Note to the Secretary-General

Ethiopia-Eritrea: Meeting of the Witnesses to the Algiers Agreement

Further to my note of 21 February on the above, on 22 February, the US convened a meeting of the Witnesses to the Algiers Agreement of 12 December 2000. The meeting, which was hosted by US Assistant Secretary of State for African Affairs Jendayi Frazer, also included other countries that were invited by the US as observers, apparently in view of their possible role in support of the US initiative (Finland, Italy, the Netherlands, Norway, South Africa, and the United Kingdom). The UN delegation was led by SRSG Legwaila.

2. Ms. Frazer explained that the meeting was convened in accordance with your earlier appeals for the Witnesses to unite around the common goal of ensuring that Ethiopia and Eritrea fulfill their commitments under the Algiers Agreements, demarcate the border and refrain from the threat or use of force against each other. She called on the Witnesses to affirm their full support for the Algiers Agreement and the final and binding nature of the decisions of the Eritrea-Ethiopia Boundary Commission (EEBC), the necessity for an early meeting to be convened by the EEBC to discuss with the parties resumption of demarcation and for both parties to attend such a meeting and to fully cooperate with the EEBC.

3. Ms. Frazer reported briefly on the results of her recent visit to Ethiopia. She recognized that to achieve permanent peace, reconciliation between the two countries would also be important and should address longstanding problems concerning prisoners of war, IDPs, landmines, economic development and restoration of diplomatic relations, among others.

4. Ms. Frazer also confirmed that the EEBC plans to convene a meeting with the parties around 10 March. The US will offer to provide a “neutral facilitator” (retired US Gen Carlton Fulford) to assist and support the purely “technical discussions” of the EEBC, which would “not mean a renegotiation or change of the EEBC decision”. Given that the US initiative would not deviate from the Algiers Agreement, the UN joined the other Witnesses in supporting the initiative. Finally, Ms. Frazer called on the Witnesses to help replenish the Trust Fund that supports the demarcation process and to help cover the costs of the planned EEBC meeting, if required. The US estimates that demarcation will require some $10 million to complete and the EEBC proceedings will need some $250,000.

5. Following brief statements by a number of Witnesses and observers, the meeting adopted the attached statement in support of the US initiative, which takes into account our observations on an earlier draft. We understand that the Security Council
intends to adopt a Presidential Statement, on Friday 24 February 2006, endorsing the Witnesses' statement.

6. As requested, we provided to Assistant Secretary Frazer, on your behalf, elements of the peace package, previously agreed by you, which were accepted with appreciation.

Jean-Marie Guehenno
23 February 2006

cc: Mr. Gambari
    Mr. Michel
Statement by the Witnesses to the Algiers Agreement

The Witnesses to the Algiers Agreement of 12 December 2000 (Algeria, the African Union, the European Union, the United States, and the United Nations, "the Witnesses"), met on February 22, at the United Nations. The Witnesses remain fully committed to the implementation of that Agreement, as well as to the Algiers Agreement on Cessation of Hostilities of 18 June 2000 ("the Agreements") and welcome and endorse the initiative by the United States of America, in cooperation with and with the full support of the other Witnesses, to resolve the current impasse in the peace process between Eritrea and Ethiopia in order to promote stability and good relations between the parties and lay the foundation for sustainable peace in the region.

The Witnesses recognize the special role of the African Union and its importance to confidence building between the parties in support of any initiative in the demarcation process.

The Witnesses stress that the parties must implement the Algiers Agreement of 12 December 2000 fully and without qualification. The Witnesses believe it is crucial that the parties meet their obligations under that Agreement, as well as under the Agreement on Cessation of Hostilities.

Consistent with Article 1 of the December 12, 2000 Agreement, each party must refrain from the threat or use of force against the other.

The Witnesses recall that both Ethiopia and Eritrea committed themselves to accepting the delimitation and demarcation determinations of the Eritrea-Ethiopia Boundary Commission (EEBC) as final and binding, under Article 4.15 of the Algiers Agreement of 12 December 2000. The Witnesses expect each Government to uphold its commitment and to cooperate with the EEBC to implement its decisions without further delay. The Witnesses urge the Commission to convene a meeting with the parties and invite the Commission to consider the need for technical discussions with the support of a neutral facilitator to assist with the process of demarcation. The Witnesses strongly urge the parties to attend the EEBC meeting and to cooperate with and abide by all requirements specified by the Commission in order to successfully conclude the demarcation process.

The Witnesses commend the role of the United Nations Mission in Ethiopia and Eritrea (UNMEE). The Witnesses urge the parties to permit UNMEE to perform its duties without any restrictions and call on the parties to ensure the free movement of UNMEE personnel in the performance of their responsibilities, including its mandated responsibility, as specified in Security Council resolutions 1430 (2002) and 1466 (2003), including to assist the EEBC in the expeditious and orderly implementation of the Delimitation Decision. In particular, the Witnesses note that demarcation of the border cannot proceed unless UNMEE is allowed full freedom of movement throughout its area of operations.

The Witnesses believe the U.S. initiative agreed today will help resolve the differences between the parties and encourage the U.S. to pursue it with the parties. The Witnesses also call on the international community to support it, including through continued support for UNMEE and through contributions to the Trust Fund, established pursuant to Security Council resolution 1177 (1998) and referred to in Article 4.17 of the Algiers Agreement of 12 December 2000, to support the demarcation of the border.