

EAST AFR. PROT.

1345

14 JAN 11

1345 ¹⁰/₁₁

730
1910
December
Previous Paper

The Report and I send the Anglo-Italian International Commission. It will be doubt be discussed with Sir Z. Girard. This Commission has already been discussed.

Copy to [unclear] (with [unclear])
Copy to [unclear] (with [unclear])
admitted 2 H.C.
Please No 16/10/11 to 16/11/11
21/11/11
24
1000
Subsequent Paper

Mr. Fisher
I have gone through the report with
Dr. P. [unclear].

Resolution 1-4 require no comment
Res. 5 This must stand over until the
matter can be put into the local
authorities. So inf. the [unclear]?

Res. 6 This might be accepted subject
to the encouragement of the Italian part, but
line 7 for the words "to regulate"
should be substituted the words
"to make any further proposals for the
regulation of the river, subject to the
concurrence of their respective governments."

Res. 7 accept, subject to the [unclear]
[unclear] if possible

of the 1st para. In 1st para. of opinion
that as far as the Br. ^{govt} is
concerned the office should not necessarily
be permanent but made available from
the ordinary political staff of the Ministry
combining this work with his other duties.

Res. No 8 ? accept, subject to substitution
of Ex. Office for permanent in 4th
line

The title attached to this Resolution
seems premature & it would be better to
revise the machinery gradually

Res. No 9 No comment

Res. No 10 This should remain in abeyance
for the present (see above under
Res. No 8). The matter will eventually
require careful attention by the legal
authorities more especially as regards
the question of Ex. vs. Judicial process

Res. No 11 No comment

Res. No 12 This should be considered as
the first instance of the local customs
authorities

Res. No 13 This is primarily a matter of
international law for it deals with the
P. Ground does not attach any great
importance to the retention of the sand
split between A + B as Br. territory

As it appeared possible to instruct the Br.
govt to claim it under international law, he
instructed the Br. Commⁿ to claim it
with the object of using it as a pawn in
dealing with other questions which might
come up for settlement as the result of the
Commⁿ. The Italian authorities naturally
attach great importance to the piece of
land being made Italian territory, as
otherwise both sides of the mouth will
be Br. If the Commⁿ is made some
stipulation should be made which would
secure that in the event of further
change in the river mouth the north
side shall be Italian & the south side
British.

Res. No 14 The question of the railway

is for the Commⁿ of the F.D.

Res. No 15 } Suggestions (1-3)
No comment.

Suggestion 4 - for word "any" substitute
"no" in the first line in whole sentence.
requires re-drafting. Last para. appears to
be open to serious question & requires
careful attention.

Suggestion 5 - omit "other" in last line
but one of first para.

Suggestion 6 - no comment.

Suggestion 7. Island 12 contains about 10,000

series but the fr^m has gone into the matter
& thinks that on the sections furnished
the appointment is equitable.
Suggestion 8-10 - No comment.

Suggestion 11 - Consideration of this may
be deferred unless the success of an
effort can be obtained without
reference to the problem.

Suggestion 12 - Should be deferred until
necessity for such acts is agreed upon.

Res 16 - It is said that the
order above the rapids was not
clearly defined & with channel
which will allow of the boundary
line more readily determined than
the actual places under cover.

Res 17 - No comment.

Res 18 - Cannot be agreed to.

Res 19 - No comment.

Res 20 - No decision between the
two localities.

Res 21 - Suggestion appears to
require no comment at present
as it is merely put forward for
future guidance.

Ask the deep + say that the for? 385

will remember that the Report was discussed with him during his recent visit - then write as proposed above with regard to Res: 5 - With regard to Res: 12 tell the for that the S. of S. requests that the matter should be considered in the light of the fact that the matter should be considered by the Committee on the part of the two Administrations - That we accept the S. of S. - with regard to

Res 15 "Sufficiency" say that the course of the matter should be deferred unless the services of

expert can be obtained without expense to the S.A.P. - Enclose a copy of 2508 + see l. 20 (see

manuscript) - + all that Mr Harcourt announced in the report has noted with pleasure the tact + ability with which Mr Waters + the other Mr. officials associated with him have carried out the difficult task entrusted to them -

Sent copy of 2508 + enc. setting the

ing the
sample
with
them

the maps, with copy of your reply to
the F.O. with ref to $\frac{7.0}{2508}$

write as proposed above with regard
to Resolutions 6, 7, 8, 10.

with regard to Res. 12, say that Mr.
Harcourt is of opinion that the matter
should be considered in the first instance
by the local customs authorities - that it
will be seen that the ^{the form of} comparison the S.A.P. has
made, been simply recording, & suggest
that the Italian Govt. should be asked
to make the necessary arrangements with
the British Adminⁿ for the joint control
of the matter.

With ref to Res. 13 & the F.O. letter
of the 25th of Jan^y, say that Sir P.
Harcourt does not attach great importance
to the retention of the sand spit as
an anchorage but that it seems
desirable to maintain one right to it
for the present with the object of saving
it as a favor in dealing with other
questions which may come up for
sett^l as the result of the Commⁿ
- & add that if the spit is ceded
eventually

eventually, Mr. Harcourt is of opinion
that some stipulation should be made re
(as above) -

Res. 14 - say that Mr. Harcourt would
be glad to be informed with Mr. P.
re the point.

Res. 15 - Suggesting to 5/11/12, with a
the sense of what is said under these
heads, & ~~the~~ ^{the} earlier part of my minute
above.

Res. 16 - Comment as to my minute above.

Res. 17 - Say that, after consulting Sir P.
Harcourt, Mr. Harcourt is unable to
accept the recommendation.

Res. 20 - Say that Mr. Harcourt is of opinion
that this is a matter for sett^l between
the two Adminⁿs locally - & suggest that
the Italian Govt. sh^d be asked to
send the necessary restrictions to
the "British Adminⁿ".

Res. 21 + Suggestions - Comment as to
my minute above.

Say that, subject to the foregoing
remarks, Mr. Harcourt has no comments to
offer on the rest of the Report - &
say that he will be glad to learn at
an early date whether the Italian Govt
accepts

except the views which he has
expressed.

⌘ Pending the receipt of a reply from
the F.O. the desps: some: including
the maps, might go, firstly, to
the Admiralty, & secondly, to the
S.M.O. for perusal & return
& copies of 2508 & 58th on this paper might be sent
Both desps will be filed & have
the info contained in the copies.

H. J. R.

11/II

see us here 8/2 for [unclear]

a [unclear]

P. 2. 16

1345 387

GOVERNMENT HOUSE, JAN 11
NAIROBI,
BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE.

December 12th 1910.

No. 770

(Incl. 5)

Sir,

I have the honour to transmit herewith copies of the Report of the Anglo-Italian International Commission on the Juba River and of the maps to accompany it.

Report

2. A copy of the report has been, I understand, sent direct to Sir Percy Girouard by the President of the Commission, and you will doubtless avail yourself of the former's presence in England to discuss the various points of importance which have been raised.

Maps

3. The Commission are in my opinion entitled to much credit for the care and ability which they have displayed, and the relations of the British members with their Italian colleagues were throughout the negotiations of a most friendly and cordial nature.

I have the honour to be,
Sir,
Your humble, obedient servant,


ACTING SECRETARY.

THE RIGHT HONOURABLE
LEWIS HARCOURT, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.

230 12 12 1910 83

1345
14 JAN 11

REPORT

By

ANGLO-ITALIAN COMMISSION

on Juba River.

INTRODUCTION.

In accordance with the orders of Their Excellencies the Governors of British East Africa Protectorate and Italian Somaliland, contained in British S.M.P.No.2467/08 and in Italian *Bullettino Ufficiale della Somalia Italiana*, page 7, October 31st 1910, the Anglo-Italian Juba River Commission, consisting of:

BRITISH MEMBERS.

The Hon.Mr.G.K.Watts,
Commissioner, F. W. D.
Senior Member.

Captain R.E.Salkeld
Ag.Prov.Commissioner,
Jubaland.

Captain G.C.Williams, R.E.

ITALIAN MEMBERS.

Captain E.Millo
Royal Italian Navy,
Senior Member.

Dr.E.Baccari,
Prov.Commissioner,
Giumbo.

Ing.R.Fano.

met at Kismayu on 3rd October 1910.

Having shown their credentials the Hon.Mr.G.K.Watts was unanimously elected Chairman.

On this day and on the 4th, 5th of the same month the Commission discussed general questions and decided to appoint Sub-Committees to go into details regarding the information required by the respective Governors in their

joint

joint Minute of 5th July 1910 (see (31) of the S.M.P. referred to). The Commission also agreed to Captain Millo's proposal that Count A. Tornielli, R.I.N., should represent him for purposes of collecting technical information during his (Capt. Millo's) unavoidable absence at Mogadiscio.

The Commission again met on October 8th at Gobwen, and on the E.S. "Rose" on the 11th and proceeded to Vertoi and Back. On the 8th the Commission visited the mouth of the Juba River and discussed the question as to the ownership on each bank of the new natural cut which is now ^{the} only mouth.

The Commission adjourned sine die on the 11th. The English members started up the Juba River on the 13th October, and went to the La Hele Rapids reaching there on the 24th. They returned, reaching Gobwen on November 6th. The Italian members started up the River on October in an Emperor Navigation Company's Steamer "Somali" and made the same journey. The British and Italian members met at several places on the River and while they were on it they conjointly and separately collected data for the information of the Sub-Committees.

From the 9th to the 17th November either the Commission or Sub-Committees were sitting, or individual members of the Commission were discussing questions at issue at Gobwen, Captain Millo rejoining the Commission on the 9th November.

On the 16th the Commission having considered all questions and having come to definite conclusions decided that this report should take the form of Resolutions (and enclosures) under each of the following five headings, viz:

- I. General
- II. The Regulation of the Course of the River.
- III. Navigation.

IV. Irrigation

V. Conclusion.

To take them in order:-

Heading No. I.

General.

Under this head the Commission invites attention to:
Resolution No. 1 and its accompaniment giving a very brief account of the Juba River.

Resolution No. 2 which merely records that the Report should be forwarded in the English language to both the Governors.

Resolution No. 3 relates to the Traverse of the River, &c. made by Capt. Williams, R.E., and the cross sections taken and velocity of the River observed (Plans Nos. 16 to 20, and 1 to 11).

Resolution No. 4 giving a vote of thanks to Count A. Torrielli, who represented Capt. Millo for a portion of the time in order to collect technical data.

Resolution No. 5 refers to Capt. Millo's proposal about Lighthouses on the Coast (and enclosures)

Resolutions Nos. 6, 7, 8 (and enclosure) and 9 relate to an important proposal on which the Commission lay great stress in the formation of a permanent Anglo-Italian Commission for purposes of dealing with matters connected with the River.

Resolution No. 10 deals with a proposal to give the two Secretaries to the suggested permanent Commission judicial powers in connection with carrying out all services of the River under International Agreement.

Resolution No. 11 suggests that the permanent Commission should

should prepare an annual budget of proposed receipts and expenditure for approval of both Governments.

Resolution No.12 deals with Customs questions at Kisumu and on the River.

Heading No.2.

The Regulation of the Course of the River.

Resolution No.13 deals with the question of the ownership of the left bank of the new mouth, which took several days to discuss and as the Commission could not come to a common agreement the Italian and British members have recorded their opinions on separate minutes, which form enclosures to this Resolution and the latter support their opinion by evidence which is also recorded. Plan No.15 showing the new mouth as surveyed by officers from H.M.S. "Forte" is enclosed amongst the plans at the end of the Report.

Resolution No.14 deals with the question of the "Thalweg". Here also after several days discussion the British and Italian members agreed to differ and their separate opinions are embodied in the Resolution.

Resolution No.15 relates to the adoption of the whole of the suggestions of the Sub-Committee No.1 as part of the Report of the Commission together with any additional suggestion No.12 which the whole Commission subsequently made. As regards proposed artificial diversions of the River, plans Nos.12 and 13 are amongst all the plans. Also with reference to Mombasa Island Plans Nos.5, 6, 7 and 8 - showing the sections of the two branches and quantity of water discharged - are also amongst these plans.

Heading No.3

Navigation

Resolution No.16 shows that the Commission can only deal with Navigation questions from the mouth to the La Hele Rapids - 400 miles. It may be of interest to state that the late Mr.Vender Deckens' S.S."Well" was wrecked on these rapids in 1865 and that the wreck, with the funnel standing upright, are still there.

Resolution No.17 relates to powers suggested for prevention or sanction to the construction of Dams, Barrages, Airlines, &c. across the River.

Resolution No.18 suggests regulation of the price of fuel for steamers on both sides of the River.

Resolution No.19 refers to the adoption by the Commission of suggestions 1 to 27 as made by the Sub-Committee No.2 and to the amendment of suggestions 28 to the end by the Commission and disposed of in Resolution Nos.5,12,16, 17,18 and 20.

Resolution No.20 refers to the Italian Government constructing and working a ferry across the River between Giurbo and Gobwen. Plan No.14 is attached with the other ones showing approximate alternative sites of ferry landing places at Gobwen.

Heading No.4.

Irrigation

Resolution No.21 refers to the adoption by the Commission of the Sub-Committee No.3's suggestions as part of the Report of the former. Separate minutes are attached by Messrs.Watts and Fano (with plans attached to Mr.Fano's minute) giving their reasons why five feet or eight feet

respectively

Respectively should be the depth of the intakes of main channels or furrows as they were unable to agree on question, which the other members left to them on technical grounds.

Conclusion

Throughout the sittings of the Commission regular minutes of the Commission were kept of the business dealt with at each meeting. These minutes however are not attached to this report because they contain no matter which has not been dealt with in the Resolutions.

This Report is presented ⁱⁿ its present order instead of in narrative form because in dealing with the various questions at issue the members found the former the best and the quickest system of coming to a common agreement.

The members regret that the Report is not absolutely unanimous, but it will be seen that they only differed on two of the many questions at issue.

In conclusion the Commission desire to place on record their opinion that as the two Governments are in complete accord there is in the Juba Valley a very valuable land asset now lying dormant, which will undoubtedly repay careful study and warrant expenditure on a large scale. Moreover this land can support a very large revenue producing population on both banks and also a great quantity of tropical produce for export.

Sd/- G.K. Watts
Commissioner, P.W.D.
Chairman & Senior
English Member.

Sd/- Eurico Millo,
Royal Italian Navy,
Senior Italian
Member.

Sd/- R.E. Salkeld
Ag. Prov. Commissioner,
Juba Land,
Member.

Sd/- Dr. Eduardo Baccari,
Commissioner, Regionale
della Goscia & del
basso Nati. Member

Sd/- G.C. Williams, Capt.
Member.

Sd/- Ing. Roberto Fano,
Member.

Signed at Gobwen on
17th November 1910.

Prelude to Resolution No. 1

The area of the scope of this Report may be said to be comprised by the length of the River from its mouth to the La Hole Rapids, 400 miles long, and an unknown breadth of irrigable land on each side from one to five miles.

2. As regards Gobwen, Giumbo, Yonti and Margherita, these stations have been in existence for several years. On the British side, however, except for spasmodic attempts to occupy Mfudu, which station was abandoned some years ago, there was no British station beyond Yonti till 1908 when one called Alexandra was established on Towata Island. In 1910, the British advanced to Serenli and left an observation post there. On the Italian side there are stations at Jelib, Bardera and Lugh, and the two latter have Marconi Wireless Installations. These stations have been in existence for over 15 years.

3. From a glance at the map it will be seen that there is a gap of about 270 miles between Alexandra and Serenli and about the same distance between Jelib and Bardera where there are no British or Italian stations.

4. The country on each side of the Juba may be divided into:-

- (a) Cultivated areas.
- (b) Forest and long grass areas close up to the River bank through which no view of the country could be obtained from the deck of the steamers plying on the River.
- (c) Scrub jungle with low grass.

On the British side most of the cultivation is here and there between the Mouth and the North end of Towata Island, beyond the latter (b) predominates as far as Sularli and

beyond

Prelude to Resolution No. 3

1. A traverse was made of the Juba River from the mouth to La Hele Rapids. The traverse from the mouth to Sheikh Merjan was compiled from existing sketches and plans; the portion from Sheikh Merjan to La Hele Rapids was a compass traverse from S.S. "Rose". The whole work was based on astronomically observed latitudes. The longitudes are approximate only, owing to unreliability of chronometers carried; except the longitudes of Giumbo and Bardera which were definitely fixed by the Italians by their wireless telegraph between these stations. The heights were fixed by aneroid barometers. The whole of the above work was carried out by Capt. Williams, R.F.

2. The British members took cross sections and the velocity of the River at:-

Section A.B. 1 $\frac{1}{2}$ miles below La Hele Rapids.

Section C.D. near Fanole just above the junction of the two branches of the River viz: the Webi Wen and Webi Yero.

Section E.F., G.H. of the Webi Wen at Alexandria and of the Webi Yero at a point on it in the same latitude as Alexandria.

Section I.J. north of Mombasa Island.

Section W.X. at Warkoi.

3. The whole Commission (Capt. Millo being absent and Lieut. Count Tornielli representing him for purposes of collecting data only) took cross sections and the velocity of the River at:-

Sections A.B.C.D. Across the two branches of the River at Mombasa Island about 2 $\frac{1}{2}$ miles apart.

Section S.T. at Mori.

Section U.V. at Sheikh Merjan.

It will be observed from the sections and calculations attached that the British members noticed the discharge of the River at Fampola was greater than that ascertained near La Hele Rapids.

This the British Members think is accounted for by the fact that the River was not in full flood at the latter when the observations were taken there; whereas the River was full to overflowing at the former. This overflowing of water over banks continued most of the way down the River and consequently accurate measurements of discharge could not be made, and much water - the quantity of which remained unmeasured - spilled over the banks and filled a large number of swamps on either side, whose extent and depth must remain an unknown until a topographical survey is made.

Resolution No.3

That copies of the Traverse of the River by Capt. Williams, R.E. and of the sections of the River, showing the calculated discharge, &c. be attached to the Report of the Commission.

Carried unanimously.

Gobwen,

Sd/- G.K. Watts,

Chairman.

November 16th 1910.

Resolution No.4.

Proposed and carried unanimously that the thanks of the Anglo-Italian Juba River Commission be conveyed to Lieut. T.R.N. Count Aleramo Tornielli for his great and valuable

position.

In view of the fact that the Italian authorities have put forward a project for lighting the Benadir Coast, it is very necessary to extend this as far as Kismayu.

Note. The Italian authorities in their scheme have suggested a red light on the Coast near the mouth of the River Juba, and propose Mears Tomb for the other light.

Sd/- Eurico Millo.

11.11.10

Resolution No. 6.

When the proposals of this present Commission have been accepted by both the British and Italian Governments, then it is suggested that both the Governments should appoint a "Permanent Commission" with an equal number of Officers of each nationality, British and Italian, to carry on the sanctioned proposals made by this present Commission and to regulate all further matters connected with this River. Carried unanimously.

Gobwen, 12.11.10

Sd/- G. R. Watts.

Chairman.

Resolution No. 7.

It is proposed to form a Secretariat to the Permanent Commission referred to in Resolution No. 6 of two officers, one English and one Italian, both of these officers to have a good working knowledge of the other's language.

The duties and authority of the Secretaries to be determined by the Permanent Commission but sanctioned by

Resolution No. 9.

All reports of the Proceedings of the Permanent Commission are to be sent by the respective Secretaries to their respective Governments through the proper channels. In order to keep their proceedings in order, the Permanent Commission will keep a minute book in English and Italian on half margin. Unanimously agreed to.

Gobwen,
November 12th 1910.

Sd/- G.K. Watts:
Chairman.

Resolution No. 10.

Suggested that the two Governments should lay down offences on the River cognizable by the Secretaries under the Rules for the navigation of the River, preservation of River, Irrigation, &c., &c., and that the Civil Officers of various grades on each side of the River to whom the Secretaries commit ^{the} cases - see chain of responsibility - should have the same Executive and Judicial powers. This does not refer to murder, robbery by violence and other serious cases which would be tried by either an English or Italian Officer under the Judicial Powers he may possess. Unanimously agreed to.

Gobwen,
November 12th 1910.

Sd/- G.K. Watts:
Chairman.

Resolution No. 11

It is recommended that a special budget for the River should be prepared annually by the Permanent Commission

and

and presented to the two Governors through the proper channels. Unanimously agreed to.

Gobwen,
November 12th 1910.

Sd/- G.K. Watts,
Chairman.

Resolution No. 12.

Customs

(a) That the Customs at Kismayu and at ports on the Juba River should be dealt with according to the Customs Laws for East Africa Protectorate and Italian Somaliland, but that the two Governors should make Regulations under these acts which would be common to both sides of the River to suit local conditions. To aid the Governors in framing these Regulations the Italian members propose that:-

1. Kismayu. No Customs or Transit duties be charged on goods discharged on the Italian Concession at Kismayu and re-embarked. No Customs or Transit dues ~~to~~ be paid for goods proceeding from Kismayu to Gobwen by the "right of way". That instead a system be agreed upon mutually whereby British East Africa provides a guard for goods passing by the "right of way" the cost of which is to be met by the Italian Government.

2. The Juba River. Italian goods remaining at the Gobwen Customs pay no duty, but they should pay duty on transit. The Government goods to be exempted. All goods entering or leaving the River should pay all duties at Giumbo or Gobwen. Recommended that Provincial Commissioners should be asked to study this question and report

to their own Governments.

The British members agree to all the above suggestions provided they do not contravene any existing law or treaty.

(b) i. That no craft should be allowed to discharge goods at any port without showing its bill of lading.

ii. That British and Italian craft only, plying between Kismayu and Gobwen or dismantled vessels, hulks, or lighters for storage of dutiable goods, permanently located in Kismayu harbour or the Juba River at Gobwen or Gumbo, be considered as "Bonded Warehouses" and that no duty be leviable on goods delivered into them from a ship flying the flag of any nation. Duty of course to be leviable on goods landed from craft either on Italian or British territory. Carried unanimously.

Gobwen,
November 13th 1910.

Sd/- G.K. Watts,
Chairman.

Resolution No. 13.

That the following should form part of the Report of the Commission:-

The British members claim both sides of the mouth of the Juba River and put forward their reasons supported by evidence (attached) and recommend that an International survey of the old mouth of the River should be made and boundary pillars erected in the old bed of the River on the boundary itself.

The Italian members disagree and state their reasons (attached).

Carried unanimously.

Gobwen,
November 16th 1910.

Sd/- G.K. Watts,
Chairman.

(17)

Statement of the British Members of
 the Anglo-Italian Commission on the Juba River
 regarding Resolution No. 15.

-101-

The British members claim that the strip of land between the present mouth of the River Juba, marked A, and the old mouth, marked B, on the Chart (copy attached) is British territory, they attach evidence collected and give the following reasons:

Mr. Loder Symonds' evidence.

In January 1909 Mr. Rendison left in a steamer from Gebwer for Kisumu and the vessel passed through the old mouth of the Juba. At that time there was no suspicion that the mouth would ever change its course.

Capt. E. H. Field & Mr. Castellino's evidence.

At the end of February 1909 however the sea broke through the sand bank and formed another mouth within a few days during a heavy storm.

Mr. Castellino's evidence.

This mouth A became navigable in May 1909 and has been the only mouth up till now, as the old mouth B has completely silted up.

In putting forward their claim the British members are of opinion that the time taken for the new mouth to become navigable does not affect the question, their main contention being that the new mouth was formed by sudden and natural causes in February 1909. They further beg to point out that the catastrophe of February might have led to a new channel with a sand bank which was not navigable,

at

at the same time the old mouth silting up as it has done; fortunately however the new mouth has scoured out a better and more navigable channel than the old one.

2. To substantiate their claim the British members quote the following:†

An instance given in case of a change of channel is to be found in the Convention between the United States of America and Mexico of November 12th 1854 and Convention between the same powers signed at Washington in March 1865 and ratified in May 1867, relative to the boundary formed by the Rivers Colorado and Grande (see Moore's International Law, Vol. I, page 780).

The British members are of opinion that the effect in contemplation of International Law, of the shifting of the channel of a river upon the boundary which that channel, at the time of the demarcation of the boundary serves in its then condition to indicate, depends upon the character of the changes in its course. If the change is a natural and sudden one by which a new channel is cut through the territory of one of the riparian powers and even if the old channel is entirely abandoned the rule as laid down in the above quoted Convention, is that the old bed continues to form the line of boundary whether it be entirely dried up or not.

Further, Calvo and other writers in the case of sudden changes of river courses lay the above decision down as a general rule.

Gowen,

November 18th 1910.

Letter

(19)

Letter from Mr. Castellino

(To accompany Resolution No. 12)

Gobwen,

November 16th 1916.

Sir,

I beg to inform you that Mr. Bendleton had written home to Mr. Irwin stating that the river broke out just opposite the mud bank in the river, where he would remember that the sand was narrow at the place, and there was one fathom of water on the bar at nearly low tide; this was on the 26th February 1899.

May 11th Mr. Bendleton took the steamer with one empty barge to Kismayu.

May 21st Mr. Bendleton came in through the new mouth with steamer and barge to Gobwen.

May 24th left for Kismayu with the steamer through the new mouth; sea rough.

May 28th left from Kismayu with steamer with loaded barge and came to Gobwen through the new mouth of the River.

I am enclosing the copy of sketch drawn by Mr. Bendleton.

I beg to remain Sir,

Yours faithfully,

L. de Castellino.

Clerk,
EMPEROR NAVIGATION COMPANY.

THE PROVINCIAL COMMISSIONER,

GOBWEN.

Letter from Lieut. Lodar Symonds.
to the Provincial Commissioner, Jubaland.

Dated October 13th 1910.

(To accompany Resolution No. 13.)

Sir,

With reference to the River Juba breaking out into a new mouth, I have the honour to furnish you with the following information:

I was at Gobwen on the 24th January 1909 when Mr. Pendleton left Gobwen in the steamer belonging to the Emperor Navigation Company to proceed to Kismayu. He proceeded down the river and at dawn on the 25th crossed the bar which is now called the old mouth. There was then absolutely no talk whatsoever of the river breaking out at a fresh place. In support of this I might add that Mr. Brading who was stationed at Gobwen and left Kismayu on the 21st February for Somalia, wrote to me in about August 1909 and asked if it was true that the River Juba had made a fresh mouth.

Towards the end of April 1909 Mr. Pendleton again proceeded to Kismayu in a steamer belonging to Emperor Navigation Company, but this time passed over the bar at what is now the mouth of the River, and not at the same place as he did on the 25th January. I saw him a few days afterwards at Kismayu and he told me that the new mouth was larger and easier to navigate than the old one.

At the beginning of June I went down to within 200 yards of the old mouth in the "Rose". The sand had all filtered up and the channel was almost closed. Lagoons had formed inside the bar and it was impossible for the "Rose" to go closer

(28)

now but the sand bank inside was not so high and at high water the sea ran right into and broke among the mangrove trees on the Italian side.

I am convinced that the formation of the mouth was a sudden one. Mr. Loder Symonds should be asked before he leaves East Africa and other evidence can be produced. I believe Captain Ferrari and other Italian Officers without going into the question of to whom the bank belongs would agree the affair was sudden.

Gobwen,

Sd/- E. F. Selkeld.

October 11th 1910.

Dichiarazione dei membri Italiani

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17. - 11. - 10.

(To accompany Resolution No. 13).

I membri Italiani chiedono, nella questione della bocca del fiume Giuba, la integrale applicazione del protocollo italo-britannico del 91. In conseguenza, la duna, prima unita al territorio inglese ed ora soltanto a quello italiano, deve considerarsi appartenente alla colonia italiana. Aggiungono che evidentemente il thalweg di un fiume comincia dal mare navigabile e corre in modo continuo fino alla sorgente del fiume stesso. A questo concetto si riferiscono le due nazioni nel trattato del 91 dove leggasi che il thalweg segna il confine. "A partir de la mer". Giacche nell'ora detto protocollo è chiaramente detto che il thalweg in generale, e non quello di un determinato momento, segna la linea di confine, essi confermano le dichiarazioni fatte in proposito, riassumendole così.

Dovete il thalweg del fiume, in qualunque momento e punto, rinova che è in vigore il protocollo del 91, segnare il confine fra le due colonie, e che tale concetto non può essere in alcun modo infirmato dal tempo impiegato per cambiamenti operativi; o che possono operarsi, naturalmente nel corso del fiume, dalla bocca alla sorgente.

Sd. E. Millo

Ed. E. Baccari

Roberto Fano.

N.B. Riferirsi al testo Italiano.

Resolution No.14.

That the following should form part of the Report of the Commission:-

The Commission point out that according to the Italian-British-Protocol at Rome of March 24th 1891 the "thalweg" of the Juba River is accepted as the boundary between the East Africa Protectorate and Italian Somaliland.

The British Members recommend that, to avoid future complications and surveys due to possible changes of the river, the present course of the River (excluding the question of the mouth which is dealt with in Resolution No.13) be accepted as a definite and permanent boundary; and that the wording of the Protocol be altered to that effect; and further that that boundary be surveyed by an International Survey Commission as soon as possible.

The Italian Members do not agree with the recommendation to alter the wording of the Protocol or make a survey of the River to fix a definite and permanent boundary; but they agree with the British Members that an International Survey would greatly assist irrigation projects and the allocation of land on both sides of the River. Carried unanimously.

Sd/- G.K.Watts
Chairman.

Gobwen, 16.11.10.

Prelude to Resolution No.15.

The Sub-Committee No.1 on 12th November 1910 presented its report to the full Commission on the Regulation of the course of the River. After full discussion the Commission adopted the Sub-Committee's report in full and make the following additional suggestion on this subject which the Sub-Committee left to the full Commission to decide; which is added to the Sub-Committee's Report.

Resolution No. 15.

That the Sub-Committee's Report together with the above mentioned suggestion by the Commission form part of the Report of the Commission. Unanimously agreed to.

Sd/- G.R. Watts.
Chairman.
Gobwen, 12. 11. 10.

Sub-Committee's No. 1 Report
to accompany Resolution No. 15

The Sub-Committee No. 1 begs to present its report for consideration of the Commission.

The Sub-Committee is of opinion that its reports should take the form of suggestions which are detailed as attached.

Sub-Committee No. 1

Suggestion No. 1

That all obstacles which may be in the river, caused by fallen trees, whether floating or stationary, either above or below water must be removed by nearest authority, if they are a danger to navigation. The liability as to cost of removal must be left to the decision of Permanent Commission.

Sd/- R.E. Salkeld

Sd/- E. Baccari

Sd/- E. Millie

Sd/- G.C. Williams

Sd/- R. Fano

Suggestion No. 2

Suggestion No. 2

That any wrecks above or below water must be removed. That if the wreck is dangerous to navigation and is also so large that removal is difficult, the nearest civil authority will cause the wreck to be buoyed, pending the decision of the Permanent Commission as to whether the wreck must be removed or not. That the Permanent Commissioner will lay down within what time the wreck must be removed; and that should it not be removed within that time, they have authority to deal with it as they think fit, and that no claim for compensation can be brought against the Permanent Commission, if this proposal is in accordance with the maritime laws.

We recommend that as we have no ~~own~~ knowledge of the maritime laws in question, instructions as to the course to be allowed on these points be supplied to the Permanent Commission for their guidance.

- Sd/- R.E. Salkeld
- Sd/- E. Baccari
- Sd/- E. Lillo
- Sd/- G.C. Williams
- Sd/- R. Fano

Suggestion No. 3

That any person in charge of a boat or any persons on the banks of the river must report to the nearest civil authority any obstacle which he may see and which he thinks is dangerous to navigation and state its position on the river.

- Sd/- G.C. Williams
- Sd/- R. Fano
- Sd/- R.E. Salkeld
- Sd/- E. Baccari
- Sd/- E. Lillo

Suggestion No. 4

Suggestion No. 4

That any protective work on the banks of the river parallel to the natural course of the river and close to the banks and not occupying the bed of the river and not above the natural banks of the river can be allowed to be made without permission. That for any other protective work on the bank or in the bed of the river permission of the Permanent Commission must be obtained.

Further should any work made on the bank, whether approved of by the Permanent Commission or not, be the cause of damage to any other portion of the river bank, the person or persons or Government responsible for such work should be liable for such damage done.

Suggestion No. 5

Provided that the following suggestions do not contravene any law, or rule of either colony. That it be generally forbidden to cut down trees and plants on either river bank, in order to maintain a strip of at least 20 metres wide on the banks. But when any new defensive works or plantations which protect the banks have been sanctioned, the Permanent Commission should give permission to cut down or destroy any other trees or plants which interfere with such work.

As regards existing concessions and native "Shambas", the Permanent Commission should use their discretion to respect vested rights, where there is no pressing danger to navigation or to the course of the river.

That in any new concession a clause should be inserted in the lease under the advice of the Permanent Commission, regarding how the above mentioned 20 metres strip must be treated.

That

That the 20 metre rule referred to does not apply to any existing villages.

As regards existing concessions on either bank of the river, the concessionaires should be made to conform with the 20 metre rule under the present law in force.

Suggestion No. 6

That the authorities should have power to allow at their discretion any cutting in the 20 metre strip above mentioned as may be necessary for landing stages, roads, watering places, fuel stations, stores and for any other necessary or trading purposes.

The Permanent Commission must be allowed to record its opinion on any such work.

Sub-Committee No. 1

(a) & (c)

Suggestion No. 7

That the islands of the Juba River between La Hele Rapide and the Sea, in the opinion of the Sub-Committee, should be allotted as follows:-

(Note; the islands are numbered in the map accompanying the Sub-Committee's Report).

		<u>Right Branch.</u>	<u>Left Branch.</u>	<u>Possession.</u>
Island	Depth	4.8 metres	3.8 metres	Italian.
	width	88 metres	86 "	
Island	Depth	2.4 metres	4.6 metres	British.
	width	96 "	52 "	
Island	Depth	4.5 metres	6.1 metres	British.
	width	80 "	35. "	
Island	Depth	4 metres	6.3 metres	British.
	width	55 "	80 "	
Island	Depth	2.2 metres	6.5 metres	British.
	width	45 "	106 "	
Island	Depth	2.3 metres	8.2 metres	British.
	width	21 "	84 "	
Island	Depth	7 metres	2.2 metres	Italian.
	width	72 "	16 "	
Island	Probably Right Channel dries at low water			British.
Island	Called "Iubadad"			Italian.
Island			British.
Island	Towata Island			British.
Island	Mombasa Island; 4 Sections attached			Italian.
Island	Warkoi			Italian.
Island	Kiboko Island (Hippopotamus Island).....			Italian.

Note:- The above sections were taken at high flood level of river between/28-10-10 and 4-11-10.