FOREIGN AFFAIRS

Can Justice Bring Peace to Ethiopia?

How to Heal Divisions After Decades of War

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November 15, 2023

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In November 2022, the Ethiopian government signed a cease-fire with the Tigray People's Liberation Front. The international community hailed the agreement as a possible turning point: the TPLF and Addis Ababa, along with smaller militias and Eritrean forces, had been fighting outright for two years; during this time, up to 600,000 people died—some directly from violence and others after losing access to clean water, food, and medical care. More than two million people were displaced from their homes, and every actor in the conflict was accused of war crimes, including mass killings,

sexual violence, enforced starvation, and the destruction of educational and medical facilities.

The war in Tigray, however, has roots as old as the nation itself, making post-conflict justice much more complex. Ethiopia is composed of more than 80 ethnic groups. The 1974 military coup that ended Emperor Haile Selassie's tenure—which had already been marked by repression—kicked off a cycle of violence that never truly abated. During the junta's 17 years in power, civil war and violent repression campaigns claimed the lives of up to two million Ethiopians. In 1991, a coalition of ethnonationalist groups dominated by the TPLF overthrew the junta and implemented ethnic-based federalism, but state-led violence and ethnic tensions created continued unrest. Ethiopians' longing for peace appeared to be answered in 2018 when Abiy Ahmed of the Oromo Democratic Party came to power, ushering in a wave of reforms and promising more inclusive governance. But his government's conflicts with the TPLF only escalated—leading, again, to war in late 2020.

In the year since the Tigray cease-fire, Ethiopians have expressed a near-unanimous desire for transitional justice. Our nationwide survey conducted in June and July 2023 found that more than 90 percent of Ethiopians said it would be unacceptable to move forward without truth seeking, trials, or reparations. They differ sharply, however, on what timeframe to focus on and who should lead the efforts. These differences, the complex historical context, and the absence of a political transition following the Tigray conflict make finding the right transitional justice process both urgent and tricky. Transitional justice processes must begin by delineating the timeframe and territorial scope for accountability efforts. But if these boundaries are too narrowly drawn, the process risks leaving old wounds untreated.

In theory, many victims in Ethiopia want perpetrators dealt with by domestic courts and traditional processes. But they also deeply distrust the government. And a growing body of research—including our ongoing analysis of transitional justice in 99 countries affected by civil war—suggests that post-conflict trials and, especially, reparations programs can help immensely in securing long-term peace. But they can also hurt. Done incorrectly, transitional justice processes can set a country back, reinforcing a sense of social and political exclusion among certain groups.

In June and July 2023, we conducted a nationwide survey of over 6,600 randomly selected Ethiopian adults examining their needs and attitudes related to peace and justice. It found that the impact of historical violence extended far beyond Tigray. It also found that Ethiopians have diverse preferences and priorities when it comes to transitional-justice mechanisms and a high level of distrust in their institutions. Transitional justice is crucial for Ethiopia. But the form it takes must avoid driving the country back into conflict.

To build trust, the Ethiopian government must engage with survivors and formally recognize the harm done to them, proceed with trials for serious crimes committed by all sides, and then pursue staggered strategies to tackle different communities' grievances. The international community should support these efforts. To succeed, transitional justice should not only address recent war crimes but start healing deeper scars to set Ethiopia down a different path.

CONFLICT AVOIDANCE

Many people in post-conflict societies around the world put hope in transitional justice to hold war criminals accountable and to help break cycles of violence. Transitional justice processes can include criminal trials,

tribunals, or ceremonies based on local traditions, truth-seeking commissions, and reparations programs, among others. A number of highly visible cases have made the concept familiar, such as the post-apartheid Truth and Reconciliation Commission in South Africa and the over 10,000 traditional community courts that tried *genocidaires* in Rwanda. But mounting evidence from these programs suggests they must be carefully planned. Drawing boundaries around suffering can create more tension as political actors seek to protect themselves, survivors push for the broadest possible mandates, and practical limits are imposed by legal considerations.

For over a decade, we have gathered and analyzed global data on transitional justice mechanisms to evaluate whether they encourage democratization and the protection of human rights while preventing more violence. Our most recent study incorporates data on transitional justice in 99 different states that experienced civil war from 1970 to 2020, examining whether transitional justice mechanisms are statistically correlated with a lower risk of further armed conflict and what kind of processes might best prevent new atrocities.

The study reveals that transitional justice processes best reduce the odds of a conflict recurring when they include domestic trials and reparations. Criminal prosecutions for human rights crimes significantly lower the risk of war's return. Other things being equal, holding ten domestic trials for human rights violators of any rank could amount to around a 25 percent decrease in the probability of conflict recurring. (Notably, international prosecutions by organizations such as the International Criminal Court do not seem to drive down that probability, though they are associated with fewer future deaths from atrocities.)

Similarly, reparations programs, despite the challenges of implementing them, are associated with a 50 percent decrease in the likelihood that conflict will resume. One good example is Peru's Plan Integral de Reparaciones (PIR), initiated in 2007 to compensate victims of the internal armed conflict that affected the country from 1980 to 2000. The program has restored civic rights to citizens and provided other reparations such as free education and healthcare access, direct payouts to victims of the conflict, housing for women and children affected by violence, and public apologies. The PIR has registered over 200,000 victims and, by 2018, it had paid over $96 million to 98,132 beneficiaries. Civil war and outright political violence in Peru ended shortly after the PIR started its work.

Perhaps surprisingly, truth commissions by themselves do not appear to reduce the likelihood of renewed conflict. In fact, they are associated with a higher chance of conflicts recurring—possibly because regimes might use such mechanisms to avoid genuine accountability. Despite global evidence of its positive effects, scholars and practitioners worry that transitional justice, if not done carefully, can worsen the situation of survivors. In the wake of the 2003 U.S.-led invasion of Iraq, for example, de-Baathification appeared to exacerbate subsequent social and political conflicts, demonstrating that transitional justice measures must be context sensitive. Even the much-lauded South African Truth and Reconciliation Commission that followed the end of apartheid may have deepened corruption and racial inequality because of its lack of focus on accountability.

MIXED SIGNALS

Since the Ethiopian government's cease-fire with the TPLF, international actors, including the U.S. Department of State, have called for credible, inclusive, comprehensive justice and accountability for those responsible for abuses in Ethiopia; these calls focus on the Tigray region between 2020 and

2022. The Ethiopian government is weighing its policy options, establishing a Transitional Justice Working Group of Experts comprised of Ethiopian lawyers, scholars, and practitioners to inform its decision. But Ethiopians' strong support for trials, truth seeking, and reparations hides a much more complex and divided set of views on how to achieve justice in practice.

Delimiting the timeframe and territory that an Ethiopian transitional justice process addresses will be challenging. Our nationwide survey of 6,689 randomly selected Ethiopians from 220 randomly chosen communities across all regions revealed that Ethiopians far beyond Tigray had been exposed to political violence. Seventy-six percent of Tigrayans said they had been directly affected by violence after 2018, but more than half of the population in several other regions reported exposure to political violence, too. Relevant violence had occurred earlier than 2018, as well: more than 50 percent of respondents reported having experienced property crimes, physical violence, arbitrary detention, and other crimes that stemmed from political conflict occurring before 2018 in areas outside Tigray, such as Afar and Amhara in the north and Gambela in the west.

The high incidence of violence before and after 2018, and its geographic spread, indicates that no easy starting point can be drawn for crimes that deserve accountability. In the survey, more than two-thirds of Ethiopians asserted that the violence that occurred since 2018 should be prioritized. A significant number, however—36 percent—also suggested prioritizing the period between 1991 and 2018; less than half the population in regions such as Afar, the Somali region of Ethiopia, and Harari prioritized the period since 2018, reflecting how Ethiopia's troubles have affected different areas over time.

The survey also found marked regional differences in Ethiopians' preferences for types of trials. A plurality of Ethiopians—41 percent—favored using existing domestic courts to pursue accountability, 23 percent favored creating a new special domestic court, 23 percent favored establishing a hybrid court employing both domestic and foreign judges, and smaller percentages favored pursuing justice through United Nations or African Union courts. In Tigray, however, just two percent of respondents favored using domestic courts; 60 percent favored a UN tribunal. By contrast, less than five percent of respondents in regions such as, Benishangul Gumuz, Sidama, or the South West Ethiopia Peoples' Region favored a UN tribunal. A single approach to justice simply may not be universally accepted or effective.

In a few prior cases, countries have applied traditional or indigenous approaches to justice and reconciliation, notably in Rwanda and Uganda. The idea of using traditional dispute-resolution mechanisms, such as councils of elders, does have wide support in Ethiopia: 80 percent of the survey's respondents said that these traditional methods should be used to address the legacy of violence; even in Tigray, customary courts are supported by more than half the population. Most people, however, believe that traditional mechanisms should be used to deal with property crimes (69 percent) rather than more serious crimes such as sexual violence or mass killings.

BREACH OF TRUST

Competing demands among survivors of violence is not a new or surprising phenomenon. It is, in fact, a frequent theme in transitional justice contexts worldwide. In Ethiopia's case, however, the challenge of reconciling such demands is exacerbated by the risk that any approach may be viewed through a sectarian lens and undermined by institutional distrust. If accountability efforts are perceived to marginalize certain communities, they

may simply fuel resentment, perpetuate societal divisions, and potentially lead to further unrest.

Distrust among Ethiopian communities is pronounced: only 29 percent of respondents said they trusted individuals from other ethnic groups. This is significantly lower than the levels of interethnic trust seen in other places riven by ethnic conflict, such as the eastern part of the Democratic Republic of the Congo. (There, more than 20 polls we ran between 2013 and 2022 found that interethnic trust never dipped below 60 percent.) Ethiopians' distrust of all levels of government—national, regional, and local—is similarly high. Less than a third of the population believes that the government acts in their best interests. And less than five percent of Ethiopians in Tigray and Amhara expressed trust in federal authorities; distrust was equally high even in Addis Ababa, the capital.

Conflict still simmers in Amhara and Oromia. Ethiopian troops have recently faced allegations by the UN-appointed International Commission of Human Rights Experts on Ethiopia that they are committing atrocities there. These claims further throw the Ethiopian government's commitment to justice into question. Less than a quarter of Ethiopians specifically trust that the government considers the population's perspective in its efforts to hold perpetrators of violence accountable. Domestic courts are often seen as the only avenue for justice: only 29 percent of Ethiopians want to see the international community actively involved in accountability efforts. But their distrust also extends to the justice system, with less than a third expressing trust in their judges or existing investigative systems.

The Ethiopian government is unlikely to support an international or hybrid tribunal, and its major allies, including the U.S. and the EU, seem reluctant to push for one. But domestic trials may well lack public credibility and

support. When the very institutions responsible for enforcing justice and promoting reconciliation are viewed with such suspicion, it casts doubt on the entire process and its outcomes. This only serves to deepen mistrust, making the population more wary of state actions.

FROM WAR TO PEACE

Great complexity and risk come with any attempt to pursue transitional justice in Ethiopia. That complexity calls for a conflict-prevention lens—a process intentionally designed to prevent renewed conflict by identifying decisions that could spark violence, especially in the absence of a political transition. Transitional justice that emphasizes conflict prevention stresses dialogue with different communities, transparency, and inclusive policies that consider the intricacies and sensitivities involved in addressing past grievances.

A conflict-prevention lens does not entail prioritizing peace over justice. In fact, a growing body of data shows that criminal accountability and reparations are integral to preventing conflict and atrocity, and Ethiopians are unequivocal in their belief that justice is a necessary condition for peace. Ethiopian participants in our survey ranked accountability for past violence among the top three things their country needs to achieve lasting peace, alongside a reduction in poverty and better education, with remarkable consistency across regions.

A first step toward transitional justice in Ethiopia will be for the government to move beyond declarations about accountability and formally commit to recognizing that harm has been done to a wide swath of Ethiopians over decades. The Federal Parliamentary Assembly could pass an official act recognizing past wrongdoing. That must include an official

apology or statement of responsibility, an important step toward meeting survivors' need for recognition.

The government can build on the work of its Transitional Justice Working Group of Experts by empowering an independent effort to create a comprehensive mapping of harm and engage survivors about their needs. Such an effort would help preserve the historical record and recognize survivors' desire for redress. These initial measures must then be reinforced by tangible actions aimed at resolving ongoing conflicts, addressing the impunity both government and nongovernment actors currently enjoy, and sustaining peace. The government may be reluctant to move beyond selectively prosecuting nongovernment perpetrators. But it is imperative that there be trials for serious crimes committed by all sides. Holding such trials is in the government's interest: global research shows that fair criminal trials curb the likelihood of future violence.

Criminal prosecution serves a crucial role in transitional justice. But it may not address the full range of harm. Financial and political constraints in Ethiopia present challenges to implementing an expansive transitional justice process, but a pragmatic approach would involve adopting a staggered and varied strategy to address grievances stemming from different eras and geographic regions. For example, customary courts could play a role in resolving local conflicts and holding lower-ranking individuals accountable, reflecting the diversity of demands for justice across the country. The international community must support these efforts by providing resources and expertise and by maintaining impartial oversight to ensure the process is inclusive, transparent, and fair.

Regardless of the Ethiopian government's policy choices, it will be critical to identify possible fault lines and anticipate unintended consequences so that

transitional justice can be survivor-centered, credible, impartial, and effective. Accomplishing this will be no small challenge. But it can be done. After enduring decades of violence, Ethiopians deserve a real shot at peace. With smart, impartial transitional justice, they can have it.
