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Origin

GERMAN COLONY, ZANZIBAR

Date

20 April

Exposition Paper

Some drafts for early observations. In circumstances stated it will probably be difficult to affect any termination of the privileges at present enjoyed by Germans in Zanzibar. It will be observed that the Govt. of E.A.P. are already in possession of a copy of the draft.

No
1000

Sgt. Ed. Smith

Name

L.P.R.

17/2

Pass 20098
Apr to Conf. 20 April 1911

Serial Number

Subsequent Paper

No
1306



FOREIGN OFFICE, 7

April 15th 1911

mediate.

3886/11

Sir:-

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With reference to your letter of the 26th 1910, I am directed by Secretary Sir E. Grey to forward to be laid before Mr. Secretary of State, copy of the draft of a new treaty between the Government of Zanzibar and the German Government which it is proposed to invite the German Government to consider.

Clarke
55 Feb 20

Treaty

the Treaty

In requesting Mr. Harcourt to forward at his earliest convenience such observations as he may wish to make, I am to state for his information, that the German Government contend that by virtue of agreements concluded with the Sultan of Zanzibar in 1869 and 1871 the Treaty of 1859 between Zanzibar and the Hanseatic States, of which a copy is inclosed, was extended to the whole German Empire, which would therefore benefit by it on the expiry of the Treaty of 1859.

Although there is no trace of the agreements in question

Under Secretary of State,
Colonial Office.



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question either here or at His Majesty's Agency at
 Zanzibar the statement of the German Government can
 hardly be questioned as they have furnished copies of
 the notes exchanged between the Zanzibar Government
 and the then German Representative. In these circum-
 stances it will probably be difficult to effect any
 great diminution of the privileges at present enjoyed
 by Germans in Zanzibar.

Mr. Harcourt will observe from the enclosed des-
 patch from His Majesty's Agent and Consul-General at
 Zanzibar that the Government of British East Africa
 has already been put in possession of a copy of the
 draft Treaty. Sir E. Grey proposes to insert the
 article drafted by Mr. Clarke in its proper place as
 Article 6 of the Treaty, with the exception of the last
 paragraph which he would omit altogether.

I am,

Sir,

Your most obedient,

Humble Servant,

W. Langley

Received
 12213
 H.C.
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Received
 10th. 1911.

B093
 6 MAR 1911

SIR,

With reference to my telegram No. 10 of the 10th
 instant I have the honour to transmit to you herewith a
 draft of the proposed article respecting slaves to be
 inserted in the new Consular - German Treaty.

A copy of it was sent to the British West Africa
 Administration for their observations on the 12th November
 but I was informed in reply that they were unable to
 express any views in regard to it pending the return of
 Sir Percy Girouard from London.

I have the honour to be,

with the highest respect,

SIR,

Your most obedient, humble servant,

(Signed) EDWARD CLARKE

The Right Honourable,

Sir Edward Grey, Bart, M. P.

Ad. . . Ad. . . Ad. . .

Inclosure in Mr. Clarke's No. 55 of February 10th, 1911.

8093

6 MAR 1911

GERMAN - HANSIBAR TREATY.

Draft Article 6.

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The powers conferred upon Great Britain, Germany and Hansibar by Articles 25, 26 and 27 of the General Act of the Brussels Conference of 1890 shall be exercised as regards German shores in the ports and territorial waters of the Hansibar Island Dominions by the Hansibar Government and in the ports and territorial waters of the Hansibar Mainland Dominions by the Government of British West Africa and as regards British and Hansibar shores in the ports and territorial waters of German West Africa by the German Government.

German shores in the ports and territorial waters of the Hansibar Island and Mainland Dominions shall be subject to the Port Rules and Regulations for the time being in force on British shores in those Dominions. British and Hansibar shores in the ports

and territorial waters of German East Africa shall be subject to the Port Rules and Regulations for the time being in force in German East Africa.

But it is to be understood that the fishing rights of British and Danish ships in German East Africa waters and of German ships in Danish waters remain untouched by anything mentioned in the above provisions.

The territorial waters of German East Africa and of the Danish Islands and Foreign Possessions shall comprise all the sea area within a three mile limit from their respective coast lines.

CONFIDENTIALPROPOSED TREATY BETWEEN ZANZIBAR
AND GERMANY.*Draft of Main Treaty*

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in the name of His Majesty the Sultan of Zanzibar, of the one part, and His Majesty the German Emperor, King of Prussia, in the name of the German Empire, of the other part, have agreed to conclude for the Treaty of Friendship, Commerce and Navigation concluded between the Sultan of Zanzibar and the German Empire on the 7th December, 1885, which expires in July, 1914, the following treaty:—

ARTICLE I.

There shall be between the island dominions of the Sultan of Zanzibar and the German Empire reciprocal freedom of commerce and navigation.

The subjects of the Sultan of Zanzibar and Germans shall have liberty freely to come, with their ships and cargoes, to all places and ports in the dominions of the German Empire and the island dominions of the Sultan of Zanzibar respectively, to which native subjects are or may be permitted to come, and shall enjoy the same rights, privileges, liberties, immunities, and exemptions in matters of commerce and navigation as are or may be enjoyed by native subjects, or by the subjects or citizens of the most favoured nation. Subjects of His Britannic Majesty are, however, for the purposes of this article, not to be considered in Zanzibar as subjects or citizens of a foreign State.

The subjects of the Sultan of Zanzibar and Germans shall not be subject in such territories in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, or to imposts or obligations of any kind whatever, other or greater than those which are or may be imposed upon native subjects.

ARTICLE 2.

The produce and manufactures of Germany shall, on importation into the Island of Zanzibar, and the produce and manufactures of the island on importation into Germany, be subject to no higher duties or charges than may be imposed in the respective territories on the similar produce or manufactures of the most favoured nation.

ARTICLE 3.

If seamen or ship's boys, not being slaves, desert from a German ship of war or merchant-ship on the ports or waters of the island dominions of His Highness the Sultan of Zanzibar, or from a Zanzibar ship in the ports or waters of Germany or her possessions, the local authorities shall, on application being made to them by the German or British consul, or if he is not available, or when there is no consul, by the commanding officer of the ship, afford every assistance in their power for capturing such seamen and bringing them back on board. It is, however, understood that the above provision will not be enforced against subjects or natives of the country where the desertion has taken place, nor in the island dominions of His Highness the Sultan of Zanzibar against British subjects or natives of British protectorates.

ARTICLE 4.

Germans and their property shall, in the island dominions of His Highness the Sultan of Zanzibar, be subject to the same courts of justice as European subjects of the protecting Power, Great Britain, and their property. Suits brought by Germans against subjects of His Highness the Sultan of Zanzibar and other persons subject to his jurisdiction shall be tried by the same authorities, who under similar circumstances have to try the suits of European subjects of the protecting Power, Great Britain.

The German consuls and the members of their families have such immunity from the jurisdiction of the authorities, and such exemption from all personal taxes and all other public services which have the nature of direct or personal taxes, as the similarly privileged subjects of the most favoured nation, and also enjoy any other privileges accorded to them.

ARTICLE 5.

If a German dies and leaves property in the island dominions of His Highness the Sultan of Zanzibar, his estate, so far as it lies in those dominions, shall be administered under some court which, in a similar case, would administer the estate of a European subject of the protecting Power, Great Britain.

If the heir-at-law of the German testator is deceased, or if he possesses a German domicile, the executor of his estate shall, on the nomination of the local authorities for the administration of the estate, be liable to the German consul, who shall see that it accords with German law, to render to the representatives of a third country such facilities as to report of the estate of the deceased as shall those rights shall also be enjoyed by the German consuls.

ARTICLE 6.

An instrument drafted by Mr Clarke, putting all matters covered by articles 33, 34, and 35 of the Treaty Act into the hands of the local authorities.

ARTICLE 7.

The provisions of the present treaty with regard to Germany shall be applicable to all the territories of the German Empire, and in regard to matters of customs referred to by articles 1 and 2, in which regard they shall be applicable also to territories which are at present or may in the future be united to Germany as a German State.

ARTICLE 8.

The relations between the island dominions of the Sultan of Zanzibar and the German Empire shall be regulated in the same manner as those between the British East India Company and the German Empire.

ARTICLE 9.

The present treaty shall be ratified without delay, and shall come into force from the date of the exchange of ratifications. On the signature the Treaty of Friendship, Commerce, and Navigation concluded at the

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 20th December, 1885, between the Sultan of Zanzibar and the German Empire, as well as the Treaty of Friendship, Commerce, and Navigation concluded on the 13th June, 1850, between the Sultan of Zanzibar and the Remees of the States of Lübeck, Bremen, and Hamburg will cease to be in force.

ARTICLE 10.

The present treaty shall remain in force for ten years, reckoned from the day on which it comes into force.

In the event of neither of the contracting parties declaring their intention of denouncing the terms of the treaty twelve months before the expiry of this time, it shall remain in force for the period of one year from the day on which one or other of the contracting parties denounces it. At the end of this period of one year the treaty shall terminate.

Treaty of the Subsidiary Treaty

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in the name of His Highness the Sultan of Zanzibar, on the one hand, and His Majesty the German Emperor, King of Prussia, in the name of the German Empire, on the other hand, have agreed to regulate the relations between Zanzibar and German East Africa in the following manner:—

ARTICLE 1.

The provisions of the Treaty of Friendship, Commerce, and Shipping between Zanzibar and Germany of this day shall apply equally to German East Africa, in addition to the measures and additions laid down in the following articles.

ARTICLE 2.

No dues shall be levied on ships of His Highness the Sultan of Zanzibar entering the ports of German East Africa unless such vessels are engaged in trading operations in those ports.

Similarly no dues shall be levied on ships of the German East African Government entering

ports of His Highness the Sultan of Zanzibar unless such vessels are engaged in trading operations in those ports.

ARTICLE 3.

Subjects of His Highness the Sultan of Zanzibar who were permanently established in German East Africa at the time when German East Africa became part of the German Empire shall be treated as natives of German East Africa, in so far as they have not ceased to be subjects of German East Africa, according to the legal provisions there in force.

On the other hand, subjects of His Highness the Sultan of Zanzibar who had been permanently established in the protected territories of His Highness the Sultan at the time when German East Africa became part of the German Empire shall be regarded as subjects of His Highness the Sultan, in so far as they have not ceased to be according to the laws prevailing in Zanzibar.

ARTICLE 4.

The natives of German East Africa shall, in the territories of His Highness the Sultan of Zanzibar, be subject to the same law codes as the Germans.

ARTICLE 5.

The same rights, privileges, and liberties as those accorded to natives of German East Africa shall be granted in the territories of His Highness the Sultan to the establishments of other States of Germany.

[The details of execution to be agreed with Germany.]

ARTICLE 6.

The present treaty shall be ratified as soon as possible and shall be in force six months after the exchange of ratifications. It shall remain in force as long as the treaty of this date between His Majesty the King of the United Kingdom of Great Britain and Ireland, in the name of His Majesty the Sultan of Zanzibar, and His Majesty the German Emperor, and shall cease when the latter ceases.

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Sept 27

DRAFT Telegram
through
Vandy

... ..
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MINUTE

- Mr. Reed
- Mr. Fiddes
- Mr. Jant
- Mr. Cox
- Mr. C. Lucas
- Mr. F. Hopwood
- Col. Sady
- Lord Cross

1873

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