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# PUBLIC RECORD OFFICE

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TIGHTLY BOUND FOR ALL WORDS TO BE  
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C. D.  
13 JAN  
1926

Seal 14.1.26  
B. Stombery 15.1.26

Ind  
A. C. 993/26  
SE

Downing Street,

20 January, 1926.

J. Harding.

W. C. 1/6 f

Shuckburgh.

Grindle.

Paris.

Wilson.

W. G. Gore.

Clarendon.

Grey.

Sir,

**DRAFT** for consideration  
(4 minutes).  
THE SECRETARY OF STATE,  
FOREIGN OFFICE.

With reference to the Anglo-Italian Treaty, dated July 1904, 1926, relating to the cession of territory in Jubaland to Italy, I am directed by the Secretary Amery to transmit to you, for the consideration of Secretary Sir Austen Chamberlain, the accompanying copy of a despatch which has been received from the Governor of Kenya, regarding the effect of the Treaty upon persons of Somali origin who are natives of the Area of British Somaliland Protectorates, and who were in the transferred territory at the time of the cession.

gov. 9th Nov.

2. In Mr. Amery's view, the Somalis in question may be considered

C. D.  
18 JAN  
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See 14.1.26  
Boltomley 15.1.26

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Aust 993/26  
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Downing Street,

20 January, 1926.

- Mr. E. J. Harding.
- Mr. Strachey. 7/6
- Mr. J. Shuckburgh.
- Mr. G. Grindle.
- Mr. C. Davis.
- Mr. S. Wilson.
- Mr. Ormsby-Gore.
- Earl of Clarendon.
- Mr. Amery.

Sir,

**DRAFT** for consideration  
(v. minute).  
UNDER SECRETARY OF STATE,  
FOREIGN OFFICE.

With reference to the Anglo-Italian Treaty, dated July 15th, 1924, relating to the cession of territory in Jubaland to Italy, I am directed by Mr. Secretary Amery to transmit to you, for the consideration of Secretary Sir Austen Chamberlain, the accompanying copy of a despatch which has been received from the Governor of Kenya, regarding the effect of the Treaty upon persons of Somali origin who are natives of the Aden or British Somaliland Protectorates, and who were in the transferred territory at the time of the cession.

2. In Mr. Amery's view, the Somalis in question may be considered

9 the above

*one or other of the following*  
as falling within ~~two~~ categories; as follows

(a) Those who were not ordinarily  
resident in the transferred territory.

It is presumably to this class that

Mr. Hope  
Lieutenant Colonel King, the Senior British

Commissioner, drew attention at the meeting

of 16th July at Kisumayu, to which reference

is made in paragraph 2 of the Governor's

despatch. The case of British subjects

and British-protected persons who were not

ordinarily resident in the transferred

territory at the time of transfer is not

provided for in Article 6 of the Treaty; and

there can be no doubt, in Mr. Amery's view,

that the status of such individuals was not

affected by the Treaty, and that, consequently,

Somalis of the Aden or British Somaliland

Protectorate who were not permanently resident

in the ceded territory retained the status of

British protected persons after the cession.

Mr. Amery would be glad, however, if Sir

Austen Chamberlain would consider the

advisability

*The phrase "not being Somalis" only is taken to except those who come within the description of "such persons".*

advisability of obtaining the formal  
concurrence of the Italian Government  
in this view.

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(b) Those who were ordinarily  
resident, at the time of the transfer, in  
the transferred territory. In accordance  
with the terms of the second paragraph of  
Article 6 of the Treaty, such individuals  
lose the status of British protected  
persons on the transfer, and acquire  
Italian nationality without the option of  
retaining that status by withdrawing.  
Mr. Amery agrees, however, with the  
Governor in considering that in <sup>the</sup> framing of  
this Article of the Treaty, the possibility  
of Somalis other than Jubaland-born  
Somalis being resident in the transferred  
territory was <sup>probably</sup> overlooked; and having  
regard to the evident intention of the  
first two paragraphs of the article, that

the

*definitely forming part of the ordinary population of*  
the persons born within the transferred

territory, and no others, should be com-

*to Italy alone*  
pulsorily transferred/ ~~together~~ with the  
territory, he is of the opinion that the  
word "Somali" in the Article should  
be interpreted as including

*having no connection with a country outside*  
only Somalis born ~~within the transferred~~

*accordance with this view*  
territory ~~itself~~. In this ~~way~~, Somalis of

the Aden or British Somaliland Protectorates,

even if ordinarily resident in the transferred

territory, would have the right to retain

*as British protected persons*  
their ~~existing~~ status, on condition of with-

drawal within twelve months of the 29th of

June, 1925, the date of the actual cession.

Mr. Amery would suggest that, subject

to Sir Austen Chamberlain's concurrence, the

position of Somalis in this category should be

represented to the Italian authorities, with

a view to obtaining the agreement of the

Italian Government to the interpretation of

this portion of the Treaty in the manner

proposed above.

I am, &c.,

(Signed) C. STRACHEY