

DOMESTIC

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of Indivisions

Foreign

1909

50 apl.

Previous Paper

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British & French Trade with Egypt, Morocco

in transit through British & French possessions in Africa,
Sends deep. addressed to Mr. Roubil at Paris enclosing
draft of proposed agreement bet of Britain & France
giving reciprocal customs & other facilities.

Observation:

So far as Uganda & the S.A.P. are
concerned, I should have thought that, in
view of the General Act of the Berlin Conf. 1875
an Agreement of this kind was almost
unnecessary. (which applicable to Uganda & other S.A.P.)
Art 3 of that Act provides
inter alia that "all differential duties or
rebates as well as a membership are
prohibited" - & Art 5 states that
the power reserving sovereign right in
the above-mentioned regions (which include
Uganda & the S.A.P.) shall be allowed
to grant therein a monopoly in favour of
any kind in matters of trade.

of Copy of [unclear] Conf & May

S.R.

Subsequent Paper

16946

Sand copy of this one: to the [unclear] of
Uganda & the S.A.P. for info [unclear] ?
[unclear] it once. A.S.R. 3/11

In any further communication on this subject, please quote

No. *9529*
and address
The Under-Secretary of State,
Foreign Office,
London.

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1800 / MAY 00

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The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith copy of the under-mentioned paper.

Foreign Office,

April 30, 1909.

Reference to previous letter:

Description of Inclosure.

Name and Date.	Subject.
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*To
His Ambassador at
Paris
April 28*

*Transit trade to
Morocco and Egypt*

(Similar letter sent to B. of Trade)

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FOREIGN OFFICE.

April 23rd. 1909.

82.
(Commercial,
10/06)

Sir:-

With reference to my despatch No. 647 of the 18th. November 1907 respecting the proposal to conclude with the French Government the Agreement forshadowed in Article IV of the Anglo-French Declaration of April 8th. 1904 respecting the trade of both countries with Egypt and Morocco enquiries have been made as to the desirability of concluding such an Agreement and it has now been decided to approach the French Government on the subject.

The second paragraph of Article IV above referred to runs as follows:-

"The trade of both nations with Morocco and with Egypt shall enjoy the same treatment in transit through the French and British possessions in Africa. An

Agreement

Excellency

The Right Honourable

Sir F. Bertie, G.C.S., G.C.M.G.,

ac., ac., ac.

(9529/09)

Agreement between the two Governments shall settle the conditions of such transit and shall determine the points of entry".

As regards goods in transit through the French possessions in Africa to and from Morocco the only French regulations in force as far as I am aware are those dealing with transit through Algeria. Whilst no transit dues proper may (by virtue of Article II of the Treaty of 1832 with France) be levied on British goods passing through Algeria I understand that such goods, when en route to Morocco are in fact subject to inequality of treatment, being (with certain exceptions provided for in the French Transit Decree of December 17th. 1896 and February 1st. 1902) subject to Customs duty on their entry into Algeria while French goods similarly in transit are not subject to such duty.

A further inequality of treatment exists with regard to the relative liability of French and British goods in transit through Algeria under the Algerian duties known as Octroi de Mer.

Imports

(9529/03)

Imports from Morocco into Algeria are regulated by a law of April 16th. 1895 which makes no differentiation between goods destined for France or French possessions and those consigned to other countries. A résumé of this Law and of the Transit Decrees of December 17th. 1896 and February 1st. 1902 is enclosed herewith.

The term "French possessions" should be held to include Algeria, Tunis and other territories bordering on Morocco which are in the possession of or recognize the suzerainty of France.

As regards the British possessions in Africa through which trade might pass in transit to or from Egypt it is assumed that the French negotiators of the Declaration of April 8th. 1904 had in mind British East Africa and Uganda and there is no reason why equality as regards transit should not be given in those Colonies. Should, however, the French Government suggest that the Sudan should be included in the term "British possession" you should point out that such an interpretation is impossible in view of the stipulation in Article II of the Agreement of January 19th. 1899 between

(9529/09)

Her Majesty's Government and the Government of the Khedive by which the British and Egyptian flags are used together throughout the Sudan.

I enclose a draft Agreement which may form the basis of negotiations. I request that you will forward it to the French Government for their observations and inform them that it is the desire of His Majesty's Government to conclude an arrangement which will fulfil the stipulations of Article IV of the Declaration of April 8th. 1904 for complete equality of treatment for the transit trade of both countries to and from Morocco and Egypt through the territories referred to.

I am, with great truth and respect,

Sir,

Your Excellency's most obedient,

humble servant,

(Sd/ J. G. G. G.)

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raft Agreement.

The Government of His Britannic Majesty and the Government of the French Republic, being desirous of concluding the Agreement as to the trade of both nations with Morocco and Egypt in transit through the French and British Possessions in Africa stipulated for in Article IV of the Declaration between Great Britain and France of April 8th. 1904, the undersigned duly authorized thereto by their respective Governments, have agreed upon and concluded the following Articles:-

1. Goods of British origin in transit to and from Morocco, through Tunis, Algeria or other territories bordering on Morocco which are in the possession of or recognize the suzerainty of France, and Goods of French origin in transit to and from Egypt through British East Africa, and Uganda shall, under similar circumstances

circumstances, receive absolute equality of treatment with goods of French origin and with goods of British origin respectively, as regards Customs duties and other duties leviable in the territories through which they pass as regards railway rates and charges; as regards facilities in the Customs Houses through which they may enter or leave, and generally.

2. This mutual engagement shall be binding for a period of thirty years. Unless this stipulation is expressly denounced at least one year in advance, the period shall be extended for five years at a time.

Done in duplicate at
the day of