

ROADMAP

FOR NATIONAL CONSULTATIONS AND PREPARATION OF A DRAFT TRANSITIONAL JUSTICE POLICY

TRANSITIONAL JUSTICE WORKING GROUP OF EXPERTS

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JANUARY 2023, ADDIS ABABA



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TRANSITIONAL JUSTICE

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1. INTRODUCTION

Ethiopia has attempted to apply certain components of transitional justice on different occasions. However, the absence of a holistic transitional justice framework rendered its efforts inadequate, ineffective, incoherent, and largely fragmented. Thus, Ethiopia needs to deal with its unaddressed and unprocessed legacies of the past and organize its future based on the pillars of justice, reconciliation, equality, human rights, and inclusiveness. In this light, it is held that to consolidate democracy and ensure sustainable peace, the country must develop a comprehensive and integrated transitional justice policy tailored to its current realities and socio-political context.

The Ethiopian government is committed to pursuing a transitional justice process. To this end, the Federal Democratic Republic of Ethiopia's Ministry of Justice has brought seasoned Ethiopian experts in the areas of transitional justice and established the 'Transitional Justice Working Group'. The working group is mandated to lead the processes of crafting and designing comprehensive, integrated, and context-specific transitional justice policy in Ethiopia until its eventual adoption. The team conducted a diagnostic study on past transitional justice initiatives in Ethiopia in light of experiences in other parts of the world, the AU Transitional Justice Policy, and the international framework on transitional justice. Based on the findings of the study which has been reviewed by key national institutions, a 'Policy Options for Transitional Justice in Ethiopia' is developed by the working group for soliciting inputs through a broad-based and inclusive national consultations process and consultative workshops with experts and other key stakeholders.

It has been frequently reiterated that for the effectiveness of transitional justice, it is necessary to align the mechanisms with the prevailing local and national needs, aspirations, and contexts of societies in the wake of conflict or authoritarian system. As much as it is important to draw lessons from the best technical and operational experiences from elsewhere, the pursuit, choice, and formulation of transitional justice options need to be context-specific that eschews standardization and templation of the measures as well as the process should be nationally driven and led. This can only be ensured through real, meaningful, and proper national consultations.

To ensure an effective process, a series of consultations, a serious analysis, and a decision must be taken in respect of the modalities and approaches of transitional justice that should be charted and operationalized in Ethiopia. Making the process effective and legitimate requires answering through consultative processes the question 'which mechanisms and institutional arrangements are best suited to what matters?' in and for Ethiopia. Furthermore, exploring experiences of other (similar) transitional societies in dealing with and coming to terms with the legacies of the repressive past and drawing contextualized lessons for the transitional justice processes and initiatives in Ethiopia is imperative.

To this end, the Transitional Justice Working Group of Experts under the auspices of the Federal Democratic Republic of Ethiopia's Ministry of Justice after careful preparatory and planning activities decided to embark on consultations throughout Ethiopia on policy options for transitional justice in Ethiopia. The national consultations will be conducted with a carefully selected broad range of key stakeholders and representatives from all sections of society. The plan is to conduct nationwide consultations in a manner that ensures the centrality of key stakeholders in the consultation process, and consequently adopt and deploy human right-based and context-specific transitional justice

mechanisms in Ethiopia that fully takes into account and respects the views, needs, and aspirations of Ethiopians for achieving justice, reconciliation, and sustainable peace.

2. OBJECTIVES OF THE ROADMAP

The formulation and implementation of a national scheme on transitional justice entail carrying out several interrelated works. To ensure a sustainable establishment of a transitional justice program in Ethiopia, the drafting of a transitional justice policy through nationwide consultative processes and preparation of a roadmap showcasing the steps to be adopted, activities to be carried out, and key matters to be addressed - are of paramount importance.

The draft policy preparation process involves various intertwined steps - including the establishment of a high-level working group leading the process, the creation of a conducive physical environment, undertaking a cost-analysis of the program, addressing human resources-related issues, setting aside a budget, the identification of stakeholders and involved entities taking part in consultations, and determining on venues and logistical issues. As indicated above, it is necessary to put in place a guiding framework for these key steps of the draft policy preparation process.

To this end, the Transitional Justice Working Group of Experts has developed this roadmap as a general framework that indicates and regulates the key steps followed in drafting a national transitional justice policy and the costs involved in carrying out the specified activities. In simple terms, the road map specifies the pre-draft consultations, preparation of the policy, and post-draft tasks/activities, outlines the guiding framework for these steps, and indicates the resources needed for these. Most importantly, for pre-draft consultations to achieve the intended results and outcomes, it has to be, among other things, guided by a framework that clearly outlines steps, principles, rationale, objectives, methodology, who to consult, place, and timeline. In this view, the team prepared this roadmap which indicates the rationale, objectives, core principles, methodology, targeted participants, timeframe, and other relevant processes of the pre-draft consultations. Besides, the roadmap indicates and regulates the steps and timeline of the drafting of the policy and post-draft activities including the submission of the final draft policy for approval.

3. WORKING STAGES

The preparation of a draft policy needs to pass through orderly identified three stages namely pre-draft consultations, preparation of a draft policy, and post-draft activities that include consultations, revision of a draft policy through the incorporation of inputs gained from consultations, and the adoption of a final draft document - along with explanatory notes.

4. PRE-DRAFT NATIONAL CONSULTATIONS

A transitional justice policy-making process requires the active participation and collaboration of several stakeholders. Stakeholders should be involved in consultations not only after a draft policy is produced, but also before and in the context of the actual preparation of the text of a draft policy.

As such, carrying out a pre-drafting consultation with stakeholders and concerned entities helps to rationalize the imperatives of adopting such a policy, gauge the disposition and interest of stakeholders concerning a policy, and to cement their commitment during the implementation of the policy. It also

helps the working group of experts to receive insights that could be considered during the drafting stage.

Against this background, the parts that follow indicate matters such as the rationale of such national consultations, objectives, principles, sensitization before and during the consultations, targeted participants, methodology, and places one after the other.

4.1. GROUNDING THE NORMATIVE FRAMEWORK: CONSULTATIONS AS A RIGHT

Several human rights instruments recognize the right to take part in the conduct of public affairs.¹ In other words, the right to be consulted is grounded in several human rights treaties to which Ethiopia is also a party. Accordingly, all concerned to have the right to participate in the formulation of policy, and influence decision-making. States have an obligation to consult citizens on matters that affect their rights or interest. The right to participate in the conduct of public affairs as further developed and refined by the jurisprudence of human rights bodies encompasses “all aspects of public administration, including the formulation and implementation of policy at international, national, regional and local levels.”² The constitution of the FDRE also recognizes citizens' right to participate or be consulted on the conduct of public affairs or matters that affect their rights and interest.³

In the transitional justice context, in addition to the general rights to participate or be consulted that is recognized under human rights and national law, other specific instruments clearly state the need to carry out proper and meaningful consultation with key stakeholders at all stages of the transitional justice process.⁴ It is reiterated that the designing and implementation of the transitional justice process should be a complaint of international human rights standards—should be a human rights-based process. As emphasized by the UN “human rights-based approach to transitional justice demands that programmes should be designed in a context of in-depth consultation with affected communities.”⁵ UN Secretary-General also reiterated that “the most successful transitional justice experiences owe a large part of their success to the quality and quantity of public and victim consultation carried out.”⁶ The 2010 Secretary-General’s Guidance Notes on transitional justice also provide national consultations as one of the fundamental pillars of transitional justice. The guidance notes recognize national consultations as “a critical element of the human rights-based approach to transitional justice, founded on the principle that successful transitional justice programmes necessitate meaningful public participation, including

¹ For example see Arts 21 and 27 of the Universal Declaration of Human Rights, Art. 25 of the International Covenant on Civil and Political Rights, Arts. 13 (1) and 15 (1) of the International Covenant on Economic, Social and Cultural Rights, Arts 7, 8, 13 (c) and 14 (2) of the Convention on the Elimination of All Forms of Discrimination Against Women, Art. 5 (e) (vi) of the International Convention on Elimination of All Forms of Racial Discrimination, Arts 12 and 31 of the Convention on the Rights of the Child, Arts. 3(c), 4(3), 9, 29 and 30, the Convention on the Rights of Persons with Disabilities, Arts. 41 and 42 (2), the International Convention on the Rights of All Migrant Workers and Members of their Families, Arts. 1(1), 2 and 8(2) of the United Nations Declaration on the Right to Development, and Arts. 5, 18, 19 and 21 of the United Nations Declaration on the Rights of Indigenous Peoples.

² See General Comment No. 25 (1996) (art. 25), para. 5.

³ For instances see Art. 35 (6) and 43 (2) of the FDRE Constitution.

⁴ The update set of principle 34 states that: “... Institutional reforms aimed at preventing a recurrence of violations should be developed through a process of broad public consultations, including the participation of victims and other sectors of civil society.” Updated set of principles, Principle 35

⁵ S/2004/616, para. 16.

⁶ UN Secretary General Report “The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies” 2004, p. 7.

the different voices of men and women.”⁷ At the continental level, the AU Transitional Justice Policy also repeatedly emphasizes the necessity and relevance of an inclusive consultative process in the adoption, design, and implementation of the transitional justice process.⁸

To conclude, conducting consultations before the designing of transitional justice policy is grounded in the human rights instruments and Ethiopia’s law. Besides, widely accepted standards and practices enjoin the need to carry out proper consultations that shall inform and shape the crafting of transitional justice measures. Therefore, carrying out meaningful, free, and active consultations with all key stakeholders is an obligation and necessary exercise for charting an appropriate transitional justice process. However, national consultations as per this roadmap and accepted standards are not just box-checking exercises that need to be conducted to simply comply with the obligations under relevant instruments. It has rationales that justify and necessitate such consultations at all stages of the process.

4.2. RATIONALES: VALUES OF THE CONSULTATIONS

In addition to the fact that the right to be consulted or participate in the designing of the transitional justice process is widely recognized and regarded as an obligation of states, two arguments justify the need to conduct national consultations before the crafting of transitional justice measures. This road map advances consultations with a wide range of key stakeholders across the country based on the epistemic or instrumental as well as legitimacy rationales. In other words, the values of consultations as per this roadmap rest on both instrumental and legitimacy values of consultations. The instrumental or epistemic argument as one rationale of the consultations considers the targeted participants as a resource that will provide insights, views, and perspectives which will ultimately shape the designing of comprehensive and context-specific transitional justice policy. Simply put, based on the epistemic rationale of this roadmap, the consultations are processes that give the targeted participants a safe, secure, conducive space and environment to elicit their views, demands, and experiences which will in turn inform and shape the formulation of transitional justice policy in Ethiopia. To pursue the epistemic value, the consultations will solicit views and capture the participants’ sense of as well as preferences in dealing with past injustices in Ethiopia. Based on the epistemic argument, the consultations’ role is extractive or instrumental which “help to ensure a close fit between the to-be-designed measures and the expressed needs of victims on the one hand and important contextual factors such as cultural, historical and political realities on the other.”

The second justification of the consultations as per this roadmap is the legitimacy argument. Accordingly, the consultations are considered an act of recognition and empowerment of the targeted participants particularly those affected by past gross human rights violations and conflict. Based on the legitimacy rationale, the consultations give space for the victims or those most affected by conflict as rights holders and engage them to listen to their priorities, needs, and preferences on the issues of transitional justice policy options for Ethiopia. Thus, this exercise in and of itself is a recognition and helps to empower the victims. Besides, the legitimacy argument as the designation implies considers consultations as a means to building the capacity, social capital, confidence, rights awareness, and

⁷ Secretary General Guidance Notes, 2010, p. 9.

⁸ AUTJP, 2019, paras. 19, 53,, 81, 88 and 97.

knowledge which consequently ensure the credibility, ownership, legitimacy, and sustainability of the transitional justice processes.

To recap, the rationales of the consultations as per this roadmap are both epistemic and legitimacy arguments. Put otherwise, the justifications of the nationwide consultations as per this framework are grounded in both epistemic and legitimacy contributions that the consultations will have on the to-be-designed policy and the processes.

4.3. OBJECTIVES OF THE NATIONAL CONSULTATIONS

The overall objective of the national consultations on the policy options for transitional justice in Ethiopia is to gather inputs, views, and aspirations on the components and institutional arrangements of the transitional justice process in Ethiopia that will inform and lay foundations for the crafting of comprehensive, context-specific, nationally-driven and human right centered transitional justice policy for Ethiopia.

In more specific terms the national consultations aim to:

- Solicit inputs on a wide range of transitional justice options for Ethiopia;
- Gather views and aspirations on the pursuit of a transitional justice process in Ethiopia;
- Canvass opinions and views on issues of dealing with the past in Ethiopia;
- Solicit victims' and other key stakeholders' inputs, views, and priorities on transitional justice options in Ethiopia;
- Gather and identify the choice and preferences of Ethiopians on transitional justice options and institutional arrangements to pursue and on how to best achieve goals of transitional justice;
- Develop a transitional justice policy that takes into account the needs, priorities, and aspirations of victims and Ethiopians in general;
- Formulate transitional justice policy options based on and informed by the local needs and context in Ethiopia;
- Design transitional justice policy that incorporates the views and needs of vulnerable groups;
- Enable affected population to gain a place in the public sphere as right holders;
- Give affected communities a voice in the process;
- To recognize and empower victims and affected communities;
- To sensitize and build capacities on the basics of transitional justice;
- Promote inclusiveness and transparency in the processes;
- Build a sense of local ownership and legitimacy of the process;
- Craft a transitional justice policy that fully respects, incorporates, and follows a human rights-based approach; and
- Draw lessons from technical and operational best international, regional and national practices for the formulation of transitional justice policy in Ethiopia.

4.4. GUIDING PRINCIPLES

For the national consultations to be meaningful and effectively achieve the intended outcomes, it has to adhere to and be guided by key principles. The following principles albeit not exhaustive are fundamental pillars of the process:

Informed Consent: participation in the consultation should be free from any coercion. The targeted participants after having been informed of the purposes and methods of the consultations, have the right to take or not to take part in the consultation. Simply participation in the consultation should be purely voluntary.

Inclusive and Meaningful Participation: The consultation has to be inclusive and reflective of the diversity in the country. An inclusive consultative process where all key stakeholders, regardless of gender, education, political, status, religious or ethnic affiliation can provide their views and participate. In the consultation process, there should not be a key stakeholder who is disregarded or consulted inadequately or inappropriately. To the extent possible the selection of participants, methods deployed and consultation procedures should promote inclusive participation of all including refugees, diasporas, internally displaced persons, women, and other vulnerable groups. In addition, the methods and procedures of the consultation should promote active, free, and meaningful participation of all. The participation should not be nominal and tokenistic, but rather real and active which promotes an equal engagement of all participants. This will be ensured by using procedures and methods that meet standards of accessibility, adaptability, availability, and acceptability which will make all participants free and comfortable enough to express their views. Besides, to ensure active and meaningful participation of all particularly those affected by past gross human rights violations and conflict, measures will be put in place to address possible obstructs and barriers to active and meaningful participation.

To this end, the identification, selection, and composition of participants as well as the determination of places of the consultations amongst other things will be carried out based on clear parameters that help ensure the inclusivity of all stakeholders. To ensure the active and meaningful participation of all participants tailored sensitization works before and during the consultations as well as other empowering activities will be carried out.

Do no harm Principle: The consultation should be carried out in a manner and procedure that will not expose the participants particularly victims and affected communities to the risk of harm (be it mental or physical), re-traumatization, or re-victimization.

To ensure this, the focus of the consultations will be limited to discussions on ways of addressing the past, rather than a mapping of the violations, the nature, and causes of the harm suffered.

Security: The consultation should guarantee a risk-free, safe, and secure engagement process. In other words, the consultation should not endanger, threaten or cause reprisal. The consultation process, procedure, and place should be risk-free, neutral, safe, and secure. Measures that help to minimize security risks such as closed sessions without the presence and coverage of the sessions by media, no or minimal securitization of the consultations by prohibiting the presence of security agents; ensuring confidentiality and anonymity; using safe and neutral places/venues for the consultation and disaggregating participants into smaller homogeneous discussion groups.

Transparency: The processes, procedures, methods, and other relevant information related to the consultation has to be openly communicated to the participants and public. As one guiding principle, the scope, purposes, and methods of the consultations to other related matters have to be properly communicated and explained to the participants. In other words, participants must be informed of the rationales and goals of the consultations, the relevance of their views, and the next step/s.

Besides, the relevant information has to be provided to the participants in a manner that conforms to the principles of accessibility and adaptability. It has to take into account possible obstacles or constraints such as illiteracy, language barriers, and context. In addition, there should be a system put in place through which participants before or after the consultations can request additional information. In simple terms, to conduct effective consultations, ensuring transparency of the process by sharing necessary information and access to information are critical.

To realize this, continuous communication activities and sensitization (based on this roadmap) will be carried out as per the communication strategy prepared⁹ for this purpose.

Respect for dignity: the consultations shall be carried out in a manner that respects the dignity and views of all.

Empowerment: The consultation processes, procedures, and methods have to take all necessary measures and activities that will improve and enhance the capacity of targeted participants so that they proactively participate in the process and make informed viewpoints.

Independence, Objectivity, and impartiality: The consultations should be carried out in a credible, impartial, and trustworthy manner. In other words, the consultation methods, activities, and operations should be free from political interference, partiality, favor, and bias. In general, the consultation process will adhere to the core values of procedural trustworthiness and impartiality of the process. The consultation process starting from the selection of participants, who to consult, methods to employ, and to producing the final outputs will be guided by principles that help ensure independence, integrity, and credibility. Based on this guiding principle, at all crucial dimensions of the consultation process, acts and procedures that promote bias and partiality do not have room.

The fact that the working group comprised independent and renowned experts is tasked and mandated to lead and conduct all the work stages of the policy preparation processes including the national consultations will help to ensure the impartiality and credibility of the processes. Besides, to ensure this, the consultations will be facilitated as per a clear protocol that outlines the roles of the facilitators, and the dos and don'ts of all involved.

Consistency and Accuracy: As the views and perspectives that will be collected through the consultations have paramount importance in informing and shaping the to-be-designed policy, the views have to be captured through standardized guidelines as consistently and accurately as possible.

To this end, the discussions will be facilitated by designated trained facilitators; and the views and inputs highlighted during the discussions will be captured by trained note-takers as per a standardized template.

Gender Sensitivity: The consultation methods and procedures should pay attention to the participation of women. To this end, as much as possible gender parity will be ensured in the composition of the participants in all consultations. In general, the gender dimension will be mainstreamed throughout the consultation processes and levels

⁹ See Annex 2

4.5. SENSITIZATION: CAPACITY BUILDING

Most often the targeted participants of national consultations particularly victims and affected communities, lack general knowledge and a common understanding of the basics of transitional justice, the advantages, and limitations of the various measures. For quality and meaningful national consultations that will ultimately inform and shape the crafting of transitional justice measures, basic knowledge about the key concepts and measures of transitional justice processes is essential. To address the knowledge gap and enhance the capacity of the participants on these matters, different sensitization activities both before and during the national consultations will be carried out.

This roadmap conceptualizes national consultations as two-way communications. This means that national consultations are not outreach activities; not one-way information communication processes or channels. Also, national consultations are not an exercise of simply gathering inputs and feedback from targeted participants. According to this framework of the national consultations meaningful, real, and quality consultations as opposed to tokenistic and nominal is a two-way street that involves sharing relevant information with the targeted participants and the public at large; and also listening to the victims, affected communities, and other key stakeholders.

Accordingly, national consultations in the main are a process that should give the consulted societies and participants a conducive space and environment to share their views on appropriate ways of addressing past injustices in Ethiopia which will in turn inform the to-be-designed policy. In other words, the consultations should focus on eliciting and capturing the inputs and views of the participants that will inform the crafting of the policy. At the same time, activities that aim to build or strengthen the capacity of participants, particularly victims are necessary so that the participants articulate their perspectives on the best ways of dealing with the past. Thus sensitization and awareness-creation activities prior to and during the national consultations will be conducted.

As stated above, it is unrealistic and inconceivable to expect participants who do not possess basic knowledge and understanding of basic concepts and notions of transitional justice to make meaningful participation and concrete proposals on how to deal with past issues in Ethiopia. In other words, as per this roadmap of the consultations, to address the knowledge gap or disparity, sensitization activities in simple and non-legalistic approaches will be carried out. The sensitization will focus on imparting knowledge on some carefully identified technical issues. Besides, the capacity-building exercises will be calibrated to the needs and specific circumstances of the targeted participants.

The sensitization aspects of the national consultations as per this roadmap aim to provide the wherewithal for the effective participation of victims. Besides, as consultations could also raise unnecessary and unrealistic expectations, the sensitization exercise will also help address misunderstanding, and confusion around basic transitional justice notions and concepts; to know and manage expectations.

In specific terms, the sensitization activities that will be conducted before and during the consultations have the following aims:

- To give pertinent information on the basics of transitional justice for (potential) consultees;
- To enable consultees aware of the transitional justice options;
- To provide consultees with an understanding of the range of options open to them;

- To introduce the consultees to the strength and weaknesses of a range of transitional justice options;
- To enable the consultees to express informed viewpoints;
- To introduce participants to the purposes and methods of the consultations;
- To manage unnecessary and false expectations from the consultations and transitional justice process; and
- To help to form a common position on the options and ways for dealing with the past.

As per this framework, sensitization has, however, to differentiate between issues, and notions that need sensitization or explanation so that consultees give informed viewpoints on the one hand; and issues on which the consultations seek to gather views of the consultees. Simply put, it is necessary to strike a balance between sensitizations, and clarifications of questions during discussion vis-à-vis giving the participants adequate space to express their unhindered and undictated views. To do this, as per the framework, sensitization will be limited to general concepts and notions of transitional justice, mechanisms, principles, other countries' experiences, Ethiopia's past transitional justice attempts, and sharing general information on the purposes, methods, and process of the national consultations.

Sensitization will be carried out by using diverse modalities, mediums, and formats which may include all or a combination of the following:

- Sharing relevant documents and other relevant information prior to the consultations through accessible means and outlets;
- Producing and disseminating information on the basics of transitional justice, and national consultations through accessible communication channels and outlets;
- Undertaking continuous media interviews that explain the basics of transitional justice, purposes, and methodology of the consultations;
- Posting and disseminating posters, leaflets, and pamphlets;
- Sensitization sessions through tailored presentations during the consultative workshops;
- Liaise with key stakeholders such as civil societies, community leaders, and representatives.

In general, before and during the national consultations adequate sensitization will be conducted. To the extent possible, the modalities will take into account local context to ensure that no one is left behind or out. Most importantly, in multilingual societies like ours, the language of communication of sensitization and consultations, in general, will also be given proper emphasis. Furthermore, the sensitization activities and modality will also take into account situations of refugees/those in exile, diaspora, and disabled persons.

4.6. WHO TO CONSULT: TARGETED PARTICIPANTS AND SELECTION PARAMETERS

This roadmap also recognizes that the pursuit, choice, and formulation of transitional justice options should be based on an inclusive and participatory consultative process. It is imperative to ensure that the transitional justice process at all stages and phases is based on a participatory and inclusive national consultation process. To ensure this, it is necessary to engage all sections of societies and other key actors to inform and shape the designing of the transitional justice process that is locally owned, contextualized to local needs, problems, and context, and thereby enhance the success of transitional justice mechanisms.

However, this roadmap of the national consultations also notes the fact that the planned consultations are not a national plebiscite, barometer, poll, or referendum over transitional justice matters. Instead, a process aims to engage a broad range of key stakeholders. Thus, the national consultations will be conducted with carefully selected representatives from all sections of society such as communities affected by conflict and victims of gross human rights violations.

One of the goals of the consultations is to elicit views and insights from those most affected but often time marginalized. Hence, the main targeted and prioritized participants of the national consultations are victims and communities affected by conflict. The reason for this is that they are often overlooked and marginalized in consultative processes, thus it is necessary to focus on the active, full, and meaningful involvement of victims and affected communities in such consultation processes. The roadmap also notes that victims and affected communities in a situation like ours, as elsewhere are not monolithic rather they vary in terms of the nature, type, causes, and aspects of the harm they have suffered. Thus, mapping of victims, affected community members, and victims groups should take into account these variations. To recap, to the extent possible the consultations will target those most affected by the conflict or past violations. The consultation nonetheless does not plan to exclusively involve and engage victims alone.

The design of transitional justice policy needs the contributions, views, and inputs of diverse stakeholders, hence consulting a broad range of stakeholders is imperative. The roadmap thus identified other categories of groups or participants with which consultations will be carried out. The categories include carefully selected representatives of religious and community leaders, civil societies, academics, international and national experts, institutions working on transitional justice, democratic and human rights institutions, political parties and activists, media, youth and youth organizations, justice and security sectors, individuals who participated in Ethiopia's past transitional justice process, representative of government institutions both at the federal and regional levels, labor and business organization, international organizations, and donors.

In general, as per the roadmap, the consultations try to target the right combination of participants to generate broad views from broad stakeholders. The plan is to conduct nationwide consultations in a manner that ensures the centrality of key stakeholders in the process. This is critical to incorporate views from all parts of the country from all major key stakeholders and sectors which will in turn ensure local ownership as well as a human rights-based approach to transitional justice initiatives.

4.7. METHODOLOGIES

This section dwells on the form of consultation, modalities or tools of gathering inputs; recording, reporting, and processes of the consultations in general.

FORM OF THE CONSULTATIONS

The consultations will be conducted as per qualitative methodology. Qualitative consultation will be employed for two major reasons: As it is known quantitative consultations give fixed alternatives or a limited range of options which in turn limit participants to simply pick, respond or reflect on the prescriptive options. In other words, quantitative consultations do not allow participants to suggest new options or unanticipated options. In addition, as they follow rigid and structured procedures participants do not have the option to express and elaborate their views flexibly. However, a qualitative form of

consultation employs a flexible and unstructured process that enables the participants to debate, discuss and share their views.

The green paper which serves as the basis for the national consultation provides a wide range of options, as opposed to a narrow band or limited options, for the transitional justice process in Ethiopia and allows participants to suggest or identify new or unanticipated options, thus qualitative approach is more apt.

Besides, the qualitative consultation process and nature which give room for the participants will enable the team to extract, gather and elicit new insights, information and proposals through interactive engagement. To achieve the objectives of and advance the two rationales of the consultations, the qualitative form of consultations will be employed.

TOOLS AND FORMAT

To gather inputs, new insights, and perspectives from the targeted participants, the consultation process will utilize various tools such as submission (or presentation) and groups discussion. One of the tools that will be used to collect inputs is by way of soliciting or receiving individual and/or group submissions on selected parts of or the entire green paper through dedicated email (ethio.transitionaljustice@moj.gov.et), post, and other means.

The other qualitative tool for gathering input on the transitional justice policy options for Ethiopia's is groups discussion. As indicated in the section below, the consultations will be conducted with targeted participants in the purposively identified and selected locations throughout the country.

The participants of these consultative workshops will be composed of diverse groups that range from 40 to 100 (size affected by locality, past exposure to routines of violation, nature of stakeholders, local population size, etc.). However, the size of participants in each public consultation will on average be 60.

Following focused and brief sensitization sessions, the participants will be disaggregated into homogenous groups. In other words, the composition of the group will be created in a manner that encourages free flow and exchange of ideas/views. To the extent possible the participants will be disaggregated into homogenous groups by taking into account their sex, experiences, the harm suffered, and other objective parameters to allow a free flow of ideas and to identify/draw the views of each group. The size of each group will be 15 on average. Accordingly, there will be four relatively homogeneous groups per consultative workshop.

In each consultative workshop with the public, two experts from the working group and six carefully selected and briefed/trained Ethiopian university instructors will be deployed. The experts will be responsible to make the necessary presentation, facilitating the whole workshop, and ensuring the smooth execution of the workshop.

Through the help of the facilitators, participants will be asked to discuss based on the guiding unstructured questions that cover themes of consultations. The guiding questions for the discussion are open-ended themes or issues rather than closed questions. The unstructured questions are designed in a manner that allows for different, new ideas or options to emerge during the discussions. The issues over which the consultations will be conducted focus on key thematic issues of transitional justice

options and institutional arrangements. The groups will be given sufficient time (from 2hrs00 to 3hrs00) to discuss the issues, debate, and seek common positions, consensus, solidify points of disagreements and agreements. Then the discussion and debates of each group will be brought together in the central plenary so that the groups share their deliberations, discussions, and analysis.

In each of the focus groups, there will be designated facilitator and note-taker. The facilitator as per the protocol will be responsible to facilitate the discussion and ensure the free flow and exchange of ideas in the interactive discussion process. The note-taker is responsible to take extensive notes of the discussion as per the standardized form and note-taking guidelines.

The recording of the focus group discussion is largely based on handwritten notes, hence trained note taker is required to take detailed notes of the discussions and summarize major points of agreement and disagreements as per the guideline. The notes of the discussions and submissions have to be stored in a secure and safe storage system. Audio-recordings will also be arranged.

The format of the consultations will utilize both in-person and virtual consultative workshops. Substantial, if not all, of the consultative workshops within Ethiopia, will be in-person workshops.

That said, the methodology of the consultations should be implemented in a manner that respects principles of accessibility and adaptability. The consultations should not rely wholly on written materials. Rather in a manner that takes into account the needs of the illiterate or other categories of participants' oral presentation, reading of the written materials by trained facilitators, interpretation when necessary by the trained interpreters, and other necessary measures will be implemented.

5. CONSULTATIONS, PREPARATION AND REVISIONS: PROGRAMMATIC FRAMEWORK

5.1. IDENTIFICATION OF PLACE AND TIME

The identification and determination of places for national consultations is inherently difficult thing due to various constraints and challenges it raises. One of the factors that inform the identification and choice of locations for the consultations is the underlying objectives the process intends to achieve. As the consultations aim to inform and shape the design of national transitional justice policy in Ethiopia, a broad, countrywide consultation is imperative.

In identifying and determining locations of consultations, the decision under this roadmap is based on regional considerations, size of population, nature, and extent of past conflicts/violations, accessibility, and feasibility parameters. In this light, a preliminary mapping exercise of patterns of conflicts, violations, and accessibility has been carried out based on which fifty-nine (59) locations are identified for the consultations. The venues of the consultations should be convenient and accessible to all participants and should be neutral and safe.

Concerning the consultations timeline, it is a trite fact that consultations by their very nature are time-bound. The same is true with the upcoming national consultations on transitional justice policy options in Ethiopia. The reason being such consultations primarily aim to solicit views that help influence and guide the design of transitional justice policy.

Thus, there is a need to balance the collection of inputs from a broad spectrum of stakeholders vis-à-vis conducting quality consultations within the considerable period identified to avoid fatigue. This roadmap eschews that rushed and nominal consultations are counterproductive to the whole process and should

be avoided. At the same time, the consultations should not be unnecessarily protracted - constituting a marathon exercise that delays the charting and implementation of transitional justice measures.

The road map gives an adequate period for gathering significant inputs from all key stakeholders. Accordingly, for most of the in-person consultations to be conducted across the 59 locations, a whole-day consultative workshop will be carried out per each identified location - that will, overall, be completed within a total of Thirteen (13) Weeks period. Most of this time would be used to create space for participants to deliberate and share their insights.

Adequate consultation time will also be availed to the virtual consultative workshops as well. For purposes of gathering inputs through written submissions, six weeks have already been given from the date (03 January 2023) the green paper is made available in the public domain.

	CONSULTATION HELD WITH	VENUE	NUMBER OF PARTICIPANTS	TENTATIVE TIMELINE
1.	Interministerial Taskforce	Addis Ababa	15	Thursday 2 Feb. (1/2 day)
2.	Public Stakeholders: High-level Leadership of Federal and Regional Governments, Legislative Bodies	Addis Ababa		15 February (1 day) Also coincides with formal launching of national TJ process
3.	Representatives of Political Parties	Addis Ababa	50	21 Feb. (1 day)
4.	National Experts (in Ethiopia and Abroad)	Addis Ababa	50	23 Feb. (1 day)
5.	Former Prosecutors, Judges and Investigators of Red Terror Cases and Recent Cases, Commissioners of Relatable Offices	Addis Ababa	40	24 February (1 day)
6.	Media, CSOs and Democratic Institutions Based in Addis	Addis Ababa	60	27 February (1 day)
7.	International Experts	Addis Ababa	50	Thursday-Friday 16-17 March (2 days)
	Public Stakeholders, Concerned Entities (Regions)			1 day per consultations site
8.		Fiche (Selale)	60	Week 1-5 March 2023
9.		Adama	60	Week 1-5 March 2023
10.		Woliso	60	Week 1-5 March 2023
11.		Ambo	60	Week 6-11 March 2023
12.		Shashemene	60	Week 6-11 March 2023
13.		Assela	60	Week 6-11 March 2023
14.		Jimma	60	Week 6-11 March 2023
15.		Bale Robe/Goba	60	Week 6-11 March 2023
16.		Nekemte	60	Week13-18 March 2023
17.		Dembidolo	60	Week13-18 March 2023
18.		West Guji/Bule	60	Week13-18 March 2023

		Hora		
19.		Chiro (West Hararghe)	60	Week13-18 March 2023
20.		Jinka (S. Omo)	60	Week13-18 March 2023
21.		Guji	60	Week13-18 March 2023
22.		Bahir Dar	60	Week 20-25 March 2023
23.		Debre Tabor	60	Week 20-25 March 2023
24.		Injibara	60	Week 20-25 March 2023
25.		Dessie	60	Week 20-25 March 2023
26.		Woldia	60	Week 27-31 March 2023
27.		Sekota	60	Week 27-31 March 2023
28.		Lalibela	60	Week 27-31 March 2023
29.		Debremarkos	60	Week 27-31 March 2023
30.		Wolqait	60	Week 3-8 April 2023
31.		Humera	60	Week 3-8 April 2023
32.		Mekele	60	Week 10-15 April 2023
33.		Adigrat	60	Week 10-15 April 2023
34.		Shire	60	Week 10-15 April 2023
35.		Adwa	60	Week 10-15 April 2023
36.		Alamata	60	Week 10-15 April 2023
37.		Asosa	60	Week 17-22 April 2023
38.		Kamashi	60	Week 17-22 April 2023
39.		Metekel	60	Week 17-22 April 2023
40.		Gilgel Beles	60	Week 17-22 April 2023
41.		Semera	60	Week 24-29 April 2023
42.		Awash	60	Week 24-29 April 2023
43.		Gambela	60	Week 24-29 April 2023
44.		Hawassa	60	Week 1-6 May 2023
45.		Wolaita Sodo	60	Week 1-6 May 2023
46.		Butajira	60	Week 1-6 May 2023
47.		Worabe	60	Week 1-6 May 2023
48.		Hosana	60	Week 1-6 May 2023
49.		Konso	60	Week 8-13 May 2023
50.		Amaro	60	Week 8-13 May 2023
51.		Jinka	60	Week 8-13 May 2023
52.		Mizan Teferi	60	Week 8-13 May 2023
53.		Bonga	60	Week 15-20 May 2023
54.		Dilla	60	Week 15-20 May 2023
55.		Arba Minch	60	Week 15-20 May 2023
56.		Jigjiga	60	Week 22-27 May 2023
57.		Gode	60	Week 22-27 May 2023
58.		Degehabur	60	Week 22-27 May 2023
59.		Dire Dawa	60	Week 30-31 May 2023
60.		Harar	60	Week 30-31 May 2023

5.2. REPORTING THE FINDINGS/REPORT WRITING

The inputs and views gathered through submissions and focus groups discussion should in the end be sorted, collated, and analyzed through qualitative methods. The major findings, proposals, and insights

shall be summarized in a report form and disseminated to key stakeholders. The final report of the consultations will be used to craft the transitional justice policy document.

- Venue: TBD
- Duration of preparation: 10 days (1-10 June)
- Number of Participants: Working Group Members

5.3. CONVERTING GREEN PAPER INTO WHITE PAPER, AND A POLICY DOCUMENT

- Venue: TBD
- Duration of preparation: 10 days (11-20 June)
- Number of Participants: Working Group Members

5.4. PREPARATION OF DRAFT POLICY

Based on the inputs collected and the Green Paper, the Working Group of Experts shall prepare a comprehensive, integrated, and context-specific transitional justice policy document.

- Venue: TBD
- Duration of preparation: 15 days (15 May - 30 May)
- Number of Participants: Working Group Members

5.5. POST-DRAFT CONSULTATION WORKSHOPS AND REVISION OF TEXTS

The draft policy will be reviewed by carefully identified stakeholders. The Working Group of Experts will then review and overhaul the draft policy in accordance with the feedback received and submit it for approval.

- Final consultation/s: TBD
- Consultation venue: Addis Ababa
- Number of Participants: 20
- Revision/incorporation by Working Group of Experts: 20-30 June
- Venue: Bishoftu

5.6. Actors or Stakeholders

As indicated in this road map, the designing and implementation of a national policy framework on transitional justice entail carrying out several intertwined works such as pre-policy drafting public consultations, drafting the policy, and post-drafting activities. For these critical work stages of the policy development processes to be effective in laying the foundations for the crafting of comprehensive, context-specific, and human right-centered transitional justice policy in Ethiopia the engagement and support of various key national and international stakeholders are imperative.

Admittedly, it is the responsibility of the Ethiopian government and other national actors to take the lead and ownership in pursuing a transitional justice process as a means to address the legacies of Ethiopia's past. In other words, ensuring national ownership and leadership in the planning, designing, implementation, and monitoring of the transitional justice process is crucial. Thus the process leadership and deployment of a comprehensive, integrated, and context-specific transitional justice

policy framework in Ethiopia that complies with international standards is the primary responsibility of the Transitional Justice Working Group of Experts/the Ministry of Justice/Ethiopia's government.

However, the crafting and deployment of transitional justice policy through a human rights-based making process require the engagement, support, concerted efforts, and collaboration of several other national and international actors or stakeholders. The actors whose support is critical for the deployment of a sustainable and human right-centered transitional process include:

- Civil societies;
- Media;
- National human rights and democratic institutions particularly the Ethiopian Human Rights Commission;
- UN system particularly its human rights components such as OHCHR, UNHCR, and UN Women;
- The African Union;
- European Union;
- International NGOs;
- Bilateral Donors; and
- Institutions working on Transitional justice and peacebuilding areas.

Per this roadmap and terms set out in the Manual on Stakeholders Engagement, the Working Group of Experts and the Ministry of Justice will seek the support of these actors and will closely work with these actors throughout the work stages of the policy development process. The following are key works/activities in which the actors are encouraged to extend support for the effective development of transitional justice policy framework in Ethiopia:

- Provide useful comparative information on the transitional justice process;
- Provide legal and technical advice, analysis, and support;
- Support in the sensitization works of the targeted participants of public consultations;
- Support the consultation process (by assisting in works such as the designing of consultation methodology, selection of participants, conducting consultations, and /or capturing views;
- Provide material and /or financial support for the process;
- Support in resource mobilization;
- Second experts or bringing in experts to support the process; and
- Provide support for capacity building;

Guided by this Roadmap and other relevant guidelines, the Working group of experts and the Ministry of Justice has the responsibility to seek the support of key actors, to coordinate and actively engage with leading institutions working on transitional justice and peacebuilding areas. Besides, per the communication strategy and other relevant frameworks the Working Group of Experts and the Ministry shall provide the necessary operational documents of the policy development process for actors/ partners and to the extent possible should continuously liaise with them and keep them informed about the progress of the process.

6. BUDGET FRAMEWORK

The following sections provide the budgetary implication and cost breakdown of all activities involving consultations, policy text preparation, and revision/incorporation.

The budget of this phase of the process is intended to be covered through contributions from the Treasury and Development Partners of the Government of Ethiopia.

6.1. AGGREGATED COST

- Birr 80,696,619 (Eighty million, six hundred ninety-six thousand six hundred nineteen).¹⁰

6.2. COSTS OF EXPERT TIME

ACTIVITIES CARRIED OUT BY EXPERTS

The transitional justice policy making process requires carrying out several inter-related tasks - many of which entail a high-level expertise. The involvement and contribution of professionals versed in transitional justice related subjects is extremely crucial for the quality of the product and effectiveness of the transitional justice process as such.

In this light, a Transitional Justice Policy Working Group of Experts - consisting of professionals drawn from various disciplines or working on transitional justice related subjects has been set up to steer the process and assist the Government of Ethiopia in its endeavours.

The main tasks of the Working Group of Experts can be categorized under four headings, namely, preparatory activities, consultations (pre/post draft consultation preparations), the preparation of a draft transitional justice policy text, and the review and incorporation of inputs given on a draft transitional justice policy text.

A. Preparatory Activities include:

- preparation of materials (studies, slides) for consultations;
- mapping of consultation venues - taking into consideration situations that took place in the past;
- mapping participants in a manner that ensures inclusivity and representative participation of all sections of societies;
- prepare a road map guiding the national consultation processes;
- prepare communications strategy;
- prepare donor mapping/resource mobilization document;
- ensure the fulfilment of all the necessary pre-consultation activities, including planning, directing and liaising on logistical matters;

B. Consultations Activities include:

¹⁰ Note that the aggregated cost doesn't include expertise fee – mainly involving workman-days of members of the working group.

- per the road map for national consultation, roll-out a participatory and broad-based consultations process;¹¹
- recording and proper documentation of each consultation activity;
 - at least two consultations will be held in each regional state and city administration in Ethiopia; this shall be determined based on the geographical size and population of the regions;
 - the number of participants in each public consultation shall not be less than 40 and greater than 60;
- undertake separate rounds of consultations involving:
 - experts from Ethiopia: both working within Ethiopia and abroad;
 - representatives of international, regional, and sub-regional organizations in Ethiopia; international NGOs and bilateral donors and CSOs;
 - political leaders, government officials, key federal/regional institutions;
 - international experts and institutions working on transitional justice;
 - carefully mapped/identified segments of the public at large ensuring diversity, inclusivity and representativeness;
- facilitate/coordinate the consultation activities in such a way as to extract maximum input;

C. Develop Transitional Justice Policy Text involves:

- write-up and compile the outcome of each of the individual consultations;
- prepare a comprehensive report on major findings of the consultations;
- present major findings to key stakeholders;
- draft and develop text of the transitional justice policy;
- present the draft policy to the relevant stakeholders;
- collate inputs from the post-draft consultations;

D. Review, Consolidate and Submit the Draft Transitional Justice Policy involves:

- review the draft policy in light of inputs collected from post-draft reviews and consultations;
- consolidate, edit and finalize the draft Transitional Justice Policy Document;
- submit the final draft Transitional Justice Policy document to the concerned government body for adoption;

EXPERT FEES AND/OR SECONDMENT

In order to best utilize the professional services of the Working Group of Experts (apart from members who are already serving through secondments from development partners), the following workman-days and expert fee (in the form of honorarium) is budgeted to particularly cater for professional fees of the members.

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EXPERT ACTIVITY	ALLOCATED TIME PER ACTIVITY	NUMBER OF EXPERTS	TOTAL WORKMAN DAYS	EXPERT FEE/WORKMAN DAY (USD)	SUB-TOTAL FEE (USD)
Pre-Draft Consultations	30 Days	16	480	150	72,000
Draft Policy Preparation	25 Days	11	275	150	41,250
Post-Draft Consultations	15 Days	11	165	150	24,750
Review, Compilation	15 Days	11	165	150	24,750
					162,750

TOTAL BUDGETARY REQUIREMENT (BIRR 89,322,369)

- Programmatic Budget: **80,696,619**
- Expert Fees Budget: **8,625,750**