

Technical Arrangements for the Implementation of the OAU Framework Agreement and its Modalities

Recalling that the Government of the State of Eritrea and the Government of the Federal Democratic Republic of Ethiopia, hereinafter referred to as the Parties, have accepted the OAU Framework Agreement and the modalities for its implementation, Understanding that the OAU Framework Agreement and the Modalities have been endorsed by the 35th Ordinary Session of the Assembly of Heads of State and Government, held in Algiers, Algeria, from 12 to 14 July, 1999 as well as, strongly supported by the United Nations Security Council and accepted as they are by the Parties

Having carefully examined the views submitted by the Parties;

Recalling the acceptance by the Parties that any interpretation of the OAU Framework Agreement and the Modalities is the sole responsibility of the OAU and its Current Chairman;

Noting that the present Technical Arrangements have been elaborated on the basis of the letter and spirit of the principles contained in the OAU Framework Agreement and the Modalities, in particular the respect for the borders existing at independence, as stated in Resolution AHG/Res.16(I) adopted by the OAU Summit in Cairo in 1964, the resolution of disputes through peaceful and legal means, in accordance with the principles enshrined in the Charters of the Organization of African Unity and the United Nations, and the non use of force to settle disputes;

Further recalling that the present Technical Arrangements are the result of the collective work of the OAU, the United Nations, the United States and other interested partners;

Stressing that the ultimate goal of the process is to find a peaceful and lasting solution to the conflict:

1. The Parties agree on the principles and other provisions contained in the Framework Agreement and the Modalities and accept the Technical Arrangements (which includes its four Annexes) as binding. In that regard, the Parties agree to use the Framework Agreement, the Modalities and the Technical Arrangements as the sole basis for resolving the dispute.

The Parties will initiate separate requests to the Secretaries General of the United Nations and the OAU as necessary for assistance to implement the Framework for Agreement, the Modalities and the Technical Arrangements

2. In order to facilitate the process of implementing the Framework Agreement, the Modalities and the Technical Arrangements, including the work of the Commission which will be charged with determining the redeployment positions (referred to as the Neutral Commission in paragraph 3) and the establishment of a peacekeeping mission, the Parties agree to put an end to all military activities and all forms of expression likely to sustain and exacerbate the climate of hostility.

In particular the Parties agree to the following:

- a. cessation of all armed air and land attacks;
- b. cessation of any other action that may impede the implementation of the Framework Agreement, Modalities and the Technical Arrangements;
- c. guarantee of the free movement of the peacekeeping mission and its supplies as required through and between the territories of the Parties;
- d. respect and protection of the members of the peacekeeping mission, its installations and equipment;
- e. respect for international humanitarian law.

3. In order to facilitate the process of redeployment of the Eritrean forces as referred to in paragraph 1 of the Modalities and, thereafter, of Ethiopian forces as referred to in paragraph 2 of the Modalities, and to facilitate the full implementation of paragraph 5 of those Modalities, with a view to returning to positions held prior to 6 May 1998, a Neutral Commission shall be established by the Current Chairman of the OAU, in consultation with the Secretaries General of the United Nations and the OAU. Utilizing whatever information it deems relevant and in consultation with the Parties, the Neutral Commission will determine what those positions were. The Parties agree to cooperate fully with the Neutral Commission.

The Neutral Commission will endeavour to complete its work and submit its report to the Current Chairman of the OAU in three weeks.

The determination of the Neutral Commission is bidding on the Parties.

The determination of the Neutral Commission shall not prejudice the final status of the territories concerned, it being understood that this status will be determined at the end of the delimitation and demarcation process.

4. In order to monitor and assist with the implementation of the Framework Agreement, the Modalities and the Technical Arrangements, and verify compliance with the implementation of the Technical Arrangements, it is understood that a peacekeeping mission will be established under the authority of the United Nations Security Council and led by a Special Representative of the UN Secretary-General. The Special Representative of the UN Secretary-General will liaise and work closely with the representative of the OAU Secretary-General. The deployment of the UN peacekeeping mission will be preceded by the deployment by the OAU, with the support of the United Nations, of liaison officers/observers. These liaison officers/observers will subsequently become members of the UN peacekeeping mission. The Parties will be consulted, as appropriate, throughout the establishment process.

5. In line with Article 9 (a) of the Framework Agreement and in order to facilitate the implementation of the Framework Agreement, Modalities and Technical Arrangements, a follow-up Commission (for political aspects) and a Military Coordination Commission (for military aspects) will be established by and under the authority of the Special Representative of the UN Secretary General.

The Parties will each appoint a senior representative to the follow-up Commission. The Special Representative of the UN Secretary General will appoint a UN senior representative as Chairman. Decisions will be made by the Chairman of the follow-up Commission in consultation with the Parties.

The Parties will each appoint a senior military representative to the Military Coordination Commission. The Special Representative

of the UN Secretary General will appoint a UN senior Military representative as Chairman. Decisions will be made by the Chairman of the Military Coordination Commission in consultation with the Parties. In fulfilling their mandate, the Follow-up Commission and the Military Coordination Commission will coordinate and resolve issues pertaining to the implementation of the Framework Agreement, Modalities and Technical Arrangements.

6. Upon the signing of the Framework Agreement the Modalities and the Technical Arrangements, both Parties will conduct demining activities with a view to creating the conditions necessary for the deployment of the peacekeeping mission, the return of civilian administration and the return of population as well as the delimitation and demarcation of the common border (see Annex I)

The peacekeeping mission in conjunction with the United Nations Mine Action Service, will assist the Parties' demining efforts by providing technical advice and coordination.

The Parties shall, as necessary, seek additional demining assistance from the peacekeeping mission.

7. The Parties will submit detailed redeployment plans to the peacekeeping mission within 5 days of receipt of the determination of the Neutral Commission (see paragraph 3 above and Annex II).

8. The process of redeployment and restoration of civilian administration will then begin, it being understood that this process shall not prejudice the final status of the territories concerned, which will be determined at the end of the delimitation and demarcation process.

Following approval of the redeployment plans of the Parties by the peacekeeping mission, the sequence will be as follows:

- a. Eritrea re-deploys its troops within 2 weeks. This redeployment is verified by the peacekeeping mission;
- b. upon verification of Eritrean redeployment by the peacekeeping mission, the peacekeeping mission observes and assists the restoration by Ethiopia of the civilian administration, including

police and local militia, within 7 days to enable the restored civilian administration to prepare for the return of the population;

c. as soon as paragraphs 8a and 8b above are completed, Ethiopia re-deploys its troops within 2 weeks. This redeployment is verified by the peacekeeping mission;

d. upon verification of Ethiopian redeployment by the peacekeeping mission, the peacekeeping mission observes and assists the restoration by Eritrea of the civilian administration, including police and local militia, within 7 days to enable the restored civilian administration to prepare for the return of the population;

9. In order to enhance the security of local populations in and returning to areas where civilian administration is restored:

a. the Parties commit themselves to:

a.1- full cooperation with the peacekeeping mission,
a.2- close cooperation between the restored civilian administration and the international civilian component of the peacekeeping mission which will observe compliance by the restored civilian administrations.

a.2. 1- with prohibitions on displacement and deportation of civilian populations;

a.2.2- with facilitation of human rights monitoring

a.2.3- with prohibitions of display of weapons by militia in populated areas where civilian administration is restored;

b. the peacekeeping mission will.

b.1- observe and assist if requested and as appropriate, police in areas where civilian administration is restored;

b.2- establish, as necessary, local liaison and grievance resolution mechanisms, ensuring access by the local population to those mechanisms.

10. In order to determine the origins of the conflict, an investigation will be carried out of the incidents of May 6, 1998 and of any other incident prior to that date which could have contributed to a misunderstanding between the Parties regarding their common border, including the incidents of July/August 1997. The investigation will be carried out by an independent, impartial body appointed in accordance with the appended (Annex IV) time-line by the Current Chairman of the OAU, in consultation with the Secretaries General of the United Nations and the OAU.

The independent body will endeavour to submit its report to the Current Chairman of the OAU within 3 to 6 months.

The Parties agree to cooperate fully with the independent body and accept its determination.

11. The Parties agree that the delimitation work on the ground will commence segment by segment, beginning with areas of redeployment, moving to other contested areas and, finally, to the remaining common border.

Upon the acceptance by the Parties of the delimitation of each segment, the binding demarcation of that segment will be carried out. Such signed acceptance shall be given to the UN Cartographic Unit within one week, unless arbitration is requested by either Party (see paragraph 13 below).

The delimitation and demarcation process will be done on the basis of pertinent colonial treaties and applicable international law.

12. the Parties agree to demilitarize in those areas as may be required by the peacekeeping mission in order to defuse tension and facilitate the delimitation and demarcation process (see Annex III).

13. Delimitation and demarcation will be conducted by the UN Cartographic Unit, supported by other Experts the Unit may employ.

In line with Article 6(a) of the Framework Agreement, Delimitation/demarcation will be carried out expeditiously and completed within 6 months, unless extended by the Special Representative of the UN Secretary-General at the request of the Cartographic Experts.

Should the need arise for arbitration over delimitation, a Boundary Commission shall be established by the United Nations Secretary General in consultation with the OAU Current Chairman. The Commission shall decide such issues as expeditiously as possible and on the basis of pertinent colonial treaties and applicable international law.

The Parties agree to accept the outcome of the arbitration as binding.

14. Consistent with paragraphs 8(a), 8(b) and 10 the Framework Agreement, the Parties commit themselves to addressing all humanitarian concerns resulting from the conflict, particularly the issues of those persons who have been deported or displaced, as well as the socio-economic consequences of the dispute.

For their part, and in accordance with the pertinent provisions of the Framework Agreement, the OAU and the United Nations, working closely with the International Community, will endeavour to mobilize resources to assist in addressing such concerns.

The Parties agree to refer any specific claim on such issues to an appropriate mechanism of arbitration for binding resolution, should efforts to negotiated settlement or mediation not succeed.

If the Parties are unable to agree on the appropriate mechanism of arbitration within a period of three months starting from the signing, the UN Secretary General, in consultation with the OAU Secretary General, will determine the appropriate mechanism of arbitration.

15. As the demarcation process is completed in each segment, the legitimate authority will assume full and sovereign jurisdiction over that part of territory which will have been recognized as being within its boundary.

16. The Parties agree to sign and implement in good faith -the OAU Framework Agreement for the settlement of the dispute, the Modalities for the implementation of the Framework Agreement and the Technical Arrangements for the Implementation of the Framework Agreement and its Modalities (including its Annexes listed below *).

17. The OAU and the United Nations will be the guarantors for the scrupulous implementation of all the provisions of the OAU Framework Agreement, the Modalities for the Implementation of the Framework Agreement and the Technical Arrangements for the Implementation of the Framework Agreement and its Modalities.

* Annex I to the Technical Arrangements for the Implementation of the OAU Framework Agreement and its Modalities (Demining activities).

- Annex II to the Technical Arrangements for the Implementation of the OAU Framework Agreement and its Modalities (Redeployment plans).

- Annex III to the Technical Arrangements for the Implementation of the OAU Framework Agreement and its Modalities (Local demilitarization plans).

- Annex IV to the Technical Arrangements for the Implementation of the OAU Framework Agreement and its Modalities (Implementation planning timeline).

ANNEX I TO THE TECHNICAL ARRANGEMENTS FOR THE IMPLEMENTATION OF THE OAU FRAMEWORK AGREEMENT AND ITS MODALITIES

(Demining Activities).

Demining activities include submission of the following to the peacekeeping mission:

- maps detailing dimension and exact location of all minefields,
- exact composition by type of mines and number of mines for each minefield;
- plan for clearing of all minefields;
- plan for marking minefields;
- plan for disposal of cleared mines,
- any other information needed for verification.

Peacekeeping mission will observe, verify and assist if necessary all demining activities.

ANNEX II TO THE TECHNICAL ARRANGEMENTS FOR THE IMPLEMENTATION OF THE OAU FRAMEWORK AGREEMENT AND ITS MODALITIES

(Redeployment Plans)

Redeployment plans will include:

- current location of each unit to redeploy;
- size and composition of each unit;
- exact route each unit will utilize to redeploy,
- exact location each redeploying unit will redeploy to;
- start time of redeployment for each redeploying unit;
- estimated closure time for each redeploying unit;
- redeploying units are not authorized to deviate from the plan nor can they move from their new location unless approved by the peacekeeping mission;
- any other information needed to complete verification.

The Parties agree that redeployment will be completed within 14 days after the redeployment plans are approved by the peacekeeping mission.

The Parties agree to suspend any types of military flights in the vicinity of redeployment areas during the period of redeployment.

The Parties agree that the peacekeeping mission will observe and verify redeployment.

The peacekeeping mission will verify that the troops of one party do not move into areas from which the other Party has redeployed.

ANNEX III TO THE TECHNICAL ARRANGEMENTS FOR THE IMPLEMENTATION OF THE OAU FRAMEWORK AGREEMENT AND ITS MODALITIES

(Local Demilitarization Plans)

Local demilitarization plans will include:

- current location of each unit to demilitarize;
- size and composition of each unit;
- exact route each unit will utilize to demilitarize;
- exact location each demilitarizing unit will move to;
- estimated closure time of each demilitarizing unit;
- demilitarizing units are not authorized to deviate from the plan nor can they move their new location unless coordinated with the peacekeeping mission;
- any other information needed to complete verification.

The Parties agree that demilitarization will be completed within 7 days after the demilitarization plans are approved by the peacekeeping mission.

Deployment to original positions will commence upon the determination of the peacekeeping mission.

The Parties should agree to suspend any type of military flights in the vicinity of demilitarization area during the period of demilitarization

The Parties agree that the peacekeeping mission will observe and verify demilitarization.

ANNEX IV TO THE TECHNICAL ARRANGMENTS OF THE OAU FRAMEWORK AGREEMENT AND ITS MODALITIES

(IMPLIMENTATION PLANNING TIME-LINE)

- D-Day: Signing of the Framework Agreement, Modalities and Technical Arrangements.

- D+2: Cessation of hostilities as provided for in paragraph 2 of the Technical Arrangements.

- D+3: Neutral Commission established.

Intention of demining activities by the parties.

- D+4: Parties forward requests to the UN Security General.

- D+5: Commencement of the work of the UN Cartographic Unit.

- D+10: Appointment of OAU Representatives

- D+14: Deployment by the OAU, with support of the United Nations, of liaison officers/observers

The Neutral Commission begins its work on the ground.

- D+25: Establishment of the Follow-up Commission and the Military Coordination Commission.

Appointment of the Special Representatives of the UN Secretary-General

Parties designate chief representatives to the Follow-up Commission and Military Coordination Commission (one from each party for each of the Commissions)

- D+35: Neutral Commission submits its determination.

- D+40: Neutral Commission's report released to the Parties. .

- D+45: Parties submit redeployment plans to the peacekeeping mission

- D+48: Redeployment plans approved by the peacekeeping mission.
- D+49: Observers in position to observe and verify redeployment
- D+50: Commencement of redeployment of Eritrean forces.
- D+64: Redeployment of Eritrean forces completed and verified by Peacekeeping mission.

Restoration of civilian administration by Ethiopia commences.

- D+71: Restoration of civilian administration by Ethiopia completed.

Redeployment of Ethiopian forces commences.

- D+85: Redeployment of Ethiopian forces completed and verified by Peacekeeping mission.

Restoration of civilian administration by Eritrea commences.

- D+92: Restoration of civilian administration by Eritrea completed.

Establishment of an independent body to investigate the origins of the conflict.

- D+185: Delimitation/demarcation completed, unless extended at the request of the Cartographic Experts.

Return of legitimate authorities completed, unless delimitation/demarcation has been extended.

Date: 31 August 1999