



Treaty Series No. 18 (1951)

# Exchanges of Notes

between the Government of the United Kingdom  
and the Government of Ethiopia

for the appointment of a Mixed Commission  
to demarcate the boundary  
between Kenya and Ethiopia

Addis Ababa,  
3rd July, 1950  
29th December, 1950/2nd January, 1951

*Presented by the Secretary of State for Foreign Affairs to Parliament  
by Command of His Majesty*

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TREATY SERIES No. 18 (1951)

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**EXCHANGES OF NOTES BETWEEN THE GOVERNMENT OF  
THE UNITED KINGDOM AND THE GOVERNMENT OF  
ETHIOPIA FOR THE APPOINTMENT OF A MIXED  
COMMISSION TO DEMARCATÉ THE BOUNDARY  
BETWEEN KENYA AND ETHIOPIA**

*Addis Ababa, 3rd July, 1950, and 29th December, 1950/  
2nd January, 1951*

CORRIGENDA

Document No. 2 (page 5).

“ [As in paragraph 2 of No. 1] ” *should be replaced by:—*

“ 2. In accordance with the suggestion made at the discussions between the Delegations of Kenya and Ethiopia at Addis Ababa on the 16th May, 1947, I have the honour to accept for the Imperial Ethiopian Government the following proposals:—

[As in sub-paragraphs (i) to (xxii) of paragraph 2 of No. 1.] ”

Document No. 4 (page 7).

“ [As in paragraph 1 of No. 3] ” *should read* “ [As in No. 3]. ”

LONDON: HIS MAJESTY'S STATIONERY OFFICE

**EXCHANGES OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM AND THE GOVERNMENT OF ETHIOPIA FOR THE APPOINTMENT OF A MIXED COMMISSION TO DEMARCATATE THE BOUNDARY BETWEEN KENYA AND ETHIOPIA**

*Addis Ababa, 3rd July, 1950,  
29th December, 1950/2nd January, 1951*

No. 1

*His Majesty's Ambassador at Addis Ababa to the Ethiopian Vice-Minister for Foreign Affairs*

*British Embassy,*

Your Excellency,

*Addis Ababa, 3rd July, 1950.*

With reference to the Notes which were exchanged on 29th September, 1947,<sup>(1)</sup> with regard to the boundary between Ethiopia and Kenya, I have the honour to inform your Excellency that His Majesty's Government in the United Kingdom attach importance to the appointment as soon as possible of Commissioners to demarcate the boundary line.

2. In accordance with the suggestion made at the discussions between the Delegations of Ethiopia and Kenya at Addis Ababa on 16th May, 1947, I have the honour to make to your Excellency the following proposals:—

- reply says to accept*
- (i) Each of the two Governments shall appoint and equip, at its own expense, a Commission consisting of one Commissioner, one Assistant Commissioner and Political Officer, and two Surveyors, and as many assistants, helpers, medical officers and staff for the transport of materials and supplies as may be necessary.
  - (ii) Each Commission shall have in addition for its protection a Military or Police Escort consisting of one officer and not more than fifty other ranks.
  - (iii) The two Commissions shall hold a preliminary meeting at Addis Ababa during the second half of September 1950.
  - (iv) The Mixed Commission to demarcate the boundary shall be constituted by the above-mentioned meeting of the two Commissions.
  - (v) The Mixed Commission thus constituted shall aim at beginning its work in the field at Malka Murri not later than 1st November, 1950, provided weather conditions permit.
  - (vi) At the first meeting in Addis Ababa the Commissioners shall examine each other's credentials and instructions, which shall consist of the provisions of the present Exchange of Notes.

When the documents referred to above have been found in good order, the first minute shall be drawn up to the effect that the Mixed-Commission for the demarcation of the boundary is thus constituted.

- (vii) Each Commission shall be provided by its Government with the instruments and other equipment necessary for the topographical and astronomical work required to carry out its mission.
- (viii) In accordance with the suggestions made in the discussion between the Delegates of Ethiopia and Kenya held in Addis Ababa on 10th May, 1947, and also in accordance with the provisions of paragraph 4 of my Note of 29th September, 1947, arrangements will be made as soon as practicable by His Majesty's Government in the United Kingdom for air photography of a strip about 20 miles wide

<sup>(1)</sup> "Treaty Series No. 18 (1948)," Cmd. 7374.

to include the boundary line between Malka Murri and Lake Rudolph; and for the supply, when available, of prints for the use of the Mixed Commission. His Majesty's Government in the United Kingdom will also undertake the preparation of topographical maps from these photographs on surveyed control and other data provided by the Commissioners after demarcation; and will supply copies of such maps to the Ethiopian Government, together with two complete sets of aerial photographs and with copies of all other data obtained relative to the tracing of the frontier. It is understood, however, that the work of demarcation on the ground shall proceed without awaiting the supply of air photographs.

- (ix) The Mixed Commission shall proceed to establish the whole of the frontier described in the annex to my Note of 29th September, 1947.<sup>(1)</sup> The Commission shall proceed to find and to demarcate the frontier as so described, using whatever survey methods may be necessary for the purpose. Where the nature of the ground or considerations of time or cost render triangulation impracticable, the boundary may be based upon control positions fixed astronomically at intervals of not less than 25 nor more than 50 miles, and connected by traverse of the most accurate character practicable. Triangulation, astronomical and main traverse points used as subsidiary control for fixing boundary marks shall be permanently marked on the ground. The results of all field work shall be compared while the Mixed Commission is still in the field. In case of disagreement they shall be checked, and the correct position of any point in doubt shall be determined before the Mixed Commission leaves the area of the frontier.
- (x) The Mixed Commission shall establish throughout the extent of the frontier as many marks as may appear necessary at such intervals as may be agreed by the Commissioners.
- (xi) The boundary marks shall consist of cement concrete beacons being quadrangular truncated pyramids each having the following minimum dimensions: 60 centimetres wide at the base, 25 centimetres wide at the top and 1 metre 25 centimetres in height, erected on a concrete platform 1 metre square and approximately 4 decimetres in depth sunk level with the surface of the surrounding ground. Each pyramid shall, wherever practicable, be visible from those on either side of it.
- (xii) On every boundary mark shall be inscribed the exact latitude and longitude in which it has been placed, the date on which it was placed there, and the words "Kenya" or "Ethiopia," as the case may be, inscribed on the side corresponding to the territory of each country, together with a serial number, to be assigned to each such boundary mark, commencing with the terminal boundary mark at the eastern extremity, which boundary mark shall bear the number 1.
- (xiii) In placing each mark, a detailed report shall be drawn up describing the nature of its construction and its geographical position. The spelling of the place names shall be both in the English and Amharic languages, in English according to the Royal Geographical Society's "System II" and in Amharic in accordance with the orthography decided by the Ethiopian Commission.

Besides these reports regarding the placing and establishing of marks, a general report shall be drawn up when the Commission has finished its work, describing the whole of the frontier marked. The detailed arrangements for all field work will be left to the Commissioners, but all results incorporated in the reports or maps prepared

<sup>(1)</sup> "Treaty Series No. 18 (1948)," Cmd. 7374.

- by the Commission will be agreed to by both sides of the Commission.
- (xiv) A lane 3 metres wide shall be cut through the vegetation throughout the whole length of the boundary, and wherever possible this clearance shall be made suitable for motor vehicles and pass round the bases of the principal beacons so as to permit of the free passage of a lorry.
  - (xv) The Commissioners shall decide on the method whereby the boundary clearing and the beacons shall be jointly maintained by the Governments of Ethiopia and Kenya.
  - (xvi) The Mixed Commission shall have authority to decide on the spot any point of doubt as to the exact location of the line. Disagreements between the British and Ethiopian Commissions which cannot be settled amicably by the two Commissions shall be submitted by them to the Contracting Governments, who, if they fail to reach agreement, shall submit the dispute to arbitration.
  - (xvii) The Mixed Commission shall keep an account of all expenses incurred in the work of demarcation as regards labour, material, transport and supplies, but not including salaries or wages and equipment of the personnel of the Commissions or their assistants and escorts, and the total of such expenses shall be borne in equal moieties by the Contracting Governments.
  - (xviii) The Commissions and their staffs shall have complete freedom of movement for themselves and their transport in the territories of the Contracting Governments, who shall accord to them all necessary facilities in the matter of exemption from frontier and similar formalities, the operation of aircraft carrying out the aerial survey referred to in paragraph (viii) above and, so far as may be necessary, the obtaining of labour, transport and supplies.
  - (xix) All supplies, equipment and other articles which the Commissions may have to transport from one territory to the other in the discharge of their labours shall in the territories of the Contracting Governments be exempt from customs duties and any other internal tax.
  - (xx) In addition to the general report on the work of the demarcation referred to in (xii) above, the Commissions shall present to their respective Governments in duplicate a general map of the region demarcated, which may be that prepared from air photographs in accordance with (viii) above, and all necessary plans, photographs and descriptions. All such documents shall be signed by both Commissioners.
  - (xxi) The Commissions may suspend and resume their operations of demarcation by agreement between the two Commissioners with the approval of their respective Governments whenever reasons occur to justify this action which they shall note in a minute.
  - (xxii) The work of the Mixed Commission shall be concluded as soon as possible and in any case within a total period not exceeding three years from the date of its commencement including any adjournments that may be found necessary. Any extension beyond three years shall be the subject of specific agreement between the Contracting Governments.

3. If the Ethiopian Government are prepared to accept the foregoing provisions, I have the honour to propose that the present Note and your Excellency's reply to that effect should be regarded as constituting an agreement between the two Governments which shall take effect immediately.

I avail, &c.

D. W. LASCELLES.

*The Ethiopian Vice-Minister for Foreign Affairs to His Majesty's  
Ambassador at Addis Ababa*

*Ministry of Foreign Affairs,*

Your Excellency,

*Addis Ababa, 3rd July, 1950.*

With reference to the Notes which were exchanged on 29th September, 1947,<sup>(1)</sup> with regard to the boundary between Kenya and Ethiopia, I have the honour to inform your Excellency that the Imperial Ethiopian Government attach importance to the appointment as soon as possible of Commissioners to demarcate the boundary line.

[As in paragraph 2 of No. 1.]

The Imperial Ethiopian Government having hereby accepted the foregoing provisions, I have the honour to agree that your Excellency's Note of 3rd July, 1950, and the present Note shall be regarded as constituting an agreement between the two Governments which shall take effect immediately.

I avail, &c.

Z. G. HEYWOT.

*The Ethiopian Vice-Minister for Foreign Affairs to His Majesty's  
Ambassador at Addis Ababa*

*Ministry of Foreign Affairs,*

Your Excellency,

*Addis Ababa, 29th December, 1950.*

After duly exchanging their credentials on 29th November, the Ethiopian and British Commissioners appointed to carry out the delimitation of the Ethiopia-Kenya frontier have, as you are aware, been examining in detail the procedure envisaged in the Exchange of Notes of 3rd July, 1950, and have reached the conclusion that certain of the arrangements outlined therein require to be revised. The points in regard to which they recommend revision relate to Sections (xi), (xii) and (xiv) of the above-mentioned Exchange of Notes. In these respects the detailed recommendations of the Commissioners are as follows:—

- (1) Two types only of boundary pillar are to be used, known respectively as "main pillars" and "secondary pillars."
- (2) Main pillars shall be established at important places such as—
  - (a) Significant topographical points; for example, (i) the summit of an important hill, (ii) the crossing of a road or track of some importance, (iii) points where there is a major change in the direction of the boundary line; and
  - (b) Points of the main control (trigonometrical or astronomical) which lie on the boundary line.
- (3) All other boundary pillars established shall be of the secondary type.
- (4) The main pillars will normally be of the following shape:—

A rectangular pyramid—

- 1 m. 60 high
- 0 m. 30 side at the top
- 1 m. 00 side at the base.

(1) "Treaty Series No. 18 (1948)," Cmd. 7374.

carried on a square base—

1 m. 60 side

0 m. 30 thick

buried flush with the ground.

(5) Where, however, the pillar is on weak soil, the side of the base shall be 2 m. 00.

(6) The pyramid shall be centred over a square block—

0 m. 30 side

0 m. 20 thick,

covered with 0 m. 10 of earth or sand.

(7) The pillars shall bear two cement panels, one on the side facing Ethiopia, the other on that facing Kenya. On each panel shall be inscribed the name of the country and the number of the pillar: on the panel facing the Ethiopian side the inscription shall be in Amharic characters; on that facing the Kenya side, in English characters. The whole, *i.e.*, the pillar and the buried block, shall be built in cement masonry, with an external coat of strong cement.

(8) The secondary pillars shall be similar to the main pillars except for the undermentioned differences:—

(a) The pyramid and base shall be triangular, but of the same dimensions.

(b) The interior of the pillar shall be of dry masonry, only the exterior stones being of cement mortar, and without an external cement coat.

(9) A width of 2 metres on each side of the boundary line shall be cleared of bush. Around each boundary pillar this width shall be increased to 3 metres on each side. In those regions where the ground is not too broken for lorry traffic, the bush clearance shall include removing the stumps of trees and bushes.

(10) In open ground where there is only grass or cultivation, a ditch 1 metre wide and 0 m. 50 deep shall be dug at a distance of 1 m. 50 on each side of the boundary line, the excavated earth being used to form a bank, 2 metres wide, along the boundary line. These ditches shall be interrupted at intervals of about 30 metres by lengths of 2-3 metres of untouched ground in order to prevent the ditches from becoming watercourses.

(11) In open gravel or stony ground, a path 3 metres wide shall be made exactly astride the boundary line. In sandy ground a line of stones shall be laid along the actual boundary line.

2. On behalf of the Imperial Ethiopian Government I now propose that the recommendations of the Commissioners as reproduced above should be accepted by our two Governments and regarded as overriding, wherever there is discrepancy, the relevant provisions of the Exchange of Notes of 3rd July, 1950.

3. I should be grateful to learn whether your Excellency, on behalf of His Majesty's Government in the United Kingdom, is in agreement with the foregoing proposal. In that event, my present Note and your Excellency's reply thereto can be regarded as constituting a supplementary agreement between our two Governments which shall take effect immediately.

I avail, &c.

Z. G. HEYWOT.

No. 4

*His Majesty's Ambassador at Addis Ababa to the Ethiopian  
Vice-Minister for Foreign Affairs*

*British Embassy,*

Your Excellency,

*Addis Ababa, 2nd January, 1951.*

I have the honour to acknowledge the receipt on this day's date of your Excellency's Note of 29th December, the text of which reads as follows:—

[As in paragraph 1 of No. 3.]

2. On behalf of His Majesty's Government in the United Kingdom I have the honour to inform your Excellency that I am in agreement with your proposal as set forth above.

I avail, &c.

D. W. LASCELLES.

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