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**Delimitation of the Border (Eritrea-Ethiopia): Demarcation of the
Eritrea/Ethiopia Boundary Directions**

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DEMARCATIION OF THE ERITREA/ETHIOPIA BOUNDARY DIRECTIONS, 8 JULY 2002 (AS REVISED NOVEMBER 2002, MARCH AND JULY 2003)

DIRECTIVES POUR LA DÉMARCATIION DE LA FRONTIÈRE ENTRE L'ÉRYTHRÉE ET L'ÉTHIOPIE DU 8 JUILLET 2002 (TELLES QUE MODIFIÉES EN NOVEMBRE 2002, MARS 2003 ET JUILLET 2003)

Demarcation will determine more precisely the delimitation line at those points specified in the Delimitation Decision—Commission has no authority to vary the boundary line—special directions for specific locations or problems, including (1) division of towns and villages, (2) river boundaries and (3) Tserona, Zalambessa and Bure.

Note: “UNMEE” refers to the United Nations Mission in Ethiopia and Eritrea.

La démarcation permettra de déterminer d'une manière plus précise la ligne de délimitation aux points spécifiés dans la décision relative à la délimitation – la Commission n'a pas le pouvoir de modifier la frontière – directives spéciales concernant certains sites ou problèmes spécifiques, notamment 1) la division de villes et de villages, 2) les frontières fluviales, et 3) Tserona, Zalambessa et Bure.

Note : Le sigle « MINUEE » se réfère à la Mission des Nations Unies en Éthiopie et en Érythrée.

**DEMARCATIION OF THE ERITREA/ETHIOPIA
BOUNDARY DIRECTIONS**

**(“The Demarcation Directions”), 8 July 2002
(as revised November 2002, March and July 2003)**

I. Introduction

1. Article 4 (13) of the December 2000 Agreement requires the Commission to arrange for expeditious demarcation of the border as delimited. Article 4 (14) provides that “the Parties agree to cooperate with the Commission, its experts and other staff in all respects during the process of delimitation and demarcation, including the facilitation of access to territory they control”.

2. The Rules of Procedure of the Commission provide in Article 30:

“1. In consultation with, and with the co-operation of, the Secretary-General of the United Nations, the Commission shall arrange for the expeditious demarcation of the border as delimited. Without prejudice to paragraph 2 hereof, the procedure relating thereto shall be adopted by the Commission at an appropriate moment after consultation with the Parties. If the circumstances so permit, the border may be demarcated in such stages as the Commission may from time to time determine.

2. The Commission may, at any time, take, or direct the taking of, such preparatory steps as it considers desirable to expedite completion of its task and the prompt demarcation of the border . . . The Parties shall, to such extent as the Commission may direct, co-operate fully with the Secretary or any other personnel involved in such preparatory steps.”

3. The steps that need to be taken in connection with the demarcation have been reported to the Secretary-General of the United Nations for transmission to the Security Council on a number of occasions, namely, in the Second (27 April 2001), Third (22 November 2001) and Fourth (4 August 2002) Reports of the Commission. They have also been the subject of correspondence between the Commission and the Parties.

4. In its Fourth Report the Commission expressed the hope that the Security Council, in its next resolution relating to the operation of UNMEE, would be able to extend the scope of the Mission’s mandate expressly to enable it to assist the Commission in the demarcation stage of its activity and, in that connection, to accelerate the process of mine clearance. In response, the Security Council, in resolution 1398, invited the Secretary-General to submit recommendations to the Council on UNMEE’s role in the border demarcation process, including with regard to the provision of demining support. The Secretary-General, in S/2002/245, indicated his readiness to make such recommendations.

5. In the Opening Statement made by the President of the Commission on 13 April 2002, on the occasion of the delivery of the Decision on Delimitation, he said, *inter alia*:

“The Commission expects that the Parties will co-operate fully with the Commission in moving expeditiously to the demarcation phase. During that phase the demarcation staff assisting the Commission will examine the border region at first hand. On the basis of the information which they will then gather, the Commission will make any further determinations that may prove necessary.”

6. In the light of the foregoing, the Commission has adopted the Demarcation Directions set out below. In accordance with Article 30 of the Commission’s Rules of Procedure, the Parties have been consulted in the course of the preparation of these Directions.

II. Demarcation Directions

1. Objective of the Demarcation

A The general purpose of the demarcation is to set on the ground pillars identifying the course of the line decided in the Commission’s Delimitation Decision of 13 April 2002.

B The demarcation will also determine more precisely the delimitation line at those points specified in paragraphs 8.1.B. (iv), (vi) and C of the Dispositif of the Delimitation Decision.

2. Organization of the Demarcation

B The Demarcation Process will be carried out by, or under the responsibility of, the Boundary Commission. The work will be done by the Secretary and his representatives who are members of the United Nations Cartographic Unit (see Article 4, para. 7 of the Peace Agreement), the Special Consultant of the Commission (“the Special Consultant”), the Chief Surveyor and any other persons appointed or employed for this purpose by or under the authority of the Commission. The Terms of Reference of the Special Consultant are annexed hereto.

3. Field Offices

The work in the region will be carried out through two or more Field Offices of equal status, at least one in the territory of each Party. At present there are field offices in Addis Ababa and Asmara. Work shall be divided between these offices in the most efficient and economical manner as the circumstances may require, as determined by the Commission. In addition, the opening of an additional field office at Adigrat is foreseen when the stage is reached of actual placement of the boundary markers.

4. Relations with UNMEE

As provided by Security Council Resolution 1344, UNMEE will provide assistance to the Commission in accordance with the terms of the MOU between the United Nations and Commission signed on 2 April 2002 (with the deletion, as agreed with the United Nations, of the last item in ‘Part D’ of the Annex thereto, relating to identification cards, which is superseded by the last sentence of paragraph 7, below).

5. Information regarding operations

The Special Consultant, assisted by the Chief Surveyor and in consultation with the Secretary, shall, as requested by the President:

A Prepare for the Commission and the Parties a statement of operations that have already been performed and that remain to be performed, with an estimate of the dates at which the various steps will be taken. The schedule of operations still to be carried out will be updated at monthly intervals. Any comments that the Parties may wish to make shall be made within 48 hours of receipt of the statement of operations.

B File progress reports with the Commission, the Parties and UNMEE at monthly intervals.

C Maintain personal contact, at regular intervals of not more than six weeks, with the central and regional authorities in Eritrea and Ethiopia in order to keep the most senior authorities informed of developments.

6. Liaison

A Each Party shall nominate at a high level a Liaison Representative and a Deputy Liaison Representative, at least one of which shall be stationed at their respective capitals, who shall have authority to receive information and requests for assistance, etc. and shall be able to arrange for these to be speedily processed. Any communications that the Parties may wish to make to the Field Offices of the Commission or the Commission shall be made through their respective Agents or Liaison Representatives and shall be copied to the Agent and the Liaison Representative of the other Party. The names and contact details of the Liaison and Deputy Liaison Representatives shall be forwarded without delay to the Secretary, the Special Consultant and the Chief Surveyor.

B (i) Each Party shall also nominate not more than two Field Liaison Officers to accompany the Field Offices staff of the Commission as observers during their movements in connection with their field work, for example, the emplacement of boundary markers and the “as-built” survey. However, if a Party does not make such nominations, or its nominees are not available at an appointed time and place, the Field Offices staff shall be free to continue their operations.

(ii) *Field Liaison Officers shall be persons who have not served in that role, otherwise than in an ad hoc capacity, prior to 7 July 2003, and who are not currently serving as military personnel. Notice of each Party’s selections as Field Liaison Officers shall be forwarded for information to the other Party and to the Registrar of the Commission and shall be accompanied by the following information in respect of each Field Liaison Officer:*

(a) *an up-to-date curriculum vitae, including full name, professional qualifications, current position and occupational responsibilities;*

(b) *a record of any military service or responsibilities since 1989.*

(iii) *A person’s nomination as a Field Liaison Officer becomes effective upon that person’s selection by the nominating Party as a Field Liaison Officer and the required accompanying information being forwarded to the Commission and the other Party. Should any disagreement arise with regard to a person’s nomination as a Field Liaison Officer, that disagreement shall be resolved by the Commission, whose decision shall be final.*

*(iv) In the event of replacement of a Field Liaison Officer, the Party making the replacement shall follow the procedure set forth in subparagraph (ii) above.**

C Each Party shall be responsible for providing, at its own expense, for the travel of its Field Liaison Officers to the proposed point of work. Parties shall also be responsible for all other expenses of their Field Liaison Officers. The Field Office staff shall not be responsible for any transport or logistical support required by the Field Liaison Officers at the work sites.

D Field Liaison Officers shall not interfere with or hinder the work of Field Offices staff on the ground. In case of unresolved disagreement, the procedure set out in paragraph 15 shall be followed. Field Liaison Officers may not be involved in mine-clearance activity.

E The Field Liaison Officers of each Party shall enjoy freedom of movement within the territory under control of the other Party in order to travel to meet with representatives of the Boundary Commission at the proposed point of work. The right of each Party to have its own Field Liaison Officers present while work proceeds is conditioned upon its compliance with its obligation to facilitate the attendance of the other Party's Field Liaison Officer.

7. Registration of Field Office staff

The Commission, through its Secretary and his Field Officers, shall communicate to the Parties the names and official designations of all persons employed in the service of the Field Offices or carrying out activities on their behalf, including contractors. Identification cards will be issued in the name of the Boundary Commission to such persons and shall be carried at all times.

8. Freedom of movement

A The staff of the Field Offices of the Commission and other persons performing functions for the Commission require free and unrestricted movement, and shall be allowed such movement, within the territories of the Parties for purposes connected with the demarcation. Any transport used by the staff of the Field Offices or by the Field Liaison Officers shall fly a flag or bear readily visible insignia clearly marked with the letters "EEBC".

B Notice of intended movements by air in the border region shall be given to the Liaison Representatives of the Parties not less than 72 hours in advance. The Parties shall provide the necessary authority within the ensuing 48 hours.

C Visas shall be given to Field Offices staff and other persons performing functions for the Commission for multiple entry and extended stay.

* Italicized text indicates revision of July 2003, set forth in the Commission's "Decision pursuant to Article 15B of the Commission's Demarcation Directions."

D Each Party shall within the area under its control be solely and completely responsible for ensuring the safety of all Field Offices staff and all personnel employed or used by the contractors for the placement and verification of boundary markers (“demarcation personnel”). Without prejudice to the generality of this responsibility, each Party shall ensure that in any area in which the Field Offices staff and demarcation personnel are working the local government officers and population are informed in advance so that they do not place any obstacle in the way of the performance by such personnel of their tasks. The security personnel of each Party providing protection to Field Offices staff and other demarcation personnel shall at all times carry appropriate communication equipment to enable them to communicate instantly with their respective capitals and those senior administrative officers with authority to resolve immediately any difficulties that may arise.*

9. The demarcation

A The demarcation shall take place on the basis of the 1:25,000 scale map presently being prepared by the Secretary of the Commission. As soon as completed, copies of this map bearing some place names and other basic geographic features for ease of reference, but otherwise unmarked, shall be handed to the Agents and the Liaison Representative of each Party for comment. Such comments shall be made to the Secretary within 15 days of receipt of the maps by each Party.

B Having considered any such comments, the Special Consultant with the assistance of the Chief Surveyor and in consultation with the Secretary, shall then prepare the factual report referred to in paragraph 14 E, below.

C Once the decision of the Commission on the places referred to in paragraph 14, below, has been made, the Commission shall mark on this map the line prescribed in the Delimitation Decision and the proposed sites of the boundary pillars, taking into account where appropriate the need for intervisibility. The map so marked will be sent to the Parties through their Agents and Liaison Representatives for their comments, to be made within 15 days.

D Pillars shall be placed within 50 metres of the coordinates of the pillars marked on the 1:25,000 scale map. If any pillar cannot be so placed, the question of its location shall be referred back to the Commission.

E Pillar emplacement shall begin in the Eastern Sector, without prejudice to the continuance of preparatory steps for pillar emplacement in the Western and Central Sectors. The precise order of the emplacement of

* Bold text indicates revision of November 2002.

*individual pillars will be determined by the Commission in the light of conditions prevailing from time to time.***

10. Mine clearance

A The preparation of each pillar site and the construction of each pillar shall not begin until the site and access roads are certified to be clear of mines and unexploded ordinance (“UXO”) by the UNMEE MACC.

B Mine-clearance activity shall be conducted as heretofore, under the control and command of UNMEE MACC, by UNMEE personnel, UNMEE-employed personnel and international commercial contractors.

C All such personnel shall have freedom of movement to and around mine-clearance sites as provided in paragraph 8 A, above.

D Verification and quality assessment of mine-clearance work is the responsibility solely of UNMEE MACC.

11. Construction of pillars

A Pillars will be constructed in the manner and to the specification proposed in the Chief Surveyor’s memorandum on Demarcation dated 16 May 2002. These details may be modified by the Commission after consultation with the Parties.

B Construction shall be done by contractors hired by the United Nations on behalf of the Commission in accordance with the MOU. The contractors may use UNMEE assistance as required, in accordance with the MOU.

C Materials for the construction of boundary markers and witness marks shall be procured by the United Nations on behalf of the Commission in accordance with the MOU.

12. “As-built” survey of boundary markers

Immediately after construction, the final location of each boundary marker shall be accurately surveyed from the adjacent witness marks. The witness marks and boundary markers will be connected by survey to the Primary and Secondary datum stations previously established. This survey work will be undertaken by contractors employed under paragraph 11 B, above.

13. Sectoral map

A register shall be kept, recording the final location of each pillar. The completion of the demarcation in each sector shall be promulgated by the

** Italicized text indicates revision of March 2003, pursuant to paragraph 4 of the Commission’s Order of 9 February 2003.

Commission by means of the issue to the Parties of the final map of the relevant sector and a copy of the relevant pages of the register.

14. Special directions for specific locations or problems

Division of towns and villages

A The Commission has no authority to vary the boundary line. If it runs through and divides a town or village, the line may be varied only on the basis of an express request agreed between and made by both Parties.

River boundaries

B Unless the Commission should decide otherwise after receiving a request from a Party that the boundary in a river requires demarcation, the Commission considers that the identification of a river as a boundary should normally suffice without actual demarcation therein, save as regards the identification of confluences, turning points that may give rise to doubts, and headwaters or sources.

C Where the boundary turns at a river confluence, the turning point of the boundary is at the point of the meeting of the main channel of each river or stream. Where topography permits, the turning point shall be identified by three pillars, one on each bank of the river that meets the other and the third on the bank of the latter opposite the confluence, with the distances of each pillar from the point of meeting being marked thereon.

D References to the headwaters or sources of rivers or streams mean the highest point at which the flow of water can be identified or, if the stream bed has become permanently dry, then the highest point at which the stream bed can be identified.

Tserona, Zalambessa and Bure

E The Commission cannot demarcate the precise boundary at each of these towns without fuller knowledge of their layout and of the character and location of the buildings within them. The Field Offices shall therefore prepare a factual report thereon, on which the comments of the Parties will be requested, whereupon the Commission shall provide appropriate instructions to the Field Offices.

15. Disagreements

A Any disagreement by a Party with the location of the emplacement of a pillar on the ground, and the reasons thereafter, shall be notified by its Liaison Representative in writing to the Special Consultant and the Chief Surveyor, with a copy to the other Party's Liaison Representative, within 24 hours of being informed of the intended specific location. Such information shall be conveyed to the Field Liaison Officers if they are present at the location or, if they are not present, to the Liaison Representatives of the Parties. The other Party shall respond within 48 hours, and the Special

Consultant, in consultation with the Secretary and the Chief Surveyor, shall then decide the matter. Either Party may then request (giving its reasons) the Special Consultant to refer the matter to the Commission for final decision. The fact that a question relating to a particular pillar is under consideration shall not prevent the Field Offices staff from continuing work on other pillars.

B Any other matter of disagreement shall, after notice by the Liaison Representative or Liaison Officer of the Parties to the Special Consultant or Chief Surveyor, be discussed between them. If the disagreement cannot thus be resolved, it shall be referred to the Commission for decision. The Special Consultant or the Chief Surveyor shall prepare and transmit a report thereon to the Commission and the Parties. The Parties may communicate any comments on this report to the Commission within 15 days of receipt of the report.