

1921

KENYA

428

56188

FOREIGN

DATE

9TH NOVEMBER 1921

10 21 21

INCULCATION

SUBJECT

JUBALAND

CESSION TO ITALY

Griffiths

H. Lambert

H. Road

Maxwell Smith

Wood

Churchill

The revised draft Note to Italian Ambassador, Agreement for cession and further Note as to arrangements for control of Mafshan. Asks if terms concurred in and if revised map is available. Requests early reply.

Previous Paper

MINUTES

W.O.

58192. n.m.

(to 7 maps)

Mr Bottomley  
Lund 58192.3

Mr. has discussed this and

the point of our discussion is shown in the 22nd and 23rd paragraphs in copy below of Dr. Duff's note. A copy similarly amended should go to the 22nd and 23rd paragraphs in Draft Annex

A.P.S.

30.11.21

See Below

In approval

Subsequent Paper

W.O. 58192

The details have required much discussion and a 1.1.1922 copy put a lot of work into the thing. Sunday report





settled policy of the British Administration is to allow the Marchan to cross into the territory of the Gerra, for whose needs the remaining wells of the M. 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 Your Excellency at greater length in a separate note the views of His Majesty's Government on this point.

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 Dix's Head. It would appear more appropriate to include the provision that Dix'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.

Article 2. A new map <sup>has been</sup> is being 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.*

Article 3. ~~Modified in accordance with the alterations to Article 1.~~

Article 4. His Majesty's Government feel that they must adhere to the requirement of the cancellation of the Treaty Commerce between Italy and Zanzibar of May 23, 1865, as one of the conditions of the transfer of Jubaland. It

view of the  
ted definition  
the boundary in  
le 1 and of 2.  
that no  
only need be  
needed in  
ing the place  
where  
appear no  
ity for this  
in Article and  
proposed that  
ould be omitted  
either.

must



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 as the subjects of the Sultan  
 if they so desire. The article  
 proposed in this regard has been adopted in the  
 form of article 10 in the draft of the  
 agreement. It is proposed to insert  
 a new article in the draft of the  
 agreement in order to provide for the  
 rights of existing holders of temporary  
 occupation licenses in the transferred territories.  
 In respect of which it is necessary to safeguard  
 the rights of existing holders.

Article 9. Now incorporated in article 7.

Article 10. No change.

Article 11. After consideration with the

Government of Kenya, it is proposed to  
 amend article 11 of the draft of the  
 agreement so as to provide for the  
 migration of Somalis into British territory. A modification

The estimated cost of material for and erection of, the Wireless Telegraph installation is not included in the Schedule and was as follows:-  
 Installation for K. W. Station £ 967  
 Two national steel masts £ 1,800  
 Oil Engine £ 110  
 Shipping and overhead charges £ 213  
 Total £ 3,790

part of the cost in the wireless work and was included in the estimate of the Government.

OF the text of this article is therefore proposed, under which the Italian Government would be invited to use their endeavours to prevent the seizure of any Government property which the Italian Government are prepared to transfer to the Italian Government, the Governor of Kenya is advised a valuation of such property to be made and a schedule is attached.

His Majesty's Government suggest that the Italian Government should acquire the items mentioned for the sum of £ 100,000, and the Wireless Station at Kisumu for itself. ~~It is suggested that the Italian Government should acquire the items mentioned for the sum of £ 100,000, and the Wireless Station at Kisumu for itself. It is suggested that the Italian Government should acquire the items mentioned for the sum of £ 100,000, and the Wireless Station at Kisumu for itself.~~ In view of the large increase in the cost of material since the plant was purchased the sum stated is considered to be an equitable offer.

As regards the Orderly Room, Askari lines and Outhouses at Yente the Governor would be glad to have early information whether these buildings are required by the Italian Government, and in the event of their not being so required the Governor wishes to dispose of them in any other way.

His Majesty's Government would welcome an arrangement. Provision will be made by the Italian Government for the upkeep of the small cemetery at Kisumu and the Jenner Memorial.

Article 12. His Majesty's Government are advised that the proposed boundary line does not bisect any tribes <sup>but that there may be sections</sup> except as far as there of Somalis, consisting of several tribes, which may be divided.

of material for and erection of the wireless telegraph  
 is not included in the Schedule and was as follows:  
 Installation for K. N. Station £ 967  
 Two sectional electric motors £ 1,200  
 Oil Engine £ 110  
 Shipping and overhead charges £ 213  
 Expenses of erection £ 174

of the  
 value of the  
 material  
 was purchased  
 at less than  
 cost and is  
 considerably

of the text of this article is that the Government would, under which the Italian Government would undertake to use their endeavours to prevent such a migration.

As regards the Government's report on His Majesty's Government are prepared to transfer to the Italian Government, the Governor of the island has caused a valuation of such property to be made, and a schedule is submitted. His Majesty's Government suggest that the Italian Government should acquire the island, including the wireless station, for the sum of £8,095, and the wireless station at HMAS, £2,964, being the value of the material for its erection. In view of the large increase in the cost of material since the plant was purchased the sum stated is considered to be an equitable offer.

As regards the trading agents, Messrs Lines and Robinson at York 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 required the Governor wishes to dispose of them in another way.

His Majesty's Government would welcome an assurance that provision will be made by the Italian Government for the disposal of the buildings at HMAS and the wireless station.



~~will be sections of Senalis on both sides of the~~  
~~divided.~~

It is hoped that <sup>such</sup> divisions of sections may also 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

waterholes near the frontier of local importance and non-  
near those of general importance should be appointed at the  
satisfactory of the Government. However, that

the permanent  
Such a provision  
of neighbouring

the Government of the Government will be

tribes in the area they

tribes to be considered

tribes

proposed and

and in submitting it in the present form for the  
Government, His

Government deems that it should be

understood that the latitude given to the local  
officials to decide on the ownership of waterholes

shall not be construed as authorise such  
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

Draft Agreement for transfer of the territory of  
Jabalard to Italy.

Article I.

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 Sannibar, in the name and on behalf of His Highness the Sultan of Sannibar, 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 Gaxale 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 Malk; thence in a southerly direction in a straight line to the centre of the pool of Dama; thence in a southerly westerly direction in a straight line towards Hilla Kalla (which lies in British territory) to the meridian east of Greenwich as that meridian leaves Italian territory the well of Habor; thence along the same meridian southwards until it reaches the boundary between the provinces of Jabalard and Tanciland; thence along that provincial boundary

to a point due north of the point on the coast and  
west of the sea-coast of the Gulf of Tadjoura in the  
immediate vicinity of the place where the  
channel has usually been shown on the maps of the  
Gulf of Tadjoura (D.H. 1000) and the  
channel mentioned in the said maps.

The above-mentioned point is  
described as follows: It is the  
point where the sea-coast of the Gulf of Tadjoura

However, the point is  
located at the point where the  
coast of the Gulf of Tadjoura  
is bounded by the sea-coast of the Gulf of Tadjoura  
the western part of the coast and the river as far  
as the point of the Gulf of Tadjoura shall coincide as far as  
Halla-Belle with the present political boundary of  
Somalia and Ethiopia with the present boundary  
between the provinces of  
shall be included in the  
territory to be ceded to Italy; shall then follow  
in a

1. 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 cartographical error, included in the  
territory to be ceded to Italy.

in a southerly direction the meridian of that well, and shall over the last section coincide with the boundary between the province of Jubaland and that of Fasalund as far as Ras Kiambano (Dick's Head).

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Article 3 (formerly Article 4)

The Italian Government agree to the cancellation of the Treaty of Commerce between Italy and Lanibar of May 20th 1890.

In accordance with the provisions of the Convention of 20th December 1904 of September 1904.

which the Italian Government undertakes to give the best possible Italian subjects in the territories of Lanibar shall enjoy the same rights and privileges and respect as the subjects of the Italian Government.

The Italian Government shall be responsible 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 part of the liability which has hitherto been paid by the Italian Government, the Government of Lanibar.

The Italian Government shall be responsible at a time to be fixed for the discharge of the obligations undertaken

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at option for  
Smith

their property.  
In the event 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 ~~will~~ <sup>shall</sup> be entitled to retain their immovable property in the transferred territory.

British protected persons and British subjects who have become nationals of the annexation of the <sup>new territory</sup> of Italy, ~~and~~ in the transferred territory, will acquire Italian nationality and shall be British protected persons and British subjects respectively. <sup>Provided, however,</sup> that such persons, not being females, or belonging to the native races of the area concerned, 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 the 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 2

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, the said Italian Government may impose such conditions and prerequisites as necessary for the execution of the said concessions, (without this imposing any liability upon the said subjects to compensation of any kind) that to whom valid subjects shall be entitled in the said colonies.

Witness my hand and seal at London this 21st day of June 1941.

Done at London this 21st day of June 1941.  
I, *[Signature]*, Secretary of State for the Colonies, do hereby certify that the above is a true and correct copy of the original as the same was presented to the Government of His Britannic Majesty the Government of His Majesty the Sultan of the Government of His Majesty the

King

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 of the English proposal has been cancelled; see also Article 11 of the present draft.~~

Article 9 (formerly Article 11)

~~Articles 10, 11 and 12 of the English proposal.~~

The two Governments of the British Colony of Kenya and of the Italian Colony of Southern Somaliland shall come to the necessary arrangements 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 installations at Kismayo and Serdoli.

The Italian Government undertakes that they will endeavour to prevent any migration of Somali 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 Soudanese prisoners remaining at Youti, in accordance with the

general

see above

above

the natives of transferred territory



Foreign Office,  
London, S.W.1.

November, 1921.

Dear Excellency,

In a separate Note of to-day's date I am replying to Your Excellency the revised proposals of His Majesty's Government in connection with the proposed transfer of Jubaland to the British Somaliland Protectorate. In this connection I have the honor to acknowledge the receipt of your letter of the 21st inst. in which you refer to the proposals of His Majesty's Government and to the fact that the Government of the Italian Somaliland Protectorate are in agreement with the proposals of His Majesty's Government. I am glad to hear that the Government of the Italian Somaliland Protectorate are in agreement with the proposals of His Majesty's Government. I am glad to hear that the Government of the Italian Somaliland Protectorate are in agreement with the proposals of His Majesty's Government.

It is noted that the Government of the Italian Somaliland Protectorate are in agreement with the proposals of His Majesty's Government. It is noted that the Government of the Italian Somaliland Protectorate are in agreement with the proposals of His Majesty's Government. It is noted that the Government of the Italian Somaliland Protectorate are in agreement with the proposals of His Majesty's Government. It is noted that the Government of the Italian Somaliland Protectorate are in agreement with the proposals of His Majesty's Government. It is noted that the Government of the Italian Somaliland Protectorate are in agreement with the proposals of His Majesty's Government.

In the interests of good administration it has been found essential that the areas of

Reside General, Mr. Giacomo de Martino.

etc., etc., etc.

the ... tribes should be defined. The tendency  
of the ... tribes is constantly to move about  
... and pasturage, but it is  
... necessary constantly  
... at the  
... neighbours.

The policy of His Majesty's Government  
... has always been to set very clearly de-  
... which each tribe shall not pass  
... complications would  
... were standing.

In Your Excellency's Memorandum the  
... that the majority of these  
... is at present still within the  
... and northern frontier  
... appears to be based on  
... it is not the case that the  
... now within the area  
... in the past.

Your Excellency states  
... regards it as  
... similar to those  
... necessary for the protection

... with regard to the  
... present occupied by  
... point out to  
... the home of the Marahan tribe  
... and that a very large  
... Marahan now in Jubaland have been  
... territory in the last ten years.

His Majesty's Government cannot but feel therefore

that  
too clearly explains the



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.

It is proposed to draw with it permanent water rights, with the exception of the rights of the Indians, as already stated, and to provide for the establishment of military posts.

I am moreover satisfied that the Indian population is comparatively well distributed in the territory, and that the permanent water rights are the main river.

It is proposed to draw with it permanent water rights, with the exception of the rights of the Indians, as already stated, and to provide for the establishment of military posts.

The Indian population is comparatively well distributed in the territory, and that the permanent water rights are the main river.

It is proposed to draw with it permanent water rights, with the exception of the rights of the Indians, as already stated, and to provide for the establishment of military posts.

Received 1/1/12

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Foreign Office,  
S.W.1.

November 1921.

Your Excellency,

I have the honour to advise that I have now received the observations of the Secretary of Kenya Colony on Your Excellency's Order of March 24 and May 14 last with regard to the proposed transfer of Jubaaland to Italy and I transmit to Your Excellency herewith a revised draft of the Convention containing the modifications indicated by the Secretary of Kenya Colony and the views of the Secretary of the Foreign Office.

It is to be noted that Article 3 of the Convention provides that the boundary between the Italian and British territories shall be the well of practice at El Wak. This well is a spring which supplies water to the wells of the Gurre 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 boundary was drawn for the express purpose of dividing the district of the Marehan from that of the Gurre, and it has long been the settled policy of the British Administration not to allow the Marehan 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 water requirements of the Marehan I have thought it desirable to refer the matter to Your Excellency at the earliest opportunity. I enclose herewith the views of His Majesty's Government on this point.

Yours faithfully,  
Giovanni Gualtieri Giacomo de Martino, etc. etc.

In.....

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.

Article 2. A new map is being 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.

Article 3. Modified in accordance with the alterations in Article 1.

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 23, 1886, 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 Kiambone to which it is understood the Italian Government attach some importance and His Majesty's Government can only agree to the transfer of this larger area on the condition that the Treaty of 1886 is annulled. As the Convention of St. Germain-en-Laye of November 10, 1919, which has now been ratified by France, Belgium and Great Britain, is ratified by Italy, the subjects will enjoy in Zanzibar the same rights and privileges as British subjects. In view of this Convention there is no need for a new Convention.

Article 5. ... per annum has been

inserted...

... as representing ...  
... be lost to the Sultan ...  
... mentioned in the second part ...  
... purchase.

Article 6. No change.

Articles 7 and 9 have been redrafted. The object of the articles 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 be treated in the same way as British subjects. The maximum of the article follows that which is contained in the Italian articles in the ...  
... is regards the ...

The capital cost of national structure of the Western Islands  
included in the above schedule & in a further

Tobago 1964

in view of the fact that in the list of the islands some  
of the islands are not included in the above schedule & it is  
to be noted 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.

Article 9. Not incorporated in Article 7.

Article 10. No change.

Article 11. After consultation with the Government

of Italy the Government cannot feel that it

is necessary to include in the schedule the

land grants and occupation licences

mentioned in the above schedule.

The cost of the land grants and occupation

licences is estimated to be about

£15,000, and the cost of the

land grants is estimated to be about

£10,000, making a total of about

£25,000. The cost of the land grants

and occupation licences is estimated to be

about £15,000, and the cost of the

land grants is estimated to be about

£10,000, making a total of about

£25,000. The cost of the land grants

and occupation licences is estimated to be

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£10,000, making a total of about

£25,000. The cost of the land grants

and occupation licences is estimated to be

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.



consideration of the Italian Government, His Majesty's Government desire that it should be understood that the limitations given to the local officials to decide on the ownership of waterholes shall in no case be construed to authorize such officials to permit tribes to graze outside their own area during the dry season. His Majesty's Government would also wish it to be understood that on the Nile river, Melka Re shall be regarded as a fixed point at which each latitude shall not be allowed; that in the neighbourhood of El Wak all the seasonal pools to the north-east known as the Wanti Pools and all the permanent wells of the El Wak area except El Berr shall be regarded as terre grates to which tribes subject to Great Britain shall have no right of access. Further that such tribes shall not be allowed to range as far west as Gochi, Riiba, Lan, Foor, Foor Gula, and similarly that tribes subject to Great Britain shall not be allowed to range as far east as Mandali, Kacangari, El Barwisu, Galja and Tubhi.

I shall be glad to hear your Excellency's views in due course whether this understanding will be acceptable to the Italian Government.

It appears impossible that the international frontier will ever be accurately demarcated from end to end. Water holes 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 a definite agreement and that in default of such agreement the letter of the treaty should be observed. Strict adherence to the letter of the treaty would however entail an expensive survey which the Italian Government.....

Government will doubtless be as anxious to avoid as His Majesty's Government.

modification of the second sentence of the article proposed subject these conditions.

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 in his own behalf and, by virtue of his protectorate over Zanzibar, in the name and on behalf of His Majesty 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 boundary of East Africa and a new boundary line determined as follows: from the mouth of the River Sobis in the Gulf of Aden, along the coast of the Gulf of Aden, to the southern point of the Gulf, thence along the latter river in the vicinity of Makiwa; thence in a south-westerly direction in a straight line to the centre of the reef of Lamu; thence in a south-westerly direction in a straight line towards Wila Kalla (which remains in British territory) to the 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 southernmost of the four islets in the immediate vicinity of Ras Kiambone (Dick's Head), thence due southwards to such point on the coast as Ras Kiambone (Dick's Head) and the four islets

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

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

X 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.

*Handwritten notes and signatures in the top left corner, including the name "John D. ...".*

Whenever it was possible to find the places named on the map, their positions shall be accepted as shown on the line traced on the map, it being agreed that the boundary-line from the confluence of the Orange and Oms Rivers, as far as the west of ... shall coincide as far as Malakka with the present political boundary of Ethiopia, and ... with the present boundary between the New Frontier province and that of Jubaland ... as far as the ... which shall be included in ... shall ... the ... of ... the last section ...

*Handwritten signature or name at the bottom right of the page.*

ARTICLE 4

The Italian Government agrees to the cancellation of the Treaty of Commerce between Italy and Tunisia of the 20th June 1911.

In accordance with the provisions of the Convention of 24th October 1911 and the Treaty of Commerce of 20th June 1911, Italy shall be entitled to exercise in the territory of Tunisia the right of navigation in the Mediterranean Sea and the right of fishing in the waters of the Mediterranean Sea.





**Article 5.**

The Italian Government shall  
 Government of His Highness the Sultan  
 for any loss of net revenue arising  
 present transfer of territory, and  
 in latter, as an indemnity which  
 represent a tribute implying any sur-  
 sovereignty the annu. sum of £1,000  
 the proportionate share of the annu-  
 hitherto been paid by the British Gov-  
 the Government of Zanzibar.

The Italian Government shall be  
 any time to effect the discharge of  
 undertaken under the preceding para-  
 of the payment of a lump sum of £25,000  
 Government of His Highness the Sultan  
 The Government of His Britannic Majesty  
 to use its good offices in order to ob-  
 tance of that sum on the part of the  
 His Highness the Sultan of Zanzibar.

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 difference 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 Treaty of London.

Article 7.

British subjects, other than those persons who have become British subjects by the annexation of the Colony of Kenya, resident at the date of the coming into force of the present agreement in the territory transferred under Article 1 shall be at liberty to 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 resolution to withdraw from the territory. They shall be at liberty to leave the territory from the coming into force of the present agreement. They shall be entitled to carry with them their movable property of every description and their means of transport or transport facilities of any kind. They will 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, 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 territories.

Article 11.

(See 13, 14 and 15 of the English proposal.)

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 of the British 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 of the wireless telegraph installations at Kishyo and Sereuli.

The Italian Government undertakes that they will endeavour to prevent any migration of Somalis 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 of Southern Somaliland.

Article 13.

(~~the British proposal.~~)

The boundary in which the present agreement shall be defined and shall be settled on the spot by British and Italian officials appointed for this purpose by the two Governments, in the case of Somalia-Somaliland, shall have been demarcated by the British and Italian officials. The boundary shall be settled on agreement can be reached, and if no agreement is reached, the boundary shall be settled by an accurate survey of the line described in Article 1.

Foreign Office,

London, S.W. 1.

November ~~1921~~, 1921.

Your Excellency,

In a separate Note of to-day's date I am forwarding to Your Excellency 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 Excellency's Memorandum No. 2188 of the 6th May last, with regard to the position of the nomads, and it would appear that Your Excellency's 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 hitherto always been to set very clearly defined lines beyond which each tribe should not pass, and it is felt that serious

is Excellency

Nobile Cavaliere Giacomo de ~~Medici~~ ~~Medici~~

complications would ensue if this policy were abandoned.

5. In Your Excellency's Memorandum the statement is made that "the majority of these tribes (Marehan) is at present still within the territory of the Dana 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 was the case in the past. In the same memorandum Your Excellency states that the Italian Government regards it as expedient that provisions should be taken with regard to the territory now occupied by the Marehan, that the bulk 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 few years. His Majesty's Government cannot but feel therefore that the suggestion made for the protection of the tribes to the east of the area occupied by the Marehan would most probably result in a still further encroachment of the Marehan into British territory. 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 in the Wajir and Lorian areas.



... of the ... recent ... right ... situated on the ... water ... but has ... well ... facilities ... that there ...

... matter ... the rainy season ... of each Power are forced to with- ... the approach of the dry season ... towards it, and the proposed new ... it is hoped, fulfil this object as it ... with no permanent wells on or near the line ... with the exception of that <sup>at well of El Wak</sup> 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 ... is comparatively well watered, while in the ... the only two absolutely permanent supplies are ... and El Wak.

... that the Italian Government will ... Majesty's Government in attaching great importance.....

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 Marchan 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,

With the highest respect,

Your Excellency's most obedient servant,



working of the land of  
the nation should be attended

to the public  
of the land of the  
the land of the

Subjects

3. I am to refer to  
58563 of <sup>2nd class</sup> ~~uncommenced~~ forwarding

(SP 58563)  
(SP to file)  
(Aff. 58563)

a copy of a telegram from the  
Pres of Kenya at the present  
date of the transfer of the

territory

*[Handwritten signature]*