

EAST AFR PROJ
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Governor
Belfield 643

1914
14th July

Last previous Paper.
626118

JUBALAND
~~TRANSIT AND TRANSHIPMENT REGULATIONS~~

States has received report from D.P.W. upon Annex IV as to utilisation of waters of Juba for irrigation in which he expresses disagreement with Annex as drafted. Encloses memo. by Mr Watts. Recommends Annex be approved with few minor alterations suggested by Mr Watts.

Copies to be sent to
Consul-General
17 Sep 14
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5513 14

Mr. Watts

Copy to F.O., with view to
Inverness memo, & ask if the
Italian Govt are prepared to
concur in Annex IV with the
minor alterations recommended by
Mr. Watts.

Done
to J.R.
6/8/14

Last previous Paper.

WEST AFRICA PROTECTORATE.

GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA.

No. 648.

July - 7th, 1914.



Sir,

15220
With reference to paragraph 7 of my despatch No. 318 of April 4th, I have the honour to inform you that I have now received a report from the Director of Public Works upon Annex IV after consideration of its contents and a visit to Jubaland.

Memorandum

2. Mr. McGregor Ross sees reason to express disagreement with the contents of the Annex as drafted on the ground that, while broad principles should be the subject of treaty, details of administration and methods of management in the adjacent territories should be left entirely to the discretion of the respective authorities.

3. As it is apparent that the contents of the Annex embody the proposals formulated by the Joint Commission after weeks of patient discussion, I felt reluctant to endorse the view expressed,

RIGHT HONOURABLE
SIR HARCOURT, B. C., M. P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S. W.

expressed by the Director of Public Works and availed myself therefore of the presence in Nairobi of Mr. G. K. Watts, who was Chairman of the Commission of 1910, to place the matter before him and ascertain his views. These are embodied in the accompanying memorandum which is forwarded herewith for your consideration.

4. I subsequently conferred with Mr. McGregor Ross and ascertained from him that he had had no opportunity of consulting the Italian authorities. He further admitted, after hearing my views, that there might be good reasons for elaborating details which had not occurred to him.

5. In the circumstances therefore I recommend that Annex IV be approved as presented with the few minor alterations recommended by Mr. Watts.

I have the honour to be,

Sir,

Your humble, obedient servant,

A. Bruce Baylis

GOVERNOR.

INCLOSURE

In Despatch No 643 of July 7th 1914

ANNEX IV

Regulations for the utilization of the waters
of the Juba for irrigation.

Assuming that the marginal notes refer to the recommendations made by the Anglo-Italian Commission of 1910, of which I was Chairman, I do not see how Annex IV can be simplified. Engineer Fano pointed out that we had no data to go on other than the few cross sections of the River taken by himself, Capt. Williams, R.E., and myself; and that before a scientific decision could be arrived at as to whether any large project should be sanctioned or not much further information was required. The Commission assumed that there would soon be a number of small projects made by Europeans on either side of the River, and the Members formed the idea that any information due to the construction and working of these small schemes should be placed at the disposal of the Permanent Commission and recorded. Hence many of the petty details recommended by the 1910 Commission which are embodied in Annex IV - especially the rules regarding hydrometers.

2. We (members of the 1910 Commission) were informed at the time that it is not the custom of the Italian Government to give a free hand to the Head of the Public Works Department to settle petty details even in Italian Somaliland remote from the Juba River. Therefore we found it impossible to come to an agreement

2.

agreement unless the British Members consented to allow proposals for Rules in detail to be laid down.

3. To take Annex IV in detail :-

Article 1 calls for no comment.

Article 2 is framed on the recommendations of the 1910 Commission after weeks of discussion, and if the proposals are agreed to, in five or ten years' time, both Governments will know something about the rise and fall of the River.

Article 3. This is absolutely necessary as the natives are so unscientific in making their inlets from the River, and they change them so frequently. In many cases we saw where they had ^{formerly} made a canal and they had not been able to control the flow at the intake. The consequence was that they had to abandon the Canal and the water from it ran to waste forming swamps till the intake silted up. Thus valuable land was destroyed, and mosquito breeding grounds were provided.

Article 4 is absolutely necessary as the idea is to restrict the Somalis to certain fixed watering places and to punish them if they water elsewhere on the River without permission of the Commission.

Article 5. This is based on the fact that the River banks are very friable, and that it is very dangerous for any amateur to make a large intake. The wording of the Article is quite clear to me as it stands. It might be divided into :-

(a) administrative sanction

(b) executive sanction.

I take it that (a) is covered by the first paragraph, with the words added "and for calling for detailed plans and estimates."

Para. 2 is correct.

Para. 3. After the word "channel" I suggest adding the words "duly sanctioned by proper authority." From "Each Government" onwards should be in a separate paragraph.

In the third line from the end after "all these" the word "Government" should be repeated.

Article 6 is absolutely necessary owing to the friable nature of the soil as a large defective intake might, the Commission thought, tend to cause the River to change its course. The words "concrete, iron, steel, or earthenware pipes" should be added.

Article 7 was the subject of much discussion, and the Italian members laid considerable stress on it.

Article 8. I forget the difference of opinion between Engineer Fano and myself but we both wrote separate Minutes. This Article should stand.

Article 9. After the word "outlets", at the end of the sixth line from the bottom, I suggest adding "and drainage channels." It should be added that the Rules in this Article apply to both Government and Private Projects.

Article 10. The 1910 Commission agreed to this after very little discussion.

I have written from memory as I have not got the report of the Commission of 1910 before me.

4. As regards the Director of Public Works proposals, I do not see how they can be accepted without another International Commission being formed. The Commission of 1910 did not deal only with Annex IV but also with many questions concerning other Departments. If therefore Annex IV is to be so altered that no member of the 1910 Commission could recognize it, and Annexes under other sections are to be treated in the same way, then the approval of the labours of this Commission and intention to act on them - as conveyed in the mutual consent of the British and Italian Foreign Offices - are useless. I would ask the D.P.W. if he spent weeks discussing Annex IV with Italian officials, if he had no opportunity of doing so I do not see how he could find out to what extent the Italians would agree to in modifying Annex IV. The matter is an International, not a British one only, and the Commission of 1910 was only able to frame its Report by each side giving way to the other one after exhaustive discussions.

5. If the Italian Engineer now in Italian Somaliland agreed with the D.P.W. then Annex IV will probably have to be reconsidered.

E. K. Watts

(late) Chairman,
Anglo-Italian Juba River
Commission of 1910.

AIRMAIL

3rd July 1914.

Ser 28656/1914
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S.S.

S. J. J.

C-D
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8 August 1914

DRAFT

The U.S. & S.
Foreign Office

Sir,

With reference to the letter from
this Office of the 22^d of July,
I am directed etc. to ~~inform~~
~~you that~~ transmit to
you, to be laid
before Secretary Sir
Edward Grey, the
accompanying copy
of a despatch from
the Gov. of the East,
with its enclosure,
on the subject of
the transit and
over

MINUTE:

- Mr. Harpur 7/8/1914
- Mr. Bottomley 7/8/14
- Sir G. Fiddes.
- Sir H. Just.
- Sir J. Anderson.
- Lord Emmott.
- Mr. Harcourt.

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Copy Gov. 852 17 Sep 14 a.m. 8511314

6/13 7th July