

RRR
2017

460

E. AFRICA
W. AFRICA
32632

32632
ME.
REC. 3 JUL 20

E ERIC-GEN H. C.

1920

CONVENTION REVISING GENERAL ACT OF
BERLIN 1885 AND GENERAL ACT AND DECLARATION
OF BRUSSELS 1890

th June

Previous Paper.

Trans corres. re and enquires what line British Govt.
are likely to take up.

~~Handwritten~~
Mr. S. H. C.
S. H. C.

Colonel Amery

24 July 20

I happened to hear at the F.O. that
the Swiss Govt. was raising this question
officially, so I kept this little in hand from
F.O.

See memo to L.A.
34318 SA

It might be enough to tell Gen. Marnet that
the Swiss Govt. have raised the question, & we might
tell him also how we propose to reply.

We cannot amend the
Convention itself after
consultation with the Swiss

16.7.20

16-7-20

12/7/20

Subsequent Paper.

34318/20

32032

3 JUL 20

Board of Trade,
Communications Section (British),
Supreme Economic Council,
23, Buckingham Gate,
London S.W. 1.

461

30th June, 1920.

C.S. 1074.

Sir Herbert Read,
Colonial Office,
S.W. 1.

Dear Sir,

With reference to our conversation, I enclose herewith a copy of previous correspondence regarding the objections of certain small States to the convention revising the General Act of Berlin 1885 and the General Act and Declaration of Brussels 1890. You will see from my Minute to Cardinal that the matter while insignificant in itself is nevertheless of considerable importance to British interests. For example, it will suffice that from the Press to-day that we have secured control of the interest in important Danube Shipping Companies; these interests will doubtless suffer seriously if we cannot assure on that river a régime of absolute liberty and equality as regards navigation, and our difficulties in obtaining such a régime will be vastly accentuated if we give certain riparian States a handle for saying that we ourselves are not acting up to those liberal principles which we are trying to persuade them to adopt.

I shall be grateful if you will bring the matter to notice in the preparatory quarter in order that I may know as early as possible what line the British Government are likely to take up.

I do not think the concession necessary to extend the advantages of the Conventions to all Members of the League need involve any delay in bringing the Convention into operation as between the present signatories. As regards the procedure I could imagine there would be no objection to the question being taken up through the League of Nations, but you will realize the advantages...

OFFICE, LONDON

37
Transportation Section
Postal Department
June 24, 1920

462

of the case being brought forward with an agreed resolution
rather than as an opposed case.

Yours sincerely

[Handwritten signature]

I understand C. T. Davis's view

in the matter

I enclose herewith a copy of a letter which I have received from the Swiss Delegate of the Provisional League of Nations Committee for Communications and Transit. The question had already been brought to my notice privately by Mr. Hudson, an American on the League of Nations' Secretariat, and I had mentioned it to Mr. Strachey of the Colonial Office, who was, I understand, the British Delegate on the Commission at Paris for the revision of the Treaty of Berlin of 1865. The point raised by M. Vallotton is I gather, that whereas the advantages of the Treaty of Berlin extended to all nations, the advantages of the proposed Treaty are limited to the States signatory to the Treaty and those States Members of the League of Nations who may adhere to the same, and Article 14 of the revised treaty limits the latter States to those exercising authority over African territory or who were parties to the Act of Berlin or to the Act and Declaration of Brussels of the 2nd July, 1890.

I gather, therefore, that several countries would be excluded from the benefits of the new Act, including, for example, not only Switzerland but Denmark, Japan, China and the New States of Poland and Czechoslovakia.

There may have been some judicial opinion for the above limitation but I am afraid it will produce a very bad impression and that it will be regarded by all the New States and the Balkan Powers as proof that the League Powers, in trying to introduce a liberal régime of communications on such rivers as the Danube, are acting entirely in their own and not in the general interest. Up to the present we have been able to get the Rhine and the Congo as examples where the Great Powers of their own initiative have instituted régime for more liberal than that proposed for any European river, and although some of the States now excluded may have little or no

interest ...

interest in Africa, they will not fail to claim the same right to discrimination on the Danube as is being exercised on the African rivers. 463

I think it will be generally admitted that we stand to benefit directly as much as anybody by the adoption of the principles laid down in Article 19 of the Covenant of the League of Nations. It is therefore to our interest to make any minor local sacrifices necessary to encourage international agreements in this direction. It is, I presume, inconceivable that we should ever exercise the discrimination permissible under the revised Treaty and therefore the sacrifice in this case would be virtually nil, whereas the issues at stake on the Danube and elsewhere are of considerable importance. I hope, therefore, that the British Government will support strongly any proposal to modify the Treaty in the direction of permitting any Member of the League of Nations to adhere to it.

I gather that M. Valletton may quite probably raise the question before the Provisional League of Nations' Committee for Communications and Transit. I hope he will not do so, as it will draw the attention of the Central European States to an effective argument against a liberal régime of communications, which has presumably hitherto escaped their notice. Should, however, the matter be raised, I should be glad to be in a position to state at once that the British Government would regard unfavourably any proposal in the sense of the preceding paragraph. Will you kindly, therefore, let me know as early as possible.

(Sgd.) H.O. Mance,

Brig. General.

1.6.22.

Transportation Section
Hazel Campbell

June 5th 1920.

James Valletton, Esq.,
Hotel Lutetia,
Paris.

Dear Mr. Valletton,

Many thanks for your letter of the 1st inst., regarding the Convention revising the General Act of Berlin. As I explained to you, I had nothing to do with the drafting of this Convention, but I have sent a copy of your letter to England explaining your views on the matter. I presume you are taking up the question with the other parties to the revised Convention, as I think it is most important to obtain a definite view from each of the Powers concerned before the question is taken up formally as you propose before the League of Nations. I will let you know when there are any developments though, unfortunately, as the matter belongs to another Department, I am not able to give you so prompt a reply as on a Communications question coming within the competence of my own department.

Yours sincerely,

(Sgd) H.C. Mance.

Paris, Hotel Lutetia.
June 1st 1920.

465

COPY.

Dear General Mance,

Allow me to confirm briefly the few remarks I had the honour of bringing to your notice, with reference to the "Convention revising the General Act of Berlin, February 26, 1885," etc. signed September 10th 1919.

As you know Switzerland has enjoyed since 1885, like all nations, the benefit of all the advantages granted by the General Act of Berlin of the 26th February 1885, followed by the Declaration of Brussels of the 2nd July, 1890.

These advantages are well known to you. Needless to say that the freedom of Commerce, based upon equality of treatment of all nations, granted not only upon the Congo and other rivers, but also on the whole Free Trade Zone, was of special importance to my Swiss fellow-citizens.

You are well aware, of course, of the essential difference arising now between the liberal treatment of 1885, granting freedom of navigation and commerce to the Swiss in Central Africa, and the new articles 1 and 14 of the Convention of the 19th September, 1919: the "complete commercial equality" will be limited in future to those States only, among the members of the League of Nations, which may have signed or which "may adhere" to the new Convention "in the territories under the authority of the Signatory Powers within the area defined by Article 1 of the General Act of Berlin, etc" Evidently there was no intention of excluding a friendly neutral, like Switzerland, from the intercourse with the people of Central Africa and those who drew up the new convention ignored probably that the industry and trade have large interests there, although Switzerland was not "one of the Signatory Powers" in 1885 nor in 1890.

Fortunately the 1919 Convention shows the intention, on the part of the Signatory Powers, of "using their best endeavours to obtain the adhesion" of the other States, Members of the League of Nations, and the Swiss Government hopes that Great Britain and the Allies, following their policy of constant friendship towards Switzerland and of "equitable treatment of Commerce" of all Members of the League of Nations, and especially enforcing the principles advocated by our International Commission, will not deprive Switzerland of a "droit acquis" and decide to require Switzerland's adhesion to the new Congo Convention of September 1919.

With many thanks for your friendly assistance in this matter.

I remain,

Dear General Mance

Very gratefully yours,

(Sgd) JAMES VALLOTTON.

(Swiss representative on the Prov. League of Nations
Committee for Communications and Transit.)

Monsieur le Général Mance, G.B., C.M.G., D.S.O.
Delegation Britannique,
Hotel Campbell
P A R I S

Transportation Section
Hotel Langlois

June 22, 1919.

480

James W. Wickett, Esq.,
Hotel Lutetia,
Paris.

Dear Mr. Wickett,

Many thanks for your letter of the 1st inst., regarding the Convention revising the General Act of Berlin. As I explained to you, I had nothing to do with the drafting of this Convention, but I have sent a copy of your letter to England explaining your views on the matter. I presume you are taking up the question with the other parties to the Revised Convention, as I think it is most important to obtain a definite view from each of the Powers concerned before the question is taken up formally as you propose before the League of Nations. I will let you know when there are any developments though, unfortunately, as the matter belongs to another Department, I am not able to give you so prompt a reply as on a Communications question coming within the competence of my own department.

Yours sincerely,

(Sgd) H.O. Vance.

COPY.

Paris, Hotel Lutetia,
June 1st 1919.

57

Dear General Haase,

Allow me to confirm briefly the few remarks I had the honour of bringing to your notice, with reference to the "Convention revising the General Act of Berlin, February 26, 1885," etc. signed September 10th 1919.

As you know Switzerland has enjoyed since 1885, like all nations, the benefit of all the advantages granted by the General Act of Berlin of the 26th February 1885, followed by the Declaration of Brussels of the 2nd July, 1890.

These advantages are well known to you. Needless to say that the freedom of commerce, based upon equality of treatment of all nations, granted not only upon the Congo and other rivers, but also on the whole Free Trade Zone, was of special importance to my Swiss fellow-citizens.

You are well aware, of course, of the essential difference arising now between the liberal treatment of 1885, granting freedom of navigation and commerce to the Swiss in Central Africa, and the new articles 1 and 16 of the Convention of the 10th September, 1919; the "complete commercial equality" will be limited in future to those States only, among the members of the League of Nations, which may have signed or which "may adhere" to the new Convention "in the territories under the authority of the Signatory Powers within the area defined by Article 1 of the General Act of Berlin, etc." Evidently there was no intention of excluding a friendly neutral, like Switzerland, from the intercourse with the people of Central Africa and those who form up the new convention ignored probably that the industry and trade have large interests there, although Switzerland was not "one of the Signatory Powers" in 1885 nor in 1890.

Fortunately the 1919 Convention shows the intention, on the part of the Signatory Powers, of "using their best endeavours to obtain the admission" of the other States, Members of the League of Nations, and the Swiss Government hopes that Great Britain and the Allies, following their policy of constant friendship towards Switzerland and of "equitable treatment of Commerce" of all Members of the League of Nations, and especially enforcing the principles advocated by our International Commission, will not deprive Switzerland of a "droit acquis" and decide to require Switzerland's admission to the new Congo Convention of September 1919.

With many thanks for your friendly assistance in this matter.

I remain,

Dear General Haase

Very gratefully yours,

(Sgd) JAMES WILSON.

(Swiss representative on the Free League of Nations
Committee for Communications and Transit.)

Monsieur le General Haase, C.B., C.M.G., D.S.O.
Delegation Britannique,
Hotel Campbell
PARIS

M/ 32632/20

468

E. Africa
W. Africa

ST

24th July 1920.

DRAFT.

Gen. H. O. Mance

~~Dear~~ My dear General,
I ~~to~~ ~~to~~ ~~ask~~ ~~the~~
with reference to
~~receipt~~ of your letter No

MINUTE.

C.S. 1074 of the 30th of June,
~~addressed to Sir G. Ross, rege~~

Mr. Wood 21/7

Mr. ~~Woolley~~ Strachey 22

Mr.

Mr. Grindle.

Mr. H. Lambson.

Mr. H. Road.

Mr. G. F. Fisher.

Mr. A. Young.

Lord Milner.

the objections of certain
States to the convention

the Gen^l Act of Berlin 18

and the Gen^l Act of ~~1884~~

Declaration of Brussels 1890

~~and to inform you that the~~

Seniors Gen^l have raised

this question, and ~~the~~

Lord Milner has suggested

22
I am not sure whether you
will send paper to West Africa
I printed letter
ST

Dff also

70/34348/20

2a wa

100/100 st:16 1/2

prepared ~~to~~ that

For will extend to

nationals in the British Colonies

Protectorates in Africa the same

facilities in commerce, navigation

and transit as are secured to

the signatories of ~~the~~ or adherents

to the Convention of 1919

Yours sincerely

(Signed) H. J. Owen