

CO 533/490.

1938.

SECRET

JJ

No. 38066/15B.

KENYA.

Part I.

CLOSED
UNTIL
1969.

SUBJECT

Italian Occupation of Ethiopia

Frontier Policy: Grazing +
Watering Rights of Kenya
Tribesmen.

Previous

Subsequent

PART II

C.S.
Tide
Group

1 F.O. (J. 5134/229/1) - 5.1.38

Ref (K) on 1938. Inves. copy Col. No. 2 R to H.A.R. Rome d. 4/6
requesting expedition of reply in regard to grazing
facilities for forthcoming dry season.

? Put by Colonial 6/1
City
at once

W.P.D.

2 Mr Lambert (F.O) (J. 56/56/1) - 8.1.38

copy
W.P.D.

Ref (K) Inves. copy Col. No. 6 (A) d. 7.1.38 from H.A.R. Rome
stating that Italian agree to grant grazing facilities on
certain conditions.

3 Lambert (F.O) (J. 117/56/1) - 10.1.38

copy
W.P.D.

(For copy dep. 3.7.38 from H.A.R. Rome
in regard to arrangements for grazing facilities
for Kenya tribes).

Tel. as in d.h.

& recd. to me (in RED) for
letter to F.O. & dep. to Kenya.

J.J. Parnin
10/1
at once.

copy
W.P.D.

4 To Gov. Tel No. 4. Secret - 10.1.38

I now submit for review. (after
discussion with Mr Lambert (F.O.)) a
dft. dep. to Kenya & a dft. letter to
the F.O. wh. are self explanatory.
Mr Lambert said that the F.O. wd.
wish to send a reply to the Italian

note of the 8th of Jan., as soon as possible. I have therefore marked an opt. to the FO. "Immediate."

J.P. Cassin.
12/11.

A.M. Dave
12/1

Sir Richardson.

I have looked at the main 1937 file (required for another purpose) which is represented here by a "summary" & I find that although you have frequently asked the papers about grazing & boundary questions you have not yet seen anything about the proposal to discuss them orally with the Italians. In the 5th & 7th FO. notes that proposal "on the map" I send it on. C.P.S. 12.1.37.

5 To Kenya - Secret : Cross ^{14/3} 14.1.38
(LIFE 2nd 4 (3) + 2077 (6))

6 To FO. - Cross ^{14/2} 14.1.38
(LIFE 4 + 5)

copy (5) to
S.P.D. wh
17/1/38
18/1/38
19/1/38
20/1/38
21/1/38
22/1/38
23/1/38
24/1/38
25/1/38
26/1/38
27/1/38
28/1/38
29/1/38
30/1/38

Kenya - Secret 12.1.38
Ref H/38066/150/37. Comments regarding arrangements for discussion of grazing agreement express the hope that it may eventually be possible to effect frontier adjustment.

107 para 2 McClawney will be available for negotiation with the Italians.

para 3 answers para 4 of (H) 1-3. The kind of grazing agreement required is one as set out in para 8 of the Lammas' letter to Signor Comelli of Tanganyika (print copy attached), is of the kind allowing for detailed arrangements to be made on the spot.

para 4 Kenya's essential decision is to retain access to the wells just north of the Mau Mau line.

? No action required in view of (5) however.

Clotworthy

Not a very satisfactory dept.

In expressing a desire for an agreement on the lines of clause 8 of the Somaliland agreement, Kamba has ignored the fact that that clause has to be read with clause 2 which defines the area within which the tribal movements are permitted. Mr. Lambert (FO.), with whom I have discussed, is of the very definite opinion that it will be necessary to include a corresponding provision in the Kenya agreement. The Italians are great sticklers for precedent, & it will be very difficult

p. 3 of
Africa (East)
No. 1559.

- 12 To Kenya - Secret - (7 and Cms) 2.2.38
- 13 To H.G. Pittkin - Secret - 2.2.38
(473 met in 11 in view) (21)
- 14 To F.O. } B/1a Secret
- 15 - W.O. } (Spec. 7.12.33 (470-4) 8.2.38
- 16 - B/Min.

W212

17 FO (J.600/664) 17.2.38
 (copy range 38066/154/38)
 Ref (b) (c) Devs. copy of the (18) 2.16/38
 from H.M.S. Rome to discuss the
 indicated when grazing rights are being examined.

18 To Kenya Secret Telegram No 19 24/2/38
 Repeat early preparation of maps etc. both with
 a view to grazing agreement with Italy and
 with a view to frontier rectification.

Action on No. 17 is being taken on
 38066/154/38.
 No 18 has been R.S. on this file
 for information in summary therefore
 to put by.

J.J. Passin
 24/2
 at once

It seems desirable that I should
 place on record that Mr. Lambert (Foreign Office)
 has expressed the view that, in spite of the
 proposal now to include the question of the
 rectification

rectification of the frontiers of the Sudan, Kenya
 and Somaliland in the general discussions with the
 Italian Government now contemplated, the preparation
 for a discussion with the Italian Government of an
 interim grazing agreement for the Kenya
 tribes should proceed as if nothing else had
 happened. Mr. Lambert pointed out that we were
 committed to this particular discussion before the
 recent developments, and that, although it is now
 proposed to include the frontier discussions in the
 general discussions with Italy, it is impossible to
 foresee what course those discussions will take,
 or whether the frontier discussions will in fact
 materialise into an agreement which would render
 an interim grazing agreement unnecessary. He
 therefore asked that Kenya should be pressed to let
 us have the necessary material for the discussions
 on the grazing question as soon as possible. I
 pointed out to him that this had in effect been done
 by paragraph 3 of our telegram of the 21st of
 February (No. 18).

In case, however, Kenya may have jumped
 to the same conclusion as I had, viz. that the
 proposal for an early discussion on grazing questions
 can be regarded as having been superseded by the
 proposal to proceed forthwith with a discussion on
 the rectification of frontiers, it may perhaps be
 as well to write to Sir A. Wade as in draft herewith.

J.J. Passin
 23.2.38.

Have passed this off,
 which concerns a temporary
 agreement. But I hope that there will
 be no further of in the same discussion.

A. J. Dawe
 23.2

Further, before in
 the general discussions
 that those points
 are the subject of
 discussion.
 In the interim
 but since I write
 the above I.D. have
 written in detail
 to the same.

holding
of ~~substantially~~ permanent grazing
rights to the members of frontier
reservations. It comes as a second
thing but will be badly wanted if
the first fails.

WAS.
23.2.38 am

19 To Sir Arnold Wake - Secy Secret - 24.2.38

Dpt. tel. h.w. to Vaura at
oral request of Mr. Lambert (F.O.)
L? Park, in the course of discussion
at F.O. today, had stated quite
positively that, in his view, unless
some agreement is reached with
the Italians before the next dry
season, the frontier will be
closed against the Vaura tribes.

I pointed out to Mr. Lambert
that the next dry season wd.
be in June, that there did
not therefore seem any occasion
for such a violent hurry, &
that it might be best to
wait to see how the proposed
general conversations go on.

Mr. Lambert replied however
that it is absolutely necessary
to get on with these negotiations
without delay & he asked that
Mr. Gladby shd be brought home

at the earliest possible moment for
this purpose.

I then observed that our Dept.
about the transit facilities desired
by the Italians had only gone by
today's airmail & that it wd.
clearly be absurd for us to embark
on these negotiations with our hands
some idea of what we give the
Italians on this head.

Mr. Lambert reluctantly agreed
& concurred - he is often - he
said that F.O. are very anxious to
be able to give the Italians, within
(say) a fortnight at the outside, a
definite date for the commencement
of the negotiations.

J.P. Pinner
25/2.

20 To Gov Tel Ls 20 Secret - cons - 25/2/38

21 To F.O. } B/1a - Secret - 24.2.38
22 To W.O. } (info 20)
23 To A/M. }

WAS

24 Kenya Secret Tel No 15 4/3/38
(20) amsd. Indicates date Glenday cd. arriv

I have discussed this telegram with Mr. Lambert (F.O.) and he has discussed it with the Southern Department. They were at first inclined to suggest that the Italian Government should be told that we could be ready for the discussion about the Grazing Agreement at the end of March, but that it would be more convenient if it could be deferred until the middle of April. I pointed out, however, that by the time there had been a reply from Rome to such a communication it would probably be too late for Mr. Glenday to come home by air. Eventually the F.O. agreed that it would be sufficient if Mr. Glenday arrives here on the 8th April and if we arrange to go to Rome in about a week's time after that. The 8th of April is a Friday and F.O. agree that it would be sufficient if we arrived at Rome on Sunday the 17th of April with a view to starting the discussions on Monday the 18th, and Mr. Lambert asked that we should suggest this in our letter to them.

Drafts herewith accordingly.

J.P. Pasini
4/3

Aymare
4.3

Sent off the 8th tel. re: visit to the British Parliament

25
to Gov. Kenya. Tel. no 25 sent 4/3/38
(24 amsd)

302
L.F.P.
V. left 20/21

26 Jo FO. w/ 24 - Case 5/3/38

27 To Kenya - Secret 17/1 (w/ 26 w/ 10 ms) - 5.3.38

28 To W.O. }
29 To B/M. } Secret 17/1 (w/ 26 w/ 10 ms) - 5.3.38

W.S.P.

30 FO. (J. 81)/86/r - 9.3.38

R.F. 24 Dms. w/ 10 tel. No 27 (2) of 2.3.38 K.N.M.C.R. regarding whether it is possible to open grazing negotiations.

This tel gives effect to the suggestions in No 26 and is not very important, it would seem hardly worth while to print it, but ? w/ 10 Kenya Secret Tel. no 27. - Clarke White 19/3

Handy summary, - w/ 10 of 27.

Per 4.

J.P. Pasini
19/3

W.S.P.

3.3.38

R/6 (12) (13) suggests points for discussion with Italian Govt. re grazing agreements & returns
2 copies of map (C.L. 4315) sent in (13)

"Desiderata"
The wishes of the Govt of Kenya for the grazing agreement are now taking fairly definite shape. The agreement is to be on the lines of that between Italy and Somaliland of Jan 1931*, with the following variations and additions:-

Clause 1 & 2 (of the Somali agreement). A description of the boundary of the area within which grazing rights should be retained is now given by Kenya, and it is marked on the Treaty map (enclosed in ¹⁰⁰). The northern boundary of the area conforms with the suggestion in para 4 of No 12.

Clause 5 does not arise

Clause 6 will be reconsidered if

Clause 8 the basis of the agreement, is not accepted by the Italian Govt - i.e. if the Italians wish to insist on doing the frontier.

Clause 9 should be expanded by adding the word "after discussion with the local British authorities".

Clauses 10-13 are acceptable in principle.

To this it is deemed to add:-

A an undertaking by Italy to prevent the westward migration of tribes into this area, and
B agreement that the water of the bed of the Dana River be used by both Abyssinian and Kenya tribes.

There does not seem to be any difficulty or omission in this, & the P.O. should

now be asked if they agree with this outline of the agreement.

In para 4 reference is made to a Dept of Feb 1938, which has just been transferred from an E.O. file to 38066/26/38 (attached). Kenya is assuming that the question of the payment of money owed by the Italians to Kenya tribes will be raised at the grazing discussions, if not previously settled, as an 'acta' subject similar to the question of transit traffic which the Italians wish to discuss by way of endorsing this assumption it would be useful to send Kenya a copy of the enclosure (5) in 38066/26/38, L.F. ref (4A) thereon.

Extra copies of this map to be made for P.O. for Mr Parker, & copies should go L.F. to H.O. & M.M. - Clark/White 11/3

22.6.

as regards X action recd. see
trans - 38066/26/38

J.P. Pannin
14/3

M. Cohen
to see later.

(11) Mr

A.D. Dave
14.3

Blair
23/3

- 32 To F.O. (Wp 31) Cms 15.3.38
 (and Wp 32) Cms 37
- 33 To J.H.A. Lambert - S/o Cms - 16.3.38
- 34 To W.O. } B/1a Secret. } 17.3.38
 35 . A.M. } Wp. (31) Wp map }
 (32)
- 36 To Sir R. Brooke-Popham 10.3.38

M: Lambert has spoken to me on the points raised in No. 33.

(a) ^{F.O.} They doubt that any useful purpose will be served by asking for the Ambassador's views on the 10th point at the end of para 2.

(b) F.O. do not contemplate giving any advance indication to the Italians as to what we propose. They think it will be better to deal with the whole matter orally when Mr. Stansby & I go to Rome.

(c) M: Lambert has obtained 10 further copies of the map & is having them marked to correspond with the copy in No. 31.

I have agreed to prepare a preliminary set of instructions for Mr. Stansby & myself. In the meantime this can be put off.

J.P. Parnin
 R/S

37 F.O. (J. 1012/86/1) 23.3.38

Ref (2) Concurs in proposals in (31). Comments to be provided in agreement + as to form of stated Code.

38 Lambert (F.O.) (S.O.) 23.3.38

39 Draft instructions to British delegates.

40 To Lambert (S.O. - Wp 39 - Cms) - 26.3.38

Now send a copy of 32 & 37 to ^{Lambert} Stansby & Point 37 (extra copies to be made for P.D. & for M: Parnin).

Copy of 34 sent to P.D. 28/3/38.

~~XXXXXXXXXXXXXXXXXXXX~~

J.P. Parnin
 26/3

(Review in 42)

at once

H.I. to Gp. Kenya. Secret. (Wp. 32, Wp 31 & 37) 26 March 38

42 F.O. (J. 1196/86/1) 28.3.38

(Probably comment for Br. representatives to arrive in Rome on 10th April).

No 39 has now been altered to include the amendments suggested at meeting in the F.O. this morning, at which were present Mr V. Carandish-Bentwich, Mr P.L. Rose (of the F.O.), Mr Parkin & myself. Clotby White 4/4/38

Copy 32 of 1938
 L.P. v. d. f. (132)
 See also 35/10/38/1/25
 Lambert

117 Col.
 T. Sec.
 14/3
 No. 9/10

12/3

Sir C. Bellamy.

The draft instructions (No.39) for the discussion with the Italian Government, on the arrangements for the grazing and watering facilities required by the Kenya tribes on the Northern frontier, were discussed with Mr. Cavendish Bentinck this morning and were agreed, subject to further discussion with Mr. Glenday on his arrival.

Para.11 (transit facilities desired by the Italians) will also require reconsideration when I get Sir A. Wade's reply to my letter of the 24th of March (No.8 on 38066/15E/38).

Mr. Cavendish Bentinck is referring to higher authority in the F.O. the two following points:-

(a) As to who should sign any agreements that may be reached as a result of the negotiations. On this, his view is that if we had recognized Italy's position in Abyssinia it would be better for the agreements to be signed either by myself or by somebody from the Embassy, but that as we have not yet recognized Italy's position in Abyssinia, it would be preferable for them to be signed by Mr. Glenday.

(b) It will probably be necessary for these agreements to be published, in view of the interest which is being taken in Parliament in the subject of the Anglo-Italian negotiations (the corresponding Somaliland Agreement concluded last year was not published).

Mr. Glenday

Mr. Glenday will arrive at the end of next week, and we have arranged with the F.O. for a meeting at 11.30 a.m. on Monday, the 11th.

J.J. Pashin

1.4.1938

Since drafting the above, I have read F.O. to consider whether the two suggested Transit Agreements should include a statement that the Transit of arms & ammunition will not be permitted. They will consider this point & let us know in due course.

J.J. Pashin
1/4

Sir C. Bellamy

You should see No. 39, on sheet I have no comment. Do not see wait

Let's
24.38

I have been through the draft with Mr. Pashin. I indicated that it will not be finalized until

It has been discussed
with Mr. Glenday -

sent
21/4/38.

A3 FO. (J134/145/1) ——— 5/4/38

Transmit copy of letter to Embassy in Rome
enquiring about details of arrangements for
negotiations. To marked copies of Treaty
Map (1907) have been sent to Rome.

44 FO. (J.1508/82/1) ——— 12/4/38

(To enquire with A.N. Embassy, Rome, whether
that Italian Govt. agree to conversations
starting on the 19th of April).

The draft instructions (No. 39)
have been discussed with Mr. Glenday and
Mr. Bentinck (F.O.) and slight amendments have
been made in paragraphs 8 and 14.

Paragraph 11 has also been expanded,
as shown, for the reasons given in my minute
of the 14th April on 38066/15E/38. This
additional passage is in the nature of a
tentative draft and has not been submitted to
higher authority for the reason that it has
now been decided to postpone these negotiations.

The position when we discussed the
matter with Mr. Bentinck on Monday last, was
that the general political Anglo-Italian
conversations had gone so well, and (including
an understanding that as soon as the general
political

political agreements had entered into force (which
it is hoped will be at the beginning of June), we
would immediately start negotiations for the
delimitation of the Abyssinian frontier) that it
seemed absurd to have to go through the motions
of formal negotiations for a purely temporary
trans-frontier grazing agreement at this stage.
The Foreign Office accordingly telephoned to the
Embassy at Rome asking them to suggest to the
Italian Government that, having regard to the fact
that it is ~~proposed~~ ^{hoped} to open the substantive
frontier negotiations in June, the arrangements
for the trans-frontier grazing of the Kenya tribes
during the forthcoming dry season should be
allowed to proceed as in the past without any
formal written agreement.

It was understood that the Italian
Foreign Office completely agreed with this point of
view but were unwilling to commit themselves
definitely until they had obtained the views of
the Italian Colonial Office. No definite reply
having been received by late this afternoon the
Foreign Office decided that we should take the
Italian concurrence for granted, and that Mr. Glenday
and I need not, therefore, proceed to Rome as
arranged on Saturday. It now seems reasonably
certain that the Italians will allow these
trans-frontier movements to take place without
any further formalities but we are not in a position
to say so definitely to Kenya until we have

I have informed
Mr. Palmer who
has arranged for
our tickets to
be cancelled
H.P.

received

received a definite communication to that effect from Rome.

J.J. Parkin

14.4.38

45

A/M

13/4/38

(Case for cpl of - of showing
in grazing areas contemplated)

46

To Kenya Tel. No 44

18.4.38

(Dep't on 26548/9/38)

47

To Sir A. Wade

Sp

Scout. 21.4.38

(Dep't on 35026/15th/35)

Mr. Parkin.

Nos 45

The A/M will have seen from the later correspondence that the grazing agreement is not to be made after all, and that they need no longer bother about the intended areas of penetration. ? No need to ack.

Printing.

Nos 42-46 are only of ephemeral interest. Nos 46(a-f) will have been dealt with in their files originally. Action on this file is thus complete for the moment.

? Put by

I have spoken to
Mr. Parkin. 17/4/38
J.J.P.
17/4

~~W.D.W.~~

Cloughwhite 2/4

J.J. Parkin
29/4/38

2
20000/108/36

21st April, 1936.

Dear Sir,

Thank you very much for your letter No.A.XAF.42/3/20/11 of the 5th of April about the transit facilities which were to be accorded to the Italians in connection with the negotiation of a trans-frontier grazing agreement for the Kenya tribes.

As you will have seen from the Secretary of State's telegram No.41 of the 18th of April it has not been necessary, after all, for Glenday and me to go to Rome for this purpose as the Italians have agreed to allow our tribes to cross the frontier during the next dry season without a formal written agreement. What happened was that when Glenday and I went to the F.O. to discuss our instructions for the negotiations it occurred to them that the main political conversations were proceeding so well, and the Italians were in such a good frame of mind, that it was worth trying to persuade them to dispense with a temporary agreement, saying that it is anticipated that

the

SIR ARNOLD WAKE, C.E.G., O.B.

the negotiations for the delimitation of the frontier will start so soon, and eventually the Italians agreed to do so.

While, however, the discussion of transit facilities has been deferred, I fully expect that the question will come up again in connection with the frontier negotiations, so it may be useful to you to know the conclusions to which we came when we were contemplating going to Rome this week.

As you will have seen from Dave's letter of the 10th of April, it seems probable that one of the things that the Italians will want will be the use of the road from Kisumu through Dif and Wajir to Moyale. ^{Even though} It seems highly improbable that we can ever agree to cede to them a piece of territory so large as to include this road, they may very likely still want to develop that line of communication with Southern Abyssinia, and they may also very likely ask for that road to be made up into an all-weather road. We discussed this with Glenday, and he told us that to put the Dif - Wajir section of the road into the same condition as the Wajir - Moyale section would probably cost something like 2000, but that to make a surram road all the way through from Dif on the one frontier to Moyale on the other

4

other would be a P. V. D. undertaking, for which he was not in a position to estimate the cost, though he thought it might be something like £20,000 to £30,000.

If the Italians had in fact asked for something of this kind to be done it would clearly have been unreasonable to expect Kenya to foot the bill, and we were proposing, in that event, to stipulate the capital cost should be met by the Italians under an arrangement similar to that made in connection with the corresponding Somaliland agreement, and also possibly that they should be asked to agree to the payment of transit dues on goods using the road as a contribution towards the cost of its maintenance.

If on the other hand they would have been satisfied with putting the Dif - Vajir section of the road into the same condition as the Vajir - Moyale section, we thought that it would be rather undignified to ask them to pay so small an amount as £500.

I mention these considerations in order that you can have them in mind in case the same question comes up again when our main frontier negotiations are undertaken. We are shortly to have a discussion with
the

the F.O. as to the tactics to be pursued in those negotiations, but the probability is that the ground will be explored through the diplomatic channel before the negotiations themselves are undertaken. This would have the advantage of enabling us to know in advance what the Italians are likely to ask for, and will give us an opportunity of consulting you again.

Yours sincerely,

38066/1513/38

Draft on

46598 A/38.

TELEGRAM from the Secretary of State for the Colonies to the Governor of Kenya.

(Sent 4.0 p.m., 18th April, 1938.)

No. 41.

Anglo Italian Agreement signed on Saturday to come into force on date to be mutually decided provides for negotiations on frontier questions immediately thereafter. At the same time bon voisinage agreement concluded in respect of Italian East Africa on one hand and Sudan Kenya and British Somaliland on other hand. In the circumstances Italian Government has agreed to provisional continuance of grazing facilities as usual without formal agreement.

45 n

AIR MINISTRY,
ADASTRAL HOUSE,
KINGSWAY, W.C.2.

S.43546/S.6.

SECRET.

13 April, 1938.

Dear *Campbell*

35
Will you please refer to your official letter 38066/15B/38 of the 17th March, 1938, under cover of which was forwarded a copy of Colonial Office letter to the Foreign Office, and a copy of a despatch dated the 3rd March, 1938, from the Governor of Kenya on the subject of the proposed temporary agreement with the Italian Government in regard to facilities required by the tribes on the northern frontier of Kenya for grazing and watering their herds in Abyssinia.

We have been considering this question and endeavouring to trace the lines of penetration of the tribes from the information furnished in the descriptions forwarded by Sir Robert Brooke-Popham. It would greatly assist us, however, if we could be supplied with a copy of the Treaty map referred to in paragraph 2 of the Governor's despatch, and I should be grateful if you could forward me a copy.

Yours sincerely,

H R Jones

S. M. Campbell, Esq.,
Colonial Office,
Whitehall,
S. W. 1.

44

(42) (J-1508/86/1)
 Ref 70 Letter No: J-1186/86/1 of 28th Mar. 1938
 & Mr Rose's Letter to Mr Goolly White
 (43) No: J-1314/86/1 of 5th April 1938

With Mr E. M. Rose's
compliments.

(2)

Foreign Office, S.W.1.

12th April, 1938,

J. J. Paskin, Esq., M.C.
Colonial Office.

No. 349
(25/17/38)

19
British Embassy,

Rome.

8th April, 1938.

My Lord,

I have the honour to refer to my telegram No. 209 of the 26th March and to transmit to Your Lordship herewith the translation of a note from the Italian Ministry of Foreign Affairs stating that they propose that the conversations on the subject of grazing and watering rights and transit facilities through Italian East Africa and Kenya should begin on the 19th April.

I have the honour to be,

with great truth and respect,

My Lord,

Your Lordship's most obedient, humble servant,
(SD) PERTH.

The Right Hon. Viscount Halifax K.G., G.C.S.I., G.C.I.E.,

etc., etc., etc.,

FOREIGN OFFICE.

20

Ministero degli Affari Esteri

Su. Med. III

211973/28.

The Royal Ministry of Foreign Affairs have the honour to acknowledge the receipt of the Note Verbale No. 25/11/38 of the 11th March in which the British Embassy proposed that the conversations regarding the question of grazing watering and transit between Italian East Africa and Kenya should begin on the 18th March.

2. The Royal Ministry of Foreign Affairs have the honour to state that they agree to the beginning of the said conversations immediately after Easter and suggests the date of the 19th in this month since the 18th is a holiday.

Rome, 4th April, 1938.

COPY.

(J 1508/86/1)

25/18/38

British Embassy,

Rome.

8th April, 1938.

Dear Department,

Your letter J 1314/86/1 of the 4th April regarding the forthcoming negotiations for an agreement between Kenya and Italian East Africa about grazing rights and transit.

You will receive at the same time as this letter a despatch saying that the Italians suggest that the conversations begin directly after Easter i.e., the 19th instant.

It will suit us admirably if Paskin and Glenday arrive in Rome on the 17th April and we shall arrange accommodation for them.

We are not quite clear what assistance will be required from the Embassy. We shall naturally introduce the negotiators and render what assistance is in our power. Do you think it necessary for a member of the Embassy to be present at each meeting?

Yours &c.,

CHANCERY.

Egyptian Department,
FOREIGN OFFICE.

72
43

(J 1314/145/1)

Ref. -
F.O. Letter No: J 1186/86/1 of 28th Nov. 1938.

(42)

With Mr E. M. Rose's
compliments.

Foreign Office, S.W.1.

5th April, 1938.

C. G. Costley - White,
Esq.,
Colonial Office.

FOREIGN OFFICE, S.W.1.

4th April, 1966.

O (J 1814/145/1).

Dear Chancery,

in (42) Your telegram No. 209 of 26th March regarding the forthcoming negotiations for an agreement between Kenya and Italian East Africa on the subject of grazing rights and transit facilities.

Your telegram leaves us in some doubt whether the British representatives are expected to arrive in Rome on 16th April or to begin negotiations on that date. In view of this doubt Paskin of the Colonial Office and Glenday, the Officer Administering the Northern Frontier District of Kenya, propose to leave here on Saturday 16th April arriving in Rome on Sunday 17th April. They would like to have a short time for any preliminary discussions with you which may be necessary, but would nevertheless be ready to begin the negotiations either on the afternoon of

16th April/

The Chancery,

British Embassy,

Rome.

18th April or on the morning of 19th April. We shall be glad to know as soon as you have received confirmation from the Italian Government that these arrangements are convenient for them.

At the same time we should be glad to hear who will represent the Embassy and assist Paskin and Mendeney during these discussions.

As regards accommodation we presume that you will make the necessary arrangements for Paskin and Mendeney.

We enclose herewith ten copies of the map originally attached to the Anglo-Ethiopian frontier agreement of 1907. These copies have been marked so as to show the extent of the desired grazing and watering areas on either side of the frontier, and are intended for use by the British representatives during the negotiations.

Yours ever,

EGYPTIAN DEPARTMENT.

IMMEDIATE

42

In any further communication on this subject, please quote

No. J 1186/86/1

as the address - not to any person by name, but to -

"The Under-Secretary of State," Foreign Office, London, S.W. 1.

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith copies of the under-mentioned paper.

Foreign Office,
28th March, 1938.

Reference to previous correspondence:

400) 400 Letter No. J 837/86/1 of 9th Feb. 1938

(32) 900 Letter No. 38066/158/38 of 15th Feb. 1938.

Description of Enclosure

Name and Date.	Subject.
<p>From H. N. R. Rome Tel No: 209, 26th March, 1938.</p>	<p>Kenya-Ethiopia frontier watering rights negotiations</p>

Similar letter sent to

16

NO DISTRIBUTION.

Decodes. The Earl of Perth, (Rome).

March 26th, 1938.

D. 9.35.p.m. March 26th, 1938.

R. 9.30.a.m. March 27th, 1938.

No. 209. (R).

-----oo-----

Your telegram No. 57.

Italian Ministry of Foreign Affairs state that April 18th will most probably be convenient for arrival in Rome of British Representatives. They hope very soon to confirm this in writing.

N^o Parker

I suggest the following amendments to the draft instructions for your consideration
a. Para 8 line 8. adds to "to return such tribes to their traditional areas & habits that to prevent further influx etc."

The reason is that the Itahai, by allowing the Rancher, & especially the Des., due to more West lands as to the further wells from the Java River, have seriously ~~jeopardized~~ embarrassed the Administration on both sides

because a. The Adhamelan tribe (i.e. Desada, Rancher) cannot water ride by side with the prasin Galla (i.e. Bora, Sabba, Sakeyo etc) without considerable bloodshed

b. The Adhamelan being mainly camel owners know nothing about either digging or especially concerning the further wells.
b. Para: 14 line 13rd amend to "before March 31st or whenever the long dry season should end". The date Feb 28th is amended but in the ordinary way even the long dry season; indeed there is about the

2

hardest time of the year.
 Such a date also will only
 cover 2 dry seasons, viz. the one
 which commences towards the end
 of next May the long dry
 season commencing next Dec-
 ember or January.

II Transit Trade.

So far as the instructions which
 I received from the Kenya Govt.
 went, it was presumed that the
 Italian Govt could demand
 in transit rights under the 1900
 Bern Treaty although none of
 their local authorities are ap-
 proached in sense by request.
 With the 4th section part of
 Article 15 of the Convention of
 Saint Germain en Laye of Sept 10th
 1919 (Pl. see page 111 of Treaty Jour-
 nal of 1919) it states that the Con-
 vention comes into force for any
 specific Power from the date
 of the deposit of its ratification.
 Has Italy been done so?

3

June 17th Page 4 of the John
Sandeman Allen's Memo-
randum clearly states that

If this is correct, the correct
claim in transit rights, we can
negotiate on a much stronger
basis than Kenya suffered on
the same basis as
the Somalia Land Protectorate.

V.G.
Stals

38066/15B/38

26th March, 1938.

Dear Lambert,

38
Thank you for your letter No. J.1012/86/1 of the 23rd of March about the proposed Grazing Agreement for the Kenya tribes.

I now enclose a first draft of the instructions for the British delegate, of which a number of points will require discussion. For example you will see that I have drafted paragraph 10 in two alternative forms. The idea of the second alternative is that, while of course we should not propose to enter into arguments on the question whether Italy is bound by the Anglo-Ethiopian Agreement of 1907, the Italian might think it unfriendly, if the question were raised and we declined to give any indication of the grounds on which we consider them to be so bound.

Paragraph 11 will, no doubt, have to be amplified in due course when I get Wade's reply to

J. H. U. LAMBERT, ESC.

my letter of the 24th of March.

Paragraphs 13 and 14 will need consideration. I have included them in this form merely as a basis for discussion.

I assume that the Embassy has not yet heard when the Italians would like us to arrive in Rome. When this is settled I assume that the Embassy will arrange accommodation for Glenday and myself.

As regards the procedure to be followed in Rome, I assume that the "British delegation" will consist of Glenday, myself, and someone from the Embassy, who will have to make himself familiar with the subject. For this purpose these draft instructions should suffice, together with copies of the despatches mentioned in them. Copies will no doubt be available in the Embassy but if you wish I can let you have additional printed copies to send to them for this purpose.

As

As I told you on the telephone, I am proposing to take a week's leave as from Monday, the 4th of April and I should be most grateful if we could meet to discuss these draft instructions early next week in order that there may be time for them to be considered by higher authority in the Colonial Office before I leave.

Yours sincerely,

J. J. Pascoe

DRAFT

Proposed Agreement with the Italian Government in regard to the facilities required by the tribes in the Northern Frontier District of Kenya for grazing and watering their herds in the adjacent areas of Abyssinia during the dry seasons.

Instructions for the British Delegates.

1. The principal object of the discussions will be to obtain the agreement of the Italian Government to the continuance of the facilities for the Kenya tribes, which were accorded to them by the second paragraph of the Anglo-Ethiopian agreement of the 6th of December, 1907, pending an agreed delimitation of the Kenya-Abyssinian frontier. Instructions on this matter are set out in paragraphs 4 - 10 below.

2. The Italian Government has intimated that they desire, in the course of the conversations, to discuss the question of arrangements for the transit across Kenya of persons and merchandise originating from the territory of Italian East Africa and vice versa. Instructions on this matter are set out in paragraph # ~~11~~ below.

3. A further matter which it may be necessary for the British representatives to raise, in the course of the conversations, is indicated in paragraph # ~~12~~ below.

Grazing and watering facilities for the Kenya tribes.

(No. 7 on
38066/15 B/38)

4. As indicated in a secret despatch of the 12th of January 1938 from the Governor of Kenya, the arrangement which would be most satisfactory to the Government of Kenya would be an agreement providing, on a basis of reciprocity, that the tribes normally residing on one side of the Kenya-Abyssinia frontier may continue, in accordance with their custom, freely to frequent grazing and watering areas on the other side of the frontier, in accordance with such detailed arrangements as may be made, in consultation, by the local British and Italian authorities. An endeavour should be made in the first instance, to arrive at an agreement on these lines.

5. In the event of the Italian representatives pressing for the specification of the limits of the areas, on either side of the frontier, into which the tribes are to be permitted to penetrate in the course of their seasonal migrations, the British representatives should propose the limits described in the enclosures to a secret despatch of the 3rd of March 1938 from the Governor of Kenya. They should strongly resist;

No. 31 on
38066/15 B/38

Any attempt by the Italian representatives to reduce the area, as described therein, into which the Kenya tribes are to be permitted to penetrate, but if it is impossible to secure an agreement on the basis of that area, ^{British representatives are} they may be authorised, at their discretion, to agree to a smaller area, bounded on the north by the Gwynn line. *If necessary the tribes for which facilities are required, should be specified.*

6. An endeavour should also be made to secure the insertion, in the Agreement, of a provision to the effect that, when the ^{Dava} ~~Sava~~ River splits up within its bed in the dry season, the whole of the river bed and any water contained therein is to be regarded as

common to both the Kerya and Abyssinian tribes in accordance with their traditional practice.

7. The British representatives are authorised to agree to the inclusion, in the Agreement, of provisions on the lines of Clauses 10, 11, 12, 13 and the first paragraph of Clause 9 of the Agreement of the 27th of January 1937 relating to the grazing rights of the tribes on the frontiers of British Somaliland, as set out on pages 1-4 of the Colonial Office print "African (East) No. 1159". If the Italian representatives ask for the inclusion of a provision on the lines of the second paragraph of Clause 9 of that Agreement, the British representatives should press for the addition of the words "after discussion with the local British authorities"; though they are authorised not to insist on the insertion of these words if, in their opinion, it is inexpedient to do so.

8. The attention of the Italian authorities should be drawn to the congestion, in the area on the Abyssinian side of the frontier, which is being caused by the westward migration of tribes which have no traditional rights to the use of the wells and grazing in that area, and an endeavour should be made to secure the inclusion in the Agreement of a provision whereby the Italian authorities will undertake to prevent the further influx of such tribesmen into that area. If it is not found possible to secure the insertion of such a provision in the Agreement an endeavour should be made to obtain an oral assurance to the same effect.

return such
tribes to their
traditional areas
and to

9. The question of the delimitation of the Kenya-Abyssinia frontier is to form the subject of separate negotiations at a later date, and the British representatives should avoid being drawn into any discussion on that subject. They should however make it clear that the negotiation of a provisional ~~Agreement~~ Agreement governing the seasonal trans-frontier migrations of the tribes across the frontier is without prejudice to the ^{rights which} ~~view~~ of His Majesty's Government that the Italian Government is bound by the relevant provisions of the ^{claim under} Anglo-Ethiopian Agreement of the 6th of December 1907, by which the rights of the Kenya tribes to access to the wells and grazing grounds across the frontier were assured. A statement of this reservation of the position of His Majesty's Government should appear in some document forming part of the records of the conversations, preferably as a paragraph of the Agreement itself. It would be sufficient for it to appear as a unilateral statement by the British delegates.

~~10. If the Italian representatives should attempt to rebut the contention of His Majesty's Government that they are bound by the provisions of the Anglo-Ethiopian Agreement of 1907 the British representatives should intimate that, in the opinion of His Majesty's Government, it would be preferable for this matter to be reserved for the eventual discussions on the delimitation of the frontier, and that they are not authorized to discuss it.~~

~~Alternatively.~~

(No. 3 on
-38066/15B/37.)

Alternatively

10. If the Italian representatives should enquire on what grounds His Majesty's Government consider that they ^{Italian Govt is} ~~are~~ bound by the provisions of the Anglo-Ethiopian Agreement of 1907, the British representatives ^{may at their discretion} ~~should~~ indicate that the view of His Majesty's Government is based on the following considerations: When Italy annexed Ethiopia as part of the Italian Empire, she purported to annex a territory which was a defined area. There is nothing else which defines this area except the boundary treaties concluded by Ethiopia in the past, which must therefore clearly be binding on the successor State. In the case of the Agreement of 1907 it is obvious that the second paragraph of the Agreement, dealing with grazing rights of the Kenya tribes is an integral part of the Agreement. In drawing the line described in the first paragraph of the Agreement, His Majesty's Government were aware that this line cut off the Kenya tribes from their "dry season" watering and grazing areas; and they could therefore only have accepted this line if the arrangement described in the second paragraph of the Agreement was made part of the frontier settlement. [The second paragraph of the Agreement is, in fact, the condition upon which the first paragraph depends; and the Italian Government can only claim the benefits of the latter (which they do, by implication, by annexing Ethiopia), if they also accept the former.]

No. 93 ~
3806/15/37.

(FO reference
J. 4487/129/1
of 2/11/37)

If, however, the Italian representatives should endeavour to rebut these arguments, the British representatives should intimate that, in the opinion of His Majesty's Government it would be preferable

Taitavi draft.

As regards the use of roads in Kenya, the Italian representatives should be asked as to the amount and nature of the traffic for which facilities are likely to be required. If the weight and volume of this traffic is such as to involve considerable expenditure on improvement of the roads in Kenya, which would otherwise not be undertaken in the interests of purely local traffic, no undertaking should be given that the necessary works will be carried out, unless the Italian representatives are prepared to agree to make suitable arrangements corresponding to those made in respect of Somaliland for contributing the cost of the works involved.

In suit at X.

If however the Italian representatives require no more than that the road from Difi to Wajir should be put into approximately the same condition as that of the present road from Wajir to Moyale, then the British representatives may give the desired assurances without asking for any monetary contributions from the Italian authorities.

Provision should however be made in the agreement for the payment of transit dues on goods passing over the roads of Kenya as a contribution towards the additional cost of maintaining these roads caused by the extra traffic which they may have to carry as a result of the agreement.

preferable for this matter to be reserved for the eventual discussions on the delimitation of the frontier, and that they are not authorized to discuss it. ~~¶~~

Transit facilities for Italian persons and merchandise through the Northern Frontier District of Kenya.

(No. 7 on 35066/152/38)

11. ~~No~~ No precise indication has been given by the Italian Government as to the facilities that they desire. If it is found that they are of the character assumed in a secret despatch of the 15th March, 1938, from the Governor of Kenya, an agreement on the lines indicated in that despatch may be concluded. Otherwise it will be necessary for the British representatives to seek further instructions. ~~In~~ ^{MP} In any case, however, the conclusion of an agreement on this subject is to be contingent on the Italian representatives being prepared to enter into a satisfactory agreement on the subject of grazing and watering facilities for the Kenya tribes.

(X)

Debts due to Kenya tribesmen.

12. There are certain debts due to Kenya tribesmen in respect of stock bought by the Italian authorities during the first year of Italo-Abyssinian hostilities, and His Majesty's Ambassador at Rome has been requested to urge the Italian Government to meet these claims without further delay. If no satisfactory assurance in this matter has been received from the Italian Government in the meantime, the British representatives should press the Italian representatives strongly, in the interests of cordial relations on the frontier, to ensure that steps are taken to meet these obligations without further delay.

(No. 5 on 35066/26/38)

Form and duration of the Agreements.

13. Any agreements concluded should be embodied in separate letters to be exchanged between the British and Italian delegations, on the lines of the letters of the 27th of January 1937 on pages 1-7 of Colonial Office print African (East) No. 1159. It is not desired that they should be linked in any way with any Agreements that may be concluded as a result of the general political conversations now in progress.

~~14. Although it is intended that the Agreements should be provisional, pending the agreed delimitation of the frontier between Kenya and Abyssinia, it would be preferable that they should not include any explicit reference to their provisional character, in order to avoid any appearance of prejudicing the position of His Majesty's Government as indicated in paragraph 9 above.~~

14. On the occasion of the negotiation of the agreement of the 27th of January 1937, considerable difficulty was experienced in securing that the agreement should be for so long a period as two years. In view however of the possibility that the negotiations for the delimitation of the frontier may be protracted, an endeavour should be made to secure that the Agreements now contemplated should also be for a period of two years. In the event, however, of this proposal not being acceptable to the Italian representatives, the British representatives are authorised, at their discretion, to enter into agreements for a more limited period which should not however, in any case, expire before the ^{30th of April} ~~30th of February~~, 1939 ~~(i.e. the date of the expiration of the corresponding agreements in regard to British Somaliland)~~

N.B. In subsequent conversation with Mr. Oswald-Bentley it was agreed that this press note should be reworded, to provide for the publication of the agreement. It is in view hereof that the negotiation was not undertaken. 9/9/4.

In the event of the Italian representatives raising the question of what communication should be made to the Press, concerning any Agreements that may be concluded, the British representatives are authorised to agree to the Press being informed, informally, that conversations had been taking place between colonial experts concerning the regulation of (a) the movements of tribesmen across the Kenya-Abyssinia frontier for the purpose of grazing and watering their herds and (b) transit traffic in the frontier region, and that Agreements had been concluded on these subjects.

Subject to the news of H.M. Ambassador

38 42

FOREIGN OFFICE, S.W.1.

23rd March, 1938.

(J 1012/86/1).

Dear Paskin,

33

Thank you for your letter No. 38066/168/38 of the 15th March about the proposed grazing agreement for the Kenya tribes.

As I told you over the telephone, we do not think there would be any advantage in asking the Rome Embassy in advance how the Italians would be likely to receive a proposal that they should prohibit the westward migration of Ethiopian tribes into the area in Ethiopian territory used by our tribes for grazing and watering. But you will see from our reply to your official letter of the 15th March, which goes to you today, that we think we ought certainly to try to obtain this concession as part of the proposed agreement; whether in writing or by a verbal understanding could be decided later when our delegates' instructions are drawn up.

With/

J. J. Paskin, Esq., M.C.

over (1/2)

With regard to the maps, we have secured ten copies of a map (it is the same as the map attached to the 1907 agreement, with certain negligible differences in the matter of shading, etc.) and have marked the necessary lines in on them so as to make them conform to the map enclosed in your official letter of the 16th March. In this way there should be enough copies for all the delegates, both British and Italian.

I understand that you are now going to try your hand at a draft of the instructions for our delegates for us to see so that by the time Glenday arrives in London some progress in the matter shall have been made.

Yours sincerely,

Frederick [unclear]

FOREIGN OFFICE
to
COLONIAL OFFICE.

37

SIR,

Foreign Office, S.W.1, 23rd March, 1938.

I am directed by Viscount Halifax to acknowledge the receipt of your letter of the 15th March*, enclosing copy of a despatch† from the Governor of Kenya on the subject of the proposed temporary agreement with the Italian Government in regard to facilities required by the tribes on the northern frontier of Kenya Colony for grazing and watering their herds in Ethiopia.

2. Lord Halifax agrees with Mr. Secretary Ormsby Gore that, in general, the proposals now submitted by Sir Robert Brooke-Popham appear to form the basis of a satisfactory agreement with the Italian Government on this subject.

3. With regard to the Governor of Kenya's desire that provision should be made to prevent the influx into the area affected on the Ethiopian side of the frontier of Ethiopian tribesmen who have not hitherto been resident there, Lord Halifax considers that an attempt should certainly be made to secure an undertaking in this sense from the Italian Government as part of the agreement which it is now proposed to conclude. Whether such an undertaking should form part of a written agreement with the Italian Government or whether the latter should merely be requested to make it the subject of a verbal assurance to His Majesty's Government is a question which, in the opinion of Lord Halifax, might well be left over for consideration until the detailed instructions for the British representatives at the forthcoming conversations in Rome begin to be drawn up.

4. A copy of this letter is being sent to the War Office and the Air Ministry.

I am, &c.,

V. CAVENDISH BENTINCK.

* No. 38066/15 B/38 [No. 37].

† No.

In any further communication on this subject, please quote

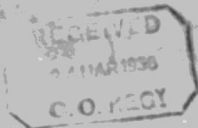
No. J 1012/86/1.

and address—

not to any person by name

but to—

The Under-Secretary of State,
Foreign Office,
London, S.W.1.



FOREIGN OFFICE

S.W.1.

23rd March, 1938.

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32 I am directed by Viscount Halifax to acknowledge the receipt of your letter No. 38066/15B/38 of the 15th March, enclosing copy of a despatch from the Governor of Kenya on the subject of the proposed temporary agreement with the Italian Government in regard to facilities required by the tribes on the northern frontier of Kenya Colony for grazing and watering their herds in Ethiopia.

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The Under-Secretary of State,

Colonial Office.

sent
Copy to Kenya (H)

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4. A copy of this letter is being sent to the War Office and the Air Ministry.

I am,

Sir,

Your obedient Servant,

V. Cameron *[Signature]*

Extract from letter from the Secretary of State to
Sir Robert Brooke-Popham, G.C.V.O., K.C.B., C.M.G., D.S.O., A.F.C.,
dated 10th March 1955.

Perth, as you know, has been at home to get his instructions for his talks with the Italians and the question what should be done about your two Kenya topics - frontiers and refugees - was naturally considered with a good deal of care. It was decided not to bring these questions into the main talks, but Perth is going to let the Italians know of the importance which we attach to the frontier question and that we propose to bring it up afterwards when the bigger points of general policy and relations are out of the way. He has not been instructed to bring up the question of the refugees and the Eritrean deserters in the main conversations, but has been given full discretion to raise it on whatever occasion he considers most suitable. If he decides that it would be a good thing to bring it into the general conversations, there will be nothing to prevent him. He thinks, as you

will

will have seen from the official telegrams, that as the frontier question may not be coming up for some time it is all the more important that we should get on with the negotiation of a temporary grazing agreement forthwith.

38066/18B/58.

49
33
15th March, 1958.

Dear Lambert,

This letter accompanies an official letter, sending you a copy of a despatch from Kenya about the proposed grazing agreement for the Kenya tribes.

As regards the question raised in paragraph 3 of our official letter, we, here, of course know no more than what has been said in the two Kenya despatches of the 12th of January and the 3rd of March, but you will see from the earlier despatch that the proposal that the Italians should be asked not to allow any more Abyssinian tribes to migrate into this area was urged by Glenday (who will be going to Rome for the negotiation of the agreement), and I have no doubt that when he arrives here he will have a good deal to say on the subject. The question is whether, before he arrives, it would be well to obtain the views of our Embassy at Rome as to how such a proposal would be likely to be received by the Italians.

As regards procedure, generally, it is for consideration whether any detailed proposals should be put to the Italians before we go to Rome. Perhaps we could discuss

J.H.U. LAMBERT, ESQ.

discuss this at some time at your convenience.

One further point. You will see that Kenya has adopted the suggestion of making the boundaries of the two grazing areas, on either side of the frontier, on the map annexed to the 1907 Agreement and they have sent home two copies of which one will have to be given to the Italians. The question is whether these two copies will be sufficient or whether we ought not to arrange either for photographic reproduction, or for a few more copies of the Treaty map to be marked with the suggested lines.

Yours sincerely,

C. O.

38066/15B/38

51

Mr. Paekin 14/3/38

Mr. Dawn

14-3
j.

s.o. for Mr. Paekin's signature

Mr.

Sir H. Moore.

Sir G. Tomkinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permi. U.S. of S.

Parly. U.S. of S.

Secretary of State.



15th March, 1938.

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DRAFT.

J. H. U. LAMBERT, ESQ.
Foreign Office.

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(7)

(31)

FURTHER ACTION.

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Sir J. Shackburgh.

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Party U.S. of S.

Secretary of State.

DRAFT.

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Yours sincerely,

(Signature)

FURTHER ACTION.

COLONIAL OFFICE

to

FOREIGN OFFICE.

[Answered by No. . . .]

SIR,

Downing Street, S.W.1, 15th March, 1938.

With reference to the letter from this Department of the 8th of February*. I am directed by Mr. Secretary Ormsby Gore to transmit to you, for the consideration of Viscount Halifax, a copy of a despatch from the Governor of Kenya on the subject of the proposed temporary agreement with the Italian Government in regard to facilities required by the tribes on the northern frontier of the Colony for grazing and watering their herds in Abyssinia.

2. Apart from the question raised in the fifth sub-paragraph of paragraph 2 of the Governor's despatch, the proposals now submitted would appear to afford the basis for a satisfactory agreement on this subject.

3. The question whether any useful purpose would be served by attempting to include in the agreement a provision whereby the Italian Government would undertake to prevent the influx, into the area affected on the side of the frontier, of Abyssinian tribesmen who have not hitherto been resident in that area, is a matter on which Mr. Ormsby Gore would be glad to be furnished with the views of Lord Halifax. It will be observed that a provision on these lines is regarded by the Government of Kenya as a matter of paramount importance since, without it, there is a danger that this area may become so congested that there will be insufficient grazing and water in that area for the use of the Abyssinian tribes who normally reside there, as well as of the Kenya tribes who move into that area during the dry seasons.

4. Copies of this letter and its enclosure are being sent to the War Office and the Air Ministry.

I am, &c.,

A. J. DAWE.

* No. 38066/15 B/38 [No. 14].

† No. 38066/15 B/38 [No. 31].

30066/120/38

32 54
15th March, 1936.

Sir,

With reference to the letter from this Department of the 8th of February, I am directed by Mr. Secretary Crosby Gore to transmit to you, for the consideration of Viscount Halifax, a copy of a despatch from the Governor of Kenya on the subject of the proposed temporary agreement with the Italian Government in regard to facilities required by the tribes on the northern frontier of the Colony for grazing and watering their herds in Abyssinia.

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THE UNDER SECRETARY OF STATE,
FOREIGN OFFICE.

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I am,

Sir,

Your most obedient servant,

J. DAVE

38066/15B/38

C. O.

To go, with 21, addressed
to Mr Lambert. (A.S.)

Mr. Paskin 14/3/38

Mr. Down 14.3

Mr.

Sir H. Moore

Sir G. Tomkinson

Sir C. Bottomley

Sir J. Shackburgh

Paras. U.S. of S.

Parly. U.S. of S.

Secretary of State

DOWNING STREET.

15th March, 1938.

Sir,

With reference to the

DRAFT.

(14)

THE UNDER SECRETARY OF STATE

FOREIGN OFFICE.

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paragraph 2 of the Governor's despatch,
the

Kenya in Secret 3/3

Copy to Kenya, Secret (4)

FURTHER ACTION.

Copies No. 31 and
encls. (but not map)
and this dft. to
W.O. and A/M.

Extra copies to be
made for F.D. and
for Mr. Paskin.

Copy 11.32
F.D. 14/3/38

the proposals now submitted would appear to afford the basis ^{for} of a satisfactory agreement on this subject.

3. The question whether any useful purpose would be served by attempting to include in the agreement a provision whereby the Italian Government would undertake to prevent the influx, into the area affected ^{on the} of Abyssinian tribesmen who have not hitherto been resident in that area, is a matter on which Mr. Ormeby Gore would be glad to be furnished with the views of Lord Halifax. It will be observed that a provision on these lines is regarded by the Government of Kenya as a matter of paramount importance since, without it, there is a danger that this area may become so congested that there will be

insufficient

Side of the frontier, of

C. O.

- Mr.
- Mr.
- Mr.
- Sir H. Moore.
- Sir G. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Paras. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

insufficient grazing and water in that area for the use of the Abyssinian tribes who normally reside there, as well as of the Kenya tribes who move into that area during the dry seasons.

DRAFT.

4. Copies of this letter and its enclosure are being sent to the War Office and the Air Ministry.

I am, etc.

Signed) A. J. DAWE.

FURTHER ACTION.

KENYA.

THE GOVERNOR

to

THE SECRETARY OF STATE.

(Received 12th March, 1938.)

[Answered by No.]

(Secret.)

SIR,

Government House, Nairobi, 3rd March, 1938.

I have the honour to refer to your secret despatch of the 7th February* on which the subject of the proposed negotiations with the Italian Government for the purpose of concluding a temporary agreement in regard to the facilities required by the tribes on the northern frontier of this Colony for grazing and watering their herds in Abyssinia.

2. As regards paragraphs 4 and 5 I enclose two copies of the Treaty map† on which, after consultation with the Officer-in-Charge, Northern Frontier District, have been marked lines north and south of the Maude line up to which Kenya and Abyssinian tribes would be allowed to penetrate into Abyssinia and Kenya respectively.

It will be observed that the line proposed for penetration by the Kenya tribes corresponds with the diversion proposed in Sir Joseph Byrne's secret despatch of the 17th October, 1935‡, and I enclose descriptions of both lines which have been prepared as precisely as circumstances permit.

The lines have been marked on the map as accurately as possible, but I should observe that the features given in the description may not necessarily be accurately represented on the map.

I would, however, emphasize, as stated in paragraph 3 of Mr. Pilling's secret despatch of the 12th of January last§, the desirability of detailed arrangements being concerted by the local British and Italian authorities with a view to ensuring as full a regard as possible to the traditions and local interests of the tribesmen concerned on both sides of the frontier.

Traditionally this is the only area affected, and the Boran, Gabbra, Ajuuran and Gurre are the only tribes originally concerned by the concession accorded by the 1907 Treaty with Abyssinia; and it is regarded by my Government as of paramount importance that the westward migration into the area in question by any tribes who have no legitimate claim to the use of the water and grazing referred to in Mr. Pilling's despatch should be checked in order to avoid the congestion which will inevitably result from the present Italian policy.

In addition this Government would ask for an acceptance on the part of the Italian Government that when the Daus River splits up within its bed in the dry season the whole of the river bed and any water contained therein is common to both Kenya and Abyssinian tribes in accordance with traditional practice. The necessity of this provision is stressed by Mr. Glenday since the Treaty frontier follows the "thalweg" or centre of the river bed, and this naturally means in practice that in the dry season the actual water available in the river bed is unevenly divided.

3. As regards paragraph 6, I agree that the adoption for the purposes of the Kenya agreement of Clauses 10, 12, 13 and the first paragraph of Clause 9 of the Somaliland agreement of the 27th of January, 1937, would present no difficulty. It would, however, be preferred to add to the second paragraph of Clause 9 the words "after discussion with the local British authorities" which is in fact provided for in Clause 12 (c). There would be no objection to the inclusion of a clause similar to Clause 11.

In the event of the Italian Government being unwilling to agree to an arrangement on the lines of Clause 8 of the Somaliland agreement, the arrangement detailed in Clause 6 would be inconvenient and would present considerable difficulties in practice. I should, however, be prepared to agree to the adoption of this clause should the Italian Government insist.

It would not be the intention of this Government to ask for any temporary extension of the proposed line and the question of the adoption of Clause 5 does not therefore arise.

4. As regards paragraph 2 of your secret despatch of the 14th January last||, it is understood from your confidential despatch of the 16th January that the British Sub.

* No. 38066/15 B/38 [No. 12]. † Not reproduced. ‡ No. 46041/3/35 [No. 35].
§ No. 38066/15 B/38 [No. 7]. || No. 38066/15 B/38 [No. 5]. ¶ No. 38066/26/38 [No. 4A].

delegates to the conversations with the Italian authorities on the subject of the grazing rights of Kenya tribesmen in Ethiopia will be instructed to press the Italian authorities to meet their obligations in respect of debts due to British tribesmen in this Colony on account of the purchase price of stock should these debts remain unpaid at the commencement of the conversations.

There are no other questions which this Government would ask to be included.

I have, &c.,

R. BROOKE-POPHAM,
Air Chief Marshal, Governor.

Enclosure 2 in No.

DESCRIPTION OF LINE PROPOSED TO DEFINE PENETRATION OF KENYA TRIBES NORTH OF MAUD LINE.

Commencing from a point on the Maud Line on the South-East spur of G. Furroli: thence in a South-Easterly direction to K. Gura; thence in a straight line to K. Golja; thence in a straight line to the summit of G. Gomo; thence through the summit of G. Tuka to the summit of G. Agal; thence South-Easterly in a straight line to the summit of G. Kuf Tika; thence North-Easterly in a straight line to the summit of G. Burduras where it rejoins the Maud Line.

DESCRIPTION OF LINE PROPOSED TO DEFINE PENETRATION OF ABYSSINIAN TRIBES SOUTH OF MAUD LINE.

Commencing from the summit of G. El Dimtu on the Maud Line: thence in a South-easterly direction through G. Kotal to El Bor; thence in a South-easterly direction through G. Hoga to the summit of G. Kulubb; thence in an Easterly direction to the place marked on the Treaty map as G. Guggubba; thence in a North-Easterly direction through G. Kuffole to the summit of G. Dandu; thence in a Northerly direction in a straight line to the summit of G. Udder; thence to the summit of G. Burduras where it rejoins the Maud line.

KENYA
No.
SECRET



GOVERNMENT HOUSE
NAIROBI
KENYA

3rd March, 1938.

Sir,

I have the honour to refer to your Secret despatch of the 7th February on the subject of the proposed negotiations with the Italian Government for the purpose of concluding a temporary agreement in regard to the facilities required by the tribes on the northern frontier of this Colony for grazing and watering their herds in Abyssinia.

2. As regards paragraphs 4 and 5 I enclose two copies of the Treaty map on which, after consultation with the Officer-in-Charge, Northern Frontier District, have been marked lines north and south of the Maud line up to which Kenya and Abyssinian tribes would be allowed to penetrate into Abyssinia and Kenya respectively.

It will be observed that the line proposed for penetration by the Kenya tribes corresponds with the diversion proposed in Sir Joseph Byrne's Secret despatch of the 17th October, 1935, and I enclose descriptions of both lines which have been prepared as precisely as circumstances permit.

The lines have been marked on the map as accurately as possible, but I should observe that the features given in the description may not necessarily be accurately represented on the map.

I would, however, emphasise, as stated in paragraph 3 of Mr. Pilling's Secret despatch of the 12th of

THE RIGHT HONOURABLE
W. ORMSBY GORE, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W. 1.

31 59

12

Copy to G.O. (1/2) (1/2) (1/2)

35/46 C.11/3/35

2

2.

of January last, the desirability of detailed arrangements being concerted by the local British and Italian authorities with a view to ensuring as full a regard as possible to the traditions and local interests of the tribesmen concerned on both sides of the frontier.

Traditionally this is the only area affected, and the Boran, Gabbra, Ajuran and Gurre are the only tribes originally concerned by the concession accorded by the 1907 Treaty with Abyssinia; and it is regarded by my Government as of paramount importance that the westward migration into the area in question by any tribes who have no legitimate claim to the use of the water and grazing referred to in Mr. Pilling's despatch should be checked in order to avoid the congestion which will inevitably result from the present Italian policy.

In addition this Government would ask for an acceptance on the part of the Italian Government that when the Dawa River splits up within its bed in the dry season the whole of the river bed and any water contained therein is common to both Kenya and Abyssinian tribes in accordance with traditional practice. The necessity of this provision is stressed by Mr. Glenday since the Treaty frontier follows the "thalweg" or centre of the river bed, and this naturally means in practice that in the dry season the actual water available in the river bed is unevenly divided.

3. As regards paragraph 6, I agree that the adoption for the purposes of the Kenya agreement of Clauses 10, 12, 15 and the first paragraph of Clause 9 of the Somaliland agreement of the 27th of January, 1957,

would

*Copy (3/11/57)
120/1159
2/12/57
(12/11/57)*

would present no difficulty. It would, however, be preferred to add to the second paragraph of Clause 9 the words "after discussion with the local British authorities" which is in fact provided for in Clause 12(c). There would be no objection to the inclusion of a clause similar to Clause 11.

In the event of the Italian Government being unwilling to agree to an arrangement on the lines of Clause 8 of the Somaliland agreement, the arrangement detailed in Clause 6 would be inconvenient and would present considerable difficulties in practice. I should, however, be prepared to agree to the adoption of this clause should the Italian Government insist.

It would not be the intention of this Government to ask for any temporary extension of the proposed line and the question of the adoption of Clause 5 does not therefore arise.

4. As regards paragraph 2 of your Secret despatch of the 14th January last, 5 it is understood from your Confidential despatch of the 16th February that the British delegates to the conversations with the Italian authorities on the subject of the grazing rights of Kenya tribesmen in Ethiopia will be instructed to press the Italian authorities to meet their obligations in respect of debts due to British tribesmen in this Colony on account of the purchase price of stock should these debts remain unpaid at the commencement of the conversations.

There are no other questions which this Government would ask to be included.

I have the honour to be,

Sir,
Your most obedient, humble servant,

Brooker Bham

AIR CHIEF MARSHAL,
GOVERNOR.

4A m 3866/26/28

5 Extract m

3866/26/28

62

DESCRIPTION OF LINE PROPOSED TO DEFINE PENETRATION OF
KENYA TRIBES NORTH OF MAUD LINE.

Commencing from a point on the Maud Line on the South-East spur of G. FURROLI: thence in a South-Easterly direction to K. GURA: thence in a straight line to K. GOLJA: thence in a straight line to the summit of G. GOMO: thence through the summit of G. TUKA to the summit of G. AGAL: thence South-Easterly in a straight line to the summit of G. KUF TIKA: thence North-Easterly in a straight line to the summit of G. BURDURAS where it rejoins the Maud Line.

DESCRIPTION OF LINE PROPOSED TO DEFINE PENETRATION OF
ABYSSINIAN TRIBES SOUTH OF MAUD LINE.

Commencing from the summit of G. EL DIMFU on the Maud Line: thence in a South-easterly direction through G. KOTAL to EL BOR: thence in a South-easterly direction through G. HOGA to the summit of G. KULUBB: thence in an Easterly direction to the place marked on the Treaty map as G. GUGGUBBA: thence in a North-easterly direction through G. KUFFOLE to the summit of G. DANDU: thence in a Northerly direction in a straight line to the summit of G. UDDER: thence to the summit of G. BURDURAS where it rejoins the Maud Line.

In any further communication on this subject, please quote

No. J 837/56/1
and address—not to any person by name, but to
"The Under-Secretary of State," Foreign Office, London, S. W. 1.

THE Under-Secretary of State for Foreign Affairs presents his
compliments to *the Under Secretary of State
for the Colonies* and, by direction of the Secretary of State,
transmits herewith copies of the under-mentioned paper.

Foreign Office,

9th March 1938.

RECEIVED
11 MAR 1938
O. O. REGY

Reference to previous correspondence:

26 C.O. Letter No: 38066 / 15 15 / 38 of 5th Feb. 1938.

Description of Enclosure.

Name and Date.	Subject.
<u>To</u> H. M. R, Home, Tel No: 57 8 th March, 1938.	Kenya - Ethiopia frontier: proposed negotiations with Italian Government regarding grazing & watering rights.

Similar letter sent to

Encl. 6 (31)

E.R.

1328

End to 31/38006/156/28
Kenya Secret Dept of 66

TREATY SERIES. No. 27.

1908.

3/3/38

AGREEMENT

BETWEEN

THE UNITED KINGDOM AND ETHIOPIA

RELATIVE TO

THE FRONTIERS BETWEEN BRITISH EAST
AFRICA, UGANDA, AND ETHIOPIA.

Signed at Adis Ababa, December 6, 1907.

[WITH MAP.]

*Presented to both Houses of Parliament by Command of His Majesty.
October 1908.*

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68

AGREEMENT BETWEEN THE UNITED KING-
DOM AND ETHIOPIA RELATIVE TO THE
FRONTIERS BETWEEN BRITISH EAST
AFRICA, UGANDA, AND ETHIOPIA.

Signed at Adis Ababa, December 6, 1907.

(The Amharic text of this Agreement bears the Seal of the
Emperor Menelik II.)

The frontier between British East Africa, Uganda, and
Ethiopia, agreed on between the two Governments, shall be—

The line which is marked in red on the maps annexed to this
Treaty in duplicate, which line, starting from the junction of the
River Dawa with the River Ganale, follows the thalweg of the
River Dawa to Ursalli, and from that point follows the tribal
limits between the Gurré and the Borank to Gebel Kuffolé; from
Gebel Kuffolé the line passes through the summits of the following
hills: Roka, Churré Moyele, Burrolé, El-Dimtu, Farroll, Dugga
Kakulla, Burrohuma, Afur. From there the line goes to the creek
at the south end of Lake Stefanie, thence due west to Lake
Rudolf, thence north-west across Lake Rudolf to the point of the
peninsula east of Sanderson Gulf, thence along the west shore of
that peninsula to the mouth, or marshes at the mouth, of the River
Kibish (River Sacchi), thence along the thalweg of this river to
latitude $5^{\circ} 25'$ north; from there due west to a point $35^{\circ} 15'$
longitude east of Greenwich, thence the line follows this degree of
longitude to its intersection with latitude $5^{\circ} 40'$ north, and runs
from there to the intersection of the 6° north latitude with the 35°
of longitude east of Greenwich.

The tribes occupying either side of the line shall have the right
to use the grazing grounds on the other side as in the past, but
during their migrations it is understood that they shall be subject
to the jurisdiction of the territorial authority. Free access to the
nearest wells is equally accorded to the tribes occupying either side
of the line.

Both Governments shall send Commissioners, who shall, in
concert, delimit the exact line of the frontier which is above
described, and which is marked, pending such delimitation, with a
red line upon the accompanying maps.

While they are there they shall settle the frontier of the Borana with the Gurré in concert with the heads of those tribes and in accordance with their customs.

The above Treaty is written in duplicate, one copy being in the hands of the British Government and the other copy being in the hands of the Ethiopian Government.

(Signed) T. B. HOHLER,
His Britannic Majesty's Chargé d'Affaires.

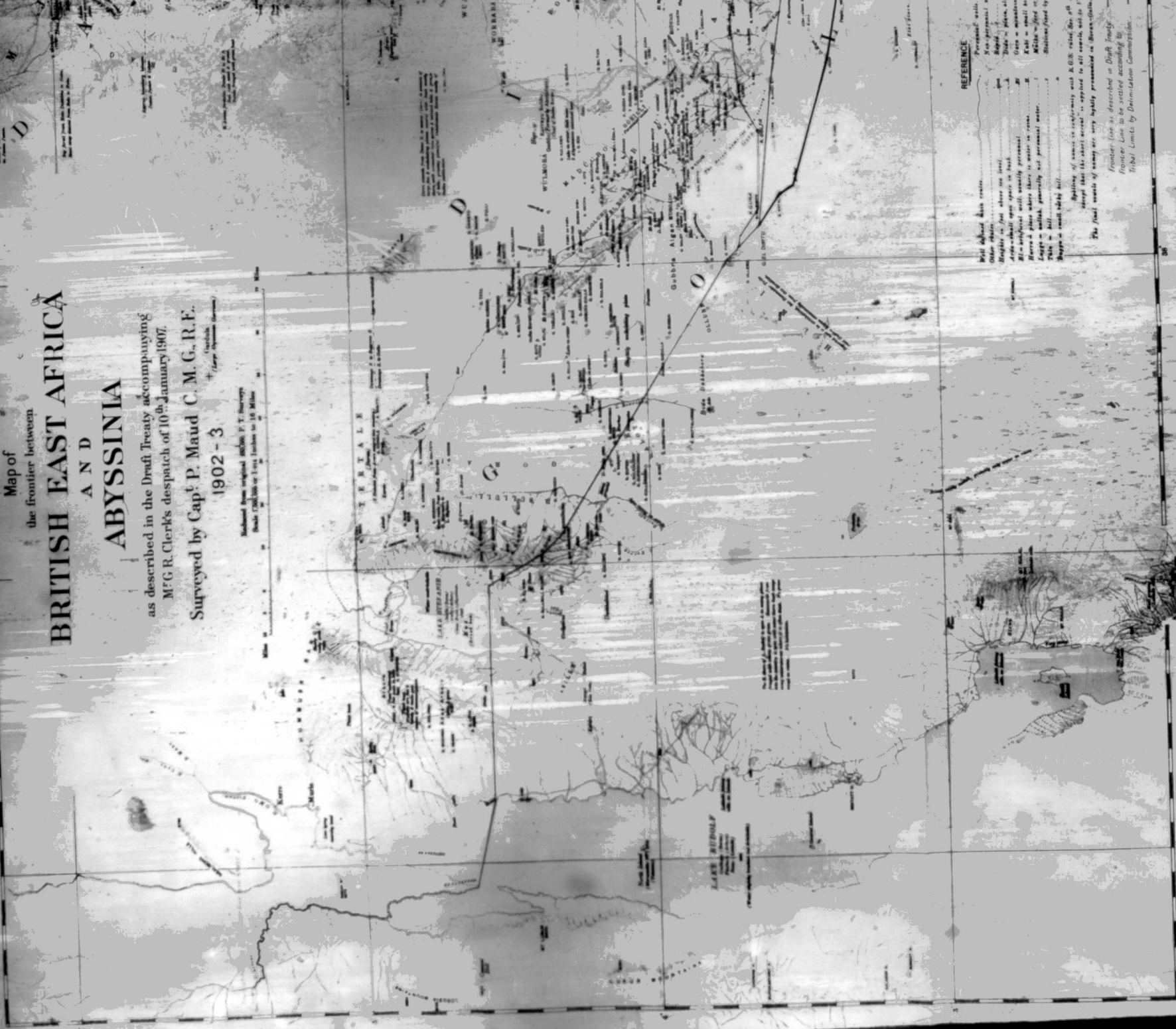
Adis Ababa, December 6, 1907.



Map of
the frontier between
BRITISH EAST AFRICA
AND
ABYSSINIA

as described in the Draft Treaty accompanying
M.F.G.R. Clerk's despatch of 10th January 1907.
Surveyed by Cap^t P. Maud C. M. G., R.F.
1902-3
(Large Abyssinian Boundary)

Reduced from original section P. T. Survey
Scale 1:250,000 or 1 inch to 10 Miles



REFERENCE

Perennial wells
Non-perennial wells
Rivers
Highways on foot where no level
Arms-embell open spaces in bush
Rivers navigable with small boats
Harbour places where there is water in season
Large marshes, generally not permanent water
Towns
Rays of sun
Spelling of names in conformity with R.G.S. values, but all except that the sheet is not applied to all words, with the frontier line as described in Draft Treaty

The final results of survey are very highly pronounced in this sheet
Frontier line as described in Draft Treaty
Tribal Limits by Demarcation Commission

WEST AFRICA
LIVANIA

Treaty accompanying
of 10th January 1907.

and C. M. G. R.F.

Quadrangle
of the African Continent

3

Scale of 10 Miles



REFERENCE

- Well defined main roads.....
- Roads in fact above sea level.....
- Archeological open space in bush.....
- RI = artificial wall, usually permanent.....
- Rare = place where there is water in season.....
- Lagge = well, generally not permanent water.....
- Tala = hill.....
- Dagge = small rocky hill.....
- Spelling of names in conformity with K.G.S. rules, but with variations of 'P' for 'F'.
- except that the short 'e' is applied to all words, not to 'C' only.
- The final vowels of names are very lightly pronounced in Borneo-Islands, they are often dropped if not otherwise notified.

Frontier line as described in Draft Treaty
Frontier Line to be settled according to
Tribal Limits by Determination Commission.

Map of
the frontier between
BRITISH EAST AFRICA
AND
ABYSSINIA

as described in the Draft Treaty accompanying
M^rG R. Clerk's despatch of 10th January 1907.

Surveyed by Cap^t P. Maud C. M. G., R. F.
1902-3

Reduced from original sheets P. T. Sharpey
Scale 1:250,000 or 1 inch to 10 Miles



REFERENCE

- Well defined main centre
Non-permanent well
Height in feet above sea level
Arched small open space in hill
M - artificial well usually permanent
R - river or place where there is water to run
L - lake or marsh, generally not permanent water
T - town or hill
D - deep or small rocky hill
- Spelling of names as uniformly with R.E.A. unless the old spelling is given in the
margin, except that the short vowel 'a' is applied to all words, not to 'o' only
- The final vowels of names are very lightly pronounced in Abyssinia they are often
fronter line as described in Draft Treaty
fronter line to be settled according to
tribal limits by Delimitation Commission

R

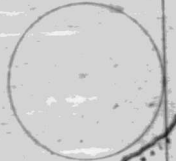
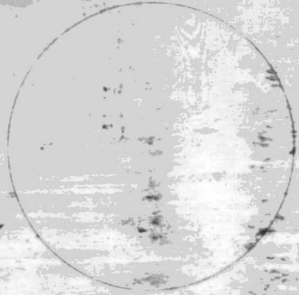
U

SEAL OF HIS BRITANNIC MAJESTY'S CHARGE D'AFFAIRES

W. B. Hobler

December 6, 1904.

Reproduced unclassified



BY HIS MAJESTY THE EMPEROR MENLEK II

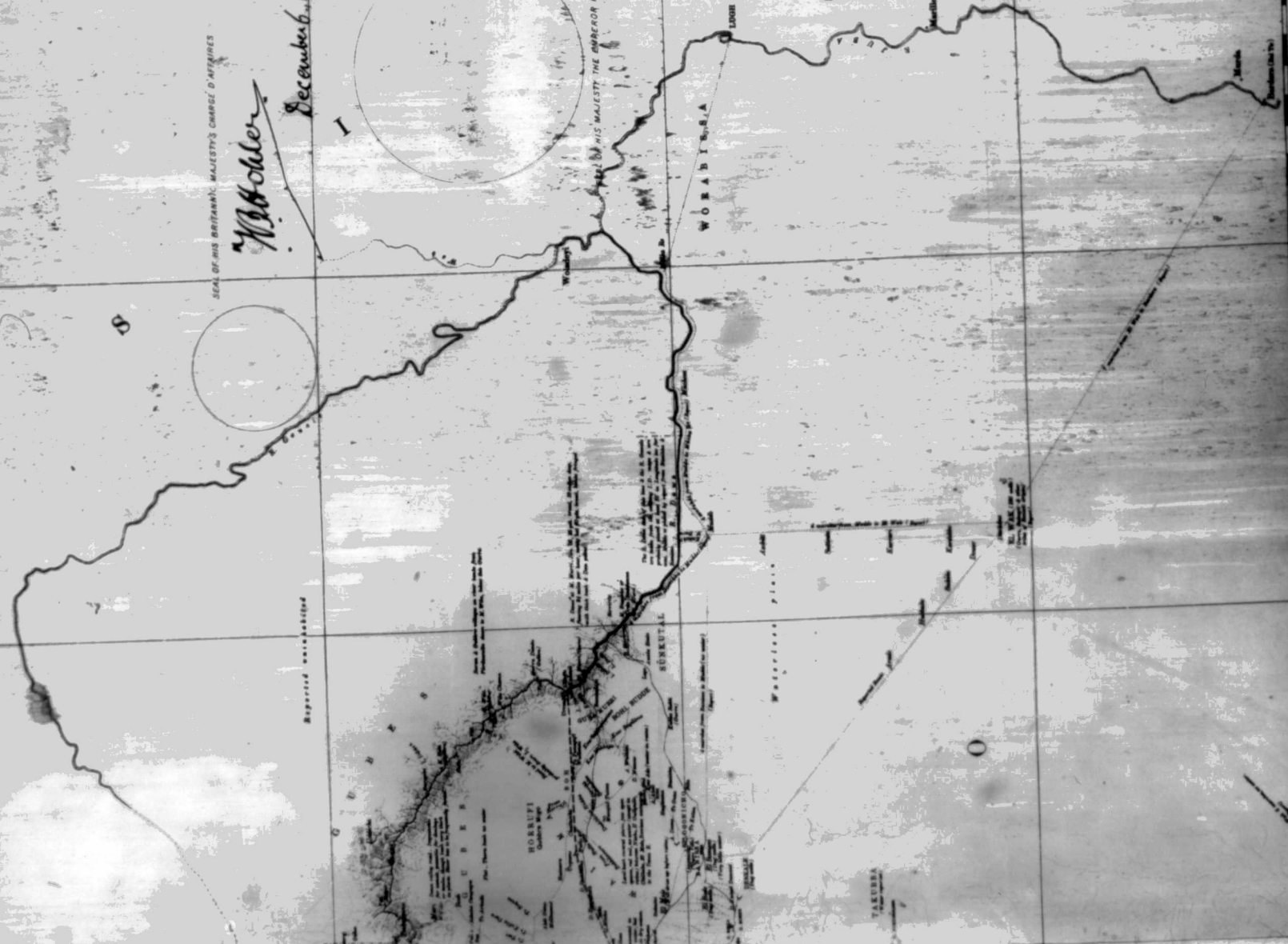
WONABITS-SIA

LIOR

SURKUTAL

ROBUTSI

TASUBRA



(J.837/86/1).

NO DISTRIBUTION.

Code telegram to The Earl of Perth. (Rome).

Foreign Office. March 8th, 1938. 4.30.p.m.

No. 57. (R).

-----oOo-----

(9) My telegram No. 10 [of the 22nd January] and your telegram No. 71 [of February 16th: proposed negotiations with the Italian Government regarding grazing and watering rights for Kenya tribes in Abyssinia].

Please inform Italian Government that British representatives can arrive at Rome in time to begin negotiations on April 18th and enquire whether that date will be convenient for the Italian Government. (As April 18th is Easter Monday we shall naturally not object if the Italian Government desire to postpone negotiations until a day or so later).

If Italian Government enquire as to composition of British delegation you may reply that it will consist of Mr. V.G. Glenday (Officer Administering the Northern Frontier District of Kenya) and one or two other representatives.

COLONIAL OFFICE

to

FOREIGN OFFICE.

[Answered by No. .]

SIR,

Downing Street, S.W.1, 6th March, 1938.

With reference to the letter from this Department of the 28th of February*, I am directed by Mr. Secretary Ormsby Gore to transmit to you, for the information of Viscount Halifax, a copy of a telegram† from the Governor of Kenya indicating various dates on which Mr. V. G. Glenday, C.M.G., O.B.E., could arrive in this country for the purpose of the proposed negotiations with the Italian Government for an interim trans-frontier grazing agreement for the tribes on the Northern Frontier of Kenya. After semi-official consultation with the Foreign Office, the Governor of Kenya has been requested to arrange for Mr. Glenday to proceed home by sea, via the Suez Canal, arriving in this country on the 8th of April. Allowing a few days for necessary consultation with Mr. Glenday on his arrival, it would thus be possible for the negotiations in Rome to begin on or about Monday, the 18th of April, and I am to suggest that the Italian Government should be asked whether this date would be convenient to them.

I am, &c.

ROBERT BURNS.

* No. 38066/15 B/38 [No. 21]. † No. 38066/15 B/38 [No. 24]: not printed.

38066/158/38.

2326D
S^W March, 1938.

IMMEDIATE

Sir,

With reference to the letter from this Department of the 28th of January, I am directed by Mr. Secretary Ormsby Gore to transmit to you, for the information of Viscount Halifax, a copy of a telegram from the Governor of Kenya indicating various dates on which Mr. V.O. Glenday, C.M.G., O.B.E., could arrive in this country for the purpose of the proposed negotiations with the Italian Government for an interim trans-frontier grazing agreement for the tribes on the Northern Frontier of Kenya. After semi-official consultation with the Foreign Office, the Governor of Kenya has been requested to arrange for Mr. Glenday to proceed home by sea, via the Suez Canal, arriving in this country on the 8th of April. Allowing a few days for necessary consultation with Mr. Glenday on his arrival, it would thus be possible for the negotiations

4th March '38.
THE UNDER SECRETARY OF STATE,
FOREIGN OFFICE.

74

negotiations in Rome to begin on or about Monday the
18th of April, and I am to suggest that the Italian
Government should be asked whether this date would be
convenient to them.

I am,

Sir,

Your most obedient servant,

(Sd) Robert Burns

C. O.

38066/15B/38

79

Mr. Paskin

4/3/38

Mr. Dane

4.3

Handwritten box containing 'S' and '5'.

Mr.

Sir H. Moore.

DOWNING STREET.

Sir G. Tomlinson.

5th March, 1938.

X Sir C. Bottomley 4-3

Immediate.

Sir J. Shackburgh

Perms. U.S. of S.

Handwritten 'Sf8'.

Parly. U.S. of S.

Sir,

Secretary of State.

DRAFT.

(21)

THE UNION SECRETARY OF STATE,
FOREIGN OFFICE.

With reference to the letter from this Department of the 28th of ^{February} January, I am etc.

transmit to you for the information of Viscount Halifax a copy of a telegram from the Governor of Kenya

indicating various dates on which V.G. ^{C.M.C., O.A.E.} Mr. Glenday could arrive in this

country for the purpose of the proposed negotiations with the Italian Government for an interim trans-frontier grazing agreement for the tribes on the Northern Frontier of Kenya. After semi-official consultation with the Foreign Office, the Governor of Kenya

has

Gen. Tel. 4/3/38 (No. 24).

Copy to Kenya (2) 4/3/38
4/3/38
1/17/38

FURTHER ACTION.

Copies to Gov., W.O. & Air Ministry lff.

Extra copies to be made for Mr. Paskin and for P.D.

Handwritten initials and numbers.

has been requested to arrange for Mr. Glenday
to proceed home by sea via the Suez Canal,
arriving in this country on the 8th of April.
-Allowing a few days for necessary consultation
with Mr. Glenday on his arrival, it would thus
be possible for the negotiations in Rome to
~~begin~~
commence on or about Monday the 18th of April,
and I am to suggest, ~~for Viscount Halifax~~
~~consideration~~, that the Italian Government
should be asked whether this date would be
convenient to them.

I am, etc.

(Sd) Robert Burns.

25-
~~22~~⁷⁶

Mr. Paskin 4.3.38
Mr. Dawe 4.3.
Sir C. Bottomley 4.3. at once.

38066/15B/38

CYPRUS TELEGRAM: from the Secretary of State for the Colonies
to the Governor of Kenya.

Sent 9.30 p.m., 4th March, 1938.

No. 25. Secret.

Your secret telegram No.15. Glenday should arrange
to come by sea arriving 8th April.

G. O.

38066/153/38

25
C. O.
SECRET
D

Mr. Paekin 4/3/38

Mr. ~~Dane~~ 4.3

Mr.

Sir H. Moore.

Sir G. Tomlinson.

X Sir C. Bottomley 4.3. ~~at home~~

Sir J. Shuckburgh

Perms. U.S. of S.

Parly. U.S. of S.

Secretary of State.

re-cyphered
9.30 Pm.
4/3/38
B.H.

No. 25.

Secret

2/2

24

Your secret telegram

DRAFT. TELEGRAM
RE-CYPHER

No. 15. Glenday should arrange

GOVERNOR,

to come by sea arriving 8th April.

NAIROBI.

Secret

CA

FURTHER ACTION.

C. O.

38066/15B/38

15 75

Mr. Paekin 4/3/38

Mr. ~~Dave~~ 4.3

Mr.

Sir H. Moore.

Sir G. Tomlinson.

X Sir C. Bottomley. 4-3.

Sir J. Shuckburgh.

Perm. U.S. of S. 5/8

Parly. U.S. of S.

Secretary of State.



DOWNING STREET.

5th March, 1938.

Immediate.

Sir,

DRAFT.

(21)

With reference to the

THE UNDER SECRETARY OF STATE,

FOREIGN OFFICE.

letter from this Department of the

24th of ^{February} January, I am etc. to

transmit to you for the information

of Viscount Halifax a copy of a telegram from the Governor of Kenya

indicating various dates on which V.G. C.M.G., O.P.E., Mr. Glenday could arrive in this

country for the purpose of the proposed negotiations with the Italian Government for an interim trans-frontier grazing agreement for the tribes on the Northern Frontier of Kenya. After semi-official consultation with the Foreign Office, the Governor of Kenya

has

Gen. Tel. 4/3/38 (No. 24).

Copy - [illegible] 4/3/38

FURTHER ACTION.

Copies to Gov., W.O. & Air Ministry lff.

Extra copies to be made for Mr. Paekin and for P.D.

copy 2
6/11
5/8

has been requested to arrange for Mr. Glenday
to proceed home by sea via the Suez Canal,
arriving in this country on the 8th of April.
Allowing a few days for necessary consultation
with Mr. Glenday on his arrival, it would thus
be possible for the negotiations in Rome to
~~begin~~
~~commence~~ on or about Monday the 16th of April,
and I am to suggest, ~~for Viscount Halifax's~~
~~consideration~~, that the Italian Government
should be asked whether this date would be
convenient to them.

I am, etc.

(sd) Robert Burns

25- 76
~~29~~

Mr. Paskin 4.3.38
Mr. Dawe 4.3.
Sir C. Bottomley 4.3. at once.

38066/15B/38

CYPRUS TELEGRAM from the Secretary of State for the Colonies
to the Governor of Kenya.

Sent 9.30 p.m., 4th March, 1933.

No. 25. Secret.

Your secret telegram No. 15: Glenday should arrange
to come by sea arriving 8th April.

G. O.

38066/153/38

25
C. O.
SECRET
D

Mr. Paekin 4/3/38

Mr. ~~Dave~~ 4.3

Mr.

Sir H. Moore.

Sir G. Tomlinson.

X Sir C. Bottomley 4.3. ~~stain~~

Sir J. Shuckburgh.

Perms' U.S. of S.

Parly. U.S. of S.

Secretary of State.

12-cyphered Secret.
9.30 Pm.
4/3/38
[Signature]

No. 25.

Secret

Your secret telegram

DRAFT. TELEGRAM
RE-CYPHER

24

No. 15. Glenday should arrange

GOVERNOR.

to come by sea arriving 8th April.

NAIROBI.

Secer.

[Handwritten mark]

FURTHER ACTION.

RECEIVED
MAR 1938
COPY FOR REGISTRATION
C. O. REGY

2201/57 24
4659873 78

Telegram from the Governor of Kenya to the Secretary of State for the Colonies.

Dated 4th. March, 1938. Received 9.29 a.m. 4th. March, 1938.

-0-0-0-0-

No. 15 Secret.

18
Your telegram No. 19 Secret of the 21st. February. Glenday had arranged passage via South Africa leaving on the 18th. March arriving in England about the 21st. May. Air mail passage could probably be arranged to arrive about the 20th. March. Might be possible arrange sea passage via the Juez Canal arriving on 8th. April. For health reasons sea passage preferable. Please telegraph instructions earliest.

copy to C. O. (26)

amif(AS)

KENYA.

THE SECRETARY OF STATE

to

THE GOVERNOR.

(Sent 10.45 p.m., 25th February, 1938.)

TELEGRAM.

[Answered by No.]

No. 20. Secret. My telegram No. 19 Secret of 21st February* last paragraph.

In view of advice now given by Lord Perth Foreign Office are of opinion that negotiations for temporary grazing agreement should be begun without avoidable delay as it is uncertain whether frontier negotiations could be completed before next dry season.

It will therefore be desirable for Glenday to come home as soon as the necessary material for the negotiations is ready. This will comprise, in addition to that asked for in my secret despatch of 7th February†, material on transit facilities question asked for in my secret despatch of 25th February‡ which left by to-day's mail. In this connexion see enclosures to my secret despatch 14th January§.

Please telegraph as soon as possible after receipt of my despatch of 25th February‡ earliest date on which Glenday can arrive here.

If any material on grazing question is ready in advance of his departure please send it.

* No. 46598/38 [No. 14].

† No. 38066/15 B/38 [No. 12].

‡ No. 38066/15 E/38 [No. 2].

§ No. 38066/15 B/38 [No. 5].

Mr. Paskin. 25/2. at once.

and (24) P.L. 10 20
20
(Sent at request of F.O. Drafted in
conjunction with Mr. Dawe and concurred
in by Mr. Lambert (F.O.))

38066/15 B/38.

CYPHER TELEGRAM from the Secretary of State for the Colonies
to the Governor of Kenya.

(Sent 10.45 p.m., 25th February, 1938.)

No. 20. Secret.

My telegram No. 19 Secret of 21st February last
paragraph.

In view of advice now given by Lord Perth Foreign
Office are of opinion that negotiations for temporary
grazing agreement should be begun without avoidable delay
as it is uncertain whether frontier negotiations could be
completed before next dry season.

It will therefore be desirable for Glenday to come
home as soon as the necessary material for the negotiations
is ready. This will comprise, in addition to that asked
for in my Secret despatch of 7th February, material on
transit facilities question asked for in my Secret despatch
of 25th February which left by today's mail. In this
connection see enclosures to my secret despatch 14th
January.

Please telegraph as soon as possible after receipt
of my despatch of 25th February earliest date on which
Glenday can arrive here.

If any material on grazing question is ready in
advance of his departure please send it.

Copies to (P.O.)
(W.O.) l.f.f.
(A.M.)

Copy on 38066/15E/38.

Extra copies for P.D. and for Mr. Paskin.

copy kept
2/3

C. O.

38066/15 B/38

Mr. Parkin 25/2 at once.

Mr.

Mr.

Sir H. Moore.

Sir G. Tomlinson.

Sir C. Bottomley

Sir J. Shuckburgh.

Perms. U.S. of S.

Parly. U.S. of S.

Secretary of State

C	26
R	26
D	26

20
Remypland 25/2
10-4-38

No. 20 Secret.

(18)

My tel. No 19 Secret of 21st Feb.
last paragraph

In view of advice now given by Lord Park F.O. are of opinion that negotiations for temporary grazing agreement should be begun without avoidable delay as it is uncertain whether frontier negotiations could be completed before next dry season.

It will therefore be desirable for GLENDAY to come home as soon as the necessary material for the negotiations is ready. This will comprise, in addition to that asked for in my Secret despatch of 7th Feb., which is material on transit

DRAFT Tel.

(Recypher)

Governor
Nairobi

[Sent at request of F.O. Drafted in conjunction with Mr. Davis and Mr. Lambert (F.O.)]

FURTHER ACTION.

Copies for F.O. W.P. A.P. } off

Copy on 38066/15 C/38

Extra copies for P.D. and for Mr. Parkin.

Copy to F.O. R
W.P. (12)
A.P. (12)

(12)

facilities question asked for
in my secret dep. of 25th Feb.
which left by today's mail

(No. 2 on
38066/15 E/38)

In this connection see encls.
to my secret dep. 14th January

(No 5) ~~unreplied~~

Please telegraph as soon
as possible after receipt of my
dep. of 25th Feb. earliest date
on which GLENDAY can arrive
here

If any material on grazing
question is ready in advance of
his departure please send it to

}

2
19

Downing Street,

21st February 1938.

38066/15B/38.

Secret.

Dear Wade,

In case you may have been led, by the Secretary of State's secret telegram No. 19 of the 21st of February, to assume that the proposal to negotiate with the Italian Government an interim trans-frontier grazing agreement for the Kenya tribes has been superseded by a proposal to proceed at an early date with negotiations for the rectification of the frontier, I ought to let you know that the Foreign Office have pointed out that it is impossible at this stage to foresee the course of the general discussions with Italy now contemplated, and that we must accordingly proceed with our arrangements for the discussion of a grazing agreement, to which we were committed before the recent developments, as if those developments had not taken place.

Yours sincerely,

(Sgd.) J. J. Pasden

SIR ARMIGEL WADE, K.C.M.G., O.B.E.

C. O.



Mr. Paskin. 23/2/38.

Mr. Dawn 23.2

Mr.

Sir H. Moore.

Sir G. Tomlinson.

* Sir C. Bottomley. 23.2. f.

Sir J. Shuckburgh.

Permu. U.S. of S.

Parly. U.S. of S.

Secretary of State.

827
For Mr. Paskin's signature.

DOWNING STREET.

24th February, 1938.SECRET.DRAFT.

SIR ARMIGEL WADE, K.C.M.G., O.B.E.

Dear Wade,

(18)

In case you may have been led, by the Secretary of State's secret telegram No.19 of the 21st of February, to assume that the proposal to negotiate with the Italian Government an interim trans-frontier grazing agreement for the Kenya tribes has been superseded by a proposal to proceed at an early date with negotiations for the rectification of the frontier, I ought to let you know that the Foreign Office have pointed out that it is impossible at

this

FURTHER ACTION.

this stage to foresee the course of the
general discussions with Italy now
contemplated, and that we must accordingly
proceed with ~~the~~ ^{other} arrangements for the
discussion of a grazing agreement, to which
we were committed before the recent
developments, as if these developments
had not taken place.

Yours sincerely,

(Sgd.) J. J. Parker

Draft
46598/38

CYPER TELEGRAM from the Secretary of State for the Colonies
to the Governor of Kenya.

Sent 8.0 p.m.

24
18
21st February, 1938.

No. 19 Secret.

My despatch Secret (2) of 5th January it is now desirable that the actual boundary of the area contingently to be excised from the Ilemi Triangle should be settled as soon as possible. Arrangements should accordingly be made forthwith with the Government of the Sudan for the proposed joint survey.

In the event of its being decided to discuss frontier rectification in near future it would be necessary to hand to Italians a map showing frontier desired east of Lake Rudolf. In this connection considerations mentioned in paragraph 7 of Paskins's letter to Pilling of 7th February would equally apply. If practicable please send as soon as possible map showing frontier desired but not Gwynn line. Map should not show possible concessions to Italy.

Also desirable that detailed proposals for grazing agreement (see my secret despatch of 7th February) should be available as soon as possible in case it is necessary to fall back on such an agreement as alternative to frontier rectification.

IMMEDIATE

17

In any further communication on this subject, please quote
No. J 600/86/1
and address—not to any person by name, but to—
"The Under-Secretary of State," Foreign Office, London, S.W. 1.

Impregia 3806/15 E/38
(Impregia)

THE Under-Secretary of State for Foreign Affairs presents his
compliments to the Under Secretary of State
for the Colonies and, by direction of the Secretary of State,
transmits herewith copies of the under-mentioned paper.

Foreign Office,
17th February, 1938.

RECEIVED

Reference to previous correspondence.

C.O. Letter No: 38066/15 E/38 of 16th Jan. 1938
Y 70 Letter No: J 179/86/1 of 24th Jan. 1938
Description of Enclosure.

Name and Date.

Subject.

From

H. M. R.
Rome
Tel. No: 71
16th Feb 1938.

Kenya - Ethiopia frontier:
watering rights.

Similar letter sent to

From ITALY.

Decode. The Earl of Perth, (Rome).
15th February, 1938.
D. 8.50 p.m. 16th February, 1938.
R. 9.30 p.m. 16th February, 1938.
No. 71. (R).

0:0:0

(9) Your telegram No. 10.

Ministry of Foreign Affairs have replied that questions concerning territory of Kenya and Italian East Africa which it would seem useful to consider once questions of watering and grazing rights are being examined, are those concerning arrangements of transit across Kenya of persons and merchandise originating from territory of Italian East Africa and vice versa.

KENYA.

Mr. J. J. PASKIN (COLONIAL OFFICE)

to

Mr. H. G. PILLING (SECRETARIAT, KENYA).

[Answered by No.]

(Secret.)

DEAR PILLING,

Downing Street, 7th February, 1938.

You will receive by this mail the reply* to Kenya secret despatch of the 12th January† about the form of the proposed Agreement with Italy to regulate the watering and grazing of the northern tribes of Kenya across the Abyssinian frontier. The purpose of this letter is to dot the "i's" and cross the "t's" of that despatch in a few respects which it seems better to deal with in a semi-official letter.

2. In the first place I have to confess a considerable amount of ignorance as to the precise position of the tribesmen on either side of the frontier—a matter of some importance in deciding the most appropriate form of the Agreement. In this connexion you will have seen in the Agreement of the 27th January, 1937, about the Somaliland tribes, that the Ishaak and the Dolbohanta tribes were dealt with in a different manner from the Esa and Gadabursi tribes, and there are some comments on these differences in paragraph 9 on page 10 of the print African (East) No. 1159.

3. The picture which has been formed in my mind of the position of the tribes on the northern frontier of Kenya is that certain sections of these tribes normally live in Kenya, and only migrate northwards and cross the frontier during the dry seasons. As I understand the position, these sections of the tribes are definitely regarded as British; similarly, as I understand it, certain sections of the tribes normally live on the Abyssinian side of the frontier and are regarded as Abyssinian.

4. If I am right in this assumption, then the position of the Kenya tribes is more closely analogous to that of the Ishaak and Dolbohanta than to that of the Esa and Gadabursi, and of course the Italians may be expected to be aware of this. If so they may try to insist on the arrangements for the Kenya tribes being regulated on the lines of Clauses 1, 4, 5, 6 and 7 of the Agreement of the 27th January, 1937. On the other hand, in the case of the Ishaak and Dolbohanta tribes there are no reciprocal arrangements for Italian tribes and since, in the case of the proposed Kenya Agreement, it is proposed to accord reciprocal advantages to the Abyssinian tribes it is possible that the Italians may be willing to accept something on the lines of paragraph 8 of the Agreement of the 27th January, 1937, in respect of both the Kenya and Abyssinian tribes. If however my assumption in paragraph 3 above is correct, the description of the areas into which the two lots of tribesmen are to be permitted to penetrate seasonally would have to be on rather different lines from the description of the area in Clause 2 of the Somaliland Agreement. The official despatch has been written on this assumption which, as I have said, may or may not be correct. You will see that in Clause 2 of the Somaliland Agreement there is a definition of an area, intersected by a frontier within which the tribes, who are stated to reside normally partly on one side and partly on the other side of the frontier, may move. In the despatch we have assumed that it will be necessary to define an area on the Abyssinian side of the frontier, into which the British tribes are to be allowed to penetrate; and an area on the Kenya side of the frontier into which the Abyssinian tribes are to be allowed to penetrate. Whether this is an appropriate suggestion is for the Kenya Government to consider.

5. Apart from the assumed necessity of defining the area across the frontier, within which the Kenya tribes would be permitted to water and graze their stock, there are obvious tactical advantages in securing the assent of the Italian Government to an Agreement recognizing that, in respect of its tribes, the Government of Kenya has a special interest in a defined area, beyond the present frontier of the Colony. If it is now possible to secure, as the boundary of that area, which would be shown on a map, the line which it is hoped eventually to secure as the permanent frontier between Kenya and Abyssinia, then a substantial step would have been taken towards the attainment of that rectification of the frontier. To put it no higher, it would be possible in the eventual boundary negotiations, to point to the fact that the Italian Government had recognized that the Government of Kenya has special interests in the area shown on the map annexed to the Grazing Agreement. *Per contra*, it has to be recognized that, if it were now found possible to secure the agreement of the Italian Government to accord the Kenya tribes access only to an area bounded by (say) the Gwynn line, then there would probably be very great difficulty later on in securing a more favourable line as

* No. 38066/15 B/38 [No. 12].

† No. 38066/15 B/38 [No. 7].

the boundary between the Colony and Abyssinia. On the other hand, if the Italian Government is not now willing to agree to the line suggested for the more limited purposes of a *Grazing Agreement*, they would probably in any case be unwilling to agree to the adoption of that line as the permanent *boundary* between Kenya and Abyssinia.

6. The next question to be considered is the map on which the proposed areas are to be marked; this is of importance as it is necessary to avoid using a map which might be liable to give rise to disputes on other points. For example, as was pointed out in the Secretary of State's secret telegram No. 204 of the 4th of December* the British post at Gurar is shown north of the treaty line of the N.F.P. military map. It is obviously undesirable that the map to be annexed to the proposed *Grazing Agreement* should contain any such errors. Similarly, the question of how Moyale should be shown, in relating to the Treaty Line, will need very careful consideration.

7. We are inclined to think that the only lines which should be marked on the map are:—

- (a) the Treaty Line,
- (b) the northern boundary of the area into which the Kenya tribes are to be allowed to penetrate, and
- (c) the southern boundary of the area into which the Abyssinina tribes are to be allowed to penetrate.

We do not think that the Gwynn line should appear at all. The reason for this is that, ultimately we want something more favourable than the Gwynn line as the permanent frontier. I do not know whether there are any-existing recent maps which do not show the Gwynn line. If not, it is for consideration whether a special sketch map should be prepared for the purpose of this Agreement, or whether it would be possible to mark the proposed grazing areas on copies of the map annexed to the Anglo-Ethiopian Agreement of 1907. It may be that that map is too much out of date and too much devoid of detail, on the Kenya side of the frontier, for the purpose of the proposed Agreement. In case, however, the map is considered suitable for this purpose I enclose 3 copies of the Command paper† containing the map. All 3 copies would be marked with the proposed lines, one would be retained in Kenya and two sent home, of which one would be handed to the Italians. If these copies of the Treaty are not used for this purpose, we should be glad to have them back.

8. I am conscious that we may seem to be making rather heavy weather of this, but it has been impressed upon us by the Foreign Office that the Italians are great sticklers for precedent. It can be regarded as certain that if our proposals for the Kenya Agreement are substantially different in form from that of the Somaliland Agreement, we shall have great difficulty in persuading the Italians to accept them. Since therefore, in the Somaliland Agreement, there are prescribed areas within which each of the two groups of tribes may water and graze their stock, the Foreign Office are satisfied that it would be practically impossible to induce them to agree to something on the lines of paragraph 8 of the Somaliland Agreement unless the area across the frontier into which the Kenya tribes are to be allowed to penetrate, is defined.

Yours, &c.,

J. J. PASKIN.

* No.

† Cmd. 4318.

Downing Street,

7th February, 1938.

38066/15B/38 SECRET.

Dear Pilling,

You will receive by this mail the reply to Kenya Secret despatch of the 12th January about the form of the proposed agreement with Italy to regulate the watering and grazing of the northern tribes of Kenya across the Abyssinian frontier. The purpose of this letter is to dot the "i's" and cross the "t's" of that despatch in a few respects which it seems better to deal with in a semi-official letter.

2. In the first place I have to confess a considerable amount of ignorance as to the precise position of the tribesmen on either side of the frontier - a matter of some importance in deciding the most appropriate form of the agreement. In this connection you will have seen in the agreement of the 27th January 1937 about the Somaliland tribes, that the Isheak and the Balbohanta tribes were dealt with in a different manner from the Kaa and Gadabursi tribes, and there are some comments on these differences

H.G. FILLING, ESQ., C.M.G.

89

differences in paragraph 9 on page 10 of the print African (East) No.1159.

3. The picture which has been formed in my mind of the position of the tribes on the northern frontier of Kenya is that certain sections of these tribes normally live in Kenya, and only migrate northwards and cross the frontier during the dry seasons. As I understand the position, these sections of the tribes are definitely regarded as British; similarly, as I understand it, certain sections of the tribes normally live on the Abyssinian side of the frontier and are regarded as Abyssinian.

4. If I am right in this assumption, then the position of the Kenya tribes is more closely analogous to that of the Ishaak and Dolbohanta than to that of the Esa and Gadabursi, and of course the Italians may be expected to be aware of this. If so they may try to insist on the arrangements for the Kenya tribes being regulated on the lines of Clauses 1, 4, 5, 6 and 7 of the agreement of the 27th January, 1937. On the other hand, in the case of the Ishaak and Dolbohanta tribes there are no reciprocal arrangements for Italian tribes and since, in the case of the proposed Kenya agreement, it is proposed to accord reciprocal advantages to the
Abyssinian

90

Abyssinian tribes it is possible that the Italians may be willing to accept something on the lines of paragraph 8 of the agreement of the 27th January 1937, in respect of both the Kenya and Abyssinian tribes. If however my assumption in paragraph 3 above is correct, the description of the areas into which the two lots of tribesmen are to be permitted to penetrate seasonally would have to be on rather different lines from the description of the area in Clause 2 of the Somaliland agreement. The official despatch has been written on this assumption which, as I have said, may or may not be correct. You will see that in Clause 2 of the Somaliland agreement there is a definition of an area, intersected by a frontier within which the tribes, who are stated to reside normally partly on one side and partly on the other side of the frontier, may move. In the despatch we have assumed that it will be necessary to define an area on the Abyssinian side of the frontier, into which the British tribes are to be allowed to penetrate; and an area on the Kenya side of the frontier into which the Abyssinian tribes are to be allowed to penetrate. Whether this is an appropriate suggestion is for the Kenya Government to consider.

91

5. Apart from the assumed necessity of defining the area across the frontier, within which the Kenya tribes would be permitted to water and graze their stock, there are obvious tactical advantages in securing the assent of the Italian Government to an agreement recognising that, in respect of its tribes, the Government of Kenya has a special interest in a defined area, beyond the present frontier of the Colony. If it is now possible to secure, as the boundary of that area, which would be shown on a map, the line which it is hoped eventually to secure as the permanent frontier between Kenya and Abyssinia, then a substantial step would have been taken towards the attainment of that rectification of the frontier. To put it no higher, it would be possible, in the eventual boundary negotiations, to point to the fact that the Italian Government had recognised that the Government of Kenya has special interests in the area shown on the map annexed to the grazing agreement. Per contra, it has to be recognised that, if it were now found possible to secure the agreement of the Italian Government to accord the Kenya tribes access only to an area bounded by (say) the Gwynn line, then there would probably be very great difficulty later on in securing a more favourable line as the boundary between the Colony and Abyssinia. On the other

other hand, if the Italian Government is not now willing to agree to the line suggested for the more limited purposes of a grazing agreement, they would probably in any case be unwilling to agree to the adoption of that line as the permanent boundary between Kenya and Abyssinia.

6. The next question to be considered is the map on which the proposed areas are to be marked; this is of importance as it is necessary to avoid using a map which might be liable to give rise to disputes on other points. For example, as was pointed out in the Secretary of State's secret telegram No. 204 of the 4th of December the British post at Garar is shown north of the treaty line of the N.F.P. military map. It is obviously undesirable that the map to be annexed to the proposed grazing agreement should contain any such errors. Similarly, the question of how Moyale should be shown, in relating to the Treaty Line, will need very careful consideration.

7. We are inclined to think that the only lines which should be marked on the map are -

(a) the Treaty Line,

(b) the northern boundary of the area into which the Kenya tribes are to be allowed to penetrate, and

(c)

(c) the southern boundary of the area into which the Abyssinian tribes are to be allowed to penetrate.

We do not think that the Gwynn line should appear at all. The reason for this is that, ultimately we want something more favourable than the Gwynn line as the permanent frontier. I do not know whether there are any existing recent maps which do not show the Gwynn line. If not, it is for consideration whether a special sketch map should be prepared for the purpose of this agreement, or whether it would be possible to mark the proposed grazing areas on copies of the map annexed to the Anglo-Ethiopian Agreement of 1907. It may be that that map is too much out of date and too much devoid of detail, on the Kenya side of the frontier, for the purpose of the proposed agreement. In case, however, the map is considered suitable for this purpose I enclose 3 copies of the Command paper containing the map. All 3 copies would be marked with the proposed lines, one would be retained in Kenya and two sent home, of which one would be handed to the Italians. If these copies of the Treaty are not used for this purpose, we should be glad to have them back.

8. I am conscious that we may seem to be making rather heavy

94.

heavy weather of this, but it has been impressed upon us by the Foreign Office that the Italians are great sticklers for precedent. It can be regarded as certain that if our proposals for the Kenya agreement are substantially different in form from that of the Somaliland agreement, we shall have great difficulty in persuading the Italians to accept them. Since therefore, in the Somaliland agreement, there are prescribed areas within which each of the two groups of tribes may water and graze their stock, the Foreign Office are satisfied that it would be practically impossible to induce them to agree to something on the lines of paragraph 8 of the Somaliland agreement unless the area across the frontier into which the Kenya tribes are to be allowed to penetrate, is defined.

Yours sincerely,

*This may not
rain. J.P. Paskin
3/2 at once*

95/13

C. O.

For Mr. Paskin's signature.

Mr. Paskin. 24/1/37

Mr. Daine 24.1

Mr.

Sir H. Moore.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perms. U.S. of S.

Parly. U.S. of S.

Secretary of State.

To go to C.O. for signature with Mr. P.

7th Feb.
January, 1938.

Secret



sq

Dear Pilling,

You will receive by this mail

the reply to Kenya Secret despatch of the 12th January about the form of the proposed agreement with Italy to regulate the watering and grazing of the northern tribes of Kenya across the Abyssinian frontier. The purpose of this letter is to get the 1's and cross the t's of that despatch in a few respects which it seems better to deal with in a semi-official letter.

2. In the first place I have to

confess a considerable amount of ignorance as to the precise position of the tribesmen on either side of the frontier - a matter of some considerable importance in deciding the most appropriate form of the agreement,

In

3 DRAFTS

H. G. PILLING, ESQ., C.M.G.

*Ch. 4318 (3 copies)
(in envelope below
No 11)*

*Copy K.F.O. (1/4)
W.C. (1/5)
M.M. (1/6)*

FURTHER ACTION.

*Copy to P.O. (1/4) (sent 4/4)
(as directed on 2/4)*

*Enter copy to be
made for P.D. &
for Mr. Paskin.*

*copy K.F.O.
M.M.*

within which the tribes, who are stated to reside normally partly on one side and partly on the other side of the frontier, may move. In the despatch we have assumed that it will be necessary to define an area on the Abyssinian side of the frontier, into which the British tribes are to be allowed to penetrate; and an area on the Kenya side of the frontier into which the Abyssinian tribes are to be allowed to penetrate. Whether this is an appropriate suggestion is for the Kenya Government to consider.

5. Apart from the assumed necessity of defining the area across the frontier, within which the Kenya tribes would be permitted to water and graze their stock, there are obvious tactical advantages in securing the assent of the Italian Government to an agreement recognising that, in respect of its tribes, the Government of Kenya has a special interest in a defined area, beyond the present frontier of the Colony. If it is now possible to secure, as the boundary of that area,

which would be shown on a map, the line ^{which it is hoped eventually suggests} as the permanent frontier between Kenya & Abyssinia in the despatch, then a substantial step would

have

C. O.

- Mr.
- Mr.
- Mr.
- Sir H. Moore.
- Sir G. Tomlinson.
- Sir C. Biddisley.
- Sir J. Shackburgh.
- Perm. U.S. of S.
- Privy U.S. of S.
- Secretary of State.

DRAFT.

FURTHER ACTION.

have been taken towards the attainment of the rectification of the frontier, ~~desired by~~ the Government of Kenya. To put it no higher, it would be possible, in the ^{actual} ~~vicinity~~ boundary negotiations, ~~for the rectification of the frontier,~~ to point to the fact that the Italian Government had recognised that the Government of Kenya has special interests in the area shown on the map annexed to the ~~proposed~~ ^{grazing} agreement. Per contra, it has to be recognised that if ^{it} ~~it~~ ^{was} now found possible to secure the agreement of the Italian Government to secure the Kenya tribes access only to an area bounded by (say) the Gwynn line, then there would ^{probably} be very great difficulty later on in securing a more favourable line as the boundary between the Colony and Abyssinia. On the other hand, if the Italian Government is not now willing to agree to the line suggested for the more limited purposes of a ^{in any case} grazing agreement, they would probably be unwilling ~~however~~ to agree to the adoption of that line as the permanent boundary between

between Kenya and Abyssinia, and it might be said that in that case the adoption of a less favourable line for the present purposes would have prejudiced the ultimate negotiations for a more favourable line for the permanent frontier. We doubt however whether this would really be the case because if the Italians were unwilling to agree to the more favourable line for the present purposes, they would in any case be unwilling to agree to it as a frontier line.

6. The next question to be considered is the map on which the proposed areas are to be marked; this is of importance as it is necessary to avoid using a map which might be liable to give rise to disputes on other points. For example, as was pointed out in the Secretary of State's secret telegram of the 4th of Dec. the British post at Gurar is shown north of the treaty line of the N.F.P. military map. It is obviously undesirable that the map to be annexed to the proposed grazing agreement should contain any such ~~errors~~ ^{errors}. Similarly, the question of ~~the~~ ^{the} ~~how~~ ^{how} ~~should~~ ^{should} Moyale ~~be~~ be shown, in relation to the Treaty Line, will need very careful consideration.

(copy h.w.)
No. 108 on
38066/15/37
(in case)

C. O.

- Mr.
- Mr.
- Mr.
- Sir H. Moore.
- Sir G. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh
- Perms. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

DRAFT.

7. We are inclined to think that the only lines which should be marked on the map are -

- (a) the Treaty Line,
- (b) the northern boundary of the area into which the Kenya tribes are to be allowed to penetrate, and
- (c) the southern boundary of the area into which the Abyssinian tribes are to be allowed to penetrate.

We do not think that the Gwynn line should appear at all. The reason for this is that, ultimately we want something more favourable than the Gwynn line as the permanent frontier. I do not know whether there are any ^{recent} existing maps which do not show the Gwynn line, ^{if not,} and it is for consideration whether a special sketch map should be prepared for the purpose of this agreement, or whether it would be possible to mark the proposed grazing areas on copies of the map annexed to the Anglo-Ethiopian Agreement of 1907.

FURTHER ACTION.

It may be that that map is too much out of date and too much devoid of detail, on the Kenya side of the frontier, for the purpose of the proposed agreement. In case however the map is considered suitable for this purpose I enclose 3 copies of the Command paper containing the map. All 3 copies would be marked with the proposed lines, one would be retained

in Kenya and two sent home, of which one would be handed to the Italians. *If three copies of the Treaty are not used for this purpose, we shall be glad to have them back.*

8. I am conscious that we may seem to be making rather heavy weather of this, but it has been impressed upon us by the Foreign Office that the Italians are great sticklers for precedent. It can be regarded as certain that if our proposals for the Kenya agreement are substantially different in form from that of the Somaliland agreement, we shall have great difficulty in persuading the Italians to accept them. Since therefore, in the Somaliland agreement, there are prescribed areas within which each of the two groups of tribes may water and graze their stock, the Foreign Office are satisfied that it would be practically impossible to induce them to agree to something on the lines of paragraph 8 of the Somaliland

C. O.

Mr.
Mr.
Mr.

Sir H. Moore.
Sir G. Tomlinson.
Sir C. Bottomley.
Sir J. Shackburgh.
Paras. U.S. of S.
Paras. U.S. of S.
Secretary of State.

Somaliland agreement unless the area across the frontier into which the Kenya tribes are to be allowed to penetrate, is defined.

Yours sincerely,

(Signed) J. J. Pascher

DRAFT.

FURTHER ACTION.

KENYA.

THE SECRETARY OF STATE

to

THE GOVERNOR.

[Answered by No.]

(Secret.)

SIR,

Downing Street, 7th February, 1938.

I have the honour to acknowledge the receipt of your secret despatch of the 12th of January* on the subject of the proposed negotiations with the Italian Government for the purpose of concluding a temporary agreement in regard to the facilities required by the tribes on the northern frontier of this Colony for grazing and watering their herds in Abyssinia.

2. I note that you concur in the opinion expressed by the Officer-in-charge, Northern Frontier District, that the only form of agreement which would be in any way satisfactory, from the point of view of the Colony, would be on the lines of Clause 8 of the agreement consisting of letters exchanged between Mr. Plowman and Signor Cerulli on the 27th of January 1937†. It is however necessary to observe that, while it was agreed in that Clause, in general terms, that the sections of the Esa and Gadabursi tribes residing on either side of the frontier should be free to frequent their customary grazing and watering areas, under detailed arrangements to be made between the local British and Italian authorities, that arrangement was in respect of the definite area specified in Clause 2 of the Agreement. Similarly, it will be noted that the limits of the grazing and watering rights of the Ishaak and Dolbohanta tribes are specified in Clause 1. of that Agreement.

3. The Secretary of State for Foreign Affairs considers that, while the negotiation of an Agreement with the Italian Government in respect of the Kenya tribes, on the lines of the Agreement already concluded in respect of the Somaliland tribes, would probably not present any great difficulty, the Italian Government would be disinclined to enter into any Agreement in respect of the Kenya tribes which did not specify the limits to which those tribes were to be allowed to penetrate into Abyssinia.

4. It would not appear that there would be any great difficulty in specifying these limits since, as stated in paragraph 3 of Sir J. Byrne's secret despatch of the 19th of October 1935‡, and in paragraph 3 of his secret despatch of the 19th of June 1937§, the proposed diversion of the frontier line shown on the map which formed enclosure C to the latter despatch was specifically designed to secure adequate water and grazing for the Kenya tribes without the necessity for the periodical trans-frontier movements which had been the source of such prolific trouble in the past. Subject therefore to any further observations which you may wish to offer, I suggest that the most fruitful line of approach would be to attempt to secure an agreement permitting the Kenya tribes to make use of the wells and grazing areas within an area of which the northern boundary would be the Gwynn line, as modified by the line shown on Map C through the summits of G. Gomo, G. Tuka, G. Agal to G. Kuf Tika. It would be necessary for the boundary of this area to be shown on a map (which would be annexed to the Agreement), and also to be described as precisely as possible in the text of the Agreement.

5. It would similarly be necessary to define the area in Kenya into which the tribesmen who normally reside on the Abyssinian side of the frontier are to be allowed to penetrate.

6. Having regard to the assumption that it would be difficult to persuade the Italian Government to enter into an Agreement differing materially from the Somaliland Agreement of the 27th of January, 1937, it is necessary also to consider whether other provisions of that Agreement can be adopted for the purposes of the Kenya Agreement. Clauses 10, 12, 13 and the first paragraph of Clause 9 do not appear to present any difficulty, but I should be glad to have your observations on Clause 11 and the second paragraph of Clause 9. In conclusion, while I fully appreciate your reasons for desiring an Agreement on the lines of Clause 8 of the Somaliland Agreement, it is necessary to consider whether, in the event of the Italian Government being unwilling to agree to an arrangement on the lines of that Clause there would be any insuperable objection to the adoption of provisions on the lines of Clauses 5 and 6.

I have, &c.,

W. ORMSBY GORE.

* No. 38066/15 B/38 [No. 7].
† No. 46011/3/35 [No. 35].

‡ See Africa (East) No. 1159.
§ No. 46598/37 [No. 25].

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12

KENYA

SECRET

Downing Street.

7th February, 1936.

Sir,

I have the honour to acknowledge the receipt of your secret despatch of the 18th of January on the subject of the proposed negotiations with the Italian Government for the purpose of concluding a temporary agreement in regard to the facilities required by the tribes on the northern frontier of this Colony for grazing and watering their herds in Abyssinia.

2. I note that you concur in the opinion expressed by the Officer-in-charge, Northern Frontier District, that the only form of agreement which would be in any way satisfactory, from the point of view of the Colony, would be on the lines of Clause 6 of the agreement consisting of letters exchanged between Mr. Plowman and Signor Cerulli on the 27th of January 1937. It is however necessary to observe that, while it was agreed in that Clause, in general terms, that the sections of the Esa and Gadaburai tribes residing on either side of the frontier should be free to frequent their customary grazing and watering areas, under detailed arrangements to be made between the local British and Italian authorities, that arrangement was in respect of the definite area specified in Clause 2 of the Agreement. Similarly, it will be

noted

GOVERNOR,
AIR CHIEF MARSHAL,
SIR ROBERT BROOKE-POPHAM, G.C.V.O., K.C.B., C.M.G., D.S.O., A.F.C.
etc. etc. etc.

noted that the limits of the grazing and watering rights of the Ishack and Dolbohanta tribes are specified in Clause 1 of that Agreement.

3. The Secretary of State for Foreign Affairs considers that, while the negotiation of an agreement with the Italian Government in respect of the Kenya tribes, on the lines of the agreement already concluded in respect of the Somaliland tribes, would probably not present any great difficulty, the Italian Government would be disinclined to enter into any agreement in respect of the Kenya tribes which did not specify the limits to which those tribes were to be allowed to penetrate into Abyssinia.

4. It would not appear that there would be any great difficulty in specifying these limits since, as stated in paragraph 3 of Sir J. Byrnes's secret despatch of the 17th of October 1935, and in paragraph 3 of his secret despatch of the 18th of June 1937, the proposed diversion of the frontier line shown on the map which formed enclosure C to the latter despatch was specifically designed to secure adequate water and grazing for the Kenya tribes without the necessity for the periodical trans-frontier movements which had been the source of such prolific trouble in the past. Subject therefore to any further observations which you may wish to offer I suggest that the most fruitful line of approach would be to attempt to secure an agreement permitting the Kenya tribes to make use of the wells and grazing areas within an area of which the northern boundary would be the Gwynn line, as modified by the line shown on Map C through the summits of G. Gese, G. Tuka, G. Agal to G. Kuf Tika. It would be necessary for the boundary of this area to be shown on a map (which

would

would be annexed to the Agreement), and also to be described as precisely as possible in the text of the Agreement.

5. It would similarly be necessary to define the area in Kenya into which the tribesmen who normally reside on the Abyssinian side of the frontier are to be allowed to penetrate.

6. Having regard to the assumption that it would be difficult to persuade the Italian Government to enter into an agreement differing materially from the Somaliland agreement of the 27th of January, 1937, it is necessary also to consider whether other provisions of that agreement can be adopted for the purposes of the Kenya agreement. Clauses 10, 12, 13 and the first paragraph of Clause 9 do not appear to present any difficulty, but I should be glad to have your observations on Clause 11 and the second paragraph of Clause 9. In conclusion, while I fully appreciate your reasons for desiring an agreement on the lines of Clause 8 of the Somaliland agreement, it is necessary to consider whether, in the event of the Italian Government being unwilling to agree to an arrangement on the lines of that Clause there would be any insuperable objection to the adoption of provisions on the lines of Clauses 5 and 6.

I have the honour to be,

Sir,

Your most obedient

humble servant,

(Signed) ...

This may be
issue. J.P. Passini
3/2 at once.

38066/15B/38.

31 Jan 1938

C. O.

Mr. Paskin 24/1/37

Mr. Dawe 24.1

Mr.

Sir H. Moore.

Sir G. Tomlinson.

X Sir C. Bottomley 26.1

Sir J. Shuckburgh.

Perms. U.S. of S.

Parly. U.S. of S.

Secretary of State.

To go to F.O. for
concurrence with Hk.
↑ ↓

Downing Street,

7th Feb.
January, 1938.

Sir,

I have the honour to
acknowledge the receipt of your secret
(7) despatch of the 12th of January on
the subject of the proposed negotiations
with the Italian Government for the
purpose of concluding a temporary
agreement in regard to the facilities
required by the tribes on the northern
frontier of this Colony for grazing and
watering their herds in Abyssinia.

2. I note that you concur in
the opinion expressed by the Officer
in charge, Northern Frontier District,
that the only form of agreement which
would be in any way satisfactory, from
the point of view of the Colony, would

be on the lines of ^{Clause} paragraph 8 of the
agreement consisting of letters exchanged
between Mr. Plowman ^{and} Signor Cerulli

3 DRAFTS.

K B N Y A.

SECRET.

GOVERNOR

Copy to F.O. (14)
W.O. (15)
A/17 (16)

FURTHER ACTION.

Copy No. 7, Miss & Hk.
to F.O. / Secret Lft.
W.O.
Apr
gall
Extra copies to be
made for P.D., &
for Mr. Passini

Copy 7.12.38 EPD
M. Parlin
82

of the 27th of January 1937. It is however necessary to observe that, while it was agreed

Clause in that ~~paragraph~~, in general terms, that the sections of the Esa and Gadabursi tribes residing on either side of the frontier should be free to frequent their customary grazing and watering areas, under detailed arrangements to be made between the local British and Italian authorities, that ~~arrangement~~ *arrangement* was in respect of the definite area specified in *Clause* ~~paragraph~~ 2 of *the Agreement*. Similarly, it will be noted that the limits of the grazing and watering rights of the Isack and Dolbohanta tribes are specified in *Clause* ~~paragraph~~ 1 of that *Agreement*.

3. The Secretary of State for Foreign Affairs considers that while the negotiation of an agreement with the Italian Government in respect of the Kenya tribes, on the lines of the agreement already concluded in respect of the Somaliland tribes, would probably not present any great difficulty, the Italian Government would be disinclined to enter

into

G. O.

- Mr.
- Mr.
- Mr.
- Sir H. Moore.
- Sir G. Tomkinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Perm. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

DRAFT.

Table A in set of papers h w (No. 35 on 46011/3/35)

Table B in do (No. 25 on 46598/37)

Copy L. etc.

FURTHER ACTION.

into any agreement in respect of the Kenya tribes which did not specify the limits to which those tribes were to be allowed to penetrate into Abyssinia.

4. It would not appear that there would be any great difficulty in specifying these limits since, as stated in paragraph 3 of Sir J. Byrne's secret despatch of the 17th of October 1935, and in paragraph 3 of his secret despatch of the 18th of June 1937, the proposed diversion of the frontier line shown on ~~Map C~~ *(the former boundary)* which was transmitted with the latter despatch was specifically designed to secure adequate water and grazing for the Kenya tribes without the necessity for the periodical trans-frontier movements which had been the source of such prolific trouble in the past. Subject therefore to any further observations which you may wish to offer I suggest

that

that the most fruitful line of approach would be to attempt to secure an agreement permitting the Kenya tribes to make use of the wells and grazing areas within the area of which the northern boundary would be the Gwynne line, as modified by the line shown on Map C through the summits of G. Gomo, G. Fuka, G. Agal to G. Kuf, Fika. It would be necessary for the boundary of this area to be shown on a map (which would be annexed to the Agreement), and to be described as precisely as possible in the text of the Agreement.

5. It would similarly be necessary to define the area in Kenya into which the tribesmen who normally reside on the Abyssinian side of the frontier are to be allowed to penetrate.

6. Having regard to the assumption that it would be difficult to persuade the Italian Government to enter into an agreement differing materially from the Somaliland agreement of the 27th of January, 1937, it is necessary also to consider whether other provisions of that agreement

C. O.

- Mr.
- Mr.
- Mr.
- Sir H. Moors.
- Sir G. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Parly. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

DRAFT.

FURTHER ACTION.

agreement can be adopted for the purposes of the Kenya agreement. Clauses 10, 12, 13 and the first paragraph of Clause 9 do not appear to present any difficulty, but I should be glad to have your observations on the Clause 11 and the second paragraph of Clause 9. In conclusion, while I fully appreciate your reasons for desiring an agreement on the lines of Clause 8 of the Somaliland agreement, it is necessary to consider whether, in the event of the Italian Government being unwilling to agree to an arrangement on the lines of that Clause there would be any insuperable objection to the adoption of provisions on the lines of Clauses 5 and 6

(Signed) W. FRIMSBY CORE

87
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FOREIGN OFFICE, S.W.1.

2nd February, 1938.

(J 330/86/1)

Dear Paskin,

As Lambert is at present away on leave I am replying to your letter 38066/15B/38 of the 27th January in which you enclosed drafts of a despatch and a semi-official letter to Kenya regarding watering and grazing facilities for the tribes of the Kenya-Ethiopian frontier.

We concur in the terms of both drafts and have no comments to offer. We would only suggest that they should be sent to Kenya by airmail, provided you see no objection.

I enclose three copies of the Command Paper of 1908 (Treaty Series No. 27) containing the Anglo-Ethiopian Frontier Agreement of 1907 and the map, which you asked for in your letter.

Yours sincerely

P. L. Rose.

J. J. Paskin, Esq., M.C.

8
Small (3) - orig & return (13)
below

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS

to

HIS MAJESTY'S REPRESENTATIVE, ROME.

(Sent 7.30 p.m., 22nd January, 1938.)

TELEGRAM.

(Copy received in Colonial Office, 25th January, 1938.)

No. 10. (R.) Your telegram No. 6* and your despatch No. 21 (of 7th January)†; proposed Anglo-Italian agreement respecting grazing facilities, etc., on the Kenya-Ethiopia frontier.

You should inform the Italian Government that the Governor of Kenya has already been requested to formulate as soon as possible full particulars of the essential requirements of the Kenya tribes and that His Majesty's Government in the United Kingdom will be prepared to enter into the proposed conversations as soon as this information is available.

With regard to the desire of the Italian Government that the scope of the conversations should be extended to cover certain questions which they desire to raise, you should inform the Italian Government that it will be necessary for His Majesty's Government to consult the Governor of Kenya on all such questions before any agreements thereon can be concluded; and that it will therefore assist in avoiding undue delay in the arrangements for the conversations if the Italian Government will furnish as soon as possible full particulars of the matters which they desire to raise.

His Majesty's Government desire to arrange for the attendance at the conversations of an officer of the Government of Kenya who is well acquainted with these frontier questions, but it is not desired to arrange for that officer to proceed to Europe until it is possible to fix a date for the opening of the conversations. You may at your discretion inform the Italian Government accordingly.

In thanking the Italian Government for the facilities which they have undertaken to extend to the Kenya tribes during the present dry season, you should inform them, with reference to the last sentence of the second paragraph of their *aide-memoire* of 8th January, that His Majesty's Government agree that the conversations which it is now proposed to hold and any agreement which may result therefrom are without prejudice to, and do not affect, the views of either Government with regard to the position arising out of the Anglo-Ethiopian Treaty of 1907.

* No. 38066/15B/38 S. [No. 2]: Enclosure. † No. 38066/15B/38 S. [No. 3]: Enclosure 1.

In any further communication on this subject, please quote

No. J179/86/1

and address—not to any person by name, but to

"The Under-Secretary of State," Foreign Office, London, S.W. 1.

9/69

THE Under-Secretary of State for Foreign Affairs presents his compliments to *the Under Secretary of State for the Colonies* and, by direction of the Secretary of State, transmits herewith copies of the under-mentioned paper.

Foreign Office,

24 January, 1938.

RECEIVED
25 JAN 1938
C. O. REGD

Reference to previous correspondence:

6 C.O. letter no ~~88866~~ 1573/38 of *14 January*, 1938

Description of Enclosure.

Name and Date.

Subject.

Tel to

H.M.R

Rome

No 10

22 January 1938

*Kenya-Ethiopia frontier
watering rights*

Copy in 6759a (10)

Similar letter sent to ✓

(J 179/86/1)

To ITALY.

Code telegram to the Earl of Perth (Rome),

Foreign Office, 22nd January, 1938. 7.30 p.m.

No. 10. (R).

2 + 3 Your telegram No. 6 and your despatch No. 21 of January 7th; proposed Anglo-Italian agreement respecting grazing facilities etc., on the Kenya-Ethiopia frontier].

You should inform the Italian Government that the Governor of Kenya has already been requested to formulate as soon as possible full particulars of the essential requirements of the Kenya tribes and that His Majesty's Government in the United Kingdom will be prepared to enter into the proposed conversations as soon as this information is available.

With regard to the desire of the Italian Government that the scope of the conversations should be extended to cover certain questions which they desire to raise, you should inform the Italian Government that it will be necessary for His Majesty's Government to consult the Governor of Kenya on all such questions before any agreements thereon can be concluded; and that it will therefore assist in avoiding undue delay in the arrangements for the conversations if the Italian Government will furnish as soon as possible full particulars of the matters which they desire to raise.

His Majesty's Government desire to arrange for the attendance at the conversations of an officer of the Government of Kenya who is well acquainted with these frontier questions, but it is not desired to arrange for that officer to proceed to Europe until it is possible to fix a date for the opening of the conversations.

conversations. You may at your discretion inform the Italian Government accordingly.

3
In thanking the Italian Government for the facilities which they have undertaken to extend to the Kenya tribes during the present dry season, you should inform them, with reference to the last sentence of the second paragraph of their alce memoire of January 8th, that His Majesty's Government agree that the conversations which it is now proposed to hold and any Agreement which may result therefrom are without prejudice to, and do not affect, the views of either Government with regard to the position arising out of the Anglo-Ethiopian treaty of 1907.

3
38066/15/38.27th January 1938.

Dear Lambert,

18.1.38.

I enclose a copy of the despatch from Kenya, which I showed to you the other day, about the form of the proposed agreement with Italy to regulate the watering and grazing of the northern tribes of Kenya across the Abyssinian frontier. I also enclose, for your consideration, a draft despatch to Kenya and a draft of a semi-official letter to the Acting Colonial Secretary on the lines which we discussed.

As regards the suggestion (v. paragraph 7 of the draft letter to Pilling) that the boundaries of the grazing areas might be marked on copies of the map included annexed to the Anglo-Ethiopian Agreement of 1907, you will remember that you said that you thought that the Foreign Office would be able to provide the necessary copies. If so, perhaps you would be good enough to send them to me with your reply to this

letter

J. H. U. LAMBERT, ESQ.

letter. If neither the Foreign Office nor the Stationery Office are able to supply them, then I imagine that we shall have to drop that suggestion, as Kenya is hardly likely to have 3 spare copies of that map.

Yours sincerely,

(Sgd.) J. J. Parkin

For Foreign Office concurrence.

DRAFT.

KENYA.

SECRET.

Downing Street,

January 1938.

Sir,

I have the honour to acknowledge the receipt of your secret despatch of the 12th of January on the subject of the proposed negotiations with the Italian Government for the purpose of concluding a temporary agreement in regard to the facilities required by the tribes on the northern frontier of this Colony for grazing and watering their herds in Abyssinia.

2. I note that you concur in the opinion expressed by the Officer-in charge, Northern Frontier District, that the only form of agreement which would be in any way satisfactory, from the point of view of the Colony, would be on the lines of Clause 8 of the agreement consisting of letters exchanged

exchanged between Mr. Flouman and Signor Cerulli on the 27th of January 1937. It is however necessary to observe that, while it was agreed in that Clause, in general terms, that the sections of the Esa and Gadabursi tribes residing on either side of the frontier should be free to frequent their customary grazing and watering areas, under detailed arrangements to be made between the local British and Italian authorities, that arrangement was in respect of the definite area specified in Clause 2 of the Agreement. Similarly, it will be noted that the limits of the grazing and watering rights of the Isahak and Dolbohanta tribes are specified in Clause 1 of that Agreement.

3. The Secretary of State for Foreign Affairs considers that, while the negotiation of an agreement with the Italian Government in respect of the Kenya tribes, on the lines of the agreement already concluded in respect of the Somaliland tribes, would probably not present any great difficulty, the Italian Government would be

disinclined

disinclined to enter into any agreement in respect of the Kenya tribes which did not specify the limits to which those tribes were to be allowed to penetrate into Abyssinia.

4. It would not appear that there would be any great difficulty in specifying these limits since, as stated in paragraph 3 of Sir J. Byrne's secret despatch of the 17th of October 1935, and in paragraph 3 of his secret despatch of the 18th of June 1937, the proposed diversion of the frontier line shown on the map which formed Enclosure C to the latter despatch was specifically designed to secure adequate water and grazing for the Kenya tribes without the necessity for the periodical trans-frontier movements which had been the source of such prolific trouble in the past. Subject therefore to any further observations which you may wish

to

117

to offer I suggest that the most fruitful line of approach would be to attempt to secure an agreement permitting the Kenya tribes to make use of the wells and grazing areas within an area of which the northern boundary would be the Owaya line, as modified by the line shown on Map C through the summits of G. Gomo, G. Tuka, G. Agal to G. Wuf Tika. It would be necessary for the boundary of this area to be shown on a map (which would be annexed to the Agreement), and also to be described as precisely as possible in the text of the Agreement.

5. It would similarly be necessary to define the area in Kenya into which the tribesmen who normally reside on the Abyssinian side of the frontier are to be allowed to penetrate.

6. Having regard to the assumption that it would be difficult to persuade the Italian Government to enter into an agreement differing materially from the Somaliland agreement of the 27th of January, 1937, it is necessary also to consider whether other provisions of that agreement can be adopted for the purposes

purposes of the Kenya agreement.

Clauses 10, 12, 13 and the first paragraph

of Clause 9 do not appear to present any

difficulty, but I should be glad to have

your observations on Clause 11 and the

second paragraph of Clause 9. In

conclusion, while I fully appreciate your

reasons for desiring an agreement on the

lines of Clause 8 of the Somaliland

agreement, it is necessary to consider

whether, in the event of the Italian

Government being unwilling to agree to an

arrangement on the lines of that Clause

there would be any insuperable objection to

the adoption of provisions on the lines of

Clauses 5 and 6.

For Foreign Office concurrence.

DRAFT.

Downing Street,

H.C. PILLING, ESQ., C.M.G.

January 1938.

Secret.

Dear Pilling,

Cd. 4518 (3 copies)

You will receive by this mail the reply to Kenya Secret despatch of the 18th January about the form of the proposed agreement with Italy to regulate the watering and grazing of the northern tribes of Kenya across the Abyssinian frontier. The purpose of this letter is to dot the "i's" and cross the "t's" of that despatch in a few respects which it seems better to deal with in a semi-official letter.

2. In the first place I have to confess a considerable amount of ignorance as to the precise position of the tribesmen on either side of the frontier - a matter of some importance in deciding the most appropriate form of the agreement.

agreement. In this connection you will have seen in the agreement of the 27th January 1937 about the Somaliland tribes, that the Ishaak and the Dolbohanta tribes were dealt with in a different manner from the Ees and Gadebursi tribes, and there are some comments on these differences in paragraph 9 on page 10 of the print African (East) No. 1159.

3. The picture which has been formed in my mind of the position of the tribes on the northern frontier of Kenya is that certain sections of these tribes normally live in Kenya, and only migrate northwards and cross the frontier during the dry seasons. As I understand the position, these sections of the tribes are definitely regarded as British; similarly, as I understand it, certain sections of the tribes normally live on the Abyssinian side of the frontier and are regarded as Abyssinian.

4. If I am right in this assumption, then the position of the Kenya tribes is more closely analogous to that of the Ishaak and Dolbohanta than to that of the Ees and Gadebursi, and of course the Italians may be expected to be aware of this. If so they may

may try to insist on the arrangements for the Kenya tribes being regulated on the lines of Clauses 1, 4, 5, 6, and 7 of the agreement of the 27th January, 1937.

On the other hand, in the case of the Ishaak and Dolbohanta tribes there are no reciprocal arrangements for Italian tribes and since, in the case of the proposed Kenya agreement, it is proposed to accord reciprocal advantages to the Abyssinian tribes it is possible that the Italians may be willing to accept something on the lines of paragraph 8 of the agreement of the 27th January 1937, in respect of both the Kenya and Abyssinian tribes. If however my assumption in paragraph 3 above is correct, the description of the areas into which the two lots of tribesmen are to be permitted to penetrate seasonally would have to be on rather different lines from the description of the area in

11

Clause 2 of the Somaliland agreement. The official despatch has been written on this assumption which, as I have said, may or may not be correct. You will see that in Clause 2 of the Somaliland agreement there is a definition of an area, intersected by a frontier, within which the tribes, who are stated to reside normally partly on one side and partly on the other side of the frontier, may move. In the despatch we have assumed that it will be necessary to define an area on the Abyssinian side of the frontier, into which the British tribes are to be allowed to penetrate; and an area on the Kenya side of the frontier into which the Abyssinian tribes are to be allowed to penetrate. Whether this is an appropriate suggestion is for the Kenya Government to consider.

5. Apart from the assumed necessity of defining the area across the frontier, within which the Kenya tribes would be permitted to water and graze their stock, there are obvious tactical advantages in securing the assent of the Italian Government to an agreement

agreement recognising that, in respect of its tribes, the Government of Kenya has a special interest in a defined area, beyond the present frontier of the Colony. If it is now possible to secure, as the boundary of that area, which would be shown on a map, the line which it is hoped eventually to secure as the permanent frontier between Kenya and Abyssinia, then a substantial step would have been taken towards the attainment of that rectification of the frontier. To put it no higher, it would be possible, in the eventual boundary negotiations, to point to the fact that the Italian Government had recognised that the Government of Kenya has special interests in the area shown on the map annexed to the grazing agreement. Per contra, it has to be recognised that, if it were now

found

found possible to secure the agreement of the Italian Government to accord the Kenya tribes access only to an area bounded by (say) the Gwynn line, then there would probably be very great difficulty later on in securing a more favourable line as the boundary between the Colony and Abyssinia.

On the other hand, if the Italian Government is not now willing to agree to the line suggested for the more limited purposes of a grazing agreement, they would probably in any case be unwilling to agree to the adoption of that line as the permanent boundary between Kenya and Abyssinia.

6. The next question to be considered is the map on which the proposed areas are to be marked; this is of importance as it is necessary to avoid using a map which might be liable to give rise to disputes on other points. For example, as was pointed out in the Secretary of State's secret telegram No. 204 of the 4th of December the British post at Gurar is shown north of the treaty line of the N.F.P. military map. It is obviously undesirable that the map to be annexed to the proposed grazing agreement

agreement should contain any such errors.

Similarly, the question of how Moyale should be shown, in relation to the Treaty Line, will need very careful consideration.

7. We are inclined to think that the only lines which should be marked on the map are -

- (a) the Treaty Line,
- (b) the northern boundary of the area into which the Kenya tribes are to be allowed to penetrate, and
- (c) the southern boundary of the area into which the Abyssinian tribes are to be allowed to penetrate.

We do not think that the Gwynn line should appear at all. The reason for this is that, ultimately we want something more favourable than the Gwynn line as the permanent frontier. I do not know whether there are any existing recent maps which do not show the Gwynn line. If not it is for consideration whether a special sketch map

map should be prepared for the purpose of this agreement, or whether it would be possible to mark the proposed grazing areas on copies of the map annexed to the Anglo-Ethiopian Agreement of 1907. It may be that that map is too much out of date and too much devoid of detail, on the Kenya side of the frontier, for the purpose of the proposed agreement. In case however the map is considered suitable for this purpose I enclose 3 copies of the Command paper containing the map. All 3 copies would be marked with the proposed lines, one would be retained in Kenya and two sent home, of which one would be handed to the Italians. If these copies of the Treaty are not used for this purpose, we should be glad to have them back.

8. I am conscious that we may seem to be making rather heavy weather of this, but it has been impressed upon us by the Foreign Office that the Italians are great sticklers for precedent. It can be regarded as certain that if our proposals for the Kenya agreement are substantially different in form

from

from that of the Somaliland agreement, we shall have great difficulty in persuading the Italians to accept them. Since therefore, in the Somaliland agreement, there are prescribed areas within which each of the two groups of tribes may water and graze their stock, the Foreign Office are satisfied that it would be practically impossible to induce them to agree to something on the lines of paragraph 8 of the Somaliland agreement unless the area across the frontier into which the Kenya tribes are to be allowed to penetrate, is defined.

Yours sincerely,

C. O.

For Mr. Pasquin's Signature.

Mr. Pasquin. 24/1/37

Mr. Dawe 24.1

Mr.

Sir H. Moore.

Sir G. Tomlinson.

X Sir C. Bottomley. 25.1

Sir J. Shuckburgh.

Perms. U.S. of S.

Parly. U.S. of S.

Secretary of State.



25th January, 1938.

Amend (11)

3 DRAFTS.

J.H.U. LAMBERT, ESQ.

FOREIGN OFFICE.

Kenya Secret 12/1 (No.7)

Dft Insp. to Kenya (2h.)

Dft Letter to Mr Pilling (Th.)

Dear Lambert,

I enclose a copy of the despatch from Kenya, which I showed to you the other day, about the form of the proposed agreement with Italy to regulate the watering and grazing of the northern tribes of Kenya across the Abyssinian frontier. I also enclose, for your consideration, a draft despatch to Kenya and a draft of a semi-official letter to the Colonial Secretary on the lines which we discussed.

Ag

~~Your secretary~~

As regards the suggestion (v. para 7 of the dft. letter to Pilling) that the boundaries of the grazing areas might be marked on copies of the map included annexed to the Anglo-Ethiopian agreement of 1907.

FURTHER ACTION.

You will remember that you said
that you thought that the F.O.
would be able to provide the necessary
copies. If so, perhaps you would
be good enough to send them to me
with your reply to this letter. If
neither ~~the~~ ^{the} F.O. nor the Stationery Office
are able to supply them, then I
imagine that we shall have to drop
that suggestion, as Kenya is hardly
likely to have 3 spare copies of
that map.

Yours sincerely
(Sgt.) J.J. Paslin

KENYA.
THE GOVERNORto
THE SECRETARY OF STATE.

(Received 30th January, 1938.)

[Answered by No. 38066/15 B/38 [No. 12].]

(Secret.)

Sir,

Government House, Nairobi, 12th January, 1938.

I have the honour to acknowledge the receipt of your secret despatch of the 14th December, 1937*, regarding the facilities required by the tribes on the northern frontier of this Colony for grazing and watering their herds in Abyssinia.

2. Arrangements will be made, if necessary, for Mr. Glenday to proceed to England for purposes of negotiations with the Italian Government before the date contemplated in my secret despatch of the 27th November last†.

3. As regards paragraph 4 of your despatch, the question of the practicability of an agreement on the lines reached with the Italian Government regarding the grazing and watering rights of Somali tribes in territory on either side of the frontier of British Somaliland has been referred to the Officer-in-Charge, Northern Frontier District, and I concur in the opinion expressed by him that the only form of agreement which would be in any way satisfactory in so far as this Colony is concerned would be on the lines of paragraph 8 of Mr. Plowman's letter to Signor Cerulli of the 27th January, 1937‡, which sets out in general terms an agreement reached in regard to sections of the Esa and Gadabursi tribes residing on either side of the frontier to utilize their customary grazing and watering areas under detailed arrangements to be agreed by the local British and Italian authorities; since it is only by local discussion that full regard can be given to the traditions and local interests referred to in the Italian *aide-memoire* enclosed in your despatch and that the places and times at which the frontier is to be crossed and the depth the tribesmen will be permitted to penetrate can be satisfactorily settled.

Mr. Glenday in fact advises that much of the recent trouble and congestion on the frontier wells has been due to disregard of this aspect of the question by the local Italian authorities who have allowed a westward migration of certain tribes which has been detrimental not only to the interests of the local tribesmen but also, owing to the destructive methods of the migrating tribes, to the wells themselves; and it is only by local discussions that unjustified access to wells can be controlled since the original inhabitants on both sides of the frontier would undoubtedly unite in refuting any such claims.

The attention of the local Italian officials has already been invited, without effect, to the danger of these migrations; but the protests which would inevitably be made by their own tribesmen in the event of local discussions would go far to convince them of the necessity for removing these migrants.

Such action would immediately ease the problem of congestion on the wells and eliminate any objections raised on that account to reciprocal arrangements for watering and grazing.

4. The essential desiderata from the point of view of the tribesmen of this Colony consist of the right to use the grazing grounds and nearest wells on the Abyssinian side of the frontier as in the past, and I am advised that such a concession would involve considerably less penetration than in the case of British Somaliland where the areas concerned appear in some places to be over sixty miles in depth.

In so far as this Government is concerned the question of water is of the greater importance. You will be aware that the inclusion of the trans-frontier watering and grazing clause in the 1907 Agreement with Ethiopia was necessitated by the fact that the Treaty Line as surveyed by Captain Maud was subsequently found to be impracticable without this reciprocal arrangement as it excluded almost all permanent water from British territory; and it has been made clear in the Governor's secret despatch of the 18th June, 1937§, and related correspondence that, failing the continuance of this arrangement with the Italian Government or the frontier rectification discussed in that correspondence, this Government's position in regard to the present frontier would be untenable.

5. The reciprocal provision of the trans-frontier watering and grazing clause in the 1907 Treaty has, as suggested in paragraph 5 of your despatch, always been taken

* No. 38066/15 B/37 [No. 4].

† No. 46596/37 [No. 77].

‡ See African (East) No. 1159.

§ No. 46598/37 [No. 25].

advantage of by the tribes on both sides of the frontier, though admittedly to a greater extent by Kenya tribes; and there is no intention that any temporary arrangement reached should be other than reciprocal.

6. I take this opportunity, however, once more to emphasize, as stated in Sir Joseph Byrne's secret despatch of the 17th October, 1935*, and in paragraph 3 of Sir Robert Brooke-Popham's despatch of the 18th June, 1937†, the undesirability of perpetuating with the Italian Government an arrangement which in this Government's relations with the Ethiopian Government has always been the cause of prolific trouble on the frontier; and it is hoped that it may ultimately prove possible to secure one or other of the frontier adjustments discussed in the correspondence referred to with a view to obviating the necessity for such a compromise.

I have, &c.,

H. G. PILLING,
Governor's Deputy.

* No. 46011/3/35 [No. 35].

† No. 46598/37 [No. 25].

KENYA
No.



GOVERNMENT HOUSE
NAIROBI
KENYA

SECRET.

19 JAN 1938

12 January, 1938.

Sir,

I have the honour to acknowledge the receipt of your Secret despatch of the 14th December, 1937, regarding the facilities required by the tribes on the northern frontier of this Colony for grazing and watering their herds in Abyssinia.

2. Arrangements will be made, if necessary, for Mr. Glenday to proceed to England for purposes of negotiations with the Italian Government before the date contemplated in my Secret despatch of the 27th November last.

3. As regards paragraph 4 of your despatch, the question of the practicability of an agreement on the lines reached with the Italian Government regarding the grazing and watering rights of Somali tribes in territory on either side of the frontier of British Somaliland has been referred to the Officer-in-Charge, Northern Frontier District, and I concur in the opinion expressed by him that the only form of agreement which would be in any way satisfactory in so far as this Colony is concerned would be on the lines of paragraph 8 of Mr. Flouman's letter to Signor Cerulli of the 27th January, 1937, which sets out in general terms an agreement reached in regard to sections of the Esa and Gadabursi tribes residing on either side of the frontier to utilise their customary grazing and watering areas under detailed arrangements to be agreed by the local British and Italian authorities; since it is only by local discussion that full regard

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THE RIGHT HONOURABLE
W. ORMSBY GORE, P.C., M.P.
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET
LONDON, S.W. 1.

*Copy to F.O. (10)
Secy (1)
M/P (1)
Dep. to F.O. (15)
dunn (12)*

can be given to the traditions and local interests referred to in the Italian Aide Memoire enclosed in your despatch and that the places and times at which the frontier is to be crossed and the depth the tribesmen will be permitted to penetrate can be satisfactorily settled.

Mr. Glenday in fact advises that much of the recent trouble and congestion on the frontier wells has been due to disregard of this aspect of the question by the local Italian authorities who have allowed a westward migration of certain tribes which has been detrimental not only to the interests of the local tribesmen but also, owing to the destructive methods of the migrating tribes, to the wells themselves; and it is only by local discussions that unjustified access to wells can be controlled since the original inhabitants on both sides of the frontier would undoubtedly unite in refuting any such claims.

The attention of the Local Italian officials has already been invited, without effect, to the danger of these migrations; but the protests which would inevitably be made by their own tribesmen in the event of local discussions would go far to convince them of the necessity for removing these migrants.

Such action would immediately ease the problem of congestion on the wells and eliminate any objections raised on that account to reciprocal arrangements for watering and grazing.

4. The essential desiderata from the point of view of the tribesmen of this Colony consist of the right to use the grazing grounds and nearest wells on the Abyssinian side of the frontier as in the past, and I am advised that such a concession would involve considerably

less

5.

less penetration than in the case of British Somaliland where the areas concerned appear in some places to be over sixty miles in depth.

In so far as this Government is concerned the question of water is of the greater importance. You will be aware that the inclusion of the transfrontier watering and grazing clause in the 1907 Agreement with Ethiopia was necessitated by the fact that the Treaty Line as surveyed by Captain Maud was subsequently found to be impracticable without this reciprocal arrangement as it excluded almost all permanent water from British territory; and it has been made clear in the Governor's Secret despatch of the 18th June, 1937, and related correspondence that, failing the continuance of this arrangement with the Italian Government or the frontier rectification discussed in that correspondence, this Government's position in regard to the present frontier would be untenable.

25/46598/37
(in file)

5. The reciprocal provision of the trans-frontier watering and grazing clause in the 1907 Treaty has, as suggested in paragraph 5 of your despatch, always been taken advantage of by the tribes on both sides of the frontier, though admittedly to a greater extent by Kenya tribes; and there is no intention that any temporary arrangement reached should be other than reciprocal.

6. I take this opportunity, however, once more to emphasise, as stated in Sir Joseph Byrne's Secret despatch of the 17th October, 1935, and in paragraph 5 of Sir Robert Brooke-Popham's despatch of the 18th June, 1937, the undesirability of perpetuating with the Italian Government an arrangement which in this

35/46011/3/35

25/46598/37
(in file)

Government's

4.

Government's relations with the Ethiopian Government has always been the cause of prolific trouble on the frontier; and it is hoped that it may ultimately prove possible to secure one or other of the frontier adjustments discussed in the correspondence referred to with a view to obviating the necessity for such a compromise.

I have the honour to be,

Sir,

Your most obedient, humble servant,



GOVERNOR'S DEPUTY.

COLONIAL OFFICE
to
FOREIGN OFFICE.

[Answered by No. .]

SIR,

Downing Street, S.W.1, 14th January, 1938.

I am directed by Mr. Secretary Ormsby Gore to acknowledge the receipt of copies of a telegram No. 6 (R)* and of a despatch No. 21, both dated the 7th of January†, from His Majesty's Ambassador at Rome on the subject of grazing and watering facilities in Ethiopia for the Kenya border tribes, and to transmit to you, to be laid before Mr. Secretary Eden, copies of a telegram‡ and a despatch§ which have been sent to the Governor of Kenya. It is assumed that the reference, in the Italian *Aide Memoire* of the 8th of January, to a *Note Verbale* of the 20th of September, is a mistake for the 20th of October, a copy of a note of that date having been sent to this Department with your letter No. J.4487/229/1 of the 2nd of November||.

2. Mr. Ormsby Gore observes that, as on the previous occasion, the agreement of the Italian Government to accord these facilities during the present dry season is described as a "concession," and is accompanied by the same reservations as regards the non-recognition by the Italian Government of the existence of any rights to these facilities for the British tribes concerned. Mr. Eden will, accordingly, no doubt take into consideration the question of the desirability, when conveying the thanks of His Majesty's Government to the Italian Government for the grant of these facilities for the present dry season, of again making a full reservation of the position of His Majesty's Government in regard to the rights derived from the Anglo-Ethiopian Agreement of 1907.

3. As regards the desire of the Italian Government that the proposed negotiations for an agreement to place this matter on a more satisfactory basis, should take place as soon as can conveniently be arranged, Mr. Ormsby Gore sees no objection to their being informed that the Governor of Kenya has already been requested to formulate as soon as possible full particulars of the essential requirements of the Kenya tribes, and that His Majesty's Government will be prepared to enter into the proposed conversations as soon as this information is available.

4. As regards the desire of the Italian Government that the scope of these conversations should be extended to cover certain questions which they desire to raise I am to request that, provided Mr. Eden sees no objection they may be informed that it will be necessary for His Majesty's Government to consult the Governor of Kenya on all such questions before any agreements thereon can be concluded, and that it will therefore assist in avoiding undue delay in the arrangements for the proposed conversations if the Italian Government will furnish, as soon as possible, full particulars of the matters which they desire to raise.

5. It might be added, if Mr. Eden considers it desirable, that, for the purpose of these negotiations, His Majesty's Government desire to arrange for the attendance of an officer of the Government of Kenya who is well acquainted with these frontier questions, but that it is not desired to arrange for that officer to proceed to Europe until it is possible to fix a date for the opening of the conversations.

I am, &c.,

(Sgd.) A. J. DAWE.

* No. 38066/15B/38 S. [No. 2] Enclosure.

† No. 38066/15B/38 S. [No. 4].

‡ No. 38066/15 B/38 S. [No. 3] Enclosure 1.

§ No. 38066/15B/38 S. [No. 5].

|| No. 38066/15/37 S. [No. 93].

6135

38066/158/38

14th January, 1938.

IMMEDIATE.

Sir,

I am directed by Mr. Secretary Grassy Gore to acknowledge the receipt of copies of a telegram No. 6 (R) and of a despatch No. 21, both dated the 7th of January, from His Majesty's Ambassador at Rome on the subject of grazing and watering facilities in Ethiopia for the Kenya border tribes, and to transmit to you, to be laid before Mr. Secretary Eden, copies of a telegram and a despatch which have been sent to the Governor of Kenya. It is assumed that the reference, in the Italian Aide Memoire of the 8th of January, to a Nota Verbale of the 20th of September, is a mistake for the 20th of October, a copy of a note of that date having been sent to this Department with your letter No. J4487/229/1 of the 2nd of November.

~~Telegram 10/1/38~~

~~Despatch 17/1/38~~

2. Mr. Grassy Gore observes that, as on the previous occasion, the agreement of the Italian Government to accord these facilities during the present dry season is described as a "concession", and is accompanied by the same reservations as regards the non-recognition

THE UNDER SECRETARY OF STATE,
FOREIGN OFFICE.

non-recognition by the Italian Government of the existence of any rights to these facilities for the British tribes concerned. Mr. Eden will, accordingly, no doubt take into consideration the question of the desirability, when conveying the thanks of

His Majesty's Government to the Italian Government for the grant of these facilities for the present dry season, of again making a full reservation of the position of His Majesty's Government in regard to the rights derived from the Anglo-Ethiopian Agreement of 1907.

3. As regards the desire of the Italian Government that the proposed negotiations for an agreement to place this matter on a more satisfactory basis, should take place as soon as can conveniently be arranged, Mr. Crawley does not see any objection to their being informed that the Governor of Kenya has already been requested to formulate as soon as possible full particulars of the essential requirements of the Kenya tribes, and that His Majesty's Government will be prepared to enter into the proposed conversations as soon as this information is available.

4. As regards the desire of the Italian Government that the scope of these conversations should be extended to cover

cover certain questions which they desire to raise I am to request that, provided Mr. Eden sees no objection they may be informed that it will be necessary for His Majesty's Government to consult the Governor of Kenya on all such questions before any agreements thereon can be concluded, and that it will therefore assist in avoiding undue delay in the arrangements for the proposed conversations if the Italian Government will furnish, as soon as possible, full particulars of the matters which they desire to raise.

5. It might be added, if Mr. Eden considers it desirable, that, for the purpose of these negotiations, His Majesty's Government desire to arrange for the attendance of an officer of the Government of Kenya who is well acquainted with these Frontier questions, but that it is not desired to arrange for that officer to proceed to Europe until it is possible to fix a date for the opening of the conversations.

I am,
 Sir,

Your most obedient servant,

(Sgd.) A.J. Dawe

138

G. O.

Mr. Paskin 12/1

Mr. Dawe. 12.1

Mr.

Sir H. Moore.

Sir G. Tomlinson.

X Sir C. Bottomley 12.1

Sir J. Shuckburgh.

+ Perm. U.S. of S. 13/8

Parly. U.S. of S.

Secretary of State.

IMMEDIATE.

Downing Street,
14th January, 1938.

Sir,

I am etc. to acknowledge the receipt of copies of a telegram No. 6 (R) and of a despatch No. 21, both dated the 7th of January, from His Majesty's Ambassador at Rome on the subject of grazing and watering facilities in Ethiopia for the Kenya-bonder tribes, and to transmit to you, to be laid before Mr. Secretary Eden, copies of a telegram and a despatch which have been sent to the Governor of Kenya. It is assumed that the reference, in the Italian Aide Memoire of the 8th of January, to a Note Verbale of the 20th of September, is a mistake for the 20th of October, a copy of a note of that date having been sent to this Department with your letter No. J4487/124/1 of the 2nd of November.

DRAFT.

THE UNDER SECRETARY OF STATE
FOREIGN OFFICE.

To Kenya, Tel. 10/1
(4)

To Kenya. (d.h.) (5)

FURTHER ACTION.

- 1) Copy to Kenya with 1/1
- 2) Print. (Extra copy to be made for this purpose).

CPD
14/1/38

(93 on 38066/15/37)

2. Mr. Ormsby Gore observes that, as on the previous occasion, the agreement of the Italian Government to accord these facilities during the present dry season is described as a "concession", and is accompanied by the same reservations as regards the non-recognition by the Italian Government of the existence of any rights to these facilities for the British tribes concerned. Mr. Eden will, accordingly, no doubt take into consideration the question of the desirability, when conveying the thanks of His Majesty's Government to the Italian Government for the grant of these facilities for the present dry season, of again making a full reservation of the position of His Majesty's Government in regard to the rights derived from the Anglo-Ethiopian Agreement of 1907.

(cf. Nos. 934 & 114 on 38066/15/37. and No. 3 on 38066/15B/37).

3. As regards the desire of the Italian Government that the proposed negotiations for an agreement to place this matter on a more satisfactory basis, should take place as soon as can conveniently be arranged, Mr. Ormsby Gore sees no objection to their being informed that the Governor of Kenya

has

C. O.

- Mr.
- Mr.
- Mr.
- Sir H. Moore.
- Sir G. Tomlinson.
- Sir C. Buxton.
- Sir J. Shackleton.
- Perm. U.S. of S.
- Party, U.S. of S.
- Secretary of State.

DRAFT.

FURTHER ACTION.

has already been requested to formulate as soon as possible full particulars of the essential requirements of the Kenya tribes, and that His Majesty's Government will be prepared to enter into the proposed conversations as soon as this information is available.

4. As regards the desire of the Italian Government that the scope of these conversations should be extended to cover certain questions which they desire to raise I am to request that, provided Mr. Eden sees no objection, they may be informed that it will be necessary for His Majesty's Government to consult the Governor of Kenya on all such questions before any agreements thereon can be concluded, and that it will therefore assist in avoiding undue delay in the arrangements for the proposed conversations if the

Italian

Italian Government will furnish, as soon as possible, full particulars of the matters which they desire to raise.

5. It might be added, if Mr. Eden considers it desirable, that, for the purpose of these negotiations, His Majesty's Government desire to arrange for the attendance of an officer of the Government of Kenya who is well acquainted with these frontier questions, but that it is not desired to arrange for that officer to proceed to Europe until it is possible to fix a date for the opening of the conversations.

I am, etc.

(Sgd.) A. S. Dawson

KENYA.

THE SECRETARY OF STATE

to

THE GOVERNOR.

[Answered by No. .]

(Secret.)

SIR,

Downing Street, 14th January, 1938.

With reference to my secret telegram No. 4 of the 10th of January*, I have the honour to transmit to you for your information a copy of a despatch† from His Majesty's Ambassador at Rome enclosing a translation of an *Aide Memoire* dated the 8th of January from the Italian Ministry for Foreign Affairs in regard to the grazing and watering facilities in Ethiopia for the Kenya border tribes. Lord Perth has also reported that the Italian official chiefly concerned made it clear, orally, that these facilities are being accorded for the present dry season, on the definite understanding that the proposed conversations for the purpose of arriving at a more permanent agreement should take place as soon as could conveniently be arranged and without undue delay. I accordingly request that I may be informed of the earliest date by which I may expect to receive the information for which I asked in paragraph 4 of my secret despatch of the 14th of December‡.

2. It will be observed that the Italian Government has expressed the desire that the scope of the proposed conversations should be extended to cover certain other questions, one of which concerns arrangements for facilitating the passage through the Northern Frontier District of Italian subjects proceeding to Ethiopia. I am requesting the Secretary of State for Foreign Affairs to take steps to obtain from the Italian Government as full particulars as possible of the other questions which they desire to raise.

3. It is probable that the Italian Government will, correspondingly, wish to have, in advance of the negotiations, as precise particulars as possible of the facilities for the Kenya tribesmen which the Government of Kenya will wish to be secured by the proposed agreement. I accordingly request that, in addition to the observations which you will no doubt have to address to me confidentially, I may be furnished with a statement of your essential *desiderata* in a form suitable for transmission to the Italian Government. Even if the Italian Government do not ask for such a statement in advance of the negotiations, it would certainly be required as soon as the negotiations begin.

4. I enclose a copy of a letter§ which is being sent to the Foreign Office on this subject.

I have, &c.,

W. ORMSBY GORE.

* No. 38066/15B/38 S. [No. 4].

† No. 38066/15B/38 S. [No. 3]: Enclosure 1.

‡ No. 38066/15B/37 S. [No. 4].

§ No. 38066/15B/38 S. [No. 6].

~~SECRET~~

~~SECRET~~

Downing Street,

14th January, 1938.

Sir,

7.1.38

With reference to my secret telegram No. 4 of the 10th of January, I have the honour to transmit to you for your information a copy of a despatch from His Majesty's Ambassador at Rome enclosing a translation of an Aide Memoire dated the 8th of January from the Italian Ministry for Foreign Affairs in regard to the grazing and watering facilities in Ethiopia for the Kenya border tribes. Lord Perth has also reported that the Italian official chiefly concerned made it clear, orally, that these facilities are being accorded for the present dry season, on the definite understanding that the proposed conversations for the purpose of arriving at a more permanent agreement should take place as soon as could conveniently be arranged and without undue delay. I accordingly request that I may be informed of the earliest date by which I may expect to receive the information for which I asked in paragraph 4 of my secret despatch of the 14th of December.

2. It will be observed that the Italian Government has expressed the desire that the scope of the proposed conversations should be extended to cover certain other questions, one of which concerns arrangements for facilitating the passage through the Northern Frontier District of Italian subjects proceeding to Ethiopia. I am requesting the Secretary of State for Foreign Affairs to

take

GOVERNOR,

AIR CHIEF MARSHAL,

SIR ROBERT BRIDGES-POPLHAM, G.C.V.O., K.C.B., C.M.G., D.S.O., A.F.C.
etc., etc., etc.

take steps to obtain from the Italian Government as full particulars as possible of the other questions which they desire to raise.

3. It is probable that the Italian Government will, correspondingly, wish to have, in advance of the negotiations, as precise particulars as possible of the facilities for the Kenya tribesmen which the Government of Kenya will wish to be secured by the proposed agreement. I accordingly request that, in addition to the observations which you will no doubt have to address to me confidentially, I may be furnished with a statement of your essential considerations in a form suitable for transmission to the Italian Government. Even if the Italian Government do not ask for such a statement in advance of the negotiations, it would certainly be required as soon as the negotiations begin.

4. I enclose a copy of a letter which is being sent to the Foreign Office on this subject.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

(Signed) W. G. H. M. S. B. V. C. C.

C. O.

Mr. Paskin 12/1

Mr. Dawe. 12.1

Mr.

Sir H. Moore.

Sir G. Tomlinson.

X Sir C. Bottomley. 12.1

Sir J. Shuckburgh.

Perms. U.S. of S.

Parly. U.S. of S.

Secretary of State.

C. O. D.
R 13 JAN
D 14

14th January 1938.

Sir,

With reference to my secret

(4) telegram No. 4 of the 10th of January,

I have the honour to transmit to you

for your information a copy of a

despatch from H.M. Ambassador at Rome

enclosing a translation of an

Aide Memoire dated the 8th of January

from the Italian Ministry for Foreign

Affairs in regard to the grazing and

watering facilities in Ethiopia for

the Kenya border tribes.

(v. No. 2)

Lord Perth has also reported

that the Italian official chiefly

concerned made it clear, orally, that

these facilities are being accorded

for the present dry season, on the

definite understanding that the

proposed

DRAFT.

KENYA.

SECRET.

GOVERNOR

Rome despatch 7/1 (Encl. to
No. 3, with sub encls.)

To F.O. (draft herewith)

Copy to S.C.

FURTHER ACTION.

Copy to F.O. with
draft hereith.

Print No. 4 and this
(with all enclosures),
extra copies to be made
for this purpose.

Copy (4) + 5)
with sub encls
encl. 5 (3)
K.P.D.
14/1
1938

proposed conversations for the purpose of arriving at a more permanent agreement should take place as soon as could conveniently be arranged and without undue delay. I accordingly request that I may be informed of the earliest date by which I may expect to receive the information for which I asked in paragraph 4 of my secret despatch of the 14th of December.

(4 on -/37)

2. It will be observed that the Italian Government has expressed the desire that the scope of proposed conversations should be extended to cover certain other questions, one of which concerns arrangements for facilitating the passage through the Northern Frontier District of Italian subjects proceeding to Ethiopia. I am requesting the Secretary of State for Foreign Affairs to take steps to obtain from the Italian Government as full particulars as possible of the other questions which they desire to raise.

3. It is probable that the Italian Government will, correspondingly, wish to have, in advance of the negotiations, as precise particulars as

possible

C. O.

- Mr.
- Mr.
- Mr.
- Sir H. Moore.
- Sir G. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Perm. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

DRAFT.

possible of the facilities for the Kenya tribesmen which your Government will wish to be secured by the proposed agreement. I accordingly request that, in addition to the observations which you will no doubt have to address to me confidentially, I may be furnished with a statement of your essential desiderata in a form suitable for transmission to the Italian Government. Even if the Italian Government do not ask for such a statement in advance of the negotiations, it would certainly be required as soon as the negotiations begin.

4. I enclose a copy of a letter which is being sent to the Foreign Office on this subject

I have, etc.

FURTHER ACTION.

KENYA.

THE SECRETARY OF STATE

to

THE GOVERNOR.

(Sent 7.0 p.m., 10th January, 1938.)

TELEGRAM.

[Answered by No. 38066/15B/38 S. [No. 5].]

No. 4. Secret. My secret despatch of 22nd December*. Italian Government have agreed to accord grazing facilities present dry season on same conditions as before, see Note 20th October†. My despatch 8th November secret (2)‡. Despatch follows.

* No. 38066/15B/37 S. [No. 9].

† No. 38066/15/37 S. [No. 93] Enclosure.

‡ No. 38066/15/37 S. [No. 95].

P. ~~12~~ 46
4
38066/15E/38.

TELEGRAM from the Secretary of State for the Colonies
to the Governor of Kenya.

(Sent 7.0 p.m. 10th January, 1938.)

No. 4. Secret.

My secret despatch of 22nd December.

Italian Government have agreed to accord grazing
facilities present dry season on same conditions as
before see Note 20th October. My despatch 8th November
Secret (2) Despatch follows.

38066/15 B /38.

47/4

C. O.

Mr. Passin 10/1/38 at once.

Mr.

Mr.

Sir H. Moore.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perms. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Codes 8 Dec
7 pm
10.1



No. 4. Secret.

(9 on 737)

my Secret Dep. of 22 Dec.

Italian Govt have agreed to accord grazing facilities present dry season on same conditions as before

~~MC~~

See Note 20th October

DRAFT. Tel.

(93 on 38066/15/37)

(Qie)

my dep 8th Nov. Secret (2)

Governor
Nairobi.

(95 on - do -)

Dep. follows.

Copy K.T.O. (5)

FURTHER ACTION.

Rec'd to Mr. Passin
- RED.

HIS MAJESTY'S REPRESENTATIVE, ROME

to

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS.

(Copy received in Colonial Office, 11th January, 1938.)

(No. 21.)

SIR,

British Embassy, Rome, 7th January, 1938.

With reference to my telegram No. 6 of to-day's date*, I have the honour to transmit to you herewith a translation of an *Aide Memoire* from the Ministry of Foreign Affairs dated 8th January, but received the preceding day containing the reply of the Italian Government to the request for temporary grazing and watering facilities in Ethiopia for the Kenya border tribes.

I have, &c.

PERTH.

Enclosure in No.

AIDE MEMOIRE.

In their *Aide Memoire* of 7th December, 1937, His Britannic Majesty's Embassy informed the Royal Ministry of Foreign Affairs that, as it did not seem possible before the beginning of the imminent dry season, to prepare detailed requirements and to complete the relative discussions regarding the questions of pasture and watering for the tribes, to which the above-mentioned *Aide Memoire* referred, the British Government trusted that the Italian authorities would concede to the said tribes, during the imminent dry season, the same facilities as previously accorded.

In reply the Royal Ministry of Foreign Affairs have the honour to inform His Britannic Majesty's Embassy that the Royal Government, desirous of meeting as far as possible the request made to them, and in harmony with the neighbourly spirit from which they intend to continue to draw their inspiration, have reached the decision to grant once more, and for the dry season now beginning, pending the necessary settlement of the question, the concession of the same facilities granted in the last dry season to the British Kenya tribes in the territory of Italian East Africa, on the terms and under the conditions indicated in the preceding and analogous case (vide the *Note Verbale* from the Royal Ministry of Foreign Affairs No. 236375/128 of 20th October†). It is unnecessary to observe that it remains understood that the renewal of this concession does not at all imply any recognition of any kind of rights of pasturage and watering for the British tribes in determined zones of the territory of Italian East Africa.

The Royal Ministry of Foreign Affairs in their turn reserve the right to raise other questions concerning the territories of Kenya and of Italian East Africa, which should equally be settled in the interest of the populations on either side of the frontier and of their mutual trade, and which might be considered, once the above-mentioned question of pasturage and watering rights is under examination. A copy is attached of the letter addressed by the Colonial Secretary of Nairobi to the Royal Consul General in that city, dated 20th September, 1937‡, and a copy of the letter of reply from the said Royal Consul General, dated 27th September‡; letters which concern one of the questions to which reference is made.

Rome, the 8th January, 1938.

* No. 38066/15B/38 S. [No. 2] Enclosure. † No. 38066/15/37 S. [No. 93] Enclosure.
‡ No. 38066/15B/38 S. [No. 3]: Enclosure 2.

No.

PROOF.

KENYA.

ACTING COLONIAL SECRETARY

to

ITALIAN CONSUL-GENERAL, NAIROBI.

(Copy received in Colonial Office, 11th January, 1938.)

SIR,

Nairobi, 20th September, 1937.

I have the honour to inform you that it has been suggested that the journeys of Italian subjects proceeding through the Northern Frontier District to Ethiopia would be facilitated if they could be issued by you with a letter or some form of pass which would ensure their admittance by the Italian authorities in Ethiopia.

2. In so far as such persons proceeding via Nairobi are concerned, the object in view could be attained by informing applicants for permits to travel through the Northern Frontier District en route to Ethiopia, that they will be required to produce a letter of authority from you, or possibly an endorsement on their passports which would ensure their admittance at the frontier.

3. It occasionally happens, however, that persons wish to proceed direct from Italian Somaliland via Afmadu and Waidjir, and in these cases it would be necessary to arrange for the issue of a letter, or endorsement on the passports, by the authorities in Italian Somaliland.

4. I shall be glad to receive your observations on these proposals, the adoption of which, if practicable, would appear to be desirable.

I have, &c.,

H. G. PILLING,

Acting Colonial Secretary.

ITALIAN CONSUL-GENERAL, NAIROBI

to

COLONIAL SECRETARY, KENYA.

(Copy received in Colonial Office, 11th January, 1938.)

SIR,

Nairobi, 28th September, 1937.

I have the honour to acknowledge the receipt of your letter dated the 20th instant and regarding Italian subjects proceeding through the Northern Frontier District to Ethiopia.

2. This Office agree in principle to the suggestion contained in your letter under reply.

3. But as the matter concerns both the Government of Galla Sidama (South-Western Ethiopia) and the Government of Italian Somaliland, I am writing to issue instructions to the two Governments mentioned and to the local authorities at the frontier, and I shall give you a proper reply in due course.

4. Meanwhile, as far as this Office is concerned, I will give a visa on the passport or a letter to the Italian subjects desiring to go to Southern Ethiopia and showing sufficient justification for their trip to there enabling them to enter the Italian territory at Moyale.

I thank your Government for all the assistance that they will be able to give in the matter in order to avoid unnecessary difficulties and hardships.

I have, &c.,

UGO TURCATO,

Italian Consul-General.

IMMEDIATE

150

3

J117 / 86 / 1

With Mrs Lambert's
compliments.

(ref: Mrs Lambert's letter
of 8 January 1938 - J86/86/1)

Foreign Office

10 January, 1938.

J. J. Paskin Esq. MC
Colonial Office

Copy sent to Kye (S)

No. 21

(25/4/38)

British Embassy,

ROME.

7th January, 1938.

Sir,

With reference to my telegram No. 6 of to-day's date. I have the honour to transmit to you herewith a translation of an Aide Memoire from the Ministry of Foreign Affairs dated January 8th, but received the preceding day containing the reply of the Italian Government to the request for temporary grazing and watering facilities in Ethiopia for the Kenya border tribes.

I have the honour to be, with the highest respect

Sir.

Your most obedient, humble servant

(SD) PERTH.

The Right Hon. Anthony Eden, M.C..

&c., &c., &c.,

Foreign Office.

TRANSLATION.

M.F.A. Eu. Med. 111.

200124/1.

A I D E M E M O I R E

In their Aide Memoire of December 7th, 1937, His Britannic Majesty's Embassy informed the Royal Ministry of Foreign Affairs that, as it did not seem possible, before the beginning of the imminent dry season, to prepare detailed requirements and to complete the relative discussions regarding the questions of pasture and watering for the tribes, to which the above-mentioned Aide Memoire referred, the British Government trusted that the Italian authorities would concede to the said tribes, during the imminent dry season, the same facilities as previously recorded.

In reply the Royal Ministry of Foreign Affairs have the honour to inform His Britannic Majesty's Embassy that the Royal Government, desirous of meeting as far as possible the request made to them, and in harmony with the neighbourly spirit from which they intend to continue to draw their inspiration, have reached the decision to grant once more, and for the dry season now beginning, pending the necessary settlement of the question, the concession of the same facilities granted in the last dry season to the British Kenya tribes in the territory of Italian East Africa, on the terms and under the conditions indicated in the preceding and analogous case (vide the Note Verbale from ~~this~~ the Royal Ministry of Foreign Affairs No. 236375/128 of ^{October} [September] 20th). It is unnecessary to observe that it remains understood that the renewal of this concession does not at all imply any recognition of any kind of rights of pasturage and watering for the British tribes in determined zones of the territory of Italian East Africa.

Sent to 93
on 38066/12/37

- 2 -

The Royal Ministry of Foreign Affairs in their turn reserve the right to raise other questions concerning the territories of Kenya and of Italian East Africa, which should equally be settled in the interest of the populations on either side of the frontier and of their mutual trade, and which ~~might~~ might be considered, since the above-mentioned question of pasturage and watering rights is under examination. A copy is attached of the letter ~~is~~ addressed by the Colonial Secretary of Nairobi to the Royal Consul General in that city, dated September 20th, 1937, and a copy of the letter of reply from the said Royal Consul General, dated September 27th; letters which concern one of the questions to which reference is made.

Rome, the 8th January, 1938.

The Secretariat,
Nairobi,

Kenya,

20th September, 1937.

Sir,

I have the honour to inform you that it has been suggested that the journeys of Italian subjects proceeding through the Northern Frontier District to Ethiopia would be facilitated if they could be issued by you with a letter or some form of pass which would ensure their admittance by the Italian authorities in Ethiopia.

2. In so far as such persons proceeding via Nairobi are concerned, the object in view could be attained by informing applicants for permits to travel through the Northern Frontier District en route to Ethiopia, that they will be required to produce a letter of authority from you, or possibly an endorsement on their passports which would ensure their admittance at the frontier.

3. It occasionally happens, however, that persons wish to proceed direct from Italian Somaliland via Afmaju and Waidjir, and in these cases it would be necessary to arrange for the issue of a letter, or endorsement on the passports, by the authorities in Italian Somaliland.

4. I shall be glad to receive your observations on these proposals; the adoption of which, if practicable, would appear to be desirable.

I have the honour to be,

Sir,

Your obedient servant

Rto Pilling

As. Colonial Secretary.

The Royal Italian Consul,

NAIROBI.

COPY

Nairobi, the 28th September, 1937

N. 2066-1.59.C

Sir,

I have the honour to acknowledge the receipt of your letter n.3/F.ADM. 17/1/2/11/68, dated the 20th instant and regarding Italian subjects proceeding through the Northern Frontier District to Ethiopia.

2. This Office agree in principle to the suggestion contained in your letter under reply.

3. But as the matter concerns both the Government of Galla Sidama (South Western Ethiopia) and the Government of Italian Somaliland, I am writing to issue instructions to the two Governments mentioned and to the local authorities at the frontier, and I shall give you a proper reply in due course.

4. Meanwhile, as far as this Office is concerned, I will give a visa on the passport or a letter to the Italian subjects desiring to go to Southern Ethiopia and showing sufficient justification for their trip to there enabling them to enter the Italian territory at Moyale.

I thank your Government for all the assistance that they will be able to give in the matter in order to avoid unnecessary difficulties and hardships.

I have the honour to be,

Sir,

Your obedient servant

fto. Ugo Turcato

R. Italian Consul General

The Colonial Secretary

The Secretariat

NAIROBI

No.

PROOF.

HIS MAJESTY'S REPRESENTATIVE, ROME,

to

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS.

(Sent 8.15 p.m., 7th January, 1938.)

TELEGRAM.

(Copy received in Colonial Office, 10th January, 1938.)

No. 6. (R). Your telegram No. 2.

The Ministry of Foreign Affairs have replied to-day agreeing to the grant once more of facilities desired for the forthcoming dry season under the same conditions as before pending the necessary regularization of the matter. They add that renewal of this concession does not imply any recognition of watering and grazing rights of Kenya tribes in Italian East Africa.

The Ministry also reserve the right to raise other questions concerning the two territories and annexes correspondence* between Colonial Secretary of Nairobi and Italian Consul-General regarding the provision of the passes for Italian subjects proceeding through northern frontier district of Kenya to Ethiopia which they state concerns one of the questions referred to.

The official at the Foreign Office chiefly concerned made it clear that the present concession was granted on the definite understanding that the proposed conversations should take place as soon as could be conveniently arranged and without undue delay. I assume that I shall learn from you in due course what is proposed.

Translation of *aide memoire* goes by bag to-night.

* See No. 38066/15B/38 S. [No. 3]: Enclosure 2.

2

J 86/86/1

Wick Mr. J. Lambert
CarpenterT. P. J. to Mrs. J. J.
J 86/86/1J. J. Perkins Eng. Inc.
8 Jan. 1938.

2

FROM ITALY.

Decode. The Earl of Perth (Rome).
 7th January, 1938.

D. 8.15 p.m. 7th January, 1938.

R. 9.30 p.m. 7th January, 1938.

No.6. (R).

XXXXXXXXXXXX

Your telegram No.2.

The Ministry of Foreign Affairs have replied today agreeing to the grant once more of facilities desired for the forthcoming dry season under the same conditions as before pending the necessary regularisation of the matter. They add that renewal of this concession does not imply any recognition of watering and grazing rights of Kenya tribes in Italian East Africa.

The Ministry also reserve the right to raise other questions concerning the two territories ~~and annexation of~~ ^{correspondence} between Colonial Secretary of Nairobi and Italian Consul-General regarding the provision of the passes for Italian subjects proceeding through northern frontier district of Kenya to Ethiopia which they state concerns one of the questions referred to.

The official at the Foreign Office chiefly concerned made it clear that the present concession was granted on the definite understanding that the proposed conversations should take place as soon as could be conveniently arranged and without undue delay. I assume that I shall learn from you in due course what is proposed.

Translation of aide memoire goes by bag tonight.

In any further communication on this subject, please quote

No. *95134/229/1*

and address - not to any person by name, but to -

"The Under-Secretary of State," Foreign Office, London, S.W. 1.

38066/15B

159

THE Under-Secretary of State for Foreign Affairs presents his compliments to *the Under Secretary of State for Colonies* and, by direction of the Secretary of State, transmits herewith copy of the under-mentioned paper.

Foreign Office,

5 January, 1938.

RECEIVED
5 - JAN 1938
O. O. REGY

Reference to previous correspondence:

8/1937/R 70 letter of 15 December 1937 (95134/229/1)

Description of Enclosure.

Name and Date.	Subject.
<i>Let 16</i> <i>H M R</i> <i>Rome</i>	<i>Kenya Ethiopia</i> <i>frontier - watering rights</i>
<i>no 2</i> <i>4 January 1938</i>	

Similar letter sent to

(J 5184/229/1)

NO DISTRIBUTION.

Code telegram to the Earl of Perth (Rome)
Foreign Office, 4th January 1958. 5.10 p.m.

No.2. R.

OOOOOOOOOOOOOOOOOOOOOOOOOOOOOO

Encl to (2)
on - 57 file

Your telegram No.721 [of December 7; grazing and watering rights of Kenya tribes in Ethiopia].

Please expedite reply regard to facilities for forthcoming dry season.