

N° 640.

ÉTATS-UNIS D'AMÉRIQUE
ET FRANCE

Convention concernant la partie du
Cameroun placée sous mandat
français, signée à Paris le 13 février
1923.

UNITED STATES OF AMERICA
AND FRANCE

Convention relating to the Part of
the Comeroons under French
Mandate, signed at Paris, February
13, 1923.

No. 640. — CONVENTION¹ BETWEEN THE UNITED STATES OF AMERICA AND FRANCE RELATING TO THE PART OF THE CAMEROONS UNDER FRENCH MANDATE, SIGNED AT PARIS, FEBRUARY 13, 1923.

*Official English and French texts communicated by the "Service Français" of the League of Nations.
The registration of this Convention took place July 15, 1924.*

THE PRESIDENT OF THE UNITED STATES OF AMERICA AND THE PRESIDENT OF THE FRENCH REPUBLIC, whereas by Article 119 of the Treaty of Peace signed at Versailles the 28th of June, 1919, Germany renounced in favour 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 under the aforesaid Article 119 of the Treaty of Versailles were confirmed to the United States by the Treaty between the United States and Germany, signed August 25, 1921, 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 France should exercise the mandate for part of the former German Colony of the Cameroons ; and

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

Article 1. — The territory for which a mandate is conferred upon France comprises that part of the Cameroons which lies to the east of the line laid down in the Declaration signed on July 10, 1919, of which copy is annexed hereto.

This line may, however, be slightly modified by mutual agreement between His Britannic Majesty's Government and the Government of the French Republic where an examination of the localities shows that it is undesirable, either in the interest of the inhabitants or by reason of any inaccuracies in the map Moisel 1/300,000 annexed to the Declaration, to adhere strictly to the line laid down therein.

The delimitation on the spot of this line shall be carried out in accordance with the provisions of the said Declaration.

The final report of the Mixed Commission shall give the exact description of the boundary line as traced on the spot ; maps signed by the Commissioners shall be annexed to the report. This report with its annexes shall be drawn up in triplicate ; one of these shall be deposited in the archives of the League of Nations, one shall be kept by the Government of the Republic and one by His Britannic Majesty's Government.

Article 2. — The Mandatory shall be responsible for the peace, order and good government of the territory and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants.

¹ The exchange of ratifications took place at Paris, June 3, 1924.

Article 3. — The Mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications nor organise any native military force except for local police purposes and for the defence of the territory.

It is understood, however, that the troops thus raised may, in the event of general war, be utilised to repel an attack or for defence of the territory outside that subject to the mandate.

Article 4. — 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 essential public works and 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 5. — In the framing of laws relating to the holding or transference 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, and no real rights over native land in favour of non-natives may be created except with the same consent.

The Mandatory shall promulgate strict regulations against usury.

Article 6. — The Mandatory shall secure to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and 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 his own nationals, freedom of transit and navigation and complete economic, commercial and industrial equality ; provided that the Mandatory shall be free to organise essential public works and 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 organised 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 7. — 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 8. — The Mandatory shall apply to the territory any general international conventions applicable to his contiguous territory.

Article 9. — The Mandatory shall have full powers of administration and legislation in the area subject of 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 above provisions.

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

Article 10. — 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 this mandate.

Article 11. — The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

Article 12. — 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 French Republic desire to reach a definite understanding with regard to the rights of the two Governments and their respective nationals in the aforesaid former German Colony of the Cameroons ;

Have decided to conclude a convention to this effect, and have nominated as their respective Plenipotentiaries, that is to say :

THE PRESIDENT OF THE UNITED STATES OF AMERICA :

His Excellency Mr. Myron T. HERRICK, Ambassador Extraordinary and Plenipotentiary of the United States of America at Paris ; and

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. Raymond POINCARÉ, Senator, President of the Council, Minister of Foreign Affairs ;

Who, after communicating to each other their respective full powers, found in good and due form, have agreed upon 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 French Republic, 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 2, 3, 4, 5, 6, 7, 8 and 9 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 10 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 France 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 Paris as soon as practicable. It shall take effect on the date of the exchange of ratifications.

In witness whereof the respective Plenipotentiaries have signed this Convention and have affixed thereto their seals.

Done in duplicate at Paris, the 13 day of February in the year 1923.

L. S. (Signed) MYRON T. HERRICK.

Copie certifiée conforme :

*Le Ministre Plénipotentiaire,
Chef du Service du Protocole.*
(Signed) P. de FOUQUIÈRES.

APPENDIX.

REFERRED TO IN ARTICLE I OF THE FRENCH MANDATE FOR THE CAMEROONS.

FRANCO-BRITISH DECLARATION.

The undersigned :

The Viscount MILNER, Secretary of State for the Colonies of the British Empire,
M. Henry SIMON, Minister for the Colonies of the French Republic,
have agreed to determine the frontier separating the territories of the Cameroons placed respectively under the authority of their Governments, as it is traced on the map Moisel 1/300,000 annexed to the present declaration¹ and defined in the description in three articles also annexed hereto.

LONDON, July 10, 1919.

(Signed) MILNER.
HENRY SIMON.

(DESCRIPTION OF THE FRANCO-BRITISH FRONTIER.)

Marked on the Moisel's Map of the Cameroons, Scale 1/300,000.

Article 1.

The frontier will start from the meeting-point of the three old British, French and German frontiers situated in Lake Chad in latitude 13° 05' N. and in approximately longitude 14° 05' E. of Greenwich. Thence the frontier will be determined as follows :

- (1) A straight line to the mouth of the Ebeji ;
- (2) Thence the course of the river Ebeji, which upstream is named the Lewejil, Labejed, Ngalarem, Lebeit and Ngada respectively, to the confluence of the rivers Kalia and Lebait ;
- (3) Thence the course of the river Kalia, or Ame, to its confluence with the river Dorma, or Kutelaha ;
- (4) Thence the course of the latter, which upstream is named the Amjumba, the village of Woma and its outskirts remaining to France ;
- (5) From the point where the river Amjumba loses itself in a swamp, the boundary will follow the median line of this swamp so as to rejoin the watercourse which appears to be the continuation of the Amjumba and which upstream is named Serahadja, Goluwa and Mudukwa respectively, the village of Uagisa remaining to Great Britain ;
- (6) Thence this watercourse to its confluence with the river Gatagule ;
- (7) Thence a line south-westwards to the watershed between the basin of the Yedseram on the west and the basins of the Mudukwa and of the Benue on the east : thence this watershed to Mount Mulikia ;
- (8) Thence a line to the source of the Tsikakiri, to be fixed on the ground so as to leave the village of Dumo to France ;
- (9) Thence the course of the Tsikakiri to its confluence with the Mao Tiel near the group of villages of Luga ;
- (10) Thence the course of the Mao Tiel to its confluence with the river Benue ;
- (11) Thence the course of the Benue upstream to its confluence with the Faro ;

¹ The original 1/300,000 map is attached to the signed Declaration.

(12) Thence the course of the Faro to the mouth of its arm, the Mao Hesso, situated about 4 kilom. south of Chikito ;

(13) Thence the course of the Mao Hesso to boundary pillar No. 6 on the old British-German frontier ;

(14) Thence a straight line to the old boundary pillar No. 7 ; and thence a straight line to the old boundary pillar No. 8 ;

(15) Thence a line south-westwards reaching the watershed between the Benue on the north-west and the Faro on the south-east, which it follows to a point on the Hossere Banglang, about 1 kilom. south of the source of the Mao Kordo ;

(16) Thence a line to the confluence of the Mao Ngonga and the Mao Deo, to be fixed on the ground so as to leave to France the village of Laro as well as the road from Bare to Fort Lamy ;

(17) Thence the course of the Mao Deo to its confluence with the Tiba ;

(18) Thence the course of the Tiba, which is named upstream Tibsat and Tussa respectively, to its confluence with a watercourse flowing from the west and situated about 12 kilom. south-west of Kontscha ;

(19) Thence a line running generally south-west to reach the summit of the Dutschi-Djombi ;

(20) Thence the watershed between the basins of the Taraba on the west and the Mao Deo on the east to a point on the Tchape Hills, about 2 kilom. north-west of the Tchape Pass (Point 1541) ;

(21) Thence a line to the Gorulde Hills, so as to leave the road from Bare to Fort Lamy about 2 kilom. to the east ;

(22) Thence successively the watershed between the Gamgam and the Jim, the main watershed between the basins of the Benue and the Sanaga, and the watershed between the Kokumbahun and the Ardo (Ntuli) to Hossere Jádji ;

(23) Thence a line to reach the source of the river Mafu ;

(24) Thence the river Mafu to its confluence with the river Mabe ;

(25) Thence the river Mabe, or Nsang, upstream to its junction with the tribal boundary between Bansso and Bamum ;

(26) Thence a line to the confluence of the rivers Mpand and Nun, to be fixed on the ground, so as to leave the country of Bansso to Great Britain and that of Bamum to France ;

(27) Thence the river Nun to its confluence with the river Tantam ;

(28) Thence the river Tantam and its affluent, which is fed by the river Sefu ;

(29) Thence the river Sefu to its source ;

(30) Thence a line south-westwards, crossing the Kupti, to reach near its source east of Point 1300 the unnamed watercourse which flows into the Northern Mifi below Bali-Bagam ;

(31) Thence this watercourse to its confluence with the Northern Mifi, leaving to France the village of Gascho, belonging to the small country of Bamenjam ;

(32) Thence the Northern Mifi upstream to its confluence with the river Mogo, or Doschi ;

(33) Thence the river Mogo to its source ;

(34) Thence a line south-westwards to the crest of the Bambuto Mountains and thence following the watershed between the basins of the Cross River and Mungo on the west and Sanaga and Wuri on the east to Mount Kupe ;

(35) Thence a line to the source of the river Bubu ;

(36) Thence the river Bubu, which appears from the German map to lose itself and reappears as the Ediminjo, which the frontier will follow, to its confluence with the Mungo ;

(37) Thence the course of the Mungo to the point in its mouth where it meets the parallel of latitude $4^{\circ} 2' 30''$ North ;

(38) Thence this parallel of latitude westwards so as to reach the coast south of Tauben I. ;

(39) Thence a line following the coast, passing south of Reiher I., to Mokola Creek, thus leaving Möwe Lake to Great Britain ;

(40) Thence a line following the eastern banks of the Mokola, Mbakwele, Njubanan-Jau and Matumal Creeks, and cutting the mouths of the Mbossa Bombe, Kikanje, Tende, Victoria and other unnamed creeks to the junction of the Matumal and Victoria Creeks ;

(41) Thence a line running 35° west of true south to the Atlantic Ocean.

Article 2.

(1) It is understood that at the time of the local delimitation of the frontier, where the natural features to be followed are not indicated in the above description, the Commissioners of the two Governments will as far as possible, but without changing the attribution of the villages named in Article 1, lay down the frontier in accordance with natural features (rivers, hills or watersheds).

The Boundary Commissioners shall be authorised to make such minor modifications of the frontier line as may appear to them necessary in order to avoid separating villages from their agricultural lands. Such deviations shall be clearly marked on special maps and submitted for the approval of the two Governments. Pending such approval, the deviations shall be provisionally recognised and respected.

(2) As regards the roads mentioned in Article 1, only those which are shown upon the annexed map¹ shall be taken into consideration in the delimitation of the frontier.

(3) Where the frontier follows a waterway, the median line of the waterway shall be the boundary.

(4) It is understood that if the inhabitants living near the frontier should, within a period of six months from the completion of the local delimitation, express the intention to settle in the regions placed under French authority, or, inversely, in the regions placed under British authority, no obstacle will be placed in the way of their so doing, and they shall be granted the necessary time to gather in standing crops, and generally to remove all the property of which they are the legitimate owners.

Article 3.

(1) The map to which reference is made in the description of the frontier is Moisel's map of the Cameroons on the scale of 1/300,000.

The following sheets of this map have been used :

Sheet A 4. Tschad : dated December 1, 1912 ;
Sheet B 4. Kusseri : dated August 1, 1912 ;
Sheet B 3. Dikoa : dated January 1, 1913 ;
Sheet C 3. Mubi : dated December 15, 1912 ;
Sheet D 3. Garua : dated May 15, 1912 ;
Sheet E 3. Ngaundere : dated October 15, 1912 ;
Sheet E 2. Banjo : dated January 1, 1913 ;
Sheet F 2. Fumban : dated May 1, 1913 ;
Sheet F 1. Ossidinge : dated January 1, 1912 ;
Sheet G 1. Buea : dated August 1, 1911.

(2) A map of the Cameroons, scale 1/2,000,000, is attached to illustrate the description of the above frontier.

¹ Annexed only to the original Declaration.