



**Permanent Mission of the State of Eritrea to the African Union and
UN Economic Commission for Africa**

Statement by

H.E Ambassador Girma Asmerom
Permanent Representative of the State of Eritrea to the African Union
and the UN Economic Commission for Africa

At the

275th Meeting (Ministerial level)
of the African Union Peace and Security Council

26 April 2011, Addis Ababa

Thank you Mr. Chairman!

In the spirit of saving time I will present the summarized version of my intervention. I would like to request the Chair to distribute and circulate the complete and written version of my intervention as an official document to all members of the PSC, PRC and AUC.

Again thank you Mr. Chairman.

Excellencies!

My intervention has three components. They are all basic facts which I hope will help you to make your own conclusion, rational judgment and decision.

The three components of my intervention will deal with Ethiopia's occupation of sovereign Eritrean territory, U.S's negative role on Eritrea and Ethiopia border issue as well as Ethiopia's baseless accusation and military threat against Eritrea. My first intervention is simple and straight request by Eritrea to the AU, the international community including the Government of Ethiopia. Eritrea's request is, **Ethiopia must respect international law and the Final and Binding Delimitation and Demarcation arbitration Decisions of the Eritrea Ethiopia Boundary Commission (EEBC) – and must unconditionally withdraw from sovereign Eritrean territory including Badme.**

Excellencies!

The Algiers Agreement that was signed in 2000 by President Isaias Afwerki of Eritrea and Prime Minister Meles Zenawi of Ethiopia to solve the border dispute between Eritrea and Ethiopia is crystal clear. It is meticulously done with no ambiguity or loophole. It was guaranteed by the UN and the OAU/AU and witnessed by the U.S, E.U, Algeria and Nigeria.

BASIC FACTS:

- The Eritrea Ethiopia Boundary Commission (EEBC) composed of five prominent and highly respected lawyers (two British, two American and one Nigerian) was established in 2001 and was fully mandated by the Parties, the guarantors and the witnesses to make its Final and Binding Delimitation and Demarcation Decisions.
- The Commission is clearly mandated only and only to resolve the border dispute through arbitration. No third party and neutral body, mediator or alternative mechanism is allowed.
- The Commission made its Final and Binding Delimitation Decision on 13 April 2002.
- The flashpoint of the dispute, Badme, was awarded to Eritrea.
- The physical demarcation of the border on the basis of the Delimitation Decision was envisaged to be concluded on November 2003.
- In consultation with the parties, implementation and Demarcation Directives and rules of procedure were issued on 21 March and 22 August 2003 and adopted by the Parties.
- The Commission's Field Offices were established in Asmara, Addis Ababa and Adigrat.
- A Chief Surveyor was appointed by the Commission and had taken his post in Asmara.
- Surveying staff were recruited to assist the chief Surveyor.

- Implementation and demarcation activity started in the Eastern Sector in March 2003 without any problem.

However, with clear objective of trying to change the Final and Binding Delimitation Decision of the Commission, aided and abetted by the western powers, in particular the U.S., Ethiopia kept on creating all types of excuses and justifications for the Demarcation not to continue.

Even though it was frustrated and disappointed by the behavior of the Ethiopian Government, shouldering its legal obligation and responsibility of demarcating the border, the Commission deployed every legal, political and diplomatic measures to make Ethiopia respect the rule of law and its international obligations. But Ethiopia insisted on “dialogue” as well as the “creation of an alternative mechanism” and a “third party or a neutral body” to demarcate the border. The Commission rejected Ethiopia’s request and even went out of its way and responded to a letter that was sent to it by the former Foreign Minister of Ethiopia, Mr. Seyoum Mesfin. The main content of the letter by the President of the Eritrea Ethiopia Boundary Commission (EEBC), Sir Elihu Lauterpacht, dated 27th November 2006, to the former Foreign Minister of Ethiopia is as follows:-

- “I have received and read with care your letter to me of 13 November 2006. Although it is unusual for international tribunals to respond to criticisms made by a discontented party, it is not possible for the Commission to leave your observations without some response-the more so as you have already given much publicity to your letter and have requested that it should be published as a Security Council document. I do not reply in full detail because the Commission’s understanding of the facts is set out in the Statement which it is issuing today, of which I attach a copy. Nonetheless, with great respect, I have to tell you that, insofar as your letter purports to set out facts, those that it states are, regrettably, in significant detail wrong or highly selective.”
- “You place great emphasis on ‘the need for dialogue and support by neutral bodies to help the two Parties make progress in demarcation and normalization of their relations.’ Of course, ‘the normalization of relations’ is a desirable objective but that is a matter that falls outside the scope of the Commission’s mandate, which is solely to delimit and demarcate the border. The scope for ‘dialogue’ is limited to what is necessary between the Commission and the Parties to further the actual process of demarcation on the ground. There is no room within the framework of the Algiers Agreement for the introduction of ‘neutral bodies’ into the demarcation process.”
- Your letter seeks to blame the Commission for Ethiopia’s failure to meet its obligations under the Algiers Agreement. Such blame is entirely misplaced. The truth of the matter appears to be that Ethiopia is dissatisfied with the substance of the Commission’s Delimitation Decisions and has been seeking, ever since April 2002, to find ways of changing it. This is not an approach which the Commission was empowered to adopt and is not one to which the Commission can lend itself.”

The letter of the President of the Commission had not impacted the Government of Ethiopia. The intransigent attitude of the Ethiopian Government continued unabated. After trying in vain for five years to convince the Ethiopian Government to uphold its commitments to the Algiers Agreement and to respect international law and to allow it to perform its mandated job of putting the pillars and markers on the ground, the Commission was obliged to adopt another approach to effect the demarcation of the boundary. Stating that “it evidently, cannot remain in existence

indefinitely,” and invoking internationally accepted and practiced procedures of demarcating Land and Sea borders such as, the Beagle Channel Case, the Iraq-Kuwait Border Demarcation Commission’s (IKBDC) Decision of 1993, the Argentine-Chile frontier case (1966) and the manner in which the United Nations Convention on the Law of the Sea deals with the limits of maritime claims by states, the Commission which is composed of highly qualified and experienced lawyers on the subject matter adopted similar approach to effect the demarcation of the Eritrea-Ethiopia border.

Excellencies!

Using modern techniques of image processing and terrain modeling in conjunction with the use of high resolution aerial photographs by identifying boundary points both grid and geographical coordinates, the **Commission virtually demarcated the Eritrean-Ethiopia border in 2007.** It wrote a letter to the two parties and the Secretary General of the UN stating that **“The Commission hereby determines that the boundary will automatically stand as demarcated by the boundary pillars points listed in the Annex hereto and that the mandate of the Commission can then be regarded as fulfilled.”**

- Signed copies of 45 maps on a scale of 1:25,000 containing the demarcation of the boundary by coordinates was sent to the parties on 30 November 2007.
- A copy was also deposited with the United Nations
- Another copy for public reference is retained in the Office of the U.N Cartographer.

Excellencies!

No matter what the Parties to the Agreement feel and say, as it is clearly articulated in the Algiers Agreement Article 4 Paragraph 15 and Article 5 Paragraph 7, in exercising its right and mandate, the Eritrea Ethiopia Boundary Commission (EEBC) has unanimously delivered its Final and Binding Delimitation and Demarcation Decisions in April has 2002 and November 2007, respectively. **The Ethiopia Government has been saying that “I have accepted the Delimitation Decision but I cannot accept the Virtual Demarcation Decision of 2007.”** It has even gone to an extent of declaring the virtual Demarcation Decision of the Commission as a **“legal fiction”**. First of all the Commissioners are better qualified than the Ethiopian officials on international legal practices and accepted methodologies and procedures of border demarcation. Second, on the basis of the Algiers Agreement, the Delimitation and Demarcation Decisions of the EEBC cannot be rejected, amended, appealed or reversed by the Parties under any pretext. It is Final and Binding, Final and Binding means final.

Therefore, Your Excellencies, there is no contested or disputed border between Eritrea and Ethiopia. What we have is Ethiopia’s occupation of sovereign Eritrean territory including Badme. Thus, **Eritrea calls on the A.U as a Guarantor of the Algiers Agreement to urge the Ethiopian Government to unconditionally withdraw from sovereign Eritrean territory, including Badme.**

Excellencies!

I am hundred percent sure that since it is crystal clear that Ethiopia is illegally occupying sovereign Eritrean territory including Badme, you will ask “why is it then the Government of Ethiopia in defiance of international law and its signed commitment refusing to vacate sovereign Eritrean territory?” The question is legitimate and correct. That leads me to my second intervention. Eritrea believes that **it is U.S’s misguided policy and the military, financial and diplomatic support it gives that is encouraging Ethiopia to occupy sovereign Eritrean territory with impunity.** Mr. John Bolton, U.S. Ambassador to the UN during President Bush’s time, and Mr. Ennifar, former Acting Special Representative of the UNSG to Eritrea and Ethiopia as well as wikileaks have confirmed this fact to all of us. Therefore, I hope your question is answered and the puzzle is solved. The main engineer and architect of this misguided policy of the U.S. is Ms. Jendayi Frazer, U.S. Assistant Secretary for African Affairs during the Bush Administration.

Excellencies! Let us look at the facts.

Mr. Bolton, in his book ‘Surrender is not an Option’, dealing with Eritrea and Ethiopia border issue he wrote:

- “...I certainly had no favorite, but it seemed that Eritrea had a point. Ethiopia had agreed on a mechanism to resolve the border dispute in 2000 and now was welching on its deal in flat violation of its commitments...”
- “...I said we should solve the problem and not let it fester forever, France, Japan and several other Council members agreed with me”
- “...For reasons I never understood, however, Frazer reversed course, and asked in early February to reopen the 2002 EEBC decision, which she had concluded was wrong, and award a major piece of disputed territory to Ethiopia. I was at a loss how to explain that to the Security Council...”

Excellencies!

Like Mr. Bolton, Mr. Ennifar was also clear on the negative role of the U.S. Government on Eritrea-Ethiopia border issue. After meeting J. Frazer in Addis Ababa, in a report he sent to the former Head of the UN DPKO, Mr. Guhenno, he wrote:

- “I met on 24 June 2006 with Jendayi Frazer, U.S Assistant Secretary of State for African Affairs in Addis Ababa. She regretted that the EEBC is not flexible. She told me that she has developed parallel tracks to deal with the matter. In her view, demarcation as Eritrea wants it is not feasible. She also said that the status quo would benefit Ethiopia and demarcation would not take place without dialogue...”
- “She also said the current priority for the US in the region is to find an acceptable solution to the Somali question. Therefore, the demarcation process has receded to the background...”
- “...What is clear it that Washington shares Ethiopia’s view that demarcation could not proceed without dialogue.”

Excellencies!

- Wikileaks also confirmed what Mr. Bolton and Mr. Ennifar said about U.S.'s misguided policy in the Horn of Africa, especially on the role of Ms. Jendayi Frazer.
 - U.S. Embassy Addis Ababa cable of 6 February 2008 reads:-
 - "...On January 31, Assistant Secretary Frazer met with Ethiopian Prime Minister Meles Zenawi in a broad ranging 100 minute discussion on Kenya, Sudan, Somalia, Somaliland, and the Eritrean border. In the meeting Meles and Frazer agreed that the Eritrea-Ethiopia Boundary Commission's (EEBC) virtual demarcation decision should not be supported by the UN..."
 - Furthermore U.S. Embassy Berlin cable of 11 August 2009 reads:-
 - "We agreed that Ethiopia is an 'indispensable partner' to stability in the region, the border conflict between Ethiopia and Eritrea is 'frozen' for the foreseeable future..."

Excellencies!

From what we have read and learned from Mr. Bolton, Mr. Ennifar and Wikileaks, what we see in the Horn of Africa today is history repeating itself, U.S.'s misguided policy against Eritrea. In the 1950s when the question "What shall we do with former Italian colonies?" i.e., Eritrea, Somalia and Libya was raised and debated in the UN, Libya and Somalia were granted their independence. But under the pretext of "**Ethiopia is our strategic ally in the fight against the Soviet led spread of Communism in Africa,**" Eritrea's right to decolonization was stifled by the misguided policy of the U.S. It is sufficient to look into the archives of the UN and to read what Mr. John Foster Dulles, the then U.S. Secretary of State, said during the debate in 1952. This is what he said:

"From the point of view of justice, the Eritrean people deserve their independence. Nevertheless, the strategic interests of the United States in the Red Sea Basin and world peace make it necessary that the country be linked with our ally Ethiopia."

As the result of this misguided U.S. policy in the Horn of Africa, Ethiopia and Eritrea fought a bloody and bitter war for more than thirty years. It was a loss for both the people of Eritrea and Ethiopia and the people of Africa. History is being repeated. Today again under the pretext of "**Ethiopia is our strategic ally in the fight against terrorism in the Horn of Africa**" it is the U.S. that is blocking appropriate action by the international community against Ethiopia and it is the one that is also financially, militarily, diplomatically and politically supporting and encouraging Ethiopia to occupy sovereign Eritrean territory.

Excellencies!

We must learn from history. This misguided policy of the U.S. must be stopped, and another disastrous war between Eritrea and Ethiopia must be avoided. It is simple to stop it and to avoid it. First, no nation big or small under the pretext of strategic ally or strategic interest of the big powers should be allowed to violate AU's Constitutive Act, the UN Charter and international arbitration to occupy a sovereign territory of another country. Second, for the sake of the people of Eritrea and Ethiopia and the people of the Horn, the Ethiopian Government must be told unequivocally by the AU, UN including by its "strategic ally" the US **to unconditionally vacate sovereign Eritrean territory including Badme.**

Excellencies!

My third and last intervention deals with Ethiopia's fabricated and baseless accusation and military threat against Eritrea. In the past few weeks, the Prime Minister and other Ethiopian Government officials have been issuing baseless accusations against Eritrea. They have also made a series of belligerent and threatening statements through Government Media Outlets, proclaiming their intentions to carry out "military action to oust the regime in Eritrea."

- Eritrea is not surprised by the current disinformation campaign and the patently baseless and unjustifiable accusation of Ethiopia.
- The accusation is purely fabricated to divert and deflect the attention of the international community from giving undivided attention to Ethiopia's illegal occupation of sovereign Eritrean territory including the town of Badme in violation of the UN Charter and the Eritrea Ethiopia Boundary Commission (EEBC) Final and Binding 2002 Delimitation Decision and 2007 Demarcation Decision.
- Eritrea does not have a plan or an agenda of destabilizing Ethiopia or the region.
- Eritrea has never thought, imagined or said that it will make Addis Ababa, Baghdad.
- Unless they are doing it for diplomatic and political expediency, the entire leadership of the Ethiopian Government who were our comrades-in-arms knows that it is not in our psyche, our culture, our philosophy, our upbringing, our value and our history to attack civilian targets, and victimize as well as terrorize innocent people.
- For us, let alone the Ethiopian people whom we consider our brothers and sisters, as the saying goes "Blood is Thicker Than Water", we don't want any human race black, white, red, yellow etc to be victim of terrorist elements and activity. We are principled African people who value human life forever and ever no matter what.
- The leadership and the people of Ethiopia also know that let alone today as sovereign state and government where we are obliged and expected to respect international law and treaties, even during our struggle for justice and independence when our towns, and villages were bombarded day and night (with U.S. and Soviet supplied fighter planes) and when our people were massacred indiscriminately by the forces of the Emperor and the Military Junta that overthrew him, we never attacked civilian targets nor practiced terrorism. We did not do it yesterday! We will not do it today! And we will not do it in the future!

As to Ethiopia's military threat against Eritrea, its capability and capacity aside, it is clearly a violation of Article 4 (f) of the Constitutive Act of the Union and Article 2(4) of the United Nations Charter. It is pure aggression and declaration of war against a member state of the African Union and the UN which should be condemned by all peace loving Governments and Peoples of the world.

Once again Eritrea calls on the AU and UN to urge Ethiopia to:-

- a) **refrain from making military threats against Eritrea, a sovereign nation and a member state of the African Union,**
- b) **unconditionally withdraw from sovereign Eritrean territory including Badme on the basis of the Final and Binding Delimitation and Demarcation Decisions of the Eritrea Ethiopia Boundary Commission (EEBC).**

Excellencies!

On behalf of the Eritrean Government, I wish to underline that we will not be plunged –through provocations, enticements and other mendacious accusations- into a crisis to become a scapegoat to the misguided Horn of Africa policies of the U.S. Government that is railroaded through Ethiopia. It has failed in the past; it will also fail today and in the future. The people of Eritrea and Ethiopia and the region deserve to live in peace and harmony. Unlike what some myopic experts say or wish it to be, the peoples of Ethiopia and Eritrea are not cursed but blessed to be neighbors.

Excellencies!

I want to assure you that once Ethiopia vacates sovereign Eritrean territory including Badme, the Government of Eritrea is ready and willing to normalize its relation with Ethiopia and to engage the Government of Ethiopia in constructive dialogue on issues that are relevant and beneficial to the people of Eritrea and Ethiopia as well as the stability of our region.

Excellencies!

Agreements must be respected and justice must be supported.

Thank you!