

# National dialogues in the Horn of Africa

## Lessons for Ethiopia's political transition

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Ethiopia's highly praised political transition is contending with long-standing state-building deficits, which are fuelling tensions in the country. The deferral of the national election because of the COVID-19 pandemic has aggravated existing political uncertainties. As politicians and civil society grapple with potential political and security crises, calls for a national dialogue have grown. This report examines national dialogues in Sudan, South Sudan and Kenya and draws lessons for Ethiopia.

## Key findings

- ▶ Ethiopia's political transition has unveiled a range of political and security uncertainties. A resurgence of violent conflicts in the past two years and the country's polarised political environment threaten to derail the transition.
- ▶ The national election scheduled for August 2020 has been deferred because of the COVID-19 pandemic. The postponement has triggered a debate about a looming constitutional and political deadlock.
- ▶ Searches for new thinking and mechanisms to deal with these dynamics have increasingly focused on the need for national dialogue.
- ▶ The reasons for instituting a national dialogue range from short- to long-term objectives, including creating consensus about the transition process; forging a solid contract between the government and opposition political parties on a new date and conditions for free, fair, and peaceful elections; addressing national reconciliation issues as a means of achieving national consensus; and responding to competing demands for constitutional amendments.
- ▶ Previous national dialogues in the region offer lessons for the design and implementation of such a process in Ethiopia. Chief among these relate to prioritising the different agenda for the process, the inclusion of relevant stakeholders, selecting credible conveners, maintaining transparency and public engagement, establishing structured links with other political processes, and clarifying the process of implementing recommendations right from the start.

## Recommendations

- ▶ **Garner trust among the major political groups and the public at large:** This can be achieved, among other ways, by making the process transparent and inclusive and appointing neutral convener(s).
- ▶ **Insulate the process from undue political influence:** National dialogue should be protected from attempts to capture it for a narrow political agenda. The integrity of the conveners and the transparency of the framework are key safeguards against political interference.
- ▶ **Avoid common pitfalls:** The organisers must avert pitfalls such as deliberately selecting partisan conveners, excluding key stakeholders and failing to agree on ways of implementing decisions that came out of the process.
- ▶ **Clarify the mandate and prioritise agenda items:** The mandate and official status of the national dialogue should be clarified at the start to avoid ambiguity.
- ▶ **Balance inclusion and effective participation:** A trade-off is required between participation of key elites and wider societal representatives. This balance can be established through transparent selection criteria and ensuring proper consultation among all stakeholders.
- ▶ **Link national dialogue with other political processes:** National dialogue must complement, and be linked to, other political processes.
- ▶ **Institutionalise implementation of dialogue outcomes:** Key outcomes should translate into legislation, policies and strategies. It is crucial to establish specialised and independent institutions with a specific mandate to implement national dialogue recommendations.

## Introduction

Scholars and policy makers have long recognised a close link between persistent instability and state-building processes in ‘Third World’ countries. The major underlying cause of instability in such cases is internally generated and is linked to the incomplete nature of these processes.<sup>1</sup> An incomplete state-building process is often fraught with major fault lines along which political violence is deployed, and the legitimacy of the state is further eroded.

This is starkly visible in the Horn of Africa, where state-building processes have, by and large, failed to accommodate divergent visions of statehood, whether in postcolonial Sudan, the newly independent South Sudan or in Ethiopia, which has a longer history and tradition of statehood.

Differences over the fundamental aspect of state building underlie instability and continue to stunt political transition in these countries. This problem raises important questions about how to chart ongoing political transition in the region on the one hand and how to deal effectively with emergent crises on the other.

Ethiopia currently typifies this predicament. The country was recently described pessimistically as being between ‘disintegration and dialogue’.<sup>2</sup> Worrying peace and security trends brought to the fore a lack of cohesion and polarising political narratives that, in tandem, threaten to derail the country’s promising transition process.

Communal violence, often along ethnic and, to a much lesser extent, religious lines occurred intermittently until March 2020, when COVID-19 concerns induced a hiatus in various forms of violence.

The Amhara and Tigray regional states remain at loggerheads over contested regional administrative borders. The federal government’s relationship with the Tigray region has deteriorated and is invoking concerns that tensions will escalate.

The country had embarked on preparations for its national election in the face of rising political tensions but with the outbreak of the COVID-19 pandemic Parliament postponed the election indefinitely, adding another layer of complexity to existing political uncertainties. As a result there is a deepening debate about the legitimacy of the

current government once its mandate expires on 10 October 2020.

Clearly there is no single solution to all these challenges. However, there is a growing need for a national dialogue that will help the country move away from the current and emerging political and security crises. National Dialogues are ‘formally mandated, inclusive, broad, and participatory official negotiation frameworks, which can resolve political crises and lead countries into political transitions’.<sup>3</sup>

Politicians and scholars believe a national dialogue in Ethiopia is imperative in order to reconcile contending visions of the future and to put the country’s political reforms back on track in a more inclusive manner. Polarising debates have been raging about key aspects of the state, primarily the existing federal constitution and the federal governance arrangement.

Political elites are sharply divided on interpretation of the country’s past and its national symbols, including the national flag. There is also an urgent need for national reconciliation to address claims of historical injustices.

### The tense relationship between the federal and Tigray regional governments may escalate further

National dialogues are increasingly deemed appropriate ways to ‘resolve disputes over past abuses, power sharing, regional autonomy and territorial claims’<sup>4</sup> and a vital tool for addressing the challenges of managing political transition and building sustainable peace.<sup>5</sup>

This report, which compares national dialogues in Sudan, South Sudan and Kenya and the insights they offer, examines these processes with the primary objective of drawing critical lessons that could support the design and implementation of such a process in Ethiopia. It deals with the question of how national dialogues could contribute to amplifying democratic trends, enhancing reconciliation and creating a shared national identity.

There are no ‘templates’ to guide national dialogues and dialogue processes in general. Each must be embedded in the specific situation it seeks to support.<sup>6</sup> In essence, each process is simultaneously ‘unique and global’.

This notwithstanding, the report argues that previous national dialogues in the region offer critical political context and process design related factors that might shape the credibility and legitimacy of a similar process in Ethiopia.

The report also highlights a number of common pitfalls that cannot simply be written off as hiccups in implementing national dialogues. These include violating established national dialogue best practice (e.g., selecting partisan conveners); inadvertent deviance from process design specifications (e.g., trying to tackle too many issues); lack of ability (of the conveners) and adherence to inadequate or faulty processes (e.g., failure to include key stakeholders).<sup>7</sup>

This report has six sections. The next discusses the research methods and selection of the case studies. Section three offers a brief conceptual overview of national dialogues. Section four reflects on the national dialogues in Sudan, South Sudan and Kenya. Section five explores the existing rationale and objectives of a national dialogue in Ethiopia. The conclusion highlights a range of insights and recommendations should such a process be instituted in Ethiopia.

## Research methods

The report is based on desktop research and extensive interviews with conveners of national dialogues, experts, scholars and civil society organisations involved in participating in and supporting these processes. Field research was conducted in Addis Ababa, Khartoum, Juba and Nairobi between August and December 2019.

The cases have been selected for one main reason: in all three countries political actors attempted to use national dialogue as a tool for conflict resolution and political transformation to address peace and security challenges largely emanating from weak state-society relations. Ethiopia faces similar challenges.

While the context may be different, the same six variables were used to compare the three cases. They are: initiation and mandate setting, inclusion, credibility of conveners, transparency and public engagement, links with other political processes and mechanisms for implementing decisions.

Such factors, as well as ‘procedures for preparing, conducting, and implementing national dialogues, have played a decisive role in whether processes are perceived as representative and legitimate.’<sup>8</sup> The intention is, therefore, to illustrate how these factors shaped different dimensions of national dialogues in these cases, with particular emphasis on the credibility, legitimacy and acceptance of the processes. The cases were therefore selected to remind those responsible for initiating and convening a national dialogue in Ethiopia to take these factors into consideration.

It is important to stress that the report does not seek to evaluate (directly) the success of the national dialogues considered here. The existing literature recognises the contentious nature of measuring whether or not a national dialogue has succeeded.<sup>9</sup>

National dialogues are convened to resolve political crises and lead countries to political transition

Success is often a confluence of many factors, some of them not directly related to the process. Among these are the role of major powers and regional actors and changes in geopolitics or in local dynamics. In addition, some outcomes are ‘intangible and difficult to measure.’<sup>10</sup> These include ‘strengthening a culture of debate and free speech; breaking taboos; entrenchment of certain norms of inclusion and representation of marginalised groups and the ability to keep all the political actors inside the political process.’<sup>11</sup>

## Conceptual overview

Blunck et al define national dialogues as ‘nationally owned political processes aimed at generating consensus among a broad range of national stakeholders in times of transitioning out of deep political crises and in post-war situations.’<sup>12</sup> Typically, national dialogues are convened to resolve political crises, improve the legitimacy of public institutions and lead countries into political transition<sup>13</sup> and a more stable permanent order.

Depending on the context a national dialogue may have a narrow objective such as crisis prevention and management and/or a broader mandate such as redefining state-society relations and establishing a new

## Process design and other practical issues

National dialogues have clear structures as well as defined rules and procedures for dialogue and decision making and they are based on a combination of plenary sessions and working groups.<sup>15</sup> They include different forms of consultations, commissions, problem-solving mechanisms and/or referenda.<sup>16</sup>

In addition to broader factors such as political will and links with other transitional processes, inclusivity, transparency and public participation are key determinants of national dialogue.<sup>17</sup> Inclusion here refers to ‘convening a broad set of stakeholders for a deliberative process.’<sup>18</sup>

In this respect it is essential to include key ‘conflict parties and political actors, who determine the direction of political processes,’<sup>19</sup> as well as ‘representatives of the wider constituencies such as civil society, women, youth, business, and religious

or traditional actors,’ the latter often indirectly included through wider discussion processes.<sup>20</sup>

National dialogues ensure transparency and public participation to keep the public informed about the process and feed into it through consultations, regular outreach and media coverage.<sup>21</sup>

National dialogues consist of three consecutive stages: preparation, process and implementation.<sup>22</sup> The preparation phase involves setting up the institutional framework and agreeing on the mandate and agenda, selecting participants and conveners, defining decision-making procedures and so on. The process phase, also called the dialogue phase, is ‘the most public phase,’ where the negotiation takes place.<sup>23</sup> The implementation phase is dedicated to executing the decisions taken during the negotiations.

social contract.<sup>14</sup> National dialogues therefore focus on transforming relationships, generating consensus and striving to achieve implementable outcomes.

## Lessons from Sudan, South Sudan and Kenya

The National Dialogue in Sudan (2014–2016) started when an enduring political deadlock was increasingly affecting Sudan’s political climate. There was a sense of political stalemate caused by a combination of economic failure, armed conflict and power struggles within the regime.

The ramifications of the popular uprising in 2013 made it imperative to change course and find a politically rooted solution to the country’s multiple crises. The government had barely managed to suppress protests triggered by economic hardship and the removal of fuel subsidies in September 2013<sup>24</sup> and state-society relations had soured in the aftermath of the brutal repression of the protests.

President Omar al-Bashir, who initiated the process in 2014, made the case for national dialogue as a ‘great leap’, intended to lead to the political and economic ‘renaissance’ of the country.<sup>25</sup> The process was carried out through a structure comprising a National Dialogue

Conference, a High Coordinating Committee (HCC), six Conference Committees and a Secretary-General.

While many political parties and armed movements attended, the major opposition parties and armed groups boycotted the process, casting serious doubt on its inclusivity and legitimacy. One of the key results was close to 1 000 recommendations to guide Sudan’s political transformation – most of which were however largely not implemented.

The absence of major opposition groups cast doubts on the legitimacy and inclusivity of the process

In South Sudan President Salva Kiir launched a national dialogue in May 2017 by presidential decree. The aim of the initiative was ‘to end all violent conflicts, constitute national consensus on key national issues, and save the country from the risk of disintegration.’<sup>26</sup>

The process, which was based on a bottom-up approach, consisted of three phases: grassroots consultation, regional peace conferences and a national



conference.<sup>27</sup> As at March 2020 the first two phases had been completed following multiple engagements and regional peace conferences. The National Conference, which will deliberate on the outcome of the dialogue, is yet to be convened.

Pending the National Conference a transitional government was established in February 2020 as part of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCISS), which includes opposition groups, which did not participate in the national dialogue. This raises the critical question of whether the transitional government will accept and implement the national dialogue recommendations.

The Kenya National Dialogue and Reconciliation (KNDR) is an anomaly compared with the other two. It may not be considered national dialogue in *strictu sensu* as it also involved facilitation by international actors, adding an element of mediation and negotiation. At the same time, the process had a clear dialogic element relating to critical national matters. In this regard, the KNDR served the dual objectives of a national dialogue. It started with 'a clear crisis management approach and became more broad-based as it progressed.'<sup>28</sup>

Kenya's process started with a crisis management approach and then became more broad-based

Following the 2007 post-election violence in Kenya the African Union (AU) appointed a Panel of Eminent African Personalities in January 2008 to facilitate the KNDR, whose main goal was to resolve the post-election crisis and achieve sustainable peace, stability and justice.<sup>29</sup>

The panel was headed by Ghanaian diplomat and former UN secretary general Kofi Annan and was composed of Benjamin Mkapa, former president of Tanzania, and Graça Machel, widow of the late Samora Machel, former president of Mozambique and wife of Nelson Mandela, former president of South Africa.

The dialogue was instrumental in stopping the violence, facilitating humanitarian assistance to the affected population and ending the political crisis through a power-sharing deal that was accepted by both parties.<sup>30</sup> The process also paved the way for addressing

the long-term issues that had undergirded the electoral violence through constitutional, legal and institutional reforms.

The next section compares the three cases, reflecting on key political context and process design factors that have shaped national dialogue processes in Sudan, South Sudan and Kenya. It examines six major 'political and procedural factors as well as conditions that have enabled or constrained such initiatives to reach agreements and sustain their implementation in the long term.'<sup>31</sup> The aim is to inform the design and implementation of a future national dialogue in Ethiopia.

### Initiating and defining mandates

There is no hard and fast rule about who should initiate a national dialogue and define its mandate. Depending on the specific political context and rationale, national dialogues may be initiated by governments and/or transitional governments, government and armed groups, citizens and social movements for an overall reform agenda, mediators or facilitators (local, regional or international) or regional organisations.<sup>32</sup> Broadly, these actors initiate national dialogues to address political divisions and security crises including post-election violence and other forms of violent conflict.

Although the contexts were different, presidents of the incumbent governments initiated national dialogues in Sudan and South Sudan. In Sudan President al-Bashir announced the start of the national dialogue on 27 January 2014 in a wide-ranging speech calling for a 'great leap' and inviting all parties to join.<sup>33</sup> He later instructed the Council of Ministers to transform the project into reality.<sup>34</sup> In the same vein, the South Sudan National Dialogue (SSND) was initiated in 2017 through a presidential decree, although the idea had already evolved within civil society as early as 2014.<sup>35</sup>

As shown above, the initiation of national dialogue by governments may not be a problem in and of itself. However, both these dialogues were started at a time of deep political polarisation and in the midst of ongoing armed conflict marked by a trust deficit and largely without some of the major opposition groups. This would prove to be their 'feet of clay', which would discredit the change processes in many ways, importantly in the

preparation phase, and later dog the implementation of the recommendations. In Sudan the process got off to a shaky start:

[T]he initiative single-handedly came from the president and therefore was viewed with great skepticism. This set the tone for the process to come, which hardly gained traction or legitimacy in the eyes of the opposition [both] inside and outside of the country.<sup>36</sup>

In addition, during the preparation phase there were limited consultations about the structure and agenda of the national dialogue. Some of the major opposition parties made their participation conditional on key demands such as 'stopping the war, delivering humanitarian assistance, allowing freedoms and releasing political detainees and convicts and then coming together in a forum that is not controlled by any party.'<sup>37</sup>

The parties had also raised a number of process related issues. Among these were that they should play a role in setting the agenda and that guarantees that recommendations would be implemented be reached through dialogue. They also requested the presence of regional and international observers to provide these guarantees.<sup>38</sup> The regime, however, ignored these demands.

As a result, major political parties such as the National Umma Party, led by Sadiq al-Mahdi, and The Reform Now Party of Ghazi Salaheddin, withdrew during the preparatory phase, leaving<sup>39</sup> it to the government and some Islamist, traditional and smaller parties.<sup>40</sup>

In South Sudan the preparation phase was similarly marked by the absence of major political and armed opposition groups, most notably the Sudan People's Liberation Movement-in-Opposition (SPLM-IO) and the Former Detainees (a group of 11 former senior politicians). These groups hardly played any role in setting the objectives, endorsing the structure or selecting the conveners of the national dialogue.

The national dialogue leadership attributed the absence of these groups to the on-going conflict, which might not have been conducive for a balanced consultation process.<sup>41</sup> In fact, the leadership did meet with the opposition, including SPLM-IO leader Riek Machar, to try to include them in the process. 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.<sup>42</sup>

In both cases the absence of wide-ranging consultations during the preparation phase would also reflect on the process of setting the scope and objectives of the national dialogues.

In Sudan the government presented the national dialogue as a soft-landing option to end the country's political and security crises<sup>43</sup> and as being intended to lead to a political and economic 'renaissance'.<sup>44</sup> Within this broad context, the national dialogue aimed to address issues of identity, freedoms and basic rights, peace and unity, economy, foreign relations, governance issues and comprehensive reform of the state apparatus.<sup>45</sup> The resultant nearly 1 000 recommendations were criticised for being too numerous<sup>46</sup> and 'lacking coherence and a guiding vision ... little more than a loose conglomerate of suggestions, often contradicting one another.'<sup>47</sup>

With its broad agenda, South Sudan's process was unlikely to achieve its goals

Similarly, the national dialogue in South Sudan started with an overarching aim of ending all violent conflicts, creating consensus about key national issues and saving the country from the risk of disintegration and foreign interference.<sup>48</sup> Within the ambit of these broad goals, the national dialogue set 10 specific objectives.<sup>49</sup> These objectives were contained in the presidential decree that served as the main founding document.

An argument could be made that the sweeping nature of the agenda made it unlikely that the national dialogue could realistically achieve its objectives. The alternative could have been an incremental process, each stage of which focused on specific issues.

By contrast, the KNDR was more limited in its objective and scope, specifically addressing post-election violence and deep cleavages among the main parties.<sup>50</sup> One key difference between the Kenyan process and those in Sudan and South Sudan was that the conveners helped in dividing the issues to be negotiated into short- and

long-term categories. The latter contributed, in part, to reaching agreement between the major protagonists.<sup>51</sup>

Admittedly, the KNDR process could be criticised in hindsight for its failure to put guarantees in place for the implementation of the resolutions, especially with regard to the long-term issues. This was largely consigned to political expediency, which, in the end, resulted in the non-implementation of some of the findings of the Kenyan Truth, Justice and Reconciliation Commission.<sup>52</sup> The Commission was one of the institutions established as part of the KNDR process with a broad mandate of ‘looking into gross violations of human rights and historical injustices that occurred in Kenya since independence.’<sup>53</sup>

## Inclusivity

Inclusivity is one of the most critical defining factors of national dialogues. Most of the existing literature stresses that national dialogues can only be transformative if they genuinely include different sections of society.<sup>54</sup> Inclusivity in this context refers to convening a broad set of stakeholders and accommodating divergent interests and needs.<sup>55</sup>

National dialogues should typically involve at least two main groups – ‘key national political elites, including the government and the largest (armed or unarmed) opposition parties, and occasionally the military.’<sup>56</sup> This group represents those who primarily shape political and security dynamics. The second includes representatives of civil society, women, youth, the business community and religious or traditional leaders.<sup>57</sup> However, finding a balance between efficiency and inclusiveness has challenged the success of national dialogues in general,<sup>58</sup> including the three cases analysed here.

In the case of Sudan, the national dialogue leadership claims that close to 100 political parties, 36 armed movements, about 75 national figures, women, youth, civil society and media representatives took part in the process.<sup>59</sup> During that process ‘600+ committee members held more than 300 meetings, produced and discussed more than 500 working papers and elaborated almost a thousand recommendations.’<sup>60</sup>

The national dialogue in South Sudan was designed as a bottom-up process entailing county, regional and national level consultations; an arrangement that

involved far more citizens than the processes in Kenya and Sudan. A 2019 UN internal report indicates that more than 20 000 South Sudanese (30% of them women) participated in more than 200 consultative meetings during the grassroots consultations.<sup>61</sup>

However, these numbers mask the absence of major opposition parties and armed opposition groups in both the Sudan and South Sudan national dialogues. As illustrated below, there were serious limitations in terms of ensuring the participation of these stakeholders with legitimacy in the eyes of their respective constituencies.

Some of Sudan’s key political parties with substantial constituencies and a long history, including the National Umma Party, led by former Prime Minister Sadiq al-Mahdi; the Communist Party; the Baathist Party and the Sudanese Congress Party, did not participate,<sup>62</sup> believing the process to be a ploy by the ruling party to buy time and eventually outmanoeuvre its opponents.<sup>63</sup> In addition, as indicated in the previous section, the government did not meet the preconditions the parties had laid out if they were to participate.

Equally important in undermining the process was the exclusion of some of the major armed groups, including the Justice and Equality Movement, led by Jibril Ibrahim; the Sudan Liberation Army (led by Abdulwahid Mohamed al Nur); and the Sudan Liberation Army (led by Mini Minawi).<sup>64</sup>

Inclusivity is one of the most critical defining factors of national dialogues

The absence of these major parties and armed groups led to a serious trust and legitimacy deficit. This, along with the selective inclusion of government-affiliated political parties, eventually reduced the dialogue to a monologue, according to some critics.<sup>65</sup>

It was, therefore, not surprising that the national dialogue and the resultant National Document were rejected by key opposition groups such as the Sudan Appeal, which labelled it a process that ‘concerns the Khartoum regime and its allies only’ and alleged foul play by the government.<sup>66</sup> This lack of inclusion coupled with government’s questionable commitment to implementing



the recommendations was therefore a major birth defect of the process.

In South Sudan two fundamental aspects of inclusivity weakened the process. First, as in Sudan, 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 did not participate.<sup>67</sup> Their absence was based on a number of reasons, namely, 'lack of pre-consultation engagements, inappropriateness of the venue, concerns over proposed methodology or implementation modalities, inclusivity, transparency, impartiality and absence of an enabling security environment.'<sup>68</sup>

## National dialogues in Sudan and South Sudan didn't reflect the power balance in the countries

Second, the grass roots consultations were limited in their geographic coverage. The prevailing insecurity did not allow for consultations to be convened in rebel-held areas such as Akobo, Panija, and Raja. Continuing hostilities also made it 'difficult to think about the Dialogue concerning a genuine effort for reconciliation and reforms.'<sup>69</sup>

Furthermore, the consultations were restricted by limitations on freedom of speech. The security apparatus was able to attend all the sessions and the government failed to ensure that there would be no repercussions – in effect imposing some degree of self-censorship on the discussions.<sup>70</sup>

In general, the processes in Sudan and South Sudan failed to reflect the power balance in the countries. In both cases the question of who was excluded was as important as who was included, that is, the criterion is not the number of people involved but the exclusion of influential parties and armed groups.

The process in Kenya was different. The KNDR ensured the inclusion of key political actors from different sides of the political divide, representing their respective ethnicities/alliances and political communities. However interest groups such as the religious and business communities, civil society organisations (CSOs) and the general public were excluded.<sup>71</sup>

Despite these drawbacks, by focusing on the political actors the KNDR managed to attain its short-term objective of ending the political stalemate and the post-election violence. Nevertheless, the lack of effective inclusion of the CSOs and other societal groups explains, to some extent, the violence that recurred in subsequent elections.<sup>72</sup>

The KNDR process also pointed up the significance of securing participation by high-level political actors from the design to the implementation phase. The political leaders who participated in the process commanded strong constituencies and a degree of legitimacy among their respective electorates.

Such an exclusive process may be 'more effective and democratic than a very inclusive process with hundreds of people who have no decision-making power and no strong constituencies.'<sup>73</sup> The KNDR process thus underlines the importance of 'incremental inclusivity' both in terms of having a limited agenda and participation restricted to major political actors.<sup>74</sup>

The strategy was also essential to balancing the power dynamics between the rival political parties, which was achieved through the power-sharing arrangement. When the three cases are considered together, one key lesson that emerges is that national dialogue should be designed and conducted with an acute awareness of the prevailing political environment and balance of power in the country.

### Credibility of conveners

Perceptions of the authority of the central figure or body that launches, organises and facilitates dialogue are decisive in either enabling or constraining the process.<sup>75</sup> In Sudan the prevailing belief that the national dialogue was initiated by the president and convened by individuals handpicked by the government did not bode well for perceptions of its neutrality.

Part of this mistrust can be traced to the fact that the regime had long been known for failing to honour (peace/political) agreements and for systematic cooption and intimidation of political opponents.<sup>76</sup> The prevalence of a 'contentious political environment' also explains the high degree of elite polarisation and continuously shifting political identities between the government and the opposition and vice versa. The regime was using a

deliberate strategy to buy off rebels and factions from political parties to broaden its support base.<sup>77</sup>

Perceptions of the credibility of those who led the national dialogue were mixed. Some informants underscored the impression that the conveners had done what they could in the circumstances. For example, the renowned academics and professionals who were assigned to lead some of the committees were considered largely credible.

However, the credibility of the secretary-general was questioned, not least because of the fact that he was directly appointed by President al-Bashir.<sup>78</sup> In contrast, the secretary-general believed he and his colleagues were credible 'since they had no party affiliation and they were academics and national figures in their own right.'<sup>79</sup> In any case, questions about the integrity of the process, as well as that of the convener, played a role in the decisions of those who boycotted it.

In the case of South Sudan, at least three key aspects present a mixed picture of the credibility of conveners. The first is the initial self-appointment of the president as a patron of the process. This action, though immediately rectified by the president recusing himself from the position, was counter-productive as it triggered questions about the independence and neutrality of the process.

Second, the appointment of the national dialogue leadership by the president was considered a deviation from international best practice and initially cast doubt on their neutrality. The opposition rejected the appointments mainly because the president had hand-picked the leaders.<sup>80</sup> This notwithstanding, some of the leaders<sup>81</sup> were able to gain popular trust and legitimacy, partly because of their personality and the way they conducted themselves in managing the national dialogue.

Abel Alier, Vice-President of Sudan between 1971 and 1982 and President of the High Executive Council of the Southern Sudan Autonomous Region between 1972 and 1978, and Angelo Beda, veteran politician and statesman, were co-chairs.<sup>82</sup> The two octogenarian elder statesmen were generally perceived to be independent and have no political ambitions that might interfere with the integrity of the process.<sup>83</sup>

Third, the composition and functioning of the steering committee, also part of national dialogue convening structure, raised some doubts. Many felt the sheer size of

the committee, close to 100 members, was a problem. Despite the size of the committee some of the main opposition parties were not represented on it.

At certain points there were disagreements between the committee and the Secretariat, which undermined the efficiency of the process to some extent. The competition mainly related to the hierarchy between the two, roles in the provision of supporting and advisory functions, and management in the allocation and utilisation of resources.<sup>84</sup>

### Questions about the integrity of the process shaped the decisions of those who boycotted it

Furthermore, the inclusion of certain figures in the broader leadership structure,<sup>85</sup> some viewed as controversial, very close to the president and with a narrow ethnic or political agenda, raised suspicions about the intentions of the government. For some close observers of the process, the presence of such individuals undermined its credibility, resulting in it being rejected by some political parties.<sup>86</sup> Overall, while the government had respected the autonomy of the national dialogue structure, once the process began the composition of the Steering Committee was viewed as the primary mechanism of its influence on the process.<sup>87</sup>

The dialogues in Sudan and South Sudan highlight two main lessons in terms of the credibility of the conveners. Methods of consultation, vetting and the selection and appointment of the leadership are essential to the integrity of the process, as is the independence of those selected.

The processes in the two countries might have gained more trust and legitimacy if the conveners had been selected after wide consultation with the public and key opposition parties. Also important is that the convener maintains a safe distance from both government and opposition groups – neither so close as to undermine the independence, autonomy and integrity of the process nor so distant as to risk the lack of cooperation, effective participation and appetite for implementation of the recommendations.

Once again, the national dialogue in Kenya differs from the other two processes. While the conveners in

Sudan and South Sudan were local citizens, the KNDR was facilitated by non-Kenyans. The process was technically supported by the United Nations (especially the Department of Political Affairs, the UN Development Programme and the UN Office in Nairobi) as well as the Geneva-based Centre for Humanitarian Dialogue.

For these reasons the panel was insulated to a large extent from accusations of partiality, which it might have faced if it had been convened by Kenyans. While the arrangement might have raised questions about the national ownership of the process, the extent of participation by key political elites and the implementation of the recommendations showed that, in its entirety, it was a national process. A Kenyan researcher argued that Kenyans 'owned the process through a recognition that local actors could not guarantee neutrality and had total confidence in the Kofi Annan-led team to guarantee that neutrality.'<sup>88</sup>

### Transparency and public engagement

Another critical determinant for a legitimate national dialogue is the creation of sufficient opportunity to inform the public and also allow citizens to feed into the dialogue.<sup>89</sup> This could be achieved by linking the national dialogue with other local dialogues or through consultations with the public, regular outreach and media coverage.<sup>90</sup>

There was some degree of transparency and openness during the national dialogues in Sudan and South Sudan. In both cases, despite the difficult political situations, participants openly debated issues in conference rooms. However, in Sudan these open debates were limited to the Friendship Hall, the main venue of the talks.<sup>91</sup>

While these debates were underway the government was introducing repressive measures that undermined public perceptions of the process. For example, some key opposition figures (such as Sadiq al-Mahdi) were arrested for criticising the intelligence services. Also, the broadcast coverage both by local and international news outlets was inadequate to muster sufficient public support for the negotiations and later the implementation of the recommendations.

According to the former Secretary-General of the National Dialogue, the local media had largely failed to communicate the tone of the discussions to the

Sudanese public or to the outside world.<sup>92</sup> The national dialogue proceeded under the radar of the international media, a factor considered to be indicative of low expectations.<sup>93</sup>

There were few avenues for public participation and, according to a Khartoum University scholar, much of the public did not take the dialogue seriously and did not expect much from it. Perceptions of its limited relevance and concerns about the sincerity of the convener also played a role in doubts about the legitimacy of the process.<sup>94</sup>

In South Sudan arguably one of the strengths of the national dialogue was the extent of public engagement and the efforts made to involve as many citizens as possible (see above).<sup>95</sup> A number of informants underlined at least two aspects that demonstrated the transparent nature of the public debate. The first was the wide media coverage, which included televised criticisms of the president and his government, to the extent of demanding his resignation. Further, deliberations were documented in various formats accessible to a wide audience.

A document emanating from grassroots (county) level consultations and entitled 'The People have spoken', which recorded the scale of the public perception of the process, is available online.<sup>96</sup> In addition, South Sudanese citizens in the diaspora had been given an opportunity to contribute through website and social media platforms.

There was some degree of transparency during the national dialogues in Sudan and South Sudan

According to some members of the secretariat, one shortcoming of the SSND was that local and international media, other than the government/national media, were only allowed to cover the opening and closing ceremonies.<sup>97</sup> In addition, there were a few cases of government's security forces attempting to force the media to censor some aspects before they were aired to the general public.<sup>98</sup>

In Kenya, the dialogue was centred on political elites and public participation was very limited. One exception was the public consultation convened by the committee

of the KNDR, supported by the AU Panel of Eminent African Personalities. The consultation was organised with representatives of groups such as religious and business communities and CSOs before the panel proposed the four-point agenda of the national dialogue, and presented it to the main protagonists.

While the dialogue was not open to the media and the public, the recommendations and decisions were released immediately in the form of 'public statements' or a 'statement of principles'.

All three cases underscore the need to open different spaces for dialogue and not restrict the scope and outreach of the endeavour. To do so is to create multiple channels through which to solicit the public's buy-in and get representative voices to complement the discussions.

### Links with other political processes

National dialogue is just one mechanism for addressing political crises and violent conflict and is often preceded by, accompanied by or embedded within other mechanisms to complement strategic political outcomes.<sup>99</sup> Failure to connect national dialogues with other political processes is likely to be counter-productive,<sup>100</sup> as the processes in Sudan and South Sudan show.

The complex political and security climate in Sudan at the time necessitated multiple regional and international political processes. These unfolded at times independently from each other and at others with a very limited degree of complementarity.

Some of the initiatives convened by international and regional actors led to the signing of agreements between the government and various armed groups.<sup>101</sup> The African Union High-Level Implementation Panel had also been mediating peace-making efforts in Darfur as well as in Blue Nile and South Kordofan.

Nonetheless, Sudan's national dialogue process was not linked in a meaningful way to any of these political processes.<sup>102</sup> In fact, it competed with other processes, notably the Sudan Call, an opposition alliance proposing a 'new opening' for the Sudanese by engaging a broad spectrum of stakeholders.<sup>103</sup>

Similarly, in South Sudan the national dialogue emerged by and large as a parallel process to the IGAD-led

mediation to revitalise the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS). However, for some informants, especially those within the national dialogue leadership, this was not necessarily a bad thing. This was because the two processes were, in theory, synergetic in their approaches (one being bottom up, the other top down); their time frame (long and short term); and the issues covered (wide and narrow in scope).

According to these informants, the national dialogue was designed to focus on the deep structural issues in South Sudan that should be based on grassroots public consultations rather than on a discussion largely dominated by politicians. Some of the structural issues that were debated in the national dialogue include questions of federalism, social cohesion, borders among tribes, number of states, term limits of the president and other elected officials, culturally rooted practices of cattle rustling and child abduction.

The process to revitalise ARCSS, on the other hand, focused on the immediate resolution of the political and security crises through the formation of a transitional government. A member of the secretariat had argued that some of the fundamental issues could be discussed better within the national dialogue, which largely reflected the views of citizens who did not have a direct stake in power and were only interested in the good of the country.

National dialogue is just one mechanism for addressing political crises and violent conflict

According to these informants, the process to revitalise ARCSS was not the right platform for discussing the structural issues mentioned above. It was considered to be politically charged and largely dominated by armed opposition groups, thus not necessarily reflecting society at large. Although IGAD had brought representatives of civil society into the revitalised negotiations, the latter had less influence than the representatives of the armed groups.<sup>104</sup>

In any case, the complementarity of the two processes has not been clear cut. According to Francis Deng, who

was spokesperson of the national dialogue and at the same time participated in the revitalisation of ARCSS, there were tensions between the two processes, shaped by the parties' preference for one or the other. Those who preferred the IGAD-led process considered the national dialogue to be an attempt by the president to polish his image and co-opt opponents.<sup>105</sup> Those who were suspicious of the process to revitalise ARCSS saw it as an attempt by the international community to undercut internal efforts.

Some members of the international community, including some from the region who were playing active roles in the IGAD-led process, were considered to be pursuing their own interests. According to some secretariat members, rather than wishing to end the war, these international and regional actors sought to benefit from it by preserving their national interests in South Sudan. Therefore, a key challenge for the national dialogue leadership has been building bridges between the two processes to ensure their complementarity.<sup>106</sup>

In Kenya, by contrast, a deliberate decision was made to keep the KNDR as the only political process that was officially recognised by the parties. Although there were a number of other regional and local efforts to resolve the post-electoral crisis, the conveners decided that the KNDR would be the only official process.<sup>107</sup>

In summary, the presence of parallel political processes and the lack of effective links among them affected the national dialogues in different ways. In the case of Sudan and South Sudan it gave elites the opportunity to prioritise one initiative over the other which eventually undermined the processes. Conversely, the presence of a single initiative in Kenya averted this situation and fostered consensus.

### Implementation mechanisms

The worth of any national dialogue process lies in its outcome, with two major criteria defining success. These are whether or not an agreement is reached and the extent to which the agreement is implemented.<sup>108</sup> The results are categorised as:

- No agreement reached
- Agreement reached, but not implemented (if no or few provisions are implemented after five years)

- Agreement reached and partially implemented (if some provisions were implemented but major provisions had yet to be addressed)
- Agreement reached and implemented<sup>109</sup>

In all these instances, a range of factors affects implementation. They include availability of funds, expertise and accountability mechanisms, establishment of institutions or bodies to implement outcomes and granting official status to the national dialogue from the outset.<sup>110</sup>

The worth of any national dialogue ultimately lies in the implementation of its outcomes

Given the process-oriented nature of national dialogues it may be difficult to start with precise possible outcomes and implementation mechanisms in mind. Reflecting this, national dialogue is often described as a 'Frankenstein', where conveners and participants may not know the shape of the outcome.<sup>111</sup>

Judging by the violent removal of the al-Bashir regime in 2019, it could be safely argued that Sudan's national dialogue fell short of its key objective of serving as a blueprint for political transition and a basis for more inclusive governance. There was little to show for its efforts other than two sets of documents – a comprehensive National Document and recommendations that were largely not implemented.

The comprehensive nature of the documents and their relevance in diagnosing the key challenges and prognosis for pertinent recommendations is recognised by both supporters and critics of the process.<sup>112</sup> The al-Bashir government hailed the National Document, saying it 'reflects the will of the Sudanese people and serves as a basis to govern the country.'<sup>113</sup> Key opposition figures like Sadiq al-Mahdi, who boycotted the process, similarly acknowledged the importance of the document, claiming that the ruling party should have taken the recommendations seriously.<sup>114</sup>

As it had in the case of many other agreements,<sup>115</sup> the regime failed to implement the recommendations in their entirety. A committee formed by the State



Council to evaluate their implementation in 2018/2019 concluded that only 22% of the 994 recommendations had been implemented.<sup>116</sup>

Implementation became largely dependent on the whims of the regime, which eventually cherry picked among the recommendations. As the regime was on its last legs in January 2019, President al-Bashir made a belated plea to implement the recommendations, which he said was ‘the only way’<sup>117</sup> to resolve Sudan’s multiple crises.

Clearly the process has failed the test both in terms of transforming the relationships among major protagonists and in the form of implemented decision. Sudan’s case, therefore, underscores the reality that national dialogue should not be an exercise in reaching agreement on paper only. The failure to implement the recommendations can be traced to two main factors. The government lacked the political will to embrace fully the fundamental changes suggested and the lack of appropriate mechanisms, which should have been agreed on during the preparation phase.

### Implementation of outcomes became largely dependent on the whims of al-Bashir’s regime

South Sudan’s national dialogue, though not yet concluded, also faces major implementation challenges according to its leaders, who confirmed this during a meeting with the AU Peace and Security Council in March 2020.<sup>118</sup>

According to Francis Deng, there had been divergent views throughout the process about how to implement the recommendations. One group felt they should be submitted to the current government, while others felt a committee should be established to look into the question of implementation.<sup>119</sup>

The leaders, however, recently affirmed that ‘whether or not the resolutions and recommendations will be adopted is totally dependent [on the government of the day].’<sup>120</sup> It was also uncertain whether key political actors would be willing to implement the decisions since some of the opposition political parties that form the current transitional government, including the SPLM-IO, had not participated fully in the process.

It is also likely to be difficult to translate the recommendations into acceptable legal frameworks, policies and strategies. It is questionable whether key political figures will respond to some of the recommendations, including open calls for President Salva Kiir to step down and First Vice-President Riek Machar to resign as leader of the SPLM-IO.<sup>121</sup>

Overall, these ambiguities speak to a failure to clarify the official mandate and status of the national dialogue from the outset.<sup>122</sup> The fact that this was not done has been a source of criticism and one of the reasons the opposition in South Sudan refused to participate.<sup>123</sup>

Despite the problems in implementing the recommendations, some argue that the national dialogue process has already achieved two major outcomes: a change of mindsets and attitudes to an existing problem, and calming a tense situation.

The SSND process was initiated at a time when the country was falling apart and there were fears of genocide. It was intended to reassure the country that violence was not the only way of ensuring that their voices were heard. According to a member of the Secretariat, the dialogue enabled the political process to restart, which had seemed almost impossible in light of the violence that had spread uncontrollably since 2013.<sup>124</sup>

By contrast, the KNDR illustrated ways in which national dialogue recommendations can be implemented. Two key aspects were the establishment of institutional mechanisms and the role of civil society in monitoring and evaluating implementation. The process led to the creation of a range of new institutions to facilitate implementation. Blunck et al summarised these as follows:<sup>125</sup>

- (1) an independent Review Commission to investigate the conduct and outcome of the elections, to review the election crisis and offer recommendations on electoral reform;
- (2) a Commission of Inquiry into Post-Election Violence;
- and (3) a Truth, Justice and Reconciliation Commission. Proposed by The African Union Panel of Eminent African Personalities, a Coordination and Liaison Office (CLO) was (also) established with support from UNDP. Its mandate was to facilitate the effective implementation of the

agreements reached by the KNDR process, and to support the Coalition Government in addressing the root causes of the post-election crisis.

In addition, civil society was involved in monitoring implementation and supporting the effective functioning of the institutions that had been created. The Panel of Eminent African Personalities delegated 'South Consulting (a Nairobi-based research and consulting firm consisting of professionals from Eastern and southern Africa) to independently monitor and evaluate the implementation of the KNDR agreements.'<sup>126</sup>

Accordingly, South Consulting conducted opinion surveys and research and analysis of the Grand Coalition's performance.<sup>127</sup> There was also wide, but unstructured public participation in helping the institutions to fulfil their functions.

The Commission of Inquiry into the Post-Election Violence, the Independent Review Commission on the 2007 elections and the Committee of Experts of the Constitutional Review engaged with the general public by holding focused consultations with specific and relevant groups and gathering public opinion.

### Drawing lessons

The previous sections of the report centred on six key national dialogue determinants:

- Consultative and realistic mandate setting process
- Inclusion of main stakeholders in the actual dialogue
- Credibility of conveners
- Maintaining a transparent process that provides an avenue for public engagement
- Clear linkages with other political processes
- Clarifying implementation mechanisms from the outset

In sum, the discussion has highlighted how public and elite perceptions of national dialogues have been affected by these six political context and process-related factors.

What policy lessons can be drawn from these cases for a future national dialogue in Ethiopia? As Ethiopia undergoes a complicated transition and calls for national dialogue become louder, these lessons as well as those from similar processes in other regions will be useful.

The next section outlines the context of the transition in Ethiopia and rising calls for national dialogue. It is against this backdrop that the lessons from other countries in the Horn will be considered.

### National dialogue in Ethiopia – to what end?

Ethiopia's political transition got off to a good start. The idea of synergy (*medemer* in Amharic) and the emphasis on national unity emerged as the dominant narrative over the prevalent hyperbole on ethnic diversity. Moves such as the release of political prisoners and the return of exiled political dissident groups signalled a strong desire for national reconciliation and widening of the political space.

Ethiopia is undergoing a complex transition and calls for national dialogue are getting louder

More importantly, the government initiated legislative reforms aimed at enhancing political participation and inclusion, notably with regard to the media, CSOs, the security sector and the electoral system. It also broke new ground in gender parity by allocating 10 of 20 Cabinet positions to women and appointing women as president of the country and president of the Supreme Court. These efforts signalled the onset of a genuine attempt to move towards a more just, inclusive and democratic political order.

Nevertheless, the reforms are facing a number of critical challenges. A resurgence of violent conflict in the past two years<sup>128</sup> and the resurfacing of the polarised political environment have threatened to derail the transition process. Communal and ethnic tensions have flared up in different regional states, manifesting in various degrees of violence with unpredictably diverse forms of triggers.

Contested identity issues and questions about administrative boundaries have precipitated tense relationships among some of the regional states: mainly between the Amhara and Benishangul-Gumuz, Oromia and Benishangul-Gumuz regions and among communities within or across the different regions; but most ominously between the Amhara and Tigray regions.

Most of these emanated from the rupture of state-party fusion and the intensification of contending nationalist mobilisation ushered in by the transition.<sup>129</sup> At the same time, the reforms have been fraught with deep-rooted divisions among key political elites, which partly explains the thorny relationship between the federal government and the Tigray People's Liberation Front (TPLF)-administered Tigray region. Overall, the absence of national cohesion, emanating from a weak state-society relationship, underlies the growing fault lines and political violence.

The Ethiopian government is managing a complex transition using inherited political and governance structures to regulate crises while at the same time trying to reform these structures.

In light of the fact that there is no easy fix for this predicament, calls for national dialogue are becoming increasingly common in Ethiopia. Almost a year ago the Institute for Security Studies (ISS) pointed out the need for genuine, inclusive dialogue to deal with the looming threats to transition processes. It should, the ISS underlined, be driven by both national and local players in Ethiopia.<sup>130</sup>

Political pundits have similarly called for 'a national conference of genuinely elected representatives of the people to have an open dialogue amongst themselves' to de-escalate tense situations and design a road map for transition.<sup>131</sup> The government itself has called for dialogue on a number of occasions. According to an advisor to a senior government official, official thinking about peace making has shifted. It now de-emphasises repressive measures in favour of softer approaches such as reconciliation and national dialogue.<sup>132</sup>

Most recently Prime Minister Abiy Ahmed also hinted at the possibility of nation-wide conversations about a range of issues, 'be it on federalism, constitution, national reconciliation, etc.'<sup>133</sup> Moreover, many opposition political parties have also called for dialogue as a way to avoid political and constitutional crises after the postponement of the August 2020 election.

These calls raise the question of what purpose a national dialogue may serve in Ethiopia. As discussed in earlier sections of this report, national dialogues can be conducted for a wide range of reasons. These may be

categorised as 'narrow or substantive objectives (such as security arrangements, constitutional amendments, truth commissions, etc) and as broad-based change processes (such as (re)building a (new) political system and developing a (new) social contract).'<sup>134</sup>

In Ethiopia a national dialogue could meet both these short- and long-term objectives.<sup>135</sup> Reasons for instituting such a process range from addressing immediate issues such as emerging political violence and instability, to long-term goals of ensuring a successful democratic transition and addressing contestations on matters relating to constitutional and federalism. More generally, these short- and long-term issues are in part attributed to or indicative of an incomplete state of national cohesion in the country.

### The deferral of Ethiopia's election has exacerbated an already complex political transition

National dialogue in Ethiopia could be justified for at least four inter-related reasons.<sup>136</sup> The first refers to the need for a short-term, narrow, substantive dialogue aimed at creating consensus about the transition process. The objectives could extend to agreeing on the end goal of the reform, establishing a broad framework for engagement among political actors in the interim, and improving relations between the federal and regional states.

As illustrated below, the deferral of the national election has further exacerbated an already complex political transition. The transition period brought to the fore the deep divisions of Ethiopian society, which had largely been contained through repression by successive regimes. These uncertainties stem primarily from one major determinant of the transition process itself – the divergent ambitions and interests of the actors involved. Political alliances among the forces that once joined hands to change the previous regime are rapidly realigning.

It is not clear whether the political elite that supported Abiy's rise to power continues to share the same vision of the Ethiopian state, invoking a deepening conversation about the 'Ethiopia we all want'.<sup>137</sup> Ethnic mobilisation,

which fundamentally propelled the current transition process, remains quite high, while the underlying issues are still largely unresolved.

The ruling coalition of four ethnically organised parties – the Ethiopian People’s Revolutionary Democratic Front (EPRDF) – which was at the centre of the transition, has metamorphosed recently into the unified national Prosperity Party. The new coalition assimilated the three members and other five affiliated parties of the EPRDF in a process that was heavily challenged by the TPLF, the founding member of EPRDF. The merger was also subject, to a lesser extent, to internal contestation in the parties that joined the Prosperity Party.

The reform process not only created winners and losers (a dichotomy signified by adjectives such as old guard/anti-reform versus reformists) but ‘also uncorked dangerous centrifugal forces, among them ethnic strife.’<sup>138</sup>

One key objective of the national dialogue would therefore be ‘to break political deadlocks and re-establish minimal consensus, while reform steps towards change can be negotiated.’<sup>139</sup> An important element in this regard could be a national dialogue targeted at curbing communal and ethnic tensions and improving relationships between the federal and regional states.

The second rationale is related to creating consensus about the conduct of the upcoming election, which has become increasingly contentious. For the major part of 2019 and 2020, opinions were divided about whether elections should be held in the prevailing polarised political environment. The TPLF and some opposition parties believed that if the election was not held in 2020 as scheduled, the current regime would face a legitimacy crisis as its mandate expires after September 2020.

Others believed it would be difficult to organise a free, fair and peaceful election because of instability in various regions and political divisions, which may preclude campaigning in various places.

Despite these reservations, plans were underway for the election to be held until Parliament postponed it following the onset of the COVID-19 pandemic. The postponement has triggered a deepening debate about a looming constitutional crisis. The debate is mainly over how the country is to be governed when the mandate

of the current government ends. The debate is still ongoing despite a recent decision by Ethiopia’s House of Federation to extend the term limit of the current government until the COVID-19 pandemic ceases to be a health threat and conditions are created for convening the election in the country.

In the circumstances, one objective of a national dialogue could be to forge a solid contract between the government and opposition parties to create consensus on a new date for the election as well as on conditions for it to be free, fair, legitimate and peaceful. Another aim could be how to encourage peaceful conduct and engagement among political actors before, during and after the election, taking into consideration the bigger picture of building a more unified state.

Third, national dialogue could also aim to address reconciliation issues as a means of achieving national consensus. Ethiopia’s process of making a modern state is fraught with claims and counter claims of historical atrocities and injustices.

From Emperor Menelik’s southward expansion at the close of the 19<sup>th</sup> and early 20<sup>th</sup> centuries to the EPRDF’s most recent developmental endeavours, it is not uncommon to find divergent views about key historical milestones that were purported to have had an impact on cultural identities, modes of local governance, livelihoods and the rights of citizens and communities. Discord about such issues is not merely historical; it still lingers within current political discourse, contributing to political polarisation that undermines national cohesion.

### National dialogue could address reconciliation issues as a way to achieve national consensus

A national dialogue with a truth and reconciliation element should aspire to address reconciliation as an avenue to national consensus, divorced from ambitions to gain access to or consolidate political power. The scope of national reconciliation in a national dialogue could extend to acknowledging and addressing injustices and atrocities covering a time frame to be decided during the dialogue process.

The national dialogue could potentially support the country's National Reconciliation Commission by creating consensus over a plan for broader reconciliation and transitional justice and making recommendations in a structured and inclusive manner. The timing will be important in harmonising the conduct of the two processes.

Fourth, national dialogue could also help address existing demands for constitutional review or amendment. Popular and elite perceptions differ starkly when it comes to the current constitution. One group asserts that the constitution is the right instrument for managing cultural and ethno-linguistic diversity and safeguarding both group and individual rights. This group believes what is needed is the implementation of various provisions of the federal constitution in their 'true letter and spirit'. If any amendments are needed, it would be, for example, to provide for more federal working languages, in addition to Amharic.

Others however advocate for fundamental changes to the constitution, mainly the scrapping of Article 39, especially the subsection on the right of nations and nationalities to self-determination up to secession.

### National dialogue could revisit the existing social contract to resolve historical and political issues

Consequently, national dialogue could also revisit the existing social contract and aim to end the political deadlock of the past 50 years or more, which failed to bring about accommodative politics and transform the political dispensation of successive regimes. The process should aim to address fundamental questions about the Ethiopian state such as how to govern a multi-ethnic and multi-religious society and the nature of identity politics as well as (new) constitution making or revision in the context of a broader discussion of a vision for the Ethiopia all Ethiopians want.

This report aims to add a voice to calls for a national dialogue as a strategy to complete the transition and surmount the centuries-long complex state-building challenges the country has faced. Agreement about the necessity for a national dialogue is not the

major challenge, as many academics, politicians and government officials now are openly calling for it. Instead, the call should be better articulated and more clarity provided about the process.

This report intends to contribute to the discussion about 'how to do it', without determining which issues should be discussed. That is the prerogative of the major stakeholders and should be undertaken during the preparation phase. This phase includes setting the agenda, designing the process, deciding who should participate and agreeing on decision making procedures.

## Conclusion

An analysis of the national dialogues in Sudan, South Sudan and Kenya, together with cases not covered in this report, offers a number of lessons for similar initiatives in Ethiopia and other countries in the region. The lessons mainly relate to critical 'political and procedural factors as well as conditions that enabled or constrained such initiatives in the past.'<sup>140</sup>

The significance of this analysis is its call to factor these elements into the design and implementation of similar processes in the future. It has not been to establish a causal link between these factors and the mixed results of the three national dialogues in resolving immediate crises and addressing long-standing risks.

The success or failure of these processes is a function of many more variables, which are beyond the scope of this report. Rather, the report attempts to illustrate how trust in and the legitimacy and credibility of national dialogues have been shaped by key determinants such as the presence or absence of key political players in the negotiation process, mandates that are too ambitious and the presence of competing processes.

Perhaps one resounding finding common to all three cases is the recognition that national dialogues should not be exercises in reaching agreement on paper or weathering the political storm of the day. Rather, they should be geared towards achieving implementable short- and long-term outcomes to manage crises or rewire state-society relations.

The case studies illustrate that a genuine and trusted process depends on adherence to the various process and context related factors discussed in this report.



Among other things, this precludes any attempt to play ‘politics’ with the dialogue for short-term objectives. Genuine intentions to recast the social contract and address political crises should take precedence over political games and survival attempts.

In the specific case of Ethiopia, an overarching consensus is emerging about the need for dialogue. The aims of the dialogue could be to avert a potential constitutional and political deadlock, agree on the date and conditions for the next election, create national cohesion and unity, and ultimately ensure the continuity of the state by revising state-society relations.

Political actors, especially the incumbent government, opposition parties and vocal activists, should seize this emerging consensus around the need for a genuine and inclusive national dialogue. Together with this broad observation, the following recommendations related to political and process factors should be kept in mind.

## Recommendations

### General recommendations

- **Garner trust among the major political groups and the public at large:** This aspect is especially pertinent given the existing polarised political discourse and opinions. This could be achieved by maintaining the transparency of the process, embarking on an inclusive preparation phase to agree on the substantive and procedural issues of the national dialogue and designating a neutral convener.
- **Insulate the process from undue political influence:** National dialogue is ultimately a political process and political actors may attempt to leverage their respective political interests through it. The integrity of the conveners and the transparency of the framework are key elements that safeguard national dialogue from such political interference.
- **Avoid common pitfalls:** Much as the case studies offered critical insights, which help in the preparation and conduct of future national dialogues, they also suggest a number of pitfalls and challenges to look out for. The four major ones are:
  - Deviance from or violation of a prescribed process or practice<sup>141</sup> such as deliberate selection of a partisan convener or a methodical attempt by any

group to ‘capture’ the process in order to retain or achieve power.

- Inattention to or inadvertent deviation from process design specifics<sup>142</sup> such as overlooking the preparation phase, failure to consider implementation mechanisms from the outset, failure to seize the political momentum for convening dialogue, or lack of focus, prioritisation or proper sequencing of the dialogue issues.
- A lack of skills, conditions or training<sup>143</sup> such as convening the national dialogue in non-conducive political and security environments and assignment of conveners that don’t have the requisite technical and political acumen.
- Process inadequacy or adherence to prescribed faulty or incomplete process,<sup>144</sup> for example, failure to include key stakeholders,<sup>145</sup> poor vetting of conveners and rushing or dragging out consultation instead of allowing for a more organic process.
- **Harness the role of the government:** The government plays the decisive dual roles of creating an enabling environment and actively participating. It should take the lead in demonstrating its commitment, sincerity and readiness to participate and support the implementation of recommendations that come out of the national dialogue. Ensuring the credibility and legitimacy of the process is a task that is incumbent on the government. To this end, it must consider it a major national project and allocate resources, grant access to the media, and strive to make it acceptable in the eyes of the public. It can contribute positively by taking steps to build confidence in the process. The conveners must harness the role of the government effectively.

### Preparation phase

- **Clarify the mandate and objectives:** The mandate and official status of the national dialogue should be clarified at the outset to avoid ambiguity. Suggested mandates and objectives for the Ethiopian process could include developing consensus over the upcoming election, developing a clear framework that supports truth and reconciliation efforts, play an advisory and consultative role in relation to issues of political transition, peace building, democratisation, transitional justice and institutional reforms and develop a roadmap and institutional framework that informs

the process of amending the existing constitution. While these are all options for national dialogue mandate and objectives, the need for incremental implementation is a key consideration.

- **Prioritise agenda items:** The objectives, agenda and scope of the dialogue must reflect the prevailing national imperatives and evolve within a wide consultation process. However, care must be taken not to tackle too many issues and there must be a balance between the breadth of the mandate and its efficiency.<sup>146</sup> For example, the issues could be categorised as either short or long term.
- **Select neutral conveners:** The need for a neutral, legitimate and able conveners or facilitators cannot be emphasised enough. Major selection criteria should be technical acumen, an in-depth understanding of Ethiopian politics, a known track record of integrity and no current active political roles or ambitions that might interfere with the integrity of the national dialogue. A rigorous consultative and transparent vetting process is essential. Conveners must be endowed with political, administrative and financial autonomy independent from executive control and oversight. One suggested option for convening a national dialogue in Ethiopia is that a consortium of conveners be selected, comprising key religious figures and organisations, CSO representatives, universities and think tanks. While some of these may lead the process, others may be assigned technical roles.
- **Clarify the design of the process:** Clarity is essential in terms of working methods, roles and functions, decision-making processes and other design related aspects. The design of the process must be supported by technical experts while reflecting a substantial degree of political sensibility.

### Dialogue phase

- **Balance inclusion and effective participation:** ‘Leave no one behind’ is a tempting principle to follow to ensure optimal representation. However, there is a concomitant imperative to ensure effective participation. A trade-off is required between the participation of key national political elites (government and opposition groups) and wider societal representatives. Overall, the key to achieving this balance lies in setting up transparent selection

criteria, a consultative selection process based on proper negotiation among key stakeholders and categorisation of primary and secondary groups of participants.

A national dialogue in Ethiopia should allow for the expression of divergent viewpoints, including those considered to be fringe or eccentric. Among those to be included are key actors within the different spectra of Ethiopia’s federalism discourse (the so-called ethno-nationalists and Pan Ethiopia nationalists), religious groups, women, youth, persons with disabilities, pastoralist communities, socially marginalised groups and so on. The participation of political actors should be at the highest level of leadership. Different forms of inclusivity should be considered, among them thematic multi-arena inclusivity or parallel negotiation platforms that feed into the main dialogue and the establishment of informal deadlock-breaking mechanisms.<sup>147</sup>

- **Link national dialogue with other political processes:** National dialogues are just one way of addressing political and security crises or long-term structural factors. They should complement other political processes. To this end, the national dialogue should be linked meaningfully to ongoing processes such as those undertaken by the National Electoral Board of Ethiopia, the National Reconciliation Commission and the Ministry of Peace. Furthermore, care must be taken to avoid dialogue fatigue among the public and political actors.

### Implementation phase

- **Institutionalise the implementation, monitoring and evaluation of recommendations:** It is essential to plan for the implementation of recommendations. Key decisions should be translated into legislation, policies and strategies. To this end it is crucial to establish specialised independent institutions tasked specifically to do this. Furthermore the implementation must be supported by a proper monitoring and evaluation mechanism that assesses progress and takes remedial action where there are challenges. Civil society organisations and think tanks can play a vital role in this regard.

## Notes

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- 99 Blunck et al, *National Dialogue Handbook*, 26.
- 100 Haider, National Dialogues: Lessons learned.
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- 106 Interview with Ambassador Francis M Deng, November 2019, Juba.
- 107 This was a key precondition of the panel if it was to take part in convening the KNDR. Conscious of these predicaments, the Annan team emphasised the importance of speaking with one voice and insisted that its mediation initiative was to be the only negotiation process between the Party of National Unity (PNU) and the Orange Democratic Movement (ODM) (Litscher, Kenya, *The National Accord*).
- 108 Paffenholz et al, What Makes or Breaks National Dialogues?
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- 111 Interview with South Sudanese peace and security expert, November 2019, Juba.
- 112 The National Document comprises 'seven chapters – Identity, Freedoms and Basic Rights, Peace and Unity, Economy, Foreign Relations, Governance Issues and Dialog Outcomes and Comprehensive Reform of the State Apparatus. It also includes close to 994 recommendations on a wide range of issues, aiming 'to establish a fair and legal political system, based on new constitutional, political, and community foundations, agreed on by the Sudanese people' (Czerep, Understanding Sudanese and South Sudanese 'National Dialogues').
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- 123 Interview with an expert who supported SSND, November 2019.
- 124 Email communication, 28 April 2020.
- 125 Blunck et al, *National Dialogue Handbook*, 150.
- 126 Ibid, 154
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- 129 Ibid.
- 130 D Yohannes and M K Dessu, National Dialogues are key to peace in the Horn, *ISS Today*, 27 March 2019, <https://issafrica.org/iss-today/national-dialogues-are-key-to-peace-in-the-horn>.
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