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FOR CIRCULATION:-

Mr.

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SESSION OF JUBALAND.

Minutes of meeting with Italian experts on 2nd June/24.

Perm. U.S. of S.

Par. U.S. of S.

Secretary of State.

Previous Paper

MINUTES

Copy 27018 (Secret)

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Subsequent Paper

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15th Draft

~~MEMORANDUM~~

Convention for Demarcation in East Africa to Italy

Minutes Notes of a meeting between British and

(Resumed)

Italian Experts held at the Colonial Office at

4 p.m. on Monday, June 2nd, 1924.

Present: Sir H. J. Read K.C.M.G. C.B.

Commodore Guariglia

Mrs. W. S. Brownley C.M.A. etc.

Commodore Pasquolucci

The Hon. H. Nicolson (Foreign Office)

G. F. Seal

1. In opening the proceedings Sir H. Read suggested that it might be well in the first place to dispose of the subsidiary points raised by the Italian Delegation at the last meeting.

Mr. Nicolson stated that he had consulted the legal advisers to the Foreign Office in regard to the present drafting of Article 1. They had agreed in the first place that it would be preferable that the convention should be prefaced by a formal preamble and that the names and titles of the King of England and the King of Italy should not, as at present, figure in Article 1 itself. They had also agreed with the Italian view that the insertion of the phrase "subject to the consent of Parliament" was neither usual nor necessary, and that the consent of the ~~House of Commons~~ ^{Parliament} could equally well be met by adding to the end of the convention the customary clause providing for ratification. As regards Article 8, the Foreign Office were examining the point whether this article could be re-drafted in a clearer form, ~~and in such a way as not to imply that any former Treaty rights at present extended to Italian Somaliland.~~

N.P.

2. Signor Guariglia expressed the view that, in a general sense, it might now be said that the British and

Italian....

Italian experts were agreed as to the draft convention except in regard to two points, namely, (1) the nationality question contained in Article 6, and (2) the migration of tribes as covered by the ^{second} ~~third~~ paragraph of Article 9.

3 Sir H. Read stated that the Colonial Office experts had given the greatest attention to the memorandum submitted by the Italian Delegation after the previous meeting. ^x (~~the~~ ~~Italian memorandum to Annex (1)~~). There were certain points in this memorandum which the British Delegation could not accept, especially the contention that the section of the Mohamed Zubier tribe which had come from the Wajhier district had been resident in that district for the last 50 years. Before, however, the meeting ^{proceeded to consider} ~~tackled~~ the two main questions referred to by Signer Guariglia, he would like to read to the ~~Italian Delegation~~ a telegram received from the Governor of Kenya Colony in regard to the point which they had raised in connection with the geographical description in Article 1, namely, whether the water at El Beru would be sufficient or suitable for the necessary establishment at that point of a strong frontier post. The Governor expressed the view that ~~the frontier at this point should be as at present fixed at El Beru~~ ^{but he added that if it were found by the Boundary Commission that the water at that well is insufficient the} ~~the water at that well is insufficient the~~ ^{Italians should be granted the well further to the east known as El Shama.} ~~the~~ ^{importance of the Italians maintaining in that particular sector of the frontier some strong police post.}

Signer Guariglia stated that the Italian Delegation were prepared to accept the arrangement offered by the Governor, namely, that they should obtain El Beru in any case, but that if the water at that post was found insufficient they ^x See Appendix I should....

should be given in addition the well of El Shama. He added that the Governor might rest assured that the Italian authorities would establish a police post at that point of the frontier, and he suggested that the supplementary concession regarding El Beru which had now been suggested might be inserted in the convention, to follow the geographical description contained in Article 1.

(Excluded 1500)

Makomet Zubair camel
Baylan ~~and~~ also
estimated at 1500, and 2000
members of other tribes

4. The meeting then proceeded to discuss Article 6, ^{tribes} namely, the nationality clause.

Sir H. Read stated that although it seemed quite impossible for His Majesty's Government to accept the proposal contained in the Italian memorandum, yet the Governor of Kenya was in fact prepared to allow certain of the ~~sattle tribes to retain their British nationality.~~ ^{tribes}

Signer Pasqualucci pointed out that the difficulty was not so much one of grazing as one of water. What happened was that there were so few wells in existence that the nomadic tribes, after covering long distances to reach the water, were apt to find the wells already occupied and that this congestion would certainly lead to trouble unless it were relieved. He added that the difference drawn by the Kenya authorities between the camel folk and the sattle folk was not therefore a very real one. In practice, ^{some members of} some members of ~~any one~~ family kept cattle, while other members of the same family kept camels. For both the essential water difficulty was identical.

Sir H. Read agreed that in some cases this was so and pointed out that both governments admitted that no ideal solution could be found.

Signer....

Signer Guariglia stated that although the Italian government did not hope to remove all the difficulties, what they did desire to secure was that the existing difficulties might be fairly shared between the Italian and the British authorities.

Signer Pasqualucci then stated that up to 1920 there had been no question but that the Wajhier wells were sufficient to maintain the section of the Mohamed Zubier tribe who had settled there.

Mr. Bottomley pointed out that this was not the case, and read extracts from ^{the} ~~the~~ ¹⁹¹⁴ handbook which showed that the congestion at Wajhier was already at ~~that date~~ ^{in January 1914} causing the authorities considerable anxiety.

Signer Guariglia stated that he must ask the meeting to consider facts. It was all very well to say that certain people were not to pass the frontier, but as a matter of fact we knew ^{very well} that they would be crossing the frontier all the time. If therefore the Italian Delegation or ^{the} government were here and now to bind themselves to undertakings which they knew well would not in practice be possible of fulfilment, the convention which we were negotiating would be ~~mere paper~~ ^{an empty promise}. This was not what the Italian government desired. They wished the convention to become a sensible and permanent basis of settlement, and in order to do so they felt that it was essential not to define responsibility in too precise terms but to leave to the local authorities a certain elasticity of local arrangement which could be modified or extended to fit the existing circumstances.

The Italian government did not wish, however, to appear to be causing unnecessary difficulties in regard to this question of nationality. Originally they had hoped to....

Insert Article

Suggestion-

" That Somalis in the transferred territory who are separated from their families in British territory should be given the option between British and Italian nationality on the understanding that only such a number of these who opt for British nationality shall be allowed to retain that nationality and to cross into British territory as the wells and pasturage in the area C. can support, having regard to the present and reasonable future requirements of the tribes or sections of tribes already there. The question as to the capacity of the wells and pasturage in this respect, and as to the numbers who are to retain British nationality, to be decided by the Anglo-Italian Commission which is to fix the boundary.

It must be distinctly understood that before any Somalis can be allowed to move into the British sphere under the above provision they must be individually registered.

to induce the British authorities to allow certain tribes to retain British nationality. They now abandoned that claim. All that they now wished was that certain families should be allowed to opt for British nationality: by families he did not mean large tribes or even clans, but had used the expression in its Western sense.

Sir H. Read then proposed that the following formula might meet the desires of his Italian colleagues:- (Here insert formula "A").

The Italian Delegation asked for time to consider this formula..

5 The meeting then proceeded to discuss the migration question as it figures in paragraph 2 of Article 9.

Sir H. Read stated that the "grey zone" suggested in the Italian memorandum would lead to very considerable difficulties and he read to the Italian Delegation a passage from a telegram just received on this subject from the Governor of Kenya Colony (here insert relevant passage).

Signor Guariglia reiterated his view that it was impossible for the Italian government to pledge themselves to something which they considered impossible. In the progress of time and by joint co-operation it would doubtless be possible to render the meridian frontier a recognised and recognisable boundary. At present, however, this would be impracticable. The "grey zone" which the Italians had suggested was in practice

Attended B

no more than an extension of the zone suggested in paragraph 18 of Lord Curzon's note to the Italian Ambassador of December 23rd, 1921.

Mr. Bottomley pointed out that Lord Curzon's suggestion had applied only to the wells and watering holes. The present Italian suggestion, however, applied to indiscriminate grazing. There was a very great difference between these two. Water, though limited, was sufficient; grazing, however, was in all cases insufficient. It was for this reason that the British Delegation would find it difficult to extend Lord Curzon's proposal.

Signor Pasqualucci explained that the area which was astride of the meridian frontier did not, strictly speaking, contain any wells at all: there were merely depressions in the soil which during the rainy season were filled with water. It thus happened that in the rainy season the Deshek Wama tribes moved westwards in order to save the grazing of their own areas by using the grazing which, during these few weeks' rainy season, could be found on both sides of the meridian frontier. When the rains were over these people returned to their base at Deshek Wama. All that the Italian government asked was that this temporary migration should be allowed to continue.

Sir H. Bead agreed that it was extremely convenient for the Deshek Wama tribes to pasture in the "grey zone" during the rainy season, but pointed out that our own tribes from the west had also come to adapt this practice and that the British and Italian tribes would therefore meet in this "grey zone" and conflicts might arise.

Signor Pasqualucci explained that the region was so vast that such conflicts were not very probable. Moreover,
the....

Final Report

If, however, the enquiries of the International Commission shew that during the rainy season there is, in the neighbourhood of the new boundary south of El Beru, more pasturage available than is required for the tribes in British territory, the Commission may recommend that for a certain period, not less than five years, Somalis or other natives of the transferred territory may cross the boundary to such a distance and in such numbers as the Commission may think fit, it being understood that in no case shall they be allowed to pass to the west of the line Goochif-Ribba - El Talli- La'ela - Toor Guda- Kamaguda. At the end of the period the position will be reconsidered in a friendly spirit in the light of the experience gained and of the requirements at that time of the tribes in British territory.

the tribes from the British and the Italian area were both Somali and could understand each other. ^{It must be borne in mind} ~~We must never forget~~ that although the meridian frontier appeared very definite to us when seen on a map in the Colonial Office, yet it would be wholly unrecognisable to the natives on the ground.

Sir H. Read then informed the Italian Delegation that in any case His Majesty's Government would never permit the tribes to cross the frontier between Malka B6 and El Wakf.

Signor Guariglia pointed out that these two points had been expressly excluded from the Italian proposal.

Sir H. Read replied that what he meant was the whole area between these points, namely, the Karo Lola Odda Mundula line. At no point in this area would the British government allow the tribes to cross ^{the frontier}

Signor Guariglia suggested that the line was merely a line on paper and that some latitude should be given.

Mr. Bottomley explained that the line indicated in the Italian memorandum in this region coincided exactly with the line of wells on which the Garré habitually based themselves, and that His Majesty's Government could never consent to allow the Marchan to cross the frontier in this region and thereby to come into conflict with our own tribes.

Sir H. Read then suggested that the following formula might be adopted and incorporated after paragraph 2 in Article 9. (Here insert formula "B" from Schedule)

Signor Guariglia asked for time to consider this formula, and suggested that in any case the wording of paragraph 2 should be altered so as to be a reciprocal obligation and not merely an obligation incumbent upon Italy alone. This proposal was agreed to.

Sir....

6. Sir H. Read then proposed that before adjourning they should examine any further points still to be considered. There was, for instance, the question of the cemetery at Kismayu and the Jenner memorial referred to in paragraph 17 of Lord Curzon's covering *Note of the 23rd of Dec^r 1921*

Sigmer Guariglia stated that the Italian government would certainly undertake the upkeep of ~~the~~ ^{the} cemetery and this memorial, and that a paragraph to that effect might be inserted in the convention.

7. As regards Article 9, it was agreed that the expression "the two governments of the British Colony at Kenya and of the Italian Colony of southern Somaliland" should read merely "the two governments", and that the words "in consultation with the local authorities" should be inserted after the word "settled" in the following sentence.

8. The meeting then adjourned until Wednesday, June 4th, at 2 P.M.

Appendix A

Memorandum Submitted by the Italian Experts.

The proposed boundary between the areas which are going to be handed over to the Italian Government and the remaining territory of Kenya Colony, according to the opinion of the Italian Experts, will give rise to two kinds of serious difficulties. To eliminate or at least lessen these evils, the greatest goodwill is necessary in the interest of both parties.

I

The first of these difficulties comes from the fact that the line of the 41st Meridian leaves all the Wajhier and Lorian areas in English territory, thus separating the Somalis who have been settled there for more than 100 years from the other groups of the same origin, who will remain in the territory to be handed over to Italy, for instance the Mohamed Baber of Wajhier would be severed from those of Af-Medo and Deahok Wama; the Makabul of Wajhier from those living in the Pissikaya and Rama Adis area in the territory of Port-Burnford.

The remedy for this separation cannot be the one which the British Government seem to have thought out by pushing the Somalis of Wajhier and Lorian with their cattle to the East of the boundary line (41st) ever since 1920, when this line was suggested.

It is a fact that this measure has brought about very serious disturbances among the tribes.

It is well known to the British Colonial Authorities that the feeding and watering areas for cattle of the Mohammed Baber, which are free from the "tse-tse" danger, are already restricted to those of Af-Medo and Deahok Wama. These two areas would be absolutely insufficient to feed and water also the herds

which were turned out from the Wajhier and Lorian areas.

The British Authorities likewise well know of the protests raised by the Mohamed Siber and the Makabul for the evacuation measures from the last two areas.

The Italian Experts deem it their duty, therefore, to draw the special attention of the British Government to what might happen in the future—that is that those Somalis who were driven out of the Wajhier and Lorian areas and crowded in the territory to be handed over to Italy, will undoubtedly tend to return to those places where the possibilities of life for their cattle are easy and safe. A series of troubles, conflicts and difficulties for the two Governments would be the logical consequence.

To avoid future evils, therefore, the Italian Experts suggest that British or Italian nationality should be optional with the Somalis belonging to those tribes who once lived in the Wajhier and Lorian areas and who, having been in part driven out, are now wandering about in the territory which is to be handed over to Italy. In this way, it would be possible for them to go back, if they so wished, to the said areas as British subjects.

In this connection, it would be necessary to slightly alter, by mutual agreement, article 3 of the Draft Agreement.

II

The second kind of difficulty which the proposed boundary presents, lies in the fact that some Somali tribes, who will become Italian subjects, used to cross the suggested boundary line during the rain season to take their cattle to pasture.

This question was already raised during the previous negotiations and it was solved in part by the letter of the

-3-

29th December 1921, N.0102/1210 from Lord Curzon to the Italian Ambassador covering the draft Agreement.

Referring now to the findings contained in No. 10 of the said letter regarding these temporary migrations, the Italian Experts suggest that in the Convention a clause should be inserted to the effect that in respect of the rights of migration during the rain season across the proposed boundary (rights already secured by many years usage) the tribes or groups and families thereof who would become Italian subjects, should be allowed, during the rain season, to go ^{as far as} ~~to~~ a line to the West of the boundary, which line could be from now decided upon as running through the following places, mentioned in the map to be annexed to this agreement:

From North to South: Mrika Re - Kero Lela - Ouda - Geile - Gurgur Ri - Lugh - Wanti Boye - El Beru - Burwen - namu - Geochi - Ribba - El Julii - Dakela - Teer Guda - Roma Guda.

By way of reciprocity, the Italian Experts would suggest to allow the groups of Somali tribes who remain British subjects to take their herd to pasture in the rain season to the East of the proposed boundary as far as a line running through the following places:

From North to South: Maddoli (on the Bil Wak-Serenly caravan route) - Kasanguri - El Hagursu - Galja - Tubhi - Gemarsdu - Geter Madara - southwestern banks of the River Bubashi.

London, 2nd June 1924

Appendix B.

Extract from telegram from the Gov. of Kenya to the
S.G.S. for the C.O.S. dated 2nd June 1924

Article IV. Nationality of Somalis.

I am afraid that this Gov^t. cannot possibly
agree to Mahmud Zubair's cattle people referred to
retaining British nationality. It is quite
impossible to find either grazing or water for them
on the British side of the new border. There ~~was~~
~~is~~^{is no} objection to Mahmud Zubair's ~~the~~ camel
people now at Wajyhair remaining here, they
number about 1500. There would also be no
objection to these Mahmud Zubair's ~~the~~ cattle
people from ~~the~~ Deshett Wama residing

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S. G. S. for the C.O.S. dated 2nd June 1934

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their friends at Wajchein as they do at present under pass, provided that they do not bring stock with them beyond those necessary for the purpose of travelling and on the understanding that they are provided with Italian passes. The approximate number of these ~~are~~ Mohammedan people who have visited Wajchein recently estimated at 1500 with 8000 head of stock. The Government attaches great importance to this question for the reasons given."

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SESSION OF TERRITORY IN EAST
AFRICA TO ITALY.

Minutes of the second meeting between British
and Italian Experts held at the Colonial Office
at 4p.m. on Monday June 2nd 1924.

Present:- Sir H.J. Read K.C.M.G., C.B.

Commandatore Guariglia Mr. W.C. Bottomley, C.M.G., O.B.E.
Commandatore Pasqualucci The Hon. H. Nicolson ¹⁹ Foreign Office
Mr. G.F. Seel.

1. In opening the proceedings Sir H. Read suggested that it might be well in the first place to dispose of the subsidiary points raised by the Italian Delegation at the last meeting.

Mr. Nicolson stated that he had consulted the legal advisers to the Foreign Office in regard to the present drafting of Article 1. They had agreed in the first place that it would be preferable that the convention should be prefaced by a formal preamble and that the names and titles of the King of England and the King of Italy should not, as at present, figure in Article 1 itself.

~~They~~ also agreed with the Italian view that the insertion of the phrase "subject to the consent of Parliament" was neither usual nor necessary, and that provision for the consent of Parliament could equally well be met by adding at the end of the convention the customary

Agreed
to the Italian
21
Nicolson

Print
Nicolson
in the English
agreed

customary clause providing for ratification.

As regards Article 8, the Foreign Office were examining the question whether this article could be redrafted in a clearer form.

2. Signor Guariglia expressed the view that, in a general sense, it might now be said that the British and Italian experts were agreed as to the draft convention except in regard to two points, namely, (1) the nationality question contained in Article 6, and (2) the migration of tribes as covered by the second paragraph of Article 9.

3. Sir H. Read stated that the Colonial Office experts had given the greatest attention to the memorandum submitted by the Italian Delegation after the previous meeting[†]. There were certain points in this memorandum which the British Delegation could not accept, especially the contention that the section of the Mohamed Zubier tribe which had come from the Wajhier district had been resident in that district for the last 50 years. Before, however, the meeting proceeded to consider the two main questions referred to by Signor Guariglia, he would like to read a telegram received from the Governor of Kenya Colony in regard to the point which they had raised in connection with the geographical description in Article 1, namely, whether the water at El Beru would be sufficient or suitable for the necessary establishment at that point of a strong frontier post.

The

[†] See Appendix I.

The Governor expressed the view that it was necessary that the Italians should place a strong post at El Wak and that the Boundary Commission should decide whether El Beru is adequate; if it should not be he had no objection to the large, Elshama well being substituted for El Beru on the understanding that a strong post of not less than 50 other ranks was maintained there. If such post were ^{with} drawn from El Shama occupation to revert to El Beru. The Governor at the same time stressed the fact that it was highly desirable that the Marehan Somalis should not be allowed to use either El Beru or El Shama or to make permanent encampments there, as it was certain that this would lead to friction with the Gurreh on the British side.

Signore Guariglia stated that the Italian Delegation were prepared to accept the arrangement offered by the Governor, namely, that they should obtain El Beru in any case, but that if the water at that post was found insufficient they should be given in addition the well of El Shama. He added that the Governor might rest assured that the Italian authorities would establish a police post at that point of the frontier, and he suggested that the supplementary concession regarding El Beru which had now been suggested might be inserted in the convention, to follow the geographical description contained

contained in Article 1.

4. The meeting then proceeded to discuss Article 6, namely, the nationality clause.

Sir H. Read stated that although it seemed quite impossible for His Majesty's Government to accept the proposal contained in the Italian memorandum, yet the Governor of Kenya was in fact prepared to allow certain of the Mahomet Zubeir camel people (estimated at 1,500) to remain at Wajhier, also certain members of the Aulihan estimated at 1,500, and 2,000 members of other tribes.

Signor Pasqualucci pointed out that the difficulty was not so much one of grazing as one of water. What happened was that there were so few wells in existence that the nomadic tribes, after covering long distances to reach the water, were apt to find the wells already occupied and that this congestion would certainly lead to trouble unless it were relieved. He added that the difference drawn by the Kenya authorities between the camel folk and the cattle folk was not therefore a very real one. In practice it often happened that some members of a family kept cattle, while other members of the same family kept camels. For both the essential water difficulty was identical.

Sir H. Read agreed that in some cases this was so and pointed out that both governments admitted that no ideal solution could be found.

Signor

modified or extended to fit the existing circumstances.

The Italian Government did not wish, however, to appear to be causing unnecessary difficulties in regard to this question of nationality. Originally they had hoped to induce the British authorities to allow certain tribes to retain British nationality. They now abandoned that claim. All that they now wished was that certain families should be allowed to opt for British nationality: by families he did not mean large tribes or even clans, but had used the expression in its Western sense.

Sir H. Read then proposed that the following formula might meet the desires of his Italian colleagues:

"That Somalis in the transferred territory who are separated from their families in British territory should be given the option between British and Italian nationality on the understanding that only such a number of those who opt for British nationality shall be allowed to retain that nationality and to cross into British territory as the wells and pasturage in the Area C can support, having regard to the present and reasonable future requirements of the tribes or sections of tribes already there. The question as to the capacity of the wells and pasturage in this respect, and as to the numbers who are to retain British nationality, to be decided by the Anglo-Italian Commission which is to fix the boundary.

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It must be distinctly understood that before any Somalis can be allowed to move into the British sphere under the above provision they must be individually registered"

The Italian Delegation asked for time to consider this formula.

5. The meeting then proceeded to discuss the migration question as it figures in paragraph 2 of Article 9.

Sir H. Read stated that the "grazing zone" suggested in the Italian memorandum would lead to very considerable difficulties and he read to the Italian Delegation a passage from a telegram just received on this subject from the Governor of Kenya Colony.†

Signor Guariglia reiterated his view that it was impossible for the Italian Government to pledge themselves to something which they considered impossible. In the progress of time and by joint co-operation it would doubtless be possible to render the meridian frontier a recognised and recognisable boundary. At present, however, this would be impracticable. The "grazing zone" which the Italians had suggested was in practice no more than an extension of the zone suggested in paragraph 18 of Lord Curzon's note to the Italian Ambassador of December 23rd, 1921.

Mr.

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Mr. Bottomley pointed out that Lord Curzon's²⁸ suggestion had applied only to the wells and watering holes. The present Italian suggestion, however, applied to indiscriminate grazing. There was a very great difference between these two. Water, though limited, was sufficient: grazing, however, was in all cases insufficient. It was for this reason that the British Delegation would find it difficult to extend Lord Curzon's proposal.

Signor Pasqualucci explained that the area which was astride of the meridian frontier did not, strictly speaking, contain any wells at all: there were merely depressions in the soil which during the rainy season were filled with water. It thus happened that in the rainy season the Deshek Wama tribes moved westwards in order to save the grazing of their own areas by using the grazing which, during those few weeks' rainy season, could be found on both sides of the meridian frontier. When the rains were over these people returned to their base at Deshek Wama. All that the Italian government asked was that this temporary migration should be allowed to continue.

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Signor Guariglia pointed out that these two points had been expressly excluded from the Italian proposal.

Sir H. Read replied that what he meant was the whole area between these points, namely, the Karo Lola Odda Mundula line. At no point in this area would the British government allow the tribes to cross the frontier laid down in the convention.

Signor Guariglia suggested that the line was merely a line on paper and that some latitude should be given.

Mr. Bottomley explained that the line indicated in the Italian memorandum in this region coincided exactly with the line of wells on which the Garré habitually based themselves, and that His Majesty's Government could never consent to allow the Marehan to cross the frontier in this region and thereby to come into conflict with our own tribes.

Sir H. Read then suggested that the following formula might be adopted and incorporated after paragraph 2 in Article 9.

"If, however, the enquiries of the International Commission shew that during the rainy season there is, in the neighbourhood of the new boundary south of El Beru, more pasturage available than is required for the tribes in British territory, the Commission may

recommend that for a certain period, not less than five years, Somalis or other natives of the transferred territory may cross the boundary to such a distance and in such numbers as the Commission may think fit, it being understood that in no case shall they be allowed to pass to the west of the line Goochi-Ribba - El Tulli - Lakela-Toor Guda - Ramaguda. At the end of the period the position will be reconsidered in a friendly spirit in the light of the experience gained and of the requirements at that time of the tribes in British territory."

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The remedy for this separation cannot be the one which the British Government seem to have thought out by pushing the Somalis of Wajhier and Lorian with their cattle to the East of the boundary line (41st) ever since 1920, when this line was suggested.

It is a fact that this measure has brought about very serious disturbances among the tribes.

It is well known to the British Colonial

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Authorities that the feeding and watering areas for cattle of the Mohammed Suber, which are free from the "tse-tse" danger, are already restricted to those of Al-Medo and Deshek Wama. These two areas would be absolutely insufficient to feed and water also the herds which were turned out from the Wajhier and Lorian areas.

The British Authorities likewise well know of the protests raised by the Mohammed Suber and the Makabul for the evacuation measures from the last two areas.

The Italian Experts deem it their duty, therefore, to draw the special attention of the British Government to what might happen in the future—that is that these Somalis who were driven out of the Wajhier and Lorian areas and crowded in the territory to be handed over to Italy, will undoubtedly tend to return to those places where the possibilities of life for their cattle are easy and safe. A series of troubles, conflicts and difficulties for the two Governments would be the logical consequence.

To avoid future evils, therefore, the Italian Experts suggest that British or Italian nationality should be optional with the Somalis belonging to these tribes who once lived in the Wajhier and Lorian areas and who, having been in part driven out, are now wandering about in the territory which is to be handed over to Italy. In this way, it would be possible for them to go back, if they so wished, to the said areas as British subjects.

In this connection, it would be necessary to slightly alter, by mutual agreement, article 6 of the draft Agreement.

The second kind of difficulty which the proposed boundary presents, lies in the fact that some Somali tribes, who will become Italian subjects, used to cross the suggested boundary line during the rain season to take their cattle to pasture.

This question was already raised during the previous negotiations, and it was solved in part by the letter of the 23rd December 1921, N.8102/12160 from Lord Curzon to the Italian Ambassador covering the draft Agreement.

Reverting now to the findings contained in N.18 of the said letter regarding these temporary migrations, the Italian Experts suggest that in the Convention a clause should be inserted to the effect that in respect of the rights of migration during the rain season across the proposed boundary (rights already accrued by many years usage) the tribes or groups and families thereof who would become Italian subjects, should be allowed, during the rain season, to go as far as a line to the West of the boundary, which line could be from now decided upon as running through the following places, mentioned in the Map to be annexed to this agreement:

From North to South: Malka Re - Karo Lola - Odda - Gaile - Gurgur Ri - Lagh - Wanti Boyo - El Beru - Burwen - Ramu - Goochi - Ribba - El Tulli - Lakola - Toor Guda - Rama Guda.

By way of reciprocity, the Italian Experts would suggest to allow the groups of Somali tribes who remain British subjects to take their herd to pasture in the rain season to the East of the proposed boundary as

far as a line running through the following places:

From North to South: Maddoli (on the Eil
Wak-Serenly caravan route) - Kasanguri - El Hagursu -
Galja - Tubhi - Gomaredu - Gober Madam southwestern
banks of the river Bubashi.

London.

2nd June, 1924.

APPENDIX B.

Extract from telegram from the Governor of Kenya to the Secretary of State for the Colonies dated 2nd June, 1924.

* Article VI. Nationality of Somalis.

I am afraid that this Government cannot possibly agree to Mahomed Zubeir cattle people referred to retaining British nationality. It is quite impossible to find either grazing or water for them on the British side of the new border. There is no objection to Mahomed Zubeir camel people now at Wajheir remaining there, they number about 1500. There would also be no objection to these Mahomed Zubeir cattle people from Dashed Wama visiting their friends at Wajheir as they do at present under pass, provided that they do not bring stock with them beyond those necessary for the purpose of travelling and on the understanding that they are provided with Italian passes. The approximate number of these Mahomed Zubeir people who have visited Wajheir recently is estimated at 1500, with 8000 head of stock. The Government attaches great importance to this question for the reasons given*.

QUESTION OF TERRITORY IN EAST AFRICA

TO ITALY

Minutes of the second meeting between British and Italian Experts held at the Colonial Office at 4 p.m. on Monday, June 2nd 1934.

Present: Sir H.J. Read, K.C.M.G., C.B.

Commandatore Guariglia Mr. W.G. Etonley, C.M.G., O.B.E.
Commandatore Pasqualucci

The Hon. H. Nicolson, C.M.G. (Foreign Office)

Mr. G.F. Seel.

1. In opening the proceedings Sir H. Read suggested that it might be well in the first place to dispose of the subsidiary points raised by the Italian Delegation at the last meeting.

Mr. Nicolson stated that the Legal Advisers to the Foreign Office had agreed with the Italian view that the insertion of the phrase "subject to the consent of Parliament" was neither usual nor necessary and that provision for the consent of Parliament could equally well be met by adding at the end of the convention the customary clause providing for ratification.

As regards Article 8, the Foreign Office were examining the question whether this article could be redrafted in a clearer form.

2. Signor Guariglia expressed the view that,

in a general sense, it might now be said that the British and Italian experts were agreed as to the draft convention except in regard to two points, namely, (1) the nationality question contained in Article 6, and (2) the migration of tribes as covered by the second paragraph of Article 9.

3. Sir H. Read stated that the Colonial Office experts had given the greatest attention to the memorandum submitted by the Italian Delegation after the previous meeting.* There were certain points in this memorandum which the British Delegation could not accept, especially the contention that the section of the Mohamed Zubier tribe which had come from the Wajhler district had been resident in that district for the last 50 years. Before, however, the meeting proceeded to consider the two main questions referred to by Signor Guariglia, he would like to read a telegram received from the Governor of Kenya Colony in regard to the point which they had raised in connection with the geographical description in Article 1, namely, whether the water at El Beru would be sufficient or suitable for the necessary establishment at that point of a strong frontier post. The Governor expressed the view that it was necessary that the Italians should place a strong post at El Wak and that the Boundary Commission should decide whether El Beru is adequate; if it should not be he had no objection to the large Elshama well being substituted

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substituted for El Beru on the understanding that a strong post of not less than 50 other ranks was maintained there. If such post were withdrawn from El Shama occupation to revert to El Beru. The Governor at the same time stressed the fact that it was highly desirable that the Marehan Somalis should not be allowed to use either El Beru or El Shama or to make permanent encampments there, as it was certain that this would lead to friction with the Garreh on the British side.

Signore Guariglia stated that the Italian Delegation were prepared to accept the arrangement offered by the Governor, namely, that they should obtain El Beru in any case, but that if the water at that post was found insufficient they should be given in addition the well of El Shama. He added that the Governor might rest assured that the Italian authorities would establish a police post at that point of the frontier, and he suggested that the supplementary concession regarding El Beru which had now been suggested might be inserted in the convention, to follow the geographical description contained in Article 1.

4. The meeting then proceeded to discuss Article 6, namely, the nationality clause.

Sir H. Read stated that although it seemed quite impossible for His Majesty's Government to accept the proposal contained in the Italian memorandum, yet the Governor of Kenya was in fact prepared to allow certain of the Mahomet Zuheir camel people

people (estimated at 1,500) to remain at Wajhier, also certain members of the Anlikan estimated at 1,500, and 2,000 members of other tribes.

Signer Pasqualucci pointed out that the difficulty was not so much one of grazing as one of water. What happened was that there were so few wells in existence that the nomadic tribes, after covering long distances to reach the water, were apt to find the wells already occupied and that this congestion would certainly lead to trouble unless it were relieved. He added that the difference drawn by the Kenya authorities between the camel folk and the cattle folk was not therefore a very real one. In practice it often happened that some members of a family kept cattle, while other members of the same family kept camels. For both the essential water difficulty was identical.

Sir H. Read agreed that in some cases this was so and pointed out that both governments admitted that no ideal solution could be found.

Signer Guariglia stated that although the Italian Government did not hope to remove all the difficulties, what they did desire to secure was that the existing difficulties might be fairly shared between the Italian and the British authorities.

Signer Pasqualucci then stated that up to 1920 there had been no question but that the Wajhier wells were sufficient to maintain the section of the Mohammed Zubier tribe who had settled there.

Mr. Bottomley pointed out that this was not

the case, and read extracts from a handbook printed for official use in Kenya which showed that the congestion at Wajhler was already in January 1914 causing the authorities considerable anxiety.

Sigmar Guariglia stated that he must ask the meeting to consider facts. It was all very well to say that certain people were not to pass the frontier, but as a matter of fact we knew very well that they would be crossing the frontier all the time. If therefore the Italian Delegation or Government were here and now to bind themselves to undertakings which they knew well would not in practice be possible of fulfilment, the convention which we were negotiating would be an empty form. This was not what the Italian Government desired. They wished the convention to become a sensible and permanent basis of settlement, and in order to do so they felt that it was essential not to define responsibility in too precise terms but to leave to the local authorities a certain elasticity of local arrangements which could be modified or extended to fit the existing circumstances.

The Italian Government did not wish, however, to appear to be causing unnecessary difficulties in regard to this question of nationality. Originally they had hoped to induce the British authorities to allow certain tribes to retain British nationality. They now abandoned that claim. All that they now wished was that certain families should be allowed to opt for British nationality: by families he did not mean large tribes or even clans, but had used the expression

expression in its Western sense.

Sir H. Read then proposed that the following formula might meet the desires of his Italian colleagues:

"That Somalis in the transferred territory who are separated from their families in British territory should be given the option between British and Italian nationality on the understanding that only such a number of those who opt for British nationality shall be allowed to retain that nationality and to cross into British territory as the wells and pasturage in the Area C. can support, having regard to the present and reasonable future requirements of the tribes or sections of tribes already there. The question as to the capacity of the wells and pasturage in this respect, and as to the numbers who are to retain British nationality, to be decided by the Anglo-Italian Commission which is to fix the boundary.

It must be distinctly understood that before any Somalis can be allowed to move into the British sphere under the above provision they must be individually registered."

The Italian Delegation asked for time to consider this formula.

5. The meeting then proceeded to discuss the migration question as it figures in paragraph 2 of Article 9.

Article 9.

Sir H. Read stated that the "grazing zone" suggested in the Italian memorandum would lead to very considerable difficulties and he read to the Italian Delegation a passage from a telegram just received on this subject from the Governor of Kenya Colony.

Signor Guariglia reiterated his view that it was impossible for the Italian Government to pledge themselves to something which they considered impossible. In the progress of time and by joint co-operation it would doubtless be possible to render the meridian frontier a recognised and recognisable boundary. At present, however, this would be impracticable. The "grazing zone" which the Italians had suggested was in practice no more than an extension of the zone suggested in paragraph 18 of Lord Curzon's note to the Italian Ambassador of December 23rd, 1921.

Mr. Bottomley pointed out that Lord Curzon's suggestion had applied only to the wells and watering holes. The present Italian suggestion, however, applied to indiscriminate grazing. There was a very great difference between these two. Water, though limited, was sufficient; grazing, however, was in all cases insufficient. It was for this reason that the British Delegation would find it difficult to extend Lord Curzon's proposal.

Signor Pasqualucci explained that the area which was astride of the meridian frontier did not, strictly speaking, contain any wells at all: there

were

were merely depressions in the soil which during the rainy season were filled with water. It thus happened that in the rainy season the Deshek Wana tribes moved westwards in order to save the grazing of their own areas by using the grazing which, during those few weeks' rainy season, could be found on both sides of the meridian frontier. When the rains were over these people returned to their base at Deshek Wana. All that the Italian government asked was that this temporary migration should be allowed to continue.

Sir H. Read agreed that it was extremely convenient for the Deshek Wana tribes to pasture in the "grazing zone" during the rainy season, but pointed out that our own tribes from the west had also come to adopt this practice and that the British and Italian tribes would therefore meet in this "grazing zone" and conflicts might arise.

Signor Pasqualucci explained that the region was so vast that such conflicts were not very probable. Moreover, the tribes from the British and the Italian area were both Somali and could understand each other. It must be borne in mind that although the meridian frontier appeared very definite to us when seen on a map in the Colonial Office, yet it would be wholly unrecognisable to the natives on the ground.

Sir H. Read then informed the Italian Delegation that in any case His Majesty's Government would never permit the tribes to cross the frontier between Malka Re and El Wak.

Signor

Signor Guariglia pointed out that these two points had been expressly excluded from the Italian proposal.

Sir H. Read replied that what he meant was the whole area between these points, namely, the Kero Lola Odda Mundula line. At no point in this area would the British government allow the tribes to cross the frontier laid down in the convention.

Signor Guariglia suggested that the line was merely a line on paper and that some latitude should be given.

Mr. Bottomley explained that the line indicated in the Italian memorandum in this region coincided exactly with the line of wells on which the Garre habitually based themselves, and that His Majesty's Government could never consent to allow the Marehan to cross the frontier in this region and thereby to come into conflict with our own tribes.

Sir H. Read then suggested that the following formula might be adopted and incorporated after paragraph 2 in Article 9.

"If, however, the enquiries of the International Commission shew that during the rainy season there is, in the neighbourhood of the new boundary south of El Beru, more pasturage available than is required for the tribes in British territory, the Commission may recommend that for a certain period, not less than five years, Somalis or other natives of the transferred territory may cross the boundary to such a distance and in such numbers

as the

as the Commission may think fit, it being understood that in no case shall they be allowed to pass to the west of the line Geeschi-Ribba - El Tulli - Lakala-Teor Guda - Ramaguda. At the end of the period the position will be reconsidered in a friendly spirit in the light of the experience gained and of the requirements at that time of the tribes in British territory.

Signor Guariglia asked for time to consider this formula, and suggested that in any case the wording of paragraph 2 should be altered so as to be a reciprocal obligation and not merely an obligation incumbent upon Italy alone. This proposal was agreed to.

6. Sir H. Read then proposed that before adjourning they should examine any further points still to be considered. There was, for instance, the question of the cemetery at Kisumu and the Jebner memorial referred to in paragraph 17 of Lord Curzon's Note of the 23rd of December 1921.

Signor Guariglia stated that the Italian Government would certainly undertake the upkeep of the cemetery and memorial, and that a paragraph to that effect might be inserted in the convention.

7. As regards Article 9, it was agreed that the expression "the two governments of the British Colony at Kenya and of the Italian Colony of southern Somaliland" should read merely "the two governments",

and

and that the words "in consultation with the local authorities" should be inserted after the word "settled" in the following sentence.

8. The meeting then adjourned until Wednesday, June 4th, at 5 p.m.

MEMORANDUM SUBMITTED BY THE ITALIAN EXPERTS.

The proposed boundary between the areas which are going to be handed over to the Italian Government and the remaining territory of Kenya Colony, according to the opinion of the Italian Experts, will give rise to two kinds of serious difficulties. To eliminate or at least lessen these evils, the greatest goodwill is necessary in the interest of both parties.

I.

The first of these difficulties comes from the fact that the line of the 41st Meridian leaves all the Wajhier and Lorian areas in English territory, thus separating the Somalis who have been settled there for more than fifty years from the other groups of the same origin, who will remain in the territory to be handed over to Italy. For instance: the Mohamed Suber of Wajhier would be severed from those of Af-Mede and Deshek Wama; the Makabul of Wajhier from those living in the Bissikaya and Rama Adde area in the territory of Port Durnford.

The remedy for this separation cannot be the one which the British Government seem to have thought out by pushing the Somalis of Wajhier and Lorian with their cattle to the East of the boundary line (41st) ever since 1920, when this line was suggested.

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It is well known to the British Colonial Authorities that the feeding and watering areas for cattle of the Mohammed Suber, which are free from the "tse-tse" danger, are already restricted to those of Af-Medo and Deshek Wama. These two areas would be absolutely insufficient to feed and water also the herds which were turned out from the Wajhier and Lorian areas.

The British Authorities likewise well know of the protests raised by the Mohamed Suber and the Makabul for the evacuation measures from the last two areas.

The Italian Experts deem it their duty, therefore to draw the special attention of the British Government to what might happen in the future - that is that those Somalis who were driven out of the Wajhier and Lorian areas and crowded in the territory to be handed over to Italy, will undoubtedly tend to return to those places where the possibilities of life for their cattle are easy and safe. A series of troubles, conflicts and difficulties for the two Governments would be the logical consequence.

To avoid future evils, therefore, the Italian Experts suggest that British or Italian nationality should be optional with the Somalis belonging to those tribes who once lived in the Wajhier and Lorian areas and who, having been in part driven out, are now wandering about in the territory which is to be handed over to Italy. In this way, it would be possible

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In this connection, it would be necessary to slightly alter, by mutual agreement, article 6 of the draft Agreement.

II.

The second kind of difficulty which the proposed boundary presents, lies in the fact that some Somali tribes, who will become Italian subjects, used to cross the suggested boundary line during the rain season to take their cattle to pasture.

This question was already raised during the previous negotiations, and it was solved in part by the letter of the 23rd December 1921, N. 6102/1016 from Lord Curzon to the Italian Ambassador covering the draft Agreement.

Reverting now to the findings contained in N. 16 of the said letter regarding these temporary migrations, the Italian Experts suggest that in the Convention a clause should be inserted to the effect that in respect of the rights of migration during the rain season across the proposed boundary (rights already accrued by many years usage) the tribes or groups and families thereof who would become Italian subjects, should be allowed, during the rain season, to go as far as a line to the west of the boundary, which line could be from now decided upon as running through the following places, mentioned in the Map to be annexed to this agreement.

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By way of reciprocity, the Italian Experts would suggest to allow the groups of Somali tribes who remain British subjects to take their herd to pasture in the rain season to the East of the proposed boundary as far as a line running through the following places:

From North to South: Maddoli (on the Eil Wok-Serehly caravan route) - Kasanguri - El Hagarsu - Galja - Tubhi - Gomaredu - Gober Madaro south-western banks of the river Bubashi.

London.

2nd June, 1924.

Appendix B.

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