A Tale of Two Militaries: Lessons from USA's and Tigray's Constitutional Crisis

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October 12, 2024

In January 2021, the United States Armed Forces, through their Joint Chiefs of Staff, issued an unprecedented memo in response to the events at the U.S. Capitol on January 6, 2021. This memo was remarkable in its direct condemnation of the Capitol riot as "inconsistent with the rule of law" and "a direct assault on the U.S. Congress, the Capitol building, and our Constitutional process." More significantly, it explicitly stated that Joe Biden would be the next commander-in-chief, affirming the military's recognition of the election results and its commitment to the constitutional transfer of power.

The memo emphasized the military's non-partisan nature and unwavering commitment to the Constitution above all else. It addressed the involvement of some veterans in the riot, reminding all service members of their oath and duty to the nation. This statement came at a time of heightened tensions and concerns about the polarization of politics and challenges to the peaceful transfer of power in the United States. This rare, unified statement from all members of the Joint Chiefs was seen as a crucial reaffirmation of the military's role in upholding constitutional democratic principles, particularly civilian control of the armed forces and the military's duty to remain above partisan politics. The gravity with which the Joint Chiefs viewed the situation was evident in the unprecedented nature of their collective statement.

1. Civilian Control of Armed Forces in Tigray's Democratic Journey

In the wake of recent developments in Tigray, the region finds itself at a critical juncture, grappling with the complex dynamics between civilian leadership and military power. This situation brings to mind the stark contrast of the United States military's response to the January 6, 2021, Capitol riot, where the Joint Chiefs of Staff unequivocally affirmed their commitment to constitutional principles and civilian leadership. As we reflect on these events in the United States, recent developments in Tigray and announcements by the former Tigray Defense Forces (TDF), now Tigray Security Forces (TSF), raise many key questions about the role of the military in a

constitutional democracy and the challenges of maintaining civilian control during times of political crisis.

1.1. The Legal Framework

The legal foundation for Tigray's governance structure is enshrined in both the Constitution of the Tigray National Regional State and the Federal Constitution of Ethiopia. These documents designate the armed elements of the State of Tigray as part of the executive branch, a critical point to consider in the current Tigray political crisis that may paralyze the TSF. The establishment of the Tigray Interim Regional Administration (TIA) under the Pretoria Agreement has created a new political landscape in Tigray. TIA consists of a president and cabinet, as well as a judiciary. While there were calls for an Interim Council, this did not materialize, leaving the people of Tigray without a sovereign representative body in charge of all state affairs. According to the Tigray Constitution, the Head of TIA is the President, and the Cabinet, including security, police, and enforcement forces, are accountable to the President.

1.2. The Unique Context of Tigray's Security Forces

To chart a course for Tigray's future, we must first understand the unique circumstances that gave rise to the Tigray Security Forces (TSF), formerly known as the Tigray Defense Forces (TDF). Born out of popular resistance against what many Tigrayans perceived as a genocidal war waged by Eritrean, Ethiopian, and Amhara forces, the TSF represents more than just a military entity. It embodies the armed wing of Tigray's resistance and stands as an integral part of the Tigrayan state. This origin story, while rooted in legitimate grievances and popular support, also presents challenges for establishing clear lines of civilian control. The emotional and political capital invested in the TSF by the Tigrayan people could potentially blur the boundaries between civilian and military spheres of influence. It is crucial, therefore, to establish robust institutional frameworks that can channel this popular support while maintaining the principle of civilian supremacy.

What may appear on the surface as an internal TPLF leadership crisis is, at its core, a struggle for control of state power. The inability of TPLF office leaders to fully control the TIA cabinet has exposed the fault lines in Tigray's governance structure. This power struggle, which has seeped from party ranks into state institutions, underscores the urgent need for clear delineation between party, state, and military powers. This crisis began to take shape when the Federal government refused to appoint the former TPLF chairman as President of TIA, and the TPLF office found itself unable to control the TIA cabinet. It's important to note that transitional governance, by definition, cannot be under the control of a single party, even if the aim was to run it behind

the scenes by holding a majority of seats in the TIA cabinet. The risk of external interference, particularly from the federal government under Prime Minister Abiy Ahmed, adds another layer of complexity to the situation. There is a real danger that internal divisions could be exploited to weaken Tigray's leadership and compromise its autonomy. Tigray's leaders must remain vigilant against such divide-and-conquer tactics, recognizing that unity in establishing democratic norms is crucial for long-term stability and prosperity. Previous political leadership dispensations and errors contributed to catastrophic consequences for the people of Tigray over the last five years. By sticking to principles, establishing the foundations of a new and genuinely democratic governance structure is perhaps one of the only few real recompenses that the current TIA, TPLF and TSF leaders could deliver to the people of Tigray and especially to the new generation of Tigrayans

1.3.   The Current Crisis: A Struggle for State Power

What may appear on the surface as a crisis within TPLF leadership is, at its core, a struggle for control of state power. The undercurrent of power politics and major differences are not centered on political platforms as such but rather on the control of the state apparatus now that the TIA leadership is not fully under the control of the TPLF office leaders. This crisis began to take shape when the Federal government refused to appoint the former TPLF chairman as President of TIA, and the TPLF office found itself unable to control the TIA cabinet. It's important to note that transitional governance, by definition, cannot be under the control of a single party, even if the aim was to run it behind the scenes by holding a majority of seats in the TIA cabinet. The power struggle that began with secretive channels of seeking support from the Federal government has now seeped into the TPLF Politburo and Central Committee and is now playing out within TIA - the seat of state power. This mirrors historical precedents within the TPLF, where control of state power, not just party power, proved to be the decisive factor in internal party schisms.

1.4.   Lessons from TPLF's Own History: The Meles-Seye Split

To understand the dynamics at play, it's instructive to look back at the split between Meles Zenawi and Seye Abraha within the TPLF. Without control of state power, Meles Zenawi's faction of TPLF could not have removed Seye Abraha's faction from TPLF leadership. For Seye's faction to win, they would have needed to remove Meles's faction from TPLF leadership, then from EPRDF membership, then win a vote of no confidence against Meles in the Federal Parliament, and finally execute this decision through government forces, particularly the armed forces. For Meles's faction, the steps were simpler: remove Seye's faction from TPLF leadership and then remove them from the state structure. Meles used state power to remove the Seye faction, effectively ending the contest. This historical example underscores the critical importance of controlling state institutions, particularly the security apparatus, in internal party struggles.

In the current scenario, the TPLF office faction needs to move through party, Tigray state, and federal state hurdles. In contrast, the faction within TIA only needs to win in party politics as stage-managed by federal electoral and government processes. This dynamic allows for potential interference by the Addis Ababa government, whose best interests lie in a weakened Tigray and Tigrayan leadership. The risk is that Abiy's government might prefer to see both factions weaken each other, only to then adopt the most pliable faction to ensure that no future threat to his power emerges from Tigray. This strategy of divide-and-conquer is a common tactic in power politics, and Tigray's leaders must extricate themselves of such a trap.

1.5.   The Role of the Military in Constitutional Democracy

As Tigray transits its path forward, it must heed the lessons from both positive examples like the U.S. and cautionary tales from nations where military influence has overshadowed civilian governance. The U.S. Joint Chiefs' memo serves as an excellent example of how a professional military should conduct itself during times of political crisis - affirming its commitment to the Constitution, recognizing the legitimate transfer of power, and explicitly staying out of partisan disputes.

2. Comparative Examples and Cautionary Tales

Looking beyond Ethiopia, the experiences of countries like Eritrea, Egypt, and Sudan provide cautionary tales of what can happen when the military exerts undue influence over civilian governance. In these nations, the blurring of lines between military and civilian leadership has led to the erosion of democratic institutions, human rights abuses, and stunted economic development. Conversely, Israel's model of civil-military relations, while not without its challenges, offers a more positive example. The Israel Defense Forces (IDF) maintains a strong focus on external threats while remaining subordinate to civilian leadership. This approach allows for effective national defense while preserving the primacy of democratic decision-making processes. The nightmarish scenarios of military control in countries like Eritrea, Egypt, and Sudan stand as stark warnings of the perils of allowing armed forces to dominate the political landscape. Instead, Tigray should aspire to a model more akin to Israel's approach, where the military maintains a strong focus on external threats while remaining firmly under civilian control.

Given this complex political landscape, it's crucial to revisit the fundamental principles of civilian control of the military in a constitutional democracy. The recent statements and actions by TSF leadership raise concerns about the military's role in Tigray's political processes. In a healthy democracy, the military remains subordinate to civilian leadership and stays out of partisan politics.

Implementing these measures will not be without challenges. The deep-rooted nature of the current crisis, the recent history of conflict, and the complex regional dynamics all present significant obstacles. However, these challenges also offer opportunities for transformative change. By addressing the issue of civilian control head-on, Tigray's leaders have the chance to set a new standard for democratic governance in the region. They can demonstrate that it is possible to maintain a strong defense capability while upholding democratic principles and civilian supremacy.

The TSF, despite its origins in popular resistance, must evolve into a professional force that sees its primary role as defending the Constitution and the people, not as an arbiter of political disputes. This transformation will require a shift in organizational culture, training programs that emphasize civilian control, and clear legal frameworks that define the military's role in a democratic society. Political leaders, for their part, must resist the temptation to use the military for partisan gain. They must work collaboratively to build institutions that can withstand political pressures and ensure the long-term stability of civilian control. This includes developing robust parliamentary oversight mechanisms, transparent budgeting processes, and clear rules for military promotions and appointments.

Civil society organizations and the media have a crucial role to play in this process. By serving as watchdogs, educating the public, and fostering dialogue on civil-military relations, they can help build a civic culture that supports democratic control of the armed forces.

3. Proposal for a Way Forward

To address the current crisis and establish a stable, democratic governance structure in Tigray, I propose the following steps:

1. Reaffirmation of Constitutional Principles: All political and military actors in Tigray should publicly reaffirm their commitment to the principles of constitutional democracy, including civilian control of the military and the separation of powers.
2. Comprehensive Code of Conduct: Develop and implement a binding code of conduct for political parties, military and security forces, media and civil society organizations. This code should clearly delineate the roles and responsibilities of each sector, with particular emphasis on the non-partisan nature of the security forces. It should explicitly prohibit military interference in political processes and establish mechanisms for accountability.
3. Civilian Oversight Committee: Establish a civilian-led committee to oversee TSF activities and ensure adherence to constitutional principles. This committee should include representatives from various political parties, civil society organizations, and legal experts. Its mandate should include regular reviews of military operations, budget oversight, and the power to investigate any allegations of misconduct or overreach.
4. Transparent Communication Channels: Create clear and open lines of communication between TIA, political parties, and the TSF. Regular briefings, public reports, and

established protocols for decision-making can help prevent misunderstandings and reduce the risk of unilateral actions by any group.

5. Strengthening Democratic Institutions: Invest in building robust democratic institutions, including an independent judiciary, free press, and vibrant civil society. These institutions are essential for maintaining checks and balances on both civilian and military power. Particular attention should be paid to developing a strong legal framework for civil-military relations and ensuring the judiciary's capacity to adjudicate related disputes.

6. Multi-Party Dialogue: Initiate regular, inclusive dialogues between all major political parties in Tigray to discuss governance, security, and the path towards free and fair elections. These dialogues should include discussions on the role of the military in a democratic Tigray and strategies for maintaining civilian control.

7. Clear Delineation of Powers: Publicly define and communicate the powers and limitations of TIA, political parties, and the TSF. This should include explicit statements about the chain of command for security decisions and the processes for civilian oversight of military operations.

8. Commitment to Democratic Elections: All parties should commit to working towards free, fair, and inclusive elections in Tigray. This commitment should include a clear timeline and roadmap, with provisions for international observation and support.

9. International Engagement: Invite respected international organizations and think tanks to open offices in Tigray and support the process of democratic transition, adding an extra layer of accountability and expertise.

To address the current crisis and establish a stable, democratic governance structure in Tigray, the following steps are crucial:

All political and military actors must publicly recommit to the principles of constitutional democracy, emphasizing civilian control of the military and the separation of powers. This should be more than a mere rhetorical exercise; it should be backed by concrete actions and institutional reforms.

By learning from both positive examples and cautionary tales, Tigray can forge a unique model of civil-military relations that respects its recent history while safeguarding its democratic future. A failure to establish firm civilian control over the military could lead Tigray down the path of perpetual instability and authoritarian rule, as seen in countries like Eritrea, Egypt, and Sudan. Conversely, success in this arena could position Tigray as a beacon of democratic governance in the Horn of Africa, demonstrating that it is possible to maintain a strong defense posture while upholding democratic principles.

The people of Tigray, who have already shown remarkable resilience in the face of conflict, deserve a governance structure that respects their rights, ensures their security, and provides opportunities for political participation and economic development. Achieving this vision will

require unwavering commitment from all sectors of Tigrayan society - political leaders, military officials, civil society organizations, and citizens alike.

As Tigray stands at this critical juncture, the choices made today will shape its trajectory for generations to come. By embracing the principles of constitutional democracy, civilian control of the military, and inclusive political processes, Tigray can emerge from this crisis stronger and more united. The road ahead may be difficult, but with determination, wisdom, and a shared commitment to democratic values, Tigray can build a future where civilian leadership and military professionalism work hand in hand to serve the interests of all its people.

The key lies in establishing and maintaining clear boundaries between civilian and military spheres of influence, fostering a culture of constitutional adherence, and creating robust institutions that can withstand political pressures. The TSF, like the U.S. military, must see its role as a defender of the constitution and the people, not as an arbiter of political disputes. Like the IDF, it should focus on defending Tigray from external threats, not as an army that feeds on the people, but lives for the people.

Furthermore, all political actors in Tigray must recognize the dangers of allowing external forces to exploit internal divisions. Unity of purpose in establishing democratic norms and institutions, even amidst political disagreements, is crucial for Tigray's long-term stability and prosperity.

The path forward will not be easy, but with commitment, transparency, and a shared vision for a democratic Tigray, it is achievable. The people of Tigray, who have already demonstrated remarkable resilience in the face of conflict, deserve nothing less than a governance structure that respects their rights, ensures their security, and provides opportunities for political participation and economic development. As Tigray stands at this critical juncture, its leaders have the opportunity to set a new standard for democratic governance in the region.

By embracing the principles of constitutional democracy, civilian control of the military, and inclusive political processes, Tigray can emerge from this crisis stronger and more united, serving as a model for others facing similar challenges in the Horn of Africa and beyond.
The stakes cannot be higher for the people of Tigray and the region, but so is the potential for positive change. It is incumbent upon all actors - political leaders, military officials, civil society organizations, the media and the Tigrayan people themselves - to rise to this challenge and work collectively towards a peaceful, democratic, and prosperous future for Tigray.