

**TOWARDS THE FORMATION OF AN ACCEPTABLE
INTERIM ADMINISTRATION IN TIGRAY:
Comments and Suggestions.**

As most of us already know, the Regional Government of Tigray has already designated a committee to study, propose and facilitate ways towards the formation of an Interim Regional Administration (IRA) as per the Pretoria agreement signed in November last year and subsequent informal discussions conducted with the FDRE officials.

I had the opportunity to attend and participate in the recent meeting where the progress report of the committee was discussed. In their progress reports, the committee members have indicated that they intend to identify, select, and invite, what they call stakeholders, to a conference whereby the process of the establishment of the Interim Administration shall be discussed and agreed. There is not yet clearly defined path or task for the conference other than what has been indicate above.

Although, I still see substantial room for improvement, in the formation, composition and mandate of the committee, I would like to commend the very fact that the Government took the initiative to form an organ to study the process and propose options. I also would like to recognize and appreciate the effort made by the committee and the progress they made so far.

With the intent to support and augment the process and reach at a solution that is commensurate with the political challenges we face in Tigray; I felt the need to share my views and suggestions on some of the issues that I raised during the discussions.

1. On the importance of the process and the significance of the outcome:

Tigray and Tigrayans are exiting the bloodiest and most atrocious of a war and entering a transition towards peace, reconstruction, and democratic governance. The maintenance and entrenchment of peace within a conflicted neighborhood; the reconstruction and rehabilitation of the heavily ravaged Tigray and massively dilapidated Tigrayan society; as well as the design of a democratic governance system, the beginning of a transformational change in the political culture of Tigray; culminating with the conduct of a genuinely fair and democratic election, would require the contribution and support of all Tigrayans and much more than what we Tigrayans can avail and afford. This process of forming the transitional administration should therefore allow and enable the broadest participation of all Tigrayans (under the current circumstances) and deliver an administration that is acceptable and agreeable to work and coordinate with all our partners and allies in the effort to entrench peace and ensure reconstruction.

The key attributes that should define the formation process should therefore be transparent, all-inclusive, democratic, and effective while acceptability, agility and competence should define the outcome. Every element of the process should be inclusive of the key stakeholders, and every representative should be democratically elected, while the whole process should remain transparent, optimal and effective.

2. The composition and mandate of the Committee.

Although the members of the committee come from the institutions and sectors that they pretend to represent, it remains a fact that none of them were formally elected and mandated to represent the same. They were handpicked and assigned by the government. The lack of legitimate representation is therefore undeniable. Much worse, there are very important stakeholders and actors that the current committee does not even pretend to include. One can see members coming from the TPLF, the TDF and Tigray's election commission, represented in the committee but key stakeholders like the opposition parties, academia, the diaspora, business community, civil society etc. are totally missing. The process to establish the IRA seems to be already flawed hence may not be expected to deliver the desired result, unless steps are taken to legitimize the existing members and to include the missing stakeholders.

Process design vs execution:

Another concern I want to raise is the mandate and task of this committee. Despite the absence of an inclusive and legitimate mandate and explicit terms of reference, the committee seems to want to run the whole show from process design to execution, including supervision and observation. Given the clear deficit in their mandate and representation, allowing them to run the show on a turnkey and exclusive basis is potentially conflicted and dangerous. The best and the only thing they should be allowed; is to prepare and submit their proposed process design to the body that appointed them i.e., the Government. Up on receipt and possibly on the basis of the proposal, the Government shall then invite representatives of the key stakeholders, to participate in the review and approval of the proposal. The current representatives of the TPLF and TDF may continue as members of the new committee but the important thing here is that representatives of the now missing stakeholders like the opposition parties should be involved in the decision as to who should participate and the allocation of representation quotas in the conference and the Council.

The need for an independent supervision and observation:

The formation of this interim-administration is a key element of the Pretoria and subsequent agreements, to which there are direct signatories like (i) the AU-Panel member states of Kenya, Nigeria, and South Africa, (ii) the Federal Government and (iii) Tigray. There are also the Observers and/or guarantors in the UN, US and IGAD, whom we expect to play a key role not only in the implementation of the peace agreement but also in the reconstruction and rebuilding of our dilapidated Tigray. These Observers should therefore be at least informed and updated of the whole process in due time and they should be allowed to have their fair judgment and acceptance of the process.

3. The composition and mandate of the Council.

The Council is the general assembly of the representatives of the key stakeholders, as identified, invited, and registered by the Government and/or committee.

Although the quota of representatives assigned to each party or stakeholder may vary depending on the political significance, membership and influence of each party, no single party should be allowed to have an absolute majority or dominate the Council.

Up on convention, the Council can and may review and endorse the membership and representation quota as proposed and/or tabled. It may also elect its own officers in the form of President and Secretary, to takeover and run the sessions and functions of the Council as per the agreed mandate.

The Mandate

Assuming that the Parties have no interest in disbanding the parliament and may rather agree to maintain it, the Council's mandate shall be limited to (i) defining and determining the tasks and mandate of the IRA, (ii) electing and/or appointing the Chief Administrator (president for the interim period) from within or without the Council members, (iii) reviewing and approving the structure and key personnel of the IRA (Cabinet Members), as proposed by the Chief Administrator, (iv) reviewing and endorsing the plan & budget for final approval and ratification by the Federal Government and/or the Parliament, (v) reviewing and endorsing key appointments to the Judiciary and the likes, (vi) overseeing and monitoring the performance of the IRA, (vii) supervise and oversee the conduct of fair and transparent election and the handing over of office to elected officials after which they will be replaced by an elected parliament (viii) in the process dismissing or changing the IRA if and when the need arises. The Council of the representatives of the key stakeholders whose membership shall not exceed one hundred shall regularly meet, to review the performance of the Executive led by the Chief Administrator.

Although both the Council and the IRA shall have the powers to initiate and propose legislation, actual legislative powers shall remain with the Parliaments both at the Federal and Regional level, as stipulated and provided by the Constitutions.

4. The mandate and composition the Administration.

As clearly stipulated in the Pretoria agreement, the formation of the IRA may and should involve the participation, consent, and agreement of so many Parties but more specifically, of the Federal democratic Government of Ethiopia,' hence the need for to go through an open, transparent, democratic, and all-inclusive election process and deliver an outcome that is acceptable to all.

But the Pretoria agreement also explicitly states that the key objectives include (i) guaranteeing peace and security for all, (ii) providing for justice and accountability, (iii) addressing and resolving the underlying causes of the conflict in a manner consistent with the Constitution, (iv) fostering the rehabilitation of social bonds, and (v) facilitating political reform, economic recovery, and reconstruction.

One key step in the direction of reforming the political economy of Tigray being the formation of this all-inclusive IRA, its main focus and tasks shall evolve around delivering these objectives. These tasks may require reforming and restructuring the

existing political processes and structures, as well as creating new ones to enhance the transformation of the political culture in Tigray. The underlying assumption is that the existing constitution provides enough of latitude to accommodate these requirements and what remains is the full restoration and implementation of it. The Constitution clearly provides for the (a) de-politization of the civil services, (b) clear balance and separation of power among the three branches, (c) the protection and promotion of group and individual rights, (d) free media, free market, and investor friendly situations, and (e) free, fair, and competitive elections.

Most of the “underlying causes to this conflict” emanate from the failure of politicians and political forces to fully and honestly abide and/or implement the constitution. The full restoration and implementation of the constitution by the IRA is therefore believed to address and redress these underlying causes and lay the foundations for a sustainable peace and equitable development.

The caliber and composition

The mandate and tasks of the IRA are both complex and daunting, hence the need for technically competent and politically motivated type of team and leadership. Much as the Council needs to be allowed to pick the most appropriate and best Chief Administrator, both from within and without the Council, the Chief Administrator should also be allowed to select and organize their executive team. Merit and competence, and not political or personal affiliation should guide the selection and constitution of the team.

Members and leaders of political parties can be members or leaders of the team, but their selection and placement should be based solely on their individual technical competence and merits and not on their political affiliation or status in their parties.

5. The role and functions of the existing regional parliament.

The Pretoria agreement for “the establishment of an inclusive Interim Regional Administration”, was primarily driven and informed by the fact that the incumbent Administration is “exclusive” to TPLF members. The Democratically elected council of key stake holders, and its mandate will greatly contribute towards making the politics in Tigray more inclusive. This will have immense contribution towards peace within Tigray and in the region in general.

In addition to being the legislative body for any region-specific laws and regulations, the Regional Parliament enacts many other treaties, project related loans or grants, national emergency declarations and the likes in harmony and coordination with other regional parliaments and the federal parliament. It is both the functional and symbolic representative of Tigray, in the whole federal architecture and constitutional order that we strive to restore.

6. A note on the implementation of the process

When it comes to the implementation of the proposed process the key issue is the time factor. We have already lost a great deal of time so far. We can’t as a society afford

to spend an extended time to establish the IRA. As much as we need to make the process as democratic and as representative as possible, we can't afford to have an elaborate election process at this point in time. But at the same time, we as Tigrayans shall not miss this opportunity to fundamentally transform the political landscape of Tigray. We need to strike a balance and to this effect: I suggest that while the current committee is still working on the preparation of their proposal, the Government of Tigray should invite the key missing stakeholders like the opposition parties, academia, business community, etc. to select and send their representatives in time to participate in the review and approval of the proposal for implementation. Besides saving time, this will create a more inclusive and legitimate committee to decide on the key issues like the composition and mandate of the Council as well as participate in the execution of the plan.

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22 February 2023
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