

ERITREA'S STANCE ON
SECURITY COUNCIL RESOLUTION 1907

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Through Resolution 1907, the United Nations Security Council adopted a package of sanctions against Eritrea on 23 December 2009 last year. As Eritrea elucidated at the time, as well as through various communications to the Security Council and other UN Member States in the subsequent period, the sanctions resolution is not based on fact and law. No solid evidence was presented proving that Eritrea was guilty of perpetrating grave acts that threaten regional and international peace in contravention of, and as stipulated in, the UN Charter. The truth is Eritrea has been and remains the aggrieved party.

Resolution 1907 is in essence a political act that has nothing to do with international law and justice. As UN Security Council members know and readily admit, it was pressed on the SC by the United States, which has long harboured antipathy towards Eritrea. The timing itself was not coincidental or merely auspicious but represents a culmination of the unprovoked, concerted and multi-faceted efforts directed against Eritrea, principally by the United States, for the past years for a variety of reasons (Annex 5).

In 1998, Eritrea's hard-won independence was put to a test under a spurious border dispute. Ethiopia's military aggression was ultimately thwarted after a costly war that span for two years from 1998 until 2000 intermittently, and, that exacted huge loss of life and destruction of property. But even when Ethiopia's military adventures were decisively frustrated, peace was not fully restored in accordance with the provisions of the Algiers Peace Agreement reached between the two parties under the auspices and explicit guarantees of the UN Security Council in December 2000.

Under the diplomatic umbrella and protection of the United States, Ethiopia continued to brazenly violate the UN Charter and defy international law by refusing to comply with the final and binding rulings of the Eritrea Ethiopia Boundary Commission. Early in July 200, Ethiopia refused to respect UN Security Council Resolution 1430 (2002) that expressly requested it to dismantle within 30 days the new settlements that it had created in the Dembe Mengul territory of Eritrea in violation of the Algiers Peace Agreement. Again on 19 September 2003, Ethiopia's Prime Minister wrote an impudent letter to the UN Security Council rejecting the EEBC decision as "unjust, irresponsible and unacceptable" and urging the UN to devise an

“alternative mechanism” (Annex 2). In the subsequent period to-date, Ethiopia continued to occupy the town of Badme and other sovereign Eritrean territories in flagrant breach of the Algiers Peace Agreement and other provisions of international law (including the UN and AU Charters) that uphold the sovereignty and territorial integrity of Member States and the inviolability of arbitral decisions.

Ethiopia's reprehensible acts were tolerated with impunity by the UN Security Council for eight long years due to overbearing US political and diplomatic clout and influence. Former US Permanent Representative to the United Nations, John Bolton, has revealed that “For reasons that (he) never understood, (the State Department's Africa Chief), Frazer had reversed course and asked to reopen (at the UN) the 2002 EEBC (Eritrea Ethiopia Boundary Commission) decision, which she had concluded was wrong.” But this tenuous position could not be maintained for long and the United States spared no efforts to find “plausible” pretexts so as to divert international attention and to portray and demonize Eritrea as a “pariah State bent on destabilizing the Horn of Africa region”.

Eritrea's differences – that were often candidly and publicly expressed – with the United States on its regional policies and practices was another factor that fueled the hostility and retribution of the latter. Both in Somalia and the Sudan, US policies and practices were not geared at promoting durable solutions on the basis of inclusive political reconciliation processes anchored on the local protagonists. US ill-advised policies in Somalia that oscillated from bankrolling and arming warlords, to instigating and condoning Ethiopia's military invasion of the country have exacerbated the crisis in Somalia. (See remarks of the then Assistant Secretary of State for Africa, Dr. Jenday Frazer, to UN officials in Addis Ababa, six months before the Ethiopian invasion of Somalia, in which she says, “If Ethiopia intervened in Somalia, it would be a mistake for the international community to condemn it (Annex 3).

As it may be recalled, Eritrea had vehemently opposed Ethiopia's illegal invasion of Somalia as this was fraught with undermining prevalent regional endeavours at cultivating consensus; further polarizing the region, and jeopardizing the prospects of peace and stability; (Annex 4). In the same vein, US policies in the Sudan were often counterproductive against the yardstick of durable regional peace and stability. Because Eritrea consistently called for a different and more constructive American approach

to the interlocking regional issues, successive US Administrations vented out their wrath on Eritrea and vowed to “punish” it. According to Dr. Frazer, “Eritrea has lost legitimacy in the region. (They have) crossed the red line in Somalia by supporting extremists, and they will pay for it.” This is indeed the real backdrop behind US lopsided hostilities towards Eritrea.

In the political and diplomatic maneuverings conducted to solicit the adoption of Resolution 1907, the accusations leveled against Eritrea were invariably characterized by innuendos, fabrications and murky “evidences”. The sources were never made public or divulged at least to Eritrea. In as far as Eritrea understands, their credibility and motivation; the veracity of their allegations were not ascertained thoroughly and objectively. The accusations seemed to shift fulcrum almost whimsically. In its first report in 2006, for instance, the Somali Monitoring Group falsely maintained that Eritrea had sent 2000 soldiers to Somalia. Although Eritrea expressly asked for rectification and remedies against unsubstantiated accusations and smear campaigns, its pleas continued to be routinely ignored. What is worse, the Somali Monitoring Group persisted on heaping other equally outrageous allegations against Eritrea in its periodic reports. In the weeks prior to the adoption of Resolution 1907, the allegations of “provision of weapons to Somali insurgents” was first peddled and then dropped and supplanted by presumed “political and financial assistance”. This was again eclipsed by the novel accusation of Eritrea’s reluctance to “cooperate” in the Somali peace process. Eritrea’s sovereign rights to formulate its own independent views on the nature and remedies of the Somali crisis could not possibly be the dominant factor in imposing sanctions against it. But utterly untenable as this proposition might appear, the fact is it was feverishly invoked to cajole the Security Council to adopt Resolution 1907.

The dynamics of the process through which Resolution 1907 was adopted is another critical element that underscores clearly the political nature of the act. Article 39 of Chapter VII of the UN Charter allows the UN Security Council to “determine the existence of any threat to the peace, breach of the peace, or act of aggression and to make recommendations or decide what measures shall be taken in accordance with Articles 41 and 42 or to restore international peace and security”. This authority, which must be exercised with extreme circumspection and without any political bias in situations of grave danger to international peace and security, rests solely on the UN Security Council. It cannot be delegated to regional or other subordinate organizations. In regard to Resolution 1907 however, the United States first

ensured its adoption by IGAD when that organization was chaired by Ethiopia. It then lobbied AU Member States in the June Summit in Sharm-el-Sheikh last year to secure its adoption. These resolutions were subsequently invoked as decisive and conclusive evidence of Eritrea's culpability and Resolution 1907 was adopted in a rush on the eve of Christmas last year under without giving Eritrea the right of self-defense.

It must also be emphasized that Resolution 1907 cannot be justified on the basis of the reports of the Somalia Monitoring Group (SMG). Leaving aside whether the reports of this group are credible or not, the SMG had and continues to implicate a number of countries – including the Ethiopia, Kenya, etc. – for violation of the arms embargo in its reports. But for considerations that defy reason, the Security Council has ignored the reports in as far as the other countries are concerned.

In some respects, Resolution 1907 also contravenes the UN Charter itself. The military embargo it has imposed against Eritrea violates the provisions of Article 51 of the UN Charter on the “inherent right of self-defense” in the case of aggression and occupation. For the Security Council to keep mum while Ethiopia continues to occupy by force sovereign Eritrean territories and impose at the same time a military embargo on Eritrea cannot be legally tenable. Additionally, the wrong signal it sends and the dangerous situation it can set in motion is palpable.

In the same vein, the “targeted sanctions” against Eritrea’s “political and military” leadership is not hinged on law or evidence but mainly pursued to obstruct Eritrea’s diplomatic engagement and hamper its development objectives and aspirations.

The people and Government of Eritrea thus totally reject this resolution which is devoid of any legal or moral justifications and whose outcome can only be to exacerbate the tragic situation and human suffering in our region. They urge the Security Council to revoke and annul it altogether.