BIODIVERSITY PROTECTION IN ERITREA IN LIGHT OF BIODIVERSITY CONVENTION AND RIO DECLARATION

PRINCIPLES:

The Interdependence of political, economic and environmental policies

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<tr>
<td>CCD</td>
<td>Convention to Combat Desertification</td>
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<td>CBD</td>
<td>Convention on Biological Diversity</td>
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<td>DoE</td>
<td>Department of Environment</td>
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<td>EEA</td>
<td>Eritrean Environmental Agency</td>
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<td>MoA</td>
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<td>the Provisional Government of Eritrea</td>
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<td>PFDJ</td>
<td>Peoples’ Front for Democracy and Justice</td>
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<td>TGoE</td>
<td>the Transitional Government of Eritrea</td>
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<td>UoA</td>
<td>University of Asmara</td>
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1 Introduction

In their undertaking of environmental modification, developing countries face several challenges. Food and water insecurity, lack of peace and security, need of economic development, shortage of human and material resources, lack of adequate information about their environment and inefficient legislative and institutional structures, dynamic population growth and repeated droughts and other natural catastrophes are some of the challenges. Like many others, the new State of Eritrea too troubled either with all or some of these difficulties.

Up to the end of 19th and beginning of 20th centuries, Eritrea had enjoyed a quite sound environment which had adequate biodiversity, enter alia, 30% of its land was covered with forest and plenty of wild animals. Nonetheless, the flora and fauna of the land have dramatically declined in the last century for two main reasons. Intrusion of international and regional hegemonic powers that lunched with the Italian colonization in 1890 was a dominant factor. The country had become a battleground that caused the death and disappearance of several biodiversity and disruption of economic production and social organization for several years. Parallel to this, the region has been attacked by serious droughts and famines frequently. The steadily population growth that generates an increased demand of natural resources and the Eritrean topography also played a supplementary role for the depletion of flora and fauna.

When Eritrea declared its independence on 23 May 1993, the newly emerged nation promoted to shift its move towards state building including rehabilitation of its environment. Strong nationalism, broad participation and capable military leadership were among the other dynamic powers which enhanced the victorious liberation and independence of the country. Unlike to this, the reconstruction and sustainable development of the country was depended on strong and strongly integrated political, economic and environmental policies. Pursuant to this, the state of Eritrea shall strive ‘as far as possible and as appropriate’ to ensure this basic element in order to overcome its

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problems in its development process. The main issue of this research paper is therefore, *to evaluate the compliance of the Eritrean environmental approach with the Rio Declaration and the Convention on Biological Diversity by assessing the integrity between these three elements and the relation between the national discourses and the like probability on the ground.* Finally, the paper will provide certain suggestive proposals for solution.

For this goal, this paper is divided into four chapters, covering the legislative and institutional framework, peace and economic policies and their reality on ground, and public participation and cooperation in relation to environmental protection. The chapters are organized in a manner they can provide a comprehensive idea about the subject matter. Chapter two, the next to introduction, orientates with location, size, climate, topography, statehood’s history and biodiversity statues of the country. Chapter three deals with legislative and institutional development on environment, and assesses its competence to provide the necessary protection to the environmental security.

While chapter four is devoted to reveal the peace and economic condition in the country, chapter five is about the broad public participation in policy-making and implementation and regional and international cooperation for the achievement of environmental protection and sustainable development. Finally, the conclusion party of the paper gives the summary of the entire work and some solution suggestions of the researcher.

**Sources**

Basically, the undertaking of this task is depended on documented domestic and international data on the concerned field. There are no adequate national sources specified on environment in the country but the National Constitution of the country, the Land Reform Proclamation, the Forest and Wildlife Conservation and Development Proclamation, the National Environment Management Plan and the National Biodiversity Strategy and Action Plan are some of the available domestic legal sources of this paper. Furthermore, international environmental instruments such as the United Nations’ Charter, the Stockholm Declaration on Human Environment (1972), the Rio Declaration on Environment and Development, the Convention on Biological Diversity, The United Nations Convention on Combating Desertification and the like other materials have been explored as far as possible.
Challenges

The project has faced certain challenges in its undertaking. The political sensitivity was the dominant obstacle to get free and independent access from the research area. Consequently, the researcher was not able to move personally to the research area and collect reliable information on the environmental status. The correspondent informants and cooperators too were under the shadow of terror to provide information even about the non-political life and the environmental status of the country.

Shortage of domestic environmental materials was another problem of this project. As the country is young, its legislations and other relevant articles particularly on the environment segment are in their elementary level. The third constraint was financial limitation. Although the researcher planned to move to some large Eritrean refugee camps in the Sudan and Ethiopia believing to simplify the lack of direct access by interviewing the recent refugees there, its implementation was restricted by lack of funds.
2. Eritrea: Environment and intervening Factors

2.1 Short History

Eritrea is a young state located in the Horn of Africa lying between $12^040'$ and $18^002'$ north of the Equatorial longitudes, $36^030'$ and $43^020'$ east of Greenwich and possessing a surface area of about $124,320\text{km}^2$. It is graced with temperature ranges from less than $19^0\text{C}$ in the highlands to more than $30^0\text{C}$ in the coastal areas. Its rainfall varies from less than 200 mm in the northwestern lowlands to more than 700 mm in the south western lowlands of the country.\(^2\)

Although the history and self-identification of this nation extends back millenniums of years, its modern history of statehood departs since 1890 when the country acquired the current political map and its frontiers with the internationally recognized title ‘Eritrea’ from the Italian colonizers.\(^3\) Nonetheless, the self-ruling history of Eritrea begins since May 1991 with the culmination of its heroic struggle for liberation. The state’s ‘de jure’ sovereignty and integrity then, were recognized internationally through its referendum that held in May, 1993 with the vote of 99.8% for independence.\(^4\)

Various studies on Eritrean environment lead to the estimation that the country had been graced with enough biodiversity resources before the intrusion of the modern organized hegemonies. It is believed that at the beginning of the 20th century 30% of the land was covered by forest, and was rich of domestic and wild animals. The hazards factors from human resources and natural occurrences of the last century however, reduced the forest coverage of the land drastically to less than 1% at the end of the century,\(^5\) and depleted the livestock of the country approximately by 70%.\(^6\)

2.2 Environmental Degradation and the Factors

\(^2\) ibidi. p. 1-5
\(^4\) ibid, p.12
\(^6\) Supra note # 1, p. 18
At present, environmental degradation has become a serious common problem in the Horn of Africa including Eritrea. Consequently, this led to marked deterioration of the standard of living of the people in general and of all the peasantry in particular. This severe degradation in the Eritrean case is the outcome of cumulative disastrous natural and human factors.\(^7\) It is worth mention here some of the main degrading factors and their position: human, natural, and topographic elements.

2.2.1 Human factors

As human life is depended on environment, of course, the human interaction for livelihood paces certain impacts on the environmental condition. Like many others, the Eritrean society is based on its natural resources for its residential, agricultural, commercial and other purposes. Lots of trees have being cut for constructing of *hidmos*, *agudos* and *agnets*, (local names for constructions), for utensils and agricultural devices and for firewood.

Environmental consummation by civic in the absence of natural catastrophes and warfare however, would not result to such a serious environmental devastation in a normal situation for several reasons. First, unless forced by some odd events and beyond their control conditions, human beings by nature have environmental love and understanding even in the traditional lifestyle. They have the ambition of having the sustainable resources supply for them and for their succeeding generations. Thus they used conservation mechanisms to the extent of their capacity in the consummation of their environment. In addition to this, they have affection to a green environment and plenty of wildlife. The combination of these two perspectives made the traditional societies not to act unfriendly to their environment. The different customary rules and practices of environmental regard, are clear proves for this argument. Nonetheless, I am not disregarding the environmental threat by the increasingly growing of population and subsequently steadily increasing demands.

Political and economic measures of the modern administrative bodies are other main factors for the environmental degradation in Eritrea. The region has remained as a battleground for a long period including the first decade of its independence. Similarly, both in its pre and post-independence phases, it has never exercised a peaceful atmosphere.

\(^7\) Ibid. p. 21
and democratic ruling which provide comfortable situation for economic and environmental development. The prolonged Italian colonization (1890-1941), the British Military Administration (1941-1952), the 30 years wars for liberation, and the current unclear leadership are primary agents for the massive destruction of the human and natural resources in Eritrea.

Since the Italian colonization, the indigenous human resources were applied only for the interest of these politicians and policy-makers. For instance, under the Italian colonization, more than 60,000 Eritreans were conscripted as soldiers and participated in many wars in Libya, Ethiopia, and in the Second World War. Some of them were killed and some others were handicapped. In addition, huge fertile agricultural lands were confiscated, forests were cleared for agriculture and construction purposes and countless wild animals were hunted abundantly.

Ethiopia’s expanding policy which generated wars nearly for 30 years also worsened the condition in Eritrea. Based on various world and regional reports Wolde-Yesusu states that by 1986 the number of Eritrean refugees in the Sudan was 772,000; thousands of other Eritreans were massacred, and millions of livestock were killed. The forests also were cut for firewood, fence, military trenches and barracks, for charcoal and commercial purposes by the Ethiopian troops. Many of the livestock died either by hunger, or were victimized of wars, and the rest disappeared when their habitats were changed to battleground for several years. The joint research group from the Ministry of Agriculture and the University of Asmara in its studying, for instance, pointed out that the reduction of the livestock population in Eritrea was about 70% within the two pre-libration decades only.

Comparing the Eritrean refugees and army’s number before and after independence of the country, the number is greater by far at independence, particularly since 1998. The years from 1997 to the present time are marked either by serious wars or no peace no war condition. This implies that even at independence there is no adequate environmental approach in the political side that enables to conserve and use sustainably biodiversity.

2.2.2 Natural factors

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9 Ibid., p. 71 & 81
10 Supra note # 1, p. 45 - 49
11 Ibid., p. 18
In the last century, the region of Horn of Africa had suffered series of droughts and famines. As Lionel pointed it out, for instance, only in a period of 15 years i.e. from 1970-1984 rains were poor dramatically in 9 years. Consequently, the depletion of natural resources dynamically accelerated. Water has become increasingly scarce, the vegetation cover visually decreased, grass has ceased to grow and as a result livestock and wildlife populations declined increasingly. In addition to these, it reduced drastically the fertility of the land and enhanced erosion of the soil.

2.2.3 Topography

Basically, the Eritrean topography is composed of two features: the highlands in the central part of the country, and the lowlands in east and west part. It also contains of great range plains, mountains, hills and valleys. Long steep slopes extend from the central plateau to the coastal plains in the east and to the western plains. Both of the eastern and western lowlands remarked with their tremendous plains, mountains, hills and of various range valleys. This inclusive and attractive legacy of various features of relief has generated odd effects to the environment enhancing the soil erosion and land degradation. This topography then, aside the adverse effects of man, played its role to enhance the facilitation of the environmental degradation. The interaction of all these human and natural catastrophes then has reversed the country into absolute poverty, depletion of natural resources, eradication and drainage of human power. This, in its turn, complicated the rebuilding steps of the nation as it has been discussed in the proceeding chapters.

13 Supra note # 1, p. 21
14 Ibid., p. 50
3. Environmental Policy, Legislative and Institutional Frameworks

3.1 Introduction

The 20\textsuperscript{th} century’s Eritrean history is associated with serious wars and natural causalities. The human and natural resources were neglected and mismanaged completely.\textsuperscript{15} At independence therefore, there was a dramatic urgency to put a stop to the increasingly deterioration of the environment. Nevertheless, the challenge in undertaking this task of nation-building was of equal amount to the task claimed for its independence if not greater.

After liberation, in 1991, the Provisional Government of Eritrea took the initiative of nation-building. Realizing that recovering the environment is part of this goal and of significant importance for the establishment of united, strong, and developed state, the government threw special focus on the rehabilitation of the environment in order to achieve sustainable development. For this purpose, it launched its work by promulgating applicable legislations and establishing elementary institutional frameworks. This measure was undertaken either by repealing or replacing the existed legislations of the expansionists and colonizers.\textsuperscript{16} Furthermore, the country became a member state in several international environmental conventions enter alia, the Convention on Biological Diversity CBD and Convention to Combat Desertification (CCD).

At the outset, various not compiled sectarian legal siblings were enacted by various authorities at different times. They however, have been scattered in various state documents which creates somehow complexity in determining the legal status of environment in the state. The state’s development is not depended on the access of vigorous legislations and tangible devices independent of other intangible requirements namely, peace and security, economic and social development. This then requires the newly emerged Government to ensure sustainable peace, order, stability, human rights

\textsuperscript{15} National Biodiversity Strategy Action Plan for Eritrea (2000) p. i
\textsuperscript{16} Supra note # 1, P. 49
respect and promotion for their development, public participation, trust and reciprocal relationships between the people and the state. On this account, this section will try to highlight the legislative and institutional competence for environmental protection in general and conservation and sustainable use of biodiversity elements in particular in the Eritrean context.

3.2 The General Obligations of Convention on Biological Diversity

Conservation and sustainable utilization of biodiversity resources has become a common concern of the world community for the latter is depended vastly on biodiversity and its components for economic, health, scientific and other values. Subsequently, significant concerns have been devoted to it. As a recent development on this issue, the Convention on Biological Diversity was adopted in 1992 with its three brief objectives: conservation, sustainable use and fair and equitable utilization of biodiversity.18

Mindful to this account and restoring their sovereign rights to exploit their resources pursuant to their own environmental policies, country Parties have conventional obligation that they should comply with ‘as far as possible’ and as appropriate’ in order to achieve successfully the objectives of the convention. The vital anticipation of the convention is that states to respond the issue of conservation and sustainable use of biodiversity by identifying, preventing and attacking all the causes for significant reduction or loss of the biodiversity species in their territories. For this purpose, states shall be accommodated with scientific, technological, and institutional capacities that provide them basic understanding to plan and implement appropriate measures.19

Based on their ‘particular conditions and capacities’, country parties of CBD therefore, are obliged to develop national strategies, plans; integrate conservation and sustainable use of biodiversity into relevant sectoral plans, programs and policies; establish in-situ and ex-situ conservation mechanisms as far as possible and as appropriate, and adopting regulatory rules and guidelines.20 Developing countries are here recommended to put economic and

18 Convention on Biological Diversity of 1992, art. 1
19 Ibid. preamble, para. 6
20 Ibid. articles 6-10
social development and poverty eradicating on the frontline of their national strategy and plan for the successful undertaking of the CBD in their territories.\textsuperscript{21}

To the extent of their resources and ‘as far as possible and as appropriate’, state parties have also conventional obligations to adopt sound economic and social measures; establish and maintain programs for scientific and technical education and training; promote and encourage researches, public education and awareness, and introduce appropriate procedures requiring environmental impact assessment of their proposed projects.\textsuperscript{22}

Providing and facilitating access and transfer of relevant technology and information to the conservation and sustainable use of the biodiversity resources, and providing financial support and incentives in respect of those national activities which are intended to achieve the objectives of the convention are further obligations.\textsuperscript{23}

Due regards have been given to the unequal capacity among the states, and subsequently, developing country parties are entitled to avail themselves for technological and financial assistance from the developed countries. In other words, like in many other environmental conventions, the sense of equity and fairness has been reflecting in this convention regarding the allocation of the burden of implementing the convention as to achieve its objectives.\textsuperscript{24}

Cooperation among party states and between states’ authorities and their private sectors in developing methods of sustainable use of biodiversity resources and full participation of all and at all levels of policy-making and implementation for the conservation and sustainable use of biodiversity resources are other essential conventional obligations.\textsuperscript{25}

3.3 National Environmental Policy

The TGoE crystallized its reliable environmental policy adopting formally its earlier National Environmental Management Plan for Eritrea’ (NEMP-E) in 1995 with its main goals to protect environmental resources and promote sustainable development.\textsuperscript{26} The

\textsuperscript{21} Ibid. preamble
\textsuperscript{22} Ibid. Articles 11-14
\textsuperscript{23} Ibid. articles 16,17 & 20
\textsuperscript{24} Ibid. articles 18 & 20
\textsuperscript{25} Ibid.
\textsuperscript{26} National Environmental Management Plan for Eritrea, (1995) P. 2
NPME-E was presented systematically and categorized into four parts including several sections each. The overview part which considers environmental and developmental prospects for Eritrea reflects principle 25 of the Rio Declaration emphasizing that sustainable peace is a fundamental prerequisite for the sustainable development. It states as follows: “[...] without this there can be no development. Eritrea places a premium on peace and on peaceful co-existence, especially with our neighboring countries”\textsuperscript{27} The second prerequisite for the sustainable development in Eritrean was ‘egalitarianism’ which is more relevant with the CBD’s objective of equitable and fair use of biodiversity resources. The state has a clear vision that egalitarianism is a source for justice, achievement and courage among all the peoples and among the current and the future generations.\textsuperscript{28}

In section two, a trial has been done to identify the major environmental and development issues that confront Eritrean. Under this section the challenging issues are classified into three groups according to their impacts: those have direct or indirect impact on human health and well-being, issues related with natural resources and government affairs and issues related with socio-economic, institutional and international affairs and conflict management.\textsuperscript{29} The third and fourth sections are about the strategy and requirements for the implementation of this national environmental plan respectively.

Hand to hand, a code of conduct was produced by the state providing the moral and conscious perspectives of the nation upon the living things and condemning activities which threat species. Furthermore, it encourages the state to endeavor ‘as far as possible and as appropriate’ to take all necessary measures in national, regional and international level for the conservation and sustainable use of the biodiversity.\textsuperscript{30}

The environmental theory in Eritrean context hence, is healthy and in consistence with the international environmental principles and obligations. Nevertheless, its effective implementation is depended on the future existence of three interdepended and integrated elements: political, economic and environmental actions.

The evaluation of these significant elements from environmental in general and biodiversity perspective in particular however, does not promise environmental

\textsuperscript{27} Ibid. p. 1
\textsuperscript{28} Ibid
\textsuperscript{29} Ibid. P. 7-122
\textsuperscript{30} Ibid. p. iii
achievements. The national, regional and international political actions and their consequences in the region have adversely affected the biodiversity life directly and indirectly. The domination of warfare and ‘no peace’- ‘no war’ condition in the country have victimized biodiversity species directly killing their lives and intruding in their habitats, and by converting the national resources that could be utilized for their conservation and maintenance.

The suspension of the national constitution which provides the fundamental environmental and economic development principles is a concrete evidences among others that create pessimism to the appropriate undertaking of the CBD obligations in the Eritrean context. The constitution which was ratified in 1997 has great environmental and developmental concern. Nonetheless, at the same year of its ratification, unfortunately, its implementation was suspended for unlimited time. And yet, until the present time, Eritrea is without a functionable constitution that guarantees the enactment of its development plans. This is a manifestation of disintegration between political and environmental actions and shows as well the lack of legal guarantee of development plans and environmental protection.

As a continuation of the government efforts for environmental rehabilitation generally and conservation and sustainable use of biodiversity particularly, Eritrea approved formally the CBD on 21 March 1996. Being a state Party of the Convention then, Eritrea has agreed to the conventional obligations, of course, to the extent of its capacity and as appropriate in the Eritrean context. Pursuant to articles 6,7 and 26 of CBD, Preparing of NBSAP, identifying and monitoring the components of biodiversity in its territory, and preparing regular reports are some among the conventional duties on which Eritrea focused more. Accordingly, a national biodiversity strategy and action plan for Eritrea was produced in 2000 presenting the overall policy of Eritrea with respect to biodiversity and with its aim of integrating and coordinating the environmental activities to increase their effectiveness for biodiversity conservation.

The NBSAP-E was competent and capable enough to achieve the intended goals of CBD for it is nearly a copy of the convention. Sections two, three and four provide information about the geographic and socio-economic context, the current knowledge about the status of the biodiversity species, and assess the national policy, legislative and institutional

31 Ibid
32 Supra note 15, P. 2
frameworks respectively. Section five, the main part of the document, describes the principal components of the strategy under ten themes – integrated management, sustainable use of natural resources, alien invasive species, pollution management, in-situ conservation, ex-situ conservation, taxonomic knowledge, information acquisition and storage, public awareness and education and legal and institutional structure. Sections six, seven and eight of the document present the principal biodiversity related activities for terrestrial, marine and agricultural biodiversity respectively. Accordingly, totally 101 activities are described for improving conservation and sustainable use of biodiversity resources in all segments. Of these, some are partially ongoing activities and others are just postponed plans because of the lack of financial power.

The duration when NBSAP-E was prepared and the aftermath however, is complicated; the suspension of the national constitution for prolonged period and for unknown reason on one hand, and the highly destructive Eritrea - Ethiopian war have never promise the successful implementation of this national strategy. The years 1998-2000 with the exception of the central part of the country, nearly all the habitats of the biodiversity species in the country were changed into battlegrounds and military stations. Furthermore, all the human and material resources including the conscious of the nation were converted giving priority to self-defense and restoration of sovereignty and integrity of the state rather than the implementation of environmental plans.

After two years war, in 2000-2001 all private press and economic sectors were shattered and monopolized by the government. The component of all these events creates inconvenience to the implementation of the national environmental plan. Still, this shows that while there is gradual progress in environmental legislation but there is the lack of integrity and coherence of political, social and economic development policies. These complexes manifest the narrow probability of any development plan in the new state of Eritrea.

3.4 Legislative Framework on Environment

3.4.1 National Constitution
After the de facto independence of Eritrea, in the interim period, the PGoE commenced its legitimate activities on the basis of 'modified transitional codes inherited from Ethiopia together with new general proclamations compiled by the national assembly whilst working for the further development of its comprehensive legislation. Adopting of a democratic national constitution and establishing of a democratic constitutional government were expected as essential facilitators for the development of environmental and other legislations in Eritrea.

As mentioned before, the National Constitution was ratified on 23 May 1997 providing all the objectives and directive principles of the nation, fundamental freedoms, rights and duties of the people, and determining the basic organs of the government, their powers and functions. It also provides the foundation for a national development policy based on sustainable principles and the maintenance of diversity.

Among the 58 provisions of the constitution, articles 10 (2-3) and 23 (2) of the constitution are of environmental concern particularly dealing with regulation and ownership of the natural resources in the country as follows:

“[…]10 (2) The State shall work to bring about a balanced and sustainable development throughout the country and shall use all available manner through their development; 10(3) The state shall have the responsibility to regulate all land, water and natural resources to ensure their management in a balanced and sustainable manner and in the interest of the present and future generations; and to create the right conditions for securing the participation of all people to safeguard the environment.

[...]23 (2) all land, water and natural resources below and above the surface of the territory of Eritrea belongs to the state. Usufruct right of citizens shall be determined by law.” 33

The goal of these provisions is clear; that is ensuring sustainable management of natural resources for the public interest in present and succeeding generations. Putting aside the political unwilling that made the constitution to remain unfunctionable, the effectuation of the latter provision is questionable for one reason. It totally, disregarded the public reality on the ground which it will be discussed broadly later. The political unity, economy, the diversified cultures and customs, and community organization of the peoples were deeply

33 The Constitution of Eritrea of 1997
grounded on the privatization of land and natural resources on the land. This implies the
difficulty of the provision to gain a willful consent at least of the majority of the peasants.

3.4.2 Proclamations and Legal Notices

The adoption of proclamations on various sectors, inter alia, Land Reform Proclamation
and Powers of Relief and Rehabilitation Organization, Proclamation No.61/1994 on
Administering Non-Governmental Organizations (NGOs) and The Legal Notice
No.17/1994 on Registration of NGOs are among the earlier legislative measures by the
TGoE with direct or indirect environmental impact at their implementation. The LRP
particularly is of typical influence on the economic and environmental development plans.
Thus more focus will be given to it in the following discussions.

3.4.2.1 Land Reform Proclamation No.58/1994 (LRP)

The LRP was adopted in 1994 with the objective of avoiding the traditional and
unsustainable patterns of consumption and production in order to achieve sustainable
national development reforming the traditional land tenure system and determining the
manner of land expropriating.\textsuperscript{34} This proclamation perhaps, can be said that it is the first
legislation of direct environmental concern in the country. By virtue of its provisions 3
and 4, it clearly defines the transfer of ownership of all land to state and providing usufruct
right to the public. Articles 9(3) and 48 of this proclamation are of potential power for
environment empowering the government to specify land for forestry and wildlife and
enact relevant regulations respectively among others. The proclamation on one hand, gives
the Government great power to use land in ways which can have positive or negative
impact on biodiversity\textsuperscript{35} and on the other hand, it eradicates all the traditional land
institutions.

\textsuperscript{34} The Government of Eritrea, Gazete of Eritrean Laws vol. 4: Land Reformation Proclamation No. 58/1994, preamble
\textsuperscript{35} Supra note # 15, P.27
Although this proclamation is one of the earlier documents with full acceptance of the political body, it lacked acceptance of the majority of the civil people. Subsequently, it has not been implemented fully across the country for two of more reasons. The first one is its lack of public perception and disregarding the reality on the ground. While land affairs influence the life of the entire society particularly in developing countries like Eritrea, and are very sensitive, there was no any public concern and participation in its preparation. In national issues where the life of all or the majority of the population is related to, it is crucial to secure the participation of all concerned people and gain their support in the policy and law-making measure. Such full participation is required even in the international environmental law-making process. Thus though open and organized public protests were disencouraged by the power politics, the enactment was unwelcomed tacitly by local peasants.

Contextually, the proclamation was contributory to the intended development plan. It has however been unwelcomed by the peasants for the mere reason that it leaves the latter without ownership right. Here, the typical mistake by the government was the urged measure to shift land ownership to state before shifting the social attitudes and approaches to modernity and modern life. Taking reasonable transitional period of time and educate people about the pros and cons of the traditional and modern land use system was essential step before the act of transferring to state the land and its ownership.

On the other hand, as land and its components are big national issues that affect the entire life of the nation, any decision related to them should be determined by the supreme law of the nation as has been done later by the national constitution. In other words, the TGoE had not absolute legitimate power to determine such issues in the absence of public participation and in advance of the national constitution. Its mandate was limited to rule and prepare the nation till the preparation of national constitution and establishment of a constitutional government. In this account therefore, provision 23 of the national constitution that deals with land issues seems to be a simple assertion of this proclamation rather than acquiring a determining superior power.

It is not my intention here to compare the advantages and disadvantages of state and private ownership of the natural resources including land. Rather, I deeply argue that this

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37 Supra note #17, p. 3
legal measure would perhaps be effective in its implementation if public opinion and consent had been acquired in its enactment. As clearly stated in principle 10 of the Rio Declaration, and the biodiversity convention, participation of all concerned citizens at the relevant level and in all environmental issues, and the opportunity for each individual to participate in decision-making processes are of the fundamental intangible requirements which were missed in the preparation of this proclamation. In a state where more than 70% of its people are rural and based on agriculture for their subsistence like Eritrea thus, it is crucial to ensure peasants’ participation and consensus in all policies and measures modifying the environment.

The traditional patterns had kept the nation economically self-sufficient before the interference of the political powers and consecutive natural odd events. Despite this is the truth, The Proclamation critically criticizes and accuses the traditional land tenure system as a main factor for land degradation and depletion of productivity capacity. Consequently, the proclamation is not in compliance with principle 22 of the Rio Declaration which emphasizes the vital role of the indigenous people and their communities for the environmental management and development because of their knowledge and traditional practice. Furthermore, the proclamation shows contradiction to the claimed economic policy in the country that is ‘private sector-led market economy’.

Paying due attention to this account and the aggressiveness of the majority of the people against this proclamation, the government have not urged to the implementation of the proclamation simultaneously across the territory. Instead, it follows gradual implementation tactics testing its probable implementation in a province or sub-province in each season. But yet this applied mechanism also remained unsuccessful. As my informal resources report it, peasants of local areas where the proclamation is tested to be applied, despite the land is re-divided and redistributed, they do their underground agreements on village base and continue possessing their plots of lands in their original form. More will be said with concern public perception of this proclamation under portion 3.5 of this section.

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38 The Rio Declaration of 1992, see also CBD preamble
39 Supra note 15, P. 4
40 Supra note # 33, article 21
3.4.2.2 Proclamations on Biological Diversity

In 2006, as a progress of the environmental concern legislation, two formal proclamations and four legal notices were adopted. Proclamation No.155/2006 ‘The Forestry and wildlife Conservation and Development Proclamation’ (FWCDP) and ‘Plant Quarantine Proclamation No.156/2006 are the two proclamations. As it is stated in article 3 of the former document, the desired objectives of the proclamation are conservation, development and sustainable use of forest and wildlife resources of the country.\[41\] While the latter’s overall objective is to prevent the production and spread of pests by all possible and appropriate means. Inclusive and intensive inspections and detections are the primarily chosen mechanisms of this proclamation for the achievement of its goals.\[42\] This paper will focus only on FWCDP for it is more related to biodiversity issue.

The FWCDP was crafted by the Ministry of Agriculture (MoA) containing 45 regulatory, prohibitory, and compensatory provisions which systematically arranged and scattered under its ten parts. Targeted objectives of this proclamation are conservation, development and sustainable management of the forest and wildlife resources of the country. Putting aside its specification only on forest and wildlife, the proclamation is more related to the Rio Declaration on its aiming to put balance between conservation and development through sustainable management.

Part two, three and four are about institutional arrangement, its responsibilities and the mechanisms respectively. The proclamation determines clearly that the responsible institution for the implementation of the proclamation vests on the MoA. An ‘Advisory Board’ is proposed to be established in order to provide the Ministry with necessary advice on matters relating to the implementation of the concerned proclamation. The Ministry shall monitor and keep surveys of forest and wildlife; adopt national action plans and adopt management plans relevant to the goal of the proclamation. Furthermore, the ministry shall create appropriate protected areas for the purpose of conservation of biological diversity, manage the protected areas, and compensate if damage caused by creation of management of protected areas.

\[42\] Ibid
Here, one can observe the existence of an institutional defect in power and responsibility allocation between the MoA and DoE. Wild flora and fauna are components of biodiversity which are covered under CBD and in the Eritrean context too, the DoE was assigned to undertake biodiversity activities under CBD\textsuperscript{43} its power has been taken by the MoA. On this base therefore, I see a power conflict or uncertainty between the two authorities.

The next three sections provide the manner for forest and wildlife conservation. By virtue of these conservation provisions, protection of trees and wildlife from any human activities has been taken as a first conservation mechanism. Accordingly, unless authorized or the object is privately owned, any forest and/or wildlife utilization is prohibited even for domestic purposes. Afforestation, reforestation, creation of enclosures for protection of forests or wildlife, watershed protection or any other purposes of sustainable management of natural resources are then other means for conservation in Eritrea. Provisions under these sections include economic perspective somehow. Articles 20 and 21 on forest for instance, provide that cutting or collecting of only dead trees or shrubs, harvesting forest products other than wood, and process or otherwise utilize forest products may be authorized for commercial purposes. Whereas cutting of live trees or shrubs or part thereof, may be allowed only for domestic and agricultural purposes but subject to certain specified regulations and conditions. There are similar provisions with the conservatory regulations of the wildlife too.

Environmental offences and penalties are located in section nine. The provisions under this section though they are potential for the protection of biodiversity, their practical application is difficult and perhaps, of less justice in the Eritrean context if we see them from the economic point of view. In sub-article one of article 34 of the concerned part all biodiversity related offences have been listed. As defined there, the consumption of forest and wildlife even for domestic purposes without the permission of a concerned authority is accounted an offence. And a penalty measure against any such action is provided in sub-article two of the same article ranging from imprisonment of a term not more than three years to a fine not exceeding ten thousand Nakfa or a combination of both.

Forest and wildlife are exploited directly and indirectly for their economic value and for there is no any other alternative means for subsistence. Even the official reports of the TGoE provide that more than 70\% of its population is rural and based on traditional

\textsuperscript{43} Supra note #15, p. viii
agricultural subsistence for living. Yet, the people endure a very poor economic condition which forces them to give priority to the question of their survival rather than environmental protection. The question now is will the Government legalize all the biodiversity consumption for domestic purposes? A positive answer to this issue would lead then to the conclusion that forest and wildlife’s protection has not been guaranteed by the concerned proclamation alone. And if the government prohibits strictly all the consummation of forest and wildlife without its permission, the immediate question is how would then be solved the question of living as long as there is no alternative way.

The disregarding of the poor economic condition by this proclamation seems to be inconsistent with the main principle of several environmental conventions that man is at the centre of any environmental concern. Principally, the account of nature conservation and wildlife protection in economic development planning should not be employed in a way it would rule out exploitation of natural resources. Similarly to this, the Rio Declaration principles 2-4 proclaim that the earth’s natural resources must be safeguarded for the benefit of present and future generations. The concerned proclamation in general and provisions in section nine particular however, are apart from this basic principle. The proclamation gives little consideration to the poor economic condition of the present generation and tries to protect environment with mere potential regulatory and prohibitory provisions. It also seems to be apart from its overall object of adjusting and balancing the gears of conservation and socio-economic development.

A visual solution for the aforementioned problem is the economic growth of the country and introducing of substitutive mechanisms. As stated above, peoples have environmental love by nature and are naturally gifted with the principle of conserving and using what they have sustainably. My suggestion here is that if the government plays its great role to equip the state with energy power for light and cooking, concrete and other raw materials for construction purposes and other technological products for farming devices and house utensils, only then biodiversity can be protected and the implementation of section nine of the concerned proclamation would be justice having the public consideration.

3.5 Public consideration on policy and law-Making process

44 Supra note #36, p. 49
When planning to build a modern state, it is of crucial importance to take into account local realities\(^{46}\) because indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices.\(^{47}\) Henceforth, in their environmental planning states should recognize and duly support their identity, culture and interest and enable their effective participation in the achievement of sustainable development.\(^{48}\) The logic for this argument is that if modernization disregards the traditional ground, it may lack recognition by the local communities, and as a result its full and successful achievement would not be materialized. *This section therefore, will assess the public consideration and the environmental law-making in Eritrea.*

In the pre-colonization period, land was owned in private or communal form in either one of the three traditional local land institutions: ‘risti’ land (a plot of land acquired through inheritance), ‘diessa’ (communal land by residence) and ‘meriet-werki’ or tsilmi (private land acquired through purchase). The *Risti* system has been practiced widely in the low lands of the state while the high land parts used all the three forms. Uneven and unfair distribution of the resources was a defect of these traditional land tenure systems, particularly in the *risti* system. These problems however, would have been solved either restoring or substituting the traditional by modern one. The skill and competence of the ruling body is then decisive element for the positive outcome in either one of the chosen mechanisms. Equipping the people with necessary knowledge and devise in their interaction with their environment for instance, is an alternative to make way for the restoration of the privatization of land. If the other alternative chosen however, the people should be informed, educated, and convinced in advance about the new modifications on their environment.

Privatization of land has a unique feature in Eritrean. It had plaid a great and equal role for the strengthening of nationalism during the serious struggle to free the country from its invaders. The society expresses the sensitivity of the land and its components by its local proverb saying, ‘*N’rsti ywagaala ansti.*’\(^{49}\) ‘This can be translated that for the defense of ‘risti’ even women fight. The analysis of this proverb trends that land right issues in this

\(^{46}\) supra note # 17, p. 4  
\(^{47}\) Rio Declaration, principle 22  
\(^{48}\) Ibid.  
\(^{49}\) Supra note #1, p.20
society are so vigorous and not limited to owners only. Rather, it also extends to those customarily deprived of land ownership because of their feminist gender.

Two essential reasons can be mentioned for the question why this people are closely attached to land. First, from the economic perspective, the Eritrean community is based on land and its components. Thus, economic, social and political development of the nation is depended on the land.\(^{50}\) Second, land is a foundation for the unity, identity, and co-existence for peoples of same clan, culture, language, religion and so on. Since immemorial times therefore, ethnic groups have preserved their unity, culture, language and religion fast tied to the land where they inhabited and own. Land then considered as a backbone of the entire social life.

Whereas the relationship between the society and the land was as such close and tied up, political powers’ intervention to land ownership in the region began by the Italian colonial government and has been inherited by all the succeeding rulers including the first domestic government.\(^ {51}\) The Italians disrupted the traditional land ownership systems confiscating all the fertile lands for agricultural activities and comfortable for dwelling, and demolishing the risti system in the remote rural areas replacing it by dményale (Italian = state’s land). This dményale system which was introduced by the Italian colonizers has been confirmed and inherited by the Ethiopian regime so called ‘Dergue’, and the PFDJ which is the current Eritrean Government. In my view, this step of intrusion to traditional land tenure system was undertaken for the political-economic purpose of the modern organized external and internal powers rather than to public interest and environmental development.

Nationalization of land particularly in farming based societies might generate adverse impacts on economic and environmental development if it has not been done prudently. First, loss of land right causes the loss of security of a particular plot of land and the benefits that could be gained from investment. This affects peasants both actually and psychologically. Actually, although farmers are granted with usufruct right, they cannot independently exploit the land under their possession for economic and social purposes as they design and desire. They are neither entitled to undertake hard activities like mining or other type of investments nor are beneficiaries of investments on the land under their

\(^{50}\) Ibid.
possession. Mentally, their economic potential has been removed away with the shifting of property right. Thus they remain confidentless. Second, remaining only with possession right of the land, the peasants are restricted in their legal and traditional utilization of the land.

The negative impact of this is restricted not only to economic disadvantage. Rather, it also has environmental disadvantage. Usually, in less developed societies like in Eritrea, conservation and maintenance of the natural resources are directly related and depended on the satisfaction of the citizens rather than a body of rules deal with conservation and maintenance. This satisfaction in its turn is emanated from the property ownership right. A typical evidence of this is those terraces made by ancestor farmers 50-70 years before and those made through government backed collective work for food during the last Ethiopian regime in Eritrea and a decade after independence. The aim for the building of both types of terraces was the same - to reduce soil erosion, for water conservation, increase fertility rate and develop environment. In spite of this, the terraces by collective work and for food or for cash payment survived only for a season. Yet, to the contrary, their poor construction enhanced erosion and land degradation. While those made long time ago by farmers with their own initiative and without any direct payment are still surviving strongly. Similarly, in the consumption of their natural resources people may conduct without due care and unfriendly unless they exercise ownership right.

Mindful to this phenomenon, the Rio Declaration by virtue of principle 22 recommends states to recognize and duly support the identity, culture and interests of the indigenous people and enable their effective participation in the achievement of the sustainable development. This principal requirement however was not observed in enactment of the LRP No.61/1994. And this was the most reason for the proclamation to be unwelcomed by the people, deterred its implementation, and to remain of less effect to its goal. The joint research group by UoA and MoA on its study on Rehabilitation of Degraded Lands proved this truth. The team reached in its findings that the collective tree planting and area enclosure that were held in the heady decade of independence had remained fruitless effort for many reasons enter alia, no participation of the local farmers.  

52 Ibid. P. 70-86  
53 Supra note # 38, principle 22  
54 Supra note # 1, P. 50
It is claimed that the constitution gained a considerable civic participation in its preparation process. Nonetheless, article 23 of the Constitution, which is of the same content to the LRP makes questionable the quality of the claimed participation. It was my personal observation in years 1995-1998 that people in Zoba Anseba province were using various tactics to save their plots of land in and around towns from this LRP. Building of overnight houses so as to claim permanent usufruct right on that particular plot of land or to get the right to sell the land for high price in the future exploring article 31 of the proclamation that permits the sell and purchase of construction, and undertaking underground purchases of land forging contract documents were some of the used tactics. On this base, I could not been convinced that the public participation particularly on the land case was absolutely free and with full knowledge.

As to ownership and management of natural resources in the country, this national instrument has clear provisions. Article 8 mandates the State to work for sustainable development and manage land, air, water and natural resources in balanced and sustainable manner securing full participation of the people in safeguarding the environment. In a like way, article 23 of the constitution determines the ownership of land and other natural resources stating that all land, water, and natural resources below and above the surface of the territory of Eritrea belongs to the State and people would have usufruct rights which shall be determined by law. This provision is in consistence with the LRP. The latter document in its turn was in contradiction with the National Democratic Program of the Eritrean People’s Liberation Front (EPLF) by which the people had been promised that they would remain land owners after the independence of the country. By the virtue of article 8 of section 2 (A) of EPLF, it was only pastures and forest which had been determined to become state property at independence. Whereas article 6 of the same section provides that land disputes among citizens and villages would be settled peacefully and amicably and inequalities would be eliminated.

It is hard to identify here whether the transfer of land ownership to state property was a national consensus or a political game of the leading group. However, its delay for implementation does not encourage one to say that the decision was reached through public consent and participation, and actually was refused tacitly.

55 Ibid. P. 29-30
56 Basil David, Lionel and Bereket, Behind the War in Eritrea, Russell Press Lid, (1980) p. 144
The probability of public participation in the preparation and adoption of the FWCDP of 2006 is also unforeseen for two grounds. First the political egoism in Eritrea reached its top point in 2001 by crushing all private sectors and disregarding civil and NGOs’ participation in the country’s life. Furthermore, the egoistic practice used in the preparation of the LRP too does not convince that people to be allowed to participate in the preparation of environmental concern policies and laws.

Second, the content of provisions in section nine by itself reflects the absence of public participation in its enactment and public consideration by its promulgators. The section with prohibitory provisions lacks balancing approach between economic development and environmental protection. However, as argued correctly by Brinie, Boyle and Redgwell, sustainable development should not be intended to serve simply the needs of the environment, disregarding the economic system in which the burdens of environmental protection will fall on the developed economy.  

This is to imply that environmental laws should be seen from the base of equity and equitable utilization. The concerned section of the aforementioned proclamation however, disregarding the poor living condition in the country and the lack of other alternative means for living-hood, it strengthens its power for the environmental protection and development which is quite apart from fairness and equity. A general and further reference of this public concern issue will also be done under chapter five on discussions on public participation.

3.6 Institutional Framework

The establishment of vigorous institutions with constitutionally guaranteed power to ensure integrity in the process of state building is another element of crucial importance.  

To this end, considerable environmental institutions which their competence will be assessed under this section were set up to the extent of the resources of the newly emerged state of Eritrea.

Depended on the short age of the country, the achieved institutional level cannot be underestimated. Nonetheless, it reflects a vague power and responsibility in each sector. Although environmental regard has penetrated into all institutions in the country like the ministry of health, trade and industry, transport, local administrative bodies et cetera, the main environmental agents are the MoA, MoLWE and MoF. And generally speaking, the

57 Supra note # 36 P. 56
58 Supra note # 3, p. xxi
environmental institutional framework of this country has three segments: terrestrial, agricultural and coastal and marine island sectors. The MoA is the primarily responsible institution with regard to the terrestrial environment and agricultural activities. It is the government institution covering the largest impact on land use, through the country. The Ministry includes also many biodiversity conservation and sustainable use issues.\(^59\) Land, forest, and wildlife concern issues however have been managed by the Ministry of Land, Water and Environment. Here, there has been seen overlapping of responsibility between these two ministries. There is no clear demarcation for their responsibility on the terrestrial environment particularly with the concern of fauna and flora.\(^60\) As to the Marine Environment, the Ministry of Fishery and the Regional Government are the most responsible. Nevertheless, like others, these institutions are also equipped with inefficient man power.\(^61\)

Additionally, there exist many environmental staffs operating at regional level. They provide to the administrative regions an advice in environment concern questions. The staffs suffer of the lack of theoretical and practical knowledge on environment. Before it has been closed by the contemporary government in 2002, the University of Asmara, the sole university in the country, had played a potential role by producing professionals to the environmental sector and increasing biodiversity information to rise up the human resources through research program to its capability.\(^62\)

The inexistence of self-contained ministry of environment however is a visual problem for the protection of biodiversity in the country. Although Eritrea possess massively demolished environment that claims strong legislation and institutions, yet, its effort has not reached ministerial level in environmental regime. Having this legacy of devastated environment, the necessity of strong environmental institution with absolute responsibility to enhance sound environment by formulating and implementing policy and law, building capacity power, and creating financial assistance is of significant importance.\(^63\) At the outset, when Eritrea ratified the CBD in 1996, it established an Eritrean Environmental Agency to carry out its conventional mandate. A year later, in 1997, the EEA was

\(^{59}\) Supra note # 15, p.49-50 & 78-79  
\(^{60}\) Ibid  
\(^{61}\) Ibid  
\(^{62}\) Ibid  
\(^{63}\) Supra # note 36, p. 49
restructured in the Department of Environment form and as a segment of the Ministry of Land, Water and Environment.⁶⁴

Lack of adequate and skilled human resources, relevant technology, certain information, facilitating financial power, and uncertain of power allocation or overlapping of responsibilities are therefore, some of the glaring obstacles of the institutions. What is more questionable however is their legal force. They lack constitutional guarantee for the country runs without national constitution. Their existence and their power then seem to be depended on the will of the political power and their obedience to the latter.

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⁶⁴ Supra note # 15, p. 2
4 Environmental Protection versus Security and Economic potential

4.1 Environment and Stability

War effects are common. It generates devastating impacts for civilian population and wreaks havoc on the environment. Several wars that occurred at different times have illustrated this truth leaving their marks of different range on humans and the natural environment. The world’s community has been instructed profoundly about the adverse impact of warfare, and subsequently, since the compilation of World War Two, a considerable attention has been devoted to safe man and his environment from the scourge of war and its hazards. To state it simply, sustainable security and stability are fundamental requirements to achieve sustainable development. Accordingly, this section is devoted to assess how much the Eritrean environment is safeguarded from security and economic perspectives.

As history witness it, the highest human and material destruction caused by the Second World War was the main provocative factor for the reorganization of the world’s nations putting maintenance of international peace and security on the frontline of their purposes. To this end, the United Nations Charter, by virtue of its article 2(4), calls all member states to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purpose of the United Nations. Though this provision intends to protect territorial integrity and political independence of each sovereign state primarily and directly, it also aimed to ensure world development on the base of peace and security. Thus, it has functioned as a core ground for the development of further comprehensive international agreements of environment account.

In order to achieve this global desire of environmental protection then, several agreements have been conducted in international and regional level providing general principles and frameworks for securing man and environment from war effects. The Stockholm Declaration of the United Nations Conference on the Human Environment

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65 Nico S., Development without Destruction: the UN and Global Resources Management, Indiana University Press, 2010
(1972), the World Charter for Nature (1982) and the Rio Declaration on Environment and Development are typical examples of the recent developments addressing the importance of peace and stability for environmental protection condemning hostilities and their bad effects.

Principle 26 of the Stockholm Declaration calls states to strive for the elimination and complete destruction of nuclear weapons that cause massive destruction on man and environment. The objective of this article is not restricted on condemning the use of environmentally dangerous weapons, but it also extends to warn that even the mere creation and possession of such armaments has a threat to human and environment. Likely, principle 5 of the World Charter for Nature underlines nature to be secured against degradation caused by warfare or other hostile activities. Furthermore, the Rio Declaration under principle 4 asserts that warfare is inherently destructive of sustainable development, and states shall therefore, respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary. Yet, principle 25 of the same declaration manifests the interdependence and indivisibility of peace, development and environmental protection.

Independent of the above, implementation of environmental and economic plans needs enabling political action. In other words in the absence of security and political and socio-economic stability, it is hard development plans to be materialized and achieve their goals. On this account, states shall strive to create this ingredient element. In relation to this point, Birnie and others try to compare the degree of successfullness between participatory democratic and totalitarian regimes, and illustrates the failure of the latter ones if strong environmental control is required mentioning particularly the former Soviet and China regimes.66

Pursuant to this international approach, the significance of peace and stability has got proper understanding in the Eritrean context too. In its environmental policy instrument of 1995 it is stated as follows:

“[ ]The country therefore knows, at first hand, how unsustainable war is, how devastating it is to the natural environment, how cruel it is to the humans and fauna and flora, how it

66 Supra note #36, p. 57
leaves the land in desolation and how it can kill and maim [ ] Eritrea places a premium on peace and peaceful coexistence especially with our neighboring countries.”

In addition to the above, the constitution of the country has asserted that the building of a strong and developed country to be based on peace, stability and security among others. Article 6 of this supreme law provides all the appropriate mechanisms the state should apply in order to secure peace and stability in the territory. Encouraging democratic dialog, natural consensus, participation of all citizens, building of strong political, cultural and moral foundations, promoting national unity and social harmony, establishing of appropriate institutions that encourage people’s participation and creation of the necessary conditions capable of guaranteeing, hastening and engendering equitable economic and social progress are some of the proposed mechanisms which the government should introduce in the country to guarantee and strengthen sustainable peace and stability. The nation’s strong desire for peace, security and stability has not been restricted to its territorial and jurisdictional boarders. Rather extending its frontiers, declares that its foreign policy and interstate relation to be based on respect for the independence and sovereignty of countries and on promoting the interest of regional and international peace, cooperation, harmony and development.

This implies that the significance of peace and security for the protection, conservation and sustainable use of biodiversity elements has got deep understanding in the country. Thus for the effective implementation of CBD and other environmental plans, Eritrea is expected to ensure this crucial condition of security and stability. To attain this goal of peace and stability then, the state shall practice two significant elements in its governance: democratization in its domestic ruling and tolerance in its interstate relations. In other words, oppressive ruling and aggressive actions or counteractions neither bring about peace and stability nor enhance sustainable development and environmental protection.

Close look worth at the recent history of the state in order to assess the reality of this strong emphasis on peace and stability. The last two decades’ Eritrean history, 1994-2009 reveals controversy between discourses and reality. In the post-independence duration, frequent wars and tensions took place nearly with all neighbored countries killing tremendous
livestock and disrupting the habitats of the biodiversity species. Namely, the frequent diplomatic conflicts and clashes with The Sudan since 1994, the 1996 war with Yemeen over the Hanish Islands with its extended tension between the two countries, the bloody border conflict of 1998 with Ethiopian and the 2008 military confrontation with Djibouti witness the extension of anti-biodiversity situation in the region. Apart of this, the wars pre-empt the human resources and wealth that could be used for to combat the collapse environmental support system and poverty eradication.

This period marked also by steadily lack of democratic governance and respect of human environment. In his brief description about the socio-political situation in Eritrea, Professor Tronvoll aptly pointed out that Eritrea is a country under siege by its own government. 71 Independent of this, UNHCR’s report from Sudan and the Ethiopian Authorities illustrate that approximately 1,800 and 1,350 people cross the border each month into the two states respectively. 72 Especial focus deserves to identify the push factor(s) for such huge exodus seeking a refuge life at independence time. Peter de Clercq, the UNHCR’s representative in Sudan, addressing this point asserts that the root causes for this influx mostly is the internal political situation of the country. 73 This manifests a political failure of the ruling body and social malaise in Eritrea. 74

Based on these data, it is easy to conclude that biodiversity species can not enjoy comfortable situation independent to humankind. Whatever the agent(s) is for the refuge, it equally affects biodiversity too. These series conflicts and military clashes therefore, caused extension of the exposure of the Eritrean Environment in general and the biodiversity in particular to the erroneous political decisions of the political leaders, the loss of tremendous human power that would be exploited for the implementation of environmental and development plans; and moreover, obstructed the expected regional and international cooperation among regional states aimed for environmental protection and economic development.

72 World War 4 Report: 65,000 Eritrean Refugees languish in Sudan, Sat. 12/05/2009, see at http://www.ww4report.com/node/803, & 1,350 Eritrean refugees come to Ethiopia every month “government say”, May 12, 2010 Addis Ababa, see at http://adalvoice.wordpress.com
73 Ibid
74 Supra note # 8, p.2
Despite all the aforementioned events are internationally documented, surprisingly Eritrea’s latest and third National Report on the implementation of CBD which was submitted in October 2006 marks the lack of political will and support as a low obstacle for the implementation of the concerned convention in the country while poverty is underlined as one of the highest problems for the implementation of the CBD in Eritrea.\(^75\) It is reasonable to cast doubt in the credibility of this report.

To sum up, the ever developing environmental legislation and institutional frameworks in Eritrea would guarantee the safeguard of its environment. Both the government and the people also have adequate understanding about the importance of environmental protection and development in order to attain sustainable development. The input efforts and the achieved success for this end however neither give nor promise development for warfare and instability condition is dominating in the country and in its environs.

### 4.2 Environment and Economic Base

In the 19\(^{th}\) century, the North-Eastern African countries including Eritrea had been exposed to colonialism, regional and national conflicts, and repeated serious droughts and famine which have caused high causalities in the region. The combination of all these odd factors have imposed an adverse impact on the economy and productivity potential of these nations. Subsequently, the human and natural resources of this region were significantly destructed and usurped by these intruding agencies. Hence, communities in Somalia, Ethiopia, Eritrea and Sudan at present time have become highly vulnerable and famine-prone.\(^76\) As stated above, the Eritrean history particularly has not been released from war and drought traps for decades of years. Henceforth, the people have suffered a severe poverty for years. In such a situation, it was a crucial strategy to eliminate or at least reduce poverty as the essential step for environmental development. Whether the TGoe has taken ‘as far as possible and as appropriate’ sound economic development measures so as to protect the environment then is the core point of this section.

\(^75\) National Reports and NBSAPs: Eritrea’s Third National Report, 2006-10-25 see at [http://www.cbd.int/doc/world/er7er-nbsap](http://www.cbd.int/doc/world/er7er-nbsap)

\(^76\) supra note # 17, p. 23-24
A society trapped with the question of survival facing the shortage of basic necessities, inter alia, food, shelter, health, sanitation, cannot be deployed in big national development plans and projects. In other words, poverty eradication is a prerequisite for the successful implementation of CBD and other environmental plans for two reasons. First, man is depended on environmental resources for his survival and continuation, thus unless the basic necessities for his life are met by other means independent of direct environmental consumption, overexploitation of natural resources is inevitable for the question of survival overweighs the question of conservation. Second, the enforcement of any environment and development plan requires human and material resources. In a state where majority of its people is attacked by poverty, it is obvious that the human and material resources that would be employed for the undertaking of the environmental projects are engaged to address the question of necessity primarily. This perhaps may lead us to the conclusion that environment cannot be protected and maintained in the presence of poverty.

Coming back to the Eritrean context, at the cessation of the border war with Ethiopia in 2000, as various survey reports estimate it, about ¾ of the Eritrean population was in need of food aid and the economy of the government was depended on remittances from its citizens abroad. This severe economic hardship then makes the effective implementation of various national and international environmental plans questionable in Eritrea. In order to get released out of this economic trap, the state then should undertake all necessary steps such as poverty eradication, minimizing unemployment, demobilization, rehabilitation and liberalizing of trade with its own efforts and international assistance.

4.2.1 Poverty Eradication

*Poverty converts all the human and natural resources in any form to address the question of survival and traps them not to be deployed for development.* Based on this understanding, developing countries are repeatedly recommended to put poverty eradication at the central focus of their aim in their development programs. With regard to this issue the Rio Conference emphasized distinctly that poverty eradication and economic growth as to be included in the sustainable development plans of the developing states. As pointed out in the CBD too, poverty eradication and economic and social development are

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77 The Rio Declaration of 1992, principle 5
the first and overriding priorities of these countries. They therefore, should apply appropriate strategies and proper measures against poverty so as to acquire success in their environmental protection and sustainable development plans.

Eritrean discourses are in consistent with this significant principle of sustainable development and the mechanisms to be followed for its achievement. The Eritrean Constitutional Commission in its discussion on the constitution-making process, with concern to this issue stressed that social, economic and cultural rights are not only important, but also integral aspects of fundamental human rights. Pursuant to this, article 10 of the Constitution charges the government with powers and responsibilities as concern economic development and social justice. According to provisions one and two of article 10, the GoE is responsible for the fulfillment of the citizens’ material and spiritual needs, for the improvement of all citizens’ livelihood, and to bring about a balanced and sustainable development through the country. While sub-article three, empowers the government with legitimate power to regulate and monitor the management of the natural resources in the country.

Contrary to this constitutional commitment, in the two post-independence decades, particularly, since 1998 till the present time, it has appeared steadily growing economic collapse and poverty in the country. In 2003 when the international NGOs and donors were given green light again to operate in Eritrea, for instance, 72% of the Eritrean population was depended on either fully or partially to delivered aid. Several world reports manifest that since its independence Eritrea has faced the economic problems accentuated by the recent implementation of restrictive economic policies. The truth of this economic collapse has been illustrated by the reports of the World Bank - the Eritrean GDP growth fell to zero in 1999 and to -12.1% in 2000 because of the border war with Ethiopia. Yet, the 2004’s world reports estimate that more than 50% of the population lived ‘below poverty line.’

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78 Convention on Biological Diversity of 1992, Preamble
79 Supra note # 3, p.139
81 Ibid
82 Ibid
Independent of the above, the rain-fed based Eritrean agriculture that employs 80% of the population contributes only as little as 24% of the GDP. The erratic rain-fall is one of the causes for the declining of agricultural production. Here there is something that worth note. To declare 80% of a countries economy is depended on agriculture sounds that an equivalent amount of its population is depended closely on the biodiversity of the country for its subsistence. And it is a common understanding that in normal times particularly in agrarian countries fauna and flora are victimized because of their economic value. The logical question then is how much environmental codification would be able to protect environment from economic activities of the civil society unless economic solution has been brought about?

Conscription of the most active and productive segment of the population for several years under military national service, the border war with Ethiopia and subsequently no peace no war state in Eritrea are blamed as other main factors for the declining of the agricultural productivity. Independent of this, worker remittance and other private transfer from abroad contributes greater than agriculture to the GDP of the country. It is estimated that more than 32% of the GDP generates from remittance.

All these factors complicate the socio-economic condition in Eritrean and manifest the long distance between discourses and the reality which is not in compliance with the spirit and letter of Rio Declaration, CBD and other agreements on environmental account. Based on principle 4 of the Rio Declaration, Birnie, Boyle and Redgwell advocate that in the developing countries the concern of environmental development not to outweigh the economic development of the states. They also emphasized to ‘the right to development’ which is provided in principle 3 of the Declaration and argues to be fulfilled in ‘equitable’ sense so as to meet both developmental and environmental needs of the present and future generations.

4.2.2 Minimizing Unemployment Rate

The significance of productive work for economic development is uncontroversial. Work is an essential means for the eradication of poverty and economic development. Productive

\[\text{http://www.state.gov/r/pa/ei/bgn/2854.htm}\]
\[\text{Ibid.}\]
\[\text{Supra note # 36, p. 119}\]
employment creates resources to the society, bring an income and give the feeling of self-esteem to the workers. Promoting full opportunity for productive and freely chosen employment for all citizens hence is one of the tasks of any ruling body particularly in developing countries.

Likely, among the Charter purposes, one is to solve economic problems for all human beings without distinction. The systematic arrangement of the Charter provisions by itself leads one to analyze that the two main issues of the Charter are security and economic matters. For the purpose of the latter then article 55 of the document requires the United Nations to promote higher standard of living, full employment, and conditions for economic and social progress and development. Both the Stockholm and the Rio Declarations also emphasize that human beings are at the centre of the concern of sustainable development. To this point, Birnie and the others strongly advocates for the interdependence of economic and environmental plans stating that if one disregards the other, the intended goal would not be achieved.

Regarding productive employment and economic development, Eritrea has uncertain discourses and some sad events. In principle, article 21 paragraph three of its constitution provides that every citizen shall have ‘legally guaranteed right to engage freely in any economic activity and lawful business.’ Moreover, sub-article five of the same article imposes the National Assembly a duty to enact laws that secure the ‘social welfare of citizens’, the right and condition of labor and other rights. The limitation of this fundamental right however subjected to the consideration of protection of quality of life which in its turn is connected with the protection of environment and the rights of the future generations and associated with sustainable and environmentally sensitive economic growth.

Contrary to this basic human right, the NEMP-E gives priority to rebuilding of the devastated economy of the country encouraging people for unpaid employment. In order to enhance civic free labor, the environmental policy of 1995 states, “Rebuilding of the country was priority. All the fighters and other members of the EPLF decided to run the

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86 The UN Charter of 1942, art. 1
87 Supra note #62, p. 59
88 Supra note 36, p. 55
89 The Eritrean Constitution of 1997, art. 21
90 Supra note #3, p. 186
new government without any remuneration, to continue the sacrifice so that Eritrea’s sustainable development could be arrived.” This nationalistic statement is in absolute contradictory with the 1993’s military demonstration in the capital of Asmara demanding remuneration to establish private life. The behind aim of this was to lay out ground for unpaid labor across the country. Accordingly, compulsory summer student services during their junior, secondary and higher educational levels, a compulsory national service of all aged between 18 and 40, theoretically for 18 months but actually for unlimited time, group works for prosperity, forced labor under punishment and other similar programs were rooted broadly.

In February 1992, a private news letter called ‘Brhan’ (‘Light’ by the local language) by religious missionaries in its column ‘Shall We Talk the Truth’ addressed the ruling to strive for the increasing of job opportunities in the country advising the government to invest large part of its national budget primarily in big enterprises rather than entertainments. 91

The uprooting of employment for remuneration then was enhanced by the principle of national service. A more sad event occurred in 1994 when the first round of national service group was prepared to be deployed for free national service. The Government took a step of firing (mtsilsal) a huge number of payable works under the ground that they lacked efficiency in their posts. What more surprising is that many of this fired group had been given a special training by the government and were employed under the MoA. Few months later their places were replaced by the first national service groups who had no any training. The private newsletter Brhan again criticized this action briefing all the ill effects of this measure to families of the dismissed works and to the nation as well. It also reminded the government about the budget which had been invested for the improvement of some of the fired workers just six months before this event. The 47 years old Brhan then faced a dismissal delivered by the TGoE and since then it disappeared totally. 92

All the aforementioned factors therefore, although not documented with available official data, prove the correctness of David’s articulation that there is no any job in Eritrean and even the government activities is at a standstill. 93 The overall aim of this pattern is to build

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91. An Article by Antonio Tesfay, on 22 June 2010, see at http://www.assena.com, Tigrigna version
92. Ibid, on 10 July 2010
a strong and developed country disregarding the poor economic condition of the private life. However, this cannot make the goal. Furthermore, it is apart from the United Nations Charter’s purposes in general and from the environmental concern agreements in particular.

4.2.3 Demobilization and Rehabilitation

4.2.3.1 Demobilization

Militarization, of course, shares a large amount of the national budget. Various surveys on this account have come up to the point that there is coexistence of substantial military spending with unmet human needs.\(^94\) For instance, the global military expenditure of 1985 was $900 billion, which is more than $2.5 billion a day whereas the cost for the UN Water and Sanitation Decade Program which was to prevent one of the world’s greatest environmental hazards causing 80 per cent of diseases in the world was $30 billion only. If the latter is compare with the former one, then it is the approximate equivalent of 10 days of military spending.\(^95\)

Likely to the aforementioned above, disproportionate mobilization of huge number of human power in Eritrean caused mismanagement of the resources and hindered the economy in two glaring visual aspects. On one hand, it conscripted the most active and productive segment of the population which would be deployed for the economic growth and in the implementation of development plans. On the other hand, it has been sharing a tremendous part of the national budget of the country which would be utilized for the met of the peoples’ need and implementation of CBD and other environmental projects. The move to mobilization raised the number of the troops from around 50 thousand before 1998 to 300,000 in 2000 which is almost 10% of the total population.\(^96\) In 1993, at independence, the number of Eritrean army was 95,000. Till 1996, this number was reduced to 50,000 through demobilization.\(^97\) At present however, having the account that the continuous flow of Eritrean youth to the military training-comp called ‘Sawa’, the figure is estimated to reach 450,000 which is about 15% of the total population.

\(^{94}\) World Commission on Environment and Development, Our Common Future,(1987) p.297
\(^{95}\) Ibid. P.303
\(^{96}\) Supra note # 85
\(^{97}\) supra note # 8, P. 7
Consequently, according to the 2004’s data, in Eritrea as well one-third of the national budget that is $185 million of $485 million went to the military expenditure.\textsuperscript{98} Eritrea therefore, shall have a good understanding of the disadvantages of such excessive militarization and as far as possible and appropriate strive to shift itself to demobilization and civil culture if it is to succeed in its biodiversity conservation and sustainable development plans.

4.2.3.2 Rehabilitation

Both wars those for liberation and on the ground of border conflict between Eritrea and Ethiopia were fought at high humanitarian and economic cost. In both events the socio-economic life of the nation remained almost ravaged. More than a million people were displaced and remained shelterless. Other more than a million people fled the country. Many of them suffer a critical socio-economic condition in many African countries like in Sudan, Ethiopia, Libya, Uganda, Kenya and Egypt. In addition to this, substantial damage was inflicted to the private and public socio-economic infrastructure. The new state of Eritrea had therefore the burden of rehabilitating those hundreds of thousands in host states parallel to the environmental rehabilitation program.

From the economic perspective, repatriation of nationalities might have both negative and positive impacts to the home state. Its negative aspect is that it increases the load of the state-rebuilding. This however, could be simplified by the cooperation of the world community based on the good will of the home state. While the positive impact of this, the returnees are part of the national human resources with different experiences and skills that can play a great role in all sectors and levels in the state-rebuilding undertaking. For the benefit of the latter concern henceforth, the TGoE shall enhance the repatriation of its citizens in refuge, and rehabilitate properly those achieved.

4.2.4 Free Economy and Trade Policy

Principle 12 of the Rio Declaration recommends states to cooperate to promote a supportive and open international economic system that would lead to economic growth

\textsuperscript{98} Supra note #83
and sustainable development in all countries, to better address the problem of environmental degradation. Additionally, CBD under article 11 provides about the significance of sound economic measure that should be taken by the contracting Parties for the effective implementation of the convention.

Pursuant to this, Eritrea has a sound economic policy that promises ‘liberated economic’ transactions in its territory. In order to achieve the development goal in Eritrea, creating an enabling policy environment for private sector development to generate a ‘private sector-led market economy’ was the declared mechanism in the National Development Policy instruments both in 1994 and 2000. Likely to this, free engagement in any economic activity and to pursue livelihood is one of the principal rights of the citizens which is guaranteed by the unimplemented constitution. Similarly, article 10(2) of the constitution provides that the state shall work to bring about a balanced sustainable development throughout the country, and shall use all available means to ensure all citizens to improve their livelihood in a sustainable manner, through their development.

The world reports on the Eritrean economic reality however, is inconsistent and the reverse both to its economic policy and to the Rio Declaration and CBD economic principles. While the GoE was committed to a ‘market economy and privatization,’ the government and the ruling PFDG party maintained a complete control of the economy. The around 40 firms of the sole party of the government have come to dominate all aspects of the economy, and all the private sector have collapsed. Exports have collapsed due to strict controls on foreign currencies and trade, as well as closed border with Ethiopia, which was the major trading partner for Eritrea prior to the war.

The two contradictory theoretical and practical phases of economic issue in the country after all reveals two things: the good understanding of the state that for the economic development and as a result for environmental protection, free private sector-led economic policy is essential, and on the other hand it shows the government’s less or none measure to implement its commitment. It is recommended therefore, that the government’s role to

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100 Supra note #15, p.25  
101 The Eritrean Constitution of 1997  
102 Ibid.  
103 http://www.traveldocs.com/er/economy.htm  
104 Supra note #93  
105 Supra note #102
be restricted in maintaining law and order, providing sound macro-economic policies, and undertaking critical investments in strategic sectors of the economy. Addressing these challenges however, will require a combination of decisive crises management, sound macro-economic and development policies, and extensive donor support to lay the foundation for higher economic growth and poverty reduction.
5. Environmental Plans and Public Participation

Individuals and communities naturally have considerable respect and love to their environment. Local peoples have never let neither purposeless destruction nor overexploitation of their surroundings. The economic dependence on environment and its components for subsistence has awaked people to devote more concerned about their natural resources as far as possible and to the extent of their security. The moral approach too binds them not to act against their environment, particularly against fauna and flora. Instead, they have had customary rules and traditional legal institutions which regulate the relation between man and environment. In addition, peoples are attracted by nature. They want to see their environment evergreen and with plenty of wildlife. The modern governmental organizations and discourses for environmental protection and development thus should give due regards to these basic realities which can effectuate environmental plans in their implementation and promote full participation of all citizens.

5.1 Participation in environmental policy and law-making

The significance of broad public participation at all levels in the environmental plans is stated vastly as one of the essential principles and obligation for the effective implementation of the intended plans. The 1992 Rio Conference, for instance by virtue of principle 10 underlines that environmental issues are best handled with participation of all ‘concerned citizens’ including that individuals shall have equal opportunity to participate even in the policy and law-making. Principle 20 of the same declaration just reminds that women are a segment of the concerned citizens their participation in environmental management plans is of vital role to the achievement of sustainable development. Unlikely to the Rio Declaration, the CBD lacks specific provision that deals explicitly with the importance of public participation for the achievement of conservation and sustainable use of biodiversity resources. Paragraph ten of its preamble however, confirms principle 20 of the Rio Declaration recognizing the vital role that women play in the conservation and sustainable use of biodiversity and calling states not to disregard the full participation of
women. This implies that the principle of full participation of all concerned citizens and at all levels has been taken as common and inevitable element.

Furthermore, the CCD provides for effective participation at the local, national, and regional levels on non-governmental organizations and local populations, both women and men, particularly resources users, including farmers and pastorals and their representative organizations, in policy planning, decision-making, and implementation and review of national action programs.106

Similarly, the Eritrean domestic law is of due concern about this issue. In several provisions of different regimes the significant importance of public participation has been articulated repeatedly. To begin with, ‘broad-base participation of the people’ is one of the six principal guidelines of the Constitution to achieve the goals of economic development, social progress and harmony.107 This National Charter provides also that the input to gain such a broad and conscious civic participation is the recognition, protection and ensuring of rights and freedoms, human dignity and equality in the country.

Article one of the constitution provides that the state to be established by a democratic process to represent the people’s sovereignty shall have strong institutions, capable of accommodating of people’s participation and serving as foundation of a viable democratic and political order.”108 This denotes that the people have a strong desire to establish a democratic state with strong institutions so as to achieve development and progress. Article 6 likely, declares that the state shall strengthen the stability and development of the country by encouraging democratic dialog and national consensus through ‘participation of all citizens’. This article additionally confirms the need of appropriate institutions in order to ensure participation.

While article 7 is devoted entirely to the public participation giving broad description about the degree, sectors where to be applied, mechanism(s) by which it gained, and whose responsibility it is. The article states as follows.

“(1) It is a fundamental principle of the state to guarantee its citizens broad and active participation in all political, economic, social and cultural life of the country. (2) Any act that violates the human rights of women or limits or otherwise thwarts their role and

106 Convention on Combating Desertification of 1994, article 10(e)
107 Supra note # 71, p.50
participation is prohibited. (3) There shall be established necessary institution to encourage and develop people’s participation and initiative in the areas where they reside. (4) Pursuant to the provisions of this constitution and laws enacted thereto, all Eritreans, without distinction, are guaranteed equal opportunity to participate in any positions of leadership in the country. …” 109

By virtue of these provisions, public participation is required as to be broad and active without any prohibition or restriction on the bases of sex or other grounds. Apart to the above, article 10(3) is about the public participation from environmental perspective. It determines that it is the state’s responsibility to create the right conditions for securing the participation of the people to safeguard environment.110

Hand to hand to this domestic supreme law, the NEMP of the State considers local people’s involvement is fundamental to the success of the environmental and development planning in Eritrea. It acknowledges that local communities are the actual day-to-day managers of natural resources, and recognizes their participation even in the planning process in order to ensure effective management plans and equitable patterns of socio-economic development.111

Applicable and proper environmental and development policies can be created through broad and capable public participation only. On this account, any organization with the goal of environmental development and protection shall give primary consideration to the public participation in policy-making and in the implementation of its plans. The intellectual and expert power of the civic segment is then of crucial importance for the policy-making. In my view, public participation in policy-making can be advocated for three gains: to create effective environmental policies involving indigenous knowledge and capacity, to ensure public consensus about the outcome of the undertaken decisions, and to guarantee and enhances the broad and active public participation in the implementation of the reached decisions. To this end, states shall facilitate and encourage public awareness and participation by making information available widely.

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109 Ibid.
110 Ibid.
111 Supra note #17, p. 6
5.2 Implementation and participation

As in the policy-making, implementation of national projects too requires broad public participation. It is unquestionable that what is needed is a compromising participation but not a compulsory one. What makes people to participate consciously in state affairs is then the key question to be answered here. The Eritrean Constitution addresses this fundamental question rightly stating that recognition, protection and ensuring of rights and freedoms, human dignity, equality are the groundwork for guaranteeing public participation. In a similar way, David and Basiliiy, brief it stating aptly that nation-building, of a mass consciousness of belonging to a nation, has to cope with a legacy of culture and other diversities and contrasts.112

Indigenous people, their communities and other local communities have a vital role on environmental management and development because of their knowledge and traditional practice. With this account, states should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.113 To achieve this, encouraging cooperation between its government authorities and its private sector in developing methods for sustainable use of biological resources is one of the states obligations under CBD agreement’.114

5.3 Public Education and Awareness

One of the efforts as to environmental protection and development is to develop the traditional knowledge and skills of the local communities. Subsequently, nearly all the environmental agreements include provisions that request states to give due consideration to public education and awareness about their environment.

As provided in principle 9 of the Rio Declaration, states should cooperate to strengthen endogenous capacity building for sustainable development by improving scientific understanding through exchanges of scientific and technological knowledge, and by enhancing the development, adaptation, diffusion and transfer of technologies, including

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113 Rio Declaration of 1992, article 22
114 Convention of Biological Diversity of 1992, article 10 (e)
new and innovative technologies. At the same time, according to article 13(a) of CBD the contracting party states shall promote and encourage understanding of the importance of, and the measures required for, the conservation of biological diversity, as well as its propagation through media and the inclusion of these topics in educational programs.

The content of both these provisions is that people should acquire adequate knowledge and information about biodiversity components of their surroundings, their economic and scientific values, their habitats, and their existing condition. They should also be informed fully about the plans and mechanisms required for the modification or restoration of the existing state of the environment. States then should show their wisdom performing their obligation under the CBD that is to educate their subjects in this matter otherwise their development plans would lack effectuation on the ground.

For the purpose of educating people vastly, states shall take all appropriate and necessary steps. Under article 13a of CBD, ‘propagation through media’ and ‘inclusion of environmental topics in the curriculum’ is the selected mechanism for this goal. While being trapped by its limited resources, Eritrea tries to comply with this point by introducing some environmental orientations in its elementary level schools and distributing important environmental information through its radio channel devoted for adult education in health care and environmental conservation disciplines. In poor countries like Eritrea, where around 50% of its people live under the poverty line and more than 70% is rural and illiterate however, the function of media and schools are not expected to bring about sooner solution for the common reason. People do not have enabling atmosphere and accesses. In such condition therefore, developing countries are highly recommended to see international cooperation for financial, technological and scientific support pursuant to article 13b of CBD.

In the capacity building process, developing countries should take two measures. One is to provide urgently basic and common knowledge across their territories through all appropriate means. States may realize this by including environmental topics in their curriculum, providing local and regional trainings, and propagating through all media means and taking other initiatives. The second measure is to establish relevant strong educational institutions that equip the state with scientific and analytic knowledge about

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115 Rio Declaration of 1992, principle 9
116 Convention of Biological Diversity of 1992
117 Ibid.
environment and its development or protection. The fostering of universities, colleges and institutions in a country and exchange programs are some of the reliable mechanisms to acquire such a scientific and analytic knowledge.

5.4 Self-Reliance versus Global Partnership and Co-operation

Self-reliance is most welcomed principle and an indication of simplifying the global economic burden if it has been employed properly and not in contradiction with the principle of cooperation for economic development and environmental protection. If a country in a needy state declares this principle in its jurisdiction and accordingly refuses global cooperation and solidarity however, it is questionable and perhaps it can be interpreted a misuse of the principle.

Principally, cooperation among states is one of the intended achievements of the UN Charter in order to solve international problems of economic, social, cultural and humanitarian characters.\textsuperscript{118} From the environmental perspective too, cooperate among states significantly necessitated to exist and in a spirit of global participation form to conserve, protect, and restore the health and integrity of the Earth’s ecosystem. Furthermore, this Declaration puts into consideration the common but differentiated environmental responsibility among states based on the different contribution for the environmental degradation and their capacity for its protection.\textsuperscript{119}

The CBD also points to the importance of this significant element under its preamble paragraph 12 and article 5. By virtue of article 5 of the Convention, as far as possible and as appropriate contracting Parties should cooperate directly or where appropriate through competent international organizations in respected areas beyond national jurisdiction and on the matters of mutual interest for the conservation and sustainable use of biodiversity. In addition to this, the CBD goes further by establishing a framework under which the developing countries are entitled to a faire and equitable sharing of the benefits arising from the use of genetic resources found in their territory.\textsuperscript{120}

\textsuperscript{118} UN Charter of 1942, art. 1(3)
\textsuperscript{119} Rio Declaration of 1992, art. 7
\textsuperscript{120} Supra note # 36, P.
The young state of Eritrea but a possessor of war-turn economy, absolutely devastated environment, and inadequate resources and less competent to overcome all these challenges lonely needs a wide global cooperation and assistance for its recovery in all aspects. Becoming a state party of CBD and other several environmental conventions and regional intergovernmental organizations therefore, it would be a beneficiary of this principle of cooperation and assistance.

The Self-Reliance policy however, had been exercised by EPLF even during the wars for liberation. It was one of the significant provisions of the National Democratic Program of the EPLF. 121 During the struggle for liberation, the EPLF depended on voluntary contribution from members of its mass organization and sympathizers abroad. After independence, this developed into a financing system based on a semi-compulsory tax of 2% of income from Eritreans abroad. 122

Relied on this insufficient of its internal power, the TGoE declared self-reliance principle and accordingly, has given less regard to the international cooperation and solidarity for development, and denied assistance from NGOs and terminated its partnership with some regional IGOs. This indicates misuse of the policy in question which subsequently caused the country to have less consideration of the world cooperation. For its turn this caused isolation to the state.

The misleading claim is that as the state gained its liberation nearly without any assistance from the rest of the world but mainly depended on its internal potential, and this can also make the economic growth and environmental rehabilitation. Nevertheless, there should be clear understanding of what needs for what. Victories on battlegrounds can be gained by higher nationalism and heroism for it is a matter of destruction. Nation-building in general and environmental rehabilitation in particular however, requires more than this-competent human and material resources which can be gained through global cooperation and solidarity.

As stated aptly by Boutros Boutros Ghali, for example, the newly emerged Eritrea was challenged by big national issues, enter alia, ‘revitalization of economy, rehabilitation of hundreds of thousands of refugees [and another hundreds of thousands of internally displaced persons], demobilization and reintegration of about 70,000 combatants, and

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121 Supra note # 55, P. 143
122 Supra note # 93, P. 6-7
provide for the need of some 2 million of its people who were mainly depended on the outside relief for their daily survival. Nationalism merely cannot address these issues for their solution requires competence and sufficient resources. All these challenges therefore, do not allow a war-torn State of Eritrea to follow self-reliance policy as a wise and accordingly to reject global assistance.

The self-alienation of Eritrea from the regional Intergovernmental Authority on Development (IGAD) and restoring a passive membership in other regional IGOs was a sad event to the conservation and sustainable use of the biodiversity in Eritrea. The IGAD’s, Eastern-African organization, missions are to achieve through increased cooperation food security and environmental protection, promotion and maintenance of peace and security and humanitarian affairs and economic cooperation and integration. After about 15 years 1993-2007 of its membership in the organization, the Eritrean government postponed its membership from the organization on the ground that the organization serves as a framework for ill measures that violate regional peace. Here, regardless the plausibility of the accusation, the taken step was inconsistent to the economic and environmental development principle, and it inflicts a negative impact on the state of Eritrea. In other words, unless Eritrea cooperates in a spirit of friendship and good partnership with its neighbored countries, and participates in regional intergovernmental organizations, it cannot ensure food security, sustainable economic growth and peace and security in its territory through mono-struggle. And unless secured these fundamental necessities for the social life, it will not be able to protect and conserve its biodiversity.

Later on, at the end of 2009, this self-alienation from regional and sub-regional organizations expanded to isolation from world community through the United Nations Security Council’s Resolution 1907 (2009) which condemns Eritrea for its aggression against some neighbor countries and cooperation for terrorist activities in the state of Somalia and imposes some embargos upon the State. Abstention from regional intergovernmental arrangements was neither for the benefit of economic growth nor for environmental protection in Eritrean context. The imprudent decision and egoistic

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124 See IGAD 15th session by Assembly of heads of states, On July 2010, Addis Ababa
character of the leadership therefore, has resulted to the state to miss many of its regional and global trade-markets and shrinking its mutual interstate relationships. A wise and preferable mechanism for the Eritrean Government was to remain a member in such sub-regional, regional and international intergovernmental development organizations and strive to improve them on their weak sides if it happens to occur.
6 Conclusions

Developing countries are challenged not only by lack of sufficient resource but also by inefficient leadership. If political power is not acquired by opportunistic minds rather than nationalistic minds private or group interest is given priority to the national interest. Consequently, the human and natural resource are either mismanaged or disinterested. The new state of Eritrea also could not escape of this situation.

The demolished environment of Eritrea urged the TGoE for any appropriate measure for its rehabilitation. The Government then has given a high consideration for this account and took it as a part and parcel of nation-rebuilding mandate and as a guarantee for sustainable development. To address this environmental issue the Government has been engaged itself laying down strong economic, political, legislative, and institutional grounds.

The account of promoting sustainable development and environmental protection has reflected in both the national development and environmental theories and in the national constitution. The state at the outset embarked its environmental plans on the ground of elementary legislative and institutional frameworks to the extent of its resources. Through its continuous efforts there had also been reflected a good trend of legislative and institutional progress on the environmental field. Up to 1995, environmental concern was scattered in several provisions of various proclamation of different sectors. Following the adoption of the NEMP-E there have been produced reliable environmental instruments and basic institutions. The adoption of LRP of 1994, NEMP-E of 1995, the National Constitution of Eritrea of 1997, the NBSAP-E of 2000 and the FWCDP manifest the nation’s strong concern and legislative progress on environment. Eritrea advanced additionally to share some international environmental obligations to the extent of its capability such us, the CBD and CCD.

Visually, environmental regard has penetrated nearly into all institutions in the country. Nevertheless, the main environmental agents are the MoA, MoLWE and MoF. This manifests that the environmental institutional development in Eritrea is horizontal rather than vertical. Vertically, it has not yet reached ministerial level. It only stepped from Environmental Agency to Department of Environment. Lack of adequate and skilled
human resources, relevant technology, certain information, facilitating budget, and uncertain of power allocation or overlapping of responsibilities are therefore, some of the glaring obstacles of the institutions. What is more questionable is their legal force. They lack constitutional guarantee for the country runs without national constitution. Putting aside their substantive and procedural defects, the existence and effectuation of all these environmental and developmental legislative and institutional frameworks are depended on the political will in the country.

The legislative and institutional development on environment in Eritrea is not enabling to safeguard the biodiversity species for certain reasons, inter alia, for there is no civic participation in its enactment and for it fails to give due consideration to the economic, social, cultural, traditional realities on the ground. Furthermore, the absence of a parallel development in the political and socio-economic fields is a glaring point in Eritrea since its independence.

Peace, security and instability are integral parts of the fundamental pre-requisites for the effective implementation of development plans in general and conservation and sustainable use of biodiversity species in particular. These basic requirements on their turn can only be reached when political power has been used properly for the promotion and development of freedom, human rights and human dignity of all citizens and groups. Promotion and development of these fundamental human rights motivate citizens not only to participate freely and consciously on government development plans but even to take their own initiatives to improve their environment while improving their private lives. To state it simply, where there is due respect and development of human rights, there is harmonization between the civil and political segments of the country, and this can provide that resources can be employed properly and positively.

In the Eritrean atmosphere it is hard to say that there is integration and harmonization between the environmental and political policies. Instead, since its independence, totalitarianism and militarization are dominant events in the country. The non-participation of people in the policy and law-making, the suspension of the national constitution’s implementation, the compulsory national military service for several years, and the repeated wars and clashes with all neighbored countries are some typical evidences for the totalitarianism and dictatorship are the ruling instruments in the state of Eritrea. As stated
aptly by Birnie, Boyle and Regwell however, such type of governance cannot ensure environmental control and development.126

Socio-economic development is another criterion for the effective enforcement of environmental protection and for conservation and sustainable use of biodiversity resources. Maintenance of peace and security and creating of potential legislation and institutions alone cannot safeguard biodiversity species in the lack of or shortage of basic necessities for the civic life. Not only wars and military activities but economic needs also equally threat biodiversity. Economic demands of a society however, can be replied by adequate economic supplies only. Nevertheless, the two last decade’s economic growth in Eritrea does not promote environmental protection. Despite ‘private-led market and free economy’ has been declared to be followed in the country, unfortunately, strictly controlled and a sole government party (PFDJ) monopolized economy has been applied in the country. Furthermore, the economic growth in the country could not meet even the basic needs of the society. More than 50 % of the population lives under the poverty level. Excessive militarization and unemployment are both causes and effects of poverty in Eritrea. This therefore, is another evidential condition for the non-coherence between environmental and economic policies or between discourses and realities.

To sum up, despite Eritrea have reliable political, economic and environmental policies it could not score any progress in the last two decades of its independence. The primarily reason for this failure is the lack of environmental approach in the political power. And this shows that the TGoE should be convinced further by the interdependence of the political, economic and environmental issues, how environmental protection demands fundamental political obligations and choices, and how the successful implementation of environmental plans require strong commitment from the highest level of the government and a high level of cooperation and coordination between many institutions and broad participation of all citizens and other concerned domestic and foreign bodies in the State in question. In order its positive policies and development plans to get effective implementation and to achieve their goals therefore, the State is recommended as follows:

7 Recommendations

126 Supra note # 65
Realizing that the current Eritrean economic, security and environmental statues need urgent recovery on one hand, and its inadequate resources to address this issue on the other hand, the Government shall seek urgent global assistance.

Believing that security, economic and environmental problems can only be dealt with by joint management and mutual procedures and mechanisms the Government should seek commonly and for common regional and global solutions.127

To succeed in the above mentioned recommendations however, the government is recommended at first stand to overcome its national or ideological antipathies and avoid antagonism towards national, regional and international cooperation.128

127 Supra note #93, p. 301
128 Ibid. P.294
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