

POLICY PAPER

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MONITORING TRANSITIONAL JUSTICE IN ETHIOPIA:

THE CRUCIAL ROLE OF THE AFRICAN UNION

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Key Points:

- Ethiopia's Cessation of Hostilities Agreement is, in essence, an agreement on transitional justice.
- The agreement is the first national framework to make multiple references to the African Union Transitional Justice Policy.
- Ethiopia's transitional justice policy, grounded in African Union Transitional Justice Policy principles, addresses past injustices through criminal accountability, truth-seeking, reparations and institutional reforms.
- Ethiopia prioritises national ownership in its transitional justice process, demonstrating a preference for limited international involvement.
- The African Union has emerged as a trusted partner in Ethiopia's transitional justice efforts, which offers a unique opportunity for it to monitor the transitional justice process actively.
- African Union monitoring is crucial to ensure compliance with continental standards, prevent conflict relapse and support regional stability.
- By monitoring the Ethiopian process, the African Union can further solidify its role as a key bridge between Ethiopia and the international community.

Recommendations:

- The African Union must view the monitoring of Ethiopia's transitional justice as a responsibility rather than a discretionary task.
- The African Union needs to develop a monitoring framework that is both tailored and adaptive, aligning with African Union Transitional Justice Policy principles and Ethiopia's specific context.
- The African Union should collaborate with local civil society organisations in monitoring efforts to avoid political sensitivities and ensure the process is perceived as supportive rather than intrusive.
- Establishing a long-term, sustainable monitoring framework that extends beyond the African Union's immediate involvement should be a key focus.
- The African Union can utilise civil society resources and expertise to supplement its capacities in monitoring and implementing transitional justice measures.
- The African Union should undertake a detailed mapping of civil society organisations in Ethiopia to identify credible and committed organisations for collaboration in monitoring efforts.

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Introduction

Transitional justice is a critical process for societies transitioning from periods of conflict and systemic human rights violations to peace. It involves a range of measures designed to address historical injustices and promote healing, reconciliation and accountability. In this respect, the African Union Transitional Justice Policy (AUTJP), adopted in 2019, represents a monumental framework for AU member states to use in confronting legacies of extensive human rights abuses while fostering peace and justice.¹

The AUTJP promotes a holistic approach to TJ by integrating mechanisms for accountability, truth-telling, reparations and institutional reforms, all of which are essential for addressing past abuses and establishing sustainable peace. Its significance lies in offering a structured and systematic pathway for countries emerging from conflict or repressive regimes, with clear benchmarks for each mechanism.

The policy aids African countries in creating TJ measures that are context-specific and harmonised with African values and international human rights standards. It also emphasises national ownership of TJ by calling on the international community to collaborate with victims/survivors, the people and African leadership, avoiding the typically prescriptive and one-size-fits-all approach. In addition, by expanding the scope of TJ to include socio-economic and psychosocial issues, the policy broadens the field's traditional focus on civil and political rights violations.²

The AU's mandate for developing a TJ policy stems from various AU recommendations and decisions.

Key motivations included the AU's Agenda 2063 goal to end wars, a recommendation for the policy by the AU Panel of the Wise, and the AU Assembly's call to harmonise shared values in human rights, governance, democracy, development, peace and security.³

Interestingly, the AUTJP goes beyond merely outlining TJ principles and benchmarks; it asserts the AU's role in monitoring the implementation of TJ processes within member states. Paragraph 136 states: "The AUC [AU Commission] should follow up and evaluate transitional processes and the implementation of such processes by this TJ policy, as well as the participation and role AU bodies have assumed in such processes." This provision underscores the AU's commitment to ensuring that TJ processes are effectively carried out and that AU bodies play an active and supportive role in these endeavours.

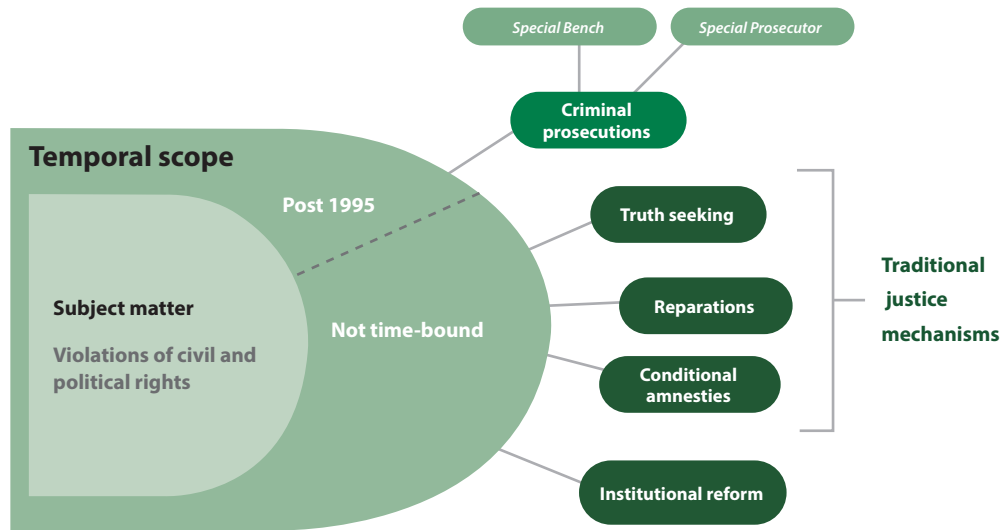
In light of this, this policy paper explores the potential for the AU to take a more active role in monitoring and supporting the implementation of TJ in Ethiopia, in line with the AUTJP, and in collaboration with key stakeholders. In doing so, the paper outlines the TJ process in Ethiopia and underscores the crucial role the AU has already played in its initiation and design.

Ethiopia's Transitional Justice Process

In April 2024, Ethiopia officially adopted a national TJ policy, following a series of public and expert consultations conducted nationwide.⁴ This policy is designed to confront and address past injustices through a multi-faceted approach that includes criminal accountability, truth-seeking, conditional amnesty, reparations and institutional reforms, while incorporating traditional justice mechanisms. The policy focuses on violations of civil and political rights, in particular for criminal accountability purposes.

- 1 African Union, Transitional Justice Policy (2019), https://au.int/sites/default/files/documents/36541-doc-au_tj_policy_eng_web.pdf
- 2 Tim Murithi, "Justice and Reconciliation in Africa: The Emergence of the African Union Transitional Justice Policy," in Bruno Charbonneau and Maxime Ricard (eds.), *Routledge Handbook of African Peacebuilding*, 1st ed., pp. 84–99 (London: Routledge, 2022).
- 3 African Union Transitional Justice Policy, para. 7.
- 4 Ethiopia Transitional Justice Policy (2024), available at: <https://transitionaljusticeeth.org/resources/የኢ.ፌ.ዲ.ሪ-የሽግግር-ፍትሕ-ፖሊሲ-ቦግጋሽነት/>; Transitional Justice Working Group of Experts, *Transitional Justice Options for Ethiopia: Public Consultations Report* (December 2024), available at: <https://atjhub.csvr.org.za/wp-content/uploads/2024/11/Amharic-Transitional-Justice-Working-Group-of-Experts-Transitional-Justice-Options-for-Ethiopia-Public-Consultations-Report-December-2024.pdf>

Figure 1: Main Features of Ethiopia's 2024 Transitional Justice Policy



Ethiopia's TJ policy aims to address the country's violent past comprehensively, extending beyond the recent armed conflict in the northern regions. Notably, the policy does not impose a temporal limitation on its truth-seeking and reparations pillars. Instead, it proposes an inclusive scope, covering violations of civil and political rights dating back as far as available evidence permits. This broad approach, while potentially posing a significant implementation challenge, reflects the policy's aspiration to foster a more comprehensive process of truth and accountability that spans multiple generations.

In addition, Ethiopia adopted a detailed roadmap for implementation in July 2024,⁵ aimed at eliminating potential barriers to implementation from both legislative and institutional perspectives. This roadmap focuses on setting TJ in motion by enacting the required legislation, such as a bill to domesticate international crimes into Ethiopia's legal system. These legislative measures will also support the creation of new TJ institutions, such as the Truth, Amnesty and Reparations Commission, the Special Prosecutor's Office, the Special Bench, and the Institutional Reform Commission.

The roadmap envisions the establishment of a coordinating institution to address issues of sequencing and ensure complementarity and synergy in implementing various pillars of TJ. Identifying and removing potential impediments to implementation and establishing new institutions must be participatory and rigorous, and the AU has a key role to play in this.

Tracing African Union Involvement in Transitional Justice in Ethiopia

Ethiopia's TJ plan is based on the provisions in the AUTJP. The Transitional Justice Working Group of Experts, tasked by the Ministry of Justice with conducting public consultations on TJ and drafting the policy, references the AUTJP in its Green Paper on Transitional Justice Policy Options for Ethiopia, released in January 2023.⁶ The group has also asserted that the national TJ policy is firmly rooted in the principles of the AUTJP.

Ethiopia's TJ policy aligns closely with the core principles outlined in the AUTJP, emphasising public participation and national and local ownership. It integrates essential values such as equity and non-discrimination,

5 Ethiopia Transitional Justice Implementation Roadmap, (August 2024), available at: <https://transitionaljusticeeth.org/resources/27-የኢትዮጵያ-የሽግግር-ፍትህ-አተገባበር-ፍ/>

6 Transitional Justice Working Group of Experts, *Ethiopia: Policy Options for Transitional Justice* (January 2023), <https://atjhub.csvr.org.za/wp-content/uploads/2024/11/English-Transitional-Justice-Working-Group-of-Experts-Ethiopia-Policy-Options-for-Transitional-Justice-January-2023.pdf>

traditional justice mechanisms, context specificity, and the sequencing and balancing of TJ elements. The policy also considers the gender and generational dimensions of past violations, along with cooperation, coherence and capacity building for sustainability.

Furthermore, the policy highlights key cross-cutting issues by prioritising the participation of women and girls, youth, persons with disabilities, internally displaced persons, refugees and older persons. Following a holistic approach, like the AUTJP, it combines restorative, reparative and retributive justice elements to create a balanced and inclusive framework for comprehensively addressing historical injustices.

The involvement of the AU in Ethiopia's TJ process began with the Cessation of Hostilities Agreement (COHA) between the Ethiopian government and the Tigray People's Liberation Front (TPLF), signed in Pretoria, South Africa, on 2 November 2022. The COHA stands as a testament to the AU's ability to facilitate peace in Ethiopia through dedicated diplomatic efforts. The agreement's preamble underscores the AU's centrality, particularly in setting up the African Union High-Level Panel led by former President Olusegun Obasanjo of Nigeria and supported by former President Uhuru Kenyatta of Kenya.

The COHA is an agreement for TJ as much as it is about other aspects of the cessation of hostilities. TJ is the agreement's objective, as enshrined in paragraphs 7 and 8 of Article 1. As one of the COHA's underpinning principles, Article 2(f) explains that TJ should be implemented in accordance with the AUTJP and the Ethiopian Constitution. Even more, Article 10(3) of the agreement puts two sets of obligations on the Ethiopian government: the obligation to develop a policy and the obligation to implement it.

Regarding the national policy, the COHA requires the government to develop a TJ policy with input from all stakeholders, including civil society groups, through public consultations and formal national policy-making processes. As for implementation, the COHA states: "The Government of Ethiopia shall implement a comprehensive national transitional justice policy aimed at accountability, ascertaining the truth, redress for victims, reconciliation, and healing, consistent with the Constitution of FDRE and the African Union Transitional Justice Policy."

The COHA marked a historic moment for both Ethiopia and the AU. It was the first agreement of its kind to explicitly reference the AUTJP as a foundational framework for the post-conflict justice process. This landmark inclusion ensured that Ethiopia's TJ policy-making process embraced the principles of accountability, truth-seeking, reparations, institutional reform and reconciliation outlined in the AUTJP.

Moreover, the COHA represents a significant milestone in Ethiopia's TJ journey, although the country had been contemplating dealing with the past even before the outbreak of the conflict in Tigray. The comprehensive and nationally inclusive policy envisioned in the COHA provided a robust framework for dealing with not only the violence associated with the war in Tigray but also the many other violent conflicts that the country has not adequately addressed.

The Case for Proactive Monitoring by the African Union

The AU's unique engagement with Ethiopia's TJ process, coupled with the alignment of the AUTJP with Ethiopian policy, presents an opportunity for the AU to actively monitor Ethiopia's process. Such monitoring would be vital to ensuring Ethiopia's adherence to the continental framework and key to establishing a model for AU-led TJ initiatives across Africa. However, this responsibility demands proactive AU engagement and may require navigating multiple avenues of collaboration and carefully considering the complexities unique to the Ethiopian context.

Arguably, monitoring the implementation of TJ in Ethiopia should be more than just a discretionary exercise for the AU. While the COHA did not explicitly establish a monitoring structure for TJ – contrary to its provisions for overseeing the cessation of hostilities – the COHA's references to the AUTJP as the objective (Article 1), guiding principle (Article 2) and framework for implementation (Article 10) implicitly assign a supervisory role to the AU.

This interpretation gains further weight when considering the AUTJP's own stipulations. In particular, paragraph 136 of the AUTJP imposes an obligation on the AUC to "follow up and evaluate transitional justice

processes and the implementation of such processes in accordance with the AUTJP.” When considered alongside the COHA, this provision elevates the AU’s engagement from a supportive function to one of active supervision, ensuring compliance and accountability throughout the implementation phase. Consequently, it is reasonable to surmise that both the Ethiopian public and the COHA’s signatories may look to the AU to monitor and steer the process in alignment with established norms and principles.

Moreover, the AU’s responsibility should be contextualised within the broader objectives of the COHA. Lasting peace in Ethiopia hinges not merely on the cessation of hostilities but also on the effective execution of TJ. The cessation of hostilities represents a fragile and preliminary peace, necessitating robust mechanisms to avert a relapse into conflict. TJ is pivotal in this regard, with direct implications for other critical components of the COHA, including the permanent and comprehensive cessation of hostilities (Article 3), protection of civilians (Article 4) and disarmament, demobilisation and reintegration (Article 6). Hence, the AU’s role must be viewed holistically, as it provides an additional layer of oversight and support essential to maintaining the trajectory of the peace process. This is especially crucial in Ethiopia, where deep-rooted internal divisions and historical grievances present formidable obstacles to long-term stability.

Finally, the regional dimensions and implications of Ethiopia’s TJ process demand and justify the AU’s direct engagement. The successful implementation of TJ in Ethiopia, with the AU’s active monitoring and support, can address the regional dimensions of Ethiopia’s internal conflicts and potentially serve as a model for other African nations grappling with similar challenges. By fostering a regional approach to peacebuilding and TJ, the AU can enhance stability and cooperation among neighbouring states. Given that many countries on the continent are burdened by transnational historical grievances and cycles of violence, the AU’s involvement

could have far-reaching effects, serving as a case study for similar situations elsewhere in Africa.

The African Union as Ethiopia’s Trusted Transitional Justice Partner

The AU has established itself as a trusted partner in Ethiopia’s TJ process, a role underscored by its successful COHA facilitation and the AUTJP integration into the process, also exemplified by the AUTJP’s translation into Amharic. Ethiopia’s reliance on the AUTJP as the bedrock of its TJ strategy signals a broader acceptance of AU-led initiatives, reflecting a convergence between the AU’s regional approach and Ethiopia’s national policy direction.

The AUTJP’s emphasis on national ownership resonates strongly with Ethiopia’s preference for sovereign control over its TJ process.⁷ This alignment is particularly significant in light of Ethiopia’s explicit rejection of interference from other international actors. Ethiopia has refused to entertain proposals for hybrid or special courts involving international experts serving as co-judges and co-prosecutors. Additionally, the country has deliberately excluded international experts from holding direct roles in critical components of its TJ framework. Ethiopia’s implementation roadmap prioritises the involvement of experts with international experience over the engagement of foreign or international experts, even in advisory capacities.

Two main factors shape Ethiopia’s cautious stance. The first is the international community’s persistent focus on framing the TJ agenda solely as a response to the conflict in Tigray. This narrow approach, even when measured against the provisions of the COHA, fails to capture the broader and national complexities that Ethiopia attempts to deal with. The second factor is Ethiopia’s perception that the international community is adopting a prescriptive, one-size-fits-all approach to TJ. This perception has been reinforced by statements from Ethiopian officials, such as former Minister of

7 Solomon A. Dersso, “African Union Transitional Justice Policy: Expanding the Frontiers of Transitional Justice,” policy brief, Centre for the Study of Violence and Reconciliation (May 2021), <https://www.csvr.org.za/the-african-union-transitional-justice-policy-expanding-the-frontiers-of-transitional-justice>

Figure 2: The Decremental Proposal for International Involvement in Ethiopia’s Transitional Justice

Green Paper (Dec. 2023)	TJ Consultations (2023–2024)	TJ Policy (April 2024)	Roadmap (July 2024)
No international experts	International experts as co-judges and co-prosecutors, with direct engagement in TJ commissions	International experts as advisors and training providers	Local experts with international experience in lieu of international experts

Justice Gedion Timothewos’ assertion, “We welcome partners, we welcome advice – not dictates.”⁸

Amidst these dynamics, the AU holds a unique position as a trusted partner that can balance Ethiopia’s desire for autonomy with the genuine need to adhere to international standards. The AU’s established rapport with Ethiopia, combined with its approach to TJ that advocates for a holistic and nationally owned process, enables it to align Ethiopia’s TJ efforts with international norms while respecting national ownership. By serving as a bridge between Ethiopia and the international community, the AU can help ensure that the TJ process is both effective and consistent with global expectations.

Nonetheless, being a trusted partner is one thing; being able to conduct effective and adaptive monitoring of that process is another. Given that proactive monitoring of TJ is unprecedented for the AU, the critical question is: how should it effectively oversee Ethiopia’s TJ process?

Setting a Precedent: Approaching the Context Differently

The AU has already set a precedent by successfully integrating the AUTJP into both the COHA and Ethiopia’s national framework, marking a significant milestone in its TJ efforts. During the policy development phase, the AU provided critical support through resource mobilisation and technical assistance. Ethiopia’s translation of the AUTJP

into Amharic, with translations into other local languages underway, highlights its commitment to the policy and endorsement of the AU’s initiatives.

As Ethiopia transitions to implementation, the AU has a unique opportunity to establish another precedent by actively monitoring the process, moving beyond its typical advisory role in other African TJ initiatives. Ethiopia’s context provides a platform for direct AU involvement, allowing it to build on its earlier contributions and reinforce its dedication to the successful realisation of TJ. To ensure this, the AU must develop a clear and effective monitoring strategy.

The AUTJP as a guiding framework: By emphasising AUTJP principles such as African leadership, African shared values, local and national ownership, and traditional and complementary justice, the AU can create a monitoring framework that aligns with Ethiopia’s TJ policy. This approach respects Ethiopia’s preference for a sovereign, locally-driven process while ensuring effective oversight. The AU’s monitoring must promote optimal accountability standards, truth-seeking, reparations, institutional reforms and reconciliation. In other words, monitoring grounded in respecting national ownership should not be misused to tolerate a plan for impunity.

Tailored and adaptive monitoring: The AU’s monitoring should be tailored and adaptive, reflecting the unique context and evolving needs. Establishing a dedicated team with expertise in TJ, human rights and conflict

8 “Nat’l Ownership, Responsibility Key to Realize Transitional Justice Policy – MoJ,” FanaBC, 10 May 2024, <https://www.fanabc.com/english/natl-ownership-responsibility-key-to-realize-transitional-justice-policy-moj>

resolution is essential. This team should employ adaptive monitoring, regularly adjusting strategies based on real-time developments and feedback. By closely collaborating with Ethiopian institutions, civil society and international partners, the AU can ensure its efforts align with the AUTJP framework while remaining flexible and responsive to Ethiopia's TJ progress.

Responsive monitoring strategy: If the AU's monitoring efforts reveal a lack of compliance on Ethiopia's part with the agreed principles of TJ, the AU could take several measured actions to reinforce compliance and support Ethiopia in addressing gaps.

1. **Engagement and dialogue:** The AU could initiate a structured dialogue with Ethiopian authorities, highlighting areas of non-compliance while offering technical assistance to address specific challenges. By creating a collaborative platform, the AU can encourage Ethiopia to recommit to the principles laid out in the AUTJP, considering the Ethiopian context and without undermining Ethiopia's national ownership of the process.
2. **Advisory recommendations and targeted support:** If compliance issues persist, the AU could collaborate with other international actors supporting TJ implementation in the country and issue advisory recommendations. These would clarify the expected standards of compliance and suggest actionable steps that align with the AUTJP framework. In addition, the AU and its partners could provide targeted support, such as capacity-building initiatives or technical assistance, to assist Ethiopia in implementing these recommendations.
3. **Regional and international peer engagement on experience sharing:** The AU could mobilise African and international partners to engage Ethiopia through peer dialogue, drawing on experiences from other countries that have successfully implemented TJ processes. This peer-supported approach would add weight to the AU's monitoring and encourage Ethiopia to align more closely with best practices in TJ.
4. **Public reporting and increased oversight:** If serious non-compliance or continued stagnation becomes evident, the AU could enhance

transparency through public reporting. This could be done with the national human rights institution, the Ethiopian National Human Rights Commission. Issuing periodic public reports on Ethiopia's progress and challenges would increase accountability and signal the AU's commitment to high standards. Increased oversight, including more frequent and detailed reviews, could also be implemented to ensure Ethiopia's TJ process remains on track.

5. **Direct civil society and victim group engagement:** To maintain impartiality and uphold the AUTJP principles, the AU could strengthen partnerships with Ethiopian civil society organisations and victim/survivor groups. Direct engagement with these stakeholders can provide the AU with an independent perspective on Ethiopia's compliance and build a more comprehensive picture of the TJ process. This form of collaboration could, in fact, be considered an entry point for the AU to start the monitoring process, as detailed below.

By implementing a responsive monitoring strategy that includes these mechanisms, the AU can ensure that its role is not limited to passive observation. Instead, it can actively promote accountability and support Ethiopia's TJ goals.

Entry Point: Monitoring in Collaboration with Civil Society Organisations

Even with its status as a trusted partner, the AU's move to initiate direct monitoring of Ethiopia's TJ process now, two years after the cessation of hostilities, could be politically sensitive. There is no guarantee that the Ethiopian government and other stakeholders would not perceive it as external interference or a challenge to national sovereignty, potentially leading to resistance or backlash. The AU must tread carefully to avoid undermining the peace process and the implementation of TJ.

To navigate this delicate situation, a more effective strategy would be for local civil society organisations (CSOs) to lead regular monitoring efforts in collaboration with the AU. Local

CSOs, with their deep understanding of the political landscape, established networks and trust within communities, are well-positioned to provide crucial on-the-ground insights.

By partnering with these organisations, the AU can enhance its monitoring efforts while avoiding the political implications of direct involvement. This collaboration would leverage the CSOs' expertise in human rights, legal advocacy and community engagement, ensuring that the monitoring process is thorough, inclusive and responsive to the needs of victims/survivors and other stakeholders without triggering political sensitivities.

Building a hybrid monitoring model: The AU and local CSOs can jointly develop tailored and adaptive monitoring guidelines that integrate the AUTJP with Ethiopia's specific policy directions. This hybrid monitoring model would combine the AU's continental oversight with the localised expertise of CSOs, ensuring a more nuanced and context-sensitive approach. Through this model, the AU and CSOs can facilitate regular assessments, identify gaps and recommend corrective actions, ensuring that Ethiopia's TJ process remains aligned with national priorities and continental standards.

A supportive rather than intrusive approach: Collaborating with CSOs can significantly enhance the perception of the AU's monitoring efforts as supportive rather than intrusive. Organisations deeply rooted in local communities and well-versed in the national context can help reinforce local ownership of the TJ process. This approach fosters trust and cooperation, ensuring that the monitoring process is viewed as an effort to assist rather than impose. As a result, the monitoring would face less resistance, and recommendations made through this collaborative process are more likely to be accepted and effectively implemented.

Sustainable and timely monitoring: Working with CSOs enables the AU to establish a sustainable monitoring framework that can extend beyond its immediate involvement, which is crucial given

the often prolonged nature of TJ processes. CSOs, with their established presence and ongoing activities, can provide the continuity and long-term oversight needed to ensure that the TJ process remains effective and adaptable to changing circumstances. Through this approach, the AU not only ensures consistency in monitoring but also creates a mechanism for immediate interventions and timely corrective measures.

Leveraging resources and expertise: Given the limited number of experts and resources within the AU Transitional Justice Unit, especially considering its extensive continental responsibilities, partnering with CSOs can provide critical support in several ways. CSOs, with their well-established networks and fundraising experience, offer the AU valuable opportunities for collaboration in securing the necessary financial resources. This partnership can bridge funding gaps and ensure sustained financial backing to monitor and implement TJ measures effectively. Moreover, CSOs are indispensable in addressing the complex challenges inherent in TJ processes by identifying and onboarding a diverse and robust pool of experts, thereby supplementing the AU's capacities with specialised skills and insights.

Recognising Civil Society Limitations

While collaborative monitoring of Ethiopia's TJ process is crucial, the AU must be mindful of the state of the country's civic space. Despite the progressive 2019 CSO Proclamation,⁹ many CSOs still operate under the lingering effects of a decade of repression, which has affected their capacity and shaped their interactions with both the state and international bodies involved in TJ. While some CSOs have shown remarkable resilience by working in conflict zones to advocate for human rights and peace, others have exhibited partisan tendencies or engaged in rent-seeking behaviour. These organisations can become gatekeepers, stifling the entry of new ideas and actors, and often resist engaging in genuine, critical evaluations of the TJ process. Some have even distanced themselves from the process altogether due to scepticism about its genuineness.

9 Organisation of Civil Societies Proclamation No. 1113/2019, entered into force 12 March 2019.

International CSOs are not exempt from these challenges. Although they may not face the same resource constraints, many have opted for remote involvement in Ethiopia's TJ efforts, relying on a small pool of consultants rather than engaging directly on the ground. Given these challenges, it is essential for the AU to conduct a thorough mapping of the CSO landscape in Ethiopia. This will allow the AU to identify credible and committed organisations that can collaborate effectively in monitoring the process, ensuring it is carried out with the necessary rigour and impartiality.

The AU can collaborate with capable and committed CSOs by conducting a comprehensive mapping, categorising them across TJ pillars – such as truth-seeking, reparations, accountability and institutional reforms – identified in Ethiopia's TJ policy. While specialised monitoring is necessary, care must be taken to avoid fragmentation that could undermine the holistic implementation of TJ. Further, clear eligibility criteria focusing on independence, track record and ethical practices should guide CSO selection, supplemented by stakeholder consultations with local communities and victim/survivor groups for credible insights.

It is essential to recognise that CSOs in this context are not limited to professionalised, urban human rights organisations. A variety of civil society actors can play crucial roles, including community-based organisations, traditional and religious authorities, women's movements, professional associations and others. Preference should be given to organisations that involve these diverse groups or consortia formed by them, ensuring a more inclusive and representative approach to TJ. Additionally, the involvement of victim/survivor groups is crucial to ensure a victim-centred monitoring process.

To ensure impartiality, the AU should implement a thorough vetting process, emphasising transparency and ethical standards. Capacity-building initiatives can further enhance CSOs' ability to operate effectively and

impartially. Regular monitoring and audits will help maintain compliance and adapt strategies as needed. Additionally, fostering diverse representation from various regions and communities ensures balanced perspectives, while transparency in the selection process and engagement with stakeholders, including victim/survivor groups and independent experts, will bolster public trust and accountability, ensuring a rigorous and objective monitoring process.¹⁰

Conclusion

The inclusion of the AUTJP in the COHA presents a unique and unprecedented opportunity for the AU to take an active role in monitoring the implementation of TJ within a member state. This involvement is justified by the need to ensure adherence to continental standards, prevent a relapse into conflict, and foster regional stability. The AU can effectively support Ethiopia's journey towards sustainable peace and justice by approaching this context with tailored, inclusive and adaptive mechanisms and collaborating with CSOs.

The AU's direct monitoring, moving beyond its traditional role of supporting policy domestication, will benefit Ethiopia and strengthen the AU's role and credibility in promoting TJ and peacebuilding across the continent. The responsibility to monitor, which emanates from the COHA and paragraph 136 of the AUTJP, underscores the necessity and legitimacy of the AU's proactive involvement in this critical process.

Given the political sensitivity of initiating direct monitoring at this stage, as well as resource and expertise considerations, collaboration with CSOs emerges as the most viable and effective strategy for ensuring the success of TJ in Ethiopia. Although this approach balances the need for rigorous oversight with the imperative to respect national sovereignty and foster local ownership of the TJ process, the CSO landscape in Ethiopia requires a careful assessment.

¹⁰ See further, Simon Robins and Jasmina Brankovic, *Maximising Popular Participation in Transitional Justice in Africa: A Guidance Paper for Multilateral Actors* (Johannesburg: Centre for the Study of Violence and Reconciliation, 2024).

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