



Permanent Mission of Eritrea
to the United Nations

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STATEMENT

BY

HIS EXCELLENCY MR. BERHANE ABREHE
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AT

THE GENERAL DEBATE
OF THE 60TH SESSION OF THE UNITED NATIONS
GENERAL ASSEMBLY

NEW YORK, 21 SEPTEMBER 2005

Mr. President,

Allow me to congratulate you on your election as President of the sixtieth session of the General Assembly. I wish to assure you and your colleagues in the Bureau of my delegation's support as you guide our deliberations.

Permit me also to thank your predecessor, H.E. Mr. Jean Ping of Gabon for his effective leadership of the fifty-ninth (59th) session.

Let me further take this opportunity to extend my country's deep sympathy and condolences to all the Governments and peoples who have suffered tragic losses of life and destruction of property by the acts of terrorism as well as of natural and man-made disasters.

Mr. President,

At this General Debate, I wish to address the Assembly on a matter of grave and more immediate importance to my country and that has serious ramifications to the supremacy of international law and to the maintenance of regional peace and security.

Almost four years after the decision of the Eritrea-Ethiopia Boundary Commission (EEBC), the dark clouds of war are again hanging over my country. The legal provisions of the Algiers Agreement; the manner and legal underpinnings under which the independent arbitration process was set up; and, the unequivocal decision of the Boundary Commission are too well known to merit repetition here. However, let me quote the cardinal elements of the Algiers Agreement to refresh your memories:

Article 4.15 of the Algiers Agreement explicitly provides,

"The parties agree that the delimitation and demarcation determinations of the Commission shall be final and binding. Each party shall respect the border so

determined, as well as the territorial integrity and sovereignty of the other party”.

Mr. President,

I must stress here that violation of the Agreement represents nothing less than the blatant disrespect of the territorial integrity and sovereignty of a United Nations member State.

The Boundary Commission has warned, in its 16th report to the United Nations in February this year (2005) when it was forced to close down its Field Offices in Eritrea and Ethiopia:

“...The line of the boundary was legally and finally determined by its Delimitation Decision of 13 April 2002. Though undemarcated, this line is binding upon both Parties, subject to the minor qualifications expressed in the Delimitation Decision, unless they agree otherwise. Conduct inconsistent with this boundary is unlawful”.

The Boundary Commission’s decision should not be tampered with. In this regard, Article 4.2 of the Algiers Agreement unambiguously stipulates:

“The parties agree that a neutral Boundary Commission composed of five members shall be established with a mandate to delimit and demarcate the colonial treaty border based on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law. The Commission shall not have the power to make decisions ex aequo et bono.”

Mr. President,

The situation which we are confronted with at the present time is, therefore, not an intractable border dispute that requires “flexibility” of the parties. It is squarely a grave matter of an illegal and forcible occupation of sovereign territory of Eritrea, a United Nations member State, in stark violation of Article 2.4 of the United Nations Charter.

Ethiopia is not only occupying the village of Badme and other sovereign Eritrean territory, but it has and continues to build illegal settlements in these areas with the view to, in Secretary General Kofi Annan's words, "creating facts on the ground".

Ethiopia's unrestrained assault on the rule of law and the sanctity of treaty agreements will have severe consequences not only on the people of the two neighbouring countries and the Horn of Africa but, by its bad precedent, on other countries and regions as well as on the credibility and legitimacy of the United Nations. And yet, Ethiopia's acts of occupation continue to be tolerated by the United Nations as well as the other guarantors of the Algiers Agreement.

Mr. President,

Article 14 of the Cessation of Hostilities Agreement which is an integral component of the Algiers Agreement specifies,

"the OAU and the United Nations commit themselves to guarantee the respect for this commitment of two parties until the determination of the common border.... This guarantee shall be comprised of: a) measures to be taken by the international community should one or both of the Parties violate this commitment, including appropriate measures to be taken under chapter VII of the Charter of the United Nations by the United Nations Security Council".

The United Nations and the African Union, as guarantors, are parties to the Treaty. They have obligations to ensure implementation of the Agreement without any preconditions. In the event that either Eritrea or Ethiopia fails to implement the Agreement, the United Nations is empowered by the said Agreement to invoke chapter VII of the Charter on the reneging party.

To that end, the treaty agreement and numerous international instruments, must be applied to terminate occupation and to reinstate legality. The United Nations Security Council is mandated to maintain peace and security by, inter-alia, eliminating all forms of occupation. Unfortunately, the United Nations and some members of the international community have so far been advancing arguments which are irrelevant to the issue and are in contravention of international law in order to decline from taking the appropriate action.

Existing and aspirant members of the Security Council – both permanent and non-permanent – must fully appreciate the fact that the cardinal principle of the Charter is that membership in the Security Council must be considered as service to humanity and the cause of peace and not as a means to promote and protect their own interests or the interests of their allies. They must uphold the sacred trust to protect the credibility and viability of the United Nations.

Respect for international agreements has been – and must continue to be – the foundation of the principle for peaceful co-existence among nations. Any compromise on this principle will result in the erosion of trust in the international system and severely damage the functioning of the United Nations.

Mr. President,

Eritrea and Ethiopia may soon be dragged into a new phase of armed conflict. Yet, there is still an opportunity for peaceful resolution if the United Nations honors its treaty obligations and addresses the one core issue of Ethiopia's illegal occupation of sovereign Eritrean territory. If the United Nations fails to reverse the occupation, it will be as equally responsible as Ethiopia is for any renewed armed conflict and its consequences.

At this juncture, I wish to remind this august Assembly that the United Nations has betrayed the Eritrean people twice during the past sixty (60) years. It would be the third time of betrayal now if it does not respect its treaty and Charter obligations by settling this occupation through peaceful means.

Mr. President,

In conclusion, I wish to categorically inform the Assembly that Eritrea is determined, and has the right, to defend and preserve its territorial integrity by any means possible.

I thank you, Mr. President.