

Annex I

Sixth report of the Eritrea-Ethiopia Boundary Commission

1. This is the sixth report of the Eritrea-Ethiopia Boundary Commission, covering the period 1 June to 31 August 2002.
2. The Commission and its staff in Eritrea and Ethiopia ("the area") have been heavily engaged in continuing the work that needs to be completed before the 1:25,000 map can be finalized, the location of the boundary markers determined and the work of erecting the boundary markers begun. This has involved principally the emplacement of secondary datum markers and ground control points.
3. On 24 June 2002, the Commission rendered its decision on the Ethiopian request for interpretation, correction and consultation referred to in paragraph 5 of the Commission's fifth report (S/2002/744, annex). The Commission did not find in any of the items of the Ethiopian request anything that identified an uncertainty in the delimitation decision that could be resolved by interpretation at that time. Further, no case was made for revision. The Commission concluded that the request was inadmissible and that no further action would be taken on it. However, the request would remain on the record as a statement of Ethiopia's views, as would the response of Eritrea.
4. At the beginning of the period under review, the following reports were submitted to the parties by the Chief Surveyor:
 - (a) Summary of the survey of the ground control points for the SPOT satellite imagery which also included a spreadsheet;
 - (b) Summary of the specifications for the primary and secondary data, offsite data processing and quality assurance;
 - (c) Summary of work yet to be undertaken but which is required before the placing of boundary markers can begin;
 - (d) Amended field report of the primary datum observations.
5. Requests of the parties for additional maps, aerial photographs and other information have been met by the Commission.
6. Bill Robertson, a New Zealand national, was appointed as Special Consultant to assist the Commission in directing and monitoring the demarcation. Mr. Robertson was one of the commissioners who carried out the demarcation of the Iraq-Kuwait boundary in 1992 and his special experience will be of great value to the Commission. He will keep the parties fully informed of the plans and actions of the Commission and will maintain close contact with the parties by undertaking regular visits to the area. In addition, four extra surveyors have been hired temporarily, two from Sweden and two from New Zealand, to accelerate completion of the current stage of the work.
7. Demarcation Directions were prepared in draft form in early June and were circulated to the parties for comment. These Directions, which were subsequently promulgated on 8 July 2002, are binding on the parties. The Directions contain detailed rules governing the demarcation process. As the work progresses, they will be amended to reflect any emerging needs.
8. The Commission attaches great importance to keeping the parties informed of its activities and plans in relation to the demarcation process. There have been occasional complaints by one or the other party in this connection but they have been met and, as the experience of all concerned has developed and the parties have come to recognize the good will, commitment and neutrality of the Commission staff, it is expected that the procedure will continue with the full cooperation of the parties. The Commission has the fullest confidence in its staff in the field. They have worked assiduously and with great patience to meet so far as possible the requests of the parties.
9. It appears that initial difficulties confronting the staff in the area in securing the necessary visas and other permits to access the sites at which they needed to work have gradually been resolved.
10. On 7 June, Eritrea requested that the Commission adopt an interim order instructing Ethiopia that it must immediately cease the settlement of its nationals into territory that had been determined by the decision of 13 April 2002 to fall within Eritrean sovereignty. Ethiopia filed a response on 14 June 2002. In order to ascertain

the facts for itself, the Commission appointed a field investigation team, consisting of the Registrar, the Special Consultant, the Deputy Chief Surveyor and the deputy to the Secretary of the Commission, to visit the area and gather the necessary information. The team returned to The Hague and reported on 15 July 2002. A hearing was held with the parties on 16 July, following which the Commission issued an Order on 17 July, pursuant to article 20 and article 27 (1) of its rules of procedure, in which, although it rejected the Eritrean request for interim measures, the Commission found that any Ethiopian Government-sponsored resettlement of Ethiopian nationals in Dembe Mengul after 13 April 2002 should not have taken place and required Ethiopia to arrange for the return from there to Ethiopian territory of those persons who had gone there from Ethiopia pursuant to an Ethiopian resettlement programme since 13 April 2002. The Commission also required that each party should ensure that no further population resettlement take place across the delimitation line established by the decision of 13 April 2002.

11. On 17 July 2002, at the request of Ethiopia, the Commission issued an Order establishing a Field Office at Adigrat, Ethiopia, to begin work no later than 31 July 2002. Before that, the Field Office staff worked only from an office at Asmara. The Commission also maintains a small office at Addis Ababa for liaison purposes.

12. Because of the provision of logistical and transport services by UNMEE and in view of Security Council resolutions, there is frequent consultation between the Field Office staff and UNMEE personnel, as well as between the President of the Commission and the Special Representative of the Secretary-General. The Commission expresses great appreciation for the help that it receives from UNMEE, including the assistance rendered to it on the ground by engineers from the Indian contingent.

13. There is also regular contact between the Field Office staff and the officials of the parties at Addis Ababa and Asmara for the purpose of providing information about planned operations and making the necessary arrangements in that connection.

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

26 August 2002