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## PARTICIPATORY ELECTIONS PROJECT

# CASE: ERITREA<sup>1</sup>

## The 1993 Referendum on Independence from Ethiopia

After a protracted history of colonialism and a thirty-year war for autonomy, Eritrea achieved *de facto* independence from Ethiopia in May of 1991. Following the fall of the Mengistu regime in Ethiopia and the subsequent retreat of demoralized Ethiopian troops from Asmara, the Eritrean People's Liberation Front (EPLF) rapidly assembled the secular Provisional Government of Eritrea (PGE) under Issaias Afewerki. Two meetings between Ethiopian delegations, the PGE and other relevant parties were held in London and Addis Ababa, paving the way for the 1993 Referendum on Independence. The new government was charged with the overwhelming task of managing democratic transition, reconstruction, and building peace and stability.

The EPLF, now in power as the PGE, had long been committed to democratization and Eritrean self-determination.<sup>2</sup> As such, the PGE decided that the question of *de jure* independence was to be put to the Eritrean people themselves. EPLF leaders had called for a public referendum on the same issue as early as 1980, but prior to the military defeat, Addis-Ababa had been unwilling to entertain the idea. Ethiopia had long-claimed that Eritrea was integrally part of its territory and coveted the strategic and economic value that Eritrea offered to landlocked Ethiopia in terms of access to the Red Sea ports at Massawa and Assab.

Source: CIA World Factbook

### **Overview of Refugee, Exile and IDP Populations in 1993**

At the end of 1992, 1.2 million Eritreans resided abroad or were internally displaced because of thirty years of internecine conflict and a drought during the 1980s. This group could be broken down into four distinct categories. The first group comprised 530,000 refugees residing in neighboring Sudan. Efforts to repatriate these refugees before the referendum were hampered by disagreements between UNHCR and the PGE.<sup>4</sup> Approximately half of these refugees resided in UNHCR supported camps with the remainder residing in or near Sudanese villages. According to USCR, half of these refugees were under the age of 15 – making them ineligible to vote.

### **Eritreans Residing Abroad in 1992<sup>3</sup>**

Location	Number
Eritrean IDPs	250,000
Sudan	530,000
Ethiopia	300,000
Saudi Arabia	60,000
Yemen	-
Europe	40,000
North America	20,000
<b>Total</b>	<b>1,200,000</b>

<sup>1</sup> This Case Study draws heavily on an unpublished paper by Amare Tekle, then-commissioner of the Referendum Commission of Eritrea. The paper will be included in a forthcoming study by International IDEA on external voting. Thus, all references to Tekle are from: Amare Tekle, "The Experience of the Eritrean Referendum," in *External Voting Handbook*, (International IDEA, forthcoming).

<sup>2</sup> The EPLF became the People's Front for Democracy and Justice (PFDJ) in 1994 as it realigned itself as the sole political party in Eritrea.

<sup>3</sup> Tabular data is from Tekle, and from, USCR, *World Refugee Survey 1993* (Washington, D.C.: Immigration and Refugee Services of America, 1993).

<sup>4</sup> The PGE viewed UNHCR repatriation plans as intrusive and humiliating. For a detailed explanation of the standoff between UNHCR and the PGE, see: United States Committee for Refugees. "Getting Home is Only Half the Challenge: Refugee Reintegration in War-Ravaged Eritrea." [www.refugees.org](http://www.refugees.org). August 2001. <<http://www.refugees.org/downloads/Eritrea.pdf>> (25 July 2002).

The second group, numbering 300,000, consisted of Eritreans living in Ethiopia at the end of hostilities. During the period between the cease-fire and the referendum, the legal status of this population was unclear. Technically, before the peace agreement, they could have been classified as either IDPs or run-of-the-mill migrants, depending on individual circumstances. So long as Eritrea remained an Ethiopian territory, Eritreans residing in Ethiopia that had fled from conflict-torn areas of Eritrea were not refugees because no internationally recognized border had been crossed. After the peace agreement, their legal status became murky as they were not refugees and were by definition no longer IDPs. Owing to growing Ethiopian hostility, and the confusing legal status, the now-unwelcome Eritreans might best be described as illegal aliens. As such, Eritreans began voluntarily repatriating themselves due to a fear of persecution. As soon as they crossed the Eritrean border, however, they became either IDPs or homeless until they resettled within Eritrea. Thus, the peace process created a "reverse" flow affecting the majority of Eritreans residing in Ethiopia. At the end of 1993, only 4,000 of the original 300,000 Eritreans remained in Ethiopia. It is unclear if Ethiopian nationals faced similar circumstances in Eritrea.<sup>5</sup>

The third group, numbering near 150,000, was comprised of Eritrean nationals that were residing in Saudi Arabia and a variety of developed world countries, including the United States, Canada, Europe and Australia. For the most part, this group had integrated into the societies of their host states. In some cases, Eritreans had become naturalized citizens in their state of residence.

Altogether, over one million Eritreans were believed to reside outside of Eritrea at the time of the referendum. This was a significant number in a state whose total population was only 3.5 million.

USCR reported that 250,000 Eritreans were internally displaced at the end of 1992. By the end of 1993, the number had decreased to 200,000.<sup>6</sup>

### **Legal Framework of the 1993 Referendum on Independence**

#### ***Background Considerations***

From the beginning, the PGE felt that the referendum should be a national endeavor - managed and run by Eritreans for Eritreans.<sup>7</sup> Thus, the Referendum Commission of Eritrea (RCE) was reluctant to accept conditioned international aid and technical and material assistance. Eager to promote transparency and the legitimacy of the referendum, however, the Commission gladly invited international monitors and observer missions. The caveat seems to have been that the international community was welcome to observe, but not to interfere with the referendum. Where necessary, the RCE did accept international donor aid channeled through a fund established by UNDP. According to Tekle, Eritrea received US \$3.5 million in external financial and material assistance.<sup>8</sup> According to the Secretary General's report, foreign contributions totaled US \$4.3 million.<sup>9</sup>

The PGE sought to ensure that the registration process and referendum would be free, fair, and beyond reproach.<sup>10</sup> It thus requested that the UN establish an observer mission to verify the referendum (UNOVER).<sup>11</sup> According to a 1993 Report of the Secretary General, UNOVER recommendations

<sup>5</sup> USCR, World Refugee Survey 1994 (Washington, D.C.: Immigration and Refugee Services of America, 1994).

<sup>6</sup> USCR, 1994.

<sup>7</sup> Eritrean culture has historically prided itself on self-sufficiency and self-reliance – ideals amplified and consolidated by Italian colonization and the 30-year struggle for self-determination.

<sup>8</sup> Amare Tekle, "The Experience of the Eritrean Referendum," in External Voting Handbook, (International IDEA, not yet published). According to the March 1998 US-DOS "Background Notes: Eritrea," in FY 1993, the US provided US \$6 million for a "broad range" of technical assistance. Over \$800,000 of this amount was for voter education, training referendum officials, and transportation costs relating to the referendum. Approximately half of the election aid was channeled through UNDP. The other half was channeled through the African-America Institute's "African Regional Assistance Fund."

<sup>9</sup> United Nations, "Report of the Secretary-General on UNOVER (A/48/283 of 11 August 1993), in The United Nations and the Independence of Eritrea, (New York, New York: UN Department of Public Information, 1996) 78-81. UNOVER's expenditures were approximately US \$3 million. The PGE's contribution to the RCE for the Referendum was US \$480,000.

<sup>10</sup> Transitional Government of Ethiopia, "Letter Dated 29 October 1991 from the President of the Transitional Government of Ethiopia to the Secretary General of the United Nations Concerning the Results of the Conference on Peace and Democracy held in Ethiopia in July 1991," in The United Nations and the Independence of Eritrea (New York, New York: UN Department of Public Information, 1996), 154. (UN document number A/C.3/47/5, Annex II, of 29 October 1992.)

<sup>11</sup> Referendum Commission of Eritrea, "Letter Dated 19 May 1992 from the Commissioner of the Referendum Commission of Eritrea to the Secretary-General of the United Nations inviting the United Nations to Observe and Verify the Referendum Process," in The

prompted the RCE to make certain special arrangements for three groups of people: Prisoners charged with, but not convicted of, crimes; special arrangements to allow members of the Eritrean Popular Liberation Army (EPLA) to register and vote in their barracks; and the registration of women where “cultural practices” presented a barrier to enfranchisement.<sup>12</sup>

The PGE faced numerous obstacles in preparing for the 1993 referendum. The most significant of these was the need to create an electoral system from scratch – without the benefit of census data, precedent, a constitution or a pre-existing legal framework. To this end, the PGE issued the “Eritrean Referendum Proclamation” (no. 22/1992) creating the independent Referendum Commission of Eritrea (RCE), mandated to organize, conduct and supervise the upcoming referendum. According to Amare Tekle, then-Commissioner of the RCE, “The proclamation made it clear that the Commission [was to be] an independent organization committed to an internationally-observed, free, fair and impartial referendum.”<sup>13</sup> The major challenges facing the Commission included an extremely limited timeframe, finding qualified staff, sourcing and producing election-related materials, enfranchising external Eritrean nationals, and educating the voting public - both at home and abroad.<sup>14</sup>

### ***Defining Nationality***

The first task of any newly independent state is to define nationality criteria. Thus, before mandating the referendum, the PGE issued the “Eritrean Nationality Proclamation” (no. 21/1992) in order to provide a basis for voter eligibility. The proclamation was largely based on the “1933 Eritrean Nationality Law,” enacted while Eritrea was still an Italian colony. The proclamation granted nationality to those who:<sup>15</sup>

- Had Eritrean origin (resident in Eritrea in 1933);
- Had been born to a father or mother of Eritrean origin in Eritrea or abroad;
- Had been born in Eritrea to parents whose origin was unknown;
- Possessed a claim to Eritrean nationality but lived abroad and wished to renounce foreign citizenship;<sup>16</sup>
- Were not of Eritrean origin but had resided in Eritrea between 1934 and 1951 and had not committed “anti-people acts” during the struggle for liberation;
- Entered and resided in Eritrea in or after 1952; and
  - Had resided in Eritrea for a period of ten years before 1974 or had resided in Eritrea for twenty years while making periodic visits abroad; and
  - Possessed high integrity and had not been convicted of any crime;
  - Spoke and understood an Eritrean language;
  - Were free of physical or mental handicap;
  - Had renounced other nationalities;
  - Had decided to reside permanently in Eritrea upon obtaining Eritrean nationality;
  - Had not committed “anti-people acts” during the struggle for liberation
- Had been legally adopted by an Eritrean national;
- Were legally married to Eritrean nationals, provided that they had resided in Eritrea for at least three years and had renounced foreign nationality.

The proclamation did not identify the mechanisms or standards by which Eritrean nationality could be established. It instead asked the Department of Internal Affairs to implement the proclamation and issue

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United Nations and the Independence of Eritrea (New York, New York: UN Department of Public Information, 1996), 170. (The letter was assigned the UN document number A/C.3/47/5, Annex III, of 29 October 1992.)

<sup>12</sup> United Nations, “Report of the Secretary-General on UNOVER (A/48/283 of 11 August 1993),” paragraphs 32-36.

<sup>13</sup> Tekle. It should be noted that this case study is heavily reliant on this report. In part, this is due to the overwhelming lack of information on the 1993 Referendum, specifically, and Eritrea more generally.

<sup>14</sup> The PGE had no choice but to issue essentially undemocratic proclamations relating to national identity and the framework for the referendum. The PGE laid out its intentions to revisit these and other issues once a democratically elected government could write a formal constitution. Despite the unavoidable undemocratic nature of the proclamations, the PGE did an admirable job in ensuring that the referendum process was transparent and broadly inclusive.

<sup>15</sup> Provisional Government of Eritrea, “Proclamation no. 21/1992,” in The United Nations and the Independence of Eritrea (New York, New York: UN Department of Public Information, 1996), 156-158. In the interest of brevity, the language has been somewhat condensed and simplified.

<sup>16</sup> An appeal process was established by Proclamation 21/1992 which allowed those eligible for Eritrean nationality status, who had acquired another nationality and were residing abroad, to petition the Department of Internal Affairs to be allowed dual national status.

the necessary procedures and regulations. Ultimately, the process of establishing Eritrean nationality (obtaining a national ID card) and the electoral registration process (obtaining a voter ID card) proceeded concurrently at RCE branch offices and registration centers.<sup>17</sup> Tekle reports that: “rigorous tests, involving traditional Eritrean methods of identification, were used to determine identity as objectively and fairly as possible.”<sup>18</sup>

Ethiopian nationals, who had relocated in Eritrea before independence, were eligible for Eritrean nationality as long as they met the residency requirements and the other complementary criteria defined by the nationality proclamation.

### ***Electoral Eligibility***

Electoral eligibility was established by Chapter IX of the Referendum Proclamation, which stated that:

Any person having Eritrean citizenship pursuant to Proclamation No. 21/1992 on the date of his application for registration and who was of the age of 18 years or older or would attain such age at any time during the registration period, and who further possessed an Identification Card issued by the Department of Internal Affairs, shall be qualified for registration.<sup>19</sup>

### ***Voter Registration***

To facilitate the process of identifying eligible voters, the Referendum Proclamation established an “Identification Board” with a mandate both inside and outside Eritrea. To this end, the board created registration districts – internally and externally.<sup>20</sup> The board was also charged with assembling the electoral register. A final list of voters was submitted to the RCE for approval, publication and distribution.

Proclamation 22/1992 expressly prohibited the creation of registration centers or branch offices at police stations, military bases, and at the residences of government officials or village elders. For most Eritreans, the RCE branch office where they had registered would also be the polling station to which they were assigned for the referendum. Mobile registration teams covered inaccessible and remote rural areas.

Registrants and registration officials were required to furnish the following information on the registration form before registration cards were issued:<sup>21</sup>

- National Identity card for proof of eligibility;
- Serial number of registration;
- Date of registration;
- Full name of prospective voter;
- Name of paternal grandfather;
- Age;
- Place of registration;
- Period of residence at current location;
- Residences prior to current residence;
- Number of family members of immediate family;
- Registration number;
- Signature or pollex digital imprint.

For identity verification purposes, registrants were required to affix their signature or a pollex digital imprint (a fingerprint of the thumb) to the registration card.<sup>22</sup> On the day of the referendum, the digital imprint or signature on the registration card was used to verify the identity of the voter. In cases where an

<sup>17</sup> Tekle.

<sup>18</sup> Tekle.

<sup>19</sup> Provisional Government of Eritrea, “Proclamation no. 22/1992,” in [The United Nations and the Independence of Eritrea](#) (New York, New York: UN Department of Public Information, 1996), 158-169. In the interest of brevity, the language from Article 24 has been somewhat condensed and simplified.

<sup>20</sup> Registration districts were created for refugee camps and other regions around the world where potential voters were believed to reside.

<sup>21</sup> Provisional Government of Eritrea, “Proclamation 22/1992,” Article 22 paragraph 2 and Article 27 paragraphs 1-2.

<sup>22</sup> The digital imprint was necessary to accommodate illiterate registrants.

individual's identity was still in question, he/she was to submit an additional signature sample or a digital imprint for comparison with the registration card. Once the identity of voters had been confirmed and ballots had been issued to voters, registration cards were destroyed. In cases where individuals' identities could not be established to the satisfaction of polling station officials, the individuals were allowed to cast tendered ballots.<sup>23</sup>

Provided that individuals met the criteria for registration, they were issued a voter identification card. According to Tekle, 1,544,850 voter registration cards were distributed at home and abroad.<sup>24</sup> When reconciling the total population of 3.5 million with the 1.5 million registered voters, it is important to note the presence of a "youth bulge." In 1993, the population growth rate was 3.46 percent and, according to the Secretary General's Report on UNOVER, approximately 50 percent of the Eritrean population was less than 18 years old.<sup>25</sup> The report also suggests that the "relative remoteness of some regions, and traditional restrictions against public activities for women . . . may have reduced the number of people taking part."<sup>26</sup>

In cases where either national identity or voter registration/eligibility were denied, appeals processes were available, pursuant to Proclamations 21 and 22 of 1992, respectively. Disagreements regarding national identity were to be appealed to the High Court. Disagreements relating to voter registration were to be appealed to the Referendum Court. In both situations, the verdict of the court was to be deemed final and otherwise unchangeable. No references to actual cases were found in the preparation of this case study.

### ***IDPs: Registration and Voting***

Provisions were made for enfranchising those voters that could not be physically present for the referendum "because of special circumstances," at their assigned polling stations.<sup>27</sup> Non-displaced Eritreans, refugees and internally displaced persons (IDPs) were held to the same standard for establishing national identity and obtaining voter registration cards. All three groups had difficulty providing the documentation relating to citizenship and voter registration. Refugees and IDPs were not at a disadvantage because there was no district-specific residency requirement for eligibility and registration, although an address was required to establish the polling station at which a voter would cast his/her ballot. As such, IDPs should have been able to register and vote in the district of their displacement – assuming that they had not moved between registration and the referendum. If they had moved, registered IDPs could have presented themselves at any polling station and submitted a tendered ballot. As such, neither the registration nor the modalities of voting adversely affected IDPs.<sup>28</sup> Although 53,838 tendered ballots were cast, it is impossible to identify how many were cast by IDPs.

Special provisions (the creation of two special polling stations) were made in Asmara for the several thousand refugees that had spontaneously returned to Eritrea between the registration process and the referendum. Although the hope had been that a more significant number of refugees would voluntarily return to Eritrea by the April 1993 referendum, between 50 and 70,000 returned without participating in internationally assisted repatriation programs during 1991 and 1992.<sup>29</sup> It is also unclear how many of this latter group were able to vote.

Refugee and exile voting (external) will be covered below under the external voting heading.

<sup>23</sup> Unlike normal ballots, which were counted at the polling stations, tendered ballots and registration cards were sealed in an envelope, forwarded, and counted at the district RCE office. However, before tendered ballots were counted, the identity of the voter was confirmed by matching the serial number of the registration card with that of the original registration form.

<sup>24</sup> Tekle. There are significant aberrations in the statistics cited by Tekle and the statistics used by UNOVER. This is somewhat problematic for a concise analysis. However, either set of numbers sufficiently illustrates the trends for present purposes.

<sup>25</sup> "History of Eritrea," [www.open.org](http://www.open.org). No date given. <[www.open.org/~tfl/eritrea/history.html](http://www.open.org/~tfl/eritrea/history.html)> (21 July 2002).

<sup>26</sup> United Nations, "Report of the Secretary-General on UNOVER (A/48/283 of 11 August 1993)," paragraph 31.

<sup>27</sup> Provisional Government of Eritrea. "Proclamation 22/1992," Article 34, paragraphs 3-4.

<sup>28</sup> Because polling stations were only issued electoral registers with the names specific to those individuals assigned to that particular polling station, the identity of a voter not assigned to that polling station could not be easily verified. In this situation, the polling station would have forwarded the voter's tendered ballot to the district RCE office where the identity of the voter could be verified against the national register.

<sup>29</sup> USCR, *World Refugee Survey 1993* (Washington, D.C.: Immigration and Refugee Services of America, 1993).

### ***Voter Education***

The task of voter education fell to the “Publicity and Information Board” of the RCE. Chapter VII of the Referendum proclamation charged the board with “. . . organizing, supervising and overseeing a publicity and information campaign on the referendum process . . . prepare in all languages, copies of the proposition of the referendum as well as all explanatory materials ... [and] Hold seminars, classes, film shows and exhibitions in all parts of Eritrea and abroad, particularly in refugee camps outside Eritrea.”<sup>30</sup>

The board printed 800,000 posters in four languages, distributed 10,000 voter manuals, produced videos in nine languages, created a touring theatrical group and assembled mobile teams to disseminate information to rural and inaccessible regions. All official materials were produced in the capital, Asmara, to ensure uniformity of content and dissemination. The regional RCE offices in host states were responsible for educating the Diaspora. The registration and referendum processes were also thoroughly covered by the only radio station, television station, and newspaper accessible in Eritrea. Media coverage was made available in the four predominate national languages.<sup>31</sup>

Education efforts also included the implications of voting for or against independence. Observers report that the independence of the RCE was critical in the provision of unbiased information, albeit that there was very little opposition to independence. Non-governmental actors in the education campaign registered with RCE, including: the National Union of Eritrean Women, the National Union of Eritrean Youth, and the National Union of Eritrean Workers. The EPLF also contributed to voter education by campaigning for independence at rallies it organized throughout Eritrea.<sup>32</sup> No parties opposed to independence registered with the RCE.

### ***Security Considerations***

Security considerations within Eritrea were minimal due to the nature of the referendum; After a prolonged history of foreign control, few things were certain except for the fact that almost all desired an independent Eritrea. However, the Referendum Proclamation included penalties for committing electoral fraud and, for in any way, obstructing the registration and referendum processes. In addition, to minimize the potential for voter intimidation, special provisions were made for members of the Eritrean People's Liberation Army (EPLA) and for freedom fighters not belonging to the EPLA to vote in their barracks. Because a portion of the EPLA would be on duty during the referendum, members voted one week before the official referendum. Ballots were cast in secrecy behind screens designed to obscure the view of other voters and officials in the polling station.

### ***Ballot Design & Other Referendum-related Materials***

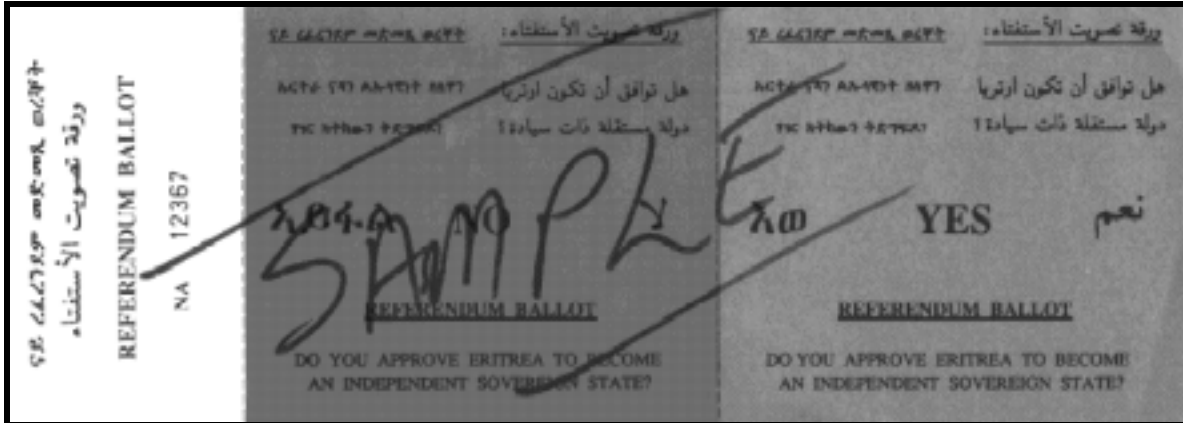
The ballot was printed on brown paper and divided into thirds by two perforations. The first section contained the ballot's serial number. The remaining two sections were colored red and blue, indicating a “no” and “yes” vote, respectively, to the question of independence. When casting their vote, voters separated the two remaining sections, and deposited the ballot stub corresponding to their choice in either the “yes” or “no” ballot box. The remaining stub was deposited in a cardboard trash bin. The discarded stubs were burned at the end of each day of balloting. To accommodate illiterate voters, the ballot boxes were color coded in the same fashion as the ballot stubs. The significance of the color of the ballot stubs and ballot boxes were covered by the voter education process.

<sup>30</sup> Provisional Government of Eritrea, “Proclamation 22/1992,” Chapter VII paragraphs 4-5.

<sup>31</sup> United Nations, “Report of the Secretary-General on UNOVER (A/48/283 of 11 August 1993),” paragraphs 38-42.

<sup>32</sup> United Nations, “Report of the Secretary-General on UNOVER (A/48/283 of 11 August 1993),” paragraph 38.

Sample 1993 Referendum Ballot (Source: IFES ACE Project)



The RCE held that any referendum-related materials, supplies, and technical expertise that could be sourced from within Eritrea would not be solicited from abroad. As such, 95 percent of the necessary materials were produced within Eritrea – including the construction of the traditional mat huts used as polling stations.<sup>33</sup> In terms of the external vote, the RCE actively sought material and logistical assistance from governments and organizations within host states. The costs relating to the external vote were covered by regionally collected donations – virtually eliminating external RCE expenditures. According to Tekle, the Diaspora “volunteer army” was the keystone for success. “External offices and polling stations abroad were all staffed by unpaid volunteers from the various Eritrean civic organizations.”<sup>34</sup>

### External Registration and Voting

Registering and mobilizing external voters was of paramount importance to both the RCE and PGE since a proportionately large number (over one million) Eritreans resided abroad - in 36 states.<sup>37</sup> According to Tekle, “It was concluded very early that all Eritreans were equal wherever they resided and that to deny one-third of any country’s population from participation in the determination of the destiny of the country was not only immoral but also a violation of the human rights, self-determination and of the freedom of expression. Consequently, there was the determination to ensure that Eritreans would vote wherever they were located and the necessary legal and administrative arrangements were to be put in place to guarantee it whatever it takes.”<sup>38</sup> The RCE set about registering the three major groups of external voters: refugees residing in Sudan and Ethiopia and exiles residing in all other host states. External voters were held to the same nationality and registration standards as internal voters.

### **Internal and External Voter Registrations (1993 Referendum)<sup>35</sup> USING UNOVER DATA**

State	Registrations
Eritrea	861,074
Sudan	154,136
Ethiopia	66,022
Saudi Arabia	43,765
All other states	76,000
<b>TOTAL</b>	<b>1,200,997<sup>36</sup></b>
<b>External</b>	<b>339,923</b>

External registration and voting procedures were nearly identical to those inside Eritrea. In some cases ballots were modified by adding host-state languages. In most cases, aside from Ethiopia, Sudan and Saudi Arabia, ballots, registration cards and electoral registers were printed in the host states. External ballots, however, were treated as a separate category of tendered ballots. External balloting generally

<sup>33</sup> Tekle; and United Nations, “Report of the Secretary-General on UNOVER (A/48/283 of 11 August 1993),” paragraph 47.

<sup>34</sup> Tekle

<sup>35</sup> Tabular data is from: United Nations, “Report of the Secretary-General on UNOVER (A/48/283 of 11 August 1993),” paragraph 30.

<sup>36</sup> According to the Secretary General’s report, a combined total of 1.1 million Eritreans (internally and externally) were registered. However, tallying the UN’s own numbers from the same report results in 1,206,997 voter registrations. Moreover, Tekle reports that some 1.5 million were issued registration cards

<sup>37</sup> United Nations. “UN ‘Peace-building’ Gives Birth to a New Nation,” *UN Chronicle* 30, no.3 (1993): 39. Available from: <Expanded Academic ASAP> (25 June 2002).

<sup>38</sup> Tekle.

took place a week before the official referendum days in Eritrea in order to allow enough time for the materials to be packaged and shipped to Asmara for counting by the RCE at the national headquarters.

According to the *UN Chronicle*, “An important part of UNOVER’s work was to register voters outside of Eritrea.” However, no other references to UNOVER technical or administrative assistance with the external vote (other than observation) were encountered in preparation for this case study – including the Secretary General’s report to the General Assembly on the UNOVER mission.<sup>39</sup> According to the Secretary-General’s report, UNOVER did observe registration and referendum activities in Ethiopia and Sudan. Tekle makes no mention of UNOVER – in any capacity – in his report on the 1993 Referendum.

### ***Refugee Registration and Voting in Ethiopia and Sudan***

The cooperation of the governments of Ethiopia and Sudan was critical to enfranchising the large refugee populations the two states hosted. The relationships between the transitional regime in Ethiopia, Sudan and the PGE were generally amicable, owing largely to the cooperative arrangements the EPLF had established during the struggle for independence. Furthermore, Ethiopia and Sudan were anxious to see a formal end to the conflict that had precipitated refugee flows. By finalizing Eritrea’s independence, Sudan and Ethiopia hoped to be relieved of their legal obligations under the 1951 Convention, and thereby, anticipated that the repatriation of the remaining refugee population would be expedited.

Sudan made financial and logistical contributions in order to facilitate the RCE’s efforts - both in refugee camps and in other locations where Eritreans resided. Ethiopia contributed by providing security details.

UNOVER and other international observers were present in both states for all phases of the referendum, including registration and education. During the referendum, ten two-person teams monitored 202 polling stations in Ethiopia and twelve two-person teams monitored 335 polling stations in Sudan. No significant irregularities were reported.

### ***Registration and Voting for the Diaspora***

With the exception of Saudi Arabia, a state without democratic traditions, host states generally accommodated the idea of an Eritrean referendum being held within their boundaries. The UN eventually brokered a deal with Saudi Arabia, wherein eligible Eritreans were given the opportunity to vote at UN offices.

The existence of ready-made networks of expatriate civic associations and electronic communities with linkages to host governments abroad was critical to mobilizing the external vote. In Commissioner Tekle’s own words:

The existence of solid civic associations, created and well organized by the liberation struggle, enabled the Commission to reach a widely dispersed “electorate in the Diaspora.” This must be considered the single most important factor that immensely contributed to the success of external voting in the case of the Eritrean referendum. Without such a ready-made organization, it would have nigh-well been impossible to have a census of about one-third of the Eritrean population dispersed over five continents during a thirty year period, and to make the detailed arrangements to conduct a successful election.

In addition to making financial contributions to the general budgetary needs of each country or region, Eritreans in the Diaspora also enthusiastically contributed in kind (transportation, food and refreshment during registration and voting weekends, borrowing voting equipment, providing home, acquiring or renting space for voting and registration, etc...), in service (freely conducting voter education programs and disseminating information as well as staffing registration and polling stations), and in cash at the local (city, country, state) level. No figures are available for

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<sup>39</sup> United Nations. “UN ‘Peace Building’ Gives Birth to New Nation,” 39-40.



such largely invisible costs. Yet, this contributed immensely to enabling the Commission to create the most cost-effective, efficient, and practical means of external voting.<sup>40</sup>

These tightly knit organizations managed to provide more than adequate levels of financial, material and logistical support to make the external vote possible. The organizations worked closely with the regional RCE offices (in host states) to ensure that eligible Eritreans were identified, registered, educated, and finally, that they were able to cast ballots in the first-ever Eritrean referendum. Newspaper reports and articles indicate that the atmosphere at external polling stations more closely resembled cultural festivals or celebrations than the democratic process that it was.

In toto, the RCE registered and distributed voter ID cards to 293,299 Eritreans residing abroad (UNOVER reports a total of 339,923). According to Tekle, 99.7 percent voted for independence.<sup>41</sup>

### **The Referendum**

Internally, the referendum took place between 23 and 25 April 1993. Externally, ballots were cast between 16 April and 25 April 1993. The results were announced on 27 April by the RCE. A staggering 1,154,001 of 1,174,654 registered voters cast ballots – a participation rate of 98.24 percent. According to the Secretary General's report, 1,098,015 voted for independence, 1,825 voted against independence, and 323 ballots were considered spoilt. Almost 99 percent had voted for independence.<sup>42</sup>

UNOVER observers monitored 87% (886 of 1,012) of polling stations in Eritrea. Polling stations not located in Eritrea, Ethiopia or Sudan were monitored by a variety of representatives from UN agencies, including UNOVER, NGOs, and diplomatic communities. The Secretary-General's Special Representative reported that: “. . . the referendum process in Eritrea can be said to have been free and fair at every stage.”<sup>43</sup>

The Organization for African Unity (OAU) sent an eighteen-person delegation to observe the referendum. The OAU's participation was something of an exception because of the organization's charter-based policy which prohibited support for secessionist movements. However, due to the General Assembly's approval of the referendum and a formal Ethiopian request, the OAU assembled a delegation to monitor elections.<sup>44</sup> In a statement to UNOVER, the OAU delegation reported that: “the manner in which the polling was conducted was generally free, fair and devoid of significant irregularities.”<sup>45</sup>

The League of Arab States and the non-aligned movement also sent delegations to observe the referendum and made similar conclusions.

### **Conclusions**

Given the obstacles that the PGE had faced, 1993 Referendum on Eritrean Independence was a remarkable achievement. The extensive provisions for the external vote ensured that a wide range of Eritreans were able to effectively realize their fundamental human right to political participation. In brief, the external vote was successful for the following reasons:

- The PGE's overall commitment to free and fair elections;
- The RCE's ability to maintain its integrity and independence;
- The PGE and RCE's commitment to mobilizing the external vote from the outset;
- The timely provision and promulgation of mechanisms of inclusion combined with an parallel commitment to the provision of administrative and logistical support;

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<sup>40</sup> Tekle.

<sup>41</sup> Tekle.

<sup>42</sup> United Nations, “Report of the Secretary-General on UNOVER (A/48/283 of 11 August 1993),” paragraphs 52-53.

<sup>43</sup> United Nations, “Report of the Secretary-General on UNOVER (A/48/283 of 11 August 1993),” paragraphs 32-36.

<sup>44</sup> “Eritrean Votes to Become Africa's Newest Nation,” Africa Report 38 no. 3 (1993): 8-10. Available from <Expanded Academic ASAP> (25 June 2002).

<sup>45</sup> Organization for African Unity, Statement of 26 April 1993 by the Organization of African Unity Observer Mission to the Eritrean Referendum,” in The United Nations and the Independence of Eritrea (New York, New York: UN Department of Public Information, 1996), 212. (The letter was assigned the UN document number A/C.3/47/5, Annex II, of 29 October 1992.) Document 27 – OAU letter to UNOVER

- The cooperation of host states;
- The presence of strong civic organizations in the Diaspora;
- The financial assistance provided by the international community;
- The role expatriate volunteerism, international, and personal donations;
- The unity of purpose and solidarity of cause surrounding long-sought independence;
- A culture of self-reliance – an Eritrean Referendum for Eritreans.

Regrettably, the successes of the referendum and the initial commitment to democratic values have failed to translate into sustainable levels of peace and stability. A constitution was written in 1996 but never implemented. A second round of hostilities with Ethiopia broke out in 1998 because of border disputes. At least a quarter of the population (960,000) was displaced. Due to the hostilities, the 1998 round of National Assembly elections were indefinitely postponed. President Afwerki continues to rule by proclamation and the character of his government has become autocratic. The PFDJ remains the only recognized political party. The government has also clamped down on civil liberties and public dissent. The independent media had been shut down. A number of journalists, students and those who have either voiced or challenged President Afwerki have been indefinitely detained and held incommunicado without due process.<sup>46</sup> The date and certainty of a new set of elections remains unclear.

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<sup>46</sup> Human Rights Watch, "Eritrea: Human Rights Developments," [www.hrw.org](http://www.hrw.org), 2002, <http://www.hrw.org/wr2k2/africa4.html> (26 July 2002).

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