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QUESTION OF THE FRONTIER BETWEEN THE TRUST TERRITORY OF  
SOMALILAND UNDER ITALIAN ADMINISTRATION AND ETHIOPIA

Report of the Ethiopian Government on the progress of direct  
negotiations between the Governments of Ethiopia and of Italy  
concerning the frontier between Ethiopia and the Trust  
Territory of Somaliland under Italian administration

25 November 1957

At the eleventh session of the General Assembly, the Governments of Ethiopia and Italy gave full accounts of the negotiations concerning the frontier between Ethiopia and the Trust Territory of Somaliland. Each delegation furnished written as well as oral statements on the subject. At the time of those reports, the discussions in question had concerned solely the northern half of the frontier as defined by article 4 of the Boundary Convention of 16 May 1908, between Ethiopia and Italy.

As was pointed out in the report (A/3502)<sup>1/</sup> transmitted by the Ethiopian Government to the eleventh session of the General Assembly, concerning the negotiations of last year in regard to the northern half of the frontier, the essential issue turned on the following phrase appearing in article 4 of the 1908 Convention: "following the line accepted by the Italian Government in 1897." Since the line "accepted" was the line approved by the Italian Government after examination of the copy of the Habenicht map of East Africa brought back to that Government by the Italian negotiator, Major Nerazzini, and bearing thereon a line

<sup>1/</sup> Official Records of the General Assembly, Eleventh Session, Annexes, agenda item 40, document A/3502.

as traced by the Emperor Menelik, the problem was that of determining the exact position of that line as so traced. The Italian Government, having declared that they are unable to produce the copy of the map bearing the "line accepted by" them, the task, as the Ethiopian Government saw it, became one of determining the actual position of that line as drawn on that map and as proved by other sources.

As understood by the Ethiopian Government, the position adopted by the Italian Government was that, by a memorandum addressed to the League of Nations in 1934, the Ethiopian Government had interpreted article 4 of the Convention to mean that the frontier ran parallel to and following the sinuosities of the coast at a distance of 180 miles.

The Ethiopian Government have maintained that the memorandum of 1934 did not interpret the Convention. Their interpretation of that agreement was contained only in another separate but contemporaneous memorandum itself addressed to the League of Nations. On the contrary, the memorandum of 1934 was concerned solely with the Italian aggression at Wal Wal which, according to that memorandum, even under the most extreme Italian claims, was still far within Ethiopian territory. Consequently, the question remained that of determining the actual content of the copy of the Habenicht map brought to Rome by Major Nerazzini. Since the Italian Government had declared that that copy was "irretrievably lost", the Ethiopian Government felt fully justified and, indeed, compelled, under the best-evidence rule, to have recourse to other documents to prove what, in fact, was the line actually accepted by the Italian Government in 1897. By numerous official Italian declarations, including maps published by the Italian Ministries of Foreign Affairs and of Colonies, the Ethiopian Government sought to demonstrate that that line on the Habenicht map commenced at the intersection of the 48th degree of east longitude and the 8th degree of north latitude.

Following discussions in the Fourth Committee on the subject of the reports and statements of the Ethiopian and Italian delegations, the General Assembly, at its eleventh session, recommended that the ensuing discussions relate to the entirety of the frontier, including the southern half as then yet to be discussed.

Such were the circumstances under which, on 8 July of this year, discussions were resumed at Addis Ababa between the two delegations. In the ensuing period, problems involving the southern half of the frontier formed the object of almost

all the discussions. No further discussion was had as regards the northern half of the frontier. On the other hand, the last two sessions of the commission (13th and 14th meetings) involved the possibility of seeking to reach a compromise formula. Since it was finally recognized, however, that, under the circumstances, a compromise formula was not achievable, the discussions were left strictly on the juridical plane upon which they had been engaged, and upon which they have always moved.

This last-mentioned point necessitates the statement of a reminder that, at the very inception of the negotiations of last year, and out of a desire to reach an immediate solution of the underlying problem of attaining an agreed interpretation of the 1908 Convention, so as, thereby, to lay the basis for the procedure of delimitation as required by resolution 392 (V), the Ethiopian delegation, leaving aside their juridical position and rights, proposed a compromise formula. That formula was rejected by the Italian delegation and, in consequence, the Ethiopian Government have not, since that time, renewed it. Following rejection of the same, it was agreed by both sides that the discussions should be conducted purely on a juridical plane (6th and 9th meetings of last year). Furthermore, at the 13th meeting on 10 October of this year, the Italian delegation proposed, ostensibly by way of compromise, a frontier which, in fact, coincided essentially with their basic claims as formulated during the juridical discussions. In reply, the Ethiopian delegation observed that, since the so-called compromise formula, in fact, coincided with the juridical claims as previously formulated by the Italian delegation, it was difficult to consider the formula as a compromise formula. In consequence, the entire discussion remains as before, strictly on the juridical plane. It would seem clear, under the circumstances, that neither side is disposed to abandon its legal rights. The Ethiopian Government are, therefore, in agreement with the Italian delegation in the latter's statement (10th meeting): "We have never seen a compromise 'de jure' if one believes its own rights to be the right one".

Notwithstanding the absence of an agreed compromise solution, and the fact that both sides insist upon legal positions, substantial areas of agreement and, in consequence, elements of progress have been achieved in the course of the

two phases of negotiation. Those areas and elements of agreement might, briefly, be summarized as follows:

(a) Throughout negotiations, both sides have recognized that the frontier must be determined by the provisions of the 1908 Convention.

(b) Both sides have agreed that de facto considerations must be excluded in the negotiations and in the application of the provisions of the 1908 Convention (6th and 8th meetings of last year and 2nd, 3rd, 6th and 10th meetings of this year).

(c) The Ethiopian Government agreed with the position of the Italian delegation, in regard to yet a third principle, as reflected in the latter's statement that:

"Logic and practice, since the early days of diplomacy, tell us that one thing is to delimitate a territory, i.e., to draw its frontier line with a contiguous territory belonging to another State, and quite a different thing is to acknowledge to which State the said territory does belong.

"Now, there is no doubt that the 1908 Convention, while it had clearly settled the territorial rights of Italy and Ethiopia in its articles 1, 2, 3, 4, it reserved to further agreements, to be taken in compliance with article 5, the delimitation of the frontier line as such". (10th meeting).

(d) Finally, both sides agreed that in interpreting the 1908 Convention, the situation existing as of the time of the conclusion of that agreement in 1908 must be controlling (2nd and 6th meetings).

It is the view of the Ethiopian Government that these points of agreement are of great significance, and represent considerable elements of progress toward the solution of the frontier problem, and in themselves, should lay the basis for a possible and, it is hoped, early delimitation of the frontier.

Such were the circumstances under which, on 12 July of this year, the Ethiopian delegation took, at the 2nd meeting, the initiative of opening the discussions on articles 1, 2 and 3 of the 1908 Convention, and setting forth immediately their juridical interpretation of the same. Those three articles read as follows, in the unofficial English translation:

"Article 1: The line of frontier between the Italian possession of Somalia and the Provinces of the Ethiopian Empire, starts from Dolo at the confluence of the Daua and Ganale, proceeds eastwards by the sources of the Baideba and continues as far as the Webi-Schebéli, following the territorial boundaries between the tribe of Rahanuin, which remains dependent on Italy, and all the other tribes to its north, which remain dependent on Ethiopia.

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"Article 2: The frontier on the Webi-Schebéli shall be the point of demarcation between the territory of the Baddi-Addi tribe, which remains dependent on Italy, and the territory of the tribes above the Baddi-Addi, which remains dependent on Ethiopia.

"Article 3: The tribes on the left of the Juba, that of the Rahanuin, and those of the Webi-Schebéli, 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 Ethiopia."

It should be pointed out that the English translation cannot be considered official, the Amharic and Italian texts alone being authentic. Inasmuch as the Amharic text is equally valid with the Italian text, full weight must be given to the Amharic geographical and other clauses of the treaty.

The discussions may be said to have involved the following six general problems hereinafter treated in this memorandum in the order in which they were raised in the course of the discussions under review, although it should be realized that most of these problems were very closely related and were interdependent:

- (1) The locality mentioned in article 1 of the Convention through which the frontier line starting from Dolo should pass, or more specifically, the precise meaning of the phrase "eastwards by the sources of the Baldeba";
- (2) The application of the clause "the tribes of Digodia, of Afgab, of Djedjedi and all the others to the north of the frontier line shall be dependent on Ethiopia" (article 3);
- (3) The significance of the clause "following the territorial boundaries between the tribe of Rahanuin which remains dependent on Italy and all the other tribes to the north which remain dependent on Ethiopia" (article 1);
- (4) The significance of the clause "the point of demarcation between the territory of the Baddi-Addi tribe" (article 2);
- (5) The Macanne tribe (not mentioned in the Convention);
- (6) The documentary evidence to be taken in the interpretation of the Convention.

Before turning to a summary of the discussions pursued in regard to these six problems, it might be appropriate to refer, briefly, to a point of geographic detail, which, although not yet solved, since the stage has not been reached for the particularities of delimitation, is, nevertheless, readily susceptible of

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solution. This matter of detail relates to the determination of the precise astronomical point at which the frontier shall commence, the geographical locality having, in any case, been determined by the Convention. The first point mentioned on the frontier is that of Dolo. The reference is but to the generic term "Dolo". As and when a basic agreement is reached for the interpretation of articles 1 through 4 of the 1908 Convention, Ethiopia will be happy to reach an understanding as to the specific location on the ground for the commencement of the frontier, and has so informed the Italian Government, that is to say, the designation of the particular section of Dolo to be adopted as the starting point.

The next locality mentioned, and the first major problem, is that of Baideba (Amharic text) or "Maidaba" (Italian text). The language is: "Proceeds eastwards by the sources of the Baideba". It should be realized that place names, in English and Italian, constitute but attempts to transliterate into the Latin alphabet the Hamitic characters common to the Amharic and Somali tongues, hence the variants as between the Amharic and Italian texts in the orthography of the locality designated by the words "Baideba" and "Maidaba".

The Italian delegation insisted that this word referred to Far Osbah, or Osbada, or El Dere, meaning "salt place". The Ethiopian delegation have maintained that Baideba refers to Baidoa, on some maps indicates as Ischia (sources) Baidoa. The words Far Osbah and Osbada have been alleged to exist on one map, and El Dere can be found on some few maps, and, in fact at various points on these same maps, being apparently a designation frequently used in the Somali tongue. However, Baidoa, or Ischia Baidoa (sources of the Baidoa), is to be found on all standard maps, and in but one location thereon (cf. map appended to this memorandum).

The Ethiopian delegation have asserted that the locality "Baideba" or "Maidaba" signifies Baidoa, which designation is to be found at but one point on all maps, namely, at 3 degrees 7 minutes north and 43 degrees 8 minutes east longitude, with the exception of the de Bissy map, a map to which the Italian delegation attached particular importance, where the longitude only is at variance. Without thereby assigning to the de Bissy map the validity which the Italian delegation sought to attribute to it, the Ethiopian delegation invited the attention

of their Italian colleagues to the fact that, contrary to the Italian allegations, it did refer to and locate the sources of the Baideba, therein designated as Baideba and Baidoua, in the region of the 3rd degree north latitude.

Moreover, apart from the fact that the names, as transliterated into the Latin alphabet, cannot accurately reflect the Hamitic characters, and must, thereby, occasion slight variants in spelling, official Italian documents confirm this conclusion. For example, no less an authority than Captain Citerni, the head of the Italian group for the delimitation of the frontier, a source frequently invoked by the Italian delegation in the discussions, and characterized by them as "an essential source of information", declared:

"The source of Baidoa, which, as I have said, gives its name to the region, is some two hours from Almaca and Revai, two villages which can be regarded as one, constituting a centre for all the other settlements in the region... In the middle of the catchment area, many rich springs spout from beneath a single stratum... This is the famous source, regarded as a tutelary deity by the inhabitants of the region, which the Rahanuin call Baidoa and the Abyssinians Maidaba - a corrupt form of the indigenous word to which they have added the prefix 'mai' which in Amharic means 'water'".<sup>1/</sup>

Similarly, the official map of the Citerni mission, as published by the Italian Ministry of Foreign Affairs, likewise refers to "i sorgente di Baidoa". In addition, it was recognized by both sides that Baidoa as such was to be included within the area to be surveyed by the Italo-Ethiopian Commission in 1910-11. Were El Dere to be the locality retained, there would have been no purpose in surveying Baidoa to the east-southeast.

As regards the argument that the phrase "eastwards by the sources", can signify only "due east", the Ethiopian delegation pointed out that Baidoa is not south, or even south-southeast of Dolo, as alleged by the Italian delegation, but considerably further east than it is south of that locality, and therefore, east-southeast. It is further to be recalled that the phrase is not "eastwards to the sources", but "eastwards by the sources". To adopt the Italian interpretation, would be to deprive the phrase "eastwards by" of all essential meaning. In other words, according to the Ethiopian delegation, the frontier should proceed in an easterly direction by, or via the sources of the Baideba, and thence along the territorial limits of the Rahanuin.

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<sup>1/</sup> Translation by the Secretariat (original Italian).

As regards the locality EL Dere, that name appears only in the penultimate draft of article 1, which draft differed substantially from the text of that article as finally adopted. In consequence, the fact that the text referring to EL Dere was abandoned in favour of that referring to Baideba is, in the opinion of the Ethiopian Government, conclusive proof that Baideba (Baidoa) was intended and not EL Dere.

Finally, this reference to the sources of the Baideba is required by other provisions of the Convention, on the one hand, by the language of article 3, which stipulated that the Digodia tribe inhabiting this area shall remain dependent on Ethiopia and, on the other hand, by the succeeding clause of article 1 which provides that, from Baidoa, the frontier shall pass to the Webi-Schebeli following the territorial limits of the Rahanuin. Since the Rahanuin were restricted to the cultivated area of Baidoa south of the 4th degree latitude, the stipulation concerning Baidoa was completely consistent with and was required by the actual territorial limits of the Rahanuin.

The discussion, thus, came to involve an examination of the territory of the Digodia tribe, a second major problem in the discussions. That tribe has long been located in the region of Dolo, and extended southwards to the sources of the Baideba (Baidoa).

The Italian claim in regard to the Digodia is understood to be the following, namely, that, the provisions of article 3 of the Agreement to the contrary notwithstanding, the Convention provides for cutting the Digodia tribe in two by the frontier, that dependency (on Ethiopia) (required by article 3) is to be distinguished from territorial integrity of the tribe, and that the Digodia were dependent on Italy since they were alleged to be dependent in the status of "arifa", on the Rahanuin tribe, itself dependent on Italy. Finally, it was alleged that the language inserted in regard to the Digodia in article 3 was merely academic since, in any case, almost no Digodia were to be found in Somaliland.

The Ethiopian delegation observed that the attempt to distinguish between dependency and territorial rights is incomprehensible. In the first place, there is no provision whatever in the Convention for running the frontier through the territory of the Digodia. On the contrary, the provision is that

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they be wholly dependent on Ethiopia. The long negotiations concerning the Digodia, as reported by both Tittoni and Colli, related in no way to any status of "arifa", which question had never been mentioned by them, but only to the problem of drawing a frontier line in such a way as to avoid cutting the tribe in two. Moreover, if article 3 stipulates that they shall be dependent on Ethiopia, it is difficult to understand how or why, they could or should, at the same time, be dependent on Somaliland. As regards the suggestion that the Digodia had left the territory, the Ethiopian Government drew attention, inter alia, to the declarations of Cerrina Ferroni, Governor of Somaliland, who had officially reported to the Italian Government in 1911 that the Digodia were living south of the 4th degree of north latitude. Moreover, if the Digodia had left, it would seem improbable in the extreme that the discussions on the 1908 Convention should have been so long protracted by the difficult and central problem with which Signor Tittoni declared himself to have been faced, namely, that of avoiding a cutting in two of the Digodia tribe by the frontier. Citerri himself is author of the assertion that the Digodia were living in fact even south of Baidoa itself, in the region of Bardera and that the Rahanuin, under pressure from the Ogaden and the Digodia tribes, had withdrawn to the cultivated area of Baidoa, hence the necessity of stipulating that the frontier should run from Dolo to Baidoa.

Consequently, in the Ethiopian view, this attempt at distinguishing between dependency and territorial status was incomprehensible. Furthermore, according to this Italian interpretation of article 3, the Digodia tribe would be dependent on Ethiopia south of the frontier. However, the specific language of article 3 refers to the Digodia, the Afgab, the Djedjedi, and all the other tribes "to the north of the frontier line". There is, therefore, no possibility of distinguishing between territorial and political dependency, the Convention, in effect, specifically excluding that possibility.

These remarks lead to observations in regard to the discussions pursued concerning the third fundamental problem mentioned, namely, the significance to be attributed to the phrase "the territorial boundaries between the tribe of Rahanuin which remains dependent on Italy and all the other tribes to its north which remain dependent on Ethiopia". The Ethiopian Government took the position that the northern territorial limits of the Rahanuin were in the region south of the 4th degree of north latitude, basing this assertion and conclusion on ...

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the position of the Digodia tribe which, in fact, occupied territory to the south of that parallel, and the admission of that fact by the Italian negotiator, Minister Colli. This fact was further corroborated by Governor Cerrina Ferroni himself, whose report to the Italian Government was published by the Italian Ministry of Foreign Affairs, and by the publication of the same Ministry, entitled "L'Italia in Africa," Volume 1, "Territorio e Popolazioni". Consequently, the provision that the frontier should follow the territorial limits of the Rahanuin, only after having passed eastward by the sources of Maidaba, Baideba (Baidoa) reflects this factual situation existing in 1908 as confirmed by many Italian officials, and by the declaration of Signor Tittoni himself to the effect that the frontier was on or about the 4th parallel of north latitude up to the Webi-Schebeli.

The position of the Italian Government in respect of the territorial limits of the Rahanuin, as the Ethiopian Government understand it, would appear, at the present juncture, to be essentially one of combatting the arguments and evidence set forth by the Ethiopian Government in the course of the discussions, rather than advancing positive proofs to the contrary. The Italian claim to a frontier north of the present provisional line would seem to be based on the theory that the tribal limits of the Rahanuin started in the region of Dolo, and proceeded in a north-easterly direction up to Sul Sul on the Webi-Schebeli. It would appear that the only sources for this assertion are certain passages from Citermi's report, passages contradicted by others which have demonstrated that the Ogaden tribes had occupied all these areas, with the result that the Rahanuin were restricted to the cultivated area of Baidoa. In effect, then, the Italian interpretation which would have as a result the tracing of a line northeast from Dolo, would apparently by-pass the specific language of articles 1 and 3 to the effect that the frontier must first pass by Baidoa and must leave to Ethiopia the Digodia tribe, which occupied the Baidoa region.

The interpretation of the Ethiopian Government to the effect that the frontier must proceed eastwards to the Webi-Schebeli in the region of the 4th parallel, as asserted by Signor Tittoni himself, finds further confirmation in respect of article 2 of the Convention, which reads as follows: "The frontier on the Webi-Schebeli shall be the point of demarcation between the territory of

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the Baddi-Addi tribe, which remains dependent on Italy, and the territory of the tribes above the Baddi-Addi, which remain dependent on Ethiopia." Thus, the discussion came to involve an examination of this provision of the Convention, constituting the fourth general problem raised in the course of the discussions.

The Ethiopian Government maintained that the frontier on the Webi-Schebéli at the northern limits of the Baddi-Addi tribe was to be placed in the region of the Buló Burti, and they supported this affirmation by the declarations of such authors as General Ambrogio Bollati in his "I commentari del Impero", by Giuseppe Caniglia in his study on the Somali People, by Guido Fornari in the "Rassegna Italiana" published under the auspices of the "Institute Coloniale Fascista", by Cesare Cesari in his "La Somalie Italienne" and "Manuale de Storia Coloniale", both published by that same Institute, and by Puccioni in his book "Le Popolazioni Indigene della Somalia Italiana", published under the auspices of the Ministry of Italian Africa. Surely, none of these publications could be held to have been affected by any undue pro-Ethiopian bias. Finally, the official reports of Governors de Martino and Carlo Riveri, both published by the Italian Government, confirm this assertion. In this connexion, it should be noted that Buló Burti is in the region of the 4th degree of north latitude, thereby confirming the assertion of Foreign Minister Tittoni that the frontier should reach the Webi-Schebéli in the region of the 4th parallel.

The Italian delegation, however, declared that the situation of tribes was not clearly ascertainable in 1908 and that, in consequence, it was impossible to affirm that the northern limits of the Baddi-Addi tribe were at Buló Burti. They, further, asserted that the boundary should follow the northern limits of the Macanne tribe which were to be included within the Baddi-Addi as being former freedmen of that tribe.

The Ethiopian delegation pointed out that if it were true that the tribal situation was not clear in 1908, then the Italian delegation could scarcely assert that "as everyone knows" the limits were not at Buló Burti, but further to the north. Moreover, and by the same token, it could not be affirmed, as did the Italian delegation, that the Macanne were former freedmen of the Baddi-Addi tribe. On the contrary, no less an authority than Citerni himself had asserted that the Macanne were former freedmen of the Gialgiele tribe, a

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tribe assigned to Ethiopia. This fact is further borne out by tribal maps published by the Italian Ministry of Foreign Affairs, maps which the Ethiopian Government reserve the right to present, as and when desirable.

Such were the geographical points at issue in interpreting the 1908 Convention. However, another matter of equal importance was raised during the course of the discussions, the sixth problem to which reference has been made in this report, namely, the use of and value to be attributed to documents. Substantially, the issues in this matter were of two sorts. In the first place, the Italian delegation objected to the use, by the Ethiopian delegation, of official Italian documents and statements.

The Ethiopian delegation observed that this observation was indeed surprising since, as regards the particular discussions involved, the Italian delegation had themselves cited only unilateral Italian declarations. Consequently, they could scarcely object to the same action by the Ethiopian delegation, particularly in view of the fact that, in so doing, the Ethiopian delegation could, with difficulty, be accused of invoking documents infused with a pro-Ethiopian bias. Moreover, in view of the failure of the 1910-1911 delimitation commission, no mutually agreed documents exist as between the two countries. Consequently, resort must be had to unilateral statements and declarations. The Ethiopian Government could scarcely cite Ethiopian reports or declarations since, although they would bind the Ethiopian Government, they could not bind the Italian Government because of their unilateral character. On the other hand, it would be entirely proper for the Ethiopian Government to cite official Italian declarations and statements as binding on the Italian Government, provided that the Italian Government had not denied such statements of documents within a reasonable time after publication, and the reciprocal would, of course, be true as regards documents issued by the Ethiopian Government. None of the documents used by the Ethiopian delegation had been denied by the Italian Government during the half century which has ensued following their publication. Finally, the Ethiopian delegation observed that, in the first phase of the discussions which, last year, concerned the northern half of the frontier, the Italian delegation based its entire case, not on an Ethiopian document, but on the Italian interpretation of one single Ethiopian document. This point has been amply

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treated of in the report on the first phase of the frontier discussions as made to the eleventh session of the General Assembly. On the other hand, as regards the southern half of the frontier, the entire Italian case depends on unilateral documents, documents published by the same Government which now object to use thereof by the Ethiopian Government.

The second point under discussion with regard to the use of and value to be attributed to documents, relates to certain official documents of Italian origin which the Italian delegation recognized or refused to recognize as being binding upon the Italian Government.

Throughout more than half of the discussions concerning the southern half of the frontier, the Italian position was that the documents and statements made by the Italian Foreign Minister Tittoni, by the Italian negotiator of the 1908 Treaty, Minister Colli, and the official report addressed to the Italian Government in February 1912 by Captain Citerini, concerning the survey which he executed along the southern section of the frontier, on behalf of the Italian Government, should be accepted as proof of the Italian claims.

At the sixth meeting of this year, the Italian delegation declared in respect of the three general sources referred to: "It is equally clear that the Italian delegation, on the contrary, has affirmed and explicitly reaffirms it today that such documents are to be considered as genuine sources for the interpretation of the 1908 Convention from the Italian side." However, this attitude was not maintained in the latter half of the discussions, at which time, the Italian delegation considerably changed their point of view. Even at the same meeting, the view of the Italian delegation was that they were not prepared to recognize the validity of statements of Italian officials, even when they are published by the Ministry of Foreign Affairs or by the Ministry of Colonies. Subsequently, the Italian delegation denied that even documents published under the seal of the State would necessarily be binding (11th meeting). Finally, at the same meeting (11th), they declared that "even the reports by Minister Colli and Captain Citerini do not bind at all the Italian Government".

The Ethiopian Government could not, during the discussions, conceal their surprise that, after having published these documents half a century ago, and after heavily relying in the recent discussions upon the reports of Minister Colli

and Captain Citeri, the Italian Government should suddenly proceed to assert that they refuse to recognize any legal effect in those same documents.

The Ethiopian Government take the view that the Italian Government must be bound by these documents emanating from their own officials, to the extent that they do not contradict the terms of the Convention, especially in view of the fact that Italy had published them and let them stand unchallenged for almost half a century (indeed, it had annexed the Citeri report to the Italian Memorandum addressed, in 1935, to the League of Nations) and of the further fact that they had specifically invoked them during the greater part of the recent discussions, as the sole basis of their arguments. In this last respect, the Ethiopian Government would observe that the Italian Government have based their case on the southern half of the frontier, exclusively on passages selected out of these documents published by themselves and emanating from their own agents. They would appear, in consequence, to have small cause for objecting to the use of the same documents by the Ethiopian Government.

With the denial of juridical value to the reports of Minister Colli, it would appear that the Italian delegation have denied, in effect, juridical value to their position in regard to the Digodia tribe, which was based on certain passages from the reports of Minister Colli. What is, perhaps, of yet greater importance, is the fact that the description of the frontier from Dolo to the Webi-Schebeli as claimed by the Italian delegation, based as it is on certain passages from the report of Captain Citeri, would now appear to have little basis in law for the Italian case.

Under the circumstances, there remain unchallenged by the Italian delegation, only the statements of Foreign Minister Tittoni. However, in this connexion, the Italian delegation denied the force of the Minister's formal declaration to the effect that the frontier proceeded in the region of the 4th parallel to the Webi-Schebeli, by claiming that the frontier should run north of the 5th parallel.

Thus, a very substantial element of doubt exists in the minds of the Ethiopian Government that a convincing legal basis remains for the Italian claims. For example, the Ethiopian Government fail to understand why El Dere, the "salt hill", a frequent place-name in Somaliland, appearing, moreover, in an

abandoned version of the 1908 Convention, should be preferred to the "sources of the Baideba", or why the Digodia tribe should be split in two by the frontier, notwithstanding the provisions of article 3, or why the frontier should proceed in a north-easterly direction from Dolo according to the Italian claim, following alleged limits of the Rahanuin, as though the phrase "eastwards by the sources of Baideba" and the provisions of article 3 in regard to the Digodia tribe, did not exist. Likewise, it is not understood why, if nothing precise were known in 1908 concerning the tribes along the Webi-Schebéli in the region of Bulo Burti, so much importance should be attributed to an alleged former master-slave relationship, abandoned before even the conclusion of the treaty, a relationship which, as already pointed out, the Ethiopian delegation deny. Similarly, the Ethiopian delegation fail to understand why the Italian delegation should object to the use, by the Ethiopian delegation, of official Italian documents, when the entire Italian case on the northern half of the frontier rested on an Italian interpretation of an Ethiopian document, and the Italian case on the southern half rested exclusively on the very documents to which exception is now taken. Nor is it apparent why, after having stressed throughout the discussions the importance of the reports of Minister Colli and Captain Citerni, the Italian delegation should have declared, towards the end of the negotiations, that such reports "do not bind at all the Italian Government".

The Italian Government have affirmed that their juridical position is an "irremovable" one. On the other hand, it would seem apparent that much, in that position, calls for clarification. Under the circumstances, the Ethiopian Government feel that they must maintain the views set out in the course of the recent discussions.

The purpose of the present memorandum is not to reargue any of the points discussed, particularly in view of the "irremovable" attitude of the Italian delegation, nor to defend at the United Nations the position and arguments advanced by the Ethiopian delegation. It would appear to the Ethiopian Government that the only legitimate purpose of the present memorandum - a purpose which has constantly presided over and influenced the preparation of the same - is to indicate to the General Assembly the measure of agreement and of disagreement actually had and the reasons for such disagreement as exists. The Ethiopian

Government can, therefore, only set out the reasons for which they find themselves obligated to maintain their legal arguments and claims and, on the other hand, unable to agree with arguments and claims as advanced on the other side, although, as indicated, certain areas of agreement have nevertheless been reached. If reference has been made to what the Ethiopian Government have been compelled to consider to be inconsistencies and gaps in the case as presented by the other side, it is only for the purpose of explaining their own difficulties in accepting the arguments and claims involved.

Under the circumstances, the Ethiopian Government might, perhaps, be justified in asserting that they feel compelled to reaffirm the force and validity of the case as developed by them in the course of the negotiations.

In so doing, they are not indulging in any new or unforeseen claims, but simply explaining and supporting their legal position, maintained consistently since 1908, and in agreement with the proposition of the Italian delegation that "first rights must be asserted on juridical ground"; for example, as required by the specific language of the Convention, such as that referring to Baideba, to the Digodia, and to the Baddi-Addi, or as resulting from official admissions of the Italian Government. Also, in this connexion, it should not be forgotten that the Italian Foreign Minister himself declared that the frontier should reach the Webi-Schebéli, not, as the Italian Government claim today, north of the 5th degree of latitude, but in the region of the 4th parallel, which constituted the northern limits of the Baddi-Addi as required by the provisions of article 2 of the Convention.

Both sides have agreed that the problem can only be settled within the framework of the Convention of 1908. The issue has, therefore, been mutually recognized to be the juridical problem of interpreting and applying that basic instrument. Ethiopia asks only that the obligations of that Convention be fully and fairly met.



ANNEX I

A. Territorial limit of the Rahanuin

Publication of the Italian Ministry of Foreign Affairs, "L'Italia in Africa, Territorio e Popolazioni" Vol. 1.

"While sheep-rearing is still the main source of livelihood of the pure Somalis, agriculture is the source of subsistence of the negroids, including small Somali minorities, who live along the Uebi-Scebeli and the Giuba, and a pure Hamitic people, not Somalis - the Dighil-Rahanuin, scattered through the Doe between Dafet and Baidoa, on the alluvial plain." 1/

B. The territory of the Rahanuin

Report of Captain Carlo Citerri: published, according to the Italian Legation, in 1912.

"For some time now, the northern boundary has been undergoing significant changes, almost from year to year, as a result of invasions; so much so that it would be extremely difficult to determine accurately the territory they occupied at the time of the Convention of 16 May 1908.

"The invasions of the Ogaden from the north and the Digodia from the east have forced the Rahanuin to congregate more and more in the neighbourhood of the cultivated area of Baidoa."

C. Territories of Rahanuin and other Ethiopian tribes

Report of Governor Cerina Feroni, published by the Italian Ministry of Foreign Affairs in 1911.

"To the south and south-east of Lugh, in an area extending as far as Bardera and Bur-Acaba, live various tribes, all belonging to the Rahanuin group; the nearest of these tribes to Lugh is the Mohallimuein tribe; then come the Lesan, the Guion, the Gelible, the Armallah, the Elai and the Bon Elai ...

Translation by the Secretariat (original Italian).

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"A short distance from Lugh in a north-easterly direction we find the Digodia; they are nomadic herdsmen, of Auaia origin, somewhat fiery and overbearing; turbulent folk continually quarrelling with the neighbouring tribes, especially the Ogaden-Afgeb, who live beyond the Digodia in the same direction from Lugh." 1/

D. Northern territorial limit of Baddi-Addi

Study on the Somali people, made by Giuseppe Caniglia at the expense and under the auspices of the Italian Colonial Government of Scmaliland and published by the author in 1935.

"The Baddi Addi tribe, also of ancient and noble origin, is fairly large and consists of twenty-seven rer.

"The Baddi Addi dwell in the Dinlave territory as far as Bulo Burti; they are rich in livestock, especially camels." 1/

E. Northern territorial limit of Baddi-Addi

Colonel Guid Formari's declarations published in the "La Rassenga Italiana a cura dell'Instituto Coloniale Fascista".

"Meanwhile, we were gradually occupying the Burhacaba-Baidoa region and at the occupation of Bulo-Burti in May 1914 we came into close contact with the aforesaid Mulist stronghold. But our expansion up to the limits stipulated in the Italian-Ethiopian Agreement of 16 May had been accomplished."

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1/ Translation by the Secretariat (original Italian).

F. Northern territorial limit of Baddi-Addi

Nello Puccioni, "Le popolazioni Indigeni della Somalia Italiana, Manuale Coloniali," published in 1937, "a cura del Ministero dell'Africa Italiana".

"The important Bah Gheri tribe, the Gogondovo... dwell on the right bank of the middle Uebi Scebeli, between Hiran and Scidle; they are the Gidle who used to live in the territory which belonged to Abyssinia. They are not found any further south, except for a slight infiltration among the Hauia Molcal. One tribe of the Gibde, the Giagele, is continuously on the move; before the imperial conquest of Abyssinian territory their nomadic peregrinations used to bring the main body of these people into occasional contact even with the Rahanuin of Bur Hacaba... The Baddi Addi live on the right bank of the middle Scebeli, beyond Burdere, and as far as Bul Burti..."<sup>1/</sup>

G. Northern territorial limit of Baddi-Addi

Report of Governor De Martino

Published by the Italian Government in 1912.

"Among these villages of freedmen on both banks of the river, the only noteworthy one, as regards ethnic composition, is Mansur, some fifteen kilometres above Mahaddei-Uen; it is the headquarters of the Malkal, now few in number, but held in great respect as descended from the same ancient strain as the Baddi-Addo, the Galgial, the Giagele and the Gidle, the four most powerful tribes of this part of Somaliland.

Burdere marks the end of the freedmen villages and tribes; the whole right bank of the river up to Bolo Burti is occupied by the Baddi-Addi, a tribe of free herdsmen, who have a political chief, a war leader, not uniformly recognized by all, and a religious chief who has advisory powers, compounds disputes, interprets the Koran, and is head of the religious sect of Tarica Salehia, which has its centre in Burdere."<sup>1/</sup>

H. On Makanne tribe

Report of Captain Carlo Citerri on his survey of frontier area published, according to Italian delegation, in 1912.

"The Gialgiel, like the Digodia, are of Hauli origin. They too are nomadic herdsmen and on the south they border on the Baddi-Addi..."

<sup>1/</sup> Translation by the Secretariat (original Italian).

"Maccanne - these are old freedmen of the Giagiel who cultivate a short stretch along the banks of the Uebi Scebeli. If the assumption as to their origin is correct, taking into account their present relationships, they must be considered an offshoot of the Giagiel, particularly as further up-stream they have intermingled with the Gidle, a Havi people linked with the Giagiel by ties of common origin."