



# SECURITY COUNCIL REPORT UPDATE REPORT



16 December 2009 No. 2

## ERITREA

### Expected Council Action

It appears that the Council is now close to agreement on a resolution imposing sanctions against Eritrea. A draft resolution was circulated to Council members by Uganda in November. Extensive expert level and bilateral consultations have taken place. The draft is expected to be put in blue on 17 December and is likely to be put to the vote on 18 December.

The draft would impose an arms embargo on Eritrea, as well as targeted sanctions (travel ban and assets freeze) on Eritrean nationals and entities that violate the arms embargo, provide support to insurgent groups which aim to destabilise the region, obstruct implementation of resolution 1862 concerning the Djibouti/Eritrea border dispute or obstruct the work of the Somalia Monitoring Group. The draft seems likely also to repeat the demands that the Council made in resolution 1862 that Eritrea withdraw its forces from the disputed border area, acknowledge its border dispute with Djibouti, engage in a dialogue to settle the dispute, abide by its obligations as a UN member state and cooperate with the Secretary-General and his good offices mission. It is likely that the mandates of the Somalia Sanctions Committee and the Somalia Monitoring Group will be expanded to monitor implementation of the resolution and make proposals for targeted sanctions.

### Key Facts

On 14 January the Council adopted resolution 1862 in response to Eritrea's continued refusal to withdraw its troops from the areas occupied when border clashes between Eritrea and Djibouti erupted in June 2008 (Ras Doumeira and Doumeira island) and acknowledge its border dispute with Djibouti. The Council gave Eritrea five weeks to comply with the demands of the resolution and requested a report from the Secretary-General within six weeks. The report, which was issued on 30 March, concluded that Eritrea had taken no action to withdraw its troops and had refused to engage with the Secretary-General's good offices. The Council at that time deferred taking any follow-up action in spite of Eritrea's continuing lack of cooperation and non-compliance with the Council's demands.

In April, during informal consultations, Council members agreed to ask the Secretary-General to continue his good offices efforts. (For more details, please see our 20 July 2009 *Update Report on Djibouti/Eritrea*.)

During 2009 there has been an increasing focus also on Eritrea's role in Somalia, both in terms of its alleged supply of weapons and other support to the insurgency and its hostile rhetoric against the Transitional Federal Government (TFG). In a presidential statement on 15 May, which condemned renewed fighting in Somalia involving Al-Shabaab and other extremist groups,

the Council called on the Somalia Monitoring Group to investigate reports that Eritrea had supplied arms to the insurgents.

On 20 May the Council of Ministers of the Intergovernmental Authority on Development (IGAD) adopted a communiqué on Somalia condemning Eritrea for its support to “criminal elements” in Somalia and called on the Council to impose sanctions on the Government of Eritrea without further delay. IGAD’s call for action against Eritrea was endorsed in a communiqué by the Peace and Security Council of the AU on 22 May.

In June an IGAD delegation visited New York to ask Council members to support its request for sanctions on the government of Eritrea. At the time, most members preferred to wait until more evidence was available. In July the Monitoring Group for Somalia reported to Council members that Eritrea was indeed supporting insurgent groups in Somalia and proposed a list of names to be subject to targeted sanctions which included some Eritrean nationals.

Both IGAD and the AU reiterated their calls for sanctions on Eritrea. On 30 June IGAD affirmed the importance of targeted sanctions against “all those, and in particular Eritrea who continue to pose obstacles to peace and stability in Somalia” and on 8 December expressed dismay at the inaction of the international community, and in particular at “delays in taking measures against countries, organisations and individuals” providing support to insurgent groups in Somalia”. On 3 July the 13<sup>th</sup> Assembly of the AU reiterated its request to the Council to impose sanctions against foreign actors providing support to armed groups in Somalia, especially Eritrea. It also expressed grave concern at Eritrea’s failure to implement resolution 1862.

Eritrea continued to deny the existence of any border dispute with Djibouti, as well as any involvement in the insurgency in Somalia. It has written numerous letters to the Council separately addressing these two issues.

Eritrea has also drawn attention to the outstanding border issue with Ethiopia and Ethiopia’s failure to comply with its binding legal obligations following the adjudication of the border demarcation by the Eritrea-Ethiopia border commission. Most recently in a letter to the Council on 23 November Eritrea argued that the draft resolution was based on “unfounded accusations”. It also stressed the importance the Council looking instead at implementation of the demarcation decision of the Eritrea-Ethiopia Boundary Commission (EEBC).

### **Key Issues**

The key issue for the Council is whether to proceed simply with imposing sanctions on Eritrea or whether to also signal an intention to address equally firm other factors exacerbating the situation, such as Ethiopian noncompliance with the EEBC demarcation decision and related Council resolutions.

A second issue is whether to take an incremental approach with an arms embargo on Eritrea as a first step, or immediately go for a fully fledged sanctions regime including targeted sanctions.

A third issue is whether to address the situation as a regional issue by establishing a sanctions regime for Eritrea that addresses both its role in Somalia and its actions related to Djibouti and its non-compliance with resolution 1862 or whether the two issues could be dealt with separately. The current sanctions regime for Somalia already authorises targeted measures against individuals or entities engaging in “acts that threaten the peace, security or stability” of Somalia or violations of the arms embargo. There seems to be some concerns about overlap if a separate sanctions regime is established for Eritrea.

Another issue is whether sanctions will in fact have any noticeable impact on Eritrea and lead to a change in its behaviour or whether it will in fact entrench the government even further in its current position.

A related issue is implementation of Council resolutions by its own members. The Somalia sanctions resolution adopted in November 2008 has yet to be implemented by the Somalia Sanctions Committee. Members have failed to designate any individuals to be subject to targeted sanctions despite the evidence presented by the Monitoring Group.

### **Options**

Options for the Council include:

- establishing a new sanctions regime for Eritrea along the lines of the draft resolution presented by Uganda;
- indicating an intention to adopt an even handed and equally firm approach in the case of the EEBC demarcation decision if progress is not made by Ethiopia within a reasonable time frame;
- taking an incremental approach to Eritrea by which it would only impose an arms embargo at this stage;
- separating the issues related to Eritrea's relationships with Djibouti and Somalia, using the Somalia sanctions regime to take action for interference in Somalia and taking a separate decision on the Djibouti border dispute;
- deciding to adopt a more regional approach by signalling an intention to address other relevant issues on the Council's agenda in the Horn of Africa in a related way; and
- taking no action at this time.

### **Council Dynamics**

Uganda seems to have been exerting considerable pressure on Council members, with support from IGAD, to get the Council to take action against Eritrea. Bilateral discussions have been proceeding for several months, but it appears that agreement has been difficult to reach because of divisions both among African countries and Council members, including among the P5. It appears, however, that many of the difficulties have been overcome and that the main elements of the initial text circulated by Uganda have been retained in the draft resolution that is now expected to be put to a vote.

Most Council members are clearly frustrated with Eritrea's actions in the region and seem ready to take some action. However, some members seem to favour a cautious and more incremental approach. The US and the UK have publicly argued in favour of taking action against Eritrea and appear supportive of the approach proposed by Uganda, as does Burkina Faso. But China and Russia, who are generally less inclined to support sanctions as a tool, have been cautious as has Libya which seems reluctant to support sanctions in spite of the AU's call for such action.

Other European and the Latin-American countries seem to have preferred a more gradual solution that would impose an arms embargo as a first step and save targeted measures for later. It seems, however, that Uganda has remained firm on keeping the key elements of its initial proposal. In terms of overall dynamics it seems likely that Council members are reluctant to stand in the way of what is seen as an African initiative which clearly enjoys strong support in most of the region. The draft resolution is therefore expected to be adopted, although it is still unclear whether it will be by consensus.

### **UN Documents**

#### **Selected Security Council Resolution**

- S/RES/1862 (14 January 2009) demanded that Eritrea withdraw its forces to the positions of the status *quo ante* within five weeks and requested a report from the Secretary-General by 25 February.
- S/RES/1844 (20 November 2008) imposed targeted sanctions relating to the situation in Somalia.

#### **Selected Security Council Presidential Statements**

- S/PRST/2009/15 (15 May 2009) called on the Sanctions Monitoring Group to investigate reports that Eritrea had supplied arms to insurgent groups in Somalia. (It also condemned the renewed fighting by Al-Shabaab and other extremists in Somalia and demanded an immediate end to the violence.)
- S/PRST/2008/20 (12 June 2008) called for a ceasefire between Djibouti and Eritrea.

#### **Selected Letters**

- S/2009/602 (23 November 2009) was from Eritrea stating that the draft resolution to impose sanctions on it was based on unfounded accusations.
- S/2009/319 (19 June 2009) was from Djibouti requesting action on its border dispute with Eritrea as soon as possible.
- S/2009/312 (16 June 2009) was from Eritrea reaffirming its rejection of accusations that it had supplied arms to any party in Somalia.
- S/2009/260 (20 May 2009) was from Ethiopia submitting the IGAD communiqué of 20 May.
- S/2009/256 (19 May 2009) was from Eritrea rejecting accusations that it had supplied arms to groups opposing the TFG.
- S/2009/217 (23 April 2009) was from Djibouti submitting to the Council decisions of IGAD, the AU, the League of Arab States and the Organization of the Islamic Conference calling for the implementation of resolution 1862.
- S/2009/180 (6 April 2009) was from Djibouti calling for the implementation of resolution 1862 and asking the Council to refrain from making any further statement “as such an action would tend to compromise the significance and integrity of the resolution.”
- S/2009/163 (30 March 2009) was the Secretary-General’s response to the Council’s request in resolution 1862 for a report on the situation between Djibouti and Eritrea and the parties compliance with their obligations.
- S/2009/28 (12 January 2009) was from Eritrea expressing disappointment at the discussions in the Council to adopt a resolution relating to Djibouti.

- S/2008/766 (4 December 2008) was from Djibouti refuting Eritrea's statements on the border dispute.
- S/2008/700 (10 November 2008) was from Eritrea criticising the Council for considering action against it and, referring to Ethiopia, accusing the Council of double standards.
- S/2008/690 (4 November 2008) was from Eritrea drawing attention to Ethiopia's occupation of Eritrean territory and calling on the Council to act.
- S/2008/673 (24 October 2008) was from Eritrea, referring to the circulation of the report from the Eritrea-Ethiopia Border Commission as a document of the Council on 3 October, accusing the US of orchestrating the Eritrea/Djibouti conflict as a "diversionary scheme".
- S/2008/446 (7 July 2008) was from Eritrea stating that Djibouti's accusations and the Council's presidential statement of 12 June were part of an attempt at diverting attention from Ethiopia's acts of aggression against Eritrea.
- S/2008/294 (5 May 2008) was a letter from Djibouti bringing the situation at its border with Eritrea to the Council's attention.

#### Other

- S.PV.6000 (23 October 2008) was a Council debate in which Djibouti's President Ismail Omar Guelleh participated.
- S/2008/602 (11 September 2008) was the report from the fact-finding mission that was dispatched at the Council's request.
- SC/9376 (25 June 2008) was the Council press statement on Djibouti and Eritrea requesting that a fact-finding mission be sent to the region.
- S/PV.5924 (24 June 2008) was a Council debate in which Djibouti and Eritrea presented their views on the crisis between the two countries.

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**Security Council Report is published with the support of the Governments of Canada, Denmark, Liechtenstein, Norway and Switzerland, The Rockefeller Foundation, the John D. and Catherine T. MacArthur Foundation, the William and Flora Hewlett Foundation and the David and Lucile Packard Foundation. It is incorporated as a not for profit Organisation and operates in affiliation with the School of International and Public Affairs at Columbia University in New York.**

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