1955 No. 244

The Somaliland (Ethiopia) Order in Council, 1955

Made - - - -	10*th February*, 1955
Laid before Parliament	15*th February*, 1955
Coming into Operation	28*th February*, 1955

At the Court at Buckingham Palace, the 10th day of February, 1955

Present,

The Queen's Most Excellent Majesty in Council

Whereas the Somaliland Protectorate is under the protection of Her Majesty and by treaty, grant, usage, sufferance and other lawful means Her Majesty has power and jurisdiction therein:

And whereas the Agreement set out in the Schedule to this Order (hereinafter referred to as "the Agreement") was entered into on the 29th day of November, 1954, between Her Majesty's Government of the United Kingdom of Great Britain and Northern Ireland and the Imperial Ethiopian Government:

And whereas by Article III of the Agreement the facilities and powers therein set out were accorded by the Imperial Ethiopian Government within the territories described in the Schedule to the Agreement:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:—

Citation and commencement

1.—(1) This Order may be cited as the Somaliland (Ethiopia) Order in Council, 1955.

(2) This Order shall come into operation on the 28th day of February, 1955, and shall be published in the Gazette.

Interpretation

2.—(1) In this Order—

"district courts" means the district courts, civil and criminal, of the Protectorate;

"the Gazette" means the Government Gazette of the Protectorate;

"the Governor" means the Governor and Commander-in-Chief of the Protectorate and includes any officer for the time being administering the Government of the Protectorate and, to the extent to which a Deputy for the Governor is authorized to act, that Deputy;

"the High Court" means the High Court of the Protectorate;

(a) 53 & 54 Vict. c. 37.

" the Liaison Officer " means any person appointed by the Government of the Protectorate to perform the functions of British Liaison Officer provided for in paragraph (*d*) of Article III of the Agreement;

" the Protectorate " means the Somaliland Protectorate;

" Protectorate courts " includes the High Court, district courts and subordinate courts;

" subordinate courts " means courts established under the Subordinate Courts Ordinance(**a**) or any Ordinance amending or substituted for that Ordinance;

" the territories " means the territories described in the Schedule to the Agreement;

" the tribes " means such tribes from the Protectorate as may from time to time be present in the territories.

(2) Save as is in this Order otherwise provided, or required by the context, the Interpretation Act, 1889(**b**), shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

Power of Governor to give instructions

3.—(1) The Governor may give instructions to the tribes with regard to internal tribal and inter-tribal matters and may confer upon any person from the Protectorate such powers, and impose upon persons from the Protectorate such duties and obligations, as may appear to the Governor to be necessary or expedient for the purpose of ensuring that such instructions are complied with.

(2) Without prejudice to the generality of the foregoing powers the Governor, in the exercise of those powers, may by Order—

(*a*) require the tribes while in the territories to observe, and conduct themselves in accordance with, any law for the time being in force in the Protectorate;

(*b*) give instructions to akils, elders and illalos as to the manner in which they are to perform their functions and maintain law and order;

(*c*) attach penalties to the breach of any instruction;

(*d*) regulate the powers of arrest referred to in paragraph (*c*) of Article III of the Agreement.

Jurisdiction of the Courts

4.—(1) Protectorate courts may hear and determine all causes and matters to which this section applies arising in the territories. In relation to such causes and matters—

(*a*) the High Court shall exercise the same civil and criminal jurisdiction as it exercises in the Protectorate;

(*b*) district courts and subordinate courts shall exercise such jurisdiction as the Governor may by Order generally or specially prescribe.

(2) This section applies only to causes and matters in which each of the parties (including complainants and accused persons in criminal

(**a**) Laws of Somaliland 1950 Rev. I, cap. 4.
(**b**) 52 & 53 Vict. c. 63.

causes and matters) is a member of one of the tribes or the Liaison Officer or a member of the staff of the Liaison Officer.

(3) Subject to the provisions of section 5 of this Order Protectorate courts shall, in the exercise of their jurisdiction under this Order, apply the law for the time being in force in the Protectorate as near as may be as if the cause or matter had arisen therein.

Power of Governor to make Orders for certain purposes

5. The Governor may by Order—

(*a*) for the purposes of subsection (3) of section 4 of this Order make such modifications of any law for the time being in force in the Protectorate as may appear to him to be necessary or expedient;

(*b*) provide that any act or omission in the territories which is an offence under the law for the time being in force in Ethiopia, but not under the law for the time being in force in the Protectorate, shall be an offence triable by Protectorate courts by virtue of this Order and attach penalties to any such offence;

(*c*) provide for bringing back for trial in Protectorate courts persons arrested in the territories who are triable by those courts by virtue of this Order or any Order made thereunder;

(*d*) provide for the obtaining of evidence for the purpose of proceedings in Protectorate courts from persons present in the territories, including the summoning of members of the tribes or the Liaison Officer or members of the staff of the Liaison Officer to appear in such proceedings;

(*e*) provide for the execution within the territories of judgments of Protectorate courts;

(*f*) provide for the transfer to Protectorate courts of causes and matters pending in the courts of the territories on the 28th day of February, 1955;

(*g*) regulate the provision of medical, veterinary, educational and other services provided for the tribes in accordance with paragraph (*e*) of Article III of the Agreement.

W. G. Agnew.

SCHEDULE

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE IMPERIAL ETHIOPIAN GOVERNMENT RELATING TO CERTAIN MATTERS CONNECTED WITH THE WITHDRAWAL OF BRITISH MILITARY ADMINISTRATION FROM THE TERRITORIES DESIGNATED AS THE RESERVED AREA AND THE OGADEN

The Government of the United Kingdom of Great Britain and Northern Ireland and the Imperial Ethiopian Government;

Desiring to terminate the temporary arrangements provided for in Article VII of the Anglo-Ethiopian Agreement signed at Addis Ababa on December 19, 1944; and

Desiring to implement the provisions of the Anglo-Ethiopian Treaty signed at Addis Ababa on May 14, 1897, relating to grazing rights;

Have agreed as follows :—

ARTICLE I

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

ARTICLE II

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

ARTICLE III

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

(*a*) Without prejudice to the jurisdiction of the Imperial Ethiopian Government and whilst the tribes are in the territories, the tribal organisation consisting of the system of local authorities (Akils), tribal police (Illalos) and Elders, as set up and recognised by the Government of the Somaliland Protectorate, shall continue to function and the tribes may be given from time to time instructions on internal tribal and inter-tribal matters as appropriate from the Government of the Somaliland Protectorate ; and the tribal organisation shall have the responsibility of maintaining law and order among the tribes. The tribal organisation shall not be used for political agitation within Ethiopia and nothing in this Agreement shall authorise political agitation by the tribes or members thereof. There shall be no more than 700 Illalos at any one time in the territories. Apart from the Akils, Illalos, Elders and Liaison Officer and such staffs as are or may be provided under sub-paragraphs (*d*) and (*e*) below, there shall be in the said territories no officials of, or appointed by, the Government of the Somaliland Protectorate except by agreement with the Imperial Ethiopian Government.

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

(*c*) Without prejudice to the full powers of arrest in the territories on the part of the Ethiopian police, the Illalos shall have full powers of arrest over members of the tribes and any other person where such arrest is

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

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

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

Article IV

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

Article V

The provisions of this Agreement shall be subject to review at any time at the request of either Contracting Party. Unless otherwise agreed the Agreement shall remain in force for a period of fifteen years, at the end of which period, unless six months prior notice of termination shall have been given by either Contracting Party, it shall continue to remain in force until six months after the sending by either Contracting Party to the other of a notice of termination. The termination of this Agreement shall not affect the grazing rights referred to in Article II.

Article VI

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

In witness whereof, the undersigned, being duly authorised thereto by their respective Governments, have signed the present Agreement.

Done in duplicate at London, this 29th day of November, 1954, in the English language.

ANTHONY EDEN.
AKLILOU.

Schedule

The territories consist of a continuous belt of Ethiopian territory bounded on the West and South by a line defined as follows :—

Starting at a point on the international Frontier between Ethiopia and the Somaliland Protectorate situated mid-way between the triangulation and astronomical points of Eirile and Cuble in a line drawn from Cape Maskan to the triangulation and astronomical point of Burta Dulleti, the line follows a straight line to Burta Dulleti, thence a straight line to the village of Darimu. From Darimu the line goes to Abosa–Cololcia–Serir Gerad–Gara Garri, thence to Buloda Uen, thence to Bulo Quruh, thence Libahful–Subul Hanfele–Ghetiit Addole–Subul Neric–Subul Bar Dod–Subul Odle–Abai Folan ; thence in a straight line to Gaho, thence following the thalweg of the Tug Gerer to a point ten kilometres above Dagahbur. From this point the line passes round Dagahbur following a semi-circle to the North and East of Dagahbur with the centre at Dagahbur and a radius of ten kilometres and rejoining the Tug Gerer at a point ten kilometres below Dagahbur, thence follows the Tug Gerer to a point eight kilometres North-west of the triangulation point of Bulaleh. From this point the line passes around Bulaleh following a semi-circle of eight kilometres South-east of Bulaleh Wells ; thence following the motorable track to Harardighet (Biad Detta) ; thence the line following the old motorable track to the East of the new road to Mersin Galgalo ; thence following the same track to Hara Ado (designated on the map Gabredarre KCN 4280 as Ado) leaving a well on each side of the line ; thence in a straight line to meet the track from Ual Ual to Galladi at a point sixteen kilometres to the East of Ual Ual ; thence following the same track to Galkayu as far as its point of intersection with the frontier of the United Nations Trust territory of Somaliland.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The purpose of this Order is to confer administrative, legislative and judicial powers needed to implement the Anglo-Ethiopian Agreement of 29th November, 1954, scheduled to the Order.