

## **Chapter One - General Provisions**

### **Article 1. Title**

This Proclamation may be referred to as the "Proclamation on the Formation of Political Parties and Organizations No. 2001"

### **Article 2. Definition**

Unless given another interpretation, in this Proclamation:

- 2.1 A political party or organization refers to an association set up by Eritreans, on the basis of the National Constitution and the regulations contained in this Proclamation, with a view to attaining political authority in a peaceful manner or undertake political and democratic activities to have a share in political power;
- 2.2 'Constitution' denotes to the Eritrean constitution;
- 2.3 State denotes to the State of Eritrea
- 2.4 National denotes to a person with Eritrean nationality;
- 2.5 People's position, refers to any position, that is open to every citizen without any distinction whatsoever;
- 2.6 'Commission' denotes to the Commission specified under Article 58 of the Eritrean constitution;
- 2.7 'Supreme Court' refers to the court specified under Article 49 of the Eritrean Constitution

## **Chapter Two- Rights, Duties and Basic Principles of Political Parties and Organizations**

### **Article 3. Rights**

- 3.1 In accordance with the rights specified in the National Constitution and the principles and guidelines outlined in this proclamation, every Eritrean citizen has the right to set up a political party or organization or join any political party or organization on his/ her own free choice or provide it support;
- 3.2 A political party or organization formed in accordance with this proclamation is entitled to participate in the nation's Political life ;
- 3.3 Any political party or organization shall have the right of access to or own newspapers and other media organs that are authorized to function on the basis of the country's Press Law in order to propagate its objectives and political views as well as its programs and activities;
- 3.4 Any political party or organization is entitled to make use of public venues in carrying out its activities, with the exception of the following:
  - Sites and premises of Army, Security and Police organizations
  - Sites and premises of Government institutions and administrative agencies
  - Sites and premises of centres of learning with the exception of universities and institutes of higher learning

· Sites and premises of hospitals and other places where medical services are provided

- 3.5 Offices and buildings owned by a political party or organization and in which it carries out its activities shall be exempt from all types of tax and excise duty. The same applies to any asset owned by such a political party or organization not related to trade and investment ventures.
- 3.6 Buildings and offices of a political party or organization as well as documents and correspondences shall not be subject to investigation, surveillance, search or confiscation except upon a supreme court decision. Likewise, its right of immunity is guaranteed.

#### **Article 4. Duties**

Any political party or organization that is authorized to operate in accordance with this proclamation shall fulfill the following duties:

- 4.1 Honour the constitution and other laws emanating from it;
- 4.2 By rejecting resort to any act of conspiracy and inciting conflict as a means of attaining or monopolizing political power, subscribe to peaceful transition of power;
- 4.3 Refrain from establishing military or semi-military structures or provide support to this effect through overt and covert means;
- 4.4 Refrain from any political activity or agitation aimed at promoting an organizational method based on divisive factors such as religion, nationality, language, ethnicity, gender, province and the like;
- 4.5 Follow an organizational strategy based on national level and not limit membership to certain geographical area;
- 4.6 Ensure that it does not fall prey to serving the interests of an external political authority or become its appendage;

#### **Article 5. Basic Principles**

Political parties or organizations shall adhere to the following principles:

- 5.1 Defend the nation's sovereignty and territorial integrity as well as the unity of its people;
- 5.2 Adhere to the rule of law and democratic norms, and thereby strive to promote as well as consolidate these objectives;
- 5.3 Strive to safeguard the nation's peace, security and stability;

### **Chapter Three - Formation of a political party or organization**

#### **Article 6 Founders**

The founders of a political party or organization shall meet the following conditions:

- 6.1 Must bear Eritrean nationality, be at least 25 years of age and fulfil all national obligations required by law;
- 6.2 Must be free of any major criminal charge;
- 6.3 Their numbers must not be less than one hundred ;
- 6.4 The permanent habitat of at least 85% of them must be inside Eritrea, and the majority of these must be the residents of at least four administrative regions;
- 6.5 In order that the composition and unity of the founders as well as their ethnic and religious identities may reflect the pluralistic nature of the Eritrean society:
  - a) At least 2/3 of them must originate from five nationalities at the minimum;
  - b) At least 1/3 of them must be followers of the Islamic or Christian faiths.

#### **Chapter Four - conditions that need to be met by a political party or organization**

**Article 7. Conditions Required:** Any political party or organization must meet the following conditions:

- 7.1 Its central office shall be inside Eritrea;
- 7.2 Conduct its congresses in Eritrea
- 7.3 Its organizational principles, objectives, program, constitution, internal rules and regulations as well as leadership shall be openly declared and approved by its members;
- 7.4 Must be clearly differentiated from other political parties or organizations in terms of name, emblem and program;
- 7.5 Must immediately inform the commission in writing whenever it introduces any changes in its constitution, program, internal rules and regulations as well as leadership;

**Article 8. Membership:** Any individual eligible for membership in a political party or organization:

- 8.1 Must be of Eritrean nationality;
- 8.2 Must be at least 18 years of age;
- 8.3 Must be one who has not been deprived of his political rights upon the decision of a relevant court;
- 8.4 Must not be the simultaneous member of one or more political party or organization at a specific time.

#### **Chapter 5 Registration and Permission**

**Article 9: Request for Registration and Permission:**

Anyone who needs to register and operate as a party or organization shall present requests to the concerned authorities with the attachment of the following documents:-

- 9.1 A document that states the names, signatures, occupation, ID number, nationality and religion of the founding members, and which is verified by the concerned administrative authorities.
- 9.2 Documents that contain the constitution, programs and laws and regulations of the party/organization
- 9.3 After the petitioner is informed that his/her petition has been accepted, the petitioner will be provided with a provisional permission so that he/she would present within 90 working days a document containing the support signatures of 3000 constituents who have the right to vote and which is verified by the concerned authorities.

#### **Article 10: Registration Formalities**

- 10.1 The Party to whom the petitions are submitted, which processes, registers and accepts or rejects the petitions that are referred in Article 9 of this Proclamation will be an Election Commission that will be set up in accordance with Article 58 of the Constitution.
- 10.2 The Commission that is referred under Clause 1 of this Article will prepare registration request forms. The Commission, after processing the petition on the basis of the request forms submitted to it, will notify the petitioner in writing of the status (acceptance or rejection) of the request within 30 working days from the day of submission.
- 10.3 After the petitioner is informed that his/her petition has been accepted, the petitioner will be provided with a provisional permission so that he/she would present within 90 working days a document containing the support signatures of 3000 constituents who have the right to vote and which is verified by the concerned administrative authorities.
- 10.4 A petitioner who is not granted answers of whatsoever in writing from the Commission within 30 working days for his/her requests will be provided with a provisional permission to collect the support signatures referred under Clause 3 of this Article, considering that the request has been granted a de facto acceptance.

#### **Article 11: Permission Granting Process**

The Commission, scrutinizing all the documents including the support signatures referred under Clause 3 of Article 10, on the basis of the principles and provisions of this Proclamation, will decide to grant petitioners permissions within 30 working days from the day it accepted the support signatures. If the Commission resolves to decline permission, it shall notify the petitioners of the reason in writing.

#### **Article 12: Right of Appeal**

If a petition to be registered and operate as a political party/organization is rejected by the Commission and the petitioners are dissatisfied with the decision, they have the right to appeal to the High Court within 60 days.

### **Chapter 6: Declaration of the Formation of Political Party/Organization**

#### **Article 13: Legal Existence**

A political party/organization which is granted a permission to operate as a party/organization will have a legal existence from the day it officially acquires permission.

#### **Article 14: Declaration of Leadership**

The party/organization that is formed shall, on the basis of its constitution, declare its leadership and the division of work and authority among them, and notify this to the Commission in writing.

#### **Article 15: Leadership Venue**

The permanent venue of the higher leadership of any political party/organization shall be in Eritrea.

### **Chapter 7: Banning or Dissolution of Political Party/Organization**

#### **Article 16: Banning/Dissolution**

Banning or dissolving of any political party/organization that has been granted permission cannot be done with the administrative decision of any governmental bodies except:-

- 16.1 The decision of the High Court
- 16.2 With the will of the majority of the party/organization itself
- 16.3 When the party/organization joins another party/organization with the will of the majority of its members
- 16.4 When it fails, either independently or in coalition with others, to nominate candidates in two consecutive elections for the National Assembly.

#### **Article 17: Verdict to Ban or Dissolve**

If a political party/organization violates the principles and provisions of this proclamation:

- 17.1 The Commission can give the political party/organization a written warning to correct its mistakes or depending on the degree the damage the offence could cause can fill charges against the party/organization through the Office of the Attorney General, asking the court to ban or dissolve the party/organization.
- 17.2 After scrutinizing the charges filled against a political party/organization, the High Court:-
  - a) Can pass a verdict vindicating the accused
  - b) Can pass a verdict banning the activities of the accused
  - c) Proving the violation of Article 5 of this Proclamation, can pass a verdict to dissolve the party/organization.

### **Chapter 8: Sources of Assets and their Administration**

#### **Article 18: Sources of Assets**

The sources of assets of any party/organization shall only be the following:-

- 18.1 Members' payment and contributions
- 18.2 Contributions from Eritrean sympathizers
- 18.3 Assistance from the Government if there is any

#### **Article 19: Asset Administration**

All assets of any party/organization are public assets. Therefore, it shall be administered as follows:-

- 19.1 Details of fixed and movable assets shall be submitted to the Commission in writing.
- 19.2 The finance and property of any party/organization shall be recorded and handled with a convenient system of auditing. Every year the record will be audited with a certified auditor, and a copy of the report shall be submitted to the commission.
- 19.3 If a political party/organization merges with another party/organization, the latter will inherit the former's assets and shoulder its responsibilities.
- 19.4 If a political party/organization dissolves with the will of its members, all its finance and property will be put into the National Treasury.

### **Chapter 9: Various Regulations**

#### **Article 20: Interpretation**

If a difference arises in the interpretation of this Proclamation, it shall be the right of the High Court to interpret the spirit and contents of the Proclamation.

#### **Article 21: Right to Issue Regulations**

The Commission has the right to issue regulations for the implementation of this Proclamation.

#### **Article 22: Amendment**

Only the National Assembly has the right to amend this Proclamation.

#### **Article 23: Validity**

The Tigrigna and Arabic versions of this Proclamation have equal validity.

#### **Article 24: Effective Date**

This Proclamation shall enter into force on the date of its publication in the Gazette of Eritrean Laws.