

EASE CONSTITUTIONAL REFORM POLICY

Eritrea's nationalities are distinguished by ancient and distinct languages, which are superimposed on cleavages of religion, economy, culture and more generally way of life. The ten nationalities are old, rooted in ancient histories and cultures. Eritrea, by contrast, is a new political construct, fashioned in 1993.

The present Eritrean regime and the unimplemented 1997 Constitution both undermine the Afar and other minority nationalities and the Afar will not accept the status quo or the 1997 Constitution being imposed on them. They have so resolved by the thousands in solemn declarations by their leaders and backed unanimously by the Afar people – in particular the [Samara Declaration of 2011](#).

For the 1997 Constitution to become acceptable to the smaller nationalities, it will have to contain reliable and durable guarantees for minority rights, for national and regional autonomy and for indigenous land and resource rights. These are traditional concerns which the International Community and its authoritative actors have recognized as contributing to the stability of states and which to some extent are expressed in the *Declaration on the Rights of Indigenous Peoples* and the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*.

We believe that any attempt to impose the 1997 Constitution on the Afar without modifications tailored to Afar concerns will lead to prolonged instability in Eritrea. We believe this action will bring about a new form of Eritrean conflict between the large nationalities and the small.

A. Deeply flawed Eritrea's 1997 Constitution

Here below some areas of concerns with 1997 constitution:

- The 1997 Constitution contains no chapter on minority rights.
- The rights of the national communities are nowhere guaranteed. The Constitution neither provides for any measures for autonomy or self-government of the nationalities, nor does the Constitution provide for guarantees for the small nationalities to participate in central institutions of the state.
- Art. 31 of the Constitution ensure Eritrea's central institutions will be dominated by large nationalities as they are now.
- The 1997 Constitution contains no guarantees for the autonomy or rights of the regional authorities. Art. 1(5) gives the Central Authorities full control over the regions, with "carte blanche" over Afar economies, resources, governing structures and societies.

- Centralized power has been used to reorganize the regions and depreciate their powers and territories. Dankalia, for example, has been reduced in size and parts of it subjected to rule by others.
- The reality of the 1997 Constitution is that the excessive centralization of Art 1(5) creates and makes Eritrea's small nationalities dependent on the large nationalities.
- Art 23.2 of the 1997 Constitution declares "All lands and all natural resources below and above the surface of the territory of Eritrea belong to the State. *"The interests', citizens shall have in land, shall be determined by law"*. This article expropriates the indigenous rights of Afar people to the soil, **contrary to international law**. It allows the central authorities to appropriate the traditional lands and resources of the Afar pastoralists and sell them to foreign resource extraction companies. It allows the large nationalities to displace the small nationalities from their rightful and guaranteed traditional lands and pursuits.

The unimplemented 1997 Constitution was born in a triumphalist spirit. Eritrea's leaders were jubilant, intoxicated with the idea that they could do anything and imbued with the Marxist tenets that had carried them through their thirty year struggle for liberation. One of these ideas, built upon Stalinist concepts, was that Eritrea should build an "all-embracing Eritrean identity". The proposed constitution of the day was designed for majority ruling class, for the benefit of the ruling class, excluding the others from participating in the development of the country.

Eritrea's ruling class (PFDJ) has used the motto of building unity and defending Eritrean sovereignty instead disguised its policy of Racism and Marginalization of Afar Eritreans of 23 years and counting.

B. The Hijacking of the Rule of Law

The Eritrean People's Liberation Front (EPLF) rose to power after Ethiopia's repressive control over Eritrea. During this time, Emperor Haile Selassie replaced Eritrea's official languages and Amharic became the language of instruction in public institutions and schools. Professor Magnet's report "Constitution Making in Eritrea: Why It's Necessary to Go Back to the Future" suggests that these repressive language policies became the catalyst for the Eritrean uprising that began in 1961. The following year, "the Emperor pressured the Eritrean assembly to dissolve the federation, annexed Eritrea as part of the Ethiopian Empire, and sent a large army of occupation to enforce the new situation. Eritrea then descended into a bitter civil war which lasted 30 years."

Eritrea's struggle for independence from Ethiopia was originally led by the Eritrean Liberation Front (ELF), which Professor Magnet mentions was "wracked by religious and philosophical factionalism." In the 1970s, certain political members of the ELF formed the EPLF as a rival group, which after two wars of conflict, finally defeated the ELF.

In 1974, a military coup took place in Ethiopia which deposed Emperor Haile Selassie and brought the country under Soviet power. However, with the unravelling of the Soviet Union in the late 1980s, they decided not to renew the Soviet-Ethiopian defence agreement. “Without Soviet assistance, the Ethiopian/Eritrean conflict tilted decisively toward the EPLF. On May 1991, EPLF forces entered the capital, Asmara, placing the EPLF in control of Eritrea.”

The EPLF Executive Committee - (President Isaias Afwerki is seated 2nd to the right.)



Standing: Ogbe Abraha, Ali Said Abdella, Sebhat Ephrem, Haile Woldetinsae, Petros Solomon, Mohammed Said Bareh, Mesfin Hagos, Al-Amin Mohammed Said. **Sitting:** Berhane Gherezgiher, Ibrahim Afa, Romedan Mohammed Nur, Isaias Afwerki, Mahmoud Ahmed Sherifo.

In March 1994, The EPLF declared itself a provisional government, thereby transforming an armed guerrilla organization into a government. Their leader, Isaias Afwerki created the “Secret Circle” within the EPLF and named itself the PFDJ (People’s Front for Democracy and Justice), as part of its transformation into Eritrea’s ruling political party. Isaias Afwerki managed to repress any political rivals and successfully guaranteed himself supreme power in Eritrea.” The party then created the Eritrean Constitutional Commission under Proclamation No. 55/1994.

It appointed Dr. Bereket Habte-Selassie, (Professor of African and Afro-American Studies at University of North Carolina at Chapel Hill) as the chairman of the Constitution making committee. The Commission decided that Eritrea needed to build a new national identity through a Constitution that was based on excessively centralized ideology, a socialist model that consequently suppressed smaller Eritrean nationality identities.

C. EASE Reform Policy call

Our Reform policy calls for writing of a new Eritrean's constitution that resembles the makeup of Eritrea's nationalities,

The new Eritrean constitution must model itself and recognize the following rights

- Power sharing constitution between Eritrea's ethnicities
- Indigenous and minority rights to lands and resource
- Pluralism and equality of nationalities
- Self Rule and Autonomy
- Rule of Law, Democracy and Fundamental rights
- Federalism

EASE willing to work with all nationalities in Eritrea to establish with them a liberal democratic federation based system on the principles of Freedom, Autonomy and Equality for all nationalities.

Samara declaration: WE NOW DECLARE that it is the solemn will of the Afar People to participate in a reformed Eritrea on the basis of these principles: The rule of law; Democracy; The equality of each nationality; That each nationality shall exercise the rights of self-government and self-determination in a federated autonomous region; That the rights of freedom of religion, conscience, political opinion, expression, assembly, equality, mobility, association and liberty shall be guaranteed; That the people of all nationalities shall be secure in their persons, shall be free from arbitrary search, seizure, arrest, detention, and charge; That no conviction shall occur except by due process of law; That the judicial branch shall be independent and secure in its tenure; That each nationality shall, through the governments that they freely elect, have the right to own and control their lands and resources including surface and sub-surface resources, sea coasts, fisheries and air space and shall enjoy the profits there from under conditions established by law. That each nationality shall, through the governments they freely elect, have the right to protect and preserve the vitality of their language, culture, way of life and economy; That each nationality shall enjoy the right of self-determination up to and including the right of secession; That the rights of indigenous peoples and minorities shall be guaranteed and protected; That Afar refugees that the refugees of all nationalities of Eritrea who have fled Eritrea shall have the right of return to their homes and properties in Eritrea and to Eritrean citizenship; That all Afar People shall have the right of return to their ancestral homeland in Dankalia and to have Eritrean citizenship; and That Dankalia shall have its traditional borders restored to those to which the Afar People enjoyed in 1991.