

COUNTRIES AT THE CROSSROADS



COUNTRIES AT THE CROSSROADS 2011: ERITREA

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INTRODUCTION

Eritrea won recognition in 1993 through a UN-sponsored referendum in which over 99 percent of voters chose sovereignty.¹ This closed three decades of war and centuries of occupation by a succession of powers, from the Ottoman Turks to Egypt, Italy, Britain, and finally Ethiopia, which was backed first by the United States and then the Soviet Union. Each left its mark, and fostered a deep distrust of outsiders among Eritreans and a fierce commitment to Eritrea's separate identity. Upon independence, the country's diverse population—half Christian and half Muslim, from a medley of ethno-linguistic groups—appeared united in purpose, with a widely scattered diaspora, which had been mobilized to support the armed struggle, poised to contribute to reconstruction. Though the war- and drought-ravaged country had few resources and a devastated infrastructure, it was debt-free and largely without crime or corruption, and it began with considerable promise, albeit short-lived.

The transitional government, drawn from the victorious Eritrean People's Liberation Front (EPLF), established new state institutions and managed a highly participatory constitution-making process from 1994 to 1997. However, the government refused to permit exiled rival nationalists to return or alternative parties to form, leaving Eritrea a tightly centralized, one-party state under former guerrilla commander, now president, Isaias Afwerki. A series of conflicts with its neighbors, including Sudan, Djibouti, and Yemen and a bloody Border War with Ethiopia, plunged Eritrea into a cycle of military mobilization and repression that stymied its development prospects and sharply reversed progress toward democracy. Implementation of the constitution and national elections were postponed indefinitely, and the leadership circle steadily contracted. Eritrea and Ethiopia slipped into a

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tense state of “no-peace-no-war” that kept the entire Horn of Africa off balance, even as the region—the southern flank of the Middle East—became a new theater of global conflict. Today, the ongoing power struggle with Ethiopia, which Eritrea seeks to weaken by engaging it on multiple fronts through proxies within Ethiopia and on the country’s periphery (mainly Somalia), serves to justify the regime’s brutal authoritarian rule and acts as the main driver of Eritrea’s regional policy.

In the early 2000s, people who challenged the regime began to disappear. In September 2001, high-level critics within the ruling party—dubbed the Group of 15 (G-15) after signing an open letter calling for democratic reforms—were jailed, and the private press, which had covered the reformists’ demands, was shut down. Over subsequent months, hundreds suspected of disloyalty or dissent were rounded up and imprisoned as President Isaias² consolidated his control. In April 2002, the government banned what it termed “new churches,” denominations dating from the postcolonial period, and began jailing their members alongside political prisoners. No charges were brought against any of them, leaving people unsure of what could get them arrested. This uncertainty engendered a pervasive terror of the authorities and a growing mistrust of neighbors, co-workers, and others who might turn someone in for a slip of the tongue. This condition persists to this day, and thousands remain jailed in a vast network of secret prisons.

Nearly two decades after independence, the façade of normalcy in Eritrea masks a remarkably efficient tyranny. The elaborately constructed institutions of the state have little relation to the actual exercise of power, which is heavily concentrated in the hands of President Isaias. There are minor competing power centers within the military, but evidence indicates that he remains in full control of all factions. Isaias has no obvious successor, and there is no mechanism in place to select one, should the need arise.

ACCOUNTABILITY AND PUBLIC VOICE

The present government was established by decree on May 19, 1993, with three branches to oversee a four-year transition to constitutional rule. The legislative branch, initially composed of the EPLF Central Committee and an equal number of handpicked representatives from regional assemblies, became the new National Assembly; it confirmed Isaias as president and chair of the assembly in the country’s only such election for the top office. In February 1994, the EPLF became the People’s Front for Democracy and Justice (PFDJ). The PFDJ’s new 75-member Central Council comprised half of the reconstituted National Assembly, whose remaining members were selected from party-controlled regional elections and diaspora groups. The judiciary was established in 1992 as a separate body, but its leading members were appointed, and sometimes removed, by the president. Thus, power over the party and all branches of government was concentrated in the hands of President Isaias.

Since then, these institutions have functioned not as counterbalancing powers that create policy or hold individuals accountable for their actions, but as enforcers of executive will. The president maintains a structure parallel to the Council of Ministers, with advisers who gather in closed meetings with Isaias to make policy decisions outside of the formal governing structure. The National Assembly also holds closed meetings, and its numbers have steadily dwindled as members have been jailed or gone into exile. The PFDJ Secretariat

and the top echelon of the Eritrean Defense Forces report directly to the president and each group has responsibilities parallel to those of appointed government officials. It is these informal channels linked to Isaias, rather than formal institutions, that have genuine governing power in Eritrea.

Eritrea's constitution, ratified by a 527-member constituent assembly on May 23, 1997, guarantees citizens "broad and active participation in all political, economic, social, and cultural life of the country."³ Government officials originally promised that the constitution would go into effect after national elections were conducted. The government delayed these elections, which were first scheduled for 1998, and subsequently delayed them again due to war. When they were rescheduled for 2001, the government again put them off because of a political crisis. The government has not yet set a new date for elections, and the president has declared publicly that he sees no reason to hold them.

The PFDJ is Eritrea's only legal political party. It manages all local and regional elections, which are open to men and women of all religious and ethnic backgrounds, although no forms of political organization outside of the PFDJ are permitted. Voting for local office is conducted in town meeting style sessions presided over by PFDJ cadres, who enforce public participation even as they manage outcomes. Campaigns are not permitted, nor are candidates allowed to set up political operations. Public discussion centers on the character of the individual candidates and their loyalty to the party. There is no public debate or discussion about policy and no outlet for new proposals or critiques of existing policies. New initiatives are only allowed if prepared by party functionaries and carefully vetted by the president's office. In 2001, a parliamentary commission drafted a law to legalize multiple parties and lay the groundwork for national elections, but the president refused to implement it and instead sacked the commission chair, minister of local government, and unofficial Vice President Mahmoud Ahmed Sherifo. The following September, Isaias ordered Sherifo's arrest, along with that of other high-ranking reformists identified with the G-15.

Isaias's political vision and autocratic leadership have dominated the nationalist movement since the 1970s. His political instincts first emerged when he rose to the top of the student movement. Upon joining the liberation front, he was sent to China for training at the height of the Cultural Revolution. He subsequently operated through a pattern of nested organizations, using the clandestine Maoist Eritrean People's Revolutionary Party (EPRP) to control the newly formed Eritrean People's Liberation Front. He claimed to have dissolved this party abruptly in the early 1990s, but his method of leadership remains one of opaque, secretive decision-making and complete intolerance for disagreement. The countervailing force exercised by other party and front founders during the independence war and in Eritrea's early postwar years disappeared with the crackdown in 2001, during which most dissenting voices were imprisoned, leaving the president with no serious rivals and no designated successor.⁴ The limited centers of influence that still exist are to be found in the military and the ruling party. The most important in the armed forces—whose positions were substantially strengthened during and after the 1998–2000 war with Ethiopia—are Generals Tekle "Manjus" Kiflai, Filipos Weldeyohannes, Haile "China" Samuel, Gerezghier "Wuchu" Andemariam, and Teklai Habteselassie. Each controls significant economic assets, as well as military prisons and administrative hierarchies that parallel—and have come since 2001 to outrank—those of civilian governors in their theaters of operation. Conscripts under their command are routinely used for public works projects and revenue-generating enterprises, though Isaias periodically rotates their assignments to prevent the emergence of entrenched

power bases. On the civilian side, the most important figures are the department heads in the PFDJ secretariat, particularly the head of political affairs, Yemane Gebreab, and the head of economic affairs, Hagos Gebrehewot. The two have worked together since the 1970s and were elevated to leadership positions by the president in 1994. Yemane is one of Isaias's most trusted advisors. In 2010, his name was appended to a U.S. presidential order detailing sanctions against persons accused of "contributing to the conflict in Somalia" and posing an "extraordinary threat to the national security and foreign policy of the United States."⁵ Hagos is the most important figure in Eritrea's command economy and heads the party's complex web of financial and commercial enterprises. Another rising star is Information Minister Ali Abdu Ahmed, an Isaias protégé and a zealous hardliner.

With no space in Eritrea for competing political parties, independent media, or autonomous civil society groups, and with all avenues for dissent closed, organized opposition to the PFDJ-controlled government has been visible only outside the country since 2001. The dissent that exists within Eritrea today either takes the form of passive resistance or clandestine organizing. Outside, the main opposition consists of the 12-member Eritrean Democratic Alliance (EDA), whose headquarters are in Ethiopia, a fact that undermines their credibility with Eritreans at home. The EDA includes a wide range of parties and fronts, many of them small and regionally focused, which until recently have had little more in common than hatred for Isaias. In 2009 and 2010, however, they gelled into several blocs or coalitions, including one large unarmed political party—the Eritrean People's Democratic Party (EPDP), drawn from offshoots of both the PFDJ and its liberation-era rival, the Eritrean Liberation Front (ELF)—and two armed blocs, the Eritrean Solidarity Front, built mainly around Muslim rights issues, and the Democratic Front of Eritrean Nationalities, focused on the rights of ethnic minorities. The two identity-based blocs announced a unified military command in May 2010, signaling a decision to step up armed operations, while underlining the primary cleavage in Eritrean politics—that between the highland Tigrinya-speaking Christians who make up half the population and dominate both the government and the secular EPDP and the lowland, politically-marginalized Muslims from Eritrea's eight ethnic minorities.⁶ All share a commitment to oust Isaias from power, though they differ over the degree to which they should cooperate with Ethiopia and whether to use violence against the Asmara regime.

Many Eritrean refugees and exiles distrust these parties, however, as nearly all are led by people who have fought among themselves to dominate the national movement since the 1960s. Many of the younger members of Eritrea's growing diaspora have lived in societies that are more politically liberalized than their home country, and are trying to promote that openness back home. They have focused on building community centers, human rights organizations, and NGOs, as well as alternative media—web-based and broadcast. These media projects not only knit the youth activists together but also reach people inside of Eritrea, as numerous postings on Eritrean websites demonstrate, often at considerable risk to the sender.

Despite the amorphous and highly individualized nature of many non-party activist diaspora organizations, this sector plays a crucial role in sustaining Eritrean identity and engaging Eritreans in a global dialogue over present conditions in the country and the future of their homeland. By 2010, this sphere was experiencing a degree of consolidation, with the emergence of such formations as the South Africa-based Eritrean Movement for Human Rights and Democracy, the Network of Eritrean Civic Societies-Europe (a coalition of rights-

focused organizations), the London-based Citizens for Democratic Rights in Eritrea, and a largely North American alliance, Eritrean Global Solidarity, none of which operate within Ethiopia.

The civil service in Eritrea, initially based on a mix of merit and political loyalty, has become increasingly dysfunctional, as experienced personnel have fled the country and been replaced by unskilled national service conscripts, many of whom are subject to petty corruption and political manipulation (see Civil Liberties). There are no published guidelines, no legal recourse in the event of dismissal, and no transparent competitive process for securing civil service positions or gaining advancement. Ministerial portfolios are frequently shuffled to keep rivals from developing power bases of their own. High-ranking officers and government officials who question the president's judgment over minor issues often find themselves subjected to the practice of *midiskal* (freezing), in which they are removed from their posts and kept on salary but not permitted to work.

Eritrea has not permitted the formation of autonomous civil society groups, think tanks, policy organizations, or other NGOs since the mid-1990s. The only indigenous NGO not directly under the control of the PFDJ is Citizens for Peace in Eritrea, which focuses solely on the conflict with Ethiopia. With two exceptions—Planned Parenthood and the Red Cross Society—international groups are not permitted to establish local chapters, and global human rights organizations are blocked from visiting and carrying out investigations.⁷ In 2005, the government decreed that international aid agencies should pay taxes on all goods imported into the country, including food and medicine, and expatriate employees should pay income tax. Agencies allowed in the country were limited to relief and rehabilitation programs. The government prohibited these groups from engaging in political and economic development activities, and required that they have a minimum of \$2 million in easily accessible cash deposits. The parallel requirement for national NGOs was \$1 million. There was an exodus of foreign NGOs as a result of these onerous requirements and most local agencies were inadvertently forced into closure because of their inability to comply.

Upon the country's independence, all media were extensions of outlets developed and controlled by the EPLF and came under state ownership and control. However, some newly formed civil society organizations, charitable societies, and other nongovernmental sources began producing publications. Following the 1996 promulgation of a new press code, privately-owned newspapers were allowed for the first time in a half-century.⁸ In September 2001, however, the government abruptly closed these newspapers and arrested their reporters and editors during a crackdown on all forms of public dissent and individual expression. Independent media has not operated within Eritrea since that crackdown. The Ministry of Information publishes three newspapers: the Tigrinya daily *Hadas Eritrea*; the Arabic daily *Eritrea Al-Hadisa*; and the English-language *Eritrea Profile*.⁹ The PFDJ also publishes a monthly magazine, *Hidri* (Trusteeship), in Arabic and Tigrinya.

Dimtsi Hafash (Voice of the Broad Masses), which the EPLF started in 1979, is Eritrea's only legal radio service. It broadcasts from Asmara and reaches most of Eritrea, with programming in 10 languages. The opposition EDA and several of its affiliates use facilities in Ethiopia and Sudan to broadcast irregularly into Eritrea. After the crackdown in 2001, programming originating in North America, Europe, and in South Africa was broadcast via shortwave and satellite, as well as over the Internet. All television programming is produced by the state-owned Eri-TV, which programs in Tigrinya, Tigre, Arabic and English. EriNa, the government-operated Eritrean News Agency, collects local,

regional, and international news, vets it for subversive content, and distributes selections to the state-owned media for publication.

Eritrea gained access to the Internet in 2000. There are four operational local service-providers, and all are required to rent bandwidth from the state-owned EriTel, which occasionally shuts off access to the Internet when state officials order it to do so. State-owned print and broadcast media are posted online on the Ministry of Information's website, shabait.com. The most widely read alternative sources of information are oppositional and independent websites, such as awate.com, asmarino.com and assena.com, which produce original reporting and commentary, in addition to providing extensive links to other sources of information. These sites have come under frequent distributed denial of service (DDOS) attacks that they ascribe to the government and its supporters. The government restricts online access for public sector employees to terminals monitored by their supervisors, but efforts to limit or monitor access by private users have so far been unsuccessful, as enterprising Eritreans, like their counterparts around the world, have easily found ways to get around such restrictions through remote-access servers and other means. However, there are no independent local media to report on conditions within Eritrea or to provide a platform for debate among Eritreans. Eritreans working for foreign media have also been harassed and jailed; by 2007 none were officially working as contributors. Multiple watchdog groups consider Eritrea among the worst abusers of the press in the world.¹⁰

CIVIL LIBERTIES

Violence at the hands of the state is common in Eritrea and there are few protections or methods of redress. The constitution guarantees the right of habeas corpus and the penal code limits detention without charge to 30 days, but over the past decade, arrests for political infractions have been frequent, arbitrary, and rarely accompanied by formal charges. Many dissidents, particularly members of the military who have fallen out of favor, have been incarcerated in shipping containers in the desert along the Red Sea coast and on islands in the Dahlak Archipelago, where they are beaten and held for long periods with inadequate water and food. Former prisoners and escapees tell similar stories about torture techniques, including one known as "the helicopter," in which victims are stripped of their clothing, tied with their arms behind their back and laid on the ground face down or hung from a tree and left for several days and nights.¹¹ No officials have been prosecuted for these human rights abuses. As many as nine of the G-15 reformists jailed in 2001 are reported to have died at a secret prison at Eiraeiro (see Rule of Law), one by execution and the others from disease and injury. No one detained for political beliefs has ever been brought to trial. Instead, imprisoned dissidents are left to languish in prisons indefinitely.

All citizens between the ages of 18 and 50 are required to participate in national service. Conscripts are assigned work not only in state-run reconstruction programs but also in administrative offices and party-owned companies. They are paid approximately \$30 per month. Since 1998, this obligation has been arbitrarily extended for an indefinite period for hundreds of thousands of young men and women.¹² To ensure compliance among Eritreans abroad, the government made proof of national service a requirement for the renewal of passports and required those seeking exit visas to post a bond of \$4,000 at official exchange rates. By 2010, the total in service was estimated at over 500,000, and the UN reported a

surge among Eritreans fleeing the country to avoid national service. Conscripts caught trying to escape the country are held in military prisons and subjected to intensive interrogation and torture. Those trying to cross the border risk being shot on sight by snipers posted to deter escape. Refugees who have reached Sudan, Egypt, Libya, and Malta have been forcibly repatriated despite a 2008 UNHCR recommendation that all refoulement to Eritrea should end. In 2010, Human Rights Watch, which has repeatedly called on Egypt to halt deportations of Eritreans, reported that Egyptian border guards had killed 85 asylum seekers over three years, most of them Eritreans.¹³ By 2010, the size of the Eritrean refugee group in Israel was approximately 8,500, at the time the largest refugee group in the country.¹⁴

Women played a central role in Eritrea's armed struggle, but they have not always enjoyed that same equality in postindependence public life. By the nationalist victory in 1991, women made up a third of the 95,000-strong EPLF and 13 percent of frontline fighters. They also served as teachers, paramedics, political organizers, technicians, garage mechanics, drivers, and other positions, while thousands of women civilians supported the war effort. This active participation in the national struggle positioned women to challenge traditionally submissive roles in the strictly patriarchal society and demand equal participation in the country's economic and political life.

Upon gaining independence, the government started to reform marriage laws, enacted policies intended to block trafficking of children and women, included women in the land reform and national service programs, and promoted educational opportunities for women and girls. The 1998 outbreak of war with Ethiopia slowed progress, however. Thousands of women who were conscripted into the armed forces were subjected to sexual abuse and assault by their male commanders, none of whom have been prosecuted.¹⁵ Despite the government's declared intentions to improve gender equality, women were marginalized from the outset, as conservative factions reasserted themselves and destructive traditional practices, such as female circumcision, child marriage, and virginity testing, became common.

In 2011 women held four ministerial portfolios—Health, Justice, Tourism, and Labor and Social Affairs—but no women held top positions in the military or the PFDJ. The only recognized women's organization, the party-sanctioned National Union of Eritrean Women, provides services, runs job-training programs, and advises the government on women's issues, but it does not engage in public advocacy, and it has repeatedly blocked efforts to organize independent women's groups.

Eritrea, like most African states, consists of a patchwork of ethnicities. Officially, there are nine, which the government refers to as "nationalities": the predominantly Orthodox Christian Tigrinya, who make up half the population and dominate the state and the national economy, and eight, mostly Muslim minorities (Afar, Bilen, Hedareb, Kunama, Nara, Rashaida, Saho, and Tigre). Religious divisions, which overlap with ethnicity and geography, have at times created political cleavages in the society and are an increasing source of tension today.

The situation of the disabled is similar to that of women; the government runs programs for them and places disabled people, most of whom are disabled war veterans, in jobs, but there is no policy to which disabled people can hold the government accountable and no institutional body to which they can appeal when discrimination occurs. The government has shut down independent NGOs organized by disabled veterans. Those with

disabilities not arising from national service are forced for the most part to rely on family support or a handful of charities in Asmara, most of which are for the blind and deaf.

The government outlawed all forms of religious discrimination upon independence, and the constitution guarantees all citizens “the freedom to practice any religion and to manifest that practice,” but freedom of religion is in practice sharply restricted. In April 2002, the government banned what it called “new churches”—the rapidly growing evangelical and Pentecostal Christian denominations, as well as Baha’is—and “deviant trends” within legally-recognized faiths, which include Sunni Islam, the Eritrean Orthodox Church, the Roman Catholic Church and the Evangelical Lutheran Church. Relations between the state and the Orthodox Church deteriorated in August 2005, when government authorities stripped Patriarch Abuna Antonios of his ecclesiastical authority and placed him under house arrest after he protested the arrest of three Orthodox priests.¹⁶ The government then effectively took control of the Orthodox Church, appointing a lay administrator who managed its finances and in 2007 oversaw the appointment of a new patriarch. Monitors of religious freedom describe a pattern of continuous abuses, with more than 2,800 Christians from various denominations imprisoned in 2010 for participation in religious activities that the government prohibits.¹⁷ In 2010, the U.S. Commission on Religious Freedom designated Eritrea one of 13 states considered a “country of particular concern” (CPC), and Eritrea was the only country to face sanctions on that basis.¹⁸

The pattern of religious discrimination is reflected in the treatment of nonreligious membership-based organizations, too, with only those under the party’s control permitted to operate—the National Confederation of Eritrean Workers, with 20,000 members, the National Union of Eritrean Women, with 200,000, and the National Union of Youth and Students, with 170,000.¹⁹ Trade unions are not permitted to organize any segment of the workforce without state and party permission, and strikes are prohibited. All three labor organizations are service providers and do not engage in policy advocacy or protest, and the PFDJ selects their leaders and sets their priorities. The state closely monitors donations to these organizations, and organizations that the government does not recognize are not allowed to receive outside funding.²⁰

RULE OF LAW

The Eritrean judiciary has long functioned as an arm of executive authority, and the president appoints and dismisses all judges at his own discretion. Initially divided between civilian and military courts and later complicated by the addition of special courts, the judiciary suffers from shortages of trained personnel and inadequate funding, as well as frequent executive interference. In some cases, panels of military and police officers sentence offenders in secret proceedings in which detainees are not informed of the accusations against them, have no right to legal counsel or to defend themselves, have no recourse to challenge official abuses, and are denied the right to appeal to the High Court, which is nominally Eritrea’s highest judicial authority.

Special courts, Eritrea’s system of secret military tribunals, were created in 1996 to hear cases of corruption and other abuses by government and party officials. These courts are directly accountable to the president’s office and are presided over by military officers with no formal training in the law. The attorney general determines what cases are sent to the

special courts, which are not governed by habeas corpus. There is no presumption of innocence on the part of the defendant, who has no right to counsel or to appeal. There is no limitation on the punishment that can be meted out by special court judges, who also serve as prosecutors and are expected to rule not on law but on conscience. With the outbreak of the Border War in 1998, referrals to the courts expanded from cases of embezzlement and tax evasion to a wide range of felonies and misdemeanors and national security cases, a broad designation that has come to embrace all forms of protest and dissent. Today, the special courts issue directives to civilian and military courts on administrative matters and can, at the discretion of the attorney general, retry cases already heard by these courts. The abolition of the special courts was a key demand of the G-15 reformists prior to their detention in 2001. Although there has never been official confirmation, it is widely believed that their cases were heard and their sentences determined by a secret special court.

According to former guards, high-value political prisoners are held mainly at the Naqura facility in the Dahlak Islands, at Ala in the Debub Administrative Region, and at a high security prison at Eiraeiro, in the coastal lowlands north of the Asmara-Massawa road. Numerous other jails scattered across the country hold military deserters, jailed evangelical Christians and political dissidents, alongside common criminals. In 2009, Human Rights Watch estimated the total prison population held without formal charges at between 5,000 and 10,000, most for political reasons.²¹ Accused criminals and those with civil claims fare little better in an understaffed system of overlapping jurisdictions, in which personal connections matter more than legal principles. A new civil code was announced in 2001. It has a three-tiered system resting on community courts of elected magistrates whose decisions are supposed to be based on local custom, but executive interference is common and the application of the law decidedly uneven.

In August 2009, the London-based website assena.com released a report based upon what it claimed were secret documents taken from the president's office that detailed the death in detention of nine of the 11 former government officials identified with the G-15 reformists in 2001 and held at the Eiraeiro prison.²² In May 2010, Reporters without Borders, citing the testimony of an escaped prison guard, claimed that four of the detained journalists had perished there as well.²³ In 2009, the UNHCR advised member states not to send any Eritreans back to the country, regardless of the circumstances of their asylum claims, due to the dangers they faced upon repatriation.²⁴

Eritrea's armed forces, built out of the EPLF and reorganized as the Eritrean Defense Forces (EDF), consist of air, naval, and ground forces whose commanders report directly to the president, as they did during the armed struggle. The EDF's main official tasks are defending the country against external attack, ensuring peace and security along its borders, and helping to consolidate a national identity out of the diverse social forces that make up the new country. The EDF's role has grown considerably, however, since the Border War with Ethiopia, after which Eritrea assumed a semi-permanent state of military readiness. Since 2003, all secondary school students have been required to complete the 12th grade at the Sawa military camp, both to curb the outflow of secondary school graduates to neighboring countries and to increase the size of the armed forces. Eritrea—today one of the most militarized countries in the world—does not recognize the practice of conscientious objection.²⁵

The military remains under the president's personal control, and he exercises direct command over the five theater-operation generals—the de facto governors of the country's

five *zobas* (provinces)—while frequently ignoring General Sebhat Ephrem, his minister of defense. The country's feared national security service is independent of the armed forces and is headed by a long-time Isaias loyalist, Brigadier General Abraha Kassa, but, like the armed forces, it remains under the president's personal control.

Under Eritrean law, all land is the property of the state, which can grant lifetime use-rights to citizens and fixed-term leases to businesses and private or semi-private agricultural schemes. However, the law has never been consistently implemented, apart from peri-urban areas around large cities, as the state lacks the capacity to do so. As a result, much of Eritrea's intensively farmed highlands remains with those who controlled them at the time of independence, though it cannot be transferred through market mechanisms. At the same time, the government's seizure of grazing land from pastoralists in the western lowlands and its transfer to highland migrants and returning refugees—many of them Tigrinya-speaking farmers—have become a major source of friction with the indigenous, mostly Muslim herders. This accelerated after the Border War, exacerbating tensions there as resistance to it became a major issue for local residents and the externally-based EDA. After the sharp decline in Eritrea's economy following the outbreak of the Border War, the government also began offering long-term leases for cash payments and threatened to strip the land rights of citizens living abroad if they became involved in dissident political activities or failed to fulfill their tax obligations. With exports extremely low and new investment lacking in most sectors, the economy has survived largely on remittances from the diaspora, whose members are required to pay a 2 percent asset tax in order to maintain rights to purchase land, secure inheritances, and take advantage of other privileges within Eritrea. However, Eritrea is poised on the brink of a gold rush that the government views as a potential lifeline, leading it to sharply limit its interference with foreign firms, of which there were 30 by 2011.²⁶

ANTICORRUPTION AND TRANSPARENCY

The systematic denial of civil liberties and the continuing failure to respect the rule of law occur against the backdrop of a declining economy. With major enterprises owned by the state or party, the private sector languishes, limited to domestic trade and small businesses. Eritreans are major players, however, in trade, transport, tourism, and other businesses throughout the region, from southern Sudan, Kenya, and Rwanda to Dubai and Qatar. Eritrean citizens were also owners or managers of numerous businesses in Ethiopia until the Border War, when most had assets confiscated. Though many returned to Eritrea after independence, few are investors today as the state and party's demands have discouraged them. Most party and state enterprises draw on national service conscripts for their work force, which further tilts the playing field, already skewed by preferential treatment in securing licenses and permits, access to power sources, and other resources controlled by the state.

Eritrea's civil code recognizes contracts, but these laws have at times been suspended or undergone sudden, unanticipated revisions announced in public proclamations drawn up by the president's office and promulgated by the National Assembly, as happened after the Border War for a number of import/export businesses and international aid agencies. Numerous Eritrean-run businesses have found themselves required to cede a significant percentage of their holdings to the PFDJ, which in many cases had driven them out of

business. Today, the PFDJ controls currency markets, the insurance industry, the transportation industry, the publishing industry, the IT sector, maritime commerce, and high-end tourism. The government has banned private-sector companies from the construction sector, which it reserves for PFDJ companies on what it claims are grounds of national security. The only domestic mining firm is the state-owned Eritrean National Mining Corporation (ENAMCO). Accurate economic statistics are extremely difficult to come by, as the government does not publish a national budget. Inflation runs between 35 and 50 percent, and efforts to maintain a fixed exchange rate have created a yawning gap with the black market. All banks are owned by the state or the ruling party.²⁷

Brigadier General Estifanos Seyoum, a high-ranking member of the PFDJ and a veteran of the independence war, was relieved of his post in the ministry of finance in August 2001 after questioning the equity of tax collection from PFDJ-owned enterprises. A signatory of the May 2001 “Open Letter to the PFDJ,” he was detained with the other members of the G-15 in 2001 and has not been heard from since.²⁸ No questions about tax collection or government expenditure have been raised in public since then, nor is there any independent auditing body to take up such issues. Under the constitution, the president appoints an auditor general, but this position has not been functional. There is no public record of the party’s economic operations, no published line-item national budget for the state, no detailed accounting for tax collection or remittances—essentially no fiscal transparency for state or party finances. In fact, the line items for the national budget remain a well-guarded secret—not only from the public but from most members of the cabinet and the ruling party.²⁹

Corruption among individuals has historically been low in Eritrea and severely punished when uncovered, but the state and the ruling party have made extensive use of economic levers for political ends, often acting in concert, and the prosecution of corruption cases today reflects political expediency rather than consistent application of the law. It is common, for example, for the PFDJ to pressure enterprises to include it as a partner in new ventures and then exact payment or a percentage of profits for government cooperation. Meanwhile, strict controls on travel by Eritrean citizens have generated a lucrative business in exit visas. Graft and corruption among state bureaucrats has also grown, particularly at middle and lower levels where pay rates have stagnated as inflation rates have soared. The militarization of much of the country, with zonal commanders outranking civilian administrators, has also fostered widespread corruption in the allocation of housing, management of local businesses, and control of trade.³⁰

RECOMMENDATIONS

- Eritrea’s constitution, which has been ratified, should be implemented without delay. All special courts should be abolished and their functions taken over by civilian bodies, and all political prisoners released or brought to public trial.
- The government should allow the formation of political parties, lay the groundwork for national elections, and permit exiled opposition political movements who have renounced violence to return to Eritrea to join the political process on equal footing with the PFDJ.
- The 1996 Press Law should be rescinded and the reestablishment of independent newspapers and broadcast media permitted.

- Legal protections should be extended to all religious groups, and prompt legal action should be taken against those who attack members of minority faiths.

¹ *Eritrea: A Country Handbook* (Asmara: Ministry of Information, 2002), 23–24.

² Eritreans go by first names.

³ “Draft Constitution of the State of Eritrea,” art. 7, 26, <http://www.shaebia.org/constitution.html>.

⁴ Dan Connell, “Inside the EPLF: The Origins of the ‘People’s Party’ and its Role in the Liberation of Eritrea.” *Review of African Political Economy*, no. 89 (Sheffield, UK: September 2001), <http://eritrearealclearpolitics.wordpress.com/2009/04/05/inside-the-eplf-the-origins-of-the-‘people’s-party’-its-role-in-the-liberation-of-eritrea>.

⁵ “Blocking Property of Certain Persons Contributing to the Conflict in Somalia,” Executive Order 13536, 75 *Federal Register*, no. 72, April 12, 2010, <http://www.treasury.gov/resource-center/sanctions/Documents/13536.pdf>.

⁶ For a “family tree” tracing the origins and interrelationships of these and other Eritrean political movements, see “Eritrean Political Organizations: 1961–2007,” Awate Foundation, March 4, 2007, <http://www.awate.com/portal/content/view/4485/9>; for a breakdown of EDA membership, see “EDA will hold its congress,” Awate Foundation, February 15, 2007, www.awate.com/portal/content/view/4469/3.

⁷ Amnesty International delegates were refused visas in July 2002 and have not been permitted to enter Eritrea since then. Neither Human Rights Watch nor the Committee to Protect Journalists has had representatives in Eritrea since 2003.

⁸ Passed by the National Assembly in its January 22–24, 1996, session as Proclamation 90/98 and published by the Ministry of Information, Asmara.

⁹ Back issues are available on the website of Eritrea’s Ministry of Information, <http://www.shabait.com>.

¹⁰ The Committee to Protect Journalists (CPJ) labeled Eritrea one of the world’s worst jailers of journalists in 2010, alongside China, Iran, Uzbekistan and Burma (“Eritrea: Number of jailed journalists hits 14-year high,” CPJ, December 8, 2010, <http://www.cpj.org/africa/eritrea>), while Reporters Without Borders rated Eritrea last of 178 countries in its Worldwide Press Freedom Index, just after Turkmenistan and North Korea (“Press Freedom Index 2010,” Reporters Without Borders, October 20, 2010, <http://en.rsf.org/press-freedom-index-2010,1034.html>).

¹¹ Kjetil Tronvoll, *The Lasting Struggle for Freedom in Eritrea: Human Rights and Political Development, 1991–2009* (Oslo: Oslo Centre for Human Rights, 2009), 80–85, http://www.oslocenter.no/index.php?option=com_content&task=view&id=213&Itemid=1.

¹² Human Rights Watch (HRW), *Eritrea: Service for Life: State Repression and Indefinite Conscription in Eritrea* (New York: HRW, 2009), <http://www.hrw.org/node/82284>.

¹³ Human Rights Watch (HRW), *Sinai Perils: Risks to migrants, refugees and asylum seekers in Egypt and Israel* (New York: HRW, 2008), <http://www.hrw.org/en/reports/2008/11/12/sinai-perils-0>.

¹⁴ Ben Hartman, “UNHCR: Eritreans by far largest refugee group in Israel,” *Jerusalem Post*, March 10, 2010, <http://www.jpost.com/Israel/Article.aspx?id=170593>.

¹⁵ In 2004, Amnesty International reported that “some of the new female recruits were selected by commanders for sex under duress, through being threatened with heavy military duties or being sent to the battle-front during the war or to a remote and harsh posting, or being denied home leave. In some cases, this may be termed rape or possibly sexual slavery” (“UN Must act now on Sri Lanka war crimes report,” Amnesty International, April 26, 2011, http://www.amnesty.ca/resource_centre/reports/view.php?load=arcview&article=1563&c=Resource+Centre+Reports). Five years later, UNHCR reported that “a pattern of sexual violence against female conscripts exists within the military.... No effective mechanism for redress or protection exists within or outside the military, and perpetrators generally go unpunished” (UN High Commissioner for Refugees [UNHCR], *Assessing the International Protection Needs of Asylum-Seekers from Eritrea* [Geneva: UNHCR, 2009], http://www.unhcr.se/Pdf/Positionpaper_2009/Guidelines_Eritrea_April_09.pdf).

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- ¹⁶ “Eritrean Patriarch Uncanonically Deposed,” *Glastonbury Review* 12, no. 113 (2006), <http://www.inchainsforchrist.org/pdf/ABOUNE%20ANTONIOS%20IN%20THE%20GLASTONBURY%20REVIEW.pdf>.
- ¹⁷ Open Doors ranked Eritrea 11 out of 50, just after Uzbekistan and ahead of China, on its 2010 World Watch list of countries that persecute Christians (“Country Profiles: The worst 50 countries for persecution of Christians,” Open Doors UK, <http://www.opendoorsuk.org/resources/country-profiles.php>, accessed April 26, 2011).
- ¹⁸ “United States Commission on Religious Freedom (USCRF): Annual Report 2010,” USCRF, May 2010, <http://www.uscrrf.gov/images/ar2010/eritrea2010.pdf>.
- ¹⁹ *Eritrea: A Country Handbook*, 50–52.
- ²⁰ Numerous interviews by the author with leaders and members of NUEW, NCEW, NUEYS, Asmara, 2001–2002, and subsequent interviews with high-ranking youth and women’s union leaders in the U.S. in 2005–2006, including the former head of NUEYS, Mohedin Shengeb, after he fled Eritrea in 2005.
- ²¹ Human Rights Watch (HRW), *Eritrea: Service for Life: State Repression and Indefinite Conscription in Eritrea*.
- ²² “All but two of the former 11 senior government officials of Eritrea confirmed dead,” Asena Foundation, August 4, 2009, http://assenna.com/index.php?option=com_content&view=article&id=1868:all-but-two-of-the-11-former-senior-government-officials-of-eritrea-confirmed-dead&catid=18:news&Itemid=70.
- ²³ “Prominent journalist arrested, ex-prison guard reveals fate of other detained journalists,” Reporters Without Borders, May 12, 2010, <http://en.rsf.org/eritrea-prominent-journalist-arrested-ex-12-05-2010,37459.html>.
- ²⁴ “UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Eritrea,” UN High Commissioner for Refugees (UNHCR), April 2009, <http://www.unhcr.org/refworld/docid/49de06122.html>.
- ²⁵ The International Institute for Strategic Studies (IISS) has termed Eritrea the second most militarized country in the world, after North Korea and ahead of Israel, with nearly 40,000 soldiers for every one million people. (“The Military Balance 2009,” IISS, August 30, 2009, <http://www.iiss.org/whats-new/iiss-in-the-press/press-coverage-2009/august-2009/eritrea-worlds-second-biggest-militarized-state-report>.)
- ²⁶ The Canadian firm Nevsun Resources began production for export at the end of 2010, and Chalice Gold Mines (Australia) and Sunridge (Canada) were close behind; the Eritrean government, with a 40 percent stake, was projected to break even on its investment by 2012.
- ²⁷ The World Bank ranked Eritrea in the bottom 5 percent of friendly business environments in 2011, placing it 180th out of 183 countries. (“Economy Rankings,” World Bank–Doing Business, February 2, 2011, <http://www.doingbusiness.org/rankings>.)
- ²⁸ “Another Critical Official Sacked,” IRIN, August 7, 2001, <http://allafrica.com/stories/200108070236.html>.
- ²⁹ Eritrean government officials, in discussion with the author, Asmara, August–September 2001, February–March 2002.
- ³⁰ Transparency International placed Eritrea 123 out of 178 in its Corruption Perceptions Index 2010, scoring the country 2.6 on a scale of 1 to 10. (“Corruption Perceptions Index 2010 Results,” Transparency International, October 26, 2010, http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results.)