

E. AFRICA
W. AFRICA
S. AFRICA

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Foreign Office

1916

7 Inch.

Last previous Paper.

No 3237

Treaty arrangements
in Convention at Brussels of Congo.

Send Cde. addressed to B. of J. resp. proposed
revision of existing arrangements and explaining
as to correct date by which question of such
revision sh. be decided upon.

Put by.
at once.
H. J. R.
8/11/16

Put by

Next subsequent Paper:

No 39093/16

In any further communication on this subject, please quote

N^o. 35688/1916
and address—

The Under-Secretary of State:
Foreign Office,
London.

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The Under-Secretary of State for Foreign Affairs presents
his compliments to the Under-Secretary of State for the
Colonies, — and, by direction of the Secretary
of State, transmits herewith copies of the under-mentioned
paper.

Foreign Office,

March 4, 1916.

Reference to previous correspondence:

Letter ^{to} ~~from~~ Foreign Office: no: ⁷⁰ 8437/1916, of Feb 23.

Description of Inclosure.

Name and Date.	Subject.
To the Board of Trade. March 4	Revision of Treaty arrangements re "Conventional Basin of the Congo"

~~Similar letter sent to~~

41307
REC
RECEIVED 8 MAR 16

Foreign Office

March , 1915.

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Sir:-

With reference to your letter ~~of the~~ of the 12th ultimo, I am directed by Secretary Sir E. Grey to transmit to you herewith a copy of correspondence with the Colonial Office relative to the existing treaty arrangements affecting the territories comprised in the Conventional Basin of the Congo.

As regards the Customs Duties levied in the British, German and Italian territories of the Eastern zone which form the subject of the Declaration of December 22nd, 1890, I am to observe that the whole question turns on the date of entry into force of the General Act of Brussels and of the Agreement between Great Britain, Germany and Italy, which came into force at the same time (see article 5 of the Agreement. p. 519 of Map of Africa by Treaty). In your letter of February 12th the date is given as August 31st, 1891 which is the date which would naturally be assumed to be the right one, on reading articles 99 and 100 of the Act of Brussels and observing that the protocol referred to in article 99 was actually signed on July 2nd, 1891. But the date given in the Map of Africa by Treaty (p. 517 foot-note 1) is April 2nd, 1892, and this is the correct date, as appears from a circular note from the Belgian Government of February 17th, 1892, stating that April 2nd had

The Secretary

to the Board of Trade.

had been agreed upon by the signatory Powers as a result of the inability of Portugal to ratify the Act earlier (it was as a matter of fact ratified by Portugal on March 30th, 1892).

The Agreement of December 22nd 1890 with Italy and Germany therefore came into force on April 2nd, 1892. It was to remain in force for successive periods of five years, and it was necessary, in order to terminate it, for one of the Contracting Parties to demand its revision not less than six months before the end of the current quinquennial period (article 5). The second quinquennial period expired on April 2nd 1902. By notes of September 13th and September 24th, 1901, (i.e. more than six months before April 2nd, 1902) His Majesty's Government demanded its revision, and the Agreement is therefore no longer in force. It expired, not in 1901, as appears from the Colonial Office letter of February 23rd, but on April 2nd, 1902, and there is therefore no need to denounce it now.

It may be added that if the Agreement were still in force the end of the current quinquennial period would be April 2nd, 1917, and the last date for denunciation therefore October 2nd, 1916, and not February 29th, 1916.

I am,

Sir,

Your most obedient,

humble Servant,