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- Marii biyyoolessaafi gahee seera hiiktuu: Xiyyeeffannoo marii biyyoolessa Itoophiyaa irratti
- The need to promote the ongoing Ethiopian national dialogue: A look at the role of Oromiya
- The role of the Siinqee Institution of Oromo women in Ethiopian National dialogue
- National dialogue as a means of building peace in Ethiopia: Lessons from Tunisia's National Dialogue
- Marii biyyoolessaa Itoophiyaa: Milkaa'inaafi kufaatii biyyoota biroo irraa baratamu
- Success and failure of national dialogue of selected countries: General lessons to Ethiopia

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Preface

It is with great pleasure that we present this publication, which is the outcome of the symposium held by the Oromia Legal Training and Research Institute (the Institute) in 2023 under the theme “The Role of Formal and Informal Justice Institutions in National Dialogue”. The Oromia Legal Training and Research Institute was established in 2007 to provide legal training and consultancy services and legal research and publication services in the Oromia region of Ethiopia. The Institute has since become one of the leading for legal research and training.

The symposium brought together scholars and practitioners from various fields to discuss the role of formal and informal justice institutions in promoting national dialogue. The papers presented at the symposium reflect the diversity of perspectives and experiences of the participants. They cover a wide range of topics, including:

- The Role of the Judiciary in National Dialogues
- The Need to Promote the Ongoing Ethiopian National Dialogue: A look at the Role of the Oromia Attorney General Bureau
- The Role of the *Siinqee* Institutions of Oromo Women in Ethiopian National Dialogue
- National Dialogue as a Means of Building Peace in Ethiopia: Lessons from Tunisia’s National Dialogue
- Ethiopian National Dialogue: Lessons from Success and Failures of Other Countries
- Success and Failure of National Dialogue of Selected Countries: General Lesson to Ethiopia

The discussions held during the symposium were lively and thought-provoking, and we hope that this publication will continue to stimulate further debate and research on the issues raised. The Institute would like to express its gratitude to all the participants for their contributions and to the organizing team for facilitating this important event.

We hope that this publication will be a valuable resource for scholars, practitioners, and policymakers working in the field of peacebuilding and that it will contribute to the ongoing efforts to promote national dialogue and reconciliation.

Marii Biyyoolessaa fi Gahee Seera Hiiktuu: Xiyyeeffannoo Marii Biyyooleessaa Itoophiyaa irratti

Daagim Oljirraa*

Abstract

National Dialogue is a nationally owned process aimed at identifying the causes of conflict and dispute; providing solutions to reach a consensus on national issues. This process mostly focuses on political issues and directly involves politicians, but non-political bodies, such as the judiciary, also have a significant role in agendas that directly affect them, although they do not have active participation in most cases. This article examines the role the judiciary could play in the upcoming Ethiopian National Dialogue. The paper is written based on analyses of relevant legal provisions, the experience of different countries, reports and academic literature on the subject, and elucidates the role the judiciary is supposed to play in the Ethiopian National Dialogue. The paper suggests that the judiciary's role in national dialogue can be described in three ways. It stresses that the judiciary may play a role in setting the issue of judicial reform as an agenda of the Ethiopian National Dialogue. In relation to the judicial reform agenda, it maintains that the judiciary can play a pivotal role in the planning, process and implementation phases of the national dialogue. Besides, as an independent institution the judiciary can also play an observer role and other roles by being included in sub-committees established in the National Dialogue process. Moreover, it insists that the judiciary can play a pivotal role in ensuring accountability if transitional justice is conducted centered on the outcome of the National Dialogue. The paper, thus, suggests that it will be necessary for the judiciary to prepare for the process in advance.

Keywords: *Ethiopian's National Dialogue, Judiciary, Judicial Reform, Transitional Justice, Accountability*

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Seensa

Mariin biyyoolessaa adeemsa hunda-galeessa (inclusive) lammiileen biyya tokkoo dhimmoota siyaasaa, dinagdee fi hawaasummaa irratti waliigaltee biyyoolessaa (national consensus) uumuuf waldanda'uun (tolerance) yaadota gara garaa karaa ifa ta'een keessatti waljijjiirani dha.¹ Dabalataanis, mariin biyyoolessaa waliigaltee siyaasaa (political settlement) biyya tokkoo keessatti uumuuf taasifamu yoo ta'u; adeemsi kun yeroo hedduu biyyoota walitti bu'iinsa (conflict) ykn fincila keessa jiran ykn keessa darban, ykn biyyoota cehumsa keessa jiran keessatti kan gaggeefamudha.² Mariin biyyoolessaa marii bu'uura godhachuun sirnaa fi caasaa siyaasaa haareessuu ykn jijjiruuf kan gaggeeffamu yoo ta'u; adeemsi isaa abbootii hirtaa hunda kan hammatuu fi sadarkaa biyyoolessaatti kan gaggeeffamudha. Waggoottan soddoman darban keessatti biyyoonni hedduun marii biyyoolessaa kan gaggeessan yoo ta'u kanneen keessaa muraasni Keeniyaa, Gibxii, Tuuniiziyaa, Senegaal, Rippaablika Afrikaa Giddu-galeessaa, Yemen, Libaanoos, Guwaatemaalaa, Morookoo, Baahireen fi k.k.f dha.³

Itoophiyaan bara 2006 irraa kaasee fincila fi walitti bu'iinsa gara garaa keessummeessaa kan turte yoo ta'u; walwaraansi kaaba biyyattiitti dhiheenya gaggeeffamaa ture biyyattiif yaaddoo guddaa ture. Walitti bu'iinsaa fi fincila yeroo gara garaatti uumamu kana furuuf sadarkaa biyyoolessaatti mariin biyyoolessaa akka gaggeeffamuuf Manni Maree Bakka Bu'oota Ummataa labsii lakk 1265/2014 baasuun Komishinii Marii Biyyoolessaa hundeessuun adeemsi Marii Biyyoolessaa gaggeessuu eegalamee jira.⁴ Kaayyoon marii biyyoolessaa kunis dhimmoota biyyoolessaa (national issues) irratti garaagarummaa yaadaa fi waldhabdee hoggantoota siyaasaa fi kutaa hawaasaa gidduu jiru dhiphisuun waliigaltee biyyoolessaa (national consensus) uumuu, akkasumas aadaa wal-amanuu fi walii wajjin hojjechuu fiduu fi duudhaa hawaasaa badaa jiru deebisuun tokkummaa biyyaa cimsuu dha.⁵

Bu'uura irraa yoo ilaalamu, mariin biyyoolessaa waliigaltee siyaasaa (political settlement) ta'uu isaa irraan kan ka'e qaamoleen adda durummaan gahee taphatanii fi hirmaannaa

¹ Murray, Christina 2017. National Dialogue and Constitution-Making, National Dialogue Handbook Background Paper No. 2. Berlin: Berghof Foundation, at 4. www.berghoffoundation.org/publications/nationaldialogue-handbookdialogue-handbook accessed on 05 April 2023. at 19.

² Blunck, M., et al. (2017). National dialogue handbook: A guide for practitioners. Berlin: Berghof Foundation, https://www.jointpeacefund.org/files/documents/berghof_foundationnational_dialogue_handbook.pdf accessed on 05 April 2023.

³ Akkuma olii, fuula 18.

⁴ Labsii Hundeeffama Komishinii Marii Biyyoolessaa lakk 1265/2014.

⁵ Akkuma olii, seensa.

olaanaa qaban hoggantoota siyaasaa fi yaadaa (political and opinion leaders) dha. Haa ta’u malee, dhimmi marii biyyoolessaa qaamolee mootummaa, qaamolee miti-mootummaa fi lammiilee biyyattii hunda iyyuu kan ilaallatu adeemsa hunda galeessa (inclusive) ta’e dha. Labsiin Komishinii Biyyoolessaa hundeesuuf bahe labsii lakk 1265/2014 keessattis hunda-galeessummaan (inclusivity) akka qajeeltoo bu’uuraatti kan fudhatamee jiru dha.⁶Ta’us, labsichi qaamoleen marii biyyoolessaa irratti hirmaachuu qaban eenyu fa’i?Gaheen qaamolee gara garaa irraa eegamus maali?kan jedhu irratti waan dubbatu hin qabu. Kan jechuun gaaffiin kun adeemsa keessa qaama marii biyyoolessaa kana keessummeessuun (convene) kan deebii argachaadeemu ta’uu agarsiisa. Marii biyyoolessa kana milkeessuuf qaamoleen gara garaa gahee kan qaban yoo ta’u, qaamni seera hiiku tokko dha. Mariin biyyoolessaa dhimmoota siyaasaa irratti xiyyeeffachuun kan gaggeeffamu ta’us dhimmoonni olaantummaa seeraa, dimokraasii, mirga dhala namaas kan ka’u waan ta’eef karaa tokko ykn karaa biraan seera hiiktuu (judiciary) kan ilaallatu waan ta’uuf, qaamni kun adeemsa kana keessatti gahee isa irraa eegamu beekuun adeemsa kanaaf qophaa’aa ta’uun barbaachisaa dha.

Waraqaan kunis kan qophaa’e marii biyyoolessaa Itoophiyaa keessaatti gaggeeffamuuf jiru kana keessatti seera hiiktuu⁷ (judiciary) gahee akkamii taphachuu akka qabuu fi haala kamiin milkaa’ina isaaf gumaachuu akka danda’uagarsiisuuf kaayyeffateeti. Gaaffii kana deebisuufis, seera rogummaa qabu (labsii lakk 1265/2014), muuxannoo biyyoota muraasaa fi hog-barruuwwan (literatures) xiinxaluun mala qorannooakkamtaan xiinxala ibsituu (descriptive analysis) fi xiinxala yaada loojikawaa (analytical method) hojiirra ooleera. Haa ta’u malee, adeemsi marii biyyoolessa Itoophiyaa jalqabbiirra kan jiru waan ta’eef kallattii adeemsichaa sirriitti beekuun waan hin danda’amneef dhimmoota tokko tokko irratti tilmaamawwan (assumptions) fudhachuun xiinxalli gaggeeffameera.

Waraqaan qo’annoo kun kutaa Torbatti qoodamee kan caaseffame yoo ta’u; kutaa jalqabaa jalatti maalummaa Marii Biyyoolessaa fi Marin Biyyoolessaa maaliif yoom akka gaggeffamu kan xiinxale dha. Itti aansuun, kaayyoon Marii Biyyoolessaa maal akka ta’e kan sakatta’e yoo ta’u, kutaa 3ffaa jalatti ka’umsa, haala addaa fi kaayyoo Marii Biyyaalessaa Itoophiyaatu xiinxalame. Kutaa 4ffaan dhimma sirna abbaa seerummaa Marii Biyyoolessaa keessatti ajandaa tahuu danda’uu fi dhiisuu isaaa fi kana ilaalchisee gahee seera hiiktuu maal akka

⁶Akkuma olii, kwt 3(1a).

⁷Waraqaa qorannoo kana keessatti jechi ‘seera hiiktuu’ jedhu kan ibsu akkaataa Heera RDFI tiin qaama seera hiiku sadarkaa Federaalaa fi Naannoleetti hundaa’e kan ilaallatu ta’ee, eenyummaa dhaabbattummaa isaa qofaan kan ibsame osoo hin ta’in, akkaataa galumsa isaatti abbootii seeraa qaama kana keessa jiran dhuunfaan ibsuufhojiirra ooluu danda’a.

ta'etu ilaalame. Kutaa 5ffaa keessatti Marii Biyyoolessaan wal-qabatee haqa ce'umsaa dhufu ilaalchisee gaheen mana murtii maal akka tahe kan ilaalamu yoo ta'u, kutaa 6ffaa keessatti gaheewwan biroo seera hiiktuun Marii Biyyoolessaa keessatti qabaachuu malutu ilaalame. Kutaa 7ffaa keessatti gundunfaa fi yaadni furmaataa kan keessatti teechifameedha.

1. Mariin Biyyoolessaa Maaliif Yoom gaggeeffama? (Why and when national Dialogue?)

Mariin biyyoolessaa haalota adda addaa (different situations) yeroo garaa garaatti uumaman giddu galeessa godhatee deebii kennuuf kan qophaa'u dha. Mariin Biyyoolessaa waltajjiwwan marii dhimmoota yaaddoo Biyyoolessaa ta'an – yeroo baay'ee sababoota waldhabdee yeroo dheeraa mormii siyaasaa ykn fincila hidhannootiin gara fuulduraatti dhiyaatan furuuf waamamanidha.⁸ Waggoota 30 darban keessatti akka addunyaatti Mariin Biyyoolessaa hedduun kan raawwataman yoo ta'u, haala siyaasaa hedduu keessatti kan raawwatamanii fi bifaa fi guddina, kaayyoo fi galma bal'aa kan qabani dha.

Mariin biyyoolessaa rakkoowwan barbaachisummaa biyyoolessaa qaban kanneen hawaasa guutuu irratti dhiibbaa geessisan furuuf kan raawwatamanidha. Isaan kun walsodaa siyaasaa hamaa (severe political deadlock) ykn dhaabbilee siyaasaa ugguraman (blocked political institutions) ta'uu danda'u.⁹ Haalota kanneen keessatti, waldhabdee salphisuu, waliigaltee siyaasaa irra ga'uu, ykn irra deebiin caaya dhaabbilee (ykn haaraa) hundeessuu fiburjaaja'iinsa jiru furuuf kan hojjetamu dha. Mariin Biyyoolessaa wal-waraansa (civil war) irraa gara nagaatti cehuu fi ce'umsa siyaasaa boodas yeroo dhaabbileen siyaasaa durii seera qabeessummaayeroo dhaban malawwan hundagaleessa cehumsa deggeruuf barbaachisoo tahan uumuuf hojiirra ni oolfama.¹⁰ Hojii kana keessatti Mariin Biyyoolessaa miirri abbummaa sirna haaraa (sirna siyaasaa, dinagdee, hawaasummaa) irratti akka uumamu kan taasisu, dhaabbilee haaraa hundeessuu kan dandeessisuu fi waliigaltee hawaasaa (social contact) haaraa ykn fooyya'e mootummaa fi lammiilee gidduutti uumuuf karra kan saaqu dha.¹¹ Haalawwan kana keessatti, adeemsa hawaas-siyaasaa (socio-political process) waldhabdee karaa nagaan furuuf akka meeshaatti tajaajiluu danda'an; akkasumas haaromsa

⁸Miil-jalee²ffaa, fuula 21.

⁹Akkuma olii.

¹⁰Hannes Siebert, National dialogue and legitimate change, Accord issue 25, at 35 ff. <https://www.c-r.org/accord/legitimacy-and-peace-processes/national-dialogue-and-legitimate-change> accessed on 05 April 20223.

¹¹Papagianni, K. (2014). *National dialogue processes in political transitions*. Civil Society Dialogue Network, Discussion Paper No.3 <https://www.files.ethz.ch/isn/176342/National-DialogueProcesses-in-PoliticalTransitions.pdf>

dhaabbilee fi ijaarsa biyyaaf (nation building) bu'uura ta'an uumuuf barbaachisan fiduu mariin biyyoolessaa ni dandeessisa.¹² Walumaagala, Mariin Biyyoolessaa dhimmoota sadii milkeessuuf kan gaggeeffamu yoo ta'u, isaanis: haaromsa siyaasaa (political reforms), Heera fooyyessuu ykn jijjiiruu (constitution-making) fi nagenya wara'aa (sustainable peacebuilding) uumuu dha.

2. Kaayyoo Marii Biyyoolessaa

Haala dhimmichaa irratti hunda'uun, Marii Biyyoolessaa yeroo murtaa'e tokko keessatti itti fayyadamuu ykn qopheessuun kaayyoowwan adda addaa galmaan ga'uunni danda'ama. Isaanis kaayyoo addaa ykn qabatamaa daangaan dhiphoo (narrow in scope) ta'e irratti xiyyeeffachuu danda'u [fknf. dhimma nageenyaa (security arrangements), fooyya'iinsa heeraa (constitutional amendments), komishinii dhugaa (truth commission), araara (reconciliation) fi kkf]; ykn adeemsa jijjiirama bu'uura bal'aa irratti, kunis sirna siyaasaa haaraa ykn irra deebiin ijaaruu fi waliigaltee hawaasaa (social contract) haaraa qopheessuu kan of keessaa qabu ta'uu danda'a.¹³ Gosootni adeemsa isaa itti fayyadama adda addaa ykn gosoota marii gara garaa calaqqisiisuu kan danda'an ta'us, Marii Biyyoolessaa bifa waliigalaankaayyoo isaa irratti hunda'uun bakka gurguddoo lamatti qooduun kaayyoo isaa ilaaluun ni danda'ama.

i. Marii Biyyoolessaa akka mala ittisaa fi Hooggansa Gaaga'amaa (National Dialogues as mechanisms for crisis prevention and management)

Mariin biyyoolessaa tattaaffii yeroo gabaabaan akka mala weerara jeequmsa hidhannoo furuuf ykn ittisuuf tarsiimoodhaan raawwatamuutti gaggeeffamuu ni danda'a. Kaayyoon Marii Biyyoolessaa haala kanaan gaggeeffamuus walsodaa siyaasaa cabsuu (breaking political deadlocks) fi waliigalteen siyaasaa xiqqaa ta'e (minimal political consensus) irra deebi'anii hundeessuu yoo ta'u; haaromsi dabalataa fi tarkaanfiiwwan gara jijjiiramaatti geessan irratti mari'achuun ni danda'ama.¹⁴ Marii Biyyoolessaa akkaanaa keessatti qaamni aangeffame aangoo daangeffame kan qabaatu yoo ta'u, guddinaan xiqqaa kan ta'ee fi yeroon isaa gabaabaa ta'a. Yeroo baay'ee sababa baay'ini qooda fudhattoota hirmaachuu danda'anii daangeffamaa ta'eef bulchuuf salphaa ta'us, adeemsa hunda hammate waan hin taaneef, jijjiirama hawaasni bituu danda'uu fi bu'uura bal'aa qabu maddisiisuun rakkisaa ta'uu

¹² Haider, H. (2019). *National dialogues: lessons learned and success factors*. K4D Helpdesk Report. Brighton, UK: Institute of Development Studies.

¹³ Miil-jalee^{ffaa}, fuula 21.

¹⁴ Akkuma olii, fuula 22.

danda'a.¹⁵ Biyyi Marii Biyyoolessaa bifa kanaa gaggeessuun milkoofteef fakkeenya ta'uu dandeessu Tuuniziyaa dha.

ii. Mariin Biyyoolessaa akka mala jijjiirama bu'uuraatti (National Dialogues as mechanisms for fundamental change)

Mariin Biyyoolessaa kun tattaaffii yeroo dheeraa fudhatu yoo ta'uu akka mala hariiroo mootummaa fi hawaasaa irra deebiin ibsuuf, ykn 'waliigaltee hawaasaa' (social contract) haaraa hundeessuuf yaadamee kan gaggeeffamu dha. Kaayyoon Marii Biyyoolessaakun jijjiirama ykn haaromsa dhaabbilee (institutions) or heeraa fiduu dha.¹⁶ Amalli ijoon Marii Biyyoolessaa qaama hojii kana gaggeessuuf aangoo bal'aa kan kennuu fi yeroo hedduu guddina kan qabaatu dha.¹⁷ Mariin Biyyoolessaa jijjiirama bu'uura fiduuf gaggeeffamu, hawaasa bal'aa waan hirmaachisuuf bu'aa deeggarsa bal'aa hawaasa biratti fudhatamaa ta'e kan maddisiisuudha.¹⁸ Haa ta'uu malee, adeemsi marii kanaa bal'aa waan ta'uuf bulchiinsi isaa qormaata kan qabu dha. Hojiirra oolmaa isaa booda wal-waraansatti kan deebite taatus, Yemen biyya Marii Biyyoolessaa bal'aa jijjiirama bu'uura fiduuf gaggeessitee milkoofte ta'uun akka fakkeenyaatti kaati.

3. Ka'umsaa, Haala addaa Marii Biyyoolessaa Itoophiyaa fi kaayyoo isaa (Ethiopian National Dialogue Initiative, Context and Objectives)

Bara ADWUI'n biyyaa bulchaa ture hayyoonni fi namoonni siyaasaa dhaabbilee mormitootaa ta'an waltajjiin marii siyaasaa biyyoolessaa akka gaggeeffamu bifa tokkoon waamicha dhiyeessaa turanis waamichi isaanii yeroo sanatti irra deddeebiin fudhatama dhabe. Sagaleewwan ukkaanfamaa turan kunniin haaromsa siyaasaa bara 2010 ta'een booda deebi'anii ka'uu eegalan. Haa ta'uu malee, Muummichi Ministeeraa aangoo dhufuun booda haaromsi siyaasaa isaan taasisan tasgabbiin waan fideef taajjabdoonni siyaasa Itoophiyaa hedduun jijjiiramni siyaasaa mul'ataa jiru biyyattii haala salphaan gara ce'umsa dimokiraasiitti kan geessu dha jechuun gaaffiiwwan ka'aa turan tasgabba'an.

Tarkaanfiiwwan siyaasaa Muummichi Ministeeraa baatiiwwan jalqabaa bara aangoo bulchiinsaa isaanitti fudhatanbifa guutuu ta'een imaammata haqaa ce'umsaa (transitional justice policy) kan calaqqisiisu dha jechuun ni danda'ama. Tarkaanfiiwwan kanneen keessaa baraarsaa/dhiifama; Komishinii Araaraa, Dhimmoota Daangaa fi Eenyummaa

¹⁵Akkuma olii.

¹⁶Akkuma olii.

¹⁷Akkuma olii.

¹⁸Akkuma olii.

Biyyoolessaahundeessuu fi dhaabbilee damee nageenyaa fi dimokraasii jedhaman haaromsuuf waadaa galuunwarreen ijoo dha.Komishiniin Araaraa, labsii lakk 1102/2011 tiin hundaa'e ture dhimmoota birootti dabalataan aangoo (mandate) Marii Biyyoolessaa gaggeessuuf kennameefii turu illee, hojii qabatamaa tokko illee osoo hin raawwatin yeroon inni hundaa'eef waan xumurameef diigamee jira.

Yeroo muraasa booda waldhabdeen sabaa fi hawaasa gidduutti babal'achuu fi siyaasni humnaa ol harkifame (political polarization) waamicha marii Biyyoolessaa deebisee kaasisuu eegale.Dhaabbileen siyaasaa mormitootaa mariin akkanaa filannoo Biyyoolessaabara 2012 duragaggeeffamuu akka qabu ibsaa turan. Booda irras, sababa COVID-19 tiin filannoon Biyyoolessaa yeroo biraatti darbuun haala siyaasaa biyyattii hammeessuun dhaabbileen siyaasaa tokko tokko, TPLF dabalatee, seera qabeessummaa mootummaa federaalaa gaaffii keessa galchuun eegalan.Rakkooleen kunneen boodarra walitti bu'iinsa sabaa fi sablammootaa kan hammeesse, akkasumas waldhabdee waraanaa TPLF fi mootummaan federaalaa kaase. Yeroo kana keessatti, marii siyaasaa itti fufiinsa qabu jalqabuuf keessumaa karaa dhaabbilee miti-mootummaa (fkn Destiny Ethiopia) tattaaffiin godhameera. Haa ta'u malee tattaaffiin taasifame qinda'aa kan hin taanee fi ciccitaa waan tureef osoo hin milkaa'in hafe.

Mootummaan Itoophiyaa Mariin Biyyoolessaa gaggeeffamuun waldhabdee fi walitti bu'iinsa biyyattii keessatti deema turee fi jiru furuu kan danda'u ta'uu isaatti amanuun Mudde 20 bara 2014 karaa Mana Maree Bakka Bu'oota Uummataa Labsii Komishii Marii Biyyoolessaa Hundeessuuf bahe lakk 1265/2014 raggaasisuun hojiitti galameera. Manni Maree kunis Gurraandhala 14 bara 2014 komishinaroota Marii biyyoolessaa kana hogganan miseensa 9 (sagal) of keessa qabu muudee jira. Komishiniin kunis yeroo ammaa boqonnaa qophii (preparation phase) irra kan jiru yoo ta'u, wixineen karoora tarsiimawaa Komishinichi baafate akka agarsiisutti marii hawaasaa (public conversation) 6000 (kuma jahatti) tti siqu guutummaa biyyattii keessatti gaggeessuuf akka jiru akeeka.¹⁹

Seensa Labsii lakk 1265/2014 irraa hubachuun akkauma danda'amu, Mariin Biyyoolessaa Itoophiyaa kan gaggeeffamu kaayyoowwan gurguddoo lama galmaan ga'uufi .Inni jalqabaa dhimmoota biyyoolessaa irratti garaagarummaa yaadaa fi walitti bu'iinsa mul'ataa turee fi jiru marii uummataa hunda hammataa ta'e gaggeessuun waliigaltee biyyoolessaa (national consensus) uumuu dha.Kaayyoon lammaffaan Marii Biyyoolessaa hunda hammate haala

¹⁹Draft strategic plan Unofficial draft Strategic Plan of the National Dialogue Commission (unofficial), 2022.

bal'ina qabuun gaggeessuun aadaa wal-amantaa fi waliin hojjechuu, akkasumas duudhaalee hawaasaa gadi bu'an deebisuuf sirreessuun asumaan waliigaltee Biyyoolessaa jabeessuu dha. Kanarraa kan hubachuun danda'amu, Mariin biyyoolessaa Itoophiyaa jijjirama bu'uura biyyattii keessatti fiduuf kan akeeke, mariin bal'ina qabu kan keessatti gaggeeffamu, hunda hirmaachisu (all inclusive) fi mariin yeroo fudhatu gaggeeffamuuf akka jiru dha.

Haa ta'u malee, yeroo ammaa kana mootummaan karaa Ministeera Haqaa Imammaata Haqa Ce'umsaa qopheessuu irratti kan argamu yoo ta'u, waraqaan filannoo imaammataa haqa ce'umsaa (Policy options for transitional justice policy) qophaa'ee amma mariif abbootii hirtaaf dhihaatee jiru tarii kaayyoo Marii Biyyoolessaa Itoophiyaa bal'isuu kan danda'u akka ta'e akeeka. Kunis, waraqa kana keessatti Komishiniin Marii Biyyoolessaa qaama (aspects) haqa ce'umsaa kan ta'an adeemsa dhugaa barbaaduu (truth seeking), araara (reconciliation) fi hirphuu (reparation) akka gaggeessuuf akka filannoo tokkootti dhihaatee kan jiruuf kun akka filannootti kan fudhatamu taanaan labsichi fooyya'uuf akka jiru akeeka.²⁰

4. Marii Biyyoolessaa Keessatti Haaromsa Sirna Abbaa Seerummaa (Judicial Reform in National Dialogues) fi Gahee Seera Hiiktuu

Sirni Abbaa Seerummaa haala gaariin hojjetu (well-functioning judicial system) eegumsa mirga namoomaaf taasifamuuf murteessaa yoo ta'u, garaagarummaa aadaakabajuu kan guddisu (fosters cultural diversity), waldhabdeen karaa nagaan akka furamuuf kan haala mijeessuu fi lammiileen gaafatamummaan raawwii hojii mootummaa akka mirkaneessan kan taasisudha. Kanaanis Dimokraasiin, olaantummaan seeraa, kabajni mirga namoomaa biyya tokko keessatti akka dagaagu taasisuun biyyi nagaan fi tasgabbii akka qabaattu taasisuu keessatti gahee olaanaa qaba. Kana malees, seera hiiktuun gahumsa qabu seerri karaa haqa qabeessata'een hojiirra akka oolukantaasisuu fi raawwii murtii haqaa mirkaneessuudhaan investimantiin biyya alaa fi biyya keessaa, misooma damee dhuunfaa fi dorgomtummaa dinagdee Biyyoolessaa jajjabeessuun, guddina dinagdee argamsiisuu keessatti gahee guddaa qaba. Kanaaf qaamni kun gahee isaa irraa eegamu bahuu akka danda'uuf gahumsa olaanaa akka qabaatu, bilisummaa akka qabaatu, bu'aa qabeessa (efficient), heeraa fi mirga namoomaa kan kabajuu fi kabachiisu tahuu akka danda'uuf biyyoonni Marii Biyyoolessaa yammuu gaggeessan haaromsa qaama kanaa akka ajandaa ijootti yoo qabatan ni mul'ata.

²⁰ Ministry of Justice, Policy Options for Transitional Justice; Draft for Stakeholder Consultations (January 2023) fuula 16, 18, 23.

Haaromsi sirna abbaa seerummaa kunis qaama jijjiirama ykn haaromsa siyaasaa (political change or reform) ta'ee akka gaggeeffamu hog-barruuwwan ni agarsiisu.²¹

Biyyoonni Marii Biyyoolessaa gaggeessan yeroo hedduu haaromsa sirna abbaa seerummaa akka ajandaatti kan fudhataniif xumura Marii Biyyoolessaa irratti haaromsa sirna abbaa seerummaa akka bu'aa (outcome) fudhachuun hojiirra yammuu oolfamu ni mul'ata. Kana gochuu keessatti biyyi akka fakkenya guddaatti fudhatamuu dandeessu Keeniyaa dha. Waliigalteen Bu'aa Marii Biyyoolessa fi Araaraa Keeniyaa akka agarsiisutti dhaabbilee akka haaromfaniif waliigalame keessaa inni ijoon qaama seera hiiku (judiciary) dha.²² Bara Keeniyaan haaromsa gaggeessa turteetti Pirezidantii Mana Murtii Waliigalaa Keeniyaa kan turan Willy Mutunga barreeffama isaanii tokko keessatti; wantoota kana dura Keeniyangara Dimokraasiitti hin ceene taasisan keessa tokko sirna abbaa seerummaa dadhabaa, bu'a-qabeessa hin taanee fi malaammaltummaan keessa guute jiraachuu akka ta'e eeruun amanamummaa dhabuun mana murtii walitti bu'iinsa bara 2007/08 Keeniyaaatti lubbuu nama hedduu galaafate keessatti gahee guddaa kan taphate tahuu eeru.²³ Manneen Murtii Keeniyaa rakkoo hedduu kan qaban ta'uuf caaseffamni ykn ijaarsi isaa kufaatii dhaaf kan isa saaxileeturuu isaa akeeku.²⁴ Jecha isaaniin kaa'uuf:

*Indeed, the historical failures of Kenya's transition to democracy have also been as a result of an enfeebled, inefficient and corrupt judiciary. The Judiciary has operated in extremely difficult circumstances, even though it has also not made its conditions any better by the choices it has sometimes made in the past. The confidence and credibility deficit of the Judiciary played a big part in the unfortunate events of 2007/08. The Judiciary was set up in a manner that suggests that it was designed to fail.*²⁵

Marii Biyyoolessaa Keeniyaa keessatti bara 2008 irraa eegalee gaggeeffameen haaromsi sirna abbaa seerummaa akka ajandaa haaromsa dhaabbilee guddaa tokkootti fudhatamee waan ba'ameef haaromsi taasifame. Haaromsa seera hiiktuu taasifameenis heera haaraa fooyya'ee

²¹Miil-jalee²ffaa, fuula 145.

²²Kenyan National Dialogue and Reconciliation Statement of Principles on Long Term Issues and Solutions, Art II) <https://peacemaker.un.org/kenyastatementlongtermissues2008> accessed on 06 April 2023.

²³Willy Mutunga, Building a Progressive Kenya: The Judiciary Transformation Agenda within the Context of the New Constitution, in 'the Kenya National Dialogue And Reconciliation: Building A Progressive Kenya, Our Common Vision-Views Of Stakeholders, fuula 118. <https://issat.dcaf.ch/download/17692/206614/THE-KENYA-NATIONAL-DIALOGUE-ANDRECONCILIATION.pdf> accessed on 06 April 2023.

²⁴Akkuma olii.

²⁵Akkuma olii

bahe irratti tarkaanfiiwwan adda addaa kanneen akka caaseffama haaraa diriirsuu, bilisummaa baajataa mirkaneessuu, sirna muudama abbootii seeraa iftoomina qabuu fi dandeetii irratti hunda'e diriirsuu, dhimmoota mirga namoomaa kabajuu fi kabachiisuu dabalatee kanneen biroo fudhatameera.²⁶Dabalataanis seerota Komishinii tajaajila abbaa seerummaa hundeessuuf hojiirra oolchu baasuun haaromsa bal'aa gaggeesiteetti.²⁷ Haaromsa gaggeeffame booda Sirni Abbaa Seerummaa Keeniyaa keessa jiru yeroo ammaa sirnoota Afriikaa keessa jiran keessa adda dureef fakkeenya guddaa ta'ee kan ka'u dha. Dabalataanis, biyyoonni akka Yemen fi Senegaal dhimma haaromsa sirna abbaa seerummaa akka ajandaa guddaa Marii Biyyoolessaatti kan qabataniif fi bu'aa (outcome) isaa irratti waligalani dha.

Itoophiyaanis biyya ollaa ishee kan taate Keeniyaa irraa barumsa fudhachuun haala addaa (context) ishee giddu-galeessa godhachuun dhimma sirna abbaa seerummaa ajandaa jijjiirama siyaasaa jalatti akka ajandaa marii biyyoolessaa tokkootti fudhachuu dandeessi. Ajandaa haaromsa sirna abbaa seerummaa ilaalchisee gaheen seera hiiktuu maal tahuu akka danda'u akka armaan gadittii ilaalla.

i. Dhimmi haaromsa sirna abbaa seerummaa (judicial reform) ajandaa Marii Biyyoolessaa Itoophiyaa ta'uu ni danda'aa?

Manneen Murtii biyyattii jiran akkaataa Heera RDFI caaseffama sirna federeeshinii hordofuun Mana Murtii Federaalaa fi kana Naannolee jedhamanii kan caaseffamanii fi bilisummaa dhaabbattummaa kan qabani dha. Haa ta'u malee, qaamni kunrakkoo irraa bilisa ta'ee gahee qaama seera hiiktuu irraa eegamu hunda gahumsaan bahachaa jira jechuun hin danda'amu. Kanaaf agarsistuuwwan hedduun jiraachuu kan danda'u yoo ta'u, akka fakkeenyaatti sakatta'iinsa yaada maamilaa Naannoo Oromiyaa keessatti bara 2015 ILQSO dhaan gaggeeffame akka mul'isutti 'tajaajilli abbaa seerummaa dhiibbaa irraa bilisa ta'uu, tilmaamamummaafi qulqullina murtiifi faayidaan hojjechuu irraa bilisa ta'uu safartuuwwan jedhan irratti itti quufinsi tajaajilamtoota duraa duubaan %56, %57 fi %68' qofa akka tahe ni agarsiisa.²⁸Sakatta'iinsa kana qofa bu'uura godhachuun sirna abbaa seerummaa jiru irratti yaada waliigalaa (conclusion) kennuun ulfaataa ta'us marii dabalataaf ka'umsa tahuu

²⁶Kenyan National Dialogue and Reconciliation Statement of Principles on Long Term Issues and Solutions, Annex,Agenda Item 4,Matrix of Implementation
Agnda<https://www.Peaceagreements.org/viewmasterdocument/688>. See also Willy Mutunga, miil-jalee 22, fuula 18 ff;

²⁷Akkuma olii

²⁸Milkii Makuriyaa fi Nimoona Kumsaa, Sakatta'iinsa Itti-Quufinsa Tajaajilamtoota Manneen Murtii Naannoo Oromiyaa (ILQSO, kan hin maxxanfame 2015) fuula 64.

kandanda’u dha. Kaayyoon waraqaa qo’annoo kanaa ciminaa fi dadhabina sirna abbaa seerummaa adda baasuun yaada irratti kennuu osoo hin taane dhimmichi ajandaa marii tahuu akka danda’uu fi gahee seera hiiktuun gama kanaan Marii Biyyoolessaa keessatti qabu akeekuu dha.

Labsiin Komishinii Marii Biyyoolessaa hundeessuuf bahe lakk 1265/2014 akka akeekutti kaayyoo Komishinii Marii Biyyoolessaa keessaa tokko ijaarsa sirna dimokraasiif haala mijataa uumuu fi aadaa siyaasaa rakkoo biyya keessaa karaa nagaa fi mariin hiikuu guddisuu dha.²⁹Sirna dimokraasii ijaaruu keessatti immoo gaheen seera hiiktuu walabaa fi gahumsa qabuu olaanaa fi baay’ee barbaachisaa dha. Dabalataanis, qajeeltoowwan Komishinichi ittiin hogganamu keessaa tokko Olaantummaa seeraa fi dimokraasii akka tahe labsichi tumee jira.³⁰ Dhimmi sirna abbaa seerummaa dhimma ijaarsa sirna dimokraasiin wal-qabatee akka ajandaatti kahuu danda’u keessatti ramadamuu kan danda’u waan ta’eef dhimmichi dhimma ajandaa Marii Biyyoolessaa tahuu danda’u dha.

Gama biraan, labsichi Komishiniin Marii Biyyoolessaa dhimmoota Biyyoolessaa kam irratti iyyuu ajandaa ykn mataduree marii adda baasuu akka danda’u bu’uuraan aangesseera. Kana Bu’uura godhachuun Walitti qabaan Komishinichaa ibsa kennan tokko keessatti Itoophiyummaa (*Itoophiyaawwinnet*) irraan kan hafe dhimmi kamiyyuu ajandaa Marii Biyyoolessaa tahuu akka danda’u eeranii jiru.³¹ Akka armaan olitti ilaalletti, Mariin Biyyoolessaa Itoophiyaa jijjiirama bu’uuraa fiduuf kan gaggeeffamu tahuun isaa fi muuxannoon biyyootaas kan agarsiisu dhimmi sirna abbaa seerummaa akka ajandaa ijoo Marii Biyyoolessatti kan ka’uu fi bu’aa marii tahee hojiirra kan oolfamu tahuu dha. Kanaaf, Marii Biyyoolessaa Itoophiyaa keessattis dhimmi kun ajandaa tahuu kan danda’u tahuu ilaaluun ni danda’ama.

ii. Ajandaa Sirna Abbaa Seerummaa ilaalchisee Seera Hiiktuun gahee akkamii taphachuu danda’a?

Mariin Biyyoolessaa boqonnaa sadiitti qoqamee kan gaggeeffamu yoo tahu, isaanis: boqonnaa qophii (preparation phase), boqonnaa adeemsa ykn raawwii (process phase) fi boqonnaa hojiirra oolmaa (implementation phase) dha.³²Boqonnaan qophii boqonnaa karoora

²⁹Labsii Hundeeffama Komishinii Marii Biyyoolessaa lakk 1265/2014, kwt 6(5).

³⁰Akkuma olii, kwt 3(1)i.

³¹ Tegbaru Yared, Ethiopia National Dialogue: Reconciling Competing Approaches (Insitute for Security Studies) EAST AFRICA REPORT 47 (NOVEMBER 2022) fuula 18. <https://issafrica.org/research/east-africa-report/ethiopias-national-dialogue-reconciling-competing-approaches>access on 06 April 2023.

³²Miil-jalee^{ffaa}, fuula 23.

qopheessuu fi qophii taasisuu yoo ta’u boqonnaan raawwii immoo boqonnaa keessatti mariin eegaluu fi gaggeeffamudha.Boqonnaan hojiirra oolmaa immoo boqonnaa bu’aan marii irraa aragamu hojii irra itti oolfamuu fi qaamoleen isaan ilaallatu bu’aa marichaa hordofuun dirqama isaan irraa eegamu itti bahatani dha.Kanaaf, dhimma haaromsa sirna abbaa seerummaa ilaalchisee gahee seera hiiktuun taphachuu danda’u ykn qabu boqonnaa Marii biyyoolessaa sadan keessatti maal akka tahe armaan gaditti ilaalla.

Boqonnaa qophii Marii Biyyoolessaa keessatti Komishiniin marii kana gaggeessu karoora isaa kan qopheessu, karoora isaa mariif dhihessuu fi qophii barbaachisaa itti taasisu dha. Boqonnaa kana keessatti seera hiiktuunisdhimmi sirna abbaa seerummaa boqonnaa adeemsa keessatti ajandaa Marii Biyyoolessaa tahee akka qabamuuf qophii taasisuu ni danda’a. Qophiin kunis dhimma sirna abbaa seerummaa biyyattii ilaalchisee ciminaa fi dadhabina jiru irratti, jechuunis dhimmoota bilisummaa, gahumsaa, caaseffamaa fi kanneen biroo irratti qaamolee hirtaa gara garaa affeeruun mariin akka gaggeeffamu taasisuu (eg. inter-judges or inter-judiciary dialogues) fi qorannoo gaggeessuu ykn akka gaggeeffamu taasisuun, barbaachisummaa fi kallattii haaromsaa adda baasuuf qophii taasisuu tahuu mala. Dabalataanis, waldaanogeessotaa (abbootii seeraa) akka hundaa’u jajjaabeessuu fi deggersa taasisuun Marii Biyyoolessaa gaggeeffamuuf jiru irratti abbootiin seeraa bifa qinda’aa ta’een si’aaninaan akka hirmaataniif qophii taasisuufi kkf tahuu danda’a.

Boqonnaa raawwii keessatti gaheen guddaan seera hiiktuun taphachuu danda’u keessaa inni ijoon, dhimmi sirna abbaa seerummaa ajandaa ijoo Marii Biyyoolessaa tahee akka qabamuuf qaamolee biroo (fknf Ministeera Haqaa ykn A/Alangaa naannoo) waliin tahuun carraaqqii taasisuu dha.Dhimmichi akka ajandaatti kan qabame yoo ta’e, yaadota adda addaa boqonnaa qophii keessatti adda bahan walitti qabuun sirni abbaa seerummaa gahumsaa fi bilisummaa qabuuf ijaarsa sirna dimokraasiif utubaa ta’uu danda’u diriirsuuf gargaaran marii irratti akka dhihaatu taasisuu ni danda’a.

Gaheen seera hiiktuun boqonnaa hojiirra oolmaa (implementation phase) gama haaromsa sirna abbaa seerummaan jiru keessatti qabu isa guddaa fi olaanaa dha. Muuxannoo Marii Biyyoolessaa Keeniyaa irraa kan hubachuun danda’amu xumura Marichaa irratti sirni abbaa seerummaa biyyattii haareffamuu akka qabu waan irratti waliigalameef seera hiiktuun biyyattii sirna abbaa seerumma biyyattii irratti haaromsa inni gaggeesse kan dinqisiifatamu

dha.³³ Bu'uura waliigaltee Marii Biyyoolessaa irratti taasifameen Heera haaraa ragga'ee bahe giddu galeessa godhachuun tarkaanfiiwwan haaromsaa seera hiiktuun fudhate bal'ina kan qabu yoo ta'u, tarkaanfiiwwan kunneen ce'emsaa gara dimokraasiitti taasiftu haalaan deggaraa kan jiru tahuu filannoowwan Keeniyaa keessatti taasifaman lamaan irratti gahee manni murtii biyyattii bahate akka fakkeenyaatti kaasuun ni danda'ama. Kanaaf, dhimmi haaromsa sirna abbaa seerummaa akka bu'aa (outcome) Marii Biyyoolessaatti fudhatamee kan bahu yoo ta'e haaromsa kana gaggeessuu keessatti qaamni adda durummaan hojii kana gaggeessu seera hiiktuu waan ta'eef gahee seera hiiktuun boqonnaa hojiirra oolmaa irratti qabu olaanaa ta'a.

5. Haqa Ce'umsaa Marii Biyyoolessaa Keessattii fi Gahee Seera Hiiktuu (Transitional Justice in relation to National Dialogues and the Role of the Judiciary)

Haqni ce'emsuu (transitional justice) adeemsa biyyoonni cehumsa irra jiran nagaa (peace), haqaa (justice) fi dhugaa (truth) giddu-galeessa godhachuun badiiwwan fi sarbiinsa mirga namoomaa dhabamuu itti-gaafatamummaa (impunity) dahoo godhachuun raawwataman sirreessuuf ykn ilaaluu (address) fi badiiwwan akkasii irra deebiin akka hin raawwatamne mirkanessuuf sirna itti gargaaramani dha. Haqni ce'umsaa haalota/maloota (aspects) jahakan of keessaa qabu yoo tahu isaanis: himannaa yakkaa /itti-gaafatamummaa (prosecution/accountability), araara (reconciliation), dhugaa barbaaduu (truth seeking), baraarsa (amnesty), hirphuu (reparation), fi haaromsa dhaabbilee (institutional reform/vetting) dha.

Mariin Biyyoolessaa dhimmoota siyaasaa irratti haa xiyyeeffatu malee haqa ce'umsaa waliin hariiroo bal'aa ni qaba. Biyyoonni tokko tokko (fknf Keeniyaa) Marii Biyyoolessaa fi maloota haqa ce'umsaa keessaa garii waliin bakka tokkotti kan gaggeessan yoo ta'u, yeroo baay'ee adeemsi akkanaa hin jajjabeeffamuu. Biyyoonni kaan immoo Haqa ce'umsaa akka bu'aa Marii Biyyaalessatti adda baasuun yaada furmaataa Marii Biyyoolessaa ka'umsa godhachuun kan gaggeessanis jiru (fknf Central African Republic). Haa ta'u malee, kaayyoo waliigalaan yammuu ilaalamu adeemsotni lamaan walii isaaniif galtee tahuu kandanda'an yoo ta'u, haqni ce'umsaa akka bu'aa (outcome) fi yaada furmaataa Marii Biyyoolessaa tokkootti fudhatamuun boqonnaa hojiirra oolmaa Marii Biyyoolessaa keessatti hojiirra oolfamuu ni danda'a.

³³Miljalee 23^{ffaa}, fuula 118ff.

Itoophiyaan gara fuulduraatti haqa ce'emsuu gaggeesuuf kan jirtu yoo tahu, yeroo ammaa kana Ministeerri Haqaa garee ogeessota seera yakkaa addunyaa fi haqa ce'umsaa irratti ogummaa qabaniif fayyadamuun waraqaa filannoo imaammata haqa ce'emsuu (Policy options for transitional justice policy/green paper) qopheessuun mariin akka biyyattii (public consultation) akka irratti gaggeeffamuuf dhihaatee jira.³⁴ Kanumarraa ka'uun, marii Bitootessa 4 bara 2015 Ministeerri Haqaa qopheesse irratti dhaabbilee siyaasaa mormitootaagiratti bifa wal-fakkaataan mormii kan keessummeesse yoo ta'u, sababni ka'es haqni ce'emsuu kan gaggeffamuu qabu Marii Biyyoolessaa booda tahuu qaba kan jedhu dha.³⁵ Gareen ogeessota sanadicha qopheesses yaadicha tilmaama keessa akka galchu waadaa seenee jira.³⁶ Sanadni imaammaataa mariif dhihaate kun Mariin Biyyoolessaa haqa ce'umsaa waliin wal-deggaree deemuu akka danda'u kan akeeku yoo ta'u, keessumaa immoo dhimmoota dhugaa barbaaduu, araaraa (Reconciliation) fi hirphaa (reparation) Komishiniin Marii Biyyoolessaa akka gaggeessuuf akka filannootti (option) kan qabame ta'uu agarsiisa.

Haqni ce'umsaa bu'aa Marii Biyyoolessaa tahee kan bahu yoo ta'e ykn wal-deggaree akka deemu yoo taasifame dhimmi itti-gaafatamummaa mirkaneessuu (accountability/prosecution) fi haaromsi dhaabbilee Marii Biyyoolessaa keessatti haqa ce'umsaan wal-qabatee dhufuu mala. Itti-gaafatamummaa mirkaneessuuf manneen murtii gahee olaanaa kan qaban akka tahe beekamaa dha. Sanadni filannoo imaammata haqa ce'umsaa mariif dhihaatee jiru itti-gaafatamummaa mirkanessuuf manneen murtii biyya keessaatti himannaa yakkaa keessummeessuun filannoo gaarii ta'ee fudhatamee jira. Haa ta'u malee, sanadichi akka agarsiisutti manneen murtii biyyattii himannaawwan yakkaa sarbiinsa mirga namoomaa gurguddoon wal-qabatan dhagahuu isaaniin dura haaromsi gaggeeffamuu akka qabu akeeka. Dabalataanis, abbootii seeraa hojii kana addatti hojjechuu danda'an filuun qopheessuu, dhaddacha dhimma kana qofa hojjetu gurmeessuu fi abbootii seeraa fi gargaartota hojii kanaaf filatamaniif leenjii kennamuu akka qabu akeeka. Walumaagalaa, filannoon (option) dhihaate imaammata xumura irratti ragga'uun kan fudhatamu yoo tahe, qaamni seera hiiku badiiwwanii fi sarbiinsa mirga namoomaaraawwatamaniif gahee ittigaafatamummaa mirkaneessuu kan bahatu ta'a. Kana gochuudhaanis ce'umsa biyyattiin gara nagaa, dimokraasii fi guddinaatti gootu kan tumsu ta'a.

³⁴ Miiljalee20^{ffaa}

³⁵ Addis Standard, News: political Parties Oppose Ongoing Consultations transitional justice policy options, urge priority for peace, national dialogue. <https://addisstandard.com/news-political-parties-oppose-ongoing-consultations-on-transitional-justice-policy-options-urge-priority-for-peace-national-dialogue/> access on 06 April 2023.

³⁶ Akkuma olii.

6. Gaheewwan Biroo Seera Hiiktuun Marii Biyyoolessaa Keessatti Taphachuu Danda’u

Muuxannoo Marii Biyyoolessaa Afgaanistaan irraa akka hubatamutti aabbootiin seeraa taajjabdoota ta’anii filatamuun Marii Biyyoolessaa taajjabuu kan danda’an yoo ta’u,³⁷ Marii Biyyoolessaa Itoophiyaa keessattis abbootiin seeraa taajjabdoota tahanii filatamuun gahee isaanii bahachuu ni danda’u. Kunis, tilmaama abbootiin seeraa gartuu siyaasaa irraa bilisa, adeemsichas loogii malee sirnaan taajjabuu ni danda’u kan jedhu irraa kan ka’e dha. Dabalataanis, Marii Biyyoolessa Yemen keessatti abbootiin seeraa koree naamusaa fi sadarkaa (standard and discipline committee) ta’uun filatamanii hojii to’annoo adeemsa fi seeraa (legal and procedural oversight) hojjechaa kan turan tahuu adeemsa marichaa irraa ni hubatama.³⁸ Marii Biyyoolessaa Itoophiyaa keessattis abbootiin seeraa gahee akkanaa taphachuu kan danda’an ta’uu eeruun ni danda’ama.

7. Guduunfaa fi Furmaata

Mariin Biyyoolessaa adeemsa uummanni biyya tokko abbummaa irratti qabu tahee, dhimmoota walitti bu’insaa fi waldhabdeef sababoota ta’an adda baasuun furmaata kennuu fi dhimmoota Biyyoolessaa irratti waliigalteen akka uumamu taasisuuf biyyoonni walitti bu’iinsa ykn wal-waraansa keessa turan ykn ce’eumsa irra jiran itti gargaaramani dha. Adeemsi kun irra jireessaan dhimmoota siyaasaa irratti kan xiyyeeffatuu fi namoota siyaasaa kallattiin kan hirmaachisu yoo ta’u qaamoleen dhimmoota siyaasaan ala jiran, kanneen akka seera hiiktuu, hirmaannaa hunda-galeessa qabaachuu baatanis dhimmoota kallattiin isaan ilaallatu irratti gahee isaan qaban olaanaa dha. Marii Biyyoolessaa Itoophiyaan gaggeessuuf jirtu irratti Labsiin Komishinii Marii Biyyoolessaa hundessuuf bahe lakk 1265/2014 gahee qaamoleen gara garaa qaban adda baasee kaa’uu baatus muuxannoo biyyootaa fi kaayyoo Marii Biyyoolessaa Itoophiyaa giddu galeessa godhachuun gahee seera hiiktuun taphachuu danda’u bifa sadiin ilaaluun danda’ameera.

Gaheen seera hiiktuun Marii Biyyoolessaa irratti qabaachuu malu inni jalqabaa dhimma haaromsa sirna abbaa seerummaa (judicial reform) waliin kan walqabatu yoo ta’u, kana

³⁷Miil-jalee^{ffaa}, fuula 199.

³⁸Akkuma olii, fuula 310.

ilaalchisee seera hiiktuun biyyattii dhimma haaromsa sirna abbaa seerummaa ajandaa jijjiirama siyaasaa jalatti akka ajandaa tokkootti akka qabamuu fi mariin irratti gaggeeffamu taasisuuf gahee isarraa eegamu bahachuu qaba. Dabalataan, akka dhaabbataatti tahuu baatus seera hiiktuun karaa abbootii seeraa gahee taajjabdummaa taphachuu kan danda'uu fi koreewwan xixiqqaa adeemsa Marii Biyyoolessaa keessatti hundeeffaman keessatti hammatamuun gahee gara garaa taphachuu ni danda'a (Muuxannoo Yemen). Gama biraan, haqni ce'umsaa bu'aa ykn yaada furmataa Marii Biyyoolessaa giddu galeessa godhachuun kan gaggeeffamu yoo ta'e seera hiiktuun ittigaafatamummaa mirkaneesuu keessatti gahee olaanaa kan qabaatu waan ta'uuf adeemsa sanaaf dursee of qophessuun barbaachisaa ta'a.

The Need to Promote the Ongoing Ethiopian National Dialogue: A Look at the Role of Oromia Attorney General Bureau

Mohammed Ebrahim Lenjiso**

Abstract

Ethiopia planned to resolve differences and disagreements through broad based inclusive national dialogue so as to engender national consensus. As a result, the parliament established the National Dialogue Commission by enacting proclamation which is responsible to facilitate and lead the National Dialogue process. The success of National Dialogue requires the support and participation of formal justice institutions. This paper, thus, attempts to examine the role of Oromia Attorney General Bureau as one of formal justice institution in promoting and supporting the ongoing Ethiopia National Dialogue. With this objective, the paper poses the following questions and tries to find answers for these questions. The first question is what role Oromia Attorney General Bureau and its lower structures should play to promote and support the ongoing Ethiopia National Dialogue? The other question is how and with whom Oromia Attorney General discharges these roles? Finally, it also investigates the relevant legal and policy backups for these roles? Doctrinal type of research methodology is employed in this research which invested much time on desk review of black laws and analysis and interpretations of these laws policies defining powers and duties of Oromia Attorney General Bureau including Ethiopia National Dialogue Commission Establishment Proclamation No.1265/20121. The paper argued that, extent of problems aimed to be solved as well as the nature of ongoing National Dialogue and laws defining the powers and duties of Oromia Attorney General Bureau compel the Bureau to play positive roles in promoting and supporting the ongoing Ethiopia National Dialogue at Regional Level. Analysis of different laws shows Oromia Attorney General and its lower structures has responsibility to give public awareness creation and consultations, providing advocacy and advisory roles, legal auditing, and supporting the implementation of outcomes of National Dialogue. Moreover, the paper argues that, for effective discharging of these roles, Oromia Attorney General Bureau required to work in close collaboration with National Dialogue Commission, Oromia Government and other stake holders including various segments of society.

Key Words: *National Dialogue, National Dialogue Commission, Oromia Attorney General Bureau, awareness creation and consultation, legal advocacy and advisory, Peace building.*

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Introduction

National Dialogue is nationally owned political process mostly conducted at the time of political crisis. Ethiopia is on the process of conducting its first National Dialogue. The main objective of ongoing Ethiopia National Dialogue is to resolve differences and disagreements through broad based inclusive public dialogues so as to engender national consensus.¹ To that effect national dialogue commission is established by parliamentary law.² The overarching objectives of the commission are outlined under Art.6 of the commission establishing commission which authorizes the commission to facilitate conditions to undertake a serious of consultations by identifying causes of the differences aroused on issues of fundamental concern.³

In fact, the success of National Dialogue Commission's tasks and responsibilities among others requires the support and participation of formal justice institutions existing at Federal as well as Regional levels. Formal justice institution like Attorney General have irreplaceable role to play for the success of the ongoing Ethiopia National Dialogue. The Oromia Attorney General Bureau and its lower structures are not exceptional in this case. As a Regional formal justice institution, Bureau has to play its role in promoting and supporting the preparation, process as well as implementation of National Dialogue process. The main objective of the paper is thus; to expound the role to be played by Oromia Attorney General Bureau and its respective lower structures in promoting the ongoing Ethiopia National Dialogue.

The paper is organized in to our main parts. The first part deals with conceptual frame work of National Dialogue. The second part of the paper explores reason why Ethiopia planned to conduct National Dialogue, types and phases of National Dialogue, and institutional mechanism for Ethiopia National Dialogue process. The third part of the paper focuses on discussing the role of Oromia Attorney General Bureau and their lower structures in promoting and supporting the ongoing Ethiopia National Dialogue at Regional level. At last the paper winds up with conclusion and recommendations under part four.

1. Conceptual Framework of National Dialogue

National Dialogue is a peace building mechanism that can be used to bring together diverse stakeholders/state and non-state actors/ when political institutions and government system

¹The Ethiopian National Dialogue Commission Establishment Proclamation, Proclamation No.1265/2020, Negarit Gazette, 28th Year, No.5 See paragraph one.

²id.

³id, Art.6.

have essentially collapsed, been delegitimized or when the survival of a government in the power is in question.⁴ Other literatures defines National Dialogues as, a nationally owned political processes aimed at generating consensus among a broad range of national stakeholders in times of deep political crisis, in post war situations or during far-reaching political transitions.⁵ From these two definitions, we can understand that, the conceptual frame work of National Dialogue based on the objectives that National Dialogues aims to meet and its nature. National dialogue may focus on specific objectives or on broad-based change process.⁶

In the Proclamation adopted to establish the Ethiopia National Dialogue Commission Proclamation No.1265/2021, national dialogue is defined under Art 2(3). Accordingly, National Dialogue as a serious of “consultations of different bodies facilitated by the council of commission”.⁷ It is clear from this definition that, in Ethiopia National Dialogue is the process through which actors make discussion on fundamental national issues openly and ensure national consensus in the nation. National dialogue aims at identifying the differences of opinions and disagreements among various groups, political elites and opinion leaders as well as segments of society on critical national issues.⁸. Thus, for Ethiopia, National Dialogue is the process that helps to resolve these differences and lessens disagreements. Mechanisms of addressing major National issues in Ethiopia are through broad based inclusive public dialogue according to this proclamation. Moreover, the proclamation says the dialogue process is facilitated by the National Dialogue Commission which is an impartial and independent Organ of the Federal Government established for this purpose.⁹ Therefore, in context of Ethiopia, National Dialogue is serious of consultations that involve various stakeholders with the intent of bringing contentious issues to the table and discuss them to reach consensus.

⁴IPT /2017/ What Makes and Breaks National Dialogues: Briefing Note; Available at [https:// peace maker.un.org/sites/peace maker Report -What- Makes-Breaks- National - Dialogue.pdf](https://peace maker.un.org/sites/peace maker Report -What- Makes-Breaks- National - Dialogue.pdf) cited in Constructive National Dialogue in Zimbabwe accessed 17 February 2023.

⁵Berhof Foundation.(2017), National Dialogue Hand Book , A Gulbid e for Practitioners, Berline pp. 21 .

⁶id .

⁷ Proclamation No.1265/2020 Art.2(3).

⁸ See also preamble of Proclamation No.1265/2021.

⁹id, Art.4.

2. The Ethiopia National Dialogue

Following the down fall of Derg, Ethiopia adopted the Federal Constitution.¹⁰ One of the main objectives of the Federal Democratic Republic of Ethiopia Constitution (here after the FDRE Constitution) is to sustain an over lasting peace in the country.¹¹ However, sustainable peace was not acquired as it was planned due to the prevalence of historical and political differences and escalation of conflict in various parts of the country. The prevalence of conflict in turn leads to erosion of constitutional order, grave violation of human rights and absence of rule of law in the country. No serious and genuine attempt has been ever made to resolve these differences and conflict in a comprehensive and inclusive manner. But, now Ethiopia is on the process of launching of its first broad based and inclusive national dialogue as a response to the existing problems and established the National Dialogue Commission which is responsible to facilitate and lead the dialogue process. In the next section, reason why Ethiopia planned National Dialogue, phases and institutional mechanisms of National Dialogues is discussed.

a) Why National Dialogue in Ethiopia?

Ethiopia's Political history is shaped by prolonged conflicts and tensions between force of diverse socio-economic and political ideology and orientation.¹² It also believed that, the only ways to resolve the historic and present-day challenges in Ethiopia is engage in a comprehensive, genuine and inclusive national dialogue.¹³ In order to grapple with major historical and political differences and disagreement, Ethiopia is on the process of conducting a broad- based and inclusive National Dialogue. As we can understand from the preamble of the Proclamation enacted to establish the Ethiopia National Dialogue Commission, the national Dialogue is aimed to resolve difference of opinions and disagreements among various political and opinion leaders and also segment of society.¹⁴ The Dialogue is to solve difference and disagreements on the most fundamental national issues through broad-based and inclusive public dialogue that have the power of engendering national consensus. Moreover, the launching of National Dialogue believed to be bolster culture of trust and

¹⁰ The Federal Democratic Republic of Ethiopia Constitution, Proclamation No.1/1995, Negarit Gazette, 1stYear, No. 1.

¹¹ See also preamble of the FDRE Constitution.

¹²Abdulkedir Adem (PHD), National Dialogue in Ethiopia, Towards Sustainable Peace and Democratic Transition, paper presented for a conference to launch National Dialogue in Ethiopia, August,2020 Addis Ababa pp.1.

¹³id.

¹⁴ See preamble of Proclamation No.1265/2021.

working together in the country.¹⁵ The National Dialogue is also aimed at restoring the degraded social values.¹⁶ Therefore, the main reason why Ethiopia planned to conduct National Dialogue is to pave the way for National consensus and maintaining country's integrity by brings lasting peace. Furthermore, it has the aim of addressing fundamental national issues by alleviating the difference and misunderstanding between various political and ideological leaders and section of society in Ethiopia.

b) Types of National Dialogue

Literatures categorized National Dialogues into two main types based on function they seek to fulfill.¹⁷ It is obvious that, National Dialogues is the mechanism of crisis prevention and management, and also mechanisms for fundamental change. When we see the ongoing Ethiopia National Dialogue in this regard, it seems aimed at resolving political differences and disagreement through broad-based and inclusive public dialogue that engender national consensus.¹⁸ This in turn helps to break political deadlock and re-institute political understanding among various political parts. The National Dialogue also aimed at building culture of trust and working together as well as restoring social values.¹⁹ Redefining societal relation and reframing state society relation is also another aim of the ongoing Ethiopian National Dialogue.²⁰ From this analysis it seems as Ethiopia adopted the second type of National Dialogue. Because, the close reading of the Proclamation for the Establishment of Ethiopia National Dialogue Commission, Proclamation No.1265/2012 reveals Ethiopia's national Dialogue is for the comprehensive peace building and fundamental change. What makes the ongoing Ethiopia National Dialogue comprehensive is that, its priority areas. The priority area according to the proclamation is resolving differences and disagreements on the most fundamental national issues so as to bring national consensus.

c) Phases of National Dialogue

Literature identified any National Dialogues passes through three successive phases: preparation, process and implementation.²¹ Like any other National Dialogue, the ongoing

¹⁵id.

¹⁶id.

¹⁷Blunck, M. et al (2017),*National Dialogue Hand Book: A Guide for Practitioners*. Berline: Berghof Foundation Operations GmbH pp.21.

¹⁸See preamble of Proclamation No.1265/2021.

¹⁹id.

²⁰id, Art.6(3).

²¹Supra note No. 18 pp.21.

Ethiopia National Dialogue is also passes through these three successive phases. Thus, in the next paragraph we will examine each of these phases in Ethiopian context.

Preparation Phase: - Normally the preparation phase began with initiating the National Dialogue process itself. In this regard, Ethiopia set initiation of National Dialogues by adopting a system for the facilitation of national dialogue process on one hand, and established institution that facilitate and leads the Dialogue process on the other.²² The adoption of law for the establishment of Ethiopia National Dialogue Commission proceeded with the appointment of members of Commission.²³ The powers and duties of the Commission are also outlines under this establishing law.²⁴ Established Commission is responsible to establish committees and team of experts that will facilitate and implement dialogues and conduct studies and generate recommendations.²⁵ So, as far as preparation phase is concerned, Ethiopia enacted laws that create an enabling environment for the commencement of the dialogue process on one hand, and established institutions that are responsible for facilitation and leading of the Dialogue process along with their respective duties and responsibilities show the preparation phase through which Ethiopia National Dialogue pass.

Process Phase: - The process phase is the phase that came next to preparation, and considered as the formal National Dialogues phase. This phase of National Dialogue characterized as public phase. Jobs done at this process phase of national Dialogue include among others ; setting agenda, finding a trusted and credible convener, determining parts size, selecting parts, setting guidelines and rules. This phase of National Dialogue is characterized by public engagement. The close look of Proclamation No.1265/2012 show most of the process phase of Ethiopia national Dialogue lead and facilitated by National Dialogue Commission.²⁶

Implementation Phase: - This is the last phase of National Dialogue and the phase at which outcomes of process phase are implemented /enforced/. It is the phase of the National Dialogue in which decision made at the time of negotiation has been implemented. Therefore, the outputs of National Dialogue documented during public consultation turn into reality at

²²Proclamation No. 1265/2012.

²³id, Art.7, Proclamation under Art.7 clearly states structure of the Commission.

²⁴id, Art.9, In addition to providing the structure of the Commission, Proclamation also provided the detailed powers and responsibilities of the Commission.

²⁵id.

²⁶Id Art.9.

this phase. As provided under Art. 9/11/ of national dialogue establishing proclamation it is the responsibility of government to prepare clear and concert action plan for the implementation of outcomes of National Dialogue.²⁷ What expected from National Dialogue is providing support to government.

3. Institutional Mechanisms for National Dialogue in Ethiopia

Identifying the aims and objectives of National Dialogue alone is not enough to conduct successful National Dialogue. Rather, there has to be institutions in charge with sets of duties and responsibilities of facilitating, coordinating and leading the Dialogue process. It is believed that, the existing institutions are unable to re-solve major issues at hand. As a result, most of the National Dialogues can take place outside of the existing institutions of government.

In this regard, through enabling act Ethiopia established the National Dialogue Commission which is responsible to lead and facilitate the National Dialogue process.²⁸ In addition to establishing the National Dialogue Commission, it also identified its mandate, structures, rules and procedures.²⁹ The initial step of National Dialogue includes establishing the institution and defining their powers and duties. Therefore, Ethiopia National Dialogue Commission has the leading and facilitating role.

Government is also another institutional mechanism of National Dialogue. The role of government began with allocating budget for National Dialogue Commission.³⁰ Government is also responsible to provide support to the National Dialogue Commission. The government is also responsible in preparing clear and concert plan for the implementation of outcomes of National Dialogue³¹. As a result, government is responsible to prepare clear and concert National Dialogue implementation plan.

4. The Need to Promote the Ongoing Ethiopia National Dialogue: The Role of Oromia Attorney General Bureau

It is clear that the final goal of ongoing Ethiopia National Dialogue is to achieve sustainable peace, stability and justice in the country through broad based and inclusive public Dialogues. This National Dialogue process is nationally owned and led mechanism and a

²⁷id, Art.9&11.

²⁸id.

²⁹id.

³⁰id, Art.27(1).

³¹id, Art.9 (7).

means of advancing social solidity and stability. The Proclamation Establishing Ethiopia National Dialogue Commission under its Art.2 (3) and Art 9 (5) provides as National Dialogue to be conducted in federal and state levels. From this we understand that, consultations are going to be conducted not only at Federal level but also at territories over which Regional Government's exercise their powers or perform government duties. The Oromia Regional State (here after the Regional state) is one of the state in which National dialogue is going to be conducted. Therefore, the support of Regional justice institutions in General, and that of Oromia Attorney General Bureau³² and its lower structures in particular is vital for the success of the national dialogue in the Regional State.³³

4.1. Why Support National Dialogue?

It is believed that, the ongoing Ethiopia National dialogue will resolve conflict arising from fundamental national issues through consensus. As this National Dialogue aimed at finding common and shared solution to the Ethiopia problems, the Regional State's justice institutions need to support the dialogue process. Oromia Attorney General Bureau is one of the Regional Justice institutions that need to take positive actions for the success of dialogue in the Region State. The supporting role of Oromia Attorney General Bureau and its lower structures emanates from various aspects of the ongoing Ethiopia national dialogue itself. To put differently, there are so many strong policy reasoning for the Oromia Attorney General to promote and support the ongoing Ethiopia national dialogue. These reasons are includes:

i) Nationwide Reform Aspects of National Dialogue

Following youth protest from 2016-2018 in Ethiopia, the new government who call itself reformist came to power in 2018. Many promising reforms were taken by this new administration. One of the promised reforms is initiating a broad-based and inclusive national dialogue as a mechanism of political transformation in Ethiopia. For that matter at the end of 2021, the Federal law making organ, the House of peoples Representative, enacted law that institute legal system for the facilitation of national dialogue process on one hand and established institutional framework for coordination and leading of deliberation throughout the country.³⁴ Even though the National dialogue is initiated as political reform initially, it will later be translated to legal reform by adopting legal framework for the

³²As per Proclamation No.214/2019 Oromia Attorney General while as per Proclamation No.242/2020 Oromia Attorney General Bureau .

³³For the purpose of this paper Oromia Attorney General Bureau connotes Oromia Attorney General at Regional and its lower structure to the woreda levels.

³⁴Proclamation 1265/2021.

facilitation of national dialogue process. Once the reform turned into language of law, working for its proper implementation in the Region is the main duties of Oromia Attorney General Bureau and its lower structures³⁵. Therefore, once formalized mandates are given to the National Dialogue Commission, it is the legal responsibility of Oromia Attorney General Bureau and its lower structures to work for the implementation of legal system on one hand, and support for the realization of the mandates of Commission in the Regional State on the other and hence support for the success of national dialogue.

ii) Nature and Extents of Problems Planned to be Solved by the National Dialogue

In terms of object, the ongoing Ethiopia national dialogue is aimed at solving nationwide political, social, economic and cultural problems. It is obvious that, the problems which are going to be solved by this national dialogue touched everybody and every institution in Ethiopia including Oromia Attorney General Bureau and its respective lower structures. It is also the matter of fact that, one who is part of problem is also necessarily part of the solution. So, to become part of the solution, Oromia Attorney General Bureau and its lower structures needs to promote and support the proper implementation of legal system for the facilitation of national dialogue process on one hand, and institutional framework for the coordination and leading of public dialogue process on the other hand particularly for the success of national dialogue in the Region.

iii) Powers and Duties of Oromia Attorney General Bureau

Oromia Attorney General Bureau is one of the Regional justice institutions established by Proclamation No.214/2019.³⁶ This institution is structured at Zonal and Woreda level as Zonal and Woreda Attorney office. The powers and duties of Oromia Attorney General and their lower structure have been enumerated under Art 7 of the establishing Proclamation.³⁷ Among others: ensuring the prevalence of constitutional order, safeguarding rules of law and ensuring respect for the Citizen's fundamental human rights are the main duties and responsibilities of Oromia Attorney General Bureau and its lower structures.³⁸ It is clear that,

³⁵Proclamation Enacted to Define the Powers and Duties of Oromia Attorney General Proclamation No. 214 /2019 under Art. 7 (4) provided as Oromia Attorney General is responsible to follow the proper implementation of laws. Here laws includes law enacted by Regional law making organs as well as Laws enacted by Federal government having nationwide applicability.

³⁶The Proclamation to Establish the Oromia Attorney General Proclamation No. 214/2019.

³⁷id, Art. 7.

³⁸id, Art. 7(1)(7).

the powers and duties of Oromia Attorney General Bureau itself necessities the promotion and supporting of the ongoing National Dialogue in the Region hence at national level. The function of Bureau per establishing law is to realize similar and compatible duties that align with goals that the ongoing Ethiopia National Dialogue wants to achieve. It is clear that the Bureau to discharge its duties and responsibilities such as ensuring sustainable peace and security in the Region it needs to work on peace which also aligns with this national dialogue. For this reason, the Oromia Attorney General Bureau and its lower structures has to take the ongoing National Dialogue as golden opportunity and make positive contribution for its success. In addition, the Oromia Attorney General Bureau is chief legal advisor and representatives of Regional Government on the matters of law.³⁹ For that matter, Bureau is responsible in advising the Regional Government on matter concerning proper implementation of legal framework enacted for the facilitation of national dialogue process hence for the success of national dialogue in the Region. Thus, in the next section of the paper we will discuss the role to be played by Oromia Attorney General Bureau in promoting the ongoing National Dialogue.

4.2. Creating Awareness and Providing Advocacy

As part of political reform, Ethiopia initiated a broad-based and inclusive National Dialogue with view to prevent and resolve conflicts and crisis in the country. As per the FDRE Constitution the Federal law making organ enacted Proclamation Establishing Ethiopia National Dialogue Commission which is responsible to lead the deliberation throughout the country.⁴⁰ Even though the Proclamation under its Art 4(1) mentioned the Commission as independent and impartial federal government body, most of the Commission's jobs are at Regional levels. This means the Commission coordinates and leads most of its deliberation work at boundaries in which Regional Governments exercises their authority and perform public functions. This makes the Regional States the main avenues of National Dialogue process to be launched at Regional levels. Through this National Dialogue process, the peoples and other entities living in the region voice their needs, rights and concern. Therefore, the Oromia Regional State government is required to play its label best to enables the Commission to discharge its mandates outlined under the Proclamation on one hand, and

³⁹id, Art.7(5).

⁴⁰The FDRE Constitution Art.55 (1) & Proclamation To Establish Ethiopia National Dialogue Commission No. 1265/2021.

work for the effective implementation of system for the facilitation of national dialogue process in the Region on the other.

However, in order to effectively promote and support the national dialogue process, the Regional government's structures existing at all level has to have deep understanding of legal system instituted to facilitate national dialogues process including among others: design, principles, phases and rules and procedures of decision-making in national dialogues process on one hand, and institutional frameworks for the deliberation of national dialogue process on the other. This in turn helps the Regional Government structures at all level to internalize the objectives of national dialogue. So, Oromia Attorney General Bureau and its lower structures has to create awareness on these fundamental system of National Dialogue process in order to enables structures of Regional government existing at all levels to provide support for national dialogue process to be launched in the Region based on knowledge and understanding. Because, good understanding of system for launching of national dialogue help the government structures to be abide by rules and procedures of national dialogues.

Moreover, as mentioned earlier, Ethiopia initiated national dialogue as political reform at the end of 2021 and the Ethiopia Parliament adopted the initiative to a law translating the reform to law thereby establishing institutional framework of national dialogue for the facilitation of national dialogue process. Furthermore, Proclamation Establishing Ethiopia National Dialogue Commission under its Art. 2(3) say public dialogue is carried out at Federal as well as at Regional levels. Therefore, Regional States in which the national dialogue is going to carried out needs to have strong interest on fundamental national issues to be discussed and decided by national dialogue process. This is not exceptional for Oromia Regional State. In this regard, Oromia Attorney General Bureau as one of the chief advisor and representative of Regional Government on matters of law has to provide necessary legal advice to the Regional government on the effective implementation of legal system instituted to facilitate the national dialogue process.⁴¹ On top that, Oromia Attorney General Bureau while consulting and advising Regional Government on ongoing national dialogue process has to focus on the following areas, the areas which are essential for the Commission to discharge its mandates outlined under its parent legislation and hence assist the success of national dialogue process.

Political Will: - It is the matter of fact that, in Ethiopia establishment of independent institution and legal system for facilitation of National Dialogue process alone is not enough

⁴¹id, Art 7(5).

for the success of national dialogue. Rather, there must be conducive political environment. When we see the political environment in which the ongoing Ethiopia national dialogue has been initiated, it is full of tension. This kind of divisive political atmosphere itself necessitates having of strong political willingness on the part of government for trust-building which is essential for the success of national dialogue. As a result, the Oromia Regional State needs to have strong political commitment by making all its structure open its doors for national dialogue to be conducted in the country in general and Oromia Regional State in particular for a better political transition and lasting peace. This is because of importance of opening wide space that enables conducting of national dialogue at Regional level to bring fruitful outcomes of national dialogue.

For that reason, the Regional State required to ensure the political commitment in the Region is one that enables the Commission to discharge its mandate effectively. Therefore, by avoiding any violent conflict, the Oromia Regional State has to create enabling environment for the launching of successful national dialogue. In addition, the Regional State needs to conduct analysis of local circumstances and identify condition that constraint the launching of national dialogue and work towards halting of such conditions. Therefore, Oromia Attorney General Bureau needs to advise the Regional Government on the level of political willingness that Regional Government's needs to have for the success of national dialogue process in the Region. It is important to mention here the Bureau's consultation with Regional Government on political willingness is essential for the Government to support the success of national dialogue on the base of concert strategic action and moving forward by making National dialogue the priority agenda of the Regional Government.

Local Ownership: - As we can understand from its name, the national dialogue is the conflict resolution mechanisms that owned and lead nationally. Its whole process was carried out at national and local scale and address national issues. In Ethiopia too, though the national dialogue lead and facilitated by independent and impartial institution that is the Ethiopia National Dialogue Commission, its implementation shaped and designed by the national and local stake holders. Due to this nature of national dialogue having a defined and strong sense of national as well as local ownership and genuine engagement among government and state institutions is essential to conduct successful national dialogue in Ethiopia. It identified that, strong sense of ownership over national dialogue would increase public support, create high perception of legitimacy of national dialogue process and increase

chance of implementation of findings and outcomes of national dialogue. The Proclamation enacted to establish National dialogue Commission Proclamation No.1265/2021 under its Art 3 outlines among others the roles that attorney general could play which includes, public participation, legitimacy and implementation as core principles of Ethiopia National dialogue. In this regard, the Oromia Regional state government has to accept the ongoing national dialogue as instrument for resolving differences and disagreements at National level in general, and its respective Region in particular. In the process of building trust on the dialogue in the region, attorney general need to work on the sense of belongingness saying “this dialogue is our dialogue” and should also work on identify key conflicting issues in the Region and promote discussion. Therefore, Oromia Attorney General needs to consult with Regional Government on sense of belongingness the Regional government needs to have on national dialogue and work for its success.

Public Information and Outreach: - Generally speaking, the success of national dialogue is predicted on strong public support, which makes public information and outreach key elements of the process. Through public information that the participant can informed and follow the process. In this regard, the Ethiopia national dialogue makes public participation one of its pillars.⁴² On the other hand, the defined public support and participation depend on public information, good communication, and mechanism of engagement which affect the level of transparency and understanding of the process. For this purpose, Oromia Attorney General Bureau needs to advice Regional Government on manner of public information and communication through media and government communication. Because, public aware of the process, the proceeding and update as to any development can engage in the dialogue process work for the success of national dialogue. Moreover, Bureau needs to advice the Regional Government to inform public through media and government communication after every important steps of national dialogue process.

Logistical and Security Related Support: - As Commission deals with public at local level, supporting it with necessary logistical support is vital for the work of commission. It enables the Commission to fulfill objectives stated in the mandate. The support may include among others; accessing Commission to necessary logistics like conference hall, tables, transport etc. In addition, the Regional State needs to provide necessary guarantee for the Commission’s personnel to perform their responsibilities in the Region accordingly without any security fear

⁴²id, Art.3.

so that, deliberation carried out in a continuous and sustained manner without any security problems. In addition, Proclamation No.1265.2021 under Art 31 obligated everyone to cooperate with the Commission to answer any legal questions that enables the Commission to discharge its mandate. Therefore, Oromia Attorney General required advice Regional state to provide necessary logistical support, security related and other necessary cooperation needed from Regional Government by Commission for the sake of discharge its mandate outlined under enabling law.

However, the support provided to the Commission by Regional State has to be only from the context of demand for the success of national dialogue process in the Region. Therefore, Oromia Attorney General Bureau while advising the Regional government on matter relating to support of ongoing national dialogue, it needs to draw redlines in areas where Regional Government should not cross that interfere in commission's mandate and affect impartiality and independence of the Commission since extra involvement affect legitimacy and credibility of the whole process. Therefore, Regional State while working for the success of national dialogue needs strike the balance between the need to support the Commission and national dialogue by keeping and independence and impartiality of the Commission on one hand, and hence the legitimacy and credibility of the national dialogue process on the other.

4.3. Public Education and Consultation

For the success of national dialogue public education and consultation is vital as it informed and prepare the public for participation. On the other hand, for genuine public participation in national dialogue, familiarizing the public with aims, objectives, scopes and process of national dialogue process and work for its success is essential. One way of informing all categories of actors of National Dialogue including society at large about the aims, objectives, scope and procedures is through public education. On the other hand, as per the Proclamation enacted to Establish Oromia Attorney General Proclamation No.214/2019, the Oromia Attorney General is responsible in providing public legal education with a view to raising the public legal consciousness.⁴³ Thus, Bureau and their lower structures are required to provide awareness aiming at increasing the level of awareness of community on the aims and objectives of law enacted to facilitate National Dialogue process in Ethiopia. Moreover, the Bureau is required work towards creating awareness about role of peace building through

⁴³Proclamation No.214/2011 Art.7(33).

national dialogue in ensuring sustainable peace, stability and justice in the country in general and Oromia Regional state in particular.

In addition, not only public education but also public consultations or public engagement is vital for the success of National Dialogue. Public consultation is mainly done through collecting of comments, and suggestions, and engaging in public discussions on the presented agenda. Generally, the Oromia Attorney General required to aware the vision of National Dialogue in ensuring constitutional order, respect for human rights and safeguarding of rules of law in the Region.

Moreover, public awareness and education enables public to involve in the dialogue in better manner and protect their best interest. Therefore, based on the enabling law Oromia Attorney General needs to increase levels of consciousness of general public about National Dialogue and encourage them to actively participate in the process. Public awareness and education also educate new concept and idea about objectives, aim and scope of National Dialogue. Public education and awareness is also vital for the implementation of outcomes of National Dialogue.

4.4. Legal Auditing

Having comprehensive laws that are relevant for conducting National Dialogue by itself cannot be guaranteed the success of National Dialogues process. There must be effective enforcement mechanisms. Thus, it is important to assess the proper implementation of laws enacted to create favorable condition for the commencement of National Dialogue. The Oromia Attorney General Bureau and its lower structures needs to assess whether or not the laws enacted to conduct National Dialogue is implemented in the Region in manner of meeting objectives for which it have been enacted. To put differently, Oromia Attorney General has to conduct legal auditing by researching on the level of implementation of legal frameworks enacted to regulate the effectiveness and proper application of National Dialogue process as well as identification of practical gaps along with possible recommendations. Therefore, it is important for the Oromia Attorney General Bureau to consider whether the enacted to facilitate the national dialogue process is currently being enforced effectively, and if not, why this is the case and what measures can reasonably correct the situation.

4.5. Supervising and Follow-up of Implementation of Outcomes of National Dialogue

It is the matter of fact that, a dialogue process alone will not solve the problems of the country. Rather, effective implementation of the dialogue's out comes is needed. The

effective implementation of outcomes of national dialogues mainly had to be done through inclusion of the outcomes in the policies and strategies. Proclamation establishing National Dialogue Commission imposes duties on the government to prepare clear and concert plan for implement of recommendation arising from National Dialogue.⁴⁴ So, as one of the Regional justice institutions Oromia Attorney general required to actively participate in the preparation of action plans that enables to implement outcomes of National Dialogue at the Regional level. The Bureau is also responsible to advise the Regional Government on the level of public consultation and discussion needed during the drafting of plan to implement findings and outcomes arising from national dialogue process. Because, like dialogue itself the drafting and implementation of plan has to be participatory enough and peoples has to be represented well. They need to discuss and come into consensus on how to implement recommendations arising from national dialogue process.

On the other hand, research revealed that, while most of the national dialogue studied reached agreements, but half of the case failed to implement those agreements or only implemented to the required degree. From this we understand that, the implementation of findings and outcomes of the national dialogue to the required degree requires suitable implementation policies and institutional framework. So, the Oromia Attorney General in collaboration with Regional Government can prepare policy, strategies and suitable institutional framework help for the proper implementations of findings and outcomes of national dialogue. Moreover, implementation phase of national dialogue needs to be backed by accountability mechanism. Therefore, Oromia Attorney General Bureau needs to work in collaboration with concerned stakeholders in developing the accountability mechanism that obligates actors and groups involving in the national dialogue to be bound by what has been agreed during dialogue process.

5. Conclusion and Recommendation

It is identified by this paper that, Ethiopia is going to conduct its nationally owned national dialogue in near future. The ultimate goal of this National Dialogue is to resolve difference of opinions and disagreements with view to ensuring security, stability and unity in the country. The success of this National dialogue among others; requires the support of justice institutions existing at Federal as well as Regional level. Therefore, Oromia Attorney General which is one of the formal justice institutions in Region has a particular important role to play

⁴⁴ See Proclamation No.1265/2012 Art.9(11).

in this regard. It requires adopting positive strategy that helps to promote the commencement of National Dialogues process at Regional level.

It is also identified that, the success of National Dialogue really benefit the Oromia Attorney General Bureau and its lower structures by creating favorable conditions to discharge its main legal duty of ensuring constitutional order protecting human rights and safeguarding rules of law provided under laws defining its powers and duties. Therefore, based on extents of problems planned to solve by ongoing National Dialogue, nature of the ongoing Ethiopia National Dialogue and its powers and duties, this paper recommend the Oromia Attorney General Bureau and its lower structures to take the following positive actions so as to contribute for the success of ongoing National Dialogue.

- It is identified that National Dialogue Commission facilitate and leads deliberation throughout the country. In this regard, Oromia Regional State is one of the Region in which the ongoing national dialogue is going to be carried out. For that matter, the Oromia Regional State required to create conducive environment for the effective launching of national dialogue. To effectively conduct national dialogue on the other hand, requires having of great political willingness and strong sense of local ownership. Thus, as chief advisory and representative of Regional Government on the legal matter, Oromia Attorney General Bureau required advising the level of political commitment and sense of belongingness required from Regional Government for the proper implementation of legal framework enacted for the facilitation of national dialogue in the Region. This can be done through continuous consultations with various structures of the Regional Governments.
- Communicating with public and stakeholders about the progress of national dialogue is essential to retain confidence on the process. It is also vital for genuine public participation in the national dialogue process. Thus, the Regional State is required promote and support the ongoing national dialogue through public education and outreach by using its media and government communication. Therefore, Oromia Attorney General Bureau required to advise the Regional Government on the strategic plan to disseminate information regarding national dialogue process to the public and other stakeholders using state owned medias and government communication apparatus.

- At the first place, the structures of Regional State are needs to have deep understanding of national dialogue. Thus, it's the duty of the Oromia Attorney General Bureau to creating awareness on aims, objectives, process, principles, phases and scope of the dialogues' process for all structures of the Regional Government.
- Even though duty to provide logistical support to National Dialogue Commission fall on the shoulder of Federal Government, logistical and security related support to be provide by Regional State for the Commission is still essential for the success of national dialogue. Thus, the Oromia Attorney General requires providing advice for the Regional Government on the necessary logistical and security related support.
- Public education and consultation is vital in informing and preparing the public for genuine participation in the ongoing national dialogue. It also laid the foundation for the legitimacy of the national dialogue process. Therefore, as part of legal duty of providing legal education, the Oromia Attorney General Bureau has to engage in public education and consultation so as to increase the level of consciousness of public about national dialogue and collect useful comment; suggestion and recommendations help for the success of National Dialogue.
- Enacting laws that create an enabling environment for National Dialogue alone is not enough for the success of the Dialogue. Rather, appropriate step should be taken to ensure the proper implementation of law enacted to facilitate the national dialogue process. Therefore, Oromia Attorney General Bureau has to conduct legal auditing by researching on the level of implementation of legal frameworks enacted to regulate the proper National Dialogue process and identify the practical gaps along with possible recommendations.
- The successes of National Dialogues depend not only on the extent of agreement reached, but also extent of turning into reality of recommendations arising from National Dialogue process. Preparation of clear and concert plans is core for ensuring implementation of outcomes of National Dialogue. Therefore, Oromia Attorney generally has to come at forefront in participating in the preparation of clear and concert plan of actions enables the proper implementations of outputs of National Dialogues in the Region. In addition, Oromia Attorney General required to identify factors that undermine the proper implementation of dialogue outcomes and forward possible lay out.

- Lastly the success of National Dialogues process requires strong institutional coordination. Therefore, Oromia Attorney General has to work in close collaboration with all concerned bodies in general and National Dialogue Commission in particular for the success of ongoing National Dialogue.

The Role of the Siinqee Institution of Oromo Women in Ethiopian National Dialogue

Sultan Abdo***

Abstract

National Dialogue has been used to address issues of national concern, typically longstanding causes of conflict that have been brought to the fore by political protest or armed insurrection. They have reduced violence by transferring grievances voiced from the street into formalized processes. Historical analysis demonstrates that procedural fairness and inclusivity are key features of national dialogues that are successful in transitioning toward lasting and sustainable peace. For national dialogue to contribute meaningfully to political transformation and peace, it should be an inclusive, broad, and participatory. It should particularly include those representing wider constituencies such as women. This study seeks to introduce the role of the traditional Siinqee institution of Oromo women, a parallel institution to the Gada system, in Ethiopian national dialogue. Studies revealed that the Siinqee institution has enabled Oromo women to protect themselves against any form of violence and maintain their economic, social, cultural, and political rights. Women used the institution effectively as a weapon to fight against violations of their human rights and fundamental freedom by their husbands. The institution also serves as a conflict resolution body in the community. The general objective of this study was to critically examine the role of Siinqee Institution of Oromo Women in the Ethiopian National Dialogue. The study employed review of legal, historical and cultural literatures. The results suggest that the Siinqee institution play important role in nurturing indigenous conflict resolution along with their representation. It argues that the Siinqee institution, if properly integrated in the process and result of Ethiopia National Dialogue, plays important role as an initiator, a facilitator, a mediator, a participant and reconciliatory body.

Keywords: *indigenous conflict resolution, the Siinqee Institution, Oromo Women, national dialogue, Ethiopia*

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Introduction

National Dialogue has been used to address issues of national concern, typically longstanding causes of conflict that have been brought to the fore by political protest or armed insurrection.¹ It is a peace building instrument which seeks to build trust and confidence among national actors, foster inclusive participation, and promote consensus on key political, economic, and social measures during periods of political transition.² It has reduced violence by transferring grievances voiced from the street into formalized processes.³ National Dialogue therefore has mandates that include political reforms, constitution-making, and peace building. Procedural fairness and inclusivity are key features of national dialogues that are successful in transitioning toward lasting and sustainable peace. According to Haider, the success of national dialogues can depend in large part on finding the right equilibrium between efficiency and inclusiveness.⁴ Inclusive National dialogue should particularly include those representing wider constituencies in the society such as women.⁵ Inclusiveness should be manifested during different phases, including preparation, negotiation, and implementation stages. The Berghof Foundation also argued that an inclusive dialogue would contribute to the breadth, representativeness and legitimacy of settlement and can lead to “greater ownership of the peace agreements.”⁶ In general, inclusiveness ensures the legitimacy and credibility of a national dialogue. It provides an opportunity for all stakeholders to own, protect, and promote the ideals and decisions of the process.

Ethiopian government has made a crucial move to initiate a national dialogue by establishing National Dialogue Commission through proclamation with a mandate of facilitating "an inclusive dialogue and reconciliation process that would heal wounds, build a consensus on key issues and help the country to solve its complex problems."⁷ According to the

¹ Paffenholz, T. et al (2017), *What makes or breaks national dialogues? Geneva: The Inclusive Peace & Transition Initiative (IPTI)*. <https://www.inclusivepeace.org/sites/default/files/IPTI-Report-What-Makes-Breaks-National-Dialogues.pdf>.

² Xin G. et al, “*Understanding National Dialogue*” Columbia University School of International and Public Affairs (SIPA) p.16.

³ Paffenholz et al, *supra* note 1.

⁴ Haider, H. (2019), *National dialogues: lessons learned and success factors. K4D Helpdesk Report, Brighton, UK: Institute of Development Studies.*

⁵ Paffenholz et al, *supra* note 1 & Xin G. et al, *supra* note 2, p.17.

⁶ Berghof Foundation (ed.), *Berghof Glossary on Conflict Transformation, 20 Notions for Theory and Practice*, Berlin: March 2012, http://www.berghoffoundation.org/fileadmin/redaktion/Publications/Books/Book_Glossary_Chapters_en/glossary_2012_coplete.pdf.

⁷ The Ethiopian National Dialogue Commission Establishment Proclamation No. 1265/2021 Articles 4 & 6.

proclamation, the national dialogue's main objective is to resolve the difference of opinions and disagreements among various political and opinion leaders and also segments of society in Ethiopia on the most fundamental national issues through broad-based inclusive public dialogue that engenders national consensus.⁸ For Ethiopians, this is an opportunity to chart a new path for peace, political tolerance, national unity, political and economic equality and a shared Ethiopian destiny. The proclamation also incorporated inclusivity and using national traditional knowledge and values as one of the main principles of the Ethiopian National Dialogue.⁹ In this regard, to conduct credible inclusive national dialogue, integrating institutions those representing wider constituencies such as women and using indigenous knowledge of conflict resolution is crucial.

This study seeks to introduce the role of the traditional Siinqee institution of Oromo women, a parallel institution to the Gada system, in Ethiopian national dialogue. Studies revealed that the Siinqee institution has enabled Oromo women to protect themselves against any form of violence and maintain their economic, social, cultural, and political rights. Women used the institution effectively as a weapon to fight against violations of their human rights and fundamental freedom by their husbands. The institution also serves as an indigenous conflict resolution body in the community.¹⁰ While several studies have examined the role of Siinqee Institution in protecting women from any form of violence and maintaining their economic, social, cultural, and political rights, their role in national dialogue is not discussed yet. Therefore, this study is a new contribution to the literature in this area and, it is hoped, to an emergent debate. The general objective of this study was to critically examine the role of Siinqee Institution of Oromo Women in the Ethiopian National Dialogue. It specifically examines its role during preparation, negotiation, and implementation stages of Ethiopian National Dialogue. For this purpose, the study employed review of legal, historical and cultural literatures. The results suggest that the Siinqee institution can play important role in nurturing indigenous conflict resolution along with their representation. It argues that the Siinqee institution, if properly integrated in the process and result of Ethiopia National Dialogue, should play important role as an initiator, a facilitator, a mediator, a participant and reconciliatory body.

⁸ The Proclamation, *supra* note 7, see the preamble.

⁹ *id.*, Article 3 (1) (a).

¹⁰ Dirribi Demissie Bokku (2011), *Oromo Wisdom in black civilization*, Finfinne printing and publishing S.C., Finfinne p.174.

This study helps the national dialogue commission to understand clearly the role of the Siinqee Institution of Oromo women and integrate it to Ethiopian national Dialogue so that they can play their role in all phases of national dialogue using indigenous knowledge. It is also important for the Siinqee institution to participate in national dialogue and play its role for the success of national dialogue and ensure the protection of women's rights.

This study has four sections. The current section introduces and sets background of the study and identifies the research methodology. Section two is about review of related literature. It discusses theoretical evidences about the Siinqee Institution in the Community. It focuses on historical development and purposes of the Siinqee Institution of Oromo Women. Section three focuses on the role of Siinqee Institution in Ethiopian National Dialogue. It particularly examines the role of siinqee institution during the preparation, negotiation/process/, and implementation stages of national dialogue. Finally, section four deals with the conclusions and recommendations.

1. Review of Related Literature

1.1. Historical Development of the Siinqee Institution

The Oromo people are the largest single ethnic-nation group in Ethiopia today, constituting about 40% of the population in Ethiopia.¹¹ Oromo society is very rich and diverse in culture, history and legal traditions. They speak Afaan Oromo (the language of Oromo), which belongs to the Eastern Kushitic family of Afro-Asiatic phylum. Afaan Oromo is one of the most widely spoken languages in Africa, next to Arabic and Hausa Fulani.¹²

Historical evidences indicated that the period between 16th and 19th is a great turning point in Oromo history.¹³ During this period, the Oromo people were organized socially and politically using the Gada system (Oromo democracy) to promote their wellbeing and to maintain their independence. It is beyond the scope this paper to discuss the Gada system in its full scale. Rather, I will describe it shortly and show the place of women within the system.

According to Hiney, Gadaa is generally defined as an indigenous socio-political democratic system of the Oromo people that regulated political, economic, social, cultural, moral, and the

¹¹Jeylan W. Hussein, *A Cultural Representation of Women in The Oromo Society*, African Study Monographs (2004), 25(3): 103-147, p.104.

¹²*id.*

¹³Asafa Jalata, *Gadaa (Oromo Democracy): An Example of Classical African Civilization*, The Journal of Pan African Studies (2012), Vol.5, No.1, pp.130-131.

religious aspects of the society.¹⁴ The Gadaa broadly encompasses the social, political, economic institutions of Oromo people. The system *has* three interrelated meanings of Gadaa. Firstly, it is an age-grade system that divides the stages of life of individuals, from childhood to old age, into a series of formal steps.¹⁵ According to this division, there are eleven age groups, based on eight-year increments.¹⁶ Each age group was associated with various roles, privileges and responsibilities. In Gadaa system, both male and female who attained the fourth age group were considered as a matured group for social responsibilities. Secondly, Gadaa is a period of eight years during which elected officials remain in power. In other words, it indicates the term of eight years for which officials were elected by the people. Thirdly, it is the institution of Oromo society, and is considered as the Oromo ideology or worldview that governed every aspect of Oromo's life. In general, Gadaa is a very huge and complex system that regulates every aspect of Oromo's life.

The Oromo people had their own traditional African religion called Waaqeffannaa, the belief in Waaqa (the supreme God), which is one as a supreme being.¹⁷ According to the Oromo religious philosophy, Waaqa creates all physical and spiritual worlds in the universe and organized them into a well-balanced cosmic order. This interdependence and interconnected relation are generally referred as safuu, something that shall not be interfered. The Oromo believes that society will collapse if the balance between the power of male and female is disturbed. The interdependence of the male and the female is considered a precondition for peace and prosperity in the metaphysical as well as the practical sense. But if this balance is disturbed, it is considered as loss of safuu and seera Waaqa (law and order of the God) which signals the reign of chaos and disaster.

Women have their own role and status in Oromo worldviews. Women have great role and status among Oromo communities as the common Oromo saying goes “the honor of human being is a women (kabajni ilma namaa dubartiidha).¹⁸ Women with Siinqee are considered as

¹⁴ Dereje Hinew (2012), *History of Oromo Social Organization: Gadaa Grades Based Roles and Responsibilities*, *Science, Technology & Arts Research journal*, 1(3), July-Sep 2012, www.starjournal.org.96.

¹⁵ Tadesse Berrisa (2004), *The Pride of the Guji-Ommo: An Essay on Cultural Contact and Self-Esteem*, *Journal Of Oromo Studies*, Vol.11, No. 1&2, p.14.

¹⁶ These are Dabballe (0-8), junior gamme (9-16), senior gamme (foolle) (17-24), kusaa/Raaba/Qondaala (25-32), junior raaba/doorii (33-40), senior raba/gada (41-48), first yubaa (49-56), second Yubaa(57-64), third yubaa (65-72), and gada mojji (73-80).

¹⁷ Jeylan, *supra* note 11, p.104.

¹⁸ Jeylan, *supra* note 11, p.112.

wayyuu (something that is highly sacred/blessed/) in Oromo worldview.¹⁹ Violating the rights of women is considered as breaching safuu and committing sin. According to Dirribi, Respecting safu is one of the five laws of the Gadaa and it is the first law.²⁰

The Gadaa system indicates gender inclusiveness in the administration of early Gadaa governance. In some circumstances, such as in the Siikko Mandoo Gadaa system, women have simultaneous membership of legislature and executive. This is attributing to the nature of the parliamentary system of government's fusion of power. Generally, there is a common saying emphasizing the central role women have in the Gadaa system; "Dubartoota Malee Gadaan guutu hin ta'uu" ("Gadaa is not full without women").²¹ According to Makkoo Billii law, raping an unmarried girl is equivalent to committing intentional homicide on two persons. Concerning general crimes, the penalty for both intentional and negligence is equally applicable whether the victim is a man or a woman. This indirectly guarantees equality before the law. Moreover, the law puts liability on men although a woman contributes to the commission of crime through giving her consent such as consanguinal marriage and adultery.²²

According to the Oromo tradition, women are considered as halagaa (stranger). They were not born into a Gadaa grade; but they were only married into one. As a result, they were not members of the gosa (clan) into which they were born, or the one into which they were married. However, according to the Gadaa law, married women have the right to organize and form the Siinqee sisterhood and solidarity. Accordingly, they had their own female-oriented institution called the Siinqee. Kumsa indicated that the *Siinqee* Institution was given to women by *Gadaa* laws and it was highly respected by the society.²³ Women used to use their *Siinqee* for different religious, social, and economic issues to protect their property rights; to control over sexuality and fertility, to protect their social rights and to maintain religious and moral authority. According to Kumsa, the siinqee is a parallel institution to the *Gadaa* system that "functioned hands in hand with *the Gadaa system* as one of its built-in mechanisms of checks and balances."²⁴ Because women as a group are considered "non-relatives" (halagaa) and excluded from the Gadaa grades, they stick together and count on

¹⁹ Leila Qashu (2016), *Toward an Understanding of Justice, Belief, and Women's Rights: Ateetee, an Arsi Oromoo Women's Sung Dispute Resolution Process in Ethiopia*, p. 90.

²⁰ Dirribi *supra* note 10, p.76.

²¹ Jeylan, *supra* note 11, p.115.

²² Muluken Kassahun (2021), *Gadaa System and Women's Rights: The Role of Oromo Women's Customary Institutions in ensuring the protection of right of women*, Center For the Advancement of Rights and Democracy, p.91.

²³ Kuwee Kumsa (1997), *THE SIQQEE INSTITUTION OF OROMO WOMEN*, Journal Of Oromo Studies.

²⁴ Kuwee, *supra* note 23, p.119& Dereje, *supra* note 14, p.91.

one another through the Siinquee. The siinquee is totally a women's enterprise and actively excluded men. However, it is also part of Gadaa law. Gadaa laws provided for them and Oromo society honors these female ties and sanctions them. It is argued that the Gadaa and siinquee institutions greatly influenced the Oromo value system and helped maintain safuu in Oromo society.

1.2. Definition of the Siinquee

Literally speaking, the siinquee is a stick (Ulee). Ulee is a collective name the Oromo used to refer to those sticks that are purposely cut and fashioned for specific social, cultural and religious functions. According to Kumsa, Siinquee is a decorated stick symbolizing a socially sanctioned set of rights exercised by Oromo women.²⁵ According to Marit Tolo Østebø, the siinquee is a special stick, which a woman who gets legally married will receive on her wedding day.²⁶ And it is viewed as “a woman's weapon”, symbolizing the respect and the power that a married woman has.²⁷ Siinquee is a symbolic decorated stick given by the mother to her daughter upon her marriage. As the mother blesses her daughter in her turn during the blessing ceremony, she holds one end of the siinquee and the daughter holds the other. This indicates the tie between the mother and the daughter on the one hand, and the tie among all women, on the other.²⁸

1.3. The Purposes and Functions of the Siinquee

The Siinquee has varies social, cultural and religious functions. Oromo women use it on various occasions and for different purposes. For example, a woman holds siinquee whenever there is some special event or ceremony. They use the siinquee during the jila (ceremonial occasion) as a symbol of their honor and an indication that they are married.²⁹ Similarly, they touch the property designated for them with the tip of the siinquee to indicate that they owned it. Further, they use siinquee to mobilize jiga (collective labor). Women take their siinquee whenever accidents like over flooding properties by heavy rain, someone's house is caught

²⁵ Kuwee, *supra* note 23, p.115.

²⁶ Marit Tolo Østebø (2009), *Wayyuu – Women's Respect and Rights among the Arsi-Oromo, Proceedings of the 16th International Conference of Ethiopian Studies*, ed. by Svein E. et al, Trondheim, p.1052.

²⁷ *id.*

²⁸ Kuwee, *supra* note 23, p.121.

²⁹ Kuwee, *supra* note 23, p.122.

on fire and destroys his property, *to* mobilize the community to help the person or the group.³⁰

They also use the *siinqee* to perform *araara* (reconciliation). According to traditional Oromo, if there a conflict or war between two groups in a clan or between two clans, and if the women come and stand between the wars together, holding their *siinqee*, the fighting has to stop automatically for the respect of the *siinqee*.³¹ Thus, they will bring peace between the fighting groups. In other hands, if a foreigner comes to fight the people to take their land or their property, the women will raise their *siinqee* and bless their soldiers before they go to defend to overcome their enemy and come back peacefully. So men will not go to war to fight enemy before they receive blessings and prayers from women holding *siinqee*.

Oromo women use *siinqee* sticks on all *Gadaa* institutions, ceremonies as a sign of peace and reconciliation. They use their *siinqee* during *Gadaa* power transfer ceremonies.³² During the power transmission in the *Gadaa* system of the Oromo people, it is the women with the *siinqee* that blesses the persons who takes over the *Gadaa* offices. The newly elected officials walk under the avertedly held *siinqee* sticks (Λ) by women standing in two rows and touching the other tips of their *siinqee* together to receive blessings from *siinqee* women.

One of the duties of women holding *siinqee* is for prayer to *waaqa*. In the *Gadaa* system, women are considered innocent and peace-loving. Women also use the *siinqee* during religious ceremonies. They raise their *siinqee* and pray for women who are sterile. They also use it to pray for children. They pray a barren woman so that she can have a child, they pray for the sick to be healed, they pray for the peace of the people and cattle, they pray for good weather, etc.

To sum up, women use their *siinqee* on varies occasions except on funeral and mourning occasions. Upon the death of the owner, the *siinqee* will be broken into halves and placed on the burial, to indicate the end of the *siinqee*'s function with the end of life's activities. The *siinqee* will have accomplished its mission of guarding *seera Waaq* (*Waaqa's law*)

³⁰ Kuwee, *supra* note 23, p.122.

³¹ Dirribi, *supra* note 10, p.174.

³² Kuwee, *supra* note 23, p.123.

1.4. The Rights and Respects Represented by the Siinqee

A. Symbolizing Honor

In Oromo tradition, the siinqee is waayyuu (something that is sacred).³³ It has a special honor. It is not lawful to use the siinqee as an ordinary stick. For example, one cannot use it to keep cattle, riding horse, beating donkey, etc. with siinqee. This is so because it is a symbol of honor for the women and an indication that they are married. According to Jeylan, siinqee symbolizes the respect and right of a married woman that has been provided by the Gadaa law. A woman holding siinqee signifies that she is legally married and has some respect connected to it. For example, if a man riding horse comes across a woman holding a siinqee, he has come down from his horse for the honor of siinqee. And anyone who comes across a woman holding siinqee has to stop and give the way for the woman holding the siinqee. Even one has to give the way first for a woman holding siinqee to cross a river before he crosses the river. If a woman is going a long journey like going to visit her mother and father of her clan, she holds her siinqee stick with her and no one will dare to attack her even if she is going alone.

B. The Rights to Organize and Act Collectively

According to the Oromo tradition, women are considered as halaga (stranger). They were not born into a Gada grade; but they were only married into one. As a result, they were not members of the gosa (clan) into which they were born, or the one into which they were married. The reason why they are excluded from Gadaa grades is because they came from other clans. Therefore, the women in the clan organize themselves under the siinqee sisterhood and solidarity. According to the gadaa law, married women have the right to organize and form the siinqee sisterhood and solidarity. Gadaa laws provided for them and Oromo society honors these female ties and sanctions them. They form this siinqee solidarity by coming out holding their siinqee, deeping the tip of their siinqee in the blood of a slaughtered sheep, and touching each other's forehead by the blood touched by their siinqee. It is making an oath to help and support each other until they die. They do the same when they agree to perform something in a group like siinqee rebellion etc.

³³ Leila, *supra* note 19, p. 90.

C. Rights to be Free From the Violence

One of the main purposes of the siinqee is defending the rights and honors of women. In this regard, the siinqee is viewed as “a woman’s weapon”, which symbolizes the respect and the rights that a married woman has. It is seen as *a symbol of Oromo women’s rights and respects which safeguards the human rights and freedom of married women. That means women use the siinqee to defend their right to be free from physical, psychological and sexual violence. For example if women’s rights are violated, women use siinqee to fight for their own rights, and to stand in solidarity with other women whose rights are violated. For example if a husband causes any physical harm against his wife, he violates the women’s rights symbolized with the siinqee and thus women fight back with their siinqee. Moreover, in oromo tradition, a husband cannot cause any intimidation or humiliation against his wife. For example an insult that intimidate or humiliates the wife can initiate siinqee scream. In this regard, story qoted by Jeylan is important. A woman says I have insulted by Further, Oromo woman has more autonomy sexually.*

Moreover, in Oromo tradition, women have the right to control over their own sexuality and fertility. The tradition allows both the husband and the wife to have several extramarital relationships and this sanctioned freedom of Oromo women to take lovers. Legesse notes that if the husband comes and notices the signs of the visitation, he must turn around and go to his other wife's house or to his lover's. If he fails to do so and lingers about, it is a violation of the woman's rights. The house is her private space and should not be invaded. This, in turn, is regarded as loss of safuu and calls for a siinqee rebellion.

Moreover, under the Gadaa system, women have the rights to organize and act collectively. In this regard, they are recognized as having the right and even a sacred duty to attend these meetings, regardless of the opinion of individual husbands. Thus, interfering with these rights calls for a siinqee scream.

Because of their liminality, women wield a special religious power where they draw an enormous moral and ritual authority. Women in general are symbolically and politically liminal and correspondingly enjoy special sacred power as a class. Men, therefore, try to avoid their curse and seek their blessings. Interference with a woman's sacred authority is regarded as violating seera Waaq and loss of safuu. These rights are also represented by siinqee, the violation of which is a cause for trouble. Women consider it their sacred duty to restore peace and order of *Waaqa*. These rights of women symbolized in Siinqee is provisioned and handed down by the early Gada system and the society honored and

sanctioned them. If a husband violets these rights of his wife, a siinqee rebellion was initiated to restore the law of God and the moral and ethical order of society.

Thus, siinqee is a symbolic regulator of a healthy and balanced relationship of power between female and male Oromo for as long as they live. It is given to a woman in order to protect her rights upon the violation of her rights and freedom. People respect and revere a woman because waaqa (God) made her to be respected and revered. So interferences with their rights are viewed as violation of seera waaqa (law of God) and loss of saffu. This is seen as a sign of trouble and hardship. It is argued that the fact that siinqee is cut and fashioned from harooressa, which is seen as a source of life, and then, defines its purpose to be used as a weapon to fight against any act that threatens the basic rights of a married woman indicates the existence of notions of human rights in the Oromo tradition.

D. Rights to Property

One of the rights symbolized with the siinqee is the right to property. According to Oromo tradition, women get property from their family, their husbands and relatives upon their marriage and during other special occasions. Therefore, they have the right to dispose of their property in any manner they deem fit.³⁴ The husband's intervention is considered the loss of safuu and is a cause for siinqee rebellion.³⁵

1.5. Sanctions to Enforce the Rights and Respects Symbolized by the Siinqee

The Oromo women had used different mechanisms to sanction the siinqee rights. One of such mechanism is the law of *muka laaftuu* (law of soft wood) which was provisioned in early Gadaa system.³⁶ Under the Gadaa, the law of muka laaftu is established to protect the softer and the weaker segment of the society. According to Oromo culture, women in general and women holding the siinqee in particular are considered to be honest, luminal and peaceful. As a result, they fall under this category and enjoy special protection. For example, if a woman complains, additional witnesses are not required in order to punish the offender. Her words are trusted and taken at face value. So, the person who violated the right of the woman will be punished accordingly.

³⁴ Kuwee, *supra* note 23, p.124.

³⁵ Kuwee, *supra* note 23, p.124.

³⁶ Asafa, *supra* note 13, p.137.

The other enforcement mechanism is called "*Abaarsa siinqee*" (*siinqee* curse).³⁷ The curse is an important mechanism of social control in traditional Oromo society. Accordingly, women collectively or individually raise their *siinqee* and curse a person who violated their right as an individual and/or collectively. According to Kumsa, "because of their liminality, women wield a special religious power where they draw an enormous moral and ritual authority."³⁸ As a result, a curse of women is believed to be very powerful because they are thought to be weak and innocents. In addition, raising their *siinqee* in solidarity makes the curse more powerful. Especially the curse of older women is feared since they are weaker than the younger ones. Men, therefore, try to avoid their curse and seek their blessings. The more liminal an Oromo woman is, the more her curse is feared and the weaker they grow physically, the more powerful they are spiritually. So, fear of *abaarsa siinqee* acts as a deterrent and people avoid what they believe would trigger women's wrath.

The third way of enforcement is known as "iyya siinqee" (Siinqee scream). It is a way of telling one another that *seera Waaqa* (law of God) is disturbed and *wayyu* lost. For example, if a husband violates the right of his wife that has been given to her by the culture, she grabs her *siinqee* and runs out of the house screaming *siinqee* scream (*Iya siinqee*) which is the mode of communication between Oromo women. Thus, when her rights are violated, a woman fights a battle with *Siinqee*, to mobilize support. According to Kumsa, when the infringements upon her rights are serious and cannot be curbed by any of the above sanctions, an Oromo woman grabs her *siinqee*, bursts out of the house, raises her *siinqee* high, and screams. She invokes the *siinqee* solidarity by saying: "*Intala Aayyaa dhageetee? Oduun si geetee?*" "Mother's daughter did you hear? Did you hear? Did the news come to you?"

As soon as *iyyaa siinqee* is heard, women must give up whatever they are doing. Even those who are breast feeding at the time of scream should let the babies cry and leave the house to join in the scream. She joins the scream saying:

"Eeyyee dhagahee! Oduun na gahee!"

"Yes I've heard! Yes I've heard! I have heard the news!"

Violation of women's right is like breaking her *siinqee* and this is regarded as killing the woman. Hence "daughters of the mother" should immediately respond to the situation or the

³⁷ Kuwee, *supra* note 23, p.128.

³⁸ Kuwee, *supra* note 23, p.128.

call. Thus, when her rights are violated, a woman fights a political battle with her *siinqee* and screams to mobilize support.

The fourth enforcement mechanism is the “Godaansa Siinqee” (*siinqee trek*).³⁹ If the women find the case a serious violation, they abandon their children and homes and set on "*siinqee adeemsa*" (*Siinqee going*). They leave the village and assemble under a tree called *qilxu* (*Sycamore*), which is considered a female tree. Once assembled there, *hayyuu* (*elite*) women recite the law of *waaqa* (*law of God*) and the law of *nama* (*human rights*). They reiterate the whole philosophy behind *siinqee* rights where sort of a conscious- raising takes place. Events of old time violations and punishment are recited at the assembly by elderly women who may have seen or heard about them. They say, “during the Gadaa of so and so, this and that happened and so and so was punished by such and such rules”. And they vow to cross the river and the water, which is the source of life in the Oromo creation story. They vow never to come back until the person who committed the violation is punished, justice done and wayyuu restored. Back in the village *hell* breaks loose. Men say "*ibiddi biyyaa dhaame*", the fire of the whole country has gone out. The going out of fire signifies the collapse of society and the perishing of life. However, this is said to be rare as men quickly get together and elect a *maanguddoo* or *jaarsa* (*an elder*) to make peace with the woman in rebellion, but if the women suspect the reputation of the *jaarsa* sent, they officially reject, but if the women agree among themselves that the *jaarsa* is reputable enough to mediate, after they accepted their greetings '*iltee dhiinnaa!*', they unanimously reply "*Hofkala, obbaya!*". They spread leaves on the ground and invite him to sit among them under the female *qilxuu* tree. Women then, begin to do the *himata* (*complaint*). The wisest, most revered and respected elderly women whose breast are wrinkled and crumpled and whose faces are filled with furrows get up one by one and make a talk about the *wayyuu* (*sacredness*) of *waaqa*. Each of the elderly women pulls down her *Kate* (*home made leather skirt*) exposing her wrinkled and crumpled breasts as a sign of supreme moral authority, dignity and wisdom. They do the *himata* for *waaqa fi lafaa* (*heaven and earth*), *Margaa fi bishaan* (*grass and water*), *ifaa fi dukkana* (*for light and darkness*), *aadaa fi seera* (*for custom and Law*). They do the *himata* to restore *wayyuu*. And as a gesture of *araara* (*reconciliation*), the women announce their verdicts on the person and the punishment it entails. The *jaarsa* listens with quite reverence and takes the message back to the village. Society honors the verdict of women by coming to the *qilxu* and taking part in

³⁹ Kuwee, *supra* note 23, p.129.

the process of punishment and reconciliation. Together, the community celebrates the restoration of *waaqa's* law and order. The guilty man, besides paying fine to the sisterhood, is made to slaughter a sacrificial animal as a gesture of pledge to mend his way.

The fifth enforcement mechanism is disqualification from Gadaa Elections. According to Gammachu (opcit.), a man who has record of *siinqee* violation is considered *namaagadi* (below human) and is not elected in any of the *Gadaa* offices. And violation of woman's right disqualifies his merits as *Gadaa* elections are meritocratic. Therefore, men are deterred from infringing upon woman's rights.

The last but not the least sanction is the Duula Kutaa. If menfolk ignore the *siinqee* trek, or if they fail to send a respectable enough Jaarsa (elder), the people from the neighboring clan will flood the place to receive the women on *siinqee* rebellion into their homes. In the traditional Oromo society, women on a *siinqee* trek are regarded with special respect and reverence as they set out to accomplish their sacred duty of restoring safuu. The clan which receives the *siinqee* women sends for their properties and children immediately. If their men refuse, they will declare waraana kutaa (war between clans) to restore Waaqa's order and peace. So men try their best to avoid violating the borders in the first place.

2. The Role of the Siinqee Institution of Oromo Women in Ethiopian National Dialogue

The most important role of the *siinqee* is building sisterhood and solidarity and allying to fight against male oppression. Oromo women used this institution as weapon to fight back violation of their fundamental rights and freedom. These rights include rights to liberty, life, property, organized and freedom from physical, psychological and sexual violence. In this regard, the institution, I believe, had the most comprehensive mechanism to protect women's rights in general. *Siinqee* also used to mobilize the society during the accidents and natural or man-made disasters to help the person or the group endangered. More importantly, it is used to perform *araara* (reconciliation). According to traditional Oromo, if there is a conflict or war between two groups in a clan or between two clans, and if the women come and stand between the wars together, holding their *siinqee*, the fighting has to stop automatically for the respect of the *Siinqee*. Thus, they will bring peace between the fighting groups. This section discusses how the *Siinqee* Institution plays its role in Ethiopian National Dialogue. It specifically examine the role of *Siinqee* Institution during preparation, process/negotiation/ and implementation stages of Ethiopian National Dialogue.

2.1. The Role of Siinqee During Preparation Stage of National Dialogue

National dialogues require extensive preparation, and their structure typically depends on size and may involve a combination of plenary and breakout sessions or working groups. The structure of the preparatory committee, rules of engagement, and degree of transparency will also be elaborated upon in this section. This section is important because it formally affirms parties' commitment to reaching a negotiated settlement. The Siinqee Institution can play two roles in this stage. Firstly, they play the role of instigating/initiating the parties to negotiated settlement of disputes. As indicated in section three, the siinqee Institution is honoured and respected by society. Women with Siinqee is considered as waayyuu (something that is sacred or blessed) in Oromo worldview.⁴⁰ If a man comes across a woman carrying the Siinqee he doesn't directly confront/intercept her.⁴¹ If a man is on a horseback, he disembarks from the horse back, greets the woman respectfully and takes leave of her.⁴² When a woman with siinqee is met on a road, the passerby should receive her blessing and get permission to go across her. It is not allowed to cross a river before her. No one dares to refuse instructions given by a woman with siinqee.⁴³

Therefore, women with siinqee advocate for peaceful resolution of conflicts through songs and other traditional means and encourage/instigate different actors to come together and participate in national dialogue. They also give blessings for participants in the national dialogue. Secondly, they play the role of facilitator. Influence, credibility, and leadership of the facilitators are important for the smooth functioning and legitimacy of the national dialogue's outcome. Facilitators have persuaded elites to keep negotiating in moments of deadlock or designed a process that reflects the composition and traditions of a society. Therefore the siinqee institution plays the role of facilitators using naturally gifted talent and indigenous knowledge that they inherited.

2.2. The Role of Siinqee During the Negotiation Stage of National Dialogue

National dialogue needs experienced local mediators that have worked inside or outside of National Dialogues to bring parties together to a position of consensus.⁴⁴ The mediation should also be inclusive of women. The Siinqee Institution plays three key roles during

⁴⁰ Muluken, *supra* note 22, p.72.

⁴¹ Dirribi, *supra* note 10, p.124.

⁴² Dirribi, *supra* note 10, p.124.

⁴³ Dirribi, *supra* note 10, p.173.

⁴⁴ Briefing Note "What Makes or Breaks National Dialogues?" Geneva: Inclusive Peace & Transition Initiative, Graduate Institute of International and Development Studies, April 2017 p3; Available at: inclusivepeace.org

negotiation stage. The first role is mediation. For inclusive, legitimate and credible national dialogue, the siinqee institution, as sisterhood and solidarity institution, should participate in mediation of national dialogue representing women. As indicated above, mediation requires experienced local mediators that have worked inside or outside of National Dialogues to bring parties together to a position of consensus. The siinqee institution is well experienced mediator when conflicts arise between families (husband and wife); clans and communities. In this regard, the siinqee institution plays its important role for inclusiveness and fruitfulness of Ethiopian National Dialogue. The second role is participation. Participation plays a key role in promoting a sense of a nationally-owned dialogue. As we discussed in section three, the Siinqee institution has played important role to protect women against any form of violence and maintain their economic, social, cultural, and political rights.

Therefore, the siinqee institution plays a key role in national dialogue for ensuring that women's human, political, social, economic, and cultural rights respected during the negotiation process and decision making. The third role is conflict resolution during negotiation. During negotiation, deadlock may arise between conflicting parties or even between other participants. An extension of the participatory element, deadlock-breaking mechanisms are important for national dialogues to move forward in a meaningful way. As indicated in section three, the Siinqee is a symbol of conflict resolution. It is an icon of reconciliation and harmony. It is a symbol of cease-fire in war situations. The siinqee institution has played important role for stopping conflicts and wars between clans and communities. If a woman appears with siinqee, cease-fire is immediate. Therefore, the siinqee institution plays the role of resolving conflicts and disagreements during negotiation through peaceful means. It will bring peace between the conflicting groups during the negotiation.

2.3. The Role of the Siinqee Institution During Implementation Stages

The success of national dialogues can be defined on two levels, first in terms of whether an agreement is reached; and second, the extent to which the agreement is implemented.⁴⁵ National dialogues thus do not end with the conclusion of the formal process/negotiation, but continues with implementation.⁴⁶ Studies revealed that in a review of 17 national dialogues,

⁴⁵ Paffenholz et al, *supra* note 1.

⁴⁶ Kaplan, S. et al, (2015), *Inclusive transitions framework, Barcelona: Institute for Integrated Transitions*. <http://www.ifit-transitions.org/resources/publications/major-publications/briefings/inclusive-transitions-framework/ifit-inclusive-transitions-framwork.pdf/view>

while most reached an agreement, only half of them were implemented.⁴⁷ The implementation phase of national dialogue requires careful planning and designing. It is important to adopt an inclusive and participatory approach in the implementation phase, similar to early phases of the dialogue.⁴⁸ This phase is facilitated by various infrastructure and mechanisms. It is important to consider guarantees and monitoring mechanisms, such as civil society monitoring arrangements, early on in the national dialogue process, such that key actors may feel bound by what has been agreed.⁴⁹

The Siinqee Institution has developed indigenous enforcement mechanism of agreements and decisions. One of such mechanism "*Abaarsa siinqee*" (*siinqee* curse). The curse is an important mechanism of social control in traditional Oromo society. Oromo people fear curse because it affects not only the person who did bad things, but also his future. Accordingly, women collectively or individually raise their *siinqee* and curse a person who violated their right as an individual and/or collectively. According to Kumsa, "because of their liminality, women wield a special religious power where they draw an enormous moral and ritual authority. As a result, a curse of women is believed to be very powerful because they are thought to be weak and innocents. In addition, raising their *siinqee* in solidarity makes the curse more powerful. Men, therefore, try to avoid their curse and seek their blessings. So, fear of *abaarsa siinqee* acts as a deterrent and people avoid what they believe would trigger women's wrath. If the Siinqee Institution incorporated well in Ethiopian National Dialogue, parties to the negotiation are bounded by the agreement they made because of *abaarsa Siinqee/Siinqee curse*/. Thus, in this regard the *siinqee* institution has more deterrent effect than the formal justice system. They play deterrent role by forcing the parties to implement their agreements.

Another important implementation mechanism that has deterrent effect is the use of naming and shaming mechanism of the *siinqee*. Naming and shaming has significant role in Oromo society where community life is the norm. Women's accusations that man is bad and below human reduces the values and image of that person in the society. In this regard, there is a saying which says "Maqaan baduu manna mataan baduu wayya." (It is better to die than having bad name x2). Thus this mechanism deters the violator of the agreements reached.

⁴⁷ Paffenholz et al, *supra* note 1.

⁴⁸ Blunck, M., et al (2017), *National dialogue handbook: A guide for practitioners*. Berlin: Berghof Foundation. https://www.jointpeacefund.org/files/documents/berghof_foundation_national_dialogue_handbook.pdf

⁴⁹ *id.*

This naming has significant deterrence effect as people always want to avoid such naming. The societies also undermine such person and consider him valueless person.

3. Conclusion and recommendations

3.1. Conclusion

This study demonstrates what the siinqee institution is, what purposes it serves, what rights it symbolized, what sanctions it enforced and the roles it will play in Ethiopian National Dialogue if properly integrated. The results suggest that the Siinqee institution play important role in nurturing indigenous conflict resolution along with their representation. It argues that the Siinqee institution, if properly integrated in the process and result of Ethiopia National Dialogue, plays important role as an initiator, a facilitator, a mediator, a participant and reconciliatory body.

3.2.Recommendations

This study demonstrates the role of the Siinqee Institution of Oromo Women in Ethiopian National Dialogue. Therefore, for inclusive and fruitful national dialogue:

- The National Dialogue Commission has to properly integrate Siinqee Institution of Oromo Women in all phases of Ethiopian National Dialogue.
- Using national traditional knowledge and values is one of the core principles of national dialogue. Therefore, indigenous knowledge and practices of reconciliation developed by the Siinqee Institution should be recognized and incorporated in Ethiopian National Dialogue.
- Conducting integrated awareness creations, giving continuous capacity building training for siinqee women is important so that they participate and play their roles for the fruitfulness of Ethiopian national dialogue.

National Dialogue as A Means of Building Peace in Ethiopia: Lessons from Tunisia's National Dialogue

Abdi Tesfa****

Abstract

The Federal Democratic Republic of Ethiopian government (hereafter described as Ethiopian government) has made National Dialogue on table with the objectives of ,inter alia, solving the disagreement among politicians and segment of society on most fundamental national issues, enabling the creation of new political dispensation marked by mutual trust and ensuring lasting peace. And as there is no all-size-fit standard for implementation of successful national dialogue, it is wise to explore the experience of the States that have gone through successful national dialogue. Accordingly, Tunisia's national dialogue that was convened at the end of 2013 by Quartet, the winner of 2015 Nobel Peace Prize, is found the most relevant experience to be explored. The aim of this article is to closely examine and critically analyze historical development of Tunisia's national dialogue and extract the pillars behind this successful dialogue so that Ethiopia takes the possible lessons amid making of its national dialogue. Accordingly, it is found that political commitment in cementing the legitimacy of the convener, avoidance of polarization among stakeholders, compromise of interests, by side negotiations and mediations among or/and between stakeholders, managing the effect of external actors, balancing of the inclusiveness and efficiency of the dialogue, balancing of the mandate and efficiency of the dialogue, change oriented discourse, and public buy-in are the pillars behind the successfulness of Tunisia's national dialogue. Thus, it is sound enough to recommend that Ethiopian national dialogue's stakeholders: the commission, the sitting government, the opposition parties and other groups to domesticate and utilize these pillars of successful national dialogue amid entertaining the ongoing national dialogue so that it will become remarkably successful.

Key words: Tunisia's National Dialogue, Ethiopian National Dialogue, National dialogue, Lessons, Mediations, Negotiations, Compromise, Ethiopian National Dialogue Commission

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Introduction

National Dialogues have been held throughout modern history and across the world under different names and in various contexts. For example, the American constitution-making process of 1787 was arguably a form of National Dialogue as it included representatives of all states in a negotiation on the future direction of the nation.¹Inclusive multi-party negotiations on a national scale, which rearrange the country's political constitution, were frequent during the period of decolonization. For example, establishing representative constituent assemblies—which brought together experts, politicians, and key civil society groups to discuss and develop plans for the political future on a consensual basis—was common in newly independent states of the Global South.²In some instances, political reforms, transition processes, and the drafting of new constitutions in Southern Europe (e.g. Portugal, Spain) and South East Asia (e.g. South Korea, the Philippines) in the 1970s and 1980s were also facilitated by processes similar to National Dialogues.³

Besides, there has also been an international and regional organization promoting alternative dispute resolution approach towards domestic and international conflicts. For example, as the world's largest regional security organization, the Organization for Security and Co-operation in Europe (OSCE) in the 1975 under Helsinki Final Act, participating States, about 35 European nations, committed themselves to the peaceful settlement of conflicts and to the use of such means as negotiation, mediation, conciliation, arbitration and judicial settlement.⁴

Furthermore, in July 2011 the United Nations (UN) General Assembly requested in its resolution 65/283 on 'Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution' the development of guidance for more effective mediation, taking into account, inter alia, lessons learned from past and ongoing mediation processes.⁵

Unnecessary to say, history told us that traditionally the so called alternative dispute resolution mechanisms: mediation, negotiation, compromise, reconciliation and arbitration, which are notably known in informal justice institutions, have been serving as a dominant

¹Thania Paffenholzet al, what makes or breaks national dialogue? Inclusive Peace and transition Initiative, 2017, 15, <http://peacemaker.un.org/sites/peacemaker.un.org/files/IPTI-Report-What-Makes-Breaks-National-Dialogue>, accessed on 12 Apr. 2023.

²*id.*

³*id.*

⁴Mediation and Dialogue Facilitation in OSCE, Reference Guide, Organization for Security and Co-operation in Europe, Secretariat, 7. www.osce.org/files/f/documents/b/0/126646 daccessed on 12 Apr. 2023.

⁵*id.*, at 8.

means to solve different type of intra and inter-state conflicts since long time before. Thus, it is a solid facts that the currently rebranded political conflict resolution tool, national dialogue, is a package of, but not limited to, the old dispute resolution tools: compromise, negotiation, mediation and conciliation but ornamented with multiple political interests.

This article is also embarked towards exploring how compromise, negotiation, mediation and conciliation with others equally important pillars lead the 2013 Tunisia national Dialogue into remarkably successful political conflict resolution platform so that the stakeholders in Ethiopian National Dialogue draw lessons for the ongoing national dialogue.

National dialogue: A concept exploration

National Dialogues are nationally owned political processes aimed at generating consensus among a broad range of national stakeholders in times of deep political crisis, in post-war situations or during far-reaching political transitions.⁶ It may not be recommended for every political conflict emerged here and there or for the disagreement among few stakeholders on specific issue. It is typically convened when the fundamental nature or survival of a government is in question and are meant to resolve political crises, improve the legitimacy of institutions, and lead countries into political transitions.⁷

The World Bank and Institute for Democracy and Electoral Alliance(IDEA) regard national dialogue 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.⁸ In other words, once conflict is resolved and consensus is built via national dialogue, democracy and development will follow so long as the stakeholders are committed.

Though they are different range of objectives that necessitated national dialogue, these objectives could be distinguished as crisis prevention and management in specific realm, and for fundamental change in general realm. The specific realm might be manifested by security

⁶ Marike Blunck *et al*, National Dialogue Handbook, A Guide for Practitioners, Berghof Foundation Operations GmbH, May 2017, 21. <https://peacemaker.un.org/sites/peacemaker.un.org/files/BF-NationalDialogue-Handbook.pdf> accessed on 10 Dec. 2022

⁷ Haider, H., National Dialogues: Lessons Learned and Success Factors. K4D Helpdesk Report. Brighton, UK: Institute of Development Studies, 2019, at 2. <https://issafrica.s3.amazonaws.com/site/uploads/ear-32.pdf> accessed on 08 Oct. 2022.

⁸ World Bank and IDEA, Experiences with National Dialogue in Latin America, Main lessons from a roundtable discussion, El Salvador, 2000, at 1, <https://web.worldbank.org/archive/website/web/images/elsalvae.pdf> accessed on 22 Nov. 2022

arrangements and constitutional amendments while the broader one could entail (re)building a (new) political system and developing a (new) social contract.⁹

National dialogue is process oriented political discourse need to pass through three remarkable phases: Preparation, process and implementation phase.¹⁰In 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. The selection of a convener—whether an individual, group, or organization also affects public perceptions of the dialogue. Although national conveners can increase ownership and buy-in to a process, bias is a risk, particularly when a dialogue is convened by a sitting leader.¹¹Once all parameters have been negotiated – and, ideally, a consensus on the proceedings has been established – the process phase begins. Once an outcome has been reached, the implementation phase commences.¹²Means to follow through on agreed outcomes have to be put in place and equipped with powers to hold parties accountable. And the international community has to support the implementation process with the necessary funds, expertise and smart sanction if necessary.¹³

Unlike mediation or negotiation, national dialogue is wide political platform that pull together different stakeholders: the incumbent government, opposition parties, civil societies, elites, intellectuals and public representatives of different classes and even armed group. Besides, it could embraces international and regional actors, diplomats and donors at a fair distance away from the nucleus of the dialogue with a care to protect its inherent domestic nature against unwanted meddling of these external organs.

Basic principles of National Dialogue

Researchers and expertise has tried to come up with principles and/or parameters potentially determine the viability of national dialogue. These principles and/parameters are mostly similar or complementary to one another. In other words, there is no internationally accepted numbers and forms of principles and/or parameters governing national dialogue. For the

⁹ Marike, *supra note 6*.

¹⁰ *id*, at 23.

¹¹ Elizabet Murray and Susay Stigant, *National dialogues in peace building and transitions: creative and adoptive thinking*, United State Institute of Peace Press, 2021, at 77,

www.usip.org/sites/default/files/pwnational/dialogues accessed on 02 December 2022.

¹² Thania, *supra note 2*, at 23.

¹³ *id*, at 16.

consumption of this article, the following principles of national dialogue, which appreciated relatively by large number of expertise are identified and here after discussed.

Inclusivity: it is a principle that really and significantly determines the legitimacy of national dialogue. Inclusivity relates to ‘process inclusivity’ in the preparatory and actual dialogue phases; and to ‘outcome inclusivity’ in the post-national dialogue/implementation phase.¹⁴ While inclusion of all stakeholders can build trust and public buy-in, the exclusion of any stakeholder, even armed group, could render the dialogue only a forum of pretty discussion with no change.

To maximize the dialogue’s potential to address the real drivers of conflict; all key interest groups should be invited to participate, including women, youth, and other traditionally excluded groups.¹⁵ However, there is a time when national dialogue face challenges due to boycott by some prominent stakeholders. *Al Wefaq* boycotted the Bahrain National Dialogue in September 2014, and many political parties and armed groups boycotted the National Dialogue Conference organized in Khartoum in October 2015.¹⁶ However, boycotts sometimes last for only part of the dialogue, and do not necessarily prevent the process from taking place, or agreements from being reached.¹⁷

The governing principle shall be that the most attainable effort has to be exerted to realize the inclusivity of the dialogue. Besides, it has to be underlined that inclusivity of national dialogue has to be pragmatically reflected not by a mere presence but active participation in making and breaking of decisions. Specially, the sitting government shall not over rule the sound and interest of participants in all phases of the dialogue. There must be a rule to regulate balance of power among the stakeholders to avoid unreasonable influence that could curb the dialogue to unwanted direction as there is always a possibility of exploiting the dialogue by incumbent government with intention to consolidate its power. Thus, the inclusiveness of the dialogue shall not be for a matter of political correctness, rather it shall be for addressing the real cause of political crisis corned in the state.

¹⁴ Haider, *supra* note 7, at 9.

¹⁵ Susan Stignat & Elizabeth Murray, Peace Brief United State Institute of Peace, Oct. 2015, 2. www.usip.org/publications/2015/10/national-dialogues-tool-conflict-transformation visited up on 11/12/2022

¹⁶ Jonathan Harlander, Practice Series Supporting National Dialogues: Dilemmas and Options for third parties, Center for Humanitarian Dialogue, 2015, at 36.

¹⁷ *id.*

Transparency and Public Participation: When it is said that national dialogue is nationally owned political process it means that at the center of its making and processing there is transparency and public participation. This principle may seem overlapping with the former principle, but not in reality. The former advocates the inclusion of all groups with distinctive political interest while the later presses for communication and participation of the public at large. Even a dialogue that includes all major interest groups risks losing legitimacy if there are not sufficient opportunities for the public to remain informed about and feed into the dialogue.¹⁸

Every progress and content of the dialogue has to be tailored towards the public through possible mechanism like media brief, public consultation, forum and other means. The communication shall not be one direction, rather the real interest of the people have to be traced through. As the final decision maker is the public at large it must not be strange with the process and outcome of the dialogue. The public have to be part of the process even to influence the implementation of the outcome. Beyond that, it is only informed people can sanction those drag down the process and the implantation of the outcome. Thus, transparency and public participation shall be maintained in all phases of the dialogue.

It shall address the root causes of conflict: As mentioned before, the cause for national dialogue is neither a mere political difference among different group nor the occurrence of public deviance of a specific governmental decision. Rather, it is only fundamental political crisis that could not be managed through formal ways that can make national dialogue to happen. And it must be this fundamental point of disagreement that need to be addressed during the dialogue.

Thus, the selection of agenda of the dialogue matters a lot. It is said that national dialogue's agenda should provide for substantive conversation around the major grievances of all key interest groups but not get mired in details, which are often better resolved by technical bodies or future governments.¹⁹ In other words, though it is impracticable to address all point of disagreement, the major point of grievances shall not be left unaddressed.

Nonetheless, limiting the type of agendas of the dialogue shall be only to ensure the efficiency and effectiveness of the dialogue itself. It shall not serve the interest of any specific stakeholder, but the dialogue itself. The discussion up on major grievances can potentially

¹⁸ Susan, *supra* note 15, at 2.

¹⁹*id.*

bring change in the next political discourse while discussion on minor issue would render the dialogue illusive. Thus, there shall be a consensus that minor issues shall be addressed through other possible means, other than the national dialogue underway.

Credible convener:The experience of different states show the convener of the dialogue could be either from domestic constituents or external actors. The domestic constituents could be civil society or other institutions or commission mandated by law or agreements. The external conveners also could be regional or international institutions that have large sphere of influence in the region or in international community. Thus, the matter is not where the convener is from, but its credibility. And it is said that to secure the participation of a wide variety of stakeholder groups and to avoid perceptions of bias, a credible convener is of the utmost importance.²⁰

The formation or selection of convener can potentially determine the credibility of the convener. Thus, it must be participatory to win trust of stakeholders at its very formation time. Exclusion of stakeholders during formation or selection of the convener can erode the confidence of the participants on the credibility of the convener and finally, it could endanger the very objectives of the dialogue.

At the same time, it shall be noted that trust and confidence on convener could not be built over night. The stakeholders have to be patient enough not to rush into unwanted scenario that may endanger the continuation of dialogue. The convener has to be given a time to show its credibleness and the stakeholders, especially, the incumbent also shall not violate the independence of the convener as it could risk its credibility.

Fair distance of external actors:There is no political movement strictly limited itself only with in the territory of the specific state. The movement of globalization makes the politics of the states of the world to be interconnected. Any bad or good development in politics of one sate can surely influence at least the neighboring states. These facts enforce states of the world to be alerted by the politics of any other states to adjust their national interest in line with the new development in other state.

National dialogue is one of a critical political process that could scrap the very interest of external actors, regional and international. These actors could tailor their interest in the ongoing national dialogue by supporting or resisting it. The support-political, financial and

²⁰*id.*

technical, or resistance of external actors can influence the degree of success of national dialogues.²¹ It is the sole responsibility of the hosting state to limit the involvement of the external actors in its national dialogue. The viability of any involvement has to be tested against the very nature of national dialogue, i.e. nationally owned political discourse. The involvement of these actors shall be managed to be only for goodness of the national dialogue. Financial and technical support could benefit the dialogue while political interest oriented involvement could endanger the dialogue. Thus, it is important to strike a balance between external support and national ownership. The latter can increase the likelihood of public buy-in, perceptions of legitimacy – and chances of implementation.²² Anything other than these can equally darken the legitimacy and chance of implementation of the dialogue.

Security guarantee: National dialogue is a platform of continuation of disagreement. It is not at the end of disagreement, but it is only to bring an end to the disagreement caused happening of deep crisis that national dialogue is initiated. It is in presence of acute difference and hostility the national dialogue is started. However, once a consensus is made to hold national dialogue the sitting government and the stakeholders have to be committed to bring their difference from the estate of violence to estate dialogue. Especially, the sitting government has double responsibility of abstaining from persecution and maintains peace. Ongoing violence, banning of opposition groups, curtailing media freedom and political killings all undermine the credibility of National Dialogues.²³ There must be no fear for freedom of expression to keep the national dialogue to flows within its track of success. Any type of killing or banning of opposition can instantly change the course of the dialogue into violence. In such condition, it could be impossible to get any stakeholders live up to the objectives of the dialogue. Unexpected security danger shall be solved with negotiation or mediation alongside the dialogue.

Historical over view of Tunisia's National Dialogue

Historically, it was on 7 November 1987 that *Ben Ali* took over power from President *Habib Bourguiba*, who had also ruled the country for three decades since its independence in

²¹ Haider, *supra* note 7.

²² *id.*

²³ Marike, *supra* note 6, at 176.

1956.²⁴In the beginning, Ben Ali's regime enacted reforms to coalesce the divided nation. He wanted a multiparty system, free elections, and equal rights for women, individual rights and liberties, freedom of speech and the rule of law.²⁵However, Ben Ali was not building a democratic nation. These acts and sentiments were simply to establish citizen consent toward a 'consensual democracy'- a political order that allowed a bit more freedom to express opinions and to organize within the boundaries drawn and defended by the state.²⁶ Through a time the regime had started to face resistance and opposition from different part of society. Not surprisingly, the regime had chosen non democratic approach to solve the cause of the early opposition. And the promise for reform had soon been shifted into political discourse of prosecuting rivals and prominent oppositions under pretext of ensuring peace and order.²⁷

As part of its authoritarian project, the regime kicked off its approach of eliminating all its rivals. The prominent opposition party, Ennahda had immediately failed under the attack of the regime. Its leaders and members were jailed in large numbers, and the party was ultimately banned in 1991.²⁸This lasted only until the repression of the Ben Ali regime started to become a systematic practice against all opponents whether from political parties, NGOs, among LTDH (Tunisian Human Right League) and the Bar Association, or individuals.²⁹ The unreserved oppression against political party, civil society and media outlet under pretext of painted greedy political interest had finally dragged the state down to hell for democratic ambition and movement. In 2002, Reporters without Borders ranked Tunisia 128th in its Press Freedom Index and by 2010, the country's ranking dropped to 164 (out of 178), narrowly outranking the like North Korea, Cuba, Syria, and Turkmenistan.³⁰

Though it was believed that the revolution was primarily driven by political exclusion, socio-economic discontent was also important in creating a fertile ground for uprisings. Youths were terrible victims of unemployment and corruption surfaced in the state. Some scholars made an argument that international financial institutions persistently ignored signs of

²⁴Rikke Hostrup *et al*, Tunisia's 2013 National Dialogue Political Crisis Management, Berghof Foundation, 2017, at 11. <https://berghof-foundation.org/library/tunisias-2013-national-dialogue-political-crisis-management> accessed on 04 Nov. 2022.

²⁵ Hanna Samir Kassab, The Power of Emotion: Examining the Self-Immolation Of Mohamad Bouazizi, The Arab Revolution And International Politics, Perspectives Internationals, Colombia, Vol 8 No. 1, 2012, at 12.

²⁶*id.*

²⁷Rikke, *supra note 24*, at 11.

²⁸*id.*

²⁹*id.*, at 12.

³⁰ Fadhel Kaboub, The Making of the Tunisian Revolution, Middle East Development Journal, Vol. 5, No. 1 (2013), at 2.

structural weakness and corruption in the Tunisian economy and enabled predatory economic practices by the elite via their loan and privatization schemes.³¹ The World Bank and IMF failed to register the extent of the corruption because they relied on the Tunisian government's own data, which reflected the seizure of state assets by family members as part of an overall positive indicator of the privatization of state assets.³²

The popular grievance against the authoritarian regime of the state stepped up into new level by extreme and public measure of self-immolation by Mohamed Bouazizi up on 17 December 2010. This figure of resistance become a triggering spot for popular protest that had been spontaneously rocked into uprising that demanded change of regime in the state. Few months after the eruption of protest, 23 years serving President, Zein El Abedin Ben Ali, was forced to exile to Saudi Arabia up on 14, January 2011.³³ This unexpected measure of exile by the sitting President had marked the development of inevitable change in politics of Tunisia.

The protest erupted in 17 December 2011, and that forced Zein El Abedin Ben Ali to exile up on 14 January 2011 did not meet popular demand as daily street protests continued demanding the resignation of the post-Ali government and the adoption of a new constitution. On the political level, Mohamed Ghannouchi was appointed prime minister while FouadMbazza took up the post as president. Although Ghannouchi formed a new national unity government which included members of former opposition parties, and civil society representatives, it was widely felt among the Tunisians that the old regime was still in power.³⁴

At the end, the sitting government planned to hold election. After several postponements, the elections were finally held in October 2011 with much support, attention and observation from the international society and were seen as the cornerstone of a nascent democracy.³⁵ The October 2011 elections for a new body, the National Constituent Assembly, radically reshaped the domestic balance of power. The Islamist-oriented Ennahda party, which had suffered repression under Ben Ali's regime, won 37 percent of the vote and eighty-nine seats in the 217-member assembly. Together with the nationalist-oriented Congress for the

³¹ Evan Whitese Burt, *The Jasmine Revolution: Causes in Thesis*, University of Texas at Austin, 2018, at 13 <https://core.ac.uk/download/pdf> accessed on 9 Nov. 2022.

³²*id*, at 14.

³³Hanna, *supra note 25*, at 75.

³⁴Rikke, *supra note 24*, at 17.

³⁵*id*, at 18.

Republic (CPR) and the left-of-center Ettakol, Ennahda formed a coalition government known as the Troika.³⁶

Unfortunately, the transition to democracy following the first election was not smooth and progressive. Immediately after the formation of government led by Troika, the state started to be stormed by political tensions. The basic factors that driven the tensions was highly connected with drafting process of the constitution, identity conflict: secular or sharia and rise of radical Islam.³⁷ The oppositions and some civil societies made the sitting government the entrepreneur of all these factors citing that Ennahda was basically Islamic party. This tension climbed to its highest nature following sequenced assassination of ChokriBelaïd and Mohammed Brahmin-the left wing leaders in February and July respectively. It was believed by secular and leftist that the assassination was orchestrated by the incumbent government, primary by members of Ennahda part.³⁸

Especially, the second assassination of political leader from the leftist wing had ignited the tension to its highest level. While oppositions demanded the resignation of the government and the dissolution of the NAC, the government and especially Ennahdawas claiming their electoral legitimacy and refused to hand over power.³⁹ The economy was blocked, unemployment rate skyrocketed, emerging armed group threatened security, and drafting of the constitution was faced with slow down process. Then, the obsolete stands of political blocks corned the political crisis into an absolute deadlock.

In October 2013, given the critical situation, the Tunisian General Labour Union (UGTT) took the first step in forming an alliance of civil societies by approaching the Tunisian Confederation of Industry, Trade and Handicrafts (UTICA), and two other groups; The Tunisian Human Rights League (LTDH) and the Tunisian Order of Lawyers who later joined to form what is known as the “National Dialogue Quartet”.⁴⁰

The Quartet devoted to prepare road map of the dialogue. The roadmap was negotiated between 17 September and 5 October where it was signed by 23 parties. It called for forming a new Higher Electoral Commission in one week, passing a new electoral law in two weeks,

³⁶ Elizabet, *supra note* 11, at 75.

³⁷ Otto Turtonen & Joel Linnainmäki, Non Formal Dialogue Process and national dialogue: experience from countries in transition, 2015, at 13, um.fi/documents/second_conference_on_non_formal_dialogue_process accessed on 29 Oct. 2022.

³⁸ Rikke, *supra note* 24, at 25-26.

³⁹ Rikke, *supra note* 24, at 28.

⁴⁰ Otto, *supra note* 37, at 14.

defining an electoral calendar within three weeks, replacing the Troika government by the end of the third week, finalizing a new constitution within four weeks and gaining the NCA's vote of confidence for a new cabinet by the fourth week and before the final vote for the new constitution.⁴¹ Each of the milestones laid out in the roadmap was reached, though the time taken to travel the route was longer than anticipated.

Finally, the national dialogue achieved its objectives, and the convener, Quartet, abled to win Nobel Peace Prize by 2015. And this remarkable success become arena of exploration and experience sharing for the then after national dialogue set to be undertaken by different states of the world.

The Development of National Dialogue of Ethiopia

As mentioned in previous topic, national dialogue is picked whenever it becomes impossible for the incumbent government to resolve the political crisis sustained with its formal institution and ways or when the incumbent government lost the very value of its legitimacy to handle the crisis. In other words, the crisis that required national dialogue as way out is not simple, but deep and critical. Thus, it seems logical to depict at the very outset of the discussion that it becomes so difficult for sitting government of Ethiopia to solve the crisis that national dialogue is put on the table as a way out. Thus, this sub topic is going to explore basic events that compel the sitting government to see national dialogue as alternative to way out.

It was at the beginning of 2018 that Ethiopia started to embrace new political environment with appointment of a new Prime minister. The appointment of new prime minister was an extension of reform of the governing party. This reform was not deliberate but a response to the ignited popular protest in the country. The so called reform which was started by appointment new prime minister immediately soared into dissolution of the ruling party, Ethiopian People Revolutionary Democratic Front (EPDF) that dominantly governed the state for about a quarter of century, and consequently the formation of new ruling party called Prosperity Party. The new ruling party was formed by merging together then governing parties of all regional states of the federation except Tigran People Liberation Front (TPLF) that rejected the formation of the new party. Immediately after formation, the new ruling party started to dominate domestic political sphere by branding itself with indigenous

⁴¹Elizabeth, *supra* note 11, at 79.

political ideology called ‘Medemer’, and it promised for transition to democracy and development.

Accordingly, especially at its early age, the sitting government was making unexpected measure that sparked glimpse of hope in political sphere of the state. In line with promissory words of the incumbent party, repressive laws governing civil society, election laws, media laws, anti-terrorism law and others were either repealed or amended to live up the standards set by international community. Exiled politicians and political parties designated as terrorist group began to be hosted at the capital city by their fans and members. Political prisoners serving long times in prisons began to be pardoned. The prolonged quest of nations and nationalities to be organized as independent regional national state of federation won political will of the government, and accordingly Sidama national regional state and South West Ethiopian national regional state emerged as the 10th and 11th member states of the Federation. Besides, as far as diplomatic arena is concerned the same dramatic progress was scored. The hostile relationship with Eretria hot renewed and sense of strategic partnership emerged.

Nevertheless, alongside all reform and transition measures implemented to ensure sustainable democracy, peace and development, there was unwanted political environment surfacing through-out the state. It was vividly clear that the reform was tormented by rampant insecurity. Violent popular protests aligned with mass killing, looting and destruction of private and public property was the usual events raiding in the towns of the country. Meanwhile, the government and its supportive elites were reluctant in denouncing these unlawful activities to the highest possible degree. Government aligned elites and cadres had tried to justify such unlawfulness as it was the very effect of transition to democracy from authoritative governance during its early time.

To resolve the cause of crisis in the country from its roots the government had introduced two legislations: Reconciliation commission establishment Proclamation No.1102 /2018 and Administrative Boundary and Identity Issues Commission Establishment Proclamation No.1101 /2019. The objective of the former commission was to maintain peace, justice, national unity and consensus and also Reconciliation among Ethiopian Peoples⁴² while the objective of the latter commission was to submit recommendation to the public, the House of Federation, the House of People’s Representatives and the Executive Organ through analysis

⁴² Art. 5 of Reconciliation Commission Establishment Proclamation No.1102 /2018.

of causes and conflicts arises in relation to Administrative Boundaries, self-government and identity issues in participatory, explicit, inclusive and scientific manner.⁴³ The objectives of these legislations were sensational as it intended to end conflict and crisis by one or other means. Unfortunately, the crisis continued and scaled up to a bigger scope and effects.

Amid unresolved crisis in the country, the arrival of periodic national election by 2020 coincided with emerging of COVID_19, redirected Ethiopian into new level of crisis. Citing the worst spreading level of the virus, the National Election board Ethiopia notified that as it could not handle the planned national election by 2020. This notification of National board of election introduced new political adventure aligned with constitutional deadlock which finally demanded the intervention of Ethiopian House of Federation. The response of the opposition parties and the incumbent government towards non-implementation of the scheduled national election was extremely different. While some parties called for formation of transitional government⁴⁴, the incumbent government called for constitutional interpretation. Contrarily, Tigray Liberation Front publically opposed both alternatives raised by some prominent opposition party and the incumbent government, and boldly insisted on stand of holding the scheduled election at regional level even in presence of threat of Covid-19.

Finally, the constitution deadlock derived for non-implementation of 2020 national election necessitated the intervention of House of Federation for constitutional interpretation. Accordingly, the House of Federation introduced constitutional interpretation that elongated the governing period of the incumbent government to one additional year, and directed the national election to be carried on 2021 G.C. The ruling party and few prominent opposition parties agreed for postponement of the election while others terribly opposed the decision by mentioning unconstitutionality of the interpretation and postponement of the national election.

The postponement of national election had ignited the already existing difference between the ruling party and oppositions into sense of hostility. The prominent part governing Tigray region, TPLF, planned to carry out election at regional level by rebelling the decision of

⁴³ Art. 4 of Administrative Boundary and Identity Issues Commission Establishment Proclamation No.1101/2019.

⁴⁴ The prominent parties from the largest region of the federation, OLF (Oromo Liberation Front) and OFC (Oromo Federalist Congress) called for formation transition government following the end of the serving period of the sitting government as per FDRE constitution.

House of Federation. By mid of 2021, TPLF had hold election, and finally proclaimed that it had won 98% of seat in regional council. Accordingly, TPLF had continued to govern the region by forming new cabinet while the federal government, the two city councils and all regional state council had continued being governed by the old cabinet. The difference between the federal government and TPLF geared on, and finally ended up with eruption of catastrophic war up on 4 November, 2021. The immediate cause for the eruption of the war on this specific date was the sudden attack on Ethiopian national defense force of norther regiment by TPLF's militant who was later on renamed as Tigray defense force. This war continued for about two years with catastrophic loss of life, and unprecedented failure in security, economy and diplomacy of the state.

Amid a war between the Federal government and TPLF, as per the recommendation by House of Federation, general national election was planned to be held up on 2021 G.C. However, the prominent opposition parties like Oromo Liberation Front (OLF), Oromo Federal Congress (OFC) rejected the planned election. The election was carried on 21 June 2021, and the final result of poll marked land slide victory of the ruling party. Side by side, the war had not been concluded, and the displacement, loss of life and violation of rights miserably hit the society in war zone.

Meanwhile, after the ruling party secured a landslide victory from this election the Prime Mister of the state and president of the ruling Prosperity Party, Abiy Ahmed, during inauguration ceremony held up on 4 October 2021, announced that the government had a plan to carry out National dialogue to end political crisis the state had been embedded with. In line with his remark, the House of People Representatives of Ethiopian promulgated legislation; National Dialogue Commission proclamation no. 1265/2021. The proclamation, under its preamble, narrated the prevalence of difference of opinions and disagreements among various political and opinion leaders and also segments of society in Ethiopia on the most fundamental national issues.⁴⁵ As per the provisions of the same proclamation, creation of new political dispensation that marked by mutual trust, building a democratic system of trust between citizens and government, and people at national level, ensuring lasting peace, lay a firm foundation for national consensus and building of a state with strong legitimacy are exhausted as the objective of the dialogue.⁴⁶

⁴⁵ Art. 6(1) of the Ethiopian National Dialogue Commission Establishment Proclamation no. 1265/2021.

⁴⁶*id*, Art. 6(2-7).

As per this proclamation, the convener of the dialogue is a commission constitutes eleven commissioners appointed by House of People's Representative.⁴⁷ And now they are already appointed and in charge of their duty despite the complaints by opposition as far as its inclusiveness is concerned. Identifying difference on national issues through studies, public discussions and other modalities, craft agenda for dialogue based on the issues identified accordingly, convene national dialogue forum at different level, setting criteria for selection of participants, provide support for the government in preparation of plan to implement the recommendation arising out of dialogue and devise a system to monitor the implementation of recommendation are some of the duties and responsibility of the commission as contemplated under art.9 of the proclamation. The term of the commission is for three years provided that it could be extended by House of People representatives.⁴⁸ And the succeeding sub-topic, the pillars that drives the Tunisia National Dialogue towards its success are going to be discussed so that Ethiopian National dialogue stakeholders could take a lesson from it in handling the kicked off national dialogue in the state.

Lessons from the success of National Dialogue of Tunisia

Since the early times of twenty first century, different States have launched national dialogue to solve their political turmoil that had sparked instability throughout their respective society. Yemen (2013-2014), Bahrain (2011), Nepal (2008-2012) and Tunisia (2013), among others, worth mentioning. Unfortunately, these all States, except Tunisia, did not succeed in their respective national dialogue. Even though it is hardly impossible to draw a lesson from the pitfall of unsuccessful national dialogue like that held in Yemen and Bahrain, the author opt to explore the pillars behind globally cherished national dialogue of Tunisia. Unnecessary to say, the record of its success as a winner of 2015 Nobel Peace Prize, and the tangible changes it brought around, makes Tunisian National dialogue the most relevant to be explored by this article.

Incidentally, before hosting national dialogue, both Tunisian and Ethiopian shared some similar phase of political instability. Both States were hit by immense popular protest, the popular protest in both States forced their respective head of government to step down, both States held national election that failed to solve their respective political conflict, both States had no good culture of appreciating dialogue for political conflict, and finally both States

⁴⁷*id*, Art. 11.

⁴⁸*id*, Art. 8.

hosted national dialogue as a solution for their ignited political difference among stakeholders and society at large. Likewise, there are some remarkable dissimilarity between these two States. The religious compositions of their respective society, the nature of their respective fundamental political questions that ignited difference among stakeholders, the strength and the sphere of influence of their respective domestic institutions like civil society, the presence and absence of armed group, and the reflection towards their formation as a nation are some of their respective features that could be raised as dissimilarity.

However, as national dialogue is neither a solution nor a problem by itself but only a means of solving political crisis, the aforementioned dissimilarities have either no effects or a little bit effects, in managing national dialogues towards achieving its objectives so long as the stakeholders are unreservedly committed to implement it properly. Thus, the pillars behind the success of Tunisian national dialogue are discussed in the following manner so that the Ethiopian national dialogue stakeholders could draw a lesson in mid of making its national dialogue.

Cementing the legitimacy of the convener: Legitimacy of the convener is not only one basic principle of national dialogue. Rather, it is everything of national dialogue. The convener derived its legitimacy not only from the saying of the laws, but dominantly the political will and recognition by stakeholders on one hand, and the degree of neutrality and competency of the convener itself, on the other hand, significantly determine its legitimacy.

As mentioned before, the convener could be mandated either by the agreement among stakeholders like Quartet of Tunisia or by law like national dialogue commission of Ethiopia. Thus, in principle, source of mandate of the convener and the nature of the convener has nothing to do with legitimacy of the convener or has minimum effect on the legitimacy of the convener. Rather, the way the convener is formed or selected has direct effect on the legitimacy of the convener. In other word, the participation and inclusiveness of the stakeholders during formation of the convener is paramount important in determining the legitimacy of the convener. Besides, the background and the actual political position of the convener is the other factors that could cast a doubt on legitimacy of the convener. However, beyond all these facts, the political will and commitment of stakeholders is the most important elements in maintaining the legitimacy of the convener.

In case of Tunisia, Quartet was self-appointed convener though later on mandated by agreement of stakeholders. And not surprisingly, Quartet had never been neutral entity in

politics of Tunisia. Rather, it was portrayed as the third leg in politics of Tunisia next to the incumbent government and the oppositions.⁴⁹ It was not unusual to see the UGTT, one of the prominent civil society in formation of Quartet, opposing the political stand of one of the prominent party forming the then sitting government, Ennahda party. As an Islamist party, Ennahda, was fighting for inclusion of sharia law in the Constitution while UGTT had been mercilessly committed for establishment of secular states. Besides, UGTT had a record of alignment with the regime of Ben Ali which had been fully devoted to make the extinction of Ennahda from politics of Tunisia. Thus, especially for Ennahda, all these facts were logical and convincing to defy the legitimacy of the Quartet as convener at the very early stage. Fortunately, Ennahda and the stakeholders had preferred not to do so and rather commit to cement the legitimacy of the Quartet against its historical profile of lacking neutrality. Political non-neutrality of Quartet and non-inclusiveness of its formation could have never been rectified without unreserved political will and commitments of stakeholders to the dialogue. And this was what is done by Tunisia's national dialogue stakeholders, especially Ennahda party.

In case of Ethiopian, it is the Ethiopian National Dialogue Commission that is mandated by law to be the convener of the dialogue. However, at the very early stage of its formation, some of prominent stakeholders of the dialogue from Oromia and Somalia regional states defied the legitimacy of the convener by mentioning the non-inclusiveness of its formation and non-neutrality of the members of the commission.⁵⁰ The questions of non-inclusiveness and non-neutrality raised by these stakeholders of Ethiopian National Dialogue were the possible questions that could have been convincingly raised by prominent stakeholders in Tunisia National Dialogue. The choice was clear enough, i.e. either to reject the convener at early time of its born or accept it by abstaining from defying its legitimacy up on the same early time. And Tunisian national dialogue stakeholders, for that critical early time, had preferred to accept the legitimacy of the convener in a sense of great responsibility to bring the country back to peace and security. And the convener, Quartet, properly utilized the early critical time to show and cement its neutrality and competency in handling the national dialogue Tunisia.

⁴⁹ Elizabeth, *supra note* 11, at 77.

⁵⁰ BuliEdjeta, Ethiopian stillborn national dialogue, Ethiopian Insight, 12 March 2022, www.ethiopia-insight.com/2022/03/12/ethiopias-stillborn-national-dialogue.

The political patience of Tunisian's national dialogue stakeholders not to defy the legitimacy of the convener at its early critical time of formation, and the commitment of the convener to show back its neutrality and competency in handling its responsibility are big lessons for stakeholders in Ethiopian national dialogue. Thus, the stakeholders in Ethiopian national dialogue, especially opposition political parties that have defied the legitimacy of the convener, need to draw a lesson from those in Tunisian national dialogue; and shall go extra miles to appreciate the legitimacy of the convener even in presence of some downsides; and at the same time the convener, Ethiopian national dialogue commission, shall be highly committed to show back its neutrality and competency in handle the ongoing national dialogue. And only this commitment of both side can cement the legitimacy of the convener; and at the same time determine the successfulness of the incoming implementation of national dialogue.

Balancing of the mandate and efficiency of the dialogue:As mentioned before, national dialogue's objective could be either specific or general.The specific objectives could be security arrangements, constitutional amendments, and truth commissions while the broader one could entail (re)building a (new) political system and developing a (new) social contract.⁵¹ Whatever the objective of the dialogue is, however, it is impracticable to solve every disagreement or/and conflict among the stakeholders under the discourse of one time national dialogue. Thus, the mandate of the national dialogue shall be specific and manageable. The more the mandate is clear and manageable the more the dialogue becomes successful and the less the mandate is clear and manageable the less the dialogue becomes successful.

Yet, it could be challenging to strike a balance between the range of the mandate and efficiency. But, it is important to avoid overburdening mandates and agendas caring that a narrower mandate can be more manageable and efficient, it can limit the room for change.⁵² At the same time, it must be noted that the engagement is only national dialogue; it is not mediation, nor negotiation. Thus, it shall not be narrowed to the level of being negotiation or mediation among few groups, and at the same time it shall not be widened to a level of being a forum of discussion with illusion of chasing all good scenarios.

⁵¹Haider, *supra note 7*, at 4.

⁵²*id.*,at 3.

One of the key factors behind the success of Tunisian national dialogue was the balance between the mandate and the efficiency of the dialogue. The mandate of the dialogue was limited to the key issues in order to break through the political deadlock incapacitating the transition. Though other topics remain important for the transition, these topics were set aside to be attended in a separate and adequate process.⁵³ And the dialogue was held by limiting itself only to four core agendas: formation of technocrat government, drafting and way of voting of constitution, establishment of electoral body to hold national election and preparing electoral bill governing election.⁵⁴ The agendas that deserve discussion might not be only these four agendas. But these four agendas were believed as the cause of political crisis of Tunisia, and therefore put for dialogue.

In case of Ethiopia, the commission is mandated to craft agendas of national dialogue by identifying the difference among political and opinion leaders, and among the societies up on national issues after conducting studies, public discussions or other appropriate modalities.⁵⁵ Besides, the preamble and the provisions of the legislation set the standard of the discussion to be a fundamental national issue. Thus, identifying these fundamental national issues will be the basic assignment of the commission. Amid discharging its duty of crafting agenda, the commission has to carefully striking the equilibrium point between the size of the agendas and the efficiency of the dialogue. The commission shall mind that narrowed agendas would bring the continuation of the status quo of the current situation while overburdened agendas could lead to frustration. Thus, the prominent stakeholders and intellectuals, to save the efficiency of the dialogue, have to support the commission in identifying fundamental issues need to be entertained by ongoing national dialogue. And at the same time, the commission has to seriously manage the efficiency of the dialogue by setting aside some shallow agendas that could be entertained by other platforms in future.

Balancing the inclusivity and efficiency of the dialogue:As mentioned earlier, inclusivity is basic principle of national dialogue that can independently determine the legitimacy of the engagement in national dialogue. However, this does not mean that national dialogue must be open public forum that everybody can visit and leave randomly. There must be a mechanism and criteria of identifying the number and kinds of participants to national dialogue depending on its objectives.

⁵³ Marike, *supra* note 6, at 53.

⁵⁴ Rikke, *supra* note 24, at 35.

⁵⁵ Art. 9 of the Ethiopian National Dialogue Commission Establishment Proclamation no. 1265/2021.

The appropriate size of the process and participation in national dialogue depends on the objectives it seeks to achieve. If the aim is to establish a viable security framework or to overcome election violence, only those concerned should be invited. If the aim is to re-establish a new social contract, this requires the participation of a broader section of the society.⁵⁶ As there is no scientific size or number balancing efficiency and inclusiveness of national dialogue, the convener shall be pragmatic. The principle is neither less inclusive nor broader inclusive, it is only inclusive. But, as the number of participants is too large it may be difficult to discuss the details of key issues; and at the same time if participants are too small it may ensure detail discussion with limited elites at the cost of inclusivity of the dialogue.

In case of Tunisia, almost the whole stakeholders, namely the 27 parties of the ANC with exception of the CPR and MoncefMarzouki, and the party Tayar Al mahabba (former Aridha party) of HachemiHamdi, participated in the dialogue.⁵⁷ There was less public discussion during the dialogue. Thus, it is seen when the experience of Tunisia is being appreciated for its efficiency though somewhat criticized for its narrow inclusivity by expertise.

In case of Ethiopian national dialogue, it is the commission that is authorized to identify participants based on clear criteria.⁵⁸ As one of the objectives of this dialogue is creation of new political dispensation that is marked by mutual trust⁵⁹, it is predictable that the size of participants could be broader. However, the commission should equally bother for efficiency and inclusiveness of the dialogue. The public might be communicated in large to set agenda of dialogue, but detail discussion shall be held with the main stakeholders going to be identified. For that matter, the commission needs to go further to identify the prominent stakeholders legitimate to engage in details discussion. Any ignorance as to the efficiency of the dialogue compared to inclusiveness would make the dialogue only public ceremony. Thus, the commission and stakeholder have to be committed to balance the efficiency and inclusiveness of the dialogue.

Making informal and separate negotiations or/and mediations: National dialogue is employed to address nationwide crisis which might not be solved by negotiation or mediation. However, this does not mean that national dialogue is always exclusive of any mediation or negotiation. Especially when there is competitive and/or rival power of politics

⁵⁶Marike, *supra note* 6, at 81.

⁵⁷ Rikke, *supra note* 24, at 36.

⁵⁸ Art. 9 (6) of the Ethiopian National Dialogue Commission Establishment Proclamation no. 1265/2021

⁵⁹*id.*, Art. 6(3).

among/between prominent stakeholders of the dialogue, there could be a boycott against national dialogue. And such challenge needs to be addressed through series of negotiation or mediation alongside the large national dialogue.

Behind the success of Tunisia national dialogue, there were series of negotiation held alongside the large national dialogue. Especially, the most prominent delegates in the national dialogue: the Islamist-Ennahda and the secularist-Nidaa Tune had series of negotiation to narrow their difference. Even it was believed that the dialogue process was somewhat based less on formal sessions than on informal talks, not only among the formal delegates but also by actors behind the scenes. On many occasions, it was the 'corridor talks' that ensured the success of the national dialogue.⁶⁰ For the convener, there was a time to bring the whole stakeholders under the same room, and equally there was a time to deal with a few stakeholders in an informal manner just for the goodness of the big national dialogue. Even, there was a time when some stakeholders sit for negotiation in absence of the convener.

In case of Ethiopia, there is now, and there will be a boycott against the national dialogue at any stage of it. To save the national dialogue and to lead it towards achieving its objective there must be a negotiation or mediation alongside the dialogue. Such negotiation or mediation shall be to pull back influential parties that boycotted the national dialogue at any stage of it. However, the possible mediation or negotiation between or among such parties and sitting government shall not be taken as a despising act against the convener or the big dialogue. Nor, shall it be a competing peace engagement or platform alongside national dialogue. Like that of Tunisia, it must only be to ensure best accomplishment of the dialogue.

The peace agreement between TPLF and FDRE government is good example of the idea under discussion. The peace agreement mediated by African Union shall further go beyond bringing an end to the war under went for two years. And, it shall be claimed to bring TPLF into national dialogue. Similar mediation and/or negotiation approach have to be used alongside the national dialogue regarding parties that already boycotted or may boycott the national dialogue, whether armed or not. Prominent party, like OLF (Oromo Liberation Front), has to be approached by the sitting government either by negotiation or mediation. Besides nationally registered political parties that boycotted the national dialogue at this early stage need to be approached genuinely to pull them back into national dialogue. However, as noted before, any undeserved rejection after genuine approach shall be mitigated by the fact

⁶⁰Rikke, *supra note* 24, at 40.

that boycotts sometimes last for only part of the dialogue, and do not necessarily prevent the process from taking place, or agreements from being reached.

Fair distance of international actors: When it is said that national dialogue is nationally owned political process it does not mean that there is no involvement of international actors in any form and kind. There could be involvement of international actors in national dialogue of any state, especially the developing one, with different form, kind and degree. Their involvement could be for good or bad based on their distance from the heart of the dialogue. Thus, managing the involvement of international actor only to good effect is more about the responsibility of the all stakeholders, predominantly the incumbent government and the convener.

Sometimes, the involvement of external actors could be with the objectives of seeking to influence the outcome of the process; building support for the process and encouraging parties to engage; providing technical expertise; observing the process, which may help to build confidence among parties; providing facilitation and expertise to overcome deadlocks; providing funding for various aspects of the national dialogue process; assisting in monitoring and implementing the outcomes of the dialogue process.⁶¹ Their involvement shall be embraced only so long as it does not challenge the national ownership of the process. Especially, financial and technical assistance of relevant actors is paramount important for the success of the dialogue.

In case of Tunisia, the national dialogue was initiated and led by domestic stakeholders, but international and regional involvement in the country's transition made a significant and positive contribution. International actors came in at the right time, sought to support rather than redirect or undercut the Tunisian protagonists.⁶² The involvement of international actors like United States, European and Algeria was highly limited to offering encouragement and advice to arrive at agreements.

As far as Ethiopian National Dialogue is concerned, the commission has not been explicitly empowered by laws to make any kind of relationship with regional and international actors. However, this does not mean that the door of national dialogue is totally close for any kind of involvement of international and regional actors. And since recent time, it is common to see and hear when diplomats and ambassadors of different states of the world and representatives

⁶¹Haider, *supra note 7*, at 8.

⁶²Elizabet, *supra note 11*, at 79.

of international organization pledged their support for the success of the dialogue through state owned media corporates. However, it will be the assignment of the commission to determine the degree and kind of support these international and regional actors shall be allowed to contribute to the success of the dialogue. This assignment of the commission shall be governed by the national interest principle described in Article 3 of the proclamation. Like Tunisia, it is possible to limit the involvement of these actors only for goodness and success of the dialogue. Technical support by professionals and financial of external actor can surely benefit the dialogue. Thus, the approach followed by the commission shall not close doors for such opportunity; and at the same time it shall not be open for unnecessary intervention.

Avoid polarization among one another: When it is said that national dialogue is hosted during acute crisis it means that the stakeholders are with big difference that may seem irreconcilable. The measure of sitting together to solve the cause of conflict may need good culture of dialogue. This good culture of dialogue may depend on previous experience of stakeholders in holding dialogue or negotiation. Beyond the experience of the stakeholders, the political culture in that specific state contributes for the development of culture of dialogue. In state of authoritarian regime, the culture of dialogue may be far from development. In contrast, in a democratic state there could be good culture of democracy.

The Tunisian National Dialogue took place among actors that have been used to a non-dialogue culture – especially in a political context because of the repressive, authoritarian regimes. Hence, the actors in the National Dialogue had weak dialogue competences; the core dialogue instruments of listening, and understanding and accepting others' views had to be learned while the dialogue process was unfolding.⁶³ The historical relation of the prominent stakeholders was highly hostile. Especially, the Ennahda members had been repressed by Nidaa Tune's members as many of them were member the former regime. Such hostile relationship could be enough to trigger polarization among stakeholders. However, once joined the national dialogue, the stakeholders committed themselves towards ensuring peace and protecting transition to democracy by avoiding polarization.

In case of Ethiopian, the current political space is dominated by different actors holding extremely different interest; some are in armed struggle against the central government. Besides, there are detained political party leaders still now while few are pardoned recently after spending long time behind the bar. This shows the prevalence of hostile relationship

⁶³Rikke, *supra note* 24, at 20.

between the incumbent government and other prominent stakeholder. Besides, like that of Tunisia, there is no culture of dialogue in Ethiopian politics. Despite all these facts, for the success of national dialogue, the stakeholders have to be committed for best accomplishment of the dialogue by avoiding polarization. And measures that could mitigate polarized environment have to be taken by the incumbent government. The measure could be pardoning those behind the bar, and as the same time other stakeholders have to limit themselves from any polarizing propagandas.

Compromise of interests: national dialogue is not initiated just to bring absolute agreement on all topics of difference. However, to produce remarkable change, the fundamental cause of the crisis shall be addressed; and at least the most prominent stakeholders with wide influence in sphere of public politics must arrive up on agreement through art of compromise.

In case of Tunisia, what oppositions requested the sitting government was for dissolution of the whole government. However, the sitting government had rejected such question by oppositions citing that it was prestigious political treasure given by the free and fair vote of Tunisia before two years. During the dialogue, the opposition continued their question for the dissolution of NCA dominated by Ennahda party, and the replacement of the incumbent government with another technocrat leader. In the early stage of dialogue, Ennahda party firmly rejected the idea presented by wing of oppositions lead by Nidaa Tune. However, after series of negotiation Ennahda party and the wing of oppositions arrived at agreement of the replacing the sitting government with other Technocrat leader but continuation of NCA until finalization of draft of constitution and the next election. This agreement showed compromise of interest from both side. The incumbent party accepted replacement of head of state by technocrat leader while the opposition abandoned their question of dissolution of NCA.

In case of Ethiopian, it is clearly put in the legislation that the dialogue will address the fundamental cause of disagreements. And it is expected that on such fundamental issues the stakeholders may hold different stands that seems extremely contradictory. Thus, there is a high possibility for occurrence of a deadlock situation amid the dialogue. And such deadlock shall be solved by arts of compromise. Among the stakeholders, there must be culture of compromising initial interests for the sake of leading the dialogue towards its big success. Especially, the prominent stakeholders have to be bound principle of give and take. And the commission also need to be smart enough in presenting the middle way whenever the dialogue confronted deadlocked conditions.

Change oriented commitments of stakeholders: If people participate in a dialogue that subsequently produces no results, then dialogue will begin to abuse its limits as a method, and people will become disillusioned, with the consequent risk not only to the dialogue process itself but to the system as a whole.⁶⁴ To the worst scenario, it could be exploited by the incumbent government just to persist its political power misleadingly asserting that all political actors are inside the political process of ensuring peace.

In case of Tunisia, the national dialogue was really remarkably change oriented. The nature of government, the constitution and the national election was at the center of the dialogue, and all stakeholders were committed for an extraordinary change in all these three agendas.

The Ethiopian national dialogue stakeholders, the incumbent government, the opposition parties and the public in general, have to be committed to nurture the dialogue for remarkable and unprecedented change. It shall not be only a public forum hosting free speech. It shall meet the expectation of the people and international community of sustaining and ensuring everlasting peace. The level of commitment of the commission and the stakeholders shall be for a remarkable change. The importance and success of any negotiation or discussion shall be measured against the degree of its contribution to introduce some fundamental changes in Ethiopian politics. Beyond scoring good track record of culture of discussion and negotiation in domestic politics, the prominent stakeholders in ongoing national dialogue have to be committed to change oriented discourse.

Public buy-in: Public buy-in is a means to give public protection for the dialogue under way. Not only the elite classes shall own the dialogue but different class of society, the youths, the women and minority have to be concerned. Thus, there must be a modality to reach and entertain the interest of various class of society during all phase of the dialogue.

In case of Tunisia, different expertise put their assessment of the level of public buy-in in national dialogue of Tunisia. Some appreciate its level by citing the public forum tailored at local level while others tend criticize by mentioning youths and women out of towns are not properly addressed. Undeniable facts is that behind Quartet, as a union of four prominent civil societies in Tunisia, there was significant number of the members represented different class of society. Among these civil societies, UGTT only holds about 4% of the total population of Tunisia⁶⁵. Even there was a time when the convener made a call for the people

⁶⁴*Supra note 8, at 4.*

⁶⁵*Elizabet, supra note 11, at 77.*

to protest the rigid position of the party in the dialogue.⁶⁶ This shows that public in large were not only observer of the dialogue but participants and protector of the dialogue.

Taking the lesson from Quartet, the Ethiopian national dialogue commission has to sell itself in exchange of public buy-in. It may not be achieved overnight; but the commission has to deliberately work up on securing public buy-in.

Conclusion and Recommendations

National dialogue is nationally owned political process to solve deep political crisis evolving in a State. The golden feature of such approach of solving political difference is that it gears up on non-violent wheels that finally enable the state to win battle of its difference without bloodshed and damages.

Like other social and political events, national dialogues launched in different states of the world have embraced experience of failure or/and success. Fortunately, the national dialogue held by Tunisian up on 2013 marked one of the most successful national dialogue which finally enabled the convener of the dialogue, i.e. Quartet, to win Nobel Peace Prize by 2015. And consequently, the clandestine behind the success of Tunisian national dialogue become arenas of exploration that attracted expertise of different fields.

Likewise, the author is committed to examine and critically analyze the historical development of Tunisia's national dialogue; and extract the pillars behind this successful dialogue so that Ethiopia takes the possible lessons amid making of its national dialogue. Consequently, it is found that the political commitment in cementing the legitimacy of the convener, art of compromising interests, avoidance of polarization among stakeholders, by side negotiations and mediations among or/and between stakeholders, managing the effect of external actors, balancing of the inclusiveness and efficiency of the dialogue, balancing of the mandate and efficiency of the dialogue, commitment to change oriented discourse, and public buy-in are the pillars behind the success of Tunisia's national dialogue.

Accordingly, as the pillars behind the success of Tunisian national dialogue are suitable to be domesticated and utilized, it is suggested that Ethiopian national dialogue's stakeholders: the commission, the sitting government, the opposition parties and other groups consider the following recommendations amid making the ongoing national dialogue.

⁶⁶Elizabet, *supra note* 11, at 79.

- All political parties, including those boycotted the dialogue, have to go extra miles to appreciate the legitimacy of the convener with an objective of giving the dialogue a chance, and at the same time the convener should be highly committed to show back its neutrality and competency in handling the ongoing national dialogue.
- The commission and other stakeholders, with objective of avoiding overburdening mandates and agendas that can hurt the efficiency of the dialogue, have to focus only on solving fundamental issues that sparked wide political difference among stakeholders. With an objectives of avoiding unnecessary time and effort consumption on it, non-fundamental issue, even if they seem important, have to be set sided for future discourse.
- The commission and other stakeholders, with objective of not hurting the efficiency of the dialogue at blessing of its inclusivity, have to carefully identify and limit the type and number of participants in the dialogue. Meanwhile, the dialogue shall not be narrowed to a discussion of a few politicians, and at the same time it shall not become extensive public forum with no efficiency.
- The commission and other stakeholders, with objectives of narrowing the difference between or among stakeholders on specific agenda, and additionally to bring back any party that boycotted the national dialogue at any stage, have to appreciate and facilitate separate mediation and negotiation alongside the national dialogue.
- The commission and other stakeholders have to manage the involvement of external actors only for goodness and success of the dialogue. The door shall be open only for technical support of professionals.
- The stakeholders in the national dialogue have to be committed towards discussion and dialogue by avoiding polarization that scale up insecurity and intolerance.
- The stakeholders have to develop political willingness and commitment to compromise some of their interest whenever the dialogue corned to deadlock situation. And the commission has to be committed to design the way to overcome such deadlock situation along with stakeholders.
- The commission and other stakeholders have to be committed to make the dialogue change oriented. The maximum care have to be taken not to make the dialogue only a forum of expressing one's own political stand and interests.
- The commission have to deliberately work up on securing public buy-in to by producing a modality that enable it to reach and entertain the interest of various class of society during all phase of the dialogue

Marii Biyyaleessa Itiyoophiyaa: Milkaa'ina fi Kufaatti Biyyoota Biroo Irra Baratamu

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Axareeraa (Abstract)

Cehumsa siyaasaafi nageenya itti-fufinsa qabu fiduuf gaheen mariin biyyaalessaa qabu isa ol'aanaafi murteessaadha. Keessumaa hawaas-diinagdee biyya tokkoo keessatti wal-dhabdee karaa kamiinuu dhufu kanneen akka waraanaan aangoo qabachuuf taasifamu, waraana sumaansii, sarbamu mirga dhala namaafi rakkoo gamaa bulchiinsa gaariin mudatuufi kan biroo furuuf mariin biyyaalessaa shoora ol'aanaa qaba. Biyyoonni hedduun lola keessoo isaanitti uumameef marii biyyaalessaan hiikuun nageenya itti-fufiinsa qabuufi siyaasa tas-gabba'aa waliigalteen uumuuf itti dhimma bahaa turanii jiru. Yeroo dhihoo asitti, mariin biyyaalessaa akka meeshaa haaromsa caasaa siyaasaa, hawaasummaafi diinagdee ta'e tajaajila jira. Keessattuu biyyoota akka Itoophiyaa keessatti wal-dhabdeen sabaa yookiin daangaa jiru keessatti, nagaa waaraa fiduuf mariin hunda hammateefi dhugaa irratti hundaa'e baay'ee barbaachisaadha. Haa ta'u malee, biyyoonni marii biyyaalessaa gaggeessan hundi milkaa'uu danda'u jechuu miti. Biyyoonni tokko tokko rakkoo siyaasaa isaanii marii biyyaalessaatiin furanii jiru, kaan garuu marii biyyaalessaa gaggeessanii osoo hin furiin hafanii jiru. Fakkeenyaaf, Tuuniziyaan marii biyyaalessaa keessa darbuun bara 2013 A.L.I-tti rakkoo siyaasaa ishee furuun biyyattii kufaatii irraa baraarree jirti. Sudaan faallaa kanaatiin bara 2014 irraa eegaltee marii biyyaalessaa kan geggeessa turteefi sababa adda addaatiin keessumaa immoo paartiin biyya bulchu adeemsa marichaa keessaa seenaa waan tureef fashalaa'ee jira. Kana jechuun haalli mariin biyyoolessaa milkaa'aa yookiin bu'aa hin qabne ni jira jechuudha. Barreeffamni kun mala qorannoo akkamta kan fayyadamu ta'ee adeemsa marii qajeeltoowwan marii biyyaalessaa akka Addunyaatti beekamtii qabaniifi kanneen biroo biyyootni adda addaa milkaa'ina yookiin kufaatii marii biyyaalessaa tilmaamuuf itti fayyadaman xiinxalamee jira. Odeeffannoofi beekumsi hundi maddoota sadarkaa lammaffaa kanneen akka kitaabota, barruulee, gabaasaafi kan gaazexoota haala siyaasaa yeroo ammaa ilaalchisee maxxanfaman irraa argameen kan xiinxalameedha. Dhuma irratti Itoophiyaan milkaa'ina biyyoota marii gaggeessaniifi hanqinootaa fi sababoota biyyoonni marii biyyaalessaa gaggeessaa turan akka hin milkoofne isaan taasisan maal maal akka ta'an adda baafattee marii gaggeeffamuuf karoorfame irratti hanqinoonni kun akka hin muudanne muuxannoo fudhachuun milkaa'ina siyaasaa akka fiduuf yaadni furmaataa akeekamee jira.

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Seensa

Akka Itoophiyaatti dhimmoonni wal-falmii ijaarsa biyyaatiin wal-qabate akka jiru barreeffamoonni seenaa qaamota adda addaatiin barreeffamaa turan ni agarsiisu.¹Bara 1987 Heerri Mootummaa Ripaablaka Dimookiraatawa Federaalawa Itoophiyaa (kana booda Heera MRDFI) kaayyoo nageenya fulla'aafi dimokiraasii wabummaa qabu akka diriiru, guddinni diinagdeefi hawaasummaa akka ariifaatu, mirga hiree ofii ofiin murteeffachuutti fayyadamuufi hawaasa siyaasaa tokko waliin ijaaruuf qabatee tumamee jira. Kaayyoo kanas galmaan ga'uuf mirgoonni bu'uuraa dhuunfaa, sabaa, sab-lammii kabajamuu isaanii, wal-qixummaan saalaa mirkanaa'uu isaa, aadaawwaniifi amantiiwwan loogii tokko malee akka tarkaanfatan taasifamuu akka qabu tumee jira. Carraan waliin jiraachuu uummattoota Itoophiyaa gara fuula duraa kan irratti bu'uureffamuu qabu, dogoggora waliitti dhufeenya seenaa darbe irraa dhaalame sirreessuufi faayidaa waliinii guddisuu akka ta'e heerichaan tumamee jira.²

Haa ta'u malee erguma heerri MRDFI ragga'ee hojii irra oolee asitti mootummaan haala guutuu ta'een abbaa irree ta'uun waggoottan darbaniif biyya bulchaa turuun immoo wal-dhabdeefi wal-falmii duraan turan haalan kan hammeesse ta'uutu hubatama.³Kunis sarbamiinsa mirga namoomaafi mirga dimokiraasii, malaammaltummaa, aangoo gar-malee fayyadamuu, filannoo uummataa waliin dhahuun uummanni akka mootummaaf hin ajajamne taasisuun mormiin guutummaa biyyattiitti gaggeeffamuun sirnichi jijjiirama hanga ta'e akka godhu taasisee jira. Dabalataanis hiyyummaa, qoodinsi qabeenyaa madaalawaa ta'uu dhabuun, haala itti seenaawwan darban ilaalaman yookiin haala itti seenaawwan darban keessaa garee tokko ala taasisuun isa biraa haammachiisan sababoota bu'uura raafama hawaasummaafi siyaasaa biyyattii bakkeewwan garaa garaatti akka uumamu taasisanidha.

Biyyoonni hedduun raafama siyaasaa isaan mudatee marii biyyaalessaa karaa hunda hammateen gaggeessuun rakkoo keessa bahuun gara nagaafi tasgabbiitti ce'uun guddina diinagdee galmeessanii jiru. Akka fakkeenyaatti biyyoota kanneen akka Afrikaa Kibbaa, Tunisiyaa, Ruuwandaafi kanneen biroo kaasuun ni danda'ama. Biyyoonni kunniin kan itti

¹Af-gaffii Kadhimamaa Doktaraa Kadir Maammoo Itti gaafatamaa Damee Qo'annoofi Qorannoo Waajjira Paartii Badhaadhina Damee Oromiyaa waliin gaafaa guyyaa 19/08/2014 sa'atti 4: 30-5:50 taasifame.

²Heera Mootummaa Mootummaa Ripaablaka Dimookiraatawa Federaalawa Itoophiyaa (kana booda Heera MRDFI), Labsi Lakkoofsa 1/1987 bahe seensa keewata 2-4.

³Af-gaaffii Obbo Baatirii Fufaa I/A/Abbaa Alangaa Waliigalaa fi Hoogganaa Damee tajajila seeraa waliin gaafa 10-08-2014 fi Addee Fiqir Zalaalem I/Aantuu Abbaa Alnagaa waliigalaafi Hooggantuu Damee yakka malamaltummaafi Dinagdee waliin gaafa 11-08-2014 taasifamee; Isuma yaadannoo 1^{flaa}.

milkaa'uu danda'aniif qajeeltoowwan bu'uuraa marii biyyaalessaa biyya tokkoof barbaachisan karaa guutuu ta'een hojii irra olchuu isaaniifi sadarkaalee marii biyyaalessaa karaa of-eeggannoo cimaa qabuun hojii irra olchuun mala raawwii isaas karaa iftoomina qabuun waan raawwataniifidha. Biyyoonni biroon, fakkeenyaaf kan akka Sudaan Kibbaa, Yukireen, Yeman fi Ijpti marii biyyaalessaa taasisanii osoo itti hin milkaa'iin hafuu isaanii barruuleen ni agarsiisu. Sababoonni milkaa'uu dhabuu marii biyyaalessaa kanaas mariin kun yeroo gaggeeffamaa turetti qooda fudhattoota hundaa karaa hirmaachiseen ta'uu dhabuu, dhiibbaa biyyoota alaafi mariin gaggeeffames dhimmoota waliigaltee irra ga'ame mala ittiin raawwatamuufi qaama raawwatu lafa kaa'uu dhabuun akka sababaatti ni ka'a.

Kanaaf Itoophiyaanis yeroo ammaa kana rakkoowwan olitti kaasuuf yaalle kana karaa nageenya waaraa fiduu danda'uun marii biyyaalessaa hunda galeessa taasisuuf hojiitti seentee jirti. Kunis dhaabbilee dhimma kana abbummaan hoogganan hundeessuu, haammattoo seeraa qopheessuufi komishineroota maricha abbummaan hoogganan namoota 11 filachuufi komishineroonni filataman kunis qaamolee hawaasaa adda addaa waliin marii taasisanii jiru. Haata'u malee, milkaa'ina marii biyyaalessaa tokkoof sadarkaan adeemsaafi raawwii kan bu'uurati. Kanaaf mariin biyyaalessaa gaggeeffamuuf hojiitti galame kun karaa milkaa'ina qabuun akka raawwatuuf muuxannoo biyyoota itti milkaa'aniifi barumsa biyyoota itti milkaa'u dhaban irraa fudhachuun of-eeggannoon gaggeessuun barbaachisaadha.

Raawwii marii kana keessatti seeraa Mana Maree Bakka Bu'oota Uummataatiin tumame akka lafa qabatu taasisuudhaaf duursa lammiileen seerichaafi barbaachisummaa seerichaa irratti, akkasumas adeemsa marii biyyaalessaafi bu'aa inni fiduu danda'u irratti hubannaa gahaa argachuu qabu. Kanaaf dhimmoota kana xiyyeeffannoon hojjechuuf akka toluuf yaad-rimee marii biyyaalessaa qabatamaa Itoophiyaatti maal akka fakkaatuufi muuxannoo biyyoota biroo waliin xiinxaluun kallattii akeekuuf akka toluuf barreeffamni gababaan kun qophaa'ee jira.

KUTAA TOKKO

1. YAAD-RIMEE MARI BIYYAALESSAA FI MUUXANNOO BIYYOOTAA

1.1. Yaad-Rimee Marii Biyyaalessaa

Yaad-rimee “marii biyyaalessaa” jechuun maal jechuu akka ta’e bira gahuuf haala itti yaad-rimeen kun fayyadamamuu eegale ilaaluun barbaachisaadha. Yaad-rimeen kun haaraa kan hin taaneefi addunyaa gara Kibbaatti (Global South) baay’inaan dhimmi kan itti bahamaa ture ta’us achitti qofa kan daanga’e miti. Dabalataan warraaqsa biyyoota Arabaafi addaan bahiinsa kominizimii biyyoota Awurooppaa keessatti taasifamaa tureen wal-qabtee yaad-rimee kanatti dhimmi itti bahaa turani jiru. Mariin biyyaalessaa mala ittiin raafamni siyaasa biyya tokkoo fala argatu, daandii cehumsa siyaasaa kan saaquufi nageenya waaraa fiduun kan ittiin danda’amudha. Mariin biyyaalessaa wal-ta’iinsa hunda hammatu, yaadama bal’aafi hirmaachisummaa kan qabu ta’ee raafama siyaasaa biyya tokkoo kan furuudha.⁴ Marii kana irrattis adda dureen kan mari’ataman dhimmoota biyyaalessaa waloo ta’e, keessumaa yeroo dheeraadhaaf madda walitti bu’insaafi kanneen madda mormii siyaasaafi waraanaa ta’an irrattidha.⁵ Kanaaf, mariin biyyaalessaa gahee jijjiirama siyaasaa, heera tumuu yookiin fooyyessuufi nageenya waaraa fiduu kan qabudha. Hanga yeroo dhiyootti marii biyyaalessaa hedduun dhimmoota siyaasaa garaa garaa irratti biyyoota hedduu keessatti gaggeeffamee jira.⁶ Mariin gaggeeffames biyyoota tokko tokkotti bu’a qabeessa akka ta’e barruuleen adda addaa ni agarsiisu.

Mariin biyyaalessaa caaseffama, qajeeltoowwaniifi adeemsa ifa ta’e mariin itti taasifamuufi murtee kennuuf gargaaru kan qabaatudha. Mariin kunis guyyoota hedduu yookiin waggoota dheeraaf turuu kan danda’uufi baay’inni hirmaattotaafi haalli filannoo hirmaattotaa garaa gara kan ta’eefi dhibbootan lakka’aman irraa hanga kumatamaa hedduu ta’uu danda’a. Mariin biyyaalessaa kunis kan gaggeeffamu uummata bal’aa hirmaachisuuniifi fedhii uummataas maricha keessatti hammachisuun ta’a.⁷ Uummanni bal’aan marii biyyaalessaa irratti hirmaatu kunis bu’aa maricha irraa argamu akka kan isaatti fudhachuufi hojii irra oolmaa isaatifis akka deeggarsa taasisuuf kan gargaarudha. Mariin biyyaalessaa kan gaggeeffamu yeroo baay’ee amaloonni bu’uuraa mootummaa yookiin jiraachuun mootummaa gaaffii keessa yoo

⁴Dr. Thania Paffenholz, Briefing Note What Makes or Breaks National Dialogues, The Inclusive Peace & Transition Initiative (IPTI), 2017 F1.

⁵Akkuma olii.

⁶Akkuma olii.

⁷Akkuma olii, F9.

galuudha. Kanaaf, marichis kan gaggeeffamu walitti dhufeenya mootummaa, qooda fudhattoota siyaasaafi uummata gidduutti wal-ta'iinsi akka jiraatuuf kan gargaarudha. Haala akkasii keessatti deeggartoota jijjiiramaa (pro-change) fi faallaa jijjiiramaa (anti-change) kan jedhamaniin kan uumamanidha. Kana irraa ka'uun kanneen jijjiirama deeggaraniifi warreen hin deeggarre gidduutti wal-ta'iinsi kan uumamuu danda'u mala marii biyyaalessaatiinidha.⁸Ka'umsi marii biyyaalessaa yeroo baay'ee jala irraa gara olittidha. Haa ta'u malee, darbee darbee immoo qooda fudhattootni Idil-addunyaafi Ardilee yaada kana dhiyeessuu danda'u.⁹

1.2. Seenaa Dhufaatii Marii Biyyaalessaa

Haalli dhufaatii marii biyyaalessaa yeroo baay'ee sochii seenaa siyaasaa gurguddoo afuriin walitti hidhamiinsa kan qabudha. Inni jalqabaa muddama siyaasaa addaan bahinsa kominizimii baha Awurooppaa fi Awurooppaa giddu galeessaa bara 1989 A.L.A irraa madde tasgabeessuuf, Poolandi, Hangarii, Chekoozolaviyaa, (East) Jarmaniifi Bulgaariyaan marii cimaa taasisuun gara cehumsa siyaasaatti taasisuuf balbala kan saaqedha. Inni lammaffaan biyyoonni Afrikaa hedduun garaagarummaa lammiileefi bulchitoota gidduu jiru furuuf bara 1990 A.L.A keessa wal-tajjii biyyaalessaa uumuuf waliigalanii turan. Inni sadaffaan bara 1990 A.L.A keessaa Ameerikaa Kibbaatti adeemsa heeraa mootummaa tumuu keessatti waliigaltee irra ga'uun hojjechaa turamee jira. Akka fakkeenyaatti kaasuuf waliigalteen qabiyyee heeraa mootummaa irratti Boliviyaafi Kolombiyaa keessatti irra ga'ame amala marii biyyaalessaa bu'uura kan agarsiisudha. Inni afuraffaan taatee sochii warraaqsa biyyoota Arabaan wal-qabatee tureedha.

1.3. Qajeeltoowwan Marii Biyyaalessaa

Akka addunyaatti qajeeltoowwan marii biyyaalessaa wal-fakkaataa ta'an kan hin jirre ta'uu barreeffamoonni garaa garaa ni agarsiisu. Akkaataa qabatama biyyaa irrattiifi garaa garummaa walitti bu'iinsa biyya tokko keessatti uumamu tilmaama keessa galchuun akkuma jirutti ta'ee mariin biyyaalessaa hiika qabeessa cehumsa siyaasaafi nagaa fiduu danda'u gaggeessuuf qajeeltoowwaan bu'uuraa armaan gadii hammachuu qaba.¹⁰

⁸ Dr. Thania, mil-jalee 4^{ffaa}, F10.

⁹ Akkuma olii

¹⁰ Susan Stigant and Elizabeth Murray (2015), National Dialogues: A Tool for Conflict Transformation, United State Institute of Peace, Brief, <https://www.usip.org/publications/2015/10/national-dialogues-tool-conflict-transformation>, accessed on March 26, 2022, p.2

1.3.1. Haammattummaa (Inclusiveness)

Mariin biyyaalessaa kaayyoo qabame tokko galmaan gahuuf, qooda fudhattoota hunda kan haammate, fedhiifi garaagartee yaada adda addaa walitti kan fidu ta'uu qaba.¹¹ Sababiin isaas, bu'a qabeessummaa marii biyyaalessaa kan murteessan, namoota yookiin qaamota maricha irratti hirmaataniifi qaama marichaaf haala mijeessu irratti kan hirkatu waan ta'eef dhimma xiyyeeffannoo ol'aanaan kennamuufii qabuudha. Mariin biyyaalessaa addatti yoo xiqqaate garee gurguddoo lama haammachuu qaba.¹² Isaanis: Tokkoffaa, hayyoota siyaasaa murteessoo ta'aniifi paartilee morkattootaa yookiin mormitootaa (meeshaa waraanaa hidhatanii yookiin osoo hin hidhatiin socho'an), akkasumas raayyaa ittisaa (military); fi lammaffaa, bakka bu'oota dhaabbilee hawaasa sivilii, dubartoota, dargaggoota, hawaasa daldalaa, abbootii amantaafi jaarsoolii biyyaati.¹³

Marichis, osoo adeemsi hin eegaliin dura hunda kan hirmaachise, iftoomina kan qabu, sadarkaa qophii marii bu'uureffate marii biyyaalessaa dhugaa ta'e gaggeessuuf dhimmoota bu'uuraa addaan baasuun kaa'uu qaba. Kunis murtee jalqabaa kan ta'an boca, caaseffamaafi dhimmoota eenyutu akka marii biyyaalessichaa irratti hirmaachuuf affeerame ifaan adda ba'ee taa'uu qaba.¹⁴

Qophiin kun of-eggannoo cimaafi karaa iftoomina qabuun qaama qophii kana gaggeessuun garee hunda karaa haammateen taasifamuun baay'ee barbaachisaadha. Komishiniin Marii Biyyaalessaa biyya Yeman bara 2013-2014 A.L.A-tti waliigaltee mana maree qindoominaa Gulf jedhamuun bara 2011 A.L.A-tti aangeffameen Pireezedantii Ali Abdullah Saleh's aangoo irraa kaasuun akkasumas garee qooda fudhattoota bal'aa ta'aniif xiyyeeffannoo osoo hin kenniin hafee jira.¹⁵ Hooggantoota hawaasaa cinaatti dubartootaafi dargaggoota karaa hammateen Komishiniin Marii Biyyaalessaa Yeman adeemsa siyaasaa bakka bu'iinsa ka'umsa gaarii qabu taasisee jira. Qajeeltoowwaan kanatti fayyadamuun biyyi Tunisiyaa marii biyyaalessaa bu'a qabeessa taasistee jirti. Kunis uummanni marichaaf beekamtii kennuu isaatiin kan mirkanaa'edha.¹⁶

¹¹Haider, H. (2019). *National dialogues: lessons learned and success factors*. K4D Helpdesk Report, Brighton, UK: Institute of Development Studies, p.2 & olitti yaadannoo 10^{ffaa}, pp. 2-5.

¹²Dr. Thania, miil-jalee 4^{ffaa}, F24-26.

¹³Akkuma olii.

¹⁴Susan & Elizabeth, miil-jalee 10^{ffaa}

¹⁵Akkuma olii.

¹⁶Akkuma olii.

1.3.2. Qajeeltoo Iftoominaafi Hirmaannaa Uummataa (Transparency and Public Participation)

Mariin qooda fudhattoota fedhiifi dantaa qaban hunda kan hirmaachisellee yoo ta'e uummata bal'aaf iftoomina kan hin qabneefi hirmaachisaa yoo hin taane; rakkoon beekamtii yookiin fudhatamummaa dhabuu mudachuu danda'a. Bakka buutota galma keessa taa'aniin olitti mariin biyyaalessaa mala itti uummata bal'aaf ifa ta'uufi hirmaachisaa ta'uu qabaachuu mala. Hirmaannan bal'aan kun kan inni milkaa'u danda'u adeemsa marii naannoo naannootti gaggeeffamu marii biyyaalessaa waliin wal-qabsiisuun, akkasumas uummata mariisiisuun, yeroo yeroodhaan uummata beeksisaa deemuuniifi uwwisa miidiyaa kennuudhaan ta'a.¹⁷ Bakka buutonnis garee isaan bakka buufate waliin yeroo yeroon wal-dubbisuufi mariisiisuu qabu. Taateen akkanaa kun akka fakkeenyaatti konfiraansii Bomas biyya Keeniyaatti riiformii heeraaf taasifame irratti mul'achaa turee jira.¹⁸ Yeroo Marii biyyaalessaa (Assises Nationales) Senegal bara 2008 hanga 2009 A.L.A gidduutti gaggeeffames gareen hubachistuu (outreach) walitti dhufeenya tokkon tokkoo bulchitoota Senegaaliifi garee diyaaspoora Faransaayi, Ameerikaafi Kanaadaa keessa jiraatan waliin taasisaa turani jiru. Hawaasa hubachiisaa deemuuf gareen marii biyyaalessaa keessatti hirmaatu dandeettii xiinxala bu'aa odeeffannoo tokko argamsiisuu danda'u qabaachuu qabu.¹⁹

1.3.3. Mariisiisaa Amanamaa Qabaachuu (A Credible Convener)

Hirmaannaa garee qooda fudhattoota garaa garaa argachuu yookiin loogii dhabamsiisuuf qaamni mariisiisaa amanamaan bakka ol-aana qaba. Qaamni kun nama dhuunfaa, garee uummataa, dhaabbata yookiin gurmuu dhaabbilee ta'uu danda'a. Mariisistoonni marii biyyaalessaa, lammilee harka caaluu biratti kabaja kan qabaniifi fedhii yookiin kaayyoo siyaasaa walitti bu'iinsa dantaa beekamaa (obvious conflict of interest) tokko illee kan hin qabne ta'uu qabu. Fakkeenyaaf, marii biyyaalessaa Tunisiyaa keessatti gaggeeffameen mariisiisaa amanamoo qabaachuutiin milkaa'anii jiru. Marii biyyaalessaa Tunisiyaa keessatti bara 2013-2014 A.L.A-tti gaggeeffameen dhaabbileen hawaasa sivilii afur (The general Worker Union (UGTT)), the employers union (UTICA), the Tunisian Bar, Association, and the Tunisian League for Human Rights (LTDH) jedhaman akka dhaabbata mariisiisaatti tajaajilaa turani jiru. Uummata Tunisiyaa harka caalu biratti dhaabbileen kunniin akka

¹⁷Akkuma olii.

¹⁸Akkuma olii, F3.

¹⁹Akkuma olii.

mariisistoota amanamootti ilaalamanii jiru. Seenegaal keessatti daayirektarri daayirektoreetii UNESCO duraniifi Lammii Senegaal ta'e "Amadou-Mahtar M'Bow" jedhamu marii biyyaalessaa Seenegaal bara 2008-2009 A.L.A-tti ture duursaa ture jira. Gaggeessummaan isaas maricha keessatti bu'aa ol'aanaa galmeessisee jira. Haaluma wal-fakkaatuun Afrikaa Kibbaa keessattis mariisisaa amanamaafi uummata biratti jaalatamummaa qaban kabajamoo "arch Bishop Desmond Tutu'n" gaggeeffamaa turee jira.

Faallaa kanaan immoo yaaliin marii biyyaalessaa Sudaan osoo hin milkaa'in hafee jira. Yeroo jalqabaaf yaadni marii biyyaalessaa Sudaan keessatti bara 2014 A.L.A keessa yeroo ka'utti Pirezeedaantiin Sudaan "Omar al-Bashir" qophii isaa keessatti ga'ee ol'aanaa taphatee ture. Kun immoo mariin kun karaa hunda hirmaachiseniifi karaa dhugaa ta'een gaggeeffamuu isaa shakkii keessa galchee jira.²⁰ Kunis milkaa'ummaan adeemsa marii biyyaalessaa qaama walabaafi bilisa akkasumas uummata bal'aa biratti amanamaafi fudhatamummaa qabuun hoogganamuu akka qabu agarsiisa.

1.3.4. Ajandaa Rakkoo Walitti Bu'iinsa Bu'uuraa Hiikuu Qabaachuu (Agenda that Addresses the Root Causes of Conflict)

Mariin biyyaalessaa dhimmoota bu'uuraa biyya tokko keessatti madda walitti bu'iinsaa ta'an irratti waliigalteerra ga'uuf kan gaggeeffamu ta'uu qaba. Mariin biyyaalessaa yeroo baay'ee ajandaawwan kan akka jeequmsa dhaabuu (ending violence), gaaga'ama namoomaa hambisuuf (addressing the humanitarian crisis), gaaga'ama siyaasaa furuuf (over coming the political crisis), rifoormii yookiin fooyya'iinsa heeraa, bulchiinsa lafaa, tokkummaa biyyaalessaa, itti gaafatamummaa mootummaa fiduuf taasifama.²¹ Dhimmoota kana adda baasuufi irratti waliigaluuf yeroo baay'ee waliigaliinsa yookiin walitti dhufeenya taasisuun dura ji'oottan yookiin waggoottan fudhachuu danda'a.²²

Kanaaf, gara mariitti osoo hin galiin dura ajandaalee mariif dhiyaachuu qaban kan ijoo wal-dhabii abbootii hirtaa ta'an adda baasuufi irratti waliigaluun daraan barbaachisaadha. Ajandaawwan marii biyyaalessaa baay'isuu irraa of-qusachuun barbaachisaa akka ta'e beektonni ni gorsu. Sababiin isaa gaheen hojii koree marii biyyaalessaa hanguma baay'achaa deemu madaalliin bu'aa marii biyyaalessaan dhufu gaaffii keessa galuu danda'a.²³

²⁰Susan & Elizabeth, Miil-jalee 10.^{ffaa}

²¹ National Political Dialogue Handbook, *A guide to planning and Conducting a National Political Dialogue*, a Global Pro Bono Law Firm, 2015, F5.

²²Susan & Elizabeth, Miil-jalee 10.^{ffaa}, F3.

²³Akkumaolii.

Ajandaaleen madda walitti bu'iinsaa ta'uu danda'an; eenyummaa biyyaalessaa (national identity), riiformii dhaabbilee, adeemsa filannoofi caaseffama mootummaa (yeroo baay'ee sirna federaalawaafi sirna tokkummaa (unitary) kan dabalatudha. Fakkeenyaaf, mariin biyyaalessaa Yeman dhimmoota yookiin ajandaa gurguddoo qabaatullee dhimma falmisiisaa sirna federaalizimii irratti waliif galuu hin dandeenye.²⁴Dabalataan, dhimmoota faayinaansiifi tooftaa siyaasa federaalizimii irratti waliigaluu dhabuun Yeman dhimma ijoo waraana sumaansii mariin biyyaalessaa xumuramee ji'oottan kudha shanii gaditti akka jalqabu taasiseedha.²⁵Afrikaa Kibbaa keessatti gareen marii biyyaalessaa ajandaawwan ja'a qabachuun mari'atee jira. Kunis:-Tokkoffaa jeequmsa dhaabuu (ending violence), lammaffaa seerota loogii qaban haquu (repealing discriminatory legislation), sadaffaa mana maree cehumsaafi mana maree xiqqaa hundeessuu (establishing the transitional executive council and its sub-councils), afraffaa komishinii filannoo bilisaa hundeessuu (creating an independent electoral commission), shanaffaa mirgoota bu'uuraaf yeroo cehumsaatti eegumsa taasisuufi dhimma heera mootummaa irratti (protecting fundamental rights during the transition; and constitutional issues) fi jahaffaamiidiyaafi abbaa taayitaa birodikaastii walabaa ta'e hundeessuu (establishing an independent media and broadcasting Authority) irratti mari'achuu ture.²⁶

Walumaagalatti, dhimmoonni ajandaa marii ta'anii dhiyaatan kan turtii yeroo gabaabaa yookiin dheeraa keessatti raawwatamuu danda'an ta'uun adda bahanii sadarkeeffamanii taa'uu qabu.²⁷

1.3.5. Gahee Ifaafi Caaseffama adda ba'e, Seeraafi Adeemsa Ifa ta'e Qabaachuu (Clear Mandate and Appropriately Tailored Structure, Rules, and Procedures)

Mariin biyyaalessaa dhaabbilee mootummaa jiraniin alatti kan gaggeeffamudha. Dhugaan jirus mariin biyyaalessaa kan gaggeeffamu sababa mootummaafi dhaabbileen mootummaa dhimmoota falmisiisaa harka isaanii jiru furuudhaaf amanamoo ta'uu dhabuu isaanii irraa kan ka'e hiikuu dadhabuutiin kan gaggeeffamudha.²⁸ Mariin kunis adeemsaafi seera ittiin murtii kennu kan iftoomina qabuufi garee hundaafi amala dhimmoota hunda haammatu mataa isaa kan qabuudha. Fakkeenyaaf, marii biyyaalessaa Tunisiyaa keessatti bakka bu'oonni gahee

²⁴Haider, H. Miil-jalee 11^{ffaa} F3.

²⁵Akkuma olii.

²⁶Miil-jalee 21^{ffaa}, F33.

²⁷Akkuma olii.

²⁸Akkuma olii, F3-4.

ifa ta'e qabaachuun kaayyoolee afur irratti ariitiin akka gaggeeffamu ta'ee jira. Kunis mootummaa eegduu filachuu (selecting care taker government), heera haaraa mirkaneessuu, qaama bulchiinsa filannoo hundeessuufi yeroo filannoon itti gaggeeffamu adda baasuun kaa'uu irratti kan xiyyeeffatudha.²⁹

1.3.6. Tooftaa Bu'aa Argame Hojii irra Ittiin Oolchan Irratti Waliif Galuu (Agreed Mechanism for Implementation of Outcomes)

Bu'a qabeessummaan marii biyyaalessaa milkaa'ina hojii irra oolmaa yaada furmaataa irratti hundaa'a.³⁰ Bu'aan dhuma irratti argamuu danda'u; waliigaltee irra gahuufi hojii irra ooluu yookiin waliigaltee irra gahuu dhabuu yookiin waliigaltee irra gahame garuu otoo hojii irra hin ooliin hafuu yookiin waliigaltee irra gahuufi harka walakkaan hojii irra ooluu ta'uu danda'a.³¹ Haal-dureewwaan mariin biyyaalessaa hojii irra akka oolan yookiin hin oolle taasisan ni jiru. Isaanis: jiraachuu baajataa, hundeeffamuu dhaabbata yookiin qaama marii biyyaalessaa hojii irra oolchu akkasumas sadarkaa abbaa aangoo kennuufiin (granting official status) marii biyyaalessaa hojii irra oolchuuf durfamee kennamu fa'adha.³²

Mariin biyyaalessaa amala dhimmoota waliigaltee irra ga'aman tooftaa ittiin raawwataman heera haaraa tumamuun, seeraan, imaammataan yookiin sagantaa biroo hojii irra ittiin oolu ni qabaata. Karoora tooftaa raawwii ifa ta'e hin qabu taanaan mariin biyyaalessaa bu'aa qabatamaa tokko osoo hin buusiin yeroofi qabeenya bal'aa qisaasessuu ta'a.³³

1.4. Amaloota Marii Biyyaalessaa (Characteristics of National Dialogues)

Kutaan kun amaloonni bu'uura marii biyyaalessaa of keessatti qabatu maalfaa akka ta'an adda baasuun dubbistootaatti kan agarsiisuudha. Barruuleen tokko tokko akka agarsiisanitti amaloonni kunniin xiinxala dhimmoota biyyoota adda addaa keessatti bara 1990 hanga 2014 A.L.A-tti taasifame irraa kan hubatame ta'uu agarsiisa.³⁴

1.4.1. Gahee Hojii (Mandate)

Mariin biyyaalessaa kan gaggeeffamu dhimmoota rakkoo hawaasummaa, siyaasaa yookiin diinagdee xiyyeeffannoo biyyaalessaa barbaadan irratti kan gaggeeffamudha. Qorannoon

²⁹Miil-jalee 21^{ffaa}, F33.

³⁰Susan & Elizabeth, Miil-jalee 10^{ffaa}.

³¹ Akkuma olii.

³² Blunck et al, *National Dialogue Handbook*; Kaplan and Freeman, cited in Haider, National Dialogues: Lessons learned, 2015, F2.

³³Miil-jalee 21^{ffaa}, F4.

³⁴Susan & Elizabeth, Miil-jalee 10^{ffaa}, F28.

marii biyyaalessaa akka agarsiisuutti gaheen marii biyyaalessaa dhimmoota adda addaa sadi irratti akka ta'e ni agarsiisa. Isaan kunis rifoormii siyaasaa kaayyoo sirna siyaasaa jiru tokko fooyyessuun gara dimokiraasiitti ceesisuu, nagaa waaraa fiduun walitti bu'iinsi, hokkorri akka hafuufi aadaa waliin dubbachuu guddisuun nageenyi waaraa akka jiraatu taasisuu, akkasumas kaayyoo adeemsa qophii wixinee yookiin heera fooyyessuu hubachisuu qabaachuu ni danda'a.³⁵

1.4.2. Hanga Lakkoofsa Hirmaattotaa (Size: Number of Participants)

Akkaataa qabiyyee isaa irratti hundaa'uun lakkoofsi nama marii biyyaalessaa irratti hirmaatu garaa garummaa qabaachuu ni danda'a. Gariin nama muraasa bakka buusa, gariin immoo namoota kuma hedduu bakka tokkotti fida. Akka fakkeenyaatti biyyoota gara garaa keessatti; Meeksikoo fi '*Papua New Guinea*' hirmaattota gara 100 ta'an, Ripaapilika Dimokiraatik Koongoo hirmaattota 362, Yeman hirmaattota 565, Neepal hirmaattota 601, Maalii hirmaattota 1,000-1500 gidduu kan ta'an, Afaganistaan hirmaattota 1551 fi Somalii Laandii keessatti hirmaattota 2000 oli kan hirmaachisan ture.³⁶ Haalli itti bakka buutota marii irratti hirmaatan filaman dhimma ijoo dhiibbaa marii biyyaalessaa irratti fiduu danda'udha. Malli filannoo isaa qaama marii biyyaalessaa akka gaggeessuuf aangeeffameen yookiin affeerraa taasifamuun ta'uu danda'a. Filannoon bakka buutotaa marii irratti hirmaatanii karaa iftoomina qabuun kan hin raawwatamne yoo ta'e marii biyyaalessaa irratti dhiibbaa ol-aanaa geessisuu danda'a.³⁷

1.4.3. Yeroo Marichi Fudhatu (Duration)

Yeroo turtii mariin itti gaggeeffamuun wal-qabatee mariin biyyaalessaa yeroo torban tokkoo gadi kan akka biyya Ijpti, torban tokkoofi ji'a tokko gidduu kan akka Afganistaan, Beeniin fi Maalii, ji'a tokkoofi waggaa tokko gidduu kan akka Somaalii, Somalii laandii, Afrikaa Kibbaafi Toogootti, yeroo waggaa tokko ol kan akka biyyaa Dimokiraatik Ripubilikaa Koongoofi Neepaal keessatti fudhate ta'uu ni danda'a.³⁸ Dheerinni marii biyyaalessaa aangoofi gahee hojii isaaf kenname irratti kan hundaa'udha. Adeemsa jijjiiramaa wal-taasisuu, haala siyaasaa (bu'aa barbaadamee fiduuf mijataa ta'uufi kan hin mijanne ta'uu) irratti hundaa'un marichi dheerachuu ni danda'a. Fakkeenyaaf akka biyya Yemeniifi Neepal keessatti mariin dheeratee ture.

³⁵Akkuma olii, F29.

³⁶Akkuma olii.

³⁷Miil-jalee 21^{ffaa}, F9.

³⁸Susan & Elizabeth, Miil-jalee 10^{ffaa}, F32.

1.4.4. Haala Ka'umsaafi Adeemsa (Set-up and Procedure)

Haalli ka'umsaafi adeemsi Marii Biyyaalessaa haala waliigalaa bu'uura marii biyyaalessaa kan hammatu ta'ee adeemsa filannoofi ulaagaa nama filannoo irratti hirmaatu, adeemsa murtiin itti kennamu, murtiin ittiin mirkanaa'u, gahee wal-taasistootaa, haala mijeessitootaafi walitti qabaa fi caaseffamaan deeggarumuufi fandii isaa akka waliigalaatti kan ibsudha.³⁹ Ulaagaan filannoo dhimmoota kan akka: - haala qubsuma hawaasaa tilmaama keessa kan galche ta'uu, kunis saba, sanyii, koorniyaa, umrii garaa garaa keessatti nama argamu, haala teessuma lafaan (selection by region, province, district) fi kan biroo karaa tilmaama keessa galcheen ta'uu qaba.⁴⁰

Ulaagaa kan biraan immoo miseensummaa dhaabbatummaa karaa tilmaama keessa galcheen ta'uu qaba. Dhaabbileen miseensonni isaanii akka keessatti hammatamuuf filataman dhaabbilee siyaasaa, mootummaa, humna waraana, dhaabbilee hawaasa sivilii, dhaabbilee amantaafi waldaalee ogummaa (kan akka Waldaa Abbaa Alangaa, Waldaa Dubartootaa, Abukaattotaafi Poolisootaafi Yuniyeenii Daldaltootaa), garee hidhattootaa, waldaalee haawasa daldalaa ta'uu danda'u. Hirmaannan nama dhuunfaa yookiin dhaabbataa kan safaramu dandeettiifi maqaa gaarii qabaachuun, ogummaa, ejjennoo siyaasa yookiin haala hawaas-diinagdee karaa bu'uureeffateenidha.⁴¹ Ulaagaaleen kunninis waliin wajjiin kan ilaalamanidha.

Dhimma kanaan wal-qabatee Somalii keessatti bakka bu'ummaan gosoota afur karaa of keessatti hammateen filatamaa kan turedha. Haalli baay'ina namaas gosa kana arfan gidduutti akkaatuma baay'ina uummata isaaniitiin kan bakka bu'amaa turedha. Gosti baay'ina uummataa caalaa qabu bakka buutota ol-aanaa argataa turee jira. Biyyoota tokko tokko keessatti immoo "kootan" kennamaa kan ture ta'uudha. Fakkeenyaaf Yeman keessatti haala teessumaa, korniyaafi umrii tilmama keessa karaa galcheen "kootan" kennamee ture. Kunis bakka buutota keessaa %50 kanneen Kibba biyyittii jiraataniin kan bakka bu'amu, %30 dubartootaan, %20 Dargaggootan akka bakka bu'amu ta'ee ture. Beenin keessattis haaluma wal-fakkaatun "kootan" kan kennamee ture ta'uu barruuleen ni agarsiisu.

Adeemsi filannoo bakka buutotaa karaa iftoomina qabuun gaggeeffamuu kan qabu ta'uun dhimma xiyyeeffannoo barbaadu kan biraadha. Adeemsi filannoo bakka buutotaa

³⁹Akkumaolii, F32.

⁴⁰Akkuma olii, F33.

⁴¹Akkuma olii, F37.

milkaa'inaafi milkaa'uu dhabuu marii biyyaalessaa keessatti bakka ol-aanaa kan qabudha. Mariin biyyaalessaa baay'een adeemsa filannoo garaa garaa karaa hammateen gaggeeffame jiraachuu isaa mul'isa. Kunis haalli ulaagaa filannoo dubartootaa, dargaggootaa, dhaabbilee hawaasa sivilii fi kan dhaabbilee siyaasaa garaagarummaa kan qabudha.⁴² Murtee uummataa yookiin riferendemiifi filannoon mala ittiin bu'aafi murtii marii biyyaalessaa mirkaneessaniidha. Kunis mala ittiin uummata hirmaachisaniifi waliigalticha seera qabeessa taasisan keessa isa ijoodha. Kanaaf malli kun karaa nageenya waaraa qabuun gara dimokiraasitti ce'uuf gargaarudha.⁴³

1.5. Sababoota Marii Biyyaalessaa Bu'a Qabeessa Taasisaniifi Bu'aa Dhabsiisan

Kutaa kana jalatti haala sababoota marii biyyaalessaa bu'a qabeessa taasisaniifi adeemsa marii biyyaalessaa keessatti akka waliigaltee irra hin ga'amneefi raawwii marichaa bu'aa qabeessa hin taane taasisan adda baasuun kan ilaallu ta'a.⁴⁴ Akka waliigalaatti sababoota siyaasaafi adeemsa marii biyyaalessaa gufachiisuu danda'an akkaataa armaan gadiitiin ibsamee jira.

1.5.1. Sababa Siyaasaa Marii Biyyaalessaa Hojii irra akka hin Oolle Taasisan

Sababoonni siyaasaa marii biyyaalessaa irratti dhiibbaa fiduu danda'an; deeggarsaafi mormii hayyootaa, deeggarsaafi mufannaa uummataa, dhiibbaa qaamolee alaa, haala marii baratame, muuxannoowwan darbaniifi jeequmsa ta'ee akkaata armaan gadiitiin bal'inaan kan ilalaman ta'u.

a. Deeggarsaafi Mormii Hayyootaa

Hayyoonni siyaasaa fi diinagdee biyya tokko keessaatti gahee ol-aanaa kan qabani dha. Deeggarsii fi mormiin isaan mariin biyyaalessaa gaggeeffamun duras ta'e yeroo mariin biyyaalessaa taasifamutti, akkasumas sadarkaa raawwii marii biyyaalessaa irratti taasisan baay'ee barbaachisaa dha. Biyya Missiir (Ijpti) keessatti mormiin hayyoota marii biyyaalessaa gaggeessuun wal-qabate jalqabuma irraa kaasee karaa ifa ta'een mul'ataa turee jira. Humni waraanaa mootummaa yeroo cehumsaa dhiibbaa hawaasaa irraa kan ka'e yaada marii biyyaalessaa dhiyeessee jira. Haa ta'u malee, haalli jalqabbii (it's set up), filannoo hirmaattotaa, haalli murtiin itti kennamu, gahee garee hojicha raawwatu haala hin malleen

⁴²Akkuma olii F38.

⁴³Akkuma olii, F40.

⁴⁴Akkuma olii, F53.

SCAF (The supreme Council of Armed Force)-tiin dhiibbaan irra ga'aa ture. Kana irraa kan ka'e mariin biyyaalessaa Ijpti akka hin milkoofneef sababa tokko ta'ee jira.⁴⁵

Biyyaa Ijpti keessaatti mormiifi hiriirri nagaan cimaan taasifamuun mootummaan Husni Mubarak turtii aangoo irraa waggoottan 30 oliif ture irraa ari'amuun qaawwaan siyaasaa uumamuu irraa kan ka'ee SCAF (Supreme Council of Armed Force) kan jedhamu mana maree bakka bu'oota uummataa diiguun, mariin biyyaalessaa Eebla bara 2011 A.L.A irraa kaasee hanga Caamsaa gidduutti akka gaggeeffamu taasisuun aangoo qabatee turee jira. Kunis qaamoolee siyaasaa adda addaafi dhaabbilee hawaasa sivilii karaa hirmaachiseen ni gaggeeffama jedhamee osoo eegamuu dhiibbaa SCAF taasisee irraa kan ka'e marichi bu'aa barbaadame fiduu akka hin dandeenyetu hubatama. Osoo mariin irratti hin gaggeeffamiin yeroo gabaabaa keessatti SCAF akka heerrii fooyya'uuf referendemiidhaaf erguu irraa kan ka'e gaheen hojii kennameef ifa waan hin taaneef referendemiin taasifames faallaa bu'aa yaadamee fidee jira.⁴⁶

Qabxii biraan ol-aanaan marii biyyaalessaan waliigaltee irraa ga'uu qofa osoo hin taanee waan waliigalamee sana gara hojiitti jijjiiruudha. Yeroo kana keessaa deeggarsiifi mormiin hayyootaa bakka ol-aanaa kan qabudha. Meeksikoo keessaatti waan waliigalamee keessa hojii irra kan oolee gar-tokkee qofadha. Sababiin isaas sababa mormii hayyoota biyyittii irraa kan ka'e Kongireesiin biyyaalessaa marii kana mirkaneessuu irraa of qusatee jira.⁴⁷

b. Deeggarsaafi Dallansuu Uummataa

Deeggarsa uummataa qabaachuufi dhabuun qabxii bu'uuraa waliigaltee yookiin bu'aa marii biyyaalessaa fiixaan akka ba'u yookiin akka hin baane taasisan keessaa kan bu'uuraati. Fakkeenyaaf, marii biyyaalessaa milkaa'ina qabu erga taasifameen booda Yeman keessatti ce'umsi siyaasaa gara dimokiraasitti taasifamuu rakkoon isa mudatee jira. Kunis sirna federaalizimii moo sirna tokkummaawaa hordofuu qabama kan jedhu gidduutti walitti bu'iinsi uumamee jira. Dabalatanis mootumaanis qaamolee nageenyaa irratti haaromsa taasisuu dhabuun walitti dabalamee dallansuu uummataa uumee ture.⁴⁸ Akka waliigalaatti marii biyyaalessaa keessattiifi yeroo hojii irra oolmaa isaa bu'a qabeessummaa isaaf

⁴⁵Akkumaolii, F54.

⁴⁶Cuhadar, Esra and Thania Paffenholz "What Is a Constructive Peace Process? Inclusion in Peace Negotiations." In *Perspectives in Waging Conflicts Constructively: Cases, Concepts, and Practice*, edited by Bruce W. Dayton and Louis Kreisberg. Lanham: Rowman & Littlefield: F131-47.

⁴⁷ García de León, Antonio, "From Revolution to Transition: The Chiapas Rebellion and the Path to Democracy in Mexico." *The Journal of Peasant Studies* 32, no. 3-4, 2005, F508-27.

⁴⁸ Lackner, H., *Yemen's 'Peaceful' Transition from Autocracy: Could It Have Succeeded?* Stockholm: International Institute for Democracy and Electoral Assistance (International IBID EA), 2016, F13.

deeggarsi uummataa baay'ee barbaachisaadha.⁴⁹Kominikeeshinii gaariin deeggarsa uummataa argachuuf dhimma ijoodha.

c. Dhiibbaa Qaamolee Alaa

Dhiibbaan qaamolee Idil-addunyaafi sadarkaa Ardiilee bu'aa filannoo biyyaalessaa irratti dhiibbaa ol-aanaa qaba.Qaamoleen alaa marii biyyaalessaa hanga fedhiifi dantaan isaanii kabajame qofatti deeggaru. Kanaaf qaamoleen kunniin maricha keessatti fedhiifi dantaan isaanii kan hin kabajamne yoo ta'e marichi akka hin milkoofneef hojjetu.⁵⁰

Sadarkaa raawwii marii biyyaalessaatti fiixan ba'iinsa isaa ilaalchisee fedhiifi dantaa isaanii bu'uura godhachuun dhiibbaan qaamolee alaa bakka ol-aanaa qaba.Akka fakkeenyaatti Raashiyaa marii biyyaalessaa Yukireenii yeroo gaggeeffamaa turetti gidduu seenuun dhiibbaa geessisaa turteetti. Kunis kan ta'u danda'eef sodaa yoo mariin kun milkaa'e mootummaan Yukireen cimaafi dorgomaa ta'e uumamuu danda'a kan jedhu irraa madda.⁵¹

d. Aadaa Wal-mari'achuu

Aadaan akkanaa sirnaan kan itti fayyadamnu yoo ta'e milkaa'ina marii biyyaalessaaf bakka ol-aanaa qaba. Biyya *'Papua New Guinea'* keessatti dubartootni aadaa nagaan buusuu fayyadamuun bu'aa guddaa argamsiisanii jiru. Kunis qaamolee hidhattootaafi mootummaa gidduutti nagaan bu'ee akka mari'atamuuf gahee ol-aanaa kan qabu ture.⁵²

e. Jeequmsa

Jeequmsa yeroo jiraatu dandeettiin marii biyyaalessaan waliigaltee irra ga'uufi waliigaltee irra ga'ame raawwachu baay'ee ulfaatadha.Akka fakkeenyaatti Afrikaa Kibbaa keessatti mariin biyyaalessaa (CODESA I and II) jedhamu sirna dimokiraasii biyyattii dagaagsuun mirga wal-qixxummaa lammiilee kabachiisuufi waraanaa dhaabuuf ture. Haa ta'u malee, mariin kun jeequmsa hambisuu kan hin dandeenye ta'uufi dhuma irratti dhaabbanni siyaasaa ANC (African National Congress) maricha keessaa ba'uun CODESA II'n akka kufuuf sababa ta'ee jira. Naannoo waggaa tokkoon booda paartichi marii biyyaalessaa biraa MPNP jedhamu jalqabuun waliigaltee irra gaa'amee jira.⁵³

⁴⁹Susan & Elizabeth,Miil-jalee 10^{ffaa}, F59.

⁵⁰Akkuma olii.

⁵¹Akkuma olii, F60.

⁵² Councils of Chiefs were the analogous bodies affiliated with the Bougainville Resistance Army (BRA).

⁵³Susan & Elizabeth,Miil-jalee 10^{ffaa}, F62.

1.5.2. Sababoota Adeemsa Marii Biyyaalessaa Gufachiisaan

Sababoonni adeemsa marii biyyaalessaa irratti dhiibbaa fiduu danda'an; bakka bu'iinsa, lakkoofsa hirmaattotaafi filannoo raawwachiistota marichaa, adeemsa kenniinsa murtii, haala miyeessitoota filannoo, yeroo turtii marii biyyaalessaa, walitti dhufeenya uumuufi kallattii waliinii qabaachuudha. Ijpti keessatti Itti Aanaan Muummee Ministeeraa Yehaa El-Gamal jedhamu carraa hirmaataa marii ta'uun kennameef ture. Kunis immoo akka malee qeeqamaa kan turedha. Marii biyyaalessaa Ijpti lammaffaa irratti namni maqaan isaa Abdel Aziz Hegay, kan umriin waggaa 88 ta'e muummeen ministeera duraanii biyyattii kan Hosni Mubarakitti aanee nama aangoo qabatee ture jalatti kan hojjetaa ture akka duursaa mariisisaatti filatamee ture. Homaan waraanaa kallattiin marii biyyaalessichaa irratti hirmaachuu baatus haalli filannoo hirmaattootaa SCAF taasifamee homaan waraanaa maricha keessatti ol'aantummaa akka qabaatu taasisee jira. Kana irraa kan ka'e kufaattii marii biyyaalessaa biyya kanaaf haalli filannoo hirmaattotaa akka sababaatti ni ka'a.⁵⁴

1.5.2.1. Sadarkaalee Marii Biyyaalessaa

Mariin biyyaalessaa sadarkaalee walitti aananii jiran sadi keessa kan darbudha. Kunis sadarkaa qophii, adeemsa mariifi sadarkaa raawwii marii biyyaalessaa jedhamuun bakka saditti kan qoodamudha.⁵⁵

1.5.2.2. Sadarkaa Qophii

Sadarkaan qophii marii biyyaalessaa baay'ee barbaachisaa kan ta'eefi sadarkaa itti aanuuf kallattii sirrii ta'e kan qabsiisudha. Kanaaf yeroo ga'aan, yeroo sadarkaa adeemsa caalaa kennamuufiin barbaachisaa ta'uu ni mul'ata. Sadarkaa kana keessatti yoo xiqqaate safartuuleen bu'uura marii biyyaalessaa kan irratti waliigalamudha. Safartuuleen bu'uura kunniinis gahee marii biyyaalessaa, ajandaa isaa, haala filannoo hirmaattotaa, haala mariisaa, fi adeemsa murtiin itti kennamu kan irratti waliigalamudha.

Sadarkaan qophii ifatti dhaabbataafi tooftaa ittiin mariin biyyaalessaa karaa mijataafi milkii qabeessa ta'een gaggeeffamuu danda'u itti adda ba'ee taa'udha.⁵⁶ Dhaabbata dhimmicha abbummaan qabatee hojjetu sadarkaa itti ifa ta'udha. Dabalataanis sadarkaa kana keessatti

⁵⁴Cuhadar and Paffenholz, "What Is a Constructive Peace Process?" F131-47.

⁵⁵Miil-jaleel^{ffaa}, F66.

⁵⁶Akkumaolii, F66.

kaayyoon bu'uuraa marii biyyaalessaafi dhimmoota akkamii irratti mariin biyyaalessaa gaggeeffamu akka qabu kan adda itti ba'uudha.⁵⁷

1.5.2.3. Sadarkaa Adeemsaa

Akkuma sadarkaan qophii xumurameen sadarkaan adeemsaa kan hirmaannaa uummataafi qoodaa fudhattoota baay'inaan keessatti calaqqisu kan itti fufu ta'a. Sadarkaan kun sadarkaa mariin biyyaalessaa kallattiidhaan itti fufuufi dhimmootni kan akka tartiibaa ajandaa adda baasuu, hirmaattotni kan itti filataman, walitti dhufeenyi hawaasa waliin jiru kan itti mirkanaa'u, fi tartiibaa dhimmotaa itti ilalamuufi yeroon marichi fudhatu itti yaadamu hojii irra itti ooluudha.⁵⁸

1.5.2.4. Sadarkaa Raawwii Marii Biyyaalessaa

Sadarkaan raawwii murteewwaan marii keessatti irratti waliif galamee raawwachu irratti kan xiyyeeffatudha. Raawwiin yaada furmaata yookiin murtii marii biyyaalessaa hirmaattotaa marichaa yookiin haala mijeessitootaaf dhiibbaa isa dhumaa waan ta'eef yeroo mariin gaggeeffamus ta'e mariin booda of eeggannoon karoorfamuu qaba. Gaheefi kaayyoo marii biyyaalessaa irratti hundaa'uun raawwachuuf karoorsuun sadarkaa adeemsa marii keessaatti kan raawwatudha.⁵⁹ Milkaa'inni marii biyyaalessaa tokko kan maadalamu bu'aan marii biyyaalessaa yoo raawwatama ta'edha.⁶⁰ Walumaagalatti, mariin biyyaalessaa qooda fudhattoota giddutti gaggeeffamaa ture gaaga'ama siyaasaafi nageenyaa furuu akka danda'uuf malli hordoffiifi bu'uuraleen hojii irra oolmaa bu'a marichaa diriirfamuun barbaachisaadha.⁶¹ Fakkeenyaaf, mariin biyyaalessaa Yemanitti gaggeeffamaa ture sadarkaa hojii irra oolmaa kanatti kan kufedha.⁶²

⁵⁷ Akkuma olii.

⁵⁸ Akkuma olii.

⁵⁹ Akkuma olii.

⁶⁰ Susan & Elizabeth, Miil-jalee 10^{ffaa}, F105.

⁶¹ National Dialogue Handbook, A Guide for Practitioners, Federal Foreign Office, Berghof Foundation Operations, Berlin Germany, 2017, F153.

⁶² Esther Kestemont, What Role(s) for the European Union in National Dialogues? Lessons Learned from Yemen, EU Diplomacy Papers 5, 2018, F15.

Kutaa Lama

2. Muuxannoo Biyyootaa

Cehumsa siyaasaafi nageenya itti-fufiinsa qabu ijaaruuf mariin biyyaalessaa gaheen inni ijaarsa sirna dimokiraasii keessatti qabu isa ol'aanaafi murteessaadha. Keessumaa hawaasa diinagdee biyya tokkoo keessatti wal-dhabdee karaa kamiinu dhufu kanneen akka waraanaan aangoo qabachuuf taasifamu, waraana sumaansii, sarbamu mirga dhala namaafi rakkoo gamaa bulchiinsa gaariin mudatuufi kan biroo furuuf shoora ol'aanaa qaba.⁶³

Mootummoonni hedduun lola keessoo isaanitti uumameef marii biyyaalessaan hiikuun nageenya yeroo dheeraafi siyaasa tasgabba'aa fi waliigaltee uumuuf isaan fayyadu ni taasisu. Mariiwwan biyyaalessaa biyyaa irraa biyyatti gama qabiyyee, aangoo yookiin itti gaafatamummaafi gahee hojii, sadarkaa hammatummaafi gaheewwan siyaasaa inni daangaa biyya tokkoo keessatti qabuufi ijaarsi mootummaa adda adda ta'us qajeeltoon isaan hordofuu qaban wal-fakkaataa akka ta'e beektonni hedduun irratti waliif galu.⁶⁴

Mariin yookiin araari akka biyyaatti taasifamu qabiyyeefi adeemsi inni keessa darbuu tokko ta'uu haa dhiisu malee akkuma namoota lama gidduutti wal-dhabdeen yoo uumamee ofii isaanitiin waliin dubbachuun akkuma hiikkatan yookiin qaama 3^{ffaa} affeerun rakkoo isaan gidduutti uumame marii taasisuun akkuma furatan rakkoo waldhabdee siyaasaa sadarkaa biyyatti mudateefis biyyi rakkoon kun mudate nageenya buusuufi hawaasa gidduutti walitti dhufeenya gaarii uumuf marii biyyaalessaa taasisu. Biyyoota akka Laatiin Ameerikaa, Yeman, Beeniinfi Afaganistaan, Afrikaa Kibbaa, Ruwandaafi kanneen biroo keessatti dhimmi marii biyyaalessaa jedhamu kun haarawaa kan hin taanee fi yeroo garaagaraa itti dhimma bahaa turanii jiru.⁶⁵

Biyyoota kan akka Tunisiyaa marii biyyaalessaa gaggeessuun itti milkoofteefi kan akka Sudaan Kibbaa marii kana gaggessitee osoo itti hin milkaa'in haftee sababoota isaanii waliin kaasnee kan ilaallu ta'a. Itoophiyaanis marii biyyaalessaa gaggeessuf sadarkaalee marii biyyaalessaa keessaa sadarkaa qophii xumuuruun sadarkaa adeemsa keessa seente waan jirtuuf sababoota biyyoota itti milkaa'anii fi osoo itti hin milkaa'in hafanii adda baasuun muuxannoo irraa fudhachuun marii bu'a qabeessa yookiin milkaa'ina qabuu ta'e akka gaggeessituuf akkaata armaan gaditiin ilaallee jirra.

⁶³Susan & Elizabeth, Miil-jalee 10^{ffaa}, F8.

⁶⁴Akkuma olii, F2.

⁶⁵Akkuma olii, F8.

Biyyootni kunniin sababni filamaniif: Tokkoffaa, Seenaa isaan dabarsaan keessatti rakkoo gaaga'ama siyaasaafi diinagdee, rakkoo nagaafi tasgabbi dhabuu, dhiittaa mirga namooma, dhabamu bulchiinsa gaariifi kan kana fakkaataan muudachuu irraa kan ka'e cehumsa siyaasaafi nageenya fullaa'insa qabu fiduuf marii biyyaalessa gaggeessa turu isaani irraa kan ka'e.

2.1. Sudaan Kibbaa

Waliigaltee nageenyaa bara 2005 A.L.A-tti biyya Sudaan waliin taasifameen, Sudaan Kibbaa Adoolessa bara 2011 A.L.A-tti Sudaan jalaa bilisoomtee biyya mataa ofii hundeeffachuu dandeessee jirti.⁶⁶ Waliigalteen kun waraana sumaansii akka Afrikaatti dheeraa ture turtii waggoota 20 booda xumuura kan itti kenneedha. Haa ta'u malee, sababa waraana sumaansii biyyatti keessatti deema tureef nagaafi tasgabbiin fullaa'insa qabu argamuu hin dandeenye.⁶⁷

Rakkoo nageenyaa uumamee ture kana furuuf, waliigalteen waliitti bu'iinsa dhaabuu "*The Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS)*" jedhamu Dr. "*Riek Machar*" fi Pirezidaantii Sudaan Kibbaa bulchaa jiru "*Salva Kiir Mayardit*" jidduutti Hagayya bara 2013 A.L.A Magaalaa Finfinneetti mallattaa'een Dr. "*Riek Machar*" irra deebi'iin itti aanaa Pirezidaantii ta'uun muudamanii jiru.⁶⁸ Haa ta'uu malee, sababa walitti bu'iinsi deeggartoota Dr. **Riek Machar** fi **Salva Kiir Mayardit** gidduutti umameen, Dr. **Riek Machar** Adoolessa bara 2016 A.L.A.tti Sudaan Kibbaa gadi dhiisee baqachuu danda'ee jira.⁶⁹ Sababa waraana sumaansii kanaan lammiileen biyyattii hedduun biyya gadi lakkisanii baqachuu, jeequmsaan miidhamuufi wabii nyaataa dhabuun rakkachaa turanii jiru. Sudaan Kibbaa hanga har'aatti maddoota jeequmsa ta'an hundee irra buqqiftee nagaafi tasgabbi itti-fufinsa qabu fiduu hin dandeenye.⁷⁰

Caamsaa bara 2017 keessa, Pirezidaantiin Sudaan Kibbaa **Salva Kiir** marii biyyaalessaa seera Pirezidaantummaa (by Presidential Decree) labsanii jiru. Mariin biyyaalessaa kunis kaayyolee gooree adda addaa kan of keessatti qabu ture.⁷¹

⁶⁶ International Crisis Group, Toward a Viable Future for South Sudan Africa Report No 300/ 10 February 2021.

⁶⁷ Mercy Corps, "*The Facts: What You Need to Know About the South Sudan Crisis*" 2019, <https://www.mercycorps.org/blog/south-sudan-crisis>.

⁶⁸ Miil-jalee 66^{ffaa}.

⁶⁹ Akkuma olii.

⁷⁰ Pedersen, J., "*In Transformation Initiative, South Sudan Opposition Parties Gathering*". Briefing Document compiled for ITI, 2017.

⁷¹ SSND Concept Note, www.ssnationaldialogue.org/wp-content/uploads/Concept-Note-of-SSND-by-PresIbid-ent-South-Sudan-National-Dialogue-Final, December 2016.

Adeemsi marii biyyaalessa Sudaan Kibbaa mala yookiin toofta jalaa gara olii (Bottom-up Approach) irratti kan hundaa'eefi sadarkaalee sadii kan of keessaa qabudha. Isaanis: marii hirmaattota jala jiran irra eegaluu (Grassroots Consultation), konfiraansii nageenyaa naannoolee (Regional Peace Conferences) fi konfiraansii biyyaalessaa (National Conference)-dha.⁷² Hirmaannaa bal'aan qooda fudhattootaafi konfiraansiin nageenyaa naannoolee taasifamaa erga turee booda sadarkaalee marii biyyaalessaa tokkoffaafi lammaffaan Bitootessa bara 2020 A.L.A xumuramuu ragaaleen tokko tokko ni agarsiisu.⁷³ Sadarkaa sadaffaa jechuun konfiraansiin biyyaalessaa hanga har'aatti kan hin xumuramneefi adeemsa irra kan jiruudha.

Sadarkaa sadaffaan adeemsa irra osoo jiruu waliigaltee wal-dhabbi hiikuu Sudaan Kibbaa haaromsu "Revitalized Agreement on the Resolution of the Conflict in South Sudan" (R-ARCISS) jedhuun mootummaa ceehumsaa Guraandhala bara 2020 A.L.A hundaa'un paartiilee morkattoota marii biyyaalessaa keessatti sana dura hirmaachaa hin turre akka hirmaatan taasifamee jira. Kun immoo gaaffii ijoo mootummaan ceehumsaa kallattii fuulduraa yookiin yaada furmaata marii biyyaalessaa (national dialogue recommendations) fudhachuun hojii irra oolchuuf fedhii qabaachuufi dhiisuu kaasuu danda'a.⁷⁴

Akkumaa armaan dura ilaaluuf yaalame, mariin biyyaalessaa tokko qajeeltowwaan bu'uura gurguddoo ta'an qabachuu qaba. Bu'uuruma qajeeltoowwan kanaan marii biyyaalessaa Sudaan Kibbaatti gaggaaffamaa tureefi jiru akka armaan gaditti xiinxalamee jira.

Akka adduunyatti, qajeeltoon yaada ka'umsa marii biyyaalessaa eenyutu dhiyeessuu akka qabuufieenyutu aangoofi gahee dhaabbatummaa marii biyyaalessaa tumu akka qabu ifaan taa'e yoo hin jiraanne illee⁷⁵ haala qabatamaa siyaasa biyyaa irratti hundaa'uun, mariin biyyaalessaa mootummaa biyya bulchaa jiruun, paartilee siyaasaan, garee meeshaa waraanaa hidhatee socho'uun, dhaabbilee hawaasa siviiliifi kan kana fakkaataniin akka jalqabamu yaadni ka'umsa dhiyaachuu akka danda'u armaan dura ilaalle jirra.⁷⁶ Sudaan Kibbaatti marii biyyaalessaa kan jalqabsiise mootummaa biyya bulchaa jiruudha.⁷⁷ Haa ta'u malee, mariin

⁷² Akkuma olii.

⁷³ Dawit Yohannes & Meressa Kahsu Dessu, National dialogues in the Horn of Africa: Lessons for Ethiopia's political transition, Institute for Security Studies, East Africa Report, 2020, F32.

⁷⁴ Akkuma olii.

⁷⁵ Dawit & Meresa, Miil-jalee 73^{ffaa}.

⁷⁶ Susan & Elizabeth, Miil-jalee 10^{ffaa}F26.

⁷⁷ The Ebony Center and The Sudd Institute, two local think tanks, had been discussing on a regular discussion platform called the Development Policy Forum.

biyaalessaa kun yeroo biyyi muddama siyaasaafi rakkoo nageenyaa hamaa keessa jirtutti mootummaan waan jalqabameef paartilee mormitootaa amantaan fudhachaa hin turre.⁷⁸

Mariin biyaalessaa qooda fudhattoota hunda karaa iftoomina qabuun kan hirmaachise ta'uuqaba. Sadarkaa qophii duraa marii biyaalessaa Sudaan Kibbaatti gaggeeffamaa ture irratti qooda fudhattoonni murta'an qofti dhimma caaseffamaafi ajandaa marii irratti kanhirmatanidha.⁷⁹ Paartilee morkattoota gurguddoo ta'an sadarkaa qophii irratti hirmachuuf haal-dureewwaan akka waraana dhaabuu, deeggarsa namooma taasisuu, bilisummaan yaada ofii ibsachu hayyamamu kan qabu ta'uu, hidhamtoota siyaasaa hiikuufi wal-tajjii marii qaama walaba ta'een gaggaaffamuu akka qabu mootummaa biyyaa bulchaa ture gaaafacha turanii jiru.⁸⁰

Dabalataan partileen siyaasaa biyyattii keessa jiran kunniin ajandaa marii biyaalessaa keessatti gahee taphachuu qaban akka taphataniif yaadni furmaataa adda bahee dhiyaatu hojii irra ooluu akka qabuuf mariin biyaalessaa bakka taajjabdoonni biyyaa keessaafi idil-addunyaa jiranitti gaggeeffamuu akka qabu gaafachaa turanii jiru.⁸¹ Haa ta'uu malee, mootummaan yeroo sana biyya bulchaa ture gaaffii kana kufaa taasisee bira darbee jira.⁸² Mariin biyaalessaa Sudaan Kibbaatti gaggeeffamaa ture keessatti mala jalaa gara olii jedhu fayyadamaa turuun isaanii biyyoota birootiif muxannoo gaarii kan ta'u ta'ee yoo argame illee, iftoomina marii kanaa ilaalchisee gama uwwisa miidiyaatiin qeeqni tokko tokko ka'aa turee jira. Qorannoo hayyoonni gaggeessan akka agarsiisutti, baniinsaafi cufiinsa marii biyaalessaa Sudaan Kibbaa keessatti gaggeeffamaa ture irratti miidiyaalee mootummatiin ala miidiyaaleen dhuunfaafi idil-addunyaa hirmaatanii qabiyyee sagantaa marichaa gabaasuun dhorkaa ture.⁸³

Gaaga'ama siyaasaafi nageenyaa biyya tokkotti mudate hundee irraa furuuf, mariin biyaalessaa qooda fudhattoota hunda kan haammate ta'uu qaba.⁸⁴ Adeemsii marii biyaalessaa Sudaan Kibbaa tooftaa jala gara olii jedhuun kan bocameefi qooda fudhattoota

⁷⁸Dawit & Meresa, Miil-jalee 73^{ffaa}.

⁷⁹ C Hazvinei-vhumbunu, The National Dialogue Initiative in South Sudan, *Conflict Trends* 2018/1, www.accord.org.za/people/clayton-hazvinei-vhumbunu/, key political actors and armed groups, notably the SPLM-Former Detainees, the SPLM-IO, the National Democratic Movement and the South Sudan National Movement for Change dIbid not participate.

⁸⁰ *Sudan Tribune*, Sudan's dialogue conference approves the national document, 10 October 2016, www.sudantribune.com/spip?Article 60479.

⁸¹Dawit & Meresa, Miil-jalee 73^{ffaa}.

⁸²Akkumaolii, However, the government rejected the opposition's demands that they have a say in decisions about the structure, mandate and convener and selecting the leadership.

⁸³Akkuma olii.

⁸⁴Susan & Elizabeth, Miil-jalee 10^{ffaa}, F2.

sadarkaa gandoota irra hanga biyyattii kan hammateedha. Gabaasni Dhaabbata Motummoota Gamtoomanii bara 2019 A.L.A bahe akka agarsiisutti sadarkaa gadiitti (grass roots) qooda fudhattoonni baay’inni isaanii 20,000 ol ta’an waltajjii marii marsaa 200 ol irratti hirmaatanii jiru.⁸⁵Kun akkuma jirutti ta’ee, Sudaan Kibbaa qajeeltoo marii biyyaalessaa hirmaachisummaa jedhu hojii irra oolchuu irratti rakkoon mudatee akka jiru namatti agarsiisa.⁸⁶Kunis qaamolee siyaasaa shoorra ol’aana Sudaan Kibbaa keessatti qabaniifi garee meeshaa waraana hidhatee socho’u, keessumattuu paartii “SPLM-Former Detainees, the SPLM-IO, the National Democratic Movement fi the South Sudan National Movement for Change” jedhaman maricha keessatti osoo hin hirmaatiin hafuu danda’anii jiru.⁸⁷ Sababiin hirmaachuu dhabaniifis sadarkaa qophii duraa irratti mariin biyyaalessaa hunda hammachiisaa ta’u dhabuu, iddoon mariin itti gaggeefamu mijaawaa ta’u dhabuu, malli hojirra oolmaa marii biyyaalessaa rakkoo qabaachuu, iftoomina dhabuufi bilisa ta’u dhabuu marii biyyaalessaafi haalli nageenyaa naannoo rakkoo qabachuu ni eeramu.⁸⁸

Dabalataan mariin biyyaalessaa sadarkaa gadiitti (grassroot Consultation) iddoo murtaa’e qofatti gaggeeffamaa ture jira. Sudaan Kibbaa keessa iddoo adda kanneen akka “*Akobo, Panija, and Raja*” jedhaman sababa riphee loltoonni rakkoo nageenyaa uumaniif mariin biyyaalessaa sadarkaa gaditti kan hin gaggeeffamne ta’u qorannoon tokko tokko ni agarsiisa.⁸⁹ Walumaagalatti mariin biyyaalessa Sudaan Kibbaatti gaggeeffamaa tureefi jiru madaallii aangoo (power balance) kan eeggate ta’ee hin mul’atu. Gaaffii qooda fudhattoota eenyufaatu marii biyyaalessaa keessatti hammatamuu qabaafi hammatamuu hin qabu jedhu sirnaan kan deebise hin turre.

Kaayyooleefi ajandaawwan marii biyyaalessaan ilaalamuuf qabaman rakkoolee ijoo wal-dhabii qooda fudhattoota gidduu jiru furuuf karoofame ta’uu qaba.⁹⁰ Marii biyyaalessaa Sudaan Kibbaa kaayyolee gooroo kanneen akka jeequmsa dhaabuu, rakkoo biyyaalessaa ta’an irratti waliigaltee uumuu, biyya sodaa diigumsaafi gidduu lixummaa biyya alaa irra hambisuu qabatee deemaa kan turedha.⁹¹Kaayyoolee gooroo kana jalatti, kaayyoleen gooree

⁸⁵Dawit & Meresa Miil-jalee 73^{ffaa}.

⁸⁶Akkuma olii.

⁸⁷Miil-jalee 79^{ffaa}.

⁸⁸Miil-jalee 80^{ffaa}.

⁸⁹Czerep, Understanding Sudanese and South Sudanese ‘National Dialogues’.

⁹⁰Dawit & Meresa, Miil-jalee 73^{ffaa}.

⁹¹Akkuma olii.

marii biyyaalessaa 10 adda bahanii tarreeffamanii jiru.⁹² Kaayyooleefi ajandaalee bal'aa ta'e kana qabachuu irra kan ka'e, adeemsi marichaa kaayyoolee bira gahamuuf karoofameefi milkaa'insa yaadame irra gahuu irratti dhiibbaa fiduu akka danda'uu barreessitootni qorannoon mirkaneessanii jiru.⁹³

Qooda fudhattoonni hundi bal'inaan akka hirmaatan taasisuuf akkasumas ilaalcha loogii (impartial) hambisuuf, mariisaa amanamaafi uummata biratti fudhatama guddaa qabu qabaachuun baay'ee barbaachisaadha. Mariin biyyaalessaa Sudaan Kibbaatti gaggeeffamaa ture irratti fudhatamummaan qaama marii hoogganaa turee ilaalchisee gaaffileen armaan gadii ka'aa turee jira. Tokkoffaa, marii biyyaalessaa sadarkaa dura gaggeeffamaa ture irratti Pirezidaantiin biyyatti ofii isaatiin of filachuun marii gaggeessaa erga turanii booda adeemsi dogoggora ta'uu hubatanii marii hoogganuu keessa of-baasanii jiru. Kun immo, bilisummaafi walabummaa marii gaggeeffamaa jiru gaaffii keessa kan galchu ta'ee mul'atee jira.⁹⁴

Lammaffaa, Pirezidaantiin biyyattii gaggeessitoota marii biyyaalessaa ilaalchisee otoo qooda fudhattoota irraa yaada hin fudhatiin muudama kennuun muuxannoo gaarii addunyaa biratti beekamu irraa kan maqeeffii walabummaa gaggeessitoota marii biyyaalessaa kana irratti adda dureen shakkii ol-aanaa kan uume ta'uu qorannoon tokko tokko ni agarsiisa.⁹⁵ Paartileen morkattoota biyya keessa jiran muudama kenname kana sababa Pirezidaantiin biyyicha namoota isaan walitti dhufeenya qabaniif akka feeteen muudama kenne jedhuun mormanii jiru.⁹⁶

Sadaffaafi inni dhumaa, ijaarumsiifi hojiin koree ol-aanaa (steering Committee) marii biyyaalessaa qooda fudhattoota hunda giddu galeessa kan godhate miti. Koreen marii biyyaalessaa baay'inaan miseensoota 100'tti siqaan kan of keessaa qabu yoo ta'e illee, paartileen morkattoota biyyattii keessa jiran koree kana keessatti miseensa isaani bakka hin buufanne.⁹⁷ Hojiirra oolmaanyaada furmaata marii biyyaalessaa Sudaan Kibbaa kan hin xumuranneefi adeemsa irra kan jirudha.

⁹² These included “ending all forms of violence, redefining and establishing national unity, restructuring the state and negotiating a social contract, addressing issues of diversity, agreeing on mechanisms for allocation and sharing of national resources, developing a framework for national peace, reconciliation and healing, preparing the terrain for election, agreeing on a modality for safe return of displaced peoples, setting the stage for inclusive development strategy and economic recovery, and settling historical community conflicts.”

⁹³ Dawit & Meresa, Miil-jalee 73^{ffaa}.

⁹⁴ Akkuma olii.

⁹⁵ Akkuma olii; Bakka Pirezidaanticha jaarsoleen lama Angelo Beda fi Abel Alier koree marii baayinaan 93 ta'an (steering committee) akka hoggannaan muudamanii jiru.

⁹⁶ Akkuma olii.

⁹⁷ Akkuma olii.

Walumagalatti, mariin biyyaalessaa Sudaan Kibbaatti gaggeeffamaa ture ilaalchisee hanqinootni armaan gadii mul'atanii jiru. Isaanis: muuxannoo gaarii biyyoota biroo jiruun ala mootummaan qophii sadarkaa duraa keessatti marii biyyaalessa hoogganaa turuu, qooda fudhattoota hunda haammachuu dhabuu, iftoominaafi hirmaachisummaa kan hin qabne ta'uu, mariisisaa amanamaafi qooda fudhattoota biratti fudhatama qabaniin gaggeeffamuu dhabuu, yaada furmaata koree mariisiftootan dhiyaate hojiitti hiikuuf mootummaan biyya bulchaa jiru fedhii dhabuudha. Biyyi kun hanga har'aatti sababa tasgabbiin siyaasaafi nageenyaa hin jirreef bu'aa yaada furmaata marii biyyaalessa osoo hojii irra hin oolchiin haftee jirti.

2.2. Tuniziyaa

Walakkeessa bara 2011A.L.A keessa Pireezidantiin Tuniziyaa waggoota 24 'f bulchaa turan "Zine El Abidie Ben Ali" sababa babal'achuu malaammaltummaa, dabaluu hojii dhabdummaafi dhabamuu bilisummaa siyaasaa irraa kan ka'e dhiibamee aangoo akka gadi lakkisu ta'ee jira.⁹⁸ Erga pireezidaantiin Tuniziyaa aangoo gadi lakkisee booda bara 2011A.L.A keessa koreen yaa'ii heera biyyaalessaa (National Constituent Assembly) jedhamu aangoo mootummaa cehumsaa akka hundeessuufi heera mootummaa haaraa baasuuf haala akka mijeessu filatamee jira.⁹⁹

Bu'uuruma kanaan paartileen sadii walitti dhufuudhaan turtii waggaa tokko hin caalleef hanga heerri mootumma haaroftiifi seerri filannoo bahutti mootumma cehumsaa falatanii jiru.¹⁰⁰ Haa ta'u malee, sababa rakkooleen adda addaa heera wixineessuu irratti muudateef turtiin mootummaa cehumsaa dheerachuu danda'ee jira. Dheerachuu turtii mootummaa cehumsaa irraa kan ka'e, paartileen morkattootaa mormii gaggeessaa turanii jiru. Dabalataan, Adoolessa 25 bara 2013 A.L.A keessa ajjeechaa gaggeessitoota paartilee morkattootaa lama "*Mohammed Brahmi fi Chokri Belaid*" jedhaman irratti taasifameen raafamni siyaasaa cimaan biyyatti mudate.¹⁰¹ Ajjeechaan gaggeessitoota partiilee irratti raawwatame kun wal-amantaan paartilee morkattootaafi mootummaa cehumsaa gidduu jiru akka hin jiraanne taasisuu irraa kan ka'e biyyattiin fiixee diigamuu irra geessee turte.

⁹⁸ Daniel Brumberg, Tunisia's Dialogue National, United States Institute of Peace, Making Peace Possible, 2021, F73.

⁹⁹ Hannah Hamid, A comparative analysis of the Post- Arab Spring National Dialogues in Tunisia and Yemen, 2015.

¹⁰⁰ National Dialogue Handbook, A Guide for Practitioners, Federal Foreign Office, Berghof Foundation Operations, Berlin Germany, 2017, F300.

¹⁰¹ Bouchamaoui, Ouided, Sellami Kais, and Jegham Leila, *Tunisia's National Dialogue By UTICA - Tunisian Confederation of Industry, Trade and Handicrafts*, Presented at the Public-Private Dialogue Workshop (Copenhagen, March 10-13, 2015).

Raafama siyaasaa Tuniziyaa mudate kana tasgabbeessuf dhaabbileen hawaasa siivilii “the Tunisian General Labour Union (UGTT), together with UTICA (the employers’ union), the Tunisian League for Human Rights (LTDH), and the National Bar Association” jedhaman waliigalteen araara paartilee morkattootaafi qaama biyya bulchaa jiran gidduutti akka taasifamuu yaada ka’umsaa dhiyeessanii jiru.¹⁰²

Haaluma kanaan mariin biyyaalessaa Tuniziyaa kaayyolee heera mootumma wixineeffamaa jiru xumuruu, mootummaa beekumsa amayyaan hoogannu (technocratic government) bakka buusuufi filannoo qopheessuu jedhu qabachuun turtii ji’a jahaa (Adoolessa 26 bara 2013 hanga Amajjii 26 bara 2014A.L.A) keessatti akka xumuramu karoorfamee ture.¹⁰³

Kaayyolee qabaman kana galmaan gahuuf, dhaabbilee hawaasa siivilii afran armaan olitti maqaan isaanii eeraman kunniin Fulbaana bara 2013A.L.A irraa eegalanii marii biyyaalessaa Tuniziyaa mariisissaa ta’anii tajaajiluu eegalanii jiru. Dhaabbileen hawaasa siivilii kunniin mariin biyyaalessaa Tuniziyaa kun milkaa’inaan akka xumuramuuf gahee bakka bu’iinsa hin qabne bahachaa turanii jiru.¹⁰⁴

Onkololeessa 5 bara 2013 A.L.A keessa paartilee morkattootaa baay’inni isaanii 27 ta’an keessaa paartileen 23 bakka bu’aa koree yaa’ii heeraa biyyaalessaa keessa qaban maanuwalii marii biyyaalessaa walii mallatteessanii jiru. Akkasumas qaamoleen hawaasa garaa garaafi qooda fudhattoonni biyyattii kufaatii irra akka bararaaniif maanuwalii marii biyyaalessaa fudhachuun hojii irra akka oolchan waamichi taasifamee jira.¹⁰⁵

Mariin biyyaalessaa kun qooda fudhattoota gidduutti erga gaggeeffamaa turee booda Amajjii 26 bara 2014 A.L.A heerri Tuniziyaa raggaasifamuun mariin biyyaalessaa xumuramee jira. Amajjii 29 bara 2014 A.L.A keessa namni “Mehdi Jomaa” jedhamu pirezidantii Tuniziyaa ta’uun muudamanii jiru. Erga mariin biyyaalessaa kun gaggeeffamee irra kaasee Tuniziyaan biyyoota Afrikaa keessaa biyya nagaafi tasgabbi qabdu jedhamtee eeramti.¹⁰⁶

Walumaagalatti, mariin biyyaalessaa Tuniziyaatti gaggeeffamaa ture keessatti hanga fedheyyuu qooda fudhattoonni ilaalcha siyaasaafi yaada garaa garaa yoo qabataan illee miira biyya isaanii kufaatii irra hambisuu jedhu gonfachuun mariisiftoota amanamoofi ciccimoo

¹⁰² Salah, Omar Belhaj, Tunisia’s political impasse. *Open Democracy*, 7 October, 2013, Available at: <https://www.opendemocracy.net/arab-awakening/omar-belhaj-salah/tunisia%e2%80%99s-political-impasse> accessed on March 26, 2022.

¹⁰³ Miil-jalee 100^{ffaa}, F301.

¹⁰⁴ Akkuma olii, F300.

¹⁰⁵ Akkuma olii.

¹⁰⁶ Akkuma olii.

ta'an filachuun kaayyolee qabatan galmaan gahuu danda'anii jiru. Kanaaf, Tuniziyaan rakkoo ishee mudate gidduu lixummaa tokko malee ofii isheen furachuu irraa kan ka'e biyya marii biyyaalessaa milkaa'inaan xumurtee hojii irra oolchiteefi muuxannoo biyyoota biroof taatu jedhamtee addunyaa irratti adda dureedhaan eeramti.

Kutaa Sadii

3. Marii Biyyaalessa itoophiyaa

3.1. Seenaa Marii Biyyaalessa Itoophiyaa

Bara 1974-1991 gidduutti yaalii waraansa sumaansii dhaabuuf taasifameen Mootummaan USA hidhattoota baay'ee humna cimaa qabaachuun socho'aa turaniif affeerraa taasisee ture. Yeroo kana Adda Warraaqsa Ummattoota Itoophiyaa (EPRDF), Adda Bilisa Baasaa Uummata Eertiraa (EPLF), Adda Bilisa Baasaa Uummata Oromoo (OLF) fi Mootummaan aangoo irra ture wal-tajjii Loondonitti Ebla 27, 1991 A.L.A-tti gaggeeffame irratti akka hirmaatan ta'ee ture. Haata'u malee, wal-ga'ichi sababa humni Adda Warraaqsa Uummata Itoophiyaa dursee Caamsaa 28, 1991 A.L.A-tti Finfinnee seenuun Mootummaa Mangistuu Hayilemaariyaamiin (Dergue) durfamu kuffisaniif osoo hin gaggeeffamiin hafee jira. Guyyuma wal-fakkaataa kana humnoonni Adda Warraaqsa Itoophiyaa (EPRDF), Adda Bilisa Baasaa Uummata Eertiraa (EPLF) fi Adda Bilisa Baasaa Uummata Oromoo (OLF) waliin ta'uun ibsa baasaniin mariin itti-fufiinsa qabu hanga Adoolessaa 1 bara 1991 A.L.A-tti gaggeeffamuu akka qabu ibsa kennanii turan.¹⁰⁷

Haaluma kanaan waliigaltee biyyaalessaa Nageenyaafi Dimokiraasii yookiin Yaa'ii Biyyaalessaa Adoolessa 1-5 bara 1991 A.L.A-tti gaggeeffamee ture. Yaa'iin kunis Chaartera yeroo cehumsaa kan mootummaa irra deebiin hundeessuufi aangoo mootummaa naannolee sabummaa irratti hundaa'ee adda baasuu yookiin mootummaa caaseeffama ("Ethnic Federalism") Federalizimii sab-daneessaa hundeessuun tumaalee bulchiinsa mootummaa yeroo cehumsaafi kallattii heera mootummaa haaraa tumuuf barbaachisu bu'uura kan ka'eedha. Yaa'iin (Conference) kunis biyyattii keessatti bulchiinsa mootummaa yeroo cehumsaa waggaa afuriif turu kan filannoo waliigalaa bara 1995 A.L.A-tti taasifameen xumuramee kan jalqabsiiseedha.¹⁰⁸

¹⁰⁷Akkumaolii, F234.

¹⁰⁸Akkuma olii.

Kanaaf yaa'iin biyyaaleessaa akka Afrikaa Bahaatti kan jalqabaa ta'eefi kan qaamolee hidhattoota mootummaa hin taaneen jalqabame fooramii baay'ee barbaachisaa ta'eefi dhimmoota ce'umsa Itoophiyaaf dhiibbaa ta'uu danda'aniif beekamtii kan kenneefi qooda fudhattoota kanneen bu'uuraa kan hirmaachise ture.¹⁰⁹Haata'u malee, dhimmoota dhiibbaa ta'an kana guutummaatti furuu hin dandenyte ture.

Kaayyoon yaa'ii kanaa inni guddaan godayyaa hundeeffama bulchiinsa yeroo cehumsaa hunda haammate tumuu ture. Maandeetiin isaa kan tures waliigaltee lammummaa nageenyaafi dimokirasiif jedhu qabatee kan ture dha. Yeroo kana murteen kan kennamu waliigaltee hundaan osoo hin taanee sagalee caalmaadhaan ture. Ajandaafi dhimmoota bu'uuraa kan turan caaseffama mootummaa yeroo cehumsaa, qaama abbaa seerummaa dhiibbaa irraa walaba ta'e hundeesuu, tamsaasa miidiyaa garaagartummaa tokko malee taasisuu, seera hojjetaafi hojjechisaa haaraa qabaachuufi mirga ofiin of-bulchuu ture.¹¹⁰

Haala itti hawaasaaf beeksifamaa tures mariin guyyaa shanii guutummaatti ta'uu baatus hanga tokko uummataaf ibsamaa turee jira. Haala caaseffama yaa'ichaas yoo ilaallu sadarkaa qophiitti caaseffamni beekamaa ta'e hin jiru. Haata'u malee, waliigaltee hanga tokko yaa'ichi akka gaggeeffamu taasisee jira. Sadarkaa adeemsaa (process phase) isaa yoo ilaallu wal-tajjichi Muummee Ministeeraa duranii Mallas Zeenaawwiin gaggeeffamaa turuu malee caaseffamni biraan waan beekamu hin qabu. Sadarkaa raawwiitti bakka buutonni maree mootummaa yeroo cehumsaa akka yeroo cehumsaa waggaa lamaa too'atanii, pirezedaantii haaraa filataniifi heera mootummaa haaraa wixineessan ture. Haaluma kanaan federaalizimii sab-daneessi akka hundaa'u, Mallas Zeenaawwiin dursaa mootummaa yeroo cehumsaa akka ta'u, hundeeffama mana maree naannoleefi mirga ofiin of-bulchuu irratti waliigalamee gara hojiitti seenamee akka ture¹¹¹ namatti agarsiisa. Baay'inaafi haala qabiyyee hirmaattota yaa'ichaa ilaalchisee yeroo yaa'ichi gaggeeffamutti dhaabbileen sosochii taasisan garuu mootummaa Darguu hin mormine yaa'icha keessaatti akka hin hirmaanne taasifamanii turani. Bakka buutonni dhaabbilee mormituu 26 ta'an karaa sabummaa isaanii bu'uura taasifateen bakka bu'anii jiru. Dhaabbileen hawaasa siivilii Yuniversiitii Finfinnee keessaa dabalatee irratti hirmaatanii turan. Walumaagalatti, gara nama 500 oliitu irratti hirmaatee jira.¹¹²

¹⁰⁹ Akkuma olii.

¹¹⁰ Akkuma olii, F235.

¹¹¹ Akkuma olii, F235-237.

¹¹² Akkuma olii.

Kanaaf akka waliigalaatti yaa'iin nagaafi dimokiraasii biyyaalessaaf jedhu kun qajeeltoo maal irraa dhaabbatee akka gaggeeffamu, sadarkaa qophiitti caaseffamni ifa ta'e kan hin jirre ta'uu, sadarkaa adeemsaattis obbo Mallas Zeenaawwiin akka duursu haa jedhamu iyyuu malee caaseffama akkamiin hojichi akka raawwatamu kan hin ifoomsinee ta'uun hanqinaalee bu'uura yaa'ichaa akka ta'an namatti agarsiisa.

Erga Heerri MRDFI ragga'ee hojii irra ooleen asittis heerichaan gaaffiileen hedduun kan akka afaan, aadaa ofii dagaagfachuu mirgoota namoomaafi dimokiraasiif beekamtii kennuu federalizimii sabdaneessaa hordofuun karaa itti naannoleen ofiin of bulchaniifi kanneen biroon haa tumaman iyyuu malee ragga'iinsa heeraa kanaan wal-qabatee dhimmoonni hedduun falmisiisaa ta'uufi madda walitti bu'iinsaa ta'ee itti fufee jira. Dhimmoota akka Itoophiyaatti heerri ragga'uun duras ta'e erga ragga'een booda maddoota wal-dhabdeefi waliigalteen irra hin ga'amiin keessaa muraasni; haala seenaawwaan sabaafi sab-lammootaa, haala hundeeffama biyyaa, alaabaa biyyaafi daangaa naannoolee gidduu jiru kan bu'uuraati.

Ragga'iinsa heera MRDFI-tiin wal-qabatee falmiin ka'u qaamonni tokko tokko heerri MRDFI yeroo ragga'utti bakka buutonni keenya waan irratti hin hirmaatiniif heerri kun bakka nu hin bu'u, haqamuus qaba jedhanii falmu. Dabalataan, sirni biyyi keenyaa hordofuu qabdus sirna tokkummaawaa ta'uu qaba malee sirni federalizimii sabdaneessaa nu hin barbaachisu jedhanii yaada ni dhiyeessu.

Karaa biraatiin immoo Naannoon Oromiyaa Finfinneen handhuura koo waan taateef, magaalaa guddoo biyyaafi naannoo ta'uudhaan bulchiinsa Mootummaa Naannoo Oromiyaa jalatti itti fufuu qabdi malee akka naannoo of-dandeesse tokkootti fudhatamee dhimmoota garaa garaa irratti akka naannootti fudhatamuun sirrii miti. Kana malees Heerrii MRDFI fooyya'uun haalli kunuunsaafi itti-fayyadama lafaa illee sirrachuu akka qabaatu falmiti. Gama biraatiin Afaan Oromoo afaanota akka Afrikaafi Addunyaatti dubbataman keessaa baay'ina dubbattootaatiin sadarka ol-aanaa irra kan jiru waan ta'eef afaan hojii mootummaa federaalaa ta'uu qaba jechuun falmiti.

Kana malees dhimmi sarbamiinsa mirga namoomaas madda walitti bu'iinsaafi wal-waraansaa akka ta'e hayyoonni ni kaasu. Kanuma irraa ka'uun heerri MRDFI erga ragga'een boodas walitti bu'insiifi waraanni sumaansii biyya keenya keessatti dabalaa dhufee jira. Rakkoo kana furuuf jecha biyyi keenyas mariin biyyaalessaa gaggeeffamuu akka qabu murteessuun Labsii Lakkoofsa 1265/2014 A.L.I raggaasisuun sadarkaa qophii irra jirti.

3.2. Barbaachisummaa Marii Biyyaalessaa Itoophiyaa

Garaagarummaa yaadaafi waliigaltee dhabuu adda addaa kutaalee hawaasaa keessaa isa hunda caalaa bu'uura ta'eefi dhimmoota biyyaalessaa ta'an kana garaagarummaafi waliigaltee dhabuu karaa marii ummataa hunda hammateen gaggeessuun barbaachisaa ta'uu irraa kan ka'e mariin akka taasifamu ta'ee jira.

Itoophiyaa keessatti dhimmoota bu'uura ta'an hedduu irratti kan waliif hin galamne waan ta'eef; haala ijaarama biyyaa, sirnaa biyyi tokko ittiin buluu qabdu, dhimmoota afaanii, dhimmoota alaabaa biyyaalessaafi tumaalee heera mootummaa bara 1995 ragga'ee keessatti kan akka mirga ofiin of bulchuu hanga fottoquutti jedhu, daangaa naannolee garaa garaa gidduu jiru dabalatee dhimmoota bu'uura biyyaalessaa ta'an irratti waliif galamaa hin jiru. Kanuma irraa ka'uun labsii Komishinii Marii biyyaalessaa Itoophiyaa jedhamu lakkoofsa 1265/2014 A.L.I ragga'ee hojii irra oolee jira.

Akkaatuma labsii kana irraa hubatamuutti marii biyyaalessaa jechuun labsii kanaafi qajeelfamoota mana maree komishinii biyyaalessaatiin ajandaawwan adda ba'an irratti qaamoleen adda addaa marii akka irratti taasisaniif Manni Maree Komishinii Marii Biyyaalessaa sadarkaa Mootummaa Federaalattiifi sadarkaa Mootummaa Naannoleetti marii mijeessu jechuudha.¹¹³Kanaaf hiikoo kana irraa qabxii gurguddaa lamatu hubatama. 1^{ffaa},n ajandaan kan adda ba'u bu'uura Labsiifi Qajeelfama Manni Maree Komishinii Marii Biyyaalessaa baasuun ta'uu, 2^{ffaa} Marii kana immoo qaamoleen adda addaa akka irratti mari'ataniif kan mijeessu sadarkaa mootummaa Federaalaafi Naannootti Mana Maree Komishinii ta'uu isaati.

Kanaaf marii biyyaalessaa qajeeltoowwaan siyaasaafi yaada adda addaa Itoophiyaa keessa jiru akkasumas garaagarummaan hawaasa gidduu jiru dhimmoota biyyaalessaa baay'ee bu'uura ta'an garaagarummaa yaadaafi waliigaluu dhabuu mul'atan kana muuxannoo biyyoota idil-addunyaa fudhachuun fala kennuudhaaf jecha yaadni kun akka hojii irra ooluuf gara hojiitti galamee jira.¹¹⁴

Garaagarummaa dhimmoota adda addaa irratti uumamuufi waliigaluu dhabuu kana karaa marii biyyaalessaa, marii uummataa karaa hirmaachisaa ta'een adeemsisuun waliigaltee irra ga'uuf yaadama marii biyyaalessaa fayyadamuun barbaachisaadha. Mariin kunis fudhatama akka argatuufi amanamaa akka ta'uuf immoo qaama maricha mijeessuufi gaggeessu karaa

¹¹³Labsii Hundeeffamaa Komishinii Marii Biyyaalessaa Itoophiyaa lakkoofsa 1265/2014 Kwt.2 (3).

¹¹⁴Akkumaolii kwt.1 fi 2.

ga'umsa qabuun ol-aantummaan hogganu uummata duratti fudhatama kan qaban hundeessuun akka waliigaltee irra ga'amu taasifamee jira.¹¹⁵

Itoophiyaanis kanuma irraa ka'uun marii biyyaalessaa bu'a qabeessa ta'e taasisuuf sadarkaa qophii xumuruun sadarkaa adeemsaatti seentee akka jirtu hubatama. Sadarkaa qophii kana keessattis marichi hammattoo seeraa kan qabuufi qaajeeltoowwaan akkamii hordofuu akka qabduufi qaama maricha gaggeessuu dhiibbaa kam-irraayyuu bilisa kan ta'e hundeessitee jirti.

3.3. Qajeeltoo Marii Biyyaleessaa Itoophiyaa

Marii biyyaalessaa keessatti marii bu'aa qabeessa ta'e taasisuuf qajeeltoo bu'uura akka waliigalaatti kutaa lammaaffaa jalatti ilaalle hordofuun dirqamadha. Yoo qajeeltoowwan kanaan kan hin deeggaramne ta'e marii bu'a qabeessa ta'e taasisuun ulfaatadha. Kanaaf Itoophiyaanis Labsii Hundeeffama Komishinii Marii Biyyaleessaa keessatti qajeeltoowwan marichi hordofuu qabu adda baasuun tumattee jirti. Qajeeltoo marii biyyaalessaa kan hin hordofne yoo ta'e akkaatuma biyyoota osoo hin milkaa'in hafanii kan akka Sudaan Kibbaa kan muudatu ta'a.

Kanarraa ka'uun qajeeltoon mariin biyyaalessaafi hojiiwwan waliigalaa Komishinii Marii Biyyaalessaa biyya keenyaa qajeeltoowwan; hirmaachisummaa, iftoomina ,amanamummaa, wal-danda'uufi wal-kabajuu, madalawaa ta'uu, hojii irra oolmaa yaada gorsaafi qabiyyee (halqara) irratti xiyyeeffachuu, haala mijeessitootaa bilisaa, walitti dhufeenyaafi gadi-fageenyaa ajandawwanii, dimokirasiifi ol-aantummaa seeraa, faayyidaa biyyaalessaa, beekumsa aadaafi duudhaa biyyaalessaa fayyadamuun qajeeltoowwan bu'uura jedhamanii labsichaan adda ba'anidha.¹¹⁶ Dabalataanis Manni Maree Komishinii Marii Biyyaalessaa qajeeltoowwan dabalataa hammachiisuu kan danda'an ta'uun tumamee jira.¹¹⁷

Qajeeltoowwan marii biyyaalessaa jedhamanii Labsii lakkoofsa 1265/2014 A.L.I keessatti tumamaan haala adda ta'een qajeeltoowwan waliigalaa kutaa lama jalatti ilaallee irratti dabalataan qajeeltoowwan kan akka amanamummaa, ol-aantummaa seeraafi dimokiraasii, gadi fageenyaa fi walitti dhufeenya ajandaawwanii fi faayidaa biyyaalessaa kan jedhaman dabalataan tumamanii jiru. Kunis cimina labsichaa ta'uu ni danda'a.

¹¹⁵Akkumaolii kwt.3.

¹¹⁶Akkumaolii, kwt.3(1).

¹¹⁷Akkuma olii, kwt 3(2).

Akkuma kutaa lama jalatti ilaaluuf yaalletti qajeeltoo hirmaachisummaa keessatti gareeleen barbaachisoo bu'uuraa kan akka dubartootaa, dargaggootaafi kan biroon akka irratti hirmaataniif affeeramuu qabu. Qajeeltoon kun uummanni maricha irratti garaagarummaa tokko malee hirmaatee beekamtii akka kennuuf bu'aa marichaas akka ofitti fudhatuuf kan gargaarudha. Qajeeltoo hirmaachisaa kana fayyadamuun biyyoonni kan akka Afrikaa Kibbaa, Tunisiyaa kan itti milkaa'an yoo ta'u, kan akka Yemen, Sudaan Kibbaafi Yukireen osoo itti hin milkaa'in hafanii jiru.

Qajeeltoo iftoominaan wal-qabatee hojiin Komishinii Marii Biyyaalessaan gaggeeffamu kamiyyuu iftominaa akka qabaatuuf bu'ura kan kaa'udha. Mariin kun akkaataa labsichaatiin abbumaadhaan qaama dhiibbaa kamirrayyuu bilisa ta'e Komishinii Marii Biyyaalessaan akka gaggeeffamu waan tumamee jiruuf komishinichis hojii marii biyyaalessaa yeroo gaggeessutti maloota garaa garaa kan akka miidiyaalee biyya keessaafi alaa karaa hojichaatti gufuu hin taaneen fayyadamuuniftoomina akka uumaa deemu kan dirqisiisuudha.

Qajeeltoon amanamummaa immoo hojiin Komishinichaanis ta'e nama komishinichi marii biyyaalessaa kana akka gaggeessuuf filate karaa amanamummaa qabuuniifi loogii irraa bilisa ta'een hojjechuu akka qabu kan tumuudha. Qajeeltoon haala mijeessitootaa bilisa ta'an qabaachuu qajeetowwaan idila addunyaa "credible convener" qabaachuu jedhu waliin kan wal-fakkaatudha. Mariin gaggeeffamu fudhatamummaa akka qabaatuufi uummannis amantaa akka irratti horatuuf qaamni maricha gaggeessu loogii balleessuuf amanamaa ta'uun bakka ol-aanaa qaba. Qaamni kun nama dhuunfaa, garee uummataa, dhaabbata yookiin gurmuu dhaabbilee ta'uu danda'a.

Qajeeltoon wal-danda'uufi wal-kabajuu kan tumamuu danda'eef yeroo mariin kun taasifamutti yaadoota wal faalleessaan garaa garaafi qaamolee garaa garaatiin kan mari'atamu waan ta'eef wal-danda'uufi wal-kabajuun yoo hin jiraannee milkaa'ina isaa irratti dhiibbaa waan qabuuf haala kanaan tumamuun baay'ee jajjabeessadha. Qajeeltoon kun sadarkaa idila addunyaatti kan beekamuu miti. Mariin taasifamus faayidaa biyyaalessaaf bakka ol-aanaa kan kennu ta'uu akka qabu qajeeltoowwaan tumamaan irraa kan hubatamuudha.

Beekumsa aadaafi duudhaa biyyaa keessaatti fayyadamamuu akka qabamus qajeeltoo ta'ee tumamee jira. Kun faayidaa ol-aanaa kan qabudha. Sababiin isaas dhimmoonni kun waantoota gurguddoo lamaaf faayidaa qabu. Tokkoffaa dhiibbaa qaamolee alaa hambisuufi mariin bu'a qabeessaafi milkii qabu gaggeessuuf beekumsaa aadaafi duudhaa akka biyyaatti jiru fayyadamuun waan guddaadha. Biyyoonni qajeeltoowwan akkanaa kana hojii irra

oolchuun itti milkaa'an hedduutu jiru. Fakkeenyaaf biyyi Ruwaandaa mana murtii hawaasaa fayyadamtee jirti. Lammaffaa biyyi keenyaa aadaafi duudhaa wal-dhabdeen mariidhaan ittiin hiikamuu kan bu'uuraa qabdi. Fakkeenyaaf aadaa sirna Gadaa, Aadaa saba Gaamoo biratti marga qabatani karaa itti nagaan bu'u hojjetaniifi gama abbootii amantaatinis hojji akkaanaa dagaagee kan jiru ta'uudha.

3.4. Haammattoo Dhabbatummaa Marii Biyyaaleessaa

Akkuma biyyoota idil-addunyaa hedduu dhaabbata marii biyyaaleessaa abbummaan hoogganu hundeesuun hojjechaa turan boqonnaa lama jalatti kaasuun ilaalatti Itoophiyaanis dhaabbata abbummaan marii biyyaaleessaa kana hoogganuu “Komishinii Marii Biyyaaleessaa Itoophiyaa jedhamuu” bilisaafi loogii maleessa ta'e qaama Mootummaa federalaa ta'e qaama seerummaa qabu hundeeffamee jira.¹¹⁸ Itti waamamni komishiniichaa kanaa Mana Maree Bakka Bu'oota Uummataafidha.¹¹⁹ Waajjirri mummee Komishiniichaa Magaalaa teessoo Mootummaa Federalaa fi magaalaa guddoo Naannoo Oromiyaa kan taate Finfinnee ta'ee akka barbaachisummaa isaatti naannolee birootti damee banachuu danda'a.¹²⁰

Kaayyoo dhaabbanni kun hundaa'efis qaamolee hawaasa adda addaa gidduutti garaa garummaa yaadaa dhimmoota biyyaaleessaa bu'uuraa ta'e irratti qaban sababoota murteessoofi mariiwwan kan irratti gaggeeffaman mata dureewwan adda baasuun akka irratti mari'atamuuf haala mijeessudha. Kana malees mariin biyyaaleessaa gaggeeffamu hirmaachisaa, qaama bilisaafi dandeettii qabuun gaggeeffamuu isaa xiyyeeffannoo sababoota garaa garummaa adda baasuun irratti hojjechuun, qajeeltoo iftoominaan gaggeeffamaa jiraachuufi karoora hojii irra oolmaa bu'aa mariiwwaan biyyaaleessaa qabaachuu adda baasuun irratti ni hojjeta.¹²¹

Dabalataan mariin biyyaaleessaa gaggeeffamu qaamolee hawaasa garaa garaa gidduutti, akkasumas walitti dhufeenya mootummaafi uummataa gidduu jiru fooyyeessuun; wal-amantaa kan uumamuufi sirna siyaasaa haaraa uumuu kan dandeessisu diriirsuudha. Rakkoo keessoo biyyittii yeroo dheeraadhaaf gangalachaa dhufanii jiran aadaa siyaasaa mariidhaan hiikuu cimsuufi ijaarsa sirna dimokiraasitiif haala naannoo mijataa uumuudha. Rakkoon yeroo ammaa jiru karaa fuulla'aa ta'een hiikkatanii nageenyii waaraa karaa itti mirkanaa'uu

¹¹⁸ Akkumaolii, kwt.4(1).

¹¹⁹ Akkuma olii, kwt.4(2).

¹²⁰ Akkuma olii, kwt.5 fi Heera Mootummaa Naannoo Oromiyaa Fooyya'ee ba'e lakkoofas 46/1996 kwt. 2(3) kwt 6ffaan “Magaalaan muummittiin Oromiyaa Finfinneedha” kan jedhuun bakka bu'eera.

¹²¹ Akkumaolii, kwt.6.

danda'uu haala siyaasaafi hawaasummaa mijataa ta'e uumuudha. Waliigaltee biyyaalessaafi biyya mootummaa beekamtii cimaa qabdu ijaaruuf bu'uura kaa'uudha.¹²²

Caaseffamni Komishinichaas Mana Maree Komishineerootaa, Komishineera Ol-aanaa, Itti Aanaa Komishineera Ol-aanaa, Waajjira, Koreewwan akka barbacahisummaa isaatti, hojjettoota barbaachisoo kan qabudha.¹²³ Barri hojii Komishinichaa guyyaa Komishineeronni akkaataa labsii lakkoofsa 1265/2014-tiin muudaman irraa eegalee waggaa 3 ta'ee akka barbaachisummaa isaatti Manni Maree Bakka Bu'oota Uummataa dheeressuu ni danda'a.¹²⁴

Hojiifi itti gafatamummaan Komishinichaas; koreewwaan adda addaafi gareewwaan ogeeyyii kanneen marii biyyaalessaa haala mijeessanii raawwachisan, qorannoo gaggeessaniifi yaada furmaata dhiyeessan ni hundeesa. Kana malees qorannoo adeemsa marii biyyaalessaa kan mootummaan yookiin dhaabbata miti- mootummaan gaggeeffameefi bu'aa isaa qorachuufi marii biyyaalessaa gaggeeffamuuf akka galteetti itti fayyadamuu ni danda'a. Garaagarummaa yaadaafi siyaasaa hooggantootaa gidduu jiruufi akkasumas hawaasa gidduu dhimma biyyaalessaa irratti jiru qorannoo dhaan, marii uummataatiiniifi moodaliti birootiin adda ni baasa. Ajandaawwan marii biyyaalessaa adda ni baasa, mariin akka irratti gagegeffamuuf ni mijeessa.¹²⁵

Kana malees Komishinichi bakka buutonni uummataa bakkeewwan garaa garaa irraa walitti qabaman sadarkaa federaalaafi naannootti marii taasisuun waliigaltee biyyaalessaa irra akka ga'aniif waltajjiwwan marii sadarkaa federaalaafi naannootti ni qopheessa. Qajeelfama bahuun ulaagaa adda ba'u irratti hundaa'uun hirmaattota marii biyyaalessaa irratti hirmaatan adda ni baasa, akka isaan yaa'ii marii biyyaalessaa irratti hirmaatanis ni taasisa. Mariin biyyaalessas Komishinerotaan yookiin Mana Maree Komishineerotaan nama filatameen akka gaggeeffamu ni taasisa. Adeemsa marii biyyaalessaa keessatti yaadota mariif dhiyaatan kan walitti qabuufi qindeessuun Mana Maree Komishineerotaaf dhiyeessu ni ramada.¹²⁶ Komishinichi haala filannoo namoota marii biyyaalessaa irratti hirmaataniifi ittiin bulmaata keessoo waajjira Komishinichaa ni tuma. Sanada marii yaa'ii biyyaalessaa, adeemsa marii biyyaalessaa, yaada furmaataa kenname yookiin argatameefi tarsiimoo ittiin raawwatamuu danda'amu ni qopheessa. Qophii karoora ifaafi qabatamaa bu'aa marii biyyaalessaa hojiitti

¹²² Akkumaolii, kwt. 6(5-7).

¹²³ Akkuma olii, kwt.7.

¹²⁴ Akkuma olii, kwt.8.

¹²⁵ Akkuma olii, kwt.9 (1-4).

¹²⁶ Akkuma olii, kwt. 9 (5-8).

hiikuu danda'u irratti mootummaaf deeggarsa ni taasisa.¹²⁷ Kana jechuun bu'aa marii biyyaalessaa irra argatamee kan hojiitti hiikuu mootummaa ta'uu isaati.

Walga'iin Mana Maree Komishinii ilaalchisee wal-ga'ii idileefi arifachiisaa kan qabudha. Murteen Mana Marii Komishinii waliigalteen kan murta'u ta'ee waliigaltee irra ga'amuu kan hin dandeenye yoo ta'e sagalee caalmaadhaan murtiin kan kennamu ta'a. Sagaleen wal-qixa yoo ta'e immoo sagalee walitti qabaan deeggare murtee mana marichaa ta'a. Haata'u malee, Komishinichi dambii ittin bulmaata keessoo baafachuu ni danda'a.¹²⁸ Komishineeronni miseensota 11, Mana Maree Bakka Bu'oota Uummataatiin muudamanii jiru.¹²⁹ Namni Komishineera ta'uun muudamuu danda'u ulaagalee kan akka lammii Itoophiyaa ta'uu, amantaalee, sabaafi sab-lammii uummattootaa Itoophiyaa ija tokkoon tajaajiluu nama danda'u, miseensaa dhaabbata siyaasaa kamiyyuu kan hin taanee, waliigaltee biyyaalessaaf bu'aa ol-aanaa argamsiisuu kan danda'u, naamusaaufi maqaa gaarii kan qabu, uummata fuulduratti amanamaa kan ta'e, yakka cimaa raawwatee balleessaa kan hin jedhamne, dandeettii hojii Komishinichaa raawwachuu nama qabuufi yeroo isaa guutuu hojii komishinichaaf kennee hojjechuuf fedhii kan qabu qofaadha.¹³⁰ Komishineeronni muudamanis mirgaafi dirqama adda ba'e ni qaabatu.¹³¹

Qabxiin bu'uuraa biroon bakka kanatti ilaalamuu qabu komishinii kanatti hojiin marii biyyaalessaa yeroo murtaa'eef kan itti kenname waan ta'eef akkuma barri tajaajilaa isaa xumurameen murteewwaan, sanadoota adda addaa yeroo marii biyyaalessaa sassabaman qaama itti kennamuu qabutti kennuudha. Haaluma kanaan labsii lakkoofsa 1265/2014 A.L.I keessatti Komishinichii barri hojii isaa yoo xumuramu bara hojii Komishinichaa keessaa mariin biyyaalessaa yeroo gaggeeffamutti sanadoota qophaa'an, qaboo yaa'ii qabamaniifi sanadoota biroo kunuunfamarii akka turaniif Waajjira Mana Maree Bakka Bu'oota Uummataafi Tajaajilaa Galmeessaa Mana Kitaabaa Itoophiyaatti dabarsee kennuu akka qabu seerichi ni tuma. Qaamooleen kunninis sanada kana sirnaan qabuu fi qaamni kamiyyuu itti fayyadamuu yeroo barbaadetti kennuufii akka qaban tumamee jira.¹³² Dhimma kanaan wal-qabatee yeroo mariin biyyaalessaa Sudaan Kibbaatti adeemsifameetti barri hojii qaama marii biyyaalessaa gaggeessuu akkuma xumurameen sanadootaafi murtii marii biyyaalessa qaama

¹²⁷ Akkuma olii, kwt.9 (10 fi 11).

¹²⁸ Akkuma olii, kwt.10.

¹²⁹ Akkuma olii, kwt.11.

¹³⁰ Akkuma olii, kwt.13.

¹³¹ Akkuma olii, kwt.15.

¹³² Akkuma olii, kwt.30.

itti kennu dhabuun rakkachaa kan turaniifi dhumarratti Yunivarsiitii “Juba” jedhamutti kennanii keessaa bahuu isaanii barruuleen ni agarsiisu.¹³³ Kanaaf rakkoo kana hambisuuf tumaan kun faayida ol-aanaa kan qabudha.

3.5. Qaamolee Marii Biyyaleessaa Irratti Hirmaatan

Akkaatumaa labsicha irraa hubatamutti marii kana irratti qaamni kamiyyuu hirmaachuu akka danda’udha. Kanas qajeeltoo marii biyyaalessaa labsichaan tumamaniifi hiikkoo marii biyyaalessaa labsichaan kenname irraa kan hubatamu marichi qaamolee hunda kan hirmaachisu fakkaata. Dabalataanis tumaa labsichaa keessatti bakka tokkottillee qaamolee hirmaachuu hin qabne jedhamanii dhorkaman hanga hin jirretti akka barreessitoota barruu kanaatti qaamolee hunda kan hirmaachise ta’uu agarsiisa. Haata’u malee, abbootiin aangoo mootummaa Federaalaa tokko tokko ibsa miidiyaalee adda addaaf kennaa turaniin qaamoleen shororkeessaa jedhamanii farrajamanii hidhannoodhaan socho’an marii kana keessaatti kan hin hirmaanne ta’uu ibsa yeroo garaa garaa kennaa turan irraa hubachuun danda’ameera.¹³⁴ Qaamolee hunda kan hin hirmaachisne yoo ta’e milkaa’ina maricha irratti akkuma muuxannoo biyyoota idila addunyaa baay’ee irraa hubatamutti gufuu ta’uu waan danda’uuf mariachi fulduratti yeroo gaggeeffamutti qaamolee hunda kan hidhataniifi kan hidhannee yookiin karaa nagaan qabsa’an hunda yoo kan dabalatu ta’ee gaarii fakkaata.

3.6. Sodaafi Carraa Milkaa’ina Marii Biyyaleessaa Itoophiyaa

Mariin biyyaalessaa gaggeeffamu tokko carraa nagaafi tasgabii waarawaa biyya tokkoof fiduu danda’a. Haa ta’u malee, akkaataa barbaadameen akka hin milkoofne gufuuwwan adda addaa jiraachuu malu. Mata duree itti aanaan kana jalatti carraafi sodaa marii biyyaalessaa biyyi keenyaa amma gaggeessuuf jirtu kanaan walqabatee jiru kan ilaallu ta’a.

3.6.1. Carraa

Mariin biyyaalessaa biyya keenyatti gaggeeffamaa jiru kun carraawwan adda addaa armaan gadii qabaachuu ni mala:

- ♣ Dhaabbanni marii kana abbummaan hooggaanu qaama walabaa ta’e hundaa’uu.

¹³³David Deng and Rajab Mohandis (2021), Citizen Perspectives on the National Dialogue in South Sudan, <https://www.csrfsouthsudan.org/repository/citizen-perspectives-on-the-national-dialogue-in-south-sudan/>, Accessed on March 23, 2022.

¹³⁴Tamsaasa VOA-Afaan Oromoo Onkololeessa 29 bara (2021), <https://www.youtube.com/watch?v=lxW2wt0AlqE>, Accessed on March 23, 2022; Ethiopia vows to table all agendas including referendum in national dialogue, <https://www.aa.com.tr/en/africa/-ethiopia-vows-to-table-all-agendas-including-referendum-in-national-dialogue/2452338>, Accessed on March 23, 2022.

- ♣ Aadaa fi duudhaalee biyyaa akka fayyadamuu qabnu akka qajeeltoo tokkootti qabaachuu.
- ♣ Qajeeltoowwaan sadarka idila-addunyaatti beekaman irratti dabalataan tumuu.
- ♣ Kaka'umsi marii biyyaalessaa kun biyyuma keessaa madduu.
- ♣ Qaamoleen hundi mariin biyyaalessaa akka gaggeeffamuuf amantaa qabaachuu.

3.6.2. Sodaa

Mariin biyyaalessaa Itoophiyaan gaggeessuuf deemtu kana keessatti qooda fudhatoonni hundi hammatamu dhiisuu malu. Paartileen morkaattoota yookiin qooda fudhatoonni tokko tokkodambiinaamusa (code of conduct) marii biyyaalessa cabsuu danda'u kan jedhu soda ta'uu danda'a.¹³⁵ Abbootiin taayitaa mootummaa Itoophiyaa miidiyaalee adda addaatiif ibsa kennaa jiraniin, mariin biyyaalessaa gaggeeffamuuf jiru kana irratti qaamolee shororkeessadha jedhamanii farrajamaan hammatamuu akka hin qabne irra deddeebiin yaada kenna jiraachuun sodaa biraa milkaa'ina marichaa ta'uu danda'a.¹³⁶ Gama biraatiin immoo paartiin KFO mariin kun sababa iftoomina hin qabneef keessatti hirmaachuuf fedhii akka hin qabne irra deddeebin ibsaa turanii jiru.¹³⁷ Kanaaf, mariin kun hammataa yoo kan hin taane ta'e kaayyoo nageenyaafi tas-gabbii itti-fufiinsa qabu fiduu irratti gufuu ta'uu danda'a.

Itoophiyaan yeroo amma tana waraana ABO hidhatee bosona jiruufi riphee loltoota biroo waliin yeroo wal-waraanaa jirtu kanatti marii biyyaalessa gaggeessuun ulfaachuu danda'a. Waliitti bu'iinsi qaamolee kana giddutti tasifamaa jiru yoo kan hin dhaabanne ta'e, marii biyyaalessaa hunda hammataa, hirmaachisaafi bu'a qabeessa gochuuf haalli jiru mijataa ta'u dhiisu mala.

Biyyi keenya marii biyyaalessaa jalqabuuf Komishiini Marii Biyyaalessaa hundessitee jirtu kanaan wal-qabatee, qeeqni tokko tokko adeemsa filannoo Komishinaarotaafi walabummaa isaanii ilaalchisee ka'aa tureera. Fakkeenyaaf, paartileen kanneen akka KFO, ABO, fi kan biroon komishinaarootni marii biyyaalessa qaama walaba ta'een akka hin filamne akkasumas yeroo filannoon komishineerootaa taasifamu keessatti akka hin hirmaanne ibsaa turanii jiru.¹³⁸ Haalli kun milkaa'ina marichaa irratti gufuu ta'uu mala.

¹³⁵ Miil-jalee 1^{ffaa}.

¹³⁶ <https://www.bbc.com/afaanoromoo/oduu-59753475>, accessed on April 1, 2022.

¹³⁷ <https://oromoo.addisstandard.com/>, accessed on April 1, 2022.

¹³⁸ Akkumaolii

Biyyootni lixaa kallattii gara garaatiin maqaa sarbamiinsi mirga namooma raawwatamee jira jedhuun karaa danda'an hundaan dhiibbaa guddaa gochuu waan danda'aniif marii biyyaalessaa gaggeeffamu giddu lixuun gufachiisu malu.¹³⁹

Paartileen tokko tokko marii gaggeessu eegaluun dura haal-duree ka'uun mariin yeroo kaawwame keessatti akka hin xumuramne taasisuu malu. Haal-duree yoo kan jiraatu ta'e haala salphaa ta'een wal-amantaan waliigaltee dhuma irra gahuun rakkisaa ta'uu mala.¹⁴⁰

Kana malees akkaataa barbaadameen qaamolee hirtaa hunda hirmaachisuu dhabuun sadarkaa qophii irra tureefi paartileen mormitootaa tokko tokko keessaa of-baasaa jiraachuun, humnoonni hidhatanii Naannoo Oromiyaa keessatti bosona keessa jiraachuunfi akka naannoo Amaaraatti immoo maqaa Faannoo jedhamuun humni hidhate qaama mootummaan ala kan jiru jiraachuun sodaa ta'uu danda'a.¹⁴¹

Guduunfaafi Yaada Furmaataa

Mariin biyyaalessaa hawaasa diinagdee biyya tokkoo keessatti wal-dhabdee karaa kamiinuu dhufu kanneen akka waraanaan aangoo qabachuuf taasifamu, waraana sumaansii, sarbamu mirga dhala namaafi rakkoo gama bulchiinsa gaariin muudatuufi kan biroo furuuf shoora olaanaa qaba. Rakkoon gaaga'ama siyaasaa, diinagdeefi nageenyaa isaan muudachuu irra kan ka'e biyyoonni addunyaa garaa garaa, marii biyyaalessaa gaggeessaa turanii jiru. Biyyoonni tokko tokko maricha gaggeessuun milkiin kan xumuran yommuu ta'u kanneen biroon immoo osoo hin milkaa'in hafanii jiru.

Itiyoophiyaa, dhimmoota madda walitti bu'insaafi garaa gartee yaadaa fiduu danda'an bu'uura irra furuun nagaafi tas-gabbiin itti-fufiinsa qabu akka jiraatuuf Labsii Komishinii Marii Biyyaalessaa Itoophiyaa jedhamuu Lakkoofsa 1265/2014 A.L.I paarlamaan ragga'ee hojii irra oolaa jira. Kaayyoon guddaan labsii kana seensa isaa irra akka hubatamutti dhimmoota garaagarummaa yaadaafi wal-dhabbii ta'an muuxannoo biyyoota idila-addunyaa fudhachuun karaa hirmaachisaa ta'een furuudha. Mariin biyyaalessaa gaggeeffamuf jiru kun carraa nagaafi tas-gabbii waarawaa biyya keenyaaf fiduu danda'a.

Haaluma kanaan mariin biyyaalessaa biyya keenyatti gaggeeffamuuf deemu kun nagaafi tas-gabbii itti-fufiinsa qabu fiduufi kaayyoo qabatee ka'e galmaan ga'uu akka danda'uuf barreeffamni kun yaadota furmaata ta'uu danda'an armaan gadii akeekee jira. Isaanis: -

¹³⁹ Miil-jalee 2^{ffaa}.

¹⁴⁰ Akkuma olii.

¹⁴¹ Akkuma olii.

1. Itoophiyaan marii biyyaaaleessaa milkaa'ina qabu yookiin bu'a qabeessa ta'e gaggeessuf qooda fudhattoota hunda hammachisuu qabdi.
2. Komishiiniin Marii Biyyaalessaan adeemsaafi wal-tajjii ifaa ta'een qooda fudhatootni hundi marii irratti karaa haqa qabeessa ta'een akka hirmaatan taasisuu qaba.
3. Wal-amantaan qooda fudhattoota marii biyyaalessaa gaggeessaa jiran bira jiraachuu qaba.
4. Paartileen morkattootaa marii biyyaalessaa gaggeessuu eegaluun dura haal-duree kaa'uu irraa of-qusachuu qabu.
5. Komishiniin Marii Biyyaalessaa ajandaalee marii biyyaalessaaf dhiyaachuu qabu ajandaa dhugaa kan ta'e kan raawwatamuu, galma ga'uu, too'atamuufi ibsamuu danda'u filachuu qaba.
6. Mootummaan Itoophiyaa mariin biyyaaaleessaa karaa ifaafi bilisa ta'een akka gaggeeffamu kutannoo siyaasaa qabaachuu qaba.
7. Marii Biyyaalessaa gaggeessuun dura akka biyyaatti wal-waraansa iddoowwaan tokko tokkotti taasifamaa jiru dhabbachuu qaba.

Success and Failure of National Dialogue of Selected Countries Cases Study: General Lessons to Ethiopia

*Surafel Getahun******

Abstract

This paper aims to analyze the common features of National Dialogues, as well as the political and procedural factors and conditions that have enabled or constrained the negotiated outcomes of National Dialogues. The qualitative research approach is used to explore common patterns given phenomenon. Document analyses were used to extract the information about the analysis of selected countries cases of National Dialogues held between 1990 and 2014. The research revealed that while most of the National Dialogues studied reached agreements, half of the cases failed to implement those agreements or only implemented them to a limited degree. Driven from the experience of national dialogue in the following selected countries such as, South Africa, Afghanistan, Sudan, Yemen, Iraq and Tunisia this paper argued that the panned Ethiopia's national dialogue to be successful and to resolve the existing conflict for meaningful conversation and ways to holistically address the underlying drivers of conflict; national dialogue should be seen beyond the usual group of elite decision makers. This paper identified the risk of national dialogues is when deliberately misused by leaders seeking to further consolidate their grip on power. The paper generally, suggest that national dialogues will have a higher likelihood of success if they incorporate the following principles: inclusion, transparency and public participation, a far-reaching agenda, a credible convener, appropriate and clear rules of procedure and an implementation Plan.

Key Words:*Consensus, Peace building, Dialogue, Outcome, Transformation*

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1. INTRODUCTION

National dialogues have emerged in recent years as powerful tools for peace-building across Asia, Africa, the Middle East, and Latin America.¹ (From South Africa (1991) to Yemen (2013–2014) National dialogues provide important extra-constitutional mechanisms for developing alternative frameworks and types of ‘self-mediation structures’ for fixing the national systems and contributing to constitution drafting processes. In a fragile or post-conflict environment, political settlements are crucial to consolidate primacy of politics as the non-violent means to deal with conflicts over interests, ideology and power.²

As the result, today, in need of alternative methods for conflict transformation, conflict management organizations have turned to national dialogues for peace-building and to resolve deep-seated conflicts in divided societies. However, national dialogues are not restricted to open conflicts. National dialogues take many forms including: national conferences (Benin, Congo, Togo, Mali, Niger, Zaire, Chad), multi-party negotiations (The Convention for a Democratic South Africa), roundtables (Poland, Germany), constituent assemblies (Bolivia, Afghanistan) and National dialogues can also be deployed in contexts such as a political stalemate or where political institutions are de-legitimized – as in Bahrain, Yemen, Tunisia, and Lebanon.³

After repeated calls by various opposition parties, the Ethiopian government has finally made a crucial move to initiate a National Dialogue. On the 29th of December 2021, the Federal Democratic Republic of Ethiopia’s House of Peoples’ Representatives approved the establishment of the Ethiopian National Dialogue Commission. The Bill setting up the Commission states that the commission is meant to “pave the way for national consensus and keep the integrity of the country.”⁴ According to Awol for Ethiopians, the national dialogue is

¹Christopher, Zambakari. 2016. Six Factors for Successful National Dialogues <http://www.fletcherforum.org/home/2016/8/22/six-factors-for-successful-national-dialogues.pdf>

²United States Institute of Peace. (2021). National Dialogues in Peacebuilding and Transitions Creativity and Adaptive Thinking, Elizabeth Murray and Susan Stigant, editors NO. 173 | June 2021 and IPTI, 2017. “What Makes or Breaks National Dialogues?” Geneva: Inclusive Peace & Transition Initiative (Graduate Institute of International and Development Studies), April 2017

³Blunck, M., et al. (2017). National dialogue handbook: A guide for practitioners. Berlin: Berghof Foundation. https://www.jointpeacefund.org/files/documents/berghof_foundationnational_dialogue_handbook.pdf Harlander, J. (2016). Supporting a national dialogue: Dilemmas & options for third parties. Mediation practice series. Geneva: Centre for Humanitarian Dialogue. <https://www.hdcentre.org/wp-content/uploads/2016/12/pdf> and Berghof Foundation. (2017). National Dialogue Handbook: A Guide for Practitioners. Berlin: Berghof Foundation Operations GmbH press.

⁴SIHA.(2022).The Ethiopian National Dialogue Commission. <https://www.shiner.org> (Accessed 18 March 2023).

an opportunity to chart a new path for peace, political tolerance, national unity, political and economic equality and a shared Ethiopian destiny.⁵ Further, the national dialogue also seen as solution to many problems that have plagued Ethiopian politics particularly since the 1960s, including the official historical narrative of the country, the institutional features of linguistic self-determination, the power balance between national and regional governments, the manner of representation of regions and linguistic groups in the center, the distribution of national revenue, dispute resolution mechanisms, and arrangements to ensure institutional representation of minorities in the regions.

Taking countries such as South Africa, Afghanistan, Sudan, Yemen, Iraq and Tunisia as case study the paper discusses the factors that have enabled or constrained National Dialogues to reach agreements and to achieve sustainable outcomes after an agreement is concluded and implemented. In each case study cover the historical context, establishment and mandate, preparatory phase, agenda, delegates, structure, convening and facilitation, public participation opportunities, political and conflict developments during the dialogue, international involvement, immediate outcomes, and implementation and longer-term implication. Finally, the paper discusses the general lesson to Ethiopia and recommends the need for careful planning, initiation and implementation of dialogue processes.

1.2. Methodology

This paper presents overall patterns concerning how National Dialogues have evolved from their initiation to implementation. The data concerning the process of national dialogue were collected from secondary sources such as books, article, online journal, conference reports, magazine newspapers and websites. Patterns identified are based on an inductive, in-depth, qualitative data analysis, rather than large n-statistical assessments. For this, a process tracing approach was first applied to each of the 6 cases. We have delineated the process surrounding each National Dialogue in order to see how they began and evolved, who took part, and with what effects. In each case, we also sought to determine where the National Dialogue was situated in relation to other major events of the overall political transition. Thereafter, patterns were identified across the cases. These particularly focused on a number of inductively identified factors that played an important role in affecting the outcomes of National Dialogues, notably the attainment and implementation of agreements.

⁵Awol, A. (2022). Ethiopia urgently needs inclusive national dialogue. <https://www.aljazeera.com/opinions/2021/3/30/ethiopia-urgently-needs-inclusive-national-dialogue> (Accessed 18 March 2023)

2. National Dialogues: The Concept

National Dialogues are nationally owned political processes aimed at generating consensus among a broad range of national stakeholders in times of deep political crisis, in post-war situations or during far-reaching political transitions. Depending on the context, National Dialogues can be employed as mechanisms for (a) crisis prevention and management, a shorter-term endeavor, undertaken strategically as a means to resolve or prevent the outbreak of armed violence, breaking political deadlocks and re-establishing minimal political consensus (e.g. Tunisia); or (b) fundamental change, with a longer-term trajectory, envisioned as a means to redefine state society relations, or establish a new ‘social contract’ through institutional and constitutional changes (e.g. Yemen).⁶

Today, national dialogues are a popular tool for structural reforms, as they provide access for parties and groups often excluded from or under-represented in political negotiations.⁷ They are usually accompanied by broader, inclusive societal consultations aimed at channeling people’s concerns and demands into the process; and enhancing legitimacy and ownership over the process and its outcomes.⁸ National dialogues have clear structures (often a mix of plenary sessions and working groups) and defined rules and procedures for dialogue and decision-making. Their size and composition can vary considerably and they can last from several days to several years. Their objective can involve broad-based change processes (e.g., negotiating a new social contract, redefining state society relations, establishing new political institutions; and/or determining the process through which reforms will take place etc.).⁹

⁶ Berghof Foundation (2017). National Dialogue Handbook: A Guide for Practitioners. Burlin: Berghof Foundation Operations GmbH press, Haider, H. (2019). National Dialogues: Lessons Learned and Success Factors, Helpdesk report. (Accessed on March 15/ 2022). (<https://gsdrc.org/publications/national-dialogues-lessons-learned-and-success-factors/>). European Scientific Journal, ESJ ISSN: 1857-7881 (Print) e - ISSN 1857-7431 June 2022 edition Vol.18, No.20.

⁷ Harlander, J. (2016). Supporting a national dialogue: Dilemmas & options for third parties. Mediation practice series. Geneva: Centre for Humanitarian Dialogue. <https://www.hdcentre.org/wp-content/uploads/2016/12/>

⁸ Paffenholz, T., Zachariassen, A. and Helfer, C. (2017). What makes or breaks national dialogues? Geneva: The Inclusive Peace & Transition Initiative (IPTI). <https://www.inclusivepeace.org/sites/default/files/IPTI-Report-What-Makes-Breaks-NationalDialogues.pdf> and Papagianni, K. (2014). National dialogue processes in political transitions. Civil Society Dialogue Network, Discussion Paper no.3 <https://www.files.ethz.ch/isn/176342/National-DialogueProcesses-in-Political-Transitions.pdf>

⁹ Blunck, M., et al. (2017). National dialogue handbook: A Guide for practitioners. Berlin: Berghof Foundation. https://www.jointpeacefund.org/files/documents/berghof_foundationnational_dialogue_handbook.pdf Paffenholz, T., Zachariassen, A. and Helfer, C. (2017). What makes or breaks national dialogues? Geneva: The Inclusive Peace & Transition Initiative (IPTI). <https://www.inclusivepeace.org/sites/default/files/IPTI-Report-What-Makes-Breaks-NationalDialogues.pdf> and Harlander, J. (2016). Supporting a national dialogue: Dilemmas & options for third parties. Mediation practice series. Geneva: Centre for Humanitarian Dialogue. <https://www.hdcentre.org/wp-content/uploads/2016/12/>

National dialogues with shorter-term endeavors and/or a more narrow set of objectives (e.g. establishing security arrangements, constitutional amendments, truth commissions etc.; and/or geared specifically for resolving or preventing the outbreak of violence) are usually more limited in their mandates, smaller in size and shorter in duration. National dialogues pass through three successive phases: preparation, process and implementation.¹⁰ 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 (i.e. mandate, agenda, participant selection, decision-making procedures, etc.).¹¹

2.2. Key principle in National Dialogue

2.2.1. The degree of inclusion and participation

The degree of inclusiveness, and extent to which different political actors and segments of society are included, shapes significantly whether stakeholders view the national dialogue as a valid way in which to address their grievances and aspirations.¹² There is a growing interest in and recognition of the importance of including women, young people and minorities in transition processes, which has resulted in more representatives of such groups appointed to delegations and the incorporation of their views and needs into the agenda.¹³

2.2.2. Agenda that Address the Root Causes of Conflicts.

National dialogue thought to kick its goal does not dangle on superficial and one-sided interest-based agenda. Rather, it should be based on key issues which are and can be actual or potential root causes of violent conflicts a country is confronting or likely to confront and which can be reached upon with long time (months or even years) negotiating.

2.2.3. Transparency and Public Participation

A national dialogue cannot be successful if it does not facilitate and give adequate opportunity for the public to be informed and participate. Even a dialogue that includes all

¹⁰ Blunck, M., et al.(2017). National dialogue handbook: A guide for practitioners.Berlin: BerghofFoundation. https://www.jointpeacefund.org/files/documents/berghof_foundation_national_dialogue_handbook.pdf

¹¹ Paffenholz,T., Zachariassen, A. and Helfer, C. (2017). What makes or breaks national dialogues? Geneva: The Inclusive Peace & Transition Initiative (IPTI). <https://www.inclusivepeace.org/sites/default/files/IPTI-Report-What-Makes-Breaks-NationalDialogues.pdf>

¹² Blunck,Supra note,10

¹³Blunck,Supra note, 10

major interest groups risks losing legitimacy if there are not sufficient opportunities for the public to remain informed about and feed into the dialogue.¹⁴

2.2.4. Representation and selection criteria

An established selection criteria and procedures for participants in national dialogues can support or hinder the broad representation of different social and political groups. Transparency in the criteria is significantly important.

2.2.5. Clear Mandate and Appropriately Tailored Structure, Rules, and Procedures

If it is needed to undergo a national dialogue which can achieve its set goals, it should have its own clear mandate which gives purpose and authority to a national dialogue, set of transparent and carefully tailored procedures with mechanisms to break deadlocks and rules so that transparent decisions should be made and composes the nature of far-reaching agenda.¹⁵

2.2.6. The Role of External Actors and National Ownership

Although national dialogues are widely recognized as a nationally owned process, support or resistance of external factors can also influence the degree of success of national dialogues.¹⁶ To conduct national dialogue that can be fruitful for its purpose, the responsible body should keep the balance between external interference like in support (political, financial and technical support) or resistance of external actors and national ownership which is more decisive than the former.¹⁷

2.2.7. Institutional framework and support structures

A comprehensive support structure of important actors close to competing parties can help participants to be prepared (with the necessary expertise and tools), to compromise and to

¹⁴Haider,H. (2019). National Dialogues: Lessons Learned and Success Factors, Helpdesk report <https://gsdrc.org/publications/national-dialogues-lessons-learnedand-success-factors/> (Accessed on March 15, 2022) European Scientific Journal, ESJ ISSN: 1857-7881 (Print) e - ISSN 1857-7431 June 2022 edition Vol.18, No.20 and Berghof Foundation (2017) National Dialogue Handbook: A Guide for Practitioners. Burlin: Berghof Foundation Operations GmbH press.

¹⁵id

¹⁶Paffenholz, Supra note 11

¹⁷ Haider, H. (2019). Blunck. (Accessed on March,15/2022).(<https://gsdrc.org/publications/national-dialogues-lessons-learnedand-success-factors/> . European Scientific Journal, ESJ ISSN: 1857-7881 (Print) e - ISSN 1857-7431 June 2022 edition Vol.18, No.20

build coalitions, allowing them time to agree on common positions. Such structures do not, however, necessarily improve the quality of participation or guarantee implementation.¹⁸

2.2.8. A Credible and Neutral Convener

Credible, respected and political interest-free convener which can take a form of an organization, or a coalition of organizations, a single person, a group of people is of the extreme importance as it is a key to bring stake holders to the dialogue by reducing and avoiding the perception of bias.¹⁹ A credible, broadly accepted, independent, respected and charismatic convener, mediator or facilitator can significantly affect the strength of the national dialogue, indicating seriousness and trust in the process.

2.2.9. Agreed Mechanism for Implementation of Outcomes

The success of national dialogue is judged not only on the dialogue process and the dialogue itself but also on the interpretation of the dialogue outcomes into practice. Therefore, national dialogues to be successful should put agreed upon plans that can ensure that the recommendation gained from the dialogue can be implemented, being incorporated in new constitution, policy, law, and other programs.²⁰

3. Result and Discussion of Selected Case Study

3.1. South Africa Multi-Party Negotiation Process 1993

The Apartheid system was crumbling amid economic crisis, international isolation and its own educational and psycho-social ramifications. The end of the Soviet Union posed a predicament for the liberation movement, which saw its financial and political support dwindling. So, both sides were locked in a mutually ‘hurting stalemate’ and under enormous international pressure to resolve the conflict. The peace process was kicked off on February 2, 1990 with an announcement by the then president FW de Klerk to unban all banned political movements and start negotiations for a ‘new South Africa’. These included formal meetings between the ANC and the government in Groote Schuur and Pretoria, followed by a National Peace Accord that was signed by 27 political, trade union and government leaders. It

¹⁸Haider, Supra note, 14.

¹⁹Id.

²⁰Id.

set out a code of conduct for the transition period and paved the way for the first multi-party forum Convention for a Democratic South Africa (CODESA).²¹

After CODESA I and II failed, negotiations were brought back on track through continued bilateral talks between the ANC and the government, and the convention of the Multi-Party Negotiation Process (or Multi-Party Negotiating Forum), where an interim constitution was adopted. Free and fair elections on April 27, 1994 mandated a constitutional assembly that adopted the constitution in 1996. Combining elements of crisis management (containing violence) and fundamental change, the peace process famously set out to create the new 'Rainbow Nation' by achieving a new consensus on society's basic principles, norms and procedures. Probably one of the most famous peace processes, it is particularly noteworthy for the quality of leadership of both top leaders, and leaders on all societal levels and sectors (note the high importance of the Consultative Business Movement as well as religious leaders); serious efforts also to vertical inclusivity despite its essentially elite character; and its high level of national ownership through self-mediation.²²

Objective: To negotiate a Constitution for the Transition, develop and adopt constitutional principles binding for the Constitutional Assembly (CA) and thus contribute to the primary objective of creating a new constitution for South Africa.

Mandate: Mandated by a Record of Understanding between ANC and NP and a subsequent all-party planning conference following the failed predecessor talks CODESA I and II.

Participation and selection criteria: The MPNP was attended by 26 parties, including political groups, national and homeland government representatives and traditional leaders. The process was more inclusive than the previous two efforts, with the KwaZulu homeland government, the Conservative Party and the Volksunie participating. The Pan Africanist Congress attended with reservations. Only a number of extreme Afrikaner parties and the far-left Azanian People's Organization did not join.

Facilitation: While the earlier CODESA talks were chaired by senior judges, MPNP meetings were chaired by members of the negotiation teams on a rotating basis, thus increasing the sense of inclusion of the parties.

²¹ Berghof Foundation. (2017). National Dialogue Handbook: A Guide for Practitioners. Burlin: Berghof Foundation Operations GmbH press.

²²Id.

International support: Both main parties, the NP government and the ANC, were opposed to international mediation. As a result, the process was largely self-mediated, with the notable exception of the Kenyan academic Washington Okumu, who managed to broker an end to a boycott by the IFP after a failed negotiation attempt by former US Secretary of State, Henry Kissinger, and former British Foreign Minister, Lord Carrington, in March 1994.²³

Outcomes: The MPNP's output included a Constitution for the Transition, as well as four other draft bills on transition structures for the run-up period to the elections (Transitional Executive Council, Independent Electoral Commission and Independent Media Commission) and a permanent body to control broadcasting (Independent Broadcasting Authority). Delegates also agreed on a new electoral act to govern the elections for the Constitutional Assembly.²⁴

Challenges/ lessons learned: The 1990 national dialogue opened a unique window of opportunity for South Africa to address its intractable conflict. The parties had drawn lessons from CODESA and redesigned the negotiation process and structures accordingly in an all-party preparation conference in March 1993. Their lessons included the importance of having a simple structure with one negotiating and one decision-making body; the use of technical experts to enable 'interest-based' discussion; the establishment of a trusted 'coordinating committee' to function as guardians of the process, anticipate and pre-empt problems; and the seminal role of deadlock-breaking mechanisms that the parties had agreed on beforehand. Local peace committees in South Africa played an important role in bringing the process closer to the people and in diffusing tensions and preventing the violence from expanding.²⁵

3.2. The Comprehensive National Dialogue Conference in Yemen (2013–2014)

Following Tunisia and Egypt, Yemen was rocked by the Arab Spring in January 2011 and has not managed to transition to a democratic and peaceful state. Popular protests to topple President Ali Abdullah Saleh, who had been in power for thirty-three years, began in January 2011. Eventually, Saleh was forced to agree to a Gulf Cooperation Council (GCC)-brokered deal to hand over power in April 2011. However, he refused to sign it until November 2011. The GCC deal specified that Saleh leave office in thirty days and make way for his Vice-President AbdRabbuh Mansour Hadi in return for full immunity from prosecution for Saleh.

²³id.

²⁴id.

²⁵id.

Hadi was to form and preside over a Government of National Unity which would govern the country before presidential elections took place within ninety days.²⁶

The deal also established a two-year transitional period during which the military and security institutions were to be restructured and a national dialogue would be convened to prepare the ground for new elections to be held by February 2014. According to the GCC agreement, the national dialogue was to provide an opportunity for representatives from all walks of Yemeni society to voice their concerns and stances, including women and youth groups, the Southern and Houthi movements and other political parties and civil society representatives. A Preparation Committee of twenty-five members, including women and youth, was formed in July 2012 and started working in August to prepare the national dialogue.²⁷

Objective: To discuss the process of drafting a new constitution, including the establishment of a constitutional drafting commission; formulate the underlying principles of constitutional reform; address issues of a national dimension (Southern and Sa'ada issue); address topics related to transitional justice, societal reconciliation, HR protection, advancement of women and sustainable development. The broader aim of the NDC was to lay the foundations for a social contract aiming at national unity and social cohesion in Yemen.

Political mandate: Negotiations and subsequent agreement between the Yemeni ruling party and the main opposition bloc (JMP) Formal mandate: GCC implementation mechanism and subsequent Presidential Decree No.30 (July 12, 2012)

Participation and selection criteria: The criteria for participation were defined by the Technical Committee for the Preparation of the NDC. The main constituencies were defined in the GCC initiative implementation mechanism. No constituencies were excluded although some were or felt underrepresented such as the HIRAK movement. During the selection process, political parties and components were each asked to nominate their own delegates in line with the quota of the NDC mandate (30% women, 20% youth, 50% Southerners). Independent women, youth and CSOs delegates were chosen by the Technical Committee after a call for applications and review. Criteria, such as age (18-40 for youth) and non-

²⁶Haider, Supra note, 14.

²⁷Lackner, Helen 2012. Yemen's National Dialogue: Will it succeed? Open Democracy, 18 October. <https://www.opendemocracy.net/en/yemens-national-dialogue-will-it-succeed/> (Accessed 15 July 2021).

political affiliation had to be met. The remaining 61 delegates were chosen by the President without clear criteria.²⁸

Facilitation: Each of the nine working groups of the NDC elected their own chairperson and vice chairperson and rapporteur who acted as facilitator

International support: International support was provided by the “G10 + countries” (permanent members of UNSC, EU and GCC). Good office support was delivered through the team of UNSESGY Jamal Benomar. The role of the UN and Special Envoy was mandated by the GCC initiative implementation measure.

Outcomes: The NDC outcomes document summarizes the results of the working groups and served as guiding reference for the new constitution. Discussions on the draft constitution could not take place because of the outbreak of the civil war.²⁹

Challenges/ lessons learned: The National Dialogue Conference 2013 in Yemen was successful in achieving inclusiveness in its dialogue process. It enabled a diverse group of political and social actors in Yemeni society (including smaller political parties, youth, women and other groups traditionally been excluded from political decision-making) to sit at the same table on an equal footing and to be involved in decision-making processes.³⁰ Some of the criticism was related to the underrepresentation of the South, especially with regard to the Hirak movement. Furthermore, the absence of confidence-building measures especially in the South and Sa’ada, lack of community involvement and interaction as well as the broad mandate of the NDC compromised implementation of the NDC outcomes. In addition, the weak stance of the central government and presidency also hindered and slowed down the materialization of the NDC outcomes.³¹

3.3. Afghanistan Constitutional Loya Jirga 2003–2004

Following the US-led invasion of Afghanistan and the subsequent fall of the Taliban regime in late 2001, the Constitutional Loya Jirga was part of the country’s transitional framework

²⁸Haider, Supra note 14.

²⁹id.

³⁰ Elayah, M. et al. (2018): National dialogues as an interruption of civil war – the case of Yemen. Peacebuilding. <https://doi.org/10.1080/21647259.2018.1517964>, Hartmann, H. (2017). National Dialogues and Development. National Dialogue Handbook Background Paper No. 3. Berlin: Berghof Foundation. www.berghoffoundation.org/publications/national-dialogue-handbook and Gaston, E. (2014). Process Lessons Learned in Yemen’s National Dialogue. Special Report, Washington, DC: United States Institute of Peace. https://www.usip.org/sites/default/files/SR342Process_Lessons_Learned_in_Yemen%E2%80%99s_National_Dialogue.pdf

³¹Berghof, Supra note, 21.

(better known as Bonn Process) brokered by 25 prominent Afghan and international actors during the UN-sponsored International Conference on Afghanistan held in Bonn in December 2001. The Constitutional Loya Jirga was thus part of the Bonn Process of nation-building in Afghanistan. The Constitutional Loya Jirga was mandated to adopt a new constitution for Afghanistan, after it had been drafted by the 9-member Drafting Committee and finalized by the 33-member Drafting Commission.³²

Initially not foreseen in the Bonn Agreement, this body was inaugurated in April 2003 in a critical step to increase both inclusivity of the drafting body and public participation in the drafting process. The Commission's task was to broadly consult with the public and extensively rework and finalize the constitutional draft according to the outcome of the consultation. Although the CLJ aimed for certain fundamental normative changes relating to more inclusivity, gender-sensitivity and multi-ethnicity (as anchored in the Bonn Agreement), it was mainly a tool for crisis management to enable the quick establishment of functioning governance structures. The Constitutional Loya Jirga is seen as a process that created a high level of Afghan ownership, allowing for debate among political actors, but also creating forums for public participation. Inclusivity and legitimacy of the process however suffered from the exclusion of the Taliban and Hizb-I Islami.

Objective: Draft a constitution based on a societal consensus Nation-building in Afghanistan.

Mandated: Mandated by peace agreement following US invasion (Bonn Agreement).

Participation and selection criteria: 502 delegates; 450 to be elected, remaining 50 (25 women and 25 experts) to be appointed by president; 2 additional persons appointed to represent the disabled community; 33 members of the judiciary and transitional administration invited as observers without the rights to vote or speak. senior government, army and police officials not eligible to participate. The 450 elected delegates were chosen as follows: 344 members elected through secret ballot by district representatives of the Emergency Loya Jirga process; 42 members elected by representatives of refugees in Pakistan and Iran, internally displaced people, Kuchis, Hindus and Sikhs (15% women); 64 women members to be elected by women representatives in the 32 provinces.³³

Facilitation: Chair (Leadership Bureau and CLJ): Hazrat Sibghatullah Mujadeddi

³²id.

³³Haider, Supra note 14.

International support: Despite some international advisors, foreign technical assistance was kept to a minimum to prevent the perception that the constitution was being written by non-Afghans. The process was assisted by IGOs (UNAMA, UNDP, UNHCR, UNOPS, and ISAF), national and foreign NGOs, the Ministry of Interior and the security firm Global Risk Strategies. The US and the UN played a key role throughout the Bonn Process.³⁴

Outcome: The constitution was ratified by the president on January 26, 2004. The 162 articles of the constitution provide for a centralized presidential system with a bicameral parliament, strong minority rights, and a strengthening of women's rights, as well as a framework for the establishment of the rule of law.

Challenges/ lessons learned: The design and structure of the transitional process and the Constitutional Loya Jirga in particular enabled a reasonable range of political actors to have a political debate owned and essentially driven by Afghan actors and involving popular consultations. However, significant groups were excluded – the Taliban and Hizb-I Islami. Women's participation at the CLJ reached approximately 20 percent. Despite this high representation, women's active engagement and participation was limited due to warlord intimidation. The Secretariat of the Constitutional Commission prepared a very detailed framework to establish clear Rules of Procedure. Implementation however turned out to be challenging, with warlords trying to dominate the working groups and exert undue pressure. Following initial difficulties to fund the CLJ, a donor friends' group to the process was established. Since the Constitutional Commission was not independent of the Afghan President, the draft constitution deliberated by the CLJ was strongly influenced by President Karzai, rather than by the Commission's public consultation efforts.³⁵

3.4. Sudanese National Dialogue and National Dialogue Conference (2014–2016)

The Sudanese National Dialogue emerged in the context of a protracted civil war (South Blue Nile, South Kordofan and Darfur) paired with internal crises and instability. The conflict between government and the various opposition forces had reached a hurting stalemate, and neither side had a clear advantage over the other. Against this backdrop, in January 2014 the Sudanese president called upon political forces in the country, including opposition parties and armed groups, to join a National Dialogue process.

³⁴id.

³⁵id.

The National Dialogue aimed at re-establishing the constitutional and political foundation of the state through a cooperative approach involving all Sudanese. The National Dialogue's specific objective was to elaborate a constitution which protects and reaffirms the fundamental rights, freedoms and social justice of all Sudanese. It resulted in the adoption of the National Document of Sudan, which is meant to serve as the basis for elaborating a new constitution. The process continues to suffer from a lack of inclusivity in terms of representation and substance. Notably, the largest opposition parties and armed movements withdrew from the process, and were absent from the National Dialogue Conference.³⁶

Objective: To establish a constitutional, political and community foundation which would underpin a just state, built on the cooperation and solidarity amongst all Sudanese

Mandate: call for dialogue came from President El Bashir in January 2014 as a response to war, political conflicts and economic difficulties.

Participation and selection criteria: The General Assembly of the National Dialogue Conference included about 250 members from registered political parties, armed movements and national figures and community leaders. They were selected by consensus by the High Coordination Committee. Each party to the Dialogue nominated one representative and one deputy. Their exact numbers varied throughout the process, as some parties, movements and figures joined in the course of the conference, while others left to boycott the National Dialogue.

Facilitation: The General Assembly and all three preparatory Consultative Meetings were chaired by President El Bashir. Each committee was chaired by a high-ranking member of the government or opposition whose deputy came from the other side, i.e., either opposition or government.

International support: The process was nationally owned with AUHIP, UN and international partners providing assistance as possible. The final session was attended by the presidents of Egypt, Mauritania, Chad and Uganda, the prime minister of Ethiopia and the secretary-general of the Arab League.³⁷

Outcomes: The National Document, which is meant to form the basis for a new constitution, was adopted by the General Assembly on October 10, 2014.

³⁶id.

³⁷Berghof, Supra note 21.

Challenges/ lessons learned: The entire process was characterized by a lack of viability and the absence of political will to adhere to the conditions agreed upon, including ceasefires and the governmental decrees aimed to allow free opposition political activity. The preparatory process and the National Dialogue Conference itself were marred by issues of non-representation. Even though a great multitude of movements were part of the process, the strongest opposition parties, including the Umma party, the Reform Now Movement and the National Unity Parties Alliance, withdrew from the process. They formed a new alliance, “Sudan Call”, which boycotted the process and also included the Sudanese Communist Party, the Sudanese Congress party, unionist and Baath parties, the Nasserist’s, CSO initiatives, the Sudanese Revolutionary front which included the SPLM/N, JEM, the SLM, Abdel Wahid, MeniArkawi and others.³⁸

3.5. Iraqi National Conference 2004

The Iraqi National Conference was part of the transitional framework installed after the US-led invasion of Iraq by the US-appointed Iraqi Governing Council (IGC) and the Coalition Provisional Authority (CPA). The National Conference was mandated by the Law of Administration for the State of Iraq for the Transitional Period (TAL), which was contested by a number of actors and did not represent a wide political agreement. The National Conference was mandated to establish the Interim National Council, a non-legislative oversight body of the Interim Government with a limited mandate. Another objective was to initiate a national dialogue process and create national consensus. While the first objective was more intended as crisis management, the latter was geared towards fundamental change. While the Conference succeeded in establishing a National Council, it neither expanded political participation in the National Council, nor did it create national consensus, owing to a lack of public awareness, and a lack of political agreement on the TAL, directly resulting in the exclusion of key national stakeholders. This led to a political marginalization of the National Conference, rendering it effectively meaningless.³⁹

Objective: To establish the Interim National Council as an oversight body to the Interim Government, and to create national consensus.

Mandated: Mandated by the Transitional Administrative Law (TAL) by the US appointed Iraqi Governing Council (IGC) following the US invasion of Iraq.

³⁸id.

³⁹id

Participation: change 1st paragraph to 1,200 to 1,500 delegates. Participants included representatives from Iraq's political parties, regions, women's groups and other civil society organizations, universities, as well as Iraq's main tribes, ethnic groups and religious sects, including Sunnis, Shiites, Kurds, and Christians. About half the participants were selected by the Provincial Supervisory Committees. In each of Iraq's 18 regions, the committees reviewed applications and nominations and submitted delegates' names to the High Preparatory Commission (HPC). The provincial preparatory selection process was often criticized as flawed. Other delegates were directly nominated by members of the HPC. In the final stages of planning, UN representatives assisting the Iraqis further requested to expand the number of participants beyond the originally scheduled 1,000 delegates in order to better represent minorities and other underrepresented groups.⁴⁰

International support: Strong involvement by international parties. US representatives were attending as observers and US officials helped with security, accommodations, and logistics of the National Conference. The US gave the entire process a strong directive impulse by appointing the members of the Iraqi Governing Council (IGC) which subsequently shaped and dominated the entire process (through TAL, HPC and the selection of participants of the National Conference). The United Nations provided assistance during the planning and process phase. MuadMassum chaired the High Preparatory Commission and subsequently the National Conference plenum.

Outcome: The Conference established the Interim National Council, a body acting from August 2004 to January 2005 to oversee the Iraqi Interim Government. It was widely perceived as a cosmetic act to legitimize preexisting transitional arrangements.

Implementation: The whole process suffered from a lack of ownership, inclusiveness and legitimacy, and was to a large extent elite-driven (and to some extent perceived as foreign-driven). A lack of agreement on key principles in the preparation phase (deep disagreement on the presence of foreign troops and the appointment of the Interim Government) eventually resulted in the Conference's failure to build national consensus.⁴¹

Challenges/ lessons learned: The whole process suffered from a lack of ownership, inclusiveness and legitimacy, and was to a large extent elite-driven (and to some extent perceived as foreign-driven). A lack of agreement on key principles in the preparation phase

⁴⁰id.

⁴¹id.

(deep disagreement on the presence of foreign troops and the appointment of the Interim Government) eventually resulted in the Conference's failure to build national consensus.

3.6. Tunisian National Dialogue 2013–2014

Following the ousting of President Zine El Abadine Ben Ali after mass demonstrations during the so-called Dignity Revolution in January 2011, elections to determine the composition of the National Constituent Assembly took place in October 2011. The Islamist political party Ennahda won the elections, though only with 37 percent of the vote. This forced it to share power with two secular parties in what became known as 'the Troika' government. This power sharing arrangement caused unending squabbles over a new Constitution inside the Constituent Assembly. Ennahda's 89 delegates (out of a total of 217) were felt to be pressing their religious agenda, and political wrangling ensued, which postponed the preparation of the Constitution.⁴²

On July 25, 2013, the drafting of a new constitution by the Constituent Assembly came to a complete deadlock caused by the assassination of the party leader Mohamed Brahmi. It was the second politically motivated assassination in 2013 after party leader Chokri Belaïd had been killed in February outside his home. This increased the divide between the government, led by the Islamist party Ennahda, and the new coalitions of left-wing and secular forces and parties. At this critical moment, politicians and civil society actors engaged in a difficult but successful National Dialogue: Tunisia's General Labour Union, which had in 2012 and 2013 already launched several initiatives aiming to initiate a National Dialogue, led the formation of a Dialogue Quartet. The Quartet managed to break the political deadlock by successfully facilitating negotiations for a roadmap. It articulated three issues which would be addressed during the National Dialogue: the finalization of the constitution, replacement of the government with a technocrat government, and preparation of elections.⁴³ Tunisia's 146-article draft constitution was adopted by the Constituent Assembly on January 26, 2014. The clear focus of the Tunisian National Dialogue was crisis management. Therefore, it was an ad hoc process which was not planned and designed, with a number of actors pushing and pulling in different directions at the same time to avoid further aggravation of the situation.

⁴² Ottaway, David 2013. Tunisia's Islamist led democracy founders. Woodrow Wilson Center, 18 October. https://www.wilsoncenter.org/sites/default/files/media/documents/publication/tunisias_islamist_led_democracy_founders.pdf [Accessed 19 August 2015]. Ottaway, Marina 2013. Tunisia's struggle for a constitution. The National Interest, 24 October. <https://nationalinterest.org/commentary/tunisias-struggle-constitution9299> [Accessed 19 August 2021].

⁴³ Berghof, Supra note 21.

The process did not address other pressing issues raised by the population in the uprising in 2010-2011 which had triggered the political reform process.⁴⁴

Duration: 6 months (July 26, 2013–January 26, 2014). Being an ad hoc crisis management mechanism, the Tunisian National Dialogue did not differentiate between preparation and process phases.

Objective: To finalize the drafting of a constitution, to replace the government with a technocrat government, and to prepare elections.

Mandate: 23 out of 27 political parties represented in the National Constituent Assembly agreed to enter into a process of National Dialogue mediated by the Quartet by signing the roadmap on October 5, 2013.

Participation: The Quartet addressed the 27 political parties in the National Constituent Assembly and invited them to accept the roadmap and enter into a process of negotiations and dialogue. Simultaneously, a wide number of individuals and organizations had meetings, corridor talks, phone calls and negotiations to save the country from collapsing. Outside, activists, civil society organizations, party supporters, intellectuals and politicians held demonstrations in an attempt to influence the political process. Signatories to the roadmap included the Islamist party Ennahda, heading the government, and Ettakatol, part of the government, as well as the strongest contender, NidaaTounes. The government party Congress for the Republic (CPR) and the party Tayar Al Mahabba (former Aridha party) did not sign the agreement. AttayarDimokrati and the Wafa party refused to participate from the beginning.⁴⁵

Facilitation: Tunisia's General Labor Union led the formation of the Quartet, a coalition of the Tunisian General Labor Union, the Tunisian Confederation of Industry, Trade and Handicrafts, the Tunisian Human Rights League and the Tunisian Bar Association. The Quartet managed to break the political deadlock through a roadmap re-establishing a framework for the political transition. The Quartet acted as a mediator during the National Dialogue.

International support: The process was supported by the UNDP, the EU, individual countries through the UNDP program, as well as international NGOs

⁴⁴id.

⁴⁵id.

Outcome: The constitution was adopted by the Constituent Assembly on January 26, 2014. It provides for a unitary semi-presidential representative democratic republic with a president serving as head of state, a prime minister as head of government, and a unicameral legislature, the Assembly of the Representatives of the People.

Challenges/ lessons learned: The Tunisian National Dialogue was acute crisis management and addressed a political crisis. Therefore, it was not a planned and designed process, but unfolded in an ad hoc manner. The process took place among politicians and elites and did not include the wider population. It did not address the need for socio-economic reforms raised by the population in the uprising in 2010 to 2011.⁴⁶

4. Success and failure of Nation Dialogues: General Lessons to Ethiopia

Ethiopia's violence and instability have their roots in long-standing state-building deficits. 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. Experiences from the above cases studies indicates, the process must account for realities on the ground, in particular, conflicts elsewhere in Ethiopia. For a national dialogue to succeed, it considers the following many valuable lessons drawn from the case studies such as:

A. Political will

Based on a comparative analysis of 6 cases of national dialogues held between 1990 and 2014, find that the support or resistance of elites to national dialogue is a crucial factor determining the chances of reaching and implementing agreements.⁴⁷ In such situations, for example in Sudan, negotiations can be conducted in bad faith; with declared objectives of a national dialogue not necessarily reflecting the actual objectives of the parties.⁴⁸

For national dialogue to work in Ethiopia at the current moment, the government needs to recognize the enormity of the moment and create a political environment that would enable an inclusive national dialogue. Ending the armed hostilities in Tigray, Oromia, and Benishangul-Gumuz and releasing all political prisoners are among the necessary conditions

⁴⁶Haider, Supra note, 14.

⁴⁷id.

⁴⁸ Harlander, J. (2016). Supporting a national dialogue: Dilemmas & options for third parties. Mediation practice series. Geneva: Centre for Humanitarian Dialogue. <https://hdcentre.org/insights/mediation-practice-series-supporting-a-national-dialogue/> and El-Battahani, A. E-H. (2014). National dialogue in Sudan: Past experiences and current challenges Sudan. Khartoum: Democracy First Group. <https://www.cmi.no/file/2829-SDFGNational-Dialogue-in-Sudan-Report-Final.pdf> accessed march 2023.

for an inclusive national dialogue.⁴⁹ Its success, however, depends on how genuine the government is if the governments is planning on using the National Dialogue as a ‘fig leaf’ and not engage in it in good faith, it is doomed to fail. With this in mind, it is useful to analyze the National Dialogue process so far using internationally accepted yardsticks.⁵⁰

Drawing lesson from the cases studies discussed above the planned national dialogue of Ethiopia must first agree to a process through which decisions and compromises will be reached. On the other hand, the initiative for the dialogue has been taken and some of the activities have been done exclusively by the ruling party, the opposition political parties should not seek to impose preliminary substantive red lines, which would undermine the process. The government should also accept that it is one of the participants in the dialogue, rather than seeking to impose its way.

B. Neutrality Convener

Experience demonstrates that procedural fairness and inclusivity are key features of national dialogues that are successful in transitioning toward lasting and sustainable peace. First and foremost, a successful dialogue requires that the custodian is neutral. It is this body that plays the essential function of deciding on the objectives, participants, agenda, and structure of the process. Accordingly, for the dialogue to be legitimate, the custodian must build trust among participants by being neutral. A National Dialogue has three phases: preparatory, process, and implementation. Each of these phases reinforces or undermines the other.⁵¹

Experiences of countries such as Poland and Iraq show the significance of forming neutral working groups or committees during the preparatory stage. Having credible conveners also enhances the legitimacy of national talks. Consultation methods, vetting, selection and appointment of the organizers are essential to the integrity of both the process and its outcomes. For example, one of the failures of Sudan dialogue was the conveners were appointed by those countries’ presidents, with limited or no consultation with opposition parties and armed groups.⁵² Therefore, Public trust in who convenes a national dialogue is

⁴⁹ Supra note, 5.

⁵⁰Buli, Edjeta. (2022). Ethiopia’s stillborn National Dialogue – Ethiopia.<https://www.ethiopia-insight.com/2022/03/12/ethiopias-stillborn-national-dialogue/>[Accessed 19 February 2023)

⁵¹Id.

⁵² Meressa k. and Dawit. Y.(2020). Dialogue processes can help achieve stability and experiences from countries in the Horn offer useful lessons.<https://www.issafrica.org>.Ethiopia can learn from its neighbours about national dialogue.<https://issafrica.org/iss-today/ethiopia-can-learn-from-its-neighbours-about-national-dialogue> [Accessed 19 August 2021].

especially critical in a deeply polarized society like Ethiopia. The whole process should depend on the integrity, impartiality, and public perception of the convener.

C. Links to other transition processes

National dialogues must be embedded in larger change processes in order to stimulate real structural change.⁵³ A national dialogue's mandate should outline what powers it has and how it relates to the rest of the political process and to existing institutions.⁵⁴ If a national dialogue is designed to play a role in the writing of a new constitution or to reform problems with an existing document, for example, it needs to be linked to a process and set of institutions that achieves one of these objectives.⁵⁵ Establishing structured links between national dialogue and other political processes is another vital measure, which helps avoid a competitive environment.⁵⁶ In South Africa, political dialogues determined the constitutional framework and the process for the establishment of a constitution-making body and holding of elections. In contrast Sudan national dialogues weren't sufficiently linked to other ongoing processes.

The Ethiopian Government should ensure that the National Dialogues are not perceived as an end goal, but rather as part of a larger transitional roadmap that is accompanied by economic, structural, political, and judicial reform processes. In the interim, the Ethiopian government is encouraged to facilitate the development and implementation of humanitarian relief measures and economic stabilization programs, as these are immediate peace dividends.

D. Common ground

Successful national dialogue processes have involved negotiating parties that had a strong support base and credible claim of legitimacy in representing their constituency, alongside the political will to implement what was agreed.⁵⁷ The different agendas of the key

⁵³ Blunck, M., et al.(2017). National dialogue handbook: A guide for practitioners. Berlin: Berghof Foundation.https://www.jointpeacefund.org/files/documents/berghof_foundationnational_dialogue_handbook.pdf and Murray, C.(2017). National dialogue and constitution-making.National Dialogue Handbook BackgroundPaper,No2.Berlin:BerghofFoundation.www.berghoffoundation.org/publications/national-dialogue-handbook.

⁵⁴ Papagianni, K. (2014). National dialogue processes in political transitions. Civil Society Dialogue Network, Discussion Paper no.3 <https://www.files.ethz.ch/isn/176342/National-DialogueProcesses-in-Political-Transitions.pdf>.

⁵⁵ Blunck, supra note 53.

⁵⁶ Buli,Supra note , 50.

⁵⁷El-Battahani, A. E-H. (2014). National dialogue in Sudan: Past experiences and current challenges Sudan. Khartoum: Democracy First Group. <https://www.cmi.no/file/2829-SDFGNational-Dialogue-in-Sudan-Report-Final.pdf>.

conflictactors in Sudan during 2005- 2011.⁵⁸for example, and between conflicting factions in Yemen (alongside an externally driven agenda) undermined the development of a common view or shared objectives in dialogue. This, in turn, exacerbated distrust among conflicting actors.⁵⁹

Ethiopia is chronically divided along ethnic, religious, and political lines, which is why a National Dialogue is essential. There are fundamental differences over its history, national emblems, system of government, and so on.⁶⁰ The country will only survive if its leaders and the elite come together to forge a new national consensus and build a new political order that will ensure the dignity, co-existence and solidarity of its people.⁶¹Drawing experience from other countries Ethiopia's National dialogue can be successful if it includes key political actors, armed groups and civil society groups and national dialogue process should consider where all stakeholders can come together and explore critical national issues to arrive at a shared and sustainable political settlement.

At the same time the planned national dialogue should get a buy-in in the opposition parties for its success as they felt the government is not neutral, which, in turn, means that the national dialogue loses political will and elite agreement which are, as Haider says, highly important for a national dialogue to be successful, but Ethiopia's national dialogue seems to lack it. This indicates that, as national dialogues are not one-sided, they should engage divers' interests in the negotiation process, but such an aforementioned complain has its own black point on the success of the national dialogue of Ethiopia. Therefore, the planned national dialogue should consider some critical differences among groups and parties must be examined, and a task force that involves all stakeholders organized to debate and reach at least partial consensus. The goal should be to arrive at a common national agenda.

E. Public buy-in

Public support or lack thereof is another key element that either enables or constrains progress in the national dialogue process⁶². Public information, good communication, and media engagement are thus key elements, as they influence the degree of public support and

⁵⁸id.

⁵⁹Elayah, M. et al. (2018): National dialogues as an interruption of civil war – the case of Yemen. Peacebuilding. Vol. 8,No. 1 98-117 <https://www.tandfonline.com/doi/epdf/10.1080/21647259.2018.1517964?needAccess=true> (accessed at March 2023).

⁶⁰Buli,Supra, 50..

⁶¹Supranote, 5.

⁶²Haider, Supra note, 14.

perceptions of legitimacy. In contrast, if the public is unaware of the national dialogue, it will neither be able to provide input nor feel inclined to promote its results⁶³. In Iraq, for example, the national dialogue proceeded without any sound public information campaign or public debate and with minimal media attention. In addition, the agenda was set in a very short time, only days prior to the event. This lack of information sharing effectively hindered any meaningful participation by opposition groups and civil society, resulting in a narrow, politically one-sided process involving immediate political elite.⁶⁴

Transparency and public engagement are also central to the national dialogue process, and can be achieved through public consultations, regular outreach and media coverage. Sudan and Iraq had their own limitations in this regard. In Sudan, debates took place only in the conference room used for the talks. Media coverage was inadequate and the government introduced repressive measures such as arresting some key opposition figures.⁶⁵ On the other hand, the dialogues in Tunisia were centered on political elites, and public participation was limited. In Sudan the talks were started by the incumbent presidents, without much participation by some major opposition and armed groups. This proved to be a weakness, undermining the dialogues' credibility in the preparation phase, and later hampering the implementation of recommendations.⁶⁶ Drawing from the lesson, the planned Ethiopia national dialogue process should to consider public outreach programs and consultation must be availed to citizens across the country, while the media should meticulously cover every single step. Work could start with the reconciliation commission, which could educate the public about the dimensions of reconciliation and what the commission aims to achieve.

F. Inclusiveness and broad-based participation

For the National Dialogue Commission and the resultant national dialogues to have the desired reconciliatory effect, there has to be inclusion of all stakeholders, including civil society actors, women, youth, and marginalized groups in Ethiopia. Additionally, there must be inclusion of power-holders from the informal and traditional sections of Ethiopia including religious leaders, and cultural leaders.⁶⁷

⁶³Blunck, Supranote ,53.

⁶⁴Id.

⁶⁵Miresa & Dawit, Supra note, 52.

⁶⁶Berghof, Supra note,21.

⁶⁷SIHA, Supra note, 4.

Inclusivity and the participation of a wide range of stakeholders during negotiations are crucial to accommodating divergent interests and needs. For example, one of the failures of Sudan national Dialogue is despite including many participants; dialogues didn't adequately involve key opposition political parties and armed groups. The groups were either excluded from the talks intentionally, or boycotted the processes due to dissatisfaction regarding government's role.⁶⁸ Ethiopia is already on the brink of implosion and imposing a political settlement that does not enjoy a consensus among Ethiopia's diverse population will lead to the collapse of the state.⁶⁹ Drawing from lesson from such as Sudan the exclusion of the participant from the process, affected the credibility and legitimacy National Dialogue. Therefore, in order to ensure the credibility of the planned national dialogues in Ethiopia inclusiveness must exist since the beginning starting from the initial formation of committees.

G. Appropriate and clear rules of procedure and an implementation plan.

A dialogue process will not in itself solve the problems of the country. Effective implementation of the dialogue's outcomes is needed, including of any recommendations to amend policy and legislation as well as on accountability and reconciliation. The high expectations of the process must be managed. The last lesson from countries in the South Africa and Sudan is that implementation mechanisms for national dialogue outcomes must be clear from the start. The value of the entire process ultimately lies in whether its recommendations are acted upon. For instance, Sudan's national talks resulted in 994 recommendations none of which were implemented by the government.⁷⁰ In contrast, the South Africa showed ways that dialogue outcomes could be implemented.

Drawing from lesson Ethiopia national dialogue commission need established specialized institutions with the mandate of executing suggestions agreed to in negotiations, and room should be created for civil society to monitor and evaluate the effectiveness of implementation. In this regard the working groups should establish roadmap that may include rules and regulations, institutional arrangements, and objectives of the dialogue.

⁶⁸ Miresa & Dawit, Supra note, 52.

⁶⁹ Supranote, 5.

⁷⁰ Miresa & Dawit, Supra note, 52.

H. External actors and national ownership

Although national dialogues are widely recognized as a nationally owned process, support or resistance of external actors can also influence the degree of success of national dialogues.⁷¹ Relevant external actors can include neighboring countries, international support groups, or regional and international organizations. However, it is important to strike a balance between external support and national ownership. It can be challenging to navigate the involvement of various external actors as they may have opposing objectives or views in supporting the national dialogue.⁷² For example, in Yemen, there were concerns among the local population that the NDC was more of an externally driven process rather than a Yemeni national process⁷³ and that external actors differed from local actors and each other in their interests and objectives.

Therefore, Ethiopia needs an inclusive national dialogue process where all stakeholders can come together and explore critical national issues to arrive at a shared and sustainable political settlement. A nationally owned but internationally support national dialogue process could serve as a vehicle for all the parties to come together and examine the different visions of the future that exist in the country and agree on a lasting settlement for the future.⁷⁴ In Ethiopia the working group should draw lesson such as capacity building in national dialogue designing, facilitation and negotiation is provided to the commissioners and technical support staff, to ensure that there is national capacity to effectively implement the mandate of the National Dialogue Commission. This in turn will ensure national ownership and that the dialogues are seen as an Ethiopian process and not an external imposition.⁷⁵

Conclusion

Initiatives that foster national dialogue are needed more than ever in Ethiopia. In Ethiopian past regimes, including the one led by the Tigray People's Liberation Front (TPLF) before 2018, downplayed the need for such dialogue by saying that the timing was not right, and that Ethiopia faced too many challenges at that moment. Drawing from a lesson from the cases studied discussed, the research findings prevails that a national dialogue would provide a means for competing ideologies and communities within Ethiopia to redefine their

⁷¹ Miresa & Dawit, Supra note, 52.

⁷² Harlander, J. (2016). Supporting a national dialogue: Dilemmas & options for third parties. Mediation practice series. Geneva: Centre for Humanitarian Dialogue. <https://www.hdcentre.org/wp-content/uploads/2016/12/>

⁷³ Kestemont, E. (2018). What role(s) for the European Union in national dialogues? Lessons learned from Yemen. Brugge: College of Europe. <https://www.coleurope.eu/research-paper/whatroles-european-union-national-dialogues-lessons-learned-yemen> (accessed march 2023).

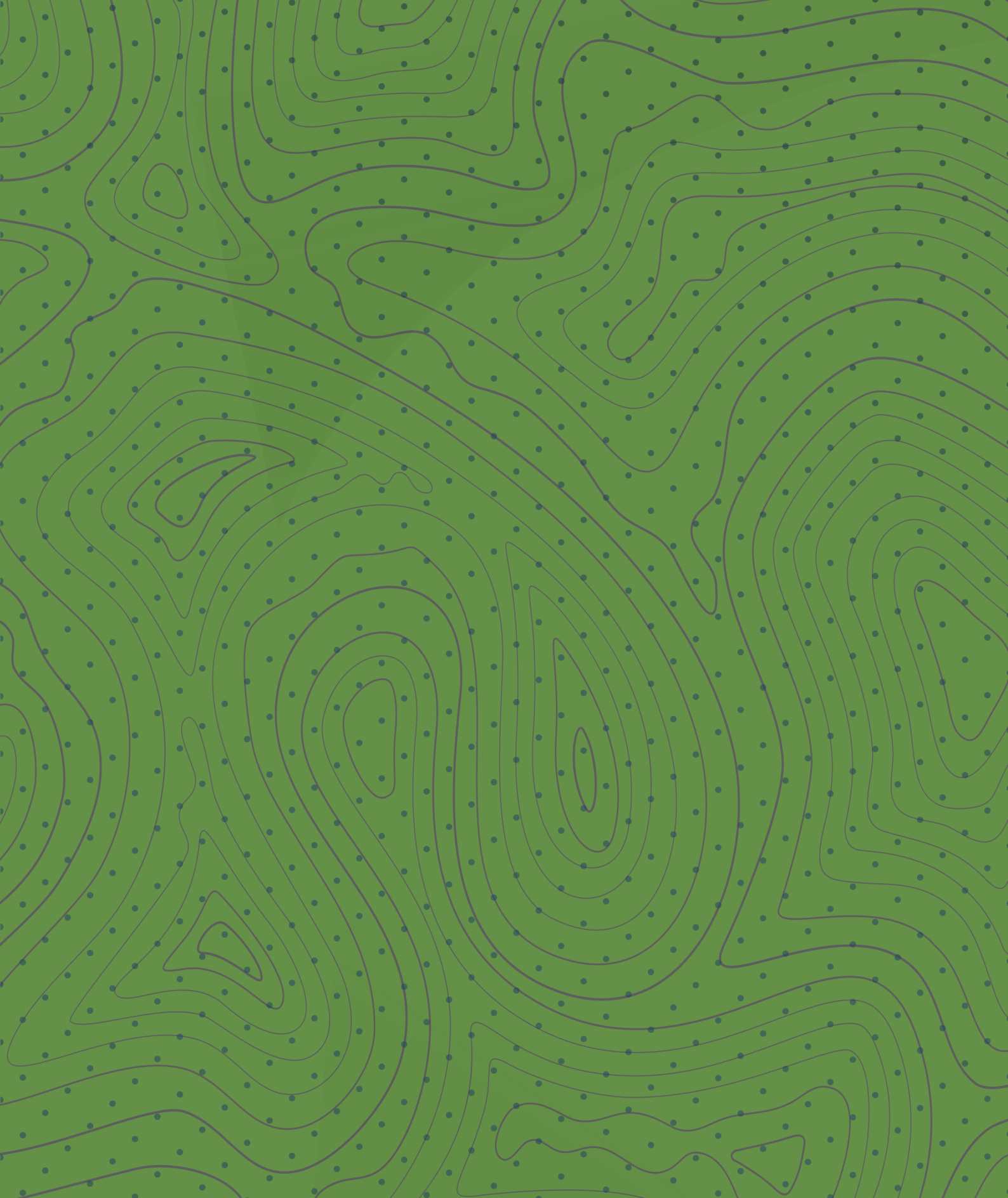
⁷⁴ Supranote, 5.

⁷⁵ SIHA, Supra note, 4.

relationships and promote greater understandings on divisive and polarizing issues. A national dialogue could help bridge the gap between the different actors and foster a culture of communication and collaboration. Nevertheless, there are some essential elements that are needed in order to engage in a genuine National Dialogue initiative. These include a strong political will and broad support from society; inclusiveness of all relevant stakeholders and a sense of national ownership among government and state institutions, political actors, and civil society.

Recommendations

- For the National Dialogue Commission and the resultant national dialogues to have the desired reconciliatory effect, there has to be inclusion of all stakeholders, including civil society actors, women, youth, and marginalized groups in Ethiopia. Additionally, there must be inclusion of power-holders from the informal and traditional sections of Ethiopia including religious leaders, and cultural leaders.
- National Dialogues have to clearly define their relationship to the state and the existing constitution so that the outcome of the National Dialogue deliberations can be implemented and will not challenge in the courts because of their unconstitutionality
- There must be recognition that a broad range of stakeholders have a legitimate role to play in overcoming the crisis in Ethiopia.
- Indigenous practices of conflict resolution are recognized and incorporated.
- The agenda is set by the public and is free from political power plays and corruption.



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