

DOMESTIC

EAST AFR. PROT

42184

No. 42184

Individuals

(Subject.)

005

Nov

Various Paper.

Leases of large areas

Refers to FO 470 1904 which F.O. news are set forth. Suggests content of draft reply to a. com

(Minutes.)

Mr. Cox

The 2nd part of our draft deals on F.O. 388 to which F.O. object stating that grants of the role might be collect a products over a limited area was not because of the permission of the British list against monopolies. Whether you take some connection with Mr. Hunt on the subject - the result of which you may wish to read - MM 30/11

Mr. Antons

Mr. Antons discussed the question of monopoly with me & I read him a minute on 12203/05 with which

has expressed his agreement.

I also said that in my view
it would be desirable to consider whether
some such system could be
established as respects in West Africa
to first a prospecting licence, then
an option to take land, of small
a lease of 3 or 4 years, and a too
extensive area for the purpose of
mineral collection etc.

400

30/11

has expressed his agreement

I also said that in my view
it would be desirable to consider whether
some such system could be
established in respect of West Africa
to grant a proprietary licence, then
allow the holder to take land, of small
a lease of 99 years, & define it as a
extensive and for the purpose of
rubber collection etc.

4 21
30/11

C.O.
42134

RECEIVED
FOREIGN OFFICE
November 27th, 1905.



Sir:-

I laid before the Marquess of Lansdowne your letter 388/1905 of the 16th September enclosing Sir D. Stewart's despatch No. 77 of February 13th last, on the subject of leases of Forest areas in the East Africa Protectorate, and submitting for concurrence the draft of the reply which the Secretary of State for the Colonies proposes to return thereto, and also your further letter of November 20th on the same subject.

FOIPA
555 CAP

Clearance
of Feb: 13/05
referred.

The only portion of the suggested instructions which appears to concern this Department is that in which it is laid down that the grant of a sole right to collect any particular product (i.e. without being coupled with any lease or right of occupation of the land itself) over a restricted area is not an infraction of the provisions against monopolies contained in 45 of the Berlin Act.

I

Under Secretary of State,
Colonial Office.

* F.O. No. 388. S.A.P. No 40397

2-75

I am directed by His Lordship to request you to draw Mr. Lyttelton's attention to the Foreign Office despatch No. 470 of the 21st September 1904 to Sir C. Eliot in which His Lordship's views on the subject are set forth at length. Pending the settlement of the question of the legality of the concessions granted in the Congo Free State and the portion of the French Congo lying within the Free Trade area of the Berlin Act, which are claimed by His Majesty's Government to conflict with Article V of that instrument, it appears to Lord Lansdowne desirable to abstain in the British Protectorates of Africa from the introduction of any land system that embodies the essential conditions of a monopoly, even over a small and restricted area.

In these circumstances Lord Lansdowne would be glad if 42 of the proposed draft to Sir D. Stewart could be omitted and he could be informed instead as proposed in your letter of November 20th that the proper solution of the difficulty discussed in his No. 77 lies in the direction indicated in the penultimate paragraph of the Foreign Office despatch to Sir

643
C. Eliot above referred to.

I am, ~~43~~

Sir,

Your most obedient,

humble servant,

F. A. Collins

21314

S.O

t.61

697

Handwritten scribbles and signatures

DRAFT



Downing Street,

15 December, 1906

Official routing and address text, partially obscured

Handwritten signature

SIR,

I have had under my consideration

Sir D. Stewart's despatch No. 77 of the 15th of February and ^{his} despatch No. 332 of the 16th

October in which it is recommended that licenses to collect rubber and other forest produce should be granted, instead of, as at present, leases of the land where such products are to be found.

2. His Majesty's Government have carefully considered the matter, but they do not consider it consonant with their

obligations

Vertical handwritten notes on the left margin:
Mr. W. 1/2
Mr. Read 9
Mr. Antrobus 11
Lord Selkirk
after speaking to Mr. Antrobus

Vertical handwritten note:
Copy sent up 24 22

S.O. Paper No. 388. S.A.A. 72

265-15

obligations under the 6th Article of the General Act of Berlin (which forbids to grant in the area specified of "a monopoly or favour of any kind in matters of trade"), to allow the issue of such licences in the East Africa Protectorate.

3. Even if this obligation had not been assumed it is by no means clear to me that the grant of such rights would be desirable.

4. If persons are granted, for limited periods, the right to collect such products as rubber, their natural inclination will be to obtain as much as they can in the time, with little consideration for the preservation of the vines or trees, or for their replacement by planting new ones: nor, if the areas are as large as has been suggested, would any regulations passed to compel such consideration prove of much use without the supervision of a much larger forestry staff than is likely to be available.

available.

5. In fact the rubber collecting industry tends, under such conditions as has been abundantly shown ~~in~~ⁱⁿ West ~~francophone~~ Africa, to be self-destructive.

6. The right course is, I am satisfied, the one which was recommended in ~~the~~^{Lord} ~~London~~ ~~despatch~~ ~~No. 470~~ of the 21st September 1903^f in the following words, "The same objection" (i.e. that based on the provisions of the Berlin Act ~~which~~^{which} deal ~~with~~ with monopolies, "would lose its force if, instead of the grant of an exclusive right to collect rubber over large forest areas, the land itself were definitely leased so as to ensure actual occupation in its proper sense, and if any leases so granted were strictly confined to workable limits so as to prevent a merely nominal occupation of the land."

9/10/11

7. I would add that, in the case of rubber at least, the aim should be to induce

persons

persons to found a permanent industry of
mining, such as places which are known
to be fitted for it, rather than to destroy
such natural gifts for the sake of a temporary
gain.

B. The danger to which Sir D. Stewart
alludes, vizt. that "large tracts of country
are likely to be locked up and rendered useless
if a strict lease of the land are granted,
appears to arise from a neglect of the instruc-
tions contained in *Lord Lansdowne's*
~~the original~~ despatch
with regard to the limitation of the size of
grants.

C. An area of 100 square miles (which
has been granted in certain cases) can scarce-
ly be regarded as coming within the meaning
of "workable limits," unless the lessees have
very large resources; and I think that ~~such~~
such large grants should not be
~~made without very careful con-~~
sideration
~~It will on this ground that a~~

4/1288

Telegram was addressed to you on the 31st

November

8 Nov 41288

3

Directing
November ~~proposing~~ that leasehold grants
exceeding 10,000 acres should not in future be
made without reference to the Secretary of
State.

10. As the areas in which rubber is found
may sometimes be scattered sparsely over a
large tract of forest, it may be desirable to
introduce a system similar to that which has
been established in West Africa, under which
prospecting rights of short duration are grant-
ed over a considerable area, carrying a right
to select a defined and limited tract to be
leased for purposes of rubber collection and
cultivation; and I should be prepared to con-
sider *favorably* any proposals on these lines
which you may desire to make.

I have, &c.,

Elgin