

A stylized map of the African continent composed of a grid of dots. Some dots are grey, while others are red, highlighting specific regions or countries.

# Nation Building, State Construction and Development in Africa

## The Case of Eritrea

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- About fifty years after the end of the colonial era, the prototype postcolonial African state remains weak and lacking in legitimacy, delivery and relevance. Conflicts, underdevelopment and climate change continue to undermine the people's wellbeing and degrade the human condition in much of the continent. The prototype state is dysfunctional, insecure and fragile.
- Independent Eritrea's experience to date evinces a marked deficit in democratic governance. Significant lapses have disconnected policy and practice in nation building, state construction and development. Nineteen years post liberation, the state in Eritrea, like the prototype post-colonial African state, is in deep crisis. It has failed to provide for the needs, promote the wellbeing, cater to the aspirations and safeguard the security of the people. It is characterised by a *crisis of legitimacy, delivery and relevance*. A dismal record has dashed hopes that Eritrea would avoid the continent's malaise and shine as the inspiring beacon of an African success story.
- Lack of democratic governance has weakened nation building, undermined state construction, and subverted socioeconomic development. Eritrea's record to date indicates more a duplication of than an exception to the general African experience. This has been a cause of profound disappointment to the vision of building a democratic and progressive Eritrea that stands out as a bright star in the African constellation.
- An internally driven, dynamic and developing process of democratic governance would underpin successful nation building, state reconstruction and development in Eritrea and Africa. Proactive German engagement designed to promote peace and security, democratic governance and economic development would contribute to the success of an autonomous African project.



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## 1. Africa today

### 1.1 Brief overview

Half a century after independence, there is a general consensus among Africa watchers, scholars and commentators alike that the prototype postcolonial state in Africa is undergoing deep crisis. It has failed to provide for the needs, promote the wellbeing, cater to the aspirations and safeguard the security of the people. Dismal performance and inability to deliver have led to its irrelevance and alienation. Oblivious of the imperatives of the social compact, certain states are at war with their own people. Unable to govern with the consent of the governed and scornful of their will, they perpetrate their indefinite and despotic rule and seek to achieve submission through repression and intimidation, creating a general state of fear and insecurity.

There is also growing recognition that the postcolonial patrimonial state has proved incapable of performing its fundamental functions, overcoming its *crisis of legitimacy, delivery and relevance* and engendering revival. Unmindful of their concerns and alienated from the people, the prototype African state today is weak, insecure and unstable. It is repressive, corrupt and dysfunctional. As a result, nation building, state construction and development remain essentially work in progress or projects for the future.

»The typical African state is noted more as a repressive, brutal, corrupt, and inefficient entity than a mechanism for the promotion of the collective well-being of its citizens. Consequently, the modern African state remains largely irrelevant to the needs, interests, and aspirations of the people.«<sup>1</sup>

Despite its considerable resource endowment, Africa continues to barely subsist at the periphery of the global economy and to cling to the margins of general world affairs. A monopoly on political power and economic resources in the hands of small minorities, brutal state repression and lack of rapid, sustained and balanced development have driven the majority of African peoples into the quagmire of widespread misery, worsening deprivation and deepening despair. Afflicted by pover-

ty, succumbing to preventable diseases and vulnerable to premature death, mere survival has become a daily struggle for the majority of Africans on the continent. Bereft of democratic legitimacy, pursuing irresponsible politics of exclusion and presiding over dysfunctional institutions, some states are failing or have already failed.

The rectification of this dismal state of affairs calls for deliverance of today's African state from itself. The typical postcolonial state today needs to transform its basic character in order to overcome its recurrent crisis, to be able to perform the basic functions of a modern state and to deliver general wellbeing to its citizens. Its reconstruction on a new basis has become indispensable for the promotion of democratic governance, the pursuit of sustainable development and the betterment of the population's wellbeing. Despite claims of exceptionalism, today's Eritrea, Africa's newest state, fits the African mould *par excellence*. Its democratic reconstruction has thus become an existential imperative for the people and the country.

### 1.2 Main challenges

The postcolonial state is an alien implantation on African soil. It is encumbered by its European origins and the weight of its colonial legacy. Its problems are compounded by palpable failures in nation building, state construction and development. Weak governments in fragile states pursue the politics of repression, exclusion and marginalisation. This provokes discontent at the centre and resistance and civil wars on the periphery. The resultant insecurity and instability perpetuate underdevelopment, worsen poverty and hamper the fight against pandemic diseases. The consequences of climate change aggravate an already precarious human condition. The state is unable to deliver and redress the situation.

Wars and conflicts of varying intensity plague Africa: from the Maghreb to Zimbabwe, Somalia to Cote d'Ivoire; from Darfur to the Kivus, and from the Ogaden to the Niger Delta. They destroy lives, livelihoods and opportunities for development. According to a UN report,<sup>2</sup> Sub-Saharan Africa lost over 1.5 m people between 1990 and 1999 due to armed conflict. Violent conflicts have a dreadful

1. Agbese, Pita Ogaba and Keih Jr., George Klay (eds.) Reconstituting the State in Africa, New York: Palgrave Macmillan, 2007, p.4.

2. UNDP, Human Development Report 2002.



impact on the most vulnerable members of society, especially women and children, with children making up half of all civilian war casualties.<sup>3</sup> The UN report estimates the human toll for the decade: about 2 m children killed, 6 m permanently disabled or seriously injured, 1 m orphaned or separated from their families, 20 m forced to flee their homes to live as IDPs or as refugees, and 10,000 killed or maimed by landmines every year.<sup>4</sup>

Underdevelopment breeds poverty and disease. Half of the people in Sub-Saharan Africa live on less than a dollar a day, while 33 per cent of the continent's people suffer from malnutrition.<sup>5</sup> An estimated 20,000 Africans die every day due to extreme poverty<sup>6</sup> manifested in chronic food shortages, malnutrition and hunger. Hundreds of millions of people in large parts of Africa are locked in a daily struggle for survival, competing for increasingly scarce resources to eke out the food, water and energy needed to sustain life at the margins of death. The World Bank estimates that HIV/AIDS, malaria, respiratory infections, tuberculosis, measles, etc., killed about 10.8 m people in Sub-Saharan Africa in 2000.<sup>7</sup> Millions of Africans continue to perish from preventable diseases. When not instantly fatal, pandemic diseases, abetted by hunger and malnutrition, emaciate bodies, waste lives, destroy livelihoods, devastate families and wreck communities.

Climate change is a serious global problem affecting all humanity. While Africa had the least to do with the causes of climate change, the continent is suffering most from its consequences. Climate change is bringing about variations in rainfall patterns, causing the Sahara Desert to expand, destroying biodiversity and damaging the natural environment. Massive deforestation, land degradation, and increasing aridity threaten to disrupt traditional subsistence farming and pastoral grazing in much of the Sahel region. Indeed, climate change is worsening the vulnerability of rural communities subsisting precariously on what they grow supplemented by what is available in their immediate environs. Weak African states lack the capacity to cope up with the consequences of climate change.

3. Food 4 Africa: Facts on Poverty in Africa, 2009, 1.

4. See 2002 UN Development Report 2002.

5. Food 4 Africa: Facts on Poverty in Africa, 2009, 1.

6. The Foundation for Community Inspiration: Factsheet, 1.

7. Data available at <http://www.worldbank.org>.

The pervasive malaise troubling Africa today is primarily a function of the chronic deficit in democratic governance, widespread economic mismanagement and rampant corruption that operate to undermine nation building, undercut state construction, hinder national development and vitiate state fragility. Despite the positive changes taking place in some African countries, such as Botswana, Ghana and Tanzania, it is as if much of Africa continues to rotate on an axis of undemocratic governance and revolve around a vicious cycle of war and conflict that breed underdevelopment, environmental degradation, poverty and disease.

Just as the other African countries before it, Eritrea inherited the remnants of a colonial state when it became independent. The new Provisional Government faced the task of creating Eritrean state organs and institutions with a statutory mandate and authority to run the affairs of state, manage public administration and ensure democratic governance. It articulated its vision, defined its objectives and formulated a strategy for nation building, state construction and development. Starting afresh and informed by the postcolonial African experience, Eritrea was in a rare position to avoid the pitfalls of the postcolonial state and to move forward. Lacking in democratic governance, an essential ingredient of nation building, state construction and national development, however, it has fallen into the African trap, with reconstitution its only option for recovery.

## 2. The Eritrean Experience

### 2.1 The General Setting

The struggle of the people of Eritrea for self-determination was one of the longest and bloodiest wars of national liberation in modern African history. Spanning three decades, it successfully challenged Ethiopian occupation and confronted the hostility and active opposition of the then two superpowers and their respective allies in shifting alignments. It was an epic political and military struggle that involved virtually the entire population of Eritrea at home and in the diaspora. The people paid a huge price and made enormous sacrifices: about 65,000 freedom fighters killed, over two per cent of the total population of the country at the time; roughly 20,000 others disabled; and an estimated 150,000 civilians killed and maimed.



In relative per capita terms, the people of Eritrea paid a very high price for liberation in blood, toil and treasure. Virtually every family, at home and in the diaspora, contributed to the sustenance and eventual victory of the war of national resistance and to the ranks of the long list of martyrs and war-disabled veterans. Furthermore, the country's physical infrastructure was devastated, its economy ruined, its social fabric disrupted, its communities dispersed and its families torn apart. The hard-won victory remains a living testament to the determination, perseverance, and resilience of the Eritrean people in the face of overwhelming odds.

The liberation constituted a great historic victory for the long-suffering people of Eritrea. In one stroke, it redressed the historical injustice of the expedient and unwarranted denial, by the Great Powers, of their legitimate right to self-determination. It created the necessary condition for the successful consummation of their national democratic aspirations, embedded in the programmatic objectives of the protracted armed struggle, with its profound political, economic, social and cultural dimensions. There was to be a seamless nexus of liberation, independence, democracy and freedom. Independence, predicated on liberation, enabled the establishment of the new state and paved the way for the formation of an inclusive national democratic regime capable of rebuilding the ruins, healing the wounds and bridging the divides caused by the war.

Military victory in May 1991 brought liberation. The UN-monitored referendum in May 1993 affirmed self-determination and legitimised independence. This set the stage for a sovereign state founded on a progressive constitution and democratic principles, including the separation of powers, rule of law and respect for human rights. Indeed, as liberation was the stepping stone for independence, independence was to provide for the foundation of a new democratic state whose hallmarks would be the pursuit of liberty, progress and prosperity for the people.

Liberation and sovereign independence generated an unprecedented national excitement verging on euphoria. The momentous event symbolised the vindication of the huge sacrifices of the Eritrean people and the triumph of justice long denied. Furthermore, it heralded the prospects of a bright new era of freedom, peace, democracy, justice and prosperity for Eritrea and its peo-

ple. After a century of colonial oppression, half a century of political resistance, and three decades of military struggle, the time had come to launch an independent Eritrean state, initiate a new democratic dispensation and jumpstart the economy. The brief interlude of peace and stability augured well not only for nation building, state construction and national development in Eritrea but also for regional cooperation, peace and security on the strategic but volatile Horn of Africa.

Eritrea has been independent for almost two decades. Upon independence, the Provisional Government of Eritrea drew up an agenda to establish a constitutional regime; build a strong democratic state with substantial devolution of power to the regions; institute a participatory political process; allow the evolution of independent media and autonomous civil society organisations; launch a self-reliant and balanced national development programme with the pursuit of social justice; deliver an inclusive political praxis and ensure corruption-free, transparent and accountable governance. Has the government of Eritrea pursued its declared agenda, attained its stated objectives and delivered on its promise?

The establishment and building of a free Eritrea with a *democratic, just and prosperous future* was the overriding objective of the protracted armed struggle for liberation.<sup>8</sup> These were the noble aims and immortal aspirations in whose pursuit generations of Eritrean youth fought and made untold sacrifices. Upon independence, the vision of a new Eritrea was outlined in *A National Charter*.<sup>9</sup> A coherent *Macro-Policy*<sup>10</sup> framework was drawn up to jumpstart the economy, guide rapid national reconstruction and ensure sustainable development with social justice. A *Constitution*<sup>11</sup> defining the structure of government and providing guarantees of individual freedom, political rights, civil liberties and institutional checks and balances was ratified. National, regional and local elections were to follow to allow the people to democratically elect their leaders and government at all levels.

8. National Democratic Programme, Eritrean People's Liberation Front (EPLF), January 1977.

9. Eritrean People's Liberation Front (EPLF), *A National Charter for Eritrea: For a Democratic, Just and Prosperous Future*, Third Congress, Nacfa, February 1994.

10. Government of the State of Eritrea, *Macro-Policy*, November 1994.

11. Constitution of Eritrea, 23 May 1997.



Using as benchmarks the standards set in these key policy documents, the study appraises Eritrea's record in nation building, state construction and development during the last two decades; gauges the missing contours of democratic governance and dismal profiles of its predicament; draws some lessons from the Eritrean experience; and proposes policy options for German engagement with Africa and Eritrea.

## 2.2 Nation Building

The ancient land of what is today Eritrea has, for millennia, been at the crossroads of migrations, invasions and civilisations between north-east Africa and the Arabian Peninsula. It has also seen extended periods of indigenous suzerainty with shifting borders and regional centres of power. In more recent times, it witnessed the incursion of the Ottoman Turks in the 16<sup>th</sup> century and that of the Egyptians during the 19<sup>th</sup> century. As a geopolitical entity in its present territorial formation, however, Eritrea was proclaimed into being on 1 January 1890 as Italy's first African colony, just twenty nine years after Italy's unification into a nation-state and barely five years after the Berlin Conference.

The Berlin Conference of 1884-85, driven by Europe's search for territory, minerals and markets, spelled the undoing of Africa and laid the groundwork for the colonial partition and exploitation of the *Dark Continent*. The ensuing scramble for the division of Africa by the European colonial powers carved up and, in the main, constituted and forged the modern nation states of Africa. In creating the colonial state as a transplant of the European state model in Africa, it set in stone the present geopolitical map of the continent with its lasting legacy of political fragmentation, ethnic splintering and boundary disputes. The impact of European colonialism, thus begun, continues to reverberate throughout the continent today.

Italy amalgamated nine nationalities or ethno-linguistic groups (Afar, Bilen, Hidareb, Kunama, Nara, Rashaida (Arab), Saho, Tigre and Tigrinya), three religious communities (animist,<sup>12</sup> Christian and Muslim) and three distinct

topographic regions (Central and Northern Highlands, Coastal Plains and Western Lowlands) into a single colonial entity. The Afar, Hidareb, Nara and Rashaida are entirely Muslim; the Saho and Tigre are predominantly Muslim with Christian minorities; the Kunama are mostly Christian with small Muslim and animist populations; and the Bilen and Tigrinya are predominantly Christian with Muslim minorities. The densely populated Central Plateau is predominantly Christian, while the sparsely populated Coastal Plains, Northern Highlands and Western Lowlands are predominantly Muslim.

Italian colonial conquest brought together a hitherto fragmented territory and diverse population under a single central administration. Eritrea is home to diverse ethnic groups, languages and religions, mostly sharing considerable overlaps in habitat. The resultant mosaic is accentuated by a growing multi-ethnic, multi-denominational and multi-regional urban population.

To extend its control, entrench its rule and facilitate its exploitation, Italy built urban centres, ports, roads, railroads, factories, farms, quarries and mines. Furthermore, it forcibly conscripted tens of thousands of Eritrean youths as soldiers (*askaris*) to fight in its invasion of Ethiopia and its conquest of Somalia and Libya. In so doing, it helped create a new *Eritrean-ness* with an awareness of a common condition and a sense of a shared identity that evolved to transcend ethnic, religious and regional affiliation.

In a nutshell, Italian colonial rule carved up Eritrea, forged a centralised colonial state and created a modern economic sector. In the process, it unleashed new social forces. Eritrean national identity started to take root and Eritrean nationalism began to emerge in reaction to Italian colonial domination, exploitation and oppression. The veritable apartheid system imposed under Mussolini's fascist regime in the 1930's served to accelerate and cement the process.

Italian colonial rule lasted until 1941, when allied forces under British command defeated fascist Italy's army in East Africa, dismantled its East Africa Empire and ended its domination of the Horn of Africa. Eritrea was placed under British military rule and its decolonisation put on hold. Eritrean nationalism, which first emerged in resistance to Italian colonial domination, grew apace during the British mandate. The period saw the formation of vi-

12. Animism is an indigenous religion with a set of monotheistic beliefs but without the formal hierarchies and rites of Christianity and Islam; found among a small minority of the Kunama people in southwestern Eritrea.



brant political parties which articulated the people's aspirations and spearheaded their struggle for independence. Eritrea's prospects for immediate decolonisation and its people's legitimate aspirations for independence were, however, dashed when British military administration was supplanted, under the aegis of Great Power politics, by an UN-sponsored federal association with Ethiopia in 1952, creating the ill-fated Ethio-Eritrean Federation.

Ethiopia's creeping subversion of Eritrea's federal status stirred vigorous popular opposition. It served to bolster Eritrean nationalism, intensify resistance and entrench the demand for independence. The reluctance of the international community to heed Eritrean protests against Ethiopia's incremental abrogation of the federation and the failure of the UN *to be seized of the matter* in defence of the federal arrangement, as provided for in the federal resolution,<sup>13</sup> fuelled growing Eritrean nationalist opposition. The futility of peaceful resistance in the face of increasingly brutal Ethiopian repression led to the launching of the armed struggle for self-determination in 1961, just a year before Ethiopia's formal annexation in 1962.

The 30-year war of national liberation helped to forge a strong Eritrean national identity and buttress a potent Eritrean nationalism. A hardened Eritrean nationalism, in turn, became the driving force of the struggle and the vigour of its internal strength lent it resilience and tenacity at critical moments of extraordinary difficulty. The strength and resilience of Eritrean nationalism successfully challenged the myth of Ethiopian historical regional hegemony, the might of Ethiopia's military machine and its benefactors, the active hostility of the superpowers and their allies, the acquiescence of the UN and the OAU, and the machinations of regional states. Furthermore, it laid a firm foundation for continued nation building after liberation.

Eritrean nationalism and nationality are coextensive with the territory delineated by the country's colonial treaty borders. A common experience within these borders, crystallised by the dialectics of colonial oppression and anti-colonial resistance, defined an Eritrean nationality that transcended ethnic, religious and regional affiliation. After independence, the government made sev-

eral key policy choices and adopted a set of measures designed to strengthen nation building, consolidate Eritrean national identity and nurture national unity among a diverse population.

The constitution guarantees the equality of all Eritrean nationalities and languages and designates no official language. Each nationality has a right to use and develop its language, culture and traditions. Eritrea would be a secular state with the separation of politics and religion and freedom of religion and belief guaranteed under the constitution; a unitary state with significant power devolved to the regions; a democratic state with participatory politics at the national, regional and local levels to advance unity in diversity; a developmental state committed to rapid, sustainable and balanced economic growth; and a pluralist state with a multiparty system to foster healthy political competition and ensure accountable and transparent government.

Secularism was the hallmark of the EPLF and significantly contributed to strong cohesion, unity and convergence of purpose, both within its ranks and among the people. Such internal cohesion and unity were decisive for the successful execution of the war of national liberation. To continue the historical process, the secular state, bent on strict separation of religion and politics, would help ensure religious equality, freedom and harmony in a multi-denominational society. The separation of education and politics would help promote a shared civic secular culture of mutual respect and tolerance among the citizenry of all religions. Education would eradicate ignorance as the mainstay of prejudice, cultivate harmony and strengthen solidarity. The rapid expansion of countrywide opportunities for secular education at the primary, secondary and tertiary levels would nurture literate and enlightened citizens for whom the country belongs to all, religion is a private affair and politics is a public domain.

Furthermore, the government formalised the EPLF's longstanding mother tongue policy in the delivery of primary education and use of Arabic and Tigrinya, along with English, as working languages. Eritrea's nine nationalities or ethnic groups are *free* to use the mother tongue, or a language of their choice, as a medium of instruction at the elementary level, the first five years of

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13. UN Resolution 390(A), 1950.





schooling. Geez<sup>14</sup> or Latin transliteration provides scripts for the hitherto unwritten languages. The teaching of Arabic, English and Tigrinya is compulsory at the elementary level, while English is the medium of instruction beyond primary school. The government-run radio and television programmes broadcast in five Eritrean languages and the government-owned print media publish in Arabic, Tigre, Tigrinya and English.

At independence in 1993, the government turned Eritrea's nine colonial era provinces into ten, including Asmara, the capital. The territory of the unitary state was reorganised in 1996, merging the ten provinces into six administrative zones or *zobas*, 59 subzones or *neus zobas* and 701 administrative villages or *kebabis*.<sup>15</sup> The new territorial division of the country was principally intended to safeguard long-term national unity, promote grassroots political participation and accelerate economic development. The administrative regions were delimited mainly by catchment basins and drawn up on the basis of considerations of population size, resource base, development potential, and easing traditional land disputes.

Considerable ethnic and religious overlaps in five of the six regions aimed to promote a strong Eritrean national identity that transcends ethnic and religious affiliation in the service of consolidating the nation building project. Each zone would have autonomous administration, an appointed administrator acting as the regional executive, an elected assembly functioning as the regional legislature, and regional, sub-regional and local courts serving as integral components of an independent judiciary. The devolution of power and real autonomy would facilitate grassroots involvement at the regional (*zoba*), sub-regional (*neus zoba*) and local (*kebabis*) levels and enable the people to participate in the determination and management of their day-to-day affairs.

Eritrea has a great reserve asset in the relatively large Eritrean diaspora, scattered the world over. The diaspora played an active and significant role during the war, providing substantial material resources, considerable finan-

cial support and thousands of recruits, including many cadres and several members of the leadership of the liberation movements. The government sought to engage and facilitate the diaspora's active political participation, professional expertise, intellectual input and financial contribution in the processes of nation building, state construction and development. In the heat of national excitement and patriotic fervour, thousands of Eritreans from the diaspora flocked to their liberated homeland to teach at the newly reinstated university, proffer advice to the government, work in the ministries, serve in various commissions and agencies, set up businesses, resettle, and generally ready to contribute their share in any capacity or role. Furthermore, most in the diaspora consented to pay an annual tax of 2 per cent of their net income proclaimed by the government.<sup>16</sup>

Eritrea is a small country with a relatively small population. It shares a volatile region with its bigger neighbours. It occupies a strategic maritime location that straddles one of the world's busiest sea lanes. As a littoral state, Eritrea has a potential to become a hub of regional trade, industry and services, including a port, communications, financial, transport and tourism. As a small state, its security interests are best served by the pursuit of peaceful coexistence, political cooperation and regional integration. As a poor developing country, Eritrea does not need, nor can it afford, a large standing army. Its defence needs would be best served by building a small, highly trained and well equipped modern professional army, navy and air force, complemented by a trained reserve army capable of rapid mobilisation at short notice whenever necessary.

Accordingly, the government proclaimed a programme of national service providing for »compulsory active national service« for all Eritreans »from the age of 18 to 40 years« and consisting of »six months of training,... twelve months of active military service and development tasks in military forces for a total of eighteen months... and compulsory duty of serving ... until the expiry of 50 years of age under mobilisation or emergency situation directives.«<sup>17</sup> The objectives of national service are to create a strong reserve army, comprising active national and reserve military services, imbue

14. Geez is an ancient South Semitic language that developed in today's Eritrea and northern Ethiopia. It was the official language of the Kingdom of Axum and the Abyssinian imperial court. It remains in use in the liturgy of the Eritrean and Ethiopian Orthodox Tewahdo Churches, the Ethiopian Catholic Church and the Beta Israel Jewish community.

15. The 701 administrative villages, or *kebabis*, regroup 2006 villages and village clusters.

16. Government of Eritrea, Gazette of Eritrean Laws: Proclamation 67/1995, No. 1, Asmara, 10 February 1995.

17. Government of Eritrea, Gazette of Eritrean Laws: Proclamation 82/1995, No. 11, Asmara, 23 October 1995.





youth with the ethos of the revolutionary struggle, cultivate strong discipline and work ethic, promote economic development and foster national unity. The Constitution enshrines completion of national service as a duty of all citizens (Article 25.3).

These are some of the key policy decisions taken by the government in the service of nation building. Has the government pursued and achieved its express policy objectives? Does its record show congruence or divergence between declared objectives and actual results? Has the praxis of the government advanced, undermined or retarded the nation building project? Section 2.5 below will provide an evaluation.

### 2.3 State Construction

With its elaborate quasi civilian departments managing an extensive administrative network and providing social services throughout the liberated rural and urban areas towards the end of the war, the EPLF operated very much like the government of a state-in-waiting. Upon independence, the EPLF formed the Provisional Government of Eritrea<sup>18</sup> pending the holding of a referendum, the formal declaration of independence and the establishment of a constitutional government. The EPLF Central Committee was designated as the legislative organ; a State Council, composed of the secretaries of the various departments, comprised the executive organ; the Secretary General of the EPLF Central Committee became the Secretary General of the Provisional Government, the Chairman of the State Council, the chairman of the legislative body and the commander-in-chief of the army and police; and the Eritrean courts were designated as the judicial organ to function independently of the legislative and executive branches.

When Eritrea formally became an independent sovereign state at the conclusion of the 1993 referendum, the provisional government was superseded by a transitional government, the Government of Eritrea. Proclamation 37/1993,<sup>19</sup> issued on the eve of the formal declaration of independence, set out the structure, powers and functions of the transitional government. Proclamation

42/1993<sup>20</sup> defined the sectoral functions of the newly established ministries, commissions, authorities and agencies and vested them with the requisite statutory authority to expedite these functions. The transitional government was mandated to safeguard the basic rights and freedoms of the Eritrean people, defend the unity and territorial integrity of Eritrea, ensure justice, peace and stability, etc. for a term of maximum four years pending the establishment of an elected constitutional government. The government would be composed of the National Assembly as the legislative body, the Council of State as the executive branch, and the courts as the judicial organ.

The National Assembly was constituted by the members of the EPLF Central Committee and 60 other persons made up of 30 members selected from the ten provincial assemblies, 10 appointed women members and 20 other appointed members from outside the EPLF. Most of the outsiders were former cadres and members of the leaderships of different rival Eritrean Liberation Front (ELF) factions. The National Assembly would elect the state president, who would also serve as the chair of the legislative body. It would convene regularly every six months or at the behest of the president or on request of two-thirds of its members, as needed. As the supreme legislative authority during the transition period of four years pending the establishment of a constitutional government, the National Assembly was to oversee the work of the executive branch; the adoption of a constitution, a press code and a political parties' law; and expedite all necessary measures for the transition to a constitutional order.

The Constitution of Eritrea, drafted with broad popular participation at home and abroad, was ratified by a Constituent Assembly on 23 May 1997. The Constitution, a living document subject to amendment and perfection over time, forms the legal foundation on which the state of Eritrea rests. The *Preamble* affirms the Constitution as the fundamental law of the State of Eritrea and the covenant between its people and government. As the supreme law of a country founded on the principles of democracy, the rule of law and social justice, the Constitution vests sovereign power in the people. It is the source of all laws, government legitimacy, and the basis

18. Provisional Government of Eritrea, Gazette of Eritrean Laws: Proclamation 23/1992, No.5, Asmara, 22/5/1992.

19. Provisional Government of Eritrea, Gazette of Eritrean Laws: Proclamation 37/1993, No.6, Asmara, 19 May 1993.

20. Provisional Government of Eritrea, Gazette of Eritrean Laws: Proclamation 42/1993, No.8, Asmara, 1 July 1993.



for the protection of the rights, freedoms and dignity of citizens. The Eritrean state must therefore be constructed upon the legal foundation of the Constitution.

The Constitution establishes the legislature, the executive organ, and the judiciary as three coequal branches of government, defines their principal functions, and delimits their respective powers to ensure institutional checks and balances. It affirmed the head of the executive as head of state and government as well as commander-in-chief of the armed and security forces, but corrected the previous anomaly of the head of the executive serving also as the head of the legislature. The national defence and security forces of the country are to owe allegiance to the Constitution and a constitutional government.

The state construction project would be based on the Constitution and democratic governance. The Constitution affirms democratic principles and the »establishment of a democratic order« as the »foundation of economic growth, social harmony and progress.«<sup>21</sup> The National Charter calls for the establishment of a *constitutional political system* that respects the rule of law and ensures basic human rights and fundamental freedoms; a *national constitutional system* that reflects the history, development and specificity of Eritrean society and ensures unity, balanced development, national independence and security; and a *democratic constitutional system* founded on the people's sovereignty, democratic principles, accountability, transparency, pluralism and tolerance.<sup>22</sup>

## 2.4 National Development

The National Charter drew up a holistic vision of a future developed Eritrea encapsulated in six basic goals and six guiding principles. The six basic goals are national harmony, political democracy, economic and social development, social justice, cultural revival, and regional and international cooperation. The six basic principles are national unity, active participation of the people, the decisive role of the human factor, the struggle for social justice, self-reliance, and a strong relationship between people and leadership.

21. Constitution of Eritrea (Article 7), p. 6; Preamble, p. III.

22. EPLF, A National Charter for Eritrea, p. 19-24.

The Macro-Policy framework identified the most serious challenge facing Eritrea at liberation as the rehabilitation, reconstruction and development of a national economy ruined by the long war and deliberate colonial policy. It set the national development objective as »the creation of a modern, technologically advanced and internationally competitive economy within the next two decades.«<sup>23</sup> The principal drivers of national development were specified as agricultural growth, export oriented industry and services, tourism, an international financial centre, an advanced public health care system, extensive human capital formation, social welfare and safety net, protection and restoration of the environment, a decentralised and democratic political system, domestic peace and stability and harmony with neighbours, and respect for human rights.

The private sector was envisaged as the lead economic actor in the new Eritrea.<sup>24</sup> The centrepiece of the development strategy was to be the »establishment of an efficient, outward-looking, private sector-led market economy,«<sup>25</sup> with the government confined to providing the necessary stimulus and supplement to the efforts of the private sector. The macro-economic policy framework aimed to define the roles and interface of the private and public sectors in the national economy and clarify the question of property rights so as to encourage the full participation of private enterprise in economic development. It was meant to promote private enterprise, stimulate private investment and achieve economic recovery and growth to enhance the »standard and quality of life of the Eritrea people.«<sup>26</sup>

## 2.5 Declared Policy vs. Actual Practice

A comparison of the ideals and reality, articulated policies and actual practices, declared objectives and real performance in nation building, state construction and development is now in order. This will be done through an evaluation of the prevailing state of play in seven domains of key policy choices, namely, secularism, decentralisation, national service, defence and security, constitutional order, democratic governance and economic development.

23. Government of Eritrea, Macro-Policy, p. 10.

24. Ibid, p. 15.

25. Ibid, p. 12.

26. Ibid, p.14.



### 2.5.1 Secularism

Religion has generally been a way of life in Eritrea for millennia, part of the cultural heritage with animist, Christian and Muslim people living together in peace. Secularism advocates separation of state and religion and insists on the exclusion of religious rationales in civic affairs and public education. It espouses freedom from religious rule, from state intervention in religious matters, from religious persecution or imposition of official religion. Secularism is an essential ingredient for democracy, national unity and nation building in a multi-religious and multi-denominational society like Eritrea's. The Constitution guarantees the »right to freedom of thought, conscience and belief«<sup>27</sup> and its observance is necessary to ensure freedom of faith and worship as well as religious equality in all aspects of national life.

In practice, however, there is state interference in religious affairs and oversight of church and mosque activities. The government recognises the established Christian churches<sup>28</sup> and Sunni (Sufi) Islam and intervenes in the management of their internal affairs. Such intervention contravenes the separation of state and religion and fuels discord and resentment resulting, among other things, in the dismissal and house arrest of the Patriarch of the Eritrean Orthodox Tewahdo Church and the detention of several priests in 2006. The state marginalises all other denominations, banning their conduct of religious activities and services pending their registration, which it refuses to grant. It cracks down on unregistered churches and Muslim sects and detains their adherents, often indefinitely.

### 2.5.2 Decentralisation

One of the principal objectives of the administrative re-organisation of the country into regions, sub-regions and *kebabis* was to provide for the devolution of power and promote participatory politics at the three layers of local government, in tandem with the unitary structures of the state. Emulating the traditional *baito* system of local governance that functioned in much of pre-colonial and colonial Eritrea (prior to Ethiopian rule under

the *Derg*), the *baitos* or assemblies were to be made up of democratically elected representatives of the people. They were intended to serve as vital deliberative organs and repositories of real power with oversight functions over the executive bodies at the three levels of local government.

In practice, however, there exist parallel government and front structures that extend from the centre to the village level and control virtually all aspects of political and economic life, including the provision of family coupons that ration limited access to essential commodities through the front's retail outlets. The *baitos* lack operational and financial autonomy. The absence of regular elections, the effective appointment of administrators by the executive branch of the central government and the dependence of the *baitos* on the administrators for all resources, including their work expenses, undermine the deliberative role and oversight functions of the *baitos* and divest them of real power. Thus administrative decentralisation without devolution of corresponding political authority and provision of autonomous financial resources to the representative regional and local bodies continues to rule out participatory politics and prevent its contribution to nation building and state construction.

### 2.5.3 National service

The introduction of a national service designed to serve national security, development and integration objectives initially enjoyed a groundswell of support among the people and youth, in particular. The vital imperative of national service was demonstrated by the decisive role it played in the defence of the country during the second war with Ethiopia. It could also serve significant transformative and integrative functions among the youth. However, the absence of rules-based *modus operandi*, overall administrative deficiencies and oversight failures by dysfunctional and now defunct national implementing bodies, unnecessarily aggressive and violent bouts of periodic round-up, abuses during military training and deployment in service, excessively harsh treatment of evaders and the unwarranted, severe punishment of families of deserters, and indefinite extension of its duration have, over time, incensed large sections of the Eritrean population, antagonised youth, eroded its commitment and compromised the imperative of national defence and security.

27. Constitution of Eritrea, Article 19.1, p.16

28. The Eritrean Orthodox Tewahdo Church, the Roman Catholic Church and the Eritrean Evangelical Church



Indefinite national service in the context of an undeclared state of emergency has robbed Eritrea's young men and women of their prime years, normal family life and a future to hope and prepare for. The government perpetrates their plight to keep them on the leash and use their unpaid labour, often deployed in front farms, road construction and other public works projects undertaken without the bother of blue prints, feasibility studies or environmental impact assessments. *Trial and error* entails big waste.

Progress in infrastructure development is compromised by substandard quality and lack of cost effectiveness. Besides, it does not contribute to or foster economic interaction among the different regions of the country. The misuse of vital resources on misguided priorities and irrational pet projects, like diesel powered drip-irrigated sugar plantations in dry and semi-arid areas, entails opportunity costs.

Indefinite active national service has starved private agriculture, the mainstay of the economy, as well as industry and services of vital manpower. This has diminished household production, impoverished the people and reduced families of conscripts to destitution. Eritrean society today is littered with broken and destitute families whose bread winners are indentured in what has become, *de facto*, modern-day servitude without end.

Generations of Eritrean youth have, through struggle and sacrifice, made liberation possible and independence sustainable. Youth are the future of the country; their proper education and training, essential to building the country's human capital, is indispensable to its development. The militarisation of education, starting with the last year of secondary school and the closure of the only university in the country, have dealt a devastating blow to tertiary education in Eritrea, frustrated the aspirations of its youth to develop their potential through higher learning and compromised the country's regional competitive position in an increasingly knowledge-based global economy.

Indefinite national service has become the scourge of Eritrea's youth and a detriment to nation building. There is growing resistance evident in widespread evasion and mass escapes. Eritreans love their country and, in an earlier era, flocked to the field in their thousands from the diaspora to fight in the war of national liberation. They

returned in droves, ready to make the supreme sacrifice. Today, indefinite active national service is pushing them in their tens of thousands to flee their homeland at great risk to their lives. Latest reports indicate that an estimated 2 800<sup>29</sup> young Eritrean men and women cross the border into Ethiopia (1 000) and Sudan (1 800) each month. It is the desperate search for respite from an endless agony rather than »going on picnic« that drives them to dare death from 'shoot to kill' orders, exhaustion in the Sahara or drowning at sea. Mass exodus caused by indefinite national service is depleting the country of its most productive manpower, undermining nation building and sapping its future potential.

#### 2.5.4 Defence and security

One basic function of the state, duly enshrined in the National Charter and the Constitution, is to defend the national territory and provide security for the people. Proactive diplomacy is the best means to ensure this in peacetime. The government of Eritrea failed to lodge a public protest when Ethiopia issued a new map incorporating large swathes of sovereign Eritrean territory and to defend the people and the country when Ethiopian troops encroached on these territories, dismantled Eritrean local administration and expelled Eritrean inhabitants in July 1997. Apart from a handwritten note on 16 August, without letterhead or seal, from »Isaias« to »Comrade Meles,« there was neither a formal protest nor a diplomatic demarche. The government kept silent and ignored the repeated petitions and pleas of the envoys of the aggrieved populations. It was unwilling and unable to address the issue in a timely manner, to look after the national territory and to provide security for the people and, possibly, to avert escalation.

When Ethiopian forces moved deeper into Eritrean territory and an Eritrean army unit on patrol was attacked on 6 May 1998, the government reacted with »excessive force« on 13 June 1998 and kept quiet, allowing Ethiopia to use the incident to cry aggression and portray it as the spark that ignited the war. Once a preventable and senseless war was underway, critical failures in intelligence and leadership enabled Ethiopian forces to gain

29. Copnall, James, *Eritrea: The land its citizens want to forget*, BBC News, 21 December 2009. [http://news.bbc.co.uk/2/hi/africa/8393376.stm?utm\\_source=twitterfeed&utm\\_medium=twitter](http://news.bbc.co.uk/2/hi/africa/8393376.stm?utm_source=twitterfeed&utm_medium=twitter) and private conversations of the author with diplomats in the region



ground, occupy large chunks of sovereign Eritrean territory and dent the aura of invincibility of Eritrean resistance. Following the Eritrea-Ethiopia Boundary Commission's 2002 *final and binding* delimitation decision, the government's democratic deficit, defiance of domestic rule of law and weaknesses in playing the diplomatic game closed vital windows of opportunity, cornered it into isolation, contributed to neutralising the country's legal moral high ground and abetted international acquiescence to Ethiopia's non-compliance with virtual demarcation and continuing occupation of sovereign Eritrean territory.

### 2.5.5 Constitutional order

The Constitution, the legal foundation and source of legitimacy of the state, has yet to be implemented, thirteen years after ratification. Its provisions remain mere declarations of principle, the aspirations in-waiting of a nation and its people held in thrall by the arbitrary rule of men. The envisioned three branches of government have, in practice, been reduced to one overpowering executive organ, with unlimited, virtually personalised power concentrated in the presidency. There exists neither a functioning legislature nor an independent judiciary. The transitional National Assembly has been in *de facto* suspension as of 2001. The Special Court has usurped the principal functions of the nominal Supreme Court. The non-implementation of the Constitution strips the Eritrean people of sovereign power, robs them of democratic governance, denies them the rule of law, and deprives them of social justice. In a nutshell, it exposes them to the vagaries of arbitrary rule of men and makes them vulnerable to abuses of their rights, freedoms and dignity, without recourse.

### 2.5.6 Democratic governance

Eritrea ranks 46<sup>th</sup> out of 53 countries on the Mo Ibrahim Index of Governance in Africa (2007).<sup>30</sup> The failure to implement the Constitution and establish the rule of law has been paired with concentration of power in the executive branch, in general, and its personalisation by the president, in particular. The overall institutional capacity

of the three branches of government remains weak and undeveloped. *De facto* suspension of the National Assembly has nullified the role of the legislature. Executive dominance and presidential interference have rendered the judiciary impotent. Democratic governance, both political and economic, is lacking and rule of law virtually non-existent. There is sovereignty of the people in name only. Basic human rights and fundamental freedoms are routinely violated. There is no due process. Arbitrary arrests and indefinite detentions without charge or trial, including of former senior government officials, journalists, and ordinary citizens, are rampant. There is no published budget or macroeconomic data, no participatory process, parliamentary oversight, accountability or transparency in public expenditures, policy and decision making, whether domestic or foreign-related.

The National Charter's<sup>31</sup> commitment to democracy, to a society governed by democratic principles, institutions and culture, popular participation in decision making and a government accountable to the people has not taken on shape. Despite the formal establishment of the Civil Service Administration in 1998, the constitutional provision (Article 11) for a competent civil service with »efficient, effective and accountable administrative institutions« remains ink on paper. In the absence of a clear delineation, the front's constant interference in the functions and day-to-day affairs of government and ministries sows rivalry, confusion and inefficiency. A weak state bureaucracy, undeveloped institutions, lack of meritocracy and the precedence given to loyalty over competence have fostered mediocrity, undermined capacity building and allowed abuse. Ministers and other government officials are arbitrarily transferred from one post to another, dismissed or suspended indefinitely. The insidious practice of suspension that leaves hundreds of former officials frozen out of work for years with pay humiliates the victims, deprives the country of their professional services and squanders scarce human and financial resources.

The promise of multiparty democracy seems all but abandoned. Eritrea remains under the grip of the People's Front for Democracy and Justice (PFDJ), formerly the EPLF. Ratification of the draft Proclamation of Politi-

30. Mo Ibrahim Foundation, 2001-2007: <http://www.moibrahimfoundation.org/en>.

31. EPLF, National Charter for Eritrea, p. 21.



cal Parties and Political Organisations<sup>32</sup> has been postponed. The adoption of an electoral law<sup>33</sup> and the establishment of a National Elections Commission have not led to elections. There exists neither political pluralism nor autonomous civil society organisations. There is no tolerance of dissent or even divergent opinion. The government suppresses freedom of expression and association and bans all rival political activity inside the country. Monopoly of power, absence of internal democracy, practices of exclusion and economic mismanagement have engendered internal political crisis, widened the cracks in the Eritrean body politic and further fragmented Eritrea's political landscape.

A state of fear and insecurity pervades the country. Having personalised power, the president uses the state as an instrument of *Stasi* style repression to crush dissent, silence criticism, bully independent opinion and punish divergent views, even from his closest erstwhile comrades-in-arms. The brutality of the regime's repression is without parallel, both in scope and intensity, in the annals of the long and checkered history of the Eritrean people. Chiefly preoccupied with staying in power at all cost, the government has proven both unable and unwilling to govern by the law in the interest of the country and the people and forfeited legitimacy.

### 2.5.7 Economic development

The promise to create a modern, advanced and competitive economy within two decades has failed to materialise, leaving the Eritrean economy in tatters. Latest IMF<sup>34</sup> and World Bank<sup>35</sup> reports show the profile of a sharply contracting economy in crisis: unsustainable levels of fiscal and balance of payments deficits; external debt distress; double digit inflation; and acute shortage of foreign exchange reserves. A shrinking economy with large fiscal, domestic and external imbalances has overburdened the people with ever widening and deepening

32. Draft Proclamation of Political Parties and Political Organisations of Eritrea, February 2001.

33. Election Proclamation of Eritrea, January 2002.

34. IMF Executive Board Concludes 2009 Article IV Consultation with the State of Eritrea, PIN No. 09/13, December 11, 2009. <http://www.imf.org/external/np/sec/pn/2009/pn09133.htm>.

35. World Bank Indicators Database: Eritrea Country Profile, September 2009. [http://ddp-ext.worldbank.org/ext/ddpreports/ViewSharedReport?&CF=1&REPORT\\_ID=9147&REQUEST\\_TYPE=VIEWADVANCED&HF=N&WSP=N](http://ddp-ext.worldbank.org/ext/ddpreports/ViewSharedReport?&CF=1&REPORT_ID=9147&REQUEST_TYPE=VIEWADVANCED&HF=N&WSP=N).

poverty in all regions. Macroeconomic instability dims prospects for recovery and real growth. GDP at constant market prices shrank by an estimated 9.8 percent in 2008, while CPI grew by 30.2 percent. With a GDP per capita ranking of 177 out of 182 countries and a Human Development Index ranking of 165 out of 182 in 2007,<sup>36</sup> Eritrea remains one of the world's poorest countries. Over half of its population lives on less than US\$1 per day and about a third subsists in extreme poverty, defined as a daily intake of less than 2 000 calories.

The abandonment of the Macro-Policy framework as of 2001 has reversed the relatively sound and prudent policy of the first decade, with disastrous consequences for Eritrea and its people. Government diktat and the front's privileged domination of a command economy have squeezed out the private sector, marginalised the small entrepreneurial and professional class and dried up foreign direct investment, except in the mining and cement sectors. The result is low and falling productivity, high domestic and foreign indebtedness, widespread impoverishment, and a poor and declining quality of life for the people. This is the outcome of failed economic policies and mismanagement, aggravated by an *insatiable urge to control everything*, including the free movement of people, goods and services within the country.

### 2.6 To sum up

The appraisal of Eritrea's record shows marked disparity between the objectives set in the *National Charter*, *Macro-Policy* and *Constitution* and the reality on the ground. In keeping with its postcolonial African prototype, the Eritrean state has failed to provide for the needs, cater to the aspirations, promote the wellbeing and safeguard the security of the people. Independence has not brought about democratic governance, enhanced the freedom and improved the wellbeing of the Eritrean people. This is not the vision of Eritrea that generations of its youth fought, died and sacrificed for. Few people have paid so much for so long in return for so little! Nation building, state construction and national development remain, essentially, future projects.

Per se, nineteen years is not a long time in the life of a

36. Human Development Report 2009: [http://hdrstats.undp.org/en/countries/country\\_fact\\_sheets/cty\\_fs\\_ERI.html](http://hdrstats.undp.org/en/countries/country_fact_sheets/cty_fs_ERI.html).





country. Moreover, the nineteen years have been interspersed with the second war with Ethiopia (1998-2000) and the state of neither peace nor war that has prevailed since. The war was a veritable disaster. It caused huge loss of life, enormous destruction of infrastructure and property, significant disruption of agricultural production in the country's granaries, and produced a massive humanitarian crisis. It displaced over one million people in border areas, created an estimated 100 000 refugees and uprooted about 75 000 expellees from Ethiopia. In sum, it diverted national focus, consumed considerable resources, damaged economic growth, and disrupted the development agenda.

Moreover, a serious military setback on the Mereb-Setit front allowed the Ethiopian army to penetrate and occupy large areas of sovereign Eritrean territory in the south-west. This brought the simmering discontent and growing criticism of the president's personalisation of power and monopoly of decision-making, especially with regards to the outbreak, handling and conduct of the war, among senior government officials and sidelined veteran military leaders, to the fore. The façade of unity in the Eritrean leadership was irrevocably cracked. The Eritrean body politic has yet to recover from the systemic damage engendered by the president's response to the criticism of his management of the war and increasingly autocratic style of leadership by his former senior comrades and colleagues and subsequent imposition of an open 'one man rule' on the country.

The war and its consequences set internal dynamics in motion whose workings exerted a powerful negative impact on evolving national political and economic processes. Solidarity gave way to dissention in the higher and middle echelons of the government and front, economic growth turned to decline or stagnation, and progress towards democratic governance suffered serious reversal. The government of Ethiopia exploited the government of Eritrea's internal weakness and penchant for self-isolation. This allowed it to collude with the powers that be to avert international pressure to force compliance with its treaty obligations, implement boundary demarcation and normalise bilateral relations.

Once again, the UN Security Council double-crossed Eritrea, undermined its own authority and underscored its double standards when it failed to censure Ethiopia for its non-compliance with the Algiers treaty but readily

imposed sanctions on Eritrea<sup>37</sup> on the basis of unproven allegations of military aid to militant Islamist insurgents in Somalia and refusal to comply with its call to demilitarise the border and address the a standing problem with Djibouti. A more prudent Eritrean policy response to the mix of warnings and attempts to reengage by the new US administration, in particular, could have averted Resolution 1907, with the dire implications of its arms ban for the country's national defence capability in a volatile and conflict-ridden region.

The war and its aftermath warped Eritrea's peaceful development and contributed significantly to the present malaise in the country. But, these are neither the sole nor the decisive factors that explain Eritrea's current predicament. The government's total preoccupation with the resultant state of '*no war, no peace*' consumed Eritrea's energy, blurred its national priorities and sapped its political, economic and social development programme. Otherwise, it would be quite plausible to imagine a scenario in which a bold initiative of internal dialogue and revival at home, coupled with a proactive policy of engagement with external partners at critical stages in the process, could have enabled Eritrea to break out of its cocoon and mitigate or minimise the negative impact of the war and, perhaps, even secure demarcation through Ethiopia's reluctant compliance under concerted international pressure.

The vision, values and principles enshrined in the National Charter, Macro-Policy and Constitution equipped the government with the instruments, and the legitimacy, necessary to constructively address its internal political crisis and move on to transform Eritrea into a democratic, inclusive and developmental state. The process could have effectively enabled Eritrea to overcome the consequences of the war, countervail its repercussions and meet the challenges of reconstruction and development. In practice, however, the government opted not to make use of these instruments, to flout the legitimacy they entail and to undermine the state construction project.

Hence, to argue that the war and its aftermath are solely responsible for Eritrea's dire situation is to ignore the primacy of internal dynamics and seek to externalise the consequences of failure to devise and pursue a proactive

37. United Nations Security Council Resolution 1907(2009), 23 December 2009. <http://www.un.org/apps/news/story.asp?NewsID=33337&Cr=somali&Cr1=>





policy that could have enabled the country to successfully rise to the challenge. Otherwise, it is quite apparent that the situation in Eritrea today is primarily the product of the policy decisions that the government has made and the policy choices that it has forfeited. Hence, there can be no denying that the political, economic and social reality prevailing in Eritrea today is basically self-made and fed and aggravated by external factors.

It might also be argued that a period of nineteen years is not a sufficient basis to evaluate the performance of a country. But nineteen years is roughly the timeframe set by the government through its aim to create »a modern, technologically advanced and internationally competitive economy within the next two decades.«<sup>38</sup> Moreover, other countries, like Singapore, which the government had chosen as a model, have done it before. In the mid-1990s, the transitional government sought to emulate Singapore's successful development strategy and turn Eritrea into an 'African Singapore.' Virtually every 'who is who' in government and party visited the small island city state to witness its achievements and learn from its experience. There was much excitement and anticipation, given vent by considerable coverage in the local media.

Singapore is strategically located at the tip of the Malay Peninsula. Its population is multiracial, multiethnic and multi-religious. At the time of its independence in 1965, Singapore had no natural resources, no adequate water supply, no defence capability, no unified national identity, and no promising prospects.<sup>39</sup> It had tense relations with its bigger neighbours Malaysia and Indonesia. Its redeeming feature lay in an enlightened leadership dedicated to effecting rapid economic and social transformation, forging a strong national identity and building unity in diversity through the protection of minority rights.<sup>40</sup>

The government, among other things, instituted an efficient, accountable and transparent system of public administration and civil service based on meritocracy; devised and implemented an export-oriented development strategy conducive to the participation of domestic

capital and the inflow of direct foreign investment and expertise; built a modern service sector led by banking, financial and port services; established strong state enterprises with competent management to provide infrastructure for public utilities and services; expanded tertiary education to generate the knowledge and skills needed to develop a modern economy driven by 'high-tech' sectors; and promoted free trade, cordial relations with its neighbours and regional peace within the framework of 'guided democracy.'

By 1984, nineteen years after independence, Singapore had achieved remarkable economic growth with low inflation and full employment; come out of impoverishment into prosperity; overcome communal strife and attained domestic tranquillity; and improved relations with its neighbours and fostered regional peace and solidarity.<sup>41</sup> The Singapore's economy has continued to grow, providing the population with a very high standard of living. In terms of GDP (PPP) per capita, Singapore today is the fifth wealthiest country in the world, with its official foreign exchange reserves standing at USD 170.3 billion as of January 2009.<sup>42</sup>

Eritrea could also have done better. It squandered an opportunity! In a very real sense, the government's reluctance and inability to utilise, indeed its total abandonment of the instruments given to it by the National Charter, Macro-Policy and Constitution have, in the main, determined and shaped the contours and general trajectory of the country's economic, constitutional and democratic development to date.

### 3. Eritrea and Africa

#### 3.1 Lessons learned

The construction of an inclusive, democratic and developmental state dedicated to the interests and wellbeing of the people is a dynamic and continuous process. Eritrea's experience in nation building, state construction and development offers several key lessons for the transformation of the postcolonial state in Africa. The principal lessons include: the imperative to anchor state construction in the historical development and prevail-

38. Government of Eritrea, Macro-Policy, p.10.

39. Singapore Country Studies: Two Decades of Independence. <http://www.country-studies.com/singapore/two-decades-of-independence.html>.

40. Peebles, Gavin and Peter Wilson, *Economic Growth and Development in Singapore: Past and Future*. Cheltenham, UK: Edward Elgar, 2002.

41. Singapore Country Studies.

42. Singapore. <http://en.wikipedia.org/wiki/Singapore>.



ing reality of society; the need for a living constitutional order; the value of political pluralism; the necessity of democratic governance; the importance of the quality of leadership; the correlation between organisational democracy and democratic governance; and the need for congruence between policy and practice.

**State reconstruction.** The state is a European construct whose basic structures have evolved historically in tandem with the political and socioeconomic development of Europe. Africa's autonomous development was disrupted and warped by the colonial experience, which ended with the grafting on of the postcolonial state. The new implantation should, however, be firmly rooted in African administrative traditions and reconfigured to serve the interests and promote the wellbeing of the people. Indigenous political bodies, like the *baito*, could be upgraded by rectifying certain dysfunctional aspects, such as the exclusion of women and *ma'ekelay aliet* (emigrants from Ethiopia with less than forty years of local residence), and integrated into the structures of the reconstituted state to serve as foundations for a more inclusive democratic order. Anchoring the modern construct of the state in the traditional African heritage would help galvanise its reconstitution, catalyse nation building and accelerate development.

**Constitutional order:** A constitution made with the participation of the people and embodying their consent is imperative for state reconstruction. The indispensability of a living constitution that functions as the legal foundation of the state, the repository of the sovereignty of the people, the source of legitimate authority, and the guarantee for the separation and balance of power among the legislative, judiciary and executive branches of government is manifest in the Eritrean experience. The absence of a constitution, or its non-implementation, subverts the sovereignty of the people; voids their fundamental freedoms, basic rights and civil liberties; and denies them rule of law, due process and justice. Eritrea's situation illustrates the paramount need for a living constitution as a refrain from the vagaries of arbitrary rule, as a shield for the protection of the people, and as a necessary condition for the development of democratic governance.

**Political pluralism.** The concentration of state power in the hands of a single political movement or party takes life out of the political process, stifles democratic partici-

pation and leads to dictatorship. The Eritrean experience demonstrates the need for political pluralism, the existence of multiple poles of power and influence in society, such as inclusive political parties and autonomous civil society organisations, to ensure political competition, mitigate the abuse of power and defend the public interest. In the words of Lord Acton: »Power tends to corrupt, and absolute power corrupts absolutely.« Cultivation of political pluralism would enable the reconstituted African state to forestall the rise of a monopoly of power, minimise abuse and assuage corruption.

**Inability to transform.** Failure to adopt the *modus operandi* of a liberation movement leading a war of resistance to that of a political party running the affairs of state is another pertinent lesson that can be drawn from the Eritrean experience. The PFDJ has failed to transform the EPLF from a secretive liberation movement adept at extra-judicial practices into a transparent political party that embraces the rule of law, adopts democratic principles and tolerates political pluralism. Secrecy was imperative for the efficient execution of the war; transparency is essential for the democratic management of the affairs of state. Its internal workings and public operations eschew the rule of law, contravene legitimate authority and negate democratic governance. Its inability to accommodate internal criticism and accept the legitimacy of political competition have wrecked its unity and turned it into a repressive regime incapable of advancing nation building, delivering state construction and attaining national development.

**Democratic governance.** Democratic governance is a holistic approach that entails both political and economic accountability of government policy and decisions. Its political dimension embraces the constitutional, participatory and consensual content of the policy and decision making processes and its economic dimension signifies the efficient, accountable and transparent management of its resources. In this sense, the absence of democratic governance has damaged the internal political process, undermined the economic development and dimmed the bright prospects of Eritrea. The role of democratic governance in promoting or subverting the nation building, state construction and development projects is another important lesson that the Eritrean experience offers.

**Leadership quality.** The Eritrean experience demonstrates the decisive role of leadership in detracting from



or advancing the projects of nation building, state construction and development. Though coherence was often achieved at the cost of ruthless suppression of internal dissent, dealing grave damage to freedom and democracy, a coherent and committed leadership with a singular focus on the war effort oversaw, in the main, the cementing of Eritrean national identity, the consolidation of Eritrean nationalism, the victory of the liberation struggle and the launch of the national development programme. Eritrea's present situation is also illustrative of what could happen when such a leadership core unravels and leads to the entrenchment of autocratic leadership.

**Organisational democracy and democratic governance.** The Eritrean experience also shows a significant correlation between the adoption of democratic principles in the internal life and workings of a political organisation, whether in opposition or in power, and the pursuit of democratic governance in the country at large. The abandonment of regular meetings of leading front and government organs as forums of internal discussion and consensus building on critical organisational and national issues further narrowed and eventually closed the political space. This led to the public eruption of dissent and criticism via the private press. Detention of the former senior officials, a clampdown on the private press and the emasculation of the leading front and government organs nipped the brief political spring in the bud and dealt a serious blow to the aspirations for democratic development in Eritrea.

**Policy and practice.** The express policies of the Eritrean government, articulated in the *National Charter*, *Macro-Policy* and *Constitution*, are generally sound on paper. The problem lies in their abandonment or reversal in practice. The discrepancy between stated policy and actual practice is another lesson to avoid from the Eritrean experience. The formulation of sound policies alone cannot substitute for their effective implementation; nor can periodic claims of progress or idle promises for a better tomorrow make up for lack of delivery of essential public goods and services.

**Amicable divorce and sustainable peace.** The 1993 referendum, made possible by military victory, enabled the Eritrean people to freely exercise their right to self-determination, legitimised sovereign statehood and delivered an amicable divorce between Eritrea and Ethiopia. Ethiopia was the first country to recognise and

establish diplomatic relations with the new state. Initially cordial bilateral relations grew even warmer, leading to close political, economic and security cooperation. This, however, proved short-lived.

Confinement of policy and decision making to the leaders of the two ruling fronts, failure to negotiate a framework of transitional arrangements to reset and institutionalise the new relationship and anchor it in a viable rules-based *modus operandi* led to deteriorating relations and the outbreak of an unnecessary, senseless and destructive war. A framework agreement affirming Eritrea's colonial treaty border, sharing state assets and debt, and arranging for a mutually beneficial trade finance accord befitting two sovereign states could, for instance, have helped sustain friendly relations and ensure lasting peace between the two countries.

In the event that the planned 2011 referendum in Southern Sudan yields a vote for separation and a velvet divorce resulting in independent statehood, Juba and Khartoum would be well advised to draw the relevant lessons from the Asmara-Addis Ababa experience and agree on a set of transitional measures regarding the boundary issue, asset and debt sharing, citizenship, security, currency, trade finance, etc. They should also institutionalise and broaden their bilateral relations at the leadership, party and government levels. Such a framework and its good faith implementation would contribute to the promotion of sustainable cordial relations, political cooperation and durable peace between North Sudan and a possible independent Southern Sudan.

### 3.2 The imperative for democratic governance

Georges Nzongola-Ntalaja defines democratic governance as »the management of societal affairs in accordance with the universal principles of democracy as a system of rule that maximises popular consent and participation, the legitimacy and accountability of rulers and the responsiveness of the latter to the expressed interests and needs of the public.«<sup>43</sup> Accordingly, it has three *attributes*: *first, as an end and a means; second,*

43. Nzongola-Ntalaja, Georges, Democratic Governance and Human Rights in the International Framework, Keynote Address, Helsinki, 15 June 2004. [http://www.undp.org/oslocentre/docs04/DEMOCRATIC\\_GOVNANCE\\_AND\\_HUMAN\\_percent20RIGHTS\\_IN\\_THE\\_INTERNATIONAL\\_FRAMEWORK.pdf](http://www.undp.org/oslocentre/docs04/DEMOCRATIC_GOVNANCE_AND_HUMAN_percent20RIGHTS_IN_THE_INTERNATIONAL_FRAMEWORK.pdf).



*as a process; and third, as a form of politics based on universal principles. In brief, democratic governance is a moral imperative consistent with human aspirations for freedom and a better political order with social justice; a constant process of opening up an inclusive political space for all; and a political practice based on rule of law, legitimacy and accountability.*

The fragility of the prototype African state is largely due to a deficit of democratic governance that hinders the interlinked processes of nation building, state construction and development. A weak state, unable to govern on the basis of the rule of law with the consent and in the interest of the people, will resort to repression, exclusion and marginalisation, further undermining its legitimacy. Consequent resistance, conflict and insecurity hamper development, dent the state's ability to deliver wellbeing and fuel its alienation. A deep undercurrent of popular discontent and latent political instability lurk beneath a façade of fear-induced calm. The adoption of democratic governance as a moral imperative and a continuous process of political practice would enable Eritrea and the prototype African state to overcome present challenges, regain legitimacy and muster the capacity for development and delivery.

The implementation of the Constitution would establish the basis for the rule of law, assert a balance of power among the three branches of government, and affirm the dignity, basic human rights and fundamental freedoms of the Eritrean people. It would restore the people's sovereignty, sanction democratic principles and allow popular participation in policy and decision making. Furthermore, it would provide for the formation of a transparent government accountable to the people and open up the space for competitive politics, independent media and autonomous civic associations. In a nutshell, democratic governance would be the path to national renewal, state construction and economic revival.

The Eritrean people share a culture of respect for the rule of law, a practice of fair representation and a tradition of consensual decision making. There has evolved a body of customary law to adjudicate their political, economic and social affairs through the representative and participatory forum of the *baito*. This historical legacy could be revamped and enhanced to serve as an anchor for a democratic state founded on the rule of law and committed to democratic governance. This would usher

in a new political dispensation able to transform the Eritrean state into an effective vehicle of delivery for wellbeing, security, and prosperity for the Eritrean people.

### 3.3 Constraints and possibilities

There are a number of constraints which also contain within them possibilities for the institution of democratic governance. These constraints range from the evolutionary constraints associated with the nature of man to the very nature of the state.

**The nature of man.** Man and the higher primates are said to share what evolutionists call »human sociability,« a strong propensity that makes it difficult for human society to transcend social hierarchy. Recent research on the evolution of human nature indicates that this shared innate propensity for authoritarian hierarchy, with its related behavioural patterns of dominance and submission, is »the default' form of government.«<sup>44</sup> The paucity of republican regimes and predominance of authoritarian governments, until recently, in world history and the hierarchal nature of most organisations are taken as evidence in support of the thesis that the instinctive behaviour of man as a social primate poses a constraint to democratic nation building. Does this render the quest for democratic governance in Africa a lost cause?

No, there is a probable escape route from the natural *default* mode. The same research finds a window of opportunity that makes it possible for man to overcome his natural tendency towards the authoritarian mould in his unique capacity for culture that enables him to harness nature to his advantage. Culture nurtures man's yearnings for freedom, equality and betterment and helps him escape his inherent impulse towards an authoritarian cast. Culture »indoctrinates« or teaches principles, beliefs, practices and rules of conduct that strengthen the democratic impulse, enhance human wellbeing and promote civic disposition towards freedom, equality and justice. Rapid expansion of educational opportunities at the primary, secondary and tertiary levels can cultivate a literate and enlightened citizenry to catalyse democratic governance and serve as a bulwark against possible relapse into authoritarian rule in Africa.

44. Somit, Albert and Steven A. Peterson, *The Failure of Democratic Nation Building: Ideology Meets Evolution* by Palgrave Macmillan, 2005.



**The nature of the state.** The postcolonial African state is an alien concept »fashioned to reflect« colonial interests and imperial proclivities, and not the »objective conditions of African societies«<sup>45</sup> or their interests. This nature of the state, compounded by its repressive character that flouts the rule of law and uses the national security forces to perpetuate its undemocratic rule, represents a serious constraint to its transformation. Predication of the processes of nation building, state reconstruction and development on democratic governance would thus require adaptation of the alien construction of the state to the *objective conditions of African societies* and substitution of service to the African people for its subservience to external interests. Transforming the postcolonial state necessitates its reconstruction upon a foundation of African reality and modification of its alien construct through synthesis with indigenous African cultures, traditions and values.

**Conflict.** The prevalence of interstate and intrastate conflicts in Africa has operated to impede nation building, undermine state construction, hamper economic development and put democratisation on hold. Without the second war with Ethiopia, for instance, it is possible to imagine that the Constitution could have been implemented following its ratification in 1997, as originally planned. A constitutional regime could have catalysed internal democratic development and averted Eritrea's present predicament. It is also equally plausible to imagine that the resolution of the frozen conflict, often used as a pretext for non-implementation of the Constitution, could have generated internal pressures to open up the domestic political space.

Expeditious settlement of the border issue could have unleashed seething discontent held in check by genuine concern not to give solace to an enemy still in occupation of sovereign national territory. Effective resistance could have catalysed change and re-launched Eritrea on the path of democratisation. This, of course, is not meant to reduce Eritrea's problems solely to the war and its aftermath. It is rather intended to underscore that wars and conflicts represent serious constraints and entail unforeseen consequences, while peace and security offer possibilities for stable nation building, state construction and development.

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45. Agbese and Kieh Jr., p.280.

## 4. Options for German Africa policy

There are several considerations that influence German Africa policy. These include Germany's own national interest, history, the EU Africa strategy, policies of other international actors, regional and global peace and security, international responsibility and human solidarity. Accordingly, Germany has two main options in its Africa policy: benign neglect or proactive engagement.

### 4.1 Benign neglect

A policy of benign neglect would be tantamount to an endorsement of the status quo. Much of Africa today is plagued by violent conflicts, repressive regimes and fragile states. Millions of Africans are suffering from extreme poverty, insecurity and displacement. Though marginalised in world affairs, Africa's plight and prospects are drawing increasing global attention. A policy of benign neglect would disadvantage Germany vis-à-vis the global rush for Africa's resources and markets and deny it a potential role or influence in helping to shape the course of events in the continent. Moreover, such a policy response would negate Germany's international responsibility and undermine its moral imperative for solidarity with a people in need.

### 4.2 Proactive engagement

#### 4.2.1 German interests and opportunities

Germany is the EU's largest member state and has Europe's biggest economy. It is the world's third most developed industrial nation and its largest exporter. Germany's European and national interests are best served by a stable, secure and predictable world economic order that ensures, among other things, reliable markets and sources of energy and other primary products to fuel the continued growth of the German economy and help sustain Germany's competitive edge in the global economy. Germany also needs secure maritime routes and sea lanes to ensure safe passage for its foreign trade traffic through international waters. Moreover, Germany is an important player in world affairs at the bilateral, EU, UN and other multilateral levels.



Africa is rich in natural resources. Its great potential for economic growth offers opportunities for trade and investment. It possesses vast equatorial forests, extensive proven reserves of oil, natural gas and minerals. It has a substantial share of the world's reserves of platinum (89 percent), diamonds (60 percent), cobalt (53 percent), zirconium (38 percent), gold (28 percent), vanadium (23 percent), uranium (15 percent), manganese (14 percent), and titanium (10 percent).<sup>46</sup> At the same time, Africa's population, nearly 1 billion strong, rapidly growing and largely young, represents a huge potential market. Moreover, the AU and its member states could become effective partners on crucial regional and global issues of mutual concern.

Germany has vital interests in Africa's largely untapped resource and economic potential. It remains actively engaged in the affairs of the continent at the bilateral, European and multilateral levels, mainly in the areas of development cooperation, environmental protection and peace support operations. The US, Japan and Asia's rising powers, China and India, have a growing presence, interest and influence in Africa. Underlying their respective strategic partnerships with Africa is the quest for access to the continent's resources and markets. Germany would do well to position itself favourably in what appears as a new scramble for Africa. A policy of proactive engagement would give it a competitive edge. The new Guidelines for Germany's Africa Policy<sup>47</sup> reflect its appreciation of Africa's growing importance and renewed interest in the continent. With principal focus on crisis prevention, rule of law and security sector reform, the guidelines seek to anchor German partnership in universal values and African ownership. A base for rule of law, human rights, democracy and peaceful conflict resolution offers opportunities for proactive German engagement to make a significant contribution to the promotion of peace and security, democratic governance and economic development in Africa.

#### 4.2.2 Engagement priorities

**Promotion of peace and security.** The colonial project launched in Berlin 125 years ago has bequeathed Africa with a legacy of fragmentation that has fuelled

perennial insecurity throughout much of the continent. Consequent wars, unfinished conflicts and stalled peace processes bedevil much of Africa, causing state failures, human rights violations, refugee flows and environmental degradation. Resultant insecurity, poverty and pandemic diseases degrade the human condition.

In the area of peace and security, Germany plays an active role in UN peace missions, bilaterally and through the EU, G8 and NATO. It contributes peacekeepers, police officers, civilian experts, funding and equipment to EU, AU and UN missions in Africa. It supports the African Standby Force and AU capacity building in conflict prevention and peace support operations. Moreover, Germany participates, among others, in intra-African peacekeeping initiatives as well as the UN Mission in Sudan (UNMIS), the UN-AU Mission in Darfur (UNAMID), the UN Mission in Liberia (UNMIL), the UN Mission in Somalia (UNMIS) and the naval missions of Operation Enduring Freedom (OEF) and Operation ATALANTA around the Horn of Africa.

Beyond such active participation, however, Germany must proactively engage, in concert with the EU, UN, US, AU, and African RECs, to help end ongoing wars (Darfur), resolve frozen conflicts (Eritrea-Ethiopia), implement stalled peace accords (CPA), and reconstitute central state authority (Somalia). In the Eritrea-Ethiopia case, for instance, proactive German diplomacy could seek to discreetly engage the parties to reach agreement on a sequencing arrangement to overcome the sticking point over whether demarcation or dialogue should come first.

Furthermore, continued support for boundary demarcation in Africa would help avert conflicts, facilitate free movement of people, goods and services and promote interstate cooperation and regional integration. Boundary demarcation would forestall competition for resources in contested borderlands and prevent costly interstate conflicts. Peace and improved security in Africa would create the necessary conditions for democratic governance, economic development, and enhance human wellbeing.

**Promotion of democratic governance.** Democratic governance is lacking or remains work in progress in much of Africa. A constitutional order based on the rule of law, respect for human rights and basic freedoms is an essential condition for democratic governance. Enabling conditions include expansion of educational opportuni-

46. Jonah, Sam. 2005:19, quoted in Manji, Firoze, and Stephen Marks, eds., 2007, *African Perspectives on China*, Nairobi and Oxford: Fahamu.

47. <http://www.auswaertiges-amt.de/diplo/en/Aussenpolitik/Regionale-Schwerpunkte/Afrika/Downloads/LeitlinienAfrikapol.pdf>.





ties for all at the primary, secondary and tertiary levels; building institutional capacity of the main government organs, including the civil service; and existence of independent media and inclusive civil society organisations.

The new policy guidelines reaffirm Germany's commitment to democracy, the rule of law, good governance and respect for human rights. This fits with the EU strategy on Africa. Proactive German support for the entrenchment of these global values would contribute to democratic governance in Africa. Principal sectors of intervention for such support would include the judiciary, to build capacity to ensure rule of law and respect for human rights; security, to transform the national security forces into instruments of impartial law enforcement, application of the rule of law and defence of democratic principles; and education, to promote universal literacy, foster a democratic culture and nurture an enlightened citizenry.

In concrete terms, German proactive engagement in Eritrea and Africa should encourage the emergence and consolidation of a constitutional order committed to democratic principles, transparency and accountability. Ensuring respect for fundamental freedoms would open up space for competitive politics, independent media and autonomous civil society associations. In promoting the rule of law and respect for human rights, Germany should insist on adherence to due process, the immediate release of all detainees held without charge or trial, and an end to all arbitrary arrests and indefinite detentions. Effective German support, in close coordination with the EU, UN, US, China, AU, RECs, etc., for capacity building in democratic governance as a continuous process of political practice would help African states to overcome present challenges, regain legitimacy and muster the capacity for development and delivery.

**Promotion of economic development.** Some of the main constraints hampering rapid and sustainable development of many African countries are high levels of

domestic and foreign debt, inflation and acute shortage of foreign exchange. Overall macroeconomic instability aggravates poverty and undercuts real growth. African countries need, first and foremost, to adopt enabling macroeconomic policy environments and fully mobilise their national resources in order to better benefit from external development assistance focused on capacity building.

Germany provides substantial development assistance to Africa, channelled bilaterally as well as multilaterally through the EU, the UN and the G8. In coordination with other major international donors, Germany is assisting African countries in their efforts to meet their MDG targets by 2015. Its participation in the HIPC (Heavily Indebted Poor Countries) and MDRI (Multilateral Debt Relief Initiative) debt relief initiatives could ameliorate external debt distress for Africa's poorest countries, reduce their debt burden to sustainable levels and afford them discretionary financial resources to mitigate poverty and relax some of the constraints to development.

Besides, a mutually beneficial economic partnership based on African resources and German industry and capital could promote German investment, with its attendant transfer of technology and know-how, and catalyse the development of Africa's tremendous economic potential. Sustained growth of African economies would create wealth, diminish poverty, improve quality of life, provide rising purchasing power to large populations and expand the market for German exports. In the energy sector, for instance, Germany can invest in the extraction of fossil fuels and natural gas in Africa for import and use its leadership and expertise in the technology of renewable sources to help tap Africa's vast potential of solar, wind, hydro, and geothermal energy. The introduction of renewable energy on a large scale at an affordable price has the potential to make a significant contribution to the fight against poverty, deforestation and climate change in the vast African countryside.





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