

1921

KENYA

283

C O
25207
Res 23 MAY 21

DATE

21ST MAY 1921

FORWARDED

SUBJECT

INDIA

CESSION OF TERRITORY TO ITALY

Forwards for observations copy of Note
from Italian Embassy enclosing memo. of
alterations to certain Articles of first Draft
sent for reasons given.

MINUTES

Mr. Boston
Mr. [unclear] discussed this with [unclear]
who has first hand knowledge
of the group of wills & [unclear]
you were present at part of the
discussion - and had submitted
draft to [unclear] of Draft to [unclear]
which explains [unclear] - etc.
Draft to [unclear].

M/S 13. V. 21

Subsequent Paper

25954

In any further communication
this subject, please quote

No. *A 350/50/60*

add to any post paid by sender

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

25207
REC.
MAY 21

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 for such
observations as the Under-Secretary of State for the
Colonies may desire to offer.

Foreign Office
21 May 1951

Reference to previous correspondence:

Foreign Office letter of May 17

5/21/51

Description of Enclosure.

Name and Date.	Subject.
<p><i>Rome Italian Embassy</i> <i>No 1209</i> <i>16 May</i></p>	<p><i>Transfer of territory in</i> <i>Jabalana to Italy</i></p>

Signature to be sent to

SECRET

May 14, 1941,

My Lord,

Referring to my previous correspondence in this matter and more especially to my letter No. 399 and my memorandum No. 1144 (respectively dated March 24 and May 6), I have the honour to inform Your Lordship that the Governor of Italian Somaliland has recently represented to the Italian Government that it is impossible - at least until the Boundary Commission shall have fixed on the spot the boundary line between the British provinces of Kenya and the territory of Jubaland - to speak of any complete Italian evacuation of the new frontier, because this would be in absolute contradiction with the mutually admitted necessity for proceeding in the first place with an enquiry connected with the various inhabited places and the conditions of existence of their population, as also with the state of the vegetation.

No alterations should, therefore, be made in the meantime in any of the conditions of the Mandate zone, which should, at least until this enquiry has been made, be considered as a neutral zone which duly takes the requirements for existence of the nomad population into account, it being left for the Commission to consider whether the régime should not be maintained in future.

Referring to information which it has been able to obtain with regard to foreign and inland territory, inaccessible

Yours

The Right Honourable
The Earl Curzon of Kedleston,
etc., etc., etc.

with-south-westerly direction in a
 straight line to the centre of the
 of ...; thence in a south-
 westerly direction in a straight line
 towards Hills Falls in such direction
 east of Greenwich AS SMALL LEAVE IN
 ITALIAN TERRITORY THAT GROUP OF WELLS
 OF THE AREA OF "EL WAK" WHICH ARE (IS)
 SUFFICIENT FOR THE REQUIREMENTS OF
 DENSITY OF THE POPULATION ASSIGNED
 TO ITALY AND SIKON AT THE SAME TIME
 UNDER AN EQUABLE REGIME, IN SUCH A
 MANNER THAT THE FRONTIER LINE MIGHT
 MAKE FRACTIONAL MENTION OF THIS;
 thence along the same meridian
 southwards until it reaches the
 boundary between the provinces of
 Subaland and Tannaland; thence along
 that provincial boundary to the
 point of the Kumbene (Kumb's Road)..

Article 2.

Whenever it may be impossible
 to find the places named on the map,
 their position shall be accepted as
 shown by the line traced on the map..
 It being agreed that the boundary
 line from the confluence of the
 Nile and Sobat rivers, as far as the
 GROUP OF WELLS OF THE AREA OF EL
 WAK REFERRED TO IN ARTICLE 1. SHALL

The alteration is conse-
 quent on the one made in
 Article 1.

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coincide as far as Kaka Be with the present political boundary of Ethiopia and the latter with the present boundary between the Northern Frontier Zone and that of Jubaland (District of Somalia), i.e., AS FAR AS THE GROUP OF WELLS OF THE AREA OF EL WAK REFERRED TO IN ARTICLE 1, which shall be included in the territory to be ceded to Italy; shall then follow in a southerly direction the meridian of that well and shall cover the last section coinciding with the boundary between the province of Jubaland and that of Somalia as far as Ras Kinsere (Dik's Head), which shall remain within the territory to be transferred to Italy.

Article 11.

~~The manner in which the present and proposed frontiers shall be settled on the spot by British and Italian officials constituted for the purpose of the present Convention in East Africa and Italian Somaliland, shall be~~

The addition is necessary in view of our complete occupation of the new frontier, until such time as the same shall have been fixed on the spot.

The formation of a neutral zone is obviously required by

group of wells

frontier is fixed in accordance with the line described in Article of the present Agreement, the requirements of existence and of communications of the inhabitants living in the neighbourhood of that frontier shall be taken into account.

IT IS AGREED THAT UNTIL DELINEATION OF THE NEW FRONTIER SHALL HAVE TAKEN PLACE ON THE GROUND THE INHABITANTS LIVING IN THE NEIGHBOURHOOD OF THAT FRONTIER (WHETHER ON THE ENGLISH OR ON THE ITALIAN SIDE) SHALL BE FREE TO MOVE FROM ONE TERRITORY TO THE OTHER ACCORDING TO THE ACTUAL REQUIREMENTS OF THEIR NOMADIC LIFE AND THE PRESENCE OF WATER AND OF PASTURAGE.

THE BRITISH AND ITALIAN OFFICIALS ALSO APPOINTED BY THE TWO GOVERNMENTS OF KENIA COLONY AND OF ITALIAN SOMALILAND SHALL CONSIDER THE EXPEDIENCY FOR THE TWO GOVERNMENTS TO CONCLUDE PERMANENT AGREEMENTS PROVIDING THAT SUCH MOVEMENTS FROM PLACE TO PLACE ON THE PART OF THE INHABITANTS SHALL CONTINUE TO BE PERMITTED AFTER DELINEATION OF THE FRONTIER LINE.

The clause in the second

local conditions, in view of the nomadic life of the population and its requirements for existence.

The fresh text is suggested in the mutual interests of the two countries, and the permanent agreements locally made to that effect by officials of Kenia Colony and of Italian Somaliland agree with the idea already expressed by Minister Cellaio in his letter to Lord Milner dated April 10, 1940, and confirmed by the latter in his reply dated April 13 of that year - i.e., that in fixing the new frontier local conditions and convenience of administration should be taken into account.

It is necessary to cancel the English text owing to our complete occupation of the new frontier being impossible before the frontier is fixed on the spot.

The deletion is also necessary in order to avoid any uncertainty, our occupation of the garrisoned area of the new frontier of the two being complete.

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very doubtful whether it would be available in practice to divide the wells so that the natives living on the Italian side of the border would use only one group of wells and those living on the British side another group. Further, any extension of the Italian boundary westwards at this point would involve the moving of the boundary westwards for the whole distance to the Bough, until it reaches the border between the Provinces of Jubaland and Tanaland. In any case the wording proposed by the Italian Government would appear to be open to criticism, and supposing that it were proposed to adopt the first alternative I should be glad to have your observations as to the amendment of the Convention which would be desirable.

4. On the other hand, alternative (b) would involve allowing the tribes living on the Italian side of the border to cross freely to the British side for purposes of watering, any natives who so crossed passing of course under British jurisdiction while on British territory. This plan would undoubtedly give rise to some administrative difficulties, but such difficulties would appear to be capable of solution, given close co-operation and good will between the British and Italian officers on the spot. I understand that the Marehan do not go so far south to water, and, if so, this solution of the difficulty would not involve the allowing of the Marehan to cross the border.

5. I shall be glad if you will take these matters into your careful consideration and favour me with your observations upon them at your earliest convenience. You will not have failed to notice that these negotiations show an increasing tendency to departure from the general lines laid down by Lord Milner, and, while some modifications may be necessary to secure a practicable arrangement, they must be limited by the consideration

consideration

consideration whether the administration of the Colony would be seriously hampered, and, if it is unavoidable to make concessions to the Italian Government, it would be open to us to claim in return any compensating advantages for which you may think it desirable to ask.

I have, etc..

(Sgd) WINSTON S. CHURCHILL.

any natives who so crossed ^{having} ~~would~~, of course, be under British jurisdiction while on British territory ^{This plan} ~~and some~~ ^{will be allowed for him to land} administrative difficulties would be bound to arise, but such difficulties would appear ^{to be} ~~capable~~ of solution, given close co-operation and good-will between the British and Italian officers on the spot. ^{He} ~~is~~ ^{believes} that the Marehan do not go so far south to water, and, if so, this solution of the difficulty would not involve the allowing of the Marehan to cross the border.

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administration of the Colony