

KENYA

7893
12 FEB 21

4999

RELON

JUBALAND

SESSION OF TERRITORY TO ITALY

21 FEBRUARY

The copy of draft of proposed note to Italian Ambassador with regard to delimitation of boundary for concurrence. Enclose also for concurrence copy of modified agreement. Request early observations with two authentic copies of map of new frontier for signature with the agreement.

at previous Paper.

At Feb A 1019/14/60 6982

See 14/2000.

(1) Summary re Italian note 2.05
main body of Sir C. A. ...
col 2.

(2) Lt. Comander ... with ref to
article 4 ... the Italian Govt
have raised, in this, the question
of L. Bar's adherence to the
Convention. The Italian Govt
Mr. Walter ... who has the whole
question of L. Bar's ...
relations, ... recent ...
found on ...
but a few days ...
of ...
of that will give time to check it.

10/6/23
Read for 23 Feb 21
Copy comes for Secret 28 Feb 31 70/2040/241

I have
checked
A. ...
22/1/21

Next subsequent Paper

40/8000

Justification of look of map

872

1872

1872

1872

Justification

Further draft submitted

(1) 872 correction. This is all right, though I should have prepared that the first article did not lay so much stress on Langyter. Only a small area around the same is 2 bar territory. However it is too late to alter this.

(2) Maps. I discussed with you on 26 January & you agreed that the maps should follow the map (except for the southern boundary since it is inland) which has standing in the name of the line of land between the two with Bygone. See 70/56716/19.

Map is being prepared accordingly - see enclosed.

(3) Mention of Langyter in the general Convention of 1874. See the Ballantyne's minutes on 688? As in Appendix & separate letter. I have

I have prepared the map
1872
H. J. R.

Very kind regards to your family. The enclosed
is very much so.

Feb. 22

Mr. J. Fielder

You will see from the enclosed
note by Mr. Cottamley of the 16. Inst. that
the S. & S. has already been inft.
of what is proposed. The blue line
on the second map indicates the
new Anglo-Italian boundary. The old
boundary was of course, the Julia River.

H. J. R.

22 Feb 72

Yrs.

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

Dated 10th February 1921.

(Received Colonial Office 1.10 a.m. 14th February
1921)

February 10th Jubaland your supper
telegram of February 4th earnestly ask for further
information. Estimates for next year have been
prepared on assumption that we shall have handed
over Jubaland by August. Natives are becoming
uneasy owing to lack of definite announcement.
Does your telegram mean that abandonment of decision
is not contemplated. If so or if a long delay is
anticipated I must make extensive alterations in
arrangements. Anticipating that handing over would
commence on April 1st movements of troops are already
taking place.

It is also necessary to know early if
preliminary survey work of the new frontier is to be
undertaken by the local staff whose services with
the colony cease on March 31st.

MONTREY.

*See memo in attached
to [unclear] [unclear] [unclear]*

Mr. Vassalli

The content of the said agreement was approved as part of the territorial adjustments with Italy, which were necessary to fulfil the agreement of 1938 under which Italy came into the war. Consequently, the latter has been dealt with by the African Office, in conjunction with other matters, as regards the area concerned.

About the 1st of January 1941 the Foreign Office was asked to deal with the outstanding problems before he vacated the Embassy, and the Foreign Office reached our help in meeting him as far as possible. The draft agreement which had been prepared was slightly altered and approved for communication to the Italian Ambassador, and at the same time he telegraphed to the Governor stating that the Convention was about to be completed, and that it was desirable that the question of the line of evacuation should be taken up at once.

On January the 3rd the Governor replied that it would be necessary to remove the various tables or sections of wires to their proper side of the new frontier, and that this could only be done during the rainy season. From April 1st to 15th 1941 he said that early steps would be taken for a formal negotiation of the boundary line. Further action had to be followed from which it appears that the work of actual demarcation must be preceded by a survey:-

(i) to link up the north and south ends of the

early completion of the work...
 as he has been appointed...
 Secretary of State...
 the Foreign Office...
 that...
 effect that...
 to the...
 the...
 which general...
 if the...
 carry on for a few...
 of the boundary...
 to give...
 information...
 stated, and...
 that...

Handwritten notes:
 to the...
 through...
 to...
 to...
 16/1/11

7993

Foreign Office, N.S.

February 18th 1921.

18 FEB 21

No. A 1000/18/00.

Address.

Not to be given by name.

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

[A 1000]

Sir:-

With reference to your letter 5930/1921 of the 11th instant, I am directed by Earl Carson of Kelleston to transmit to you herewith the draft of a note which His Lordship proposes, with the concurrence of the Secretary of State for the Colonies, to address to the Italian Ambassador with regard to the delimitation of the Jubaland boundary.

2. His Lordship has just learnt that instructions are being sent to Signor di Martino to conclude both the Egyptian frontier and the Jubaland agreements. A copy of the Jubaland Agreement, modified in accordance with your letter 63406/1921 of the 1st ultimo, is therefore enclosed for the final concurrence of the Secretary of State for the Colonies and I am to request that two authoritative copies of a map of the new frontier may be furnished for signature with the Agreement.

3. Lord Carson would be glad to receive an early reply to this letter with any observations which the Secretary of State for the Colonies may wish to offer.

I am,

Sir,

Your most obedient,

humble servant,

R. Spurling

Under-Secretary of State,

Colonial Office.

Registry No. A. 1605/12/40

7893

130

REC-18 FEB 21

P.O.

Draft.

February, 1921.

Your Excellency:-

I have the honour to refer to my note No. A 692 of February 5th, relative to the delimitation of the Jubaland-Kenya Boundary, and to communicate to Your Excellency certain additional information regarding the work involved.

2. It is now estimated that if it proves possible to carry on the survey for four months in each year viz - April, May, June and November, the work must be expected to last three years, the first two being occupied with the preliminary survey, and the third with the final delimitation. In order to make the best use of the time, the technical staff would have to be ready to start at the beginning of April next. The total cost of the technical survey is estimated at Twenty-seven thousand pounds or Nine thousand pounds for each of the three years. This estimate, of course, makes no allowance for the cost of the political services which would be required, and are calculated to occupy two years, beginning, it is understood, in 1922 and proceeding pari passu with the technical work.

3. Your Excellency will observe that this information somewhat modifies that which I had the honour to communicate in my note and reference/

His Ambassador.

mediate.

reference, is that it now appears impracticable to complete the whole work in less than three years, or the preliminary survey in less than two.

4. The main intention of the technical work included the extension of the triangulation already carried out, to both ends of the boundary, and the connection of the terminals, chiefly by the method of traverse control through the first country and dense forest. The triangulation at present extends to Lala in the South and Talabha in the North, the latter point being included in the white line frontier survey, which has now been coordinated with that of the East African States.

5. I have the honor to request that the foregoing report be submitted to the Imperial Government, in connection with the proposed already said, that they should undertake about half the cost of the technical expenses to be incurred during

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Possessions beyond the Seas, Emperor of India, and His Majesty the King of Italy, being desirous of defining anew the boundary between their respective territories in the neighbourhood of the Juba River have resolved to conclude a Convention to that end, and have appointed as their Plenipotentiaries for that purpose, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Possessions beyond the Seas, Emperor of India,

and His Majesty the King of Italy,

who, having produced their full Powers, found in good and due form, have agreed upon the following Articles:-

1. HIS Britannic Majesty, by virtue of his protectorate over Zanzibar, acting on behalf of and with the concurrence of His Highness the Sultan of Zanzibar, in as far as may be concerned, transfers to His Majesty the King of Italy all rights and title over that portion of African territory lying between the present Italian territory and the line drawn from the confluence of the rivers Juba and Dera, along the course of the Dera up stream to the southern point of the small southerly bend of the river Dana in the vicinity of Malko, thence in a south south westerly direction in a straight line to the centre of the pool of Dumasu, thence in south westerly direction in a straight line towards Eiba Kalla to a 20 meridian east of Greenwich, which shall leave in Italian territory the most easterly well in the El Wak area; thence along the above meridian southwards until it reaches the present provincial boundary between Italian and Turkish territory, thence along that provincial boundary to the coast at Ras Kumbungu.

2. The above boundary is shown on one of the enclosed maps and all references in the above description of the boundary are to this map.

It is agreed that the boundary, through which the above line runs has to be surveyed and the map should in consequence be raised upon as correct, the same as shown in the map shall be accepted if it shall be found impossible to find a more defined one in the said map.

The Italian Government agrees to the cancellation of the Treaty of Commerce between Italy and Zanzibar of the 28th May 1893. Pending the coming into force of the provisions in this regard of the Convention signed by the German and Italian Governments on the 28th and 29th July 1900, the Italian Government undertakes to modify as soon as possible Italian subjects established in the Protectorate of Zanzibar shall enjoy the same rights and privileges and shall have the same treatment as British subjects.

The Italian Government will indemnify the Zanzibar Government for any loss of revenue arising out of the transfer of the above territory to Italy, and will undertake payment of any annuity hitherto paid by the British Government to the Government of Zanzibar in respect of the said territory.

The Italian Government shall be entitled, if they so desire, to effect the discharge of any obligation undertaken under this Convention by means of the payment of a lump sum to the Zanzibar Government. The Majesty's Government will assign their good offices to secure the acceptance of such a sum by the Government of Zanzibar in the same way as in the case of the transfer of the said territory to the Government of the Sultan of Zanzibar in the Boma Convention of 1893.

If the Italian Government shall at any time desire to cede or to abandon any of the above-mentioned territories, the same shall be ceded 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 the question shall be referred to arbitration.

British subjects resident in the above ceded territories shall be at liberty to retain their British nationality without being called upon to withdraw from the territory or to part with their property, and in the matter relating to their business, industry or profession shall be entitled to the same treatment as British subjects.

All concessions or rights to property in the above territories which were recognised as valid by the former Government and are held by private persons or corporations at the date of the transfer of those territories and all the rights of the former Government under the said concessions (other than services)

British subjects and protected persons resident or carrying on business in the ceded territory shall be at liberty to withdraw from that territory with their movable property of every description without payment of any duties of any kind.

British subjects and protected persons shall enjoy in the ceded territories the same political, commercial and industrial rights as are enjoyed by those persons in the Italian colony to which the ceded territories may be annexed.

All treaties, conventions and agreements between the Majesty's Government or between the Government of Zanzibar and the Italian Government, previous to the date of the transfer of the said territories, shall extend to the territories now transferred.

The Italian Government transfers to His Majesty's Government on behalf of the Government of Zanzibar all the rights which the Italian Government enjoyed in the port of Kismayu under the agreement concluded in the said port on the 10th January, 1905, between the British and Italian Governments, and the Government of Zanzibar is substituted in all respects for the Italian Government under the said agreement.

The date on which Italian troops will leave the Italian possessions at Hole, Gerba Hurso and Sereni must be arranged between the two Governments in advance. The Italian Government guarantees that they will allow a garrison to be held at a spot that during the evacuation and with possible internal troubles from the Somalis and to see that the Somalis are not disturbed. Arrangements will be made for the Italian Government of existing Italian possessions at Sereni will be guaranteed by the Italian Government if they wish to do so.

The Italian Government will also form His Majesty's Government as far as possible whether they are prepared to supply the wireless telegraph stations erected at Kismayu and awaiting erection at Sereni, and any buildings and stores they will wish to purchase from the Italian Government.

Final details will be arranged between the British and Italian Governments at the spot.

The present Convention shall be ratified, and shall come into force immediately after the exchange of the ratifications which shall take place at London as soon as possible.

In witness whereof, the Undersigned have signed the present Convention and have affixed thereto their seals.

Done at London, in duplicate, this
day of

18th February 1921

RAFT.

at 11
F.D.

MINUTE.

Copy Gov. Secret 28 Feb 21

- Mr. [Name]
- Mr. [Name]
- Mr. [Name]
- Mr. Criddle.
- Sir H. Lambert.
- Sir M. Read.
- Sir G. Fiddes.
- Col. Amery.
- Lord Milner.

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... I am in total agreement with you in the matter, the proposal of the 16th of Feb., and to request you to inform Lord Curzon & Lord Balfour...

... that be done in the terms of the draft (enclosed in your letter) of a note proposed to be sent to the Italian Ambassador with regard to the activities of the A. I. ... subject to the ... of "Uganda" for the East African Protectorate ...

enc. at once

Imperial

Downing Street,
23 February, 1921.

Sir,

In further reply to your letter (A.1005/12/20), of the 16th of February, I am directed by Mr. Secretary Churchill to request you to inform Earl Carson of Medford that he approves of the terms of the draft Convention which it is proposed to communicate to the Italian Government with regard to the cession of territory in Sudan.

2. Two copies of a map enclosed which have been prepared to show the new territory between the Sudan and Italian Somaliland. The name part of the line between the Sudan and El Wak has been taken from a duplicate of the map which was in Lord Curzon's possession to General Tittoni of the 16th of September, a copy of which was enclosed in my letter (134416/1W50/1916) of 2 October, 1919.

3. To request that you should send to me on the basis raised by the Italian Government as the basis

Copy for Secret of Feb 21 70/8040/21

DRAFT.

Her Secretary of State,
FOREIGN OFFICE.

MINUTE.

Mr. Bottomley 22/2/21.

Mr.

Mr.

Mr. Grindle.

Sir H. Lambert.

Sir H. Reard.

Sir G. Fiddes.

Col. Amery.

Lord Milner.

for secret

APP.

70/53716/1921

*to further details with
in the light of
the draft Convention as soon
as the question arises.
See letter of 12/2/21
No (A. 1019/14/20) 1/2
for details
J. J. Reard*

Your letter of the 24th of Feb.

(A 1019/14/60); and it will
be shown that, in the absence of
evidence, there is no ground for
regarding the evidence of Langdon
to the contrary. Convention of
Sept 10th 1817 as being covered
by the ratification of the Convention
by 1817. It is suggested that
the responsibility of the Ambassador
should be removed in that

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