

Back to 'Tribouli'

"Libyan and Eritrean military and security observers have been deployed at the border between Sudan and Chad, scene of recent clashes, a Libyan mediator said on Thursday." Sudan Tribune Apr. 12, 2007

PFDJ seems to be following a well-defined pattern, retracing the Italian colonial period,

1. An Italian colony develops its own distinct identity then eventually becomes independent, then
2. PFDJ rebuilt Italian-era railroad system, then
3. PFDJ tried to rebuild Italian-era dams, roads and farms, then
4. Introduced PFDJ version of Italian Articollo Diece [No Eritrean nationalism allowed], then
5. Prohibited natives from walking on Kombishtato (thru Giffa for Slavery Campaign), then
6. Invaded Ethiopia (Per Border Commission and accepted by PFDJ) as Italians did in 1935, then
7. Invaded Somalia (albeit clandestinely) as Italians did, then
8. Sent its troops through 'tribouli' to Sudan/Chad border (Alright, the Italians stopped in Libya)

Moreover,

9. Italians were the last Europeans colonizers to *scramble* for Africa. PFDJ is trying to become the new kid on the block *scrambling* to become the new power broker,
10. PIA is telling us that we are too 'tribalists'. Instead, we will be told to shed our cultures and traditions – symbols of tribalism - and to only speak Italian, to act like Italians and to celebrate Italian holidays (thus two new years, etc...).
11. Is this why PIA makes such frequent trips to Italy without even being invited?

Hail the Black Caesar!

He shall fight tribalism!

He shall fight religionists!

He shall fight regionalists! [Including the entire horn]

He shall fight the Goliaths of the World!

He shall build a great nation/region single-handedly!

Then he shall call himself – the "Visionary", a demigod!

He shall rule the Horn from Roma ... piccola!

II. CONSTITUTION & MULTIPARTY SYSTEM

As critically important constitution is, there is an overemphasis in our discussions of this issue. Although a constitution can be complex at a theoretical level, at a practical level, the options available to formulators are limited.

In my view, there are many other critical issues that we must equally address in order to cross the critical periods immediately after the collapse of the regime. If we are to embark on multi-party democracy within a short period after the collapse of the regime, there are zillions of other issues that we should discuss and debate *in order to begin to understand* the challenges we face. One among many issues is multiparty laws. I assure my readers that this issue itself can occupy us for the next decade. It will probably be the single most important issue that will define how we evolve into a stable nation.

THE CONSTITUTION

Simon M. Weldehaimanot's paper titled "Ten years old yet not born: The Status of Eritrean Constitution" is an excellent paper on this topic, Mr. S. Younis' article and Mr. Weldehaimanot's reply are excellent discussions on the Constitution. Mr. Weldehaimanot addresses both the general theoretical issues as well as the historical developments of the 1997 Constitution. There was also a conference honoring Prof. Bereket Habteselassie at the University of North Carolina where discussions addressed various topics on constitution. I hope that their papers will be made available to the general public [as has Mr. Younis]. These are the types of issues we should equally address as we expose the regime's atrocious acts.

Constitution contains the principles that govern a society and that laws emanate from these principles. Constitution is generally composed of the following,

Rights & Freedoms (see below)

+

System of Government (see below)

=

CONSTITUTION

[Note: A constitution may contain other particular and explicit principles or values that may be catered to a specific nation]

1. Rights & Freedoms

Although much can be written on this issue, it is suffice to say that these rights and freedoms are mostly universally shared. One can copy UN's Declaration of Human Rights or any other countries' Bill of Rights and Freedoms and apply them to Eritrea.

It should also be noted that rights and freedoms emanate from natural laws, and shouldn't be viewed as privileges handed down by benevolent politicians.

"Rights" might be referred to as the "rights to life, liberty and property".
"Freedom" might be referred to as "Freedom of Speech, Freedom of Assembly and Freedom of Conscious ..."

Possibly, the one challenge that needs to be addressed is how to address minority and group rights. A constitution is better left to address the broader principles of minority and group rights rather than to promulgate laws.

2. System of Government

We have to separate "**system**" and "**government**".

"Government": has three **primary** functions, first is administration, second is promulgation of laws, and third is policy formulation.

Government Administration:

- Who is primarily responsible for government administration? It should be civil service.
- What is the primary function of elected representatives in government administration? It is oversight over civil service.
- Implication 1: regardless of who is elected into government, government administration should be allowed to function relatively independently and that administrative changes should be introduced in gradual manner only. Civil service should be highly unionized to counter political power and interference.
- Implication 2: Proliferation of political parties is viewed as creating upheaval in government administration. As long as there is strong civil service, the negative impact of proliferation of political parties can be highly mitigated. What can be done to create a strong civil service? Not much, but the task will be made more difficult the longer PFDJ is allowed to destroy Eritrea.

Promulgation of laws:

- This is the primary of function of government (legislative body). Society means people living together; and to live together they need laws.
- Promulgating laws might be the most challenging and contentious aspect of government, esp. in multiethnic, multi-regional and multi-religious nation.

- In a fast-paced and quickly changing world, laws must be enacted, modified, changed and rescinded quickly. Legislators must remain actively abreast of various issues.
- At the same time, quickly changing laws reflecting quickly changing realities and world shouldn't cause uncertainties.

Policy Formulation:

- Policies include on health, education (social), defense, foreign relations, economic, etc...
- Political party forming government usually formulates these policies,
- However, there shouldn't be wide fluctuations in policies from one government to the next. There must be a system that tapers wide fluctuations in policies. This may include strong civil service (esp. for social programs), strong private sector (esp. for economic policies) and strong civic associations (esp. on other general national interests)

"System": suggests "checks and balances" to ensure power isn't usurped to the detriment of individual rights and freedoms. "Checks and balances" are discussed in my article "Blueprint for Democratic Eritrea". "System" also suggests a mechanism by which ethnical, religious and regional minorities' rights is protected.

"System" suggests a structure to achieve a certain objective. Structure has a degree of permanency, at least over short period of time. The question is, would the public be allowed to debate over, for instance, "federalism" vs. "unitary system" and propose the preferable system? Most likely, the perimeters for a system of government are set by a certain select group.

Although a nation may import a **"system"**, customizing a **"system"** for a specific society is a trial-and-error process. The starting point is a universally accepted "system" of the three pillars of government: judiciary, legislative and executive.

"System of Government" = a mechanism to control government while doing its job. The most important control is to forestall government from encroaching on "Rights & Freedoms".

Recommendation for discussions: Instead of just wrangling over whether the 1997 Constitution making process was inclusive or not, we should,

1. Discuss the shortcomings of the 1997 Constitution with the view of amending it in the future,
2. We need wider discussions and competent leadership capable of implementing the necessary government structural reforms ["systems"] to

make the Constitution work. Instituting “system” is technical in nature and requires competent leadership to undertake these structural reforms.

For instance, I have concerns over the following articles in the constitution for now,

1. Article 26 Limitation Upon Fundamental Rights and Freedoms: I believe that this article weakens the rights and freedoms enshrined in the constitution. If Eritrea had a strong and independent judiciary system, Constitutional judges could have been relied upon to balance between rights & freedoms and political issues. Without strong judiciary, the constitution must be made to err on the side of caution and enshrine unequivocal protections of rights and freedoms. Moreover strong private media and civic associations are needed to control government.
2. Article 34 Chairman of the National Assembly: The constitution must unequivocally state that the President can not also be chairman of the national assembly.
3. Article 41 Election and Term of Office of the President: My concern is that without an automatic mechanism for electing a president, political wrangling within the national assembly may result in presidential vacancy for days, if not for weeks. Members of national assembly will have incentives to play a ‘hold-out’ game in order to extract the maximum benefit from presidential candidates. Instead, similar to some countries’ presidential elections, say, 30 days after [national] election for national assembly, there would be a mandatory election [in the national assembly] for presidency. If no candidate garners simple majority, there would be a second round election within 10 days after the first election among only the top two vote-getters for presidency. One may argue that the national assembly can formulate its own election rules to address such concerns. However, enshrining it into the constitution gives the process greater importance.
4. Article 36 Rules of Procedure in the National Assembly: There should be mandatory requirements to hold at least one session in each calendar year or any other period not exceeding 365 days after the first session. In the 1997 Constitution, the only requirement is to hold the first session within one month after national election. Otherwise the executive may coerce members of the national assembly not to hold sessions.

A mature political system can enshrine only the general principles and allow the political institutions to formulate laws, rules and regulations to address various issues. In emerging democracy, esp. one at its infancy, may require higher degree of protections enshrined within the constitution, which then can be rescinded if deemed unnecessary or too restrictive once a higher level of political maturity is achieved or strong judicial system, including Constitutional Court, is established.

While on this topic, some say that “national security” or “sovereignty” comes before “Constitution”. But what they don’t understand or conveniently forget is that

"Constitution" encompasses "national security" and "sovereignty". Only a law-abiding nation is able to address its internal and external challenges. Without a constitution, surely a nation will continue to face national security challenges.

MULTIPARTY LAWS

1. What is the function of a multiparty system?

National leaders who attain power through democratic processes should have many limitations to their powers. Being elected into government isn't a carte blanche to experiment with one's beliefs on various issues. The governing party won't (and shouldn't) have the power to **easily** tinker with the followings,

- a. Constitution: the governing party shouldn't have the power to change the constitution without wider public participation,
- b. Administration: should be largely left to the civil service,
- c. Laws: there should be committee hearings, white papers, etc... before promulgating laws.
- d. Policies: concerned individuals and groups should be consulted before formulating policies. Civil service should be heavily involved in formulating policies.

The most important function of a multiparty system is to allow the general population to kick out the incumbent political party in government. Voters aren't necessarily electing the opposition into government, but showing disapproval of incumbent government's performance. **The ideal government is where faces change but laws and policies remain stable or change gradually.** When one party remains in power for an extended period, corruption and nepotism shall surely follow. Opposition parties must understand that they may not necessarily be elected to implement their social experimentation but just to revamp accountability and transparency. A casual observation of politics shows that the first act of any opposition party elected into government is to expose the previous government's political abuses in order to boost its own image. This is healthy politics.

2. Proliferation of political parties

PIA and opposition camp alike express their concerns of the proliferation of political parties. The first question is, 'why should we be concerned about the proliferation of political parties?' The concern might be that political parties may engage in divisive propaganda, or that a divided national assembly wouldn't be able to lead the country by promulgating laws or electing a national leader. If we can articulate the problems caused by the proliferation of political parties, we may be able to formulate rules that may discourage unwanted political dynamics.

In my view, Min. Sherif's 2001 draft multiparty law is well-thought out.

This law requires parties to have national reach (Article 6) which limits the proliferation of political parties. Naturally, national elections won't be limited to candidates affiliated to political parties, but individuals will run as independents. In order to encourage individual candidates to join political

parties, and political parties to extend their geographic and demographic reach, various types of formulas may be used, for instance,

- a. Parties with elected members from 5 or more administrative regions - Nfa 80/vote per year
- b. Parties with elected members from 4 administrative regions - Nfa 60/vote per year
- c. Parties with elected members from 3 administrative regions - Nfa 40/vote per year
- d. Parties with elected members from 2 administrative regions - Nfa 20/vote per year
- e. Parties & individuals with elected members from 2 administrative regions Nfa 10/vote per year

Vote means number of individual citizens' votes cast in favor of party, and doesn't mean per member elected.

Per vote payments would be made to the parties for administrative and campaigning purposes. Every system has its advantages and disadvantages. There must be a system that encourages political individuals and parties to work and campaign beyond their immediate reach. Voters also must be inculcated that they can better advance their interests by affiliating themselves with better organized political parties than an independent politician.

Note: Sheriff's multiparty law requires the founders of a party to have wider representation across Eritrea [Refer to Article 6]. But this doesn't necessarily mean that these parties would have *elected* representatives across Eritrea.

For emphasis, let me reiterate that multiple political parties are needed to replace the governing party in form but not in substance. "Absolute power corrupts absolutely". A change of government should be viewed as just changing faces, but all policies should remain the same or changes introduced in gradual manner. Nobody wants a big swing in national policies every time a new or opposing political party wins power. This creates uncertainties with grave consequences. Hopefully, in their ambitions to reach power, the competing political parties will expose each other's sins only.

III. Political Agenda [Manifesto]

We are asked to support the opposition camp, yet we have no clue what might be served by the opposition camp if they were to jump into the helm in post-PFDJ Eritrea. In order to expedite the downfall of PFDJ while simultaneously addressing the public's apprehensions for the immediate periods following the downfall of PFDJ, strong and decisive parties or groups of parties should draft a clear **political manifesto**, [not just we are democrats manifesto, but to address specific issues]

- 1) There will be no political witch-hunt. Top government and PFDJ leaders will be relieved of their positions and will receive pension payments commensurate with cost of living.
 - 2) All middle- and lower-tiered government officials will retain their positions and housings. However, if housings were obtained by evicting ordinary Eritreans without "proper" due process of law, restitution will be effected.
 - 3) There will be no immunity from criminal persecution for those engaged in gross human rights violations. Regardless of the next government's decision on persecutions, ordinary citizens won't be prevented from pursuing civil actions to rectify illegal acts committed against them.
 - 4) Pension rights will be conferred on all government employees.
 - 5) PFDJ business organizations will be transferred to a trust under government oversight. No PFDJ business venture employees shall lose their jobs. Winding down these business ventures shall be made in the most prudent manner, balancing the interests of the employees and the need to reinvigorate the private sector.
-
- 6) Warsais will be compensated for their forced labors. Their years in national service will count towards their government pensions.
 - 7) Such compensations will extend to those who fled from national service, but based on actual service plus a separate formula for years in exile in neighboring countries or AWOLed.
 - 8) Demobilization, rehabilitation and reintegration of Warsais are the next government's top priority.
 - 9) Employment creation shall be the top economic priority to absorb Warsais, lest they become a hotbed of political instability.
 - 10) There will no longer be a mandatory national service requirement for women.
 - 11) There will be a full review and public debates on the advantages and disadvantages national service program itself in view of our experiences of the last decade.
-
- 12) Implementation of the 1997 Constitution [with necessary proposed amendments, which will remain subject to future approvals but amendments used in practice]
 - 13) All Eritreans are free to exercise their God-given rights and freedoms including freedom of speech (including establishing public media) and freedom to assemble (including establishing any forms of peaceful organizations). Failure to promulgate "Press Laws" or any others shouldn't be used to suspend citizens' rights or freedoms.
 - 14) Land reform is critical for jump-starting the economy, which is needed to absorb demobilized national servicemen. Housing projects commenced under PFDJ shall continue but compensations for land use, slavery labor and other factors will be addressed in a comprehensive manner. Those who benefited under PFDJ have moral and legal obligations to compensate all other Eritreans whose rights were deprived through PFDJ's illegal acts.
 - 15) Reversing the social and moral deteriorations during the PFDJ regime will be addressed through the education and other systems.

16) Immediately address the socio-economic issues facing the countryside.

17) Immediately engage in face-to-face meeting with the Ethiopian government to rescind the "Declaration of War", to redeploy troops away from the border areas and to gradually begin restoring diplomatic ties. This will include allowing Ethiopia access to use the Ports of Asseb and Massawa. Simultaneously, begin confidence building measures that will gradually bring the border dispute to its logical conclusion.

Stability first (not exceeding three months), then build.
We should reject, destroy first ("sur betekh"), then build.

*We need leadership that is bold, confident and decisive enough to articulate issues and vision. We should be apprehensive of a leadership that is only able to amend two provisions in its Charter in two years. We would have expected them to amend the two and to formulate a manifesto and political platform. **The G-15 publicly proposed a whole slew of political, economic and social reforms.** They didn't just state we envision a rich democratic Eritrea where private sector becomes the economic engine while government delivers "A-1" health system. Instead, the G-15 brought out detailed reform proposals on specific issues. Why are we in Diaspora afraid to articulate our vision in such detailed way? I am sure many have greater expectations from the latest structure within the opposition camp.*

IV. Building Organizations & Managing Organizational Conflicts

All organic forms undergo through the same phases,

- a. Inception
- b. Growth
- c. Maturity
- d. Decline (demise)

As human beings undergo through these phases, everything that emanates from humans also undergoes through the same phases. These include human ideas and organizations. Some organizations disappear due to their rigidity; while other organizations survive by adopting changing ideas. However, changing organizations will end up transforming themselves so much that what connect the old organization with the new organization are simply a name and a certain tradition.

[Inception] Political, religious, or other organizations start from ideas that people get attracted to. At the beginning, new ideas are promoted by young and energetic individuals working almost independently from each other. What connects them is only an idea.

[Growth] At certain stage, memberships and followers of the new idea begin to grow requiring an organization to manage memberships. Hence an organization is born.

[Maturity] By nature an organization is a means to manage membership, and is not primarily designed to adapt to new ideas and to changing realities. Organizations discourage individual innovativeness, individual initiatives, and creativity, because their primary concern is 'control' over people. Organizations by nature attempt to maintain the status quo, thus bringing them into natural conflicts with laws of nature – change – change brought about the phases humans must undergo naturally.

[Decline] By laws of nature, organizations ultimately face two choices – change or disappear. Some organizations can incorporate change in "continuous" basis. These are the learning organizations that will dominate in whatever endeavor they engage in. Other organizations will learn but only at a point of extinction. However, by refusing to change on timely basis, they may cause tremendous damage and might be overtaken by the learning organizations. Organizations that refuse to change will disappear either through loss of membership, loss of business or through dire means.

How do mature organizations avoid decline, or maintain their mature phase, or even be able to revert to growth? We will leave this to future discussions.

V. The "Truth"

Suffice to say that no one knows what the "truth" is in life. Yet, that word gets thrown around so nonchalantly that it creates the wrong beliefs. Some may say that there is "scientific truth". But ultimately, the "truth" is beyond our understanding. If we understood the "truth", we would have unlocked the ultimate knowledge that has alluded man for millenniums.

In the meantime, our warped ideas about our own definitions of "truth" is used to propagate our self-righteousness, which in turn leads to intolerance and even to engage in atrocious acts against other human beings in the name of our "truth".

For us weaklings, the only "truth" is a "personal truth", which is to live at peace with oneself, with those around us [our society], and beyond that with nature.

VI. Latest episode within the Orthodox Church

We have to carefully study what PFDJ is trying to do by meddling in the affairs of this church. In order to analyze this we must examine two things, PFDJ's "acts" versus its "intentions",

- 1) PFDJ's "Act": is to use Yoftahe Dimitrios to create schism within the Church. *PFDJ's act is to remove the Patriarch and illegally install another Patriarch.* But the Patriarch was forced to accept all of PFDJ's demands including 1) close down the "reform" churches 2) hand over all donations 3) send "excess" priests and deacons to Sawa. The Patriarch may not be an immediate threat to the regime. So why relentlessly pursue the Patriarch.
- 2) PFDJ's "Intention": can be summarized as yet another effort to create schism among the population designed to forestall any possible public uprising or protest by fomenting mistrust and bitterness.

How do we react?

- 1) If people react to PFDJ's "Acts", then we will fall right into the very trap set by PFDJ. A large segment of the public may react not only against the regime but also against those who capitulated to the government's pressures. For PFDJ, this is mission accomplished – more division – and keeps creating more schisms among the public.
- 2) If people react to PFDJ's "Intentions", then people should forgive the misled Eritreans and keep [as much as possible] their close relationships with those who capitulated. People should expose the regime's efforts but people wouldn't be judgmental towards their fellow countrymen. People should remain conciliatory with those who are misled.

Our campaigns should be to react to PFDJ's "intentions" rather than to its "acts".

VII. Game of Politics

Public life is never easy. Those who choose life of politics must learn to accept the occupational hazards. If politicians' egos can't absorb a degree of public ridicule, innuendo, second-guessing and even mud-slinging then they are in the wrong business. If they see themselves as half-monks and half-politicians, then they will muddle their roles in the political system. If one wants to be a monk, then join a monastery. If one wants to be a politician, then be a good politician.

Starting from this writer, to other political writers to our politicians, we are too sensitive to engage in healthy politics. We want to engage in politics at varying degrees, yet we don't know how to handle it. We want to be perfectly civil in our political engagements to a level of Puritanism and yet feel the need to play the underhanded game in order to win.

In general our politics is too naïve, and we are poor losers. A nation's greatness is determined not by its great men but by its graceful losers, who in the end win for themselves and their nations. A typical interview by an Eritrean opposition goes like this, "I don't personally believe in talking about an individual or an organization within the opposition camp, and besides we should focus our campaign against the regime but let me tell you about this individual and organization that nobody knows about but which I have personal experience from 30 years ago..." so the politician violates his own declared beliefs or principles at the beginning of the sentence. To me, this is a lack of genuineness in one's declared beliefs. These types of politicians automatically lose their credibility.

Role of Analysts: Every Eritrean has the right to become a "political analyst". However, an analysis is less than genuine if it relies on the benefits of hindsight. For instance, to say that had G-15 acted in certain ways in 2001, they would have had better success is totally incorrect. We have no idea where any other alternative reform movement strategy in 2001 would have led us. Speculating about the future is totally fair.

We have a long way in shifting our political culture.

Similarly, people advocate for violent means to counter the regime. They argue that the regime is becoming increasingly repressive and thus must "do something". These people are analyzing the "acts" but not the "intentions".

The first question they should ask themselves is, "why is the regime being so repressive – and getting worse by the day"? The regime is resorting to this act because something is itching it very hard. It needs somebody or something that will scratch its itch. Those who advocate for violent means are reacting to PFDJ's acts.

Instead, we should allow what is currently itching PFDJ, apparently very hard, should continue to itch it without any relief. We shouldn't allow PFDJ's intention of making us to scratch its itch.

VIII. Conflict with Ethiopia

"Ceterum censeo: Carthago Delenda Est," Marcus Porcius Cato "The Elder" [PIA substitutes Ethiopia]

There is much speculation as to what the next phase will be in the Eritrean-Ethiopian conflict. People are perfectly within their rights to speculate what should have happened in 2000 or 2001, or what could happen if there is renewed fighting. However, I hope they don't take their speculations too seriously.

The outcome of any war is unpredictable, other than the sure loss of lives and properties. This is the dilemma for the two antagonists,

- a. For PMMZ: PIA's aggressive politics is undermining PMMZ, but launching a war against PIA will give PIA the specter of a political win.
- b. For PIA: PIA is fully cornered and is itching for war against PMMZ. But launching war against PMMZ will have no hard military objectives, and instead will rally the Ethiopians while the world will condemn PIA for commencing a second conflict with Ethiopia. This may lead to embargoes, and even possibly being hauled into International Criminal Court.

In the end, the side that launches the war will lose the war – not necessarily militarily but definitely politically, precipitating a collapse of the regime that started the war.

Plastering oneself on Al-jazeera summoning the forces of destruction to find another cause, or hoping to scrounge for pennies that may sustain a liberation front but can't nearly keep a nation afloat, PFDJ's fate won't change. The end of the tragic chapter of Eritrean story is near its end – only a matter of few weeks.

The next chapter will require a significant shift in political culture, organizational capacity and our understanding of the big picture – the ability to put together a jigsaw puzzle called democracy. One shouldn't get too excited because one found the corner puzzle – there are other 499 pieces to go.

"Haba'e Quslu, Haba'e Fewsu!"

Berhan Hagos
April 28, 2007

