



ኅብረት ለምርጫ (CECOE)

**የኢትዮጵያ የሲቪል ማህበራት ድርጅቶች ኅብረት ለምርጫ
Coalition of Ethiopian Civil Society
Organizations for Elections**

Monitoring Report on the Nomination, Selection, and Appointment Process of the New NEBE Chairperson

January 2024
Addis Ababa, Ethiopia

CONTENTS

INTRODUCTION	1
BACKGROUND	2
NORMATIVE FRAMEWORK ESTABLISHING THE NEBE	5
CANDIDATES NOMINATION, SELECTION, AND APPOINTMENT PROCESS VIS-À-VIS LEGAL AND DEMOCRATIC STANDARDS	7
CONCLUSION	10

Introduction

The Coalition of Ethiopian Civil Society Organizations for Elections (CECOE) was established in 2019 to augment and coordinate Ethiopian CSOs' role in election observation – monitoring, voter education, and preventing post-electoral conflicts. Following its establishment, the CECOE opened a new chapter in the country's CSO sector by systematically observing the Sidama Referendum in the same year of the coalition's establishment. Building upon this experience, during the Sixth National and Regional Elections of Ethiopia, CECOE recruited and deployed over 3,500 long-term and short-term observers to nine Regional States and two City Administrations in the June and September 2021 elections as well as the South West Ethiopia Referendum for a status of statehood. Furthermore, CECOE has also successfully observed the referendum held in the six zones and five special woredas of the former Southern Nations, Nationalities, and People's Region (SNNPR) in February 2023 and the Wolaita referendum re-run on June 19, 2023.

Recognizing the critical importance of the National Electoral Board of Ethiopia for the democratization process in Ethiopia, and the appointment of a new Chairperson for NEBE, CECOE has closely monitored the nomination, selection, and appointment processes.

This report offers a detailed examination of the nomination, selection, and appointment process for the new Chairperson of the NEBE, and its compliance with the existing legal framework based on media reports and press releases by the nomination committee on the process. While emphasizing key requirements such as transparency, inclusivity, and participation. This report also provides concrete recommendations to enhance future appointment processes, aiming to uphold democratic principles, foster public trust in the electoral system and the NEBE, and contribute to an open and informed public discourse surrounding the nomination, selection, and appointment of the new NEBE Chairperson. This will contribute to ensuring the integrity and legitimacy of future elections in Ethiopia.

Background

The FDRE constitution under Article 102 established an independent Election Management Body, the National Electoral Board of Ethiopia (NEBE). Re-established in 2019 and mandated to oversee general elections and referendums, the NEBE possesses numerous powers and responsibilities including but not limited to registering and supervising political parties in compliance with the law, ensuring that elections are conducted freely and fairly at all levels.

The administration of Prime Minister Abiy Ahmed introduced several significant reform measures in 2018, one of which is related to the NEBE. This involved the re-establishment of the NEBE as an autonomous and independent entity, accountable to the House of Peoples' Representatives (HoPR) through Proclamation No. 1133/2019. Additionally, a new Electoral, Political Parties Registration, and Elections Code of Conduct Proclamation No. 1162/2019 was also issued which included a major shift in the administration of elections and political parties.

In addition, the appointment of Birtukan Mideksa as NEBE Chairperson in November 2018, given her track record, signaled hopes to restore trust in Ethiopia's electoral systems and democracy among the public, political parties, civil society organizations, the international community, and development partners.

Appointment of former NEBE chairperson, Birtukan Mideksa(right)(Nov 2018), (photo: FBC)



Despite the daunting task of conducting free, fair, transparent, accountable, and inclusive elections which necessitated legislative and institutional reforms at a time when Ethiopia has been undergoing political turmoil, conflict, and the COVID-19 pandemic, under the leadership of Birtukan Mideksa, NEBE has executed the Sidama referendum, the Sixth General Elections, the Southwest Ethiopia referendum, and the South Ethiopia referendum.

In June 2023, the chairperson announced her resignation from the position she held for four years effective as of August 07, 2023. Following this announcement, Prime Minister Abiy Ahmed announced the establishment of an 8-member Recruitment Committee on November 6, 2023, to nominate a new chairperson for the NEBE. The committee is composed of the following individuals:

1. *Priest Tagay Tadele - Chairperson - representing the Inter-Religious Council of Ethiopia;*
2. *Teketel Yohannes - Member - representing the Ethiopian Academy of Sciences;*
3. *Kassahun Follo - Member - representing the Confederation of Ethiopian Trade Unions;*
4. *Melaku Azezew - Member - representing the Ethiopian Chamber of Commerce and Sectoral Associations;*
5. *Rigibe Gebrehawariya - Member - representing the Ethiopian Human Rights Commission;*
6. *Bayuh Bezabih, member - Member - representing civil societies*
7. *Yohannis Benti (Dr.) - Member - representing civil societies*
8. *Engidaye Eshete, Member - representing civil societies.*

This committee has been entrusted with the task of screening and presenting competent candidates for the position through nominations from the public, political parties, and civil society organizations, and ultimately nominating candidates to the Prime Minister.

The committee issued a press release on Friday, 10th of November 2023.¹ It was announced that the committee would present two selected candidates to Prime Minister Abiy Ahmed before the end of December 2023. The chairperson, Tagay Tadele (Kesis), announced that the committee will start receiving nominees from Monday, the 13th of November 2023, for the next 10 consecutive days until Thursday, the 23rd of November 2023 at 5:30 pm. In the statement made by the Chairperson, it was mentioned that the committee has issued an internal procedure and an action plan. He also stated that the nominees suggested by the public, political parties, and civil societies need to fulfill all the requirements stated under Article 6 of Proclamation No. 1133/2019. He also elaborated on how nominations can be made. According to the statement, nominations could be submitted using the form prepared by the committee, which requires filling in details of the candidate's identity and other profiles. Nominations can also be sent via email, WhatsApp, Telegram, or post. Those who prefer to submit their nominations in person can do so by depositing their nomination papers in a closed box at the House of Peoples' Representatives (HoPR) reception office in Arat Kilo, Addis Ababa.

1 <https://ethiopiainsider.com/2023/12098/>

Appointment of NEBE chairperson, Melatework Hailu(left)(Dec 2018), (photo: HoPR/Facebook)



On December 2, 2023, 22 days after the first press release, the Recruitment Committee issued a press release regarding the candidates for the position of NEBE's chairperson. The Committee announced that it received a total of 56 nominations through various means, during the nomination period which spanned from 13 – 23 November 2023. Following the nomination period, it was disclosed that a rigorous selection process took place which involved three rounds of screening by the Committee. It was stated that the latter carefully evaluated nominees, ultimately shortlisting five individuals. After thorough deliberation, the Committee identified two individuals who met the criteria. These two candidates were announced as Mrs. Melatework Hailu and Mr. Tadese Lemma. The committee emphasized that Mrs. Melatework Hailu and Mr. Tadese Lemma were chosen due to their track records, their ability to remain politically neutral, and their fulfillment of all essential criteria. With the announcement made, the Committee stated that the names of the two nominees would now be forwarded to the Prime Minister. Following the Prime Minister's recommendation of the nominees, one of the two candidates would be appointed as the Chairperson of the NEBE by the House of Peoples' Representatives (HoPR). Accordingly, on the 12th of December 2023, the HoPR in its regular meeting appointed Melatework Hailu as the Chairperson of the NEBE.

Normative framework establishing the NEBE

The 1995 FDRE Constitution establishes the National Election Board under Article 102. The constitution provides that this entity should be independent from any influence and entrusts it with the duty to conduct free and fair elections in federal and state constituencies in an impartial manner. The FDRE constitution provides that members of the board will be appointed by the House of People's Representatives upon the recommendation of the Prime Minister with the details related to the nomination and recommendation of the board members left to subsidiary legislations.²

In 2019, the NEBE was re-established as per the NEBE Establishment Proclamation No. 1133/2019 as an autonomous organ having its own legal personality.³ NEBE's mandate includes overseeing general elections and referendums, and it possesses different powers and responsibilities as outlined in Proclamation No. 1133/2019.⁴ These include executing elections and referendums impartially in accordance with the Election Laws, registering and supervising political parties in compliance with the law, ensuring that elections are conducted freely and fairly at all levels and more.⁵

NEBE is managed by a management board consisting of five (5) members, with the chairperson leading the various departments of the board.⁶ Members of the management board are appointed by the House of Peoples' Representatives (HoPR) upon recommendation by the Prime Minister.⁷

As per Proclamation No 1133/2019 Article 5(1) the Prime Minister is responsible for establishing an independent committee tasked with recruiting nominees for the management board.⁸ The committee is composed of 8 representatives of the aforementioned institutions.⁹ As per Article 5 (2) of the Proclamation, *"the members of the committee that shall be selected from the institutions under SubArticle (1) of this Article shall have proportional gender balance and persons whose neutrality and capability are ensured and when appropriate fulfill the criteria to become management board members under*

2 Article 102 of the FDRE constitution
3 Article 3 of Proclamation 1133/2019
4 Article 7 and 8 of Proclamation 1133/2019
5 *ibid*
6 Article 4 of proclamation 1133/2019
7 Article 102 of the FDRE constitution
8 Article 5 Proclamation 1133/2019
9 *ibid*

*Article 6 of this Proclamation*¹⁰ The committee is responsible for receiving nominations from the public, political parties, and civil societies for potential board members.¹¹ In a transparent and competitive process, the committee selects nominees who are competent for the management board, ensuring that the consent of the nominees is secured.¹² The committee prepares a list of nominees, which is made public and sent to the Prime Minister.¹³ The list of nominees should be twice the number of available positions on the board during the selection process.¹⁴ The Prime Minister must engage in consultations with representatives of competing political parties regarding the presented nominees.¹⁵ After the consultation process, the Prime Minister submits the recommended nominees to the HoPR for appointment.¹⁶ During this process, the Prime Minister also identifies the Chairman and Deputy Chairman of the management board, if both positions are vacant.¹⁷ The nominees are then appointed upon receiving majority approval through a vote in the HoPR.¹⁸

In addition to the appointment procedure, there are requirements that must be fulfilled by individuals aspiring to become Management Board Members of the NEBE. These criteria include:¹⁹

1. Ethiopian by birth and Ethiopian national.
2. Not a member of any political party.
3. Possess advanced professional qualifications in areas related to elections, such as law, political science, public administration, statistics, information technology, and other relevant fields.
4. Demonstrate good ethics and character.
5. Exhibit high leadership capacity.

Furthermore, the composition of the Management Board must take into account ethnic and gender diversity, ensuring a balanced representation of different ethnic groups and sexes.²⁰

10 Sub 2 of Article 5, proclamation 1133/2019
 11 id, sub article 3
 12 id, sub article 4
 13 id, sub article 5
 14 id, sub article 6
 15 ibid
 16 id, sub article 7
 17 id, sub article 8
 18 id, sub article 9
 19 id, Article 6
 20 id, sub article 2

Candidates Nomination, Selection, and Appointment process vis-à-vis legal and democratic standards

Transparency

Transparency is a fundamental principle that underpins the integrity, fairness, and accountability of any political process. In this context, transparency refers to the openness, accessibility, and clarity of information and decision-making throughout the entire process. In line with this, the appointment process demonstrated some strengths. The establishment of a committee to recruit candidates, the timeframe for nomination, and the announcement of the shortlisted candidates were made public, which is in line with the principle of transparency. However, several areas in the nomination, selection, and appointment process required improvement for future appointments of the NEBE Board members.

Though the committee has announced that nominations could be made using various modalities, limited observation findings of CECOIE show that the modalities employed were not two-way; meaning that citizens submitting nominations did not receive any confirmation or acknowledgment of their submission. Furthermore, the in-person submission method that was made to the HoPR office may be challenging for citizens residing in regions other than the area where the office is located.

The transparency of the screening and shortlisting process remains unclear and requires clarification. The gaps in the availability of information are seen in the absence of progress updates on the works of the committee and the list and profiles of nominees, in view of the previous NEBE Board members selection process in 2019. Regular communication and updates, if made to the public, would enhance the transparency of the process by providing information and opportunities for public engagement and scrutiny.

In light of this, CECOIE recommends the following for transparency in the nomination processes;

1. Additional efforts should be made to enhance the accessibility of the nomination process and to provide adequate information for citizens on the diversity of the submission modalities. Moreover, putting in place a system that provides citizens who nominate candidates a confirmation or message upon successful submission would contribute to the public trust. On top of this, the nomination committee should explore alternative options for nominees in other regions, such as establishing designated drop-off points at the regional level to facilitate submissions;
2. Regular updates on the progress of the committee and the ongoing nomination should be provided to promote public engagement and scrutiny, aligning with the principle of transparency;
3. The names and other accompanying details of nominees should be made public to enable and allow for a meaningful evaluation by the public. This will allow persons who nominate to see whether the nominations they have made were included by the committee.

Inclusion

Inclusion is an important element to consider in the nomination, selection, and appointment process of persons to positions of responsibility. This becomes even more important for the appointment of the leadership positions of Election Management Bodies like the NEBE which are responsible for mainstreaming inclusive policies in the administration of elections.

In line with this, the proclamation has put requirements of inclusion, specifically related to “sex and ethnicity” in the nomination, selection, and appointment process for the NEBE management board membership. The proclamation requires the nomination committee to be proportionally gender balanced. Looking at the composition of the nomination committee, only two women representatives participated as members of the eight-member nomination and selection committee. The two organizations that were represented by female representatives on the nomination committee are the Ethiopian Human Rights Commission (EHRC) and civil society organization.²¹ The proclamation, concerning Persons with Disabilities (PwDs), is not in line with the principle of inclusion in that while the proclamation took into account proportional gender balance in the nomination committee, it didn’t envisage the inclusion of PwDs. The nomination by the public saw only four women out of 56 total nominations which show a heavy gender imbalance.

In light of this, CECOIE recommends the following concerning inclusivity in the nomination, selection, and appointment processes;

1. While CECOIE commends the Ethiopian Human Rights Commission for delegating a female representative to the nomination committee, the other organizations need to consider the steps of EHRC in delegating PwDs and women delegates into the nomination committee of the NEBE board membership appointment.

²¹ Mrs. Rigibe Gebrehawarya from the Ethiopian Human Rights Commission (EHRCO) and Engdaye Eshete from a civil society organization were delegated.

2. Noting the importance of ensuring the inclusion of PwDs in the nomination, selection, and appointment of the NEBE board members, CECOIE recommends the amendment of the proclamation to accommodate an organization working on PwDs.
3. It is concerning that only four women were nominated out of a total of 56 nominations. This necessitates various actions of all concerned actors especially women's rights groups in terms of nominating women who fulfill the requirement for chairpersonship.

Participation

Ensuring the participation of all concerned is crucial in the affairs of any electoral process. The principle of participation is many-fold in that it involves the public's participation as groups or individuals. Considering the importance of citizen's participation in public affairs especially in the management of Electoral Management Bodies, the selection of members of NEBE must ensure that citizens, civil society organizations, interest groups, political parties, and other stakeholders participate in the nomination, selection and appointment of leadership positions of NEBE. Cognizant of these principles, Proclamation No. 1133/2019 has incorporated important aspects of participation in the nomination, selection, and appointment for the membership of the Board of the NEBE. Accordingly, the proclamation reserves membership into the NEBE board member selection committee by listing out five organizations and allocating three seats for civil society organizations and elders.

The nomination committee that was composed by the Prime minister to appoint the chairperson of NEBE was in line with this legal requirement since all the representatives were from the organizations listed under Article 5 of the proclamation. Consequently, the committee has announced the public inviting nominations in a designated time frame.

The chairperson of the Ethiopian Political Parties Joint Council (EPPJC) stated in the Reporter Newspaper that the Prime Minister did not consult with political parties as per Article 5 (6) of the proclamation.

Cognizant of these areas of improvement, CECOIE recommends the following:

1. The nomination committee should provide a wider timeframe for nomination to allow the nominators to actively participate in the process;
2. To enhance transparency, inclusivity, and public participation in the nomination process, CECOIE recommends the amendment of the Proclamation to include mandatory provisions to organize platforms to collect public feedback on the nominees using various modalities;
3. CECOIE recommends that the Prime Minister consults with political parties regarding the presented nominees in the future.
4. CECOIE recommends that CSOs actively engage in the process in terms of mobilizing themselves to nominate candidates and encourage the public to participate in the nomination process.

Conclusion

The efforts made to appoint a chairperson in a very short time in line with the legal framework are commendable. However, CECOE has observed the following gaps in the recent appointment process:

Transparency:

- Though the timeframe and ways for nominations had been announced, other information was not sufficiently disclosed. The lack of information available to the public is likely to lead to various speculation.

Inclusion:

- The representation of women was not proportional in the committee. Furthermore, the absence of a mandatory provision in the legal framework requiring representation of an organization working on PwDs;
- From among 56 nominees, only 4 were female;

Participation

- Although attempts were made for the participation of the public in the nomination process, the time allocated was not sufficient;
- There was no platform whereby people forward their opinions and concerns on the process.

January 2024

Addis Ababa

Coalition of Ethiopian Civil Society Organizations for Elections (CECOE)



ኅብረት ለምርጫ (CECOE)

የኢትዮጵያ የሲቪል ማህበራት ድርጅቶች ኅብረት ለምርጫ
Coalition of Ethiopian Civil Society
Organizations for Elections

Coalition of Ethiopian Civil Society Organizations For Elections

6 kilo, Angola Street , International Leadership Institute Bld., 2nd floor
Addis Ababa, Ethiopia

+251 11 811 1455

www.cecoe.org

info@cecoe.org

twitter: @cecoeEth

facebook: CECO21