



New York, 23 October 2007

Excellency,

As the November deadline of the Boundary Commission is fast approaching, there is yet another public campaign by Ethiopia to derail the process of demarcation by making demands outside the scope of the Algiers Agreements. Ethiopia is demanding dialogue and normalization as preconditions to comply with its treaty obligation. These demands are inconsistent with the provisions of the Algiers Agreements and cannot be imposed on Eritrea or either party as a legal condition to be met before demarcation can take place.

Eritrea cannot accept dialogue or normalization as a precondition for demarcation. The legal decision is non-negotiable. As soon as demarcation of the boundary is completed, there could barely be anything else that would stand on the way of normalizing relationship between the two countries. In such circumstances, Eritrea would be prepared to consider normalizing relations with Ethiopia and engage in any necessary discussions pertaining to normalization.

The key to normalization of relations and reinstating regional harmony is the respect of the rule of law. I, therefore, urge the Security Council to exercise caution against sending the wrong signal by giving in to Ethiopia's illegal preconditions.

The way forward is for the parties to fully cooperate with the Eritrea-Ethiopia Boundary Commission (EEBC). The EEBC, an impartial body established by the two parties, has laid out the conditions required to be satisfied by each party in order to resume its activities. Eritrea on its part has shown its readiness for demarcation by responding positively to all the concerns raised by the Boundary Commission, including withdrawing from the Temporary Security Zone (TSZ) in so far as the present position impinges on EEBC operations. Likewise, Ethiopia needs to fully cooperate with the Boundary Commission as a sign of its commitment to its treaty obligation.

While Ethiopia has made several public claims recently of its readiness for the demarcation of the border between Eritrea and Ethiopia, the facts on the ground, however, do not confirm to those claims. As the EEBC meeting of 6-7 September 2007 clearly demonstrated, Ethiopia has refused to allow free access to pillar locations. It has declined to provide the required security assurances for purposes of demarcation. Despite repeated reminders from the Commission, it has failed to meet its payment of arrears to the Trust Fund. And most importantly, while maintaining restrictions of movements on EEBC personnel, it continues to demand negotiations on the delimitation decision of 13 April 2002. Certainly, these are not signs of readiness for the demarcation process to proceed unimpeded. Even Ethiopia's latest threats

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to withdraw from the Algiers Agreements do not convince the international community, let alone Eritrea, as a sign of willingness to demarcate the border.

I would therefore hope the Security Council would use its influence and wisdom in moving forward the demarcation process consistent with the final and binding delimitation award of 13 April 2002.

Let me take this opportunity, Your Excellency, to reiterate Eritrea's position on the so called "virtual demarcation" as proposed by the Boundary Commission should any or both of the parties fail to meet the conditions it laid out on or before the end of November 2007. In this regard, it is important to point out Article 4.2 of the Algiers Peace Agreement of 12 December 2000 that states:

***"The parties agree that a neutral Boundary Commission composed of five members shall be established with a mandate to delimit and demarcate the colonial treaty border based on pertinent colonial treaties (1900, 1902, and 1908) and applicable international law. The Commission shall not have the power to make decisions 'ex aequo et bono.'"***

Consistent with the above provision, Eritrea's legal point of view is that the border should be demarcated by placing the pillars on the ground.

Accept, Excellency, the assurances of my highest consideration.

Araya Desta  
Ambassador, Permanent Representative