

Secret

1937

Secret

38066/15B

KENYA

38066/15B

CO 533/479

Italian Occupation of Ethiopia.

Frontier Policy. Grazing + Watering rights of Kenya Tribesmen.

Previous

38066/15/32

["Dummy" file available]

Subsequent

1938

Mr. Pasumi

10/12

Mr. Flood

11/12

Sir C. B. Stansby

11.12

297

16/12

Mr. Penlin

16

F.O. (J. 4849/229/1) Secret 7-13-37

Two copies of the Wm. docs. regarding grazing rights of Kenya tribes was to negotiations with Italy in line of Somaliland Agreement.

Desp. No. 978 of 22/11 from H.M.R. Rome via Ceylon (no. 1201)  
Tels - 696 - 25/11 - No. 700 of 26/11 from H.M.R. Rome  
- 373(R) of 6/12 to H.M.R. Rome

F.O. (J. 5048/229/1) - Secret 8-12-37

One copy tel No. 721 of 7/12 from H.M.R. Rome stating that Ministry of F.A. were trying to secure early decision regarding grazing rights states view regarding negotiations.

F.O. (J. 5071/229/1) (H. Secret) 9-12-37

Ref (114/3806/15/37) Suggests amendments to draft dispatch to Kenya + comments regarding Agreement.

This yr of negotiating a grazing agreement for the Kenya tribes has now become a separate question. I have accordingly had a separate sub-file opened in order that papers can be dealt with without delay. In order to obviate the necessity of sending on the paper file (which may easily be in care with other pp), I have also had a "dummy file" made up of containing such of the recent relevant copies as has been printed, & copies of the more recent pp. which have not yet been printed.

No. 1 contains copies of pp. which we had already reviewed semi-officially & together with the tel. to Rome in which

had concerned.

No 2, (G or mine) is a piece of paper... I have... about a copy in the list of... to the off. dep. to Kenya.

No 3 I have made... suggested addition to the off. dep. We had already sent Kenya a copy of the Somaliland print No. 11 on 4-6595/3.

In addition to the printing indicated in the off. dep. my copies with Mr Lambert (No 114 on 38066/15/37 & No 3 here) sh. also be printed, as it establishes a point of importance. I am not to immobilize this file. The copy of the letter sh. be used, & a copy sh. be made of Mr Lambert's letter.

J.J. Pascoe  
10/11

11/12/37

Tabbed in white... returned to me... J.J.P.

copy in... dining file

copy of... to P.D. 11/12/37  
No 114 - 11/12/37

4  
5  
6  
7  
8  
To Kenya  
To...  
P. (initial)

copy...  
L(8) G.P.D.  
27/10/37

To Kenya Secret Com. 14.12.37  
(Acc. made in 1 (KDP) res. ind. in 2).  
Date 7/1938  
To F.O. (WFE 4.490 null) 0/1A Secur. 15.12.37  
To W.O. } (WFE 4.490 null) 0/1A Secur. 15.12.37  
To A/Min. }

F.O. (J.5134/224/1) - 15.12.37  
No. 1035 of N12  
Ref (2) shows copy sent from H.M.P. Rome including copy  
aide memoire dt. 7/12 addressed to Ministry of F.A.  
accepting invitation to discuss grazing rights subject to  
conditions indicated.

Copy sub. sent to Gov. Secret of ref. 4  
& print (extra copy for this purpose)

J.J. Pascoe  
10/11  
above

9 To Kenya - Secret A/1 22.12.37  
(L(8) sub. sent to 8)

12/12/37

Challenge Secret 12/12/37

Ref to...  
production of grazing agreement...  
the... to...  
agreement

In any further communication on this subject, please quote  
No. J 5134/229/1  
and address — not to any person by name, but to  
"The Under-Secretary of State," Foreign Office, London, S.W. 1.

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 copies of the above-mentioned paper.

Foreign Office  
Dec 15 1937

RECEIVED  
13 DEC 1937  
G.O. REGY

Reference to previous correspondence:

2  
F.O. letter J 5090/229/1 of Dec. 8, 1937.

Description of Enclosure:

Name and Date.	Subject.
From M. M. A. Rene	Kenya-Ethiopia frontier. watering rights.
No. 1025 of Dec. 10	

Similar letter sent to

No. 1035

(135/103/37)

HIS Majesty's Ambassador at Rome presents his compliments to the Secretary of State for Foreign Affairs and has the honour to transmit to him the under-mentioned documents.

British Embassy  
Rome

10th December, 1937.

Reference to previous correspondence:

Rome telegram No. 721 of December 7th.

Description of Enclosure.

Name and Date.	Subject.
<p>To Ministry of Foreign Affairs (Aide Memoire) December 7th.</p>	<p>watering and grazing rights of tribes on Kenya-Ethiopian frontier.</p>

5-1-37 P

A I D E M E M O I R E

In their Aide Memoire No. 240386/139 of November 20th, the Royal Ministry of Foreign Affairs informed His Majesty's Embassy that the Royal Italian Government were ready to examine in a friendly spirit the question of watering and grazing rights of Kenya tribes in Ethiopia and those in the territory of Kenya of the tribes from Ethiopia.

His Majesty's Embassy are instructed to inform the Royal Ministry that His Majesty's Government are happy to accept this invitation, but as it will be clearly impossible to prepare the detailed desiderata of the Government of Kenya and to complete the discussions before the commencement of the dry season now about to begin, His Majesty's Government trust that the Italian Authorities will allow those Kenya tribes which have in the past been in the habit of crossing into Ethiopia to graze and water their cattle, to do so in the dry season which is just beginning.

His Majesty's Embassy desire to add that in accepting the invitation of the Royal Italian Government to discuss these matters, His Majesty's Government do so without prejudice to their treaty rights acquired from the Abyssinian Government, and that it will not therefore be practicable during the conversations which the Italian Government have suggested and to which His Majesty's Government agree for the experts to enter upon any discussion of such rights, or of territorial transfers or frontier delimitations.

British Embassy,

Rome.

7th December, 1937.



with the Italian Govt,

to the conclusion of an agreement/placing

these seasonal transfrontier movements of

tribesmen on a more satisfactory basis.

2. I will address you more fully in

regard to the arrangements for these negotiations

when a further reply has been received from the

Italian Government. In the meantime it seems

desirable to draw attention to the following

points which will require your consideration.

3. As (ex hypothesi) the Italian Government

will have agreed to facilities being granted in

respect of the forthcoming dry season on the

understanding that negotiations will be undertaken

for the conclusion of an agreement for the regulation

of these transfrontier movements in the future, it is

considered desirable that His Majesty's Government

should be in a position to commence these negotiations

without undue delay. For this purpose it will be

necessary for an officer of the Government of Kenya,

who is thoroughly acquainted with the whole question,

to proceed to this country, at a fairly early date,

to assist in the negotiations. I observe from your

secret





secret despatch of the 17th of November  
that Mr. Gladstone will, in any event, be  
proceeding on his way in March next.  
I assume that, if necessary, arrangements  
could be made to transfer him to some home  
before that date.  
It will be observed that the  
kind of agreement which the Italian  
Government has in mind is one which will  
specify the places and times at which  
the frontier is to be crossed, and to  
what depth the tribesmen will be  
permitted to penetrate. I request  
that you will take steps to ascertain  
as soon as possible, whether such an  
agreement of this nature would be  
practicable, and if so what are the  
essential details from the point of  
view of the Kenyan tribesmen.  
I will be glad to receive your views  
there are interested in this  
country, to date, to date, to date.

Handwritten notes in a box:  
The Italian Commission  
will refer to the secret  
of which copies were sent to  
the British Government  
in 1893. The Italian  
Government has in mind  
an agreement which will  
specify the places and  
times at which the  
frontier is to be  
crossed, and to what  
depth the tribesmen  
will be permitted to  
penetrate. I request  
that you will take  
steps to ascertain  
as soon as possible  
whether such an  
agreement of this  
nature would be  
practicable, and if  
so what are the  
essential details  
from the point of  
view of the Kenyan  
tribesmen.

(v. No 2)

facilities required by the tribes on the  
Abyssinian side of the border, and I request  
that this question also may be considered, if  
in fact there is any periodical migration  
from Abyssinia.

6. It will be observed that the  
Italian Government ~~is being~~ <sup>has been</sup> informed that it  
will not be practicable, in the course of  
these negotiations, to deal with frontier  
delimitations or transfers of Territory.

(v. No 2)

2  
(Signed)

(J 5071/229/1)

3  
FOREIGN OFFICE, S.W.1.

9th December 1937.

Dear Paskin,

No. 114  
38066/15/37  
Thank you for your letter No. 38066/15/37 of the 6th December enclosing the draft of a despatch to the Governor of Kenya about the forthcoming discussions with the Italians on grazing rights.

I would suggest that it might be useful for the Governor to have a reference to the Colonial Office printed document African (East) 10, containing the text of the Somaliland grazing agreement of the 27th January 1937, and the British representative's report on the discussions in Rome, as that document shows the lines on which the Kenya agreement will probably have to be concluded and the sort of points which may be expected to arise in the negotiations. A reference to the map illustrating the Somaliland agreement might also be made. If you agree, I would suggest the insertion in paragraph 4 of your draft despatch, after the words "to penetrate"

J.J. Paskin, Esq., M.C.

of/

of something of this sort:

"In this connexion I would refer to the  
 "printed volume African (East) No. 1159 Secret,  
 "containing the text of, and observations on, the  
 "the Anglo-Italian agreement of the 27th January 1937,  
 "regarding Grazing Rights in British Somaliland, and  
 "to the map illustrating that agreement. These  
 "documents show the sort of agreement which it will  
 "probably be necessary to conclude in the case of Kenya  
 "and some of the points which are likely to arise during  
 "the discussions with the Italian authorities."

Subject to the above we concur in the terms of the despatch.

With reference to the second and third paragraphs of your letter, the Kenya agreement will, as we understand it, be like the Somaliland agreement of last January, a temporary and provisional one designed to regulate the position until the way is clear (after de jure recognition of Italy in Ethiopia) for a final settlement. Therefore it will suffice for us to place

on/

15  
on record that this does not prejudice the claims which His Majesty's Government consider they can make in the final negotiations (or any time after the provisional agreement has ended) based on the agreement of 1907. It will be sufficient if this appears as a unilateral statement on our part.

Yours ever,

J. H. Lambert

IMMEDIATE

14  
2

SECRET

In any further communication on this subject, please quote  
No. J5095/229/1  
and address - not to any person by name but to -  
"The Under-Secretary of State," Foreign Office, London, S.W. 1.

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,

8 December 1937.

Reference to previous correspondence:

1 to letter of 7 December (J4899/229/1).

Description of Enclosure.

Name and Date.	Subject.
From H.M. R. Rome	Ethiopia - Kenya frontier - grazing and watering rights.
no 721	
7 December 1937.	

Copy sent to Kenya (4)

Similar letter sent to

15

This Document is the Property of His Britannic Majesty's Government, and should be returned to the Foreign Office if not required for official use.

From ITALY.

3C

~~From~~ The Earl of Perth. (Rome).  
December 7th, 1937.

D. 11.10. p.m. December 7th, 1937.

R. 9.30. a.m. December 8th, 1937.

No. 721.

-----oO-----

Your telegram No. 373.

Member of Staff left aide-mémoire on the lines of paragraphs 1 and 2 of your telegram under reference with head of Department concerned at Ministry of Foreign Affairs this evening. The latter said he would at once approach Ministry for Italian Africa but added that Signor Cerulli with whom he usually dealt was leaving about December 15th for Addis Ababa having been appointed Vice-Governor under Duke d'Aosta. This change, he feared, might involve a little delay. He asked if it was really necessary for these tribes to water and pasture over the frontier.

He was assured that it was and that dry season was now beginning and he was asked to treat the matter as of urgency. He said that he could not refrain from mentioning it, it was not the fault of the Italians that it had become so urgent but he promised to tackle Signor Cerulli himself and to endeavour to secure an early decision.

As regards negotiations he said that he would like ample warning as to when British expert from Kenya would be coming as Italians would now have no expert in Rome and would have to send for one from the province concerned.

In any further communication on this subject, please quote

No. *J4899/229/1*

and address—not to any person by name, but to

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

*Institution*  
**SECRET**  
#19  
16

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 copies of the under-mentioned papers

Foreign Office,

*7 December 1937*

*no dup's*

Reference to previous correspondence:

*99 C.O. letter no 38066/15/37 of 23 November 1937*

*38066/15/37*

Description of Enclosure.

*Copy sent (except to Kenya) to*

Name and Date:	Subject.
<i>From H.M.R. Rome</i>	<i>Ethiopia, Kenya frontier watering rights</i>
<i>no 948 22 November 1937</i>	
<i>Tels from ditto</i>	
<i>no 696 of 25 November</i>	
<i>no 400 of 26 November</i>	
<i>Tel to ditto</i>	
<i>no 343 of 6 December</i>	

*Ethiopia, Kenya frontier watering rights*

*no 948 22 November 1937*

*Tels from ditto*

*no 696 of 25 November*

*no 400 of 26 November*

*Tel to ditto*

*no 343 of 6 December*

Similar letter sent to



No. 978  
(185/91/37)

British Embassy,

Rome.

28th November, 1937.

Sir,

98  
w 35024/17  
With reference to my telegram No. 200  
(Savins) of November 23th, regarding the question  
of permission being granted to certain Kenya  
tribes to cross and water their cattle in  
Abyssinia, I have the honour to transmit herein  
a copy in translation of an Aide Memoire which  
I have received from the Ministry of Foreign  
Affairs in reply to the enquiry addressed to them.

I have the honour to be, with the highest respect,

Sir,

Your most obedient, humble servant,

(SD) PERTH

The Right Hon. Anthony Eden, M.C.,

etc., etc., etc.,

FOREIGN OFFICE.

TRANSLATION

No. 840386/139

A I D E M E M O I R E

The Royal Ministry of Foreign Affairs has the honour to refer to the Aide Memoire of the British Embassy, dated November 13th, in which it requested the Royal Government to agree to British subjects of Kenya crossing into Italian territory of the Governorate of Galla Sidamo for grazing and watering during the coming dry season.

In this regard the Royal Ministry of Foreign Affairs refers to its own Note Verbale No. 236875/128 of the 20th October. In this Note Verbale it was communicated to the British Embassy that for the duration of the last dry season it had been permitted as a gracious concession to some groups of British subjects of Kenya to graze and water their flocks under conditions set forth, in Italian territory.

In the same Note it was specified that this arrangement had a contingent and provisional character and that it had been made in consideration of the fact that the above-mentioned groups of British subjects had already crossed on their own initiative into Italian territory.

The Note indicated finally that the concession made could not be interpreted as implying a recognition of rights of grazing and watering as regards the British tribes in specified zones of Italian territory, as this question would have to be the subject of examination on the part of the two Governments.

With this premise and in reply to the British Embassy's request in the Aide Memoire mentioned above, the Royal Ministry of Foreign Affairs has the honour to inform

inform it that the Royal Government is ready to examine in a friendly spirit this question as a whole, that is to say, both as regards the possible grazing rights of the tribes of Kenya in Italian territory and as regards the possible grazing rights of the Italian tribes in the territory of Kenya, taking into consideration traditions and local interests, and having regard to the interests of the respective populations, each in their own territory.

Rome, 20th November, 1937.

NO DISTRIBUTION.

The Earl of Perth (Rome).  
25th November, 1937.

D. 9.35 p.m., 25th November, 1937.

R. 9.50 a.m., 26th November, 1937.

No. 696.

(15) .....  
11/15/37

My telegram No. 692 and my telegram No. 202 Saving.

Member of staff took an opportunity this morning to enquire of the Head of Department concerned what exactly was the present position resulting from Italian Government's note verbale.

Official said he had as anticipated had great difficulties with colonial authorities, who felt that continual renewal of concessions would only establish precedents for continuance of loosely-drawn arrangements which had in practice never worked satisfactorily in the past. Why should Italian authorities accept such vague arrangements made with a Government as unsatisfactory as the Abyssinian Government had always been? Italian colonial authorities felt for instance that they must know for administrative reasons where the frontier was to be crossed, to what depth and at what times of the year etc. If we felt that they were being difficult they for their part and he himself could not understand the reluctance we seemed to be showing to put these matters on a regular basis as we had done so easily, so quickly and so sensibly over Somaliland frontier. If for some reason we did not wish to negotiate some practical and detailed arrangement, taking into account certain Italian rights as well, Italian authorities could not be held responsible for any damage or loss of life and/or cattle suffered by Kenya tribes.

Further ...

Further discussion made it clear that unless we are prepared to deal with this matter as we dealt with Somalia land frontier question there is no chance of Kenya tribes being allowed watering and grazing rights during the coming dry season. While he could not of course commit himself, the official did say that if we were willing to negotiate he thought it would be possible to make some provisional arrangement to help Kenya tribes in the coming season.

NO DISTRIBUTION.

~~Dear Sir~~ The Earl of Perth (Rome),  
26th November, 1937.

D. 3.35 p.m. 26th November, 1937.

R. 4.45 p.m. 26th November, 1937.

No. 700.

*35664/15/37*  
Your telegram No. 363.

*above* As indicated in my telegram No. 696 which has crossed your telegram under reference I fear there is little likelihood of persuading the Italian authorities to agree unless I can say definitely that we are prepared to deal with this question as we dealt with the Somaliland frontier.

In view of serious situation which your telegram under reference indicates is likely to arise in Kenya Colony if permission for tribes to cross the frontier is not granted I trust I may receive instructions to inform Italian Government that we are prepared to enter into discussion on the above basis and to indicate approximately the time when experts could proceed to Rome for the purpose.

If we admit the principle of discussions at an early date I would hope that provisional arrangements could be made for the coming dry season.

TO ITALY

(J 4899/229/1).

Code telegram to Lord Perth (Rome).

Foreign Office. 6th December, 1937. 10 p.m.

No. 575. (R).

IMMEDIATE.

*above*  
Your telegram No. 700 [of November 23th: Ethiopia-Kenya frontier watering rights].

*above*  
1. Please inform Italian Government that we accept invitation conveyed in their aide memoire of November 20th to examine in a friendly spirit the question of the grazing rights of Kenya tribes in Ethiopia and those in the territory of Kenya of tribes from Ethiopia, but as it will be clearly impossible to prepare the detailed requirements of Kenya to complete the discussions before the commencement of the dry season which is about to begin, we trust that the Italian authorities will allow those Kenya tribes which have, in the past, been in the habit of crossing into Ethiopia to graze and water their cattle, to do so during the dry season which begins now.

2. It must be made clear to the Italian Government however that in accepting their invitation to discuss these matters, we do so without prejudice to our Treaty rights acquired from the Abyssinian Government, and that it will not therefore be practicable during the proposed conversations of experts to enter upon any discussion of those rights or of frontier delimitations or transfer of territory.

3. If the Italian Government ask when the negotiations will begin you should reply that we must have time to obtain an expert from Kenya and to prepare a statement of our desiderata.