

EDITORIAL:

UN Sanction against Eritrea is ill Advised, Not Beneficial to Ethiopia

“Ahyawin tito Dawlawoon”

By Tecola W. Hagos, December 29, 2009

“The whole history of the world is summed up in the fact that, when nations are strong, they are not always just, and when they wish to be just, they are no longer strong.”

Winston Churchill

I. Introduction

On 23 December 2009 the Security Council of the United Nations entered Resolution 1907 (2009) [hereafter referred to as the “Resolution”] against Eritrea, under Chapter VII of the Charter of the United Nations. The Resolution is commonly referred to as a “sanction” against the state of Eritrea. [See Appendix I] The Security Council laid out succinctly its reason for the Resolution in the preamble by determining “that Eritrea’s actions [are] undermining peace and reconciliation in Somalia as well as the dispute between Djibouti and Eritrea constitute a threat to international peace and security.”

I find the Resolution to be hypocritical and pretentious in some of its aspects and wide (loose) and ineffective in some other aspects. One serious defect of the Resolution is the fact that it punishes the people of Eritrea, who are victims of the despotic Government of Isayas Afeworki. Moreover, I find the euphoric responses from a number of political organizations, individuals, and even Government heads, puzzling. Especially Meles Zenawi’s support of the Resolution is totally confusing, for this same person was the sworn defender of Eritrea and actively participated to separate Eritrea from Ethiopia as an independent Nation. I am afraid we are losing our perspective when we allow personal feelings interfere with our reasoning and judgment. The indictment by the International Criminal Court (ICC) of a far worse criminal involved in genocide, crime against humanity in Darfur and Southern Sudan, who is still thumbing his nose at the West, is still outstanding. What has been done by the Security Council on that serious matter? Eritrea’s Government involvement in illegal activities is like a child’s play compared to what the Al Bashir regime had committed in Darfur and South Sudan. Let us put some perspective to our normative judgment on complex conflicts.

Gullible individuals will conclude reading my Editorial that I am anti-Ethiopia for questioning the wisdom of the Resolution of the Security Council sanction against Eritrea. What I am questioning is the unthinking siding of people without understanding the implication and ramification of a sanction by the United Nations against a possible friend if not brother/sister nation in the neighborhood. Yes, Eritrea has been a troublesome country since its illegal independence from Ethiopia in 1991. It has done outrageous things against Ethiopia, which even led to a prolonged War of 2000 where tens of thousands from both sides perished. And yet the people of Eritrea have shown remarkable friendly attitude toward Ethiopia. Of course, Ethiopians never gave up on Eritreans whom they consider as their fellow Ethiopians. As matter of fact, there are a couple of serious people-based movements to reincorporate Eritrea with Ethiopia. Thus,

we will only be hurting our interest by supporting the Resolution/sanction of the Security Council against Eritrea. Ultimately, one should not ever forget the fact that who is being hurt by the Resolution—another African people.

II. Hypocritical and Pretentious

The West is behind Resolution 1907 (2009). It is nominally drafted and introduced by Uganda. It was passed by near unanimous vote, except for Libya that voted against. China abstained. The Resolution passed with thirteen votes out of fifteen Members of the Council. We need to go almost a hundred years to begin understand the conflicts and problems in the area to the time of the end of the First World War. History tells us that it was the West that directly instigated the conflict, which had never healed over the years, seeking dominance and control of resources in the region. This is not to deny the long standing local effort and actions of Egypt and Arabs through out our long history who had tried to dominate the region, especially to destroy Ethiopia. Any analysis or narrative that does not take such historic accounts into consideration will only give people partial views of the issues and problems leading to the current problems in the region that prompted the United Nations Security Council pass Resolution 1907 (2009).

Our immediate hostilities in the Horn region may have been instigated by the rivalry of the Super Powers in the 1970s and our own inaptitude in handling the crises intelligently and objectively. It is the West that prodded some elements in the Eritrean community to challenge the Federal structure and later unity of Eritrea with Ethiopia. Behind all that was the interest of Egypt and the Arab nations, who had harbored historic animosity toward Ethiopia and wanted total control of the Red Sea and the Nile water resources. The United States along with Britain spearheaded the land locking of Ethiopia (1991) and the creation of an independent Eritrea in (1993). Now that their darling “son” Isayas Afewerki, whom some of their prominent politicians had compared to “George Washington,” is now showing some independence and is siding with the Arab interest in the region, they are trying to reign in their *enfant terrible*.

The West should have known better than relaying on some impulsive narrow minded racist experts who undermined Ethiopia in formulating their mediocre foreign policy in regard to Ethiopia and the region in the first place. What is to be expected, after feeding people all kinds of falsehood about their history and making them feel as if they are from some other planet and thereby breeding unnecessary conflicts between groups, if such people simply followed the logic of such absurdities to their conclusions?

Let us put some facts about Eritrea that could help us evaluate the wisdom of supporting the sanction by the Security Council. Eritrea is a very poor country. It is struggling to maintain its independent existence because it cannot exist without Ethiopia. It has no military weapon industry. It has very limited resources and monetary reserve at this time. Its population is mostly disaffected and thousands each day try to escape poverty and tyrannical rule by migrating to other countries and some die in the process. It is silly to think that the Eritrea Government that is barely surviving hanging by a thread is providing all the weaponry, training, and finance to the insurgency in Somalia and others in the area by itself.

Which governments are behind the supply of weapon and money that Eritrean Government is supplying the terrorists in Somalia? It comes out of Egypt, Gulf Emirates, Libya, Saudi Arabia, et cetera. I suspect the Government of Saudi Arabia is the one that is playing the major coordinating role through surrogates, for there is nothing it wants to see more than undermining Ethiopia. Already Sheik Mohammad Alamoudi is doing the domination of the Ethiopian Economy by Arabs. When we know that Eritrea is not in any position to finance or supply weapon on its own for it has none of the resources necessary for such undertaking, why the sanction against it? The West is covering its own ravenous appetite for dominance and control by zeroing on a weak and inconsequential small country, while the real criminal Governments of Saudi Arabia, Libya, Egypt et cetera are enjoying the friendship of the West. Every dollar spent on the insurgency in Somalia, every weapon supplied to the insurgency in Somalia and elsewhere in the Horn may be traced to sources outside of Eritrea. Eritrea is a conduit, a minor participant; the real enemies of peace and stability in the area are the Arabs and Egypt.

What is being played out by the West (as puppet master of the United Nations) is history repeating itself. The United States with its allies went after Iraq for the September 11, 2001 terrorist attack of New York Twin Towers and the Pentagon, where nearly three thousand people were murdered, when fifteen of the nineteen Hijackers were from Saudi Arabia and a couple from Egypt and the Emirates. The World noted the unfairness of the attack on Iraq that had nothing to do with the attack of 9/11. It seems the West is repeating itself in attacking the wrong target now with sanctions. The Western powers should have moved against the major breeder and financier of terrorism around the World: Saudi Arabia. The West is caught by its own greed and dependency on oil, and attacks surrogate inconsequential nations like Eritrea and Somalia, letting alone the real criminal powers behind all these terrorist activities, such as Saudi Arabia and its close associates Egypt, the Gulf Emirates et cetera.

III. Wide (loose) and Ineffective

The Resolution itself has serious operational defects. Both the Eritrean and Afar (Ethiopian) long coastline as well as the entire western border with Sudan is porous. It is impossible to monitor the flow of weapon and other resources and consumer goods from entering Eritrea from neighboring countries in order to effectuate the provisions of the Resolution. This is like trying to hold water in a sieve. It is a joke.

The Resolution in Article 2 uses strong terms where it “demands that Eritrea cease all efforts to destabilize or overthrow, directly or indirectly, the TFG.” Another too generalized provision is Article 13 that seems to subject every Eritrean citizen wherever he or she might be living to the scrutiny by the “Committee” to ascertain that there is no connection between such individuals with the activities of the State of Eritrea that is outlawed by the Resolution. The Resolution provides unwieldy criteria for decision makers in Member States to use in judging who to screen from entering their respective countries. It sounds more like the witches brew from Macbeth than some reasonable set of tests/standards. It provides “that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals, designated by

the Committee established pursuant to resolution 751 (1992) and expanded by resolution 1844 (2008) (herein “the Committee”) pursuant to the criteria in paragraph 15 below, provided that nothing in this paragraph shall oblige a state to refuse entry into its territory to its own nationals.” This amounts to using standards drawn for unrelated situations to resolve a far more complex problem.

In terms of drafting technique, the Resolution is poorly constituted. It is a puzzle to me how a major piece of international “law” i.e., the Resolution would draw criteria and standards from less specific and minor and inferior regulatory provisions? *Lex specialis derogat lex generali*. Cross references must be careful construed, and must be avoided if there is difference in the factual underpinnings of such cross referenced legislations. A resolution/sanction drawn under Chapter Seven of the Charter of the United Nations is only second in importance and seriousness to actually launching military forces against a state by the United Nations. Such casual linking to inferior security decisions by the Security Council in its major Resolution 1907 is totally inappropriate and shows lack of seriousness. Such a provision is unworkable and too arbitrary. There is no protocol that would have laid out the procedure to be followed in regard to the work of the Committee in such type of mandate. The Security Council’s prior resolutions incorporated in Resolution 1907 by Article 10 of the Resolution do not have the same comparable hierarchical status as Resolution 1907. Moreover, it leaves the enforcement of the Resolution to each Member State without setting a recording or monitoring structure. For example, it could have used the Secretariat of the United Nations to provide such services; it could even have made some connection with the Human Rights Commission.

At any rate, the Security Council should have drawn the provisions of Resolution 1907 narrowly focusing on the leadership of the Government of Eritrea up to a degree. Even then to a limited depth not just a blanket sanction against every Eritrean Government employee. The Council should have focused and isolated the highest group in the administration, such as the head of government, his top aids, his Cabinet Ministers, high commanders of the military et cetera. The Resolution should have further identified the specific criminal activities to particular Governmental bodies. It should have clearly noted the problem that necessitated the sanction was instigated and perpetuated by the political leaders of Eritrea. It is not fair to punish Eritreans in general for the rogue policy of their Leaders. One way of overcoming such extended and expansive coverage is to write both in the preamble of the Resolution and in the operational articles narrowly drawn provisions.

Conclusion

In some of my articles I had criticized all those Ethiopian resistance movements including Ginbot7 for trying to get help from Isayas Afeworki. My criticism is based on question of strategy and not on fundamentals of long term unity and the fact of one people temporarily falling out of close relations. I still maintain that for any Ethiopian political organization to be actively participating in schemes incubated and promoted by the Eritrean Government is a mistake. Isayas Afeworki and Meles Zenawi are the two faces of the same coin. It is simply foolish for any Ethiopian political organization to seek assistance from Isayas Afeworki in order to fight an Ethiopian government (of whatever

orientation), which activity would simply negatively affect the ethos of Ethiopians. My reservation on seeking help from Isayas Afeworki does not mean that I will not defend the people of Eritrea if their interest is affected by international sanctions, for protecting Eritreans is protecting Ethiopians and our national interest.

One must be careful dealing with Security Council resolutions especially those dealing with international sanctions. The first thing that one must understand is that the historiography of the activities of the Security Council indicates the dominant role played by the United States and Western European Permanent Members of the Council. All such Council decisions and resolutions need be carefully examined. Of late, since the collapse of the Soviet Union, and in particular since 2001 terrorist attack of the United States, the United Nations and the Security Council had become a stamping body of decisions already made by the United States and Britain.

Both China and Russia in some ways may act in their own self interest, which may restrict the ever growing imperialistic and hefty decisions of the West. My dissatisfaction of the decisions of the powerful Western nations is not an opposition to their economic structure that had brought about unheard of wealth to the World in general, but their poor foreign relations and terrible foreign policies. I particularly resent their subservient relationship and difference to Saudi Arabia, which should not even be considered as a government, but a family business with abominable and absolutely dictatorial primitive system of law and system of management. It is laughable that the West would be imposing on little and poor Eritrea sanction for “destabilizing” the Horn region, while Saudi Arabia, the Gulf Emirates, and Egypt, the main forces that have caused havoc in the region for the last half century are held in reverence. **Ω**

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Appendix I

United Nations Security Council Resolution 1907 (2009)

**Adopted by the Security Council at its 6254th meeting, on
23 December 2009**

The Security Council,
Recalling its previous resolutions and statements of its President concerning the situation in Somalia and the border dispute between Djibouti and Eritrea, in particular its resolutions 751 (1992), 1844 (2008), and 1862 (2009), and its statements of 18 May 2009 (S/PRST/2009/15), 9 July 2009 (S/PRST/2009/19), 12 June 2008 (S/PRST/2008/20),

Reaffirming its respect for the sovereignty, territorial integrity, and political independence and unity of Somalia, Djibouti and Eritrea, respectively, Expressing the importance of resolving the border dispute between Djibouti and Eritrea,

Reaffirming that the Djibouti Agreement and Peace Process represent the basis for a resolution of the conflict in Somalia, and further reaffirming its support for the Transitional Federal Government (TFG),

Noting the decision of the 13th Assembly of the African Union (AU) in Sirte, Libya, calling on the Council to impose sanctions against foreign actors, both within and outside the region, especially Eritrea, providing support to the armed groups engaged in destabilization activities in Somalia and undermining the peace and reconciliation efforts as well as regional stability (S/2009/388),

Further noting the decision of the 13th Assembly of the AU in Sirte, Libya expressing its grave concern at the total absence of progress regarding the implementation by Eritrea of, inter alia, resolution 1862 (2009) regarding the border dispute between Djibouti and Eritrea (S/2009/388),

Expressing its grave concern at the findings of the Monitoring Group re-established by resolution 1853 (2008) as outlined in its December 2008 report (S/2008/769) that Eritrea has provided political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability,

Condemning all armed attacks on TFG officials and institutions, the civilian population, humanitarian workers and the African Union Mission to Somalia (AMISOM) personnel,

Expressing its grave concern at Eritrea's rejection of the Djibouti Agreement, as noted in the letter of 19 May 2009, from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council (S/2009/256),

Recalling its resolution 1844 (2008) in which it decided to impose measures against individuals or entities designated as engaging in or providing support to acts that threaten peace, security and stability in Somalia, acting in violation of the arms embargo or obstructing the flow of humanitarian assistance to Somalia,

Expressing its appreciation of the contribution of AMISOM to the stability of Somalia, and further expressing its appreciation for the continued commitment to AMISOM by the Governments of Burundi and Uganda,

Reiterating its intention to take measures against those who seek to prevent or block the Djibouti Peace Process,

Expressing its deep concern that Eritrea has not withdrawn its forces to the status quo ante, as called for by the Security Council in its resolution 1862 (2009) and the statement of its President dated 12 June 2008 (S/PRST/2008/20),

Reiterating its serious concern at the refusal of Eritrea so far to engage in dialogue with Djibouti, or to accept bilateral contacts, mediation or facilitation efforts by sub-regional or regional organizations or to respond positively to the efforts of the Secretary-General,

Taking note of the letter of the Secretary-General issued on 30 March 2009 (S/2009/163), and the subsequent briefings by the Secretariat on the Djibouti-Eritrea conflict,

Noting that Djibouti has withdrawn its forces to the status quo ante and cooperated fully with all concerned, including the United Nations fact-finding mission and the good offices of the Secretary-General,

Determining that Eritrea's actions undermining peace and reconciliation in Somalia as well as the dispute between Djibouti and Eritrea constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. **Reiterates** that all Member States, including Eritrea, shall comply fully with the terms of the arms embargo imposed by paragraph 5 of resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007) on Somalia and the provisions of resolution 1844 (2008);

2. **Calls** upon all Member States, including Eritrea, to support the Djibouti Peace Process and support reconciliation efforts by the TFG in Somalia, and demands that Eritrea cease all efforts to destabilize or overthrow, directly or indirectly, the TFG;

3. **Reiterates** its demand that Eritrea immediately comply with resolution 1862 (2009) and:

(i) Withdraw its forces and all their equipment to the positions of the status quo ante, and ensure that no military presence or activity is being pursued in the area where the conflict occurred in Ras Doumeira and Doumeira Island in June 2008;

(ii) Acknowledge its border dispute with Djibouti in Ras Doumeira and Doumeira Island, engage actively in dialogue to defuse the tension and engage also in diplomatic efforts leading to a mutually acceptable settlement of the border issue; and,

(iii) Abide by its international obligations as a Member of the United Nations, respect the principles mentioned in Article 2, paragraphs 3, 4, and 5, and

Article 33 of the Charter, and cooperate fully with the Secretary-General, in particular through his proposal of good offices mentioned in paragraph 3 of resolution 1862 (2009);

4. Demands that Eritrea make available information pertaining to Djiboutian combatants missing in action since the clashes of 10 to 12 June, 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

5. Decides that all Member States shall immediately take the necessary measures to prevent the sale or supply to Eritrea by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial and other assistance, related to the military activities or to the provision, manufacture, maintenance or use of these items, whether or not originating in their territories;

6. Decides that Eritrea shall not supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materiel, and that all Member States shall prohibit the procurement of the items, training and assistance described in paragraph 5 above from Eritrea by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of Eritrea;

7. Calls upon all Member States to inspect, in their territory, including seaports and airports, in accordance with their national authorities and legislation, and consistent with international law, all cargo to and from Somalia and Eritrea, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, transfer, or export of which is prohibited by paragraphs 5 and 6 of this resolution or the general and complete arms embargo to Somalia established pursuant to paragraph 5 of resolution 733 (1992) and elaborated and amended by subsequent resolutions for the purpose of ensuring strict implementation of those provisions;

8. Decides to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraphs 5 and 6 above, seize and dispose (either by destroying or rendering inoperable) items the supply, sale, transfer, or export of which is prohibited by paragraphs 5 and 6 of this resolution and decides further that all Member States shall cooperate in such efforts;

9. Requires any Member State when it finds items the supply, sale, transfer, or export of which is prohibited by paragraphs 5 and 6 of this resolution to submit promptly a report to the Committee containing relevant details, including the steps taken to seize and dispose of the items;

10. Decides that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals, designated by the Committee established pursuant to resolution 751 (1992) and expanded by resolution 1844 (2008) (herein “the Committee”) pursuant to the criteria in paragraph 15 below, provided that nothing in this paragraph shall oblige a state to refuse entry into its territory to its own nationals;

11. Decides that the measures imposed by paragraph 10 above shall not apply:

- (a) where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or,
- (b) where the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and stability in the region;

12. Decides that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer by their nationals or from their territories or using their flag vessels or aircraft of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned and the direct or indirect supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals or entities designated by the Committee pursuant to paragraph 15 below;

13. Decides that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories on the date of adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the entities and individuals designated by the Committee pursuant to paragraph 15 below, or by individuals or entities acting on their behalf or their direction, and decides further that all Member States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any individuals or entities within their territories to or for the benefit of such individuals or entities;

14. Decides that the measures imposed by paragraph 13 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

- (a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant Member State to the Committee of the intention to

authorize, where appropriate, access to such funds, other financial assets or economic resources, and in the absence of a negative decision by the Committee within three working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant Member State(s) to the Committee and has been approved by the Committee; or

(c) to be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 13 above, and has been notified by the relevant Member State(s) to the Committee;

15. Decides that the provisions of paragraph 10 above shall apply to individuals, including but not limited to the Eritrean political and military leadership, and that the provisions of paragraphs 12 and 13 above shall apply to individuals and entities, including but not limited to Eritrean political and military leadership, governmental, and parastatal entities, and entities privately owned by Eritrean nationals living within or outside of Eritrean territory, designated by the Committee:

(a) as violating the measures established by paragraphs 5 and 6 above;

(b) as providing support from Eritrea to armed opposition groups which aim to destabilize the region;

(c) as obstructing implementation of resolution 1862 (2009) concerning Djibouti;

(d) as harbouring, financing, facilitating, supporting, organizing, training, or inciting individuals or groups to perpetrate acts of violence or terrorist acts against other States or their citizens in the region;

(e) as obstructing the investigations or work of the Monitoring Group;

16. Demands that all Member States, in particular Eritrea, cease arming, training, and equipping armed groups and their members including al-Shabaab, that aim to destabilize the region or incite violence and civil strife in Djibouti;

17. Demands Eritrea cease facilitating travel and other forms of financial support to individuals or entities designated by the Committee and other Sanctions Committees, in particular the Committee established pursuant to resolution 1267 (1999), in line with the provisions set out in the relevant resolutions;

18. Decides to further expand the mandate of the Committee to undertake the additional tasks:

(a) To monitor, with the support of the Monitoring Group, the implementation of the measures imposed in paragraphs 5, 6, 8, 10, 12 and 13 above;

(b) To designate those individuals or entities subject to the measures imposed by paragraphs 10, 12 and 13 above, pursuant to criteria set forth in paragraph 15 above;

- (c) To consider and decide upon requests for exemptions set out in paragraphs 11 and 14 above;
- (d) To update its guidelines to reflect its additional tasks;

19. Decides to further expand the mandate of the Monitoring Group re-established by resolution 1853 (2008) to monitor and report on implementation of the measures imposed in this resolution and undertake the tasks outlined below, and requests the Secretary-General to make appropriate arrangements for additional resources and personnel so that the expanded Monitoring Group may continue to carry out its mandate, and in addition:

- (a) Assist the Committee in monitoring the implementation of the measures imposed in paragraphs 5, 6, 8, 10, 12 and 13 above, including by reporting any information on violations;
- (b) Consider any information relevant to implementation of paragraphs 16 and 17 above that should be brought to the attention of the Committee;
- (c) Include in its reports to the Security Council any information relevant to the Committee's designation of the individuals and entities described in paragraph 15 above;
- (d) Coordinate as appropriate with other Sanctions Committees' panels of experts in pursuit of these tasks;

20. Calls upon all Members States to report to the Security Council within 120 days of the adoption of this resolution on steps they have taken to implement the measures outlined in the paragraphs 5, 6, 10, 12 and 13 above;

21. Affirms that it shall keep Eritrea's actions under review and that it shall be prepared to adjust the measures, including through their strengthening, modification, or lifting, in light of Eritrea's compliance with the provisions of this resolution;

22. Requests the Secretary-General to report within 180 days on Eritrea's compliance with the provisions of this resolution;

23. Decides to remain actively seized of the matter.