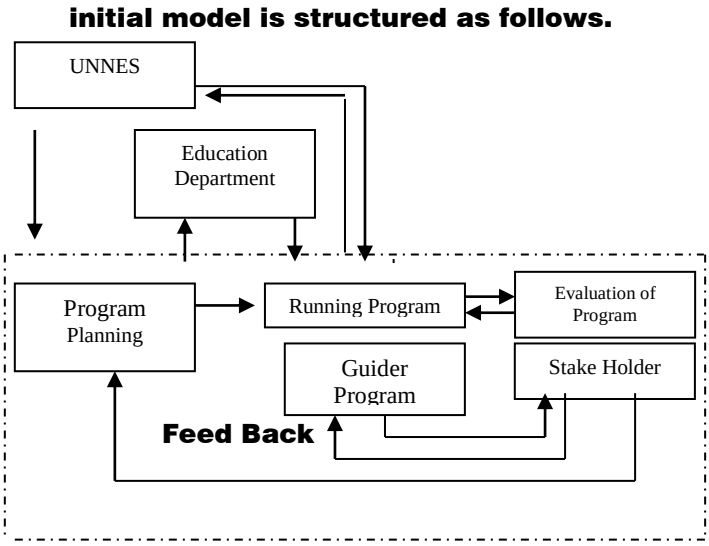

Picture 1: Hipothethic Models of Kampung Organik as a Environtmnet Education Models Based Community For Early Children in Semarang City

IV. Conclusions and Recommendations

Conclusion: Village Krobokan an organic village which could be used as a model of environmental education for the community-based early childhood. - Environmental education for young children over the habituation and role model.

Suggestion: There is need for the development of environmental education model for community-based early childhood. - Keep the support of stakeholders in the implementation of environmental education for the community-based early childhood.

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Higher Education, Military Affairs, and Ethics: A Historical Overview of a Progressive Civil Rights Movement

By Dr. Michael Jessee Adkins
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Abstract- Leaders within the higher education community are uniquely suited to promote progressive social changes within the United States of America. This essay examines the efforts of higher education professionals to promote gay rights within American society. Efforts to deny military recruiters access to college campuses and the subsequent litigation were strategies used to promote equality within the military, college campuses, and society. This essay examines the historical steps taken to achieve progressive social change.

Keywords: military, higher education, civil rights, recruiting, law.

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I. Introduction

Higher education is not immune to the cultural and civil struggles within America. Colleges and universities are often caught in the crossfire or directly on the front lines of social conflict. One of the most contentious issues facing such institutions was whether or not some colleges should allow military recruiters on their campuses. An alliance of academic leaders, known as the Forum for Academic and Institutional Rights (FAIR) favored barring military recruiters from campuses because the military had a policy that discriminated against homosexuals. The Department of Defense challenged the actions of FAIR and the case was eventually decided in the U.S. Supreme Court. This higher education issue is best framed within the context of a broader civil rights movement. Mezey (2009) noted that "most studies of earlier civil rights movements concluded that litigation played a critical role in helping achieve the movement's goals. Following the tradition of these civil rights struggles, the gay rights movement also relied on litigation as an important weapon in its battle for social and legal reform" (p. 235). This essay explores the historical context, legal underpinnings, and modern developments for both sides of the issue.

II. Historical Context

The U.S. military became linked to higher education with the passage of the Morrill Act of 1862. A provision of the act required land-grant institutions to teach military tactics as a condition of receiving the grant. The early military curriculum eventually evolved into what is presently known as the Reserve Officer Training Corps (ROTC). The ROTC programs are hosted by various service components to include the Army, Navy, Air Force, and Marines. A portion of the training is typically integrated into the curriculum offered by a college or university. For example, students can take courses in leadership, tactics, marksmanship, and other areas to receive college credit toward a degree. Most of the courses are taught by members of the military and most programs are housed within a campus facility. The overall intent behind such programs is to produce an educated class of military leaders who will be capable of maintaining national security. Moreover, the military has traditionally recruited enlisted service personnel from college campuses. Military recruiters have offices on many campuses and engage in full-time recruiting efforts.

The social acceptance of a military presence on college campuses sharply declined during the Vietnam Conflict (Orson, 2011). Campuses were fertile grounds for anti-war protests and the public sentiment toward the military was largely unfavorable. A major cultural tipping point occurred as a consequence of the Kent State massacre. Members of the U.S. military shot and killed 4 unarmed students and wounded a number of others. Students retaliated by burning the Kent State ROTC building and academic professionals throughout the country began to look for ways to eliminate the military's presence on college campuses. A popular legal basis for barring military recruiters emerged during the 1990's. Many higher education institutions established non-discrimination policies for homosexuals. These policies barred prospective employers from recruiting on campuses if the employers discriminated against candidates on the basis of their sexual orientation.

The U.S. military had a longstanding history of discriminating against homosexuals (Lehring, 2003; Mucciaroni, 2008; Shawver, 1995). A government policy was initiated to dishonorably discharge any service member who was gay. This type of discharge prevented service members from receiving veteran's benefits, including the G.I. Bill funding for college (Lehring, 2003). The initial justification for such discharges was based on the classification of homosexuality as a mental illness. However, the mental illness classification was rescinded by the American Psychiatric Association and the

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American Psychological Association during the 1970's but the military continued to enforce the ban (Shawver, 1995). The military established a Don't Ask Don't Tell (DADT) policy in 1993 and it was approved by Congress. The DADT policy prohibited homosexuals from declaring their sexual orientation and it prevented military officials from asking if a service member was gay. The policy effectively barred gays and lesbians from openly serving in the U.S. military. Several academic circles were appalled by the continued oppression. Gary Lehring (2003) best characterized the situation by saying "the military's practices have been so abusive, intrusive, and disrespectful of human rights that they have threatened the principles of the U.S. Constitution, the same Constitution that members of the military have sworn to defend" (p. 119). Members of the academic community decided to take a stand on the civil rights issue and higher education institutions were placed on the forefront of the debate. Members of FAIR positioned themselves against the Department of Defense and drew a line in the sand. The proponents of this civil rights movement barred military recruiting on some campuses on the basis that the military was a discriminatory organization and the select colleges did not want to associate with such discrimination.

III. The Fair Argument

The members of FAIR were comprised of various law schools, faculty members, and other supporters. They shared a common goal to establish and reinforce a policy barring recruiters that discriminate against the sexual orientation of a prospective candidate. The bureaucratic elements within the military were seen as discriminatory because the Department of Defense established the Don't Ask Don't Tell policy. FAIR's effort was part of the broader civil rights movement to advance the rights of homosexuals. The members of FAIR argued that the Solomon Amendment, which could eliminate federal funding for denying access to recruiters, was a violation of free speech and free association.

They filed for a preliminary injunction against the enforcement of the Solomon Amendment in an effort to block am imminent loss of federal funding which was a consequence of barring recruiters from campuses. The District Court denied the injunction because recruiting was seen as conduct as opposed to speech. The District Court's decision was based on the case of *United States v. O'Brien* in which a criminal prohibition against burning a draft card was deemed to be constitutional because it was an act of conduct and not an act of speech. Similarly, the District Court maintained that barring military recruiters was a similar type of conduct and it could legally be regulated by the provisions in the Solomon amendment. The case was appealed in the Third Court and the District Court's decision was reversed. The Third Court believed that the act of barring recruiters was an act of expressive conduct which fit the category of free speech. Accordingly, the Solomon Amendment was deemed unconstitutional. The Department of Defense disagreed and appealed to the U.S. Supreme Court.

The notion of freedom of association was an important aspect of FAIR's final argument. A separate U.S. Supreme Court case, *Boy Scouts of America v. Dale*, was cited as a supporting precedent. The U.S. Supreme Court ruled that the Boy Scouts of America could bar homosexuals from serving as troop leaders because the Boy Scouts had a lawful right to associate or not associate with homosexuals. However, the notion of freedom of association became applicable to other groups and other contexts. Universities applied the freedom of association argument to establish their policy to bar military recruiters from campus (Dionne, 2004). FAIR believed they had a lawful right to choose to not associate with the military recruiters. The *Boy Scouts of America v. Dale* case demonstrated that a private organization could not be forced to associate with anyone. Thus, FAIR argued that they should not be forced to associate with military recruiters.

IV. The Rumsfeld Argument

The Department of Defense (DOD), led by Secretary of Defense Donald Rumsfeld, filed the U.S. Supreme court case against the members of FAIR because they prohibited military recruiters from engaging in activities on several campuses. The DOD sought to overturn the third court's ruling that the Solomon Amendment was unconstitutional. The lawsuit was led by Solicitor General Paul Clement. The DOD believed members of FAIR had violated the Solomon Amendment by denying access to members of the Armed Forces. The Amendment, passed in 2003, gives the Secretary of Defense the authority to deny federal funding to any higher education institution that denies access to military recruiters or denies the establishment of a ROTC program. The DOD argued that the Solomon Amendment was constitutional and it did not violate free speech. Paul Clement's argument mirrored the reasoning cited by the judge who decided the original case for the District Court. Clement reasoned that recruiting was conduct and not speech. Thus, the First Amendment was not violated and the Solomon Amendment was constitutional.

The DOD also argued that recruiters could potentially access campuses without invoking the Solomon Amendment because Article 1, Section 8 of the U.S. Constitution gives Congress broad power to raise armies. Thus, access could be secured by the provisions in the Constitution. Given these facts, the DOD sought to reverse the Third Courts ruling and gain

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access to the higher education institutions that refused to allow military recruiters on their campuses.

V. The Supreme Court Decision

The case was argued in the U.S. Supreme Court on December 6, 2005 and it was decided on March 6, 2006. Chief Justice John Roberts presided and was joined by Justices Stephen Breyer, Ruth Ginsburg, Clarence Thomas, David Souter, Anthony Kennedy, Antonin Scalia, and John Stevens. Justice Samuel Alito did not participate in the case. The court determined that the Solomon Amendment did not violate free speech or freedom of association. The court reasoned that the Amendment did not prohibit speech and it did not require any type of speech. Recruiting efforts were seen as conduct and not speech.

The Supreme Court struck down the freedom of association argument. The precedent set by the case of *Boy Scouts of America v. Dale* was not applicable to FAIR's case. The Boy Scout's case determined that the Scouts had a right to bar a gay man from being a scout leader because they did not wish to associate with or be represented by a homosexual. FAIR did not have the right to bar recruiters under the precedent set by *Boy Scouts of America v. Dale* because no one in the university was forced to associate with the recruiters and the recruiters did not represent the university in the same way the gay man would have represented the scouts. Additionally, military recruiters would not hold a position of authority within the university and no ethical conflict existed in the eyes of the Supreme Court. A violation of free speech was not found and the Solomon Amendment was upheld. It was determined that the DOD did have the right to deny federal funding to the FAIR institutions that denied access to military recruiters.

The DOD clearly had a stronger legal case. This is apparent by the Supreme Court's unanimous decision. However, the strongest of legal cases can be challenged by the moral framework brokered by the court of public opinion. Some law schools felt so strongly about the issue that they continued to bar military recruiters after the Supreme Court case was decided and they willingly bared the consequence of not receiving federal funds (e.g. Vermont Law School and the William Mitchell College of Law).

VI. Conclusions

FAIR lost the Supreme Court case but the larger issue has recently been addressed by the White House, Congress, and the Department of Defense. FAIR represented a broader progressive civil rights movement to advance the rights of homosexuals. The central moral issue focused on the military's rejection of openly gay and lesbian service members. The Supreme Court case was a cultural battle fought with litigation and the higher academic community were a driving force behind this movement. For example, Elena Kagan served as the Dean of the Harvard University Law School when the *Rumsfeld v. FAIR* lawsuit suit was heard in court. She was a key player in the FAIR organization and she was subsequently appointed as a Supreme Court Justice by President Barack Obama. This move was not surprising considering Obama's campaign promise to repeal the Don't Ask Don't Tell (DADT) policy. The repeal of DADT has been part of the Democratic Party's agenda for many years. In fact, Bill Clinton pledged to fight for a repeal when he was a presidential candidate but he never made good on his promise (Mucciaroni, 2008). President Obama (2011) made progress when he announced that the DADT policy will officially end during his term as President. He noted that "service members will no longer be forced to hide who they are in order to serve our country" and "our military will no longer be deprived of the talents and skills of patriotic Americans just because they happen to be gay or lesbian" (Obama, 2011, p.1). He delivered on his promise by signing the Don't Ask, Don't Tell Repeal Act of 2010 into law on December 22, 2010. Several elite institutions have responded favorably to the repeal. For example, Yale University restored a ROTC program on campus and other institutions have taken action to become military friendly. The issue has, in essence, made a 180 degree turn and the academy is beginning to reestablish a good relationship with the military. The Department of Defense, under the leadership of Ash Carter, took an additional step to promote the inclusion of transgendered individuals within the military by barring discrimination of transgendered service members. This is estimated to affect "between 1,320 and 6,630 transgender troops" and this knocks down "one of the last barriers to service based on gender identity or sexual orientation" (Brook, 2016, p. 1). This civil rights struggle demonstrates that higher education professionals can find themselves within the crosshairs or at the crossroads of litigation and progressive social reform. Given this situation, leaders within the higher education community have a social responsibility to champion efforts to promote diversity and inclusion.

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Functional and Social Performance of Public Spaces in Residential Areas in Madaba City

By Esraa Alfalahat

Abstract- Research analyze the functional and social performance of the public space in residential areas in Madaba city, by studying the universal adopted and criteria in this field, according to that, research define a functional and social requirement, which could to contribute to reach a criteria for evaluating the functional and social efficiency of the public spaces in the city.

Research continue with an review of the concept of residential urban spaces ,classification ,historical development of the functional role of urban spaces, the research then goes on to conduct an analytical study of the functional and social efficiency of one of blanks in a residential area in Madaba city (eng. amin Qutaish square) made a questionnaire for users of his spaces and residents of this area, to reach to the most important criteria that effect positively and negatively in performance of the space, and linking them to the most important international standards to reach to the best performance of the urban space in residential area and make it an environmental of human interaction ,social and culture security.

Study concludes a set of results that define and describe the functional and social performance of the public spaces in the city of Madaba, finally study process some recommendations that could contribute to promote the strengths and treat weaknesses in the process of public spaces formation in the city of Madaba depending in these criteria.

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I. Introduction

The spaces are formed as a result of the culture of society and its principles. It comes to meet the needs of all its members and to be suitable for their ambitions and desires. Consequently, these spaces have a great influence on the various members of the society in all categories of women, men, children and old people. Hence the role of urban design as a key tool in determining The needs of society, with a view to enhancing the functional and social functioning of these spaces.

Many of these urban spaces, especially in developing countries, suffer from serious deterioration in their urban and visual environments. This study aims at studying and analyzing the urban spaces in the residential areas by assessing the current situation and developing the appropriate proposals to create a sustainable integrated structure that maximizes users' benefit.

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a) Problem research

The problem of research lies in the loss of urban space as a medium to achieve human experience and as a space that reflects the interaction of man with his surroundings and his sense of belonging to the society in which he lives.

The importance of research and its objectives:
Research Objectives:

1. The research aims to shed light on the reality of the formation of urban spaces based on their functional and social characteristics.
2. Determine the criteria for the functional and social efficiency of the spaces to be based on the assessment of the functional and social function of these spaces and identify the strengths and weaknesses to be addressed.
3. To reach a proposal for urban and planning solutions that contribute to the upgrading of the functional and social characteristics.

The importance of research is to improve the efficiency of the performance of urban spaces in residential areas, to avoid the huge gap between theory and practice, because these spaces did not achieve their role as a place to practice various activities, and gives the user a link to the place and society to which he belongs.

b) Research methods and materials

The research relies on the analytical method by monitoring and analyzing the global experiments in the formation of the general urban spaces and then studying the foundations and principles of this purpose, in order to define a set of criteria that must be adopted in the field and then to study the social and functional characteristics of this formation in the city of Madaba.

Hence it will be extrapolated set of processors and solutions, to raise the functional and social efficiency of these urban spaces in line with users' needs and requirements and in order to achieve maximum benefit from those spaces.

The study is divided into:

1. The concept of residential spaces.
2. Historical development of the functional role of the architectural spaces.
3. The role of urban spaces in the composition of the city.
4. Functional and social classification of urban spaces.

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5. Social needs within the urban spaces.
6. Criteria for evaluating the social and functional efficiency of the urban spaces.
7. Results and discussion - a case study in the city of Madaba (Eng. Ahmed Qutaish square).
8. Conclusions and recommendations.
9. References.

c) Concept of urban space

The urban space is defined as the vacuum between the buildings in the various organized urban areas, which is determined through the facades of the buildings and the city's floor. The public activities of this city are limited to a variety of squares, parks, parks and interior spaces.

Krier(8) explains the urban space as an outer space consisting of only two elements, walls and earth, adding that the clarity of the geometric characteristics and the aesthetic values of the urban space helps to understand it. It expresses an architectural experience to contain people and interact with them and give them a sense of containment within them. The urban spaces are one of the most important elements of the urban structure of the cities. They represent the main areas of human communication, the practice of various human activities and the accompanying conditions of psychological and physical comfort for all segments of the society by providing a combination of activities and integrated activities(7):

1. Develop and organize people's relationship with the space and the ocean so that they affect each other.
2. Provide comfort to people and users of the space and meet their needs and connect them to their communities through the design of the space.
3. The physical environment available in the space itself affects the behavior and behavior of people because human behavior circumstantial syndrome is an integral part of the social, cultural and sensory content.
4. Linking the space with society where it is difficult to have a space without social content and vice versa.

d) Historical development of the functional role of the architectural spaces

The creation of the holy passages (the way of the rams) was established in the Pharaonic cities and the Agora square in the Greek cities. The various functions were distributed around the main square (form) in the Roman cities figure (1) and later around the church square In the Middle Ages (8).

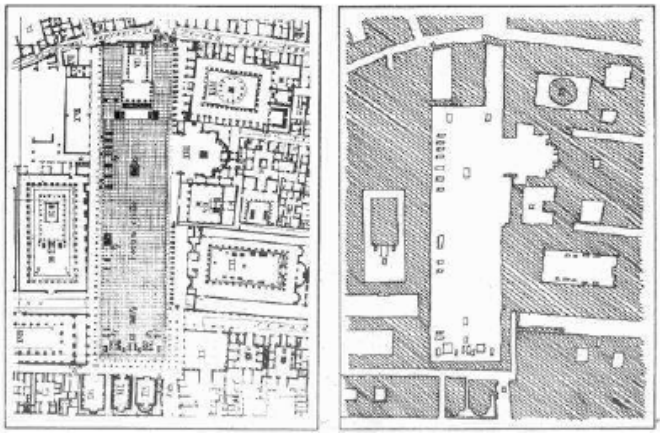

Figure 1: Urban space (FORUM) as a radiological center of the traffic routes in the Romanian cities

In the Arab-Islamic city, the main square and the main square were decorated with distinctive urban spaces, with squares and main streets, where celebrations were held at religious events and commercial markets figure(2).

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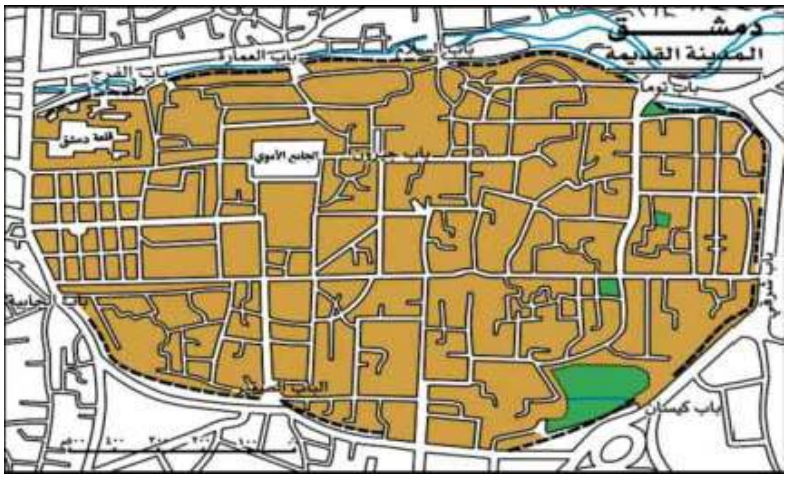

Figure 2: The outline of the old city of Damascus shows the Umayyad Mosque and the main streets

After the industrial revolution, several trends emerged to form public spaces as one of the main components of cities. We can classify these trends into three main types(1):

1. The trend that calls for the use of technology and elements of the movement and the giant structures and focuses on the physical form abstract without regard to the psychological needs of man, and reflects the trend le Corbusier through his proposal for the city of tomorrow, where the paths and spaces are devoid of human scale.
2. The functional trend, which revolves around the relations of elements of urban fabric with a set of characteristics, such as regularity and objectivity, and focuses on the elements of public utility and governance of forms through scientific criteria to achieve direct use. The most striking example of this trend is the linear city in the thought of Soria Mata.
3. The organic trend, which is the human focus of attention in the planning and design work and this leads to identify the main characteristics of cities on the basis of the psychological and emotional impact of the population and transform the city into a system of permanent growth and change while preserving the environment and cultural heritage to it and in this context reflected the thought of parks and Environmental cities and sustainable cities. Each one was studying the relationship of the social characteristics of the community with the network of public spaces associated with the traffic network and the methods of preserving the environmental characteristics, beginning with attention to the quality of the coordination of the street and even the public areas of life. Which led to the emergence of the idea of gradual gradient and homogeneous groups and criteria for the division of land and requirements and structural intensities, which depends on the quality of ventilation and lighting and movement and to find areas of rebound front and back and side, which is the environmental spaces crisis Figure (3).

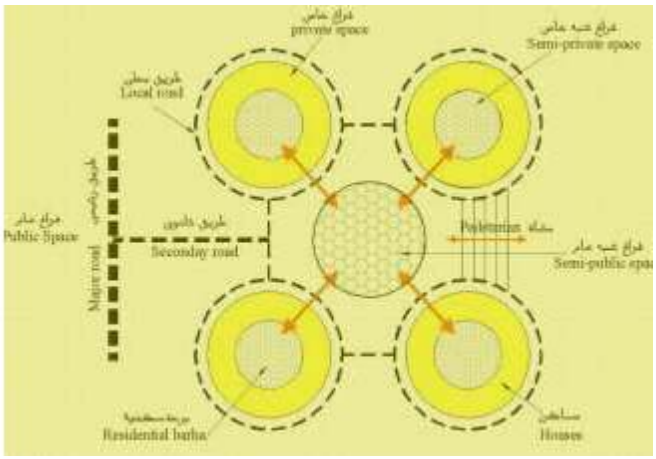

Figure 3: A diagram showing the idea of the hierarchy of urban spaces

With the beginning of the last century and the emergence of the third millennium emerged a series of changes in the social and cultural values of the peoples causing the deterioration of some types of social

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activities and the decline of the role of urban spaces in the exercise of diverse activities and public life Banerjee believes that the balance of open spaces in addition to the unfair distribution, With the growing population of cities, especially in the heart of the major city in the last three decades, in spite of the addition of open spaces on the outskirts of US metropolitan (metropolitan) and the exploitation of empty spaces within the formation A system of urban parks, which today is one of the main urban resources of these cities and important tourist attractions.

In these stages, residential spaces were connected to the following values in order to be able to perform their role effectively according to the following:

1. Integration and social and cultural communication that forms the basis of urban society.
2. Provide recreational and mental and physical health.
3. Achieving the economic boom of the various activities associated with spaces and paths.
4. Achieving human communication to the surrounding environment.
5. Provide appropriate visual features and visual communication.
6. Achieve environmental sustainability and human contact with the surrounding environment.

The role of urban spaces in the composition of the city:

The urban vacuum is treated as one of the main elements of the city's composition by (Moughtin) as follows (13):

1. The first trend: It depends on the city as a large land where the buildings are located as separate three - dimensional dimensions represent the positive element (Figure) and the spaces are urban background (Ground).
2. The second trend: Depends on the number of urban spaces Formation has been sculpted in a large building block so that the urban space becomes a positive element characterized by the characteristics of the elements of the three - dimensional (Figure), and turn the buildings into two - dimensional interfaces surrounding the space Based on this principle considered the urban spaces is the element Which contributes to the development of the city and the formation of its character as in the city of Florence, where the role of urban spaces in the formation of this beautiful city (Figure 4 and 5).



Figure 4: Piazza Santa Maria Florence-Italy



Figure 5: Piazza Michelangelo Florence – Italy

Shows the importance of urban spaces in the formation of the city through its ability to focus on the important parts of the city and show relations and ratios between the different parts of them, Lynch explained 11 the ability of the urban spaces to form the city as representing the Nodes and the distribution of the locomotives (Nods), and the possibilities of supporting the spaces through the good organization of its surroundings and the good direction of the paths leading to the figure (6).

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Figure 6: One of the main intersections in Warsaw, Poland

Functional and social classification of urban spaces:

Spaces can be classified into several categories according to several considerations, including what is related to the degree of function, including what is classified according to the privacy of the vacuum and uses it according to the form:

1. Types of spaces in terms of privacy and users of the space: the public space, semi-public space, semi-private space, private space.
2. Types of vacancies in terms of functionality:

i. *Green areas and gardens figure (8).*



Figure 7: Russell Square is a successful example of landscaped gardens for residential areas in North London

ii. *Spaces of public buildings figure (8).*



Figure 8: Open spaces in the vicinity of the court building - Krasinski Square and Warsaw - Poland

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Paths of movement and squares: Tracks are the most distinctive elements of the composition of the urban image of the place in the mind of man and can be paths to the pedestrian or mechanical movement figure (9).



Figure 9: Squares and spaces downtown Beirut

Spaces of external pavements or free spaces between buildings: The spaces that are clustered around the residential group is the smallest unit in the hierarchy of green areas and open, and called a vacuum semi-special according to the number of users (Figure10).



Figure10: Open spaces in a residential complex in Laiberg – Germany

Types of spaces in terms of shape:

The shape of the space is influenced by the type and importance of its components and by the type of activity and movement in which it is practiced. The spaces can then be divided into:

i. *Static space*: It is a horizontal space has a parallel ratio, which tends to square or circle, and suggests calm and stability, and emphasizes the social relationship and uses public squares, and the main residential areas.

ii. *Dynamic space:* A linear space that extends the sight to the point of vanishing perspective suggests motion, and the eye is always directed to a specific goal and is used in commercial corridors, roads, streets and spaces whose main functions are movement, whether on a large scale or in its small form.

1. Spaces are classified according to their importance to:

i. *Main space*: It is the basic space consisting of the parameters of the main space of the floor and the edges of the buildings surrounding the space and the sky as a ceiling and the contents of the space of the elements of the coordination of the site, a large area and its distinctive form, and controls the main function and contains within it several secondary spaces.

ii. *Secondary space:* a human-scale space created by dividing the main space with elements such as small and large trees and low-rise curtain walls, or changing the levels of the earth itself, and creating functions that follow the needs of human beings commensurate with its size.

iii. *transitional space:* It is a specific space in which the concept of the transition from public spaces to the spaces of private or semi - private or vice versa and these spaces from the arrival of man to the place, whatever the functional role of this place.

2. types of blanks in terms of isolation:

Spaces are related to the surrounding blocks and paths of movement and are classified into the following:

i. *Closed space:* a space surrounded by buildings from all sides and separated organically from the

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paths of movement and is supposed to gather around a homogeneous group of the population.

ii. *connected space:* a space connected to another space or a network of consecutive spaces connected and connected to the paths of the continuous but the organic joints of the mechanical paths of automatic movement.

iii. *Open space:* It is the space directly through one of the ribs on the mechanical movement paths and movement of the main sight.

The social classification of the urban spaces depends on the hierarchical principle, ranging from public spaces (of the city) to semi-public spaces (for a specific residential area) and semi-special spaces (belonging to a group of dwellings) to end with the special spaces (within the dwelling) The responsibility for each population space, which contributes to the development of spontaneous relations among the population. This classification is based on the principle of privacy which stems from the Arab-Islamic concepts in the architectural and architectural composition, which emphasizes the formation of the space of the residential unit (the Arab House) and the creation of the semi-private space of the residential group (traditional Arabic warm). The passage of strangers through the series of spaces Graduates feel they are going to a special place. These spaces serve as filters through which strangers can be monitored, identified and intercepted in the event of any suspicious activities or actions.

Based on these principles emerged the need to achieve the hierarchy of urban spaces, which has become one of the conditions for the formation of the correct physical environment that meet the human needs in the achievement of social interaction and the strengthening of the sense of belonging, where studies confirmed that the formation of the disassembled and the spread of urban spaces is not specific shape and function leads to the formation of an urban environment It is socially cold and contributes to keeping people isolated from the social environment and sometimes unsafe and helps to spread crime and violence. We conclude that there is a link between the absence of a hierarchy of urban spaces in the city and a more moderate Crime The concept of security and security within the residential environment is closely related to this hierarchy.

Social needs within the urban spaces: The social needs within the urban spaces stem from the culture and traditions of the society. Therefore, they differ in the general framework from one region to the other according to the different cultures and civilizations, where the culture of society is the main engine of the choices resulting from its members. Based on these principles, the society determines its way of interacting with the vacuum and its functional needs within it. In 2001, Owson noted that the laws developed by society to regulate space use reflect its culture and basic needs.10 Both dear and wolch have suggested that social relationships can be created by space, And thus urban designers influence the pattern of human activity and social life through the formation of the urban environment. (Lynch) identified five main points that must be met in the urban environment to ensure its success(12):

1. *Vitality:* a degree that corresponds to the shape of the place with the needs of human beings and functional.
2. *Sense*: the ability of users to sense the place and how to organize it within the concept of time and space.
3. *Relevance:* It relates to the appropriateness of the form, its capacity and its compatibility with user behavior.
4. *Access:* It relates to the ability to access the activities, services, sources and information available at the site.
5. *Control:* the ability of the users of the place to control their movement in access to the place and activities.

It should be noted that there are five points of *common humanitarian needs among the different communities(10):*

Rest: which is the achievement of the prerequisite for the success of the vacuum, and is considered the length of time spent by people in the public vacuum is the guide to the degree of comfort. The factors include the sense of comfort, environmental factors (protection from solar radiation and wind .....) physical factors (elements of the coordination of the site and urban mattresses ....) and social and psychological factors (the personality of the place and its surroundings .....) figure (11) .

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Figure 11: Land House - Innsbruck Austria

Carr et al noted in 1992 that a sense of comfort is a deep and urgent need, expanding to the experience of people in public spaces, reflecting a sense of complete safety in terms of people and property. The sense of comfort can be enhanced through the physical design of the vacuum and its management strategies (3).

Relaxation: The achievement of relaxation depends on the sense of psychological comfort and is the status of the advanced degree of comfort of the body and mind that can be achieved in the provision of natural elements such as trees and water and ensure the protection of transport means to improve the environmental reality while emphasizing the balance between environmental and visual needs that ensure Secure optical communication to ensure clarity and safety Figure(12).



Figure 12: Cleveland Square Project - Ohio - United States

Exploration: The element of exploration in the physical environment depends on the diversification and change in the scenes and experiences experienced by the user of that environment, which can be done through the time factor in addition to the movement and management of the space . Where the sense of the element of exploration to get out of the routine and from what is expected, in addition to the sense of unpredictability and a sense of danger, whether real or imaginary figure (13).

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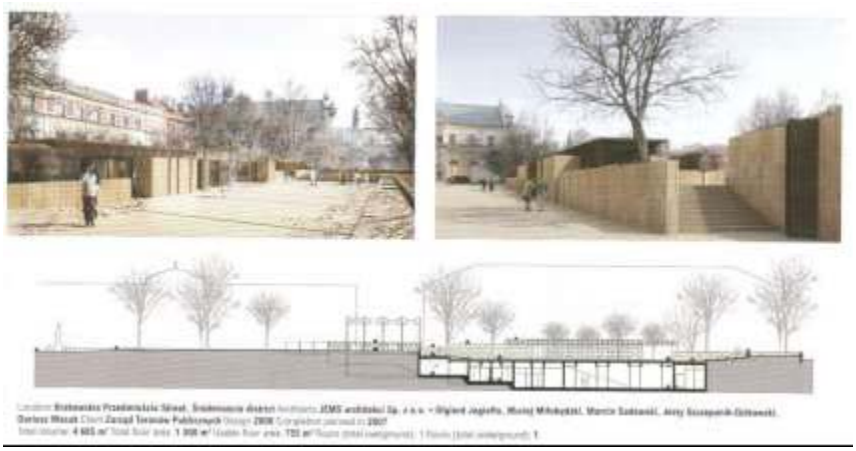

Figure 13: Hoover Square Warsaw – Poland

Incompatibility: It is intended to monitor people and watch activities and activities where Whyte found in 1980 that the attraction of people is the presence of other people and activities they practice and the most commonly used places are close to pedestrian traffic, which allows to monitor their movement and watch. their activities without human contact. The terraces and terraces in some of the open spaces are the places that provide this type of communication. Carr et al also points out that an ineffective association with the environment may lead to relaxation Figure (14)(3).



Figure 14: Palace of the Royal Palace Warsaw – Poland

Effective link: The highest degree of interaction with the ocean, which includes direct communication with people in it in various forms where meeting with friends and strangers, and to talk and participate in activities and events. Although some people find comfort and satisfaction in observing others, others are willing to communicate directly, and the quality of the urban spaces is evaluated by providing opportunities for interaction with the ocean in its various degrees figure (15).

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Figure 15: Piazza San Marco, Rome, Italy

Criteria for evaluating the functional and social efficiency of urban spaces:

1. The clarity of the location and ease of access and ease of access to it in terms of its links to the main traffic arteries and openness to the adjacent urban spaces, which will ensure users control their movement in access to the site and its effectiveness.
2. The vacuum should be suitable for the use of people and the provision of the conditions of comfort to them, including the inclusion of the elements of the appropriate physical brushes and elements of the coordination of the site to the appropriate standards that allow people to interact with them in addition to various entertainment and services.
3. To provide aesthetic characteristics, richness and diversity, taking into account the technical aspects of studying the elements of the vacuum and launching creative initiatives in the engineering design of its various details, thus enhancing the element of exploration and eliminating the sense of monotony and boredom and thus supporting the role of vacuum as an attraction and attraction for people and their activities.
4. Provide a sense of safety and security for the users of the vacuum in terms of giving a sense of control of the place and control the movement of entry and exit through clear and specific points, in addition to ensuring protection from the movement of different mechanisms, which contribute to achieve the condition of relaxation as an advanced level of rest of the body and mind.
5. Enhancing the human belonging to the place and meeting the emotional aspects of the users in the area of linking the details of the vacuum and its composition with the culture and history of the community, which contributes to achieving effective and ineffective association with vacuum.
6. To meet the needs of the various social, cultural and commercial services of different social groups in addition to providing suitable spaces for the establishment of various events and activities for different ages and people with special needs and without any conflict between them, thus enhancing the best conditions of engagement and interaction with the ocean. Urban Environment.
7. The availability of all environmental conditions that protect the protection against negative weather conditions (extreme solar radiation, strong and undesirable wind, heavy rainfall ...) in addition to protection against pollution in various forms, which reflects positively on the conditions of relaxation and relaxation provided by the vacuum.
8. Ensuring the economic efficiency of the various components and components of the vacuum in terms of selection of materials and treatments of sustainability with great durability and ease of maintenance, taking into account the richness, diversity, consistency and harmony among them, contributing to the best conditions and convenience for users.

II. Results And Discussion

Applied Case Study: Eng. Ahmed Qutaish Square (Jordan / Madaba) ..

Due to the lack of the city of Madaba for urban spaces dedicated to the activities of the population mainly and can be applied to the evaluation criteria easily, and because squares are similar in that most of them do not meet the activities of the main population in terms of spaces or traffic yards has been adopted yard Ahmed Qutaish as an applied case because it represents one of the squares Which has been renovated , Which is one of the most important points linking the residential neighborhoods in addition to it is a major link between the area of Al-Faisaliah and the area of rhetoric, making it a center of polarization and gathering of the population and visitors as it is heading towards the road to Mount Nebo and the Dead Sea.

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Figure 16: Ahmed Qutaish Square Madaba-Jordan - google earth

The importance of the arena through the development of a range of functional events in its surroundings to include the theater and center Zaha cultural playground and games for children, a library and a garden.

Analysis of the Engineer Ahmed Qutaish square according to the approved social and social criteria:

1. The advantage of clarity and ease of vision is available in the space as well as accessibility, there is a link between the urban space and residential areas adjacent to it, they achieve the requirement of control for users to access the site, which reflects positively on the efficiency of the space and activate it.
2. The space was prepared and prepared for use by the people effectively, but did not take into account the details of all the physical brushes and elements of the coordination of the site in accordance with the needs of users of this space, including the elements of sitting and rest protected and areas of assembly and the establishment of activities and events are different enough Not to achieve the condition of rest and relaxation as well as low level of appropriateness and sensitivity required within the built environment.
3. This space does not contain any clear design ideas and reflect the touches of artistic and aesthetic excellence has come the design traditionally does not achieve the element of exploration and connectivity to users within the spaces as well as the weakness of the level of sense.
4. The protection against weather conditions requires a number of architectural and urban treatments of an environmental nature, and requires a special study of the elements of the coordination of the site in order to take advantage of them in securing protection from severe solar radiation and undesirable wind in addition to securing the protection from unwanted rain showers through To study the treatments that are required to achieve this, while ensuring the effective and rapid drainage of this water. There is also a clear absence of environmental treatments in addition to the absence of the concept of protection from audio and air pollution, which is concentrated in the vicinity of the space resulting from the movement of heavy vehicles to the Dead Sea, which negatively affects the conditions of rest and relaxation in the space.
5. The study of the elements and details of the emptiness of horizontal and vertical surfaces and the elements of coordination of the site and urban mattresses as well as all the architectural and architectural details of the space, does not clearly reflect the culture and history of the community. Also, the absence of clear architectural character of the space and specific to the surrounding buildings does not help to strengthen the belonging to the place and in the end These details do not contribute to satisfying the emotional aspects of users, which is reflected negatively on their connection to space.
6. The materials used in the study of the elements of coordination of the site within the space and in its surroundings are characterized by the general ease of maintenance and durability, it is considered a good economic efficiency, but it lacks richness and diversity, which affects the general evaluation of the space and its relationship to the user, The space is very important and effective.
7. This space needs to expand and include a range of events that must suit the needs of users in terms of type and placed, and it should be noted here that the space does not include any treatments related to people with special needs and this affects the provision of conditions of vitality and suitability in the

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urban environment, To achieve the requirement that users bind to the void.



Figure17: Ahmed Qutaish Square



Figure 18: Children's Library



Figure 19: Zaha Cultural Center



Figure 20: children's playground

III. Conclusions

1. The studied space, like most of the main urban spaces, suffers from a large deficit in securing the elements of access, control and convenience, as well as the obvious weakness in achieving the conditions of rest, relaxation and association, leading to a low level of functional and social efficiency of these spaces.
2. The studied space and similar spaces suffer from a clear deficit in the field of services necessary to meet the needs of users, both in terms of the quality of services or places to be placed and this reflects negatively on the achievement of the conditions of correlation as well as the elements of vitality and suitability and thus lead to low level of functional and social efficiency of the space.
3. The weakness of the formation of the space and its surroundings in conjunction with the absence of architectural treatments that can contribute to the upgrading of artistic, aesthetic and visual characteristics. In addition to the absence of the physical and architectural character of the local, which wants to lose the space of the distinctive identity and weaken the belonging of users and the low level of social efficiency through the inability to achieve Sense, condition of engagement and exploration.
4. The urban spaces of the city, including the studied space, are characterized by the absence of environmental treatments that provide suitable conditions for the assembly of people, which leads to a low level of functional and social efficiency, which reduced the frequency of the beneficiaries of these spaces.

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5. Absence of a clear system of urban spaces that belong to this space and linked with it within a clear structure and deliberate at the level of the city and characterized by gradualism and interdependence and diversity of career, which would like to lower degrees of comfort and safety within these spaces.
6. Absence of the principles and foundations governing the study of spaces and squares officially approved by the concerned authorities, which meet the requirements and criteria to meet the requirements and functional and social requirements to allow the adoption of solutions suffer from a major imbalance in these aspects. One of the most important aspects of this imbalance is dealing with the squares and spaces as a road contract whose task is to regulate the movement of cars in its surroundings only and have no clear role in meeting the needs of the movement and the gathering of sight.

IV. Recommendations

1. Reconsidering the spatial configuration in the preparation of the detailed organizational plans in the framework of developing and updating the organizational chart of the city, in addition to starting the modeling of the existing urban spaces and rehabilitating them in order to achieve the hierarchy of the vacuum formation in order to provide all the requirements of safety and comfort required within the urban environment.
2. Reviewing the foundations and standards of the environmental treatments of these spaces and the related urban fabric so that they can contribute to the improvement of the level of comfort and relaxation, and the realization of the requirements of the vital fit, which enhances the social and functional efficiency of these spaces.
3. The Ministry of Housing and Urban Development in Jordan shall undertake the following:

i. Establishing the principles and foundations regulating the study of spaces and squares that define the requirements, standards and the crisis to improve the performance of the artificial and functional spaces of these spaces and their adoption by the responsible authorities as binding bases for all the studies conducted in this field.

ii. Put all the requirements and standards binding to study squares and public spaces, which contribute to the upgrading of the artistic and aesthetic and visual characteristics, so as to enhance the elements of excellence and attraction and give the personality and identity distinctive and thus enhance the sense of belonging to the urban environment and supports the elements of association and sense and contribute to raise the social and professional efficiency of these spaces.

4. Emphasis on taking into account the social dimensions in the development of urban plans and work to take into account the dimensions and humanitarian standards and help to strengthen social ties within the residential communities.
5. The importance of reviewing the current planning trends commensurate with the privacy of our Arab societies, with the need to find and develop creative formulations to achieve the twins between our cultural and social characteristics and requirements and lifestyles.
6. The urban environment should be considered as a window to understand the culture and its relation to the environment. Therefore, the design process should be done and the residential spaces should be connected to the urban spaces.
7. The process of studying the design of the urban spaces based on the views of the users and their needs in order to meet all the goals that exist for them as intimate areas.

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Assessment of Awareness and Compliance to Safety Measures and use of Protective Devices in Sunseed Oil Company Dakace, Zaria

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Abstract- *Background:* Vegetable oil processing companies potentially presents health hazards to factory workers through the production process. The burden of occupational health problems is staggering in both human and economic cost and workers in the developing world bear this burden disproportionately. The study was done to assess the awareness of safety measures and use of protective devices among factory workers in Sunseed oil processing company.

Methodology: This was a descriptive cross sectional study in which data was collected using structured self-administered questionnaires from 120 factory workers of Sunseed Oil Company, Dakace, Zaria, Nigeria. Data was analyzed using the Statistical Package for Social Sciences(SPSS) software version 17.0 and presented using charts and tables. Chi-square test was applied for evaluating associations.

Results: Majority of the respondents were male(97.5%) with a mean age of 35.03years and a standard deviation of ±8.72.Most of the respondents (97,5%) had received some form offormal education. The respondents who had workplace injuries accounted for 42.5% of which more than half sustained hand injury (67.3%).Most of the respondents were aware of safety devices(93.4%) with hand gloves been the most known device (63%).

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Conclusion: The findings revealed that the overall knowledge of protective devices by employees was optimal. However,non-availability of the safety devices influenced utilization. We recommend that devices suited to the role of each worker be provided by the employers.

I. Introduction

a) Background

A healthy workforce is vital for sustainable social and economic development on a local, national and global scale. For workers to remain healthy on their jobs, it is important to provide an optimal work environment that minimizes the risk of developing health problems. This is important as the work place is considered a basic part of life. Most adults spend approximately one fourth to one third of their time at work and often perceive work as apart of their self-identity.[1] Although the data are incomplete, the International Labor Organization (ILO) estimated that among the world's 2.7 billion workers, at least 2 million deaths per year are attributable to occupational diseases and injuries. However, this ILO estimate is really just the tip of the iceberg, because data for estimating nonfatal illness and injury are not available in most developing countries.[1]

The concept of occupational healthas defined by W.H.O is the promotion and maintenance of the highest degree of physical, mental and social well-being from health, controlling risks and the adaptation of work to people, and people to their jobs.[2]

When work is associated with health hazards it may cause occupational disease; be one of multiple causes of other diseases or may aggravate existing ill health of non-occupational origin. In developing countries where work is becoming increasingly mechanized, a number of work processes have been developed that treat workers as tools in production putting their health and lives at risk.[2]

Historically, the existence of diseases related to work was documented since antiquity. Imhotep (2780BC) described cases of occupational injuries among the pyramid builders. One of the great pioneers in occupational medicine was the Italian physician Bernardino Ramazzini (1633-1714), who authored the book "De MorbisArtificumDiahriba" where he described occupational diseases. He is often described as the 'Father of Occupational Medicine'.[3]

Sunseed oil company is involved with vegetable oil processing. The production process of vegetable oil starts from receiving oil seeds to storing, cleaning, drying, tempering, cracking, dehulling, conditioning, flaking, expanding, solvent extraction, degumming, refining, bleaching and deodorizing. Specific hazards associated with the operational phase of vegetable oil processing include[4]:

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Chemical hazards: Vegetable oil processing activities may present a risk of exposure to hazardouschemicals by inhalation or other exposure routes, as well as a risk of explosions resulting fromvolatilization of solvent dissolved in the oil (e.g. hexane), and fire, from spent bleaching earthwith a high iodine value oil, high ambient temperature, and high circulation-draft of air. Operators in vegetable oil facilities may be exposed to hazardous substances including inhalation of hexane or other solvents used for extraction; inhalation of toxic chemicals (e.g. sodium methylate can cause burns on the skin and lung tissues if inhaled); eye or skin exposure to acids or bases; inhalation of dust from transportation of raw materials (e.g. seeds and beans to the crushing plant); inhalation of dust from meal treatment and shipment; inhalation of dust from bleaching earth, filter aid, and nickel catalyst; and inhalation of aflatoxins present in raw materials.[4]

Physical hazards: Physical hazards in vegetable oil processing facilities are similar to those present in other industrial sectors and includes the potential for falls caused by slippery floors and stairs, potential collisions with internal transport such as trucks, and accidental contact with conveyor systems, such as those used in the crushing plants and for the removal of spent earth. [6]Operators in vegetable oil plants are also exposed to noise from internal transport, conveyors, boilers, pumps, fans, and various steam and air leaks. [4]

b) Problem statement

According to a comparative risk assessment of a handful of occupational hazards conducted by World Health Organization which accounted for 40 percent (800,000) of the ILO-estimated 2 million deaths, findings showed that unintentional injuries caused 312,000 deaths globally per year for the world's 2.7 billion workers, compared to 6,000 deaths per year for 150 million workers in the United States. [1]

The Bureau of Labor Statistics reported a total of 4,836 fatal work injuries recorded in the United States in 2015. This figure was the highest since 5,214 fatal injuries in 2008. The overall rate of fatal work injury for workers in 2015 was at 3.38 per 100,000 full time equivalent workers, and was lower than the 2014 rate of 3.43.The 937 fatal work injuries in the private construction industry in 2015 represented the highest total since 975 cases in 2008. Fatal injuries in the private oil and gas extraction industries were 38 percent lower in 2015 than 2014.[5]

The annual report of census and analysis of occupational illnesses reported that in the years 1985-1996, the total numbers of occupational illnesses ranged between 400 to 706 cases annually. Subsequently the number went up suddenly to 2026 in 1997 and jumped to 4784 in 1998.[1]

Reporting of occupational illnessesis still far less than expected (particularly in developing countries) based on the size of the population and the documented shortage of occupational health services coverage of the working population.For example, estimates of the burden of occupational disease suggest that reporting systems in southern Africa probably underestimate the real burden of occupational disease 50-fold. This is not unassociated with weak monitoring and regulatory systems, job insecurity and high labor turnover. Studies in Southern African Development Community indicate that the reported annual injury rates for wage workers in the Southern African Development Community region ranged widely from 0.35 to 49.42 injuries per 1,000 workers, and reported occupational fatality in the region ranged from 0.85 to 21.6 fatalities per 100,000 workers. [2]

In African countries, for example, the injury rates in forestry, electricity production, mining, basic metal production, non-metallic mineral manufacturing, wood-product manufacturing, and transport were all greater than 30 injuries per 1000 workers. Epidemiological data of occupational health hazards in Nigeria is poor mainly because industries do not report cases to the relevant government agencies.[6] Despite the various labor Act, factories decree and legislations by the Federal Government, studies have shown that Nigerian workers are exposed to occupational hazards in industries.[7]

Occupational health problems have gradually increased in type and magnitude and have led to or aggravated diseases resulting from exposure to several risk factors only one of which is the work environment. For example, exposure to hexane (a chemical solvent used in the industrial production of vegetable oil) beyond the permissible exposure limit is associated with peripheral neuropathy.[2]

Failure of the national government to establish workplace rules and provide a system of information dissemination and enforcement of regulations expose workers to occupational health hazards. Law enforcement is patchy and criminal sanctions for breach of Occupational health laws are rarely invoked when such laws exist. Most developing countries are unable to garner enough resources to ensure compliance to safety measures; educate health professionals in occupational health, attract adequately trained personnel to conduct inspections, and to establish and monitor laboratories to support regulatory efforts.[8]

In the developing country workplace, very few employers know about industrial hygiene, safety and health practices, and available controls varies. On-site industrial hygiene expertise is largely lacking.[1] Output-related pay, introduction of new processes without accompanying hazard information, and insecure and flexible contracts weaken workers' ability to control their work environment.[8]

In developing countries, especially at large remote industrial complexes and farms, workers (with or

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without families) often live and work in the same place, where workplace hazards, including noise, chemicals, and biohazards, are part of their non-work environment.[1]Training of supervisors and workers is often difficult because of impediments such as educational proficiency, language barriers, and the applicability of training material to local contexts.[1]

In an effort to address these challenges, the declaration of Alma Ata in 1978 led to the recognition of the importance of Primary Health Care workers and Community health workers in bringing health care to where people work. As such World Health Assembly resolution in 1987 requested the Director General of the WHO to develop guidelines on training PHC workers in occupational health.[2]

c) *Justification*

Work-related hazards, are very costly and can have many serious direct and indirect effects on the lives of the worker, their families and employers. For workers, some of the direct cost are: the pain & suffering of the injury or illness; the loss of income, possible loss of a job, health care cost. The most obvious indirect cost is the human suffering caused to workers' families, which many times cannot be compensated in monetary terms.[9]

Direct cost to employers include: Payment for work not performed; medical & compensation payment, repair or replacement of damaged machinery and equipment, reduction or a temporary halt in production, increased training expenses and administration cost, possible reduction in the quality of work, negative effect on morale in other workers.[9]

The indirect cost for employers are: the injured or ill-worker has to be replaced; a new worker has to be trained and given time to adjust to new roles, it takes time for the new worker to produce at the rate of the original worker , time must be devoted to obligatory investigations; to the writing of reports and filling out of forms, accidents often arouse the concern of fellow workers and influence labor relations in a negative way, poor health & safety conditions in the workplace can also result in poor public relations.[9] ILO estimates that about 4 percent of gross domestic product (GDP) worldwide is lost to work_related diseases and injuries.[1]

For all the reasons given above it is crucial that both workers & employers are informed of health and safety risk in the workplace. The rationale behind this study therefore, is to assess the awareness of health hazards and preventive measures including the use of protective devices with an emphasis on compliance as recent studies showed that despite adequate knowledge of occupational hazards and protective devices, compliance to their use is low.

II. Literature Review

a) *Introduction*

A study by Tarn etal on knowledge, awareness and practice of using personal respiratory protective equipment among Hong Kong workers showed that many workers were unaware of potential hazards present in their working environment, which made them more vulnerable to injury. The workers complained that using personal protective devices slowed down their efficiency, and made them uncomfortable. About 63.6% of the respondents understood the importance of using respirators. It was found that about 78.9% of the respondents were familiar with the risks of respirator fitting and about 80.8% of the respondents were familiar with respirator fitting. 86.6% of the management team respondents and about 48.6% of the frontline worker respondents did not use respirators while working on construction sites. 74.6% of the 100 respondents did not perform the regular body checkup. [10]

Even when knowledge and awareness of respondents to occupational hazards and formal training in occupational safety is adequate, compliance rate is not encouraging typified by a recent study by Aliyu et al on pattern of occupational health hazards and provision of occupational health services and safety among workers of Kaduna refinery ,where almost all of the 250 respondents (97.0%) were aware of safety measures in the workplace; and majority (92.1%) had formal training on occupational safety. Most of the respondents (78%) admitted to regular use of protective devices. Reasons given for non-regular use were; feels uncomfortable (29.1%), makes work difficult to perform (25.5%) and no cogent reason(23.6%).[11]

Another study by Shobowole etal on ocular health status and practices among the workers of a steel rolling mill in Nigeria ,showed that of the 107 workers studied 65 (60.7%) of them had tertiary education, 19 (17.8%) had secondary education, 8 (7.5%) had primary education, while 15 (14%) had no formal education. Only 20.4% of them had ever received eye health education since joining the industry. 94.3% of the workers were aware of the fact that potential ocular hazard existed in the industry and 98.9% believed that the hazard could be prevented with the use of some eye protective device (EPD). About two-thirds (49 subjects; 68.9%) of the workers reported that they had had some work related eye injuries. Thirty-six (73.4%) of them did not use any protective device available.[12]

In a study by Sabitu et al on awareness of occupational hazards & safety measures among welders in Kaduna metropolis, of the 330 respondents, 85.3% of respondents had experienced work related accidents of which 38% had sustained cuts or injuries to the hands, 77.9% were aware of one or more workplace hazards. However, only 34.2% used one or more types

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of protective devices, with eye goggles (60.9%), hand gloves (50.3%) and boots (34.5%) being more frequently used.[13]In the same study by Sabituet al., 1%of the welders studied had hearing impairment.[13]

In a similar study by Aliyu etal on stone quarry workers in Zaria, 64.9% of the 74 respondents were aware of the need to use safety devices as well as preventive measures at the worksite. However, none of the quarry sites made efforts at instituting preventive measures and/or providing safety devices. The quarry sites lacked first Aid facilities to treat minor on-site injuries before proper referral and none of the industries recruited any medical personnel nor did they have any partnership with any government or private hospital.[7]

A study of semen quality of cleaners at the Chernobyl sites in Ukraine showed that the men had asthenooligospermia and were observed in men exposed to a dose of radiation higher than l00mSV.[14]

In a study by Loewenson, chemical related injury rates varied between 6.4 and 37.2 injuries per 100,000 workers in Tanzania, Kenya, South Africa, and Zimbabwe.[15] It had been estimated in Africa that 3.2% of workers suffer pesticide poisoning.[15] A study by Jung-sun park etal on hematopoietic and reproductive disorders due to solvents containing 2-bromopropane in an electronic factory in Korea revealed varying degree of pancytopenia, ovarian failure and oligospermia among staff who had contact with the solvent.[15]

A study by Oladapo etal on fertility and occupational hazards, revealed that pesticides, solvents & heavy metals had detrimental effects on many organs in the body including the reproductive system. The reproductive effects included reduced fecundity, abnormal sperm 'quality, increased risk of low birth weight, miscarriages and permanent sterility.[14] In Italy, among workers engaged in production of coins, whose exposure was mainly to metal fumes (cadmium, lead, nickel, chromium and manganese) and solvents, a reduction of fecund ability was observed.[14]

A study of women farmers in mixed cropping systems, by the University of Benin (Nigeria), found that the vast majority suffered from intense muscular fatigue, heat exhaustion ,and skin disorders, forcing them to take days off from attending to crops.[16]

A detailed survey of occupational and musculoskeletal disorders at a garri-processing co-operative in Ghana revealed that every respondent complained of having suffered from musculoskeletal pain or discomfort from work over the past 12 months 92% of the women interviewed reported having suffered pain in the lower back and right shoulder in the last year.[17]

Studies in Botswana and South Africa, for example, signal the potential problem of Silicosis in developing nations from prolonged exposure to crystalline silica in mineworkers in the rural areas of southern Africa .[8]Coal dust has also been a serious hazard causing coal workers' pneumoconiosis or 'black lung' and chronic obstructive pulmonary disease.[18] Exposures to coal tar pitch volatiles in Soderbergaluminum smelters have been reported to increase the risk of lung cancer and bladder cancer. Occupational asthma has also been a problem in the pot rooms of aluminum smelters.[18]

At other times ignorance constitutes the problem. A Korean study by Jung-sun etal on an outbreak of hematopoietic and reproductive disorders in an electronic factory revealed that all workers did 12-hour shift work and never used personal protective devices such as gloves and masks when handling a new cleaning solution as they were oblivious of its toxicity and so were exposed to considerable high concentration each day. [30]

In the same light, a study by Yanggen etal on Ecuador farmers, showed that more than 70 percent of men and 80 percent of women did not understand the color coding on pesticide labels indicating toxicity, despite a near 90 percent literacy rate and substantial industrial education on "safe use." Farmers made minimal use of protective clothing during pesticide preparation and application, and many failed to shower off pesticide residues or change their clothes immediately after application. Farm based families stored pesticides in their homes and washed their application equipment and clothing nearby.[16]

In a recent study on occupational eye injury among sawmill workers in Nigeria by Uhumwangbo etal, only 7 out of 557 respondents used eye protective devices (10.7%). The prevalence of ocular injuries was 1.6%. The level of compliance in the study was very low, as workers were left on their own to decide on whether to use or not to use protective eye wear.[19]

A study by Onajole et al on awareness of workers on hazards exposure and safety measures in an aluminum industry in Lagos; males were more likely to regularly use protective devices than females 46.5% and 23.5% respectively. Workers who had tertiary education were less likely to regularly use personal protective equipment compared with those with secondary education 32.1% and 50% respectively.[20]

III. Methodology

a) Background of the study area

Sunseed Oil company Dakace, is located in Dambo ward of Zaria Local Government Area. It has boundaries with SabonGari L.G.A on the North; Igabi L.G.A on the south, BirninGwari L.G.A on the west and Soba L.G.A on the east. It was established in 1998 by the Kewalram Chanrai group a business enterprise with interest in manufacturing, agro commodities, international trade and property development.

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The company had 5 Departments which included administration, accounting, production, engineering, and commercial departments. The company at inception had a clinic which wasno longer functional. However, First Aid was available and a retainer ship existed between the factory and some government and privatehospitals which catered for the health needs of the employees.

There were 4 factories, only 2 were functional. The company had 130 Factory workers(70 of which were permanent workers and 50 temporary workers).The factory made use of domestically produced oil seeds, predominantly soya bean and comprises of an area of land with a plant and equipment for storing, crushing, refining and packaging.

A brief on the industrial process

The oilseeds arrived the facility by truck and were sampled for moisture content,foreign matter, and damaged seeds. Then the beans were weighed and conveyed to concrete silos or metaltanks for storage until processing. At the time of processing, the beans were removed from storage and cleaned. When cleaning was complete, the beans were dried. After drying, the beans were tempered for 2 to 3 days to allow the moisture to equilibrate and the hulls loose. Next was cracking and the purpose of cracking was to break the soybeans into pieces suitable for dehulling and flaking. The removed hulls may be combined with hulls from the earlier cleaning steps and used in animal feeds. It was then transported to conditioners where the soybeans were heated and moistened to make them pliable enough to ensure proper flaking. Conditioned soybeans were fed through large, smooth-surfaced rollers and emerged as flakes. Flaking was the final step prior to solvent extraction.

b) Study design

This was a Cross-sectional descriptive study assessing awareness and compliance to safety measures and use of protective devices in Sunseed oil company, Dakace, Zaria.

c) Study population

All factory workers in various sections of production were studied.

d) Inclusion and exclusion criteria

Inclusion criteria - 120 factory workers.
Exclusion criteria - administrative staff, Accountants, staff of commercial department, security guards, cleaners, errand men.

e) Sample Size Determination

$n=Z^2(pqVd^{220}$
where:
n=sample size
z=standard normal deviate at 90% confidence interval=l .96
P-prevalence rate as gotten from previous study =50%(0.5) [20]
q=probability of prevalence=(l-p)=l-0.5
= 0.5
D=margin of acceptable sampling error=5%(0.05)

$$N = [1.96]^2\ [0.5x0.51 / [0.05]^2 = 384$$

f) Sample technique

The sample size was estimated to be 384. However, the total number of factory workers in Sunseed oil company was 120 and fell short of the estimate ,as such all factory workers were interviewed.

g) Data Collection Methods and Instruments

The data collection was via semi-structured interviewer-administered questionnaire which sought to obtain information on the socio-demographic characteristics of the respondents, their level of awareness and compliance with use of safety protective devices on the job, as well as the patterns of injury among the factory workers. .Both open and closed ended type questions were used.

Field pretest

A pretest was done on 12 factory workers in Olam Nigeria limited, the aim was to assess the validity and accuracy of the questions in the questionnaire and level of understanding of the structured questions. Based on the outcome of the pre-test, necessary adjustment were made such as simplifying ambiguous questions and additional informative questions were added such as; nature of employment, specific segment of production, among others.

h) Data management

The data collected from the study was checked for errors and then edited accordingly. It was entered, validated and analyzed using the Statistical Package for Social Sciences (SPSS') software version 17.0. For the descriptive aspect of the analysis, frequency distributions were generated. For all categorical variables, means and standard deviations and other descriptive measures were determined. Frequency tables and graphs were constructed to represent quantitative data, while qualitative data were represented with charts by using the software program me Microsoft® Excel® 2007. Chi-square test was applied for comparison of proportions and for evaluating associations of categorical variables in contingency tables.

i) Ethical consideration

Approval to carry out the study was obtained from the Head of the Department of Community Medicine, Faculty of Medicine, Ahmadu Bello University, Zaria. The permission of the General Manager of Sunseed company was also obtained. Each respondent was enlightenedon the purpose of the study and

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Informed consent obtained.Highest level of confidentiality was ensured and respondents were not required to give their names

j) Limitation of study

- The number of factory workers surveyed was less than the estimated number.
- The research was conducted over a limited time period. However, most health problems evolve over a long period of time.
- Possible fallacy of certain information obtained from respondents.

IV. Results

A total of 120 questionnaires were administered all of which were returned.

Table 1: Age distribution of respondents

Age(Years)	Frequency	Percentage(%)
15-24	15	12.5
25-34	40	33.3
35-44	47	39.2
45-54	17	14.2
55-64	1	0.8
Total	120	100.0

Majority of the respondents were between the ages of 25 and 44 years(72.5%), most of whom were between 35 and 44years (39.2%). The mean age of respondents was 35.03 and standard deviation was 8.723.

Table 2: Educational status of Respondents

Educational status	Frequency	Percentage (%)
Primary	4	5.0
Secondary	49	40.8
Tertiary	62	51.7
Adult literacy	1	0.8
None	2	1.7
Total	120	100

About half of the respondents had tertiary education (7%), 40.8% had secondary education, those with primary education accounted for only 5%. 0.8% of the respondents had acquired some form of adult literacy 1.7% had no form of education.

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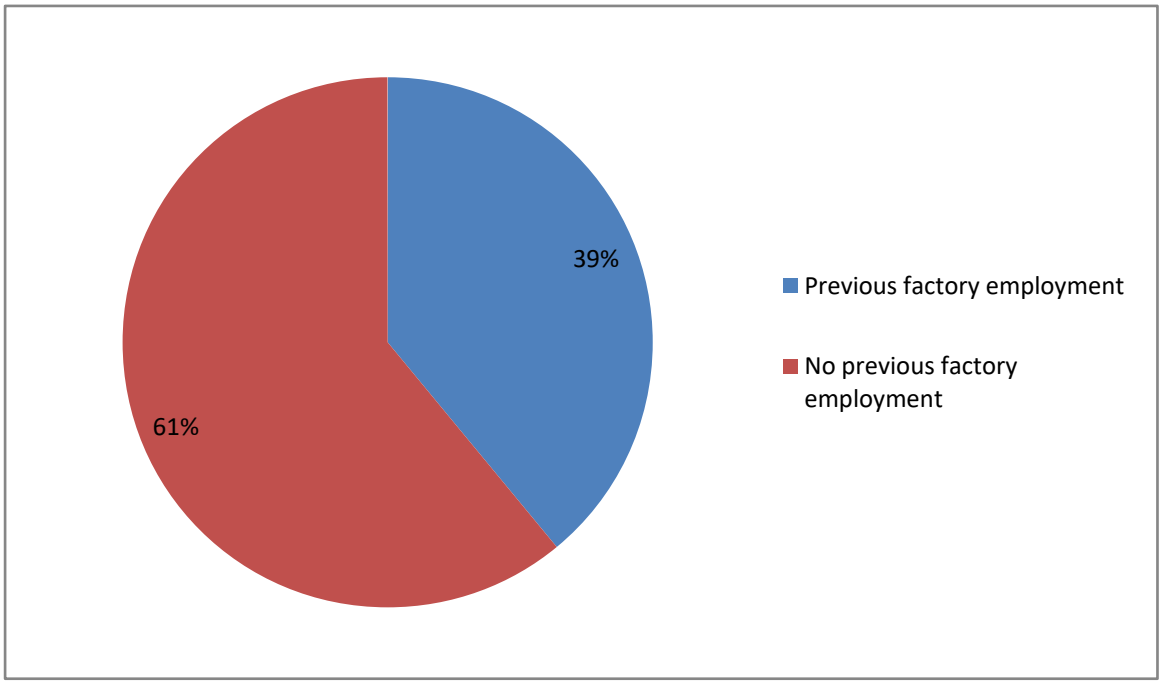

Figure 1: Previous factory employment among respondents .Out of 120 respondents 39% had previously worked in a factory before their present employment 1% had not.

Table 3: Respondents duration of employment in present factory

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Number of years	Frequency	Percentage(%)
<1	4	3.2
1-5	49	40.8
6-10	36	30.0
11-15	30	25.0
>15	1	0.8
Total	120	100.0

Of the 120 respondents 40.8% worked for 1-5yrs, 30% had worked for 6-11yrs, 25% had worked for 2-15 years, 3-2% had worked for less than 1yr and only 0.8% had worked for more than 15yrs.

Table 4: Number of work hours per day

Work hours	Frequency	Percentage (%)
<5hrs	4	3.3
5-8hrs	86	71.7
9-12hrs	30	25.0

Most of the factory workers worked between 5 and 8hours daily(71.8%), 25% worked 9 -12 hours daily, while 3.3% worked for less than 5hours.

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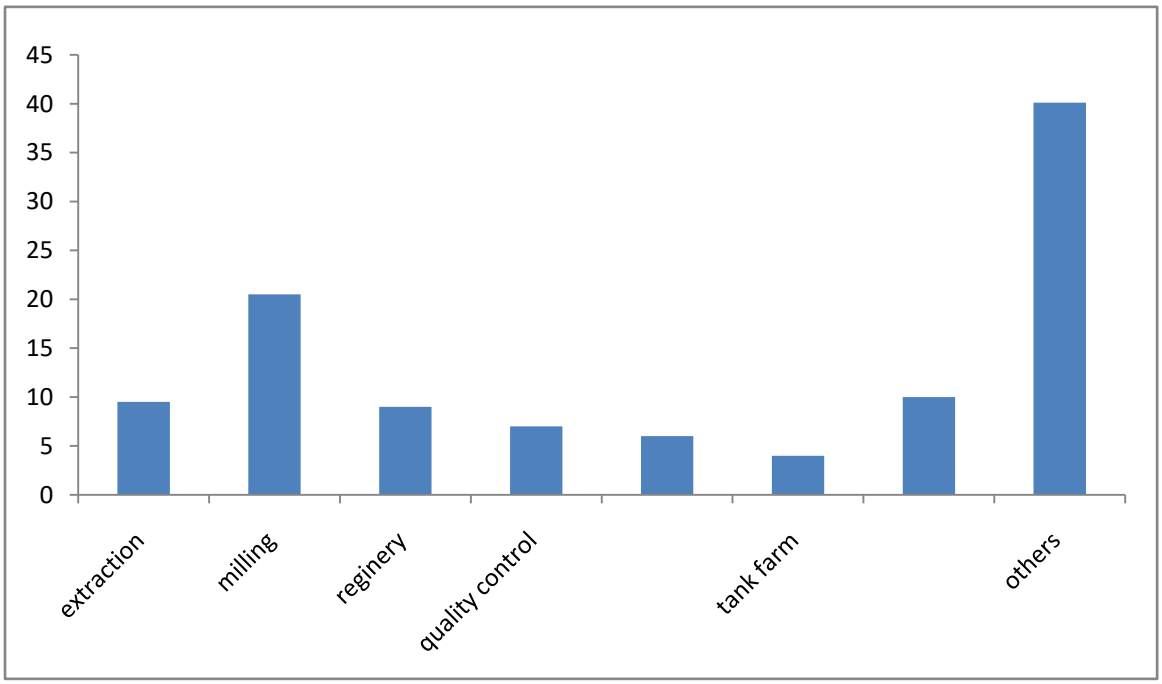

Figure 2: Various segments of production where respondents work

Only 1.7% of the respondents worked in the tank farm,8.3% worked in extraction plant,9.2% in the refinery,20.8% in milling plant,45.8% worked with other segments not highlighted like the boiler section, store e.t.c.

Specific duty in factory

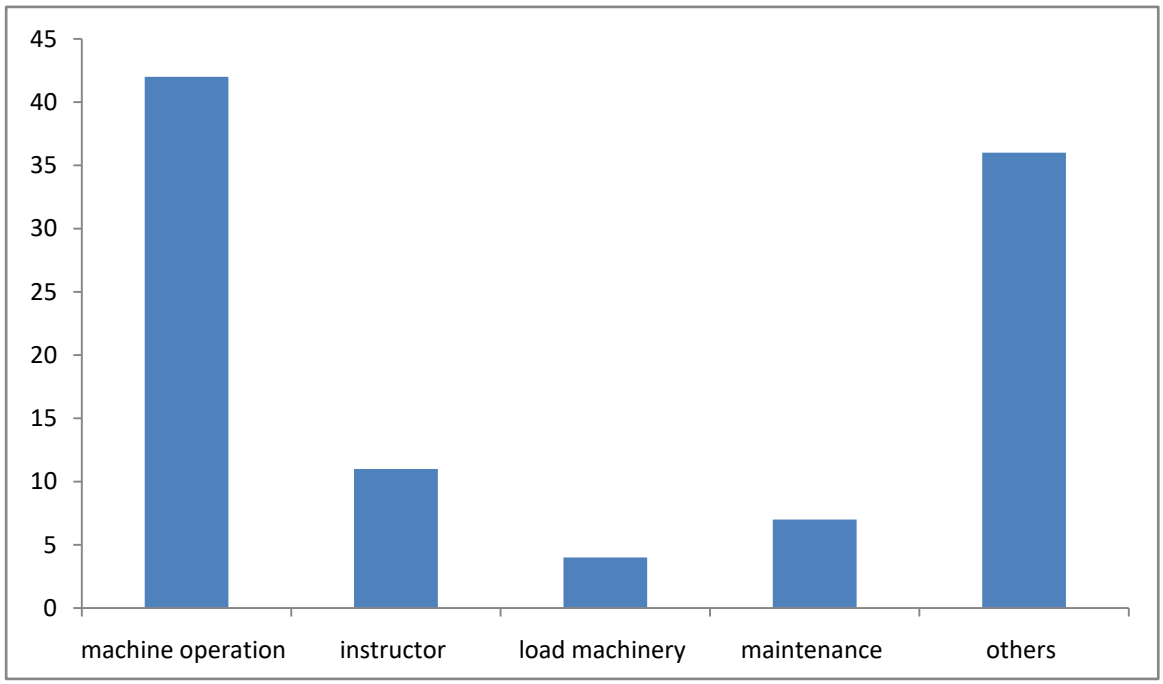

Figure 3: Specific duty assigned to respondents in the factory

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Majority of the respondents were responsible for machine operations(75%), 35% were involved with other responsibilities, 11.7% were instructors, 7.5% were responsible for maintenance of machineries while 4.2% loaded machineries.

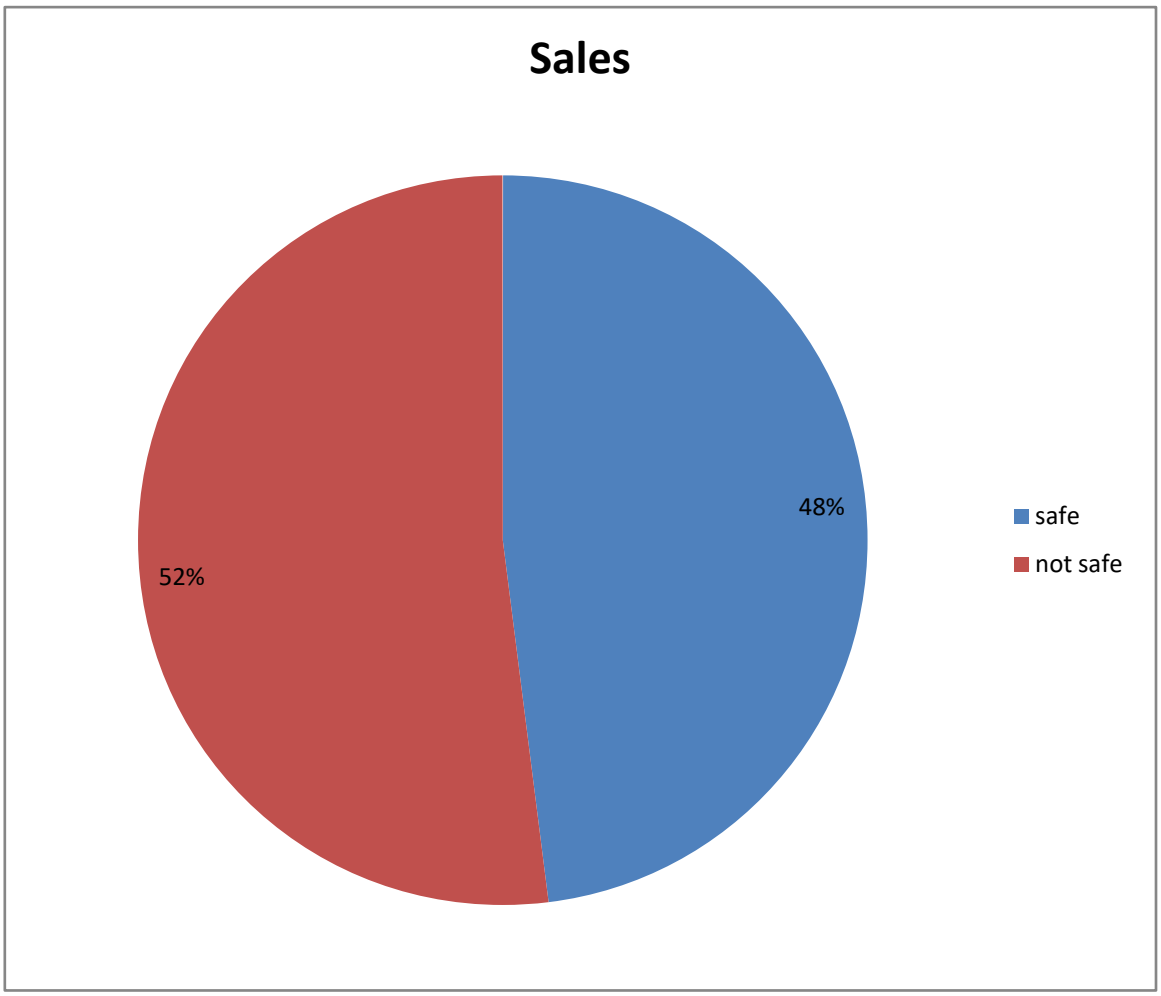

Figure 4: Respondents views on their job safety.

Half of the respondents said their job was unsafe(52%), only 48% thought their job was safe.

Table 5: Reasons given by respondents who said job was unsafe

Reasons	Frequency	Proportion (%)
Had an injury in the past	15	24.6
A fellow worker had been injured	5	8.2
Several risky procedures	39	63.9
Not healthy since I started work	1	1.6
Others	1	1.6
Total	61	100.0

Of the 61 respondents who said their job was unsafe, 63.93% thought so because of the several risky procedures they were exposed to at work. Another 24.59% had an injury in the past. 1.64% of the respondents gave other reasons for their assertion

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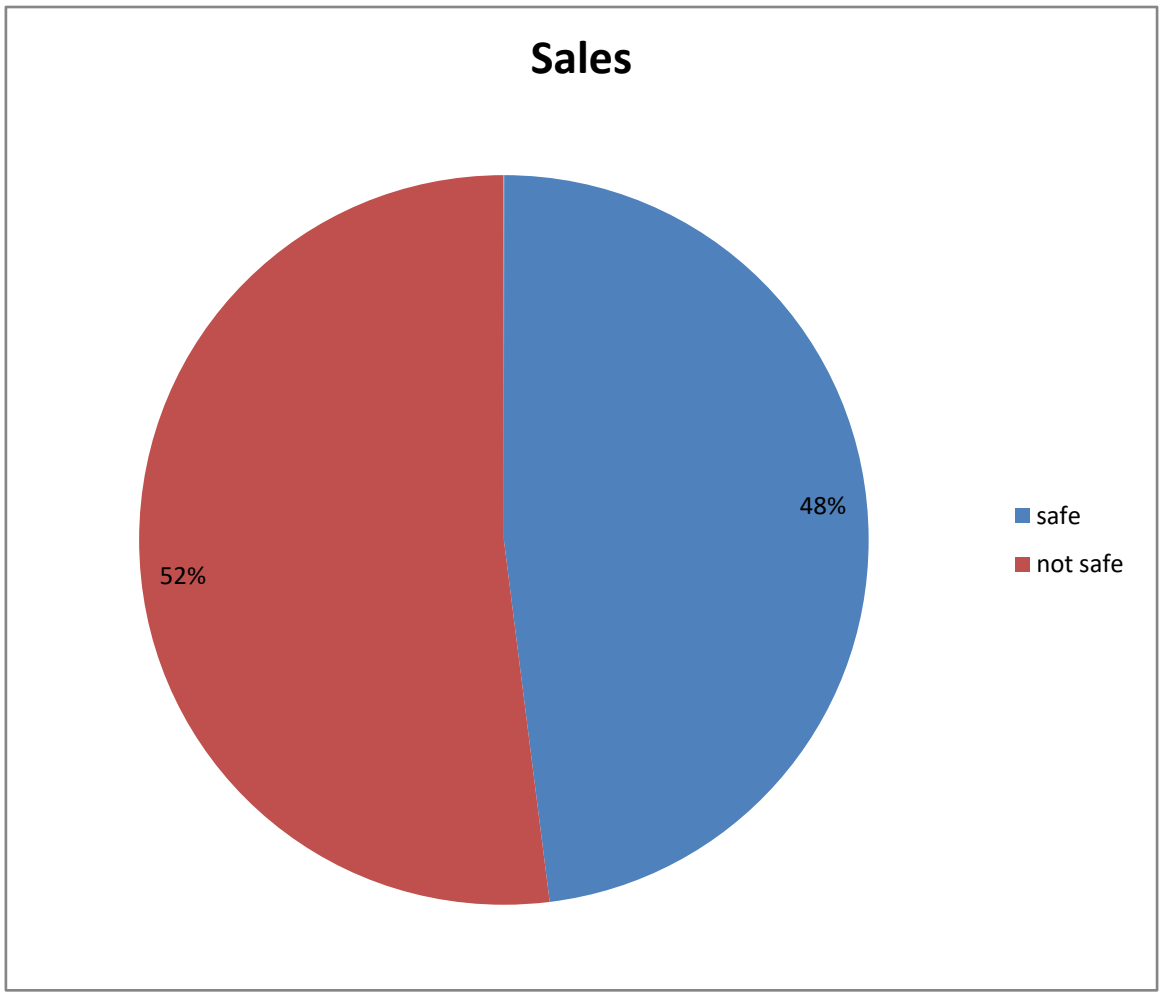

Figure 5: workplace injuries as experienced by respondents

Those who ever had any form of workplace injury at the factory accounted for 42%, however 58% had never experienced any form of injury.

Table 6: Types of workplace injuries experienced by respondents

Workplace injury	Frequency	Percentage(%)
Hand injury	37	67.3
Eye injury	3	5.5
Fall from height	8	14.6
Vehicle accident	2	3.6
Facial injury	2	3.6
others	3	5.4
Total	55	100.0

The most common workplace injury among the 55 respondents was hand injury accounting for 67.27%.,14.55% had fallen from heights, eye injury accounted for 5.45%, other types of injury 5.36% ,vehicle accident and facial injury each had 3.64%

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Table 7: Payment of compensation to respondents who ever sustained injuries.

Payment of Compensation	Frequency	Percentage
Paid	8	12.5
No paid	56	87.5
Total	64	100.0

Most of the 64 respondents who had injuries were not paid any compensation(87.5%), only 12.5% received compensation.

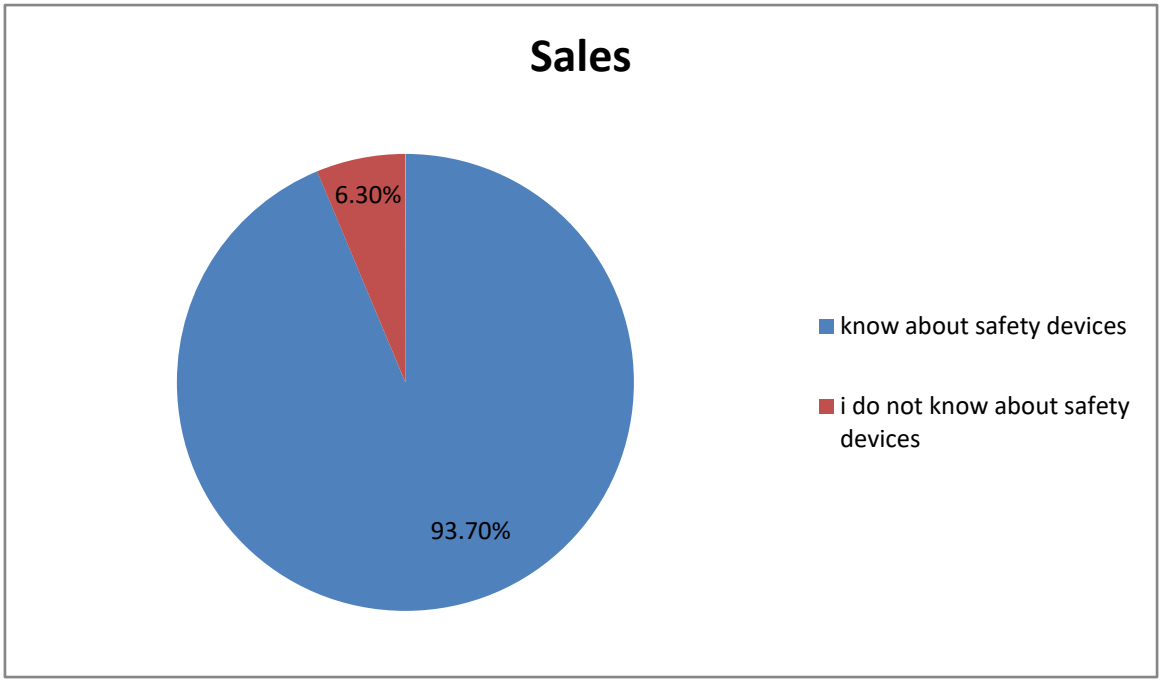

Figure 5: Awareness of respondents on safety protective devices

Majority of the 120 respondents were aware of at least one safety device that can be used in a factory(93.7%), only 6.6% did not know about safety devices.

Table 8: Specific protective devices that respondents were aware of

Safety devices known	Frequency	Percentage(%)
Eye goggle	66	55.0
Hand/finger gloves	76	63.0
Face mask	55	45.8
Safetyhelmet	60	50.0
Overall	74	61.7
Earplug	54	45.0
Safetybelt	41	34.2
Others	42	35.0

Hand gloves was the device most known among the 120 respondents(61.7%), 55% were aware of eye goggles, 50% of safety helmet, the least known device was safety belt.

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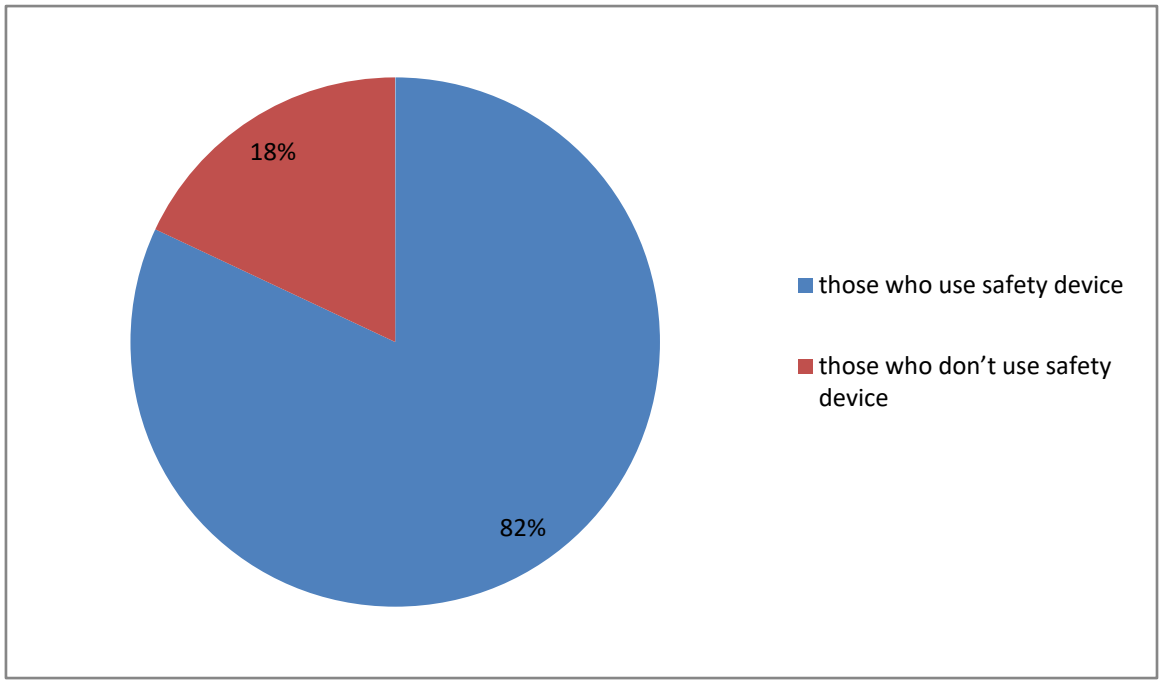

Figure 6: Utilization of safety protective devices among respondents

Majority of the respondents had used atleast one form of protective device (81.8%), 18.33% never used a protective device.

Table 9: Distribution of safety protective devices used among respondents.(n= 116)

Protective devices used by respondents	Frequency	Percentage (%)
Eye Goggles	27	23.3
Hand/finger gloves	41	35.3
Facemask	19	16.4
Safety helmet	20	17.2
Overall	57	49.1
Ear plug	16	13.8
Safety belt	9	7.8
Others	23	19.8

Overalls were the most frequently used safety protective device amounting to 49.14% of the 116 who responded to this question. The least used device was safety belt(7.76%).

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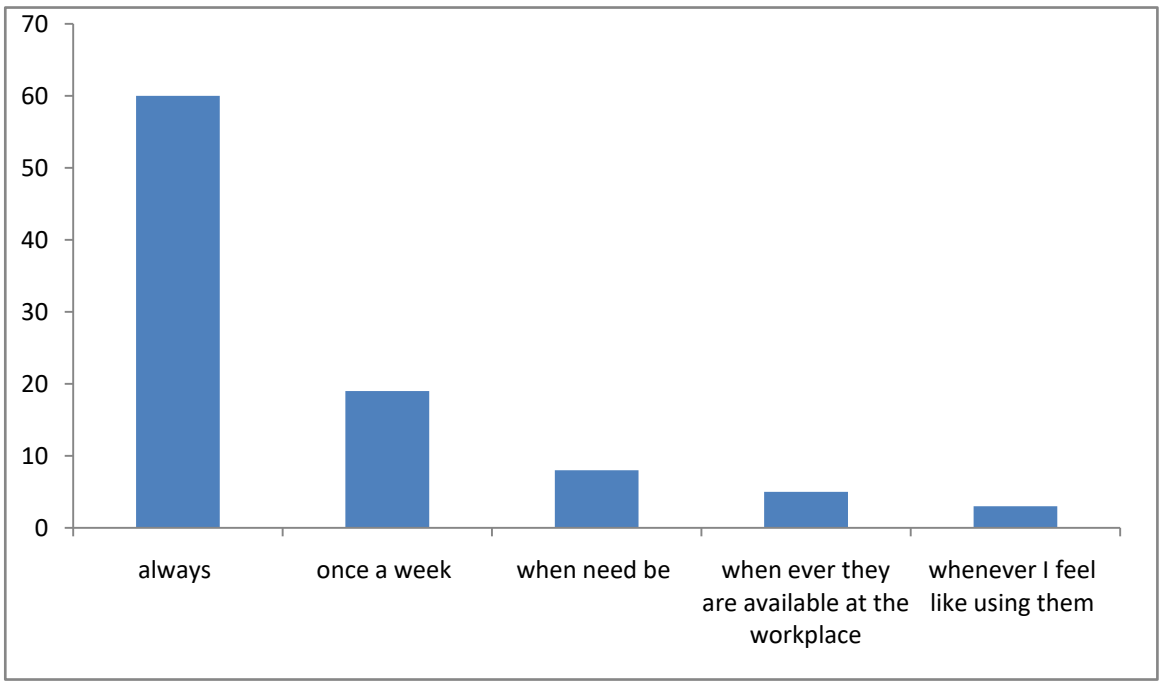

Figure 7: Frequency of utilization of safety protective devices by respondent

Of the 116 respondents, 69.6% of the respondents used the devices frequently.

Table 10: Respondents reasons for not using safety protective devices(n=21)

Reasons for not using safety devices	Frequency	Percentage (%)
Am very careful at work	3	14.3
I do not have resources to buy them	2	9.5
They are not available	12	57.1
I don't enjoy using them	3	14.3
Others	1	4.8
Total	21	100.0

Of the 21 respondents who did not use any safety protective devices 57.14% of them said it was due to the non-availability of the devices. 14.29% said they were careful at work and did not need the devices.

Table 11: Distribution of symptoms as experienced currently by respondents

Symptoms	Frequency	Percentage (%)
Cough	20	16.7
Body pains	4	3.3
Finger/joint problems	6	5.0
Body pains	39	32.5
Hearing problems	4	3.3
Headache	12	10.0
Skin problems	5	4.2
Others	2	1.7

The most common symptom experienced currently by respondents was body pains (32.5%), another commonly encountered symptom was cough (16.7%), 10% of them had headache, very few had other symptoms as highlighted above.

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Table 12: Duration of symptoms as experienced by respondents

Symptom duration(years)	Frequency	Percentage (%)
<1	26	46.4
1-2	12	21.4
3-4	6	10.7
5-6	4	7.1
7-8	3	5.4
9-10	4	7.1
>10	1	1.8
Total	56	100.0

Of the 56 that hadsymptoms, majority had the symptoms for lessthan a year(46.43%), 21.43% of them had the symptoms for 1-2yrs.

Table 13: Distribution of symptoms in the last 3months.

Symptoms	Frequency	Percentage (%)
Cough	10	8.3
Breathing problems	2	1.7
Finger/jointpains	1	0.8
Bodypains	24	20.0
Hearing problems	2	1.7
Headache	8	0.8
Skin problems	1	0.8

Of the 45 respondents who had symptoms in the last 3months, 20% of them had body pains, breathing problems and hearing problems accounted for 1.7% each, other symptoms accounted for 0.8% each.

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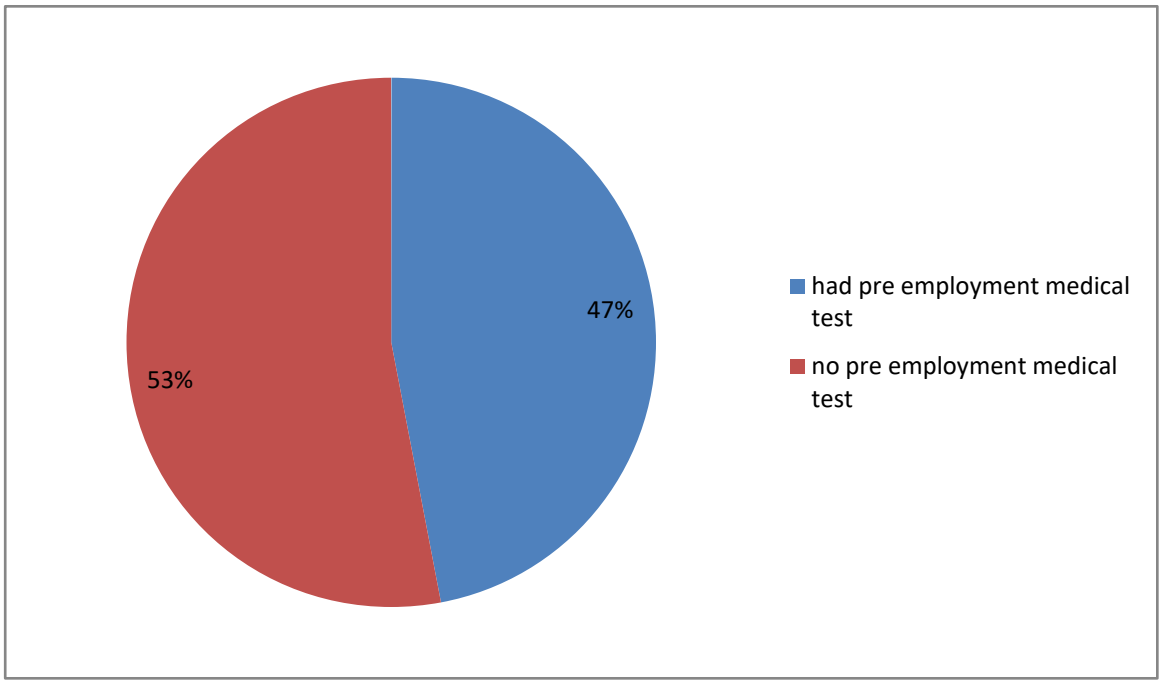

Figure 8: Respondents who had pre-employment medical examination

Of the 120 respondents47.5% had pre-employment medical examination before commencing work at the factory, 52.5% did not.

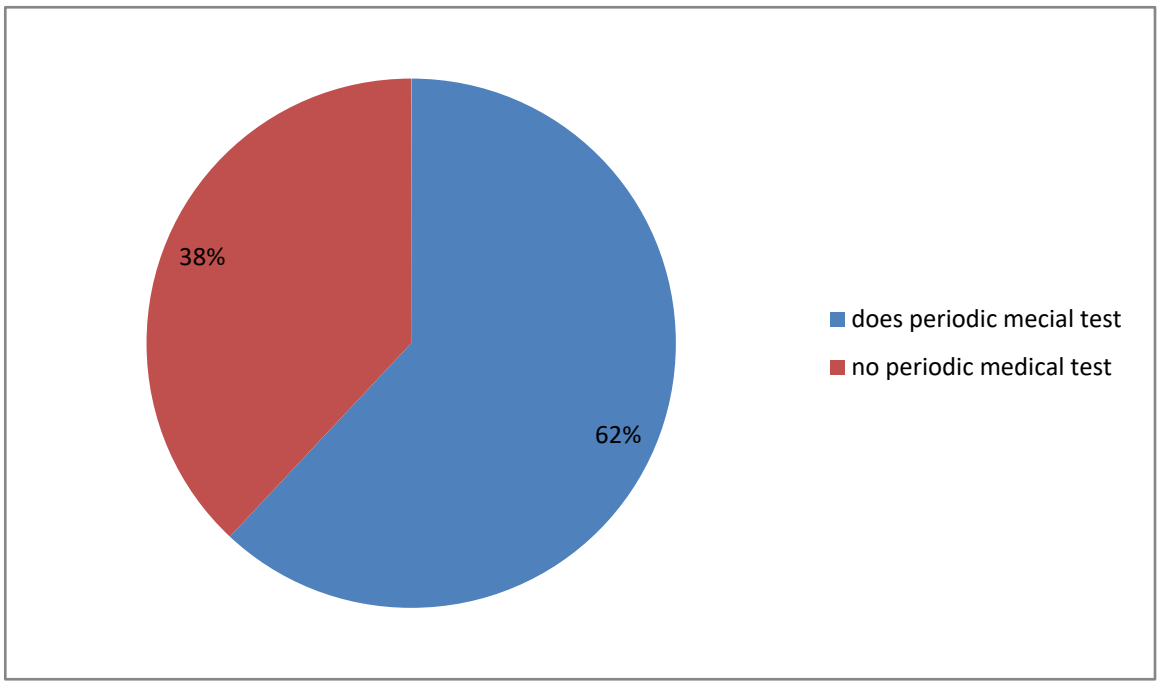

Figure 9: Distribution of respondents who undergo periodic medical examination

Most of the respondents underwent periodic medical examination (62%), only 38% did not.

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Table 14: Relationship between nature of employment & workplace injury

Nature of employment	Previous workplace injury		Total
	Yes	no	
Permanent	18	34	52
Temporary	33	35	68
total	51	69	120

X-2.834 df= 2 p= 0.242

The table above shows more work place injuries among the temporary staff and less injuries among the permanent staff. However, the relationship between nature of employment and workplace injuries was not statistically significant.

Table 15: Relationship between nature of employment & use of safety protective devices

Nature of employment	Use of safety protective devices		Total
	Yes	No	
Permanent	47	5	52
Temporary	51	17	68
Total	98	22	120

X-4.721 df= 2 p= 0.094

From table above the use of protective devices was higher among temporary staff but the relationship between nature of employmentand useof safety devices was not statistically significant.

Table 16: Relationship between specific factory duty & work place injury

Specific factory duty	Had workplace injury		Total
	Yes	No	
Machine operation	23	27	50
Instructor	6	8	14
Load machinery	5	0	5
Maintenance	4	5	9
Others	13	29	42
Total	51	69	120

X-9.322 df= 4 p= 0.054

From the table, machine operators had the highest number of injuries, those responsible for maintenance had the least injuries. Furthermore, the relationship between specific role in factory and occurrence of injuries was not statistically significant.

V. Discussion

a) Sociodemographic characteristics

Majority of the factory workers were male(97.5%).This finding was similar to that by Tam etal where 87% of the workforce was male.[10] This pattern of distribution can be attributed to the nature of the core business activity of the company which involved a lot of physical exertion.

Factory workers aged 25-44years accounted for 75% of the respondents.The mean age was 35.03 years with a standard deviation of +/- 8.72.This finding differs from a similar study by lyiade etal which reported a mean age of 39years.[21] This finding further buttresses the fact that physically able individuals were employed due to the nature of operation of the industry. It therefore suggests that majority of the factory workers were young on the job with minimal work experience making them more vulnerable to workplace hazards. The married accounted for 65.8%and 34.2% were single, suggesting that most of the factory workers had families they had to cater for using the resources they earnedfrom their jobs. This factor may influence how much of their income will be available to take care of their own personal health. This finding is similar to that of a study by Samuel etal which found that 80% of the respondents were married and 20% were single. [22]

Most of the respondents (97.5%) had formal education of which 51.5% had tertiary education, 0.8% had adult literacy and only 2 workers had no form of education.This is similar to the study by Shobowole et al (60.7% for tertiary education,17.8% for secondary

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education,7.5% for primary education and 14% no formal education).[12]

Half (50%) of the respondents lived outside Dakace; 20% had their accommodation around the factory ,16.7% lived 2-5km away from the factory and 13.3% lived beyond 5km from the factory which predisposed them to stress sincethey have to travel a long distance daily to reach their place of work.

b) Awareness and compliance to use of safety protective devices

The duration of employment of 40.8% of the respondents in their current employment ranged from 1-5 years, 30% had worked for 6-10years as opposed to73% reported by Shobowole etal.[2] Those who had worked for 10-15years accounted for 25% with 93.3% working for 6 - 7 days in a week and 95% working for 8 - 12 hours per day.This is consistent with results of studies by Tarn and colleague in which 73.3% worked for 6days.[10]Lakhwinder etal reported that 85% worked for more than 5hours. Long work-hours meant long exposure timeto occupational hazards at the workplace.[23]It should be noted that with the largely informal nature of the Nigerian economy, many people work in cottage and small-scale industries such as dyeing and pesticide making. In these industries, workers are exposed to hazards for long hours and the exposure dose is largely unregulated as the primary gain is financial.[24]

A work profile of continual stress each day for the workers may over time lead to job dissatisfaction, reduced performance and increased psychosomatic disorders such as peptic ulcer disease, headache, and hypertension. Further heightening risk for workplace injuries. This is the hypothesis of the Job-Demand Control Model postulated by Karasek, which states that employees working in high strain or stressful jobs will have an increased risk of developing high blood pressure, reduced job satisfaction and ill health over time.[25]

Since only 41% of the respondents were involved in machine operation, indicating that a lot of manual work went on in the factory. Manual work had a higher demand on the workers compared to mechanized work, as the former required more energy input and time. Only 68.3% of the respondents worked at night, of whom 62.7% worked for 8-12hours per night. This finding differs from the report of the study in Northern Nigeria by Aliyu andcolleague, which stated that none of the quarries operated night shift.[7] They were more at risk of health hazards because they had a longer time of exposure to risk factors for ill health.

A little over half of the respondents (51.67%) thought their work was not safe. The reasons given were because they had an injury in the past (12.5%), a fellow worker had been injured in the past (5%), there were several risky procedures (32%).However,48.33% of all the respondents thought the work was safe.

The respondents who had workplace injury accounted for 42.5% less than 68.9% reported by Shobowole etal .[12] Of the 42.5% who ever had injuries; 67.27% had hand injury,14.55% had fall from height, 5.4% eye injury, with no respondent having loss of limb which differs from results of similar studies by Sabitu etal in which 85.5% had experienced one form of occupational injury or the other, of which 38% had hand/finger injuries,17% eye injury.[13]In another study by lyiade etal, the most common injury reported was eye injury accounting for 45.9%.[21] In yet another study by Samuel etal , 80% had hand injuries,75% backpain,55% knee injury.[22] Only 12.5% of the respondents who experienced injury were paid some form of compensation by their employer at the time of injury.

Only 65% of all the respondents, attested to the presence of a mechanism put in place by their employers to cater for their health. The mechanism was the use of First Aid box. Similar to a study by Aliyu and colleague, all the quarry sites had First Aid facilities to treat minor on-site injuries before referral for proper medical attention.[7]

Only 47.5% of all the respondents underwent any pre-employment or pre-placement medical examinations, while 62,5% of them underwent periodical medical fitness examination which contrasted findings by Tarn et al who reported 74.6% respondents had regular medical checkups.[10]

Less than half (41.7%) of the respondents were solely responsible for paying their medical bills when ill or injured, while 45% had their medical bills catered for solely by their employer, 11.7% respondents contributed to benefits from employers.

Only 10.8% of the respondents attested to currently being on medications. Antacids and Antihypertensive were the drugs taken by those that had been diagnosed to have peptic ulcer disease and hypertension respectively.

Majority (93.4%) of the respondents were aware of safety protective devices that could be used in a factory,only 6.6% were not aware of such devices. The study by Aliyu and colleague showed that 64.9% of the workers were aware of the need for them to use safety devices and also to institute safety/preventive measures at the worksite. The devices these respondents were aware of (in decreasing order of frequency) included eye goggles (55%), hand/finger gloves (63%), face masks (45.8%), safety helmet (50%), ear plugs (54%), safety seat belts in vehicles (34.2%), overalls (61.7%).This contrastedstudies by Shobowole etal in which the most known equipment was eye goggles (79.7%). [1]

Majority (81.8%) of the respondents used at least one safety protective device at work. Most other studies reported varying figures such as 34.2% by

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Sabitu etal.[13] The safety protective devices most commonly used by these respondents were overall (49.14), hand/finger gloves (35.34%) and eye goggles (23.28.%); others include face masks (16.38%), safety helmets 17.24%), ear plugs (13.79%) and safety seat belts in vehicles (7.56%). The study by Ogbogu etal showed that among the workers involved 0% used eye goggles, 5.9% attempted covering their nostrils, while 12.3% used overalls.[26] In contrast, Lakhwinder and colleagues reported 41% for use of gloves,35% for use of goggles,25% nose mask,17% for ear plugs.[23]About 71% of these respondents used the devices always, which showed that there was a high level of compliance with the use of the safety protective devices among the respondents who used them.

Only 18.33% of all the respondents did not use safety protective devices at work. More than half (57%) of them said the reason for non-use was non-availability. 9.52% of the respondents said they did not have the resources to buy the devices, 4.55% said they did not enjoy using the devices. Other reasons given for not using the devices included the claim that they were very careful at work (14.29%). In a similar study by Lakhwinder etal, the workers said their non-utilization of the safety devices was for the following reasons; did not feel comfortable(40%),management did not provide the devices(25%),30% admitted to negligence, 10% were not use to wearing it.[23]These reasons reflect their relatively poor knowledge, attitude and practice of safety at work.

About 35% of the respondents had worked in a factory before their present employment, of whom (47%) had less than 5 years' previous job experience. Inadequate experience on the job suggested inadequate awareness of job requirements as well as occupational hazards.

c) Clinical history

The most common symptoms complained of by the respondents with symptoms were body pains (32.5%), cough (16.7%), headache (10%), finger/ jointpain(5%). Only 4.2% of them complained of skin problems & 3.3% complained of breathing problems and hearing problems. This finding differs from a similar study by Marc who reported 60.5% of respondents had skinproblems, 32% back pain, 63.2% chestpain.[17]

Most (47%) of the respondents that complained of symptoms had been having such symptoms for less than two years. Just a little less than half of them (29%) had received some treatment or had commenced treatment for their symptoms.

The chronic medical conditions found were hypertension, peptic ulcer disease, asthma, affecting 5% ,4.2 %, 3.3 % of the respondents respectively. Only 3 individuals had HIV,and 1 person had tuberculosis. These co-morbid conditions could affect the performance of the factory worker as the factory job required physical exertion day. Furthermore, such individuals pose a medical risk to co-workers at the work place.

d) Psychosocial history

Majority (92.5%) of the respondents attested to being usually stressed up at or after work. This has a risk of increased susceptibility to occupational hazards since fatigue, stress and anxiety may contribute to human error and could predispose workers to occupational hazards, as reported by Victory and colleague.[27] When stressed up most of the respondents feel tired (78%) and weak (10%), while some others have headaches (8.3%). To relieve their stress, majority of the respondents resorted to rest (85%), alcohol (5%). Other stress-relieving methods used included cigarette smoking(2.5%), sexual activity (1.7%). Drug and alcohol abuse has been a difficult issue to deal with, but policies and procedures are now in place in most large establishments.[19]

With regard to disability, WHO found that back pain accounts for the largest portion of non-fatal conditions: 37 percent of all back pain worldwide is attributable to work.[1] Most industries operate 24 hours per day, 7 days per week, so shift work is essential, where this is not effective, fatigue in relation to shift work, sleep deficits, have been shown to cause impairments of cognitive and motor performance.[18]

In a study by Jae et al on work related sleep problems among Korean workers, the overall prevalence was 5.1% and was linked to a variety of occupational health issues.[28]

Most of the 64 respondents who had injuries were not paid any compensation (87.5%), only 12.5% received compensation. Workers in developing countries increasingly find themselves in insecure, poor quality jobs, sometimes involving technologies which are obsolete or banned in industrialized countries.[1]Worse still is the fact that the welfare of the worker is often not of primary interest to the management of industries and explains why very little or no compensation is given when work place injuries occur. This problem is heightened by the fact that litigation in such countries is not common place and there are no compelling economic incentives on employers as labor is plentiful, its replacement cost is low, and a high portion of the real cost of injury and illness will not be borne by the employer as such employers care less on controlling risks for injury or illness on the job.[1]

Only 15% of the respondents had an extramarital sexual partner, relevant because of the risk of transmission of sexually transmitted infections (STI), Hepatitis and the Human Immunodeficiency Virus (HIV) as reported in a study by Weeks.[29] Remote locations are common for citing industries as a result employees are separated from their families and communities during

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work periods.[18]This is usually more likely in workers who live far away from the quarry and have to travel a long distance to come to work or among quarry workers who live together in isolated locations.[29]

The relationship between nature of employment and workplace injuries was not statistically significant. So also the relationship between nature of employment and use ofprotective devices.

In like manner the relationship between level of education and use of safety protective devices was not statistically significant similar to what obtained in a study by Onajole and colleagues on safety measures in an Aluminium company. [20]

VI. Conclusion

Workers are exposed to multiple hazards during the course of their work and majority of them are aware of these hazards which they learnt mainly on the job and did not receive any training in that regard.The awareness of these hazards was not commensurate with the use of personal protective devices. They also had several health problems and a pattern of injury that involved the hands, legs, eyes and face in most cases. The study highlighted some of the injuries and health hazards the workers were exposed to, and indeed the impact of such hazards on the well-being and performance of the workers. Furthermore, the study revealed that majority of the workers who suffered injuries were not compensated.

Most work-related hazards could be avoided, prevented, or reduced through education public enlightenment, compliance to work ethics, legislation enforcing provision and use of protective devices.[12]Protection of the worker through the provision of personal protective devices also goes a long way in reducing the exposure of the workers.

VII. Recommendations

Based on the findings of this study, the following recommendations were proffered:

Proper Training and Re-training of factory Workers to improve their Skill at Work:

It has been recommended that no one should work in a factory unless they are competent or they are under the supervision of a competent person, using a definition based on knowledge, experience, training and other qualities related to the job they are to do.[24]

Occupational Health Education for both Workers and their Employers: Occupational safety as well as occupational health hazards to which workers are exposed to should be explained to both workers and employers by occupational specialist.

Provision of Safety Protective Devices for Workers by the Employers:

The employers should see it as their responsibility to provide safety protective devices for each worker under their employment. The devices provided should be suited to the role of each worker.

Use of a Health and Safety Document in the factory:

A Health and Safety Document is recommended to be used in the factory. The employer must ensure that no work is carried out at the factory unless a Health and Safety document has been prepared to demonstrate that risks have been assessed and control measures identified, put in place, followed and reviewed.[24]

Safety and Warning Signs in the factory:

Safety and warning signs that are boldly displayed and easily seen should be placed at strategic points in the factory by the employer so as to remind the workers about safety measures and precautions to take while at the site.

Regular Breaks and Recreational Facilities for factory Workers:

It is necessary for the employer to include in the daily work schedule at the factory a period for break so as to allow the workers to rest, relax and relieve stress. This will also help to reduce exposure time to the health hazards.

Pre-employment and Periodic Medical Examination:

Pre-employment and periodic medical examination should be a rule. This can be provided at the employer's expense in collaboration with an occupational health specialist or a hospital or clinic that signs an agreement with the employer for this purpose.[24]

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Transitional Justice: Memory and Reconciliation Challenges

By Simone Rodrigues Pinto

Abstract- The paper presents a more holistic interpretation of the legal disputes, defending the search for dimensions of legal rights, the interests and the moral recognition. Thus, discussing the role of Law and the Judicial System in the democratic transition processes some models of transitional justice are classified according to their capacity of promoting social reconstruction and psychological restoration of the ones involved through a dialogical process that allows the emergence of considerations related to the recognition and dignity of the victims.

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Transitional Justice: Memory and Reconciliation Challenges

Simone Rodrigues Pinto

Abstract- The paper presents a more holistic interpretation of the legal disputes, defending the search for dimensions of legal rights, the interests and the moral recognition. Thus, discussing the role of Law and the Judicial System in the democratic transition processes some models of transitional justice are classified according to their capacity of promoting social reconstruction and psychological restoration of the ones involved through a dialogical process that allows the emergence of considerations related to the recognition and dignity of the victims.

I. Introduction

In all continents, new governments have been facing the dilemmas of the democratic transition that follows an inter-ethnic conflict, a war, a dictatorial government or other regimes that entail serious human rights violations. National reconstruction requires rehabilitating the economy and political institutions, establishing the rule of law and social reconciliation. Justice represents the most effective response to human rights violations and serves as a bridge between the violence of the past and future democratic prospects. Building this bridge requires intensifying the political debate. The issue of defining how to deal with those accused of violating rights in past regimes has haunted new democracies for a long time.

My assumption, in this paper, is that consolidating long-lasting democracy requires a society reconciled with its past, in which victims and perpetrators can find their place in the new regime. The direct role of justice is fundamental in this reconciliation process, but not all models of transitional justice are suitable for promoting the restoration of social relations. I therefore assume that in the inter-subjective debacle mediated by legal institutions, power and domination relations can be reinforced thus perpetuating the feeling of inferiority and hostility that characterizes moral and social conflicts. In the search for models that minimize this tension, I move on to the reflections below.

II. Law as A "Locus" For Reconciliation

The Experience of Nazism and the Holocaust awoke criticism of the Juridical Positivism and its intention to eliminate from the Law all references to the value of justice. Juridical Positivism emerged from the effor t to transform the study of Law into actual Science, with the same characteristics as those of natural sciences. And the fundamental feature of Science is the severe exclusion of judgments of value. The jurist therefore seeks to reconstruct the facts, divesting himself of passions (Bobbio, Matteucci and Pasquino 1985, 135). Exacerbated positivism considers a rule to be fair simply because it is valid, i.e., because it emanates from an authority established by the legal system in force. The formal rigor under which the legality of the Third Reich was built and that legally justified the aberrations of the Holocaust have given rise, once again, to the tension between regulation and emancipation, between legality and legitimacy, or rather the discussion about the legitimacy of legality.

Hans Kelsen (2003) made a remarkable effort to develop the Pure Theory of Law by conceiving a science of Law exempt from any ideology as well as from any influences of non-legal considerations. He advocated a legal positivism deprived of any references to judgments of value, concerned about determining the legality of the rule by seeking its validity within the juridical order, isolated from any other legal system, whether related to morals or natural law. This positivism despises the value of reasoning. The positivist thought, in general, believed that nature could be controlled in order to become predictable and certain, just like society could be controlled to become predictable and certain. It is a philosophy that seeks order over chaos. According to Boaventura de Sousa Santos (2000, 131), it is with Leibniz, Gianbattista Vico and Hobbes that the law starts to look for its sources in mathematics and geometry and assumes an aspect of general rules that cannot individualize the subjects they regulate, as advocated by Rousseau. As positivism emerged, certainty, predictability and control became the utmost values of a new legal system.

The Century of the Lights, following the rationalist tradition of Descartes, Spinoza and others, consolidated the belief that everything that is a product of history and does not correspond to the clear and distinctive ideas of reason should be excluded from the so-called Science. A logical empiricism, which sought to replace the common language by the artificial language of the form and mathematics gained strength. In fact, long before the Age of Enlightenment, the classical tradition already preached the supremacy of eternal over temporal and proclaimed an universally valid order. The method then emerged as a path for purifying the

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passions that bear the mark of personalities and means (Perelman 2002, 256-257).

In the opposite direction of this movement to create a strict regulatory order, many contemporary authors seek to develop the emancipatory potential of Law. Jürgen Habermas, for example, argues that legality can only create legitimacy to the extent that the juridical order reacts to the need for grounds resulting from the positivation of Law, i.e., as legal decision proceedings that allow for moral discourses are institutionalized (Habermas 1994, 216).

He also states that the legitimacy of law should be linked to self-determination; that those subject to law as addressees should understand themselves as authors of the law (*idem,* 309).

In view of these propositions, one comes to the conclusion that moral conceptions are determined by the beliefs and practices of our milieu, thereby influencing the idea of justice that prevails in each society. The dichotomy between the "be" and the "ought to be" of law does not it into universal parameters; on the contrary, the "ought to be" is as variable as the cultures of the world. For this reason, both the legislation and legal decisions should reject the formalism that makes the legislative and decision-making processes impervious to culture and moral issues; otherwise, we will have an "immoral law", i.e., dissociated from values indispensable for living in society. In the words of Miguel Reale (2000, 377) justice, in summary, can only be fully understood as a concrete historical experience, i.e., as a founding value of Law, throughout the dialogical process of history.

It is in the dialogical process that justice emerges as a consolidated value in a given society. The satisfying capacity of legal solutions arises from an argument and counter-argument process that leads to a concrete response to the social and individual demands of society. Theodor Viehweg[1] and Chaïm Perelman developed the concept that there is no law without rhetoric, since the rationality of what is juridical depends on human relations and communication. Perelman (2002) points out that juridical reasoning is engaged in its context - whether political, economic, ideological or social. To him, the juridical logic is an argumentative and dialectic logic from which decisions that make the value of justice real arise. Rhetoric has power and ideology and is capable of exercising and producing extra-rhetorical effects that cannot be ignored in a social

The mythological figure of the goddess of justice, blindfolded, conveys an idea of rationality and impartiality that rejects any arguments based on morals.

[1] In his book Topics and Law (1979), Viehweg reintroduces rhetoric as a tool of law for searching decisions.

However, if we take into account the thought of Luis Roberto Cardoso de Oliveira (2004), every lawsuit embodies three dimensions that need to be considered so that the solution can be satisfactory to the parties involved:

a) The legal rights dimension: the parties expect a definition as regards the normative correction of their actions, expressed in the motivation or development of the dispute;

b) The interests dimension: its focus is the material reparation of the allegedly violated rights, either through the assignment of monetary value via compensation or by imposing a penalty on the accused;

c) The recognition or "moral" dimension: the parties expect to be recognized as worthy of being treated with respect and consideration, thus preserving the moral integrity of their identities. This dimension has an ethical-moral character and often articulates rights and feelings.

The first two dimensions are directly faced by the judiciary when making decisions. The third dimension is generally neglected in a standard judicial proceeding, influenced by juridical positivism. Sometimes, meeting interests and legal rights implies recognizing the insult, although in a very subtle way. The judiciary is not appropriately equipped to respond to this third dimension.

Many times, the parties involved in a legal dispute want to have more than just their concrete monetary interests or legal rights met. In fact, they are seeking recognition and reparation of their ethical-moral rights. The grounds for their claim are linked to a material damage that is evident in the eyes of the judges, although many times they are actually seeking moral recognition of the insult.

The judge, who is not prepared to deal with such a claim, tries to establish the merit of the claim based on the right provided for in the law and on existing practices and seeks to establish the responsibility of the accused. Despite the difficulty to verbalize the need for moral recognition, this recognition occurs in so far as the decision is satisfactory for the parties. This satisfaction increases when, through a dialogical process, the judge, even if unconsciously, absorbs the claim of the parties and materializes it in the final judgment. Therefore, a process that allows the parties to freely and effectively express themselves is fundamental for the decision to be satisfactory and conducive to promoting social reconciliation. For this to happen, the judge must be mindful not only of the rights involved but also of the broader norms and values that serve as background for the facts occurred. Something that to a given community would never represent a moral insult, to others could be interpreted

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as an aberration of social relations. The judge who is sensitive to the historicity of concepts and values perceives more clearly the needs embedded in the verbal and non-verbal speeches of the parties involved. In this regard, Chaim Perelman (1996, 146) points out that "justice" is a vague word until it happens in concrete cases in response to the facts stated and rhetorically sustained within the normative systematization of the community.

We can therefore consider as an important objective of justice procedures not the search for the right in itself as a transcendent and innate concept, but rather the search for a concrete, satisfactory solution that promotes social reconciliation. The focus then lies on both social reconciliation and the rehabilitation of human dignity rather than on the validation of the law *per se.* To establish justice by determining the legal rights of the parties is but one aspect of reparation claims stated in judicial proceedings (Oliveira 2002, 37). In order to achieve justice in all its breadth and dynamics, one should seek to fulfill the three aforementioned dimensions of the dispute.

With these considerations in mind, we will evaluate the forms and methods of transitional justice, starting from the three models based on the common practice of the States: the "legal" models (amnesty laws and lustration laws), the "judicial" models (national and international courts), and the "quasi-judicial" models (truth and reconciliation commissions).

All transition governments have to face and solve the tension between the desire to bury the past and avoid further conflicts and suffering, on the one hand, and the moral and political need to confront the crimes of past regimes, on the other. Most of the times, the way this tension is resolved determines the future of the reconciliation and consolidation of democracy.

The legal model: general amnesty laws and lustration laws

Historically, many countries have chosen to solve the dilemma of past crimes by adopting blanket amnesty that establish transition without punishment and most of the times do not disclose the facts related to massive human rights violations. Amnesty laws, as established mainly in Latin America[2], hamper deeper investigations of tortures, disappearances and deaths, preventing the victims and their families from overcoming the mourning period and getting involved in a therapeutic process that would allow them to reconstruct their future.

Advocates of more conciliatory positions state that general amnesty facilitates a peaceful and safe transition because it allows those responsible for the violence regime to surrender without resistance. So, many times unrestricted pardon was self-granted before the transition actually occurred, and Latin America is the main scenario of this phenomenon. Impunity can become the most precious currency of exchange in negotiations between old and new leaders. In Guatemala, Peru and Colombia, the military courts refused to convict members of the military accused of human rights violations. Many of them, instead of being tried got a promotion. The lack of moral recognition of the victims' needs was the recurrent trademark in these regimes.

The cases of Argentina, Uruguay and Chile show that the choices are not always simple and can be quite different, although these three countries have experienced a very similar period of repression and human rights violations. The decisions made by each transition government differed substantially from one another (O`Donnell e Schmitter 1986). President Alfonsín, of Argentina (1983-1989), authorized official investigations regarding the "disappearances" followed by legal proceedings against the perpetrators. The Chilean president Patrício Aylwin (1990-1994) authorized investigations but not trials, and the president of Uruguay, Julio Maria Sanguinetti (1985-1990), authorized neither investigations nor trials (Pion-Berlin, 1994, p.106), as was the case in Brazil. Although many reports sought to retell the atrocities that occurred in each country[3], the lack of official recognition of the

In Brazil, the law was passed in 1979; in Uruguay, the civilian government adopted amnesty in 1986, one year after taking power; in Guatemala, the amnesty law was adopted four days after the dictatorial regime was overthrown in 1986; in Nicaragua, in 1983 the government declared amnesty for both the Miskitos Indians imprisoned and the Sandinist troops that committed crimes against the Miskitos; in Chile, the Pinochet administration declared amnesty for the crimes committed by the armed forces since 1978, encompassing his first five and bloodiest years in office.

[3] In Argentina, the National Commission of the Disappeared included representatives of several political parties and civil society and was chaired by Ernesto Sábato, one of the most prominent intellectuals in Latin America. But the Commission lacked coercive powers and the information could only be submitted to local courts. The final product was a long report entitled *Nunca Más*, which contained details of the atrocities committed by the military regime during the Dirty War in the 1970s and 1980s. The Chilean president, who came to power in March 1990, established the National Truth and Reconciliation Commission to investigate the violations commited in the last 17 years of dictatorial rule. The commission worked for nine months and investigated more than 4,000 claims. Of these, 2,025 were cases of human rights violations committed by the State security forces; 90 involved victims of violations by armed oppostion groups; and 164 concerned violations commited by both sides. In February 1991, the commission submmited a 1,800-page report to the president, who presented it the public in a TV speech. Aylwin apologized to the victims and their families on behalf of the State. He asked the population to accepet the truth and turn the page (Hayner, 1994, p.26, 34). In Uruguay, the "*Nunca Más*" report was produced by the SERPAJ organization (*Servicio Paz y Justicia*). In Paraguay, the "*Nunca Más"* reports were prepared by the Committee of Churches. In Brazil, the Archbishop of São Paulo, together with the World Council of Churches, supported the secretly developed "*Nunca Mais*" project. The Church not only provided financial support but also gave legitimacy to the final report,

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violence as well as of systematic and transparent investigations has perpetuated the feeling of disrespect and indignity of the victims.

Another legal alternative that was adopted mainly in Central and Eastern Europe are the lustration laws. This model, contrary to amnesty laws that facilitate impunity, exacerbates punishment. By establishing the guilt of political and social groups without actually investigating the acts committed by each individual, it excludes from civil and political life people that probably were not involved in criminal acts. Furthermore, it restricts the right to defense of those affected by it. The lustration laws emerged as a residue of communist totalitarianism, which introduced the concept of "objective enemy". These people are ideologically defined as enemies of the system and therefore there is no need for them to act so as to actually threaten the established system. They are previously included in an outlaw category that should be eliminated even where there is no evidence of the criminal act.

Although the numbers are not precise, there are indications that Germany and Czechoslovakia were the countries that resorted to this type of cleansing the most. Bulgaria, Latvia, Poland and Estonia also implemented lustration laws for communist members of the military and their collaborators, although to a lesser extent (Schwartz 1995, 145). The harshest criticism of the purification laws, which served mainly to attack alleged collaborators of the communist regime in Eastern Europe, was related to their use for private political interests. This was certainly the case of Czechoslovakia and Poland[4], both in 1992.

Even when grounded on actual investigations, these cleansings can translate into a high social cost. In Germany, for example, more than 13,000 educators (teachers and professors) were removed from their functions because of their connections with the previous regime, producing a huge chaos in the educational system. Many were able to defend themselves and prove their innocence, although too late to avoid stigmatization ad social isolation.

The adoption of both a general amnesty law and purification measures has its limitations as regards social restoration, as it prevents the victims and their families from having their suffering recognized and disapproved by society. Material compensations are also hampered by the lack of investigation. In both cases – amnesty or lustration – the victim plays a secondary role.

III. The Judicial Model: National and International Trials

The judicial model includes internal trials and international courts as the institutions responsible not only for investigating the facts but also for punishing the culprits. Both the courts based on the Common Law and those based on the Roman-Germanic system are structured around adversative and retributive principles. Adversative because the parties are organized in opposition to one another – perpetrator and victim - and a judge who seeks a solution is a supposedly impartial and neutral way. Retributive because the ultimate goal is to establish an appropriate punishment, that can range from deprivation of freedom to restriction of rights or pecuniary compensation. The interests do not converge towards reconciliation and this makes this justice system too strict for pardon and reconciliation to arise from debate, communication and understanding between the parties. The law emerges as a system of human conduct that regulates behaviors by perpetuating the dominant authority (Neto 2000, 98).

In trials, the space for the victims to express their indignation so as to promote the moral cleansing of their wounds is very limited because they are not fundamental characters in the justice-seeking process. Likewise, the community, which is also a victim of the disrespect for the norms, is excluded from the process. The adversative and retributive models are not primarily aimed at the psychological rehabilitation of the community, the victim and the perpetrator. Its main concern is to establish the guilt based on past events – has the subject committed the crime or not? – and determine the appropriate punishment. In the courts, the emergence of emotions between the parties and the judges is interpreted as a threat to the rationality and objectivity of the trial. The victim's claim for dignity and moral disapproval of the facts finds no space in the standard judicial proceeding.

One could argue that national courts are less harmful than international courts, as they are inserted into the community that suffered the damage of the criminal act. The cultural barrier is softened or simply non-existent and only social and hierarchical barriers remain. They also provide greater access to the evidence, strengthen the internal law and have greater potential to contribute to healing the collective memory and leading to reconciliation. National courts adopt domestic laws, local judges, and proceedings the population is familiar with.

Many new governments seek to create an image that is dissociated from the past and defends legal rules. Even so, judicial proceedings for punishing crimes committed during repression periods are rare. The choice for amnesty or the simple inertia in relation to acts of violence has led to frustration and left social

and the violators found themselves in an embarrassing position to attack the Catholic Church, the only author identified in the report.

[4] In Poland, in 1992, in an effort to maintain the government of Olszewski in power, the then Minister of the Interior, Antoni Macierewicz, published a list of alleged collaborators that included the names of several political opponents. Later on, several forgeries and inconsistencies were detected in the published list.

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wounds unhealed. Because of the frequent incapacity of governments to secure an efficient justice system, the international community has taken the initiative of creating international courts. In general, the judiciary of countries that have just come out of wars or other social, political and economic crises is weak and incapable of trying such sensitive cases. In long-lasting oppressive regimes, even the judges and the judiciary, in general, are seriously committed to the regime in force as they are part of the repressive apparatus. Training new judges, district attorneys and counselors and replacing the old ones is a difficult but necessary task. In post-Second World War Germany, for example, many victims of Nazi persecution who were authorized to claim for the damages suffered had their claims submitted to the very judge that had authorized the damage.

The creation of international tribunals therefore resulted from the need for international control when the internal conditions of a country did not allow for a trial that would be deemed fair by international standards. Through the typification of international crimes, international society gained powers that were exercised through the courts. In this case, language and cultural barriers, the distance from local reality and material costs turn this option into a problem for the psychological and social reconstruction of victim populations. The disregard for moral issues, solidarity and the recognition of the victims' suffering pushes the courts away from the therapeutic role of justice. This fact is aggravated by the cultural differences between judges and district attorneys, who many times are incapable of interpreting the untold claim of the victims.

The importance of international courts in establishing high standards of human rights, legal defense and due process of law needs to be recognized. Nonetheless, their contribution to the national reconciliation process is dissatisfactory. The criminal trial – the judicial model – that follows mass atrocities represents an effort to find a solution situated between vengeance and pardon. It transfers to the State and official entities the individual desire for vengeance, transforming private revenge into public and fair retribution. But according to a more restorative perspective, punishing the accused is not enough. The victims need to be recognized as such and supported by national and international disapproval of the crimes in order for forgiveness and psychological liberation to become possible.

Retributive justice has its role in transition processes, mainly by imposing punishment on the elites that perpetrate the violence. In cases of mass violence, however, there are so many victims and so many perpetrators that even the most sophisticated apparatus would be incapable of trying them all. Selecting a handful of perpetrators, an elite formed by the main parties responsible for the violations, meets neither the need for justice nor the need for truth. The trials of a few perpetrators will but disclose a small portion of the truth, which is related only to the facts contained in the accusation. Furthermore, many will go unpunished.

A hybrid model has been developed within the UN: the so-called "internationalized domestic tribunal". These seek to combine the advantages of a domestic trial with the legal standards of international courts. In Sierra Leone, for example, the Special Court combines domestic and international legislation by operating with both local and foreign judges. This Court, which was established in 2000 to try those involved in the internal conflict that devastated the country in the 1990s, has proven effective in terms of its purposes[5]. Replications of this adversative and formal model of justice have been softened by the establishment of a Truth and Reconciliation Commission that operates in parallel with the Court. The case of Sierra Leone represents a promising attempt to reconcile a retributive, adversative and formal model of justice with a restorative, dialogical and more flexible one.

IV. The *Quasi*-Judicial Model: Truth and Reconciliation Commissions

A new concept of justice focused on forgiveness and reconciliation that seeks to restore more than punish and that believes in the therapeutic power of the truth began to attract international attention after successful experiences such as the ones in South Africa and Sierra Leone. The central moment of the process is the hearing of the victims and witnesses, which many times is broadcast live on national network radio and television. Likewise, the accused have the opportunity to explain themselves and tell "their side" of the story. Within this perspective of argument and counter-argument, a dialogical truth emerges and reconciliation is constructed through justice, in its broadest sense.

The truth commissions were established as a way to investigate and disclose the truth without necessary implying arresting the perpetrators. This formula is based on the belief in the awareness and repentance of human rights violators, leaving to the community the decision to take them back or not. They have a cathartic effect by allowing civil society, through

[5]Sierra Leone experienced an internal conflict in which the economic aspirations of controlling valuable mineral resources, especially diamonds, were the main factors responsible for the outbreak and maintenance of the conflict. Diamond mines in the country's northeast region represented the main source of the conflict and served as the basis for the operations of the rebel forces of the United Revolutionary Front (URF). Ten years of conflict, started in the 1990s, forced over half a million Sierra Leone citizens to flee the country, making up the largest refugee population from Africa. The war, with guerilla tactics, was fought through violent attacks against civilians as strategies of control and submission of the population. Many had parts of their body cut off as a strategy of the terror campaign.

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the hearings of the victims and the accused, to recognize their past mistakes and plan their future. The main interest in the truth commissions as a means of transitional justice lies exactly in their more flexible formula and their emphasis on dialogy.

More than 20 truth commissions have been established since 1974, many of them with different names: Commission on the Disappeared in Argentina, Uganda and Sri Lanka; Truth and Justice Commission in Haiti and Ecuador; Historical Clarification Commission in Guatemala, and Truth and Reconciliation Commission in South Africa, Chile and Peru. Although different in many aspects, all of them have pursued the same objective of not allowing political and social amnesty to affect the future of democratization.

Despite the fact that the concept of restorative justice was disseminated mainly from the post-apartheid transition in South Africa by the Reverend Desmond Tutu, the practice adopted by the commissions has always been that of holding the culprits accountable for their crimes by publicly disclosing the truth. The basic assumption of the truth commission is that disclosing the truth, which is built from the reports of all the parties involved, has a restoration power. Justice, in this case, implies meeting the moral dimension of the victims, who see in public recognition the possibility of having their dignity restored.

Many commissions limit themselves to investigating the truth in a more confidential way and do not provide the opportunity for public hearings with witnesses, victims and defendants. It was only from the experience of South Africa that the commissions started to emerge as a powerful instrument of social cleansing through the reports of the parties involved (Hayner, 2002).

South Africa made history as a daring and innovative experience by showing the international community a concept of restorative justice that emerged from local tradition to become part of the international agenda. The dialogical procedure, which focuses on the victim without neglecting the perspective of the accused, has managed to meet the demand for moral disapproval and recognition of dignity, which are necessary for the social and psychological rehabilitation of those who have suffered the oppression of apartheid. It has also allowed the truth to be disclosed in a broader and more detailed way, thus laying the foundation for reconstructing national identity and memory.

In South Africa the transitional government was able to construct a new national identity by recovering the past and purifying the lies of the apartheid. Broadcasting the sessions of the Truth and Reconciliation Commission was instrumental for disclosing the lies told over many years and ensured that the entire population confronted the facts so as to assume their responsibilities. No one was exempted from reflecting upon their role in perpetuating the oppression of non-whites. Today, South Africa is a consolidated democracy, which still fights for the economic inclusion of the black but that no longer fears the return of inter-racial violence.

The number of truth commissions has grown at a fast pace. Unfortunately, there are cases in which the truth commission is established by the government to draw international attention away from human rights issues in the country, serving more as a political instrument than as real fact-finding perspective. Truth Commissions in Uganda[6] and Chad seem fulfill this purpose.

A truth commission is inherently vulnerable to political and economic limitations. Its structure, financing, mandate, political support, people, access to information and strength of the final report are largely determined by the political forces of the moment. It is the mandate of the law establishing the commission that defines its investigative powers and therefore the success of the commissions is highly dependent on the conditions found in the country where they are operating. A truth commission may face many challenges such as a weak civilian government and a strong military sector; a state structure moving towards democratization; ethnical groups and other forces threatening to bring back violence; a weak civil society and a population afraid of testifying against violators. Many times, a truth commission is under a lot of pressure from groups that want to see their interests prevail, either human rights defense organizations pressuring for punishment and reparation or governmental forces pressuring for pardon and reconciliation.

Some reports have included specific suggestions and recommendations for strengthening democratic institutions and reforming the judicial system. Although most of them do not have a mandatory character, with the exception of El Salvador's, they can establish points civil society can rely on in order to pressure for change.

Many commissions, especially in Africa, have operated on a reduced staff. Commissions in Uganda, Chad, Rwanda, Zimbabwe and the Philippines count on a few clergymen and assistants, and a legal counselor. In Latin America, on the contrary, the commissions were supported by an impressive number of experts and consultants such as human rights specialists, forensic anthropologists and social workers. Chile and Argentina had one of the largest staff, with approximately 60 full-time people.

[6]In Uganda, in 1974, Idi Amin established a comission partially in response to pressure from international human rights organizations. But despite the final report, he proceeded with his brutal repression policy.

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Truth commission investigations may be confidential or public. In Africa, there is clear preference for public hearings broadcast live by the media. In this case, many witnesses might refuse to testify for fear of retaliation. On the other hand, however, the cleansing effects seem to be stronger. Many victims feel ready to resume their regular social life simply because they know that everyone is aware of their suffering. The anxiety to express their feelings is such that in Haiti there were long lines of victims willing to report their cases to the truth commission, despite the risk they were taking, as many aggressors still lived in the neighborhood and could threaten their lives.

Another important issue is deciding whether the reports should contain the names of alleged human rights violators or not, so as to generate greater commitment to accountability. Many jurists state that this would represent a conviction without the due process of law or the right to legal defense. Only from 1992 onwards some commissions have disclosed the names of the accused. To the population, publishing such names means declaring the accused guilty of the charges, although truth commissions do not represent jurisdictional bodies. Only four final reports have disclosed the names of the perpetrators. In Chad, the commission not only disclosed the names of the accused but also published their photographs. In El Salvador, more than 40 members of the military were publicly declared guilty of human rights violations, including the Defense Minister and the President of the Supreme Court – and they all had the right to legal defense before the truth commission (Popkin and Roht-Arriaza 1995, 280_281).

The truth commissions' model has finally become part of the measures to be taken in a democratic transition. The recognition and accountability process introduced by the commissions is a response to the pressures from internal groups as regards the omission and impunity established by general amnesty; meets the international demand for investigation and punishment through criminal trials; and offers the victimized local community the opportunity of having their suffering public recognized by disclosing the truth. Because it is a quasi-judicial proceeding, it is capable of reconciling these demands without violating the principle of justice.

V. Conclusion

This paper has described the several juridical or quasi-juridical mechanisms that can be used to operationalize a sociopolitical transition in societies that have come out of periods of oppression or domestic conflicts, by emphasizing the capacity of each to meet the demands for fulfilling the three dimensions of the juridical causes named by Cardoso de Oliveira (2004): the dimension of legal rights, the dimension of interests, and the dimension of recognition.

All these models have been tested in different contexts. Different levels of success and failure have been recorded. The common link among them is the presence of tension between deconstructing the past and constructing the future; rejecting human rights abuses so as to build a safe bridge to democracy and the rule of law.

In the course of history, virtually all regions in the world have gone through difficult democratic transition processes. Each country has made its own choices, taking into account both domestic and international determinants and dealing with the economic, social and political constraints of each situation.

Conflicts, wars and other forms of violence occur when communication fails. It is in the void of understanding that social crises emerge and that is why dialogical and restorative justice, attentive to the dimension of recognition or morals, can be the answer to these cases. Dialogy and reflection on the mistakes of the past are preventive measures against future conflicts and Law, as an arena of verbal fights, should be adequate and ensure the emergence of peace and democracy. Multiple psychological studies attest to the fact that emotional repression and introspection following serious traumas can generate even more problems. Many psychiatrists believe that expressing feelings by talking about traumatic experiences can lead to psychological healing (Danieli 1995, 575). Nonetheless, when victims are called in to testify in a formal court they not only have to stick to the facts linked to the crimes but many times are aggressively cross-examined by the defender.

It is clear that, after a massacre, many societies struggle with the dilemma between too much memory and too much oblivion. To many, as explained by Jean Baudrillard, forgetting extermination is part of extermination itself. According to Myrian Sepúlveda dos Santos (2003, 26),

We are all that we can remember; we are the memory that we have. Memory is not only thought, imagination and social construction; it is also a given life experience capable of transforming other experiences from previous residues.

The social dimension of memory has gained relevance in the study of social interactions. Everything an individual retains or constructs in his memory is influenced by the social context and the rules existing in the society he lives in. Moral disapproval of past crimes, when disseminated and official, influences the development of a society's identity as well as the selection of its memory. Both memory and oblivion can be instruments of domination. Therefore, truth commissions play an important role in so far as they

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offer victims the opportunity to tell their version of the facts and their offense.

Many countries have adopted national amnesia and amnesty as alternatives, but the choice for oblivion can also be interpreted as a choice for injustice, to the extent that it perpetuates impunity and lies. The victim actually never forgets. Adopting oblivion as a measure of political stability and safety does not translate into an appropriate moral response to the suffering of the survivors and their families. However, this does not mean that there is a single recipe for all cases. Different transitional justice strategies are being applied to reconstruction and democratization processes in all continents. Nonetheless, quasi-judicial procedures aimed at rehabilitating the victim, society and the accused could contribute to improve the democratic transition process in countries that have emerged from deep crises such as those that follow genocides and civil war. As these procedures are better qualified to meet the demands for rights, interests and recognition by seeking the ethic-moral meaning of the solution, they show the best results when the objective is social reconciliation and the restoration of dignity.

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The Continued Relevance of the International Criminal Courtin the Contemporary International Order

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Abstract- The Rome statue which established the International Criminal Court (ICC) was adopted by 120 countries on July 17, 1998. The ICC came into being in July 2012 as "a permanent institution and was given the power to exercise its jurisdiction over persons who have committed the most serious crimes of international concern," which include "genocide; war crimes; crimes against humanity; and the crime of aggression." Relying basically on secondary materials, this paper argues that the ICC is still very relevant in the international community and calls upon African nations and their government to continue to remain members of the Court so as to drive accountability within the continent.

Keywords: *international criminal court, international order, african union, genocide, war crimes.*

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Abstract- The Rome statue which established the International Criminal Court (ICC) was adopted by 120 countries on July 17, 1998. The ICC came into being in July 2012 as "a permanent institution and was given the power to exercise its jurisdiction over persons who have committed the most serious crimes of international concern," which include "genocide; war crimes; crimes against humanity; and the crime of aggression." Relying basically on secondary materials, this paper argues that the ICC is still very relevant in the international community and calls upon African nations and their government to continue to remain members of the Court so as to drive accountability within the continent.

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I. Introduction

There are two realities which gave impetus to Africa's strong support for the establishment of the ICC, and these are the need to find ways to prevent powerful countries from preying on weaker ones and the carnage that gripped Rwanda in 1994. African nations and its leaders saw an urgent need in Africa to directly confront all forms of impunity and the mass violation of the rights of people, as well as prevent militarily, politically and economically stronger countries from invading those that are much weaker. African countries found some of the dictates of the statute attractive and the fact that "crimes of aggression" and "the planning, preparation, initiation or execution of an act of using armed force by a state against the independence (sovereignty), territorial integrity or political independence of another state," were added to the statue was especially attractive to African countries[1]. Currently, 43 African countries have signed the Rome Statue, and 31 are states parties to the statue.

Recently, African countries have been criticising the ICC and relations between Africa and the court are currently severely strained due to the feeling that the court is used to prosecute African leaders alone while shielding thoseof powerful nations. This has led the African Union to ask its members to implement a policy of non-compliance and non-cooperation with the ICC. It serves a great import to be aware that for the court to remain a credible institution for the execution of international justice, there must be reforms on its operations while African countries also need to strengthen their judicial systems.

II. Africa and the ICC

It is quite important to examine the case of ICC and Africa as it will yield a rational explanation for its remittance to the ICC. There is of course a combination of domestic and international factors that lie behind the court's current exclusive focus on African cases and the same applies to the UNSC referrals to the ICC which are equally biased. To Africans and African leaders, it appears that crimes which falls within the jurisdiction of the court is committed by only African countries but certainly not, although the statement, "a crime that poses serious concern to the entire international community in general" are being committed, yet the ICC has seemingly devoted its time and resources in the persecution of cases relating to African countries, and this has raised serious concern among African leaders. To African leaders, the prosecution and justice system of the International Criminal Court is a form of selective justice which is impacting negatively on the diplomatic, economic, financial and political state of most African member states.

Today, there is a growing opposition against the ICC but for the court to function effectively, it is a must to secure the cooperation and compliance of national governments, including those on the African continent. The most pathetic scenario in all is that Africans who bear the brunch of the dictatorial tendencies of their leaders are forming alliances with their leaders to pose challenges to the integrity and moral sense of the Court. With some arguing that the court is rather opting for a political convenience instead of a form of universal justice which is spelled out in the Rome Statute. Unfortunately, it is considered saddening that the ICC is yet to adequately and effectively dispel the fears that Africans and their leaders have and ensure that they are

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[1] ICC, *Understanding the International Criminal Court*, p. 12, (2012).http://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf. accessed April 16, 2017

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convinced that the court's work is based wholly on the belief that "the most serious crimes which concerns the whole international community as a whole must not go unpunished" and not based on political and other unrelated contemplations.[2]

The resolution by the AU at a summit in Addis Ababa that no sitting African head of state should be required to appear before an international tribunal and the demand that the ICC not proceed with the trial of President Uhuru Kenyatta of Kenya is quite worrisome. The African Union is yet to get any tangible success in passing a motion to withdraw African countries from the ICC[3].

Some African countries, however, believes that the court mean well for African countries and this is why a country like Botswana have disagreed with the African Union on its decision to exit the court and have argued that African countries ought to keep their obligations under the Rome Statute[4]. In addition, Kofi Annan, a former U.N. Secretary-General, and Nobel Peace Laureate Archbishop Desmond Tutu have urged African countries should remain with the International Criminal Court[5]. The argument of the African Union is that it does not agree with the externality of imposition of strategies to fight the crimes against humanity on the continent despite the fact that the AU and the ICC have common interest of fighting these crimes. More important is the fact that the ICC is simply an international judicial instrument and hence can be apolitical in its decisions, the African Union as a political body needs to address impunity by choosing a political approach, which necessarily calls for "peace-making and political reconciliation,"[6].

It is of necessity for the international community to restore the trust and hope of African countries in the ICC. Although the Court has tried by ensuring that former Gambian justice minister, FatouBensouda becomes the chief prosecutor of the ICC so as to amend the relationship of the court with the continent but unfortunately and conversely, her small country, The Gambia has exited the ICC. African countries and the ICC must reconcile the conflict between them and they must ensure that each country develops the capacity to effectively investigate and prosecute international crimes committed within its borders. The AU can also assist in such prosecution more especially where the accused person have fled from the country where the crime was committed so as to flee the aftermath of prosecution as it has occurred in several human rights cases. There is a necessity and import for the administration of justice that accused persons be prosecuted in the countries where the crimes were committed.

The ICC also asserted that it is important to allow each African country to retain a significant level of sovereignty on criminal jurisdiction, as against ceding it to the ICC which will ensure that "justice is not just be delivered at the international level but administered and delivered at the national level" and that "victims would not need be taken far away but closer to the legal proceedings,"[7]. A good example is the case Charles Taylor where the prosecution was successful due to the fact that it was handled by the Sierra Leone Special Court in The Hague for aiding and abetting war crimes which augur well for African justice system. It is important to note that even after so many years after colonialism and attainment of independence by African nations; African countries are still yet develop a domestic legal and judicial system which will be capable of effectively safeguarding the fundamental human rights of Africans and administering justice for all African citizens.

The case of Charles Taylor and also those of Sudan and Kenya reveals that there are serious insufficiencies with the administration of justice in Africa. It is an insult on African nations and their judicial and justice systems that the International Criminal Court has to be called upon to investigate and try crimes against humanity committed within its borders this unarguably is a clear sign of African states' collective failure to properly govern themselves and administer justice fairly and timely. The African Union should therefore help its members to undertake necessary institutional reforms to create locally focused and culturally relevant judicial and legal systems which will have the capability to try leaders and people within the accused of impunity so as to the need to call upon the International Criminal Court to intervene. This has several dimensions, and a crucial one is the fact that it will protect the sovereignty and dignity of African States.

III. The Work Done by the ICC in Africa

The work of the ICC is just beginning as the court can be said to be in its infancy. Since its establishment, the court has never concluded any case

[2] ibid
[3] BBC. (2013). "African Union Urges ICC to Defer Uhuru Kenyatta Case," Available at: http://www.bbc.co.uk/news/world-africa-24506006. Accessed April 10, 2017.
[4]Voice of America, "Botswana, the African Union Disagree Over International Criminal Court Warrants," (2013). Available at: http://www.voanews.com/content/botswana-african-union-disagree-over-international-criminal-court-warrants-125451843/158470.html. Accessed April 13, 2017
[5]BBC, "African Union Urges ICC to Defer Uhuru Kenyatta Case," 2013 available at: http://www.bbc.co.uk/news/world-africa-24506006 accessed April 15, 2017.
[6]Boell, "Perspectives: Political Analysis and Commentary from Africa," p. 21,2012. Available at: http://www.boell.de/downloads/2012-08-Perspectives_Africa_1_12.pdf. Accessed April 17, 2017
[7] ICC, "The ICC and Community-Level Reconciliation: In-Country Perspectives—Regional Consultation Report," p. 11, 2011. Available at:http://www.iccnow.org/documents/IJR_ICC_Regional_Consultation_Report_Final_2011.pdf. Accessed April 15, 2017.

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as it is currently hearing its first cases which are all from African countries which are Central African Republic, Uganda, Sudan, Kenya and Democratic Republic of Congo. From its modest beginning, the court can be said to be the first of its kind to attempt to tackle impunity on a permanent basis. The court deals with the application of the principle of universality to exercise jurisdiction over the most egregious offences that have been committed by people all over the world which covers its jurisdiction. Despite the seeming glorious and glamorous nature of the court, it has however faced numerous challenges in the countries where it is currently trying cases as the slow wheels of justice at the International Criminal Court have been a frustration to victims, and despite the hope and optimism that the court has in some target states, there has also been resistance to and obstruction of its work.

In Sudan for example, the court faced outright hostility from the government of the country, but the court made some appreciable progress in Uganda, CAR, and Kenya. The biggest challenge the court has been facing is that fact that it is considered an external player in an internal affair of nations. The primary role of the ICC is to help these states to foster a culture for the respect of the rule of law and also combat impunity and human rights abuses but the problem has remained the compliance of the judicial and executive arms of the government of these states more especially when it has to do with powerful figures from their countries. Ordinarily, the ICC should perform the role of the "gentle civiliser" of state power in weak states that are unwilling or unable to bring perpetrators to account but the problem faced by the court is that it cannot because it does not seek to replace the domestic legal and judicial processes of these states – it purpose like earlier stated is not to replace but to complement them to ensure that they incubate accountability.

The big question remains if the court is meeting up with its challenges from these countries and if it has legitimacy with internal protagonists such as senior officials, suspects, victims, and civil society of these countries so that it can accomplish its goals.

In Kenya for instance, the ICC enjoys wide support among the general public, but many senior government officials view it with trepidation and being an ethically polarised nation, the activities of the court could cause further ethnic polarisation.

In Uganda, there was certainly hope that the ICC would induce the perpetrators to seek a political settlement, despite the fact that this has not happened yet. In Central African Republic, the government of the country has consistently cooperated with the ICC investigation team. However, in Sudan, the court has faced serious rejection from the officials of the government more especially after it issued an arrest warrant against President Omar al-Bashir. The activities of the ICC in Uganda, for instance, are based primarily on the atrocities committed by the Lord's Resistance Army (LRA) under the direction of Joseph Kony who was its main leader. This organisation continues to commit was can be described as the most abominable atrocities against civilians in northern Uganda and eastern Democratic Republic of Congo[8]. When the government of the country could not stop or contain the activities of the LRA, it self-referred the case to the ICC which returned indictments and issued arrest-warrants for war crimes and crimes against humanity against five of the top LRA leaders – Joseph Kony, Vincent Otti, OkotOdhiambo, Dominic Ongwen, and RaskaLukwiya but proceedings against RaskaLukwiya were terminated after his death, but the case against the other four, who remain at large, is being heard by the Court. The leadership of the group under Kony has refused to negotiate a peace deal with the government of President YoweriMuseveni unless the indictments are quashed and the case dropped. Several international human rights organisations including the Amnesty International, have opposed any offers of amnesty to Kony and the LRA even if they were to sign a peace accord with the government of the country.

In Sudan, a country which remains Africa's largest country by land mass, the country has been a troubled state since its creation by the British due to a number of factors which includes a big divide between Arabised north and the black African south, religious and racial conflicts, competition over scarce resources, and dictatorship by a violent but weak state. All these have combined to create one of the most horrible humanitarian crises in the world today. There has been a long-running conflict between the north and the south which has abated for now, but the government of President Omar al-Bashir has been credibly accused of war crimes, crimes against humanity, and genocide in Darfur, the western region that is home to black African Muslims[9]. According to the United Nations, over 300,000 Darfurians were killed and about three million displaced in five years[10] and the government security forces working with the Janjaweed, an Arab militia, were said to be responsible for the atrocities.[11]

[8] Human Rights Watch, *Trail of Death*, New York, 28 March 2010, http://www.hrw.org/node/89324, accessed 23 September 2010.
[9] Gérard Prunier, *Darfur: A 21st Century Genocide*, Ithaca, Cornell University Press, 2008.
[10] Marlise Simons, "Sudan's Leader May be accused of Genocide," *New York Times*, 3 February 2010, available at: http://www.nytimes.com/2010/02/04/world/africa/04bashir.html,accessed 17 April, 2017
[11] Ann McFerran, *The Curse of the Janjaweed*, *Sunday Times* [London], 23 September 2007, http://www.timesonline.co.uk/tol/news/world/africa/article2489206.ece, accessed April 14, 2017.

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IV. The Continued Necessity of African States Membership in the ICC

Relations among nations largely depend on the power that a nation wields in the international community. The provisions of the United Nations Charter and several other international laws in the international system have continued to cast doubts on the sincerity of the international community in the doctrine of equality of nations and respect for the sovereignty of independent nations most especially those on the African continent who constitute the larger chunk of the Third World. At the 35th NEPAD meeting in July, 2016, heads of state and government orientation Committee (HSGOC) meeting at the 27th summit of the African Union in Rwanda, African leaders decided that Sudan's economy is suffering following sanctions against its government by the International Criminal Court, those who spoke at the African Union summit in Kigali castigated the International Criminal Court for failing practical tests and being caught up in procedural irregularities. However, Sudan took the lead in ensuring that African countries withdraw from the ICC; they asserted that the claim that the ICC was an international and independent is not yet realised in the African perspective.

Many African leaders have been tried for war crimes but quite recently the world witnessed the launch of the Mother of All Bomb (MOAB) by the United States to Syria Airbase which led to loss of lives and the international community has said nothing about this. There are many developed nations of the world that have committed more crimes than African leaders but were never questioned nor tried by the court and this has made African leaders to call for a mass withdrawal from the ICC. This research paper therefore critiques the continued relevance of the ICC and membership of African nations in the International Criminal Court.

African leaders have often maintained that the sanctions of the ICC on African countries have contributed to the growing tension in the region and also contributed to the underdevelopment of African nations. Joseph Chilengi, the presiding officer of the AU-ECOSOCC stated that Africa's economies will continue to suffer as long as international justice system is being damaged by the ICC. Joseph Chilengi stated that "No American soldier or politician will ever appear at the ICC and most crimes go unpunished[12]. ICC has allowed impunity for the forces that are allies to the USA," Surprisingly, the United States which is seen as the police of the international system is not a member of the international court, and is among 31 countries that are yet to ratify the Rome Statute under which the court has jurisdiction. African countries have been challenging an attempt to amend the Rome Statute to have powers to arrest leaders by the UN peace keepers when wanted by ICC but this has not come to the limelight. An economic consultant and Sudan legislator, Babiker Mohamed noted that the United States had imposed sanctions which have a very negative impact on Sudan's economy because of the limitations of its economy and this has led to an increase in the international debt of the country[13]. African countries have therefore called for strategies to strengthen their own international justice system instead of being subjected to foreign interventions that undermine their sovereignty. The African Union has however made efforts at having the protocol to expand the powers of the jurisdiction of the African Court on Human and people's rights to include international crimes within the continent. It has been stated by the officials of the African Union that Africa's exit strategy has conditions that the universality of the ICC be upheld, political divisions within the Rome statute shouldn't be introduced and attention provided over UN Security Council resolutions because the international justice system is constipated with a lot of nonsense that the consequences will come back to hurt the African continent[14].

In 2005, the International Criminal Court signed an arrest warrant against the President of Sudan, Omar al-Bashir over crimes against humanity which were committed in his country. More recently, there was a case by the ICC against the current Kenyan President Uhuru Kenyatta and his deputy William Ruto which was later terminated for lack of sufficient evidence but the Russian leader, Vladimir Putin was said to have used against Crimea and more recently, Vladimir Putin has doubled down on his support for the Syrian government despite the release of post-mortem results by Turkey that confirmed chemical weapons were used in an attack that killed at least 72 people in north Syria. The Russian president attacked “groundless accusations” that Damascus was responsible for the assault, and called for a “detailed and unbiased investigation” into the deaths[15]. If Russia were to be an African nation, it possibly would have faced attacks by the United States, and its leaders would have been locked down in the gallows. With Africa’s renewed push, if the continent pulls out of the court, it is believed that it will render the court ineffective.

[12] Mudi, M. *AU renews calls on quitting ICC, says sanctions crippling Sudan economy*, The Star, Jul. 18, 2016. Available at: http://www.the-star.co.ke/news/2016/07/18/au-renews-calls-on-quitting-icc-says-sanctions-crippling-sudan-economy_c1387917 Accessed April 17, 2017.

[13] ibid

[14] ibid

[15] Matthew W, Rowena M, Martin C and Emma G. *Putin stands by Assad as firm evidence of chemical attack mounts*, The Guardian, availableat:https://www.theguardian.com/world/2017/apr/06/postmortems-confirm-syria-chemical-attack-turkey-saysaccessed May 17, 2017

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The court has been accused of hiding evidence and witness tampering, with the latest case involving a judge who was said to have allegedly received millions of dollars in an offshore account to falsify the available evidence against al-Bashir. African leaders have also stated that judges at the ICC have never been lawyers or judges in their countries and therefore the court is not for Africa.[16]

All the same, the fact that such a court as the ICC exists has reduced the criminality and authoritarian tendencies of most African leaders. The immunity clause in the constitution of most African countries has made their leaders extremely corrupt, and there is a need for a check on these powers. For too long, when it does not turn out as planned, African leaders are quick to blame their excesses and trials on racism, colonialism, and neo-colonialism – hiding under the mask of Pan-Africanism. African leaders accused the tribunal of the ICC of bias and racism after then prosecutor Louis Ocampo indicted Sudanese President Omar al-Bashir of genocide and war crimes. In Africa, there are several leaders, mostly dictators, who rule the country ruling like monarchs and with the emergence of the ICC, they found out that the world may have just found a way to hold them accountable for the repressive nature of their regimes. Many of these African nations did not take the risk of pulling out of the Rome Statute, knowing fully well that there will not only be a backlash but will force activists to use their withdrawal to draw attention to the rights crisis and abuses in their nations and force development partners to put sanctions, travels bans, assets freezes and aid suspension in place, they rather used other means as a cover-up for their withdrawal from the Court.

With the withdrawal of one of Africa's frontier states, South Africa from the court, a nation seen as the trendsetter for democracy and respect for human rights in Africa has opened the floodgates for African dictators to withdraw from the court. The truth is, the ICC is still a very relevant international organisation but most of the African leaders are using racism as a cover-up to avoid being accountable for their actions. It was these same African leaders that pushed for an African to be the head of the ICC. The ascension of the current leader of the court, Fatou Bensouda from Gambia is greatly connected to the diplomatic moves of African leaders.

An African was made the head of the ICC since it will be difficult for African leaders to accuse a fellow African of racist tendencies and victimization as the court has been described by the Gambian government as an "International Caucasian Court." recently, many African countries have withdrawn from the court due to the feeling of being subjugated by the international community and after the withdrawal of Burundi, The Gambia, and South Africa, other countries are in a haste to follow suit and this has generated mixed reactions.

In the ICC, there are ten cases that are under investigation by the court and nine of these cases have to deal with African nations and these cases were referred to the ICC by the governments of these nations yet, there is the claim of victimization and racism. ICC cannot execute arrests without the order of the government of the state, and this was why Al-Bashir was not arrested in South Africa. The state of South Africa came under sharp criticism, and such diplomatic complications are the main reason for South Africa's withdrawal from the ICC. The Chief Prosecutor of the ICC Fatou Bensouda lost the case against President Uhuru Kenyatta and Vice President William Ruto of Kenya because Kenyan authorities refused to cooperate, obstructed the ICC finding missions and intimidated witnesses that are connected to the case.

It has been noticed that the fact that most African nations are developing and poor nations have impacted negatively on their stand in the international system. Heads of governments of African countries are too quick to ratify conventions, treaties and protocols that come from the United Nations or any power country like the United States and the United Kingdom once there is a financial gain attached to such ratification without considering how such an international convention can be applied to their local laws and the impact it will have on them. The United States is yet to ratify the Rome Statute and described it as flawed, adding that it violates national sovereignty and could be politicized but most African countries that did never took these into consideration. Former President of the United States, Bill Clinton while leaving office strongly advised his predecessor, President George W. Bush not to submit the Rome Statute treaty to Congress for consideration and this may be the reason many American citizens and the former President Bush wasn't tried for war crimes despite the atrocious acts committed in Iraq and Syria. This is because the ICC has no jurisdiction in the United States, unlike the African countries. There are also atrocities that have been committed by the government of world powers like Russia and China that have not been tried by the ICC; this is due to the fact that they are not a party to the Rome Statute and this is why they can continue to back the regime of Bashar Al-Assad a continue to inhumanity to humanity.

The United States is said to have signed agreements with over 90 countries to prevent turning over U.S. citizens to the ICC without U.S. government permission. An agreement between the U.S. and these nations, one of such signed by The Gambia's then Foreign Minister Baboucarr Blaise Jagne and former U.S. Ambassador Jackson MacDonald states that: when The Government of the Republic of The Gambia

[16] ibid

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extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of The Gambia will not agree to the surrender or transfer of that person to the International Criminal Court by a third country, absent the expressed consent of the Government of the United States of America. The U.S. will reciprocate the same for The Gambia and the other nations it has this agreement with.

The United States and other powerful countries rather decide to try their officials instead of them being tried by the ICC. Heads of African countries who signed an agreement not turn in the United States citizens for prosecution are the same people calling for the trial of American citizens and also claiming racism when tried by the court. The problem is the insincerity of African leaders to appropriately try cases within the continent. After all, the AU has decided to establish a court which will serve as an African Court of Justice which will concentrate on trying war crimes, genocide and crime against humanity but the question is to what extent this court be effective? This is the big question, but a trial of such a court successfully prosecuted and jailed former Chadian leader HissineHabre in Senegal. But the problem is that many of the African leaders who will establish the court are autocratic despots who have overstayed their welcome in the government house and are using series of violence to prolong their days in office. Such leaders are the Zimbabwean leader, Robert Mugabe, a nonagenarian who has ruled the country for decades are caused serious economic crisis for the country. Many of these leaders are simply clinching on to power by reliving the life of Idi Amin or Moammar Ghadaffi. The court will find it quite difficult to arrive at the indictment, prosecution or conviction of any African leader who is a sitting leader who has committed crimes against humanity, genocide or war. This is a challenge being faced by the ICC and the organisation may need to be more independent and an impartial to ensure that Africans are happy to members[17].

ICC has been labeled, but the fact that the court is biased become questioned when President Pierre Nkurunziza, a man who was said to have committed serious electoral violence signed for Burundi to leave the court to avoid his prosecution for the rights abuses that his government is said to be complicit of. Other countries such as The Gambia are simply copying other nations just as quick as they could before other nations also take the same step and become like superpowers who covet unnecessary attention to the nation, when the world was paying no attention to the rights abuses of its government. The problem is that African leaders simply rule their countries like authoritarian kings and become 'gods' the moment they are voted or rig their way into office. They never take responsibility for the wrongs they do. Despite staying in power for decades and having the power and funds to take their countries out of poverty, they simply enrich themselves and their cronies and blame more than half a century dead colonialism of their underdevelopment, which is a result of their corruption, and lack of vision and foresight. If truly one will listen to the allegation that the ICC is a Western structured villain targeting Africans and its leaders, at least this court which is described as a vice was not forced on them as they would say is colonialism - they signed the treaty on their accord and had side agreements sabotaging the tribunal.

[17] Cletus Akwaya, *Africa, The ICC And The Pursuit Of International Justice*, 2017, available at http://leadership.ng/blogposts/570098/africa-the-icc-and-the-pursuit-of-international-justice accessed April 5, 2017

V. Conclusion

There is a need for the continued relevance of the ICC, and African countries membership is quite important. Although it is also of import that powerful nations of the world become members so as to stop African leaders from feeling that the court was set up to victimize them. Except for few, many of these African leaders treat their people worse than the colonialist did and most of the countries that are withdrawing from the ICC are those with tyrants who continue stay in power by executing, imprisoning and torturing their people. Pan-Africanism no longer remains the same; it has transformed over decades from blaming colonialists to building economically, scientifically and technologically advanced societies across African soil to create progressive nations. The work of the ICC in Africa raises lots of questions and has lots of political implications and on peace building in the continent. It also has serious impacts on the rule of law and the struggle by these nations to end the impunity of their leaders and the government which seemingly makes Africans ask the question: are we in our country or are we, slaves?

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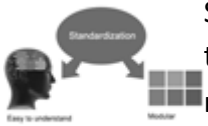

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3. Submission of Manuscripts,

4. Manuscript's Category,

5. Structure and Format of Manuscript,

6. After Acceptance.

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A purpose of organizing a research paper is to let people to interpret your effort selectively. The journal requires the following sections, submitted in the order listed, each section to start on a new page.

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Writing a research paper is not an easy job no matter how trouble-free the actual research or concept. Practice, excellent preparation, and controlled record keeping are the only means to make straightforward the progression.

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Specific editorial column necessities for compliance of a manuscript will always take over from directions in these general guidelines.

To make a paper clear

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Mistakes to evade

- Insertion a title at the foot of a page with the subsequent text on the next page
- Separating a table/chart or figure - impound each figure/table to a single page
- Submitting a manuscript with pages out of sequence

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· Use paragraphs to split each significant point (excluding for the abstract)

· Align the primary line of each section

· Present your points in sound order

· Use present tense to report well accepted

· Use past tense to describe specific results

· Shun familiar wording, don't address the reviewer directly, and don't use slang, slang language, or superlatives

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Abstract:

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An abstract is a brief distinct paragraph summary of finished work or work in development. In a minute or less a reviewer can be taught the foundation behind the study, common approach to the problem, relevant results, and significant conclusions or new questions.

Write your summary when your paper is completed because how can you write the summary of anything which is not yet written? Wealth of terminology is very essential in abstract. Yet, use comprehensive sentences and do not let go readability for briefness. You can maintain it succinct by phrasing sentences so that they provide more than lone rationale. The author can at this moment go straight to shortening the outcome. Sum up the study, with the subsequent elements in any summary. Try to maintain the initial two items to no more than one ruling each.

- Reason of the study - theory, overall issue, purpose
- Fundamental goal
- To the point depiction of the research
- Consequences, including definite statistics - if the consequences are quantitative in nature, account quantitative data; results of any numerical analysis should be reported
- Significant conclusions or questions that track from the research(es)

Approach:

- Single section, and succinct
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- Shield the model - why did you employ this particular system or method? What is its compensation? You strength remark on its appropriateness from a abstract point of vision as well as point out sensible reasons for using it.
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- Very for a short time explain the tentative propose and how it skilled the declared objectives.

Approach:

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- Do not take in frequently found.
- If use of a definite type of tools.
- Materials may be reported in a part section or else they may be recognized along with your measures.

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- Report the method (not particulars of each process that engaged the same methodology)
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- Simplify - details how procedures were completed not how they were exclusively performed on a particular day.
- If well known procedures were used, account the procedure by name, possibly with reference, and that's all.

Approach:

- It is embarrassed or not possible to use vigorous voice when documenting methods with no using first person, which would focus the reviewer's interest on the researcher rather than the job. As a result when script up the methods most authors use third person passive voice.
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What to keep away from

- Resources and methods are not a set of information.
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The principle of a results segment is to present and demonstrate your conclusion. Create this part a entirely objective details of the outcome, and save all understanding for the discussion.

The page length of this segment is set by the sum and types of data to be reported. Carry on to be to the point, by means of statistics and tables, if suitable, to present consequences most efficiently.You must obviously differentiate material that would usually be incorporated in a study editorial from any unprocessed data or additional appendix matter that would not be available. In fact, such matter should not be submitted at all except requested by the instructor.



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Content

- Sum up your conclusion in text and demonstrate them, if suitable, with figures and tables.
- In manuscript, explain each of your consequences, point the reader to remarks that are most appropriate.
- Present a background, such as by describing the question that was addressed by creation an exacting study.
- Explain results of control experiments and comprise remarks that are not accessible in a prescribed figure or table, if appropriate.
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- Do not present the similar data more than once.
- Manuscript should complement any figures or tables, not duplicate the identical information.
- Never confuse figures with tables - there is a difference.

Approach

- As forever, use past tense when you submit to your results, and put the whole thing in a reasonable order.
- Put figures and tables, appropriately numbered, in order at the end of the report
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Figures and tables

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- You may propose future guidelines, such as how the experiment might be personalized to accomplish a new idea.
- Give details all of your remarks as much as possible, focus on mechanisms.
- Make a decision if the tentative design sufficiently addressed the theory, and whether or not it was correctly restricted.
- Try to present substitute explanations if sensible alternatives be present.
- One research will not counter an overall question, so maintain the large picture in mind, where do you go next? The best studies unlock new avenues of study. What questions remain?
- Recommendations for detailed papers will offer supplementary suggestions.

Approach:

- When you refer to information, differentiate data generated by your own studies from available information
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	A-B	**C-D**	**E-F**
Abstract	Clear and concise with appropriate content, Correct format. 200 words or below	Unclear summary and no specific data, Incorrect form Above 200 words	No specific data with ambiguous information Above 250 words
Introduction	Containing all background details with clear goal and appropriate details, flow specification, no grammar and spelling mistake, well organized sentence and paragraph, reference cited	Unclear and confusing data, appropriate format, grammar and spelling errors with unorganized matter	Out of place depth and content, hazy format
Methods and Procedures	Clear and to the point with well arranged paragraph, precision and accuracy of facts and figures, well organized subheads	Difficult to comprehend with embarrassed text, too much explanation but completed	Incorrect and unorganized structure with hazy meaning
Result	Well organized, Clear and specific, Correct units with precision, correct data, well structuring of paragraph, no grammar and spelling mistake	Complete and embarrassed text, difficult to comprehend	Irregular format with wrong facts and figures
Discussion	Well organized, meaningful specification, sound conclusion, logical and concise explanation, highly structured paragraph reference cited	Wordy, unclear conclusion, spurious	Conclusion is not cited, unorganized, difficult to comprehend
References	Complete and correct format, well organized	Beside the point, Incomplete	Wrong format and structuring

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