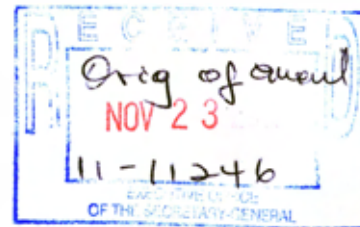


ACTION NH (w. funds)
COPY JN



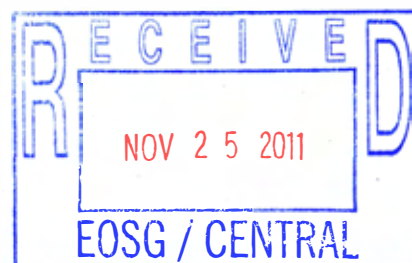
Note to Mr. Nambiar

DRAFT RESOLUTION ON ERITREA

Please find attached, for the approval and signature of the Secretary-General, a draft reply to the Minister of Foreign Affairs of the State of Eritrea, in response to his letter dated 1 November 2011 expressing concern over a draft resolution in the Security Council on Eritrea.

(Att. related
corlog 11-10714)

B. Lynn Pascoe
23 November 2011



EXR/17/001

UNITED NATIONS



NATIONS UNIES

POSTAL ADDRESS - ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
CABLE ADDRESS - ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

EXECUTIVE OFFICE OF THE SECRETARY-GENERAL
CABINET DU SECRETAIRE GENERAL

REFERENCE:

25 November 2011

Excellency,

The Secretary-General would be grateful if you could kindly forward the enclosed letter to His Excellency Mr. Osman Mohammed Saleh, Minister for Foreign Affairs of the State of Eritrea

A copy of the letter is attached for your information.

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

Vijay Nambiar
Chef de Cabinet

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

25 November 2011

Excellency,

I would like to thank you for your letter dated 1 November 2011, in which you expressed concerns over a draft resolution on Eritrea. I understand that you sent a similar letter to the President of the Security Council (S/2011/681).

The adoption of resolutions is the prerogative of the Council and I hope that the members of the Council will consider the issues you have raised in your letter.

I would like to encourage your Government to continue its cooperation with the Monitoring Group on Somalia and Eritrea and to facilitate the requested visit by the Group to Eritrea.

I wish to reiterate my personal commitment to continue to discuss with you and your Government on issues pertaining to peace and stability in the Horn of Africa.

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

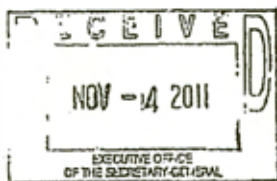
BAN Ki-moon

His Excellency
Mr. Osman Mohammed Saleh
Foreign Minister of the State of Eritrea
Asmara

Permanent Mission of Eritrea
to the United Nations



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الهيئة الأثرية العامة لدى الأمم المتحدة



03 November 2011

Excellency,

I have the honour to attach a letter from H.E. Mr. Osman Saleh, Minister of Foreign Affairs of the State of Eritrea, dated 01 November 2011, addressed to H.E. Mr. Ban Ki-moon, Secretary-General of the United Nations, in connection to the sanction resolution tabled at the Security Council. A copy of the letter is also attached for Your Excellency.

I would appreciate it very much if Your Excellency could kindly forward the attached letter to its highest destination at the earliest possible time.

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

A handwritten signature in black ink, appearing to read "Araya Desta".

Araya Desta
Ambassador and Permanent Representative

H.E. Mr. Vijay K. Nambiar
Under-Secretary-General, Chef de Cabinet
United Nations

Excellency,

Eritrea has all along maintained that resolution 1907 that was adopted by the U.N Security Council in December 2009 is not based on fact and law. In this vein, Eritrea has relentlessly tried in the past two years to put its case to all UN Member States with the hope of seeking redress and annulment of this unwarranted resolution. Many facts, including WikiLeaks documents, now reveal that vindictive and unjustified punishment of Eritrea under the umbrella of the UN Security Council was countenanced and actively discussed by the Eritrea's detractors as early as 2006; long before the crisis in Somalia assumed center stage in this whole affair.

As we have explained in the past, Resolution 1907 imposes on Eritrea an arms embargo while Eritrea remains a victim of Ethiopian aggression with the latter occupying sovereign Eritrean territories in flagrant breach of international law; the AU Charter on the sanctity of colonial boundaries; and relevant UN articles on the resolution of territorial disputes through arbitral mechanisms. But Ethiopia's violations of international law, which have and continue to jeopardize regional peace and security, remain tolerated by the same Security Council which has seen fit to punish Eritrea unfairly. As we have emphasized on various occasions, the imposition of an arms embargo on Eritrea cannot be acceptable in principle as it undermines Article 51 of the UN Charter on the right of any member State to self-defense in situations of occupation and aggression; as it is indeed the case with Eritrea.

In view of all these realities and in the interests of justice and peace, I kindly ask Your Excellency's efforts in seeking a profound and fair assessment of the whole affair with a view to ensuring that;

- 1) The UN Security Council acts with neutrality, impartiality and fairness as it discharges its functions in the maintenance of international and regional peace and security;
- 2) Resolution 1907 and all its sequels are scrapped on the basis of just and fair appraisal of the realities on the ground.

Yours Sincerely,

Osman Saleh

Foreign Minister of Eritrea

01 November 2011

Asmara





DPA/OUSG

Rec'd 5/11/2011

ACTION SCAD

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Minister of Foreign Affairs

As Appropriate
SLP/RA/F; Y32, JH

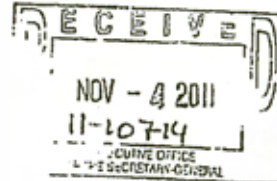
Ref: MO/278/2011

ACTION Mr. Pascoe

COPY UN

NH

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



Excellency,

Please allow me, Your Excellency, to draw your attention to the latest draft resolution which purports to impose "additional sanctions" on Eritrea.

Although certain clauses and precise wording in the operative paragraph appears to be under continued negotiations, the gist of new measures under consideration include, among other things, i) discretionary inspection of Eritrean cargo at seaports, airports and on the high seas and through transit by all states and "in particular States of the region to ensure strict implementation of the arms embargo"; ii) prohibition of new investment "in the extractive industries and mining sectors in Eritrea; iii) curtailment of the 2% recovery tax that Eritrea collects from its citizens in the Diaspora through subtle due diligence requirements and indictment of Eritrean citizens; iv) encumbrance of foreign trade transactions of Eritrea through prohibitive banking oversights and due diligence requirements; and v) the possible inclusion of selected Government officials for travel ban and others measures.

The objective of these measures are too transparent to merit extensive discourse. To begin with, the provision that would virtually give a green light to Ethiopia and other powers that harbor belligerent intentions against Eritrea to inspect at will any cargo destined to the country is fraught with dangerous security implications. Indeed, this will only disrupt maritime traffic, curtail Eritrea's right to innocent passage, and otherwise sanction and embolden encroachment on its sovereignty by its adversaries. Surely, this provocative provision cannot promote regional peace and stability.

The prohibition of new investment "in the extractive industries and mining sectors in Eritrea is simply meant to cripple future economic growth in the country. It has no direct linkages with the issues at hand apart from a broad, speculative conjecture, inserted in the Monitoring Group Report, maintaining that "revenues from mining may potentially be diverted to destabilize activities". As explained in greater detail in

ExR/17/001; POL/04/001

Eritrea's Reply to the Monitoring Group Report; Eritrea's regional policy is firmly anchored on the promotion of a "safe and cooperative neighborhood". It has neither the desire nor an interest in the destabilization of the region. Furthermore, the gestation period of investments in the extractive industry is not less than seven years on average. This measure is thus really meant to curb Eritrea's future economic growth.

Eritrea has explained in detail the rationale, legality and scope of the 2% recovery tax in its Reply to the Monitoring Group Report. As a matter of fact, the 2% tax is not significant in government fiscal and budgetary terms. Its importance lies in maintaining the bondage of the Diaspora with the home country and the consolidation of social responsibility, cultivated during the decades of struggle for national liberation, in the collective efforts at nation building. Hence, apart from its tenuous legality, any punitive measure that targets the recovery tax has political ramifications and is really aimed at undermining the cohesion and solidarity of the Diaspora with their home country. This is precisely the sinister agenda that Eritrea's adversaries have been pursuing for years.

In the same vein, the plethora of banking impediments and other commercial encumbrances proposed in the draft resolution do not emanate from credible findings of Eritrea's misdemeanor or "punishable offenses". All these measures are being pushed by Eritrea's adversaries in order to undermine its developmental drive and to slow down and paralyze burgeoning foreign direct investment in the country by rendering the business environment as difficult and dysfunctional as possible. The travel ban on selected government officials is primarily designed to reinforce the image of a "pariah state" that Eritrea's enemies have been peddling; again for ulterior political motives. This is amply illustrated by the outrageous list of senior Eritrean government officials that Ethiopia published last year.

There are other malignant procedural and substantive ramifications in the efforts underway that warrant profound scrutiny. The preamble of the draft resolution is replete with gross accusations of Eritrea's "destabilizing regional role" and "sponsorship of terrorism" that are not even borne out in the Report of the Somalia Eritrea Monitoring Group. Furthermore, Eritrea's comprehensive response has been totally ignored without serious efforts at validating the accusations leveled against it so as to ensure objectivity and neutrality.

The draft resolution is nominally sponsored by Gabon and Nigeria in a deliberate attempt to give it an African flavor. This is procedurally inappropriate and substantively flawed. The African Union has not passed a resolution calling for additional sanctions against Eritrea. The two countries are not parties to the matters under dispute. Indeed, in reality, the authors of the current resolution are the same architects that were behind Resolution 1907.



Draft resolution on Eritrea

Brenda Vongova to: SGCentral

23/11/2011 04:32 PM

Cc: Maria Zaroui, Silva Armani, Sandar Hla, Jason Voigt, Roselyn Akombe, Lourdes Selaya, Angeli Badelles

Dear Colleagues,

Please find enclosed documents regarding the above mentioned subject which have been cleared by OUSG. The original copies are being sent to EOSG via special mail.



SDOC0102.pdf



SG letter to PM Somalia re draft resolution on Eritrea 18Nov11.doc

Kind regards,
Brenda



Ms Brenda VONGOVA

Office of the Under-Secretary-General for Political Affairs
Work: +1 917 367 0292 | E-mail: vongova@un.org