

# WORKPLAN FOR YEAR II



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## INTRODUCTION

The work of the LJAAC in the second year of the project will be composed of three major categories: the winding down of Year I activities that were either not completed due to different contingencies; setting up a mechanism through which it ensures, or at least supports, the effectiveness and sustainability of the country's reform efforts; and the undertaking of new activities that fall into its mandate. In its second year of activities the LJAAC will also make a concerted effort to tackle the challenges of legal and justice reform by taking stock of its own and previous experiences. This aspect of the LJAAC's work is expected to be at the center of its work in the last year of the LJAAC's mandate.

## 1. WINDING DOWN AND COMPLETION OF YEAR I ACTIVITIES

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It is expected that some of the activities planned for Year I will flow into Year II due to a variety of foreseen and unforeseen reasons. These activities are connected with the winding down and completion of activities such as, for example, supporting the law-making processes of the AGO, the CoMins or the HoPR. Since the LJAAC does not have control over these processes they will be handled on a contingent basis. Activities that fall under this set of activities also include:

- Initial stages of drafting of Books 3 and 4 of the Commercial Code (dealing with carriage, insurance, games, gambling, banking and payment system). Although this activity was initially planned to be wound up in Year I, the decision of the WG and later the AC to split the work into two has resulted in the deferment of the work on these Books into the later part of Year I and into Year II;
- The final stages of conducting the assessment of the criminal justice system in Ethiopia, which was started by the Criminal Justice WG before it shifted priorities, will continue in Year I and will span into Year II;
- The ongoing documentation of the work of the LJAAC which will end in the publication of publishing *exposé des motifs, travaux préparatoires* and other material.

## 2. IMPLEMENTATION-SUPPORT, MONITORING, AND EVALUATION

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As the first year of the AC's mandate comes to an end the AC will shift its attention to a supporting, monitoring and evaluating the implementation of LJAAC's reform packages that are most consequential to human rights, democracy and the rule of law. The underlying assumption behind this activity is that the adoption of primary legislation, however well designed, is not adequate to ensure the objectives of reform. The LJAAC will thus support the implementation process by taking stock of previous, current and comparative experiences, monitoring the implementation of new legislation, and designing a system that will provide metrics through which the government of Ethiopia can measure the effectiveness of the reforms. The activity will specifically include the monitoring of the implementation of the laws drafted by the Civil Society, the Media Law, Anti-Terrorism Proclamation, Democratic Institutions, Administrative Law, Criminal Procedure and Legal Practice WGs.

The work under this category includes evaluating the extent to which its recommendations have been adopted and implemented, monitoring the impact of its recommendations and its work in general, pursuing avenues to ensure the reform process is achieving its goals, and providing institutionalized support to implementing bodies. The AC has determined that the primary onus for implementing the reform work rests on sector administrators or institutions responsible for implementing the legal and other reforms coming out of the AC's work. Requiring such institutions to take the lead is not only legally mandated but such an arrangement allows these sector administrators the opportunity to develop long-term capacity that will be needed to ensure that the durability of the impact of the reform work. However, it is also imperative on the LJAAC to provide support to this process as an independent advisory body which has played a principal role in carrying out the legislative reform and has the mandate to monitor their practical implementation. In addition, unlike sector administrators with institutional memories and a workforce that has been implementing the infamous/repealed legislation, the LJAAC can play a role in ensuring that the legal reform has a greater impact on their implementation and practice.

Accordingly, the AC's implementation-support, monitoring and evaluation work, which applies to both Year I, II and III processes, will include:

- the preparation of implementation-modules which broadly set out the regulatory framework required for the implementation of new laws; identify (re)training, legal literacy, communication, civic engagement, curriculum review, automation and other needs;
- monitoring the practical results of its work in collaboration with the AGO and sector administrators or institutions responsible for implementing the legal and other reforms coming out of the AC's work;
- supporting the drafting of subsidiary legislation, training manuals and employee manuals as needed to ensure the effective implementation of the AC's recommendations;
- organizing and implementing trainings intended to facilitate the effective implementation of the AC's recommendations;
- conducting legal literacy projects to ensure the engagement and support of the public with the reform process and as part of the AC's public outreach efforts;
- conducting a curriculum review project in collaboration with the Min of Higher xxx and conduct law school and professional conferences and seminars to provide subject-area professionals/lecturers and law students/graduates opportunities to be up to date with developments.

Substantively and temporally mapping out this task in detail is challenging due to the involvement of the HoPR and numerous sector administrators in the timeline and implementation of the reform work. Because of this, the LJAAC will only plan out parts of the work which are clearly inside its ambit and offer to sector administrators its support in implementing the relevant laws. The AC will keep intact the original WG that drafted the relevant laws to provide it with technical support in its implementation-support, monitoring and evaluation activities.

### 3. NEW AND MAJOR YEAR II ACTIVITIES

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In addition to the activities that flow out of Year I, the LJAAC will undertake new activities in Year II which may or may not be linked to the WGs established in the first year. If and after these activities and WGs are approved by the AC they will be rolled out in accordance with a timeline established by the AC and implemented by the Secretariat.

### 3.1 LEGAL REFORM SUB-PROGRAM

In addition to the Year I activities under this subprogram the following WGs will be established under this program:

#### *Freedom of Assembly and Protest WG*

The Freedom of Assembly WG will be established with a mandate to study and make recommendations regarding the legal regime for the exercise of the freedom of assembly, association and expression especially in their manifestations that can affect or even rightfully disrupt the monotony of public spaces. Pending the findings of its diagnostic study, the WG may be expected to suggest an overhaul of Ethiopia's current legislation.

#### *Freedom of Movement WG*

The Freedom of Movement WG will investigate the operationalization of the freedom of movement in Ethiopian law and how it is affected by and interacts with existing (or non-existing) legislation on residence and domicile, political participation, social welfare etc. The WG will conduct an extensive study on the matter and make recommendations to the AC on appropriate measures.

#### *Humanitarian Law Working Group (This one is a maybe)*

Ethiopia has ratified the principal treaties governing the protection of victims of armed conflict and the means and methods of warfare; including the Geneva Conventions of 1949, the 1<sup>st</sup> and 2<sup>nd</sup> Additional Protocols of 1977, the Convention on the protection of cultural [properties and major weapons conventions. States Parties to these treaties are required to implement them to the fullest possible extent by adopting a series of measures. These include in particular: domestic implementation of international treaty law, disseminating knowledge of IHL as widely as possible, establishing rules on the punishment of violations of IHL and protecting the use of the protective emblems. These measures must be taken by states in time of peace to ensure that the framework of IHL exists during times of armed conflict. In addition to the fact that Ethiopia has ratified the relevant convention and its protocols, these obligations are made part of Ethiopian law by

operation of article 9(4) of the Constitution. Specific IHL obligations are also entrenched into Ethiopian law through the third chapter of the Constitution which deals with human rights.

The Humanitarian Law WG will investigate the propriety of how Ethiopia has institutionalized and operationalized its implementations of the precepts and norms of humanitarian law. Thus, the WG would carry out a comprehensive study on the IHL obligations Ethiopia has acceded to, the implementation measures required and suggest normative and institutional mechanisms needed to safeguard the country's constitutional and international obligations. If applicable the WG will also draft legislation or other legal material aimed towards ensuring a comprehensive and effective implementation of humanitarian law.

### ***Human Rights Infrastructure WG***

The Human Rights Infrastructure WG will have a broader mandate covering a broad range within Ethiopian law that are connected with human rights. Its two main objectives are to ensure that the human rights related work of the AC is synergized and that important human rights matters are not overlooked. In addition to regular members of the WG who will carry its workload, the WG will include members of other WGs (sometimes on an *ad hoc* basis) to ensure the WG is updated on the goings on throughout the LJAAC. Its diagnostic study or studies will focus on the data aggregated on the human rights condition of Ethiopia in the assessments of its National Human Rights Action Plan (“NHRAP”) and the reports of intergovernmental human rights mechanisms and make recommendations that can range from a call for the establishment of additional Working Groups to high-impact interventions such as advising the AG to take specific actions or reforms.

### ***Access to Justice WG***

Similar to the Human Rights Infrastructure WG, the Access to Justice WG also has a broad mandate which interconnects many aspects of the reform process. Starting from interlinkages between the different sub-programs of the LJAAC, the Access to Justice WG will conduct a baseline study of a broad spectrum of the Ethiopian legal and justice sector to make recommendations on how to improve access to justice in Ethiopia.

### *Sustainability of Legal and Justice System Reform WG*

The final leg of the LJAAC's work will end with a study of the current state of law reform initiatives, their effectiveness and sustainability. Recognizing that the LJAAC is a temporary institution which is fit for the urgent circumstance Ethiopia finds itself, this WG will study the experiences of Ethiopia and other jurisdictions and recommend a roadmap for sustaining the efforts of legal and justice system reform into the future.

### **3.2 THE CRIMINAL JUSTICE SYSTEM SUB-PROGRAM**

After the LJAAC submits the Criminal Procedure Code to the AGO the Criminal Justice System Working Group will turn its attention back to completing its assessment of the present state of criminal justice system in Ethiopia. The empirical and qualitative findings of this study will determine the next steps and priorities of the sub-program and its WG.

### **3.3 CIVIL AND COMMERCIAL LAW SUB-PROGRAM**

Under this subprogram the initial Civil and Commercial Law WG will be split into two WGs. The Commercial Law WG will work on the completion Books 3 and 4 of the Commercial Code. The **Civil Law WG** will conduct a review of the current state of affairs in relation to major civil law matters to identify the salient issues both in the law and its implementation that will potentially call for legislative reform.

### *Civil Registration System Reform WG*

The Civil Registration System WG will be established to assess the substantive and practical progress made in Ethiopia regarding the establishment of a civil registration system and how such a system can play a vital role in a democratic Ethiopia by fostering informed policymaking.

### *Private International Law WG*

The Private International Law WG will focus on the development of normative and practical ways through which rules and practices on jurisdiction, choice of law and recognition/enforcement of judgements can protect the rights and interests of individuals, and especially children, while consolidating the economic and social communion inside Ethiopia's federal system as well as

between Ethiopia and other members of the international community. In this process, the WG will also harmonize Ethiopia's legislation with international developments in the field of private international law.

### **3.4 DEMOCRATIC INSTITUTIONS SUB-PROGRAM**

While the current arrangement with the NEBE with regards to the LJAAC has, together with the AGO, commenced discussions with the Ethiopian Human Rights Commission, the Institution of the Ombudsman, House of the Federation, and the Council of Constitutional Inquiry in order to work out the modalities of the implementation of the sub-program. The LJAAC will establish a Human Rights Commission WG, an the Institution of the Ombudsman WG, and may establish a Constitutional Review WG after consulting the relevant actors.

### **3.5 LEGAL AND RELATED SERVICES SUB-PROGRAM**

Once the Legal and Related Services WG completes its drafting work it will pivot towards services related to the practice of law such as notary, arbitration, trusteeship, investigation and similar services. The WG will also be asked to study whether or to what extent the LJAAC ought to be invested in implementation-support with respect to the proposed framework for the regulation of the legal practice.

### **3.6 LAW MAKING PROCESS AND ADMINISTRATIVE LAW SUB-PROGRAM**

Having completed the administrative law prong of its work the Law Making and Administrative WG will launch the law-making prong of its work. The activities will follow a similar trend that is adopted by the AC at the beginning of its work where a diagnostic or baseline study will ensue and guide what the process will look like.

### **3.7 LEGAL TRAINING AND EDUCATION SUB-PROGRAM**

We should establish the Working Group for this one now so it will monitor the effects of all these changes to legal education and at the same time work on legal education stuff ...

#### 4. STRUCTURE OF THE LJAAC, ITS SECRETARIAT AND WORKING GROUPS

The current structure of the LJAAC is represented in the organogram below:

