

KENYA
16312

C O
16312
18-0
of 5 7 21

FROM

ABYSSINIA

1021

RE-OCCUPATION OF GADDANZA

APRIL

Tr copy desp. from Lord Allenby enclosing extract from Sudan Intelligence report concerning an effect of re-occupation on the Abyssinian Govt.

Previous Paper

1

See 707172014

act

4 Apr

Previous Paper

C.O.
15312

THE RESIDENCY,
CAIRO,

190

22nd Dec, 1901.

My Lord,

With reference to a despatch No. 16
of January 1901, the enclosed by Major ...
to Your Lordship relating to the reconnoissance
of SALEDADUMA. I have the honour to transmit
herewith for Your Lordship's information an
extract from the Sudan Monthly Intelligence
Report for January 1901 on the subject.

I have the honour to be
with the highest respects

to you,

Yours faithfully,
Colonel ...

W. G. ...

W. G. ...

The ...

etc., etc., etc.

Extract from the ...

1851

... to the ... of ...
 ... in ... of ...
 ... position of ...
 ... as ...
 ... by the ...
 ... that that have ...
 ... British Government ...
 ... in the manner of their settlement of the
 ... land question. ... therefore they would look on ...
 ... measures ... the Southern Frontier ... at least ...
 ... not on our part, they may quite possibly ...
 ... ment by putting every sort of ... in the way of
 ... Major Hawkins.

Handwritten notes and scribbles on the left margin.

Handwritten notes and scribbles in the lower left area.

Handwritten notes and scribbles in the lower center area.

re many, and the 20. do not know
power for early decision in case of
the altitude which last 8 yrs has
exceeded some times that in winter
differs but answers that
now accounts for
found at Station

The matter is
since after a
but finding out
it will be expected and
months before

1813

John P. 76



5/4/21

Read

193

In a few days time you will
receive from us an official
enclosing copies of a new
convention for the Cession
of the land, submitted by
Italian Govt.

It differs from our last
one in many respects, both
in form & substance & it
will probably save a good
deal of time if you could send
one over to talk to
them & myself about it

any further communication
subject to your order
A 2007/12/60
to any person by name

FOREIGN OFFICE

S.W.I.

April 27th 1941.

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

C O
16660
APR 27 1941

Sir,

With reference to your letter of the 16th inst., I am directed by Earl Curzon of Kedleston to transmit to you, herewith, copy of a note from the Italian Ambassador enclosing a revised draft convention for the cession to Italy of part of Jubaland.

Most of the alterations proposed by the Italian Government appear to be matters for the consideration of the Secretary of State for the Colonies. The following observations are made to Earl Curzon.

The first is that the following observations are made to Earl Curzon. The second is to deal with the provisions of the treaty of 1891 between Italy and the United Kingdom. The third is to deal with the provisions of the treaty of 1891 between Italy and the United Kingdom. The fourth is to deal with the provisions of the treaty of 1891 between Italy and the United Kingdom. The fifth is to deal with the provisions of the treaty of 1891 between Italy and the United Kingdom.

It will be seen that the Italian Government has proposed to cede to Italy the territory of Jubaland.

Under Secretary of State,
Colonial Office.

195A

ITALIAN EMBASSY,
London.

March 24, 1921.

My Lord,

In accordance with instructions which have just reached me, I have the honour to submit to Your Lordship a draft of the alterations which the Italian Government wishes to be made in the draft Agreement for the transfer of various territories in Jubaland, handed to me by Mr. Spedding on March 6, 1921.

In order to make the explanation easier and more clear, I have the honour to transmit to Your Lordship a draft agreement containing the alterations which the Italian Government proposes should be made in the British draft.

The reasons which induce the Italian Government to make these alterations, are set forth in the memorandum also transmitted.

With the request that Your Lordship would be good enough to inform me of the views of the British Government on the above mentioned alterations.

Very respectfully,
The Secretary of Legation,
etc., etc., etc.

DEULT AGREEMENT FOR TRANSFER OF THE
 TERRITORY OF JUBALAND TO ITALY.

Article 1.

His Majesty the King, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in his own name and on his own behalf and, by virtue of his Protectorate over Zanzibar, in the name and on behalf of His Majesty the Sultan of Zanzibar, so far as the latter may be concerned, transfers to His Majesty the King of Italy all sovereign rights and titles over that portion of African territory lying between the present Italian colony of Southern Somaliland and a new boundary line determined as follows:— From the confluence of the rivers Gedale and Bana, along the course of the Bana up-stream to the southern point of the small islet on the left bank of the latter river in the vicinity of Malka Ra; thence in a south-south-westerly direction in a straight line to the centre of the peak of Dumasa; thence in a south-westerly direction in a straight line towards Efila Kalla to such meridian east of Greenwich as shall leave in Italian territory the most easterly wall of practical utility in the area of El Wak; thence along the same meridian southwards until it reaches the boundary between the provinces of Jubaland and Tanaland; thence along that

provincial boundary to the coast at Ras Kiambone
(Dick's Head).

The above boundary is shown on the attached map,
and all references in the above description of the
boundary are to this map.

Article 3.

Whenever it may be impossible to find the places
named on the map, their positions shall be accepted as
shown by the line traced on the map, it being agreed
that the boundary line from the confluence of the
Ganale and Dawa rivers as far as the most easterly
well of practical utility of the El Wak group shall
coincide as far as possible with the present political
boundary of Ethiopia and therefore with the present
boundary between the Northern Frontier Province and
that of Jubaland (District of Serunli), i.e., as far
as the most easterly well of practical utility of the
El Wak group, which shall be included in the territory
to be ceded to Italy; shall then follow in a westerly
direction to the well and shall cover the
last territory contiguous with the boundary between the
Province of Jubaland and that of Tigray as far as
Ras Kiambone (Dick's Head), which shall remain within
the territory to be ceded to Italy.

Article 4.

The Government of the Kingdom of Italy
agrees to the ratification of the Treaty of Commerce

with His Highness the Sultan of Zanzibar dated May 28, 1885, if the other Powers renounce similar agreements made by them with His Highness the Sultan.

After this cancellation shall have taken place, Italy shall be substituted for the Treaty a Convention which, in addition to the most-favoured-nation clause, shall retain the provisions of Articles 1 (second part of first paragraph, and second paragraph), IV, VI, X, and XI of such Treaty.

Article 5.

The Government of His Majesty the King of Italy shall indemnify the Government of His Highness the Sultan of Zanzibar, for any loss of nett revenue arising out of the present transfer of territory and shall pay to the latter, as an indemnity which shall in no wise represent a tribute implying any survival of sovereignty, any annuity which may hitherto have been paid by the British Government to the Government of Zanzibar.

The Italian Government shall be entitled at any time to effect the discharge of any obligation undertaken under the preceding paragraph, by means of the payment of a sum due to the Government of His Highness the Sultan of Zanzibar. The Government of His Britannic Majesty undertakes to use its good offices in order to obtain acceptance of that sum on the part of the Government of His Highness the Sultan of Zanzibar.

Article 6.

The Italian Government undertakes that if it shall at any time desire to abandon all or any part of the territory transferred to it as above, it shall offer the same to the British Government upon such terms as may be just.

In the event of any differences between the two Governments as to the terms of transfer, the question shall be referred to arbitration in accordance with the provisions laid down by the League of Nations.

Article 7.

British subjects resident at the date of the present Agreement in the territories to be transferred shall be at liberty to retain their nationality without being obliged to withdraw from the territory and to dispose of their property. In all matters relating to the conduct of their business, industry, and professions, they shall be entitled to the same treatment as their co-nationals in the remaining territory of the Italian Colony of Southern Somaliland.

Article 8.

The Italian Government binds itself to recognise the validity of all concessions and of all property rights acknowledged as valid by the former Government, and to transfer to the Italian Government all rights and obligations concerning the said concessions and property.

It is agreed that the concessions and property

Rights shall be exercised in accordance with the general laws and regulations in force in the Italian Colony of Italian Somaliland and that the Italian Government may impose on the concessionaires and proprietors all limitations necessary for the execution of works of general utility, without this imposition entitling ~~these~~ subjects to compensation or indemnity greater than that which Italian subjects might be entitled to in similar cases.

Article 9.

British subjects and protected persons resident or trading in the ceded territory and not belonging to the native races thereof, shall be entitled to withdraw from such territory within twelve months, taking with them their personal property of every description, without payment of any import or export duties of any kind.

(Article 10 of the English proposal has been cancelled, being incorporated in Article 4 of the present draft).

Article 10.

(See also the English proposal).

All treaties, conventions and agreements entered into by the Government of His Britannic Majesty and the Government of His Highness the Sultan or Emperor and the Government of His Majesty the King of Italy applicable to the Italian colony of Italian Somaliland and at present in force, shall be extended to

territory now transferred in accordance with the present Agreement.

(Article 12 of the English proposal has been cancelled; see Article 4 of the present draft).

Article 11.

(See 13, 14, and 15 of the English proposal).

The two Governments of the British Colony of Kenya and of the Italian Colony of Southern Somaliland shall come to the necessary agreements with regard to the special conditions of time and place for evacuation by the English troops of the territory to be transferred and the entry of Italian ~~army~~ garrison troops; they shall settle the conditions of transfer to the Italian Government of the Government buildings existing within the territory which the latter might wish to acquire from the British Government and of the wireless telegraph installations at Kismayo and Berenfi. The Italian Government binds itself to respect the rights of ~~Bushose~~ pensioners remaining at Yonti, in accordance with the ~~general~~ laws and regulations of the Italian Colony of Southern Somaliland.

Article 12.

(See 16 of the English proposal).

The manner in which the present Agreement shall be carried out shall be settled on the spot by British and Italian officials appointed for the purpose by the two Governments of Kenya Colony and Italian Somaliland.

MEMORANDUM

PROPOSED BY THE
TO THE DRAFT AGREEMENT
(MARCH 1920)
FOR TRANSFER TO ITALY OF
VARIOUS TERRITORIES IN SOMALILAND.

Article 1. The text of the preamble of the draft agreement has been altered for the purpose of making clear that in the present negotiations Great Britain is acting not only as protecting power of the Sultanate of Hamar, but also on behalf of the latter, and that therefore all rights of sovereignty which His Highness the Sultan has over the said territory shall be transferred to Italy. It is more necessary to make this point very clear as "protected persons" are improperly referred to in the agreement proposed by the British Government, whereas it is obvious that there will only be Italian subjects in the territory ceded to Italy, all traces of dominion by the Sultan or of British protection disappearing from the moment when such territory becomes part of Italian Somaliland.

Nothing has been altered in the textual description of the new boundary line, that proposed by the British Government being clear. It is nevertheless desirable to point out that the group of wells of El M... has not been surveyed nor the extent thereof exactly defined and that the position of the most

eastern wall of the El Wak group will therefore have to be defined in due course, as it will practically become a fundamental point of the new boundary line.

Article 2. It would appear to be well to make the following alterations in the map submitted by the British Government, viz:-

(a). Alteration of the boundary from Unsi to Nalka Re, as the boundary marked on the said map crosses to the left bank of the river, an Abyssinian territory;

(b). Indication of Gilla Kalla (Dol Gado) well as the one appearing to be the most eastern wall of the El Wak group, subject to a more exact survey on the spot;

(c). Completion of the administrative boundary line between Jubaland and Italian Somaliland, a clerical omission, has not been noticed in the map submitted by the British Government). In such a way that the new political boundary between the two countries should coincide with the present administrative boundary, all Cape Kiambone ~~and the following~~ ^{territories} thus remaining within territory to be transferred to Italy.

As the line has not yet been completely traced, it is agreed that it cannot override the textual description, but should be incorporated in the same.

Article 3. For the reasons given above, it has been considered well to propose the alteration of article 3, in accordance with the reservation contained in the draft Agreement as to observing local requirements in tracing the new boundary line.

Article 4. As the Italian Government cannot alone cancel the Treaty of Commerce with Zanfir without

finding itself in a position inferior to that of other Governments which have not renounced the same, it was decided that this cancellation should be made conditional on acceptance by all the other States who have treaties of Commerce with England.

Article 2. The alterations have been made for the purpose of making clearer:

(a) That the indemnity to be paid to the Sultan of Turkey ~~shall~~ refer to ~~both~~ and not to gross loss of ~~territory~~;

(b) That the indemnity to be paid to the said Sultan should have a financial character, without implying the renunciation of any remaining sovereignty held by that Sultan;

(c) That the Italian Government reserves to itself all liberty of action with regard to eventual redemption of the annual indemnity.

Article 3. The alteration made is intended to establish that the arbitration to which the retrocession of territory to the British Government might be submitted should be carried out in accordance with the provisions of the Convention of the League of Nations.

Article 4. This Article (as also by Articles 8, 9, and 10,) asserts the general principle that the laws ~~and~~ ~~regulations~~ as those applicable to British subjects resident on Italian soil shall be made applicable to those residents in the territory to be transferred.

Article 5. It was considered expedient to make it clear that the respect due to concessions and rights already recognized by the former Government shall not exclude the power for the Italian Government to impose on

4.

the said concessionaires and proprietors all limitations which might be considered necessary for the execution of works of general utility (irrigation, barrages, etc.) without this imposition entailing to the right of compensation or special indemnity, other than the rights granted to all Italian subjects in similar cases,

Article 2. The Italian Government considers it necessary to specify that by "protected persons" the natives of the territory to be transferred should not be understood.

In the draft transmitted herewith it was considered expedient to cancel Article 10 of the Agreement proposed by the British Government, not only because Article 4 of the said draft refers to the substitution (in place of the Treaty of Commerce) of a Convention which shall retain the stipulation regarding commercial and industrial rights, but also because the British Agreement speaks of political rights, whereas it is obvious that these rights cannot be granted to Italian subjects only and that foreign subjects cannot be excluded from those particular measures to which they are ordinarily subject.

~~Article 10~~ The information has been made by the British proposal.

In consideration of the fact that, in consequence of the extent assumed during the course of negotiations by the territory to be transferred to Italy, it would be less necessary for the Government of British East Africa to use the port of Kisumu (as all the inhabitants of the right bank of the Juba are to some under Italian sovereignty), and that the British Government would furthermore be assured within the ports and waterways

of the territory to be transferred as Italy of the treatment provided for by the Convention of Saint Germain, the Italian Government proposes that Article 11 of the Foreign Office Draft should be done away with, referring to the transfer to the British Government of the rights not granted to Italy in the part of Ethiopia.

Article 11. This Article includes 12, 14, and 15 of the British proposal with regard to garrisons, Government buildings, the Landmass possessions of Yendi, and wireless installations, it being suggested that settlement of these matters should be left to the Local Governments. (With regard to this question, the Italian Government expresses the wish that instructions might be sent to the Government of British East Africa to the effect that all available rather than strictly financial estimates should be made of the works and buildings, the value of which is known to be small and which are in bad condition.)

Article 12. In this Article it was thought well to add that, when fixing the frontier line and settling other particulars of the agreement, account should be taken of the requirements for assistance and for accommodation of the inhabitants residing in the vicinity of that frontier.

LONDON:

DRAFT

1847
No.

See

Account to Cash Treas

Account to Cash Treas

MINUTE

The 22^d of the month of the

- Mr. J. H. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]

of the [unclear]

of the [unclear]

of the [unclear]

of the [unclear]

of the [unclear]

of the [unclear]

of the [unclear]

of the [unclear]

~~8~~ [unclear]

I should be glad to be furnished with any information that may be in your possession with regard to the El Wak group of wells, and to receive any observations that you may have to offer us, to the form or words which it is desirable to adopt on this point.

Article II.

No objection is seen to the requests made in notes (a) and (c) of the explanatory memorandum; but there appears to be no necessity to alter the map, as suggested in note (b), with a view to indicating more clearly the position of the most easterly point of the frontier.

The line of the frontier from the north to the south of the El Wak wells does not coincide with the present official boundary, inasmuch as it crosses the El Wak River from a point north to the west of the El Wak River, and the official boundary begins; but if the Italian Govt. desire to accept the provincial boundary as the frontier no objection is seen. Your proposals have already been asked for to be expressed in "practical utility" and "practical utility" terms.

The proposals for the frontier from the north to the south of the El Wak wells does not coincide with the present official boundary, inasmuch as it crosses the El Wak River from a point north to the west of the El Wak River, and the official boundary begins; but if the Italian Govt. desire to accept the provincial boundary as the frontier no objection is seen. Your proposals have already been asked for to be expressed in "practical utility" and "practical utility" terms.

The proposals for the frontier from the north to the south of the El Wak wells does not coincide with the present official boundary, inasmuch as it crosses the El Wak River from a point north to the west of the El Wak River, and the official boundary begins; but if the Italian Govt. desire to accept the provincial boundary as the frontier no objection is seen. Your proposals have already been asked for to be expressed in "practical utility" and "practical utility" terms.

DRAFT

which to Italy has greatly increased over that originally offered, the immediate cancellation of the Treaty of 1885 must be referred to the consideration. On the cancellation of the existing Treaty it would appear reasonable to substitute for it a Convention providing most favoured nation treatment and maintaining the provisions of Articles 4 and 5 of the existing Treaty. It could not, however, agree to the retention of the second part of the first part of article I, without that part of the first part of the same paragraph, and in any case could not agree to the retention of Articles 7 and 8.

As regards most favoured nation treatment, it should be observed that the commercial provisions of the French and Portuguese Treaties remain in force, the guarantee of most favoured nation treatment would of course continue to remain the exception to the privileged conferred by those treaties to the Sultan also. It may be some little time before it is possible to secure a ratification of the auxiliary powers of the Convention of the 10th Sept. 1917 revising the Berlin and Brussels Acts, and during the interval the special position of the Italians

- Mr. Criddle.
- Sir H. Lee Scott.
- Sir G. Zook.
- Sir G. Eadie.
- Col. Jones.
- Genl. Murray.

in Zanzibar will be continued; but there appears to be no means of avoiding this. I should be glad of your observations, as "C.R. for Zanzibar" on this point and generally on the form of Convention which might be substituted for the existing Treaty.

Article V. As no expenditure falls on the Sultan in respect of the administration of the Coastal Strip, there appears to be no object in the insertion of the word "net" before "revenue", but on the other hand no objection is seen to the addition of the word "the Italian Govt. desire it. It appears

to be desirable to settle now what proportion of the ~~sum~~ ^{sum} paid by the Govt. of Kenya to Zanzibar shall be paid by the Sultan in respect of the present transfer of territory. I should be glad to be furnished with figures as to the proportion which the territory now to be ceded bears to the whole of the territory belonging to the Sultan of the mainland hitherto administered by the Govt. of Kenya. It would appear desirable to specify more exactly how the lump sum referred to in the second paragraph of this Article is to be arrived at.

It

It was originally proposed by H.M.G. that it should be calculated "in the same way as in the case of the transfer to the Italian Govt. of the rights of the Sultan of Zanzibar in the Bosphorus zone. In 1905" (see Article V of British draft); but it would perhaps be preferable to insert the ~~word~~ ^{word} amount of the lump sum in the Treaty and stipulate that the amount should be arrived at by so many years purchase of the annuity. This will be further considered on your recommendation being received as to the amount of the annuity to be fixed, and if you have any observations on the point I shall be glad to receive them.

Articles VII and IX appear to require further consideration. There are four classes of cases to be considered.

(1) British subjects now resident in the ~~territory~~ ^{territory}. ~~It is suggested that they should be allowed to withdraw from the territory with their property or to appear in the territory in any kind of capacity but that they should retain their British nationality.~~

(2) British protected persons ~~viz. subjects of the Sultan of Zanzibar now resident in the territory.~~

(3) British subjects that may reside in or visit the territory in future.

(4) British protected persons that may reside in or visit the territory in future.

DRAFT

MINUTE

- Mr. A.
- Mr.
- Mr.
- Mr. Criddle.
- Mr. H. Lambert.
- Sir H. Ross.
- Sir G. Fisher.
- Col. Amery.
- Lord Milner.

The articles in question have accordingly been re-drafted, and, subject to any observations that you may have to offer, it is proposed to submit to the Italian Government the revised draft as follows:

British subjects resident at the date of the coming into force of the present agreement in the territory transferred under Article 1 shall be at liberty to retain their British nationality without being called upon to withdraw from the territory or to part with their property.

In the event of their desiring to withdraw from the transferred territory they shall be at liberty to do so within 12 months from the coming into force of the present agreement. They shall be entitled to carry with them their movable property of every description without payment of export or import duties of any kind. They will be entitled to retain their immovable property in the transferred territory.

British protector persons
(b) ~~British protector persons~~ *British protector persons* resident in the transferred territory will acquire Italian nationality and cease to be British protector persons. *Provided however, that such persons, just being Somali, shall however, have the right to retain their existing nationality provided that they withdraw from the transferred territory within 12 months from the coming into force of the present agreement. In that event they will be entitled to carry with them their movable property.*

of every description without payment of export or import duties of any kind. They will be entitled to retain their immovable property in the transferred territory.

(c) British subjects and protector persons shall enjoy in the territory transferred under Article 1, all matters relating to the conduct of their business, industry or profession, the same rights as are enjoyed by those persons in the existing territory of the Italian colony of Southern Somaliland.

DRAFT

MINUTES

- Mr.
- Mr.
- Mr.
- Mr. Grindle
- Sir H. L. ...
- Sir E. ...
- Sir A. ...
- Sir ...
- Sir ...

... proposed line as now proposed passes
 through a tract practically unoccupied
 and if no difficulties on this point
 should arise. I shall be glad, however,
 to receive any further observations that you
 may have to offer on this subject.

DRAFT

MINUTE.

I have the honor to acknowledge
 the receipt of your letter of the 10th inst.
 in relation to the proposed line
 between the ... and ...
 and in reply to inform you that the
 same has been referred to the
 proper authorities for their consideration.
 I am, Sir, very respectfully,
 Yours obediently,
 Wm. H. ...

- Mr. Grindie.
- Mr. H. Lambert.
- Mr. H. Bond.
- Mr. G. Fiddes.
- Mr. ...
- Mr. ...

Wm. H. WINSTON & WILKINSON

this subject, please refer to
No. *A2445/2/60*
not to any person or name.

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

17034
REC'D
9 APR 21

216

THE Under-Secretary of State for Foreign Affairs presents
compliments to *the Under Secretary of State for
Colonies*
and, by direction of the Secretary of State,
transmits herewith copy of the under-mentioned paper:

*Foreign Office
8 April 1921*

Refer to its previous correspondence.

F5/6660

Foreign Office letter of April 6

Description of Enclosure.

| Name and Date. | Subject. |
|---|--|
| <i>Y Italian Ambassador April 8</i> | <i>Italian draft Agree- cession of Jubaland to</i> |

110/12/20

FOREIGN OFFICE, S.W.1.

April 2nd 1921.

Your Excellency,

I am not fail to refer to Secretary of State for the Colonies, your note of the 21st ultimo enclosing a revised draft of the agreement for the cession to Italy of part of Jubaland and the Secretary of State for the Colonies has found it necessary to transmit the text to the High Commissioner for Kamerun for the latter's observations on the various non-propriois of the Italian Government.

In the meantime, I should be grateful if Your Excellency would inform me what provision is the object which the Italian Government have in view in the last sentence of Article 12 of the draft agreement, seeing that the territory through which the proposed boundary will run, is almost entirely uninhabited.

I have the honor to be with the highest consideration,

Your Excellency's most obedient,
humble servant,
(For the Secretary of State)

R. Sheppard

Excellency
ROBINSON ROAD, SINGAPORE, IN MARTINEAU.
110/12/20