

It is to be recalled that on 23 December 2009, the UN Security Council passed a resolution sanctioning Eritrea founded from unsubstantiated allegations and lies blaming it is supporting insurgents in Somalia and other unfounded assertions. However what is beyond belief is the conspicuous dearth of factual verifiable incriminating evidence. Nowhere in all the pertaining deliberations of this case, is it possible to obtain unmistakably and publically accessible citations which Eritrea is in violation with respect to the chaos and disorder in Somalia? Even more disturbing is that Eritrea was not and is not allowed to challenge the truthfulness and permissibility of all the fabricated allegations that have been marshaled to base that decision. And now one and half year on, the situation in Somalia has turned for the worst and the fabricated border conflict that never was has become a non issue that threatens international peace and security. Yet the sanctions remain in place. Equally outrageous is that the lifting or the suspension of a sanction is left to the interpretation of the permanent members of the Security Council. This effectively means the sanction can remain indefinitely as long as you have a sworn enemy in the council.

It can't get more pathetic and ridiculous than this. But what lies behind all this injustice? If the 'grounds' for the initiation of the sanction are no longer existent, what justification is there for the sanction to continue? Before we try to look into the underlying motives, it would help to briefly expose how sanctions come into existence, and what is the current view is as regards their legality?

The UN is required to resort to sanctions when there is compelling evidence that the targeted state is in clear violation of international norms in respect of peace and security and that all diplomatic efforts have failed to persuade that state comply with the objectives as set by the security council. Here what is vitally important is that, the violations that the accused state is believed to have committed must be verifiable on the ground. This means the evidence should be gathered without prejudice and be irrefutably true while at the same time the state alleged to be violation is given the opportunity to prove its innocence. This is important not least because the UN credibility is at risk, but also because sanctions have consequences for the people of the targeted state (a human right issue in itself) and this being in contravention of the cardinal principle of the presumption of 'innocence until proven guilty'. Yet what we have here is the demise of that principle and the undermining of the UN's credibility in general and the legitimacy of sanction in particular as an instrument to bring about the intended objectives. To victimize a state simply because it holds an alternative workable solution to a conflict resolution in this way is amoral, vindictive and corrupt to say the least. It must be also stated that one of the crucially flawed procedure in the administration of sanctions is that any member state can initiate and submit a sanction to the UN Sanctions Committee. The committee then merely executes the process without a clue and the matter is over and done.

No scrutiny, no discussion or judgment on the substantiality of the basis of decision. No provision for the targeted party to respond and question the authenticity of the evidence the party is alleged to be in violation. In effect this means if country A wants to settle scores with neighboring country B, and if country A has a friend at court such as the US, then you can be pretty certain that country B will get sanctioned. Equally you can also get away with it like Israel

when you have the US at your side. This is the real and objective situation we are dealing with. If this is undemocratic and legally unsound practice, what then can one designate it as? Where is the essence of the buzz words of democracy, human rights, supremacy of justice etc. we are lectured upon day in day out? Why they are in short supply in this particular instance?

What's more, from the legal point of view, the UN is neither accountable nor can any legal action be taken against her. And there is a growing concern about the legality of many UN sanction resolutions. Just recently a number of legal challenges have been launched against UN sanctions resolutions. Notwithstanding these legal challenges being in respect of individual persons, the call for a transparent, impartial and a public hearing is ever growing. Lack of transparency and secrecy of the committee procedures the denial of access to information by all stakeholders is indeed a serious failing of the UN sanctions administration.

As we all know Eritrea has not only vigorously challenged the truthfulness of the evidences on which this illegal and unjustified resolution was based; equally, it has persistently requested to be given the chance to answer its case publicly but to no avail. Many have echoed, albeit privately, that this case is very unique and unprecedented simply because, it was passed without any burden of proof. Eritrea has no remedy for the injustice it suffers. THREE of them –the persecutor, the judge and the witness are one and the same- making the Security Council to be judge of its own legitimacy. What can be so unjust than this?

The truth of the matter is that there is only one power that matters when it comes to the imposition of UN sanctions. That power is the USA. Its veto and its muscle to initiate and coerce other states not only to comply but also to serve as fronts for a resolution that the USA deems necessary are at the centre of all this. In his book "Deliberate Deceptions: Facing the Facts About US-Israeli Relationship" (Lawrence Hill Books, 1995) author, former Congressman Paul Findley concretely illustrates how Israel has been able to successfully marginalize the UN thanks to friend at court- the USA.

According to his search in the period 1972-1999, the US vetoed 29 resolutions passed against Israel. The UN has passed 65 resolutions between 1955 and 1992 for which the later is clearly in violation. Rightly the author also argues that since the US vetoed the strongest resolutions, the vetoed ones are more relevant than those passed. The passed vetoed are often watered down to satisfy US desire lest it veto them altogether. My preoccupation here is not about Israel and the UN. The point I am trying to make is how ridiculous and unfair and corrupt the current practice is. Eventually, the most important point for us Eritreans is to strengthen our unity and resolve to do whatever is required of us to support our people and government to see this through. We must energetically reinforce our Mechete in whatever form - legally and otherwise. We ought to solicit the support of our personal friends and the friends of Eritrea in promoting the cause of Eritrea's national interest. Let us inform and share with them the injustices and the spiteful sanction resolution and its consequences.

Let us explain to them that this case is unprecedented both in its justification and relevance to the issue involved and that it is aimed only at harming Eritrea and its peace loving, hard working people. Since many of our non Eritrean friends and acquaintances may not keenly follow the events and developments in the Horn of Africa, let us make it a point that they are educated on

the Eritro- Ethiopia border saga, Eritrea's remarkable and exemplary peaceful co-existence of various ethnic and religious communities, the economic, social and political roadmap the country has drawn.

Above all, let us explain to them that those behind this punitive sanction find it next to impossible to deal with self assertive states such as Eritrea and therefore use this illegal and fabricated accusation as a foreign policy instrument. It should also be noted that we do this not as PR exercise, but as genuine and just cause and we also we do it with modesty and acknowledgement of our shortcomings in whatever field it may be. We must tell our story lest others tell a distorted story about us.

Beyond any doubt, this sanction is not about individuals. In truth it is a sanction imposed on our country and our people. It is, albeit disingenuously, aimed at undoing the very existence of our nation for which we have paid so dearly. As a proud but decent, self confident, honest and unperturbed people, we surely shall prevail thanks to our unity and collective disposition to get tougher when the going gets tough.

*Let justice prevail  
Viva Eritrea libre!*