



Permanent Mission of Eritrea
to the United Nations

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STATEMENT

BY

HIS EXCELLENCY MR. SALEH S. MEKY
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AT

THE GENERAL DEBATE
OF THE 61ST SESSION OF THE UNITED NATIONS
GENERAL ASSEMBLY

NEW YORK, 25 SEPTEMBER 2006

Madame President,
Mr. Secretary-General,
Your Excellencies,
Distinguished Delegates,
Ladies and Gentlemen,

On behalf of the Government and people of the State of Eritrea, I avail myself of this opportunity to extend to Your Excellency, Madame President, and to the Government and people of the Kingdom of Bahrain, my sincere congratulations for your election to preside over the 61st session of the General Assembly of the United Nations.

I also wish to express our appreciation to the President of the General Assembly's 60th session, Mr. Jan Eliasson of Sweden, for his dedication and skillful leadership during the past year.

Madame President,

For reasons of brevity, I do not wish to dwell on generic themes of global economic development, UN reforms and other issues of interest that have been addressed comprehensively by many speakers and with whom we share similar views. I shall instead focus on cardinal issues of peace and security that remain of paramount importance to my country and the Horn of Africa region as a whole.

In this respect, allow me to bring to the attention of this august Assembly, for the umpteenth time, Ethiopia's reckless flouting of international law that is threatening peace and security in our region. It is painful for my government to harp on the same theme in each session of the General Assembly for the past four years. But these are the sad facts of a perilous reality imposed on my country. In the event, we are duty bound to press for and exhaust all legal processes to stave off dangerous consequences before it is too late.

As Your Excellencies are aware, demarcation of the boundary between Eritrea and Ethiopia remains stalled, more than four years after the legal award, due to Ethiopia's rejection of the final and binding arbitration decision. Ethiopia's conduct is contrary to the terms and conditions of the Algiers Peace Agreement. Indeed, Article 4.15 of the Peace Agreement stipulates: "***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***". It must be stressed that there is no equivocation or ambiguity in the legal provisions of the Algiers Agreement.

But Ethiopia has violated this fundamental bedrock of the Algiers Peace Treaty with impunity. And, it continues to occupy, by force, sovereign territories of a UN member State for the last four years in violation of the Algiers Peace Treaty and Article 2.4. of the UN Charter.

How and why did this happen?

To single out Ethiopia as the primary and only culprit would be missing the forest for the woods. The fact is Ethiopia has neither the power nor the political skill to defy international law for a single day, let alone for four long years. If it has done so for the past four years, it is simply because its unlawful conduct has been, and continues to be, encouraged and supported by certain powers in the UN Security Council.

This poignant state of affairs is better amplified by the following three instances.

First. When three years ago, in September 2003, Ethiopia's Prime Minister sent an ominous letter to the UN Security Council announcing his Government's blatant rejection of the Boundary Commission decision and called for a "new mechanism" outside the Commission to overrule the legal award, the UN Secretary General and the UN Security Council chose to accommodate Ethiopia's unlawful conduct. This happened in spite of the fact that the Security Council is the main guarantor of the Algiers Peace Agreement and has treaty obligations to maintain the integrity of the legal decision. It must be recalled that the UN Security Council is explicitly empowered, by Article 14 of the same agreement, to invoke Chapter VII of the UN Charter to ensure compliance by the parties. As it happened, the UN Secretary General and the Security Council opted for the wrong path and appointed a Special Envoy in contravention of the legal agreement. The demarcation process was thus stymied for the past four years at a huge financial cost to the international community and a priceless cost in terms of lost opportunity and heightened tension to the peoples of Eritrea and Ethiopia.

Second. When this Special Envoy scheme proved unworkable, the US Government employed its full diplomatic clout to unlawfully alter and modify the legal Award under the rubric of a "new initiative". This time round, the United States dropped all pretensions of influencing the demarcation process from without; through an external envoy wearing a United Nations mantle. The current plan consists of directly planting a senior US expert as an adjunct to the Boundary Commission and bestowing upon him wide powers to alter the decision in the process of demarcation. Washington's package further envisages creating a new and political appellate body – outside the Boundary Commission – to accommodate Ethiopia's additional requests in case of dissatisfaction with the "alterations" that would be implemented through the services of the US expert. This US "diplomatic" scheme, which in effect renders fundamental tenets of the Algiers Agreement null and void, has been tailored to fully address Ethiopia's request of an extrajudicial mechanism when it rejected the Boundary Commission decision in September 2003. From the foregoing, one can only surmise that Ethiopia's original rejection of the Award must have been tacitly supported by Washington from the outset. The US Government has even resorted to a series of measures against my Government with the apparent purpose of furthering this aim. I wish to particularly refer, in this connection, to the seizure of financial and other assets of our Embassy in Washington by the US Homeland Security in contravention of the Vienna Convention on Diplomatic Immunities and Privileges and avail of this occasion to lodge the complaint of my Government and solicit support of the international community for redress and restitution.

Third. The bi-annual and other periodic reports of the UN Secretariat to the Security Council have invariably tended to downplay Ethiopia's violation of the Algiers Peace Agreement and the Charter of the United Nations. These reports have often tended to apportion equal blame to both parties without differentiation, and particularly in the last two years, to impugn Eritrea singularly. In this regard, Resolution 1640 that the Security Council adopted in December last year, went so far as to threaten imposition of punitive measures against Eritrea, ostensibly for curbing the freedom of movement of UNMEE, while keeping mum on Ethiopia's refusal to accept unconditionally the final and binding decision of the EEBC. This unlawful conduct by Ethiopia is indeed threatening to unravel the peace process as a whole. We can also cite various instances in which the UN Secretariat went out of its way to downplay unacceptable excesses and infringements by UNMEE staff on Eritrea's sovereignty, and blame my Government instead of taking appropriate measures of remedy. Incidentally, whether the huge annual financial outlays for the sustenance of UNMEE is really justified, the correlation of value for money spent, remain critical matters that require thorough scrutiny and auditing.

Madame President,

For us, these concerted unwarranted acts belie an overarching theme. Solemn pledges on upholding international justice and the rule of law; such as collective commitments to prevent and resolve conflicts and avoid humanitarian disasters, that we have heard on this podium from leaders of major powers ring hollow on the alter of reality. When the chips are down, major powers, and especially the US, continue to pursue their perceived narrow interests at the expense of regional peace and security, and, the sovereign rights of nations and peoples.

Be this as it may, my Government is determined not to allow the legal process to be derailed through various, subtle, subterfuges. Let me recall that Eritrea's right of independence was compromised by the United Nations in the 1950s during the period of African decolonization to serve US interests. We shall not allow any encroachment of our territorial integrity half a century later. And, as my Government has underlined during the last meeting of the Boundary Commission,

1. The Award, that is "final and binding" in accordance with the Algiers Agreement, should not be tampered with under any pretext. In this connection, Ethiopia's acceptance of the decision must be ascertained publicly and unequivocally.
2. The details and modalities of Demarcation must be worked out in an environment that is
 - a) free from political interferences;
 - b) unlawful and compounding mechanisms; and
 - c) loopholes susceptible to distortion.

Madame President,

Allow me now to briefly dwell on the dangerous developments that are unfolding in Somalia and the muddled interpretations, both deliberate and innocent, that have gained currency in the recent months. We must recognize that the current crisis in Somalia is the derivative of multi-faceted and cumulative underlying causes. For the past 15 years, Somalia had become ensnared in a spiral of internecine conflicts, intractable clan cleavages, and, the chronic rivalry of warlords with ever-shifting alliances resulting in the fragmentation of central political authority and the balkanization of the Central State. Collective or individual initiatives that will be taken to promote enduring peace and stability in Somalia must accordingly address the parameters outlined below if they are to bear fruit.

- **Political Processes of National Reconciliation:** The daunting problem in Somalia is essentially an internal political problem that must be solved through negotiations between Somali political forces. In this spirit, my Government welcomes the efforts underway by the Sudanese Government to facilitate talks between Somali political forces.
- **Linkages with International Terrorism:** The portrayal of the recent developments in Somalia in terms of the global war on terrorism is factually untenable and politically imprudent. If there are credible evidences in this regard, the accusations must be addressed through appropriate judicial processes. The overarching national cause of the Somali people should not otherwise be reduced to or lumped together with this singular concern.
- **External Military Intervention:** Any external military intervention will further polarize the political realities of Somalia and induce greater conflagration. Ethiopia's military

intervention, under whatever guise or justification, is particularly dangerous both for reasons of historical animosity and because of the events of the past few years. It must be underscored that there is no consensus within the Inter-Governmental Authority on Development (IGAD) on the modalities, timing and nature of deploying foreign forces although the matter was comprehensively discussed at Ministerial meetings for the purposes of contingency planning. We find the African Union's recent call for deployment of an 8,000 strong peacekeeping force in the absence of a robust framework of peace unwise and fraught with unnecessary complications. Its practicality is also questionable in view of the financial and other challenges that AMIS is grappling with in the Sudan.

- **Lifting of Arms Embargo:** A recent call by some forces for a selective lifting of the UN embargo on arms is unbalanced, misguided and fraught with dangerous consequences. Indeed, this can only imperil the political process of reconciliation and durable political arrangement in Somalia. The cycle of external military interventions in the past 15 years that spawned internal political fragmentation in the first place and that have exacerbated the overall security situation must also be taken into account. Appropriate adjustments to the arms embargo in Somalia can thus be contemplated only when there is irreversible progress in the political arrangements giving rise to national institutions that have credible legitimacy and popular support.
- **Proliferation of Initiatives:** The challenges for promoting lasting peace and stability in Somalia are formidable. They will be complicated if different actors work, or are seen to be working, at cross purposes. Closer coordination and consultation among all interested players must be cultivated and structured.
- **Territorial Disputes:** The current situation in Somalia is raising the specter of territorial claims and disputes between Somalia and its neighbours. Territorial disputes and claims can only be settled by strict adherence to the sanctity of colonial boundaries.

Madame President,

Let me conclude by urging for caution and prudence in the international efforts to help resolve the problems in the Sudan. The truth is the high price of hasty and ill-advised policies will ultimately be borne by the people of the Sudan and the region as a whole. The complexities of the situation must therefore be gauged carefully and all international efforts harnessed to promote a robust peace package that will bring about a lasting solution. Focus on short-term arrangements without an overall peace framework will only postpone and complicate a lasting solution.

I thank you.