

The Eritrean Accord: Harmonized Constitution

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I: Introduction

We thank all our contributing partners who responded to our call for input and provided valuable insights and feedbacks to address the issues we raised, issues that we recognize are too numerous to address here in one single document. We believe these issues, and the case of refugees in particular, will not receive the proper attention they deserve by addressing them at this time. Therefore, we will serialize and publish our findings in the coming weeks and months in our upcoming website eritrean covenant.com, which will have features of providing instant feedback. For now, we present our first installment that addresses the urgent question of what a pro-change resistance and opposition groups need to do to galvanize the Eritrean public in order to effect a positive change in our country. We will identify these issues, analyze them, and offer our views and proposals on a possible way forward, in a pragmatic spirit of compromise. But first, we would like to offer some historical context to help articulate our position.

1. To understand these issues, we asked the ultimate stakeholder—the Eritrean public—on what their expectations are from those leading the charge for change. We talked to people from all walks of life inside Eritrea, in refugee camps, and the Diaspora. We read articles written in Arabic, English, and Tigrinya in major Eritrean websites. We monitored events and political developments in our region. We listened to the PJFD regime’s opponents and proponents alike, and we even spoke to the former and current civilian and military leadership in the Eritrean government, including those who are very close to the president of Eritrea. We listened with empathy to the youth who dodged the bullets of border guards and risked their lives to cross the desert and sail dangerous seas in pursuit of freedom. We kept our thoughts with those who are left behind holding the line, and those on the other side of the line, as we lament the conditions that compelled both of them to take up arms—a tragedy whose urgency many Eritrean leaders fail to comprehend, or understand the gravity of the youth’s predicament.
2. Covert and overt individuals and leaders mounting boycotts and employing stalling tactics similar to that of unity talks of the 70’s, and insisting on achieving regional and perhaps world peace first, is an out-of-touch approach that could neither help nor lead our people in this fast changing world of instance information flow. Those of us who once were members of the EPLF draw from our experiences of knowing Isaias personally, with firsthand account of his whimsical behavior. Like those who chose a lesser evil, we were not duped by his Machiavellian schemes, but we chose to keep our eyes on the prize to secure Eritrea’s independence first while contending with those who were propping Isaias before he turned against them and now are in the opposition. We tremendously benefited from those of us who are close to the members and leaders of the ELF and all its offshoot political organizations. We continue to reach out to our compatriots in the ethnic based organizations to understand their views and concerns. We respectively nod to the religiously motivated prosecutions of Christians and Muslims who are trying to bring a sense of morality to the public life. We debated and argued with our Muslim and Christian friends and compatriots who fought side by side with some of us, marched in demonstrations with others, and walked the long walk to achieve Eritrea’s independence. We challenge each other’s assumptions to avoid any cognitive bias of seeing information that confirm our already held judgment more favorably than the ones we cannot stomach. In short, we tap into our diverse backgrounds and experiences of activism in order to develop a broader perspective by listening, questioning, and learning with an aim of acquiring a comprehensive understanding of the prevailing as well as the dissenting views. We strive to put our fingers on the pulse of every segment of our society to appreciate its concerns while at the same time keep a bird eye’s view on their implications to the bigger picture.

3. We also take note of the concerns of the many people within the PFDJ's ruling circle, who privately concede the colossal failures of the PFDJ in mitigating the incalculable damage that a single man has done to our people. However, they take issues with our characterization of the regime as ethnocratic even when we point out to the widely noted fact (but yet to be documented) that the majority of the military leaderships are from the Hamasien region with the most trusted ones coming from Karneshim. While we agree that this is reminiscent of African big men of the 1960 and 70's with a kernel of truth to it, we respectively disagree with the view that this is no different than the mode of operation that Idi Amin, Bokassa and their likes utilized by appointing loyal bodyguards and beneficiaries from their own tribes.
4. Our contention, as we have rested our case in the Eritrean Covenant, is not with the appointment of the ethnically privileged personnel of the regime only, but rather with the ethnocratic state apparatus built to serve and promote the policies, practices, and goals to empower one privileged ethnic group at the detriment and subjugation of the rest of the Eritrean people who make up more than 50% of the Eritrean people and whose presence is almost non existence in the military and civilian leadership. Indeed, we have yet to see a challenge that refutes the preponderance of evidences we provided in demonstrating a textbook case of an ethnocratic regime. (See more recent glaring evidence in Annex IV)
5. However, their point that the Tigrigna speaking Christians are not monolithic is well taken as a reminder to those who are vying for position of power through ethnic loyalty. We would like to elucidate that our characterization of the regime members as "ethnocentric" does not concern but those who perpetuate the ethnocentric practices, the elite of the Kebessa who are determined to keep the injustice and inequality alive. The struggle to get rid of the ethnocentric culture is not the responsibility of one or another Eritrean sect, it is a process of democratization that all Eritreans, Christians and Muslims, are waging together. People who have nothing to do with keeping the destructive legacy alive should not feel targeted simply because they are not. However, those who are at the core of the forces that carry such legacy would naturally feel targeted. Indeed, they are targeted as destructive elements and no one should shade tears when their evil methods are exposed.
6. We are aware of the fact that the overwhelming majority of the members and leaders of the three distinct groups that make up EPDP, come from Seraye, Hamasien, and Akele-Guzai. Just like the Muslim dominated organization, the Kebessa is also not monolithic. Such identities are natural and it is up to the people to carry them if they so wish. No political force should impose an engineered identity on people against their wish.
7. We are also aware that some Kebessa supremacists, who once propped Isaias and now are brandishing constitutionalist and democratic credentials to meet NGO funding requirements while in reality are conducting sectarian and regionalist agendas as evidenced by their exclusionary practices of the mere photo-op conferences they have been bank rolling recently. They, and everyone else, should learn from history. Even the most ardent supporters of the Unionist Party found too late that they had outlived their usefulness when they found out the gig was up.
8. We remind them of what happened when they were pitted against each other in 1952 when Abuna Markos (Orthodox, Akele-Guzai) openly and publicly protested the appointment of Tedla Bairu (Karneshim, Hamasien, Protestant) as chief executive, Feshazion Haile (Protestant) to as chief of the economics department, Mesfin Gebrehiwet (Protestant) as secretary, Teklehaimanot Bokru (non practicing Orthodox) as vice president. The tit-for-tat acrimony that paralyzed the first Eritrean Assembly was set off by a region based power struggle when Tedla Bairu fired Tedla Uqbit (Adi Mengonti, Seraye), the Police Commissioner, and illegally arrested Degiat Abraha Tessema (Maareba, Akele-Guzai). Consequently, Abuna Markos was replaced by Keshi Demetrius (Seraye) and Tedla Bairu was replaced by Asfaha Weldemichael (Akele-Guzai). Some, like the Commandos, redeemed themselves by joining the EPLF while the fate of the likes of

- Tedla Uqbit and his deputy Goitom Gebrezghi (Mefalso, Seraye) was long sealed before they realized the damage they have done to their people and before they knew the gig was up.
9. The elites of the federation era lived in despair and died in regrets leaving in their wakes a cursed legacy of blunder that befell on subsequent leaders who repeatedly failed to realize that they are just pawns in a game of treachery played by Mafioso-like thugs who only play by their own rules and decide when to 'pull the curtain' when the gig is up for everyone.
 10. Recently, we have seen how the G-15 fell out of favor with Isaias and how he managed their degree of usefulness to him by constantly promoting and demoting them. Even the educated elite were not spared from the intra Kebessa squabble. For example, in 1995, Andeberhan Woldegiorgis (Akele-Guzai), who had no academic or management experiences, was appointed president of Asmara University with the task of quelling the spectacle created by the dysfunctional staff of Asmara University's spat (mostly between Akele-Guzai and Hamasien) that led to the summarily firings of about forty professors and instructors and effectively closed the university, thus denying an entire generation an opportunity for higher education. Again, in 2000, at the behest of the crisis that erupted within the ruling clique, Ambassador Semere Russom (Seraye), prodded the late Dr Tekie Feshazion (Seraye) and Dr. Gebrehiwet T. Giorgis (Seraye) to back off from their commitment to be part of the G-13, at the last minute, because of a reignited long-standing regional feud with Dr Berekhet Habte Selassie (Hamasien, Protestant), Dr Asfew Tekheste (Hamasien, non practicing Orthodox), Paulos Tesfagiorgios (Hamasien, a devout Orthodox), Araia Debessai (Akele-Guzai) and Kassahun Checole (Hamasien), who are all now in exile, were among the first of the regime's supporters to find out that the gig was up.
 11. More astonishingly, in 1970, when the widely publicized three-year long Ethiopian military campaign reached Adi Tekelzan, the edge of Kebessa, after finished burning the lowlands, the privileged Eritrean students, many of whom sent by Haile Selassie for schooling in the US in reward to their parents' roles, broke from the Ethiopian Student Union North America (EUSNA) and formed "Eritrean for Liberation in North America, EFLNA/ENASA" and coined the term "Amharic chauvinism" and charged the Amhara as the sole oppressors of all Ethiopian nationalities. Ironically, the charge against the Amhara is the very abyssal arrogance that they themselves degenerated to now. While masquerading as progressive ultra-leftist student movement, they privately recruited members by urging Eritreans to join them in order to stop Ethiopia from killing Christians while in fact they were recruiting members in response to Nehnan Elamanan call to organize. The intra Kebessa rivalry soon crept in to settle the purported left wing ideological disputes between the alleged revisionist socialists and Maoist communist cadres, a seminal event that, though led to the demise of the organization, resulted in many joining the ELPF to become Isaias' hacks and ideologues. In reward and in the condition that they do not raise the case of Menkaa, such as the murder of Dr. Mussie (Akele-Guzai), Isaias fast tracked their membership to his organization's secret communist party without the mandatory Ta'aleem (military training) requirement. Subsequently, they were appointed to ERA and other EPLF offices overseas and later became department heads, and now are Isias' ministers and ambassadors. Many who felt were deceived are now in exile though they do not seem to have learned their lessons. Some, who are still with the regime, are telling us in Orwellian double speak, "Let us not be divided" after helping the regime rip our communities apart. The then chairman of ENASA, Mengistab Yisaq (Himberti, Hamasien) died, reportedly committing suicide, in mysterious circumstances in New York City in the summer of 1979. Like Abuna Marikos, Tedla Uqbit, and others who died in mysterious circumstances, perhaps it was too late for Mengistab when he knew the gig was up.
 12. Except for Dr. Berekhet and few others, whose sympathetic responses to the Eritrean Covenant endeared them to Eritrean Muslims and perhaps secured their place in history, the majority of the Kebessa elite have remained silent and indifferent to the sufferings and persecution of Eritrean Muslims. In 1994, when the founder of the Eritrea Human Rights group, Paulos Tesfagiorgios, who was also head of the Norwegian Church Services in Asmara, was approached to report the disappearance of the Muslim teachers in Keren, he zealously supported the government's claim

that their arrest was a necessary security precaution. It did not take long for Isaias' security apparatus to catch up with every segment of our society. Like Paulos, now exiled, many of the prosecuted groups, who include students and journalists, who were earlier indifferent to the sufferings of others, could not have known when the gig would be up.

13. In summary, the history of the unrepresentative and tiny Kebessa elite, from the federation era up to now, can be characterized by careerism, opportunism, self-promotion and a quest for personal advancement at any cost. Now it is finding itself, albeit belatedly, consistently in the wrong side of history. This profound disappointment led us to conclude that the tiny elite *“neither represents the majority of Christians, who are suffering severe economic hardship while their human and civil rights are being violated, nor identifies with the vast majority of Eritrean Muslims who are suffering persecution, de facto exclusion, institutionalized discrimination, and systematic disfranchisement.”* Still, we take solace in the fact that the *“privileged clique is a small minority that is mostly made up of Tigrinya-speaking men, Christian Highlanders who now are in their 60's and whose number is estimated to be a maximum of several hundreds.”* Moreover, we are encouraged by today's generation who seem to be breaking away from the past. We hope they had learned the lessons to right the wrongs and would not place themselves in a position where they would not know when the gig would be up.
14. But looking at the bright side, we would remiss if we fail to mention that the overwhelming majority of ordinary Eritreans whom we spoke to share the unflinching commitment to an Eritrea at harmony with itself and at peace with its neighbors, and assert its rightful place among the nations of the world, as an independent state that provides justice, peace, and security and prosperity for all its citizens. It is precisely for this reason that we never lost faith in this decidedly Eritrean dream, though it has eluded us for so long, to which we are fiercely committed. So, what are the overriding concerns and expectations, and how do we address them?

II: Risk & Uncertainty

1. As much as Eritreans pursued change—the type of Justice-inspired change—it has eluded them. For decades, their struggle was needlessly stretched out for years due to different suspicions and mistrust that had poisoned the political atmosphere.
2. Every epoch carried with it gloomy future as politicians deepened the divide, the suspicion and mistrust for petty political gains—the elite has been scaring the communities from each other as if they are destined to a perpetual conflict whose main motivation and goal is social hegemony.
3. After each era, Eritreans discovered that the scare tactics of yesteryears has only been dishonest agitating messages intended to serve the interest of the elite that has always been behind the miseries of the common Eritrean citizen.
4. But as soon as the people discover the lies of yesteryears, the tricksters were ready with another novel scare-message packaged in a new form—and they always had naïve and blind followers, who as unfailingly would find too late that the gig was up.
5. The recent dilemma that Eritreans face, and their fear of the unknown, thus their fear of change, is no different. Some politicians have managed to evoke primordial fear factors, and employed old tactics, and managed to polarize our people.
6. The principal concerns that are delaying the changes we aspire to effect are manifested in the form of a sense of anxieties and fears; anxiety over perceived risks and fears emanating from historically observed risks, both based in one or more of the following concerns.
 1. Fear of a power vacuum and a state of anarchy and mayhem.
 2. Fear from an Ethiopian invasion and occupation, a message hammered by the ruling party for the last ten years and had become the pretext for human and civil rights violation.

3. Fear of a horrific terror event in Western capitals traced back to Eritrea leading to total or partial occupation of Eritrea by some coalition forces to remove or demand the removal of Isaias or/and PFDJ.
 4. Fear of the disintegration of Eritrea or losing some of its territories due to the demand of self-determination by some ethnic and religious organizations.
 5. Fear of a coup-de-etat that would bring the same generals who are mostly responsible for oppression of the people.
 6. Fear of the government losing of control over generals who are becoming brazen by the day running illicit enterprises and thus eventually forming an out of control shadow government.
 7. Fear of exacerbation of widely reported social tensions between the military and civilians and among military officers.
 8. Fear of a failed or aborted coup-de-etat resulting in precipitous disintegration of the army.
 9. Prolonged mandatory conscription leading to mutiny, insurrection, and revolt that the government fails to subdue or contain.
 10. Fear of escalation of religiously motivated assassinations of Eritreans and PFDJ leaders and onset of sectarian and ethnic violence.
 11. Fear of further UN sanction leading to severe economic hardship, Zimbabwe like runaway inflation, currency devaluation, sovereign debt defaults, and widespread famine calling for the intervention of the international community.
 12. Fear of a civil war due to the proliferation of arms among Eritreans (organized groups, government militias, the armed forces and individuals)
 13. Fear of global Islamists adopting the cause of Eritrean Muslims leading to radical Muslim onslaught and state sponsored terror unleashed to counter it, which would further alienating Eritrean Muslims.
 14. Fear of Eritrea formally listed as terrorist supporting state and the implications of being considered a safe haven for terrorist.
 15. Fear of any unknown event that is catastrophically so damaging and too difficult to manage for anyone.
7. Eritreans will not be able to go through an effective and efficient transition to democracy unless these risks are well understood and precautions are taken to face any eventuality caused by any of the risks mentioned above.
 8. The potential events we consider most frightening are the things that we collectively want most to protect, for instance, Eritrea's independence. Thus, perception of risk is as important as the risk itself. Our understanding of these risks is inherently tied to our culture and value system.
 9. To understand these risks, we first need to carefully distinguish them from uncertainty. Of course, there is the inherent uncertainty, not knowing what the future holds is implicit in life. Then, there is the induced uncertainty, a paralyzing mental fog created in the mind. This is created when information is overwhelmingly ambiguous, intentionally made to scarce, incomplete, and uncertain and when evidences are purposefully designed to appear conflicting, confusing, and inconclusive, or fabricated, or deliberately distorted through denial and deceptions by the regime and other sources. That is, the whole propaganda machinery brought to bear against any critical judgments or healthy skepticism.
 10. Unlike risk, uncertainty implies objective and subjective inability to determine the probability or the impact of certain future event.
 11. The dictionary defines risk as the probability that any event will turn a measurable loss. There are two components to risk: likelihood and severity. How likely is the risk? If it does occur, how big an impact will it have? Often, it is difficult to answer either of those questions. In some cases, when enough statistical data is available, risk can be quantified in the way insurance companies use actuarial principles to price policy coverage by assigning conditional probabilities to risky lifestyle behaviors. Political risk cannot be deconstructed in terms of its cause, probability, and

impact because, using Donald Rumsfeld colorful remarks there are known knowns (knowing that we know), known unknowns (knowing that we do not know) and unknown-unknowns (not knowing that we do not know) in any political risk. Eritrean leaders and elites seem exceptional challenged by the notion of the unknown-unknowns for always failing to know when the gig is up.

12. Given enough historical data, we could at least attempt to tackle the known unknown aspect of political risk by utilizing some of the macroeconomic indicators to predict the aforementioned economic events that could contribute to catastrophic failure. For example, we could utilize similar probabilistic techniques that are used to determine the likelihood of default of sovereign debt based on a combination of quantitative and qualitative assessment of the country's political and economic risks. However, Eritrea, being the North Korea of Africa, and its obsession with hiding data, even to international development agency or researcher, the paucity of any publicly available data does not lend itself to such analysis.

III: Scenario Analysis

1. When data are lacking, scenario analysis is useful tool in understanding uncertainty. It does not produce probabilities and predictions, but helps us understand a number of plausible paths on how the future might develop. It helps us think of the unthinkable outcomes that we could prepare for accordingly by taking precautionary steps to avoid them or, if they come to pass, mitigate them by taking offsetting actions.
2. The fear for a power vacuum, in our opinion, is real. But that can be mitigated, as we propose here, by having a workable, agreed upon and sound transitional strategy.
3. An Ethiopian invasion of Eritrean could happen for one of many reasons: due to the regional confrontations and the no-war no-peace situation; the influx of Eritrean refugees into Ethiopia and other countries, and; to protecting regional interests that bring the two countries face to face towards a destructive path. Any of the above reasons could bring a confrontation between the EPRDF and PFDJ, thus, exposing Eritrea to an Ethiopian invasion. But there is also a possibility that the PFDJ could attack Ethiopia to break the ten-year old standstill. If any of the supremacist opposition forces came to power in Ethiopia, they need no reason to invade—they feel and believe that Eritrea is their lost real-estate.
4. The PFDJ regime faced frequent disturbance, crises but not catastrophic ones that reached to the level of an external threat, except when Ethiopian troops reached the outskirts of Dekemhare in 2000. The regime has a history of military adventures and may pounce again if it finds an opportunity to destabilize any neighboring country.
5. Given Isaias' cozy relationship with Al-Shabab of Somalia, the chances of a horrific terror event being traced or linked to Eritrea is not far fetched.
6. The fear of disintegration of Eritrea along religious and ethnic lines is unfounded because there is no Eritrean political force that is not for the protection of Eritrea's sovereignty and unity. However, the provocations by some zealot Eritreans (led by politicians) could be too much for the ethnic groups to swallow and may prove to be too risky. Still, these groups are not petty to trade their commitment to a united Eritrea because of an irresponsible insult or provocation by some elite; but again, the provocation carries another seed on communal disharmony. That is the real risk that could lead to the disintegration of the country.
7. Coup de etat is a real risk and Eritreans know that there are elements within the armed forces that would not waste an opportunity if they get one, to topple the regime and bring an end to the Eritrean crisis. But since the ruling system is so centralized and tightly knit by nepotism and corruption, that opportunity has not been easy to come. However, as the situation in Eritrea gets even worse, some elements might think of absolving themselves and redeeming their history by overthrowing the regime. In any case, the forces that bring about change could be the Swar Al

Dahab (former Sudanese General who successfully restored civilian rule through a coup de etat by keeping his promise of holding an election and stepping down) type who would hand over power to the people, a Mengistu type who would be equally brutal as the current regime. There is a possibility that the members of the ruling clique who would act out of fear and be more aggressive towards the people in order protect themselves.

8. In the absence of justice and equality, in the event of a disorganized exit of the regime, the situation might encourage every-one-for-his-own mentality. This in turn would group people along sectarian, regional and ethnic lines thus making the risk of a civil war plausible.
9. If Muslims continue to be marginalized and branded suspect in their own country, the moderate spirit of Eritrean Muslims would lose and the situation would attract the radical elements that would naturally ally themselves with the extremist and radical elements of the region, regional elements that are ready to ally themselves with anyone who is willing to wreak havoc in any place.
10. All of the above mentioned risks can be mitigated if Eritreans could draw an inclusive and democratic transitional strategy based on justice that follows a well defined legal path towards restoring democracy and rule of the law. If our political history is a witness, power struggle would reverse any meaningful process of transition and turn it into chaos and anarchy. This should be prevented from happening by drawing conditions for being part of interim and transitional governments.

IV: Risk Mitigations

1. The fear of a risky political situation in post PFDJ Eritrea is a well founded fear and cannot be glossed as a minor issue. The incompetence of the combined Eritrean struggle to unseat the PFDJ has resulted in a frustrated population. So many opportunities had been created for the resistance by the rogue regime but the combined Eritrean struggle lacked a focused process of weakening the regime.
2. Though it is the nature of politics to compete for power, Eritrean politician's impatience with beginning power struggle when the regime that is supposed to be overthrown is still in power has been disheartening and demoralizing for many Eritreans. Years have been wasted without any meaningful achievements and the cost/benefit analysis has been lacking in the Eritrean arena. This, in result, has deepened the uncertainties for a post PFDJ regime.
3. The absence of a clear-cut vision and a binding agreement between the political players has aggravated the situation and increased the uncertainty. This can only be alleviated if the people are assured that the would-be leaders, aspirants to power, and others have set up the necessary precautionary measures and laid down a system to lead Eritrea through a transitional period. But since transitional leaders have the habit of staying in power indefinitely once they control the reigns of power, it is necessary that any leader who is part of a transitional leadership in post Isaias Eritrea, would not seek any political office for at least three-years as mentioned above.
4. This will ensure that the transitional period would be entrusted to skilled and competent technocrats who would stabilize the country, resuscitate it, oversee the making of a national constitution, electoral laws, manage national security, and establish foreign, fiscal and social policies for a one-year period after which an elected government assumes power.
5. This precaution would ensure that transitional leaders would focus on establishing a sound governing and developmental infrastructure and not focus on building power bases for their parties since they are banned by law from engaging in partisan politics during the transitional period. This will also help attract non partisan elements to serve in the transitional period.

V: The Way Forward

1. To take the above risk mitigation measures and incorporate them into our vision for Democratic Eritrea, we propose that there should be legal framework by which Democracy and rule of law would be restored. We emphasize on the word restored because we believe Eritrea had enjoyed a considerable degree of democratic practice in the 1950's, had a constitution, and was ruled by law until Ethiopia abrogated the federal agreement.
2. One of the thorniest issues that has not helped us move forward is the impasse on the question of which constitution should Eritrea follow after the removal of Isaias. The last thing we want in the post-Isaias era is some group or individual, whether from inside or outside the country, ruling by some arbitrary military decree and emergency laws and proclamations.
3. To avoid the risks enumerated above, we are suggesting the following general framework for a safe transition to democracy.

VI: Harmonized Constitution

1. There are those who contend that the 1952 Constitution refers to the Federation era and was drafted by the UN and has severe limitations in terms of women's right to vote and be elected to office. While recognizing this limitation, there are also those who vehemently oppose the 1997 constitution on the basis that it is in a sense a PFDJ constitution and comes short in guaranteeing their rights as citizens and does not take into consideration issues that are dear to them. Both groups believe, neither 1952 nor the 1997 constitutions represent the will of the people and need to be amended in the future.
2. In the spirit of compromise and to break this deadlock, pending a permanent constitution that all parties must eventually agree to, we took the liberty and married the two constitutions and called it a Harmonized Constitution as a working document for the proposed Interim and Transitional periods.
3. We worked off the 1997 text and, among other things, added Articles from the 1952 Constitution (highlighted in yellow), specifically borrowing the following Articles:
 - Article 20: Freedom of conscience and religion
 - Article 21: No discrimination to the detriment of any religion
 - Article 22: Recognition of religious bodies as persons before the law
 - Article 23: Religious instruction and worship in public school
 - Article 26: Personal statuses
 - Article 27: Properties right
 - Article 28: Languages
4. For a country that is multicultural and multiethnic, we believe there must be a strong Commission which will ensure the human rights of all Eritreans are protected. So, we added (highlighted in grey) Article 62: Human and Peoples Rights Commission
5. To address the rights of nationalities, we added points to Article 1(5), 1(6), 1(7)

Article 1: The State of Eritrea and its Territory

- The government in Eritrea shall be a federal system whose powers shall be shared between the federal government and the regional state governments, which shall consist of Akele-Guazi, Barka, Danakil, Gash-Setit, Hamasien, Sahel, Semhar, Senhit, and Seraye and the capital city of Asmara.

- The member states shall be based upon social and economic realities, political pragmatism, historical and ancestral rights alone and not based on origin, race, ethnicity, nationality, or confession.
 - The member states' boundaries shall be that of the de facto Administrative Districts of 1952 with the addition of Asmara.
6. We also revised Article 7(5) and added explicit reference to political parties.
- The organization and operation of all political parties and public associations and movements shall be guided by the principle of national unity and democracy.

VII: National Accord

1. There should be a National Accord that all Eritrean political parties and organizations must pledge their full commitments to abide by and recognized it as the only legally acceptable paths towards restoring Democracy and rule of law in Eritrea. We provide a sample template document in the Annex I that can be modified and agreed upon by all concerned parties.
2. We call on the signatories of the National Accord not to recognize, and keep on resistance and opposing, any group whether a signatory or not, that comes to power and does not abide by this accord.
3. In order to envision what the post Isaias/PFDJ political situation would look like, we outline the following road map for the three stages:

Annex I

The Legal Path for Restoring Democracy & Rule of Law

| | | Interim | Transitional | Permanent |
|-------------------------------------|--------------------|--|--|--|
| Duration | | 1 year | 1 year | 5 YRS. Electoral Cycle |
| | | Harmonized Constitution | | Permanent |
| Constitution | Ratification | Transitional Constitution ratified | Permanent Constitution ratified | Amended by regular legislative process |
| National Assembly | | 20% drawn from the power/group that brings change and 80% from local administrators and community leaders. | Elected After 1 year | Elected After 2 year, five years thereafter |
| | Future Eligibility | Not eligible to seek office or be appointed in any branches of the government at any level for at least for three years. | Eligible for reelection or to seek other office or be appointed in any branches of the government. | Eligible for reelection or to seek other office or be appointed in any branches of the government. |
| President | | Appointed by the group/power that brings change. | Elected by the National Assembly | |
| | Future Eligibility | Not eligible to seek office or be appointed in any branches of the government at any level for at least for three years. | | |
| Vice President | | Elected by the National Assembly | | |
| | Future Eligibility | Not eligible to seek office or be appointed in any branches of the government at any level for at least for three years. | | |
| Ministerial Cabinet | | Formed by the President and approved by the National Assembly | | |
| | Future Eligibility | Not eligible to seek office or be appointed in any branches of the government at any level for at least for three years. | | |
| Chief Justice | | Appointed by the President and approved by the National Assembly | | |
| | Future Eligibility | May be re-appointed every year by the President with the approval of the National Assembly | | |
| Electoral Commissioner | | Appointed by the President and approved by the National Assembly | | |
| | Future Eligibility | Not eligible to seek office or be appointed in any branches of the government at any level for at least for three years. | | |
| Human & Peoples' Right Commissioner | | Appointed by the President and approved by the National Assembly | | |
| | Future Eligibility | May be re-appointed every year by the President with the approval of the National Assembly | | |

Annex II

The Eritrean National Accord

DRAFT PROPSAL

We the undersigned agree and endorse this accord and pledge our commitment to abide by it as we firmly believe that it fully prescribes the only legal path for the restoration of Democracy and rule of law in Eritrea.

1. Upon the demise of the PFDJ, The Eritrean Interim Government shall be established as a fully sovereign and independent caretaker government to govern Eritrea until the Eritrean Transitional Government is installed after the First Eritrean National Assembly is elected within a year after the removal of Isaias regime.
2. Pending the ratification of a permanent constitution, the Interim and Transitional Governments shall operate under the Provisional Harmonized Constitution.
3. The Eritrean Interim Government shall consist of the following:
 - a. An Interim National Assembly, one fifth of whose members shall be drawn from the members of the group/power that brings about change and whose members must be signatories of this accord, and four fifth drawn from local administrators and community leaders.
 - b. The executive branch shall consist of a President appointed by the group/power that brings about change and endorsement by the opposition umbrella organization, and a Vice President elected from the Interim National Assembly, and a Ministerial Cabinet formed by the President.
 - c. An independent judiciary branch shall be headed by the Chief Justice of the Supreme Court who shall be appointed by the president and approved by the Interim National Assembly.
4. The duration of the Interim Government shall be one year. The Intern Government President, Ministerial Cabinet, Commissioners, and Chief Justice of the Supreme Court shall not be qualified to seek office or be appointed in any branches of the government at any level for at least for three years.
5. The Chief Justice shall preside over cases of those accused to be unfit to be members of the Interim Government because of alleged crimes committed against the Eritrean People.
6. Pursuant to the provision of Article 61 of the Provisional Harmonized Constitution, the Interim Government shall draft an electoral and political party formation and registration laws within first three months.
7. The First Eritrean National Assembly shall have the authority to repel all politically inspired laws and proclamation enacted to serve PFDJ and to amend the Provisional Harmonized Constitution, which shall be ratified to become a Permanent Constitution.
8. The Permanent Constitution shall be the source of legal sovereignty for the Permanent Government.
9. The Permanent Government shall be installed following the Second Eritrean National Assembly election to be held exactly two years after the removal of Isaias and his ruling PFDJ party.
10. Eritrea sovereignty shall not be interrupted by the removal of Isaias and his ruling party and by the successive change of governments from Interim, to Transitional, and to Permanent.

Annex III

Provisional Harmonized Constitution Of the State of Eritrea DRAFT PROPSAL

PREAMBLE

We the people of Eritrea united in a common struggle for our rights and common destiny, standing on the solid ground of unity and justice.

With Eternal Gratitude to the scores of thousands of our martyrs who sacrificed their lives for the causes of our rights and independence, during the long and heroic struggle for liberation, and to the courage and steadfastness of our Eritrean patriots;

Aware that it is the sacred duty of all Eritreans to build a strong and developed Eritrea on the bases of freedom, unity, peace, stability and security achieved through the long struggle of all Eritreans, which tradition we must cherish, preserve and develop;

Realizing that in order to build a developed country, it is necessary that the unity and equality which we nurtured during our struggle for independence and which helped us to triumph, must become the core of our national values;

Appreciating the fact that for the development and health of our society, it is necessary that we inherit and improve upon the traditional community-based assistance.

Convinced that the recognition, protection and securing of the rights and freedoms of citizens, human dignity, equality will guarantee a balanced development; lay down the groundwork for satisfying the material and spiritual needs of citizens; usher in a democratic order that is responsive to the needs and interests of citizens, guarantees their participation and brings about economic development, social progress and harmony;

Noting the fact that the Eritrean women's heroic participation in the struggle for independence and solidarity based on equality and mutual respect generated by such struggle will serve as an unshakable foundation for our commitment and struggle to create a society in which women and men shall interact on the bases of mutual respect and equality;

Desirous of the satisfying the wishes and ensuring the welfare of the inhabitants of Eritrea by respecting the rights and safeguarding the institutions, traditions, religions and languages of all the elements of the population.

Determined to remedy all the effects of the divisive policies created by the former dictatorial regime of Eritrea by institutionalizing and promoting tolerance and reconciliation.

Desirous that the Constitution we are adopting will be a covenant between us and the government we will be structuring by our free will and serve as a means for governing in harmony this and the future generation; and for bringing about freedom, justice, and peace, founded on liberty, democracy, national unity and the rule of law; today ..., on this historic date, after active popular participation, approve and solemnly ratify officially, through the Constituent Assembly, this Constitution as the fundamental law of our Sovereign and Independent State of Eritrea.

CHAPTER I: GENERAL PROVISIONS

Article 1: The State of Eritrea and its Territory

1. Eritrea is a sovereign and independent State founded on the principles of liberty, democracy, social justice and the rule of law.
2. The territory of Eritrea consists of all its territories, including the islands, territorial waters and airspace, delineated by internationally recognized boundaries including the Eritrean Ethiopian border as delineated by the EEBC decision of April 13, 2002 and the Eritrea Yemen Maritime Delimitation arbitrated by the Permanent Court of Arbitration decision of the October 9, 1998.
3. In the State of Eritrea, sovereign power is vested in the people, who shall exercise such power through their representatives, duly elected pursuant to the procedures authorized by the provisions of this Constitution.
4. The State that is to be established by a democratic process to represent the people's sovereignty shall have strong institutions, capable of accommodating people's participation and of serving as foundation of a viable democratic and political order.
5. The government in Eritrea shall be a federal system whose powers shall be shared between the federal government and the regional state governments, which shall consist of Akele-Guzai, Barka, Dankalia, Gash-Setit, Hamasien, Sahel, Semhar, Senhit, and Seraye and the capital city of Asmera.
6. The member states shall be based upon social and economic realities, political pragmatism, historical and ancestral rights alone and not based on origin, race, ethnicity, nationality, or confession.
7. The member states' boundaries shall be that of the Administrative Districts of 1952 by adding the Asmera district.

Article 2: Supremacy of the Constitution

1. This Constitution is the legal expression of the sovereignty of the Eritrean people.
2. This Constitution enunciates the principles on which the State is to be based and guided by and determines the organization and operation of government. It is the source of government legitimacy and the guarantor for the protection of the rights, freedoms and dignity of citizens and of just administration.
3. This Constitution is the supreme law of the country and the source of all laws of the State, and all laws, orders and acts contrary to its letter and spirit shall be null and void.
4. All organs of the State, all public and private associations and institutions and all citizens shall be bound by and remain loyal to the Constitution and shall ensure its observance.
5. Pursuant to the provisions of this Constitution and other laws, the conduct of the affairs of government and all organizations and institutions shall be accountable and transparent.
6. This Constitution shall serve as a basis for instilling constitutional culture and for enlightening and ensuring that organizations of the State and citizens respect fundamental human rights and duties.

Article 3: Citizenship

1. Any person born of an Eritrean father or mother is an Eritrean by birth.
2. Any foreign citizen may acquire Eritrean citizenship pursuant to law.
3. The details concerning citizenship shall be regulated by law.

Article 4: National Symbols

1. The exact description of the Flag shall be determined by law.
2. Eritrea shall have a National Anthem and a Coat of Arms appropriately reflecting the history and the aspiration of its people. The details of the National Anthem and the Coat of Arms shall be determined by law.

Article 5: Gender Reference

1. Without consideration to the gender wording of any provision in this Constitution, all of its articles shall apply equally to both genders.

CHAPTER II NATIONAL OBJECTIVES AND DIRECTIVE PRINCIPLES

Article 6: National Unity and Stability

1. As the people and government struggle to establish a united and developed Eritrea, within the context of the diversity of Eritrea, they shall be guided by the basic principle of unity in diversity.
2. The State shall strengthen the stability and development of the country by encouraging democratic dialogue and national consensus through participation of all citizens; by building strong political, and cultural foundation; and by promoting national unity and social harmony.
3. The State shall ensure peace and stability by establishing appropriate institutions that encourage people's participation and by creating the necessary conditions capable of guaranteeing, hastening and engendering equitable economic and social progress.

Article 7: Democratic Principles

1. It is a fundamental principle of the State to guarantee its citizens broad and active participation in all political, economic, social and cultural life of the country.
2. Any act that violates the human rights of women or limits or otherwise thwarts their role and participation is prohibited.
3. There shall be established necessary institutions to encourage and develop people's participation and initiative in the areas where they reside.
4. Pursuant to the provisions of this Constitution and laws enacted pursuant thereto, all Eritreans, without distinction, are guaranteed equal opportunity to participate in any positions of leadership in the country.
5. The organization and operation of all political parties and public associations and movements shall be guided by the principle of national unity and democracy.
6. The State shall create the necessary conditions for establishing a democratic, political culture defined by the development of free and critical thinking, tolerance and national consensus.

Article 8: Competent Justice System

1. The justice system of Eritrea shall be independent, competent and accountable pursuant to the provisions of the Constitution and laws.
2. Courts shall work under a judicial system that is capable of producing fast and equitable judgments and that can easily be understood by and is accessible to all the people.
3. Judges shall be free from corruption or discrimination and, in rendering their judgment, they shall make no distinctions among persons.
4. The State shall encourage out-of-court settlement of disputes through conciliation, mediation or arbitration.

Article 9: Competent Public Administration

1. Eritrea shall have an efficient, effective and accountable public service.
2. All administrative institutions shall be free from corruption, discrimination and delay in the delivery of services.

Article 10: Economic and Social Development

1. The State shall endeavor to create opportunities to ensure the fulfillment of citizens' rights to social justice and the economic development and to fulfill their material and spiritual needs.
2. The State shall work to bring about a balanced and sustainable development throughout the country, and shall use all available means to ensure all citizens to improve their livelihood in a sustainable manner, through their development.
3. The State shall have the responsibility to regulate all land, water and natural resources and to ensure their management in a balanced and sustainable manner and in the interest of the present and future generations; and to create the right conditions for securing the participation of the people to safeguard the environment.

Article 11: National Culture

1. The State shall have the responsibility of creating and maintaining the necessary conditions for enriching national culture, which is the expression of national identity and unity and progress of the Eritrean people.
2. The State shall encourage the values of community solidarity and the love and respect of family.
3. The State shall promote the development of arts, sport and science and technology and shall create an enabling environment for individuals to work in an atmosphere of freedom and manifest their creativity and innovation.

Article 12: National Defense and Security

1. Defense and security forces of Eritrea shall owe allegiance to and defend the territorial integrity and sovereignty of the country, the Constitution and the government established pursuant thereto.
2. Defense and security forces are an integral part of society, and shall be productive and respectful of the people.
3. The defense and security of Eritrea are rooted on the people and on their active participation.
4. The defense and security forces shall be subject and accountable to the law, shall be competent and pass these requirements for posterity.

Article 13: Foreign Policy

1. The foreign policy of Eritrea is based on respect for the independence and sovereignty of countries and on promoting the interest of regional and international peace, cooperation, harmony and development.

CHAPTER III FUNDAMENTAL RIGHTS, FREEDOMS, AND DUTIES

Article 14: Equality under the Law

1. All persons are equal before the law.
2. No person may be discriminated against on account of race, ethnic origin, language, color, sex, religion, disability, political belief or opinion, or social or economic status or any other factors.
3. The National Assembly shall, pursuant to the provisions of this Article, enact laws that can assist in eliminating inequalities existing in the Eritrean society.

Article 15: Right to Life and Liberty

1. No person shall be deprived of life without due process of law.
2. No person shall be deprived of liberty without due process of law.

Article 16: Right to Human Dignity

1. The dignity of all persons shall be inviolable.
2. No person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.
3. No person shall be held in slavery or servitude or required to perform forced labor not authorized by law.

Article 17: Arrest, Detention and Fair Trial

1. No person may be arrested or detained save pursuant to due process of law.
2. No person shall be tried or convicted for any act or omission which did not constitute a criminal offence at the time when it was committed.
3. Every person arrested or detained shall be informed of the grounds for his arrest or detention and the rights he has in connection with his arrest or detention in a language he understands.
4. Every person who is arrested and detained in custody shall be brought before the court within forty-eight (48) hours of his arrest, and if this is not reasonably possible, as soon as possible thereafter, and no such person shall be detained in custody beyond such period without the authority of the court.
5. Every person shall have the right to petition the court for a Writ of Habeas Corpus. Where the arresting officer fails to bring him before the court of law and provide the reason for their arrest, the court shall accept the petition and order the release of the prisoner.
6. Every person charged with an offence shall be entitled to a fair and public hearing by a court of law; provided, however, that such a court may exclude the press and/or the public from all or any part of the trial for reasons of morals, the public order or national security, as is necessary in a just and democratic society.
7. A person charged with an offence shall be presumed to be innocent, and shall not be punished, unless he is found guilty by a court.
8. Where an accused is convicted, he shall have the right to appeal. No person shall be liable to be tried again for any criminal offence on which judgment has been rendered.

Article 18: Right to Privacy

1. Every person shall have the right to privacy.
2. No person shall be subjected to unlawful search, including his home or other property; there shall be no unlawful entry of his premises and no unlawful seizure of his personal possessions; nor shall the privacy of his correspondence, communication or other property be violated.

Article 19: Freedom of Expression of Opinion, Movement, Assembly and Organization

1. Every person shall have the freedom of speech and expression, which include freedom of the press and other media.
2. Every citizen shall have the right of access to information.
3. Every person shall have the freedom to practice any religion and to manifest such practice.
4. All persons shall have the right to assemble and to demonstrate together with others peaceably.
5. Every citizen shall have the right to form organizations for political, social, economic and cultural ends; and to practice any profession, or engage in any occupation or trade.
6. Every citizen shall have the right to move freely throughout Eritrea or reside and settle in any part thereof.
7. Every citizen shall have the right to leave and return to Eritrea and to be provided with passport or any other travel documents.

Article 20: Freedom of conscience and religion

1. The right to freedom of conscience and religion shall include the right everyone, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 21: No discrimination to the detriment of any religion

1. No economic, financial or political measure of a discriminatory nature shall be taken to the detriment of any religion practiced in Eritrea.

Article 22: Recognition of religious bodies As persons before the law

1. Religious bodies of all kinds and religious orders shall be recognized as possessing juristic personality. Consequently, any religious denomination or any group of citizens belonging to such denomination shall be entitled:
 - a. To establish and maintain institutions for religious, educational and charitable purposes;
 - b. To conduct its own affairs in matters of religion;
 - c. To possess and acquire movable and immovable property
 - d. To administer its property and to enter into contracts.

Article 23: Religious instruction and worship in public school

1. No pupil attending a public school shall be required to take part in any religious instruction at such school or attend any religious service at such school.

Article 23: Right to Vote and to be a Candidate to an Elective Office

1. Every citizen who fulfills the requirements of the electoral law shall have the right to vote or to campaign to be elected to any office of leadership in government.

Article 24: Economic, Social and Cultural Rights and Responsibilities

1. Every citizen shall have the right of equal access to publicly funded social services. The State shall endeavor, within the limit of its resources, to make available to all citizens health, education, cultural and other social services.
2. The State shall secure, within available means, the social welfare of all citizens and particularly those disadvantaged.
3. Every citizen shall have the right to engage freely in any economic activity and to pursue a livelihood.
4. The State and society shall have the responsibility of identifying, preserving, developing, when necessary, and bequeathing to succeeding generation historical and cultural heritage; shall lay the necessary groundwork for the development of arts, sport, science and technology; and shall encourage citizens to participate in such endeavors.
5. The National Assembly shall enact laws that guarantee and secure the social welfare of citizens and other rights and responsibilities listed in this Article.

CHAPTER IV: SPECIAL RIGHTS OF THE VARIOUS POPULATION GROUPS IN ERITREA

Article 25: Family

1. The family is the natural and fundamental unit of society and is entitled to the protection and special care of the State and society.

2. Men and women of full legal age shall have the right, upon their consent, to marry and to found a family freely, without any discrimination and they shall have equal rights and duties as to all family affairs.
3. Parents have the right and duty to bring up their children with proper care and affection; and, in turn, children have the right and the duty to respect their parents and to sustain them in their old age.

Article 26: Personal statuses

1. All citizens shall have the right to respect for their customs and their own legislation governing personal status and legal capacity, the law of the family and the law of succession.

Article 27: Properties right

1. Any citizen shall have the right, anywhere in Eritrea, to acquire, own, and dispose of all property individually or in association with others and to bequeath to his heirs or legatees.
2. Properties rights and rights of real nature, including those of State lands, established by custom or law and exercised in Eritrea by the tribes, the various population groups and by natural or legal persons, shall not be impaired by any law of a discriminatory nature.
3. The State or any of its organs authorized by law may expropriate property in the national or public interest, subject to the payment of just compensation and in accordance with due process of law.

Article 28: Languages

1. Tigrigna and Arabic shall be the official languages of Eritrea.
2. In accordance with established practice in Eritrea, the equality of languages spoken and written by the various population groups shall be guaranteed and shall be permitted to be used in dealing with the public authorities, as well as for religious or educational purposes and for all forms of expression of ideas.

Article 28: Administrative Justice

1. Any person with a complaint shall have the right to be heard respectfully by administrative officials and to receive appropriate and quick answer from them.
2. Any person whose rights or interests are interfered with or threatened shall have the right to seek due administrative redress.

Article 29: Duties of Citizens

All citizens shall have the duty to:

1. owe allegiance to Eritrea, strive for its development and promote its prosperity;
2. be ready to defend the country;
3. complete one's duty in the National Service;
4. advance national unity and the well-being of the people;
5. know, respect and defend the Constitution;
6. respect the rights and freedoms of others;
7. respect the rule of law and comply with the requirements of the law.

Article 30: Temporary Limitation Upon Fundamental Rights and Freedoms

1. The fundamental rights and freedoms guaranteed under this Constitution may be temporarily limited only in so far as is necessary in the interests of national security, public safety or the economic well-being of the country, health or morals, for the prevention of public disorder or crime or for the protection of the rights and freedoms of others.
2. Any law providing for the temporary limitation of the fundamental rights and freedoms guaranteed in this Constitution must:
 - a) be of general application and not negate the essential content of the right or freedom in question;
 - b) specify the ascertainable extent of such temporary limitation and identify the Article or Articles hereof on which authority to enact such limitation is claimed to rest.
3. Notwithstanding the provisions of Sub-Article 1 of this Article and other Articles of this Constitution to the contrary, the fundamental rights and freedoms guaranteed under Articles 14 (1) and (2), 17 (2), 19 (4) of this Constitution shall not be limited.

Article 31: State of Emergency

1. At a time when public safety or the security or stability of the State is threatened by external invasion, by civil disorder or by natural disaster, the President may by a proclamation published in the Gazette of Eritrean Laws declare that a state of emergency exists in Eritrea or any part thereof.
2. A declaration under Sub-Article 1 hereof shall not become effective unless approved by a resolution passed by two-thirds majority votes of all members of the National Assembly. In the case of a declaration made when the National Assembly is session, the declaration shall be presented within two days after its publication, or otherwise the National Assembly shall be summoned to meet and approve the publication within thirty days of its declaration.
3. A declaration approved by the National Assembly pursuant to Sub-Article 2 hereof shall continue to be in force until the expiration of a period of six months after such approval. The National Assembly may, by a resolution of two-thirds majority votes of all its members, extend its approval of the declaration for periods of three months at a time.
4. The National Assembly may by resolution at any time revoke a declaration approved by it pursuant to the provisions of this Article.
5. Any measures undertaken or laws enacted pursuant to a declaration of a state of emergency shall not: a) suspend Article 26 (3) of the Constitution; b) grant pardon or amnesty to any person or persons who, acting under the authority of the State, have committed illegal acts; or c) introduce martial law when no external invasion exists or civil disorder prevails.

Article 32: Enforcement of Fundamental Rights and Freedoms

1. Save in so far as it may be authorized to do so by this Constitution, the National Assembly or any subordinate legislative authority shall not make any law, and the Executive and the agencies of government shall not take any action which abolishes or abridges the fundamental rights and freedoms conferred by this Constitution. Any law or action in violation thereof shall be null and void.
2. Aggrieved persons who claim that a fundamental right or freedom guaranteed by this Constitution has been denied or violated shall be entitled to approach a competent court to enforce or protect such a right or freedom. Where the court ascertains that such fundamental right or freedom has been denied or violated, the court shall have the power to make all such orders as shall be necessary to secure such applicants the enjoyment of such fundamental right or freedom, and where such applicants suffer damage, to include an award of monetary compensation.

Article 33: Residual Rights

1. The rights enumerated in this Chapter shall not preclude other rights which ensue from the spirit of this Constitution and the principles of a society based on social justice, democracy and the rule of law.

CHAPTER IV: THE NATIONAL ASSEMBLY

Article 33 Representation of the People

1. Any Eritrean citizen, of eighteen years of age or more, shall have the right to vote.
2. The National Assembly shall enact an electoral law, which shall prescribe for and ensure the representation and participation of the Eritrean people.

Article 34: Establishment and Duration of the National Assembly

1. There shall be a National Assembly which shall be a supreme representative and legislative body.
2. The National Assembly shall be composed of representatives elected by the people.
3. The assembly shall be composed of not less than fifty and not more than seventy members.
4. Within the limits prescribed in the preceding paragraph, the number of members shall be fixed by law.
5. Members shall be eligible for re-election only once.
6. Members of the National Assembly shall be elected by personal, direct, and secret ballot by all citizens who are qualified to vote.
7. Members of the National Assembly are representatives of the Eritrean peoples as a whole. In discharging their duties, they are governed by the objectives and principles of the Constitution, the interest of the people and the country and their conscience.
8. The first session of the National Assembly shall be held within one month after a general election and its term shall be one year from the date of such first session. Where there exists a state of emergency which would prevent a normal general election from being held, the National Assembly may, by resolution supported by not less than two-thirds vote of all its members, extend the life of the National Assembly for a period not exceeding six months.
9. The qualifications and election of the members of the National Assembly and the conditions for vacating their seats shall be determined by law.

Article 35: Powers and Duties of the National Assembly

1. Pursuant to the provisions of this Constitution:
 - a) The National Assembly shall have the power to enact laws and pass resolutions for the peace, stability, development and good governance of Eritrea;
 - b) Unless, pursuant to the provisions of this Constitution or authorized by law enacted by the National Assembly, no person or organization shall have the power to make having the force of law.
2. The National Assembly shall be bound by the objectives and principles of the Constitution, and shall strive to realize the objectives stated therein.
3. The National Assembly shall approve the national budget and enact tax law.
4. The National Assembly shall ratify international agreements by law.
5. The National Assembly shall authorize government to borrow money pursuant to law.
6. The National Assembly shall approve a state of peace, war or national emergency.
7. The National Assembly shall have the power to oversee the execution of laws.
8. In the interim period, the power that brings change shall appoint a President who shall serve for one year and shall not be qualified to seek office or be appointed in any branches of the government at any level for at least for three year

9. In the interim period, the National Assembly shall have the power to elect, from among its members, by absolute majority vote of all its members, a Vice President who shall serve for one year and shall not be qualified to seek office or be appointed in any branches of the government at any level for at least for three year
10. In the transition period, the National Assembly shall have the power to elect, from among its members, by absolute majority vote of all its members, the President and a Vice President who shall serve for one year and shall not be qualified to seek office or be appointed in any branches of the government at any level for at least for three year
11. Pursuant to the provisions of Sub-Article 6(a) and (b) of Article 41 hereof, the National Assembly, by a vote of two-thirds majority of all its members, shall have the power to impeach and charge the President before the end of his term of office.
12. The National Assembly may approve the appointment of any person or persons pursuant to this Constitution.
13. The National Assembly may pass such resolutions and undertake such measures as are necessary and establish such standing or ad hoc committees as it deems appropriate for discharging its constitutional responsibilities.
14. The National Assembly may summon the president to its meetings during which members of the National Assembly may submit questions in writing or questions the President, which he shall reply.
15. The National Assembly meetings minutes will be public available and its deliberation shall be televised live.
16. At the request of ten members of the National Assembly, a debate may be held on the President's policy.

Article 36: Approval of Draft Legislation

1. Any draft law approved by the National Assembly shall be transmitted to the President who, within thirty days, shall sign and have it published in the Gazette of Eritrean Laws.

Article 37: Chairman of the National Assembly

1. In its first meeting, the National Assembly shall elect, by an absolute majority vote of all its members, a Chairman for one year.
2. The Chairman of the National Assembly shall convene session of the National Assembly and preside at its meetings, and shall, during the recess, coordinate and supervise the operations of standing and ad hoc committees of the National Assembly.
3. The Chairman of the National Assembly may be replaced by an absolute majority vote of all the members of the National Assembly.

Article 38: Oath

Every member of the National Assembly shall take the following oath: *"I, ..., solemnly swear that I will be faithful and worthy of the trust the Eritrean people placed on me; that I will uphold and defend the Constitution of Eritrea; and that I will endeavor to the best of my ability and conscience for the unity and development of my country without seeking or being enticed by private gain."*

Article 39 Rules of Procedure in the National Assembly

1. The National Assembly shall have regular session and shall determine the timing and duration of its regular session.
2. At the request of the President, its Chairman or one-third of all its members, the National Assembly shall have emergency meeting.

3. The quorum of the National Assembly shall be fifty percent of all the members of the National Assembly.
4. Except as otherwise prescribed by this Constitution or other laws, any question proposed for decision of the National Assembly shall be determined by a majority vote of those present and voting, and in case of a tie of votes, the Chairman may exercise a casting vote.
5. The National Assembly shall issue rules and regulations concerning its organization, tasks, operations and internal processes and those of the standing and ad hoc committees, including the rules governing the code of ethics of its members and transparency of its operations.

Article 40: Office and Committees of the National Assembly

1. The National Assembly shall have a secretariat under the direction of its Chairman and committees for various fields of interest, as circumstance may dictate.
2. The various committees established pursuant to the provisions of Sub-Article 1 of this Article shall have the power to call any person to appear before them to give evidence or to submit documents.

Article 41: Duties, Immunities and Privileges of Members of the National Assembly

1. All members of the National Assembly shall maintain the high image of the National Assembly. They shall regard themselves as humble servants of the people and maintain close contact with them.
2. No member of the National Assembly or of its committees may be arrested or charged for any crimes he commits during the session of the National Assembly, unless he be apprehended in flagrant violation. Nevertheless, where the National Assembly, by a majority vote of those present and voting, revokes his immunity, the member may be charged.
3. No member of the National Assembly may be arrested or charged for words uttered or written statements submitted by him at any meeting of the National Assembly or any meeting of its committees or any utterance or statement made outside the National Assembly in connection with his duty as member thereof.
4. The duties, responsibilities, immunities and compensation of the members of the National Assembly shall be determined by law; and all members shall be entitled to the protection of such immunities and shall perform the duties enumerated therein.

CHAPTER V: THE EXECUTIVE

Article 42: The President: Head of State and Government

1. The President of Eritrea is Head of State and Government and Commander-in-Chief of the Armed Forces of Eritrea.
2. The executive authority is vested in the President, and shall be exercised, in consultation with the Cabinet, pursuant to the provisions of this Constitution.
3. The President shall ensure the respect of the Constitution; the integrity of the State; the efficiency and effectiveness of the public service; the interests and safety of all citizens, including the enjoyment of their fundamental rights and freedoms recognized under this Constitution.

Article 43: The Vice President: Deputy Head of State and Government

1. The Vice President shall assume the office of the President in case of his or her absence.
2. The Vice President shall assume the duties of the President in the event of the post of the President become vacant for any reason whatsoever. The National Assembly must elect a new President within a period not to exceed ten days from the date of the vacancy.
3. In the case the post of the President becomes vacant, the Speaker of the National Assembly shall replace the President in case he does not have a Vice President, on the condition that a new

President is elected during a period not to exceed ten days from the date of the vacancy and in accordance with the provisions of this Constitution.

Article 44: Qualifications to be a Candidate to the Office of the President

1. Any member of the National Assembly to be elected President of Eritrea shall be a citizen of Eritrea by birth.

Article 45: Election and Term of Office of the President

1. The President shall be elected from amongst the members of the National Assembly by a vote of the majority of its members. A candidate for the office of the President must be nominated by at least 20 percent vote of all the members of the National Assembly.
2. The term of office of the President shall be **one** year, equal to the term of office of the National Assembly that elects him.
3. No person shall be elected to hold office of the President for more than two terms.
4. When the office of the President becomes vacant due to death or resignation of the incumbent or due to the reasons enumerated in Sub-Article 6 of this Article, the Chairman of the National Assembly shall assume the office of the President. The Chairman shall serve as acting President for not more than thirty days, during which time, the National Assembly shall elect another President to serve the remaining term of his predecessor.
5. The term of office of the person elected to serve as President under Sub-Article 4 of this Article shall not be considered as a full term for purposes of Sub-Article 3 of this Article.
6. The President may be removed from office by two-thirds majority vote of all members of the National Assembly for the following reasons:
 - a) violation of the Constitution or grave violation of the law; b) conducting himself in a manner which brings the authority or honor of the office of President into ridicule, contempt and disrepute; c) being incapable of performing the functions of his office by reason of physical or mental incapacity.
7. The procedures for the election and removal of the President from office shall be determined by law.

Article 46: Powers and Duties of the President

The President shall have the following powers and duties:

1. once every year, deliver a speech in the National Assembly on the state of the country and the policies of his government;
2. subject to the provisions of Article 27 hereof, declare state of emergency, and when the defense of the country requires, state of war;
3. summon the National Assembly to an emergency meeting and present his views to it;
4. sign and publish in the Gazette of Eritrean Laws draft laws approved by the National Assembly;
5. ensure the execution of laws and resolutions of the National Assembly;
6. negotiate and sign international agreements and delegate such power;
7. appoint with the approval of the National Assembly, ministers, commissioners, the Auditor-General, head of the National Bank, the Chief Justice of the Supreme Court and any other person or persons who are required by any other provisions of this Constitution or other laws to be appointed by the President;
8. appoint justices of the Supreme Court upon proposal of the Judicial Service Commission and approval of the National Assembly;
9. appoint judges of the lower courts upon proposal of the Judicial Service Commission;
10. appoint and receive ambassadors and diplomatic representatives;
11. appoint high ranking members of the Armed and the Security Forces;
12. pardon, grant amnesty or reprieve offenders;

13. establish and dissolve such government ministries and departments necessary or expedient for the good governance of Eritrea, in consultation with the Public Service Administration;
14. preside over meetings of the Cabinet and coordinate its activities;
15. present legislative proposals to the National Assembly;
16. confer medals or other honors on citizens, residents and friends of Eritrea in consultation with relevant persons and institutions;
17. pursuant to the provisions of this Constitution, remove any person appointed by him.

Article 47: Immunity from Civil and Criminal Proceedings

1. Any person holding the office of the President may not be sued in any civil proceedings or charged for a crime, save where such proceedings concern an act done in his official capacity as President or proceedings involving Sub-Article 6(a) and (b) of Article 41 hereof.

Article 48: Privileges to be Given to Former Presidents

1. Provisions shall be made by law for the privileges that shall be granted to former Presidents.

Article 49: Oath

Upon his election, the President shall take the following oath: "*I, ..., solemnly swear that I will uphold and defend the Constitution of Eritrea and that I will strive with the best of my ability and conscience to serve the people of Eritrea.*"

Article 50: The Cabinet

1. There shall be a ministerial Cabinet, which shall be presided by the President.
2. The President may select ministers from among members of the National Assembly or from among persons who are not members of the National Assembly.
3. The Cabinet shall assist the President in:
 - a) directing, supervising and coordinating the affairs of government;
 - b) conducting study on and preparing the annual budget;
 - c) conducting study and preparing draft laws to be presented to the National Assembly;
 - d) conducting study on and preparing policies and plans of government.
4. The President may issue rules and regulations for the organization, functions and operation of his office, the Cabinet or other government institutions, and for the code of ethics involving officials of the executive branch of government.

Article 51: Ministerial Accountability

1. All ministers shall be accountable:
 - a) individually to the President for the administration of their own ministries; and
 - b) collectively to the National Assembly, through the President, for the administration of the work of the Cabinet.
2. The National Assembly or its committees may, through the Office of the President, summon any minister to appear before them to question him concerning the policies or operation of his ministry.

CHAPTER VI THE ADMINISTRATION OF JUSTICE

Article 52: The Judiciary

1. The judicial power shall be vested in a Supreme Court and in such other lower courts as shall be established by law and shall be exercised in the name of the people pursuant to this Constitution and laws issued there under.
2. In exercising their judicial power, courts shall be free from direction, control and supervision of any person or authority. Judges shall be subject only to the law, to a judicial code of ethics determined by law and to their conscience.
3. A person exercising judicial power shall not be liable to any suit for any act or omission in the course of exercising that judicial power.
4. All organs of the State shall accord to the courts such assistance as they may require to protect their independence and dignity so that they may exercise their judicial power appropriately and effectively pursuant to the provisions of this Constitution and laws issued there under.

Article 53: The Supreme Court

1. The Supreme Court shall be the court of last resort; and shall be presided by the Chief Justice.
2. The Supreme Court shall have the power of:
 - a) sole jurisdiction of interpreting this Constitution and the constitutionality of any law enacted or any measure undertaken by government;
 - b) sole jurisdiction of hearing and adjudicating upon charges against a President who has been impeached by the National Assembly pursuant to the provisions of Sub-Article 6 (a) and (b) of Article 41 hereof; and c) hearing and adjudicating cases appealed from lower courts pursuant to law.
3. the organization and operation of the Supreme Court shall be determined by law.
4. The tenure of justices of the Supreme Court shall be determined by law.

Article 54: Lower Courts

1. The organization, jurisdiction and the procedures of lower courts and the tenure of their judges shall be determined by law.

Article 55: Oath

Every judge shall take the following oath: *"I, ..., **solemnly** swear that I will adjudicate in accordance with the provisions of the Constitution and laws enacted there under and I will exercise the judicial authority vested in me, subject only to the law and my conscience, without seeking or being enticed by any private gain."*

Article 56: Removal of Judges from Office

1. A judge may be removed from office before the expiry of his tenure of office by the President only, acting on the recommendation of the Judicial Service Commission, pursuant to the provisions of Sub-Article 2 of this Article for physical or mental incapacity, violation of the law or judicial code of ethics.
2. The Judicial Service Commission shall investigate whether or not a judge should be removed from office on grounds of those enumerated in Sub-Article 1 of this Article. In case the Judicial Service Commission decides that a judge should be removed from office, it shall present its recommendation to the President.
3. The President may, on the recommendation of the Judicial Service Commission, suspend from office a judge who is under investigation.

Article 57: The Judicial Service Commission

1. There shall be established a Judicial Service Commission, which shall be responsible for submitting recommendations for the recruitment of judges and the terms and conditions of their services.
2. The powers, organization and duties of the Judicial Service Commission shall be determined by law.

CHAPTER VII MISCELLANEOUS PROVISIONS

Article 58: Auditor General

1. There shall be an Auditor General who audits the revenues and expenditures and other financial operations of government and who reports annually his findings to the National Assembly.
2. The Auditor General shall be appointed for **one** year by the President with the approval of the National Assembly. He shall be accountable to the National Assembly.
3. The detailed powers, duties and organization of the Auditor General shall be determined by law.

Article 59: National Bank

1. There shall be a National Bank, which performs the functions of a central bank, **regulates** the financial institutions and manages the national currency.
2. The National Bank shall have a Governor appointed by the President with the approval of the National Assembly. There shall be a Board of Directors presided by the Governor and whose members shall be appointed by the President **and confirmed by the National Assembly.**
3. The National Bank shall have operational independence to set monetary policies and shall be limited only to pursuit the government annual inflation target and managing public debt and not to compete with private banks and financial institutions.
4. The detailed powers, duties and organization of the National Bank shall be determined by law.
5. The regulatory framework by which the National Bank will regulate private banks and financial institutions shall be determined by law.

Article 60: Public Service Administration

1. There shall be established a Public Service Administration, which shall be responsible for recruitment and selection of civil servants as well as for determining the terms and conditions of their employment including their rights and duties.
2. The Public Service Administration shall set competitive and selective hiring criteria with the aim of a creating a responsive, competent, and highly skilled and professional civil servants that that, in due time, will reflect the diverse segments of the Eritrean society.
3. The detailed powers, duties and organization of the Public Service Administration **to gradually achieve functional equality** in the public sector shall be mandated by law.

Article 61: Electoral Commission

1. There shall be established an Electoral Commission, operating **independently**, without interference, which shall, on the basis of the electoral law, ensure that free and fair elections are held and manage their implementation; decide on issues raised in the course of the electoral process; and formulate and implement civic educational programs relating to elections and other democratic procedures.
2. An Electoral Commissioner shall be appointed by the President with the approval of the National Assembly.
3. The detailed powers, duties and organization of the Electoral Commission shall be determined by law.

Article 62: Human and Peoples Rights Commission

1. There shall be established a Human and Peoples Rights Commission, operating independently, without interference from any branches of the government, ensure to protect the right to be free from right to be free from discrimination because of race, ethnicity, nationality, creed, color, gender, physical disability, age.
2. The Commission shall be created with powers with respect to elimination and prevention of discrimination in employment, access to education and medical treatment, and public accommodation because race, ethnicity, nationality, creed, color, gender, physical disability, age.
3. The Commission will ensure that Eritrea adheres to the African Declaration of Human and People Rights.

Article 63: Amendment of the Constitution

1. A proposal for the amendment of any provision of this Constitution may be initiated and tabled by the President or 50 percent of all the members of the National Assembly.

Any provision of this Constitution may be amended as follows:

- a) where the National Assembly by a three-quarters majority vote of all its members proposes an amendment with reference to a specific Article of the Constitution tabled to be amended; and
- b) where, one year after it has proposed such an amendment, the National Assembly, after deliberation, approves again the same amendment by four-fifths majority vote of all its members.

Annex IV

Eritrean Covenant Links:

<http://eritreancovenant.com/tigrigna/>

<http://eritreancovenant.com/arabic/>

<http://eritreancovenant.com/>

List of Eritreans Graduates from QAC in July 2010

Since 1991, it is estimated that the PFDJ regime sent some 500 students to South Africa, and about 300 to UK, and more than 1000 to US for training and graduate studies. The majority of them never went back after completing their studies. The regime never published their names; however, anecdotal evidence and random sampling suggests that less than 1% were Muslims. This time, out of 14 people who were sent to Qatar for training, there is not a single Muslim trainee. If the Qatar Aeronautical College (QAC) didn't put the news out, the PFDJ would never have disclosed it.

http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=375973&version=1&template_id=36&parent_id=16

The graduating QAC are:

1. Amanuel Habte Mezenghi,
2. Mesfun Belai Debessai,
3. Haile Yemane Gebreyesus,
4. Mesfun Gebrezghi Habtemariam,
5. Tesfaldet Habtemicael Asfaha,
6. Efreem Kifle Habte,
7. Isaias Abraha Berhane,
8. Tekie Ghebremariam,
9. Mebrahtu Teklay Zerai and
10. Michael Asfaha Ghebrat.

The meteorologists are:

1. Kahsai Asrat Haileab,
2. Tesfay Bekurezion Haile,