

Concept Note

Towards Government in Exile: Expected Outcome and Process

1. Rationale

The concept note is an outline of the process and outcome of establishing Government in Exile (GiE) for Eritrea, which is necessitated by the Government-in-Power's loss of legitimacy to govern on the following grounds: legal, political and socio-economic.

1.1. Legal Grounds for the regime's Illegality:

- a. Soon after consolidating its *de facto* control and establishment of its rule over the whole territory of Eritrea, the Eritrean Peoples' Liberation Front (EPLF) issued Proclamation 23/1992 defining the Structure, Power, and Function of the Provisional Government of Eritrea (PGE). The Proclamation unequivocally stated that TGE shall govern "until the Eritrean people decides its rights to self-determination through a plebiscite and until a constitutional government is established ... the EPLF, in this transitional period, has the responsibility to proclaim and establish a transitional government so as to take its fight for Eritrean independence to its final destination."
- b. The mandate lasted until the successful conduct of the 1993 referendum that gave the *de facto* independence *de jure* character whereby Eritrea's independence and national sovereignty gained international recognition.
- c. On the eve of the referendum, Proclamation 23/1992 was amended into Proclamation 37/1993 by which the PGE transformed itself into a Transitional Government of Eritrea (TGE). According to the Proclamation, TGE was to govern until the ratification of the constitution. Furthermore, the Proclamation envisaged the division of powers and checks-and-balance; hence, the formal establishment of the three branches of state, namely a unicameral Parliament was established with a National Assembly (*Hagerawi Baito*), an independent judiciary and an Executive (Cabinet of Ministers) led by the State President.
- d. The Constitution was ratified in May 1997. However, taking advantage of a loophole in the ratified constitution which had no firm date of implementation, the regime governed without legal mandate between May 1997 and May 1998.
- e. The "border war" with Ethiopia provided the Government-in-Power with an opportunity to continue to rule between May 1998 and December 2000 under an undeclared State of Emergency. By 2002, the National Assembly had become defunct, and the Government continued to rule without legal mandate under the so-called "No War No Peace" environment.
- f. With the signing of the Peace & Friendship Agreement with Ethiopia in 2018, and, with it, the end of all the pretexts used by the regime for twenty long years the One-Man rule continues until today without any legal ground to stand on.

1.2. Political Ground:

- a. The above facts proving the regime's illegality are against all traditions and values of the Eritrean people who built complex systems of jurisprudence that governed and guided their public and private lives over the centuries. It is also against the very values and principles as well as objectives which EPLF spelled out more specifically in its 2nd (1987) and 3rd National Congresses (April 1994). These two documents are basic social contracts that EPLF and later People's Front for Democracy and Justice (PFDJ) presented Eritreans who believed in its revolutionary legitimacy to govern.

- b. Without going too far back, PFDJ's National Charter, which was adopted by the ruling party in April 1994 spells out its objective: "[t]o ensure that the political system is founded on people, guarantees the participation of people in decisions on local and national affairs, is built from the grass-roots, operates on the principles of decentralization, political plurality, openness, tolerance and accountability, respects basic rights to political organization and freedom of expression and is a democratic, pluralist and participatory system". Moreover, the charter states that "[l]eadership is a collective responsibility. It is therefore essential to have formal institutional procedures which enable the leadership to collectively deliberate, implement and review. It is important that it conducts regular meetings at different levels, that such meetings are taken seriously and become forums for deliberation and decision-making. If this is not done, leadership unity will weaken, enthusiasm may wane, individual rather than collective decisions can dominate, and other undesirable shortcomings will follow". Yet, over the past quarter century PFDJ, has defied its own social contract routinely. In fact, because it has failed to have a follow-up organizational congress, it has reduced itself to a phantom political organisation with hallow and defunct policy-making and operational structures. It is not more than an instrument of one man's whims.
- c. From the outset, the expectation of the Eritrean people was that the independence of Eritrea would open a new era of reconciliation and national harmony based on inclusiveness and tolerance. Consequently, EPLF was not expected to institute itself as a government in 1991 at the exclusion of other national political groups. The "winner takes all" attitude that, once indulged, has extended for 30 years, was unimaginable for the Eritrean people who paid dearly for their national independence.
- d. The **illegal** One-Man's monopolization of power led to an absence of the rule of law and political space in Eritrea. The regime's rule became synonym to a culture of impunity and fear. This is attested to by several independent reports, including the 2015-16 UN Commission of Inquiry, Amnesty International, Human Rights Watch, etc. In 2020, with respect to press freedom, Eritrea ranked 178 out of 180 countries¹; regarding corruption and transparency, Eritrea is ranked 193 out of 198 countries²; on governance, Eritrea comes out 52nd out of 54 African countries surpassing only South Sudan and Somalia³.
- e. To counteract the above facts, the regime doesn't tire of mentioning legislative steps that it claims to have undertaken. It often mentions Proclamation 86/1996 that established the Local Government Structure of Eritrea [an amended version of Proclamation 26/1992] in response to its poor performance governance and participation of people in political processes. Leadership is imposed on communities through cronyism; citizens' rights are violated at random without justice and due process. Representatives of the regime also mention the Civil and Criminal Codes and Procedures of 2015 when they argue against the widespread impunity and human rights abuses they practice. Despite the admirable contents of these two pieces of legislation, the regime has never had and does not have any intention to implement them.
- f. Moreover, in violation of the National Service Proclamation 5/1995, the regime continues to condemn Eritrean youth to indefinite military service with no chance of building their own livelihood. To make matters worse, under the guise of "peace consolidation" following the signing of the "Peace and Friendship" Agreement, the regime involved itself militarily in the Ethiopian internal conflict risking the lives of tens of thousands of Eritrean youth. Once again,

¹ https://rsf.org/en/ranking_table

² https://risk-indexes.com/wp-content/uploads/2020/11/Brochure_GCI_EN_2020.pdf

³ <https://mo.ibrahim.foundation/sites/default/files/2020-11/2020-index-report.pdf>

it has condemned Eritrean youth into another senseless war (the 4th since Eritrean independence). With this military adventure, the regime has moved to pull the country into Ethiopia's orbit of confederation without popular consent, which was the trigger for Eritrea's armed struggle for which tens of thousands of lives were paid.

1.3. Socio-economic Ground

- a. The regime claims to pursue a progressive socio-economic policy based on "self-reliance" principles and to have attained significant achievements in that respect. However, due to the regime's deep-rooted culture of secrecy, data is not easily available to enable one to prove the claim. Nonetheless, whatever the data may or may not say, the day-to-day life of ordinary Eritreans cannot lie. In fact, the coupon economy introduced by the regime over the years has reduced the majority of the Eritreans to rely entirely on hand-outs. Malnutrition is rampant not only among children and elderly, but also the young people, most of whom are in military service. Poverty is rampant. In fact, without remittance from abroad, most Eritrean families would suffer from hunger and starvation. The situation exacerbated itself and became chronic during prolonged and extreme COVID lockdown period (April 2020 – March 2021) imposed by the government.
- b. To make indicative suggestion regarding the socio-economic situation in Eritrea, it suffices to refer to a few data points. UNDP Human Development (2020) report states that "Eritrea's 2019 HDI of 0.459 is below the average of 0.513 for countries in the low human development group and below the average of 0.547 for countries in Sub-Saharan Africa"⁴ and Eritrea is ranked 180 of 189 countries in Human Development Index. In the last thirty years of independence, the marginal progress scored in GNI and life-expectancy at birth, the years of schooling of children and youth is far lower from what the regime claims [3.8 years in 1991, only 5.0 years in 2019] as compared to Ethiopia [2.5 years in 1995, 8.8 years in 2019]⁵. Africa Development Bank Group (2021) asserts that "[p]overty remains pervasive, as the working poor (with incomes below \$3.10 a day at purchasing power parity) are estimated to account for 75.2% of total employment"⁶. It should be noted that most of the working poor are those who work in underpaid jobs under the national service.
- c. The perpetual military mobilisation centred around national military service and endemic impunity and lack of personal safety and security drove hundreds of thousands of Eritreans to leave their country in search of safety. In its recent (2019) report, UNHCR stated that approximately 6000 Eritreans per month leave Eritrea seeking protection; moreover, 15.4% of the refugees are said to be unaccompanied minors⁷. This exodus, added to decades long displacement of Eritreans during the thirty years war of independence, has inflicted deep wounds into the Eritrean social fabric that is based on the family unit.
- d. While the societal disfranchisement is borne by young people in general, women and children, are hit the hardest. Inside the country, due to the prolonged absence of the traditional (male) breadwinner due to indefinite military service or migration, women take up the responsibility to look after the children and elderly without adequate financial means. If they are not drawn to military service where they face harsh treatment, even sexual abuse, young women are forced into marriage to escape national service. Mostly, the marriage is with elderly men from diaspora who have better financial means; a relationship marred by serious power imbalance

⁴ http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/ERI.pdf

⁵ http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/ETH.pdf

⁶ <https://www.afdb.org/en/countries/east-africa/eritrea/eritrea-economic-outlook>

⁷ <https://eritreanrefugees.org/refugee-stats/>

and inequality in which the young women suffer greatly. Another alternative for young women is to leave the country in search of safety. During the journey, like their male compatriots, many young women fall victims of different and repeated abuses, including sexual nature, which burden them with serious psychological trauma for the rest of their lives.

- e. Although in its National Charter PFDJ resolved to “build an economic system which satisfies the desires of the majority and improves their living conditions, ensures equitable development, operates through a market economy, encourages private investment, initiative and competition and guarantees balanced economic growth”, the reality is far from this aspiration. PFDJ has entrenched a coupon economy by decimating private enterprises and exiling the productive sector, rendering people to perpetual poverty and malnutrition. In fact, due to its misguided policy, lack of reform and innovation coupled with shortage of labour force (most able young people are drafted to never-ending military) productive sectors, including agriculture, are in protracted paralysis. Subsistence agriculture, which is the livelihood of more than 80% of the population, remains untransformed in the thirty-year of independence and is, hence, highly vulnerable. IFAD, for instance, states that “about 65 per cent of Eritrea’s rural population is poor, and 37 per cent faces high food insecurity. In good rainfall years, the country is only 60 per cent food-secure, and this figure falls to 25 per cent when rainfall is low”⁸.
- f. The PFDJ has reneged on its promises of narrowing the historical lingering socio-economic inequality long rural-urban and ethnolinguistic divides. The public good and services, as poor as it is, is allocated in unequitable and decremental manner.

1.4. On Opposition

- a. The Opposition, which is forced to exile due to absence of political space in Eritrea, has launched resistance over the last twenty to thirty years. However, it has not been able to mount a sustained and effective campaign to dislodge the regime from power.
- b. The main reason is its inability to form a united and coordinated action under unified leadership. Instead of consolidating itself by building on existing institutions, it has rather chosen to re-create newer and more fragmented political groups serving niche constituencies.
- c. The fragmentation has empowered fringe groups with dangerous political platforms who question the very idea of Eritrean statehood and harmonious existence to carve out space, and then to dominate, Eritrean political discourse.

Therefore, as much as it has been sporadically discussed in the Eritrean public domain over the years, the initiative of establishing GiE is indeed a bold one that is aimed at accelerating the struggle for democracy in Eritrea.

- a. The concept has seriously considered and drew lessons from the successes and challenges of the quest for unity in the past years.
- b. It is based on critical analysis and deep understanding of the Eritrean people and their past and present struggle for democracy, and the trajectory the struggle MUST take in short and mid-term periods to come.
- c. It has put the primacy of here and **now**: rescuing Eritrean people from the protracted oppression, indignity and looming statelessness.

⁸ <https://www.ifad.org/en/web/operations/country/id/eritrea>

- d. It is premised on the firm belief that peoples' rights, dignity and preservation of national identity are inseparably intertwined with a homeland, protection of Eritrea's hard-won independence, sovereignty and territorial integrity.

It is also of utmost importance to underline that:

- e. The conceptual evolution and crafting of the initiative for establishing GiE is not being done in exclusion or even at the expense of Eritreans inside who do not have the means and space to organise and express themselves politically.
- f. In fact, the initiative has been utilising all possible means to solicit ideas, views and positions from within Eritrea so that it is grounded on the situation pertaining inside outside Eritrea.
- g. Consequently, the concept, while maintaining its core objectives and principles guiding the process, is a living document that is enriched by conversations, debates and consultations that the initiators are having with diverse segments of our society through varied means.

2. Expected Outcome

The ultimate outcome of the process shall be the establishment of a competent Eritrean government in exile (GiE) that enjoys wide popular support, capable to effectively represent Eritrean national interests and spearhead the political change in Eritrea.

3. The Government in Exile

The GiE shall be composed of two bodies: The Consultative Council (CC) and the Executive Council (EC.) The GiE shall function within the **General Political Principles** to be adopted by CC.

3.1. The Consultative Council (CC)

The CC shall be composed of representatives of political and civic Eritrean diaspora communities as well as eminent members of the community. The number of delegates a political or civic organisation can send to CC shall be determined by a quota yet to be established.

3.1.1. Mandate

The mandate of the CC shall be, *inter alia*, the following:

- Adopt the General Political Principles as governing document for GiE;
- Ratify the nominated candidates for EC;
- Elect the Chairperson of EC and other office bearers in respective positions of responsibilities;
- Under the circumstances fulfil consultative functions;
- Under the circumstances oversee the work of the EC;
- Rally all Eritreans in diaspora for the national cause;
- Work for the strengthening of social cohesion of Eritreans;
- Develops its own rules of procedure and internal committee structures; and
- Any other functions it may assign itself.

3.1.2. Terms of Office

Members of CC shall serve in their capacity not longer than twenty-four (24) months from the day they are sworn in. Should political change come in Eritrea before the end of its term, the CC convenes an extra-ordinary assembly to assess the situation and decide on its fate.

3.2. Executive Council (EC)

The EC shall be composed of technocrats with requisite personal traits, expertise and social/political standing.

The nominees shall be recruited by a joint committee composed of a CC-established committee working in conjunction with the National Task-force Team (NTT)

EC members must be ratified by CC before they assume office.

3.2.1. Mandate

The mandate of the EC shall be inter alia the following:

- Direct and oversee national affairs;
- Represent and speak on behalf of Eritrea and Eritreans in international fora;
- Coordinate all national political activities; and
- Any other tasks assigned to it by the CC.

The EC and each of the departments shall have TORs and Two-and-Half Year Action Plans. All these will be contained in separate documents.

3.2.2. Departments

Headed by its Chairperson, EC shall have at least 9 (nine) Offices headed by Directors. These are:

1. The Office of the Chairperson;
2. The Office of Deputy Chairperson;
3. Director, International Relations and Diplomacy;
4. Director, Economic Reconstruction and Development;
5. Director, Finance (Treasurer);
6. Director, Information;
7. Director, Social and Humanitarian Affairs;
8. Director, Transitional and Constitutional Affairs; and
9. Director, Security and Safety.

3.2.3. The Speaker of CC (see below) swears in the Directors. **Term of Office** The Members of the Executive Council shall serve for thirty (30) months.

4. The Process

4.1. Phase I: Establishing National Task Team (NTT)

4.1.1. Mandate

The mandate of the NTT shall be: to initiate, facilitate and oversee the whole process of establishing of the GiE. It is also responsible for communication with the party; and media engagement regarding the process as necessary. Unless decided otherwise by the GiE, the NTT term of office ends with the establishment of GiE.

4.1.2. Composition

The NTT shall consist no fewer than five persons. They are included into the team by invitation based on the following criteria [NOTE: the following criteria may not exist in one person; hence, complementarity among the criteria and individuals should be given consideration when constituting the NTT]. The NTT shall reserve the right to draw individuals into its circle as necessary to provide specific support to its activities.

- *Personality*: known to be individuals of integrity without/acceptable political controversy; humble and committed to public service and the common good.
- *Political belief*: known to believe in national sovereignty and territorial integrity of Eritrea and unity of its people in their diversity. They have made positive contribution to national cause.
- *Knowledge*: known to have in-depth knowledge of recent Eritrean political history; know well the political terrain of the opposition politics and its multifaceted terrain in diaspora.
- *Competences*: known to have analytical, facilitation, moderation, communication and network skills.

4.2. Phase II: Consultation and Outreach

- The NTT conducts consultation with political and civic groups as well as with other stakeholders that are key for the success of the process.
- In the consultations, NTT presents the concept, secures consensus on its contents and commitment from the organisations and key individuals.
- The NTT reaches out to diverse groups and wider population by conducting public seminars and media engagement to raise awareness and boost the public support for the process and its outcome.
- The NTT also provides, upon request, necessary support to eligible political and civic groups in the planning and convening of their elective congresses.

4.3. Phase III: Concurrent Elective Congresses

- Eligible political and civic organisations shall hold their elective congresses where they elect representatives to the CC based on their set internal election procedures.
- Similarly, civic organisations, convene an inclusive conference to discuss the road map for the establishment of GiE and nominate among themselves representative to the CC;
- The NTT stands ready to lend technical support to political and civic organisations in the convening of successful elective conferences;
- The organisations publicly declare the names of their representatives to the CC.

7

4.4. Phase IV: Inaugural Plenary Session of the CC

- The inaugural plenary session formally and officially shall establish the CC.
- It shall be chaired by the team leader of the NTT.
- The inaugural plenary session adopts the rules of procedure of the CC. [to be contained in a separate document];
- It elects its Speaker and two deputy speakers; establishes the office of clerk who will manage the internal council affairs.
- The inaugural plenary session shall approve the nomination and election procedure for the EC. [the nomination process will be contained in a separate document]
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