

Annex I

Ninth report of the Eritrea-Ethiopia Boundary Commission

1. This is the ninth report of the Eritrea-Ethiopia Boundary Commission, covering the period from 22 February to 9 June 2003.
2. Following the issuance of a detailed eighth report as an annex to the progress report of the Secretary-General on Ethiopia and Eritrea of 6 March 2003 (S/2003/257), the Commission issued, on 21 March 2003, a document entitled "Observations of the Eritrea-Ethiopia Boundary Commission", which was made available as an addendum (S/2003/257/Add.1 of 31 March 2003) to the above-mentioned report.
3. The observations were drawn up at an internal meeting of the Commission and its staff held in London from 19 to 21 March 2003. At the same meeting, the Commission drew up its first set of technical instructions to the demarcation team. The Commission anticipates holding such internal meetings and issuing further such instructions to the demarcation team from time to time, as it deems necessary. In addition, the Commission adopted the amendment to the Demarcation Directions of 8 July 2002 indicated in its Order of 9 February 2003, providing for pillar emplacement to begin in the Eastern Sector.
4. The Commission also gave consideration to the parties' comments of 24 January 2003. As indicated in its eighth report, although the Commission had expected that those comments would be limited to technical cartographic matters, the comments filed by Ethiopia were mostly of a quite different character and scope. The Commission's observations (referred to in paragraph 2, above) constituted the Commission's response to some of the more general matters raised in the comments of 24 January 2003. With respect to specific observations on particular localities, each party was given the opportunity to comment, by 2 May 2003, on the other's submissions.
5. Eritrea consolidated its comments with observations submitted, in response to a request from the Special Consultant, on 15 April, in a document entitled, "Comments of the State of Eritrea on the Eritrea-Ethiopia boundary in the proximity of Tserona and Zalambessa and on the specific provisions of Ethiopia's comments of 24 January 2003". Ethiopia's comments were submitted to the Secretary on 2 May.
6. In its eighth report, the Commission discussed a dispute that had arisen between the parties with respect to their field liaison officers. The Commission's Order of 9 February 2003 provided for these disagreements to be "referred for decision in accordance with paragraph 15B of the Demarcation Directions". Pending the decision of the Commission on these disagreements, each party was to appoint two ad hoc field liaison officers and the parties made these appointments promptly.
7. Pursuant to paragraph 15B of the Demarcation Directions, the Special Consultant has prepared a report on the disagreement, which was transmitted to the parties and the Commission on 2 June. The parties have 15 days (until 17 June) within which to comment on the report, after which time the Commission will make its decision on this matter.
8. During the period covered by this report, the Commission and its staff devoted their efforts to the following demarcation activities:

(a) *Preparation of maps.* In response to the parties' comments of 24 January 2003, revisions were made to both the sheet index and the map design. Following a first round of comments on the revised sheet index in April, the parties were given the opportunity to comment, by 27 May, on both the newly revised sheet index and on sample maps reflecting the new map design arising from the revisions to the sheet index, and comments were received from both parties.

(b) *Marking of pillar sites.* The Secretary has informed the parties that, in order to give effect to the amended text of paragraph 9E, providing for pillar emplacement to begin in the Eastern Sector, certain steps which it was originally contemplated in the Demarcation Directions and the Schedule of the Order of the Activities Ahead would be taken simultaneously with respect to all sectors will now have to take place on a sector-by-sector basis. Pillar site assessment began in the Eastern Sector in mid-March. On 27 May, the Secretary transmitted to the parties a consolidated report, combining the factual report contemplated in paragraph 14E of the Demarcation Directions and the field assessment report of pillar sites contemplated in the most recent Schedule of the Order of the Activities Ahead. In keeping with the Commission's decision to begin pillar emplacement first in the Eastern Sector, the report covered only the factual survey of Bure and the field assessment of the Eastern Sector. As provided in the Demarcation Directions and Schedule, the parties have 15 days (until 11 June) to comment on these items. Following receipt of these comments and upon the decision of the Commission, the Secretary will prepare, and transmit to the parties for their comments, marked maps of the Eastern Sector showing the boundary line and pillar sites.

(c) *Arrangements relating to pillar construction.* Draft specifications for boundary pillar emplacement and as-built survey were distributed to both parties at the end of February and their comments were received in early March. Working closely with UNMEE and the Procurement Division of the United Nations, the Secretary and his staff were able to complete preparation of the necessary procurement documents and these were transmitted to prospective bidders on 12 May. For reasons of economy, the procurement documentation covers the entire boundary and bidders have been requested to break down the cost by sector and to provide unit cost per pillar. Contractors' proposals on pillar emplacement and as-built survey are due by 11 June. Because the Eastern Sector is not heavily mined, UNMEE/Mine Action Clearance Centre will provide demining quality assurance for this sector, eliminating the need to engage an external quality assurance contractor for this sector, although an external quality assurance contractor will need to be engaged for the other sectors.

(d) *Accommodation of contractors.* Preparations continue in the field for the provision of accommodation and meal facilities for the contractors. The Chief Surveyor conducted site visits to Adigrat on 22 February, to Barentu on 3 March and to Assab on 19 March to view options and check locations and requirements for contractors' facilities. Construction of the contractors' camp at Adigrat is expected to commence around mid-June.

(e) *Security of construction personnel in the field.* The question of security for Field Office staff and contractors' personnel continues to be of great importance. Having taken note that Security Council resolution 1466 of 14 March 2003 "urges both Ethiopia and Eritrea ... to take all steps necessary to provide the necessary security on the ground for the staff of the Commission when operating in territories

under their control”, the Commission and its staff are currently engaged in exploring the modalities for security and obtaining the appropriate assurances from the parties.

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

9 June 2003