

Arrangement of transitional government after the removal of dictatorship in Eritrea

By Fesseha Nair

” There is no permanent government but permanent people”

“The dictatorship in Eritrea will fall one day”

The coming Eritrea Convention must work on this issue

CODE- Convention for Democratic Eritrea

The case of interim –constitution and permanent constitution. What is the difference between interim and permanent constitution. Interim –constitution is a legal framework providing a basis for the democratic transition.

Interim or provisional or transitional are the various names given to the period from the fall of dictatorship to the permanent constitution. In this article I will deal with, **why interim constitution is needed in Eritrea after the fall of the dictatorship.**

Why the interim constitution is an issue for discussion currently.

The issue of the constitution is the first issue that comes immediately after the fall of the dictatorship. The new democratic system will require an interim- constitution that establishes the desired framework of the transition from the fall of the dictatorship to the establishment of the permanent constitution.

Interim –constitution is supposed to govern during the transitional period – from the fall of dictatorship until the permanent constitution established.

It comes into effect when the regime falls and is handed over to a caretaker government composed the sovereignty of all political organizations. The interim constitution will function as a basic law during the year of transition until an elected Assembly can draw up a permanent constitution within the fixed time.

Constitutions are the supreme laws of the nation designed to manage the internal conflict of the Eritrean diversity. They must be arranged in a way that provides the people with the opportunity to discuss their fundamental rights and freedoms not granted by those who were in power.

The Eritrean people must discuss on them freely and democratically.

The 1997 constitution drafted but not implemented/defunct was under the control of dictatorship. It was not people’s constitution but a one man’s

constitution and later called a worthless paper and was thrown away by the self- appointed president. If it was the people, why didn't they defend their constitution and fight against the dictatorship?

An interim constitution is the transitional basic law of the transitional caretaker government until the permanent constitution is drafted and processed. The reason why this issue is crucial and conflict issue is because there is no common understanding what kind of constitution unitary or federal constitution will be suitable to manage conflicts in Eritrea? Eritrea has never being ruled under the law since independence and the road map of transition must focus also on the period from the fall of dictatorship up to the building of constitutional government guaranteeing security and safety for all its citizens.

Here, I would like to quote Gene Sharps arguments. Gene Sharp in his book, "From Dictatorship to Democracy" says that,

"In the interest of preserving the democratic system an impending dictatorial trends and measures, the constitution should preferably be one that establishes a federal system with significant prerogatives reserved for the regional, state, and local levels of government."

In Eritrea there are no functioning constitutions either unitary or federal. Therefore, the need for interim constitution is of crucial importance. Those who ignore interim arrangements their aim is to establish themselves as new dictators under the 1997 constitution that was drafted under dictatorship without any freedoms.

Our struggle is not only to remove the dictatorship but looking forward to how to arrange the period of transition from dictatorship to permanent constitution.

The Key features of the interim constitution:

- Directive principles of the state/ State structure
- Citizenship
- Fundamental Right & Duties
- Fundamental freedoms
- Interim- Legislature
- Interim- Government
- Interim Court
- Interim security provisions
- Constitutional bodies
- Autonomous and local administrations
- Constituent Assembly

- Transitional Justice and reconciliation
- Other miscellaneous provisions

Transition from dictatorship to democracy is both fighting the dictatorship and at the same time laying the foundations for democratic transition.

For most of Eritreans in the opposition or those who support the dictatorship constitution means it is only the political elites who can design the constitution.

Why do we need interim legal framework from the fall of the dictatorship to permanent constitution must be one of our agendas and prepare for it while struggling to topple the tyranny?

Constitution Building and its role in conflict management.

Constitutional arrangements provide us an important opportunity to manage our internal and external conflicts. When designing a legal framework citizen identify the fundamental values they believe in and the sort of institutions by which they want to be governed. This may involve inclusive and participatory national deliberation resulting in agreements that establish the country's basic law.

An interim- constitution is helps us find the path towards healing, reconciliation, truth telling and justice towards building the permanent constitution all Eritreans breath on it.

The popular movements like the Brigade Nhamedu for democracy and justice in diaspora requires a broad national dialogue for democratic development. The practice of dialogue enables us the true meaning or deeper significance of something to flow and come into being. Dialogue offers different interests an opportunity to interact in a non-adversarial way, when opposing issues are at stake. What needs today is a new dialogue for deeper discussions on concrete initiatives and procedures to promote the democratic principles on which all the Eritrean diversity agree.