

Julius Osega Memorial Lecture
Organized by the School of Law, Addis Ababa University and Center for
Human Rights, University of Pretoria

Date and Time: 29 September 2017, 2:00-5:00 PM

Venue: Nelson Mandela Hall, Main Campus, Addis Ababa University, Addis Ababa, Ethiopia

Report

Welcome Speech by Dr. Yonas Birmeta

After the participants took their seats, Dor. Yonas Birmeta, the Head of School of Law, Addis Ababa University, made the following welcome speech:

Dear Distinguished Guests, Ladies and Gentlemen, College Students,

It is my pleasure and honor to welcome you all to this Annual Lecture dedicated to Julius Osega. First, I would like to express my gratitude for you for taking your time to attend this very important Memorial Lecture.

As you well know, today's lecture is organized in recognition and acknowledgement of human rights defenders from all sectors of society. Especially, the lecture is organized in commemoration of the late Julius Osega, a human rights defender and alumnus of the center for human Rights, University of Pretoria, who passed away on July 8,2008 while in the line of duty, working for the United Nations Mission in Darfur. Osega, a Ugandan Police Officer, was ambushed in a valley on that day while on UN duty. Osega and six other peacekeepers were killed while they had gone to investigate deaths close to where they perished. Detective Superintendent Julius Osega was set for a promotion to be elevated to the post of legal officer for UNAMID, the UN/AU mission in Darfur. Prior to his departure to Darfur, Osega served as a lawyer at the police Legal Department where he was distinguished and highly honored for his commitment to keep the peace in Darfur.

The 2017 edition of Julius Osega memorial Lecture has been organized by the Center for Human Rights of the University and the School of law, Addis Ababa University in recognition of human rights defenders who lost their lives while protecting defenseless and hopeless civilians. The School of law of Addis Ababa University wishes to extend its gratitude for Dr. Dersso for

accepting our invitation to deliver his lecture on this very important topic. The Memorial Lecture focuses on the theme “The Quest for an Inclusive and Equal Citizenship: Our time’s burning question”. Similarly, the School of Law also praises the Center for Human Rights for giving us the opportunity to host this year’s Julius Osega Memorial Lecture. It is now several years since the School of Law of Addis Ababa University and the Center for Human Rights of the University of Pretoria have forged a special relationship and partnership aimed at the strengthening of human rights education and research in our respective institutions.

Having said that, I call upon Dr. Solomon Negussie to make the opening remarks and declare the Lecture open.

Welcome Speech by Dr. Solomon Negussie

The Dean of the College of Law and Governance Studies of Addis Ababa University, Dr. Solomon Negussie, also made the following welcome and introductory speech:

Dear Professor Frans Viljoen, Director, the Center for Human Rights University of Pretoria; Dr. Solomon Ayele, Commissioner, the African Commission on Human and Peoples’ Rights; Dr. Yonas Birmeta, Head, School of Law; dear faculty members, students and invited guests, on behalf of Addis Ababa University School of Law and Center for Human Rights, University of Pretoria, it gives me a great pleasure to welcome you to this important occasion: the 2017 Julius Osega Memorial Lecture which is to be marked by the presentation of Dr. Solomon on the topic of ‘The quest for an inclusive and equal citizenship: our time’s burning question’. We are proud to have him in this important occasion and I thank him for accepting our offer for him to deliver a speech.

This Memorial Lecture is organized in collaboration with the Center for Human Rights, University of Pretoria to recognize, acknowledge and commemorate human rights defenders from various sectors of society in Africa. The Late Julius Osega is one of those who were committed to defend human rights and rule of law not only in his home country Uganda but also in other parts of Africa- equally in Darfur. This is one of the values which our College upholds and promotes in its various activities.

This occasion is one of the outcomes of the partnership that we have with the Center for Human Rights, University of Pretoria in promoting research and publication, exchange program, human rights and related activities. Our College engages in teaching and training, research and publications and provision of community service. The College trains professional at Bachelor, Masters and PhD levels. In terms of research, the College publishes the Journal of Ethiopian Law, Journal of Federal Studies, Journal of Ethiopian Human Rights and series of publications focusing on specific areas, such as business law, human rights, international and constitutional law. Moreover, the College through School of Law offers legal aid services to the needy through its four legal aid centers and it is currently striving to expand the number of the centers. To take the quality of its services to the highest level, the College is working hard to strengthen its partnership with African, European and American universities. Thus, I call upon alumni of our faculty to participate in the various programs and activities we have.

Finally, I thank Professor Frans who travelled along the way from South Africa to join us in this important occasion and the Center for Human Rights, University of Pretoria for their support to make this occasion happen. I also express my appreciation to Dr. Yonas and his team for organizing this event.

Once again, I welcome you all for this occasion and I thank you for coming!

Introducing the keynote Speaker to the Participants

Following the speech of the Dean, Dr. Mizanie Abate, the Associate Dean for Graduate Programs of the College of Law and Governance Studies of Addis Ababa University has introduced the keynote speaker to the participants. His speech is reproduced below:

Dr Solomon Ayele Dersso is Commissioner of the African Commission on Human and Peoples' Rights, African Union's premier human rights body. A non-faculty assistant professor of human rights law at College of Law and Governance, Addis Ababa University, Dr Dersso is a leading expert on the Peace and Security Council, the highest decision making body of the AU on matters of peace and security. Before joining the African Commission, Dr Dersso has led the work of the Institute for Security Studies (ISS) –a leading think tank on the African Union and its Peace and Security Council. He served as senior researcher and editor of the regular publication, the Peace and Security Council Report. Among others, Dr Dersso initiated and

launched a new yearly publication called the Annual Review of the Peace and Security Council for which in 2014 he was awarded the ISS innovation award.

Dr Dersso has rich experience in research, teaching, policy analysis and policy development work as well as project management in his diverse areas of work and research interest including constitutionalism and rule of law, minority rights, peace and security in Africa, human rights and international criminal justice. As a recognized legal scholar in his various areas of expertise, Dr Dersso has delivered keynote speeches, lectures and briefings in various international and regional platforms. He also advises various international organizations, civil society organizations and inter-governmental bodies. Dr Dersso has published widely in the various area of his expertise and has to his credit one single authored book, three monographs, two edited books, more than two-dozen journal articles and book chapters and numerous papers and reports.

Apart from engaging in peace and security research and practice and legal scholarship including teaching, Dr Dersso regularly writes commentaries and op ed articles on current African affairs including as a columnist on Al Jazeera English. He received a PhD degree from the School of Law, University of the Witwatersrand, LLM Degree from the Centre for Human Rights, University of Pretoria and LLB from School of Law, Addis Ababa University.

*Based on the invitation of the School of Law of Addis Ababa University and the Center for Human Rights, Faculty of Law, University of Pretoria, Dr. Dersso is here with us today deliver a speech on the topic “**The quest for an inclusive and equal citizenship: Our time's burning question**” the occasion of the Julius Osega Memorial Lecture on Democratization in Africa.*

The Lecture by Dr. Solomon Ayele Dersso

'The quest for an inclusive and equal citizenship: Our time's burning question'

The Full lecture is attached as a separate document.

Question and Answer Session

After the keynote speech and a brief summary of the core points of the presentation by the moderator, the floor was made open to participants for questions and comments. The questions and comments received in two rounds are summarized as follows:

- In order to address problems that the country has been facing which you have also mentioned in your representation, the President of the Republic promised for the revision of some laws, such as electoral and CSOs laws. However, quite recently, a representative of the government, in a forum on negotiation with opposition parties, contended that the government will not negotiate on constitutional amendment to incorporate proportional presentation approach of electoral system. In light of this recent development, how do you assess the feasibility of legal and constitutional reform in Ethiopian to address crucial issues that the country is facing? Given that there are manifestation of lack of sincerity on the part of the ruling party in its ongoing negotiation with opposition parties and effort to put corruption under control, do you think that the ruling party will be willing and able to undertake the necessary reforms?
- Do you think that privatization of land or adopting a mixed approach of government and private ownership will reduce land grab problem in Ethiopia which has caused arbitrary displacement of citizens?
- Regarding the recent conflict in border areas of Oromia and Ethiopian Somali, some took a position that this is result of the ethnic-based federalism that the country has adopted and implemented. Others argued that the cause is the power rivalry among party-members of the coalition ruling party. What is your take on this?
- The manner of implementation of the federal system has damaged the deeply entrenched social fabric. We should do something to deal with this problem.
- The post-1991 over politicization of ethnic identity has contributed to the relegation of other groups including national minorities.
- The concepts you raised; namely, citizenship, equality and inclusiveness, are globally applicable. Thus, given that there are globally widely shared problems, it would have been better to discuss them in broader perspective instead of focusing on Ethiopia.

Alternatively, it makes more sense to relate these concepts to local realities and values to make them relevant and their application realistic.

- The challenges that Ethiopia is facing to realize equality and inclusiveness have to do with lack of civility, friendship and kindness. Civility, friendship and kindness should be cultivated to address the problems.
- A communication challenging the CSOs law's compatibility with the African Charter was submitted to the African Commission; but, it was rendered inadmissible by the Commission for lack of exhaustion of local remedy: failure to take the matter before the House of Federation. In the light of the fact that every allegation of violation of human right may relate to the rights recognized in constitution, is it proper for the Commission to render the communication inadmissible because it is not decided by the House of Federation?
- Constitutional amendment presupposes substantial implementation of the exiting guarantees of the constitution. In the Ethiopian case, the constitutional guarantee of human rights and fundamental freedom (such as freedom of speech, assembly, association and religion) and other provisions have been hardly implemented. If so, how does your recommendation of constitutional amendment work?
- In a country where the formal structure of the constitution is undermined by informal structure, what will be the importance of constitutional amendment?
- Are the election provisions the only provisions that require amendment in the constitution? Shouldn't we seize the opportunity to amend other problematic provisions?
- The ruling party adopts the practice of democratic centralism. Is democratic centralism another name for unitary state? A sizable number of people opine that Ethiopia is a federal state on paper but a unitary state in practice. Do you agree with this assertion?
- What do you think is the implication of competition among party-members of the coalition ruling party on democratic centralism?
- Generally, democratic recession started to take root commencing from early 2000s. The role of international organizations continues to be minimal. Democratic governments continue to work with all type of regimes. Is there any hope for change?
- I do not think that the issue of amendment of laws to introduce proportional representation is too late. The amendment is underway.

- Changing the constitution will entail the destruction of the country because it is the constitution that creates the state.
- The current government justifies that every problem is the hangover of the previous unitary governments. How long should this government be allowed to externalize its own problems?

Reflection by the keynote Speaker

- The problem that Ethiopia is facing relates both to lack of implementation of the existing constitution and defect in the constitution itself. Thus, both should be done: aligning practices with the constitution and constitutional reform. For instance, to change the electoral system from majority to proportional representation system, it is a must that the constitution should be touched.
- However, constitutional amendment requires dialogue not only among political parties but also among citizens and other stakeholders. It is through dialogue that we can identify areas that call for constitutional reform.
- Amendment of the constitution should at a minimum include electoral reform in favor of proportional representation. But to change the electoral system to rectify its defects without touching the constitution will be an attempt to change the constitution through extra-constitutional avenues.
- We can start the constitutional reform with the amendment of the electoral system amendment because there is a huge polarization on the need to amend it. There are people who fear that constitutional reform will take us back to the past.
- Although the ruling party is at the center of the crisis, it may not be at the center of the solution unless it puts its house in order.
- As a matter of fact, there is no country the secured growth solely based on foreign aid and foreign investment. It is equally true that foreign investment can contribute to the development of a country. The problem lies in giving agricultural lands to foreign investors without consultation and adequate compensation of land holders.
- I do not think that the ethnic-federalism in itself is a source ethnic conflict in various areas. Politics is at the center of the problem. Ethiopia has not worked enough to create one political community. The government is taking the constitution as a menu: taking

what is convenient and ignoring what is not convenient. The constitution should be taken as a package.

- It is true that we have come to the point where democratic centralism is falling apart. The manifestation for this is internal discontent. But, this change may not be positive. One year after the announcement of the President for reform, no substantial change is made so far.
- Democratic centralism is not synonymous with unitary state. In a unitary state, decision making is centralized both in law and practice. The problem of the current federal system is the departure of the practice from the aspiration of constitution.
- The problem with democratic centralism is that it gives decision making to elites by alienating the people.
- It is also true that citizenship, equality and inclusiveness have global relevance. But, each country may have peculiar problems in relation to them. The challenges of inequality and lack of inclusiveness has nothing to do with culture. However, the idea that systems should be adapted to culture is acceptable.
- The lack of civility, friendship and kindness problems in Ethiopia can be associated with the lack of well-developed political culture. We are living in a country where political differences are not celebrated. Civil societies have important role in instilling a culture of civility, friendship and kindness among citizens.
- The issue of reliance on hangover of past regimes to justify current problems goes to the issue of political culture. We need to have space for other spheres of life on top of the state. But unlike other countries, everything happens and comes from the state in Ethiopia.

Closing Remarks

After the question and answer session, Professor Frans Viljoen, Director of the Center for Human Rights, University of Pretoria made a concluding remark. In his brief speech, Professor Frans clarified the context in which the Julius Osega Memorial Lecture is being held. He mentioned that the purpose is to disseminate human rights education in Africa and to remember the contributions of Julius Osega. Professor Frans has also clarified to participants how the Human Rights and Democratization program of his institution works in partnership with 14

partner universities across Africa. As a manifestation of the partnership, the Julius Osega Memorial Lecture is organized on rotation basis by all partner universities. Finally, Professor Frans concluded his speech by thanking the keynote speaker, the School of Law and College of Law and Governance Studies of Addis Ababa University as well as the funding institution (the European Union) for making this program successful.

















