PROCLAMATION No.1265/2021

A PROCLAMATION TO ESTABLISH
THE ETHIOPIAN NATIONAL
DIALOGUE COMMISSION

WHEREAS, there are difference of opinions and disagreements among various political and opinion leaders and also segments of society in Ethiopia on the most fundamental national issues and it is a necessity to resolve the differences and disagreements through broad based inclusive public dialogue that engenders national consensus;

WHEREAS, enormously conducting inclusive National Dialogues is important to bolster national consensus along the way a culture of trust and of working together as well as mend degraded to restore social values; the National Dialogue process societal values and since it has become necessary to legally institute a system that facilitates the National Dialogue process;
**WHEREAS**, the legitimacy and credibility of National Dialogue processes is contingent upon among others the capability and impartiality of the entity that facilitates and leads the deliberations and since it has become necessary to establish an institution with widespread legitimacy that could coordinate and lead the deliberations capably and impartially;

**NOW, THEREFORE**, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby Proclaimed as follows.

**PART ONE**

**GENERAL**

1. **Short Title**

This Proclamation may be cited as the “The Ethiopian National Dialogue Commission Establishment Proclamation No. 1265 /2021”

2. **Definition**

In this Proclamation, unless the context otherwise requires:

1/ **“The Council of the Commission”** means a Council constituted by all the Commissioners of the National Dialogue Commission;

2/ **“Commissioner”** means the Commissioner of the National Dialogue Commission appointed by the House of Peoples’ Representatives, based upon nomination by the Speaker in accordance with Article 12 of this Proclamation;
3. **Principles of the National Dialogue**

1/ The National Dialogue and the general works of the Commission shall be directed by the following principles:

   a) inclusivity;
   b) transparency;
   c) credibility;
   d) tolerance and mutual respect;
   e) rationality;
   f) implementation and context sensitivity;
   g) impartial facilitator;
h) depth and relevance of Agendas;
  i) democracy and rule of law;
  j) national interest;
  k) using national traditional knowledge and values.

2/ The Council of the Commission may include additional principles it deems necessary.

PART TWO

ESTABLISHMENT OF THE COMMISSION, OBJECTIVE, STRUCTURE, DUTIES AND RESPONSIBILITIES

4. Establishment

1/ The Ethiopian National Dialogue Commission (hereinafter “the Commission”), an impartial and independent organ of the Federal Government with its own legal personality has been hereby established by this Proclamation.

2/ The Council of the Commission shall be accountable to the House of Peoples’ Representatives.

5. Head Quarter

The head quarters of the Commission shall be in Addis Ababa and it may have branch offices in Regional States as necessary.

6. Objectives of the Commission

The Commission shall have the following objectives:

1/ Facilitate consultation between the various segments of the society by identifying the root causes of the difference on fundamental national issues and identifying the topics on which the discussion will take place;
2/ Implement an effective National Dialogue process by ensuring that National Dialogues are inclusive, lead by a competent and impartial body, with a clear focus on the cause of disagreements, guided by transparent system, and have a plan to implement the results of the consultations;

3/ Establish a system of deliberations that will improve the relationship among the different segments of the population as well as between the public and the Government so as to enable the creation of new political dispensation that is marked by mutual trust;

4/ Support the implementation of the recommendations made by the dialogues and build a democratic system of trust between citizens, the government and the People at the national level;

5/ To develop a political culture that can solve internal problems that have been simmering for centuries through dialogues and create a conducive environment for the building of a democratic system;

6/ Lay the social and political foundations on the basis of which current problems can be solved in a sustainable manner, ensuring lasting peace;

7/ Lay a firm foundation for national consensus and the building of a State with strong legitimacy.
### 7. Organization

The Commission shall have:

1. A Council of Commissioners;
2. A chief Commissioner;
3. A deputy chief Commissioner;
4. A Secretariat;
5. Committees as may be necessary and
6. Necessary staff.

### 8. Term of the Commission

1. The term of the Commission shall be three (3) years.
2. If necessary, the term of the Commission may be extended by the House of Peoples’ Representatives.
3. The term of the Commission shall commence from the time Commissioners have been appointed in accordance with this Proclamation.

### 9. Duties and Responsibilities of the Commission

The Commission shall have the following duties and responsibilities:

1. It shall establish Committees and teams of experts that will facilitate and implement dialogues, conduct studies and generate recommendations;
2. It shall study national dialogue processes that had been carried out by governmental or non-governmental entities and their outcomes, and shall use the same as input in national deliberations it will conduct;
3/ It shall identify differences among different political and opinion leaders and also between societies on national issues through studies, public discussions or other appropriate modalities;

4/ Craft agenda for dialogue, based on issues identified in accordance with Sub-Article (3) of this Article organize dialogues and facilitate deliberations;

5/ It shall organize and convene dialogue forums at the Federal and Regional levels that would bring about national consensus with the participation of representatives of various segments of society drawn from the entire country;

6/ It shall identify and enable participants to take part at a national dialogue conference in accordance with clear criteria, issued detail Directive on this matter;

7/ It shall cause dialogues to be chaired by commissioners or facilitators to be appointed by the Council of Commission, it ensures that the person who are appointed as facilitators meet the qualifications for Commissioner as provides under Article 13 of this Proclamation as much as possible;

8/ It shall appoint professionals who will take minutes of dialogues, consolidate and organize the recommendations of the dialogues and present the same to the Council of Commission;
9/ It shall enact and implement internal Regulations and Directives pertaining to the secretariat internal working procedures, the selection of topics or Agenda for the dialogue and selection of participants to take part in National Dialogue forums;

10/ Prepare a document for the National Dialogue conference Agendas, the process of the dialogues, the recommendations obtained from the dialogues and strategies to implement the recommendations, and submit the same to the House of Peoples’ Representatives, to the Executive organ and to the relevant organs, and also disclose to the public;

11/ Provide support to the government in the preparation of a clear and concrete plan that would enable it to implement the recommendations arising out of the national dialogue;

12/ It shall devise a system to monitor the implementation of recommendations;

13/ It shall carry out other activities necessary to accomplish its objectives.
10. **Meeting of the Council of the Commission**

1/ The regular meetings of the Commission shall be held in accordance with the internal rules of procedure of the Council of the Commission. However, the Council of the Commission may hold extraordinary meetings when such meetings are called by the Chief Commissioner or at the request of fifty plus one (50+1) of the Commissioners;

2/ The quorum of the Council of the Commission is constituted if fifty plus one (50+1) of the Commissioners are present;

3/ The decisions of the Commission shall be held by agreement of the members of the Council of the Commission; However, if no agreement is reached the decisions shall be passed by a majority vote of Commissioners present;

4/ In the event of a tie, the chair of the meeting shall have the casting vote;

5/ without prejudice to the provisions of this Article, the Commission may adopt its own rules of procedure for its own meetings.
PART THREE
THE COMMISSIONERS

11. The Commissioners

1/ The Commission shall have eleven (11) Commissioners;
2/ The Chief Commissioner of the Commission, the Deputy Chief Commissioner and other Commissioners shall be appointed by the House of Peoples’ Representatives;
3/ The House of Peoples’ Representatives shall decide on the appointment of the nominees after ascertaining that they fulfil the criteria set out under Article 13 of this Proclamation.

12. Appointment of Commissioners

Commissioners shall be appointed in the following manner:

1/ The Secretariat of the Speaker of the House of Peoples’ Representatives shall receive from the public, political parties and civil society nominations of individuals who could serve as Commissioners;
2/ In accordance with the requirements set out in Article 13 of this Proclamation, the office of the Speaker of the House of Peoples’ Representatives shall prepare a shortlist of at least fourteen potential candidates for the post of Commissioner, disclose to the public and submit it to the the Speaker of the House of Peoples’ Representatives;
3/ The list of candidates shall be inclusive of gender and other forms of diversity;

4/ The Speaker shall consult with the leadership and representatives of opposition political parties, civil society organizations and the interreligious Council on the list of nominees.

5/ After conducting the consultation provided for under Sub-Article (4) of this Article, the Speaker shall submit to the House of Peoples’ Representatives nominations for appointments to the post of Chief Commissioner, Deputy Chief Commissioner and Commissioners.

13. **Criteria for the Appointment of Commissioners**

Anyone who shall be appointed as a Commissioner shall fulfil the following requirements:

1/ Ethiopian National;

2/ Committed to serve all religions, Nations, Nationalities and Peoples of Ethiopia equally;

3/ Not a member of any political party;

4/ Capable to make a significant contribution to national consensus;

5/ Have a good character and personality;

6/ Trust worthy by the public;

7/ Not convicted for charges of committing any serious crime;

8/ Shall have a competence to discharge the activities of the commission;
9/ Willing to devote his full time for the activities of the Commission.

14. **Renumeration and Benefits of Commissioners**

The renumeration and benefits of the Commissioners shall be provided in accordance with the benefits and salary scheme of Senior Government Officials.

15. **Obligations and Rights of Commissioners**

1/ Any Commissioner shall have the following rights:
   a) unless he is caught in flagrante delicto or his immunity is stripped by the House of Peoples’ Representatives, shall have immunity from criminal prosecution during the course of his service as a Commissioner;
   b) freely participate and vote in the work of the Council of the Commission;
   c) get access to and consult documents and other information useful for the work of the Commission; and
   d) participate in committees and other works of the Commission in accordance with the decision of the Council of the Commission.

2/ Any Commissioner shall have the following obligations:
   a) discharge the responsibilities and duties of the Commission with due care;
16. Removal of Commissioners

1/ Any Commissioner could be removed from his position on any of these grounds:

a) If he is incapable of discharging his responsibility due to serious illness;

b) devote his full time to the work of the Commission;

c) avoid conflict of interest;

d) maintain the confidentiality of secrets acquired in the course of his work;

e) refrain from engaging in conduct that could undermine the Commission’s impartiality, reputation, prestige and impede its effectiveness;

f) respect any other rules and Regulations of the Commission.

2/ A Commissioner shall be removed from his post by a decision of the House of Peoples’ Representatives when a request for such removal is submitted to the Speaker of the House by anyone with evidence of the existence
of one of the grounds stipulated under Sub-Article (1) of this Article and if the request is deemed credible by the Speaker and is tabled for the decision of the House, or a request for removal is initiated by one third member of the House or not less than three Commissioners, and a decision in favor of the removal is passed by the House of Peoples’ Representatives.

17. **Resignation**

Any Commissioner who desires to resign from the Commissions could do so after providing a two-month prior written notice to the Council of the Commission and the Speaker of the House of Peoples’ Representatives.

18. **Other Government Post**

Any Commissioner who is removed from his post pursuant to Article 16 or resigns voluntarily pursuant to Article 17 shall not be nominated for other Government post for two years.

19. **Replacement of a Commissioner**

1/ A Commissioner shall be appointed by the House of Peoples’ Representatives among the list of candidates who are not appointed as provided under Article 12 of the Proclamation where a Commissioner is removed or resigns, or dies Pursuant to Article 16 and 17 of this Proclamation.

2/ Without prejudice to Sub-Article (1) of this Article, the Speaker shall present for the House of Peoples’ Representatives for appointment from
the appointed Commissioners or from nominated candidate Commissioners where a Commissioner removed or resigns, or dies is Chief Commissioner or Deputy Chief Commissioner.

PART FOUR
COUNCIL OF THE COMMISSION, CHIEF COMMISSIONER AND SECRETARIAT

20. Council of the Commission

The Council of the Commission shall constitute all Commissioners.

21. Powers and Responsibilities of the Council of the Commission

The Council of the Commission shall have the following powers and responsibilities:

1/ Examine potential topics for public dialogue and set the Agenda for public deliberation;

2/ Examine and compile detailed recommendations that have been prepared by Committees and generated in public dialogue forums and adopt to be submitted to the House of Peoples' Representatives, the Executive organ and other relevant government organs;

3/ Examine and adopt the annual budget of the secretariat;

4/ Examine and adopt the overall report of the secretariat;

5/ Establish necessary Committees;

6/ Decide to establish branch offices in Regional states;
7/ Examine and adopt the audit report of the secretariat;
8/ Elect a temporary chairperson among its members of the Chief and Deputy Chief Commissioners are absent from their post for a consecutive period of ten days;
9/ Adopt the organizational structure of the Secretariat;
10/ Approve the appointment of the Head of the Secretariat;
11/ Issue Directives necessary to implement the Proclamation;
12/ Adopt the Commissions’ Code of Conduct;
13/ Adopt the internal Regulation of the Secretariat.

22. Responsibilities and Powers of the Chief Commissioner

The Chief Commissioner shall have the following responsibilities and powers:
1/ He shall serve as the chairperson of the Council of the Commission;
2/ Lead the overall activities of the Commission;
3/ Table the Agenda of the Council of the Commission;
4/ Call extraordinary meetings of the Council of the Commission as necessary;
5/ Oversee the overall activity of the secretariat;
6/ Represent the Commission in its relationship with other organs;
7/ Present a report to the House of Peoples’ Representatives;
8/ Present to the Council of the Commission a nominee to be appointed as Head of the Secretariat;

9/ Hire and administer the staff of the Commission in accordance with Federal Civil Servants Law;

10/ Prepare the budget of the Commission jointly with the Ministry of Finance and present the same to the House of Peoples’ Representatives for approval;

11/ Carry out other tasks assigned to him by the Council of the Commission.

23. Responsibilities and Powers of the Deputy Chief Commissioner

The Deputy Chief Commissioner shall have the following responsibilities and powers:

1/ Carry out the duties of the Chief Commissioner in his absence;

2/ Perform tasks assigned to him by the Chief Commissioner.

24. Secretariat of the Commission

1/ The Secretariat of the Commission shall be lead by a head who is not a Commissioner.

2/ The Secretariat shall have other necessary staff.

3/ The Secretariat shall be accountable to the Chief Commissioner.
25. The Responsibilities and Duties of the Secretariat of the Commission

The Secretariat of the Commission shall have the following responsibilities and powers:

1/ Identify the organizational structure of the office of the Commission for the approval to the Council of the Commission;

2/ Provide overall administrative and financial services to the Commission;

3/ Provide the inputs and other services necessary for the performance of the activities and responsibilities of the Commission;

4/ Keep the minutes, records of the decisions, financial documents and other information in an organized manner;

5/ Assist the Chief Commissioner in the preparation of the budget of the Commission; and

6/ Perform other responsibilities to be assigned to it by the Council of the Commission or the Chief Commissioner.

26. Responsibilities and Duties of the Head of the Secretariat of the Council

1/ The Head of the Secretariat shall have the following duties and responsibilities:

a) prepare the organizational structure of the Commission to the Council for its approval;
26. Functions of the Secretariat

(a) provide a report regarding the activities of the Secretariat to the Chief Commissioner and the Council of the Commission;
(b) present the work plan of the Secretariat to the Council of the Commission for approval; and
(c) lead and administer the Secretariat in the performance of the duties and responsibilities assigned to it in this Proclamation.

2/ The Head of the Secretariat shall be accountable to the Chief Commissioner.

PART FIVE
MISCELLANEOUS PROVISIONS

27. Source of the Budget

1/ The budget of the Commission shall be allocated by Government.
2/ Without prejudice to Sub-Article (1) of this Article, the Commission may collect fund from other legal sources.
3/ The Commission has the full power to administer its budget independently in accordance with the Principles of government finance administration through internal bylaw to be adopted by the Council of the Commission.

28. Books of Accounts

1/ The Commission shall keep complete and accurate books of accounts.
2/ The books of accounts and financial documents of the Commission shall be audited annually by the Auditor General or by Auditors designated by him.
29. **Power to Issue Regulation and Directive**

1/ The House of Peoples’ Representatives may issue Regulation regarding the discipline conditions of Commissioners, Employees of Commission, panellists and Organs take part in the consultation process.

2/ The Council of the Commission may issue Directives necessary for the effective implementation of this Proclamation and Regulations issued under Sub-Article (1) of this Article.

30. **Documents of the Commission**

1/ The Commission shall have a responsibility to handover, the documents prepared in time of national dialogue, minutes and other similar documents prepared in the term of the Commission, to the Secretariat of the House of Peoples’ Representatives and to the Ethiopian Archives and Library Service for preservation.

2/ The Ethiopian Archives and Library Service shall have the responsibility, the received documents, to properly organize, preserve and produce conditions for person who wants to see and use the documents for different purpose.

31. **Duty to Cooperate**

Everyone has an obligation to cooperate with the Commission pursuant to any lawful request of the Commission in the discharge of its mandate.
32. **Inapplicable Laws**

No laws, in so far that they are inconsistent with this Proclamation, shall be applicable with respect to matters covered under this Proclamation.

33. **Effective Date**

This Proclamation shall enter into force upon the date its approval by the House of Peoples’ Representatives on the 29th day of December 2021.

Done at Addis Ababa, on this, 13th Day Of January, 2022

SAHLE WORK ZEWEDIE

PRESIDENT OF THE FEDERAL

DEMOCRATIC REPUBLIC OF ETHIOPIA