

EAST AFR. PROT

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Recd
13 JAN 15

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Foreign

1915

12th January

Last previous Paper:

47156

CONCESSION TO ITALIAN GOVERNMENT AT KISMAYU

Trs copy of telegram from Rome stating Italian Govt desire extension for one year of the 10 years period within which they must fulfil conditions necessary to secure extension to 66 years of lease. Expresses opinion that Italian Govt should be accommodated and asks for early intimation as to whether any objection to an exchange of notes.

See G. Foster.

Point of 1900 complete award. The lease was for 33 years certain, for 66 years if £200 had been repaid by today, & for 99 years if £1000 had been so repaid, a pier & warehouse.

From 47156/4 I judge that the Italians have not made claim for extension on the ground of the war, & I look on it as being only decided at a very late stage that this option was worth exercising, but we could very well refuse the later offer.

I agree & send copy of message to Gov. for int. Lt. Wash 13/1/15

at once
14.1.15
14.1.15

Handwritten notes in left margin:
Copy for 40 15 Jan 15
47156

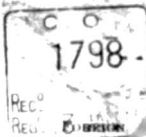
Subsequent Paper.

30/2695

In any further communication
on the subject, please quote

No 4054/15.

and address—
The Under-Secretary of State,
Foreign Office,
London.



January 12th, 1915.

Grey.

Sir:-

I am directed by Secretary Sir E. Grey to transmit, herewith, copy of a telegram from His Majesty's Ambassador at Rome, stating that the Italian Government desire the extension for one additional year of the ten years' period within which, under the agreement of January 13th, 1905, they must fulfil the conditions necessary to secure an extension to sixty six years of the lease of the Kismayu concession.

Sir E. Grey is of opinion that it would be desirable to accommodate the Italian Government in this matter as far as possible, and he would therefore be glad to learn at the earliest possible moment whether Mr. Harcourt sees any objection to an exchange of notes in the sense desired by the Italian Government.

I am, Sir,

Your most obedient,
humble servant,

Eyre A. Rowe

The Under Secretary of State,
Colonial Office.

This Document is the Property of His Britannic Majesty's Government, and should be returned to the Foreign Office when done with, unless required for official use

1798
3 JAN 1915

~~CONFIDENTIAL~~

POLITICAL

Decipher of telegram from Sir A. Hood (Rome)

January 11th 1915.

(C. 9. 20. 1914. Jan. 11th. E. 1. 1. 1915. Jan. 10th.)
No. 12. Unsent.

Agreement with Italy by exchange of notes January 10th, 1901 for lease of Kisumu concession.

Conditions stipulated in article 1 to secure a term of 30 years' lease to have not been completed. Work on pier and sea-wall ceased, but owing to difficulties arising through the war, and shortage of labour, and questions arising locally, work had to be suspended. Italian government intend to complete conditions as soon as possible, but meanwhile desire not to forfeit title to secure extension of lease. They ask therefore that 10 years' term for out work be extended for one more year from January.

I trust there will be no difficulty in acceding to request, and should be glad to be able so to inform the Government of Colonies.

Matter could be settled by exchange of notes.

Printed for the use of the Foreign Office. April 1907.

CONFIDENTIAL

(8905.)

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Notes exchanged between Great Britain and Italy respecting
the Benadir Coast, Jurisdiction at Zanzibar, and Lease
of Land near Kismayu, January 13, 1905.

No. 1.

The Marquess of Lansdowne to Signor Pansa.

(A)

Foreign Office, January 13, 1905.

Your Excellency,

IN pursuance of previous communications on the subject of an accord between the Zanzibar Government and the Government of His Majesty the King of Italy for the purchase by the Italian Government of all the sovereign and other rights of His Highness the Sultan of Zanzibar over the towns, ports, and territory of the Benadir Coast, of which the Administration is now vested in the Italian Government under the Agreement dated the 12th August, 1892, as amended by the Additional Article dated the 1st September, 1896, I have now the honour to propose to your Excellency, in the name of the Government of His Highness the Sultan of Zanzibar and on behalf of His Majesty's Government, the following terms of Agreement:

1. The Italian Government will pay to the Government of Zanzibar the sum of 144,000*l.* This sum or its sterling equivalent, shall be lodged in the Bank of England to the credit of the Zanzibar Government within three months of the exchange of notes recording the Agreement.

The rent now payable by the Italian Government shall continue to be paid up to the day on which the purchase money is paid into the Bank.

On the payment of the above-mentioned sum, all rights specially reserved to His Highness the Sultan under the Agreements of 1892 and 1896 shall cease and determine. All subjects of His Britannic Majesty and other British-protected persons, and all subjects of His Highness the Sultan of Zanzibar, shall continue to enjoy in the towns, ports, and territory in question all the privileges and advantages with respect to commerce and shipping which are, or may be, accorded to the subjects of the most favoured nation.

2. On the same day on which the arrangement indicated in (1) comes into force, all the rights of extra-territoriality now enjoyed by Italy under Treaty, Agreement, or usage, in the dominions of His Highness the Sultan of Zanzibar, shall absolutely cease and determine, and on and after that date the extra-territorial jurisdiction hitherto exercised by His Majesty the King of Italy in His Highness' dominions shall be transferred to His Britannic Majesty's Court for Zanzibar, as constituted under "The Zanzibar Order in Council, 1897."

3. The Italian Government undertake that if at any time Italy should desire to give up the towns, ports, and territory in question, Great Britain shall have the right of pre-emption.

I beg your Excellency to do me the honour to inform me whether the Italian Government consent to these terms of Agreement.

I have, &c.
(Signed) LANSDOWNE.

No. 2.

Signor Pansa to the Marquess of Lansdowne.—(Received January 16.)

(A.)
(Translation)
My Lord,

Italian Embassy, London, January 13, 1905.

IN your note of today's date your Lordship has done me the honour of communicating to me, in conformity with our preceding correspondence, the terms of a Convention between the Government of His Majesty the King of Italy and the Government of His Majesty the Sultan of Zanzibar over the towns, ports, and rights appertaining to His Highness the Sultan of Zanzibar over the towns, ports, and rights appertaining to His Highness the Sultan of Zanzibar over the territories of the British East Africa Protectorate, as modified by your Government under the Convention of the 12th August, 1892, as modified by your Additional Article of the 1st September, 1892. The said terms proposed by your Lordship in the name of the Government of His Highness the Sultan of Zanzibar and on behalf of His Majesty's Government are as follows:

1. The Italian Government will pay to the Government of Zanzibar the sum 144,000*l.* This sum, or its equivalent, shall be lodged in the Bank of England to the credit of the Government of Zanzibar within three months of the exchange of notes recording this Agreement.

The rent now payable by the Italian Government shall continue to be paid up to the day on which the aforesaid sum shall be lodged at the Bank.

On the payment of the said sum all the rights specially reserved to His Highness the Sultan under the Agreements of 1892 and 1896 shall cease to exist.

All the subjects of His Britannic Majesty and other British-protected persons, as well as all the subjects of His Highness the Sultan of Zanzibar, shall continue to enjoy in the cities, ports, and territories in question all the privileges and advantages with respect to commerce and navigation which are or may be accorded to the subjects of the most favoured nation.

2. On the same day on which the arrangements mentioned in the preceding Article come into force, all the rights of extra-territoriality now enjoyed by Italy under Treaties, Conventions, or usage in the dominions of His Highness the Sultan of Zanzibar shall absolutely cease, and on and after that date the extra-territorial jurisdiction hitherto exercised by His Majesty the King of Italy in the said dominions of His Highness shall be transferred to His Britannic Majesty's Court for Zanzibar, as constituted under "The Zanzibar Order in Council, 1897."

3. The Italian Government undertake that if, at any time, Italy should desire to give up the towns, ports, and territories in question Great Britain shall have the right of pre-emption.

In accordance with instructions received from his Excellency the Minister of Foreign Affairs, I have the honour to inform your Lordship that the Government of His Majesty the King of Italy accept the proposals referred to above, subject to the necessary approval of the Italian Parliament.

I have, &c.
(Signed) PANSÀ.

No. 3.

The Marquess of Lansdowne to Signor Pansa.

Foreign Office, January 13, 1905.

(B.)
Your Excellency,

WITH reference to my other note of this day's date, I have the honour to submit to your Excellency the following terms of an Agreement dealing with the lease to the Italian Government of a plot of land in the neighbourhood of Kismayu, as well as the right of passage between that place and a point in Italian territory near the mouth of the River Juba:

"1. His Britannic Majesty's Government agree to lease to the Italian Government an area of land on the east side of Kismayu in the British East Africa Protectorate, not exceeding 150 yards square, for the erection of a bonded warehouse, or other necessary

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building. His Britannic Majesty's Government will also lease to the Italian Government sufficient ground on the foreshore of the spit lying south-east of the existing British pier at Kismayu, for the erection of a pier for the use of the Italian Government, together with a right of way from the said pier to the warehouse mentioned above, and from there to a point on the River Juba opposite Gimbo.

"2. The exact site of the area of land and of the pier, and the course of the right of way, shall be agreed legally by two officers, of whom each Government shall appoint one. The said area of land shall be as nearly as possible contiguous to the pier. When the boundaries of the area of land and the site of the pier, and the course of the right of way, have been agreed and marked out by the two officers, a plan thereof, signed by both of them, shall be sent to each Government.

"3. The Italian Government shall pay for the land leased an annual rent of *l.* 11.

"4. The lease shall be in force for thirty-three years from this date, but if the Italian Government shall show to the satisfaction of His Britannic Majesty's Government that the amount spent within ten years from this date on the erection of the pier and buildings exceeds 3,000*l.*, then the lease shall be in force for sixty-six years; or, if the amount so shown to be spent exceeds 10,000*l.*, then the lease shall be in force for ninety-nine years.

"5. On the determination of the lease the buildings erected on the land shall become the property of His Britannic Majesty's Government.

"6. The Italian Government shall be at liberty to erect on the area of land referred to in Article I such accommodation as may be necessary for the temporary shelter of Italian troops landing at Kismayu en route for Gimbo in the Italian sphere, but no such troops shall be landed at Kismayu without the previous consent of His Britannic Majesty's Government.

"This restriction, however, shall only apply to the landing of such troops for expeditionary purposes; in the case of ordinary reliefs, it shall be sufficient if due notice is given beforehand to the local British Commandant.

"7. Import duties imposed on goods landed at the pier to be erected by the Italian Government shall be refunded in accordance with the Transit and Re-export Regulations for the time being in force in the British East Africa Protectorate if the goods are eventually removed to the Italian sphere.

"8. Nothing herein shall be construed to exempt either the land leased or the persons thereon from the Laws and Regulations in force in the British East Africa Protectorate subject to which, however, employes of the Italian Government resident in the leased territory shall be free to exercise the functions of their respective offices."

I beg your Excellency to do me the honour to inform me whether the Italian Government consent to these terms of Agreement.

I have, &c.
(Signed) LANSDOWNE.

No. 4.

Signor Pansa to the Marquess of Lansdowne.—(Received January 16.)

(B.)
(Translation)
My Lord,

Italian Embassy, London, January 13, 1905.

WITH reference to your preceding note of today, I have received the note of the same date which your Lordship has done me the honour of addressing to me, communicating in the following terms the conditions of an Agreement for the lease to the Italian Government of a plot of land in the neighbourhood of Kismayu, as well as the right of passage between that place and a point in Italian territory near the mouth of the Juba:

"1. His Britannic Majesty's Government agree to lease to the Italian Government an area of land on the east side of Kismayu, in the British East Africa Protectorate, not exceeding 150 yards square, for the erection of a bonded warehouse or other necessary building. His Britannic Majesty's Government will also lease to the Italian Government sufficient ground on the foreshore of the spit to the south-east of the existing British pier at Kismayu for the erection of a pier for the use of the Italian Government, together with a right of way from the said pier to the warehouse mentioned above, and from there to a point on the River Juba opposite Gimbo.

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2. The exact site of the area of land and of the pier, as well as the course of the right of way in question shall be fixed on the spot by two officers, each of whom shall be appointed by his respective Government. The said area of land shall be, as far as possible, contiguous to the pier. When the boundaries of the area of land and the site of the pier and the course of the right of way shall have been agreed upon and marked out by the two officers, they shall make a plan thereof, to be signed by both, and forward it to their respective Governments.

3. The Italian Government shall pay for the land leased an annual rent of L.

4. The lease shall be in force for thirty three years from the present date; but if the Italian Government shall show to the satisfaction of His Britannic Majesty's Government that the amount spent within ten years from this date on the erection of the pier and buildings exceeds 5,000L., then the lease shall be in force for sixty-six years; or if the amount so shown to be spent exceeds 10,000L., then the lease shall be in force for ninety-nine years.

5. On the termination of the lease, the buildings erected on the land shall become the property of His Britannic Majesty's Government.

6. The Italian Government shall be at liberty to erect on the area of land mentioned in Article 1 such accommodation (buildings) as may be necessary for the temporary shelter of Italian troops landing at Kismayu en route for Giumbo in the Italian sphere, but no such troops shall be landed at Kismayu without the previous consent of His Britannic Majesty's Government.

This restriction, however, shall only apply to the landing of such troops for expeditionary purposes; in the case of ordinary garrison reliefs, it will be sufficient if due notice is given beforehand to the local British Commandant.

7. Import duties imposed on goods landed at the pier to be erected by the Italian Government shall be refunded, in accordance with the Transit and Re-export Regulations for the time being in force in the British East Africa Protectorate, if the goods are eventually removed to the Italian sphere.

8. Nothing in these Articles shall be construed to exempt either the land leased or the persons residing thereon from the Laws and Regulations in force in the British East Africa Protectorate, subject to which, however, employes of the Italian Government residing in the leased territory shall be free to exercise the functions of their respective offices.

In accordance with instructions received from his Excellency the Minister for Foreign Affairs in Rome, I have the honour to inform your Lordship that the Government of His Majesty the King of Italy accept the proposals referred to above, subject to the necessary approval of the Italian Parliament.

I have, &c.
(Signed) PANSA.

No. 5.

Signor Pansa to the Marquess of Lansdowne. (Received January 16.)

(C.)
(Translation.)

Italian Embassy, London, January 13, 1905.

My Lord,
IN my other communication of to-day I had the honour of informing your Lordship that the Italian Government consent to the terms of the Agreement contained in your Lordship's note of the same date respecting the purchase of all the sovereign and other rights appertaining to His Highness the Sultan of Zanzibar over the towns, ports, and territories of the Benadir Coast.

With reference, however, to the last paragraph of Article I of that Agreement, relative to the privileges and advantages guaranteed therein to the subjects of His Britannic Majesty and other British-protected persons, as well as to all the subjects of His Highness the Sultan of Zanzibar, I am instructed by my Government to point out to your Lordship that, if the proviso in question is to be held to apply equally to coloured persons, the Italian Government might eventually find themselves bound to extend more favourable treatment to these latter than to their own subjects of the same category.

The Italian Government desire accordingly to reserve to themselves the right to act within the territories in question in such a way that the eventual special Regulations applicable to their own coloured subjects may be equally applicable to coloured persons

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who may be British subjects or British-protected persons or subjects of His Highness the Sultan of Zanzibar.

I should be grateful if your Lordship would do me the honour to inform me whether His Britannic Majesty's Government agree to this reservation.

I have, &c.
(Signed) PANSA.

The Marquess of Lansdowne to Signor Pansa.

Your Excellency,

I HAVE the honour to acknowledge your note of this day's date, in which you inform me that the Italian Government desire to reserve to themselves the right to make such Regulations as may be applicable, within Benadir territory, to their own coloured subjects equally applicable to coloured persons who may be British subjects or British protected persons or subjects of His Highness the Sultan of Zanzibar.

I beg leave to inform your Excellency that His Majesty's Government agree to this reservation, but it is, of course, understood that they retain the right to make representations to the Italian Government in regard to any such Regulations as may appear to them to be of an unusual character or likely to prove injurious in their practical working.

I have, &c.
(Signed) LANSDOWNE.

FO 1798/1915
E.M.P.

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14 January 1915.

Sir,

I am directed by Mr Secretary
Harcourt to acknowledge the
receipt of your letter of the
12th of Janry, No. 4054/15,
and to ~~inform you that~~
request you to inform
Secy Gen Edward Grey
that he agrees to this
extension for one
additional year of
the ten years period
during which, under
the agreement of the 13th
of January 1905 the

DRAFT

The U.S. of A.
Foreign Office

MINUTE

- Mr. Balfour 14/1/15
- Mr. Balfour 14/1/15
- Mr.
- Mr.
- Sir G. Fiddes.
- Sir H. Just.
- Sir J. Anderson.
- Lord Islington.
- Mr. Harcourt.

Copies 40. 15/Jan/15 of

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