

Eritrea

THE SECRETARY-GENERAL

19 March 2010

Excellency,

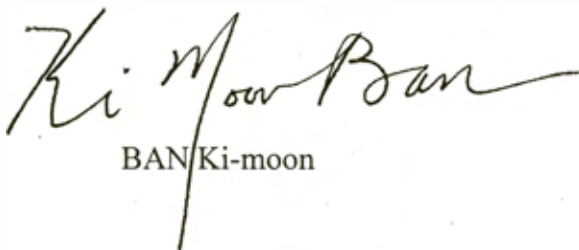
I would like to thank you for your letter dated 19 January 2010 regarding Security Council resolution 1907 (2009).

I take note of the concerns you raise in the letter and your request that an independent body examine all allegations leveled at your Government, and that your Government be provided the opportunity to defend itself against these allegations.

I understand that you have sent similar letters to the President of the Security Council and the Chairman of the Sanctions Committee dealing with Somalia. I hope that as the Security Council discusses the report of the Somalia Monitoring Group, an opportunity will be provided to your Government to present its views on this matter.

I wish to reiterate the strong desire of the United Nations to establish a dialogue with you and your Government on issues pertaining to the Horn of Africa, which you have mentioned in your letter.

Please accept, Excellency, the assurances of my highest consideration.


BAN Ki-moon

His Excellency
Mr. Isaias Afwerki
President of the State of Eritrea
Asmara

10 - 02604 / 10 - 01034

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EXECUTIVE OFFICE OF THE SECRETARY-GENERAL
CABINET DU SECRETAIRE GENERAL

REFERENCE:

19 March 2010

Excellency,

The Secretary-General would be grateful if you would kindly forward the enclosed letter to His Excellency Mr. Isaias Afwerki, President of the State of Eritrea.

A copy of the letter is attached for your information.

Please accept, Excellency, the assurance of my highest consideration.

A handwritten signature in dark ink, appearing to read "V. Nambiar", is written over a horizontal line.

Vijay Nambiar
Chef de Cabinet

His Excellency
Mr. Araya Desta
Permanent Representative of Eritrea
to the United Nations
New York



To: Mr. Nambiar,

Please find attached for your approval and SG's signature a letter addressed to President Afwerki of Eritrea, in reply to his letter dated 19 January 2010, regarding SC resolution 1907 (2009).

A handwritten signature in blue ink, consisting of a stylized 'N' followed by a horizontal line.

Nicholas Haysom
19 March 2010

Cc: KWS

10-02604

ACTION COPY ✓

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TO/A: Mr. Vijay Nambiar, Chef de Cabinet				
CC:				
THROUGH/WISE PAR:				
FROM/DE: B. Lynn Pascoe, USG, DPA				
Date: 16 March 2010	Ext: 3-5055	Room No. – No de bureau:		
FOR ACTION		POUR SUITE A DONNER		
FOR YOUR ATTENTION		FOR VOTRE ATTENTION		
FOR INFORMATION		POUR INFORMATION		
FOR APPROVAL / SIGNATURE		POUR APPROBATION / SIGNATURE		
FOR COMMENTS		POUR OBSERVATIONS		
AS REQUESTED		SUITE A VOTRE DEMANDE		
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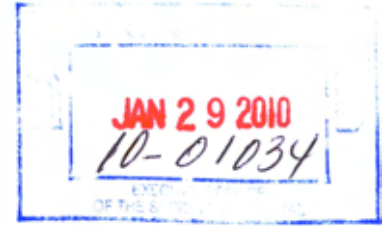
SUBJECT/MESSAGE:

Please find attached, for the approval and signature of the Secretary-General, a letter of reply to the President of Eritrea, H.E. Mr. Isaias Afwerki.



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The President

Eritrea
ACTION COPY *Mr. Kere*



Asmara, 19 January 2010

Your Excellency;

For the past eight years, the United Nations Security Council has turned a blind eye to Ethiopia's lawless defiance of the 2000 Algiers Agreement and the Eritrea Ethiopia Boundary Commission's "final and binding" Award of 13 April 2002 under the heavy-handed pressure and prodding of the United States. Furthermore, it must be recalled that the United States bears primary responsibility for fomenting and escalating the conflict in the first place to create the conditions for "managing the crisis" later.

US misguided and reckless policies that have imperiled peace and stability in the Horn of Africa region are not confined to the Eritrea-Ethiopia border conflict only. The complications that have ensued on account of US unwarranted interferences for almost 20 years in the Sudan, Somalia and other countries in the region are glaringly obvious to merit detailed explanation. The United States has misconstrued the fight against terrorism as "its private affair" in order to use it as a suitable pretext for its unwarranted interferences to confound and aggravate the latent problems besetting the region. As it happens, it has marginalized the peoples and governments of the region instead of galvanizing them for concerted action to curb the threat that affects them first and foremost.

Furthermore, it must be emphasized that US unprovoked hostility towards Eritrea predates and transcends any recent developments or differences on Somalia. Among the litany of unilateral measures that previous and current US Administrations have taken against Eritrea, the following can be cited to illustrate the depth and scope of the hostility directed towards Eritrea:

H.E. Mr. Ban Ki-Moon
Secretary- General
United Nations



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1. In April 2004, US officials in the Homeland Security raided the Eritrean cultural centre in Washington, manhandled Eritrea's diplomatic agent and confiscated close to 1 million dollars in cash from the safe box as well as Embassy documents in contravention of the basic tenets of the Vienna Convention on Diplomatic Privileges and Immunity. Eritrea's repeated efforts to seek redress and secure the return of the confiscated money remain fruitless to date.
2. Although Eritrea is a multi-religious society and a secular State where Christianity and Islam have co-existed in mutual harmony for over 1300 years, the Bush Administration mendaciously labeled Eritrea in 2005 as "a country of concern for practicing religious persecution". This offensive ritual continues without redress to-date.
3. Successive US Administrations have employed their financial clout in the World Bank and other multilateral associations to deny development assistance to Eritrea. They also continue to wage an intensive campaign to discourage the flow of FDI to Eritrea.
4. In June last year, President Obama signed Executive Order 1349 putting Eritrea in the list of "human trafficking" nations and imposing a series of financial sanctions against it. Again this measure was not corroborated by facts. On the contrary, successive US Administrations have encouraged unlawful emigration from Eritrea under one or other pretexts. In February last year, for instance, the Bureau of Refugees in the US State Department announced that it has allocated "asylum rights" for 10,000 Eritrean youth who may desert the National Service.

This is the bleak political backdrop of the unjustifiable resolution that the UN Security Council adopted on 23 December last month, again under intense pressure of the United States, to impose a series of sanctions against Eritrea. The US sponsored sanctions, clearly, are not motivated by any desire for peace and stability in the region but as punishment for Eritrea because it has not sheepishly bowed to US disastrous policies in the Horn of Africa region. That Security Council Resolution S/1907/2009 is not based on fact and law is otherwise underscored by the following:



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1. The Somalia pretext and invalidity of the “sanctions”

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 this reason though they acquiesced to US pressure later). The flimsy insinuations cannot indeed stand serious scrutiny as illustrated by the following:

- 1.1. The US Administration has been harassing Eritrea throughout the past months - and this was often accompanied with veiled threats - to recognize the current “Transitional Federal Government”, (TFG), in Somalia. It must be stressed that recognition or non-recognition of governments and States is the sole prerogative and sovereign jurisdiction of all countries. The latter has furthermore no justification on political grounds. Most Arab countries do not recognize the State of Israel. Kosovo has not been recognized by a number of European countries and by most other countries in the rest of the world. The similar status of Abkhazia, South Ossetia and Taiwan could also be invoked. 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 really 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 Israel, Kosovo, Abkhazia, South Ossetia and Taiwan? Does controversy on matters of this nature empower the UN Security Council to take punitive measures against a defenseless country arbitrarily? It must also be recalled that Eritrea had not recognized previous externally established TFGs - including the Abdulqasim Salad and Abdullahi Yusuf entities – installed in Mogadishu without the consent of the Somali people for cogent and well-thought out reasons. It is patently clear that no “benign” foreign power can choose a government to the Somali people. The arbitrary exclusion and ostracism of some groups under this or that pretext or label; the handpicking of “candidate” factions and individuals will not produce the panacea for Somalia’s formidable problems. In Eritrea’s view, a durable solution lies in a painstaking and inclusive political process of national reconciliation that



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addresses the problems in Mogadishu as well as in the other restive regions of Somalia. As it is well known, the current leaders of the TFG were labeled Islamists and forced out from Mogadishu in 2006. They subsequently sought refuge in Asmara to conduct their opposition work from there. Why was the issue of sanctions not raised then? Why now?

- 1.2. In as far as the allegation of the “supply of arms” is concerned, this groundless accusation has to be ascertained, if it has any grain of truth, by an independent party in an open forum. The accusation must be validated by incontrovertible evidence. It should not be determined in a closed meeting where the US – obsessed with punishing Eritrea - acts both as the plaintiff and the judge. It must also be borne in mind that the United States is the party which has been providing arms to Somalia’s warlords.
- 1.3. By the same token, allegations of other types of support have to be proven with credible evidence and in an open forum. Certain countries - and especially officials from Uganda, Kenya, Djibouti and Ethiopia - who are part and parcel of the problem and have colluded with the United States to corroborate its false accusations cannot be treated as neutral witnesses. It must further be recalled that the UN Security Council - Resolution S/1725/2006 - was keenly aware of the pitfalls and had endorsed the regional misgivings of including any troops from “neighboring countries” (Ethiopia, Kenya, and Djibouti) in any peacekeeping force that would ultimately be deployed in Somalia within the framework of a viable peace formula. These precepts were abandoned in 2006 when the US Administration instigated Ethiopia’s invasion of Somalia and secured its subsequent replacement by “AMISOM” from Uganda and Burundi. These acts were not in consonance with the political and legal consensus that prevailed at the time.

For all these reasons, the indictment of Eritrea for its role in Somalia has no legal or factual validity.



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2. A fabricated “border conflict” between Djibouti and Eritrea as another pretext

As Eritrea has underlined on many occasions before, there is no good faith “border dispute” between Djibouti and Eritrea. The putative “border dispute” was contrived by the US Administration for reasons which have to do with its strategy in the region. Indeed, this is intertwined with, and designed to advance, the purposes of US strategy of using Djibouti as a springboard for its military objectives in the region under the rubric of the “war on terrorism”. Naturally, it is the legitimate right of any State to enter into defensive military pacts with other State/s. French presence in Djibouti in accordance with such agreements is a case in point. US presence and its acquisition of a military base in Djibouti however fall outside this realm. It is against this backdrop that the Bush Administration decided to contrive the border problem between the two sisterly countries. This can be easily inferred from the manner in which the problem came to the surface:

- Eritrea became aware of this “dispute” through a third party when the President of Djibouti made a telephone call to the Amir of Qatar asking him to use his “good offices to resolve the dispute”. Why did Djibouti resort to this indirect approach?
- The Amir of Qatar subsequently called me to talk about this matter. We were puzzled by this sudden accusation.
- I promptly called President Guelleh to enquire about the matter and to express my belief that “if there was indeed a border problem, the matter could have been resolved bilaterally without resorting to third parties”.
- In spite of these conversations, President Guelleh went to the Djibouti-Eritrea border on the next day escorted by a contingent of the country’s Armed Forces. This act in itself was puzzling raising deeper questions of motive.
- After a few weeks, Djibouti army units freshly deployed in the border launched a surprise attack on Eritrean units.
- In an apparently orchestrated and well-planned diplomatic campaign, the US State Department promptly issued a statement condemning Eritrea. In the same vein, the UN Security Council was made to issue a statement condemning Eritrea without ascertaining the facts independently and



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objectively. The UN Security Council later decided to send a fact-finding mission to Eritrea. Eritrea could not accept, both as a matter of principle and in terms of judicious procedure, an *ex poste* visit by the mission when the UN Security Council had put the cart before the horse and already condemned Eritrea unjustly.

This sequence of events illustrates that this is not a good-faith dispute but a fabrication of the United States for other ulterior purposes. In the event, the road ahead must consist of: i) resolution of the problem, if it indeed exists, bilaterally without unwarranted internationalization and interference of third parties; and, ii) ensuring that the United States cease from fomenting trouble to advance its own agenda and abandon its pretentious “moral high ground” to indict and punish Eritrea. For all the reasons cited above, the resolutions that the UN Security Council has adopted on this matter are not defensible. Unless rectified, they will only undermine the moral authority and credibility of the Security Council. In the circumstance, Eritrea kindly requests for the repeal of this resolution.

3. Inappropriate Amalgamation of Issues

The crisis in Somalia has no legal and/or political linkages with the fictitious border problem between Djibouti and Eritrea. The body of laws that govern border claims and misunderstanding between States as well as the established practice of handling them in the UN Security Council are well known to merit repetition here. But in a transparent scheme to build a “robust” case against and demonize Eritrea, the US sponsored resolution breaks precedent to amalgamate unrelated matters. When the Security Council has kept silent for eight years on the violation of the Algiers Peace Agreement – signed after a costly war that has claimed over 100,000 lives and in which the UNSC is a guarantor in accordance with Article 14 of the Agreement – how can one explain Resolution S/1907/2009 that purports to slam sanctions on one party on account of a presumed border dispute? In any case, the issues must be treated on their own right and addressed on the basis of compelling evidences.



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4. Flawed processes

The United States had meticulously worked out a sinister “game plan” that would incrementally create a momentum for imposing sanctions against Eritrea. To this end, it first ensured that the accusations against Eritrea are first adopted in IGAD – a regional institution which has unfortunately turned into a captive organ of US strategy in the Horn. Thus partisan condemnations of Eritrea and a general call for sanctions were secured within IGAD, mostly under the “Chairmanship” of Ethiopia. These resolutions were later discussed in the African Peace and Security Council with intensive US lobbying. The AU Summit in Sirte was then made to adopt the resolution through a similar pattern. Strong voices that requested independent verification were quelled and the resolution adopted at the last minute when most of the Heads of State and Government had departed. In the subsequent Extraordinary Summit held in Libya in August last year, many member States raised fundamental reservations on the approach to the Somali crisis and recommended solutions that contradict the June Resolution both in tone and content. Security Council Resolution S/1907/2009 cites these events in a selective and distorted manner. What must be clear is that the Resolution was co-sponsored by Uganda in its individual capacity as a non-permanent member of the Security Council. It was not tabled, but on the contrary, strongly opposed by Libya which is also a non-permanent member of the UNSC, and, the current Chair of the AU and which had consistently objected to the AU Resolutions at all the different stages. More importantly, the UN Security Council’s function is not to simply endorse 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. Thus in spite of the seemingly subtle and elaborate processes, the scheme remains both flawed and legally untenable. The overt pressures that the US Administration employed in soliciting backing from several Security Council Member States who had raised serious misgivings on the whole exercise and particularly requested for facts to corroborate the allegations further amplifies the fact that this resolution is not based on law and justice. The fact that Eritrea was denied the platform to defend itself, to clarify the truth is another illustration of the flaws of the process and the groundless accusation and vigorous smear



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campaigns conducted by the United States. UN Security Council Resolution S/1907/2009 is thus not based on fact and law. It was not adopted by UN Security Council members acting in good faith to preserve regional peace and security. The Resolution was drafted and pushed by the United States to serve its own perceived interests in the Horn of Africa region and to punish Eritrea simply because it has not accepted its biased policies.

In the event, Eritrea requests that i) all the groundless allegations be examined by an independent body; and that ii) it is accorded the opportunity and right to defend itself against the false accusations peddled by the United States to advance ulterior objectives.

My Government kindly urges Your Excellency to redress the injustices perpetrated against Eritrea and to seek a reversal and repeal of the lopsided resolution that is not based on fact and international law, that will only aggravate regional instability and insecurity, and, that can only undermine the moral authority of the international body.

Accept, Excellency, the assurances of my highest consideration.

Sincerely;

Isaias Afwerki