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TREATIES WITH FOREIGN STATES
COMMERCIAL

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VIOLA PAPER

14-64
at Kenya
[Signature]

Lu H. Head

Mr. Bottomley.

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Mon.
consider
me to find out whe
the Kenya rate (incl
airland domains) as raised to 10%. I have
ascertained from Mr. Gritten that the Foreign Office

cannot

10/2185

In any letter or communication
on this subject, please quote
No. A 2452/228/20.
and address
not to any person by name.
but to
The Under Secretary of State,
Colonial Office,
Whitehall, S.W.1.

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Sir,

I am directed by Earl Curzon of Kedleston to state that His Lordship has had under consideration your letter of the 5th instant No. 3432/1921 enclosing copy of a Memorandum relating to the commercial provisions in the Zanzibar Treaty with foreign States.

2. Lord Curzon is of opinion that it may well be maintained that pre-existent treaties are by implication dissolved upon the coming into force of a subsequent convention inconsistent therewith and that, inasmuch as the St. Germain Convention is in some respects inconsistent with the Zanzibar treaties and does not refer to them, all parties thereto may be presumed to have intended they should be regarded as to that extent superseded. Difficulty however arises from the fact that when the question was raised in 1900, His Majesty's Government used language to the French Government implying the treaties were still in force, notwithstanding the existence of the Berlin and Brussels Acts.

3. In these circumstances it is evident that arguments may be adduced on both sides of the question, though the wording of the St. Germain Convention is more favourable to the view expressed in your letter than that of the earlier Conventions, and the position of His Majesty's Government will therefore be strengthened as soon as the Convention has come into force. At the same time, while I

The Under Secretary of State,
Colonial Office.

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Curzon is ready to give his assurance that he will support the British Government in the event of difficulties being raised. His Lordship cannot guarantee that the French Government will accept the view in question, or that it would be upheld if the question were referred to arbitration.

4. On the other hand the necessity of raising import duties in Africa being admitted, Lord Curzon believes that if the French Government were suitably approached upon this question they might waive any possible objections, although this might be done if the duties were raised without their being consulted in advance.

5. In these circumstances I am to suggest for the consideration of Mr. Churchill that the best course to pursue in this matter would be, as soon as the French Government have ratified the St. Germain Convention, to inform them of the views of His Majesty's Government and to say that His Majesty's Government have no doubt that the French Government will accept the views, but that on face of the diplomatic discussion of the question which has taken place in the past, His Majesty's Government think it courteous to give them notice beforehand of their intention. It might be advisable to accompany such a declaration with an offer, supposing such a course to be acceptable to the French Government, to send a delegate to Paris to explain more fully the position of His Majesty's Government, since Lord Curzon believes that a question of this sort might be more easily disposed of verbally

than/

trans by diplomatic correspondence.

Yours,

Sir,

Your most obedient,

humble Servant,

R. Sperling

