

DOMESTIC.

EAST AFR. PROT.
GERMAN E. AFRICA

No. 32867

C O
32867Rec'd
17 SEP 35

(Subject.)

Anglo-German Boundary.

Transmits copy letter from D.M.O. respecting
boundary document to Lake Jipe, — and also draft
despatch to Berlin, and copy letter to D.M.O. proposing
instructions to Boundary Commission.

(Minutes.)

Mr. Contreas

We appear so far to have allowed
the F.O. to take their own course
in this matter & we may
prefer to continue to do so.
What is intended to give to
the Germans is indicated by
the brown patch on the
map in envelope herewith, about
2000 m — what we yet
is some swamps, which however
seem to be valuable, on the paper
near a small piece of land
at Mochure point on Lake
Victoria which is already
cut off from German territory
as to the best part of

1905

Sept

Foreign Paper.

20:60

F.O.

33443

C. O. I.
32867

FOREIGN OFFICE
REC'D
SEP 14 SEP 05
September 13 1905.

Sir:-

Com:

With reference to your letter 29369/1905 of the 22nd ultimo I am directed by the Marquess of Lansdowne to transmit to you, to be laid before Mr. Secretary Lyttelton, a copy of a letter from the Director of Military Operations respecting the Anglo-German boundary from Laitokitok to Lake Jipe.

I am also to transmit, for any observations which Mr. Lyttelton may wish to make, the draft of a despatch which Lord Lansdowne proposes to address to His Majesty's Ambassador at Berlin on the subject, and a copy of a letter to Major General Grierson containing some observations in regard to the proposed instructions to the Boundary Commission.

I am to request that you will draw Mr. Lyttelton's attention to Major General Grierson's recommendation that Colonel Smith should be instructed

to

The Under Secretary of State,
Colonial Office.

Military Operations
Sept 1905

Colonial Office
1905

to supply sufficient detail for the precise definition of the boundary along the Rufu River.

I am,

Sir,

Your most obedient,

humble Servant,

F. H. Oliver

The Director of Military Operations presents his compliments to the Under Secretary of State for Foreign Affairs and begs to acknowledge Mr. Villiers' note of 23rd August, forwarding the proposal of Lieutenant Colonel Smith, Royal Engineers, Commissioner of the Anglo-German East African Boundary Commission in his despatch No. 369 of July 15th 1905, on the point raised by Captain Schlobach.

Major-General Grierson is of opinion that Colonel Smith's proposal is a reasonable one.

While giving the Commissioner as free a hand as possible to act on small points which he can best decide locally, it would be as well to remind him that the boundary along the Rufu River should be so clearly defined that disputes shall not arise in the future.

Topographical Section,
General Staff,
Winchester House,

St. James's Square, S.W.

8th September 1905.

C. O.

32867

FOREIGN OFFICE

September 14 1906.

Draft.

Mr P. Lascelles.

Africa.

Sir,

Mr. Whitehead's

I have received your Excellency's despatch No. 30, Africa, of June 28th last respecting the demarcation of the Anglo-German boundary from Kitok to Lake Jipe.

I have to request that Your Excellency will address a note to the German Government in the following terms, in reply to Baron von Richtofen's note of June 28th.

The German Government consent to instruct the German Commissioner to delimit the boundary between the terminal point of the present labours of the Commission and the southern end of Lake Jipe, provided that His Majesty's Government agree to the modification of this boundary, as defined

C.O.
32867

FOREIGN OFFICE

September 14 SEP 1906.

Draft.

Sir P. Lascelles.

No.

Africa.

SIR:-

Mr. Blakeney

I have received Your Excellency's despatch No. 30, Africa, of June 28th last respecting the demarcation of the Anglo-German boundary from Lake Kitok to Lake Nipe.

I have to request that Your Excellency will address a note to the German Government in the following sense, in reply to Baron von Richthofen's note of June 28th.

The German Government consent to instruct the German Commissioner to delimit the boundary between the terminal point of the present labours of the Commission and the southern end of Lake Nipe, provided that His Majesty's Government agree to the modification of this boundary, as defined

by the Agreement of July 25th, 1893,
at two points in its course;

(1) in the neighbourhood of Lake
Chala

(2) between the River Rifu and
Latana Hill.

As regards (1) His Majesty's Govern-
ment have no objection to the
amendment suggested in Baron von
Richtofen's note, if the information
supplied to the German Government by
Dr. Leut. and Captain Johannes, accord-
ing to which an error exists in the
map attached to the Agreement of 1893
is found by the Joint Commission to
be correct. They are therefore pre-
pared to instruct the British Commis-
sion on this point as suggested in
the Instruction No. 2 proposed by the
German Government, omitting, however,
the words "on the western shore of
Lake ^{Chala} ~~Chala~~" after the words "thence to

the summit of Chain Hill* in order that the Commission may not be biased in regard to the position of that Hill.

With regard to (2) the note states that subsequent information has shown that the Commission of 1892 was misinformed in regard to the distribution of the Wa-Tavata and Wawana tribes in the district lying between the Hill and Latcha Hill, and it is contended that the line laid down by that Commission as the dividing line between the two tribes should now, in virtue of the protocol attached to the Agreement of 1893, be amended in accordance with ^{the} ~~the~~ facts of the case.

The Majesty's Government are quite unable to admit this contention. The mistake, if such there ~~was~~ is to

544

the summit of Chama Hill" in order that the Commission may not be biased in regard to the position of that hill.

With regard to (2) the note states that subsequent information has shown that the Commission of 1892 was misinformed in regard to the distribution of the Wo-Tavata and Wana tribes in the district lying between the staff and Latcha Hill, and it is contended that the line laid down by that Commission as the dividing line between the two tribes should now, in virtue of the protocol attached to the Agreement of 1893, be amended in accordance with ^{the} true facts of the case.

The British Government are quite unable to admit this contention. The mistake, if such there was, is to

be attributed as much to the German member of the Mixed Commission of 1872 as to his British colleague and the decision arrived at by them on the point was accepted by the two Governments in Section 2 of the Agreement of 1893, the wording of which, apart from the map to which it refers, shows that the territory assigned to Great Britain was intended to stretch as far west as "a point one English mile east of the German road going from Braunau station to the coast". With regard to the right of correction of mistakes, reserved in the protocol attached to the Agreement, it is clearly stated in Section 3 of the Agreement itself that the Protocol is concerned with the "annexed maps", and it follows that the right of correction mentioned in the Protocol is confined to the correction of the maps

in cases such as that, for instance, in which the Lake Chala rectification is proposed.

While, however, ^{unable} refusing to recognise that either of the Contracting Parties has the right, in virtue of the Agreement of 1893, to demand the rectification of the boundary as defined in the text of that Agreement, His Majesty's Government are willing to cede to Germany the strip of British territory lying to the west of the Ruru-Jakimi-Laboa line, on condition that they obtain compensation elsewhere. The territory for which they would ask, as compensation, is the following:

1. All the land (or water, as the case may be) lying between the northern bank of the Ruru River (including its swamp) and ~~the~~ Mid-Sapan of the most southerly branch (should there be more than one) of that river,

from

in cases such as that, for instance, in which the Lake Chala rectification is proposed.

While, however, ^{unable} refusing to recognise that either of the Contracting Parties has the right, in virtue of the Agreement of 1893, to demand the rectification of the boundary as defined in the text of that Agreement His Majesty's Government are willing to cede to Germany the strip of British territory lying to the west of the Rufu-Jackimi-Labua line, on condition that they obtain compensation elsewhere. The territory for which they would ask, as compensation, is the following:

1. All the land (or water, as the case may be) lying between the northern bank of the Rufu River (including its swamp) and the mid-stream of the most southerly branch (should there be more than one) of that river,

from

from Lake Jipe to the point south of
Lokinni Hill.

3. The small part (about one
square mile) of Mohara point on Lake
Victoria which is on the German side
of the boundary but to which there is
no access by land from German terri-
tory, without passing through British
territory.

With regard to the former piece
of territory, it appears from infor-
mation received by His Majesty's Gov-
ernment that a colony of Wa-Niakwazi,
paying rent to the British Collector
at Taveta, have established themselves
on the northern bank of the Rufu Riv-
er, from Lake Jipe westwards, and it
is uncertain on which side of the
boundary (as defined by the Agreement
of 1893) their huts are built.

It would moreover be a matter of
some difficulty to delimit the north-

from Lake Jipe to the point south of
Lokinni Hill.

2. The small part (about one
square mile) of Mohara point on Lake
Victoria which is on the German side
of the boundary but to which there is
no access by land from German terri-
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of territory, it appears from infor-
mation received by His Majesty's Gov-
ernment that a colony of Wa-Mlowesi,
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at Taveta, have established themselves
on the northern bank of the Rufu Riv-
er, from Lake Jipe westwards, and it
is uncertain on which side of the
boundary (as defined by the Agreement
of 1893) their huts are built.

It would moreover be a matter of
some difficulty to delimit the north-

northern edge of the Rifu swamp since the extent of marshy alluvium in this part of Africa varies very much with the season of the year.

In the event of the German Government agreeing to the ^{suggested} proposed exchange of territory, His Majesty's Government propose to send to the British Commissioner the following instructions, which are, with certain necessary exceptions, the same as those suggested in Baron von Richt-
hofen's note.

1. The Commission will, on the conclusion of their present labours, proceed to the demarcation of that part of the Anglo-German boundary which is treated of in 12 of the Anglo-German Agreement of July 28th, 1893, as far as the point at the southern end of Lake Rifu, which is A.

Hardinge marked in 1898 and described as Point 1 (Intersection of eastern bank of Lake Jipe by parallel of latitude $30^{\circ}40' 43''$ S.)

2. From this point the boundary will follow the eastern bank of Lake Jipe and, following the northern bank of the lake and crossing the River Luni, it will follow the mid-stream of the Rupa River (by which is understood the southern course if there should be more than one) to a point which lies on the meridian of Mokinni Hill. The boundary will then follow this meridian to the top of Mokinni Hill, thence straight to the top of Latema Hill, thence straight to the top of Mauvi-ya-mi-gorol Hill, thence straight to the top of Chala Hill. From this point it will go straight to a point on the opposite side of Lake Chala (this point to be fixed by

the Commission) so that the surface of Lake Champlain is divided into two equal portions by the boundary line. From the point thus fixed by the Commission the boundary will run due East until it reaches a point one English mile distant from the Teyateyari road and on the Western side of it. Thence the boundary will run West of that road and at a distance of one English mile from it until it reaches the latitude of Hazel Camp. Thence it will go in a straight line to the point which forms the Eastern terminal point of the labours of the present Commission, in latitude $29^{\circ} 57' 36''$ South and longitude $27631' 12''$ East of Greenwich, as agreed between Herr von Munchbollen and Colonel Trotter on the 4th December, 1902. For the purpose of finding the terminal the co-ordinates of the trigonometrical points of the map I.D. (975/a) will

be assumed to be correct. Existing marks along this portion of the boundary may be disregarded, with the exception of the mark at the South end of Lake Jips.

3. The Commission will complete the existing plans sufficiently fully to give a clear cartographic picture of the boundary district and the position of the boundary marks and stone pillars.

4. Sets of stones or other marks are to be erected by the Commission along the boundary line at all points where it seems necessary to make the boundary easily recognizable. Any already existing marks at boundary points are to be improved and completed so far as appears necessary.

With regard to the line north of Useri Camp, it is reported by Lieutenant-Colonel Smith that the old road from Useri Camp to Laitkitok,

has disappeared. Consequently, to meet the new circumstances, that part of Instruction 2 which is concerned required re-wording. The penultimate sentence of amended Instruction 2 has been added with a view to meet a point which has recently been raised by the German Commissioner. The latter appears to have adopted the view that, as the map 976 (a) has been found not to agree with the country at the terminal point, the boundary pillar already erected by the present Commission in accordance with their instructions should be moved to a new position at the real point of intersection of $2057' 56''$ S. and $27031' 12''$ E.

This view is, of course, not justified by the instructions issued to the Commissioners in 1904, paragraphs 1 and 9 of which expressly lay down

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This view is, of course, not justified by the Instructions issued to the Commissioners in 1904, paragraphs 1 and 9 of which expressly lay down

that

that the details of Map 976(a) are
to be taken as authoritative.

His Majesty's Government would
be glad to learn at an early date
whether the German Government agree
to their present proposals in order
that the necessary telegraphic in-
structions may be sent to Lieutenant
Colonel Smith.

C. O.
32867Recd
Ref 14 SEP 5

The Under Secretary of State for Foreign Affairs presents his compliments to the Director of Military Operations and, with reference to Major General Grierson's note of the 6th instant, transmits herewith, by direction of the Marquess of Lansdowne, the draft of a despatch which His Lordship proposes to address to His Majesty's Ambassador at Berlin on the subject of the Anglo-German boundary from Laitokitok to Lake Jipe.

The Under Secretary of State is to enquire whether Major General Grierson concurs in the terms of this despatch, and to make the following observations in regard to certain points connected with the proposals contained therein.

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1. The proposed instructions to the Boundary Commissioners are taken from the note enclosed in Mr. Whitehead's despatch No.30 Africa of June 28th last (a printed copy of which is enclosed for convenience of reference), the letter from the Director of Military Operations of July 8th, and Lieutenant Colonel Smith's despatch No.369 of July 15th, a copy of which was sent to Major General Grierson by the Colonial Office.

2. With regard to Instruction 1, which is that suggested by the German Government and left unaltered by Major General Grierson, it is to be observed that Dr. Maurer apparently failed to find Sir A. Hardinge's mud-heap at the south end of Lake Jipe

and

and it is possible that the present Commission may also be unable to locate it. According to the instruction as it stands, the Commission would presumably be obliged, in the event of their failing to find the mid-heap, to place their final beacon at the point of intersection of the eastern bank of Lake Jipe by parallel $30^{\circ}40'45''.7$ (not $30^{\circ}40'40''.3$ as specified in the Agreement of 1893).

3. Special attention is called to the explanation which Sir F. Lascelles is instructed, in the draft, to give in regard to the addition of the penultimate sentence in Instruction 2, as Lord Lansdowne is not certain whether the meaning of the correspondence between Lieutenant Colonel Smith and

Captain

and it is possible that the present Commission may also be unable to locate it. According to the instruction as it stands, the Commission would presumably be obliged, in the event of their failing to find the mud-heap, to place their final beacon at the point of intersection of the eastern bank of Lake Jipe by parallel 39° 49' 43".7 (not 39° 40' 40".3 as specified in the Agreement of 1893).

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Captain

Captain Schlobach, enclosed in the former's despatch No. 369, has been correctly interpreted.

4. With reference to paragraph 3 of Major General Grierson's note of the 8th instant, Lord Lansdowne presumes that, unless it is intended to ask the German Government for the southern bank of the southern stream of the Rifu River as the boundary, there will be no means of actually beaconing this part of the boundary, and that all the Commission will be able to do is to report sufficiently precise details in regard to the course of the southern branch of the river to enable a definition of the boundary to be drawn up, which shall leave no room for future disputes.

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Captain

Captain Schlobach, enclosed in the former's despatch No. 369, has been correctly interpreted.

4. With reference to paragraph 3 of Major General Grierson's note of the 5th instant, Lord Lansdowne presumes that, unless it is intended to ask the German Government for the southern bank of the southern stream of the Rufe River as the boundary, there will be no means of actually beaconing this part of the boundary, and that all the Commission will be able to do is to report sufficiently precise details in regard to the course of the southern branch of the river to enable a definition of the boundary to be drawn up, which shall leave no room for future disputes.

A copy of this letter and of the proposed despatch to Sir P. Lascelles has been sent to the Colonial Office.

Foreign Office,

September 15 1906.

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