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Legal and Justice Affairs Advisory Council  
Attorney General of the FDRE



# Public Consultation Policy

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## 1. Background

It is to be recalled that the FDRE Attorney General has established an advisory Council composed of 13 prominent legal professionals. This council is expected to advise the government on the design and implementation of a comprehensive legal and justice sector reform. This document is intended to outline the justifications, guiding principles and modalities for public for consideration by the Council. Once the document is considered and adopted by the Council, this document or a revised version would serve as the *Public Consultation Policy* of the Council.

**Public Consultation**,<sup>1</sup> for the purpose of this document is understood to mean a process of soliciting the views, opinions and input of interested and affected groups. This could be at any stage in the process of identifying problems with and evaluating existing laws, institutions and procedures and developing solutions and interventions. Consultation is meant to be a process of seeking information with a view to enhance the effectiveness and quality of the interventions and solutions to be proposed by the Council to the FDRE Attorney General/Government.

## 2. Public Consultation: Considering the Pros and Cons

There are several reasons why the Council should undertake public consultation in the process of legal and justice sector reform.

- **Effectiveness:** - the effectiveness of the reform process is contingent upon the quality and reliability of the information on which the Council relies upon in the process of identifying problems and crafting solutions. Public consultation would help the Council get information from a diverse set of sources and avoid blind spots in discharging its mandate.

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<sup>1</sup> This definition has been adapted from the OECD Background Document on Public Consultation, available at <https://www.oecd.org/mena/governance/36785341.pdf>.



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- **Legitimacy:** - public consultation will enhance the legitimacy of the process of legal and justice sector reform. To the extent that the process is seen by the public as having been a process in which the view point and input of interested and affected groups is considered, the outcome of the process will be deemed legitimate by the public at large.

At the same time, these are the pitfalls and constraints the Council should be mindful of in relation to Public consultation

- Public consultation processes could be very costly both in terms of the time and financial resources it requires.
- Public consultation could be a very cumbersome processes that could distract the Council from discharging its mandate.
- Public consultation processes could become too politicized and manipulated in such a way that the information and input to be gained through them would not be very useful for the purpose of the Council.
- Given the fact that the Council is an advisory body that is supposed to provide expert advice, as opposed to being a decision making body, the appropriateness of the Council engaging in public consultation could be debatable. One could argue that the Advisory Council should only provide expert advice and what every proposal it comes up with would be subject to public consultation in a process to be led by the Attorney General/ the Government.

### 3. Guiding Principles

The Council's approach to public consultation shall be guided by the following principles;

- **Inclusiveness:** - the Council shall strive to ensure that it will employ tools of public consultation that will optimize the opportunity of all relevant stakeholders providing their input. In particular, the Council shall endeavor to solicit the views and input of marginalized and vulnerable members of society in its public consultation effort.
- **Transparency:** - the Council shall strive to provide the necessary information in a timely fashion to facilitate meaningful public consultation and participation with relevant stakeholders.
- **Two Way Communication:** - the Council shall give due weight and consideration to inputs it receives from the public through various modalities of public consultation. Instruments of public consultation should not only be used by the Council to provide information to the public about its work but, also to gather input from the public about issues falling within the mandate of the Council.



- **Efficiency:** - the Council shall employ modalities of public consultation that would enable it to make the most efficient use of its time and resources. Given the urgent nature of the task at hand and the pressing demand of the public for reform in the justice sector, the Council should opt for the most expedient means of securing input from the public and relevant stakeholders.

#### 4. Modalities

Depending on the issue at hand, the availability of resources and time, the Council could use either or, or one or a combination of the following modalities of public participation;

- Town Hall Meetings and Conferences<sup>2</sup>
- Public Hearings<sup>3</sup>
- Focus Group Discussions
- Expert Workshops
- Interviews
- Surveys

#### 5. Procedures

The Advisory Council, its institutions and staff will follow the following procedures in setting up public consultations.

1. Identify the source of funding;
2. Prepare a mini proposal and purchase request;
3. Make sure the proforma is collected by the purchasing department in time and identify the venue as soon as possible;
4. Once a venue has been identified, put information regarding the public consultation on LJAAC's calendar in a way that will be visible and accessible to anyone in the organization authorized to view LJAAC's calendar. Keep the entry in the calendar updated if any changes occur;
5. Identify the list of invitees and make sure they are invited at least a week ahead of time. if you could not identify the venue in time, send the invitation with a promise to inform invitees at a letter stage;

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<sup>2</sup> These will be forums where the Council will hold a meeting with a large number of people with a view to gather input from the public at large or some segment of the population about any aspect of the overall mandate of the Council.

<sup>3</sup> These will be forums where the Council will hold a formal hearing to get input from individuals or organizations who have especially valuable and unique information or insight on any particular issue the Council is working on. In lieu of a formal hearing, the Council might also invite such individuals or organizations to provide written submissions.



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6. If there are draft laws or studies ready for sharing beforehand, make sure invitees get them in time;
7. Discuss the format and program of the event with chairs of working groups and prepare a written program and have enough copies duplicated before the day;
8. In consultation with chairs of the working group, solicit volunteers from members of the advisory council or other relevant persons to chair/moderate the discussion;
9. Prepare and print an attendance list;
10. ARRIVE at the event well before invitees and make sure the venue is ready and mics, projectors and other things work;
11. Even if one of you is in charge make sure to have a second hand on the date; and
12. Take notes of major questions comments and prepare a summary of proceedings.