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Foreign Office

1914

8 Oct.

Foreign Paper.

35113

Jubaland Transit R. Regis.

Sends despatch to Rome submitting revision of text of Annex IV of Draft Agreement dealing with Irrigation

The Italian Govt have been asked to submit a D.P. of the whole agreement for comment & reply. (See $\frac{7-0}{35713/14}$)

In the meantime, a copy of this might go to the Govt with reference to previous correspondence.

at once.

H. J. R.

57/2714

Handwritten notes in left margin: "Handwritten notes" and "35713/14"

Government Paper.

15802

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If any further communication on this subject, please quote:

No. 54831

The Under-Secretary of State,
Foreign Office,
London.

~~20/10/14~~

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

Foreign Office,

October 3, 1914

Reference to previous correspondence:

Letter to ~~from~~ Foreign Office: 33238/1914 Sept 9.

Description of Inclosure.

Name and Date.	Subject.
<p>Amb. Ambassador, <u>Rome</u> Sept 13</p>	<p>Transit Regulations in Jubaland</p>

(Similar letter sent to

No. 365.



ROAD.

54831

September 13, 1914.

49

Sir,

With reference to your despatch No. 230 of the 14th ultimo I have the honour to report that, after some delay due to the illness of Mr. Agness, I have now been able to revise the text of Annex IV of the draft Juba Agreement with the Secretary General of the Italian Colonial Office, in the sense indicated in the despatch No. 643 of the 7th July last from the Governor of the East Africa Protectorate to the Colonial Office, copy of which was enclosed in Mr. Secretary Harcourt's letter to the Foreign Office of August 8, 1914.

I may point out that Annex IV deals with irrigation and not with transit and transshipment regulations, as would appear from the Colonial Office letter.

Signor Agness after examining with me the minor alterations in the text proposed by Mr. Watts found no difficulty in adopting them.

Only as regards Article V we would point out that suggested addition, at the end of paragraph one, of the words "and for calling for detailed plans and estimates" would seem superfluous in as much as paragraph two provides for this in the following ^{terms} ~~sense~~:

"All proposals regarding canals and irrigation channels are to be accompanied by detailed plans and estimates".

Further we did not quite realise in what respect Mr. Watts considered that the wording of the article might be made more clear.

He

Right Honble.

Sir E. Grey, Bart., K.G., M.P.,

etc., etc., etc.

He suggests that the article, which will now have four paragraphs in lieu of one should be divided into (a) administrative sanction; (b) executive sanction.

I presume that his idea was that (a) and (b) should be added as titles, the former to paragraph one, the latter to the ^{the} three subsequent paragraphs. There would be no difficulty about this but as we remained in doubt as to the significance or necessity for this addition we have not at present made it in the draft. Should the point be considered of any importance I should be grateful for the views of the Colonial Office.

I have the honour to transmit herewith a revised text of Annex IV, the additions or modifications made in accordance with Mr. Watts suggestions being marked in red ink.

I am still awaiting final approval of the modifications submitted in Annex I, which I understand from the Colonial ^{Office} letter of July 22 last, enclosed in your despatch No. 216 of the 28th July have been submitted to the Governor of the East Africa Protectorate.

When this has been received there seems to be no further reason why the agreement should not be signed. The two texts, English and Italian, after being carefully collated would I presume both be signed in duplicate, or the English and Italian texts could be signed together in parallel columns.

I have the honour to be with the highest respect

Sir,

your most obedient, humble servant.

(36) *Reuben R. R. R.*

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497

ANNEX IV.

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

ARTICLE I.

The Italian and British Governments recognise the reciprocal advantage of proceeding in common in compiling identical laws and regulations to govern the extraction of water on both banks of the Juba for irrigation, motive power etc.

With this object the two Governments have agreed upon the general lines which follow, with which the subsequent common regulations to be issued upon eventual proposals of the permanent commission, shall be coordinated.

ARTICLE II.

The Governments of British East Africa and Italian Somaliland shall begin by establishing hydrometers of wood: the former at Gobwen, Yenti, Mofi, Alexandra and Serenli; the latter at Giumbo, Margherita, Gelib, Bardera and Lugh: either of them may establish hydrometers at any other spot on the banks where there is an European in residence.

These hydrometers shall be temporary in character and their precise position shall be determined (under the order of the two commissioners, British and Italian) by agreement between two officers, one British and one Italian, where possible, and by one or the other alone, where the cooperation of both is not possible.

All these hydrometers shall be graduated in metres and centimetres; the English ones shall also have on one

surface

surface the graduations in feet and inches. The commissioners from the two sides are to agree as to the zero level (zero - maximum level of water) for each of the above mentioned hydrometers, basing such zero on some indication at no great distance from the spot, either a recognised high water level at a determined point, or at the altitude of the bank if the water reaches to such a height and overflows it, or if the bank is well defined and level at the summit.

Subsequently the permanent commission shall set up definitive hydrometers and shall coordinate their levels with the average sea level at the mouth of the river or at such other place as the directors of the two topographical surveys of the ^{two} Governments elect.

The hydrometers, whether temporary or definitive, are to be read every day at 8 a.m. and 5 p.m. and the readings shall be recorded in a register and not on loose sheets. As there are radiotelegraphic stations at Giumbo, Bardera and Lugh the reading of the height of the water when the full head passes Lugh and Bardera will be very useful to steamers navigating the river, and for the purpose of ascertaining when the inundation and irrigation channels will receive water.

ARTICLE III

The system of irrigation with ditches actually used by the natives in either bank of the stream should be maintained subject to the adequate protection of the river banks and waterhead ^{works} ~~works~~, which should be enforced without unnecessary severity towards the natives.

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The Secretaries of the permanent commission shall make an approximate calculation of the ditches existing on either side, and register them, aiming at compiling eventually an accurate list of such ditches with a registration of their dimensions.

ARTICLE IV.

The watering places of the Somalis are to be numbered and registered and the rights of the Somalis to be protected.

ARTICLE V.

Any person desiring to construct a canal or irrigation channel must submit his application through the Italian or British commissioner in the manner prescribed to the Governor. Should the Governor not consider the application worthy of being examined he will refuse it, and will inform the provincial commissioner of the decision taken, and the latter in turn will inform the applicant. If the Governor considers the application worthy of consideration he will refer to the permanent commission for further steps or investigation.

All proposals regarding canals or irrigation channels are to be accompanied by detailed plans and estimates.

Every new canal or channel duly sanctioned by the proper authority is to be registered by the permanent commission and the register kept by the Secretaries.

Each Government may construct canals or channels for purposes other than that of irrigation, with a depth of five feet under zero level and of unlimited length, without the intervention of the permanent commission. All these Government canals and channels shall be registered at the offices of the Secretariat.

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ARTICLE VI.

To protect the irrigation canals and channels by structures at the waterheads, wooden or masonry apertures at the intake and outlet, concrete, iron, steel or earthenware pipes, shall be adequate. All such works shall be approved by the permanent commission.

ARTICLE VII.

Suction tubes for pumping machinery for irrigation may be put in position at any depth of the river.

The pumping plant may be either placed on the river bank or on a vessel floating on the surface, which must be moored to the nearest bank.

The position of the suction tubes and the pumping plant as above must be approved by the permanent commission so that it may not disturb or obstruct navigation.

Pumping plant before being set up must be sanctioned by the permanent commission and registered in the register of the Secretariat.

At the present time it is not necessary to fix the quantity of water which may be taken by the pumps; but in the future the permanent commission may regulate this.

All pumping plant and machinery must be inspected by an engineer before being taken in use and afterwards annually. The results of such inspection shall be registered at the offices of the Secretariat. If the engineer is not a Government officer, the Governors have powers to fix the indemnity to be paid him for inspection.

ARTICLE VIII.

It is advisable that irrigation works on a large

scale

scale should not be sanctioned without a careful investigation by the permanent commission, seeing that they are liable to curtail the annual period during which the river is navigable.

ARTICLE IX.

If the report of the medical authority on the irrigation system decides that there is danger to public health by insufficiency of appropriate outlets for the excess water in the irrigated area, then, upon recommendation from the permanent commission, the Governor in whose province it is, may oblige the owner to construct at his own expense the necessary outlets and drainage channels recommended by the permanent commission. The procedure of the permanent commission in such cases must conform to what is laid down in the sanitary regulations for the two banks. The rules in this article apply to both Government and Private projects.

ARTICLE X.

All projects for using the water of the Juba for motive power must be sent to the permanent commission with the procedure laid down in article V of the present regulation, and must be accompanied by explanations, plans and specifications of the project in question. This rule also applies to water to be taken for mills and factories.

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