

CONVENTION BETWEEN THE UNITED KINGDOM AND FRANCE RESPECTING NEWFOUNDLAND, AND WEST AND CENTRAL AFRICA SIGNED AT LONDON, APRIL 8, 1904

His Majesty, the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the French Republic, having resolved to put an end, by a friendly Arrangement, to the difficulties which have arisen in Newfoundland, have decided to conclude a Convention to that effect, and have named as their respective Plenipotentiaries:

His Majesty the King of the United Kingdom of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Most Honourable Henry Charles Keith Petty-Fitzmaurice, Marquess of Lansdowne, His Majesty's Principal Secretary of State for Foreign Affairs; and The President of the French Republic, His Excellency Monsieur Paul Cambon, Ambassador of the French Republic at the Court of the King of the United Kingdom of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India;

Who, after having communicated to each other their full powers, found in good and due form, have agreed as follows, subject to their approval of their respective Parliaments:—

ARTICLE I

France renounces the privileges established to her advantage by Article XIII of the Treaty of Utrecht, and confirmed or modified by subsequent provisions.

ARTICLE II

France retains for her citizens, on a footing of equality with British subjects, the right of fishing in the territorial waters on that portion of the coast of Newfoundland comprised between Cape St. John and Cape Ray, passing by the north; this right shall be exercised during the usual fishing season closing for all persons on the 20th October of each year.

The French may therefore fish there for every kind of fish, including bait and also shell fish. They may enter any port or harbour on the said coast and may there

obtain supplies or bait and shelter on the same conditions as the inhabitants of Newfoundland, but they will remain subject to the local Regulations in force; they may also fish at the mouths of the rivers, but without going beyond a straight line drawn between the two extremities of the banks, where the river enters the sea.

They shall not make use of stake-nets or fixed engines without permission of the local authorities.

On the above-mentioned portion of the coast, British subjects and French citizens shall be subject alike to the laws and Regulations now in force, or which may hereafter be passed for the establishment of a close time in regard to any particular kind of fish, or for the improvement of the fisheries. Notice of any fresh laws or Regulations shall be given to the Government of the French Republic three months before they come into operation.

The policing of the fishing on the above-mentioned portion of the coast, and for prevention of illicit liquor traffic, and smuggling of spirits, shall form the subject of Regulations drawn up in agreement by the two Governments.

ARTICLE III

A pecuniary indemnity shall be awarded by His Britannic Majesty's Government to the French citizens engaged in fishing or the preparation of fish on the «Treaty Shore», who are obliged, either to abandon the establishments they possess there, or to give up their occupation, in consequence of the modification introduced by the present Convention into the existing state of affairs.

This indemnity cannot be claimed by the parties interested unless they have been engaged in their business prior to the closing season of 1903.

Claims for indemnity shall be submitted to an Arbitral Tribunal, composed of an officer of each nation, and, in the event of a disagreement, of an Umpire appointed in accordance with the procedure laid down by Article XXXII of the Hague Convention. The details regulating the constitution of the Tribunal and the conditions of the enquiries to be instituted for the purpose of substantiating the claims, shall form the subject of a special Agreement between the two Governments.

ARTICLE IV

His Britannic Majesty's Government, recognising that, in addition to the indemnity referred to in the preceding Article, some territorial compensation is due to France in return for the surrender of her privilege in that part of Newfoundland referred to in Article II, agree with the Government of the French Republic to the provisions embodied in the following Articles: –

ARTICLE V

The present frontier between Senegambia and the English Colony of the Gambia shall be modified so as to give to France Yabutenda and the lands and landing-places belonging to that locality.

In the event of the river not being open to maritime navigation up to that point, access shall be assured to the French Government at a point lower down on the River Gambia, which shall be recognised,

by mutual agreement as being accessible to merchant ships engaged in maritime navigation.

The conditions which shall govern transit on the River Gambia and its tributaries, as well as the method of access to the point that may be reserved to France in accordance with the preceding paragraph, shall form the subject of future agreement between the two Governments.

In any case, it is understood that these conditions shall be at least as favourable as those of the system instituted by application of the General Act of the African Conference of the 26th February, 1885, and of the Anglo-French Convention of the 14th June, 1898, to the English portion of the basin of the Niger.

ARTICLE VI

The group known as the Iles de Los, and situated opposite Konakry, is ceded by His Britannic Majesty to France.

ARTICLE VII

Persons born in the territories ceded to France by Articles V and VI of the present Convention may retain British nationality by means of an individual declaration to that effect, to be made before the proper authorities by themselves, or, in the case of children under age, by their parents or guardians.

The period within which the declaration of option referred to in the preceding paragraph must be made shall be one year, dating from the day on which French authority shall be established over the territory in which the persons in question have been born.

Native laws and customs now existing will, as far as possible, remains undisturbed.

In the Iles de Los, for a period of thirty years from the date of exchange of the ratifications of the present Convention, British fishermen shall enjoy the same rights as French fishermen with regard to anchorage in all weathers, to taking in provisions and water, to making repairs, to transshipment of goods, to the sale of fish, and to the landing and drying of nets, provided always that they observe the conditions laid down in the French Laws and Regulations which may be in force there.

ARTICLE VIII

To the east of the Niger the following line shall be substituted for the boundary the French and British possessions by the Convention of the 14th June, 1898, subject to the modifications which may result from the stipulations introduced in the sixth and seventh paragraphs of the present Article.

Starting from the point on the left bank laid down in Article III of the Convention of the 14th June, 1898, that is to say, the median line of the Dallul Mauri, the frontier shall be drawn along this median line until it meets the circumference of a circle drawn from the town of Sokoto as a centre, with a radius of 160, 932 mètres (100 miles). Thence it shall follow the northern arc of this circle to appoint situated 5 kilomètres south of the point of intersection of the above-mentioned arc of the circle with the route from Dasso to Matankari via Maourédé.

Thence it shall be drawn in a direct line to a point 20 kilomètres north of Kouni

(Birni-N'Kouni), and then in a direct line to a point 15 kilomètres south of Maradi, and thence shall be continued in a direct line to the point of intersection of the parallel 13° 20' north latitude with a meridian passing 70 miles to the east of the second intersection of the 14th degree of north latitude and the northern arc of the above-mentioned circle.

Thence the frontier shall follow in an easterly direction the parallel of 13° 20' north latitude until it strikes the left bank of the River Komadugu Waubé (Komadougou Ouobé), the thalweg of which it will then follow to Lake Chad. But, if before meeting this river the frontier attains a distance of 5 kilomètres from the caravan route deom Zinder to Yo, through Sua Kolulua (Soua Kololoua), Adeber, and Kabi, the boundary shall then be traced at a distance of 5 kilomètres to the south of this route until it strikes the left bank of the River Komadugu Waubé (Komadougou Ouobé), it being nevertheless understood that, if the boundary thus drawn should happen to pass through a village, this village, with its lands, shall be assigned to the Government to which would fall the larger portion of the village and its lands. The boundary will then, as before, follow the thalweg of the said river to Lake Chad.

Thence it will follow the degree of latitude passing through the thalweg of the mouth of the said river up to its intersection with the meridian running 35' east of the centre of the town of Kouka, and will then follow this meridian southwards until it intersects the southern shore of Lake Chad.

It is agreed, however, that, when the Commissioners of the two Governments at

present engaged in delimiting the line laid down in Article IV of the Convention of the 14th June, 1898, return home and can be consulted, the two Governments will be prepared to consider any modifications of the above frontier line which may seem desirable for the purpose of determining the line of demarcation with greater accuracy. In order to avoid the inconvenience to either party which might result from the adoption of a line deviating from recognised and well-established frontiers, it is agreed that in those portions of the projected line where the frontier is not determined by the trade routes, regard shall be had to the present political divisions of the territories so that the tribes belonging to the territories of Tessaoua-Maradi and Zinder shall, as far as possible, be left to France, and those belonging to the territories of the British zone shall, as far as possible, be left to Great Britain.

It is further agreed that, on Lake Chad, the frontier line shall, if necessary, be modified so as to assure to France a communication through open water at all seasons between her possessions on the north-west and those on the south-west of the Lake, and a portion of the surface of the open waters of the Lake at least proportionate to that assigned to her by the map forming Annex 2 of the convention of 14th June, 1898.

In that portion of the River Komadugu which is common to both parties, the populations on the banks shall have equal rights of fishing.

ARTICLE IX

The present Convention shall be ratified, and the ratifications shall be exchanged, at

London, within eight months, or earlier if possible.

In witness whereof His Excellency the Ambassador of the French Republic at the Court of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and

His Majesty's Principal Secretary of State for Foreign Affairs duly authorised for that purpose, have signed the present Convention and have affixed thereto their seals.

Done at London, in duplicate, on the 8th day of April, 1904.

(L.S.) Lansdowne. (L.S.) Paul Cambon.

DECLARATION BETWEEN THE UNITED KINGDOM AND FRANCE RESPECTING EGYPT AND MOROCCO

SIGNED AT LONDON, APRIL 8, 1904

ARTICLE I

His Britannic Majesty's Government declare that they have no intention of altering the political status of Egypt.

The Government of the French Republic, for their part, declare that they will not obstruct the action of Great Britain in that country by asking that a limit of time be fixed for the British occupation or in any other matter, and that they give their assent to the draft Khedivial Decree annexed to the present Arrangement, containing the guarantees considered necessary for the protection of the interests of the Egyptian bondholders, on the condition that, after its promulgation, it cannot be modified in any way without the consent of the Powers Signatory of the Convention of London of 1885.

It is agreed that the post of Director-General of Antiquities in Egypt shall continue, as in the past, to be entrusted to a French *savant*.

The French schools in Egypt shall continue to enjoy the same liberty as in the past.

ARTICLE II

The Government of the French Republic declare that they have no intention of altering the political status of Morocco. His Britannic Majesty's Government, for their part, recognise that it appertains to France, more particularly as a Power whose dominions are conterminous for a great distance with those of Morocco, to preserve order in that country, and to provide assistance for the purpose of all administrative, economic, financial, and military reforms which it may require.

They declare that they will not obstruct the action taken by France for this purpose, provided that such action shall leave intact the rights which Great Britain, in virtue of Treaties, Conventions, and usage, enjoys in Morocco, including the right of coasting trade between the ports of Morocco, enjoyed by British vessels since 1901.

ARTICLE III

His Britannic Majesty's Government, for their part, will respect the rights which France, in virtue of Treaties, Conventions,

and usage, enjoys in Egypt, including the right of coasting trade between Egyptian ports accorded to French vessels.

ARTICLE IV

The two Governments, being equally attached to the principle of commercial liberty both in Egypt and Morocco, declare that they will not, in those countries, countenance any inequality either in the imposition of customs duties or other taxes, or of railway transport charges.

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 between the two Government shall settle the conditions of such transit and shall determine the points of entry.

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.

Nevertheless, the Government of the French Republic reserve to themselves in Morocco, and His Britannic Majesty's Government reserve to themselves in Egypt, the right to see that the concessions for roads, railways, ports &c., are only granted on such conditions as will maintain intact the authority of the State over these great undertakings of public interest.

ARTICLE V

His Britannic Majesty's Government declare that they will use their influence in order that the French officials now in Egyptian service may not be placed under conditions less advantageous than those

applying to the British officials in the same service.

The Government of the French Republic, for their part, would make no objection to the application of analogous conditions to British officials now in the Moorish service.

ARTICLE VI

In order to insure the free passage of the Suez Canal, His Britannic Majesty's Government declare that they adhere to the stipulations of the Treaty of 29th October, 1888, and that they agree to their being put in force. The free passage of the Canal being thus guaranteed, the execution of the last sentence of paragraph 1 as well as of paragraph 2 of Article VIII of that Treaty will remain in abeyance.

ARTICLE VII

In order to secure the free passage of the Straits of Gibraltar, the two Governments agree not to permit the erection of any fortification or strategic works on that portion of the coast of Morocco comprised between, but not including, Melilla and the heights which command the right bank of the River Sebou.

This condition does not, however, apply to the places at present in the occupation of Spain on the Moorish coast of the Mediterranean.

ARTICLE VIII

The two Governments, inspired by their feeling of sincere friendship for Spain, take into special consideration the interests which the country derives from her geographical position and from her terri-

torial possessions on the Moorish coast of the Mediterranean. In regard to these interests the French Government will come to an understanding with the Spanish Government.

The agreement which may be come to one the subject between France and Spain shall be communicated to His Britannic Majesty's Government.

ARTICLE IX

The two Governments agree to afford to one another their diplomatic support, in order to obtain the execution of the clauses of the present Declaration regarding Egypt and Morocco.

In witness whereof his Excellency the Ambassador of the French Republic at the Court of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty's Principal Secretary of State for Foreign Affairs, duly authorised for that purpose, have signed the present Declaration and have affixed thereto their seals.

Done at London, in duplicate, the 8th day of April, 1904.

(L.S.) Lansdowne. (L.S.) Paul Cambon.

SECRET ARTICLE I

In the event of either Government finding themselves constrained, by the force of circumstances, to modify their policy in respect to Egypt and Morocco, the engagements which they have undertaken towards each other by Articles IV, VI and VII of the Declaration of to-day's date would remain intact.

SECRET ARTICLE II

His Britannic Majesty's Government have no present intention of proposing to the Powers any changes in the system of the Capitulations, or in the judicial organisation of Egypt.

In the event of their considering it desirable to introduce in Egypt reforms tending to assimilate the Egyptian legislative system to that in force in other civilised countries, the Government of the French Republic will not refuse to entertain any such proposals, on the understanding that His Britannic Majesty's Government will agree to entertain the suggestions that the Government of the French Republic may have to make them with a view of introducing similar reforms in Morocco.

SECRET ARTICLE III

The two Governments agree that a certain extent of Moorish territory adjacent to Melilla, Ceuta and other *Présides* should, whenever the Sultan ceases to exercise authority over it, come within the sphere of influence of Spain, and that the administration of the coast from Melilla as far as, but not including, the heights on the right bank of the Sebou shall be entrusted to Spain.

Nevertheless, Spain would previously have to give her formal assent to the provisions of Articles IV and VII of the Declaration of to-day's date, and undertake to carry them out.

She would also have to undertake not to alienate the whole or a part of the territories placed under her authority or in her sphere of influence.

SECRET ARTICLE IV

If Spain, when invited to assent to the provisions of the preceding article, should think proper to decline, the Arrangement between France and Great Britain, as embodied in the Declaration of to-day's date, would be none the less applicable.

SECRET ARTICLE V

Should the consent of the other Powers to the draft Decree mentioned in Article I of the Declaration of to-day's date not be obtained, the Government of the French Republic will not oppose the repayment at par of the Guaranteed, Privileged and Unified Debts after the 15th July, 1910.

Done at London, in duplicate, the 8th day of April, 1904.

(L.S.) Lansdowne. (L.S.) Paul Cambon

DECLARATION BETWEEN THE UNITED KINGDOM AND FRANCE CONCERNING SIAM, MADAGASCAR, AND THE NEW HEBRIDES

SIGNED AT LONDON, APRIL 8, 1904

I. - SIAM

The Government of His Britannic Majesty and the Government of the French Republic confirm Articles 1 and 2 of the Declaration signed in London on the 15th January, 1896, by the Marquess of Salisbury, then Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, and Baron de Courcel, then Ambassador of the French Republic at the Court of Her Britannic Majesty.

In order, however, to complete these arrangements, they declare by mutual agreement that the influence of Great Britain shall be recognized by France in the territories situated to the west of the basin of the River Menam, and that the influence of France shall be recognized by Great Britain in the territories situated to the east of the same region, all the Siamese possessions on the east and south-east of the zone above described and the adjacent islands coming thus henceforth under French influence, and, on the other hand, all Siamese possessions on the west of this zone and of the

Gulf of Siam, including the Malay Peninsula and the adjacent islands, coming under English influence.

The two Contracting Parties, disclaiming all idea of annexing any Siamese territory, and determined to abstain from any act which might contravene the provisions of existing Treaties, agree that, with this reservation, and so far as either of them is concerned, the two Governments shall each have respective liberty of action in their spheres of influence as above defined.

II. - MADAGASCAR

In view of the agreement now in negotiation on the questions of Jurisdiction and the postal service in Zanzibar, and on the adjacent coast, His Britannic Majesty's Government withdraw the protest which they had raised against the introduction of the Customs tariff established at Madagascar after the annexation of that island to France. The Government of the French Republic take note of this Declaration.

III. – NEW HEBRIDES

The two Governments agree to draw up in concert an Arrangement which, without involving any modification of the political *status quo*, shall put an end to the difficulties arising from the absence of jurisdiction over the natives of New Hebrides.

They agree to appoint a Commission to settle the disputes of their respective nationals in the said islands with regard to landed property. The competency of this Commission and its rules of procedure shall form the subject of a preliminary Agreement between the two Governments.

In witness whereof His Britannic Majesty's Principal Secretary of State for Foreign Affairs and His Excellency the Ambassador of the French Republic at the Court of His Majesty of the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, duly authorised for that purpose, have signed the present Declaration and have affixed thereto their seals.

Done at London in duplicate, the 8th day of April, 1904.

(L.S.) Lansdowne. (L.S.) Paul Cambon.