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## RIGHTS AFTER LIBERATION A Report from Eritrea

AUTHOR:Craig Calhoun and Pamela DeLargy
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Eritrea recently emerged from a devastating thirty-one-year war for national independence. One right, self-determination, held center stage. In the everyday, Wilsonian sense, this was achieved in 1991 by military success, and ratified by domestic referendum and international recognition. Yet, self-determination is still an issue. What is the "self" that will determine Eritrea's peacetime future? How is the nation to be represented? How are its decisions to be made? How are the diverse range of Eritrean identities to be incorporated in this putatively singular self?

The struggle decimated two generations of Eritrea's young adults. It brought enormous destruction of physical resources, from the uprooting of the country's main intercity railroad tracks to the uprooting of ancient olive orchards by a vengeful Ethiopian occupier in retreat. The major port city of Massawa was left in ruins; between war and drought, the country's livestock, forests, and farmland suffered almost equally.

Through most of this struggle, the U.S. government either sided with the Ethiopian colonizers or ignored Eritrea--despite Ethiopia's clear violation of the terms of its UN-sponsored federation with Eritrea. Only during the war's last phases was humanitarian assistance provided to civilians. Understandably, American moralism about rights is suspect to Eritreans.

To speak of rights in Eritrea is also to invite questions about priorities. Pressing tasks of reconstruction and economic development, national integration, and defense against aggressive neighbors seem to dwarf other concerns. In such circumstances, isn't it unreasonable, presumptuous, or at least impolite to raise questions about rights? It is a delicate matter, to be sure, but surely the riposte has to be, "If not now, when?"

This is not simply an outsider's question. Eritrea is in the concluding stage of an exemplary process of constitution-making. The Constitutional Commission has held extensive discussions throught the country with widely diverse groups of people. Village elders have been asked to describe traditional approaches to land rights and invited to ask questions and offer opinions about proposed constitutional provisions. A wide variety of educational programs--even comic books--have been designed to help people understand what a constitution is and how one makes use of it, to create a strong sense of ownership of the country and of participation in making its future. The discussions have dealt recurrently with the question of what rights the Constitution will enshrine. A national assembly will soon be elected to consider its final draft. In the meantime, it is worth asking not just what rights the Constitution will declare, but how current government practices will pave (or block) the way to implementing those rights.

Independent Eritrea is blessed with a government that is extremely honest and fairly efficient--no small blessings within its regional frame of reference. The People's Front for Democracy and Justice (PFDJ) is a reconstructed, peacetime version of the old Eritrean People's Liberation Front (EPLF). It carries forward not only with government but also with a wide range of economic activities during the current transitional period. The PFDJ is trying to hold together a country split almost equally between Christians and Muslims, with the religious divide reinforced by the economic, ecological, and cultural divisions between highland and lowland peoples. It is playing a difficult role as regional peacekeeper, while also defending itself against Jihadist incursions from the Sudan. It is developing capacities for self-reliance--rather than accepting the offers of the World Bank and dozens of other multilateral and bilateral donors to decide its future according to their own priorities.

The government and the party see nationbuilding and economic recovery as the national priorities at this time. The experience of the EPLF in mobilizing Eritreans across ethnic, religious, class, and gender lines to create a national political and military force influences all policies. Leaders--and many others--believe that the state must succeed the front as the main agent of national unity and stability, not least in order to provide for economic development. Nationalism, secularism, and equity are the guiding principles. The biggest questions about rights focus on threats to national unity, reactions from traditional ethnic groups, and tensions between those who fought for Eritrea's independence and the rest of the population. Though the Constitution may say something different, for now the government sees itself, and not independent citizen action, as the advocate and guarantor of rights.

Economic and social rights are most concretely pursued, from solid labor laws to provision of health care. More abstract civil and political rights bring debate. Consider Eritrea's compulsory national service program, designed largely to foster national integration. No provision was made for conscientious objection. Refusal to participate brought rapid sanctions against Jehovah's Witnesses. This sparked one of Eritrea's biggest rights controversies to date, but the controversy was nearly all external. Few Eritreans objected when the government denied civil rights to all Jehovah's Witnesses (not only youths who refused to serve). People who had held government jobs through three regimes were released. Witnesses who had licenses to trade in the public markets found them revoked. Many left the country. Despite national criticism, the government appears to see little problem either with acting against the group as a whole or with the measures it has chosen. Jehovah's Witnesses refused to participate in the referendum or the liberation struggle, and to refuse national service was the final step, as many Eritreans see it, in declaring themselves not to be part of the country. One has to admit that it seems odd to refuse to vote on religious grounds but to hold government jobs. (The government's action may also have been aimed to forestall resistance from traditional communities--especially but not only Muslim--reluctant to allow young women to join in national service.)

#### LEADERSHIP QUESTIONS

Rights are subjects of lively debate. Questions of religion, property, gender, and language loom largest. The government seeks to guarantee both freedom of faith and respect among faiths. It is adamantly secular, however, demanding that religion be kept to its "proper" sphere--for example penalizing not only religious organizations that interfere in politics, but also those that wish to meddle too much in economic development. What counts as intervention is not clear, however, and may mean different things to Christians--Orthodox, Protestant, and Catholic--and Muslims.

Land tenure is the biggest of property questions. The government would like greater unity of national law than traditional systems of land rights allow, yet it is also committed to return land seized by Ethiopia to its "rightful owners." Its temporary resolution has been to claim all land for the state, to leave local (mainly traditional) tenants with usufruct, and to create a new system of land law that will be reasonably just to different groups with different traditions and ecologies. In cities, too, there are questions about who succeeds to property nationalized by Ethiopian rulers--the previous owners, or the state? Similarly, what rights do Eritreans who became rich while avoiding participation in the liberation struggle have if they return? Can the front retain its commitment to social justice while building a capitalist market system? What happens to the vast majority who have little capital to invest?

In the field, the EPLF was a remarkably gender-integrated fighting force, and a determined advocate of women's rights. In peacetime, this agenda has lost some momentum. Ironically, some of the rural villages liberated by the EPLF are more progressive than many old families in the capital, which stayed under Ethiopian occupation. Parents have demanded that their sons renounce wartime brides, for example. Pressing for women's rights also offends some conservative religious believers--at a time when the government is anxious about Christian/Muslim splits.

It is easy to assume that a "right" is a trump card in all arguments, and easier still the less one knows about a complex situation. A case in point is the matter of female genital mutilation. Eritrea is a signatory to the International Convention on the Rights of the Child, which clearly condemns such practices. Many members of Eritrea's government are not just revolted by the practice, but campaigned against it during their years as freedom fighters. But the practice remains widespread in traditional society, and mechanisms for defending the rights of girls remain weak. Still, it can only appear absurd when international (mainly U.S.) activists propose tying U.S. food and development aid to Eritrea to the government's taking stronger steps to eliminate the practice. Absurd, because on most plausible scales, illiteracy and malnutrition are bigger threats to Eritrean girls than genital mutilation. Absurd, because through nearly a decade of working with the rural population on just this issue, EPLF women's activists determined that an aggressive, human-rights-oriented campaign was not the most effective strategy. Focusing on the health risks and on female literacy proved much more useful. The current government's position is that the most important factor in eradicating mutilation is the improvement of women's health, education, and economic status. Providing social services and backing equal property, wage, and land rights may do more than any direct campaign to secure the right to be free from this and other forms of sexual violence. Female genital mutilation is deplorable. It is important to support the Eritrean women--and men--who seek to end it. And it is worthwhile to remind the Eritrean government that failing to attend to such matters is an international embarrassment. But to make this right an absolute is to invite being dismissed out of hand--even by women's activists, who have a range of issues to worry about, not only a single "right."

Another area in which the wartime EPLF was exemplary, but which the peacetime government has found tricky, is reaching out to previously marginalized ethnic groups. Eritrea has nine major ethnic groups, most with their own languages, though highland Tigrinya culture has been dominant. Arabic has spread through much of the predominantly Islamic lowlands, though most often as a second language. Ethiopian rulers tried to split Eritreans against each other by declaring the nationalist movement (falsely) to be mainly Muslim. But one of the most hated aspects of Ethiopian rule was the imposition of Amharic and the ban on Eritrean languages in the schools. During the struggle, the EPLF started radio broadcasts in all the national languages and worked to develop primary educational materials. After independence, the government sought to enshrine this long-standing recognition of ethnic diversity in a "right" for children to be educated in their mother tongues. This has proved difficult and contentious.

Rehabilitating the ruined educational infrastructure is an already Herculean task--expanding the system into the hinterlands still more so. But drafting completely new curricula and providing for primary education in all local languages poses another order of difficulty and raises questions about how well this "right" stands alone. Some groups have very few people educated enough to qualify as teachers. Some are minimally literate and lack written literatures. Translating texts is a huge task in itself. Inevitably, the result is to put educational development on a very uneven footing in the different groups. To complement local diversity with national unity, the government decided that each student receiving instruction in a minority language should also become literate in one of the working languages of the state, Tigrinya or Arabic. Tigrinya speakers start right in on this. Speakers of minority languages (disproportionately Muslim) get a late start on their "national" language. In principle, Tigrinya speakers also study Arabic, but a shortage of qualified teachers has kept this from becoming a reality. So Arabic lags as an effective national language. Many Muslims are convinced that Tigrinya-speaking Christian leaders are worried that a common language would unify Muslims.

Many lowlanders, especially, would prefer Arabic as a "school language" in place of local "mother tongues." Instead of offering a right to perpetuate local culture, they charge, government policy denies them the right to join in an international Arabic culture. They also suggest there is an intrinsic bias in favor of Tigrinya speakers, who may learn that as both a "mother tongue" and national language, and then get a head start on English and therefore on admission to higher levels of the educational system (which are all taught in English). The policy has generated both protests (for example, among Saho) and outright refusal to comply (for example, among some Afar who have simply chosen to make Arabic the primary language of instruction for their children). Trying to enforce its policy consistently brings the government into conflict with at least some members of the very groups whose collective rights it seeks to protect.

#### WAR, JUSTICE, FREEDOM

The effects of the war are ubiquitous in Eritrea and the experience of the struggle (or of exile during the struggle) also determines, to a very large degree, how citizens look on their rights and responsibilities. The EPLF was an organization to which members pledged complete loyalty, serving where they were assigned, no questions asked. The front was highly disciplined and "fighters" believed strongly in their responsibility to the struggle. When the war ended, and the EPLF assumed governance, its members continued to serve in the same fashion. They performed their assigned jobs in government or state-owned enterprises without salary until 1995, and many lived in barracks, continuing the communal existence of the war years. By now, however, many demobilized fighters chafe at having little control over their own lives and at seeing returnees from abroad--who did not make comparable sacrifices in the struggle--get ahead faster in civilian careers. Some claim a right to better treatment. This raises the question of how to adjudicate equitably among prior experience, previous sacrifice, and formal credentials as criteria for jobs and leadership positions. Nonfighters claim the government violates their rights by preferring less formally qualified former fighters for key jobs. But is a fighter who spent twenty years in the field developing skills through practical activity simply to step aside--whether as a judge, a mayor, or factory manager--in favor of someone who received a degree abroad but made no contribution to the struggle? And should scarce educational opportunities go to former fighters seeking the degrees they never had the chance to get or to youth who feel a right to higher education after doing well in secondary school?

Eritrea is very state-centered, and still far from a democracy. The government is nonetheless committed to the rule of law, due process, and a respectably wide range of rights. What remains to be seen with the transition to constitutional rule is whether it is prepared to see other agents besides itself and the mass organizations affiliated with the PFDJ as rights advocates. So far it has not been willing to provide routine registration procedures for nongovernmental organizations, for example, including an Eritrean human rights monitoring group. Neither has the government promulgated a press law (though it claims to have written one) or shown an inclination to accept an open press. Nearly all significant mass media are state run (the churches have internal newspapers barred from discussing politics) and an editor may be fired for a misguided exposé. But the concern is not altogether unrealistic that providing more press freedom will empower mainly those who wish to promote one or another brand of religious fundamentalism or divide the country on regional lines. Certainly, the wildly irresponsible opposition press in nextdoor Ethiopia has not provided much advertisement for the benefits of free expression.

Most Eritreans are enjoying greater freedom and security than they ever dared to hope for. Many would deeply resent a government that put concern with (relatively abstract) human and civil rights ahead of basic freedom and security. Repression and fear are not abstractions but all too concrete memories. The achievement of independence is recent enough to make many think that protecting national unity at the expense of minority rights is a reasonable idea--especially when "minority rights" is understood to mean "an opportunity for Islamicist propagandists to operate freely." This is a view more common to the disproportionately empowered Tigrinya-speaking highlanders than to others, not surprisingly, but it is not based on fantasy. Dozens of people have been killed in Sudanese-sponsored Jihadist attacks.

Rights to peace and freedom of movement are enormous gains; it is not surprising that some would sacrifice other rights to save these. But a more extensive regime of rights is necessary if this multicultural society is to survive and prosper with a participatory political system.

Added material

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