

N° 1682.

BELGIQUE ET PORTUGAL

Convention concernant le trafic du
Katanga par le port de Lobito et
le chemin de fer du Benguela.
Signée à Saint-Paul de Loanda,
le 21 juillet 1927.

BELGIUM AND PORTUGAL

Convention regarding the Katanga
Traffic through the Port of Lobito
and the Benguela Railway. Signed
at São-Paulo de Loanda, July 21,
1927.

TEXTE PORTUGAIS. — PORTUGUESE TEXT.

N^o 1682. — CONVENÇÃO¹ ENTRE PORTUGAL E A BELGICA RELATIVA AO TRAFICO DO KATANGA PELO PORTO DE LOBITO E O CAMINHO DE FERRO DE BENGUELA. ASSINADA EM SÃO PAULO DE LOANDA, EM 21 DE JULHO DE 1927.

N^o 1682. — CONVENTION¹ ENTRE LA BELGIQUE ET LE PORTUGAL CONCERNANT LE TRAFIC DU KATANGA PAR LE PORT DE LOBITO ET LE CHEMIN DE FER DU BENGUELA. SIGNÉE A SAINT-PAUL DE LOANDA, LE 21 JUILLET 1927.

Textes officiels français et portugais communiqués par les ministres des Affaires étrangères de Belgique et de Portugal. L'enregistrement de cette convention a eu lieu le 16 avril 1928.

French and Portuguese official texts communicated by the Belgian and Portuguese Ministers for Foreign Affairs. The registration of this Convention took place April 16, 1928.

PORTUGAL e a BÉLGICA, considerando os interesses respectivos das suas Colónias de Angola e do Congo Belga, concordaram ajustar uma Convenção e designaram como Plenipotenciários para esse fim :

LA BELGIQUE et LE PORTUGAL, tenant compte des intérêts respectifs de leurs colonies du Congo belge et de l'Angola, ont décidé de conclure une convention et ont désigné comme plénipotentiaires à cet effet :

O PRESIDENTE DA REPÚBLICA PORTUGUESA :

- O Sr. António Vicente FERREIRA, Alto Comissário da República e Governador Geral da província de Angola ;
- O Sr. Ernesto Júlio DE CARVALHO E VASCONCELOS, Vice-Almirante, Director Geral no Ministério das Colónias ;

SA MAJESTÉ LE ROI DES BELGES :

- M. Martin RUTTEN, gouverneur général du Congo belge ;
- M. Félicien CATTIER, vice-président du Conseil d'Administration de la Banque d'Outre-Mer, professeur honoraire à l'Université de Bruxelles ;

SUA MAJESTADE O REI DOS BELGAS :

- O Sr. Martin RUTTEN, Governador Geral do Congo Belga ;
- O Sr. Félicien CATTIER, Vice-presidente do Conselho de Administração do Banco d'Outremer, Professor honorário da Universidade de Bruxelas ;

LE PRÉSIDENT DE LA RÉPUBLIQUE PORTUGAISE :

- M. Antonio Vicente FERREIRA, haut commissaire de la République et gouverneur général dans la province de l'Angola ;
- M. Ernesto Julio DE CARVALHO E VASCONCELOS, vice-amiral, directeur-général au Ministère des Colonies ;

¹ L'échange des ratifications a eu lieu à Lisbonne le 2 mars 1928.

¹ The exchange of ratifications took place at Lisbon, March 2, 1928.

Artigo XII.

A presente Convenção será ratificada e os instrumentos de ratificação serão depositados no Ministério dos Negócios Estrangeiros, em Lisboa.

Em fé do que os Plenipotenciários assinam a presente Convenção.

Feita em S. Paulo de Loanda, aos 21 de Julho de 1927, em quatro exemplares entregues, respectivamente, dois a cada um dos Estados signatários.

António Vicente FERREIRA.
Ernesto Júlio DE CARVALHO E VASCONCELOS.
M. RUTTEN.
F. CATTIER.

Article XII.

La présente convention sera ratifiée et les instruments de ratification en seront déposés au Ministère des Affaires étrangères, à Lisbonne.

En foi de quoi les plénipotentiaires ont revêtu la présente convention de leurs signatures.

Fait à Saint-Paul de Loanda, le 21 juillet 1927, en quatre exemplaires, dont deux seront remis à chaque Etat signataire.

M. RUTTEN.
F. CATTIER.
Antonio Vicente FERREIRA.
Ernesto Julio DE CARVALHO E VASCONCELOS.

¹ TRADUCTION. — TRANSLATION.

No. 1682. — CONVENTION BETWEEN BELGIUM AND PORTUGAL REGARDING THE KATANGA TRAFFIC THROUGH THE PORT OF LOBITO AND THE BENGUELA RAILWAY. SIGNED AT SAO-PAULO DE LOANDA, JULY 21, 1927.

BELGIUM and PORTUGAL in consideration of the interests of their respective colonies, the Belgian Congo and Angola, have decided to conclude an Agreement, and have appointed as Plenipotentiaries for this purpose :

HIS MAJESTY THE KING OF THE BELGIANS :

M. Martin RUTTEN, Governor-General of the Belgian Congo ;
M. Félicien CATTIER, Vice-Chairman of the Board of Directors of the Overseas Bank, Honorary Professor at the University of Brussels ;

THE PRESIDENT OF THE PORTUGUESE REPUBLIC :

M. Antonio Vincente FERREIRA, High Commissioner of the Republic and Governor-General of the Province of Angola ;
M. Ernesto Julio DE CARVALHO E VASCONCELOS, Vice-Admiral, Director-General of the Ministry for the Colonies ;

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

Who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

Article I.

For the purposes of the present Agreement, the term " Belgian Congo " shall include not only the territories of the Belgian Congo proper, but also the territories of Ruanda-Urundi. The term " vessel " shall include vessels or boats of every kind.

Article II.

Portugal undertakes to accord freedom of transit across Angola, over the Benguela Railway, between the Port of Lobito and the frontier of the two colonies, to all persons, mails, goods, carriages, and waggons coming from or proceeding to the Belgian Congo. These persons, mails, goods, carriages and waggons shall not be subjected to any transit duty, nor to any unnecessary delays or restrictions, and shall be treated in all matters relating to rates and facilities of every kind in the same way as Portuguese nationals, mails, goods, carriages and waggons. Goods in transit shall be exempt from all Customs or other similar duties. All rates in respect of the conveyance of goods in transit shall be reasonable, taking into account the circumstances of the traffic, and no charge, facility or restriction shall be made to depend either directly or indirectly on the personal status of the owner.

The Government of the Colony of Angola nevertheless retains the right to levy transport dues on goods entrusted to the Benguela Railway, but it is agreed that these dues, which shall be levied per kilometre, without distinction as to the nature of the goods, shall be levied in the same manner on goods in transit and goods conveyed in internal traffic.

Article III.

Belgian subjects and property shall be placed in every respect on a footing of absolute equality on the Benguela Railway, and in the Port of Lobito, *i. e.*, no distinction shall be drawn, to the detriment of Belgian subjects and property, between the latter and Portuguese subjects and property. No obstacles shall be placed in the way of the free passage of persons and vessels other than those resulting from police, Customs or sanitary regulations, provisions concerning emigration or immigration and the importation and exportation of prohibited goods. These regulations and provisions, which must be reasonable and uniform, shall not be allowed to constitute any unnecessary obstacle to trade.

Article IV.

Vessels flying the Belgian flag, which enter the Port of Lobito to take on board passengers, mails, or goods from the Belgian Congo, or to land passengers, mails or goods proceeding to the Belgian Congo, shall be treated in the same way as Portuguese vessels, *i. e.*, no tax, duty, or charge of any kind shall be levied on vessels flying the Belgian flag, other than those which are or may in the future be levied on vessels flying the Portuguese flag.

It is understood that if a Belgian vessel puts on shore or takes on board at Lobito persons or goods proceeding to or coming from Angola, this fact shall entitle the Portuguese Government to apply to the Belgian vessels, as regards taxes, duties and charges of every kind, the treatment applied to foreign vessels.

Article V.

Passengers, mails and goods coming from or proceeding to the Belgian Congo shall *ipso facto* enjoy on the Benguela Railway, and in the Port of Lobito, as regards the taxes to be levied (taking

into account all repayments and bonuses) all facilities, and in every respect the most favourable treatment accorded to passengers, mails, and goods of the same nature or class transported over the above railway, or through the above port, either in the internal trade or on importation, exportation or in transit, under similar conditions of transport.

At the request of the Belgian State or the Portuguese State, through-rates may be established between any point of the Belgian Congo, of the one part, and the Port of Lobito or points of destination or origin overseas, of the other part. For this purpose the Belgian and Portuguese Administrations shall endeavour to conclude agreements for the establishment of through railway rates with the Belgian or Portuguese shipping companies whose vessels call at the above port.

Any advantages which may be granted by the railway to a Portuguese shipping company calling at the above port shall *ipso facto* be extended to Belgian shipping companies.

The Belgian State shall be entitled to despatch over the Benguela Railway, on the terms fixed by agreement between the railway administrations concerned and approved by the Government of Angola, Belgian waggons for the transport of goods between the Belgian Congo and the sea. The requirements with which these waggons must comply shall be determined by the Benguela Railway Company after the Belgian State Railway Company has been consulted. Under the same conditions, the Portuguese Government may despatch Portuguese waggons over the Belgian lines.

Should the general classification of goods adopted by the Benguela Railway contain no mention of certain goods coming from or proceeding to the Belgian Congo, these goods shall, from the point of view of the application of rates, be assimilated as far as possible to the class of goods nearest akin to them.

Article VI.

Apart from duly attested cases of *vis major*, the Portuguese Government agrees to provide the Port of Lobito with the installations required to meet the needs of national and international trade under technical conditions similar to those obtaining in other ports of the same kind, subject to the reservation that these installations need at the outset only be sufficient to meet the requirements of the traffic existing at the time when the junction line — referred to below — between the Benguela Railway and the Katanga system has been completed.

Article VII.

The Portuguese Government shall simplify Customs formalities as far as possible in respect of goods in transit from or to the Belgian Congo over the Benguela Railway.

Under conditions to be decided by agreement between the competent Portuguese and Belgian Administrations, the Portuguese Customs authorities shall not require in respect of these goods in transit any deposit of caution money or other pecuniary guarantees.

Article VIII.

In general, the Portuguese Government shall see that Belgian traffic in Angola is accorded the greatest possible facilities.

Article IX.

The Belgian Government undertakes to complete within five years as from the date on which the Benguela Railway reaches the Belgian Congo frontier, a junction line in Congo Territory connecting the above railway with the Katanga system, unless prevented by duly attested cases of *vis major* and subject to the conditions laid down in the additional Agreement signed at Lisbon on April 22, 1926, to the Convention of March 31, 1908, concluded between the "Companhia do Caminho de Ferro de Benguela", the Lower Congo-Katanga Railway Company and the Katanga Railway Company.

Article X.

The cases of *vis major* recognised in the present Convention are war, rebellion, strikes, epidemics or floods affecting the construction area, or lack of labour.

Article XI.

Any disputes between the Parties concerning the interpretation of this Convention shall be settled by arbitration.

Article XII.

The present Convention shall be ratified and the instruments of ratification shall be deposited in the Ministry of Foreign Affairs at Lisbon.

In faith whereof the Plenipotentiaries have signed the present Convention.

Done at São-Paulo de Loanda, July 21, 1927, in four copies, two copies being transmitted to each signatory State.

Antonio Vicente FERREIRA.

Ernesto Julio de CARVALHO e VASCONCELOS.

M. RUTTEN.

F. CATTIER.