

ERITREA

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(1) BASIC FACTS

Independence: 24 May 1993, former Ethiopian province and Italian colony
Leader: Issaias Afewerki, born 1945, president since May 1993
Capital: Asmara (main international airport)
Other major cities: Massawa (main seaport), Assab (seaport)
Area: 121 320 km²
Population: 3,8 mn (1997)
Population growth: 3,8% **Urbanisation:** 17% (1995)
Languages: Tigrinya, Arabic, English, Tigre, Bilen, Kunama, Saho, Nara, Italian, Afar, Hidarb
HDI rank: 148 (1999)
Life expectancy at birth: 57 years (2002)
Adult literacy rate: 25% (1999)
Gross enrolment ratio (all educational levels): 26% (1999)
GNP: \$800 mn
GDP (average annual growth rate): 7%
Foreign debt: \$75 mn (1995); as % of GNP: 75%
Development aid: \$77 mn (1999)
Currency: Nakfa



Comments: Eritrea obtained *de facto* independence from Ethiopia after a 30 year long armed struggle on 24 May 1991, and *de jure* independence on 24 May 1993. After a new currency was introduced, war broke out between Eritrea and Ethiopia on 8 May 1998, sparked by a border conflict. Peace was restored in 2000, but relations remain tense.

(2) COUNTRY REPORT

Historical background

Pre-colonial era: The earliest inhabitants of Eritrea were Nilotic, Hamitic (Kushitic) and Semitic. In about 2 000 BC the Nilotic migrated from what is today known as Southern Sudan and interior (central) Africa. The Hamitic (Kushitic) moved down from Southern Egypt and the Semitic from the Arabian Peninsula (Yemen and Saudi Arabia) in about 1 000 BC. A number of kings from what is today known as Ethiopia repeatedly invaded the Highlands of Eritrea. The lowland was also occasionally invaded by certain Sudanese kings. However, the entire Eritrea had never been ruled under either the Ethiopian or the Sudanese kingdoms.

Customary law and later Islamic Law (*Shari'a*) had been the sources of law to regulate the life, behaviour and acts of the people. The Customary Laws of Eritrea are composed of unwritten practice and written codes. The written customary law of Eritrea goes back to the early decades of the 14th century. The Tigrinya ethnic group refers to this law as "Highi Endaba", meaning the "Law of Fathers". The local communities - elders, wise men, clergy men, local chiefs and leaders and others - were assembled for months to put down in written form a law that governs their tradition, culture, customs, behaviour, attitude, knowledge and

skills in maintaining the rule of law. The customary law combined both procedural and substantive law. The customary law reflected the prevailing circumstance and socio-political structure of the society at the drafting period. The customary law enshrined some disparities based on gender and age. Women could not inherit on kinship or family owned land (*Risti*) but could succeed to land that the parents bought while they were alive. They could not attend the local assembly and the husband was regarded as head of the family. A first born and eldest child had special privileges of succession.

Colonial period (1890-1991): In 1517, the coastal regions of Eritrea fell under the rule of the Ottoman Empire. At about the same time, kingdoms from what are now known as Ethiopia and Sudan fought over the rest of Eritrea. In 1823, Egyptian forces encroached into the Gash Barka, Western lowland of Eritrea. In 1840, Egypt occupied the lowland of Eritrea. In 1872, the Egyptians displaced the Turks and ruled the Eritrean Red Sea coast. During the period of 1872-1882, Eritrea was under the colonial rule of Egypt.

1882-1941: In 1882, Italy occupied the port of Assab. In 1885, Italy occupied the port of Massawa and other regions along the Red Sea coast. In 1889, Italy conquered all of Eritrea. In 1890, the Italian king, Humbert I, officially declared that Eritrea was one of its colonies. This lasted till 1941. The existence of Eritrea as a distinct entity began in the late 19th century, during the European powers' scramble for Africa. In 1896, the Italians launched an attack against Ethiopia. The then Emperor Menelik II of Ethiopia defeated the Italian army and became the only African leader of the time to repulse a European army. The defeated Italian power in Eritrea was forced to enter into several bilateral and trilateral treaties for the delimitation of the Eritrean-Ethiopian boundary.

During the time of Italian colonisation a formal judicial system was established and the Italian Codes (Civil, Penal, Commercial, Maritime and others) were applicable in Eritrea. The Italians established courts for two groups of people - one system for Italians and assimilated Eritreans and another for "native Eritreans". The civil jurisdiction over native Eritreans was left for native chiefs who resided within the same region and adhered to similar customary laws. The Muslim or *Shari'a* courts functioned among the followers of Islam. Appeals from native chiefs, criminal cases and disputes between native Eritreans with different customary law background were heard by Italian regional commissioners and district officers. The regional commissioners, district officers and governors of the colony had sole jurisdiction to hear serious criminal cases.

In the late 1930s the Italian colonialists proclaimed an apartheid system. The "native Eritreans" were prohibited from strolling and residing in certain areas of Eritrean towns and could not use the same public transport as Italians. Moreover, native Eritreans were not allowed to attend school beyond elementary level, and the right to assemble and freedom of expression were hardly permitted.

1941-1952: In 1941, World War II broke out. The Italian Government entered the war on the side of the Axis, Nazi Germany and Japan. The British army, a member of the Allied Forces, defeated the Italian army in Eritrea and occupied Eritrea.

The British Military Administration (BMA) administered Eritrea for about twelve years (1941-1952). The British administration in Eritrea introduced political reform, expanded academic education and abolished racially discriminatory laws. The Eritrean people for the first time were officially permitted to form political parties. However, the negative impact outweighed these positive developments. The BMA had promised the right of the Eritrean people to self-determination. It, therefore, gained the overwhelming support of the Eritrean people for its war against Italy. However, it failed to keep its promise. Moreover, the huge Italian