CONSIDERATIONS ON
LEGISLATION AND PUBLIC RELATIONS IN MALARIA ERADICATION PROGRAMME

by

Ato Seifu Zelleke
Director-General, Malaria Eradication Service, Ethiopia

1. LEGISLATION

1.1 Concepts on the Source of Law

It seems that each country has and practices its own concepts of source of law, depending on its historical background and the degree of political as well as socio-economic development. It seems also that these concepts fall in one of the two well-known categories. One concept is that law emanates from an authority or a sovereign power standing high above society and issuing laws downwards. This sovereign, according to this concept, is and must be the creator of and absolute prerequisite to all law. Any social observance or a society's given rule of conduct deserving the name of law must first derive the necessary authority from such a sovereign.

The other concept is that law develops within society of its own vitality, independent of any dominant will and grows spontaneously upward. Nevertheless, this concept does recognize the element of compulsion as the central characteristic of all law and also acknowledges the necessity for establishment of a supreme authority for its enforcement. Such authority in this concept is to be regarded as one which is set up and
obeyed by agreement, itself created by law, and not as the fountain of all law.

A lot has been written by eminent legal philosophers since several centuries on these two seemingly conflicting views dealing with the genesis of law. They seem to agree, however, that these concepts are dynamic, influenced in each country by its deep-rooted tradition, its historical background, its socio-economic as well as political growth. Though they do not agree on what constitutes the "sole true source" of law, again they seem to agree regarding the supreme authority, without reference to its origin but granting that it provides the necessary element of compulsion to law, as a VEHICLE of law -- one which carries a "... load made up of many different kinds of goods and selected not arbitrarily or at random, but with calculated regard to the needs of the consignees."

1.2 Concept on Law Itself

Whether our concept on the source of law belongs to the one school of thought or the other is not of great importance for our present purpose. What is more important here is our concept on law itself. The predominant thought of the "civilized" world is well represented by a noted legal philosopher, Professor Rosco Pound, who wrote on the subject as follows:

"For the purposes of understanding the law of today, I am content with a picture of satisfying as much of the whole body of human wants as we may with the least sacrifice. I am content to think of law as a social institution to satisfy social wants -- by giving effects to as much as we may with the least sacrifice, so far as such wants may be satisfied or such claims given effect by an order of human conduct through politically organized society. For present purposes I am content to see in legal history the record of a continually wiser recognizing and satisfying of human wants or claims or desires through social control; a more complete and effective elimination of waste and precluding of friction in human enjoyment of the goods of existence -- in short, a continually more efficacious social engineering."

1.3 Concept on Legislation as a Source of Law

Legislation is said to be one of the most popular as well as direct sources of law. In modern society, legislation should be regarded as a dynamic interaction between a
constitutionally authorized order on the one hand and the reaction of social forces on the other. It should never be regarded as a mere process of command and obedience.

The concept is mentioned in spite of awareness of the fact that a great deal of the accomplished work of the legislators entrusted with authority to mandate is not directly due to the expressed will or consciousness of the people. On the contrary, it is common knowledge that a great number of legislations are enacted without consciousness or expressed will of any kind on the part of the great majority of the people affected by them. The absence of such popular consciousness to determine the course of a given legislation should not demerit the concept that the enactment of the legislation in a democratic society should be interpreted as an interaction between the order of a state authority on the one hand and the individual member of the society on the other. It must be remembered that the days of passive acceptance of orders on the part of the great masses are fast disappearing from most countries of the world. Thus, for a given legislation to be enacted with little or no resistance, it must take full consideration of all factors interplaying in the life of the community affected by it.

1.4 The Style of Legislative Diction

A given legislation must also possess a style of diction characterized with the "minimum of words consistent with clearness, explaining themselves, so far as possible, one step at a time without involutions and cross-references". Though it is believed to be difficult to state a set of scientific principles as a guide for proper drafting of legislation, there are a number of rules referred to as "Montesquieu's Principles", which are epitomized in Sir Carleton Allen's book as follows:

"1. The style should be both concise and simple; grandiose or rhetorical phrases are merely distracting surplusage.

"2. The terms chosen should, as far as possible, be absolute and not relative, so as to leave the minimum of opportunity for individual differences of opinion.

"3. Laws should confine themselves to the real and the actual, avoiding the metaphorical or hypothetical.

"4. They should not be subtle, for they are made for people of mediocre understanding; they are not an exercise in logic, but in the simple reasoning of the average man.

"5. They should not confuse the main issue by any exceptions, limitations or modifications, save such as are absolutely necessary.

"6. They should not be argumentative, it is dangerous to give detailed reasons for laws, for this merely opens the door to controversy."
"7. Above all, they should be maturely considered and of practical utility, and they should not shock elementary reasons and justice and 'la nature des choses', for weak, unnecessary and unjust laws bring the whole system of legislation into disrepute and undermine the authority of the State".

1.5. Preparation and Enactment of Legislation

The development of complexities in modern society has obliged Parliament, "the legislative master", to delegate, though still maintaining overall control, many of its functions to a number of other organs of the government in many countries. This has given rise to what is known as departmental or executive legislation, the effectiveness of which, for the purposes proclaimed, is nearly coordinate with that of the official lawmaker.

The reason for such delegation may be obvious. It hinges on any one or a combination of these factors: (1) shortage of time to deal with the problem in detail; (2) technical character of the problem compelling reference to experts; (3) limited importance of the problem because of its regional or local interest.

In countries where the ministries or departments of public health do not have the delegated power to issue legislation related to the proper discharge of their duties, malaria eradication, for example, it goes without saying that the drafting, submittal, and applying pressure for speedy enactment of the desired legislation, rest solely on the said ministries and departments.

1.6. Contents of Legislation for Malaria Eradication

Since the technical requirements must be the guiding factor in drafting legislation for malaria eradication, and since the basis of the problem is not variant, it is felt that the following topics, with some additions to meet specific local needs, do adequately cover the necessary points constituting the body of such legislation:

1. Establishment of an autonomous national service guided by a high-ranking official or an executive board appointed by the chief of state.

2. Provision related to staff.

3. Provision related to budget.

4. Entry into all premises without liability.

5. Compulsory case reporting, without charge for telegraphic, telephonic and postal communications.

6. Waiving of postal charges for the transport of blood samples.

7. Control of movement of the population.
6. Customs exemptions of all supplies, materials, vehicles and equipment.

9. Obligatory collaboration by governmental and private health and other agencies and employees.

10. To empower the national service "...to take all measures found necessary for the eradication of malaria and, in particular, to:
   a. declare a particular area to be malaria-infected;
   b. require all or any persons within a malaria-infected area to submit to examination and treatment as prescribed or provided by the malaria eradication service;
   c. remove a person from a malaria-infected area for treatment elsewhere;
   d. drain swamps, pits, ponds, lakes or other bodies of water for the purpose of eliminating breeding places for malaria-carrying mosquitoes;
   e. spray with insecticide houses and buildings likely to harbour malaria-carrying mosquitoes;
   f. take other measures calculated to destroy malaria-carrying mosquitoes and their larvae."

11. Penalties for violators.

12. Entry into force; repeal of earlier legislation.

1.7 Publicity of Legislation for Malaria Eradication

Issuance of the legislation and the announcement of the effective date for its entry into force on official papers is no guarantee for the legislation's adequate publicity. Not only knowledge of its existence but also understanding of its content are indispensable pre-requisites for legislation to be effective.

In an agrarian society with a high percentage of illiteracy, where the average person does not or cannot afford to buy the official announcements of the legislation and where the means of mass communications media are very limited, issuance of legislation in an established official organ has very little or no value unless it is followed, as in other matters, by the slow educational process. The best accomplices of this mission are the field workers of the service, who should be indoctrinated in the proper method of explaining the legislation to the communities with which they come in contact in line of duty. To facilitate this approach, each worker should carry a copy of the legislation reprinted in a booklet form which conveniently fits the pocket. As in other matters of educational approach, the service of the leader of the community must be fully exploited to this end.
Summary

1. The predominant concept on the source of law, on law itself, and on legislation are briefly discussed and a reasonable line of attitude is suggested.

2. Some basic principles to serve as guide for the purpose and process of drafting legislation in general, malaria eradication legislation in particular, are stated.

3. Problems in giving legislation wide publicity in underdeveloped countries are mentioned, and some suggestions in relation to malaria eradication legislation are given.
2. PUBLIC RELATIONS

2.1. Defining Public Relations

One will not be too far from the truth if he will state that there are as many definitions of the subject public relations as there are so-called experts engaged in this field.

The following definitions were selected as the best of many submitted by something like two thousand public relations experts:

(a) "Public relations is a philosophy of management which places the interests of people first in every decision and action. It is expressed in policies interpreted to the public to secure understanding and to obtain good will."

(b) "Public relations is the continuing process by which management endeavors to obtain the good will and understanding of its customer, its employees and the public at large; inwardly through self-analysis and correction, outwardly through all means of expression."

(c) "Public relations is the continued process of keying policies, services and actions to the best interests of those individuals and groups whose confidence and good will an individual or institution covets; and secondly, it is the interpretation of these policies, services and actions to assure complete understanding and appreciation."

From these definitions one may get the idea that the subject is confined only to business and businesslike organizations. It should be clear, however, that the business of public relations transcends into all types of community life including social, political, religious, educational, civic and others.

2.2 Organizing Public Relations as a Service

It is not difficult to see that public relations as a subject and instrument for a good modus vivendi has developed to such a degree of complexity and refinement in many parts of the world that its practice is being limited to specialists specifically trained in the art.

Assuming then that the services of such specialists are a requirement for the successful management of a given organization, Bertrand R. Confield, a noted public relations expert, outlines six points to indicate how such service can be effectively set up.

"When it becomes necessary to delegate public relations functions to specialists," writes Confield, "there are several courses that are customarily followed: (1) to assign public relations as a secondary responsibility to a staff executive; (2) to retain the services of an outside public relations counsellor to advise the organization; (3) to appoint a public relations manager to have full responsibility for public relations; (4) to create a public
relations department with specialists responsible for functions of public relations; (5) to appoint a policy group composed of major executives to determine basic policies; and (6) to decentralize into local or divisional public relations departments."

2.3. Basic Functions of Public Relations Service

It is not easy to be convinced at first hand that much service should be rendered by specialist managing departments exclusively set up for the purpose. But any resistance to this approach weakens when one reviews Confield's vivid and detailed descriptions on the vast and intricate functions performed by the public relations man as a staff member of a sizable organization. These functions are grouped under the following five principal types:

- **Research:** Opinion surveys of various groups of people, studies of interpretations of social, economic and political trends; and studies of public relations techniques.
- **Planning:** Determining basic public relations policies, establishing objectives, determining methods of communication, timing, assigning personnel, and budgeting.
- **Coordinating:** Internal contacting, informing, and advising. External contacting with public leaders, etc.
- **Administration:** Maintaining a public relations department; personnel, budget, etc.

Even though to give examples for the above types of functions is not practical and because often, by necessity, show too limited a scope to illustrate such basic functions, the functions of the public relations department of the General Motors Corporation are quoted below in the hope that they may throw more light on the subject.

"1. To seek out and spread on the table for management's consideration any "aspects" of operating situations that bear upon, or may bear upon, the position of the corporation or division with the public.

"2. To make suggestions for management's consideration with regard to handling such "aspects".

"3. To recommend, where desired, specific courses of public relations action.

"4. Thorough interpretation of management policies to the public.

"5. Thorough study of public attitude trends by an organized means for determining and reflecting opinion trends to management for its consideration."
2.4 Place of Public Relations in an Organization for Malaria Eradication

Since there is no standard pattern for determining the position of public relations department in a given organization, one has no choice but to assume that the guiding factors for the establishment of such organizational pattern are to be found in the nature, objective, and size of the organization and, perhaps most important, in the particular types of functions outlined for the public relations service. It has been clearly shown by Confield that there are as many different types of structural patterns of organization in reference to the position of public relations as there are institutions and business concerns having separate officer for public relations.

Thus, it is not within the scope of this paper to even attempt to suggest the relative position of public relations department in a given organizational structure for malaria eradication. In general, however, it seems quite reasonable and advantageous to consider public relations as belonging at top-management level of such organization.

2.5 The "Publics" of Public Relations

The business of public relations has reached such a degree of refinement and specialization that it is quite necessary to speak in terms of the specific "publics" that are of interest to a specific public relations office of a given organization. A "public" in this case means a group of public individuals with similar interests and problems. For example, Confield defines the "business publics" to include: (1) the employee public; (2) the owner or stockholder public; (3) the consumer public; (4) the supplier public; (5) the community public; (6) the government public; (7) the trade public or competitor concerns in the same industry; and (8) the distributor and dealer public. Likewise, particular publics are to be found in social, religious, educational, etc. groups each differing from one another according to their nature of interests and problems.

It is gratifying to note that public relations experts have developed specific policies, techniques and media of communication for all the different publics in an effort to develop understanding and to secure the good will of the general public.

At this point, one may ask, who are the "publics" concerned with malaria eradication service? We all would like to think and should think in terms that malaria eradication is everybody's job and therefore, the publics of this organization constitute the entire population of the country concerned.

However, for the sake of devising specific public relations policies and techniques which permit the establishment and running of an effective public relations service within the organization, it seems logical to classify the publics of malaria eradication service into three groups, as follows:
(a) The employee public, the rank and file of the organization.

(b) The community public, those living under malaria risk in particular.

(c) The government public, central, local and municipal.

One can easily write a modest size book on the public relations of each of the above three publics if he carefully studies the respective specific policies and techniques developed in such interesting details in Confield’s book alone. Under present circumstances, however, we will have to be satisfied with simple statements of the very basic principles laid down for each.

Thus, in order for the organization to maintain good public relations with each of the three publics, the following must take place:

With the employee public: (1) it must establish a sound personnel policy; (2) it must maintain good communications flowing from top to bottom and vice-versa.

With the community public: (1) it must keep the community informed on the organization's aims, objectives, and progress; (2) it must keep informed of community attitudes toward the organization and its activities; (3) it must promote friendly relations between the organization and the community, and increase community understanding of the way the organization serves the public interest.

With the government public: (1) it must keep informed of all major developments of interest to the organization arising in the executive departments, administrative agencies, local and municipal governments wherever the organization is in operation; (2) keep all government agencies and legislators informed about the objective, progress, and problems of the organization; (3) establish personal acquaintance with officials on all levels and discuss with them the socio-economic importance as well as benefits derived in connection with the activities of the organization; (4) undertaking research on government ruling, regulations, and decisions affecting the organization's activities directly or indirectly.

2.6 Public Relations problems in Malaria Eradication

Though the basic technical factors governing the business of malaria eradication are constant, it would really be presumptuous on the part of anyone to say that public relations problems in this business are also constant and so use this concept as a pretext to suggest a set of such problems as standard. It may be superfluous to mention that the public relations problems associated with a given malaria eradication organization are directly related to a multitude of variable factors including the geography, climatology, culture, education, religious beliefs, and the degree of socio-economic development of the country concerned.
For the purposes of further illustration and discussion of the problems, let us portray a country having some of the most adverse conditions facing the national malaria eradication service. Let us say the country has a vast territory, with difficult topographical conditions, widely dispersed population, extremely limited means of communication, little or none of the most rudimentary public health services for its rural inhabitants who constitute the great majority of the population, and to make matters even worse, having a rampant malaria epidemic resulting in heavy toll every year. It is not difficult to imagine the magnitude of the public relations problems faced by malaria eradication organizations established in countries with such seemingly discouraging background.

Time does not permit separate mentioning of the many and difficult specific public relations problems faced by each of the three publics of the organization, namely the employee, the government, and the community public. As a whole, however, it may be said that the problem at times may reach such a degree of intensity as to shake the very foundation of the organization. Under such unfavourable conditions, one could seriously and perhaps rightly ask such questions as the following: What is the pre-requisite or the proper background for establishing national malaria eradication service? Can such an organization effectively exist and successfully conclude its objectives when established against difficult background such as the type mentioned above? Supposing some established organizations are expected to function under such trying conditions, what remedial resources could be suggested in order to (1) make the task of the organization's field workers easier and keep their morale on a high level; (2) avoid "scapegoating" the organization by the department or ministry of health, as a result of understandable failure to discharge a given duty or responsibility on the part of the latter; and (3) protect the organization from becoming a political "football" especially when forced by circumstances to undertake malaria eradication only by stages?

Though it is understood that the problem is not one which is in realm of malariaology, it is submitted to the present distinguished group of eminent malarialogists in the hope that our sharing of their vivid experience from their respective countries may offer some solution.
REFERENCES


2. "Negarit Gazeta", 18th year, No. 6, Order No. 22 of 1959, to provide for the Eradication of Malaria in Ethiopia.


ANNEX I
Order No. 22 of 1959

AN ORDER TO PROVIDE FOR THE ERADICATION OF MALARIA IN ETHIOPIA

CONQUERING LION OF THE TRIBE OF JUDAH
HAILE SELASSIE I
ELECT OF GOD, EMPEROR OF ETHIOPIA

WHEREAS, malaria is a disease which is prevalent in many parts of Ethiopia, and the health and efficiency of many of our people are seriously undermined thereby, and

WHEREAS, the results of the scientific surveys which have been made have demonstrated that total eradication of malaria is possible if the fullest use is made of modern equipment and trained personnel; and

WHEREAS, the eradication of malaria is a matter of great national importance;

NOW, THEREFORE, in accordance with Article 27 of our Revised Constitution, and upon the advice of our Council of Ministers, we hereby order as follows:

1. This Order may be cited as the "Malaria Eradication Order, 1959".

2. There is hereby established in the Ministry of Public Health a Malaria Eradication Service which shall be under the direction of the Minister of Public Health. The Malaria Eradication Service shall comprise:

(a) A Director-General, appointed by Us, who shall be directly responsible to the Minister for the execution of policies and enforcement of the regulations approved and promulgated by the Minister pursuant to this Order;

(b) an Advisory Board, consisting of not less than five (5) members appointed by Us, who shall provide advice on policies and administration of the Malaria Eradication Service; each international agency participating in the Malaria Eradication Programme shall be represented by one (1) member on the Advisory Board; and

(c) a staff, directed by the Director-General, subject to supervision by the Minister, which shall provide administrative and enforcement services for the proper carrying out of policies and regulations; such employees shall be employed for definite terms.
3. The Malaria Eradication Service shall:

(a) institute a malaria eradication programme with the object of eradicating malaria from Ethiopia within the shortest practical period of time;

(b) prepare an annual budget to defray the expenses of the Programme; such budget shall be in such amount as to eliminate any possibility of an interruption of the execution of the Programme;

(c) take such steps as are necessary to ensure the availability of sufficiently trained personnel to carry out the Programme; and

(d) take appropriate steps to persuade Our people living in infected areas to cooperate fully in the implementation of the Programme.

4. Our Minister of Public Health shall have power to:

(a) recruit the staff of the Malaria Eradication Service; he shall have power to hire and discharge all staff personnel, and for this purpose may fix emoluments and conditions of employment;

(b) accept contributions from all sources, including governments and international organizations, whether in cash, kind or personal service, for the purpose of carrying out the Programme, and to negotiate, for approval by the Government, agreements in connection therewith;

(c) commit the budget of the Malaria Eradication Service for supplies, equipment and services, and to cause funds to be disbursed in payment therefor, and

(d) delegate his powers and authority, or a part of them, whether derived from this Order or from agreements entered into by the Malaria Eradication Service or the Government in carrying out the purposes of this Order.

5. For the purpose of eradicating malaria in Ethiopia, employees of the Malaria Eradication Service, when properly authorised by the Minister of Public Health or his authorized deputy, may enter, without liability, any premises in Ethiopia.

6. Every individual in Ethiopia shall have the duty to permit properly authorized representatives of the Malaria Eradication Service to take blood films and to accept treatment for malaria.
7. Every individual within Ethiopia who suspects or knows of a case of malaria shall notify the Malaria Eradication Service or the police with respect thereto.

8. Our Minister of Public Health, upon the recommendation of the Advisory Board, and through appropriately authorized employees of the Malaria Eradication Service, is empowered to take all measures found necessary for the eradication of malaria and, in particular, to:

(a) declare particular areas to be malaria-infected;

(b) require all or any persons within a malaria-infected area to submit to examination and treatment as prescribed or provided by the Malaria Eradication Service;

(c) remove a person from a malaria-infected area for treatment elsewhere;

(d) drain swamps, pits, ponds, lakes or other bodies of water for the purpose of eliminating breeding places for malaria-carrying mosquitoes;

(e) spray with insecticide houses and buildings and any area likely to harbour malaria-carrying mosquitoes; and

(f) take other measures calculated to destroy malaria-carrying mosquitoes and their larvae.

9. Our Minister of Public Health shall have power by regulation or by order to require the occupant of any premises to carry out on the premises occupied by him the measures for malaria eradication referred to in sub-sections (d), (e) and (f) of article 8 hereof.

10. Any person who violates any provisions of this Order or regulations or orders issued thereunder is punishable in accordance with the provisions of Article 705 of the Penal Code of Ethiopia of 1957.

11. This Order shall come into force upon the date of its publication in the Negarit Gazeta.