

EAST AFR. PROT
4151 - 15/16

4151
26 JAN 16

Inf. Cont
Bowring 127
1915
14 Dec.
Last previous Paper.
70
1632

Prohibition of export.

Leads comes with Italian Consul Agent
reop. representations of latter regarding
restrictions placed upon exportation of
certain articles

Copy to cons 2 Feb 16
Miss O'Leary - copy above sent - 14 Feb 16 of 6323.16

Copy of dup. sent to the F.O.
for return, with ref. to

F.O. 116
1632

at once.

H. J. R.

29/1/16

Next subsequent Paper.
70
6323

4151
JAN 16

EAST AFRICA PROTECTORATE

No. 127

CONFIDENTIAL

GOVERNMENT HOUSE,
NAIROBI, BRITISH EAST AFRICA.

14th December 1915.

Sir,

for
59263

In continuation of my despatch No. 120 Confidential of the 25th ultimo I have the honour to transmit herewith copies of correspondence which has passed between the Italian Consular Agent and the Secretariat regarding the restrictions placed upon the exportation of certain articles.

From Italian Consul
21.10.15

To Italian Consul
26.10.15

From Italian Consul
28.11.15

To Italian Consul
13.12.15

2. You will perceive that I have caused Signor Caviechioni to be informed that the matter has been referred to you.

I have the honour to be,

Sir,

Your obedient humble servant;

[Signature]
GOVERNOR'S Deputy

THE RIGHT HONOURABLE

ANDREW BONAR LAW, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES

DOWNING STREET, LONDON

COPY.

411

CONF. PROCLAMAZIONE No 1
In Es. No. 127 of 14 12 1916 AGENZIA CONSOLARE

No. 312.

4151
REC. D.
CL. 3.
26 JAN 16

DI S.M.I. RE D'ITALIA.
NAIROBI,
B. E. A.

21st October 1916

Signor Governatore,

Il Regio Console d'Italia in Mombasa desidera che io esprima alla Eccellenza Vostra nell'interesse delle Ditte e dei Cittadini Italiani residenti in questo Protettorato tutte le riserve circa i divieti di esportazione di cui ai paragrafi a) e b) della Proclamazione No. 47 apparsa nella Gazzetta Ufficiale di questo Protettorato No. 443 del 6 corrente.

Tali limitazioni sarebbero contrarie ai Trattati esistenti fra il nostro Paese e questo Protettorato ed in modo speciale al Trattato di Zanzibar e all'atto Generale e finale della Conferenza di Berlino 26 Febbraio 1885.

Sarò grato a V.E. se vorrà compiacersi di mettermi in grado di dare esauriente risposta al Regio Console in Mombasa e frattanto colgo l'occasione per porgerla, Signor Governatore, gli atti del mio ossequio.

IL REGIO AGENTE CONSOLARE.
S/d. A. C. Cavicchioni.

A Sua Eccellenza
il Signor Governatore
dell'East Africa Protectorate
Nairobi.

S.10629/Vol.2/100

26th October, 1915.

The Italian Consular Agent,

Nairobi.

Sir,

I have the honour to acknowledge the receipt of your letter No.312 of 21st instant addressed to the Governor, and to inform you in reply that the Proclamation relating to the export of various commodities is in pursuance of instructions received from the Secretary of State, and to request therefore that any representations which you may wish to make in regard thereto may be forwarded through the regular diplomatic channels.

S/d.W.J.Monsen.

For CHIEF SECRETARY.

Nairobi, November 28th, 1915.

From the Italian Consular Agent in Nairobi
To the Hon:the Chief Secretary to the Government

Sir,

I have related to my superior Authorities the content of your favour No.S.10629.Vol.2/100 of the 26th October ultimo.

The Royal Consul in Mombasa wishes the Colonial Government to know that the invitation made by you to deal the matter of the prohibitions of the export through the Royal Embassy in London in consequence of the fact that the orders come from the Secretary of State, does not harmonize with our advice. And I take the liberty to call your kind attention upon some of the reasons of our own opinion.

The Colonial Government has here all the regular powers, and as it is the only recognized way for the British Subjects to deal with the Imperial Government, according to our way to see the matter it ought to be the only Authority with which the Foreign Representative, duly credited here, could in the ordinary way deal especially in regard with matter and orders issued by the Colonial Government to be in force in the Protectorate.

When an Ordinance is issued by the Colonial Government the Foreign Representative less than any other had to investigate the origin of the causes of the same, but they are qualified exclusively to look to the Authority which give to the said Ordinance

Ordinance the duly force in the Protectorate. If the Colonial Government wants special instructions from the Imperial Government it is not our duty or our competency to inquire into the same, even when we have to discuss the content of the Orders for the protection of the interests of our Country or our people.

We have no difficulty to place the actual or any other question under the consideration of the Royal Government asking to deal directly with the Imperial Government, but doing so it would be our strict duty to explain to the Royal Government the fact that we have been clearly invited by this Colonial Government to amplify in such a manner the thing. We thought instead that the matter could remain within the limits which we believe the most natural ones, that is between the Colonial Government and the Foreign Representative having interest to do so.

In our opinion this is the exclusive regular channel to treat here this matter and other of the kind.

Before taking any step with the Royal Government we should be very pleased to know the ideas of this Colonial Government on these reasons which I took the liberty to expose. and I will be extremely satisfied if by means of an understanding, to which I may assure you I will from my side bring as always all my personal best good willing to assist and not to rise difficulties to the Colonial Government in these moments hard for everybody, may issue this question arranged without bringing the same out of the field where, whatsoever may be the opinion of the Colonial Government on the matter, is always the most favourable and the most convenient for the right valuation of the facts.

You would therefore greatly oblige me if you could let me know the informations you may deem convenient on this matter.

Kindly accept, etc., etc.,

S.

CONF. ENCLOSURE No 4
by Despatch No. 12761 14-12-1915

10629/111/56

December 13th, 1915.

Sir,

I have the honour to refer to your letter of the 28th ultimo, and to convey to you the thanks of this Government for the opinions which you have expressed and particularly for the kind assurances contained in the concluding paragraphs.

2. The whole question is one of no inconsiderable difficulty. You will, I think, readily understand that the greater part of the restrictions on export from this Protectorate have not been dictated by considerations of local expediency or convenience but are the result of direct instructions from the Imperial authorities to meet necessities arising out of the present war. I need scarcely say that there is no intention or desire on the part of this Government to hamper the trade of Italian subjects or to repudiate in any way the treaty rights which they enjoy. Any hardship caused to them by the restrictions imposed is a matter of regret to us and it is hoped that by means of licences to export articles, the
exportation

THE ITALIAN CONSULAR AGENT,

NAIROBI.

exportation of which is otherwise prohibited, it may be possible to mitigate such hardship to a very large extent.

3. As the matter is not one which rests for decision solely with the Government of this Protectorate but is part of the Imperial policy relating to the conduct of the war it is not feasible to remove the prohibitions in question without the authority of the Secretary of State, and a special reference has already been made to him on the subject in view of the representations made by yourself and the French Consular Agent.

I have the honour to be,

Sir,

Your most obedient servant,

For CHIEF SECRETARY to the GOVERNMENT.



For 4157/15
E.A.P.

{ 400

For
2 Feby 1916
Sir,

DRAFT

(70/1632)

Th. U.S. G.
F.O.

With reference to your
(No. 2242 C)
letter of the 10th of January

I am so to transmit
to you, ~~the~~ to be
laid before Secy. Sir
Edward Grey, the acc
copy of a despatch from
the Gov. of the E.A.P., with

MINUTE.

- Mr. Harper 1/2/16
- Mr. Bottomley 12.16
- Mr.
- Mr.
- Sir G. Fiddes.
- Sir H. Just.
- Sir J. Anderson.
- Mr. Steel-Maitland.
- Mr. Bonar Law.

Enc. 1632

its enclosures, on the
subject of the restrictions
placed upon the
exportation of certain
articles from the R.A.P.
2. Mr. Bonar Law
will be glad to be

In Conf 127. 14 Dec 1915
B

For Copy for Conf. 14 Feb 16 of 1632. H

(P.T.O.)

furnished with any
observations which
Sir Egmont may ^{wish} have
to make on the matter