

N° 138.

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**BELGIQUE ET  
ROYAUME-UNI DE GRANDE-  
BRETAGNE ET D'IRLANDE**

Convention en vue de faciliter le  
trafic belge à travers les territoires  
de l'Afrique orientale. Signée à  
Londres le 15 mars 1921.

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**BELGIUM  
AND UNITED KINGDOM  
OF GREAT BRITAIN  
AND IRELAND**

Convention with a view to facilitating  
Belgian Traffic through the terri-  
tories of East-Africa. Signed at  
London, March 15, 1921.

No. 138. — CONVENTION BETWEEN GREAT BRITAIN AND BELGIUM  
WITH A VIEW TO FACILITATING BELGIAN TRAFFIC THROUGH  
THE TERRITORIES OF EAST AFRICA. SIGNED AT LONDON,  
MARCH 15, 1921.

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*English and French official texts communicated by His Britannic Majesty's Foreign Office. The registration of this Convention took place on July 8, 1921.*

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The British and Belgian Governments desirous of giving effect to the agreements of principle concluded between them on the accomplishment of their united efforts in Africa subsequent to the violation of the neutrality of the Belgian Congo; and having in view the particular needs, as regards access to the sea, of a portion of the Belgian Congo and of the territories whose administration has been entrusted to Belgium,

Have agreed to the following provisions:

*Article 1.*

In the present convention, the term „Belgian Congo” designates not only the territories of the Belgian Congo proper, but also that portion of the late German Protectorate which is to be administered by Belgium.

The term “East Africa” designates not only existing British Protectorates, but also that portion of the late German Protectorate which is to be administered by Great Britain.

The term “Ship” applies to every ship or boat.

*Article 2.*

Great Britain undertakes to grant freedom of transit across East Africa by the routes which are or will be most adapted for transit, either by railway, lake, navigable water-course, or canal, to all persons, to mails, to all goods, ships, railway carriages and trucks, coming from or proceeding to, the Belgian Congo, and for this purpose, passage through territorial waters will be permitted. These persons, mails, goods ships, railway carriages and trucks shall be subject to no transit dues nor to any delays or unnecessary restrictions and will be treated, in all that concerns charges, facilities, and in other respects, on the same footing as British persons, mails, goods, ships, railway carriages and trucks. Goods in transit shall be exempt from all customs duty or other similar duties. All transport charges in respect of transit traffic must be reasonable, having regard to the traffic conditions, and no charge, facility or restriction shall depend, directly or indirectly on the ownership or on the nationality of any ship or of any other means of transport which may have been or may be employed over any part whatever of the through journey.

It is expressly agreed that the term „transit due” does not refer to the charge of 25 cents per parcel which is at present levied on goods in transit through East Africa; however, this charge will not be levied on goods in transit to or from the Belgian Congo passing through the sites at Kigoma and Dar-es-Salaam referred to in Article 5.

*Article 3.*

—Belgian subjects, goods, and ships flying the Belgian flag, shall be treated on a footing of perfect equality in every respect in all ports and on all internal waterways of East Africa, and no discrimination shall be made against the subjects, goods and flag of Belgium in favour of British subjects and goods and the British flag.

No hindrances shall be placed in the way of the movements of persons and of ships other than those resulting from police and customs regulations, sanitary ordinances, and rules governing emigration, immigration and the importation or exportation of prohibited goods. These regulations shall be reasonable and uniform and shall not unnecessarily impede traffic.

*Article 4.*

Passengers and mails proceeding from or to the Belgian Congo shall fully enjoy on the railways and waterways of East Africa which connect or may connect the Belgian Congo with the sea, in regard to rates payable (including all rebates and drawbacks), facilities of every kind and the most favourable treatment granted in the case of passengers and mails on the respective East African lines, provided that the conditions and especially the length of the distance traversed correspond. This shall also apply to goods of the same kind or class carried on these lines, whether in the case of local traffic, imported goods, exported goods or goods in transit.

It is agreed that the rates on the Kigoma-Dar-es-Salaam line shall never be unreasonably raised in order to divert traffic between the Belgian Congo and the Indian Ocean from the port of Dar-es-Salaam.

If Belgium so request, combined tariffs between any specified point in the Belgian Congo on the one hand, the ports referred to in Article 5, and the places of destination and origin overseas on the other, may be drawn up. With this purpose in view the British and Belgian Administrations will endeavour to conclude agreements having for their object the combination of the railway tariffs with the tariffs of Belgian shipping services which may use the ports in question.

Any advantages which may be granted by the Railway Authorities to a British shipping service using the ports in question shall be fully extended to Belgian shipping services.

Belgium shall have the right to employ its own trucks for the transport of goods between the Belgian Congo and the sea on the Kigoma-Dar-es-Salaam railway. The conditions with which these trucks must comply as regards requirements as to weight, dimensions, brakes, etc. will be fixed by the British Authorities, the Belgian Authorities being consulted beforehand.

The provisions of the preceding paragraph may be applied equally to other lines connecting the Belgian Congo with ports on the East African coast, if and when circumstances permit, and after agreement between the British and Belgian Administrations.

In cases where the general classification of goods applied by a Railway or Shipping Line in East Africa does not mention certain products coming from or going to the Belgian Congo, such products, for the purpose of fixing transport tariffs, shall be assimilated to those charged in the case of goods most closely resembling them, and be included in the same category as far as possible.

*Article 5.*

With a view to facilitating the access of the Belgian Congo to the sea the British Government will lease sites in the ports of Dar-es-Salaam and Kigoma to the Belgian Government in perpetuity in return for an annual rent of one franc.

In determining the area of these sites account shall be taken of the probable increase of traffic with the Belgian Congo.

Commissioners will be nominated on both sides to select and delimit these sites.

The following conditions shall govern the choice of the sites :

- (1) That they shall offer an adequate deep-water frontage ;
- (2) That they shall easily be connected with the railway ;
- (3) That they shall be such as to admit of the construction under favourable conditions of the marine works contemplated in the following article.

If necessary, the British Government will extend the railway sidings existing or hereafter constructed on these sites so as to connect them with the principal railway line:

#### *Article 6.*

The sites will remain subject to the laws and general regulations enacted by the competent British authorities and the British officials and agents shall have free access to them, for the maintenance of order and the enforcement of such laws and regulations. The Belgian authorities shall be permitted to carry out such works and set up such buildings on the sites as they may consider suitable for development of traffic. The plans of any works which could affect the system of navigable channels or the movements of ships shall, however, be subject to agreement between the two Governments.

Buildings set up on the sites, especially those designed as dwelling places, must conform with the British building and sanitary regulations. The dwelling houses will be subject to the ordinary municipal rates.

The commercial development of the sites will be undertaken by the Belgian Government. Charges made for the use of these sites and of the works upon them shall not be less than the charges made in the remainder of the port ; it being understood that, in principle, they shall be reasonable, having regard to the expenses incurred in the first cost, improvement, upkeep and administration of the sites.

In the application of these charges no discrimination shall be made between the nationals of the high contracting parties and those of other Powers who are accorded the benefit of national treatment as a consequence of the nationality of these persons, or of the origin or destination of the goods.

The Belgian Government may entrust the working of the sites to concessionnaires to be nominated by itself ; nevertheless, the concessionnaires must be approved by the British Government, and the duration of the concession may not exceed twenty-five years.

#### *Article 7.*

On entering and leaving harbour, ships, touching at the above sites, must conform to the harbour police regulations and to the orders of the British authorities.

#### *Article 8.*

Provided that they conform to the regulations governing the use of these works, ships touching at the sites will have access to the slips and dry docks elsewhere in the two ports. This will also apply to floating material employed for the working of the sites, such as lighters, tugs and tank-boats. etc.

#### *Article 9.*

The British Customs Authorities will not intervene on the above sites, which shall only be utilised for the traffic of goods in transit to or from the Belgian Congo, and not for passage of merchandise originating in, or destined for, East Africa. Such goods shall not be subject to any duty or tax with the possible exception of a charge for statistical purposes which shall not exceed one-

tenth per cent ad valorem, and may be levied by the Belgian Authorities and utilised to defray the expenses of staff employed in drawing up statistics of the trade and traffic of the Belgian site.

*Article 10.*

Trucks in transit between the sea and the Belgian Congo on the Kigoma-Dar-es-Salaam railway if sealed by the Belgian officials in such a manner as the competent authorities of the two countries may agree upon, shall be exempted from all British Customs formalities.

The British Customs Authorities shall have the right to be present when the seals are affixed.

*Article 11.*

The British Government will as far as possible simplify the Customs formalities as regards such goods in transit to or from the Belgian Congo through Kigoma and Dar-es-Salaam, as do not pass through the sites referred to in the preceding articles.

In accordance with arrangements to be arrived at between the British and Belgian administrations concerned, the transit of these goods shall not be subject to preliminary fees, deposit payments or other pecuniary guarantees imposed by the British Customs.

*Article 12.*

Generally, the British Government shall use its best endeavours to grant Belgian traffic in East Africa all possible facilities.

In witness whereof the Undersigned have signed the present Convention and have affixed thereto their seals.

Done in duplicate at London, the 15th day of March 1921.

(L. S.) CURZON OF KEDLESTON.

(L. S.) BN. MONCHEUR.

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