

1911

EAST AFR. PROT

C. O.  
9470

25 MAR 11

9470

Juba River Boundary

Submits draft despatch to Hon. Secy at Rome regarding report of Anglo-Italian Commission requires whether Co agree to terms of draft especially as regards proposal for altering boundary of the Nile 1891 to make the present course of Juba the permanent boundary bet E. Afr. & Italian territory

Notes

The draft despatch with the substitution of "A.M. Fort" for "W. Harcourt" is almost a verbatim reproduction of one of the 2<sup>nd</sup> of March except as regards Resolution 14

The Anglo-Italian Protocol of March 24<sup>th</sup> 1891 is quoted at p. 968 of the "Map of Africa by Treaty" herewith. I think that the sketch proposed by the Italian Govt. at that time is substantially what has been developed by the Commission (e.g. the N.C.S.A.) may suddenly find itself in the Italian hands & vice versa

You will see that in section 1 of the  
Patent the words "the mid-channel  
(channel) of the River" occur  
but only the mid-channel is identified  
with the delivery - it is right for it to  
be 7.0. - say that they will in doubt  
consider whether the mid-channel or  
the delivery of the present course of the  
river shall be adopted as the boundary

Subject to the expense in the course  
of the proposed deep - a small  
copy of map to the pro: for  
see app: 27?

J.R.

3/11

at home  
R. 74

7/11)



FOREIGN OFFICE,

March 22 1911.

9470

Sir:-

*Address to  
Rome*

With reference to your <sup>letter</sup> ~~letter~~ 1345/10-11 of the 2nd instant, I am directed by Secretary Sir E. Grey to transmit to you herewith for the information of Mr. Secretary Harcourt the draft of a despatch which it is proposed to address to His Majesty's Ambassador at Rome on the subject of the report of the Anglo-Italian Commission on the Juba River.

Sir E. Grey would be glad to be informed whether Mr. Harcourt concurs in the terms of this despatch especially as regards the proposal, contained in Resolution 14 of the report, for altering the text of the Anglo-Italian protocol of March 24th, 1891, so as to make the present course of the Juba river the permanent boundary between the British East Africa Protectorate and the Italian colony of the Benadir.

I am,

Sir,

Your most obedient,  
humble servant,

*W. Ramsley*

Under Secretary of State,  
Colonial Office.

C O  
9470

229

25 MAR 11

March

1911.

Draft

Sir R. Rodd.

No.

Africa.

Sir:-

With reference to Your Excellency's despatch No. 1 of this series of January 11th last, I transmit to you herewith a copy of a despatch from the officer administering the Government of the East African Protectorate enclosing the report of the Anglo-Italian Commission on the Juba river, which forms the boundary between the Protectorate and the Italian Colony of the Benadir.

A copy of the despatch addressed by the Secretary of State for the Colonies to the Governor in reply is also enclosed.

After careful consideration of this report, His Majesty's Government have the following observations to offer, and I request that Your Excellency will take an early opportunity of laying them before the Minister for Foreign Affairs.

Resolution 4. His Majesty's Government see no objection to accepting the proposal to appoint a "Permanent Commission" subject to the concurrence of the Italian Government,

Government, but the words "to make any further proposals for the regulation of the river, subject to the concurrence of their respective Governments" should, His Majesty's Government consider, be substituted for the words "to regulate all further matters connected with this river".

Resolution 7. His Majesty's Government have no objection to the formation of a Secretariat to the Permanent Commission, but consider that the words "if possible" should be added at the end of the first paragraph.

Resolution 8. Subject to the substitution of the words "ex officio" for the word "permanent" in line 4, His Majesty's Government are willing to accept this proposal, but it appears to them that the table attached to this resolution is premature, and they consider that it would be better to evolve the machinery of the permanent commission gradually. It should be explained in this connection that the Governor of the British East Africa Protectorate has expressed the opinion that so far as the British representative on the commission is concerned, the officer should not necessarily be permanent, but should be made available from the ordinary political staff of the

Protectorate.

Protectorate, combining this work with his other duties.

Resolution 10. As this resolution is dependent upon the table attached to resolution 8, His Majesty's Government are of opinion that the question of defining offences cognizable by the Secretaries under the rules for the navigation of the river, preservation of the river &c., should remain in abeyance for the present. Eventually the matter will need careful consideration from the legal point of view, more especially as regards the question of executive and judicial powers.

Resolution 12. The question of customs at Kisumu and at ports on the Juba should, in the opinion of His Majesty's Government, be considered in the first instance by the local Customs authorities of the two administrations. The Governor of the British East Africa Protectorate has been so informed, and Your Excellency should request the Italian Government to make the necessary arrangements with the Benadir administration for the joint consideration of the matter.

Resolution 13. Although His Majesty's Government do not attach great importance to the retention as British territory of the sand

F. O.

191

Draft

sand spit at the mouth of the Juba river, it seems desirable to retain this country's right to it for the present with the object of using it to advantage in dealing with other questions which may come up for settlement as the result of the Commission. If eventually the spit is ceded some stipulation might be made which would secure that in the event of any further changes in the river mouth the north side should be Italian and the South side British.

Your Excellency should merely inform the Italian Government in this instance that His Majesty's Government must reserve their decision for the present on the question of the ownership of this strip of sand, but you might explain the view taken by His Majesty's Government of the bearing of International Law on this point as set forth in the letter to the Colonial Office of November 23rd, 1904, copy of which is enclosed. As in the present case the change in the course of the river was evidently sudden, the old course remains the true boundary.

Resolution 13. His Majesty's Government are anxious to arrive at a permanent settlement of the boundary between the Italian colony of the Senegal and the British East Africa Protectorate, and with this end in view they are willing to carry out the suggestions of the British members of the Commission

Commission under this heading. The Juba it appears, is a somewhat uncertain river and liable to make frequent, although usually not important, changes in its course. There would appear therefore to be every reason why, in order to avoid future complications and surveys, the present course of the stream (excluding the question of the mouth which is dealt with in the previous resolution.) should be accepted as the definite and permanent boundary.

Although the Italian members of the Commission did not agree with the recommendation of their British colleagues, their reasons are not stated in the report. Your Excellency should therefore invite the Italian Government to agree to the necessary alteration being made in the Anglo-Italian Protocol of March 24th, 1891 in order to make the present course of the river the permanent line of the boundary between the Senegal and the Protectorate.

Resolution 14. Suggestion 4. His Majesty's Government are of opinion that the wording of this suggestion should be re-drafted. The last paragraph moreover is open to serious question and requires careful



careful consideration.

Resolution 10. Suggestion 9. The word "other" should be omitted from line 4 of the first paragraph.

Resolution 10. Suggestion 11. His Majesty's Government are of opinion that consideration of work in connexion with the improvement of the mouth of the river should be deferred for the present.

Resolution 10. Suggestion 12. The question of cuts should in the opinion of His Majesty's Government also be deferred until the necessity for them has been agreed upon.

Resolution 10. His Majesty's Government have been given to understand that the river above the La Sala falls runs in a clearly defined rocky channel, which will allow of the boundary being more readily determined than in the alluvial plains under consideration.

Resolution 10. His Majesty's Government are unable to agree to the proposal that the price to be paid for fuel to be supplied by inhabitants on both sides of the river for navigation purposes should be decided by the permanent commission and should be based on a cubic measurement.

Resolution 20. The construction of

a ferry across the river from Gobwen to Grunio is, in the opinion of His Majesty's Government, a matter for settlement between the two administrations locally, and the Italian Minister for Foreign Affairs should be requested to send instructions to the Italian authorities of the Benadir accordingly.

His Majesty's Government have no further observations to offer upon the remaining portions of the report, and they will be glad to learn at an early date whether the Italian Government accept their views as set forth above.

In order to save copying, the report is transmitted to Your Excellency in original as received from the Colonial Office, and should be returned to this Office with the reply of the Italian Government.

7019470 cat

6.

233

DRAFT

H. L. L.  
F.O.

8 April 1941

MINUTE

- Mr. Lusk
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]

San etc. to ask: the receipt  
of your letter of the 22<sup>nd</sup> of  
March, N° 7797/11, relating  
to the report of the Anglo-  
Italian Commission on the  
Juba River, & to request  
that you will inform Sec. Dir  
(subject to what is noted in para. 2 of this letter  
& copy that he concurs  
in the terms of the draft  
dispatch to His Ambassador  
at

copy of course a  
to Mr. Lusk  
to def. def.

copy of the 13 April 41



at Rome, including  
the proposal contained  
in Resolution 14

of the ~~United~~ States  
for adjusting the  
Part of the Anglo-  
Italian Protocol

of the 24<sup>th</sup> of March  
1891, concerning

the present course of

the Tuba river the  
present boundary between  
the U.S.A. & the  
Italian colony of the  
Somali

2. ~~under~~ <sup>but</sup> ~~the~~ <sup>provision</sup>  
of the ~~provision~~ <sup>provision</sup> that

in section 1 of  
the protocol

and "the mid-channel  
(thalweg) of the  
river"

"River tuba" occur;  
but as he  
understands  
that the mid-channel  
is not identical with  
the thalweg, he  
presumes that his  
they will consider  
whether the mid-channel  
or the thalweg of the  
present course of the  
river should be  
adopted as the  
boundary.

