



Original Article

A Critical Reappraisal of Ethiopia’s Approach to National Dialogue: Quest for a Sustainable Peace

Wakgari Kebeta*

**Assistant Professor of Law, LL. B, LLM. In International Economics & Business Law, at Wallaga University School of Law*

Abstract

Despite the progress Ethiopia has shown in economic growth and democracy in recent years, the country still faces key challenges including political instability, violations of human rights, and weak institutions. Attempts have been made to resolve the problems both by ballot and bullet but none of them brought about the desired sustainable peace, democracy, and prosperity. The Ethiopian government recently promised to conduct a national dialogue in order to lift the country out of the cyclical crises. A successful national dialogue could help a country move forward while an unsuccessful one may only exacerbate the situation. This article seeks to contribute to the national dialogue efforts of Ethiopia by identifying the potential threats and opportunities. The study employs the doctrinal research methodology and uses relevant legal, political, and policy frameworks as primary sources of data. In addition, it makes a thorough literature review as a secondary source based on a comparative approach. The article argues that, while Ethiopia’s national dialogue initiative is commendable, a consensus among key stakeholders is swiftly needed on how far, how inclusive, and how substantive the dialogue must be in order for the dialogue to be successful. It reaffirms that, unless the country commits to an inclusive and genuine national dialogue and consensus, the current socioeconomic and political conundrum could exacerbate and have a catastrophic impact on the country and beyond.

Article Information

Article History:

Received: 03-08-2023

Revised: 22-08-2023

Accepted: 29-09-2023

Keywords:

Ethiopia,
National Dialogue,
National Dialogue
Commission,
Sustainable Peace,
Transitional Justice

***Corresponding**

Author:

Wakgari Kebeta

E-mail:

wakgarikebeta@gmail.com

1. Introduction

The concept of national dialogue became widely popular in the last quarter of the 20th century.¹ Since then, scholars have tried to define and elaborate the term. A national dialogue may be defined as a nationally owned political process aimed at generating consensus among a broad range of national stakeholders in times of deep political crisis, in post-war situations, or during political

transitions.² National dialogues provide an inclusive, broad, and participatory official negotiation framework, which can resolve political crises and lead countries into political transitions.³ Their objective can involve broad-based change processes such as negotiating a new social contract or more narrow objectives.⁴

The African Union Transitional Justice Policy describes a national dialogue as one of

¹ There are numerous countries that engaged in peace negotiations- some successful, others unsuccessful. These include Aceh (Peace Negotiation 1999–2003), Afghanistan (Negotiations and Political Transition 2001–2005), Benin (Political transition 1990–2011), Burundi (Peace negotiations and implementation 1996–2013), Colombia (Peace Negotiations 1998–2002), Cyprus (Negotiations 1999–2004), Darfur (Peace Negotiations 2009–2013), DR Congo (Inter-Congolese Dialogue 1999–2003), Egypt (Political Transition 2011–2013), El Salvador (Peace Negotiation and Implementation 1990–1994), Eritrea (Constitution Making 1993–1997), Fiji (Political Transition/Constitution making 2006–2013), Georgia-Abkhazia (UN Negotiations 1997–2007), Guatemala (Peace process 1989–1999), Israel-Palestine (Geneva Initiative 2003–2013), Israel-Palestine (Oslo I 1991–1995), Kenya (Post-election violence 2008–2013), Kyrgyzstan (Political reforms 2013), Liberia (Peace Agreement and Implementation 2003–2011), Macedonia (Ohrid FA Peace Process 2001–2013), Mali (Political Transition 1990–1992), Northern Mali (Peace negotiation 1990–1996), Mexico (Chiapas uprising and peace process 1994–1997), Moldova-Transnistria (Negotiations 1992–2005), Nepal (Peace Agreement and Constitution making 2005–2012), Northern Ireland (Good Friday 2001–2013), Papua New Guinea (Bougainville Peace Negotiations 1997–2005), Rwanda (Arusha Peace Accords 1992–1993), Solomon Islands (Townsville Peace Agreement and Constitution Making 2000–2014), Somalia (National Peace Conference 1992–1994), Somalia (National Peace Conference 2001–2005), Somalia (Djibouti process 1999–2001), Somaliland (Post-independence violence negotiations 1991–1994), South Africa (Political Transition 1990–1997), Sri Lanka (Ceasefire, Peace Negotiation and Elections 2000–2004), Tajikistan (Peace negotiations and implementation 1993–2000), Togo (Political transition 1990–2006), Turkey Armenia Protocols

2008–2011), Turkish-Kurdish (Peace Process 2009–2014), Yemen (National Dialogue 2011–2014).

² Susan Stigant and Elizabeth Murray, National Dialogues: A Tool for Conflict Transformation?, United States Institute of Peace, October 23, 2015. Available at <https://www.usip.org/publications/2015/10/national-dialogues-tool-conflict-transformation>; Elizabeth Murray and Susan Stigant, National Dialogues in Peace-building and Transitions, United States Institute of Peace, No. 173, June 2021, at 5. Available at https://www.usip.org/sites/default/files/pw_173-national_dialogues_in_peacebuilding_and_transitions_creativity_and_adaptive_thinking.pdf; Berghof Foundation, National Dialogue Handbook: A Guide for Practitioners, May 2017, at 21. Available at <https://peacemaker.un.org/sites/peacemaker.un.org/files/BF-NationalDialogue-Handbook.pdf>. All accessed on 10 June 2023.

³ Thania Paffenholz, Anne Zachariassen and Cindy Helfer, What Makes or Breaks National Dialogues?, Inclusive Peace and Transition, Report, at 9. Available at [IPTI-Report-What-Makes-Breaks-National-Dialogues.pdf \(un.org\)](https://www.ipti.org/sites/default/files/IPTI-Report-What-Makes-Breaks-National-Dialogues.pdf); PILPG, A Guide to Planning and Conducting a National Political Dialogue, National Political Dialogue Handbook, at ii. Available at <https://static1.squarespace.com/static/5900b58e1b631bffa367167e/t/59f35ccc652deaab953107ec/1509121231824/NATIONAL+POLITICAL+DIALOGUE+Handbook+PDF+%281%29.pdf>. All accessed on 5 July 2023.

⁴ Huma Haider, National dialogues: lessons learned and success factors, K4D, 12 February 2019, at 2. Available at https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/14379/543_National_Dialogues_Lessons_Learned.pdf?sequence=3&isAllowed=y. Accessed on 21 May 2023.

the transitional justice initiatives used to move from a divided and painful past to a commonly shared and developed future.⁵ In the Ethiopian context, national dialogue is defined as a consultation of different bodies facilitated by the Council of Commissions at the Federal and Regional levels on the agendas identified in accordance with this Proclamation and the Directives to be issued by the Council of Commissions.⁶ In spite of the varying definitions, national dialogue is regarded as a fundamental instrument for putting the most basic principles of democracy into practice; resolving disputes; building consensus; and strengthening and improving participatory governance and development.⁷

Global experience indicates that not all national dialogues are successful. Though it can broaden debate regarding a country's trajectory, it can also be misused and manipulated by leaders to consolidate their power.⁸ It has often been used by national elites as a tool to gain or reclaim political legitimacy, which has limited their potential for transformative change.⁹ While there is no

blueprint for such dialogues, attention to lessons learned can help actors involved to identify factors contributing to the success and failure of national dialogues and to key challenges.¹⁰

At the moment, Ethiopia and its inhabitants need sustainable peace, democracy, and development more than ever. The unabated nationwide conflict and atrocities must end at some point as we cannot live in war forever. This is possible only through a genuine political negotiation. Though there is no perfect way of making a political negotiation, it is imperative to make every step of the process through an informed decision. This article aims to contribute to the proposed national dialogue efforts in Ethiopia by identifying the prospects and challenges that may come along the way. In particular, it weighs the current enthusiasm for national dialogues with a critical analysis of the necessary conditions for a successful national dialogue. An attempt is also made to investigate the experiences of other nations so as to disclose the successes and failures in the national dialogue endeavors.

⁵ African Union, Transitional Justice Policy, Adopted February 2019, Ethiopia, Available at 36541-doc-au_tj_policy_eng_web.pdf. Accessed on 6 April 2023. The Policy also recognizes other transitional justice initiatives such as national truth and reconciliation commissions and national reparations funds, amongst others. Transitional justice is a broad concept which consists of both judicial and non-judicial processes and mechanisms, including prosecution initiatives, facilitating initiatives in respect of the right to truth, delivering reparations, institutional reform and national consultations.

⁶ The Ethiopian National Dialogue Commission Establishment Proclamation No. 1265 /2021, Fed. Neg. Gazette, No. 5, 13th January, 2022, Art. 2(3).

⁷ The World Bank and IDEA, Experiences with National Dialogue in Latin America: Main Lessons from a roundtable discussion, November 20-

21, 2000, at 3. Available at <http://web.worldbank.org/archive/website01013/WEB/IMAGES/ELSALVAE.PDF>. Accessed on 26 March 2023.

⁸ Katia Papagianni, National Dialogue Processes in Political Transitions, Civil Society Dialogue Network Discussion Paper No. 3, at 1. Available at <https://www.files.ethz.ch/isn/176342/National-Dialogue-Processes-in-Political-Transitions.pdf>.

Accessed on 3 May 2023. According to the research project Broadening Participation in Political Negotiations and Implementation (2010–2017), while most National Dialogues reached an agreement, only half of these agreements were implemented.

⁹ National Dialogues, Inclusive Peace Newsletter, available at [National Dialogues – Inclusive Peace](http://NationalDialogues-InclusivePeace). Accessed on 27 February 2023.

¹⁰ Haider, *supra* note 4, at 2.

This article is organized into six sections. The first section presents the definition and context of a national dialogue. Section two depicts the research methodology used in the article. Section three discusses the basic principles of a successful national dialogue. It also describes the experiences of other jurisdictions that have come through a national dialogue. The fourth section highlights a brief history of transitional justice initiatives in Ethiopia and assesses why and how nearly all of them failed. Section five examines the legal, institutional, and political settings of the ongoing Ethiopian national dialogue. The final section draws some conclusions and presents a way forward.

2. Research Methodology

This article employed a doctrinal research methodology. The primary sources of data are domestic and international legal, policy, and political frameworks relevant to the topic. The secondary sources include literature, reports, and the internet. The data are analyzed qualitatively using the content analysis of documents. In addition, the article used a comparative approach to examine the experiences of other jurisdictions. Accordingly, the author purposively selected Tunisia, Senegal, Yemen, Central African Republic, Kenya and Sudan. These countries are favored because each of them has gone

through a national dialogue with some elements of successes and failures.

3. Basic Principles of Effective National Dialogue and Experiences of Selected Jurisdictions

In order to succeed, national dialogues pass through three successive phases of preparation, process, and implementation. The preparation phase can be as long, or longer, than the official process, as it often entails mini-negotiation processes in itself to establish key parameters and the institutional framework.¹¹ In all national dialogues, the decisions made during the preparatory phase set the tone for the process and affect its ultimate legitimacy in the eyes of political forces and the public.¹² In the absence of a one-size-fits-all or ‘correct’ model,¹³ the success of a national dialogue also highly needs to be guided by the principles of, among others, inclusion, transparency, public participation, a clear agenda, a credible facilitator, appropriate and clear rules of procedure, and an implementation plan designed by all stakeholders.¹⁴ In this section, a brief discussion of these principles will be in order. In addition, the author summarizes the experiences of some jurisdictions that came through national dialogues. It presents both the prospects and challenges that are on the way to reaching a national consensus.

¹¹ *Id.* at 4.

¹² Murray and Stigant, *supra* note 2, at 3.

¹³ The Transitional Justice Guiding Principles of the United Nations encourages States to take account of their political context when designing and implementing transitional justice processes and mechanisms. See United Nations Approach to Transitional Justice: Guidance Note of the Secretary-

General. 2010. Available at [Guidance note of the Secretary-General : \(un.org\)](https://www.un.org/en/secretary-general/guidance-note-of-the-secretary-general-2010). Accessed on 3 July 2023.

¹⁴ Stigant and Murray, *supra* note 2. Elayah *et al*, National dialogues as an interruption of civil war – the case of Yemen, *Peacebuilding*, 8:1, 98-117, DOI: 10.1080/21647259.2018.1517964, 2002, at 101. Available at <https://doi.org/10.1080/21647259.2018.1517964>. Accessed on 10 April, 2023.

3.1 Inclusion of Key Stakeholders

Before the process begins, an inclusive, transparent, and consultative preparatory phase sets the foundation for genuine national dialogue. The initial decisions on who is to be included, how, where, and when, are all decisions that can be as intensely political as the dialogue itself.¹⁵ The selection criteria of the participants and procedures can support or hinder the broad representation of different social and political groups and therefore the legitimacy of a negotiation process. It is important that these preparations are undertaken carefully and transparently by a preparatory committee that is inclusive of all major groups.

The principal issue in relation to inclusivity is how, and the extent to which, to include armed opposition parties and groups.¹⁶ It usually requires bringing representatives of belligerent groups together to interact in a

safe space.¹⁷ The inclusion of such parties in an enabling environment fosters trust and eventually leads to a reduction of tensions.¹⁸ According to this strategy, if key actors from belligerent groups are given the opportunity to interact, they will better understand one another, be able to work with one another, and prefer to resolve conflicts peacefully.¹⁹ For instance, the 2015 Bangui Forum in the Central African Republic brought to the negotiation table the main opposition armed groups of the Seleka and Anti-Balaka.²⁰ Other groups who may participate include those representing wider constituencies such as indigenous or religious leaders, victims of past injustices, civil society, women and youth.²¹ It has to be noted that inclusion does not only happen at the negotiation table—different phases and locations also matter.²² The seven modalities of inclusion are direct representation; observer status;

¹⁵Inclusive Peace, Broadening Participation in Political Negotiations, available at <https://www.inclusivepeace.org/project/broadening-participation/>. Accessed on 5 June 2023; Stigant and Murray, *supra* note 2.

¹⁶ Princeton N. Lyman and Jon Temin, Pathway to National Dialogue in Sudan, Peace Brief155, United States Institute of Peace, 13 August 2013.

¹⁷ Elayah *et al*, *supra* note 14, at 102.

¹⁸ *Id.*

¹⁹ Collén Charlotta, National Dialogue and Internal Mediation Processes: Perspectives on Theory and Practice. (Finland: Minister for Foreign Affairs, 2014); Also *see* Ahmed Al-Harbi. Yemen: the past that refuses to go around and the future hindered his coming. (Sana'a: Ebadi Center for Studies and Publications, First Edition, 2013).

²⁰ Amy Copley and Amadou Sy, Five takeaways from the Bangui Forum for National Reconciliation in the Central African Republic, Brookings, 15 May, 2015, available at [Five takeaways from the Bangui Forum for National Reconciliation in the Central African Republic | Brookings](https://www.brookings.edu/blog/five-takeaways-from-the-bangui-forum-for-national-reconciliation-in-the-central-african-republic/2015/05/15/). Accessed on 12 July 2023. Following the Bangui Forum, ten factions of the Seleka and Anti-Balaka militias signed a

Disarmament, Demobilization and Reintegration (DDR) agreement, which required all warring groups to lay down their arms by the time of national elections. However, the implementation of the forum was not successful because the funding shortages and weakness of army leaders to control their combatants.

²¹ Inclusive Peace and Transition Initiative (IPTI), What Makes or Breaks National Dialogues?, at 2. Available at:

<https://peacemaker.un.org/sites/peacemaker.un.org/files/IPTI-Briefing-Note-National-Dialogues.pdf>.

Accessed on 11 May 2023. Also *see* Stigant and Murray, *supra* note 2. By including women and youth alongside traditional leaders and political elite, the Yemen's National Dialogue represented a significant departure from typical Yemeni political processes. The inclusion of non-traditional elites allowed for a more representative conversation and also may have contributed to opening the political space for future participation of women, civil society, and youth. *See* Erica Gaston, Process Lessons Learned in Yemen's National Dialogue, Special Report no. 342 (Washington, DC: United States Institute of Peace, 2014).

²² *Id.*

consultations; inclusive commissions; high-level problem-solving workshops; public decision-making; and mass action.²³ However, for inclusion to bring the desired result there has to be a high level of political will on the part of all stakeholders.²⁴ It is only when included actors are able to influence the preparation, process and implementation phases that the dialogue serves its purposes.²⁵ In this regard, the 2013-14 the Yemen National Dialogue that brokered President Ali Abdullah Saleh's removal from power was noteworthy for its inclusion of a broad set of stakeholder groups. On the other hand, while Tunisia's national dialogue is generally heralded as a success, it is important to note that it was not inclusive of all stakeholder groups and did not provide opportunities for public participation. This may have compromised the public legitimacy of the dialogue as some Tunisian citizens regard the dialogue as merely an exercise in political positioning.²⁶

3.2 Choice of Credible Conveners

National Dialogues are expected to be facilitated by a neutral and credible party to avoid perceptions of bias.²⁷ Typical facilitators are persons with a high degree of political legitimacy within the country or beyond and who have no political aspirations

or goals that would present an obvious conflict of interest. Subject to their agreements and specific contexts, countries that have experienced various forms of transitional justice initiatives have used international or national facilitators or both. A convener may take the form of an organization or a coalition of organizations, a single person or a group of people. Some international and regional organizations have acquired significant experience in developing the rule of law and pursuing transitional justice in States emerging from conflict or repressive rule.²⁸ For instance, an international consortium of the United Nations (UN), the European Union, China and Russia helped the organization of Yemen's national dialogue in 2013.²⁹ However, even before the dialogue was officially concluded in 2014, the Houthi movement allied with former President Saleh to control the majority of the country's provinces.

In other cases, using civil society organizations in peace processes is also preferred because they may have the requisite independence to promote the peace dialogue and expose non-compliance by the parties.³⁰ The 2013-14 national dialogue of Tunisia was convened by the National Dialogue

²³ *Id.*

²⁴ Haider, *supra* note 4.

²⁵ Thania Paffenholz, Can Inclusive Peace Processes Work? New Evidence From a Multi-Year Research Project, Policy Brief, April 2015, available at <https://www.inclusivepeace.org/wp-content/uploads/2021/05/briefing-note-can-inclusive-processes-work-en.pdf>. Accessed on 25 June 2023.

²⁶ Hatem M'rad in collaboration with M. Ben Salem, K. Merji, B. Ennouri, M. Zgarni, and M. Charfeddine, *National Dialogue in Tunisia* (Tunis: Tunisian Association of Political Studies [ATEP], 2015).

²⁷ Inclusive Peace and Transition Initiative (IPTI), *supra* note 21.

²⁸ United Nations Approach to Transitional Justice, *supra* note 13.

²⁹ Elayah *et al*, *supra* note 14, at 100.

³⁰ Margaux Pinaud, Home-Grown Peace: Civil Society Roles in Ceasefire Monitoring, International Peacekeeping, 1-26, available at [Home-Grown Peace: Civil Society Roles in Ceasefire Monitoring — Research Explorer The University of Manchester](https://www.home-grown-peace.org/research-explorer-the-university-of-manchester). Accessed on 9 February 2023.

Quartet made up of four civil society organizations.³¹ With long-standing moral authority and broad constituent bases, this coalition of organizations was seen as credible by a significant proportion of the Tunisian population. In addition, the country had a culture of keeping the military out of politics and party affiliation.

Likewise, the 2008 Kenya National Dialogue was praised for being organized by the African Union Panel of Eminent African Personalities, led by former UN secretary-general Kofi Annan. Likewise, the former United Nations Educational, Scientific and Cultural Organization (UNESCO) Director General and respected Senegalese citizen Amadou-Mahtar M'Bow chaired the 2008-2009 Senegal National Dialogue.

3.3 Transparency and Public Participation

National dialogues win public acceptance and legitimacy if there are sufficient opportunities for the public to remain informed about and participate in the dialogues.³² Public support or lack thereof can enable or constrain progress in the national dialogue process.³³ For instance, during the 2008-2009 Senegal's National Dialogue, various teams conducted consultations in each of the country's districts and also engaged the diaspora in France, the

United States, and Canada. Delegates can also be mandated to hold consultations with the groups that they represent, as was the case during Kenya's 2004 Bomas conference on constitutional reform. On the contrary, the Sudan National Dialogue (2014-16) offered a non-participatory forum as President Omar al-Bashir's government and affiliates controlled the preparations and overall processes.³⁴ In particular, the rebel coalition of the Sudan Revolutionary Front showed little interest in the talks, especially when they were asked to lay down their arms as a precondition to joining.³⁵

3.4 Selecting Proper Agenda

Through a national dialogue, the stakeholders are expected to resolve key problems their country has been facing. This is addressed by selecting a proper agenda for dialogue. Such agendas are identified by the stakeholders during the preparation phases. At this stage, the stakeholders need to make sure that conflict-fueling themes such as national identity, political rights, basic freedoms, institutional reform, election procedures, and the structure of government are not left out. Nevertheless, it has to be underlined that setting the right agenda is not a panacea in itself. For instance, although Yemen's national dialogue had a far-reaching agenda, it failed to produce agreement on the highly

³¹ Hamadi Redissi, 'What Role for Tunisia's National Dialogue under the Interim Unity Government?', Arab Reform Initiative, Policy Alternatives, July 2014. The four civil society organizations were the Tunisian General Labor Union (UGTT- Union Générale Tunisienne du Travail), the Employers Union (UTICA- Union Tunisienne de l'Industrie, du Commerce et de l'Artisanat), the Tunisian Bar Association, and the Tunisian League for Human Rights (LTDH- Ligue Tunisienne pour la défense des droits de l'Homme), served as the convening entities.

³² Stigant and Murray *supra* note 2.

³³ Haider, *supra* note 4.

³⁴ James Copnall, 'Sudan: is the National Dialogue really dead? (And did it ever really exist anyway?)', African Arguments, 25 June 2014, available at [Sudan: is the National Dialogue really dead? \(And did it ever really exist anyway?\) - By James Copnall | African Arguments](#). Accessed on 12 July, 2023.

³⁵ *Id.*

contentious issue of federalism.³⁶ In addition, as a national dialogue is not expected to solve all the problems of a country, the parties need to be as realistic as possible.³⁷

3.5 Clear mandate and structure

National dialogues are unlikely to have a positive impact if they seem illegitimate or commenced without clear mandates.³⁸ Hence, they need to have a clear mandate which lends purpose and authority under their enabling laws. For example, the clear mandate of Tunisia's national dialogue allowed delegates to make steady progress toward four goals: selecting a caretaker government, approving a new constitution, establishing an electoral management body, and setting a timetable for elections. On the other hand, the 2015 Bangui Forum in the Central African Republic was hastily organized and its legal mandate was unclear.³⁹ In addition, national dialogues are usually convened because the incumbent government and existing institutions are unable to resolve the major problems of the

country either because they are neither legitimate nor credible, or because they are unwilling to challenge the status quo.⁴⁰ This requires national dialogues to take place outside of the existing government institutions. A national dialogue will also need to have its own decision-making rules and procedures.

3.6 Proper Implementation Mechanisms

A national dialogue convened in compliance with all basic principles will still become futile if not followed by proper implementation mechanisms. The stakeholders should agree upon the implementation mechanisms of the resultant recommendations. The implementations may be made through a new constitution, law, policy, or other programs. For instance, Tunisia's National Dialogue resulted in the establishment of a caretaker government, ratification of the constitution, the election of an Electoral Commission, and facilitation of elections.⁴¹

³⁶ Continuing disagreement over the financial and political mechanisms for federalism is a principal grievance fueling the current civil conflict in Yemen that erupted less than fifteen months after the dialogue's conclusion.

³⁷ Katia Papagianni, *National Dialogues and the Resolution of Violent Conflicts*, Cambridge University Press, 14 January 2021, available at [National Dialogues and the Resolution of Violent Conflicts \(Chapter 14\) - International Law and Peace Settlements \(cambridge.org\)](https://www.cambridge.org/core/books/national-dialogues-and-the-resolution-of-violent-conflicts). Accessed on 23 May 2023.

³⁸ Esther Kestemont, *What Role(s) for the European Union in National Dialogues? Lessons Learned from Yemen*, EU Diplomacy Paper, 05/2018, at 4. Available at http://aei.pitt.edu/97354/1/edp-5-2018_kestemont.pdf. Accessed on 8 May 2023.

³⁹ Copley and Sy, *supra* note 20.

⁴⁰ Tunisia's National Dialogue was established in October 2013 because Hamadi Jebali's government faced a lack of trust and vision, political instability,

and the deterioration of the security situation across the country. *See* Redissi, *supra* note 31, at 2.

⁴¹ *Id.* Unfortunately, the reforms introduced by the Tunisia's national dialogue did not last long and the country turned into another round of socio-economic and political crises. The ambitions for rule of law, accountability, economic prosperity and human dignity remained unrealized. In 2021 President Kais Saied, who came to power in 2019, suspended the parliament and dismissed the government and ruled by emergency decrees until he was able to institute a new constitution consolidating his powers. In 2022, the Tunisian President announced the launch of a new national dialogue using the same institutions that facilitated the 2013-14 dialogue of the country. However, the President vowed to exclude opposition groups. *See* News Wires, *Tunisia announces 'national dialogue,' excluding opposition groups*, available at [Tunisia announces 'national dialogue,' excluding opposition groups \(france24.com\)](https://www.france24.com/en/tunisia/20220727-tunisia-announces-national-dialogue-excluding-opposition-groups). Also *see* United

Implementation requires political will, sufficient funds, and accountability mechanisms so that key actors may feel bound by what has been agreed.⁴² Furthermore, the aforementioned Tunisia's experience tells us that, a national dialogue, even where made in compliance with the basic principles, may not bring sustainable peace unless backed by genuine institutions that are able to function irrespective of who comes to the throne.

4. A Brief History of Transitional Justice in Ethiopia

The violence and instability in Ethiopia have their roots in long-standing state-building deficits.⁴³ These primarily include divergent interpretations of the country's political history, a lack of social cohesion, and an absence of national consensus on major state symbols and institutions.⁴⁴ According to the 2021 Global Peace Index, Ethiopia is ranked 37th in Africa and 139th globally in terms of peacefulness, which is the third largest fall regionally.⁴⁵ The 2023 report of the Internal

Displacement Monitoring Centre indicates that about 3.8 million people were displaced in Ethiopia, which is the second-highest number of internally displaced persons in Africa after the Democratic Republic of Congo.⁴⁶ The report confirms that conflict is the main driver of displacement in the country.⁴⁷

Likewise, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that, in Western Oromia alone, over 800,000 people have been displaced, tens of thousands of children out of school because schools are either damaged or closed and high mortality and morbidity rates were registered due to damaged health facilities and poor health services due to conflict.⁴⁸ In Tigray, since November 3, 2020, more than half a million people had died as a result of war and famine and millions had been displaced.⁴⁹ Likewise, in Amhara region, as of June 2023, more than half a million people were displaced as a result of the war between the Ethiopian military and the Amhara

States Institute of Peace, The Current Situation in Tunisia, A USIP Fact Sheet, December 14, 2022, available at [The Current Situation in Tunisia | United States Institute of Peace \(usip.org\)](https://www.usip.org/publications/the-current-situation-in-tunisia); Peter Beaumont, why is Tunisia in crisis and why do sub-Saharan people want to leave?, The Guardian, March 30, 2023, available at [Why is Tunisia in crisis and why do sub-Saharan people want to leave? | Tunisia | The Guardian](https://www.theguardian.com/world/2023/mar/30/why-is-tunisia-in-crisis-and-why-do-sub-saharan-people-want-to-leave). All accessed on 3 February 2023.

⁴² For instance, the national dialogue of Sudan resulted in 994 recommendations but none of them were implemented by the government.

⁴³ Meressa K Dessu and Dawit Yohannes, Ethiopia can learn from its neighbors about national dialogue, Institute for Security Studies, 07 September 2020, available at [Ethiopia can learn from its neighbors about national dialogue - ISS Africa](https://www.issfrica.org/ethiopia-can-learn-from-its-neighbors-about-national-dialogue). Accessed on 12 July 2023.

⁴⁴ *Id.*

⁴⁵ Institute for Economics & Peace, Global Peace Index 2021: Measuring Peace in a Complex World,

Sydney, June 2021. Available at: [http://visionofhumanity.org/reports](https://www.visionofhumanity.org/reports). (Accessed on 25 June 2023). The Global Peace Index (GPI) is the world's leading measure of global peacefulness and it ranks 163 independent states and territories according to their level of peacefulness.

⁴⁶ IDMC, GRID 2023, Internal Displacement and Food Security, available at [IDMC GRID 2023 Global Report on Internal Displacement LR.pdf \(internal-displacement.org\)](https://www.internal-displacement.org/publications/grid-2023-global-report-on-internal-displacement-lr). Accessed on 1 July 2023.

⁴⁷ *Id.*

⁴⁸ OCHA, Ethiopia- Situation Report, 29 May 2023. Available at [Ethiopia - Situation Report, 29 May 2023 - Ethiopia | ReliefWeb](https://www.reliefweb.int/report/ethiopia). Accessed on 24 June 2023.

⁴⁹ David Pilling and Andres Schipani, War in Tigray may have killed 600,000 people, peace mediator says, Financial Times, 15 January 2023. Available at [War in Tigray may have killed 600,000 people, peace mediator says | Financial Times \(ft.com\)](https://www.ft.com/content/2023-01-15/war-in-tigray-may-have-killed-600-000-people-peace-mediator-says). Accessed on 23 Sept. 2023.

extremists known as Fanno.⁵⁰ On 4 August 2023, the Ethiopian government declared a six-month state of emergency with nationwide application, following increased violence in the Amhara region.⁵¹ The state of emergency, approved by Ethiopia's House of People's Representatives on 14 August 2023, gives the government sweeping powers to arrest suspects without a court warrant, impose curfews, prevent freedom of movement, and ban public assemblies or associations.⁵²

In Benishangul Gumuz Regional State, close to half a million people, i.e. about half the region's population have been displaced.⁵³ Geographically, all three zones of the region and 17 out of 23 districts (comprising 71% of the region's districts), have been affected by conflict and displacement.⁵⁴ In Konso Zone of the newly formed Southern Ethiopia Region, where three out of four districts have been affected by displacement, a third of its

population has been displaced in the past two years.⁵⁵ In Gambella region, age-old political fault lines over identity, resources and language continue fueling deadly flare-ups clashes.⁵⁶ For instance, on July 18, 2023 left at least 24 people dead and dozens injured, while properties were destroyed and thousands were forced to flee their homes.⁵⁷ According to the Ethiopian Human Rights Commission, conflicts and attacks in the country require immediate response from all stakeholders.⁵⁸ All these problems necessitated mediating a peaceful and constructive exit out of the crises.

Despite its experience in socio-political transitions in its modern history, Ethiopia has neither designed nor implemented comprehensive and integrated transitional justice mechanisms to systematically deal with the past and craft a better future.⁵⁹ However, the country had some missed

⁵⁰ OCHA, Ethiopia- Situation Report, 27 Jul 2023. Available at [Ethiopia - Situation Report, 27 Jul 2023 | OCHA \(unocha.org\)](#). Accessed on 23 Sept. 2023.

⁵¹ Amnesty International, Ethiopia: Authorities must grant independent investigators, media unfettered access to Amhara region to probe violations under state of emergency, August 18, 2023. Available at [Ethiopia: Authorities must grant independent investigators, media unfettered access to Amhara region to probe violations under state of emergency. - Amnesty International](#). Accessed on 23 Sept. 2023.

⁵² *Id.*

⁵³ Fekadu Adugna and Ketema Debale, Conflict and displacement in Ethiopia: the case of Benishangul Gumuz Regional State and Konso Zone, Southern Nations, Nationalities and Peoples Region, January 2023. Available at [conflict-and-displacement-in-ethiopia-1.pdf \(soas.ac.uk\)](#). Accessed on 23 Sept. 2023.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Abraham Tekle, A land torn apart: Gambella's struggle against ethnic violence and neglect, The Reporter, July 29, 2023. Available at [A Land Torn](#)

[Apart: Gambella's Struggle Against Ethnic Violence And Neglect | The Reporter | Latest Ethiopian News Today \(thereporterethiopia.com\)](#). Accessed on Sept. 23, 2023.

⁵⁷ *Id.*

⁵⁸ Ethiopian Human Rights Commission, Annual Human Rights Situation Report Executive Summary, From June 2022 to June 2023, Submitted to the House of Peoples' Representatives, at 3. Available at [Executive Summary: Ethiopia Annual Human Rights Situation Report \(June 2022 – June 2023\) - Ethiopian Human Rights Commission - EHRC](#). Accessed on 12 July 2023. In particular, according to the report, the gross violations of rights and freedoms in all Wallaga Zones, in all Shawa Zones, Ilu Aba Bora, Buno Beddele, Arsi and neighboring areas and various districts in the two Guji zones as well as in Alge, Hurumu, Kiremu, Gida Ayana, Amuru, Horo Buluq, Jardega Jarte, Bosset, Gindaberet, Chobi, Dera, Kuyu, Merti Jeju are extremely concerning and require urgent attention.

⁵⁹ Ethiopia: Policy Options for Transitional Justice, Draft Stakeholder Consultations, January 2023, at 4.

opportunities. A significant attempt to make a transition to peace and democracy in Ethiopian history was made after the downfall of the communist Mengistu Hailemariam, who ruled the country from 1974 to 1991.⁶⁰ After the joint forces from different corners of the country toppled the Derg, leading armed opposition groups, the Ethiopian People's Revolutionary Front (EPRDF), and others agreed that an inclusive transitional process would be launched at the beginning of July 1991.⁶¹ The process would be led by a broad-based provisional government and the EPRDF would form an interim government until the transitional government was in place.⁶²

Political organizations and elites then met to discuss a transitional charter, which recognized the right of the Eritrean people to determine their political future through an internationally supervised referendum to be held in two years.⁶³ It also recognized the Universal Declaration of Human Rights, and called for the creation of a constitution drafting commission. A further agreement was reached on sharing executive powers.⁶⁴

⁶⁰ It has to be acknowledged here that, though limited in scope, the Derg had enacted Proclamations for granting amnesty to persons who committed homicide. For instance, Article 2 of Amnesty for the Outlaws of Homicide Proclamation No. 29/1975 states that "every Ethiopian who has committed homicide, robbery or other offences before February 4, 1975 and is hiding in the villages, bushes or towns to avoid the application of the law against him is here by granted amnesty for all criminal charges that might have been instituted against him by the state."

⁶¹ Mulugeta Gebrehiwot Berhe, Transition from war to peace: The Ethiopian DDR experience, Summary Paper from the Program on African Peace Missions, No. 16, 2016, available at [16.-Transitions-from-War-to-Peace-DDR.pdf \(tufts.edu\)](https://www.tufts.edu/peacemissions/papers/16-Transitions-from-War-to-Peace-DDR.pdf). Accessed on 1 June 2023.

⁶² *Id.*

Thereby the interim government of the EPRDF formally ended and the Transitional Government of Ethiopia was inaugurated.⁶⁵ It seemed that the EPRDF did not want to see any military group that might jeopardize its rule in any way. Later on, the Oromo Liberation Front (OLF) was pushed out of the transition and the EPRDF controlled the power. Then, in order to neutralize the Oromo nationalism and national question, the Oromo Peoples Democratic Organization (OPDO), made up of war prisoners, was organized and joined the EPRDF.⁶⁶ Apart from political negotiations, the EPRDF initiated the Red Terror Trials to bring former officials of the Derg before the courts.⁶⁷ Nevertheless, the then transition did not address key socio-economic and political questions of the time as a result of which the countries nations and nationalities continued to suffer from the supremacy of a single party.

The post-2018 promised reform brought another forgone opportunity to Ethiopia. In his inaugural speech of April 2018, Prime Minister Abiy Ahmed publicly apologized for past human rights violations.⁶⁸ Apart from

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ Alem Kebede, Ethiopia: The Role of the Military in the Political Order, Politics, 19 November 2020, available at <https://doi.org/10.1093/acrefore/9780190228637.013.1816>. Accessed on 22 May 2023.

⁶⁷ Solomon Ayele Dersso, Ethiopia's Experiment in Reconciliation, Monday, September 23, 2019, Available at [Ethiopia's Experiment in Reconciliation | United States Institute of Peace \(usip.org\)](https://www.usip.org/publications/ethiopia-s-experiment-in-reconciliation). Accessed on 11 February 2023.

⁶⁸ Ethiopia: Lack of accountability for past violations haunts the present, Amnesty International, Press Release, May 28, 2019. Available at [Ethiopia: Lack of accountability for past violations haunts the present - Amnesty International](https://www.amnesty.org/en/latest/press-releases/2019/05/ethiopia-lack-of-accountability-for-past-violations-haunts-the-present/). Accessed on 25 January 2023.

the official apology, the government signed a peace agreement with the Oromo Liberation Front for the termination of hostilities, for the OLF⁶⁹ to conduct its political activities in Ethiopia through peaceful means, and for the establishment of a joint committee to implement the agreement.⁷⁰ The agreement, the contents of which were not much known to the public, has not been put to implication and could not stop the warring groups.

The government then established the Truth and Reconciliation Commission by Proclamation No. 1102/2018.⁷¹ The main objective of the Commission is to maintain peace, justice, national unity and consensus and reconciliation among Ethiopian Peoples.⁷² Pursuant to Article 2(3) of the Proclamation, reconciliation constitutes establishing values of forgiveness for the past, lasting love, solidarity and mutual understanding by identifying reasons for conflict, the animosity that is occurred due to conflicts, misapprehension, developed

disagreement and revenge. The Commission's accountability was made to the Prime Minister and the term of the Commission is three years, which has expired.⁷³

Another measure taken by the government was the enactment of the Administrative Boundary and Identity Issues Commission Establishment Proclamation No. 1101/2019.⁷⁴ The Commission was established to submit recommendations to the Public, the House of Federation, the House of People's Representatives and the Executive Organ through analysis of causes and conflicts that arise in relation to administrative boundaries, self-government and identity issues in participatory, explicit, inclusive and scientific manner.⁷⁵ The Commission, accountable to the country's Prime Minister,⁷⁶ was established for the term of three years.⁷⁷ Upon the expiry of the fixed term, the Commission has become non-existent for the purpose of the law as its term

⁶⁹ The OLF is a political party established in 1973 to struggle for the right to self-determination of the Oromo people. The Party believes that the root cause of political problems in Ethiopia is national oppression by the Ethiopian government and refusal by the state to respect the rights of oppressed peoples to self-determination. *See* Oromo Liberation Front, OLF Policies on Peaceful Resolution of Conflicts in Ethiopia, available at [OLF Policies – Oromo Liberation front](#). Other authors believe that ethnicity and the right to self-determination recognized under the FDRE Constitution are the main source of conflicts in the country. For instance, *see* Omni Consult, Conflict Mapping and Context Analysis for Peace Building Program in Ethiopia, November 2020, Addis Ababa, at 3. Available at [conflict-mapping-and-context-analysis-2020.pdf \(kirkensnodhjelp.no\)](#). All accessed on 21 June 2023.

⁷⁰ The peace agreement was signed by the president of the OLF, Dawud Ibsa, and the then president of the Oromia Regional State and the deputy chairman of the former OPDO, Lemma Megersa on Tuesday, August 7, 2018, in Asmara, the capital city of Eritrea. *See* Neamin Ashenafi, GoE, OLF sign peace agreement in Asmara, The Reporter, August 11, 2018, available at [GoE, OLF Sign Peace Agreement In Asmara | The Reporter | Latest Ethiopian News Today \(thereporterethiopia.com\)](#). Accessed on 1 June 2023.

⁷¹ Reconciliation Commission Establishment Proclamation No.1102 /2018, 25th Year No. 27, 5th February 2019, Addis Ababa.

⁷² *Id.* Art. 5.

⁷³ *Id.* 14(1).

⁷⁴ Administrative Boundary and Identity Issues Commission Establishment Proclamation No. 1101 /2019, 25th Year No. 29, 8th February 2019, Addis Ababa.

⁷⁵ *Id.* Art. 4.

⁷⁶ *Id.* Art. 3(3).

⁷⁷ *Id.* Art. 15(1).

has not been extended by the House of Representatives.

The establishment of the Administrative Boundary and Identity Issues Commission was not trusted to address what it was meant for. This is due to various reasons. On the one hand, like the Truth and Reconciliation Commission, there was no public participation in the development of the commission's enabling laws, nor in the nomination and appointment of the commission's members.⁷⁸ Both Commissions are tailored by the government. On the other hand, the Administrative Boundary and Identity Issues Commission seems overtaking the powers and responsibilities of regional States and the federal House of Federation.⁷⁹ Under the Federal Democratic Republic of Ethiopia (FDRE) Constitution, all State border disputes shall be settled by agreement of the concerned States and, where the concerned States fail to reach an agreement, the House of the Federation shall decide such disputes on the basis of settlement patterns and the wishes of the peoples concerned.⁸⁰ The Constitution further provides that the House of Federation shall decide on issues relating to the rights of Nations, Nationalities and Peoples to self-determination, including the

right to secession.⁸¹ Accordingly, the establishment of the Commission is a redundancy of institutions contrary to the spirit of the Constitution.

Furthermore, the government enacted Amnesty Proclamation No. 1096/2018 which grants amnesty to persons convicted of a number of political crimes including those found guilty of committing crimes punishable under the anti-terrorism proclamation and crimes punishable under various provisions of the Criminal code of Ethiopia.⁸² The Proclamation was followed by the Amnesty Proclamation to provide for the Procedure of Granting and Implementing Amnesty No. 1089/2018 which was promulgated to remedy the gaps in the provision of amnesty and to address procedural issues in granting amnesty.⁸³ The Proclamation seeks to create conducive conditions for granting amnesty to ensure peace and security as well as to protect the political, social and economic development of the public.⁸⁴ Nevertheless, the Proclamations did not establish a standardized pardoning system.

Recently, the *Agreement for Lasting Peace through a Permanent Cessation of Hostilities* brokered by the African Union and mediated by former Nigerian President

⁷⁸ Solomon, *supra* note 67.

⁷⁹ However, some authors argue that the establishment of the Administrative Boundary and Identity Issues Commission is constitutional. For instance, *see* Tegegn Zergaw, The Constitutionality of the Administrative Border and Identity Commission, Bahir Dar University Journal of Law, Vol. 8, No. 1 (December 2017), at 87-90 (written in Amharic). Also available at [View of The Constitutionality of the Administrative Border and Identity Commission \(ethernet.edu.et\)](http://View_of_The_Constitutionality_of_the_Administrative_Border_and_Identity_Commission(ethernet.edu.et)). Accessed on 24 May 2023.

⁸⁰ The Constitution of the Federal Democratic Republic of Ethiopia, FDRE Constitution,

Proclamation No 1/1995, Fed. Negarit Gazette, 1st Year No.1, 1995, Art. 48(1). (Herein after FDRE Constitution)

⁸¹ *Id.* Art. 62(3).

⁸² Amnesty Proclamation No. 1096/2018, 20th of June 2018, The Proclamation is available at pardon-proclamation-1.pdf (ethiopianlawgroup.com). Accessed on 2 July 2023.

⁸³ Procedure of Granting and Implementing Amnesty Proclamation No. 1089/2018, 24th Year No.52, 16th August, 2018, Addis Ababa.

⁸⁴ *Id.* Preamble.

Olusegun Obasanjo was signed on November 2, 2022, towards ending the war and hostilities between the Ethiopian government and the Tigray People's Liberation Front (TPLF).⁸⁵ According to this agreement, both parties to the conflict which has left thousands dead and displaced millions in the northern region of Tigray agreed to orderly, smooth and coordinated disarmament and restoration of law and order.⁸⁶ Consequently, an interim administration has been set up in Tigray, telecommunication services and transport links have resumed there and the regional forces have surrendered most of their arms as outlined in the peace accord.⁸⁷ Though these can be considered positive steps towards the implementation of the peace deal, at the same time, both sides have been accusing each other of not honoring some obligations. According to the United Nations experts, war crimes and crimes against humanity are still being committed in Tigray nearly a year after the peace deal.⁸⁸

In the same instrument, the Ethiopian government promised to implement a comprehensive national transitional justice policy aimed at accountability, ascertaining the truth, redress for victims, reconciliation, and healing, consistent with the FDRE Constitution and the African Union Transitional Justice Policy Framework.⁸⁹ It further states that “the transitional justice policy shall be developed with inputs from all stakeholders, and civil society groups through public consultations and formal national policy-making processes.”⁹⁰ The establishment of a Working Group of Independent Experts on Transitional Justice by the Ministry of Justice and the subsequent preparation of a ‘Green Paper’ on transitional justice policy options based on which a nationwide public consultation was launched is also another significant and encouraging progress.⁹¹ In spite of the positive steps taken so far, no proper attention has been given to ending the

⁸⁵ UN News, Ethiopia: Peace agreement between Government and Tigray ‘a critical first step’: Guterres, 2 November 2022, available at [Ethiopia: Peace agreement between Government and Tigray ‘a critical first step’: Guterres | UN News](#). Accessed on 19 January 2023.

⁸⁶ Aljazeera, Five key takeaways from the Ethiopia peace deal, 4 November 2022, available at [Five key takeaways from the Ethiopia peace deal | Conflict News | Al Jazeera](#). Accessed on 8 May 2023. The full transcript of the peace agreement between the Ethiopian government and TPLF signed in South Africa is available at [Full transcript of peace agreement between the Ethiopian govt and TPLF signed in South Africa \(gambellastarnews.com\)](#). Accessed on 26 June 2023.

⁸⁷ Aljazeera, Fate of jailed fighters still unknown months after Ethiopia truce, 13 June 2023. Available at [Fate of jailed fighters still unknown months after Ethiopia truce | Human Rights | Al Jazeera](#). Accessed on 13 July 2023.

⁸⁸ Aljazeera, Crimes against humanity continue in Ethiopia despite truce, say UN experts, 19 Sep 2023, available at [Crimes against humanity continue in Ethiopia despite truce, say UN experts | Crimes Against Humanity News | Al Jazeera](#). Accessed on 23 Sep. 2023.

⁸⁹ Agreement for Lasting Peace and Cessation of Hostilities (the Peace Agreement) signed by the Government of the Federal Democratic Republic of Ethiopia and the Tigray Peoples’ Liberation Front on 2 November 2022, Article 10(3).

⁹⁰ *Id.* For a report on consultation of this type, see EHRM/OHCHR’s Joint Advisory Note and Key Findings stemming from Community Consultations on Transitional Justice to inform the development of a Transitional Justice Policy Framework for Ethiopia, 15 December 2022, Addis Ababa, available at [Advisory-Note-TJ-by-EHRC-OHCHR.pdf \(un.org\)](#). Accessed on 3 March 2023.

⁹¹ Ethiopian Human Rights Commission, *supra* note 49, at 2. Available at [Executive Summary: Ethiopia Annual Human Rights Situation Report \(June](#)

war between the Ethiopian government and the Oromo Liberation Army (OLA), the freedom fighters that have been operating in Oromia, the largest region in Ethiopia's federation, for the last fifty years. According to Prime Minister Abiy Ahmed, the violence has caused immense suffering for the public in all parts of Oromia over the last five years.⁹² The Prime Minister told the House of Representatives on 28 March, 2023 that a committee has been formed to negotiate with the OLA.⁹³ Likewise, the OLA agreed to the planned talks with the government.⁹⁴ Mediated by the Intergovernmental Authority for Development (IGAD), the first round of peace talks between the Ethiopian government and the OLA took place in Tanzania between April 24 and May 2, 2023. However, it was not possible to reach an agreement on key issues during this first round of the talks.⁹⁵ Both sides subsequently released similar statements describing the unfortunate situation and vowed to continue to resolve the conflict permanently and peacefully.⁹⁶ It seems that both parties did not

overcome the usual impediment to pact-making, i.e. the tendency of negotiating forces to resist making any concessions because they fear that their rivals will not reciprocate or will break it.⁹⁷ This was also clear from the successive unilateral statements made by both sides. Apart from this, there have been no comprehensive peace agreements in order to address the conflicts in different parts of the country.

In sum, while it is true that various initiatives have been put in place to implement certain components of transitional justice, the processes have only brought about limited results.⁹⁸ The efforts, including those that were implemented since the promised reforms in 2018, are neither complete, adequate, effective, nor comprehensive.⁹⁹ Another good step towards resolving Ethiopia's political problems and ending the ongoing conflicts in the country, which is the main concern of this article, is the national dialogue process initiated by the government.

[2022 – June 2023\) - Ethiopian Human Rights Commission - EHRC](#). Accessed on 12 July 2023.

⁹² Ermias Tasfaye, Ethiopian government and the Oromo Liberation Army edge towards talks, Ethiopia Insight, 29 March, 2023. Available at [Ethiopian government and the Oromo Liberation Army edge towards talks - Ethiopia Insight \(ethiopia-insight.com\)](#). Accessed on 15 May 2023.

⁹³ *Id.*

⁹⁴ Ethiopia: Oromo Liberation Army agrees to start dialogue with government, TRTAFRiKA, 24 April, 2023. Available at [Ethiopia: Oromo Liberation Army agrees to start dialogue with government - TRT Afrika](#). Accessed on 11 June 2023.

⁹⁵ Giulia Paravicini, First round of peace talks between Ethiopia and Oromo rebels ends without deal, Reuters, May 3, 2023. Available at [First round of peace talks between Ethiopia and Oromo rebels ends without deal | Reuters](#). Accessed on 5 June 2023.

⁹⁶ Alemayehu B. Hordofa, Why it's crucial for internally displaced persons to participate in the peace process following Ethiopia's Oromia Conflict, Humanitarian Observatory Series, July 4, 2023, available at [Humanitarian Observatories Series | Why it's crucial for internally displaced persons to participate in the peace process following Ethiopia's Oromia Conflict - Bliss \(issblog.nl\)](#). Accessed on 8 July, 2023.

⁹⁷ Daniel Brumberg, Could Tunisia's National Dialogue model ever be replicated?, The Washington Post, October 12, 2015, available at [Could Tunisia's National Dialogue model ever be replicated? - The Washington Post](#).

⁹⁸ Ethiopia: Policy Options for Transitional Justice, *supra* note 50, at 7.

⁹⁹ *Id.*

4.1 Examining Ethiopia's National Dialogue Efforts

The FDRE Constitution represents the aspirations of Ethiopian nationals to fully and freely exercise their right to self-determination, to build a political community founded on the rule of law and capable of ensuring a lasting peace, guaranteeing a democratic order, and advancing their economic and social development.¹⁰⁰ It further recognizes the rights of Ethiopians to be consulted on major national issues and participate in decision-making at various levels.¹⁰¹ In spite of this, numerous social and political conflicts and a history of human rights violations remain causes of polarization and violence in Ethiopia.¹⁰² It has been a long since various concerned stakeholders and researchers recommended an inclusive and genuine national dialogue as a way out of Ethiopia's socio-economic and political crisis.

Instead of resolving disputes at a negotiation table, successive Ethiopian governments tried to manage the conflicts through different mechanisms which proved ineffective thereby exacerbating the country's situation. It was on December 29, 2021, that the government exhibited a political will to hold a national dialogue with the enactment of the National Dialogue Commission Establishment Proclamation No. 1265/2021. In fact, the government,

opposition groups, or Civil Society Organizations may initiate a national dialogue process. However, the initiation made by the government without much participation by key opposition and armed groups is proved to be a weakness in such countries as Sudan and South Sudan (2017-20).¹⁰³ In those countries, it undermined the dialogues' credibility in the preparation phase and later it hampered the implementation of recommendations.¹⁰⁴

The Ethiopian National Dialogue Commission Establishment Proclamation is organized into thirty-three articles and it governs the establishment of the Dialogue Commission, the appointment of Commissioners, the powers and responsibilities of Commissioners, and the principles of the national dialogue. The Ethiopian national dialogue is planned to be conducted at a time when there are active wars and violence in different parts of the country. In particular, the war between the government and the OLA remains unabated in various places in Oromia. The key challenge to the promised dialogue is how to conduct a genuine political dialogue pending active wars. In fact, the National Dialogue Commission Establishment Proclamation recognized the existence of differences of opinions and disagreements among various political and opinion leaders and also segments of society in Ethiopia on the most

¹⁰⁰ FDRE Constitution, *supra* note 80, preamble.

¹⁰¹ Article 35(6) of the Constitution states that women have the right to full consultation in the formulation of national development policies, the designing and execution of projects, and particularly in the case of projects affecting the interests of women. Article 43(2) provides that Nationals have the right to participate in national development and, in particular, to be consulted with respect to policies and projects

affecting their community. Likewise, Article 92(3) enshrines that people have the right to full consultation and to the expression of views in the planning and implementation of environmental policies and projects that affect them directly.

¹⁰² Solomon, *supra* note 67.

¹⁰³ Meressa and Dawit, *supra* note 43.

¹⁰⁴ *Id.*

fundamental national issues and that it is a necessity to resolve the differences and disagreements through broad-based inclusive public dialogue that engenders national consensus.¹⁰⁵ Nevertheless, the Commission is not mandated to stop the war under its enabling law makes no mention of this effect.¹⁰⁶ The Commission has also no mandate to negotiate, reconcile, or set an agenda for a ceasefire among the warring parties as it is implied in the law.¹⁰⁷

The Proclamation seems not to have allotted adequate room for indigenous peace-building approaches.¹⁰⁸ A move towards resolving the conflicts in Ethiopia should have started with an inward-looking to the rich indigenous conflict resolution mechanisms of the diverse ethnic groups in the country. For instance, in the Gadaa system, an indigenous democratic socio-political system of the Oromo, the Oromo people believe peace is achieved when they live with *Waaqa (God)*, *uumaa* (creator), *uumama* (nature), and other fellow humans in harmony.¹⁰⁹ This is strongly

believed in the gadaa system that peace is the gift of *Waaqa* (God), which humans are obliged to maintain as per Gadaa laws.¹¹⁰ The Gadaa system incorporates an indigenous worldview and peacemaking processes. Nevertheless, the Gadaa System, inscribed in 2016 on the Representative List of the Intangible Cultural Heritage of Humanity, has been neglected in the country for a long period of time.¹¹¹ The Proclamation also did not refer to such a global heritage. Similarly, the indigenous conflict resolution of the Gamo people in Southern Ethiopia represents a time-honored and socially equitable method of resolving disputes among the general populace.¹¹² There are also other indigenous conflict resolution mechanisms in different parts of the country and they could have been resorted to in order to address the conflicts in Ethiopia.

The objectives of the Commission set under the Proclamation are worth consideration here. One of the objectives is to identify the root causes of the differences on fundamental

¹⁰⁵ National Dialogue Commission Establishment Proclamation, *supra* note 6, preamble.

¹⁰⁶ Awet Halefom Kahsay, National Dialogue in Ethiopia: Key Issues for Consideration, **Africa Up Close, May 10, 2022. Available at [National Dialogue in Ethiopia: Key Issues for Consideration | Africa Up Close \(wilsoncenter.org\)](https://nationaldialogueinethiopia.org/)**. Accessed on 21 June 2023.

¹⁰⁷ *Id.*

¹⁰⁸ In fact, Art. 3(1) of the Proclamation states that the Commission shall be guided by the basic principles of national dialogue including, but not limited to: a) inclusivity; b) transparency; c) credibility; d) tolerance and mutual respect; e) rationality; f) implementation and context sensitivity; g) impartial facilitator; h) depth and relevance of Agendas; i) democracy and rule of law; j) national interest; and k) using national traditional knowledge and values.

¹⁰⁹ Negasa Gelana Debisa, Building peace by peaceful approach: The role of Oromo Gadaa system in peace-building, *Cogent Social Sciences* (2022), 8: 2023254, available at [Building peace by peaceful approach: The](https://doi.org/10.1080/23446593.2022.2023254)

[role of Oromo Gadaa system in peace-building \(tandfonline.com\)](https://www.tandfonline.com). Accessed on 27 May 2023.

¹¹⁰ *Id.*

¹¹¹ The Gadaa system was registered at the eleventh session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage took place in the United Nations Economic Commission for Africa Conference Centre in Addis Ababa, **from 28 November to 2 December 2016**. For details, refer to [Eleventh session of the Committee - intangible heritage - Culture Sector - UNESCO](https://ich.unesco.org/en/activities/10000). Accessed on 9 June 2023.

¹¹² Heron Gezahegn Gebretsadik, Indigenous Conflict Resolution: Social Institutions and their Role in Peacebuilding in Ethiopia's Gamo Community, *International Journal of Research and Innovation in Social Science (IJRISS)* [Volume VI, Issue IV, April 2022|ISSN 2454-6186, available at [Indigenous Conflict Resolution: Social Institutions and their Role in Peacebuilding in Ethiopia's Gamo Community \(rsisinternational.org\)](https://www.ijrissonline.org/). Accessed on 20 May 2023.

national issues and identify the topics on which the discussion will take place.¹¹³ Accordingly, it is the Commission itself that is entrusted with identifying the national agendas and topics upon which dialogue is to be conducted. This is further strengthened under Article 9(3 and 4) which empowers the Commission to identify differences among different political and opinion leaders and also between societies on national issues through studies, public discussions or other appropriate modalities and to craft agenda for dialogue.

At this juncture, it is logical to question the extent to which the Commission is able to sort out the critical issues of national concerns without inviting other stakeholders especially opposition political parties. From the very outset, this seems to be in clear contradiction with the other objective of the Commission, i.e. ensuring that the National Dialogues are inclusive, led by a competent and impartial body, with a clear focus on the cause of disagreements, guided by transparent system, and have a plan to implement the results of the consultations.¹¹⁴ The other critical issue in weighing the Ethiopian national dialogue is the credibility of the conveners. The Proclamation to establish the Dialogue Commission provides that the legitimacy and credibility of National Dialogue processes is contingent upon among others the capability and impartiality of the entity that facilitates and leads the deliberations.¹¹⁵ Accordingly, it is important to examine the legality, credibility and impartiality of the Commissioners. The appointment of the Commissioners is

governed under Article 12 of the Proclamation. First, the Secretariat of the Speaker of the House of Peoples' Representatives shall receive from the public, political parties and civil society nominations of individuals who could serve as Commissioners. Second, the office of the Speaker of the House shall prepare a shortlist of at least fourteen potential candidates, disclose it to the public, and submit it to the Speaker of the House. Third, the Speaker consults with the leadership and representatives of opposition political parties, civil society organizations and the interreligious Council on the list of nominees. Lastly, the Speaker submits to the House nominations for appointments to the post of Commissioners.

In relation to the nomination of the interim commissioners, invitations were made to the public through various media outlets to recommend potential candidates. However, there is no conclusive evidence of whether they are in fact nominated by the public, political parties or civil societies as required by the law. Instead of such a dubious offer, the invitation should have been preceded by a genuine discussion with key political parties, armed and non-armed, as well as elites. All stakeholders whose voice is needed at the negotiation tables at a later stage should have a say as to who the conveners should be. Even assuming that discussions have been made with some members of the public and political parties seated at convenient places, no consensus had been reached with such armed political parties as the OLA about who the conveners could be. The appointments of

¹¹³ National Dialogue Commission Establishment Proclamation *supra* note 6, Art. 6(1).

¹¹⁴ *Id.*

¹¹⁵ *Id.* Preamble.

the Commissioners have been made at a time when the Ethiopian government was vowing not to negotiate with the OLA.

As mentioned in the foregoing paragraph, the nominations of the selected Commissioners were presented by the Speaker of the House of Representatives to the same House for approval. In addition, the Commission is made accountable to the same House.¹¹⁶ It has to be noted here that the Speaker and members of the House are the results of the 6th National Election of Ethiopia held in 2021 in which the ruling Prosperity Party is declared to have won 410 out of 436 seats.¹¹⁷ The election was also boycotted by the OLF and the Oromo Federalist Congress (OFC), two prominent lawfully registered political parties of the largest region of the country.¹¹⁸ As such, the election was conducted in the absence of a true challenger especially in Oromia. This is further corroborated by the assassination of the Oromo icon Hachalu Hundessa on June 29, 2020, after which the government detained key political figures such as Bekele Garba and Jawar Mohammed thereby making them unable to take part in the election.¹¹⁹ Likewise, the election did not take part in the Tigray region as the region conducted its region-wide election.

The Proclamation goes on to list the duties and responsibilities of the Commission which includes identifying and enabling participants to take part in a national dialogue conference in accordance with clear criteria.¹²⁰ This indicates that it is only with the blessing of the government that a particular individual or group takes part in the dialogues. And the proposed dialogue is at a tough time when thousands of people remain behind bars including leaders and members of prominent political parties such as the OLF and the OFC, government critics, journalists, and activists. According to the Ethiopian Human Rights Commission, in Oromia, victims of enforced disappearances include opposition political party members, as in the case of members of the OLF and the OFC.¹²¹ Even assuming, but not endorsing, that the established National Dialogue Commission satisfies all requirements and that the dialogues are made in compliance with the guiding principles, there still remain questions of implementation. A well-designed national dialogue would remain in a vacuum if not followed by concrete implementation steps.¹²² Key national institutions such as the military, judiciary and electoral body may also lack the requisite

¹¹⁶ *Id.* Art. 4(2).

¹¹⁷ National Election Board of Ethiopia, The Six National Election Result, available at [Election Result | National Election Board of Ethiopia \(nebe.org.et\)](https://nebe.org.et). Accessed on 1 July 2023.

¹¹⁸ Mistir Sew, EIEP: One vote forewards, two steps back for Ethiopian democracy, Ethiopia Insight, 28 August, 2021, available at [EIEP: One vote forewards, two steps back for Ethiopian democracy - Ethiopia Insight \(ethiopia-insight.com\)](https://ethiopia-insight.com). Accessed on 3 July 2023.

¹¹⁹ *Id.*

¹²⁰ National Dialogue Commission Establishment Proclamation *supra* note 6, Art. 6(6). This is evident

from Article 4 (1) of the Proclamation which provides that the Commission is an organ of the federal government.

¹²¹ Ethiopian Human Rights Commission, *supra* note 58. The Commission stressed that the alarming level of loss of lives, physical injury, and suffering of civilians in various parts of Oromia need to end peacefully subject to independent investigations.

¹²² The experience of Yemen can be considered as a good example in this regard. The Yemeni National Dialogue was admired for its inclusiveness at first. It later failed because of, among others, the challenges it faced in the course of implementation.

independence.¹²³ Accordingly, even if Ethiopia holds a national dialogue which is the best of its kind, there is no guarantee to ensure its implementation and it may succeed or fail.¹²⁴

Establishing structured links between a national dialogue and other political processes is another vital measure.¹²⁵ National dialogue is just one mechanism to tackle political crises and violent conflicts and is often preceded or accompanied by other steps. In Ethiopia, there are other ongoing processes such as the enactment of Transitional Justice Policy and irregular peace talks with armed groups. Accordingly, it is hardly possible to establish a proper link between all the ongoing alternatives.

5. Conclusion and Recommendations

Ethiopians are usually heard saying “Nothing is more important to their country than peace.” This is perhaps because arms, in the end, only lead to destruction. In other words, there are no military solutions to political problems. The need for national dialogue in Ethiopia is now urgent, both to prevent crises and to help make long-term changes. This is so because a national dialogue can be a useful

approach along the path toward sustainable peace.

In line with the foundational principles of peace-building, the shape, form, and structure of any national dialogue need to be tailored to the specific context of the concerned country. National dialogues are usually expected to achieve inclusion; broaden participation; advance justice; and resolve fundamental issues of identity, forms of governance, constitutional priorities, and political reform. National dialogues, however, are not a panacea. As there are some countries where national dialogues became fruitful, there were also countries in which the dialogue efforts became futile. The successes and failures all depended on how the respective countries adhered to the basic principles of national dialogues. More importantly, it is possible to conclude that national dialogues are best conceived as part of a broader continuum of mutually reinforcing local, subnational, and national efforts that foster dialogue, forge agreements, and drive toward peace.

Ethiopia’s effort towards ensuring sustainable peace is appreciable. However,

¹²³ According to an author, the unhealthy political and military power linkage has compounded Ethiopia’s problems. See Alem, *supra* note 66.

¹²⁴ There is no consensus as to whether the proposed national dialogue would lift the country out of the crisis. Some authors are hopeful that the national dialogue initiative will help the country achieve a national consensus on issues that matter. For instance, see Yohannes Gedamu, Ethiopia’s national dialogue can unify the divided nation, Opinion, Aljazeera, 27 January 2022, available at <https://www.aljazeera.com/opinions/2022/1/27/ethiopias-new-national-dialogue-can-unify-a-divided-nation>. Accessed on 5 July 2023. However, others argue that the exclusion of armed groups such as the OLA, from the process might deem it a failure from the start. E.g. see Milkessa M Gemechu, Ethiopia’s

new national dialogue cannot deliver inclusive peace, Opinion, Aljazeera, 27 January 2022, available at <https://www.aljazeera.com/opinions/2022/1/27/can-ethiopias-national-dialogue-deliver-inclusive-peace>.

Awol Allo agrees that an all-inclusive national dialogue could contribute a lot in resolving the current Ethiopian crises but argues that a national dialogue that commences by excluding critical actors cannot lead to sustainable peace. He adds that a national dialogue process that does not include the OLA cannot be considered inclusive. See Awol Allo, Ethiopia’s National Dialogue Needs to Include Everyone, FP, Argument, January 24, 2022, available at <https://foreignpolicy.com/2022/01/24/ethiopias-national-dialogue-needs-to-include-everyone/>. All accessed on 21 June 2023.

¹²⁵ Meressa and Dawit, *supra* note 43.

the way the adopted proclamation, and the overall approach of the government is one that needs to be reconsidered. The legal and institutional frameworks should guarantee that all stakeholders are the owners of the processes, procedures, and results of the dialogues. A defective procedure will only result in a defective result.

Due attention should be given to trust building between and among all concerned actors. Likewise, it has to be remembered that peace thrives and bears fruit when planted in the soil of justice. In this regard, an Oromo saying goes “*biyya haqni/dhugaan hin jirre, nagaan hin jiru,*” which literally means “there is no peace in a country where there is no justice/truth.” Creating an enabling environment for a genuine dialogue is not a matter to be left to the future, but it is a prerequisite. Without a strong and respected national facilitator and buy-in from a sufficient coalition of the country’s groups, a national dialogue is unlikely to produce any meaningful change. Furthermore, the government should bear the primary responsibility for organizing, facilitating, and financing the national dialogue in

consultation with all political and opinion leaders, armed and unarmed equally. Thus, the process must be inclusive and credible from the start, and there must be an enabling political and social environment to foster conversations, forge agreements, and build consensus on the fundamental political questions that have been destabilizing Ethiopia for decades. Only after such a genuine and open dialogue can the country make progress in solving its problems and moving forward.

Furthermore, the government should bear the primary responsibility for organizing, facilitating, and financing the national dialogue in consultation with all political and opinion leaders, armed and unarmed equally. Thus, the process must be inclusive and credible from the start, and there must be an enabling political and social environment to foster conversations, forge agreements, and build consensus on the fundamental political questions that have been destabilizing Ethiopia for decades. Only after such a genuine and open dialogue can the country make progress in solving its problems and moving forward.