

N° 1309.

ÉTATS-UNIS D'AMÉRIQUE
ET ROYAUME-UNI

Convention concernant les droits des
gouvernements des deux Parties et
de leurs ressortissants respectifs
dans l'ancienne colonie de l'Est
Africain allemand. Signée à Lon-
dres, le 10 février 1925.

UNITED STATES OF AMERICA
AND UNITED KINGDOM

Convention respecting the Rights of
the Governments of the two Coun-
tries and their respective Nationals
in the former German Colony of
East Africa. Signed at London,
February 10, 1925.

No. 1309. — CONVENTION ¹ BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM RESPECTING THE RIGHTS OF THE GOVERNMENTS OF THE TWO COUNTRIES AND THEIR RESPECTIVE NATIONALS IN THE FORMER GERMAN COLONY OF EAST AFRICA. SIGNED AT LONDON, FEBRUARY 10, 1925.

Texte officiel anglais communiqué par le Ministère des Affaires étrangères de Sa Majesté britannique. L'enregistrement de cette convention a eu lieu le 30 septembre 1926. Cette convention a été transmise au Secrétariat par le « Department of State » du Gouvernement Etats-Unis d'Amérique, le 9 septembre 1926.

Whereas His Britannic Majesty has accepted a mandate for the administration of part of the former German colony of East Africa, the terms of which have been defined by the Council of the League of Nations as follows :

“ Article 1.

“ The territory over which a mandate is conferred upon His Britannic Majesty (hereinafter called the Mandatory) comprises that part of the territory of the former colony of German East Africa situated to the east of the following line :

“ From the point where the frontier between the Uganda Protectorate and German East Africa cuts the River Mavumba, a straight line in a south-easterly direction to point 1640, about 15 kilometres south-south-west of Mount Gabiro ;

“ Thence a straight line in a southerly direction to the north shore of Lake Mohazi, where it terminates at the confluence of a river situated about 2 1/2 kilometres west of the confluence of the River Msilala ;

“ If the trace of the railway on the west of the River Kagera between Bugufi and Uganda approaches within 16 kilometres of the line defined above, the boundary will be carried to the west, following a minimum distance of 16 kilometres from the trace, without, however, passing to the west of the straight line joining the terminal point on Lake Mohazi and the top of Mount Kivisa, point 2100, situated on the Uganda-German East Africa frontier about 5 kilometres south-west of the point where the River Mavumba cuts this frontier ;

“ Thence a line south-eastwards to meet the southern shore of Lake Mohazi ;

¹ L'échange des ratifications a eu lieu à Londres, le 8 juillet 1926.

¹ TRADUCTION. — TRANSLATION.

N^o 1309. — CONVENTION ² ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LE ROYAUME-UNI CONCERNANT LES DROITS DES GOUVERNEMENTS DES DEUX PARTIES ET DE LEURS RESSORTISSANTS RESPECTIFS DANS L'ANCIENNE COLONIE DE L'EST AFRICAIN ALLEMAND, SIGNÉE A LONDRES, LE 10 FÉVRIER 1925.

English official text communicated by His Britannic Majesty's Foreign Office. The registration of this Convention took place September 30, 1926. This Convention was transmitted to the Secretariat by the Department of State of the Government of the United States of America on September 9, 1926.

Considérant que Sa Majesté britannique a accepté, pour l'administration d'une partie de l'ancienne colonie de l'Est Africain allemand, un mandat dont les conditions ont été définies comme suit par le Conseil de la Société des Nations :

« Article premier.

» Le territoire sur lequel un mandat est conféré à Sa Majesté Britannique (désignée ci-dessous comme mandataire) comprend la partie du territoire de l'Est africain allemand située à l'est de la ligne suivante :

» Du point où la frontière entre le Protectorat de l'Uganda et l'Afrique orientale allemande coupe la rivière Mavumba, dans la direction du sud-est, une ligne droite aboutissant à la cote 1640, à 15 kilomètres environ au sud-sud-ouest du Mont Gabiro ;

» De là, une droite dans la direction du sud, jusqu'à la rive nord du lac Mohazi, où elle aboutit en un confluent de la rivière situé à 2 kilomètres 5 environ, à l'ouest du confluent de la rivière Msilala ;

» Si le tracé de chemin de fer à l'ouest de la rivière Kagera, entre le Bugufi et l'Uganda, s'approchait de la ligne définie ci-dessus à moins de 16 kilomètres, la frontière serait reportée vers l'ouest suivant une ligne à une distance minimum de 16 kilomètres du tracé, sans toutefois dépasser, à l'ouest, la droite qui joint le point d'aboutissement au lac Mohazi au sommet du Mont Kivisa, point 2100, situé sur la frontière Uganda-Afrique Orientale allemande, à 5 kilomètres environ au sud-ouest du point où la rivière Mavumba coupe cette frontière ;

» De là, une ligne dans la direction du sud-est jusqu'à la rive sud du lac Mohazi ;

¹ Traduit par le Secrétariat de la Société des Nations.

² The exchange of ratifications took place at London, July 8, 1926.

Le texte cité entre guillemets est celui du Mandat tel qu'il fut approuvé par le Conseil de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

The text quoted between inverted commas is that of the Mandate as approved by the Council of the League of Nations.

“ Thence the watershed between the Taruka and the Mkarange and continuing southwards to the north-eastern end of Lake Mugesera ;

“ Thence the median line of this lake and continuing southwards across Lake Ssake to meet the Kagera ;

“ Thence the course of the Kagera downstream to meet the western boundary of Bugufi ;

“ Thence this boundary to its junction with the eastern boundary of Urundi ;

“ Thence the eastern and southern boundary of Urundi to Lake Tanganyika.

“ The line described above is shown on the attached British 1 : 1,000,000 map. G.S.G.S. 2932, sheet Ruanda and Urundi. The boundaries of Bugufi and Urundi are drawn as shown in the Deutscher Kolonialatlas (Dietrich-Reimer), scale 1 : 1,000,000, dated 1906.

“ *Article 2.*

“ Boundary Commissioners shall be appointed by His Britannic Majesty and His Majesty the King of the Belgians to trace on the spot the line described in Article 1 above.

“ In case any dispute should arise in connection with the work of these commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

“ The final report by the Boundary Commission shall give the precise description of this boundary as actually demarcated on the ground ; the necessary maps shall be annexed thereto and signed by the Commissioners. The report, with its annexes, shall be made in triplicate ; one copy shall be deposited in the archives of the League of Nations, one shall be kept by the Government of His Majesty the King of the Belgians and one by the Government of His Britannic Majesty.

“ *Article 3.*

“ The Mandatory shall be responsible for the peace, order and good government of the territory, and shall undertake to promote to the utmost the material and moral well-being and the social progress of its inhabitants. The Mandatory shall have full powers of legislation and administration.

“ *Article 4.*

“ The Mandatory shall not establish any military or naval bases, nor erect any fortifications, nor organise any native military force in the territory except for local police purposes and for the defence of the territory.

“ *Article 5.*

“ The Mandatory :

“ 1. Shall provide for the eventual emancipation of all slaves and for as speedy an elimination of domestic and other slavery as social conditions will allow ;

“ 2. Shall suppress all forms of slave trade ;

“ 3. Shall prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration ;

“ 4. Shall protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour ;

“ 5. Shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

“ *Article 6.*

“ In the framing of laws relating to the holding or transfer of land, the Mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

“ No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created, except with the same consent.

“ The Mandatory will promulgate strict regulations against usury.

“ *Article 7.*

“ The Mandatory shall secure to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, the acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

“ Further, the Mandatory shall ensure to all nationals of States Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality ; provided that the Mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

“ Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States Members of the League of Nations, but on such conditions as will maintain intact the authority of the local Government.

“ Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate, and in order to provide the territory with fiscal resources which seem best suited to the local requirements : or, in certain cases, to carry out the development of natural resources either directly by the State or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

“ The rights conferred by this Article extend equally to companies and associations organised in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

“ *Article 8.*

“ The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality ; missionaries who are nationals of States Members of the League of Nations shall

be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory ; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

“ Article 9.

“ The Mandatory shall apply to the territory any general international conventions already existing, or which may be concluded hereafter, with the approval of the League of Nations, respecting the slave trade, the traffic in arms and ammunition, the liquor traffic and the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation, railways, postal, telegraphic and wireless communication and industrial, literary and artistic property.

“ The Mandatory shall co-operate in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

“ Article 10.

“ The Mandatory shall be authorised to constitute the territory into a Customs, fiscal and administrative union or federation with the adjacent territories under his own sovereignty or control, provided always the measures adopted to that end do not infringe the provisions of this mandate.

“ Article 11.

“ The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of this mandate.

“ A copy of all laws and regulations made in the course of the year and affecting property, commerce, navigation or the moral and material well-being of the natives shall be annexed to this report.

“ Article 12.

“ The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

“ Article 13.

“ The Mandatory agrees that if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice¹ provided for by Article 14 of the Covenant of the League of Nations.

¹ Vol. VI, page 379; vol. XI, page 404; vol. XV, page 304; vol. XXIV, page 152; vol. XXVII, page 416; vol. XXXIX, page 165; vol. XLV, page 96; vol. L, page 159, et vol. LIV, page 387, de ce recueil.

“ States Members of the League of Nations may likewise bring any claims on behalf of their nationals for infractions of their rights under this mandate before the said court for decision ”; and

Whereas at its meeting of August 31, 1923, the Council of the League of Nations approved certain modifications of Article 1 of the aforesaid mandate, which now reads as follows :

“ Article 1.

“ The territory over which a mandate is conferred upon His Britannic Majesty (hereinafter called the Mandatory) comprises that part of the territory of the former colony of German East Africa, situated to the east of the following line :

“ The mid-stream of the Kagera River from the Uganda boundary to the point where the Kagera River meets the western boundary of Bugufi ;

“ Thence this boundary to its junction with the eastern boundary of Urundi ;

“ Thence the eastern and southern boundary of Urundi to Lake Tanganyika ”;

and

Whereas THE GOVERNMENT OF HIS BRITANNIC MAJESTY and THE GOVERNMENT OF THE UNITED STATES OF AMERICA are desirous of reaching a definite understanding as to the rights of their respective Governments and of their nationals in the said territory :

HIS BRITANNIC MAJESTY and THE PRESIDENT OF THE UNITED STATES OF AMERICA have decided to conclude a convention to this effect, and have named as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

The Right Honourable Joseph Austen CHAMBERLAIN, M.P., His Majesty's Principal Secretary of State for Foreign Affairs ;

THE PRESIDENT OF THE UNITED STATES OF AMERICA :

His Excellency the Honourable Frank B. KELLOGG, Ambassador Extraordinary and Plenipotentiary of the United States at London ;

Who, after having communicated to each other their respective full powers found in good and due form, have agreed as follows :

Article 1.

Subject to the provisions of the present Convention, the United States consents to the administration by His Britannic Majesty, pursuant to the aforesaid mandate, of the former German territory described in Article 1 of the Mandate, hereinafter called the mandated territory.

Article 2.

The United States and its nationals shall have and enjoy all the rights and benefits secured under the terms of Articles 3, 4, 5, 6, 7, 8, 9, and 10 of the mandate to Members of the League of Nations and their nationals, notwithstanding the fact that the United States is not a Member of the League of Nations.

Article 3.

Vested United States property rights in the mandated territory shall be respected and in no way impaired.

Article 4.

A duplicate of the annual report to be made by the Mandatory under Article 11 of the mandate shall be furnished to the United States.

Article 5.

Nothing contained in the present Convention shall be affected by any modification which may be made in the terms of the mandate as recited above, unless such modification shall have been assented to by the United States.

Article 6.

The Extradition Treaties and Conventions in force between the United States and the United Kingdom, shall apply to the mandated territory.

Article 7.

The present Convention shall be ratified in accordance with the respective constitutional methods of the High Contracting Parties. The ratifications shall be exchanged at London as soon as practicable. It shall take effect on the date of the exchange of ratifications.

In witness whereof, the undersigned have signed the present Convention, and have thereunto affixed their seals.

Done in duplicate at London, this 10th day of February, 1925.

(L. S.) Austen CHAMBERLAIN.

(L. S.) Frank B. KELLOGG.