RESEARCH ARTICLE

TRANSITIONAL JUSTICE AND MEMORY POLITICS IN CONTEMPORARY ETHIOPIA

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ABSTRACT

Ethiopia's successive regimes have encountered challenges of implementing transitional justice mechanisms in post transitional periods. Tracing implementation of transitional justice mechanisms, how such attempts shaped memory politics and by reviewing the country's contemporary history, the article shows that justice has mostly transpired in the form of punishing a political ideology than holding individuals accountable. The recording of history and understanding of the past events and memories also lack consensus. Moreover, entrenched ethnic politics has also made implementation of justice mechanisms and addressing issues of memory politics extremely challenging. Taking these into account, the article concludes that institutional ineffectiveness and entrenched ethnic politics have affected transitional justice processes and issues of memory politics in Ethiopia's context.

KEYWORDS: Ethiopia; Transitional Justice; Memory Politics; Punishing Ideology; Ethnic Politics; Ethnic Federalism

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1. Introduction

Transitional justice, as this paper posits, refers to legal as well as political efforts, whereby past crimes are investigated, suspects are tried and those with verified history of perpetration of crimes against humanity or other broader sets of crimes against the state and the citizenry are held accountable. In doing so, transitional justice mechanisms, whether implemented via restorative or retributive approaches, help make an important departure from the unwanted past and the transition into a fresh start serve as well as a necessary step to reach a relative success in addressing memory politics challenges. In that regard, transitional justice, according to this article, weighs more on whether the laws were aptly served or applied in post transitional periods, with respect to the case in contemporary Ethiopia (Teitel 2000). However, the article also recognizes the evolutionary growth in the study of transitional justice as it pertains to matters of advocacy related to conflict resolution and processes of democratization, among many others (Subotic 2012). With regards to the topic of memory politics, this article also focuses on how successive Ethiopian political regimes portrayed their perceptions of what happened in the regimes they replaced, in similar ways with Stefan Troebst's (2011) assertion, which refers to how some contemporary Eastern European regimes attempted to portray what happened in the prior communist regimes or other forms of governments, that preceded them. Indeed, regimes' attempts either to justify or receive easy passes on current mistakes by citing old regimes' weak points might not be that surprising; however, the fact that regimes in Ethiopia seemed to justify recent decisions made or lack thereof by comparing it with the failures of their predecessors seem common as well.

Nevertheless, the issue of transitional justice and memory politics in Ethiopia still remain understudied. The trials and court rulings targeting former politicians and groups that had controlled political power during different eras and absence of important justice procedures in certain cases have, however, contributed in shaping different and at times tensely conflicting perceptions on such topics. Indeed, undealt with past traumatic experiences from the 1970s and 1980s -

especially with respect to what happened in the history of urban warfare from the era that is commonly known as 'reign of terror' - remain by in large understudied. Moreover, the ways in which the military regime known as *Dergue* (1974-1991) punished former government officials, that had served under Emperor Haile Selassie's regime, and how such actions transpired, deserve in particular further research since much is not known on how these events might have affected the national politics of memory in general terms (Shifaw 2012). The lack of both dealing with past memory and proper implementation of transitional justice mechanisms have therefore caused unending debates and generational assignments, that need to be addressed further.

This article hence argues that the fact that Ethiopia's legal institutional capacities are weaker, political elites and regimes' greater focus on punishing political ideologies than the crimes, and ethnicization of approaches to address past crimes have created gaps in the implementation of transitional justice mechanisms in Ethiopia. In doing so, it argues such causal assumptions are responsible for the failure of transitional justice mechanisms in bringing about a desired result, i.e. the need to break from the past with relative consensus on the solution rendered. Of course, targets of achieving wide consensus on most debates inevitably will be difficult. However, although justice mechanisms usually could fail to achieve all of their goals, relative successes should also be recognized (Olsen, Payne & Reiter 2010). In the case of Ethiopia, however, the fact that the country has not succeeded in addressing such issues appropriately has resulted in lack of consensus as well as direction on the issue of addressing memory or whether the justice mechanisms achieved the desired results or not. The article utilizes historical analysis of critical events from what transpired in two consecutive political regimes (1974 – 2019) in the country. In doing so, it mainly uses method of qualitative process tracing.

2. The Case of Ethiopia: Overview

Ethiopia is the second most populous state in Africa. With history of civil wars, political instability and violence, and several regime changes, the

contemporary Ethiopian state has had several attempts at transitional justice efforts as well as attempts to address politics of memory. Nevertheless, the mechanisms in play seemed more political than justice driven (Allo 2012). Nevertheless, this is not to claim politics should not play a role in the application of justice in any way. Rather, transitional justice mechanisms are mostly shaped by political goals of regimes that aspire to address past wrongs. Sadly, when the political goals of the regime, that persecute past crimes give more emphasis to political expedience than to efforts in service of justice, transitional justice processes could risk becoming political tools (Leebaw 2008). In that regard, it could suffice to look at a brief recap of how transitions transpired in Ethiopia.

When Emperor Haile Selassie I led monarchy was overthrown in 1974, soldiers that toppled the regime went on to establish a military socialist regime and enacted and implemented pseudo-communist policies under the leadership of Colonel Mengistu Hailemariam. When the military regime finally collapsed in 1991, ethnic rebel forces that established the EPRDF (Ethiopian People Revolutionary Democratic Front) seized political power thereby replacing the military era socialist policies with what they referred to as revolutionary democratic ideology, that also, in part, emerged from the rebels' socialist roots from the era of military struggle (Vaughan 2011). Finally in 2018, when a once minority party dominated EPRDF (Ethiopian People's Revolution Democratic Front) coalition responded to popular uprisings and protests that rocked the country for more than two years, a group of reformers led by current leader, Prime Minister Abiy Ahmed, slowly started to enact liberal policies while employing what the regime referred to as a new homegrown ideology of *Medemer*, an Amharic word that loosely translates into a coming together of forces. Although *Medemer* is said to be a homegrown ideology inspired by Prime Minister Ahmed's personal 'philosophy' of governance, however, the ways in which new reformist incumbent elites tout the ideology makes it seem more of a neo-liberal political economic governance ideology that promotes ideals of cooperation at home and abroad as new approach to everything Ethiopian politics.

These series of political transitions and the ways in which the events transpired, as described above, have caused major political ruptures. Regardless, the above brief history of two regime changes and a major political reform of 2018 shows that Ethiopia's successive regimes were provided with three different opportunities towards implementation of transitional justice mechanisms that could hold individuals, who perpetrated crimes against humanity accountable. Moreover, such regimes were also presented with opportunities to break from the past with a possible vision of reconciliation for the revival and consolidation of national unity by addressing issues of collective memory (Abbay 2004; Meckelburg 2015). Indeed, one way to enact policies that help a nation and its citizens to break from an unwanted past could be accomplished via a successful effort towards reaching a persuasive understanding of history and reaching consensus on issues of collective memory, by creating a path towards national reconciliation (Chapman 2009). It's important to note, however, that transitional mechanisms might not be favored by all groups when they were utilized as a means for national reconciliation (Leebaw 2008). Unfortunately, the fact that almost all political transitions in Ethiopia failed to find that common understanding towards a solution is contributing to ongoing debates along the lines of memory politics.

Apart from either the lack of political commitment or institutional ineffectiveness that left historical inter-group disagreements unaddressed, from one regime change to the other and from the recent political reform that emerged in 2018, Ethiopia's contemporary history of transitional justice and the ways in which the mechanism are implemented raise more questions than answers. The practices show that, instead of a focus on persecuting past crimes by utilizing legal approaches that befit the country's institutional capabilities regardless of their strength, a greater emphasis was placed on past ideology of suspects that served outgoing regimes. In addition, lack of research-based evidence to arrive at a consensus on historic group grievances and institutional inability to address issues of memory politics remain common challenges. Moreover, the fact that the country remains engulfed by a ticking time bomb of ever-severing ethnic relations with a

highly entrenched ethnocentric politics, that is emboldened by an ethnic federal arrangement, means most contemporary transitional justice trials have become increasingly divisive along ethnic lines. This has resulted in a growing fear that any justice acquired might not be well received by many different groups given high level ethnic polarization.

In addition, ethnic tensions, inter-ethnic competition for influence and infightings for political control have also exacerbated the debates on the topic of memory politics and is more politicized today than ever before. This is mainly because as interpretations and continuing analysis of transitional justice trials focus on the ethnic identity of suspect perpetrators as well as victims, the consequences have resulted in inter-group animosity and groups have grown to continually shield suspects of crimes against humanity (Adugna 2008). The overall societal understanding of transitional justice processes in the country was also low, regardless of their successes or failures. As a result, referring to courts as 'kangaroo courts' and the trials as 'sham trials' was common. Moreover, elites from groups like the Oromo of Ethiopia have continued to push narratives of political marginalization even further by disregarding efforts of past political regimes to address the issue of political inequality in the country (Pausewang 2009). As a result, in broader terms, such a reality has hampered inter-group tolerance and impeded further efforts towards reaching a consensus on the interpretation of the historic past of Ethiopia's ethnic relations. Moreover, in particular terms, Ethiopia's successive regimes' expectations, from groups in charge of local and regional administrations to turn human rights violation suspects (even those accused of corruption) to the hands of law enforcement forces across different political eras, have become challenging.

To comprehend why an emphasis on past ideology of human rights violators and the ethnocentric nature of persecution, looking into structural problems and institutional foundations of these challenges is essential. Thus, this article attempts to show how such structural or institutional reasons, together with entrenched ethnic politics, led to increasing debates on the mechanisms utilized or

under-utilized in the service of justice in the country. Furthermore, in two important ways, the ethnocentric nature of politics in the country has also made the issue of addressing challenges related to memory politics in the contemporary Ethiopian history a difficult one. Firstly, instead of pursuing debates, listening groups with perceived grievances and fomenting potential framework for future coexistence, successive regimes seem to have ignored the issue most likely fearing that some of the debates could alter the national mood and could serve as a recipe for violence.

The critiques of justice mechanism usually come from groups that perceive justice trials as legal efforts targeting members of their group. Moreover, political elites from various groups in a large part also make analogies of past history with current events, which at times could also lead to crucial and mostly negative consequences in the realm of understanding memory politics as well. The fact that such analogies are also used mainly as organizing principles and narratives to garner political support for groups and individuals from one group or another means that transitional justice implementation efforts are increasingly scrutinized. Such critiques mostly disregard the positives from these institutional efforts as well. The positives from the Ethiopian experience could be that the political elites that came to power after the demise of the *Dergue* in 1991, had used the transitional justice processes as a way of signaling an attempt at democratization and good governance although the end results of such attempts remained a failure for quite some time (Sarkin 1999). Moreover, when it comes to the negative evaluation of the processes, different Ethiopian regimes' efforts to better ethnic relations are also debunked as political strategies and disingenuous plots, mainly because such works lacked a clear strategy and focus towards promoting and researching causes related to memory politics, in addition to the failure to use indigenous or traditional methods of solving conflict and enmity that emerged as a result of it (Denbel 2013).

So far, towards an effort to explain challenges to transitional justice practices, the article has presented causal explanations related to the structural

problems, concerns about ethnic relations and how the political elite managed those challenges as they are main factors impeding success of the process. However, to understand the rationale behind Ethiopia's style of transitional justice, that punished ideologies and not crimes, it is critical to briefly assess the country's contemporary history. Here, the concept of punishing ideologies is explained in detail below. It is also vital to keep in mind that punishment of ideologies pursued by one regime after another showed that the issue of memory politics was left intact due to overemphasized ideological battles blurring discussions of critical situations that might have helped define ways of addressing memory. To comprehend the Ethiopian case, a brief look into the historical evolution of the state is thus crucial.

Ethiopia's modern political era began in 1855 with the coming to power of Emperor Tewodros II who ended the unruly political period known as *Zamana Mesafint* an Amharic phrase for, 'the Era of Princes' (Marcus 2002). Although Ethiopia's modern history was said to have been emerged since that era, the country was not modern in every sense of the term. With a primitive government structure, no clear separation between state and religion, and no constitutional framework whatsoever, opportunities for democratic governance was indeed unimaginable nor expected. More than three decades later, however, with the coming of Emperor Menelik II, the introduction of some modernization schemes started (Zewde 1991; Tibebu 1995; Marcus 2002). Moreover, Emperor Menelik's popularity from the domestic political arena to international press (that had especially increased when the emperor led Ethiopia defeated colonial Italy's aspirations of establishing a wider colonial empire in the Horn of Africa at the Battle of Adwa in 1896) aided his plan of the modernization scheme to continue uninterrupted. Nonetheless, tumultuous political transitions, that were evident before and after the advent of the country's modern political period, continued unabated. After the death of the Emperor Menelik and the country witnessed successive eras of two younger rulers, i.e., Lij Iyasu and Empress Zewditu, the gradual ascendance to political power of Emperor Haile Selassie I happened. The prior two decades of political periods were engulfed by debates about succession plans. But with the coming of Emperor Haile Selassie

I, the country transitioned into a more stable political era and the country witnessed further attempts at modernization and the first constitution came in to existence in 1931.

With the constitution outlining the supreme status of Ethiopia's monarchy and his majesty's government and no attempt at making the government more representative, however, various political forces, mostly coming out of Addis Ababa University student groups, started to voice their major political concerns. Eventually, newly emerged movements calling for land reforms with famed slogan, 'land to the tiller' dominated the political scene. As a solution, the Emperor's regime promised some political reforms and attempted to introduce a stronger parliament and even floated the idea of a constitutional monarchy. However, subsequent student protests accompanied by series of soldiers' mutinies complicated those efforts (Zewde 1991). Finally in 1974, a group of hundreds of soldiers that were organized by the military to undertake negotiations with the emperor and the nobility changed the prior agreed plans of the military and went on to depose the emperor, arrest the ruling elites and declared a revolution. The events in 1974 ended Ethiopia's legendary *Solomonic* dynasty and the brutal military era began (Zewde 1991; Tibebu 1995).

With these group of soldiers establishing the *Dergue* (a Geez word meaning "committee") which had constituted a collective rule, competition for political power among the elites becomes the new normal and unrest at the higher echelon of political power emerges as the hallmark of the new administration.

3. Ethiopia's First Opportunity to Address Transitional Justice and Memory Politics

With Emperor Haile Selassie I's regime now overthrown, key question would be what happened to the fate of hundreds of individuals from the imperial era that are now in the jails controlled by the new military regime. Indeed, the events that transpired following the political revolution opened the gates to one of the most notorious political era, known as Red Terror and White Terror, ideological

skirmishes and extreme violence that led to the murder of thousands of Ethiopians from all walks of life (Tareke 2009). And Ethiopia's style of transitional justice practices seemed to have its key precedents as a result of these events. Such events eventually emerged as the most popular critical situations in the memory politics discourse in the Ethiopian state. Unfortunately, therefore, most efforts at transitional justice and efforts to deal with the issue of defending memory would become dependent on the structurally incompetent and highly political or ideology-oriented justice system and government bureaucracy. Persecution of crimes against humanity or any kind, then, becomes ideologically influenced than being substantively about investigation of atrocities committed by individuals or groups. As Firew Tiba (2011) states,

> "The ideological battle of controlling the hearts and minds of the populace reached a new level when adversaries from both sides decided to physically eliminate each other's key figures. The lexicons of White Terror and Red Terror, copycats from the brutal Russian and other revolutions, became the staples of Ethiopian 'revolutionaries'. To this date, many Ethiopian political parties – including the governing party – carry the word 'revolutionary' as part of their official names" (p. 164).

As the author's argument shows, the ideological battles among many groups struggling to control the center of politics, which happened to be the urban areas, ensued. Nonetheless, as the purpose here is reviewing the transitional justice mechanisms in the wake of the revolutionary transition and how memory politics is dealt with (if any), it is important to reiterate the question of what had happened to the ruling elite from the previous imperial political period. After the military takeover of the country and darker months of assassinations of political elites and military generals had passed on, the fate of the imprisoned hundreds and especially sixty of the highest officials that had served the monarchy led to the birth of one of the darkest periods in the country's history. Such an event also shaped the debates on the collective memory of the state for the times to come. As notable historian Bahru Zewde (1991) states,

"The bloody October confrontation augured darker days. On 24 November (1974) the *Dergue* (the military regime) announced to a shocked national and international audience that it had shot its chairman, Aman Andom, and executed some sixty people it had held in detention, most of them dignitaries and high functionaries of the imperial regime" (p. 238).

Such developments, indeed, put the country in more arduous path. As Girmachew Alemu Aneme (2006) explains on how the country's future became the most challenging one, the Dergue "executed 60 officials of the former imperial government without a court hearing, This event marked the beginning of 17 years of state-sponsored terror and violence against the people of Ethiopia" (Aneme 2016, p. 65). On one hand, the political transition that had replaced the monarchy emerged incompetent. Even though the regime remained in charge of the further politically tumultuous period until 1991, dictatorship became its defining character. As Bahru Zewde (1991) further explains regarding the incompetence of the elite in charge of the state past the revolution, the violent change "certainly did explode in the faces of both the regime and its opponents. How to handle, let alone direct, that explosion became one long process of adjustment and improvisation that ultimately delivered the country into the clutches of a totalitarian dictatorship" (p. 228).

On the other hand, the fact that the political transition's handling of the fate of political prisoners that were arrested as suspects of crimes from the previous regime and civilians jailed due to accusations of sympathizing with the ancient regime ended with the use of gun shots and murders indicated the worst was still yet to come. Even more so, the fact that the horrific news of murders of former regime officials took place within the confines of the national palace signaled that, instead of the use of proper mechanisms towards efforts at delivering transitional justice in Ethiopia, the military regime had just delivered the worst possible precedent, i.e. justice via the power of the gun.

With the tens of highest officials now killed, the fate of other imprisoned officials and civilians from the imperial regime and how the military regime attempted to deliver justice was still worse. As an eye witness account written by Mekasha Getachew (1977) states that the political prisoners,

"…were subjected to innumerable indignities, including forced shaving of their heads, beatings, and floggings, and daily insults. After languishing in high-security detention camps for nearly a year, where they were treated as common criminals, they had to undergo the humiliation of being paraded in public each time they appeared before a Commission of Enquiry set up by the *Dergue* to investigate their share of responsibility for all the misdeeds committed in the country over the past thirty years. Since everything they said wrote pointed to the main culprit, Haile Selassie, and since the much publicized Commission of Enquiry to pin down any of those who appeared before it on any specific charge, let alone get a conviction, the whole exercise was a fiasco" (p. 16).

Moreover, the bizarre and shocking actions taken by the regime, from killings at the top level that were instigated by competition for political power to the emergence of the most terrorizing events that led to urban violence motivated by ideological differences, all summed together led to the rise of new divisive political narratives and debates across ethnic lines. Both rebellions that had waged armed struggles against the state before the military overthrew the monarchy and rebel organizations that were established during the military era eventually embraced ethnicity as organizing principle. Political decisions made by previous monarchical regimes and ongoing decisions made by the military regime also went on to be criticized by these ethnic rebellions and ethnocentric arguments they promote. The murder of officials from Emperor Haile Selassie I's regime as well as killings of elites that were members of military officials that took place on ideological grounds also continued to be interpreted based on what ethnic identities those murdered had embraced, especially in the scholarly discussions that happened after the *Dergue* itself was overthrown in 1991.

Simply put, the country's political discourse and debates, that transpired within such an arena, further evolved by including ethnicity, as the new epicenter of the political debacle across the Ethiopian state, alongside deeply entrenched ideological infightings. Ethnic rebellions continued armed struggle. The *Dergue* regime continued to fight the rebellions and created a popular narrative, which stated that these ethnic rebels are organized and fighting with the purpose of taking

over the Ethiopian state and then dismembering it along ethnic lines. The military regime that had aligned with the socialist camp during the cold war era had to also fight neighboring states supported by foreign powers. As a result, for seventeen years, Ethiopia would be engulfed by civil wars, war with neighboring state Somalia, and lost tens of thousands of citizens in senseless wars as well as urban violence incited by ideological infightings.

Finally, in May 1991, ethnic rebels made progress towards the capital, and the military regime crumbled. The national army dispersed. After the military regime's leader, Colonel Mengistu Hailemariam fled to Zimbabwe, the ethnic rebels immediately took over the capital and declared themselves in charge. Among the most formidable rebel groups, the Tigray Peoples Liberation Front (TPLF) emerged the strongest and went on to form a grand coalition known as Ethiopian People's Revolutionary Democratic Front (EPRDF), a coalition of four ethnic political parties that would serve its creator, the TPLF, without any pre-conditions. With former ethnic rebels now in charge, ethnic politics becomes the characterizing feature of the new Ethiopian state. New federal arrangement established along ethnic and linguistic lines further emboldened ethnic divisions while creating a ticking time bomb situation for the fate of the country and its potential to taint ethnic relations. The new administration that replaced the military however, continued the legacy of its predecessor in terms of one critical issue, i.e., used political ideology of former elites in order to jail them. However, the transitional justice mechanisms used for trials of the imprisoned differed greatly.

3.1 Transitional Justice in Post-1991 Ethiopia: EPRDF and Ethno-Nationalist State's Missed Opportunities

In May 1991, EPRDF (Ethiopian People's Revolutionary Democratic Front), a political coalition and its leader, Mr. Meles Zenawi, arrived at the helm of the Ethiopian state and its Provisional Government. The coalition and its leader declared democratic aspirations and stated their development programs as matters of survival. What had become problematic though was that the causal explanations

that this article utilizes to explain the most common challenges concerning the country's transitional justice practices, i.e., structural (legal-institutional) constraints as well as the difficulty in navigating the contours of ethnicity also emerged critical hinderances in post-1991 Ethiopia. Here, let's first look at what these structural challenges were followed by how ethno-nationalism went on to taint both ethnic relations in general and the service of justice in particular.

Although institutional unpreparedness by EPRDF's regime - when it comes to managing effective trial of those accused of gross human rights violations from the *Dergue's* military regime - could be blamed for lack of coherent strategy, other state induced structural problems were plenty as well. As Girmachew Alemu Amene (2006) states, "there are numerous problems involved in the effective investigation and prosecution of the violations at national level in the case of past human rights violations. The state apparatus creates some of these obstacles and others result from long-standing political, social and economic problems in society" (p. 71). Here, the question is how to outline those impediments made by the state as the author rightly explained. How the structural problems manifested shows that more than punishing the individuals that had committed the crimes, the regime sought ways by which the trial focuses on the ideology of the imprisoned. In doing so, the regime was able to show the public the destruction caused by the socialist military regime, as that seemed the most appropriate political move on the regime's part.

The way in which the *Dergue* military officials invoked the 'feudal' past of the monarchy in delegitimizing the past and use the process to signify the merits of their socialist ideology, the EPRDF regime seem to have the same pattern of punishing ideology more than the crimes committed by those in trial. How James Ogude (2000) eloquently attempts to describe the past is interesting. Ogude states that,

> "Socialist rhetoric is seen… as a guise to perpetuate the repressive feudal tendencies under a new cloak of proletarian internationalism. Old repressive tactics are invoked but under a new legitimating ideology. The deification of the rulers as omnipotent and

all knowing, and the sheer contempt for the people under the new regime, is a direct reproduction of the very same tendencies under the reign of Haile Selassie" (p. 88).

Moreover, as over two-hundred crimes that the EPRDF regime charged the accused with and that were eventually confirmed by the Ethiopia's High Court as crimes of genocide show, although the crimes were committed and punishment could be validated, the use of the term 'genocide' was debatable. From the court's decision, one could also learn that a dissenting judge, while agreeing on the forms of the charges and the punishment sought by the prosecutors, had disagreed on whether the crimes committed could be attributed to the most accepted definitions of genocide (Tiba 2007). The fact that the regime stressed on the need of trials for genocide, despite the crimes committed were debatable when it comes to fitting the bills of genocidal crimes had thus raised many questions. It also become evident that the legal system that was supposed to be inclusive and just was used as a political tool to punish a political ideology more than that holding the accused accountable for the crimes they might have committed. The legal approaches used for management of transitional justice trials were also entirely the laws and legal traditions of Ethiopia's justice system and no new approach was borrowed from the experience of other countries. The reliance in the country's laws and legal system for transitional justice efforts, according to Jeremy Sarkin (1999) was that the Ethiopian law was chosen instead of international customary law on genocide because the former was considered more inclusive.
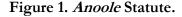
One critical misstep for the EPRDF regime was also its inability or lack of interest to deal with the genocide discourse pushed by some groups like the Oromo of Ethiopia and address the issue of memory that usually comes from the Oromo group. Of course, there is never been a case where those who push the agenda were able to provide evidence supporting their claims. Even if there were some attempts (Hassan 2002; Dugo & Eisen 2018), arguments they presented are widely contentious. Regardless, the regime's inability to take the issue as an agenda and finally attempt to study, solve and close the issue to rest - no matter how

challenging it could be - has unfortunately made claims of genocide no matter small or big to remain in the public discourse.

Earlier, this piece mentioned that the unpreparedness of the EPRDF regime and the lack of interest to do so had also made the post-1991 trials of officials from the *Dergue* era, the most exhaustive, expensive and one of the longest in the world. Moreover, apart from the institutional deficiencies, it is also important to address how ethnic politics and ethno-nationalism played its part in the way Ethiopia's style of transitional justice practices are scrutinized. After ethnic rebels toppled the military regime, established a provisional administration known as Transitional Government of Ethiopia, then designing a new institutional arrangement that transformed Ethiopia's historic unitary form of government into a federal setting constituted along ethnic and linguistic classifications. The newly minted members of the ethnic federation, known as regional-states, would then be made the sole owners of the regional administrations they administer (Gedamu 2017). By doing so, the EPRDF regime declared that ethnic groups, that had been oppressed by the previous feudal and socialist regimes, are now liberated. Thus, the new ideology of revolutionary democracy, which ironically draws itself from socialist roots, was praised as EPRDF's guide in protecting ethnic groups' rights. Unfortunately, Ethiopia's diverse groups are also live spread out across the country. However, the fact that new members of the ethnic federation perceived citizens outside of their ethnic identity as settlers led to the development of native versus settler debate, that further severed ethnic relations in the country and that, also, aided detractors from different sides to draw issues of memory to further attack one another. Making matters worse, ethnic conflicts under ethnic federal Ethiopia further grew as a critical challenge to the idea of promotion of inter-group tolerance, let alone towards efforts to address issues related to collective memory (Kefale 2013).

The promotion of group rights at the expense of individual rights and the inability as well as the lack of interest to enact policies that safeguard both interests led, indeed, to ethnic violence of highest proportions, displacement of groups and

individuals from one region to the other and human rights violations that would be perpetrated targeting one group or the other (Selassie 2003; Temesgen 2015; Gedamu 2017; Tronvoll 2018; Djigsa 2019). Furthermore, the revolutionary democracy ideology and the framework of ethnic federal arrangement also enabled some regional states to embark on the construction of martyrs statutes to commemorate those that they perceived were oppressed, persecuted and murdered by the old regimes and their political bases, that they argued were mostly Ethiopians from the Northern highlands, which made the Amhara people political targets.

Key, among the memorial commemorative statues that were erected in Ethiopia's largest region, Oromia National Regional State, is the *Anoole* statute that was built to show the crimes allegedly committed by Amhara led regimes and their Amhara leaders in the past. The statute, that shows a hand holding a cut breast, was meant to show that Amhara political elites had targeted ethnic Oromos that were opposed to such old regime's (particularly Emperor Menelil II) expansionist policy and state in the 19th century. As a result, the ethnic Oromo administration of the regional state stressed that, in order to remember the suffering of past Oromo victims, the construction of the statute was justified (Tola 2017). The debates on the justification for and against the statute that mostly occur among the country's two largest ethnic majorities, now signifies how EPRDF's ethno-nationalist regime lacked the interest to address deteriorating ethnic relations. And most importantly, the issue signifies the fact that dealing with it in more appropriate ways was sadly relegated to the bottom of priorities for a political coalition, which was dominated by political elites from Tigray. Rather, it seemed as though by enabling ethnic groups implement ways of commemorating past victims without reaching a historical consensus based on evidences backed by independent research, the regime's permissive actions implied that such outcomes were executed by design. Most Amharas argue that the *Anoole* statute is designed to inaccurately portray their group's as well as the country's history and the regime's desire of dividing Ethiopia's two largest groups (Amharas and Oromos) on fabricated history so that these groups would not unite to fight the divisive and corrupt policies that cemented

EPRDF's authoritarian rule for more than twenty-seven years. To the contrary, ethnic Oromo elites and some of the public believe that such statute is "perceived as an emblem and outcome of the contemporary Ethiopia political system (ethno-linguistics-based federalism)" (Tola 2017, p. 46). By justifying the significance of the statute in such a way, the Oromia regional state administration, indeed, prides its decision as a victory that was gained as a result of EPRDF's post-1991 policies that championed rights of ethnic groups and its ability to defend memory of Oromo victims of the past.

Figure 1. *Anoole* Statute.

Source: Image taken from, Girma (2016).

The Anole statute is not, however, the only attempt by a regional state administration built to commemorate memory. Indeed, many regions in the country had constructed martyrs' commemorative museums that attempted to record, keep and defend memory. Such museums although fall short of envisaging what impact they will have in shaping collective memory of future generations. As Bridget Conley (2019) accurately states,

"Memorializing violent history does not settle a question about the meaning of the past. It localizes, materializes and invokes this question for a new set of protagonists in the present. Memory is thus an endeavor to make meaning for a new community through reference to past events. To make meaning in the particular form of a museum, is to deploy techniques of assemblage for a visiting public in an institution designed to be permanent. Inherent in these museal traits are a constellation of tensions. There is the intended permanency of the structure for making meaning, and the reality that the visiting public changes over time and in relation to evolving concerns about the past and present. An exhibition juxtaposes elements (structure, texts, objects, photos, testimony) that do not seamlessly adhere to a unitary narrative arc. Tension also derives from the traumatic, or red, character of violence: unruly and unpredictable, it travels a different path from that of pedagogical goals that form the stated aims of any museum. In the end, the point of a museum is not to resolve these tensions, but to issue an invitation to pay attention to them" (p. 2).

Therefore, as the article tries to explain so far and as the above author concurs, the ways in which regimes attempted to deal with critical situations like the 'red terror' have not contributed to the management of both transitional justice implementations as well as the problems related to defending memory for once and for all. Hence, such traumatic experiences in the conscious of the public live on and remain challenges unaddressed at large.

The discussions in this part of the article has attempted to present two issues with regards to Ethiopia's anomalies in its transitional justice practices and they ways in which authorities attempted to deal with the issue of defending memory. Firstly, the country had suffered from institutional infectiveness when post transition attempts at transitional justice transpired. Secondly, the ways in which post political transitions had managed ethnic relations evolved could also be dubbed as divisive and anti-coexistence for the country's diverse ethnic groups and thus, every effort to deal with memory seems to have been negatively influenced by the issue of tense ethnic relations.

Indeed, an authoritarian regime (for instance, in the case of Rwanda) could in one way or another use ethnic divisions to cement the dictatorship's primary ambition, i.e., to stay in power at any cost at times by undermining the need to address past traumatic memories like those rape victims have suffered from (Mageza-Barthel 2012). The difference, however, is that while Rwanda's regime used the possible fallout from degrading ethnic relations and sought to address it at least to the minimum by deconstructing ethnic identities and societal norms, the Ethiopian experience used it in ways that made matters worse than what they were. Nonetheless, one issue visibly looms large, and that is, the state's inability or lack of desire to break from the past by making sure more of the internationally accepted ways of pursuing national reconciliation practices are instituted.

As the regime was standing on shallow grounds as it struggled to keep itself in power however, EPRDF, which was mostly dominated by ethnic Tigrayan political party (Tigray Peoples Liberation Front), that was behind the creation of the coalition itself back in 1991, faced huge protests and a push for political reforms from below that started early in 2016. The coalition therefore was forced to enact reforms that led to the emergence of hope towards a democratic transition although that still remain open for interpretation and time is needed towards relatively complete assessment as the transitional process is ongoing. Nevertheless, the fact that EPRDF's political reforms would be considered sweeping led to an assumption that the changes, that recently occurred in the country, could even be equated a regime change and the beginning of a new political transition. After such a transition, in November 2019, three of the parties that made the EPRDF coalition (except TPLF) formed the Prosperity Party (PP) along with five small regional political parties to establish a nationally unified party.

3.2 Ethiopia's post-2018 political reforms: Return of old challenges?

Ironically, the post 2018 EPRDF led political reforms emerged as a result of the formation of strategic alliance formed by Amhara and Oromo political elites from the grand coalition (Gedamu 2018). However, the fact that the country is

engulfed in ethno-national political rivalry means that some of the expected positive outcomes of political moderation and national reconciliation continue to face extreme challenges due to the still entrenched ethnic federal arrangement that some of Ethiopia's politically influential ethnic groups aspire to keep intact (Mamdani 2019). Nonetheless, one major challenge that is still evident is that of the inability to address the gross violation of human rights that happened from the pre-2018 political period as well as memory politics that stretches well past in to a century ago.

In that regard, the Prosperity Party, under the leadership of the country's current Prime Minister, Mr. Abiy Ahmed Ali, has faced a new challenge, which is the result of the making of the EPRDF coalition prevalent for more than two decades. For instance, Ethiopia's former spy chief, Getachew Assefa, whom the government accused of extreme violations of human rights of the imprisoned that range from forced rape, tortures, and even making some of the jailed infertile remains free from persecutions given he was successfully sheltered by an ethnic group that he identified with. Because, for ethnic Tigrayans, that identify the former spy chief as the member of their group, he is still revered as a hero (Kahsay 2019), the fact that the spy chief remains popular among Tigrayan Ethiopians means that the regional state, that is in charge of administering the Tigrayan state, is opposed to handing over the individual that remains at large in a region, that is ignoring the federal government's quest to arrest him (Wolde 2019). But this is not an isolated case to look into as there are plenty similar stories across the country.

Yet again, the issue here raises a critical element that this article attempts to discuss in detail thus far, i.e., the structural challenges that are mostly presented in the form of institutional ineffectiveness as well as unpreparedness in the political regime's part. Indeed, the fact that the federal government located in the capital, Addis Ababa, is unable to coordinate with a member of the federation, that is holding an individual suspected of extreme violations of human rights shows the institutional weakness of the administration's justice apparatus and the state's lack of capacity in upholding the rule of law within its jurisdiction.

However, the problems in the arena of institutional ineffectiveness coupled with the severing ethnic relations in the country mean that even after the 2018 political changes, the displacement of peoples due to their ethnic backgrounds had made the country number one in the world in relation to the country's size of internally displaced peoples (Keating 2019). For instance, hundreds of thousands of ethnic Gedeo were displaced from the Oromia regional state and many Amharas were subjected to similar experiences (Gedamu 2018; Gardner 2019). Until recently, regardless of how much the Prosperity Party led regime attempts to calm ethnic violence and implement ways in which some of these challenges (both institutional as well as ethnic rivalries) are addressed, the end seems never in sight. A notable effort by Prime Minister Abiy Ahmed Ali's administration to broker the long sought practice of national reconciliation by forming a National Reconciliation Commission, for instance, is yet to be effectively negotiated and start its task of addressing ethnic tensions and most importantly, instituting a transitional justice mechanism that leads to a major break from the animosity and intolerance of the past that is primarily also related with the issue of addressing issues in the arena of memory politics for once and for all.

4. Conclusion

The article has attempted to show Ethiopia's style of the implementation of transitional justice mechanisms in three regime frameworks and how such ineffectiveness also adversely shaped conversations as well as political discourses in the realm of memory politics. As the patterns from the utilization of the mechanisms indicate however, structural problems, that are identified with the challenges of transitional justice practices in some of the established cases from Sub-Saharan African states are also prevalent in Ethiopia. The murders of officials from the monarchy in the hands of the military regime's firing squad, the institutional unpreparedness and unwillingness to address its traumatic past by subsequent regimes by reaching evidence based consensuses, and the heavy use of

ethnicity and severing ethnic relations witnessed across the three different transitional periods indeed show the challenges are deep rooted.

The most important solutions could emerge if the incumbent regime in power shows a genuine desire towards democratization, as that might open up unaddressed issues like the issue of addressing traumatic memory in one way or another. Regardless, democracy alone will not suffice. Hence, making sure proper transitional justice mechanisms are implemented to address past crimes, finding ways to also correct the ethnic federal arrangement in ways that safeguard both group and individual rights, and embarking on a full scale national reconciliation project that could provide proper avenues to address past crimes, trauma, and memory is critical. To reiterate what is stated above nevertheless, the most vital prerequisite becomes that the regime is ready to consider such options. For that to happen, the need for political solutions remain extremely essential so that both intertwined challenges of structural or institutional challenges as well as the tensions fueled by ethno-nationalist debates and puzzles are addressed. Moreover, such solutions would put the country in the path of the construction of more tolerant society, that could go beyond the debates over hate statutes, that are dividing ethnic groups than bringing them together. Furthermore, such practices could also open the door towards reaching a major consensus with regards to the need for independent and nationally commissioned research to document history of the country's violent past and potentially use it for educational purposes targeting present and future generations.

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