

Annex I

Eritrea/Ethiopia Boundary Commission

First report on the work of the Commission

1. The Eritrea/Ethiopia Boundary Commission was formally constituted on 20 February 2001, the date on which the President accepted appointment by the four party-appointed Commissioners.

2. The current composition of the Commission is: Sir Elihu Lauterpacht, CBE, QC (President); His Excellency Prince Bola Adesumbo Ajibola (appointed by Ethiopia); Judge Stephen M. Schwebel (appointed by Eritrea); and Sir Arthur Watts, KCMG, QC (appointed by Ethiopia). The current vacancy on the Commission, caused by the resignation of one of the Commissioners originally appointed by Eritrea, is expected to be filled in the very near future.

3. Pursuant to article 4, paragraph 8, of the Agreement of 12 December 2000, the parties provided the Secretary with statements of their claims and evidence relevant to the mandate of the Commission. The Secretary reviewed the statements and on 12 March 2001 transmitted to the Commission and the parties materials relevant to the mandate of the Commission as well as his findings identifying those portions of the border as to which there appears to be no dispute between the parties. On 23 March 2001, the Government of Ethiopia reserved its position with respect to these findings.

4. In order to expedite the proceedings, the Commissioners met together in The Hague on 25 March 2001 at the premises of the Permanent Court of Arbitration at the Peace Palace. On 26 March 2001, an informal meeting to discuss procedural matters was held between the Commissioners and the parties. It was understood that the meeting would be without prejudice to the position of the parties, pending the resolution of the question of a challenge to one of the members of the Commission. At the meeting, the parties were represented by their agents and counsel. The United Nations Cartographer, as Secretary of the Commission, was also present.

5. The parties agreed that there should be appointed to assist the Commission, in addition to the Secretary provided for in the Agreement of 12 December 2000, a legally trained Registrar. Ms. Bette Shifman, Principal Legal Counsel of the Permanent Court of Arbitration, was accordingly appointed.

6. A time-line for the first phase of the Commission's work (the delimitation of the border) was tentatively agreed. It was subsequently amended and is now as follows:

- The parties will simultaneously file written Memorials on 30 June 2001.
- The parties will simultaneously file written Counter-Memorials on 22 September 2001.
- Consideration will then be given to whether the parties should exchange replies.
- A pre-hearing consultation will be held between the Commission and the parties on 6 November 2001.

- Hearings will be held in The Hague between 10 and 21 December 2001.
- It is hoped that the decision on delimitation will be reached in February 2002.

The demarcation stage of the Commission's work will then be begun.

7. Pursuant to instructions from the Commission, the Secretary sent a team to carry out a field reconnaissance of the border areas with a view to preparing an operational plan for the information of the Commission outlining the steps that need to be taken for the delimitation and demarcation of the boundary. The team was in the area between 15 April and 1 May 2001. A possible operational plan for the consideration of the Commission was communicated to it on 23 May 2001. This material is for the internal use of the Commission and is without prejudice to the respective positions of the parties.

8. The Commission has been actively engaged in preparing its rules of procedure, as required by article 4, paragraph 11, of the Agreement of 12 December 2000. They will be adopted when the membership of the Commission is completed.

9. Article 4, paragraph 17, of the Agreement of 12 December 2000 provides that the expenses of the Commission shall be borne equally by the two parties, and that to defray its expenses, the Commission may accept donations from the United Nations Trust Fund established under paragraph 8 of Security Council resolution 1177 (1998) of 26 June 1998. The initial contributions that the Commission requested from the parties have not yet been received. The expenses of the reconnaissance team referred to in paragraph 8 above have been met from the Trust Fund.

29 May 2001

(Signed) Sir Elihu **Lauterpacht**
President of the Commission