

UNITED STATES AND BELGIAN RIGHTS IN RUANDA-URUNDI

*Convention signed at Brussels April 18, 1923; amendatory protocol
signed at Brussels January 21, 1924*

Senate advice and consent to ratification March 3, 1924

Ratified by the President of the United States March 10, 1924

Ratified by Belgium October 20, 1924

Ratifications exchanged at Brussels November 18, 1924

Entered into force November 18, 1924

Proclaimed by the President of the United States December 6, 1924

*Obsolete*¹

43 Stat. 1863; Treaty Series 704

TREATY WITH BELGIUM CONCERNING HER MANDATE OVER THE TERRITORY OF RUANDA-URUNDI

Whereas by article 119 of the Treaty of Peace signed at Versailles the 28th of June 1919,² Germany renounced in favor of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions; and

Whereas by article 22 of the same instrument it was provided that certain territories, which as a result of the war had ceased to be under the sovereignty of the States which formerly governed them, should be placed under the mandate of another Power, and that the terms of the mandate should be explicitly defined in each case by the Council of the League of Nations; and

Whereas the benefits accruing to the United States under the aforesaid Article 119 of the Treaty of Versailles were confirmed by the Treaty between the United States and Germany, signed on August 25, 1921,³ to restore friendly relations between the two nations; and

Whereas four of the Principal Allied and Associated Powers, to wit: the British Empire, France, Italy and Japan, agreed that the King of the Belgians should exercise the mandate for part of the former Colony of German East Africa; and

¹ On Dec. 13, 1946, the U.N. General Assembly approved a trusteeship agreement placing the territory of Ruanda-Urundi under United Nations trusteeship. That trusteeship was terminated July 1, 1962, the date on which Rwanda and Burundi attained independence.

² *Ante*, vol. 2, p. 43.

³ TS 658, *post*, GERMANY.

Whereas the terms of the said mandate have been defined by the Council of the League of Nations as follows:

“ARTICLE 1⁴

“The territory over which a mandate is conferred upon His Majesty the King of the Belgians (hereinafter called the Mandatory) comprises that part of the territory of the former colony of German East Africa situated to the west of the following line:

“From the point where the frontier between the Uganda Protectorate and German East Africa cuts the River Mavumba, a straight line in a south-easterly direction to point 1640, about 15 kilomètres south-south-west of Mount Gabiro;

“Thence a straight line in a southerly direction to the north shore of Lake Mohazi, where it terminates at the confluence of a river situated about 2½ kilometres west of the confluence of the River Msilala;

“If the trace of the railway on the west of the River Kagera between Bugufi and Uganda approaches within 16 kilometres of the line defined above, the boundary will be carried to the west, following a minimum distance of 16 kilometres from the trace, without, however, passing to the west of the straight line joining the terminal point on Lake Mohazi and the top of Mount Kivisa (point 2100), situated on the Uganda-German East Africa frontier about 5 kilometres southwest of the point where the River Mavumba cuts this frontier;

“Thence a line south-eastwards to meet the southern shore of Lake Mohazi;

“Thence the watershed between the Taruka and the Mkarange rivers and continuing southwards to the north-eastern end of Lake Mugesera;

“Thence the median line of this lake and continuing southwards across Lake Ssake to meet the Kagera;

“Thence the course of the Kagera downstream to meet the western boundary of Bugufi;

“Thence this boundary to its junction with the eastern boundary of Urundi;

“Thence the eastern and southern boundary of Urundi to Lake Tanganyika.

“The frontier described above is shown on the attached British 1:1.000.000 map G. S. G. S. 2932.⁵ The boundaries of Bugufi and Urundi are drawn as shown in the *Deutscher Kolonialatlas* (Dietrich-Reimer) scale 1:1.000.000 dated 1906.

⁴ See also amendatory protocol, p. 529.

⁵ Not printed here.

"ARTICLE 2

"A Boundary Commission shall be appointed by His Majesty the King of the Belgians and His Britannic Majesty to trace on the spot the line described in Article 1 above.

"In case any dispute should arise in connection with the work of these Commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

"The final report by the Boundary Commission shall give the precise description of this Boundary as actually demarcated on the ground; the necessary maps shall be annexed thereto and signed by the Commissioners. The report, with its annexes, shall be made in triplicate; one copy shall be deposited in the archives of the League of Nations, one shall be kept by the Government of His Majesty the King of the Belgians and one by the Government of His Britannic Majesty.

"ARTICLE 3

"The Mandatory shall be responsible for the peace, order and good government of the territory, and shall undertake to promote to the utmost the material and moral well-being and the social progress of its inhabitants.

"ARTICLE 4

"The Mandatory shall not establish any military or naval bases, nor erect any fortifications, nor organise any native military force in the territory except for local police purposes and for the defence of the territory.

"ARTICLE 5

"The Mandatory:

"1) shall provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as social conditions will allow;

"2) shall suppress all forms of slave trade;

"3) shall prohibit all forms of forced or compulsory labour, except for public works and essential services, and then only in return for adequate remuneration;

"4) shall protect the natives from measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;

"5) shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

"ARTICLE 6

"In the framing of laws relating to the holding or transfer of land, the Mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

“No native land may be transferred, except between natives, without the previous consent of the public authorities. No real rights over native land in favour of non-natives may be created except with the same consent.

“The Mandatory will promulgate strict regulations against usury.

ARTICLE 7

“The Mandatory shall secure to all nationals of States Members of the League of Nations the same rights as are enjoyed by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, the acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

“Further, the Mandatory shall ensure to all nationals of States Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organise public works and essential services on such terms and conditions as he thinks just.

“Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States Members of the League of Nations, but on such conditions as will maintain intact the authority of the local Government.

“Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate, and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources, either directly by the State, or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

“The rights conferred by this article extend equally to companies and associations organized in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

“ARTICLE 8

“The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; missionaries who are nationals of States Members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and

to open schools throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

“ARTICLE 9

“The Mandatory shall apply to the territory any general international conventions applicable to contiguous territories.

“ARTICLE 10

“The Mandatory shall have full powers of administration and legislation in the area subject to the mandate: this area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the preceding provisions.

“The Mandatory shall therefore be at liberty to apply his laws to the territory under the mandate subject to the modifications required by local conditions, and to constitute the territory into a customs, fiscal or administrative union or federation with the adjacent possessions under his own sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of this mandate.

“ARTICLE 11

“The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council. This report shall contain full information concerning the measures taken to apply the provisions of the present mandate.

“ARTICLE 12

“The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

“ARTICLE 13

“The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations;”

Whereas the United States of America by participating in the war against Germany contributed to her defeat and to the renunciation of her rights and titles over her oversea possessions, but has not ratified the Treaty of Versailles; and

Whereas the Government of the United States and the Government of the King of the Belgians desire to reach a definite understanding with regard to the rights of the two Governments and their respective nationals in the aforesaid former Colony of German East Africa under mandate to the King of the Belgians;

The President of the United States of America and His Majesty the King of the Belgians have decided to conclude a Convention to this effect and have nominated as their plenipotentiaries:

His Excellency the President of the United States of America,
Mr. Benjamin THAW, Junior, chargé d'affaires ad interim of the United States of America at Brussels, and

His Majesty the King of the Belgians:
Monsieur Henri JASPAR, His Minister for Foreign Affairs,

Who, after having communicated to each other their Full Powers, found in good and due form, have agreed on the following provisions:

ARTICLE 1

Subject to the provisions of the present Convention, the United States consents to the administration by the Government of the King of the Belgians, pursuant to the aforesaid mandate, of the former German territory, described in Article 1 of the mandate.

ARTICLE 2

The United States and its nationals shall have and enjoy all the rights and benefits secured under the terms of Articles 3, 4, 5, 6, 7, 8, 9, and 10 of the mandate to members of the League of Nations and their nationals, notwithstanding the fact that the United States is not a member of the League of Nations.

ARTICLE 3

Vested American property rights in the mandated territory shall be respected and in no way impaired.

ARTICLE 4

A duplicate of the annual report to be made by the mandatory under article 11 of the mandate shall be furnished to the United States.

ARTICLE 5

Nothing contained in the present Convention shall be affected by any modification which may be made in the terms of the mandate as recited above unless such modification shall have been assented to by the United States.

ARTICLE 6

The extradition Treaties and Conventions in force between the United States and Belgium shall apply to the mandated territory.

ARTICLE 7

The present Convention shall be ratified in accordance with the respective constitutional methods of the High Contracting Parties. The ratifications shall be exchanged in Brussels as soon as practicable. It shall take effect on the date of the exchange of ratifications.

In witness whereof, the respective Plenipotentiaries have signed the present treaty and have affixed thereto the seal of their arms.

Done in duplicate at Brussels, this 18th day of April 1923.

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| BENJAMIN THAW, JR. | [SEAL] |
| HENRI JASPAR | [SEAL] |

AMENDATORY PROTOCOL

Whereas, the boundary of the mandate conferred upon His Majesty the King of the Belgians over the territory of Ruanda-Urundi and recited in the preamble of the Treaty concerning the mandate concluded between the United States of America and Belgium on April 18, 1923, has been modified by a common accord between the British and Belgian Governments with the approval given by the Council of the League of Nations at its meeting of the 31 of August, 1923, in order better to safeguard the interests of the native populations; and,

Whereas, by article V of the Treaty referred to above nothing contained in the Treaty shall be affected by any modification which may be made in the terms of the mandate as recited in the Treaty unless such modification shall have been assented to by the United States of America; and,

Whereas, the Government of the United States of America perceives no objection to the modification in question,

The Governments of the United States of America and Belgium have resolved to amend the Treaty signed on April 18, 1923, between the two countries and have named for this purpose their respective plenipotentiaries

The President of the United States of America,
Mr. HENRY P. FLETCHER, Ambassador of the United States of America
at Brussels,

His Majesty the King of the Belgians,
Mr. HENRI JASPAR, His Minister of Foreign Affairs;

who, after having communicated each to the other their full powers found in good and due form, have agreed to the following amendatory articles to be taken as part of the Treaty signed April 18, 1923:

ARTICLE 1

Article 1 of the mandate recited in the preamble of the Treaty signed April 18, 1923, shall be replaced by the following:

“The territory over which a mandate is conferred upon His Majesty the King of the Belgians (hereinafter called the Mandatory) comprises that part of the territory of the former colony of German East Africa situated to the west of the following line:

“The mid-stream of the Kagera River from the Uganda boundary to the point where the Kagera River meets the western boundary of Bugufi, thence this boundary to its junction with the eastern boundary of Urundi, thence the eastern and southern boundary of Urundi to Lake Tanganyika.

“The frontier described above is shown on the attached British map GSGS Number 2932-A, on the scale of 1:1,000,000.”.

ARTICLE 2

The present protocol shall be ratified in accordance with the constitutional methods of the high contracting parties. The ratifications shall be exchanged in Brussels on the same day as those of the Treaty of April 18, 1923. It shall take effect on the date of exchange of ratifications.

In witness whereof the respective plenipotentiaries have signed the present protocol and have affixed thereto the seal of their arms.

Done in duplicate at Brussels, this twenty-first day of January, one thousand nine hundred and twenty four.

HENRY P. FLETCHER [SEAL]
HENRI JASPAR [SEAL]