

# EASE INDIGENOUS RIGHTS POLICY

## A. Who are the Indigenous Afar

The Afar are one of Africa's long-established first nation inhabitants of the region called the Horn of Africa. The Afar nation have lived in the afar triangle, at the convergence of what are now Ethiopia, Djibouti and Eritrea since time immemorial. The Afar triangle is also the home of, [/Ardipithecus kadabba](#) [Ardipithecus Ramidus](#) and Lucy the oldest skeletal remains [Lucy \(Australopithecus\)](#) yet discovered (5.54, 4.4 and 3.2 million years ago respectively). Many Paleontologists refer to afar homeland as the “cradle of humanity”. With most recent findings in desert of Dankalia pointing to [800,000 years old footprints](#) believed to be a key predecessor of modern man.

Historically, the Afar nations have governed themselves autonomously without interference and in accordance with their indigenous customary laws, legal systems (called Madaa) and traditions.

The Afar have been practicing their distinct language, economic pursuits, religious practices and political culture has evolved for many millennia.

## International Indigenous criteria as applies to Afar in Eritrea

Earning recognition as an indigenous group and gaining the rights associated with indigenous status has been a key demand of the Afar nation. While there is no single international definition of what constitutes an aboriginal group, lawyers working with the Afar have established four criteria that have been widely employed to categorize indigenous groups. These criteria were based upon: decisions from international courts, the practice of States and from the writings of United Nations rapporteurs and other authors.

### These criteria include:

1. Prior occupation of a defined territory
2. Voluntary perpetuation of cultural distinctiveness
3. Self-identification and identification by others as a distinctive community and
4. A situation of non-dominance

Regarding the prior occupation of a defined territory, the Afar have maintained a consistent and clearly documented presence on the African horn in the Dankalia region since at least the 13<sup>th</sup> century, while further evidence points towards Afar ancestral ties to the Ethiopian highlands dating back to AD 1000. While the Afar maintain a nomadic



lifestyle, the Afar have maintained a long tradition of occupation within a defined territory. This territory, which is often referred to as “the Afar Triangle,” is divided between Ethiopia, Eritrea and Djibouti.

In terms of voluntary perpetuation of cultural distinctiveness, the Afar have been practicing a distinctive language, economic activity, religion and political culture for many generations. Their distinctive language can actually be traced back at least five millennia. While their distinctive economic pursuits are based upon the extraction and trade of salt, found within the Afar’s territory. Their religious practices, which mixes Sunni Islam combined with other indigenous practices is also quite distinctive and in contrast to the largely Christian region. Politically, the Afar have also maintained a distinctive political structure which involves sheikhdoms, clans and sultanates.

The Afar’s distinctive cultural practices are also clear indications of their self-identification as a distinctive community. However, the Afar have also been repeatedly identified by others as a distinctive community. Their geographical and cultural identities have largely kept the Afar isolated from the Ethiopian State and were identified as “Ethiopians at the margins” in the 1970s by renowned jurist Jacques Vanderlinden. Further, the recently adopted Ethiopian federal constitution identified the Ethiopian Afar territory as a self-governing Afar province. Additionally, the [African Commission of Human and Peoples’ Rights Working Group of Experts on Indigenous Peoples](#) /Communities cited the Afar as an example of a pastoralist indigenous group.

Lastly, regarding a situation of non-dominance, until the 19<sup>th</sup> century the Afar had remained entirely independent of outside control. As a result of colonization, the Afar’s traditional territory was split between Djibouti, Ethiopia and Eritrea. As a result, The Afar have been persecuted in all three countries. In Ethiopia, Afar territory was partitioned for agricultural purposes. This was legally facilitated because Ethiopian law did not recognize the title of the Afar pastoralists to their land. Following the independence of Eritrea in 1991, the Afar have been perpetually persecuted by President Afwerki and the Eritrean State. The Eritrean State has repeatedly attempted to isolate the Eritrean Afar from their counterparts in Ethiopia and Djibouti by attacking their trade practices and linguistic heritage. The Eritrean State has been actively involved in numerous practices of ethnic cleansing against the Afar since Eritrea’s independence.



Thus, it remains quite clear that based upon these widely accepted criteria, the Afar can certainly be characterized as an indigenous group and are thus privileged to the rights associated with this classification as established by the UN Declaration on the Rights of Indigenous Peoples. These rights are extremely broad, but at their core would protect the Afar’s rights to preserve their culture, territory,

economic activity, language, religion, and establish self-government. Until the Afar have been internationally recognized as an indigenous group who are entitled to the rights as an indigenous society, the Afar will continue to be persecuted.

The following charters by [The United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#) adopted by the United Nations on September 13, 2007 has enshrined these rights in its document.

**UNDRIP-Articles:** - recognizes Afar Indigenous rights to self-determination, to self government and autonomy in this way,

- **Article 3** “Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”.
- **Article 4** “affirms Indigenous peoples’ right “to autonomy or self-government in matters relating to their internal and local affairs”.
- **Article 5** “protects their right “to maintain and strengthen their distinct political, legal, economic, social and cultural institutions”.
- **Article 10** “Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return”.
- **Article 20** “Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities”.
- **Article 26** “states that “Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquire”.
- **Article 31 1.** “Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions”.

There cannot be a meaningful reform of Eritrea without recognizing the Afar Indigenous right to self-determination, which includes the right: - to freely determine their political status and freely pursue their economic, social and cultural development.

Eritrean State can no longer afford to object to Afar self rule and autonomy which is recognized internationally, including in the Charter of the United Nations, the Universal Declaration of Human Rights and other parts of international human rights law.

## **B. Reclaiming Indigenous rights for Afar in Eritrea**

### **1. Indigenous Self Rule and Governance**

The Eritrean Afar identity has evolved with its own distinct cultural, distinct way of life and traditions and indigenous values and beliefs systems since the time immemorial. As indigenous people, the Eritrean Afar must define their self determination and their rights to self rule model based on their indigenous identity, their long established history and self governance in their territories based on their customary laws.

This collective perspective represents [the will of Afar](#), the indigenous rights to self rule to leverage the development of Afar political, cultural and economic institutions as collective assets of Afar Indigenous systems.

Our Indigenous rights policy charts a new beginning for the Eritrean Afar People that will guarantee their autonomous self rule over their societies, control over their land and resources, rights to economic development, carry out their day-to-day economic activities, resolve conflicts in Dankalia's territories and promote the diversity of Eritrea while advancing nation building and democracy in Eritrea.

Afar indigenous self reliance and traditional economic pursuit, their long established customary laws and their way of life have sustaining their identity from being wipeout the Afar in Eritrea. Our people are of the most persecuted minority ethnic groups in Eritrea. Though minority in Eritrea proper, the Afar are still make up the majority in their traditional homeland of Dankalia, constituting more than 80% of local population.

### **2. Reclaiming Afar Tradition and Customary Law and Its Authority**

Prior to European colonialism "Age of Discovery" at the beginning of the 15th century and later followed by "the Scramble for Africa", at the end of the 19th, the Afar leadership exerted an impressive amount of authority over much of their land and the territories. Afar Sultanates of (AWSA, RAHAYTA, BIDRU, TADJOURA and GOBAD) served as traditional rulers and governors of Afar territory throughout the region in Ethiopia and pre-independence States of Djibouti and present Eritrea.

The Afar Sultanates were custodians of Afar ancestral and community land, culture, customary laws (Madqa) and traditions including history. The infamous Afar customary laws of Burili-Madqa, Budduto-barh-Madqa, and Debnek-Weeimah-Madqa were instrumental to maintaining law and order including presiding over and settling criminal civil disputes, land disputes and with the exception of the Eritrean State attempt to erase them, these laws continue even up to this day.

### **3. Preserving Afar Customary Law**

The Eritrean regime has now introduced a court and legal system which has destroyed Afar Customary Law. The new laws and the new criminal justice system imposed on Afar society are instruments of repression, oppression, and a means of breaking Afar culture and customs.

For example, the current Eritrean government has imposed external Afar clan chiefs on the wrong clan. The central government has taken Afar clan chiefs from one region, and forced them to go to another region where they have no Afar-developed or traditional authority. This is intended to break down clan structure and traditional structures of Afar governance and divide the Afar People amongst themselves.

The current Eritrean government is violating and undermining indigenous rights and authority by Afar Sultans and implementing legislative and administrative rules and measures without due respect to the customs, traditions and land tenure systems of the indigenous Afar people.

EASE will re-instate the historic authority of Afar Sultans as indigenous leadership and acting traditional authority over Afar people's day to day affairs and as leaders of their land and territories by using traditional and customary laws as integral part of Afar governance. Our policy will strengthen and revitalize the Indigenous Afar Customary Laws (MADQA).

Our policy will take effective measures to ensure these rights are protected in Eritrea and also ensure that indigenous Afar can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means. Furthermore, and contrary to distorted propaganda by the regime and its tools, the Eritrean Afar people consider themselves an integral part of Eritrean society. While the Afar people wish to enjoy the right of self-determination and self Government, it continues to promote the diversity and integration of all nationalities under one righteous and unified Eritrea.

### **4. Afar Traditional Representatives (MAJLIS AL-AYAAN AFAR)**

**Traditional Leadership in Afar (also known as Majlis Al Ayan)** meaning Assembly of Afar traditional leaders or the Representatives Assembly, the highest afar traditional body representing the Afar Sultan of Rahayto, the Sultan of Bidu(Griffo) and Notable Afar tribal leaders (Makabon).

The MAJLIS is entrusted with safeguarding the indigenous rights of Eritrean Afar People, including the practice of customary law, land rights, the rights to subsistence religious affairs, welfare and charity and the laws surrounding Afar culture.

The MAJLIS also represents the Afar indigenous voice and legislative governance related to natural resource exploitations and conflict resolutions.

## 5. Re-Instating Criminal Law in Afar Society

Crimes and Punishment:

The term *Ma'ada*, or rules, is used by the Afar for their traditional system of customary law.

The *Ma'ada* identifies five different types of crimes ([Jamaluddin, 1973:2-4](#)):

- *Eido* (killings)
- *Aymissiya* (injury)
- *Rado* (theft, destruction of property)
- *Samo* (adultery)
- *Dafu* (insults, affronts)

The notions of collective responsibility and intentionality are perhaps the defining features of the *Ma'ada* and have a direct bearing on the workings of the traditional system of conflict resolution. In the *Ma'ada* system it is the clan that is held responsible for the deeds of its members. Additionally, severity of the crime and also the compensation payments vary depending on whether the crime/affront committed was intentional or accidental. *Diat* and *Nefsimiklah* are the Afar terms for compensation payment for homicide and *Dekha* the term for the compensation payments for all other types of injuries/crimes.

### **Mablo**

The process of dispute resolution between different parties is referred to as *Mablo* by the Afar.

Today the Eritrean State has little respect for Afar indigenous culture or their traditional laws (Madaas). Afar people in Dankalia have been stripped of their history, customs and traditions. When a nation is stripped of its past and becomes obsolete and does not know where it came from and where it is going and what it wants. The systemic disintegration and assimilation of Afar society's fabric by Shabia regime has taken its toll on Afar culture. The linkage of transferring priceless oral traditional knowledge, values system and our

dignified past and ability to confront injustice and tyranny in our region for our people has been gradually eroding.

## **Duties and Responsibilities**

### **The Mekabon and Isi**

Mediators (*Isi*) are Afar elders (*Mekabon*) who play a critical and indispensable role in resolving conflicts between clans and sub-clans. They are often from neutral clans and are called upon to mediate and reconcile antagonistic clans.

### **Harah Abba**

The literal meaning of the term *Hara Abba* is 'father of the tree'. The lowest level in the Afar system of political authority is the *Har Abba*, a position which exists at both clan and sub-clan levels. The *Har Abba* initiates the formal process of traditional conflict resolution by making the opening or first speech during the actual proceedings.

### **Dar Abba**

*Dar Abba* literally means 'father of the *dar*'; *dar* means abode. Although a traditional Afar position, the *Dar Abba* now acts as the administrator of a (Zoba) *woreda*.

### **Keddo Abba**

Perhaps the most important functionary in the Afar traditional system of governance is the position of *Keddo Abba* or 'father of the clan' (Savard, 1970:226-239).

Afar use the term to refer to the chiefs of clans and sub-clans, since unlike the Somali, the Afar do not distinguish between the two. The *Keddo Abba* is the official representative of a clan/sub-clan in interactions with other clans/sub-clans and also in formal or informal interactions with state structures.

Additionally, the *Keddo Abba* also plays a critical role in conflict management, resolution and reconciliation. In terms of the traditional system of conflict resolution, the word of the *Keddo Abba* is final and binding. In addition to these hierarchical positions the Afar system of governance incorporates other positions at the level of the clan and sub-clan. These offices play a further key role in the process of conflict management, resolution and reconciliation.

### **Fi'ema Abba**

The *Fi'ema Abba* is the head of the *Fi'ema* and the term can be translated as 'first among equals'. The *Fi'ema*, which roughly translates as 'equals', is a quasi-age-set among Afar

men. The *Fi'ema Abba* is a key position in the traditional system of governance. The *Fi'ema Abba* can decree and/or carry out punishments decreed by the elders of the clan or sub-clan. The post of *Fi'ema Abba* is not a permanent or an inherited one and must be relinquished when the post holder reaches middle age or is replaced due to the inability to fulfill his duties.

## **6. Investing in cultural infrastructure and Education**

Click on the link above for video tour [Proposed Afar Indigenous Education Plan](#)

Our Education Plan for advancement of Eritrean Afar education system includes first ever Afar indigenous university in this part of the world. The inspiration behind our proposed higher learning institution was fulfill educational aspirations of the Afar Nation, to reflect, promote and preserve the Afar indigenous culture, their way of life, economic activities and the environment as well as provide hands-on programs on real life experience necessary to ensure professional development and economic success for future Afar generation.

The Afar university will have Five faculties and Ten 10 departments which are guided by the indigenous ideals of self-reliance, economic freedom and the need for acquiring an "international perspective" to broadly learn the necessary skills in experience-based learning environment.

As the pride of Afar higher learning and excellence in education, Assab University will be built in strategic coastal city of Assab , The [Assab University](#) is destined for building the educational aspirations of the Afar Nation.

### **Our Five Faculties**

The following faculties introduce one of a kind experience in the region and an amazing variety of academic opportunities and learning environment.

#### **Faculty of Agriculture and Animal husbandry**

The Faculty of Agriculture will serve as a center for research and technology in agricultural engineering and soil science and food sciences. This faculty is dedicated to agro-pastoral communities' needs to ensure food safety and, reduce the challenge of poverty and food insecurity. This is accomplished through effectively improving natural resources, land rehabilitation, territorial landscape management and other environmental, social and economic issues in the dry and fertile zones of Dankalia.

Traditionally and predominantly as pastoralist nomadic people of horn of Africa, the Afar people are heavily dependent on their animals for livelihood, food and trade. Raising goats, sheep, camels and cattle in the desert has been the age-old Afar tradition and story of survivals in one of the harshest environment in this part of the world.

The Faculty of Animal husbandry will teach the ins and outs of livestock management, animal nutrition and breeding, immunology and disease control and animal welfare.

### Faculty of Natural Resources and Mining

Richly endowed by natural resources such as natural gas, oil, gold and potash, salt and other precious metals and minerals, Dankalia presents unique opportunities to explore the most diverse and spectacular natural environments in the world. The breathtaking scenery of the undersea world and the inspiring natural coastal villages and the vast territories of desert surroundings PROVIDE the perfect setting for a strong research and learning culture which is essential for the health of industry and the overall economic development of the region while protecting our environment.

The courses of Assab University's faculty of natural resources and mining will focus on sustainable management of natural resources, Environment protection, mineral extractions, resources exploitations and its conflict resolutions by providing hands on expertise in support of decision making for a sustainable economic model and the future leadership of Danakila and Eritrea.

### Faculty of Business and Trade

Situated next door to Assab Port, the once vibrant and hub for commerce and international trade in the region, the Faculty of Business and Trade is dedicated to building leaders in business and trade, economic efficiency ensuring the economic sustainability of Dankalia and Eritrea.

The goal of our programs is to provide students with fully integrated opportunity to obtain a broadly-based education to prepare for a rapidly changing, globally competitive business environment that will be encountered upon graduation.

Faculty of business and trade will offer theory and practice based interdisciplinary courses which integrate management, economics, accounting and finance, marketing, transportation and logistics, management information systems and business management courses. The learning outcome is to develop strategies for Trade, Investment Policy and International Cooperation to promote free zone ports and economic development solutions for complex regional partnerships with neighbouring Djibouti and Ethiopia.

### Faculty of Marine science and Fisheries

Traditional Fishing has been the economic backbone for coastal indigenous Afar populations in Dankalia for time immemorial.

The opening of the Faculty of Marine Science and Fisheries will enhance the development of science and technology in the field of fishery and marine science.

The research center provides a world-class opportunity for research in marine science skills to protect the health of aquatic ecosystems, to preserve wide variety of fish stake and marine biodiversity which are all critical for food security and meaningful contribution to local Afar economy.

The School of Fisheries and Marine Sciences will be dedicated to fisheries & technology education in Eritrea to produce scholars aimed at helping the country's economic development through sustainable utilization of fish and other inland & aquatic resources, training professionals and technicians needed for fishing industries that use Dankalia's rich resources and conserving those resources.

#### Faculty of Afar Language and Indigenous studies

The Department of Afar-Af, (Afar Language) plays an integral role in promoting Afar Language proficiencies and intercultural understanding to prepare the Afar as working language alongside Tigrigna and Arabic languages as well as English for International business.

Assab University recognizes and honors the central role of language as carrier of culture, conveyor of tradition and knowledge, and signifier of individual and community identity by supporting the teaching of the Indigenous languages and values.

Explore rich topics through multidisciplinary coursework in Indigenous governance and other disciplines including Afar Customary Law, anthropology, history, religious studies, and conflict resolution studies.

Propelled by the ancient Afar cultural heritage and distinct indigenous traditions, the Department of Indigenous Studies will explore the unique complexities and socioeconomic challenges associated with Indigenous people in the 21<sup>st</sup> century Africa.

#### Assab University, our Future

Literally, a stone's throw away from the Red sea, the ASSAB University plan is one of a kind in the region. The historic values and cultures of the Afar people commands a prosperous and sustainable future.

#### **7. Preserving Afar Indigenous Way of Life and Economy**

Eritrea's policies also compromise the Afar's ability to live off of their traditional land and resources (Economic and Cultural). The Afar people are victims of assimilation through Eritrea's "one-state" policy, which aims "to create a new brand of Eritrean nationalism with little or no understanding of diversity.

Afar Indigenous peoples have the right to maintain their way of life by manifesting, practising, developing and teaching their spiritual and religious traditions, customs and ceremonies.

EASE shall protect the Afar's right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

EASE shall take effective measures to ensure that Dankalia State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom

of expression, encouraging privately owned media to adequately reflect Afar indigenous cultural diversity.

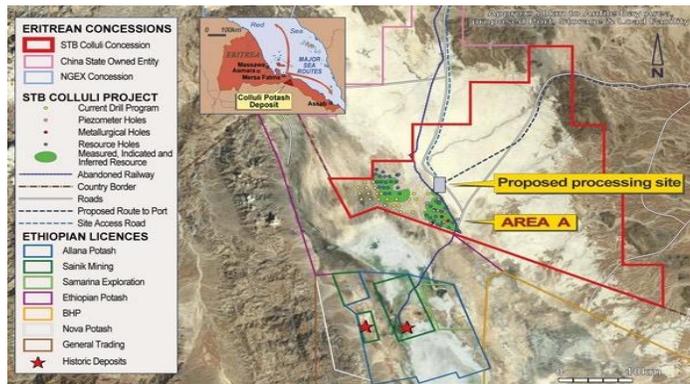
## 8. Restoring Afar Land and Resources rights

Currently Afar Lands and Resources are at the center of expropriation and international exploitation.

The government has been able to achieve these atrocities since independence with the support of the unimplemented Eritrean Constitution of 1997. This report reviews the political situation in Eritrea which enabled the government to draft a Constitution that blatantly violates the rights of the indigenous. By focusing on what indigenous peoples' rights are under international standards, this report identifies areas that need strengthening in the implementation of a new Eritrean Constitution including the Afar's right to culture, self-determination, rights to participate in decision-making, and, rights to lands, territories and resources.

This coastal and resources-rich stretch of land has been the main reason why Eritrea's current rulers have been systemically and deliberately targeting the indigenous Afar.

Article 23.2 of the unimplemented 1997 Eritrean Constitution declares that, "All lands and all natural resources below and above the surface of the territory of Eritrea belong to the State". Since this policy has been enforced, the Afar's traditional land has been expropriated. The Afar are being displaced because of illegal trade agreements between the Eritrean government and mining and resource extraction companies. Afar



territories and seacoasts contain untapped reservoirs of natural resources, marine life and vast potash deposits with other precious metals.

Today, the government of Eritrea is selling/leasing the Afar's lands and properties to multinational corporations and foreign governments without prior consent from the Afar people. The Eritrean government has signed a 50-50 partnership deal for a potential 200-year agreement between Government owned Eritrea National Mining Co (ENAMCO) and Australia's South Boulder Mining corporation (corporation changed its name recently to Danakali) for a Potash export. The Colluli potash resource believed to contain over 1.3 billion tonnes of potassium bearing salts and with development costs estimated at US\$ 473 million.

## **9. Environmental Patterns and Early Warning System**

EASE believes that Afar indigenous traditional indicators of impending or imminent disasters such as drought, sea level increases, volcanic activities are invaluable tools for disaster control and emergency preparedness. Having such wealthy system of indigenous knowledge and expertise protects lives, protects properties and the environment.

Under our Indigenous rights policy, Afar indigenous self-governance and their determination to preserve their environmental laws and practices to protect the wellbeing of Afar communities will be given highest priority. Under these plans and indigenous laws Afar communities will be informed (by making use of traditional indicators) about the risks they face, their knowledge of anticipating the effects of hazards based on the following major factors:

- Afar Early Warning (Astronomical) - movement and location of the stars (constellation);
- Environmental factors (rainfall, pasture/browse, water, crops, availability and incidence of pests and diseases); and
- Livestock factors (body condition, reproduction, milk production and incidence of diseases);
- Increase and decrease of sea levels in coastal villages

EASE adopts the formal UN definition describing the term Early Warning as: “The provision of timely and effective information, through identifying institutions, that allow individuals exposed to hazard to take action to avoid or reduce their risk and prepare for effective response”. Indigenous Afar systems in place are effective and have survived the cruelest place on earth for five millennia.