

1924

KENYA

C.O.  
27164  
7 JUN 24

CONFIDENTIAL OFFICE, ~~Secret~~

DATE  
7th June 1924.

on CIRCULATION :-

Mr.  
Mr.  
Mr.  
Asst. U.S. of S.  
Perm. U.S. of S.  
Part U.S. of S.  
Secretary of State.

SESSION OF JUBALAND.

Minutes of meeting with Italian experts  
on 4th June/24.

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Previous Paper

Cof 27163 (Secret)

MINUTES

Registered for record

8th 4.6.24

2 Copies to Italian Experts  
(Copy to FO (Th. Minton)) } 8.0.9 June  
Copy to Gen. Kenney (Sec) 19.1.25  
(Co. 27165/24)

Subsequent Paper

Cof 27165 (Secret)

Suggestion

That all Somalis/shd. be given the option <sup>to opt for British nationality</sup> ~~to~~ <sup>between</sup> British and Italian nationalities on the understanding that only such a number of those who opt for British nationality shall be allowed to cross <sup>to retain that nationality and</sup> into British territory as the wells and pasturage in ~~such territory~~ <sup>the area</sup> can support having regard <sup>to</sup> the present and reasonable future requirements of the tribes already there. The question as to the capacity of the wells and pasturage in this respect, and as to the number of those who retain British nationality, to be decided by the Anglo-Italian Commission which is to fix the boundary.

It must be distinctly understood that before any Somali can be allowed to move into the British <sup>territory</sup> ~~area~~ <sup>which is</sup> ~~area~~ <sup>indiv</sup> ~~area~~ <sup>idually</sup> ~~area~~ <sup>registered</sup> must be ~~indiv~~ <sup>idually</sup> ~~registered~~ <sup>registered</sup>.

DRAFT CONVENTION

- between -

THE ITALIAN AND BRITISH GOVERNMENTS

REGARDING THE CESSION OF

JUBALAND.

-----

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

being desirous of giving full and equitable effect, in so far as he is concerned, to the undertaking given in Article 13 of the agreement between Great Britain, France, Russia and Italy signed at London on April 26, 1915:

and HIS MAJESTY THE KING OF ITALY:

being both desirous to liquidate a question which has so long been outstanding between their two Governments:

have agreed to conclude a Convention for this purpose, and for this object have appointed as their plenipotentiaries:

.....  
.....

who having produced their full powers, found in good and due form, have agreed as follows.



Ms I, II

to Capt Ashley  
W.O. 14/6

Seel

Bottomley (see overleaf now)

Captain Ashley, the Officer of M. 1. 4,  
an Office whom I saw about the  
unbalanced map, has since run up  
asked whether he can be furnished  
(copy of the  
with a description of the boundary  
she adopted. I said I did not  
think there wd. be any objection;  
Do you think I might send  
a copy of Art. 1. of the revised  
Convention?

(I may mention that they  
seem to think at the W.O. that

50  
ARTS I, II

to Capt Ashley  
WO 14/6

See

~~Bottomley~~ (see overleaf now)

Captain Ashley, the Officer of N. 1. 4,  
War Office whom I saw about the  
substandard map, has since enquired  
whether he can be furnished  
(copy of the  
with a description of the boundary  
he adopted. I said I did not  
think there wd. be any objection,  
so you think I might send  
a copy of Art. 1. of the revised  
Convention?

(I may mention that they  
seem to think at the W.O. that

the boundary will be very  
difficult indeed, to mark out on  
the actual ground.)

Mr Seel

5.6.24

Is there any objection now to me  
going Captain Ashley the descent  
of the boundary as a Mt. I. N. N.  
Convention, please?

5.6.24

Wes. 13.6.24

5.6.24  
Reed Wed 5/6

June 4.  
1924

Drasbi Huber,

57

I enclose herein the  
draft convention which is  
to serve as a basis of  
discussion this afternoon.

I shall bring further  
copies with me, for discussion  
of the Indians.

I have left Art II  
blank in case the Indians  
agree to the elephant clause.

Amory  
Hamerick

the boundary will be very difficult indeed to mark out on the actual ground.)

Mr Seal

S.S. 5.6.24

Is there any objection now to my giving Captain Ashley the description of the boundary as in Mr. I. N. M. Convention, please?

S.S. 13.6.24

No ~~to~~ W.S. 13.6.24

See Read  
Read W.S. 9/6

June 4.  
1924

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Dear Sir,

I enclose herewith a map of the boundary which is to serve as a basis of discussion this afternoon.

I shall bring this matter up with you, for discussion, on the 11th.

I have left the 11th blank in case the Indians agree to the elephant claim.

Yours,  
H. A. H. H.

The Italian Government agree to the cancellation of the Treaty of Commerce between Italy and Zanzibar of the 23rd May, 1885.

In accordance with the provisions of the convention of Saint-Germain-en-Laye of the 10th September, 1919, Italian subjects established in the protectorate of Zanzibar shall enjoy the same rights and privileges and receive the same treatment as British subjects.

ARTICLE 4.

The Italian Government shall indemnify the Government of His Highness the Sultan of Zanzibar for any loss of net

revenue....

revenue arising out of the present transfer of territory, and shall pay to the latter, as an indemnity which shall in no wise represent a tribute implying any survival of sovereignty, the annual sum of 1,000 l., representing the proportionate share of the annuity which has hitherto been paid by the British Government to the Government of Zanzibar.

The Italian Government shall be entitled at any time to effect the discharge of any obligation undertaken under the preceding paragraph by means of the payment of a lump sum of 25,000 l. to the Government of His Highness the Sultan of Zanzibar.

#### ARTICLE 5.

The Italian Government undertakes that if it shall at any time desire to abandon all or any part of the territory transferred to it as above, it shall offer the same to the British Government upon such terms as may be just.

In the event of any differences between the two Governments as to the terms of transfer, the question shall be referred to arbitration in accordance with such procedure as the Council of the League of Nations may prescribe.

#### ARTICLE 6.

British subjects, other than those persons who have become British subjects by the annexation of the colony of Kenya, ordinarily resident at the date of the coming into force of the present convention in the territory transferred under Article 1, shall, unless within six months of the

coming....

coming into force of the present convention they opt for Italian nationality, retain their British nationality without being called upon to withdraw from the said territory or to part with their property. In the event of their not opting for Italian nationality and of their desiring to withdraw from the transferred territory, they shall be at liberty to do so within twelve months from the coming into force of the present convention.

British-protected persons and British subjects who have become such by the annexation of the Colony of Kenya, ordinarily resident in the transferred territory, will acquire Italian nationality and cease to be British-protected persons and British subjects respectively. Provided, however, that such persons, not being Somalis, or belonging to the native races of the area transferred, shall have the right to retain their existing nationality on condition that they withdraw from the transferred territory within twelve months from the coming into force of the present convention.

The same right is conferred on such a number of Somalis who are separated from their families by the new frontier as the wells and pasturage in the triangle of territory defined in the annex to this article can support, having regard to the present and reasonable future requirements of the tribes or sections of tribes already there, provided that such persons must be individually registered before they are allowed to cross into British territory. The Commission referred to in Article 12 shall decide as to the capacity in this respect of the said wells and pasturages and as to the number of the persons who may avail themselves of this right.

Persons....

Persons who withdraw from the transferred territory under this article shall be entitled to carry with them their movable property of every description without payment of export duties of any kind. They shall not in respect of such property be subject to import duties of any kind in the Colony of Kenya. They shall be entitled to retain their immovable property in the transferred territory.

ANNEX.

The triangle of territory lying between a straight line from the Lorian Swamp to El Beru, the line defined in Article 1 from El Beru to its junction with the Tanaland-Jubaland frontier, and a straight line from the said junction to the Lorian Swamp.

ARTICLE 7.

All concessions or rights to properties in the above territories which have been recognised as valid by the former Government, and are held by private persons or corporations at the date of the transfer of those territories, shall be recognised as valid by the Italian Government, to whom shall be transferred all rights and obligations of the former Government under the said concessions.

It is agreed that the concessions and property rights shall be exercised in accordance with the general laws and regulations in force in the Italian colony of Italian Somaliland, and that the Italian Government may impose on the concessionaires and proprietors all limitations necessary for

the...



the execution of works of general utility, upon granting to such persons the same compensation or indemnity as that to which Italian subjects would be entitled in similar cases.

ARTICLE 8.

All treaties, conventions and agreements between the Government of His Britannic Majesty and the Government of His Majesty the King of Italy, applicable to the Italian colony of Italian Somaliland, and at present in force, shall be extended to the territory now transferred in accordance with the present agreement.

ARTICLE 9.

The two Governments undertake that they will respectively endeavour to prevent any migration of Somalis or other natives across the frontier defined in Article 1.

If, however, the enquiries of the Commission referred to in Article 12 show that during the rainy season there is, in the British territory in the neighbourhood of the new boundary from El Beru to the Jubaland-Tanaland boundary, more pasturage available than is required for the tribes in British territory, the Commission may recommend that for a certain period, not less than five years, Somalis or other natives of the transferred territory may during the rainy season cross the boundary to such a distance and in such numbers as the Commission may prescribe, it being understood that in no case shall such natives be allowed to pass to the west of the line Goochi-Hibba-El Tulli-Lakala-Toor Guda-Ramaguda. The recommendations of the Commission shall...

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shall be carried into effect by the authorities concerned, and at the end of the period so prescribed the position will be re-considered in a friendly spirit in the light of the experience gained and of the requirements at that time of the tribes in British territory.

ARTICLE 10.

The two Governments shall come to the necessary agreements with regard to the special conditions of time and place for evacuation by the ~~English~~<sup>British</sup> troops of the territory to be transferred and the entry of Italian garrison troops; they shall settle in consultation with the local authorities the conditions of transfer to the Italian Government of the Government buildings existing within the territory which the latter <sup>may</sup> wish to acquire from the British Government and of the wireless telegraph installation at Kismayu.

The Italian Government agrees to respect the rights of Soudanese pensioners remaining at Youte, in accordance with the general laws and regulations of the Italian colony of Southern Somaliland, and to make provision for the upkeep of the cemetery at Kismayu and the Jenner memorial.

ARTICLE 11.

ARTICLE 12.

The manner in which the present agreement shall be carried out shall be settled on the spot by a Commission composed of British and Italian officials appointed for the purpose by the two Governments. Until the whole boundary shall have been demarcated by an accurate survey, the officials thus appointed shall be empowered to decide, provided an agreement can be reached, under which government water holes of local importance situated near the proposed boundary shall come. In the event of an agreement not being found possible, the points in dispute shall be settled by an accurate survey in accordance with the line described in Article 1.

The present convention shall be ratified and the ratifications exchanged at . . . . . as soon as possible.

In witness whereof the undersigned have signed the present convention and have affixed thereto their seals.

*Ali*

Done in duplicate at . . . . .  
the . . . . . 1924.



**DRAFT CONVENTION**  
BETWEEN THE  
**ITALIAN AND BRITISH GOVERNMENTS**  
REGARDING THE  
**CESSION OF JUBALAND.**

RECEIVED  
JUN 1924  
PRINTING DEPT. FOR

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**DRAFT CONVENTION**  
BETWEEN THE  
**ITALIAN AND BRITISH GOVERNMENTS**  
REGARDING THE  
**CESSION OF JUBALAND.**

**Draft Convention between the Italian and British Governments regarding the Cession of Jubaland.**

**ARTICLE 1.**

His Britannic Majesty, in his own name and on his own behalf, and by virtue of his protectorate over Zanzibar, in the name and on behalf of His Highness the Sultan of Zanzibar, so far as the latter may be concerned transfers to His Majesty the King of Italy all sovereign rights and titles over that portion of African territory lying between the present Italian colony of Southern Somaliland and a new boundary line to be determined as follows:—

From the confluence of the rivers Gannal and Dana, along the course of the Dana upstream to the southern point of the small southern bend of the latter river in the vicinity of Malka Bâ, thence in a south-westerly direction in a straight line to the centre of the pool of Damaga; thence in a south-westerly direction in a straight line towards Eilla Kalla (which remains in British territory) to such meridian east of Greenwich as shall leave in Italian territory the well of El Beru; thence along the same meridian southwards until it reaches the boundary between the provinces of Jubaland and Tanaland; thence along that provincial boundary to a point due north of the point on the coast due west of the southernmost of the four islets in the immediate vicinity of Ras Kiambona (Dick's Head); thence due southwards to such point on the coast. Ras Kiambona (Dick's Head) and the four islets above mentioned shall fall within the territory to be transferred to Italy.

In the event, however, of it being found by the Commission referred to in article 2 that the well of El Beru does not contain water either sufficient or suitable for the maintenance at that point of an Italian frontier post, then the line, as between El Beru and Eilla Kalla, shall be so drawn by the Commission as to include in Italian territory the neighbouring well of El Shaina.

**ARTICLE 2.**

The above boundary is shown on the attached map\* and all references in the above description of the boundary are to this map.

In the event of differences between the text and the map, the text will prevail.

**ARTICLE 3.**

The Italian Government agree to the cancellation of the Treaty of Commerce between Italy and Zanzibar of the 23rd May, 1885.

In accordance with the provisions of the Convention of Saint-Germain-en-Laye of the 10th September, 1919, Italian subjects established in the protectorate of Zanzibar shall enjoy the same rights and privileges and receive the same treatment as British subjects.

\* Not reproduced.

**ARTICLE 4.**

The Italian Government shall indemnify the Government of His Highness the Sultan of Zanzibar for any loss of net revenue arising out of the present transfer of territory and shall pay to the latter, as an indemnity which shall in no wise represent a tribute implying any survival of sovereignty, the annual sum of £1,000, representing the proportionate share of the annuity which has hitherto been paid by the British Government to the Government of Zanzibar.

The Italian Government shall be entitled at any time to effect the discharge of any obligation undertaken under the preceding paragraph by means of the payment of a lump sum of £25,000 to the Government of His Highness the Sultan of Zanzibar.

**ARTICLE 5.**

The Italian Government undertakes that if it shall at any time desire to abandon all or any part of the territory transferred for as above, it shall offer the same to the British Government upon such terms as may be just.

In the event of any differences between the two Governments as to the terms of transfer, the question shall be referred to arbitration in accordance with such procedure as the Council of the League of Nations may prescribe.

**ARTICLE 6.**

British subjects, other than those persons who have become British subjects by the annexation of the colony of Kenya, ordinarily resident at the date of the coming into force of the present convention in the territory transferred under article 1, shall, unless within six months of the coming into force of the present convention they opt for Italian nationality, retain their British nationality without being called upon to withdraw from the said territory or to part with their property. In the event of their not opting for Italian nationality and of their desiring to withdraw from the transferred territory, they shall be at liberty to do so within twelve months from the coming into force of the present convention.

British-protected persons and British subjects who have become such by the annexation of the Colony of Kenya, ordinarily resident in the transferred territory, will acquire Italian nationality and cease to be British-protected persons and British subjects respectively. Provided, however, that such persons, not being subjects respectively, of the native races of the area transferred, shall have the right to retain their existing nationality on condition that they withdraw from the transferred territory within twelve months from the coming into force of the present convention.

The same right is conferred on such a number of Somalis who are separated from their families by the new frontier as the wells and pastures in the territory annexed in the Annex to this article can support, having regard to the present and reasonable future requirements of the tribes or sections of tribes already there, provided that such persons may be individually registered before they are allowed to cross into British territory. The Commission referred to in



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The same right is conferred on such a number of Somalis who are separated from their families by the new frontier as the wells and pasturage in the territory defined in the Annex to this article can support, having regard to the present and reasonable future requirements of the tribes or sections of tribes already there, provided that such persons must be individually registered before they are allowed to cross into British territory. The Commission referred to in

nomads of the transferred territory may during the rainy season cross the boundary to such a distance and in such numbers as the Commission may prescribe, it being understood that in no case shall such nomads be allowed to pass to the west of the line Goochi-Ribba-El-Fulli-Lakola-Toor-Gusa-Ramagada. The decisions of the Commission shall be carried into effect by the authorities concerned, and at the end of the period so prescribed the position will be reconsidered in a friendly spirit in the light of the experience gained and of the requirements at that time of the tribes in British territory.

#### ARTICLE 10.

The two Governments shall come to the necessary agreements with regard to the special conditions of time and place for evacuation by the British troops of the territory to be transferred and the entry of Italian troops; they shall settle in consultation with the local authorities the conditions of transfer to the Italian Government of the Government buildings existing within the territory which the latter may wish to acquire from the British Government and of the wireless telegraph installation at Kismayu.

The Italian Government agrees to respect the rights of Sudanese pensioners remaining at Yonta, in accordance with the general laws and regulations of the Italian colony of Southern Somaliland, and to make provision for the upkeep of the cemetery at Kismayu and the Jenuer memorial.

#### ARTICLE 11.

The two Governments agree to consult together with a view to framing and putting into force reciprocal measures for the control of the illicit ivory traffic across the frontier defined in article 1 of the present convention.

#### ARTICLE 12.

The manner in which the present agreement shall be carried out shall be settled on the spot by a commission composed of British and Italian officials appointed for the purpose by the two Governments. Until the whole boundary shall have been demarcated by an accurate survey, the officials thus appointed shall be empowered to decide, provided an agreement can be reached, under which Government water holes of local importance situated near the ~~present~~ boundary shall come. In the event of an agreement not being found possible, the points in dispute shall be settled by an accurate survey in accordance with the line described in article 1.

The present convention shall be ratified and the ratifications exchanged ~~as soon as possible~~ as soon as possible.

In witness whereof the undersigned, having produced their full powers, found in good and due form, have signed the present convention and have affixed thereto their seals.

Done in duplicate at \_\_\_\_\_ the  
1924.



nomads of the transferred territory may during the rainy season cross the boundary to such a distance and in such numbers as the Commission may prescribe, it being understood that in no case shall such nomads be allowed to pass to the west of the line Gochi-Libba-El-Palli-Lakola-Topo-Guda-Itamaguda. The decisions of the Commission shall be carried into effect by the authorities concerned, and at the end of the period so prescribed the position will be reconsidered in a friendly spirit in the light of the experience gained and of the requirements at that time of the tribes in British territory.

#### ARTICLE 10.

The two Governments shall come to the necessary agreements with regard to the special conditions of time and place for evacuation by the British troops of the territory to be transferred and the entry of Italian troops; they shall settle in consultation with the local authorities the conditions of transfer to the Italian Government of the Government buildings existing within the territory which the latter may wish to acquire from the British Government and of the wireless telegraph installation at Kismayu.

The Italian Government agrees to respect the rights of Sudanese pensioners remaining at Yante, in accordance with the general laws and regulations of the Italian colony of Southern Somaliland, and to make provision for the upkeep of the cemetery at Kismayu and the Jensen memorial.

#### ARTICLE 11.

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#### ARTICLE 12.

The manner in which the present agreement shall be carried out shall be settled on the spot by a commission composed of British and Italian officials appointed for the purpose by the two Governments. Until the whole boundary shall have been demarcated by an accurate survey, the officials thus appointed shall be empowered to decide, provided an agreement can be reached, under which Government water holes of local importance situated near the ~~proposed~~ boundary shall come. In the event of an agreement not being found possible, the points in dispute shall be settled by an accurate survey in accordance with the line described in article 1.

The present convention shall be ratified and the ratifications exchanged at ~~London~~ as soon as possible.

In witness whereof the undersigned, having produced their full powers, found in good and due form, have signed the present convention and have affixed thereto their seals.

Done in duplicate at ~~London~~ the  
1924.

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If, however, the enquiries of the Commission referred to in Article 12 show in the neighbourhood of ~~BERU~~ the sector of the new frontier running from BERU to the (TUBALANI) - TANALANI boundary there exists a shortage of pasture for tribes situated on the Italian side of the frontier, and if these enquiries show that during the rainy season there is on the British side of that sector and in the region bounded on the east by the new frontier and on the west by the line GOOCHI - RIBBA - EL TULLI - LAKOLA - TOOR - GUDA - RAMAGODA more pasture available than is required for the tribes in British territory, then the Commission will have power to decide that for a certain period, not less than five years, Somali or other natives of the unfenced territory may during the rainy season cross the boundary, such a distance and in such numbers as the Commission may prescribe, being understood that in no case shall such natives be allowed to pass to west of the line GOOCHI - RIBBA - EL TULLI - LAKOLA - TOOR - GUDA - RAMAGODA. The decision of the Commission shall be carried into effect by the authorities concerned, and at the end of the period so prescribed the position will be considered in a friendly spirit in the light of the experience gained and of the requirements at that time of the tribes in British territory."

"The two Governments agree to consult together with a view to framing and putting into force reciprocal measures for the control of the illicit ivory traffic across the frontier defined in the present Convention. Such measures might in particular consist of legislation to be passed in the respective territories, making it an offence to possess, buy, sell, offer for sale, or export any ivory (or rhinoceros horn) unaccompanied by papers showing that it <sup>is</sup> lawfully possessed."

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1st DRAFT

~~Consolidating meeting~~  
Commission of Jubaland

Minister of the

The ~~Third~~ <sup>held</sup> meeting of the Anglo-Italian Committee of experts, took place at the Colonial Office at 5 p.m. on Wednesday, the 4th June 1924. ~~The following were present:-~~

British Empire. \_\_\_\_\_ Italy.

Present: Sir H. F. Read. K.C.B. .C.B.,

Comendatore Guariglia  
Comendatore Pasqualucci

Mr W. C. Bolton (Ct. G., O.B.E.)

The Hon. Mr. Viscount (Foreign Affairs) (Pis)

~~Captain K. F. Caldwell~~  
~~(H.M. Game Warden, Kenya)~~

Mr G. F. Seal.

Captain K. F. Caldwell, H.M. Game Warden, Kenya, was also in attendance.

1. The Committee had before them the revised draft of the Jubaland Convention which had been prepared at the Foreign Office in order to register the progress hitherto made. ~~This draft Convention is attached to the present procès verbal as Annex I.~~

2. Sir H. F. Read suggested that the draft Convention should now be read article by article. The preamble was accordingly read.

Signor Guariglia suggested that it might be preferable to omit the preamble and merely to extend the final clause providing for ratification, embodying the necessary statement that the signatories to the Convention had been provided with full powers found in good and due form.

This was agreed to.

Article 1 was then read and approved, <sup>in so far as</sup> subject to the addition <sup>in line</sup> of the words "to be" before the word "determined".

Article 2 was then read and approved.

Article 3 was read.

Signor Guariglia enquired what would be the position if, for reasons connected with the programme and procedure of the Italian Parliament, the ratification of the <sup>by Italy</sup> convention . . . .

\* Appendix I (No attached)

Convention signed at St. Germain-en-Laye on the 10th September 1919 should inevitably be delayed.

Sir H. Read stated that His Majesty's Government were satisfied with the assurance which Signor Guariglia had given at a previous meeting, and which had been recorded in the procès verbal of that meeting, that the Italian government would present the said convention for ratification as soon as possible. Meanwhile His Majesty's Government did not wish in any way to subject the Italian Government to the inconvenience which might arise if an interval elapsed between the cancellation of the Treaty of Commerce between Italy and Zanzibar of the 25th May 1885 (as provided in the first paragraph of Article 3) and the ratification of the Convention of St. Germain-en-Laye of the 10th September 1919 (as implied in the second paragraph of that Article). He wished to assure the Italian delegation that, as provided in paragraph of that Article, Italian subjects established in the Protectorate of Zanzibar would enjoy the same rights and privileges and receive the same treatment as British subjects from the date of the cancellation of the Treaty of Commerce between Italy and Zanzibar of the 25th May 1885, or in other words from the date of the entry into force of the present convention.

Signor Guariglia stated that in view of this assurance, which would be recorded in the procès verbal, he was prepared to accept article 3 as it was drafted.

Article 4 was read and approved.

Article 5 was read and approved.

Article 6 was read.

Signor Guariglia informed the Committee that the formula .....

formula which had been suggested by the British delegation had been referred by him to the Italian Government. He hoped to receive a reply within the next few days. Meanwhile, however, it was obviously impossible for him to accept the article, and he must reserve his decision.

Article 7 was read.

The British delegation furnished their Italian colleagues with a list of the concessions which were known to exist in the area to be transferred up to

~~7 days~~ <sup>May 1921</sup> ~~the statement furnished them~~ was as follows. (Here insert statement handed to Italian delegation). (This list is annexed).<sup>x</sup>

Sir H. Read added that the Governor of Kenya Colony had been asked by telegraph whether any concessions existed beyond those enumerated in the above statement, and that his reply was awaited.

Article 8 was read and approved.

Article 9 was read.

Signor Guariglia stated that after having consulted the Italian Ambassador in London he felt that he was in a position to discuss and eventually to accept this article without further reference to his Government. There were, however, certain minor modifications which he would like to see introduced. The first of these modifications was that the word "recommend" and <sup>Latin</sup> the <sup>word</sup> "recommendations" in the British formula should be altered to <sup>read</sup> the words "shall have power to decide" and "decisions" respectively.

Sir H. Read accepted this emendation.

Signor Guariglia then stated that there was

one .....

one further point in the British formula which he wished to add. The formula in its present state did not appear to indicate the need of reciprocity, and he would like to insert some phrase under which the ~~Delimitation Committee~~ <sup>Commission</sup> should have power to enquire whether there did in fact exist in the area to be transferred to Italy a shortage of pasturage.

After further discussion the following formula was proposed by the British delegation and accepted by their Italian colleagues:-

(Here insert formula *as at A. 10. 1910*)

Article 10 was read and approved.

Article 11 had been left blank in the original typescript of the draft convention, but the following formula had been submitted privately to the Italian delegation. (Here insert original Elephant formula)

sent B.   
 Appade

Signor Guariglia stated that he had carefully examined this formula and that he was afraid that he would be obliged to refer it to his Government before he could accept it.

Captain ~~De~~ Caldwell thereupon explained in detail to the Italian delegation, and with the aid of a map, the exact location of the elephant herds, the areas which would be affected by the present convention, and the steps which the <sup>Kenya</sup> King and Government would desire to take in order to restrict the smuggling of elephant and rhino tusks.

Signor Guariglia expressed the personal view that although his Government might well express sympathy with the general principles contained in the formula submitted by the British Delegation, yet he



very much doubted whether they would be prepared at this stage to commit themselves to anything so specific as the second sentence of that formula.

Sir H. Read agreed therefore that the second sentence might be omitted and that ~~the~~ formula ~~to be~~ submitted to his Government by Signor Guariglia <sup>C. A.</sup> should merely read as follows. (Here insert amended formula.)

Signor Guariglia signified that he would submit ~~the~~ <sup>new</sup> formula as amended to his Government, and would ~~inform the committee before the next meeting of the result.~~ <sup>communicate their views at</sup>

3 The <sup>meeting</sup> ~~committee~~ then adjourned until Friday, 6th June, at 5 p.m., by which time it was hoped that both the British and Italian experts would have received the views of their Governments and would be in a position to adopt the final text of the convention. The convention ~~will~~ <sup>could</sup> then be initialled by the experts at a further meeting to be held on Saturday morning.

~~5th June 1924.~~



Copy.

Foreign Office, S.W.1.,

A 9102/12/60.

23rd December, 1961.

Your Excellency.

I have the honour to state that I have now received the observations of the Governor of Kenya Colony on Your Excellency's notes of March 24th and May 14th last with regard to the proposed transfer of Jubaland to Italy and I transmit to you herewith a revised draft of the Convention containing the modifications indicated as desirable by Sir E. Northey from the knowledge which his officers possess of the district in question.

2. As regards article 1 (the references throughout are to the articles as numbered in the Italian draft) it has been ascertained that the most easterly well of practical utility in the area of El Wak is the well of Elberu. This well is accordingly specified by name in the text of the article in order to avoid the possibility of future misunderstandings. In this connection I should observe that the proposed international frontier coincides with the present provincial boundary. The latter was originally drawn for the express purpose of dividing the district of the Marehan from that of the Gurra, and it has long been the settled policy of the British Administration not to allow the Marehan to cross into the territory of the Gurra, for whose needs the remaining wells of the El Wak area are indispensable. In view of the importance of making proper provision for the control of the movements of the Marehan I have thought it best to explain to you at greater length in a separate note the views of His Majesty's Government on this point.

3. In the same article words have been inserted, and a slight modification of the boundary proposed, in order to remove any doubts as to the ownership of the four islets in the immediate vicinity of Dick's Head. It would appear more appropriate to include the provision that Dick's Head and these islets shall fall within the territory to be assigned to Italy in the main article defining the boundary rather than in article 3.

4. Article 2. A new map has been prepared in which correction will be made of the error at the northern end of the frontier, to which attention was called by Your Excellency, a proof of the map is enclosed herewith.

5. Article 3 in view of the detailed definition of the boundary in article 1, and of the fact that no difficulty need be apprehended in finding the places mentioned, there would appear no necessity for this further article, and it is proposed that it should be omitted altogether.

6. Article 4. His Majesty's Government feel that they must adhere to the requirement of the cancellation of the Treaty of Commerce between Italy and Zanzibar of May 23rd, 1885, as one of the conditions of the transfer of Jubaland. It must be borne in mind that it is proposed to transfer to Italy a considerably larger area than that originally mentioned, an area including Ras Kimabene to which it is understood the Italian Government attach some importance, and His Majesty's Government could only agree to the transfer of this larger area on the condition that the treaty of 1885 is annulled. Moreover as soon as the convention of

3. In the same article words have been inserted, and a slight modification of the boundary proposed, in order to remove any doubts as to the ownership of the four islets in the immediate vicinity of Dick's Head. It would appear more appropriate to include the provision that Dick's Head and those islets shall fall within the territory to be assigned to Italy in the main article defining the boundary rather than in article 3.

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St. Germain-en-Laye of September 10th, 1919, which has now been ratified by France, Belgium and Great Britain, is ratified by Italy, Italian subjects will enjoy in Zanzibar the same rights and privileges as British subjects. In view of this convention there appears to be no reason for a new convention.

1,000

7. Article 5. The sum of one thousand pounds per annum has been inserted as representing the value of the revenue which will be lost to the Sultan of Zanzibar and the lump sum mentioned in the second paragraph is calculated at twenty five years purchase.

8. Article 6. No change

9. Articles 7 and 9 have been redrafted. The object of the article as now drafted is to provide that in general British subjects resident in the transferred territories shall be entitled to remain there without losing their British nationality, while British protected persons will acquire Italian nationality, subject to a right to retain their existing status on condition of their withdrawing from the transferred territories. Inasmuch, however, as the annexation of the colony of Kenya had the effect of conferring the status of British subjects on Somali and other natives resident in Jubaland outside the Sultan's dominions and it is considered proper that such persons should not be entitled to retain their British nationality if they desire to remain in the transferred territories, provision has been made accordingly so that they will be treated in the same way as British protected persons. The

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wording of the new article follows that which has been adopted in the nationality articles in the treaties of peace.

10. Article 8. As regards the first paragraph His Majesty's Government would prefer to adhere to the wording of their former draft, which is now inserted. In any case they would be unable to accept the word "permit" as proposed in Your Excellency's draft, because they have ascertained that there are some twelve land grants, and in addition a number of temporary occupation licences in the transferred territory, in respect of which it is necessary to safeguard the rights of existing holders.

11. Article 9. Now incorporated in article 7.

12. Article 10. No change

13. Article 11. After consultation with the Government of Kenya His Majesty's Government cannot but feel that it is very desirable to include in this article, as originally proposed, a provision with regard to the migration of Somalis into British territory. A modification of the text of this article is therefore proposed, under which the Italian Government would undertake to use their endeavours to prevent such a migration.

14. As regards the government property which His Majesty's Government are prepared to transfer to the Italian Government, the Governor of Kenya has caused a valuation to be made of the government works and buildings and a schedule is attached. The capital cost of material for, and erection of the wireless telegraph installation is not included



in the schedule and was as follows:-

Installation for 1½ H.P. station	£ 967
Two sectional steel masts	1300
Oil engine	110
Shipping and overhead charges	213
Expenses of erection	374

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Total... £2,964.

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In view of the large increase in the cost of materials since the plant was purchased, its present value cannot be reckoned at less than the above total and is probably considerably greater. His Majesty's Government accordingly suggest that the Italian Government should acquire the items mentioned in the schedule, including the buildings attached to the Kismayu wireless station, for the sum of eighteen thousand and ninety five pounds, and the wireless station itself for two thousand nine hundred and sixty four pounds. In the event of any of the items mentioned in the schedule having been otherwise disposed of before the transfer is made, the total amount payable will be proportionately reduced.

15. The wireless station at Sereuli has been removed and the words "and Sereuli" at the end of paragraph 1 of article 11 have accordingly been deleted.

16. As regards the orderly room, Askari lines and out-houses at Yonte the Governor would be glad to have early information whether these buildings are required by the

Italian Government, as in the event of their not being so required the governor wishes to dispose of them in another way.

17. His Majesty's Government would welcome an assurance that provision will be made by the Italian Government for the upkeep of the small cemetery at Kismayu and the Hanner memorial.

18. Article 12. His Majesty's Government are advised that the proposed boundary line does not bisect any tribe but that there may be sections of Somalis, consisting of several tribes, which may be divided. It is hoped that such divisions of sections may be avoided, but the line as drawn passes through uncharted country, and His Majesty's Government agree that the Joint Commission should have authority to decide on the ownership of points near the frontier of local importance and consider that such commission should be appointed at the earliest opportunity. They think, however, that the tribes should not be allowed the permanent right of crossing the frontier. Such a provision in agreements relative to other neighbouring boundaries has caused great difficulty. Pending the appointment of the commission it will be necessary to allow some latitude to the officers administering the tribes in deciding where they may graze their cattle, but His Majesty's Government consider it important that no provision should be inserted in the treaty which would enable the tribes who are being ceded to cross the frontier into areas which have never been recognised as theirs. The proposed article 12 has therefore been reconstructed and in submitting it in its present form for

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the consideration of the Italian Government, His Majesty's Government desire that it should be understood that the latitude given to the local officials to decide on the ownership of waterholes shall in no case be construed to authorise such officials to permit tribes to reside outside their own area during the dry season. His Majesty's Government would also wish it to be understood that on the Dusu river, Melka Re shall be regarded as a fixed point at which such latitude shall not be allowed; that in the neighbourhood of El Wak all the rain pools to the north east known as the Wanti Pools and all the permanent wells of the El Wak area except El Beru shall be regarded as Gurra ground to which tribes subject to Italy shall have no right of access. Further that such tribes shall not be allowed to range as far west as Geeshi, Nibba, Lakola, Toor, Toor Gada, and similarly that tribes subject to Great Britain shall not be allowed to range as far east as Maddeli, Kasanguri, El Hargasa, Gaija and Tubhi.

19. I shall be glad if you will inform me in due course whether this understanding will be acceptable to the Italian Government.

20. It appears improbable that the international frontier will ever be accurately demarcated from end to end and waterholes will probably be discovered near the presumed line whose possession must be decided. It seems desirable therefore that the commissioners should be empowered to make such decisions if they can reach an amicable agreement and that in default of such agreement, the letter of the treaty should be observed.

Strict



Strict adherence to the letter of the treaty would, however, entail an expensive survey, which the Italian Government will doubtless be as anxious to avoid as His Majesty's Government.

21.. A modification of the second sentence of the article is proposed to meet these conditions.

I have the honour to be, etc.,

(sd) Curzon of Kedleston.

His Excellency,

Monsieur de Martini,

etc.,

etc.,

etc.

*Copy of the original*

*Dr. Daff*

Cession of Jubaland.

Minutes of the third meeting of the Anglo-Italian Committee of experts, held at the Colonial Office at 5 p.m. on Wednesday, the 4th June 1924:

Present: Sir H.J. Read, K.C.M.G., C.B.,  
Commendatore Guariglia Mr. W.C. Bottomley, C.M.G., O.B.E.,  
Commendatore Pasqualucci The Hon. H. Nicolson, C.M.G.  
(Foreign Office)  
Mr. G.F. Seel.

Captain K.F.T. Caldwell, Assistant Game Warden, Kenya, was also in attendance.

1. The Committee had before them the revised draft of the Jubaland Convention which had been prepared at the Foreign Office in order to register the progress hitherto made. <sup>X</sup>

2. Sir H. Read suggested that the draft Convention should now be read article by article. The preamble was accordingly read.

Signor Guariglia suggested that it might be preferable to omit the preamble and merely to extend the final clause providing for ratification by embodying the necessary statement that the signatories to the Convention had been provided with full powers found in good and due form.

This was agreed to.

Article 1 was then read and approved, subject to the insertion in line 8 of the words "to be" before the word "determined".

Article 2 was then read and approved.

Article 3 was read.

Signor Guariglia enquired what would be the position if, for reasons connected with the programme and procedure of the Italian Parliament, the ratification by Italy of the Convention

Convention signed at St. Germain-en-Laye on the 10th September 1919 should inevitably be delayed.

Sir H. Read stated that His Majesty's Government were satisfied with the assurance which Signor Guariglia had given at a previous meeting, and which had been recorded in the procès verbal of that meeting, that the Italian Government would present the said convention for ratification as soon as possible. Meanwhile His Majesty's Government did not wish in any way to subject the Italian Government to the inconvenience which might arise if an interval elapsed between the cancellation of the Treaty of Commerce between Italy and Zanzibar of the 23rd May 1885 (as provided in the first paragraph of Article 3) and the ratification of the Convention of St. Germain-en-Laye of the 10th September 1919 (as implied in the second paragraph of that Article). He wished to assure the Italian delegation that, as provided in paragraph 2 of that Article, Italian subjects established in the Protectorate of Zanzibar would enjoy the same rights and privileges and receive the same treatment as British subjects from the date of the cancellation of the Treaty of Commerce between Italy and Zanzibar of the 23rd May 1885, or in other words from the date of the entry into force of the present convention.

Signor Guariglia stated that in view of this assurance, which would be recorded in the procès verbal, he was prepared to accept article 3 as it was drafted.

Article 4 was read and approved.

Article 5 was read and approved.

Article 6 was read.

Signor Guariglia informed the Committee that the formule which had been suggested by the British delegation had been referred by him to the Italian Government. He hoped to receive a reply within the next few days. Meanwhile, however,

however, it was obviously impossible for him to accept the article, and he must reserve his decision.

Article 7 was read.

The British delegation furnished their Italian colleagues with a list of the concessions which were known to exist in the area to be transferred up to May 1921. (This list is annexed)<sup>X</sup>.

Sir H. Read added that the Governor of Kenya Colony had been asked by telegraph whether any concessions existed beyond those enumerated in the above statement, and that his reply was awaited.

Article 8 was read and approved.

Article 9 was read.

Signor Guariglia stated that after having consulted the Italian Ambassador in London he felt that he was in a position to discuss and eventually to accept this article without further reference to his Government. There were, however, certain minor modifications which he would like to see introduced. The first of these modifications was that the word "recommend" and, later, the word "recommendations" in the British formula should be altered to read "shall have power to decide" and "decisions" respectively.

Sir H. Read accepted this emendation.

Signor Guariglia then stated that there was one further point in the British formula which he wished to add. The formula in its present state did not appear to indicate the need of reciprocity, and he would like to insert some phrase under which the Commission should have power to enquire whether there did in fact exist in the area to be transferred to Italy a shortage of pasturage.

After

X Appendix II

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After further discussion the following formula was proposed by the British delegation and accepted by their Italian colleagues:-

"If, however, the enquiries of the Commission referred to in Article 12 show that in the neighbourhood of the sector of the new frontier running from El Bern to the Jubaland-Tanaland boundary there exists a shortage of pasture for the tribes situated on the Italian side of the frontier, and if these enquiries also show that during the rainy season there is on the British side of that sector and in the region bounded on the east by the new frontier and on the west by the line Goochi-Ribba-El Tulla-Lakola-Toor-Guda-Ramaguda more pasturage available than is required by the tribes in British territory, then the Commission will have power to decide that for a certain period, not less than five years, Somalis or other natives of the transferred territory may during the rainy season cross the boundary to such a distance and in such numbers as the Commission may prescribe, it being understood that in no case shall such natives be allowed to pass to the west of the line Goochi-Ribba-El Tulla-Lakola-Toor-Guda-Ramaguda. The decision of the Commission shall be carried into effect by the authorities concerned, and at the end of the period so prescribed the position will be re-considered in a friendly spirit in the light of the experience gained and of the requirements at that time of the tribes in British territory."

Article 10 was read and approved.

Article 11 had been left blank in the original typescript of the draft convention, but the following formula had been submitted privately to the Italian delegation:-

"The two Governments agree to consult together with a view to framing and putting into force reciprocal measures for the control of the illicit Ivory traffic across the frontier

defined



defined in the present Convention. Such measures might in particular consist of legislation to be passed in the respective territories, making it an offence to possess, buy, sell, offer for sale, or export any ivory (or rhinoceros horn) unaccompanied by papers shewing that it is lawfully possessed".

Signor Guariglia stated that he had carefully examined this formula and that he was afraid that he would be obliged to refer it to his Government before he could accept it.

Captain Caldwell thereupon explained in detail to the Italian delegation, with the aid of a map, the exact location of the elephant herds, the areas which would be affected by the present convention, and the steps which the Kenya Government would desire to take in order to restrict the smuggling of elephant and <sup>the ivory</sup> ~~rhino~~ tusks.

Signor Guariglia expressed the personal view that although his Government might well be in sympathy with the general principles contained in the formula submitted by the British Delegation, yet he very much doubted whether they would be prepared at this stage to commit themselves to anything so specific as the second sentence of that formula.

Sir H. Read agreed therefore that the second sentence might be omitted and that the formula to be submitted to his Government by Signor Guariglia should merely read as follows:-

"The two Governments agree to consult together with a view to framing and putting into force reciprocal measures for the control of the illicit ivory traffic across the frontier defined in the present Convention".

Signor Guariglia signified that he would submit the formula as now amended to his Government, and would communicate their views at the next meeting.

3. The meeting then adjourned until Friday, 6th June, at 5 p.m., by which time it was hoped that both the British and Italian experts would have received the views of their Governments and would be in a position to adopt the final text of the convention. The Convention could then be initialled by the experts at a further meeting to be held on Saturday morning.

(New aff demand  
with Italian representative  
on 4.6.24)

Appendix I

(To be returned to Mr Bottomley)

**DRAFT CONVENTION**

- between -

**THE ITALIAN AND BRITISH GOVERNMENTS**

**REGARDING THE CESSION OF**

**JUBALAND.**

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Note to C.D.

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perilled amendments.

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**HIS MAJESTY THE KING OF THE UNITED KINGDOM OF  
GREAT BRITAIN AND IRELAND, AND OF THE BRITISH DOMINIONS  
BEYOND THE SEAS, EMPEROR OF INDIA:**

being desirous of giving full and equitable effect, in so far as he is concerned, to the undertaking given in Article 13 of the agreement between Great Britain, France, Russia and Italy signed at London on April 26, 1915:

**and HIS MAJESTY THE KING OF ITALY:**

being both desirous to liquidate a question which has so long been outstanding between their two Governments:

have agreed to conclude a Convention for this purpose, and for this object have appointed as their plenipotentiaries:

.....  
.....

who having produced their full powers, found in good and due form, have agreed as follows.

ARTICLE I.

His Britannic Majesty, in his own name and on his own behalf, and by virtue of his protectorate over Zanzibar, in the name and on behalf of His Highness the Sultan of Zanzibar, so far as the latter may be concerned, transfers to His Majesty the King of Italy all sovereign rights and title over that portion of African territory lying between the present Italian colony of Southern Somaliland and a new boundary line determined as follows:

From the confluence of the rivers Gamale and Dama, along the course of the Dama up-stream to the southern point of the small southerly bend of the latter river in the vicinity of Malka M; thence in a south-westerly direction in a straight line to the centre of the pool of Damass; thence in a south-westerly direction in a straight line towards Milla Kalla (which remains in British territory) to such meridian east of Greenwich as shall leave in Italian territory the wall of El Bort; thence along the same meridian southwards until it reaches the boundary between the provinces of Jubaland and Fonaland; thence along that provincial boundary to a point due north of the point on the coast due west of the southernmost of the four islets in the immediate vicinity of Ras Kimbong (Dick's Head); thence due southwards to such point on the coast. Ras Kimbong (Dick's Head) and the four islets above mentioned shall fall within the territory to be transferred to Italy.

In the event, however, of it being found by the

Commission....

Commission referred to in Article 12 that the well of El Bera does not contain water either sufficient or suitable for the maintenance at that point of an Italian frontier post, then the line, as between El Bera and Silla Kalia, shall be so drawn by the Commission as to include in Italian territory the neighbouring well of El Shana.

ARTICLE 2.

The above boundary is shown on the attached map and all references in the above description of the boundary are to this map.

In the event of differences between the text and the map, the text will prevail.

ARTICLE 3.

The Italian Government agree to the cancellation of the Treaty of Commerce between Italy and Zanzibar of the 23rd May, 1885.

In accordance with the provisions of the convention of Saint-Germain-en-Laye of the 10th September, 1919, Italian subjects established in the protectorate of Zanzibar shall enjoy the same rights and privileges and receive the same treatment as British subjects.

ARTICLE 4.

The Italian Government shall indemnify the Government of His Highness the Sultan of Zanzibar for any loss of net

revenue arising out of the present transfer of territory, and shall pay to the latter, as an indemnity which shall in no wise represent a tribute implying any survival of sovereignty, the annual sum of £1,000, representing the proportionate share of the annuity which has hitherto been paid by the British Government to the Government of Zanzibar.

The Italian Government shall be entitled at any time to effect the discharge of any obligation undertaken under the preceding paragraph by means of the payment of a lump sum of £25,000 to the Government of His Highness the Sultan of Zanzibar.

#### ARTICLE 5.

The Italian Government undertakes that if it shall at any time desire to abandon all or any part of the territory transferred to it as above, it shall offer the same to the British Government upon such terms as may be just.

In the event of any differences between the two Governments as to the terms of transfer, the question shall be referred to arbitration in accordance with such procedure as the Council of the League of Nations may prescribe.

#### ARTICLE 6.

British subjects, other than those persons who have become British subjects by the annexation of the colony of Kenya, ordinarily resident at the date of the coming into force of the present convention in the territory transferred under Article 1, shall, unless within six months of the coming....

coming into force of the present convention they opt for Italian nationality, retain their British nationality without being called upon to withdraw from the said territory or to part with their property. In the event of their not opting for Italian nationality and of their desiring to withdraw from the transferred territory, they shall be at liberty to do so within twelve months from the coming into force of the present convention.

British-protected persons, and British subjects who have become such by the annexation of the Colony of Kenya, ordinarily resident in the transferred territory, will acquire Italian nationality and cease to be British-protected persons and British subjects respectively. Provided, however, that such persons, not being Somalis, or belonging to the native races of the area transferred, shall have the right to retain their existing nationality on condition that they withdraw from the transferred territory within twelve months from the coming into force of the present convention.

The same right is conferred on such a number of Somalis who are separated from their families by the new frontier as the walls and pasturage in the ~~territory~~ territory defined in the annex to this article can support, having regard to the present and reasonable future requirements of the tribes or sections of tribes already there, provided that such persons must be individually registered before they are allowed to cross into British territory. The Commission referred to in Article 12 shall decide as to the capacity in this respect of the said walls and pasturage and as to the number of the persons who may avail themselves of this right.



Persons who withdraw from the transferred territory under this article shall be entitled to carry with them their movable property of every description without payment of export duties of any kind. They shall not in respect of such property be subject to import duties of any kind in the Colony of Kenya. They shall be entitled to retain their immovable property in the transferred territory.

#### ANNEX.

The ~~territory~~ territory lying between a straight line from the <sup>Lorian</sup> ~~Lorian~~ Swamp to <sup>to Saggi, a straight line to</sup> ~~to~~ El Beru, the line defined in Article 1 from El Beru to its junction with the Tsalami-Jubaland frontier, and a straight line from the said junction to the <sup>Lorian</sup> ~~Lorian~~ Swamp.

#### ARTICLE 7.

All concessions or rights to properties in the above territories which have been recognised as valid by the former Government, and are held by private persons or corporations at the date of the transfer of these territories, shall be recognised as valid by the Italian Government, to whom shall be transferred all rights and obligations of the former Government under the said concessions.

It is agreed that the concessions and property rights shall be exercised in accordance with the general laws and regulations in force in the Italian colony of Italian Somaliland, and that the Italian Government may impose on the concessionaires and proprietors all limitations necessary for

the....

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the execution of works of general utility, upon granting to such persons the same compensation or indemnity as that to which Italian subjects would be entitled in similar cases.

ARTICLE 8.

All treaties, conventions and agreements between the Government of His Britannic Majesty and the Government of His Majesty the King of Italy, applicable to the Italian colony of Italian Somaliland, and at present in force, shall be extended to the territory now transferred in accordance with the present agreement.

ARTICLE 9.

The two Governments undertake that they will respectively endeavour to prevent any migration of Somalis or other natives across the frontier defined in Article 1.

If, however, the enquiries of the Commission referred to in Article 12 show that during the rainy season there is, in the British territory in the neighbourhood of the new boundary from El Bera to the Jubaland-Tanaland boundary, more pasturage available than is required for the tribes in British territory, the Commission <sup>with a power to decide</sup> may recommend that for a certain period, not less than five years, Somalis or other natives of the transferred territory may during the rainy season cross the boundary to such a distance and in such numbers as the Commission may prescribe, it being understood that in no case shall such natives be allowed to pass to the west of the line Geochi-Bibba-A Talli-Lakla-Beer Oada-Suagada. The recommendations of the Commission shall....



shall be carried into effect by the authorities concerned, and at the end of the period so prescribed the position will be re-considered in a friendly spirit in the light of the experience gained and of the requirements at that time of the tribes in British territory.

ARTICLE 10.

The two Governments shall come to the necessary agreements with regard to the special conditions of time and place for evacuation by the ~~British~~<sup>British</sup> troops of the territory to be transferred and the entry of Italian ~~British~~ troops; they shall settle in consultation with the local authorities the conditions of transfer to the Italian Government of the Government buildings existing within the territory which the latter <sup>may</sup> wish to acquire from the British Government and of the wireless telegraph installation at Kismayu.

The Italian Government agrees to respect the rights of ~~British~~ pensioners remaining at Yente, in accordance with the general laws and regulations of the Italian colony of Southern Somaliland, and to make provision for the upkeep of the cemetery at Kismayu and the Jenner memorial.

ARTICLE 11.

ARTICLE 12.

The manner in which the present agreement shall be carried out shall be settled on the spot by a Commission composed of British and Italian officials appointed for the purpose by the two Governments. Until the whole boundary shall have been demarcated by an accurate survey, the officials thus appointed shall be empowered to decide, provided an agreement can be reached, under which government water holes of local importance situated near the proposed boundary shall come. In the event of an agreement not being found possible, the points in dispute shall be settled by an accurate survey in accordance with the line described in Article 1.

The present convention shall be ratified and the ratifications exchanged at . . . . . as soon as possible.

In witness whereof the undersigned have signed the present convention and have affixed thereto their seals.

*I have produced this full text from [unclear] form,*

Done in duplicate at . . . . .

the . . . . . 1924.

Final

SESSION OF JUBALAND.

Minutes of the third meeting of the Anglo-Italian Committee of experts, held at the Colonial Office at 5 p.m. on Wednesday, the 4th June 1934.

Present: Sir H.J.Read, K.C.M.G., C.B.,

Commandatore Guariglia	Mr. W.G.Bottenley, C.M.G., O.B.E.,
Commandatore Pasqualucci	The Hon. H.Nicolson, C.M.G. (Foreign Office)
	Mr. G.F.Skel.

Captain K.F.T.Caldwell, Assistant Game Warden, Kenya, was also in attendance.

1. The Committee had before them the revised draft of the Jubaland Convention which had been prepared at the Foreign Office in order to register the progress hitherto made.

2. Sir H. Read suggested that the draft Convention should now be read article by article. The preamble was accordingly read.

Signor Guariglia suggested that it might be preferable to omit the preamble and merely to extend the final clause providing for ratification by embodying the necessary statement that the signatories to the Convention had been provided with full powers found in good and due form.

This was agreed to.

Article 1

Appendix I.

Final

SESSION OF JUBALAND.

Minutes of the third meeting of the Anglo-Italian Committee of experts, held at the Colonial Office at 5 p.m. on Wednesday, the 4th June 1924.

Present: Sir H.J. Read, K.C.M.G., C.B.,

Commendatore Guariglia	Mr. W.C. Etonday, C.M.G., O.B.E.,
Commendatore Pasqualucci	The Hon. H. Nicolson, C.M.G. (Foreign Office)
	Mr. G.F. Seal.

Captain K.F.T. Caldwell, Assistant Game Warden, Kenya, was also in attendance.

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Signor Guariglia suggested that it might be preferable to omit the preamble and merely to extend the final clause providing for ratification by embodying the necessary statement that the signatories to the Convention had been provided with full powers found in good and due form.

This was agreed to.

Article 1

Article 1 was then read and approved, subject to the insertion in line 3 of the words "to be" before the word "determined".

Article 2 was then read and approved.

Article 3 was read.

Signer Guariglia enquired what would be the position if, for reasons connected with the programme and procedure of the Italian Parliament, the ratification by Italy of the Convention signed at St. Germain-en-Laye on the 10th September 1919 should inevitably be delayed.

Sir H. Read stated that His Majesty's Government were satisfied with the assurance which Signer Guariglia had given at a previous meeting, and which had been recorded in the process verbal of that meeting, that the Italian Government would present the said convention for ratification as soon as possible. Meanwhile His Majesty's Government did not wish in any way to subject the Italian Government to the inconvenience which might arise if an interval elapsed between the cancellation of the Treaty of Commerce between Italy and Zanzibar of the 22nd May 1885 (as provided in the first paragraph of Article 3) and the ratification of the Convention of St. Germain-en-Laye of the 10th September 1919 (as implied in the second paragraph of that Article). He wished to assure the Italian delegation that, as provided in paragraph 2 of that Article, Italian subjects in the Protectorate of Zanzibar would enjoy the same rights and privileges and receive the same treatment

treatment as British subjects from the date of the cancellation of the Treaty of Commerce between Italy and Zanzibar of the 23rd May 1865, or in other words from the date of the entry into force of the present convention.

Signor Guariglia stated that in view of this assurance, which would be recorded in the process verbal, he was prepared to accept article 3 as it was drafted.

Article 4 was read and approved.

Article 5 was read and approved.

Article 6 was read.

Signor Guariglia informed the Committee that the formula which had been suggested by the British delegation had been referred by him to the Italian Government. He hoped to receive a reply within the next few days. Meanwhile, however, it was obviously impossible for him to accept the article, and he must reserve his decision.

Article 7 was read.

The British delegation furnished their Italian colleagues with a list of the concessions which were known to exist in the area to be transferred up to May 1921. (This list is annexed).\*

Sir H. Read added that the Governor of Kenya had been asked by telegraph whether any concessions existed beyond those enumerated in the above statement, and that his reply was awaited.

Article 8 was read and approved.

Article 9



Article 9 was read.

Signer Guariglia stated that after having consulted the Italian Ambassador in London he felt that he was in a position to discuss and eventually to accept this article without further reference to his Government. There were, however, certain minor modifications which he would like to see introduced. The first of these modifications was that the word "recommend" and, later, the word "recommendations" in the British formula should be altered to read "shall have power to decide" and "decisions" respectively.

Sir H. Read accepted this amendment.

Signer Guariglia then stated that there was one further point in the British formula which he wished to add. The formula in its present state did not appear to indicate the need of reciprocity, and he would like to insert some phrase under which the Commission should have power to enquire whether there did in fact exist in the area to be transferred to Italy a shortage of pasture.

After further discussion the following formula was proposed by the British delegation and accepted by their Italian colleagues:

"If, however, the enquiries of the Commission referred to in Article 12 show that in the neighbourhood of the sector of the new frontier running from El Beru to the Jubaland-Tansaland boundary there exists a shortage of pasture for the tribes situated on the Italian side.



Article 9 was read.

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Sir H. Read accepted this emendation.

Signer Guariglia then stated that there was one further point in the British formula which he wished to add. The formula in its present state did not appear to indicate the need of reciprocity, and he would like to insert some phrase under which the Commission should have power to enquire whether there did in fact exist in the area to be transferred to Italy a shortage of pasturage.

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side

side of the frontier, and if these enquiries also show that during the rainy season there is on the British side of that sector and in the region bounded on the east by the new frontier and on the west by the line Goochi-Ribba-El Tulla-Lakola-Teer-Guda-Ramaguda more pasturage available than is required by the tribes in British territory, then the Commission will have power to decide that for a certain period, not less than five years, Somalis or other natives of the transferred territory may during the rainy season cross the boundary to such a distance and in such numbers as the Commission may prescribe, it being understood that in no case shall such natives be allowed to pass to the west of the line Goochi-Ribba-El Tulla-Lakola-Teer-Guda-Ramaguda. The decision of the Commission shall be carried into effect by the authorities concerned, and at the end of the period so prescribed the position will be re-considered in a friendly spirit in the light of the experience gained and of the requirements at that time of the tribes in British territory."

Article 10 was read and approved.

Article 11 had been left blank in the original typescript of the draft convention, but the following formula had been submitted privately to the Italian delegation:

"The two Governments agree to consult together with a view to framing and putting into

into force reciprocal measures for the control of the illicit ivory traffic across the frontier defined in the present Convention. Such measures might in particular consist of legislation to be passed in the respective territories, making it an offence to possess, buy, sell, offer for sale, or export any ivory (or rhinoceros horn) unaccompanied by papers showing that it is lawfully possessed."

Signor Guariglia stated that he had carefully examined this formula and that he was afraid that he would be obliged to refer it to his Government before he could accept it.

Captain Caldwell thereupon explained in detail to the Italian delegation, with the aid of a map, the exact location of the elephant herds, the areas which would be affected by the present convention, and the steps which the Kenya Government would desire to take in order to restrict the smuggling of elephant and rhinoceros tusks.

Signor Guariglia expressed the personal view that although his Government might well be in sympathy with the general principles contained in the formula submitted by the British Delegation, yet he very much doubted whether they would be prepared at this stage to commit themselves to anything so specific as the second sentence of that formula.

Sir H. Read agreed therefore that the second sentence might be omitted and that the formula to be submitted to his Government by

Signor

into force reciprocal measures for the control of the illicit ivory traffic across the frontier defined in the present Convention. Such measures might in particular consist of legislation to be passed in the respective territories, making it an offence to possess, buy, sell, offer for sale, or export any ivory (or rhinoceros horn) unaccompanied by papers showing that it is lawfully possessed."

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Signor

Signor Guariglia should merely read as follows:-

"The two Governments agree to consult together with a view to framing and putting into force reciprocal measures for the control of the illicit ivory traffic across the frontier defined in the present Convention."

Signor Guariglia signified that he would submit the formula as now amended to his Government, and would communicate their views at the next meeting.

3. The meeting then adjourned until Friday, 6th June, at 5 p.m., by which time it was hoped that both the British and Italian experts would have received the views of their Governments and would be in a position to accept the final text of the convention. The convention could then be initialled by the experts at a further meeting to be held on Saturday morning.

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Appendix 1.

DRAFT CONVENTION  
between  
THE ITALIAN AND BRITISH GOVERNMENTS  
regarding the Cession of  
JUBALAND.

HIS MAJESTY THE KING OF THE UNITED KINGDOM  
OF GREAT BRITAIN AND IRELAND, AND OF THE BRITISH  
DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

being desirous of giving full and equitable effect, in so far as he is concerned, to the undertaking given in Article 13 of the agreement between Great Britain, France, Russia and Italy signed at London on April 26, 1915:

and HIS MAJESTY THE KING OF ITALY:

being both desirous to liquidate a question which has so long been outstanding between their two Governments:

have agreed to conclude a Convention for this purpose, and for this object have appointed as their plenipotentiaries:

.....

.....

who having produced their full powers, found in good and due form, have agreed as follows.

His Britannic Majesty, in his own name and on his own behalf, and by virtue of his protectorate over Zanzibar, in the name and on behalf of His Highness the Sultan of Zanzibar, so far as the latter may be concerned, transfers to His Majesty the King of Italy all sovereign rights and title over that portion of African territory lying between the present Italian colony of Southern Somaliland and a new boundary line determined as follows:

From the confluence of the rivers Ganale and Daus, along the course of the Daus up-stream to the southern point of the small southerly bend of the latter river in the vicinity of Malka Ra; thence in a south-westerly direction in a straight line to the centre of the pool of Dumsa; thence in a south-westerly direction in a straight line towards Hilla Kalla (which remains in British territory) to such meridian east of Greenwich as shall leave in Italian territory the well of El Beru; thence along the same meridian southwards until it reaches the boundary between the provinces of Jubaland and Tanaland; thence along that provincial boundary to a point due north of the point on the coast due west of the southern-most of the four islets in the immediate vicinity of Ras Kiambene (Dick's Head); thence due southwards to such point on the coast. Ras Kiambene (Dick's Head) and the four islets above mentioned shall fall within the territory to be transferred.

transferred to Italy.

In the event, however, of it being found by the Commission referred to in Article 12 that the well of El Baru does not contain water either sufficient or suitable for the maintenance at that point of an Italian frontier post, then the line, as between El Baru and Killa Kalla, shall be so drawn by the Commission as to include in Italian territory the neighbouring well of El Shama.

ARTICLE 2.

The above boundary is shown on the attached map and all references in the above description of the boundary are to this map.

In the event of differences between the text and the map, the text will prevail.

ARTICLE 3.

The Italian Government agree to the cancellation of the Treaty of Commerce between Italy and Zanzibar of the 23rd May, 1866.

In accordance with the provisions of the convention of Saint-Germain-en-Laye of the 10th September, 1919, Italian subjects established in the Protectorate of Zanzibar shall enjoy the same rights and privileges and receive the same treatment as British subjects.

The Italian Government shall indemnify the Government of His Highness the Sultan of Zanzibar for any loss of net revenue arising out of the present transfer of territory, and shall pay to the latter, as an indemnity which shall in no wise represent a tribute implying any survival of sovereignty, the annual sum of £1,000, representing the proportionate share of the annuity which has hitherto been paid by the British Government to the Government of Zanzibar.

The Italian Government shall be entitled at any time to effect the discharge of any obligation undertaken under the preceding paragraph by means of the payment of a lump sum of £25,000 to the Government of His Highness the Sultan of Zanzibar.

ARTICLE 5.

The Italian Government undertakes that if it shall at any time desire to abandon all or any part of the territory transferred to it as above, it shall offer the same to the British Government upon such terms as may be just.

In the event of any differences between the two Governments as to the terms of transfer, the question shall be referred to arbitration in accordance with such procedure as the Council of the League of Nations may prescribe.

ARTICLE 5.

British subjects, other than those persons who have become British subjects by the annexation of the colony of Kenya, ordinarily resident at the date of the coming into force of the present convention in the territory transferred under Article 1, shall, unless within six months of the coming into force of the present convention they opt for Italian nationality, retain their British nationality without being called upon to withdraw from the said territory or to part with their property. In the event of their not opting for Italian nationality and of their desiring to withdraw from the transferred territory, they shall be at liberty to do so within twelve months from the coming into force of the present convention.

British-protected persons, and British subjects who have become such by the annexation of the Colony of Kenya, ordinarily resident in the transferred territory, will acquire Italian nationality and cease to be British-protected persons and British subjects respectively. Provided, however, that such persons, not being Somalis, or belonging to the native races of the area transferred, shall have the right to retain their existing nationality on condition that they withdraw from the transferred territory within twelve months from the coming into force of the present convention.

The same right is conferred on such a number of Somalis who are separated from their families

families by the new frontier as the wells and 115  
pasturage in the territory defined in the annex to  
this article can support, having regard to the  
present and reasonable future requirements of the  
tribes or sections of tribes already there, provided  
that such persons must be individually registered  
before they are allowed to cross into British  
territory. The Commission referred to in  
Article 12 shall decide as to the capacity in this  
respect of the said wells and pasturages and as to  
the number of the persons who may avail themselves  
of this right.

Persons who withdraw from the transferred  
territory under this article shall be entitled to  
carry with them their movable property of every  
description without payment of export duties of any  
kind. They shall not in respect of such property  
be subject to import duties of any kind in the  
Colony of Kenya. They shall be entitled to  
retain their immovable property in the transferred  
territory.

ANNEX.

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The territory lying between a straight  
line from the Lorian Swamp to Saddi, a straight  
line to El Bara, the line defined in Article 1  
from El Bara to its junction with the Tanaland-  
Jubaland frontier, and a straight line from the  
said junction to the Lorian Swamp.



All concessions or rights to properties in the above territories which have been recognized as valid by the former Government, and are held by private persons or corporations at the date of the transfer of those territories, shall be recognized as valid by the Italian Government, to whom shall be transferred all rights and obligations of the former Government under the said concessions.

It is agreed that the concessions and property rights shall be exercised in accordance with the general laws and regulations in force in the Italian colony of Italian Somaliland, and that the Italian Government may impose on the concessionaires and proprietors all limitations necessary for the execution of works of general utility, upon granting to such persons the same compensation or indemnity as that to which Italian subjects would be entitled in similar cases.

ARTICLE 8.

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All treaties, conventions and agreements between the Government of His Britannic Majesty and the Government of His Majesty the King of Italy, applicable to the Italian colony of Italian Somaliland, and at present in force, shall be extended to the territory now transferred in accordance with the present agreement.

All concessions or rights to properties in the above territories which have been recognised as valid by the former Government, and are held by private persons or corporations at the date of the transfer of these territories, shall be recognised as valid by the Italian Government, to whom shall be transferred all rights and obligations of the former Government under the said concessions.

It is agreed that the concessions and property rights shall be exercised in accordance with the general laws and regulations in force in the Italian colony of Italian Somaliland, and that the Italian Government may impose on the concessionaires and proprietors all limitations necessary for the execution of works of general utility, upon granting to such persons the same compensation or indemnity as that to which Italian subjects would be entitled in similar cases.

ARTICLE 8.

All treaties, conventions and agreements between the Government of His Britannic Majesty and the Government of His Majesty the King of Italy, applicable to the Italian colony of Italian Somaliland, and at present in force, shall be extended to the territory now transferred in accordance with the present agreement.

The two Governments undertake that they will respectively endeavour to prevent any migration of Somalis or other natives across the frontier defined in Article 1.

If, however, the enquiries of the Commission referred to in Article 12 show that during the rainy season there is, in the British territory in the neighbourhood of the new boundary from El Beru to the Jubaland-Tanaland boundary, more pasturage available than is required for the tribes in British territory, the Commission may recommend that for a certain period, not less than five years, Somalis or other natives of the transferred territory may during the rainy season cross the boundary to such a distance and in such numbers as the Commission may prescribe, it being understood that in no case shall such natives be allowed to pass to the west of the line Geochi-Ribba-El Tulla-Lakola-Toor Guda-Ramaguda. The recommendations of the Commission shall be carried into effect by the authorities concerned, and at the end of the period so prescribed the position will be re-considered in a friendly spirit in the light of the experience gained and of the requirements at that time of the tribes in British territory.

The two Governments shall come to the necessary agreements with regard to the special conditions of time and place for evacuation by the British troops of the territory to be transferred and the entry of Italian troops; they shall settle in consultation with the local authorities the conditions of transfer to the Italian Government of the Government buildings existing within the territory which the latter may wish to acquire from the British Government and of the wireless telegraph installation at Kismayu.

The Italian Government agrees to respect the rights of Soudanese pensioners remaining at Yente, in accordance with the general laws and regulations of the Italian colony of Southern Somaliland, and to make provision for the upkeep of the cemetery at Kismayu and the Jenner memorial.

The manner in which the present agreement shall be carried out shall be settled on the spot by a Commission composed of British and Italian officials appointed for the purpose by the two Governments. Until the whole boundary shall have been demarcated by an accurate survey, the officials thus appointed shall be empowered to decide, provided an agreement can be reached, under which government water holes of local importance situated near the proposed boundary shall come. In the event of an agreement not being found possible, the points in dispute shall be settled by an accurate survey in accordance with the line described in Article 1.

The present convention shall be ratified and the ratifications exchanged at . . . . . as soon as possible.

In witness whereof the undersigned have signed the present convention and have affixed thereto their seals.

Done in duplicate at . . . . .  
the . . . . . 1924.

LAND GRANTS IN JUBALAND. 120

The following was received from the Government of Kenya in May, 1921. A telegram has been sent to the Governor asking whether the list is still up-to-date, and if not, to furnish a statement of amendments.

A statement of the land grants made in Jubaland by this Government is appended.

In addition to the grants referred to in this list, a number of Temporary Occupation Licences have been granted in Townships, representing a value of some £80 per annum.

Land Office Number	Area (acres)	Owner	Tenure	Term	Rental.
1383	1500	Messrs. Newland Taylor & Co.	Leasehold	99 years from 2/10/11	180/.
1384	2100	Messrs. Hayne & Bell.	"	99 years from 6/7/10.	252/.
1385	2100	P.H. Clarke	"	99 years from 1.7.10.	252/.
1386	2100	Powysland Plantations (S.E.A.Ltd)	"	99 years from 1.10.11	252/.
1388	2100	Count Gijala (Italian)	"	99 years from 1.7.10.	252/.
1389	1900	Count Frankenstein (Italian)	"	99 years from 1.7.10	180/.

Land Office Number	Area (acres)	Owner	Tenure	Term	Rental
1424	6000	M.A. Cotton Growers Association	Leasehold	99 years from 1.7.11	900/-
2722	12	C.S.M. Gabriel	"	99 years from 1.1.12.	30/-
xx1107	16	Jubaland Club	"	-	-
x2855	14772	C.S.M. Gabriel & others	"	99 years from 1.7.19	1776/72
xx	2 plots at Gobran	Rayner Navigation Company		99 years lease provided.	
xx	1 plot at Kimmaya	do		do.	

x Lease not yet completed.  
 xx Survey not yet effected.



that serious complications would ensue if this policy were abandoned.

5. In your memorandum the statement is made that "the majority of these tribes (Marehan) is at present still within the territory of the Daus and northern frontier district". This statement appears to be based on a misconception, as it is not the case that the majority of the Marehan are now within the area described, nor has this been the case in the past. In the same memorandum you state that the Italian Government regards it as expedient that precautions, similar to those which are regarded as necessary for the protection of the Gurra, should be taken with regard to the tribes east of the zone at present occupied by the Marehan. His Majesty's Government are in some doubt as to the exact meaning of this suggestion, seeing that the home of the Marehan tribe is east of the Juba river and that a very large number of the Marehan now in Jubaland have come in from Italian territory in the last ten years. His Majesty's Government cannot too clearly emphasize the fact that the zone actually occupied by the Marehan is between the Juba river and the international boundary now proposed, and they are confident that your observations are due to a misconception on this point. The policy of checking the propensity of these nomadic tribes to wander is of the utmost importance from the point of view of the maintenance of order and His Majesty's Government feel not only that it is essential to allow no Marehan at all within the territory which is remaining British, but it is also proposed to prevent, by every possible means, any increase from Italian territory of the Ogaden tribes living

6. As regards the question of the access of the Marehan to El Wak, I am informed that it is only in recent years that this tribe has been allowed even a partial right to the rain water holes at Dumasa and Fina, situated on the Provincial Boundary. Their claim to the permanent water at El Wak has not only never been tacitly recognised, but has been strongly resisted. The inclusion of a well in the area to be ceded is designed in order to provide facilities for the Italian Government to place an advanced post there for the purpose of controlling the tribe. It is not intended, and is in fact regarded as most undesirable, that this well should serve as a watering place for the Marehan in the dry season.

7. It has been found that it is a matter of minor importance where the tribes range during the rainy season, provided that the subjects of each Power are forced to withdraw away from the frontier at the approach of the dry season instead of gravitating towards it, and the proposed new frontier line will, it is hoped, fulfil this object as it has been drawn with no permanent wells on or near the line with the exception of the well of Elbera at El Wak, which appears, as already stated, suitable for making provision for the establishment of a military post.

8. I am moreover, informed that the Marehan country as recognised to-day is comparatively well watered, while in the Garre country the only two absolutely permanent supplies are the Dausa river and El Wak.

9. I have no doubt that the Italian Government

will

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will agree with His Majesty's Government in attaching great importance to removing, as far as possible, any causes of dispute between the frontier tribes. With this object in view His Majesty's Government consider it essential that the Marehan should be controlled in the manner indicated above, i.e., that they should not be allowed to enter the territory remaining British and should not be allowed access to permanent water in the immediate vicinity of the new boundary line. I venture to express the hope that the Italian Government will concur in this view.

I have the honour to be, etc.,

(sd) Curzon of Kedleston.

PV.

O.A 9102/12/60,

Foreign Office, S.W.1.

23rd December, 1921.

My dear Ambassador,

There is one small point about the proposed Jubaland Convention which I have not thought it necessary to mention in my official note, but which it seems right that I should bring to your notice.

The question is being examined whether it is constitutionally necessary that the consent of Parliament should be obtained to the cession of the territory affected by the Convention. If it is found legally necessary that this consent should be obtained, a further small amendment to the draft treaty may become necessary. The point is one which will, I suppose, not be of any importance to the Italian Government and I merely mention it in case it should be necessary for us to suggest a further amendment in the sense indicated.

Believe me, etc.,

(Sd) CURZON.

His Excellency

Monsieur de Martino,

Ac., Ac., Ac.,

DRAFT AGREEMENT FOR TRANSFER OF THE TERRITORY OF  
JUBALAND TO ITALY

Article 1

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in his own name and <sup>and subject to the assent of Parliament,</sup> his own behalf and by virtue of his protectorate over Zanzibar, in the name and on behalf of His Highness the Sultan of Zanzibar, so far as the latter may be concerned, transfers to His Majesty the King of Italy all sovereign rights and titles over that portion of African territory lying between the present Italian colony of southern Somaliland and a new boundary line determined as follows: from the confluence of the rivers Ganale and Dawa, along the course of the Dawa up stream to the southern point of the small southerly bend on the latter river in the vicinity of Malka Re; thence in a south-westerly direction in a straight line to the centre of the pool of Dumasa; thence in a south westerly direction in a straight line towards Billa Kalla (which remains in British territory) to such meridian east of Greenwich as shall leave in Italian territory the well of Elberu; thence along the same meridian southwards until it reaches the boundary between the provinces of Jubaland and Tanaland; thence along that provincial boundary to a point due north of the point on the coast due west of the southern most of the four islets in the immediate vicinity of Ras Kiambene (Dick's Head), thence due southwards to such point on the coast, Ras Kiambene (Dick's Head) and the four islets

islets above mentioned shall fall within the territory to be transferred to Italy.

Article 2

The above boundary is shown on the attached map<sup>x</sup> and all reference in the above description of the boundary are to this map.

Article 3. (Formerly Article 4)

The Italian Government agree to the cancellation of the Treaty of Commerce between Italy and Zanzibar of May 28th 1885.

In accordance with the provisions of the Convention of St. Germain-en-Laye of September 10th 1919 which the Italian Government undertake to ratify as soon as possible Italian subjects established in the Protectorate of Zanzibar shall enjoy the same rights and privileges and receive the same treatment as British subjects.

Article 4 (formerly Article 5)

The Italian Government shall indemnify the Government of His Highness the Sultan of Zanzibar, for any loss of net revenue arising out of the present transfer of territory, and shall pay to the latter, as an indemnity which shall in no wise represent a tribute implying any survival of sovereignty the annual sum of £1,000 representing the proportionate share of the annuity which has hitherto been paid by the British Government to the Government of Zanzibar.

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The map hitherto referred to is replaced by a new map, the Italian Government having pointed out that a small portion of Abyssinian territory was, through a typographical error, included in the transferred territory.

The Italian Government shall be entitled at any time to effect the discharge of any obligation undertaken under the preceding paragraph by means of the payment of a lump sum of £15,000 to the Government of His Highness the Sultan of Zanzibar. The Government of His Britannic Majesty undertakes to use its good offices in order to obtain acceptance of that sum on the part of the Government of His Highness the Sultan of Zanzibar.

Article 8 (formerly Article 6)

The Italian Government undertakes that if it shall at any time desire to abandon all or any part of the territory transferred to it as above, it shall offer the same to the British Government upon such terms as may be just.

In the event of any differences between the two Governments as to the terms of transfer, the question shall be referred to arbitration in accordance with the provisions laid down by the League of Nations.

Article 9 (formerly Article 7)

British subjects, other than those persons who have become British subjects by the annexation of the Colony of Kenya, ordinarily resident, at the date of the coming into force of the present agreement, in the territory transferred under Article 1 shall, unless within six months of the coming into force of the present agreement they opt for Italian nationality, retain their British nationality without being called up to withdraw from the said territory or to part with their property.



In the event of their not opting for Italian nationality and of their desiring to withdraw from the transferred territory they shall be at liberty to do so within 12 months from the coming into force of the present agreement. They shall be entitled to carry with them their movable property of every description without payment of export or import duties of any kind. They shall be entitled to retain their immovable property in the transferred territory.

British protected persons and British subjects who have become such by the annexation of the Colony of Kenya, ordinarily resident in the transferred territory, will acquire Italian nationality and cease to be British protected persons and British subjects respectively. Provided, however, that such persons, not being Somalis, or belonging to the native races of the area transferred, shall have the right to retain their existing nationality on condition that they withdraw from the transferred territory within twelve months from the coming into force of the present agreement. In that event they will be entitled to carry with them their movable property of every description without payment of export or import duties of any kind. They will be entitled to retain their immovable property in the transferred territory.

Article 7 (formerly Article 8)

All concessions or rights to properties in the above territories which have been recognized as valid by the former Government and are held by private persons or corporations

corporations at the date of the transfer of those territories shall be recognized as valid by the Italian Government, to whom shall be transferred all rights and obligations of the former Government under the said concessions.

It is agreed that the concessions and property rights shall be exercised in accordance with the general laws and regulations in force in the Italian colony of Italian Somaliland, and that the Italian Government may impose on the concessionaires and proprietors all limitations necessary for the execution of works of general utility, upon granting to such persons the same compensation or indemnity as that to which Italian subjects would be entitled in similar cases.

Article 9.

(Note, Superseded by Article 7 above)

Article 8 (previously Article 10)

All treaties, conventions and agreements between the Government of His Britannic Majesty and the Government of His Highness the Sultan of Zanzibar and the Government of His Majesty the King of Italy, applicable to the Italian colony of Italian Somaliland, and at present in force, shall be extended to the territory now transferred in accordance with the present agreement.

Article 7 (previously Article 11)

The two Governments of the British Colony of Kenya and of the Italian Colony of Southern Somaliland shall come

to the necessary agreements with regard to the special conditions of time and place for evacuation by the English troops of the territory to be transferred and the entry of Italian garrison troops; they shall settle the conditions of transfer to the Italian Government of the Government buildings existing within the territory which the latter might wish to enquire from the British Government and of the wireless telegraph installation at Kisimayo.

The Italian Government undertakes that they will endeavour to prevent any migration of Somalis or other natives of the transferred territory, into British territory either while the evacuation of British troops is taking place or in the future.

The Italian Government binds itself to respect the rights of Sudanese pensioners remaining at Yenti, in accordance with the general laws and regulations of the Italian Colony and Southern Somaliland.

Article 10 (previously Article 12.)

The manner in which the present agreement shall be carried out shall be settled on the spot by British and Italian officials appointed for the purpose by the Government of Kenya Colony and Italian Somaliland. Until the whole boundary shall have been demarcated by an accurate survey, the officials thus appointed shall be empowered to decide, provided an agreement can be reached under which Government waterholes of local importance situated near the proposed boundary shall come. In the event of an agreement not being found possible, the points in dispute shall be settled by an accurate survey in accordance with the line described in article 1.

LIST AND APPROXIMATE VALUE OF GOVERNMENT  
BUILDINGS IN JUBALAND.

KIRMAXI

Approximate Value.

	Fls.
Medical Officer's House	8,000
Fort including Jail and Hospital	20,000
Civil Stores.	2,000
Customs House and quarters.	10,000
Dispensary and buildings	8,000
A.D.C.'s House (recently purchased).	2,400
Wireless Station (Buildings only).	60,000
Market.	500
Quarters for clerk	1,000
Police Lines	3,000
Pier and whans.	8,000
Water supply (condenser, Tanks, and Pumps)	5,000
Jenner Memorial } Cemetery. }	Not valued.

CONVENTS.

Military Lines, corrugated iron buildings.	
2 each 74.0 x 10.0	1,480
1 72.0 x 10.0	720
1 68.0 x 8.0	544
1 102.0 x 36.0	3,672.
1 13.0 x 6.0	78.
1 34.0 x 6.0	204.
Dispensary and quarters.	3,000
Quay and Customs House.	2,000

Approximate Value.

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KUTE.

Orderly Room

Fls.

1,500

3 Askari lines

2,400

1 ditto without iron

500

3 Outhouses

1,200

SHINGILI

Large boma of barbed wire and thorns }  
 Makuti huts for about 100 men. }  
 One store building in old boma }

3,000

ALEXANDRA (Gasha)

A.D.C.'s House, Office, etc.

6,000

AFMADE

Temporary Wattle and daub buildings

1,000.

ROADS, ETC.

Trolley line from Kismayu to Mbuguni }  
 about 3 1/2 miles, and rolling stock }  
 consisting of two converted Ford }  
 tractors two bagie trucks and one tank }  
 truck. }

6,850

Road from Kismayu to Gebwen, 9 miles }  
 mostly in bad condition }

4,500

Road from Mbuguni (end of trolley line) }  
 to Gebwen }

2,400

Road from Mbuguni to Afmadu, 87 miles }  
 meter road, in good condition }

18,000

Total Florins

180,948.

Foreign Office, S.W.1.,

23rd December, 1921.

copy.

9102/12/60.

Your Excellency,

I have the honour to state that I have now received the observations of the Governor of Kenya Colony on Your Excellency's notes of March 24th and May 14th last with regard to the proposed transfer of Jubaland to Italy and I transmit to you herewith a revised draft of the Convention containing the modifications indicated as desirable by Sir E. Northey from the knowledge which his officers possess of the district in question.

2. As regards article 1 (the reference throughout are to the articles as numbered in the Italian draft) it has been ascertained that the most easterly well of practical utility in the area of El Wak is the well of Elberu. This well is accordingly specified by name in the text of the article in order to avoid the possibility of future misunderstandings. In this connection I should observe that the proposed international frontier coincides with the present provincial boundary. The latter was originally drawn for the express purpose of dividing the district of the Marchan from that of the Gurre, and it has long been the settled policy of the British Administration not to allow the Marchan to cross into the territory of the Gurre, for whose needs the remaining wells of the El Wak area are indispensable. In view of the importance of making proper provision for the control of the movements of the Marchan I have thought it best to explain to you at greater length in a separate note the views of His Majesty's Government on this point.

3. In the same article words have been inserted, and a slight modification of the boundary proposed, in order to remove any doubts as to the ownership of the few islets in the immediate vicinity of Dick's Head. It would appear more appropriate to include the provision that Dick's Head and these islets shall fall within the territory to be assigned to Italy in the main article defining the boundary rather than in article 3.

4. Article 2. A new map has been prepared in which correction will be made of the error at the northern end of the frontier, to which attention was called by Your Excellency, a proof of the map is enclosed herewith.

5. Article 3. In view of the detailed definition of the boundary in article 1, and of the fact that no difficulty need be apprehended in finding the places mentioned, there would appear no necessity for this further article, and it is proposed that it should be omitted altogether.

6. Article 4. His Majesty's Government feel that they must adhere to the requirement of the cancellation of the Treaty of Commerce between Italy and Zanzibar of May 23rd, 1885, as one of the conditions of the transfer of Jubaland. It must be borne in mind that it is proposed to transfer to Italy a considerably larger area than that originally mentioned, an area including Ras Kimbome to which it is understood the Italian Government attach some importance, and His Majesty's Government only agree to the transfer of this larger area on the condition that the treaty of 1885 is annulled. Moreover as soon as the convention of



St. Germain-en-Laye of September 10th, 1919, which has now been ratified by France, Belgium and Great Britain, is ratified by Italy, Italian subjects will enjoy in Zanzibar the same rights and privileges as British subjects. In view of this convention there appears to be no reason for a new convention.

7. Article 5. The sum of one thousand pounds per annum has been inserted as representing the value of the revenue which will be lost to the Sultan of Zanzibar and the lump sum mentioned in the second paragraph is calculated at twenty five years purchase.

8. Article 6. No change

9. Articles 7 and 9 have been redrafted. The object of the article as now drafted is to provide that in general British subjects resident in the transferred territories shall be entitled to remain there without losing their British nationality, while British protected persons will acquire Italian nationality, subject to a right to retain their existing status on condition of their withdrawing from the transferred territories. Inasmuch, however, as the annexation of the colony of Kenya had the effect of conferring the status of British subjects on Somalis and other natives resident in Jubaland outside the Sultan's dominions and it is considered proper that such persons should not be entitled to retain their British nationality if they desire to remain in the transferred territories, provision has been made accordingly so that they will be treated in the same way as British protected persons. The

wording

wording of the new article follows that which has been adopted in the nationality articles in the treaties of peace.

10. Article 8. As regards the first paragraph His Majesty's Government would prefer to adhere to the wording of their former draft, which is now inserted. In any case they would be unable to accept the word "permit" as proposed in Your Excellency's draft, because they have ascertained that there are some twelve land grants, and in addition a number of temporary occupation licences in the transferred territory, in respect of which it is necessary to safeguard the rights of existing holders.
11. Article 9. Now incorporated in article 7.
12. Article 10. No change
13. Article 11. After consultation with the Government of Kenya His Majesty's Government cannot but feel that it is very desirable to include in this article, as originally proposed, a provision with regard to the migration of Somalis into British territory. A modification of the text of this article is therefore proposed, under which the Italian Government would undertake to use their endeavours to prevent such a migration.
14. As regards the government property which His Majesty's Government are prepared to transfer to the Italian Government, the Governor of Kenya has caused a valuation to be made of the government works and buildings and a schedule is attached. The capital cost of material for, and erection of the wireless telegraph installation is not included

In the schedule and was as follows:-

Installation for 1 1/2 K.W. station	£ 967
Two sectional steel masts	1300
Oil engine	110
Shipping and overhead charges	213
Expenses of erection	374

Total.....£2,964.

In view of the large increase in the cost of materials since the plant was purchased, its present value cannot be reckoned at less than the above total and is probably considerably greater. His Majesty's Government accordingly suggest that the Italian Government should acquire the items mentioned in the schedule, including the buildings attached to the Kimsaya wireless station, for the sum of eighteen thousand and ninety five pounds, and the wireless station itself for two thousand nine hundred and sixty four pounds. In the event of any of the items mentioned in the schedule having been otherwise disposed of before the transfer is made, the total amount payable will be proportionately reduced.

15. The wireless station at Sarenli has been removed and the words "and Sarenli" at the end of paragraph 1 of article 11 have accordingly been deleted.

16. As regards the orderly room, Askari lines and out-houses at Yents the Governor would be glad to have early information whether these buildings are required by the

in the schedule and was as follows:-

Installation for 1½ K.W. station	£ 967
Two sectional steel masts	1300
Oil engine	110
Shipping and overhead charges	213
Expenses of erection	374

Total...£2,964.

In view of the large increase in the cost of materials since the plant was purchased, its present value cannot be reckoned at less than the above total and is probably considerably greater. His Majesty's Government accordingly suggest that the Italian Government should acquire the items mentioned in the schedule, including the buildings attached to the Kimaya wireless station, for the sum of eighteen thousand and ninety five pounds, and the wireless station itself for two thousand nine hundred and sixty four pounds. In the event of any of the items mentioned in the schedule having been otherwise disposed of before the transfer is made, the total amount payable will be proportionately reduced.

15. The wireless station at Serenli has been removed and the words "and Serenli" at the end of paragraph 1 of article 11 have accordingly been deleted.

16. As regards the orderly room, Askari lines and out-houses at Yente the Governor would be glad to have early information whether these buildings are required by the

Italian Government, as in the event of their not being so required the governor wishes to dispose of them in another way.

17. His Majesty's Government would welcome an assurance that provision will be made by the Italian Government for the upkeep of the small cemetery at Kimsayu and the Hanner memorial.

18. Article 12. His Majesty's Government are advised that the proposed boundary line does not bisect any tribe but that there may be sections of Somalis, consisting of several tribes, which may be divided. It is hoped that such divisions of sections may be avoided, but the line as drawn passes through uncharted country, and His Majesty's Government agree that the Joint Commission should have authority to decide on the ownership of points near the frontier of local importance and consider that such commission should be appointed at the earliest opportunity. They think, however, that the tribes should not be allowed the permanent right of crossing the frontier. Such a provision in agreements relative to other neighbouring boundaries has caused great difficulty. Pending the appointment of the commission it will be necessary to allow some latitude to the officers administering the tribes in deciding where they may graze their cattle, but His Majesty's Government consider it important that no provision should be inserted in the treaty which would enable the tribes who are being ceded to cross the frontier into areas which have never been recognised as theirs. The proposed article 12 has therefore been reconstructed and in submitting it in its present form for  
the

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the consideration of the Italian Government. His Majesty's Government desire that it should be understood that the latitude given to the local officials to decide on the ownership of waterholes shall in no case be construed to authorise such officials to permit tribes to reside outside their own area during the dry season. His Majesty's Government would also wish it to be understood that on the Duma river, Melka Re shall be regarded as a fixed point at which such latitude shall not be allowed; that in the neighbourhood of El Wak all the rain pools to the north east known as the Wanti Pools and all the permanent wells of the El Wak area except El Sera shall be regarded as Gurre ground to which tribes subject to Italy shall have no right of access. Further that such tribes shall not be allowed to range as far west as Gochi, Ribba, Lakela, Teor, Teor Guda, and similarly that tribes subject to Great Britain shall not be allowed to range as far east as Maddoli, Kasanguri, El Margusa, Galja and Tabhi.

19. I shall be glad if you will inform me in due course whether this understanding will be acceptable to the Italian Government.

20. It appears improbable that the international frontier will ever be accurately demarcated from end to end and waterholes will probably be discovered near the presumed line whose possession must be decided. It seems desirable therefore that the commissioners should be empowered to make such decisions if they can reach an amicable agreement and that in default of such agreement, the letter of the treaty should be observed.

Strict

Strict adherence to the letter of the treaty would, however, entail an expensive survey, which the Italian Government will doubtless be as anxious to avoid as His Majesty's Government.

21.. A modification of the second sentence of the article is proposed to meet these conditions.

I have the honour to be, etc.,

(sd) Garzon of Redleston.

o Excellency,

Monsieur de Martine,

etc., etc., etc.

23rd December, 1921.

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Your Excellency,

In a separate note of to-day's date I am forwarding to you the revised proposals of His Majesty's Government in connection with the proposed transfer of Jubaland to Italy. In addition to the points therein dealt with the alteration of the boundary in these regions raises questions of great importance with regard to the control of certain nomadic tribes, and it appears more convenient to convey to Your Excellency in a separate note the considerations by which His Majesty's Government feel that this question should be regulated.

2. The Government of Kenya Colony have been consulted with regard to the observations made in your memorandum No.1144 of the 6th May last, with regard to the position of the Marehan, and it would appear that your Government has been in some respects misinformed as regards the existing conditions and the general principles governing the movements of these tribes.

3. In the interests of good administration it has been found essential that the areas of the nomadic tribes should be defined. The tendency of the stronger tribes is constantly to move about looking for better water and pasturage, but it is a tendency that it is found necessary constantly to check as it is almost invariably at the expense of their weaker neighbours.

4. The policy of His Majesty's Government has therefore always been to set very clearly defined lines beyond which each tribe shall not pass and it is felt

that

Excellency,

Monsieur de Martine,

etc.,

etc.,

etc.



JUBALAND.  
REVISED MEMORANDUM.

Since the date of the discussions with representatives of the Italian Government last summer, the opportunity has been afforded by the presence in London of Kenya officers with first hand knowledge of the country to obtain further information with regard to local conditions in Jubaland. As a result of discussions with these officers, it has been ascertained that there have been somewhat more extensive movements of Somali tribes in Jubaland than were known to have taken place when the conversations were held last summer.

These movements have been confined to the Somalis in the southern part of Jubaland and in this connection it is necessary to emphasize the fact that they have no relation to the Marehan of Northern Jubaland. In the conversation of 1922 the term Marehan was used by the Director General of the Italian Ministry of the Colonies as applying to all the Somalis concerned, and a clear distinction should be drawn between the various tribes if misunderstanding is to be avoided.

In the northern part of Jubaland the Marehan have never been allowed to encroach West of the proposed international boundary. The country West of the boundary is recognised as Gurre country, and it has been the fixed policy of the Kenya Government quite apart from any question of cession of territory

to Italy to prohibit any incursion of the Marehan into the country west of the proposed line. In particular, as the Italian Government were informed in the Foreign Office Note to the Italian Ambassador of the 23rd December 1924, to which reference is specially invited, the claim of the Marehan to permanent water at El Wak has not only never been tacitly recognised but has been strongly resisted. For reasons expressed in the Note above mentioned, His Majesty's Government are convinced that the solution already proposed with regard to the Marehan is the only possible one, and the only one which would not lead to a succession of frontier incidents.

In the South, however, it now appears that more considerable migrations have taken place than had previously been realized. The tribes chiefly concerned are the Mohamed-Zubier and the Aulihan sections which, it is now clear, have penetrated in fairly considerable numbers into the area (formerly part of the Jubaland Province but now administered as part of the Jubaland Province but now administered as part of the Northern Frontier District) which would under the proposed Convention remain British: in what follows this area is referred to as the British zone. The infiltration has taken place mainly owing to the pre-occupation of the Kenya Government with the war and it should be emphasized that it was the intention of that Government, as soon as circumstances permitted, to put a stop to the encroachment and to confine each tribe within its own proper limits. The last sentence does not apply to the Habr Suliman who have been recognized ever since the commencement of British administration of the area as definitely located in the British zone, and are not, as are the other sections concerned, offshoots of tribes whose headquarters are in Jubaland east of the proposed new boundary.

The Mohamed-Zubier, both camel and cattle people, have, in the last few years, encroached on the Wajhier-Lorian area in increasing numbers. So far as British territory is concerned the area recognised as belonging to this tribe lies wholly in Jubaland round Afmadu. Even though their settlement is comparatively recent, and their further penetration into the Wajhier-Lorian area has caused great congestion to the Galla tribes, to whom this group of wells really belongs. As the country round Wajhier affords better grazing ground for camels than that in Southern Jubaland, the Kenya Government have allowed the camel people to use the grazing ground in an allotted area of the British zone, conditionally on their good behaviour when removed from the authority of their principal headmen and from full tribal control. The Government retained the right as the tribe well know, to send back these camel people to their recognised tribal area if, on account of unrest or for administrative reasons, this course became necessary.

The position is different with regard to the cattle people, who have better facilities than the camel people for watering and grazing their stock in Southern Jubaland. The cattle sections were returned in 1921 to their proper grazing grounds round Deshek Wama, and their attempts to drift back to the Lorian area have not been permitted.

As regards these sections, the Governor has strongly urged that they could not, in view of their number, be allowed to settle permanently in the Wajhier-Lorian district without serious prejudice to the water rights of other tribes, and this view is confirmed by enquiries which

have been made of the local officers now on leave in this country. While, however, strongly opposed to any permanent settlement, the Governor has recently undertaken, as a purely provisional measure, pending a decision as to cession, to consider the question of admitting to the Lorian area a strictly limited number of the cattle people next November, before the beginning of the dry season, if suitable arrangements can be made. This undertaking is intended to be of a temporary character applying only to the period of the dry season and it is a purely ex gratia concession, provided that the tribesmen remain on their good behaviour.

There can be no doubt whatever that it would be better for the administration of the tribe that all sections should live in their recognised tribal area in Jubaland under one control, but in deference to the views expressed by the Italian Government, and in order to show their goodwill to Italy in this matter, His Majesty's Government are willing to agree to the retention in the British zone of the Mohamed Zubier camel people now at Hajhier, and to be responsible for their administration. It will be a necessary condition of such responsibility that the Mohamed Zubier who remain should take orders from their own headmen in the British zone and be registered as natives of the Northern Frontier District, thus separating themselves from the remainder of the tribe. The question whether after cession temporary arrangements can be made for a strictly limited number of the cattle people to water their stocks in the Lorian area during the dry season is one that will be taken up with the Governor, who will be asked to consider whether

whether it will be feasible to arrange some temporary accommodation of this kind with the local Italian authorities, but any temporary arrangement of this character is bound to give rise to serious administrative difficulties, and His Majesty's Government must not be understood as giving any pledge in this matter.

With regard to the Aulihan, it is understood from the Governor that there are now about 1800 adults in the neighbourhood of the Lorian. The right of the Aulihan to watering grounds in this district has never in any way <sup>been</sup> recognised and the position with regard to these people is the same as with regard to the Mohamed Zubier camel people, viz. they have only been allowed to remain in the British zone on sufferance. The Governor is of opinion that, both on administrative and ethnological grounds, it would be better if they were moved back to their proper country. Notwithstanding this, however, His Majesty's Government are prepared, on the same grounds as in the case of the Mohamed Zubier camel people and subject to the same condition as to registration, to permit them to remain in the country which they now occupy and to undertake the responsibility for their administration. Such Aulihan as desire to remain in the British zone will be given the opportunity of registering themselves and their herds, and such as do so will be recognised as British subjects. Those who will not do so will be required to return to the Aulihan country in the Sereali area.

According to the information received from the Governor there are also 2000 persons of various tribes

tribes now in the British zone. These persons are mainly camel owners, while it is preferable that these persons also should be returned to Jubaland, the proposal made with regard to the Mohamed Zubier camel people and the Aulihan now in the British zone would be applied to the 2000 members of various tribes.

In making the present offer His Majesty's Government do so on the understanding that the Italian Government will undertake on their part to prevent any further encroachments into British territory of the Somali tribes on their side of the line. It is recognised that, if the administrative arrangements now proposed are to be worked successfully, good-will and close co-operation between the administrative officers on both sides will be necessary; but His Majesty's Government are confident that such good-will will be forthcoming. On their part, His Majesty's Government will give instructions that their administrative officers shall co-operate with the Italian officers in administering the border tribes and preventing incursions from either side. They have no doubt that the Italian Government will issue similar instructions.

~~For reasons which have already been exhaustively explained, His Majesty's Government cannot agree to the cession of the additional territory marked G in the map referred to by the Director General of the Ministry of the Colonies in his conversation at the British Embassy on the 25th August last; but they trust that the substantial concessions which they are now prepared to make will~~  
fully

sic

fully meet the objections which have been expressed by the Italian Government, and will enable a final and satisfactory solution of this question to be reached without further delay.

The reasons why they cannot agree to the cession of the additional territory marked C. in the map referred to by the Director General of the Ministry of the Colonies in his conversation at the British Embassy on the 25th August last have already been exhaustively explained; but it may be added that the adoption of that proposal would entirely alter the administrative problem which the Government of Kenya have to face by bringing Somali Tribes, who would not be under their control, into direct contact with the Non-Somali Tribes to the west of the area C. This was a difficulty which His Majesty's Government sought to avoid under their original proposals by interposing a tract of largely uninhabited territory as a buffer between the Somali and Non-Somali Tribes. Under the present proposals the difficulty is reduced by the fact that the area would be occupied by a limited number of Somalis directly under British control but if the whole of the triangle were to be ceded no buffer of any kind would be interposed.

PROPOSED CESSION OF JUBALAND TO ITALY.

The whole of this question arises out of the Treaty of London, 26th April 1915 laying down the compensation which Italy was to receive in consideration for its joining the Allies. Article 13 of the Treaty runs as follows:-

"In the event of France and Great Britain increasing their African Colonial possessions at the expense of Germany, these two powers acknowledge in principle that Italy might claim some reasonable compensation, especially as regards settlement, in her favour, of questions concerning the frontiers of the Italian Colonies of Eritrea, Somaliland and Libya and the Colonies bordering on France and Great Britain".

Accordingly this matter was discussed at the Peace Conference between representatives of France, Great Britain and Italy, and Lord Milner had separate discussions on points of detail with the Italian Prime Minister. The proposals originally put forward by the Italian Government are shewn in the annexed map of Africa. They were found to be quite unacceptable, and the adjustments to be adopted, apart from a modification of the Libyan boundaries, now only concern Jubaland.

As soon as the principle of a substantial concession to Italy in Jubaland was accepted, the Governor of Kenya was consulted as to what area should



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Accordingly this matter was discussed at the Peace Conference between representatives of France, Great Britain and Italy, and Lord Balfour had separate discussions on points of detail with the Italian Prime Minister. The proposals originally put forward by the Italian Government are shown in the annexed map of Africa. They were found to be quite unacceptable, and the adjustments to be adopted, apart from a modification of the Libyan boundaries, now only concern Jubaland.

As soon as the principle of a substantial concession to Italy in Jubaland was accepted, the Governor of Kenya was consulted as to what area could

be ceded, having regard to tribal and administrative considerations. The matter was then most carefully discussed by Sir E. Northey with the Officers in Charge of the districts affected, and the large scale map which has been prepared to accompany the draft Convention represents what, in the opinion of the local authorities, should be the boundaries of the ceded area.

In the Draft Convention, which is now before the Italian Government, certain points of real administrative importance are set out in detail, for example, how the boundary should lie in certain parts of its course in respect to wells and water places. Bethas regards these details, and the general line of the new boundary, the division and control of the various tribes are a governing consideration, and it would not be possible to accept any modification which the Italian Government might suggest without prior reference to the Colonial Government.

It is possible that the Italian Government may assume an attitude of moderation and be prepared to accept merely the Port of Kismayu with the adjoining country and the valley of the River Juba for a certain distance up its course, thus securing everything that is of value and relieving themselves of everything that is likely to embarrass them in connection with the administration of the tribes. This would be an impossible arrangement

arrangement as the river is the life of the tribes, and on Great Britain would lie the responsibility for restraining the tribes to the west of the river, from the access to its waters which is essential to them.

The Italian Government have already set up the claim that the Marehan, the principal tribe in the north of the territory concerned, really belong to the area which would be left to Great Britain. They have been assured, after careful enquiry, that there is no ground for this assumption, which only rests on the fact that the Marehan have occasionally raided and trespassed upon the grazing grounds of the Garre tribes to the west of the new boundary. It is to secure a boundary which would effectively separate these two tribes and leave the Marehan in the country to which they have always belonged, that the northern part of the new boundary has been devised; and it is an essential part of the Convention that the Italians should accept the responsibility for the Marehan, and make due provision for the control of this tribe equally with the other tribes who belong to the area to be ceded.

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DRAFT AGREEMENT FOR TRANSFER OF THE TERRITORY OF  
JUBALAND TO ITALY

Article 1

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in his own name and on his own behalf and by virtue of his protectorate over Zanzibar, in the name and on behalf of His Highness the Sultan of Zanzibar, so far as the latter may be concerned, transfers to His Majesty the King of Italy all sovereign rights and titles over that portion of African territory lying between the present Italian colony of southern Somaliland and a new boundary line determined as follows: from the confluence of the rivers Ganale and Dawa, along the course of the Dawa up stream to the southern point of the small southerly bend on the latter river in the vicinity of Malka Re; thence in a south-westerly direction in a straight line to the centre of the pool of Dumas; thence in a south westerly direction in a straight line towards Eila Kalla (which remains in British territory) to such meridian east of Greenwich as shall leave in Italian territory the well of Elibaru; thence along the same meridian southwards until it reaches the boundary between the provinces of Jubaland and Tanaland; thence along that provincial boundary to a point due north of the point on the coast due west of the southern most of the four islets in the immediate vicinity of Ras Kiambone (Dick's Head), thence due southwards to such point on the coast. Ras Kiambone (Dick's Head) and the four islets

islets above mentioned shall fall within the territory to be transferred to Italy.

Article 2

The above boundary is shown on the attached map<sup>x</sup> and all references in the above description of the boundary are to this map.

Article 3. (formerly Article 4)

The Italian Government agree to the cancellation of the Treaty of Commerce between Italy and Zanzibar of May 28th 1885.

In accordance with the provisions of the Convention of St. Germain-en-Laye of September 10th 1919 which the Italian Government undertakes to ratify as soon as possible, Italian subjects established in the Protectorate of Zanzibar shall enjoy the same rights and privileges and receive the same treatment as British subjects.

Article 4 (formerly Article 5)

The Italian Government shall indemnify the Government of His Highness the Sultan of Zanzibar, for any loss of net revenue arising out of the present transfer of territory, and shall pay to the latter, as an indemnity which shall in no wise represent a tribute implying any survival of sovereignty the annual sum of £1,000 representing the proportionate share of the annuity which has hitherto been paid by the British Government to the Government of Zanzibar.

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<sup>x</sup> The map hitherto referred to is replaced by a new map, the Italian Government having pointed out that a small portion of Abyssinian territory was, through a typographical error, included in the transferred territory.

The Italian Government shall be entitled at any time to effect the discharge of any obligation undertaken under the preceding paragraph by means of the payment of a lump sum of £25,000 to the Government of His Highness the Sultan of Zanzibar. The Government of His Britannic Majesty undertakes to use its good offices in order to obtain acceptance of that sum on the part of the Government of His Highness the Sultan of Zanzibar.

Article 5 (formerly Article 6)

The Italian Government undertakes that if it shall at any time desire to abandon all or any part of the territory transferred to it as above, it shall offer the same to the British Government upon such terms as may be just.

In the event of any differences between the two Governments as to the terms of transfer, the question shall be referred to arbitration in accordance with the provisions laid down by the League of Nations.

Article 6 (formerly Article 7)

British subjects, other than those persons who have become British subjects by the annexation of the Colony of Kenya, ordinarily resident, at the date of the coming into force of the present Agreement, in the territory transferred under article 1 shall, unless within six months of the coming into force of the present agreement they opt for Italian nationality, retain their British nationality without being called up to withdraw from the said territory or to part with their property.

In the event of their not opting for Italian nationality and of their desiring to withdraw from the transferred territory they shall be at liberty to do so within 12 months from the coming into force of the present agreement. They shall be entitled to carry with them their movable property of every description without payment of export or import duties of any kind. They shall be entitled to retain their immovable property in the transferred territory.

British protected persons and British subjects who have become such by the annexation of the Colony of Kenya, ordinarily resident in the transferred territory, will acquire Italian nationality and cease to be British protected persons and British subjects respectively. Provided, however, that such persons [not being Somalis, or belonging to the native races of the area transferred,] shall have the right to retain their existing nationality on condition that they withdraw from the transferred territory within twelve months from the coming into force of the present agreement. In that event they will be entitled to carry with them their movable property of every description without payment of export or import duties of any kind. They will be entitled to retain their immovable property in the transferred territory.

Article 7 (formerly Article 8)

All concessions or rights to properties in the above territories which have been recognised as valid by the former Government and are held by private persons or corporations



corporations at the date of the transfer of these territories shall be recognized as valid by the Italian Government, to whom shall be transferred all rights and obligations of the former Government under the said concessions.

It is agreed that the concessions and property rights shall be exercised in accordance with the general laws and regulations in force in the Italian colony of Italian Somaliland, and that the Italian Government may impose on the concessionaires and proprietors all limitations necessary for the execution of works of general utility, upon granting to such persons the same compensation or indemnity as that to which Italian subjects would be entitled in similar cases.

Article 8.

(Note, Superseded by Article 7 above)

Article 9 (previously Article 10)

All treaties, conventions and agreements between the Government of His Britannic Majesty [and the Government of His Highness the Sultan of Zanzibar] and the Government of His Majesty the King of Italy, applicable to the Italian colony of Italian Somaliland, and at present in force, shall be extended to the territory now transferred in accordance with the present agreement.

Article 10 (previously Article 11)

The two Governments of the British Colony of Kenya and of the Italian Colony of Southern Somaliland shall come

to the necessary agreements with regard to the special conditions of time and place for evacuation by the English troops of the territory to be transferred and the entry of Italian garrison troops; they shall settle the conditions of transfer to the Italian Government of the Government buildings existing within the territory which the latter might wish to acquire from the British Government and of the wireless telegraph installation at Kisimayo.

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The Italian Government undertakes that they will endeavour to prevent any migration of Somalis or other natives of the transferred territory, into British territory either while the evacuation of British troops is taking place or in the future.

The Italian Government binds itself to respect the rights of Sudanese pensioners remaining at Yanti, in accordance with the general laws and regulations of the Italian Colony and Southern Somaliland.

Article 10 (previously Article 12.)

The manner in which the present agreement shall be carried out shall be settled on the spot by British and Italian officials appointed for the purpose by the two Governments of Kenya Colony and Italian Somaliland. Until the whole boundary shall have been demarcated by an accurate survey, the officials thus appointed shall be empowered to decide, provided an agreement can be reached under which Government waterholes of local importance situated near the proposed boundary shall come. In the event of an agreement not being found possible, the points in dispute shall be settled by an accurate survey in accordance with the line described in article 1.

LIST AND APPROXIMATE VALUE OF GOVERNMENT  
BUILDINGS IN JERALAND.

KIRKBY

Approximate Value.

	Fls.
Medical Officer's House	8,000
Fort including Jail and Hospital	20,000
Civil Stores.	2,000
Customs House and quarters.	10,000
Dispensary and buildings	8,000
A. D. C.'s House (recently purchased).	2,400
Wireless Station (Buildings only).	60,000
Market.	500
Quarters for clerk	1,000
Police Lines	3,000
Pier and crane.	5,000
Water supply (condenser, Tanks, and Pumps)	5,000
Jenner Memorial Cemetery.	} Not valued.

GOBURNS.

Military Lines, corrugated iron buildings.		
2 each 74.0 x 10.0		1,480
1 72.0 x 10.0		720
1 68.0 x 8.0		544
1 102.0 x 34.0		3,472.
1 15.0 x 6.0		90.
1 34.0 x 6.0		204.
Dispensary and quarters.		3,000
Quay and Customs House.		2,000

YEMBA.

	Fls.
Orderly Room	1,500
3 Ashari lines	2,400
1 ditto without iron	500
3 Outhouses	1,200

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BERGELI

Large Boma of barbed wire and thorns Makuti huts for about 100 men. One store building in old boma	3,000
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ALEXANDRA (Gasha)

A.D.C.'s House, Office, etc.	6,000
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AFMAU

Temporary Wattle and daub buildings	1,000.
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Roads, etc.

Trolley line from Kismayu to Mbuguni about 3 1/2 miles, and rolling stock consisting of two converted Ford tractors two bogie trucks and one tank truck.	6,250
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Road from Kismayu to Gebwen, 9 miles mostly in bad condition	4,500
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Road from Mbuguni (end of trolley line) to Gebwen	2,400
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Road from Mbuguni to Afmau, 87 miles motor road, in good condition	<u>12,000</u>
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Total Florins	<u>180,948.</u>
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