



Twelfth session  
Agenda item 39

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

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

1. In resolution 1068 (XI), adopted on 26 February 1957, the United Nations General Assembly recommended that the Governments of Ethiopia and Italy should continue and complete negotiations on the delimitation of the frontier between Somaliland and Ethiopia. Negotiations were opened, in accordance with the recommendations in resolution 392 (V) of 15 December 1950, on 6 March 1956 and continued, with recess of four months (from 2 May to 7 September) until 12 October 1956, when they were suspended to enable both parties to report to the General Assembly's eleventh session the results obtained up to that date.

The 1956 negotiations, which comprised eighteen meetings, were mainly concerned with the northern sector of the frontier from the point of intersection with the frontier of British Somaliland to the point where it crosses the Uebi Scebeli. The negotiations did not lead to any substantial agreement between the parties on that sector, but they made it possible to establish certain general principles, which were outlined in paragraph 7 of the report submitted by the Italian Government to the eleventh session of the General Assembly (document A/3463 of 19 December 1956)<sup>1/</sup> and concerned the legal criteria and technical methods to be followed during the negotiations themselves.

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

They also made it possible to establish the respective, though dismetrically opposed, opinions of the two Governments on the interpretation to be given to the Italo-Ethiopian Convention of 16 May 1908 (article 4), which was taken by common agreement as the basis for discussion.

It was therefore a matter of resuming the negotiations at the point at which they had been interrupted on 12 October 1956, and of arriving at an agreed interpretation of articles 1, 2 and 3 of the above-mentioned Convention, concerning the southern sector of the frontier, from Dolo, a place in Somaliland situated at the confluence of the Daua-Parma and the Ganale Doria, to the point where it crosses the Uebi Scebeli. When agreement had been reached on that sector, article 4 would be re-examined and a further attempt made to find an agreed interpretation.

Before resuming negotiations, the Italian Government approached the Ethiopian Government on 9 April 1957 with the proposal that, as the first session had been held at Addis Ababa, the second should be held in Rome. On 24 April 1957, however, the Ethiopian Government informed the Italian Government that it would prefer the conversations to continue at Addis Ababa.

In June 1957 the Italian Government appointed its delegation, led by Mr. Paulucci, Minister Plenipotentiary, while the Ethiopian Government appointed Ambassador Ato Haddis Alemayehou to lead its delegation. The Italian delegation arrived at Addis Ababa on 29 June 1957; conversations were formally opened on 8 July 1957 and continued until 11 October 1957, fourteen meetings being held.

2. At the first meeting the two delegations agreed on the following points:

(a) Acceptance of the general agreements reached in 1956 during the first phase of the negotiations, namely:

Complete validity of the Italo-Ethiopian Convention of 16 May 1908 as the basis of negotiation for delimiting the Italian-Ethiopian frontier;  
Exclusion, in the interpretation of the above-mentioned Convention, of de facto situations established in the frontier area.

(b) Agreement that the 1957 negotiations should deal primarily with the southern sector of the frontier, in accordance with the recommendation of the United Nations General Assembly in resolution 1068 (XI) of 26 February 1957.

It was also agreed, in conformity with the foregoing, that when the discussions on the southern sector had led to a definite conclusion the delegations would reconsider the northern sector of the frontier, on which it had proved impossible to reach agreement in the 1956 negotiations.

(c) The desirability of following, in the development of the work of the Conference, the same rules of procedure which had been agreed upon and adopted during the 1956 negotiations.

3. After reaching agreement on the above points, the two delegations, starting at the second meeting, stated in detail, with documentation, their respective views on the interpretation of articles 1, 2 and 3 of the Italo-Ethiopian Convention of 16 May 1908 regarding the southern part of the frontier, from Dolo, at the confluence of the Daua-Parma and the Ganale Doria, to the right bank of the Uebi Scebeli.

4. At the second meeting, the Ethiopian delegation was the first to state its views, which it developed further at subsequent meetings. According to the interpretation placed by the Ethiopian delegation on articles 1, 2 and 3 of the 1908 Convention, the southern part of the Somali-Ethiopian frontier should consist of a line running down from Dolo in an east-south-east direction to Iscia-Baidoa, then running up to the 4th parallel North and along that parallel until it reaches the Uebi Scebeli at Bulu Furti.

The principal arguments that the Ethiopian delegation advanced in support of its interpretation are as follows:

(a) After the village of Dolo - the starting point of the frontier - the first geographical spot mentioned in article 1 of the 1908 Convention as being crossed by the Somali-Ethiopian frontier is that of the "Sources of the Maidaba", which should be identified with the Amharic name "Yebaidaba minch" and the Somali name "Isela Baidoa".

(b) Articles 1 and 3 of the 1908 Convention lays down that the frontier should separate the territory of the Rahanuin tribe, which remained an Italian dependency, from that of the other tribes to the North, which remained an Ethiopian dependency: the problem to be settled is accordingly that of determining the northern boundaries of the Rahanuin tribe at the time when the 1908 Convention came into force. According to the Ethiopian delegation, the northern boundaries of the Rahanuin tribe had been clearly defined by Mr. Tittoni, at that time Italian Minister of Foreign Affairs, in his speeches before the Italian Parliament on 13 February 1908 and 16 July 1908.

In his speech of 13 February, informing the Italian Parliament of the progress of the negotiations then in progress between Italy and Ethiopia, Mr. Tittoni said:

"... Captain Colli has started negotiations at Addis Ababa on the basis (a) of a line starting at Dolo and following the 4th parallel, as far as the Uebi Scebeli."

In his speech of 16 July, submitting the Italo-Ethiopian Convention of 16 May 1908 for ratification by Parliament, Mr. Tittoni said:

"Thus a line which, starting from Dolo, would continue north of the 4th parallel towards the Uebi Scebeli to a point to be established later, and would then follow the 1897 line, would give us every guarantee..."

In addition to this documentation, the Ethiopian delegation cited as official documents two works by Mr. Cesare Cesari, "La Somalia Italiana" (Italian Somaliland) and "Manuale di Storia Coloniale" (Manual of Colonial History), a book by General Ambrogio Bollati, "I Commentari dell'Impero" (Commentaries of the Empire) and the 1911 report of Mr. Cerrina-Ferroni, the Governor of Benadir.

In his book "La Somalia Italiana", M. Cesari states that "the frontier should start from Dolo, at the confluence of the Daua and the Ganale, approximately 500 kilometres from the mouth of the Giuba, and should continue north of the 4th parallel, as far as the Uebi Scebeli..."

In his book "Manuale di Storia Coloniale", M. Cesari states that:

"... negotiations were undertaken for delimiting the frontier and the frontier was marked out at Addis Ababa on 16 May 1908, in consideration of 3 million lire compensation for the inclusion of Lugh in Italian territory. This line started from Dolo and, following the 4th parallel, continued as far as the Uebi Scebeli..."

In his book "Commentari dell'Impero", General Bollati writes:

"The negotiations for the delimitation of the frontier resulted in the Italo-Ethiopian Convention of 16 May 1908, according to which the frontier was to start at Dolo, and continue north of the 4th parallel in a general easterly direction as far as the Uebi Scebeli, in the land of the Baddi Addo."

Governor Cerrina-Ferroni writes as follows in his report of 1911 to the Minister of Foreign Affairs:

"to the south and south-east of Lugh, there are also several tribes belonging to the Rahanuingroup, who extend as far as Bardera and Bur Acaba. Of these tribes, the one nearest to Lugh is that of the Mohallin Uein; then come the Leisan, the Giron, the Gelible, the Armallah, the Elai and the Bon Elai. Of the Rahanuin, those who live in the territory known as Arra Medou (black earth), a very fertile area with an abundance of fields, known also as Baidoho or Baidoa, are farmers and the others are herdsmen."

From these quotations, the Ethiopian delegation has drawn the following conclusion:

"All these documents, which the Ethiopian Government regards as official, together with the speeches of Mr. Tittoni, the Minister of Foreign Affairs at the time, leave no doubt concerning the accuracy of the Ethiopian interpretation of the 1908 Convention, according to which the frontier should follow the 4th parallel as far as the Uebi Scebeli."

(b) Article 2 of the 1908 Convention raises the question of the point of intersection of the frontier with the Uebi Scebeli and fixes it at the point where the boundary between the territory of the Baddi Addo tribe, which remained an Italian dependency, and the territory of the tribes above the Baddi Addo, which remained an Ethiopian dependency, touches the river.

Although article 2 does not specify where the boundary between the above-mentioned tribes was in 1908, the Ethiopian delegation maintained that, according to the statements of Mr. Tittoni, the Italian Minister of Foreign Affairs, in his parliamentary speeches quoted above, the point was determined by the point of intersection of the 4th parallel with the Uebi Scebeli.

The Ethiopian delegation also cited as official documents an article by Colonel Guido Fornari, which appeared in the review "La Rassegna Italiana", and a report of 1921 by Governor M. Carlo Riveri, under the title: "Relations with the Abyssinian authorities beyond the frontier: Belet Uen".

Colonel Fornari writes as follows:

"The extent of our occupation on the Middle Scebeli and especially our policy of trying to disintegrate the forces of the Mullah, which were concentrated round the Ba-Gheri, alarmed the Mullah himself, who saw that he was being weakened and threatened at his principal supply centre, the Ogaden. On his orders, in the middle of June 1913, the dervishes occupied by main force an area bounded by a loop of the Scebeli (subsequently called Belet Uen) some little distance north of our frontier, dispersed the inhabitants, and easily reinforced their position there... Meanwhile, our occupation extended to the Buracaba-Baidoa region and then, having occupied Bulo Burti in May 1914, we came into close contact with the above-mentioned stronghold of the Mullah. But our expansion to the frontier fixed by the Italo-Ethiopian Agreement of 16 May was completed."

Governor Riveri writes as follows:

"Furthermore, the consolidation of our relations with the Abyssinian authorities through the assistance we gave them whenever they came to our outposts also complied with political expediency at the time, since in the middle of the preceding year our furthest garrison on the Scebeli, which was then at Bulo Burti, had been reinforced by a more advanced defence point, owing to the occupation of Belet Uen.

"Without dwelling here on the legal arguments which might be adduced in support of the theory that this area should be regarded as an integral part of the Colony under direct domination, it must be admitted that it was useful at the time, and will be increasingly useful, to be able to base our arguments on the fact of a prolonged and peaceful occupation of the area."

The Ethiopian delegation's conclusion was that the frontier of the Baddi Addo on the Scebeli, which according to article 2 of the 1908 Convention, is the frontier point between Somaliland and Ethiopia, was marked at the time of the Convention by Bulo Burti, which is situated to the south of the 4th Parallel. Nevertheless, in order to facilitate the solution of the problem, the Ethiopian delegation declared its willingness to accept the point at which the 4th parallel intersects the Scebeli as the frontier point on the Uebi Scebeli.

(c) With regard to the interpretation of article 3 of the Convention, which provides, inter alia, that the tribes of Digodia should remain an Ethiopian dependency, the Ethiopian delegation maintained that in 1908 and for some years thereafter, part of these tribes resided in the territory between Dolo and Iscia Baidoa.

In the opinion of the Ethiopian delegation, this is yet another argument in support of the frontier line which it has proposed and which, running as it does from Dolo to Iscia Baidoa, should obviously assign to Ethiopia the territory inhabited by the Digodia.

Originally, the Ethiopian delegation submitted no documentation to prove the presence of the Digodia in the territory between Dolo and Iscia Baidoa, but it subsequently used fragmentary quotations from documents submitted by the Italian delegation during the conference.

5. The Italian delegation began to unfold its arguments at the second meeting and developed them at subsequent meetings.

According to the Italian delegation's interpretation of articles 1, 2 and 3 of the 1908 Convention, the southern sector of the Somali-Ethiopian frontier should be delimited by a line which, starting from Dolo, runs eastward by the sources of the Far Osbai (El Dere) and then, following the northern frontier of the Rahanuin, clearly indicated by a continuous line of wells, reaches the Uebi Scebeli in the vicinity of Sul Sul Ier, which is the northern boundary on that river of the territory of the Baddi Addo Macanne.

In actual fact, this frontier line is identical, from Dolo to the Wakscen wells, with the present provisional administrative line, whereas from Wakscen to the Scebeli it should pass by the Rahanuin wells along the Dal Dal - Corogò - Gilié - El Behid - Aual Tirre - Bar Uen - Marodi Addo - Avesale - Duldirdir line.

The Italian delegation began by stating that, in order to prove its arguments and clarify the legal scope of the Convention, which is fifty years old, it would use the official documentation published at the time when the Convention was negotiated and in the years immediately following it, when, on the basis of article 5 of the Convention itself, the mixed Italian-Ethiopian Commission, appointed jointly by the two Governments, carried out a reconnaissance of part of the southern Somali-Ethiopian frontier.

In particular, the Italian delegation specified that it would refer:  
To the official reports sent to the Minister of Foreign Affairs by Mr. Colli, the Minister who negotiated and signed the Convention of 16 May 1908 on behalf of the Italian Government; and

To the report sent in February 1912 to the Minister of Foreign Affairs by Captain Citerni, who was the representative of the Italian Government on the mixed Italian-Ethiopian Commission for the reconnaissance of the frontier, carried out in 1911.

The Italian delegation asked the Ethiopian delegation to produce similar documentation, in order that a comparative study might be made of the respective original sources of the 1908 Convention.

In its detailed explanation of its interpretation, the Italian delegation adduced the following main arguments:

(a) The starting point of the frontier line is Dolo. This point, which is clearly described in article 1 of the Convention, was recognized on 15 March 1911 by the mixed Italian-Ethiopian Commission, which determined its geographical co-ordinates at latitude  $1^{\circ} 10' 37''$  North and longitude  $41^{\circ} 52' 27''$  East of Greenwich.

There seems to be no doubt that Dolo belongs to Somaliland, the more so since it had been peacefully administered since 1910 by Italy, which paid Ethiopia the sum of 3 million lire (additional act to the Convention of 16 May 1908), in order to secure that starting point for the frontier line. Nevertheless, Dolo was arbitrarily occupied by Ethiopia on 4 August 1951 and, despite reiterated representations made both through diplomatic channels and by the Italian delegation on the frontier question, the precise views of the Ethiopian Government on the legal ownership of the spot have yet to be ascertained.

(b) The Italian delegation maintained that the second geographical point referred to in article 1 of the Convention: "Sources of the Maidaba" could not be identified with "Iscia Baidoa", as the Ethiopian delegation affirmed, for the following reasons:



In the Somali language, the name of "Maidaba" bears no relation to the name of "Iscia Baidoa";

In the first draft of article 1 of the Convention, contained in report No. 11 of 19 March 1908 by Minister Colli, the "Sources of the Maidaba" had been identified with the "Sources El Dere" in the Spoda hills. In modern geographical maps, this stream is described by the name of Far Osboi and runs to the east of Dolo;

An attempt by certain Ethiopian chiefs in 1909 to identify "Maidaba" with "Baidoa" was officially rejected by Minister Colli, as is shown in his reports from Addis Ababa, Nos. 88 and 127 of 28 June and 8 October 1909 respectively;

Article 1 of the Convention states expressly that the frontier line running from Dolo to the sources of the Maidaba should follow an easterly direction, while the locality of Ischia Baidoa is about 300 kilometres in a south-south-easterly direction from Dolo;

A frontier line starting from Dolo and passing through Ischia Baidoa would cut the Rahanuin tribe in two, leaving most of it as an Ethiopian dependency; this, however, would be completely incompatible with articles 1 and 3 of the Convention, which make all the Rahanuin an Italian dependency;

At the first, second, sixth, seventh and seventeenth meetings of 1956, the Ethiopian delegation stated:

"The 1908 Convention had been preceded by a previous agreement between Emperor Menelik and the official representative of the Italian Government... ;

"the region of Bardera was about 140 miles from the coast and the Italian Government officially recognized this fact by the two agreements of 1908 involving transference of the frontier to the north and the payment of an indemnity because of the loss of territory involved for Ethiopia;

"according to our views, this line of the 1897 agreement started from the Rapids of Von Der Decken, on the Juba not 180 but about 140 miles from the coast, and proceeded to the point of intersection with British Somaliland at co-ordinates 48/8..."

On the basis of these precise Ethiopian statements, the Italian delegation made the following comments:

"A line drawn on any geographical map of Somaliland starting at the Rapids of Von Der Decken (called "Arriento" on modern maps), following the coastline at a distance of about 140 miles and reaching the intersection 48/8 with British Somaliland would clearly leave the locality of Ischia Baidoa on the Somali side of the frontier, not on the Ethiopian side;

Consequently, the Italian Government could not, in 1908, have purchased a strip of territory which had been officially recognized as Italian by Ethiopia in 1897.

Even if one admitted the absurd assumption that the territory had been purchased, Ethiopia would not now have any right to claim its restitution, since it acknowledged due receipt of the purchase price.

(c) The Italian delegation supported its view concerning the northern boundaries of the Rahanuin tribe, through which the frontier was to run, by citing the above-mentioned report of Captain Citerri, an Italian member of the Italo-Ethiopian mixed Commission which, in 1911, had been officially instructed to survey the southern sector of the frontier. A geographical map, a photostat copy of which was delivered to the Ethiopian delegation, is annexed to the report.

The Italian delegation also cited the report of 12 June 1914 by Mr. de Martino, then Governor of Somaliland, who, in that year, had been in charge of the occupation and administrative organization of the northern Rahanuin territories: the report indicates clearly the territorial boundaries of that tribe.

The Ethiopian delegation recognized that between 1908, the date of the Convention, and 1911, the date of the survey of the southern sector of the frontier by the Italo-Ethiopian mixed Commission, the Rahanuin were under continual territorial pressure from the Ethiopian Ogaden. Since the frontier line proposed by the Italian delegation is based on the findings of the mixed Commission of 1911, that line is particularly favourable to Ethiopia, for the territorial position of the Rahanuin, as defined in 1911, was certainly less advantageous than it had been in 1908, owing to the losses of territory caused by the Ethiopian Ogaden.

With regard to the statements made by Mr. Tittoni, the Minister of Foreign Affairs, in Parliament on 13 February and 16 July 1908, which were quoted by the Ethiopian delegation, the Italian delegation pointed out that while in his statement of 13 February (that is, before the Convention was drawn up) the Minister had mentioned a frontier line following the fourth parallel, he had in his subsequent statement of 16 July, when the Convention had been laid before Parliament for ratification, corrected himself by stating that the frontier ran to the north of the fourth parallel. The Ethiopian delegation's assertion that the frontier followed the fourth parallel is therefore rebutted both by Mr. Tittoni's second statement and by the text of the Convention itself, which mentions neither the fourth nor any other parallel.

Similarly, the quotations from certain Italian writers cited by the Ethiopian delegation do not bear out its argument, since those authors expressly refer to a frontier running to the north of the fourth parallel.

Moreover, as the Italian delegation has had occasion to point out repeatedly during the negotiations, the statements of those writers obviously do not commit and could not possibly commit the Italian Government. Even where such statements are found in documents expressing the views of a particular official, they clearly cannot commit the Government. Reports addressed by the head of a Government department to another department or ministry are internal documents; as such, they come within the province of the ministry to which they are addressed and hence cannot possibly commit the Government. Articles or any other written opinions of officials published in newspapers, books or anywhere else are nothing but personal papers of the official in question, produced independently of his official functions. Nor can such papers, being private, be regarded as the expression of Government policy.

This opinion - which is in keeping with the strict principle of the law that an obligation cannot be created except in the prescribed form - does not seem to be shared by the Ethiopian delegation, which has continued to buttress its case by using material from the above-mentioned publications. Such material - apart from the fact that it has often been produced in the form of excerpts divorced from the context - carries no weight in law, not even unilaterally. The material

produced by the Italian delegation is quite different: while obviously unilateral, it has a precise value in law for the purpose of the interpretation of the 1908 Convention, because it is taken from diplomatic and technical sources organically connected with the drafting and application of the Convention.

With respect to the report of Governor Cerrina Ferroni in 1911, which was mentioned by the Ethiopian delegation, the Italian delegation observed that this report did no more than indicate the dispersal of seven groups of the Rahanuin tribe and that it did not deal with twenty-four of the main groups into which this tribe was sub-divided. Of the missing twenty-four groups, several of the largest, such as the Adama and the Luvai had always resided well to the north of the fourth parallel.

(d) The Italian delegation maintained that the frontier point on the Uebi Scebeli was represented by the locality of Sul Sul I, inasmuch as this point constitutes the northern limit of the Baddi Addo, a tribe assigned to Italy by article 2 of the Convention.

The regions along the coast, from Belet Uen to Sul Sul I, are inhabited by the Macanne, freed slaves of the Baddi Addo who, as such, form an integral part of the ethnic and political group of the Baddi Addo.

The Italian delegation relied on the following evidence:

the genealogical tree of the Baddi Addo, of which the Macanne are an offshoot, as well as their incorporation in the ethnic-political group of the Baddi Addo; the general rules of Somali customary law which are still operative, governing land tenure and providing, inter alia, that the land belongs collectively to the free men (biliss in Somali) of the tribe, whereas liberated slaves could never have more than precarious possession of land.

The Italian delegation demonstrated in addition that the Macanne, in their capacity as freed slaves of the Baddi Addo, had for centuries lived in the Belet Uen-Sul I zone and that it was only between 1913 and 1920 that many of them were evicted by the dervishes of the Mullah, which occupied and ruled the region at the time.

After the fall of the Mullah the zone was occupied and organized administratively by Italy, and the Macanne of the Baddi Addo returned to their lands.

The delegation subsequently drew attention to the fact that, whereas the populations immediately to the north of the Macanne had always paid tribute to Ethiopia, the Macanne had never done so, and Ethiopia had never demanded tribute of them.

Lastly, the Italian delegation presented documentary evidence showing that the locality of Bulu Burti had been chosen in 1914 as the residential headquarters for the administration of the Baddi Addo-Galgial-Auadle populations, etc., because this area constituted the natural administrative centre and market for these tribes, but that it had never been a terminal point of the frontier on the Uebi Scebeli, as the Ethiopian delegation contends.

(e) With respect to the position of the Digodia tribe, mentioned in article 3 of the Convention, the Italian delegation developed and argued the following thesis at the fourth, sixth, seventh, eighth and tenth meetings:

The Italian Government has never denied the political dependence of the Digodia on Ethiopia;

When the Convention was negotiated, at a time when neither the Italian Government nor the Ethiopian had precise information concerning the territorial dispersal of that tribe, it had been estimated that the frontier line running from Dolo in an easterly direction would cut the Digodia in half, the larger portion remaining in Ethiopian territory and a small fraction in Somali territory;

Before, during and after the negotiation of the 1918 Convention, according to an established interpretation, the Italian Government invariably considered the few Digodia thought to be occupying areas to the south of the frontier line extending east from Dolo as aliens living in Italian territory, whose position was governed, where Ethiopia was concerned, by the principles established by article 6 of the 1908 Convention;

In 1911, the mixed Italo-Ethiopian Commission appointed jointly by the two Governments pursuant to article 5 of the 1908 Convention verified - according to a statement by Captain Citerni in his official report - the existence in the said areas of small groups of Digodia having the status of "arifa" of the Rahaurin. It was, moreover, verified that this status of "arifa" had likewise been that of all the Digodia who had lived in the area in the past before emigrating to Ethiopian territory;

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It was equally verified, according to the generally recognized Somali customary law, that the Digodia had been "arifa" of the Rahaurin and that this status could not and cannot be in any way modified as long as they lived - or live - in the areas in question;

The status of "arifa", comparable to that of the "client" in Roman Law, is one of the basic institutions of Somali customary law;

A particular problem inherent in the position of the Digodia was examined and resolved on 2 September 1915 in a conference held at Lugh between the Italian Resident and Mr. Fitaurari Tesamma, representative of Deggiac Nado. Mr. Fitaurari submitted a claim to the locality of Agheràr, situated approximately 20 kilometres from the route followed by the joint Italo-Ethiopian Commission in 1911; he argued that in the past the locality had been inhabited by the Digodia. The question was settled when evidence was produced proving that the Digodia had lived in the locality as "arifa" of the Rahanuin Mallimuena without acquiring any right to these lands which, pursuant to the rules governing the institution of the "arifa", had automatically reverted to the Rahanuin Mallmuèna, the legitimate owners when the Digodia emigrated to Ethiopian territory; Nevertheless a "Digodia question" has never existed in practice, for as long ago as 1914, when the Government of Somaliland began the occupation and administration of the frontier territories indicated by the Convention of 1908, there were no Digodia and there has never been, since then, any occasion for dealings with their representatives.

In the space of twenty-seven years the Italian and Ethiopian frontier authorities never discussed any problem concerning the presence of Digodia in Italian territory.

(f) The Italian delegation concluded its statement by pointing out the obvious contradiction between the Ethiopian delegation's claim that the term "eastwards" in article 1 of the Convention means "general direction" and the actual direction of the frontier line upheld by that delegation.

According to the Ethiopian argument, the frontier line would be made up of three segments: - the first running from Dolo to Ischia Baidoa in a south-south-easterly direction; the second running from Ischia Baidoa to the 4th parallel in a northerly direction, Baidoa being situated at latitude 3° 7' and the third continuing eastwards along the 4th parallel to the Uebi Scebeli. /...

Such a frontier line obviously changes direction three times; this clearly runs counter not only to article 1 of the Convention but also to the Ethiopian delegation's statement that the general direction of the frontier is "eastwards".

6. Realizing what profound differences there were between the arguments of the two delegations, the leaders of the delegations decided jointly to suspend formal negotiations in an endeavour to find a solution at the political level by means of personal and confidential conversations between the two heads, since it had proved impossible to find one at the legal level. That procedure was, moreover, in accordance with a mutual request made by both delegations during the negotiations.

At the beginning of September, the leader of the Italian delegation was thus able to obtain an answer to the effect that the only compromise solution could be that already proposed by the Ethiopian delegation in the first series of negotiations: to wit, that the provisional administrative line should be regarded as the definitive frontier between Ethiopia and Somaliland. If the Italian Government had accepted this solution - which it had rejected earlier - the Ethiopian delegation would have been prepared to ensure its acceptance by the Ethiopian Government also and to propose a further agreement regarding the seasonal movement of flocks and access to pastures and wells. This agreement would have been negotiated between the two Governments in order to obviate any difficulty which might arise from the definitive delimitation of the frontier.

Apart from this compromise formula, the Ethiopian Government saw no possible solution except to refer the question to the International Court of Justice or to some other arbitration procedure. It was later explained more fully to the leader of the Italian delegation that the above-mentioned legal means represented only one of many possible courses of action, the Ethiopian Government, wishing perhaps to solve the problem in a different way, possibly even by leaving the question in abeyance.

The Italian Government gave these proposals the most serious consideration, fully recognizing their conciliatory nature, but before taking any decision on the question it was of course bound to consult the Somaliland Government, in view of the present international status of the Territory of Somaliland. In so

doing, the Italian Government was not only fulfilling a moral obligation devolving upon it under the Trusteeship Agreement, but was also acting on the consideration that a frontier imposed on the Somali people against their will would be a perpetual source of dispute between the two States of Ethiopia and Somaliland, to each of which Italy wishes to ensure profitable good-neighbourly relations.

The Italian Administration of Somaliland therefore began a series of long and detailed consultations, which lasted throughout the month of September. Following this consultation on 10 October, in formal negotiations, the Italian delegation submitted the counter-proposal that the provisional administrative line should be taken as the definitive frontier line in the southern sector only (Dolo-Uebe Scebeli), with a very slight modification consisting in making the frontier line intersect the river at a point that would place Sul Sul Ier inside Somali territory. With regard to the northern sector (Uebe Scebeli-British Somaliland), the Italian delegation proposed as a definitive frontier a line which would extend from Sul Sul Ier to the frontier of British Somaliland at the point of intersection of longitude  $47^{\circ}$  East and latitude  $8^{\circ}$  North, as the line best calculated to satisfy the economic requirements of the people concerned. At the same time, the Italian Government informed the Ethiopian delegation that the idea of submitting the question to the International Court of Justice had not been accepted by the Somali Government.

7. These counter-proposals were partly (southern sector) identical with the Ethiopian proposals, and partly (the northern sector) substantially reduced in some respects in relation to the original Italian request (a line 180 miles from the coast), which was based on the accurate interpretation of the Convention of 16 May 1908 and the Nerazzini-Menelik agreements of 1897. The Ethiopian delegation objected that these counter-proposals were only a further substantial confirmation of the point of law consistently upheld by the Italian Government and that since the Ethiopian Government was unable to consider them likely to lead to a compromise political solution, it could not accept them. The Ethiopian delegation therefore confirmed its interpretation of the 1908 Convention as described in paragraph 4 above, and withdrew the proposals it had made during the confidential talks.



The Italian delegation endeavoured to point out that the counter-proposals which it had drawn up represented a considerable concession in relation to the requests it had originally made. It could, however, only express its regret that no agreement had been reached, together with the hope that a solution might be found in the near future, both Governments remaining free to adopt the course which they considered most appropriate. In the operation of the Italian Government, this course can be no other than that outlined in General Assembly resolution 392 (V).

The Italian Government is convinced that the procedure laid down in the above-mentioned resolution would be the logical culmination of the bilateral negotiations conducted thus far with the Ethiopian Government. Although these negotiations have not resulted in a definitive solution of the whole question, they have shown that there is agreement regarding at least half the frontier line, and it seems that that fact may be considered to be definitely established in the event of its proving necessary to adopt a solution ex aequo et bono in order to resolve the difference of interpretation - hitherto insuperable - at the legal level.

The Italian Government is of the opinion that the principle of the unity of the frontier should not preclude any possibility of guaranteeing the integrity of both Ethiopia and independent Somaliland by means of a frontier recognized at the international level. The Italian Government therefore considers that it is impossible to ignore the real results obtained during the final phase of the negotiations which have just closed, as a result of which the controversy and the differences of opinion between the two Governments regarding the delimitation of the frontier will henceforth concern only the northern sector of the frontier.

That being so, and bearing in mind resolution 1068 (XI) of 26 February 1957, the next step is to proceed to the second phase described in resolution 392 (V), unless the Assembly revokes its earlier decision in view of the way in which the situation has developed and considers it advisable to adopt a different procedure.

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