



**HARNESSING **INDEPENDENT** CIVIL SOCIETY  
ORGANIZATIONS AS CRITICAL PARTNERS IN FOSTERING  
SOCIO-ECONOMIC DEVELOPMENT IN ERITREA**

**WHY THE GOVERNMENT NEED  
RETHINK REGULATION OF NON  
GOVERNMENTAL ORGANIZATIONS**

**WITH TECHNICAL SUPPORT FROM**



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## **ACRONYMS**

CSO .....	Civil Society Organizations
EMDHR .....	Eritrean Movement for Democracy and Human Rights
FHRE .....	Foundation Human Rights for Eritrea
PFDJ .....	People's Front for Democracy and Justice (Ruling Party in Eritrea)
SR .....	Special Rapporteur
SVM .....	Surbana Vision Media and Community Services
TPLF.....	Tigrayan People's Liberation Front
UNHCR.....	United Nations High Commission for Refugees
UN HRC.....	United Nations Human Rights Council

## **BRIEF ABOUT THE ERITREAN MOVEMENT FOR DEMOCRACY AND HUMAN RIGHTS (EMDHR)**

Eritrean Movement for Democracy and Human Rights (EMDHR) is an autonomous and non-profit civic movement founded in 2003 with a Vision of a free, just, democratic, peaceful, and prosperous Eritrea that values and protects the rights, dignity and equality of its citizens and everyone who lives in it. Mission to defend and promote the values of human rights, as established in relevant international instruments and covenants, and advance democratic change, rule of law, and constitutionalism in Eritrea while building a society in which citizens exercise their basic rights and live in peace, dignity, and prosperity.

It is independent of any government, political affiliation, economic interest or religion and currently headquartered in the Republic of South Africa. The EMDHR believes that a sustainable democracy, rule of law and respect of human and democratic rights can only be achieved through non-violent, indigenous and positive reform based on full comprehension, awareness and participation of the public. It mobilizes Eritreans to join their efforts in order to realize their dreams of sustainable democracy and lasting peace in Eritrea and the Horn of Africa. EMDHR is a registered civic organisation in South Africa (Registration Number 034-999-NPO) effective 15 September 2004 having met the registration requirements of the South African National Department of Social Development.

Furthermore, EMDHR undertakes Training for Eritrean Human Rights Activists & Civil Society Organizations and Protecting Refugees. EMDHR has been active in defending the rights of Eritrean refugees in South Africa by supporting them in their asylum applications through legal aid and other means. In 2015, EMDHR launched a successful legal case and media campaign to prevent the deportation of 10 Eritrean members of the National Football Team who travelled to Botswana to play in a world cup qualification game. The Botswana High Court compelled the government to allow the players to make asylum applications with due process protections. Since November 2020, EMDHR has been working with a number of Eritrean organisations to address the dire conditions of Eritrean refugees, in Ethiopia, Sudan, Libya and Egypt.

## 1. EXECUTIVE SUMMARY

The policy paper, ‘harnessing independent civil society organizations as critical partners in fostering socio-economic development in Eritrea’, why the government needs to rethink regulation of non-governmental organizations’ is a document that highlights the need for the government of Eritrea to put in place mechanisms to foster the growth and development of independent civil society organizations in Eritrea.

The border conflict between Eritrea and Ethiopia in 1998, led to the closure of independent civil society organizations in Eritrea. In 2001, there was closure of all independent media and scores of journalists were imprisoned. The no war no peace stalemate that has blighted Eritrea for over twenty years made it impossible to foster civil society space in Eritrea with the government using the argument of sovereignty to clamp down on civil society. However, the peace deal signed with Ethiopia brought hope to many Eritreans as people thought it would mean that things could be normalised in Eritrea. However, the two year war in Tigray, Northern Ethiopia created other consequences but the most critical being that it divided the Eritrean opposition including civil society organisations.

Eritrean civil society organisations are still reeling from this. However, while harrowing, there has also been positive works that have come from this. EMDHR for example for over the past two years worked with 5 other Eritrean civil society organisations looking at community issues, refugees and advocacy at various levels including at the UN in New York.

One of the key factors that has plagued Eritrean civil society organizations is that they have been penetrated by the Eritrean Government. Not only through stringent legislation, but also through intentional planting of spies and state actors masquerading as members to some CSOs usually facilitated to take vantage position so as to influence decisions of the organizations while trampling on human rights.

Therefore, summarily, this Policy Brief provides concise background to the need for an independent civil society, the problem that needs to be addressed, the justification, the alternative proposal for consideration by the government, and clearly explains how the independent civil society would foster socio-economic development in Eritrea. The paper further provides alternative proposals for both the Eritrean civil society organizations as well as donor agencies.

Many organizations do not operate effectively and require assistance in structuring their organizations, governance, accountability, transparency, instituting mechanisms, financial viability, digital security and personal security in carrying out their respective tasks.

The Eritrean government has made significant steps in putting in place the rule of law, but many of the laws implemented are largely contrary to the freedom of expression and assembly. This is evident in the Non- Governmental Organization Administration Proclamation No. 145/2005 that only restricts the work of NGOs to relief and rehabilitation. This paper points out that on top of the constitution remaining unimplemented, the Eritrean government reserves the right to approve the nature of programmes to be implemented by CSOs. This gives the NGO no independence as opposed to government claims of NGOs being independent in Eritrea.

If the civic space is opened up and independent CSOs are allowed to freely operate, there would be a great contribution that CSOs would make to the socio-economic development of Eritrea. These may include but not limited to contributing to the widening of the tax base for the country, supporting vulnerable people through capacity building, provision of social support such as education, health care among others...the civil society would further create jobs and compliment the government work of public service delivery by not only creating awareness about government programmes, but also championing anti-graft causes that could help reduce embezzlement and misuse of public resources that could benefit the ordinary and usually marginalized and socially discriminated citizens.

Conclusively, notwithstanding the national security concerns and taking into consideration the biased negative perception from the State and now ever growing attitude from the public, the Eritrean government stands at an upper hand if the civic space is opened and an independent civil society is allowed to operate freely to benefit from the interventions of CSOs.

It is high time that Africa, AU and African civil society support the Eritrean people and Eritrean civil society. The Eritrean people have been suffering for decades and this is no longer a question of whether there is a need to open up the civic space. The Eritrean problem is an African problem. Therefore, it is imperative for African civil society to rally around Eritrean civic organizations and bolster the agitation for a free, open and democratic civil society. This is important in creating a civilized discourse with the Government of Eritrea and bringing the desired change.

The Eritrean activists and civil society organizations have suffered from hacking and threats from PFDJ supporters in the diaspora or those who stand in solidarity with the TPLF. It is therefore paramount that the personal security of all activists is made a priority. This is more so for Eritrean activists who operate in Africa. Digital security is fundamental as they deal with very sensitive cases and the lives of those people could be compromised. This has been especially the case during the Tigray conflict when Eritrean refugees in Ethiopia became the target of all the warring factions.

## **2. BACKGROUND**

World over, there has been an increasing evolution of civil society organizations. These organizations undertake and implement programmes and or activities focusing on specific and or broad categories of interrelated areas ranging from human rights, governance, peace, humanitarian support, anti-corruption among others. Civil society organisations by nature of their resourcing mechanisms rely mostly on donations, membership and subscription fees and gifts among others.

Civil society organisations in their breadth continue to play a significant part in supporting communities and contributing to the socio-economic development of countries in diverse ways. Ever since the emergence of the civil society sector, the continuous changes in the global economic and political processes especially from the perspective of the Global North and the Global South have contributed to an increasing negative perception that contributes to a negative narrative that ultimately translates to unfair operating legal environments for CSOs. This manifestation is common mostly in the global south.

In Africa, several governments have enacted laws with the view that the civil society is involved in subversive and terrorism acts. These perceptions and narratives have severally led to civil society actors being referred to as enemies of the state, agents of the western world, terrorists and economic saboteurs among others. This negative narrative further fosters a negative feeling among the public and potential beneficiaries of initiatives of civil society organizations leading to a pushback against civil society actors. For example, Uganda, Egypt, Eritrea, Kenya, Tanzania and Rwanda are among the key countries that have formulated and enacted laws that regulate the CSO sector. These legislations have had far-reaching effects on both the private and civil society sectors yet both are either reliant or benefit from each other in one way or the other.

In Eritrea, the government enacted the NGO Proclamation 2005. The proclamation came into force in 2006 in the Global South especially, Africa, there has been a growing trend in the formulation of laws branded as seeking to provide a good environment for CSOs. Yet under the real experiences of CSOs, they are being suffocated, usually targeted for receiving money for programme implementation from the global north, and deemed enemies of governments in countries in Africa. This suffocation appears to be normal business for the bodies charged with the mandate to regulate and monitor the sector, yet detrimental to the socio-economic wellbeing of the beneficiaries of these CSOs.

While the realities appear to be apparent, the many government institutions most times rely on the civil society to support their activities. Our assessment of both our member organizations and close partners reveals that three quarters of them lack the organizational capacity to file annual reports, undertake or design clear resource mobilization strategies, undertake strategic planning and are largely lacking in the various aspects of organizational development. This is largely attributable to limited or lack of access to sufficient financing.

It is a contributing factor to most civil society organizations failing to meet the provisions of the law and hence deemed non-compliant by the bodies charged with the mandate to monitor and regulate the CSO sector.

The border conflict with Ethiopia in 1998, brought the closure of independent civil society organizations in Eritrea. In 2001 we had the closure of all independent media and scores of journalists were imprisoned. The no war no peace stalemate that has blighted Eritrea for twenty years made it impossible to ensure civil society space in Eritrea as the government used the issue of sovereignty as a reason for clamping down on civil society. However, the peace deal signed with Ethiopia brought hope to many Eritreans as people thought it would mean that things could be normalized in Eritrea. However, the two year war in Tigray, Northern Ethiopia created other consequences but the most critical being that it divided the Eritrean opposition including civil society organizations. Eritrean civil society organizations are still reeling from this, however, there has also been positive works that have come from this. EMDHR for example for over the past two years worked with 5 other Eritrean civil society organisations looking at community issues, refugees and advocacy at various levels including the UN in New York. The work that we did is visible and has helped Eritreans who needed it. The collaboration is also a good indication that Eritrean organisations can work together and be able to formulate a way forward.

One of the key factors that has plagued Eritrean civil society organisations is that they have been penetrated by the Eritrean Government. Secondly many organizations do not operate effectively and require assistance in structuring their organizations, governance, accountability, transparency, instituting mechanisms, financial viability, digital security and personal security in carrying out their respective tasks.

In the 1940s and 1950s Eritrea had a thriving civil society and had many independent media outlets. With the start of the liberation movement for independence Eritrea became increasingly militarized. The thirty year war for independence was the longest war in Africa and the baggage that came from this is immense. The economic infrastructure was completely destroyed, the psychological effects on the Eritrean people inside and outside the country is something that has not been adequately addressed. Furthermore during the thirty year war for independence Eritrea remained isolated and this made Eritreans look inward to survive this conflict. This created a mindset of self-reliance and as such society became militarized and this affected every family.

Whilst self-reliance was a very important component to survive during the war for independence, this was not sustainable once Eritrea was liberated. The many years of isolation left Eritreans suspicious of others and unable to build relations and drive the country forward. Many also have never known peace and hence it was difficult to change.

This then gave the opportunity for the government's repressive policies as they played on the psychology of the Eritrean people. The Eritrean Government used the sovereignty card as they knew that as long as people felt threatened by the TPLF (ruled Ethiopia for 27 years) they could put a lid on things inside the country.

However, now that the TPLF has been disbanded inside Ethiopia this opens the room for change to take place in Eritrea. The Government has no reason to keep Eritrean youth in indefinite national

service, the closure of independent media and the ongoing human rights violations under national security measures. However, as the regional dynamics has changed many of the Government supporters will not just support the regime anymore and this reduces their maneuverability.

Indefinite national service has been the main reason for the exodus from Eritrea and has been described as slavery in the UN Commission of Inquiry Report on Eritrea 2016. Eritreans however, are contributing to economic and community development in East Africa and other parts of the diaspora. There are also many educated Eritreans who are able to contribute to the rebuilding of the country. Furthermore, whilst there was virtually no independent civil society when the conflict with Ethiopia broke out in 1998, today we have multiple media outlets in the diaspora that are viewed in Eritrea and hundreds of civil society organizations. However, the potential of all of this needs to be channeled in a strategic manner to contribute to the social, cultural, economic and political development of the country. It is therefore important that civil society is able to lead the way and that strong professional associations, Unions, business confederations, human rights organizations and CSOs can function on an international level.

In order for this to happen Eritreans will require support now in order to develop and operate at an international level. However, the real work begins when change takes place in Eritrea and CSOs are able to operate inside the country and Eritrean civil society organizations and activists will require international support in stabilizing the country and creating an independent judiciary, checks and balances within the system.

### **3. THE PROBLEM THAT NEEDS TO BE ADDRESSED URGENTLY**

#### **a. Lack of clarity on the legal status and apparent non implementation of the Constitution of Eritrea**

The legal status of the 1997 Constitution is not clarified and the International human rights treaties ratified by Eritrea appear largely not to be incorporated in the constitutional order;

#### **b. Ambiguity and limitation of the Non- Governmental Organisation Administration Proclamation No. 145/2005**

It is worthwhile to appreciate the steps taken by the Eritrean government to provide guidelines for the operation of civil society organizations in the country. However, the proclamation of 2005 is made from the view of insecurity and safeguarding 'national interests' that do not actually resonate with the aspirations of the people. The proclamation does not allow for independent operations of NGOs with the government still having tight control of their operations.

The Proclamation to Determine the Administration of Non-governmental Organizations No.145/2005 that comprises a number of provisions that are problematic from a freedom of expression and assembly perspective. The Proclamation in Article 7 limits the work of NGOs to relief and/or rehabilitation works only and further demands that all such works must be in conjunction with and subject to the approval of the relevant government Ministry. Article 8 Sub-article 1 (a) provides that NGOs should prove that they have been incorporated and registered as "non-profit associations; to engage in relief and/or rehabilitation work. Pursuant to the provisions of Articles 404-482 of the Transitional Civil Code of Eritrea; Article 3 sub article (3) of the Proclamation grants the government powers to approve and coordinate programs and projects to be funded and implemented by NGO's; and Sub-Article (5) gives powers to the Ministry whenever it deems it necessary to audit the accounts of an NGO, but does not provide reasons and circumstances under which such actions may be sanctioned. Meaning that the NGOs are not independent as the government of Eritrea Claims.

Furthermore, the Proclamation only allows NGOs with a certain amount of money already in their possession to operate or apply for a license. Article 8 sub article 1 (c) provides that NGOs have to establish that they have at their disposal in Eritrea one million US Dollars or; its equivalent in other convertible currency, or technical or other capacity amounting to it, in order to enable them to launch small-scale work aiming towards the achievement of their objectives. This not only presumes that all CSOs have lots of money, yet in reality donors do not give money to institutions that might not have existed for some time, but also imagines all CSOs are the same, yet CSOs are diverse both by purpose and interventions.

Article 9 provides that Activities of International NGO's under sub article (1), states that no international NGO may engage in Eritrea in relief and or rehabilitation work except through the Ministry or other concerned Government entity. Sub article (5) states that International NGO's, *shall*, prove, that, they have at their disposal in Eritrea two million US Dollars or its equivalent in other convertible currency or technical or other capacity amounting to it, in order to enable them to launch small scale work aiming towards the achievement of their objectives.

Literally, the proclamation technically bans any Eritreans from coming together, starting an organization, and lobbying for funds either within the territory of Eritrea and or from outside the country to undertake any work that is not of relief and or rehabilitation work.

The Proclamation to Determine the Administration of Non-governmental Organizations directly restricts the right to freedom of expression and information since the right to freedom of expression and information applies to information and ideas of all kinds, including discussion of human rights. The UN Declaration on Human Rights Defenders recognises under Article 16 that: Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

The UN Declaration on Human Rights Defenders further protects in Article 1 the right of people, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

The Press Proclamation, the Transitional Penal Code for Eritrea, and the Proclamation to Determine the Administration of Non-governmental Organizations grant the authorities numerous mechanisms to punish dissent with extensive custodial sentences and fines.

The Proclamation of 2006 in Eritrea basically banned all forms of civil society organizations. One of the core laws is that Eritreans are independently unable to assemble together and thereby this affects civil society organizations.

The ban on travel within and outside Eritrea severely affects the work of CSOs and hence for any meaningful work to be carried out to assist Eritreans. Coupled with the reports of hunger, it is very difficult to know the level of humanitarian assistance required to help the vulnerable Eritreans.

**c. Negative and biased attitude by the Eritrean government towards the civil society and a heavy reliance on the needs approach.**

In the 1940s and 1950s Eritrea had a thriving civil society and had many independent media outlets. With the start of the liberation movement for independence Eritrea became increasingly militarized hence leading to the constriction of civic space, to unite in bringing independence. Post independence the Eritrean Government took advantage of the lack of civil society organisations to enact its laws. The Government portrayed independent civil society as a route by the external powers to topple the Eritrean government and threaten the sovereignty of the state. This bias continues to manifest and has greatly affected the operating environment for independent civil society.

Countries that have undergone civil unrest, have greatly benefited from the charity work of independent civil society. However, with the world now shifting to the human rights based approach to development, Eritrea's continued insistence on civil society organizations only being engaged in the relief sector, little help will come forth.

**d. Mandatory national service**

Like many other countries, Eritrea has national service. However, unlike other countries, Eritrea's national service is mandatory and indefinite, according to victims the actions of those in authority are cruel, inhumane and daunting on the lives of those who undergo it. Many Eritreans who have been

conscripted to the national service have tales of horror to narrate as for some families, some of their children may never return as they could be held up in safe houses and or at worst, dead.

For the last two years of conflict in Tigray, many families have endured a number of consequences. Those whose children refused to go to Tigray and hid from the round ups, have paid a huge price. Many parents were imprisoned for not bringing their children and families were kicked out of their homes. This has included pregnant mothers, elderly and those families with small children. Whilst round ups are not new to Eritrea, the indiscriminate nature of the brutality shocked Eritreans.

The Eritrean Government has increased brutality on families whose children have fled the country and avoided national service.

#### 4. JUSTIFICATION

The Eritrean government has made significant progress in regard to reorganization of the country after the independence war that devastated the country for about 30 years. Several structural policies have been put in place and several strategies have been designed to help the country to refocus from the ruins of the long decades' of war. Several proclamations have also been enacted and implemented. However, much as the steps taken are appreciated, a lot is still desired of the Eritrean Government if the country is to attain even high socio-economic development. However, this can only be possible if there is concerted political will to rethink governance and economic development policies in the country.

One of the urgent and significant governance and policy steps that the Eritrean government should rethink is the need to open up the civic space and allow independent civil society organizations to flourish.

Civil society organizations across the globe, just like Eritrea, have so many things to contribute to development and help reduce poverty inside the country. Independent civil society is important to the development of society and helps build tolerance and understanding. Eritrea, is a country that has been in conflict since 1961 and endured the longest war in Africa (30 years for independence) is a nation that is in desperate need for peace and nation building. Eritrea has many challenges from mental health, education, economy, social cultural development, agricultural infrastructure, health facilities and the ongoing exodus from Eritrea. Civil society could play a key role in supporting and building the infrastructure in the aforementioned but also be the bridge to leading Eritrea to a more sustainable future for its citizens but also for the nation.

However, the Eritrean government has limited and allowed only associations that appear to be either under the direct control of the ruling party or by key members of its government. Such groups appear to be mostly professional associations and for persons with disabilities among others.

This is evident in some of the government documents. For instance, according to the report, 'Eritrea: Initial National Report (1999-2016)' *Prepared for the African Charter on Human and People's Rights (ACHPR) 28 March 2017* by the Ministry of Foreign Affairs, The State of Eritrea, it asserts that the associations and trade unions have their own constitutions, elected leaders and activists and conduct regular and timely congresses, conferences, meetings and activities. Veterans of the liberation struggle, local communities, social and cultural groups have also formed associations and are active in the social and cultural domains of their communities.

The report however confirms that a system of national associations, trade unions and other social gatherings is a reality and includes the following four categories: Civil society associations contributing to the all-round national development goals –National Union of Eritrean Women, National Union of Eritrean Youth and Students and the Confederation of Eritrean Workers. The report further asserts that interest groups established for promoting professional interests (Association of Engineers, nurses, chemists, pharmacists, doctors, agriculture science, etc.), labor interests (various federations and unions encompassing various sectors and trades including in rural agriculture and women's economic empowerment) are among the associations existing in the country.

Organizations established for fulfilling special needs of citizens affected by physical, intellectual and developmental problems in the society (the Eritrean Association of the Disabled, the Association for the Deaf, the Association for the Blind, the National Association of Intellectual and Development Disabilities, etc.) and Community level Associations and organizations – including by veteran fighters association, community associations, cultural groups and networking, etc.

Assist in poverty alleviation by supporting those who are affected and create a platform in which civilised discourse can take place enabling a platform for political discourse. In the absence of any proper functioning political parties it is incumbent on Eritrean civil society to create that space and enable its development. Eritrean civil society would be the bridge between the people and the Government hence creating that dialogue that is missing and help to address the concerns of the Eritrean people.

This is testament that independent civil society in Eritrea is an illusion rather than reality. Yet if harnessed, the collective contribution of the would-be independent civil society would spiral growth in the socio-economic and political realms. For instance, Independent Eritrean civil society organizations in the diaspora are playing a key role in advocating for Eritrean refugees in Ethiopia and advocating for tolerance, conducting independent investigations into human rights abuses and fostering reconciliation. Therefore, if Eritrean civil society is able to contribute to the welfare of Eritreans in the diaspora, then by equal measure they can contribute to their country's development if they are allowed to operate internally.

If independent civil society organizations could operate inside the country then food supplies, bedding, building schools, water dam projects etc could be done and this would help in the economic development of the state. For instance, schools, health facilities and distribution of food and supplies by independent civil society in the diaspora has assisted Eritrean refugees immensely. There are thousands of Eritreans who have to go to neighbouring countries or further afield just to get medical assistance yet if independent civil society had existed in Eritrea, many citizens would get free services courtesy of civil society organisations.

This can only be tenable if these changes are made steadfast by the Eritrean government. If the requisite changes are not made in time, coupled with climate justice crises, the mass exodus would continue and Eritrea would be completely emptied of its people and the statehood of Eritrea would come into question. Eritrea remains at a crossroads and the presence of civil society in Eritrea is not one of luxury but of an emergency in which the survival of the Eritrean people and country is at stake. In this we ask the support of the AU and all Africans in changing our predicament in which we believe we can rescue from the brink of disaster.

## **5. HOW CIVIL SOCIETY ORGANISATIONS WILL FOSTER ECONOMIC DEVELOPMENT OF ERITREA IF INDEPENDENT CIVIL SOCIETY IS ALLOWED TO OPERATE.**

In the current situation, Independent Eritrean civil society does not exist in the country and all organisation are under the umbrella of the regime i.e. National Union of Eritrean Women, National Union of Eritrean Youth etc. Therefore, these organisations are unable to operate independently and make meaningful contributions to the country and people of Eritrea.

Therefore, what we are campaigning for is the opening of civil society space in Eritrea which is currently shut. Any steps taken to start opening civil society space is the beginning for a better future. There are many Eritrean civil society and human rights organizations operating in Africa and they could play an instrumental role in the stabilisation of the country.

**a. Fostering social innovations;** with a favourable operating environment, civil society organizations will flourish and in the long run support social enterprise innovation. This would not only translate to creation of jobs, but also ultimately solving pressing social problems while creating jobs for many jobless Eritreans.

### **b. Contribution to the development of the national policies and strategies.**

If the independent civil society organisations are allowed to operate in Eritrea, organizations are able to mobilise and or pool resources together to support the government of Eritrea with policy research and facilitate the development of social policies that could if effectively implemented enable the government to align its programmes, governance and rethink design and channeling of public service delivery. In Uganda and other countries where independent civil society organisations are allowed to operate, civil society organizations have and continue to support the development of public policies, design of public programmes among others. For instance, in 2014, youth civil society organisations advocated for the establishment of a youth fund to support youth without ability to afford secured borrowing to obtain investment capital. Consequently the National Youth Livelihoods Programme was birthed. While its implementation has been flawed to a greater extent, a sizable number of young people have been able to uplift their economic standards, hence improving their living standards. CSOs continue to work with the Government of Uganda in the various sectors in policy analysis, research and advocacy. Some civil society organizations have worked in the Ministry of Finance, Planning and Economic Development to review previous budget performances, propose alternative budget frameworks and monitor implementation of the budget.

### **c. Capacity building of both government agencies and public servants**

The government is made of individuals from different walks of life and educational statuses. These individuals just like many others need regular capacity building. If an independent Civil Society is allowed to operate in Eritrea, several sectors would receive capacity building from different organizations depending on the field and sector of their operation.

### **d. Civil society helps the government to fight corruption tendencies that cripples service delivery**

One of the great aspirations of the Eritrean Government is to have a corruption free public service. If independent civil society organisations are allowed to operate, especially those with interest in human rights, accountability, transparency and governance amongst others; the government would

leverage on the ability of CSOs to foster anti-corruption initiatives that could support the public service delivery processes in Eritrea.

In Uganda, civil society organizations have played a critical role in exposing rot in the public offices and demanding for accountability. For instance, the Black Monday Movement would wear black clothes every Friday of each week as a way of protesting against corruption. This came to be known popularly as the Black Monday.

**e. Complementing its government's public service delivery**

If provided with an atmosphere that is conducive to the work of CSOs, the government of Eritrea stands a greater chance of benefiting from the complementary role of CSOs. In Uganda for instance and many other countries where CSOs have a conducive operating environment, public service delivery has been complemented. Through donations and or grants to either the government agencies or to target beneficiaries, CSOs complement work of government by support where there is a void or where the government has failed to meet its obligation completely.

**f. Contribution to the social wellbeing of the people and their capacities**

If the civil society sector is facilitated through a fair operating environment, the vulnerable people of Eritrea would benefit on several fronts from the interventions of various civil society organizations. A number of poor people unable to afford expensive and quality education would receive sponsorship from the civil society organizations with such interventions. Medical centres and community health centers would also benefit from intervention of civil society organizations through provision of extended community and public health care support. For instance, in Uganda, with support of donors such as the United States Agency for International Development, several organizations are able to provide extended community support to community and or lower local council medical facilities with personnel usually not paid by the government, but their facilitation comes from such organizations. Civil society organizations provide sexual and reproductive health care services. In Uganda, Tanzania and Kenya among others for instance, the organizations involved in Sexual and Reproductive Health care services have provided family planning education to rural families with or without basic knowledge of family planning on how to plan for their families. As a result many of them are able to space their children and to decide when and when not to have one. This enables such families to have children they can take care of hence reducing the burden of large or unplanned families that would perpetuate the cycle of poverty.

With vibrant Civil society organizations many people from Eritrea will benefit from economic empowerment initiatives aimed at building their capacities in leadership, business development and access to financial resources among others to boost their businesses.

Sponsoring education, health and other basic needs for the vulnerable populations.

**g. Contribution to the GDP, widening tax base and other statutory financial obligations**

Civil Society Organizations if provided with a fair operating environment in Eritrea will contribute to widening the tax base in various ways. For instance, CSOs that employ full time staff shall contribute towards Pay As You Earn (PAYE) on a monthly basis whenever they make payment of their workers' salaries. For instance, if 2000 NGOs sought to register and the government of Eritrea charged each NGO 50 Us dollars, the government would realize about 100,000 US Dollars. And if each of those NGO employs and pays staff, the government of Eritrea would recover about 30 percent of the gross

payment of each employee this would mean that if there are about 2000 independent civil society organizations in Eritrea with each of them employing five staff on average with each organization contributing on average about 270 US Dollars, 540,000 US Dollars per month translating to 6,480,000 US Dollars per annum. If each NGO files annual returns, the government would earn about 10 dollars for every annual return filed. Meaning if 2000 NGOs notwithstanding other charges filed annual returns, the government would earn about 20,000 US Dollars per annum.

NGOs contribute to other taxes when purchasing assets such as vehicles and motorcycles among others as well as to indirect tax in various ways such as when purchasing or utilizing services that have indirect tax.

On top of that, civil society organizations that pay their workers, apart from filing PAYE, they also remit workers' savings to the National Social Security Fund (NSSF). By contributing to NSSF, civil society organizations that pay their staff remit about 15% of the employees' salary to NSSF. This contribution increases the total amount of workers' savings received by NSSF. This in turn increases the amounts obtained by NSSF hence increasing the money that NSSF have to themselves to invest in real estate and or own shares in other institutions. This wouldn't be possible if the contribution of civil society organizations was lacking, even if it were possible without their contributions, the NSSF wouldn't be investing as much as they are investing today. Furthermore, civil society organizations contribute to the GDP of the country by providing opportunities for companies and individuals to provide services which in return they are paid to do. With these payments to companies and individuals as salaries to the workers and or contractual payment to the companies, civil society organizations are increasing the purchasing power of the population which in turn increases the GDP leading to increased economic development. Unlike many private and or public foreign companies, civil society organizations in Uganda in many situations do not remit their earnings to the external world, but rather bring in more cash to the country.

Similarly, civil society organizations have and continue to work with telecom companies by purchasing phones, communications lines, and airtime and at times messaging. This also increases the earning base for telecom companies. Literally, civil society organizations support the economy in so many varied ways by working with a range of institutions, both private and government. The civil society should be considered an ally in development more than perceived as an enemy in the above dimensions.

Unfair regulation cripples the civil society sector consequently crippling other sectors both private and public since the multiplier effect would have been damaged.

## **5.0 ALTERNATIVE PROPOSALS FOR CONSIDERATION BY THE ERITREAN GOVERNMENT**

### **a. Review Proclamation to Determine the Administration of Non- Governmental Organizations**

Notwithstanding the respect for sovereignty under international law and notwithstanding the significance of national security, the Government of Eritrea should develop a strong political will and open up space for civil society organizations to operate.

This can only be done by repealing the current Proclamation in its entirety and where such efforts might not be possible, revise it by amending the sections that give the ministry powers to approve the programmes of the NGOs, audit the bank accounts of NGOs, allow NGO to undertake activities beyond relief and or rehabilitation, allow NGOs to raise resources from a broader array of givers including individuals, corporate companies and donors/ international organizations not aligned or part of the UN agencies.

Particularly, the Proclamation to Determine the Administration of Non-governmental organisations should be amended to lift the restriction in Article 7 on the operation of organisations to promote and protect human rights.

**b. Review the macro and micro economic policies including tax and income laws in the country to allow for legally guided local giving to flourish.**

So many times, governments in Africa accuse civil society organizations for receiving donations from givers from especially the Global North and the conceptual West, yet make no efforts to create an environment that enables local giving to flourish. The Eritrean government should therefore take significant steps in revising several macro and micro economic policies that first and foremost enable private businesses to thrive and review the existing tax policies to enable individuals and corporate companies among others to give a percentage of their earning to charity and perhaps be exempted from paying tax or only pay a certain amount of tax after they have given a certain percentage of their earnings to charity. The government can further consult with development partners both within and outside the country including Eritrean asylum seekers and refugees.

**c. Strengthen relations between the CSOs and the government**

The outright negative perception of CSOs as agents of western countries is not only misleading but utterly detrimental to the understanding of the dynamics of the operations of the sector. This phenomenon prevents the government officers and agencies from broadening their understanding and conceptualization of the sector. Therefore, there is a need for the government of Eritrea to establish mechanisms to engage with CSOs rather than playing the already preconceived bias.

Therefore, there is need for the government to make concerted efforts in dialoguing with the Eritrean civil society on pertinent matters such as human rights violations inside the country especially freedom of assembly and speech and the release of all political prisoners, prisoners of conscience and those arrested on religious basis.

**d. Implement the 1997 constitution**

The constitution is the bedrock of where national policies and secondary laws are derived from. The constitution not only allows the citizens to engage their leaders, but also to hold them accountable. Therefore, for Eritrea to realize full participation of its citizens on matters of governance and national development, there is need to imperatively implement the national constitution and ensure that relevant governance reforms take place such as abolition of constant state of emergency and hold regular national elections where citizens are free to elect leaders of their choices.

**e. Open the private sector to allow business licenses to enable Eritreans to establish private businesses.**

The private sector plays a great role in the creation of jobs and expanding the tax base for the government.

The Eritrean government should make concerted efforts to revise investment policies to enable Eritreans and foreign investors to establish private businesses. However, while doing so, the government should put in place social safeguards to prevent consumer exploitation and ensure sale and consumption of quality yet relatively cheaper services and goods. This way, many people will earn income from employment and similarly contribute to the tax base through pay as you earn and paying indirect tax through purchase of goods and services with indirect tax and causing a ripple effect of the salary where many people rely on those who are employed. The government can retain control of key social sectors such as education, health, water and electricity among others to ensure that the citizens have access to cheap social services.

**f. Mitigate the factors promoting Eritreans leaving the country and address the ongoing suffering of Eritrean refugees and ensure that there is an end to their predicament.**

Many of the Eritrean asylum seekers and refugees leave the country for a reason. Among them is the cruel compulsory yet indefinite national service and poor human rights record of the country where people leave in fear. The Eritrean government should address the fears of the people and address such factors that might instigate further out flux of Eritreans to other countries. The government should revise the national service policy and just like other countries with national service, devise a timeframe under which someone serves under the national service and ensure that the conditions under which they live at the time of the national service are humane, free from torture, harassment and psychological traumatizing situations.

**g. Ensure the opening of free media and press inside Eritrea**

The media is a critical component of public awareness and communication between the citizens and the government. The government of Eritrea should open up the space for private and independent media as it will offer a wider and broader space for citizens to engage among themselves and the government. Free media is of a greater advantage to the government since it enables it to hear from the people whom it cannot reach through the bureaucratic processes and flawed community meetings among others.

## **5.1 ALTERNATIVE APPROACHES FOR THE CIVIL SOCIETY ORGANIZATIONS IN ERITREA**

**Strengthen synergies;** Eritrean civil society organizations operating in the diaspora and within Africa need to pool together resources to foster advocacy towards a free and independent civil society to operate within the Eritrean Borders.

## **5.2 ALTERNATIVE PROPOSALS FOR DONORS**

Due to the uniqueness of the civic space in Eritrea, there is a need for donors to engage Eritrean Civil Society Organizations on the funding and development landscape. Therefore, donors should establish networking and learning forums with the Eritrean civil society organizations and extend targeted funding to Eritrean CSOs operating in the diaspora to enable them to easily facilitate peaceful engagement with the stakeholders in Eritrea. This means that Donors need to provide loose funding with limited restrictions to CSOs undertaking freedom of expression.

The EMDHR has worked with numerous Eritrean civil society organizations and continues to have a forum. Donors can facilitate such existing platforms to continuous engagement with Eritrean CSOs.

## **6. HOW THE GOVERNMENT OF ERITREA WOULD BENEFIT IF THE ABOVE PROPOSALS ARE IMPLEMENTED**

### **a. Improved public service delivery**

A wide tax base improves the resource envelope for the government consequently improving public service delivery. For instance if there were about 2000 NGOs and the government realizes 1 billion US dollars are revenue. One billion US dollars for instance could construct several schools and hospitals hence extending access to quality education and health services for the poor.

### **b. Widened tax base and increased GDP**

With a well-developed and sustainable CSO sector, other sectors such as the hotel and hospitality, the banking sector, the telecommunications sectors and those that might benefit directly or indirectly from the CSO sector will similarly benefit from trade and business transactions with Civil Society Organizations. This means that the purchasing power of the population would also improve since the reciprocal tendency would ensure that many sectors develop. Therefore many people are employed by those sectors hence enabling many people who are not employed but also directly dependent on those working to purchase a certain level hence fostering currency circulation.

### **c. Creation of Job opportunities.**

While this have been viewed by a number of people as CSO actors only being there to earn money, just like any other sector including the public sector, the CSO sector if provided with a convenient environment in Eritrea would create thousands of jobs for many people where there dependents and close family members would have an improved standard of living hence helping them solve many problems within the society. For instance, if 2000 NGOs existed in Eritrea and all of them employed an average of five people, this would translate to 10,000 people being directly employed by the sector. With an average of about 10 people either directly depending on and or benefiting from one employee, about 100,000 people would benefit in one way or the other from the employees.

### **d. Diversify sectoral growth**

The CSO sector has a multiplier effect where it supports many sectors including both the private and public sectors. This spiral effect of the CSO sector will lead to a broader sector growth in Eritrea which ultimately fosters inclusive economic development hence eliminating socio-economic discrimination.

## **7. CONCLUSION:**

Notwithstanding the national security concerns and taking into consideration the biased negative perception from the State and now ever growing attitude from the public, the Eritrean government stands an upper hand if the civic space is opened and an independent civil society is allowed to operate freely to benefit from the interventions of CSOs.

It is high time that Africa, AU and African civil society support the Eritrean people and Eritrean civil society. The Eritrean people have been suffering for decades and this is no longer a question of whether there is a need to open up the civic space. The Eritrean problem is an African problem. Therefore, it is imperative for African civil society to rally around Eritrean civic organizations and bolster the agitation for a free, open and democratic civil society. This is important in creating a civilized discourse with the Government of Eritrea and bringing the desired change.

There is a need for the Eritrean government, just like many other African countries, to recognize the significance of the various civil society organizations. While they continue to constrict space for the NGOs, it is the vulnerable people who have no access to the bureaucratic public service delivery processes and where corruption, embezzlement are rampant that suffer the wrath of social exclusion... a gap that would have been bridged by the civil society organizations who are only seen as allies of western countries.

## **8. RECOMMENDATIONS:**

### **1. GENERAL RECOMMENDATIONS**

The African Union, Intergovernmental Authority on Development and the United Nations need to pressure the Government of Eritrea to enact laws or frameworks that uphold the right and freedom of expression in accordance with the regional and international Human Rights frameworks.

### **2. SPECIFIC RECOMMENDATIONS**

#### **2.1 To the Government of Eritrea**

- There is need to organize several consultative forums between the Government of Eritrea and the civil society actors, development partners, and the general public on how to streamline and strengthen coordination of an independent civil society sector in Eritrea
- Revise the NGO proclamation No. 145/2005 to reflect the independence of the NGOs
- Establish a single registration, monitoring and coordination agencies for civil society organizations in Eritrea
- Enact laws or frameworks that guide local and legally guided giving towards CSOs in Eritrea

#### **2.2 To IGAD**

- To ensure that the Eritrean Government adheres to the African Charter on Human Rights as it is a signatory of the charter
- IGAD to ensure that the Government of Eritrea attains certain standards as part of its membership of IGAD
- To address the concerns of the Eritrean people and especially the driving force of the continued exodus from Eritrea
- Support the opening of civil society space in Eritrea to ensure socio-economic, cultural and political development

#### **2.3 To AU**

- There is need for the African Union Commission and the heads of government's summit to incorporate in their meeting agendas the need for harnessing the power of civil society organizations in Africa in development of Africa and attainment of the AU agenda 2063

#### **2.4 To UN**

- To ensure that the Government of Eritrea opens civil society space by repealing the proclamations.
- Support Eritrean civil society in the diaspora
- Support Eritrean refugees in Africa to build their capacity and ensure their safety
- To provide forums and support Eritrean human rights defenders to voice the ongoing suffering of Eritreans

## **2.5 To Civil Society Actors**

Civil society organizations should collectively mobilise resources to foster advocacy to foster awareness on the need and would be significance of having an independent civil society sector in Eritrea

## **2.6 To Donors**

There is a need for donors to establish an annual networking and learning forum with Eritrean civil society in the diaspora with the aim of creating a long-term partnership in fostering this inside Eritrea.

## **2.7 To the Media**

- Amplify the would be positive contribution of the CSO sector to the development of Eritrea
- Provide the platform for Eritrean CSOs and human rights defenders to voice their concerns and opinions
- To reflect the voices and struggles of Eritrean refugees and civil society
- Create the platform for discussion and debates in fostering a culture of tolerance
- Ensure support for civil society organisations to enable them to grow and function in the stabilisation of the country

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