

KENYA

C O  
54349

REC'D  
PRINT 4 NOV 20

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1046

KENYA - UGANDA BOUNDARY

1920

Sept

green Paper

Trans recommendations are illustrated with sketch maps and requests decision may be notified BY TELEGRAM. Also requests ruling as to procedure necessary for notifying the new boundary.

4344 7/19  
sign

We reply

Under no circumstances  
do we agree there is no question of  
policy & we are left with that of  
the necessary authority for changing  
the boundaries of the Uganda Colony

Print just below

(as a summary of a Scanning of 1920)  
70/31344  
1. A change of the boundary of Uganda  
is to be carried out at year.

2. It is proposed to make  
a total of 1000 miles of  
unmarked distance of the 2nd Part  
of Uganda. None are contemplated

a boundaries. One of the two  
is to be marked. One of the two

is to be marked. One of the two

green Paper

ALL INFORMATION CONTAINED HEREIN WAS UNCLASSIFIED

now exists an Order of the S. G.

and by the 1902 Act, gives to  
the boundaries are  
the S.M.R., authority to keep the  
boundary O.G.C.?

The S.M.R. is already correct for  
Uganda

Act 44 of 1890.

You will notice that the territories are  
different defined in the two Orders.

1902 - Uganda by Provinces & 1905  
by a division of provinces, which  
includes "B. West by the Uganda  
Protectorate". That description will be  
replaced, but there is only one  
alteration of the territories within the  
meaning of the interpretation of Art. 1.

Act 44 of 1890.

Mr. Bottomley,  
Sir, etc.

(1) I incline to think that the power conferred  
by article 11, of the two Orders of 1902 is confined to  
defining the boundaries of the territory actually  
within the limit of the same at the time of the exer-  
cise of the power. I therefore should agree with the  
Acting Attorney-General that this power does not extend  
to adding to or subtracting from our territory by means  
of Proclamations defining boundaries.

(2) Additions or subtractions of territory were  
provided for by article 11 of the two Orders of 1902, and  
so far as Uganda is concerned a Secretary of State's

Order under article 1 is effectual for such a purpose.

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I understand however from you that the present proposal the Colony of Kenya whilst receiving a large amount of territory from Uganda is to give the latter a smaller amount of territory in exchange.

Since the Annexation Order in Council of 11th June, 1920, the territory included under the East Africa Order in Council, 1902, in the East Africa Protectorate has (except for the coast strip) become part of His Majesty's Dominions as the Colony of Kenya, and though the Orders in Council relating to the East Africa Protectorate were in general terms saved by the Annexation Order in Council and continued in force for the new Colony I have little hesitation in saying that you cannot by means of a Secretary of State's Order under article 1 of the 1902 Order in Council convert territory which is now part of His Majesty's Dominions into technically foreign territory as part of the Uganda Protectorate.

In fact I think that the last paragraph of article 1 of the East Africa Order in Council, 1902, is a provision which article 4 of the Annexation Order in Council excepts from application to the Colony of Kenya as being "repugnant to the provisions of any Act of Parliament which may, by reason of the annexation hereby declared, become applicable to the Colony".

The Colony being a British Settlement within the last mentioned Act I do not think that you can properly alter its boundaries otherwise than by Order in Council. In the present case having regard to the provisions of Articles 2 and 6 of the

Annexation Order in Council we could have a  
Prerogative Order amending article 2 of that Order,  
and the Nigeria Boundaries Order in Council, 1913,  
would afford a suitable model.

I doubt whether the alternative method of  
procedure - by Order in Council under the Colonial  
Boundaries Act, 1890 - is appropriate unless all the  
territory to be affected by the Order is already  
part of His Majesty's Dominions.

In the present case it is necessary to  
annex and include in His Majesty's Dominions all the  
territory within the new boundaries which is not yet  
part of His Majesty's Dominions (cf. Nigeria Order,  
article 5) and to dis-annex that part of the terri-  
tory annexed by the Annexation Order in Council  
which is now to be included in the Uganda  
Protectorate.

If the Uganda and Kenya authorities can  
come to a practical modus vivendi not likely to  
involve any legal difficulties arising out of the  
exchanges of territory, it would be as well to  
wait till we can have a comprehensive Order dealing  
with all the boundaries of Kenya (as contemplated  
in paragraph 3 of our despatch of 14th of July  
20025).

If not we can have an interim ORDER  
settling the western boundary of the Colony.

11  
10/11/20

Mr. Riley  
I fear I will not be able  
to meet you at your office  
on Friday afternoon or Saturday -  
but I will try to get out  
at 10.30 AM on Saturday -  
or earlier if you give me the

area between Belvoir Roads &

The Yellow Line

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The question is whether the 1907  
Agreement you have found to make  
the boundaries of the Colony clear & definite  
is not - and has not been  
superseded by the arrangement of  
January. Sir W. Carter has said  
it hasn't which has led to the present  
modification.

It will affect your statement of  
the situation, but, & in view of the  
fact that in my short leave to  
Kenya I have had, the durability  
of existing seems best to hold good

Loc. 4 10.20

Sir Hesketh

Then I wish

(yes - but the first asks for a tel: i SA 10/11/20  
10.30 + we had better talk  
the Party by tel. and at once  
the matter stands

SA

10/11/20

KENYA AND THE  
AFRICA PROTECTORATE

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1049

GOVERNMENT HOUSE,  
C. O. N. Y. 1924.  
54349  
27 September, 1920.  
Rec'd  
Rec'd 4 Oct 20

My Lord,

I have the honour to refer to Your Lordship's telegram of the 18th September, 1919, intimating approval to the provisional boundary proposed between Kenya Colony and the Uganda Protectorate and to report that in view of the joint representations of our local officers respectively in charge of the Karamoja and Suk tribes Sir Robert Coryndon and myself now desire to recommend a deviation of the line suggested between Mounts Moroto and Elgon. I attach a sketch-map of the area concerned showing our original proposals in green, and the revised line, now advocated in yellow.

2. As a result of a despatch received from Sir William Carter towards the end of January, it appeared that if the frontier were to run through Mount Debasién, as approved, practically all the Ngipian clans would be cut off from the rest of the Karamoja tribe, and that many sections of the last-named community would be cut off from

acustomed

RIGHT HONOURABLE  
SIR COUNT MILNER, P.C., G.C.B., G.C.M.G., &c., &c.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W.

accustomed to use during the dry season. As ethnographical considerations and the avoidance of past animosity between these contiguous tribes were the main desiderata, which it was intended to ensure by a re-adjustment of the boundary, Sir Charles Bowring with the concurrence of the Acting Governor of Uganda, decided to re-open the question in a personal interview with Captain Turpin, Assistant Superintendent of Police, Uganda, and Mr. D.R. Crampton, the local District Commissioner, both of whom possessed an intimate knowledge of the frontier problems in the area concerned. The result of this discussion was an unanimous recommendation to adopt the revised line now submitted, which would preserve their customary grazing grounds to the Karamoja, and would provide continued use of certain water holes on the Kanyangareng River for the Suk tribe. The new proposals were communicated to the Uganda Administration and it was resolved to await the return of Sir Robert Coryndon and myself before forwarding definite recommendations to Your Lordship.

3. I attach a rough description of the provisional boundary, as amended, for Your Lordship's consideration, and with a view to an early settlement of the matter, I would appreciate an expression of your views by telegraph.

4. If the new line is approved, I am of opinion

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opinion that the necessary demarcation can be carried out by a joint tour of the local Administrative Officers of both Governments and that the assistance of a trained Surveyor can be dispensed with, as I understand the line described presents marked natural features every few hours and is acceptable on ethnological grounds to the native communities affected. I am consulting the Uganda authorities, however, on this aspect of the question.

5. I may add, in this connection, that Karamoja and Suk representatives met at Kacheliba in the presence of their European officials on the 18th March and agreed to sink their past differences with the appropriate tribal ceremonies. They expressed their willingness to leave the adjustment of their boundaries and grazing claims to the European authorities. It is gratifying to note that the unrest which had prevailed between these tribes for the past 18 months has been dispelled by an amicable settlement, and I am confident that there will be no cause for reviving former feuds if the above recommendations can be effected.

6. There is only one further point which I am advised requires a definite decision and that is the proper method of legalizing a new frontier, when this is delimited. The ruling contained in Your Lordship's despatch No. 1053 of the 10th October, 1919, was referred to my new officers, and I attach a copy of an opinion

52811/9

opinion by the Acting Attorney General  
questioning the validity of a Governor's  
Proclamation for the purpose in view. I shall  
be glad to be informed in the circumstances  
what form of promulgation is to be followed  
when the time arrives for notifying the new  
line of frontier which it has been decided to  
adopt between Kenya Colony and the Uganda  
Protectorate.

7. A copy of this despatch is being  
forwarded to the Governor of Uganda.

I have the honour to be,

Your Lordship's

humble, obedient servant,

*Edward Natkey*

GOVERNOR.

M.A. 29.9.1920

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ROUGH DESCRIPTION OF THE PROVISIONAL BOUNDARY  
OF THE COLONY OF KENYA AND THE UGANDA PROTECTORATE.

The whole line would run as follows:-

- a. Commencing at the Crater of Mt. Elgon the boundary follows the main North Western arm of the two streams forming the Shonai on Turkwell River.
- b. To its confluence with the second.
- c. Thence down the Shonai on Turkwell.
- d. To the junction with the Pukwa River.
- e. Thence Northward along the Eastern foothills of Mt. Elgon.
- f. To Mt. Kiwa (Drooping head).
- g. It now follows the rocky ridge formerly the watershed between the Turkwell and Kiboko Rivers, and through the highest point of that ridge which is collectively known as Kogipia (mist before rain).
- h. To Sagat Hill (Twin peaks).
- i. To Korkurao Hill (Spear Sheaths).
- j. Thence to the round hillock near Korkurao Hill.
- k. From whence it runs to Ko'ngotinio Hill (Lion Rocks).
- l. Thence in a straight line across the Fanyangarang River (Dark brown water) at its junction with the Potzige River (Fresh goat dung) at Karingole (white sand).
- m. Thence North West along the Notzige River to its source at the North Western end of the Chemeroni Hills at Talabumian (meaning very swollen).
- n. Thence along the escarpment forming the watershed between the river Nile and Lake Rudolf to Mt. Zellia on the boundary of the Anglo-Egyptian Sudan.

24th December, 1919.

M.1350/19.

The Hon'ble  
Ag. Chief Secretary,  
Nairobi.

re: UGANDA AND E.A.R. BOUNDARIES.

Ref: M.C.11962/I/61a of the 19th December 1919.

Many thanks for the loan of your file which discloses a considerable amount of information not before me when I wrote my memo of the 17th instant.

The draft notice enclosed in (31) clearly discloses an alteration of the existing common boundary between the East Africa Protectorate and Uganda, namely, "so as to leave Mount Moroto & Mount Dabirien in Uganda and Kacheliba in East Africa".

Looking at section 6 of the East Africa and Uganda Orders-in-Council of the 11th August, 1902, respectively - see (33) - I have considerable doubt as to the validity of a Proclamation in this instance unless the Secretary of State's despatch (33) can possibly be construed as a direction from His Majesty:

Section 6(1) reads: "The Commissioner may with the approval of the Secretary of State by proclamation define any boundaries of the territories for the time being within the limits of this Province, and may divide such territories into provinces or districts in such manner and with such subdivisions as may be convenient for purposes of administration describing the boundaries thereof and assigning names thereto."

(2) If a question arises whether any place is or is not within the Protectorate, or within any provinces and such question does not appear to be determinable by any such Proclamation or other evidence which can be shown to the Commissioner and a certificate under his hand and seal shall be conclusive on the question, and judicial notice be taken thereof.

The existing common boundary was settled by the two Orders-in-Council of the 11th August, 1902.

Section 6 in both Orders gives power to define any boundaries of the territories for the time being within the limits of the respective Orders. The limits of the respective Orders are clearly defined in Sections 1 and it would appear therefore that on a strict construction of Section 6 that a Proclamation is not inappropriate and the proper machinery is that provided by Sections 1 of the Orders "If His Majesty is pleased to direct that any other territories for the time being under the protection of His Majesty shall form part of the East Africa Protectorate, those territories shall, from and after a date to be fixed by an Order of the Secretary of State, be deemed to be within the limits of this Order. In like manner if His Majesty is pleased to direct that any territories for the time being forming part of the East Africa Protectorate shall cease to form part thereof, those territories shall, from and after a date to be fixed by an Order, no longer be within the limits of this Order".

A similar section occurs in the Uganda Order. Certain

parts of the Victoria Nyanza were placed within the Uganda and East Africa Protectorate by Orders Both dated the 15th July, 1904, and signed by the Secretary of State see Ordinance 3 Regulations Vol. VI at page 86. Uganda does not appear to have noticed the subsequent difficulties and I think before action is taken attention should be directed to the point.

Sd/- IVON L.O. GOWER,

AGT ATTORNEY GENERAL.

**DRAFT.**

MINUTE.

W. 1315 15-14. 2

Mr. Leister 15 Nov 20

Mr. Botany 16-11-26

Mr. Grundy

Sir H. Lamberton.

Sir H. Bond.

Ver. G. P. Glaser.

F. J. Amory

*Lord Malloony*

for Kenya  
54349

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R. E. A.

Ind. 6/2

100% for  
p. 4. W.D.

DRAFT.

MINUTE.

Mr. B. 15/11/20

Mr. Cushing 15/11/20

Mr. Bottemy 16/11/20

Mr. Grindall V

Mr. H. Lambert

Mr. H. Reed

Mr. G. Fiddes

Mr. Amery

Mr. Miller

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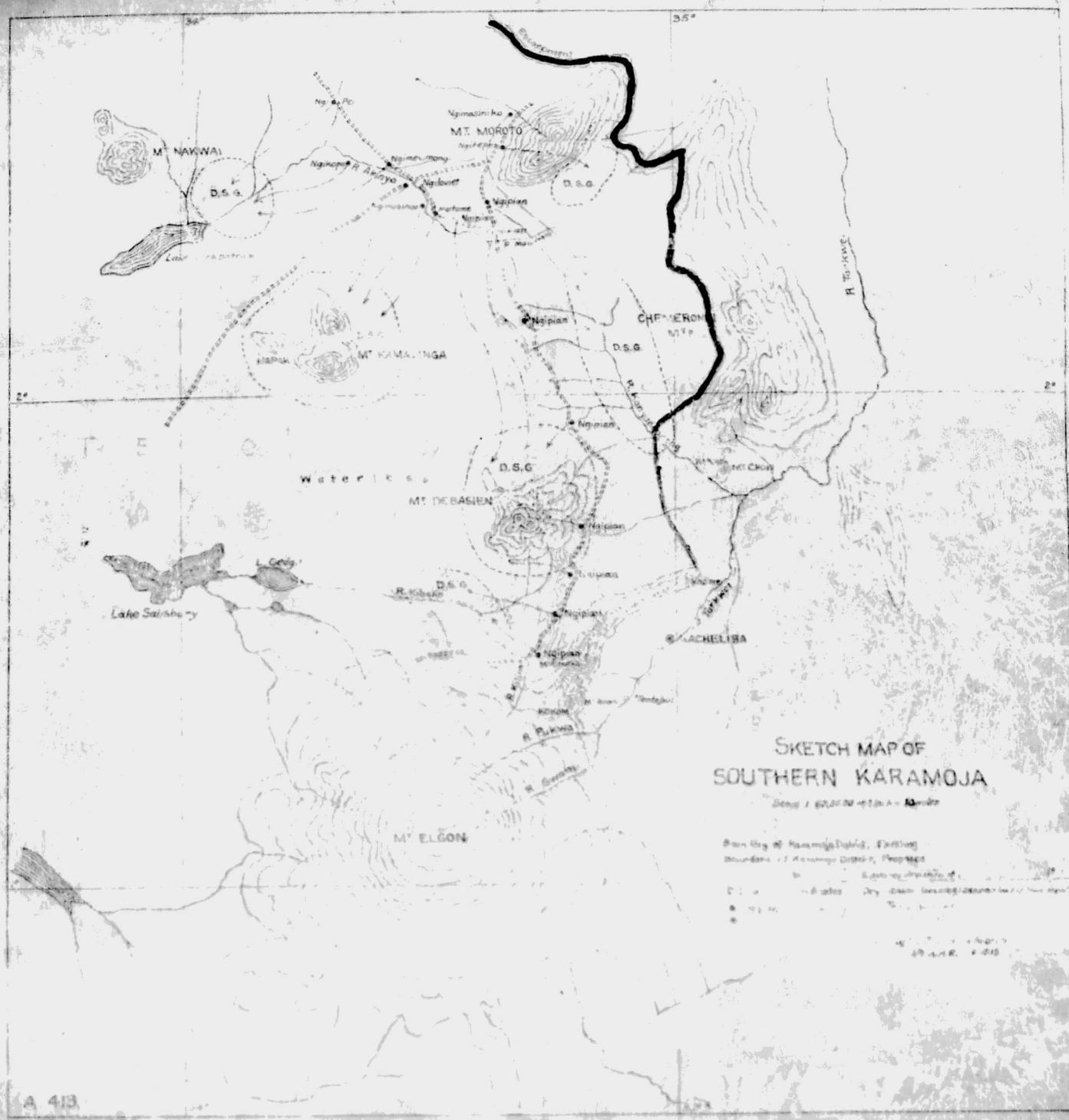
possible question

to the

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Enclosures of

1 Map



SKETCH MAP OF  
SOUTHERN KARAMOJA

Sample 1: 462,000,000 yr old rock = 100 m thick

Brown Bag at Hammett District, Fort Wayne  
Wednesday, 15 November 1989, Proprietary

குடியரசு முதலாளி பேரவை தலைவர் அமைச்சர் என்று நிர்ணயித்து விடப்பட்டுள்ளது.

新嘉坡。宋慶齡