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Letter dated 8 May 2007 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General

Please allow me to make a few comments on your progress report on Ethiopia and Eritrea (S/2007/250) of 30 April 2007. The intent of this letter is not to go into the details of the progress report but simply to stress the most cardinal issues that need to be clarified. The progress report attempts to frame the lack of progress in the peace process between Eritrea and Ethiopia as an “impasse” or “stalemate” created by both parties. This is at variance with the facts. It would have been very helpful for the report to clearly state the problem that is holding the peace process hostage. Unless it does that, the needed focus on the core issue would be wasted as the last five years have amply demonstrated.

There is no impasse or stalemate. There is only Ethiopia’s illegal rejection of the final and binding decision of the Eritrea-Ethiopia Boundary Commission. Ethiopia has gone further to evict the Boundary Commission from the area; it has withheld its financial contribution to the Commission; and it has obstructed the work of the Commission through all diversionary means. In these circumstances, to appropriate blame to both parties is unfair and unacceptable.

The Government of Ethiopia has made it a habit of making statements that are hollow and contradictory. At one time it informed the international community that it had accepted the Boundary Commission delimitation decision “in principle”. Now, as stated in the report, “Ethiopia has stressed that it has accepted the Delimitation Decision, while maintaining that the problems that may arise from the border demarcation can be resolved only through dialogue with Eritrea”. The report further states: “Ethiopia’s position regarding cooperation with the Boundary Commission in the implementation of the Decision remains a major factor of the current impasse” It must be recalled that the Boundary Commission was formed in accordance with article 4.2 of the Algiers Peace Agreement, which stipulated: “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*.”

The salient provisions of the Algiers Agreement are also unambiguous both in respect to legal finality and in terms of remedial instruments of enforcement. These unequivocal legal provisions notwithstanding, the demarcation process, which could have been completed in a matter of months, was initially obstructed and



subsequently blatantly prevented by Ethiopia with impunity. Ethiopia has occupied, and continues to occupy, sovereign Eritrean territories in flagrant violation of the Algiers Agreement, the Boundary Commission decision and the Charter of the United Nations. Ethiopia even went further to install new population settlements in sovereign Eritrean territories and ignored the Security Council resolution adopted in September 2002, requesting it to rescind the illegal measure within 30 days.

It should be stressed that it is not up to Ethiopia to lay out the demarcation directives and procedures. The demarcation directives and procedures are already formulated by the Boundary Commission with the agreement of the two parties. The technical problems that may arise during demarcation are also clearly addressed in the demarcation directives.

Ethiopia's brazen violation of international law, and its illegal occupation of sovereign territories of a State Member of the United Nations, Eritrea, is undoubtedly the cause of tension and insecurity in the region. It could also precipitate another round of hostilities with dire consequences for regional peace and stability.

It is a known fact that Eritrea has fulfilled its share of the agreement without any precondition. In fact, Eritrea has maintained its firm commitment, for five solid years, to the authority and decision of the Eritrea-Ethiopia Boundary Commission. It is sad and unforgivable to observe that the United Nations injustice and partiality that began in 1952 over Eritrea continues even to this modern era.

While I welcome your decision to appoint a new Special Representative for UNMEE to assume the responsibility that was held by Ambassador Legwaila, let me take this opportunity to reiterate my delegation's concern about the reference made to the "Acting Special Representative" in the report who has been illegally operating since November 2006 from Addis Ababa against repeated protests of my Government. Eritrea rejected the above-mentioned "Special Representative of the Secretary-General" or "Acting Special Representative of the Secretary-General" to head UNMEE from anywhere, since it is inconsistent with the agreement signed between the parties and the United Nations.

I should be grateful if the present letter could be circulated as a document of the Security Council.

(Signed) Araya **Desta**
Ambassador
Permanent Representative
