

Annex I

Twelfth report on the work of the Eritrea-Ethiopia Boundary Commission

1. This is the twelfth report of the Eritrea-Ethiopia Boundary Commission, covering the period from 1 December 2003 to 26 February 2004.
2. As indicated in its eleventh report, the Commission has, regrettably, and for reasons beyond its control, been unable to progress with demarcation activities. The Commission is unaware of any developments during the period currently under review that would cause it to revise its conclusion that, until the positions of either or both of the parties are modified, there is nothing more that the Commission can do.
3. The Commission has noted the appointment by the Secretary-General of Lloyd Axworthy as his Special Envoy for Ethiopia and Eritrea, to explore with the two Governments “how best the current impasse in the implementation of the Algiers Agreement could be overcome”. The Commission has also noted that the offer by the Secretary-General of his good offices is not intended to represent a new or alternative mechanism.
4. In keeping with its undertaking to continue — if the parties cooperate fully — in the manner foreseen in the Algiers Agreement, the Commission is maintaining its presence in the area, but has reduced its activity to the minimum compatible with its being able to resume it, if and when the parties make it possible for the Commission to do so. To this end, it is maintaining its field offices in both capitals with reduced staff.
5. It must nevertheless be recalled that, although contractors for pillar emplacement and as-built survey have been selected, their actual deployment in the field requires four months of preparation time.
6. The Special Consultant continued to provide monthly progress reports to the parties through the Secretary during this period. The meeting of the Boundary Commission with the parties in The Hague on 19 November was noted in the progress report of November 2003. According to the December 2003 and January 2004 progress reports, as the parties “have not made it possible for the Commission to resume its activity, no progress was made ... and there is nothing to report”.
7. Under article 4, paragraph 17, of the Algiers Agreement, the parties are required to bear the expenses of the Commission in equal shares, and deposits are accordingly required from the parties at regular intervals. Eritrea has paid its latest deposit, while Ethiopia, despite repeated reminders, has not. Accordingly the Commission has been unable to make payment on certain accrued expenses, and has no funds in hand to finance any renewed activity.

(Signed) Sir Elihu **Lauterpacht**
President of the Commission
27 February 2004