



Permanent Mission of Eritrea
to the United Nations

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STATEMENT

BY

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AT

THE FIFTY-NINTH SESSION OF
THE UNITED NATIONS GENERAL ASSEMBLY

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Mr. President,

Allow me to join previous speakers in congratulating you, Mr. President, for your election as President of the current session of our General Assembly. In view of the brevity of time, allow me to cut short several acknowledgements and tributes that I would have normally liked to make and delve directly into matters of vital importance to my country, the Horn of Africa region and, by extension, to all member States of our global community.

My Government naturally recognises, and is grateful, for the vital contributions of the international community, including the United Nations, to promote peace in the aftermath of the war that Ethiopia had declared against my country using a place called "Badme" as a pretext. The Algiers Peace Agreement, signed by the parties in December 2000, was drafted and brokered by the United States, the European Union, the African Union and Algeria, among others. Furthermore, the international community has spent more than 700 million US dollars to-date to maintain the peacekeeping force. More than 37 countries have contributed military personnel that are involved in UNMEE in various capacities. We are grateful for these contributions.

But, as we applaud these vital contributions, we are duty bound to express, with equal candour, our dismay with the lack of resolute action by the international community at these critical times when the entire process is on the precipice of collapse. Had the international community respected its obligations and seen the process through with the requisite seriousness, the border would have been long demarcated. Today would have in fact been the auspicious moment for our peoples to celebrate in this podium the resounding success of a UN peacekeeping effort. Instead, the dark clouds of war are once again hanging over my country because of Ethiopia's intransigence and the acquiescence of major powers in Ethiopia's violations.

Mr. President,

Allow me to refresh your memories by citing the most salient tenets of the Algiers Peace Agreement:

- 1. Regarding the establishment and powers of the Arbitration Commission:** Article 4.2 of the Agreements states: "the parties agree that a neutral Boundary Commission composed of five members shall be established with a mandate to delimit and demarcate the colonial treaty boundary based on pertinent colonial treaties (1900, 1902, and 1908) and applicable international law. The Commission shall not have the power to make decisions *ex aequo et bono*."
- 2. The final and binding nature of the decision:** Article 4.15 states: "The Parties agree that the delimitation and demarcation determinations of the Commission shall be final and binding. Each party shall respect the border so determined, as well as the territorial integrity and sovereignty of the other party".
- 3. Punitive measures that should be taken against the violating Party:** Article 14 of the Cessation of Hostilities Agreement states: "...The OAU and the United Nations commit themselves to guarantee the respect for this commitment of the two Parties until the determination of the common border ...This guarantee shall be comprised of : a) Measures to

be taken by the international community should one or both of the Parties violate this commitment, including appropriate measures to be taken under Chapter VII of the Charter of the United Nations by the United Nations Security Council".

Mr. President,
Excellencies,

It is more than two years now since the Boundary Commission announced its decision on the basis of the Algiers Peace Agreement. This legal decision was reached after 15 months of litigation; both through exchange of numerous memorials and a two-week verbal hearing. The decision is final and binding in accordance with the Peace Agreement as mentioned above. Furthermore, the decision is based on the fundamental African principle of the inviolability of inherited colonial boundaries, which are not of our making but that we can only respect unless we wish to open a Pandora's Box for an endless cycle of border conflicts.

My Government has accepted in good faith the Boundary Commission decision; not because it has won in the litigation, but because we firmly believe that the only avenue for securing enduring peace is through respect of the rule of law and the integrity of the arbitration decision. This is why my Government has, and continues to cooperate, fully and unreservedly with the Boundary Commission in all its delimitation decisions and demarcation instructions.

Ethiopia, on the other hand, has categorically rejected the decision of the Boundary Commission. In a letter to the UN Security Council on 19 September last year, the Ethiopian Prime Minister declared that the "work of the Commission is in terminal crisis". The Prime Minister dismissed the decision of the Boundary Commission as "totally illegal, unjust and irresponsible" and requested the Security Council to "set up an alternative mechanism to demarcate the contested parts of the boundary".

Ethiopia has of course no reason whatsoever to reject the Boundary Commission decision. Apart from its treaty obligations, the fact is Ethiopia won, by its own admission, extra territories that never belonged to it. Those were the words of the Prime Minister, the Foreign Minister, and the Council of Ministers on April 13, 2002 when the Boundary Commission announced its decision.

Ethiopia's belated rejection of the decision was an afterthought, which was done at first tentatively and cautiously but that later gained boldness and audacity when it realised that it can do so with impunity. The letter of the Prime Minister informing the United Nations Security Council that Ethiopia rejects the decision of the Boundary Commission was written sixteen full months after the decision was rendered. In a sense, Ethiopia's rejection has more to do with the conduct of the international community rather than any intrinsic problem of the decision itself. Critical factors in Ethiopia's rejection were the "sympathetic dispositions", "the winks and nods" that were signalled by certain countries and some foreign missions in Ethiopia.

Ethiopia's arguments now on the need to factor in "human and physical geography" and bogus concerns on "population dislocation or separation of villages and homes" are too fallacious to merit discussion. The legal basis for delimiting the boundary is unequivocal and Ethiopia cannot introduce new elements after the fact. Furthermore, boundaries in Africa, and for that matter elsewhere in the world, are not always carved out of natural rivers and ravines to exclude contiguous villages lying on either side of the boundary between two countries. In the case of the Eritrea-Ethiopia boundary, Ethiopia expelled in 1998, 14,500 Eritreans who inhabited 39

villages on the eastern part of the Badme line since the 1920s. These people have spent the last six years in makeshift camps in western Eritrea. There are an additional 58,000 Eritreans who remain displaced because Ethiopia continues to occupy our sovereign territories. All in all, more than 90,000 Eritreans, and Ethiopians of Eritrean origin, were expelled from Ethiopia in 1998 because the Prime Minister declared that "Ethiopia has every right to expel any foreign citizen if it does not like the colour of their eyes". How can Ethiopia now invoke the possible dislocation of a "few thousand settlers" to prevent demarcation of the boundary and jeopardise regional peace?

Mr. President,

In spite of Ethiopia's violations of the Peace Agreement, major powers in the international community have not taken credible steps to persuade Ethiopia to uphold the rule of law and abide by its treaty obligations. On the contrary, Ethiopia continues to obtain massive humanitarian, economic and military support from major powers. Full-fledged economic sanctions may not even have been necessary. But the debt-cancellation, budgetary support and other substantial injections of economic and humanitarian support extended to Ethiopia have not been linked to positive performance in the peace process. So, as far as Eritrea is concerned, the problem is not Ethiopia's bad faith conduct in the border dispute, but international acquiescence in its violations which has in turn encouraged its intransigence.

Mr. President,

It is regrettable that the United Nations Secretariat and some powers have introduced and continue to dwell on tangential issues instead of taking effective action to push the peace process forward. These notions are not only extraneous to the Algiers Peace Agreements, but if they were to become operational, they would actually subvert and derail the peace process and significantly contribute to tension and conflict. I am referring to the related issues of the Special Envoy of the Secretary General and "dialogue" to re-negotiate the final and binding decision of the Boundary Commission.

Let me first underline that the appointment of the Special Envoy occurred only a few weeks after Ethiopia had formally and officially rejected the Boundary Commission decision requesting the Security Council to create a "new mechanism". My Government did not see the rationale for this course of action but did not reject the proposal outright. We sought for unambiguous clarifications on the mandate and functions of the Special Envoy through various communications emphasizing in the process that we cannot possibly contemplate renegotiation of the decision under any form. Unfortunately, our efforts did not bear any fruit and the responses we received, or lack of clarity in them, only reinforced our original concerns. In the event, my Government has informed the United Nations Secretary General that it considers the issue of the Special Envoy, which has eclipsed the key issue for almost a year now, as a closed chapter and appealed to the Secretary General to refocus international attention on Ethiopia's violations of the Algiers Peace Agreement and the rule of law.

In the same vein, the issue of bilateral dialogue with Ethiopia can only be seen and understood in its proper perspective. Eritrea will have no problems to restore full normalisation with Ethiopia and revive all ties of good neighbourly relationship. We are neighbours destined to live together and in harmony. But we cannot possibly put the cart before the horse and discuss economic or security issues of cooperation when Ethiopia is forcibly occupying our land in breach of the

Algiers peace agreement and the decision of the Boundary Commission. Eritrea will not in fact need the good offices of an intermediary to resume normal bilateral ties with Ethiopia once the critical border issue is resolved legally and peacefully. I must stress that the border issue cannot be a subject of sterile dialogue as is sought by Ethiopia. This is legally untenable and practically impossible.

Mr. President,

The costs of inaction by the international community to regional peace and stability will be enormous and my Government sincerely hopes that the indifference we have witnessed in the past two years will be rectified in time. Eritrea has shown maximum patience and restraint although its sovereign territories remain occupied by force. But patience has a limit particularly as the humanitarian dimension is huge and unsustainable for long. Indeed, over 60,000 of our citizens continue to live in make shift camps unable to return to their home villages.

Mr. President,

In his address to the General Assembly on 21 September 2004, our Secretary General made a passionate appeal for respect of the rule of law at home and abroad. The people and government of Eritrea wish to thank him for the statement while declaring that they entirely subscribe to, and endorse, it without any reservations. Eritreans continue to be victims of the violations of the rule of law as a result of Ethiopia's rejection, with impunity, of the final and binding decision of an Arbitration Commission sanctioned by the United Nations and other organizations as well as states. Eritreans also totally agree that "the rule of law starts at home" including at the United Nations. It must not be forgotten that the implementation of the Commission's decision was guaranteed by a treaty obligation signed by the Secretary General on behalf of the United Nations. It is therefore essential to note that any stalemate in the demarcation process is a stalemate not between Eritrea, which has accepted the decision without any reservations, and Ethiopia, which has rejected it, but between Ethiopia and the United Nations, which has guaranteed implementation and provided for punitive action under chapter VII of the Charter against the party that refuses to implement the Commission's decision. The United Nations has the duty of enforcing the rule of law. This is a violation of the rule of law and demonstrates the "collective failure [of the United Nations] to uphold the law and to instil respect for it in our fellow men and women". Ethiopia cannot be above the law; Eritrea should not be "denied its protection" and the United Nations must employ its enforcement capacity for the rule of law by fulfilling its treaty obligations.

Mr. President,

Before concluding, allow me to outline briefly the views of my government on other regional problems.

My Government heartily welcomes the progress seen in the last few months in promoting reconciliation and lasting peace in Somalia. Although handicapped by Ethiopia's imposed war on us, we have nonetheless continued to make modest contributions to a durable and peaceful resolution to Somalia's internal problem. Our approach has always hinged on supporting the Somalis find their own solutions and preventing the fragmentation and balkanisation of Somalia that has been driven by the agenda of external forces rather than centrifugal internal tendencies.

The magnitude of the humanitarian crisis in the Sudan is well-known to merit explanation here. But as the international community focuses on what is happening in Darfur these days, what is often missed is the larger picture of regional destabilisation and incalculable human suffering that the fundamentalist regime has been fomenting for almost 15 years now. The ramifications of the National Islamic Front's (NIF) policies of extremist ideology have not, moreover, been confined to the Sudan but have affected several neighbouring countries including my country. It is therefore essential that major powers in the international community appraise the problem for what it is and what it portends.

In conclusion, let me restate the position of my government on the relevant debate concerning the reform of the United Nations system. It is clear to us, a matter that is reinforced by our recent experience, that despite many achievements, there are areas of critical shortage that will require reform and restructuring. We also believe that parameters and considerations that were relevant when the United Nations was established in the immediate aftermath of the Second World War would need revisiting and adjustment in accordance with contemporary realities. Furthermore, representation in the Security Council must satisfy the criterion of reasonable regional representation and equity as well as the equality of sovereign nations as enshrined in the United Nations Charter.

Thank you.