

1924

KENYA

255

C. G.

Date

15th September 1924.

44029

16 Sept. 24

SESSION OF JUBALAND.

States Convention laid on table of Legislative Council on 20th August. There is strong feeling regarding compensation for loss of area; enquires what answer should be made, and whether visiting Commission should examine question.

MINUTES

*Mr. [Name]*

We discussed the Jubaland problem this morning

As regards the suggested transfer of Kenya of the [unclear] area of Tanganyika in consideration for the cession of Jubaland to [unclear] the most important paper is File 31192/24 [unclear]

Decisions of 21 August on that paper stating that no useful purpose would be served by discussion of the matter

MINUTES.

MINUTES NOT TO BE WRITTEN  
ON THIS SIDE.

has not yet reached the  
Government, so no  
reply shortly.

Apart from the Kilimanjaro

suggestion which was

presented to the

him to view

because of view of the

form of his telegram to

Government were generally

the attitude of Kenya

claim - Government for the

in the island to land

made in his telegram is

that the fact of the

loss by Kenya of a large

area, including the area

justified the Colony in requesting

territorial compensation elsewhere

in fact, as a matter in the  
Legislative Council debate put in  
"the important fact" have been given  
away what it was not necessary to  
give" "Constitutionally a claim for  
a non-self governing Colony for  
territorial compensation on such grounds  
is altogether unwarranted and it would  
seem desirable to make it clear at  
this stage that H. U. C. cannot  
admit any liability for territorial  
compensation in respect of Kenya  
territory, and that the Government  
for the United Kingdom

As to the second part of the  
question the Commission is of the  
view that the fact of Kenya losing such  
an area of land and having  
the Colony in substantial arrears

It was likely to inflict financial  
a economic damage on ~~the~~ new  
~~territories~~ might not  
be a case, on moral and equitable  
grounds for the Imperial Govt to  
afford the Govt of Kenya financial  
assistance to that extent but no  
case for financial assistance was  
presented by the Kenya Govt &  
the issue of financial compensation, as  
the ~~territories~~ were raised. In point  
of fact it has always been held that  
the issue of land is to be dealt with  
under savings to Kenya in respect of  
the cost of administering the territories; moreover  
the Kenya Govt have in some cases  
explained about the drain on Kenya's  
resources of the cost of the administration  
of the barren and turbulent areas

258/24  
(map 147)  
(in 1900s of)

forming the Northern part of the  
Colony and at the present  
moment we have a Governor from  
the Governor stating that Kenya  
can no longer afford to administer  
the Northern Frontier District (S.  
of Abyssinia & W. of Jubaland)  
and suggesting that no Imperial  
Govt should bear the cost of  
that it should be administered  
under a mandate from the League  
of Nations.  
It seems unlikely however that  
Kenya could make out a case  
like a case for financial  
compensation at any rate, in present  
circumstances  
We considered whether it would  
be politic to pursue in the line

forming the Northern part of the Colony and at the present moment we have a mandate from the former stating that Kenya can no longer afford to administer the Northern Frontier District (S. of Abyssinia + W. of Jubaland)

238/24  
(Paragraph)  
(p. 2, 3, 4 of)

and suggesting that the Imperial Govt should bear the cost or that it should be administered under a mandate from the League of Nations

It seems unlikely therefore that Kenya could make out any claim like a case for financial compensation at any rate, in present circumstances

It would be considered whether it would be politic to mention in the report



should be in the same position  
in dealing with such a claim of  
that saying one's claim that 25  
we had wanted it.

Before the Census Bill is  
debated in the House, we shall  
have to consider what bonds  
are being to be imposed, & if  
that it may be for members to  
consider what attitude shall  
then be taken in regard to  
claims for compensation either  
by the Govt of Maryland or by  
private persons

I am & the many  
inclusion

Oct 18/1/04

I do not like laying down that "cession  
of a piece of a colony" imposes no  
obligation on the U.S. to compensate.  
It is easy to think of many cases in which  
it would give rise to an irresistible  
claim for compensation.

In this case, there is no plain violation

Tubaland is a burden not an asset,  
I would therefore refer to this point.  
Mr. Bollenby concurs.

If you do not want to refer to the  
"burden", the ~~bill~~ might substitute  
some such qualifying phrase as "of  
itself".

I never read that India was  
compensated for the loss of the  
Straits Settlements, but then I would  
have a good claim if deprived of Penang  
for Imperial reasons.

18924

GG

The former must understand that this  
is an impossible claim - I have suggested  
a substituted culture & ~~the same~~

#2 1/9/24

Telegram from the Governor of Kenya to the Secretary of State for the Colonies, dated 15th September.  
(Received Colonial Office 5.15 p.m. 15th September, 1924).

15th September. Your confidential telegram of 4th June Convention with Italy about Jubaland session was laid on the table of the Legislative Council on 20th August. Reference <sup>22A</sup> I do not think that assistance given for development of East Africa can properly be set off against the request by Kenya for territorial compensation for loss of large area (of) including lower Jubu. There is strong feeling that this question should received consideration before ratification of the Convention.

Early statement by me is desirable (and) as I have no information that the question is under consideration (and) shall be glad of assurance to this effect. Question is certain to be raised soon May I be informed what answer I am to give. May I address you further as to definite proposals from here or will you instruct the visiting Commission to examine the question.

GOVERNOR.

C.O.  
44029

259

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(Received Colonial Office 5.15 p.m. 15th September, 1924)

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CORRECTION.

Gen 44029/24 hours

Copies sent  
5.10 pm  
22<sup>nd</sup> Sep: hr  
CP

R 23 SEP  
D 24

22<sup>nd</sup> September

your telegram

15<sup>th</sup> September

as regards

Kilimanjaro suggestion

DRAFT. Telegram code

(Gen 31192)

see my despatch 21 August

Governor

Nairobi

confidential. I don't

MINUTE.

think Govt were willing

Wachter 18/9/24

B. Hanley 18.9.24

to support the suggestion,

C. Davis

D. Girdle

H. Reid

A. Lambert 19

L. Arnold 19/9 at me

Thames

great  
news are inseparable

international objections to

Substitute  
A

is adoption of [ ]

H. W. Govt cannot admit

for political reasons

that cession of part of

a colony which has in the

past proved a great

Sw 44029/24 hours

260

Codes & Sent  
5.10 pm  
22<sup>nd</sup> Sept '24  
C.D.

*[Handwritten signature]*

22<sup>nd</sup> September

your telegram

15<sup>th</sup> September as regards

Kilimanjaro suggestion

DRAFT. Telegram code (Sw 31192)

See my despatch 21 August

Forward

Mairiobi

confidential & you if

MINUTE.

H. W. Fordy was willing

meeting 18/9/24

Boston 18<sup>th</sup> 7<sup>th</sup> 24

to support the suggestion

great  
more are indispensable

international aspects to

is adoption of [ ]

it is not admitted

for imperial reasons  
that cessation of part of

which has the  
part proved a burden on the

1	2	3	4	5	6
WORD OFFICE					
Reference					
31192					
COPY TO					
REPLY TO					
DATE					
LONDON					

Sw 44029/24 hours

260

Copies & sent  
5.10 pm  
22<sup>nd</sup> Sep: '34  
CPD

~~CPD~~

22<sup>nd</sup> September

your telegram

1<sup>st</sup> and

15<sup>th</sup> September

as regards

Kilimanjaro suggestion

DRAFT. Telegram code (Sw 31192)

see my despatch 21 August

Summary

Nairobi

MINUTE.

confidential & only to

H. H. G. was willing

to support the suggestion

more are indispensable

reaching 18/9/34

Bombay 18 7 24

London 14

at once

international system

Substitute  
A

is a copy of [B.]

H. H. G. cannot admit

for imperial reasons  
that cession of part of

which has in the  
past proved a burden on the


Administrators

~~imposes~~ imposes on

expenses for meat

obligation to give Colony

territorial compensation

elsewhere ○ 

matter is entirely outside

scope of East African

Perhaps one might add  
(but see minutes)

Case has been advanced  
to show that Colony  
suffer financially by  
cession

✓ Minutes  
Dunt? (with)

A

With regard to territorial compensation generally  
you should bear in mind 261  
that Cession was made in discharge of  
obligation incurred to Italy by His Majesty's  
Government acting at a critical moment in the  
history of the Empire. The territory ceded  
has been in fact a burden to Kenya and I am  
at a loss to understand on what legal or  
other ground it can be contended that the  
Colony is entitled to territorial compensa-  
tion. Certainly as far as I am aware  
no precedent for such a claim exists.