

Annex I

Eritrea/Ethiopia Boundary Commission

Third report on the work of the Commission

1. This is the third report of the Eritrea/Ethiopia Boundary Commission. It covers the period from 1 September to 30 November 2001.

2. The work of the Commission continues to proceed in accordance with the programme adopted soon after its establishment. The parties, having exchanged Memorials on 30 June 2001, proceeded to an exchange of counter-memorials on 30 September 2001 and an exchange of Replies on 29 October 2001. These written pleadings are impressive both for their comprehensiveness and the speed with which they have been prepared, thus demonstrating the clear and continuing commitment of both parties to the implementation of their agreement that the boundary dispute should be peacefully resolved as quickly as possible.

3. The written phase of the pleadings was closed upon the filing of the Replies. A pre-hearing consultation was held with the parties on 6 November 2001 at the premises of the Permanent Court of Arbitration in The Hague, at which procedural details relating to the hearings were settled. The hearings will be held at The Hague between 10 and 21 December 2001. The Commission will make every effort to produce its decision on the delimitation phase by the end of February 2002.

4. Unfortunately, the plans for three members of the Commission to visit the border region in October 2001 had to be cancelled. The schedule of the Commission will not now permit it to view the area before it produces the delimitation decision. The parties have accepted the Commission's decision to cancel the visit. Fortunately, however, the thoroughness with which the parties have in the meantime completed their written pleadings has reduced the need for the visit.

5. It will be necessary to mark the delimitation line on a large-scale map. A satellite image map on a scale of 1:50,000, which is currently being prepared by the United Nations Cartographer, will be used for this purpose. Once the delimitation line is known, it will be necessary, before demarcation can begin, to agree on the overflight arrangements with the parties for the

preparation of an aerial photo map on a scale of 1:25,000, covering a 10-kilometre-wide track along the delimited boundary. This map, the preparation of which will be heavily dependent on there being suitable climatic conditions for aerial photography at the appropriate time, will be used to record, as the demarcation proceeds, the definitive line of the boundary, including the location of boundary pillars. The exact position of the pillars will be confirmed subsequently by a final "as-built" survey, using a global positioning system to establish conclusively and finally the coordinates of the pillars. These may differ, but only very slightly, from the coordinates extracted from the aerial photo maps. The Commission takes this opportunity to acknowledge the very helpful work being done by the Secretary of the Commission (the United Nations Cartographer) and his staff in this connection.

6. The Commission has authorized the Secretary to set up Field Offices in Addis Ababa and Asmara. These are necessary in connection with the preparation of the aerial survey and other preparations for the demarcation phase. The parties have agreed to the establishment of those offices.

7. The Commission has been advised that the demarcation stage of settling the boundary could take a long time. Demarcation is a physical process that must necessarily take place on the ground. The whole of the border region involved in the dispute has been heavily land-mined, to an extent that will prevent demarcation until the mines have been cleared, even if only in the prospective localities of the boundary markers. Although general consideration is being given to demining in relation to the demarcation process, detailed plans cannot be made until the delimitation phase has been completed and the line of the boundary is known. Even so, it is already clear that the whole demining process will be of considerable complexity.

8. Although the mandate of the Commission, as laid down in article 4, paragraph 2, of the Agreement of 12 December 2000 between the parties, includes demarcation as well as delimitation, the precise

allocation of on-the-ground responsibility for organizing the demining process as between the Commission and UNMEE requires clarification, a matter that the Security Council will no doubt wish to consider. It should be borne in mind that, regardless of who is responsible for carrying out the process, it will be very costly and will necessitate major increases in the United Nations Trust Fund for the Delimitation and Demarcation of the Border established in accordance with Security Council resolution 1177 (1998). The Commission believes that the demining, which is an essential preliminary to demarcation, would be best carried out by, or under the management of, UNMEE on the basis of the delimitation decision of the Commission and in consultation with the Commission; and that only when a given stretch of the border as delimited, or access to the prospective locations of individual boundary pillars is declared mine-free, should the actual demarcation proceed.

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

22 November 2001