



安全理事会

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秘书长关于埃塞俄比亚和厄立特里亚的报告

一. 引言

1. 本报告依照安全理事会 2000 年 9 月 15 日第 1320 (2000) 号决议第 12 段提交，安全理事会在该段中请我定期详细地向安理会通报该决议的执行进展情况。本报告叙述了任务区的最新事态发展，并说明了 2007 年 11 月 1 日我上次提交报告 (S/2007/645) 以来联合国埃塞俄比亚和厄立特里亚特派团 (埃厄特派团) 的活动。

二. 临时安全区和邻近地区的情况

2. 在厄立特里亚-埃塞俄比亚边界委员会 (厄埃边界委) 11 月 30 日标定边界最后期限到达之前这段期间，临时安全区和邻近地区的军事形势仍然紧张。厄立特里亚和埃塞俄比亚都继续加强在边界地区的军事部署。厄立特里亚国防军继续将部队部署在临时安全区。11 月 1 日以来，埃厄特派团在西区的临时安全区内观察到新部署了约 500 名厄立特里亚士兵，在中区观察到 300 名，在东分区观察到 100 名。

3. 埃厄特派团还观察到厄立特里亚部队进行各种训练活动，在中区的临时安全区内使用了小武器和迫击炮，在东分区邻近地区外的 Assab 附近使用了坦克。11 月 28 日和 29 日，特派团在中区临时安全区的临近地区观察到厄立特里亚的一辆装甲运兵车和五门火炮。12 月 23 日，特派团观察到部署在西区临时安全区的三辆坦克。此外，据埃厄特派团估计，相当多的部队利用新修建的备用道路，进入各区的临时安全区，这些备用道路使他们能够绕过埃厄特派团的固定检查哨，避免被察觉到。

4. 相当多的厄立特里亚正规军现在部署在各区的多层防御线沿线。厄立特里亚部队还继续加固和修建新的防御工事。报告所述期间，厄立特里亚在临时安全区和临近地区大约建立了 17 个新营地。还在临时安全区内设立了若干新的检查站。10 月下旬，埃厄特派团观察到厄立特里亚部队在中区临时安全区内修建了 21 个



新掩体，还在同一地区临时安全区的 Serha 村附近修了一道防御石墙。厄立特里亚国防军还在临时安全区内修建新战壕。

5. 埃塞俄比亚武装部队一方则进行训练，并增兵约 2 300 人深入推进到西区的边界地区。他们还在东分区临近地区修建新的防御工事。10 月下旬，埃塞俄比亚部队在东分区内修建了一条 2 公里长带掩体的战壕。

6. 10 月 22 日和 27 日，一架埃塞俄比亚军用直升机在中区边界城镇 Zela Ambessa 上空进行空中侦查，这是首次出现这种情况。11 月 24 日，在中区具有战略意义的 Mereb 桥附近一个地点，观察到 16 辆埃塞俄比亚装甲运兵车。12 月 26 日，埃厄特派团在中区临近地区观察到正在部署 3 台地对空导弹发射器，一台目标截获雷达和一个指挥所。埃塞俄比亚还继续保持战略后备部队，这些部队部署在西区临近地区以南约 150 公里处。虽然埃厄特派团不能确定这一后备部队的确切兵力，但它可能包括若干步兵师和机械化师，其武器装备包括具有防御能力和进攻能力的重武器。

7. 10 月 22 日，埃塞俄比亚部队声称厄立特里亚部队越过边界，收集石块以修建上文第 4 段提到的中区石墙。12 月 1 日，部署在 Serha 对面 Zela Ambessa 地区的埃塞俄比亚部队，威胁向任何越过边界进入埃塞俄比亚、为修建石墙捡石块的厄立特里亚人开火。埃厄特派团在双方之间进行了调解，防止局势升级。此后，厄立特里亚国防军减少了在工地干活的军事人员。11 月 21 日，两名来自中区 Zela Ambessa 的埃塞俄比亚青年声称他们被厄立特里亚部队扣押了两小时。埃厄特派团未能核实这些指控。

8. 12 月 26 日，埃塞俄比亚和厄立特里亚军队在中区 Tserona 村附近交火。厄立特里亚和埃塞俄比亚都允许埃厄特派团进入事发地点进行调查。双方尽管都承认发生了这一事件，但均指责对方发起进攻。厄立特里亚说在事件发生期间俘虏了两名“战俘”。

9. 埃厄特派团协助双方解决其他跨界事件，包括一些偷牲口事件。11 月 8 日和 12 月 24 日，在埃厄特派团的协助下，无意中从中区 Zela Ambessa 越界进入厄立特里亚的六名埃塞俄比亚儿童被遣送回国。埃厄特派团的医务室也继续为边界两侧的平民提供医疗援助。

三. 对联合国埃塞俄比亚和厄立特里亚特派团施加的限制

10. 厄立特里亚继续维持以前对埃厄特派团实加的所有限制。2005 年 10 月开始实行的禁止联合国直升机在厄立特里亚领空飞行的禁令仍然有效，剥夺了特派团进行紧急医疗后送的重要能力。厄立特里亚政府还继续拒绝接受拥有某些会员国国籍的埃厄特派团工作人员，包括美利坚合众国、加拿大和欧洲国家国籍的工作人员。

11. 厄立特里亚还对埃厄特派团在某些地区的行动自由维持 45 项长期限制(逾 6 个月)。特派团还被禁止夜间巡逻。埃厄特派团的巡逻活动仍限制在各区临时安全区内的主要补给线。此外,厄立特里亚还继续禁止埃厄特派团的车辆跨越西区厄立特里亚 Om Hajer 与埃塞阿比亚 Humera 之间的战略桥梁,以及厄立特里亚 Shilalo 与埃塞阿比亚 Shiraro 之间的战略桥梁。

12. 2006 年 9 月以来,厄立特里亚一直对埃厄特派团的柴油供应施加限制。此外,自 2007 年 12 月 1 日以来,特派团从它在厄立特里亚的供应商处没有获得任何燃料。这造成了严重的燃料短缺,迫使埃厄特派团减少某些重要的业务活动,包括巡逻、排雷和向区域地点和各队部提供行政支持。特派团已经不得不把营地和实地某些检查站发电机开机时间减少到一天两小时,并在维持部队和军事观察员以及维持实地哨所与队部之间的可靠通信方面,开始面临严重的困难。埃厄特派团反复向厄立特里亚专员提出这一问题。2007 年 12 月 24 日和 26 日,我的副特别代表就这一问题致信该专员,并与他会晤,强调局势的严重性。此外,埃厄特派团请求允许从联合国苏丹特派团(联苏特派团)输入燃料,作为临时补救措施。尽管该专员向埃厄特派团保证,他已向石油局提交有利的建议,但埃厄特派团尚未收到对其请求的答复。1 月 15 日,埃厄特派团报告说,如果不能通过厄立特里亚政府授权立即提供燃料解决这一局势,特派团将被迫开始从厄立特里亚迁出人员,实际停止其业务活动。特派团的燃料供应继续受到限制,在不久的将来,可能迫使其停止更多的重要业务,并将在本报告印发后几天内,对特派团执行任务的能力产生重大负面影响。

13. 11 月 11 日,埃厄特派团在西区的一个军事观察员巡逻队,在厄立特里亚国防军一个检查站面对枪口受到拦截,并被命令返回基地。而在 11 月 11 日和 13 日,10 至 15 名厄立特里亚国防军人员命令埃厄特派团挪开中区路上一个检查站的路障。12 月 2 日和 4 日,一辆为埃厄特派团观察员哨所运送口粮的卡车在西区厄立特里亚国防军的检查站受阻,被迫返回基地。埃厄特派团在这些事件发生后提出抗议,此后,厄立特里亚部队本身在这一地区不再阻拦埃厄特派团的车辆并令其返回。但是 1 月 10 日,属于地雷行动协调中心的一辆埃厄特派团汽车在西区 Shambiko 民兵检查站受阻。其后,埃厄特派团发现,车上两名司机(埃厄特派团当地工作人员)因据称没有服完兵役而被逮捕和拘留。虽然埃厄特派团向厄立特里亚政府提交文件,证明这两名司机已经服完兵役,他们仍没有获释放。埃厄特派团的车辆也被扣押。

14. 在埃塞俄比亚一方,11 月 23 日,埃厄特派团一个巡逻队在西区 Badme 以北埃塞俄比亚武装部队的一个检查站被扣押。特派团向埃塞俄比亚当局提出抗议,后者解释说新部署的士兵不熟悉关于埃厄特派团的程序。特派团没有遇到埃塞俄比亚施加的任何其他限制。

四. 军事协调委员会

15. 自军事协调委员会第 37 次会议于 2006 年 7 月 31 日举行以来，埃厄特派团一直未能再举行委员会会议。埃塞俄比亚坚持说，只要厄立特里亚完全恢复临时安全区的完整性，埃塞俄比亚就恢复参加委员会会议，而厄立特里亚则坚持，一俟埃塞俄比亚恢复参加委员会会议，厄立特里亚就会参加。虽然埃厄特派团在与埃塞俄比亚各级官员进行定期接触过程中做了工作，但是双方立场没有变化。

五. 安全理事会第 1767 (2007) 号决议的执行情况

16. 我遗憾地报告，埃厄双方没有遵从安全理事会 2007 年 7 月 30 日第 1767 (2007) 号决议所载各项要求，具体情况将在下文第 43 段详述。在给厄立特里亚-埃塞俄比亚边界委员会主席的信中，厄立特里亚总统表示同意以地图坐标标界是“迈向实地标界重要的一步”，敦促委员会在树立界碑前坚持这一做法，“以正常结束这一进程”。此后，厄立特里亚总统伊萨亚斯·阿费沃基多次表示边界问题已经“从法律上获得解决”，厄立特里亚认为边界已经标定。他在 1 月 5 日厄立特里亚电视台播出的新年访谈中重申了这一立场。

17. 此外，总统的厄立特里亚法律顾问在 11 月 29 日给厄立特里亚-埃塞俄比亚边界委员会主席的信中承认，委员会确定的标界坐标是“最终的和有效的”，同时着重指出，厄立特里亚还认为这些坐标“与委员会的其他裁定一样具有约束力”。埃塞俄比亚则坚持其立场，即地图坐标标界没有法律效力。埃塞俄比亚外交部长在 2007 年 11 月 27 日给厄立特里亚-埃塞俄比亚边界委员会主席的信中指出，“标界坐标无效，因为这些坐标不是国际法承认的标界程序的产物。”

18. 2007 年 11 月 8 日和 9 日，主管维和行动的助理秘书长前往该地区，分别会见了埃塞俄比亚总理和厄立特里亚总统。他向两位领导人转达了我对边境地区军事集结的关切，敦促他们保持克制，撤回军队，避免发生可能升级的事件。

19. 11 月 20 日，我向厄立特里亚总统和埃塞俄比亚总理发出同文信，表达了我对实地紧张局势日益加剧的关切，敦促他们立即采取步骤缓和紧张局势，避免发生由于军事集结和双方军队靠近可能造成的事件，重新启动军事协调委员会的工作。11 月 23 日，埃塞俄比亚总理在回信中表示欢迎我的介入，支持我在两国间发挥“桥梁”作用。厄立特里亚总统在 11 月 24 日的信中否认边界厄立特里亚一侧有军事集结行动，吁请联合国“承担起保障法治和正义的责任”。

20. 11 月 29 日，我再次致函埃塞俄比亚和厄立特里亚领导人，提议派遣主管政治事务的副秘书长前往两国首都，讨论如何按照《阿尔及尔协定》启动标界进程问题。埃塞俄比亚对这一提议表示欢迎。厄立特里亚总统在 12 月 3 日的信中重申，反对建立厄立特里亚-埃塞俄比亚边界委员会的“替代机制”。因此，我提议的访问尚未成行。

21. 12月11日，我致函安全理事会主席，向他通报了2007年11月13日以来我为使双方坐到一起而采取的步骤。后来，厄立特里亚总统在12月21日给安全理事会主席的信中说我12月11日的信“脱离实际。”他说，“埃塞俄比亚拒绝撤离厄立特里亚领土的行为公然违反了《联合国宪章》”。他还在信中吁请安理会“按照安理会根据《阿尔及尔协定》、《联合国宪章》和国际法一般原则应尽的责任纠正这一不公行为。”

22. 与此相关，厄立特里亚官方媒体报道说，厄立特里亚总统在12月27日的内阁会议上讲话时强调，“边界问题已经在法律上、政治上和技术上获得解决，因此标志着《阿尔及尔协定》大功告成”此外，厄立特里亚总统在其2008年1月15日给安全理事会主席的信中承认，厄立特里亚-埃塞俄比亚边界委员会在通过“虚拟划界”完成其工作后已终止其职能。并承认“边界已经标定”。该信还指出“经过五年半的时间，埃厄特派团现在已别无选择，只剩‘维持占领’，并促请安全理事会迫使撤走‘占领我国主权领土的埃塞俄比亚政权军队和机构以防止出现其他不必要的事态发展’”。

23. 埃塞俄比亚外交部长2008年1月18日给我的信中声称，委员会的虚拟划界“在国际法中无效”并声称试图将委员会2002年4月13日的划界裁定的地位视同2006年11月27日的声明是“完全不能接受的”，因为“从委员会的任务规定出发，这两者显然不能等同视之”，因此，它们“不能具有同等约束力”。该信强调说，埃塞俄比亚完全同意2002年10月13日的划界裁定是具有约束力的最终裁定，承诺执行这一裁定及全部标定边界，并指出，除非厄立特里亚充分接受其基本义务并恢复《阿尔及尔协定》的充分完整，否则这是不可能做到的。

24. 11月18日，埃塞俄比亚外交部长也寄发一封信给安全理事会主席，他在信中将委员会的“虚拟划界”形容为“法律虚构”。该信还强调指出，厄立特里亚违反了《停火和停止敌对行动协定》，因为它完全是在侵犯非军事临时安全区，该信促请安理会对“违反停火协定规定的一方”采取适当行动。

25. 安理会第1767（2007）号决议第14段欢迎我正为尽早任命一名特别代表作出持续的努力，对此，我谨告知安理会成员，2007年12月，秘书处向埃塞俄比亚和厄立特里亚常驻代表团提出了我的新任特别代表人选，请他们考虑。1月初，秘书处再次与埃塞俄比亚和厄立特里亚常驻代表团联系，告诉他们，除非提出异议，否则我打算任命特别代表。到1月中旬，埃塞俄比亚和厄立特里亚常驻代表团都通知秘书处，由于多种原因，各自的政府都希望我不要在此时作出任命。我将随时向安理会通报有关这一事项的新动态。

六. 厄立特里亚-埃塞俄比亚边界委员会

26. 本报告附件二详细说明了委员会的工作。如该报告所示，双方在执行厄立特里亚-埃塞俄比亚边界委员会2002年4月13日公布的《划界裁定》方面没有

任何进展。因此，委员会于 11 月 30 日向埃塞俄比亚和厄立特里亚常驻联合国代表团发送了厄埃边界委成员签署的地图，其中标示了已经标定的边界点（坐标）。同一天，委员会还发布最后新闻稿，重申了委员会 2006 年 11 月 27 日发表的声明。

七. 地雷行动

27. 埃厄特派团地雷行动协调中心继续开展人道主义排雷活动，已经清理了中区 473 382 平方米农地，还有 243 747 平方米土地做好了今后清理的准备。另外，对西区巴德梅地区 6 670 平方米农地和 895 公里道路进行了清理，或评估是否有新埋设的地雷。

28. 11 月 11 日，厄立特里亚民兵无故命令埃厄特派团在中区中止排雷活动。但是，特派团在与当地和阿斯马拉政府当局商谈后，于 12 月 10 日获准恢复了排雷行动。11 月 12 日至 12 月 31 日，在东分区 Assab 地区未爆弹药的处置活动受到限制。

29. 本报告所述期间，特派团销毁了 11 颗反坦克地雷、18 颗杀伤人员地雷和 292 件未爆弹药。埃厄特派团还在西区和中区对大约 9 000 名当地居民进行了地雷风险宣教活动。本期间接报 3 起地雷爆炸事件。12 月 1 日，西区有一辆卡车触雷，但未造成人员伤亡。12 月 7 日，也是在西区，Humera 地区一颗地雷爆炸，造成一名中国籍筑路承包人和当地一名平民受伤。地雷行动协调中心进行的调查表明，那颗地雷有可能是新埋设的。12 月 21 日，埃厄特派团排雷承包人的一辆车遭遇地雷爆炸，虽未造成人员受伤，但车辆严重受损。这一事件发生在最近刚被清扫的公路上，也许说明可能又埋设了地雷，这一趋势令人担忧。

八. 人道主义局势

30. 雨季（6 月至 9 月）雨水充沛，所以重新定居在厄立特里亚加什-巴尔卡区和南部区的境内流离失所者的粮食保障有所改善。联合国及其合作伙伴为重新定居的人口和境内流离失所者提供了农具、水和住房。厄立特里亚政府和联合国商定一项计划，如果有足够资源，2008 年让剩余大约 11 000 名境内流离失所者返回和（或）在南部区定居。

31. 应对厄立特里亚爆发的急性水泻疫情仍是一项重大挑战，尽管厄立特里亚政府最近的报告显示，疫情在全国有所缓解。与此同时，厄立特里亚政府及其国际卫生伙伴对可能大规模爆发脑膜炎和裂谷热表示关切。

32. 最近的报告称，越来越多的厄立特里亚国民每天越过边境进入埃塞俄比亚，去年 11 月增至 600 人左右。联合国难民事务高级专员办事处说，2007 年 12 月，住在 Shimelba 难民营的这类难民人数超过 16 000 人。

33. Shimeleba 难民营的人道主义状况继续恶化，原因是口粮不足，保健服务差。虽然成立了自愿咨询和培训中心，但艾滋病毒/艾滋病的流行仍然是严重威胁。此外，难民缺少住房和衣服也是严重困难。我呼吁国际捐助界向这些难民提供人道主义救济援助。

34. 10 月 26 日，在红十字国际委员会的主持下，在埃厄特派团的帮助下，住在厄立特里亚的 1 200 多名埃塞俄比亚国民和住在埃塞俄比亚的 62 名厄立特里亚国民自愿返回各自原籍国。双方必须保证这种遣返仍属自愿性质，并以适当、有尊严的方式进行。

九. 公共信息

35. 本报告所述期间，当地对有关埃厄特派团的信息仍有很大需求。在两国首都和特派团在埃塞俄比亚的斯亚贝巴、默克莱和阿迪格拉特的外联中心，许多人参加了与联合国特别纪念日有关的公共信息活动。自 2003 年以来，埃厄特派团厄立特里亚外联中心一直关闭。埃厄特派团新闻和每周广播节目继续定期以英文和当地语言印发和播出。

十. 行为和纪律

36. 本报告所述期间，据报埃厄特派团发生六起不当行为轻案。埃厄特派团大力采取预防和强制执行措施，维护行为守则和针对性剥削和性虐待的零容忍政策。特派团就性剥削、性虐待和其他有关事项对大约 1 760 名工作人员进行了培训。

十一. 艾滋病毒/艾滋病

37. 埃厄特派团艾滋病毒/艾滋病股继续为埃厄特派团军事和文职人员进行上岗培训，为军事特遣队进行提高认识培训，还向工作人员广泛提供自愿咨询和检测服务。此外，埃厄特派团在当地指定了协调人，因而能够向临时安全区及其邻近地区的当地居民提供援助。

十二. 财务问题

38. 大会 2007 年 6 月 29 日第 61/248 B 号决议批款 1.135 亿美元，用作 2007 年 7 月 1 日至 2008 年 6 月 30 日期间埃厄特派团的维持费用。因此，如果安全理事会批准我在下文第 42 段中有关延长埃厄特派团任务期限的建议，在截至 2008 年 6 月 30 日的延长期内，特派团的维持费将限于大会核定的资源。

39. 截至 2007 年 11 月 30 日，埃厄特派团特别账户未缴摊款为 3 120 万美元，所有维持和平行动截至当日的未缴摊款共计 31.538 亿美元。按照季度付款时间表，已分别偿还截至 2007 年 10 月和 9 月的部队和特遣队所属装备费用。

十三. 意见

40. 厄立特里亚-埃塞俄比亚边界委员会第 26 次报告（见附件二）确认，目前埃塞俄比亚和厄立特里亚之间的边界按照委员会 2006 年 11 月 27 日声明附件所列的边界点（坐标）自动标定，委员会认为这项裁定对双方具有约束力。委员会还称，委员会“已经完成任务，但仍然存在，以处理任何剩余的行政事项”。

41. 厄埃边界委还报告说“为此目的，如果埃塞俄比亚在就阿瑟·瓦兹爵士的去世向它发出通知后 45 天内没有提出接替专员的人选，秘书长不妨考虑根据 2002 年 12 月 12 日《阿尔及尔协定》第 4 条第 4 款行使其委派权。填补这一空缺有助于委员会履行可能向它提出的任何要求”。然而，对委员会的裁定，厄立特里亚和埃塞俄比亚的意见仍然各不相同。埃塞俄比亚承认委员会结束工作的决定，并指出不必派人接替 2007 年 11 月 16 日去世的委员会成员阿瑟·瓦兹爵士，而厄立特里亚则敦促委员会继续努力安排在实地树立界碑。此外，厄立特里亚同意，委员会详述的标界坐标是具有约束力的最终裁定，而且“是实地标界的重要一步”，但埃塞俄比亚坚持认为这些坐标无效，“因为这些坐标不是国际法承认的标界程序的产物”。

42. 厄立特里亚和埃塞俄比亚负有主要责任解决边界争端，实现关系正常化，造福两国人民。为此，双方必须拿出必要的政治意愿，和平解决双方的分歧，不使用或威胁使用武力。此外，双方有义务遵守《阿尔及尔协定》和安全理事会的各项决议，并执行边界委员会的裁定。我于 11 月 20 日和 29 日分别致函梅莱斯·泽纳维总理和伊萨亚斯·阿费沃基总统，提出可以进行斡旋，在此方面向双方提供帮助，现在这一提议仍然有效。我也欢迎一些会员国最近公开表示，愿意协助两国履行国际法规定的义务。

43. 我仍感关切的是，双方继续在边界地区进行军事集结，造成触发敌对行动的危险。因此，我呼吁双方遵守安理会第 1767（2007）号决议中的要求，特别是缓和局势，包括将部署规模恢复到 2004 年 12 月 16 日的水平，停止互相发表敌对言论，为埃厄特派团提供执行任务所必需的援助、支持和保护，并遵从安理会的要求，即厄立特里亚立即从临时安全区撤出部队和重型军事装备，在没有先决条件的情况下，毫不拖延地取消对埃厄特派团行动和活动的所有限制，让特派团可以有效地执行任务。

44. 军事协调委员会能够在解决两国之间与安全有关的问题方面发挥重要作用。我鼓励双方不再拖延，恢复军事协调委员会会议，并提供合作，促进建立信任措施，如排雷和协助向处于困境中的人民提供人道主义援助。

45. 虽然厄立特里亚政府 2006 年 9 月以来就对埃厄特派团实行种种限制，严重妨碍了特派团有效执行任务的能力，但令我严重关切的是，如果不立即解决 2007 年 12 月 1 日以来停止燃料供应的问题，未来几周特派团的活动将完全丧失机动

性。若如此，埃厄特派团的工作人员和设备将被迫迁移。令人遗憾的是，在当前情况下，埃厄特派团执行任务的能力仍然受到厄立特里亚实行的种种限制的严重制约。双方目前继续拒绝履行国际法规定的义务，设置各种削弱埃厄特派团的障碍，使特派团陷入严重的进退两难境地。虽然埃厄特派团的存在非常重要，有助于帮助双方化解可能破坏稳定的事件，减少大规模冲突的危险，但日益增多的限制已经达到极其严重的程度，安理会必须就埃厄特派团的未来作出决定。鉴于埃厄特派团行动受到种种限制，包括停止供应特派团运作所需燃料，我建议埃厄特派团的任务期限技术延期一个月。同时，我将审查当地的事态发展和埃厄特派团面临的挑战，并就该特派团未来的方向拟订具体建议，包括是否可能撤离或迁移。

46. 最后，我谨向特派团所有文职和军事人员表示感谢，他们在愈益艰难、压力日增的工作环境中继续全力奉献，坚定不移地努力工作。我还感谢特派团的所有合作伙伴、非洲联盟、《阿尔及尔协定》见证人、埃厄特派团之友以及联合国国家工作队、人道主义机构、其他国际组织和一些会员国对和平进程的不断支持。我还感谢厄立特里亚-埃塞俄比亚边界委员会已故阿瑟·瓦兹爵士，他以自己的知识、专长和判断力为委员会工作做出了卓越贡献。最后，我要感谢部队派遣国长期致力于这一重要的维持和平行动。

附件一

联合国埃塞俄比亚和厄立特里亚特派团：截至 2008 年 1 月 1 日各国派遣军事人员的情况—

国家	军事观察员	士兵	参谋	共计 本国支助人员
阿尔及利亚	8	0	0	8
奥地利	2	0	0	2
孟加拉国	8	0	5	13
玻利维亚	3	0	0	3
波斯尼亚和黑塞哥维那	5	0	0	5
巴西	7	0	0	7
保加利亚	4	0	0	4
中国	7	0	0	7
克罗地亚	4	0	0	4
捷克共和国	2	0	0	2
丹麦	3	0	0	3
芬兰	5	0	0	5
法国	1	0	0	1
冈比亚	2	0	0	2
德国	2	0	0	2
加纳	10	0	4	14
希腊	3	0	0	3
危地马拉	6	0	0	6
印度	8	701	14	723
伊朗伊斯兰共和国	3	0	0	3
约旦	8	559	11	578
肯尼亚	9	114	4	127
吉尔吉斯斯坦	4	0	0	4
马来西亚	7	0	3	10
蒙古	4	0	0	4
纳米比亚	4	0	3	7
尼泊尔	6	0	0	6
尼日利亚	7	0	2	9

国家	军事观察员	士兵	参谋	共计	本国支助人员
挪威	3	0	0	3	
巴基斯坦	5	0	0	5	
巴拉圭	3	0	0	3	
秘鲁	4	0	0	4	
波兰	2	0	0	2	
罗马尼亚	5	0	0	5	
俄罗斯联邦	3	0	0	3	
南非	5	0	0	5	
西班牙	3	0	0	3	
斯里兰卡	4	0	0	4	
瑞典	3	0	0	3	
突尼斯	5	0	3	8	
乌克兰	3	0	0	3	
坦桑尼亚联合共和国	8	0	2	10	
美利坚合众国	5	0	0	5	
乌拉圭	5	33	4	42	
赞比亚	10	0	3	13	
共计	218	1 407	58	1 683	

附件二**ERITREA-ETHIOPIA BOUNDARY COMMISSION
26TH REPORT TO THE SECRETARY-GENERAL OF
THE UNITED NATIONS**

1. This is the twenty-sixth, and probably final, Report of the Eritrea-Ethiopia Boundary Commission, covering the period from 27 September to 31 December 2007. The previous Report covered the period from 10 July to 26 September 2007.
2. The Commission must begin this Report by recording with profound regret the passing of Sir Arthur Watts KCMG QC on 16 November 2007. His service to the Commission and to international law was unsurpassed and he will be greatly missed. On 20 November 2007 the Commission notified the Parties of his death and informed them that, as Sir Arthur was appointed by Ethiopia, in accordance with Articles 4(6) and 4(4) of the Algiers Agreement and Article 11 of the Commission's Rules of Procedure, Ethiopia had 45 days (i.e. until 4 January 2008) in which it might appoint a substitute Commissioner. Ethiopia has stated that it does not consider it necessary to appoint a replacement.
3. The Commission believes it important to recall the terms of paragraph 22 of its Statement of 27 November 2006:

“As the Commission evidently cannot remain in existence indefinitely, it proposes that the Parties should, over the next twelve months, terminating at the end of November 2007, consider their positions and seek to reach agreement on the emplacement of pillars. If, by the end of that period, the Parties have not by themselves reached the necessary agreement and proceeded significantly to implement it, or have not requested and enabled the Commission to resume its activity, the Commission hereby determines that the boundary will automatically stand as demarcated by the boundary points listed in the Annex hereto and that the mandate of the Commission can then be regarded as fulfilled. Until that time, however, it must be emphasised that the Commission remains in existence and its mandate to demarcate has not been discharged. Until such time as the boundary is finally demarcated, the Delimitation Decision of 13 April 2002 continues as the only valid legal description of the boundary”.
4. Notwithstanding the meeting on 6 and 7 September 2007, described in the Commission's previous Report, no progress has been made towards the construction of boundary pillars in the manner foreseen in the above-mentioned Statement.

5. As the 30 November 2007 deadline approached, the Commission received letters from the Parties.

6. In a letter dated 19 November 2007, Eritrea maintained that the responsibility for the Commission's inability to proceed further with the physical demarcation lies squarely on the shoulders of the Ethiopian Government and its supporters. It affirmed Eritrea's acceptance of the procedure set out in the Commission's Statement of 27 November 2006 as an important step forward towards the demarcation on the ground and urged the Commission to proceed with the erection of pillars so as to bring the process to its natural conclusion. It stated, further, that it recognised UNMEE's important contribution to physical demarcation of the border and that it is prepared to extend unreserved cooperation to UNMEE.

7. In a letter dated 27 November 2007, Ethiopia recalled the Commission's statements that it would end its work on 1 December 2007 and stated that it respects the Commission's decision in this regard. It asserted that the demarcation coordinates set out in the Commission's Statement of 27 November 2006 "are invalid because they are not the product of a demarcation process recognised by international law". It suggested that "[t]o the extent [that] the parties are not in agreement as to how demarcation should proceed, the dispute resolution provisions of the Algiers Agreements apply". Ethiopia added some responses to Eritrea's letter of 19 November 2007, maintaining that Eritrea was responsible for creating a dangerous situation in the boundary region "by its blatant breaches of the Algiers Agreements" and stating that Eritrea "could end immediately the escalation of tensions noted in its letter by complying with its fundamental obligations under the Algiers Agreements". It characterised Eritrea's references to its willingness to "extend unreserved cooperation to UNMEE" as a "vague promise of cooperation with UNMEE [that] cannot be trusted". Ethiopia said further that "[d]espite Eritrea's intransigence, Ethiopia will continue to give peace a chance, and work for peaceful resolution of disputes and demarcation of the boundary in accordance with international law, including the Algiers Agreements, after the Commission ends its work". It concluded by saying that as "[t]he Commission's decision to end its substantive work automatically by November 30 has long been established and known by the parties . . . it will not be necessary for Ethiopia to appoint a replacement for Sir Arthur Watts, and Ethiopia does not intend to do so."

8. Eritrea communicated a detailed response to Ethiopia's contentions in a letter to the Commission dated 29 November 2007, of which the following are some of the principal points:

- "Ethiopia is simply wrong in stating that 'neither Ethiopia nor Eritrea have accepted the Commission's November [27], 2006 demarcation coordinates as constituting a final, valid demarcation.' To the contrary, Eritrea

acknowledges as both final and valid the coordinates that the Commission has specified and believes that these coordinates are as binding as other Commission decisions.”

- “Eritrea believes . . . that the Commission’s decisions about how best to approach demarcation are not challengeable by a dissatisfied party . . . Ethiopia is not entitled under the Algiers Agreement to second guess the Commission”.
- Eritrea rejected Ethiopia’s statement that the “implementation of the Commission’s 2002 Delimitation Decision is now a matter for the parties”. Eritrea observed that adherence to the Commission’s decision “is not optional under the Algiers Agreement”.
- Eritrea further observed that “it is Ethiopia and not Eritrea that is responsible for the fact that boundary pillars have not been erected”.
- Recalling the statements made by Ethiopia at the meeting of 6-7 September 2007, it added that Ethiopia has been in grave breach of the Algiers Agreement since the day that the Delimitation Award was announced and gave details of what it views as these breaches.

9. The texts of the above three letters, which are important to a balanced assessment of the positions of the Parties, are attached hereto.

10. For its part, the Commission feels obliged to re-affirm the considerations of fact and the statements of law set out in its Statement of 27 November 2006. The Delimitation Decision of 13 April 2002 and the Statement of 27 November 2006 remain binding on the Parties.

11. In stipulating that the boundary now automatically stands as demarcated by the boundary points listed in the Annex to the 27 November 2006 Statement, the Commission considers that it has fulfilled the mandate given to it. It remains in existence in order to deal with any remaining administrative matters. For this purpose, as within 45 days following notification to it of the death of Sir Arthur Watts Ethiopia has not nominated a substitute Commissioner, the Secretary-General may wish to consider exercising his power of appointment pursuant to Article 4, paragraph 4, of the Algiers Agreement of 12 December 2000. The filling of the vacancy would facilitate the discharge by the Commission of any request that might be made to it.

12. Signed copies of the maps illustrating the points identified in the Annex to the 27 November 2006 Statement were officially sent to the Parties on 30 November 2007. A copy will presently be deposited with the United Nations and another copy for public reference will be retained in the office of the UN Cartographer.

13. As noted in the Commission's last Report, Ethiopia continues to be in arrears in payment of its share of the Commission's expenses, in breach of Article 4(17) of the Algiers Agreement. The Registrar will presently send to the Parties an accounting recording the present financial position.

14. The Commission cannot conclude this Report without expressing its appreciation of the outstanding support given to it by its Secretary, the Cartographer of the United Nations, Mr Hiroshi Murakami and his successor, Mr Kyoung-Soo Eom, and their Deputy, Ms Alice Chow, and by the Registrar of the Commission, initially Mrs Bette Shifman, and her successor Mr Dane Ratliff, of the Permanent Court of Arbitration, and their staff. In the work that the Commission was able to do in the field, it was greatly aided by the support of UNMEE, for which it is most grateful, as it is also to its Special Consultant, Mr Bill Robertson and its Chief Surveyor, Mr Vincent Belgrave for their highly skilled and experienced technical contribution. The Commission also recalls with gratitude the contributions of the donors to the UN Trust Fund for Eritrea and Ethiopia which enabled it to continue its work.

A handwritten signature in black ink, appearing to read 'Lauterpacht', with a stylized initial 'E'.

Sir Elihu Lauterpacht CBE QC
President of the Eritrea-Ethiopia Boundary Commission
7 January 2008

附文一

Asmara, 19 November 2007

President Sir Elihu Lauterpacht
Eritrea Ethiopia Boundary Commission
Permanent Court of Arbitration
The Hague, The Netherlands

Dear President Lautherpacht,

Allow me to convey to you my best wishes for your personal well being.

It has been almost one year since the Eritrea Ethiopia Boundary Commission announced its decision to conclude the demarcation of its final and binding 13 April 2002 Delimitation Award by way of maps and coordinates (“virtual demarcation”). Eritrea understands the reasons for this decision: the Commission’s practical inability to implement the Award in the manner envisaged in the Algiers Peace Agreement.

Your decision to do so has no doubt provoked a number of questions. It has also prompted various parties to speculate on and predict a number of scenarios and consequences.

As the Commission’s deadline for the taking effect of this virtual demarcation is fast approaching, permit me to outline my observations and express Eritrea’s position.

1. The past five and half years have been a period of dangerous impasse. Eritrea has continued to respect the rule of law and to uphold the integrity of the Algiers Peace Agreement; has accepted the final and binding Award without equivocation; and has patiently waited for the implementation of the Award through physical demarcation so as to bring the matter to closure. Encouraged by its supporters, however, the Government of Ethiopia has endeavoured to force renegotiation of the final and binding Award even while all along pretending to abide by the Algiers Agreement. The result has been an endless series of pretexts designed to frustrate the demarcation process, to paralyze the EEBC, and to force the adoption of an “alternative” mechanism. In the cynical views of the Ethiopian Government,

an interminable paralysis of the process would inevitably entail "the death of the lender, the death of the borrower, or the death of the broker culminating in the death of the process itself". In the meantime, Ethiopia continues to occupy Eritrean territories by force in violation of international law and the Algiers Agreement. But force - despite Ethiopia's best efforts - cannot be permitted to create a de facto situation. Our sovereign territories cannot remain under occupation through the violation of the rule of law.

2. President Lauterpacht, you are more familiar with the history of the current situation than anyone, and there is no need to rehearse in detail how we have come to where we stand today. Notwithstanding the Commission's best efforts, the Ethiopian Government has been able (with the support of third parties) to halt the implementation of the Award. As noted above, Eritrea has, in accordance with its treaty obligations, extended its unreserved cooperation to ensure the physical demarcation of the boundary. We wish it to be noted that responsibility for the Commission's inability to proceed further towards physical demarcation lies squarely on the shoulders of the Ethiopian Government and its external supporters.

3. Had the Algiers Agreement been respected, the final and binding Award fully accepted, and the demarcation of the boundary expeditiously completed, the peoples of Eritrea and Ethiopia would long ago have returned to their natural state of neighborliness and cooperation. Instead, the violation of the Agreement has not only embroiled the peoples of Eritrea and Ethiopia in conflict but also plunged the whole region in a spiral of dangerously escalating crisis. Again, we wish it to be noted that responsibility for the unrelenting hostility and tension rests squarely on the shoulders of the Ethiopian Government and those that have encouraged its unlawful conduct.

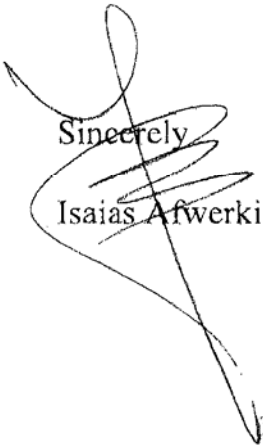
4. The time and effort spent in the attempts to enforce the final and binding Award have been substantial. The efforts of the Commission, in particular, to bring the matter to closure are widely known and appreciated. Notwithstanding the justifiable frustration that the Commission no doubt feels, I urge the Commission to continue to shoulder this burden, with all its challenges, until the process is consummated. No other entity can fulfill the Commission's mandate to demarcate the boundary physically.

5. As far as “virtual demarcation” is concerned, there are obviously numerous questions that could be raised in regard to its meaning, content and implications. Mindful however, of the difficulties that the Commission already faces in carrying out its mandate, I choose simply to affirm, at this stage, Eritrea’s acceptance of this procedure as an important step forward towards the demarcation on the ground. But since virtual demarcation does not represent completion of the process, I urge the Commission to persist until erection of pillars to bring the process to its natural conclusion.

6. As previously confirmed, we recognize UNMEE’s important contribution, in combination with the efforts of other sources of technical support and expertise, in the tasks of physical demarcation of the boundary. In this spirit, Eritrea is prepared to extend unreserved cooperation to UNMEE.

In conclusion, let me add that I shall communicate to you a more detailed and technical statement of Eritrea’s position reflecting advice from our legal Counsel concerning the meaning, contents and implications of “virtual demarcation”.

Sincerely
Isaias Afwerki

A handwritten signature in black ink, consisting of a large, stylized 'S' shape with a long, sweeping tail that extends downwards and to the right. The signature is written over the printed name 'Isaias Afwerki'.

附文二

The Federal Democratic Republic of Ethiopia
Ministry of Foreign Affairs

November 27, 2007

Dear President,

I am writing to convey my Government's views with respect to various issues of relevance to the Commission.

In its November 26, 2006 Statement and subsequent statements, including those appearing in the transcript of the most recent meeting of the Boundary Commission of September 6-7, 2007, and in the Commission's 25th Report to the Secretary-General of September 28, 2007, the Commission has repeatedly made clear its decision to end its work and existence on December 1, 2007, apart from any administrative details that might arise in that connection. This decision of the Commission was made and reconfirmed prior to the sudden death of Commissioner Sir Arthur Watts and, by its terms, was to take effect automatically. At our meeting in The Hague on September 6-7, neither party raised objection to the Commission's confirmation of its decision to end its work and existence upon the conclusion of this month. Ethiopia respects the Commission's decision in this regard.

As the Boundary Commission, the Secretary-General, and the United Nations Security Council have recognized, implementation of the Commission's 2002 Delimitation Decision is now a matter for the parties. The Commission found numerous occasions during our recent meeting to remind the parties that a number of obstacles to demarcation now remaining are of a political nature and exceed the scope of the Commission's mandate as the Commission understands it. Ethiopia has accepted without precondition the Delimitation Decision; yet neither Eritrea, nor Ethiopia have accepted the Commission's November 26, 2006 demarcation coordinates as constituting a final, valid demarcation. In Ethiopia's view, these demarcation coordinates are invalid because they are not the product of a demarcation process recognized by international law.

To the extent the parties are not in agreement as to how demarcation should proceed, the dispute resolution provisions of the Algiers Agreements apply. These require *inter alia* renunciation of the use of force and peaceful resolution through normal diplomatic interaction. This is not a "new mechanism" as charged by Eritrea. This is the mechanism for dispute resolution agreed to by both parties in the Algiers Agreements. Ethiopia takes its commitments in the Algiers Agreements seriously. It is time for Eritrea as well to conform its behavior to the commitments it has undertaken in the Algiers Agreements.

Although beyond the scope of the Commission's view of its mandate, certain comments in Eritrea's letter to the Commission of November 19, 2007, require a response for the record. Eritrea is responsible for creating a dangerous situation in the boundary region and preventing

demarcation by its blatant breaches of the Algiers Agreements. Eritrea has completely shattered the Agreement on Cessation of Hostilities. It has violated the provision for the separation of forces by positioning thousands of troops and weapons along the boundary. Eritrea is supporting terrorist groups and organizations carrying out activities in and against Ethiopia. Eritrea has virtually shut down UNMEE's operations. Eritrea could end immediately the escalation of tensions noted in its letter by complying with its fundamental obligations under the Algiers Agreements, namely, to discontinue its threats and use of force and resolve disputes through peaceful means, to allow UNMEE to fulfill its mission, and to remove its military forces from the Temporary Security Zone.

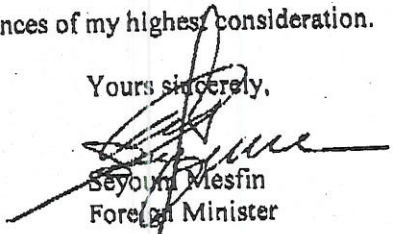
Yet Eritrea's letter makes no reference to removing its troops and ceasing its support of terrorist activities; and its vague promise of cooperation with UNMEE cannot be trusted. Eritrea was committed to the peace process and to establishing a final boundary, it could have restored the integrity of the Temporary Security Zone and UNMEE freedom of operations today and cease support of terrorist operations. Eritrea's refusal to do so has brought the situation to its current state.

It should not be overlooked, in this regard, that Eritrea is yet to respond to Ethiopia's Notification in which we made it clear that Ethiopia would exercise the peaceful and legal options available to it should Eritrea continue to refuse to return to full compliance with the Algiers Agreements. Despite Eritrea's intransigence, Ethiopia will continue to give peace a chance, and work for peaceful resolution of disputes and demarcation of the boundary in accordance with international law, including the Algiers Agreements, after the Commission ends its work.

Finally, may I say that Ethiopia has been deeply saddened by the sudden death of Arthur Watts. His learning, wisdom, and good judgment have made a tremendous contribution to the work of the Boundary Commission. At this point, whatever work remains for the Commission is administrative. The Commission's decision to end its substantive work automatically by November 30 has long been established and known by the parties and the international community, including the Witnesses to the Algiers Agreements. This decision was reconfirmed during the Commission's September meetings in The Hague, in which Sir Arthur participated. Therefore, it will not be necessary for Ethiopia to appoint a replacement for Arthur Watts, and Ethiopia does not intend to do so.

Please accept, Dear President, the assurances of my highest consideration.

Yours sincerely,


 Seyoum Mesfin
 Foreign Minister

President Sir Elihu Lauterpacht
 Eritrea Ethiopia Boundary Commission
 Permanent Court of Arbitration

附文三

THE STATE OF ERITREA
LEGAL ADVISOR TO THE
OFFICE OF THE PRESIDENT

Sir Elihu Lauterpacht
President, Eritrea Ethiopia Boundary Commission
Permanent Court of Arbitration
The Hague, The Netherlands

29 November 2007

Dear President Lauterpacht;

Allow me to express our deep regret at your news of the passing of Sir Arthur Watts. I speak on behalf of both the Government of Eritrea and also myself personally in recognizing the great service that Sir Arthur performed as a member of the Eritrea Ethiopia Boundary Commission as well as to the wider practice of international law.

Eritrea finds it necessary, unfortunately, to answer Ethiopian Foreign Minister Seyoum Mesfin's letter of 27 November 2007. This letter's misstatements of fact, and Ethiopia's continuing efforts to undermine the finality of the Commission's decisions, require a response.

1. First, Ethiopia is simply wrong in stating that "neither Ethiopia nor Eritrea have accepted the Commission's November 26, 2006 demarcation coordinates as constituting a final, valid demarcation." To the contrary, Eritrea acknowledges as both final and valid the coordinates that the Commission has specified and believes that these coordinates are as binding as other Commission decisions. While Eritrea does hope that the Commission will persist in its efforts to arrange for placement of pillars on the ground, this is not because of any lack of finality or validity to the Commission's identification of coordinates.

Eritrea believes, moreover, that the Commission's decisions about how best to approach demarcation are not challengeable by a dissatisfied party. The Algiers Agreement is explicit that the parties are bound to honor the Commission's decisions; this includes the Commission's rulings concerning the best method for demarcation. Ethiopia is apparently of the view that it has a right to review the Commission's choice of demarcation methods and needs honor only those that it agrees with. However, Ethiopia is not entitled under the Algiers Agreement to second guess the Commission, to conclude that its coordinates "are invalid because they are not the product of a demarcation process

recognized by international law”, or to insist that its own chosen methods be employed in place of the ones that the Commission adopted.

2. Second, Ethiopia is not correct to state that “implementation of the Commission’s 2002 Delimitation Decision is now a matter for the parties.” Adherence to the Commission’s decisions is not optional under the Algiers Agreement. The Algiers Agreement makes the EEBC the sole method for resolving disputes over delimitation and demarcation. Article 4 paragraph 15 provides, “The parties agree that the delimitation and demarcation determinations of the Commission shall be final and binding...” It is for the parties to respect the Commission’s decisions, not to attempt to renegotiate them.

3. Third, as the Commission is well aware, it is Ethiopia and not Eritrea that is responsible for the fact that boundary pillars have not been erected. At the Commission’s meeting of 6-7 September 2007, Ethiopia demonstrated clearly once again its unwillingness to honor the Commission’s decisions. Ethiopia at that meeting demanded that Eritrea fulfill an extraneous and ever-expanding set of preconditions, after which (it said) it would “discuss” whether to demarcate the boundary. Ethiopia stated clearly its rejection of the Commission’s demarcation approach (an approach that includes a refusal to alter the delimitation line to reflect so-called “human geography”) and it further rejected the Commission’s instructions about what Ethiopia would have to do in order that demarcation might proceed. Eritrea, as will be recalled, pledged complete cooperation with these instructions.

Ethiopia has been in grave breach of the Algiers Agreement almost since the day that the 2002 Delimitation Award was first announced. Ethiopia’s longstanding treaty violations include: failure to remove the unlawful settlements that it placed on the Eritrean side of the boundary in the summer of 2002; refusal to pay its financial assessments to support the Commission’s work; and instances of physical interference with the Commission’s technical team too numerous to list. It goes without saying that Ethiopia is not entitled first to make it impossible to place boundary pillars and then to insist that the Commission’s approach is invalid because it did not complete the task of pillar emplacement that Ethiopia itself made impossible.

Eritrea therefore requests that the Commission specifically reiterate, as provided in the Algiers Agreement, that (1) Ethiopia is bound by its demarcation decisions, just as it is bound by the delimitation Award; (2) Ethiopia’s claim to have a right to terminate the Algiers Agreements can have no effect on the finality of the Commission’s decisions, whether relating to demarcation or to delimitation; and (3) the methodology and coordinates that the Commission has identified are final and binding under Article 4

paragraph 15 of the Algiers Agreement. The Commission should reaffirm at this juncture the finality and validity of the coordinates and methodology that it had adopted, as well as Ethiopia's obligation to respect them.

Sincerely,

A handwritten signature in black ink, appearing to read "Lea Brilmayer", with a stylized flourish at the end.

Professor Lea Brilmayer
Legal Advisor to the President of Eritrea
