

1925

KENYA
TANGANYIKA

258

C. O.
52324
25 NOV 20

From
FOREIGN OFFICE.

Date
21st November 1925.

CIRCULATION :-
To
Mr. *Grey*
U.S. of S.
to Strachey
From
U.S. of S.
To
U.S. of S.
Secretary of State.

KENYA - T.T. BOUNDARY.

Fwd copies of two letters from League of Nations. In order to regularise the position a resolution by the Council of the League is desirable. The question has been placed on the Agenda of the forthcoming meeting of the Council

Previous Paper
(F.O. 4354)

MINUTES
Please see semi official note from the Foreign Office attached. In my draft memorandum herewith I have referred, perhaps unnecessarily, to the Agreement of the 19th of May, 1909, which will be found as enclosure 3 in the print attached to 17753/09 Uganda. The Agreement arose entirely out of the Mfumiro ^{Memorandum} ~~Memorandum~~ and does not concern the Kenya boundary but, as the Agreement was referred to in the Foreign Office note enclosed in F.O.9064/14 (where the whole boundary was concerned), I thought it best to mention the 1909 Agreement.
The draft Agreement in 9064/14 does not in fact deal with the boundary east of Lake Jipe. As to this, *see sup. p. 656 of the 1906 edition of Hutchins' memoirs. The latter (1909) writes 'having reported to the Council of the League of Nations in 1904-5'.*

Strachey
K.A.

Subsequent Paper
F.O. 5584

When the memorandum goes to the Foreign Office it will be well to ask them to verify that no reply was received from the German Ambassador to their note of the 9th of March, 1914, enclosed in 9064/14.

*After the draft was copied, I discovered
FO/30484/00, which contains a useful
summary of the position and, more
importantly, the text of an agreement
on the part of the boundary signed
in 1906
by the German and British
Commissioners. It is interesting to find that
the draft of the frontier report in 1914
describes the boundary from the West,
and mentions the pillars, the two
are identical. The fact that the
boundary was formerly occupied by
German representatives is important.*

*W. S. ...
24/1/15*

*League - but I am afraid ...
...
24/1/15*

FOREIGN OFFICE, S.W.1.

November 21st, 1925.

10649/7527/50).

Dear Bottomley:-

We have sent you an official letter to-day explaining why the question of the Kenya-Tanganyika boundary, about which we have had recent correspondence ending with our letter of September 26th last (W 8782/7527/50), has been put on the agenda of the December meeting of the Council of the League of Nations.

As you will remember, the Governor of Kenya was told to adopt the boundary laid down in the Anglo-German front agreement of 1914.

It is just possible that some member of the Council may suspect us of grabbing portions of the Tanganyika territory for Kenya and may ask in what respect the boundary now to be adopted differs from that which has hitherto been regarded as correct.

Could you let us have as soon as possible a brief memorandum which would enable Mr. Charteris to answer any such question?

Bottomley Esq., M.E.G.

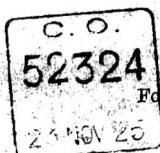
any further communication
subject, please quote

No. W 10649/7527/50.

address—

to any person by name,

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



FOREIGN OFFICE.

S.W.1.

November 21st, 1925.

Sir:-

With reference to the letter from this department of September 26th last I am directed by Mr. Secretary Chamberlain to transmit herewith copies of two communications from the Secretary-General of the League of Nations relating to the boundary between Kenya Colony and the Tanganyika Territory.

2. Sir E. Drummond considers that in order to avoid any possible misunderstanding, the Council of the League should take note formally of the Foreign Office letter of September 25th on the subject of this boundary. It would, he thinks, be desirable thus to regularise the position in case, through the adoption of the boundary defined in the Anglo-German draft agreement of 1914, any alteration in the extent of the mandated territory might be said to have taken place, even theoretically. A resolution by the Council would also be advantageous since it would serve to sanction or confirm the action of the mandatory power.

3. The Secretary of State concurs in the above views and steps have been taken to put the question on the agenda of the forthcoming meeting of the Council.

I am,

Sir,

Your obedient servant,

Under-Secretary of State,

Colonial Office.

copy.
W 8762/7527/50).

/46821/15313.

LEAGUE OF NATIONS.

GENEVA.

4th November, 1925.

Sir:-

I have the honour to acknowledge the receipt of your letter of the 26th September, 1925, (No. W 8762/7527/50) with one annex, concerning the boundary between Kenya Colony and Tanganyika Territory. These documents will be circulated to the Council and to the Members of the League, as well as to the Permanent Mandates Commission.

I have, etc.,

(Signed) ERIC DRUMMOND.

Secretary-General.

The Rt. Hon.

the Secretary of State for Foreign Affairs,
Foreign Office,

LONDON, S.W.1.

LEAGUE OF NATIONS.C.687 II.246.1925.VI.
C.P.N.332.

Geneva,

November 11th, 1925.

Distribution
Council, Members
of the League and
Permanent Mandates
Commission.

4821/15313.

MANDATED TERRITORY OF TANGANYIKA.Boundary Between Kenya Colony and Tanganyika Territory.Note by the Secretary-General.

The Secretary-General has the honour to communicate to the Council and the Members of the League, as well as to the Members of the Permanent Mandates Commission, the following letter dated 25th September, 1925, from the British Government.

Foreign Office.

September 25th, 1925.

Sir,

I am directed by Mr. Secretary Chamberlain to state that His Majesty's Government have under consideration a despatch from the acting Governor of Kenya Colony reporting that certain minor difficulties had been experienced in connexion with the exact representation of the boundary between that colony and the Tanganyika Territory, and requesting that he might be furnished with a copy of the instrument defining the boundary.

2. His Majesty's Government assume that the boundary envisaged in the mandate was that agreed between them and the German Government before the war as the boundary between British and German East Africa, which was defined in a draft agreement prepared in 1914 but never signed owing to the outbreak of war. A copy of the English text of this draft agreement has accordingly been sent to the acting Governor with instructions to adopt the boundary

- 2 -

defined therein as the correct boundary between Kenya Colony and the Tanganyika Territory. The description of the boundary will be embodied in the Boundaries Ordinance-in-Council for Kenya, which is to be issued when the new boundary of Jubaland is finally determined.

3. I am to enclose for your information typed copies of the English text of the draft agreement ⁽¹⁾ referred to above and to express regret that no spare copy in print is available.

(Signed) G. VIDALIS.

(1). Note by the Secretary-General:
This text is held at the disposal of the Council.

C. D.
R. 25 NOV
D. 25

F.O. H.
52324 T.

J
2nd
March
55891

25 Nov. 1926.

- Mr. Strachey.
- Mr. Shuckburgh.
- Mr. Davis.
- Mr. Grindle.
- Mr. Masterton-Smith.
- Mr. Urmaby-Gore.
- Mr. Amery.

I am in luck. the receipt of
 your letter of no: W. 10649/7527/30,
 and to transmit to you, to be
 laid before the Secretary
 Chamberlain, the accompanying
 copy of a memo: which, in
 accordance with a ~~copy~~
 suggestion made some time ago
 by the F.O., has been prepared
 for Mr Chamberlain's
 assistance in connection with
 the

DRAFT.

F.O.

memo.
A. H. Lawrence

The Commission to the
Council of the League of
Nations of the arrangements
decided upon with regard to
the boundary between
Kenya and Tanganyika.

(Signed) W. O. BOTTOMLEY.

Bottomley

- Dr. ...
- Mr. ...
- Mr. ...
- Mr. ...
- Mr. ...
- Mr. ...
- Mr. ...
- Mr. ...
- Mr. ...
- Mr. ...

Cott

DRAFT.

(p. 642) 1925

Copy to - 25 NOV 1925

(p. 656)

A general description of the
boundary between German East Africa on
the south and the East Africa
Protectorate (now the Colony of Kenya)
and the Uganda Protectorate on the north
was laid down in an Agreement between
Great Britain and Germany of the 1st of
July, 1890. The eastern part of this
boundary, between the Indian Ocean and
Lake Jips, was settled by the Agreement
of the 25th of July, 1893, and was
settled with it.
In 1904-5, the remaining part
of the boundary east of Lake Victoria,
to the north of Lake Jips,
was marked out by an Anglo-German
Boundary Commission. A Joint Commission
before a Boundary Commission
proceeded to demarcate the boundary between

1900

of Lake Victoria it was necessary to arrive at a preliminary understanding in view of the fact that Mount Mfumbiro, referred to in the 1890 Agreement, did not exist as an identifiable geographical feature. This ^{understanding, concluded in} Agreement ~~was made~~ of the 19th of May, 1909, but it does not

(17753/09)

affect the part of the boundary east of Lake Victoria.

The boundary to the west of that Lake was demarcated in 1911 by a Joint Commission which settled the co-terminous boundaries of German, British, and Belgian-Congo territory. When the results of the Commission were available, it was possible to proceed to an Agreement between Great Britain and Germany regarding not only this part of the boundary but also the part to the east of Lake Victoria, the ^{final} Agreement as to which had been held over in order that the whole boundary might be dealt with at the same time.

A draft Agreement was prepared and discussed

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14

at length between the Foreign Offices of the two Governments; on the 27th of December, 1913, the German Ambassador wrote to the Secretary of State for Foreign Affairs suggesting certain amendments in the draft Agreement in which he desired the concurrence of the British Government. In the same note the Ambassador suggested that the Instrument should be published immediately after its conclusion.

On the 9th of March, 1914, Sir Edward Grey replied to Prince Lichnowsky stating that His Majesty's Government concurred in the amendments suggested by the German Government, and he enclosed a copy of the corrected text as it then stood. Sir Edward Grey stated also that the British Government agreed that the Agreement should be published as soon as the maps illustrating it could be reproduced. At the same time, Sir Edward Grey enclosed the draft of a note which

which he proposed to address to the German Ambassador at the time of the signature of the Agreement, abrogating the Agreement of the 19th of May, 1909, and he ^{agreed} ~~asked~~ whether the terms of the draft note were accepted by the German Government and, if so, ^{to} ~~to~~ receive the draft of the note which the German Government would propose to send in reply. This Agreement of the 19th of May, 1909, ^{as} ~~is~~ has already been explained, does not ^{affect the line} ~~relate to the~~ boundary which is now the boundary between the Mandated Territory of Tanganyika and the British Colony of Kenya.

No further correspondence on the subject took place between the two Governments before the outbreak of war, and it is to be presumed that Prince Lichnowsky had referred Sir Edward Grey's draft note to his Government and had not received their reply before the outbreak of war. As regards, however, the boundary between Lake Victoria and ^{Lake Jipa,} ~~the Indian Ocean,~~ discussions

discussions had been completed and the last amendments to the draft Agreement were, as will have been observed, made by the German Government. ^{This part of the boundary remained precisely as described, in the Schmitt direction, in the agreement} It is for this reason that

the British Government consider that the boundary between the Mandated Territory and Kenya should definitely be taken to be the boundary mutually agreed upon in correspondence between the two Governments and described, so far as the portion between Lakes Victoria and Jipa is concerned, in the draft Agreement, a copy of which has already been communicated to the Council of the League of Nations.

*at Berlin
Signed by the Joint
Commission of 1906.*