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4 Nov. 1958

- Memorandum sent by H. Travaljan to D. H.
(The Horn of Africa)
- Frontier problems in the Horn of Africa -
background information on frontier and
border zone problems Somaliland - Ethiopia
- D. H.'s memorandum.

4 November 1958

SECRETARY-GENERAL

The Horn of Africa

.....
Messrs. Protitch and de Seynes have discussed briefly with me the problems arising from the situation dealt with in the enclosed memorandum. It is necessary to give further study to the problems likely to arise in this area and it will not be possible to give you the definite recommendations of the Secretariat until the beginning of next year, when the results of the discussions in the Fourth Committee and the General Assembly will be known. Since, however, you asked me to keep this question under review, I submit the following comments at this stage. Messrs. de Seynes and Protitch are in general agreement, although they would like to reserve their more definite opinions until the later date which I have mentioned.

2. It is important to make a big effort to get the machinery for settlement of the boundary between Ethiopia and Somaliland established this year or early next year. If the two Governments and the General Assembly are unable, within the next few months, to make any more progress than they have in the past, it may be necessary for you to consider whether a personal intervention is desirable.

3. It must be expected that during the next few years there will be increasing pressure for the formation of a united Somaliland and it is my personal view that the movement will probably be successful, so far as the territories now under trusteeship and French and British administration are concerned. It may be necessary at some stage to consider an intervention to prevent serious international tension arising from this question, but it is at present premature to do more than indicate that we expect this to be a sensitive area which will need watching.

4. The situation is complicated by the existence of inter-territorial grazing areas and the feelings aroused by the Haud Agreement, and it must be expected that the political pressures, which are likely to be strong in the area for a number of years, will lead to the involvement of the tribes exercising their inter-territorial grazing rights. There is a genuine economic problem in the area and it is, for both political and economic reasons, clearly desirable that the tribes should be settled and should be given a new earning power which will make them less dependent upon their traditional grazing. It will be useful, in due course, to explore the economic measures which might reduce existing tension in the border areas, although available information indicates that the contribution of such measures to a solution might be rather limited. The Italian Somaliland-Ethiopia border dispute does not appear to have its origin primarily in the problem of inter-territorial grazing. Furthermore, it is generally agreed that under the most favourable circumstances, the settlement of the nomadic tribes would require considerable time. Finally, Ethiopia and Italian Somaliland may regard the development of the Haud and Reserved Area as of lower priority than other projects in their programmes of economic development. It appears desirable, nevertheless, to explore the possibilities offered by joint or concerted inter-territorial action. If the countries concerned can be persuaded to co-operate, support for this venture might be forthcoming from the Economic Commission for Africa under the auspices of which some kind of sub-regional arrangement might be established.

5. Somaliland on independence is bound to become, to some extent, a battle ground for bilateral economic aid. It seems desirable that, if possible, a considerable "United Nations presence" should be established in Italian Somaliland through measures of economic and technical assistance, though the possibility of achieving this is conditioned by the probability that such assistance will be largely bilateral. The scope for the United Nations would appear to be along the following lines:

(i) There should be a gradual expansion of the United Nations technical assistance programme. Some progress has been made in this direction during the past year or so. It now appears desirable to consider the establishment of a full-time resident representative of the Technical Assistance Board in the area at an early date. Although this appointment may not yet be warranted by the size of the programme, the purpose of such a step would be to assist in developing an expanded programme and to explore the possible uses of the International Administrative Service and of the Special Fund. The official who should be selected as Resident Representative would be of such a type that he could also serve as adviser in general economic matters.

(ii) Regardless of the form of foreign aid to Somaliland, on the attainment of independence, it will be necessary to modify and strengthen the administration of planning and economic development in the country. The United Nations might usefully contribute to this object. One possibility is the appointment of a senior official (perhaps through the International Administrative Service) to the existing national economic development agency. Another step might be to establish within the economic development agency an advisory body in which the Governments donating assistance to Somaliland would be represented, together with the Resident Representative of the Technical Assistance Board. This arrangement seems to be the farthest step that can be taken towards "multilateralizing" economic assistance, given the prospect of predominantly bilateral economic aid.

(iii) Consideration should also be given to the use of the International Administrative Service to fill various posts in the Somaliland administration. It should be appreciated, however, that the Italian Government has offered to contribute the services of a large number of the present Italian technical and administrative personnel in the area. If this offer is accepted by Somaliland, the role of the International Administrative Service would be primarily to fill gaps created by new requirements or by the failure to replace certain Italian staff. High priority should also be given to technical assistance programmes, perhaps with the aid of the Special Fund, which would train Somalis for administrative responsibilities.

(iv) Finally, we might keep in the back of our mind that the assumption that only bilateral aid can be contemplated, should perhaps not be taken as a fixed datum, even though it may reflect the situation today. Attitudes, even those of the major powers, in this respect, may change very quickly as the concept of "United Nations presence" gains acceptance and support in that part of the world. A midget United Nations fund to cover the development needs of small countries for which the United Nations has special responsibilities (such as Libya and Somaliland) would not present Governments with a very big bill and since there will soon be renewed pressure for getting the United Nations into the field of capital investment, this might be welcomed by some as a constructive step.

6. Messrs. Protitch and de Seynes will give you their further ideas on this subject after the close of the General Assembly.

Protitch

cc Mr. Protitch
Mr. de Seynes

FRONTIER PROBLEMS IN THE HORN OF AFRICA

I. INTRODUCTION

1. The present paper contains background information on frontier and border zone problems in the Horn of Africa. One of these issues, the problem of defining the frontier between the Trust Territory of Somaliland under Italian administration and Ethiopia, has been discussed at some length in the Fourth Committee of the General Assembly and the Trusteeship Council. The other, the problem of the interpretation and implementation of the Anglo-Ethiopian Agreement of 1954, by which the United Kingdom Government relinquished control over the Haud and Reserved Area of the Ogaden region of Ethiopia, has not been debated in the United Nations.

2. While the two issues may be considered to be inter-related in terms of certain fundamental political, economic and social factors, for purposes of orderly presentation they are treated separately in this paper. It would seem essential, however, in seeking a sound and enduring solution to these border issues, that the fundamental problems of the area be treated on an inter-territorial basis as is suggested in the final paragraph of the third section of this paper.

.../

II. QUESTION OF THE FRONTIER BETWEEN SOMALILAND UNDER
ITALIAN ADMINISTRATION AND ETHIOPIA

3. Efforts to delimit the frontier between Somaliland under Italian administration and Ethiopia date back to 1897 when agreement was reached between the Emperor Menelik and the Italian Government on a proposed boundary of which no precise record now exists.^{1/} These, as well as successive negotiations, led to the signing of a Convention settling the frontier between Italian Somaliland and the Ethiopian Empire on 16 May 1908, in which the two Governments undertook to delimit on the spot the actual line of the frontier as defined in the convention. The articles of the 1908 Convention are as follows:

"Art. I. The line of frontier between the Italian possessions of Somalia and the province of the Ethiopian Empire starts from Dolo at the confluence of the Daua and the Ganale, proceeds eastwards by the sources of the Maidaba and continues as far as the Uebi Scebeli following the territorial boundaries between the tribe of Rahanuin, which remains dependent on Italy, and all the tribes to its north, which remain dependent on Abyssinia.

"II. The frontier on the Uebi Scebeli shall be the point where the boundary between the territory of the Baddi-Addi tribe, which remains dependent on Italy, and the territory of the tribes above the Baddi-Addi, which remain dependent on Abyssinia, touches the river.

"III. The tribes on the left of the Juba, that of Rahanuin and those on the Uebi Scebeli below the frontier point, shall be dependent on Italy. The tribes of Digodia, of Afgab of Djedjedi and all the others to the north of the frontier line shall be dependent on Abyssinia.

"IV. From the Uebi Scebeli the frontier proceeds in a north-easterly direction, following the line accepted by the Italian Government in 1897; all the territory belonging to the tribes towards the coast shall remain dependent on Italy; all the territory of Ogaden and all that of the tribes toward the Ogaden shall remain dependent on Abyssinia.

"V. The two Governments undertake to delimit on the spot and as soon as possible the actual line of the frontier as above mentioned.

"VI. The two Governments formally undertake not to exercise any

^{1/} The line was traced on a copy of the Habenicht map to which the Emperor's seal was affixed. In the course of negotiations during 1956 the Italian Government declared that it was unable to produce this map. The Ethiopian Government considers that it is the map bearing the Emperor's seal, and not any copy of the same, that becomes relevant in determining what was the line accepted by the Italian Government in 1897.

"interference beyond the frontier line, and not to allow the tribes dependent on them to cross the frontier in order to commit acts of violence to the detriment of the tribes on the other side of the line; but should questions or incidents arise between or on account of the limitrophe tribes, the two Governments shall settle them by common accord.

"VII. The two Governments mutually undertake to take no action and to allow their dependents to take no action which may give rise to questions or incidents or disturb the tranquility of the frontier tribes.

"VIII. The present Convention shall, as regards Italy, be submitted to the approval of the Parliament and ratified by His Majesty the King."

4. The work of the border commission was never completed, however.

Italian maps published between 1912 and 1918 show the location of a line but are not uniform in this respect, particularly for the northern section, where the terminus is variously shown at latitude 8°N and longitude 47°E and latitude 8°N and longitude 48°E, a difference of approximately 65 miles. The same maps do not differ substantially in the location of the southern section of a line lying between the Giuba and Uebi Scebeli Rivers, which presumably is based on Italian surveys. However, prior to World War II a clearly defined boundary recognized by the Ethiopian and Italian authorities never existed except perhaps in the area of Dolo at the southern end.

5. Disagreement between Ethiopia and Italy as to the location of the northern part of the boundary was an important issue in the Italo-Ethiopian war of 1935-1936. Following the war, Ethiopia, Eritrea and Italian Somaliland were integrated into the Italian East Africa Federation and the Ogaden area of Ethiopia was administered as a part of Italian Somaliland. With the occupation of these territories by British forces in 1941, the Federation came to an end and each territory in principle recovered its former frontiers as they had been before 1935. However, mainly for military reasons, the Ogaden was placed under the administrative authority of the British Military Authorities which controlled former Italian Somaliland.^{1/} After the termination of hostilities, former Italian Somaliland

^{1/} Anglo-Ethiopian agreements of 31 January 1942 and 19 December 1944.

and the Ogaden continued under British occupation, the former pending the conclusion of a peace treaty with Italy. On 15 October 1948 it was announced that the British occupation of the Ogaden, excepting the Haud and Reserved Area, had been terminated and that a new boundary, approximately the same as the original frontier, had been established between former Italian Somaliland and the Ogaden.^{1/}

6. On 15 September 1948 the Four Powers informed the Secretary-General that the question of the disposal of the former Italian colonies was being referred to the General Assembly in accordance with article 23 and paragraph 3 of Annex XI of the Treaty of Peace with Italy.

7. By resolution 289 (IV) of 21 November 1949 the General Assembly recommended, inter alia, that Italian Somaliland should be an independent sovereign State and that it should be placed under the International Trusteeship System with Italy as the Administering Authority for a period of ten years at the end of which its independence would become effective. The Trusteeship Council was instructed to negotiate with the Administering Authority the draft of a Trusteeship Agreement.

8. In the same resolution the General Assembly called upon its Interim Committee to study the procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they were not already fixed by international agreement, and to report on this matter to the fifth regular session of the General Assembly. During the discussion of this text at the 323rd meeting of the First Committee on 11 November 1949 the representative of the United Kingdom noted that the frontier between Ethiopia and Italian Somaliland was marked on the map and on the ground for a distance of about 200 miles, but thereafter the boundary was not indicated either on the ground or on the map. At the same meeting the representative of Ethiopia stated, inter alia, that the boundaries between Ethiopia and Italian Somaliland had not been demarcated.

9. Pursuant to General Assembly resolution 289 (IV) the Trusteeship Council appointed a Drafting Committee to seek agreement on the text of a

^{1/} The Times, London, 16 October 1948.

draft Trusteeship Agreement taking into account any draft that Italy, which was invited to take part in the deliberations without the right to vote, might care to propose. The Council also decided to grant the request of Ethiopia to take part in the discussions of the Council without the right of vote, without taking a decision on the Ethiopian claim to be considered a State directly concerned under Article 79 of the Charter.

10. The draft Trusteeship Agreement submitted by Italy described the boundaries of the Trust Territory in Article 1 as "those resulting from the treaties and conventions concluded between the Italian Government and the adjoining States with effect from 1 January 1935".^{1/}

11. In a cablegram dated 31 December 1949 addressed to the Secretary-General the Government of Ethiopia informed the Trusteeship Council that the frontier between Ethiopia and former Italian Somaliland was not as yet definitely demarcated and fixed and that in its opinion this fact would certainly impair law and order and very seriously endanger peace in this region in contradiction to Articles 2, 73, 74 and 76 of the Charter.^{2/}

12. The Drafting Committee proposed and the Trusteeship Council subsequently approved on 27 January 1950 the draft Trusteeship Agreement. Article 1 provided that the boundaries of Somaliland under Italian administration "shall be those fixed by international agreement and, in so far as they are not already delimited, shall be delimited in accordance with a procedure approved by the General Assembly".

13. When the Trusteeship Council was negotiating the Trusteeship Agreement, it was informed, by a letter dated 1 March 1950,^{3/} from the representative of the United Kingdom, that a provisional boundary line had been established between Ethiopia and the Territory (Annex I).

14. In a letter dated 15 March 1950,^{4/} the Italian Minister for Foreign Affairs stated on behalf of his Government that while the decision of the United Kingdom Government to establish a line was of a provisional nature

^{1/} United Nations Trusteeship Council. Official Records, Fourth Year, Sixth Session, Annex, Vol. 1, p. 98.

^{2/} Ibid., p. 102.

^{3/} Ibid., pp. 112 and 113.

^{4/} Ibid., pp. 113 and 114.

which in no way prejudiced the final settlement of the problem, the line had been fixed without consulting the Italian Government which, consequently, reserved its position not only in respect of the legal aspects of the question but also with regard to certain practical difficulties which might arise from the provisional line fixed by the United Kingdom Government (Annex II).

15. The position of the Ethiopian Government on the border question was restated in a letter dated 19 January 1950, in which the Ethiopian observer to the Trusteeship Council reaffirmed the position of his Government on the border question and stated that it therefore reserved its right in this respect.^{1/}

16. After approving the Trusteeship Agreement for the Trust Territory of Somaliland, the General Assembly adopted, on 15 December 1950, resolution 392 (V) on the procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they were not already fixed by international agreement. In operative paragraph 1 (b) the General Assembly recommended:

"... With respect to the Trust Territory of Somaliland, that the portion of its boundaries with British Somaliland, as well as with Ethiopia, not already delimited by international agreement be delimited by bilateral negotiations between the United Kingdom Government and the Administering Authority, in respect of the boundaries with British Somaliland, and between the Ethiopian Government and the Administering Authority in respect of the boundaries with Ethiopia.

"In order to resolve any and all differences arising in the course of such negotiations, the respective parties to each bilateral negotiation agree, on the request of either party, to a procedure of mediation by a United Nations Mediator to be appointed by the Secretary-General and, further, in the event of the inability of the parties to accept the recommendations of the Mediator, to a procedure of arbitration".

17. In its report on Somaliland,^{2/} the Visiting Mission to Trust Territories in East Africa, 1951, considered that the settlement of the question of the border with Ethiopia was an urgent matter and that a definitive border should be agreed upon and delimited as soon as possible. The Mission hoped that this could be done expeditiously, in accordance with the procedure set out in

^{1/} Ibid., pp. 111 and 112.

^{2/} Official Records of the Trusteeship Council, Eleventh Session, Supplement No. 4, Document T/1033.

General Assembly resolution 392 (V). It felt that if no progress could be achieved by the initial method of direct negotiation, there should not be undue delay in passing to the succeeding stages of mediation and arbitration. The Mission also considered that such further steps should be taken as might be necessary to lead to a solution of the border question well before the end of the Trusteeship period.

18. At its eleventh session (1952), the Trusteeship Council adopted a conclusion noting, inter alia, that conversations directed toward a solution of the border question had been initiated by the Italian and Ethiopian Governments and expressing the hope that these conversations would lead to a satisfactory settlement.

19. At its twelfth session (1953), the Council noted that direct negotiations between the two Governments were continuing and expressed the hope that a satisfactory settlement would be reached as expeditiously as possible.

20. In operative paragraph 3 of its resolution 755 (VIII) on the attainment of independence by the Territory by 1960, the General Assembly, at its eighth session (1953), recommended to the Governments of Italy and Ethiopia that they should intensify their efforts to achieve a final, just, equitable and friendly settlement of the question of the frontier between Ethiopia and the Trust Territory in order that this problem might be finally settled before the date appointed for the attainment of independence by Somaliland.

21. At its fourteenth session (1954), the Council adopted a resolution in which it drew the attention of the General Assembly to the Council's conclusion that the delimitation of the frontier was a matter of the utmost urgency in view both of the approach of the date of the grant of independence to the Territory and of the continuing political, economic and social difficulties in the area of the present provisional frontier, and requested the Secretary-General to request the Governments of Italy and Ethiopia to furnish all appropriate information as to the progress of the direct negotiations between them, for submission to the General Assembly at its ninth session. It also invited the Advisory Council to submit to the Secretary-General, in the same period, such information as it might obtain in the course of its regular functions as to the actual situation in the frontier area, and requested the Secretary-General, in the light of the information thus obtained, to present to the Assembly at its ninth session a

report on the progress made in the negotiations undertaken in accordance with Assembly resolution 392 (V), and on the situation in the area of the provisional frontier.

22. In pursuance of the request of the Trusteeship Council, the Secretary-General submitted to the General Assembly at its ninth session a report on the frontier question.^{1/} This report contains the information furnished to the Secretary-General by the Governments of Ethiopia and Italy concerning the progress of the direct negotiations between them and by the Advisory Council for Somaliland concerning the situation in the frontier area.

23. At its 512th plenary meeting on 14 December 1954, the General Assembly adopted resolution 854 (IX) concerning the question of the frontier between the Trust Territory of Somaliland under Italian administration and Ethiopia.

In the operative part of this resolution, the General Assembly:

"1. Notes with concern that no progress has been made to date in the direct negotiations between the Governments of Ethiopia and Italy on the delimitation of the frontier between the Trust Territory of Somaliland under Italian administration and Ethiopia;

"2. Urges the Governments of Ethiopia and Italy to exert their utmost efforts to achieve a final settlement of the frontier question by direct negotiations;

"3. Recommends that, should direct negotiations fail to achieve any results by July 1955, the two Governments agree to the procedure outlined in General Assembly resolution 392 (V) of 15 December 1950".

24. In its report on Somaliland, which was submitted to the Trusteeship Council after the ninth session of the General Assembly, the Visiting Mission to Trust Territories in East Africa, 1954, noted that no progress had been made in negotiations due to certain differences of interpretation between the Italian and Ethiopian Governments and stated that the next step was that of mediation.^{2/}

25. At its sixteenth session, the Council adopted a resolution^{3/} in which it noted that the Italian Government had continued its efforts to negotiate directly with the Ethiopian Government and that at a recent meeting it had

^{1/} Document A/C.4/277.

^{2/} Document T/1143.

^{3/} Resolution 1257 (XVI).

been agreed to appoint representatives to study this question further, noted further that such negotiations as might have taken place until then had not yet yielded substantial results, expressed the hope that direct negotiations would yield the concrete results envisaged in General Assembly resolution 854 (IX) and recommended to the Administering Authority that in the event present negotiations failed, it avail itself of the mediation procedure contained in General Assembly resolutions 392 (V) and 854 (IX).

26. At its tenth session, the General Assembly was informed by the Ethiopian^{1/} and Italian^{2/} delegations of certain obstacles to the opening of negotiations, namely, the question of including Somali representatives in the negotiations and the interpretation of the 1908 Convention. At its 557th plenary meeting on 15 December 1955, the General Assembly adopted resolution 947 (X), in which it recommended that the Governments of Ethiopia and Italy expedite their negotiations so that the question of the frontier might be settled as soon as possible and requested the two Governments to report on the progress of the direct negotiations to the General Assembly at its eleventh session.

27. At its eighteenth session, the Trusteeship Council noted that negotiations between the two Governments were continuing and that no conclusive results had been achieved. It reiterated its desire for an early settlement of this problem well before 1960 and urged the Governments concerned to intensify their efforts towards this end.

28. The Governments of Ethiopia and Italy reported^{3/} to the General Assembly at its eleventh session the progress of the negotiations during 1956. Agreement had been reached that the 1908 Convention should constitute the basis of negotiations and that discussions should commence on the northern half of the frontier. The two parties had, however, failed to agree on the definition of the line proposed by the Emperor Menelik and accepted by the Italian Government in 1897, which is the basis for Article 4 of the 1908 Convention. The Italian delegation claimed that the line of the 1897 agreement was located at

1/ A/C.4/321.

2/ A/C.4/320.

3/ Official Records of the General Assembly, Eleventh Session, Annexes,
Agenda item 40.

a distance of 180 miles from, and parallel to, the coast, whereas the Ethiopian delegation did not accept that interpretation of the 1897 agreement, pointing out that the southern terminus of the 1897 line, referred to in an official Italian declaration in 1908, was located at approximately 140 miles from the coast and that the Ethiopian Government had never received any official communication from the Italian Government invoking a so-called rule of 180 miles.

29. At an early stage during the 1956 discussions, the Ethiopian delegation had proposed that an immediate solution be sought on the basis of the present provisional administrative line. This proposal was, however, rejected by the Italian delegation.

30. In its resolution 1068 (XI), adopted on 26 February 1957, the General Assembly recommended that the two Governments continue and complete negotiations on the entire frontier and report on the progress of their negotiations to the General Assembly at its twelfth session. It also considered that if negotiations should fail to achieve substantial results by that time, it would be necessary for the two Governments to avail themselves of the procedure laid down in General Assembly resolution 392 (V).

31. At its twentieth session, the Trusteeship Council noted that negotiations between the Ethiopian and Italian Governments were to be resumed shortly and recalled the opinion expressed in General Assembly resolution 1068 (XI) that, if the negotiations should fail to achieve substantial results by the twelfth session of the General Assembly, it would be necessary for the Governments of Ethiopia and Italy to avail themselves of the procedure laid down in General Assembly resolution 392 (V).

32. The negotiations between the Ethiopian and Italian delegations, which were resumed on 8 July 1957 and continued until 11 October 1957, dealt primarily with the southern sector of the frontier. The two Governments submitted reports^{1/} to the General Assembly at its twelfth session in which they informed the Assembly of failure to reach agreement in the interpretation of the 1908 Convention in respect of both the southern and northern sectors. After consulting the Government of Somalia, the Italian delegation had

^{1/} A/3753 and Corr. 1 and A/3754 and Add. 1.

proposed that the provisional administrative line should be taken as the definitive frontier line in the southern sector, between the Giuba and Uebi Scebeli Rivers, with the exception of the point of intersection with the Uebi Scebeli which would lie further up the river than the point of intersection of the present provisional administrative line. From the Uebi Scebeli, the line would extend to the frontier of the Somaliland Protectorate at the point of intersection of longitude 47°E and latitude 8°N. This proposal was not accepted by the Ethiopian delegation.

33. At its 730th meeting on 14 December 1957, the General Assembly adopted resolution 1213 (XII), in which it expressed the opinion that a final settlement could be achieved most expeditiously by a procedure of arbitration; recommended the parties to establish, if possible within three months, an arbitration tribunal -- consisting of three jurists, one to be appointed by Ethiopia, one by Italy and one by agreement between the jurists so appointed or, failing agreement between them, by His Majesty the King of Norway - to delimit the frontier in accordance with terms of reference to be agreed upon between the two Governments with the assistance of an independent person to be appointed by agreement between them; and requested the two Governments to report to the General Assembly at its thirteenth session on the measures taken by them to give effect to this resolution.

34. In its report, the 1957 Visiting Mission to Trust Territories in East Africa emphasized the improved situation along the provisional frontier in respect of security and order and in the free movement of persons and livestock. It felt that a successful beginning had been made in this respect and recognized that the direct contacts which existed between the authorities on either side of the border represented an important step toward the establishment of a friendly and fruitful relationship between an independent Somalia and Ethiopia. The Mission felt that these efforts should be continued and intensified as a constructive and practical contribution toward the settlement of the border problem.

35. With regard to the implementation of General Assembly resolution 1213 (XII), the Administering Authority of the Trust Territory informed the Council at its twenty-second session that, pursuant to the Assembly's resolution, the Governments of Italy and Ethiopia had each appointed a member of the arbitration tribunal who would soon meet to consider the

nomination of a third arbitrator. The Government of Italy, in agreement with the Government of Somalia, had submitted draft terms of reference to the Government of Ethiopia. Following an incident on the frontier, the Administering Authority had proposed to the Ethiopian Government on 10 March 1958 the appointment of a mixed commission of Ethiopian and Somali officials to mark out the points fixed by the provisional administrative line, starting from the known point of Dolo. The Council noted with concern the slow progress in solving the frontier problem and expressed the hope that the third member of the arbitration tribunal would soon be appointed and urged the parties concerned to do their utmost to establish the terms of reference for the delimitation of the frontier in order that substantial progress might be reported in the implementation of the resolution in question at the thirteenth session of the General Assembly.

36. It is clear that the opinion of Somali leaders in the Trust Territory on the border question has been an important factor in determining the position of the Italian delegation in the course of negotiations. In 1955, a representative of the Somali Youth League stated^{1/} before the Fourth Committee of the General Assembly that despite the numerous recommendations of the Trusteeship Council and the General Assembly on the border question, no progress had been made through direct negotiations and that there was little to be hoped for from direct negotiations. He stated that it was the belief of the people of the Territory that it was the primary responsibility of the General Assembly to ensure that the Territory's frontier with Ethiopia was defined and stabilized before 1960. He also stated that the Somali people did not regard as valid international agreements concerning the Territory which were concluded before Somalia was declared a Trust Territory on 21 November 1949. He asserted that non-Ethiopian Somali tribes occupied a substantial portion of territory on the Ethiopian side of the northern sector of the provisional administrative line, a consideration which, he pointed out, was vital to the Somali people, had a bearing on the question of the frontier and should be carefully studied and considered by the United Nations in arriving at a satisfactory and realistic settlement of a workable frontier. Somali tribesmen should be ensured the absolutely essential access to grazing, water,

^{1/} A/C.4/319.

trade centres and transport, regardless of whether they happened to be a few miles on one or the other side of the frontier.

37. In its report^{1/} to the eleventh session of the General Assembly, the Italian Government stated that in February 1956, the Italian delegate had been able to reach an agreement with the leading political figures of the Trust Territory to the effect that the 1908 Convention should be taken as a basis for the negotiations. Thus the Somali leaders abandoned their position of non-recognition of international treaties concluded before 21 November 1949, which might have proved extremely prejudicial to the Italo-Ethiopian negotiations. It might also be recalled that, on 12 November 1955, the Ethiopian Government acceded to the request of the Italian Government that Somali experts should be included in its delegation.

38. During the eleventh session of the General Assembly, the President of the Legislative Assembly of the Trust Territory stated that the people of the Territory had been willing to repress their aspirations in order to arrive at a solution of the problem.^{2/} He requested, inter alia, that the Territory's frontier be clearly delimited and internationally recognized prior to the termination of Trusteeship, that the frontier should be delimited in such a way that the independent State would include all of the populations of former Italian Somaliland, and that the solution of the problem should be a fair one.^{3/}

39. The views of the Government of Somalia and of numerous representatives of the population on the border question were communicated to the 1957 Visiting Mission which found that the Territory's inhabitants were greatly concerned over the slow progress of negotiations. They urged that the United Nations should intervene in order to bring about an early solution. Speaking on behalf of the Council of Ministers, the Prime Minister stressed the need for reaching a settlement of the border question before 1960 and

1/ Official Records of the General Assembly, Eleventh Session, Annexes, Agenda item 40.

2/ Statement distributed by the Italian delegation on 18 February 1947.

3/ Official Records of the General Assembly, Eleventh Session, 642nd meeting.

stated that if it were to remain unsolved when the Territory became independent, the Somali people would wish to have a formal assurance or pledge from the United Nations guaranteeing the territorial integrity of Somalia. He strongly affirmed the desire of his Government to establish friendly relations with Ethiopia and stated that a sound basis for improved relations had already been established.

40. The President of the Legislative Assembly informed the Mission that the people of the Trust Territory would make every effort to reach a compromise with Ethiopia on the border. Regardless of its location, the border would divide the Somali people and he expressed the hope that it would not cut across tribal groups and that the human aspect would be given proper weight. However, the main preoccupation of the people of the Territory was the security of the independent State and they were prepared to accept a border which would ensure this aim.

41. At the twelfth session of the General Assembly, the Minister for Economic Affairs of the Government of Somalia stated that his Government considered that treaties which had apportioned the Somali peoples ignoring the will of the Somali populations concerned could not be considered as the sole basis on which a just and realistic solution of the frontier problem could be found. The application of those treaties could not in any way be in contrast with the interests and vital necessities of the populations concerned. Referring to rumours that the people of the Territory would be willing to accept the provisional administrative line as the definitive frontier if this were recommended by the United Nations General Assembly, he stated that these rumours were groundless since the Government of Somalia and the people considered that line to be completely arbitrary and in contrast with every principle of justice and fairness to the Somali populations who were separated by the line.^{1/}

^{1/} Statement distributed in the Fourth Committee by the Italian delegation.

Confidential

III. THE QUESTION OF THE FRONTIER BETWEEN
THE SOMALILAND PROTECTORATE AND ETHIOPIA

42. The origins of the problem of the frontier between the Somaliland Protectorate and Ethiopia may be traced back to 1884 and 1885 when agreements were concluded between the United Kingdom and the elders of five Somali tribes securing British rights in the areas occupied by the tribes. In 1886, supplementary agreements extended to the tribes and the territories under their authority and jurisdiction the protection of the Queen.

43. The boundaries between Ethiopia and the Protectorate were defined by the Treaty of 14 May 1897 between the Governments of the United Kingdom and Ethiopia to which were annexed notes exchanged by the two Governments which established the location of the boundary line (Annex III). It was also provided that the tribes occupying either side of the line should have the right to use the grazing-grounds on the other side, it being understood that such groups would be subject to the jurisdiction of the territorial authority. Free access to the nearest wells was equally reserved to the tribes occupying either side of the line. The United Kingdom Government also received an assurance from the Ethiopian Government that in the event of occupation by Ethiopia of territories inhabited by tribes who had formerly accepted and enjoyed British protection in the districts excluded from the limits of the British Protectorate, such tribes would be well treated and have orderly Government. The boundary, as defined in the exchange of notes, placed the Haud and Reserved Area, which are the subject of the present controversy, within Ethiopian territory. It would appear that before 1931 the Somali tribes of the Protectorate were unaware of the exact location of the boundary and that an area of approximately 25,000 square miles of grazing land used seasonally by tribes of the Protectorate lay within Ethiopian territory. This situation was brought to light by an Anglo-Ethiopian

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Boundary Commission in the period 1931 to 1935. The Somali tribes affected reacted violently and a member of the Boundary Commission was killed.

44. In 1935, following the conquest of Ethiopia, Italy occupied the Ogaden province of Ethiopia including the Haud area. British forces occupied the Horn of Africa in 1941 and the Ogaden and the disputed areas were placed under British military administration.

45. In 1944, the Ethiopian and United Kingdom Governments concluded an agreement whereby, for the duration of the agreement, the territories designated as the Reserved Area and the Ogaden would remain under British Military administration.^{1/} On 15 October 1948, it was announced that the British occupation of the Ogaden, excepting the Haud and Reserved Area, had been terminated and that a new boundary had been established between former Italian Somaliland and the Somaliland Protectorate, on the one hand, and the Ogaden, on the other.^{2/}

46. In January 1955 a white paper^{3/} was issued containing the text of an agreement signed on 29 November 1954 between the Ethiopian and United Kingdom Governments to terminate the temporary arrangements provided for in the Anglo-Ethiopian Agreement of December 1944 and to implement the provisions of the Anglo-Ethiopian Treaty of 14 May 1897. The following are the provisions of the 1954 Anglo-Ethiopian Agreement:

Article I - The full and exclusive sovereignty of Ethiopia over the territories which are set forth in the attached Schedule (hereinafter referred to as "the territories"), recognized by the Anglo-Ethiopian Treaty of 1897, is hereby reaffirmed. As from February 28, 1955, British Military Administration, for which temporary provision was made under the Anglo-Ethiopian Agreement of December 19, 1944, shall be withdrawn from the Reserved Area as defined in the Schedule to that agreement and from that part of the Ogaden which is at present under British military administration. The Imperial Ethiopian Government shall, from that date, reassume jurisdiction and administration of, in, and over the territories.

^{1/} British and Foreign State Papers, 1943-1945, vol. 145, p. 462.
^{2/} The London Times, 16 October 1948, p. 3.
^{3/} Cmd. 9348.

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Article II - The rights of tribes coming respectively from Ethiopia and the Somaliland Protectorate to cross the frontier for the purpose of grazing, as originally set out in the Anglo-Ethiopian Treaty of 1897 and the letters annexed hereto, is reaffirmed by the two Contracting Parties, who shall take steps to ensure that as far as possible tribal grazing rights in the area shall be protected.

Article III - Subject to the jurisdiction and administration of the Imperial Ethiopian Government and to their responsibility for the maintenance of public order, the facilities and powers set out below are hereby accorded within the territories by the Imperial Ethiopian Government as a special arrangement designed to meet the circumstances under which tribes from the Somaliland Protectorate utilize the territories for the purpose of grazing, which tribes are hereinafter called "the tribes": -

(a) Without prejudice to the jurisdiction of the Imperial Ethiopian Government and whilst the tribes are in the territories, the tribal organization consisting of the system of local authorities (Akils), tribal police (Illalos) and Elders, as set up and recognized by the Government of the Somaliland Protectorate, shall continue to function, and the tribes may be given from time to time instructions on internal tribal and inter-tribal matters as appropriate from the Government of the Somaliland Protectorate; and the tribal organization shall have the responsibility of maintaining law and order among the tribes.

The tribal organization shall not be used for political agitation within Ethiopia and nothing in this Agreement shall authorize political agitation by the tribes or members thereof. There shall be no more than 700 Illalos at any one time in the territories. Apart from the Akils, Illalos, Elders and Liaison Officer, and such staffs as are or may be provided under subparagraphs (d) and (e) below, there shall be in the said territories no officials of, or appointed by, the Government of the Somaliland Protectorate except by agreement with the Imperial Ethiopian Government.

(b) Cases involving only persons who are members of the tribes or members of the tribes and the liaison officer or members of his staff shall, if so triable, be tried by Protectorate Courts sitting inside the Somaliland Protectorate. Cases involving both Ethiopians and members of the tribes shall be tried by Ethiopian Courts but the British liaison officer referred to in subparagraph (d) below or a member of his staff shall have the right to be present in court. He shall be given an opportunity to provide any relevant information.

(c) Without prejudice to the full powers of arrest in the territories on the part of the Ethiopian police, the Illalos shall have full powers of arrest over members of the tribes and

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any other person where such arrest is necessary to prevent the imminent commission by such persons of a serious crime involving members of the tribes or the liaison officer or his staff, or the escape of such persons immediately after the commission of a crime involving members of the tribes or the liaison officer or his staff. Any Ethiopian national arrested by Illalos shall be delivered for custody at the earliest opportunity to the Ethiopian authorities. Any person arrested by the Ethiopian police who under sub-paragraph (b) of this article, is to be tried by the Protectorate Courts shall be delivered for custody at the earliest opportunity to the tribal authorities.

(d) There shall be a British liaison officer with the necessary staff appointed by the Government of the Somaliland Protectorate who may reside in and shall be permitted to move freely in the territories. The liaison officer and his staff shall hold themselves at all times available for consultation by the Ethiopian authorities, and their advice shall be sought by the Ethiopian authorities in the conduct of the latter's affairs with the tribes. While the tribes are in the territories the liaison officer and his staff shall be responsible to the Government of the Somaliland Protectorate for transmitting to the tribes the instructions of the Government of the Somaliland Protectorate referred to in sub-paragraph (a) above, and they shall promptly inform the Ethiopian authorities of the substance of such instructions. They shall also, as and when requested by the Imperial Ethiopian Government transmit the latter's instructions on other matters when not directly or otherwise issued to the tribes by that Government.

(e) Medical, veterinary, and educational services hitherto provided for the tribes within the territories may continue to be provided at the existing scale during the presence of the tribes in the territories, and the two Contracting Parties agree at the request of either to negotiate regarding the provision to the tribes of any expansion of or addition to these services including the provision of water supplies.

Article IV - Reciprocal facilities and powers corresponding to those provided for in this Agreement in respect of tribes from the Somaliland Protectorate shall, subject to corresponding obligations, be accorded to the Imperial Ethiopian Government in those areas of the Somaliland Protectorate which the Ethiopian tribes may enter pursuant to the provisions of Article II of this Agreement.

Article V - The Provisions of this Agreement shall be subject to review at any time at the request of either Contracting Party. Unless otherwise agreed the Agreement shall remain in force for a period of fifteen years, at the end of which period, unless six months prior notice of termination shall have been given by either Contracting Party, it shall continue to remain in force until six months after the sending by either

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Contracting Party to the other of a notice of termination. The termination of this Agreement shall not affect the grazing rights referred to in Article II.

Article VI - This agreement shall come into force on signature and shall replace the provisions relating to the territories in the Anglo-Ethiopian Agreement of December 19, 1944, including the Annexes and Schedules appended thereto and the provisions of the Protocol of July 24, 1948. It is further agreed that all questions concerning the administration of the territories pursuant to the provisions of the aforementioned Protocol and Agreement have been disposed of by the present Agreement.

The transfer of the Haud and the Reserved Area to Ethiopia took place on 28 February 1955.

47. The announcement of the signing of the 1954 Agreement caused great disappointment and bitterness in the Protectorate and a delegation was despatched to the United Kingdom with the object of obtaining a postponement of the implementation of the Agreement until the case of the Protectorate Somalis could be laid before Parliament. The Secretary of State for the Colonies, Mr. Lennox-Boyd, informed the House of Commons on 23 February 1955 that he had had no alternative but to inform the Somali delegation that the United Kingdom Government must abide by its obligation in international law. The Ethiopian Government had been asked whether it would consider a postponement but had replied that it felt unable to agree to postponing the hand-over beyond the date laid down in the 1954 Agreement.^{1/}

48. An interesting insight into the conditions which brought about the 1897 Treaty was provided two days later in the House of Commons by Mr. Hopkinson, the Minister of State for Colonial Affairs, who stated that in 1897, the Ethiopian Government, no doubt taking advantage of the unsettled conditions arising out of the Anglo-Ethiopian operations against the Khalifa, in the Sudan, made a number of territorial claims which included half of what is now the Somaliland Protectorate. By negotiating the 1897 Agreement, Britain had set a limit to Ethiopian pretensions. It had been recognized then that the line had the unsatisfactory effect of cutting across the traditional grazing areas of Somali tribes hence letters had been annexed to the Treaty providing

^{1/} Parliamentary Debates, House of Commons, Session 1954-1955, vol. 537, fifth series, pp. 1281-1282, London, 1955.

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for free access to grazing across the frontier. He also explained that the Haud area was never administered by the Ethiopian Government and that the Reserved Area had been brought under Ethiopian administration shortly before the Italian invasion of 1935. British officers followed and administered the British protected tribes on their annual migrations over the border. While under Italian administration after 1935 and until World War II, certain facilities were given for the use of the grazing areas by tribes, in return for some facilities in the Protectorate.^{1/}

49. The 1954 Agreement was also the subject of protests by the political parties of the Trust Territory of Somaliland under Italian administration. In a communication addressed to the United Nations, the leaders of the political parties requested the immediate repeal of the Agreement on the grounds, inter alia, that the Haud area lay within the contested frontier area of the Trust Territory and of Ethiopia and that no decision thereon should be taken prior to the settlement of the question of the border between the Trust Territory and Ethiopia.^{2/} In its annual report^{3/} the Advisory Council stated that there had been organized manifestations in Mogadiscio and in all centres of the Territory. The Advisory Council was of the opinion that this new development of the frontier problem lay within the framework of the recommendations contained in Trusteeship Council resolution 1000 (XIV) of 6 June 1954 and it therefore felt in duty bound to express the opinion that the conclusion of the Anglo-Ethiopian agreement was in no way prejudicial to whatever decisions or dispositions might be taken on this vital question.

50. It is of interest to note that criticism of the 1954 Agreement was also voiced by responsible and informed elements in the United Kingdom. Sir Gerald Reece, former governor of the Somaliland Protectorate, felt that underlying Somali protests was the fear that the loss of the Haud, an important

1/ Parliamentary Debates, House of Commons, Session 1954-1955, fifth series, vol. 537, pp. 1683-1684.

2/ T/COM. 11/L.150. For other complaints addressed to the United Nations, see T/COM.11/L.151-167.

3/ T/1172, pp. 26-28.

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grazing area for the tribes of the Protectorate, would prejudice the formation of a Greater Somalia.^{1/} He noted that much international friction, bloodshed and expense had been caused during the preceding fifty years by the trans-frontier grazing arrangements. The unwillingness of Ethiopia to surrender the Haud, he felt, was the result of the search for oil in the Haud, fear of domestic criticism if Ethiopia were to relinquish a part of the Empire created by the Emperor Menelik and, possibly, the feeling that the expanding Somali population would continue to encroach on the Ethiopian Ogaden. He considered it unlikely that the officials and tribesmen would be able to implement the agreement satisfactorily in view of what he considered to be the Somalis' inclination toward intrigue and inter-tribal raiding.

51. The following excerpts from Sir Gerald Reece's review of the problem are of interest, particularly as regards the outlook for the future:

"...It is observed that in the agreement of November 29, 1954, tribal grazing rights are to be protected only "as far as possible", and medical, veterinary, and educational services can be improved only if the Ethiopians agree after negotiation. It is believed that those services are at present inadequate. There is nothing in the agreement about roads or the extradition of fugitive offenders from British territory (we have no extradition treaty with Ethiopia). Furthermore, the arrangement whereby cases arising out of the permanent feuds existing between British and Ethiopian Somali tribes must be tried by Ethiopian courts will almost inevitably cause trouble.

"As regards the Reserved Area, which adjoins the Haud on the north-west side, it will be seen that the new agreement does not contain any safeguards for the British Somalis, who have agricultural land in that locality. Under our Military Administration a great deal of labour was put into the cultivation of the soil in the Reserved Area, and this was welcomed as a new and profitable occupation. Latterly it has become the main granary for the Somaliland Protectorate, but there have recently been indications that the Ethiopian Government may want this land for making grants to Ethiopian "patriots" and others.

"The depth of the feeling which has long existed in the Somalilands in regard to the future of the Haud and the Reserved Area cannot well be appreciated in this country, and the uneasiness which is now being caused will not be mitigated by Mr. Lennox-Boyd's reference in Parliament (honest though they be) to the "unfortunate" 1897 treaty and his own "very great anxiety" over his disagreeable task.

^{1/} In 1946, Mr. Bevin proposed to the Foreign Ministers of the Four Powers the establishment of a United or Greater Somalia, suggesting a United Kingdom trusteeship until the people were ready for self-rule, but the proposal was rejected.

"This incident is particularly disappointing at a time when we were just beginning to recover a little confidence from the people after our evacuation of the Protectorate in 1940. Since at least half of our Somalis use the Haud for about half the year, it will be very difficult for us to continue as we had planned (with the help of the Colonial Development Fund) with satisfactory progress in such things as education, grazing control, medical and veterinary services, water supplies, and trade. The effects of handing back the Haud on our efforts to improve the legal system, and security and policing cannot be foreseen, but the exclusion of all regular police from that territory in future may matter a good deal.

"... Perhaps there will be no serious trouble during the next few years, but in 1961, there will certainly be disturbances that are likely to affect not only British Somaliland and Kenya, but also the French and the Ethiopians. It is hoped that before then the Ethiopian Government will have realized that something more is needed from them as a contribution to the future peace of the Somalilands, for a revolt in this desert (containing a quarter of a million square miles) would not only provide international friction, but it would be very costly in men and money to all the Powers concerned." 1/

52. The following appraisal was made by the present Lord Rennell Rodd who was in charge of Civil Affairs Administration in East Africa and the Middle East in the early 1940's and whose father negotiated the 1897 Treaty:

"The handing over of Ethiopian Somaliland implemented this year, as the outcome of what was known as the Rennell Rodd Agreement with the Emperor Menelik of 1897, was legally correct, although it took nearly 60 years to be implemented.

"At the time that agreement was made, there were circumstances of which most of us are today totally unaware. There was, notably, the French penetration from Jibuti westwards into Africa, of which the Marchand expedition from the West Coast to the Nile Valley was a relevant element. The Rennell Rodd Agreement, negotiated as a treaty of amity and commerce between the Ethiopian Empire and H.M. Government in this country, was designed to stop the French penetration through Ethiopia to the Nile, and in fact to stop a junction between an expedition, fitted out ostensibly for botanical purposes by two Frenchmen, who left Jibuti in order to meet Marchand at Fashoda with arms and food. As the result of the failure of this expedition to reach the Nile, the surrender of Marchand at Fashoda took place. There was, therefore, behind the agreement of 1897, a great deal more of importance to the Somali people than the settlement of a grazing dispute, as appeared in the treaty of amity and commerce.

"The Somali people are an expanding race, and have been for

1/ East Africa and Rhodesia, No. 1588, 17 March 1955.

generations. They have been expanding north, west, and south. Various efforts have been made by various people to contain them within their boundaries - but not very successfully. They are, moreover, strangely enough for a nomadic people, extremely adaptable. The Somali camel trader of the past is now a Somali motor driver, pedlar, and merchant throughout the area of Eastern Africa, which runs approximately from Port Sudan and Mombasa into the interior as far as the Ethiopian lakes. He has also taken to the sea, and many Somalis are also serving in Her Majesty's Merchant Navy and the merchant navies of many other nations. It shows remarkable adaptability on the part of a land nomadic people that they should thus take to maritime life.

"The handing over of what is an intrinsic part of Somaliland, as the Somalis know it, and as those of us who have been out there know it, is not only a tragic redivision of Somaliland, but one which looks more likely to be perpetuated than anything involved in the handing over at the end of the war of the Italian Somali coast under tutelage of the United Nations for a period with a terminating date in 1960. It is therefore not unnatural that the Somalis have taken very great exception to the decision of H.M. Government to implement the 1897 Agreement and withdraw the surviving British administration and troops in Ethiopian Somaliland, thereby perpetuating, so far as they can see for ever, the cutting off of Ethiopian Somaliland, with its important grazing areas, from the rest of their lands.

"Moreover, the Ethiopians and the Somalis have little in common. They have different religions, different ways of life, differences of outlook. There are other differences which I need not elaborate.

"The protests made by the Somali people against this decision were made to H.M. Government in this country without any effect, as the result of which lack of effect the Somali people in British Somaliland have now decided to send a delegation to the United Nations to make their case. I should like to think that their plea to the United Nations will receive the support of H.M. Government, so that we shall see in measurable time - say by 1960 - the prospect of a reunited Somaliland and the unification of an area of homogeneous population in the only part of Africa where such conditions exist.

"... The behaviour of the Somali people in proffering their requests to H.M. Government and making their case has been marked by dignity and sobriety. There have been no threats, no rioting, and no shedding of blood. Above all, there has been no antagonism to ourselves.

"They rightly say - having placed themselves under our protection voluntarily in the latter part of the last century, having through us had the benefit of contact with their Somali brothers in what is known as Ethiopian Somaliland, having had the rights of grazing flocks in the area from which they are now cut off - that they feel they ought to have had greater support from the people who have been looking after them and whom they would be happy to see continuing to look after them until they are able to look after themselves.

"I hope that H.M. Government will do their best to support the

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moral claim of the Somali people for reunification of the Somalilands in the Horn of Africa and will do nothing to oppose it. I hope they will seek to carry out what has been our consistent policy elsewhere - to bring people to unity and peace and self-government. I sincerely hope that the Somali people will achieve this with the assistance of ourselves and perhaps of other nations, instead of being condemned to live under three separate régimes, which need never have happened had a sensible and statesmanlike view been adopted at the end of the war when they were administered by one authority, the breaking up of which we should have stopped." 1/

53. I. M. Lewis, an authority on the contemporary Somali, states that it is said to have been assumed by some of the British officials responsible for drawing up the terms of the 1954 Agreement that Ethiopia would not go to the length of setting up a local administrative staff and that consequently there would be little or no difficulty in the operation of the Agreement. 2/

54. In August 1955, three Somali delegates of the National United Front of the Protectorate visited the Trust Territory to discuss various matters with its political leaders and it was reported that complete agreement was reached with regard to their claim for the grazing areas of the Haud and Reserved Area. 3/ Shortly thereafter, the National United Front appointed Sultan Behi Folay Ogaden and Mr. Michael Mariano, M.B.E., a Christian Somali, to represent its case at the Tenth session of the General Assembly. It was also reported that the Egyptian Government had agreed to sponsor the Somali claim in the General Assembly. 4/ The four Somali delegates, on their return from London earlier in the year, had announced in Cairo that the Egyptian Government had promised to sponsor their complaint to the United Nations that the United Kingdom had illegally granted sovereignty over part of their land to Ethiopia. 5/

55. The National United Front representatives had submitted a written petition to the Secretary-General in May 1955 protesting the unlawful transfer of the disputed territory to Ethiopia. Evidence was submitted to show that the Reserved Area and Haud lay within the tribal territory of the Somali tribes which had concluded treaties with the United Kingdom between

1/ East Africa and Rhodesia, No. 1605, 14 July 1955.

2/ I.M.Lewis. "Modern Political Movements in Somaliland, I", Africa, Vol. XXVIII, No. 3, p. 255, July 1958.

3/ War Somali Sidihi, No. 68, 13 August 1955.

4/ War Somali Sidihi, No. 69, 27 August 1955.

5/ New York Times, 3 June 1955.

1884 and 1886 and it was pointed out that the treaties did not provide for the transfer of tribal or other land to the United Kingdom Government. The petitioners invited the General Assembly to refer the dispute to the International Court of Justice for an advisory opinion on the following questions:

"(1) Where a Protectorate is established at the express invitation of peoples desiring protection can the Protecting Power transfer any portion of the protected territory, whether on the demarcation of boundaries or otherwise, without consultation with the peoples protected and without their consent and approval?

"(2) If the answer to (1) is in the affirmative can this right exist even though no provision for the vesting of title or ownership of the protected territory in the Protecting Power is made in the treaty under which the protectorate is established?

"(3) If the answers to (1) and (2) are both in the affirmative can such right to transfer protected territory exist where the Protecting Power has previously, by another treaty, guaranteed the independence of the peoples it subsequently purports to protect?

"(4) Does the evidence available to-day establish conclusively that the territory now in dispute was Somali territory which, on the fixing of a boundary line with Ethiopia, was purported to be transferred to Ethiopia under the terms of the Anglo-Ethiopian Treaty of 1897 or Annexures thereof?

"(5) If the answer to (4) is in the affirmative, does the evidence establish conclusively that the said transfer of territory took place without consultation with the protected peoples concerned and without their consent or approval?

"(6) If the answers to (4) and (5) are in the affirmative then what is the effect in law:

(A) Of any transfer of the said territory which purports to have taken place under the authority of the Anglo-Ethiopian Treaty of 1897 as reaffirmed by the Anglo-Ethiopian Agreement of 1954?

(B) Of any such transfer on the earlier treaties of 1884 and 1886 under which the Protecting Power guaranteed the independence of the Somali tribes concerned and accepted their invitation to establish a Protectorate over their lands - in other words, does the Protecting Power's breach of trust, if any, in 1897, abrogate these earlier treaties or is the erring trustee to continue in the administration of the trust?

"(7) If the Court is of opinion that a grave injustice has been done as a result of the unauthorised transfer to Ethiopia of lands belonging to the Somali tribes concerned then would not the appointment of a United Nations Boundary Commission, on terms agreed to by both Great Britain and Ethiopia to investigate and report on a permanent and

just demarcation of a boundary line between the Protectorate and Ethiopia be an appropriate and proper step towards the speedy settlement of this dispute?"

56. The Secretary-General acknowledged receipt of the petition. Since there exists no machinery in the United Nations for the handling of petitions concerning Non-Self-Governing Territories (except for certain aspects involving human rights, in pursuance of Resolution 75 (V) of the Economic and Social Council, as amended) the only way in which it could have been placed on the agenda of the General Assembly would have been under Rule 13 of the rules of procedure of the General Assembly whereby any Member of the United Nations may request the inclusion of supplementary items in the agenda. The National United Front representatives, while at Headquarters, sought a sponsor among the Afro-Asian delegations but their efforts did not meet with success. It appears that the Egyptian Government, despite an earlier promise of support, was reluctant to request the inclusion of this matter on the Assembly's agenda, particularly in view of the certainty of strong opposition on the part of the Ethiopian and United Kingdom Governments. The National United Front delegates returned to the Protectorate and reported that their efforts had not elicited support in the United Nations.

57. Within a few months after the handing over of the Haud and the Reserved Area to Ethiopia the Protectorate Government announced that a meeting between Ethiopian and British officials would take place in Harar, Ethiopia, and that it was being held because it has been found necessary to make known its grave dissatisfaction with the way in which the Ethiopians were operating the 1954 Agreement and to ascertain more clearly what the Ethiopian intentions were. It was reported in the British press that the Ethiopian Government had been collaborating well in the Haud until the closing down of a British tribal police post there. The majority of violations were said to have taken place in the Reserved Area where, apart from the arrests of elders, the Ethiopian authorities were reported to have been appointing Ethiopian elders as tribal representatives of British Somali tribes, which were then declared to be Ethiopian tribes^{1/}.

58. The Minister of State for Colonial Affairs stated in the House of

^{1/} The Times, London, 4 November 1955.

Commons on 17 November 1955 that experience appeared to show that many of the actions of the Ethiopian authorities in the execution of the 1954 Agreement had proved to be neither in accord with the letter nor the spirit of that agreement and that it was causing great concern to Her Majesty's Government. He confirmed press reports of the arrests of elders, leaders of the tribal organizations and British tribal police; the appointment by the Ethiopians of their own elders among British protected tribes in the Haud and Reserved Area; and pressure brought to bear on British protected tribesmen to declare themselves Ethiopian subjects. In addition, he reported that the Ethiopian authorities had restricted the free operation of the social services by the protectorate Government in the Areas covered by the Agreement in accordance with article 3 (c) of that Agreement. In particular, they had sought to close down the school at Aw Barreh and had refused to allow education officers from the Protectorate to visit the school. He also asserted that the Ethiopian authorities had converted tribal grazing land to agriculture, contrary to the undertaking given by both sides in article 2 of the Agreement to ensure that as far as possible tribal grazing rights in the area should be protected. Repeated representations by the British liaison offices to the local Ethiopian authorities had not sufficed to resolve these difficulties hence arrangements were being made for discussions in Harar.^{1/}

59. In February 1956, an incident took place in which, according to press reports, it was officially estimated that approximately 200 persons of the British protected Esa tribe were killed. In its reply to a protest lodged by the United Kingdom Government the Ethiopian Government denied this.^{2/}

60. In reply to a question in the House of Commons, the Secretary of State for Foreign Affairs stated on 18 July 1956 that Her Majesty's Government had received reports that Ethiopian officials had been exercising pressure on tribesmen from the Protectorate, while exercising their rights to graze in Ethiopian territory, to declare themselves Ethiopian subjects and to accept Ethiopian nominees as their Sultans. In so doing they had interfered with the tribal organization of the groups concerned, and had failed to consult the British Liaison Organization. These acts, he stated, contravened the 1954

1/ Parliamentary Debates, House of Commons, Session 1955-1956, fifth series, volume 546, pp. 906-911.

2/ The Times, London, 27 October 1956; Parliamentary Debates, House of Commons, Session 1955-1956, fifth series, vol. 557, p. 137.

Agreement and the United Kingdom Government had lodged a strong protest against these activities by Ethiopian officials, and had asked that the Ethiopian Government should issue immediate instructions to remedy the situation.^{1/}

61. It is stated that an attempt was made by the British Government in April 1956, through a mission led by Mr. Dodds-Parker, then Joint Parliamentary Under-Secretary of State for Foreign Affairs, to return the administration of the Reserved Area and the Haud to the United Kingdom.^{2/}

62. A news correspondent visited the Haud in 1956 and described the attempts of the Ethiopian authorities to suborn British-protected tribes. He felt that only by a fortunate combination of circumstances the Habr Awal, a tribe numbering 100,000, had been able to resist this pressure. He reported that the Ethiopian Government had retained a foreign company to prospect for water with a view toward transforming the Haud into an agricultural area and forcing the nomads to settle and become Ethiopian peasants. He stressed the weakness of the 1954 Agreement, noting in particular that it did not designate the tribes claiming British protection which, consequently, would enable Ethiopia to claim any tribe. In an interview with the Ethiopian Deputy Minister for Foreign Affairs, he was given to understand that all Somalis south of the frontier were considered to be Ethiopians. He stated that this official had conceded that the Ethiopian Government might allow the problem of differentiating between the British-protected and Ethiopian tribes to be referred to an independent body for arbitration should it not be possible to reach agreement.^{3/}

63. The Ethiopian Ambassador to Great Britain in a letter to The Times took issue with these articles and stated that it was the approach of the Ethiopian authorities to take regard of the frontiers and to accept permanent residence in Ethiopia and integration into the Ethiopian economy as basic factors of citizenship, while at the same time seeking effective means of co-operation with the British liaison officers with regard to the transitory grazing population coming from the Protectorate.^{4/}

1/ Parliamentary Debates, House of Commons, Session 1955-1956, fifth series vol. 556, p. 89.

2/ I.M.Lewis, "Modern Political Movements in Somaliland, I", Africa, Vol. XXVIII, No. 3, p. 255, July 1958.

3/ The Times, London, 25, 27, 29 and 30 October 1956.

4/ The Times, London, 14 November 1956.

64. In an analysis of the problem published in the press early in 1957, the Ethiopian policy was attributed to the belief that a scramble for territory in the Horn of Africa would take place within the next few years and that rather than cede any Somali inhabited territory, many Ethiopians would support the present tentative policy of defensive expansionism. However, the writer was of the opinion that this policy had not yet received the approval of the Emperor and that the activities of the Ethiopian authorities in the area were probably no more than a reconnaissance in force, a probing action to test the Somalis rather than the British. In terms of Somali national aspiration the Haud was vital if the proposed Greater Somalia was to be established. He felt that the situation could, for the time being, be stabilized by increasing the number of British tribal policemen in the Haud so as to reassure British Somali tribes and restrain Ethiopian officials who may be acting on their own initiative or only under the instructions of the Ministry of Interior.^{1/}

65. Commenting on these dispatches the Ethiopian Deputy Minister for Foreign Affairs stated that there was no foundation for allegations that the Somalis were being illtreated by Ethiopians and that there was no danger to Somalis from the Ethiopian side. He remarked that the tension in the area was not being created by Ethiopia and seemed curiously to have emerged since the signing of the 1954 Agreement. He said that the Protectorate and the Trust Territory could not be viable economically, either alone or together, and that the Somalis themselves felt that it was in their own interest to develop close contacts with Ethiopia. The question of federation, however, was beside the point.^{2/}

66. In a telegram to The Times, the President of the United Front protested an alleged renewal of Ethiopian persecution in the Haud and Reserved Area and stated that a local authority, the Sultan of the Aidgalla tribe, had been arrested ostensibly for insulting the Ethiopian police but really for resisting Ethiopian attempts to intimidate and suborn his tribe.^{3/}

67. The administration of nomadic Somali tribal groups has always presented

^{1/} The Times, London, 28 February 1957

^{2/} The Times, London, 8 March 1957

^{3/} The Times, London, 22 July 1957

difficulties as a consequence of the traditional practice of inter-group raiding for livestock as well as of blood feuds. In this respect, the absence of unified administrative control over the Somali tribes of the Haud, both Ethiopian and British-protected, has made it even more difficult to maintain peace and order in the area. On 30 December 1957, serious fighting took place in the Haud between members of the Beidihan tribe, whose grazing lands extend eastward from the Haud into the Mudugh Region of the Trust Territory, and the British-protected Dolbahanta. The former, numbering 1500 men armed with military rifles, hand grenades and a number of automatic weapons, attacked the Dolbahanta who had previously taken 430 camels from the Beidihan. Six hundred Dolbahanta supported by British tribal police met the attack. The outcome was 140 dead on both sides.

68. At a meeting of the Legislative Assembly of the Trust Territory on 15 January 1958, the Prime Minister proposed a motion deploring and condemning this grave incident and recommending to the Italian Government to make representations to the Governments controlling the area where the conflict occurred to take all measures to prevent the repetition of such incidents. The Assembly adopted the motion unanimously. It was reported in February that a settlement of this tribal dispute was reached by elders of both tribes under the auspices of the Ethiopian and Protectorate Governments.^{1/}

69. Since 1957, the attention of the press has centred on the broader question of the political future of the Somali-inhabited territories rather than on the implementation of the 1954 agreement.

70. It must be recognized that apart from the immediate problem of ensuring grazing rights for their tribes, Somali political leaders both in the Protectorate and the Trust Territory are seriously concerned over the implications of Ethiopian control of the Haud for the creation of a unified and viable Somali state. It is difficult to envisage the attainment of stable self-government and of a minimal level of economic security in the Protectorate, unless free access to the Haud is ensured. Half of the population of the Protectorate is dependent upon the Haud under the present

^{1/} War Somali Sidihi, No. 134, 22 February 1958, p. 3, Hargeisa

economic pattern of pastoral nomadism. Presumably the economic advancement of the Horn of Africa will be accompanied by an increasing rate of sedentarization or settlement of nomads due to the expansion of other forms of economic activity, particularly farming and trade. Yet, British-protected Somalis will be permitted to settle in the Haud and Reserved Area only if they are willing to relinquish their status of British-protected persons.

71. Moreover, the Ethiopian programme of water development and of agricultural settlement which seems to be underway will accelerate the process of settlement and increasingly reduce the amount of grazing and water available to nomadic tribes from across the frontiers.

72. The possibility of a solution based on a political union of Ethiopia and Somaliland can be ruled out for the foreseeable future in view of the strong opposition of the Somalis of the Protectorate and the Trust Territory. Suggestions made along these lines, particularly by the Emperor in 1956, have been firmly rejected by the Somalis of both territories (Annex IV). For lack of any other solution, however, and, in particular, if the protection of an outside power were to be withdrawn, Somaliland may eventually be forced to reach an understanding with Ethiopia.

73. The Somalis constitute a dynamic and expanding population. Without the maximum utilization of all resources Somali population pressure, which will increase with the development of public health programmes, threatens to create serious tensions affecting a large area in the eastern part of Africa, particularly if restrictive political frontiers are maintained. The only possible solution to this grave problem would be the development of the resources of the ecological and ethnic area comprising the Trust Territory, the Protectorate and the Ogaden region of Ethiopia on an inter-territorial basis with emphasis on water development, range management, reafforestation and communications.

ANNEX I

Letter, dated 1 March 1950, received by the President
of the Trusteeship Council from the Permanent
United Kingdom Representative on the Council

On 26 January, I gave an undertaking on behalf of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland that I would furnish the Trusteeship Council with information regarding the provisional line up to which His Majesty's Government proposed that the Italian Government should take over the administration of the Trust Territory of Somaliland.

The details of this provisional line are set out in the enclosure to this letter. It has always been the hope of His Majesty's Government that the question of the provisional frontier between Ethiopia and the Trust Territory of Somaliland would be settled by direct and friendly agreement between the two parties principally concerned - namely, Ethiopia and Italy, as the Authority to which the Administration of Somaliland has been entrusted. As members of the Council may be aware, the hopes of His Majesty's Government in this respect have not been fulfilled and it has therefore had no alternative but to make arrangements which, after full consideration, seem to it to represent the maximum degree of administrative convenience for both parties which is practicable in all the circumstances. It must, however, be understood that this arrangement is a provisional one only and without prejudice to the final settlement of this question. I must inform you that the Italian and Ethiopian Governments have been informed of this arrangement by His Majesty's Government.

It is the sincere hope of His Majesty's Government, which has been responsible for administering the Territory for the past nine years, that the provisional arrangements which it has been obliged to make will work to the satisfaction of the Italian and Ethiopian Administrations. His Majesty's Government also hopes that, pending the final delimitation of

the frontier, both parties will make every effort to maintain peace and tranquillity in the area.

I should be grateful if you would arrange for copies of this letter and of the enclosure to be circulated to the members of the Council

(Signed) Alan BURNS

Note

The proposed frontier line is the line shown upon British maps of 1946: East Africa: 1/500,000. GSGS 4355: sheets: NB 38/4, 3rd edition; NB 38/5, 3rd edition: NB 38/3, 2nd edition.

It is defined as follows: From the inter-section of 48 degrees east longitude and of 8 degrees north latitude, thence south-west to a point six kilometres to the south-east of Gherou, thence 3 kilometres to the south of Balli Abdi Ali, thence between Dabarueine and Gheligir, thence to Ferfer leaving Ferfer to the Ethiopian Administration, thence to a locality designated as Casiagur, thence approximately due west between El Garasle and Dudum Har, thence between El Durrei and El Meghet to Bag Berde, leaving Bag Berde to the Ethiopian Administration, thence in a west-south-west direction to south of El Candar to Bur Nohle, through Bur Udalei, thence to the south of Dal Dal Gaandelei, to Uassen, thence to Iet, leaving Iet to the Italian Administration, thence in a south-south-west direction between Abdi Nur and El Garap, thence between Ber Curale and Sanca Bissach, to a point 3 kilometres north of Laaz Chi Rahanuin, thence between Did Anan and El Did Anan, thence 3 kilometres to the north of Ega Dale, and thence to Dolo. At Dolo, the line follows the already demarcated frontier dividing the locality between Ethiopia and Somaliland.

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ANNEX II

Letter, dated 15 March 1950, received by the
President of the Trusteeship Council from the
Minister for Foreign Affairs of Italy

The Ministry of Foreign Affairs of the Italian Republic has examined document T/484 of 2 March 1950, which contains a copy of the letter addressed to you by the permanent United Kingdom representative on the Trusteeship Council concerning the provisional administrative line up to which the United Kingdom Government will hand over the administration of the Territory of Somaliland to the Italian Government.

According to the statements of Sir Alan Burns at the meeting of the Trusteeship Council held on 26 January 1950, this line should have been fixed by agreement between the parties concerned - namely, the United Kingdom Government, the Italian Government and the Ethiopian Government.

As a result of the statements made at that meeting, the Italian Government, which had made unofficial approaches on the subject, believed that the United Kingdom Government was proposing to open negotiations among the three above-mentioned Governments and, accordingly, transmitted to the United Kingdom Government a memorandum, dated 13 February 1950, expressing certain views on the question. In that memorandum the Italian Government intimated to the United Kingdom Government, in particular, that in the event of failure to reach an agreement satisfactory to the three Governments concerned the question should, in its view, be referred back to the Trusteeship Council for a decision that would be binding on all the parties concerned.

It is clear from the letter of 1 March 1950, which is reproduced in the above-mentioned document, and from a similar letter transmitted direct to the Italian Government by the United Kingdom Government that as the retiring Administering Authority, the latter has felt bound, in view of the possible difficulties entailed in tripartite negotiations, to fix the provisional administrative line itself unilaterally.

The Italian Government, while stating that it has no intention of questioning the procedure adopted and noting that the decision in question is of a provisional nature and in no way prejudices the final settlement of the problem, nevertheless deems it appropriate to point out that the provisional line was fixed without its being consulted and, as protector of the rights of Somaliland, to reserve its position with regard not only to the legal aspects of the question, but also to certain practical difficulties which may arise from the line so fixed. Along the River Uebi Scebeli, for example, the provisional frontier of Somaliland has been pushed back more than thirty kilometres in relation to what was for years the frontier of Somaliland in that area. The territory within this thirty-kilometre-wide strip is permanently inhabited by Somalis, who thus become separated from peoples of their race. Similarly, in the sector lying between the Uebi Scebeli and the frontier of British Somaliland it is urgently necessary, without prejudice to the rights of the peoples in the territory hitherto lying within the frontiers of Somaliland, to settle, even if only provisionally and until such time as the frontier is delimited, the question of pasturages and animal water-holes, which are of truly vital concern to the peoples of that area.

(Signed) SFORZA

ANNEX III

TREATY between Great Britain and Ethiopia. - Signed by the Emperor Menelek II, and by Her Majesty's Envoy, at Addis Abbaba, May 14, 1897.

Ratified by the Queen, July 28, 1897

Her Majesty Victoria, by the grace of God Queen of Great Britain and Ireland, Empress of India, and His Majesty Menelek II, by the grace of God King of Kings of Ethiopia, being desirous of strengthening and rendering more effective and profitable the ancient friendship which has existed between their respective kingdoms;

Her Majesty Queen Victoria having appointed as her Special Envoy and Representative to His Majesty the Emperor Menelek II, James Rennell Rodd, Esq., Companion of the Most Distinguished Order of St. Michael and St. George, whose full powers have been found in due and proper form, and His Majesty the Emperor Menelek, negotiating in his own name as King of Kings of Ethiopia, they have agreed upon and do conclude the following Articles, which shall be binding on themselves, their heirs and successors: -

ART. I. The subjects of or persons protected by each of the Contracting Parties shall have full liberty to come and go and engage in commerce in the territories of the other, enjoying the protection of the Government within whose jurisdiction they are; but it is forbidden for armed bands from either side to cross the frontier of the other on any pretext whatever without previous authorization from the competent authorities.

II. The frontiers of the British Protectorate on the Somali Coast recognized by the Emperor Menelek shall be determined subsequently by exchange of notes between James Rennell Rodd, Esq., as Representative of Her Majesty the Queen, and Ras Maconen as Representative of His Majesty the Emperor Menelek, at Harrar.* These notes shall be annexed to the present Treaty, of which they will form an integral part, so soon as they have received the approval of the High Contracting Parties, pending which the status quo shall be maintained.

III. The caravan route between Zeyla and Harrar by way of Gildessa shall remain open throughout its whole extent to the commerce of both nations.

IV. His Majesty the Emperor of Ethiopia, on the one hand, accords to Great Britain and her Colonies, in respect of import duties and local taxation, every advantage which he may accord to the subjects of other nations.

* See Annex 3.

On the other hand, all material destined exclusively for the service of the Ethiopian State shall, on application from His Majesty the Emperor, be allowed to pass through the port of Zeyla into Ethiopia free of duty.

V. The transit of fire-arms and ammunition destined for His Majesty the Emperor of Ethiopia through the territories depending on the Government of Her Britannic Majesty is authorized, subject to the conditions prescribed by the General Act of the Brussels Conference, signed the 2nd July, 1890.

VI. His Majesty the Emperor Menelek II, King of Kings of Ethiopia, engages himself towards the Government of Her Britannic Majesty to do all in his power to prevent the passage through his dominions of arms and ammunition to the Mahdists, whom he declares to be the enemies of his Empire.

The present Treaty shall come into force as soon as its ratification by Her Britannic Majesty shall have been notified to the Emperor of Ethiopia, but it is understood that the prescriptions of Article VI shall be put into force from the date of its signature.

In faith of which His Majesty Menelek II, King of Kings of Ethiopia, in his own name, and James Rennell Rodd, Esq., on behalf of Her Majesty Victoria, Queen of Great Britain and Ireland, Empress of India, have signed the present Treaty, in duplicate, written in the English and Amharic languages identically, both texts being considered as official, and have thereto affixed their seals.

Done at Addis Abbaba, the 14th day of May, 1897.
(L.S.) JAMES RENNELL RODD
(Seal of His Majesty the Emperor Menelek II.)

Annexes to Treaty signed at Addis Abbaba on the 14th May, 1897, by His Majesty the Emperor Menelek and by Mr. James Rennell Rodd.

Annex 1.

Mr. Rodd to the Emperor Menelek.

Your Majesty,

Addis Abbaba, May 14, 1897.

With reference to Article II of the Treaty which we are to sign to-day, I am instructed by my Government, in the event of a possible occupation by Ethiopia of territories inhabited by tribes who have formerly accepted and enjoyed British protection in the districts excluded from the limits of the British Protectorate on the Somali Coast, as recognized by your Majesty, to bring to your knowlege the desire of Her Majesty the Queen to receive from your Majesty an assurance that it will be your special care that these tribes receive equitable treatment, and are thus no losers by this transfer of suzerainty.

In expressing the hope that your Majesty will enable me to give this assurance, I have, &c.,

RENNELL RODD

The Emperor Menelek to Mr. Rodd

(Translation)

The Conquering Lion of the Tribe of Judah, Menelek II, by the grace of God King of Kings of Ethiopia, to Mr. Rennell Rodd, Envoy of the Kingdom of England.

Peace be unto you.

Your letter, written in Genbot 1889, respecting the Somalis, has reached me. With regard to the question you have put to me, I give you the assurance that the Somalis who may by boundary arrangements become subjects of Ethiopia shall be well treated and have orderly government.

Written at Addis Abbaba, the 6th Genbot, 1889 (14 May, 1897).

(Seal of His Majesty the Emperor Menelek II.)

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Annex 3. - Notes respecting the Frontier of the British Protectorate on the Somali Coast. - June 4, 1897.

Mr. Rodd to Ras Makunan

Peace be unto you.

Harrar, June 4, 1897 (28 Genbot, 1889)

After friendly discussion with your Excellency, I have understood that His Majesty the Emperor of Ethiopia will recognize as frontier of the British Protectorate on the Somali Coast the line which, starting from the sea at the point fixed in the Agreement between Great Britain and France on the 9th February 1888, opposite the wells of Hadou, follows the caravan-road, described in that Agreement, through Abbassouen till it reaches the hill of Somadou. From this point on the road the line is traced by the Saw mountains and the hill of Egu to Moga Medir; from Moga Medir it is traced by Eylinta Kaddo to Arran Arrhe, near the intersection of latitude 44° east of Greenwich with longitude 9° north. From this point a straight line is drawn to the intersection of 47° east of Greenwich with 8° north. From here the line will follow the frontier laid down in the Anglo-Italian Protocol of the 5th May, 1894, until it reaches the sea.

The tribes occupying either side of the line shall have the right to use the grazing-grounds on the other side, but during their migrations it is understood that they shall be subject to the jurisdiction of the territorial authority. Free access to the nearest wells is equally reserved to the tribes occupying either side of the line.

This understanding, in accordance with Article II of the Treaty signed on the 14th May 1897 (7th Genbot, 1889), by His Majesty the Emperor Menelek and Mr. Rennell Rodd, at Addis Abbaba, must be approved by the two High Contracting Parties.

I have &c.,

RENNELL RODD

.....

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Ras Makunan to Mr. Rodd.

(Translation)

Sent from Ras Makunan, Governor of Harrar and its dependencies:

May this reach the Honourable Mr. Rennell Rodd,
Envoy of the British Kingdom.

I inform you to-day that, after long friendly discussion, the boundary of the British Somali Protectorate upon which we have agreed, is as follows: -

Starting from the sea-shore opposite the wells of Hadou (as on which the French and the English Governments agreed in February 1888), it follows the caravan-road by Abbassouen till Mount Somadou; from Mount Somadou to Mount Saw; from Mount Saw to Mount Egu; from Mount Egu to Moga Medir; starting from Moga Medir, it goes in a direct line to Eylinta Kaddo and Arran Arrhe on 44° east of Greenwich and 9° north, and again in a direct line until 47° east and 8° north. After this the boundary follows the line on which the English and the Italians agreed on the 5th May, 1894, until the sea.

The subjects of both the Contracting Parties are at liberty to cross their frontiers and graze their cattle; but these people, in every place where they go, must obey the Governor of the country in which they are, and the wells which are in the neighbourhood shall remain open for the two parties.

These two letters on which we have agreed, according to Article II of the Treaty of His Majesty the Emperor of Ethiopia and Mr. Rennell Rodd of the 7th Genbot, 1889 (14th May, 1897), the two Sovereigns having seen them, if they approve them, shall be sealed again (ratified).

Written at Harrar, the 28th Genbot, 1889 (4th June, 1897).

RAS MAKUNAN

ANNEX IV

Speech of the Emperor of Ethiopia at Gabredarre, Ogaden, on 25 August 1956.

Our beloved Son the Duke of Harrar, who has long been our Governor-General of the Ogaden, has already informed you of our keen interest and of Our long-range programme for the development of the Ogaden. You are already aware that it has always been our constant desire not only to come again to this great region of the Empire, but also to see for Ourselves your difficulties and in accordance with Our promise, to have them alleviated.

We seize this opportunity to remember those gallant sons of the Ogaden who shed their blood with their brothers in the trying period of 1935 for the freedom of their country and for the honour of their Emperor.

Although it was their soldierly duty, We wish to commend those soldiers posted in Ogaden who in execution of Our orders left their homes and the comforts of life, and who always have unfailingly performed their duty with patience for the maintainance of the security and public order of this Area.

We have seen the elimination of the spirit of strangeness which you formerly had with one another, and instead, as Ogaden is but one of the integral parts of Ethiopia, Our soldiers live happily with you. You are now linked with them in fraternity, in mutual confidence, and in brotherly love. Inter-marriage has followed, and has cemented your unity. Our soldiers whom We have sent among you have come to assist you in keeping order and security for the benefit and development of the people of the Ogaden.

You do remember that, after We regained Our independence, by the Grace of God, and restored to Ethiopia her rightful dignity, We consented to a temporary British Military Administration of this region for the duration of the War, as a gesture and sign of Our appreciation to Our Military Allies who assisted Us devotedly in our struggle for independence.

It is now eight years since British Military Administration came to an end in the Ogaden and Our Administration was resumed.

Because the region was first under enemy occupation and later under British Military Administration, the development programmes that We had wished for the betterment of the life of our well-loved people of the Ogaden were long delayed.

My beloved Father, His Highness Ras Makonnen, long kept your boundaries respected by your neighbours, and administered the region justly. He was constantly concerned for your well-being and your security, and We know that the people of the Ogaden will never forget their great indebtedness to him.

Upon the restoration of Our Administration in the Ogaden, We despatched various experts to study the problems faced by the people of the Ogaden and to find ways and means for the development of the region and the improvement of living conditions for the people. On the basis of these studies;

We have, in the first place, given orders for the establishment of schools in the various districts whereby your children will be educated so as to help their country, themselves, and their parents. It is Our desire that these schools will not only impart education, but also will foster understanding and cooperation among the military, the police, and the civilian population.

Secondly, in order to improve the health of the population and control disease, We have given orders for the establishment of hospitals and clinics in the various districts of the Province.

In the third place, realizing your difficulties due to the shortage of water, We have given instructions for the drilling of wells in appropriate places and in addition to those already available for your use and for the use of your cattle. For the execution of the above projects, We have given orders that eight million dollars be appropriated from the Treasury. You should appreciate that despite the fact that so far no tax has been collected from Ogaden, We have ordered the appropriation of the above amount of money for the development and improvement of the standard of living of the people of the Ogaden. The Duke of Harrar will supervise and execute the above projects, and the appropriate instructions have been given to the Ministries concerned. To assist the Duke of Harrar, We have appointed Brigadier-General Kebbeda Gabre and Kegnazmach Hailemariam Gazmu to supervise the construction and control the expenditure for the projects.

We have today seen and experienced the fulfillment of Our long-cherished but delayed plan to initiate this programme which posterity will long remember. The living conditions of the people of the Ogaden will be greatly improved by the programme.

Even though Ethiopia is inhabited by various peoples, it is a free country, and her peoples, without distinction of race or religion, live as a family under one law and one Emperor. It is imperative for you, the people of the Province of the Ogaden, who form part of the great family of the Empire of Ethiopia, to acquire the necessary education whereby you will be able to take over the various positions and responsibilities that await you in the central Government Administration. Difference in languages often creates misunderstanding and can seriously affect the responsibilities that are being bestowed on you. Lack of knowledge of the national language will be a barrier for the education We have in mind for you. In addition to your national language it is necessary for you to acquire knowledge of a foreign language, for in this way you will not only acquire basic education, but also will be able to attain the University standard. It is imperative that you encourage your children in the acquisition of education. It is exceedingly difficult for you to fulfill your duties as members of parliament through interpreters. We have opened the door to education, and it is up to you to get that education. If, through idleness, you do not avail yourselves of this opportunity, you will have condemned yourselves to ignorance.

Everyone is proud of the greatness of Ethiopia's history and aware of her wide territorial limits. But today the population of Our Empire is estimated at only twenty million people.

In the study of the possible development of Our natural waters, including Our great possessions at the Ports of Massawa and Assab, We are proceeding to harness them for the prosperity of the country and the welfare of Our people. The development of one of these large waters would certainly be most beneficial to the Ogaden. Once Our country develops its industry, it will render itself self-sufficient, and We do not doubt but that it will be of great importance to other countries of the world. Our country, Our unity, and the realization of Our plans demand your cooperation and assistance.

As a people grows and develops, it becomes more conscious of the honour and benefits of its freedom, and so also as its education develops and it assimilates great knowledge, it recognizes the dangers of disunion.

You people of the Ogaden, you have a natural intelligence. It is a fact that you are proud of your freedom and your nation. This natural gift of intelligence will, however, be more valuable when it is refined by education. So the schools which We establish will benefit not only your children but you as well. In accordance with Our Proclamation for Basic Education, you will now have a good chance to learn to read and write Amharic, which We recommend you to do. The necessary school equipment and supplies are at hand. Your efforts in learning what is stated above will simplify the accomplishment of your government-duty.

The functions you are taking up in the military and police forces will enable you to have a better administration and better guarantees of your civil rights. You, Notables, Sheiks and Elders, are being entrusted with the Government's confidence and duty, so that you may serve Us and the People loyally and faithfully. We are pleased to appoint from among you District Governors and Sub-Governors in the various areas, additional to the Notables and Elders who loyally served their country, Ethiopia, during the War of 1935. For those who have faithfully served the Government in time of war and in time of peace, we have ordered the grant of titles and honorific robes.

We have approved the necessary budget in order to meet the expenses resulting from the increment of salaries for the Notables, Sheiks and Elders who in the past have held salaried appointments. At the same time, We have given the necessary instructions to grant salaries to the newly-employed according to their rank.

We remind you finally that all of you are by race, colour, blood, and custom members of the great Ethiopian family. Although there may be local dialects, We must always strive to preserve Our Unity and Our freedom. We can achieve this only by close cooperation and unified effort and by struggling firmly against all propaganda trying to break Ethiopian unity and violate her freedom. It is inimical but easy to spread irresponsible news, trying to induce people to betray their

country and step outside the path of truth and love of their country. It is to assume a great responsibility to give useful and sound advice and guidance to any intelligent observer who is willing to listen and profit. Such advice and guidance constitute a real source of life, because they reveal the path of truth and preserve the hearer on earth and in heaven.

Even as every individual has the duty to sacrifice his life for his country, so also he must defend himself against subversive news and propaganda. You must not believe those who, being unable to think clearly, or to achieve their ambitions, try to break the unity of the country with malicious news, in order to obtain temporary personal benefits. As an example, you all remember Olo1 Dinle who betrayed you to the enemy for advantages he could not carry with him to the other world.

Remember always that unity is strength, while disunity provides a good target for the enemy. The people of ex-Italian Somaliland are to achieve independence in the near future. We are confident that they will also remember that unity is strength, even as the Eritreans recognized that unity is strength. Not only they but the whole world recognize that we are united by race, colour, economics and that we all drink from the same great river.

Some time ago, incidents occurred among the Issas tribes. We took the necessary measures so that security should be restored and similar incidents not be repeated. It is the duty of Our Government to reward the deserving, to punish the guilty, and to establish security. Our constant aim is security, prosperity and development for Our people. That is why We take so much interest in their health and their education.

As to the rumours of a greater Somalia, We consider that all the Somali peoples are economically linked with all of Ethiopia, and therefore We do not believe that such a state can be viable standing alone separated from Ethiopia. We will speak of this more fully when the proper time comes.

We place Our trust in the help of the Almighty in achieving the great programme We are initiating for the development of Our Empire and the prosperity of Our people.

Statement of the Prime Minister of Somalia on 25 September 1956

Mr. President
Honourable Colleagues

In the name of the Ministers with whom I have the honour to share the responsibility of the Government, I am here to-day in order to make some declarations intended to clarify in solemn and unequivocal form any possibility of doubt and uncertainty that might later arise about a question of fundamental importance for the life and history of our beloved country.

It concerns the present and future relationship with our neighbour, Ethiopia. From news that has come to us through the press, we have learned of the text of an important speech made on 26 August of this year by the Emperor of Ethiopia to the people of the Ogaden province.

In this speech the Emperor made no reference of any sort to the problem of the frontier to Somaliland which, as is well known, is a matter which to-day lies more heavily than anything else on the hearts of all Somalis.

Such an omission, in a speech of such importance that was made in the very province where the boundary in question is located, has surprised and saddened Somali public opinion which on this point, the boundary, expected not silence but rather comforting news concerning the recognition of at least the minimum of our aspirations.

Instead, the Emperor considered that he should express confidence and pass judgements concerning the future attitude of independent Somaliland on the borders of Ethiopia bringing to mind that in unity lies strength and recalling the example of Eritrea.

It is clear, Honourable colleagues, that there is an allusion to Somalo-Ethiopian federation of the kind effected between Ethiopia and Eritrea. And on this point on which I feel constrained at once to say in the name of the Government which I represent and in the name of all of you who are the highest representatives of this country, that the Somali people do not share the hopes and the intentions of the Emperor of Ethiopia. It is true that the Somali people firmly desire friendship and a cordial relationship with Ethiopia, but before this they desire just as firmly complete liberty and absolute independence which are not reconcilable with any form of federation with anybody.

We are sure that the Emperor of Ethiopia and the Ethiopian people will appreciate the clarity and the firmness of these declarations and will not in the future return to this question which the Somalis to-day consider definitely settled in the way desired and acclaimed by all the people of Somaliland to whom apply the very words used by the Emperor in that part of his speech where it is said that when a people grows and develops it becomes more conscious of the honour and of the benefits of liberty.

And we, by virtue also of the responsibilities which derive to us from the exercise of the functions of government and legislation already entrusted to us in an autonomous form by AFIS, certainly feel conscious of the honour and of the benefits of liberty which we consider to be the most precious of goods (summum bonum) which we have no intention of giving up neither to-day nor to-morrow.

In the same speech the Emperor then referred to the "rumors" concerning a "Greater Somaliland", saying that all the Somali peoples are economically united to the people of Ethiopia and that he did not see any possibility of the viability of such a State separated from Ethiopia.

We wish to express our most fervid hopes that a "Greater Somaliland" will arise, so that people of the same race, the same language and religion may soon be united into a single free and independent State.

Speech of the President of the Legislative Assembly of Somalia

Mr. Prime Minister, Ministers,

The Legislative Assembly has listened with profound interest to your words which are meant to rectify and clarify certain delicate passages in the speech which the Emperor of Ethiopia made to the people of the Ogaden province and I assure you that all the members of the Assembly not only share your opinions in this regard but intend to adopt them as the Assembly's own opinions and to request AFIS to transmit them through the normal diplomatic channels to the competent organs of the United Nations.

The Deputies request that the joint declarations of the Somali Legislative Assembly and of the Somali Government should be distributed in the following text which I place before the Assembly itself for its vote:

1. The people of Somaliland consider any idea of federation to be incompatible with their aspiration of achieving the most absolute form of liberty and independence and straight away declare that they do not welcome any attempts to discuss in any way so sacred a principle.

The Somali people also wish to make known that they do not share the opinions expressed by the Emperor of Ethiopia concerning the community of race, of blood and of language with the people of Ethiopia by means of which it probably was intended to justify the federation alluded to.

2. The people of Somaliland earnestly desire at this very moment that the "Greater Somaliland" should soon become a concrete and shining reality in order to reunite under a single flag all the Somalis of all Somalilands because this is the aspiration of every Somali irrespective of where he is living to-day.

I propose, honourable Deputies, that the Assembly approve this motion and the statements made by the Prime Minister.

Intervention of Deputy Quaglia (an Italian Member of the Legislative Assembly of Somalia)

Mr. President, Mr. Prime Minister,

In the name of your colleagues who are of the mixed group (i.e. those who are not Somalis but rather Arabs, Indians, Pakistanis and Italians) I desire to declare to our colleagues in the Legislative Assembly the full, the total solidarity to the very end of the communities which live in Somaliland

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and whose purposes are the same as those of the Somali people. We believe that the just aspiration of the Somali people to be finally reunited under a single government can be contested by nobody and that the United Nations has the task of assuring this liberty and this unity for the Somali people.

Any delimitation of boundaries which does not respect the principles of the will of the people, freely consulted in their entirety under the supervision of international bodies, could be but a provisional solution and could not be the basis for a relationship of a firm and abiding friendship between the people of Somaliland and the people of Ethiopia. We propose that the motion be approved by acclamation.

[The Assembly adopted the motion unanimously on 25 September 1956.]

1. Matter being under arbitration, I am two steps removed and do not feel that for the time being I should go beyond informing myself carefully regarding stands and developments.
2. I feel however strong responsibility for 1960 when we would have to help round off to a good start. Therefore voice strong hope that India question will be back of us by then, counting on Bombay effort from Stevenson side to help in that direction.
3. I feel that question of "independent person" has been much exaggerated. What counts is simply to get independent mind with good general judgment and good sense of law.
4. I fail to see that there is such a decisive difference between suggested forms of reference. Arbitration is arbitration and, to the extent that it is not based exclusively on treaties, must be based on facts, not general considerations.

vations of a vaguely political ~~character~~ character (What are these "facts"? According to E, these they are so insignificant as not to justify E, fear of some possibility in interpretation of legal situation, prevented by the presentation of the terms of reference)

5. I have a strong feeling that we are dealing with two sets of problems: ^{a)} the narrow politico-legal of getting a firm and fixed boundary (which we can be such as to solve in a satisfactory way the wider economic and et-
nic problems that may be involved)
b) the economic problems etc. which would require a broad (possibly treaty regulated) cooperation. Were an independent - and indispensable - solution to these latter problems to be anticipated and kept in view this would reduce the politico-legal boundary problem to routine propositions. It ~~therefore~~ seems to follow from E. approach that E. should look forward to such special arrangements as would overcome economic etc. complications of ~~the~~ border question

and that this should be done with full respect for mutual sovereignty in line with recently emerging tendencies to balance inadequate legal solutions by arrangements for cooperation in properly institutionalized forms.