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The Case for Dismantling and Reestablishing the Ethiopian National Dialogue Commission: A Legal and Political Perspective

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The Ethiopian National Dialogue Commission (ENDC) was established in December 2021 with the purported aim of fostering national reconciliation, addressing historical grievances, and facilitating a peaceful resolution to Ethiopia's deep-seated political conflicts. However, from its inception, the commission has been marred by structural flaws, political biases, and procedural irregularities that have rendered it ineffective, exclusionary, and, in many respects, counterproductive. In fact, it is now used to undermine the possibility of establishing a Transitional Justice Process in Ethiopia.

This commentary provides a legal and political analysis of why the ENDC should be dismantled and reestablished under a more inclusive, transparent, and legally sound framework. The analysis focuses on six key failures of the commission:

1. The ENDC is defective from Birth: Lack of Preliminary Consultation with Key Stakeholders mainly Tigray and Oromia people.
2. Defective Selection and Nomination Processes
3. Federal Government Appointment and Funding Biases
- 4 Total. exclusion of Tigrayans on the planning, nomination and establishment of the commission - including War Victims and Displaced Persons in Tigray
5. Contradictions with the Pretoria Agreement and AU Action Plan (Transitional Justice Action Plan)
6. Institutional Biases, Avoidance of Grassroots Participation, and Selective Historical Focus- Going back to 1991 , instead of focusing on current pertinent issue -

Additionally, our commentaries examines the legal and political ramifications of the commission's extended mandate beyond its original three-year timeline without proper justification.

1. Defective from Birth: Lack of Preliminary Consultation with Tigray and Oromia Legal:

The establishment of any national dialogue mechanism must adhere to principles of inclusivity and broad-based consultation, as outlined in international best practices such as the UN Guidance for Effective Mediation (2012) and the AU Transitional Justice Policy Framework (2019). The ENDC was formed without meaningful consultations with key stakeholders, particularly: The people of

Tigray, who were still under a de facto blockade and military occupation when the commission was formed. Significant factions in Oromia, including the Oromo Liberation Front (OLF) and other opposition groups who were systematically excluded. This violates Article 10 of the Ethiopian Constitution, which guarantees the right to participation in decision-making, as well as Article 25 (right to equality before the law).

Political Failures: The exclusion of Tigrayan representatives at the formation stage undermined the commission's legitimacy. Given that the Tigray War (2020–2022) was a central conflict needing resolution, sidelining Tigrayan voices rendered the dialogue process structurally biased from the outset. Similarly, the marginalisation of Oromo political forces—particularly those labelled as "extremist" by the government—further eroded trust in the process.

2. Defective Selection and Nomination Process

Legal Failures: The Proclamation No. 1265/2021, which established the ENDC, granted excessive powers to the House of Peoples' Representatives (HoPR) in selecting commissioners. The HoPR is dominated by the Prosperity Party (PP), leading to a lack of political neutrality.

Key legal violations include Lack of transparent criteria for selecting commissioners, exclusion of opposition nominees under vague "national security" pretexts and failure to ensure regional balance, particularly from conflict-affected areas. This contravenes Article 38 of the Ethiopian Constitution (right to free political participation) and AU Principle 4(d) on Inclusive National Dialogues, which mandates "broad-based participation without discrimination."

Political Failures: The selection process was dominated by pro-government figures, including Commissioners with direct links to the Prosperity Party. There is certainly underrepresentation of women, youth, and marginalised ethnic groups. This includes systematic exclusion of armed and non-armed opposition groups, such as the Tigray People's Liberation Front (TPLF) and OLF. This turned the commission into a government-controlled body rather than an independent mediator.

3. Federal Government Appointment and Funding Biases

Legal Failures: The ENDC is funded and staffed by the federal government, creating an inherent conflict of interest. International standards (e.g., UN Principles on Post-Conflict Reconciliation) require that dialogue mechanisms be independent in funding and administration. The Key legal issues are there is no independent budget oversight, allowing the government to manipulate the process. Commissioners' salaries and operations controlled by the executive branch, violating Article 79 of the Constitution (judicial and quasi-judicial independence).

The government has used funding as a tool to: Prioritise dialogues in non-conflict regions (e.g., SNNP and other small Regions) while neglecting Tigray and Oromia. The PP government is blocking critical voices by controlling logistics and access to platforms. This undermines the credibility of the dialogue and reinforces perceptions of Abiy's government domination.

4. Exclusion of Tigray & OLF , including War Victims and Displaced Persons: The ENDC has failed to incorporate victims of the Tigray War, violating UN Basic Principles on Remedies for Victims of Gross Human Rights Violations (2005) & the AU Transitional Justice Policy (Article 12: Victim Participation). The PP government is also violating the Ethiopian Constitution (Article 13: State Accountability for Human Rights Violations).

By excluding Tigray, the commission has legitimized impunity for atrocities, deepened grievances rather than resolving them. The PP government deliberately destroyed the Pretoria Agreement's call for inclusive accountability mechanisms. While the PP government plays a chase on COHA, it has openly started to arm paramilitary groups, such as the Tekeze Brigade in Western Tigray and the so-called Tigray Peace Force in Southern Tigray – This is certainly a repudiatory breach of COHA.

5. Contradictions with the Pretoria Agreement and AU Action Plan: The Pretoria Agreement (Nov. 2022) mandated a comprehensive transitional justice process and Inclusion of all warring parties in dialogue. The ENDC's unilateral formation and operation violate this binding agreement, which has international legal standing under AU mediation protocols. The government's refusal to align the ENDC with the Pretoria Agreement undermines AU mediation efforts, breaches trust with Tigrayan authorities and risks reigniting conflict due to unresolved grievances.

6. Institutional Biases, Avoidance of Grassroots, and Selective Historical Focus: The commission's narrow mandate (focusing on 1995–present rather than immediate crises) violates the principle of Subsidiarity (local conflicts need local solutions) and African Charter on Democracy (Article 10: Participatory Governance). Ignoring current wars (e.g., Amhara Fano insurgency, Oromo Liberation Army clashes) and sanctions on negotiation partner (TPLF) renders the dialogue irrelevant.

The Need for reestablishment of the commission: The ENDC, in its current form, is structurally flawed, politically biased, and legally untenable. A new commission must be established with inclusive stakeholder consultations before formation. Independent funding and appointment mechanisms, explicit alignment with the Pretoria Agreement and AU Roadmap. There must be direct participation of war victims, displaced communities and Ethiopians in occupied territories by Eritrean Forces (IROB people). There should be a clear focus on current conflicts rather than selective historical grievances. Without these reforms, Ethiopia's national dialogue will remain a tool for another round of genocide in Tigray and political exclusion rather than genuine reconciliation.

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