

GENERAL ASSEMBLY

TWELFTH SESSION

Official Records


 Wednesday, 11 December 1957,
at 4.40 p. m.

NEW YORK

CONTENTS

	Page
Agenda item 39:	
Question of the frontier between the Trust Territory of Somaliland under Italian administration and Ethiopia: reports of the Governments of Ethiopia and of Italy (continued)	467

Chairman: Mr. Thanat KHOMAN (Thailand).

AGENDA ITEM 39

Question of the frontier between the Trust Territory of Somaliland under Italian administration and Ethiopia: reports of the Governments of Ethiopia and of Italy (A/3753 and Corr.1, A/3754 and Add.1, A/C.4/L.528) (continued)*

1. The CHAIRMAN drew the attention of the members of the Committee to draft resolution A/C.4/L.528, which had just been presented.

2. Mr. DE CLEMENTI (Italy) said that even a cursory glance at the text of the draft resolution revealed several inaccuracies. For example, it could not be said that Ethiopia and Italy had accepted recourse to judicial settlement of their differences. There had in fact been no agreement on that point, and Italy had always contended that mediation should precede arbitration. Furthermore, while it was true that the Italian delegation taking part in the discussions at Addis Ababa had, at Ethiopia's request, agreed that the Italo-Ethiopian Convention of 1908 should serve as a point of departure, it had never meant to imply that that text was the only valid basis of discussion. There was a whole series of international treaties which the two parties had no right to disregard. The third paragraph of the preamble to the draft resolution was thus not entirely consistent with the facts. Lastly, the discussions had not only revealed points of divergence, as stated in the fourth paragraph of the preamble, but had shown that it was completely impossible to arrive at an agreement through bilateral negotiations.

3. Ato Yilma DERESSA (Ethiopia) said that in his statement at the 735th meeting the Italian representative had made frequent references to the dossier of the case, which, according to him, included not only the Italo-Ethiopian Convention of 16 May 1908—the only text signed by Ethiopia—but also all the international instruments concerning Somaliland. In that case, it would be necessary to consider all the instruments by which the Western Powers had tried to dismember Somaliland, such as the Anglo-Italian agreements of 24 March and 15 April 1891 and of 5 May 1894, and the

Franco-Italian protocols of 24 January 1900 and 10 July 1901; there was also the tripartite agreement of 13 December 1906, which provided in one of its clauses that, in the event of a change in the situation in Ethiopia, the three Parties to the agreement would get together in order to safeguard the interests of Italy in Ethiopia with regard to Somaliland, and more especially as regards the areas adjoining Ethiopia and territories west of Addis Ababa, which meant within Ethiopia itself. He could also cite the agreements of 19 March 1907, 1 June 1931 and 14 December 1935, the Mussolini-Laval agreement of 1935 and the Mediterranean agreements of 1938, not to mention all the secret agreements concluded between Italy and other Western Powers. Ethiopia wished to stress, however, that it had signed only the 1908 Convention, and that none of the other documents was therefore applicable. He could not see how his country could be obliged to settle the frontier problem on the basis of treaties to which it was not a party.

4. Mr. ESPINOSA Y PRIETO (Mexico) recalled that the Fourth Committee had adjourned in the hope that the representatives of Ethiopia, Italy and other countries would make an effort to arrive at a compromise solution.

5. Mr. KANAKARATNE (Ceylon) said that it was in order to facilitate those efforts that the sponsors of the draft resolution had submitted a text which could serve as the point of departure for discussions aimed at breaking the deadlock. They had taken into account the fact that the delegations of the two parties had recognized at Addis Ababa the complete validity of the Italo-Ethiopian Convention of 1908 as a basis for negotiation, as was stated in section 2 of the Italian Government's report (A/3754 and Add.1). Believing that it would be useless to continue with the bilateral negotiations which had yielded no result, the sponsors of the draft resolution had felt that the only means of solving the question would be to submit the points of disagreement to a tribunal. They hoped that the individual provisions of their draft resolution would be acceptable to all.

6. Mr. CARPIO (Philippines) said that General Assembly resolution 392 (V) called on the parties to submit, in the first place, to mediation and, if that proved unsuccessful, to a procedure of arbitration. Consequently, there seemed to be some contradiction between the operative part of the draft resolution (A/C.4/L.528), which proposed the establishment of a tribunal, and the resolutions cited in the preamble. He therefore asked whether the sponsors of the draft resolution had in fact envisaged not an arbitral tribunal—as appeared to be the case at first sight—but an organ of mediation.

7. Mr. DE CLEMENTI (Italy) thanked the delegation of Ceylon for the goodwill which it had displayed,

*Resumed from 735th meeting.

together with other delegations, in presenting a draft resolution which, although not entirely satisfactory, was at least a start.

8. With reference to the third paragraph of the preamble to the draft resolution, he said that it would be closer to the facts to say that Ethiopia and Italy had agreed to accept the 1908 Convention as a basis of negotiations, on the understanding that it had never been established that the Convention would be the sole basis.

9. The discussion seemed to be based on the assumption that there was a dispute between Ethiopia and Italy. In reality, however, Italy was only involved in the matter as an agent of the General Assembly, on whose behalf it had undertaken to conduct bilateral negotiations in order to establish the frontier of Somaliland.

10. The Ethiopian representative had developed a legal argument which was correct but incomplete. It was true that a treaty was not binding on a country that had not signed it, but the Trusteeship Agreement nevertheless imposed on Italy an international obligation, and Italy could not disregard the terms of that instrument.

11. He reserved his right to reply more fully at a later stage.

12. Mr. HERAKLIDIS (Greece) said that the problem of the frontier between Ethiopia and Somaliland under Italian administration was of particular importance, because its solution would determine the conditions in which the future Somali State could possess unchallengeable territorial status and live in peace and close co-operation with its neighbour. As far as Ethiopia was concerned, it had a history of integrity, courage and respect for others which augured well for the relations between the two States, provided that no unresolved points were allowed to subsist in the background.

13. The Greek delegation had studied carefully the reports presented by the Ethiopian and Italian Governments (A/3753 and Corr.1, A/3754 and Add.1) and it felt that the Committee could not be expected to decide on the extremely technical questions involved. It sincerely believed that the negotiations had failed and were bound to fail because of the juridical problems which arose, and the obstinate, if not indeed wholly unyielding, attitude of the two parties, both of which were convinced of the soundness of their arguments. The Greek delegation believed that, in the circumstances, the only possible solution was a judicial settlement by a special tribunal accepted by the parties. That tribunal would receive specific instructions to

interpret every point of the 1908 Convention which was in dispute, and a joint committee of experts from the two States would then draw the demarcation line in conformity with the tribunal's decisions.

14. The Greek delegation's position was based on the following considerations. The 1908 Convention represented the necessary juridical instrument from which the law could be ascertained. The two parties agreed that the Convention was valid, and that it was possible to apply it as a means of resolving the problem. Bilateral negotiations had begun, but, after some progress on minor details, had reached a deadlock. From the very outset of the negotiations, the two parties had agreed that the frontier would be determined by the provisions of the 1908 Convention. They also admitted that the negotiations and the application of the provisions of the 1908 Convention should not be influenced by *de facto* considerations. They thus recognized the Convention as the only authoritative instrument binding on them in the delimitation of the frontier.

15. The Greek delegation believed that the problem should be approached directly and from the strictly technical point of view, without any regard to political factors. That was the very reason why it was one of the sponsors of the draft resolution in document A/C.4/L.528.

16. Miss BROOKS (Liberia) suggested that the sponsors of the draft resolution might consult with the Italian and Ethiopian representatives with a view to improving the draft resolution, which had never been intended as anything other than a basis of discussion.

17. Mr. DE CLEMENTI (Italy) said that he was fully prepared to take part in an attempt to arrive at a text which would guarantee certain rights to the side which he was defending. He would like to begin as early as possible, so that, if the text were not adopted, the General Assembly would still be able to consider the possibility of mediation which it had suggested in resolution 392 (V); since no decision had been taken to the contrary, that suggestion still held good.

18. Ato Yilma DERESSA (Ethiopia) said that his delegation was always ready to take part in useful discussions.

19. Mr. BOZOVIC (Yugoslavia) expressed the hope that the sponsors of the draft resolution and the Italian and Ethiopian representatives would devise a text which would advance the Committee's work.

The meeting rose at 5.40 p.m.