

**Security Council**

Distr.: General
6 August 2008

Original: English

Letter dated 24 July 2008 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General**Addendum****Second annex to the letter dated 24 July 2008 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General****Letter dated 1 July 2008 from the Legal Adviser to the Office of the President of Eritrea to the President of the Eritrea-Ethiopia Boundary Commission****Winding up of the operations of the Commission**

Thank you very much for your letter of 18 June 2008 concerning the Boundary Commission's winding up of its operations.

As emphasized in my letter to you of 29 November 2007, Eritrea has consistently supported the work of the Commission and has from the outset recognized (as required by the Algiers Agreement of 12 December 2000) the Commission's delimitation and demarcation decisions as authoritative. As stated in article 4, paragraph 15: "The parties agree that the delimitation and demarcation determinations of the Commission shall be final and binding."

Eritrea remains committed to this principle and to all of the "delimitation and demarcation determinations" to which this paragraph refers. As my letter of 29 November 2007 clearly states, this includes not only the Commission's delimitation and demarcation decisions in general but also the Commission's coordinates:

Eritrea acknowledges as both final and valid the coordinates that the Commission has specified and believes that these coordinates are as binding as other Commission decisions.

In its communication to the Parties on 27 November 2006, the Commission notified the Parties that it "cannot remain in existence indefinitely". The Commission had further noted:

If, by the end of that period [November 2007], the Parties have not by themselves reached the necessary agreement and proceeded significantly to



implement it, or have not requested and enabled the Commission to resume its activity, the Commission hereby determines that the boundary will automatically stand as demarcated by the boundary points listed in the Annex hereto and that the mandate of the Commission can then be regarded as fulfilled.

The meeting that the Boundary Commission convened with the Parties in The Hague on 6 September 2007 to move the process forward was not successful because Ethiopia was still not prepared to accommodate the requirements that the Commission stipulated. While Ethiopia's refusal to comply with the Commission's delimitation and demarcation decisions is unfortunate, it in no way undermines the final and binding nature of the Commission's conclusions.

When Ethiopia refused to come into compliance within the specified one-year period, the Secretary of the Boundary Commission dispatched to the Parties 45 maps, on a scale of 1:25,000, containing the demarcation of the boundary by coordinates.

Eritrea considers that the mandate of the Commission has been fulfilled as of that time. In this spirit, Eritrea has and continues to press the United Nations Security Council to exercise its legal authority of enforcing the delimitation and demarcation determinations of the Commission. Eritrea wishes at this point to reiterate its gratitude for the Commission in fulfilling its mandate under these difficult conditions.

(Signed) Lea **Brilmayer**
Legal Adviser to the Office of the President
