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FOREIGN OFFICE,

January 6 1911.

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Sir:-

With reference to your letter No. 36942/1910 of the 17th ultimo relative to the International Commission which is now engaged in discussing certain matters connected with the Juba River, I am directed by Secretary Sir Edward Grey to transmit to you, herewith, for the consideration of Mr. Secretary Harcourt, copy of a despatch from His Majesty's Ambassador in Rome recording a conversation with the Italian Minister for Foreign Affairs relative to the boundary question which has arisen owing to the alteration in the course of the above mentioned river.

I am to observe that the Italian Minister for Foreign Affairs appears to have overlooked the fact that the International Commission appointed by the Governments of the British East Africa Protectorate and the Italian Somali Colony to determine the Juba River boundary has commenced its sittings and that one of its duties is that

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Under Secretary of State,
Colonial Office.

(1766/11)



of making observations and proposals relating to the land questions resulting from the natural changes that have arisen, or that may arise in the course of the river &c.

With regard to the points of international law arising from the change in the course of the Juba River in so far as it affects the boundary between the East Africa Protectorate and Italian Somaliland and the question of the ownership of the strip of land lying between the old and the new mouths of the river, I am to refer you to the views expressed in the letter from this Department No. 36272 of the 23rd November 1909, as well as to the suggestion contained in the last paragraph of that letter, that in the event of the Italian Government maintaining that the boundary should follow the new channel, His Majesty's Secretary of State for the Colonies would no doubt further consider whether as a matter of general policy it might not be worth while to alter the frontier as an act of courtesy and grace, while upholding the general principles of international law as recognised by



His Majesty's Government.

In the present circumstances, however, Sir E. Grey is of opinion that His Majesty's Government is not called upon to take an immediate or final decision on the question at issue until they receive the report and recommendations of the Joint Commission which are to be made "ad referendum" to the two Governments concerned, and he proposes therefore, subject to the concurrence of His Majesty's Secretary of State for the Colonies, to instruct Sir R. Rodd to inform the Marquis di San Martino that His Majesty's Government must await the Report of the Joint Commission which is still engaged on its enquiry before they can return any definite answer to the question raised by His Excellency in regard to the ownership of the strip of land lying between the old mouth and the present estuary of the Juba River; but that the Italian Government may be assured that His Majesty's Government is prepared to give friendly and careful consideration to any representations which the former may wish to make in respect to the recommendations

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recommendations and findings of the Commission as soon as
that Body has completed its labours,

I am,

Sir,

Your most obedient,

humble Servant,

W. Ranley

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Rome,

11 January 1911

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Africa.

Sir,

I have the honour to report that the Minister for Foreign Affairs spoke to me this afternoon of a question which had arisen in East Africa which he sincerely hoped His Majesty's Government would be prepared to settle in a manner which he believed was in accordance with the equitable interpretation of agreements.

The boundary between the Jubaland province of British East Africa and the Italian Benadir Colony is defined in the direction of the Indian Ocean by the course and the mouth of the Juba River.

The Juba River, before entering the Indian Ocean used to flow for a certain distance parallel with the coast, divided from the sea by a narrow tongue of land. Not long ago the old mouth of the river silted up and closed and the stream broke a new passage through the tongue of land. The Italian Authorities, admitting, as I gather, that such a geographical modification was not contemplated when the boundary was defined, nevertheless consider that the intention of the boundary

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Sir E. Grey, Secy., N. F.

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agreement was that each country should enjoy their own bank of the river and that the mouth should be open and accessible to both. The small area of land left to the North of the present ^{by the change of course} estuary is, so far as I can trust my recollection of the country dating from 17 years ago, of no value. On the other hand it is of great value to the Italians that their side of the river mouth should not be cut off from their colony. It was, His Excellency contended, equitable to interpret the boundary agreement as giving them one side of the river mouth, even if geographically the mouth itself had shifted.

It occurred that African rivers were always uncertain quantities and sometimes disappeared altogether before reaching the sea. It was not inconceivable that the Juba might not find another issue. The Marquis di San Giuliano said he thought the two administrations ought in concert together to take the necessary measures to give the mouth of the Juba a permanent character. It would not be, he thought, very great difficulties of engineering to ensure stability in this respect for the future.

He mentioned that the Italian authorities agreed that the north of the Juba would be the line where it was at the time the agreement was made to be drawn.

any means upheld his own countrymen in all their contentions in Africa, but he thought in the present case the Italian view was absolutely sound from the point of view of equity, and he much hoped that, in view of the vast area of the British territories in East Africa, we should not grant Italy the little strip of sandy coast which a geographical accident had now separated by a new river channel from the rest of the British colony. It would be a serious matter for Italy to lose access to the river mouth and such had not been the intention of the original boundary agreement.

I promised to lay before you the proposals as had used, which seem to be deserving of favorable consideration.

I have the honor to be with the highest respect,

Sir,

Your most obedient,

Yours servant

James Mackenzie