

423
1921

KENYA

56188

FOREIGN

DATE

9TH NOVEMBER 1921

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REGULATION

SUBJECT

JUBALANDcession to Italy

Grindall

H. Lambert

H. Read

Markham Smith

Wood

Churchill

Previous Paper

W.O.
53192. RMS
(7 miles)

The revised draft Note to Italian Ambassador, Agreement for cession and further Note as to arrangements for control of Mafeking. Ask if terms contained in and if revised copy is available. Requests early reply.

MINUTES

Mr. Collier
Undersecretary
We have discussed this and
the first of our discussions is
shown in the attached amendment
in copy blot of Dr. Bradfield
A copy similarly amended should
be sent to Mr. S. J. as a draft document.

S. J. B.

30. XI. 21.

Sir H. K. R.

For approval

The details have required
much discussion and a Conference
is fixed - let's get into the thing
and say more to -

Subsequent Paper

W.O. 53192

MINUTES.

MINUTES NOT TO BE WRITTEN
ON THIS SIDE

(1) Amendments of Article 1.

The date specified for the boundary in Article 1, will be put off to provide for small difficulties from the defined line, makes article 3 a "fifth wheel". Further, the opinion to provide boundaries to the slaves who dissociated from us as masters, will be regret it would come inusion - the whole of the Sumatra pool will be placed under Pro. inc., while the new national life is to be born - (which) is to the mind of it.

(2). Second para. of Article 7.

Reconstruction will be conducted by the Governor while Mr. Gabriel has forced himself to be allowed to manage it for him. It may be necessary further

represent from considerable time on you of & we that they are now being discussed. I do not think that you will go into it much to speak in the 20th note. The map below will show you the territory (comprised between the present limit of the Ganga River marked and) which it is proposed to call to satisfy with the duty of handing over to the Govt. boundaries to give the 15th section "compensation equitable" for the loss of the African slaves.

J. R.

11/12/21

Copy.

Foreign Office.

S.W. 1.

November 1861.

Your Excellency,

I have the honour to state that I have now received the observations of the Governor of Kenya Colony on Your Excellency's Notes of March 21 and May 14 last with regard to the proposed transfer of Jubaland to Italy and I transmit to Your Excellency herewith my draft of the convention entitled "An Convention concluded at Nairobi on the 22nd day of November 1861 between the Italian Government and the Sultan of Zanzibar."

The proposed boundary between the two countries in the north is to follow the line of the Tana River, from its mouth to the point where it turns westward, and thence along the said river to the point where it joins the Shaba River, and thence along the Shaba River to the point where it joins the Ruvu River, and thence along the Ruvu River to the point where it joins the Tsimba River, and thence along the Tsimba River to the point where it joins the Kere River, and thence along the Kere River to the point where it joins the Tana River, and thence along the Tana River to the sea. The latter was drawn for the express purpose of dividing the district of the Marehan from that of the Gurra, and it has long been the

settled

His Excellency

Mobile Cavaliere Giacomo de Martino,

etc., etc., etc.

settled policy of the British Administration not to allow the Marchmen to cross into the territory of the Darro, for these needs the remaining wells of the M. NAK area are indispensable. In view of the importance of making proper provision for the control of the movements of the Marchmen I have thought it best to explain to Your Excellency at greater length in a separate note the views of His Majesty's Government on this point.

In the same Article words have been inserted, and a slight modification of the boundary proposed, in order to remove any doubts as to the ownership of the four islets in the immediate vicinity of Dick's Head. It would appear more appropriate to include the provision that Dick's Head and those islets shall fall within the territory to be assigned to Italy in the main article defining the boundary rather than in Article 3.

~~Article 2.~~ A new map is being prepared in which correction will be made of the error at the northern end of the frontier, to which attention was called by Your Excellency.

~~A proof of the map is enclosed herewith.~~

~~Article 3. Modified in accordance with the alterations to Article 2.~~

Article 4. His Majesty's Government feel that they must adhere to the requirement of the cancellation of the Treaty Commerce between Italy and Zanzibar of May 23, 1865, as one of the conditions of the transfer of Jibalan. It

view of the
definiton
the boundary in
le 1 and of C.
that no
only need be
rendered in
ing the places
marked where
it appears no
tivity for this
in Article and
proposed that
not be omitted
other

... been exercised upon
object of the article or no. It may be
provided that in such case the said object
shall remain in the possession of the
to remain there without loss or
detention, and that it shall be
notwithstanding the same, to
o regard their existence as of no
impairing from the said territories.

IN SIGHT

Inasmuch, however, as the annexation of the colony of Kenya had the effect of conferring the status of British subjects on Somalis and other natives resident in Jubaland outside the Sultan's dominions and it is considered proper that such persons should not be entitled to retain their British nationality if they desire to remain in the transferred territories, provision has been made accordingly so that they will be treated in the same way as British subjects.

~~PROVISIONS FOR THE TRANSFERRED TERRITORIES~~

The following provisions have been adopted in the ~~proposed~~ articles on the creation of these territories.

Article 1. It appears to me first, that the proposed ~~articles~~ articles should provide for the transfer of all the rights and obligations of the Sultan's Government in respect of the transferred territories to the Government of Kenya. This may be done by inserting in article 1, the following words: "The Sultan's Government shall be replaced by the Government of Kenya." It is proposed at present to do this in Mr. Murray's draft, because they have suggested that there are some twelve land grants, &c., in addition to a number of temporary occupation licences in the transferred territory, in respect of which it is necessary to safeguard the rights of existing holders.

Article 2. Now incorporated in article 7.

Article 12. No changes.

Article 11. After consultation with the Government of Kenya, my suggestion concerning Article 11, page 10, is that it should be left out. In its place, a new article, no reference being made to the original, should be inserted, containing a provision with regard to the migration of Somalis into British territory. A modification

The required set of materials for, and erection of, the wireless Telegraph
station is not included in the Schedule and was as follows:-
Installation for 13 K. W. Station 1,967
Two sectional steel masts 4,100
One Engine 4110
Shipping and marked Chars. 2,213
Expenses of erection 2,374

part of the
cost in the
wards were
not yet furnished
in the amount
of £2,000.

OF THE TEXT OF THE ARTICLE IS THEREFORE PRO-
POSED, UNDER WHICH THE ITALIAN GOVERNMENT WOULD
CONTINUE TO USE THEIR ENDEAVOURS TO PREVENT
THESE CARRIERS . . .

IN view of the Government property which
His Majesty's Government are prepared to transfer
to the Italian Government, the Governor of Kenya
proposes a valuation of such property to be
~~including buildings and plant~~
and a proposal is attached. His Majesty's
Government suggest that the Italian Government
should acquire the Ivens mentioned for the sum of
£1,000, and the Wireless Station at Mombasa for
£1,000. Value the same cost of the material
and erection. In view of the large increase
in the cost of material since the plant was
purchased the sum stated is considered to be an
adequate offer.

As regards the Orderly Room, Askari
tents and Outhouses at Yente the Governor would
be glad to have early information whether
these buildings are required by the Italian
Government, or in the event of their not being
so required the Governor wishes to dispose of
them in any other way.

His Majesty's Government would welcome
any amendment. Revision will be made by the
Italian Government for the upkeep of the small cemetery
at Mombasa and the Jenner Memorial.

Article 12. His Majesty's Government
are advised that the proposed boundary line does
not bisect any tribe ~~except~~ ^{but that there may be sections} ~~as far as there~~
of Somalia, consisting of several tribes,
which may be divided.

of material for, and erection of, the wireless telegraph
station, not included in the Schedule, was as follows:-
Installation for 12 K.W. Station 2,967
Oil engine 3,100
Water and electrical apparatus 110
Shipping and overhead charges 2,413
Expenses of erection 3,174

435

It is the
desire of the
Government that
the Italian
Government
should be
asked to
undertake to
prevent
such a migration.

of the text of this article is that it is
desired, under which the Italian Government would
undertake to use their endeavours to prevent
such a migration.

As regards the Government's offer of £10,000.
His Majesty's Government are prepared to transfer
to the Italian Government, the Governor of
~~the~~ has caused a valuation of such property to be
~~of the Government works and buildings~~
~~made, and a schedule is attached.~~ His Majesty's
Government suggest that the Italian Government
~~including the buildings~~ should require the Italian Government, for the sum of
£18,095, and the wireless station at Massaua for
£18,964, before the transfer of the material for
the erection. In view of the large increase
in the cost of materials since the plant was
purchased the sum stated is considered to be an
equitable offer.

As regards the three Royal African
Lines and Government Yards the Governor would
be glad to have early information whether
these buildings are required by the Italian
Government, as in the event of their not being
so required the Governor wishes to dispose of
them in another way.

His Majesty's Government would welcome
an assurance that provision will be made by the
Italian Government for the removal of the said temporary
at Massaua and the removal of the

will be sections or Somalis on both sides of the divided. It is hoped that divisions of sections may also be avoided, but the line as drawn passes through uncharted country, and His Majesty's Government agree that the Joint Commission should have authority to decide on the ownership of waterholes near the frontier of local importance and among those which appear to be unoccupied at the present time. However, that the frontier should include the permanent waterholes of the Omo River and its tributaries, such a provision would be undesirable, as it would give neighbouring tribes the right to cross the frontier. Pending the final settlement of the frontier it will be necessary to make arrangements for the protection of the frontier against tribes which cross it. The frontier should be clearly defined and marked by a line of trees or other suitable markers.

It is proposed that the frontier line so described and as submitted in its present form for the consideration of the Italian Government, His Majesty's Government desire that it should be understood that the latitude given to the local officials to decide on the ownership of waterholes shall in no case be construed as authorise such officials to permit tribes to reside outside their own area during the dry season. His Majesty's Government would also wish it to be understood that

ON THE

510

Draft Agreement for Transfer of the Territory of
Somaliland to Italy.

Article I.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, 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 titles over that portion of African territory lying between the present Italian colony of Southern Somaliland and a new boundary-line determined as follows: from the confluence of the rivers Garale and Dawa, along the course of the Dawa up-stream to the southern point of the small westerly bend of the latter river in the vicinity of Malla; thence in a south-easterly direction in a straight line to the centre of the pool of Dassan; thence in a south-westerly direction in a straight line towards Milla Kalla (which remains in British territory) to an meridian east of Greenwich as shall leave in Italian territory the wall of Zahore; thence along the same meridian southwards until it reaches the boundary between the provinces of Jubaland and Tana-land; thence along that provincial boundary

to be within the Italian Colonies and shall consist of
west of the river Omo, the northern part of the
Imperial Province of Shoa, and the districts of
Shewa and Gondar which have
been hitherto included in the
Italian Colonies (Djibouti, Eritrea, and Tigray) and
shall be mentioned in a separate section.

The boundaries of the new provinces
and districts and the boundaries of the
districts of the new provinces shall be
determined by the Italian Government.

Article I. The new provinces and districts
and the boundaries of the new provinces and districts
so formed and the new boundary-line from the
boundary of the districts of Tigray and Shewa as far as
the river Omo of Gibra shall coincide as far as
possible with the present political boundary of
Tigray and Shewa, with the present boundary
between the two former provinces and that
between the districts of Tigray and Shewa as far as
possible, and the districts so included in the
new provinces to be given to Italy; shall then follow
in a

1. The map hitherto referred to is replaced
by a new map, the Italian Government having pointed
out that a small portion of Abyssinian territory
was, through a geographical error, included in the
transferred territory.

8

in a southerly direction the meridian of that well, and shall over the last section coincide with the boundary between the provinces of Jubaland and that of TanaLand as far as the Kiambene (Dick's Head).

Article 3 (formerly Article 4.)

The Italian Government agree to the cancellation of the Treaty of Commerce between Italy and Somaliland of May 20th 1886.

In accordance with the provisions of the Convention of 20th September 19th, which the Italian Government undertake to apply so far as possible Italian subjects
resident in the Protectorate of Zanzibar shall
enjoy the same rights and privileges and receive
the same protection as British subjects.

Article

The Italian Government shall pay to 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 S. Privileges the annual sum of £1,000, representing the proportionate part of the subsidy 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 dischar... ^g ~~g~~ ^g
undertaking

ARTICLE 5. (Formerly Article 3.)
The British Government agrees to make
over the People's State of Darfur to the
Government of the Sultan of Zanzibar.

In consideration of the above, the Sultan of Zanzibar
agrees to pay to the British Government the sum of £100,000.
In consideration of the above, the British Government
agrees to pay to the Sultan of Zanzibar £100,000.

Article 5 (formerly Article 3.)

The Sultan agrees to undertake that
if he should at any time have in his power any
part of the territory to which it relates,
he shall offer the same to the British
Government upon such terms as may be just.

At the end of the differences between
the two Governments in respect of transfer,
the Sultan shall be entitled to compensation in
accordance with the provisions laid down by the
League of Nations.

Article 6 (formerly Article 4.)

The British subjects, other than those
persons who have become British subjects by the
annexation of the Colony of Kordofan, shall not be
subject to punishment save in accordance
with the law of the country in which they are found.

*it opting for their
United Kingdom*

their property.

In the event of their desiring to withdraw from the transferred territory they shall be at liberty to do so within 18 months from the coming into force of the present agreement. They shall be entitled to carry with them their movable property of every description without payment of export or import duties of any kind. They shall be entitled to retain their immovable property in the transferred territory.

British protected persons and British subjects who have become such by the annexation of the Colony of Kenya ^{or namely} resident in the transferred territory will continue Indian nationality and shall be British protected persons and British subjects respectively. Provided, however, that each person, not being Indian, or belonging to the native races of the area, may apply, 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 agreement. In that event they will be entitled to carry with them their movable property of every description without payment of export or import duties of any kind. They will be entitled to retain their immovable property in the transferred territory.

Article 11 (Formerly Article 11.)

All concessions or rights to properties

In the above territories which have been recognized 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 recognized 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, the said Italian Government may impose concessions and proprietorship as necessary for the creation of roads, railways, [etc] without the payment of compensation to those subjects to whom they belong.

[Excluding] that to which nothing object [rights] be entitled in the case.

Agreement

(to be performed on the day above).

Given at [unclear] in English propounded
in the presence of the representative
of the Government of His Britannic Majesty
Government of His Highness the Sultan of
[unclear] in the presence of His Majesty the

King

King of Italy, applicable to the British colony of Italian Somaliland, and at present in force, shall be extended to the territory now transferred in accordance with the present agreement.

~~The withdrawal of the English protocol has been cancelled; see art. II of the present draft.~~

Article 9 (formerly Article 11)

~~Article 10, 11 and 12 of the English protocol have been cancelled.~~

The two Governments of the British Colony of Kenya, and of the Italian Colony of Southern Somaliland shall come to the necessary agreements with regard to the special conditions of time and place for evacuation by the English troops of the territory to be transferred and the entry of Italian garrison troops; they shall settle the conditions of transfer to the Italian Government of the Government buildings existing within the territory which the latter might wish to acquire from the British Government and of the wireless telegraph installations at Kisimayo and Gortelli.

The Italian Government undertakes that they will endeavour to prevent any migration of Somalis into British territory, either while the evacuation of British troops is taking place or in the future.

The Italian Government binds itself to respect the rights of Soudanese residents remaining at Yonti, in accordance with the

Foreign Office,

London, S.W.1.

November, 1921.

In a despatch Note of to-day's date I
transmitting to Your Excellency the revised
Statement of His Majesty's Government in connec-
tion with the proposed transfer of Jubaland to
Kenya, addit. to the points already dealt
with in your previous Note, I have
the honour to inform you that
the proposed transfer of Jubaland to
Kenya has been agreed to by the
Government of Kenya and
will be carried out as soon as
possible after the conclusion of
the Conference of the
Kenya Government and
the Government of
Jubaland.

On the 19th instant Your Excellency's despatch No. 444 of
this day last, with regard to the position of
the Mombasa, and it would appear that Your
Excellency's Government has been in some respects
misinformed or mislead the existing conditions
and the general circumstances of the movements
of these Indians.

In the interests of good administration
it has been found essential that the areas of

His Excellency
Habil Gamil MO Giacomo de Martino,
M.V., C.R., 530.

the Marchan tribes should be defined. The tendency of the predatory tribes is constantly to move about hunting for water, water and pasture, but it is the want of water, which makes necessary constantly the movement of these tribes invariably at the time of the annual rainfall or otherwise.

The policy of His Majesty's Government has hitherto been given as not very clearly defined as to what which such tribe shall not pass the S.W. frontier. The various complications would make such a policy were dangerous.

In Your Excellency's Memorandum the statement is made that the majority of these tribes (Marchan) is at present still within the boundaries of the East and northern frontier. This statement appears to be based on information as it is not the case that the Marchan tribes are not within the area mentioned. It was not the case in the past. Your Excellency states that he regards it as

desirable to have, similar to those existing in the north, a boundary for the protection of the tribes, which will be taken with regard to the fact that the areas at present occupied by the tribes, both as to the small and large, point out to

the fact that none of the Marchan tribes are within the S.W. frontier and that a very large number of the Marchan now in Jubaland have come from northern territory in the last ten years. His Majesty's Government cannot but feel therefore

that
to clearly emphasize the

copy of the letter from the Native Affairs Dept. dated 10th March.

As regards the question of the cession of the Marhan to H. W. I am informed that it is now in recent years that this tribe has been allowed even a partial right to the rain water tanks at Dhaman and Yine, situated on the Province Boundary. Their claim to the permanent water of H. W. has not only never been tacitly recognized, but has been strongly resisted. The final plan of a well in the area to be ceded is designed in order to provide facilities for the Native Government to place an advanced post there for the purpose of controlling the tribe. It is not a post, and so in fact, it is not a fort. It is only a fortification which the Native Government has built for the safety of its own forces during the dry season.

It is also alleged that it is a station where the Marhan were the tributaries during

the rainy season, provided that the subjects of each Power are forced to withdraw away from the frontier at the approach of the dry season instead of gravitating towards it; and the proposed new frontier line will, it is hoped, fulfil this object. It is also proposed with a permanent frontier line to provide for the regulation of the rivers, as already stated, and to provide a guarantee for the establishment of a permanent peace.

I am more than satisfied that the arrangement will be recognised as a recognition of the independence of the Maltese Islands in the same way as the other independent Powers are the other Powers of Europe.

It is now to be understood that the Maltese Government will be responsible for the maintenance of a coast guard force and for the protection of the Maltese Islands against pirates. It is also to be understood that the Maltese Islands will be controlled in the affairs of the Maltese Islands by the British Government. It is also to be understood that the British Government will be responsible for the payment of certain sums of money to the Maltese Islands.

Received 11th
Foreign Office,

S.W.1.

November 1921.

From Excellency

I have the honor to inform that I have now received the observations of the Governor of Kenya Colony on Your Excellency's Note of March 24 and May 14 last with regard to the proposed frontier of Jamaland to Italy and I transmit to Your Excellency herewith a revised draft of the Convention containing the modifications above mentioned by H.M.C. "Verting from the British Government of the 14th of May 1921" to Your Excellency.

In your kind note you have been kind enough to say that "the well of El Wak is situated in the area of the Marchan, and of El Gure." This well is accordingly specified by name in the draft of the Article in order to avoid the possibility of future misapprehension. In this connection I would observe that the proposed international frontier coincides with the present provincial boundary. The latter was drawn for the express purpose of dividing the district of the Marchan from that of the Gurre, and it has long been the settled policy of the British Administration not to allow the Marchan to cross into the territory of the Gurre, for whose needs the remaining wells of the El Wak area are indispensable. In view of the importance of making proper provision for the control of the movements of the Marchan I have thought it would be well to Your Excellency at present to have in consideration the views of His Majesty's Government on this point.

Excellency
Mile Cavaliere Gia, uno de Martino, etc., etc.
In.....

In the same Article words have been inserted, and a slight modification of the boundary proposed, in order to remove any doubts as to the ownership of the four islets in the immediate vicinity of Dick's Head. It would appear more appropriate to include the provision that Dick's Head and those islets shall fall within the territory to be assigned to Italy in the main article defining the boundary rather than in Article 3.

Article 2. A new map is being prepared in which correction will be made of the error at the northern end of the frontier, to which attention was called by Your Excellency.

Article 3. Modified in accordance with the corrections in Article 1.

Article 4. His Majesty's Government feel that they must adhere to the requirement of the cancellation of the Treaty of Commerce between Italy and Zanzibar of May 23, 1885, as one of the conditions of the transfer of Jubaland. It must be borne in mind that it is proposed to transfer to Italy a considerably larger area than that originally mentioned, an area including Ras Kiambone to which it is understood the Italian Government attach some importance, and His Majesty's Government can only agree to the transfer of this larger area upon the condition that the Treaty of 1885 is annulled.

The Convention of St. Germain-en-Laye of September 10, 1919, which has now been ratified by France, Italy, and Great Britain, is ratified by Italy, and the subjects will enjoy in Zanzibar the same rights and advantages as French subjects. In view of this Convention there need not be any separate ~~and~~ ^{or} Convention.

Article 5. A sum of £1,000 per annum has been inserted.

represented as representing
the Sultan's interest
and to be lost to the Sultan
as mentioned in the second paragraph
of the purchase.

Article 6. No change.

Articles 7 and 8 have been redrafted. The object of
the articles as now drafted is to provide that in general
British subjects resident in the transferred territories
shall be entitled to remain there without losing their
British nationality, while British protected persons will
acquire Italian nationality, subject to a right to retain
their existing status on condition of their withdrawing
from the transferred territories. Inasmuch, however,
as the annexation of the colony of Kenya had the effect of
conferring the status of British subjects on Somalis and
other natives resident in Jubaland outside the Sultan's
dominions and it is considered proper that such persons
should not be entitled to retain their British nationality
if they desire to remain in the transferred territories,
provision has been made according to what they will be
treated in the same way as British protected persons
existing by the article following that will be inserted
in the draft of the original in the annex of
the instrument of transfer.

The orbital cost of native & native of the Italian Islands
colonial is as follows in the annex schedule for a plan.

453

Total

L 2964

part of the government in the cost of the island. Since
the government has given up its claim to the island at
that there are some twelve land grants, and in addition a
number of temporary occupation licences in the transferred
territory, in respect of which it is necessary to safeguard
the rights of existing holders.

Article 5. Now incorporated in Article 7.

Article 10. No change.

Article 11. After consultation with the Government
of Italy, we advise Government cannot feel that it
is necessary to make any changes in article, as originally
proposed, in view of the fact that the original
proposal was based on the assumption that the
Government of Italy would be responsible for the
construction of the plant.

Article 12. We advise Government that the cost of the plant
is estimated at L 1,500,000, and the total cost
of the plant for L 2,500, being the bare cost of the
plant and its erection. In view of the large increase
in the cost of material since the plant was purchased, the
Government may consider it necessary to make a further
allowance for the cost of the plant.

Article 13. We advise Government that the cost of the plant
is estimated at L 1,500,000, and the total cost
of the plant for L 2,500, being the bare cost of the
plant and its erection. In view of the large increase
in the cost of material since the plant was purchased, the
Government may consider it necessary to make a further
allowance for the cost of the plant.

Article 14. We advise Government that the cost of the plant
is estimated at L 1,500,000, and the total cost
of the plant for L 2,500, being the bare cost of the
plant and its erection. In view of the large increase
in the cost of material since the plant was purchased, the
Government may consider it necessary to make a further
allowance for the cost of the plant.

Article 15. We advise Government that the cost of the plant
is estimated at L 1,500,000, and the total cost
of the plant for L 2,500, being the bare cost of the
plant and its erection. In view of the large increase
in the cost of material since the plant was purchased, the
Government may consider it necessary to make a further
allowance for the cost of the plant.

Article 16. We advise Government that the cost of the plant
is estimated at L 1,500,000, and the total cost
of the plant for L 2,500, being the bare cost of the
plant and its erection. In view of the large increase
in the cost of material since the plant was purchased, the
Government may consider it necessary to make a further
allowance for the cost of the plant.

sideration of the Italian Government, His Majesty's Government desire that it should be understood that the latitude given to the local officials to decide on the ownership of waterholes shall in no case be construed to authorise such officials to permit tribes to graze outside their own area during the dry season. His Majesty's Government would also wish it to be understood that on the Dara River, Melka Re shall be regarded as a fixed point at which even latitude shall not be allowed; that in the neighbourhood of El Wak all natural pools to the north-east known as the Wanti Pools and all the permanent wells of the El Wak area except El Berr shall be regarded as Gurne ground to which tribes subject to Italy shall have no right of access. Further that such tribes shall not be allowed to range as far west as Goorki Ritha, Lanki, Toor, Toor Guia, and similarly that tribes subject to Great Britain shall not be allowed to range as far east as Mandali, Kassangari, El Buraysu, Salja and Tubhi.

I shall be glad to inform your Excellency in due course whether this understanding will be acceptable to the Italian Government.

It appears impossible that the international frontier will ever be accurately demarcated from end to end. Waterholes will probably be discovered near the presumed line whose position must be decided. It seems desirable therefore that the Commissioners should be empowered to make such decisions if they can reach a friendly agreement in that in default of such agreement the letter of the treaty should be observed. Such adherence to the letter of the treaty would however entail an expensive survey which the Italian

Government will doubtless be as anxious to avoid as His
Majesty's Government.

Modification of the second sentence of the article
proposed against these conditions.

Article I.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in his own name and in 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 entirely all sovereign rights and titles over that portion of African territory lying between the present provincial boundaries of Jubaland and a new boundary line determined as follows: from the confluence of the Rivers Shale and Dawa, along the coast of the Indian Ocean to the southern point of the small southerly bend of the latter river; in the vicinity of Mwaka Head thence in a south-westerly direction in a straight line to the centre of the bay of Dunga; thence in a south-westerly direction in a straight line towards Killa Kalla (which remains in British territory) to the meridian east of Greenwich as shall leave in Italian territory the well of Elberu; 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 (Dicks Head), thence due southwards to such point on the coast of Ras Kiambone (Dicks Head) and the four islets

- 2 -

I believe above mentioned small town within the territory
to be transferred to Italy.

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

X The map hitherto referred to is replaced by a new map, the Italian Government having pointed out that a small portion of Abyssinian territory was through a typographical error, included in the transferred territory.

Whatever it may be impossible to find the
exact limit of the two fair portions shall be
accepted without a boundary-line traced on the map,
it being agreed that the boundary-line from the
confluence of the Sutlej and Dara Rivers as far
as the point of meeting shall coincide as far as
possible with the present political boundary of
Ranipur Jangla State with the present boundary
between the Northwest Frontier province and that
of Jhelum District of Punjab till as far
as the place of confluence which shall be included
in the portion to be given to Peshawar shall
not be included in the portion of
the Northwest Frontier province
and shall be included in the portion of
Jhelum District.

APPENDIX.

THE ITALIAN CONFERENCE RELATING TO THE
CONSOLIDATION OF THE TREATY OF OSWEGO 1870.
TREATY AND LETTERS OF EXPLANATION.

In accordance with the provisions of the
Convention of the Consular Conference of 1870,
Italy, Russia, France, and the United States
have agreed to the following Treaty
which is annexed in the original
language of each of the four Powers
and is also contained in the Italian
version of the same.

... END OF SECTION JOURNAL ENTRY FOR 1964
RECORDED IN CONFIDENTIAL INFORMATION

... 1964 JUNE 20, 1964 WEDNESDAY
and he immediately said that he
wishes to evaluate the
-radioisotope detection

radiation detector
in accordance with
the standard
as standards

ARTICLE 5.

The Italian Government shall pay to His Highness the Sultan a sum of not less than arising from the transfer of territory, and the latter, as an indemnity which shall represent a tribute implying any consideration, the annual sum of £1,000, the proportionate share of the annual sum hitherto been paid by the British Government to the Government of Zanzibar.

The Italian Government shall be at any time so effect the discharge of any undertaking under the preceding paragraph of the payment of a lump sum of £25,000 to the Government of His Highness the Sultan, and the Government of His Britannic Majesty will use its good offices in order to obtainance of that sum on the part of 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 difference between the two Governments as to the time of transfer, the question shall be referred to a committee in which the provisions laid down by the preceding Article.

Article 7.

British subjects, other than those persons who have become British subjects by the annexation of the Colony of Kenya, resident at the date of the coming into force of the present agreement in the territory transferred under Article 1 shall be at liberty to retain their British nationality without being called upon to withdraw from the said nationality or to part with such by agreement. In the event of their desiring to withdraw from the nationality they may do so by giving notice in writing to the colonial authorities from the colony and within a reasonable period of time. Any British subject so doing will be free to take their movable property with them, however, save in respect of secret or secret papers of any kind. They will be entitled to retain their immovable property in the transferred territory.

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

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the coming into force of the present agreement. In that event they will be entitled to carry with them their movable property of every description without payment of export or import duties of any kind. They will be entitled to retain their immovable property in the transferred territory.

Article 11.

(See 13, 14 and 15 of the English proposal.)

The two Governments of the British Colony of Kenya and of the Italian Colony of Southern Somaliland 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 garrison troops; they shall settle the conditions of transfer to the Italian Government of the Government buildings existing within the territory which the latter might wish to acquire from the British Government, of the wireless telegraph installations at Kisimayo and Berbera.

The Italian Government undertakes that they will endeavour to prevent any migration of Somalis into British territory either while the evacuation of British troops is taking place or in the future.

The Italian Government binds itself to respect the rights of Soudanese pensioners remaining at Yenti, in accordance with the general laws and regulations of the Italian Colony of Southern Somaliland.

Article 19.

the boundary in which the present agreement shall be
operated and shall be settled on the spot by British and
Italian experts appointed for the purpose by the two
Governments, one from each, in Somaliland,

and the boundaries so fixed may thereafter be demarcated by
the two parties. The boundaries so demarcated shall
be recorded on maps, and if any dispute arises as to whether an agreement can be
reached, the two parties may consult materials of local
knowledge and experience and proposed boundary shall come
to the notice of an expert and, not being found possible,
the dispute may be referred to be settled by an accurate
measurement of the lines described in Article 1.

Foreign Office,
London, S.W. 1.
November ~~the~~, 1921.

Your Excellency,

In a separate Note of to-day's date I am forwarding to Your Excellency the revised proposals of His Majesty's Government in connection with the proposed transfer of Jubaland to Italy. In addition to the points therein dealt with the alteration of the boundary in these regions raises questions of great importance with regard to the control of certain nomadic tribes, and it appears more convenient to convey to Your Excellency in a separate Note the considerations by which His Majesty's Government feel that this question should be regulated.

2. The Government of Kenya Colony have been consulted with regard to the observations made in Your Excellency's Memorandum No. 244 : the 6th May last, with regard to the position of the Somalis, and it would appear that Your Excellency's Government has been in some respects misinformed as regards the existing conditions and the general principles governing the movements of these tribes.

3. In the interests of good administration it has been found essential that the areas of the nomadic tribes should be defined. The tendency of the stronger tribes is constantly to move about looking for better water and pasture, but it is a tendency that it is found necessary constantly to check as it is almost invariably at the expense of their weaker neighbours.

4. The policy of His Majesty's Government has therefore always been to set very clearly defined limits beyond which each tribe shall not pass, and it is felt that serious

is Excellency

Nobile Cavaliere Giacomo de Nobile, etc.

complications would ensue if this policy were abandoned.

5. In Your Excellency's Memorandum the statement is made that "the majority of these tribes (Marshan) is at present still within the territory of the Dens and further frontier district". This statement appears to be based on a misconception, as it is not the case that the majority of the Marshan are now within the area described, nor has this been the case in the past. In the same memorandum Your Excellency states that the Italian Govt. will regard it as expedient that preliminary steps should be taken with regard to the areas which are at present occupied by the Marshan. This, however, points out to Your Excellency that the bulk of the Marshan tribe is east of the Juba River and that a very large number of the Marshan now in Jubaland have come in from Italian territory in the last ten years. His Majesty's Government cannot but feel therefore that the suggestion made for the protection of the tribes to the east of the areas occupied by the Marshan would most probably result in a still further encroachment of the Marshan into British territory. The policy of checking the propensity of these nomadic tribes to wander is of the utmost importance from the point of view of the maintenance of order and His Majesty's Government feel yet only that it is essential to allow no Marshan at all within the territory which is remaining British, but it is also proposed to prevent, by every possible means, any increase from Italian territory of the Ogaden tribes living in the Wajir and Lorian areas.

22 towards the west, and to the east of the
line of the railway there is no sign of recent
water, while the latter has a limited, though a partial right
of way through the desert. Thus, situated on the
east of the railway, there is no permanent water,
but there are numerous wells, but these
are scattered, and will supply
the military necessities
so far that there
will be no difficulty in
obtaining water for the
troops. The matter
now is to get the troops during the rainy season
to the railway, so that each power is forced to with-
draw its forces before the approach of the dry season
and to move towards it, and the proposed new
line will, it is hoped, fulfil this object as it
has been drawn with no permanent wells on or near the line
with the exception of that at El Wak, which appears, as
already stated, suitable for making provision for the
establishment of a military post.

8. I am moreover informed that the Marchan country as
at present to-day is comparatively well watered, while in the
desert, where the only two absolutely permanent supplies are
the Danna and El Wak.

It is my earnest hope that the Italian Government will
not consider His Majesty's Government in attaching great
importance.....

importance to removing, as far as possible, any causes of dispute between the frontier tribes. With this object in view His Majesty's Government consider it essential that the Marshan should be controlled in the manner indicated above, i.e., that they should not be allowed to enter the territory remaining British and should not be allowed access to permanent water in the immediate vicinity of the new boundary line. I venture to express the hope that the Italian Government will concur in this view.

I have the honour to be,

With the highest respect,

Your Excellency's very Obedient Servt.

1975

London
16th Oct 1923

Dear Mr. Ambassador,
I am sorry to inform you
that I have not been able
to get a copy of the
Agreement between
the two countries.
Please will you let me
have a copy of the
Agreement between
the two countries.
Yours very truly
Mr. Churchill

working of the credit
of certain New England

in Boston
apprised by the
Court of the
city of Boston
to the effect

Subjects

3. I am & the L. M. S.
2nd Dec^r 58563
58563 of ~~lun~~ date for sending
a city to a telegraph from the
pt of Long at the port
date to the "Bank" of the U. S.
Country