



Treaty Series No. 44 (1960)

Agreements and Exchanges of Letters

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of Somaliland

in connexion with the Attainment of Independence by Somaliland

Hargeisa, June 26, 1960

*Presented to Parliament by the Secretary of State for Foreign Affairs
by Command of Her Majesty
July 1960*

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**INTERIM AGREEMENT BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND AND THE GOVERNMENT OF SOMALILAND FOR
A UNITED KINGDOM AID MISSION**

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

Have agreed as follows:—

ARTICLE I

In this Agreement—

- (a) “the appointed day” means the 26th of June, 1960;
- (b) “an officer who was the substantive holder of an office” means an officer who is not domiciled in Somaliland and who, before the appointed day, was the substantive holder, whether on contract or on pensionable terms, of an office in the Public Service of Somaliland being a person—
 - (i) who was selected for or offered appointment to the Public Service of Somaliland by one of Her Britannic Majesty’s Secretaries of State; or
 - (ii) whose appointment was approved by one of Her Britannic Majesty’s Secretaries of State; or
 - (iii) who had entered into an agreement with the Crown Agents for Oversea Governments and Administrations to serve in any such office; or
 - (iv) who (although not an officer falling within sub-paragraphs (i), (ii), or (iii) of this paragraph) is or has been a member of Her Britannic Majesty’s Overseas Civil Service or Her Britannic Majesty’s Overseas Judiciary;
- (c) “pension” means
 - (i) any pension, gratuity or compensation payable by the Government of Somaliland to or in respect of any officer including any increase of pension; and
 - (ii) any pension including any increase of pension payable to the widow or child of an officer and any contributions repayable and interest payable to an officer under any law providing for payment of pensions to widows and children of officers;
- (d) “compensation” means any compensation, gratuity or retiring allowance or benefit that may be granted under regulations made under section 62 of the Somaliland (Constitution) Order in Council, 1960;
- (e) “conditions of service” means the laws, rules, regulations, orders and other instruments that regulate the terms of service of an officer including, without prejudice to the generality of the foregoing, provision

relating to his tenure of office, transfer, promotion, disciplinary control, salary (including salary scales), pension, compensation, allowances, quarters, leave and passages.

ARTICLE II

(1) The Government of the United Kingdom, at the request of the Government of Somaliland, shall arrange for the appointment of officers to be available for civilian employment in the Public Service of Somaliland for a period not exceeding six months from the coming into force of this Agreement.

(2) The Government of Somaliland has requested the Government of the United Kingdom to arrange for the appointment of officers to be available for the offices shown in the first and second columns of the Schedule attached to this Agreement and the Government of the United Kingdom propose, subject to the agreement of the officers concerned, to arrange for the appointment of the officers shown in the third column of the said Schedule.

(3) Officers so appointed shall remain members of the Public Service of Somaliland.

ARTICLE III

(1) The conditions of service applicable to an officer who was the substantive holder of an office appointed in pursuance of Article II of this Agreement shall be not less favourable than those which were applicable to him immediately before that date.

(2) In particular and without prejudice to the generality of the provisions of paragraph (1) of this Article, such an officer shall receive emoluments, the net value, in sterling, of which calculated at the official rate of exchange prevailing on the appointed day after deduction of any direct taxation on such emoluments payable to the Government of Somaliland, shall be not less than the net value so calculated of the emoluments payable to him immediately before the appointed day.

ARTICLE IV

The entitlement of an officer appointed in pursuance of Article II of this Agreement to any compensation shall not be affected by his appointment or otherwise by the provisions of this Agreement.

ARTICLE V

(1) The appointment of an officer in pursuance of Article II of this Agreement may be terminated only by the Government of the United Kingdom;

(2) Subject to the provisions of paragraph (1) of this Article, disciplinary control (including the right to suspend from duty) over any such officer shall be exercised by the Government of Somaliland;

(3) Any such officer who is subjected to disciplinary measures by the Government of Somaliland and who is aggrieved by a decision of that Government shall have the right to make representations through the United Kingdom representative in Somaliland to Her Britannic Majesty's Secretary of State for the Colonies and in the event of the latter supporting such representations and the resultant dispute not being amicably disposed of, such dispute shall be submitted to an Arbitral Tribunal. The Tribunal shall consist of three persons, two of whom shall be nominated respectively by the Government of Somaliland and by the Government of the United Kingdom and the third who shall be the Chairman shall be nominated by the former two members of the Tribunal, but such third member of the Tribunal shall not be a citizen of Somaliland nor a citizen of the United Kingdom and Colonies. The Somaliland Government and the Government of the United Kingdom shall be bound by the Award of such Tribunal;

(4) The Government of Somaliland will ensure that any legislation necessary to implement the provisions of this Article will be enacted.

ARTICLE VI

The Government of the United Kingdom shall, on behalf of the Government of Somaliland, undertake the payment of the emoluments of officers appointed in accordance with Article II of this Agreement, and of all pensions and compensation payable by the Government of Somaliland during the period of six months from the appointed day.

ARTICLE VII

The Government of the United Kingdom shall account to the Government of Somaliland for all payments made under this Agreement.

ARTICLE VIII

This Agreement shall come into force on the date of its signature.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Agreement.

Done in duplicate at Hargeisa, this 26th day of June, 1960, in the English language.

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:

T. E. BROMLEY.

For the Government of Somali-
land:

M. I. EGAL.

A. DUALEH.

A. G. JAMA.

IBR NOOR.

**PUBLIC OFFICERS AGREEMENT BETWEEN THE GOVERNMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND AND THE GOVERNMENT OF
SOMALILAND**

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

Have agreed as follows:—

ARTICLE I

In this Agreement—

- (a) “the appointed day” means the 26th of June, 1960;
- (b) “officer” means an officer who is not domiciled in Somaliland and who, before the appointed day, was the substantive holder of a pensionable office in the Public Service of Somaliland, being a person—
- (i) who was selected for or offered appointment to the Public Service of Somaliland by one of Her Britannic Majesty’s Secretaries of State; or
 - (ii) whose appointment was approved by one of Her Britannic Majesty’s Secretaries of State; or
 - (iii) who had entered into an agreement with the Crown Agents for Oversea Governments and Administrations to serve in any such office; or
 - (iv) who (although not an officer falling within sub-paragraphs (i), (ii), or (iii) of this paragraph) is or has been a member of Her Britannic Majesty’s Overseas Civil Service or Her Britannic Majesty’s Overseas Judiciary.
- (c) “pension” means—
- (i) any pension, gratuity, compensation, disturbance grant or other like retirement benefit payable by the Government of Somaliland to or in respect of any officer including any increase of pension; and
 - (ii) any pension including any increase of pension, payable to the widow or child of an officer and any contributions repayable and interest payable to an officer under any law providing for payment of pensions to widows and children of officers.
- (d) “Substantive holder” in relation to any office includes a person serving in that office on probation but does not include a person (other than a person serving under a probationary agreement) serving in that office for a specified term under a contract.

ARTICLE II

(1) An officer who does not cease to be in the Public Service of Somaliland before the appointed day shall be entitled to conditions of service

not less favourable than those applicable to him immediately before the appointed day.

(2) In this Article the expression "conditions of service" means the laws, rules, regulations, orders and other instruments that regulate the terms of service of an officer including, without prejudice to the generality of the foregoing, provisions relating to his tenure of office, transfer, promotion, disciplinary control, salary (including salary scales), pension, allowances, quarters, leave and passages.

ARTICLE III

An officer who does not cease to be in the Public Service of Somaliland before the appointed day shall be entitled to retire and his eligibility and that of his widow, children, dependants and personal representatives to receive a pension shall be governed by the laws, regulations, and administrative directions in force immediately before the appointed day or by such other laws, regulations and administrative directions made thereafter that are not less favourable; and pensions shall be granted and paid to such officers and other persons accordingly.

ARTICLE IV

Pensions of officers who have ceased to be in the Public Service of Somaliland before the appointed day or to the widow, children, dependants or personal representatives of such persons shall be granted and paid or, if granted before that date, shall continue to be paid, in accordance with the laws, regulations, and administrative directions governing those pensions immediately before that date or in accordance with such other laws, regulations and administrative directions made thereafter that are not less favourable.

ARTICLE V

(1) Pensions paid outside Somaliland on or after the appointed day shall be paid in sterling and shall be calculated at the official rate of exchange prevailing on that date between the pound sterling and the currency in use in Somaliland notwithstanding any variation in that rate.

(2) Every officer who has been granted or is being paid a pension before the appointed day shall exercise within six months of that date an option as to whether his pension and any pension that may in due course become payable to his widow, children, dependants or personal representatives, shall be paid in Somaliland or outside Somaliland; provided that where no option is exercised in respect of a pension in payment within six months after that date an option shall be deemed to have been exercised for the payment of the pension either in Somaliland or outside Somaliland according to where it was being paid on that date.

(3) In every other case, an officer eligible for a pension shall exercise before the award of his pension an option as to whether his pension and any pension that may become payable to his widow, children, dependants or personal representatives, shall be paid in Somaliland or outside Somaliland.

(4) Where, upon the death of an officer, a pension becomes payable to his widow, children, or any dependant, or to his personal representatives, an option as to whether the pension shall be paid in Somaliland or outside Somaliland—

(a) may be exercised within one year of the death of that officer by the pensioner; and

(b) shall, if so exercised, be substituted for the option (if any) exercised by that officer under paragraph (2) or paragraph (3) of this Article.

(5) An option exercised in accordance with this Article—

(a) shall be exercised by notice in writing; and

(b) shall be deemed to have been exercised on the date on which the notice is received.

(6) In this Article "pensioner" means the person entitled to the payment of a pension or (if that person is a minor) means his or her lawful guardian.

ARTICLE VI

Where any person is entitled to exercise an option under or relating to any law, regulation or administrative direction governing pensions, he shall for the purposes of this Agreement be deemed in exercising the option to have exercised it in the way more favourable to him.

ARTICLE VII

This Agreement shall come into force on the date of its signature.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Agreement.

Done in duplicate at Hargeisa, this 26th day of June, 1960, in the English language.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

For the Government of Somaliland:

T. E. BROMLEY.

M. I. EGAL.

A. DUALEH.

A. G. JAMA.

IBR NOOR.

**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND THE GOVERNMENT OF SOMALILAND REGARDING
INTERIM ARRANGEMENTS IN RESPECT OF THE
SOMALILAND SCOUTS**

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

Considering that the Government of Somaliland have informed the Government of the United Kingdom that the Somaliland Scouts as maintained and governed under existing legislation shall continue in being for an interim period of six months following the attainment of independence by Somaliland and that they are willing to provide funds within present limits for this purpose, and that the Government of Somaliland have requested the Government of the United Kingdom to provide certain United Kingdom military personnel to be seconded for service with the Somaliland Scouts during this interim period;

Considering that the Government of the United Kingdom have indicated their willingness to make such personnel available, subject to the conditions hereinafter specified, as part of their general assistance to Somaliland in the interim period of six months following independence;

Have agreed as follows:—

ARTICLE I

In this Agreement:

- (a) "United Kingdom military personnel" means commissioned officers, warrant officers and non-commissioned officers of Her Britannic Majesty's Armed Forces, seconded for service with the Somaliland Scouts under this Agreement;
- (b) "conditions of service" means the laws, rules, regulations, orders and other instruments that regulate the terms of service of United Kingdom military personnel including, without prejudice to the generality of the foregoing, provision relating to their tenure of office, transfer, promotion, disciplinary control, salary (including salary scales), pension, compensation allowances, quarters, leave and passages.

ARTICLE II

(1) The Government of the United Kingdom shall at the request of the Government of Somaliland and subject to the agreement of the personnel concerned, second commissioned officers, warrant officers and non-commissioned officers of Her Britannic Majesty's Armed Forces for service with the Somaliland Scouts, within the present establishment, during an interim period not exceeding six months from the coming into force of this Agreement.

(2) During the period of six months from the coming into force of this Agreement the Commander of the Somaliland Scouts shall be the senior British officer seconded for service with the Somaliland Scouts under this Agreement.

ARTICLE III

(1) The conditions of service of United Kingdom military personnel shall be similar to and not less favourable than those which were applicable immediately before the coming into force of this Agreement.

(2) The emoluments of such personnel shall be paid by the Government of the United Kingdom, on behalf of the Government of Somaliland.

(3) The Government of the United Kingdom shall account to the Government of Somaliland for all payments made under this Agreement.

ARTICLE IV

(1) United Kingdom military personnel shall remain subject to United Kingdom Service law at all times and shall be dealt with under this law wherever applicable.

(2) Notwithstanding that United Kingdom military personnel shall be an integral part of the Somaliland Scouts they shall, so that they may be dealt with under United Kingdom Service law, be formed into a unit called "United Kingdom Element, Somaliland Scouts" and the Commander of the Somaliland Scouts or, in his absence, the senior British seconded officer acting in his place shall be the commander of this unit.

(3) If necessary a court martial under United Kingdom Service law may be held locally and British officers may be brought into the country as members of such a court. Essential witnesses may also if necessary be brought into the country for the purpose of giving evidence at such a court.

(4) United Kingdom military personnel shall be subject to the law of Somaliland other than Service law.

ARTICLE V

No United Kingdom military personnel will be required to take part in military operations against a third country.

ARTICLE VI

(1) The Commander of the Somaliland Scouts, and through him the other United Kingdom military personnel, shall receive their orders from the appropriate Minister of the Government of Somaliland and they will obey such orders, provided that such orders would, if given by anyone subject to United Kingdom Service law, constitute lawful commands under that law and do not conflict with the allegiance of such personnel to Her Britannic Majesty.

(2) United Kingdom military personnel shall have power of command over all officers and other ranks in the Somaliland Scouts junior to them in rank or seniority or placed under their command. Similarly, other personnel in the Somaliland Scouts will have power of command over all personnel including United Kingdom military personnel junior to them in rank or seniority or placed under their command.

(3) United Kingdom military personnel shall have the powers of discipline over United Kingdom military personnel junior to them in rank or seniority or placed under their command provided for under United Kingdom Service law. Power of discipline over all other members of the Somaliland Scouts shall be exercised by the Commander of the Somaliland Scouts.

ARTICLE VII

The Government of the United Kingdom reserve the right to withdraw United Kingdom military personnel from service with the Somaliland Scouts should conditions arise where they consider such action necessary.

ARTICLE VIII

United Kingdom military personnel shall be indemnified by the Government of Somaliland for all sums paid or payable in respect of costs, damages and any personal costs awarded against them in civil proceedings arising out of accidents or incidents occurring during the performance of their military duty.

ARTICLE IX

United Kingdom military personnel shall have the right to approach the appropriate representative of the Government of the United Kingdom in the area on matters pertaining to their own Service or personal interests. Normally such an approach shall be made to the Commander, Land Forces, Arabian Peninsula, through the Commander of the Somaliland Scouts who will keep the Government of Somaliland informed on those matters concerning their interests.

ARTICLE X

This Agreement shall come into force on the date of its signature.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Agreement.

Done in duplicate at Hargeisa, this 26th day of June, 1960, in the English language.

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:

T. E. BROMLEY.

For the Government of Somali-
land:

M. I. EGAL.

A. DUALEH.

A. G. JAMA.

IBR NOOR.

Exchange of Letters providing that, should the Government of Somaliland be a party to any agreement transferring jurisdiction over the territory of Somaliland to any other Government, such agreement should provide that the obligations of the Government of Somaliland in respect of certain specified instruments are transferred to that other Government

No. 1

Mr. T. E. Bromley to the Members of the Council of Ministers of Somaliland

*British Consulate-General,
Hargeisa, June 26, 1960.*

Your Excellencies,

I have the honour to ask you to confirm on behalf of the Government of Somaliland that, should they in any way be a party to any agreement for, or any instrument having the effect of, transferring, or confirming the transfer of, jurisdiction over the territory of the Government of Somaliland, to any other Government, such agreement or instrument shall provide that the obligations of the Government of Somaliland in respect of the following instruments are transferred to, and accepted by, that other Government, namely:—

- (a) The Interim Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Somaliland for a United Kingdom Aid Mission;
- (b) The Public Officers Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Somaliland;
- (c) The Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Somaliland regarding interim arrangements in respect of the Somaliland Scouts;
- (d) The lease entered into on the 12th of April, 1960, between the Government of the Somaliland Protectorate and the Minister of Works of the United Kingdom.

I have the honour to propose that this letter and Your Excellencies' reply giving the confirmation aforesaid should constitute an Agreement between the two Governments.

Please accept, &c.

T. E. BROMLEY.

No. 2

The Council of Ministers of Somaliland to Mr. T. E. Bromley

*The Council of Ministers of Somaliland,
Hargeisa, June 26, 1960.*

Your Excellency,

We have the honour to acknowledge the receipt of your letter of to-day's date, which reads as follows:

[As in No. 1]

On behalf of the Government of Somaliland, we have pleasure in giving the confirmation for which your letter asks and agree that Your Excellency's letter and this reply shall constitute an agreement between the two Governments.

Please accept, &c.

M. I. EGAL.
A. DUALEH.
A. G. JAMA.
IBR NOOR.

Exchange of Letters concerning the continued availability of currency of the East African Currency Board in Somaliland for a transitional period

No. 1

The Council of Ministers of Somaliland to Mr. T. E. Bromley

*The Council of Ministers of Somaliland,
Hargeisa, June 26, 1960.*

Your Excellency,

We have the honour to request that, following the attainment of independence by Somaliland, the currency of the East African Currency Board (hereinafter described as "the Board") should continue to be made available for circulation in Somaliland for a transitional period until provision can be made for its replacement. We propose that if Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland agree to this request, arrangements should be made on the following basis:—

- (a) The duration of the transitional period shall be a matter for consideration by the Government of Somaliland and Her Majesty's Government, shall be only so long as is practicable and necessary, and shall not in any event exceed 12 months beginning from to-day's date.
- (b) During the transitional period:
 - (i) the Board shall use their best endeavours to ensure that an adequate supply of currency notes and coins of the Board continues to be available to meet the demand in Somaliland;
 - (ii) The Government of Somaliland shall not do any act or enact any legislation which might prejudice the interests of the Board and shall afford the Board such assistance as may be necessary.

If the above proposals are acceptable to Her Majesty's Government, we have the honour to suggest that the present letter and your reply to that effect should constitute an agreement between the two Governments in this matter.

Please accept, &c.

M. I. EGAL.
A. DUALEH.
A. G. JAMA.
IBR NOOR.

Mr. T. E. Bromley to the Members of the Council of Ministers of Somaliland

*British Consulate-General,
Hargeisa, June 26, 1960.*

Your Excellencies,

I have the honour to acknowledge the receipt of your letter of to-day's date, which reads as follows:

[As in No. 1]

I have pleasure to confirm that the above proposals are acceptable to Her Majesty's Government who agree that your letter and this reply shall constitute an agreement between the two Governments in this matter.

Please accept, &c.

T. E. BROMLEY.

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