

June 8, 2007

Excellency,

I have the honour to express my deepest appreciation for the opportunity you afforded me to exchange views on pressing issues affecting the peace and stability of our region during my recent visit to the United Nations Headquarters. I would also like to reiterate to you that you could count on the wholehearted support of the Government of Ethiopia in your efforts to discharge the call by the United Nations Security Council to assist Ethiopia and Eritrea normalize their relations, promote stability between them, and lay the foundation for sustainable peace in the region.

I have also attached a letter that I addressed to the President of the Security Council setting out the position of the Ethiopian Government on current situation between Ethiopia and Eritrea in order to assist you in your endeavors.

Please accept, Your Excellency, the assurance of my highest consideration.

**Seyoum Mesfin**

**Minister**

H.E. Mr. Ban Ki-moon

Secretary General of the United Nations

**New York**

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June 8, 2007

Excellency,

I have the honour to state that the Government of Ethiopia has taken note of the Progress Report of the Secretary-General on Ethiopia and Eritrea of 30 April 2007 and the Security Council Press Statement on Ethiopia, Eritrea of 8 May 2007. In its Press Statement, the Council “demand[s] Ethiopia implement fully and without delay the EEBC decision.” In that context, the Government wishes to communicate the following observations.

Ethiopia Accepts the Delimitation Decision Without Precondition

1. As the President of the Eritrea-Ethiopia Boundary Commission has explicitly acknowledged,<sup>1</sup> as Ethiopia’s Prime Minister has recently reiterated in his statement of 29 March 2007 to the Ethiopian Parliament, and as the Secretary General and the Security Council highlighted in the latest Progress report and Press Statement on Ethiopia and Eritrea, Ethiopia has accepted the Commission’s delimitation decision of 13 April 2002 without precondition.

Eritrea, Not Ethiopia, Has Made Implementation of the Delimitation Decision Impossible

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<sup>1</sup> Transcript of the EEBC meeting of March 10, 2006, which provides at page 33: “THE PRESIDENT: We have taken note of the fact that Ethiopia have accepted the delimitation decision. At one time there was a qualification of that acceptance by the expression “in principle” and we understand that that has now been dropped so it is a complete and unconditional acceptance, so there is no doubt that Ethiopia is willing to move on to the complete demarcation of the boundary and all we are trying to do now is to figure out how to go about that.”

2. Eritrea, not Ethiopia, has made implementation of the delimitation decision impossible. The Security Council will recall that Ethiopia actively participated in the Boundary Commission's meetings last year--under the new initiative of the Witnesses to the Algiers Agreement, supported by the Secretary General and the Security Council--up to the point at which Eritrea's actions on the ground and Eritrea's refusal to attend Commission meetings<sup>2</sup> brought the Commission's work to a standstill. At that point, Eritrea had sent its military forces into the Temporary Security Zone (TSZ), expelled the United Nations peacekeeping force mandated by the Algiers Agreements, and prevented UNMEE from operating effectively within the TSZ.

3. More recently, the Secretary General's latest Progress Report to the Security Council states that Eritrean military deployments into the TSZ have continued and intensified and that Eritrea has imposed "additional severe restrictions" on UNMEE. For example, the Progress report provides:

According to UNMEE observations, Eritrea has deployed over 2,000 troops and some 1,200 militia in Sector West, accompanied by 16 tanks, 2 multiple-barrel rocket launcher systems and 7 air defence guns. In the meantime, the deployment of EDF [Eritrean Defence Forces] elements in Sector Centre, which began in late December 2006, has also continued . . . Latest estimates suggest that approximately 1,700 suspected EDF elements have been deployed to Sector Centre. . . . In addition, Eritrea has deployed around 6 anti-aircraft guns around the area of Assab Airport in Subsector East.

This, in fact, understates the problem. The reality is that Eritrea has almost fully occupied the TSZ. The separation of troops, which is the reason for the establishment of the TSZ, is no longer operational. The number of EDF troops in the TSZ is much much bigger than is suggested in the

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<sup>2</sup> After two meetings were held between the EEBC and the parties in March and May of 2006, Eritrea refused to attend the next meeting scheduled for June 15, despite Ethiopia's acceptance of the Commission's invitation. Eritrea informed the Commission of its decision by way of letter from its Legal Advisor, dated June 13, 2006, in which the Legal Advisor concluded the letter stating, "We therefore regret that at the present time it is not possible to accept your invitation for 15 June 2006 in The Hague." Eritrea also failed to accept the Commission's subsequent invitation to attend a meeting scheduled two months later in August.

quotation above, with a number of EDF divisions now having established a firm presence there. In Sector West, inside the TSZ, are the following EDF Divisions: 21<sup>st</sup>, 25<sup>th</sup>, 26<sup>th</sup> & 37<sup>th</sup>. In the Central Sector, EDF Divisions 10<sup>th</sup>, 29<sup>th</sup> & 39<sup>th</sup> as well as an additional Brigade No. 51<sup>st</sup> are inside the TSZ. In Sector East, within the TSZ, EDF Division 35<sup>th</sup> is to be found along with one additional Brigade. The TSZ has been made a joke, but a dangerous joke, nonetheless.

4. As the Boundary Commission, its technical staff, and UNMEE officials have repeatedly emphasized to the parties, so long as Eritrea prevents UNMEE from discharging its responsibilities and continues to fortify the TSZ and the border region, there is simply no practical means for the parties or for the Commission to proceed with demarcation.

#### Eritrea's Actions Constitute Fundamental Violations of the Algiers Agreements

5. Such actions by Eritrea are fundamental violations of the Algiers Agreements and undermine the entire structure established by the Algiers Agreements for peaceful relations between the parties. Eritrea has consistently refused to resolve differences through dialogue and peaceful discussion, as the Algiers Agreements require and as the Security Council has repeatedly called upon the parties to do. Instead, Eritrea's recent letter to the Secretary General threatens the use of force in connection with the boundary dispute.

6. Indeed, in addition to having invaded the TSZ and expelled United Nations peacekeepers, Eritrea has used force in carrying out incursions along its border with Ethiopia and has used force in connection with its active participation in terrorism, and with its support of terrorists operating in and from Somalia, who have attacked people and commercial activities inside Ethiopian territory. Such threats and use of force are further fundamental violations of the Algiers Agreements and also of the United Nations Charter.

7. Article 1 of the December 2000 Agreement provides:

1. The parties shall permanently terminate military hostilities between themselves. Each party shall refrain from the threat or use of force.

2. The parties shall respect and fully implement the provisions of the Agreement on Cessation of Hostilities.

8. Under paragraph 14 of the Cessation of Hostilities Agreement:

Eritrea commits itself not to move its troops beyond the positions defined in paragraph 12 above [within the 25 km TSZ]. The OAU and the United Nations commit themselves to guarantee the respect for this commitment of the Parties . . . This guarantee shall be comprised of . . . appropriate measures to be taken under Chapter VII of the United Nations Charter by the UN Security Council.

It should be mandatory on Eritrea to return to full compliance with the Algiers Agreements, UN Charter, and Security Council Resolutions for any progress in the peace process to be possible.

9. Eritrea has given no indication of any willingness to remove Eritrean forces from the TSZ, to allow UNMEE to resume operations without restrictions, or to refrain from the threat or use of force. Eritrea's actions not only violate the Algiers Agreements and the Charter, they also defy the Security Council, including the Council's support of UNMEE and the Council's most recent demand in its Press Statement of May 8 "that Eritrea reverse, without delay or preconditions, all restrictions on UNMEE's movement and operations." A party that continues to breach the Charter and openly defy the Security Council and that has demolished the Cessation of Hostilities Agreement, which is the foundation of the Algiers peace process, cannot, by any legal consideration, be regarded to be ready for demarcation or to be interested in peaceful resolution of disputes. The demarcation process cannot go forward in the face of the open threat and use of force by Eritrea, a fundamental breach of the Algiers Agreements and flagrant defiance of UNSC Resolution 1640.

Not appeasement but Chapter VII measures are the response provided for in paragraph 14 of the Cessation of Hostilities Agreement for such action.

Ethiopia Calls Upon the Security Council to Take Further Action

10. Ethiopia calls upon the Security Council to demand that Eritrea fully restore the integrity of the TSZ and UNMEE's freedom of movement, cease all military and terrorist activities aimed at Ethiopia, subject to the Council's resort to the measures set forth in paragraph 14 of the Cessation of Hostilities Agreement unless Eritrea comes into full compliance.

11. Ethiopia also calls upon the Security Council to demand that Eritrea fully engage in good faith dialogue with Ethiopia to move forward in demarcating the boundary, the delimitation of which they have both accepted, and with the Secretary General, the international community and Ethiopia in the effort stipulated in Resolution 1741 (2007) "to normalize relations, to promote stability between the parties, and to lay the foundation for sustainable peace in the region."<sup>3</sup>

12. Ethiopia is deeply and firmly committed to the achievement of sustainable peace and security in the Horn of Africa region and to working closely with the Security Council and the international community to this end.

Please accept, Excellency, the assurances of my highest consideration.

**Seyoum Mesfin**

**Minister**

**H.E. Ambassador Johan Verbeke**

**President of the United Nations Security Council**

**New York**

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<sup>3</sup> UNSC Resolution 1741 (2007), para. 9; *see also*, Secretary General Progress Report on Ethiopia and Eritrea, 30 April 2007, para. 18 and Security Council Press Statement, 8 May 2007.