

Annex I

Eritrea-Ethiopia Boundary Commission: fourteenth report on the work of the Commission

1. This is the fourteenth report of the Eritrea-Ethiopia Boundary Commission, covering the period from 4 June to 20 August 2004.
2. As indicated in its thirteenth report, the Commission has, regrettably, and for reasons beyond its control, been unable to make progress with its 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. As noted in its thirteenth report, the Commission, in keeping with its undertaking to continue its work, if the parties cooperate fully in the manner foreseen in the Algiers Agreement, 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. The Commission is still maintaining its field offices in both capitals, but with reduced staff, but, having regard to the financial implications of delays in the demarcation process, it cannot maintain a presence in the area indefinitely. The Commission reiterates its hope that the parties will cooperate “fully and promptly” with the Commission, as set out in paragraph 4 of Security Council resolution 1531 (2004), and thus enable it to resume its mission. Should no progress be made by the end of 2004, the Commission may see no alternative but to close its field offices and to release its remaining staff hired for those offices, in order to conserve the remaining amount in the Trust Fund for use in future demarcation activities.
4. The Special Consultant provided progress reports to the parties through the Secretary on 9 July and 5 August 2004, both stating: “as the Parties have not made it possible for the Commission to resume its activity, no progress was made in [June] [July] and there is nothing to report”. Unless and until there is some marked change in the situation, there is no point in continuing with these progress reports and they will, accordingly, be suspended forthwith.
5. Under article 4 (17) of the Algiers Agreement, the parties are required to bear the expenses of the Commission in equal shares, and accordingly deposits have been required from them at regular intervals. Eritrea has paid its latest deposit, while Ethiopia, despite repeated reminders, including that in paragraph 4 of Security Council resolution 1531 (2004), still has not. The Commission therefore remains 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

20 August 2004