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Recd
14 OCT 1905

FOREIGN OFFICE,

617

October 12th, 1905.



Sir:-

I laid before the Marquess of Lansdowne your letter 32686/1905 of the 27th ultimo in which you enquire whether Articles 3 and 4 of the Berlin Act preclude

(a) the Customs duties of the East Africa, Uganda and British Central Africa Protectorates from being raised from time to time as the needs of the revenue require and (b) prevent these Protectorates from entering the South African Customs Union under which goods from Natal, the Cape Colony, etc., would enter the Protectorate free of duty, while goods from other places would be subject to a general tariff with partial remissions in favour e.g. of Great Britain and Canada.

With regard to point (a), I am directed by the Marquess of Lansdowne in state, for the information of Mr. Secretary Lyttelton, that the provisions of Article IV of the Berlin Act were modified in the fol-

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The Under Secretary of State,
Colonial Office.

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following manner by the Declaration of July 2nd, 1890, signed by the Powers assembled in Conference at Brussels, who had ratified or acceded to the Berlin Act.

"The Signatory or adhering Powers who have Possessions or Protectorates in the said conventional basin of the Congo are authorized, so far as they require any authority for the purpose, to establish therein duties upon imported goods; the scale of which shall not exceed a rate equivalent to ten per cent ad valorem at the port of entry. Always excepting spirituous liquors which are regulated by the provisions of Chapter VI of the General Act of this day" (i.e. the Brussels Act).

The Declaration further provided that on the termination of any special Agreements which might be entered into by the Signatory Powers in regard to the Customs system to be established, the Powers concerned should return to the conditions provided for by Article IV of the Berlin Act, retaining, however, the power of imposing duties up to a maximum of ten

per

per cent.

On December 22nd, 1890 an Agreement was signed between Great Britain, Germany and Italy limiting the import duties in question to five per cent. In January 1902 the Governments of Germany and Italy were informed (after having been given formal notification of revision in the previous September) that a ten per cent import duty would in future be levied in the British Central Africa Protectorate and that His Majesty's Government reserved the right to impose a duty at the same rate in the remaining British Protectorates on the East coast of Africa. The full duty was, as you are aware, subsequently imposed in the case of the East Africa and Uganda Protectorates also.

In these circumstances Lord Lansdowne considers that it would not be possible so long as the provisions of Article IV of the Berlin Act remain in force, to raise the import duties in the three Protectorates to a rate higher than ten per cent ad valorem. Mr. Lyttelton has already decided, as stated in your letter

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letter 16631/1905 of August 4th. last, that it is not necessary to take any steps for the revision of that Article.

With regard to point (t) in your letter, I am to state that the last paragraph of Article III of the Berlin Act was confirmed by the Declaration of Brussels above referred to, and has not since been modified by any International Agreement. It is therefore, in Lord Lansdowne's opinion, impossible, as matters at present stand, to accord to the three Protectorates the preferential treatment which they would derive from entering the South African Customs Union.

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Your most obedient,

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J. Campbell

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