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دولة إرتريا
وزارة الشؤون الخارجية

The State of Eritrea
Ministry of Foreign Affairs

ERITREA'S RESPONSE TO THE QUERIES CONTAINED IN THE LETTER S/AC.29/2014/SEMG/OC.64

Asmara, 12 August 2014

Eritrea has been asked, pursuant to the Monitoring Group's (SEMG) letter of 01 August 2014, Ref. No. S/AC.29/2014/SEMG/OC.64, to provide supplementary response to queries that were forwarded to it on previous occasions and that were specifically raised during the video conference held in New York on 28 July 2014 with Eritrea's Permanent Representative to the UN, Ambassador Girma Asmerom, through the good offices and facilitation of the Chair of the Security Council Committee.

Eritrea wishes to emphasize at the outset that it has provided extensive written and oral explanations to these questions through various communications in the past as well as during the meetings that took place in Paris and Cairo. This was also repeated through written and oral submissions at the most recent meeting that took place on 28 July 2014 in New York. In this context, the response here will be brief. It will be limited to issues that may require further elaboration.

1. Alleged support to South Sudanese rebel forces

The Monitoring Group states in its letter that it has "received credible information that Eritrea provided military and logistical support to three armed rebel groups in South Sudan: the SPLA-O forces loyal to former Vice President Reik Machar, the David Yaw Yau group and George Athor Deng's rebel forces". In the same paragraph, however, the SEMG asserts that "it has not received, as of this date, evidence to support this information". Why then is the SEMG asking Eritrea to explain these baseless accusations.

Eritrea strongly feels that the SEMG should have dismissed outright this, and any other uncorroborated accusations that it may have received, as pure defamatory hearsay not worthy of further probing. Unfortunately, Eritrea is once again asked in the letter to "provide information and a clarification regarding the source and origin of these reports".

This is inappropriate. Eritrea cannot, surely, be asked to second-guess the identities of, and speculate about, the "sources and origin of these reports". As the accused party, Eritrea deserves to be provided with the full particulars of all those who have fed false information

to the SEMG for a variety of political objectives and considerations. Eritrea would then be in a position to shed light on their particular motivations.

This typical episode amplifies the vexing manner in which the SEMG collects and validates its information. We have underlined, time and again, the importance for the SEMG to disclose all the details of its sources to Eritrea as the accused party. Reasons of transparency, accountability as well as the basic legal principle of the equality of arms all warrant that this be the normative state of affairs. Unfortunately, the SEMG routinely invokes “confidentiality” and other implausible reasons to ignore Eritrea’s persistent requests and deny it indispensable information.

The SEMG argues that its validation process of seeking multiple testimonies for information originating from a hostile or interested party against Eritrea precludes “biased and unwarranted conclusions”. The flaws in this argument and methodology are again palpable. A fabricated story prompted by Ethiopia, and any other adversary of Eritrea for that matter, could be repeated by multiple sources in different countries that belong to, or are linked with, the same opaque league and network. In the event, *multiplicity of sources cannot be a sufficient condition for validating baseless accusations.*

In its letter of 01 August 2014, the SEMG further requests Eritrea to give specific responses to alleged reports of the “delivery of weapons in to the SPLM-in-Opposition in January 2014 and February 2014”. In previous communications, the SEMG talks about “information it has obtained of weapons supplies, including AK 47 and Iranian made rifles (sic?), to David Yau Yau group in February and July 2014; and the airdropping of logistical items such as sugar and other items etc.”.

All these wild accusations have no grain of truth whatsoever. The SEMG itself acknowledges the lack of any evidence. Why it has chosen to ask Eritrea to explain non-events and groundless accusations is really a riddle we cannot figure out.

As we have underlined in our previous oral and written responses, Eritrea remains deeply concerned by the tragic crisis in South Sudan. Eritrea harbours sincere good wishes for a speedy resolution of this crisis which has dragged for too long entailing huge sufferings to the South Sudanese people.

Moreover, the timing of this groundless accusation of involvement with rebel groups in South Sudan is suspect and provokes grave concerns in Eritrea of an almost predictable and consistent pattern of deliberately floating sensational stories and disinformation in the weeks prior to any UNSC discussion concerning Eritrea.

As it happened, Eritrea was accused of sending 2000 soldiers to Somalia in the months before the UNSC imposed Sanctions Resolution 1907 against Eritrea. This deliberate

disinformation was not seriously questioned at the time and was quietly discarded later once it had served its purpose. The SEMG did not take the trouble to apologize to Eritrea and/or correct this baseless information even in retrospect. Similarly, another bogus accusation was leveled against Eritrea in November 2011. Again, Eritrea was accused for air-lifting weapons to Al-Shebaab through Baidoa. This false accusation was made to coincide with and influence the deliberations of the UNSC on Resolution 2023. Once again, this calculated and deliberate disinformation was quietly discarded after it had achieved its intended objective of tightening the sanctions against Eritrea. Today, for the third time, we see new allegations associating Eritrea with rebel groups in South Sudan. This pattern must be stopped. Furthermore, such baseless and unsubstantiated allegations against Eritrea should not be reported by the SEMG to the Sanctions Committee under dubious validation procedures and seemingly plausible qualifications.

2. Support to Ethiopian Armed Groups

The Monitoring Group mentions to alleged meetings that took place between Eritrean officials and the ONLF; refers to “travel documents” that Eritrea presumably issued to some members of “Ginbot Sebat”; talks about “grenade pins with serial numbers consistent with a sequence of serial numbers of other grenade pins provided by Eritrea to another armed group in 2011”; reveals that it has “received information on financial and military support as well as training extended by Eritrea to the TPDm”; and, requests Eritrea to provide responses to these specific accusations.

Obviously, this elaborate reference to “grenade pins...serial numbers...travel documents...” etc is designed to convey the impression of the “existence of incontrovertible evidences”, of a smoking gun so to speak, of Eritrea’s deep involvement in acts of destabilizing against Ethiopia. Travel documents that may have been easily forged by forces who have an interest in framing Eritrea; serial numbers of bullets or weapons that may have exchanged hands between Eritrea and Ethiopia in the course of their multiple wars in the past years ...etc, cannot be taken as iron-clad proofs of Eritrea’s misconduct that entail punitive action by the UN Security Council.

On a more substantive level, Eritrea questions the legality, fairness and justification of this asymmetric approach that obviously treats “regional destabilization” in a one-sided, linear way. The SEMG is acutely aware that Ethiopia is fully involved in blatant acts of destabilization against Eritrea. Addis Abeba hosts several armed subversive groups that intermittently unleash terrorist forays into Eritrea. These acts are in the public domain as they are publicized, almost routinely, by these groups and by Ethiopia’s official media outlets.

Furthermore, Ethiopia has and pursues an official policy of "regime change" against Eritrea in contravention of articles 2.3 and 2.4 of the UN Charter on the "peaceful settlement of disputes" and the "use of force or threats against the territorial integrity or political independence of any Member State". And above all, Ethiopia continues to occupy sovereign Eritrean territories, including the town of Badme, in violation of the UN Charter, the EEBC arbitration Award that was given 12 years ago and in flagrant breach of the Algiers Peace Agreement that was brokered by major international powers and guaranteed by the United Nations and the African Union.

In spite of all these facts, the SEMG routinely invokes "mandate limitations" to ignore Ethiopia's egregious acts of regional destabilization while it turns every stone to "validate" fabricated accusations against Eritrea that primarily emanate from Ethiopian military and security officials, and its international allies.

If the SEMG's skewed approach is seen as appropriate from a narrow/technical interpretation of its mandate, the onus must then rest on the UN Security Council to remedy this anomaly.

The UN Security Council has responsibilities, in accordance with Article 39 of the UN Charter, to determine "the existence of any threat to the peace, breach of the peace, or act of aggression" and to take appropriate measures against Ethiopia, in accordance with Articles 41 and 42, to maintain or restore international peace and security. Indeed, *Ethiopia has committed an act of aggression against Eritrea by occupying its sovereign territories; it is involved in sponsoring armed subversive groups against Eritrea for purposes of destabilization, and it remains wedded to a reckless and illegal policy of "regime change"*. In the circumstances, the whole exercise of portraying Ethiopia as a "victim of Eritrea's acts of destabilization" is unwarranted and untenable both morally and legally. Once again, this approach must be corrected. The UN Security Council should urge Ethiopia to withdraw from sovereign Eritrean territories, including the town of Badme, and cease its policy of destabilizing Eritrea.

3. Arms Embargo

In this section, Eritrea is asked to provide "clarification pertaining to the nature of the arms trade relationship between Eritrea and the Sudan" and, "details regarding the roles of Colonel Habteseilasie and Nusredin Bekit in the arms trade". These queries are presumably prompted by "credible evidence" that the SMEG has obtained about the "smuggling of weapons by Eritrea from the eastern regions in the Sudan".

As we have pointed out earlier, Eritrea must be given, as the accused party, all the documentations of the "credible evidences" that the SEMG has in its possession when and if it is required to provide a response or rebuttal.

In any case, while underlying this basic legal principle as a matter of right, Eritrea dismisses categorically these unfounded allegations. The persons referred to are government officials. They are not, and cannot be, involved in illicit acts of the smuggling of weapons. Colonel Habteselasie is Head of Communications in the Office of the President. Mr. Nusredin Bekit was Regional Manager of Red Sea Corporations in the past years prior to his appointment as the Minister of Trade and Industry last month.

At this juncture, Eritrea would also like to emphasize one critical point. Eritrea's focus has been and remains hinged on tackling its myriad economic and human developmental challenges. It harbours neither the desire nor the financial wherewithal to funnel much-needed funds for unnecessary military expenditures. Nonetheless, it finds the unilateral arms embargo as unfair and inappropriate in view of the occupation of its lands by Ethiopia. Eritrea believes that the Security Council has acted inappropriately and in breach of Article 51 of the UN Charter when it passed Resolution 1907 without proper consideration of these facts. As we have highlighted in our previous communications, Ethiopia is on an arms spending spree and has recently purchased weapons worth 200 million US dollars from Ukraine alone. Eritrea maintains that the UN Security Council should approach this matter in a more holistic and balanced manner. UN Security Council unilateral arms embargo against Eritrea indeed remains fraught with dangerous consequences for regional peace and stability as it may create imbalances as well as tempt Ethiopia to contemplate another reckless adventure of aggression against Eritrea.

4. Recovery and Rehabilitation Tax (RRT)

Eritrea has provided exhaustive information on the RRT in its previous written and verbal communications. At the outset it must be underlined the proper appellation is Recovery and Rehabilitation Tax (RRT) and should be referred to as such; not "Diaspora Tax". The RRT is legal and laudable in terms of its origins, aims and objectives. At 2%, it is not onerous on Eritrea's citizens who live abroad and who are asked to share some of the burdens of rehabilitation for the families of the war-wounded and the martyrs.

Eritrea does not employ extra-legal and extra-territorial measures in its methods of levying/enforcement of the tax. Those who do not wish to pay the 2% RRT, in accordance with the provisions of a national law, must naturally shoulder the explicit consequences spelled out in relevant regulations of enforcement. In this particular case, Eritrean citizens who opt out of the tax, forfeit entitlements such as access to urban land, power of attorney to process inheritance, etc. Contrary to the claims made by the SEMG, these measures are not inordinate and cannot be described as "extortion" and "intimidation" by any standards. Furthermore, as falsely propagated by some quarters and frequently reflected in the reports of the SEMG, Eritreans are not denied their natural right of visiting their country. They do not

need an entry visa. All they are required to do is show a valid Eritrean identity card or passport on arrival.

The SEMG requests “documentation showing that the revenue collected annually is appropriated by the Government of Eritrea for the families of martyrs and war disabled”. This aspect was fully addressed in our previous communications. The collected tax goes to the Department of Treasury which administers the government budget. As explained before, the aggregate RRT collected in the past four years did not exceed 73 million US dollars, while budgetary appropriation by the Government for the families of martyrs and war disabled individuals for the same period hovered around 112 million US dollars. The earmarking and utilization of these funds is indeed transparent and the expenditures are frequently broadcast by the Eritrean Television and other local and international Eritrean media outlets.

5. Natural Resources

Eritrea finds the recent requests for clarification by the SEMG on the use of revenues from mining rather difficult to understand. Eritrea is asked to provide “names of entities or individuals inside and outside Eritrea receiving payments of more than USD 10,000 in cash or equivalent from Nevsun, its subsidiaries and sub-contractors”. In addition, the letter goes on to seek information from Eritrea on; “the purpose, method and date of these payments; the recipient bank’s full name, routing number and full address; and, the full name and address of the account holder and account numbers to which such payments are made”.

These are corporate matters that concern Bisha Share Company; where the parent Canadian company holds 60% of the stock while Eritrea’s National Mining Corporation (ENAMCO) holds the remaining 40% of the equity. Bisha Share Company has all the rights and business prerogatives to procure services and goods and enter into business transactions with other enterprises in accordance with its internal corporate rules and Eritrea’s investment and commercial laws. In this respect, Eritrea’s investment and commercial laws impose no upper ceilings on contracts/payments that the company can make to ensure its business operations and/or on the repatriation of the company’s profits. All the information that the SEMG asks are not, accordingly, matters that concern Eritrea.

The SEMG further requests for “detailed information on the destination and allocation of funds derived from mining activities, including any documents that reflect the ultimate disposition of funds received”.

Revenues that the GOE obtains from mining and/or other activities are funneled into the government’s coffers. Once annual budget allocations are determined by the Government through its normative institutional bodies and established procedures, the appropriation of the

budget is administered by the Treasury in a holistic manner. And as explained in our previous communications, revenues from mining from 2011 until the first half of this year in the past four years have fluctuated every year but do not exceed 150 million US dollars when averaged over the same period. Leaving government expenditures on education, health etc. aside, GOE's annual food imports for essential consumables exceed 200 million US dollars.

In the event, Eritrea finds the laborious attention that the SEMG has given to "mining revenues" quite inexplicable and counter-productive. It also exceeds its purview as spelled out in the sanctions resolutions.

It is about time for the SEMG to stop stretching its mandate in regard to the 2% RRT and the mining sector of the Eritrean economy. If the SEMG has incontrovertible evidences that these revenues are funnelled for "acts of destabilization" in violation of the UNSC Resolutions, as it is insinuating, it must publish these figures with all the necessary details.

6. On Djibouti

The Presidents of Eritrea and Djibouti have signed a comprehensive agreement mandating the Emir of Qatar to facilitate the resolution of all outstanding issues between the two countries. Eritrea remains fully committed to the agreement and the process underway. It is also ready to discuss in good-faith all pending issues with Djibouti within the framework of the Qatari facilitation process.

7. Conclusion

Eritrea wishes to reiterate, once again, the unfairness of the sanctions resolutions which have been imposed on it for the last four years for political reasons. Eritrea's alleged acts of destabilization in Somalia and its presumed linkages with Al-Shebaab were the primary accusations that prompted the original, unfair, sanctions resolution against Eritrea.

As the hollowness of these accusations have become clearer with time and as the chorus for timely review is growing, we see a shift of the goalpost where the fulcrum is apparently moving to "acts of destabilization against Ethiopia". This trend cannot be acceptable by any standards. Eritrea is the aggrieved and injured party in this troubled relationship; not only historically for the last sixty years but also during these past turbulent years. International law and the UN Security Council must side with Eritrea to remedy historic injustices; not conjure up unbalanced and asymmetric standards to harm the injured party and provide carte blanche to the injurer or occupying party to perpetrate yet more acts of aggression. In the event, Eritrea calls for the rescinding of the sanctions resolutions against Eritrea and to bring Ethiopia to account for its occupation of sovereign Eritrean territories, including the town of Badme, and for associated acts of destabilization against its neighbour.

One last issue that merits investigation. Eritrea had raised in the past serious questions in regard to the professionalism, objectivity and integrity of the SEMG. These concerns pertain both to the manner of its selective collection and validation of data and other suspect and unhealthy associations that have come to light. Eritrea's misgivings were also shared by several members of the Security Council. Eritrea had felt that certain measures taken against some former members of the SEMG team were, even if tacit, an acknowledgement and partial remedy to the problem. Unfortunately, and in spite of Eritrea's constructive engagement, the situation has not changed significantly.

Eritrea has in its possession a letter circulated by a senior member of the SEMG that compromises his professional neutrality and exposes his active association with an agenda of "regime change" above and beyond his entrusted mandate. Eritrea maintains that this conduct cannot be tolerated. And, beyond taking the necessary corrective measures against the individual concerned, Eritrea argues that this episode must have a bearing on the credibility of the entire report.

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