



A Shameful Day for the United Nations

The UN Security Council has today passed a shameful resolution imposing sanctions against Eritrea. The unjustifiable measures imposed on Eritrea include: an arms embargo; the inspection and seizure by Member States in their territory of such cargo to and from Eritrea; and, the imposition of a travel ban, and the freezing of assets of, Eritrea's political and military leadership who may be blacklisted by a Committee.

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As Eritrea has strongly emphasized in the past weeks, this brazen act is neither based on fact nor on the provisions of international law. It constitutes a travesty of justice and amplifies the dangers inherent in a unipolar world.

The fact of the matter is this resolution was originally conceived and feverishly executed by the United States. Britain, and especially Uganda, were co-opted as sponsors of the resolution for purposes of deceitful packaging. The US Mission to the UN further tried to invoke a resolution of the African Union to disguise the real culprit. But in the end, this cover did not work. As it happened, the US Ambassador to the UN was ultimately forced to come out of the closet and cajole UN Member States to adopt the resolution willy-nilly.

Setting aside the misguided policies of the US Administration in the Horn of Africa region and the loathsome personal agenda of the US Ambassador to the UN who could not hide her obsession to "punish Eritrea" and "break its arrogance", what are the accusations leveled against Eritrea? How do these accusations square with the provisions of the UN Charter? Does

the

heavy-handed process pursued in this case conform to the modalities and precedents of the UN Security Council in imposing sanctions against a Member State?

1. It must be stressed that the accusations against Eritrea for involvement in Somalia have never been substantiated or verified. Many Member States objected to the draft resolution in the early days precisely for these reasons though they acquiesced to US pressure later. The Somalia Monitoring Group had previously accused Eritrea for “supplying arms to those opposing the TFG”. This clause was later dropped quietly and the revised version indicts Eritrea for “providing political, financial, and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia”. As pointed out earlier, these allegations were, again, not explained or substantiated. Indeed, how can Eritrea provide logistical support to armed groups in Somalia when it does not have a contiguous border with that country? The allegation of financial support is equally tenuous. Eritrea has neither the political will nor the financial clout to bankroll armed groups in Somalia. As for the accusations of political support, it is well-known that Eritrea has not recognized the TFG for cogent and well-thought out reasons. This was also the case with the externally established previous TFGs installed in Mogadishu without the consent of the Somali people. Eritrea’s impartial and balanced position emanates from its profound desire to contribute to a durable and sustainable solution to the crisis in Somalia. These political considerations aside, the fundamental legal issue at hand is whether this matter of purely sovereign national jurisdiction can be misconstrued as a subject of UN Security Council concern. Is it the mandate of the Security Council to punish any Member State on account of the political views it holds or the diplomatic choices it makes? Has the Security Council ever imposed sanctions against one or more countries because they have not recognized Kosovo, Abkhazia, or South Ossetia? Does controversy on matters of this nature empower the UN Security Council to take punitive measures against a defenseless country arbitrarily?

2. The resolution refers to the “decision of the 13th Assembly of the African Union in Sirte, calling on the Council to impose sanctions against Eritrea”. Again, this assertion is replete with distortions and half-truths. As underlined earlier, the resolution was co-sponsored by Uganda in its individual capacity. It was not tabled, but on the contrary, vehemently opposed by Libya which is the current Chair of the AU and a non-permanent member of the UN Security Council. More importantly, the UN Security Council’s function is not to rubber-stamp resolutions adopted by a regional organization when invoking Chapter VII of the UN Charter to impose sanctions against a Member State but to do so independently and only on the basis of incontrovertible facts and law.

3. In a feat of unprecedented cynicism, the UN Security Council Resolution recommends other punitive measures against Eritrea on account of the U.S. fabricated “border dispute with Djibouti”. For seven long years now since the Eritrea-Ethiopia Boundary Commission gave its final and binding Award on the border dispute between Eritrea and Ethiopia in April 2002, the Security Council has refused to shoulder its responsibilities to ensure the respect of the arbitration decision in accordance with the provisions of the Algiers Peace Treaty that was largely drafted and explicitly guaranteed by this same body. This has encouraged Ethiopia to violate its treaty obligations, the UN Charter and international law to continue its occupation of

Badme and other sovereign Eritrean lands. This same Security Council is now singing to a different tune, simply because it is played by Washington, to threaten Eritrea with punitive measure for a non-existent border conflict.

Security Council Resolution 1907(2009) is thus not based on law and incontrovertible facts. The United States has simply employed its preponderant influence to ram through unjustifiable sanctions against a small country. What is shameful is that the United States has been allowed to use the platform and authority of the United Nations to perpetrate injustices against the people and Government of Eritrea; for the second time in recent history. What is shameful is that other major powers in the UN Security Council cannot go beyond expressing their disappointment, mostly in private meetings, to check the excesses of Washington. What is shameful is that the United States can turn the tables and victimize an innocent nation for the very crimes that it is responsible for in the first place. Because the truth is, the United States is mostly responsible for the mayhem and suffering that is bedeviling Somalia today. Indeed, it is common knowledge that as intractable as the Somali crisis is, there were real hopes of a turnaround for the better in 2006. For reasons that defy reason, the Bush Administration then acted to roll back those promising developments to instigate and support Ethiopia's invasion of Somalia. That single debacle claimed the lives of thousands of innocent Somalis, made half a million people homeless and aggravated the humanitarian crisis in Somalia to unprecedented levels. But then, the Security Council is not taking action on the basis of justice and legality. It is taking action on the basis of the existing power balance in a largely unipolar world. This does not bode well for international justice and peace. This is why today is a shameful day for the United Nations.

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