

1924

KENYA

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GENERAL OFFICE.

DATE  
22nd December 1924.

SESSION OF JUBALAND.

Copy of Report of Debate on Anglo - Italian (E.A.Territories) Bill, on Second Reading.

Previous Paper

MINUTES

I attach to this paper a large quantity of unregistered matter which will probably be required when the Bill comes on for its remaining stages.

I have also drafted to the Treasury, as a result of Mr. Amery's correspondence with Mr. Churchill, and I have raised definitely the question of the work being done by a local survey party. This point is outstanding from 1923 owing to the uncertainty of the International position.

What is most important is that we should get the Governor's views on the order of procedure. The 1923 despatch is confined entirely to survey and does not help us over the work of the political commission.

I submit draft telegram on this point, together with a draft confirming despatch.

19 JAN 1925 ✓  
See to Treasury 20.1.25 ✓  
See to Gen. Com. 24 Jan 1925 ✓  
See to Trans. & Dev. Com. 24 Jan 1925 ✓  
Copy to Secy. of State 24 Jan 1925 ✓  
2 APR 1925 ✓

Subsequent Paper  
69 265-25

Pro

EN

167

I have added to the draft  
 despatch to meet the hours  
 named in the Stanley Jones's  
 minute. I have also inserted  
 a secret despatch sending out  
 the proceedings of the meetings  
 with the Italian representatives.  
 The Govt will have had  
 information on all points.

CO  
 on 27/1/25

Went 16.1.25

I regret that when the <sup>advance</sup> despatch was  
 ready for the mail it was found that  
 the aff. list had been ~~revised~~ (being  
 done) as the list was ~~not~~ <sup>not</sup> ~~ready~~ <sup>ready</sup>  
 for ~~insertion~~ <sup>insertion</sup> in the despatch. I  
 prepared another aff. list from memory  
 but had gone off before I found the  
 first draft. A slight ~~correction~~ <sup>correction</sup> is  
 now required & I have ~~done~~ <sup>done</sup> written  
 one another draft.

Went 21.1.25

ANON

This Motion. The par-

his statement that this Bill was

House during the last Parlia-

with the unanimous support of

I have taken the trouble of

the Official Report since that

been read this evening, and

it only passed the House at

last one in the morning when

was feeling very much to go

I went to, assure him and the

members of the Committee that

very many Members on this

House who felt then and feel

this type of legislation is a very

of legislation. There is a

on the part of the executive

which goes forward and a

is given against the Government

bring forward a Bill which

reverse that decision in this

has not been done once, or

times recently. It was done

during the last Parliament

judge. For my part, I will

of this House and protest

form of legislation. If of two

plaints our losses his case, the

his case has got to pay, but

Government loses a case it

and new legislation to reverse

I think it is abominable.

was protested against it in

it has come before the

How. *MEMBER* Why did

in 1922? When we come

this Bill when it was before

ment it occupied the House

only days in February to the

time, almost every week. I

the hon. Friend does not think

Bill when it is passed, because

through without a Division.

can be pronounced an early

and a good deal of talk, even

side, upon the Bill, which I

be criticised in the greatest

The object of this Bill is to fulfil the

pledge given by ourselves to

Italy at the most critical period of the

Great War. On the day of Italy's joining

the Allies, in the event of France and

Great Britain increasing their Colonial

territory in Africa at the expense of

Germany, these two Powers agreed in

principle that Italy might claim equitable

compensation. The immense sacrifice of

Italy during the long struggle did not

diminish our responsibility to give effect

to that claim. Immediately after the

War, in 1919, and again in 1920, this

matter was thoroughly discussed between

my predecessor, Lord Milner, and

successive Italian Foreign Secretaries.

Subsequently to this, the matter was

delayed. When it became clear that

these matters might not be settled for

some considerable time, the present

Leader of the Opposition, then Secretary

of State for Foreign Affairs, came to the

conclusion that we ought no longer to

delay the fulfilment of a pledge which we

certainly meant to honour, for the sake

of making it up with matters not directly

connected with it. Accordingly, a Treaty

was drawn up and signed on 15th July

last, between the right hon. Member for

Aberystwyth (Mr. Ramsay MacDonald) and

the Marquis Torretta, the Italian Foreign

Secretary, which is embodied in the

present Bill.

Under that Treaty, we cede to Italy a

territory of altogether nearly 24,000

square miles in extent, namely, the ter-

ritory across the River Juba, and a strip

of from 50 to 100 miles wide on our side

of the bank. The essence of the decision

is, of course, the cession of the Juba

Valley itself, which has hitherto been

the frontier between the two countries.

That valley might possibly at some time

be of very considerable value for irri-

gation purposes, if the capital and popula-

tion are found. Certainly, its value to Italy if she possesses the whole of the valley is much greater than the value to either of us of possessing only half the valley, if treating it as one unit for irrigation purposes. On our side of the valley there lives a small population of Nomad Somalis, 15,000 or 20,000 in number. They have access to the river and also use the grazing ground for some distance back and the reason for the cession of the territory as a whole is to keep these tribes together as a single

## ITALIAN TREATY (EAST AFRICAN TERRITORIES) BILL.

Second Reading read.

SECRETARY OF STATE for the

Colonies (Mr. Amery) I beg to move,

That the Bill be read a second

He asked the Secretary for the Colonies:

"The position of the native and non-natives in Jubaland which have been subject over to another Power without being consulted; and whether any arrangements have been entered into, or will be negotiated, in regard to such interests or to compensate them should they be unwilling to transfer allegiance on the lines suggested."

"It was a very creditable question on the part of the hon. Member for Barrow. That reason alone I am sorry that I am not here to back me up to-night. It was replied to by my hon. Friend Member for Rothwell (Mr. Linn), and there was then filling a position in the Department of Overseas Trade. I ask Members to notice the way Labour was interpreted in practice. The reply was as follows:

"The position of the natives in Jubaland and those non-natives who have interests therein will be included in the terms of any agreement which are now being considered by representatives of the two Governments. It is not desirable to make any statement on the subject at this stage. I may remind the hon. Member that this House will have an opportunity of discussing the terms of the Convention before it is ratified." *Will. Roxby, End June 1924.* Vol. 174

"It is the opportunity, and it is the opportunity I mean to take. Let us see what steps the natives are being invited. Not only are they not invited to say whether they shall be under British rule—they can opt, but presently that it means to apply only to Europeans, Indians or Hindus who are settled there—but if they do not opt for Indian rule or British rule they are denied the same—their co-religionists are not consulted on the other side of the frontier. Article 5 reads as follows:

"The Government undertake that all persons who are invited to migrate to the frontier shall be treated as if they were British subjects."

"A most extraordinary provision. I think that, when they migrate, they will be treated as if they were British subjects, and all that sort of thing. I think that it is a very thin argument for being treated as if they were British subjects infected by foot-and-mouth disease. They are not even to cross the frontier if they do not opt for the rule to which it is proposed to subject them. That is an intolerable

provision to put into any treaty signed by a British Secretary of State. I protest against it, and I believe in doing so I speak for most of my friends on these benches, and, according to the votes cast at the Election, every one of us represents 10 hon. Gentlemen opposite. We certainly represent some millions of voters in the country, and what is much more important, we represent a great tradition in these matters. It is against our principles to adopt such a policy as this, and although I know there are difficulties in this case because of our wartime commitments, we will always resist attempts to exchange or sell or give away territory as between one Power and another without, as far as possible, consulting the inhabitants. In this case, as far as I know, no attempt has been made to do so—it may be said that these are wild nomadic tribesmen, and that it is impossible to consult them, but we are only in these territories as a result of local agreements and treaties entered into with local chiefs, headmen or notables. Part of this territory is held under a treaty from the Sultan of Zanzibar, who, it seems, has been consulted, and who receives £1,000 a year as part of the awag. But it has always been the British practice, even when we have conquered a territory by force of arms, to make an agreement with the local notables, headmen, mallahs or whoever might be the leaders of the people who could be consulted. We did that many centuries ago in Ireland, and because we did not keep our agreements we have had nothing but trouble since. We have always done it even in the case of the most primitive communities which we have taken by force of arms.

"We heard a few days ago from the Noble Lord who is now Lord President of the Council, and who was the Foreign Secretary, that this portion of Jubaland was not to be ceded to Italy with the Italian question was settled. Has that matter been left in the background? I should like to know whether this matter of the Dodecanese is quite divorced from the question of Jubaland. The leader of the Conservative party in another place certainly took up the attitude I have indicated. It is no use saying to our friends saying 'Oh, this is Africa and that is Cyprus.' I think we were equally wrong in regard to that island, and I protested

[Hon. Commander Kenworthy.]  
in the time of the last Government, who were as imperibatic as their predecessors on that particular question. This territory is part of Northern Africa, and there is trouble in Northern Africa at present. Another thing which was not considered before its territories were barred away has risen to revolt and driven out the people who attempted to govern that territory by force. That will be a tremendous responsibility throughout the whole of North Africa, and we may have made a very great mistake in not, as I say, before trying to get these poor fishermen on the other side. They may be weak in numbers and primitive in their habits of life, but handing over this territory may be taken as a symbol by other Moslem peoples in Northern Africa, and may lead to their discredit in the future. I repeat that there are troublesome times ahead in Northern Africa, and I think that in this case a mistake has been made.

I realize that we were under serious obligations during the War, and that it was necessary to make certain offers to get help for the performed valour and did valuable service to us, and I do not want to press the matter too far, but I have raised certain questions which are, in my opinion, worthy of some reply from the Government, if only as establishing the precedent in this case, which I hope will not be repeated in the future. Some time ago the question of the sale of liquor to the United States from the Bahamas was raised by certain parties, and the possible sale of the islands to that country. But the gravest possible reply was made by our successive British Governments, that no part of the British Empire was for sale. This is only a repetition of what we have departed from that principle in this case, and without consulting the inhabitants, however primitive, of those territories. I hope that will not be considered I raise the question out of no hostility to Italy, but as showing what I conceive to be an objection to a violation of an ancient British principle.

**MR. MORRIS:** I beg to second the Amendment.

I do not feel that I desire to press it too far or to ask for a breakdown of any understanding, commercially entered into with Italy during the War. It is clear

that any understanding between this country and Italy must be honoured, but will the Colonial Secretary tell us whether Article 9 of this Treaty was part of the Agreement arrived at between these two countries in 1915? I understand that the Article 9 was not part of the Agreement, and if it were not part of the Agreement, at that time, why has it been put into this Treaty, with this grave restriction of the liberties of these people? The understanding having been arrived at at that time, I have no desire, as I say, to pass the matter, as clearly the Treaty matter is carried out if it is embodied merely in an understanding arrived at between the two countries, but this procedure of transferring a population from one Power to another, and of imposing restrictions upon them without consulting them should not be followed again.

**MR. AMERY:** I thought I had spoken by anticipation, answered the question addressed by the hon. and gallant Member for Hull (Genl. Commander Kenworthy) as regards to the Article 9. It is true that at one time, when it was thought that a general settlement of outstanding questions after the War would be arrived at fairly soon, we were under the impression that the island and people would be part of the general settlement, but it became clear that those ideas had to be abandoned, and I am glad to say that the right hon. Member for Hull (Mr. Ramsey MacDonald) came to the conclusion that we ought not to hold on any longer to the Island of Zanzibar, which he certainly handed over in 1911 without raising the question, which do not impinge upon us in this Bill. As regards consultation of the natives, I think that anyone who occupies the position there will understand that this is practically impossible, and very small Njumb population stands over a very great extent of territory which is nearly the most unpopulated part of the world. I have no doubt that it will be found that there is no real difficulty, and therefore, there is no reason why we would be likely to be affected by any change of Government. There are not in any sense people to be administered. They were not between the water and the land, and the islands were administered by our own representatives of the Government.

The only aspect we had in mind was looking with the frontier of the island

There should be no interference with the ordinary movements of those islands between the river and their grazing grounds. The trouble has been chiefly to get the Government to avoid any interference of the ordinary life of those natives. Lastly, as to the question of Government of Zanzibar across the boundary, that is simply due to the fact that the number of persons who can be employed in that sort of work is so small and limited, and there is no room for a Government. Therefore, if anyone did attempt to enter it, there would be only one thing to do, to get assistance, but that might also be a grave disturbance to all other Somali across the border.

**SIR SYDNEY HENN:** Before this question is put to the House, I wish to raise, perhaps, the only opportunity I have to do so on two questions. With the Bill as it stands in its present agreement, I do not propose to oppose any of its provisions, but there are one or two questions I wish to have answered now in order to clear up the situation. In connection with Article 4, will the cancellation of the Treaty of Commerce between Italy and Zanzibar of the 23rd May, 1903, leave any other nationality with special concessions or privileges in Zanzibar, or, if this Treaty is cancelled, will all foreign nationalities in Zanzibar remain on precisely the same terms? Again, in regard to Article 6, I should like to ask whether the annual payment of £5,000 to the Sultan of Zanzibar is to form a deduction from the annual payment paid by the Government to the Sultan of £20,000, or is it to be an addition to that sum? Then, I should like to ask if the natives are at liberty, under the Bill, to commute this annual payment for the payment of a capital sum of £250,000, and if so, are we in a similar position with regard to our own annual payments? Could we commute that annual payment by a cash down payment, and would that free us of the burden of the father's responsibilities to the Sultan of Zanzibar?

At a further point, in connection with Article 7, with regard to any British subjects of the territory that is being transferred, in this case, as I understand it, some time ago, I was certain that there were many from natives of the nationality, any British sub-

jects or companies that might be affected by the transfer of territory, and I hope that we were, and their interests were protected by this Treaty, was there any proposal I did not see it in the Treaty for providing for the payment of compensation if they chose to make good a claim? Finally, there are other points I should like to raise. No one knows better than my right hon. Friend, the Secretary of State, that the budding consciousness of political worth is very highly developed in Nairobi. I should like to know whether this particular Treaty is being submitted to the Legislative Council of that Colony. It is quite true that at the present moment it does not possess absolute self-government, but we all know that it applies itself to its own Government, it pays its own expense, and it has been increasing in due course, self-government. In this case we are transferring, as it seems to me, a portion of the territory which is under the government of the Colony of Kenya, and I think it is quite fitting that the people should have the opportunity, like this House, of expressing their opinion of the Treaty and of endorsing or ratifying it.

**SIR ROBERT HAMILTON:** I am not in any way opposed to this Treaty, which deals with a portion of Africa that has cost us many thousands of pounds in the past and many valuable lives, provided that the inhabitants do their duty on both sides of the boundary, as I think they will do. Under Article 7 it is proposed to transfer all rights and obligations of the former Government under certain special concessions. As the Parliamentary Secretary no doubt knows the foundation of our rule in that part of Africa was the concession to a company in 1905, followed by the Agreement of 1906, and both in the original concession, of 1905 and both in the Sultan of Zanzibar in the Agreement of 1906, the Sultan of Zanzibar expressly reserves the right of his flag to fly with ours. The point I wish to raise is whether particular powers by virtue of the Proclamation, enables us to hand over to another Power a sovereign State or a portion of the State which is under this Proclamation, or whether there is any responsibility in such action which might have international precedent.

**MR. AMERY:** With the permission of the House, I should like briefly to answer

The Amery  
the questions that have been put to me.  
The transfer referred to by the hon.  
Member for Blackburn (Sir S. Henn) is  
with the concurrence of the Sultan of the  
Mombasa. As regards the payment  
referred to, and as to whether there is  
any reduction of the payment at present,  
we have no arrangement at present;  
whether that will be considered at another  
time I do not know. In regard to  
Article 8, the cancellation of the Treaty  
of Commerce between Italy and Zanzibar,  
and in regard to the British rights, those  
rights all remain. I do not think any  
person would consider the rights affected,  
or that any question of loss or transfer  
is likely to arise or can arise.

LEUT. COMMANDER KENWORTHY: I  
do not want any action that I have taken  
to be misunderstood. In view of what  
the right hon. Gentleman has said, I  
should like to withdraw my Amendment.  
Amendment, by leave, withdrawn.  
Opposition. That the Bill be now read  
a second time, part, and agreed to.  
Bill read a second time, and com-  
mitted to a Standing Committee.

**NORTHERN IRELAND LAND BILL.**

Order for Second Reading read.

THE PRESIDENT OF THE BOARD OF  
EDUCATION (Lord Eustace Percy): I  
beg to move. That the Bill be now read  
a second time.

I must apologise to the House for  
asking it to consider the Second Reading  
of this Bill at so late an hour, but I hope  
to convince them that this is a Bill to  
which it can give a second Reading with  
safety and with justice, subject to con-  
sideration in Committee. My reasons  
are as follows: In the first place, we are  
not by this Bill doing anything which is  
new or was invented by ourselves. We  
are completing a long course of land  
purchase in Ireland. This is the last  
Measure which is necessary to complete  
a process which has been going on, with  
the consent and encouragement of all  
sections of opinion in this country, for  
the last 50 years. The second point is  
that this Bill was introduced in the  
same form as it is now by the late Gov-  
ernment, which undertook that it would

ask the House to give it a Second  
Reading at the earliest possible oppor-  
tunity. The third reason is that we are  
doing in this Bill something already agreed  
to by all sections of Irish opinion. This  
Bill carries out in detail and exactly  
subject to some very small alterations,  
the only unanimous recommendation  
made by the Irish Convention of 1898.  
It was a unanimous agreement between  
the landlords' representatives and the  
tenants' representatives at that Conven-  
tion, and this Bill carries that out, in  
as the six counties of Northern Ireland  
are concerned.

Lastly, and perhaps most important,  
this is a Bill which only comes before  
the House because land purchase, by one  
of the powers reserved to His Majesty's  
Government under the instrument which  
gave self-government to Northern Ire-  
land: it is a reserved power, but this  
impose ultimately no charge on His  
Majesty's Government. The whole cost  
of land purchase under this Bill will be  
borne by the Northern Government.  
But for the technicality, that it is a  
reserved matter, this is really the affair  
of the Northern Government. His  
Majesty's Government is responsible  
for this Bill, and I do not want to shift  
off that responsibility on to the Gov-  
ernment of Northern Ireland, but this Bill  
has been drawn up in consultation with  
the Government of Northern Ireland, and  
represents their view and what they want.  
Therefore, I think the House can give  
this Bill a second Reading, subject to  
examination on the Committee stage.

It is a very complicated Bill. It is a  
question which, I know, is not familiar to  
many Members of this House, and I am  
with which I was extremely unfamiliar  
when I was Chairman of the Committee  
which dealt with this question last year.  
But the broad principle is perfectly clear.  
For 50 years successive Governments in  
this country have endeavoured to carry  
through land purchase in Northern Ire-  
land by a system of advancing the pur-  
chase price of the land to the tenant,  
rather, direct to the landlord, ~~whereas~~ so-  
ownership of the land in the Irish land  
Commission, and asking the tenant to pay  
an annuity corresponding to a percentage  
of his previous rent. It must be re-  
membered that, unlike this country, all  
of the rents of which a percentage is then  
paid to the Land Commission are not

*Sgt. P. Hanson*  
*The postmaster*

*Private*

*My dear Sir,*

December 12th, 1924.

Subalund.

I agree that the cost of delimitation should  
not fall on Kenya and am prepared to allow the continuance  
of the provision in Subagad H. of the Vote for Colonial  
Services for His Majesty's Government's share of the cost  
of the Commission. This does not mean that I can  
recognise any and every claim that Kenya may choose to  
put forward.

As regards compensation to the Companies, I do  
not see how any claim can be established in face of the  
provisions of Articles 6 & 7 of the Treaty, and I think  
you would only be raising false hopes by promising further  
consideration.

I have always been reluctant to give up Subalund  
while the Italians refuse to fulfil their undertaking in  
the Dodecanese. But we give up everything.

*Yours truly*

*Louis Herbert Churchill*

Right Hon.

F. S. Amery, M. P.

*P.S. Please send the usual official reply.*

Mr. Stirling

As a result of the attached  
memo. I received instructions on  
Friday for a Draft letter to  
the Chancellor of the Exchequer  
- now annexed.

I am not sure that the  
last sentence is quite clear. It  
refers to a meeting between Lord  
Salisbury and the Chancellor and  
Italian representatives, and to  
Signor Schanzer. ~~He~~ He & Lord  
& I attended. The Chancellor  
was only present for a short  
part of the preliminary discussion.  
What he said was "You have  
got a very good bargain. But I  
won't hear of your having any  
more."

W.C.S. 1/1/04

Downing Street,

10 December, 1924.

*My Dear Wainman*

As you know, the Bill for approving the Jubaland Cession Treaty will come up at the earliest possible date, and it will fall to me to get it through.

All parties here are involved in the obligation to Italy and the only difficulties which I expect are from the friends of Kenya, who may draw attention to the loss of territory which the Colony will suffer, and from the friends of the one or two companies which have been operating in the territory to be transferred.

With regard to the former, what I anticipate is that emphasis may be laid on the loss of the valuable potential asset in the river (which has been described before now as a second Nile), and that members who take this line will not press it, but will fall back on the argument

RIGHT HONOURABLE,  
THE CHANCELLOR OF THE EXCHEQUER.



argument that, at all events, Kenya should not suffer immediate pecuniary loss, either as regards the cost of the transfer or as regards the arrangements for administering a rather difficult boundary in the future.

On the first point, we have had for some years in the Colonial Services Vote and have now put down once more an item of £5,000 in connection with this boundary. I am not sure whether it will be sufficient or not. The actual delimitation of the boundary will not be easy, although we hope to keep it down as far as possible by using local staff, and there is the further point of the political International Commission which, under the terms of the Treaty, has to be set up. Climatic conditions make it impossible to work for more than a few months in the summer of each year, and it is probable, therefore, that some provision will be necessary in the following year also.

What I ask is, that, if the occasion arises in debate, I may have your support in saying definitely that the cost of transfer will not fall in any degree on Kenya, which is the loser in a bargain entered into to carry out

6738  
an Imperial obligation.

With regard to the companies, there is only one case in which appeals for compensation have been active in the past, although recently we have had an application from the Mortgage Bank of two derelict estates. In the principal case, the company has been for a year in liquidation, and there can be no doubt that its difficulties have been due entirely to mismanagement, although the prospect of cessation may have operated to prevent them from obtaining new capital which might have relieved their immediate difficulties but which, in all probability, would have suffered the fate of their previous capital. The Company has been told at intervals during five years that they would not receive any compensation, and I see no reason to vary that view. But if criticism in the House on this point is acute, and if it seems that any large body of opinion among members is in favour of sympathetic consideration in these cases, I want to be able to promise further consideration, on the express understanding that the liability for compensation will not fall upon the Colonies.

673B

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With regard to the companies, there is only one case in which appeals for compensation have been active in the past, although recently we have had an application from the Mortgage Bank of two derelict estates. In the principal case, the company has been for a year in liquidation, and there can be no doubt that its difficulties have been due entirely to mismanagement, although the prospect of cession may have operated to prevent them from obtaining new capital which might have relieved their immediate difficulties but which, in all probability, would have suffered the fate of their previous capital. The Company has been told at intervals during five years that they would not receive any compensation, and I see no reason to vary that view. But if criticism in the House on this point is acute, and if it seems that any large body of opinion among members is in favour of sympathetic consideration in these cases, I want to be able to promise further consideration, on the express understanding that the liability for compensation will not fall upon the Selang.

I shall be very glad to have your support  
this point. It is a thankless task for a Secretary  
State for the Colonies to propose that we shall vote  
away nearly 34,000 square miles of colonial territory.  
I gather that it is largely due to you that we have  
able to resist a decision which would have permitted  
another 11,000 square miles going the same way.

Yours sincerely  
L. S. Am

C. D.  
R 1006  
40 676

Downing Street,

10 December, 1924.

My dear Winston

As you know, the Bill for approving the Jubaland Cassion Treaty will come up at the earliest possible date, and it will fall to me to get it through.

For sig. by S. of S.

DRAFT.

*Sc*

The Rt. Hon'ble.,  
The Chancellor of the Exchequer.

All parties here are involved in the obligation to Italy and the only difficulties which I expect are from the friends of Kenya, who may draw attention to the loss of territory which the Colony will suffer, and from the friends of the one or two companies which have been operating in the territory to be transferred.

With regard to the former, what I anticipate is that emphasis may be laid on the loss of the valuable potential asset in the river (which has been described before now as a second Nile)

and

MINUTE.

Mr. Bottomley 12/24

Mr.

Mr. Strachey 9/12

Mr. C. Davis.

Mr. G. Grindle.

Mr. H. Road.

Mr. [unclear] 9

Mr. [unclear]

Mr. Thomas

Mr. [unclear] 12/24

your support on this point. <sup>673</sup> It is

a thankless task for a Secretary of  
State for the Colonies to propose that  
we shall vote away nearly 34,000  
square miles of colonial territory.

I gather that it is largely due to  
you that we have been able to resist  
a decision which would have permitted of  
another 11,000 square miles going the  
same way.

Yours sincerely

L. S. Murray

*Mr. Strachey*  
Mr. Strachey

*Mr. Strachey*

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The attached memorandum is intended to assist the Secretary of State in the debate on the Jubaland Bill, separate notes are annexed on certain points which can be left untouched unless questions are raised on them.

X We have no arrangement with the Treasury by which Kenya is to be relieved of all expense due to cessing, and it may be desirable to consult the Chancellor of the Exchequer on that point. It cannot be too strongly insisted that this is an Imperial bargain and that Kenya should not have to meet the Bill.

We have down, this year and next also, £5000 in the Colonial Services Estimates for the Boundary <sup>work</sup> in connexion with the cession. It is doubtful if £5000 will cover the whole, but it should be quite sufficient for one year, as April, May and June are the only possible months. We are still awaiting the Governor's views as to the exact procedure.

If you agree the memorandum and notes and this minute can be fair copied (four copies of each) and sent on.

W.G.B. 1/12/24.

\* The Chancellor must also be consulted if pressure in the House makes it necessary to consider compensation to Companies operating in Jubaland.

There is no case for compensating the Co's - But as regards the Colony the Anglo-French Convention Act 1904 of which I attached copy provides for expenses being borne by Parlt.

X

The Bill provides approval for the Treaty which has been signed giving effect to the transfer of the greater part of the Jubaland Province of the Kenya Colony and Protectorate. Under Article 13 of the Agreement of 26th April, 1915, concluded between France, Russia, Great Britain and Italy prior to Italy entering into the War on the side of the Allies, it was agreed that "In the event of France and Great Britain increasing their colonial territories in Africa at the expense of Germany, those two Powers agree in principle that Italy may claim some equitable compensation particularly as regards the settlement in her favour of the questions relative to the frontiers of the Italian Colonies of Eritria, Somaliland and Libya and neighbouring Colonies belonging to France and Great Britain". X

Negotiations took place between Viscount Milner, then Secretary of State for the Colonies, and Italian Ministers for Foreign Affairs in 1919 and 1920, and an agreement in principle was reached covering, so far as Jubaland is concerned, the whole of the territory now proposed to be ceded to Italy. Later negotiations followed, first in regard to an application on the part of Italy for the cession of a larger amount of territory, and secondly, in regard to the relation of this matter to other questions outstanding between Great Britain and Italy. In the early summer of this year the late Secretary of State for Foreign Affairs agreed with the Italian Ambassador on an immediate settlement of the question of Jubaland, and the draft Convention which had already been prepared was discussed between representatives of the two countries and signed on the 7th of June. Its terms were embodied in a Treaty

signed



Treaty signed on the 15th of July.

(See Note A.)

The area to be ceded is as nearly as can be ascertained 33,850 square miles, of which the only portion of potential value is the Valley of the River Juba, which forms the present boundary between Kenya and Italian Somaliland, half of the river, therefore, already belonging to Italy. Italy in addition has special rights by convention in regard to Kismayu, the port of the Juba River, the use of which is essential to their position on the river itself. The annual rise in the waters of the river makes the Juba Valley apparently an attractive proposition from the development point of view, and certain enterprises were set on foot before the War which however have had little success. A large irrigation scheme and the command of an extensive labour supply might have made the Juba Valley an asset of great value, but in the absence of these essentials it has been of little use to Kenya.

The whole country is inhabited by a small nomadic population of Somalis, (about 16,000) and, in order to obtain a new boundary which would have some regard to racial divisions, the cession of a large territory in addition to the Juba Valley was necessary. The line as drawn observes as closely as possible racial divisions, but the final adjustments can only be made on the spot after examination by the International Commission which is to be set up.

The Treaty leaves British interests already existing in the ceded territory free to carry on their work and

and it has been maintained from the outset of the negotiations that no further consideration can be held out to them. Representations have been made over a period of many years on behalf of the Company owning the property in which the most serious attempt at development has been made to develop, but, after examining the position, the Secretary of State has decided that the Company, which has already been in liquidation for 12 months, cannot reasonably expect assistance by His Majesty's Government or by the Government of Kenya in respect of difficulties which do not appear to have been due to the prospect of cession.

Of the total area of 33,850 square miles, the portion within 10 miles of Kismayu, that is, about 157 square miles, is part of the mainland territory of the Sultan of Zanzibar held on lease by the Government of Kenya and forming the Kenya Protectorate. The rights of Zanzibar have as fully as possible been preserved in the Treaty and the concurrence of the Sultan in the arrangement has been notified.

(See Note B).

The rest of the region to be ceded falls within the Colony of Kenya, and although this large area has not so far been productive it will no doubt be the desire of the House that the Colony should, at all events, have no burden of expenditure placed upon it in connection with the transfer of territory which is directly due to a commitment of the Imperial Government. The cost of transfer will be borne entirely by the Home Government and, if it is found that

the

the administration of the new boundary involves directly an increased charge to the Government of Kenya, the Secretary of State may have to bring the matter before the House in order that some relief to Kenya may be arranged.

(See Note C).

Note A.

Further information about the negotiations is contained in the Foreign Office memorandum of 13th November; but if anyone is to relate the connexion of the Jubaland question with that of the Dodecanese it had better be the Foreign Office representative in the Debate.

Note B.

Unfortunately, this concurrence was not obtained until after the event. We had understood from the late Governor of Kenya, Sir E. Northey, that he had explained the matter to the Sultan, but no record exists, and Sir E. Northey has since said that he has no recollection of having taken the matter up with the Sultan.

Note C.

Unofficial Members of the Legislative Council of Kenya have raised certain questions with regard to the cession of Jubaland, and in particular, have suggested that the Colony should receive territorial compensation by the transfer of the Kilimanjaro region of the Tanganyika Territory, which bears a close similarity in climate and agricultural possibilities to the highlands of Kenya itself. It is held here that the question of territorial compensation does not arise, and in any case it is not possible for a portion of a territory held under a Mandate which provides for a separate administration to be transferred to a British Colony, whether as compensation for loss of territory under an arrangement between Great Britain and another Power or on any other ground.

It has also been contended in the Legislative

Council

674

Council that the express approval of the Colonial Legislature is required to the cession of part of its territory. How far the contention is serious is not known. There is apparently no precedent, in recent years at least; Heligoland, for example, was ceded to Germany as a whole, but in that case the Colony did not decide its own fate. In practice, it would not be possible to conduct International negotiations on the basis that the Imperial Government had not the supreme authority in this matter in regard to a Colony which, not possessing responsible Government, is for other purposes under its control.

It must be admitted that the temper of the Kenya Legislative Council in this matter has been affected by the fact that a prior announcement of the prospect of cession was not made. There was oversight here, due to the final effort to get the draft convention settled as quickly as possible, and the late Secretary of State's regret was expressed for it; but the grievance is more sentimental than real: it was known, through press references and Parliamentary questions, that negotiations (necessarily confidential) had been in progress, and an announcement (on the eve of the settlement with the Italian representatives) could have had little effect except to provoke either general or particular protest which would have hampered negotiation and would, probably, have intensified the suspicion of our good faith which the Italian representatives had after our first meeting.

Mr. Shackleton

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L. H. Campbell

Colonial Office letter of 16 Dec. attached

I attended the meeting by direction

The L.C. said that it was impossible to get do more than to introduce the Bill before Christmas, & the Home Secretary agreed (I suppose of course, as usual). Mr. Nicholson said that introduction would satisfy F.O., or showing that we meant business. [In other words, the Foreign Secretary has satisfactorily completed his mission to Rome, & F.O. interest in Jubaland has languished.]

I pointed to the obvious difficulty and to the pressure of financial business when Parliament recesses but did not attempt the impossible.

All we can do is to remind the Govt that we expect a draft programme, & then see what can be done to prepare in advance.

I have no alternative to make, and we can await the final copy.

Dec 17 1912

...  
delay.

*Office returned*  
*603*  
*23/12/24*  
C A B I N E T.

CSS

*W.C. Nottingham*  
Majesty's Government.]

COMMITTEE OF HOME AFFAIRS (21, 1924).

CONCLUSIONS of a meeting of the  
Committee held in the Ministers'  
Conference Room, House of Commons,  
S.W.1., on Monday, December 15th,  
1924, at 4.30 p.m.

-----

It is requested that the  
attached Final Copy of the above  
Conclusions may be substituted  
for the Draft Copy issued on the  
16th instant, and the latter, if  
still in your possession, returned  
to this Office.

-----

2, Whitehall Gardens, S.W.1.  
20th December, 1924.

*Rec<sup>d</sup> 23*

*to Mr. [unclear]*  
*Old*  
*23/12/24*  
C A B I N E T.

CSS

[Ministry's Government.]

COMMITTEE OF HOME AFFAIRS 21. (24).

CONCLUSIONS of a Meeting of the  
Committee held in the Ministers'  
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S.W.1., on Monday, December 15th,  
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2, Whitehall Gardens, S.W.1.  
20th December, 1924.

*Rec<sup>d</sup> 23*



Printed for the Cabinet.

SECRET

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H.A.C., 21st Conclusions (24)

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CABINET.

COMMITTEE OF HOME AFFAIRS 21 (24).

Conclusions of a Meeting of the Committee held in the Ministers' Conference Room, House of Commons, S.W., on Monday, December 15, 1924, at 4.30 P.M.

Present:

- |  |   |
|--|---|
| The Right Hon. VISCOUNT CAVE, G.C.M.G., K.C., Lord Chancellor (in the Chair).          |   |
| The Right Hon. Sir W. JOYNSON-HICKS, Bart., M.P., Secretary of State for Home Affairs. | The Right Hon. E. F. L. WOOD, M.P., Minister of Agriculture and Fisheries.    |
| The Right Hon. Sir ARTHUR STEEL-MATLAND, Bart., M.P., Minister of Labour.              | The Right Hon. Sir JOHN GILMOUR, Bart., D.S.O., M.P., Secretary for Scotland. |
| Sir THOMAS INSKIP, C.B.E., K.C., M.P., Solicitor-General.                              | The Right Hon. WALTER GUINNESS, D.S.O., M.P., Financial Secretary, Treasury.  |

The following were also present:

- |   |   |
|---|---|
| Mr. F. A. JONES, C.B., Ministry of Agriculture and Fisheries. (For Conclusion 3.) | Mr. GRAHAM HARRISON, C.B., Second Parliamentary Counsel.                  |
| The Hon. H. G. NICOLSON, C.M.G., Foreign Office. (For Conclusion 1.)              | Mr. W. C. BOTTOMLEY, C.M.G., O.B.E., Colonial Office. (For Conclusion 1.) |

Mr. THOMAS JONES }  
 Mr. R. B. HOWORTH } Joint Secretaries to the Committee.

The Anglo-Italian Treaty (East African Territories) Bill.

1. With reference to Cabinet 68 (24), Conclusion 12, the Committee had before them a Note by the Secretary of State for the Colonies (C.P. 540 (24)) covering the draft Anglo-Italian Treaty (East African Territories) Bill, the early passage into law of which is highly desirable inasmuch as until the Bill is enacted no Boundary Commissioners can proceed to Jubaland, and, owing to climatic conditions, the work of delimiting the frontier can only be carried out in the months of April, May and June.

The Committee agreed to recommend the Cabinet—

To authorise the immediate introduction of the Anglo-Italian Treaty (East African Territories) Bill in the form of the draft annexed to C.P. 540 (24).

Mr. W.C. Bottomley 687

THIS DOCUMENT IS THE PROPERTY OF HIS BRITANNIC MAJESTY'S GOVERNMENT

S E C R E T.

C A B I N E T.

COMMITTEE OF HOME AFFAIRS 21 (24).

Meeting held on Monday, December 15th,  
1924. at 4-30 p.m.

(H.A.C. 21st Cons. (24).

*Extract*

A copy of the Draft Conclusions of the above Meeting  
is enclosed herewith for favour of approval or amendment.

IT IS REQUESTED THAT THIS COPY MAY BE RETURNED BY NOON  
ON THURSDAY, THE 18TH INSTANT. After this time, unless a  
communication is received to the contrary, it will be assumed  
that no corrections are desired.

The attached Draft Conclusions should, in any case, be  
returned immediately on receipt of the FINAL COPY.

(Signed) T. JONES. )  
R.B. HOWORTH. )

Joint Secretaries.

2, Whitehall Gardens, S.W.1.

December 16th, 1924.

The Secy. wd be glad if you could attend  
this meeting.

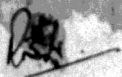
633

The Bill  
is not now likely to come on  
before Thursday. at present

B. H. H. H.

COMMITTEE OF HOME AFFAIRS

The Secretaries to the Committee of Home Affairs  
present their compliments to THE SECRETARY OF STATE FOR  
THE COLONIES and are directed by the Chairman to say  
that he will be glad if Mr. Avery or his representative  
can find it convenient to attend a meeting of the  
Committee to be held on Monday, December 15th 1924  
to discuss Item 1 on the Attached Agenda Paper.



15th December, 1924.

SECRET.

H.A.C. 21st Meeting (24)

C A B I N E T.

COMMITTEE OF HOME AFFAIRS 21 (24)

Meeting of the Committee to be held in the Ministers' Conference Room (Room 21C, First Floor) House of Commons on Monday, December 15th, 1924 at 4.30 p.m.

A G E N D A.

1. IMPORTATION OF PEDIGREE ANIMALS BILL.

Memorandum by the Minister of Agriculture and Fisheries covering draft Bill, C.P. 528 (24) - already circulated.

2. ANGLO-ITALIAN TREATY - (EAST AFRICAN TERRITORIES) BILL.

PLEASE ATTEND Reference Cabinet 66 (24) Conclusion 12.  
Note by the Secretary of State for the Colonies covering draft Bill, at 4-30 p.m. C.P. 540 (24). - to be circulated.

3. CHURCH OF SCOTLAND (PROPERTY AND ENDOWMENTS) BILL.

Memorandum by the Secretary for Scotland, covering Draft Bill, C.P. 536 (24) - circulated herewith.

(Signed) THOMAS JONES } Joint Secretaries.  
( " ) R.B. HOWORTH. }

2 Whitehall Gardens, S.W.1.  
11th December, 1924.

SECRET.

C.P. 540 (24).

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C A B I N E T.

ANGLO-ITALIAN TREATY (EAST AFRICAN TERRITORIES)  
BILL.

NOTE BY THE SECRETARY OF STATE FOR THE COLONIES.

I circulate for the consideration of the Home Affairs Committee the following Note on this Bill.

Colonial Office, S.W.1.  
December 11th, 1924.

L.S.A.

.....

Note:-

This Bill is to ratify a Treaty made between His Majesty The King and The King of Italy, signed in July last, to cede to Italy a portion of Jubaland.

The passage of this Bill is of great urgency because until it is passed no boundary commissioners can proceed to Jubaland owing to climatic conditions the work of delimiting the frontier can be carried out only in the months of April, May and June. It is therefore essential, if any start is to be made during the year, that the Bill should be got through all stages, or, if that is not possible, through most of its stages, this side of Christmas, in order that the Commissioners may arrive in Jubaland before April.

The Foreign Office attach importance to the early passage of the Bill in order that effect may be given to the obligations entered into with Italy. If there should be delay in the passage of the Bill, the Italian Government would not only be disappointed but might consider the delay, with its consequences, as an act of bad faith.

[15 Geo. 5.]

*Anglo-Italian Treaty*  
*(East African Territories)*

A

## B I L L

TO

Approve a Treaty between His Majesty and  
 the King of Italy.

**WHEREAS** His Majesty the King and His Majesty A.D. 1924.  
 the King of Italy have concluded the Treaty set  
 out in the Schedule to this Act :

And whereas the said Treaty has not yet been  
 5 ratified :

And whereas it is expedient that the approval of  
 Parliament should be given to the said Treaty :

Be it, therefore, enacted by the King's most Excellent  
 Majesty, by and with the advice and consent of the  
 10 Lords Spiritual and Temporal, and Commons, in this  
 present Parliament assembled, and by the authority of  
 the same, as follows :—

1. The approval of Parliament is hereby given to Assent to  
 the said Treaty, and it shall be lawful for His Majesty Treaty.  
 15 to make such Orders in Council and to do all such things  
 as appear to him to be necessary or proper for carrying  
 the said Treaty into effect.

2. This Act may be cited as the Anglo-Italian Short title.  
 Treaty (East African Territories) Act, 1924.

[Bill 7]

A

A.D. 1924.

SCHEDULE

TREATY BETWEEN THE UNITED KINGDOM AND ITALY  
REGULATING CERTAIN QUESTIONS CONCERNING THE  
BOUNDARIES OF THEIR RESPECTIVE TERRITORIES IN  
EAST AFRICA.

Signed at London, July 15, 1924.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Italy, desiring to regulate, in a spirit of goodwill, certain questions concerning the boundaries of their respective territories in East Africa, have named as their plenipotentiaries:

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

The Right Honourable James Ramsay MacDonald, M.P., His Prime Minister and Principal Secretary of State for Foreign Affairs:

AND HIS MAJESTY THE KING OF ITALY:

His Excellency Il Marchese della Torretta dei Principi di Lampedusa, His Ambassador Extraordinary and Plenipotentiary at the Court of St. James:

Who, having exhibited their respective full powers found in good and due form, have agreed as follows:—

ARTICLE I.

His Britannic Majesty, in his own name and on his own behalf and by virtue of his protectorate over Zanzibar in the name and on behalf of His Highness the Sultan of Zanzibar, so far as the latter may be concerned, transfers to His Majesty the King of Italy all sovereign rights and title over that portion of African territory lying between the present Italian colony of Southern Somaliland and a new boundary line to be determined as follows:—

From the confluence of the river Ganale and Daus, along the course of the Daus up-stream to the southern point of the small southerly bend of the latter river in the vicinity of Malka R6; thence in a south-westerly direction in a straight line to the

A.D. 1924.

centre of the pool of Dumas; thence in a south-westerly direction in a straight line towards Ella Kalla (which remains in British territory) to such meridian east of Greenwich as shall leave in Italian territory the well of El Beru; 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. Ras Kiambone (Dick's Head) and the four islets above mentioned shall fall within the territory to be transferred to Italy.

In the event, however, of it being found by the Commission referred to in Article 12 that the well of El Beru does not contain water either sufficient or suitable for the maintenance at that point of an Italian frontier post, then the line, as between El Beru and Ella Kalla, shall be so drawn by the Commission as to include in Italian territory the neighbouring well of El Shaina.

ARTICLE 2.

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

In the event of differences between the text and the map, the text will prevail.

ARTICLE 3.

The Italian Government agrees to the cancellation of the Treaty of Commerce between Italy and Zanzibar of the 23rd May 1885.

In accordance with the provisions of the Convention of Saint-Germain-en-Laye of the 10th September 1919, Italian subjects in the protectorate of Zanzibar shall enjoy the same rights and privileges and receive the same treatment as British subjects.

ARTICLE 4.

The Italian Government shall indemnify the Government of His Highness the Sultan of Zanzibar 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 share of the annuity which has hitherto been paid by the British Government to the Government of Zanzibar.

The Italian Government shall be entitled at any time to effect the discharge of any obligation undertaken under the

A.D. 1934 preceding paragraph by means of the payment of a lump sum of £25,000 to the Government of His Highness the Sultan of Zanzibar.

ARTICLE 5.

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 differences between the two Governments as to the terms of transfer, the question shall be referred to arbitration in accordance with such procedure as the Council of the League of Nations may prescribe.

ARTICLE 6.

British subjects, other than those persons who have become British subjects by the annexation of the colony of Kenya, ordinarily resident at the date of the coming into force of the present convention in the territory transferred under Article 1, shall, unless within six months of the coming into force of the present convention they opt for Italian nationality, 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 not opting for Italian nationality and of their desiring to withdraw from the transferred territory, they shall be at liberty to do so within twelve months from the coming into force of the present convention.

British-protected persons and British subjects who have become such by the annexation of the Colony of Kenya, ordinarily 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 convention.

The same right is conferred on such a number of Somalis who are separated from their families by the new frontier as the wells and pasturage in the territory defined in the Annex to this Article can support, having regard to the present and reasonable future requirements of the tribes or sections of tribes already there, provided that such persons must be individually registered before they are allowed to cross into British territory. The Commission referred to in Article 12 shall decide as to the capacity in this respect of the said wells and pasturages and as to the number of the persons who may avail themselves of this right.

Persons who withdraw from the transferred territory under this Article shall be entitled to carry with them their movable property of every description without payment of export duties of any kind. They shall not in respect of such property be subject to import duties of any kind in the Colony of Kenya. They shall be entitled to retain their immovable property in the transferred territory.

Annex.

The territory lying within a straight line from the Lorian Swamp to Saddi: a straight line from Saddi to El Bern; the line defined in Article 1 from El Bern to its junction with the Tansland-Subaland frontier; and a straight line from the said junction to the Lorian Swamp.

ARTICLE 7.

All concessions or rights to properties in the above territories which have been recognised 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 recognised 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, and that the Italian Government may impose on the concessionaires and proprietors all limitations necessary for the execution of works of general utility, upon granting to such persons the same compensation or indemnity as that to which Italian subjects would be entitled in similar cases.

ARTICLE 8.

All treaties, conventions and agreements between the Government of His Britannic Majesty and the Government of His Majesty the 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 9.

The two Governments undertake that they will respectively endeavour to prevent any migration of Somalis or other natives across the frontier defined in Article 1.

If, however, the inquiries of the Commission referred to in Article 12 show that in the neighbourhood of the sector of the new frontier running from El Bern to the Jabaland-Tansland boundary there exists a shortage of pasture for the tribes situated



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SCHEDULE.

TREATY BETWEEN THE UNITED KINGDOM AND ITALY  
REGULATING CERTAIN QUESTIONS CONCERNING THE  
BOUNDARIES OF THEIR RESPECTIVE TERRITORIES IN  
EAST AFRICA. 5

*Signed at London, July 15, 1924.*

His Majesty the King of the United Kingdom of Great  
Britain and Ireland and of the British Dominions beyond the  
Seas, Emperor of India, and His Majesty the King of Italy,  
desiring to regulate, in a spirit of goodwill, certain questions  
concerning the boundaries of their respective territories in East  
Africa, have named as their plenipotentiaries: 10

HIS MAJESTY THE KING OF THE UNITED KING-  
DOM OF GREAT BRITAIN AND IRELAND AND OF THE  
BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR 15  
OF INDIA:

The Right Honourable James Ramsay MacDonald,  
M.P., His Prime Minister and Principal Secretary of  
State for Foreign Affairs:

AND HIS MAJESTY THE KING OF ITALY: 20

His Excellency Il Marchese della Torretta dei Principi  
di Lampedusa, His Ambassador Extraordinary and  
Plenipotentiary at the Court of St. James:

Who, having exhibited their respective full powers found in  
good and due form, have agreed as follows:— 25

ARTICLE 1.

His Britannic Majesty, in his own name and on his own  
behalf and by virtue of his protectorate over Zanzibar in the  
name and on behalf of His Highness the Sultan of Zanzibar, so  
far as the latter may be concerned, transfers to His Majesty the  
King of Italy all sovereign rights and title over that portion of  
African territory lying between the present Italian colony of  
Southern Somaliland and a new boundary line to be determined  
as follows:— 30

From the confluence of the rivers Genale and Daua, along  
the course of the Daua up-stream to the southern point of the  
small southerly bend of the latter river in the vicinity of Malka  
Ré, thence in a south-westerly direction in a straight line to the

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centre of the pool of Dumaas; thence in a south-westerly  
direction in a straight line towards Eila Kalla (which remains in  
British territory) to such meridian east of Greenwich as shall  
leave in Italian territory the well of El Beru; 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. Ras Kiambone (Dick's  
Head) and the four islets above mentioned shall fall within the  
territory to be transferred to Italy. 5 10

In the event, however, of it being found by the Commission  
referred to in Article 12 that the well of El Beru does not contain  
water either sufficient or suitable for the maintenance at that  
point of an Italian frontier post, then the line, as between El  
Beru and Eila Kalla, shall be so drawn by the Commission as to  
include in Italian territory the neighbouring well of El Shazia. 15

ARTICLE 2.

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

In the event of differences between the text and the map,  
the text will prevail. 20

ARTICLE 3.

The Italian Government agree to the cancellation of the  
Treaty of Commerce between Italy and Zanzibar of the 23rd May  
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In accordance with the provisions of the Convention of  
Saint-Germain-en-Laye of the 10th September 1918, Italian  
subjects in the protectorate of Zanzibar shall enjoy the same  
rights and privileges and receive the same treatment as British  
subjects. 25 30

ARTICLE 4.

The Italian Government shall indemnify the Government of  
His Highness the Sultan of Zanzibar 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 share of the annuity  
which has hitherto been paid by the British Government to the  
Government of Zanzibar. 35 40

The Italian Government shall be entitled at any time to  
effect the discharge of any obligation undertaken under the

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A.D. 1924.

SCHEDULE

TREATY BETWEEN THE UNITED KINGDOM AND ITALY  
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His Britannic Majesty, in his own name and on his own  
behalf and by virtue of his protectorate over Zanzibar in the  
name and on behalf of His Highness the Sultan of Zanzibar, so  
far as the latter may be concerned, transfers to His Majesty the  
King of Italy all sovereign rights and title over that portion of  
African territory lying between the present Italian colony of  
Southern Somaliland and a new boundary line to be determined  
as follows:—

From the confluence of the rivers Ganale and Dana, along  
the course of the Dana up-stream to the southern point of the  
small southerly bend of the latter river in the vicinity of Malka  
Ré; thence in a south-westerly direction in a straight line to the

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A.D. 1924

centre of the pool of Dumasa; thence in a south-westerly  
direction in a straight line towards Eilla Kalla (which remains in  
British territory) to such meridian east of Greenwich as shall  
leave in Italian territory the well of El Beru; 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. Ras Kiambone (Dick's  
Head) and the four islets above mentioned shall fall within the  
territory to be transferred to Italy.

In the event, however, of it being found by the Commission  
referred to in Article 12 that the well of El Beru does not contain  
water either sufficient or suitable for the maintenance at that  
point of an Italian frontier post, then the line, as between El  
Beru and Eilla Kalla, shall be so drawn by the Commission as to  
include in Italian territory the neighbouring well of El Shazua.

ARTICLE 2

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

In the event of differences between the text and the map,  
the text will prevail.

ARTICLE 3

The Italian Government agree to the cancellation of the  
Treaty of Commerce between Italy and Zanzibar of the 23rd May  
1885.

In accordance with the provisions of the Convention of  
Saint-Germain-en-Laye of the 10th September 1919, Italian  
subjects in the protectorate of Zanzibar shall enjoy the same  
rights and privileges and receive the same treatment as British  
subjects.

ARTICLE 4

The Italian Government shall indemnify the Government of  
His Highness the Sultan of Zanzibar 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 share of the annuity  
which has hitherto been paid by the British Government to the  
Government of Zanzibar.

The Italian Government shall be entitled at any time to  
effect the discharge of any obligation undertaken under the

[7]

A 2

A.D. 1924. preceding paragraph by means of the payment of a lump sum of £25,000 to the Government of His Highness the Sultan of Zanzibar.

## ARTICLE 5.

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 differences between the two Governments as to the terms of transfer, the question shall be referred to arbitration in accordance with such procedure as the Council of the League of Nations may prescribe.

## ARTICLE 6.

British subjects, other than those persons who have become British subjects by the annexation of the colony of Kenya, ordinarily resident at the date of the coming into force of the present convention in the territory transferred under Article 1, shall, unless within six months of the coming into force of the present convention they opt for Italian nationality, 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 not opting for Italian nationality and of their desiring to withdraw from the transferred territory, they shall be at liberty to do so within twelve months from the coming into force of the present convention.

British-protected persons and British subjects who have become such by the annexation of the Colony of Kenya, ordinarily 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 convention.

The same right is conferred on such a number of Somalis who are separated from their families by the new frontier as the wells and pasturage in the territory defined in the Annex to this Article can support, having regard to the present and reasonable future requirements of the tribes or sections of tribes already there, provided that such persons must be individually registered before they are allowed to cross into British territory. The commission referred to in Article 12 shall decide as to the capacity in this respect of the said wells and pasturages and as to the number of the persons who may avail themselves of this right.

Persons who withdraw from the transferred territory under this Article shall be entitled to carry with them their movable property of every description without payment of export duties of any kind. They shall not in respect of such property be subject to import duties of any kind in the Colony of Kenya. They shall be entitled to retain their immovable property in the transferred territory.

## Annex.

The territory lying within a straight line from the Lorian Swamp to Saddi; a straight line from Saddi to El Beru; the line defined in Article 1 from El Beru to its junction with the Tanaland-Jubaland frontier; and a straight line from the said junction to the Lorian Swamp.

## ARTICLE 7.

All concessions or rights to properties in the above territories which have been recognised 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 recognised 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, and that the Italian Government may impose on the concessionaires and proprietors all limitations necessary for the execution of works of general utility, upon granting to such persons the same compensation or indemnity as that to which Italian subjects would be entitled in similar cases.

## ARTICLE 8.

All treaties, conventions and agreements between the Government of His Britannic Majesty and the Government of His Majesty the 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 9.

The two Governments undertake that they will respectively endeavour to prevent any migration of Somalis or other natives across the frontier defined in Article 1.

If, however, the inquiries of the Commission referred to in Article 12 show that in the neighbourhood of the sector of the new frontier running from El Beru to the Jubaland-Tanaland boundary there exists a shortage of pasture for the tribes situated

A.D. 1924.

on the Italian side of the frontier, and if these inquiries also show that during the rainy season there is on the British side of that sector and in the region bounded on the east by the new frontier and on the west by the line Goochi-Ribba-El-Tulli-Lakola-Toor-Guda-Ramaguda more pasturage available than is required for the tribes in British territory, then the Commission will have power to decide that for a certain period, not less than five years, Somalis or other natives of the transferred territory may during the rainy season cross the boundary to such a distance and in such numbers as the Commission may prescribe, it being understood that in no case shall such Somalis or natives be allowed to pass to the west of the line Goochi-Ribba-El-Tulli-Lakola-Toor-Guda-Ramaguda. The decisions of the Commission shall be carried into effect by the authorities concerned, and at the end of the period so prescribed the position will be reconsidered in a friendly spirit in the light of the experience gained and of the requirements at that time of the tribes in British territory.

## ARTICLE 10.

The two Governments shall come to the necessary agreements with regard to the special conditions of time and place for evacuation by the British troops of the territory to be transferred and the entry of Italian troops; they shall settle in consultation with the local authorities the conditions of transfer to the Italian Government of the Government buildings existing within the territory which the latter may wish to acquire from the British Government and of the wireless telegraph installations at Kismayu.

The Italian Government agrees to respect the rights of Sudanese pensioners remaining at Yonte, in accordance with the general laws and regulations of the Italian colony of Southern Somaliland, and to make provision for the upkeep of the cemetery at Kismayu and the Jenner memorial.

## ARTICLE 11

The two Governments agree to consult together with a view to framing and putting into force reciprocal measures for the control of the illicit ivory traffic across the frontier defined in Article 1 of the present convention.

## ARTICLE 12

The manner in which the present agreement shall be carried out shall be settled on the spot by a commission composed of British and Italian officials appointed for the purpose by the two Governments. Until the whole boundary shall have been

delineated by an accurate survey, the officials thus appointed shall be empowered to decide, provided an agreement can be reached, under which Government water holes of local importance situated near the boundary shall come.

In the event of an agreement not being found possible, the points in dispute shall be settled by an accurate survey in accordance with the line described in Article 1.

The present convention shall be ratified, and the ratifications exchanged in London as soon as possible.

In witness whereof the undersigned have signed the present convention, and have affixed thereto their seals.

Done in duplicate at London, the 15th day of July 1924.

(L.S.) J. RAMSAY MACDONALD.

(L.S.) TORRETTE.

A.D. 1924.

(East African  
Territories).

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A

**B I L L**

To approve a Treaty between His  
Majesty and the King of Italy.

*Presented by Mr. Secretary Amery.*

*supported by*

*Mr. McNeill*

---

*Ordered, by The House of Commons, to be Printed,  
10 December 1924.*

---

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[Bill 7]

OFFICE OF THE PARLIAMENTARY COUNSEL,  
WHITEHALL, S.W. 1.

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10th December, 1924.

Dear Sir,

Jubaland Treaty Bill.

I observe that Mr. Amery has given notice of the presentation of this Bill, and I should be glad to know whether it is his wish  
yes [that the Bill should be circulated to the House immediately and whether the name of any other Minister in addition to that of Mr. Amery is to appear on the back of the Bill.

*Yours faithfully*

*W. H. Fisher-Hamilton*

The Private Secretary to  
The Secretary of State,  
Colonial Office.

P.S.  
10 Dec  
Sak  
Alphie  
Kendall  
E. J. ...

SECRET

CABINET 67(24)

Mr. Bottomley

Extract from Conclusions of a Meeting held on Wednesday  
December 17th, 1924, at 11.30 a.m.

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THE ANGLO-  
ITALIAN TREATY  
(EAST AFRICAN  
TERRITORIES)  
BILL

(Previous  
Reference:  
Cabinet 66(24)  
Conclusion 12)

8. After consideration of a Note by  
the Secretary of State for the Colonies (paper  
C.P.540(24)), covering the draft Anglo-Italian  
Treaty (East African Territories) Bill, together  
with the recommendation of the Committee of  
Home Affairs thereon (H.A.C.21st Conclusions  
(24) Para.1), the Cabinet agreed -

To authorise the immediate introduction  
of the Anglo-Italian Treaty (East African  
Territories) Bill in the form of the  
draft annexed to C.P.540(24)

8th December, 1924

My dear Byres-Moncell,

We have several Bills to introduce during this Session, but there is one which is of most pressing urgency, entitled "The Anglo-Italian Treaty (East African Territories) Act". The object of this Bill is to approve a treaty between this country and Italy for the cession to Italy of Jubaland.

The reason why this Bill is so urgent is because it is not possible for Boundary Commissioners to travel about in the territory affected except during the months of April, May and June. During the remainder of the year the weather is such that travel is impossible.

As soon as the Bill is passed it will be necessary to appoint Boundary Commissioners, and these will have to sail in order to be in Jubaland ready to begin their work at the beginning of April. As you will see, therefore, unless the Bill gets through both Houses before Christmas, it will be impossible for Boundary Commissioners to be

Commander

The Rt. Hon. E. M. Byres-Moncell, M.P.

appointed



appointed in time to start their work this year, and no effect could be given to the Act this year. A failure to get the Bill through would be regarded, I have no doubt, by the Italian Government as an evasion by this country of its obligations, and this both the Foreign Office and ourselves would very much like to avoid. I know that, if Austen Chamberlain were here, he would write to you in the same sense as I am doing.

I should be very grateful, therefore, if every step possible to expedite the Bill could be taken. It is essential that it should be pushed through this side of Christmas. The Bill is one which is likely to arouse very little, if any, opposition.

FOREIGN OFFICE, S.W.1.

20th November, 1924.

(C.17539/8248/22)

633

Dear Private Secretary,

Mr. Chamberlain has directed that a copy of the enclosed memorandum regarding the cession of Jubaland to Italy be sent to Mr. Amery, which I therefore send you herewith.

*W. Amery*

*C. Howard Smith*

Private Secretary,

Colonial Office.

*Have in a bill ready*

*his thought as soon as possible*

*Jan 21/4*

*The Secretary of State, Sir, must seek the Bill which was referred that it in the Chamberlain's bill. I bet. C. is so that it shall be taken if possible in new session*

*Atty Gen*

CO  
67651/24 Kenya

699

Am

Am

Booked & sent:  
4.25 P.M.  
19.1.25  
S.F.W.

1924. January

Jubaland curia bill  
passed second reading 18 Dec:  
and State that remaining  
stages will be taken soon  
after resumption of  
Parliament in February  
shown by said curia as soon  
as possible. You enquire as to  
progress of work of  
Commission see my tel  
of 15 July to H.C. Tangir  
and as to personnel of  
British Section

Code of  
DRAFT.

Kenya  
Nairobi

MINUTE.

- Mr. Atkinson  
19.1.25  
a/c
- Mr.
- Mr.
- Sir J. Shuckling
- Sir N. Davis
- Sir G. Grindle
- Sir J. Masterton Smith
- Lord Arnold
- Mr. Thomas

32429

waiting response in  
case of the stayed draft  
26y 25/12/24

DOWNING STREET, 709

19 January, 1925.

Sir,

In confirmation of my telegram of the 19<sup>th</sup> January I have etc. to transmit to you ~~the~~ copy of the report of the Debate on the 18<sup>th</sup> of December in the House of Commons, on the second reading of the Anglo-Italia Treaty (East African Territories Bill) on the 18th of December.

DRAFT.

KENYA.

CONFIDENTIAL. (2)

MR. CORYNDON,

MINUTE.

Mr. Bottomley - 12.1.25.

Mr. Strachey *MS*  
Mr. J. Shackburgh  
Sir C. Davis

Sir G. Grindle,  
Sir J. Masterton Smith,  
Lord Arnold,  
Mr. Thomas.

Drafts.

It had been hoped that the Bill have would become law before the Christmas adjournment, but owing to the dissolution of Parliament and the pressure of business on the assembly of the <sup>new</sup> House of Commons, this could not be done.

2. I fear that the postponement may render it difficult to arrange for the appointment of the International Commission, time for any substantial amount of work to

*See any addition - further draft - 6/1/25*  
*[Handwritten signatures and notes]*

The late Secretary of State satisfied himself that the difficulties in which the Company had become involved were in no way due either to the prospect of cession or to the impossibility during the international negotiations of giving definite information to the Company, that cession was in prospect Mr. Amery will, therefore, resist any appeal which may be made on behalf of this or any other company, but if strong pressure is exerted it may be necessary for him to promise to give personal consideration to the question. In this case, also, he considers that, should any compensation eventually be given, it should in fairness to the Colony be given from Imperial funds.

I am etc.,

So WC B. Stanley.

DRAFT.

see Mr. Chamberlain's letter  
Nov. 12. to J. Sturges  
re company's terms?  
MINUTE, Call

W.C. Stanley

- Mr.
- Mr.
- Mr.
- Sir J. Shuckburgh.
- Sir G. Davis.
- Sir G. Grindle.
- Sir J. Masterton Smith.
- Lord Arnold.
- Mr. Thomas.

DOWNING STREET

January, 1925.

DRAFT. CODE TELEGRAM.

Jubaland Cession Bill has

been read second time and I

hope will pass concluding stage

in February. In view of

seasonal difficulties I shall be

glad to receive at the earliest

possible moment proposals for

work of Joint Commission asked

for in my telegram of 15 July

addressed to you as High

Commissioner for Zanzibar.

I should be glad to receive by

telegram forecast of work and

expenditure so far as this season

GOVERNOR

NAIROBI.

MINUTE.

Mr. Bottomley - 12.1.25.

Mr.

Mr. *Sturges* Mr. 1

Sir J. Shuckburgh.

Sir C. Davis.

Sir G. Crindle.

Sir J. Maiterson Smith.

Lord Arnold.

Mr. Thomas.

31.1.25  
K.

*Swift Lambert 15*

*to Mr. Bottomley see my minute  
18.1.25  
+ Mr. Shuckburgh [initials]*

its.

is concerned with proposals  
for personnel of United  
States Commission

20/3/58 561 per U

Amol 5247

ex

boxed as sent 203

2.50 pm

WDS

21/1/58

100  
21 JAN

JWS

21 Jan

My let. of 19 January

Jabaland presents of

this year's work and  
expenditure ~~has~~ and

As proposals for Nictin

personnel should be

sent by 21st

as soon as possible

Costal  
RAFT.

not

minutes

MINUTE.

21.1.25

at

J. Shuckburgh.

V. Davis.

G. Grindle.

J. Masterton Smith.

and Arnold.

Thomas.