

**Security Council**

Distr.: General
30 March 2009

Original: English

Letter dated 30 March 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1862 (2009), adopted on 14 January 2009, concerning the border dispute between Eritrea and Djibouti in Ras Doumeira and Doumeira Island.

In the resolution, the Security Council urged Eritrea and Djibouti to resolve their border dispute peacefully and reiterated its appreciation for the efforts of the Secretary-General, the African Union and the Arab League to engage both parties.

In the same resolution, the Council noted that Djibouti had withdrawn its forces to the status quo ante. The Council demanded furthermore that, no later than five weeks after the adoption of the resolution, Eritrea:

(a) 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;

(b) 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;

(c) 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.

The Council also requested that I provide to it, no later than six weeks after the adoption of the resolution, a report on the evolution of the situation, on compliance by both parties with their obligations and on my contacts with both parties and, as appropriate, with the African Union and other relevant regional organizations.

In a statement issued on 15 January by its Foreign Ministry, Eritrea rejected the resolution and characterized it as “an ill-considered, unbalanced and unnecessary resolution against Eritrea”. As in previous letters to the Security Council and me, Eritrea repeated that it had not occupied any land belonging to Djibouti. The statement further drew a parallel with the Ethiopia-Eritrea border issue and noted that the “United Nations Security Council has and continues to tolerate Ethiopia’s occupation of the town of Badme and other sovereign Eritrean territories for almost seven years since the final and binding award of the Eritrea-Ethiopia Boundary Commission”.



In our efforts to implement Security Council resolution 1862 (2009), the Secretariat held discussions with representatives of the Governments of Eritrea and Djibouti, as well as with the African Union. Our efforts to discuss this matter further with the Intergovernmental Authority on Development (IGAD) have been hampered by the suspension of the membership of Eritrea in IGAD in April 2007.

The African Union Summit held in February presented an opportunity to discuss the matter further with African Union officials and other Member States. I met with Ismail Omar Guelleh, President of Djibouti, on 2 February in Addis Ababa. President Guelleh informed me of the tense situation between Djibouti and Eritrea. He stated that Eritrea had refused both mediation efforts and direct negotiations. He reiterated that mediation and strong international pressure were necessary to persuade Eritrea to comply with Security Council resolution 1862 (2009). I expressed to him the commitment of the United Nations to work towards the implementation of the Council resolution and hoped for a quick diffusion of the border tensions.

Meetings with Eritrean officials did not take place in the margins of the African Union Summit. However, in January 2009, a senior United Nations official held encouraging discussions with Government officials in Asmara on a range of issues affecting the Horn of Africa, including the tense situation between Djibouti and Eritrea. Despite this diplomatic overture by the Eritrean authorities, our attempts to send a fact-finding mission to Eritrea have not received a positive response from the Government. In addition, my continuing efforts to engage the Government of Eritrea by dispatching a high-level official to Eritrea and the region have yet to produce results.

From our various interactions so far, I wish to report that the situation, though calm, remains tense. We have no information that Eritrea has complied with paragraph 5 of Security Council resolution 1862 (2009). Eritrea continues to insist that it “has not occupied any land that belongs to Djibouti and it cannot accept a resolution that demands the withdrawal of its forces from its own territory”.

The Secretariat remains in contact with Djibouti and Eritrea as well as with relevant regional organizations. It is my intention to pursue these contacts in order to assess how the Secretariat can best assist the two parties and the region in the implementation of Security Council resolution 1862 (2009).

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(Signed) **Ban Ki-moon**