THE ISSUE OF THE
NORTHERN FRONTIER DISTRICT

A Report on Events Leading to the Severance of Diplomatic Relations Between the Somali Republic and the United Kingdom

Published by the Government of the Somali Republic
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A Report on Recent Incidents in
the National and Diplomatic Relations
between the Somali Republic and
the British Kingdom

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«... Our misfortune is that our neighbouring countries, with whom, like the rest of Africa, we seek to promote constructive and harmonious relations, are not our neighbours. Our neighbours are our Somali kinsmen whose citizenship has been falsified by indiscriminate boundary «arrangements». They have to move across artificial frontiers to their pasture lands. They occupy the same terrain and pursue the same pastoral economy as ourselves. We speak the same language. We share the same creed, the same culture and the same traditions. How can we regard our brothers as foreigners?

«Of course we all have a strong and very natural desire to be united. The first step in this direction was taken in 1960 when the Somaliland Protectorate was united with Somalia. This act was not an act of «colonialism» or «expansionism» or «annexation». It was a positive contribution to peace and unity in Africa and was made possible by the application of the principle of the right to self-determination. We adhere most rigidly to this principle which is linked to our pledge in Article VI of our Constitution that we shall promote «by legal and peaceful means the union of Somali territories»*. 

ABDIRASHID ALI SCHERMARKE
Prime Minister, Somali Republic

* From the Preface to The Somali Peninsula, 1962, published by the Information Services of the Somali Government.
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CHAPTER I

HISTORICAL BACKGROUND

The Somali people first became divided when European colonial powers penetrated the Horn of Africa in the nineteenth century. France wanted a coaling station in the Red Sea, in order to compete with Aden, and, having acquired* Jibuti from Britain in 1888, she wished to link this port with her colonial possessions in Equatorial Africa. Italy wanted to colonize the highlands of Eritrea and Abyssinia and the fertile country along the Somali Juba and Shabelli rivers. Britain wished to secure fresh supplies of meat from the Somali Coast for her Aden fortress opposite, and was troubled to the point of obsession by the danger of other European powers acquiring access to the headwaters of the Blue and White Nile.

Whilst the Shoan, King Menelik II, set about conquer-

ing the Galla Kingdoms to the south of his Amhara principalities (then known as Abyssinia) he welcomed a protective shield of European colonial powers situated along the Somali and Danakil* coast line, «which he himself could not hold».**

**EURO-ABYSSINIAN COLONIAL EXPANSION 1889-1897**

Not content with strips of territory along the coast, the three European colonial powers in 1889 agreed to a division of the Horn of Africa, including what is known today as the Ethiopian Empire, into three respective areas of influence and protection. However, internal jealousies and mutual distrust between the three rival powers soon secured for King Menelik, under the Brussels General Act of 1890, sufficient military strength in arms and ammunition, not only to assert his independence*** from Italy in 1896 after the battle of Adowa, but also to subjugate and to extend by force his dominion over some of his neighbours and to lay claim to suzerainty over the Somali people.

Moreover, in relation to their competitive interest in this part of Africa, King Menelik in 1897 was able to persuade France, Britain and Italy to curtail the extent of their suzerainty over Somalis in defiance of some of the treaties which these European powers had earlier concluded with them. Thus France abandoned the Somali people in the Region of the Awash river, and Britain, though taking great care in the wording of her Treaty of 1897 with Menelik not to cede Somali territory to

* The Danakil reside along part of the French Somaliland and Eritrean coast line.


*** To which of course he was fully entitled.
Ethiopia, nor recognising Ethiopian claims to Somali territory,* unilaterally withdrew her protective relationship from 25,000 square miles of Somali territory known later as the «Haud» and «Reserved area».

**TWENTY YEARS WAR 1900-1920**

The period 1900-20 was notable for the military campaigns conducted by the imperial powers — Britain and Ethiopia — against the Somali Nationalist leader, Sheikh Mohammed Abdille Hassan, and his army of dervishes who fought for twenty years to restore the independence and integrity of the Somali people.

At the beginning of this century, the Ethiopian armies, with active assistance from Britain, engaged the dervishes in exhaustive campaigns. By 1904 the Ethiopians were obliged to withdraw their armies altogether from Somali territory, and after a further six years of intermittent warfare, the dervishes forced the British army to retreat to the Somali coast. In 1920 the Royal Air Force came to Britain's rescue and bombed Sheikh Mohammed's stone fortresses, but he and his dervishes, adopting guerilla tactics, avoided the assaulting infantry and retired to the Sheikh's own country at Iml on the river Shabelli, where they continued to maintain their independence.

**SOMALI TERRITORY AND POWER POLITICS 1925-1950**

As booty for the victorious part played by Italy in World War I, over thirty thousand square miles of Somali territory, known as Jubaland, was transferred to Italy by Britain in

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* India office, Diplomatic Despatches, Rodd to Salisbury, No. 35 of June 4, 1897.
1925. Again, in 1935 Britain was prepared to cede Somali territory in former British Somaliland* both to Ethiopia and to Italy in settlement of the Italo/Ethiopian dispute, but Mussolini declined the offer. In 1948, despite the British Foreign Minister’s earlier proposal to lump all Somali territories together as one Trust Territory, Britain withdrew, at Ethiopia’s behest, from Somali territory which she was occupying in the wake of her military conquests of World War II, and left behind a provisional «ethnic boundary» dividing the Somalis in the region known as Somalia from their kinsmen to the west. Not content with this, Ethiopia pressed Britain two years later to move the boundary even further to the east as an angular projection of the eastern boundary of former British Somaliland. It was named, and still retains the name «provisional administrative line» to which Italy, the succeeding administering power under United Nations Trusteeship, «expressed the widest reserves»; likewise Somalia on the attainment of her independence in 1960. This artificial, British-made provisional boundary now purports to define the frontiers between Ethiopia and the Southern Regions of the Somali Republic.

RECOGNITION OF ETHIOPIAN SOVEREIGNTY IN 1955?

Although in 1948 and again in 1950 Britain had withdrawn from Somali territory, thus placing it for the first time under Ethiopian administration, Britain still occupied under military administration the area known as the «Haud» and «Reserved Area» which she had abandoned 1897. This area of 25,000 square miles was contiguous with the British Protectorate of Somaliland (now the Northern Regions of the Somali Republic) and was occupied, and is still so occupied, by almost half of the

* See Parliamentary Debates, House of Commons, July 4th, 1935.
Somali nomadic population of the north for seasonal pasturage. It will be recalled that when Britain withdrew from this area in 1897 she did so in defiance of earlier Treaties of protection. These provided for the preservation of Somali independence and did not transfer the ownership of Somali territory to the British. It was doubtless because of this factor that Britain in 1897 did not cede the «Haud» and «Reserved area» to Ethiopia, nor did she recognise Ethiopian claims to it. In 1955, however, Britain surrendered the territory to Ethiopian control on the false assumption that it belonged to Ethiopia.

**The Six Occasions**

Thus Britain sacrificed Somali territory for reasons of political expediency on the following occasions:

1. 1888 Jibuti ceded to France.
2. 1897 «Haud» and «Reserved Area» abandoned to Abyssinian marauders.
3. 1925 Jubaland ceded to Italy.
4. 1948 Somalis in Ogadenia, Jigjiga and Diredawa regions were surrendered to Ethiopian rule. Provisional administrative boundary between Somalia and Ethiopia established by British Administration.

*In 1935 Britain also attempted to bargain with Somali territory in former British Somaliland in order to settle the Italo/Ethiopian dispute, but the offer was declined by Italy.*
1950 Provisional boundary between Somalia and Ethiopia again readjusted in favour of Ethiopia, thereby surrendering more Somalis to Ethiopian rule.

1955 Britain withdraws from the «Haud» and «Reserved Area» on the false assumption that the territory belongs to Ethiopia.

**BRITAIN AND THE NORTHERN FRONTIER DISTRICT (N.F.D.)**

In order to show how Britain in March 1963 managed to placate her old ally Ethiopia and her newly won friends in Kenya by perpetuating the partition of the Somali people, it is necessary to examine the events concerning the N.F.D. which occurred during 1962 and the first quarter of 1963. First, it will be necessary to give a short historical background to the N.F.D.

Britain acquired the Northern Frontier District by historical accident. In the latter part of the last century, Britain's interests lay in the commercial possibilities of exploiting the river Juba, on the one hand, and, on the other, in a railway line from Mombasa to the headwaters of the White Nile. The N.F.D. which fell geographically and incidentally between these two predominating interests was not occupied by Britain for the twenty years between 1890 and 1910.

**N.F.D. A SINGLE ENTITY**

In 1926, while the N.F.D. was under military administration (and again in 1934) it was proclaimed a «closed district» which insulated it from the outside world. These laws, which are still in force, restrict the movements of people enter-
ing or leaving the District. They serve to illustrate the isolation of the area and of its inhabitants who have lived for generations as a single entity, akin only to their brothers in the North East with whom they share the same culture and way of life.

It was Sir Charles Eliot, the Commissioner for East Africa, who wrote* in 1904 that «if it were possible to detach the districts inhabited by Somalis, it would be an excellent thing to form them into a separate Government, as they are different in population, economic and physical conditions from the other Provinces, but, unfortunately, they are too small to form a separate administration and the adjoining Somali territories are not British».

N.F.D. REPRESENTED AT PAN-SOMALI CONFERENCE

In 1948, representatives of the Somali Youth League, actively operating in the N.F.D., participated at a conference held in Mogadishu composed of delegates drawn from every Somali occupied zone in the Horn of Africa. The conference submitted a joint Memorandum to the Four-Power Commission of Investigation on Ex-Italian Somaliland with this request.

«... We do not pretend that we can stand on our own feet at the moment, but ask the United Nations Trusteeship Council to decide questions relating to the formation, boundaries, and administration of a Somali Trust Territory to be known as Somalia; this territory to consist of all areas at present predominantly populated by Somalis».

N.F.D. Political Activity Proscribed From 1948-60

It was as a result of this conference, and because of the participation of the N.F.D. in the National Movement for Somali Unity and Freedom, that the British administration in Kenya proscribed the Somali Youth League and suspended the right of political expression in the N.F.D. from 1948 until 1960. This National political movement was far in advance of any similar movement in Kenya in spite of claims by Kenya politicians today that the N.F.D. lacks political experience and understanding.

From 1960 onwards, the N.F.D. people were again free to express their desire for Somali unity by the development of political parties which by the end of 1961 could claim the support of an overwhelming majority of the inhabitants of the N.F.D. So impressive was the support given to the political parties by the chiefs, elders and people that Britain's Colonial Secretary, Mr. Maudling, agreed that the N.F.D. people should be specially represented at Kenya's Constitutional Conference in February 1962 to discuss their demand for union with the Somali Republic.
CHAPTER II

KENYA'S CONSTITUTIONAL CONFERENCE 1962

The delegates from the N.F.D., at the Constitutional Conference, presented the Colonial Secretary with a memorandum outlining the characteristics of the N.F.D. and its people and offered proposals on the political future of the territory. The delegates pointed out that the character of the N.F.D. and of its people establishes a close affinity with the territory and people of the Somali Republic; and by the same token any affinity with the territory and the people of Kenya is non-existent.

The delegates reminded the Colonial Secretary that the N.F.D. was proclaimed a «closed District» in 1926 and a «special District» in 1934 and that the territory continues to be subject to these Ordinances, the practical effect of which is that the movement of persons to and from the N.F.D. has been closely restricted. This clearly illustrates a recognition of the separate identity of the territory. This recognition also emerges from legal provisions which ensure that Somalis are not amenable to process in the African Native Courts and in matters of personal law are subject to their own code and courts. It is a fact, the delegates concluded, that no more than the most tenuous links
have been forged between the N.F.D. and Kenya. This is no matter of chance, they added, when one takes into account the total absence of affinity with Kenya.

**SOCIAL AND ECONOMIC CONTRASTS (N.F.D.)**

The delegates stressed that by racial stock and by language the people of the N.F.D. are kindred with the people of the Somali Republic, but alien to the peoples of Kenya. In their profession of the Muslim faith and participation in the institutions of their religion, the people of the N.F.D. have a pattern of society which is the same as that of the people of the Somali Republic, the features of which are not manifested in the social organisation of Kenya. The pastoral and nomadic way of life followed in the N.F.D. is the same as that pursued by the pastoral population of the Somali Republic, and seasonal migration between the two areas occurs on a substantial scale. These features do not appear in Kenya, commented the N.F.D. delegation.

**N.F.D. PROPOSAL**

The proposal made by the N.F.D. delegates was that the British Government should grant autonomy to the N.F.D. as a territory wholly independent of Kenya, before any further constitutional changes affecting Kenya were made, in order that the territory may in due course and contemporaneously with the grant of full independence to Kenya join in an Act of Union with the Somali Republic.

**H.M.G. ALONE TO DECIDE**

The delegates emphasised that their proposal was addressed solely to the British Government because:
(a) it was the decision of the British Government to take the people of the N.F.D. under Protection and later to incorporate their lands territorially within the Colony of Kenya;

(b) it was the British Government who decided to cede the former Jubaland District to the Kingdom of Italy in 1925;

(c) it is the British Government who have laid down the principles by which the administration of the territory and its peoples should be directed, embodying the recognition of separation from Kenya and its peoples.

KANU and KADU*

The delegates also explained that they were not addressing their proposals to the Kenya political parties who have hitherto been content to accept the separation, who have taken no steps to foster the needs of the people of the N.F.D., and who have never visited the territory in question. The delegates rejected any idea that the political parties of Kenya may have to control the destiny of the N.F.D. and expected that those who seek implementation of the principle of self-determination for themselves would not deny it to others.

Preference for U.N. Referendum

After a series of joint and separate meetings were held with the N.F.D. delegates and representatives of KANU and KADU, the Colonial Secretary proposed to the N.F.D. delegation that a Commission be appointed to ascertain the wishes of the

people. Mr. Abdirashid Khalif, Member of Kenya’s Legislative Council and leader of the N.F.D. delegation, responded to this proposal on April 2 in a letter addressed to Sir Patrick Renison, the then Governor of Kenya, in which he said that the N.F.D. delegation would have preferred a referendum under United Nations auspices «so that the people might be able to exercise the right of self-determination»; but nevertheless they were agreeable to the proposal to send a Commission to the N.F.D. «in place of such a referendum» provided that «the policy of Her Majesty’s Government, following the Commission’s findings, will be acted upon concurrently with or prior to the attainment of internal self-government for Kenya».

**MR. MAUDLING AND A PLEBISCITE FOR N.F.D.**

At the final plenary session of the Constitutional Conference on April 6, the Colonial Secretary announced that, having taken into consideration the views of the N.F.D. delegates, KANU and KADU, a Commission will be appointed to enquire into the state of public opinion in the N.F.D., and, subject to its findings, «it may suggest the holding of a plebiscite or referendum in one or more districts». At a press conference, immediately afterwards, Mr. Maudling said:

«As there is no question of fixing a date for independence, we do not need to decide now the Somali claims regarding the N.F.D. I am setting up some sort of Commission to enquire into the problems and see what people’s views are. If it seems wise we will find out their views by a series of plebiscites».

**N.F.D. NEGOTIATE A SETTLEMENT**

This announcement was followed later, on the same day, by another special session with the Colonial Secretary and the
N.F.D. delegates. At this meeting Mr. Maudling considered a draft conclusion to the section of the Constitutional Conference dealing with the N.F.D. The conclusion, as subsequently published by the British Government in a Report on the Kenya Constitutional Conference,* is set out in Appendix «A»(page 75). It should be noted, however, that at the request of the N.F.D. delegation, Mr. Maudling agreed to the inclusion of the words underlined in the following sentence:

«... an investigation should be undertaken in order to ascertain public opinion in the area regarding its future ... This Commission would be appointed as soon as practicable so that its report could be available and a decision on its findings taken by Her Majesty's Government before the new Constitution for Kenya was brought into operation...».

This addition to the original draft was a negotiated settlement between the N.F.D. delegates and the Colonial Secretary and meant that the British Government had an exclusive responsibility to decide the future of the N.F.D. before Kenya's self-governing constitution came into operation. Indeed it is not capable of any other interpretation.

**First Sign of Duplicity**

It appears that the Colonial office took fright at the prospect of having to decide the political future of the N.F.D. before Kenya attained self-government and so omitted in the text of its final communiqué the most important elements of the agreement. The words underlined below were omitted from the text of the

following communique which was issued by the Colonial Office on April 9, 1962:

«... Her Majesty’s Government had come to the conclusion that an investigation should be undertaken in order to ascertain public opinion in the area regarding its future. Accordingly, the Secretary of State proposed to arrange for an independent Commission to be appointed, with appropriate terms of reference, to investigate this matter and report to him. This Commission would be appointed as soon as practicable so that its report could be available and a decision on its findings taken by Her Majesty’s Government before the new constitution for Kenya was brought into operation. Meanwhile there would be no change in the status of the Northern Frontier District or in the arrangements for its administration».

Following a protest by the Somali Government to the British Ambassador in Mogadishu, the words underlined above were then included in the text of the Report of Kenya’s Constitutional Conference which was published later in the month.

**Somali Delegation in London**

It was during this period, February-April, 1962, that a delegation from the Somali Republic was present in London, led by the former Minister of Education Mr. Mohamed Ibrahim Egal. Apart from keeping a close watch on developments at Kenya’s Constitutional Conference, in so far as it affected the N.F.D., the delegation, together with the Somali Ambassador in London, devoted considerable efforts to explain to Members of the British Parliament and to the Press the policy of the Somali Government towards the reunification of Somali territories. At the same time, a book *The Somali Peninsula, A New Light on*
Imperial Motives was published by the Government and given wide distribution. The success of this public relations effort is evident from the support that members of both Houses of Parliament and the British Press have given to the policy of this Government over the N.F.D. issue.
CHAPTER III

SOMALI POLICY CONVEYED TO KENYA'S LEADERS

In the Summer of 1962, two separate delegations, one from the Kenya African National Union (K.A.N.U.) and the other from the Kenya African Democratic Union (K.A.D.U.), led respectively by Mr. Jomo Kenyatta and Mr. Ronald Ngala, were invited to the Republic to exchange views on matters of mutual interest, including the question of the Northern Frontier District.*

COMPROMISE OFFERED

The Prime Minister, Dr. Abdirashid Ali Shermarke, said in a speech on July 30, at the end of Mr. Kenyatta’s visit, that the «future of the Northern Frontier District remains one for final settlement by Her Majesty’s Government». He explained

* A summary of the Somali Government’s policy towards the N.F.D. will be found in Appendix «B» p. 77. See also booklet «The Somali Republic and African Unity» published by the Somali Government.
that an impartial Commission was to be appointed shortly to ascertain the opinion of the people of the N.F.D. regarding their future, and the Prime Minister offered a compromise:

«If this Commission reports that the majority of the people wish to become a part of Independent Kenya we will not object».

He pointed out, on the other hand, that if the people of the N.F.D. wish to join the Somali Republic, the Government would be «happy to see them reunited with their brother Somalis».

«Our hope is that the principle of self-determination will be fully respected and applied to the inhabitants of the N.F.D.».

The Prime Minister explained that the principle of self-determination «has been applied in recent years to Togo, to the Cameroons and elsewhere; and there are valid reasons why it should be applied to the N.F.D.».

SELF-DETERMINATION

The President of the Republic, His Excellency Adan Abdulla Osman, said at a reception for Mr. Kenyatta on July 28, 1962:

«The principle of self-determination, when used properly to unify and enlarge an existing State with a view towards its absorption in a federal system of government is neither balkanisation nor fragmentation. It is a major contribution to unity and stability, and totally consistent with the concept of pan-Africanism».

The President explained the reason why the Somalis had an irresistible urge to unite. He spoke first about the natural evolution of political parties in the State:

«Many generations of our people, born and bred in cir-
circumstances which have had their glory and their perils, have warned us of the corrupting influence of power. In times of danger, when great issues were at stake, our forebears welcomed a leader who could command their respect. But no sooner had the threat passed, the leader vanished. Men in council took his place. Thus no tyrant has survived among us. «It is natural, therefore, that we should have many political parties in this country; for they provide the time-honoured checks and balances which safeguard the people from the frailties of human nature».

DEMOCRACY

The President then said that the peoples belief in Somali democracy was not drawn from the political ideologies of their former colonial masters, but from a knowledge of their own social and political systems, of its strength and weaknesses. «Our ancestors», he said, «developed a society which respected every man's right to play his part, according to his ability, in the affairs of his country. They scorned the man who attempted to be superior to his fellow men, and quelled the ambitions of potential dictators. Compromise was their aim, for only compromise and tolerance brought peace, prosperity and happiness».

The President regretted that many other African independent States, «because of the intolerances that are inevitable among a heterogeneous populace», have had to resort, for the sake of cohesion, to a single party system of Government. «Others forbid politics altogether», he said. «After two years and more of our independence, we are proud to be exercising the same democratic ideals as we inherited from our forefathers». 24
IRRESISTIBLE URGE TO UNITE

«It is this factor, among others, that gives us, the Somali people, the irresistible urge to live with each other, irrespective of the artificial boundaries that divide us. It is not surprising therefore that Somalis, not only in the Northern Frontier District of Kenya, but in French Somaliland and in Ethiopia, have a longing in their hearts to be reunited. Nor is it surprising that we, in this Republic, are impelled by the same spirit to go out and to give succour to those who are in need of us».

Finally, the President referred to a discussion that he had with President Nkrumah about these matters in October, 1961, and recalled their joint communique:

«The imperative need to restore ethnic, cultural and economic links, arbitrarily destroyed through the partitioning of Africa by the colonialists».

MR.肯YATTA REPLIES

Mr. Kenyatta, in a speech at Mogadishu’s airport on the day of his departure, referred to the Northern Frontier District of Kenya as a «very touch question» but the two sides, he said, had discussed it in a «very brotherly and friendly manner».

«We, and especially KANU, feel, and we have put it clearly before the Somali Government, that we regard the N.F.D. as part of Kenya. We also regard Somalis who live in the N.F.D. and elsewhere in Kenya as our brothers. They are part and parcel of Kenya and we will like them to live in Kenya in that fashion».

* See reply by Minister of Information, Appendix «B», p. 77
In a policy statement on August 11 at a reception given to Mr. Ngala, the Prime Minister said:

«It has been said that the problem of Somalis living outside the Republic’s present frontiers can be solved by a federation of these territories. We believe this to be true because we have no desire for territorial aggrandisement. We wish only to form one Federal Unit of a reunited Somali people within the framework of a wider political Federation of East and Central Africa».

The Prime Minister went on to say that the Republic would have no difficulty in realising this aim because of the Republic’s unique experience of having already united two Independent African States (former Somaliland and Somalia), and because the Republic has provided in its Constitution for limitations of its sovereignty on terms of parity with other States. The Prime Minister, however, made this important reservation:

«The Somali Republic, though otherwise more than willing to do so, can only enter into a political federation on the prior condition that the constituent part, comprising all Somalis who wish to be reunited, is established before the Republic enters into the proposed federal relationship. The reason for this is obvious. No state, regional or administrative boundaries within a federation have yet been revised without at least a two-thirds majority in the Federal Legislature. This is a political risk which the Somali people, being in a minority, would not be prepared to take. It is absolutely necessary, therefore, that all constituent boundary arrangements should be settled before an act of federation is passed».
Experience with Ethiopia

The Minister of Information, Mr. Ali Mohamed Hirave, at a Press Conference* on August 4, laid stress on the importance of this pre-condition to a federation:

«Our experience with Ethiopia has shown that settlement of boundaries can be one of the most intractable problems between Independent African States. How much more difficult therefore would it be for the Somali State, as a minority in any Federal legislature, to secure agreement for a revision of boundaries after Federation had taken place?»

Mr. Ngala Replies

Mr. Ngala, in reply to the Prime Minister's speech, of August 11, suggested that it would strengthen the links now being established between Kenya and the Somali Republic if agreement could be reached «to discuss some arrangements that would meet the wishes that are now being expressed from both sides».

«This would enable the question of independence and federation of East African territories to be discussed. If Somalia agrees to this idea, she will be helping us not only to deal with our constitution and hasten our independence but Somalia will be helping in the hastening of the federation on which so many other problems are dependent».

Autonomous Regions

«With regard to the question you raise about the N.F.D. we have given the people of that area an opportunity to say what

* See Appendix «B», p. 77
they wish, and with further discussions I hope we can come to some arrangements satisfactory to all parties concerned».

«Autonomous regions comprising the people who wish to live together in Kenya, and providing for the rights of the minorities, can be a solution to the problems of suspicion, problems of fear, problems of insecurity, and even problems of secession, as expressed by different groups in Kenya».

**Not a Question of Fear**

The Prime Minister said that he was particularly pleased that Mr. Ngala had expressed the hope that arrangements for the N.F.D., satisfactory to all parties concerned, could be reached; but in a reference to «Somali fears» in the N.F.D., the Prime Minister added:

«The N.F.D. question is not new, Sir. It dates back to 1943 when the Somali Youth League was formed. The League’s branches in the N.F.D. were proscribed by the Kenya Government five years later because of the vociferous demands by the people of the N.F.D. to unite with their brother Somalis. Many leaders were imprisoned and eight were exiled to a remote corner of the province. They were released only last year. So you see, Sir, it is not so much fear of tyranny that drives the people of the N.F.D. towards us (they have experienced that already), but an old and natural desire to reunite. A burning desire which neither time nor adversity has stifled. But their patience, Sir, is now almost exhausted».

These differing points of view were expressed with the utmost cordiality by all concerned during these two visits by Kenya’s leaders to the Somali Republic. The Government has published a booklet entitled «The Somali Republic and African Unity» with an account of the visits and a summary of the main speeches together with over 50 photographs.
CHAPTER IV

ATTRITION OF PLEDGES

It was announced in August, 1962, that, in addition to the special Commission appointed to ascertain public opinion in the N.F.D. regarding its future, two other Commissions would also take evidence in the N.F.D., a Regional Boundaries Commission and a Constituencies Delimitation Commission. It will be recalled that the N.F.D. delegates at the Kenya Constitutional Conference earlier in the year had received an undertaking from the Colonial Secretary, following a negotiated settlement, that the future of the N.F.D. would be decided by the British Government after public opinion had been ascertained by an independent Commission. Meanwhile there would be no change in the status or administration of the N.F.D. Thus the proposed visit to the N.F.D. of two other Commissions, whose sole function was to recommend the delimitation of Regional and Electoral boundaries for Kenya's new self-governing constitution, had already prejudiced the British Government's decision on the future of the N.F.D., as events subsequently proved.
Doubts and Fears

The N.F.D. representatives immediately submitted a memorandum to the Governor of Kenya protesting that, if the Regional Boundaries and Constituencies Delimitation Commission take evidence from the inhabitants of the N.F.D., they can only conclude that the N.F.D. is now considered party to Kenya’s new constitutional framework and that this was contrary to the undertaking that there would be no change in the status or administration of the N.F.D. until a decision on its future had been taken.

Moreover, the findings of these two extraneous Commissions, the N.F.D. representatives pleaded, were bound to affect the British Government’s decision on the future of the N.F.D. The Governor was warned that if it was his intention to draw the N.F.D. into the ambit of Kenya’s new constitution, irrespective of the findings of the N.F.D. Commission, the N.F.D. people wished to give advance notice that they would not participate in Kenya’s general election.

Evading the Issue

Evading the points at issue, the Governor’s office merely stated in reply on August 10 that the recommendations of the Regional Boundaries and Constituency Delimitation Commissions in respect of the N.F.D. cannot prejudice in any way the findings of the N.F.D. Commission nor the British Government’s decision based on those findings. (It will be seen later that in fact they did.) Not satisfied, Mr Abdirashid Khalif, with his legal adviser, flew to London to see the Colonial Secretary.

Colonial Office: «No Monkey Business»

The Colonial Secretary declined to meet Mr. Abdirashid Khalif. Instead, Mr. Khalif had an interview with an official in
the Colonial office and put to him the objections of the N.F.D. people to the proposed visit of the Regional and Constituency Delimitation Commission. The official insisted that evidence could still be given to these Commissions without prejudicing the findings of the N.F.D. Commission. The official said that it was possible that special arrangements for the N.F.D. might be introduced bringing the territory under direct Colonial Office responsibility during the period of self-government. Mr. Abdirashid Khalif replied that it was evident that the British Government's decision on the future of the N.F.D. was already being prejudged before the N.F.D. Commission had even been appointed.

Waving aside the obligations in the report on Kenya's Constitutional Conference, in so far as they affected the N.F.D., the Colonial office official bluntly stated that the report was not a legal document and had no binding legal force. To conclude this astonishing interview, the official issued a warning to Mr. Khalif that when he returned to the N.F.D. he should not get up to any «monkey business».

RIOTS IN ISIOLO

The N.F.D. people announced towards the end of August that they would boycott the Regional and Constituency Delimitation Commissions which were due to visit Isiolo in September. Following this announcement, the KANU Youth Wing in Kenya attempted to organise a rally in Isiolo among the Turkana and Meru, who skirt the District, in order to test the strength of the pro-secessionist Northern Province Peoples Progressive Party (N.P.P.P.P.). In spite of objections from this party the administration licensed the KANU meeting which was held outside the town. Provoked, the N.P.P.P.P. broke up the rally and rioting moved to the centre of Isiolo. The British District Commissio-
ner, although forewarned of likely events, was absent and had to be brought hastily to the scene together with General Service Units. Law and order was restored by the use of tear gas. Twenty-eight people were badly injured.

A Warning

Mr Abdirashid Khalif and leaders of the Northern Province People's Progressive Party and the Northern Province Democratic Party issued the following statement on August 27th:

«We have several times informed the local administration that in view of the people's strong feelings for reunion with the Somali Republic, they will not tolerate hostile elements canvassing policies opposed to the principle of reunion.

«Once again we warn the local administration that they must read the feelings of the people more accurately. We also warned Her Majesty's Government in London last week of the dangers implicit in sending the Regional Boundary and Constituency Delimitation Commission to the N.F.D.».

Commissions Cancelled

The riots in Isiolo evidently made the administration alive to the danger of the situation it had created and the visits to the N.F.D. of the Regional and Constituency Delimitation Commissions were cancelled. The Somali Minister of Information commented that the Government was gratified by this sensible decision and that the people of the N.F.D. and their leaders were to be congratulated on their firmness and public spiritedness in standing true to their principles and in bringing home to the British Government their determination not to accept any compr-
omise. With considerable ambivalence the Kenya Government did not however cancel the visits of these Commissions, as officially stated on August 29, but merely postponed them.

**TERMS OF REFERENCE**

The terms of reference for the N.F.D. Commission were announced on September 4.

«To ascertain and report on public opinion in the Northern Frontier District (comprising the districts of Isiolo, Garissa, Mandera, Marsabit, Moyale and Wajir) regarding arrangements to be made for the future of the area in the light of the likely course of constitutional development in Kenya».

**AN ASTONISHING DOCUMENT**

These terms of reference, already a modification of the original undertaking which made no reference to the likely course of Kenya's constitutional development, were again modified, if not rendered entirely useless, by a confidential memorandum handed to the N.F.D. Commission on October 10. This memorandum, which only came to light after the Commission had published its report on December 21, precluded any possibility of secession before Kenya attains her Independence;* but, according to the Commission's own assessment**, it did not preclude secession during a period when Her Majesty's Government had no responsibility for the N.F.D.!

* «Somali opinion... is based on the premise that there can be no question of secession before Kenya gets independence». It was discovered in February 1963 that this premise (para 77) was drawn from the Confidential Memorandum of October 10th. Chapter 1, Report of the Northern Frontier District Commission, 1962 (Cmnd. 1900).

** op. cit.
The Commissioners were invited to direct their enquiries towards ascertaining the wishes of the people regarding arrangements to be made for the future of the N.F.D. in relation to the period of internal self-government in Kenya and the period after the independence of Kenya. It should be recorded here that, in the event, the people told the Commission that they wanted secession before Kenya attains independence*, but the Commissioners concluded in the summary of their Report** that Somali opinion favoured secession after Kenya attains independence because «there could be no question of secession before Kenya gets independence». A curious statement from what was supposed to have been a purely fact finding Commission.

**PURE DECEPTION**

It must already be quite apparent that the Commission’s terms of reference, taken together with the confidential memorandum of October 10, effectively emasculated the original undertaking given to the N.F.D. delegation at Kenya’s Constitutional Conference that a decision on their future would be made before Kenya’s new Constitution came into operation.

The only possible conclusion is that the British Government administered a sedative to the N.F.D. delegates at the Constitutional Conference by prevailing upon them to believe that H.M.G. would take a decision on their political future, based on the findings of the N.F.D. Commission’s Report. The British Government, meanwhile, made certain that the N.F.D. Commission’s terms of reference, read in conjunction with a confidential memorandum, would provide H.M.G. with the opportunity of

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* op. cit. para 32.
** op. cit. para 76, 77.
avoiding a decision on the territory's future and commit them only to an administrative decision based on the recommendations of the Regional Boundaries Report. The decision made by Mr. Sandys on March 8 to create a Seventh Region from the Eastern part of the N.F.D. was in fact based exclusively on paragraph 48 of the Regional Boundaries Report. So much for the original undertaking and the subsequent assurance that the recommendations of the Regional Boundaries Commission «cannot in any way prejudice H.M.G.'s decision on the N.F.D. report». 
CHAPTER V

N.F.D. AND REGIONAL BOUNDARIES COMMISSIONS

It will be recalled that the decision by the Colonial Secretary at the Kenya Constitutional Conference to appoint a Commission to ascertain public opinion in the N.F.D. as to its future, was accepted by Mr. Abdirashid Khalif, the leader of the N.F.D. delegation at the Conference, as a substitute for a referendum under United Nations auspices, «so that the people might be given the opportunity to exercise the right of self-determination». The Colonial Secretary subsequently gave an additional undertaking, at the express request of the N.F.D. delegates, that H.M.G. would make a decision on their future before Kenya's self-governing constitution comes into operation. This was accepted by the N.F.D. delegation as a clear pledge by the British Government to take a decision which would give effect to the will of the majority of the inhabitants of the N.F.D. before Kenya's self-governing constitution came into operation and whilst the British Government was constitutionally empowered to take such a decision.
N.F.D. MEMORANDUM

A joint memorandum* was addressed in October to the N.F.D. Commission (and to the Governor of Kenya) by political parties and elders acting on behalf of the people of that District. This memorandum was presented to the Commission on no less than fifty-three occasions during the Commission’s two-weeks’ tour of the territory in October and November, 1962.

The joint memorandum stressed that the desire of the people of the N.F.D. to unite with the Somali Republic was not in any way influenced by considerations of fear or enmity for their neighbours in Kenya, with whom they wished to have the friendliest relations. The memorandum expected the British Government to fulfil the undertaking that a decision would be made on the future of the N.F.D. before Kenya’s self-governing constitution comes into operation and warned that any delay in the transfer of sovereignty «will only result in a situation which will be a threat to peace and security in Kenya, and will destroy our aim to establish during this transitionary period the very best relations with them».

FALSE HOPES

The memorandum asked that the N.F.D. be constituted an extra-territorial Region, independent of Kenya, and that a Legislative Assembly should be established to provide for a Council of State in whom the executive authority within the autonomous and independent Region would be vested. Thereafter, the Legislature would enter into an act of Union between the territory and the Somali Republic at the same time as Kenya attains her independence.

* Appendix «C» (p. 80)
These were the hopes and aspirations of the people of the N.F.D. founded on the clearest evidence of the British Government's intentions, with not a single denial from any official source, in spite of the doubts entertained in August, and addressed to the Governor of Kenya, when the visit to the N.F.D. of the Regional Boundaries Commission was first announced.

**N.F.D. Opinion**

Unknown to the people of the N.F.D.*, the special Commission had been instructed in confidence that there was no question of secession before Kenya's independence, and, as will be recalled, they were instructed to direct their enquiries towards ascertaining public opinion «regarding arrangements to be made for the future of the area in relation to the period of internal self-government in Kenya and the period after the independence of Kenya». In their Report, the Commission divided public opinion into the «Somali opinion» and the «Kenya opinion». The former «favoured secession of the N.F.D. from Kenya followed by union with the Somali Republic» and «did not want the N.F.D. to participate in any constitutional development in Kenya leading towards independence»**. Those of the «Kenya opinion» took the opposite view.

**N.F.D. Comment on Report**

Commenting afterwards on the N.F.D. Report, the N.F.D. people in a memorandum addressed*** to the Colonial Secretary on February 16, 1963, were critical of the Commis-

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* See Astonishing Document p. 33
** Report of the N.F.D. Commission (CMND 1900) para 41.
*** Addressed also to the Governor of Kenya on the same day.
sion «which» they stated, «had done its utmost to conceal the true strength of the opinion for secession». They insisted that «the Report be accepted as to the facts, without its extraneous interpolations of opinion and distrust, as clear evidence of the wishes of the overwhelming majority of the people of the N.F.D. for immediate secession and union with the Somali Republic».

In their Memorandum, the N.F.D. people analysed the Commission’s Report by taking each of the six Districts in turn and basing their conclusion on the Commission’s own report. These were their conclusions:

«The conclusion which must necessarily be drawn from the Commission’s own account of its investigations are that, of the six districts, five are clearly, by an overwhelming preponderance of opinion, in favour of the Somali view: these are the Garissa, Wajir, Mandera, Moyale and Isiolo Districts.

**DISTORTED PICTURE**

«The only truly «divided» district is the Marsabit District where again the majority favours the Somali opinion but there exists a strong minority for the Kenya opinion; the Commission has distored the real picture in the Marsabit District by discounting the Rendille and the Gelubba, for reasons which do not bear any reasonable examination, when these people in fact comprise the majority of the population.

«This is the picture, and the conclusions, which must be drawn from the Commission’s report, even on the evidence of the report alone. The Commission has seen fit, in its own summary (page 18), to obscure this very clear picture by abandoning its own classification of the problem by Districts and specifying, by towns and areas, the areas of Kenyan and of «mixed» opinion; it has suggested that the Somali opinion is to be found in an area which is a unity and which lies to the north and east of the «Somali-Galla Line».

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The Somali-Galla Line

This is a line given great prominence and is described as of "major importance"; it is, in fact, as the Commission itself notes, no more than a grazing boundary between the Galla and Somali tribes (para. 14). Yet it is by no means the only grazing boundary, and Map. II shows a whole series of grazing boundaries between different tribes. Why this particular one is picked out as of "major importance" and virtually made the dividing line between the peoples of Somali opinion and the peoples of Kenya opinion is inexplicable, unless it be that, in the talks which the Commission had with the authorities in Nairobi at the beginning of their mission on 15 October, a policy decision to this effect had already been taken. No one would suggest that grazing boundaries are unimportant, but there is absolutely no reason to suppose that such boundaries would not remain even if the whole of the N.F.D. were to exercise its right to self-determination and opt for secession and union with the Somali Republic.

The effect of this division along the "Somali-Galla" line is to include within a supposedly "pro-Kenyan" area the following groups of people who, according to the Commission's own report, have expressed a Somali opinion:

1. The Rendille Tribe — more than 50% of the population of the Marsabit District;
2. The Gelubba, also of the Marsabit District;
3. The Muslim Boran — 71% of the population of the Isiolo District;
4. The so-called "Alien" Somalis — another 19% of the population of the Isiolo District.

The line also includes within the supposedly "pro-Kenyan" area the Orma, which the Commission admits are divided
but which they have no means of knowing are of the Kenyan opinion, since no barazas were held there.

True Picture

«The truth of the matter is that, even on the Commission’s own figures, the Kenyan opinion secured support from less than 20% of the population of the N.F.D.; this comprised:

1. Gabbra in the Marsabit District — where they are in a minority of 49%:
2. The non-Muslim Boran in the Moyale District — a small minority, unspecified by the Commission;
3. The Riverine Tribes in the Garissa District — 21% of the population of the District.

«Therefore, even on the Commission’s own population percentages, the N.F.D. is overwhelmingly in favour of the Somali opinion. The reluctance to give actual numbers rather than percentages is a little surprising since the latest census figures were available to the Regional Boundaries Commission (p. 10) and exceeded the 200,000 which the N.F.D. Commission assumed to be the total, based on the previous census.

Census Figures

«The latest census figures (1962) show that the Somali population figures have more than doubled since the previous estimate, whereas the Boran figures have remained more or less static; the reference in the N.F.D. Report to the Galla as possibly in excess of a million (para 10 (b)) is totally misleading since it admittedly includes the Galla of Ethiopia, and the number in the
N.F.D. is minute in comparison. A fair estimate shows that the Somali now comprise more than two-thirds of the population and not one-half, as the Commission suggests (para 10 (a)). Estimates based on the most recent census suggest that 87.76% of the total population of the N.F.D. declared for secession. (See appendix «E» (page 92) for a table setting out these facts).

N.F.D. Divided

«The Commission concluded that, under its own terms of reference, its task «was purely fact-finding» and it «was not required to make any recommendation as to the future government of the Northern Frontier District» (para 3). In fact, as this memorandum has shown, the Commission exceeded these terms of reference and, above all, their emphasis on the «Somali-Galla Line» tends to suggest that they believed a boundary of a political nature could be drawn along that line: enough has already been said of the absurdity and injustice of that idea.

«Clearly, whether or not this falls within the Commission’s power, some arrangements are necessary to give effect to the wishes of the people of the N.F.D. according to their right of self-determination. This is in accord with the pledges given by the British government at the Kenya Constitutional Conference of 1962 to make an investigation «to ascertain public opinion in the area regarding its future» and to take «a decision on its findings... before the new constitution for Kenya was brought into operation». What, then, has been done? Apart from the Report of the N.F.D. Commission which has just been analysed, a second Commission, the Regional Boundaries Commission, has reported and recommended a delineation of boundaries within Kenya which effectively severs the N.F.D. into two, linking each half with vast areas of Kenya proper, so that the
wishes of the people of the N.F.D. will be completely and utterly frustrated. It is to this second report that we must now turn.

REGIONAL BOUNDARIES COMMISSION

«The terms of reference of the Regional Boundaries Commission* were to divide Kenya into six, and only six, regions, paying particular attention to «the existing boundaries of the Provinces» and «the wishes of the people in any locality» (Chapter I). The Commission, quite rightly, treated the wishes of the people as «the primary consideration» (para 30). Moreover, it postponed its visits to the N.F.D. until the N.F.D. Commission had completed its work there, but instead of following the logic of this procedure, its recommendations as to boundaries run directly contrary to the results of the N.F.D. Commission’s findings on the wishes of the people. There is no evidence that, in the preparation of its report, the Boundary Commission had before it, or took any account of, the report of the N.F.D. Commission. Certainly the Boundaries Commission began its tour of the N.F.D. on 22nd October, whereas the Report of the N.F.D. Commission was still being written on 25th November (Appendix A to N.F.D. Report).

PRECISE POSITION STATED

«The Boundaries Commission knew precisely what the position was, for they say in their report:

«During the Kenya Constitutional Conference 1962, an undertaking was given that there would be no

change in the status of the Northern Frontier District or in the arrangements for its administration until an independent Commission had been appointed to ascertain public opinion in the area regarding its future and had reported to the Secretary of State and a decision had been taken on the Somali question» (Para 10).

«Moreover, even had they not been in possession of the N.F.D. Commission’s Report, they were made aware of the overwhelming opinion in favour of secession. Speaking of the Garissa, Wajir, Mandera and part of the Moyale districts the Commission reports that «the Somali delegations... were unanimous in their desire not to be included in any region of Kenya. Apart from one delegation, which wished the area to remain under British control for the time being, all these delegations wished the N.F.D. to be joined with the Somali Republic» (page 8).

EXTRAORDINARY RECOMMENDATIONS

«Considering, therefore, that the Boundaries Commission knew of

1. The political undertakings given by H.M.G. at the 1962 Kenya Constitutional Conference;

2. The strong opinion for secession and the likelihood of a comprehensive report by the N.F.D. Commission soon being available on this issue of the wishes of the people («the primary consideration»);

3. The long-standing unity of the Northern Frontier District (this was described by the N.F.D. Commission as «in law ... a single district ... isolated from
the rest of Kenya by distance and natural conditions ... (and) gazetted a Closed District (to which) entry is by permit» (paras 8-9).

the recommendations of the Boundaries Commission are extraordinary. They include one half of the N.F.D. (the three districts of Garissa, Wajir and Mandera, and part of the Moyale District) within a new Coast Region which stretches to the southernmost tip of Kenya. The other half of the N.F.D. (the Marsabit District, the western part of the Moyale District, and the Isiolo District) is included in a new Eastern Region, again stretching almost to the southern boundary of Kenya.

N.F.D. A TERRITORIAL UNIT

«Although the Boundaries of the N.F.D. as a single administrative unit have been more or less the same since 1924, and relatively more static than the other Kenya administrative boundaries (this is evident from the Maps produced as appendices to the Commission’s report), the N.F.D., as a territorial unit, is to be destroyed and the wishes of its people completely denied. They are to be joined, against their will, with peoples of Kenya with whom they have no desire to be politically affiliated. The only reasons given by the Boundary Commission for these extraordinary recommendations are, as to the Coastal Region, «that it is no part of our duty to decide the issue of the Somali claim to secession» (page 8), and, as to the Eastern Region, that «our terms of reference restricted us to providing six regions... and because we know from evidence given to us in Meru and Machakos that the Boran would be welcomed into association with the Meru and the Kamba in this Region (page 10). Both Meru and Machakos are, of course, not part of the Northern Frontier District, and the Meru and Kamba tribes are not part of the population of the District.
Conclusion - Reports Rejected

«The pledges given by H.M.G. at the 1962 Kenya Constitutional Conference, which recognize the inherent right of the people of the Northern Frontier District to self-determination, are thus seen to have been implemented so far by a Commission which has done its utmost to conceal the true strength of the opinion for secession, and a Commission which has so defined the new boundaries of Kenya as to split the people of the N.F.D. asunder and to propose a delimitation which would effectively deny the right of the people of the N.F.D. to determine their own political future. Why the people of the N.F.D. are treated in this way is beyond our comprehension, but they are left with no alternative but to reject completely the report of the Boundaries Commission and to insist that the report of the N.F.D. Commission be accepted as to the facts, without its extraneous interpolations of opinion and distrust, as clear evidence of the wishes of the overwhelming majority of the people of the N.F.D. for immediate secession and union with the Somali Republic.

We will sternly oppose

(a) any decision which partitions the N.F.D.,
(b) any decision which brings the N.F.D. into the framework of Kenya's self-governing Constitution,
(c) any decision which does not unequivocally grant us the right of self-determination.»
CHAPTER VI

BRITISH GOVERNMENT'S DEPLORABLE BEHAVIOUR

Between December 3-5 the Prime Minister, Dr. Abdirashid Ali Shermarke, and a delegation from the Somali Republic had talks in London with Prime Minister Macmillan and with the British Foreign Secretary, Lord Home. After reviewing the Somali Republic's position with regard to the N.F.D., Dr. Abdirashid emphasised that any denial by the British Government of the right of the people of the N.F.D. to self-determination would be regarded by the Somali Government as an unfriendly act which would affect relations between the two countries.

Both Mr. Macmillan and Lord Home were non-committal and evasive about the British Government's future plans for the N.F.D. on the grounds that the N.F.D. Commission's Report had not at that time been presented. The British Government was, however, in possession of the Regional Boundaries Report, on which Mr. Sandys made his decision on March 8, 1963, to form a seventh Region of the eastern half of the N.F.D. This Report, which had been presented to the Colonial Secretary on November 23, 1962, could have formed a useful basis for discussion had Mr.
Macmillan and Lord Home wished to do so. The only reason for their evasiveness, that can reasonably be deduced, was their evident unwillingness, like that of their predecessors*; to attempt to correct the errors of the past.

**Moral and Material Support**

Following the publication of the N.F.D. and Regional Boundaries Reports on December 21, a delegation from the N.F.D. led by Mr. Abdirashid Khalif, visited the Republic. A special session of Parliament debated the N.F.D. issue and a motion was passed by acclamation pledging physical, moral and material support for the people of the N.F.D. The Somali Government published its own comments on the N.F.D. Commission’s Report.

**Acceptance of Sovereignty**

*January 6:* the Somali Government sent a note to the British Government, with the concurrence of the N.F.D. representatives, which referred to the Report of the N.F.D. Commission «appointed to ascertain the will of the people of the N.F.D. in respect of their political future». The note formally accepted the report as evidence of the will of an overwhelming majority of the people of the N.F.D. for unity with the Somali Republic. The Government, in recognising the right of self-determination of the people of the N.F.D., informed the British Government that «it is prepared to accept as its own duty the assumption of sovereignty over the territory and people in question».

*With the exception of the former British Foreign Secretary, the late Sir E. Bevin who advocated the reunification of the Somali people.*

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Conference Proposed

In the note, the Government believed that «Her Majesty’s Government will, consistently with its statements during the 1962 Kenya Constitutional Conference and with its adherence to the principle of self-determination of peoples enshrined in the U.N. Charter, wish to make the appropriate arrangements, in the immediate future, for the cession of the territory in question». Accordingly, the Government proposed that a conference be held not later than January 31st, 1963.

N.F.D. Protest

January 17: On the return of the N.F.D. delegates to Nairobi, they addressed a letter on January 17, 1963, to the Governor, Mr. MacDonald, protesting that the assurance given to them on August 10, 1962, by the Kenya Government, that nothing in the Regional Boundaries Report would prejudice the British Government’s decision on the findings of the N.F.D. Commission, had not been honoured. The delegates pointed out that the Regional Boundaries Commission Report split the N.F.D. into two parts, incorporated the territory into Kenya’s Regional system and excluded the three western Districts of the N.F.D. from the possibility of secession, and that the Kenya Government, by approving these recommendations, had already prejudiced the decision on the findings of the N.F.D. Commission. (This proved to be correct).

Finally, the delegation sought an assurance from the Governor of Kenya that (a) there will be no change in the status or administration of the N.F.D. before a «final decision on our future» is reached by H.M.G. and (b) that a final decision will be reached before Kenya’s forthcoming elections.
INFRINGEMENT OF UNDERTAKINGS

On the same day, January 17, the Somali Government addressed a note to the British Government protesting that the acceptance by the Kenya Council of Ministers of the Regional Boundary recommendations and the apparent implementation of these recommendations in the N.F.D. was an infringement of the undertakings given at the 1962 Constitutional Conference. The Government also asked for an immediate reply to its note of January 6.

SEEKING CONFIRMATION

January 21: the Government addressed another note to the British Government seeking confirmation that H.M.G.’s decision on the N.F.D. will be taken before Kenya’s election and that none of the recommendations of the Regional or Constituency delimitation Commissions will be implemented before a decision is taken.

BRITISH ASSURANCES

January 23: the British Ambassador handed to the Minister of Foreign Affairs, Mr. Abdillahi Issa, an aide memoire to the effect that a «final decision on the N.F.D. is not going to be taken very soon» and that «nothing in the Kenya Constituencies Boundaries Commission’s Report prejudices any decision H.M.G. may take on the N.F.D.».

ASSURANCES UNSATISFACTORY

January 26: the Prime Minister gave the British Ambassador an aide memoire intimating that his assurances on January 23 were unsatisfactory for these reasons:
«(a) formal confirmation of the points raised in the Note Verbale (115303) of January 31 is still awaited;

«(b) it is not clear to what Her Majesty’s Government is referring in the verbal assurance that a «final decision» on the N.F.D. is not imminent. Is this «final decision» the «decision» referred to in paragraph 26 of the Report of the Kenya Constitutional Conference, 1962?

«(c) the omission of any reference to the contents of the Regional Boundaries Report in the verbal assurance by Her Majesty’s Government that nothing in the Constituencies Delimitation Report prejudices any decision H.M.G. may take on the N.F.D., confirms the suspicion of the Somali Government that the acceptance by the Kenya Council of Ministers and by Her Majesty’s Government of the recommendations in the former Report has already prejudiced the decision of Her Majesty’s Government on the future of the N.F.D.

«(d) Moreover, Appendix V of the Report of the Constituencies Delimitation Commission, in which Her Majesty’s Government has already accepted recommendations about the future of Isiolo Native Leasehold Area, cannot be reconciled with the verbal assurance referred to in (c) above. Furthermore, the words used in this official assurance that «any decision Her Majesty’s Government may take on the Northern Frontier District» appears to be discretionary rather than mandatory, and this would seem to conflict with the assurance given in para 26 of the Report of the Kenya Constitutional Conference, 1962».

The aide memoire concluded that it was «imperative» that the points raised in the Government’s Note of January 21 should be replied to formally before the end of the month and that the Government was perplexed as to why no reply had yet been received to their proposal of January 6.
A Rebuke

February 5: the Prime Minister again called the British Ambassador to enquire why no reply had been received to the representation made on January 6 and handed him a summary of outstanding points.

In particular, confirmation was sought that:

(i) «nothing in the Regional Boundaries Report will prejudice the decision by Her Majesty’s Government on the political future of the N.F.D.», and

(ii) «elections for Regional assemblies in Kenya will not take place in the N.F.D. in advance of a decision by H.M.G. on the future of the territory».

The Prime Minister informed the Ambassador that, as a matter of courtesy, he would at least have expected a formal acknowledgement of the Somali Government’s Notes of January, 6, 17 and 21 and an explanation as to why the Somali Government’s proposal of January 6 had not evidently met with the approval of Her Majesty’s Government.
CHAPTER VII

BRITISH GOVERNMENT'S EVASIVE REPLIES

On February 11 the British Ambassador conveyed the following communication from the British Government:

(a) an assurance that the Somali Government will be consulted «before any final decision is taken on the future of the N.F.D. and that these consultations will precede the introduction of an independence constitution».

(b) «in view of these assurances it is unnecessary to reply in detail to the notes sent by the Somali Government»;

(c) in the context of the elections which are to precede the introduction of the Kenya internal self-government Constitution, an assurance was given that «none of these processes will prejudice the final settlement of the N.F.D. question, likewise the recommendations of the Constituencies and Regional Boundaries Commission».

TELEGRAM TO MR. MACMILLAN

On the same day the Prime Minister telegraphed the British Premier, Mr. Macmillan, as follows:
«... I am profoundly shocked to hear officially today that Her Majesty’s Government has failed to honour the undertaking given personally by former Colonial Secretary Rt. Hon. Maudling on April 6 last year to the Northern Frontier District delegation at Kenya Constitutional Conference. Mr. Maudling promised that a decision on the findings of the Report of the Northern Frontier District Commission in Kenya regarding the future of the area will be taken before, repeat before, the new Constitution for Kenya is brought into operation. The new Constitution referred to concerned Kenya’s forthcoming self-governing Constitution, the framework for which had just been completed at the Lancaster House Conference when this undertaking was given.

«This undertaking, although omitted from the communique issued after Kenya’s Constitutional Conference ended, was reproduced in paragraph 26 of the official Report of that Conference together with the statement meanwhile there would be no change in the status of the Northern Frontier District or in the arrangements for its administration. The Report of the Kenya Regional Boundaries Commision paragraph 10 reiterates that during the Kenya Constitutional Conference 1962, an undertaking was given that there would be no change in the status of the Northern District or in the arrangements for its administration until an independent Commission had been appointed to ascertain public opinion in the area regarding its future and had reported to the Secretary of State, and a decision had been taken on the Somali question.

«I am now officially informed that a decision on the future of the Northern Frontier District is to be postponed until after Kenya’s new Constitution comes into operation and that the District, which is about to be divided administratively and attached to two new Regions in Kenya, is being forced, against the will of the people and in defiance of the undertakings referred to above, to participate in Kenya’s new self-governing Constitution.
«In the event of Her Majesty’s Government persisting in postponing a decision on the future of the Northern Frontier District until after Kenya’s new Constitution comes into operation, the only way in which Her Majesty’s Government could avoid an outright and public charge of breach of faith would be to postpone all forthcoming elections in the Northern Frontier District (but not of course in Kenya proper) in accordance with the undertaking that there will be no change in the status of the Northern Frontier District or in the arrangements for its administration until a decision has been taken on the political future of the territory. I cannot see that a postponement of elections in the Northern Frontier District will in any way prejudice Kenya’s Constitutional progress towards independence which we have no desire to impede...».

NOTE HANDED TO LORD HOME

February 22: A formal note was handed to Lord Home by the Somali Ambassador in London which referred to the assurances given in the note from the British Embassy of February 11. The Somali note made it clear that these assurances did not meet the points raised in earlier notes as there is an obligation resting directly upon the United Kingdom to take a clear and final decision on the future of the N.F.D. which will give effect to the will of the majority of the inhabitants there.

The note added that the British Government had stated their intention to bring the N.F.D. within the new regional boundary arrangements of Kenya and to hold elections in the N.F.D. as part of Kenya. «These measures», the note emphasised, «are clearly inconsistent with and prejudicial to the fulfilment of the wishes of the people».

«It cannot accept», the note concluded, «as a reasonable or appropriate reply to its earlier communications one which not
only holds out no immediate hope that Her Majesty’s Government will fulfil its duties but also even seeks to alter the terms of the assurances which Her Majesty’s Government has given in the past).

Lord Home informed the Somali Ambassador that this note would have to be sent to Mr. Sandys, who was then in East Africa, before a reply could be expected. No reply was in fact received.

**Mr. Macmillan’s Reply**

*February 23*: The British Prime Minister, Mr. Macmillan, replied to the Somali Prime Minister’s telegram of February 12 eleven days later. In his reply, Mr. Macmillan wrote that at the meeting of April 6, 1962, Mr. Maudling and the N.F.D. delegation had before them a copy of the section which finally appeared as paragraphs 24-26 of the White Paper (Kenya’s Constitutional Report) and that Mr. Maudling’s purpose was to explain the meaning of these sections, in particular that «the action which would be taken on the report would be decided before the constitution for internal self-goverment came into force».

«The decision referred to», continued Mr. Macmillan, «related solely to action which, in the view of Her Majesty’s Government, should be taken as a result of the Commission’s findings. There was no undertaking that the decision would relate to the final constitutional arrangements for the N.F.D.».

**Three Assurances**

Mr. Macmillan concluded with these assurances:

(a) that the application to the N.F.D. of Kenya’s new
internal self-government constitution will not prejudice the final settlement of the political future of the N.F.D.

(b) that the Somali Government will be given an opportunity to express their views before any final decision is taken on the future of the N.F.D.

(c) that consultations will definitely precede the introduction of an independence constitution.

**GROSS ERROR**

This reply from Mr. Macmillan contains a gross error of fact. Mr. Maudling did not have the complete text of paragraphs 24-26 of the White Paper when he saw the N.F.D. delegates on April 6, 1962. As previously explained,* the sentence from which much of the «misunderstanding»** has arisen, was inserted by Mr. Maudling at this meeting at the specific request of the N.F.D. delegates. The sentence is underlined in the passage below:

«... This Commission would be appointed as soon as practicable so that its report could be available and a decision on its findings taken by Her Majesty’s Government before the new constitution for Kenya was brought into operation...».

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* See Chapter 2 «N.F.D. Negotiate a Settlement».

** «... the Somali view is based, I repeat, on a misunderstanding of what was decided at the Conference. This was that there should be a decision on the findings of the N.F.D. Commission; and no more than that...». Minister of State for Colonial Affairs, House of Lords, April 3, 1963.
DOUBLE TALK

It will be recalled that this sentence was added by the delegates to ensure that a decision (not a number of decisions) on their future would be taken by H.M.G. before Kenya attains self-government and whilst H.M.G. was constitutionally and politically able to take such a decision. Mr. Macmillan maintains that the decision referred to «related solely to action which should be taken as a result of the Commission’s findings». Since the Commission’s findings could only relate to ascertaining «public opinion in the area regarding its future», Mr. Macmillan’s contention that «there was no undertaking that a decision would relate to the final constitutional arrangements for the N.F.D.» is sheer double talk and an abrogation of the right to self-determination.

THREE EMPTY ASSURANCES

As for Mr. Macmillan’s assurances they contain these obvious flaws:

(a) False
The assurance that, by bringing the N.F.D. into Kenya’s new self-governing constitution, it will not prejudice the final settlement of the whole of the N.F.D.’s political future is falsified by the subsequent creation of half of the N.F.D. as the seventh Region of Kenya leaving the other half integrated with two other Regions.

(b) Worthless
The assurance that the Somali Government will be given an opportunity to express their views before any final decision is taken on the future of the N.F.D. also calls for comment. First, the views of the Somali Government are well known.
Second, this apparent «privilege» of consultation has been extended equally to Ethiopia which reduces its value. Third, by the use of the words «any final decision», the British Government have not committed themselves to a decision at all. Fourth, by omitting to mention that H.M.G. will take a decision, it can be assumed that the British Government (unlike the undertaking in the White Paper) no longer consider themselves responsible for taking a decision on the future of the N.F.D. This assurance was therefore worthless.

(c) Unsatisfactory

The assurance that consultations will definitely precede the introduction of an independence constitution gave no satisfaction to the Somali Government which asked for a conference in January in order, among other reasons, to pre-determine any pronouncements on the N.F.D. by Mr. Sandys during his visit to Kenya in March.
CHAPTER VIII

EMERGENCY SESSION OF PARLIAMENT

In view of the unsatisfactory diplomatic exchanges between the Somali Government and the Government of the United Kingdom, the Government recalled the Somali Ambassador in London and the Somali Consul General in Nairobi for consultations. Meanwhile an emergency session of Parliament was called for March 6 so that the Government could place before it the facts of the situation in so far as they were then known. The Prime Minister opened the proceedings with this speech:

«The Government considers that Parliament should be in session during this critical time in the history of our Nation when important discussions are taking place in Nairobi affecting the destiny of the Northern Frontier District. For this reason our Ambassador in London and Consul-General in Nairobi have been recalled for consultations.

«Discussions are now taking place between representatives of the N.F.D. and the British Minister for Colonial Affairs, and, although no final decision on the future of the territory is expected for reasons that I shall shortly explain, it is probable
that some decisions will be taken and they may gravely prejudice the future of the people of the N.F.D. in particular and the Somali Nation as a whole.

RELATIONS WITH BRITAIN

«If this were to be the case it might regrettably become necessary to reconsider our relations with the United Kingdom. It is incumbent upon the Government, therefore, to place the facts, in so far as they are known at present, before Parliament for discussion.

«Although circumstances are somewhat different to-day and we have many reasons to be grateful to the United Kingdom for the generous and prompt assistance that she is giving to us, we cannot allow these material considerations either to weaken our resolve to pursue our just cause or to absolve Britain from a series of grave injustices in the past. On no less than six occasions during the last seventy-five years, Britain has divided the Somali people, one from the other, in order to propitiate other Nations, in particular Ethiopia. We should note, however, that the British Government subsequently regretted their Treaty of 1897 with Ethiopia, but, in spite of their regrets, they still divided the people of former Somaliland from their brothers in the Haud and Reserved Area in 1955.

«With this painful background of historical injustices we observed with anxiety the attitude of the British Government towards our brothers in the N.F.D. during Kenya’s Constitutional Conference last year. We did not conceal our relief when an undertaking was given by the British Government that an independent Commission would be appointed to ascertain public opinion in the N.F.D. regarding its future and that a decision on its findings would be taken by Her Majesty’s Government before Kenya’s self-governing Constitution is brought into operation.
Meanwhile there would be no change in the status of the N.F.D. or in the arrangements for its administration.

**Decision on N.F.D.'s Future**

«In our view, and in the view of everyone else that we have consulted both here and abroad, this undertaking clearly implies that there will be no change in the status or administration of the N.F.D. until the British Government has taken a decision on the political future of the N.F.D., and that this decision will be made before Kenya’s self-governing Constitution comes into operation. The importance of this undertaking, apart from the implied obligation that Britain recognises that she has a duty to respect and apply the right of self-determination to the inhabitants of the N.F.D., is that a decision on the future of the N.F.D. will be made before Kenya’s self-governing constitution comes into operation. This places the responsibility for making a decision on the British Government alone. If, however, the decision is made after Kenya attains internal self-government, the responsibility and authority for taking and implementing such a decision no longer rests exclusively with the British Government.

**Breach of faith**

«It is for this reason, among others, that we are opposed to the policy of the British Government to draw the N.F.D. into the framework of Kenya’s self-governing Constitution by holding elections there for the Central and Regional legislatures before a decision is made on the political future of the territory. The British Government justifies this policy by claiming that no undertaking was given that a decision would be made on the politic-
al future of the territory before Kenya’s self-governing constitution comes into operation. According to the British Government, the decision referred to related solely to action which should be taken as a result of the Commission’s findings. Since the Commission’s findings can only relate to opinion in the N.F.D. regarding its future, we have been at a loss to understand the policy of the British Government and have reluctantly concluded that the undertaking given by the British Government at the Kenya Constitutional Conference last year is now being deliberately misrepresented by them and that this constitutes a serious breach of faith.

There has been a gradual process of attrition by the British Government affecting the integrity of the N.F.D. ever since it was reported last August that the Kenya Regional Boundaries Commission was to visit the territory. It was this Commission that recommended in December that the N.F.D. should be divided in half and integrated with two new Regions in Kenya. This recommendation was subsequently accepted by the Kenya Government in spite of a solemn assurance given to Mr. Abdirashid Khalif during a visit to the Colonial office in London last August that the visit of this Commission to the N.F.D. would not prejudice the decision by the British Government on the future of the territory.

Eleven Communications

Since I returned from abroad in December, no less than eleven communications have passed between our respective governments on this and allied questions. Furthermore, numerous meetings have been held with the British Ambassador in Mogadishu and by our Ambassador in London with the British Foreign Office, culminating in a formal Note which was present-
ed to the Earl of Home, the British Foreign Minister, by our Ambassador on February 22.

"I should add that I have also been in personal communication with Mr. Macmillan, the British Prime Minister, following an earlier proposal of ours that there should be immediate consultation with the British Government about arrangements to be made for the cession of the territory in question. Mr. Macmillan said that his Government did not propose that consultations on the future of the N.F.D. should take place at this stage because of discussions which are now taking place in Nairobi, but that consultations will definitely take place with the Somali Government before Kenya attains her Independence. We have, however, made it clear to the British Government that this assurance does not meet, among other matters, the point to which we are fundamentally opposed, namely the possible absorption of the N.F.D. into Kenya's self-governing Constitution before a decision has been made on the political future of the territory.

LEGAL OBLIGATION

"I must also add that, apart from Britain's moral indebtedness to the Somali people which derives from historical injustices in the past, there is a legal obligation resting directly upon the British Government to take a decision now on the future of the N.F.D. which will give effect to the will of the majority of the people. That is to say, secession from Kenya and Union with the Somali Republic. This obligation is in part a matter of customary international law and in part a matter of commitment under the Charter of the United Nations and other relevant and binding international instruments, and is also a direct consequence of assurances given at the Kenya Constitutional Conference last year."
«NO LONGER STAND ASIDE»

«We will not remain a passive witness of the apparent failure by the British Government to recognise and implement the rights of the people of the N.F.D. We cannot accept the present policy of the British Government which seeks to alter the terms of the assurances which were given at the Constitutional Conference last year. We can no longer stand aside and watch a repetition of Britain’s former policies which sacrificed the interests of our people yesterday to gain the favours of Ethiopia, and would sacrifice them to-day to favour Kenya.

«This is the third occasion on which this Assembly has debated the N.F.D. It is the most important issue that confronts us, as can be witnessed by the mass demonstrations that took place the other day. If the British Government fails to carry out its obligation to take the right decision in fulfilment of the wishes of 80-90% of the people of the N.F.D., the Government is pledged to take all appropriate steps to maintain the rights of the people of the N.F.D. and calls upon Parliament and the Nation for its unflinching support and for a reaffirmation of their determination to secure these rights».

MOTION REVISING RELATIONS

At the end of this speech a Motion was introduced calling upon the British Government «to make a decision on the future of the N.F.D. before Kenya’s new Constitution comes into operation». The Motion also empowered the Government «to revise its relations with Great Britain if the latter acts against the express wishes of the people of N.F.D. to reunite with their Motherland». Parliament was then adjourned until March 11.
MR. SANDYS’ STATEMENT AND THE FINAL RUPTURE

With vacillation and double talk behind him, Mr. Sandys having returned to Nairobi, was ready on March 8 to make, as he put it, a decision on the N.F.D. Report. What did he do? He made a decision exclusively on paragraph 48 of the Regional Boundaries Report!

MR. SANDYS’ STATEMENT

Mr. Sandys’ statement, which was handed to the Somalian Government only two hours in advance, was delivered on March 8 and is reproduced below:

«The Report of the Kenya Constitutional Conference of 1962 envisaged the appointment of a Commission to ascertain public opinion in the Northern Frontier District regarding the future of this area, in the light of likely course of constitutional developments in Kenya. It was stated that a decision on the Commission’s findings would be taken by Her Majesty’s Government before the introduction of the new constitution to Kenya.»

«The Commission presented its report last December and Her Majesty’s Government have considered its conclusions.»
They have also noted the statement in the report of the Kenya Regional Boundaries Commission that, but for their terms of reference, which restricted them to providing six regions, they would have considered it right to create a seventh region, in the general eastern part of the Northern Frontier District, which is almost exclusively occupied by Somalis and kindred peoples.

«The Colonial Secretary has discussed this matter fully with the Governor of Kenya and with Ministers in Nairobi. He has also received two delegations, one representing those elements of Kenya Northern Frontier District who advocate secession to the Somali Republic and another representing those who wish it to remain part of Kenya.

«Her Majesty's Government have now decided that, as part of the constitutional arrangements for internal self-government in Kenya, the predominantly Somali areas referred to in the report of the Regional Boundaries Commission (comprising the constituencies 20-24 inclusive «see footnote below») should be formed into a separate seventh region enjoying a status equal to that of other regions in Kenya.

«The creation of the new region will give to its inhabitants greater freedom in the management of their own affairs and more effective means of safeguarding their interests and maintaining their way of life

«FOOTNOTE: These constituencies embrace Mandera and Wajir districts, together with the Adjuran area of the Moyale district and Garissa district, less the areas occupied by the Riverine people and Orma».

Statement Criticised

Apart from ignoring completely the wishes of the people and acting in violation of the undertakings given at the 1962
Constitutional Conference, this statement can be criticised for its omissions as well as for its content.

**PAPERING OVER THE CRACKS**

**Paragraph 1:** The Report of the Kenya Constitutional Conference envisaged nothing. It was not a statement of intention. It was a negotiated agreement.

The Report made no mention of ascertaining public opinion «in the light of the likely course of constitutional developments in Kenya». The phrase in quotation marks was an afterthought, included in the subsequent terms of reference as part of the process of attrition outlined in Chapter 4 of this Report. Its inclusion in Mr. Sandys’ statement was clearly designed to paper over the cracks in Mr. Macmillan’s specious interpretation of paragraph 26 of the Report on Kenya’s Constitutional Conference.

**No Conclusion**

**Paragraph 2:** There were no conclusions to the Report of the N.F.D. Commission. There was a summary which bore little or no relation to the text of the Report.* As it was merely the summary of this Report that was considered by her Majesty’s Government it should come as no great surprise that Mr. Sandys had to base his decision on Paragraph 48 of the Regional Boundaries Report instead!

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* See Chapter IV «An Astonishing Document» p. 33.
**Spurious Link**

In paragraph 48 of their Report, the Regional Boundaries Commission did not state that they would have considered it right to create a seventh region «in the general eastern part of the N.F.D.». They specified the area as «the Mandera district, that part of the Moyale district lying east of the western boundary of the existing Constituency No. 44, the Wajir District, and that part of the Garissa district lying east of a line drawn three miles to the north and east of the Tana River where that river flows through the district, but including the Garissa township area». This is precisely the area covered by the seventh Region. It can only be assumed that the vagueness of this phraseology in Mr. Sandys' statement acted, in this instance, as a spurious link with the N.F.D. Commission's Report which emphasised the «importance» of the Somali/Galla line and on which Mr. Sandys purported to be taking a decision.

**Mr. Sandys Evasive**

Paragraph 3: It is not at all clear why Mr. Sandys bothered to receive delegations from the N.F.D. When he was asked the important question «was his decision a final decision?» he was evasive.

**An Admission**

Paragraph 4: This is an admission that Mr. Sandys' decision was based, not on the N.F.D. Report, but on the Regional Boundaries Report. So much for the assurance, given in August when the N.F.D. people disputed the right of the Regional Boundaries Commission to visit the N.F.D., that nothing in their report would prejudice a decision on the N.F.D. Commission's Report!
Absurd Proposition

Paragraph 5: The Seventh Region has been created apparently to provide more effective means for the Somalis to safeguard their interests. As the British Government well knows, Somali interests in the N.F.D. are totally incompatible with the interests of Kenya's Central Government. Since the Central Government, under the new Constitution, can take over the powers of the Regional authority if it «impedes or prejudices» the executive authority of the Central Government, it is absurd to propose that the new Seventh Region will safeguard Somali interests.

Curious Omission

Before Mr. Macmillan replied to the Somali Prime Minister's telegram of February 12, 1963, the British Ambassador informed the Somali Prime Minister on February 21 that Mr. Macmillan would be replying in due course but felt it necessary to consult Mr. Sandys who was then in Nairobi. It must be presumed, therefore, that Mr. Sandys knew of the assurance given in Mr. Macmillan's reply of February 23, to the effect that Mr. Sandys would not be making a final decision on the future of the N.F.D., yet Mr. Sandys omitted to mention this assurance in his Nairobi statement. It can only be concluded that Mr. Sandys' opinion of this assurance is similar to the opinion of the Somali Government, namely, that it is worthless.

Joint Decision?

Not content with his ludicrous statement, Mr. Sandys added comments at a press conference, which not only made it abundantly clear that he had closed the door to secession, but...
admitted that the decision to create a seventh Region was not exclusively a decision by Her Majesty’s Government, as agreed at the Constitutional Conference, but a joint decision between Mr. Sandys and Kenya’s two main political parties.

Mr. Sandys said, «when I said we I not only mean H.M.G. but I am sure I am also speaking for both parties here in Kenya... We have decided to create a seventh Region». This is certainly not the same as H.M.G. arriving at a decision alone in accordance with the undertaking in the Report of the Constitutional Conference which was given in view of the irreconcilibility of the N.F.D. claims and the objections of KANU and KADU.

CANT FROM MR. SANDYS

Pleading to the N.F.D. people to accept his decision, Mr. Sandys concluded «I hope that whatever may be their anxieties and their doubts, the Somali people, when they get experience of the new self-governing Kenya, will find that Kenya is a good place to live in and a country in which they have an honourable and advantageous part to play». Was this not a final decision? Mr. Sandys gave no other indication.

THE RUPTURE

At the emergency sitting of Parliament, which had resumed three days after Mr. Sandys had made his statement in Nairobi, the Prime Minister announced that the Council of Ministers had decided to break off diplomatic relations with Britain. He sought confirmation from Parliament. After four days debate, a Resolution to the effect that diplomatic relations should be severed with Britain because she had failed to recognise the wishes expressed by the overwhelming majority of the peoples inhabiting the N.F.D. was passed by Parliament on March 14 by a majority of 70 votes to 14. Diplomatic relations were formally broken on March 18, 1963.
CHAPTER X

CONCLUSIONS

Plain Truth

The plain and pitiful truth is that ever since Mr. Maudling gave his apparently fair and straightforward undertakings at Kenya’s Constitutional Conference in 1962, the British Government have done their admittedly incompetent best to slide out of the obligation to take a decision on the future of the people of the N.F.D. in accordance with the principles of self-determination to which the British Government supposedly subscribes.

Mr. Maudling’s pledge has turned out to have been a sedative to keep the people of the N.F.D. quiet. The undertaking that H.M.G. would decide the political future of the N.F.D. whilst she was still in a position to control its destiny was false. *It was an undertaking deliberately given and permitted to persist without correction.* The solid basis for the undertaking was undermined by the N.F.D. Commission’s terms of reference and by a confidential memorandum to the Commission which apparently gave H.M.G. a shameful opportunity of avoiding a decision on the N.F.D.’s political future.

The British Government merely committed themselves
to an administrative decision which, in the event, was based solely on the recommendations of the Regional Boundaries Report and not on the N.F.D. Commission's Report.

**Subsequent assurance**

The assurance given that Mr. Sandy's decision was not a final decision «as to what should happen concerning the N.F.D. when Kenya becomes independent» is valueless in the absence of a clear undertaking that the British Government will respect the will of the people of the N.F.D., as established by the N.F.D. Commission, and will permit them to exercise their right of self-determination before Kenya's Independence Constitution comes into operation.

**British Government's Motives**

Why has the British Government acted in contravention of the established principle of the right to self-determination? The only possible conclusions are:

(a) the selfish interests of the British Government in Kenya (such as the maintenance of a military base) have led to a wilful suppression of all rights which might appear to conflict with those interests;

(b) in support of this policy, the British Government are determined to avoid any odium which might attach to them in Kenya whilst they attempt to clean up the mess for which they are largely responsible;

(c) at the same time the British Government continue to be a slave to their time-honoured predilection for placating the present regime in Ethiopia at the expense of the Somali people;
a predilection not unconnected with a wider political expendiency in respect of the other western nations;

(d) the British Government have come to the conclusion that their interests are best served by the existence of a state of tension and conflict in the Horn of Africa.

**BRITISH GOVERNMENT’S RESPONSIBILITY**

The past and present policies of successive British Governments towards the Somali people and their territories have brought the Horn of Africa into a state of political tension and conflict, seriously impairing relations between the Somali Republic and neighbouring States. The instability of the Horn of Africa is the creation of the British Government which will be held responsible for any consequences that may follow.
APPENDIX A

COLONIAL SECRETARY’S REPORT AT CONCLUSION OF KENYA CONSTITUTIONAL CONFERENCE AND AGREED BY THE N.F.D. DELEGATION AT A MEETING HELD AT LANCASTER HOUSE ON FRIDAY APRIL 6, 1962

THE NORTHERN FRONTIER DISTRICT

At the meeting between the Representative Group of the Conference and the Delegation from the Northern Frontier District, the Delegation asked that, before any further constitutional changes affecting Kenya were made, autonomy should be granted to the area which they represented (namely the Districts of Isiolo, Garissa, Mandera, Marsabit, Moyale and Wajir) as a territory wholly independent of Kenya, in order that it might join in an Act of Union with the Somali Republic when Kenya became fully independent.

The representatives of KADU and KANU indicated that they were opposed to any measures which would lead to the secession of any part of the Northern Frontier District.

The Secretary of State informed the Conference that Her
Majesty's Government had given very careful consideration to the views which had been put forward by the Delegation and by KADU and KANU. They had come to the conclusion that an investigation should be undertaken in order to ascertain public opinion in the area regarding its future. Accordingly, the Secretary of State proposed to arrange for an independent Commission to be appointed, with appropriate terms of reference, to investigate this matter and report to him. This Commission would be appointed as soon as practicable so that its report could be available and a decision on its finding taken by Her Majesty's Government before the new constitution for Kenya was brought into operation. Meanwhile there would be no change in the status of the Northern Frontier District or in the arrangements for its administration.
SUMMARY OF THE SOMALI GOVERNMENT'S VIEW OF THE N.F.D. QUESTION

Statement made by the Minister of Information at a Press Conference in Mogadishu on August 4, 1962.

"THE MAIN ISSUES ARE:

One: A political federation of East and Central African States is an absolute necessity if we are to safeguard our dearly won liberty and play a positive role in African and world affairs.

Two: We visualize a federation in which all the Somali people will form one federal unit in the wider federation of East and Central African States.

Three: We know that the Somali people would be happier and more contented if their administration, judicial system and social services, such as education, were «tailor-made», so to speak, to fit their particular environment and way of life.

Four: It is not, however, the Government's intention to force Somalis, at present under alien rule, to reunite against their will. For this reason, the Government welcomes the Commission that is being appointed by Her Majesty's Government to
ascertain the views of the people in the Northern Frontier District of Kenya as to their future. If this Commission reports that the majority of the people wish to become a part of Independent Kenya, the Government will not object. On the other hand, if the people wish to join the Somali Republic the Government will be happy to see them reunited with their brother Somalis. The principle of self-determination was accepted and implemented by the British Government, and by the United Nations, in the case of the Cameroons, where the opportunity was given for the inhabitants to decide their future. We are aware that the N.F.D. is not a Trust Territory but the principle still obtains. We insist that the principle of self-determination be fully respected and applied before Kenya becomes independent.

Five: What is the reason for this insistence? It is this: in all Federal Constitutions the boundaries of Federal States can only be revised by the sanction of the Federal Parliament. The time for revising boundaries in thus before Federation. Our experience with Ethiopia has shown that settlement of boundaries can be one of the most intractable problems between Independent African States. How more difficult therefore would it be for the Somali State, as a minority in any Federal legislature, to secure agreement for a revision of boundaries after Federation had taken place?

It is inaccurate of Mr. Kenyatta to refer to the N.F.D. «as part and parcel» of Kenya. The inhabitants are required to obtain special permission to leave the area and they are not allowed to acquire schooling in Kenya, nor to seek employment there. They are a people in total isolation from the rest of Kenya. No federal system will ever change people’s habits and customs. It would be undesirable to do so.

As for this Government’s relations with the N.F.D. I must point out that we have a constitutional obligation to assist our people to reunite and we shall not shrink from this obliga-
tion. The problem is, of course, one between the N.F.D. and Her Majesty’s Government, but, as Her Majesty’s Government has admitted, there are international implications. Since we are the only African State with a legitimate interest in this matter, we consider that we have every right to express our point of view and to render whatever assistance in needed by the N.F.D."
A JOINT MEMORANDUM ADDRESSED TO THE INDEPENDENT COMMISSION FOR THE NORTHERN FRONTIER DISTRICT OF KENYA BY POLITICAL PARTIES AND ELDERS ACTING ON BEHALF OF THE PEOPLE OF THAT DISTRICT

The future arrangements for the N.F.D. that we desire fall into this sequence:

(a) secession from Kenya forthwith

and

(b) the immediate establishment of a Legislative Assembly followed by

(c) immediate Independence and reunification with the Somali Republic by an Act of Union

2. We do not seek sovereignty exclusively for ourselves. Now that our brothers in the Somali Republic have at long last been permitted by the Colonial powers to re-establish the sovereignty of the Somali Nation, we desire only the liberty to reunite with them so that together we shall share one sovereignty.
3. There is nothing new in this. We demanded the unity of all Somalis a decade and more ago, but our voices were silenced when our most active political party, the Somali Youth League, was proscribed by the Kenya Government in 1948. From 1948-1960 no political parties were permitted in the N.F.D. Thus our desire for unity is of long standing although only recently have we been free to express it again.

4. Our desire to unite with the Somali Republic is not in any way influenced by considerations of fear or enmity for our neighbours in Kenya, with whom we wish to have the friendliest relations. Our desire is an old and natural desire to live with our kindred folk who have cultural, political and economic ties with us. So strong are the bonds of our common heritage that neither the years of Colonial isolation nor the impact of alien cultures have weakened them.

5. We are a nation of peoples, stretching from the Gulf of Aden to the Northern Frontier District, and we comprise a diversity of clans and tribes, all of whom have identical social and political institutions. What we want is an administration to match these institutions. The only country that can help us in this respect is the Somali Republic which will lift us from our colonial status and give us peace and prosperity, pride and purpose, because it is founded on democratic principles and has a Constitution and administration consistent with our way of life and common beliefs.

6. The neglect of economic development in this territory has no bearing whatever on our aspirations. No amount of development schemes, tardily applied, will deflect us from our purpose which is to unite with the Somali Republic. Indeed, any new ideas that the Kenya administration may have to develop our economic potential at this late hour will be suspect.
7. We are aware that we have not had the same opportunities for modern education as our brothers in the Somali Republic. This is because we have never been given, in our isolation, economic incentives to seek occupations which require modern training. Our education has thus been neglected. But this does not deter us because we know that, as soon as we are free to join our brothers, we will share with them the same opportunities for advancement as they receive. We cannot, therefore, accept the argument, advanced by some Europeans, that our freedom to unite with the country of our choice must be delayed until more people of the N.F.D. have acquired a higher standard of education.

8. Neither do we accept the argument that, because of neglect in the past, we cannot now advance politically at the same rate as, say, our brothers in former British Somaliland who gained their independence in 1960. It has always been a source of grievance to us that our political and administrative development has been retarded to keep in step with Kenya; unlike the advance of our brothers to the East of us, who were formerly under Colonial rule, but who were the first in East Africa to achieve their Independence, having incidently, localized their entire District administration as far back as 1956. We will not permit our present situation to hold us back any longer, nor will we accept the perpetuation of colonial or quasi-colonial rule beyond the date of Kenya’s Independence.

9. Our future internal arrangements, economically, administratively and politically, are exclusively matters between ourselves and the Somali Republic. Our only concern at this moment is the machinery required to implement our wish to reunite with the Somali Republic.
10. We therefore urge the special Commission for the N.F.D. to recommend to the Secretary of State that:

(a) The present boundary of the N.F.D. should, by Order in Council, be constituted an extra-territorial Region, independent of Kenya. The constitutional provisions should include the establishment of a Legislative Assembly (and not a Regional Assembly) and provide for the establishment of a Council of State from amongst the members of the Assembly.

(b) The delimitation of constituencies of the N.F.D. should take into account the size of the territory and the most recent population statistics available from the administration. We would add that we are strongly opposed to the perpetuation of undesirable tendencies towards tribalism. The Commission should disregard tribal considerations as a criteria for boundary delimitation.

(c) Elections for the Legislative Assembly, on the basis of universal adult suffrage, should be held contemporaneously with elections in Kenya.

(d) The Legislative Assembly should meet immediately following the elections in order to select a Council of State in whom the executive authority within the autonomous and independent Region would be vested.

(e) Thereafter the Legislative Assembly, thus constituted, will enter into an Act of Union between the territory and the Somali Republic, contemporaneously with the grant of full independence to Kenya, which, we trust, will not be delayed.

11. We expect Her Majesty's Government to fulfil the undertaking given at Lancaster House in March of this year, that a decision will be made on the future of our territory before Kenya's self-governing constitution comes into operation. An early deci-
sion on this matter by Her Majesty's Government will facilitate a peaceful transfer of sovereignty. Delay will only result in a situation which will be a threat to peace and security in Kenya, and will destroy our aim to establish during this transitionary period the very best relations with them.

12. The only decision by Her Majesty's Government which will be acceptable to us is one that reflects the will of the people of the N.F.D. On no account will we accept any other decision on our future. Her Majesty's Government have no right to allow international considerations, or any other factor unrelated to our declared wishes and aspirations, to influence partially or wholly their decision. It would be wrong, for example, for Her Majesty's Government to consult Kenya's political leaders about our future because, with one notable exception, they have not visited the N.F.D. and are not therefore qualified to express an opinion.

13. In recent years Her Majesty's Government sacrificed the interests of our brothers for the sake of political expediency. In 1948 the British Government abandoned the Ogaden so that it might be ruled by Ethiopia. Again in 1955 the British Government transferred 25,000 square miles of our brothers' territory to the Ethiopian Government. We will not permit a repetition of such a flagrant and illegal usurpation of our territory.

14. Her Majesty's Government should be under no misapprehension about our resolve to join the Somali Republic and our determination to defend ourselves against any interference in the exercise of this right.

15. What was obvious at the beginning of this century to Sir Charles Eliot, the first British Commissioner for the East African Protectorate, will, we trust, be equally obvious to the Commission to-day. May we remind you of what Sir Charles wrote in a book called «The East African Protectorate», published in 1905?
"... If it were possible to detach the Districts inhabited by Somalis it would be an excellent thing to form them into a separate government as they are different in population, economic and physical conditions from the other provinces..."
Dear brothers, as you are already aware through the press and radio the Somali people in the N.F.D. have demonstrated once again their courage and determination by boycotting with admirable resolve the political elections in Kenya. This comes as no surprise to us who know of the strong will and of the purity of the sentiment that springs from the patriotism of our brothers in the N.F.D.

Everywhere our brothers have loyally observed the rules that they themselves formulated. Not one single Somali presented himself as a candidate for nomination as a deputy in Kenya’s future parliament. This is further proof of the irrefutable decision of the people of the N.F.D. to unite with their Motherland and it should enlighten the minds of those who wish to ignore a reality which is as clear as daylight and cannot be suppressed.

By this act, the people of the N.F.D. rejected indignantly every attempt at corruption and intimidation. It has given them a decisive moral victory and the world can today fully evaluate
the spirit and the soul of our brothers. We rejoice with the worthy sons of our Motherland to whom I now address the following remarks:

Brothers in the N.F.D., the struggle for your freedom is not yet over. You have indeed confounded your adversaries and confused their policies. You have done it without violence, without subversion. You have put into practice what your leaders told the Governor of Kenya in a memorandum last August - eight months ago. This is what they said:

«If it is the intention of the British Government to draw the N.F.D. into the ambit of Kenya's new Constitution, irrespective of the findings of the N.F.D. Commission, the N.F.D. people wish to give advance notice that they will not participate in Kenya's general election».

The British Government did not believe you. They thought that by offering you development aid, which has been neglected for the last fifty years, you would acquiesce in the decision that you should form part of Kenya. You gave your answer to the N.F.D. Commission in your Memorandum when you said:

«The neglect of economic development in this territory has no bearing whatever on our aspirations. No amount of development schemes, tardily applied, will deflect us from our purpose which is to unite with the Somali Republic. Indeed, any new ideas that the Kenya administration may have to develop our economic potential at this late hour will be suspect».

I repeat, the dangers have not passed. Yield to no threats. Yield to no compromise. Stick to your principles rigidly, confident of the support and the backing that the Government and the people of the Somali Republic are giving to you.

I have no doubt that, as in the past, empty assurances will be given to you by the British Government so that you may slumber until all is lost and nothing is gained. I have no doubt
that they will try to cheat you again. They will ask «how can we negotiate a settlement unless you produce representatives with whom we can talk?» This is what they wanted, a handful of men whom they could deceive into accepting a compromise on behalf of all the people of the N.F.D. Beware of private talks and secret negotiations. If the British Government wish to talk let them talk openly to the people of the N.F.D.; the people who staged this boycott and knew what was right and what was wrong.

Here in the Somali Republic, the British Government attempted to soften our resolve by inducing us to accept Mr. Sandys' decision on the understanding that it was not a final decision. We will listen no more to double talk; that is why we rejected Mr. Sandys' decision, rejected British aid and broke diplomatic relations with the British Government. Can any true Somali patriot say that we were wrong in this decision? We are shortly publishing a full account of the events that led to this break in diplomatic relations and our reasons will be clear to all. Since we broke off diplomatic relations with Britain, the British Minister of State for Colonial affairs said in London on April 3rd that the British Government cannot seek solutions in a vacuum, and it is for this reason that he very much regrets that the Somali Republic has broken off diplomatic relations. What solutions are there? There is only one solution and that is that the British Government must accept and apply immediately the principle of self-determination and until that principle is accepted by the British Government we cannot consider a resumption of diplomatic relations.

Searching for some reason why he should not grant the N.F.D. their rights, the same British Minister said that the British Government «understand the arguments used by African political leaders in Kenya to justify their opposition to the cession of any territory within Kenya's present boundaries». What are these arguments? According to the British Minister, one reason
is that «it is not only along the boundary with the Somali Republic that people of the same stock are divided from one another by national boundaries» and that it is wrong for the Colonial Power to attempt to adjust them as «once this process is begun there can be no telling where it might end». The British Minister forgets that this process was begun by Britain 75 years ago and that she has since readjusted Somali borders on six occasions. Did you know that in 1935 when the present Governor of Kenya was Minister for Colonial Affairs the British Government offered Somali territory, in former British Somaliland, to Italy and to Ethiopia in an attempt at settling the Italo/Ethiopian dispute? If Britain can cede Somali territory with such careless abandon to other people in 1935 why can’t she cede it in 1963 for a good and proper reason?

Another argument by the British Minister is that «it is only fair to give the Kenya Africans an opportunity to demonstrate their goodwill towards the inhabitants of the Somali Districts» as Somalis have «never been able to experience the benefits of being part of Kenya, and the Africans, for their part, have never been in a position to demonstrate this to them». The question of «goodwill» has only arisen because the Kenya leaders are opposed to Somalis exercising their right of self-determination. The N.F.D. people in their memorandum to the N.F.D. Commission last October explained their relations with Kenya’s leaders as follows:

«Our desire to unite with the Somali Republic is not in any way influenced by considerations of fear or enmity for our neighbours in Kenya, with whom we wish to have the friendliest relations. Our desire is an old and natural desire to live with our kindred folk who have cultural, political and economic ties with us. So strong are the bonds of our common heritage that neither the years of colonial isolation nor the impact of alien cultures have weakened them». 
The arguments used by the British Minister are designed to confuse the real issue and to frustrate the right of the people to self-determination. The British Government are now manufacturing reasons why they can't accede to the wishes of the people of the N.F.D. They are finding this difficult because they know that the British press and public are convinced of the strength of the N.F.D. case which was so admirably voiced by the Earl of Lytton in the House of Lords on April 3rd.

Although there are many people who understand and sympathise with our cause the British Government is still against us. Why? Because her interests in Kenya outweigh her international obligations to the Somali people and because of her time-honoured preference for placating Ethiopia at the expense of the Somali people. The British Government which has caused all the turbulence and unrest in the Horn of Africa now wishes to perpetuate tension between this Republic and its neighbouring territories. The British Government knows what the solution is and if she does not take a decision now which accords with the will of the people she will be responsible for the consequences that may follow. We are not lonely. We are not isolated. We have many friends and we are determined to ensure that human rights are respected.

One of these rights is the right to self-determination. It was the British Government that arranged for an independent Commission to ascertain the wishes of the people as to their political future. The answer given by our brothers was unanimous, prompt and clear. They wanted union with the Somali Republic.

The British Government have not only ignored this expression of opinion but have acted entirely contrary to this request, splitting the N.F.D. into two parts and creating an artificial seventh Region of Kenya.

By their total abstention from Kenya's general election
our brothers have again demonstrated their aversion to being absorbed into a country with which they have no ethnical affinity, no political, religious or customary ties whatever.

If by any chance the British Government was really in earnest when it said recently that it recognizes that it has a duty to settle this question before Kenya’s independence, then we must express the hope that responsible politicians in Great Britain will tackle this problem wisely and will reach the only politically possible solution which is to recognize the right of the people of the N.F.D. to self-determination in accordance with their will as expressed to the independent N.F.D. Commission.
### Appendix E

**AN ANALYSIS OF OPINION IN THE N.F.D. TAKEN FROM THE REPORT OF THE N. F. D. COMMISSION, TOGETHER WITH THE LATEST POPULATION CENSUS PUBLISHED BY THE KENYA GOVERNMENT.**

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*Note: The data is taken from Appendix D of N.F.D. Report.*